

Cleveland County Board of Commissioners
January 16, 2024

The Cleveland County Board of Commissioners met on this date, at the hour of 6:00 p.m. in the Commission Chambers of the Cleveland County Administrative Offices.

PRESENT: Kevin Gordon, Chairman
Ronnie Whetstine, Vice-Chair
Johnny Hutchins, Commissioner
Doug Bridges, Commissioner
Deb Hardin Commissioner
Martha Thompson, Deputy County Attorney
David Cotton, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Chris Martin, Planning Director
Rebecca Johnson, Interim Social Services Director
Greg Traywick, Agricultural Extension Director
Karyn Owens, Communications and Marketing Director

CALL TO ORDER

Chairman Gordon called the meeting to order, and Commissioner Whetstine led the audience in the Pledge of Allegiance and provided the invocation.

AGENDA ADOPTION

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

EARLY BUSINESS

CATAWBA INDIAN NATION FOUNDATION BOARD OF DIRECTORS

Clerk to the Board, Phyllis Nowlen, administered the oath to Commissioner Deb Hardin for the office of the Catawba Indian Nation Foundation Board of Directors.

SPECIAL RECOGNITION

KINGS MOUNTAIN 2023 VOLLEYBALL CHAMPIONSHIP

Kings Mountain High School Girls Volleyball Team won the 2023 North Carolina High School Athletic Association (NCHSAA) 3-A state volleyball championship. This is the third championship for the high school's volleyball program. Commissioners took turns commenting and giving congratulations, presenting the volleyball team and coaches with the following proclamation:



Proclamation

01-2024

Kings Mountain High School NCHSAA 3-A Volleyball Championship

WHEREAS, Cleveland County is proud to be home to Kings Mountain High School; and

WHEREAS, Kings Mountain High School Girls' Volleyball Team, the Lady Mountaineers, through hard work and perseverance over 35 hard-fought games, achieved the NCHSAA 3-A Volleyball State Championship, as the Lady Mountaineers take great pride in respecting their opponents and playing the game of volleyball with class and dignity; and

WHEREAS, the demanding athletic competition requires the highest levels of skills, determination, teamwork, and focus on selfless commitment to others; and

WHEREAS, these 16 outstanding high school players, Jessie Ozmore, Camden Pasour, Madi Broome, Alexa Jones, Kenzie Morris, Ava Tipton, Myracle Davis, Meile Songaila, Abigail Hedgepath, London Brown, Ruby Osborne, Sarah Bouchard, Mary Grace Hogue, and Chesney Gibson have represented themselves, their families, their school, and their community proudly;

Now, Therefore Be It Resolved That the Cleveland County Board of Commissioners hereby commends, congratulates, and gives special recognition to the Kings Mountain High School Volleyball Team for the extraordinary achievement of its 2023 state volleyball championship.

Adopted this the 16th day of January 2024.


Kevin Gordon, Chairman


Deb Hardin, Vice-Chairman


Johnny Hutchins, Commissioner


J. Ronnie Whetstone, Commissioner


Doug Bridges, Commissioner



PUBLIC COMMENT

Robert Williams, 814 E. Stagecoach Trl, Lawndale – questioned why Commissioner Hardin was appointed to the Catawba Indian Nation Foundation Board of Directors and spoke about taxes collected and uncollected in Cleveland County.

Linda Laine, 223 Range Road, Kings Mountain – thanked Commissioners for what they do for the communities and citizens of Cleveland County.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the **December 12, 2023, regular meeting** in Board members' packets.

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

TAX COLLECTOR'S MONTHLY REPORT

Pursuant to North Carolina General Statute §105-350.7, the Tax Collector shall submit to the governing body, at each of its regular meetings, a report to include the amount collected on each year's taxes with which she is charged, the amount remaining uncollected, and the steps being taking to encourage payment of uncollected taxes. The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during **December 2023.**

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and passed unanimously by the Board to, *approve the December 2023 monthly tax report submitted by the Tax Collector.*

CLEVELAND COUNTY 311 E MARION ST ROOM 134 P O BOX 370 SHELBY, NC

TOTAL TAXES COLLECTED DECEMBER 2023			
YEAR	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00
2023	\$20,194,560.70	\$3,310.69	\$20,197,871.39
2022	\$52,974.15	\$577.85	\$53,552.00
2021	\$18,734.89	\$64.96	\$18,799.85
2020	\$6,769.49	\$1,292.94	\$8,062.43
2019	\$2,524.73	\$0.00	\$2,524.73
2018	\$1,244.08	\$0.00	\$1,244.08
2017	\$2,035.50	\$0.00	\$2,035.50
2016	\$1,151.16	\$0.00	\$1,151.16
2015	\$1,383.48	\$0.00	\$1,383.48
2014	\$1,160.09	\$0.00	\$1,160.09
2013	\$0.00	\$0.00	\$0.00
			\$20,287,784.71
TOTALS	\$20,282,538.27	\$5,246.44	\$20,287,784.71
DISCOUNT	\$8.82		\$8.82
INTEREST	\$12,650.91	\$669.79	\$13,320.70
TOLERANCE	\$5.08	(\$3.03)	\$2.05
ADVERTISING	\$278.00	GAP BILL FEES	DEFERRED GAP
GARNISHMENT	\$331.59	\$761.88	\$0.00
NSF/ATTY	\$0.02		
LEGAL FEES	\$4,104.15		
TOTALS	\$20,299,916.84	\$6,675.08	
MISC FEE	\$13.87		GRAND TOTAL
TAXES COLL	\$20,299,930.71		\$20,306,605.79
	\$0.00		\$0.00
	\$20,299,930.71		\$20,306,605.79

TOTAL TAXES UNCOLLECTED DECEMBER 2023			
	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
2023	\$23,063,284.97	\$179,542.20	\$23,242,827.17
2022	\$1,307,473.32	\$103,123.03	\$1,410,596.35
2021	\$470,033.43	\$68,059.13	\$538,092.56
2020	\$367,620.89	\$36,014.77	\$403,635.66
2019	\$504,274.16	\$0.00	\$504,274.16
2018	\$259,586.39	\$0.00	\$259,586.39
2017	\$148,642.80	\$0.00	\$148,642.80
2016	\$108,379.78	\$0.00	\$108,379.78
2015	\$98,216.59	\$0.00	\$98,216.59
2014	\$108,010.66	\$0.00	\$108,010.66
2013	\$0.00	\$0.00	\$0.00
TOTAL UNCOLLECTED	\$26,435,522.99	\$386,739.13	\$26,822,262.12
DEF REV	\$0.00	\$0.00	\$0.00
TOTAL UNCOLLECTED	\$26,435,522.99	\$386,739.13	\$26,822,262.12

TAX ADMINISTRATION: ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *December 2023*. The monthly grand total for tax abatements was listed as (\$1,897.05) and the monthly grand total for tax supplements was listed as \$5,478.68.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hardin and passed unanimously by the Board to, *approve the December 2023 tax abatements and supplements submitted by the Tax Assessor.*

FINANCE DEPARTMENT: BUDGET TRANSFER SUMMARY

As required by North Carolina General Statute §159-15, all internal transfers shall be submitted to the Board of Commissioners. The budget transfer summary from December 4, 2023 through January 3, 2024 is included in Commissioner packets.

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

BUDGET TRANSFERS LEGEND: D = DEPARTMENTAL; L = LATERAL

BUD #	BUDGET TYPE	DATE SUBMITTED BY DEPT	DEPT #	DEPT TO NAME	DEPT #	DEPT FROM NAME	EXPLANATION	BUDGET AMOUNT
1828	D	12/4/2023	013.660	Employee Health			Move funds to cover lab supplies	\$ 4,000.00
1829	D	12/7/2023	010.448	Communications			Move funds to cover OpCenter Subscription & Mang	\$ 7,209.00
1830	D	12/18/2023	060.651	Property/Liability			Move funds to cover professional servs	\$ 20,000.00
1831	D	12/12/2023	012.550	Primary Care-CCHD			Move funds to cover dept supplies, prescriptions drug, rentals	\$ 30,100.00
1832	D	12/13/2023	027.434	ARPA			Cover purchase of 3 ambulances	\$ 774,654.00
1833	D	12/14/2023	060.651	Property/Liability			Move funds to cover in house auto claims	\$ 20,000.00
1834	D	12/15/2023	040.210	Cap Projects-General			Move funds to cover landscaping @ FCC	\$ 10,000.00
1835	D	12/18/2023	040.210	Cap Projects-General			Move funds to cover CADM heat/air sys controllers	\$ 125,000.00
1836	D	12/19/2023	010.423	Human Resources			Move funds to cover maint contracts-equipment	\$ 140.00
1837	D	12/19/2023	490.244	Cap Projs-BOE			Move funds to cover demo permit fees	\$ 186.00
1838	D	12/19/2023	010.416	Legal			Move funds to cover professional servs	\$ 200.00
1839	D	12/19/2023	014.417	Court Facilities			Move funds to cover dues/subscriptions	\$ 250.00
1840	D	12/19/2023	040.210	Cap Projects-General			Move funds to cover door card reader @ LEC	\$ 5,371.00
1841	D	12/19/2023	010.446	EMS			Move funds to cover dues/subscriptions	\$ 2,000.00
1842	D	12/19/2023	010.449	Electronic Maintenance			Move funds to cover motor fuels/oils	\$ 500.00
1843	D	12/20/2023	011.504	Social Work (Title XX)			Move funds to cover PT salaries/wages, professional servs	\$ 30,000.00
1843	D	12/20/2023	011.508	Income Maint			Move funds to cover PT salaries/wages	\$ 200,000.00
1843	D	12/20/2023	011.512	Child Support			Move funds to cover dues/subscriptions	\$ 20.00
1844	D	12/21/2023	010.498	Soil & Water			Move funds to cover farm equipment repairs	\$ 900.00
1845	D	12/22/2023	010.423	Human Resources			Move funds to cover maint contracts-equip	\$ 750.00
1846	D	12/22/2023	010.611	Library			Move funds to cover library periodicals and main contracts-equip	\$ 1,850.00
1847	D	12/22/2023	010.413	Finance			Move funds to cover contracted services	\$ 30,000.00
1848	D	12/22/2023	010.418	Board of Elections			Move funds to cover travel & training	\$ 3,000.00
1849	D	1/3/2024	040.210	Cap Projs-Gen			Move funds to cover CADM heat/air sys addl supplies	\$ 40,000.00
1850	D	1/3/2024	010.450	Building Inspections			Move funds to cover maint contracts-equip	\$ 200.00

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #033)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
011.507.4.310.00		Outside Poor/Federal Govt Grants	\$12,550.00	
011.507.5.700.00		Outside Poor/Grants	\$12,550.00	

Explanation of Revisions: Budget allocation of \$12,550 in grant funds for the Adult Protective Services Essential Services funding.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #034)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
011.519.4.310.00		Public Assistance/Federal Govt Grants	\$1,621.00	
011.519.5.512.09		Public Assistance/Public Assistance-LIHWAP	\$1,621.00	

Explanation of Revisions: Budget allocation of \$1,621 in one-time grant funds for the Low-Income Household Water Assistance Program (LIHWAP).

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #035)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
011.519.4.810.00		Public Assistance/Contributions-Donations	\$100.00	
011.519.5.790.00		Public Assistance/ Contributions-Donations	\$100.00	

Explanation of Revisions: Budget allocation of \$100 in donated funds for the Jewell Wilson Memorial tree.

SOIL AND WATER CONSERVATION: BUDGET AMENDMENT (BNA #036)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
010.498.4.510.00		Soil Conservation/Farm Equipment Rental Fees	\$800.00	

010.498.5.530.00 Soil Conservation/Farm Equipment Repairs \$800.00
Explanation of Revisions: Budget allocation of \$800 in budget revenues received to offset needed repairs on the No-Till Drill equipment.

BUSINESS DEVELOPMENT: BUDGET AMENDMENT (BNA #037)

ACTION: Commissioner Whetstine 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>
010.494.4.265.00		Business Development/Development Fees	\$300,000.00	
010.494.5.420.00		Business Development/Contracted Services	\$300,000.00	

Explanation of Revisions: Budget allocation of \$300,000 in funds received from Catawba Two Kings Casino for third-party inspections provided by RCI of South Carolina, Inc.

FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #038)

ACTION: Commissioner Whetstine 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>
010.600.4.350.00		Cleve Co Schools/State Govt Grants	\$1,000,000.00	
010.600.5.700.00		Clev Co Schools/Grants	\$1,000,000.00	
010.430.4.350.00		Municipal Grants/State Govt Grants	\$4,000,000.00	
010.430.5.700.00		Municipal Grants/Grants	\$3,070,000.00	
010.430.5.702.00		Municipal Grants/Grants-NCGA Outside Ag	\$930,000.00	
010.430.4.350.00		Municipal Grants/ State Govt Grants	\$2,000,000.00	
010.430.5.700.00		Municipal Grants/Grants	\$1,195,000.00	
010.430.5.702.00		Municipal Grants/Grants-NCGA Outside Ag	\$805,000.00	
486.245.4.350.00		Cap Projs-Fairgrounds/State Govt Grants	\$1,000,000.00	
486.245.5.991.00		Cap Projs-Fairgrounds/Construction in Progress	\$1,000,000.00	
028.452.4.350.00		County Fire/State Govt Grants	\$250,000.00	
028.452.5.700.00		County Fire/Grants	\$250,000.00	
028.452.4.350.00		County Fire/ State Govt Grants	\$75,057.00	
028.452.5.700.00		County Fire/Grants	\$75,057.00	
010.441.4.350.00		Sheriff's Office/State Govt Grants	\$630,458.00	
010.411.5.910.00		Sheriff's Office/Capital Equipment	\$630,458.00	
010.430.4.350.00		Municipal Grants/State Govt Grants	\$25,000.00	
010.430.5.700.00		Municipal Grants/Grants	\$25,000.00	
028.452.4.350.00		County Fire/State Govt Grants	\$1,400,000.00	
028.452.5.700.00		County Fire/Grants	\$1,400,000.00	

Explanation of Revisions: Budget allocation of \$10,380,515 in grant funds received from the North Carolina General Assembly through the state budget. Funds are designated for various departments and projects.

SHERIFF'S OFFICE: SERVICE WEAPON REMOVAL FOR RETIRING DEPUTY DWIGHT FITCH

The Cleveland County Sheriff's Office wants to present retiring Deputy Dwight Fitch with his departmental service weapon. Deputy Fitch retired on January 1, 2024, after 26 years of full-time law enforcement service with the Cleveland County Sheriff's Office. The service weapon requested to be removed from county inventory is a Glock 9mm, model 17, serial# BDKT-816. The county asset#201189.

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hardin and unanimously adopted by the Board, to approve the request to remove the service weapon from the ***County inventory and issue it to Deputy Dwight Fitch.***

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING ON TUESDAY, FEBRUARY 6, 2024, FOR CASE 24-01, REQUEST TO REZONE A PORTION OF PARCEL 59471 FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS-CONDITIONAL USE (NB-CU) FOR A TELECOMMUNICATION TOWER

Property owner Jonathan Yates requests to rezone a portion of parcel 59471 from Residential (R) to Neighborhood Business – Conditional Use (NB-CU) for a telecommunications tower. The parcel lies on Webb Road, east of Boiling Springs Extraterritorial Jurisdiction (ETJ) and south of Shelby ETJ. The applicant is asking to rezone a 100x100 section on the western portion of the property for a cell tower. Surrounding zoning districts are Residential (R) to the north and south. West is R10 in the Boiling Springs ETJ and R10/R20 Northeast in Shelby’s ETJ. Surrounding uses are single-family dwellings and large vacant tracts. The Land Use Plan designates this area as Secondary Growth. The property is also in the Airport Overlay district, which carries height restrictions. The application complies with those requirements.

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

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, FEBRUARY 6, 2024, FOR PLANNING CASE 24-02: REQUEST TO REZONE 350 RANGE ROAD FROM RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL (R)

Property owner Bobby Pearson is requesting to rezone parcel 63684, which contains 4.12 acres, from Restricted Residential (RR) to Residential (R). The parcel lies along Range Road, west of Kings Mountain and is zoned Restricted Residential (RR). The property is currently vacant. Surrounding zoning districts include Restricted Residential (RR) along the southern end of Range Road between Mike Ledford Road and the boundary of the Kings Mountain ETJ at Trotter Lane. Surrounding uses are mostly single-family dwellings, manufactured homes, and large farm tracts. The Land Use Plan designates this area as Secondary Growth.

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

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, FEBRUARY 6, 2024, FOR PLANNING CASE 24-03: REQUEST TO REZONE A PORTION OF PARCEL 5272 FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS – CONDITIONAL USE (NB-CU) FOR A TELECOMMUNICATIONS TOWER


The applicant, Southern Towers, requests to rezone a portion of parcel 5272 from Residential (R) to Neighborhood Business – Conditional Use (NB-CU) for a telecommunications tower. The parcel lies on Blacksburg Road, east of the Town of Earl. The applicant is asking to rezone a 100x100 section on the southern end of the property for a cell tower. Surrounding zoning districts are Restricted Residential (RR) inside the town limits of Earl and Residential (R) on the north, west, and south sides. The surrounding uses single-family dwellings and large vacant tracts. The Land Use Plan designates this area as Secondary Growth.

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

LEGAL DEPARTMENT: SALE OF COUNTY OWNED PROPERTY – PARCEL 26535

Parcel 26535, located on Carver Street, Shelby, was acquired by Cleveland County from foreclosure proceedings in 1990. Cleveland County became the last and highest bidder at Nine Hundred Twenty-Five and 00/100 Dollars (\$925.00). This parcel of land has no residential structures, and the current tax value is \$1,435.00. The county received an opening bid of \$1,000 from Bobby G. Hunt, II, to acquire parcel 26535. Commissioners approved staff to solicit upset bids on the sale of this property. The bid on parcel 26535 is under tax value, but more than the costs incurred by the County. There has been no other interest in the property and accepting this bid places the property into private ownership, in addition to paying off the old tax bills for this parcel.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, ***approve the offer made on parcel 26535, and authorize County staff to prepare a deed to sell this parcel to Bobby Gene Hunt, II, to be signed by Chairman Gordon and delivered to Bobby Gene Hunt, II, upon payment.***



Resolution

01-2024

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

WHEREAS, Cleveland County received an offer 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 December 12, 2023 Resolution as to a certain property it owns identified, as follows:

Parcel #	Location	Highest Offeree	Current Offer
26535	Carver Street	Bobby Gene Hunt, II	\$1,000.00

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 on the property identified above reflected as follows:

Parcel #	2024 Tax Value	Current Offer	TOTAL Owed (Taxes + FC cost)	Gains/(Losses)
26535	\$1,435.00	\$1,000.00	\$925.00	\$75.00

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 26535 does cover the outstanding indebtedness on the property but is under the current tax value.

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 December 18, 2023; and

WHEREAS, the County received no other offers for the property during the upset bid process, and due to the small size and location of the property, it is unlikely that the property will receive higher bids in the near future, while accepting this bid does accomplish payment of back taxes and placing the property back into private ownership.

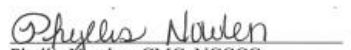
THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of Commissioners approves the sale to Bobby Gene Hunt, II, of the property identified as parcel # 26535 located at Carver Street, Shelby, NC for the sum of \$1,000.00 in cash, money order or cashier's check; and authorizes Chair Kevin Gordon to sign a quitclaim deed for parcel # 26535 to Bobby Gene Hunt, II, upon payment; and instructs County staff to prepare the quitclaim deed to be delivered to Bobby Gene Hunt, II, upon payment.

Adopted this 16th day of January 2024.


Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:


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



COOPERATIVE EXTENSION: NC STATE MEMORANDUM OF AGREEMENT

The North Carolina Cooperative Extension is updating its Memorandum of Agreement (MOA) with all counties state-wide to reflect current terminology and to better align with their partnerships. The revised MOA aligns with what Cleveland County is contributing now. *(a full copy of the MOA is on file in the Clerk's Office and the Cleveland County Cooperative Extension Office.)*

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *approve the North Carolina Cooperative Extension Memorandum of Agreement (MOA) as presented.*

PUBLIC HEARINGS

PLANNING CASE 23-26: REQUEST TO REZONE PROPERTY ON PLATO LEE ROAD FROM GENERAL BUSINESS & RESIDENTIAL (GB&R) TO LIGHT INDUSTRIAL (LI)

Chairman Gordon called Planning Director Chris Martin to the podium to present Planning Case 23-26, a request to rezone property on Plato Lee Road from General Business and Residential (GB&R) to Light Industrial (LI). Property owners Barry Beaver, Michael Melton, and Vickie Melton have requested to change the zoning district of parcels 43955, 44626, 45127, 62578, 62579, 63556, and 63557, containing 58 acres, from General Business and Residential to Light Industrial. The parcels lie along Plato Lee Road and Artee Road and contain existing uses, including metal fabrication, electric motor repair, and warehousing. The surrounding zoning district is a mixture of Residential (R), Restricted Residential (RR) to the North, Residential Manufactured Homes & Parks (MHP) to the south, and General Business (GB) to the east and west.

The immediate surrounding uses are mostly residential, with some industrial further north along Washburn Switch Road, and the new 74 By-Pass running south of the property. The Land Use Plan (LUP) designates this area as Secondary Growth. There are areas designated as Primary Growth along Washburn Switch Road. Consistency Statement in North Carolina General Statute §160D-605 requires that local government boards adopt a consistency statement showing that the decision it makes fits in with the land use plan or if not, is reasonable and has a public interest. The Planning Board voted unanimously to recommend approval of the rezoning request. The Board noted the requested district of Light Industrial (LI) would be compatible with the existing uses on the property and that although it is not consistent with the Secondary Growth Land Use Plan designation, there are Primary Growth designated areas nearby along Plato Lee and Washburn Switch area and other industrial and manufacturing uses in the area.




Rezoning Case 23-26
Plato Lee Road



Cleveland County
NORTH CAROLINA



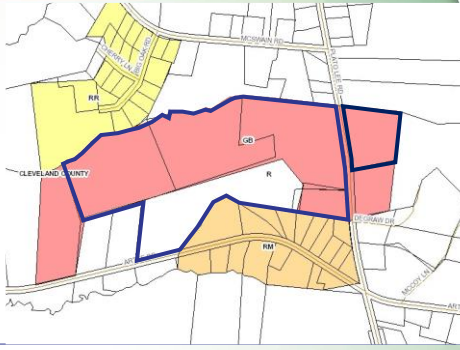
Rezoning Request



- **Current Zoning District: General Business/Residential**
 - **GB:** Accommodates a wide range of retail, professional and personal services. Generally located on arterial streets with capacity for traffic.
 - **R:** Permits site-built homes, modular homes and manufactured homes. Multifamily uses like apartments and duplexes.
- **Requested Zoning District: Light Industrial**
 - Accommodates limited manufacturing, warehousing, wholesaling and related commercial and service activities.
 - Uses generally have little adverse impact on adjoining properties.

3

Zoning Map



4

Aerial Map



5

Land Use Map



6

Planning Board



- Unanimously recommended approval of the rezoning request.
- Existing uses complies with Light Industrial.
- Proximity to other industrial uses and districts.
- Proximity to Primary Growth Area.

7

Requested Board Action



- Hold public hearing
- Approve or deny rezoning request

8

Chairman Gordon opened the Public Hearing at 6:24 pm for anyone wanting to speak for or against Planning Case 23-26, a request to rezone property on Plato Lee Road from General Business and Residential (GB&R) to Light Industrial (LI). (*Legal Notice was published in the Shelby Star on Friday, January 5, 2024, and Friday, January 12, 2024.*)

Robert Williams, 814 E. Stagecoach Trl., Fallston – spoke in favor of approving the rezoning request. He stated that Commissioners should approve the rezoning request since the Planning Board also approved it.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:27 pm.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners commented that the rezoning would align the property with the surrounding uses and the LUP.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hutchins, and unanimously approved by the Board to, ***approve the rezoning of parcels 43955, 44626, 45127, 62578, 62579, 63556, and 63557, from General Business (GB) and Residential (R) to Light Industrial (LI) citing compatibility with the surrounding zoning and the Land Use Plan.***


PLANNING CASE 23-27: REQUEST TO REZONE PROPERTY AT 3505 FALLSTON ROAD FROM RURAL AGRICULTURE (RA) TO RESIDENTIAL (R)

Planning Director Chris Martin remained at the podium to present Planning Case 23-27, a request to rezone property at 3505 Fallston Road from Rural Agriculture (RA) to Residential (R). The applicant, Nicole Helms, requests to rezone parcel 35828, containing 1.08 acres, from Rural Agriculture (RA) to Residential (R). The vacant parcel lies along Fallston Road (Hwy 18) at the intersection with Dick Spangler Road., between Shelby and Fallston. Highway 18 is considered an arterial road with the highway corridor protection overlay. Surrounding zoning districts include Rural Agriculture (RA) and Residential (R) to the east and south. There are a variety of uses along Hwy 18, and the surrounding uses consist of residential uses, two convenience/gas stations, an auto repair shop, and car sales. The Land Use Plan (LUP) designates this area as Secondary Growth. Consistency Statement North Carolina General Statute §160D-605 requires that local government boards adopt a consistency statement showing that the decision it makes fits in with the LUP or, if not, is reasonable and has a public interest. The Planning Board voted unanimously to recommend approval of the rezoning request. The Board stated that the requested district is consistent with the Land Use Plan (LUP) and an extension of an existing Residential (R) district.

Rezoning Case 23-27 Fallston Road





Rezoning Request



- **Current Zoning District: Rural Agriculture**
 - Accommodates agricultural and residential uses.
 - Three acre minimum lot size in subdivision.
 - Some nonresidential uses permitted as well.
- **Requested Zoning District: Residential**
 - Permits site-built homes, modular homes and manufactured homes.
 - Multifamily uses like apartments and duplexes.



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Zoning Map



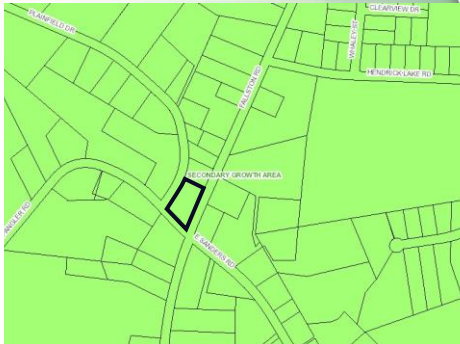

11

Aerial Map



12

Land Use Map



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Planning Board



- **Unanimously recommended approval of the rezoning request.**
- **Expansion of an existing Residential district.**
- **Consistent with Land Use Plan.**
- **Compatible with surrounding uses.**

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- Hold public hearing
- Approve or deny rezoning request

Chairman Gordon opened the Public Hearing at 6:31 pm for anyone wanting to speak for or against Planning Case 23-27, a request to rezone property at 3505 Fallston Road from Rural Agriculture (RA) to Residential (R). (*Legal Notice was published in the Shelby Star on Friday, January 5, 2024, and Friday, January 12, 2024.*)

Robert Williams, 814 E. Stagecoach Trl., Fallston – spoke in favor of approving the rezoning request. He stated that Commissioners should approve the rezoning request to make the zoning consistent, noting that the Planning Board also approved it.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:34 pm.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners commented that the rezoning would align the property with the surrounding uses and the Land Use Plan.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, *approve the rezoning of parcel 35828, located at 3505 Fallston Road, from Rural Agriculture (RA) to Residential (R), citing compatibility with the surrounding zoning and the Land Use Plan.*

BOARD APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to appoint Phyllis Williams and Derrick Chambers to serve as members of this board for an initial one-year term, scheduled to conclude December 31, 2025.*

NURSING HOME ADVISORY COMMITTEE

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to reappoint Linda Putnam, Elaine Champion, and Donna Buies to serve as members of this board for a three-year term, scheduled to conclude December 31, 2026.*

VETERAN'S ADVISORY COUNCIL

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, *to reappoint Vallery McCoy and Julie Crofts and to appoint Marion Pine, Rick Oehlhof, and Chris Collins to serve as members of this board for a three-year term, scheduled to conclude June 30, 2026.*

ADJOURN

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 adjourn*. The next meeting of the Commission is scheduled for *Tuesday, February 6, 2024*, at *6:00 pm* in the Commissioners' Chambers.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

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