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
- Doug Bridges, Commissioner
- Tim Moore, County Attorney
- Brian Epley, County Manager
- Phyllis Nowlen, Clerk to the Board
- Kerri Melton, Assistant County Manager
- Katie Swanson, Social Services Director
- Martha Thompson, Chief Deputy Attorney
- Chris Martin, Planning Director
- Scott Bowman, Maintenance Director

**ABSENT**
- Ronnie Whetstine, Commissioner

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

**AGENDA ADOPTION**

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

**SPECIAL PRESENTATION**

**BOYS AND GIRLS CLUB**

Chairman Gordon recognized Boys and Girls Club Executive Director Joshua Propst who will give an update on the local Boys and Girls Club (BCG). The mission of the BCG is to enable all young people, especially those who need support the most, to reach their full potential, as productive, caring, responsible citizens. They focus on academic success, good character/citizenship and healthy lifestyles. Five key elements for youth development include:

- Safe, Positive Environment
- Fun
- Supportive Relationships
- Opportunities and Expectations
- Recognition

Mr. Propst reviewed the BCG strategic goals that incorporate strengthening strategic partnerships, opening new club sites and ensuring every child in Cleveland County will have an affordable option for quality care during out-of-school time. The following information and PowerPoint were presented to Commissioners.
Opening Doors to Great Futures

What we are NOT

- Not a daycare
- Not a place for "bad kids"
- Do not take the place of family, school, church, etc.
- Not a "hand out" but a "hand up"

5 Key Elements of Youth Development

- Safe, Positive Environment
- Fun!
- Supportive Relationships
- Opportunities and Expectations
- Recognition

Then & Now...

- In Spring 2020, during Covid-19 pandemic, we began outreach into Kings Mountain by delivering meals
- Main Club, Teen Center and Graham Clubs operated remote learning sites during Covid-19 pandemic
- Fall 2020 we opened a remote learning center at Casar Elementary (served 16 kids in 1st year)
- Considerable participation led to a summer camp in Casar and new school year program in 2021

Mission Statement

“To enable all young people, especially those who need us most, to reach their full potential, as productive, caring, responsible citizens”

Formula For Impact

- Academic Success
- Good Character & Citizenship
- Healthy Lifestyles

Strategic Goals

- Strengthen our strategic partnerships
- Open new club sites in 2022 - “Not just a Shelby club”

- “Every child in Cleveland County will have an affordable option for quality care during out-of-school time”

Academic Enrichment

Expanding Programs to New Areas
(Casar Elementary)
Then & Now...

- In late 2001 we investigated the potential of a Kings Mountain site. Initial interest was more than 80 kids.
- In January 2002 we began a program at North Elementary in Kings Mountain with 26 kids. (100% achieved “A/B” average grades)
- Closed Graham Elementary site in May 2009
- Summer 2002 we partnered with Mr. Calvary Community Life Center to provide a “summer” camp.

Then & Now...

- With the closing of Kidz Around, we reached out to Cleveland County Schools to find a way for every child to have after-school options.
- In August 2012 we opened new sites at Elizabeth, Springmore, Falston, and Bethware Elementary Schools.
- Increased our membership by more than 150 kids.
- Now have clubs in every school zone.

Club Site Plan 2022

- Shelby Students (430 W. Market St, Shelby)
- Shelby Elementary (100 S. Pink Rd, Shelby)
- Mable Hemingway Wellness Center (309 S. Market St., Shelby)
- Cause Elementary (4351 Robert Ave., Cause)
- Falston Elementary (119 Guy St, Falston)
- Springmore Elementary (303 Holburn Road Rd., Rolling Springs)
- Lawndale Town Center (130 Main St., Lawndale)
- North Elementary (901 Hemlock St, Kings Mountain)
- Bethware Elementary (705 Dallas Dr, Kings Mountain)

Goals for each new program site

- 50 club members to charter with B&GCA
- Local Advisory Board
- Local Volunteers
- Community Partnerships
- Local Financial Support

How you can help

- Share the news
- Advocate / Share your Network
- Volunteer
- Make a personal gift
- Participate in a fundraiser
- Sponsor an event
- Serve of the Board of Directors

Questions?

GREAT FUTURES START HERE.

BOYS & GIRLS CLUB OF CLEVELAND COUNTY
CONSENT AGENDA

TAX COLLECTOR’S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during October 2022.

Total Taxes Collected October 2022

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount-Real</th>
<th>Amount-Gap</th>
<th>Combined Am't</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$2,471,978.69</td>
<td>$3,024.44</td>
<td>$2,484,993.12</td>
</tr>
<tr>
<td>2021</td>
<td>$1,894,19</td>
<td>$11,797.00</td>
<td>$11,908.70</td>
</tr>
<tr>
<td>2019</td>
<td>$10,345.42</td>
<td>$0.00</td>
<td>$10,345.42</td>
</tr>
<tr>
<td>2017</td>
<td>$9,346.61</td>
<td>$0.00</td>
<td>$9,346.61</td>
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<tr>
<td>2016</td>
<td>$2,541.29</td>
<td>$0.00</td>
<td>$2,541.29</td>
</tr>
<tr>
<td>2015</td>
<td>$2,045.41</td>
<td>$0.00</td>
<td>$2,045.41</td>
</tr>
<tr>
<td>2014</td>
<td>$1,042.36</td>
<td>$0.00</td>
<td>$1,042.36</td>
</tr>
<tr>
<td>2013</td>
<td>$0.20</td>
<td>$0.00</td>
<td>$0.20</td>
</tr>
</tbody>
</table>

Total Totals: $2,576,414.75

Tax Abatements and Supplements

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during October 2022. The monthly grand total of tax abatements was listed as ($148,295.09) and the monthly grand total for tax supplements was listed as $191,785.76.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #022)

ACTION: Commissioner Bridges 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>010.443.4.991.00</td>
<td>010.443.5.210.00</td>
<td>State Forfeited Prop/Fd Balance Approp</td>
<td>State Forfeited Prop/Departmental Supply</td>
<td>$7,000.00</td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for $7,000 for the purchase of pistol pouches, belts and ammo.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #023)

ACTION: Commissioner Bridges 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>012.530.4.540.00</td>
<td>012.530.5.311.00</td>
<td>General/Contracted Revenue</td>
<td>General/Educ-Cert-Training</td>
<td>$25,000.00</td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for $25,000 in awarded ARPA funds through the MOU with Cabarrus Health Alliance. Funds will be used for professional development to help grow the public health workforce.
HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #024)

**ACTION:** Commissioner Bridges 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>012.538.4.310.00</td>
<td></td>
<td>Maternal Health/Federal Govt Grant-Infant Mortality</td>
<td>$7,844.00</td>
<td></td>
</tr>
<tr>
<td>012.538.5.581.00</td>
<td></td>
<td>Maternal Health/Awards-Incentives</td>
<td>$7,844.00</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $7,844 in additional grant funds received for the North Carolina Department of Health and Human Services (NC DHHS) Infant Mortality Reduction program. Funds will be utilized to expand infant safe sleep practices education.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #025)

**ACTION:** Commissioner Bridges 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>010.444.4.350.00</td>
<td></td>
<td>Detention Center/State Government Grants</td>
<td>$175,000.00</td>
<td></td>
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<tr>
<td>010.444.5.910.44</td>
<td></td>
<td>Detention Center/Capital Equipment Grants</td>
<td>$175,000.00</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $175,000 in State Capital Infrastructure Fund (SCIF) grant funds for the purchase of security screening systems for the detention center along with computers and mobile radios.

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, DECEMBER 13, 2022 FOR CASE 22-34; CONDITIONAL REZONING FROM RESIDENTIAL (R) TO GENERAL BUSINESS-CONDITIONAL USE (GB-CU) FOR THE PURPOSE OF OPERATING A PRINTING AND PACKAGING BUSINESS

Parcel 53979 is located at 2457 McCraw Rd. The property is approximately 6.46 acres, and currently owned by Ed’s Pallet World Inc. The surrounding area is mostly rural residential in nature, including agriculture uses, single family residences, and a Volunteer Fire Department adjoining this property. The parcel has a commercial building built prior County wide zoning and has previously been used as a textile rug mill and warehousing and distribution of agriculture products. The Land Use Plan designates this area as Rural Preservation. It is expected for the area to retain its rural character.

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

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, DECEMBER 13, 2022 FOR CASE 22-31; REQUEST TO REZONE HENDRICK LAKE ROAD FROM RURAL AGRICULTURE (RA) TO RESIDENTIAL (R)

The original public hearing was set for Tuesday, December 6, 2022. Parcel 35784, 35785, and 58603 is located on Hendrick Lake Road, east of Fallston Road. The parcels are approximately eight acres combined. They are currently zoned Rural Agriculture, and the applicant wishes for them to be zoned Residential. In June 2021 the Board of Commissioners rezoned 31 parcels just west of the applicant’s parcels from Rural Agriculture to Residential. The surrounding area consists of mostly single-family residential uses. Surrounding zoning is Residential and Rural Agriculture. The Land Use Plan designates this area as the County’s Secondary Growth Area.

**ACTION:** Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to **approve scheduling the public hearing as presented.**
PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, DECEMBER 13, 2022 FOR CASE 22-32; REQUEST TO REZONE 4206 FALLSTON ROAD FROM RURAL AGRICULTURE (RA) TO RESIDENTIAL (R)

The original public hearing was set for Tuesday, December 6, 2022. Parcel 65342 is located at 4206 Fallston Road. The parcel is approximately three acres. It is currently zoned Rural Agriculture (RA), and the applicant wishes for it to be zoned Residential (R). In October 2021 the Board of Commissioners rezoned two parcels just north of the applicant’s parcel from Rural Agriculture (RA) to Residential (R). The surrounding area consists of single-family residential uses and some commercial uses. Surrounding zoning is Residential (R) and Rural Agriculture (RA). The Land Use Plan designates this area as the County’s Secondary Growth Area.

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

LEGAL DEPARTMENT: SALE OF COUNTY OWNED PROPERTY – PARCEL 62361

Albemarle U.S., Inc. has submitted a Letter of Intent (LOI) to Cleveland County to explore the feasibility of entering a contract to purchase the County’s property located on Parkgrace Road in Kings Mountain with parcel number 62361. Albemarle’s LOI contemplates a two-phase closing, due in large part to the fact that the County currently owns and operates the Kings Mountain Gateway Trail on the property. Albemarle proposes a process that involves moving the Gateway Trail to a replacement location.

Prior to closing, the County would have to advertise Albemarle’s offer for upset bid pursuant to North Carolina General Statute §160A-2691. Assuming the County received no upset bids, the process can proceed. The LOI next contemplates a Phase I Closing, at which the County would receive one million dollars ($1,000,000) cash in exchange for fee simple title to the property. The County would retain an easement on the property and be able to continue operating the Gateway Trail after this closing. Following Phase I Closing, Albemarle would secure rights in other property that would permit it to construct a new, relocated Gateway Trail in a replacement location.

During this period, the County would also work with its state and local partners to ensure all appropriate steps are taken regarding the movement of the Gateway Trail. Once Albemarle had secured a replacement location for the Gateway Trail, it will be required to design and construct Gateway Trail improvements in the replacement location. Albemarle is not necessarily required to complete this design and build process before the next phase can begin, but it is required to complete the design work and commence construction within a commercially reasonable period. Upon completion of the design and construction of the replacement trail, Albemarle would have no responsibility for ongoing maintenance of the Gateway Trail. Following Albemarle’s securing of a replacement trail location, the parties would hold a Phase II Closing. At this time, the County would receive an additional one and one-half million dollars ($1,500,000) cash in exchange for releasing all its rights and interests in the property, as well as any other property currently owned or subsequently acquired by Albemarle.
ACTION: Commissioner Bridges made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, adopt the resolution authoring staff to begin the upset bid process for parcel 62361 and approve Albermarle’s Letter of Intent.
<table>
<thead>
<tr>
<th>Property Description</th>
</tr>
</thead>
</table>

**Exhibit A**

Current Location of Gateway Trail Within the Property and Within Buyer's Current Property

**Exhibit B**
COMMISSIONERS: RESOLUTION CHANGING THE REGULAR COMMISSIONER MEETING SCHEDULE

**ACTION:** Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to adopt the following resolution:

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**RESOLUTION**

**NUMBER 29 - 2022**

Change in Regular Meeting Schedule of the Cleveland County Board of Commissioners

WHEREAS, the Cleveland County Board of Commissioners have decided that it is appropriate to cancel their regular Commissioners Meeting of December 8, 2022 and their December 20, 2022 and add an organizational meeting on December 5, 2022 and a regular Commissioners Meeting on December 13, 2022.

NOW, THEREFORE, BE IT RESOLVED, THAT, the Cleveland County Board of Commissioners cancel their meetings in accordance with the mandates of North Carolina General Statutes 105A-49.

Adopted this 19th day of November, 2022.

Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:

Phyllis Newlan Clark
Cleveland County Board of Commissioners

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REGULAR AGENDA

**SOCIAL SERVICES UPDATE AND DIRECTOR’S REPORT**

Chairman Gordon called Social Services Director Katie Swanson to the podium to present the Social Services update and Director’s report. During the 2020 COVID-19 pandemic, staff saw a decrease in reporting because children were isolated, not seeing teachers, doctors, friends and family who are usually the individuals making those reports. During 2022, Social Services saw not only an increase in the number of accepted reports, but also more serious responses to incidents missed through the two-year pandemic. A similar trend is also seen regarding the number of children in foster care. Social Service investigators work hard to place children in a safe environment with other relatives and do least reach restrictive ways of caring for those children. By doing this, it decreases the number of children brought into Social Services custody. Children in social services system do not always have good outcomes and investigators do all they can to prevent children from going into social services custody. Staff was seeing the same trend in Child Protective Services and expects this inclination to decrease and level out over the next few years. Adoption completions are on the same trajectory as Child Protective Services which demonstrates adoption stays about two years after children enter care. Staff expects to see an increase in adoption beginning in 2023.
Next, Ms. Swanson spoke about Adult Protective Services division in Social Services, which serves not only the aging population but anyone over the age of 18 years old. Like Child Protective Services, Adult Protective Services as seen an increase in reports and those continue to grow. More criteria met reports are being received for younger adults due to the opioid epidemic, mental health needs and challenges. Cleveland County is a Tier I county with a steady increase of Medicaid recipients. Anyone who became eligible during the pandemic has not been removed from eligibility, even if they no longer meet the criteria. They will not be removed until the Federal Emergency ends which will be sometime in Spring 2023. When Social Services must start recertifying people, the number of Medicaid recipients in the county will continue to increase.

The Department of Social Services operates on a $20.6MM budget with most of the funding coming from federal and state governments. When doing a comparison of like size and like counties to the county’s demographics, Cleveland County has 100,000 people but Medicaid eligibility is much higher than peer counties at 14% higher than the average for peer counties. This component adds to the need for more full-time employees (FTE) in the Social Services department. Despite the challenges, Social Services is operating at a very high efficiency. Ten years ago, the Social Services budget was $21.3MM, now the department operate on about three quarters of a million less than it did then. This data represents the efficiency of operation has positively increased and this can be contributed to doing zero based budgeting and operational efficiency.

Ms. Swanson transitioned to Social Services personnel, first noting the turnover rate in that department. She noted this issue was not unique to Cleveland County. Counties across the state are having the same staffing difficulties. The State of North Carolina has done a recruitment campaign for Social Services. Data shows less people coming out of school, both at the college and graduate level, and community college level that are interested in social services jobs. Several strategies have been implemented to assist staff and make the workload will be more manageable. These strategies include:

- Workload
  - Pay and Class Comparisons
  - Part-time Positions
  - Contract Workers
  - Transportation Specialists

- Performance Development
  - Director’s Practice Academy
  - 2021 and 2022 Leadership Academies
  - Conference Forms and Feedback Session

Recruitment strategies include:

- Statewide Recruitment Campaign
- Competitive Pay Range
- Job Fairs
- Streamlined Interview and Hiring Process

Next, Ms. Swanson spoke about operational goals for Social Services. The Board was reminded in 2018, the state of North Carolina sent a Memorandum of Understanding (MOU) regarding funding to all counties that included 14 metrics that must be meet every year to demonstrate performance. The county’s Social Services
Department are meeting all those metrics. Staff has implemented internal controls to assist with quality improvement. A program manager and supervisor were brought in to assist with quality assurance. Prior to September 2021, Social Services was relying on the state to complete their reviews and give feedback. Staff now has targeted reviews to assist with managing important areas such as:

- Report Screening Decisions
- Safety Assessment
- Case Decisions
- Case Planning
- Regular Contacts

Another department operational goal is to go paperless. Staff began working on a document imaging system and with help from the Information Technology Department (I.T.) and have been slowly moving to a paperless system. The goal is to become a paperless department by 2024. There has also been technology innovation to assist Social Services to be more effective and efficient. Some of the innovations include use of iiReception software which connects the entire agency under one software. The department has moved to a cloud based AS400 (case management system for services and Child Support). Social Services case management systems has been upgraded to a cloud-based system that aids staff to be more mobile and in the field. Staff has recently purchased a payment system for foster care payments to enhance the departments efficiency, reduce errors and maximize benefits. This new system will ensure foster parents are receiving their funds.

Ms. Swanson then spoke about the Social Services and Health Department co-location project advising the child support division has moved into the Health Department. She reviewed the rest of Social Services building transition timeline. The following information and PowerPoint were presented to the Commissioners.
Chairman Gordon opened the floor to the Board for questions and comments. Commissioner Bridges asked how a report to Social Services is determined. Ms. Swanson explained, a, initial report comes in and is screened based on certain criteria. If the report is screened out, it didn’t meet the criteria. Commissioners thanked Ms. Swanson for her team’s hard work and for the information presented.

**BUSINESS OVERLAY CORRIDOR PROTECTION**

Chairman Gordon recognized Planning Director Chris Martin to present the Business Overlay Corridor Protection (BOCP). The purpose of an overlay corridor protection is to allow some commercial uses while encouraging compatibility of uses with surrounding properties and promoting efficient and safe traffic protocol highways. The proposed BOCP affects 4,400 parcels and extends along all arterial highways and stretches out 500 feet on both sides of the road. Two methods are used to achieve the goal of providing safe traffic and allowing commercial uses. The first method is design standards. It requires commercial properties be developed in a way
that addresses traffic flow. Examples include driveway placement, parking standards, parking placement, number of parking spaces required and landscape screening. There are also some requirements on signage to not allow signs too large or too close to the road to distract drivers. The second method is to allow commercial uses which include retail, office, amusement, recreation, restaurant and personal service type uses. Some surrounding counties have implemented a version of the BOCP and others have not.

Commissioners adopted the BOCP zoning along with all other countywide zoning districts in 2000. The intent was to help ease the county into full scale zoning by still allowing commercial uses along the highways. In 2005, Commissioners approved the new Land Use Plan (LUP) that included strategies to eliminate this type of zoning district and replace it with strategized commercial nodes. Several years later, staff and the Planning Board began working on strategies to replace this type of zoning.

In 2021, the LUP contains language to be more strategic about where commercial zoning is located. There is strong encouragement to locate commercial businesses near intersections rather than strip development along major roads in rural areas. The LUP has language and strategies to replace the BOCP zoning. Mr. Martin reviewed the following options to Commissioners:

Option One
- No action from Board members. There would be no change to the BOCP

Option Two
- The Board could vote to completely remove the BOCP and rely on the remaining zoning districts

Option Three
- Temporary removal and give staff direction for analytical reapplication options to be presented at the Commissioners Spring 2023 work session

By approving option two, it would include zoning map changes, requiring notification. With this situation, affecting over 4,400 properties, it would be considered a large-scale rezoning. North Carolina General Statute requires a half page ad in the local newspaper to achieve county wide notification. Staff would still be required to mail notices to all property owners who do not reside within the county and who are not within the newspaper’s boundary. Staff will work for the next several weeks to meet the legal requirements for notification. The Planning Board would review this case on November 29, 2022 and a public hearing would be set for the December 13, 2022 Commissioners’ meeting.

If option three is adopted, this would be a temporary removal of the BOCP and a reapplication the spring 2023 Board work session. It would still have all the legal requirements in option two through December 13, 2022, then moving forward, in January or February 2023, staff would work with the Planning Board to create options for reapplication. In April or May, staff would through the notification process to meet those requirements and hold a public hearing in July 2023. The following information and PowerPoint were presented to the Commissioners.
Corridor Protection

Standards and Uses
- Provides commercial development standards affecting
  - Office
  - Industrial
  - Retail
  - Warehousing
  - Landscaping
  - Signage
  - Uses allowed:
    - Retail
    - Administrative
    - Industrial
    - Warehousing
    - Restaurant

Regional Use

Timeline
- 2001 - Corridor Protection (CP) along with County-wide zoning districts
- 2005 - Land Use Plan included strategy to eliminate CP districts and replace it with commercial nodes
- 2017 - Land Use Plan promotes smart development
- Rural Preservation and Secondary Growth area’s encourage commercial to be located at major intersections.
- Primary Corridor encourages commercial along major corridors

Board options
1. No Change
2. Complete Removal

Amendment Procedure
- Map Changes - Large scale (4,400)
  - Half-page ad in local paper, run twice, one
  - Mailed notice to property owners not within local paper’s circulation area.

Timeline
REMOVING CORRIDOR PROTECTION OVERLAY
- [Details not legible]

Board options
1. No Change
2. Complete Removal
   - Schedule public hearing 12/13
3. Temporary Removal
   - Schedule public hearing 1/15
   - Analytical reappraisal options presented at Spring 2023 Workshop.

Corridor Protection Overlay

Questions
Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins suggested there be a fourth option leaving the BOCP in place while staff further evaluates the zoning and then bring back to the Board. Commissioner Hardin asked how many counties in North Carolina have or do not have this zoning. Mr. Martin replied, “I did not evaluate any farther than our surrounding counties.” She further inquired if the LUP advised if there were still going to be corridors. Mr. Martin responded it didn’t specify; we would have some options to use as an overlay corridor to create a new district for some intersections, there are options available. He explained the message from the LUP is to look for ways to help maintain the county’s rural character. The LUP suggests evaluating the corridor that allows a variety of commercial uses that may not help maintain that area’s rural character.

The LUP does have a list of allowable uses in this zoning such as office, retail, amusement, and recreation uses. It would include anything in neighborhood business or industry, which is meant to have small scale businesses and serve the community. It does not include industrial uses such as manufacturing, warehousing and distribution. Commissioners discussed in detail the benefits, disadvantages, removal, suspension/non-suspension, and other potential options regarding the BOCP zoning and the affects on surrounding citizens and businesses.

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, *keep the Business Overlay Corridor Protection (BOCP) in place with no change and direct staff to run an analytical review to bring back before the Board at a later time.*

**CLEVELAND COUNTY FAIR LEASE AMENDMENT AND SALE OF PROPERTY**

Chairman Gordon called Deputy County Attorney Elliot Engstrom to the podium to present the Cleveland County Fair Lease Amendment and Sale of Property. Due to serving on the Cleveland County Fair Board, Chairman Gordon recused himself from discussion and action regarding the Cleveland County Fair Lease Amendment and turned the meeting over to Vice-Chairman Hardin.

The North Carolina Department of Transportation (NCDOT) seeks to acquire a portion of the Cleveland County Fairgrounds for the construction of the Shelby Bypass. The portion of the Fairgrounds to be acquired by NCDOT is not used for any fair activities. The County currently leases the entire Fairgrounds to the Cleveland County Fair. Before selling a portion of the Fairgrounds to NCDOT, the County needs to amend its current lease with the Fair. The Fair Board has already approved the proposed lease amendment, which releases the eastern portion of the Fairgrounds from the current lease. The second item for Commissioner consideration is the sale of property to the NCDOT for the transportation bypass, as the bypass is going to pass through the same parcel as the fairgrounds.

In fall 2018, the NCDOT contacted county staff indicating they would need to acquire more land for the coming bypass. In summer of 2022, NCDOT contacted the county staff and made the offer to purchase property. Cleveland County currently leases the fairgrounds to the Fair. The lease is part of a larger performance contract between the county and the fair. The proposed amendment simply releases an eastern portion of property from the
lease. The Fair Board has already approved and executed this amendment. The following information and PowerPoint were presented to the Board.

**ACTION:** Commissioner Bridges made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, approve the amendment to the fair lease.

Vice-Chairman Hardin turned the meeting over to Chairman Gordon.

Next, Mr. Engstrom transitioned to the NCDOT partial fairground land acquisition. In summer 2022, NCDOT contacted the county and submitted an offer for this portion of land. They offered roughly $466,000 for the 25.791 acres. The offer was accompanied by a professional appraisal. County staff did negotiate to the $510,000 10,000 for the 25.791 acres. The remaining acreage the county owns is on the east side and is accessible by a maintain road. The following information and PowerPoint were presented to the Commissioners.
ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, approve the resolution authorizing the sale of a portion of the county owned property to the North Carolina Department of Transportation.
DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY: Anthony B. Magee
CHECKED BY: Paul C. Hile

The hereinafter described property:

1. Hereafter referred to as "GRANTORS," and the Department of Transportation, an agency of the State of South Carolina, 1540 Mall Service Center, Room 601, Columbia, South Carolina, hereinafter referred to as the "DEPARTMENT," do hereby agree:

2. That the GRANTORS, for themselves, hereafter successors, and assigns, for and in consideration of the sum of $ 0.00, do hereby agree to convey to the DEPARTMENT the right, title, and interest in all of that certain real estate, hereinafter described, together with any easements relating to the rights of way of which it may be hereafter found, that certain described real estate located in the County of South Carolina, in the State of South Carolina, which property is particularly described as follows:

Point of beginning being S 89° 7' 43" W, 204.53 feet from the S 89° 7' 43" W line thereof along a curve of 318.85 feet and having a radius of 778.02 feet, the center of said curve being in a bearing of S 89° 7' 43" W 204.53 feet from the point of beginning, thence N 0° 0' 0" E, 320.00 feet from the point of beginning to a bearing of N 9° 0' 34" E, 320.00 feet from the point of beginning, thence N 9° 0' 34" E, 320.00 feet from the point of bearing of N 9° 0' 34" W, 320.00 feet from the point of bearing of N 9° 0' 34" W 320.00 feet from the point of bearing of N 9° 0' 34" W 320.00 feet from the point of bearing of N 9° 0' 34" W 320.00 feet from the point of bearing of N 9° 0' 34" W 320.00 feet from the point of bearing of N 9° 0' 34" W 320.00 feet from the point of bearing of N 9° 0' 34" W 320.00 feet from the point of bearing of N 9° 0' 34" W 320.00 feet from the point of bearing of N 9° 0' 34" W 320.00 feet from the point of bearing of N 9° 0' 34" W

3. This CONSTRUCTION EASEMENT shall expire upon completion and acceptance of the described project.

The undersigned grantor has the right to convey to the Department the temporary construction easement (if any) in any manner and for any purpose, including but not limited to the use of said easement for access, ingress, egress, and parking, and shall do so, in the discretion of the Department, without material change in the use of the easement area by the Department of Transportation, its agents, assigns, and contractors.

TO HAVE AND TO HOLD the aforesaid premises and all appurtenances thereto, belonging to the DEPARTMENT, its successors and assigns in perpetuity, or by reason whereof as indicated for the past, present and future use and benefit for all purposes which the said Department is authorized by law to impose, subject to and subject to the terms of this instrument.

The access as prescribed is more particularly described as follows:

As to such local service or foreground road or streets or any other public or private road or street or other appurtenances thereto, the GRANTORS reserve unto themselves, their heirs, successors, or assigns for the benefit of their respective property, all such appurtenances, rights of access thereto as are common law, subject, however, to the right of the DEPARTMENT to reasonably regulate and control the rights of access in order to protect and safeguard the traveling public.

The GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of said premises in fee simple, that the right to convey the same is in the name of the State of South Carolina, and that the GRANTORS have no further claim or interest in and to said premises, except for the exceptions thereto as hereinafter stated. This to the postponement hereof is intended to convey subject to the following exceptions: easements for roads and streets and the right of way thereto, and all easements for purposes of highway construction, and all easements for the right of way thereto as are shown and designated as such in the right of way plans for said State Highway Project made by the office of the DEPARTMENT.

The DEPARTMENT is authorized to cause the recording of this deed in the Records of the Register of Deeds Office of the County of Cleveland, South Carolina, pursuant to NCGS 14-19.4.

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RECESS TO RECONVENE

There being no further business to come before the Board at this time, Commissioner Hutchins made a motion, seconded by Commissioner Bridges and unanimously adopted by the Board, to recess to reconvene to Monday, December 5, 2022 at 10:00am in the Commissioners’ Chambers located at 311 E. Marion Street, Shelby for an Organizational Meeting.

___________________________
Kevin Gordon, Chairman
Cleveland County Board of Commissioners

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