

Cleveland County Board of Commissioners

April 2, 2024

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

PRESENT: Kevin Gordon, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Tim Moore, County Attorney
David Cotton, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Betsy Harnage, Register of Deeds
Chris Martin, Planning Director
Rebecca Johnson, Interim Social Services Director
Philip Steffan, Finance Director
Martha Thompson, Deputy County Attorney
Sandra Orvig, Shooting Range Director
Tiffany Hansen, Health Department Director
Wright Adams, Library 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 Hutchins and unanimously adopted by the Board to, *approve the agenda as presented.*

SPECIAL PRESENTATION

NATIONAL LIBRARY WEEK 2024

Chairman Gordon called Library Director Wright Adams to the podium to present National Public Library Week 2024. Mr. Adams shared information about the number of library users/visitors, services provided, collections, usage, and programming. Commissioners presented Mr. Adams with the following proclamation:



Proclamation

01-2024

National Library Week 2024

WHEREAS, The Library is a trusted resource for lifelong learning opportunities and the mission of the library is Engagement, Inclusion, Innovation; and

WHEREAS, The Cleveland County Library System plays a pivotal role in supporting the quality of life for all citizens; and

WHEREAS, libraries adapt to the ever-changing needs of their communities, developing and expanding collections, programs, and services that are as diverse as the populations they serve; and

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and

WHEREAS, libraries play a pivotal role in economic development by providing resources and support for job seekers, entrepreneurs, and small businesses, thus contributing to local prosperity and growth; and

WHEREAS, libraries encourages community participation in shaping library programming and services; and

WHEREAS, libraries are treasured institutions that preserve our collective heritage and knowledge, safeguarding both physical and digital resources for present and future generations; and

WHEREAS, libraries are an essential public good and fundamental institutions in democratic societies, working to improve society, protect the right to education and literacy, and promote the free exchange of information and ideas for all; and

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

NOW, THEREFORE, BE IT RESOLVED that the Cleveland County Board of Commissioners proclaim National Library Week, April 7-13, 2024. During this week, all residents of Cleveland County are encouraged to visit the Eugenia H. Young Memorial Library in Shelby and the Spangler Branch in Lawndale and celebrate the love of learning.

Adopted this the 2nd of April 2024.

Kevin Gordon, Chairman

Deb Hardin, Vice-Chairman

Jenny Hutchins, Commissioner

J. Ronnie Whetstone, Commissioner

Doug Bridges, Commissioner



NATIONAL PUBLIC HEALTH WEEK 2024

Chairman Gordon recognized Health Department Director Tiffany Hansen to speak about National Public Health Week. Mrs. Hansen stated that the 2024 National Public Health Week emphasizes “Protecting, Connecting, and Thriving: We are all Public Health.” She shared information on upcoming programs and events at the Health Department. Commissioners presented Mrs. Hansen with the following proclamation:



Proclamation

03-2024

National Public Health Week

Whereas the week of April 1 – 7, 2024 is National Public Health Week; and

Whereas the theme for National Public Health Week in 2024 is “Protecting, Connecting and Thriving: We Are All Public Health”; and

Whereas the goal of National Public Health Week in 2024 is to recognize the contributions of public health in improving the health of the residents of Cleveland County; and

Whereas many of the leading causes of death for individuals in Cleveland County result from chronic conditions which are among the most common, costly and preventable of all health challenges; and

Whereas public health organizations use National Public Health Week to education policymakers on issues that are important to improving the health of the people of Cleveland County; and

Whereas public health professionals help communities prevent, prepare for, mitigate and recover from the impact of a full range of health threats, including but not limited to disease outbreaks, natural disasters and other disasters including those cause by human activity; and

Whereas in communities across Cleveland County, individuals are changing the way they care for their health by avoiding tobacco use, eating healthier, increasing physical activity and preventing unintentional injuries at home and in the workplace; and

Whereas efforts to adequately support public health and the prevention of disease and injury can continue to transform a health system focused on treating illness into a health system focused on preventing disease and injury and promoting wellness; and

Whereas the Public Health Board for Cleveland County supports the goals and ideals of National Public Health Week, recognizes the efforts of public health professionals, local communities, and individuals in preventing disease and injury, and supports providing greater opportunities to improve community health and prevent disease and injury;

Now, Therefore, Be It Resolved that the Cleveland County Board of Commissioners do hereby unanimously proclaim that April 1 – 7, 2024, shall be designated as National Public Health Week in Cleveland County and commend its observance to all county residents, encouraging each resident to support opportunities to adopt positive preventive lifestyle choices and to acknowledge that “Preventing, Connecting and Thriving: We Are All Public Health.”

Adopted this the 2nd day of April 2024.

Kevin Gordon, Chairman

Deb Hardin, Vice-Chairman

Jenny Hutchins, Commissioner

J. Ronnie Whetstone, Commissioner

Doug Bridges, Commissioner



SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #053)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.438.4.310.00	16738-7MDTS	Law Enforcement Grants/Federal Govt Grants	\$29,225.00	
010.438.5.910.00	16738-7MDTS	Law Enforcement Grants/Capital Equipment	\$29,225.00	

Explanation of Revisions: Budget allocation of \$29,225 in grant funds received from the North Carolina Department of Public Safety for the purchase of seven mobile data computers for School Resource Officers (SROs).

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #054)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.548.4.540.26		CODAP-SYNAR/Contracted Revenue	\$3,002.00	
012.548.5.121.00		CODAP-SYNAR/Salaries-Reg	\$978.00	
012.548.5.131.00		CODAP-SYNAR/Social Security	\$61.00	
012.548.5.132.00		CODAP-SYNAR/Retirement	\$126.00	
012.548.5.133.00		CODAP-SYNAR/Health Insurance	\$260.00	
012.548.5.134.00		CODAP-SYNAR/Dental Insurance	\$4.00	
012.548.5.135.00		CODAP-SYNAR/401K	\$59.00	
012.548.5.136.00		CODAP-SYNAR/Medicare Insurance	\$14.00	
012.548.5.581.26		CODAP-SYNAR/Awards-Appreciation	\$1,500.00	

Explanation of Revisions: Budget allocation of \$3,002 in additional funds received from the North Carolina Department of Health and Human Services, Division of Mental Health/Developmental Disabilities/Substance Abuse to prevent the underage sale of tobacco products. Funds will be used to support the education and training of local tobacco retailers on responsible tobacco sales.

FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #055)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
060.651.4.465.00		Property-Liability/Admin Services Allocation	\$75,000.00	
060.651.5.420.00		Property-Liability/Contracted Services	\$20,000.00	
060.651.5.586.05		Property-Liability/Ins Claims-General	\$5,000.00	
060.651.5.586.63		Property-Liability/Ins Claims-In House Auto	\$50,000.00	
010.410.4.991.00		General Revenues/Fund Balance Appropriated	\$75,000.00	
010.981.5.465.00		Funds Transfer/Administrative Services	\$75,000.00	

Explanation of Revisions: Budget allocation of \$75,000 to cover accounts through end of year and for year-end financial closing.

ECONOMIC DEVELOPMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, APRIL 16, 2024, FOR PROJECT BALL

Project Ball is an advanced textile company, considering the former COATS facility (formally known as the Patrick Yarn Mills) located at 700 Railroad Ave. in Kings Mountain. This facility is currently vacant after the COATS closure on 11/30/2023. The company originally started with seven sites but has narrowed the choice to the City of Kings Mountain and a site in Tennessee. Project Ball will create 84 new jobs with a \$63,298 average wage and \$9,500,000 real and personal property investment over three years. The proposed grant would reimburse the Company a total sum not to exceed \$25,000 over three years. The cash grant is approximately 0.26 percent (.26 of 1 percent) of the estimated taxable value of the building renovations and

personal property to be placed in service in connection with the project, estimated to be approximately \$9,500,000. The County anticipates that the annual grant amount may vary due to the full investment not being completed and listed with the tax assessor until the third year. The County will fund the payments with available revenues in the County's General Fund. The cost of the grant will be offset by projected tax revenues. The grant amounts to approximately 20% of the taxes generated from the new taxable investment.

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

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, MAY 7, 2024, FOR CASE 24-07; REQUEST TO REZONE PARCEL 66507 LOCATED AT 646 DIXON SCHOOL ROAD FROM RESIDENTIAL (R) TO RURAL RESIDENTIAL (RR)

Adam and Katie Kates request to rezone parcel 66507, containing 4 acres, from Residential (R) to Rural Residential (RU). This vacant parcel, containing four acres, is located at 646 Dixon School Road at the intersection of Dixon School Road and Early Road, south of the City of Kings Mountain. The surrounding zoning districts include Residential (R) and Restrict Residential (RR), while surrounding uses are mostly single-family dwellings and larger tracts of land. The Land Use Plan designates this area as Primary Growth.




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

PUBLIC HEARING

PLANNING DEPARTMENT CASE 24-06; REQUEST TO REZONE A PORTION OF PARCEL 66377 FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS – CONDITIONAL USE (NB-CU) FOR A FARM FOOD/GROCERY STORE

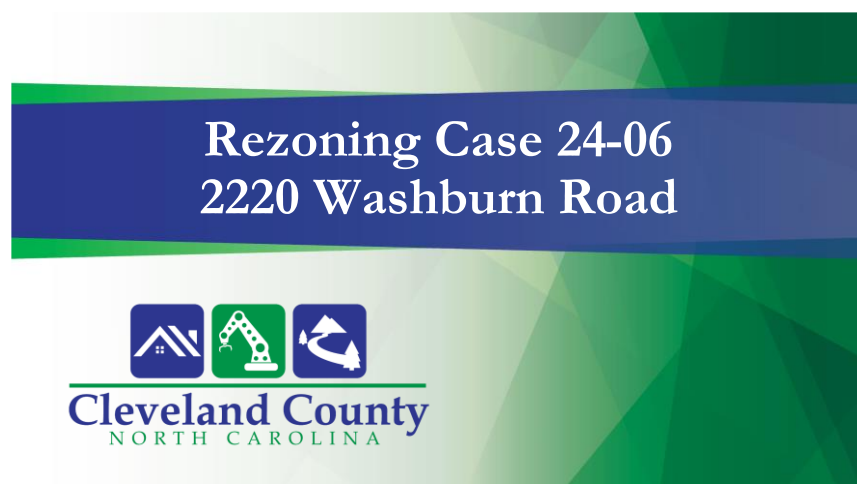
Chairman Gordon called Planning Director Chris Martin to the podium to present Planning Case 24-06, a request to rezone a portion of parcel 66377 from Residential (R) to Neighborhood Business – Conditional Use (NB-CU) for the purpose of operating a farm food/grocery store. The petitioner, Travis Bumgardner, requests to rezone 0.5 acres of parcel 66377 from Residential (R) to Neighborhood Business—Conditional Use (NB-CU). A site plan has been submitted displaying the proposed use of the property. The plan includes a 1,800-square-foot building with six parking spaces. Type B screening would be required. Type B screening includes:

Semi-opaque screen, Type B: A screen that is opaque from the ground to a height of three (3) feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty (20) feet at maturity. This screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Planted trees shall be at least three (3) feet in height at planting.

	<p>SMALL TREES 30 feet on center 20 feet mature height</p> <p>WALL OR FENCE 3 feet in height</p>
	<p>SMALL TREES 20—30 feet on center 20 feet mature height</p> <p>BERM 3 feet high & seeded</p>
	<p>LARGE TREES 40 feet on center</p> <p>HEDGE SHRUBBERY 3 feet on center 3 feet mature height</p>

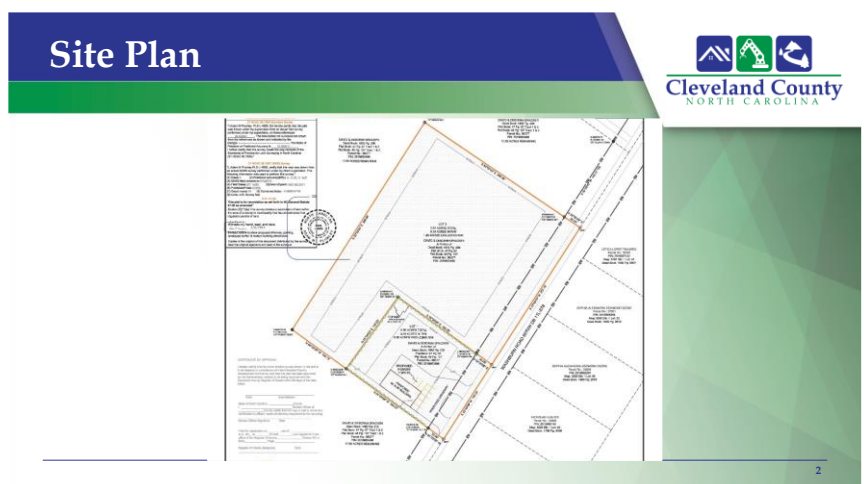
The property lies along Washburn Road near the intersection of Washburn Switch Road, northwest of the City of Shelby. The portion Mr. Hamrick is purchasing and requesting to rezone is currently vacant. The surrounding zoning district is Residential (R) along Washburn Road, with Heavy Industrial (HI) nearby along Washburn Switch Road. Surrounding uses are mostly single-family dwellings, with industrial uses to the south and a solar facility to the east. The Land Use Plan designates this area as Primary Growth.

The Planning Board reviewed the case and unanimously recommended approval of the rezoning request. The Board commented that the proposed rezoning request was consistent with the Land Use Plan’s designation of Future Primary Growth, and the use was compatible with surrounding uses. The following information and PowerPoint were presented to the Commissioners.



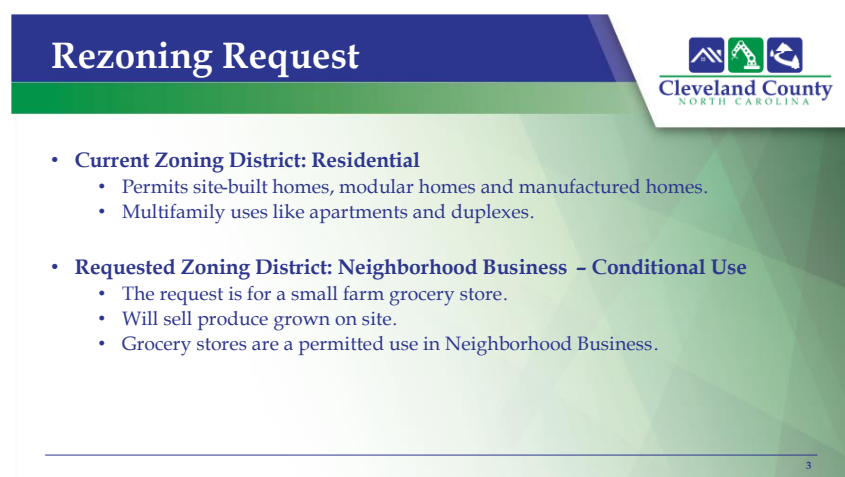
Rezoning Case 24-06
2220 Washburn Road

Cleveland County
NORTH CAROLINA



Site Plan

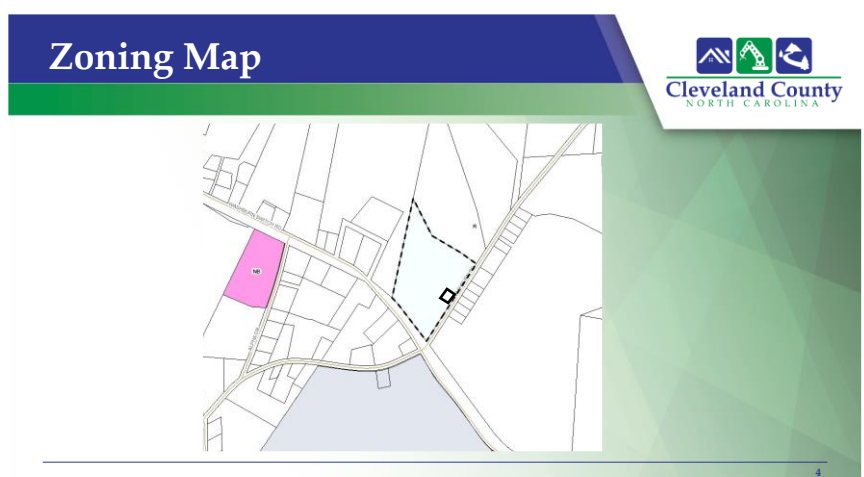
Cleveland County
NORTH CAROLINA



Rezoning Request

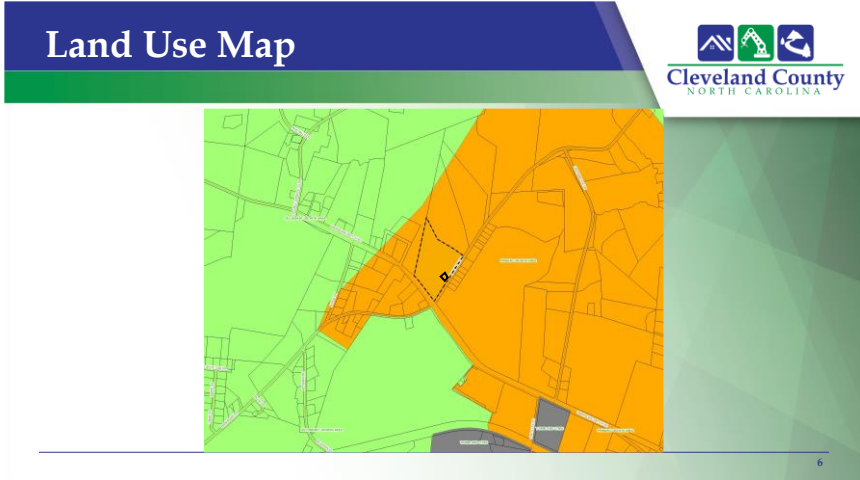
Cleveland County
NORTH CAROLINA

- **Current Zoning District: Residential**
 - Permits site-built homes, modular homes and manufactured homes.
 - Multifamily uses like apartments and duplexes.
- **Requested Zoning District: Neighborhood Business - Conditional Use**
 - The request is for a small farm grocery store.
 - Will sell produce grown on site.
 - Grocery stores are a permitted use in Neighborhood Business.



Zoning Map

Cleveland County
NORTH CAROLINA



Planning Board

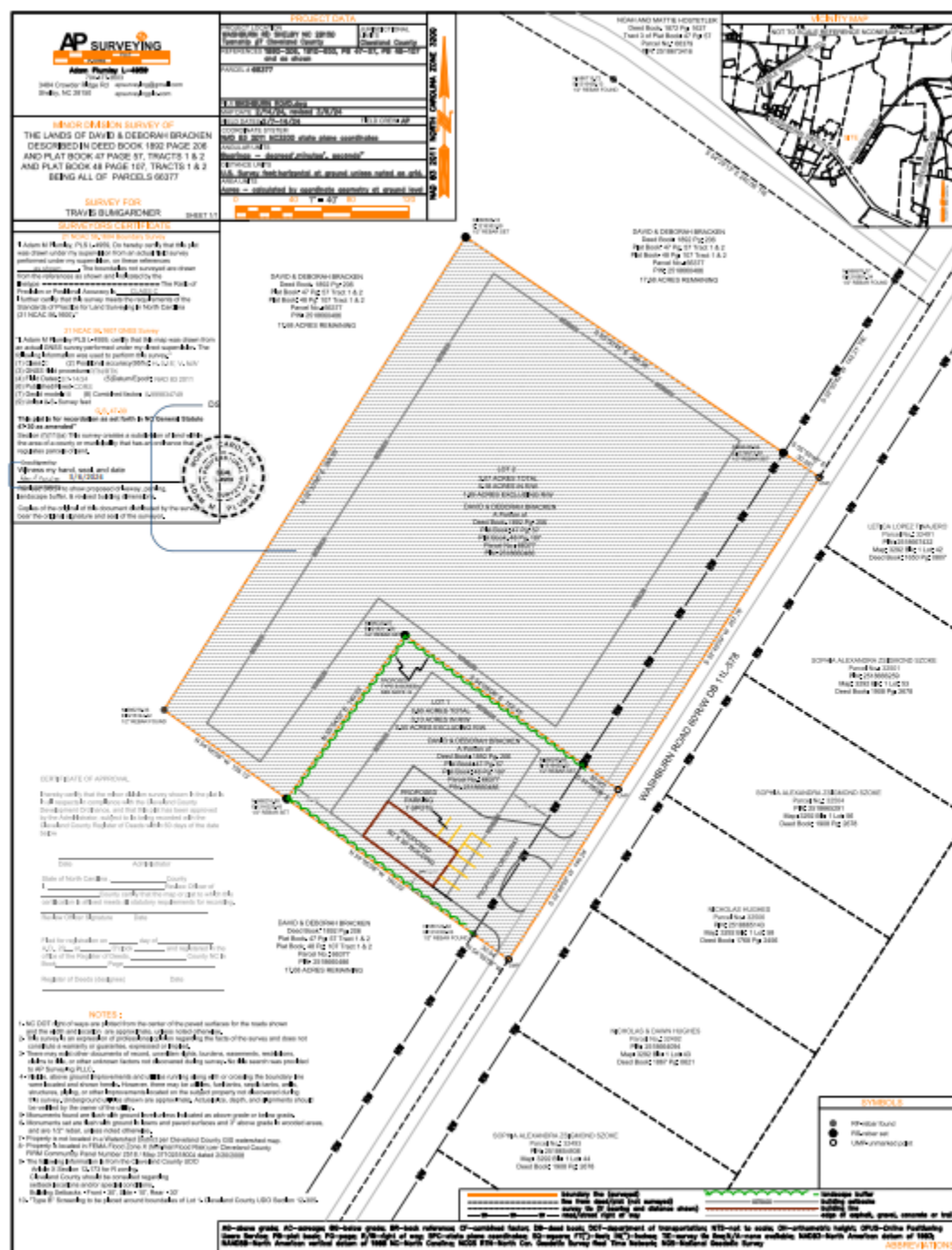
Cleveland County
NORTH CAROLINA

- Unanimously recommended approval of the rezoning request.
 - Primary Growth Area
 - Variety Uses
 - Compatible

Requested Board Action

Cleveland County
NORTH CAROLINA

- Public Hearing
- Approve
- Deny
- Approve with conditions



Chairman Gordon opened the Public Hearing at 6:22 p.m. for anyone wanting to speak for or against Planning Case 24-06, a request to rezone a portion of parcel 66377 from Residential (R) to Neighborhood Business – Conditional Use (NB-CU) to operate a farm food/grocery store. (Legal Notice was published in the Shelby Star on Friday, March 22, 2024, and Friday, March 29, 2024).

Noel Huffstetler, 2210 Washburn Road, Shelby – spoke in favor of the rezoning request, explaining he believes this type of business will help the local agriculture businesses and citizens, allowing for more farm-to-table healthier options for the community.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:24 pm.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Bridges inquired if six parking spots would be enough to accommodate customers. Mr. Martin advised that there are guidelines in the County's Unified Development Ordinance (UDO) regarding the number of parking spaces per square foot of a business; the six parking spaces allotted are in line with the UDO. Commissioner Whetstine asked if the business would be set up similarly to a farmer's market or if it would be a convenience store selling produce-type business. Mr. Martin explained the plan presented is a farm food-style market, not a typical convenience store setting.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, *approve the rezoning of a 0.5-acre portion of parcel 66377 from Residential (R) to Neighborhood Business-Conditional Use (NB-CU) for a farm food/grocery store, citing that the rezoning request was consistent with the Land Use Plan's designation of Future Primary Growth and compatible with the surrounding uses.*

REGULAR AGENDA

JUSTICE CENTER PHASE I GUARANTEED MAXIMUM PRICE (GMP)

Chairman Gordon recognized County Manager David Cotton to present the Justice Center Phase I Guaranteed Maximum Price (GMP). Phase I is a rebid, submittals, drawings, and engineering specifications. This total, \$75,655,166, represents 80% of the total construction costs for the Justice Center project. The amount includes the pricing on the concrete for the foundation, vertical structural steel, roofing, glass, drywall, HVAC, elevators, fire suppression, and electrical supplies. Mr. Cotton suggested the county cash flow for this portion of the project, postponing the borrowing for project completion. Cleveland County has the funds in hand to pay for this portion of the construction project.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners positively commented on the postponement of borrowing money at this time for the Justice Center project.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *approve the Justice Center Phase I Guaranteed Maximum Price (GMP) of \$74,655,166.*

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, April 16, 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*