

Cleveland County Board of Commissioners
August 2, 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
Tim Moore, County Attorney *via teleconference*
Martha Thompson, Chief Deputy Attorney
Brian Epley, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Chris Martin, Planning Director
Allison Mauney, Human Resources Director
Sherry Lavender, Tax Assessor
Sandra Orvig, Shooting Range Director

ABSENT: Doug Bridges, Commissioner

CALL TO ORDER

Chairman Gordon called the meeting to order, and Assistant County Manager Kerri Melton provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

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

CITIZEN RECOGNITION

Robert Williams, 814 E. Stagecoach Trl, Lawndale – spoke about a recent article published in the Wall Street Journal regarding the Two Kings Casino in Kings Mountain.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the **June 21, 2022** regular meeting 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 ADMINISTRATION: ANNUAL SETTLEMENT FY 2021 – 2022 AND ORDER TO COLLECT

The Cleveland County Tax Office collected 98.58% of County General real property tax and 98.53% of all Cleveland County real property annual tax bills during the FY 2021 – 2022.

Adoption of Order directing the Tax Collector to collect taxes for 2022 and prior years. This Order is set forth in accordance with North Carolina General Statute 105-321(b) and shall have the force and effect of a judgment and execution against real and personal property.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and passed unanimously by the Board to, *approve the Order of Collection.*

CLEVELAND COUNTY, NORTH CAROLINA						
Settlement for Current-Year Taxes and Delinquent Taxes						
REAL AND PERSONAL PROPERTY						
SCHEDULE OF AD VALOREM TAXES RECEIVABLE						
YEAR ENDED JUNE 30, 2022						
FISCAL YEAR	UNCOLLECTED BALANCE 06/30/21	ORIGINAL LEVY	DISCOVERIES SUPPLEMENTS	COLLECTIONS	ABATEMENTS AND OTHER CREDITS	UNCOLLECTED BALANCE 06/30/22
2021		\$87,241,509.46	\$8,676,196.09	\$94,263,457.99	\$250,002.75	\$1,404,244.81
2020	\$1,335,001.15		\$2,627.80	\$592,138.25	\$11,080.00	\$734,410.70
2019	\$911,589.09		\$2,274.07	\$234,461.76	\$6,959.10	\$672,442.30
2018	\$457,284.38		\$2,265.73	\$92,132.11	\$7,012.17	\$360,405.83
2017	\$280,065.57		\$2,262.05	\$52,379.39	\$6,688.67	\$223,259.56
2016	\$189,694.26		\$2,150.96	\$28,207.42	\$224.25	\$163,413.55
2015	\$154,363.77			\$20,795.61	\$224.25	\$133,343.91
2014	\$150,423.42			\$14,229.35		\$136,194.07
2013	\$112,439.15			\$12,760.25		\$99,678.90
2012	\$86,716.68			\$6,388.97		\$80,327.71
2011	\$65,133.37		-\$5,626.43	\$1,069.60	\$58,437.34	\$0.00
2010	\$0.00					\$0.00
Total	\$3,742,710.84	\$87,241,509.46	\$8,682,150.27	\$95,318,020.70	\$340,628.53	\$4,007,721.34
			Discounts	-\$267,808.86		
			Interest & Penalties	\$376,110.32		
			Costs	\$64,202.71		
			Total	95,490,524.87		
			2022 Deferred	\$101,972.84		

State of North Carolina
Cleveland County

**ORDER OF THE BOARD OF COUNTY COMMISSIONERS
IN ACCORDANCE WITH G.S. 105-373, G.S. 105-321 AND 105-330.3**

TO: SHERRY LAVENDER, Tax Administrator


CC: NECOLE' RICHARD, Tax Collector

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2012 through 2022 tax records filed in the office of the Tax Collector, and in the tax, receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2012 through 2022 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Cleveland County. This order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are further authorized to call upon the Sheriff to levy upon and sell personal property under execution for the payment of taxes.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and they have authority to perform those functions authorized by the Machinery Act of Chapter 105 of North Carolina General Statutes and other applicable laws for current and previous years' taxes.

WITNESS my hand and official seal, this the 2nd day of August 2022


KEVIN GORDON, CHAIRMAN, BOARD OF COMMISSIONERS OF
CLEVELAND COUNTY

ATTEST:

PHYLLIS NOWLEN, CLERK TO THE BOARD OF COMMISSIONERS OF CLEVELAND
COUNTY



HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #002)

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>
012.548.4.540.95		CODAP/Contracted Revenue	\$10,280.00	
012.548.5.310.95		CODAP/ Travel-Training	\$750.00	
012.548.5.311.95		CODAP/Educ-Training-Cert	\$350.00	
012.548.5.490.95		CODAP/Professional Services	\$7,500.00	
012.548.5.581.95		CODAP/Awards-Incentives	\$1,680.00	

Explanation of Revisions: Budget allocation of \$10,280 in additional funds received from Partners Health Management. These funds will be utilized to provide leadership development training for the Cleveland County Substance Abuse Prevention Coalition (SAPC) Coordinator as well as training to coalition members and/or community partners.

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, SEPTEMBER 6, 2022 FOR CASE 22-21 REQUEST TO REZONE PROPERTY AT 205 FARRIS ROAD FROM RESIDENTIAL MANUFACTURED HOMES AND PARKS (MHP) TO NEIGHBORHOOD BUSINESS – CONDITIONAL USE (NB-CU) FOR A RECREATIONAL VEHICLE PARK

Parcel 11527, located at 205 Farris Road in Kings Mountain, is approximately 25 acres and is currently owned by Tanner McAbee and Joseph Hardison. Tanner McAbee is requesting to rezone parcel 11527 from Residential Manufactured Homes and Parks to Neighborhood Business Conditional Use for a Recreational Vehicle Park. The property is south of Kings Mountain and the South Battleground Industrial Park. The land is currently vacant but has, in the past, been a manufactured home park. The surrounding area consists of rural residential uses, some agricultural uses and large vacant land tracts. Properties are zoned Residential, Restricted Residential along Mountain Side Drive and Residential along Farris Road. The Land Use Plan designates this area as a Secondary Growth Area.

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

LEGAL DEPARTMENT: EXCHANGE OF REAL PROPERTY – PARCEL 16310

Cleveland County operates a solid waste convenience site located at 1127 Oak Grove Road in Kings Mountain on Parcel 16303. Two of the site’s neighboring parcels are owned by B & D Enterprises, Inc. Staff has worked with B & D on a proposed land exchange and easement agreement. The land exchange would result in the swap of two 0.072-acre pieces of property. The result would be that the County’s convenience site and the B & D property on parcel 16310 would have a straighter border. A survey of the proposed land swap is included in packets. The land exchange also involves the County’s receipt of an easement on parcel 73170, which is also owned by B & D and borders the County’s convenience site. B & D would grant an easement extending thirty feet onto parcel 73170. The County would be permitted to plant trees for screening of its convenience site within this easement. The County may exchange property by private negotiation pursuant to North Carolina General Statute § 160A-271. (*Legal Notice was published in the Shelby Star on Friday, July 22, 2022.*)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, ***adopt the resolution authorizing the land exchange and easement agreement.***



Resolution

20-2022

Exchange of Property Resolution for Parcel 16303

WHEREAS, Cleveland County (the "County") owns a 3.444-acre tract of land, known as Parcel 16303, described in Book 1120 Page 99 of the Cleveland County Registry, located at 1127 Oak Grove Road in Kings Mountain; and

WHEREAS, B & D Enterprises, Inc. ("B & D"), owns a 9.519-acre tract of land, known as Parcel 16310, described in Book 1495 Page 1546 of the Cleveland County Registry, located at 1117 A12 Oak Grove Road in Kings Mountain; and

WHEREAS, the County and B & D wish to make an even exchange of two 0.072-acre portions of these two properties as portrayed on the attached "Exhibit A"; and WHEREAS, the County estimates that each of these 0.072-acre portions is valued at approximately \$2,000; and

WHEREAS, N.C.G.S. § 160A-271 authorizes the County to make such an exchange by private negotiation if authorized by the Board of Commissioners in a resolution adopted at a regular meeting of the Board upon at least 10 days' public notice; and WHEREAS, the County has given the required public notice, and the Board of Commissioners is convened in a regular meeting.

THEREFORE, THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY RESOLVES THAT:

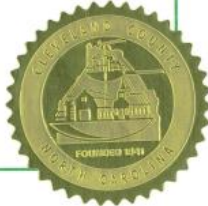
- 1. The exchange of properties described above is authorized.
2. The appropriate county officials are directed to execute the appropriate instruments necessary to carry out the exchange.

Adopted August 2, 2022.

Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:

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



Doc No: 200076880
Recorded: 08/04/2022 04:28:33 PM
Fee Amt: \$26.00 Page 1 of 5
Transfer Tax: \$0.00
Cleveland County North Carolina
Betsy S. Harnage, Register of Deeds
BK 1879 PG 1686 - 1690 (6)

RECORDING FEE \$ 26.00 REVENUES \$ -0-

NORTH CAROLINA QUITCLAIM DEED
NO TITLE SEARCH REQUESTED OR PERFORMED

Excise Tax: \$0
Parcel Identifiers Nos. 16303, 16310, & 73170 Verified by County on the day of 20

By:
Mail/Box to:
This instrument was prepared by: Elliot M. Engstrom, Attorney *Christie Wooten

Brief description for the Index:
THIS DEED made this 2nd day of August, 2022, by and between

FIRST PARTY: CLEVELAND COUNTY, NORTH CAROLINA
A political subdivision of the State of North Carolina
311 E. Marion Street, Suite 121
Shelby, NC 218150
SECOND PARTY: B & D Enterprises, Inc.
A business corporation organized under the laws of the State of North Carolina
736 Stony Point Road
Kings Mountain, NC 28086

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 First Party and Second Party 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 First Party has given and granted, and by this deed does not give and grant, to the Second Party, its heirs and assigns forever, all real property described as follows:

The 0.072 acre portion of Parcel 16303 designated "A PORTION OF CLEVELAND COUNTY PROPERTY" on the attached "Exhibit A," together with the tenements, hereditaments, and appurtenances belonging to the property (the "First Property");

To have and to hold, all and singular, the First Property to the Second Party, its heirs and assigns forever, in exchange for the Second Property and the Easement described below. The First Property was acquired by the First Party by instrument recorded in Deed Book 1120, Page 99, Cleveland County Registry.

The Second Party has likewise given and granted, and by this deed does give and grant, to the First Party, its heirs and assigns forever, all real property described as follows:

- (1) The 0.072 acre portion of Parcel 16310 designated "A PORTION OF THE B & D ENTERPRISES PROPERTY" on the attached "Exhibit A," together with the tenements, hereditaments, and appurtenances belonging to the property (the

IN WITNESS WHEREOF, the Second Party has duly executed the foregoing as of the day and year first above written.

B & D Enterprises, Inc.

State of North Carolina- County of Cleveland

I, the undersigned Notary Public of the State aforesaid, certify that Thomas G. Brooks, Jr. personally came before me this day and acknowledged that he is the CEO of B & D Enterprises, Inc., a North Carolina business corporation, 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 4th day of August, 2022.

Christie Harper Wooten
Notary Public

My Commission Expires: 4-24-26
(Affix Seal)

Christie Harper Wooten
Notary's Printed or Typed Name



"Second Property");

- (2) An easement (the "Easement") in favor of the First Party extending thirty (30) feet from the property line between Parcel 73170 and the First Property, said property line being the 383.37' property line on the southwest side of what will make up the First Party's property following the exchange of real property portrayed on the attached "Exhibit A," resulting in an easement that extends thirty (30) feet onto Parcel 73170 and is 383.37' long with an area of approximately 11,501.1 square feet. The First Party may plant trees for screening within the Easement, and the Easement will be memorialized and recorded in a separate easement agreement.

To have and to hold, all and singular, the Second Property to the First Party, its heirs and assigns forever, in exchange for the First Property described above. The Second Property was acquired by the Second Party by instrument recorded in Deed Book 1495, Page 1546, Cleveland County Registry. Parcel 73170 was acquired by the Second Party by instrument recorded in Deed Book 1139, Page 1621, 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)

Title to the properties hereinabove described are subject to the following exceptions if any:

- Rights of way and easements of record
Municipal liens

Neither party makes any warranty, express or implied, as to title to either property.

IN WITNESS WHEREOF, the First Party has duly executed the foregoing as of the day and year first above written.

CLERK TO THE BOARD:

Phyllis Nowlen
ATTEST



CLEVELAND COUNTY, NORTH CAROLINA

Kevin Gordon, Chair
Board of Commissioners
Cleveland County, North Carolina

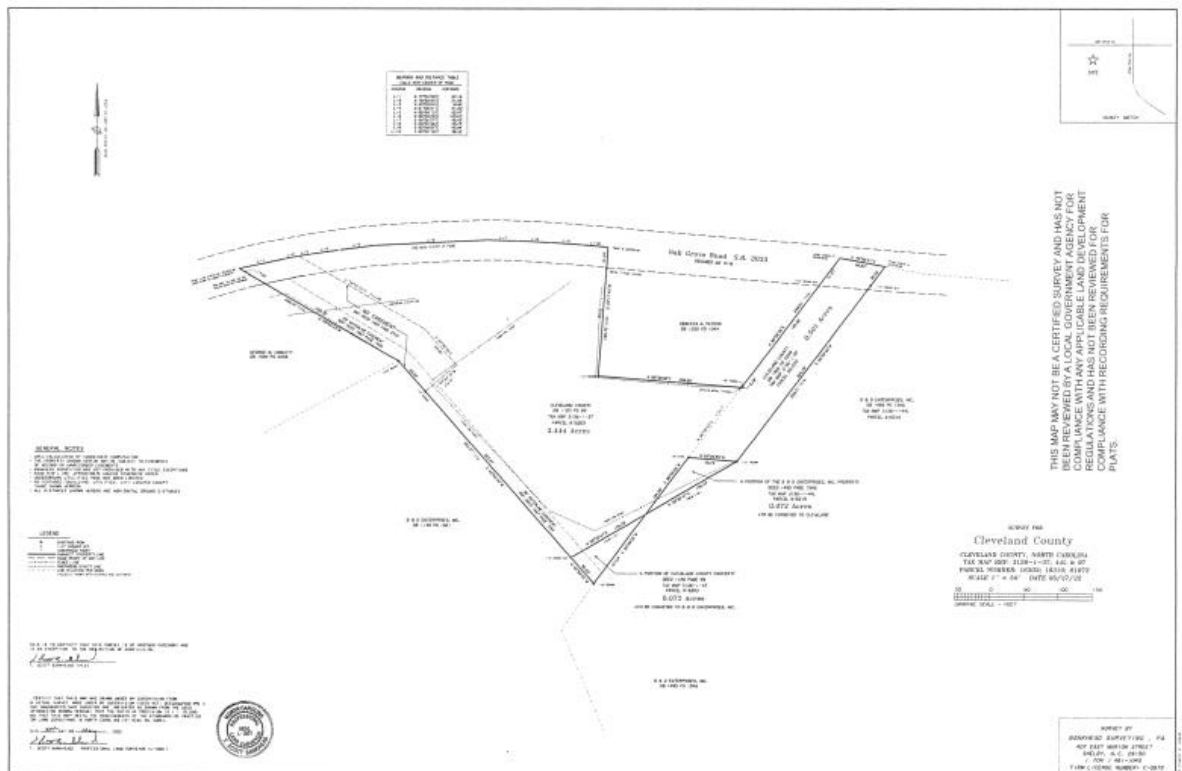
State of North Carolina- County of Cleveland

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 Commissions, 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.

April N Crofts
Notary Public

April N Crofts
Notary's Printed or Typed Name

My Commission Expires: 5-7-2027



RECORDING FEE \$ 26.00

Prepared by: Elliot M. Engstrom **Christie Wooten*
NORTH CAROLINA EASEMENT AGREEMENT
CLEVELAND COUNTY

This Easement Agreement, made and entered into this the 2nd day of August, 2022, by and between **B & D Enterprises, Inc.**, hereinafter referred to as "GRANTOR" and **Cleveland County, North Carolina**, hereinafter referred to as "GRANTEE",

WITNESS

That whereas Grantor is the owner of property as recorded in Book 1139, Page 1621 of the Cleveland County Registry (the "Grantor's Property"), and whereas Grantee owns adjoining property as recorded in Book 1120, Page 99 of the Cleveland County Registry (the "Grantee's Property"); and whereas the Grantee desires to use a portion of the Grantor's Property, and whereas Grantor does not object to, and consents to, the use by the Grantee, its heirs and assigns forever, of a portion of the Grantor's Property for the purpose of planting screening for its solid waste site;

NOW THEREFORE, for good and valuable consideration, including the real property exchange portrayed on the attached "Exhibit A," the receipt of which Grantor hereby acknowledges, said Grantor has given, granted, and by these presents does give, grant, and convey unto Grantee, its heirs, and assigns, one (1) easement extending thirty (30) feet onto Grantor's Property from the property line between Grantor's Property and Grantee's Property, said property line being the 383.37' line on the southwest side of Grantee's Property as portrayed on the attached "Exhibit A," resulting in an easement that extends thirty (30) feet onto Grantor's property from that line and is 383.37' long, with an area of approximately 11,501.1 square feet. Grantee may plant trees for screening within said easement in substantial compliance with the landscape development plan on the attached "Exhibit B." Grantee also shall have such access to the easement as is reasonably necessary to maintain, repair, and improve its trees and any related landscaping, including but not limited to dirt, grass, and mulch.

TO HAVE AND TO HOLD the aforesaid rights and easement to it, the parties, their heirs and assigns, in title forever, it being agreed that the rights and easement hereby granted is appurtenant to and runs with the land now owned by the parties and hereinafter referred to.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

B & D Enterprises, Inc.
By: *[Signature]*

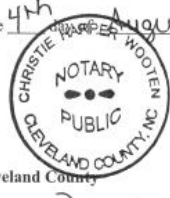
STATE OF NORTH CAROLINA
COUNTY OF Cleveland

I, *Christie Harper Wooten*, Notary Public of said County and State, do hereby certify that *Thomas G. Brooks, Jr.* of B & D Enterprises, Inc., personally appeared before me this day and acknowledged that he/she is *CFO* and on behalf of B & D Enterprises, Inc., acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the *4th* day of *August*, 2022.

Christie Harper Wooten
Notary Public

My commission expires: *4-24-26*

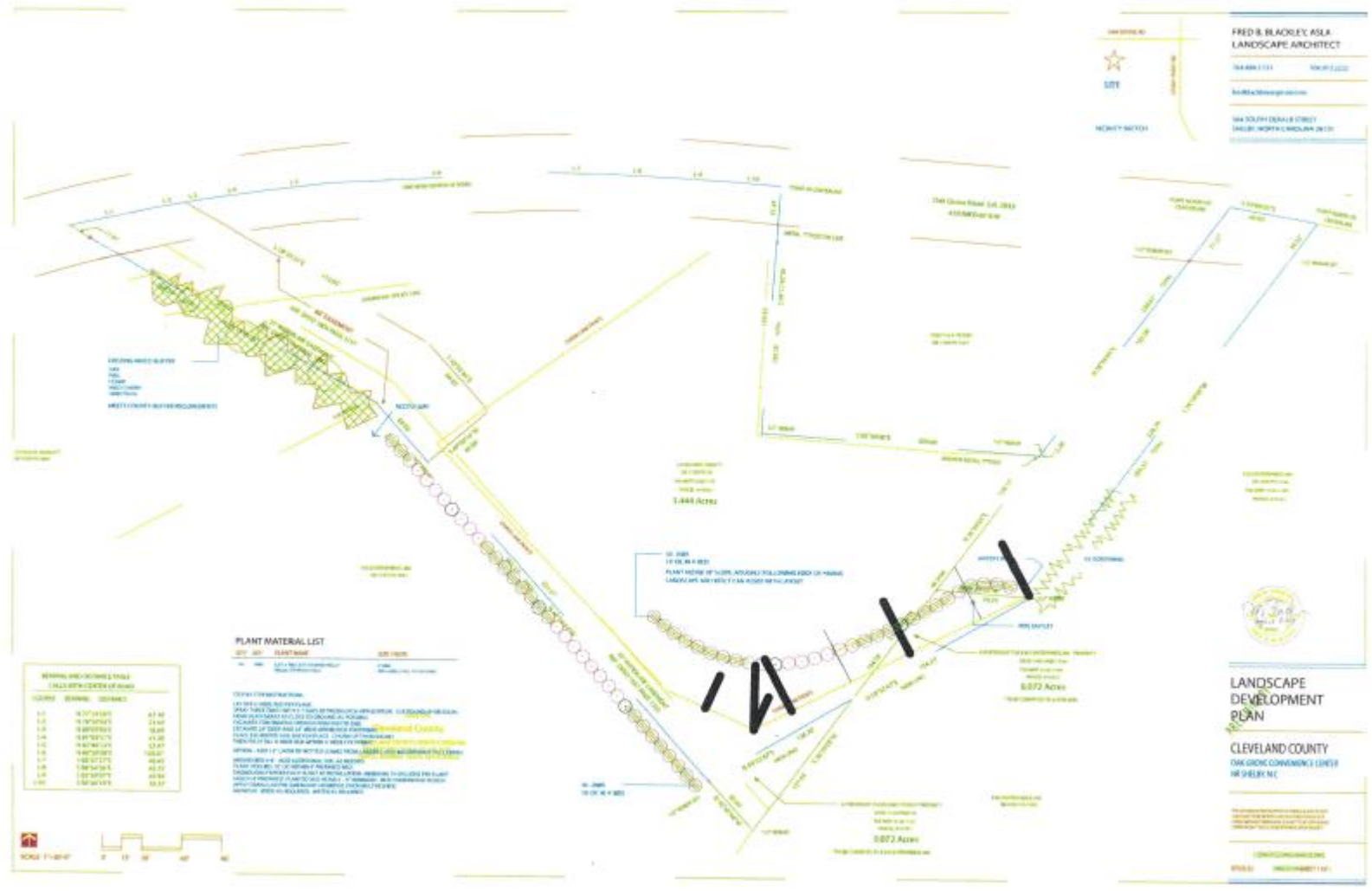


STATE OF NORTH CAROLINA
COUNTY OF Cleveland

I, *April N. Crofts*, Notary Public of said County and State, do hereby certify that *Kevin Gordon* of Cleveland County, North Carolina, personally appeared before me this day and acknowledged that he/she is *Cleveland County Board of Commissioners* and on behalf of Cleveland County, North Carolina, and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the *2nd* day of *August*, 2022.

April N. Crofts
Notary Public
My commission expires: *5-7-2022*



LEGAL DEPARTMENT: HEALTH DEPARTMENT AND SOCIAL SERVICES RETENTION SCHEDULES

The North Carolina Department of Natural and Cultural Resources (DNCR) oversees the management of government records in North Carolina. DNCR promulgates retention schedules that local governments adopt for disposing of records. Staff request that the Board of Commissioners adopts the latest retention schedules for the Health Department and Department of Social Services.

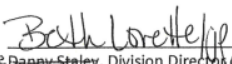
ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, *adopt the retention schedules for the Health Department and Department of Social Services.*

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

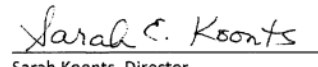
APPROVAL RECOMMENDED

APPROVAL RECOMMENDED


Beth Lovette
Danny Stealey, Division Director (Acting)
DHHS, Division of Public Health

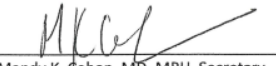

Sarah E. Koonts, Director
Division of Archives and Records

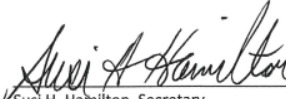

Wayne E. Black, Director
DHHS, Division of Social Services



Sarah Koonts, Director
Division of Archives and Records

APPROVED

APPROVED


Mandy K. Gohen, MD, MPH, Secretary
Department of Health and Human Services


Susi H. Hamilton, Secretary
Department of Natural and Cultural Resources


Richard O. Brajer, Secretary
Department of Health and Human Services


Susan Kluttz, Secretary
Department of Natural and Cultural Resources

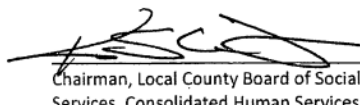
ACKNOWLEDGED (AGREED TO COMPLY)

ACKNOWLEDGED (AGREED TO COMPLY)


Local Health Director


Chair, Local Board of Health or Board of County Commissioners


Kater Swaim
County Social Services Agency, Director


Chairman, Local County Board of Social Services, Consolidated Human Services Board, or Board of County Commissioners

Cleveland County
County

Cleveland County
County

March 1, 2019

ECONOMIC DEVELOPMENT: PROJECT FABRICATOR BUILDING REUSE GRANT

A Cleveland County manufacturer is planning to expand operations and create new jobs in Cleveland County. The North Carolina Commerce has labeled this as Project Fabricator. The application requires a resolution supporting the project from the County Government. Cleveland County will be the grant recipient if awarded. The grant amount is \$160,000 (\$8,000 per job, 20 total jobs).

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, *adopt the resolution in support of Project Fabricator Reuse Grant.*



Resolution 21-2022

Resolution in Support of Project Fabricator Reuse Grant

WHEREAS, it has been determined by the Board, that PROJECT FABRICATOR, intends to create over the next two (2) years, approximately twenty (20) new, permanent full-time jobs with an annual average wage of Forty-Four Thousand Forty Dollars (\$44,040);

WHEREAS, PROJECT FABRICATOR, anticipates creating approximately Five Million Two Hundred Thirty-One Thousand Seven Hundred Thirty-Three Dollars (\$5,231,733) in net new investment; which will increase the population, taxable property base and business prospects for the County;

WHEREAS, with the aforementioned expansions, Cleveland County qualifies for the North Carolina Department of Commerce, Rural Economic Development Division, Building Reuse Grant Program in which PROJECT FABRICATOR is eligible to receive up to One Hundred Sixty Thousand Dollars (\$160,000);

WHEREAS, the project in the grant application includes the acquisition and improvement of real property and tangible personal property, totaling Five Million Two Hundred Thirty-One Thousand Seven Hundred Thirty-Three Dollars (\$5,231,733);

WHEREAS, it is in the public interest to provide assistance as authorized by North Carolina General Statute 158-7.1;

NOW, THEREFORE BE IT RESOLVED, for the reasons recited above that the Cleveland County Board of Commissioners shall authorize the County Manager to submit a Building Reuse Program grant application for the North Carolina Department of Commerce, Rural Economic Development Division, Building Reuse Grant Program.

Adopted this the 2nd day of August, 2022.

By: 
Kevin Gordon, Chairman
Board of Commissioners of Cleveland County

ATTEST:

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



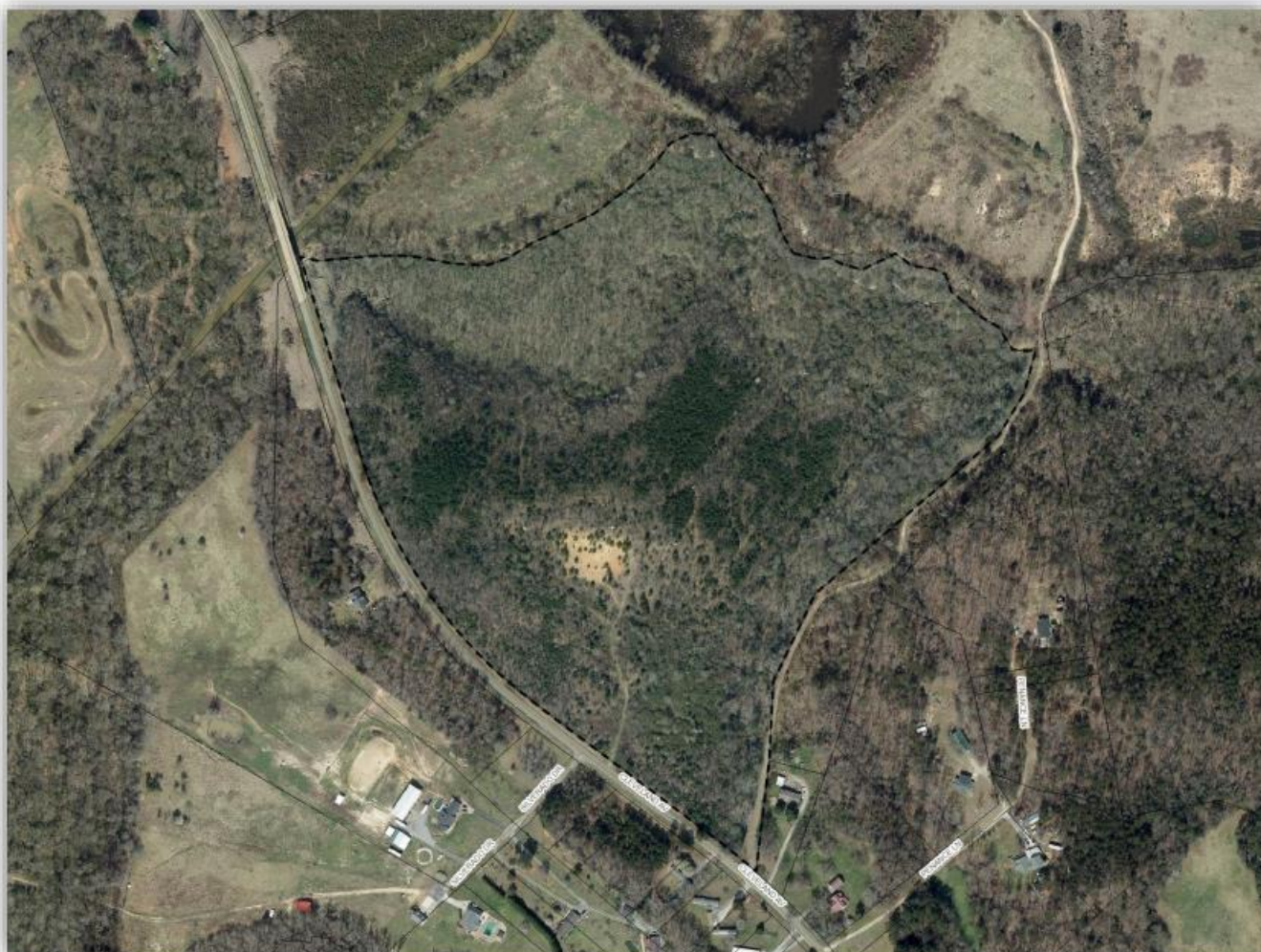
PUBLIC HEARINGS

PLANNING DEPARTMENT CASE 22-20: REQUEST TO REZONE PROPERTY AT 1256 CLEVELAND AVENUE FROM RESIDENTIAL (R) TO GENERAL BUSINESS (GB)

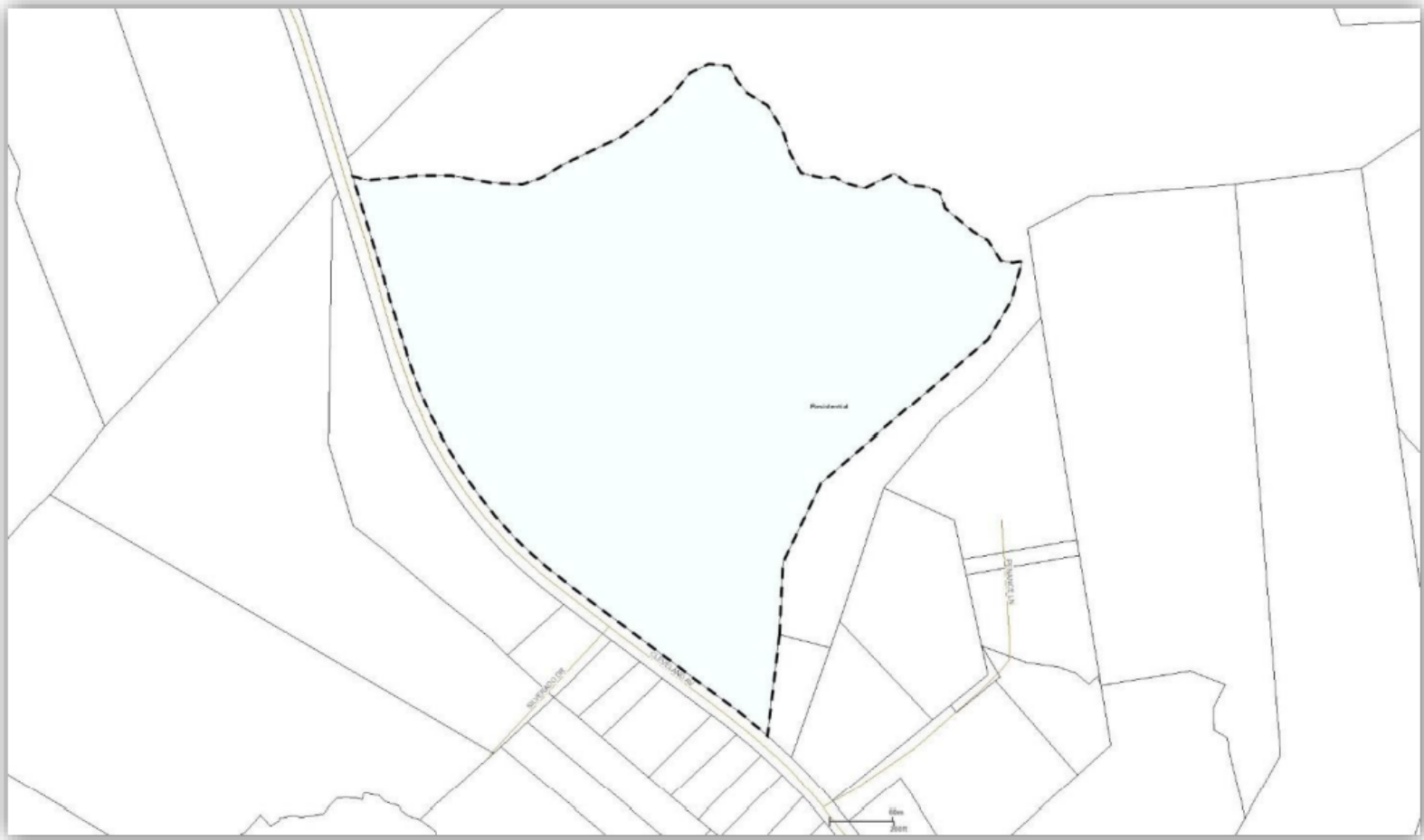
Chairman Gordon recognized Zoning Administrator Henry Earle to present Planning Department Case 22-20: request to rezone property at 1256 Cleveland Avenue from Residential (R) to General Business (GB). Parcel 57853 is approximately 50 acres near Grover, between Patterson Springs and Grover. The vacant property is owned by ME Brown Enterprises, LLC, and the applicant, Michael Brown is requesting a zoning map amendment for this tract of land from Residential (R) to General Business (GB). Surrounding uses consist of mostly single-family residential on both smaller lots and large acreage lots. The surrounding zoning district is Residential with the Corridor Protection Overlay along Highway 226. Both residential uses and commercial uses are compliant in this area. The Land Use Plan (LUP) designates the area as a Secondary Growth Area. It is expected for the area to retain its rural and agricultural character, encouraging single-family residential to be on larger lots, while promoting smaller lots within subdivisions, and promoting small-scale commercial around major rural crossroads.

The Planning Board voted 3-1 to recommend denial of the rezoning petition. The Board commented, the requested change is inconsistent with the LUP's description of where commercial uses should be located within the secondary growth area. The LUP expects the secondary growth area to retain its rural character and commercial uses should be encouraged to locate at major intersections. Mr. Brown submitted a request to the Planning Department earlier today, requesting to postpone the public hearing until Tuesday, September 6, 2022 due to his project manager being unable to attend and speak at the hearing.

Case # 22-20 Aerial Map
1256 Cleveland Avenue
Parcel 57853 49.5 Acres



Case # 22-20 Zoning Map
1256 Cleveland Avenue
Parcel 57853 49.5 Acres



Case # 22-20 Land Use Map
1256 Cleveland Avenue
Parcel 57853 49.5 Acres



Chairman Gordon opened the Public Hearing at 6:15 pm for anyone wanting to speak for or against Planning Department Case 22-20: request to rezone property at 1256 Cleveland Avenue from Residential (R) to General

Business (GB). (*Legal Notice was published in the Shelby Star on Friday, July 22, 2022 and Friday, July 29, 2022*).

Lisa Jaynes, 106 Silverado Drive, Grover – spoke in opposition to the rezoning request. She lives across from 1256 Cleveland Avenue and referenced the lack of communication from Mr. Brown as to what the site would be used for. She also spoke about the lack of neighborhood harmony a business or RV park would have on the community.

Charles McNeilly, 1206 Cleveland Ave, Grover – spoke in opposition to the rezoning request. Mr. McNeilly works for Duke Energy and gave a brief account of his expertise. He advised he agrees with the Planning Board's recommendation and suggested more surveys and impact studies be done in the area considering the business Mr. Brown is thinking of creating.

Diane Villanueva, 107 Silverado Drive, Grover – spoke in opposition to the rezoning request citing safety concerns, echoing the previous comments of negative impacts on the peaceful community.

There were no further comments.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *continue the public hearing and comments for Planning Department Case 22-20: request to rezone property at 1256 Cleveland Avenue from Residential (R) to General Business (GB) open until Tuesday, September 6, 2022 at 6:00pm in the Commissioners Chambers.*

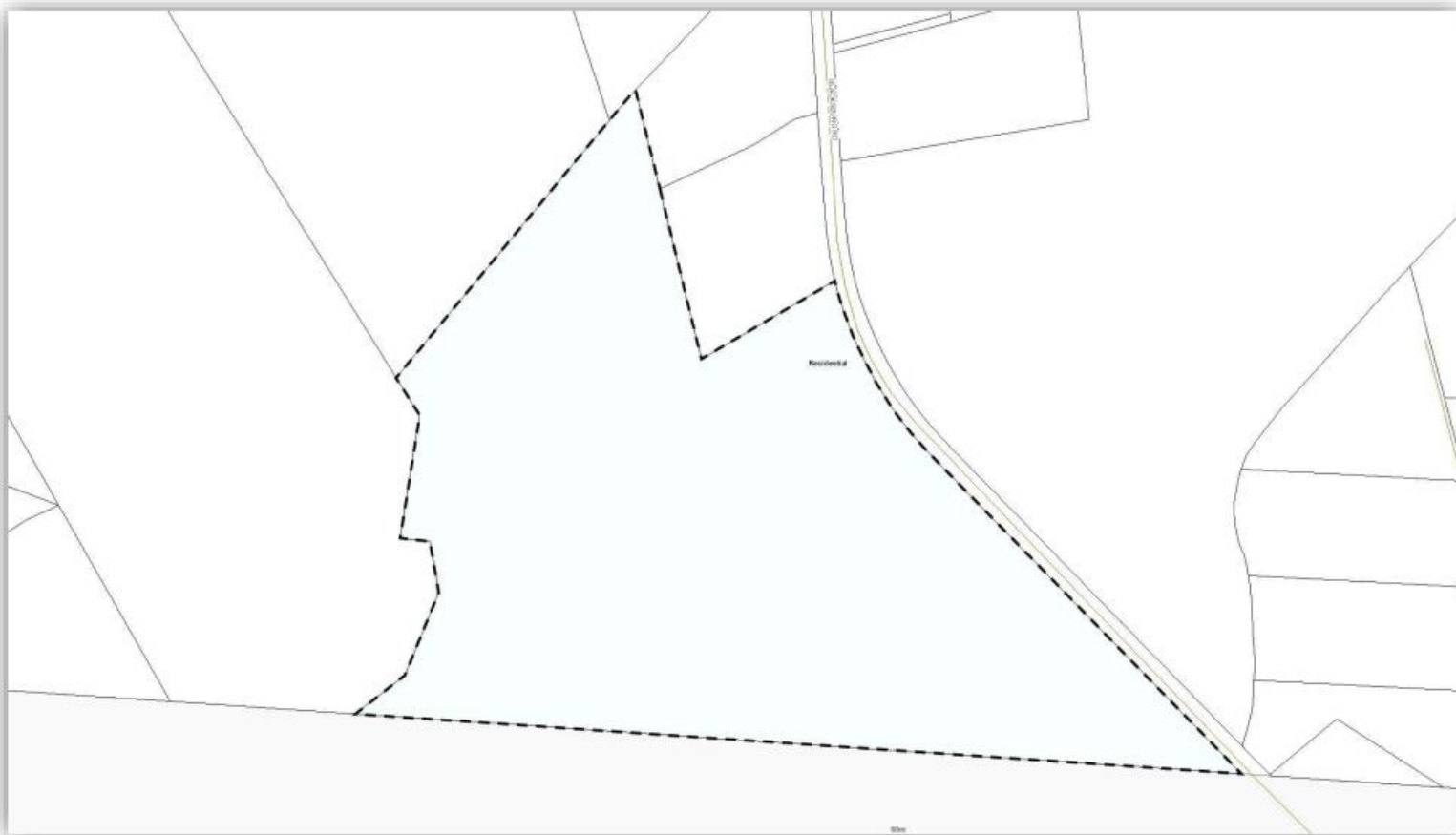
PLANNING DEPARTMENT CASE 22-23: REQUEST TO REZONE PROPERTY AT 3052 BLACKSBURG ROAD FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS (GB)

Zoning Administrator Henry Earle remained at the podium to present Planning Department Case 22-23 Request to Rezone Property at 3052 Blacksburg Road from Residential (R) to Neighborhood Business (NB). Parcel 5258 is approximately 60 acres located at 3052 Blacksburg Road in Grover along Highway 198 at the South Carolina State line. The property is owned by Benjamin Travis Hamrick and Kristen Benton Hamrick in the Residential (R) zoning district with the Corridor Protection Overlay with the current use being a single-family residence with a commercial fishing pond. The surrounding area consists of Rural Residential uses with Residential and Corridor Protection zoning districts. The Land Use Plan (LUP) designates this area is a Secondary Growth Area. It is expected for the area to retain its rural and agricultural character, encouraging single-family residential to be on larger lots while promoting smaller lots within subdivisions, and promoting small-scale commercial around major rural crossroads. The Hamricks are requesting to rezone their property from Residential (R) to Neighborhood Business (NB). The Planning Board voted unanimously to recommend approval of the requested zoning map amendment. The Board commented the requested change to Neighborhood Business (NB) was consistent with the LUP and the uses allowed are compatible with the area. The Neighborhood Business (NB) district allows residential uses along with small-scale commercial that serves a neighborhood.

Case # 22-23 Aerial Map
3052 Blacksburg Road
Parcel 5258 61.88 Acres



Case # 22-23 Zoning Map
3052 Blacksburg Road
Parcel 5258 61.88 Acres



Case # 22-23 Zoning Map

3052 Blacksburg Road
Parcel 5258 61.88 Acres



Chairman Gordon opened the Public Hearing at 6:15 pm for anyone wanting to speak for or against Planning Department Case 22-23 Request to Rezone Property at 3052 Blacksburg Road from Residential (R) to Neighborhood Business (NB) (*Legal Notice was published in the Shelby Star on Friday, July 22, 2022 and Friday, July 29, 2022*).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:26 pm.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners spoke about the LUP designations, echoing the Planning Board's recommendation reasoning.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, ***approve the request to rezone property at 3052 Blacksburg Road from Residential (R) to Neighborhood Business (NB).***

REGULAR AGENDA

REVALUATION UPDATE

Chairman Gordon recognized County Manager Brian Epley to give an update on revaluation. At the June 21, 2022 regular Commissioners' meeting, Mr. Epley presented information to the Board regarding a letter received from the North Carolina Department of Revenue (NCDOR). Other items outlined during that presentation included information about the certified sales ratio from 2021 which was measured from all real property transactions (about 341) during the 2021 calendar year. The sales ratio was below 75% which was outside of the allowable parameters

statutorily with a 15% +/- market value. At the direction of the Board, staff continued to research, work with the NCDOR to understand the county's options, compile data, etc. Staff feels comfortable with the 2017 resolution passed by the Board at that time that set Cleveland County's revaluation cycle for four years will be compliant with NCDOR's parameters. The 2017 resolution approved a January 1, 2025 mandatory revaluation. Staff will begin working on the 2025 revaluation to be compliant with NCDOR's request.



RECESS TO RECONVENE

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Whetstine and unanimously adopted by the Board, ***to recess to reconvene to Monday, August 8, 2022 at 6:00pm*** at the ***Cleveland County Schools*** located at 400 W. Marion Street, Shelby for a ***joint meeting with the Cleveland County School Board.***

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

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