Cleveland County Board of Commissioners  
November 2, 2021

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  
Ronnie Whetstine, Commissioner  
Kevin Gordon, Commissioner  
Tim Moore, County Attorney via teleconference  
Brian Epley, County Manager  
Phyllis Nowlen, Clerk to the Board  
Kerri Melton, Assistant County Manager  
Martha Thompson, Deputy County Attorney  
Scott Bowman, Maintenance Director  
Allison Mauney, Human Resources Director  
Tiffany Hansen, Health Department Director  
Scott Bowman, Maintenance Director/Fire Marshal  
Chris Martin, Planning Director  
Sherry Lavender, Tax Assessor  
Betsy Harnage, Register of Deeds  
Tony Adair, Animal Services Director

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.

Betsy Harnage, Register of Deeds provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

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

CITIZEN RECOGNITION

No one registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the August 3, 2021 in board members packets.

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

MONTHLY MANAGER’S REPORT

• The Finance Department is in the final stages of concluding the audit process for FY21 with our external audit firm Thompson Price Scott & Adam’s. The audit evaluates the performance of a unit of local government with regard to compliance with applicable federal and state laws as well as the accuracy and reliance of the financial statement disclosures. We anticipate submission to the Local Government Commission for approval by November 15, 2021.

• The County received the first of two distributions of funds from the American Rescue Plan Act. These federal funds were allocated for the purpose of COVID-19 relief and economic recovery. The U.S. Treasury recently issued its Interim Final Rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act. This latest
update outlines allowable uses of these funds and the applicable reporting requirements. Management developed a reporting plan that was shared with the NC Pandemic Recovery Office as well as our external audit firm. Both agencies provided positive feedback and were in support of the spending/reporting plan for these funds.

- The County plans to begin the construction bid process for the DSS relocation project on November 8th. This project is for renovations of the 2nd floor of the Public Health Department to accommodate for the Department of Social Services. Management plans to recommend a qualified bidder for this construction project at the Board of Commissioner’s December 7th regular meeting.

TAX ADMINISTRATION: LATE APPLICATIONS FOR EXEMPTION/EXCLUSION/DEFERRAL AND PENDING REFUNDS/RELEASES

The estimated value for Exemption/Deferred of $6,340,171 and estimated County impact $44,748.96 Businesses included are Warbler Holdings, LLC for solar energy ($5,801,210) and the remaining to Gardner-Webb University for Educational Purposes. The applications would have been approved had they been submitted in a timely manner. Pending Refunds total $1,596.32 to Top Gun Properties, LLC for clerical errors in assessment.

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, to approve the late applications for exemption/exclusion/deferral and the pending refunds/releases as submitted by the Tax Assessor.
SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #016)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Gordon, and unanimously

approved 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>93211-STAR</td>
<td>Law Enfrc Grants/Federal Govt Grants</td>
<td>$6,250.00</td>
<td></td>
</tr>
<tr>
<td>010.438.5.500.01</td>
<td>93211-STAR</td>
<td>Law Enfrc Misc Grants Expense</td>
<td>$6,250.00</td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for $6,250 for Rural Communities Opioid Response Program (R-CORP) implementation grant award to be used to teach the new STAR program that replaces the current DARE program. This is a coalition of various agencies. Integrated Care Hickory will manage the grant. Funds will be used to set up virtual classrooms at the Detention Center to educate inmates on opioid abuse.

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #017)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Gordon, and unanimously

approved 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>010.437.4.310.00</td>
<td>97067-HSGP21</td>
<td>Public Safety Grants/Federal Govt Grants</td>
<td>$60,000.00</td>
<td></td>
</tr>
<tr>
<td>010.437.5.700.00</td>
<td>97067-HSGP</td>
<td>Outside Poor/Grants</td>
<td>$60,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for $60,000 in funds received from the North Carolina Department of Public Safety Grant. Funds will be used to purchase a prime mover that will be capable of transporting equipment and trailers during disasters and other times. The vehicle will be a stake body flatbed 1 ton truck.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #018)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Gordon, and unanimously

approved 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>010.435.4.310.00</td>
<td></td>
<td>Law Enfrc Mental Health-Wellness/Federal Govt Grants</td>
<td>$114,420.00</td>
<td></td>
</tr>
<tr>
<td>010.435.5.122.00</td>
<td></td>
<td>Law Enfrc Mental Health-Wellness/Salary-Wages-PT</td>
<td>$14,850.00</td>
<td></td>
</tr>
<tr>
<td>010.435.5.131.00</td>
<td></td>
<td>Law Enfrc Mental Health-Wellness/Social Security Taxes</td>
<td>$921.00</td>
<td></td>
</tr>
<tr>
<td>010.435.5.136.00</td>
<td></td>
<td>Law Enfrc Mental Health-Wellness/Medicare Taxes</td>
<td>$216.00</td>
<td></td>
</tr>
<tr>
<td>010.435.5.420.00</td>
<td></td>
<td>Law Enfrc Mental Health-Wellness/Contracted Services</td>
<td>$90,650.00</td>
<td></td>
</tr>
<tr>
<td>010.435.5.370.00</td>
<td></td>
<td>Law Enfrc Mental Health-Wellness/Advertising-Promos</td>
<td>$2,463.00</td>
<td></td>
</tr>
<tr>
<td>010.435.5.310.00</td>
<td></td>
<td>Law Enfrc Mental Health-Wellness/Travel-Training</td>
<td>$5,320.00</td>
<td></td>
</tr>
</tbody>
</table>

...
Explanation of Revisions: Budget allocation for $114,420 in grant funds received from US Department of Justice Community Orientated Policing Services (COPS) to provide law enforcement mental health assistance. This grant is for a two-year period.

PUBLIC HEARINGS

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

Chairman Bridges recognized Planning Director Chris Martin to present Case 21 – 19: request by the Moser Group to rezone property at 241 Battleground Road from Light Industrial (LI) to General Business Conditional Use (GB-CU) for a Recreational Vehicle Park. The Board was reminded case 21-19 is continued from their October 5, 2021 regular meeting. Parcel 10528 is a 47.74-acre tract located at 241 Battleground Road between Kings Mountain and Grover. The applicant has submitted a site plan that conforms to the RV Park ordinance found in Cleveland County Unified Development Ordinance 12-161. Surrounding zoning is a mix of Restricted Residential (RR), Residential (R), Light Industrial (LI), Heavy Industrial (HI), General Business (GB) and Manufactured Home Parks. Surrounding uses are similarly mixed, with industrial, commercial, and residential uses around this parcel. The proposed district and intensity of use would not be out of character for the area. The Planning Board voted unanimously to recommend approving the rezoning request from Light Industrial (LI) to General Business Conditional Use (GB-CU). The Board felt the proposal is consistent with the commercial and industrial mixed uses in the area. Mr. Martin introduced Matthew Kershin, a representative from the Moser Group, who presented the following to Commissioners.
Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins asked if these units would be used for long-term residency. Mr. Kershin advised they would not. The units are made for long weekend or weeklong vacation trips, very short-term stays. Chairman Bridges inquired if there was adequate space for first responders to access the property should a situation arise. Mr. Kershin explained the park’s layout stating there was plenty of room for emergency vehicles should they need to respond.

Chairman Bridges opened the Public Hearing at 6:15 pm for anyone wanting to speak for or against 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. (Legal Notice was published in the Shelby Star on Friday, October 22, 2021 and Friday, October 29, 2021).

Hearing no comments, Chairman Bridges closed the Public Hearing at 6:16 pm.

**ACTION:** Commissioner Gordon made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, approve the request to rezone property at 241 Battleground road from Light Industrial (LI) to General Business Conditional Use (GB-CU) for a Recreational Vehicle Park as it is consistent with the surrounding mixed-use zoning.
PLANNING DEPARTMENT CASE 21-22: REQUEST TO REZONE PROPERTY AT 640 WASHBURN SWITCH ROAD FROM HEAVY INDUSTRIAL (HI) TO GENERAL BUSINESS (GB)

Planning Director Chris Martin remained at the podium to present case 21-22; request to rezone property at 640 Washburn Switch Road from Heavy Industrial (HI) to General Business (GB). Parcel 32642 is a 10.56-acre tract, belonging to the applicant Seal Wire Company. Surrounding zoning is a mixture of Heavy Industrial (HI) to the North and West, the City of Shelby zoned Light Industrial (LI) to the East and South, along with some R20 Residential to the East. The 2005 Land Use Plan shows the area as Future Industrial and the proposed Land Use Plan designates the area as Primary Growth area, which would support high intensity commercial, industrial, and residential uses. The Planning Board voted unanimously to recommend approving the rezoning request, citing it was consistent with the surrounding intensity of uses in the area.

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins asked if mobile home parks were zoned General Business (GB); Mr. Martin advised they were.

Chairman Bridges opened the Public Hearing at 6:20 pm for anyone wanting to speak for or against Planning Department case 21-22; request to rezone property at 640 Washburn Switch Road from Heavy Industrial (HI) to General Business (GB). (Legal Notice was published in the Shelby Star on Friday, October 22, 2021 and Friday, October 29, 2021).

David Fliehr, 658 Washburn Switch Road, Shelby – is petitioner/owner and spoke in favor of the rezoning request.

Hearing no further comments, Chairman Bridges closed the Public Hearing at 6:22 pm.
**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, **approve the request to rezone property at 640 Washburn Switch Road from Heavy Industrial (HI) to General Business (GB) as it is consistent with the surrounding intensity of uses in the area.**

**REGULAR AGENDA**

**COVID-19 MEDICAL UPDATE**

Chairman Bridges called Health Department Director Tiffany Hansen to the podium to present a COVID-19 Medical update. Cleveland County has 53% vaccination rate. The number of positive COVID-19 cases and hospitalizations are decreasing, and the county’s numbers are projecting in a positive direction. Mrs. Hansen
detailed information regarding COVID-19 variants, positive cases, testing resources and prevention strategies. The following information and PowerPoint were presented to Board members.

Community Transmission Levels

Continued Layered Prevention Strategies...
- Vaccinations
- Physical Distancing
- Mask Wearing
- Handwashing
- Disinfecting/Sanitizing Practice
- Good Respiratory Etiquette

Vaccine Availability and Eligibility

| Vaccine Type | Johnson & Johnson | Moderna | Pfizer
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Dose</td>
<td>36 doses (2 weeks apart) 12 years old or older</td>
<td>36 doses (2 weeks apart) 18 years old or older</td>
<td>1 dose 18 years old or older</td>
</tr>
<tr>
<td>Additional Dose</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Booster Dose</td>
<td>18 years or older</td>
<td>18 years or older</td>
<td>18 years or older</td>
</tr>
<tr>
<td>Pediatric Dose</td>
<td>(CHP approval pending)</td>
<td></td>
<td>5-15 years old</td>
</tr>
</tbody>
</table>

Get YOUR Shot at ALL these SPOTS

- Cleveland County Health Department
- Kings Mountain Medical Center
- Shelby Family Practice
- CasaMont Family Medicine-Shelby
- CLEC Medical Center of Shelby
- Kintegra Family Medicine-Bolling Springs
- Upper Cleveland Medical Center
- Kintegra Family Medicine-Kings Mountain
- Mountain Street Pharmacy
- Shelby Drugstore
- Ingles Pharmacy
- CVS Pharmacy
- Walmart Pharmacy
- Walgreens Pharmacy

Modern Booster Clinics

COVID19 Information and Vaccine Scheduling

Questions?
Commissioners thanked Mrs. Hansen and her entire staff at the Health Department for the dedication and continued hard work.

**ANIMAL SERVICES COMMUNITY EDUCATION**

Chairman Bridges recognized Animal Services Director Tony Adair to make a presentation about Animal Services Community Education. Mr. Adair reminded the Board of the revisions made to the Animal Services Ordinances at their August 27, 2021 policy work session. Modifications to the ordinance included technical changes, manner of keeping, cruelty, enforcement and licensing. The following information and PowerPoint were presented to Commissioners.

**Technical Changes**
- Clarifications
- Expanded language explaining the nature of the animal welfare, animal safety, and animal health and care
- New definitions of terms
- Revised language concerning animal safety, animal health, and animal care
- Revised language concerning animal welfare, animal safety, and animal health

**Comprehensive Review**
- Animal Services has focused on animal welfare, animal safety, and animal health.
- Animal Services has revised the Animal Services Ordinances to include technical changes, manner of keeping, cruelty, enforcement and licensing.
- The following information and PowerPoint were presented to Commissioners.

**Manner of Keeping**
- Protection from Weather: Animal Services has added a section that addresses the animal’s sensitivity to heat and cold.
- Clean and Sanitary Confinement: Animal Services has added a section that addresses the cleanliness of the animal’s living environment.

**Civil and Criminal Remedies**
- Frequency: Animal Services has added a section that addresses the frequency of animal inspections.
- What Necessary: Animal Services has added a section that addresses the necessary actions to be taken in the event of an animal violation.
- With Approval From: Animal Services has added a section that addresses the need for approval from animal owners before certain actions are taken.
- Process: Animal Services has added a section that addresses the process for handling animal violations.

**Tethering**
- Modifications: Animal Services has added a section that addresses the need for tethers and leashes to be used when animals are outside.
- Time Limit: Animal Services has added a section that addresses the maximum time that an animal may be tethered.

**Order of Review**
- Staff welcomed the Animal Services director’s report on animal welfare and animal health.
- The Animal Services Ordinance was reviewed for technical changes, manner of keeping, cruelty, enforcement and licensing.
- Animal Services staff came together for one common purpose: “We save lives.”
Chairman Bridges opened the floor to the board for questions and discussion. Commissioner Hutchins inquired about concerns regarding the pet licensing program and how the information would be handled. Mr. Adair explained the veterinarian’s office would gather the information and send off to the vendor who would then manage the data. He advised they are still working on a partnership with surrounding counties to be able to track information if a Cleveland County resident got their pet vaccinated outside the county. County Manager Brian Epley thanked the Board for their hard work and vision in modifying the Animal Services Ordinance. The next steps will include Mr. Adair and staff speaking at each of the county’s municipalities over the next few months to educate and share the changes regarding Cleveland County’s Animal Services Ordinance. Board members thanked Mr. Adair for the information presented.

**COUNTYWIDE BEER AND WINE DISCUSSION**

Chairman Bridges called County Manager Brian Epley to the podium to discuss Countywide Beer and Wine. Cleveland County is eligible to hold alcoholic beverage elections. The Board of Commissioners may call for such a special election by submitting a written request to the Cleveland County Board of Elections. Such an election may be held at the same time as the primary election in any even numbered year. Staff has drafted a resolution calling for a special election for on-premises and off-premises sale of beer and wine in the county during the 2022 primary election. The election would be for allowing the sale of both malt beverages and unfortified wine for on-premises and off-premises consumption throughout Cleveland County. Malt beverages generally means any alcoholic beverage other than wine that has between 0.5% and 15% alcohol by volume, and unfortified wine generally means wine with 16% or less alcohol by volume. Definitions for these and other relevant terms can be found in North Carolina General Statute § 18B-101. The following PowerPoint was presented to Commissioners.
Chairman Bridges opened the floor to the Board for questions and discussion. Commissioners had an open discussion regarding the proposed special election and agreed the decision for the sale of alcohol should be left to the citizens of Cleveland County via special election.

**ACTION:** Commissioner Gordon made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, **approve the resolution calling for a special election for on-premises and off-premises sale of beer and wine in Cleveland County.**
ADJOURN

There being no further business to come before the Board at this time, Commissioner Hutchins 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, November 16, 2021 at 6:00 p.m. in the Commissioners Chambers.

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