

*Cleveland County Board of Commissioners*  
*December 2, 2024*

The Cleveland County Board of Commissioners met on this date, at the hour of 2:00 p.m. in the Commission Chambers of the Cleveland County Administrative Offices.

**PRESENT:** Kevin Gordon, Chairman  
Deb Hardin, Vice-Chair  
Johnny Hutchins, Commissioner  
Doug Bridges, Commissioner  
Tony Berry, Commissioner  
Tim Moore, County Attorney  
David Cotton, County Manager  
Phyllis Nowlen, Clerk to the Board  
Kerri Melton, Assistant County Manager  
Chris Martin, Planning Director  
Martha Thompson, Deputy County Attorney  
Philip Steffen, Finance Director  
Sherry Lavender, Tac Assessor  
Colt Farrington, Inspections Director

**CALL TO ORDER**

Chairman Gordon called the meeting to order, and Commissioner Hutchins 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.*

**PUBLIC COMMENT**

**Arleace Green, Public Affairs Specialist for the Office of Disaster Recovery & Resilience, U.S. Small Business Administration** – spoke about loans available for those who experienced losses from severe storms and flooding. These loans are for homeowners, renters, businesses of all sizes, non-profit organizations, faith-based organizations, small aquaculture businesses, and small agricultural cooperatives impacted by the storms. All can apply for their uncompensated losses.

**Allison Guess Still, 1731 Pineville Road, Cherryville** – spoke about her concerns regarding the county's Animal Services Department and the Animal Services Advisory Board. She worries about a possible Commissioner overstep in that department and submitted a packet to each Commissioner citing all her concerns and supporting information.

**Bobby Dyer, 119 Mike Clifford Road, Shelby** – expressed his concerns about an unregistered dog kennel business that neighbors his property, echoing Ms. Still's comments and the information submitted. He also expressed his aggravation at the ongoing noise of barking dogs from the property, stating that he and his family can no longer enjoy being outside because of the barking dogs.

**Tyler Watts, Broad River Greenway** – stated that a Small Business Grant for the Broad River Greenway is on the agenda for consideration. He advised the Commissioners that he was available to answer any questions and thanked them for their continued support.

**CONSENT AGENDA**

**SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #037)**

**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> |
|-----------------------|---------------------|---------------------------------|-----------------|-----------------|
| 010.441.4.800.00      |                     | Sheriff’s Office/Misc Revenue   | \$18,725        |                 |
| 010.441.5.121.00      |                     | Sheriff’s Office/Salaries-Wages | \$18,725        |                 |

**Explanation of Revisions:** Budget allocation of \$18,725 from the Cleveland County Fair to offset salaries for security during the fair.

**COOPERATIVE EXTENSION: BUDGET AMENDMENT (BNA #038)**

**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> |
|-----------------------|---------------------|--|-----------------|-----------------|
| 010.495.4.510.97      |                     | Cooperative Extension/Corn Growers Assoc | \$250           |                 |
| 010.495.5.530.97      |                     | Cooperative Extension/Corn Growers Assoc | \$250           |                 |

**Explanation of Revisions:** Budget allocation of \$250 in donation funds received for the Soybean Field Day event.

**SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #039)**

**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> |
|-----------------------|---------------------|---|-----------------|-----------------|
| 010.442.4.991.00      |                     | Sheriff’s Office Fort Fds/Fund Balance Approp | \$16,587        |                 |
| 010.442.5.910.00      |                     | Sheriff’s Office Fort Fds/Capital Equipment   | \$16,587        |                 |

**Explanation of Revisions:** Budget allocation of \$16,587 for the purchase of two four-wheelers.

**PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, JANUARY 21, 2025, FOR CASE 25-01; ZONING DISTRICTS AND FUTURE LAND USE MAP DESIGNATIONS FOR PARCELS IN THE CITY OF KINGS MOUNTAIN EXTRA TERRITORIAL JURISDICTION (ETJ)**

North Carolina House Bill (HB) 909 states that the City of Kings Mountain shall not exercise powers of Extra Territorial Jurisdiction (ETJ) in any area extending more than one mile beyond its contiguous corporate limits. Fifty-eight properties have been identified as extending beyond one mile of the City of Kings Mountain corporate limits, therefore out of compliance with HB 909. The county must apply its development ordinances and future Land Use Plan designations to these areas and become responsible for providing planning, inspections, and permitting services to these parcels.

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

**COMMISSIONERS: APPOINTMENT OF THE TAX COLLECTOR AND TAX ASSESSOR**

**TAX COLLECTOR**

Effective January 1, 2025, Necole Richard will retire from her appointed position as Tax Collector, where she has faithfully served since March 1, 2013. Under North Carolina General Statute §105-349, as to County Tax Collector, the governing body of each county shall appoint a tax collector for a term to be determined by the appointing body until his or her successor has been appointed and qualified. The governing body shall appoint a Tax Collector as a person of character and integrity whose experience in business and collection work is satisfactory to the governing body and who shall furnish a bond conditioned upon his honesty and faithful performance. The governing body of each county and municipality shall appoint a tax collector to serve for a term to be determined by the appointing board and until his/her successor has been appointed. Tax Administrator Sherry Lavender recommends the appointment of Denise Jones as Tax Collector, effective January 2, 2025.



## Resolution

26-2024

### Resolution Appointing Tax Collector, Pursuant to N.C.G.S. § 105-349

WHEREAS, Necole Richard will retire from her appointed position as Tax Collector on January 1, 2025, where she has faithfully served since March 1, 2013; and

WHEREAS, under N.C.G.S. § 105-349, the governing body of each county shall appoint a tax collector for a term to be determined by the appointing body and until his or her successor has been appointed and qualified; and

WHEREAS, the governing body shall appoint as tax collector a person of character and integrity whose experience in business and collection work is satisfactory to the governing body, and shall furnish bond conditioned upon his honesty and faithful performance; and .

WHEREAS, Tax Administrator Sherry Lavender recommended and requested Commissioners consider the appointment of Denise Jones as Tax Collector, effective January 2, 2025; and

WHEREAS, Denise Jones has over 28 years' experience in the collection of property tax with Cleveland County, under the supervision of the Tax Administrator, and the Tax Administrator has found Denise Jones to be a person of character and integrity; and

WHEREAS, Denise Jones has received written confirmation of approval for issuance of personal bond from the county's bond provider, which shall take effect by January 2, 2025, in the sum authorized by this Board; and

WHEREAS, the Board set the compensation and expense allowance pursuant to § 105-349 through the FY25 budgetary process.


THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT Denise Jones is hereby appointed as Tax Collector for Cleveland County, effective January 2, 2025 with no term expiration.

Adopted this the 2<sup>nd</sup> day of December 2024.

By:

  
Kevin Gordon, Chairman  
Board of Commissioners of Cleveland County

ATTEST:

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



## **TAX ASSESSOR**

The Tax Assessor Appointment under North Carolina General Statute (NCGS) § 105-294 states that each county's Board of County Commissioners shall appoint a County Tax Assessor to serve a term of not less than two or more than four years. Sherry Lavender was appointed Cleveland County's Tax Assessor in January 2021 for a four-year term and is willing to continue in that position. She has demonstrated the ability to competently perform the duties of the Office of Tax Assessor, including having met the required continuing education outlined in N.C.G.S. § 105-294 (d) in each period of 24 months, attending at least 30 hours of instruction in the appraisal or assessment of property as provided in regulations of the Department of Revenue.



## Resolution

25-2024

### Resolution Appointing Tax Assessor, Pursuant to N.C.G.S. § 105-294

WHEREAS, Sherry Lavender was appointed by this Board as Cleveland County Tax Assessor on January 19, 2021 to a four-year term, pursuant to N.C. G.S. § 105-294; and

WHEREAS, under N.C.G.S. § 105-294, the governing body of each county shall appoint a tax assessor for a term of two to four years as determined by the appointing; and

WHEREAS, Sherry Lavender has faithfully performed the duties since that appointment, and attend at least 30 hours of instruction in the appraisal or assessment of property as provided in regulations of the Department of Revenue in each 24-month period, as required by subsection (d) of said statute to retain the position of county assessor, and is otherwise deemed to be qualified; and

WHEREAS, the Board set the compensation and expense allowance pursuant to § 105-294 through the FY25 budgetary process.

THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT Sherry Lavender is hereby re-appointed as Tax Assessor for a four-year term.

Adopted this the 2<sup>nd</sup> day of December 2024.

By:

Kevin Gordon, Chairman  
Board of Commissioners of Cleveland County

ATTEST:

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



**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, *authorize the Board Chairman to execute the resolution to appoint Denise Jones as Tax Collector and the resolution to re-appoint Sherry Lavender as Tax Assessor and authorize the appropriate oaths of office to be administered.*

### **LEGAL DEPARTMENT: TAX COLLECTOR BOND**

A North Carolina Tax Collector's bond is a performance bond that guarantees the tax collector's honesty and faithful performance of their duties. The governing body of the county or municipality sets the bond amount. The bond requirements outline that the Tax Collector:

- cannot start their duties until they have a bond
- cannot collect taxes that are not covered by their bond
- cannot continue collecting taxes after their bond expires without renewal
- is liable for any deficiencies, criminal penalties, and dishonest or unfaithful performance
- bond must cover all taxes they are responsible for, including county and municipal taxes

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, *approve the bond for Tax Collector Denise Jones.*

### **COUNTY MANAGER'S OFFICE: HARMONY TRAIL EASEMENT**

The City of Shelby requests a permanent and temporary construction easement for its Carolina Harmony Trail. The permanent easement is approximately .059 acres on South Dekalb Street, part of the Shelby Middle School Property. Cleveland County Schools support the approval of this easement.



**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, *approve the Harmony Trail easement as presented.*

**FINANCE DEPARTMENT: ARPA FUNDS PROJECT ORDINANCE**

An ARPA project ordinance requires a local government to clearly define how American Rescue Plan Act (ARPA) funds will be used, outlining eligible expenditures, compliance with federal guidelines, detailed budgeting, reporting mechanisms, and a timeline for project completion, ensuring the funds are used appropriately to address the impacts of the COVID-19 pandemic within the allowed categories of public health, economic recovery, and infrastructure investments; all while adhering to state and local laws regarding procurement and spending.

Through budget and project-specific direction, the Commissioners have already approved how ARPA funds have been and will be spent. Resolution 04-2024 encompassed allowable costs, and Resolutions 05-2024 and 06-2024 adopted specific policies for ARPA. Additional rules and accompanying guidance for this funding have been evolving, and therefore, the County has not approved specific projects in a method that mirrors the required project ordinance. To ensure federal requirements are met, the proposed ordinance will cover all projects that have been done and are to be done with ARPA funding.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, *approve the ARPA project ordinance as presented.*



**Cleveland County**  
NORTH CAROLINA

**Grant Project Ordinance for the County of Cleveland  
American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds**

The Cleveland County Board of Commissioners hereby adopt the following Grant Project Ordinance in accordance with North Carolina General Statutes 159-13.2:

**Section 1:** This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). Cleveland County (County) has received a total allocation of \$19,025,057. These funds were and will be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Provide services to disproportionately impacted communities to include providing housing support, healthy childhood environments, social, emotional and mental health services;
4. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
5. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors;
6. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and,
7. Administrative Expenses

**Section 2:** Cleveland County has elected to take the standard allowance of \$10,000,000 of its ARP/CSLFRF funds as authorized by 31 CFR Part 35.6(d)(1) for the provision of government services.

**Section 3:** The following amounts are appropriated for the project and authorized for expenditure:

| Internal Reporting Code   | Project Description                       | Expenditure Category (EC) | Cost Object            | Appropriation of ARP/CSLFRF Funds |
|---------------------------|---|---------------------------|------------------------|-----------------------------------|
| Standard Allowance        | 31 CFR Part 35.6                          | 6.1                       | Revenue Replacement    | \$10,000,000.00                   |
| Personnel COVID (C-Pers-) | Public Health and EMS/Central Collections | 1.14                      | Salaries               | \$ 2,478,954.84                   |
|                           |   |                           | Benefits               | \$ 735,882.53                     |
| EMS-2022                  | EMS Equipment                             | 3.4                       | Equipment              | \$ 4,274,854.26                   |
| GREAT-Broadband           | Broadband project (GREAT)                 | 5.21                      | Contracted Services    | \$ 700,000.00                     |
| MIN-Exposure-Activities   | Minimizing exposure resources             | 1.14                      | Contracted Services    | \$ 125,000.00                     |
|                           |   |                           | Equipment              | \$ 144,569.94                     |
| PH2022                    | Cleaning expenses                         | 1.14                      | Contracted Services    | \$ 828.00                         |
| V12021                    | Vaccine Incentives                        | 1.1                       | Payment to Individuals | \$ 561,974.50                     |
| NS2022                    | Additional Nursing Staff                  | 1.14                      | Contracted Services    | \$ 2,992.93                       |
|                           | TOTAL                                     |                           |                        | <b>\$19,025,057.00</b>            |

**Section 4:** The following revenues are anticipated to be available to complete the project:  
**ARP/CSLFRF Funds: \$19,025,057**

**Section 5:** The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation and effort certifications, in accordance with 2 CFR 200.430 & 2 CFR 200.431.

**Section 6:** The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

**Section 7:** Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Cleveland County.

**Section 8:** This grant project ordinance expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the County, whichever occurs sooner.

**COMMISSIONERS: AMENDMENT TO THE 2024 REGULAR MEETING SCHEDULE**

The Board of County Commissioners has decided to cancel its scheduled work session on December 5 and December 6, 2024, and schedule a work session on December 4, 2024, at 9:30 am at the Cleveland County Health and Social Services Building.



## Resolution

24-2024

### CHANGE IN REGULAR MEETING SCHEDULE OF THE CLEVELAND COUNTY BOARD OF COMMISSIONERS

**WHEREAS**, the Cleveland County Board of Commissioners has decided that it is appropriate to move their work session scheduled for Thursday, December 5, 2024, to Wednesday, December 4, 2024, at 9:30 a.m. at the Health Department and Social Services Building located at 200 S. Post Road, Shelby.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Cleveland County Board of Commissioners change their meeting in accordance with the mandates of North Carolina General Statute 153A-40.

Adopted this the 2<sup>nd</sup> day of December 2024.

By:

Kevin Gordon, Chairman  
Board of Commissioners of Cleveland County

ATTEST:

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



**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously approved by the Board to, *adopt the change in meeting schedule resolution.*

### **COMMISSIONERS: 2025 COMMISSIONER MEETING SCHEDULE**

The Clerk to the Board included the *2025 Commissioner Regular Meeting Schedule* in Board Members' packets.

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously approved by the Board to, *approve the 2025 Commissioner Regular Meeting Schedule.*

#### **2025 Cleveland County Board of Commissioners Meeting Schedule**

- January 21
- February 4
- March 18
- April 15
- May 6
- May 20
- June 3
- June 17
- July 8 (2<sup>nd</sup> Tuesday of the month)
- August 5
- September 16
- October 21
- November 18
- December 2

**PUBLIC HEARINGS**

**SRI THREE, LLC SMALL BUSINESS INCENTIVE GRANT**

Chairman Gordon called Tax Assessor Sherry Lavender to the podium to present the SRI Three, LLC Small Business Incentive Grant. SRI Three, LLC, dba the Broad River Campground, has made an application for participation in the Small Business Investment Grant Program. Under the program, a qualifying 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, the taxes have been paid, and there are no unresolved appeals. The application for the 2023 grant year was submitted in a timely manner for consideration. Per North Carolina General Statute §158-7.1 (c), the County Commissioners must approve any appropriation or expenditure under this section (158-7.1) after a public hearing.

| 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%               |                      |                 |

Chairman Gordon opened the Public Hearing at 2:20 p.m. for anyone wanting to speak for or against SRI Three, LLC Small Business Incentive Grant. (Legal Notice was published in the Shelby Star on Friday, November 22, 2024, and Friday, November 29, 2024).

Hearing no comments, Chairman Gordon closed the Public Hearing at 2:21 p.m.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to approve the SRI Three, LLC, dba the Broad River Campground, Small Business Incentive Grant as presented.*

**PLANNING DEPARTMENT CASE 24-19: REZONING 3871-1 TOWERY ROAD FROM RESIDENTIAL (R) TO GENERAL BUSINESS – CONDITIONAL USE (GB-CU) FOR A BILLBOARD**

Chairman Gordon recognized Planning Director Chris Martin to present Planning Department Case 24-19; a request to rezone 3871-1 Towery Road from Residential (R) to General Business – Conditional Use (GB-CU) for a billboard. Michael Sutherland of Scotty Outdoor LLC requests to re-zone 3681-1 Towery Road, a 5.354-acre portion of parcel 32656, from Residential (R) to General Business Conditional Use (GB-CU) for a billboard. A site



plan has been submitted that meets the county's sign standards to include billboards that must be 1,000 feet from each other, a sign size limit of 325 square feet, 50 feet off a four-lane road, and 300 feet back from any residential use.

The property lies between the Town of Boiling Springs and the Town of Lattimore along the new Highway 74 Bypass, just north of W. Dixon Boulevard. The western part of the property is along Beaverdam Creek, and the north side of the property has road frontage on Towery Road. Surrounding uses consist of the new 74 By-Pass, large tracts of land with single-family dwellings, and farms. The surrounding zoning districts are mostly Residential (R), with some Manufactured Home Parks (MHP) zoning in the north and south. The Land Use Plan designates this area as Secondary Growth. The Planning Board unanimously recommended approval of the zoning map amendment, noting that it is a good fit for the 74 Bypass. The following information and PowerPoint were presented to the Commissioners.

## Rezoning Case 24-19: 3681-1 Towery Rd


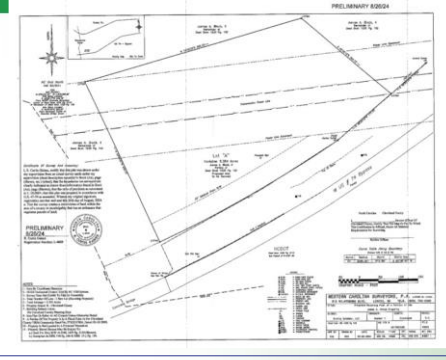


### Rezoning Request



- Applicant - Scotty Outdoor, LLC
- Request - R to GB-CU
- Proposed Use - Billboard
- Parcel 32656 (Portion)

### Site Plan





### District Comparison





- **Current Zoning District: Residential**
  - Permits site-built homes, modular homes and manufactured homes
  - 1/2 acre lot size
- **Requested Zoning District: General Business - CU**
  - Site plan shows billboard location
  - 5.3 acres of 25 acre tract

### Sign Standards


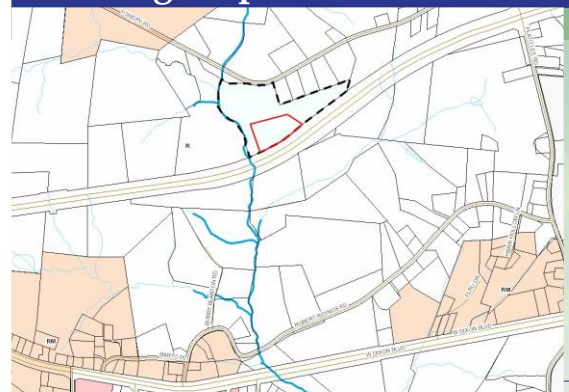


- **Section 12-282 Off Premise Signs**
  - 1000' from another billboard
  - 325 square feet display
  - 50' setback 4 lane road
  - 300' setback residential district


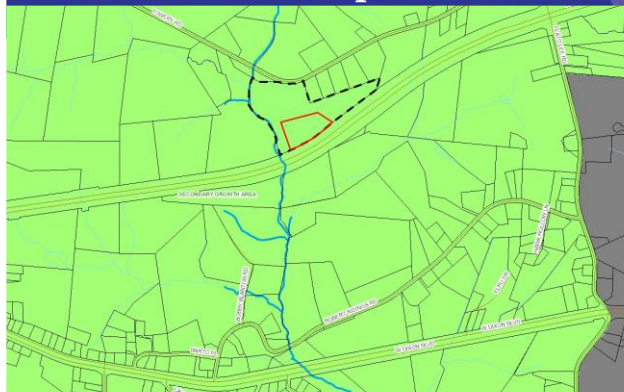
### Aerial Map

### Zoning Map

### Land Use Plan Map



Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired if the petitioner had met all the requirements and standards for the billboard placement; Mr. Martin advised that all requirements had been met.

Chairman Gordon opened the Public Hearing at 2:25 p.m. for anyone wanting to speak for or against Planning Department Case 24-19; a request to rezone 3871-1 Towery Road from Residential (R) to General Business – Conditional Use (GB-CU) for a billboard (*Legal Notice was published in the Shelby Star on Friday, November 22, 2024, and Friday, November 29, 2024.*)

Hearing no comments, Chairman Gordon closed the Public Hearing at 2:26 p.m.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, ***to approve the request to rezone 3871-1 Towery Road from Residential (R) to General Business—Conditional Use (GB-CU) for a billboard, citing it as a good fit for the 74 Bypass.***

3 RECORDING FEE \$ 26.00  
Doc No: 200109712  
Recorded: 01/31/2025 11:23:53 AM  
Fee Amt: \$26.00 Page 1 of 3  
Cleveland County North Carolina  
Betsy S. Harnage, Registrar of Deeds  
BK 1938 PG 2196 - 2198 (3)

★ Phyllis Nowlen

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF CLEVELAND COUNTY**

**Re-Zoning From Residential to General Business – Conditional Use for a Billboard  
Located at 3681-1 Towery Rd. – A 5.354 acre portion of Parcel 32656  
Case 24-19**

- Parcel 32656 – Owner:
  - James A Black II- Deed Book 1230, Page 0102

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

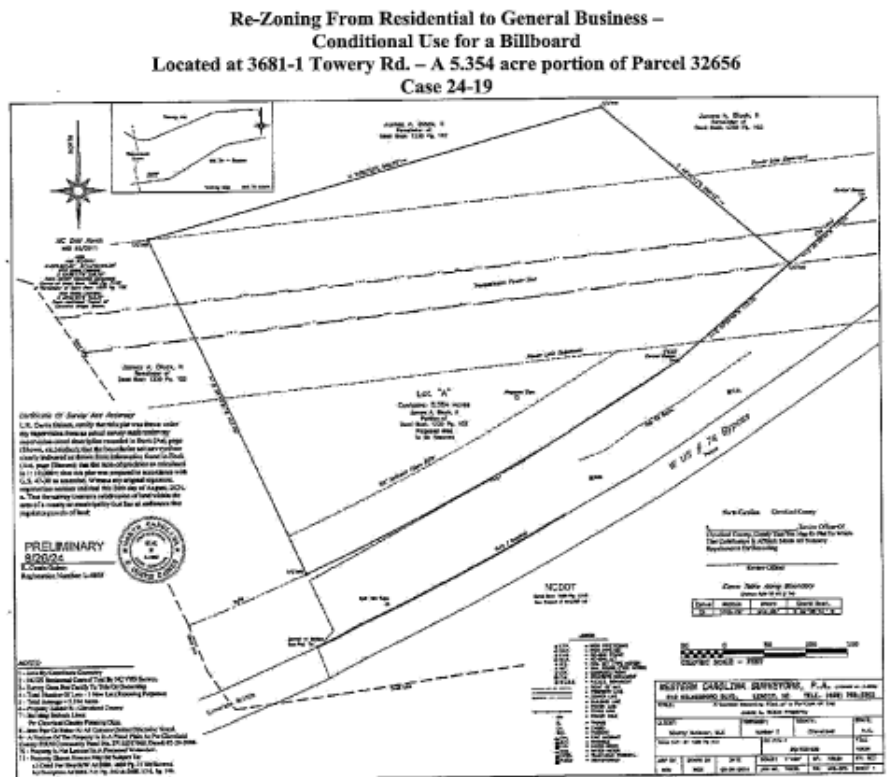
WHEREAS, the Cleveland County Planning Board recommended to approve the zoning map amendment on November 19, 2024; and

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 22, 2024 and November 29, 2024, notices were mailed to adjoining property owners on November 15, 2024, and a sign posted at the property on November 22, 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 December 2, 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 a 5.354 portion of Parcel 32656, described more fully in Deed Book 1230, Page 0102 of the Cleveland County Registry, and to which the 5.354 acre portion to rezone is shown on the submitted surveyed site plan by R. Curtis Gaines, dated 08-26-2024, and submitted with Planning Case 24-19, from Residential to General Business - Conditional Use for a billboard. The approved surveyed site plan is shown on the next page.



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.

This Ordinance shall become effective upon adoption and approval.

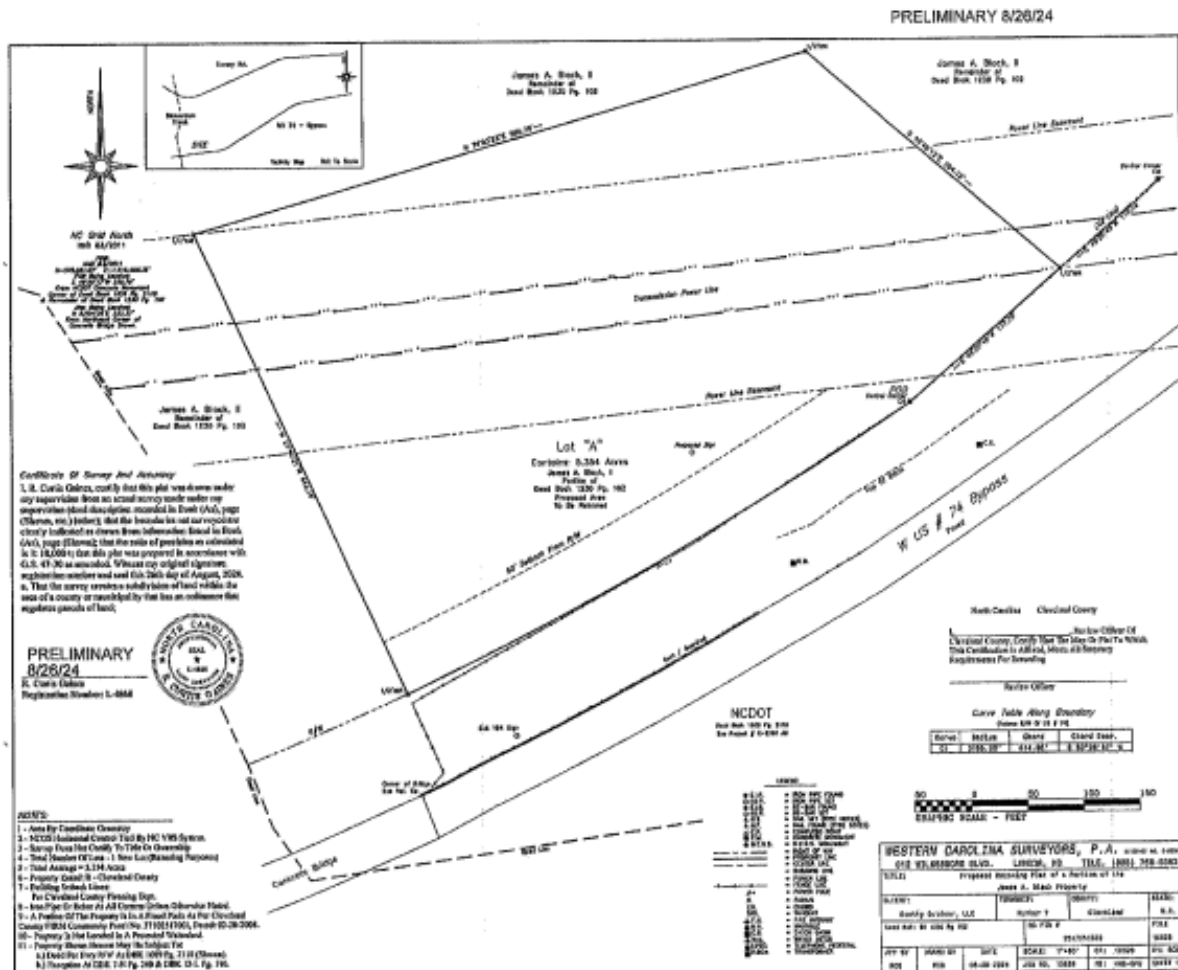
Adopted this second day of December, 2024.

ATTEST:

  
Kevin Gordon, Chairman  
Cleveland County Board of Commissioners

  
Phyllis Nowlen, Clerk  
Cleveland County Board of Commissioners





**PLANNING DEPARTMENT CASE 24-20: TEXT AMENDMENT TO SECTION 12-163 TO THE UNIFIED DEVELOPMENT ORDINANCE FOR PRIVATE STORAGE BUILDINGS**

Planning Director Chris Martin remained at the podium to present Planning Case 24-20: Text Amendment to Sections 12-163 of the Unified Development Ordinance (UDO) for private storage buildings as a primary use. This amendment affects the standards for private storage buildings, which are permitted as a principal use in the Rural Residential and Rural Agriculture zoning districts. Some of the proposed changes include:

- Decrease in storage building size
- Apply principle use setbacks (50ft)
- Require a site plan illustrating the standards can be met
- Eliminate the requirement for site plans to be scaled drawings

The Board was reminded that during the summer of 2024, they adopted a version of the ordinance that allowed storage buildings on vacant lots without residents in the rural zoning districts. That approved ordinance modification permitted setbacks and building size requirements. In that ordinance, a property owner can have 1,500 square feet of storage building on a one-acre tract of land in the rural zoning districts. A 2,500-square-foot storage building is allowed on two acres, and a 4,000-square-foot storage building is allowed on three acres or more. The setback requirements in that adopted ordinance included one hundred feet from the street right of way.

Commissioners asked staff to reevaluate this ordinance, not necessarily where they're allowed in the zoning districts, but specifically new standards, setback requirements, and building size.

Staff reviewed the information, incorporating the Board’s direction regarding this ordinance to allow private use of storage buildings. One area of concern is storage buildings larger than 4,000 square feet, which are generally used for more commercialized buildings. Staff recommendations include:

- Eliminate site plan relief for over 3 acres
- Eliminate the requirement that the plan be drawn to scale
- Require standard primary structure setbacks to give property owners more flexibility for storage

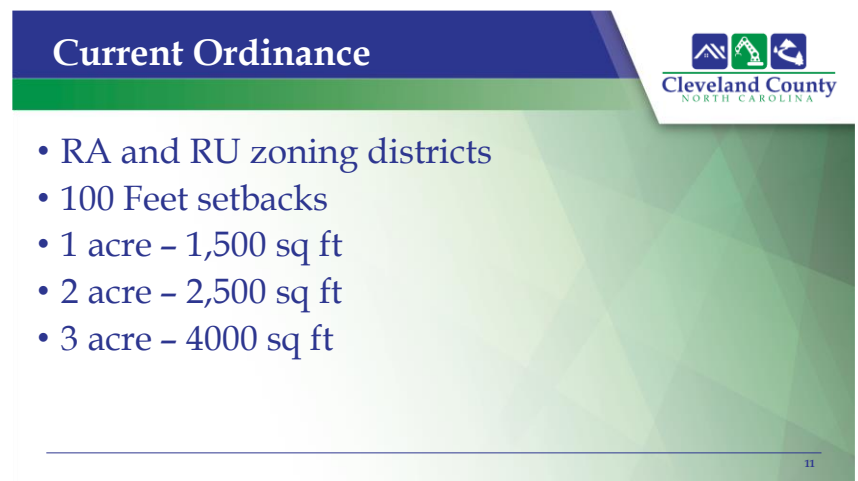
- building locations
- The setback requirement would be reduced to principal building setbacks, which is 50 feet in these two rural zone districts
- Limit building size to half
  - 1 acre – 750 sq ft
  - 2 acre – 1,250 sq ft
  - 3 acre – 2000 sq ft

This case was presented to the Planning Board, and they unanimously recommended approval with the modification of allowing a 1,250-square-foot building on a one-acre lot to match the two-acre lot size limit. They reasoned that a standard building size is 30 feet by 40 feet, so a 1200-square-foot building is a standard building size, and they felt that was a more logical size that should be allowed. The following information and PowerPoint were presented to the Commissioners.



**Text Amendment Case 24-20:  
Private Storage**

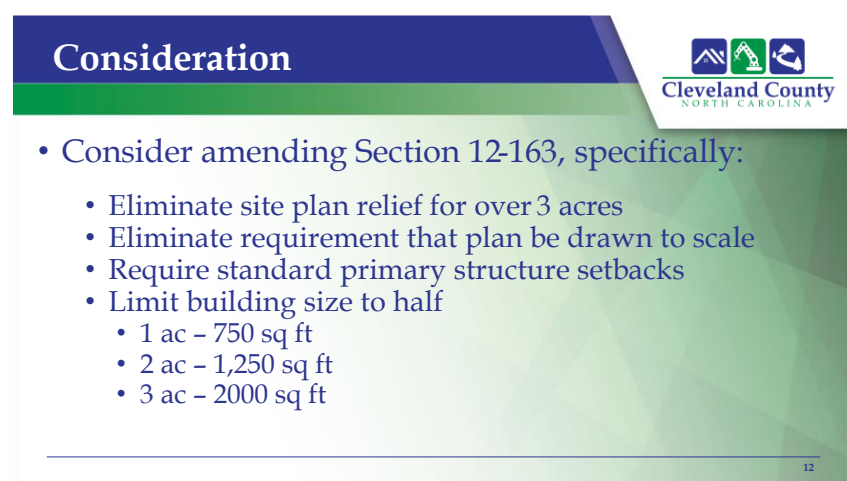
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**Current Ordinance**

- RA and RU zoning districts
- 100 Feet setbacks
- 1 acre – 1,500 sq ft
- 2 acre – 2,500 sq ft
- 3 acre – 4000 sq ft


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**Consideration**

- Consider amending Section 12-163, specifically:
  - Eliminate site plan relief for over 3 acres
  - Eliminate requirement that plan be drawn to scale
  - Require standard primary structure setbacks
  - Limit building size to half
    - 1 ac – 750 sq ft
    - 2 ac – 1,250 sq ft
    - 3 ac – 2000 sq ft

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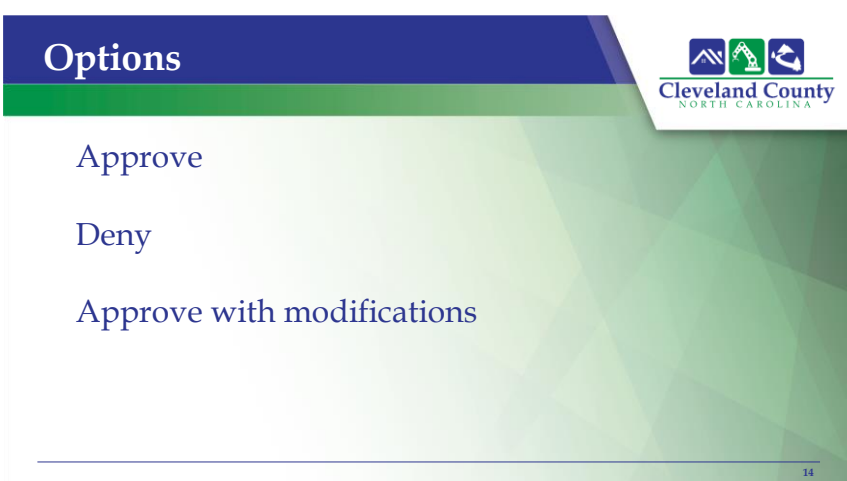
**Planning Board Recommendation**

- 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.~~ 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~~ 1,250 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.

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**Options**

- Approve
- Deny
- Approve with modifications

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Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Berry expressed concern regarding the 1,250-square-foot building on a one-acre lot. Mr. Martin explained that the current ordinance is 1,500 square feet. The proposed draft would reduce the square footage to 750 feet for a one-acre parcel. The Planning Board recommends increasing the building size from the staff's recommended 750 square feet to 1,250 square feet on a one-acre property.



Chairman Gordon opened the public hearing at 2:32 p.m. for anyone wanting to speak for or against Planning Case 24-20: Text Amendment to Sections 12-163 of the Unified Development Ordinance (UDO) for private storage buildings as a primary use. (*Legal Notice was published in the Shelby Star on Friday, November 22, 2024, and Friday, November 29, 2024.*)

Hearing no comments, Chairman Gordon closed the Public Hearing at 2:33 p.m.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hardin suggested a comprise of

- Building size
  - 1 acre – 1,500 sq ft
  - 2 acre – 2,500 sq ft
  - 3 acre – 3,500 sq ft
  - 4+ acre – No storage building to exceed 3,500 sq ft

Commissioner Bridges asked what the standard setbacks would be reset to. Mr. Martin advised it would be fifty from the front right of way, thirty feet from the rear property line, and ten feet from each side property line.

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to approve the text amendment to section 12-163 of the Unified Development Ordinance for private storage buildings with the following modifications:*

- *Eliminate site plan relief for over 3 acres*
- *Eliminate the requirement that the plan be drawn to scale*
- *Require standard primary structure setbacks*
- *Building size*
  - *1 acre – 1,500 sq ft*
  - *2 acre – 2,500 sq ft*
  - *3 acre – 3,500 sq ft*
  - *4+ acre – No storage building to exceed 3,500 sq ft*

## **REGULAR AGENDA**

### **OATHS OF OFFICE: TAX COLLECTOR AND TAX ASSESSOR**

Clerk to the Board Phyllis Nowlen administered the oath to Denise Jones for the office of Tax Collector.

Clerk to the Board Phyllis Nowlen administered the oath to Sherry Lavender for the office of Tax Assessor.

## **BOARD APPOINTMENTS**

### **CLEVELAND COMMUNITY COLLEGE**

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously approved by the Board to, *postpone an appointment to the Cleveland Community College Board of Trustees until the January 21, 2025, regular Commissioners meeting.*

### **SHOOTING RANGE ADVISORY BOARD**

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, to re-appoint **Betsy Harnage, David Hansen, Andrew Hopper**, and appoint **Woody Edwards and Eric Yarbo** to serve as members of this board for a three-year term, scheduled to conclude on June 30, 2027.

**COMMISSIONER REPRESENTATIVE BOARDS**

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Hardin and unanimously adopted by the Board, *to appoint Commissioner Hutchins to the Advisory Board of Health, Chairman Gordon to serve as the alternate on the Metropolitan Planning Organization, and Commissioner Berry to serve on the Uptown Shelby Association, Partners Behavioral Health, and the Juvenile Crime Prevention Council.*

**CLOSED SESSION**

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Bridges and unanimously adopted by the Board, *to go into closed session per North Carolina General Statute §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. (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. No action was taken.”*

**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 *Wednesday, December 4, 2024, at 9:30 am for a Commissioner’s Work Session* at the Cleveland County Health and Social Services Building located at 200 S. Post Road, Shelby.

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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*