The Cleveland County Board of Commissioners met on this date, at the hour of 6:00 p.m. in the Commission Chambers of the Cleveland County Administrative Offices.

**PRESENT:**  
Kevin Gordon, Chairman  
Ronnie Whetstine, Vice-Chair  
Johnny Hutchins, Commissioner  
Doug Bridges, Commissioner  
Deb Hardin Commissioner  
Martha Thompson, Deputy County Attorney  
Todd Carpenter, Interim County Manager  
Phyllis Nowlen, Clerk to the Board  
Kerri Melton, Assistant County Manager  
Chris Martin, Planning Director  
Allison Mauney, Human Resources Director

**CALL TO ORDER**  
Chairman Gordon called the meeting to order, and Cleveland County Economic Development Partnership (CCEDP) Associate Executive Director Brandon Ruppe led the audience in the Pledge of Allegiance and provided the invocation.

**AGENDA ADOPTION**

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

**SPECIAL PRESENTATIONS**

**CHILD CARE PROVIDER APPRECIATION DAY 2023**

Chairman Gordon called Cleveland County Child Care Connections Director of Provider Services Shermunda Ross to the podium to speak about Child Care Provider Appreciation Day. She detailed the importance of building the foundation of children's cognitive, physical, social, emotional, language and literacy development. Childcare providers assist in leading positive outcomes and strong foundations for children, helping them to better prepare for school and be more likely to succeed in life. Commissioners thanked Ms. Ross for the information given and presented Cleveland County Child Care Connections with the following proclamation, which the Clerk read:
Chairman Gordon recognized Commissioner Whetstine, who spoke about Motorcycle Awareness Month and the importance of being observant and sharing the road with all motorists. He also pleaded with residents not to blow their grass clippings into the roadway. The clippings cause extremely dangerous road conditions for motorcycle riders. When a rider drives over grass left in the roadway, it is equivalent to a car driving over a patch of black ice. Commissioner Whetstine thanked members of the Concerned Biker’s Association of Cleveland County who were present for receiving the following proclamation, which the Clerk read:
Chairman Gordon called CCEDP Associate Executive Director Brandon Ruppe to the podium to present Economic Development Week 2023. Mr. Ruppe reminded the Board of the impact on the county in the late 1990s through the early 2000s with the loss of textile mills and the great recession. During that time, Cleveland County’s unemployment was at the highest level and people were leaving the county. Since that time, under the leadership, vision and partnership with the county and municipality elected officials, Cleveland County has recovered. The communities continue to grow and thrive as various new businesses and opportunities come to Cleveland County.

Commissioners thanked Mr. Ruppe and the CCEDP team for their continued hard work and was presented with the following proclamation, which the Clerk read:

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**COUNTY CLERK WEEK 2023**

Chairman Gordon spoke about the role and responsibilities of the Clerk to the Board. The position of the Clerk is one of the oldest local governments dating back to Biblical times and are record keepers of counties, cities and Council of Governments. The Clerk provides a communication link between citizens and local government and plays a vital role in county government by providing a written record to ensure the Board is accountable to the citizens and other public and private officials. Commissioners thanked Clerk to the Board Phyllis Nowlen for all she does and presented her with the following proclamation:
CITIZEN RECOGNITION

Reese Lutz, no address given - spoke about the mental health crisis in the United States and Cleveland County. She advised her grandson has mental health challenges and would like to see more partnerships within the community to provide care and assistance for those in need.

Robert Williams, 814 E. Stagecoach Trl Fallston – spoke about the Closed Session portion of the April 18, 2023 Minutes, board meeting procedures, and the Cleveland County Fair. He stated that the Commissioners, in his opinion, are too involved in the operations of the fair.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the April 18, 2023 regular Commissioners’ meeting in Board members’ packets.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hutchins, and passed unanimously by the Board to, approve the minutes as written.

FINANCE DEPARTMENT: BUDGET TRANSFER SUMMARY

As required by North Carolina General Statute §159-15, all internal transfers shall be submitted to the Board of Commissioners. The budget transfer summary from March 24, 2023 through April 21, 2023 is included in Commissioner packets.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hutchins, and passed unanimously by the Board to, approve the budget transfer summary as presented.
SOLID WASTE DEPARTMENT: BUDGET AMENDMENT (BNA #059)

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

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<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
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<tr>
<td>054.474.4.350.00</td>
<td>SW Manned Sites/State Government Grants</td>
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<tr>
<td>054.474.5.910.00</td>
<td>SW Manned Sites/Capital Equipment</td>
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</tbody>
</table>

Explanation of Revisions: Budget allocation for $17,435 in grant funds received for the purchase of electronic trailers for manned sites.

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, JUNE 6, 2023 FOR CASE 23-05: REQUEST TO AMEND THE CLEVELAND COUNTY UNIFIED DEVELOPMENT ORDINANCE SECTION 12-161, TO MODIFY LANGUAGE REGARDING THE ONE-MILE RADIUS PERMITTED RV PARKS

Section 12-161 of the Unified Development Ordinance (UDO) lists development standards for Recreational Vehicle Parks, including a one-mile radius separating permitted parks. The language in the ordinance prevents current parks from expanding beyond the parcel the park is currently in. The applicants, James and David Gibson are asking to remove the language that defines parks as existing on one parcel only. If approved, this amendment will allow an existing RV park to expand beyond the borders of the parcel it is on. This amendment would not eliminate the one-mile radius between parks.
**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, approve setting the public hearing as requested.

**PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, JUNE 6, 2023 FOR CASE 23-13; REQUEST TO REZONE PROPERTY ON DAVIS ROAD FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS-CONDITIONAL USE (NB-CU) FOR AN RV PARK EXPANSION**

Parcel 55397 is 23.1 acres located at 410 Davis Road, south of Shelby. The applicants, James and David Gibson own Dry Ridge RV Park on parcel 59068, containing 30 RV pads. The RV Park is considered a nonconforming use, and 12-8(C) of the Cleveland County Unified Development Ordinance (UDO) states that any expansion beyond the original lot where the use is located is prohibited. Expanding onto parcel 55397 requires rezoning to a zoning district with RV parks as a permitted use. The request is to change a 6.7-acre portion of parcel 55397 to Neighborhood Business-Conditional Use (NB-CU) to place an additional 20 RV sites on it. The proposed site plan meets the requirements of Section 12-161 of the UDO.

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

**PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, JUNE 6, 2023 FOR CASE 23-10; REQUEST TO AMEND THE CLEVELAND COUNTY UNIFIED DEVELOPMENT ORDINANCE DEFINITIONS AND TABLE OF USES TO ALLOW MICROBREWERIES AS A PERMITTED USE IN THE RURAL AGRICULTURE (RA) DISTRICT**

Currently, breweries are categorized as beverage and tobacco product manufacturing in the Cleveland County Unified Development Ordinance (UDO) and are permitted only in the Heavy Industrial (HI) district. This amendment, if approved, will define and separate micro-breweries from the beverage and tobacco product manufacturing category and allow them in the Rural Agriculture (RA) district with a zoning permit. The Rural Agriculture (RA) district allows residential uses, agriculture uses, agriculture-supporting uses, and due to the low density, some commercial uses. Similar uses permitted in the Rural Agriculture (RA) district include wineries and distilleries.

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

**PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, JUNE 6, 2023 FOR CASE 23-11; REQUEST TO REZONE PROPERTY AT 956 STONY POINT ROAD FROM RESIDENTIAL (R) TO RURAL AGRICULTURE-CONDITIONAL USE (RA-CU) FOR A MICROBREWERY**

Parcel 73405 is located at 956 Stony Point Rd, owned by Natural Trading Company, LLC, and is zoned Residential (R). Surrounding zoning is Residential (R) and Restricted Residential (RR) zoning districts. Nearby uses consist of single-family residential, mini-warehouses, a convenience store and a golf course community. Cleveland County’s Land Use Plan calls the area as future Primary Growth which is zoned to have the most intense development to occur.

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, approve setting the public hearing as requested.
PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, JUNE 6, 2023 FOR CASE 23-12: REQUEST TO REZONE PARCELS AT 111 KELSO DRIVE FROM RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL (R)

The applicant, Steve McSwain is requesting to rezone adjoining parcels 52428, 5758, 5788, 52428, 46027 and 46026, totaling 38 acres, from Restricted Residential (RR) to Residential (R). The parcels are adjoining and are located between Crow Road and Bettis Road, south of the Town of Earl. The surrounding zoning is a mix of Residential (R) and Restricted Residential (RR). The Land Use Plan designates this area as Secondary Growth, which supports Residential (R) uses.

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

COUNTY MANAGER’S OFFICE: GREAT GRANT RESOLUTION

Spectrum Southeast LLC was awarded a Growing Rural Economies with Access to Technology (GREAT) Grant Award to deploy broadband services to approximately 1,120 households and businesses in Cleveland County. An agreement between the North Carolina Department of Information Technology, Spectrum Southeast LLC, and Cleveland County is ready for signatures. Spectrum Southeast LLC was awarded the maximum grant. GREAT Grant Award: $4,000,000 The required match for this project is $2,282,788 and will come from the following sources:

Cleveland County: $700,000
Spectrum Southeast LLC: $1,582,788

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, approve the resolution supporting the GREAT grant and the GREAT grant agreement. (a full copy of the agreement is on file in the Clerk’s office).
Chairman Gordon called Planning Director Chris Martin to the podium to present Planning Department Case 23-06; request to rezone property at 1129 Cherryville Road from Neighborhood Business (NB) to General Business (GB). Parcel 62086 is 2.57 acres located at 1129 Cherryville Road in Shelby near the bypass and is currently zoned Neighborhood Business (NB). The applicant, Stephen Jones, has applied to rezone the property from Neighborhood Business (NB) to General Business (GB).

Surrounding zoning is a mix of Neighborhood Business (NB), General Business (GB), Restricted Residential (RR), Residential (R), and R20 Residential (Shelby Extra Territorial Jurisdiction). The property also falls within the Highway Corridor Protection (CP). Surrounding uses include single-family dwellings and various commercial projects along Cherryville Road. The county’s Land Use Plan (LUP) calls this area Future Primary Growth. The Board was reminded of the differences between Neighborhood Business (NB), General Business (GB) and Highway Corridor Protection (CP):

- Neighborhood Business (NB) accommodates small, limited retail and service uses provided to a surrounding neighborhood. Residential (R) is also permitted.
- General Business (GB) accommodates a wide variety of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Generally located on arterial streets with the capacity for additional commercial traffic.
- Corridor Protection (CP) promotes well-planned, economically viable development that is compatible with and will enhance the visual appeal of the area by avoiding uncoordinated, strip development along arterial streets. It will also support safe and efficient traffic flow through these areas. The district boundaries shall extend along arterial streets, for a distance of five hundred (500) feet from and perpendicular to each side of the highway right-of-way.

The Planning Board voted unanimously to recommend approval of the request. The Board determined that the proposed use of the property is compatible with the area and LUP designation. The following information and PowerPoint were presented to the Commissioners.
Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired if there were any setbacks and screening requirements. Mr. Martin explained that when a commercial property abuts a residential property, there are screening requirements. The owner of the commercial property must submit a site plan to the Planning Department that details property development, layout and screenings. That plan would also be shared with the North Carolina Department of Transportation (NC DOT) to ensure the traffic flow and driveway placement are safe.

Chairman Gordon opened the Public Hearing at 6:42 pm for anyone wanting to speak for or against Planning Department Planning Case 23-06; request to rezone property at 1129 Cherryville Road from Neighborhood Business (NB) to General Business (GB). (*Legal Notice was published in the Shelby Star on Friday, April 21, 2023 and Friday, April 27, 2023*).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:43 pm.

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, **approve the request to rezone property at 1129 Cherryville Road from Neighborhood Business (NB) to General Business (GB).**
Chairman Gordon recognized the City of Shelby’s Director of Engineering Services Ben Yarboro to present the Shelby-Cleveland County Regional Airport Update. The airport layout plan was first created in 1945 and was constructed in 1959. The airport has had multiple private operators through the years, but in 2007 the City of Shelby began operating the airport with city staff, focusing on economic development and regional impact. That same year, the airport’s name was officially changed to the Shelby-Cleveland County Regional Airport. Mr. Yarboro reviewed some key information about the airport:

- Runway: 5,002 ft. x 100 ft.
- Open to aeronautical traffic 24 hours per day
- Self-serve Avgas (33,500 gallons in FY22)
- Full-service Jet-A (28,500 gallons in FY22)
- Currently 72 Based Aircraft
- City owns 8 hangars with 62 aircraft currently leasing spaces
- One commercial tenant providing aircraft maintenance services

The Airport Layout Plan (ALP) background includes:

- The North Carolina Department of Administration (NCDOA) requirement to maintain a “current” ALP
- ALP’s are 20-year plans
  - 3 phases over the 20-year period
• ALP updates are recommended every 5-7 years
• A project must be included in the ALP to be eligible for grant funding
• Many of the projects on the 2007 approved ALP have been completed
• Recent ALPs were developed in 1996 - 2007 - 2023
• The last ALP was 16 years old

Updated history about the Airport Layout Plan includes:

• Grant was awarded by NCDOA June 27, 2019 to update the Airport Layout Plan (ALP)
• Grant total was $250,000 with a 10% local match split between City and County
• Airport Layout Plan contract with W.K. Dickson began in May of 2020
• City staff and Airport Advisory Board completed review of the draft ALP in May 2022
• ALP was submitted to NCDOA and FAA in May 2022
• City of Shelby received final approval from FAA on January 18, 2023

Mr. Yaraboro spoke about the various 2007 ALP projects at the airport that have been completed. Some of these projects include T-Hangar development and expansions, parallel taxiways, runway overlay and an Avgas Fuel Farm. Other completed projects from that year’s plan include:

• Helipad (2011)
• Obstruction Removal (2012)
• Perimeter Fencing (2012 – 2017)
• Land Acquisition (2013 – 2018)
• Two Hangar Acquisitions (2015)

Airport staff has identified tasks and other projects to be incorporated into the 2023 ALP. These goals consist of the following:

• General aviation activity growth
• Runway needs (length, strength, etc.)
• Runway Protection Zones and safety areas
• Lighting and NAVAIDS
• Terminal and hangar area alternatives
• Obstruction identification and mitigation
• Land acquisition needs
• Area geography and climate

The following information and PowerPoint were presented to the Commissioners.
SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT

Other Completed Projects from 2007 ALP:
- Helipad (2011)
- Obstruction Removal (2012)
- Perimeter Fencing (2012 – 2017)
- Hangar Acquisitions (2015)

ALP Update considerations and tasks:
- Airport goals and objectives
- General aviation activity growth
- Runway needs (length, strength, etc.)
- Runway Protection Zones and safety areas
- Lighting and NAVAIDS
- Terminal and hangar area alternatives
- Obstruction identification and mitigation
- Land acquisition needs
- Area geography and climate

2007 ALP Completed Projects

- 2007 ALP
- Avgas Fuel Farm
- Terminal Building
- Parallel Taxiway Construction
- Terminal Parking Area and Apron Rehabilitation
- Runway Overlay
- T-Hangar Development
- From this...
Commissioners thanked Mr. Yarboro for the information presented, commenting on their excitement to see the new developments at the Shelby-Cleveland County Regional Airport.

**ADJOURN**

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, to adjourn. The next meeting of the Commission is scheduled for Tuesday, May 16, 2023 at 6:00 pm in the Commissioners’ Chambers.

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Kevin Gordon, Chairman
Cleveland County Board of Commissioners

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