

Cleveland County Board of Commissioners
September 17, 2024

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
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Martha Thompson, Chief Deputy County Attorney
David Cotton, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, assistant County Manager
Chris Martin, Planning Director
Sandra Orvig, Shooting Range Director
Tiffany Hansen, Health Department Director
Perry Davis, Fire Marshal/Emergency Management Director
Scott Bowman, Maintenance Director
Jason Falls, Business Development Director
Sherry Lavender, Tax Assessor
Philip Steffen, Finance Director
Rebecca Johnson, Social Services Director

CALL TO ORDER

Chairman Gordon called the meeting to order, and Small Business Center Director Steve Padgett led the audience in the Pledge of Allegiance and provided the invocation.

Chairman Gordon announced: *“The public hearings for Planning Case 24-12: Request to Re-Zone Parcel 59918 from Residential (R) to Rural Residential (RU) and Project Gui have been postponed until Tuesday, October 15, 2024, at 6:00 pm in the Commissioners Chambers.*

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 RECOGNITION

PINNACLE CLASSICAL ACADEMY WESTERN 3D AND OUTDOOR NATIONAL ARCHERY

CHAMPIONSHIP

Makenzie Glenn, a junior at Pinnacle Classical Academy, won a national championship in archery at the Western 3D & Outdoor Target National Championship and finished third in the Young Adult Female Outdoor Target category. The competition occurred in New Castle, Colorado, from July 26 to 28, 2024. Commissioners took turns commenting and giving congratulations and presented Ms. Glenn with the following proclamation:



PUBLIC COMMENT

No one registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included Minutes from the **August 6, 2024**, regular Commissioners' meetings in Board members' packets.

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

TAX COLLECTOR'S MONTHLY REPORT

Pursuant to North Carolina General Statute §105-350.7, the Tax Collector shall submit to the governing body, at each of its regular meetings, a report to include the amount collected on each year's taxes with which she is charged, the amount remaining uncollected, and the steps being taken to encourage payment of uncollected taxes. The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during **August 2024.**

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, ***approve the August 2024 monthly tax report submitted by the Tax Collector.***

TOTAL TAXES COLLECTED AUGUST 2024			
YEAR	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00
2024	\$44,935,772.47	\$13,715.44	\$44,949,487.91
2023	\$92,240.23	\$1,723.93	\$93,964.16
2022	\$23,083.33	\$899.83	\$23,983.16
2021	\$14,173.04	\$977.42	\$15,150.46
2020	\$8,527.91	\$180.45	\$8,708.36
2019	\$5,853.02	\$0.00	\$5,853.02
2018	\$6,601.24	\$0.00	\$6,601.24
2017	\$2,707.58	\$0.00	\$2,707.58
2016	\$969.56	\$0.00	\$969.56
2015	\$741.42	\$0.00	\$741.42
2014	\$477.10	\$0.00	\$477.10
			\$45,108,643.97
TOTALS	\$45,091,146.90	\$17,497.07	\$45,108,643.97
DISCOUNT	(\$224,660.23)		(\$224,660.23)
INTEREST	\$25,604.62	\$478.62	\$26,083.24
TOLERANCE	\$268.16	(\$2.08)	\$266.08
ADVERTISING	\$460.00	GAP BILL FEES	DEFERRED GAB
GARNISHMENT	\$1,343.45	\$842.33	\$0.00
NSF/ATTY	\$104.45		
LEGAL FEES	\$19,646.44		
TOTALS	\$44,913,913.79	\$18,815.94	
MISC FEE	\$0.00		GRAND TOTAL
TAXES COLL	\$44,913,913.79		\$44,932,729.73
	\$0.00		\$0.00
	\$44,913,913.79		\$44,932,729.73

TOTAL TAXES UNCOLLECTED AUGUST 2024			
	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
2024	\$45,930,679.10	\$301,784.66	\$46,232,463.76
2023	\$1,693,272.96	\$123,842.44	\$1,817,115.40
2022	\$923,370.34	\$91,694.20	\$1,015,064.54
2021	\$322,409.77	\$58,442.92	\$380,852.69
2020	\$252,141.18	\$31,718.59	\$283,859.77
2019	\$447,828.61	\$0.00	\$447,828.61
2018	\$211,694.29	\$0.00	\$211,694.29
2017	\$116,569.16	\$0.00	\$116,569.16
2016	\$80,129.54	\$0.00	\$80,129.54
2015	\$86,274.72	\$0.00	\$86,274.72
2014	\$100,376.56	\$0.00	\$100,376.56
TOTAL UNCOLLECTED	\$50,164,746.23	\$607,482.81	\$50,772,229.04

TAX ADMINISTRATION: ABATEMENTS AND SUPPLEMENTS

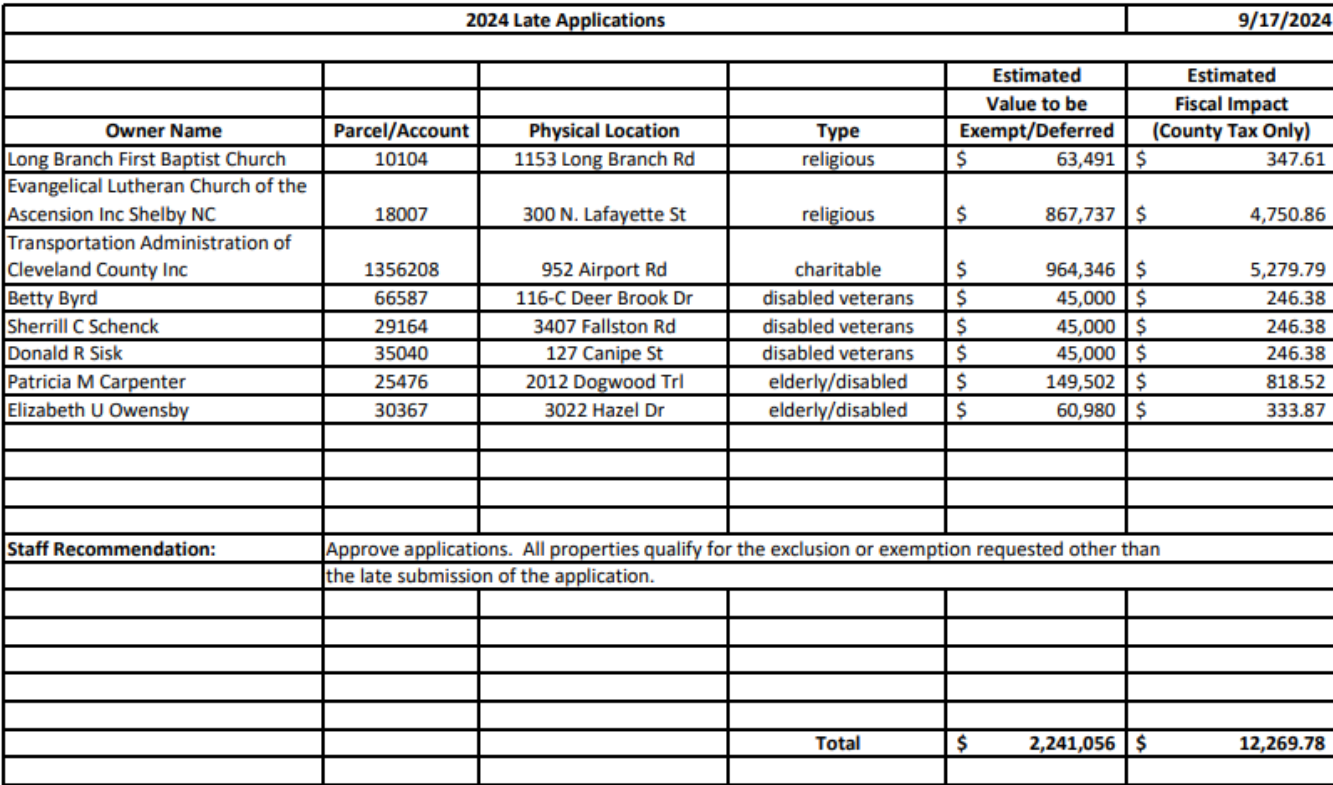
The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *August 2024*. The monthly grand total for tax abatements was listed as (\$80,502.26), and the monthly grand total for tax supplements was listed as \$16,893.15.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *approve the August 2024 tax abatements and supplements submitted by the Tax Assessor.*

TAX ADMINISTRATION: LATE APPLICATIONS FOR EXEMPTION/EXCLUSION/DEFERRAL

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

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board *to approve the late applications for exemption, exclusion, or deferral as submitted by the Tax Assessor.*



As required by North Carolina General Statute §159-15, all internal transfers shall be submitted to the Board of Commissioners. The budget transfer summary from July 26, 2024, through August 28, 2024, is included in Commissioner packets.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *approve the budget transfer summary as presented.*

BUDGET TRANSFERS LEGEND: D = DEPARTMENTAL; L = LATERAL

BUD #	BUDGET TYPE	DATE SUBMITTED BY DEPT	DEPT #	DEPT TO NAME	DEPT #	DEPT FROM NAME	EXPLANATION	BUDGET AMOUNT
2087	D	7/26/2024	010.491	Planning/Zoning			Move funds to cover maint contracts	\$ 197.00
2088	D	7/26/2024	010.446	EMS			Move funds to cover ballistic vests	\$ 54,000.00
2089	D	7/29/2024	040.210	Cap Proj-General			Move funds to cover Office365 licenses/Maint Agrmt	\$ 172,501.00
2090	D	8/1/2024	010.449	Electronic Maint			Move funds to cover Spectrum increase	\$ 162.00
2091	L	8/12/2024	010.604	Clev Comm College	010.440	SRO	Tfr funds to appropriate fund account for CCC SRO	\$ 90,000.00
2092	D	8/12/2024	010.542	Animal Services			Move funds to cover maint contracts	\$ 11,977.00
2093	D	8/14/2024	026.454	E911			Move funds to cover maint contracts	\$ 28,768.00
2094		NOT USED						
2095	D	8/20/2024	010.449	Electronic Maint			Move funds to cover mini splits for COB phone room	\$ 2,000.00
2096	D	8/20/2024	012.530	Health Admin			Move funds to cover contracted services	\$ 15,000.00
2097	D	8/22/2024	027.434	ARPA			Move funds to appropriate grant expense line	\$ 293,682.00
2098	D	8/22/2024	27.434	ARPA			Move funds to appropriate account for Charter Comm	\$ 700,000.00
2099	D	8/27/2024	010.444	Detention Center			Move funds to cover awards/appreciation	\$ 1,000.00
2100	D	8/28/2024	054.473	SW Landfill			Move funds to cover Sisk Grading Servs	\$ 300,000.00

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously approved by the Board to, *approve the following budget amendment:*

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.470.4.991.00		Public Shooting Complex/Fund Balance App	\$70,000	
010.470.5.700.00		Public Shooting Complex/Grants	\$70,000	

Explanation of Revisions: Budget allocation of \$70,000 in grant funds through the North Carolina Outdoor Heritage Advisory Council. Funds were initially received in June 2023.

REGISTER OF DEEDS: BUDGET AMENDMENT (BNA #005)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.419.4.350.00		Register of Deeds/State Grants	\$2,714	
010.419.5.700.00		Register of Deeds/Grants	\$2,714.00	
<i>Explanation of Revisions: Budget allocation of \$2,714 in grant funds from the North Carolina Office of State Budget and Management for preserving historical records and files.</i>				

CLEVELAND COUNTY FAIR: BUDGET AMENDMENT (BNA #006)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
486.245.4.350.00		Cap Proj-Clev Co Fair/State Grants	\$477,523	
486.245.5.991.00		Cap Proj-Clev Co Fair/Construction in Progress	\$477,523	
<i>Explanation of Revisions: Budget allocation of \$477,523 in grant funds from the North Carolina Office of State Budget and Management for the driving pad project.</i>				

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #007)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
011.504.4.991.00		Social Work (Title XX)/Fund Balance Approp	\$115,569	
011.504.5.704.00		Social Work (Title XX)/DSS Adoption Promos	\$115,569	
<i>Explanation of Revisions: Budget allocation of \$115,569 in Adoption Promotion Funds received from the North Carolina Department of Health and Human Services (NC DHHS). Funds will be used for adoption services.</i>				

BUILDING INSPECTIONS: BUDGET AMENDMENT (BNA #008)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.450.4.510.32		Building Inspections/Catawba Proj Permit Fees	\$41,588	
010.450.5.910.00		Building Inspections/Capital Projects	\$41,588	
<i>Explanation of Revisions: Budget allocation of \$41,588 in budget revenues for the purchase of a new building inspection truck and its Highway Use tax.</i>				

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #009)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.441.4.991.00		Sheriff’s Office/Fund Balance Approp	\$20,000	
010.441.5.790.37		Sheriff’s Office/Donations-Chaplains Fund	\$20,000	
<i>Explanation of Revisions: Budget allocation of \$20,000 in unbudgeted donations funds for FY 2024 for the Chaplains Fund.</i>				

CLEVELAND COUNTY FIRE: BUDGET AMENDMENT (BNA #010)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
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028.452.4.991.00	County Fire/Fund Balance Approp	\$55,033
028.452.5.420.00	County Fire/Contracted Services	\$55,033

Explanation of Revisions: Budget allocation of \$55,033 in the fund balance for contracted services for Volunteer Fire Departments (VFD) to contract for Locality Media’s First Due Community Connect Mobile Responder.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #011)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.441.4.810.09		Sheriff’s Office/Donations Capital Eq Gen	\$12,493	
010.441.5.790.09		Sheriff’s Office/Donations Capital Eq Gen	\$12,493	
010.441.4.810.14		Sheriff’s Office/Donations Canine Specific	\$7,507	
010.441.5.790.14		Sheriff’s Office/Donations Canine Specific	\$7,507	

Explanation of Revisions: Budget allocation of \$12,493 and \$7,507 for in-kind grant donations received from kNot Today, Inc. for an Electronic Storage Detection K-9 Coca, her specialized training, and additional expenses such as veterinary bills, supplies, etc.

FOOTHILLS PUBLIC SHOOTING COMPLEX: BUDGET AMENDMENT (BNA #012)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.470.4.810.00		Public Shooting Range/Donations-Contributions	\$30,000	
010.470.5.790.00		Public Shooting Range/Donations-Contributions	\$30,000	
010.470.4.350.00		Public Shooting Range/State Grants	\$25,000	
010.470.5.700.00		Public Shooting Range/Grants	\$25,000	

Explanation of Revisions: Budget allocation of \$30,000 in donations from the North Carolina Youth Outdoor Engagement Commission for the purchase of golf carts for the monthly Metal Madness shooting competition and \$25,000 in grant funds from the North Carolina Business Leaders for Health Inc for the purchase of ATV/Side by Sides

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENT (BNA #013)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.446.4.991.00		EMS/Fund Balance Appropriated	\$18,325	
010.446.5.211.00		EMS/Controlled Property Exp	\$18,325	

Explanation of Revisions: Budget allocation of \$18,325 in funds received from Duke University for Randomized Cluster Evaluation of Cardiac Arrest Symptoms Trial (RACE-CARS). Funds will purchase AEDs and other medical equipment.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #014)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
012.546.4.310.46		COVID/Donations-Contributions	\$7,885	
012.546.5.500.01		COVID/Misc Grant Expense	\$7,885	

Explanation of Revisions: Budget allocation of \$7,885 in grant donations received from the North Carolina Division of Public Health to support COVID-19 vaccination services.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #015)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.530.4.350.00		General Administration/State Govt Grant	\$50,000	
012.530.5.370.00		General Administration/Advertising-Promotions	\$50,000	
<u>Explanation of Revisions:</u> Budget allocation of \$50,000 in grant monies from the North Carolina Division of Public Health that will be used for marketing expenses.				

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #016)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.530.4.810.00		General Administration/Contributions-Donations	\$720	
012.530.5.790.00		General Administration/Contributions-Donations	\$720	
<u>Explanation of Revisions:</u> Budget allocation of \$720 in donation funds to be used towards the emergency food bag program at the Health Department				

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #017)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.548.4.911.00		CODAP/Contracted Revenue	\$8,500	
012.548.5.121.00		CODAP/Salaries-Reg	\$3,118	
012.548.5.310.35		CODAP/Travel	\$2,691	
012.548.5.370.95		CODAP/Advertising	\$2,691	
<u>Explanation of Revisions:</u> Budget allocation of \$8,500 in additional funds received from Partners Behavioral Health for substance abuse prevention strategies.				

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #018)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.550.4.911.00		Primary Care/Local & Other Grants	\$19,994	
012.550.5.230.05		Primary Care/Lab Supplies	\$14,994	
012.550.5.581.00		Primary Care/Awards-Appreciation	\$5,000	
<u>Explanation of Revisions:</u> Budget allocation of \$19,994 in grant monies to be used towards lab supplies and awards/incentives for Health Department events.				

LIBRARY: BUDGET AMENDMENT (BNA #019)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.611.4.310.00	45310-LSTA25	Library/Federal Govt Grants	\$3,000	
010.611.5.310.00	45310-LSTA25	Library/Travel-Training	\$3,000	
<u>Explanation of Revisions:</u> Budget allocation of \$3,000 in Library Services and Technology Act (LSTA) grant funds received from the North Carolina State Library, NC Department of Cultural Resources to be used for travel and training.				


CLEVELAND COUNTY WATER: CONVEYANCE OF EASEMENT

Cleveland County owns a vacant, rough-terrain 409.90-acre tract of land boarding the Broad River.

Cleveland County Water owns the adjacent property, consisting of approximately 70 acres. It seeks an easement across the county-owned land for access, the construction of a pump station and pipeline, and the right to withdraw water from the Broad River. Cleveland County seeks a reciprocal easement for ingress and egress across Cleveland

County Water’s adjacent property off Honey Haven Farm Road to allow better emergency vehicle access to the Broad River. Both easements will benefit the county's citizens' health, welfare, and safety.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *adopt the resolution authorizing the conveyance of an easement to Cleveland County Water.*



Resolution

18-2024

Resolution Approving Conveyance of Property to Cleveland County Water, Pursuant to G.S. 160A-274

WHEREAS, the Cleveland County is an owner of a tract of real estate identified as tax Parcel 456 in Cleveland County, found at DB 1248 PG 1833, consisting of roughly 423 acres along the banks of the Broad River, bordered on the western portion by Gaffney and Riverside Roads, and resting to the south of Honey Haven Farm Road, although no access to that road; and

WHEREAS, CLEVELAND County Water (CCW), a municipal sanitary district existing pursuant to North Carolina General Statutes 130A-47 et seq., is the owner of a tract of real estate identified as tax Parcel 2869 in Cleveland County, found at DB1733 PG 2154, consisting of roughly 69 acres, and adjoining County-owned Parcel 456 to the north and bordering Honey Haven Farm Road; and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, Cleveland County has determined that it is in the best interest of the County to convey an easement on tax parcel 456 to Cleveland County Water and the County deems it wise to do so for a reciprocal easement across adjoining CCW property tax parcel 2869, which fronts Honey Haven Farm Road; and

WHEREAS, the citizens of Cleveland County would benefit from road access from Honey Haven Farm Road across CCW’s property which would allow emergency vehicles better access to The Broad River; and CCW would benefit in having access to The Broad River;

THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. Cleveland County hereby conveys to Cleveland County Water, an easement of roughly 7 acres for the purposes of constructing and operating a Pump Station, Pipeline and Access Easement and the Right to Withdraw water from the Broad River, in accordance with NCGS 130A-55(4); an easement for the perpetual right of ingress and egress to Broad River and the Pump Station; and a temporary construction easement on the following property: tax parcel 456 found at DB 1248 PG 1833, such easement more particularly described as follows:


COMMENCING at an existing 1/2" iron rod being a common corner of the City of Shelby, NC property as described in Deed Book 1401, Page 2226 and Cleveland County Water property as described in Deed Book 1733, Page 2154 and recorded in the Cleveland County Registry, thence with the said line South 63°13'59" East a distance of 1,428.58.44 feet to a point on the common line of Cleveland County Town of Boiling Springs property as described in Deed Book 1248, Page 1833 and recorded in said Registry; said point being THE POINT OF BEGINNING; thence running from the Point Of Beginning with the said line of Cleveland County Town of Boiling Springs property South 63°13'59" East a distance of 155.44 feet to a point; thence within the said Cleveland County Town of Boiling Springs property South 11°34'50" West a distance of 924.19 feet to a point located on the common line of Poor Clares of Perpetual Adoration-Saint Joseph Adoration Monastery property as described in Deed Book 1627, Page 1954 and recorded in said Registry; thence with the said line of Poor Clares of Perpetual Adoration-Saint Joseph Adoration Monastery property North 74°34'51" West a distance of 150.34 feet to a point; thence within the said Cleveland County Town of Boiling Springs property the following eleven (11) bearings and distances: 1) North 11°34'48" East a distance of 96.73 feet to a point; 2) North 62°36'25" West a distance of 773.49 feet to a point; 3) South 27°23'29" West a distance of 49.87 feet to a point; 4) North 61°44'32" West a distance of 87.41 feet to a point; 5) North 62°34'56" West a distance of 101.16 feet to a point; 6) North 70°11'05" West a distance of 36.76 feet to a point; 7) North 27°23'29" East a distance of 250.00 feet to a point; 8) South 62°36'31" East a distance of 225.00 feet to a point; 9) South 27°23'44" West a distance of 46.66 feet to a point; 10) South 62°36'24" East a distance of 731.01 feet to a point; 11) North 11°34'48" East a distance of 702.22 feet to THE POINT AND PLACE OF BEGINNING.

Containing and having an area of 309,082 square feet or 7.0956 acres as shown on an exhibit prepared by R. B. Pharr & Associates, P.A. dated June 4, 2024, Job No. 95992.

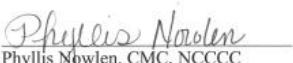
2. The easement herein described shall be conveyed in exchange for a reciprocal easement to the County from CCW on adjoining parcel 2869 for ingress and egress for such necessary purposes to include, but not limited, road access for emergency vehicles to County property referenced herein and to the Broad River, with the exact location of such easement to be determined after CCW construction is completed.
3. The Chair of the Board of Cleveland County Commission is authorized to execute all documents necessary to convey the easement in the manner authorized by this Resolution and to receive the reciprocal easement from CCW.

Adopted this the 17th day of September 2024.

By:


Kevin Gordon, Chairman
Board of Commissioners of Cleveland County

ATTEST:


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



RECORDING FEE \$ 26 REVENUES 0

Doc No: 200104952
Recorded: 09/19/2024 08:44:13 AM
Fee Amt: \$26.00 Page 1 of 7
Transfer Tax: \$0.00
Cleveland County North Carolina
Betsy S. Harnage, Register of Deeds
BK 1929 PG 1538 - 1544 (7)

NORTH CAROLINA
Cleveland County

DEED OF EASEMENT

THIS DEED OF EASEMENT executed this the 19th day of September, 2024, by and between CLEVELAND COUNTY, a subdivision of the State of North Carolina, party of the First Part, hereinafter called GRANTOR, and CLEVELAND COUNTY WATER, a municipal sanitary district, party of the Second Part, hereinafter called GRANTEE,

WITNESSETH:

Owner certifies it is an owner of certain real estate, hereafter referred to as "easement premises" described on Exhibit A to this instrument, and the Parties have agreed it is in their best interests for Owner to grant and Grantee to accept a permanent easement in the easement premises for the purposes stated herein below:

THEREFORE, in consideration of the foregoing, the mutual covenants contained herein, the parties agree as follows:

1. Grant. Owner hereby grants and conveys to Grantee a permanent easement in and upon the easement premises in the area described on Exhibits A and B to this instrument and attached hereto and as part of the entire parcel of real estate described in Deed Book 1248 at Page 1833 of the Cleveland County Registry. The following rights are also granted: a perpetual right of ingress and egress across the property the right, but not the obligation, to clear the easement area and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs which might interfere with or fall upon the lines or systems of the Grantee; and the right to relocate said facilities, systems or communications or related services on said lands to conform to any future highway relocation, widening, or improvements including, without limitation, to acquire either by purchase, condemnation or otherwise and hold real and personal property, easements, rights-of-way and water rights in the name of the district within or without the corporate limits of the Grantee, necessary or convenient for the construction or maintenance of the works of the Grantee.
2. Purpose. The Grantee and its assignees, if any, are hereby further granted the right within the easement area to construct, operate, maintain, improve, modify, replace, or abandon in place any equipment necessary or convenient for the operation of the following utilities services or related activities: Water including without limitation: Pump Station, Pipeline and Access Easement, and the Right to Withdraw water from the Broad River, in accordance with NCGS 130A-55(4).
3. Construction Equipment. Owner further grants to Grantee a temporary construction easement over the property for the purpose of installing, construction, replacing or removing, as necessary from time to time, the equipment required or desired for the uses and purposes specified above.

EXHIBIT A
The Easement Area

That certain parcel or tract of land situated, lying and being in Cleveland County, State of North Carolina and being more particularly described as follows:

COMMENCING at an existing 1/2" iron rod being a common corner of the City of Shelby, NC property as described in Deed Book 1401, Page 2226 and Cleveland County Water property as described in Deed Book 1733, Page 2154 and recorded in the Cleveland County Registry, thence with the said line South 63°13'59" East a distance of 1,428.58.44 feet to a point on the common line of Cleveland County Town of Boiling Springs property as described in Deed Book 1248, Page 1833 and recorded in said Registry; said point being THE POINT OF BEGINNING; thence running from the Point Of Beginning with the said line of Cleveland County Town of Boiling Springs property South 63°13'59" East a distance of 155.44 feet to a point; thence within the said Cleveland County Town of Boiling Springs property South 11°34'50" West a distance of 924.19 feet to a point located on the common line of Poor Clares of Perpetual Adoration-Saint Joseph Adoration Monastery property as described in Deed Book 1627, Page 1954 and recorded in said Registry; thence with the said line of Poor Clares of Perpetual Adoration-Saint Joseph Adoration Monastery property North 74°34'51" West a distance of 150.34 feet to a point; thence within the said Cleveland County Town of Boiling Springs property the following eleven (11) bearings and distances: 1) North 11°34'48" East a distance of 96.73 feet to a point; 2) North 62°36'25" West a distance of 773.49 feet to a point; 3) South 27°23'29" West a distance of 49.87 feet to a point; 4) North 61°44'32" West a distance of 87.41 feet to a point; 5) North 62°34'56" West a distance of 101.16 feet to a point; 6) North 70°11'05" West a distance of 36.76 feet to a point; 7) North 27°23'29" East a distance of 250.00 feet to a point; 8) South 62°36'31" East a distance of 225.00 feet to a point; 9) South 27°23'44" West a distance of 46.66 feet to a point; 10) South 62°36'24" East a distance of 731.01 feet to a point; 11) North 11°34'48" East a distance of 702.22 feet to, THE POINT AND PLACE OF BEGINNING.

Containing and having an area of 309,082 square feet or 7.0956 acres as shown on Exhibit B prepared by R. B. Pharr & Associates, P.A. dated June 4, 2024, Job No. 95992.

4. Owner's Rights Reserved. Owner reserves the right to use the property in any manner which will not damage, impair, prevent or interfere with Grantee's equipment or its exercise of the rights granted hereunder. Owner will not build or place any structure upon or substantially alter the easement area without the advance consent of the Grantee.
5. Assignment. Grantee may only transfer this easement if it is for the same purpose and to another unit of government pursuant to North Carolina General Statute 160A-274. In the event of transfer, Owner's interests shall be protected to the same extent as hereunder.
6. Reversion. Should the easement or any structures thereon cease to be used for a municipal sanitary district as contemplated by North Carolina General Statutes 130A-47 et seq., or other local governmental use, it shall immediately revert back to the ownership and use of Owner,
7. Appearance. After completion of installation, construction, repair or removal of any equipment or device, the Grantee at its sole expense will restore the appearance of the property as nearly as reasonably possible to that which existed immediately prior to such activity.
8. Release. Owner hereby releases Grantee from all claims or rights of action now or hereafter accrued or acquired by them due to injuries to any part of the property or improvements thereon, resulting from Grantee's lawful activities carried out pursuant to this Agreement. Nothing in this Agreement waives governmental immunity where applicable. The terms herein do not create rights for incidental or other third-party beneficiaries.
9. Binding Effect. All rights, title and privileges and all benefits and burdens herein granted or imposed shall run with the land and shall be binding upon and inure to the benefit of the named parties, their respective heirs, personal representatives, successors and assigns.
10. Attachments. Exhibits "A" & "B" to this instrument, if attached, are incorporated herein by this reference as fully as if set out in the body of the text.
11. Other Terms. This writing contains all the terms of agreement.

TO HAVE AND TO HOLD the above-described real property interest to the Grantee in perpetuity for the uses and purposes herein described. Owners covenants with Grantee that Owner is seized of the premises in fee simple, has the right to convey the Easement rights contained herein and will warrant and defend this conveyance against the lawful claims of all persons whomsoever, except for the following EXCEPTIONS to which Owner's title is subject:

IN WITNESS WHEREOF, the Owner(s) have set their hands the date above written.

Cleveland County

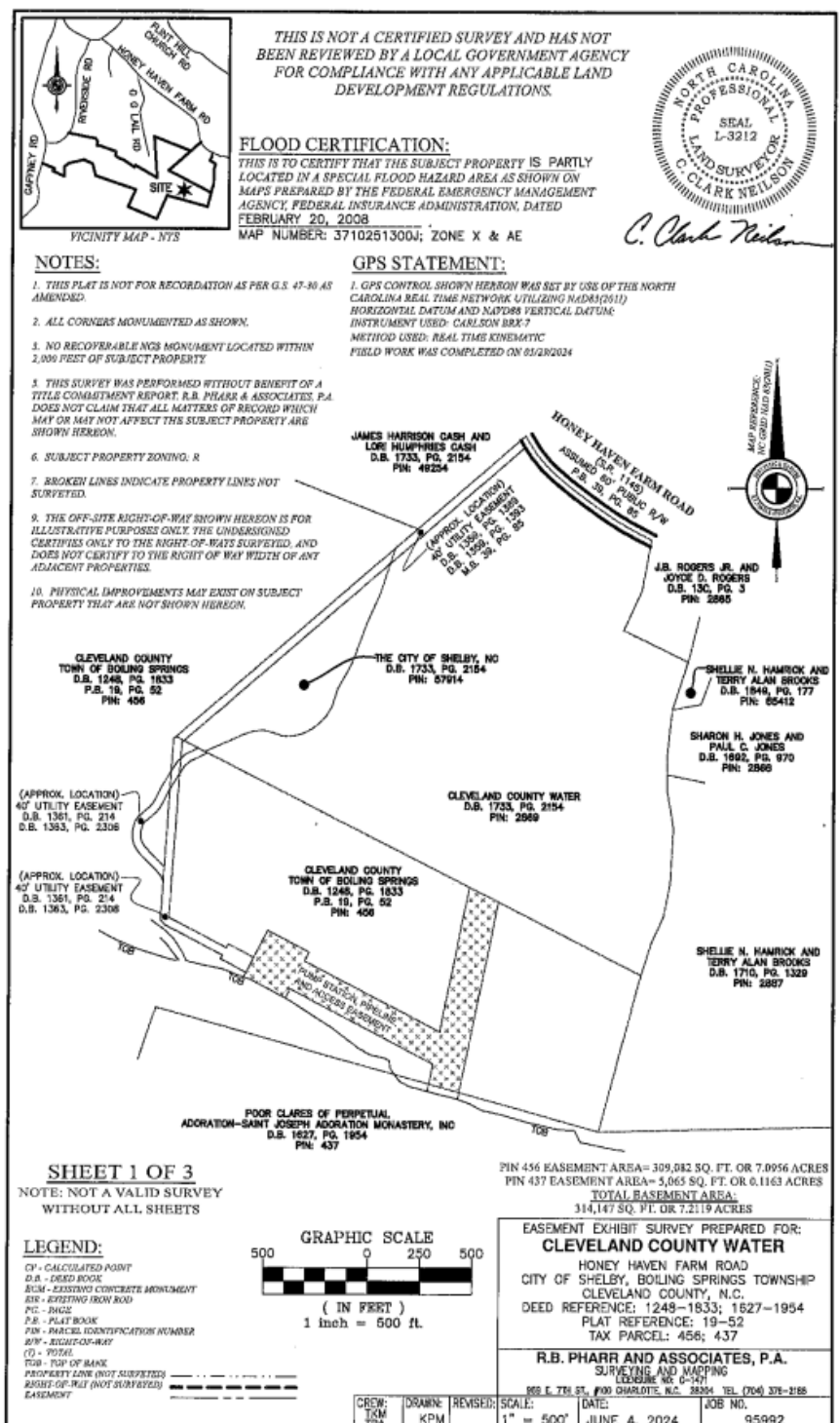
STATE OF NORTH CAROLINA, CLEVELAND COUNTY

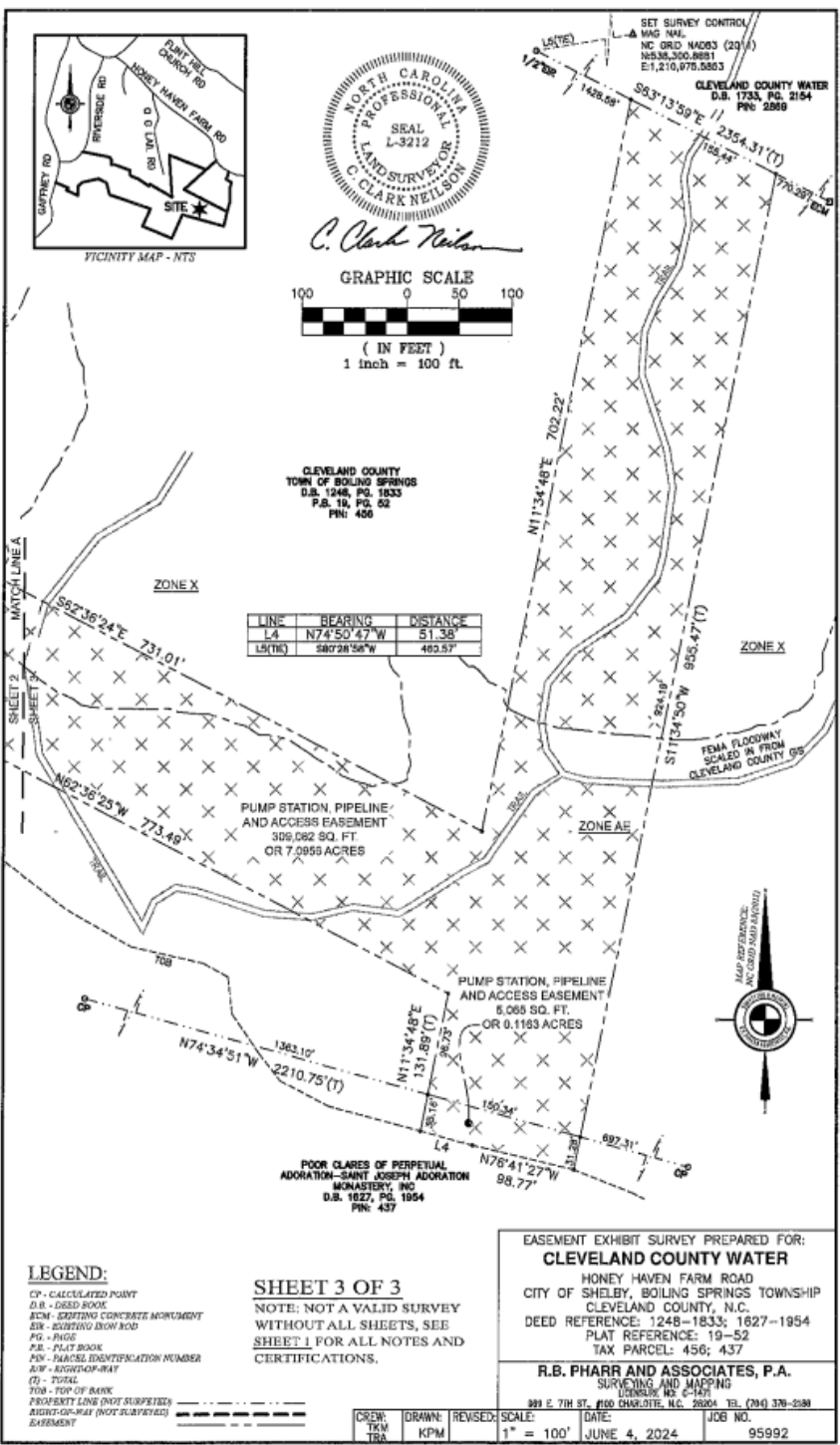
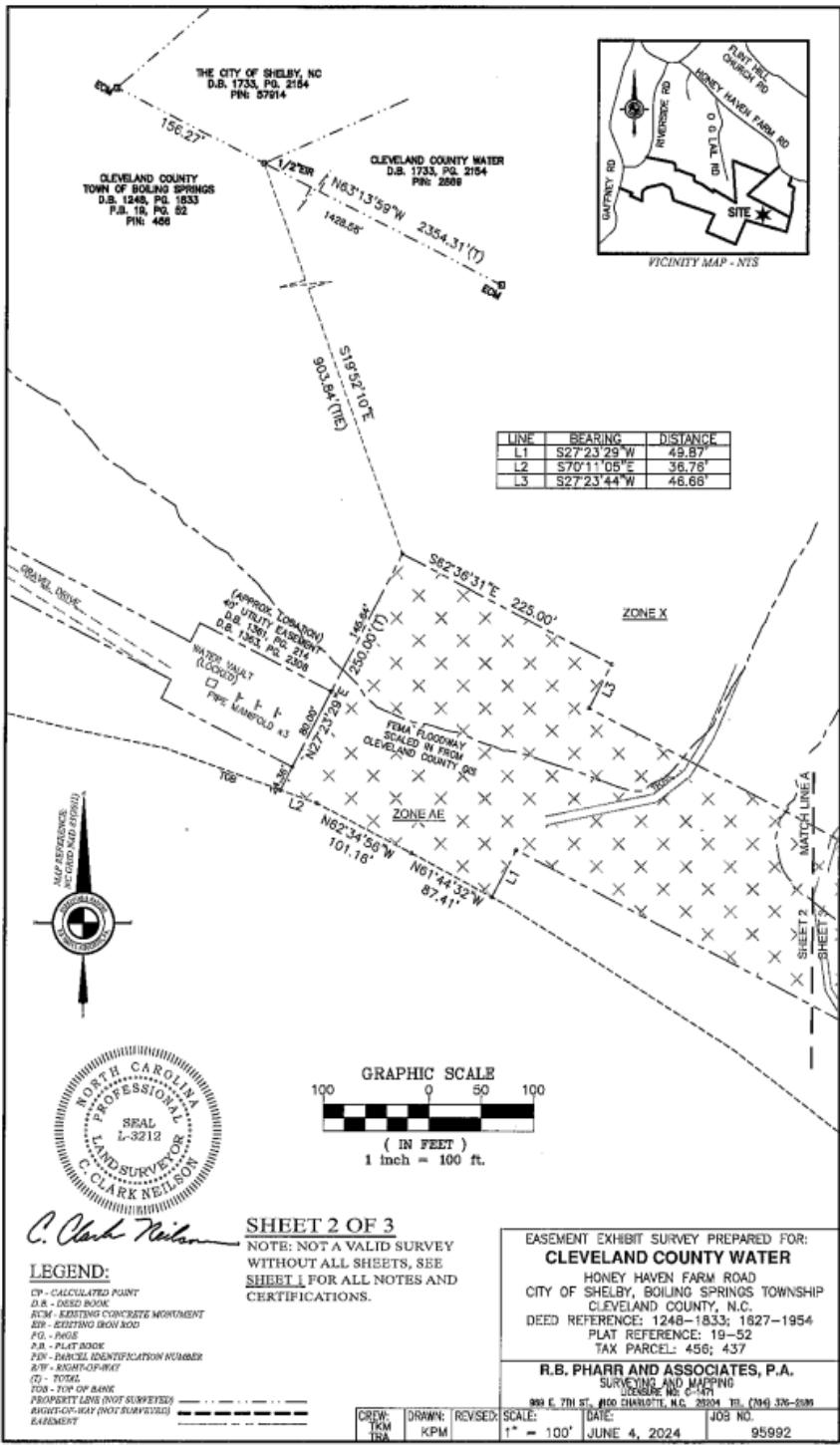
I, Christie Harper Wooten, a Notary Public of the County and State aforesaid, certify that Kevin Gordon personally came before me and acknowledged that he/she is Chair, Board of County Commissioners of Cleveland County, a North Carolina corporation and that by authority duly given and as an act of the Entity, has signed the foregoing instrument in its name and on its behalf as its act and deed.

Witness my hand and official stamp or seal, this 19th day of September, 2024.
[Signature] Notary Public My Commission Expires: 4-24-

**EXHIBIT B**

Survey of easement area dated June 4, 2024





BROAD RIVER GREENWAY: GRANT AWARD CONTRACT

Broad River Greenway Trail needs general maintenance, clearing, and light grading, as outlined in a report from TGS engineers and reviewed in a site visit performed on July 2, 2024. Hoke Enterprises, Inc. was selected as the lowest responsible bidder through an RFQ process. \$123,750.00 This amount is below the allotted \$125,000.00 of grant-approved money and includes a \$5,000.00 contingency for unforeseen conditions or added scopes of work outside the budget/contract. The amount of \$125,000.00 has previously been allocated for this project. The Board approved the submission of a grant application of County Commissioners on January 17, 2023. The grant of \$100,000 from federal funds was received through the North Carolina Department of Natural Resources, and the Board approved the remaining \$25,000 through a budget amendment on November 7, 2023.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *authorize the County Manager to execute the contract and any other necessary and resulting documents through completion of this project. (a full copy of the contract is on file in the Clerk’s Office).*

CLEVELAND COUNTY SCHOOLS: OFFER OF SCHOOL PROPERTIES

The Cleveland County Board of Education Policy and North Carolina General Statute §115C requires the Board of Education to offer the Board of County Commissioners first opportunity to obtain surplus property.

Cleveland County has declared parcels 19754, 51564, 20384, 36904, and 36930 as surplus property. Parcel 19754 is 6.82 acres located at 410 Forest Hill Drive in Shelby and is the site of the former Marion Elementary School. Parcel 51564 is 8.25 acres located at 100 Blanton Street in Shelby and is the site of the former Graham Elementary School. Parcel 20384 is 12.57 acres located at West Dixon Boulevard and Warren Street in Shelby and was also used for the former Graham Elementary School. Parcel 36904 is 0.29 acres of land located on Douglas Street in Lawndale and is not currently used by Cleveland County Schools. Parcel 36930 is 0.82 acres of land also on Douglas Street in Lawndale. Cleveland County Schools are not currently using this property. Cleveland County has evaluated these properties based on potential use, tax information, land, and building value. County staff recommends no interest in parcels 19754, 36904, and 36930. Interest in retaining parcels 51564 and 20384. Should either of these properties be sold for anything other than a public purpose, the County will place all net proceeds in the School Capital Reserve Fund.

REGULAR AGENDA

UPTOWN SHELBY ASSOCIATION UPDATE

Chairman Gordon called Uptown Shelby Association (USA) Executive Director Carly Bostic to the podium to present an update on the Association. Uptown Shelby is a North Carolina Main Street Community designated by the North Carolina Department of Commerce and Main Street & Rural Planning Center. The USA is charged with administering the program at the local level and building public-private partnerships to spur economic development. Uptown Shelby operates within the Main Street Program's four-point approach: economic vitality, organization, promotion, and design.

Ms. Bostic reviewed highlights from the 2023 Uptown Shelby Annual Report. Accomplishments include fundraising success, grants and scholarships, community engagement and partnerships, and media coverage. She credited the Association's successful year to the work and dedication of its volunteers, staff, and board members. Ms. Bostic thanked the Commissioners for their continued support.

CLEVELAND COUNTY FAIRGROUNDS IMPROVEMENT UPDATE

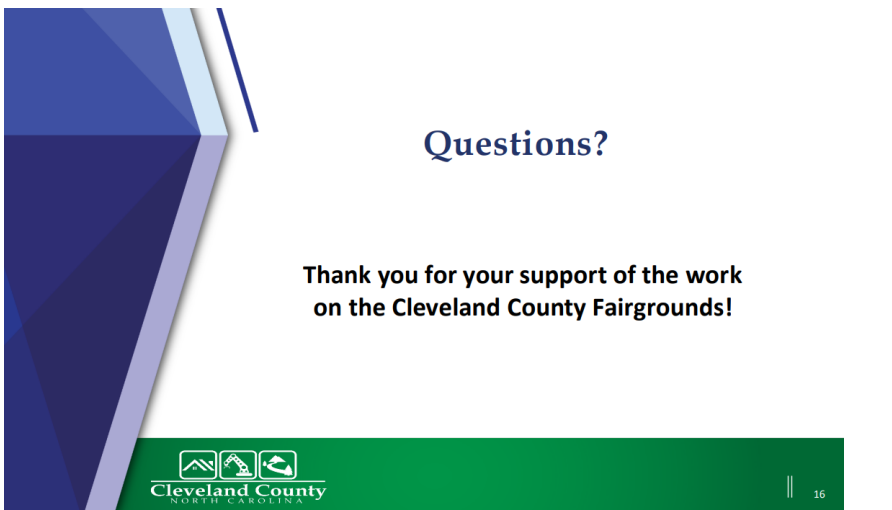
Chairman Gordon recognized Business Development Director Jason Falls to present the Cleveland County Fairgrounds improvement update. The improvement project at the fairgrounds could not have been completed without the working partnerships between the Fair Association, Cleveland Community College, Cleveland County Government, Cleveland Volunteer Fire Department, and local businesses. The Board was reminded in March 2024 that the design-build contract with Beam Construction was approved for the \$2.7 MM renovation project at the Cleveland County Fairgrounds. Construction began in May 2024, concluding on time in September 2024 and under budget.

Beam Construction aligned this project with the Commissioners' goals of staying within budget while updating the fairgrounds as much as possible. This was accomplished due to the work and collaboration of the design committee, which consisted of several county employees, Chairman Gordon, and a few members from the

Fair Association Board. The Cleveland Volunteer Fire Department firebase station at the fairgrounds also received an upgrade and remodel. The station is important to the fair and communities that rely on this station to improve response times and insurance ratings for their homes and businesses. Other remodel highlights include:

- Bays built for two fire trucks at Public Safety Base
- Remodel Public Safety Base
- New central restroom built
- All existing restrooms were completely remodeled and upgraded with 50 more stalls
- All exterior fencing replaced
- The majority of interior fencing replaced
- Asphalt seal-coated from Water Wheel to Weather’s Arena
- Goforth Hall and Weather’s Arena exterior painted
- The balcony and stairs at Goforth Hall were replaced
- The stairs between the grandstand and track were replaced
- A new security shack was installed
- A 109-year-old tree was removed from along Marion Street near the county parking lot
- Cleveland County Sheriff’s Office (CCSO) camera system was replaced (increasing from 5 cameras to 29); high-tech, state-of-the-art, and upgradable system
- The CCSO area ceiling and flooring was repaired
- Midway banks sloped and seeded
- Two buildings demolished





Mr. Falls introduced several project partners from Beam Construction, Fair Association members and county staff who were in attendance. Those in attendance thanked the Commissioners for their continued support through the improvement of the fairgrounds and positively spoke about the work that was completed and the working relationship of the project's team members. The Board was ceremoniously presented the Key to the Fair. Commissioners thanked Mr. Falls for the information presented and project team members for their hard work and dedication to have the upgrades completed before the opening of the 100th Anniversary of the Cleveland County Fair at the end of September 2024. The Fair Association members were presented with the following proclamation.



Resolution

06-2024

100th Anniversary of the Cleveland County Fair

WHEREAS, the 100th Anniversary of the Cleveland County Agricultural Fair is a significant milestone that marks a century of showcasing the county's agricultural heritage, promoting education, and fostering community spirit; and

WHEREAS, the fair's commitment to showcasing the county's agricultural products, livestock, and home arts has helped to strengthen the local economy and promote the importance of agriculture in Cleveland County; and

WHEREAS, the fair's diverse entertainment, food vendors, and family-friendly activities have made it a beloved community gathering for generations;

WHEREAS, the fair has been a significant economic driver for Cleveland County, attracting visitors from throughout the region and generating revenue for local businesses;

WHEREAS, the fair has served as a vital gathering place for residents and visitors alike, fostering a sense of community, showcasing local talent, and providing educational and entertainment opportunities; and

WHEREAS, the fair's organizers, volunteers, and exhibitors have dedicated countless hours to making the event a success;

WHEREAS, the Cleveland County Fair, a cherished community tradition, is celebrating its 100th anniversary in 2024;

NOW, THEREFORE, BE IT RESOLVED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS:

1. That the Board of Commissioners hereby recognizes and celebrates the 100th anniversary of the Cleveland County Fair.
2. That the Board of Commissioners expresses its sincere gratitude to the organizers, volunteers, exhibitors, and attendees of the fair for their continued support and dedication.

3. That the Board of Commissioners encourages all residents to attend and enjoy the festivities of the 100th anniversary of the Cleveland County Fair.
4. That a copy of this resolution be forwarded to the organizers of the Cleveland County Fair and local media.

Adopted this the 17th day of September 2024.


Kevin Gordon, Chairman


Deb Hardin, Vice-Chairman


Johnny Hutchins, Commissioner


J. Ronnie Whetstine, Commissioner


Doug Bridges, Commissioner



BOARD OF ELECTIONS CONSTRUCTION GROSS MAXIMUM PRICE

Chairman Gordon called Facilities Project Manager Blake Myers to the podium to present the Board of Elections renovation project. The new Board of Elections Office will be located at 108 Bowman Street in Shelby. This project's scope is to renovate the interior, exterior, and site of the previous Shelby Rescue Center. Interior renovations are approximately 8,000 square feet, including the office spaces and the high-bay areas. Exterior renovations include infilling the high bay doors and installing new short front entry glasses. Site renovations will include the installation of new parking spaces and sidewalks. The main priority is to increase parking space and public safety coming to and from the new facility.

The renovation plan has been designed with feedback from the Election Board members, the Board of Elections Director, staff, and other stakeholders to ensure that the functional needs of this facility are met. This project was also presented as a design-build request for quote (RFQ) selection process. Based on interviews with three firms, Hoke Enterprises and Upland Architects, they were selected as design-build partners during the selection process. The complete design concept opens it up and maximizes potential space for future occupants. The design includes Interior renovations, including four offices, a reception area, a lobby, a board room, a training room, early voting, and many storage facilities. Exterior renovations include elevations of the front and rear of the facility. The inlays will be installed for the high bay doors and the storefront to help clean up the rear of the facility and leave access for storage needs, as well as add new glass in the rear.

New parking spaces, pedestrian crosswalks, and a proposed new sidewalk have been added for the site overview. This whole site overview is primarily geared towards accommodating a large number of voters and accomplishing safety measures for entering and exiting the facility. A cull-da-sac addition is included in the design plans to limit the amount of traffic coming in and out during heavy election times. Project pricing, the total estimated budget for this project is \$1,517,400MM. A \$25,000 contingency has been configured; if that \$25,000 contingency is not spent, that will come back to the county. Once the renovations begin, the estimated completion time is between 18 to 20 weeks, depending on weather conditions.

The only items not included in this schedule or budget are the information technology (IT) and data infrastructure work that will need to occur throughout the project. Cleveland County's internal IT teams are working through the details to ensure all requirements are met and installed before opening. The following information and PowerPoint were presented to the Commissioners.

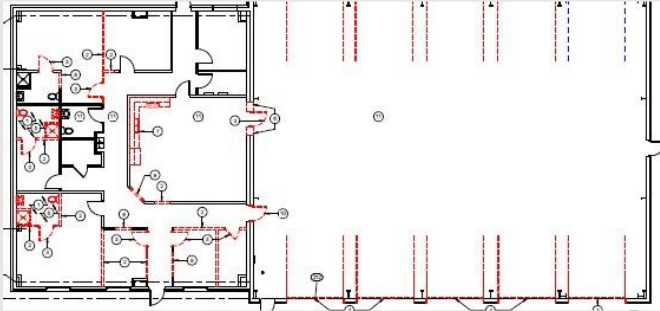
Cleveland County Board Of Elections Renovation Project

Blake Myers, Facilities Project Manager
September 17, 2024

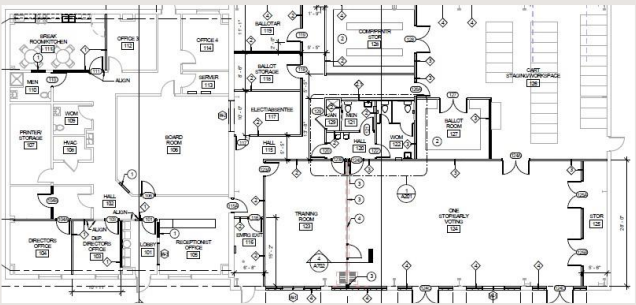
Overview

- Location: 108 Bowman St. Shelby, NC 28150
- Scope: Interior, exterior, and site renovations to the previous Shelby Rescue.
- Location to house the Election’s Office.
- Interior Renovations +/- 8,000 ft² which include high bay and office areas.
- Exterior Renovations to include infill of existing roll up doors and storefront entry glass.
- Site Renovations to include installation of a new parking lot and sidewalks to maximize parking potential as well as public safety.
- Renovation plan has been designed with feedback from the Election’s Board members, director, staff and other stakeholders to ensure that all functional needs are being met.
- Design Build RFQ selection process: Based on the interviews of three firms Hoke Enterprises & Upland Architects were selected as the design build partners.

Demolition Plan




Interior Renovations



- 4 Offices plus receptionist area and Lobby
- Board Room
- Training Room
- Early Voting
- Storage Facilities

Exterior Renovations



Front ↑ Back ↓

Drawing Overview: Site



Project Pricing

- Total Estimate: \$1,517,400.00
- Included Contingency: \$25,000.00
- Schedule: Once the project begins, we are estimating 18 to 20 weeks of renovation and construction work.

****Schedule and Budget do not include IT/Data infrastructure work that will need to take place throughout the project. Internal IT teams for Cleveland County are working through the details now.**

Request & Recommendation(s)

- Request for approval of GMP funds based on current drawings and renovation directions.
 - “Interior, Exterior, and Sitework”
- Approval for staff to enter contract negotiations based on the approved funds with the County Manager authorized to sign all necessary documents.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners commented positively on the design plans and the work being done with the stakeholders to ensure the facility meets their needs. Chairman Gordon asked County Manager David Cotton if the project is fully funded with money already allocated for this project. Mr. Cotton advised that it was correct, the project is fully funded.

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to approve the request for approval of GMP funds based on current drawings and renovation directions for interior, exterior, and site work as presented and give approval for staff to enter contract negotiations based on the approved funds with the County Manager authorized to sign all necessary documents.*

PUBLIC HEARINGS

PLANNING DEPARTMENT CASE 24-10: REQUEST TO REZONE A PORTION OF PARCEL 48083 FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS – CONDITIONAL USE (NB-CU) FOR A TELECOMMUNICATIONS TOWER

Chairman Gordon recognized Planning Director Chris Martin to present Planning Case 24-10; a request to rezone a portion of parcel 48083 from Residential (R) to Neighborhood Business – Conditional Use (GB-CU) for a telecommunications tower. Parcel 48083, containing seven acres, is located at 216 Westside Lane in Mooresboro between Mooresboro and the Cleveland and Rutherford county line along Highway 74. The applicant, Network Towers, is specifically looking at a seven-acre track and is only asking to rezone the 75-foot by 75-foot area of that track to place the tower. The reason for the specific zoning asks is that towers are only allowed in the county's business zoning districts.

This rural property, a 0.13-acre portion (75'x75') of Parcel 48083, lies along Westside Lane off Belaire Road west of Mooresboro and is currently zoned Residential (R). The surrounding zoning districts are mostly Residential (R), with one Neighborhood Business – Conditional Use (NB-CU) for a cell tower zoned site approximately .25 miles to the northwest across West Dixon Blvd. Surrounding uses are mostly rural agricultural, with single-family dwellings on large tracts of land and some forestry. A site plan has been submitted displaying the proposed use of the property. The tower site is located on the northeast side of the parcel. The proposed telecommunications tower will be 255 feet tall and lattice style. There is a storage building already located on the property that will remain. The Land Use Plan designates this area as Secondary Growth and discusses broadband improvement services throughout the county.

The Planning Board voted unanimously to recommend approval of the zoning amendment. They commented that the LUP encourages broadband services throughout the county, including reliable cell phone service, E-911 connection, and data services for residences and businesses. They also commented that the location was a good fit because it was along the highway. The following information and PowerPoint were presented to the Commissioners.

Rezoning Case 24-10 216 Westside Lane



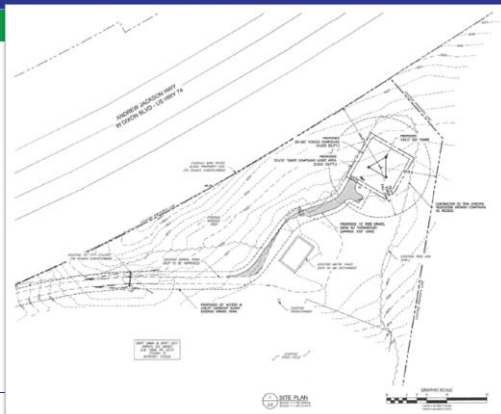
Rezoning Request



- **Current Zoning District: Residential**
 - Permits site-built homes, modular homes and manufactured homes
- **Requested Zoning District: Neighborhood Business - Conditional Use**
 - Proposing construction of **telecommunications tower**.
 - Re-zoning request is for a 0.13-acre portion of the property for a 75'x75' telecommunication tower site.
 - Permitted in Neighborhood Business.
 - Site Plan provided.

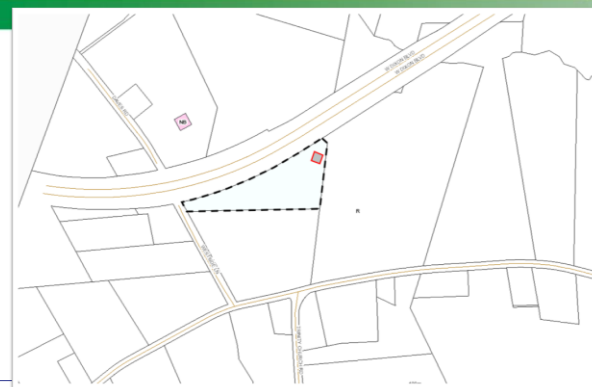
3

Site Plan



4

Zoning Map - Residential



5

Aerial Map



6

Land Use Plan Map



7

Recommendation



- **Approve - Planning Board**
 - Land Use Plan encourages improving broadband services
 - Location along a highway is logical

8

Requested Board Action



- **Open Public Hearing**
- **Approve**
- **Approve with conditions**
- **Deny**

9

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hardin asked that the request be for only the 75-foot by 75-foot area, not the entire parcel. Mr. Martin stated that it was correct; the 75-foot area was chosen because of the tower's engineered fall zone. Commissioner Hutchins expressed his concerns regarding potential damage the tower could cause should it come down during severe weather, such as a tornado, and cause road blockage or damage to a neighbor's property. He asked if the Planning Department had evaluated those factors. Mr. Martin advised that they had not but know this has been a topic of discussion with these types of cases in the past. The proposed towers are engineered with specifically designed fall zones. Planning staff is diligent and reviews all tower placement and fall zone aspects.

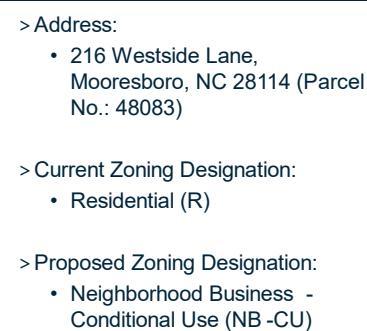
Mr. Martin introduced Network Towers II representatives Anthony Bologna and David Emory, to give a brief follow-up presentation regarding the logistics of the telecommunications tower and answer Commissioner

The proposed tower is 104 feet away from the highway. Considering severe weather events, it is designed to collapse, snapping at calculated heights rather than tipping over and laying down the length of its vertical height. It will not impact the road and is about 564 feet from the nearest residential structure, exceeding all setbacks in the underlying district. It would not interfere with any other communications in that area. The following information and PowerPoint were presented to the Commissioners.

By: Anthony Bologna
On behalf of Network Towers II, LLC



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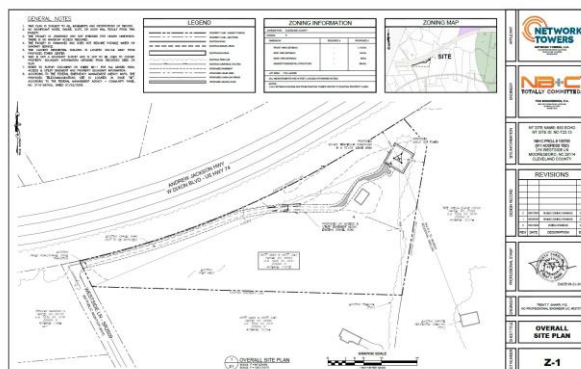


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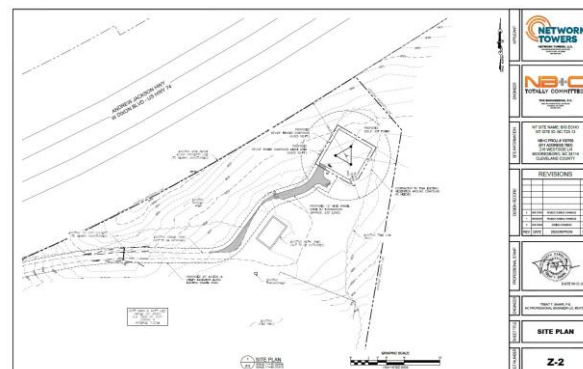
WILLIAMS MULLEN findingyes®

- > Dismantled Tower
 - SBA Tower
 - Located on the subject site
 - ~308' (AGL)
 - Per ASR Registration Search
 - Dismantled in 2010

4 | © 2024 Williams Mullen



5 | © 2024 Williams Mullen



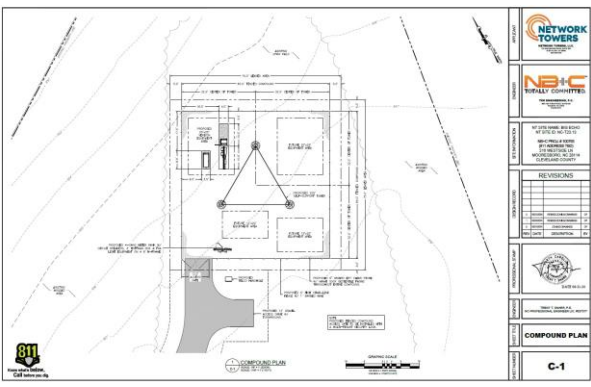
6 | © 2024 Williams Mullen



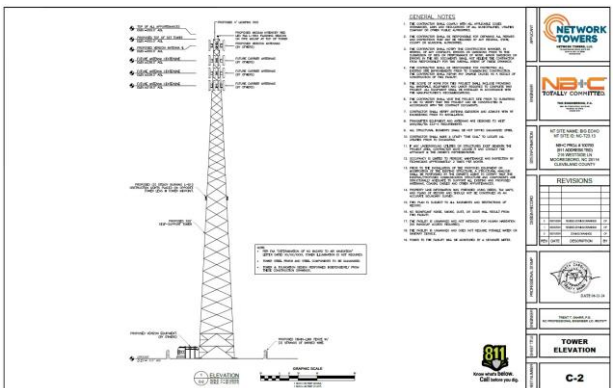
Aerial Plan



Compound Plan



Tower Elevation



Chairman Gordon opened the Public Hearing at 6:53 p.m. for anyone wanting to speak for or against Planning Department Case 24-10; a request to rezone a 0.13 portion of parcel 48083 from Residential (R) to Neighborhood Business – Conditional Use (GB-CU) for a telecommunications tower. (*Legal Notice was published in the Shelby Star on Friday, August 23, 2024, and Friday, September 6, 2024*).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:54 p.m.

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to approve the request to rezone a 0.13 (75'x75') portion of parcel 48083 located at 216 Westside Lane, Mooresboro, from Residential (R) to Neighborhood Business – Conditional Use (NB-CU) for a telecommunications tower, citing it is consistent with the Land Use Plan designation and the broadband benefits to that area.*

Re-Zoning from Residential to Neighborhood Business – Conditional Use
for a Telecommunications Tower
Located at 216 Westside Ln. – A 75'x75' (.013 acre) portion of Parcel 48083
Case 24-10



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

RECORDING FEE \$ 26.00
Phyllis Nowlen

Doc No: 200106883
Recorded: 11/12/2024 02:47:48 PM
Fee Amt: \$26.00 Page 1 of 2
Cleveland County North Carolina
Betsy S. Harnage, Register of Deeds
BK 1933 PG 849 - 850 (2)

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF
CLEVELAND COUNTY

From Residential to Neighborhood Business – Conditional Use
for a Telecommunications Tower
Located at 216 Westside Ln. – A 75'x75' (.013 acre) portion of Parcel 48083
Case 24-10

- Parcel 48083 – Owners:
 - Dawn Britt– Deed Book 1828 Page 2531
 - Joey Britt– Deed Book 1828 Page 2531

WHEREAS, Article Two of Chapter 160D of the North Carolina General Statutes provides for the planning and regulation of development within the territorial jurisdiction of the county; and

WHEREAS, the Cleveland County Planning Board recommended to approve the zoning map amendment on August 27, 2024; and

WHEREAS, said rezoning will promote the health, safety, and welfare of the citizens of Cleveland County, the public interest would be furthered, and said amendment would be reasonable and beneficial to the orderly growth of Cleveland County; and

WHEREAS, notice of the Public Hearing was published in the Shelby Star on July 26, 2024 and August 2, 2024, notices were mailed to adjoining property owners on July 17, 2024, and a sign posted at the property on July 23, 2024; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by The Cleveland County Board of Commissioners to amend the official zoning map following a public hearing on August 6, 2024

WHEREAS during said hearing, the decision was postponed to the next County Board of Commissioners meeting on September 17, 2024 at 6:00 pm to allow for Planning Board comments during the August 27, 2024 Planning Board meeting;

NOW THEREFORE BE IT ORDAINED by the Cleveland County Board of Commissioners that the Cleveland County Zoning Map, as described in Section 12-147 of the Cleveland County Unified Development Ordinance, be amended to change the classification of a 75'x75' portion of Parcel 48083, described more fully in Deed Book 1828, Page 2531 of the Cleveland County Registry, and to which the 75' x 75' portion to rezone is shown on the submitted site plan with Planning Case 24-10, from Residential to Neighborhood Business - Conditional Use for a telecommunications tower. The approved site plan is shown on the next page.

This Ordinance shall become effective upon adoption and approval.

Adopted this seventeenth day of September, 2024.

ATTEST:

Kevin Gordon, Chairman
Cleveland County Board of Commissioners
Phyllis Nowlen, Clerk
Cleveland County Board of Commissioners

**PLANNING DEPARTMENT CASE 24-11: REQUEST TO REZONE PARCEL 66231 FROM
RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL (R)**

Planning Director Chris Martin remained at the podium to present Planning Department Case 24-11: a request to rezone parcel 66231 from Restricted Residential (RR) to Residential (R). Parcel 66231, containing 3.37 acres, is located at 634 Farmville Road north of Shelby and the Highway 74 Bypass, between Chatfield Road and Washburn Switch Road. The petitioner is property owner Candice Baughman, who is asking to change it from Restricted Residential (RR), which only allows site good homes and modular homes, to Residential (R), which allows manufactured homes.

The surrounding zoning districts are mostly Restricted Residential (RR), with City of Shelby's Heavy Industrial (HI) zoning across the road, General Business (GB) at the corner of Farmville Road and Washburn Switch Road, and some Residential (R) across the road further east. Surrounding uses are mostly agriculture, single-family dwellings on large tracts of land, and some forestry. The Land Use Plan (LUP) designates this area as Primary Growth.

The Planning Board voted unanimously to recommend approval of the zoning amendment, citing the requested uses in residential zoning districts that are compatible with that area along Farmville Road and would be

an extension of an existing residential district. The following information and PowerPoint were presented to the Commissioners.

Rezoning Case 24-11

1634 Farmville Rd



Rezoning Request

- **Restricted Residential – Current district**
 - Permits site-built homes and modular homes only
- **Residential – Requested district**
 - Permits site-built homes, modular homes and manufactured homes
 - Permits multifamily uses like apartments and duplexes

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Zoning Map



Yellow – Restricted Residential

White – Residential

Purple – Heavy Industrial

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Aerial Map



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Land Use Map



Orange – Primary Growth

Green – Secondary Growth

Grey – City of Shelby Planning

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Recommendation

- **Approve – Planning Board**
 - Compatible with area
 - Extension of existing district

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Requested Board Action

- **Open Public Hearing**
- **Approve**
- **Approve with conditions**
- **Deny**

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Chairman Gordon opened the Public Hearing at 6:58 p.m. for anyone wanting to speak for or against Planning Case 24-11: a request to rezone parcel 66231 from Restricted Residential (RR) to Residential (R). (*Legal Notice was published in the Shelby Star on Friday, August 23, 2024, and Friday, September 6, 2024*).

Fish, 1650 Farmville Road, Shelby, spoke in favor of the rezoning request. He stated he had owned that property for decades and divided it several years ago. He explained that the petitioner was his great-granddaughter and that he wanted to provide her with a safe and affordable home surrounded by family.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 7:00 p.m.

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously

adopted by the Board, *to approve the request to rezone parcel 66231, located at 634 Farmville Road, from Restricted Residential (RR) to Residential (R), citing compatibility with that area and is an extension of the existing residential district.*

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RECORDING FEE \$ 210.00
* PHYLLIS NOWLEN

Doc No: 200107709
Recorded: 12/04/2024 03:42:37 PM
Fee Amt: \$26.00 Page 1 of 2

Cleveland County North Carolina
Betsy S. Hamage, Register of Deeds
BK 1934 PG 2347 - 2348 (2)

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF CLEVELAND COUNTY

Restricted Residential to Residential
1634 Farmville Rd.
Case 24-11

- Parcel 66231 – Owner: Candice Baughman – Deed Book 1890, Page 1826, containing 3.37 acres as shown on Plat Book 47, Page 31

WHEREAS, Article Two of Chapter 160D of the North Carolina General Statutes provides for the planning and regulation of development within the territorial jurisdiction of the county; and

WHEREAS, the Cleveland County Planning Board recommended to approve the zoning map amendment August 27, 2024; and

WHEREAS, said rezoning will promote the health, safety, and welfare of the citizens of Cleveland County, the public interest would be furthered, and said amendment would be reasonable and beneficial to the orderly growth of Cleveland County; and

WHEREAS, notice of the Public Hearing was published in the Shelby Star on July 26, 2024 and August 2, 2024, and notices were mailed to adjoining property owners on July 17, 2024 and a sign posted at the property on July 23, 2024; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by The Cleveland County Board of Commissioners to amend the official zoning map following a public hearing on August 6, 2024

WHEREAS during said hearing, the decision was postponed to the next County Board of Commissioners meeting on September 17, 2024 at 6:00 pm to allow for Planning Board comments during the August 27, 2024 Planning Board meeting;

NOW THEREFORE BE IT ORDAINED by the Cleveland County Board of Commissioners that the Cleveland County Zoning Map, as described in Section 12-147 of the Cleveland County Unified Development Ordinance, be amended to change the classification of Parcel 66231, described more fully in Deed Book 1890, Page 1826, and as shown on as the 3.37-acre lot on Plat Book 47, Page 31, from Restricted Residential to Residential.

This Ordinance shall become effective upon adoption and approval.

Adopted this seventeenth day of September, 2024.

ATTEST:


Kevin Gordon, Chairman
Cleveland County Board of Commissioners


Phyllis Nowlen, Clerk
Cleveland County Board of Commissioners



Restricted Residential to Residential
1634 Farmville Rd.
Case 24-11

- Parcel 66231 – Owner: Candice Baughman – Deed Book 1890, Page 1826, containing 3.37 acres as shown on Plat Book 47, Page 31



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

2025 SCHEDULES, STANDARDS, AND RULES

Chairman Gordon recognized Tax Assessor Sherry Lavender to present the 2025 Schedules, Standards, and Rules. Mrs. Lavender reminded the Board that they were presented with the 2025 Reappraisal Schedules, Standards, and Rules at their August 6, 2024, regular meeting. Copies of the Schedules, Standards, and Rules for Market Value, and the Schedules, Standards, and Rules for Present Use Value were available for public inspection beginning on Wednesday, August 7, 2024, in the Tax Assessor’s Office, the County Manager’s Office, and the library during regular business hours. An electronic copy of these documents is available for inspection on the county’s website. Those documents will be used for the upcoming reappraisal, effective January 1, 2025.

Reappraisal is the process of updating the county’s set values of real property triplet current market; the price, or the value that is determined, is estimated in terms of money in which property would change hands between a willing buyer and a willing seller. Neither would it be any compulsion to buy or sell, and both have reasonable knowledge of the uses of that property. North Carolina General Statute §105-286 requires all 100

counties to reappraise real property at least once every eight years. This statute also allows for the advancement or shortening of the reappraisal cycle for less than eight years. By conducting reappraisals more frequently, the amount of inequity between different property types is reduced.

Cleveland County is on a four-year cycle; its last reappraisal was completed in 2021. The Tax Office has worked on the 2025 revaluation over the previous two years. Reappraisals create equity in tax assessments and correct any shifts in the tax burden as values and prices increase. Sales prices rose sharply between 2021 and 2024. When the 2021 reappraisal was completed, the county was at 98% of the market value, which was within the statute for a minimum assessment level to have a sales ratio between 85% and 115%. Moving through 2021, after the effective reprisal date, Cleveland County's sales ratio began to drop; during 2020 and 2021, the county's median sales price was \$100,000. The sales price increased sharply in 2022, and they continue to rise. The county's assessed values have stayed the same since 2021, which has caused the sale ratio to drop. Cleveland County is currently down 59.18% of its market value. If the county falls below the 85% assessed values of public service properties, such as Duke Energy, Rutherford Electric, pipelines, phone, and internet providers, it could be reduced by the revenue to this assessment level.

One frequently asked question is whether everyone's values will change at the same rate, and the answer is no. Cleveland County has approximately 700 neighborhoods or market areas. Tax staff will determine rates based on market indicators in those locations. For example, properties in the Moss Lake area will not be compared with properties in the northern, more rural part of the county, which is farmland. Properties will be compared to similar properties within their market areas. Some of the market indicators depend on the use of the property, the location of the property, and the physical conditions of any improvements on that property, such as the type of construction, whether it's commercial, industrial, or residential, the age of those improvements and replacement cost of those improvements, less depreciation.

From 2022 through now, staff have been working on field data collection and completing a sales analysis to create the proposed Schedule of Values. During 2024, the data will continue to be analyzed, schedules have been created, and the process has started for adoption effective January 1, 2025. The completed Schedule of Values will be presented to Commissioners for adoption consideration at their November 12, 2024, regular meeting. Once the schedules are adopted, staff will begin evaluating and recalculating tax data and mailing notices in mid-February 2025. The Tax Office staff will conduct informal reviews and appeals from February to approximately the end of March. Beginning in April 2025, the Board of Equalization and Review (E&R) will convene to hear any formal appeals. Depending on the number of formal appeals, the Board of E&R should complete hearings by June or July, and then tax bills will be mailed next year based on the new values in July 2025. The following information and PowerPoint were presented to the Commissioners.



SEPTEMBER 17, 2024

Public Hearing

SCHEDULE OF VALUES


What is reappraisal?







- A process of updating the assessed value of real property to reflect the current **market value**.
- “The price estimated in terms of money at which the property would change hands between a willing and financially able buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of all the uses to which the property is adapted and for which it is capable of being used.” G.S. 105 -283
- Required by law.
- Creates equity in assessments.
- Corrects shifts in the tax burden.

Median Sales Price & Sales Ratio



Sales prices of real estate have risen sharply between 2021 and 2024. Cleveland County’s assessed values have remained the same causing our sales ratio to dip below 70%. NC General Statute 105-286 requires median sales ratios to be above 85% and below 115%. At the end of the 2021 reappraisal, our sales ratio was 98%, currently it is down to 59.18%.



County Sales Ratio and Public Service Companies



Minimum Assessment Level


- **SALES RATIO = ASSESSED VALUE \$120,000 = 60%**
SALE PRICE \$200,000
- Below 85% overall: Assessed value of public service properties is reduced by NC Department of Revenue.
- Additional tax burden is placed on residential and other private property owners.
- Public Service property is appraised annually (recurring).

County Sales Ratio and Public Service Companies



- Duke Energy
- Colonial Pipeline
- CSX Transportation
- AT&T
- Spectrum
- UPS (Motor Freight)
- Rutherford EMC
- Transcontinental Pipeline
- Norfolk Southern
- Verizon Wireless
- Time Warner Cable
- Greyhound Bus Lines

Frequently Asked Question



Q. Will everyone’s value change by the same amount or percentage?

A. No, Cleveland Co has approximately 700 neighborhoods or market areas where values have increased at different rates. Those rates are determined by several market indicators and may widely vary depending on property use, location, and physical conditions of the improvements (such as type of construction, age, replacement costs less depreciation, etc.)

Timeline





Wrap-up



- The new Schedule of Values is available for public inspection at the Assessor’s Office, the County Manager’s Office, the County Library and the County website www.clevelandcountytaxes.com
- Public Hearing for the Schedule of Values on September 17, 2024.
- Request for Board adoption of the Schedule of Values will be presented at the November 12, 2024 meeting.

QUESTIONS????

Chairman Gordon opened the Public Hearing at 7:10 p.m. for anyone wanting to speak for or against the 2025 Schedules, Standards and Rules. *(Legal Notice was published in the Shelby Star on Friday, August 23, 2024, and Friday, September 6, 2024).*

Hearing no comments, Chairman Gordon closed the Public Hearing at 7:11 p.m.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Bridges asked for clarification: if a house is sold, the Tax Office places its value based on the schedule of value rather than the price the home is sold for. Mrs. Lavender advised that was correct. He inquired why it was not adjusted at the time of sale. Mrs. Lavender explained that as part of the structure of the Machinery Act and the state’s structure of property taxes, market changes are not reflected until the reappraisal years. The only thing that can change between reappraisal years is if a property owner physically does something to the house, such as an addition, structure

demolishment, new garage, or other storage buildings. The Tax office can evaluate that kind of modification from year to year based on the permits, but staff can only look at market reflections, the effects of inflation, recession, or, in this case, regular market changes in a reappraisal year. Commissioners thanked Mrs. Lavender for the information and her staff for the hard work and due diligence they put into the reappraisals.

BOARD APPOINTMENTS

CITY OF SHELBY PLANNING AND ZONING BOARD (ETJ POSITION)

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to reappoint Bob Cabaniss and Emanuel Hunt Jr. to serve as members of this board*, for a three-year term, scheduled to conclude on June 30, 2027.

GASTON COMMUNITY ACTION BOARD OF DIRECTORS

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to reappoint Phyllis Williams to serve as a member of this board*, for a three-year term, scheduled to conclude on June 30, 2027.

CLOSED SESSION

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges and unanimously adopted by the Board, *to go into closed session per North Carolina General Statute §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.* (A copy of the closed session Minutes is sealed and found in the Closed Session Minute Book.)

RECONVENE IN REGULAR SESSION

Chairman Gordon stated, “*The Board is in open session. No action was taken.*”

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 next meeting of the Commission is scheduled for *Tuesday, September 17, 2024, at 6:00 pm* in the Commissioners’ Chambers.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

*Phyllis Nowlen, CMC, NCCCC
Clerk to the Board
Cleveland County Board of Commissioners*