The Cleveland County Board of Commissioners met in a regular session on this date, at the hour of 6:00 p.m. at the LeGrand Center located at 1800 E. Marion Street, Shelby.

**PRESENT:**
- Doug Bridges, Chairman
- Deb Hardin, Vice-Chair
- Johnny Hutchins, Commissioner
- Ronnie Whetstine, Commissioner
- Kevin Gordon, Commissioner
- Tim Moore, County Attorney
- Brian Epley, County Manager
- Phyllis Nowlen, Clerk to the Board
- Kerri Melton, Assistant County Manager
- Marty Gold, Information Technology Director
- Scott Bowman, Maintenance Director
- Katie Swanson, Social Services Director
- Perry Davis, Emergency Management Director/Fire Marshal
- Martha Thompson, Deputy County Attorney

Prior to the start of the meeting, Chairman Bridges gave remarks regarding the passing of Joseph R. Hendrick, Sr., who was Cleveland County’s first County Manager. “Mr. Hendrick was born in Cleveland County on October 25, 1927 and attended Shelby High School until leaving to serve his county in WWII with the Army Air Corps, 13th Air Force. He graduated from Lenoir-Rhyne College with a Bachelors in Science degree in Business Administration and held management positions in Melbourne/Brevard County Florida as well as Lumberton, North Carolina. During his tenure as City Manager, Lumberton was awarded All-America City status in 1970. After returning to his hometown of Shelby, where he served as County Manager and also served as a County Commissioner for two years. During his tenure as County Commissioner, he established Cleveland County’s Economic Development Commission, completed graduate school at the Institute of Government at UNC and assisted in rewriting course curricula. Mr. Hendrick had a small role in NASA’s space race by developing and managing utilities infrastructure in Cape Canaveral, Florida. He was an active member of the First Baptist Church of Shelby for most of his life and was a Senior Member of the Rotary Club of Shelby, where he was honored as a Paul Harris Fellow. Mr. Hendrick also served as a Mason and a Shriner. Our thoughts and prayers go out to his family during this time.”

**CALL TO ORDER**

Chairman Bridges called the meeting to order and invited anyone from the audience to lead the Pledge of Allegiance and provide the invocation.

Hearing no volunteer, Commissioner Whetstine provided the invocation and led the audience in the Pledge of Allegiance.

**AGENDA ADOPTION**

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Hardin and unanimously adopted by the Board to, approve the agenda as presented.
SPECIAL PRESENTATION

CHILD ABUSE PREVENTION MONTH 2021

Chairman Bridges called Katie Swanson, Social Services Director, to the podium to speak about Child Abuse Prevention Month. Ms. Swanson stated the importance of child abuse prevention and awareness and reviewed the programs and goals the Social Services Department continues to grow and improve to ensure the safety of all the children in Cleveland County. She also explained the negative impact COVID-19 has had on child abuse prevention and reporting. The following proclamation was presented to Ms. Swanson and her staff.

CITIZEN RECOGNITION

No one registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the April 6, 2021 regular meeting, in board members packets.
**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and passed unanimously by the Board, to approve the minutes as written.

**TAX COLLECTOR'S MONTHLY REPORT**

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during March 2021.

### TOTAL TAXES COLLECTED MARCH 2021

<table>
<thead>
<tr>
<th>YEAR</th>
<th>AMOUNT-REV</th>
<th>AMOUNT-VEH</th>
<th>AMOUNT-GAP</th>
<th>COMBINED AMT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$31,448.46</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$31,448.46</td>
</tr>
<tr>
<td>2019</td>
<td>$32,907.54</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$32,907.54</td>
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<tr>
<td>2018</td>
<td>$22,000.79</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$22,000.79</td>
</tr>
<tr>
<td>2017</td>
<td>$8,021.47</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$8,021.47</td>
</tr>
<tr>
<td>2016</td>
<td>$8,023.98</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$8,023.98</td>
</tr>
<tr>
<td>2015</td>
<td>$1,313.84</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$1,313.84</td>
</tr>
<tr>
<td>2014</td>
<td>$629.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$629.00</td>
</tr>
<tr>
<td>2013</td>
<td>$621.46</td>
<td>$304.97</td>
<td>$0.00</td>
<td>$927.43</td>
</tr>
<tr>
<td>2012</td>
<td>$646.42</td>
<td>$481.83</td>
<td>$0.00</td>
<td>$1,128.25</td>
</tr>
<tr>
<td>2011</td>
<td>$412.31</td>
<td>$284.15</td>
<td>$0.00</td>
<td>$696.46</td>
</tr>
<tr>
<td>2010</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

TOTALS: $1,204,481.65

**TAX ABATEMENTS AND SUPPLEMENTS AND PENDING REFUNDS/RELEASES**

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during March 2021. The monthly grand total of tax abatements was listed as ($4,445.73) and monthly grand total for tax supplements was listed as $36,313.23.

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve the Abatements and Supplements and Pending Refunds/Releases as submitted by the Tax Assessor.
EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #058)

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, approve the following budget amendment:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.445.4.310.00</td>
<td>83552-4400</td>
<td>Emergency Management/Federal Grants</td>
<td>$18,753.00</td>
<td></td>
</tr>
<tr>
<td>010.445.5.910.00</td>
<td>83552-4400</td>
<td>Emergency Management/Capital Equipment</td>
<td>$18,753.00</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $18,753 in Emergency Management Performance Grant funds from the North Carolina Department of Public Safety to be used to purchase equipment from Responder Training Enterprises for propane specialist response clean up kit.

SHERIFF’S OFFICE: CANINE RETIREMENT

Remove K-9 Bandit (County ID# 201055) from the K-9 program. Bandit has been with the Sheriff’s Office since July 2, 2015 and his current handler is Deputy Kirk Smith. Due to Deputy Smith being transferred back to patrol as a Field Training Officer, the Sheriff’s Office is requesting to retire K-9 Bandit and remove him from county insurance and inventory. K-9 Bandit will be retired to the home of Deputy Steve Bonino who has offered to provide a good home and care for him until the remainder of his life. Deputy Bonino assumes complete custody, control and liability of the canine.

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, approve the retirement of canine Bandit and removal from county inventory.

PLANNING DEPARTMENT: SET PUBLIC HEARING FOR CASE 20-14; REQUEST TO CONDITIONALLY REZONE PARCEL 5990 FROM RESIDENTIAL (R) TO LIGHT INDUSTRIAL CONDITIONAL DISTRICT (LI-CU) (Schedule Public Hearing for May 4, 2021)

Parcel 5990 is a 5.75-acre tract owned by Nelson Biggers, and located on a private drive off of Mt Sinai Church Rd. There are multiple warehouses constructed on the property from the early 1980’s through 2005, and were originally used as a textile mill, known as Abercrombie Textiles Inc. Mr. Biggers acquired the property in 2015 and has continued to use the property for warehousing. This use was established prior to a zoning ordinance
in this area; therefore, it is considered legal non-conforming, meaning it was legally established but doesn’t conform to the current zoning or development ordinances. Mr. Biggers is asking to Conditionally Rezone property at 119 Spurgeon Bridges Drive from Residential (R) to Light Industrial Conditional District (LI-CU).

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, **to approve scheduling the public hearing as requested.**

**PLANNING DEPARTMENT: SET PUBLIC HEARING FOR CASE 20-15; REQUEST TO CONDITIONALLY REZONE PARCEL 2758 FROM RESIDENTIAL (R) TO LIGHT INDUSTRIAL CONDITIONAL DISTRICT (LI-CU) (Schedule Public Hearing for May 4, 2021)**

Parcel 2758 is a 14-acre tract owned by Nelson Biggers at the corner of Thore Road and Burke Road. There are multiple warehouses constructed on the property from the 1970’s through the 90’s, and were originally used plastic manufacturing plant known as Plastic Oddities Inc. Mr. Biggers acquired the property in 2003 and has continued to use the property for warehousing. This industrial use of the property was established prior to a zoning ordinance in this area; therefore, it is considered legal non-conforming, meaning it was legally established but doesn’t conform to the current zoning or development ordinances. Mr. Biggers is asking to Conditionally Rezone property at 1701 Burke Road from Residential (R) to Light Industrial Conditional District (LI-CU).

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, **to approve scheduling the public hearing as requested.**

**LEGAL: SHELL BUILDING STORMWATER PERMIT**

The County owns a property commonly referenced as Shell Building #3 located at 620 Plato Lee Street in Shelby, Cleveland County. The Stormwater Management Permit is required by state law (Session Laws 2006-246) in conjunction with the County’s application for a Stormwater Management Permit, including a wet pond. The City has approved the Permit pursuant to their Phase II Stormwater Ordinance, and has sent the permit for construction. However, as the National Pollutant Discharge System (NPDES) Phase II Regulations along with the City’s ordinance requires the County to construct, operate and provide maintenance of certain structural Best Management Practices devices, the issued Permit is subject to the County agreeing to operation and maintenance as set forth in the proposed Operations and Management Agreement. The County is responsible for maintaining the wet pond after installation and the City has provided guidelines. In the event the Property is sold, The County must arrange to have the Permit transferred to the new owner, utilizing the provided ownership change form. The City’s permit is further subject to the grant of an easement for the City to access the BMP device(s) to carry out the aspects of its stormwater ordinance, including quarterly inspection of the devices. The easement would be granted for no consideration. Counties are authorized by statute to convey any interest in property, including easements, to other governmental units for no consideration. The County is receiving consideration in the form of the Stormwater Permit from the City. *(copy found on page(s) __________, Minute Book_________)*.

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, **to approve the Shell Building Stormwater Permit.**
REGULAR AGENDA

COMPREHENSIVE LAND USE CODE REVIEW

Chairman Bridges called Chris Martin, Senior Planner, to the podium to present the Comprehensive Land Use Code Review. In 1995, Cleveland County adopted its first Land Use Plan which are required by the state of North Carolina. The purpose of a Land Use Plan is to provide a vision with set goals for land development, suggest strategies to achieve those goals and serves as a guide for development. Several topics typically addressed by a Land Use Plan is residential and industrial development, transportation, utilities with goals and strategies for each of those topics. The adopted Land Use Plan encouraged county wide zoning which was first adopted in 2000.

In 2005, the county developed a new Land Use Plan to use a guide for the next ten – fifteen years however, many aspects have changed since that time. In 2008, the recession hit which affected housing and business development, where and how citizens work along with transportation changes. Cleveland County is currently in the process of constructing a by-pass, there are major Industrial and Commercial Developments along with new emerging land uses such as solar farms and R.V. Parks. The following information and PowerPoint was presented to the Board.

Resolution Approving Grant of Easement to Another Unit of Government in North Carolina Pursuant to the Clean Water Act and the National Pollutant Discharge System Phase II Regulations

WHEREAS, Cleveland County owns property located at 620 Plato Lee Road in Shelby, Cleveland County, Parcel Number 04581, a portion of which is further described in Exhibit A of the attached Deed of Easement, and further generally described as the “Shel Building” 83; and

WHEREAS, the Clean Water Act, in October, 1975, authorized the State of North Carolina to implement the stormwater National Pollutant Discharge System (NPDES) permitting program, which requires counties and cities to regulate stormwater discharge systems designed to prevent stormwater runoff from washing harmful pollutants into local surface water, and the City of Shelby also regulates stormwater discharge through its Phase II Stormwater Ordinances; and

WHEREAS, the County has applied to the City of Shelby for a Stormwater Management Permit and the City has approved said application; and

WHEREAS, the NPDES Phase II Regulations along with the City’s Phase II Stormwater Ordinance requires the Owner (County) to construct, operate and provide maintenance of certain structural Best Management Practices (BMP) devices, the Issued Permit is subject to the County agreeing to operation and maintenance as set forth in the proposed Stormwater Operations and Management (O&M) Agreement; and

WHEREAS, in order to comply with the permitting process, the County must enter into a Stormwater Management Permit and Maintenance Agreement with the City of Shelby; and

WHEREAS, Cleveland County has determined that it is in the best interest of Cleveland County to enter into the proposed O & M Agreement with the City of Shelby, and deems it wise to do so;

WHEREAS, Cleveland County has determined that it is in the best interest of Cleveland County to convey the above-mentioned Grant of Easement to the City of Shelby, and deems it wise to do so for no consideration.

RESOLVED, That the Cleveland County Board of Commissioners resolves that:

1. Cleveland County hereby authorizes the County Manager or his designee to enter into the Stormwater Operation and Management Agreement with the City of Shelby.

2. The County Manager is to oversee the implementation of the O & M Agreement.

3. Cleveland County hereby grants the City of Shelby the easements described in the attached Deed of Easement.

4. The easement described herein shall be granted for no consideration.

5. The Chairman of this Board is authorized to execute the attached Deed of Easement, along with any other documents necessary to convey the Grant of Easement in the manner authorized by this Resolution.

Adopted this the 26th day of April, 2021.

By:

[Signature]

Cleveland County Board of Commissioners

ATTEND:

[Signature]

Phyllis Milner, Clerk
Cleveland County Board of Commissioners
Background and History

- Land Use Plans
  - Master and Goals
  - Strategic Plan
  - Economic Development
  - Current Land Use Plan Adopted in 2005

- Current Land Use Plan
  - 2020 Review
  - CCMP
  - Self Assessment of Community Development
  - Self Assessment of Growth Management
  - Economic Development
  - A+ in COG

Objectives and Goals:

1. Review Background and History of County Wide Zoning
2. Discuss Current Projects
3. Board Direction on Next Steps

Background and History

- 2015 – Isothermal Planning Review and Recommendation of Full Land Use Plan Update
- 2019 - Board of Commissioners discuss Land Use as a top priority
- 2015-2020 – County Engages with Benchmark Planning to manage and draft a full comprehensive land use plan.
  - Delayed due to COVID
  - Expected to be brought before Commissioners August 2021
- As part of the Land Use Plan Update Commissioners ask to review all development ordinances

Current Projects

Land Use Plan (Text & Map)

- Engage with development firm...........✓
- Community Interaction.....................✓
- Draft Plan and Map...........................TBD
- Commissioner Vision and Adoption...........August

Ordnance Review - Project Status

- Solar Farms:
  - Ordinance Updated and Approved
  - Zoning Districts – CUP
  - Rezoning Changes
- RV Parks:
  - Development Standards Phase I – Approved in February 2020
  - Development Standards Phase II – Public Health / Safety / Cost-Share
  - Detailed for Planning Board
  - Zoning District Code Ammendments - Golf or SB
- Mobile Home Parks:
  - Development Standards
  - Zoning District Code Ammendments - RM

Board Direction & Implementation

- Board Direction – Zoning Districts
  - Commissioners Test Amendment Considerations

  1. RV Parks
     - Zoning District: Remove conditional use permits for all zoning districts. Allow development in RM and SB
     - ACTION
       - Public hearing for 5/4/2021 to consider update to Table of Uses
       - Take No Action

  2. Mobile Home Parks
     - Zoning District: Remove conditional use permits for residential (R) zoning districts. Allocated in RM
     - ACTION
       - Public hearing for 5/4/2021 to consider update to Table of Uses
       - Take No Action

Board Direction - Development Standards

- Commissioner Test Amendment Considerations

  1. RV Parks
     - Ordinance Review: Phase II: Public Health, Public Safety, Equitable Taxation
     - Action
       - Public Hearing
       - Refer to Planning Board

  2. Mobile Home Parks
     - Ordinance Review: Modification of MHP development standards
     - Action
       - Public Hearing
       - Take No Action on Mobile Home Ordinance

Questions??
Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Gordon stated this was a wise choice as zoning use should match the zoning classifications. 

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to set a public hearing for May 4, 2021 to consider an update to the Table of Uses for RV Parks.

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to set a public hearing for May 4, 2021 to consider an update to the Table of Uses for Mobile Home Parks.

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to withdraw the petition for Phase II Ordinance and plan a Commissioners Work Session in the summer to evaluate development standards.

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to plan a Commissioners Work Session in the summer to evaluate development standards.

**2021 – 2022 STRATEGIC PLAN APPROVAL**

Chairman Bridges recognized Assistant County Manager Kerri Melton to present the 2021 – 2022 Strategic Plan. Mrs. Melton thanked the Board for their vision and hard work that has gone in for the 2021 – 2022 Strategic Goal planning for Cleveland County. The plan serves as a guiding document for staff to work from in listening to the citizens wants and needs. The following information and PowerPoint was presented to the Commissioners.
TOP PRIORITIES

Volunteer Fire Strategic Plan
- Update five-year vision to include other public safety agencies in Cleveland County.

Cleveland County as Employer of Choice
- Update Personnel Ordinance
- Continued review of Pay and market analysis

Community Wellness
- Positively impact community health outcomes

Citizen Engagement
- Housing Study
- Development of Youth Programs
- Litter
- Community Engagement/Transparency
- Veteran’s Support
- Citizens Academy

Economic Development
- Workforce Development
- Support Agriculture Development
- Product Development
- Retail Recruitment
- Travel and Tourism

Public Safety
- Volunteer Fire Strategic Plan
- Public Safety Campus
- Animal Control Ordinance
- Broadband Expansion
- Code Enforcement
- Driving Pad

Community Wellness
- Community Health Rankings
- Substance Abuse Prevention
- Quality of Life
- Research Funding for expansion of trails
- Community Prosperity

Fiscal Sustainability
- Employer of Choice
- CCS Capital Plan
- Fund Balance
- Facility Master Plan
- Lean Organization

CAPITAL PROJECTS
- Health/DSS Co-location
- Board of Elections
- 911/EOC Facility
- Justice Campus
- Public Defenders Office
- Shooting Complex Expansion
- EMS Casar Base

Questions?
Commissioners thanked staff for the continued hard work and due diligence that goes in to bring the strategic goals to fulfillment.

**BOARD APPOINTMENTS**

**CLEVELAND MEMORIAL LIBRARY BOARD OF TRUSTEES**

**ACTION:** Commissioner Harden made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, to appoint Elaine Conz to serve as a member of this board, for a period of two-years, scheduled to conclude July 1, 2023.

**COMMISSIONER REPORTS**

Commissioner Gordon – thanked staff for the hard work and time they do with the many projects that are happening in Cleveland County.

Commissioner Hardin – attended several other board meetings including the Airport Advisory Board. She gave a brief update of the projects that are going on at the airport.

Commissioner Hutchins – also attended several other board meetings including MPO and the gun range. He also gave updates on their projects.

Commissioner Whetstine – spoke about the board of Health meeting and have an update on the COVID-19 numbers. He also talked about the Outstanding Women of the Year for Cleveland County and how to submit nominations. Commissioner Whetstine stated

Chairman Bridges – also spoke about COVID-19 and Cleveland County is in the right direction with the numbers continuing to go down. If that trend continues, the County maybe be able to hold the fair and the American Legion World Series games.
**ADJOURN**

There being no further business to come before the Board at this time, Commissioner Gordon made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to adjourn the meeting. The next meeting of the Commission is scheduled for **Tuesday, May 4, 2021 at 6:00 p.m. in the Commissioners Chambers.**

Phyllis Nowlen, Clerk to the Board
Cleveland County Board of Commissioners

[Signature]
Doug Bridges, Chairman
Cleveland County Board of Commissioners