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

**PRESENT:** Susan Allen, Chairman teleconference  
Ronnie Whetstine, Vice-Chair teleconference  
Johnny Hutchins, Commissioner  
Doug Bridges, Commissioner  
Deb Hardin, Commissioner  
Brian Epley, County Manager  
Tim Moore, County Attorney teleconference  
Phyllis Nowlen, Clerk to the Board  
Chris Green, Tax Assessor  
Kerri Melton, Assistant County Manager  
Elliot Engstrom, Outside Council

**CALL TO ORDER**

Chairman Allen called the meeting to order and stated, “In an effort to mitigate the potential spread of COVID-19, both myself and Commissioner Whetstine will be participating electronically this evening. Commissioner Hutchins will be the acting chair for tonight’s meeting.” Commissioner Bridges provided the invocation and led the audience in the Pledge of Allegiance.

**Clerk’s Note:** a roll call vote was completed on each action item due to two Board members participating via teleconference.

**AGENDA ADOPTION**

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

**CITIZEN RECOGNITION**

*Julie Waseman – Mountainside Drive, Kings Mountain* – thanked the Commissioners and staff for the hard work and due diligence that was put in to approve the Mountainside Drive road paving assessment program last year. Ms. Waseman advised, if it were not for programs such as these, roads would continue to be dilapidated and an eye sore in the county. She concluded by thanking the Commissioners for their foresight and vision to continue to improve and beautify Cleveland County.

*Benjamin Schaeffer, 1403 Lackey Street, Shelby* – spoke about his concerns regarding COVID-19 and the county’s plan to slow the spread of the virus, the administration of services to the public and the county’s course of action to help mitigate the financial hardships that are being felt throughout the community. Mr. Schaeffer voiced his concerns of the county’s plan to ensure the Centers for Disease Control and the North Carolina Department of Health and Human Services guidelines for COVID-19 are being followed in the upcoming election.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**
The Clerk to the Board included the Minutes from the September 15, 2020 regular meeting, in board members packets.

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

**SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #014)**

**ACTION:** Commissioner Bridges made a motion, seconded by Commissioner Allen, 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>010.438.4.310.00</td>
<td>16738-Sch Safety</td>
<td>Public Safety/Federal Govt Grants</td>
<td>$30,800.00</td>
<td></td>
</tr>
<tr>
<td>010.438.5.210.00</td>
<td>16738-Sch Safety</td>
<td>Public Safety/Federal Govt Grants</td>
<td>$30,800.00</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation in $30,800 in funds received from the North Carolina Department of Public Safety to equip officers with additional life saving equipment and training supplies. The equipment and supplies will help to facilitate a more robust training experience, such as active school shooters, and to provide officers with equipment that can be used immediately to save lives should they be needed.

**BOARD ELECTIONS: BUDGET AMENDMENT (BNA #015)**

**ACTION:** Commissioner Bridges made a motion, seconded by Commissioner Allen, 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>010.418.4.340.00</td>
<td></td>
<td>Board of Elections/NC Comm Fund Grant</td>
<td>$59,500.00</td>
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<tr>
<td>010.418.5.210.00</td>
<td></td>
<td>Board of Elections/Departmental Supply</td>
<td>$4,300.00</td>
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</tr>
<tr>
<td>010.418.5.122.00</td>
<td></td>
<td>Board of Elections/Salaries-Wages-P/T</td>
<td>$55,200.00</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $59,500 to receive grant funds from the North Carolina Community Foundation for Election assistance. Funds will primarily be used to cover operating expenses and Part-Time employee salary expenses for the 2020 election.

**REMOVAL OF SERVICE WEAPON FOR RETIRED MAJOR JOEL SHORES**

Sheriff Alan Norman requested retiring Major Joel Shores be presented his departmental service weapon. Major Shores retired on October 1, 2020 after twenty-nine years of full-time service with the Cleveland County Sheriff’s Office. The service weapon requested to be removed from inventory is a Glock 9mm, Model 17, serial number BDKT-802 and County asset number 201254.

**ACTION:** Commissioner Bridges made the motion, seconded by Commissioner Allen, and unanimously adopted by the Board, to approve the request to remove the service weapon from County inventory and issue to Major Joel Shores.

**REMOVAL OF SERVICE WEAPON FOR RETIRED DEPUTY CHRISTOPHER COOK**

Sheriff Alan Norman requested retiring Deputy Christopher Cook be presented his departmental service weapon. Deputy Cook retired on October 1, 2020 after twenty years of full-time service with the Cleveland County Sheriff’s Office. The service weapon requested to be removed from inventory is a Glock 9mm, Model 17, serial number BDKT-794 and County asset number 201176.

**ACTION:** Commissioner Bridges made the motion, seconded by Commissioner Allen, and unanimously adopted by the Board, to approve the request to remove the service weapon from County inventory and issue to Deputy Christopher Cook.
TAX ADMINISTRATION: SCHEDULES, STANDARDS AND RULES FOR 2021 REVALUATION (Schedule Public Hearing for October 20, 2020)

Tax Administration is requesting a Public Hearing be set for Tuesday, October 20, 2020. North Carolina General Statute requires the County Assessor to submit to the Board of Commissioners, the proposed Schedules, Standards, and Rules to be used in the 2021 Revaluation. Final adoption will be scheduled for the Commissioners meeting on November 17, 2020.

ACTIONS: Commissioner Bridges made a motion, seconded by Commissioner Allen, and unanimously adopted by the Board to, approve scheduling the public hearing as requested.

PLANNING DEPARTMENT: CASE 20-10 REQUEST TO REZONE PARCEL 24441 AT 107 SANDY POINT DRIVE FROM GENERAL BUSINESS (GB) TO MANUFACTURED HOME PARKS (RM) (Schedule Public Hearing for November 17, 2020)

The Planning Department is requesting a Public Hearing be set for Tuesday, November 17, 2020 to hear rezoning Case 20-07. Claudia Borders is requesting to rezone Parcel 24441, at 107 Sandy Point Drive, from General Business (GB) to Manufactured Home Parks (RM). The surrounding zoning districts are General Business (GB) and Residential (R) to the north along Cherryville Road, as well as Manufactured Home Parks along Sandy Point Drive. Surrounding uses are primarily residential, with mostly single-family dwellings nearby.

ACTIONS: Commissioner Bridges made a motion, seconded by Commissioner Allen, and unanimously adopted by the Board to, approve scheduling the public hearing as requested.

PUBLIC HEARINGS

PLANNING DEPARTMENT: CASE 20-07: TEXT AMENDMENT TO ALLOW CHILD CARE INSTITUTIONS IN RESIDENTIAL (R) DISTRICTS

Commissioner Hutchins called County Manager Brian Epley to the podium to present case 20-07; Text Amendment to allow Child Care Institutions in Residential (R) Districts. Jay Westmoreland has requested an amendment to the Cleveland County Unified Development Ordinance (UDO) to allow Child Care Institutions in the Residential District (R) with a Conditional Use Permit (CUP). Currently, Child Care Institutions are compliant only in the General Business zoning district with a CUP. This amendment would allow this use in the Residential (R) zoning district as well. Child Care Institutions includes foster home facilities and orphanages with over ten children. Group Homes with less than ten children are already compliant in the Residential district with a CUP. Approving this amendment would bring the use in line with the similar use of Group Homes.

Child Care Institution

Sec. 12-21. – Definitions

Child Care Institution, a residential child facility utilizing permanent buildings located on one site for ten (10) or more foster children.

Sec. 12-124. – Table of Permitted Uses

<table>
<thead>
<tr>
<th>Table of Permitted Uses</th>
<th>NAICS</th>
<th>RA</th>
<th>RR</th>
<th>R</th>
<th>RM</th>
<th>NB</th>
<th>GB</th>
<th>CP</th>
<th>LI</th>
<th>HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>HEALTH CARE AND SOCIAL ASSISTANCE</td>
<td>62399</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
The Planning Board recommended approving the requested amendment with a CUP with the following standards; a ten-acre minimum lot size with the addition of one acre per child over ten children. Planning staff recommends approving the requested amendment with a CUP and a minimum lot size of 1.5 acres per residential structure associated with the child care institution. By requiring a CUP, the Board of Adjustment can evaluate each individual case and the surrounding area, and apply any conditions that may be needed to help the use be compatible. Conditions can include:

- lot size
- facility size
- landscape screening
- property line setbacks.

The following PowerPoint was present to the Board.

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**Types of Code Amendments**

- 1. Text Amendments – Changes language in the Code
- 2. Map Amendments – Changes the zoning district map

**Table of Uses**

<table>
<thead>
<tr>
<th>Use of Area</th>
<th>UZ</th>
<th>BU</th>
<th>MS</th>
<th>M</th>
<th>LA</th>
<th>RA</th>
<th>EA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Commercial</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Industrial</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Agricultural</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Recreational</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td>Highway Area</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

**Definition**

Child Care Institution - A residential child care facility utilizing permanent buildings located on one site for ten (10) or more foster children

**Conditional Use Permit**

- Issued by the Board of Adjustment after an evidentiary hearing.
- Board bases decision on 4 criteria.
- Can apply reasonable conditions if necessary to help the proposed use be compatible with the surrounding area

**County Zoning Map**

[Map showing zoning areas with red for General Business and white for Residential]
Commissioner Hutchins opened the Public Hearing at 6:24 pm for anyone wanting to speak for or against Case 20-07; Text Amendment to allow Child Care Institutions in Residential (R) Districts. (Legal Notice was published in the Shelby Star on Friday, September 25 and Friday, October 2, 2020).

Wes Westmoreland, 849 W. Marion St., Shelby – spoke in favor of the Planning Staff’s recommendation for Case 20-07. Mr. Westmoreland began by thanking the Planning Board for their hard work on this case. The Planning staff’s recommendation is very reasonable and is a practical solution to protecting property owners in the county. Requiring a CUP will allow them to look at each project specifically. He also thanked the Board for their consideration on this case.

Hearing no further comments, Commissioner Hutchins closed the Public Hearing at 6:53pm.

Commissioner Hutchins opened the floor to the Board for discussion and questions. Commissioner Allen stated, “as a member of the Cleveland County Social Services Advisory Board, I think the proposed code text amendment would be beneficial to the foster care children in the community. This would allow for a more home-based setting rather than an institution setting.” Commissioner Bridges echoed Commissioner Allen’s comments regarding foster home settings. Commissioner Hutchins agreed, stating this would be a great benefit for Cleveland County’s children who are currently in foster care.

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to approve the Text Amendment to allow Child Care Institutions in Residential (R) Districts to include Planning Staff’s recommendation of approving the requested amendment with a Conditional Use Permit and a minimum lot size of 1.5 acres per residential structure associated with the child care institution. The Board of Adjustment can evaluate each individual proposal and its surrounding area, and apply any conditions that may be needed to help the use be compatible. Conditions can include: lot size, facility size, landscape screening, and property line setbacks.

PROJECT CHIPPY

Commissioner Hutchins again recognized County Manager Brian Epley to present the incentive agreement for Project Chippy. Over the last decade, Cleveland County has had great success in growing economic
development and expanding the tax base for the community. Project Chippy has interest in constructing a new manufacturing facility in Cleveland County to support future growth of their business. The company is interested in purchasing and developing a greenfield site in the county. They anticipate that they will create approximately 129 new, permanent, full-time jobs with an anticipated annual average wage of $41,969, and make a net new capital investment of at least $24,000,000 in real and personal property and other assets. The jobs will be diverse. The company will not only be offering wages that exceed the existing county average, but also an attractive benefits package.

It is always the county’s goal to promote new manufacturing careers to Cleveland County residents. Due to COVID-19, Cleveland County’s unemployment rate has increased over the last year. Therefore, this is a great opportunity to connect unemployed and underemployed citizens in the community with a great career. The new investment of $24,000,000 in real and personal property will generate new tax revenue for Cleveland County. The property that the company is contemplating purchasing is situated in a location that makes it highly visible to existing industries, property owners, and through traffic. The company will be constructing a modern manufacturing facility and adding landscaping and parking, which will result in enhanced curb appeal for this location. The Bureau of Economic Analysis (BEA) annual input-output tables have calculated that for every $1.00 that manufacturers like Project Chippy spend in a community, an additional $1.48 in other local services and production will be generated as a result. Because manufacturing has so many substantial links with so many other sectors throughout the economy, its output stimulates more economic activity across society than any other sector. While the jobs that this company is creating is important, the company’s true impact on the community will be much broader and more dynamic.

Staff is recommending approval for a 60% County Incentive Grant (0.0057% tax rate) for five years for this project. Per North Carolina General Statute § 158-7.1 local governments may offer economic development incentive payments to companies to increase the tax base and for job creation. The following PowerPoint was present to the Board.
Commissioner Hutchins opened the Public Hearing at 6:31 pm for anyone wanting to speak for or against the incentive agreement for Project Chippy. *(Legal Notice was published in the Shelby Star on Friday, September 25, 2020).*

Hearing no comments, Commissioner Hutchins closed the Public Hearing at 6:32pm.

Commissioner Hutchins opened the floor to the Board for discussion and questions. Commissioner Bridges and Commissioner Hutchins commented on the success Cleveland County has had in continuing to grow economic development businesses in the community.

**ACTION:** Commissioner Bridges made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to approve the incentive agreement for Project Chippy. *(copy found on Page _______ of Minute Book _______).*

**REGULAR AGENDA**

**MOUNTAINSIDE DRIVE**

Commissioner Hutchins called Kerri Melton, Assistant County Manager to the podium to present the Preliminary Assessment Roll for Mountainside Drive. The county has been working on this project since July 2018 which was when a petition from the property owners on Mountainside Drive was validated. In September and October 2019, the Assessment Resolution and contract was approved and paving was completed. The next step in completion of the Mountainside Driving project is the Preliminary Assessment Roll which sets a public hearing date, list properties to be assessed, states the amount each property will be assessed, and describes the basis of the assessment.
The assessment process requires two public hearings be held. At the first hearing on September 3, 2019, the Preliminary AssessmentResolution identified the lots to be assessed, being all of the properties adjoining Mountain Side Drive. The resolution was adopted, and the paving bid was awarded to B&N Grading Inc. The paving is complete and the North Carolina Department of Transportation has approved the addition of Mountain Side Drive for the state highway system for maintenance. A second public hearing will need to be held on October 20, 2020, to confirm the amount to be assessed against each lot. The Board may cancel, increase, or reduce the assessment on each property as may be needed to comply with the basis of assessment, which is an “equal rate per lot” per North Carolina General Statute § 153A-195. The final costs are itemized as follows:

<table>
<thead>
<tr>
<th>B&amp;N Grading Inc.</th>
<th>Paving</th>
<th>$196,171.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleveland County</td>
<td>Administrative Fee</td>
<td>0.415 Miles</td>
</tr>
<tr>
<td></td>
<td>Total Cost</td>
<td>$200,363.20</td>
</tr>
<tr>
<td></td>
<td>Cost per Lot (24 lots)</td>
<td>$8,348.42</td>
</tr>
</tbody>
</table>

The following PowerPoint was present to Commissioners.
ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously approved by the Board, to adopt the Preliminary Assessment Resolution and schedule the public hearing for October 20, 2020.

LANDFILL ORDINANCE

Commissioner Hutchins called County Manager Brian Epley to the podium to present the Landfill Ordinance. North Carolina General Statute § 153A-136 authorizes the County to regulate the storage, collection, transportation, use, disposal, and other disposition of solid waste. The County already regulates solid waste and operates a sanitary landfill. Currently, these functions are housed in the Health Department, but for administrative ease it would be better for solid waste to be its own standalone county department. The Solid Waste Director would report to the County Manager, similar to Communications, Building Inspections, Finance and the Planning Department.
In addition to moving certain powers and duties from the Public Health Board/Health Director to the Board of Commissioners/County Manager, this transition would also involve changing landfill employees from Health Department employees to county general employees. The proposed ordinance states that the County Manager shall continue to consult with the Health Director and Public Health Board as to any solid waste issues that impact public health. This change would continue to promote a high level of customer service and aligns with Cleveland County being a high performing organization.

There are challenges with solid waste being a subdivision of the Health Department to include vision and purpose. The landfill currently has thirty-six employees and operates on a $10.69 million dollar budget. This past year the landfill had an operating surplus budget of $950,000. Mr. Epley reminded Commissioners that in 1989 the county acquired roughly nine hundred acres and there has been a tremendous effort over the years to implement long-term planning and sustainability. The following PowerPoint was presented to Board members.
ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to approve the following changes to the landfill ordinance.

**AN ORDINANCE MAKING CERTAIN CHANGES TO CHAPTER 11 OF THE CLEVELAND COUNTY CODE OF ORDINANCES**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLEVELAND IN REGULAR SESSION ASSEMBLED,

Section 1. Authority:

The Cleveland County Board of Commissioners establishes this Ordinance pursuant to the authority granted by North Carolina General Statutes, Sections 153A-156 and N.C.G.S. § 153A-84.

Section 2. Purpose and Intent:

The purpose of this Ordinance is to place the County’s solid waste department and facilities under the supervision of the Board of Commissioners and County Manager rather than the Board of Public Health and Health Director. It is further the intent of this Ordinance to ensure that the County Manager regularly consults with, and is advised by, the Board of Public Health and Health Director to maintain solid waste facilities that protect public health.

Section 3. Personnel Reeducation:

Solid waste and landfill personnel shall receive proper training in the disposal of waste. The County Manager and Human Resources Director shall take all necessary actions to enforce this change. Appendix II of the Cleveland County Personnel Ordinance is hereby amended to reflect this change.

Section 4. Effective Date:

This Ordinance shall take effect when approved by the Board of Commissioners pursuant to N.C.G.S. § 153A-45.

Section 5. Code Amendment:

The following changes are hereby made to the Cleveland County Code of Ordinances. Additions are indicated in blue, while deletions are indicated in red:

Sec. 11-28 - Definitions:

... County Manager means the chief administrator of county government as defined in N.C.G.S. § 153A-97.

Sec. 11-32 - Administration and enforcement of article:

... The Cleveland County Manager, or the county or authorized representative shall administer and enforce the provisions of this article.

Sec. 11-44 - Storage and disposal generally.

Sec. 11-46 - Authority to regulate service fees.
COMMISSIONER REPORTS

Commissioner Hardin – visited Bethlehem Volunteer Fire Department with several other Board members to meet with the North Carolina Insurance Commissioner who was visiting the area. The Firefighters demonstrated their new search and rescue equipment that was acquired through grant monies.

Commissioner Bridges – also attended the Bethlehem Volunteer Fire Department. He also spoke about the upcoming election.

Commissioner Hutchins – spoke about COVID-19 and the safety protocols put in place to keep everyone safe and slow the spread of the virus.

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to adjourn the meeting. The next meeting of the Commission is scheduled for Tuesday, October 20, 2020 at 6:00 p.m. in the Commissioners Chamber.
Johnny Hutchins, Commissioner
Cleveland County Board of Commissioners

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