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
- Deb Hardin, Vice-Chair
- Johnny Hutchins, Commissioner
- Ronnie Whetstine, Commissioner
- Tim Moore, County Attorney via teleconference
- Martha Thompson, Chief Deputy Attorney
- Brian Epley, County Manager
- Phyllis Nowlen, Clerk to the Board
- Kerri Melton, Assistant County Manager
- Chris Martin, Planning Director
- Allison Mauney, Human Resources Director
- Sherry Lavender, Tax Assessor
- Sandra Orvig, Shooting Range Director

**ABSENT:** Doug Bridges, Commissioner

**CALL TO ORDER**

Chairman Gordon called the meeting to order, and Assistant County Manager Kerri Melton provided the invocation and led the audience in the Pledge of Allegiance.

**AGENDA ADOPTION**

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

**CITIZEN RECOGNITION**

Robert Williams, 814 E. Stagecoach Trl, Lawndale – spoke about a recent article published in the *Wall Street Journal* regarding the Two Kings Casino in Kings Mountain.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

The Clerk to the Board included the Minutes from the *June 21, 2022* regular meeting in Board members’ packets.

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

**TAX ADMINISTRATION: ANNUAL SETTLEMENT FY 2021 – 2022 AND ORDER TO COLLECT**

The Cleveland County Tax Office collected 98.58% of County General real property tax and 98.53% of all Cleveland County real property annual tax bills during the FY 2021 – 2022.

Adoption of Order directing the Tax Collector to collect taxes for 2022 and prior years. This Order is set forth in accordance with North Carolina General Statute 105-321(b) and shall have the force and effect of a judgment and execution against real and personal property.
**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and passed unanimously by the Board to, **approve the Order of Collection.**

### CLEVELAND COUNTY, NORTH CAROLINA

**Settlement for Current-Year Taxes and Delinquent Taxes**

#### REAL AND PERSONAL PROPERTY

**SCHEDULE OF AD VALOREM TAXES RECEIVABLE**

**YEAR ENDED JUNE 30, 2022**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Uncollected Balance 06/30/21</th>
<th>Original Levy</th>
<th>Discoveries</th>
<th>Abatements</th>
<th>Collections</th>
<th>Credits</th>
<th>Uncollected Balance 06/30/22</th>
</tr>
</thead>
<tbody>
<tr>
<td>2023</td>
<td>$1,386,091.15</td>
<td>$87,241,509.46</td>
<td>$8,978,166.09</td>
<td>$64,255,487.89</td>
<td>$650,000.00</td>
<td>$1,404,244.61</td>
<td></td>
</tr>
<tr>
<td>2019</td>
<td>$2,927,602.02</td>
<td>$234,461.76</td>
<td>$92,132.11</td>
<td>$7,012.17</td>
<td>$734,473.70</td>
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<td></td>
</tr>
<tr>
<td>2017</td>
<td>$2,062,052.45</td>
<td>$1,609.84</td>
<td>$28,202.42</td>
<td>$224,296.75</td>
<td>$183,413.56</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>$154,363.77</td>
<td>$20,765.61</td>
<td>$224.25</td>
<td>$133,438.19</td>
<td>$0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>$150,432.42</td>
<td>$14,226.35</td>
<td>$326,194.07</td>
<td>$223,256.56</td>
<td>$0.00</td>
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<td></td>
</tr>
<tr>
<td>2013</td>
<td>$112,438.16</td>
<td>$12,792.25</td>
<td>$55,678.00</td>
<td>$0.00</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>$80,716.68</td>
<td>$6,386.67</td>
<td>$327.71</td>
<td>$0.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>$65,133.37</td>
<td>$4,652.43</td>
<td>$58,432.34</td>
<td>$0.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total** $5,749,710.84 $87,241,509.46 $8,882,160.27 $65,318,020.70 $340,023.83 $4,007,721.34

Discounts: $267,808.86

Interest & Penalties: $77,110.52

Costs: $84,202.71

Tax Collector: $5,190,524.67

2022 Deferred: $101,972.84

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**State of North Carolina**

**Cleveland County**

**ORDER OF THE BOARD OF COUNTY COMMISSIONERS**

IN ACCORDANCE WITH G.S. 105-373, G.S. 105-321 AND 105-330.3

**TO: SHERRY LAVENDER, Tax Administrator**

CC: NECOLE RICHARD, Tax Collector

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2012 through 2022 tax records filed in the office of the Tax Collector, and in the tax receipts hereon delivered to you in the amounts and from the taxpayers therein set forth. You are further authorized, empowered, and commanded to collect the 2012 through 2022 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Cleveland County. This order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are further authorized to call upon the Sheriff to levy upon and sell personal property under execution for the payment of taxes.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and they have authority to perform those functions authorized by the Machinery Act of Chapter 105 of North Carolina General Statutes and other applicable laws for current and previous years' taxes.

**WITNESS my hand and official seal, this 2nd day of August 2022**

 KEVIN GORDON, CHAIRMAN, BOARD OF COMMISSIONERS OF CLEVELAND COUNTY

\[Signature\]

PHYLIS NOWLEN, CLERK TO THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY
**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #002)**

**ACTION:** Commissioner Hutchins 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>012.548.4.540.95</td>
<td></td>
<td>CODAP/Contracted Revenue</td>
<td>$10,280.00</td>
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</tr>
<tr>
<td>012.548.5.310.95</td>
<td></td>
<td>CODAP/Travel-Training</td>
<td>$750.00</td>
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<tr>
<td>012.548.5.311.95</td>
<td></td>
<td>CODAP/Educ-Training-Cert</td>
<td>$350.00</td>
<td></td>
</tr>
<tr>
<td>012.548.5.490.95</td>
<td></td>
<td>CODAP/Professional Services</td>
<td>$7,500.00</td>
<td></td>
</tr>
<tr>
<td>012.548.5.581.95</td>
<td></td>
<td>CODAP/Awards-Incentives</td>
<td>$1,680.00</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation of $10,280 in additional funds received from Partners Health Management. These funds will be utilized to provide leadership development training for the Cleveland County Substance Abuse Prevention Coalition (SAPC) Coordinator as well as training to coalition members and/or community partners.

**PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, SEPTEMBER 6, 2022 FOR CASE 22-21 REQUEST TO REZONE PROPERTY AT 205 FARRIS ROAD FROM RESIDENTIAL MANUFACTURED HOMES AND PARKS (MHP) TO NEIGHBORHOOD BUSINESS – CONDITIONAL USE (NB-CU) FOR A RECREATIONAL VEHICLE PARK**

Parcel 11527, located at 205 Farris Road in Kings Mountain, is approximately 25 acres and is currently owned by Tanner McAbee and Joseph Hardison. Tanner McAbee is requesting to rezone parcel 11527 from Residential Manufactured Homes and Parks to Neighborhood Business Conditional Use for a Recreational Vehicle Park. The property is south of Kings Mountain and the South Battleground Industrial Park. The land is currently vacant but has, in the past, been a manufactured home park. The surrounding area consists of rural residential uses, some agricultural uses and large vacant land tracts. Properties are zoned Residential, Restricted Residential along Mountain Side Drive and Residential along Farris Road. The Land Use Plan designates this area as a Secondary Growth Area.

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

**LEGAL DEPARTMENT: EXCHANGE OF REAL PROPERTY – PARCEL 16310**

Cleveland County operates a solid waste convenience site located at 1127 Oak Grove Road in Kings Mountain on Parcel 16303. Two of the site’s neighboring parcels are owned by B & D Enterprises, Inc. Staff has worked with B & D on a proposed land exchange and easement agreement. The land exchange would result in the swap of two 0.072-acre pieces of property. The result would be that the County’s convenience site and the B & D property on parcel 16310 would have a straighter border. A survey of the proposed land swap is included in packets. The land exchange also involves the County’s receipt of an easement on parcel 73170, which is also owned by B & D and borders the County’s convenience site. B & D would grant an easement extending thirty feet onto parcel 73170. The County would be permitted to plant trees for screening of its convenience site within this easement. The County may exchange property by private negotiation pursuant to North Carolina General Statute § 160A-271. (Legal Notice was published in the Shelby Star on Friday, July 22, 2022).

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, adopt the resolution authorizing the land exchange and easement agreement.
LEGAL DEPARTMENT: HEALTH DEPARTMENT AND SOCIAL SERVICES RETENTION SCHEDULES

The North Carolina Department of Natural and Cultural Resources (DNCR) oversees the management of government records in North Carolina. DNCR promulgates retention schedules that local governments adopt for disposing of records. Staff request that the Board of Commissioners adopts the latest retention schedules for the Health Department and Department of Social Services.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, adopt the retention schedules for the Health Department and Department of Social Services.
A Cleveland County manufacturer is planning to expand operations and create new jobs in Cleveland County. The North Carolina Commerce has labeled this as Project Fabricator. The application requires a resolution supporting the project from the County Government. Cleveland County will be the grant recipient if awarded. The grant amount is $160,000 ($8,000 per job, 20 total jobs).

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, *adopt the resolution in support of Project Fabricator Reuse Grant.*
Chairman Gordon recognized Zoning Administrator Henry Earle to present Planning Department Case 22-20: request to rezone property at 1256 Cleveland Avenue from Residential (R) to General Business (GB). Parcel 57853 is approximately 50 acres near Grover, between Patterson Springs and Grover. The vacant property is owned by ME Brown Enterprises, LLC, and the applicant, Michael Brown is requesting a zoning map amendment for this tract of land from Residential (R) to General Business (GB). Surrounding uses consist of mostly single-family residential on both smaller lots and large acreage lots. The surrounding zoning district is Residential with the Corridor Protection Overlay along Highway 226. Both residential uses and commercial uses are compliant in this area. The Land Use Plan (LUP) designates the area as a Secondary Growth Area. It is expected for the area to retain its rural and agricultural character, encouraging single-family residential to be on larger lots, while promoting smaller lots within subdivisions, and promoting small-scale commercial around major rural crossroads.

The Planning Board voted 3-1 to recommend denial of the rezoning petition. The Board commented, the requested change is inconsistent with the LUP’s description of where commercial uses should be located within the secondary growth area. The LUP expects the secondary growth area to retain its rural character and commercial uses should be encouraged to locate at major intersections. Mr. Brown submitted a request to the Planning Department earlier today, requesting to postpone the public hearing until Tuesday, September 6, 2022 due to his project manager being unable to attend and speak at the hearing.
Chairman Gordon opened the Public Hearing at 6:15 pm for anyone wanting to speak for or against Planning Department Case 22-20: request to rezone property at 1256 Cleveland Avenue from Residential (R) to General
Lisa Jaynes, 106 Silverado Drive, Grover – spoke in opposition to the rezoning request. She lives across from 1256 Cleveland Avenue and referenced the lack of communication from Mr. Brown as to what the site would be used for. She also spoke about the lack of neighborhood harmony a business or RV park would have on the community.

Charles McNeilly, 1206 Cleveland Ave, Grover – spoke in opposition to the rezoning request. Mr. McNeilly works for Duke Energy and gave a brief account of his expertise. He advised he agrees with the Planning Board’s recommendation and suggested more surveys and impact studies be done in the area considering the business Mr. Brown is thinking of creating.

Diane Villanueva, 107 Silverado Drive, Grover – spoke in opposition to the rezoning request citing safety concerns, echoing the previous comments of negative impacts on the peaceful community.

There were no further comments.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, continue the public hearing and comments for Planning Department Case 22-20: request to rezone property at 1256 Cleveland Avenue from Residential (R) to General Business (GB) open until Tuesday, September 6, 2022 at 6:00pm in the Commissioners Chambers.

PLANNING DEPARTMENT CASE 22-23: REQUEST TO REZONE PROPERTY AT 3052 BLACKSBURG ROAD FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS (GB)

Zoning Administrator Henry Earle remained at the podium to present Planning Department Case 22-23 Request to Rezone Property at 3052 Blacksburg Road from Residential (R) to Neighborhood Business (NB). Parcel 5258 is approximately 60 acres located at 3052 Blacksburg Road in Grover along Highway 198 at the South Carolina State line. The property is owned by Benjamin Travis Hamrick and Kristen Benton Hamrick in the Residential (R) zoning district with the Corridor Protection Overlay with the current use being a single-family residence with a commercial fishing pond. The surrounding area consists of Rural Residential uses with Residential and Corridor Protection zoning districts. The Land Use Plan (LUP) designates this area is a Secondary Growth Area. It is expected for the area to retain its rural and agricultural character, encouraging single-family residential to be on larger lots while promoting smaller lots within subdivisions, and promoting small-scale commercial around major rural crossroads. The Hamricks are requesting to rezone their property from Residential (R) to Neighborhood Business (NB). The Planning Board voted unanimously to recommend approval of the requested zoning map amendment. The Board commented the requested change to Neighborhood Business (NB) was consistent with the LUP and the uses allowed are compatible with the area. The Neighborhood Business (NB) district allows residential uses along with small-scale commercial that serves a neighborhood.
Chairman Gordon opened the Public Hearing at 6:15 pm for anyone wanting to speak for or against Planning Department Case 22-23 Request to Rezone Property at 3052 Blacksburg Road from Residential (R) to Neighborhood Business (NB) (Legal Notice was published in the Shelby Star on Friday, July 22, 2022 and Friday, July 29, 2022).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:26 pm.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners spoke about the LUP designations, echoing the Planning Board’s recommendation reasoning.

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, approve the request to rezone property at 3052 Blacksburg Road from Residential (R) to Neighborhood Business (NB).

**REGULAR AGENDA**

**REVALUATION UPDATE**

Chairman Gordon recognized County Manager Brian Epley to give an update on revaluation. At the June 21, 2022 regular Commissioners’ meeting, Mr. Epley presented information to the Board regarding a letter received from the North Carolina Department of Revenue (NCDOR). Other items outlined during that presentation included information about the certified sales ratio from 2021 which was measured from all real property transactions (about 341) during the 2021 calendar year. The sales ratio was below 75% which was outside of the allowable parameters.
statutorily with a 15% +/- market value. At the direction of the Board, staff continued to research, work with the NCDOR to understand the county’s options, compile data, etc. Staff feels comfortable with the 2017 resolution passed by the Board at that time that set Cleveland County’s revaluation cycle for four years will be compliant with NCDOR’s parameters. The 2017 resolution approved a January 1, 2025 mandatory revaluation. Staff will begin working on the 2025 revaluation to be compliant with NCDOR’s request.

RECESS TO RECONVENE

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Whetstine and unanimously adopted by the Board, to recess to reconvene to Monday, August 8, 2022 at 6:00pm at the Cleveland County Schools located at 400 W. Marion Street, Shelby for a joint meeting with the Cleveland County School Board.