

COUNTY OF CLEVELAND, NORTH CAROLINA
AGENDA FOR THE REGULAR COMMISSION MEETING

May 7, 2024

6:00 PM

County Commissioners Chamber

- **Call to Order and Determination of a Quorum** - Commission Chair
- **Pledge of Allegiance and Invocation** (Please stand for the Pledge of Allegiance and remain standing for the Invocation)
- **Recognition of Elected Officials**
- **Recognition of Veterans**
- **Recognition of Law Enforcement**
- **Recognition of County Department Heads**

1. MOTION TO ADOPT THE PROPOSED AGENDA

(Only emergency items shall be added to the agenda. Upon approval of the Commission Chair and County Commission, the item will be added.)

EARLY BUSINESS

- 2.** Social Services Director Swearing In

SPECIAL RECOGNITION

- 3.** County Clerk's Week 2024

4. PUBLIC COMMENT

Individuals who wish to address the Board during the public comment period shall register with the Clerk to the Board providing their true name and address on the sign-up sheet. Each individual wishing to address the Board shall only register themselves and will not be permitted to enter the name of any other individual, as the sign-up sheet is a public record

available for inspection. The sign-up sheet will be available fifty (50) minutes prior to the start of each meeting. The sign-up sheet will be collected ten (10) minutes prior to the start of each meeting by the Clerk to the Board. Individuals who have not entered their true name and address on the sign-up sheet within the designated time period will not be permitted to address the Board, unless the Chair, in the Chair's sole discretion, permits.

Citizen speakers will be acknowledged in the order in which they signed up to speak and will address all comments to the Board as a whole and not one individual commissioner. Speakers will address the Board from the speaker's podium at the front of the room and will begin their remarks by stating their name and address. Discussions between Speakers and members of the audience will not be allowed. Public comment is not intended to require the Board to answer any impromptu questions. Speakers are expected to be civil in their language and presentation and are prohibited from using profanity or making threats of violence or personal attacks against any person. All comments from the speaker shall be issue-oriented and directly related to a subject that the Commissioners have oversight and authority. Each speaker is allotted three (3) minutes to address the Board. A speaker is not permitted to share, reserve or relinquish any remaining time allocated to them to another speaker. Any comments where the primary purpose is to promote a business or candidacy shall not be allowed.

Any written materials, petitions, photographs and/or other documents may be delivered to the Clerk to the Board. The County is not permitted to accept any external data storage devices (thumb drives, flash drives, memory cards or similar device). In accordance with the Board's adopted Rules of Procedure, Commissioners shall reserve responses, if any, for the Commissioner comment period on the agenda.

A.

5. CONSENT AGENDA

Motion to approve the following Consent Agenda items: (Consent items will be adopted with a single motion, second and vote, unless a request for removal from the Consent Agenda is heard from a Commissioner.)

- | | | |
|-----------|------------------------------------|---|
| A. | <u>Minutes</u> | Minutes from the March 19, March 21, April 2, and April 16, 2024, Regular Commissioners Meeting |
| B. | <u>Tax Administration</u> | April 2024 Abatements and Supplements |
| C. | <u>Tax Administration</u> | Late Applications for Exemption / Exclusion / Deferral |
| D. | <u>Finance Department</u> | Budget Transfer Summary |
| E. | <u>Emergency Management</u> | Budget Amendment (BNA#061) |

- | | | |
|----|-----------------------------------|---|
| F. | <u>Register of Deeds</u> | Budget Amendment (BNA#062) |
| G. | <u>Legal Department</u> | Property Transfer Parcel 33012 |
| H. | <u>Planning Department</u> | Request to Set a Public Hearing on Tuesday, June 4, 2024, for Case 24-08; Request to Rezone Parcel 3093 from Residential Manufactured Homes and Parks (RMH) to General Business-Conditional Use (GB-CU) for a medical office. |
| I. | <u>Planning Department</u> | Request to Seat a Public Hearing on Tuesday, June 4, 2024, for Planning Case 24-09; Request to Rezone Parcel 62822 and 62877 from Neighborhood Business - Conditional Use (NB-CU) to Residential (R) |

PUBLIC HEARINGS

Individuals who wish to address the Board during the public hearing shall register with the Clerk to the Board providing their true name and address on the sign-up sheet. Each individual wishing to address the Board shall only register themselves and will not be permitted to enter the name of any other individual, as the sign-up sheet is a public record available for inspection. The sign-up sheet will be available fifty (50) minutes prior to the start of each meeting. The sign-up sheet will be collected ten (10) minutes prior to the start of each meeting by the Clerk to the Board. Individuals who have not entered their true name and address on the sign-up sheet within the designated time period will not be permitted to address the Board, unless the Chair, in the Chair's sole discretion, permits.

Citizen speakers will be acknowledged in the order in which they signed up to speak and will address all comments to the Board as a whole and not one individual Commissioner. Speakers will address the Board from the speaker's podium at the front of the room and will begin their remarks by stating their true name and address. Discussions between speakers and members of the audience will not be allowed. A public hearing is not intended to require the Board to answer any impromptu questions. Speakers are expected to be civil in their language and presentation.

All comments from the speaker shall be directly related to the subject of the public hearing. Each speaker is allotted five (5) minutes to address the Board. A speaker is not permitted to share, reserve or relinquish any remaining time allocated to them to another speaker. Any written materials, petitions, photographs and/or other documents may be delivered to the Clerk to the Board. The County is not permitted to accept any external data storage devices (thumb drives, flash drives, memory cards or similar device). In accordance with the Board's adopted Rules of Procedure, Commissioners shall reserve responses, if any, for the Commissioner comment period on the agenda.

6. Planning Case 24-07; Request to Rezone Parcel 66507 Located at 646 Dixon School Road, from Residential (R) to Rural Residential (RU)

Chris Martin, Planning Director

REGULAR AGENDA

7. Justice Center GMP Contract
David Cotton, County Manager

CLOSED SESSION

8. 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
Closed session pursuant to 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 give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure.
Kevin Gordon, Chairman

ADJOURN

The next meeting of the Cleveland County Board of Commissioners will be held on Tuesday, May 21, 2024, at 6:00pm in the Commissioners' Chambers.

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Social Services Director Swearing In

Department:

Agenda Title: Social Services Director Swearing In

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name

Description

No Attachments Available

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

County Clerk's Week 2024

Department:

Agenda Title: County Clerk's Week 2024

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name

Description

No Attachments Available

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Public Comment

Department:

Agenda Title:

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name

Description

No Attachments Available

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes from the March 19, March 21, April 2, and April 16, 2024, Regular Commissioners Meeting

Department: Minutes

Agenda Title: Minutes from the March 19, March 21, April 2, and April 16, 2024, Regular Commissioners Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> DRAFT_03192024_Meeting.pdf	03192024 Minutes
<input type="checkbox"/> DRAFT_03212024_Meeting.pdf	03212024 Minutes
<input type="checkbox"/> DRAFT_04022024_Meeting.pdf	04022024 Minutes
<input type="checkbox"/> DRAFT_04162024_Meeting.pdf	04162024 Minutes

Cleveland County Board of Commissioners
March 19, 2024

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

PRESENT: Kevin Gordon, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Tim Moore, County Attorney
David Cotton, County Manager
Sheriff Alan Norman
Kerri Melton, Assistant County Manager
Chris Martin, Planning Director
Rebecca Johnson, Interim Social Services Director
Philip Steffan, Finance Director
Martha Thompson, Deputy County Attorney
Scott Bowman, Maintenance Director
Colt Farrington, Inspections Director
Sandra Orvig, Shooting Range Director
Tommy McNielly, Emergency Medical Services Director
Jason Falls, Small Business Development Director
Perry Davis, Fire Marshal/Emergency Management Director

CALL TO ORDER

Chairman Gordon called the meeting to order, and Fire Marshal/Emergency Management Director Perry Davis led the audience in the Pledge of Allegiance and provided the invocation.

AGENDA ADOPTION

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

PUBLIC COMMENT

Steve Padgett, 215 Eagle Cove Drive, Cherryville—Small Business Development Director, spoke about the new Small Business Center opening in Kings Mountain and its benefits for citizens and small businesses. Mr. Padgett thanked the Board for its continued support of the Small Business Development Center.

CONSENT AGENDA

TAX COLLECTOR'S MONTHLY REPORT

Pursuant to North Carolina General Statute §105-350.7, the Tax Collector shall submit to the governing body, at each of its regular meetings, a report to include the amount collected on each year's taxes with which she is charged, the amount remaining uncollected, and the steps being taking to encourage payment of uncollected taxes. The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during ***February 2024.***

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

TOTAL TAXES COLLECTED FEBRUARY 2024			
YEAR	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00
2023	\$2,027,201.11	\$11,881.11	\$2,039,082.22
2022	\$66,233.49	\$1,306.89	\$67,540.38
2021	\$25,192.01	\$689.88	\$25,881.89
2020	\$11,541.53	\$577.78	\$12,119.31
2019	\$4,568.70	\$0.00	\$4,568.70
2018	\$4,608.07	\$0.00	\$4,608.07
2017	\$3,926.81	\$0.00	\$3,926.81
2016	\$8,554.81	\$0.00	\$8,554.81
2015	\$3,070.66	\$0.00	\$3,070.66
2014	\$1,917.70	\$0.00	\$1,917.70
2013	\$0.00	\$0.00	\$0.00
			\$2,171,270.55
TOTALS	\$2,156,814.89	\$14,455.66	\$2,171,270.55
DISCOUNT	\$1.74		\$1.74
INTEREST	\$99,789.60	\$1,043.53	\$100,833.13
TOLERANCE	(\$10.31)	\$0.00	(\$10.31)
ADVERTISING	\$528.00		
GARNISHMENT	\$5,765.96	GAP BILL FEES	DEFERRED GAP
NSF	\$26.67	\$1,259.97	\$12,274.22
LEGAL FEES	\$4,035.33		
TOTALS	\$2,266,951.88	\$16,759.16	
MISC FEE	\$0.00		
TAXES COLL	\$2,266,951.88		GRAND TOTAL
DEF	\$12,795.23		\$2,283,711.04
DISC	(\$30.11)		\$13,860.05
TOL	\$0.29		\$12,274.22
INT	\$1,094.64		\$2,309,845.31
TOTAL TAXES UNCOLLECTED FEBRUARY 2024			
	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
2023	\$3,817,463.16	\$159,407.26	\$3,976,870.42
2022	\$1,182,085.60	\$100,513.17	\$1,282,598.77
2021	\$426,084.65	\$67,167.10	\$493,251.75
2020	\$345,272.99	\$33,911.65	\$379,184.64
2019	\$493,019.29	\$0.00	\$493,019.29
2018	\$251,383.74	\$0.00	\$251,383.74
2017	\$141,820.52	\$0.00	\$141,820.52
2016	\$98,648.00	\$0.00	\$98,648.00
2015	\$94,365.84	\$0.00	\$94,365.84
2014	\$105,494.28	\$0.00	\$105,494.28
2013	\$0.00	\$0.00	\$0.00
	\$6,955,638.07	\$360,999.18	\$7,316,637.25
DEF REV			
TOTAL UNCOLLECTED	\$29,432.94	\$174,555.10	\$203,988.04
	\$6,985,071.01	\$535,554.28	\$7,520,625.29

TAX ADMINISTRATION: ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *February 2024*. The monthly grand total for tax abatements was listed as (\$11,203.20), and the monthly grand total for tax supplements was listed as \$30,319.36.

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

TAX ADMINISTRATION: PENDING REFUNDS AND RELEASES

The Tax Administration Office requests a refund of \$220.61, pursuant to North Carolina General Statute §105-381. The petitioner, Christopher Lee Cook, was overcharged due to a clerical error. The County Tax Assessor has reviewed the request and advised it is in order for approval.



2024 Late Applications					3/19/2024
				Estimated	Estimated
				Value to be	Fiscal Impact
Owner Name	Parcel/Account	Physical Location	Type	Exempt/Deferred	(County Tax Only)
Bethelhem Temple Holiness Church	5216	off Temple Drive	religious	\$ 12,512	\$ 68.50
Bethelhem Temple Holiness Church	5169	115-2 Temple Dr	religious	\$ 12,750	\$ 69.81
Howell Dorothy	44306	201 S Washington St# 4051	historic property	\$ 73,223	\$ 400.90
Coleman B Hayne	5898	Randall Rd	present use deferment	\$ 72,535	\$ 397.13
					\$ -
					\$ -
					\$ -
Staff Recommendation:		Approve applications. All properties qualify for the exclusion or exemption requested other than the late submission of the application.			
			Total	\$ 171,020	\$ 936.33

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 January 29 through March 4, 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 March 19, 2024 Board Meeting
Time Period Covered : 1/29/2024 thru 3/4/2024
For Fiscal Year Ending June 30, 2024

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
1864	D	1/29/2024	054.474	SW Manned Sites			Move funds to cover contracted services	\$ 880.00
1865	D	1/29/2024	012.550	Primary Care			Move funds to cover construction of awning @ CCHD	\$ 415,065.00
1866	D	1/29/2024	011.506	DSS Admin			Move funds to cover equipment repairs	\$ 2,240.00
1867	D	2/1/2024	012.532	TB/STD/CD			Move funds to appropriate expense lines	\$ 96,359.00
1867	D	2/1/2024	012.550	Primary Care			Move funds to cover awards/appreciation	\$ 40,000.00
1868	D	2/5/2024	010.450	Building Inspections			Move funds to cover dept supplies	\$ 900.00
1869	D	2/5/2024	486.245	Cap Projs-CI Co Fair			Move funds to cover capital equip and maint contracts	\$ 128,722.00
1870	D	2/6/2024	010.444	Detention Ctr			Move Vivitrol Grant funding to appropriate accts	\$ 223,434.00
1871	D	2/7/2024	010.441	Sheriff	010.998	Contingency	Transfer funds to cover part of vehicle purch	\$ 20,000.00
1872	D	2/7/2024	012.540	WIC			Move funds to cover travel/training	\$ 5,500.00
1873	L	2/8/2024	060.651	Property/Liability	010.998	Contingency	Transfer funds to cover professional services (legal)	\$ 223,621.00
1874	D	2/8/2024	010.439	US DOJ Grant			Move funds to cover motor fuels	\$ 3,500.00
1875	D	2/8/2024	010.542	Animal Services			Move funds to cover license/permits/certs, garbage exp and professional servs	\$ 10,550.00
1876	D	2/8/2024	010.443	State Forfeiture			Move funds to cover gym equipment purchase	\$ 3,174.00
1877	D	2/12/2024	012.530	Health Admin			Move funds to cover equipment lease	\$ 3,006.00
1878	D	2/13/2024	010.449	Electronic Maint			Move funds to cover motor fuels / repairs on equip	\$ 5,000.00
1879	D	2/13/2024	010.440	SRO			Move funds to cover capital equipment	\$ 4,800.00
1880	D	2/14/2024	010.418	Board of Elections			Move funds to cover license/permits/certs	\$ 53.00
1881	D	2/14/2024	010.444	Detention Ctr			Move funds to cover insur/legal settlement	\$ 200.00
1882	D	2/14/2024	010.446	EMS			Move funds to cover penalty exp	\$ 100.00
1883	D	2/14/2024	010.611	Library			Move funds to cover awards/appreciation	\$ 131.00
1884	D	2/14/2024	065.981	Health Plan			Move funds to cover case management / ss/medicare taxes	\$ 208.00
1885	D	2/14/2024	010.415	Tax Admin			Move funds to cover repairs on equip and dues/subscriptions	\$ 4,350.00
1886	D	2/14/2024	010.416	Legal			Move funds to cover advertising	\$ 4,000.00
1887	D	2/15/2024	010.446	EMS			Move funds to cover special team supplies	\$ 10,000.00
1888	D	2/14/2024	010.498	Soil & Water			Move funds to cover dues/subscriptions	\$ 900.00
1889	D	2/16/2024	010.413	State Forfeiture			Move funds to cover capital equipment	\$ 4,500.00
1890	D	2/16/2024	026.454	E911			Move funds to cover license/permit/certs	\$ 1,000.00

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
1891	D	2/16/2024	027.434	ARPA			Move funds to cover capital equipment	\$ 1,590,183.00
1892	D	2/14/2024	010.411	Commissioners			Move funds to cover awards/appreciation	\$ 2,500.00
1893	L	2/2/2024	014.417	Courts	010.998	Contingency	Transfer funds to cover juvenile detention fees	\$ 195,000.00
1894	L	2/16/2024	010.611	Library	010.412	Manager's Office	Transfer funds to assist with Library Week Exp	\$ 250.00
1895	D	2/21/2024	024.424	Opioid Settlement			Move funds to cover advertising and event exps	\$ 10,000.00
1896	D	2/23/2024	012.550	Primary Care			Move funds to cover controlled property exp	\$ 1,726.00
1897	L	2/26/2024	010.448	Communications	010.998	Contingency	Transfer funds to cover professional services	\$ 12,240.00
1898	D	2/27/2024	010.411	Commissioners			Transfer funds to cover awards/appreciations	\$ 3,000.00
1899	D	2/29/2024	010.413	Finance			Move funds to cover bank charges	\$ 300.00
1900	D	2/29/2024	010.449	Electronic Maint			Move funds to cover repairs on equipment	\$ 2,500.00
1901	D	3/4/2024	060.651	Property/Liability			Move funds to cover ins claims - general & in house	\$ 15,318.00
1902	D	3/4/2024	012.530	Health Admin			Move funds to cover repairs on equipment	\$ 1,000.00
1902	D	3/4/2024	012.544	Dental Clinic			Move funds to cover controlled property exp	\$ 732.00
1902	D	3/4/2024	012.550	Primary Care			Move funds to cover postage	\$ 500.00
1902	D	3/4/2024	013.660	Employee Health			Move funds to cover departmental supplies	\$ 2,000.00
1903	D	3/4/2024	012.539	Family Planning			Move funds to cover contracted services	\$ 500.00

TRAVEL AND TOURISM: BUDGET AMENDMENT (BNA #043)

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
010.422.4.510.60		Travel & Tourism/Events-Vendor	\$8,069.00	
010.422.5.510.00		Travel & Tourism/Events	\$8,069.00	

Explanation of Revisions: Budget allocation of \$8,069 in budget revenues over the original budget amount to cover the Liver Much Festival expenses.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #044)

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
011.507.5.512.00		Public Assistance/Public Assistance	\$37,208.00	
011.507.4.310.00		Public Assistance/Public Assistance – Federal	\$37,208.00	

Explanation of Revisions: Budget allocation of \$37,208 in federal public assistance funds to be used for emergency placement cases.

ANIMAL SERVICES: BUDGET AMENDMENT (BNA #045)

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
010.542.4.991.00		Animal Services/Fund Balance Appropriated	\$2,000.00	
010.542.5.790.00		Animal Services/Donations-Contributions	\$2,0000.00	

Explanation of Revisions: Budget allocation of \$2,000 in donation money to be used for the purchase of dog food to give out to pet owners in need.

COOPERATIVE EXTENSION: BUDGET AMENDMENT (BNA #046)

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
010.495.4.810.99		Cooperative Extension/Dairy Steer Proj-Contrib	\$9,730.00	
010.495.5.790.99		Cooperative Extension/Dairy Steer Proj-Contrib	\$9,730.00	

Explanation of Revisions: Budget allocation of \$9,730 in donation funds received for the Youth Dairy Steer project program.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #047)

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>
010.438.4.310.00	16585-24NCVRW	Law Enforcement Grants/Federal Govt Grants	\$5,000.00	
010.438.5.700.00	16585-24NCVRW	Law Enforcement Grants/Grants	\$5,000.00	

Explanation of Revisions: Budget allocation of \$5,000 in grant funds received from the National Association of VOCA (Victim of Crimes Assistance) to be used to promote and enhance community awareness.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #048)

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>
012.546.4.310.00		COVID/Federal Govt Grants	\$81,033.00	
012.546.5.210.00		COVID/Department Supplies	\$10,517.00	
012.546.5.230.00		COVID/Medicine-Supplies	\$15,516.00	
012.546.5.311.00		COVID/Education-Cert-Train	\$5,000.00	
012.546.5.370.00		COVID/Advertising-Promotions	\$50,000.00	

Explanation of Revisions: Budget allocation of \$81,033 in grant funds received from the NC Department of Health and Human Services Epidemiology/Immunization branch. Funds will be used to maintain access to COVID-19 vaccines for uninsured/underinsured adults through the CDC Bridge to Access Program. Funds will also be used towards advertising campaigns, equipment, and medical supplies to be utilized by the clinic.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #049)

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>
012.548.4.540.95		CODAP/Contracted Revenue	\$8,500.00	
012.548.5.310.95		CODAP/Travel-Training	\$2,575.00	
012.5485.311.95		CODAP/Education-Cert-Train	\$2,470.00	
012.548.5.370.95		CODAP/Advertising-Promotions	\$575.00	
012.548.5.581.95		CODAP/Awards-Appreciation	\$2,880.00	

Explanation of Revisions: Budget allocation of \$8,500 in Substance Abuse Block grant funds awarded by Partners Behavioral Health. Funds will be used to support youth substance abuse and prevention activities.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #050)

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>
012.548.4.410.00		CODAP/Other Revenues	\$40,000.00	
012.548.5.230.01		CODAP/Prescription Drugs	\$12,000.00	
012.548.5.370.00		CODAP/Advertising-Promotions	\$28,000.00	

Explanation of Revisions: Budget allocation of \$40,000 in Neonatal Abstinence Syndrome (NAS) grant funds from Kintegra to provide services and support to reduce the incidence and impact of NAS. Funds will be utilized to increase access to Naloxone as well as educate the community about opioid abuse disorder and connect residents with available resources.

FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #051)

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>
493.250.4.350.00		Cap Proj-Justice Center/State Govt Grants	\$38,000,000.00	
493.250.5.991.00		Cap Proj-Justice Center/Construct in Progress	\$38,000,000.00	

497.253.4.350.00	Cap Proj-E911 Center/State Govt Grants	\$2,000,000.00
497.253.5.991.00	Cap Proj-E911 Center/ Construct in Progress	\$2,000,000.00

Explanation of Revisions: Budget allocation \$40,000,000 in grant funds received from the NC General Assembly through the state budget. Funds will be used for the Justice Center/EOC/E-911 facilities. This was part of House Bill 259 approved on September 20, 2023. SOW for these projects have been approved and the funding allocated per project has been approved by State via Contract #20158.

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENT (BNA #052)

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	\$5,597.00	
010.437.5.700.00		Public Safety Grants/Grants	\$5,597.00	

Explanation of Revisions: Budget allocation of \$5,597 in grant funds awarded from Wake Forest University Health Services to be used for search and rescue packs and MRE meals. The grant is reimbursement-based.

SHERIFF’S OFFICE; SERVICE WEAPON REMOVAL REQUESTS

Sheriff Alan Norman requested retiring Lieutenant John McIntyre be presented with his departmental service weapon. Lieutenant McIntyre will retire on July 1, 2024, after 30 years of full-time law enforcement service with the Cleveland County Sheriff’s Office. The service weapon requested to be removed from inventory is a Glock 9mm, Model 17, serial number BDKT-764, and County asset number 201229.

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 John McIntyre.***

Sheriff Alan Norman requested retiring Major Rodney Fitch be presented with his departmental service weapon. Major Fitch will retire on April 1, 2024, after 30 years of full-time law enforcement service with the Cleveland County Sheriff’s Office. The service weapon requested to be removed from inventory is a Glock 9mm, Model 17, serial number BDKT-878, and County asset number 201190.

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 Major Rodney Fitch.***

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, APRIL 2, 2024, FOR CASE 24-06; REQUEST TO REZONE A PORTION OF PARCEL 66377 FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS – CONDITIONAL USE (NB-CU) FOR A FARM FOOD/GROCERY STORE

Travis Bumgardner is requesting to rezone 0.5 acres of parcel 66377 from Residential (R) to Neighborhood Business—Conditional Use (NB-CU) to operate a farm food/grocery store. A site plan displaying the proposed use of the property has been submitted. The property lies along Washburn Road near the intersection of Washburn Switch Road, northwest of the City of Shelby, and is zoned Residential (R). The portion Mr. Hamrick is purchasing and requesting to rezone is currently vacant. The surrounding zoning district is Residential (R) along Washburn Rd with Heavy Industrial (HI) nearby along Washburn Switch Road. Surrounding uses are mostly single-family

dwelling, with industrial uses to the south and a solar facility to the east. The Land Use Plan designates this area as Primary Growth.

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

FOOTHILLS PUBLIC SHOOTING COMPLEX: GO OUTSIDE (GO) GRANT

The North Carolina Youth Outdoor Engagement Commission provides outdoor learning opportunities for youth across the state. This state-wide grant program directly supports the construction of outdoor learning facilities and experiential learning trips and programs. Cleveland County has been awarded a \$70,000 GO Grant.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, *accept the \$70,000 Go Outside (GO) Grant.*

E-911 COMMUNICATIONS: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NC DOT) APPLICATIONS

Cleveland County must submit encroachment agreements to the North Carolina Department of Transportation for installations and driveways for the Justice Center Project.

- Two-Party Encroachment – Sidewalk installation within the road right-of-way
- Three-Party Encroachment – Public water installation within the road right-of-way
- Driveway Permit – Supports and works on the driveway entrances

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, *approve the E-911 Communications NC DOT application permits.*

ROUTE	Fallston Road (NC-18)	PROJECT	Cleveland County 911 Center & EOC	COUNTY OF	Cleveland	STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION				THREE PARTY RIGHT OF WAY		
-AND-				ENCROACHMENT AGREEMENT ON		
Cleveland County				PRIMARY AND SECONDARY SYSTEM		
311 East Marion Street, Shelby, NC 28151						
-AND-						
City of Shelby						
300 S Washington Street, Shelby, NC 28150						
THIS AGREEMENT, made and entered into this _____ day of _____, 20_____, by and between the Department of Transportation, party of the first part; and _____ party of the second part; and _____ party of the third part,						
_____ party of the second part; and _____ party of the third part,						
WITNESSETH						
THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as _____, located _____, at the west corner of Fallston Road (NC-18) and Joywood Drive (SR-1048)						
with the construction and/or erection of: _____						
WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;						
NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:						
That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of the first part's latest POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY, and such revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may be obtained from the Division Engineer or State Utility Agent of the party of the first part.						
That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.						
That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first.						
That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.						
That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil, silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the soil or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.						
That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.						
That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.						
Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.						
That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.						
It is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.						

FORM R/W 16.6
Rev. July 1, 1997

During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

- a. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- b. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- c. **Solicitations for Subcontracts, including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- d. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,
- (1) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (2) cancellation, termination or suspension of the contract, in whole or in part.
- f. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs "a" through "T" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation by a subcontractor over such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

That when title to the subject that constitutes the aforesaid encroachment passes from the party of the second part and vests in the party of the third part, the party of the third part agrees to assume all responsibilities and rights and to perform all obligations as agreed to herein by the party of the second part.

R/W (166) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (166) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
DIVISION ENGINEER

Cleveland County

Kevin Gordon, Chairman

311 East Marion Street, Shelby, MS 38151

Second Party

City of Shelby

Rick Howell, City Manager

300 S Washington Street, Shelby, NC 28150

Third Party

ROUTE

Fallston Road (NC-18)

PROJECT

Cleveland County 911 Center & EOC

COUNTY OF

Cleveland

STATE OF NORTH CAROLINA

DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY ENCROACHMENT AGREEMENT

-AND-

PRIMARY AND SECONDARY HIGHWAYS

Cleveland County

311 East Marion Street

Shelby, NC 28151

THIS AGREEMENT, made and entered into this the _____ day of _____ 20____ by and between the Department of Transportation, party of the first part; and _____ party of the second part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) Fallston Road (NC-18), located at the west corner of Fallston Road (NC-18) and bypass Drive (3911B&C) with the construction and/or erection of: 0' waterline correction and extension into said property

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of the first part's latest UTILITIES ACCOMMODATIONS MANUAL, and such revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may be obtained from the Division Engineer or State Utilities Manager of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to the installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

a. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

b. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials

FORM RW 16.1 (Rev. February 2021)

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No.	Date of Application	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION	
County:	Cleveland		
Development Name: Cleveland County 911 Center & EOC			
LOCATION OF PROPERTY:			
Route/Road: Fallston Road (NC-18)			
Exact Distance	0	<input checked="" type="checkbox"/> Miles	N S E W
		<input type="checkbox"/> Feet	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
From the Intersection of Route No.	NC-18	and Route No.	SR-1845 Toward _____
Property Will Be Used For: <input type="checkbox"/> Residential /Subdivision <input type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input checked="" type="checkbox"/> Emergency Services <input type="checkbox"/> Other			
Property:	<input checked="" type="checkbox"/> is	<input type="checkbox"/> is not	within _____ Shelby _____ City Zoning Area.
AGREEMENT			
<ul style="list-style-type: none">I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.			
2004-07	NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation		TEB 65-04rev. 61-03419

- and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- e. Solicitations for Subcontracts, including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- d. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,
- (1) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (2) cancellation, termination or suspension of the contract, in whole or in part.
- f. Incorporation of Provisions: The contractor shall include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

R/W (161): Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (161) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY:

DIVISION ENGINEER

Cleveland County

Kevin Gordon, Chairman

Second Party

ATTEST OR WITNESS:

Cleveland County

Phyllis Nauden, Clerk to the Board

Phyllis Nauden

INSTRUCTIONS

When the applicant is a corporation or a municipality, this agreement must have the corporate seal and be attested by the corporation secretary or by the empowered city official, unless a waiver of corporate seal and attestation by the secretary or by the empowered City official is on file in the Raleigh office of the State Utilities Manager. In the space provided in this agreement for execution, the name of the corporation or municipality shall be typed above the name, and title of all persons signing the agreement should be typed directly below their signature.

When the applicant is not a corporation, then his signature must be witnessed by one person. The address should be included in this agreement and the names of all persons signing the agreement should be typed directly below their signature.

This agreement must be accompanied, in the form of an attachment, by plans or drawings showing the following applicable information:

- All roadways and ramps.
- Right of way lines and where applicable, the control of access lines.
- Location of the existing and/or proposed encroachment.
- Length, size and type of encroachment.
- Method of installation.
- Dimensions showing the distance from the encroachment to edge of pavement, shoulders, etc.
- Location by highway survey station number. If station number cannot be obtained, location should be shown by distance from some identifiable point, such as a bridge, road, intersection, etc. (To assist in preparation of the encroachment plan, the Department's roadway plans may be seen at the various Highway Division Offices, or at the Raleigh office.)
- Drainage structures or bridges if affected by encroachment (show vertical and horizontal dimensions from encroachment to nearest part of structure).
- Method of attachment to drainage structures or bridges.
- Manhole design.
- On underground utilities, the depth of bury under all traveled lanes, shoulders, ditches, sidewalks, etc.
- Length, size and type of encasement where required.
- On underground crossings, notation as to method of crossing - boring and jacking, open cut, etc.
- Location of vents.

GENERAL REQUIREMENTS

- Any attachment to a bridge or other drainage structure must be approved by the State Utilities Manager in Raleigh prior to submission of encroachment agreement to the Division Engineer.
- All crossings should be as near as possible normal to the centerline of the highway.
- Minimum vertical clearances of overhead wires and cables above all roadways must conform to clearances set out in the National Electric Safety Code.
- Encasements shall extend from ditch line to ditch line in cut sections and 5' beyond toe of slopes in fill sections.
- All vents should be extended to the right of way line or as otherwise required by the Department.
- All pipe encasements as to material and strength shall meet the standards and specifications of the Department.
- Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on plans or drawings.
- The Department's Division Engineer should be given notice by the applicant prior to actual starting of installation included in this agreement.

SIGNATURES OF APPLICANT			
PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	Cleveland Co. - Kevin Gordon, Chairman	NAME	Phyllis Nauden
SIGNATURE		SIGNATURE	
ADDRESS	311 East Marion Street Shelby, NC 28151 Phone No. 704-692-6505	ADDRESS	311 E Marion St Shelby, NC 28151
AUTHORIZED AGENT		WITNESS	
COMPANY		NAME	
SIGNATURE		SIGNATURE	
ADDRESS		ADDRESS	
	Phone No.		
APPROVALS			
APPLICATION RECEIVED BY DISTRICT ENGINEER			
SIGNATURE		DATE	
APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)			
SIGNATURE		TITLE	DATE
APPLICATION APPROVED BY NCDOT			
SIGNATURE		TITLE	DATE
INSPECTION BY NCDOT			
SIGNATURE		TITLE	DATE

VOLUNTEER FIRE DEPARTMENTS: VOLUNTEER FIRE DEPARTMENT GRANTS

Cleveland County Volunteer Fire Departments have received a lump sum State Grant for Fire Services. The grant amount is \$1,400,000 to be directed to the Volunteer Fire Departments in Cleveland County. The General Assembly has delegated the disbursement and oversight of the state grant to Cleveland County.

	County of Cleveland		
	Fire Agency Funding Disbursement(s)		
Fire Agency	State Grant Disbursement	Direct Allocation	Total by Fire Agency
Bethlehem	\$250,000	\$75,000	\$325,000
Boiling Springs	\$0	\$75,000	\$75,000
Casar	\$0	\$75,000	\$75,000
Cleveland	\$250,000	\$75,000	\$325,000
Fallston	\$0	\$75,000	\$75,000
Grover	\$250,000	\$75,000	\$325,000
Lawndale	\$0	\$75,000	\$75,000
Number Seven	\$175,000	\$75,000	\$250,000
Number Three	\$250,000	\$75,000	\$325,000
Oak Grove	\$0	\$75,000	\$75,000
Polkville	\$225,000	\$75,000	\$300,000
Shanghai	\$0	\$75,000	\$75,000
Waco	\$0	\$75,000	\$75,000
Totals	\$1,400,000	\$975,000	\$2,375,000
Revenue Sources			
State Grant	\$ 1,400,000	\$ -	\$ 1,400,000
Service District Fund Balance	\$ -	\$ 750,000	\$ 750,000
Local Funds	\$ -	\$ 225,000	\$ 225,000
Delta Expenditures (Over)/Under Revenues	\$ -	\$ -	\$ -

VOLUNTEER FIRE DEPARTMENTS: BUDGET AMENDMENT (BNA #056)

Account Number	Project Code	Department/Account Name	Increase	Decrease
028.452.4.991.00		County Fire/Fund Balance Appropriated	\$750,000.00	
028.452.5.700.00		County Fire/Grants	\$750,000.00	
010.410.4.991.00		General Revenues/Fund Balance Appropriated	\$225,000.00	
010.445.5.700.00		Grants/Grant	\$225,000.00	

Explanation of Revisions: The budget amendment allocates \$750,000 in direct fire fund allocation to the 13 Volunteer Fire Departments in Cleveland County.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, *approve and disperse the \$750,000 in allocated grant funds to the 13 Volunteer Fire Departments in Cleveland County.*

PUBLIC HEARING

PLANNING DEPARTMENT: REQUEST TO CONSIDER FOUR AMENDMENTS TO CHAPTER 12 OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

- **CASE 23-19: TEXT AMENDMENT TO SECTION 12-124 – MODIFYING RURAL AGRICULTURE (RA) ZONING DISTRICT**
- **CASE 23-07: TEXT AMENDMENT TO SECTION 12-124 – ADDING RURAL RESIDENTIAL (RU) ZONING DISTRICT**
- **CASE 23-08: TEXT AMENDMENT TO SECTION 12-21 and 12-124 – PRIVATE STORAGE BUILDING**
- **CASE 23-09: TEXT AMENDMENT TO SECTION 12-137 – RURAL HOME OCCUPATION**

CASE 23-19: TEXT AMENDMENT TO SECTION 12-124 – MODIFYING RURAL AGRICULTURE (RA) ZONING DISTRICT

Chairman Gordon called Planning Director Chris Martin to the podium to present proposed amendments to Chapter 12 of the Cleveland County Unified Development Ordinance (UDO). At the July 11, 2023, regular Commissioners meeting, the Board discussed the Rural Agriculture (RA) zoning district and the number of uses permitted within it. Commissioners gave staff directions to work with the Planning Board to evaluate the district and see that the list of uses is compatible with the district and its intent.

The 2005 and 2021 Land Use Plans (LUPs) both encourage policies for the most rural parts of the county, which promote maintaining the rural character while providing more flexibility in uses. The plans recognize that development is sparser in these areas, and the communities desire to maintain the rural setting. Due to the larger properties in the rural area, some limited non-residential uses typically found in those areas could be compatible.

The Rural Agricultural District was first adopted in 1997 before county-wide zoning, covering an area between Waco and Fallston, totaling approximately 13,500 acres. Several phases followed, expanding the original district and adding separate areas of the Rural Agriculture (RA) district across the County, now covering approximately 15,762 acres. The town of Mooresboro used the Rural Agriculture (RA) district as its base district. Per Section 12-121 of the county’s UDO, the purpose of the Rural Agriculture (RA) district is to accommodate agricultural and residential uses in the rural parts of the county at a maximum of one dwelling per three acres. Given the very low density of development, a limited number of nonresidential uses are also allowed in this district, which are not permitted in the other residential zoning districts. Nonresidential permitted uses include:

Sand Mining	Construction	Trade Contractors	Winery	Distillery	Restaurants	Wood Prod. Man.
Printing Services	Farm Products	Automobile Sales	RV Dealers	Auto Parts Retail	Tire Shops	Lawn and Garden
Grocery stores	Health retail	Gas Stations	Florists	Office Supplies	Used Merchandise	Misc. Retail
Library	Credit Services	Waste Collection	Waste Treatment	Schools	Veterinary Office	Other Professional
Technical and Trade	Health Care	Nursing Care	Assisted Living	Child Day Care	Spectator Sports	Museum
Zoo	Agriculture	Nature Parks	Golf Course	Marina	Airparks	Other Recreation
Bed and Breakfast	Green House	Auto Repair	Personal Goods Repair	Dry Cleaners	Death Services	Kennels
Churches	Social Clubs	Public Safety				

Highlights of the district include a one-acre minimum lot size, single-family development, and, due to larger lot size, some non-residential uses such as kennels, lawn and garden retail, churches, veterinary offices, and agriculture uses are also permitted. Recreational vehicle (RV) parks are also allowed in the Rural Residential (RU) district while being eliminated as a use in the Neighborhood Business district. If the Rural Residential (RU) district is approved, RV Parks would be allowed in two districts – the General Business (GB) district and the Rural Residential district. Staff and the Planning Board believe this will help the RV Parks be located in more compatible zoning districts, depending on whether they are a recreational type of park or used for temporary housing.

After several regular meetings and much discussion, the Planning Board recommended approving the modified list, commenting that the uses eliminated were not compatible with the defined purpose of the Rural Agriculture zoning district. They also believe the proposed rural residential district achieves the goals of the Land

Use Plan and is consistent with the Board of Commissioners' direction. The following information and PowerPoint were presented to the Commissioners.

Board of Commissioners
Code Amendments

Cleveland County
NORTH CAROLINA

March 28, 2024

Case 23-19
Rural Agriculture Zoning District

Cleveland County
NORTH CAROLINA

Proposal

Cleveland County
NORTH CAROLINA

Amend the Rural Agriculture zoning district to limit the permitted uses to those that are consistent with the purpose of the district.

5

Regulations

Cleveland County
NORTH CAROLINA

- Three acre minimum
- 50 ft front setback
- Permitted Uses include:
 - Site built and manufactured homes
 - Various agricultural, commercial, and light industrial uses

7

Non Residential Permitted Uses

Cleveland County
NORTH CAROLINA

Sand Mining	Construction	Trade Contractors	Winery	Distillery	Restaurants	Wood Prod. Man.
Printing Services	Farm Products	Automobile Sales	RV Dealers	Auto Parts Retail	Tire Shops	Lawn and Garden
Grocery stores	Health retail	Gas Stations	Florists	Office Supplies	Used Merchandise	Misc. Retail
Library	Credit Services	Waste Collection	Waste Treatment	Schools	Veterinary Office	Other Professional
Technical and Trade	Health Care	Nursing Care	Assisted Living	Child Day Care	Spectator Sports	Museum
Zoo	Agriculture	Nature Parks	Golf Course	Marina	Airparks	Other Recreation
Bed and Breakfast	Green House	Auto Repair	Personal Goods Repair	Dry Cleaners	Death Services	Kennels
Churches	Social Clubs	Public Safety				

9

Text Amendments

Cleveland County
NORTH CAROLINA

- 23-19 Rural Agriculture zoning district
- 23-07 Rural Residential zoning district
- 23-08 Private storage buildings
- 23-09 Rural Home Occupations

2

Direction

Cleveland County
NORTH CAROLINA

- July 11, 2023: The Board of Commissioners directed staff and the Planning Board to:
 - Evaluate the purpose of the Rural Agriculture District
 - Evaluate uses to ensure support of vision

4

Rural Agriculture

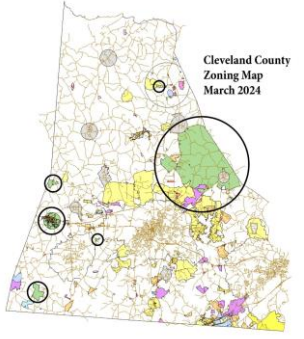
Cleveland County
NORTH CAROLINA

- Began in 1997 as a citizen led effort
- No County wide zoning at that time
- Purpose: To accommodate agricultural and residential uses in the rural areas of the county at a maximum of one (1) dwelling per three (3) acres. Given the very low-density of development, a limited number of nonresidential uses are also allowed in this district, which are not permitted in the other residential zoning districts. (Section 12-121 UDO)

6

Rural Agriculture - Green

Cleveland County
NORTH CAROLINA



Cleveland County
Zoning Map
March 2024

8

Proposed Amendment

Cleveland County
NORTH CAROLINA

Eliminates

Construction
Restaurants
Printing Services
RV Dealers
Tire Shops
Health retail
Office Supplies
Misc. Retail
Waste Collection
Other Professional
Health Care
Auto Repair
Auto Repair
Dry Cleaners

Trade Contractors
Wood Prod Man
Auto Sales
Auto Parts
Grocery Stores
Gas Stations
Used Merchandise
Credit Services
Waste Treatment
Technical and Trade
Spectator Sports
Personal Goods Repair
Social Clubs

Retains

Sand Mining
Distillery
Lawn and Garden
Library
Veterinary Office
Assisted Living
Museum
Agriculture
Golf Course
Airparks
Bed and Breakfast
Kennels
Public Safety Facilities

Winery
Farm Products
Florists
Schools
Nursing Care
Child Day Care
Zoo
Nature Parks
Marina
Green House
Death Services
Churches

10

Staff Comments



The proposed amendment will provide for more compatible uses in the rural agriculture district while maintaining the desired character and preservation of farmland.

11

Planning Board



- Recommendation - Approve
- The uses eliminated were not compatible with the defined purpose of the Rural Agriculture zoning district.

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Section 12-124 Table of Uses

	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
RESIDENTIAL										
Residential Single-Family	0	Z	Z	Z	Z	Z				
Modular Home	0	Z	Z	Z	Z	Z				
Manufactured Homes	0	Z		Z	Z	Z				
Manufacture Home Parks	0			Z						
Two-Family (Duplex)	0	Z		Z	Z	Z				
Multi-Family Housing	0			Z	Z	Z				
Family Development	0	Z								
Industrial Occupational Housing	0							S	S	
AGRICULTURAL										
Crop production	111									
Greenhouse, Nursery and Floriculture	1114									
Animal Production	112									
Forest Nursery and Products	113									
Agriculture and Forestry Support Activities	115	Z				Z	Z	Z		
MINING										
Mining and Quarrying	2120									Z
Construction Sand	2123	Z				Z	Z	Z	Z	
Mining Support Activities	2131									Z
UTILITIES										
Electric Power Generation/Distribution	2211					Z	C	Z	Z	
Solar Electric Power Generation	221114							Z	Z	
Natural Gas Distribution	2212					Z		Z	Z	
Water and Sewer Treatment (Major)	2213					S	S	S	S	
Water and Sewer Treatment (Minor)	2213	S	S	S	S	S	S	S	S	
CONSTRUCTION										
Residential Building Construction	23611	Z-				Z		Z		
Nonresidential Building Construction	23620	Z-				Z		Z		
Heavy and Civil Engineering Construction	23700					Z		Z		
Specialty Trade Contractors	23800	Z-				Z		Z		
MANUFACTURING										
Food	31100							Z	Z	
Beverage and Tobacco Products	31200									Z
Winery	31200	Z						Z	Z	
Distillery	31200	Z								Z
Textiles	31300							Z	Z	
Textile Products	31400							Z	Z	
Apparel	31500							Z	Z	
Leather and Allied Products	31600							Z	Z	
Wood Products	32100	S-								Z
Paper	32200									Z
Printing and Related Support Activities	32310	Z-				Z	Z	Z	Z	Z
Petroleum and Coal Products	32410									Z

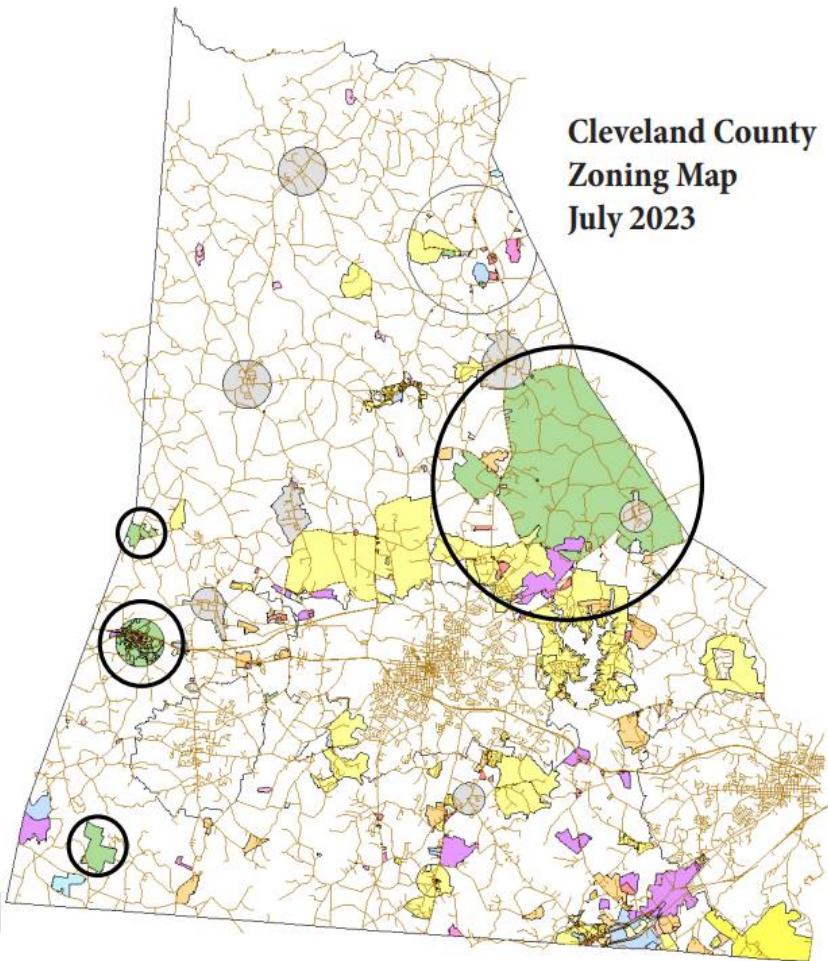
	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
Books and Music	45120	Z-				Z	Z	Z		
Department Store	45210						Z	Z		
General Merchandise	45290						Z	Z		
Florists	45310	Z				Z	Z	Z		
Office Supplies/Gifts	45320	Z-				Z	Z	Z		
Used Merchandise	45330	Z-					Z	S		
Other Miscellaneous Retail	45390	Z-				Z	Z	Z		
Internet/Mail Order	45410	Z-				Z	Z	Z		
Vending Machine Operator	45420						Z	Z		
Fuel Dealer—Oil and Gas	45430						Z	Z	Z	Z
TRANSPORTATION AND WAREHOUSING										
Airport—Scheduled Air Transport	48110								S	S
Airport—Non-Scheduled Air Transport	48120									S
Rail Transportation	48210					Z	Z	Z	Z	
General Freight Trucking	48410					Z		Z	Z	
Specialized Freight Trucking	48420					Z		Z	Z	
Urban Transit System	48510					Z		Z	Z	
Rural Bus Transportation	48520					Z		Z	Z	
Taxi and Limousine Service	48530					Z	Z			
School Bus Transportation	48540					Z		Z	Z	
Charter Bus	48550					Z				
Pipeline—Oil and Gas	48600							Z	Z	
Transportation Support	48800					Z				
Postal Service	49100					Z	Z	Z	Z	Z
Couriers and Messengers	49200					Z		Z	Z	
Warehousing and Storage	49300					Z		Z	Z	
INFORMATION										
Publishing/Information/News	51100					Z	Z		Z	Z
Motion Picture and Video	51210					Z	Z	Z		
Sound Recording	51220					Z	Z	Z		
Radio and TV Broadcasting	51510					Z		Z	Z	
Cable TV Distribution	51520					Z		Z	Z	
Telecommunications	51721					Z	Z	Z	Z	
Amateur Radio Tower	51721	S	S	S	S	S	S	S	S	S
Data Centers	518210								Z	Z
Library	51912	Z		Z	Z	Z	Z	Z		
FINANCE AND INSURANCE										
Central Bank	52100					Z	Z	Z	Z	Z
Credit and Related Activities	52200	Z-				Z	Z	Z		
Securities and Commodities	52300					Z	Z	Z		
Insurance and Related Activities	52400					Z	Z	Z		
Funds, Trusts and Other Financial	52500					Z	Z	Z		
REAL ESTATE, RENTAL AND LEASING										
Real Estate Agents and Brokers	53120					Z	Z	Z		
Property Managers	53130					Z	Z	Z		

	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
Chemical	32500									Z
Plastics and Rubber	32600								Z	Z
Non-metallic Mineral Products	32700									Z
Primary Metals	33100									Z
Fabricated Metal Products	33200								Z	Z
Machinery	33300									Z
Computer and Electronic Products	33400								Z	Z
Electrical Equipment, Appliances	33500								Z	Z
Transportation Equipment	33600									Z
Furniture Products	33700								Z	Z
Miscellaneous	33900								S	Z
WHOLESALE TRADE										
Auto Parts	42310								S	S
Furniture and Home Furnishings	42320						Z		Z	Z
Lumber and Construction Materials	42330								Z	Z
Professional and Commercial Equipment	42340								Z	Z
Metal and Mineral	42350									Z
Electrical Goods	42360						Z		Z	Z
Hardware, Plumbing, Heating Equip.	42370								Z	Z
Machinery, Equipment and Supplies	42380								Z	Z
Paper and Paper Products	42410									Z
Drugs and Sundries	42420						Z		Z	Z
Apparel and Piece Goods	42430						Z		Z	Z
Grocery	42440						Z		Z	Z
Farm Products	42450	Z					Z		Z	Z
Chemical and Allied	42460									Z
Petroleum and Related Products	42470									Z
Alcoholic Beverage	42480						Z		Z	Z
RETAIL TRADE										
Automobile Dealers—New and Used	44110	Z-				S	Z	Z	Z	
Recreational Vehicle Dealers	44120	Z-				S	Z	Z	Z	
Auto Parts, Tires and Accessories	44130	Z-					Z	Z	Z	
Furniture	44210						Z	Z		
Home Furnishings	44220						Z	Z		
Electronics and Appliances	44310						Z	Z	Z	
Building Materials and Supplies	44410						Z	Z	Z	Z
Lawn and Garden Supplies	44420	Z					Z	Z	Z	
Grocery	44510	Z-					Z	Z	Z	
Specialty Foods	44520	Z-					Z	Z	Z	
Alcoholic Beverages	44530						Z	Z		
Health and Personal Care	44610	Z-				S	Z	S	Z	
Convenience Food/Gas	44710	Z-				S	Z	Z	Z	Z
Clothing	44810						Z	Z	Z	
Jewelry	44830						Z	Z	Z	
Sporting Goods	45110						Z	Z	Z	

	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
Auto Rental and Leasing	53210						Z	Z	Z	
Consumer Goods Rental	53220						Z	Z	Z	
General Rental Centers	53230						Z		Z	
Equipment Rental	53240						Z		Z	
PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES										
Legal Services	54110						Z	Z	Z	
Accounting/Tax Payroll Services	54120						Z	Z	Z	
Architectural, Engineering and Related	54130						Z	Z	Z	
Specialized Design Services	54140						Z	Z	Z	
Computer Systems Design and Related	54150						Z	Z	Z	
Consulting Services	54160						Z	Z	Z	
Scientific Research and Development	54170						Z	Z	Z	
Advertising and Related	54180						Z		Z	
Veterinary Office/Clinic/Practice	54194	Z					Z		Z	Z
Other Professional/Technical Service	54199	Z-					Z			Z
MANAGEMENT OF COMPANIES AND ENTERPRISES										
Management of Companies/Enterprises	55110						Z	Z	Z	
ADMINISTRATIVE, SUPPORT, WASTE MANAGEMENT AND REMEDIATION										
Office Administrative Services	56110						Z	Z	Z	
Facilities Support Services	56120						Z	Z	Z	
Employment Services	56130						Z	Z	Z	
Business Support Services	56140						Z	Z	Z	
Travel Arrangement and Reservations	56150						Z	Z	Z	
Investigation and Security	56160						Z	Z	Z	
Services to Buildings and Dwellings	56170						Z	Z	Z	Z
Other Support Services	56190						Z	Z		
Waste Collection	56210	S-							Z	Z
Waste Treatment and Disposal	56220	S-							Z	Z
Remediation	56290	S-							Z	Z
EDUCATIONAL SERVICES										
Elementary and Secondary Schools	61110	Z	Z	Z	Z	Z				
College and University	61130						Z	Z	Z	
Business School	61140						Z	Z	Z	
Technical and Trade	61150	Z					Z	Z	Z	
Other Schools and Instruction	61160	S					Z		Z	
HEALTH CARE AND SOCIAL ASSISTANCE										
Ambulatory Health Care Services	62100	Z					Z	Z		
Hospitals	62200							Z	Z	
Nursing Care Facility	62311	Z		Z	Z	Z	Z	Z		
Family Care Home	62311	Z	Z	Z	Z	Z				
Residential Mental Health Facility	62320						S	S	S	
Assisted Living Facility	62331	Z		Z	Z	Z				
Group Home	62399	S	S	S	S					
Child Care Institution	62399			S			S			
Individual and Family Assistance	62410	S					Z	Z	Z	

	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
Food, Housing, Emergency Relief	62420						S	S		
Temporary Dependent Care Facility	62422	S	S	S	S					
Vocational Rehabilitation Service	62431							Z	Z	
Child Day Care	62441	Z	Z	Z	Z	Z	Z	Z		
ARTS, ENTERTAINMENT AND RECREATION										
Performing Arts	71110						Z	Z		
Spectator Sports	71121	S				Z	Z	Z	Z	Z
Racetrack	71121								S	S
Promoter/Agent/Manager	71130						Z			
Museum/Historical Site	71211	Z	Z	Z	Z	Z	Z	Z	Z	Z
Zoo/Botanical Gardens	71213	S	S	S	S	S	S			
Nature Park	71219	Z	Z	Z	Z					
AMUSEMENT, GAMBLING AND RECREATION INDUSTRIES										
Amusement Parks and Arcades	71310						Z	Z		
Gambling and Video Gaming Machine(s)	71320						S			
Golf Course and Country Club	71391	S	S	S	S	Z	Z	Z		
Marina	71393	S	S	S	S	Z	Z	Z		
Private Airpark	0	S	S	S	S	Z	Z	Z	Z	Z
Fitness and Recreational Sport Center	71394					Z	Z	Z	Z	Z
Bowling	71395					Z	Z			
Other Amusement and Recreation	71399	Z	S	S	S	Z	Z	Z	Z	Z
ACCOMMODATION AND FOOD SERVICES										
Hotel/Motel	72111						Z	Z		
Bed and Breakfast Inn	72119	Z	Z	Z	Z	Z	Z	Z		
Recreational Vehicle Parks	72120					Z	Z			
Campground w/out RV	72120	S		S		Z	Z			
Rooming and Boarding House	72130	Z		Z	Z					
Special Food Services	72230	Z				Z	Z	Z	Z	
Bar/Tavern	72241					S	S	S	S	S
Restaurant	72250	Z				Z	Z	Z	Z	
OTHER SERVICES										
Auto Repair	81110	S				S	Z		Z	Z
Electronic Repair and Maintenance	81120					Z	Z	Z	Z	
Commercial Equipment Repair	81131						Z	Z	Z	
Personal and Household Goods Repair	81141	Z				Z	Z	Z	Z	
Personal Care Service	81210	Z				Z	Z	Z		
Death Care Service	81220	Z				Z	Z	Z		
Dry cleaning and Laundry	81230	Z				Z	Z	Z	Z	
Other Personal Service	81290						Z			
Kennels/Animal Boarding	812910	S		S	S	S	Z			
Religious Organizations/Churches	81311	Z	Z	Z	Z	Z	Z	Z		
Grant Making and Giving	81320					Z	Z	Z		
Social Advocacy Organization	81330					Z	Z	Z		
Civic and Social Organization	81341	S	S	S	S	Z	Z	Z	Z	Z
PUBLIC ADMINISTRATION										

	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
General Government	92110					Z	Z	Z	Z	Z
Public Safety Facilities	92210	Z	Z	Z	Z	Z	Z	Z	Z	Z
Detention Center (County)	92214						Z		Z	Z
Correctional Institution (State and Federal)	92214								Z	Z
Human Resource Programs	92310					Z	Z	Z	Z	Z
Environmental Quality Programs	92410					Z	Z	Z	Z	Z
Housing/Community Development	92510				Z	Z	Z	Z		
Economic Programs	92610				Z	Z	Z	Z	Z	Z



CASE 23-07: TEXT AMENDMENT TO SECTION 12-124 – ADDING RURAL RESIDENTIAL (RU) ZONING DISTRICT

The Board of Commissioners directed staff to draft language for the new Rural Residential (RU) zoning district. The 2005 and 2021 LUPS encourage policies for the most rural parts of the county that promote maintaining the rural character while providing more flexibility in uses. LUPs are adopted by the Board of Commissioners after going through a series of public input meetings and Planning Board reviews. The Rural Preservation future land use category is intended to promote the protection of agricultural lands, natural resources, and scenic views. The landscape of the rural preservation area is predominantly agricultural and forest lands with sparse residential settlements. Crossroads communities within the rural preservation areas contain clusters of civic and rural commercial uses that provide needed goods and services to residents.


This proposed district has subdivision standards that assist in maintaining a rural character and a list of permitted uses, allowing some non-residential land uses that fit into rural areas. Highlights of the district include a one-acre minimum lot size, single-family development, and, due to larger lot size, some non-residential uses such as kennels, lawn and garden retail, churches, veterinary offices, and agriculture uses are also permitted.

Recreational vehicle (RV) parks are also allowed in the Rural Residential (RU) district while being eliminated as a use in the Neighborhood Business (NB) district. If the Rural Residential district is approved, RV Parks would be allowed in two districts: the General Business (GB) district and the Rural Residential (RU) district.

Staff and the Planning Board believe this will help RV Parks be located in more compatible zoning districts, depending on whether they are a recreational type of park or used for temporary housing. The procedure to change zoning to Rural Residential (RU) is initiated by the property owner. They would submit a rezoning application, and public notice would be given. Next, the request would be reviewed by the Planning Board, which would give its recommendation to the Board of Commissioners, who would hold a public hearing and take action on the request.

The Planning Board reviewed the proposal over several regular meetings and, after much discussion regarding the district's purpose and which uses would be compatible, recommended approval as proposed. The Planning Board believes the proposed Rural Residential (RU) district achieves the goals of the LUP and is consistent with the Board of Commissioners' direction. The following information and PowerPoint were presented to the Commissioners.

Case 23-07
Rural Residential Zoning District
Text Amendment



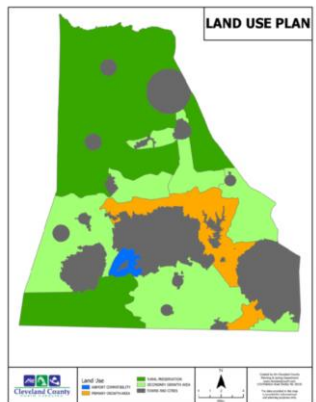
Direction

- Board of Commissioner direction
 - ❑ Rural Preservation
 - ❑ Targets Rural Areas
 - ❑ Preserves Rural Character
 - ❑ Preserves Natural Resources
 - ❑ Promotes Farmland Preservation
 - ❑ Flexibility of Uses

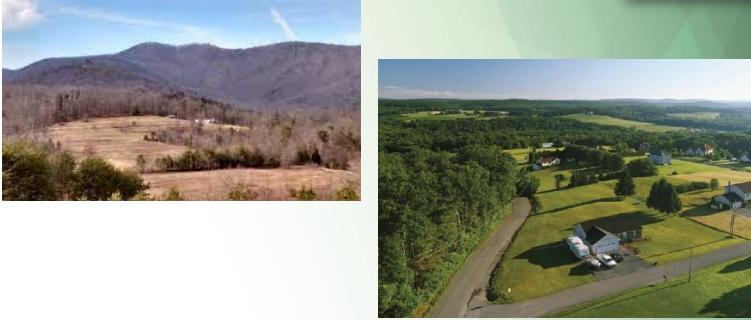
Land Use Plan

The Rural Preservation future land use category is intended to promote the protection of agricultural lands, natural resources, and scenic views. The landscape of the rural preservation area is predominantly agricultural and forest lands with sparse residential settlement. Crossroads communities within the rural preservation areas contain clusters of civic and rural commercial uses that provide needed goods and services to residents.

Where?



Character



Definition

Section 12-121(b)

- *RU-Rural Residential.* This district accommodates low-density single family detached dwellings, modular homes, and manufactured homes at a maximum density of one dwelling unit per acre. The district promotes agricultural uses and supporting commercial uses that also help preserve the rural character, and preservation of natural resources and scenic views of the surrounding area.

Development Standards

To maintain Rural Character:

- 1 acre for new lots
- 100ft of road frontage
- 50 feet setback

District	Minimum Square Feet
RA	130,680 (3 acres)
RU	43,560 (1 acre)
RR	21,780 (½ acre)
R	21,780 (½ acre)
RM	21,780 (½ acre)
N-B	No Minimum*
G-B	No Minimum*
L-I	No Minimum
H-I	No Minimum

Proposed uses in Rural Residential

Zoning Permit	Special Use Permit
House	Distillery
Museum	Zoo
Winery	Kennels
Manufactured Homes	Golf Course
Duplex	RV Parks
Nursing Home	Primitive Campgrounds
Daycare	
Agriculture	
Church	
School	
Farm Products Retail	
Lawn and Garden Retail	
Nature Park	
Bed and Breakfast	
Public Safety	

Zoning Districts – 10



Residential	Neighborhood Business
Restricted Residential	General Business
Manufactured Homes and Parks	Corridor Protection
Rural Agriculture	Light Industrial
Rural Residential (RU)	Heavy Industrial

21

District Comparison



Residential

- Residential, all types (1/2 acre)
- Very limited non-residential
- Agriculture

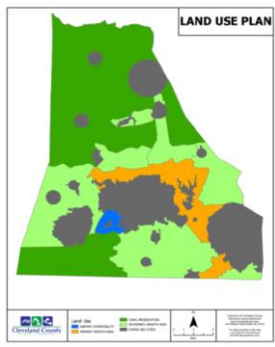
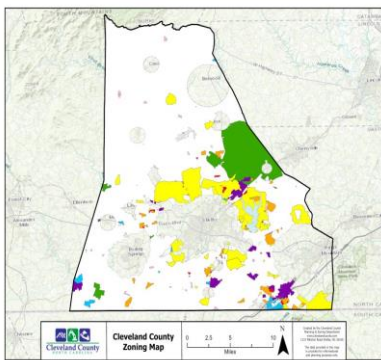
Rural Agriculture

- Mixed Use low-density (3 acres)
- Commercial
- Residential
- Agriculture

Rural Residential

- Residential low-density (1 acre)
- Limited Commercial (maintains rural character)
- Agriculture

Current Zoning Districts



23

Procedure to change to RU



Requires Rezoning

- Application
- Public Notice
- Planning Board
- Board of Commissioners with Public Hearing

24

Planning Board



• Recommends Approval

- Consistent with guidance of the Land Use Plan
- Consistent with Board of Commissioners vision.

25

Sec. 12-121. Zoning districts established.

The following zoning districts are hereby established:

- (a) **RA—Rural Agricultural.** The purpose of this district is to accommodate agricultural and residential uses in the rural areas of the county at a maximum of one (1) dwelling per three (3) acres. Given the very low-density of development, a limited number of nonresidential uses are also allowed in this district, which are not permitted in the other residential zoning districts.
- (b) **RU—Rural Residential.** This district accommodates low-density single family detached dwellings, modular homes, and manufactured homes at a maximum density of one dwelling unit per acre. The district promotes agricultural uses and supporting commercial uses that also help preserve the rural character, and preservation of natural resources and scenic views of the surrounding area.
- (c) **RR—Restricted Residential.** This district is the most restrictive residential, district intended to accommodate low-density single-family detached dwellings and modular homes at a maximum density of two (2) dwelling units per acre.
- (d) **R—Residential.** The purpose of this district is to accommodate low-density single-family detached dwellings, modular homes, manufactured homes at a maximum density of two (2) dwelling units per acre. Multi-family housing is also permitted in this district, but may be exempt from the density requirements depending on location.
- (e) **RM—Residential Manufactured Homes and Parks.** This district accommodates the widest variety of residential uses including low-density single-family detached dwellings, modular homes, manufactured homes and manufactured home parks.
- (f) **NB—Neighborhood Business.** This purpose of this district is to accommodate small, limited retail and service land uses that provide goods and services to surrounding residential neighborhoods. Residential uses are also permitted at a maximum density of two (2) dwelling units per acre. The intent of this district is to encourage the location of convenience retail establishments, professional services, and offices that will be compatible with surrounding residential uses, discourage intensive land uses which require large land area; and limit the location of large traffic generating uses to arterial streets.
- (g) **GB—General Business.** The purpose of this district is to accommodate 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.
- (h) **CP—Corridor Protection.** This overlay district is designed to promote well-planned, economically viable development that is compatible with and will enhance the visual appeal of the area by avoiding uncoordinated, strip development along arterial streets. It will also support safe and efficient traffic flow through these areas. The district boundaries shall extend along arterial streets, for a distance of five hundred (500) feet from and perpendicular to each side of the highway right-of-way.
- (i) **LI—Light Industrial.** The purpose of this district is to accommodate 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.
- (j) **HI—Heavy Industrial.** The purpose of this district is to accommodate a wide range of assembling, fabricating, manufacturing uses, and support retail and service uses. This district is established for the purpose of providing appropriate locations and development regulations for uses that may require special measures to ensure compatibility with adjoining residential or business properties.

Sec. 12-171. Minimum lot size.

- (a) Subject to subsections (b) and (c) all lots in the following zoning districts shall meet the following minimum area requirements:

District	Minimum Square Feet
RA	130,680 (3 acres)
RU	43,560 (1 acre)
RR	21,780 (½ acre)
R	21,780 (½ acre)
RM	21,780 (½ acre)
N-B	No Minimum*
G-B	No Minimum*
L-I	No Minimum
H-I	No Minimum

*Except residential uses which require twenty-one thousand seven hundred eighty (21,780) square feet.

R, RM, and RR district lots shall have a minimum width of eighty (80) feet at the building line and twenty-five (25) feet wide at the street right-of-way, and a minimum depth of one hundred fifty (150) feet. The RA district lots shall have a minimum width of one hundred twenty-five (125) feet at the building line and fifty (50) feet wide at the street right-of-way, and a minimum depth of one hundred fifty (150) feet. The RU district shall have a minimum width of one hundred (100) feet at the street right of way, a minimum width of eighty (80) feet at the building line, and a minimum depth of one hundred fifty (150) feet.

- (b) Lots in the R, RM, and RR districts and lots in the NB district that are used for residential purposes that are served by both public water and sewer, shall have a minimum usable area of fifteen thousand (15,000) square feet, and the same width standards as above.
- (c) The minimum lot sizes set forth in this section are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot in accordance with the provisions of article XII of this chapter.
- (d) All rights-of-way or easements deeded or reserved shall be excluded when determining lot areas.

Sec. 12-140. - Temporary dependent care residences.

- (a) In the R, RA, RM, RU and RR districts, one (1) manufactured home may be permitted in a rear yard on a temporary basis provided the board of adjustment issues a conditional use permit after finding that a personal hardship situation justifying such a special exception exists. Such hardship shall involve the need to care for elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility, contagious disease, illness, or lack of adequate space within the principal building.

Sec. 12-173. Building setback requirements.

- (a) Subject to section 12-174 and the other provisions of this article, the minimum principal building setback requirements shall be as follows:

From street right-of-way	30 feet
From street right-of-way	50 feet (RA and RU district)
From side property line	10 feet

From rear property line	30 feet
From side property line on corner lot	20 feet
From lot front on arterial	40 feet

Section 12-124 Table of 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
AGRICULTURAL											
Crop production	111	Exempt									
Greenhouse, Nursery and Floriculture	1114	Exempt									
Animal Production	112	Exempt									
Forest Nursery and Products	113	Exempt									
Agriculture and Forestry Support Activities	115	Z	Z				Z	Z	Z		
MINING											
Mining and Quarrying	2120										Z
Construction Sand	2123		Z					Z	Z	Z	Z
Mining Support Activities	2131										Z
UTILITIES											
Electric Power Generation/Distribution	2211							Z	C	Z	Z
Solar Electric Power Generation	221114									Z	Z
Natural Gas Distribution	2212							Z		Z	Z
Water and Sewer Treatment (Major)	2213								S	S	S
Water and Sewer Treatment (Minor)	2213	S	S	S	S	S	S	S	S	S	S
CONSTRUCTION											
Residential Building Construction	23611		Z					Z		Z	
Nonresidential Building Construction	23620		Z					Z		Z	
Heavy and Civil Engineering Construction	23700							Z		Z	
Specialty Trade Contractors	23800		Z					Z		Z	
MANUFACTURING											
Food	31100									Z	Z
Beverage and Tobacco Products	31200										Z
Winery	31200	Z	Z							Z	Z
Distillery	31200	S	Z								Z
Textiles	31300									Z	Z
Textile Products	31400									Z	Z
Apparel	31500									Z	Z
Leather and Allied Products	31600									Z	Z
Wood Products	32100		S								Z
Paper	32200										Z
Printing and Related Support Activities	32310		Z					Z	Z	Z	Z
Petroleum and Coal Products	32410										Z

	NAICS	RU	RA	RR	R	RM	NB	GB	CP	LI	HI
Books and Music	45120		Z				Z	Z	Z		
Department Store	45210							Z	Z		
General Merchandise	45290							Z	Z		
Florists	45310		Z				Z	Z	Z		
Office Supplies/Gifts	45320		Z				Z	Z	Z		
Used Merchandise	45330		Z					Z	S		
Other Miscellaneous Retail	45390		Z				Z	Z	Z		
Internet/Mail Order	45410		Z				Z	Z	Z		
Vending Machine Operator	45420							Z	Z		
Fuel Dealer—Oil and Gas	45430							Z	Z	Z	Z
TRANSPORTATION AND WAREHOUSING											
Airport—Scheduled Air Transport	48110									S	S
Airport—Non-Scheduled Air Transport	48120									S	S
Rail Transportation	48210							Z	Z	Z	Z
General Freight Trucking	48410							Z		Z	Z
Specialized Freight Trucking	48420							Z		Z	Z
Urban Transit System	48510							Z		Z	Z
Rural Bus Transportation	48520							Z		Z	Z
Taxi and Limousine Service	48530							Z		Z	
School Bus Transportation	48540							Z		Z	
Charter Bus	48550							Z			
Pipeline—Oil and Gas	48600									Z	Z
Transportation Support	48800							Z			
Postal Service	49100							Z	Z	Z	Z
Couriers and Messengers	49200							Z		Z	Z
Warehousing and Storage	49300							Z		Z	Z
INFORMATION											
Publishing/Information/News	51100							Z	Z		Z
Motion Picture and Video	51210							Z	Z	Z	
Sound Recording	51220							Z	Z	Z	
Radio and TV Broadcasting	51510							Z		Z	Z
Cable TV Distribution	51520							Z		Z	Z
Telecommunications	51721							Z	Z		Z
Amateur Radio Tower	51721	S	S	S	S	S	S	S	S	S	S
Data Centers	518210									Z	Z
Library	51912	Z	Z		Z	Z	Z	Z	Z		
FINANCE AND INSURANCE											
Central Bank	52100							Z	Z	Z	Z
Credit and Related Activities	52200		Z					Z	Z	Z	
Securities and Commodities	52300							Z	Z	Z	
Insurance and Related Activities	52400							Z	Z	Z	
Funds, Trusts and Other Financial	52500							Z	Z	Z	
REAL ESTATE, RENTAL AND LEASING											
Real Estate Agents and Brokers	53120							Z	Z	Z	
Property Managers	53130							Z	Z	Z	

	NAICS	RU	RA	RR	R	RM	NB	GB	CP	LI	HI
Chemical	32500										Z
Plastics and Rubber	32600									Z	Z
Non-metallic Mineral Products	32700										Z
Primary Metals	33100										Z
Fabricated Metal Products	33200									Z	Z
Machinery	33300										Z
Computer and Electronic Products	33400									Z	Z
Electrical Equipment, Appliances	33500									Z	Z
Transportation Equipment	33600										Z
Furniture Products	33700									Z	Z
Miscellaneous	33900									S	Z
WHOLESALE TRADE											
Auto Parts	42310									S	S
Furniture and Home Furnishings	42320							Z		Z	Z
Lumber and Construction Materials	42330									Z	Z
Professional and Commercial Equipment	42340									Z	Z
Metal and Mineral	42350										Z
Electrical Goods	42360							Z		Z	Z
Hardware, Plumbing, Heating Equip.	42370									Z	Z
Machinery, Equipment and Supplies	42380									Z	Z
Paper and Paper Products	42410										Z
Drugs and Sundries	42420							Z		Z	Z
Apparel and Piece Goods	42430							Z		Z	Z
Grocery	42440							Z		Z	Z
Farm Products	42450	S	Z					Z		Z	Z
Chemical and Allied	42460										Z
Petroleum and Related Products	42470										Z
Alcoholic Beverage	42480							Z		Z	Z
RETAIL TRADE											
Automobile Dealers—New and Used	44110		Z					S	Z	Z	Z
Recreational Vehicle Dealers	44120		Z					S	Z	Z	Z
Auto Parts, Tires and Accessories	44130		Z						Z	Z	Z
Furniture	44210								Z	Z	
Home Furnishings	44220								Z	Z	
Electronics and Appliances	44310								Z	Z	Z
Building Materials and Supplies	44410								Z	Z	Z
Lawn and Garden Supplies	44420	Z	Z						Z	Z	Z
Grocery	44510		Z					Z	Z	Z	Z
Specialty Foods	44520		Z					Z	Z	Z	
Alcoholic Beverages	44530								Z	Z	
Health and Personal Care	44610		Z					S	Z	S	Z
Convenience Food/Gas	44710		Z					S	Z	Z	Z
Clothing	44810								Z	Z	Z
Jewelry	44830								Z	Z	Z
Sporting Goods	45110								Z	Z	Z

	NAICS	RU	RA	RR	R	RM	NB	GB	CP	LI	HI
Auto Rental and Leasing	53210							Z	Z	Z	
Consumer Goods Rental	53220							Z	Z	Z	
General Rental Centers	53230							Z		Z	
Equipment Rental	53240							Z		Z	
PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Legal Services	54110						Z	Z	Z		
Accounting/Tax Payroll Services	54120						Z	Z	Z		
Architectural, Engineering and Related	54130						Z	Z	Z		
Specialized Design Services	54140						Z	Z	Z		
Computer Systems Design and Related	54150						Z	Z	Z		
Consulting Services	54160						Z	Z	Z		
Scientific Research and Development	54170							Z	Z	Z	
Advertising and Related	54180							Z		Z	
Veterinary Office/Clinic/Practice	54194	S	Z					Z		Z	Z
Other Professional/Technical Service	54199		Z					Z			Z
MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies/Enterprises	55110						Z	Z	Z		
ADMINISTRATIVE, SUPPORT, WASTE MANAGEMENT AND REMEDIATION											
Office Administrative Services	56110						Z	Z	Z		
Facilities Support Services	56120						Z	Z	Z		
Employment Services	56130						Z	Z	Z		
Business Support Services	56140						Z	Z	Z		
Travel Arrangement and Reservations	56150						Z	Z	Z		
Investigation and Security	56160							Z	Z		
Services to Buildings and Dwellings	56170							Z	Z	Z	Z
Other Support Services	56190							Z	Z		
Waste Collection	56210		S							Z	Z
Waste Treatment and Disposal	56220		S							Z	Z
Remediation	56290		S							Z	Z
EDUCATIONAL SERVICES											
Elementary and Secondary Schools	61110	Z	Z	Z	Z	Z	Z				
College and University	61130							Z	Z	Z	
Business School	61140							Z	Z	Z	
Technical and Trade	61150		Z					Z	Z	Z	
Other Schools and Instruction	61160		S					Z		Z	
HEALTH CARE AND SOCIAL ASSISTANCE											
Ambulatory Health Care Services	62100		Z				Z	Z			
Hospitals	62200							Z	Z		
Nursing Care Facility	62311	S	Z		Z	Z	Z	Z	Z		
Family Care Home	62311	Z	Z	Z	Z	Z	Z				
Residential Mental Health Facility	62320						S	S	S		
Assisted Living Facility	62331	Z	Z		Z	Z	Z				
Group Home	62399	S	S	S	S	S					
Child Care Institution	62399				S			S			
Individual and Family Assistance	62410		S				Z	Z	Z		

	NAICS	RU	RA	RR	R	RM	NB	GB	CP	LI	HI
Food, Housing, Emergency Relief	62420							S	S		
Temporary Dependent Care Facility	62422		S	S	S	S					
Vocational Rehabilitation Service	62431									Z	Z
Child Day Care	62441	Z	Z	Z	Z	Z	Z	Z	Z		
ARTS, ENTERTAINMENT AND RECREATION											
Performing Arts	71110							Z	Z		
Spectator Sports	71121		S				Z	Z	Z	Z	Z
Racetrack	71121									S	S
Promoter/Agent/Manager	71130							Z			
Museum/Historical Site	71211	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Zoo/Botanical Gardens	71213	S	S	S	S	S	S	S			
Nature Park	71219	Z	Z	Z	Z	Z					
AMUSEMENT, GAMBLING AND RECREATION INDUSTRIES											
Amusement Parks and Arcades	71310							Z	Z		
Gambling and Video Gaming Machine(s)	71320							S			
Golf Course and Country Club	71391	S	S	S	S	S	Z	Z	Z		
Marina	71393	S	S	S	S	S	Z	Z	Z		
Private Airpark	0	S	S	S	S	S	Z	Z	Z	Z	Z
Fitness and Recreational Sport Center	71394						Z	Z	Z	Z	Z
Bowling	71395							Z	Z		
Other Amusement and Recreation	71399		Z	S	S	S	Z	Z	Z	Z	Z
ACCOMMODATION AND FOOD SERVICES											
Hotel/Motel	72111							Z	Z		
Bed and Breakfast Inn	72119	Z	Z	Z	Z	Z	Z	Z	Z		
Recreational Vehicle Parks	72120	S					Z	Z			
Campground w/out RV	72120	S	S		S		Z	Z			
Rooming and Boarding House	72130		Z		Z	Z					
Special Food Services	72230		Z				Z	Z	Z	Z	
Bar/Tavern	72241						S	S	S	S	S
Restaurant	72250		Z				Z	Z	Z	Z	
OTHER SERVICES											
Auto Repair	81110		S				S	Z		Z	Z
Electronic Repair and Maintenance	81120						Z	Z	Z	Z	
Commercial Equipment Repair	81131							Z	Z	Z	
Personal and Household Goods Repair	81141		Z				Z	Z	Z	Z	
Personal Care Service	81210		Z				Z	Z	Z		
Death Care Service	81220		Z				Z	Z	Z		
Dry cleaning and Laundry	81230		Z				Z	Z	Z	Z	
Other Personal Service	81290							Z			
Kennels/Animal Boarding	812910	S	S		S	S	S	Z			
Religious Organizations/Churches	81311	Z	Z	Z	Z	Z	Z	Z	Z		
Grant Making and Giving	81320						Z	Z	Z		
Social Advocacy Organization	81330						Z	Z	Z		
Civic and Social Organization	81341		S	S	S	S	Z	Z	Z	Z	Z
PUBLIC ADMINISTRATION											

	NAICS	RU	RA	RR	R	RM	NB	GB	CP	LI	HI
General Government	92110						Z	Z	Z	Z	Z
Public Safety Facilities	92210	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Detention Center (County)	92214									Z	Z
Correctional Institution (State and Federal)	92214									Z	Z
Human Resource Programs	92310						Z	Z	Z	Z	Z
Environmental Quality Programs	92410						Z	Z	Z	Z	Z
Housing/Community Development	92510					Z	Z	Z	Z	Z	Z
Economic Programs	92610					Z	Z	Z	Z	Z	Z

CASE 23-08: TEXT AMENDMENT TO SECTION 12-21 AND 12-124 – PRIVATE STORAGE BUILDING

The Board of Commissioners asked staff to evaluate the use of private storage as a principal use and determine if and where this can be compatible and if any development standards should be applied, such as lot size, building size, building placement, and property line setbacks. Staff evaluated and drafted an ordinance for consideration. Private storage buildings are not permitted for principal use on a property. They must be located as an accessory for the principal use, they are supporting. For example, a storage building can be on the same lot as the residence it supports but not as a standalone use.

The 2005 and 2021 LUPs encourage policies for the most rural parts of the county, which promote maintaining the rural character while providing more flexibility in uses. The plans recognize that development is sparser in these areas, and the communities desire to maintain that countryside feel. Due to the larger properties in the rural area, some limited non-residential uses typically found in those areas could be compatible. The Board of Commissioners directed staff to evaluate the use of private storage as a principal use and determine if and where this can be compatible and if any development standards should be applied, such as lot size, building size, building placement, and property line setbacks.

Currently, private storage buildings are not permitted for principal use on a property. They must be located as an accessory to the principal use they support. For example, a storage building can be on the same lot as the residence it supports but not as a standalone principal use. This is a common planning tool that helps maintain the character of neighborhoods, preserve the value of lots, and prevent the misuse of buildings in residential areas. This

district has subdivision standards that assist in maintaining a rural character and a list of permitted uses, allowing some non-residential land uses that fit into rural areas.

Staff proposes an amendment to the UDO, Sections 12-21 and 12-124, permitting private storage structures on lots greater than three acres in the Rural Agricultural (RA) district and the proposed Rural Residential (RU) district. Limiting storage buildings as an “accessory” use is a common planning tool used to maintain the residential character of a community, preserve lots for future residential uses, preserve property values, and prevent future misuse of the buildings, creating negative impacts for the neighbors. Staff recommends these reasons be strongly considered when deciding on any amendments to this ordinance.

After several regular meetings and much discussion, the Planning Board recommended approval with the following modifications:

- Drawn plan submitted with an application for permit showing building location and the setbacks
- Limit the structure size based on acreage. The acreage would be rounded down
- One acre is limited to a 1500-square-foot structure
- Two acres limited to 2500 square foot structure
- Three acres plus limited to 4000 square foot structure

They also commented that the uses eliminated were not compatible with the defined purpose of the Rural Agriculture (RA) zoning district. They also believe the proposed rural residential district achieves the goals of the LUP and is consistent with the Board of Commissioners' direction. The following information and PowerPoint were presented to the Commissioners.

Case 23-08
Private Storage
Text Amendment



Direction

- Evaluate options for personal storage buildings as a primary use.

Current Ordinance



- In Residential – Permitted when supporting a residence
- Why?
 - Maintains residential character
 - Preserve lots for residential use
 - Prevents incompatible uses of buildings

Examples



Proposed Ordinance



Sec. 12-21. Definitions of Basic Terms

Private Storage Building. A building considered as a principal use for the purpose of private non-commercial storage for personal use only. Minimum three (3+) acres required on the parcel where this is to be placed. Please see Section 12-124 for zoning district allowance.

- Allowed as Primary use of property
- On lots greater than 3 acres
- Allowed in Rural Residential and Rural Agriculture

Three Acre Lot



30

31

Planning Board



- Plan required displaying building location and setbacks.
- Limit the structure size based on acreage.
 - One acre limited to 1500 square foot structure.
 - Two acres limited to 2500 square foot structure.
 - Three acres plus limited to 4000 square foot structure.

32

One Acre Lot



33

Two Acre Lot



34

Three Acre Lot



35

Case 23-08 Private Storage Buildings: Draft Staff Ordinance

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	0	Z	Z								

Section 12-21: Definition of Basic Terms

Private Storage Buildings: A building considered as a principal use for the purpose of private non-commercial storage for personal use only. Requires a minimum of three acres on the parcel in which it is placed. See Section 12-124 for permitted zoning districts.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins asked if there were regulations to prevent the installation of septic tanks in storage buildings and the misuse of the storage building to serve residential uses. Mr. Martin explained there were not; property owners can have a restroom in the larger storage buildings. Commissioner Whetstine inquired if there were setback requirements for the storage sheds to help maintain the rural characteristics and not allow the storage buildings to look and operate as a business. Mr. Martin stated that the Planning Board had discussed this question in depth several times. They advised that specific setback requirements were no different than those of any primary structure, and it would be difficult to write one rule that would conform across the county as lot sizes, conditions, and property layouts are different and considered on a case-by-case basis.

CASE 23-09: TEXT AMENDMENT TO SECTION 12- 137 – RURAL HOME OCCUPATION

At its January 17, 2023, meeting, the Board of Commissioners held a public hearing regarding an amendment to the Rural Home Occupation text, specifically creating a Type B Rural Home Occupation. At the meeting, the Board directed the Planning Board to re-evaluate the proposed text, including the allowances in the new Rural Home Occupation text, and bring a proposal back to the Board of Commissioners.


Rural home occupations allow citizens to operate a small business from their residence so long as they can comply with standards outlined in Section 12-137 of the Unified Development Ordinance (UDO). These standards are meant to allow home occupations while maintaining the residential character of the property so that it doesn't affect neighboring properties. Examples include hair salons, accounting, web services, furniture, woodworking, etc.

As proposed, this Type B Rural Home Occupation would only be allowed in the new Rural Residential (RU) and Rural Agriculture (RA) districts. It would require a minimum of five acres, increased setbacks, and screening from adjoining properties. This amendment will allow for larger home-based businesses in the most rural parts of the County.


Currently, the UDO allows home occupations in residential-type zoning districts with development standards. The goal is to allow home businesses while maintaining the residential character of the property and limiting the impact on surrounding properties. The business allows one employee who does not reside at the residence, and the commercial vehicle size is limited. Business placement and setbacks are applied to maintain the residential character. The Type B Rural Home Occupation, as proposed, will also allow commercial uses on the same lot as the business operator's residence. It will allow more employees and commercial vehicles on lots of five acres or more in the proposed Rural Residential (RU) district and the Rural Agriculture (RA) district. Screening and setback standards will be applied to minimize the impact on surrounding areas.

The Planning Board reviewed the proposal over several regular meetings and, after much discussion regarding the purpose and which uses would be compatible, recommended approval as proposed. The Planning Board believes the proposed Type B Rural Home Occupation achieves the goals of the LUP and is consistent with the Board of Commissioners' direction. The following information and PowerPoint were presented to the Commissioners.

Case 23-09
Rural Home Occupation
Text Amendment



Why?



Board Direction:

- Review Home Occupations
- Flexibility of uses in Rural Areas
- Land Use Plan flexibility

Land Use Plan


- Acknowledges home occupations are found in rural areas on larger tracts of land – similar to agribusinesses.

What is a Rural Home Occupation



- Commercial activity on the same lot as a person's residence without adversely impacting surrounding neighborhood
- Examples – Hair Salons, Accounting, web services, furniture, woodworking, etc.

Objectives



- More options for home occupations in rural Areas
- Maintain rural residential character

Current Ordinance



Section 12-137- Rural Home Occupations

- Permitted in the Residential zoning district
 - 1 employee who does not reside
 - Hours of operations 7am-8pm
 - No products visible from road

40

Proposed Addition



Standards IF more than 5 acres

- Allowed Rural Residential and Rural Agriculture Zoning districts
- Additional Setbacks and Screening
- 5 Employees
- 5 commercial vehicles allowed
- 7:00 a.m. to 8:00 p.m.

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Comparison



Less than 5 acre

RU, RA, R, RM
1 employee
No landscaping
Typical Setbacks

More than 5 acres

RU, RA
5 employees
Landscaping
More Setbacks
5 commercial vehicles

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Planning Board



- Recommend Approval
Allowing expanded home occupations in rural areas could be compatible.

43

Sec. 12-137 Rural Home Occupations

Rural home occupations may be conducted in the R-A, RM, and R districts only. A rural home occupation may take place in the same portion of the dwelling as set forth in section 12-136 of this chapter and/or in one (1) accessory structure on the lot. ~~and Type A Rural Home Occupations are allowed in the RU, RA, RM and R zoning districts with the issuance of a zoning permit. Type B Rural Home Occupations are allowed in the RU and RA zoning districts with the issuance of a zoning permit.~~ Rural Home Occupations must meet the following specifications:

A. Type A Rural Home Occupation

1. ~~(a)~~ Said accessory structure shall be located in the rear yard only and shall also be located at least seventy-five (75) feet from any existing principal residence on any adjacent parcel of land and at least twenty-five (25) feet from any adjoining lot line.
2. ~~(b) Reserved.~~
3. ~~(c)~~ No outside storage of materials or goods shall be permitted.
4. ~~(d)~~ The operator of the rural home occupation must reside on the same lot as where the rural home occupation takes place.
5. ~~(e)~~ No more than one (1) person who does not reside on the premises may be employed at the home occupation.
6. ~~(f)~~ Chemical, mechanical or electrical equipment which creates odors, light emission, noises or interference in radio or television reception detectable without the use of instruments beyond the lot shall be prohibited.
7. ~~(g)~~ No display of products shall be visible from any adjoining street.
8. ~~(h)~~ Rural home occupations may be operated at any time between the hours of 7:00 a.m. and 8:00 p.m.
9. ~~(i)~~ Vehicles used primarily as passenger vehicles may be permitted in connection with the conduct of the rural home occupation. Commercial vehicles may also be used so long as such vehicle does not contain more than two (2) axles nor have a load capacity in excess of one (1) ton.
10. ~~(j)~~ One (1) non-illuminated ground sign advertising the rural home occupation, not to exceed fifteen (15) square feet, may be placed on the property. Said sign shall not exceed four (4) feet in height and shall be located at least ten (10) feet off of any right-of-way. One (1) attached sign advertising the rural home occupation may be permitted as well. Said attached sign shall not exceed one (1) square foot for each lineal foot of building wall facing a street.

B. Type B Rural Home Occupation

1. Shall only exist on a single parcel that is five (5) acres or more in size.
2. Said accessory structure and parking area shall be located in the rear yard only and shall also be located at least 150 feet from any existing principal residence on any adjacent parcel of land and at least 100 feet from any adjoining property line.
3. Driveway serving the home occupation shall be located a minimum distance of 100' from all property lines, excluding the road right of way used for access.
4. The operator of the rural home occupation must reside on the same lot as where the rural home occupation takes place.

5. No more than five (5) persons who do not reside on the premises may be employed at the home occupation.
6. Chemical, mechanical or electrical equipment which creates excessive odors, light emission, noises beyond the lot shall be prohibited.
7. Type B screening, as outlined in [section 12-305](#), shall be required between the structure and all exterior property lines, unless existing screening is deemed sufficient by the administrator.
8. Rural home occupations may be operated at any time between the hours of 7:00 a.m. and 8:00 p.m.
9. Up to five (5) two-axle vehicles owned by the business are allowed.
10. One (1) non-illuminated ground sign advertising the rural home occupation, not to exceed fifteen (15) square feet, may be placed on the property. Said sign shall not exceed four (4) feet in height and shall be located at least ten (10) feet off of any right-of-way. One (1) attached sign advertising the rural home occupation may be permitted as well. Said attached sign shall not exceed one (1) square foot for each lineal foot of building wall facing a street.

C. (Ord. of 9-19-00; Ord. of 10-3-00; Amd. of 6-18-02; Amd. of 2-6-07; Amd. of 4-1-08, § 33)

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins asked for further information regarding the allowance of five commercial vehicles and hours of operation, citing concerns this allowance may not fit into the residential character of the surrounding areas. Mr. Martin explained that the proposed amendment limits commercial vehicles to two axles, such as a one-ton truck or less. The larger tracts of land should also serve as a buffer between properties, limiting impacts on the neighborhood. Commissioner Hutchins requested this case be sent back to the Planning Board for further review.

Chairman Gordon opened the Public Hearing at 6:41 pm for anyone wanting to speak for or against Amendments to Chapter 12 of the Unified Development Ordinance:

- Case 23-07: Text Amendment to Section 12-124 - Adding Rural Residential Zoning District
- Case 23-19: Text Amendment to Section 12-124 – Modifying Rural Agriculture Zoning District
- Case 23-08: Text Amendment to Section 12-21 and 12-124 – Private Storage Building
- Case 23-09: Text Amendment to Section 12-137 – Rural Home Occupation

(Legal Notice was published in the Shelby Star on Friday, March 8, 2024, and Friday, March 15, 2024).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:42 pm.

CASE 23-19 ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously approved by the Board to, ***approve the presented amendments to Section 12-124 of the Unified Development Ordinance modifying Rural Agriculture (RU) zoning district.***

CASE 23-07 ACTION: Commissioner Bridges made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, ***approve the presented amendments to Section 12-124 of the Unified Development Ordinance, adding the Rural Residential (RU) zoning district.***

CASE 23-08 ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously approved by the Board to, ***send this case back to the Planning Board for further review, including setback requirements and area character preservation, and to bring it back before the Board of Commissioners.***

CASE 23-09 ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and was approved by the Board (4-1; Commissioner Hutchins opposed) to, ***approve the proposed text amendments as presented to Section 12-137 for Rural Home Occupations creating Type B Rural Home Occupations.***

REGULAR AGENDA

GARDNER-WEBB UNIVERSITY

Chairman Gordon recognized Gardner-Webb University President Dr. William Downs to present an update on Gardner-Webb University (GWU). GWU is Cleveland County's only four-year university and is the number one safety campus of all North Carolina colleges. The university is attended by students from 91 North Carolina counties, 45 states from across the United States, and 45 foreign countries. GWU is Cleveland County's Division One NCAA school with 22 teams, totaling over 600 student-athletes whose most recent GPA average is 3.2.

Gardner Webb University has a total economic impact on the county of more than \$155.3 MM, with \$115MM in total spending impact. GWU has created 1,315 new jobs and generated \$31.2 million in off-site spending by students and visitors, \$84.3MM in local operational spending, and \$8MM in total state and local tax revenues. Dr. Downs reviewed 2023 fall enrollment information and trends, available scholarships, student funding opportunities, and degree programs. Other topics discussed include job and internship fairs and other events, student community discount programs, and priority funding areas. He thanked the Board for their continued support of Gardner-Webb University. The following information and PowerPoint were presented to the Commissioners.

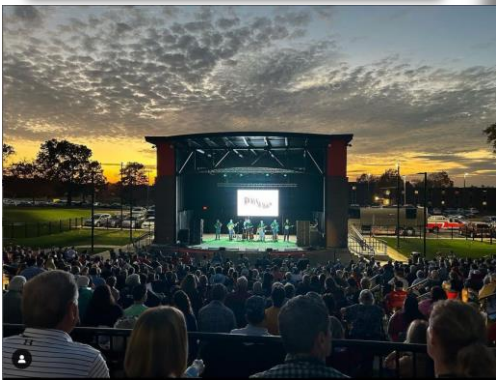
Gardner-Webb University Updates

March 19, 2024

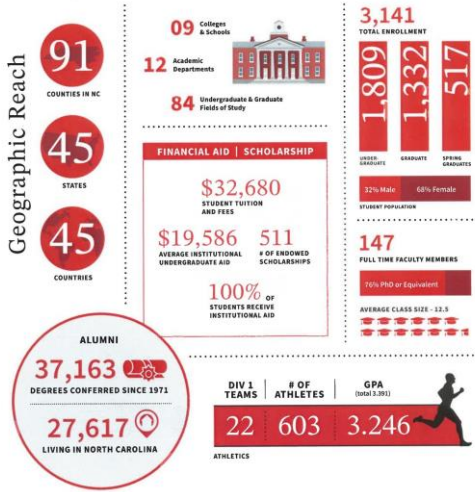


Thank You!

Funds Requested by Cleveland County Leaders Help Support Construction of Outdoor Performance Complex



Reintroducing GWU



Reintroducing GWU

Gardner-Webb University NORTH CAROLINA'S COMPREHENSIVE NURSING PROGRAM

ASN | ABSN | BSN | MSN | MSN/MBA | DNP

BOILING SPRINGS, N.C.—Gardner-Webb University is home to one of North Carolina's most comprehensive nursing programs that includes associate, bachelor's, master's and doctoral degrees. Students who desire to enter the field of nursing or those who want to further their careers are choosing the GWU Hunt School of Nursing. Enrollment in the Accelerated Bachelor of Science in Nursing (ABSN) has grown from 14 to 73 in recent years, and the Doctor of Nursing Practice (DNP) has increased from 47 in 2019 to 96 in 2023.



Message in Three Parts:

1. Thank You
2. Reintroducing GWU
3. Invitation



Thank You!

Cleveland County Study Reports Gardner-Webb's Total Economic Impact: \$155.3 Million

GARDNER-WEBB UNIVERSITY Gardner-Webb's Economic Impacts on Cleveland County

\$115.5 Million
Total Direct Spending
Impact of Gardner-Webb

1,315
Total Jobs Generated

\$84.3 M
GWU Local Operational Spending

\$31.2 M
Off-Site Spending by Students and Visitors

\$8.0 M
Total State & Local Tax Revenues

Report by Tourism Economics Commissioned by Visit Cleveland County, N.C. - April 2023

Reintroducing GWU

Gardner-Webb's 2023 Fall Enrollment Sees Increase in New Traditional Undergraduate Students

BY OFFICE OF UNIVERSITY COMMUNICATIONS ON AUGUST 31, 2023

First Year & Transfer Highlights Achieved the Trifecta!!!

- Increased headcount (+58 students)
- Increased Net Tuition Revenue (+ \$408 per student)
- Increased Academic Profile (HSGPA +0.04 & CGPA +0.11)

RNL

21

Reintroducing GWU

The Foothills Commitment is available to residents of Cleveland, Lincoln, Gaston and Rutherford counties, and the Piedmont Promise is for Mecklenburg County residents. These initiatives provide a minimum of \$15,610 (50 percent of tuition) in all forms of institutional aid to new full-time freshmen.



The New York Times
“What Matters Most” College Rankings
GARDNER-WEBB UNIVERSITY

#1	Campus Safety* Among All North Carolina Colleges	#2	Affordability Among Private Colleges in North Carolina <small>Source: The New York Times</small>	#8	Racially Diverse Among Private Colleges in North Carolina
		#7	Economic Mobility Among Private Colleges in North Carolina <small>Source: The New York Times</small>	#10	Academic Profile Among Private Colleges in North Carolina

The interactive tool ranks 883 U.S. colleges, 26 in North Carolina. The colleges are ranked on 10 criteria. Only colleges that graduate more than 50% of their students are included. The Times used data from these public sources: The National Center for Education Statistics, the College Scorecard, Niche.com and Opportunity Insights. *April 2023

Webbstock
April 20, 2024



Eat, Shop,
and Play
Locally.

**BULLDOG
COMMUNITY
DISCOUNT**
AVAILABLE
HERE

_____% off

GARDNER-WEBB UNIVERSITY

Gardner-Webb Welcomes Representatives of
The Golden LEAF Foundation

BY OFFICE OF UNIVERSITY COMMUNICATIONS ON MARCH 1, 2024



Top Priority: Student Success

Gardner-Webb Online’s Popular 10-Month
Master of Public Administration Offers Open
Enrollment in April

New

Affordable and Flexible Program
Prepares Public Servants for
Successful Administrative
Careers in Government or Non-
profit Agencies

GWU Hosts Panel Discussion on Regional Economic Opportunities



**JOB
FAIR**

Register today for Gardner-Webb
University’s Career & Internship Fair!

April 10th, 2024

LYCC at Gardner-Webb | 11:00am - 2:00pm

×× Registration is free and lunch is provided. ××
×× Space is limited, so register today! ××
×× Questions? Email us at career@gardner-webb.edu ××

If you’re looking to hire interns or for full or
part-time positions, don’t miss this
event! Registration is free for employers, and
lunch will be provided by the Godbold College
of Business.

Date: Wednesday, April 10
Time: 11:00am-2:00pm

Priority Funding Areas

This program is for economic development projects aligned with the Golden LEAF priority areas. More details regarding Golden LEAF’s priority areas and [priority outcomes](#) are available at the links below and in this short video:

Open Grants Program
Golden LEAF Foundation

Focused on moving the economic
needle in rural, economically distressed,
and tobacco-dependent areas of NC.

Golden LEAF
FOUNDATION



GARDNER-WEBB UNIVERSITY
ARCHITECTURAL RENDERING

RENDERING | STEM



Commissioners thanked Dr. Downs for the information and look forward to the university's continued success.

2023 AUDIT PRESENTATION

Chairman Gordon called Alan Thompson from Thompson, Price, Scott, and Adams to present the 2023 audit report. North Carolina General Statute §159-34 requires all local governments in North Carolina to contract with an external independent audit firm to conduct a full audit annually and submit results to the Local Government Commission prior to December 31st. Cleveland County, by statute, must produce all books and records requested by the external auditor. The county contracted with Thompson, Price, Scott and Adams, Co. CPAs to conduct the audit. Due to the transition in the County's Finance department, the Comprehensive Annual Financial Report (CAFR) was not submitted on time to the Local Government Commission. A budget violation was noted. The budget was overspent in the following departments in the General Fund:

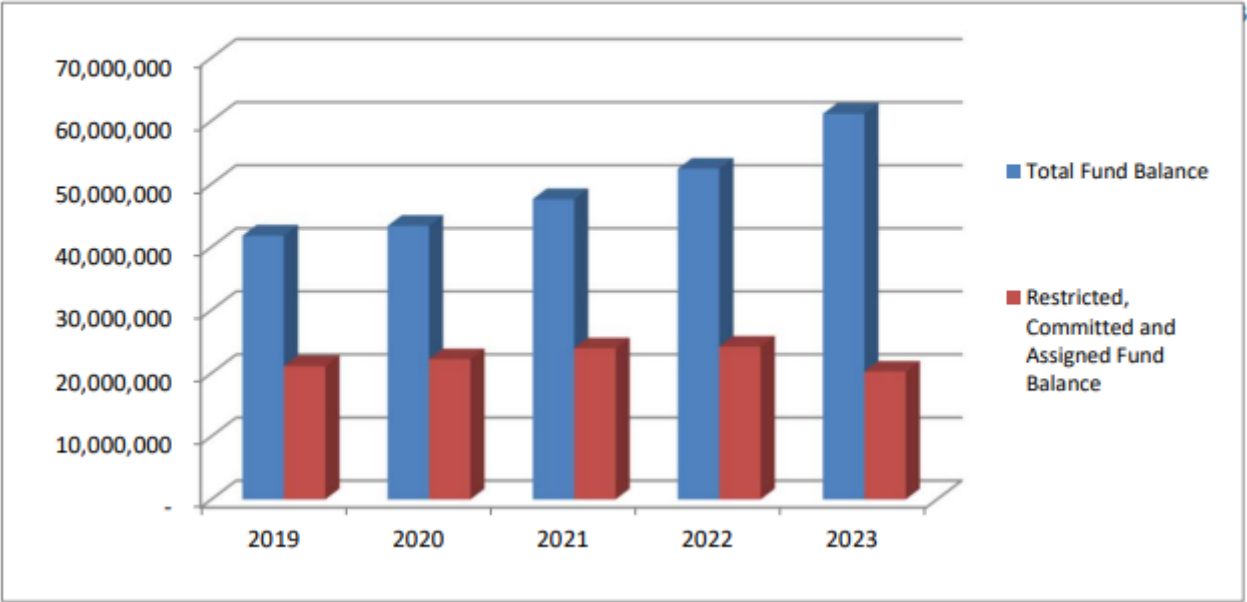
- Administration \$20,858
- Finance \$1,254
- Human Resources \$133,615
- Sheriff \$742,234
- Emergency Medical Services \$473,046
- Emergency Communications \$114
- Emergency Medical \$27,910
- Debt Service \$157,578
- Representative Payee Fund \$9,711

The overspends in the General Fund and General Capital Projects Fund were due to not budgeting for GASB 87 and GASB 96 first-year entries. The overspending on the Representative Payee Fund was an oversight. The following information and PowerPoint were presented to the Board. *(a full copy of the annual comprehensive financial report and audit results for the end year ended June 30, 2023, is on file in the Clerk's Office and Finance Department.)*

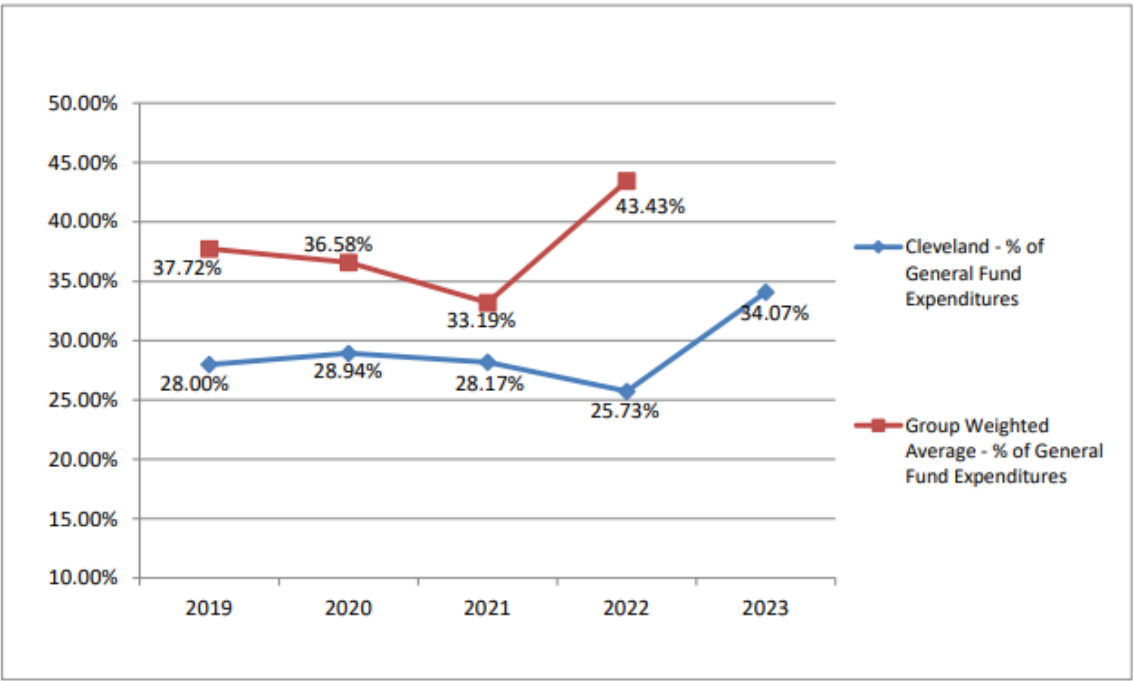
Cleveland County					
FINANCIAL INFORMATION FOR 5 YEARS					
	2023	2022	2021	2020	2019
Total Fund Balance - General Fund	61,116,538	52,415,667	47,604,888	43,358,346	41,814,971
Unavailable Fund Balance - GF (Restricted for State Statute, Inventories, Prepaids)	12,084,731	14,027,961	12,092,145	8,124,627	9,152,524
Restricted, Committed, and Assigned Fund Balance	20,237,424	24,211,176	23,942,123	22,221,989	21,098,498
General Fund Expenditures (plus transfers out less loan or lease proceeds)	143,906,103	149,202,855	126,044,415	121,748,348	116,661,057
Fund Balance Available as % of General Fund Expenditures	34.07%	25.73%	28.17%	28.94%	28.00%
Unassigned Fund Balance	40,236,496	27,600,715	23,183,392	21,136,357	20,716,473
Unassigned Fund Balance as % of General Fund Expenditures (including Transfers out)	27.96%	18.50%	18.39%	17.36%	17.76%
Revenues over (under) expenditures before transfers					
General Fund	11,922,206	6,517,194	7,570,937	1,543,375	1,979,247
Other Governmental	(8,100,954)	(4,647,128)	(3,971,064)	4,266,672	(3,444,008)
Solid Waste Fund	1,398,286	1,278,592	101,153	(8,882,344)	1,889,788
Cash vs. Fund Balance (Net Position)					
Cash - General	54,892,840	44,970,754	43,183,825	38,400,839	36,744,670
Cash - Other Governmental	101,893,275	97,545,341	31,938,159	23,823,835	18,730,281
Cash - Solid Waste	6,483,152	5,321,249	3,987,324	3,829,510	3,643,841
Fund Balance - General					
Fund Balance - General	61,116,538	52,415,667	47,604,888	43,358,346	41,814,971
Fund Balance - Other					
Governmental Funds	39,408,806	40,365,924	23,805,759	24,408,844	20,142,172
Net Position - Solid Waste	3,736,576	2,853,625	2,090,368	2,504,550	12,674,082
Property Tax Rates					
Property Tax Rates	0.6875	0.6875	0.720	0.720	0.720
Collection Percentages					
Collection Percentages	98.28%	98.61%	98.64%	97.95%	98.56%
Collection Percentages (excluding Motor Vehicle)	98.11%	98.47%	98.50%	97.76%	98.42%
Total Property Valuation					
Total Property Valuation	11,076,221,818	10,683,037,964	9,757,279,722	9,491,298,333	8,957,699,444
Total Levy Amount					
Total Levy Amount	76,149,025	73,445,886	70,252,414	68,337,348	64,495,436
Breakdown of Debt (Excl Compensated Absences, LGERS, & OPEB)					
Governmental - Limited Obligation	4,555,000	5,690,000	6,825,000	11,165,000	12,250,000
Governmental - Installment	39,755,035	45,735,636	42,265,285	43,677,082	40,361,278
Governmental - Contractual	225,514	257,360	287,653	316,391	343,837
Governmental - Leases & IT	2,233,331	93,198	1,933,173	582,019	234,447
	46,768,880	51,776,194	51,311,111	55,740,492	53,189,562

Cleveland County					
FINANCIAL INFORMATION FOR 5 YEARS					
	2023	2022	2021	2020	2019
Breakdown of General Fund Revenues					
Ad Valorem Taxes	75,473,828	72,849,603	70,089,282	67,121,084	63,822,841
Local Option Sales Tax	23,231,905	21,313,402	18,732,836	16,034,052	16,542,035
Intergovernmental Revenue	26,529,213	20,187,311	22,426,345	23,127,352	21,644,705
Permits and Fees	4,692,876	4,870,190	4,958,126	4,766,452	4,699,153
Sales and Services	17,264,628	13,525,812	9,344,541	6,159,742	7,212,000
Investment Earnings	2,032,728	62,903	359,592	1,440,177	1,026,578
Miscellaneous	968,740	910,012	1,855,674	1,376,417	610,782
Total	150,193,918	133,719,233	127,766,396	120,025,276	115,558,094
Breakdown of General Fund Expenditures					
General Government	16,996,633	13,842,507	13,565,699	11,857,287	11,625,687
Public Safety	41,920,996	33,585,034	32,291,394	29,630,164	25,391,553
Cultural & Recreational	1,347,783	1,319,010	1,346,830	1,356,649	1,320,498
Environmental Protection	251,595	189,210	215,620	192,846	167,498
Economic and Physical Developme	4,953,412	6,118,904	4,883,700	5,335,404	6,284,388
Human Services	36,053,439	33,111,859	31,912,256	33,735,619	34,799,076
Education	34,788,171	37,980,208	34,782,194	32,346,313	31,401,693
Insurance Settlements	688,580	441,555	1,019,370	1,103,744	2,481,576
Debt Service	1,271,103	613,752	178,396	177,839	106,878
Total	138,271,712	127,202,039	120,195,459	115,735,865	113,578,847

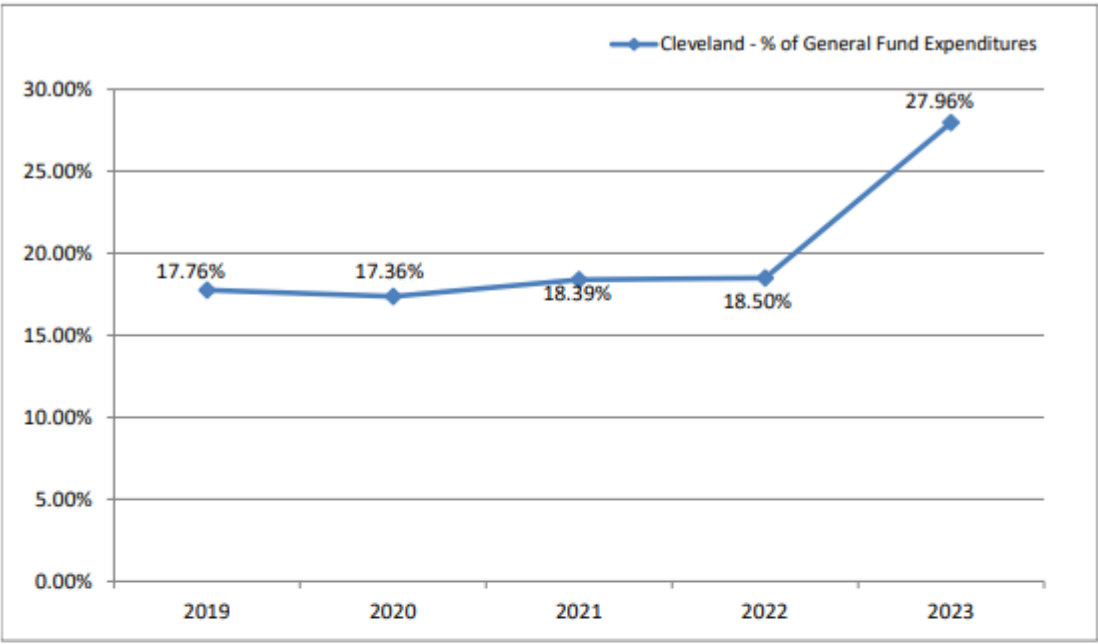
Cleveland County
Analysis of Fund Balance



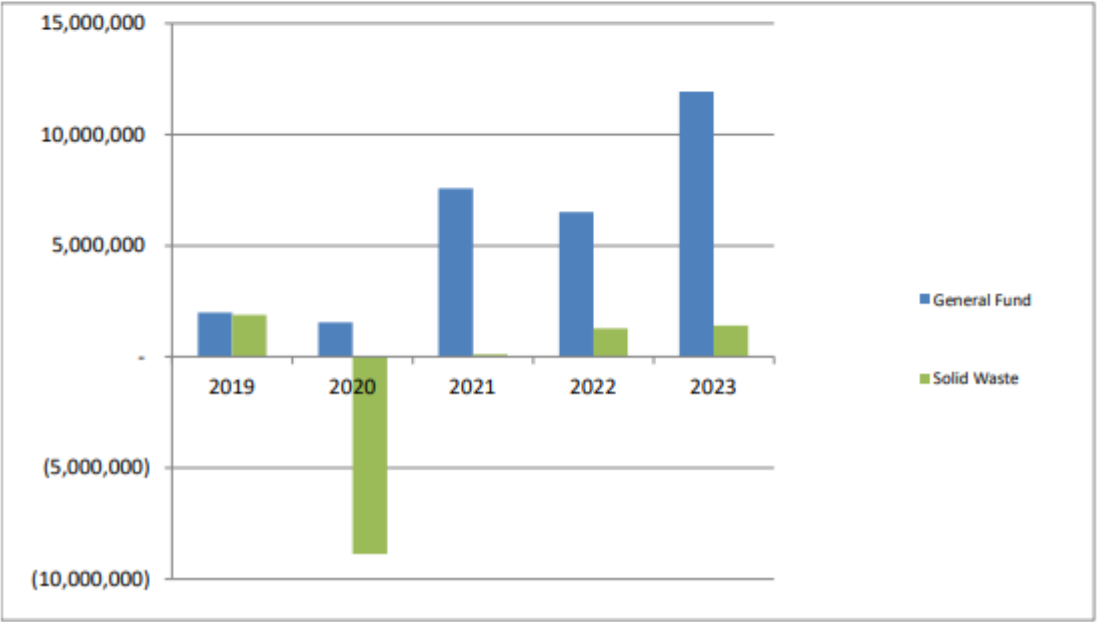
Cleveland County
Analysis of Fund Balance Available
(Note - 2022 & 2023 Group Weighted Average Not Available at Date of Presentation)



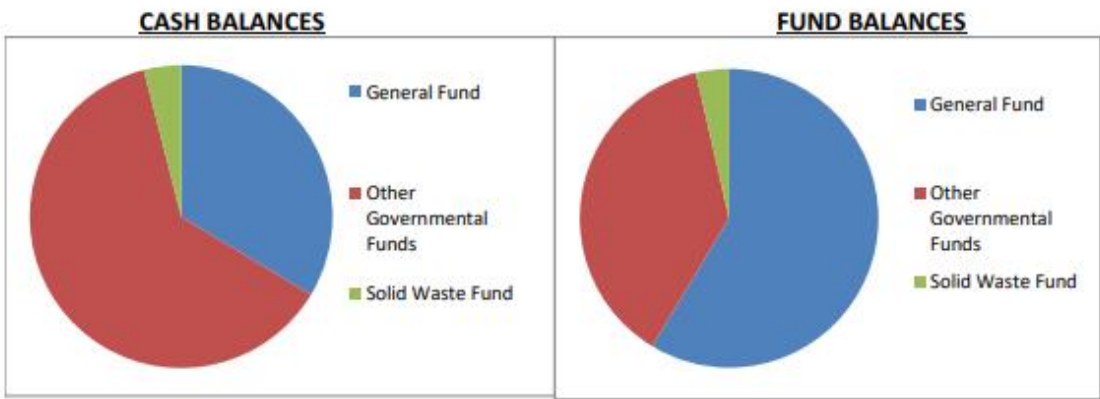
Cleveland County
Analysis of Unassigned Fund Balance as a % of General Fund Expenditures



Cleveland County
Analysis of Revenues Over (Under) Expenditures before Transfers



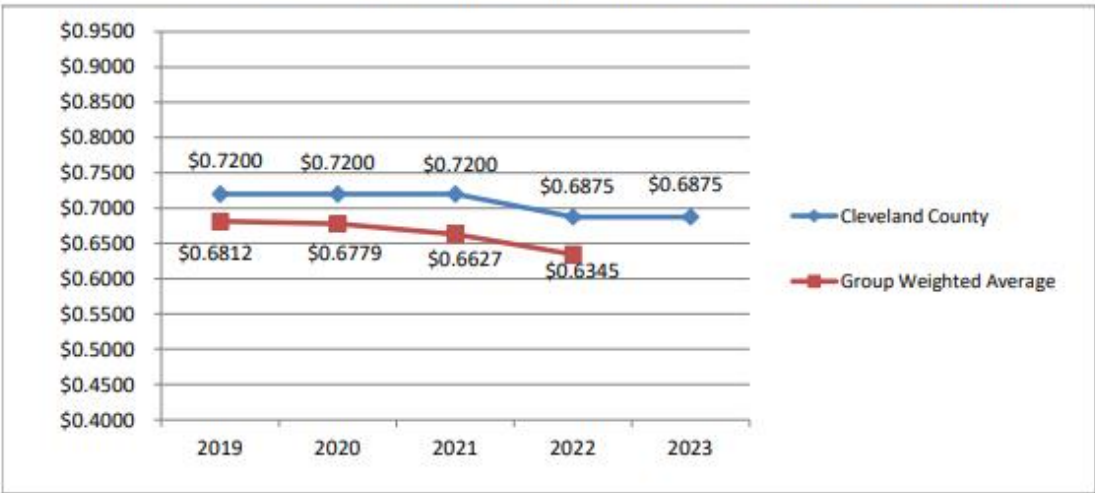
Cleveland County
Analysis of Cash and Fund Balances
at June 30, 2023



	2023	
	Cash Balances	Fund Balances
General Fund	\$ 54,892,840	\$ 61,116,538
Other Governmental Funds	101,893,275	39,408,806
Solid Waste Fund	6,483,152	3,736,576
Total	<u>\$ 163,269,267</u>	<u>\$ 104,261,920</u>

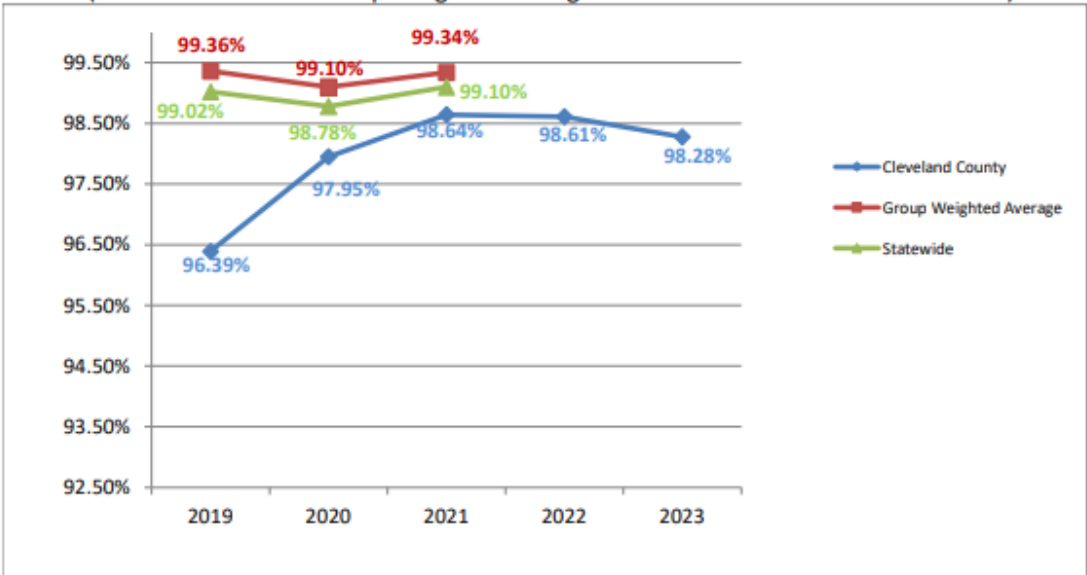
Cleveland County
Property Tax Rates

(Note - 2022 & 2023 Group Weighted Average Not Available at Date of Presentation)

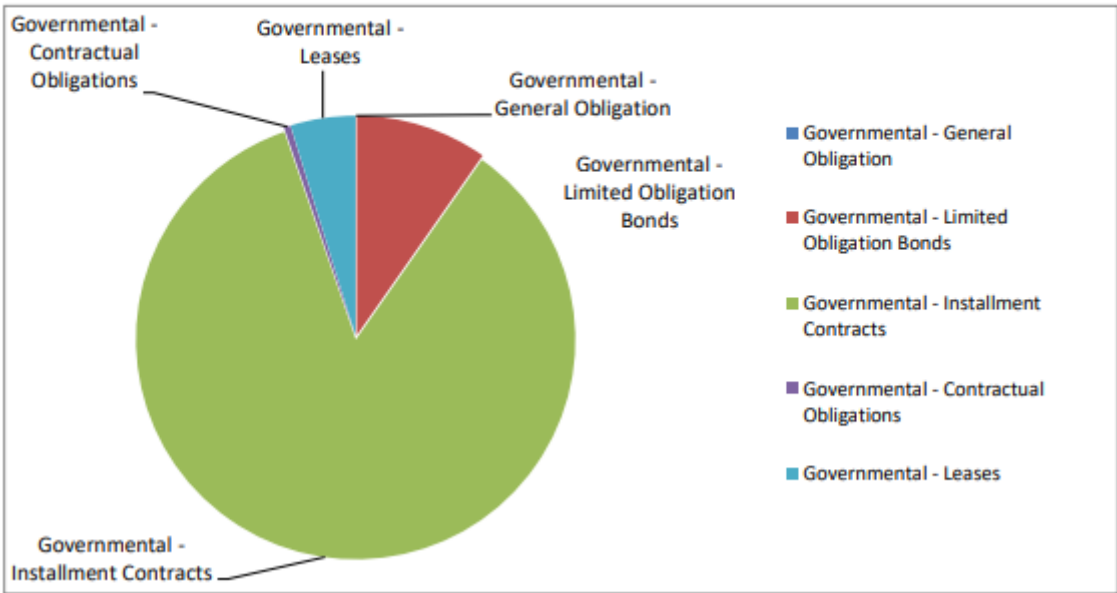


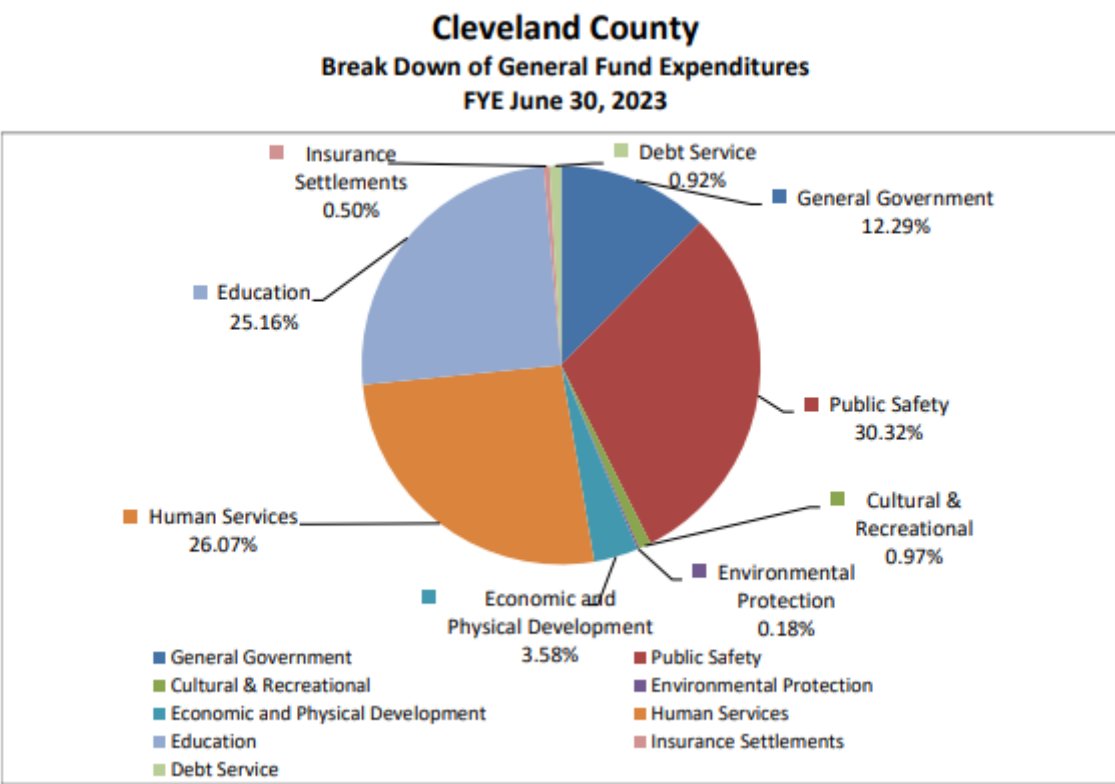
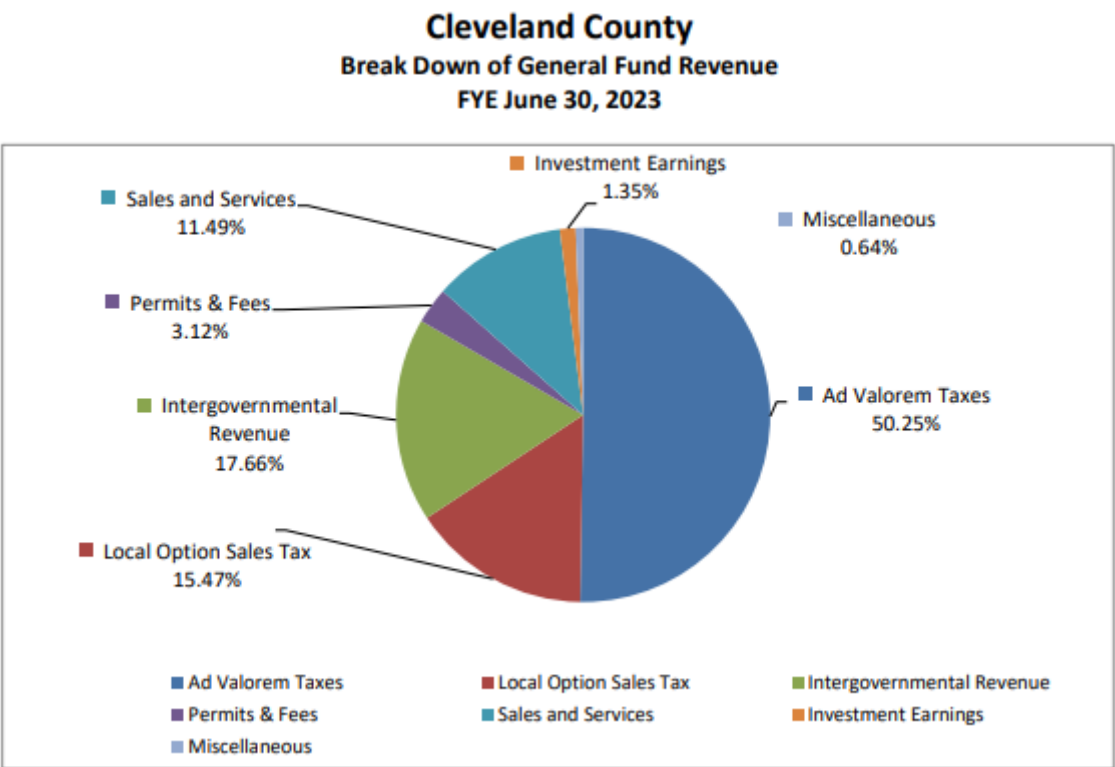
Cleveland County
Collection Percentages

(Note - 2022 & 2023 Group Weighted Average Not Available at Date of Presentation)



Cleveland County
Debt Analysis (excluding Compensated Absences & OPEB)
FYE June 30, 2023





Commissioners thanked Mr. Thompson for the information presented and the continued working relationship between Cleveland County and Thompson, Price, Scott and Adams, Co.

CLEVELAND COUNTY FAIRGROUNDS CONSTRUCTION BID AWARD

Chairman Gordon recognized Business Development Director Jason Falls to the podium to present the Cleveland County Fairgrounds construction bid award. Several years ago, the Board strengthened its relationship with the Cleveland County Fair by renewing a ten-year contract and establishing a performance contract in place. As part of the performance contract discussions, the county began evaluating the fairgrounds property. Commissioners were reminded of the two studies completed by Venial Lemmons Engineering and the other through Weathers Rivenal.

As a result of those studies, the county put out for bid a request for qualifications for a general contractor to handle many of the renovations and construction work on the fairgrounds property. That request for qualifications was awarded to Beam Construction, and priorities were placed on restrooms, the public safety base, and fencing around the fairgrounds. Beam Construction has evaluated the scope of work and provided a design-build contract with a Guaranteed Maximum Price (GMP) of \$2,775,628.51. The scope of work includes:

- Restroom renovations of five locations on the fairgrounds
- Construction of new restroom building
- Construction of two new bays for the Public Safety Base and renovation of the existing base
- Fencing around the fairgrounds

Beam Construction is comfortable with a substantial completion date for bathroom renovations by July 1, 2024, and new construction component completion by September 1, 2024, with the fair starting at the end of September 2024. Mr. Falls reviewed the site plans and layout to the Commissioners. The following PowerPoint and information were presented to the Board.



Cleveland County
Fairgrounds

Renovations and
Construction

Proposed Beam Construction Contract

- Design-Build Contract with a Guaranteed Maximum Price of \$2,775,628.51
- Scope of Work
 - Restroom renovations of 5 locations on the fairgrounds
 - Construction of new restroom building
 - Construction of two new bays for the Public Safety Base and renovation of existing base
 - Fencing around the fairgrounds
- Substantial Completion Date
 - Renovations by July 1, 2024
 - New construction components by September 1, 2024

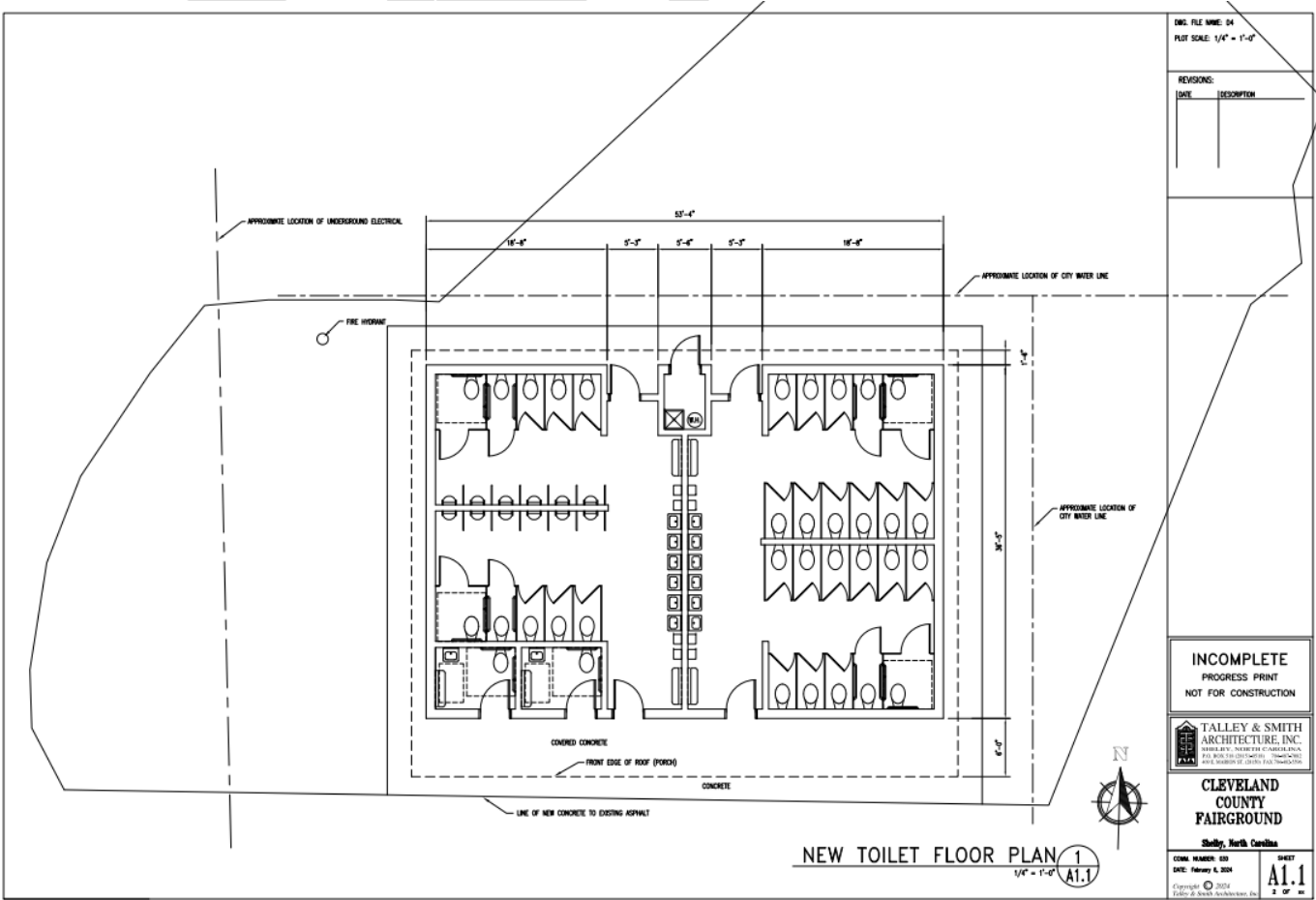
Beam Construction (Design-Build) Contract

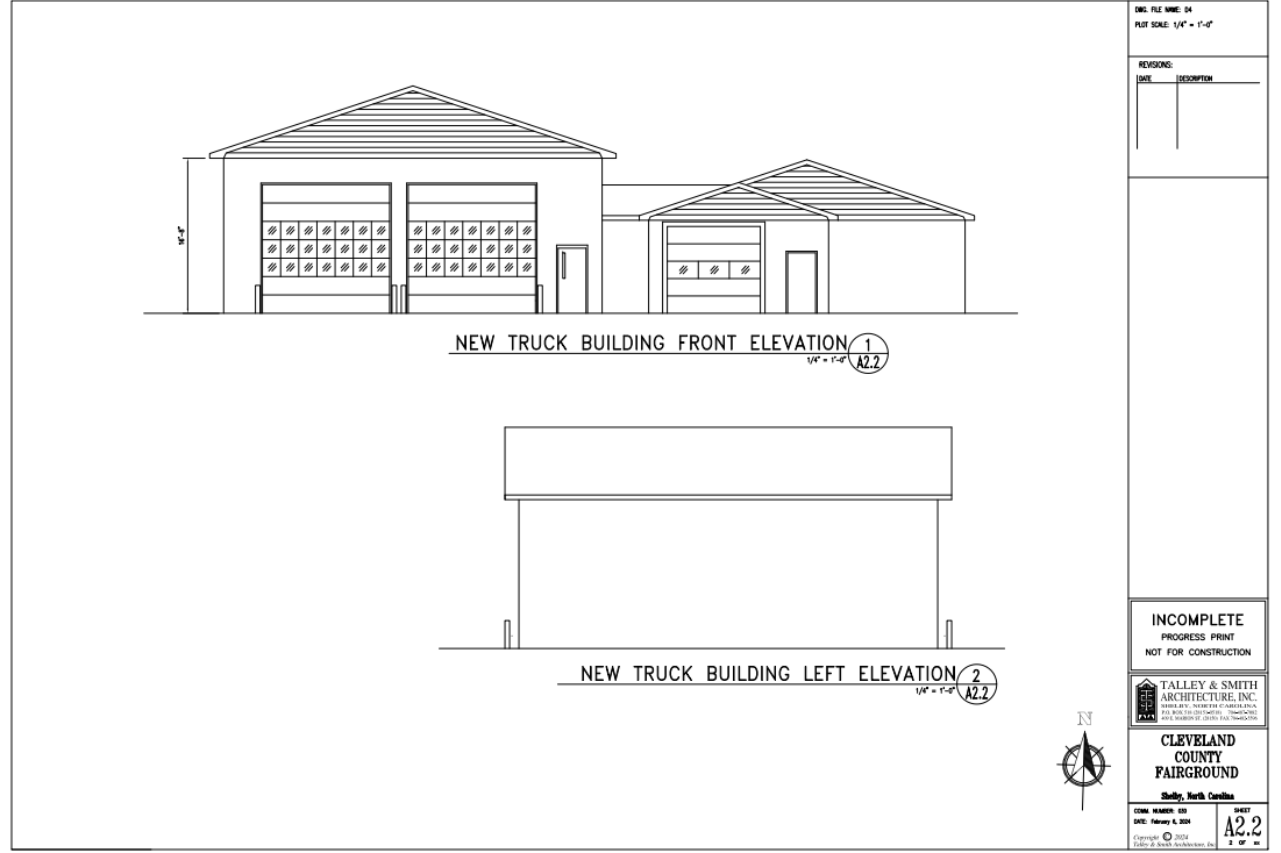
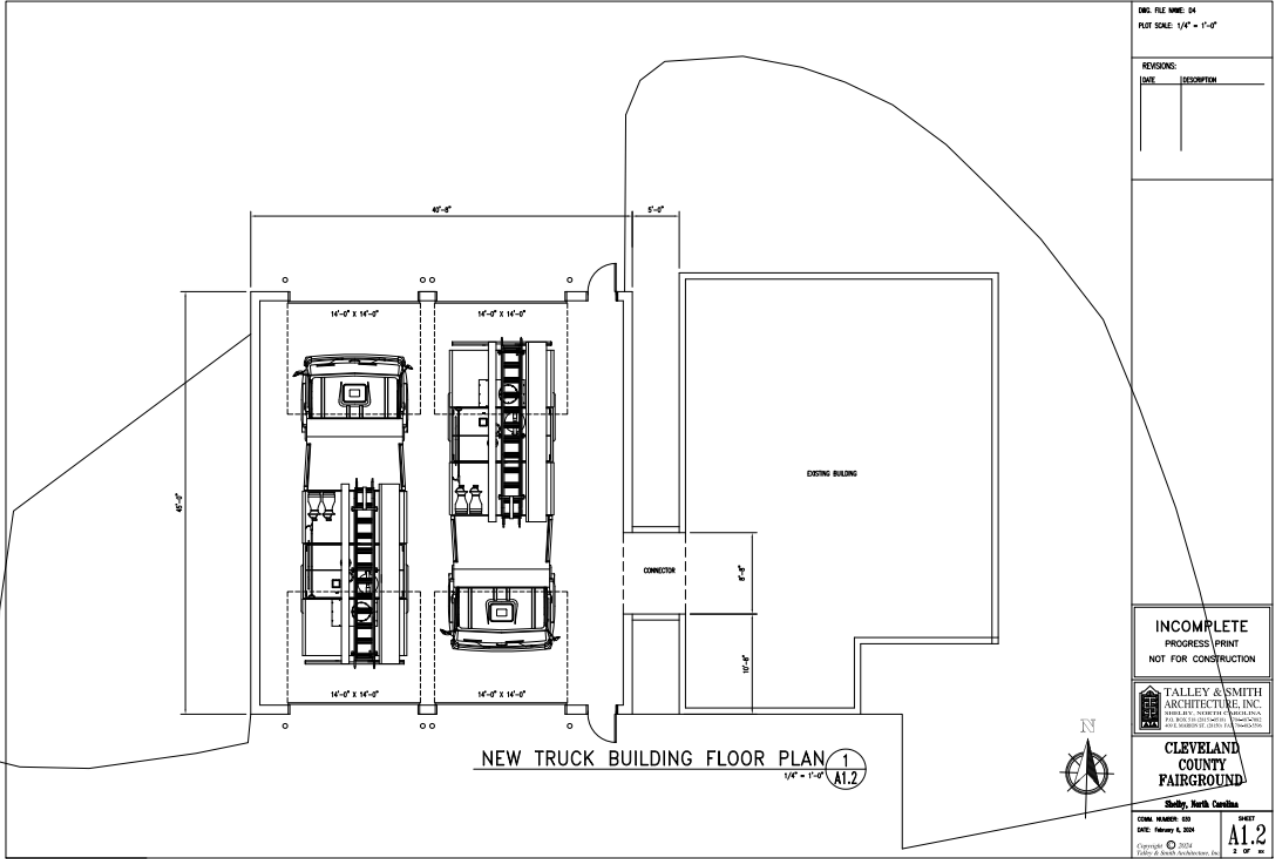
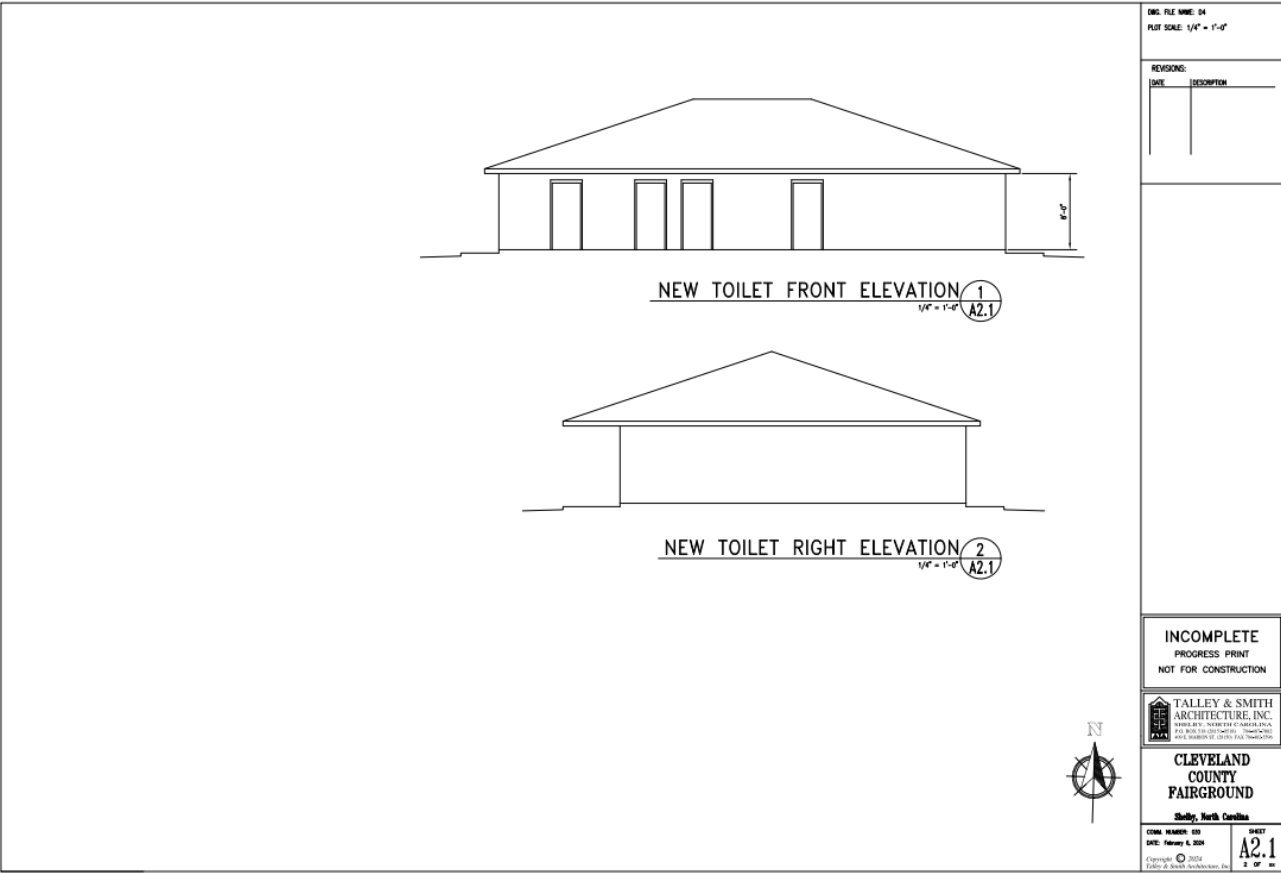
Total Project - \$2,775,628.51 (including fencing, General Conditions, taxes, contingency, and bond)



Action Requested

Approve the terms of the Design-Build Contract and authorize the County Manager to execute the contract, allocating funds per the Board of Commissioners direction.







Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners commented on the much-needed repairs and upgrades at the Cleveland County Fairgrounds. Commissioner Hutchins asked about grants the Cleveland County Fair received to make improvements. Mr. Falls advised the fairgrounds received two separate state grants that will pay for many of the renovations, however, there is still a monetary commitment from the Board of Commissioners.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously approved by the Board to, *approve the terms of the Design-Build Contract and authorize the County Manager to execute the contract, allocating funds per the Board of Commissioners' direction. (a full copy of the contract is on file in the Clerk's Office.)*

SIGNATURE PAGE

CONTRACTOR:

Contractor Name: BEAM CONSTRUCTION COMPANY INC
Contractor Address: PO BOX 129 CHERRYVILLE NC 28021
Contract: FAIRGROUNDS RENOVATIONS
For Contractor: Jason T. Raines (Signature)
Jason T. Raines (Printed Name)
Secretary/Treasurer/Principal (Printed Title) Date: 3/19/2024

CLEVELAND COUNTY:

By: DAVID COTTON

DAVID COTTON, County Manager

Date: 3/19/24

This instrument has been pre-audited in the manner required by, and complies with, Article 3 of Chapter 159 of the North Carolina General Statutes, also cited as "The Local Government Budget and Fiscal Control Act."

Theresa S. Smith 3-26-2024
Finance Officer Date

Reviewed as to form and content:

Martha A. Thompson 3/25/24
Martha Thompson Date
Chief Deputy County Attorney

BOARD APPOINTMENTS

BOARD OF ADJUSTMENT

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Bridges and unanimously adopted by the Board, to appoint Denise Wright to serve as a board member and appoint Woody Edwards to serve as an alternate member, to serve as members of this board for a period of three years, scheduled to conclude December 31, 2026.

HISTORIC PRESERVATION COMMITTEE

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, to appoint Natalie Bishop to serve as a member of this board for a period of four years, scheduled to conclude on December 31, 2027.

RECESS TO RECONVENE

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to recess to reconvene*. The next meeting of the Commission is scheduled for *Thursday, March 21, 2024, at 9:30 am in the Commissioners' Chambers*.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

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

Cleveland County Board of Commissioners
March 21, 2024

The Cleveland County Board of Commissioners met on this date at the hour of 9:30 a.m. in the Commission Chambers of the Cleveland County Administrative Offices.

PRESENT: Kevin Gordon, Chairman
Ronnie Whetstine, Vice-Chair
Johnny Hutchins, Commissioner
Doug Bridges, Commissioner
Deb Hardin Commissioner
Martha Thompson, Deputy County Attorney
David Cotton, County Manager
April Crotts, Deputy Clerk to the Board

CALL TO ORDER

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

AGENDA ADOPTION

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

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)(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.*** (Copy of closed session Minutes is sealed and found in the Closed Session Minute Book).

RECONVENE IN REGULAR SESSION

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, ***reconvene in open session.***

Chairman Gordon stated. "No action was taken; the Board held interviews for Social Services Director."

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Whetstine and unanimously adopted by the Board, ***to adjourn.*** The next meeting of the Commission is scheduled for ***Tuesday, June 6, 2023 at 6:00 pm*** in the Commissioners' Chambers.

Kevin Gordon, Chairman
Cleveland County Board of Commissioners

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

Cleveland County Board of Commissioners
April 2, 2024

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

PRESENT: Kevin Gordon, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Tim Moore, County Attorney
David Cotton, County Manager
Kerri Melton, Assistant County Manager
Betsy Harnage, Register of Deeds
Chris Martin, Planning Director
Rebecca Johnson, Interim Social Services Director
Philip Steffan, Finance Director
Martha Thompson, Deputy County Attorney
Sandra Orvig, Shooting Range Director
Tiffany Hansen, Health Department Director
Wright Adams, Library Director

CALL TO ORDER

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


AGENDA ADOPTION

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

SPECIAL PRESENTATION

NATIONAL LIBRARY WEEK 2024

Chairman Gordon called Library Director Wright Adams to the podium to present National Public Library Week 2024. Mr. Adams updated the Board on library users/visitors, services provided, collections, usage, and programming for the 2022 through 2023 Cleveland County Library System. Commissioners presented Mr. Wright with the following proclamation:



Proclamation

01-2024

National Library Week 2024

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

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

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

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

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

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


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


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


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


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


Adopted this the 2nd of April 2024.



Kevin Gordon, Chairman


Deb Hardin, Vice-Chairman


Johnny Hutchins, Commissioner



J. Ronnie Whetstone, Commissioner


Doug Bridges, Commissioner



NATIONAL HEALTH DEPARTMENT WEEK 2024

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



Proclamation

03-2024

National Public Health Week

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

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

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

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

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

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


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


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

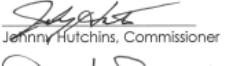
Whereas the Public Health Board for Cleveland County supports the goals and ideals of National Public Health Week, recognizes the efforts of public health professionals, local communities, and individuals in preventing disease and injury, and supports providing greater opportunities to improve community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


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


Adopted this the 2nd day of April 2024.



Kevin Gordon, Chairman


Deb Hardin, Vice-Chairman


Johnny Hutchins, Commissioner


J. Ronnie Whetstone, Commissioner


Doug Bridges, Commissioner



PUBLIC COMMENT

Linda Laine, 223 Range Road, Kings Mountain — spoke about her concerns regarding Commissioners not being included in zoning matters in a city's Extra-Territorial Jurisdiction (ETJ).

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes of the *February 6, 2024, regular meeting*, in Board Members packets.

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

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 Bridges, and passed unanimously by the Board to, *approve the late applications for exemption, exclusion, or deferral as submitted by the Tax Assessor*.



2024 Late Applications					3/19/2024
				Estimated Value to be Exempt/Deferred	Estimated Fiscal Impact (County Tax Only)
Owner Name	Parcel/Account	Physical Location	Type		
Todd Hewatt & Jennifer Hewatt	63524	335 Range Rd	present use deferment	\$ 159,290	\$ 872.11
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
Staff Recommendation:		Approve applications. All properties qualify for the exclusion or exemption requested other than the late submission of the application.			
			Total	\$ 159,290	\$ 872.11

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

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.438.4.310.00	16738-7MDTS	Law Enforcement Grants/Federal Govt Grants	\$29,225.00	
010.438.5.91.00	16738-7MDTS	Law Enforcement Grants/Capital Equipment	\$29,225.00	
<i>Explanation of Revisions: Budget allocation of \$29,225 in grant funds received from the North Carolina Department of Public Safety for the purchase of seven mobile data computers for School Resource Officers (SROs).</i>				

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #054)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
012.548.4.540.26		CODAP-SYNAR/Contracted Revenue	\$3,002.00	
012.548.5.121.00		CODAP-SYNAR/Salaries-Reg	\$978.00	
012.548.5.131.00		CODAP-SYNAR/Social Security	\$61.00	
012.548.5.132.00		CODAP-SYNAR/Retirement	\$126.00	
012.548.5.133.00		CODAP-SYNAR/Health Insurance	\$260.00	
012.548.5.134.00		CODAP-SYNAR/Dental Insurance	\$4.00	
012.548.5.135.00		CODAP-SYNAR/401K	\$59.00	
012.548.5.136.00		CODAP-SYNAR/Medicare Insurance	\$14.00	
012.548.5.581.26		CODAP-SYNAR/Awards-Appreciation	\$1,500.00	
<i>Explanation of Revisions: Budget allocation of \$3,002 in additional funds received from the North Carolina Department of Health and Human Services, Division of Mental Health/Developmental Disabilities/Substance Abuse to prevent the underage sale of tobacco products. Funds will be used to support the education and training of local tobacco retailers on responsible tobacco sales.</i>				

FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #055)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
060.651.4.465.00		Property-Liability/Admin Services Allocation	\$75,000.00	
060.651.5.420.00		Property-Liability/Contracted Services	\$20,000.00	
060.651.5.586.05		Property-Liability/Ins Claims-General	\$5,000.00	
060.651.5.586.63		Property-Liability/Ins Claims-In House Auto	\$50,000.00	
010.410.4.991.00		General Revenues/Fund Balance Appropriated	\$75,000.00	
010.981.5.465.00		Funds Transfer/Administrative Services	\$75,000.00	
<i>Explanation of Revisions: Budget allocation of \$75,000 to cover accounts through end of year and for year- end financial closing.</i>				

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

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

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

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

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

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

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



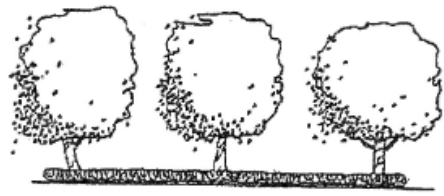
PUBLIC HEARING

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

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

Type B screening includes:

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


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

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

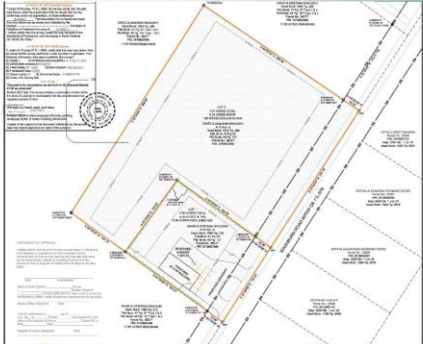
The Planning Board reviewed the case and unanimously recommended approval of the rezoning request. The Board commented that the proposed rezoning request was consistent with the Land Use Plan’s designation of Future Primary Growth, and the use was compatible with surrounding uses. The following information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


Rezoning Case 24-06

2220 Washburn Road



Site Plan



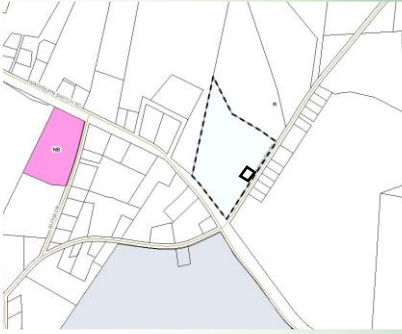



Rezoning Request



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

Zoning Map





Aerial Map

5

Land Use Map

6

Planning Board

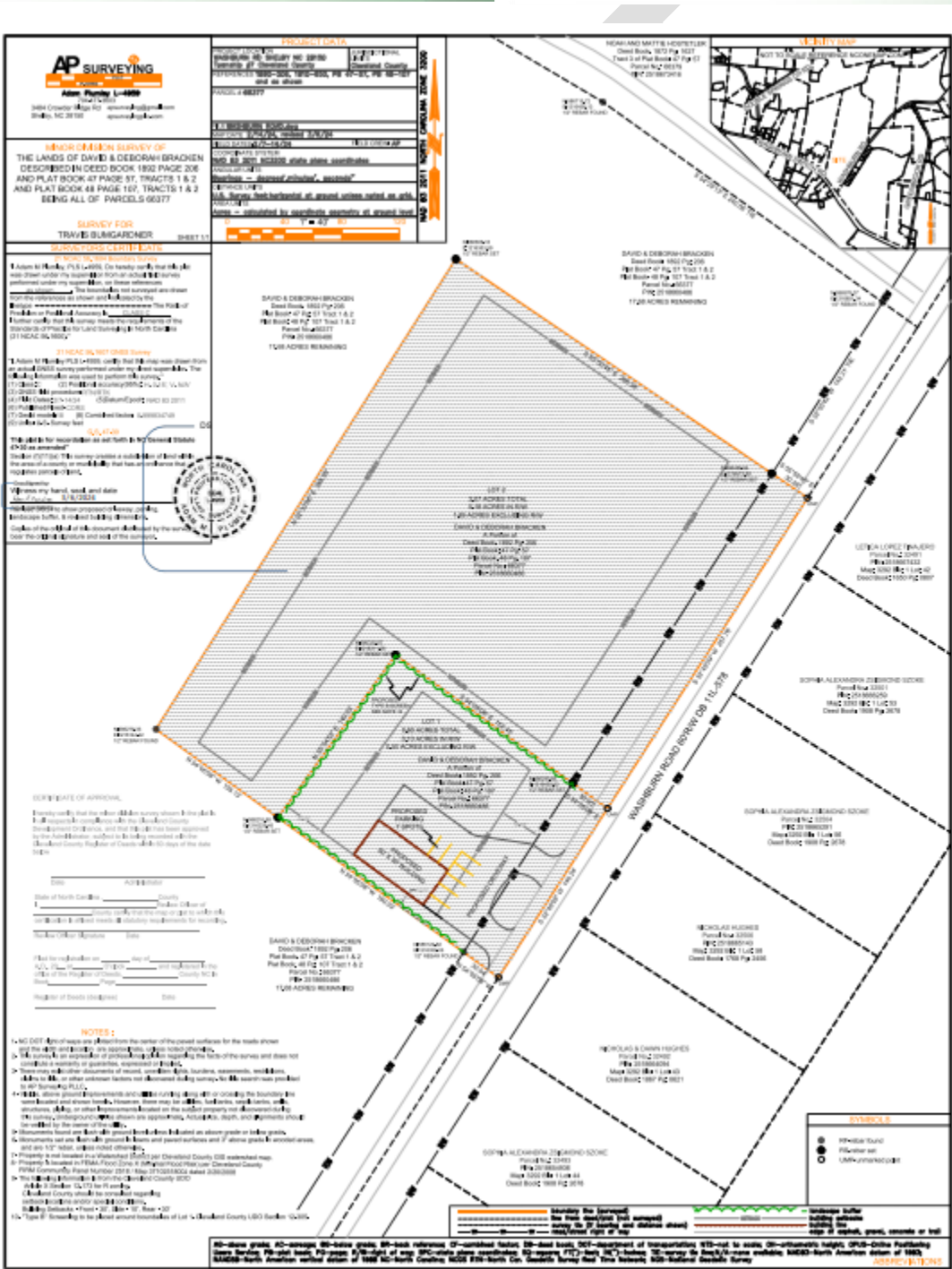
- Unanimously recommended approval of the rezoning request.
 - Primary Growth Area
 - Variety Uses
 - Compatible

7

Requested Board Action

- Public Hearing
- Approve
- Deny
- Approve with conditions

8



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

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

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

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

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

REGULAR AGENDA

JUSTICE CENTER PHASE I GROSS MAXIMUM PRICE (GMP)

Chairman Gordon recognized County Manager David Cotton to present the Justice Center Phase I Gross Maximum Price (GMP). Phase I is a rebid, including Phase II and Phase III submittals as well as drawings and engineering specifications. It represents 80% of the total construction costs for the Justice Center project, which is \$74,655,166. The amount includes the pricing on the concrete for the foundation, vertical structure steel, roofing, glass, drywall, HVACs, elevators, fire suppression, and electrical supplies. Mr. Cotton suggested cash flow for this portion of the project, postponing the borrowing for project completion. Cleveland County has the funds to pay for this portion of the construction project.

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

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *approve the Justice Center Phase I Gross Maximum Price (GMP).*

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Whetstine and unanimously adopted by the Board, *to adjourn*. The next meeting of the Commission is scheduled for *Tuesday, April 16, 2024, at 6:00 pm* in the Commissioners' Chambers.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

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

DRAFT

Cleveland County Board of Commissioners
April 16, 2024

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

PRESENT: Kevin Gordon, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Tim Moore, County Attorney
David Cotton, County Manager
Kerri Melton, Assistant County Manager
Rebecca Johnson, Interim Social Services Director
Philip Steffan, Finance Director
Sandra Orvig, Shooting Range Director
Tiffany Hansen, Health Department Director
Captain Chris Hutchins, E-911 Communications Director

CALL TO ORDER

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

Chairman Gordon announced: *“The public hearing for Project Ball has been postponed until further notice. Notification will posted when the new public hearing date is set.”*

AGENDA ADOPTION

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

SPECIAL PRESENTATION

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK 2024

Chairman Gordon recognized E911 Communications Director Captain Chris Hutchins to speak about National Public Safety Telecommunicators Week, which is April 14 – 20, 2024. This is an important week for telecommunicators as they are the unseen first responders. Board members thank Mrs. McIntyre and her staff, who were in attendance, for their dedication and commitment to the safety of Cleveland County’s residents and first responders. The following proclamation was presented to the E911 Communications staff.



CONSENT AGENDA

TAX COLLECTOR'S MONTHLY REPORT

Pursuant to North Carolina General Statute §105-350.7, the Tax Collector shall submit to the governing body, at each of its regular meetings, a report to include the amount collected on each year's taxes with which she is charged, the amount remaining uncollected, and the steps being taking to encourage payment of uncollected taxes. The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during ***March 2024.***

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

TOTAL TAXES COLLECTED MARCH 2024			
YEAR	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00
2023	\$945,463.45	\$8,521.41	\$953,984.86
2022	\$52,797.44	\$958.05	\$53,753.49
2021	\$21,339.25	\$636.71	\$21,975.96
2020	\$28,960.81	\$492.76	\$29,453.57
2019	\$4,140.01	\$0.00	\$4,140.01
2018	\$2,965.72	\$0.00	\$2,965.72
2017	\$2,300.36	\$0.00	\$2,300.36
2016	\$1,375.81	\$0.00	\$1,375.81
2015	\$1,343.84	\$0.00	\$1,343.84
2014	\$617.50	\$0.00	\$617.50
2013	\$0.00	\$0.00	\$0.00
			\$1,071,911.12
TOTALS	\$1,061,304.19	\$10,606.93	\$1,071,911.12
DISCOUNT	\$0.75		\$0.75
INTEREST	\$54,205.21	\$880.08	\$55,085.29
TOLERANCE	(\$19.40)	\$0.71	(\$18.69)
ADVERTISING	\$1,954.69	GAP BILL FEES	DEFERRED GAF
GARNISHMENT	\$6,546.77	\$1,886.06	\$6,507.79
NSF	\$241.83		
LEGAL FEES	\$3,561.18		
TOTALS	\$1,127,795.22	\$13,373.78	
MISC FEE	\$0.00		
TAXES COLL	\$1,127,795.22		GRAND TOTAL
DEF	\$9,941.22		\$1,141,169.00
DISC	(\$2.43)		\$11,330.83
TOL	\$0.00		\$6,507.79
INT	\$1,392.04		\$1,159,007.62
TOTAL TAXES UNCOLLECTED MARCH 2024			
	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
2023	\$2,870,543.25	\$150,385.03	\$3,020,928.28
2022	\$1,128,942.66	\$99,557.12	\$1,228,499.78
2021	\$404,654.39	\$66,530.39	\$471,184.78
2020	\$316,261.08	\$33,418.89	\$349,679.97
2019	\$488,843.09	\$0.00	\$488,843.09
2018	\$248,418.02	\$0.00	\$248,418.02
2017	\$139,520.16	\$0.00	\$139,520.16
2016	\$97,272.19	\$0.00	\$97,272.19
2015	\$93,022.00	\$0.00	\$93,022.00
2014	\$104,876.78	\$0.00	\$104,876.78
2013	\$0.00	\$0.00	\$0.00
	\$5,892,353.62	\$349,891.43	\$6,242,245.05
DEF REV	\$25,511.57	\$168,020.19	\$193,531.76
TOTAL UNCOLLECTED	\$5,917,865.19	\$517,911.62	\$6,435,776.81

TAX ADMINISTRATION: ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *March 2024*. The monthly grand total for tax abatements was listed as (\$1,300.67), and the monthly grand total for tax supplements was listed as \$4,812.91.

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

FINANCE DEPARTMENT: BUDGET TRANSFER SUMMARY

As required by North Carolina General Statute §159-15, all internal transfers shall be submitted to the Board of Commissioners. The budget transfer summary from March 5 through April 5, 2024, is included in Commissioner packets.

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

BUDGET TRANSFERS LEGEND: D = DEPARTMENTAL; L = LATERAL

BUD #	BUDGET TYPE	DATE SUBMITTED BY DEPT	DEPT #	DEPT TO NAME	DEPT #	DEPT FROM NAME	EXPLANATION	BUDGET AMOUNT
1904	D	3/5/2024	010.448	Communications			Move funds to cover uniform shirts	\$ 1,600.00
1905	D	3/5/2024	010.444	Detention Center			Move funds to cover uniforms	\$ 10,000.00
1906	D	3/7/2024	040.210	Cap Projs-General			Move funds to cover Office365 licenses	\$ 46,870.00
1907	D	3/11/2024	012.532	TB/STD/CD			Move funds to cover controlled property exp	\$ 2,300.00
1908	D	3/11/2024	055.480	LeGrand Center			Move funds to cover maint bldg/grounds & laundry/dry cleaning	\$ 9,500.00
1909	D	3/11/2024	010.413	Finance			Move funds to cover insurance/bonding	\$ 3,000.00
1910	D	3/11/2024	010.416	Legal			Move funds to cover professional servs	\$ 25,000.00
1911	D	3/14/2024	027.434	ARPA			Move funds to cover plate fees	\$ 54.00
1912	D	3/15/2024	010.445	Emergency Mgmt			Move funds to cover repairs on equipment	\$ 275.00
1913	D	3/15/2024	054.473	SW Landfill			Move funds to cover rentals	\$ 6,000.00
1914	D	3/18/2024	010.446	EMS			Move funds to cover EMS Week expenses	\$ 5,000.00
1915	D	3/19/2024	010.423	Human Resources			Move funds to cover professional servs	\$ 7,000.00
1916	D	3/19/2024	060.651	Property/Liability			Move funds to cover professional servs/ins claims-auto	\$ 5,000.00
1917	D	3/19/2024	010.446	EMS			Move funds to cover dues/subscriptions	\$ 9,000.00
1918	D	3/20/2024	010.542	Animal Servs			Move funds to cover maint bldg/grounds; software training; professional servs	\$ 20,668.00
1919	D	3/22/2024	010.413	Finance			Move funds to cover contracted labor	\$ 6,425.00
1920	D	3/25/2024	060.651	Property/Liability			Move funds to cover in house ins claims	\$ 18,000.00
1921	D	3/25/2024	012.539	Family Planning			Move funds to cover prescription drugs	\$ 10,000.00
1921	D	3/25/2024	012.545	Nurse Family Partnership			Move funds to cover advertising/promotions	\$ 4,000.00
1922	D	3/26/2024	010.495	Cooperative Ext			Move funds to cover deparmental supply	\$ 1,070.00
1923	D	3/27/2024	010.440	SRO			Move funds to cover motor fuels	\$ 6,000.00
1924	D	3/28/2024	010.441	Sheriff Office			Move funds to cover uniforms/advertising/promotions	\$ 8,000.00
1925	D	3/28/2024	010.542	Animal Services			Move funds to cover motor fuels	\$ 17,000.00
1926	D	4/5/2024	010.445	Emergency Mgmt			Move funds to cover software license	\$ 6,600.00

E911 COMMUNICATIONS: BUDGET AMENDMENT (BNA #057)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
026.454.4.350.00	24PSAP-RADIOS	911 Phone Center/State Govt Grants	\$35,077.00	
026.454.5.700.00	24PSAP-RADIOS	911 Phone Center/Grants	\$35,077.00	
<i>Explanation of Revisions: Budget allocation of \$35,077 in grant funds received for the 2023 Portable PSAP Grant to purchase six portable radios and chargers.</i>				

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #058)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
013.660.4.510.78		Employee Wellness/Wellness Tier 5 Pharm Fees	\$273,000.00	
013.660.5.230.01		Employee Wellness/Prescription Drugs	\$273,000.00	
<i>Explanation of Revisions: Budget allocation of \$273,000 in receipts of Tier drug rebates to cover prescription drug costs.</i>				

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #059)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
012.541.4.350.00		Environmental Health/State Govt Grants	\$14,820.00	
012.541.5.121.00		Environmental Health/Salaries-Wages-Reg	\$14,820.00	
<i>Explanation of Revisions: Budget allocation of \$14,820 in grant funds from the NC Department of Health and Human Services/Environmental Section/Food Protection and Facilities Branch. These funds will be used to support existing salaries.</i>				

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #060)

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, 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>
012.530.4.350.00		General Administration/State Govt Grants	\$50,000.00	
012.530.5.370.00		General Administration/Advertising-Promotions	\$10,000.00	
012.530.5.910.00		General Administration/Capital Equipment	\$40,000.00	

Explanation of Revisions: Budget allocation of \$50,000 in grant funds from the NC Department of Health and Human Services to support activities to support delivery of the ten essential public health services. These funds will be used towards advertising and purchasing an underground sewer locator for the Environmental Health Department.

REGULAR AGENDA

E-911 AND EMERGENCY OPERATIONS CENTER BID AWARD


Chairman Gordon recognized Facilities Project Manager Blake Myers to present the E-911 and Emergency Operations Center (EOC) bid award. Cleveland County plans to construct a new E-911 and Emergency Operations Center located at 1333 Fallston Road in Shelby, which is the current location of the American Red Cross (ARC) building. In February 2024, the county received bids for the construction project. After evaluating the bid documents, staff recommend awarding the project to JM Cope, Inc.

In August 2022, Cleveland County Government received a grant to construct a new E-911 Center. The county will also construct an EOC adjacent to the new E-911 Center. These are two separate buildings. To meet the grant criteria, the E-911 Center was considered the base bid, while the Emergency Operations Center was bid as an Alternate. JM Cope Inc. was the lowest Base Bidder in the amount of \$5,227,139. Cleveland County is recommending the award of the Base Bid and Alternate 2 to JM Cope, Inc. The county will continue negotiating and working through value engineering on Add Alternate 1- Emergency Operations Center. This part of the overall project will be approved via change order. Other general information of the construction project include:

- Budget:
- Total 911 Budget: \$7,287,755
 - Construction \$4,070,993
 - Other \$3,126,762
- Size: 911 Facility 5,383 SF / EOC 2,475 SF
- Schedule: 15 Months for Substantial Completion


- Bid Amounts
- Low Base Bid: \$5,227,139.00
 - Alt #1 EOC: \$2,396,254
 - Value Engineering Underway
 - Alt #2 Added Paving: \$17,000
 - Alt #3 Controls Preferred:

The following information and PowerPoint were presented to the Commissioners.


GENERAL INFORMATION

- **LOCATION:** 1333 Fallston Road
Red Cross Building
- **BUDGET:**
 - Total 911 Budget: \$7,287,755
 - Construction \$4,070,993
 - Other \$3,126,762
- **SIZE:** 911 Facility 5,383 SF / EOC 2,478 SF
- **SCHEDULE:** 15 Months For Substantial Completion



BID AMOUNTS

- **LOW BASE BID:** \$5,227,139.00
- **Alt #1 EOC:** \$2,396,284
 - Value Engineering Underway
- **Alt #2 Added Paving:** \$17,000
- **Alt #3 Controls Preferred:** \$0.00



STAFF RECOMMENDATION

- **ACCEPT:** Base Bid + Alt #2 + Alt #3
- **TOTAL AWARD:** \$5,244,139.00
- **CONTRACTOR:** JM Cope Construction
- **Move forward with Value Engineering for EOC**
- **Apply for additional funding from 911 Board**

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Whetstine asked if the construction company was confident about the 15-month completion date. Mr. Myers advised that they were. They can begin as soon as the contract is approved. Commissioner Bridges inquired if the new construction would have adequate room and space to support the employees for the next several years. Mr. Myers responded that it would. The current plan was designed with future expansion growth in mind. Staff have considered and incorporated E-911 call center growth into this facility design.

Chairman Gordon questioned when the county would notify the construction company to proceed. County Manager David Cotton replied, *“Following the Board of Commissioner’s direction and guidance, staff will negotiate the price for the alternates and bring that amount(s) back to you for review and approval consideration within the next month or two. Once approved, we will issue the notice to proceed.”*

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, ***accept the Base Bid + Alt #2 + Alt #3 as presented.*** (a full copy of the contract is on file in the Clerk’s Office.)

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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.*** (Copy of closed session Minutes are 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 decided to appoint Rebecca Johnson to serve as the Cleveland County Social Services Director.*”

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, ***appoint Rebecca Johnson to serve as the Cleveland County Social Services Director effective immediately with a nine-month probationary period.***

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Whetstine and unanimously adopted by the Board, ***to adjourn.*** The next meeting of the Commission is scheduled for ***Tuesday, May 7, 2024, at 6:00 pm*** in the Commissioners’ Chambers.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

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

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

April 2024 Abatements and Supplements

Department: Tax Administration

Agenda Title: April 2024 Abatements and Supplements

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> abate_supp_report_april_2024.xlsx	042024 Abate and Suppl

ABATEMENTS & SUPPLEMENTS

MONTH OF

APRIL

2023-2024

DISTRICT	FUND		2024
<u>COUNTY GENERAL</u>	<u>10</u>	ABATEMENTS	1,317.83
		SUPPLEMENTS	14,558.69
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	(147.30)
<u>CONSOLIDATED SCHOOL</u>	<u>20</u>	ABATEMENTS	336.98
		SUPPLEMENTS	3,725.61
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	(37.67)
<u>COUNTY FIRE</u>	<u>28</u>	ABATEMENTS	210.61
		SUPPLEMENTS	831.66
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	(15.23)
<u>COUNTY SCHOOLS</u>	<u>71</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
<u>SHELBY SCHOOLS</u>	<u>72</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
<u>KINGS MTN SCHOOLS</u>	<u>73</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	

		GAP SUPPLEMENTS	
FALLSTON FIRE	74	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
LATTIMORE FIRE	75	ABATEMENTS	
		SUPPLEMENTS	108.19
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
RIPPY FIRE	76	ABATEMENTS	
		SUPPLEMENTS	48.16
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	10-76		1,865.42
TOTAL SUPPLEMENTS	10-76		19,272.31
TOTAL HB ABATEMENTS	10-76		0.00
TOTAL HB SUPPLEMENTS	10-76		0.00
TOTAL GAP ABATEMENTS	10-76		0.00
TOTAL GAP SUPPLEMENTS	10-76		(200.20)
CITY OF SHELBY	77	ABATEMENTS	
		SUPPLEMENTS	3,089.44
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	(49.16)
TOTAL ABATEMENTS	77		0.00
TOTAL SUPPLEMENTS	77		3,040.28
TOWN OF BOILING SPRGS	78	ABATEMENTS	
		SUPPLEMENTS	50.45
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	

TOTAL ABATEMENTS	78		0.00
TOTAL SUPPLEMENTS	78		50.45
<u>TOWN OF GROVER</u>	<u>79</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	79		0.00
TOTAL SUPPLEMENTS	79		0.00
<u>CITY OF KINGS MOUNTAIN</u>	<u>80</u>	ABATEMENTS	
		SUPPLEMENTS	4,395.22
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	80		0.00
TOTAL SUPPLEMENTS	80		4,395.22
<u>TOWN OF LATTIMORE</u>	<u>81</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	81		0.00
TOTAL SUPPLEMENTS	81		0.00
<u>UPPER CLEVE WATER DIST</u>	<u>82</u>	ABATEMENTS	48.14
		SUPPLEMENTS	225.86
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	(3.48)
TOTAL ABATEMENTS	82		48.14
TOTAL SUPPLEMENTS	82		222.38
<u>TOWN OF KINGSTOWN</u>	<u>83</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	

TOTAL ABATEMENTS	83		0.00
TOTAL SUPPLEMENTS	83		0.00
<u>TOWN OF FALLSTON</u>	<u>84</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	84		0.00
TOTAL SUPPLEMENTS	84		0.00
<u>TOWN OF EARL</u>	<u>85</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	85		0.00
TOTAL SUPPLEMENTS	85		0.00
<u>TOWN OF POLKVILLE</u>	<u>86</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	86		0.00
TOTAL SUPPLEMENTS	86		0.00
<u>TOWN OF LAWNSDALE</u>	<u>87</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	87		0.00
TOTAL SUPPLEMENTS	87		0.00
<u>TOWN OF CASAR</u>	<u>88</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	

TOTAL ABATEMENTS	88		0.00
TOTAL SUPPLEMENTS	88		0.00
<u>TOWN OF WACO</u>	<u>89</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	89		0.00
TOTAL SUPPLEMENTS	89		0.00
<u>TOWN OF PATTERSON SPRGS</u>	<u>91</u>	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	91		0.00
TOTAL SUPPLEMENTS	91		0.00
TOWN OF BELWOOD	92	ABATEMENTS	
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	92		0.00
TOTAL SUPPLEMENTS	92		0.00
<u>S/W COLLECTIONS</u>	<u>54</u>	ABATEMENTS	25.00
		SUPPLEMENTS	
		HB ABATEMENTS	
		HB SUPPLEMENTS	
		GAP ABATEMENTS	
		GAP SUPPLEMENTS	
TOTAL ABATEMENTS	54		25.00
TOTAL SUPPLEMENTS	54		0.00
TOTAL REG ABATEMENTS	10-92		1,938.56
TOTAL REG SUPPLEMENTS	10-92		27,033.28
TOTAL HB ABATEMENTS	10-92		0.00
TOTAL HB SUPPLEMENTS	10-92		0.00
TOTAL GAP ABATEMENTS	10-92		0.00
TOTAL GAP SUPPLEMENTS	10-92		(252.84)

PAGE TOTALS	10-92	ABATEMENTS	1,938.56
PAGE TOTALS	10-92	SUPPLEMENTS	26,780.44
MONTHLY GRAND TOTAL		ABATEMENTS	(1,136.99)
MONTHLY GRAND TOTAL		SUPPLEMENTS	27,195.22

SHERRY LAVENDER
TAX ASSESSOR

PROPERTY AND HB20

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

(2,409.43)	111.27	(153.24)	(95.76)	(95.76)	(91.59)	(91.59)	(83.15)
183.71	183.71	47.36	0.00	0.00	0.00	0.00	0.00

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

(83.15)	(83.15)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Late Applications for Exemption / Exclusion / Deferral

Department: Tax Administration

Agenda Title: Late Applications for Exemption / Exclusion / Deferral

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Staff_Report_Late_Applications.pdf	Late Applications

STAFF REPORT

To: County Commissioners Meeting Date: May 7, 2024
Via: David Cotton, County Manager
From: Sherry Lavender, Tax Administrator
Subject: Late Applications for Exemption / Exclusion / Deferral

Summary Statement: Approve or deny late applications.

Review: Per N.C.G.S. 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.

This matter is submitted for consideration as a Consent Agenda item at the County Commissioner's Board meeting scheduled for May 7, 2024.

Fiscal Impact: Estimated \$ 462.61

Recommendation: Approve application. Property qualifies for the exclusion or exemption requested other than being untimely filed with the Assessor's Office.

Attachment:
(1) Roster of Applicants



2024 Late Applications					5/7/2024
				Estimated Value to be	Estimated Fiscal Impact
Owner Name	Parcel/Account	Physical Location	Type	Exempt/Deferred	(County Tax Only)
Habitat for Humanity	66630	242 Young Street	Charitable Low Cost Housing	\$ 67,229	\$ 368.08
Habitat for Humanity	66629	240 Young Street	Charitable Low Cost Housing	\$ 8,883	\$ 48.63
Habitat for Humanity	22701	1002 W Oak Street	Charitable Low Cost Housing	\$ 8,383	\$ 45.90
					\$ -
					\$ -
					\$ -
					\$ -
Staff Recommendation:	Approve applications. All properties qualify for the exclusion or exemption requested other than the late submission of the application.				
			Total	\$ 84,495	\$ 462.61

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Budget Transfer Summary

Department: Finance Department
Agenda Title: Budget Transfer Summary
Agenda Summary:
Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 5.7.24_Comm_Mtg_Budget_Summary.pdf	Budget Transfer Summary

County of Cleveland, North Carolina
Manager's Budget Summary
Presented at the May 7, 2024 Board Meeting
Time Period Covered : 4/5/24 thru 4/25/24
For Fiscal Year Ending June 30, 2024

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
1927	D	4/9/2024	060.650	Workers Comp			Move funds to cover professional services	\$ 39,675.00
1928	D	4/10/2024	060.651	Property/Liability			Move funds to cover professional servs/ins claims-auto	\$ 19,407.00
1929	D	4/11/2024	010.542	Animal Services			Move funds to cover auto supplies and licenses	\$ 3,032.00
1930	D	4/13/2024	010.415	Tax Admin			Move funds to cover departmental supplies	\$ 2,000.00
1931	L	4/16/2024	012.530	Health Admin	010.426	Maintenance	Transfer funds to hlth dept sal/frgs as employee is being charged to FD12 instead of FD10 where bud	\$ 53,220.00
1932	D	4/16/2024	010.422	Travel & Tourism			Move funds to cover laptop purchase	\$ 1,822.00
1933	D	4/17/2024	010.800	Debt Service			Move funds appropriate account to cover ambulance lease pymt	\$ 524,059.00
1934	D	4/17/2024	010.444	Detention Ctr			Move funds to cover uniforms	\$ 3,000.00
1935	L	4/17/2024	010.612	Recreation	010.998	Contingency	Transfer funds to cover BRGW Ranger salary/fringes	\$ 7,914.00
1936	D	4/19/2024	054.473	SW Landfill			Move funds to cover trash compactor	\$ 1,128,892.00
1937	D	4/18/2024	010.444	Detention Ctr			Move funds to cover booking camera	\$ 2,600.00
1938	D	4/19/2024	010.419	Register of Deeds			Move funds to cover pension and repairs on equipment	\$ 3,171.00
1939	D	4/19/2024	010.443	State Forfeiture			Move funds to cover dept supplies / investigations	\$ 116.00
1940	D	4/19/2024	010.611	Library			Move funds to cover library books	\$ 1,000.00
1941	D	4/19/2024	010.412	Manager's Office			Move funds to cover contracted services	\$ 1,000.00
1942	D	4/19/2024	010.446	EMS			Move funds to cover travel/training	\$ 4,000.00
1943	L	4/22/2024	010.497	TACC	011.508	Income Maint	Transfer unused DSS ROAP pass thru funds to TACC	\$ 30,216.00
1944	L	4/22/2024	VAR	DSS	VAR	DSS	Transfer funds among DSS depts to cover accts thru year end	\$ 827,345.00
1945	D	4/24/2024	012.550	Primary Care			Move funds to cover accounts thru year end	\$ 505,949.00
1946	D	4/25/2024	012.540	WIC			Move funds to cover supplies, trainings	\$ 1,660.00
1947	D	4/25/2024	012.541	Env Health			Move funds to cover uniforms	\$ 612.00
1947	D	4/25/2024	012.547	CC4C-PCM			Move funds to cover advertising	\$ 100.00
1947	D	4/25/2024	013.660	Employee Wellness			Move funds to cover controlled property exp	\$ 848.00
1947	D	4/25/2024	012.530	Health Admin			Move funds to cover postage	\$ 500.00
1947	D	4/25/2024	012.534	School Health			Move funds to cover awards/appreciation	\$ 100.00
1948	D	4/25/2024	010.440	SRO			Move funds to cover motor fuels	\$ 600.00

1949	D	4/25/2024	010.444	Detention Ctr			Move funds to cover motor fuels	\$ 1,200.00
1950	D	4/25/2024	010.441	Sheriff's Office			Move funds to cover controlled property exp	\$ 5,287.00

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Emergency Management: Budget Amendment (BNA#061)

Department: Emergency Management
Agenda Title: Budget Amendment (BNA#061)
Agenda Summary:
Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> BNA061_5.7.24.pdf	Emergency Management Budget Amendment BNA#061

BNA

De 1

May 7, 2024

SIGNATURES:

Finance Officer

Department Manager

[illegible]

Explanation of Revisions: Budget funds received from Duke Energy to be used to purchase fire extinguisher simulator for Catawba Nuclear Station

THE ABOVE AMENDMENT HAS BEEN APPROVED AND RECORDED IN THE MINUTES OF THE COUNTY COMMISSIONERS' MEETING ON _____
(Date)

Phyllis Nowlen, Clerk to the Board

RETURN TO FINANCE OFFICE and Forward copy via email to Tonya.Brittain@clevelandcountync.gov

cc: Personnel Batch # _____
cc: Purchasing Date: _____
By: _____

KF3112 DUPLICATE CASH RECEIPT 13:47:55 15 APR 2024

Deposit Number -

TOTAL RECEIPTS	49,200.00
----------------	-----------

49884

010.445 4 405 00

Fy24 Duke ~~Energy~~ Power Grant



Payment Advice

12 January 2024 9:41:09 AM
Page 1 of 1

To:

Vendor Name: COUNTY OF CLEVELAND
Vendor Address: EMERGENCY MANAGEMENT
1333 FALLSTON RD
SHELBY NC,
USA
Vendor Number: VNDRNUCLRDUKEN0000090810
Vendor Account #: XXXXXX6142

Reference Information

Pay Cycle: DUKE1
Pay Cycle Seq Number: 4094

Payment Information

Payment Reference: 1000481833
Electronic Payment Reference: AP0002062973
Payment Date: 01/12/2024
Payment Method: Automated Clearing House
Bank ID: 253170279 Bank Name: HOMETRUST BANK
Bank To Information: XXXXXX6142
Bank To Account: XXXXXX6142

Branch ID Branch Name

Invoice Number	Invoice Date	Voucher ID	PO Number	Gross Amount	Discount Taken	Paid Amt
20231107	11/07/2023	10577023		49,200.00	0.00	49,200.00
			Total:	49,200.00	0.00	49,200.00 USD

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Register of Deeds: Budget Amendment (BNA#062)

Department: Register of Deeds

Agenda Title: Budget Amendment (BNA#062)

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> BNA062_5.7.24.pdf	Register of Deeds Budget Amendment BNA#062

BNA # 062

May 7, 2024

Finance Officer
Betsy S Harnage

Department Manager

FROM: BUDGET OFFICER
THRU: FINANCE OFFICE
FOR DEPT: Register of Deeds

DATE: 4/1/2024

[illegible]

Explanation of Revisions: Budget donation rec'd from citizen to be used towards lunch for ROD staff

THE ABOVE AMENDMENT HAS BEEN APPROVED AND RECORDED IN THE MINUTES OF THE COUNTY COMMISSIONERS' MEETING ON _____
(Date)

Phyllis Nowlen, Clerk to the Board

RETURN TO FINANCE OFFICE and Forward copy via email to Tonya.Brittain@clevelandcountync.gov

cc: Personnel Batch # _____
cc: Purchasing Date: _____
By: _____

CLEVELAND COUNTY

KF3112

DUPLICATE CASH RECEIPT

12:05:50 16 APR 2024

Receipt Number 51811 Deposit Number -
Date 04/02/2024
Payer DEBRA SMITH
Description DM SMITH ROD DONTATION
Type Cash
Cash Account 010-000-1-130-01
Amount 100.00

=====

010-419-4-810-00	DONATIONS/CONTRIBUTIONS	R	100.00
	DM SMITH ROD DONTATION		

TOTAL RECEIPTS 100.00

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Property Transfer Parcel 33012

Department: Legal Department
Agenda Title: Property Transfer Parcel 33012
Agenda Summary:
Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Polkville_Letter_Parcel_33012.pdf	Polkville Letter
<input type="checkbox"/> Staff_Report_and_Resolution_Parcel_33012.docx	Staff Report and Draft Resolution
<input type="checkbox"/> NCGSA_160A-274_Parcel_33012.pdf	NCGS

Council Members
Josh Queen
Eddie Elliott
Harold Terry
Mitchell Bridges

Robyn C Schoolcraft
Mayor
Carol Martin
Clerk
Jack Shytle
Administrative Assistant



Mr. David Cotton
PO Box 1210
Shelby, NC 28151

January 11, 2024

Dear Mr. Cotton,

We gladly appreciated your attendance at our town council meeting on January 4, 2024, and welcome you back any time. After the meeting, my assistant, Jack Shytle spoke with you concerning property that had previously belonged to the Town of Polkville but was released to the county with the intention of a large sports complex being built on it.

The property (**parcel # 33012**) of 53 acres, was originally part of the Guy Comer Estate and was purchased through a grant of 70,563.00 and the Town of Polkville paying an additional 70,563.00. We realized the expense of the complex itself would greatly exceed what our town could afford and with the intention of residents of all of upper Cleveland County using the complex, our greatest hope of it coming into reality was to turn the land over to the county.

Over the years, it has come to our attention that the sports complex is not going to materialize, and we would like the land to be reinstated to the Town of Polkville. We would like to begin maintenance on some of the walking trails, re-establishing a greater area for our residents and those visiting the park.

If I can be of further assistance in this matter or answer any questions, please feel free to contact me at robyncs.13@gmail.com or my assistant, Jack Shytle, at jshytle1@carolina.rr.com who was the mayor at the time this land transition took place.

Sincerely,

Robyn C. Schoolcraft
Mayor, Town of Polkville

Staff Report

From: Martha Thompson, Deputy County Attorney

To: Board of Commissioners

Re: Reinstate of parcel 33012, Park Drive, Polkville, to the Town of Polkville

Date: April 25, 2024

Summary:

Staff request that the Board of Commissioners authorize the reinstatement of parcel 33012, Park Drive, Polkville to the Town of Polkville.

Review:

The Town of Polkville acquired parcel 33012 through PARTF grant funds. The property was acquired with State financial assistance from the N.C. Parks and Recreation Trust Fund, and pursuant to a contractual requirement this property may not be converted to other than public recreation use (whether by transfer, sale or in any other manner).

The Town of Polkville released it to the county on April 15, 2010 with the intention of a large sports complex being built on it. Over the years, it has come to the Town of Polkville's attention that the sports complex is not going to materialize, and the town would like the land to be reinstated to the Town of Polkville. The Town of Polkville would like to begin maintenance on some of the walking trails, re-establishing a greater area for the residents and those visiting the park.

The county may exchange property by private negotiation pursuant to NCGS section 160A-274. Such an exchange may take place after resolution authorizing the exchange adopted a regular meeting.

Attachments:

- (1) Relevant Statute NCGS 160A-274;
- (2) Resolution
- (3) Letter from the Town of Polkville
- (4) Proposed Deed

Action requested:

Approve the reinstatement of parcel 33012 to the Town of Polkville and authorize BOCC chair to sign deed of conveyance through adoption of the attached resolution.

**Resolution Approving Conveyance of Property to Another Unit of Government in North
Carolina Pursuant to G.S. 160A-274**

WHEREAS, Cleveland County (the “County”) owns a 53-acre tract of land, known as parcel 33012, described in Book 1594 Page 1332 of the Cleveland County Registry, located at Park Drive, Polkville; and

WHEREAS, the property (parcel # 33012) of 53 acres, was originally part of the Guy Comer Estate and was purchased through a grant of \$70,563.00 and the Town of Polkville paying an additional \$70,563.00. The Town realized the expense of the complex itself would greatly exceed what the town could afford and with the intention of residents of upper Cleveland County using the complex, the Town turned the land over to the county requesting the County create a Sports Complex; and

WHEREAS, the property was acquired by the Town with State financial assistance from the N.C. Parks and Recreation Trust Fund, and pursuant to a contractual requirement this property may not be converted to other than public recreation use (whether by transfer, sale or in any other manner); and

WHEREAS, since the construction of sports complex has not been constructed, the Town has requested the land be reinstated to the Town of Polkville, so it may begin maintenance on some of the walking trails, re-establishing a greater area for the residents and those visiting the park; and

WHEREAS, the County deems it wise to convey the property back to the Town of Polkville to honor its request; and

WHEREAS, North Carolina General statute, section 160A– 274 authorizes the County to make such a conveyance, if authorized by the Commissioners by Resolution adopted at a regular meeting of the Board.

THEREFORE, the Board of Commissioners of Cleveland County resolves that:

1. The reinstatement of property located at Park Drive, Polkville, Parcel number 33012 described above is authorized.
2. The Chair of the Board of Commissioners is authorized to sign the deed drafted by the County’s attorneys.

Adopted May 7 2024.

Kevin Gordon, Chair

(SEAL)

ATTEST:

Phyllis Nowlen, Clerk

West's North Carolina General Statutes Annotated
Chapter 160A. Cities and Towns
Article 12. Sale and Disposition of Property (Refs & Annos)

N.C.G.S.A. § 160A-274

§ 160A-274. Sale, lease, exchange and joint use of governmental property

Currentness

(a) For the purposes of this section, "governmental unit" means a city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution.

(b) Any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property.

~~(c) Action under this section shall be taken by the governing body of the governmental unit.~~ Action hereunder by any State agency, except the Department of Transportation, shall be taken only after approval by the Department of Administration. Action with regard to State property under the control of the Department of Transportation shall be taken by the Department of Transportation or its duly authorized delegate. Provided, any county board of education or board of education for any city administrative unit may, upon such terms and conditions as it deems wise, lease to another governmental unit for one dollar (\$1.00) per year any real property owned or held by the board which has been determined by the board to be unnecessary or undesirable for public school purposes.

Credits

Added by Laws 1969, c. 806. Amended by Laws 1971, c. 698, § 1; Laws 1973, c. 507, § 5; Laws 1975, c. 455; Laws 1975, c. 664, § 9; Laws 1975, c. 879, § 46; Laws 1977, c. 464, § 34; S.L. 2001-328, § 6, eff. Aug. 2, 2001.

Notes of Decisions (8)

N.C.G.S.A. § 160A-274, NC ST § 160A-274

The statutes and Constitution are current through S.L. 2018-145 of the 2018 Regular and Extra Sessions, including through 2019-13, of the General Assembly, subject to changes made pursuant to the direction of the Revisor of Statutes.

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Request to Set a Public Hearing on Tuesday, June 4, 2024, for Case 24-08; Request to Rezone Parcel 3093 from Residential Manufactured Homes and Parks (RMH) to General Business-Conditional Use (GB-CU) for an Expansion of the Pregnancy Resource Center.

Department: Planning Department

Agenda Title: Request to Set a Public Hearing on Tuesday, June 4, 2024, for Case 24-08; Request to Rezone Parcel 3093 from Residential Manufactured Homes and Parks (RMH) to General Business-Conditional Use (GB-CU) for a medical office.

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 24-08_Staff_Report_Set_Hearing.pdf	Staff Report
<input type="checkbox"/> Site_Plan.pdf	Site Plan
<input type="checkbox"/> Case_24-08_Zoning_Map.pdf	Zoning Map
<input type="checkbox"/> Case_24-08_Aerial_Map.pdf	Aerial Map
<input type="checkbox"/> Case_24-08_Land_Use_Map.pdf	Land Use Map

STAFF REPORT

To: Board of Commissioners
Date: May 7, 2024
From: Chris Martin, Planning Director
Subject: Rezoning Case 24-08

Summary Statement: Matthew Holland is requesting to rezone parcel 3093, containing 3.2 acres, from Residential (R) to General Business Conditional Use (GB-CU) for an expansion of the Pregnancy Resource Center.

Review: The parcel is on Troutman Lane, near the intersection of Earl Road and South Post Road, south of Shelby, and is currently vacant. Mr. Holland would like to construct a second facility for the Pregnancy Resource Center. The site plan shows the dimensions of the facility, parking, and setbacks.

Current Zoning District – Residential Manufactured Homes and Parks: The Residential Manufactured Homes and Parks district exists to accommodate low density single family detached dwellings, modular homes and manufactured homes, as well as manufactured home parks.

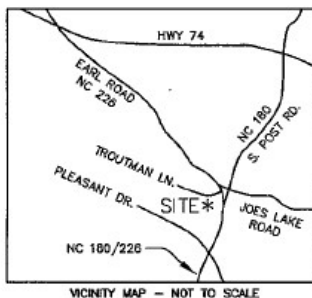
Requested Zoning District – General Business Conditional Use: Mr. Holland desires to construct building used to serve clients for the Pregnancy Resource Center. This use is permitted in the General Business zoning district.

Surrounding zoning is General Business to the east along South Post Road and Residential Manufactured Homes and Parks to the east, west and south. The Residential zoning district is to the north of Troutman Lane. The Highway Corridor Overlay also follows South Post Road. Surrounding uses vary. The pregnancy resource center is along South Post Road as well as a convenience store. Further south is a manufactured home park. Uses along Troutman Lane are mostly single-family homes with a warehouse located on parcel 3090.

The Land Use Plan designates this area as Secondary Growth. The Land Use Plan states that small scale convenience retail and services are typically clustered around major rural crossroads.

Planning Board: The Planning Board will review this case on May 28, 2024

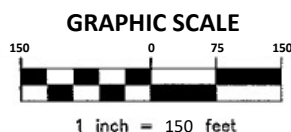
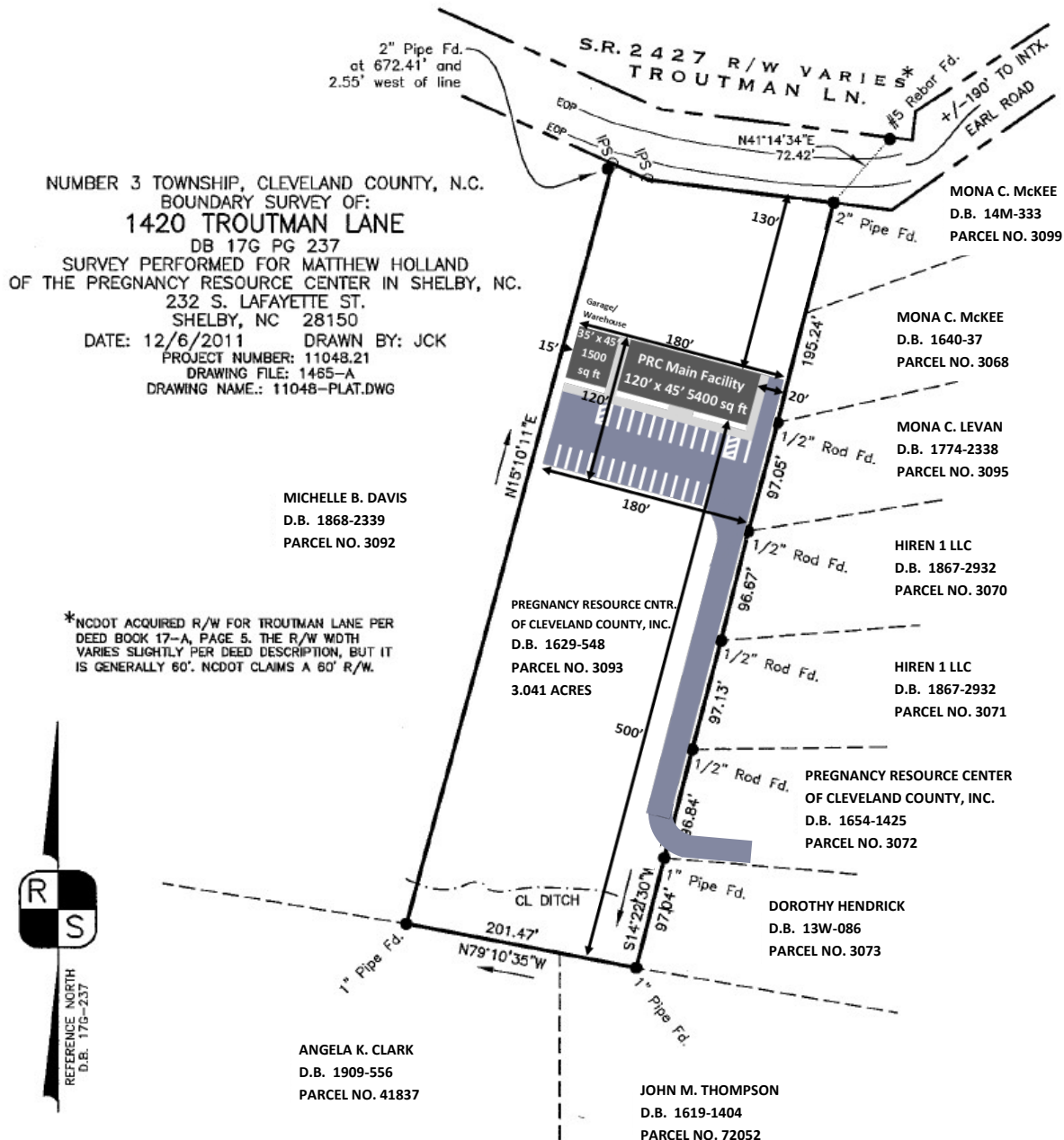
Requested Board Action: Consider setting a hearing for June 4, 2024.



Zoning Classification: RM

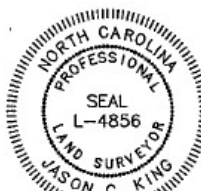
NOTES:

1. REFERENCE: DEED BOOK 17G, PAGE 237.
2. BOUNDARY SURVEY MADE USING EXISTING PHYSICAL EVIDENCE OBSERVED DURING FIELD SURVEY.
3. CLEVELAND COUNTY TAX PARCEL NUMBER: 3093
4. IRON REBAR (30" X #4) HAVE BEEN SET AT ALL CORNERS, UNLESS OTHERWISE NOTED.
5. ALL DISTANCES ARE HORIZONTAL GROUND (GEODETIC) UNITED STATES SURVEY FEET UNLESS OTHERWISE NOTED.
6. ALL COORDINATES ARE U.S. SURVEY FEET. AREA COMPUTED BY COORDINATE METHOD.
7. THIS PROPERTY IS NOT LOCATED WITHIN 2000' OF A NCGS OR USGS MONUMENT.
8. THIS PLAT IS SUBJECT TO ANY AND ALL RIGHTS-OF-WAY, UTILITY EASEMENTS, DEED RESTRICTIONS, RESTRICTIVE COVENANTS OR AGREEMENTS WHICH MAY OR MAY NOT BE RECORDED AND APPLICABLE HERETO AND MAY OR MAY NOT BE FOUND BY LEGAL TITLE SEARCH PRIOR TO THE DATE OF THIS SURVEY.
9. ADJOINER PROPERTY LINES NOT SURVEYED ARE SHOWN AS BROKEN LINES AND ARE FOR ORIENTATION PURPOSES ONLY.
10. UNDERGROUND UTILITIES NOT LOCATED AT THE TIME OF SURVEY. IF SHOWN UTILITY LOCATIONS ARE APPROXIMATE, BASED ON LOCATIONS OF ABOVE GROUND APPURTENANCES, AS-BUILT MAP BY OTHERS, AND LOCATIONS OF PAINT MARKINGS BY NC ONE CALL UNDERGROUND UTILITIES NOT SHOWN HEREON MAY EXIST.
11. CERTAIN PLANIMETRIC DETAILS WERE OBTAINED BY AERIAL MAPPING, GIS OR OTHER COMPILED MAPPING.
12. THIS MAP DOES NOT CONFORM TO GS 47-30.
13. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FEMA FIRM PANEL 371025500J.



ROBINSON & SAWYER, INC.
CONSULTING ENGINEERS & LAND SURVEYORS

EST. 1962
707 EAST SECOND AVENUE ~ GASTONIA, NC ~ (704)864-2201
WWW.ROBINSON-SAWYER.COM ~ FIRM NO. F-0338



12-9-11

SURVEYOR'S CERTIFICATE:

I, JASON C. KING, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING DEED DESCRIPTIONS AS SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED DESCRIPTIONS AS SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED MEETS OR EXCEEDS 1:10,000; AND THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA AS DEFINED IN THE NORTH CAROLINA ADMINISTRATIVE CODE, TITLE 21, CHAPTER 56, SECTION .1600. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 9TH DAY OF DECEMBER, A.D., 2011.

Jason C. King
JASON C. KING, PLS
NC REGISTRATION NUMBER L-4856

Facilities, parking & sidewalks total 180' wide. The Garage/Warehouse is setback from the west boundary of the property 15'. The PRC Main Facility is setback from the east boundary of the property 20'. The access road will be 20' wide and run parallel with the south boundary of parcel #3094, 1304 S Post Road bearing N 86°11' 09" W for a distance of 285' approximately. Then turn north and run parallel with east boundary of parcel #3093, 1420 Troutman Lane, bearing N 7°22' 43" E for a distance of 450' approximately. The access road will be named Olive Branch Lane. There will be two structures; the PRC Main facility, 120' x 45' 5,400 sq ft, will be used for pregnancy counseling, pregnancy testing, ultrasound, and material assistance. The Garage/Warehouse, 35' x 45' 1,500 sq ft, will be used to warehouse baby and maternity items and to house our mobile unit. Approximate total area for all facilities is 22,000 sq ft. Screen trees have already been planted along side parcel #3092 and will be planted along side parcels #3099, #3068, #3095, and Troutman Lane. There will be no paved access to Troutman Lane from this site.

Phase 1 Design Facility

Phase 2 Prepare Site

Phase 3 Facility Construction

Phase 4 Install New Septic System

Phase 5 IT/Security Installation

Phase 6 Complete Parking Lot

Phase 7 Complete Landscaping

Phase 8 Install Fencing

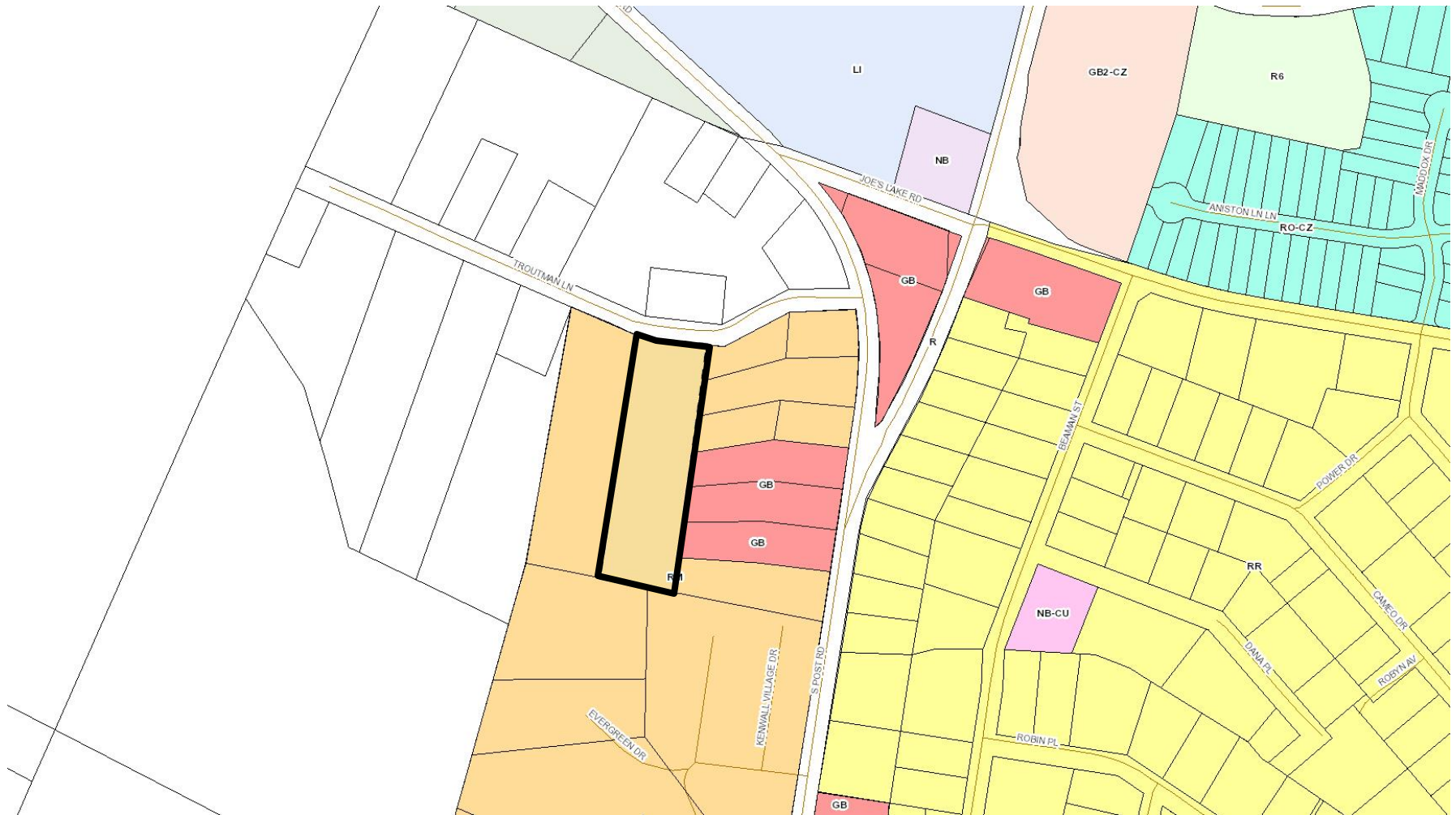
Phase 9 Install New Sign

Phase 10 Furnish and Equip Facility

Project completion is NLT 10/03/2025.

Rezoning Case 24-08

1420 Troutman Lane

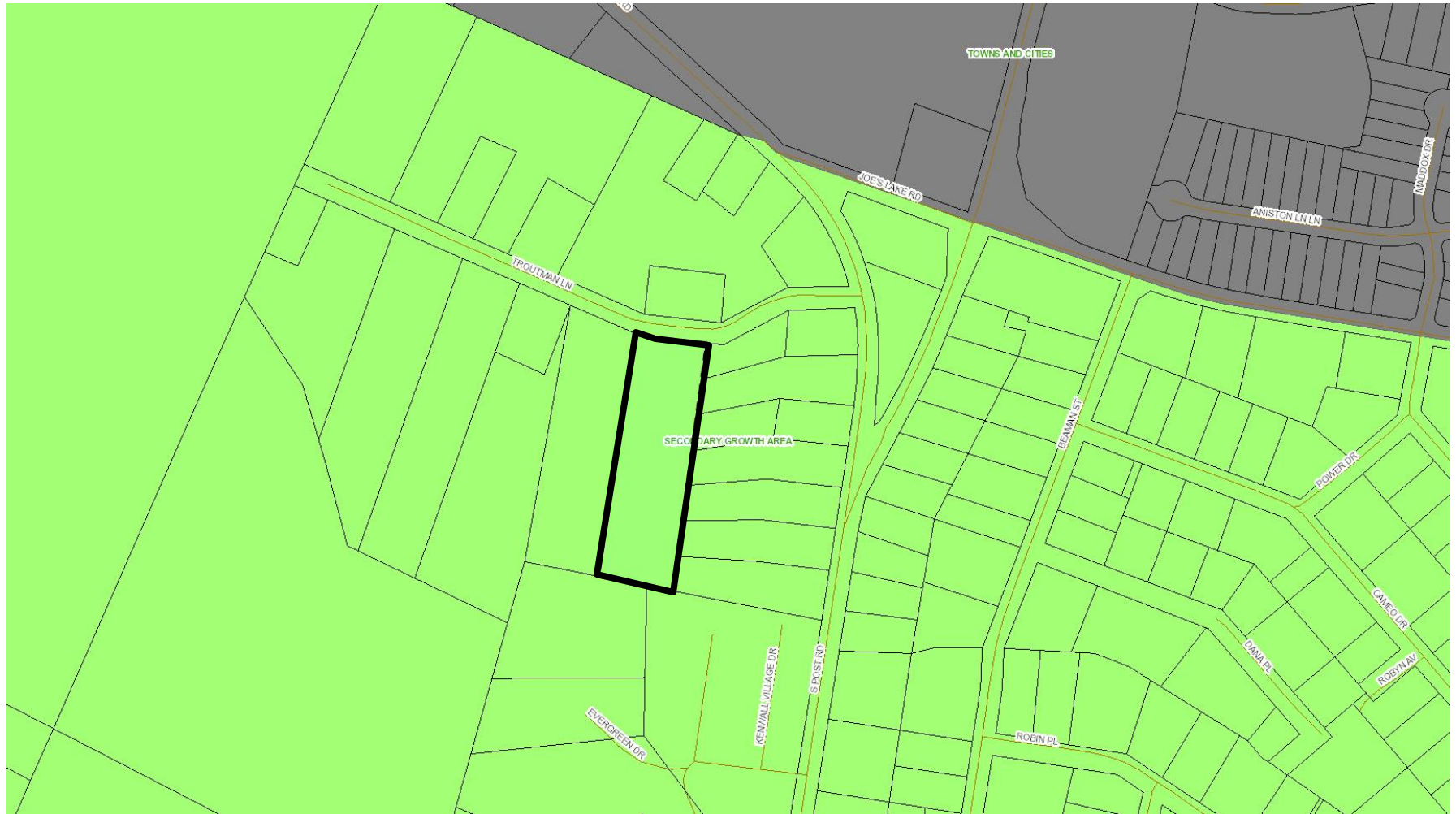


Rezoning Case 24-08
1420 Troutman Lane



Rezoning Case 24-08

1420 Troutman Lane



COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

**Request to Seat a Public Hearing on Tuesday, June 4, 2024, for Planning Case 24-09;
Request to Rezone Parcel 62822 and 62877 from Neighborhood Business - Conditional
Use (NB-CU) to Residential (R)**

Department: Planning Department

Agenda Title: Request to Seat a Public Hearing on Tuesday, June 4, 2024, for
Planning Case 24-09; Request to Rezone Parcel 62822 and 62877
from Neighborhood Business - Conditional Use (NB-CU) to Residential
(R)

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 24-09_Staff_Report_Set_Hearing.pdf	Staff Report
<input type="checkbox"/> Case_24-09_Zoning_Map.pdf	Zoning Map
<input type="checkbox"/> Case_24-09_Aerial_Map.pdf	Aerial Map
<input type="checkbox"/> Case_24-09_Land_Use_Map.pdf	Land Use Map

STAFF REPORT

To: Board of Commissioners
Date: May 7, 2024
From: Chris Martin, Planning Director
Subject: Rezoning Case 24-09

Summary Statement: Johnson Land and Farm Holdings, LLC, is requesting to rezone parcels 62877 and 62822, containing 9.9 acres, from Neighborhood Business – Conditional Use for a Telecommunication Tower to Residential.

Review: The parcel is on Kingston Road, just east of Kingstown, and is currently vacant. In July 2014 the parcels were rezoned to NBCU for the placement of a cell tower. The tower was developed on the property and the applicants are requesting the property to be rezoned to Residential.

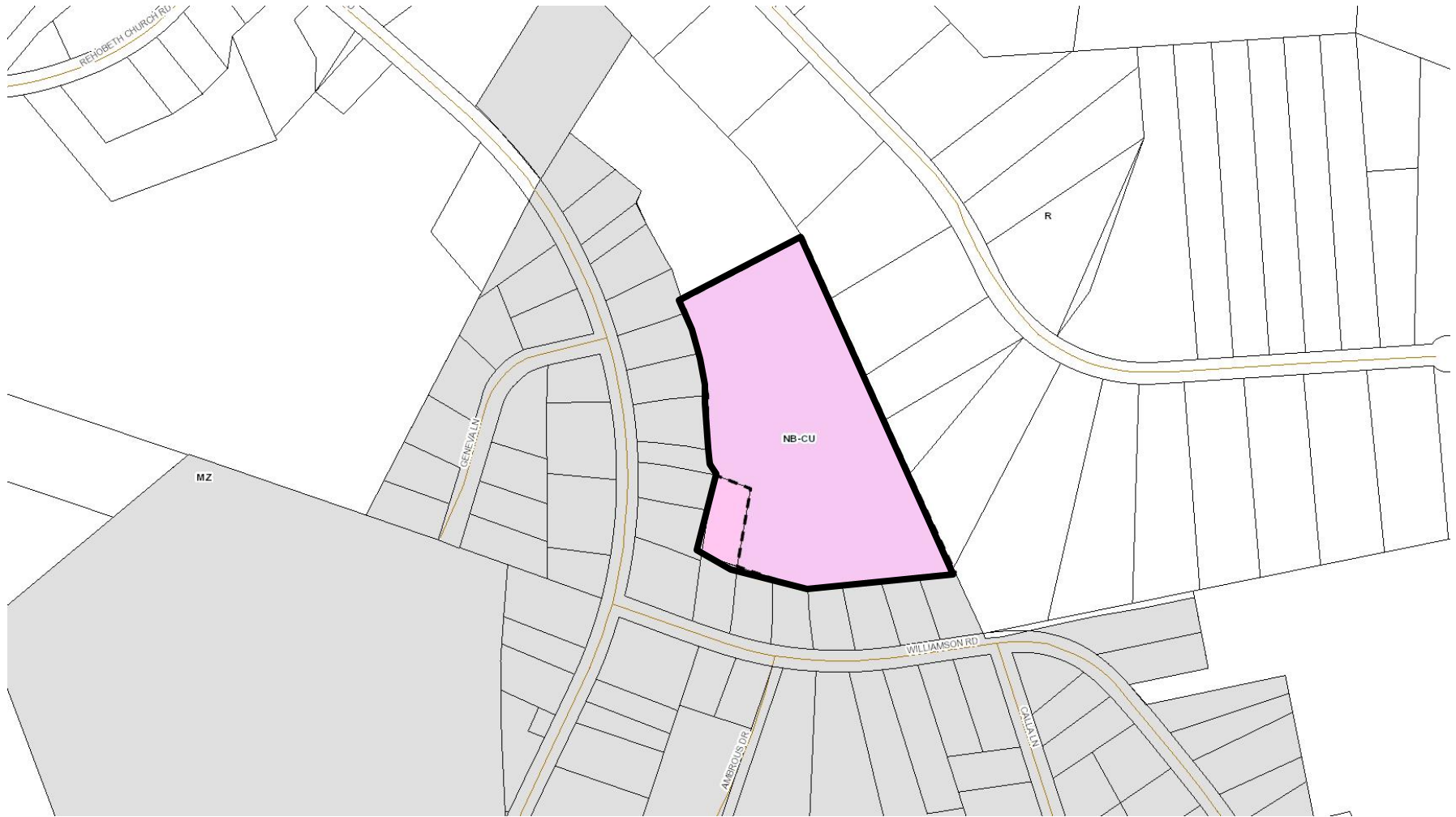
Current Zoning District – Neighborhood Business Conditional Use: The Neighborhood Business zoning district is one of the districts that permits telecommunication towers.

Requested Zoning District – Residential: This zoning district permits detached single-family dwellings like site built homes, modular homes, and manufactured homes, as well as multi-family housing.

Planning Board: The Planning Board will review this case on May 28, 2024

Requested Board Action: Consider setting a hearing for June 4, 2024.

Rezoning Case 24-09
2206 Kingston Road

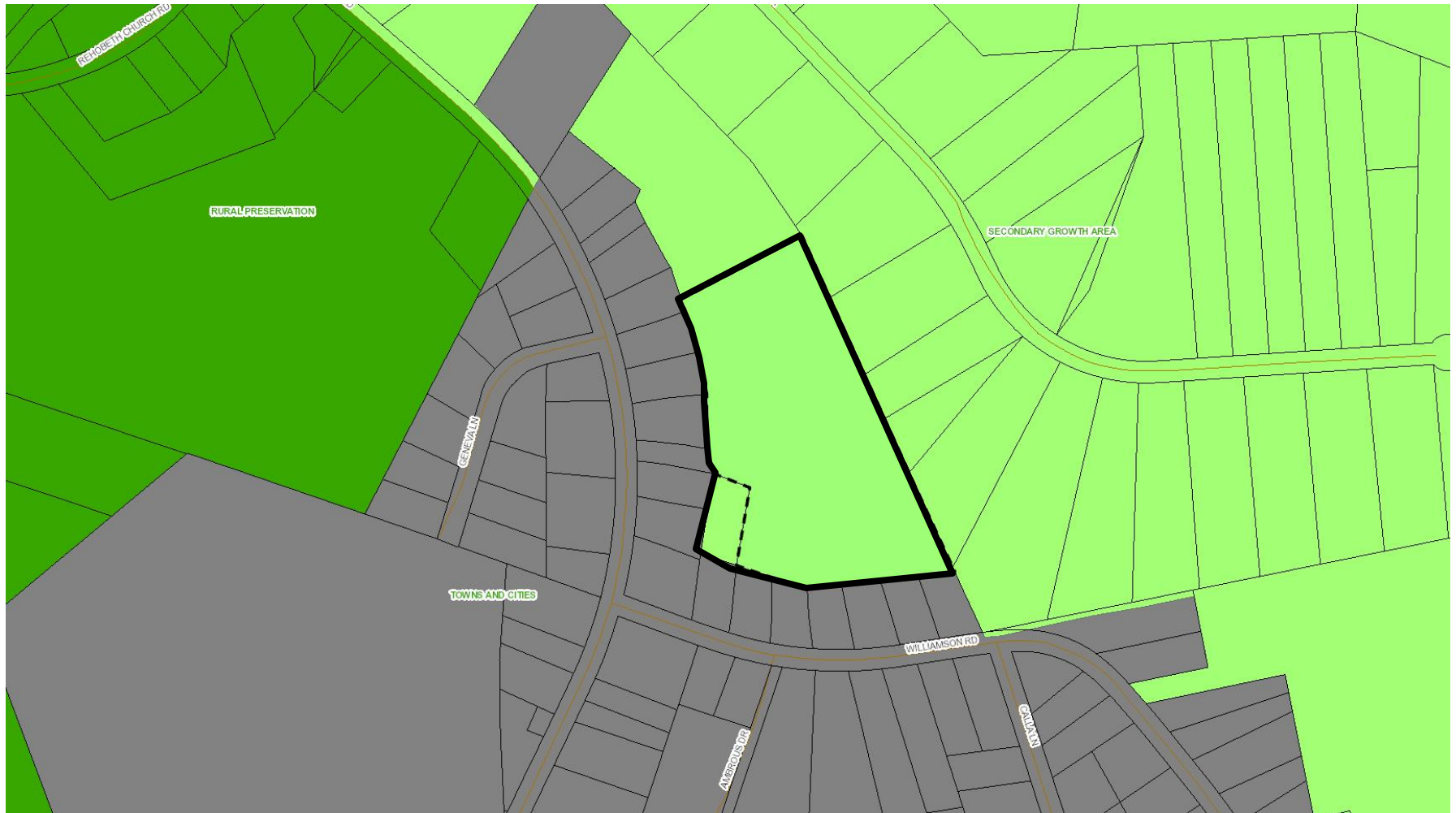


Rezoning Case 24-09
2206 Kingston Road



Rezoning Case 24-09

2206 Kingston Road



COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Planning Case 24-07; Request to Rezone Parcel 66507 Located at 646 Dixon School Road, from Residential (R) to Rural Residential (RU)

Department:

Agenda Title: Planning Case 24-07; Request to Rezone Parcel 66507 Located at 646 Dixon School Road, from Residential (R) to Rural Residential (RU)

Agenda Summary: Chris Martin, Planning Director

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 24-07_Staff_Report_Public_Hearing.pdf	Staff Report
<input type="checkbox"/> Case_24-07_Zoning_Map.pdf	Zoning Map
<input type="checkbox"/> Case_24-07_Aerial_Map.pdf	Aerial Map
<input type="checkbox"/> Case_24-07_Land_Use_Map.pdf	Land Use Map

STAFF REPORT

To: Board of Commissioners
Date: May 7, 2024
From: Chris Martin, Planning Director
Subject: Rezoning Case 24-07

Summary Statement: Adam and Katie Kates are requesting to rezone parcel 66507, containing 4 acres, from Residential (R) to Rural Residential (RU).

Review: The parcel lies at the intersection of Dixon School Rd and Early Rd, south of Kings Mountain, and is currently vacant.

Surrounding zoning districts include Residential and Restrict Residential while surrounding uses are mostly single-family dwellings and larger tracts of land.

The Land Use Plan designates this area as Primary Growth.

Consistency Statement

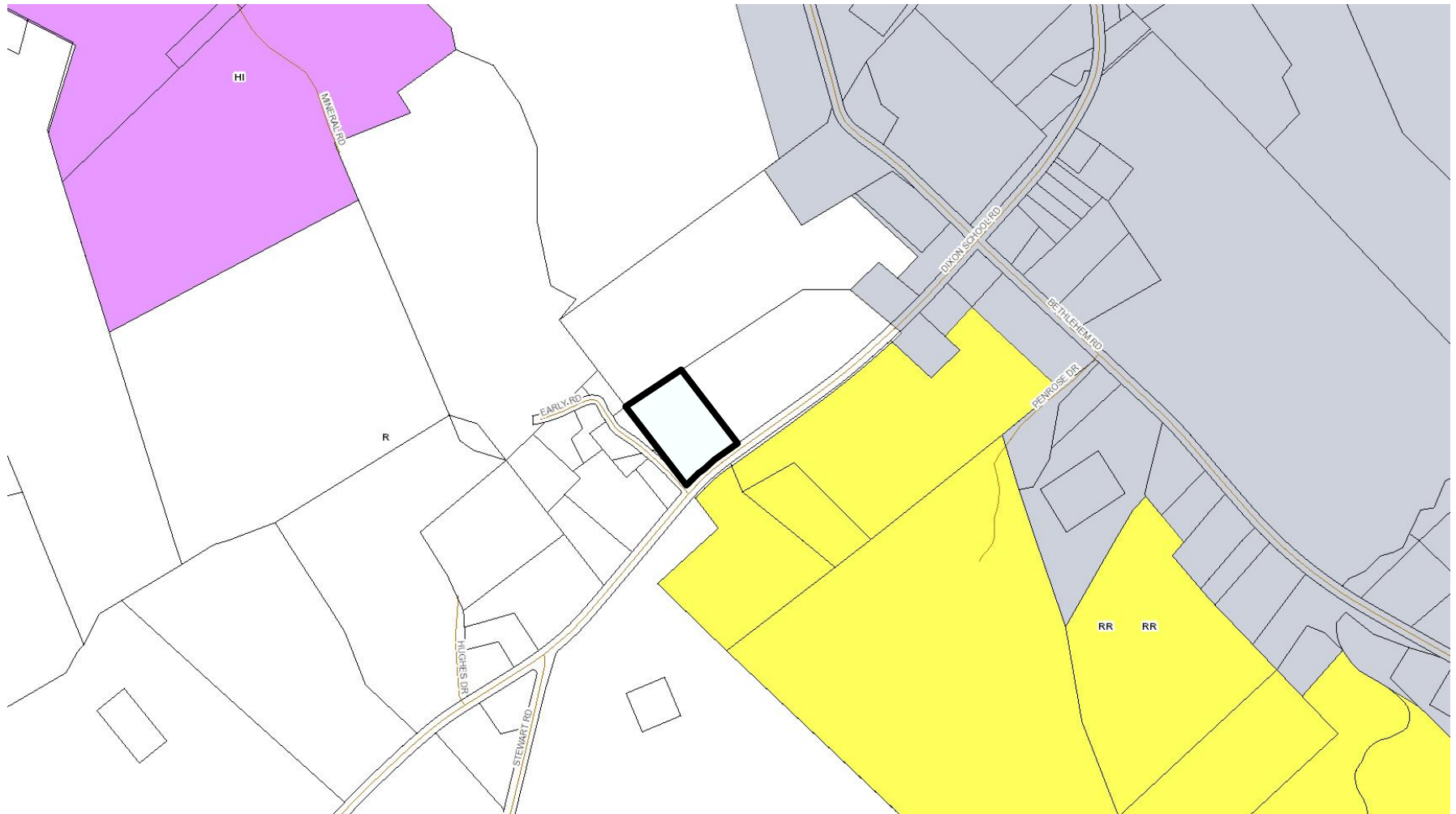
NCGS 160D-605 requires that local government boards adopt a consistency statement showing that the decision it makes fits in with the land use plan or if not, is reasonable and has a public interest.

Planning Board: The Planning Board voted unanimously to recommend approval of the rezoning request. The Board commented that the new zoning district was inconsistent with the Land Use Plan's designation of Primary Growth but that it was compatible with surrounding uses. The Planning Board also commented that the Board of Commissioners should consider evaluating the Future Land Use Plan's designation in the area surrounding this parcel.

Requested Board Action: Approve or deny the requested zoning map amendment.

Rezoning Case 24-07

632 Dixon School Road

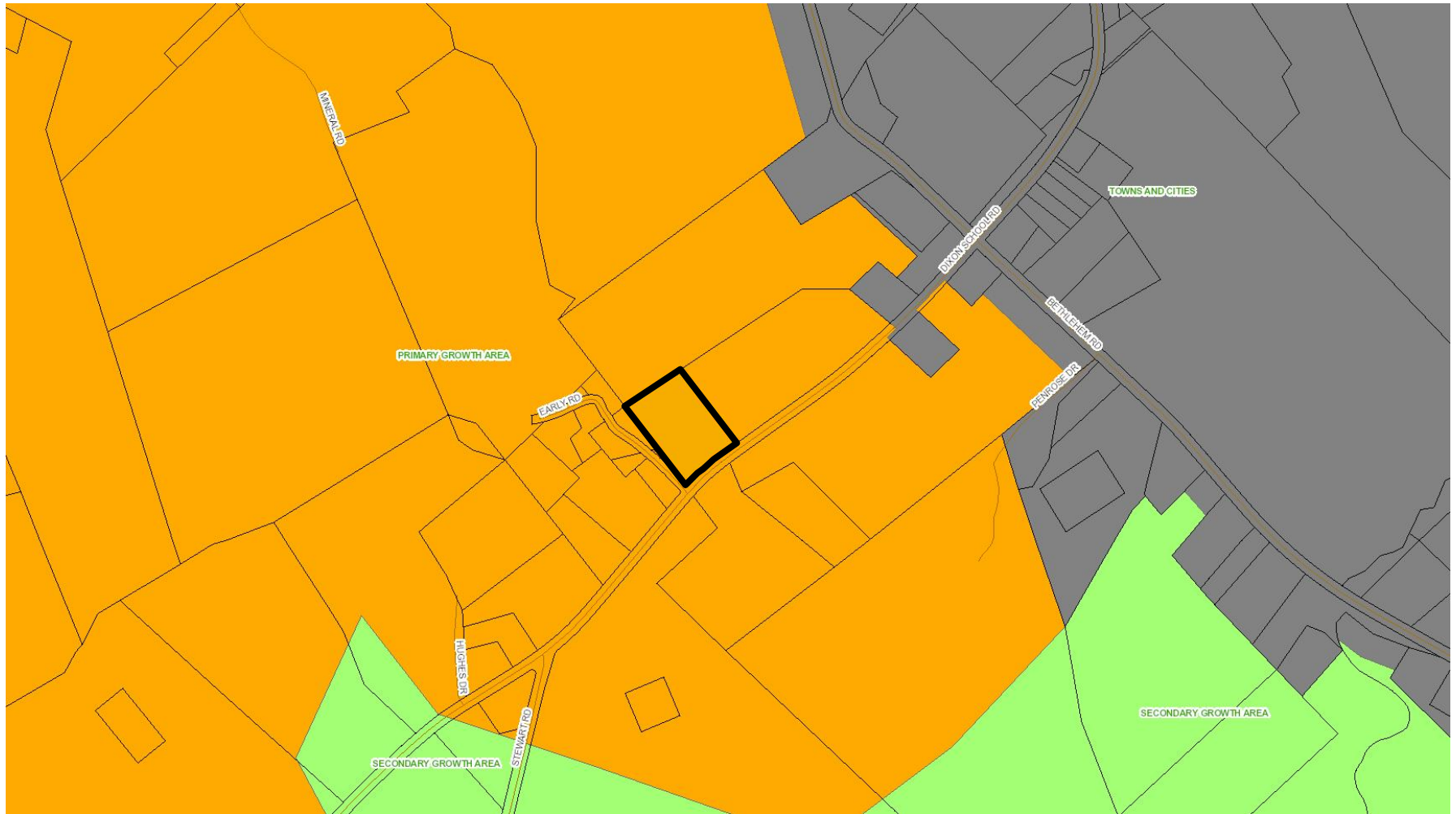


Rezoning Case 24-07
632 Dixon School Road



Rezoning Case 24-07

632 Dixon School Road



COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Justice Center GMP Contract

Department:

Agenda Title: Justice Center GMP Contract

Agenda Summary: David Cotton, County Manager

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> CCJC_GMP_040524.pdf	GMP Contract



Cleveland County Justice Center

Cleveland County, NC

GMP Deliverable



April 5, 2024



AIA® Document A133™ – 2019 Exhibit A

Guaranteed Maximum Price Amendment

This Amendment dated the the «4 » day of «April » in the year « 2024» is incorporated into the accompanying AIA Document A133™–2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price dated the «25th » day of «January » in the year « 2023» (the "Agreement")
(In words, indicate day, month, and year.)

for the following **PROJECT:**
(Name and address or location)

« Cleveland County Justice Center »
« No Legal address assigned to date »

THE OWNER:
(Name, legal status, and address)

« Cleveland County, North Carolina »
311 E. Marion Street
Shelby, NC 28150 »

THE CONSTRUCTION MANAGER:
(Name, legal status, and address)

« Yates-Metcon, A Joint Venture »« »
« 1775 The Exchange Suit 130 »
Atlanta, GA 30339

TABLE OF ARTICLES

- A.1 GUARANTEED MAXIMUM PRICE
- A.2 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION
- A.3 INFORMATION UPON WHICH AMENDMENT IS BASED
- A.4 CONSTRUCTION MANAGER'S CONSULTANTS, CONTRACTORS, DESIGN PROFESSIONALS, AND SUPPLIERS

ARTICLE A.1 GUARANTEED MAXIMUM PRICE

§ A.1.1 Guaranteed Maximum Price

Pursuant to Section 3.2.6 of the Agreement, the Owner and Construction Manager hereby amend the Agreement to establish a Guaranteed Maximum Price. As agreed by the Owner and Construction Manager, the Guaranteed Maximum Price is an amount that the Contract Sum shall not exceed. The Contract Sum consists of the Construction Manager's Fee plus the Cost of the Work, as that term is defined in Article 6 of the Agreement.

§ A.1.1.1 The Contract Sum is guaranteed by the Construction Manager not to exceed « One Hundred Sixty-Nine Million One Hundred Seventy-Four Thousand Four Hundred Twelve Dollars and Zero Cents » (\$ «169,174,412.00 »), subject to additions and deductions by Change Order as provided in the Contract Documents.

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An Additions and Deletions Report that notes added information as well as revisions to the standard form text is available from the author and should be reviewed.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201™–2017, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

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§ A.1.1.2 Itemized Statement of the Guaranteed Maximum Price. Provided below is an itemized statement of the Guaranteed Maximum Price organized by trade categories, including allowances; the Construction Manager's contingency; alternates; the Construction Manager's Fee; and other items that comprise the Guaranteed Maximum Price as defined in Section 3.2.1 of the Agreement.
(Provide itemized statement below or reference an attachment.)

§ A.1.1.3 The Construction Manager's Fee is set forth in Section 6.1.2 of the Agreement.

§ A.1.1.4 The method of adjustment of the Construction Manager's Fee for changes in the Work is set forth in Section 6.1.3 of the Agreement.

§ A.1.1.5 Only materials and equipment that are to be used directly in the Work shall be brought to and stored on the Project site by the Contractor. After equipment is no longer required for the Work, it shall be promptly removed from the Project site. Protection of construction materials and equipment stored at the Project site from weather, theft, damage, and all other adversity is the responsibility of the Contractor or by the applicable builder's risk policy. The Contractor shall ensure that the Work, at all times, is performed in a manner that affords reasonable access, both vehicular and pedestrian, to the site of the Work and all adjacent areas. The Work shall be performed, to the fullest extent reasonably possible, in such a manner that public areas adjacent to the site of the Work shall be free from all debris, building materials, and equipment likely to cause hazardous conditions.

§ A.1.1.6 The Contractor and any entity for whom the Contractor is responsible shall not erect any sign on the Project site without the prior written consent of the Owner, which may be withheld in the sole discretion of the Owner.

§ A.1.1.7 Without limitation of any other provision of the Contract Documents, the Contractor shall use best efforts to minimize any interference with the occupancy or beneficial use of (i) any areas and buildings adjacent to the site of the Work and (ii) the building in the event of partial occupancy, as more specifically described in Section 9.9. Without prior approval of the Owner, the Contractor shall not permit any workers to use any existing facilities at the Project site, including, without limitation, lavatories, toilets, entrances, and parking areas other than those designated by the Owner.

- .1 Without limitation of any other provision of the Contract Documents, the Contractor shall use its best efforts to comply with all rules and regulations promulgated by the Owner in connection with the use and occupancy of the Project site and the building, as amended from time to time. The Contractor shall immediately notify the Owner in writing if during the performance of the Work, the Contractor finds compliance of any portion of such rules and regulations to be impracticable, setting forth the problems of such compliance and suggesting alternatives through which the same results intended by such portions of the rules and regulations can be achieved. The Owner may, in the Owner's sole discretion, adopt such suggestions, develop new alternatives, or require compliance with the existing requirements of the rules and regulations.
- .2 The Contractor shall also comply with all insurance requirements applicable to use and occupancy of the Project site and the building.

§ A.1.1.5 Alternates

§ A.1.1.5.1 Alternates, if any, included in the Guaranteed Maximum Price:

Item	Price
Register of Deeds	Included with GMP

§ A.1.1.5.2 Subject to the conditions noted below, the following alternates may be accepted by the Owner following execution of this Exhibit A. Upon acceptance, the Owner shall issue a Modification to the Agreement.
(Insert below each alternate and the conditions that must be met for the Owner to accept the alternate.)

Item	Price	Conditions for Acceptance
See VE Log	Per Each Item	In Schedule

§ A.1.1.6 Unit prices, if any:

(Identify the item and state the unit price and quantity limitations, if any, to which the unit price will be applicable.)

Item	Units and Limitations	Price per Unit (\$0.00)
N/A	N/A	N/A

ARTICLE A.2 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ A.2.1 The date of commencement of the Work shall be:

(Check one of the following boxes.)

☐ [« »] The date of execution of this Amendment.

☒ [«X»] Established as follows:

(Insert a date or a means to determine the date of commencement of the Work.)

«May 1st, 2024 »

If a date of commencement of the Work is not selected, then the date of commencement shall be the date of execution of this Amendment.

§ A.2.2 Unless otherwise provided, the Contract Time is the period of time, including authorized adjustments, allotted in the Contract Documents for Substantial Completion of the Work. The Contract Time shall be measured from the date of commencement of the Work.

§ A.2.3 Should the Contractor fail to achieve any of the three (3) critical path milestones that will be specifically flagged at the time the GMP is established (taking into account extensions of the Contract Time approved in accordance with the Contract Documents), it shall, without being entitled to any increase in the Contract Sum/Guaranteed Maximum Price or other compensation or extension in the Contract Time, except that it shall be entitled to use Contingency, work overtime, increase its force, or take other such action as may be necessary or appropriate to recover the Construction Schedule. The Construction Schedule shall contain no more than three (3) critical path milestones.

§ A.2.3 Substantial Completion

§ A.2.3.1 Subject to adjustments of the Contract Time as provided in the Contract Documents, the Construction Manager shall achieve Substantial Completion of the entire Work:

(Check one of the following boxes and complete the necessary information.)

☐ [« »] Not later than « » (« ») calendar days from the date of commencement of the Work.

☒ [«X»] By the following date: «October 14, 2026 »

§ A.2.3.2 Subject to adjustments of the Contract Time as provided in the Contract Documents, if portions of the Work are to be completed prior to Substantial Completion of the entire Work, the Construction Manager shall achieve Substantial Completion of such portions by the following dates:

Portion of Work	Substantial Completion Date
Plans through Addendum 5, Dated 2/20/2024	October 14, 2026

§ A.2.3.3 If the Construction Manager fails to achieve Substantial Completion as provided in this Section A.2.3, liquidated damages, if any, shall be assessed as set forth below. In the event that Construction Manager is more than Thirty (30) days late in achieving Substantial Completion of the Work, the Construction Manager shall pay Owner Five Thousand dollars (\$5,000.00) per day for each day after the Thirtieth (30th) day beyond the date for Substantial Completion that Construction Manager fails to achieve Substantial Completion of the Work. Liquidated Damages shall be capped at half the Construction Manager's Fee.

ARTICLE A.3 INFORMATION UPON WHICH AMENDMENT IS BASED

§ A.3.1 The Guaranteed Maximum Price and Contract Time set forth in this Amendment are based on the Contract Documents and the following:

§ A.3.1.1 The following Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
See Attached			

§ A.3.1.2 The following Specifications:

(Either list the Specifications here, or refer to an exhibit attached to this Amendment.)

« See Attachment F »

Section	Title	Date	Pages

§ A.3.1.3 The following Drawings:

(Either list the Drawings here, or refer to an exhibit attached to this Amendment.)

« See Attachment E »

Number	Title	Date

§ A.3.1.4 The Sustainability Plan, if any:

(If the Owner identified a Sustainable Objective in the Owner's Criteria, identify the document or documents that comprise the Sustainability Plan by title, date and number of pages, and include other identifying information. The Sustainability Plan identifies and describes the Sustainable Objective; the targeted Sustainable Measures; implementation strategies selected to achieve the Sustainable Measures; the Owner's and Construction Manager's roles and responsibilities associated with achieving the Sustainable Measures; the specific details about design reviews, testing or metrics to verify achievement of each Sustainable Measure; and the Sustainability Documentation required for the Project, as those terms are defined in Exhibit C to the Agreement.)

Title	Date	Pages
N/A		

Other identifying information:

§ A.3.1.5 Allowances, if any, included in the Guaranteed Maximum Price:

(Identify each allowance.)

Item	Price
See Attachment C	

§ A.3.1.6 Assumptions and clarifications, if any, upon which the Guaranteed Maximum Price is based:

(Identify each assumption and clarification.)

« See Attachment A »

§ A.3.1.7 The Guaranteed Maximum Price is based upon the following other documents and information:

(List any other documents or information here, or refer to an exhibit attached to this Amendment.)

« See Attachment C »

ARTICLE A.4 CONSTRUCTION MANAGER'S CONSULTANTS, CONTRACTORS, DESIGN PROFESSIONALS, AND SUPPLIERS

§ A.4.1 The Construction Manager shall retain the consultants, contractors, design professionals, and suppliers, identified below:

(List name, discipline, address, and other information.)

« »

This Amendment to the Agreement entered into as of the day and year first written above.

OWNER *(Signature)*

« »« »

(Printed name and title)

CMaR

(Signature)

« »« »

(Printed name and title)

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

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 Closed session pursuant to 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 give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure.

Department:

Agenda Title: 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
Closed session pursuant to 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 give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure.

Agenda Summary: Kevin Gordon, Chairman

Proposed Action:

ATTACHMENTS:

File Name

Description

No Attachments Available

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

The next meeting of the Cleveland County Board of Commissioners will be held on Tuesday, May 21, 2024, at 6:00pm in the Commissioners' Chambers.

Department:

Agenda Title: The next meeting of the Cleveland County Board of Commissioners will be held on Tuesday, May 21, 2024, at 6:00pm in the Commissioners' Chambers.

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name

Description

No Attachments Available