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
- Tim Moore, County Attorney
- David Cotton, County Manager
- Phyllis Nowlen, Clerk to the Board
- Kerri Melton, Assistant County Manager
- Allison Mauney, Human Resources Director
- Martha Thompson, Deputy County Attorney
- Jason Falls, Business Development Director
- Scott Bowman, Maintenance Director
- Betsy Harnage, Register of Deeds
- Sherry Lavender, Tax Assessor
- Clifton Philbeck, Board of Elections Director
- Colt Farrington, Building Inspections Director
- Chris Martin, Planning Director
- Tiffany Hansen, Health Department Director
- Rebecca Johnson, Interim Social Services Director
- Sandra Orvig, Foothills Shooting Complex Director

**CALL TO ORDER**

Chairman Gordon called the meeting to order, and Business Development Director Jason Falls led the audience in the Pledge of Allegiance and provided the invocation.

**AGENDA ADOPTION**

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

**SPECIAL PRESENTATION**

**YOUTH VOICE**

Chairman Gordon recognized Cleveland County 4-H member Alexa Berlage. Ms. Berlage is an East Lincoln High School sophomore and has participated in Cleveland County 4-H for the last six years. She spoke about lessons attained through various 4-H projects, such as the dairy/steer project, turkey project, and shooting sports. These programs taught Ms. Burlage the value of participating in her community’s growth and development. She wants to use the skills attained to continue positive development in her 4-H Club by sharing what she has learned with others. Through the skills acquired on her family’s farm and the 4-H Club, Ms. Berlage will continue her education and become a Doctor of Veterinary Medicine. Commissioners thanked Ms. Burlage for her presentation and gave her best wishes on her future accomplishments.
CITIZEN RECOGNITION

Eric Newton, 2220 Curt Ledford Rd, Lawndale – spoke about the area between Casar and Fallston Volunteer Fire Departments. This area receives unfavorable Insurance Service Office (ISO) rankings. He explained ranking placement affects insurance rates for homeowners and businesses. Improved ISO rankings in that area would lower insurance costs for the residents.

Suzanne Blanton, 1735 Linton Barnett Dr, Shelby – spoke about the lack of a spay/neuter clinic in Cleveland County. She praised the rescue efforts of Clifford’s Army Rescue and suggested the County partner with the organization for the betterment of animals in Cleveland County.

Robert Williams, 814 E. Stagecoach Trl, Fallston – spoke about his dislike for the county’s modified public comment policy.

Maggie Watson, 127 Carroll Dr., Cherryville – spoke about her concerns with Animal Services policies, procedures, and management. She stated the shelter should do better with intake, licensing, vaccinations, low-cost spay/neuter clinics, and community engagement.

Neil Blanton, 702 W. Sumter St, Shelby – spoke about the importance of animal licensing in Cleveland County.

BJ Zamora, 504 Country Club Acres, Shelby – spoke about her concerns with Animal Services, echoing previous comments regarding management, policies, procedures, and enforcement.

Ginger Bullock, 119 Laurel Ridge Drive, Cherryville – spoke about her concerns with Animal Services regarding intake management, procedures, and customer service.

CONSENT AGENDA

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 July 1, 2023 through July 20, 2023 is included in Commissioner packets.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and passed unanimously by the Board to, approve the budget transfer summary as presented.
**LIBRARY: BUDGET AMENDMENT (BNA #002)**

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Whetstine, 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>010.611.4.810.07</td>
<td>010.441</td>
<td>Library/Donations Special Blanton</td>
<td>$20,000.00</td>
<td></td>
</tr>
<tr>
<td>010.611.5.790.07</td>
<td>010.441</td>
<td>Library/Donations Special Blanton</td>
<td>$20,000.00</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $20,000 in donated funds from the Friends of the Library to purchase supplies and materials for the Book Mobile.

**FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #003)**

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Whetstine, 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>
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</thead>
<tbody>
<tr>
<td>060.651.4.840.00</td>
<td>010.445</td>
<td>Economic Development</td>
<td>$31,105.00</td>
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</tr>
<tr>
<td>060.651.5.910.00</td>
<td>010.445</td>
<td>Property/Liability/Capital Equipment</td>
<td>$31,105.00</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $31,105 for budget Insurance Settlement. Funds will be used to purchase a replacement vehicle.

**TAX ADMINISTRATION: LATE APPLICATIONS FOR EXEMPTION/EXCLUSION/DEFERRAL**

Per North Carolina General Statute §105-282.1, every owner of property claiming exemption or exclusion from property taxes under the provisions of this Subchapter has the burden of establishing that the property is entitled to it. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the statutory deadlines may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate. All of the applications would have been approved by the Tax Assessor if they had been filed on time.
ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and passed unanimously by the Board to, approve the late applications for exemption, exclusion or deferral as submitted by the Tax Assessor.

TAX ADMINISTRATION: TAX SETTLEMENT FOR FY 2022 AND ORDER TO COLLECT FOR FY 2023

The Cleveland County Tax Office collected 98.58% of County General real property tax and 98.12% of all Cleveland County real property taxes during the FY 2022 – 2023. (see settlement below)

Staff recommended the adoption of the Order directing the Tax Collector to collect taxes for 2023 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 Hardin made a motion, seconded by Commissioner Whetstine, and passed unanimously by the Board to, approve the Order of Collection
PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, SEPTEMBER 5, 2023, FOR CASE 23-18; REQUEST TO REZONE PROPERTY AT 106 DRUM ROAD FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS-CONDITIONAL USE (NB-CU) FOR A TELECOMMUNICATIONS TOWER

Parcel 48317 is 0.79 acres at 106 Drum Road, off Joe’s Lake Road, east of Pinnacle Classical Academy in Shelby. The applicants, Paul and Darla Wyatt, have requested to rezone the property for the placement of a cell tower. The surrounding zoning is Residential (R) near Drum Road and Restricted Residential (RR) south along Joe’s Lake Road. Surrounding uses are mostly residential along Serenity Drive and Joe’s Lake Road. There is a motorcycle repair shop on Drum Road.

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

PUBLIC HEARINGS

PROJECT SUNRISE

Chairman Gordon recognized Deputy County Attorney Martha Thompson to present Project Sunrise. Per North Carolina General Statute §158-7.1, local governments may acquire and develop real property for the purpose of economic development. Local governments are required to approve the sale of real estate acquired for economic development purposes when selling a property, statutes require that the Board of Commissioners determine two factors: an average hourly wage to be paid to workers by the business to be located at the property and the fair market value of the property.
Cleveland County originally purchased property located east of Leadership Drive in 2011 for the purpose of economic development. The property has been actively marketed for economic development. Project Sunrise has agreed to buy the property and all appurtenant rights for $22,500.00 per acre of land (fair market value). The amount per acre is based upon a market analysis prepared by Scott W. Hadley of Lee & Associates Raleigh Durham LLC. The conveyance is subject to the condition that within 270 days following closing. The purchaser shall commence vertical construction of a portion of the Facility. If the purchaser defaults by failing to commence vertical construction as required, and fails to cure such default within sixty (60) days after receiving written notice of default from the Seller, the Seller may, in its sole discretion, repurchase the property from the Purchaser for the purchase price.

Project Sunrise wants to purchase the property to construct an industrial facility to manufacture composite external insulation products for power transmission and distribution. The company employs over 1,700 associates worldwide, operating in approximately a dozen countries. The company anticipates that its total capital investment over the next five years will be approximately $118,254,425. Investment in Real Property is estimated at $67,954,425 and Personal Property is estimated at $50,300,000. During that five-year period, the company plans to create 134 new jobs with an average annual salary of $45,770 plus benefits. The new capital investment that Project Sunrise will be making in Cleveland County will generate new tax revenue and positively impact the county’s local tax base.

Ms. Thompson introduced Jim Wrenn from Smith Anderson, who is representing the Purchase Agreement for Project Sunrise. Mr. Wrenn presented the following information and PowerPoint to the Commissioners.
Chairman Gordon opened the Public Hearing at 6:42 pm for anyone wanting to speak for or against Project Sunrise. (Legal Notice was published in the Shelby Star on Friday, July 21, 2023).

Robert Williams, 814 E. Stagecoach Trl, Fallston – spoke in opposition to Project Sunrise, stating he did not understand the contract terms and calculations that were presented.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:44 pm.

Chairman Gordon opened the floor to the Board for comments and questions. Commissioner Hutchins spoke about Project Sunrise’s positive impacts on Cleveland County moving forward.

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously approved by the Board to, **approve the Sale of the Property to Project Sunrise, with determinations that (1) the probable average hourly wage to be paid to workers shall be $22.00 and (2) the fair market value of the property is $22,500.00 per acre of land (prorated for any partial acres, and excluding any land dedicated for public use as part of any subdivision).**
BOARD APPOINTMENTS

CLEVELAND COUNTY PLANNING BOARD

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to reappoint Noah Saldo to serve as a member of this board for a three-year term, scheduled to conclude June 30, 2026.

CLOSED SESSION

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Whetstine and unanimously adopted by the Board, to go into closed session per North Carolina General Statute §143-318.11(a)(1) and (a)(6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee and pursuant to North Carolina General Statute § 143-318.11 (a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. The public body may consider and instruct an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. (Copy of closed session Minutes are sealed and found in the Closed Session Minute Book).

RECONVENE IN REGULAR SESSION

Chairman Gordon stated, “The Board is in open session. During the closed session, the Board gave direction to staff regarding a personnel matter, and the Board consulted with and gave direction to legal counsel regarding handling a claim.”

ADJOURN

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 adjourn. The next meeting of the Commission is scheduled for Tuesday, September 5, 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