

Cleveland County Board of Commissioners
January 20, 2022

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
Tim Moore, County Attorney
Brian Epley, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Martha Thompson, Deputy County Attorney
Sherry Lavender, Tax Assessor
Chris Martin, Planning Director

CALL TO ORDER

Chairman Gordon called the meeting to order and invited anyone from the audience to lead the Pledge of Allegiance and provide the invocation.

City of Shelby Councilman David White provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

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

CITIZEN RECOGNITION

Nannette Leonhardt, 2502 Parnell Drive, Shelby – spoke about her concerns regarding Cleveland County Schools and funding they receive from Cleveland County Government.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the *October 5 and October 19, 2021* in Board members packets.

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

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *November 2021.*

TOTAL TAXES COLLECTED NOVEMBER 2021

YEAR	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00	\$0.00
2021	\$2,812,175.28	\$0.00	\$1,506.41	\$2,813,681.69
2020	\$55,230.17	\$0.00	\$1,398.90	\$56,629.07
2019	\$15,302.44	\$0.00	\$0.00	\$15,302.44
2018	\$7,489.32	\$0.00	\$0.00	\$7,489.32
2017	\$3,051.33	\$0.00	\$0.00	\$3,051.33
2016	\$2,751.45	\$0.00	\$0.00	\$2,751.45
2015	\$1,355.58	\$0.00	\$0.00	\$1,355.58
2014	\$1,320.03	\$0.00	\$0.00	\$1,320.03
2013	\$1,181.20	\$263.88	\$0.00	\$1,445.08
2012	\$615.96	\$130.70	\$0.00	\$746.66
2011	\$0.00	\$0.00	\$0.00	\$0.00
				<u>\$2,903,772.65</u>

TOTALS	\$2,900,472.76	\$394.58	\$2,905.31	\$2,903,772.65
DISCOUNT	\$8.62			
INTEREST	\$19,120.03	\$259.31	\$135.80	
TOLERANCE	(\$6.33)	\$0.00	\$0.00	
ADVERTISING	\$402.28	VEHICLE FEES	GAP BILL FEES	
GARNISHMEN'	\$1,104.82	\$48.87	\$241.88	
NSF/ATTY	\$89.28			
LEGAL FEES	\$0.00			
TOTALS	\$2,921,191.46	\$702.76	\$3,282.99	
MISC FEE	\$0.00			GRAND TOTAL
TAXES COLL	\$2,921,191.46			\$2,925,177.21
	\$0.00			\$0.00
	\$2,921,191.46			\$2,925,177.21

TOTAL TAXES UNCOLLECTED NOVEMBER 2021

YEAR	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
2021	\$33,440,013.69	\$0.00	\$84,806.00	\$33,524,819.69
2020	\$997,862.31	\$0.00	\$57,485.41	\$1,055,347.72
2019	\$808,902.31	\$0.00	\$0.00	\$808,902.31
2018	\$415,086.24	\$0.00	\$0.00	\$415,086.24
2017	\$253,765.20	\$0.00	\$0.00	\$253,765.20
2016	\$181,142.76	\$0.00	\$0.00	\$181,142.76
2015	\$143,535.39	\$0.00	\$0.00	\$143,535.39
2014	\$144,610.56	\$0.00	\$0.00	\$144,610.56
2013	\$107,356.23	\$60,126.63	\$0.00	\$167,482.86
2012	\$84,832.19	\$68,119.29	\$0.00	\$152,951.48
2011	\$0.00	\$0.00	\$0.00	\$0.00
			\$0.00	\$0.00
	<u>\$36,577,106.88</u>	<u>\$128,245.92</u>	<u>\$142,291.41</u>	<u>\$36,847,644.21</u>

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *December 2021*.

TOTAL TAXES COLLECTED DECEMBER 2020

YEAR	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00	\$0.00
2021	\$12,232,960.59	\$0.00	\$6,501.50	\$12,239,462.09
2020	\$55,539.29	\$0.00	\$458.23	\$55,997.52
2019	\$24,024.05	\$0.00	\$0.00	\$24,024.05
2018	\$6,558.64	\$0.00	\$0.00	\$6,558.64
2017	\$3,502.06	\$0.00	\$0.00	\$3,502.06
2016	\$2,166.42	\$0.00	\$0.00	\$2,166.42
2015	\$1,114.68	\$0.00	\$0.00	\$1,114.68
2014	\$348.87	\$0.00	\$0.00	\$348.87
2013	\$1,100.77	\$42.28	\$0.00	\$1,143.05
2012	\$449.26	\$73.70	\$0.00	\$522.96
2011	\$0.00	\$0.00	\$0.00	\$0.00
				<u>\$12,334,840.34</u>

TOTALS	\$12,327,764.63	\$115.98	\$6,959.73	\$12,334,840.34
DISCOUNT	\$1.88			
INTEREST	\$17,323.31	\$276.95	\$46.26	
TOLERANCE	\$1.07	\$0.00	\$0.57	
ADVERTISING	\$285.13	VEHICLE FEES	GAP BILL FEES	
GARNISHMEN'	\$1,159.73	\$213.04	\$61.44	
NSF/ATTY	\$0.04			
LEGAL FEES	\$1,111.74			
TOTALS	\$12,347,647.53	\$605.97	\$7,068.00	
MISC FEE	\$0.00			GRAND TOTAL
TAXES COLL	\$12,347,647.53			\$12,355,321.50
	\$0.00			\$0.00
	\$12,347,647.53			\$12,355,321.50

TOTAL TAXES UNCOLLECTED DECEMBER 2020

YEAR	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
2021	\$21,234,334.57	\$0.00	\$132,381.62	\$21,366,716.19
2020	\$942,323.02	\$0.00	\$57,027.18	\$999,350.20
2019	\$784,878.26	\$0.00	\$0.00	\$784,878.26
2018	\$408,527.60	\$0.00	\$0.00	\$408,527.60
2017	\$250,263.14	\$0.00	\$0.00	\$250,263.14
2016	\$178,976.34	\$0.00	\$0.00	\$178,976.34
2015	\$142,420.71	\$0.00	\$0.00	\$142,420.71
2014	\$144,261.69	\$0.00	\$0.00	\$144,261.69
2013	\$106,255.46	\$60,084.35	\$0.00	\$166,339.81
2012	\$84,382.93	\$68,045.59	\$0.00	\$152,428.52
2011	\$0.00	\$0.00	\$0.00	\$0.00
			\$0.00	\$0.00
	<u>\$24,276,623.72</u>	<u>\$128,129.94</u>	<u>\$189,408.80</u>	<u>\$24,594,162.46</u>

Deferred	\$0.00		\$98,249.84	
TOTAL UNCOLLECTED	\$24,276,623.72	\$128,129.94	\$287,658.64	\$24,692,412.30

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *November 2021*. The monthly grand total of tax abatements was listed as (\$60,282.27) and monthly grand total for tax supplements was listed as \$73,799.91.

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *December 2021*. The monthly grand total of tax abatements was listed as (\$3,752.25) and monthly grand total for tax supplements was listed as \$30,256.12.

TAX ADMINISTRATION: RELIEF OF HB20 VEHICLE TAX

Per North Carolina General Statute 105-373(h), the Board of County Commissioners may relieve the Tax Collector of the charge of taxes on classified motor vehicles listed pursuant to North Carolina General Statute 105-330.3(a)(1) that are one year or more past due when it appears to the board that the taxes are uncollectible. This relief, if granted, shall include municipal and special district taxes charged to the collector. The Tax Collector is requesting relief for the remaining delinquent HB20 Vehicle taxes for 2012 and 2013.

Total Uncollected HB20 Vehicle Taxes				
As of August 2021				
Year	Amount			
2013	\$60,485.94			
2012	\$68,351.84			
TOTAL	\$128,837.78			
Breakdown				
Year	County	County Fire	Schools	
2013	\$36,235.45	\$1,002.61	\$9,538.77	
2012	\$42,443.95	\$999.15	\$11,174.17	
	\$78,679.40	\$2,001.76	\$20,712.94	
County Only			\$101,394.10	
Other Jurisdictions			\$27,443.68	
TOTAL			\$128,837.78	

Total Abated HB20 in Tenth Year Purge

Tax Year	Abated in	Amount
2010	2020	\$66,683.40
2009	2019	\$64,154.37
2008	2018	\$75,911.54
2007	2017	\$74,949.12
2006	2016	\$74,298.97
2005	2015	\$73,370.07
2004	2014	\$65,813.00
2003	2013	\$76,181.19
2002	2012	\$87,212.97

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and approved unanimously by the Board to, *relieve the Tax Collector of her charge for the remaining delinquent HB20 Vehicle taxes for the years 2012 and 2013.*

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #025)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, 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>
012.545.4.810.00		Nurse Family Partnership/Contribution-Donations	\$250.00	
012.545.5.581.00		Nurse Family Partnership/Awards-Appreciation	\$250.00	

Explanation of Revisions: Budget allocation for \$250 in honorarium from the Nurse Family Partnership (NFP) program for NFP staff presenting at the Connect 2021 symposium that was held in October. Funds will be used for program incentives for patient participation.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #026)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, 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>
012.548.4.810.00		CODAP/ Contribution-Donations	\$25.00	
012.548.5.790.00		CODAP/ Contribution-Donations	\$25.00	

Explanation of Revisions: Budget allocation for \$25 in memorial donation funds from Camp's Creek Baptist Church. These funds will be used towards purchase of food for the Coalition meetings.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #027)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, 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>
012.533.4.310.83		Adult Health/Federal Govt Grants-BCCCP	\$510.00	
012.533.5.420.00		Adult Health/Professional Services	\$510.00	

Explanation of Revisions: Budget allocation for \$510 in additional funds to increase screenings and health coaching services to eligible women in the North Carolina Breast and Cervical Cancer Control Program. Funds will be used towards payment of medical services provided by outside partners.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #028)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, 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>
012.533.4.310.85		Adult Health/Federal Govt Grants-BCCCP	\$325.00	
012.533.5.420.00		Adult Health/Professional Services	\$325.00	

Explanation of Revisions: Budget allocation for \$325 in additional funds to increase screenings and patient navigation services to eligible women in the North Carolina Breast and Cervical Cancer Control Program. Funds will be used towards payment of medical services provided by outside partners.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #029)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, 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>
010.441.4.810.00		Sheriff's Office/Contributions-Donations	\$50,263.00	
010.441.5.790.00		Sheriff's Office/Contributions-Donations	\$50,263.00	

Explanation of Revisions: Budget allocation for \$50,263 in donated funds received to assist with expenditures.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #030)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, 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>
012.546.4.310.46		COVID/Federal Govt Grant-COVID 19 Vaccination	\$257,204.00	
012.546.5.121.00		COVID/Salaries-Reg	\$171,204.00	
012.546.5.230.36		COVID/Medical Supplies	\$20,000.00	
012.546.5.422.36		COVID/Contracted Letter	\$66,000.00	

Explanation of Revisions: Budget allocation for \$257,204 to assist with COVID Vaccination administration. Funds will be used towards existing salaries, contracted services, medical supplies and PPE gear, and towards payment for contracted labor to cover expenses for RN assisting in children COVID vaccine administration.

E-911 COMMUNICATIONS: BUDGET AMENDMENT (BNA #031)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, 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>
026.454.4.991.00		E911 Telephone Sys/Fund Balance Appropriated	\$110,120.00	
026.454.5.910.00		E911 Telephone Sys/Capital Equipment	\$110,120.00	

Explanation of Revisions: Budget allocation for \$110,120 in funds needed for replacement of E911 Recorder System and needed supplies.

LEGAL DEPARTMENT: DECRIMINALIZATION OF CERTAIN ORDINANCES

The General Assembly recently passed legislation modifying when and how a county may provide for criminal penalties in an ordinance. The ordinance aims to, as much as practicable, maintain the status quo that existed prior to the new legislation. Departments such as Animal Services, Building Inspections, Broad River Greenway and Solid Waste are specific areas of the code of ordinances. This is the second reading for the proposed Decriminalization of Certain Ordinances.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, ***enact the ordinance as written. The first reading was held on December 7, 2021.***

AN ORDINANCE UPDATING CLEVELAND COUNTY'S ORDINANCES TO COMPLY WITH SESSION LAW 2021-138

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLEVELAND:

The following changes are hereby made to the Chapters 1, 3, 4, 5, 6, 7, 9, 10 and 11 of the Cleveland County Code of Ordinances. These changes are effective on the date that this ordinance is read by the Board of Commissioners for a second time, following its first reading during a regular meeting thereof.

Additions are indicated by underlined text in blue, and deletions are indicated by ~~struck-through text in red~~.

1 Sec. 1-8. General penalty; continuing violations.

2
3 Any violation of a section of this Code that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor and any person convicted of the violation shall be punishable as provided in N.C.G.S. § 14-4. To the extent that any criminal penalty in this code conflicts with N.C.G.S. § 153A-123(b1), that statute shall control. ~~Wherever in this Code or in any ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or an infraction or a misdemeanor, where no specific penalty is provided therefor the violation of any such provision of this Code or any such ordinance shall be punished as provided in section 14-4 of the General Statutes for each separate violation; provided, that the punishment for an infraction shall be a fine of not more than fifty dollars (\$50.00).~~ Each day any violation of this Code or any ordinance shall continue shall constitute a separate offense, unless otherwise specified.

16 Any provision of this Code may be enforced by the assessment of a civil penalty in the amount of one hundred dollars (\$100.00) per violation, unless otherwise provided. Each day on which a violation occurs is a separate violation, for which a separate civil penalty may be assessed.

21 Any section of this Code that is specifically designated as a misdemeanor may also be enforced by a civil penalty in the amount of one hundred dollars (\$100.00) per violation, unless a greater penalty is specifically provided, as authorized by N.C.G.S. § 153A-123(c), regardless of whether the criminal penalty conflicts with N.C.G.S. § 153A-123(b1). Each day that a violation occurs shall constitute a separate violation, for which a separate civil penalty may be assessed.

27 **Sec. 3-32. Protective measures for containment of animals.**

28
29 ...
30

1 (h) It shall be the duty of the owner or person in charge of any animals that die, from any cause, and the owner, lessee or person in charge of any land upon which any animals die, to bury the dead animals to a depth of at least three (3) feet beneath the surface of the ground or to completely burn such animals, within twenty-four (24) hours after the death of such animals, or to otherwise dispose of the same in a manner approved by the state veterinarian. It shall be unlawful for any person to remove the carcasses of dead animals from his premises to the premises of any other person without the written permission of the person having charge of such premises and without burying such carcasses as provided above.

7 (i) It shall be unlawful for an owner or keeper of any animal to restrain it in an unsafe manner. It shall further be unlawful for an owner or keeper of any animal to tester the animal unless all of the following conditions are met:

12 ...

16 (k) It shall be unlawful for any person to keep dogs in outdoor kennels used for the primary purpose of restraining dogs, where there is less than fifty (50) square feet of kennel space per dog. Outdoor kennels shall be kept in a state of repair to prevent injury to the dog(s). Carriers, creates or other similar devices used for training or temporary housing shall only be utilized indoors. This requirement shall not apply to the housing of dogs whose primary purpose is hunting activities.

23 (l) It is not the intent of this section or this chapter to further regulate the practices of raising farm animals as defined in G.S. § 153A-145.4.

26 (m) A violation of this section is punishable as a misdemeanor.

27 **Sec. 3-35. Teasing and molesting.**

30 It shall be unlawful for any person to tease, bait or in any way molest any animal. A violation of this section is punishable as a misdemeanor.

33 **Sec. 3-51. Dangerous animal seizure, forfeiture and appeal procedure.**

34 ...

37 (c) Owner's duties. The owner shall turn the animal over to the department immediately upon receiving a probable cause notice. The department shall have the authority to seize immediately any animal for which a probable cause notice has been issued. It shall be unlawful for the owner or occupant of a premises to fail to give an animal to the department immediately upon the presentment of a probable cause notice. The owner's failure to comply with the requirements of this subsection is punishable as a misdemeanor.

44 **Sec. 3-52. Requirements for attack training facility.**

45 ...
46

1
2
3 (h) A violation of this section is punishable as a misdemeanor.
4
5 **Sec. 3-53. Dogs or animals used for sentry or guard duty.**
6
7 A plainly visible sign warning that there is a guard or sentry dog or animal on the premises
8 shall be displayed. The owner or keeper shall post a plainly visible sign upon the secure
9 enclosure warning that a guard dog or animal is on the premises. [A violation of this section is](#)
10 [punishable as a misdemeanor.](#)
11
12 **Sec. 3-55. Standards of care for commercial dog and/or cat breeders.**
13
14 ...
15
16 (m) A violation of this section is punishable as a misdemeanor.
17
18 **Sec. 3-56. Sales of dogs and cats.**
19
20 ...
21
22 (c) A violation of this section is punishable as a misdemeanor.
23
24 **Sec. 3-81. Rabies vaccination requirements.**
25
26 ...
27
28 A violation of this section is punishable as a misdemeanor.
29
30 **Sec. 3-84. Imposition of penalties for certain violations of chapter.**
31
32 ...
33
34 (d) If any domestic animal or dog shall, when unprovoked and is-off of the owner's property, ...
35
36 ...
37
38 (c) Any act or failure to act proscribed by this section that is punishable by a civil penalty is also
39 punishable as a misdemeanor.
40

1 partner of the pawnshop, then the license of the pawnshop may be suspended at the
2 discretion of the court.
3
4 (b) The provision of subsection (a) shall not apply to violations of ~~North Carolina General~~
5 ~~Statutes N.C.G.S. § 91A-10(6)~~, which shall be prosecuted under the North Carolina
6 criminal statutes.
7
8 ...
9
10 **Sec. 6-1. Consumption of intoxicating liquor in public place.**
11
12 ...
13
14 (b) Anyone violating this section shall be subject to the penalties provided in section 1-8. [A](#)
15 [violation of this section is punishable as a misdemeanor.](#)
16
17
18 **Sec. 6-5. Fireworks.**
19
20 State fireworks laws permit the use of fireworks that do not contain more than four (4)
21 grams of explosive and do not leave the ground (safe and sane fireworks). During times when
22 weather conditions are dangerous to the point use of any fireworks may cause a fire, this section
23 will apply so that any use of fireworks is prohibited if the fire marshal has issued a burning ban.
24 In the event any permit has been obtained for a professional fireworks display, these types of
25 displays will also be discontinued until conditions are favorable for a display. The fire marshal's
26 office will notify permit holders in the event this occurs and a stop work order is being issued in
27 accordance with G.S. § 160A-421. [A violation of this section is punishable as a misdemeanor.](#)
28
29 **Sec. 6-7. Unlawful camping on county property; prohibited activity.**
30
31 (a) Unless otherwise expressly permitted in writing by the county manager or his designee,
32 it is unlawful for any person to camp on any county property, including property located
33 within public rights-of-way and sidewalks.
34
35 (b) Tents, temporary shelters, or other camping gear are prohibited on county property
36 regardless of whether the tents are occupied and/or contain bedding or camping gear,
37 except in locations designated in writing for camping and permitted for such activity. It
38 is unlawful for any person to place or leave any tent, any temporary shelter, or any
39 bedding on county property unless expressly permitted to do so in writing by the county
40 manager or his designee.
41
42 (c) It is unlawful for any person to light or use a campfire or bonfire on county property,
43 unless specifically authorized by written permit to do so.
44
45 (d) A violation of this section is punishable as a misdemeanor.

1 **Sec. 3-101. Possession of inherently dangerous exotic mammals, inherently dangerous**
2 **mammals, and inherently dangerous reptiles is illegal in the county.**
3
4 At no time may any person or persons harbor an inherently dangerous exotic mammal,
5 inherently dangerous mammal or inherently dangerous reptile. Any person in possession of an
6 inherently dangerous exotic mammal, inherently dangerous mammal or inherently dangerous
7 reptile shall be fined a civil penalty of three hundred dollars (\$300.00). [A violation of this section](#)
8 [is punishable as a misdemeanor.](#)
9
10 **Sec. 4-29. Violations; interfering with enforcement of article.**
11
12 It shall be unlawful for any person to violate any of the provisions of this article or of the
13 regulations or plans issued pursuant to the authority contained in this article, or to willfully
14 obstruct, hinder or delay any member of the emergency management organization in the
15 enforcement of the provisions of this article or any regulations or plan issued under this article. [A](#)
16 [violation of this section is punishable as a misdemeanor.](#)
17
18 **Sec. 5-1. - Visibility of drive-in theater screens to motorists on street.**
19
20 (a) ...
21
22 (b) If any person shall violate this section, he shall ~~be guilty of a misdemeanor and shall~~ be
23 subject to ~~the any applicable~~ penalties, [including those](#) provided in section 1-8.
24
25 (c) This section shall apply throughout the county, except that this section shall not be
26 applicable within the corporate limits or jurisdiction of any municipality which has
27 conducted the most recent election required by its charter or the general law, whichever is
28 applicable, unless the governing body thereof shall, by resolution, agree to the application
29 of this section within the municipality.
30
31 **Sec. 5-28. Penalty for violation of article.**
32 If any person shall violate this article, he shall be ~~guilty liable for of a misdemeanor and~~
33 ~~shall be subject to the penalties provided in section 1-8~~ [civil penalty in the amount of \\$100 for](#)
34 [each day that a violation occurs.](#)
35
36 **Sec. 5-86. Penalties.**
37
38 (a) Every person, firm, or corporation, their guests or employees, who shall knowingly
39 violate any of the provisions of this article, shall, ~~on conviction following trial~~ thereof,
40 be ~~deemed guilty of a class 3 misdemeanor and shall be fined not more than five~~
41 ~~hundred dollars (\$500.00)~~ [assessed a civil penalty of five hundred dollars \(\\$500.00\).](#)
42 Each day any violation of this article shall continue shall constitute a separate offense. If
43 the violation is by an owner or major stockholder or managing partner of the pawnshop
44 and the violation is knowingly committed by the owner, major stockholder, or managing

1
2
3 **Sec. 7-29. Unlawful acts.**
4
5 ...
6
7 (d) [A violation of this section is punishable as a misdemeanor.](#)
8
9
10 **Sec. 7-33. Dogs and other pets.**
11
12 ...
13
14 (e) [A violation of this section is punishable as a misdemeanor.](#)
15
16 **Sec. 7-34. Hiking, horseback and biking trails.**
17
18 (a) It shall be unlawful for any person to hike, horseback ride or bike ride in areas not
19 specifically designated as a trail for such activity. [A violation of this section is punishable as](#)
20 [a misdemeanor.](#)
21
22 **Sec. 7-35. Rocks and vegetation.**
23
24 ...
25
26 (d) [A violation of this section is punishable as a misdemeanor.](#)
27
28 **Sec. 7-36. Recreational vehicles and camping.**
29
30 ...
31
32 (g) [A violation of this section is punishable as a misdemeanor.](#)
33
34 **Sec. 7-37. Boating.**
35
36 ...
37
38 (c) [A violation of this section is punishable as a misdemeanor.](#)
39
40 **Sec. 7-38. Glass bottles, containers and litter.**
41
42 ...
43
44 (d) [A violation of this section is punishable as a misdemeanor.](#)
45
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47

1 **Sec. 9-38. Unauthorized designation of street name.**

2 It shall be unlawful for any person, without the written consent of the county, to name or
3 designate the name of any public road, neighborhood public road, private subdivision street or
4 private mobile home park road in the unincorporated areas. A violation of this section is
5 punishable as a misdemeanor.

6 **Sec. 9-41. Same—Erection by developer.**

7 The developers of new subdivisions, mobile home parks, industrial parks and other similar
8 developments shall erect the appropriate street signage in accordance with guidelines set by the
9 county. Upon written request by the developer or owner, the county will authorize the developer
10 to erect the approved signage, provided that the placement and signs meet all current county sign
11 specifications. A violation of this section is punishable as a misdemeanor.

12 **Sec. 9-42. Same—Erecting unauthorized sign.**

13 It shall be unlawful for any person to erect any street sign on any public road, neighborhood
14 public road, private subdivision street or private manufactured home park road in the
15 unincorporated areas of the county without the written approval of the county planning
16 department. A violation of this section is punishable as a misdemeanor.

17 **Sec. 9-43. Same—Erecting sign not meeting county specifications.**

18 It shall be unlawful for a person, without the written consent of the county, to erect any
19 street sign on any roadway, public or private, in the unincorporated areas of the county, that does
20 not meet the current county sign specifications. A violation of this section is punishable as a
21 misdemeanor.

22 **Sec. 9-44. Same—Removing, damaging or obscuring sign.**

23 It shall be unlawful for any person, without the written consent of the county, to remove,
24 deface, damage or obscure a street sign under the jurisdiction of this article. A violation of this
25 section is punishable as a misdemeanor.

26 **Sec. 9-45. Unauthorized assignment of number.**

27 It shall be unlawful for any person to number or assign a number to any structure without
28 the written approval of the county. A violation of this section is punishable as a misdemeanor.

29 **Sec. 9-46. Posting of numbers required; standards.**

30 ...
31 (4) A violation of this section is punishable as a misdemeanor.

32 **Sec. 10-44. Use of facilities.**

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36
1 (f) Fine for violation. Any person violating the terms of this section shall pay a fine in the
2 amount of one hundred dollars (\$100.00). A violation of this section shall also be
3 punishable as a misdemeanor.

4 **Sec. 11-40. Same—Use of solid waste/recycling centers.**

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10 (e) Fine for violation. Any person violating the terms of this section shall pay a fine in the
11 amount of one hundred dollars (\$100.00). A violation of this section shall also be
12 punishable as a misdemeanor.

13 **Sec. 11-42. Demolition pits.**

14 Anyone wishing to operate a demolition pit shall make a written request to the county
15 manager, listing the name of the persons who will be using the pit, what type of solid waste is to
16 be put into the pit, and to what use the land will be put when filled. Demolition pits shall be
17 operated in accordance with the solid waste rules and regulations of the state department of
18 human resources, division of health services, and shall be approved by the division of health
19 services. A violation of this section is punishable as a misdemeanor.

20 **Sec. 11-43. Closing of illegal dumps.**

21 Any person having an illegal solid waste dump shall, upon notification by the county
22 manager, take the following actions:
23 (1) Implement effective rat control measures for at least two (2) weeks after closing the
24 dump to prevent rat migration to adjacent properties, if determined necessary by the
25 county manager.
26 (2) Compact and cover existing solid waste with at least two (2) feet or more of compacted
27 earth approximately two (2) weeks after any necessary rat control baiting.
28 (3) Implement erosion control measures by grading and seeding as necessary.
29 (4) Post signs indicating the dump site closure.

30 A violation of this section is punishable as a misdemeanor.

31 **Sec. 11-45. Open burning.**

32 ...
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34
35 (9) A violation of this section is punishable as a misdemeanor.

36 **Sec. 11-64. License required; exceptions.**

37 ...

1 It shall be unlawful to park any vehicle in or on any county-owned parking lot or parking
2 facility in violation of or contrary to the rules established by the board of commissioners for the
3 use of the parking lots or facilities, or to use the parking lots or parking facilities in any manner
4 other than that designated by the board of commissioners. A violation of this section is
5 punishable as a misdemeanor.

6 **Sec. 11-34. Storage and disposal generally.**

7 ...
8
9
10
11 (e) A violation of this section is punishable as a misdemeanor.

12 **Sec. 11-35. Open burning of garbage prohibited.**

13 There shall be no open burning of garbage by any person. Garbage, as defined in section 11-
14 28 of this Code, means all putrescible waste, including animal offal and carcasses and
15 recognizable industrial byproducts, but excluding sewage and human waste.

16 (1) Fine for violation. Any person violating the terms of this section shall pay a fine in the
17 amount of one hundred dollars (\$100.00).

18 (2) A violation of this section is punishable as a misdemeanor.

19 **Sec. 11-36. Disposal of dead animals.**

20 ...
21
22
23 (5) A violation of this section is punishable as a misdemeanor.

24 **Sec. 11-37. Storage and disposal of scrap tires.**

25 ...
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27
28
29 (f) A violation of this section is punishable as a misdemeanor.

30 **Sec. 11-38. Use of county landfill, county waste/recycling centers—Generally.**

31 All persons using sanitary landfills or solid waste/recycling centers operated by the county
32 shall abide by the rules and regulations governing their use. A violation of such rules and
33 regulations shall constitute a violation of this article and is punishable by civil penalty as herein
34 provided.

35 **Sec. 11-39. Same—Use of landfill.**

36 ...
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38
39 (c) A violation of this section is punishable as a misdemeanor.

40 **Sec. 11-68. Sale, transfer of license; changes in ownership of business.**

41 No license granted under the provisions of this division shall be sold, assigned, pledged or
42 transferred, nor shall control thereof be changed by stock transfer or otherwise or any rights
43 thereunder leased, nor shall any merger or combination affecting the license be made through
44 acquisition or control by stock purchase or otherwise, except after application to and written
45 approval by the board of commissioners. A violation of this section is punishable as a
46 misdemeanor.

47 **Sec. 11-98. Penalties for violation of article.**

48 ~~(a) Any person who violates the provisions of this article shall be guilty of a misdemeanor and,~~
49 ~~upon conviction thereof, shall be subject to the penalties provided in section 1-8. Each day~~
50 ~~of violation shall be a separate and distinct offense.~~
51 ~~(b) Any person who violates the provisions of this article shall also be subject to a civil penalty,~~
52 ~~to be recovered by the county, in the sum of one hundred dollars (\$100.00) for each~~
53 ~~violation, payable within ten (10) days after such person has been cited for violation of this~~
54 ~~article.~~

55 **Sec. 11-99. Enforcement of article.**

56 This article may be enforced by each and every remedy enumerated in section 153A-123(d)
57 and (e) of the General Statutes, including any criminal penalties, which section is incorporated in
58 this article by reference and made a part hereof.

59 **Sec. 11-100. Possession, transport, disposal of radioactive material.**

60 It shall be unlawful for any person, except persons directly involved in the use of radiation
61 machines or radioactive materials for medical diagnosis or treatment, to use, manufacture,
62 produce, process, store, dump, bury, transport, transfer, receive, acquire, own or possess
63 radioactive material in the county. A violation of this section is punishable as a misdemeanor.

64 **Sec. 11-101. Possession, transport, disposal of hazardous waste.**

65 It shall be unlawful for any person to use, manufacture, produce, process, store, dump, bury,
66 transport, transfer, receive, acquire, own or possess any hazardous waste in the county. This
67 section shall not apply to any person permitted to use, manufacture, produce, process, store,
68 dump, bury, transport, transfer, receive, acquire, own or possess hazardous waste by the
69 Environmental Protection Agency, nor to any person who has applied for and received interim
70 status under the hazardous waste and consolidated permit regulations issued by the

1 Environmental Protection Agency on May 19, 1980. A violation of this section is punishable as a
2 misdemeanor.

3
4 Sec. 11-128. Removal from privately owned premises.

5
6 No abandoned vehicle shall be removed from privately owned premises without the written
7 request of the owner, lessee or occupant of the premises, unless the vehicle has been declared by
8 the county manager to be a health or safety hazard. Before declaring a vehicle to be a health or
9 safety hazard, the county manager shall consult with, and be advised by, the public health board
10 of the health director. A violation of this section is punishable as a misdemeanor.

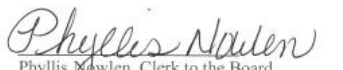
--END OF CHANGES TO CODE OF ORDINANCES--

These changes are effective on the date that they are read for the second time by the Board of Commissioners, having first been read during a regular meeting thereof.

This the 20th day of January 2022


Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:


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



PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR TUESDAY, FEBRUARY 1, 2022 FOR CASE 22-01: REQUEST TO REZONE PARCEL 10480 AT 1572 LONG BRANCH ROAD FROM LIGHT INDUSTRIAL (LI) TO HEAVY INDUSTRIAL (HI)

Parcel 10480 is a 41.94-acre tract, belonging to McCree Holding Company, LLC, located at 1572 Long Branch Road. The applicant is asking to rezone the parcel from Light Industrial (LI) to Heavy Industrial (HI). Surrounding uses are mostly industrial with scattered commercial and residential uses along South Battleground Road and Long Branch Road. The rezoning request is in line with the Land Use Plan as it defines this area as Future Primary Growth Area, which would support high intensity industrial uses.

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

PLANNING DEPARTMENT: JOINT HISTORIC PRESERVATION COMMISSION

The City of Kings Mountain is requesting the County Historic Preservation Commission exercise the powers and duties given to it by the County ordinance within the City's Planning jurisdiction. In 2005, the County adopted an ordinance and created a joint Historic Preservation Commission using both County and Municipal residents as board members. Staffing was to be provided by the County's Planning office. The adopted ordinance was to be applied to the County and all participating towns. All towns, except Kings Mountain, signed an agreement with the County to participate. Kings Mountains maintained their own Commission and ordinance but in the last several years, have dissolved the Commission, and now wishes to join the County's.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, ***approve the Joint Historic Preservation Commission with the City of Kings Mountain.***

**AGREEMENT DESIGNATING A JOINT HISTORIC PRESERVATION
COMMISSION IN CLEVELAND COUNTY**

This is an agreement between Cleveland County (County) and Kings Mountain (City) requesting the Cleveland County Historic Preservation Commission to exercise those powers and duties given it by the Cleveland County Historic Preservation Ordinance within the planning jurisdiction of Kings Mountain.

1. **Designation of a Joint Historic Preservation Committee**
Pursuant to the authority provided in Section 160D-941 of the North Carolina General Statutes, the County and the City hereby designate the Cleveland County Historic Preservation Commission (Commission) as a joint historic preservation commission, to be governed by the provisions set forth in the Cleveland County Historic Preservation Ordinance, as adopted by the Cleveland County Board of Commissioners on December 21, 2004 and as may be subsequently amended. The Commission shall have authority to exercise, within the planning jurisdiction of the City, all the powers and duties given it by the Cleveland County Historic Preservation Ordinance.
2. **County Amendments to the Cleveland County Historic Preservation Ordinance**
If the County proposes any amendment to the Cleveland County Historic Preservation Ordinance, it will provide the City written notice of the proposed amendment and provide the City a reasonable opportunity to review and comment on the proposed amendment before the County holds a public hearing on the amendment.
3. **Funding of Commission**
The County will provide the staffing, materials, and funding it deems necessary to support the activities of the Commission such as, but not limited to maintaining the inventory of historic resources, recommending designation of historic landmarks, and providing advice and education about historic preservation.
The County will also provide the staffing, materials, and funding it deems necessary to support the activities of the Commission in reviewing all applications for Certificates of Appropriateness for historic landmarks, enforcing the Certificates of Appropriateness issued for historic landmarks, and acquiring, restoring, preserving, and operating historic landmarks.
4. **Appointment of Commission Members**
The City shall be notified of vacancies on the Commission when the vacant seat involves a municipal representative. The City shall be given a period of 30 days

to offer names of qualified candidates for consideration by the Board of Commissioners.

5. **Jurisdictional Conflict**
The City shall process requests for Certificates of Appropriateness for historic landmarks located within a municipal historic district.
6. **Withdrawal from Agreement**
The City may withdraw from this agreement by providing the County 90-day written notice of its withdrawal.
7. **Amendment and Repeal of the Agreement**
This agreement may be amended or repealed at any time on adoption of a resolution amending or repealing the agreement by the County or the City.
8. **Effective Date**
This agreement becomes effective with respect to the County and the City when it has been adopted by both the Cleveland County Board of Commissioners and the governing body of the City, and has been executed by a duly authorized representative on behalf of both the Cleveland County Board of Commissioners and the governing body of the City.


Cleveland County Board of Commissioners

1/29/2022
Date


Scott Neisler, Mayor of Kings Mountain

12/3/2021
Date

* approved at the 01/20/22 Commissioners Mtg

PLANNING DEPARTMENT: INTERLOCAL AGREEMENT POLKVILLE MINIMUM HOUSING

The Town of Polkville requests the County to administer the minimum housing ordinance within their town limits. The minimum housing code helps protect the health, safety, and welfare of a community by establishing minimum standards of fitness for buildings used for habitation. Polkville has adopted the County's minimum housing code and is requesting that the County assist them with enforcement. The county has similar agreements with Belwood, Lawndale, Grover, Boiling Springs, and Kingstown. The Land Use Plan encourages all towns to adopt a minimum housing code within their jurisdiction. The agreement provides County staff for administration while any decisions and cost associated with demolition or repair would be the responsibility of the town.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, ***approve the Interlocal Agreement Polkville Minimum Housing.***

INTER-LOCAL AGREEMENT
MINIMUM HOUSING CODE ENFORCEMENT

THIS AGREEMENT by and between CLEVELAND COUNTY, a North Carolina Municipal Corporation, located in the state of North Carolina, party of the first part, hereinafter referred to as "County", and THE TOWN OF POLKVILLE, a North Carolina Municipal Corporation, located in Cleveland County, North Carolina, party of the second part, hereinafter referred as "Town".

FOR THE BENEFIT OF THE CITIZENS OF THE TOWN OF POLKVILLE, and for the powers and duties given CLEVELAND COUNTY within the planning jurisdiction of the TOWN OF POLKVILLE

1. PURPOSE

The Town of Polkville desires to provide basic minimum housing standards deemed essential to maintain any residential dwelling in safe and sanitary condition. Pursuant to the authority provided in Section 160A-441 of the North Carolina General Statute the Town hereby designates Cleveland County, to administer and enforce the provisions set forth in the Cleveland County minimum Housing and Code, as adopted by the Cleveland County Board of Commissioners on May 2, 2000 and as may be subsequently amended. The County shall have authority to exercise, within the planning jurisdiction of the Town, all the powers and duty given to it by the Cleveland County Housing Code.

2. SERVICES

The County shall administer and enforce the provisions of the Minimum Housing Code within the planning jurisdiction of the Town. The Town agrees to indemnify and hold harmless the County from any liability, costs, expenses, claims or financial detriment of any kind or nature whatsoever which may be incurred as a result of providing this service.

3. Cost

The town agrees to pay for any cost related to the administration, including but not limited to legal notices, asbestos remediation, and demolition.

4. AMENDMENT TO THE CODE

If the County proposes any amendments to the Cleveland County Minimum Housing Code, it will provide the town with written notice of the proposed amendment and also provide the Town a reasonable opportunity to review and comment on the proposed amendment, before the county holds a public hearing on the amendment.

5. TERMINATION


Should either party elect to terminate the agreement, the party wishing to terminate shall provide at least a 90-day written notice to the other party.

6. TERM

This agreement becomes effective with respect to the County and the Town when it has been adopted by both the Cleveland County Board of Commissioners and the Town of Polkville Board of Commissioners and has been executed by a duly authorized representative on behalf of both parties.


Kevin Gordon Chairman
Cleveland County Board of Commissioners

01/20/22
Date


Jack Shytle, Mayor

10/7/2021
Date

* approved at the 01/20/2022 Commissioners Mtg

PUBLIC HEARING

SMALL BUSINESS INCENTIVE GRANT FOR B&S BUTLER PROPERTIES LLC

Chairman Gordon recognized Tax Assessor Sherry Lavender to present the Small Business Incentive Grant for B&S Butler Properties, LLC. B&S Butler Properties LLC has made an application for participation in the Small Business Investment Grant program related to renovations for property located at 404 East Peach Street in Kings Mountain. The applicant has a qualifying net new investment of \$367,084 and is in compliance with all guidelines and requirements of the program. Under the program, a qualifying net new investment of \$50,000 to \$1,000,000 would be eligible for a grant equal to 50% of taxes paid on the new taxable investment for three years. The grant amount will be calculated on the current county tax rate of .5475 cents per \$100 new net investment. The taxes have been paid and there are no unresolved appeals. Per North Carolina General Statute 158-7.1 (c), any appropriation or expenditure pursuant to this section (158-7.1) must be approved by the Commissioners after a public hearing.

CLEVELAND COUNTY SMALL BUSINESS INCENTIVE GRANT						
B&S Butler Properties LLC		Application Date	9/25/2020			
		Public Hearing	12/7/2021			
ACCOUNT (BPP)	1335299					
PARCEL	6994					
BASE YEAR	2020					
Tax Year	Improvement Value	Eligible Personal Property Value	Total Eligible Assessed Value	Taxes Paid Timely	Listing Filed Timely	Payment Request
2020	\$ -	\$ -	BASE YEAR			
2021	\$ 278,474	\$ 88,610	\$ 367,084	PP=yes, RP=yes	yes	3/31/2021
2022						
2023						
CALCULATIONS						
Year	Assessed Value	Net New Investment	County General Tax	Grant Rate	Grant Amount	To Finance
2020	\$ -	BASE YEAR				
2021	\$ 367,084	\$ 367,084	\$ 2,009.78	50%	\$ 1,004.89	
2022						
2023						

Chairman Gordon opened the Public Hearing at 6:15 pm for anyone wanting to speak for or against the Small Business Incentive Grant for B&S Butler Properties, LLC. (*Legal Notice was published in the Shelby Star on Friday, January 7, 2022*).

Steve Padgett, 105 Monteith Lane, Shelby – is the Small Business Center Director for Cleveland County and spoke in favor of the Small Business Incentive Grant. COVID-19 has been extremely difficult for small business owners in the community and these grants could make the difference of a small business remaining open or closing its doors permanently. Mr. Padgett thanked Board members for their continued support of small businesses in Cleveland County.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:17 pm.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners spoke of their support for small businesses in the community and the importance they bring.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, *approve the Small Business Incentive Grant for B&S Properties, LLC.*

SMALL BUSINESS INCENTIVE GRANT FOR THOROUGHbred PARTNERS LTD

Mrs. Lavender remained at the podium to present the Small Business Incentive Grant for Thoroughbred Partners Ltd. Thoroughbred Partners Ltd. has made application for participation in the Small Business Investment Grant Program related to renovations for property located at 133 West Mount Street in Kings Mountain. The applicant has a qualifying net new investment of \$346,672 and is in compliance with all guidelines and requirements of the program. Under the program, a qualifying net new investment of \$50,000 to \$1,000,000 would be eligible for a grant equal to 50% of taxes paid on the new taxable investment for three years. The taxes have been paid and there are no unresolved appeals.

CLEVELAND COUNTY						
SMALL BUSINESS INCENTIVE GRANT						
THOROUGHbred PARTNERS LTD		Application Date	3/30/2021			
		Public Hearing	12/7/2021			
ACCOUNT (BPP)	N/A					
PARCEL	6935					
BASE YEAR	2020					
Tax Year	Improvement Value	Eligible Personal Property Value	Total Eligible Assessed Value	Taxes Paid Timely	Listing Filed Timely	Payment Request
2020	\$ 57,971		\$ 57,971			
2021	\$ 404,643		\$ 404,643	YES	N/A	3/30/2021
2022			\$ -			
2023			\$ -			
CALCULATIONS						
Year	Assessed Value	Net New Investment	County General Tax	Grant Rate	Grant Amount	To Finance
2020	\$ 57,971	BASE YEAR				
2021	\$ 404,643	\$ 346,672	\$ 1,898.03	50%	\$ 949.01	
2022						
2023						

Chairman Gordon opened the Public Hearing at 6:19 pm for anyone wanting to speak for or against the Small Business Incentive Grant for Thoroughbred Partners Ltd. (*Legal Notice was published in the Shelby Star on Friday, January 7, 2022*).

Steve Padgett, 105 Monteith Lane, Shelby – spoke in favor of the Small Business Incentive Grant programs, echoing his previous comments of support.

Hearing no further comments, Chairman Bridges closed the Public Hearing at 6:20 pm.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, *approve the Small Business Incentive Grant for Thoroughbred Partners Ltd.*

SMALL BUSINESS INCENTIVE GRANT FOR WHITE INVESTMENTS OF SHELBY, LLC

Mrs. Lavender remained at the front to present the Small Business Incentive Grant for White Investments of Shelby, LLC. Applications for the 2020 and 2021 grant years were submitted timely by the taxpayer, however the 2020 application was not submitted to the Board by staff during 2020 due to the COVID pandemic and a change in tax staff. Therefore, both grant years were submitted for consideration. White Investments of Shelby, LLC has made application for participation in the Small Business Investment Grant Program related to renovations for property located at 219 E Marion Street in Shelby. The applicant has met all of the listing and investments requirements and has a qualifying new net investment of \$417,017 for 2020 and \$548,707 for 2021. Under the program, a qualifying net new investment of \$50,000 to \$1,000,000 would be eligible for a grant equal to 50% of taxes paid on the new taxable investment for three years. Taxes have been paid and there are no unresolved appeals.

CLEVELAND COUNTY						
SMALL BUSINESS INCENTIVE GRANT						
WHITE INVESTMENTS OF SHELBY		APPLICATION DATE	2/12/2020			
		PUBLIC HEARING	12/7/2021			
ACCOUNT (BPP)						
PARCEL	17071					
BASE YEAR	2019					
TAX YEAR	Assessed Improvement Value	Eligible Personal Property Value	Total Eligible Assessed Value	Taxes Paid Timely?	Listing Filed Timely?	Payment Request
2019	\$ 40,398	\$ -	\$ 40,398			
2020	\$ 457,415		\$ 457,415	yes	n/a	2/12/2020
2021	\$ 589,105		\$ 589,105	yes	n/a	3/8/2021
2022			\$ -		n/a	
CALCULATIONS						
Year	Assessed Value	Net New Investment	County General Tax	Grant Rate	Grant Amount	To Finance
2019	40,398	BASE YEAR				
2020	457,415	\$ 417,017.00	\$ 2,377.00	50%	\$ 1,188.50	
2021	589,105	\$ 548,707.00	\$ 3,004.17	50%	\$ 1,502.09	
2022						

Chairman Gordon opened the Public Hearing at 6:22 pm for anyone wanting to speak for or against the Small Business Incentive Grant for White Investments of Shelby, LLC. (*Legal Notice was published in the Shelby Star on Friday, January 7, 2022*).

Steve Padgett, 105 Monteith Lane, Shelby – again spoke in favor of the small business incentive grant program.

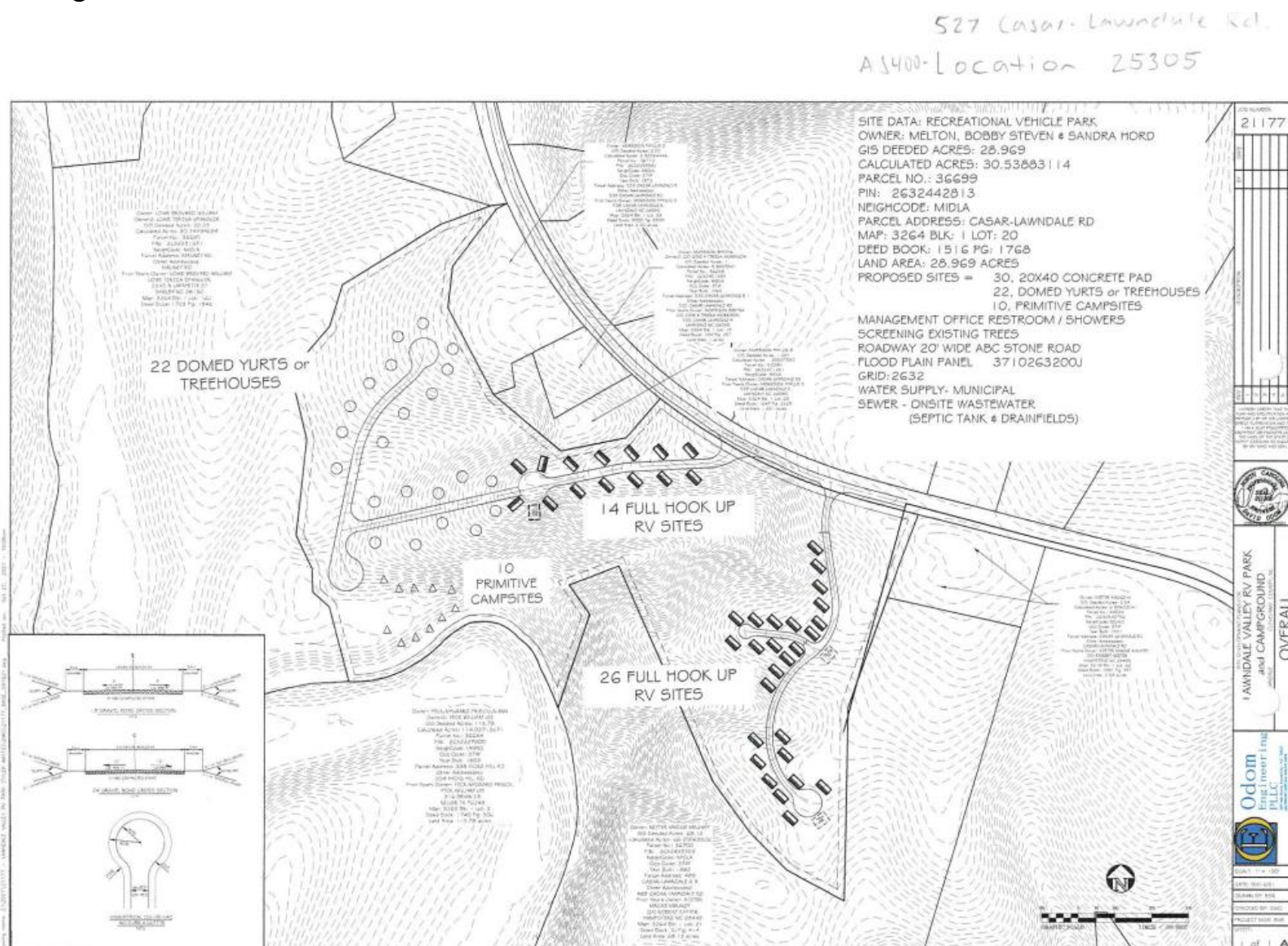
Hearing no further comments, Chairman Bridges closed the Public Hearing at 6:23 pm.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *approve the 2020 and 2021 Small Business Incentive Grant for White Investments of Shelby, LLC.*

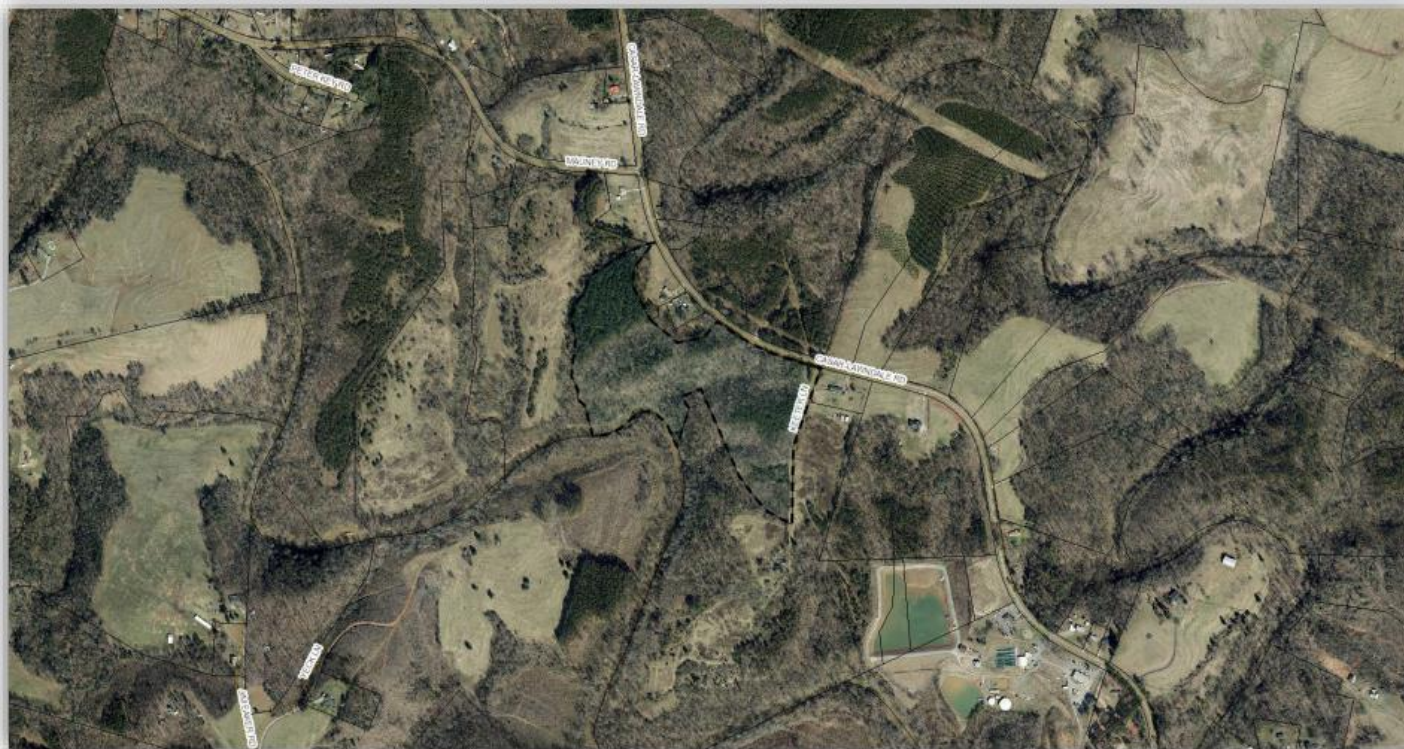
PLANNING DEPARTMENT CASE 21-24: REQUEST TO REZONE PROPERTY AT 527 CASAR-LAWNDALE ROAD FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS CONDITIONAL USE (NB-CU) FOR A RECREATIONAL VEHICLE PARK

Chairman Gordon recognized Planning Director Chris Martin to present Planning Case 21-24; request to rezone property at 527 Casar-Lawndale Road from Residential (R) to Neighborhood Business Conditional Use (NB-CU) for a Recreational Vehicle Park. Parcel 36699 is a 29-acre tract located at 527 Casar-Lawndale Road. This parcel is currently zoned Residential (R) and is owned by Tyler Watts, who is applying to rezone the property for a Recreational Vehicle Park. Surrounding uses are single family dwellings, large vacant tracts, and the Cleveland County Water treatment plant to the south. Mr. Watts submitted a site plan for the Recreational Vehicle Park to include 40 RV sites, 22 yurts/treehouses and 10 primitive sites. The submitted site plan meets all the standards and requirements of Section 12-161 in the county's RV ordinance, including screening, density, and road width standards. The Cleveland County Emergency Management Department has reviewed and approved the proposed plan.

The Planning Board voted unanimously to recommend approval of the requested rezoning petition. The Board stated the proposed park could benefit the community and the town of Lawndale, and work in conjunction with the proposed greenway along the 1st Broad River. The proposed use of recreation fits in with the Land Use Plan's designation of Rural Preservation.



CASE # 21-24 Rezoning Residential to Neighborhood Business Conditional Use
Property Location: 527 Casar-Lawndale Road
Parcel Number: 36699
Acreage: 29 acres



CASE # 21-24 Rezoning Residential to Neighborhood Business Conditional Use
Property Location: 527 Casar-Lawndale Road
Parcel Number: 36699
Acreage: 29 acres



Chairman Gordon opened the Public Hearing at 6:26 pm for anyone wanting to speak for or against Planning Case 21-24; request to rezone property at 527 Casar-Lawndale Road from Residential (R) to Neighborhood Business Conditional Use (NB-CU) for a Recreational Vehicle Park. (*Legal Notice was published in the Shelby Star on Friday, January 7 and Friday, January 14, 2022*).

Nannette Leonhardt, 2502 Parnell Drive, Shelby – spoke neither for nor against the rezoning request. She inquired if any of these sites would be a permanent living RV Park.

Tyler Watts, 1302 Briarcliff Road, Shelby – is the petitioner and spoke in favor of the rezoning request. He advised his plans to work with the Broadriver Greenway staff to ensure this a vacation destination for campers and nature enthusiasts not a permanent housing location.

Robert Williams, 814 E. Stagecoach Trl, Lawndale – spoke neither for nor against the rezoning request. He asked if this would be allowed to be tied into the Rail to Trails and Thread Trail in Shelby.

David White, 1717 Arbor Way Drive, Shelby – is a Councilman for the City of Shelby and advised the City of Shelby has not had any RV Park discussions however, RV and camping sites, like the one being proposed, are normally found adjacent to nature trails and campgrounds.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:31 pm.

Chairman Gordon opened the floor to the Board for discussion and questions. Commissioners spoke about the possible benefits the proposed RV camp site would have in that area.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, *approve the request to rezone property at 527 Casar-Lawndale Road from Residential (R) to Neighborhood Business Conditional Use (NB-CU) for a Recreational Vehicle Park. The proposed park could benefit the community and work in conjunction with the proposed greenway along the 1st Broad River.*

PLANNING DEPARTMENT CASE 21-26: REQUEST TO REZONE PROPERTY AT 955 STONY POINT ROAD FROM RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL (R)

Planning Director Chris Martin remained at the podium to present Planning Case 21-26: Request to rezone property at 955 Stony Point Road from Restricted Residential (RR) to Residential (R). Parcel 16361 is an 11-acre tract of land owned by Wayne Smiley and Barbara Smiley who are requesting to rezone this property from Restricted Residential (RR) to Residential (R). The immediate surrounding zoning is Restricted Residential (RR) with some General Business (GB) at the intersection of New Camp Creek Church Road, and Residential (R) south along Stony Point Road. Parcels zoned Residential (R) can place modular homes and trailers on the property whereas, those types of dwellings are not permissible in Restricted Residential (RR) zoning. The 2021 Land Use Plan states this area is Future Primary Growth Area and either of these types of zonings would comply with that designation. The Planning Board voted 4-2 to recommend denying the request. The Board commented it was spot zoning and would only benefit the petitioner/landowner and not the surrounding community.

Chairman Gordon opened the floor to the Board for questions and comments. Commissioner Hutchins inquired how many homes in the Restricted Residential (RR) area are currently out of zoning compliance. Mr. Martin responded, *“staff has done a preliminary evaluation of this Restricted Residential (RR) district and there is a large number of properties that are out of zoning compliance.”* Commissioner Whetstine commented on the variety of homes in that zoning district.

Chairman Gordon opened the floor to the Board for discussion and questions. Commissioners talked about the homes that are already out of compliance and want to see the area reassessed. They directed staff to reevaluate the area surrounding 955 Stoney Point Road to see how the homes could be brought into compliance.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *approve the request to rezone property at 955 Stony Point Road from Restricted Residential (RR) to Residential (R).*

SHELL BUILDING 4 FINANCING

Chairman Gordon recognized County Manager Brian Epley to present Shell Building 4 Financing. The County has contracted with Davenport & Company LLC to secure a commitment for a direct bank loan evidenced by an Installment Financing Agreement to finance a shell building project and associated costs in the amount of \$8,500,000. The construction of the proposed Shell Building 4 is joint project with the City of Shelby and all costs associated with this project will be split with the City upon sale of the property. A Request for Proposals (RFP) was distributed to over 50 national, regional, and local lending institutions. As part of the RFP process, responding institutions were asked to provide taxable interest rates for a 5-year and 10-year amortization term. Through this process, the County was able to secure three responses:

- Truist Bank (“Truist”) -Formerly Branch Banking & Trust or BB&T
- Zions Bancorporation
- HomeTrust Bank

During the due diligence process with the banks, there were no concerns expressed related to the County’s credit or ability to borrow the funds. Overview of rates received:

- Truist Bank
 - 5 Year fixed interest at 1.77%
 - 10 Year fixed interest at 2.39%
 - Flexibility to payoff at any time without penalty
- Zions Bancorporation
 - 5 Year fixed interest at 2.05%
 - 10 Year fixed interest at 2.49%
 - Flexibility to payoff at any time without penalty
- HomeTrust Bank
 - 5 Year fixed interest at 2.25%
 - 10 Year fixed interest at 2.73%
 - No prepayment during years 1-3 and 1% in years 4-10

Based upon staff’s review of the proposals, related analyses, discussions with the City of Shelby and Bond Counsel, the recommendation is that the County select the Truist 10-year taxable proposal. While it is the County’s desire to sell the facility and prepay the loan prior to the first principal payment, the 10-year term would minimize any principal payments required should the sale take longer than one year. Additionally, the Truist 10-year taxable proposal provides the lowest annual debt service cost, and the proposal provides flexibility to prepay or refinance the loan at any time in whole without penalty, which will allow the County to prepay the loan as soon as the property is sold. The Annual Debt Service payment of approximately \$1,000,000 will be split with the City of

Shelby in the event property is not sold for economic development by the date of first debt service payment on February 1, 2023. The following information and PowerPoint were presented to the Board.

Chairman Gordon opened the Public Hearing at 6:48 pm for anyone wanting to speak for or against Shell Building 4 Financing. (*Legal Notice was published in the Shelby Star on Friday, January 7, 2022*).

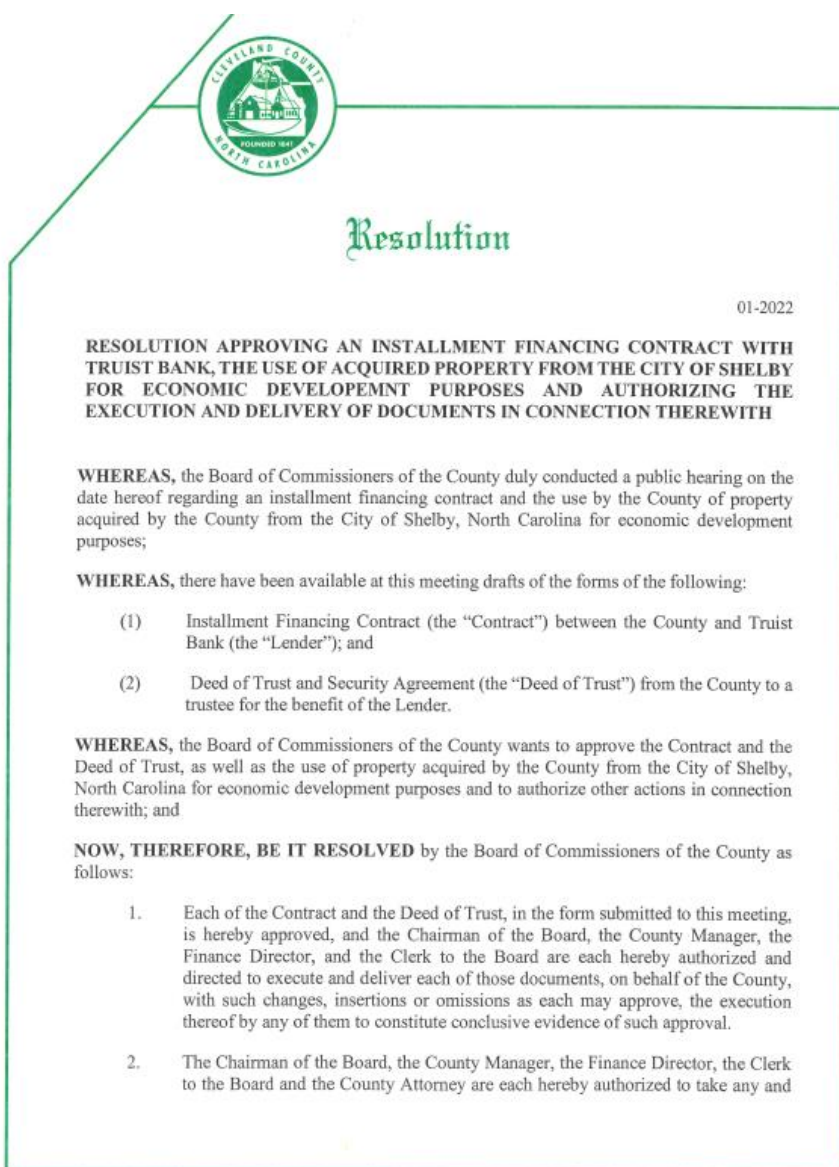
David White, 1717 Arbor Way Drive, Shelby – is a Councilman for the City of Shelby and thanked the Commissioners for the successful joint projects between the two organizations.

Robert Williams, 814 E. Stagecoach Trl, Lawndale – commented on the successes of the three prior shell buildings but advised with today’s uncertain economy, this project should be reevaluated more.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:51 pm.

Chairman Gordon opened the floor to the Board for discussion and questions. Commissioner Bridges asked Mr. Epley if the county has seen any interest in purchase of the proposed Shell Building 4 project. Mr. Epley advised there is interest with a possibility the building will be sold before construction is complete. Commissioner Whetstine commented on the success of the commercial market growth on the local and state level. Commissioners thanked the City of Shelby for their continued partnership.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously approved by the Board to, ***adopt the resolution approving the installment financing contract with Truist Bank and authorize county staff to complete the finance closing.*** (A full copy of the Deed of Trust & Security Agreement, Installment Financing Contract are on file in the Clerk's Office, Finance Department and Legal Department).



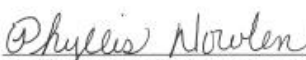
all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution and to effect the installment financing pursuant to the Contract. Execution of the Contract by the Chairman of the Board, the County Manager or the Finance Director, shall conclusively evidence approval of all such details of the financing.

3. The use by the County of property acquired from the City of Shelby, North Carolina, located on Randolph Road in Shelby, North Carolina, for the purpose of an economic development project pursuant to Section 158-7.1 of the North Carolina General Statutes, as amended, is hereby approved.
4. All actions of the County effectuating the proposed financing and proposed economic development are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the documents referred to above.
5. This Resolution shall become effective immediately upon its adoption.

Adopted this 20th day of January, 2022.


Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:


Phyllis Nowlen, Clerk To The Board
Cleveland County Board of Commissioners



REGULAR AGENDA

AUDIT PRESENTATION

Chairman Gordon called Finance Director Lucas Jackson to the podium for the Audit Presentation. North Carolina General Statute §159-34 requires all local governments in North Carolina to contract with an external independent audit firm to conduct a full audit annually and submit results to the Local Government Commission prior to December 31st. Cleveland County, by statute, must produce all books and records requested by the external auditor including all documents requested including compliance requirements. The county contracted with Thompson, Price, Scott and Adams, Co. CPAs of Whiteville to conduct the audit. The Comprehensive Annual Financial Report (CAFR) was submitted on time to the Local Government Commission with no comments or suggested changes. The following information and PowerPoint were presented to the Board.

Audit Presentation June 30, 2021



Lucas Jackson
Finance Director
JANUARY 20, 2022

Audit Presentation

Why? And Audit Background



- Why have an audit?
 - NC G.S. 159-34 - Requires all local governments in NC to contract with an external independent audit firm to conduct a full audit annually and submit results to LGC prior to Dec. 31st.
- Cleveland County by statute must produce all books and records requested by the external auditor including all documents requested including compliance requirements
- Cleveland County contracted with Thompson, Price, Scott and Adams, Co. CPA's of Whiteville to conduct June 30, 2021 Audit – LGC Approved

Audit Presentation

Timeline of Audit Process



- February 2021 – BOC Approves Audit Contract (TPSA)
- April 2021 – Preliminary meetings and scheduling
- May 2021 – Interim work – Transaction testing, Compliance testing at DSS, Internal Control walk-throughs
- August 2021 – Cont. Interim work – Transaction testing, Payroll testing, cash counts
- September 2021 – Final work – Balance Sheet work and Compliance final

Audit Presentation

Audit Work Performed June 30, 2021



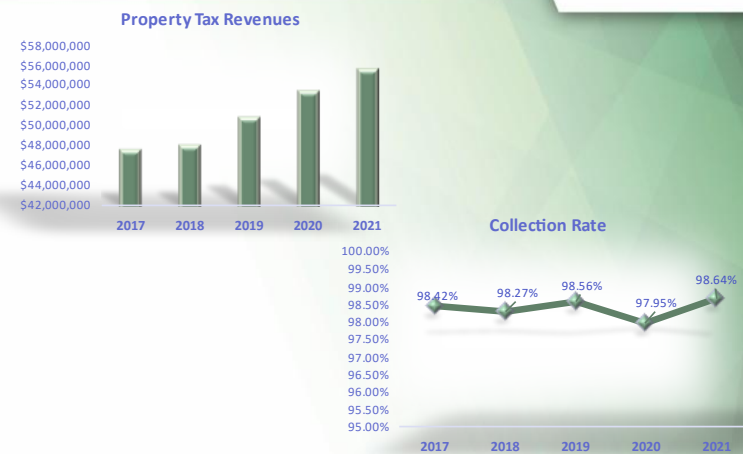
- Primarily performed remotely
- Over 500 invoices and 150 deposits selected and tested
- 7 Major DSS & Grant programs selected and tested
- CAFR submitted on time to LGC – with no comments or suggested changes
- CAFR also submitted for the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for the eighth consecutive year. This prestigious award is recognized across all local government.

Audit Results June 30, 2021



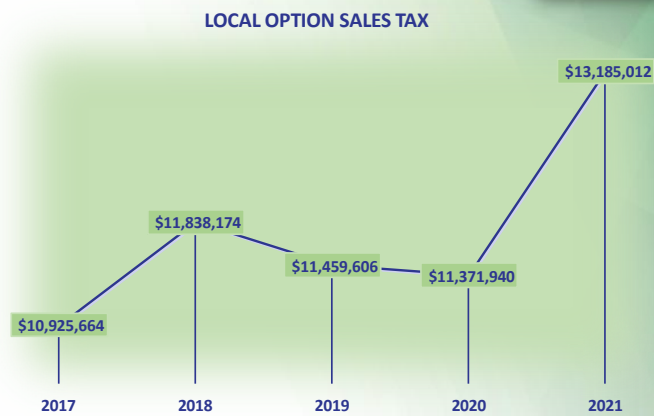
Audit Presentation

Audit Results – Property Taxes – General Fund



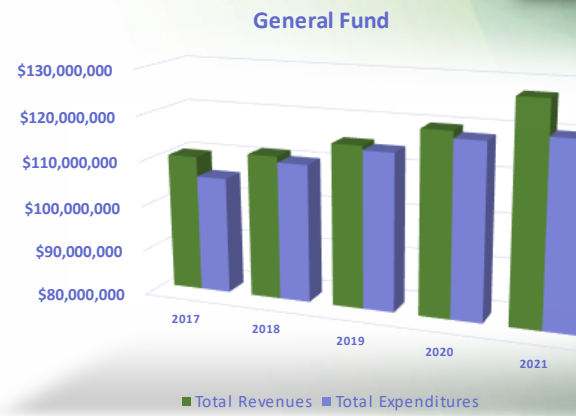
Audit Presentation

Audit Results – Local Option Sales Tax – General Fund



Audit Presentation

Audit Results – Revenue & Expense

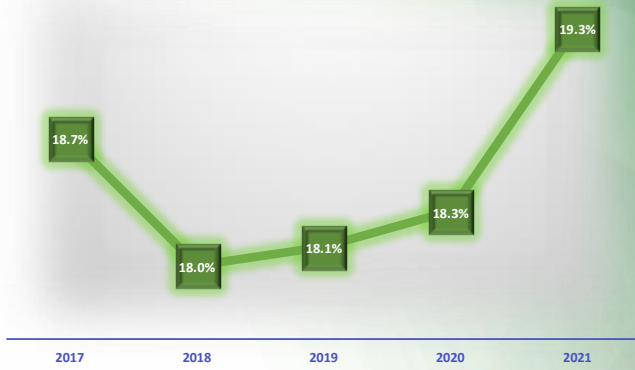


Audit Presentation

Audit Results – Unassigned Fund Balance



Unassigned Fund Balance



Audit Presentation

Audit Results – Employee Health Fund - Monthly



EMPLOYEE HEALTH FUND - MONTHLY

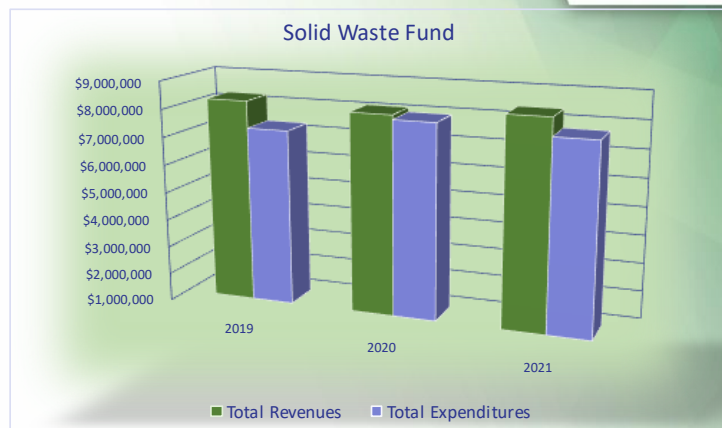


Audit Presentation

Audit Results – Revenue & Expense Enterprise Fund



Solid Waste Fund



Audit Presentation



QUESTIONS??

Following his presentation, Mr. Jackson called on Alan Thompson from Thompson, Price, Scott, Adams & Co. Audit Firm, who participated electronically, to review the Letter to Governance. Mr. Thompson stated Cleveland County has received an unmodified report with no significant audit findings. He praised the Finance staff, stating they are very qualified and were extremely helpful during the audit process. He explained that minor findings were discussed with management recently. Mr. Thompson reviewed the following information to Commissioners.

Required Communications

Alan Thompson - TPSA



- Unmodified Opinion (“clean report”)
- New Accounting Pronouncements Adopted – GASB 84 “Fiduciary Activities”
- No Difficulties Encountered in Performing the Audit
- No Uncorrected Misstatements or Disagreements with Management

Required Communications

Alan Thompson - TPSA



- We were provided with a Representation Letter dated October 29, 2021
- Changes in the LGC Review Process
- No Performance Indicators that you are required to address

- **Upcoming Changes for Next Year**
 - GASB 87 “Leases”

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners thanked Mr. Jackson and his staff for their continued hard work and due diligence. They also thanked Mr. Thompson for the information presented and the kind words about county staff. *(A full copy of the Audit Report is on file in the Clerk’s Office and the Finance Department).*

BOARD APPOINTMENTS

CLEVELAND COUNTY BOARD OF HEALTH

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to appoint Heather B. Moore and Henry Gilmore and re-appoint Robert Miller, Commissioner Ronnie Whetstine, Deanna Lawrence and Kale Meade to serve as members of this board*, for a period of three-years, scheduled to conclude December 31, 2024.

CLEVELAND COUNTY HISTORIC PRESERVATION COMMISSION

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to appoint Margaret Hohne to serve as a member of this board*, for a period of four-years, scheduled to conclude December 31, 2025.

CLEVELAND COUNTY LIBRARY BOARD OF TRUSTEES

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, *to Margaret Hohne to serve as a member of this board*, for a period of three-years, scheduled to conclude December 31, 2024.

CLEVELAND COUNTY NURSING HOME ADVISORY BOARD

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to re-appoint Patsy Harrison to serve as a member of this board*, for a period of three-years, scheduled to conclude December 31, 2024.

CLEVELAND COUNTY VETERAN’S ADVISORY BOARD

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Bridges and unanimously adopted by the Board, *to re-appoint Commissioner Johnny Hutchins, Arthur Gordon and Emanuel*

Hunt, Jr. to serve as members of this board for a period of three-years, scheduled to conclude December 31, 2024.

ADJOURN

There being no further business to come before the Board at this time, Commissioner Bridges made a motion, seconded by Commissioner Hardin and unanimously adopted by the Board, *to adjourn*. The next meeting of the Commission is scheduled for *Tuesday, February 1, 2022 at 6:00 p.m. in the Commissioners Chambers*.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

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