

Cleveland County Board of Commissioners
April 5, 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
Chris Martin, Planning Director
Tiffany Hansen, Health Department Director
Katie Swanson, Social Services Director
Perry Davis, Emergency Management Director/Fire Marshal
Martha Thompson, Chief Deputy County Attorney
Scott Bowman, Maintenance 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.

Commissioner Hutchins provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

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

SPECIAL RECOGNITION

NATIONAL PUBLIC HEALTH WEEK 2022

Chairman Gordon called Tiffany Hansen, Health Department Director, to the front to speak about National Public Health Week. Public health has been impacting community health throughout the country. This year it is essential to celebrate public health week's focus on resiliency and commitment to the community due to health threats such as the COVID-19 pandemic. Mrs. Hansen shared the "2021 State of the County Health Report (SOTCH) given to each Commissioner. Board members thanked Mrs. Hansen for the information and the continued hard work she and her department continue to do for the citizens of Cleveland County. The following proclamation was presented to Mrs. Hansen.



Proclamation

02-2022

National Public Health Week 2022

Whereas the Cleveland County public health workforce serves as a critical component of the county's emergency response system, helping communities prevent, prepare for, withstand and recover from impact of a full range of health threats, including disease outbreaks such as the COVID-19 pandemic, natural disasters and disasters caused by human activity; and

Whereas county's public health workers have been courageous, creative and dedicated in their work to protect our residents from the specific threats of the COVID-19 pandemic while continuing to consistently perform other essential public health functions resulting in high-quality service delivery; and

Whereas public health measures to control and eliminate infectious diseases, improve environmental sanitation and promote healthy lifestyle choices have been the greatest factor in improving the health status and increasing life expectancy for the residents of our county; and

Whereas the Public Health Board of Cleveland County and the Cleveland County public health workforce are committed to a continued emphasis on prevention and education in public health to assist county residents in achieving improved health status through actions highlighted in the Healthy North Carolina 2030 objectives; and

Whereas the Public Health Board of Cleveland County and the Cleveland County public health workforce promote collaboration among all segments of the communities of Cleveland County to identify and develop innovative solutions to health issues predominant in the county; and

Now, therefore, the Cleveland County Board of Commissioners proclaim April 4-10, 2022 as National Public Health Week in Cleveland County and encourages all county residents to support opportunities to adopt positive preventive lifestyle choices and to acknowledge that "Public Health Is Where You Are."

Adopted this the 6th Day of April 2022.


Kevin Gordon, Chairman


Deb Hardin, Vice-Chairman


Johnny Hutchins, Commissioner


Ronnie Whetstine, Commissioner


Doug Bridges, Commissioner



CHILD ABUSE PREVENTION MONTH 2021

Chairman Bridges called Katie Swanson, Social Services Director, to the podium to speak about Child Abuse Prevention Month. Ms. Swanson stated the importance of child abuse prevention and awareness. She reviewed the programs and goals the Social Services Department continues to grow and improve to ensure the safety of all the children in Cleveland County. She also explained the negative impact COVID-19 has had on child abuse prevention and reporting. The following proclamation was presented to Ms. Swanson and her staff.



Proclamation

01-2022

Child Abuse Prevention Month 2022

Whereas, while children are vital to our state's future success, prosperity, and quality of life they are also the most vulnerable members of our society; and

Whereas, the problem of child abuse and neglect affects many of Cleveland County's children and has reached epidemic proportions in North Carolina with over 99,500 children reported abused, neglected or dependent last year; and

Whereas, last year Cleveland County Department of Social Services had over 1,900 children reported abused, neglected, or dependent; and

Whereas, preventing child abuse and neglect is a community responsibility that affects both the current and future quality of life of our community; and

Whereas, effective child abuse strategies succeed because of the partnerships created among individuals and families, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and business community; and

Whereas, every child has a right to a safe, healthy, nurturing environment; and community action is needed to help prevent child abuse so all children can have the opportunity to reach their potential; we call upon community to increase their participation in efforts to support families, thereby preventing child abuse and strengthening the communities in which we live:

Now Therefore, Be it Resolved, that Cleveland County Board of Commissioners hereby proclaims the month of April 2022 as Child Abuse Prevention Month and calls upon every citizen to join the child protection organizations, groups, and individuals in observance of the month with appropriate education and prevention of child abuse.

Adopted this the 5th Day of April 2022.

Kevin Gordon, Chairman

Deb Hardin, Vice-Chairman

Johnny Hutchins, Commissioner

Ronnie Whetstine, Commissioner

Doug Bridges, Commissioner



CITIZEN RECOGNITION

No one registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the **March 15, 2022, regular meeting** in Board member's packets.

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

REGISTER OF DEEDS: BUDGET AMENDMENT (BNA #046)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
010.419.4.810.00		Register of Deeds/Donations-Contributions	\$425.00	
010.419.5.790.00		Register of Deeds/Donations-Contributions	\$425.00	

Explanation of Revisions: Budget allocation of \$425 in donated funds from the Local Government Federal Credit Union for the North Carolina District 11 Meeting hosted by the Cleveland County Register of Deeds on May 19, 2022, at the Earl Scruggs Center. Funds will be used for meeting attendees' lunch and goodie bags.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #047)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, 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>
010.440.4.810.43		School Resource/Donations-STAR Prog	\$15,000.00	
010.440.5.790.43		School Resource/Donations-STAR Prog	\$15,000.00	

Explanation of Revisions: Budget allocation for \$15,000 in donated funds to be used for the STAR summer camp expenses.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #048)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, 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>
011.507.5.700.00		Outside Poor/Grants	\$37,387.00	
011.507.4.310.00		Outside Poor/Federal Government Grants	\$37,387.00	

Explanation of Revisions: Budget allocation for \$37,387 in grant funds to be used for the emergency assistance program for those who may need help with emergency shelter, rent and mortgage assistance. Funds are also utilized for adult clients who may be displaced and need emergency assistance.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #049)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, 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>
011.519.4.310.00		Public Assistance/Federal Govt Grants	\$1,061,706.00	
011.519.5.512.08		Public Assistance/Public Assist-LIEAP	\$1,061,706.00	

Explanation of Revisions: Budget allocation for \$1,061,706 in the American Rescue Plan Act (ARPA) funds for the Low Income Energy Assistance Program (LIEAP). Households previously approved for LIEAP during FY 2020 – 2021 will receive authorized payments for primary heating sources; \$300 for wood, \$400 for gas and \$500 for electricity.

COOPERATIVE EXTENSION: BUDGET AMENDMENT (BNA #050)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, 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>
010.495.4.810.92		Cooperative Extension/Donations-D Leatherwood	\$9,220.00	
010.495.5.790.92		Cooperative Extension/Donations-D Leatherwood	\$9,220.00	

Explanation of Revisions: Budget allocation for \$9,220 in donated funds for the Dottie Leatherwood Memorial Garden. Funds will be used to continue the operation of this project.

COOPERATIVE EXTENSION: BUDGET AMENDMENT (BNA #051)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, 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>
010.495.4.350.00	ADFP TF-4051	Cooperative Extension/State Govt Grants	\$61,380.00	
010.495.5.910.00	ADFP TF-4051	Cooperative Extension/Capital Equipment	\$61,380.00	

Explanation of Revisions: Budget allocation for \$61,380 in funds received from the North Carolina Department of Agriculture and Consumer Services. Grant to a local farmer for a fertilizer commodity shed.

COOPERATIVE EXTENSION: BUDGET AMENDMENT (BNA #052)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, 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>
010.495.4.350.00	ADFP TF-4051	Cooperative Extension/State Govt Grants	\$42,500.00	
010.495.5.910.00	ADFP TF-4051	Cooperative Extension/Capital Equipment	\$42,500.00	

Explanation of Revisions: Budget allocation for \$42,500 in funds received from the North Carolina Department of Agriculture and Consumer Services. Grant to a local farmer for the purchase of a Bale Baron.

PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR TUESDAY, MAY 3, 2022 FOR CASE 22-11; REQUEST TO REZONE PROPERTY AT 132 JIM PATTERSON ROAD FROM RESIDENTIAL MANUFACTURED HOMES AND PARKS (RMH) TO GENERAL BUSINESS-CONDITIONAL USE (GB-CU) FOR A WEDDING/EVENT VENUE AND CAMPGROUND

Parcels 10557, 10558 and 10559 are 12.24 acres combined, located at 132 Jim Patterson Road. These three parcels are currently zoned Residential Manufactured Homes and Parks. The applicants, Jay and Kelli Little, A Little Southern Stay, LLC, are asking to rezone these three parcels, which they intend to combine, to General-Business Conditional Use for a wedding/event venue and a campground. Both of those uses are allowed in the General Business zoning district. Surrounding zoning is a mix of Residential Manufactured Homes and Parks, Residential, Restricted Residential, General Business and Light and Heavy Industrial along I-85 and Battleground Avenue. The Land Use Plan calls this area Future Primary Growth Area. The intended use is compatible with surrounding uses.

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

LEGAL DEPARTMENT: SALE OF COUNTY OWNED PROPERTY – PARCEL 40159

Parcel 40159 is located on Enola Drive in Waco and has no residential structures on the property. Cleveland County acquired this property through foreclosure proceedings in 2017 and has incurred costs in the amount of \$2,523.38 for accrued unpaid taxes and interest and county costs. The offer of \$3500 exceeds County costs. North Carolina General Statute § 153A-176 authorizes the County to dispose of property according to the procedures proscribed in Chapter 160A, Article 12 of the General Statutes. The bid process and advertisement have been completed. The final bid and offer are now before the Board for consideration.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, ***accept the offer made on parcel 40159 and authorize County staff to prepare a deed to sell the property.***

RECORDING FEE \$ 26.00 REVENUES 0
 Terron Mack

Doc No: 200071012
 Recorded: 04/08/2022 03:33:55 PM
 Fee Amt: \$29.00 Page 1 of 2
 Transfer Tax: \$0.00
 Cleveland County North Carolina
 Betsy S. Harnage, Register of Deeds
 BK 1869 PG 1436 - 1437 (2)

**NORTH CAROLINA QUITCLAIM DEED
 NO TITLE SEARCH REQUESTED OR PERFORMED**

Excise Tax: \$0
 Parcel Identifier No. 40159 Verified by _____ County on the _____ day of _____, 20____
 By: _____
 Mail/Box to: _____
 This instrument was prepared by: Martha R. Thompson, Attorney _____
 Brief description for the Index: _____

THIS DEED made this _____ day of April _____, 2022, by and between

GRANTOR	GRANTEE
CLEVELAND COUNTY, NORTH CAROLINA	TERRON MACK 410 Atlantic Avenue Shelby, NC 28150

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.
 The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as may be required by context.

WITNESSETH, that said Grantors, for and in consideration of the sum of ten dollars and other consideration to them in hand paid, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release, and forever quitclaim into the Grantee and his heirs and assigns all right, title, claim, and interest of the said Grantors in and to a certain tract or parcel of land lying and being in the County of Cleveland and State of North Carolina, and more particularly described as follows:

Located about two miles South of Waco, North Carolina and near Washington School, situated East of State Road No. 1001, known as Stoney Point Road, but not touching same. Said property is lying on the Southwest side of Borders Drive. Said property is bounded on the Northwest by Mansfield Porter, on the Southwest by Enola Webber, on the Southeast by the 1.10 acre tract of Zeno Borders; and described by metes and bounds as follows:

BEGINNING on a stake in the Southwest edge of Borders Drive, being the Northeast corner of Mansfield Porter, and runs thence with the edge of Borders Drive, South 57 - 11 East 122 feet to a stake, Northwest corner of Borders' 1.10 acre tract; thence with the line of said tract, South 24 - 35 West 200 feet to a stake, Southwest corner of the 1.10 acre tract, and in the line of Enola B. Webber; thence with her line North 60 - 15 West 186 feet to a stake, Southeast corner of Mansfield Porter 1.47 acre tract;

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 Printed by Agreement with the NC Bar Association

thence with Porter's line, North 43 - 20 East 203 feet to the place of BEGINNING containing 69/100 of an acre, according to a survey and map by J. D. Turner, Registered Surveyor, dated February, 1976.

Being a part of a 3.26 acre tract of land as appears in Deed Book 15-0, at Page 755 of the Cleveland County Registry.

Being the same property described in a deed to Martha Elizabeth McLaughlin recorded in Book 19F, page 81, Cleveland County Registry.

No title search was requested or performed on these parcels.

____ If checked, the property includes the primary residence of the Grantor (N.C.G.S. § 105-317.2)

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 1750, Page 1596-1597, Cleveland County Registry.

A map showing the above-described property is recorded in Map 2233, BLK: 1, Lot: 136.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to him the said Grantee and his heirs and assigns free and discharged from all right, title, claim or interest of the said grantors or anyone claiming by, and through or under them.

Title to the property hereinabove described is subject to the following exceptions if any:

Rights of way and easements of record
 Municipal liens
GRANTOR makes no warranty, express or implied, as to title to the Property.

IN WITNESS WHEREOF, the Grantor(s) hereunto executed the foregoing as of the day and year first above written.

CLERK TO THE BOARD: _____
 ATTEST: *Phyllis Nowlen*
 Kevin Gordon, Chair
 Board of Commissioners

State of North Carolina - County of Cleveland
 I, the undersigned Notary Public of the State aforesaid, certify that Kevin Gordon personally came before me this day and acknowledged that he is the Chairman of the Cleveland County Board of Commissioners, a State of North Carolina Governmental Body and that by authority duly given and as the act of this entity he signed the foregoing instrument in its name on its behalf as its act and deed.
 Witness my hand and Notarial stamp or seal, this 5 day of April, 2022.

My Commission Expires: 5-7-22
 (Affirmation) *April N. Crofts*
 Notary's Printed or Typed Name
 APRIL N. CROFTS
 NOTARY PUBLIC
 CLEVELAND COUNTY, NC
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Resolution

07-2022

Resolution Accepting Negotiated Offer and Upset Bid (G.S. 160A-269)

WHEREAS, Cleveland County received offers to sell and adhered to the upset bid procedures pursuant to N.C.G.S. § 153A-176 and N.C.G.S. § 160A-269 and of its March 15, 2022 Resolution as to certain properties it owns identified, as follows:

Parcel #	Location	Highest Offeree	Current Offer
40159	Enola Drive, Waco	Terron Mack	\$3,500.00

and

WHEREAS, the time is ripe for the County to review and determine whether to accept or reject the highest bids by analyzing the bids and the property; and

WHEREAS, the County has incurred expenses and has outstanding property taxes due on the properties identified above reflected as follows:

Parcel #	2022 Tax Value	Current Offer	TOTAL Owed (Taxes + FC cost)	Gains/(Losses)	Would be 2022 Tax payment
40159	\$3,921.00	\$3,500.00	\$2,523.38	\$976.62	\$31.17

and

WHEREAS, the County expects offers to cover the indebtedness of any property through this bid process, with the intention to sell property for a sum that is equal to or in excess of the amount owed to the County when reasonable and that takes into consideration a rational relationship to the tax value of the property at issue; and

WHEREAS, the bid on parcel 40159 is the sole bid(s) that covers the outstanding indebtedness on the properties and is also close to the current tax value(s).

WHEREAS, notice of this Board's intention to accept the offer and instructions for the upset bid process were published in The Shelby Star on March 21, 2022; and

WHEREAS, the County received no other offers for the property during the upset bid process.

THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of Commissioners approves the sale to Terron Mack of the property identified as parcel #40159 located at Enola Drive, Waco, NC for the sum of \$3,500.00 in cash, money order or cashiers check; and authorizes Chair Kevin Gordon to sign a quitclaim deed for parcel #40159 to Terron Mack upon payment; and instructs County staff to prepare the quitclaim deed for delivery to Terron Mack.

Adopted this 5th day of April, 2022.

Kevin Gordon
 Kevin Gordon, Chairman
 Cleveland County Board of Commissioners

ATTEST:

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

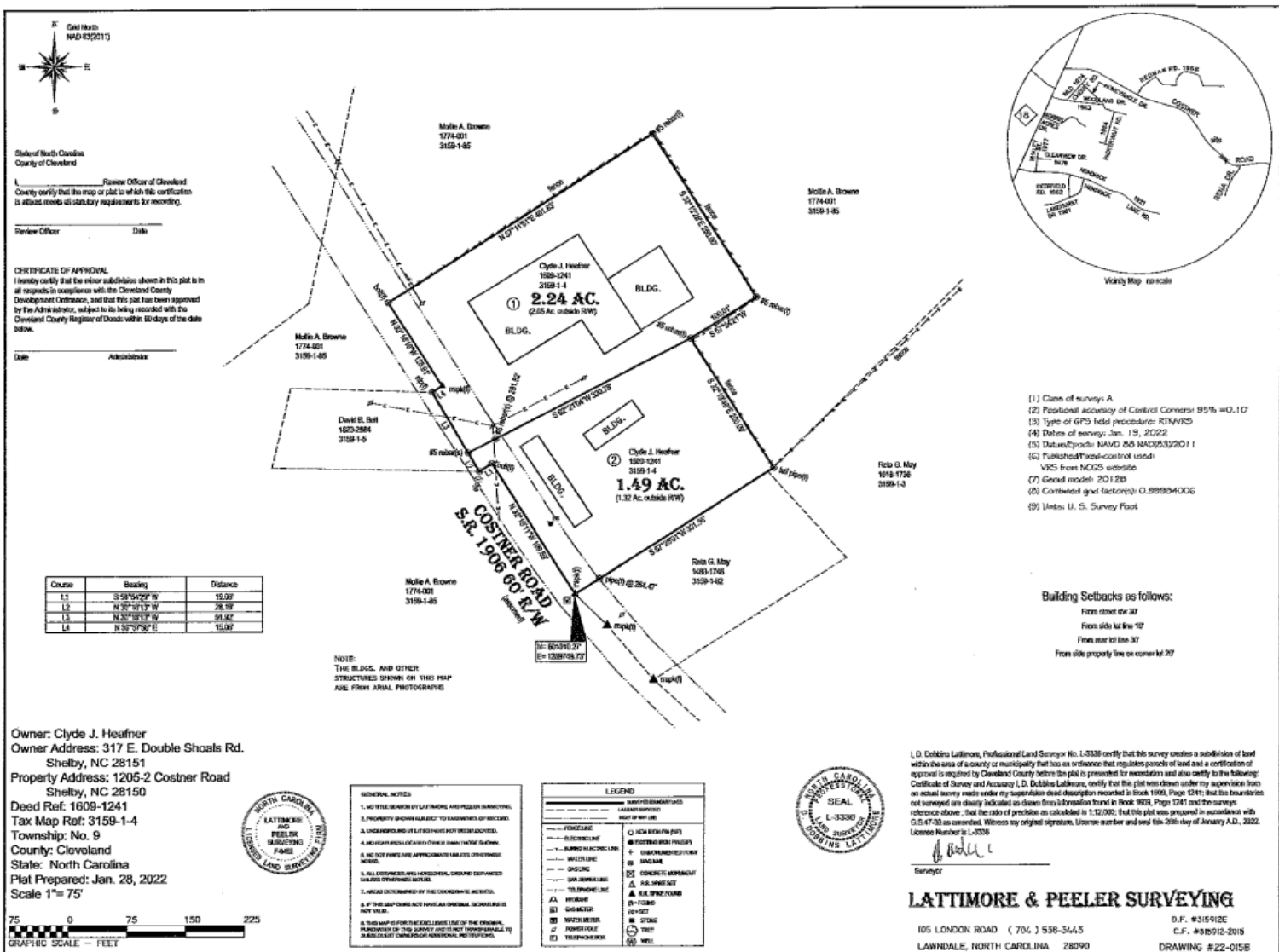


PUBLIC HEARING

PLANNING DEPARTMENT CASE 22-07: REQUEST TO REZONE PROPERTY AT 1205 COSTNER ROAD FROM RURAL AGRICULTURE (RA) TO LIGHT INDUSTRIAL – CONDITIONAL USE (LI-CU)

Chairman Gordon recognized Planning Director Chris Martin to present Planning Case 22-07; request to rezone property at 1205 Costner Road from Rural Agriculture (RA) to Light Industrial – Conditional Use (LI-CU). Parcel 35736 is 3.7 acres located at 1205 Costner Road, about one mile from Highway 18 between Shelby and Fallston. The property owner, Clyde Heafner, is requesting to rezone property he owns from Rural Agriculture (RA) to Light Industrial-Conditional Use (LI-CU) for wholesale trade and warehousing. There are two commercial buildings on the property, one being a wholesale trader and the other being used as storage. The current zoning layer for the parcel is Rural Agriculture (RA) while the surrounding zoning is Rural Agriculture (RA) and surrounding uses are mostly large tracts, agriculture, and single-family. Mr. Heafner is requesting to rezone his property so he may split his lot and sell the larger wholesale business to the current tenant. The Rural Agriculture (RA) district requires three acres as a minimum lot size and allows a variety of residential and commercial uses. The Light Industrial district allows smaller lots and a variety of commercial and industrial uses.

Mr. Heafner is asking for this property to be rezoned to Light Industrial – Conditional Use (LI-CU) specifically for the purposes of wholesale trade and warehousing/storage. Both uses are allowable in the Light Industrial (LI) district. The Land Use Plan designates this area as Rural Preservation with the Secondary Growth area across Costner Road. The requested industrial district is not in line with the Land Use Plan but is compatible with the uses already on the property. The Planning Board voted unanimously to approve the recommended rezoning request. The Board felt that this requested zoning change was consistent with the already existing uses on the property.



Chairman Gordon opened the floor to the Board for discussion and questions. Commissioner Hutchins inquired if the applicant would be able to sub-divide his property if the conditional use is not approved. Mr. Martin replied, *“The applicant would not be able to subdivide as there has to be a three-acre minimum and Mr. Heafner’s entire property is just over three acres.”*

Chairman Gordon opened the Public Hearing at 6:20 pm for anyone wanting to speak for or against Planning Case 22-07; request to rezone property at 1205 Costner Road from Rural Agriculture (RA) to Light Industrial – Conditional Use (LI-CU). *(Legal Notice was published in the Shelby Star on Friday, March 25 and Friday, April 1, 2022.*

Tom Brooks, 1210 Costner Road, Shelby – spoke in opposition to the rezoning request. He spoke of his concerns regarding his property values if the rezoning is approved.

Hearing no additional comments, Chairman Gordon closed the Public Hearing at 6:22 pm.

Commissioner Hardin asked Mr. Martin if the conditional use rezoning is approved and the owners sell their property to someone else, can the new owner use the property for a different purpose? Mr. Martin replied, *“If approved, with the site plan, conditional uses and application, the property owners would only be allowed to use the property in accordance with the approved site plan and conditional uses. Any modification of uses would have to come back before the Commissioners for approval”*

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, ***approve the request to rezone property at 1205 Costner Road from Rural Agriculture (RA) to Light Industrial – Conditional Use (LI-CU) as this requested zoning change is consistent with the already existing uses on the property.***

PLANNING DEPARTMENT CASE 22-08: TEXT AMENDMENT TO SECTION 12-142 OF THE CLEVELAND COUNTY UNIFIED DEVELOPMENT ORDINANCE

Planning Director Chris Martin remained at the podium to present Planning Case 22-08: Text Amendment to Section 12-142 of the Cleveland County Unified Development Ordinance (UDO). Section 12-142 of the UDO is titled *“Parking”* and details parking requirements for several commercial and industrial categories. New commercial and industrial projects are required to adhere to the parking requirements of this section when submitting their development plans for review. Part 14 of this section states retail business and consumer service outlets shall have one space for each two hundred square feet of gross floor area. The Broadway Group, LLC, which submits development plans for national chains, including The Dollar Store, is asking for Section 12-142(14) to be changed to *“Retail business and consumer service outlets shall have one (1) space for each ~~two~~ four hundred (200 400) square feet of gross floor area.”* The Broadway Group, LLC is advising that standalone retail stores are closer business types to shopping centers, which is shown in Section 12-142(19). This section states that there shall one space for every four hundred square feet of gross floor space.

Sec. 12-142. - Parking.

Automobile parking or storage space shall be provided on every lot on which any of the uses listed below are hereafter established in all zoning districts, except if no parking space can reasonably be provided on the same lot, such space shall be provided on any lot, a substantial portion of which is located within five hundred (500) feet of such use.

- (14) *Retail business and consumer service outlets:* One (1) space for each ~~two~~ **four** hundred (400 ~~200~~) square feet of gross floor area.
- (19) *Shopping centers:* One (1) parking space for each four hundred (400) square feet of gross floor area.

**Retail Parking Requirements
Counties and Municipalities**

County/Municipality	Parking Requirement
Cleveland County	One space per 200 sq ft of gross floor
City of Asheville	One space per 350 sq ft
Catawba County	One space per 500 sq ft
Town of Leland	One space per 500 sq ft of gross floor
Harnett County	One space per 300 sq ft
City of Monroe	One space per 250 sq ft
Town of Wilson's Mills	One space per 350 sq ft of retail space
Wake County	One per 200 in high volume (Walmart) One per 400 in low volume (appliance store)
Town of Jamestown	One space per 350 sq ft of retail space
Person County	0.7 spaces per 200 sq ft gross floor

The Planning Board voted unanimously to approve the text amendment request. The Board felt the requested ordinance change was consistent with the similar shopping center requirement and with the ordinances of other jurisdictions. The following information and PowerPoint were presented to Commissioners.

**Case 22-03
Retail Parking Standards**

MARCH 15, 2022

Request

- Applicant: The Broadway Group, LLC
- Request: Amend parking space requirements

Proposal

Reduce required spaces:

- 200 to 400 square feet of floor area

Comparison

County/Municipality	Parking Requirement
Cleveland County	One space per 200 sq ft
City of Asheville	One space per 350 sq ft
Catawba County	One space per 500 sq ft
Town of Leland	One space per 500 sq ft
Harnett County	One space per 300 sq ft
City of Monroe	One space per 250 sq ft
Town of Wilson's Mills	One space per 350 sq ft of retail space
Wake County	One per 200 in high volume (Walmart) One per 400 in low volume (appliance store)
Town of Jamestown	One space per 350 sq ft of retail space
Person County	0.7 spaces per 200 sq ft
City of Wilson	One space per 400 sq ft

Planning Board

Recommends Approval

- Reasonable
- Consistent with Shopping Centers requirement
- Consistent with other jurisdictions

Options

- Approve
- Deny
- Approve with Modification

Chairman Gordon opened the Public Hearing at 6:31 pm for anyone wanting to speak for or against Planning Case 22-08: Text Amendment to Section 12-142 of the Cleveland County Unified Development Ordinance (UDO). (Legal Notice was published in the Shelby Star on Friday, March 25 and Friday, April 1, 2022.)

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:32 pm.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Bridges asked if the text amendment request is for all-size businesses or just the smaller stores? Mr. Martin explained the proposed amendment would affect all retail stores in Cleveland County, regardless of size. Commissioner Hardin inquired if the amendment would prevent large businesses from building larger parking lots; Mr. Martin answered it would not, the UDO sets the minimum standards. Commissioners discussed the effects of smaller parking lots such as greener spaces, water runoff and litter.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, ***approve the requested text amendment to Section 12-142 of the Cleveland County Unified Development Ordinance with the modification of one space for every 300 square feet of gross floor area.***

Sec. 12-142. - Parking.

Automobile parking or storage space shall be provided on every lot on which any of the uses listed below are hereafter established in all zoning districts, except if no parking space can reasonably be provided on the same lot, such space shall be provided on any lot, a substantial portion of which is located within five hundred (500) feet of such use.

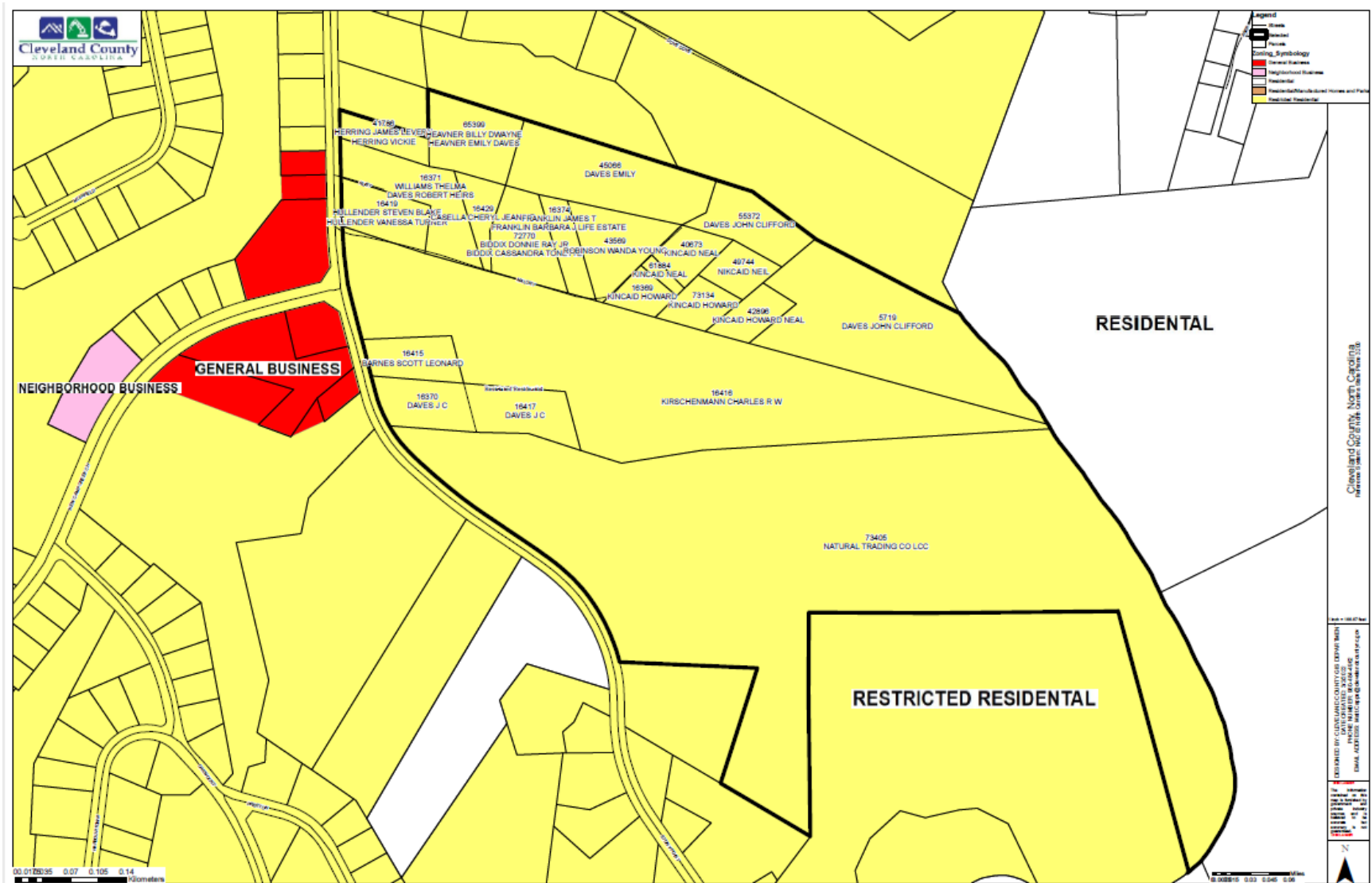
- (14) *Retail business and consumer service outlets:* One (1) space for each ~~two~~ **three** hundred (~~200~~ **300**) square feet of gross floor area.

PLANNING DEPARTMENT CASE 22-09: REQUEST TO REZONE PROPERTIES ALONG STONY POINT ROAD FROM RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL (R)

Planning Director Chris Martin remained at the podium to present Planning Case 22-09 request to rezone properties along Stony Point Road from Restricted Residential (RR) to Residential (R). The applicant, David Bradshaw is asking to rezone 22 parcels along Stony Point Road, totaling 121.6 acres, from Restricted Residential (RR) to Residential (R). Restricted Residential (RR) only allows for site-built homes and modular homes. Cleveland County's policy requires an applicant to obtain at least 67% of property owner signatures when submitting a multi-parcel request. Mr. Bradshaw has collected signatures representing 21 out of 22 properties included in the designated area, totaling 97% of property owner signatures.

The surrounding zoning districts include Restricted Residential (RR) to the north and south, while Residential (R) adjoins the area on the east and west. The surrounding uses consist of single-family residential, manufactured homes, a convenience store, storage units, and golf course facilities. The Land Use Plan designates the area as split between future primary growth and secondary growth. Both Residential (R) and Restricted Residential (RR) districts provide uses that would be consistent with these designations. The Planning Board voted

5-1 to approve the recommended rezoning request. The Board felt the requested change was an extension of an existing Residential (R) district, is consistent with the Land Use Plan and compatible with existing uses.



CASE # 22-09 Rezoning Restricted Residential to Residential
Property Location: Stony Point Road
Parcel Number: Multiple Parcels
Acreage: 121.6 acres



Chairman Gordon opened the Public Hearing at 6:37 pm for anyone wanting to speak for or against Planning Case 22-09 request to rezone properties along Stony Point Road from Restricted Residential (RR) to Residential (R). (Legal Notice was published in the Shelby Star on Friday, March 25 and Friday, April 1, 2022.)

David Bradshaw, 980 Stony Point Road, Kings Mountain – is the applicant and spoke in favor of the rezoning request. He explained the process of gathering the signatures and the application with the Planning Department. He thanked Mr. Martin and his staff for the great customer service and assistance.

Hearing no additional comments, Chairman Gordon closed the Public Hearing at 6:39 pm.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, *approve the request to rezone properties along Stony Point Road from Restricted Residential (RR) to Residential (R) as it is consistent with existing Residential (R) district, the Land Use Plan and compatible with existing uses.*

REGULAR AGENDA

BROAD RIVER GREENWAY UPDATE

Chairman Gordon called Kim Duren, Greenway Executive Director, to the podium to present the Broad River Greenway update. The Greenway has been open for almost 30 years and during that time, the footprint has nearly tripled in size and has over 110,000 visitors per year. The newest projects underway are a new larger picnic shelter, a boat launch and the commissioning of needed repairs and upgrades to the trails. Mrs. Duren reviewed the new additions, educational opportunities, and free events the greenway hosts annually. Ms. Duren closed by thanking the Board for their continued support which contributes to the ongoing success of the Broad River Greenway.

FIRE PREVENTION CODE ORDINANCE (FIRST READING)


Chairman Gordon called Chief Deputy County Attorney Martha Thompson to the podium to present the first reading of the Fire Prevention Code Ordinance. As part of the County's public safety strategic plan, the County's consultants have recommended the consideration of an ordinance adopting the North Carolina Fire Prevention Code and empowering the Fire Marshal to enforce that code within the County. Staff proposes an ordinance providing that the Fire Marshal is appointed and removed by the County Manager, similarly to other County personnel. The proposed ordinance also sets forth the duties of the Fire Marshal, interfacing with local fire departments, and making certain fire-related building inspections. The proposed ordinance also adopts the North Carolina Fire Prevention Code and empowers the Fire Marshal to enforce it within the County. The County is not adopting its own local fire prevention code, which would be subject to the approval of the state's Building Code Council pursuant to North Carolina General Statute § 143-138(e). Rather, the County would simply be adopting the state's fire prevention code. The code could be enforced by a civil penalty, with an escalating scale of penalties for more severe or repeated violations. The proposed ordinance also contains criminal penalties and is subject to North Carolina General Statute § 153A-123(b), which provides that an ordinance specifying criminal penalties may not be enacted at the first meeting at which it is introduced. The proposed ordinance will be read a second time after a public hearing, as required, at the April 19, 2022 Commissioners' meeting. The following information and PowerPoint were presented to Commissioners.



APRIL 5, 2022


Fire Code Ordinance

CLEVELAND COUNTY LEGAL DEPARTMENT
CLEVELAND COUNTY FIRE MARSHAL




Summary

County's consultants for public safety strategic plan recommend passing an ordinance adopting North Carolina Fire Prevention Code.




Three Parts to Ordinance

- **Part 1 - Setting duties of Fire Marshal**
 - Interface with fire departments
 - Enforce NC fire code
 - Make certain fire-related inspections
 - Other duties related to fire safety




Three Parts to Ordinance

- **Part 2 - Adoption of NC Fire Prevention Code**
 - NOT a local code, which would require state approval
 - Simply adoption of state code, as amended by state building council




Three Parts to Ordinance

- **Part 3 - Enforcement of NC fire prevention code**
 - Enforceable by civil penalty (higher penalties for more serious/repeat offenses)
 - Civil action (injunction)
 - Some provisions enforceable by criminal remedy



Public hearing on ordinance

- Fire prevention code could be considered land use regulation
- Land use regulations may only be passed following a public hearing



Actions Requested

- (1) Acknowledge first read of proposed ordinance
- (2) Set public hearing on ordinance for April 19, 2022 meeting.

Chairman Gordon asked Ms. Thompson and Fire Marshal Perry Davis to come to the podium for Board questions and discussion. Commissioner Hutchins asked if the ordinance is approved, would it give the Fire Marshal and his staff the authority to enforce property cleanup of potential fire dangers, and Mr. Davis replied there are provisions in the proposed ordinance that would allow that.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously approved by the Board to, *acknowledge the first reading of the proposed fire prevention code ordinance and set a public hearing for April 19, 2022 Commissioners' meeting.*

ORDINANCE NO. 2022-05

AN ORDINANCE CONCERNING THE FIRE MARSHAL, FIRE PREVENTION, AND FIRE CODE

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

WHEREAS, N.C.G.S. § 153A-234 authorizes the County to “appoint a fire marshal and employ persons as his assistants;

WHEREAS, N.C.G.S. § 153A-234 provides that the Board of Commissioners “shall set the duties of the Fire Marshal;”

WHEREAS, N.C.G.S. § 153A-123(c1) provides that the County may by ordinance provide for the recovery of a civil penalty by the County for a violation of the fire prevention code of the North Carolina State Building Code;

WHEREAS, N.C.G.S. § 143-139(b1) provides that the County may levy a civil penalty for violation of the fire prevention code of the North Carolina State Building Code;

WHEREAS, N.C.G.S. § 153A-123(b)(1) authorizes the County to enforce ordinances concerning unsafe buildings by criminal penalty;

NOW, THEREFORE, the following Article IV is hereby added to Chapter 4 of the Cleveland County Code of Ordinances.

ARTICLE IV. – FIRE MARSHAL; FIRE PREVENTION AND PROTECTION

Sec. 4-85. Definitions.

“Board of Commissioners” means the Cleveland County Board of Commissioners.

“County” means Cleveland County, North Carolina.

“County Manager” means the Cleveland County Manager.

“Fire Code” means the Fire Prevention Code of the North Carolina State Building Code, as amended.

“Fire Marshal” means the Cleveland County Fire Marshal.

“Sheriff” means the Cleveland County Sheriff.

Sec. 4-86. Enforcement of fire prevention code; appointment and dismissal of Fire Marshal.

(a) The fire prevention code of the North Carolina State Building Code, as amended, is hereby adopted by the County and shall be enforced by the Fire Marshal’s Office, which is established and which shall be operated under the supervision of, or which may be combined with, the Director of Emergency Management. The Fire Marshal is hereby authorized to enforce the Fire Code according to the procedures set forth in this Article.

(b) The Fire Marshal shall be appointed and dismissed by the County Manager, and he or she shall be subject all applicable personnel policies and rules governing County employees.

Sec. 4-87. Duties of Fire Marshal.

The Board of Commissioners shall set the duties of the Fire Marshal. The Fire Marshal’s duties include, but are not limited to, the following:

(a) Keeping the County Manager and Board of Commissioners informed of the purpose and development of rural fire departments.

(b) Acting as a liaison between fire departments, the County Manager, and the Board of Commissioners.

(c) Aiding in the organization and development of new fire departments.

(d) Acting as advisor to the County Manager and Board of Commissioners concerning the requirements of the North Carolina Department of Insurance (NCDOI).

(e) When possible, providing assistance with training programs for fire departments, upon request.

(f) Advising fire departments on the availability of surplus equipment.

(g) Making periodic inspections of all fire departments within the county to see that they conform to the minimum standards of NCDOI.

(h) Making fire inspections in schools as required by N.C.G.S. § 115C-525(b)(2) and in day care facilities as required by N.C.G.S. § 110-92.

(i) Making inspections of public occupancies relative to fire protection and fire prevention codes that may be enforced.

(j) Investigating, along with other fire and law enforcement officials, fires of a suspicious or unknown nature to determine their cause and origin.

(k) When possible, assisting fire departments in developing and delivering fire prevention and fire education programs throughout

the county, upon request.

- (l) Administering and enforcing the Fire Code, as amended, and any other fire-related safety ordinances adopted by the County.
- (m) Determining the most appropriate fire department to be the primary responder when a property line lies within more than one fire district.
- (n) Performing any other duties required by law of the Fire Marshal.

Sec. 4-88. Special Fees.

The fees for fire inspections and permits shall be set forth by the Board of Commissioners in the county's schedule of fees, which is on file in the finance department.

Sec. 4-89. Parking in fire lanes prohibited.

- (a) The parking of motor vehicles, or otherwise obstructing a required or designated fire lane, shall be prohibited at all times in accordance with the Fire Code. This prohibition does not apply to emergency vehicles while engaged in an emergency response.
- (b) Any person who parks in a fire lane shall be subject to a \$50.00 penalty issued by either the Fire Marshal or a law enforcement officer. Each day's violation shall be a separate and distinct offense. A violation of this section is punishable as a misdemeanor.

Sec. 4-90. Violations.

- (a) Any person shall be subject to all penalties allowed by law if the person:
 - (1) Violates or fails to comply with the provisions of the Fire Code;
 - (2) Violates or fails to comply with any order made under the Fire Code;
 - (3) Builds in violation of any detailed statement of specifications or plans submitted and approved under the Fire Code or any certificate or permit issued thereunder; or
 - (4) Fails to comply with such an order as affirmed or modified by the Fire Marshal or by a court of competent jurisdiction, within the time affixed.
- (b) In addition to any civil penalties or remedies that may apply, any person who commits any violation listed in subsection (a) of this section may be subject to criminal penalties for a misdemeanor pursuant to N.C.G.S. § 14-4(a), to the extent permitted by N.C.G.S. § 153A-123(b1)(1).

Sec. 4-91. Penalties.

- (a) The minimum penalty for a violation of this article shall be a civil penalty of \$50.00, and the maximum civil penalty shall be \$500.00. Criminal penalties shall only apply if authorized by the Fire Code. Each violation, as well as each day a violation exists, shall constitute a separate and distinct offense.
- (b) If a person has not been cited within the previous twelve (12) months and the violations are corrected within seventy-two (72) hours of him or her being notified of the violations, the fine shall be waived. The citation and penalties shall be in writing, signed by the Fire Marshal or his representative, and shall be delivered to the violator.
- (c) Each day's violation of the Fire Code shall be considered a separate and distinct offense. Civil penalties may be recovered in a civil action in the nature of debt collection if not paid within thirty (30) days after being cited for a violation.
- (d) The types of violations and the related civil penalties are as follows. The Fire Marshal shall determine what type of violation applies in a given case.
 - (1) *Type 1 Violations (\$50.00)*. These violations generally increase the likelihood of a fire or injury. They include, but are not limited to, failure to:
 - a. Obtain proper permits for required uses as listed under the permit fees.
 - b. Maintained properly operating exist or emergency lights.
 - c. Maintain a clear, unobstructed access to fire protection equipment.
 - d. Properly cover or close electrical junction boxes.
 - e. Limit or restrict use of electrical extension cords improperly used.
 - (2) *Type 2 Violations (\$100.00)*. These violations represent a general threat to property. They include, but are not limited to, failure to:
 - a. Safely maintain proper storage of combustibles outside of a business.
 - b. Maintain a clear, unobstructed access to electric panels.
 - c. Properly maintain automatic closing fire and smoke doors.

- d. Properly maintain and inspect portable fire extinguishers.
 - e. Properly maintain unobstructed accesses to hydrants, risers, and fire department connections.
- (3) *Type 3 Violations (\$250.00)*. These violations directly affect the safety of persons within an occupancy or the probability of heavy property loss if a fire occurs. They include, but are not limited to, failure to:
- a. Maintain a clear, unobstructed access to and from exist doors, both inside and outside.
 - b. Install, test, or properly maintain required smoke and fire alarm systems.
 - c. Install or properly maintain or test existing/required automatic sprinkler systems and extinguishing systems.
 - d. Properly store or use flammable, combustible, or hazardous materials.
 - e. Limit the number of persons in a place of assembly to the maximum posted number allowed.
 - f. Comply with Fire Code provisions concerning open burning, recreational fires, portable outdoor fireplaces, or burning of non-vegetative materials.
- (4) *Type 4 violations (\$500.00)*. These violations are where, despite prior notice, corrections have not been made and/or previous fines have not been paid.
- (e) The application of penalties in subsection (d) shall not be held to prevent the enforcement of or removal of the prohibited conditions. In addition to the penalties listed in subsection (d), the Fire Code may be enforced by any of the following:
- (1) An appropriate equitable remedy issuing from a court of competent jurisdiction.
 - (2) An injunction and order of abatement.
 - (3) Criminal punishment as a misdemeanor, to the extent permitted by N.C.G.S. § 153A-123(b1)(1).

--END OF ADDITIONS TO CODE--

COMMUNITY POPULATION UPDATE

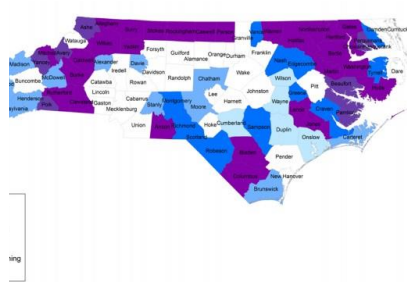
Chairman Gordon recognized Assistant County Manager Kerri Melton to present a community population update. North Carolina had the fourth largest population gain from April 2020 to July 2021 and Cleveland County has begun to experience population growth by crossing the 100,000-resident threshold. The county was only one of four counties across the nation to accomplish this population gain. The percentage of growth in the United States is the lowest it's been since its inception. Mrs. Melton spoke about the county's economic development success, community-minded policy decisions, strategic investments and partnerships. The following information and PowerPoint were presented to the Board.

**Local Population Changes
& Community Growth**

April 5, 2022



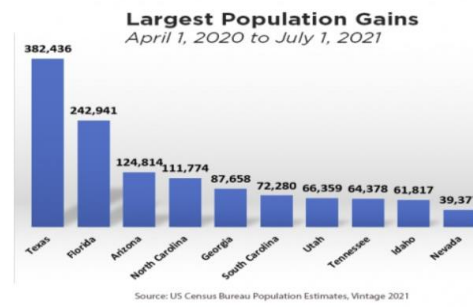
Typology of North Carolina Counties, 2016



Cleveland County has begun to experience population growth.



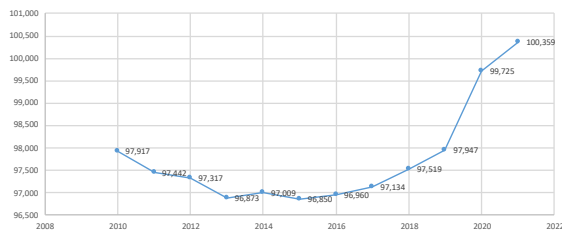
National Population Trends



Population Change, 2020-2021

Area	2020 Population	2021 Population
United States	331,501,080	331,893,745
North Carolina	10,439,388	10,551,162
Cleveland County	99,725	100,359

Total Population Change



HOUSEHOLDS

- Approximately 3,600 (6.7%) new homes being permitted
- State HH growth average of 5.6%.

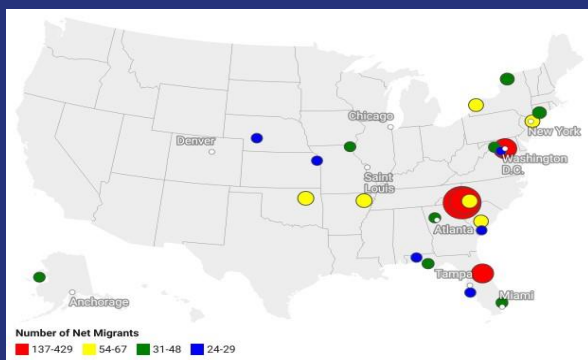
POPULATION

- Population 100,359 (2021) grew by 3,359 since 2016 – projected to have similar growth over the next 5 years

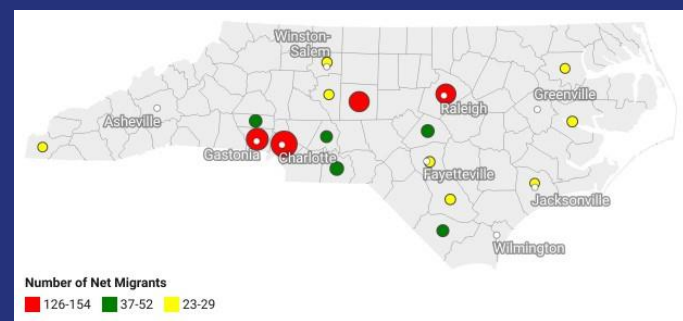
Births/Deaths compared to Migration

Geographic Area	Annual Change, July 1, 2020 to July 1, 2021						
	Total Population Change	Natural Change	Vital Events		Net Migration		
			Births	Deaths	Total	International	Domestic
Cleveland County	634	-376	1,119	1,495	1,008	11	997

Out of State Origins of Cleveland County In-Migrants



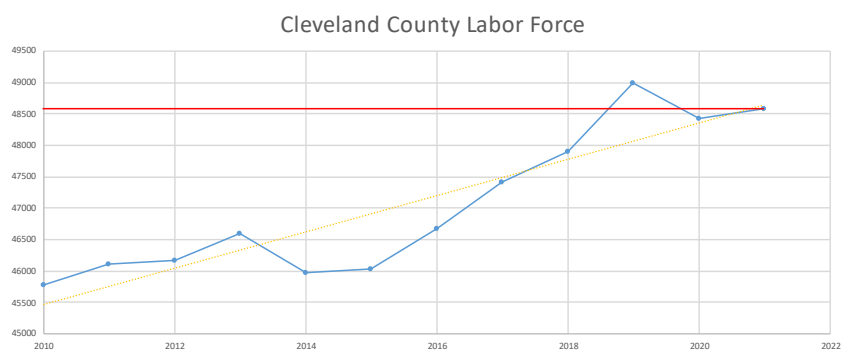
In-State Origins of Cleveland County In-Migrants



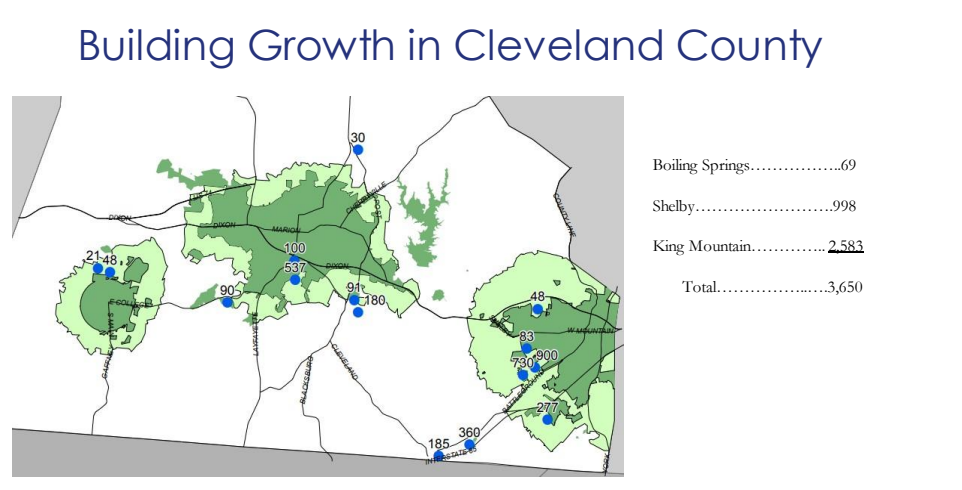
What is driving population growth in Cleveland County?



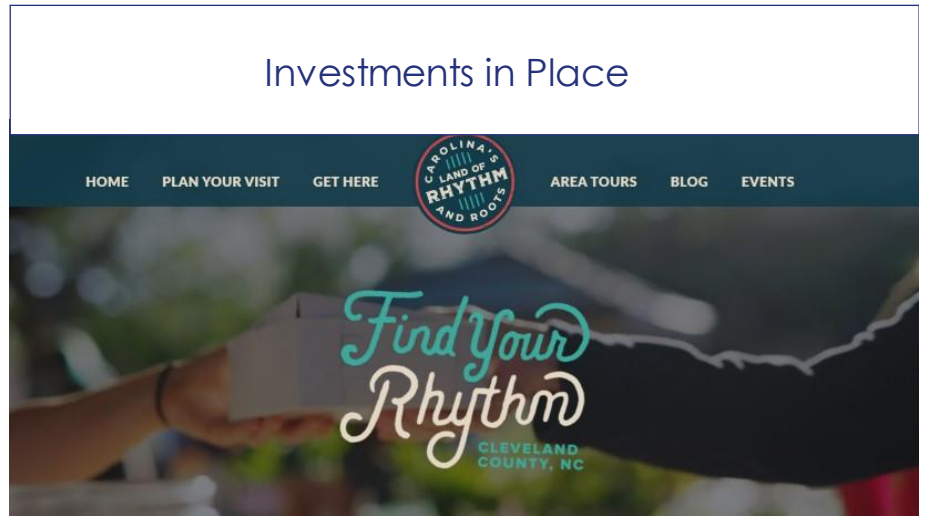
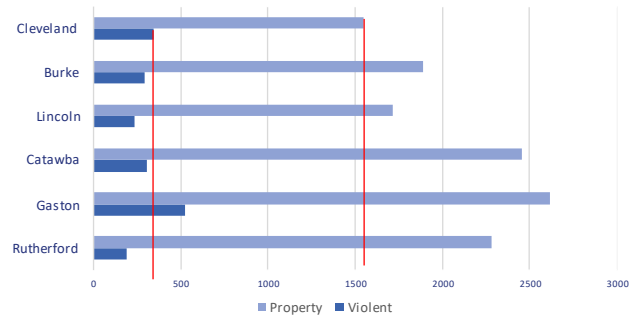
Economic Development Success



Community-minded policy decisions



Safe Community Peer Comparison



Strategic Investments and Partnerships

Higher Education

Gardner-Webb University: A private liberal arts school located in Boiling Springs, Gardner-Webb University is home to six professional schools that offer 80-plus undergraduate and graduate fields of study. Their accelerated 10 month MBA program is one of the top-rated programs in the country, and one of the area's most affordable.

Cleveland County Schools' mission is to cultivate excellence by providing student-centered exceptional educational experiences while challenging all students to perform at their highest potential. With some 14,000 students, Cleveland County Schools has over 3,000 students earning industry-recognized credentials each year. Within its 29 facilities and an online learning school, Cleveland County Schools is the largest employer in the county with over 20% of the district's teachers having their National Board Certification. Recognized as the 'Best Place to Work in Cleveland County' for four consecutive years, Cleveland County Schools is also ranked #1 in the nation in United Way per capita contributions.

Cleveland Community College: Located in Shelby, Cleveland Community College is a comprehensive, public two-year college offering more than 120 programs ranging from fifteen-hour certificate programs to two-year associates degrees in arts, applied science, advanced manufacturing and fine arts. CCC is currently constructing a 45,000 sqft Advanced Technology Center on their campus, which will house Electrical Engineering, Automation Engineering, Industrial Systems/Facilities Maintenance, Machining and Mechanical Drafting programs. It will include a conference room, general classroom, computer lab, high-bay training spaces and a 5-ton crane, all of which is being designed to support training for local industries. Additionally, the facility will provide office space for CCEDP and other workforce development partners and is expected to be completed by July 2022.



Future Population Principals

College Is Everywhere Now

Yale students in Barbours, Michigan students in Brooklyn, Berkeley students in Las Vegas? Off-campus housing is way off-campus now.

REPORT
Half a million fewer children? The coming COVID baby bust

**JOBS FOLLOW PEOPLE.
PEOPLE DON'T FOLLOW JOBS.**

QUESTIONS?

The Board thanked Mrs. Melton for the information given.

CLOSING REMARKS

Commissioners had a discussion regarding North Carolina open meeting laws and the circumstances that constitutes what an open meeting is.

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hutchins 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, April 19, 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*