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

**PRESENT:**
- Doug Bridges, Chairman
- Deb Hardin, Vice-Chair
- Johnny Hutchins, Commissioner
- Kevin Gordon, Commissioner
- Tim Moore, County Attorney
- Brian Epley, County Manager
- Phyllis Nowlen, Clerk to the Board
- Kerri Melton, Assistant County Manager
- Martha Thompson, Deputy County Attorney
- Scott Bowman, Maintenance Director
- Jason Falls, Business Development Director
- Allison Mauney, Human Resources Director
- Perry Davis, Emergency Management Director/Fire Marshal
- Chris Martin, Planning Director
- Sherry Lavender, Tax Assessor
- Tommy McNeilly, Emergency Medical Services Director

**ABSENT:**
- Ronnie Whetstine, Commissioner

**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.

Steve Padgett, Small Business Center Director, provided the invocation and led the audience in the Pledge of Allegiance.

**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**

**Minority Enterprise Development Week 2021:** Chairman Bridges recognized Mr. Richard Hooker, Cleveland County Minority Business Development Center Director. Mr. Hooker thanked the Commissioners for their continued support of the Minority Business Sector and of MED Week. Started in 1983 by the Administration of President Reagan, Minority Enterprise Development Week is designed to recognize accomplishments and achievements of minority businesses across the Nation. Mr. Hooker gave an overview of the recent achievements, goals and upcoming events for MED Week. He introduced several of his Board Members who were present to help receive the following proclamation:
CITIZEN RECOGNITION

No one registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the July 6, 2021 in board members packets.

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

LATE APPLICATIONS FOR EXEMPTION/EXCLUSION/DEFERRAL

Tax Assessor, Sherry Lavender, has submitted the list for late applications for exemption, exclusion, or deferment for 2021 pursuant to NCGS 105-282.1(a1). Applicants would have qualified and been approved had they been timely filed with the tax office for the 2021 tax year.
ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Gordon, 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>
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<tbody>
<tr>
<td>010.611.4.310.00</td>
<td>45310-LSTA22</td>
<td>Library/Federal Govt Grants</td>
<td>$1,500.00</td>
<td></td>
</tr>
<tr>
<td>010.611.5.310.00</td>
<td>45310-LSTA22</td>
<td>Library/Travel Training</td>
<td>$1,500.00</td>
<td></td>
</tr>
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</table>

Explanation of Revisions: Budget allocation for $1,500 in Library Services and Technology Act (LSTA) grant funds received from the State Library, North Carolina Department of Natural and Cultural Resources to be used for travel and training purposes.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #007)

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
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<tbody>
<tr>
<td>011.504.4.310.00</td>
<td></td>
<td>Title XX/Federal Govt Grants</td>
<td>$115,000.00</td>
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<tr>
<td>011.504.5.500.01</td>
<td></td>
<td>Title XX/Miscellaneous Grant Expense</td>
<td>$115,000.00</td>
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</table>

Explanation of Revisions: Budget allocation for $115,000 in funds approved by the North Carolina Department of Health and Human Services for clients ages 18 – 26 who are in the LINKS program, an Independent Living Services for Foster Children (NC LINKS) who provides services and resources. These were young adults that were or are in foster care that have had job loss or other impacts during the pandemic. These would be a one-time payment and reimbursement will be made to the County’s Department of Social Services once payment is made and submitted for reimbursement.
SOCIAL SERVICES: BUDGET AMENDMENT (BNA #008)

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

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<tbody>
<tr>
<td>011.508.4.310.00</td>
<td></td>
<td>Income Maintenance/Federal Govt Grants</td>
<td>$89,971.00</td>
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<tr>
<td>011.508.5.910.00</td>
<td></td>
<td>Income Maintenance/Capital Equipment</td>
<td>$89,971.00</td>
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</tbody>
</table>

Explanation of Revisions: Budget allocation for $89,971 in funds allocated to Food and Nutrition Services (FNS) through the Consolidated Appropriations ACT (CCA & The American Rescue Plan Act (ARPA). These funds will be used to cover a portion of the county share of administering the FNS program to purchase computer equipment.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #009)

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

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<th>Account Number</th>
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<tbody>
<tr>
<td>012.534.4.310.00</td>
<td></td>
<td>School Health/Federal Govt Grants-ELC SH Liaison</td>
<td>$115,000.00</td>
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<tr>
<td>012.534.4.310.34</td>
<td></td>
<td>School Health/Federal Govt Grants -ELC Testing SH Staffing</td>
<td>$1,563,354.00</td>
<td></td>
</tr>
<tr>
<td>012.534.5.210.00</td>
<td></td>
<td>School Health/Departmental Supply</td>
<td>$20,000.00</td>
<td></td>
</tr>
<tr>
<td>012.534.5.230.00</td>
<td></td>
<td>School Health/Medical Supplies</td>
<td>$35,000.00</td>
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<tr>
<td>012.534.5.310.00</td>
<td></td>
<td>School Health/Travel-Training</td>
<td>$6,000.00</td>
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<td>012.534.5.411.00</td>
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<td>School Health/Telecommunications</td>
<td>$30,500.00</td>
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<td>012.534.5.422.00</td>
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<td>School Health/Contracted Labor</td>
<td>$1,559,854.00</td>
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<tr>
<td>012.534.5.910.00</td>
<td></td>
<td>School Health/Capital Equipment</td>
<td>$21,000.00</td>
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Explanation of Revisions: Budget allocation for $115,000 and $1,563,354 for North Carolina Department of Health and Human Services from the Children and Youth Branch to assist with COVID testing within Cleveland County Schools. These funds will be used to increase staffing at the schools by utilizing a staffing agency. (3 RN’s, 4 LPN’s and 10 UAP’s: Unlicensed health care personnel who work under the direction of a registered nurse). Funds will also be used to purchase the necessary supplies including laptops, desk and chairs, medical supplies, and mileage reimbursement.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #010)

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

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<tr>
<td>012.535.4.310.00</td>
<td></td>
<td>Health Education/Federal Govt Grant</td>
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<td>012.535.5.210.00</td>
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<td>Health Education/Departmental Supply</td>
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<td>012.535.5.370.00</td>
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<td>Health Education/Advertising</td>
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<td>012.535.5.490.00</td>
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<td>Health Education/Professional Services</td>
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<td>012.535.5.581.00</td>
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<td>Health Education/Awards-Appreciation</td>
<td>$5,000.00</td>
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<tr>
<td>012.535.5.910.00</td>
<td></td>
<td>Health Education/Salaries-Regular</td>
<td>$9,900.00</td>
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</table>

Explanation of Revisions: Budget allocation for $39,900 from the North Carolina Department of Health and Human Services to develop an Equity Advisory Council that will improve its internal and external practices to support equity within the community and implement a communication and messaging campaign addressing COVID-19 prevention and vaccination for populations at higher risk, underserved and that are disproportionately affected.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #011)

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

<table>
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<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
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<tr>
<td>012.546.4.310.00</td>
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<td>COVID/ELC Enhancing Detection Activities</td>
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<td>012.546.5.121.00</td>
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<td>COVID/Salaries-Regular</td>
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<td>COVID/Medical Supplies</td>
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<td>012.546.5.230.05</td>
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<td>COVID/Lab Supplies</td>
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<td>012.546.5.910.00</td>
<td></td>
<td>COVID/Capital Equipment</td>
<td>$500,000.00</td>
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</tr>
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</table>
**Explanation of Revisions:** Budget allocation for an additional $784,466 in funds received from the North Carolina Department of Health and Human Services to further COVID-19 activities related to testing, contact tracing and case investigation within the community. Funds will be utilized to purchase rapid-PCR test cartridges and the docking stations used to process tests instead of sending off for processing. Funds will also be used to purchase PPE and towards existing salaries as well as purchasing a mobile bus unit for community outreach.

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #012)**

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

<table>
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<tr>
<th>Account Number</th>
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<th>Department/Account Name</th>
<th>Increase</th>
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<td>CODAP/Federal Govt Grants - SYNAR</td>
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<tr>
<td>012.548.5.310.26</td>
<td></td>
<td>CODAP/Travel-Training</td>
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<td>012.548.5.370.26</td>
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<td>CODAP/Advertising-Promotions</td>
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<tr>
<td>012.548.5.561.26</td>
<td></td>
<td>CODAP/Awards-Appreciation</td>
<td>$12,000.00</td>
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</tr>
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</table>

**Explanation of Revisions:** Budget allocation for $30,000 in funds received through Partners Behavioral Health to support tobacco retailer education and training on responsible tobacco sales, develop and implement mass communication materials on Federal Law that raised the age to purchase tobacco to age 21, and to conduct environmental scans of local vape shops. The goal is to reduce the sales of tobacco products to underage customers.

**EMERGENCY MEDICAL SERVICES: DONATION OF SURPLUS PROPERTY**

Emergency Medical Services (EMS) is requesting to declare three ambulances as surplus property and to allocate each of the surplus ambulances to the three community rescue squads at no cost. Due to the updated fleet EMS has been able to acquire over the last year and the partnership between the county and the rescue squads, this allocation would continue to boost the working relationship and support between the county and community rescue squads.

- 2008 Ford E-450 Equip#1489 VIN/1FDXE45P58DB14749
- 2008 Ford E-450 Equip#1508 VIN/1FDXE45P58DB12922
- 2009 Ford E-450 Equip#1535 VIN/1FDXE45P69DA56071

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, **to approve the donation of surplus property to the community rescue squads.**

**PUBLIC HEARINGS**

**PLANNING DEPARTMENT CASE 21-18: REQUEST TO REZONE PROPERTY AT 112 MULLINAX DRIVE FROM RESIDENTIAL (R) TO GENERAL BUSINESS CONDITIONAL USE (GB-CU)**

Chairman Bridges recognized Planning Director Chris Martin to present case 21-18: request to rezone property at 112 Mullinax Drive from Residential (R) to General Business Conditional Use (GB-CU). Parcel 65111 is a 2.23-acre tract located at 112 Mullinax Drive in Grover. The applicant, Michael Mull, is requesting to rezone the property from Residential (R) to General Business Conditional Use (GB-CU) to use an existing structure on the property for automobile towing. Mr. Mull has acquired signatures of support from neighbors in that area. The property owner, Tony Black, has signed the application giving his approval of the rezoning request. Surrounding uses are mostly Residential (R) and large vacant tracts of land. The existing structure on the property was used previously for automobile storage and as an automobile scrap yard. If approved, the landowner would be allowed to use the property in a manner consistent with past uses. The Planning Board voted unanimously to recommend
approving the rezoning request from Residential (R) to General Business Conditional Use (GB-CU). The Board felt the proposal is consistent with the Land Use Plan’s Strategy IA-3 which encourages the reuse of vacant industrial and commercial buildings. This strategy discourages rezoning a hindrance to those reuses.

Chairman Bridges opened the Public Hearing at 6:20 pm for anyone wanting to speak for or against Planning Department Case 21-18: request to rezone property at 112 Mullinax Drive from Residential (R) to General Business Conditional Use (GB-CU). (Legal Notice was published in the Shelby Star on Friday, September 24, 2021 and Friday, October 1, 2021).

Hearing no comments, Chairman Bridges closed the Public Hearing at 6:21 pm.

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins echoed the Planning Board’s opinion regarding reuse of vacant buildings.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, to approve the request to rezone parcel 65111 from Residential (R) to General Business Conditional Use (GB). The rezoning request is consistent with the Land Use Plan’s Strategy IA-3 which encourages the reuse of vacant industrial and commercial buildings and to not let rezoning be a hindrance to those reuses.
**PLANNING DEPARTMENT CASE 21-19: REQUEST TO REZONE PROPERTY AT 241 BATTLEGROUND ROAD FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS CONDITIONAL USE (GB-CU) FOR A RECREATIONAL VEHICLE PARK**

Planning Director Chris Martin remained at the podium for case 21-19; request to rezone property at 241 Battleground Road from Light Industrial (LI) to General Business Conditional Use (GB-CU) for a recreational vehicle park. Mr. Martin advised Commissioners the petitioner, The Moser Group, is requesting to continue the public hearing for another month as they are working on site plan modifications that may affect the original site plan that was submitted.

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve continuing the public hearing for Planning Department Case 21-19: request to rezone property at 241 Battleground Road from Light Industrial (LI) to General Business Conditional Use (GB-CU) for a recreational vehicle park to Tuesday, November 2, 2021 at 6:00pm in the Commissioners Chambers located at 311 E. Marion Street in Shelby.

**PLANNING DEPARTMENT CASE 21-20: REQUEST TO REZONE PROPERTY ON FALLSTON ROAD FROM RURAL AGRICULTURAL (RA) TO RESIDENTIAL (R)**

Chairman Bridges again recognized Planning Director Chris Martin to present case 21-20: request to rezone property on Fallston Road from Rural Agricultural (RA) to Residential (R). Parcel 65343 is a 3.158-acre tract located at 4214 Fallston Road belonging to Earl Brice Fox. Parcel 65344 is a 3.146-acre tract belonging to Adriana Moreno Lemus, and it is directly north of Parcel 65343 in Shelby. Both Mr. Fox and Ms. Lemus are asking to rezone their respective parcels from Rural Agriculture (RA) to Residential (R). Surrounding zoning is Rural Agriculture and Residential on the east side of Fallston Road and Residential on the west side of Fallston Road. This is also in the corridor. The land use plan calls this area future rural residential so a rezoning to Residential (R) would be conforming. If approved, the rezoning would allow the owners to subdivide the properties however, it may congest the area with multiple residential driveways along Fallston Road. The Planning Board voted unanimously with one abstention to recommend approving the rezoning request from Rural Agriculture to Residential. The Board felt it was consistent with the Land Use Plan and is an extension of an already existing zone along the western side of Fallston Road.

Chairman Bridges opened the Public Hearing at 6:24 pm for anyone wanting to speak for or against Planning Department Case 21-20: rezone property on Fallston Road from Rural Agricultural (RA) to Residential (R). (Legal Notice was published in the Shelby Star on Friday, September 24, 2021 and Friday, October 1, 2021).

Hearing no comments, Chairman Bridges closed the Public Hearing at 6:25pm.

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve the request to rezone parcels 65343 and 65344 on Fallston Road from Rural Agricultural (RA) to Residential (R).
Planning Director Chris Martin remained at the podium to present case 21-21; request to amend Cleveland County Ordinance Section 12-134 water supply overlay district. A petition has been filed to amend Section 12-134 of the Cleveland County Unified Development Ordinance. The request is to modify Section 12-134(d), reducing the minimum lot size in some of the watersheds from one acre to one-half acre for residential uses, while the
critical areas would retain a 1-acre minimum for residential. The second part of the amendment would increase the built upon area for other residential and nonresidential development from 12% to 24%, while remaining at 12% in the critical areas. These amendments would still comply with North Carolina minimum standards. North Carolina Administrative Code Section 15A provides minimum development standards in watershed districts. There are specific density requirements in the five watershed areas. Section 12-134(d) of the Cleveland County Unified Development Ordinance states that single family residential development shall be set at one dwelling unit per acre, and that all other residential and commercial development cannot exceed 12% built upon area on a track of land.

Watershed Standards – Proposed amendments

Section 12-134(d) – Water supply overlay district

(d) Density and built-upon limits.
(1) Single-family residential development shall not exceed one (1) dwelling unit per acre one-half acre (1/2 acre) in Watershed IV and the balance of Watershed II, while single-family residential development shall not exceed one dwelling unit per one acre (1 acre) in the Critical Area of Watershed III, on a project by project basis. (2) All other residential and nonresidential development shall not exceed twelve (12) twenty-four (24) percent built-upon area in Watershed IV and the balance of Watershed II, while development shall not exceed twelve (12) percent built-upon in Critical Area of Watershed III, on a project by project basis.

(e) Cluster development
(1) Minimum lot sizes are not applicable to single family cluster development projects; however, overall density of any development shall not exceed one (1) dwelling per one-half acre in the balance of Watershed III and in the balance of Watershed IV. The overall density of any development shall not exceed one dwelling per acre in the Watershed III Critical Area and Watershed IV Critical Area.

Mr. Martin reminded the Board at their September 21, 2021 regular meeting, staff was directed to evaluate the county’s ordinance and the state’s requirements and bring back before the Commissioners a version of Cleveland County’s ordinance that would provide more flexibility to property owners and developers regarding lot size and built upon areas, while still maintaining the Environmental Management Commissions minimum standards. The Planning Board voted unanimously with one abstention to recommend approving the proposed text amendment. The Board felt the proposal was consistent with North Carolina Administrative Code 15A and would provide citizens more flexibility with property. North Carolina General Statute 160D-605 states that governing boards shall approve a statement describing whether its action is consistent or inconsistent with the adopted Land Use Plan. The following information and PowerPoint were presented to Commissioners.
Chairman Bridges opened the Public Hearing at 6:30 pm for anyone wanting to speak for or against Planning Department Case 21-21; request to amend Cleveland County Ordinance Section 12-134 water supply overlay district. (Legal Notice was published in the Shelby Star on Friday, September 24, 2021 and Friday, October 1, 2021).

Robert Williams – 814 E. Stagecoach Trl, Fallston – spoke in opposition of the amendment. He referenced water quality, pollution and recommended to leave it as is.

Hearing no further comments, Chairman Bridges closed the Public Hearing at 6:32 pm.

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired what is considered critical watershed areas? Mr. Martin advised properties around Moss Lake and within a half mile of the lake would not be affected by the ordinance change as the intake on Casar-Lawndale Road where Cleveland County Water pull drinking water from, Grover Street where the City of Shelby pulls water from and the emergency intake on the Broad River. Those are the four areas considered the critical areas as defined by the state and Environmental Management Commission. The City of Shelby and Cleveland County Water recommend tighter restrictions around those specific four areas as these are the areas that would affect citizen’s drinking water.
Chairman Bridges asked, for clarification, “Is the Planning Board recommending Commissioners to adopt the state’s guidelines which are less stringent than what is currently in place and allow for more flexibility?” Mr. Martin stated that was correct.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, to approve the amendment to Cleveland County Ordinance Section 12-134 water supply overlay district. (a full copy of the ordinance is available in the Planning Office, Clerk’s Office and on Cleveland County’s website.

**REGULAR AGENDA**

**TWO KINGS RESORT UPDATE**

Chairman Bridges recognized Business Development Director Jason Falls to present an update on The Two Kings Casino update. The casino opened over July 4th weekend. The current casino operation consists of a 15,000 square foot modular building and two supporting modular office buildings. The facility houses 500 slot machines and averages about 2,500 daily visitors equating to over 900,000 visitors annually. On September 28th, expansion modules began arriving onsite. The modular casino is expanding to 30,000 square feet housing 1,000 slots and is expected to be complete on December 15, 2021. Mr. Falls also reviewed to Commissioners expansion site plans, upgrades, traffic flow, parking, community growth and specialized training for law enforcement and in-house security. The following information and PowerPoint were presented to Board members.
Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired about impact studies on surrounding communities, future growth and traffic quality. County Manager Brian Epley explained the county has partnered with Analytical Environmental Solutions for a pro forma study on public safety engagement. The casino has been less impactful in the area than national averages and has synced with the community in a positive way. The county can now shift the focus from initial construction to long term substantial growth to include impacts on schools, emergency services and local government services. The Board thanked Mr. Falls for the information and for his continued hard work with this project.

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Gordon and unanimously adopted by the Board, to adjourn. The next meeting of the Commission is scheduled for Tuesday, October 19, 2021 at 6:00 p.m. in the Commissioners Chambers.

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