

**Cleveland County Board of Commissioners**  
**November 12, 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 *via teleconference*  
Martha Thompson, Chief Deputy County Attorney  
David Cotton, County Manager  
Phyllis Nowlen, Clerk to the Board  
Kerri Melton, Assistant County Manager  
Chris Martin, Planning Director  
Betsy Harnage, Register of Deeds  
Philip Steffen, Finance Director  
Rebecca Johnson, Social Services Director  
Sherry Lavender, Tac Assessor

**CALL TO ORDER**

Chairman Gordon called the meeting to order, and Commissioner-Elect Tony Berry led the audience in the Pledge of Allegiance and provided the invocation.

**AGENDA ADOPTION**

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

**PUBLIC COMMENT**

No one registered to speak.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

The Clerk to the Board included Minutes from the ***October 15, 2024***, regular Commissioners' meeting in Board members' packets.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, 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 taken to encourage payment of uncollected taxes. The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during ***October 2024.***

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and passed unanimously by the Board to, ***approve the October 2024 monthly tax report submitted by the Tax Collector.***

TOTAL TAXES COLLECTED OCTOBER 2024			
YEAR	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00
2024	\$2,408,619.53	\$4,292.52	\$2,412,912.05
2023	\$63,379.29	\$4,773.71	\$68,153.00
2022	\$15,747.71	\$3,955.20	\$19,702.91
2021	\$10,291.26	\$1,316.25	\$11,607.51
2020	\$6,451.34	\$313.87	\$6,765.21
2019	\$3,266.51	\$0.00	\$3,266.51
2018	\$1,228.28	\$0.00	\$1,228.28
2017	\$816.65	\$0.00	\$816.65
2016	\$479.58	\$0.00	\$479.58
2015	\$0.00	\$0.00	\$0.00
2014	\$79.60	\$0.00	\$79.60
			\$2,525,011.30
TOTALS	\$2,510,359.75	\$14,651.55	\$2,525,011.30
DISCOUNT	(\$29.91)		(\$29.91)
INTEREST	\$17,222.93	\$1,749.56	\$18,972.49
TOLERANCE	(\$4.69)	\$0.21	(\$4.48)
ADVERTISING	\$361.96	GAP BILL FEES	DEFERRED GAP
GARNISHMEN'	\$1,289.84	\$2,242.62	\$0.00
NSF/ATTY	\$50.05		
LEGAL FEES	\$619.66		
TOTALS	\$2,529,869.59	\$18,643.94	
MISC FEE	(\$13.87)		GRAND TOTAL
TAXES COLL	\$2,529,855.72		\$2,548,499.66
	\$0.00		\$0.00
	\$2,529,855.72		\$2,548,499.66

TOTAL TAXES UNCOLLECTED OCTOBER 2024			
	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
2024	\$46,401,314.15	\$289,253.74	\$46,690,567.89
2023	\$1,560,763.03	\$117,017.65	\$1,677,780.68
2022	\$882,070.63	\$87,286.05	\$969,356.68
2021	\$294,109.51	\$56,704.31	\$350,813.82
2020	\$232,051.69	\$31,281.31	\$263,333.00
2019	\$441,920.98	\$0.00	\$441,920.98
2018	\$208,280.19	\$0.00	\$208,280.19
2017	\$114,549.05	\$0.00	\$114,549.05
2016	\$78,689.41	\$0.00	\$78,689.41
2015	\$85,044.50	\$0.00	\$85,044.50
2014	\$0.00	\$0.00	\$0.00
		\$0.00	\$0.00
TOTAL UNCOLLECTED	\$50,298,793.14	\$581,543.06	\$50,880,336.20

**TAX ADMINISTRATION: ABATEMENTS AND SUPPLEMENTS**

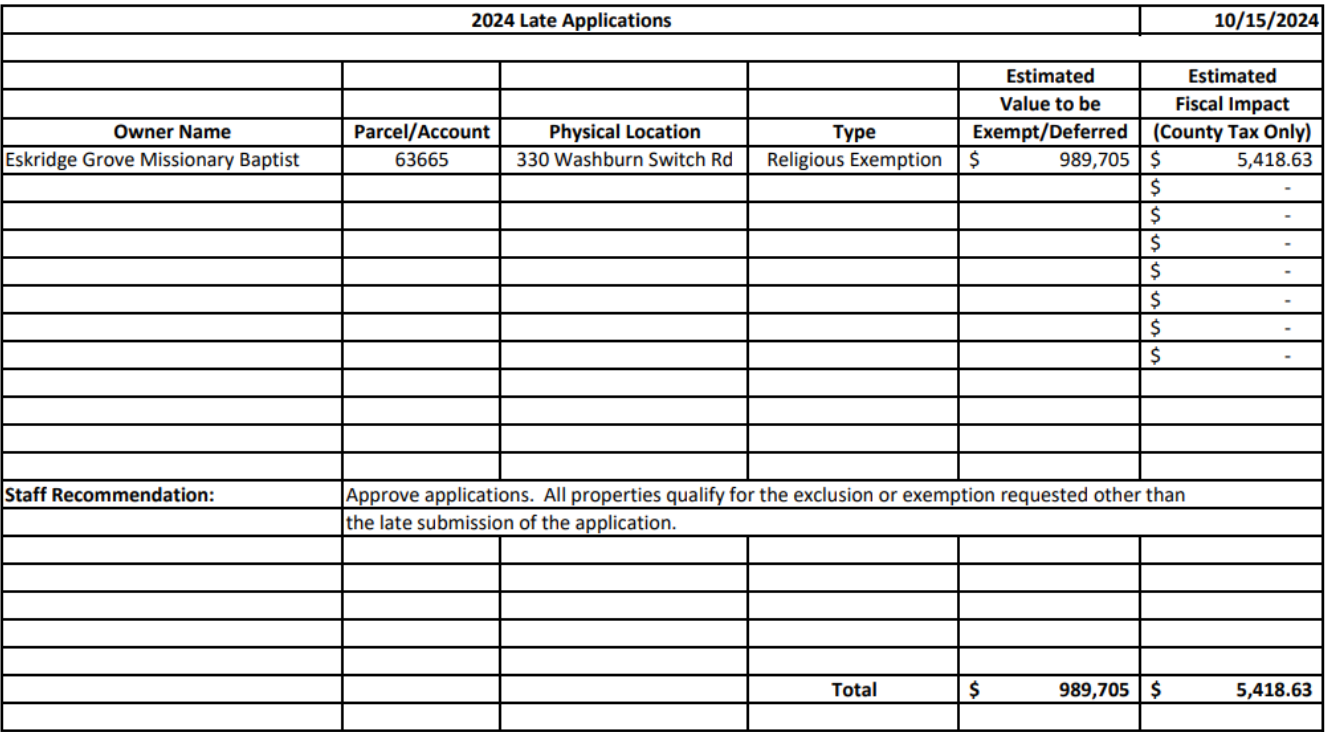
The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *October 2024*. The monthly grand total for tax abatements was listed as (\$195,879.43), and the monthly grand total for tax supplements was listed as \$53,546.82.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and passed unanimously by the Board to, *approve the October 2024 tax abatements and supplements submitted by the Tax Assessor.*

**TAX ADMINISTRATION: LATE APPLICATIONS FOR EXEMPTION/EXCLUSION/DEFERRAL**

Per North Carolina General Statute §105-282.1, every owner of property claiming exemption or exclusion from property taxes under the provisions of this Subchapter has the burden of establishing that the property is entitled to it. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the statutory deadlines may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate. The Tax Assessor would have approved all the applications if they had been filed on time.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and passed unanimously by the Board *to approve the late applications for exemption, exclusion, or deferral as submitted by the Tax Assessor.*



SRI Three, LLC dba Broad River Campground, has made an application for participation in the Small Business Investment Grant Program. Under the program, a qualifying net new investment of \$50,000 to \$1,000,000 would be eligible for a grant equal to 50% of taxes paid on the new taxable investment for three years. The applicant has met the investment requirements. Taxes have been paid and there are no unresolved appeals. The application for the 2023 grant year was submitted timely for consideration at this time

CLEVELAND COUNTY							
SMALL BUSINESS INCENTIVE GRANT							
Property Owner/Business Name							
SRI Three LLC dba Broad River Campground		Application Date	3/20/2023				
		Public Hearing					
ACCOUNT (BPP)	1343774						
PARCEL	64887						
BASE YEAR	2022						
Grant Year	Tax Year	Real Property Improvement Value	Eligible Personal Property Value	Assessed Value	Taxes Paid Timely	Listing Filed Timely	Payment Request
BASE YEAR	2022	\$ 259,177	\$ 388,275	\$ 647,452			
GRANT YEAR 1	2023	\$ 870,471	\$ 2,919,442	\$ 3,789,913	NO	NO	10/12/2023
GRANT YEAR 2	2024						
GRANT YEAR 3	2025						
CALCULATIONS							
Grant Year		Total Eligible Assessed Value	Grant Eligible Net New Investment	County General Tax	Grant Rate	Grant Amount	To Finance
BASE YEAR	2022	\$ 647,452					
GRANT YEAR 1	2023	\$ 3,789,913	\$ 1,000,000	\$ 5,700.00	50%	\$ 2,850.00	
GRANT YEAR 2	2024				50%		
GRANT YEAR 3	2025				50%		

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

**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 October 4, 2024, through October 30, 2024, is included in Commissioner packets.

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

County of Cleveland, North Carolina  
Manager's Budget Summary  
Presented at the October 15, 2024 Board Meeting  
Time Period Covered : 10/4/24 thru 10/30/24  
For Fiscal Year Ending June 30, 2025

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
2116	D	10/7/2024	010.444	Detention Center			Move funds to cover maint contract-equip	\$ 3,950.00
2117	D	10/10/2024	010.542	Animal Services			Move funds to cover maint contract-equip and contracted labor	\$ 6,766.00
2118	D	10/14/2024	011.519	DSS Pub Assist			Move funds to cover DSnap Assistance	\$ 50,000.00
2119	D	10/15/2024	010.449	Electronic Maint			Move funds to cover motor fuels	\$ 1,200.00
2120	D	10/16/2024	010.418	Board of Elections			Move funds to cover contracted labor (election)	\$ 5,000.00
2121	D	10/16/2024	012.544	Dental			Move funds to cover repairs on equipment	\$ 4,000.00
2122	D	10/22/2024	040.210	Cap Projs-General			Move funds to cover equipment purchases	\$ 10,000.00
2123	D	10/24/2024	060.651	Property/Liability			Move funds to cover professional services	\$ 15,000.00
2124	D	10/28/2024	060.651	Property/Liability			Move funds to cover professional servs and additional insurance premiums	\$ 18,460.00
2125	D	10/29/2024	054.473	SW Landfill			Move funds to cover contracted services	\$ 150,000.00
2126	D	10/30/2024	060.651	Property/Liability			Move funds to cover professional services	\$ 34,314.00
2127	D	10/30/2024	060.650	Workers Comp			Move funds to cover professional services	\$ 34,566.00

**FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA#024)**

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
023.301.4.310.00		FEMA/Federal Govt Grants – FEMA	\$6,500.00	
023.301.5.121.00		FEMA/Salaries-Wages-Reg	\$250,000	
023.301.5.122.00		FEMA/Salaries-Wages-PT	\$50,000	
023.301.5.131.00		FEMA/Social Security Taxes	\$18,600	
023.301.5.132.00		FEMA/Retirement	\$45,000	
023.301.5.135.00		FEMA/Employer 401K	\$18,000	
023.301.5.136.00		FEMA/Medicare Taxes	\$5,000	
023.301.5.210.00		FEMA/Departmental Supply	\$963,400	
023.301.5.241.00		FEMA/Motor Fuels-Oils	\$100,000	
023.301.5.310.00		FEMA/Travel-Training	\$50,000	
023.301.5.420.00		FEMA/Contracted Services	\$5,000,000	

Explanation of Revisions: Budget allocation of \$6.5MM in anticipated FEMA funding for Hurricane Helene related expenses.

**FOOTHILLS PUBLIC SHOOTING RANGE: BUDGET AMENDMENT (BNA#025)**

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
010.470.4.810.00		Public Shooting Range/Donations-Contributions	\$10,000	
010.470.5.790.00		Public Shooting Range/Donations-Contributions	\$10,000	

Explanation of Revisions: Budget allocation of \$10,000 in donated funds from the North Carolina Business Leaders for Health Inc to purchase ATVs and Side by Side(s) for the Range. This is in addition to the \$30,000 donated and approved at the Commissioner’s September 17, 2024, meeting.

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA#026)**

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, 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>
012.530.4.810.00		General Administration/Contribution Donations	\$500	
012.530.5.790.00		General Administration/Contribution Donations	\$500	
<u>Explanation of Revisions:</u> Budget allocation of \$500 in donated funds from Wingate University for the pharmacy intern program. Funds will be used to purchase scrubs for pharmacy staff.				

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA#027)**

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, 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>
0121.540.4.310.40		WIC/Federal Govt Grant	\$19,817	
012.540.5.891.40		WIC/Emergency Contingency	\$19,817	
<u>Explanation of Revisions:</u> Budget allocation of \$19,817 in additional WIC funds to support COVID-19 vaccination services.				

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA#028)**

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, 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>
024.424.4.350.24		ST Opioid Settlement/State Govt Grant	\$545,000	
024.424.5.121.00		ST Opioid Settlement/Salaries	\$114,746	
024.424.5.131.00		ST Opioid Settlement/Social Security	\$7,114	
024.424.5.132.00		ST Opioid Settlement/Retirement	\$15,640	
024.424.5.133.00		ST Opioid Settlement/Hospital Ins	\$26,400	
024.424.5.134.00		ST Opioid Settlement/Dental Ins	\$360	
024.424.5.135.00		ST Opioid Settlement/401K	\$6,885	
024.424.5.136.00		ST Opioid Settlement/Medicare	\$1,664	
024.424.5.210.00		ST Opioid Settlement/Department Supplies	\$1,717	
024.424.5.211.00		ST Opioid Settlement/Controlled Property	\$6,096	
024.424.5.230.01		ST Opioid Settlement/Prescription Drugs	\$10,000	
024.424.5.311.00		ST Opioid Settlement/Educational-Training	\$15,000	
024.424.5.321.00		ST Opioid Settlement/Telecommunications	\$600	
024.424.5.420.00		ST Opioid Settlement/Contracted Services	\$200,000	
024.424.5.460.00		ST Opioid Settlement/Subscriptions-Dues	\$600	
024.424.5.581.00		ST Opioid Settlement/Awards-Appreciation	\$5,000	
024.424.5.910.00		ST Opioid Settlement/Capital Equipment	\$133,178	
<u>Explanation of Revisions:</u> Budget allocation of \$545,000 in Opioid Settlement Funds for staffing needs, paramedic-related supply devices, and communication equipment.				

**LIBRARY: BUDGET AMENDMENT (BNA#029)**

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, 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>
010.611.4.991.00		Library/Fund Balance Appropriated	\$68,016	
010.611.5.790.07		Library/Donations-Special Blanton	\$64,058	
010.611.5.790.11		Library/Donations-Young	\$3,958	
<u>Explanation of Revisions:</u> Budget allocation of \$93,461 in donated funds received for Library programs that have not been budgeted. Funds will be used for program(s) related expenses.				

**COOPERATIVE EXTENSION: BUDGET AMENDMENT (BNA #030)**

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, 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>
010.495.4.991.00		Coop Extension/Fund Balance Appropriated	\$9,815	
010.495.5.790.00		Coop Extension/Donations-Contributions	\$425	

010.495.5.790.99	Coop Extension/Dairy Steer Proj Contribution	\$450
010.495.5.530.89	Coop Extension/Master Gardeners	\$2,060
010.495.5.530.90	Coop Extension/4H Prog Enhancements	\$2,643
010.495.5.530.95	Coop Extension/Horticulture Activities	\$280
010.495.5.530.97	Coop Extension/Corn Growers Assoc Act	\$3,957

Explanation of Revisions: Budget allocation of \$9,815 in donated funds received for Cooperative Extension programs that have not been budgeted. Funds will be used for program(s) related expenses.

**SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #031)**

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.441.4.991.00		Sheriff’s Office/Fund Balance Appropriated	\$64,212	
010.441.5.790.00		Sheriff’s Office/Donations-Contributions	\$64,212	
010.440.4.991.00		SRO/Fund Balance Appropriated	\$8,782	
010.440.5.790.41		SRO/Donations Star Program	\$8,782	

Explanation of Revisions: Budget allocation of \$64,212 in donated funds to the Sheriff’s Office and \$8,782 in donated funds to the STAR Program.

**SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #032)**

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.444.4.991.00		Detention Center/Fund Balance Appropriated	\$5,900	
010.444.5.357.02		Detention Center/H-Inmate-SSA	\$5,900	

Explanation of Revisions: Budget allocation of \$5,900 in Social Security Administration funds received.

**COMMISSIONERS: BUDGET AMENDMENT (BNA #033)**

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.411.4.810.00		Commissioners/Donations-Contributions	\$5,000	
010.411.5.790.00		Commissioners/Donations-Contributions	\$5,000	

Explanation of Revisions: Budget allocation of \$5,000 in donation funds from CAGO for the 2024 Veteran’s Resource Connection on November 20, 2024.

**SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #034)**

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.441.4.810.09		Sheriff’s Office/Donations-Cap Equip Genrl	\$7,150.00	
010.441.5.790.09		Sheriff’s Office/Donations-Cap Equip Genrl	\$7,150.00	

Explanation of Revisions: Budget allocation of \$7,150 in capital project donated funds for K-9 Bosch.

**EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENT (BNA #035)**

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.437.4.410.00		Public Safety Grants/Local & Other Grants	\$5,000	
010.437.5.700.00		Public Safety Grants/Grants	\$5,000	

Explanation of Revisions: Budget allocation of \$5,000 in grant funds from the AgSouth Farm Credit to purchase Grain Bin Rescue equipment.



**EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENT (BNA #036)**

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.446.4.409.00		EMS/Local Revenues	\$9,050	
010.446.5.211.00		EMS/Controlled Property Exp	\$9,050	
<i>Explanation of Revisions: Budget allocation of \$9,050 in funds received from Duke University for Randomized Cluster Evaluation of Cardiac Arrest Systems trial (RACE CARS). Funds will be used to purchase AEDs and other medical equipment.</i>				

**SOCIAL SERVICES: NORTHWOODS FOUNDATION DONATION**

Cleveland County Social Services was chosen to receive a donation from the Northwoods Foundation. The foundation chose three counties in North Carolina that Hurricane Helene impacted. The gift cards will be used at an appreciation event to thank Social Services staff actively seeking to improve the lives of others, show employee appreciation to all staff members who worked during and after Hurricane Helene, and serve the citizens of Cleveland County.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, *approve the receipt and usage of the donated gift cards.*

**SHERIFF’S OFFICE: REMOVAL OF SERVICE WEAPON FOR RETIRING LIEUTENANT JAMES HOWELL AND DEPUTY CYNTHIA PREWITT**

The Cleveland County Sheriff’s Office wants to present retiring Lieutenant James Daniel Howell with his departmental service weapon. Lieutenant Howell will retire on January 1, 2025, after 30.5 years of full-time law enforcement service with the Cleveland County Sheriff’s Office. Lieutenant Howell’s service weapon requested removal from county inventory is a Sig Sauer 9mm, model P320, serial# 58K090242, county asset#201690.

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, *to approve the request to remove the service weapon from the county inventory and issue it to Lieutenant James Howell.*

The Cleveland County Sheriff’s Office wants to present retiring Deputy Cynthia Prewitt with her departmental service weapon. Deputy Prewitt will retire on January 1, 2025, after 31 years of full-time law enforcement service with the Cleveland County Sheriff’s Office. Deputy Prewitt’s service weapon requested removal from the county inventory is a Glock 9mm, model 17, serial# BDKT-889, county asset#201243.

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, *to approve the request to remove the service weapon from the county inventory and issue it to Deputy Cynthia Prewitt.*

**PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR MONDAY, DECEMBER 2, 2024, FOR PLANNING CASE 24-19; REQUEST TO REZONE 3871-1 TOWERY ROAD FROM RESIDENTIAL (R) TO GENERAL BUSINESS-CONDITIONAL USE FOR A BILLBOARD**

The petitioner, Michael Sutherland of Scotty Outdoor LLC, is requesting re-zone 3871-1 Towery Road., a 5.354-acre portion of Parcel 32656, from Residential (R) to General Business Conditional Use (GB-CU) for a

Billboard. This property lies between the Town of Boiling Springs and the Town of Lattimore along the new Highway 74 Bypass, just north of West Dixon Boulevard. The western part of the property is along Beaverdam Creek, and the northern part has road frontage on Towery Road. Surrounding uses are large tracts of land with single-family dwellings and farms. The Land Use Plan designates this area as Secondary Growth. The surrounding zoning districts are mostly Residential (R) with some Manufactured Home Park (MHP) zoning to the north and south, and Highway-Corridor zoning to the south along West Dixon Boulevard.

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

**PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR MONDAY, DECEMBER 2, 2024, FOR PLANNING CASE 24-20; TEXT AMENDMENT TO SECTION 12-21 AND 12-124 FOR PRIVATE STORAGE BUILDINGS**

The Planning Department is asking for the consideration of an amendment to Section 12-163, Private Storage as Primary Use, of the Cleveland County Unified Development Ordinance (UDO). The amendment proposes to decrease the building size permitted on a lot while also decreasing the property line setbacks required.

Section 12-124: Table of Permitted Uses

	NAICS	RU	RA	RR	R	RM	NB	GB	CP	LI	HI
RESIDENTIAL											
Residential Single-Family	0	Z	Z	Z	Z	Z	Z				
Modular Home	0	Z	Z	Z	Z	Z	Z				
Manufactured Homes	0	Z	Z		Z	Z	Z				
Manufacture Home Parks	0					Z					
Two-Family (Duplex)	0	Z	Z		Z	Z	Z				
Multi-Family Housing	0				Z	Z	Z				
Family Development	0		Z								
Industrial Occupational Housing	0									S	S
Private Storage Buildings	0	Z	Z								

Section 12-21: Definition of Basic Terms

**Private Storage Buildings; Private Storage Building:** A building considered as a principal use for the purpose of private non-commercial storage for personal use only. See Section 12-124 for permitted zoning districts and Section 12-163 for development standards.

Section 12-163: Private Storage as Primary Use

Private Storage Buildings shall be permitted on lots one (1) acre or greater, pursuant to section 12-124 and are subject to the following standards:

- (1)

A site plan ~~drawn to scale~~ displaying the existing and proposed property uses and compliance with the provisions of this chapter shall be submitted prior to the issuance of a zoning permit.
- ~~(2)~~

~~No site plan is required if the lot acreage is three acres (3) or greater.~~
- (2)

Private Storage buildings shall contain no bathroom.
- (3)

Setbacks. ~~All principle use setbacks shall be applied.~~

a.

~~A setback of one hundred (100) feet shall be required from all public or private rights-of-way.~~

b.

~~A setback of twenty (20) feet shall be required from all side property lines~~

c.

~~All other principle use setbacks shall be applied.~~
- (4)

Permitted building size is reliant on the lot size. No private storage building as a principal use shall exceed ~~4,000~~ 2,000 square feet in size.

•

One (1) acre lot –~~1500~~ 750 square feet building maximum.

•

Two (2) acre lot –~~2500~~ 1,250 square feet building maximum.

•

Three (3) acre lot –~~4000~~ 2000 square feet building maximum.

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

**HEALTH DEPARTMENT: OPIOID SETTLEMENT UPDATED SPENDING AUTHORIZATION**

The opioid settlement spending authorization update is due to the discovery of some additional equipment for implementation of strategy six, the Post Overdose Response Team (Strategy A8). The additional equipment



needed includes a vehicle for the personnel, paramedic-related supply devices (cardiac monitor, airway bag, etc.), and all communication equipment (cell phone, computer, radio). There are no other changes outside this additional funding request for the approved strategy.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously approved by the Board to, *adopt the resolution to direct the expenditure of opioid settlement funds.*



## Resolution

23-2024

### A RESOLUTION BY THE COUNTY OF CLEVELAND TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS

**WHEREAS** Cleveland County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids.

**WHEREAS** the allocation, use, and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA") and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation ("SAAF");

**WHEREAS** Cleveland County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

**WHEREAS** section E.6 of the MOA states that, before spending opioid settlement funds, the local government's governing body must adopt a resolution that:

(i) indicates that it is an authorization for expenditure of opioid settlement funds; and,

(ii) states the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy; and,

(iii) states the amount dedicated to each strategy for a specific period of time.

**NOW, THEREFORE BE IT RESOLVED,** in alignment with the NC MOA and SAAF, Cleveland County authorizes the expenditure of opioid settlement funds as follows:

1. First strategy authorized

a. Name of strategy: Recovery Support Services- Community Care Coordination

b. Strategy is included in Exhibit Exhibit A

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A3

d. Amount authorized for this strategy: \$200,000.00

e. Period of time during which expenditure may take place:  
Start date November 13, 2024 through End date June 30, 2025

f. Description of the program, project, or activity: Provide Care navigation within community to support people in recovery, people who use drugs, in accessing

addiction treatment, recovery, support harm reduction services, primary care and other services that promote their health.

g. Provider: Cleveland County Health Department and Integrated Care of Greater Hickory (ICGH)

2. Second strategy authorized

a. Name of strategy: Community Naloxone Distribution

b. Strategy is included in Exhibit Exhibit A

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A7

d. Amount authorized for this strategy: \$10,000.00

e. Period of time during which expenditure may take place:  
Start date November 13, 2024 through End date June 30, 2025

f. Description of the program, project, or activity: Support availability of community naloxone distribution.

g. Provider: Cleveland County Health Department

3. Third authorized strategy

a. Name of strategy: Expansion of Evidence Based Addiction Treatment

b. Strategy is included in Exhibit A

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A2

d. Amount authorized for this strategy: \$15,000.00

e. Period of time during which expenditure may take place:  
Start date November 13, 2024 through End date June 30,2025

f. Description of the program, project, or activity: Support evidence-based addiction treatment consistent with the American Society of Addiction Medicine's national practice guidelines for the treatment of opioid use disorder – including Medication-Assisted Treatment (MAT).

g. Provider: Cleveland County Health Department and local MAT providers

4. Fourth authorized strategy

a. Name of strategy: Opioid Settlement Coordinator

b. Strategy is included in Exhibit A

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A1

d. Amount authorized for this strategy: \$95,000.00

e. Period of time during which expenditure may take place:  
Start date November 13, 2024 through End date June 30,2025

f. Description of the program, project, or activity: Support personnel for the strategic planning process as well as implementation of strategies developed to address opioid misuse, addiction, overdose or related issues.

g. Provider: Cleveland County Health Department

5. Fifth authorized strategy

a. Name of strategy: Collaborative Strategic Planning Process

b. Strategy is included in Exhibit A

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A1

d. Amount authorized for this strategy: \$5,000.00

e. Period of time during which expenditure may take place:  
Start date November 13, 2024 through End date June 30,2025

f. Description of the program, project, or activity: Support collaborative strategic planning to address opioid misuse, addiction, overdose, or related issues, including staff support, facilitation services, or any activity or combination of activities listed in Exhibit C to the MOA.

g. Provider: Cleveland County Health Department

6. Sixth authorized strategy

a. Name of strategy: Post Overdose Response Team

b. Strategy is included in Exhibit Exhibit A

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A8

d. Amount authorized for this strategy: \$220,000.00

e. Period of time during which expenditure may take place:  
Start date November 13, 2024 through End date June 30,2025

f. Description of the program, project, or activity: Support EMS post-overdose response teams that connect persons who have experienced non-fatal drug overdoses to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.

g. Provider: Cleveland County Health Department and Cleveland County Emergency Medical Services (EMS)

The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$545,000.00

Adopted this the 11<sup>th</sup> of November 2024.



Kevin Gordon, Chairman  
Cleveland County Board of Commissioners

ATTEST:



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



3

**TAX ADMINISTRATION: 2025 REVALUATION**

Per North Carolina General Statute §105-317(c), the Tax Assessor shall submit the proposed schedules, standards, and rules to the Board of County Commissioners not less than 21 days before the meeting at which the Board will consider them. The proposed schedules shall be held in the Assessor’s Office, where they will remain available for public inspection. A public hearing shall be held to encourage and review input from the public.

These items were accomplished on the following dates:

- August 6, 2024 – Presentation of the 2025 Schedule of Values, Standards, and Rules to the Board of County Commissioners. Copies of schedules are available for public inspection at the Assessor’s office, the County Manager’s Office, and the County Library
- September 17, 2024 – Public Hearing regarding Schedules of Values, Standards, and Rules

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously approved by the Board to, *adopt the 2025 Schedule of Values, Standards, and Rules effective January 1, 2025.*

**PUBLIC HEARINGS**

**PLANNING DEPARTMENT CASE 24-15: TEXT AMENDMENT FOR THE UNIFIED DEVELOPMENT ORDINANCE (UDO) SECTION 12-124 ADD NON-RESIDENTIAL BUILDING CONSTRUCTION (NAICS 23620) USES TO THE HEAVY INDUSTRIAL (HI) ZONING DISTRICT AS A PERMITTED USE**

Chairman Gordon recognized Planning Director Chris Martin to present Planning Case 24-15; Text Amendment for the Cleveland County Development Ordinance (UDO) Code Section 12-124; Add Non-Residential Building Construction (NAICS 23620) Uses to the Heavy Industrial (HI) Zoning District as a Permitted Use. The petitioner, Yates-Metcon, submitted the text amendment request. The non-residential building construction uses are described in the NAICS as establishments primarily engaged in constructing commercial and industrial buildings. Examples include offices, parking garages, fire stations, hospitals, schools, and shopping malls. The county’s current UDO permits this use in the General Business (GB) and Light Industrial (LI) zoning districts. The Heavy Industrial (HI) zoning district accommodates a range of assembling, fabrication, manufacturing, and support retail and service uses.

Description	NAICS Code	RU	RA	RR	R	RM	NB	GB	CP	LI	HI
Nonresidential Building Construction	23620							Z	Z	Z	Proposed: Z

The Planning Board reviewed the case and unanimously recommended approval of the text amendment request. They stated this type of business is compatible and a fit in the Heavy Industrial (HI) zoning district. The following information and PowerPoint were presented to the Commissioners.


Board of Commissioners  
November 12, 2024



Text Amendment Case 24-15




Text Amendment Request




- Yates-Metcon is requesting to amend the Table of Uses, Section 12 -124 to add Non-Residential Building Construction (NAICS 23620) uses to the Heavy Industrial (HI) zoning district as a permitted use.
- The non-residential building construction uses are described in the NAICS as
  - Establishments primarily engaged in the construction of commercial and industrial buildings.
  - Examples include offices, parking garages, fire stations, hospitals, schools, shopping malls, etc.
  - Our UDO currently permits this use in the General Business (GB) and Light Industrial (LI) zoning districts.

Proposed Table of Uses




Description	NAICS Code	RU	RA	RR	R	RM	NB	GB	CP	LI	HI
Nonresidential Building Construction	23620							Z	Z	Z	Proposed: Z

Recommendation



- Approve – Planning Board**
  - Commercial construction services are compatible with the HI district.

Requested Board Action



- Public Hearing
- Approve
- Deny

Chairman Gordon opened the public hearing at 6:08 p.m. for anyone wanting to speak for or against Planning Case 24-15: Text Amendment to the Unified Development Ordinance (UDO) Section 12-124, add non-residential building construction (NAICS 23620) uses to the Heavy Industrial (HI) zoning district as a permitted use. (*Legal Notice was published in the Shelby Star on Friday, November 1, 2024, and Friday, November 08, 2024*).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:09 p.m.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners agreed the request was compatible with the Heavy Industrial (HI) zoning district.

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to approve the request to amend the Table of Uses, Section 12-124 of the Cleveland County Development Ordinance (UDO) and add Non-Residential Building Construction (NAICS 23620) to the Heavy Industrial (HI) zoning district as a permitted use.*

**PLANNING DEPARTMENT CASE 24-16: REQUEST TO REZONE PARCEL 54754 AT 340 BEAVER DAM CHURCH ROAD FROM RURAL AGRICULTURE (RA) TO RESIDENTIAL (R)**

Planning Director Chris Martin remained at the podium to present Planning Case 24-16: Request to Rezone Parcel 54754 at 340 Beaver Dam Church Road from Rural Agricultural (RA) to Residential (R). The applicant,




Caleb Peeler, PE, requests to re-zone parcel 54754, located at 340 Beaver Dam Church Road, from Rural Agriculture (RA) to Residential (R). The 17.15-acre tract of land lies north of the Town Boiling Springs and south of West Dixon Boulevard. Rural Agriculture (RA) zoning districts have a three-acre lot size requirement, permit site-built homes, modular homes, and manufactured homes, and allow for a variety of agricultural support activities. Residential (R) zoning districts have a half-acre lot size requirement, permit site-built, modular, and manufactured homes, and allow multifamily uses like apartments and duplexes. The surrounding uses are single-family residential neighborhoods and agriculture on larger tracts. Some small businesses are to the south, and Crest Middle School is to the north. The Land Use Plan (LUP) designates this area as Secondary Growth. Rural Agriculture (RA) and Residential (R) are the surrounding zoning districts.

The Planning Board voted unanimously to recommend approval of the zoning request, noting that it fits with the LUP and extends the existing residential (R) zoning district. The following information and PowerPoint were presented to the Commissioners.

Re-zoning Case 24-16:  
340 Beaver Dam Church Rd.



Rezoning Request



- Applicant – Caleb Peeler, PE
- Rural Agriculture to Residential
- Parcel 54754
- 17.15 acres

District Comparison




- **Current Zoning District: Rural Agriculture**
  - Permits site-built homes, modular homes and manufactured homes
  - Permits a variety of agricultural support activities
  - 3 acre lot size
- **Requested Zoning District: Residential**
  - Permits site-built homes, modular homes and manufactured homes
  - Permits multifamily uses like apartments and duplexes
  - ½ acre lot size

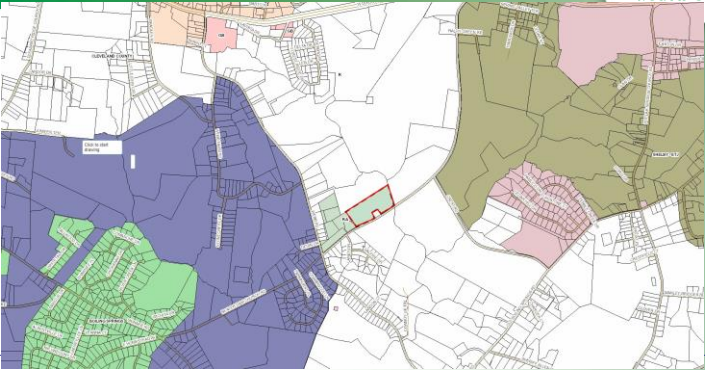
Aerial Map






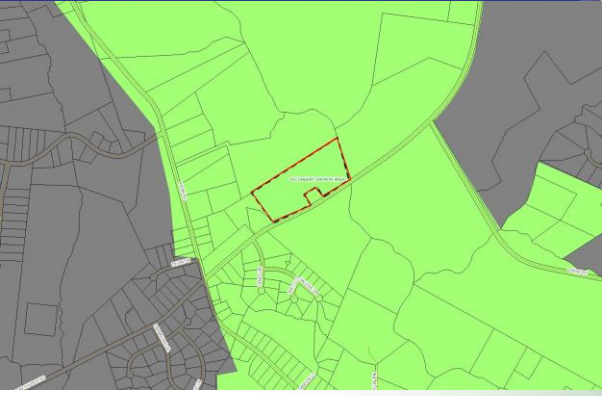
Zoning Map





Land Use Plan Map





Recommendation	Requested Board Action
<ul style="list-style-type: none"><li>• <b>Approve – Planning Board</b><ul style="list-style-type: none"><li>• Extension of the surrounding Residential district</li><li>• Consistent with Land Use Plan</li></ul></li></ul>	<ul style="list-style-type: none"><li>• <b>Public Hearing</b></li><li>• <b>Approve</b></li><li>• <b>Deny</b></li></ul>

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired about potential septic tank issues on half-acre lot sizes. Mr. Martin explained that if no public sewer is available, the county’s Environmental Health staff would come out and assess, completing all required testing and evaluations.

Chairman Gordon opened the public hearing at 6:12 p.m. for anyone wanting to speak for or against Planning Case 24-16: Request to Rezone Parcel 54754 at 340 Beaver Dam Church Road from Rural Agricultural (RA) to Residential (R). (*Legal Notice was published in the Shelby Star on Friday, November 1, 2024, and Friday, November 08, 2024*).

**Scott McSwain, 309 Webb Road, Shelby** – spoke neither for nor against the rezoning request. He is an adjoining property and is concerned about what the rezoning could do to his property value. The area already has boarded-up businesses and dilapidated buildings; he expressed his worry if a mobile home park were to go on the property.

**Caleb Peeler, 211 Patton Drive, Shelby** – is the petitioner and civil engineer for the property. He advised that due diligence was completed for the residential neighborhood project and that the request aligns with the county’s LUP designating the area as Secondary Growth and surrounding neighborhoods.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:16 p.m.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Whetstine agreed that the proposed project would bring parcel 54754 in line with the surrounding area.

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to approve the request to rezone parcel 54754 at 340 Beaver Dam Church Road from Rural Agricultural (RA) to Residential (R), citing it fits in the Land Use Plan (LUP) and is an extension of the existing Residential (R) zoning district.*



RECORDING FEE \$ 26.00  
Phyllis Nowden

Doc No: 200108373  
Recorded: 12/20/2024 09:07:40 AM  
Fee Amt: \$26.00 Page 1 of 2  
Cleveland County North Carolina  
Betsy S. Harnage, Register of Deeds  
BK 1935 PG 2862 - 2863 (2)

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF CLEVELAND COUNTY

Rural Residential to Residential  
340 Beaver Dam Church Rd.  
Case 24-16

- Parcel 54754 – Owners: David Evans and Donna Evans– Deed Book 1636, Page 760, containing 18.148 acres

WHEREAS, Article Two of Chapter 160D of the North Carolina General Statutes provides for the planning and regulation of development within the territorial jurisdiction of the county; and

WHEREAS, the Cleveland County Planning Board recommended to approve the zoning map amendment October 29, 2024; and

WHEREAS, said rezoning will promote the health, safety, and welfare of the citizens of Cleveland County, the public interest would be furthered, and said amendment would be reasonable and beneficial to the orderly growth of Cleveland County; and

WHEREAS, notice of the Public Hearing was published in the Shelby Star on November 1, 2024 and November 8, 2024, and notices were mailed to adjoining property owners on October 22, 2024 and a sign posted at the property on October 28, 2024; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by The Cleveland County Board of Commissioners to amend the official zoning map following a public hearing on November 12, 2024

NOW THEREFORE BE IT ORDAINED by the Cleveland County Board of Commissioners that the Cleveland County Zoning Map, as described in Section 12-147 of the Cleveland County Unified Development Ordinance, be amended to change the classification of Parcel 54754, described more fully in Deed Book 1636 Page 760, excepting the parcel 54756 split from the parent parcel under Deed Book 1401, Page 001, as described in Exhibit "A" on page 2, from Restricted Residential to Residential.

This Ordinance shall become effective upon adoption and approval.

Adopted this twelfth day of November, 2024.

ATTEST:

Keyin Gordon, Chairman  
Cleveland County Board of Commissioners

Phyllis Nowden  
Cleveland County Board of Commissioners



ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF CLEVELAND COUNTY

Rural Residential to Residential  
340 Beaver Dam Church Rd.  
Case 24-16

- Parcel 54754 – Owners: David Eveans and Donna Evans– Deed Book 1636, Page 760, containing 18.148 acres

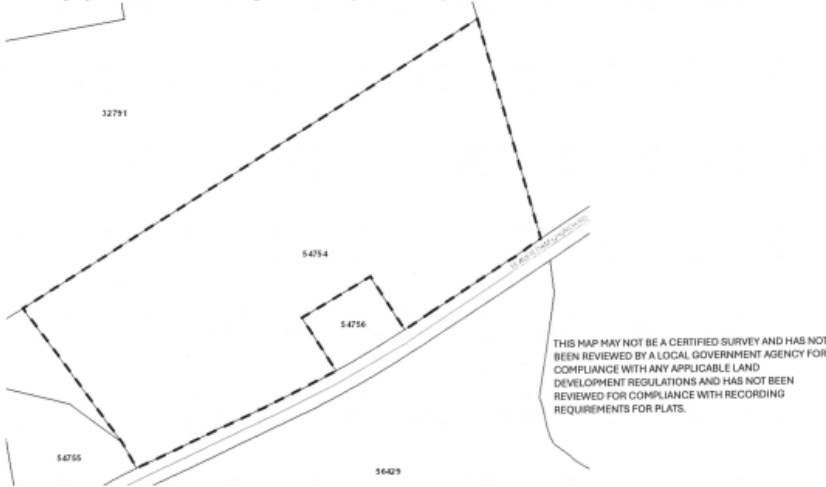
EXHIBIT "A"

Parcel 54754 described in Deed Book 1636, Page 760:

BEGINNING at an iron at or near the centerline of Beaver Dam Church Road (NCSR 1158) and said beginning point being located North 52-15-36 East 1272.58 feet from a pk nail in the intersection of Beaver Dam Church Road and Webb Road and proceeding thence from said beginning point the following new lines through the property of Selma C. Hamrick: North 29-36-41 West 128.21 feet to a rebar; thence North 53-17-03 West 169.39 feet to a rebar; thence North 76-25-12 West 193.81 feet to a rebar; thence North 32-34-35 West 138.31 feet to an iron; thence North 57-25-25 East 1427.10 feet to an iron; thence crossing Beaver Dam Creek North 57-25-25 East 121.52 feet to an iron in the western property line of Joseph N Craver, II. Et als (Deed Books 1262 Page 979, 5-Z Page 137, 10-G Page 380); thence proceeding along the western property line of the Craver property, the following two calls and distances: South 19-17-19 East 495.63 feet to an iron; thence South 12-21-13 East 146.10 feet to a pk nail within the right of way of Beaver Dam Church Rd; thence proceeding within the right of way of Beaver Dam Church Road, the following seven calls and distances: South 55-57-49 West 81.37 feet to a pk nail in the bridge over Beaver Dam Creek; thence South 56-15-43 West 389.71 feet to a point; thence South 57-52-45 West 95.43 feet to a point; thence South 59-47-09 West 95.73 feet to a point; thence South 62-00-03 West 94.02 feet to a point; thence South 63-47-42 West 94.97 feet to a point; thence South 64-20-58 West 349.07 feet to the point of BEGINNING, containing 19.154 acres, pursuant to a survey by T. Scott Bankhead, dated July 10, 2000.

Excepting Parcel 54756, which was split from the above referenced parent parcel, containing 1.006 acres, as described in Deed Book 1401, Page 001:

BEGINNING at a pk nail set in the center line of Beaver Dam Church Road (NCSR 1158) and said beginning point being located North 55-39-39 East 1793.28 feet from a pk nail in the intersection of Webb Road and beaver Dam Church Road and proceeding thence from said point and crossing an iron on northern right of way of Beaver Dam Church Road at 30.08 feet North 32-18-06 West, a total distance of 208.81 feet to an iron; thence North 58-52-57 East 208.86 feet to an iron; thence South 32-18-09 East 208.81 feet to a pk nail set in the center line of Beaver Dam Church Road the following three (3) calls and distance; South 57-52-45 West 95.43 feet to a point; thence South 59-47-09 West 95373 feet to a point; thence South 62-00-03 West 9.65 feet to the point of Beginning, containing 1.006 acres, pursuant to a survey by T. Scott Bankhead, Registered Surveyor, dated September 5, 2000.



**PLANNING DEPARTMENT CASE 24-17: REQUEST TO REZONE 205 AND 213 BATTLEGROUND ROAD FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS (GB)**

Planning Director Chris Martin remained at the podium to present Planning Case 24-17: Request to Rezone 205 and 213 Battleground Road from Light Industrial (LI) to General Business (GB). Parcels 10531 and 10539, containing five vacant acres, are located at 205 and 213 Battleground Road in the City of Kings Mountain. The applicant is Tom Crouch of KM I-85 & Battleground LLC. Light Industrial (LI) zoning accommodates limited manufacturing, warehousing, wholesaling, and related commercial and service activities, which have little or no adverse impact on adjoining residential, business, and industrial properties. Other land uses allowed within this district should be limited to those that support light industrial uses. General Business (GB) zoning provides a wide variety of retail, business, professional, and personal services, as well as office and limited wholesale and warehousing uses. It is generally located on arterial streets with the capacity for additional commercial traffic.

These parcels lie at the southern intersection of Interstate 85 and Battleground Road. Surrounding uses include industrial, business, an RV park, residential dwellings on larger tracts, and some large farming and forested tracts of land. The Land Use Plan (LUP) designates this area as Primary Growth. The surrounding zoning districts are Light Industrial (LI), Residential (R), Residential (R) for Apartments, Restricted Residential (RR), Manufactured Home Parks (MHP), General Business (GB) for an RV Park, and a wedding venue with a campground.




The Planning Board voted unanimously to recommend approval of the zoning map amendment. The Board noted that it extends General Business (GB) zoning and is compatible with the LUP. The following information and PowerPoint were presented to the Commissioners.

Re-zoning Case 24-17:  
205 & 213 Battleground Rd.




Rezoning Request



- Applicant - Tom Crouch of KM I-85/Battleground LLC
- Rezone Light Industrial to General Business
- Parcels 10531 and 10539
- 5 acres

District Comparison



**Current Zoning District Light Industrial:**

- Accommodates limited manufacturing, warehousing, wholesaling, and related commercial and service activities which have little or no adverse impact upon adjoining residential, business and industrial properties.
- Other land uses allowed within this district should be limited to those uses that support light industrial uses.

**Requested Zoning District General Business**


- Accommodates a wide variety of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses.
- These uses are generally located on arterial streets with the capacity for additional commercial traffic.

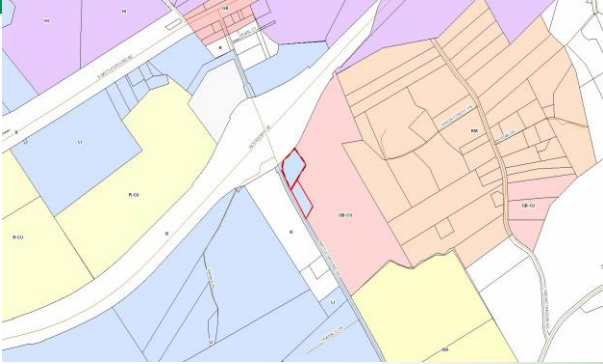
Aerial Map







Zoning Map






Land Use Plan Map






Recommendation



- **Approve – Planning Board**
  - Extension of the adjacent General Business district
  - Consistent with Land Use Plan

Requested Board Action



- **Public Hearing**
- **Approve**
- **Deny**

Chairman Gordon opened the public hearing at 6:21 p.m. for anyone wanting to speak for or against Planning Case 24-17: Request to Rezone 205 and 213 Battleground Road from Light Industrial (LI) to General Business (GB). (*Legal Notice was published in the Shelby Star on Friday, November 1, 2024, and Friday, November 08, 2024*).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:22 p.m.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins commented positively on the potential growth in that area of the county.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to approve the request to rezone parcels 10531 and 10539, located at 205 and 213 Battleground Road from Light Industrial (LI) to General Business (GB), citing it fits in the Land Use Plan (LUP) and is an extension of the existing General Business (GB) zoning district.*

RECORDING FEE \$ 26.00  
Phyllis Nowlen

Doc No: 200108372  
Recorded: 12/20/2024 09:07:39 AM  
Fee Amt: \$26.00 Page 1 of 2  
Cleveland County North Carolina  
Betsy S. Harnage, Register of Deeds  
BK 1935 PG 2860 - 2861 (2)

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF CLEVELAND COUNTY

Light Industrial to General Business  
205 Battleground Rd. & 213 Battleground Rd.  
Case 24-17

- Parcel 10531 – Owner: KM I-85 Battleground LLC– Deed Book 2587, Page 2590, containing 2.55 acres
- Parcel 10539 – Owner: KM I-85 Battleground LLC– Deed Book 2587, Page 2950, containing 1.51 acres

WHEREAS, Article Two of Chapter 160D of the North Carolina General Statutes provides for the planning and regulation of development within the territorial jurisdiction of the county; and

WHEREAS, the Cleveland County Planning Board recommended to approve the zoning map amendment October 29, 2024; and

WHEREAS, said rezoning will promote the health, safety, and welfare of the citizens of Cleveland County, the public interest would be furthered, and said amendment would be reasonable and beneficial to the orderly growth of Cleveland County; and

WHEREAS, notice of the Public Hearing was published in the Shelby Star on November 1, 2024 and November 8, 2024, and notices were mailed to adjoining property owners on October 22, 2024 and a sign posted at the property on October 28, 2024; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by The Cleveland County Board of Commissioners to amend the official zoning map following a public hearing on November 12, 2024

NOW THEREFORE BE IT ORDAINED by the Cleveland County Board of Commissioners that the Cleveland County Zoning Map, as described in Section 12-147 of the Cleveland County Unified Development Ordinance, be amended to change the classification of Parcels 10531 & 10539, described more fully in Deed Book 9J, Page 572 & Parcel 10539, described more fully in Deed Book 2587, Page 2950, as described in Exhibit "A" on page 2, from Light Industrial to General Business.

This Ordinance shall become effective upon adoption and approval.

Adopted this twelfth day of November, 2024.

ATTEST:

Kevin Gordon, Chairman  
Cleveland County Board of Commissioners

Phyllis Nowlen, Clerk  
Cleveland County Board of Commissioners



ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF CLEVELAND COUNTY

Light Industrial to General Business  
205 Battleground Rd. & 213 Battleground Rd.  
Case 24-17

- Parcels 10531 & 10539 – Owner: KM I-85 Battleground LLC– Deed Book 2587, Page 2590,

EXHIBIT "A"

Parcel 10531 & 10539 Described in Deed Book 2587, Page 2590:

TRACT ONE:

BEGINNING on a nail in the center of the Battleground Road and N. 25-03 W. 58.4 feet from a point in the center of said road which is on a straight line with two cement monuments on the east side of the road and below the ramp to #85 high-way and running with the center of the Battleground Road S. 25-03 E. 349 feet to a nail in the center of the pavement, a new corner; thence a new line across the James Bell property and hitting the northwest edge of a power line pole N. 35-0 E. 424 feet to an iron stake, a new corner near a small black gum; thence another new line across the James Bell property N. 38-0 W. 283.3 feet to an iron stake which is 50 feet from the center of the ramp to #85 highway and said line passing over an iron 20 feet before reaching the corner; thence almost parallel to the ramp S. 40-24 W. 334.9 feet to the Beginning, and passing over the center of a cement monument 114 feet before reaching the corner, containing 2.55 acres.

TRACT TWO:

BEGINNING at a stake in the center of Highway No. 216, the Southwest corner of the Arey Oil Co. property, said stake being South 35-00 West 424.00 feet from an old corner in the line of Arey Oil Co. and James Bell and runs thence North 35-00 East 207.5 feet to a stake; thence a new line across the James C. Bell property, South 31-30 East 420 feet to a stake, a new corner; thence another new line South 35-00 West 207.5 feet to a stake in the center of Highway No. 216; thence with the center of Highway No. 216 North 31-30 West 420 feet to the point of BEGINNING, according to a plat made by J. D. Turner, Registered Surveyor, No. L857 on August 14, 1968.



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

**SPECIAL PRESENTATION**

Chairman Gordon gave opening remarks to Commissioner Whetstine, thanking him for his work during his eight-year tenure on the Board, as this is his last meeting as a county commissioner. Each Commissioner gave remarks of thanks and appreciation to Commissioner Whetstine. The Board presented Commissioner Whetstine with a plaque of appreciation. Commissioner Whetstine thanked everyone and read the following statement:

*“Please allow me to read my thoughts, because everyone here knows I can talk longer than I should, and I want to stay on track.*

*Tonight, is my final Commissioner's Report, although I will be on board for a few more weeks. I would like to thank all the citizens of this county for allowing me to have the honor of setting on this board for the last eight years, and I assure you that every vote I have made was for what I thought was the best for all of you.*

*The County Manager and staff have gone above and beyond their duties to help in everything that I wanted to accomplish to make me look good to the public, I thank you sincerely.*

*Cleveland County has been my home my entire life, Susan and I have ran a business more over fifty years and have always wanted everything we did to make the county a better place.*

*I know the county is in a good position to move forward with all the projects this board has in progress and to continue to grow and develop into even a better place to Live Work and Play.*

*Now I can move on to whatever the Lord puts into my life.*

*The last request I have to the rest of this board is for you to put aside any personal agendas and do what is best for every citizen of this county and allow the manager and this wonderful staff to have the freedom to do what they do best. Again, thank you for allowing me to serve this county.”*

### **CLOSED SESSION**

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, *to go into closed session per North Carolina General Statute §143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. The public body may consider and instruct an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure.* (A copy of the closed session Minutes is sealed and found in the Closed Session Minute Book.)

### **RECONVENE IN REGULAR SESSION**

Chairman Gordon stated, *“The Board is in open session. During the closed session, the Board gave legal direction to council related to case 23-CVS-1292, Brookcliff Solar, LLC vs. Cleveland County.”*

### **ADJOURN**

There being no further business to come before the Board at this time, Commissioner Bridges made a motion, seconded by Commissioner Whetstine and unanimously adopted by the Board, *to adjourn.* The next meeting of the Commission is scheduled for ***Thursday, November 14, 2024, at 4:00 pm for a public hearing*** in the Commissioners’ Chambers.

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*Kevin Gordon, Chairman  
Cleveland County Board of Commissioners*

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