

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

May 6, 2025

6:00 PM

County Commissioners Chambers

-
- **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.)

SPECIAL PRESENTATION

2. America 250 Committee

Stan Lowery, Chairman

3. 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.

4. 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 April 15, 2025, Regular Commissioners Meeting |
| B. | <u>Tax</u>
<u>Administration</u> | April 2025 Abatements and Supplements |
| C. | <u>Tax</u>
<u>Administration</u> | Late Applications for Exemption / Exclusion / Deferral |
| D. | <u>Finance</u>
<u>Department</u> | Budget Transfer Summary |
| E. | <u>Veteran's</u>
<u>Services</u> | Budget Amendment (BNA#065) |
| F. | <u>Chaplain's</u>
<u>Services</u> | Budget Amendment (BNA#066) |
| G. | <u>Veteran's</u>
<u>Services</u> | Budget Amendment (BNA#067) |

- H. **Social Services** Budget Amendment (BNA#068)
- I. **Planning Department** Request to Set a Public Hearing on Tuesday, June 3, 2025, for Planning Case 25-05; Request to Rezone 128 Corinth Church Road from Residential (R) to Rural Residential (RU)

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.

5. Planning Case 25-04: Request to Rezone 4216 Fallston Road from Residential to Light Industrial - Conditional Use

Chris Martin, Planning Director

CLOSED SESSION

6. 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 20, 2025, at 6:00 p.m. in the Commissioners Chambers.

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

America 250 Committee

Department:

Agenda Title: America 250 Committee

Agenda Summary: Stan Lowery, Chairman

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 April 15, 2025, Regular Commissioners Meeting

Department: Minutes

Agenda Title: Minutes from the April 15, 2025, Regular Commissioners Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 04152025_Regular_Meeting.pdf	04152025 Minutes

Cleveland County Board of Commissioners
April 15, 2025

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
Doug Bridges, Commissioner
Tony Berry, Commissioner
Jonathan Sink, County Attorney
David Cotton, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, County Manager's Office
Chris Martin, Planning Director
Sherry Lavender, Tax Assessor
Rebecca Johnson, Social Services Director
Jason Falls, Business Development Director

CALL TO ORDER

Chairman Gordon called the meeting to order, and Business Development Director Jason Falls 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

WORLD WAR II VETERAN RECOGNITION

Chairman Gordon called Cleveland County Veterans' Service Officer Julie Crotts to the podium for the World War II veteran recognition. The Veterans Services Office (VSO) serves as a crucial local resource for veterans and their families, assisting them in accessing and understanding various benefits, services, and programs. They also provide personalized guidance, advocacy, and representation, and help veterans navigate complex systems like the Department of Veterans Affairs (VA).

Mrs. Crotts recognized World War II Marine Veteran Leo Walker, who served from November 1943 to February 1946. He was presented with a plaque from the North Carolina Department of Military and Veterans Affairs and a letter from former North Carolina Governor Roy Cooper. Commissioners congratulated Mr. Walker and thanked him for his service.

SPECIAL PRESENTATION

CHILD ABUSE PREVENTION MONTH 2025

Chairman Gordon called Social Services Director Rebecca Johnson to the podium to present Child Abuse Prevention Month 2025. Child Abuse Prevention Month aims to raise awareness about child abuse and neglect and to encourage communities to work together to prevent it. It is a call to action for individuals, families, and organizations to educate themselves, support each other, and take proactive steps to protect children from harm. In

2024, Cleveland County Social Services accepted 1,317 Child Protective Services (CPS) reports of abuse, neglect or dependency. The county currently has 250 children in court-ordered Social Services’ custody who have been victims of child abuse, neglect, or dependency. Board members thanked Mrs. Johnson for the information and her department's continued hard work for the children of Cleveland County. The following proclamation was presented to Mrs. Johnson.



PUBLIC COMMENT

Donna Wallace, 340 Eaker Road, Bessemer City – spoke about the Brookcliff Solar Project, explaining the benefits she and her family will receive for the next forty years if the project can move forward. She expressed her frustrations regarding the lawsuit.

William Wallace, 340 Eaker Road, Bessemer City – spoke about the Brookcliff Solar Project and its impact on his family. He advised that the property is between the Foothills Public Shooting Range and the landfill. It is unsuitable for other types of use, such as housing or typical farming. He also expressed his frustration regarding the lawsuit.

Stuart Sloan, 1920 New Prospect Church Road, Shelby – spoke about the Brookcliff Solar Project civil lawsuit. He outlined the various benefits of solar farms and the financial benefits of the solar project. Mr. Sloan questioned why the county had a lawsuit against the project, why there is no communication regarding the cause of the lawsuit, and why it is ongoing.

Ben Stockdale, 102 West Woodward Drive, Durham – is a developer for the Brookcliff Solar Project. He explained that Brookcliff Solar has invested millions of dollars into this project and urged Commissioners to honor

the zoning permit Cleveland County granted. He echoed the comments regarding tax credits, beneficial financial impacts, and sustainable energy for county residents.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included Minutes from the *March 18, 2025*, regular Commissioners’ 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 COLLECTOR’S MONTHLY REPORT: MARCH 2025

Pursuant to North Carolina General Statute §105-350.7, the Tax Collector shall submit to the governing body, at each of its regular meetings, a report to include the amount collected on each year's taxes with which she is charged, the amount remaining uncollected, and the steps being taken to encourage payment of uncollected taxes. The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during *March 2025*.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *approve the March 2025 monthly tax report submitted by the Tax Collector.*

TOTAL TAXES COLLECTED MARCH 2025			
TOTAL TAXES COMBINED AMOUNT			
DEF REV		\$0.00	
2024		\$1,008,785.81	
2023		\$67,916.81	
2022		\$19,595.74	
2021		\$9,101.90	
2020		\$6,417.15	
2019		\$4,719.16	
2018		\$2,663.80	
2017		\$1,417.43	
2016		\$526.51	
2015		\$968.97	
2014		\$0.00	
TOTALS		\$1,122,113.28	
DISCOUNT		\$3.94	
INTEREST		\$60,901.50	
TOLERANCE		(\$14.79)	
ADVERTISING		\$2,497.21	
GARNISHMEN		\$10,514.68	
NSF		\$25.11	
LEGAL FEES		\$5,507.87	
TOTALS		\$1,205,223.77	
MISC FEE		\$0.00	
TAXES COLL		\$1,205,223.77	
DEF	\$7,819.85	\$8,347.94	
DISC	(\$2.43)	\$1,213,571.71	
TOL	\$0.81		
INT	\$480.18		
TOTAL TAXES UNCOLLECTED MARCH 2025			
2024		\$2,990,954.74	
2023		\$1,295,521.91	
2022		\$849,389.50	
2021		\$301,742.87	
2020		\$237,707.77	
2019		\$427,790.14	
2018		\$198,184.50	
2017		\$109,407.01	
2016		\$75,172.99	
2015		\$81,565.42	
2014		\$0.00	
			\$6,567,436.85

TAX ADMINISTRATION: ABATEMENTS AND SUPPLEMENTS MARCH 2025

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *March 2025*. The monthly grand total for tax abatements was listed as (\$672.43), and the monthly grand total for tax supplements was listed as \$6,081.32.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *approve the March 2025 tax abatements and supplements submitted by the Tax Assessor.*

TAX ADMINISTRATION: PENDING REFUNDS AND RELEASES

The Tax Administration Office requests a refund of \$3,966.37 pursuant to North Carolina General Statute §105-381. The petitioner, Jordan Piercy, was overcharged due to clerical errors. The County Tax Assessor has reviewed the request and advised that it is in order for approval.

PENDING REFUNDS / RELEASES (RECOMMENDED FOR APPROVAL)											
April 15, 2025											
The following requests have been reviewed by the County Assessor and found to be in order. They are hereby submitted for approval by the Cleveland County Board of Commissioners per G.S. 105-381. Supporting documentation is on file in the County Assessor's Office.											
NAME	YEAR	RECEIPT	REASON	ORIGINAL ASSESSED VALUE	ORIGINAL TAX PAID	REQUESTED RELEASE/REFUND VALUE	DISTRICT	EFF TAX RATE	RELEASE	REFUND	
Jordan Piercy	2024	5046510	Clerical Error	\$ 372,074	\$2,957.98	\$ 103,090	61	0.7950		\$819.57	
Jordan Piercy	2023	4949184	Clerical Error	\$ 372,074	\$2,957.98	\$ 103,090	61	0.7950		\$819.57	
Jordan Piercy	2022	4852234	Clerical Error	\$ 372,074	\$2,957.98	\$ 103,090	61	0.7950		\$819.57	
Jordan Piercy	2021	4754193	Clerical Error	\$ 372,074	\$2,957.98	\$ 103,090	61	0.7950		\$819.57	
Jordan Piercy	2020	4654927	Clerical Error	\$ 304,970	\$2,523.63	\$ 83,155	61	0.8275		\$688.11	

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *to approve the Pending Refunds and Releases as submitted by the Tax Assessor.*

TAX ADMINISTRATION: LATE APPLICATIONS FOR EXEMPTION/EXCLUSION/DEFERRAL

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

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



Late Applications for Exemption, Exclusion or Deferment					4/15/2025
				Estimated Value to be Exempt/Deferred	Estimated Fiscal Impact (County Tax Only)
Owner Name	Parcel/Account	Physical Location	Type		
Senior Total Life Care	1359873	103 T R Harris Drive	Charitable Exempt - BPP	\$ 271,553	\$ 1,486.75
Uptown Shelby Association Inc	73161	211 E Marion St	Charitable Exempt - Real	\$ 85,309	\$ 467.07
Champion Living Trust	26798	1340 E Marion St	Historic Property - 50%	\$ 444,191	\$ 2,431.95
Andrew Holland Cross	61774 & 44457	244 Pony Barn Rd	Present Use Deferment	\$ 59,830	\$ 327.57
Pregnancy Resource Center of Cleveland County Inc.	67318	1304 S Post Rd	Charitable Exempt - Real	\$ 546	\$ 2.99
Switzer Betty Heirs dba Creekside Wildlife Rescue	29868	1635 Fallston Rd	Charitable Exempt - Real	\$ 101,232	\$ 554.25
					\$ -
Staff Recommendation:	Approve applications. All properties qualify for the exclusion or exemption requested other than the late submission of the application.				
			Total	\$ 962,661	\$ 5,270.57

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 11, 2025, through April 3, 2025, is included in Commissioner packets.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, 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 April 15, 2025 Board Meeting
Time Period Covered : 03/11/2025 to 04/03/2025
For Fiscal Year Ending June 30, 2025

BUD #	DATE SUBMITTED BY DEPT	Fund #	DEPT #	DEPT NAME	EXPLANATION	Account Description	BUDGET AMOUNT
2171	3/17/2025	010	441	Sheriff'S Office	Move Funds To Appropriate Expense Line To Accomodate Correction To Powerdms Subscription Purchased That Was Charged To Incorrect Exp Acct And Assinged Fa# In Error	Capital Equipment	\$ (31,500.00)
2171	3/17/2025	010	441	Sheriff'S Office	Move Funds To Appropriate Expense Line To Accomodate Correction To Powerdms Subscription Purchased That Was Charged To Incorrect Exp Acct And Assinged Fa# In Error	Dues/Subscriptions	\$ 31,500.00
2171	3/17/2025	010	443	State Forfeited Property	Move Funds To Appropriate Expense Line To Accomodate Correction To Powerdms Subscription Purchased That Was Charged To Incorrect Exp Acct And Assinged Fa# In Error	Capital Equipment	\$ (20,000.00)
2171	3/17/2025	010	443	State Forfeited Property	Move Funds To Appropriate Expense Line To Accomodate Correction To Powerdms Subscription Purchased That Was Charged To Incorrect Exp Acct And Assinged Fa# In Error	Dues/Subscriptions	\$ 20,000.00
2171	3/17/2025	010	444	Detention Center (Jail)	Move Funds To Appropriate Expense Line To Accomodate Correction To Powerdms Subscription Purchased That Was Charged To Incorrect Exp Acct And Assinged Fa# In Error	Capital Equipment	\$ (11,500.00)
2171	3/17/2025	010	444	Detention Center (Jail)	Move Funds To Appropriate Expense Line To Accomodate Correction To Powerdms Subscription Purchased That Was Charged To Incorrect Exp Acct And Assinged Fa# In Error	Dues/Subscriptions	\$ 11,500.00
2174	3/11/2025	010	998	Contingency	Transfer Funds From E&C To Cover Autopsies/Investigations.	Emerg & Contingency	\$ (17,500.00)
2174	3/11/2025	010	451	Medical Examiner	Transfer Funds From E&C To Cover Autopsies/Investigations.	Hospital/Doctor Fees	\$ 17,500.00
2175	3/11/2025	010	470	Public Firing Range	Transfer Funds To Cover Anticipated Expenditures Through Year End.	Automotive Supplies	\$ 1,000.00
2175	3/11/2025	010	470	Public Firing Range	Transfer Funds To Cover Anticipated Expenditures Through Year End.	Maint Bldg/Grounds	\$ 6,000.00
2175	3/11/2025	010	470	Public Firing Range	Transfer Funds To Cover Anticipated Expenditures Through Year End.	Contracted Services	\$ (1,000.00)
2175	3/11/2025	010	470	Public Firing Range	Transfer Funds To Cover Anticipated Expenditures Through Year End.	Capital Equipment	\$ (6,000.00)

BUD #	DATE SUBMITTED BY DEPT	Fund #	DEPT #	DEPT NAME	EXPLANATION	Account Description	BUDGET AMOUNT
2177	3/17/2025	010	446	Emergency Medical Service	Eq2036 Upgrade From West Chatham	Capital Equipment	\$ (2,680.00)
2177	3/17/2025	010	446	Emergency Medical Service	Eq2036 Upgrade From West Chatham	Cap Equip-Major Repairs	\$ 2,680.00
2178	3/17/2025	010	449	Electronic Maintenance	Transfer Money To Correct Account For Radio Purchases And Cover Telecommunications Expenses Elect Main	Controlled Property Exp	\$ 4,700.00
2178	3/17/2025	010	449	Electronic Maintenance	Transfer Money To Correct Account For Radio Purchases And Cover Telecommunications Expenses Elect Main	Telecommunications	\$ 3,000.00
2178	3/17/2025	010	449	Electronic Maintenance	Transfer Money To Correct Account For Radio Purchases And Cover Telecommunications Expenses Elect Main	Maint Contracts-Equip	\$ (3,000.00)
2178	3/17/2025	010	449	Electronic Maintenance	Transfer Money To Correct Account For Radio Purchases And Cover Telecommunications Expenses Elect Main	Capital Equipment	\$ (47,000.00)
2179	3/17/2025	010	449	Electronic Maintenance	Correcting Previous Budget Transfer Entry 2178. Additional 0 Added.	Capital Equipment	\$ 42,300.00
2180	3/18/2025	010	443	State Forfeited Property	Move Funds To Appropriate Account For New Target System For Ccso Shooting Range. Ccc Is Paying 75% Of System With County Covering Remaining 25% (Add\$15K Needed Fm E&C (10.998))	Miscellaneous Exp	\$ (14,989.00)
2180	3/18/2025	010	443	State Forfeited Property	Move Funds To Appropriate Account For New Target System For Ccso Shooting Range. Ccc Is Paying 75% Of System With County Covering Remaining 25% (Add\$15K Needed Fm E&C (10.998))	Capital Equipment	\$ 14,989.00
2181	3/18/2025	010	444	Detention Center (Jail)	2023/2024 Carryover To 2024/2025 For 2023 Vivitrol Grant Project Rf-A1232-Meds	Fund Balance Appropriated	\$ 290,651.00
2181	3/18/2025	010	444	Detention Center (Jail)	2023/2024 Carryover To 2024/2025 For 2023 Vivitrol Grant Project Rf-A1232-Meds	Refunds	\$ 21,513.00
2181	3/18/2025	010	444	Detention Center (Jail)	2023/2024 Carryover To 2024/2025 For 2023 Vivitrol Grant Project Rf-A1232-Meds	Grants	\$ 12,841.00
2181	3/18/2025	010	444	Detention Center (Jail)	2023/2024 Carryover To 2024/2025 For 2023 Vivitrol Grant Project Rf-A1232-Meds	Bud Acc Only-Other Source	\$ 256,297.00
2182	3/18/2025	010	998	Contingency	Tfr Funds Fm Contingency Per Co Mgr-David Cotton To Pay A Portion Of The New Target System For The Ccso Shooting Range. Ccc Is Paying 75% Of The System With The County Paying The Remaining 25%. Other Part Of Co Contribution Coming From Ccso State Forfeiture Fds. Project Must Be Completed Before May	Emerg & Contingency	\$ (15,000.00)

BUD #	DATE SUBMITTED BY DEPT	Fund #	DEPT #	DEPT NAME	EXPLANATION	Account Description	BUDGET AMOUNT
2182	3/18/2025	010	441	Sheriff'S Office	Tfr Funds Fm Contingency Per Co Mgr-David Cotton To Pay A Portion Of The New Target System For The Ccso Shooting Range. Ccc Is Paying 75% Of The System With The County Paying The Remaining 25%. Other Part Of Co Contribution Coming From Ccso State Forfeiture Fds. Project Must Be Completed Before May	Capital Equipment	\$ 15,000.00
2183	3/18/2025	054	474	Collections/Manned Sites	Fund Transfer To Cover Shortage In Account For Grass Seed Lime Fertilizer To Sew Slopes	Maint Bldg/Grounds	\$ 8,500.00
2183	3/18/2025	054	473	Disposal/Landfill	Fund Transfer To Cover Shortage In Account For Grass Seed Lime Fertilizer To Sew Slopes	Motor Fuels/Oils	\$ (8,500.00)
2184	3/19/2025	013	660	Employee Wellness Center	Transfer Funds To Cover Equipment Purchase	Controlled Property Exp	\$ 5,702.00
2184	3/19/2025	013	660	Employee Wellness Center	Transfer Funds To Cover Equipment Purchase	Pharmacy Fees	\$ (5,702.00)
2185	3/19/2025	054	474	Collections/Manned Sites	Btd-2185 Inter Department Transfer To Cover 1 Cubic Yard Tilt Carts For Man Site C And D	Motor Fuels/Oils	\$ (10,000.00)
2185	3/19/2025	054	474	Collections/Manned Sites	Btd-2185 Inter Department Transfer To Cover 1 Cubic Yard Tilt Carts For Man Site C And D	Maint Bldg/Grounds	\$ 10,000.00
2186	3/21/2025	054	473	Disposal/Landfill	To Fund Account For Capital Purchase Item	Cap Equip-Major Repairs	\$ (2,650.00)
2186	3/21/2025	054	473	Disposal/Landfill	To Fund Account For Capital Purchase Item	Capital Equipment	\$ 2,650.00
2187	3/21/2025	054	474	Collections/Manned Sites	Btd 2187 054.474.5.241.00 To 054.474.5.340.00 Transfer For Cleveland County Solid Waste Recycling Project For "Blue Dot Invoice".	Motor Fuels/Oils	\$ (30,000.00)
2187	3/21/2025	054	474	Collections/Manned Sites	Btd 2187 054.474.5.241.00 To 054.474.5.340.00 Transfer For Cleveland County Solid Waste Recycling Project For "Blue Dot Invoice".	Maint Bldg/Grounds	\$ 30,000.00
2188	3/25/2025	010	542	Animal/Rabies Control	Btd 2188 Moving The Funds Is Necessary To Cover Spay And Neuter Cost And The Cost To Provide Care To The Animals.	Medicine & Supplies	\$ 15,000.00
2188	3/25/2025	010	542	Animal/Rabies Control	Btd 2188 Moving The Funds Is Necessary To Cover Spay And Neuter Cost And The Cost To Provide Care To The Animals.	Professional Services	\$ 20,000.00
2188	3/25/2025	010	542	Animal/Rabies Control	Btd 2188 Moving The Funds Is Necessary To Cover Spay And Neuter Cost And The Cost To Provide Care To The Animals.	Capital Equipment	\$ (35,000.00)
2189	3/28/2025	012	540	Women-Infants-Children	Transfer Funds To Cover Equipment For Language Line And Intrepreter Services And Upcoming Department Expenses	Controlled Property Exp	\$ 1,827.00
2189	3/28/2025	012	540	Women-Infants-Children	Transfer Funds To Cover Equipment For Language Line And Intrepreter Services And Upcoming Department Expenses	Education/Training/Cert	\$ 1,000.00

BUD #	DATE SUBMITTED BY DEPT	Fund #	DEPT #	DEPT NAME	EXPLANATION	Account Description	BUDGET AMOUNT
2189	3/28/2025	012	540	Women-Infants-Children	Transfer Funds To Cover Equipment For Language Line And Intrepreter Services And Upcoming Department Expenses	Contracted Services-Cs	\$ 3,000.00
2189	3/28/2025	012	540	Women-Infants-Children	Transfer Funds To Cover Equipment For Language Line And Intrepreter Services And Upcoming Department Expenses	Awards/Appreciation-Wic Brf	\$ 20,000.00
2189	3/28/2025	012	540	Women-Infants-Children	Transfer Funds To Cover Equipment For Language Line And Intrepreter Services And Upcoming Department Expenses	Emerg & Contingency-Wic Cs	\$ (25,827.00)
2190	3/27/2025	010	446	Emergency Medical Service	Btd 2190 Moving Money To Cover Accounts In The Negative And Will Be In The Negative	Controlled Property Exp	\$ 2,061.00
2190	3/27/2025	010	446	Emergency Medical Service	Btd 2190 Moving Money To Cover Accounts In The Negative And Will Be In The Negative	Pharmacy Fees	\$ 6,125.00
2190	3/27/2025	010	446	Emergency Medical Service	Btd 2190 Moving Money To Cover Accounts In The Negative And Will Be In The Negative	Automotive Supplies	\$ (40,000.00)
2190	3/27/2025	010	446	Emergency Medical Service	Btd 2190 Moving Money To Cover Accounts In The Negative And Will Be In The Negative	Motor Fuels/Oils	\$ 36,910.00
2190	3/27/2025	010	446	Emergency Medical Service	Btd 2190 Moving Money To Cover Accounts In The Negative And Will Be In The Negative	Telecommunications	\$ (32,045.00)
2190	3/27/2025	010	446	Emergency Medical Service	Btd 2190 Moving Money To Cover Accounts In The Negative And Will Be In The Negative	Rental/Lease Equip/Other	\$ (2,000.00)
2190	3/27/2025	010	446	Emergency Medical Service	Btd 2190 Moving Money To Cover Accounts In The Negative And Will Be In The Negative	Contracted Services	\$ 6,940.00
2190	3/27/2025	010	446	Emergency Medical Service	Btd 2190 Moving Money To Cover Accounts In The Negative And Will Be In The Negative	Maint Contracts-Equip	\$ 25,340.00
2190	3/27/2025	010	446	Emergency Medical Service	Btd 2190 Moving Money To Cover Accounts In The Negative And Will Be In The Negative	Professional Serv	\$ 2,730.00
2190	3/27/2025	010	446	Emergency Medical Service	Btd 2190 Moving Money To Cover Accounts In The Negative And Will Be In The Negative	License/Permit/Certficate	\$ (4,000.00)
2190	3/27/2025	010	446	Emergency Medical Service	Btd 2190 Moving Money To Cover Accounts In The Negative And Will Be In The Negative	Capital Equipment	\$ (2,061.00)
2191	3/27/2025	054	474	Collections/Manned Sites	Btd 2191 Transfer For Cleveland County Solid Waste Recycling Project For "Blue Dot Invoice". Transfer #2.	Motor Fuels/Oils	\$ (15,000.00)
2191	3/27/2025	054	474	Collections/Manned Sites	Btd 2191 Transfer For Cleveland County Solid Waste Recycling Project For "Blue Dot Invoice". Transfer #2.	Maint Bldg/Grounds	\$ 15,000.00
2192	3/27/2025	054	473	Disposal/Landfill	Transfer To Fund Purchase Of Compaction Wheel Set	Off Road Vehicle Supplies	\$ 64,075.00
2192	3/27/2025	054	473	Disposal/Landfill	Transfer To Fund Purchase Of Compaction Wheel Set	Cap Equip-Major Repairs	\$ (64,075.00)
2193	3/31/2025	010	444	Detention Center (Jail)	Co 2193 From 23/24 To 24/25. To Increase 4.991.00 And 5.250.00 For Dentention Center Po Not Completed At 06.30.2024	Fund Balance Appropriated	\$ 3,246.00

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #059)

ACTION: Commissioner Hardin 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
497.253.4.980.41		Cap Proj-E911 Ctr/Contributions Fm Capital	\$1,060,249	
497.253.5.991.00		Cap Proj-E911 Ctr/Contributions in Progress	\$1,060,249	
497.257.4.980.41		Cap Proj-EOC/Contributions Fm Capital Rese	\$501,467	
497.257.5.991.00		Cap Proj-EOC/Contributions in Progress	\$501,467	
041.209.4.991.00		Capital Reserves/Fund Balance Appropriated	\$1,561,716	
041.209.5.890.00		Capital Reserves/Interfund Transfers	\$1,561,716	

Explanation of Revisions: Budget allocation of \$1,561,716 in contribution funds for 911 and Emergency Operations Center (EOC) projects for E911 Call Center and County contributions funds for OSBM Grant.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #060)

ACTION: Commissioner Hardin 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
010.441.4.800.00		Sheriff’s Office/Miscellaneous Revenue	\$89,966	
010.441.5.910.00		Sheriff’s Office/Capital Equipment	\$89,966	

Explanation of Revisions: Budget allocation of \$89,966 in funds received from the Cleveland Community College for 75% of the costs for the Turning Targets System to be installed at the Cleveland County Shooting Range. The additional 25% for the system came from state forfeiture funds and county contingency funds.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #061)

ACTION: Commissioner Hardin 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
012.550.5		Primary Care/Primary Care Expense	\$433,107	

012.550.4.465.00	Primary care/Admin Services Allocation	\$224,007
012.550.4	Primary care/Primary Care Rev. Fee Accts	\$209,100

Explanation of Revisions: Budget allocation of \$433,107 for Primary Care that was missed in the original budget ordinance adopted June 7, 2024. This request will true up the ordinance to the workings performed for the budget and match to what was added to the county’s budget accounting ERP system but not added to the original adopted budget ordinance.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #062)

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>
010.445.4.409.00		Emergency Mgmt/Local Revenues	\$49,200	
010.445.5.910.00		Emergency Mgmt/Capital Equipment	\$49,200	

Explanation of Revisions: Budget allocation of \$49,200 in funds received from Duke Energy to be used for the purchase of a vehicle and equipment.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #063)

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>
012.541.4.350.00		Environmental Health/State Govt Revenue	\$10,328	
012.541.5.121.00		Environmental Health/Salaries-Wages Reg	\$10,328	

Explanation of Revisions: Budget allocation of \$10,328 for the Food and Lodging sanitation program and activities through the Environmental Health section of the North Carolina Department of Health and Human Services. These funds will be used towards existing salaries.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #064)

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>
012.530.5.310.00		General Administration/Fed Govt Grants	\$11,734	
012.530.5.121.00		General Administration/Salaries-Wages Reg	\$11,735	

Explanation of Revisions: Budget allocation of \$11,734 in funding from the North Carolina Department of Health and Human Services for investment in Performance Management. This activity is to help meet short-term needs to invest and support its capacity and expertise specific to accountability and performance management as measured by the North Carolina Foundational Capabilities Assessment (NC FCA) assessment.

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING ON TUESDAY, MAY 6, 2025, FOR PLANNING CASE 25-04; REQUEST TO REZONE 4216 FALLSTON ROAD FROM RESIDENTIAL (R) TO LIGHT INDUSTRIAL-CONDITIONAL USE (LI-CU)

The applicant, Christoph Hackner, of Hackner Home, LLC, is requesting to rezone 4216 Fallston Rd, a 3.1-acre parcel, from Residential (R) to Light Industrial – Conditional Use (LI-CU) to develop the property as a sewing facility. A site plan has been submitted with the application. This property lies just south of Fallston along Highway 18, Fallston Road, and is currently owned by Adrina Moreno Lemus, per the Cleveland County Tax Assessor. Surrounding uses consist of a mixture of business, residential, and large tracts of land. Highway 18 is considered an arterial road for Cleveland County. The Land Use Plan designates this area as Secondary Growth. The surrounding zoning districts include traditional Residential (R) and Rural Agriculture (RA).

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

LEGAL DEPARTMENT: SALE OF COUNTY OWNED PROPERTY PARCEL 20706

Cleveland County has owned parcel 20706, containing .06 vacant acres, located at 1113 Withers Street, Shelby, approximately midway between South Morgan Street and South Washington Street, since June 30, 2017, when it acquired title as the result of a tax foreclosure sale for Nine Thousand Fifty-Three and 36/100 Dollars (\$2,610.94). Gene Metts and Helen Metts placed a bid of One Thousand Nine Hundred and No/100 Dollars (\$1,900.00) on parcel 20706 on February 11, 2025. No other bids were placed during the upset bid process. Commissioners approved using this procedure to solicit upset bids on the sale of this property. The bid on parcel 20706 is under the tax value. There has been no other interest in the property, and accepting this bid places the property into private ownership.

Mr. and Mrs. Metts own the adjoining property at 1117 Morgan Street, Shelby. The property's tax value is Two Thousand Three Hundred Fifty-Two and No/100 Dollars (\$2,352.00). North Carolina General Statute §153A-176 authorizes the county to dispose of property according to the procedures proscribed in Chapter 160A, Article 12 of the General Statutes. One of those procedures is found in North Carolina General Statute §160A-269. Under that statute, the county may receive an offer to purchase property and advertise it for upset bids.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges and unanimously approved by the Board to, *accept the offer to purchase parcel 20706, located at 1113 Withers Street, Shelby, and authorize county staff to prepare the deed of sale and deliver to Reliable Innovations, LLC upon payment.*



Resolution

07-2025

Resolution Accepting Negotiated Offer and Upset Bid for Parcel 20706

WHEREAS, Cleveland County received an offer to sell and adhered to the upset bid procedures pursuant to N.C.G.S. § 153A-176 and N.C.G.S. § 160A-269 and of its March 18, 2025 Resolution as to a certain property it owns identified, as follows:

Parcel #	Location	Highest Offeree	Current Offer
20706	1113 Withers Street	Gene Metts and Helen Metts	\$1,900.00

and

WHEREAS, the time is ripe for the County to review and determine whether to accept or reject the highest bids by analyzing the bids and the property; and

WHEREAS, the County has incurred expenses on the property identified above reflected as follows:

Parcel Number	Amount Offered	Tax Value	Year Acquired	County Cost
20706	\$1,900.00	\$2,352.00	2017	\$9,053.36

and

WHEREAS, the County expects offers to cover the indebtedness of any property through this bid process, with the intention to sell property for a sum that is equal to or in excess of the amount owed to the County when reasonable and that takes into consideration a rational relationship to the tax value of the property at issue; and

WHEREAS, the bid on parcel 20706 does cover the outstanding indebtedness on the property but is under the current tax value.

WHEREAS, notice of this Board's intention to accept the offer and instructions for the upset bid process were published in The Shelby Star on March 24, 2025; and


WHEREAS, the County received no other offers for the property during the upset bid process, and due to the small size and location of the property, it is unlikely that the property

will receive higher bids in the near future, while accepting this bid does accomplish payment of back taxes and placing the property back into private ownership.

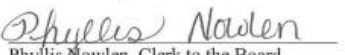
THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of Commissioners approves the sale to Gene Metts and Helen Metts, of the property identified as parcel # 20706 located at 1113 Withers Street, Shelby, NC for the sum of \$1,900.00 in cash, money order or cashier's check; and authorizes Chair Kevin Gordon to sign a quitclaim deed for parcel # 20706 to Gene Metts and Helen Metts, upon payment; and instructs County staff to prepare the quitclaim deed to be delivered to Gene Metts and Helen Metts, upon payment.

Adopted this 15th day of April 2025.


Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:


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



RECORDING FEE \$ 26.00 REVENUES - 0 -

* Christie Wooten

Doc No: 200112840
Recorded: 04/22/2025 11:40:22 AM
Fee Amt: \$26.00 Page 1 of 2
Transfer Tax: \$0.00
Cleveland County North Carolina
Belay S. Harnage, Register of Deeds
BK 1944 PG 1953 - 1954 (2)

BK 1944 PG 1954 DOC# 200112840

NORTH CAROLINA QUITCLAIM DEED
NO TITLE SEARCH REQUESTED OR PERFORMED

Excise Tax: \$0

Parcel Identifier No. 20706 Verified by _____ County on the ____ day of _____, 20____

By: _____

Mail/Box to: Gene Metts and Helen Metts, 5769 Wynclyff Road, North Charleston, SC 29418

This instrument was prepared by: Jonathan Sink, County Attorney

Brief description for the Index: _____

THIS DEED made this _____ day of _____, 2025, by and between

GRANTOR GRANTEE

CLEVELAND COUNTY, NORTH CAROLINA
A political subdivision of the State of North Carolina
311 E. Marion Street, Suite 121
Shelby, North Carolina 28150

GENE L. METTS, SR. AND WIFE HELEN T. METTS
5769 Wynclyff Road
North Charleston, South Carolina 29418

Property Address:
1113 Withers Street
Shelby, North Carolina 28152

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as may be required by context.

WITNESSETH, that said Grantors, for and in consideration of the sum of One Thousand, Nine Hundred and No/100 dollars and other consideration to them in hand paid, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release, and forever quitclaim into the Grantee and his/her heirs and assigns all right, title, claim, and interest of the said Grantors in and to a certain tract or parcel of land lying and being in the County of Cleveland and State of North Carolina, and more particularly described as follows:

Being a part of Lot No. 18 as described in the petition, and being a portion of what is known as the Stewart Lot, bounded on the east by lot sold to A. V. Johnson and wife, and on the west by lot sold to Green and Smith, and beginning at a stake in the edge of a 25 foot street, northeast corner of the Green-Smith Lot, and runs thence with line of same South 7 ½ East 50 feet to a stake in the old line; thence with the same North 80 ½ East 56 feet to a stake, corner of the Johnson Lot; thence with the same North 7 ½ West 50 feet to a stake in the 25 foot street; thence with the south edge of said street South 82 West 56 feet to the Beginning.

Less and Except any property that was conveyed out of the above property.

No title search was requested or performed on these parcels.

____ If checked, the property includes the primary residence of the Grantor (N.C.G.S. § 105-317.2)

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 1747, Page 1155, Cleveland County Registry.

A map showing the above-described property is recorded in Map S48, BLK: 2, Lot: 7.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to her/him the said Grantee and her/his heirs and assigns free and discharged from all right, title, claim or interest of the said Grantors or anyone claiming by, and through or under them.

Title to the property hereinabove described is subject to the following exceptions if any:

Rights of way and easements of record
Municipal liens
GRANTOR makes no warranty, express or implied, as to title to the Property.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

CLERK TO THE BOARD: _____

By: Kevin Gordon, Chairman
Board of Commissioners

State of North Carolina- County of Cleveland

I, the undersigned Notary Public of the State aforesaid, certify that Kevin Gordon personally came before me this day and acknowledged that he is the Chairman of the Cleveland County Board of Commissioners, a State of North Carolina Governmental Body and that by authority duly given and as the act of this entity he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 22nd day of April, 2025.

My Commission Expires: 4-24-26
(Affix Seal)

Christie Harper Wooten
Christie Harper Wooten Notary Public

Notary's Printed or Typed Name

PUBLIC HEARINGS

MINIMUM PUBLIC HEALTH AND SAFETY STANDARDS ORDINANCE

Chairman Gordon called County Attorney Jonathan Sink to the podium to present the Minimum Public Health and Safety Standards Ordinance. In 2019 – 2020, the North Carolina General Assembly conducted a significant statutory consolidation of minimum housing code statutes, the most considerable effort the assembly had completed since 1905. The thrust of it was a consolidation of Chapter 160D of the existing North Carolina General Statutes (NCGS). Various provisions from Chapter 153A were incorporated into Chapter 160D, impacting counties and municipalities. The consolidation aligned Cleveland County’s current ordinances, which were not aligned with Chapter 160D after 2020. The proposed ordinance entailed three primary purposes: to clean up the existing ordinances, reorganize and properly place ordinance provisions, and create new ordinance sections.

1. Cleaned up Existing Ordinances
 - Removed non-160D items from Minimum Housing Code (Section 3.5)
 - Eliminated provision for “noxious weeds”
 - Removed all references to old (repealed) statutes
2. Reorganized and Properly Placed Ordinance Provisions
 - Several provisions moved out from under Section 3.5 to create Section 3.6 (Building Code Enforcement)
 - Moved “care of premises” provision from Section 3.5 to Section 11-47 under our Solid Waste Ordinances
3. Created New Ordinance Sections
 - New Section 3.6 = Building Code Enforcement
 - New Section 3.7 = Minimum Public Health and Safety Standards

When creating new ordinances, the equivalent of a new local law, it is very important to know which general statute authorizes the county to do so. For the Minimum Public Health and Safety Standards Ordinance, it’s North Carolina General Statute §153A-140. Over the last several years, Commissioners have received input and

complaints from residents that the county needs to do something about parcels that have accumulated piles of solid waste and other materials that are health and safety hazards, including properties that attract snakes and rodents. The proposed Minimum Public Health and Safety Standards Ordinance would be a complaint-driven process. The proposed ordinances are structured as follows:

- Section 3.5 - Minimum Housing Code
 - Only NCGS §160D-related material included
 - Aligned w/ the 2019-2020 state statutory consolidation
- Section 3.6 - Building Code Enforcement
 - Only building code enforcement language included
 - No new substance embedded therein
 - Old statutory references removed and replaced by references to current state statutes (i.e., good law)
- Section 3.7 - Minimum Public Health & Safety Standards
 - This is the new provision for the Board's consideration
 - Complaint-driven process; not a local government offensive
 - Due process is provided throughout for alleged violators
- Section. 3.7-1. Conditions deemed dangerous and prejudicial to the public's health and safety
 - Legal authority: Establishes N.C.G.S. §153A-140 as the backbone authority for the entire Section.
 - Section 3.7 would NOT apply to:
 - Farms
 - Properties where grasses and other vegetative growth have been reasonably maintained
- Section 3.7 would apply to:
 - Properties with dwellings on them located within the County; AND
 - on which solid waste and/or other materials have been allowed to accumulate; AND
 - where said accumulation could reasonably harm the public's health or safety
- Section 3.7-2. Enforcement; right of entry onto premises
 - Complaint comes in about a property
 - Legal threshold: Is there reasonable cause to believe a violation exists to make inspection necessary to make an administrative determination
 - Designee of the county manager goes by the property to take a look in plain sight
 - If Designee can make a determination either way without entering onto the subject property, Designee does so via Step 3.7-3.
 - If Designee cannot make a determination in plain sight without entering onto the subject property, Designee must get the property owner's voluntary permission to enter onto the premises OR secure an administrative search warrant to search the property.
- Section 3.7-3. Notice of alleged violation
 - County attorney sends written notice to property owner that the County has determined his/her property is in violation of Section 3.7-1
 - Must include a brief articulation of how the property is in violation
 - Must clarify the property owner has 10 calendar days to remedy (abate) the violation
 - Must inform property owner of right to administrative appeal hearing + right to appeal in court
 - NOTE: Chronic violator = property owner provided three written notices by the county in a previous calendar year
 - The county attorney may notify chronic violators that if the violator's property is found to be in violation of the ordinance, the county will abate the issue itself without further notice
- Section 3.7-4. Right to a hearing
 - Alleged violator has ten calendar days from receipt of the county attorney's letter to request an administrative hearing before the county manager or his designee
 - Hearing must happen within five business days of receiving the request for hearing
 - County's final administrative decision must be issued within three business days of hearing
 - If the decision is to uphold the determination of violation, the County's final determination must remind the property owner of his/her right to appeal the County's decision to the General Court of Justice, per NCGS §153A-140

- Section 3.7-5. Abatement of violation by county
 - The county may abate the violation itself (or hire a third-party contractor to do so) at the violator’s expense if one of the following criteria is met:
 - Administrative hearing requested and held (under Sec. 3.7-4) + Final Order rendered + property owner fails to abate the violation within ten calendar days of hearing adjournment: OR
 - No administrative hearing was requested, ten calendar days passed since the Notice of Violation, and the property owner has not yet abated the violation.
- Section 3.7-6. Charges for abatement by county; lien
 - County may charge the actual cost incurred to abate (NOTE: Send statement of charges)
 - Timeline: Property owner has 30 calendar days to pay from the receipt of the statement of charges from the County.
 - Failure to pay in a timely manner? Charges become a lien on the property, collected in the same way unpaid taxes are collected, pursuant to NCGS §153A-140

The following information and PowerPoint were presented to the Commissioners.



What this work entailed

1. Cleaned up Existing Ordinances

- Removed non-160D items from Minimum Housing Code (Section 3.5)
- Eliminated provision for "noxious weeds"
- Removed all references to old (repealed) statutes

2. Reorganized and Properly Placed Ordinance Provisions

- Moved several provisions out from under Section 3.5 to create Section 3.6 (Building Code Enforcement)
- Moved "care of premises" provision from Section 3.5 to Section 11-47 under our Solid Waste ordinances

3. Created New Ordinance Sections

- New Section 3.6 = Building Code Enforcement
- New Section 3.7 = Minimum Public Health and Safety Standards

How things would be structured

Section 3.5 - Minimum Housing Code

- Only N.C.G.S. 160D-related material included
- Aligned w/ the 2019-2020 state statutory consolidation

Section 3.6 - Building Code Enforcement

- Only building code enforcement language included
- No new substance embedded therein
- Old statutory references removed and replaced by references to current state statutes (i.e. good law)

Section 3.7 - Minimum Public Health & Safety Standards

- This is the new provision for the Board's consideration
- Complaint-driven process; not a local government offensive
- Due process provided throughout for alleged violators

Section 3.7: What's included in this proposal?

Sec. 3.7-1. Conditions deemed dangerous and prejudicial to the public's health and safety.

- Legal authority: Establishes N.C.G.S. 153A-140 as the backbone authority for the entire Section.
- Section 3.7 would **NOT** apply to:
 - Farms
 - Properties where grasses and other vegetative growth has been reasonably maintained
- Section 3.7 would apply to:
 - Properties w/ dwellings on them located within the County; AND
 - on which solid waste and/or other materials have been allowed to accumulate; AND
 - where said accumulation could reasonably harm the public's health or safety.

Sec. 3.7-2. Enforcement; right of entry onto premises.

- Complaint comes in about a property...
- **Legal threshold:** Is there reasonable cause to believe a violation exists to make inspection necessary to make an administrative determination?
- Designee of the county manager goes by the property to take a look in plain sight.
- If Designee can make a determination either way without entering onto the subject property, Designee does so via Step 3.7-3.
- If Designee cannot make a determination in plain sight without entering onto the subject property, Designee must get property owner's voluntary permission to enter onto the premises **OR** secure an administrative search warrant to search the property.

Section 3.7: What's included? (continued...)

Sec. 3.7-3. Notice of alleged violation.

- County attorney sends written notice to property owner that the County has determined his/her property is in violation of Sec. 3.7-1.
 - Must include brief articulation of how property is in violation...
 - Must clarify the property owner has 10 calendar days to remedy (abate) the violation
 - Must inform property owner of right to administrative appeal hearing + right to appeal in court
- NOTE: Chronic violator = property owner provided 3 written notices by County in prev. calendar year
 - County attorney may notify chronic violators that if the violator's property is found to be in violation of the ordinance, the County will abate the issue itself without further notice.

Sec. 3.7-4. Right to hearing.

- Alleged violator has 10 calendar days from receipt of county attorney's letter to request an administrative hearing before the county manager or his designee.
- Hearing must happen within 5 business days of receiving the request for hearing.
- County's final administrative decision must be issued within 3 business days of hearing.
 - If the decision is to uphold the determination of violation, County's final determination must remind property owner of his/her right to appeal the County's decision to the General Court of Justice, per N.C.G.S. 153A-140.

Section 3.7: What's included? (continued...)

Sec. 3.7-5. Abatement of violation by county.

- County may abate the violation itself (or hire a third-party contractor to do so) at violator's expense if one of the following criteria are met:
 - Administrative hearing requested and held (under Sec. 3.7-4) + Final Order rendered + property owner fails to abate the violation w/in 10 calendar days of hearing adjournment; **OR**
 - No administrative hearing requested + 10 calendar days pass since Notice of Violation + property owner has not yet abated the violation.

Sec. 3.7-6. Charges for abatement by county; lien.

- County may charge actual cost incurred to abate (NOTE: Send statement of charges).
 - Timeline: Property owner has **30 calendar days to pay** from the receipt of statement of charges from the County.
- Failure to timely pay?
 - Charges become a lien on the property, collected in the same way unpaid taxes are collected, pursuant to G.S. 153A-140.

Questions & Discussion

Thank you for your time and attention to the contents of this presentation.

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Chairman Gordon opened the floor to the Board for further questions and discussion. Commissioner Hardin reiterated that the proposed ordinance would not give any government agent the authority to enter onto the property

without permission, and this ordinance has nothing to do with the inside of an occupied dwelling, only the outside. Mr. Sink replied that both were correct. The homeowner must permit someone to be on their property. The county's designee must leave if the owner states that no one is allowed on the property. The ordinance also pertains to the outside, not inside the dwelling. Commissioner Hardin asked Mr. Sink to re-outline the Minimum Public Health & Safety Standards procedures. Mr. Sink reminded the Board that the initial process begins with a citizen complaint about a property with an inhabited dwelling. The county manager's designee will access the property from the road. The designee must obtain permission from the homeowner to go onto the property for further evaluation. If a violation is found, the administrative process of notifying the homeowner to clean up the property will start. The proposed ordinance is for public health and setting safety standards.

Commissioner Bridges inquired if the renter or the property owner would be responsible for the cleanup. Mr. Sink advised that it would be the property owner. Commissioner Berry questioned what determines the next step in attempting to get a warrant to enter that person's home? Mr. Sink explained that the administrative search warrant would only be to enter onto the person's property, only after permission had been sought and denied.

Chairman Gordon opened the Public Hearing at 7:00 p.m. for anyone wanting to speak for or against the Minimum Public Health and Safety Standards Ordinance. (*Legal Notice was published in the Shelby Star on Friday, March 7, 2025, and Friday, March 14, 2025*).

Dwayne Hord, 332 Yarbrow Road, Kings Mountain – represents a group of citizens who are concerned about the legality and process behind the proposed ordinance. He asked Commissioners to postpone the vote until the North Carolina Attorney General's Office has reviewed it and confirmed its legality. He also expressed frustration with the poor communication to the public regarding the ordinance.

Frank Cromer, 1228 Houser Lake Road, Mooresboro – spoke in opposition of the proposed ordinance questioning why, if there were already ordinances in place, is this issue being revisited? He asked why the county can not just enforce what is already in the ordinances instead of forming something new.

Cindy Bailey, 2546 Shoal Creek Church Road, Shelby – spoke in favor of the ordinance, commenting on the environmental and health benefits to neighborhoods. She voiced her concerns regarding the lack of communication and transparency with the citizens. She asked the Board to share the information with their constituents, as they are the ones who need to know what is happening in their county.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 7:10 p.m.

Chairman Gordon opened the floor to the Board for further questions and discussion. Commissioner Hardin asked Mr. Sink if there were any questions about the legality of the proposed ordinance. Mr. Sink advised that the presented ordinance and its process have been legally vetted and reviewed and are aligned with established laws. He explained that the current ordinances do not allow administrative enforcement against violators. The Minimum Public Health and Safety Standards Ordinance differs from the Minimum Housing Code. The housing code applies to everyone, whereas the proposed ordinance oversees public health and safety.

ACTION: Commissioner Berry made the motion to, *postpone the decision until a later time to allow for further study and discussion.*

The motion died due to the lack of a second.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Hutchins and was approved by the Board (4-1; Commissioner Berry opposed) to, *adopt the Minimum Public Health and Safety Standards Ordinance as presented.*

ARTICLE III. MINIMUM HOUSING CODE

Sec. 3.5-31. Findings, purpose, and authority.

- (a) Pursuant to G.S. § 160D-1201, it is hereby found and declared that there exist in the jurisdiction of the county dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe and unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the county.
- (b) In order to protect the health, safety and welfare of the residents of the county as authorized by G.S. Ch. 160D, Art. 12, it is the purpose of this article to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § 160D-1205.
- (c) In addition, it is hereby found and declared, under the authority of G.S. § 153A-121, that there exist in the jurisdiction of the county dwellings which, although not meeting the classification as unfit for human habitation, fail to fully comply with all the minimum standards for housing fitness as established herein and therefore have present one or more conditions which are inimical to the public health, safety and general welfare. Such conditions if not corrected can lead to deterioration and dilapidation of dwellings, which render them unfit for human habitation.

(Ord. of 5-2-00, § 3.5-31; Ord. of 6-1-21(1))

Sec. 3.5-32. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Abandoned structure. Any structure, whether designed and intended for residential or other uses, which has been vacant or not in active use, regardless of purpose or reason, for the past two-year period and which is determined by the code enforcement officer to be unfit for human habitation or occupancy based upon the standards as set forth in this article.

Basement. A portion of a building, which is located partly underground, having access to light and air from windows located, above the level of the adjoining ground.

Cellar. A portion of a building located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

County. The jurisdiction of the County of Cleveland, North Carolina.

Deteriorated. A dwelling that is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this article, at a cost not in excess of fifty (50) percent of its value, as determined by finding of the code enforcement officer.

Dilapidated. A dwelling that is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this article at a cost not in excess of fifty (50) percent of its value, as determined by finding of the code enforcement officer.

Dwelling. Any building, structure, manufactured home or mobile home, or part thereof, which is wholly or partly used or intended to be used for human habitation, and includes any accessory buildings and structures and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as hereinafter defined, shall not be regarded as a dwelling. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

Dwelling unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Extermination. The control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the code enforcement officer.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Gender. Words having a masculine gender shall include the feminine and neuter genders.

Habitable room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

Infestation. The presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or to the public.

Junked motor vehicle. All machines designed or intended to travel over land or water by self propulsion or while attached to any self-propelled vehicle that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it was intended to move; or
- (3) Is more than five years old and worth less than one hundred dollars (\$100.00); or
- (4) Does not display a current license plate.

Manufactured home (mobile home). A structure as defined on G.S. § 143-145(7).

Multiple dwelling. Any dwelling containing more than two (2) dwelling units.

Occupant. Any person over one (1) year of age living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator. Any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

Owner. Any person who alone, jointly, or severally with others:

- (1) Shall have title to any dwelling unit or rooming unit, with or without accompanying actual possession thereof; or
- (2) Shall be a mortgagee of record for any dwelling, dwelling unit or rooming unit; or
- (3) Shall have charge, care or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Parties in interest. All individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

Person. Any individual, corporation, firm, partnership, association, organization or other legal entity.

Plumbing. Any of the following supplied facilities and equipment: gas pipes, gas burning equipment water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed-dishwashers, lavatories, bath tubs, shower baths, installed clothes washing machines, catch basins drains, tents and other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Public authority. Any housing authority or any officer who is in charge of any department or branch of the government of the county or state relating to health, fire, building regulations, or other activities concerning dwellings in the county.

Rooming house. Any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator.

Rooming unit. Any room or group or rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Non-organic waste materials, including paper, rags, cartons, boxes, wood, excelsior, rubber, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

Supplied. Paid for, furnished or provided by, or under the control of, the owner or operator.

Temporary housing. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

Unfit for human habitation. When conditions exist in a dwelling, dwelling unit, rooming house or rooming unit which violate or do not comply with one (1) or more of the minimum standards of fitness or one (1) or more of the requirements established by this article.

Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. of 5-2-00, § 3.5-33)

Sec. 3.5-33. Minimum standards of fitness for dwellings and dwelling units

- (a) Every dwelling and dwelling unit used as human habitation or held out for use as human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of this article.

(b) No person shall occupy as owner-occupant, or let to another for occupancy or use as human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of this article.

(Ord. of 5-2-00, § 3.5-34)

Sec. 3.5-34. Minimum standards for structural condition.

The following standards shall constitute the minimum standards for structural conditions of a dwelling or dwelling unit:

- (1) Structural integrity. Walls, partitions, supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.
- (2) Supports. Floors, walls, ceilings or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- (3) Foundations. Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
- (4) Steps. Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- (5) Egress. Adequate facilities for egress in case of fire or panic shall be provided.
- (6) Interior. Walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- (7) Watertight. The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather and watertight.
- (8) Chimneys. There shall be no chimneys or parts thereof, which are defective, deteriorated or danger of failing, or in such condition or location as to constitute a fire hazard.
- (9) (9) Floors. There shall be no use of the ground for floors, or wood floors on the ground.

(Ord. of 5-2-00, § 3.5-35)

Sec. 3.5-35. Standards for basic plumbing, heating and electrical equipment and facilities.

(a) Plumbing standards.

(1) Supply. Each dwelling unit shall be connected to a potable water supply and to a public sewer system or other approved sewage disposal system.

(2) Facilities. Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been cut off because of nonpayment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.

(3) Maintenance. All plumbing fixtures shall be maintained in a state of good repair and in good working order.

(4) Accessible. All required plumbing fixtures shall be located within the dwelling and be accessible to the occupants of the same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(b) Heating standards generally. Every dwelling shall have facilities for providing heat as stated below. Such facilities shall be maintained in a state of good repair and good working order.

- (1) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions.
- (2)
- (3) Other Heating facilities. Where a central or electric heating system is not provided, each dwelling shall be provided with sufficient electrical receptacles, fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected.

(c) Electrical standards.

- (1) Wiring, lights, outlets. Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room or space shall contain at least two (2) floor or wall type electrical receptacle outlets, installed in such a manner as determined by the state electrical code. In kitchens, at least three (3) such electrical convenience receptacles shall be provided. At least one (1) electrical convenience receptacle shall be provided in each bathroom. There shall be installed in every habitable room, bathroom, water closet room, laundry room, and furnace room at least one (1) supplied ceiling or

wall type electric light fixture which shall be controlled by a wall switch, except for the laundry room and furnace room which may use a pull-chain type light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three (3) floor or wall type electric convenience receptacles.

- (2) Hall lights. Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.
- (3) Maintenance. All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the state electrical code.

(Ord. of 5-2-00, § 3.5-36)

Sec. 3.5-36. Ventilation standards.

- (a) General. Every habitable room shall have at least one (1) window or skylight facing directly to the outside. The minimum total window area, measured between stops, for every habitable room shall be eight (8) percent of the floor area of such room. Whenever walls or other portions of structures face a window or any room and such light-obstructing structures are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.
- (b) Habitable rooms. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size or minimum skylight-type window size as required, shall have other approved, equivalent ventilation.
- (c) Bathroom and water closet rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

(Ord. of 5-2-00, § 3.5-37)

Sec. 3.5-37. Space, use and location standards.

- (a) Room sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the state residential building code.
- (1) Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant.
- (2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
- (b) Ceiling height. At least one-half (½) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and six (6) inches.
- (c) Floor area calculation. Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than ten (10) percent of the required habitable floor area. The floor area of any part of any room where the height is less than four (4) feet six (6) inches shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.
- (d) Cellar. No cellar shall be used for living purposes.
- (e) Basements. No basement shall be used for living purposes unless:
 - (1) The floor and walls are substantially watertight;
 - (2) The total window area, total openable window area and ceiling height is equal to those required for habitable rooms;
 - (3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well or access way.

(Ord. of 5-2-00, § 3.5-38)

Sec. 3.5-38. Safe and sanitary maintenance standards.

- (a) Exterior foundation, walls and roof. Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair: shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon. Every exterior

wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

- (b) Interior floors, walls and ceiling. Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon.
- (c) Windows and doors. Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, watertight and rodent proof and shall be kept in sound working condition and good repair.
- (d) Stairs, porches and appurtenances. Every outside and inside stair, porch and appurtenance thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair. All porches, decks, stairs and landings that are more than thirty (30) inches above adjacent ground or floor level shall have approved protective railings not less than thirty (30) inches and not more than thirty-four (34) inches in height for stairs and at least thirty-six (36) inches in height for porches, decks, and landings.
- (e) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit such floor to be easily kept in a clean and sanitary condition.
- (f) Supplied facilities. Every supplied facility, piece of equipment or utility which is required under this article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
- (g) Drainage. Every yard shall be properly graded in order to obtain through drainage and to prevent the accumulation of stagnant water.

~~(h) —Noxious weeds. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth, which are noxious or detrimental to health.~~

- (h) Egress. Every dwelling unit shall be provided with adequate means of egress as required by residential building code.
- (i) Smoke detector systems. Every dwelling unit shall be provided with an approved listed smoke detector by the owner and installed in accordance with the manufacturer's recommendations and listing. The occupant of the dwelling shall be responsible for the maintenance of any battery powered smoke detector system and the testing of any smoke detector system.

(Ord. of 5-2-00, § 3.5-39)

Sec. 3.5-39. Control of insects, rodents and infestation.

- (a) Screens. In every dwelling unit, for protection against mosquitoes, flies and other insects. Every door opening directly from a dwelling unit to out-door space shall be equipped with screens and a self-closing devise. Every window or other devise with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens.
- (b) Rodent control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be equipped with screens or such other device as will effectively prevent their entrance.
- (c) Infestation. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.
- (d) Rubbish storage and disposal. Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by the County Code, and the occupant/owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.
- (e) Garbage storage and disposal. Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit, or an approved outside garbage can as required by the county.

(Ord. of 5-2-00, § 3.5-40)

Sec. 3.5-40. Rooming house standards; exceptions.

- (a) All of the provisions of this chapter, and all of the minimum standards and requirements of this article, shall be applicable to rooming houses, and to every person who operates a rooming house or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following subdivisions:

- (1) Water closet, hand lavatory and bath facilities. At least one (1) water closet, lavatory basin and bathtub or shower, property connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever such facilities are shared. All such facilities shall be located within the residence building served, shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
- (2) Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
- (3) Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
- (4) Sanitary facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by subsection (a)(1) of this section shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.

(Ord. of 5-2-00, § 3.5-41)

Sec. 3.5-41. Responsibilities of owners and occupants.

- (a) Public areas. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (b) Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof, which he occupies, and controls.
- (c) Rubbish and garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner or occupant shall be responsible for the availability of rubbish and garbage storage facilities.
- (d) Supplied plumbing fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.
- (e) Care of facilities, equipment and structure. No occupant shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.
- (f) Maintenance. All buildings and structures including accessory buildings and structures, i.e. carports, garages, storage buildings, etc. and all parts thereof shall be maintained in a safe and sanitary condition and in accordance with the requirements of this code. All devices, facilities and safeguards required by this article shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of all buildings and structures to which this article applies.

~~(g) — Care of premises. It shall be unlawful for the owner or occupant of a residential building, structure, or property, to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building materials, rubbish, or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, upon notice from the officer.~~

- (g) Requirements not covered. Any requirement not specifically covered by this article found to be necessary for the safety, health, and welfare of the occupants of any dwelling shall be determined by the Officer subject to appeal to the board of adjustment.
- (h) Owners duty to secure buildings and dwellings. The owners, parties in interest or other parties in control or possession of any building or dwelling which is unoccupied and abandoned, burned, or otherwise dangerous shall at all times cause such structures to be firmly secured against unauthorized entry.
- (i) In cases where it reasonably appears to such officer that there is imminent danger to the life or safety of any person or to safety of other property unless a dwelling or building as described hereinabove is immediately secured against unlawful entry by children, vagrants, animals, or against detrimental elements of the weather, the officer is authorized to immediately secure such building or dwelling against such unauthorized entry or detriment to the extent deemed necessary, and the costs of such security shall be recovered and collected as provided in section 3.5-49.
- (j) The provisions of this section shall be in addition to, and not in lieu of, any other provisions of this article imposing obligations upon parties owning or possessing buildings or dwellings within the county. Violations of this section shall be subject to provisions of section 3.5-52 and to all other provision of this article.

~~Sec. 3.5-42. Powers and duties of the code enforcement officer.~~

~~For the purposes of administering and enforcing the provisions of this ordinance the code enforcement officer (hereinafter referred to as "officer") is hereby designated as the chief administrative and enforcement official. The county manager shall appoint the code enforcement officer. The officer shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including, without limiting the generality of the foregoing, in addition to others herein granted, the following powers:~~

~~(1) — Investigations. To investigate the dwelling and building conditions in the county in order to determine which dwellings therein are unfit for human habitation and dangerous, being guided in such examination of dwellings and buildings by the requirements set forth in this article.~~

~~(2) — Action. To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated.~~

~~(3) — Records. To keep a record of the results of inspections made under this ordinance and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed.~~

~~(4) — Oaths, witnesses, etc. To administer oaths and affirmations and to examine witnesses and receive evidence.~~

~~(5) — Right of entry. To enter upon and within premises and dwellings for the purpose of making examinations and investigations; provided, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.~~

~~(6) — Delegation of functions, etc. To appoint and fix the duties of such officers, agents, and employees he deems necessary to assist in carrying out the purposes of this ordinance, and to delegate any of his functions and powers under this article to such officers, agents and employees.~~

~~(7) — To perform such other duties as may be prescribed herein or by the board of commissioners.~~

~~(Ord. of 5-2-00, § 3.5-43)~~

~~Sec. 3.5-43. Inspections — Duty of owners and occupants.~~

~~(a) — For the purpose of carrying out the intent of this article, the officer is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises, including abandoned structures. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the officer free access to such dwelling, dwelling unit or rooming unit, and its premises, at all reasonable times for the purposes of such inspection, examination and survey.~~

~~(b) — Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order assigned pursuant to the provisions of this article.~~

~~(Ord. of 5-2-00, § 3.5-44)~~

~~Sec. 3.5-44. Procedures for enforcement.~~

~~(a) — Preliminary investigations, notices, hearings. Whenever a petition is filed with the officer by a public authority or by at least five residents of the county charging that any dwelling is unfit for human habitation or whenever it appears to the officer (on his own motion) that any dwelling is unfit for human habitation, the officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the officer (or his designated agent) at a place within the county in which the property is located fixed not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the officer.~~

~~(b) — Procedure after hearing. After such notice and hearing, the officer shall state in writing his determination whether the dwelling or dwelling unit is unfit for human habitation, and if so, whether it is deteriorated or dilapidated.~~

~~(1) — If the officer determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, or improve such standards of fitness established by this article within a specified period of time, not to exceed ninety (90) days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made.~~

~~(2) — If the officer determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner either to repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this article, or else to vacate and remove or demolish the same within a specified period of time not to exceed ninety (90) days.~~

~~(3) — In emergency cases where it reasonably appears there is immediate danger to life or safety of any person or to safety of other property, unless a dwelling, unfit for human habitation or a dangerous building as herein described is immediately repaired or demolished, the officer shall cause immediate repair or demolition of such dwelling or building and the cost of such repair or demolition shall be recovered and collected as provided in section 3.5-48.~~

~~(Ord. of 5-2-00, § 3.5-45)~~

~~Sec. 3.5-45. Failure to comply with order.~~

~~(a) — In personam remedy. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the officer to repair, alter, or improve or to vacate and close the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the officer to repair, alter or improve or to vacate and close and remove or demolish the same within the time specified therein, the officer shall submit to the board of commissioners at its next regular meeting a resolution directing the county attorney to petition the superior court for an order directing such owner to comply with the order of the officer, as authorized by G.S. § 160A-446(g).~~

~~(b) — In rem remedy. After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the officer within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding paragraph (a), the officer shall submit to the board of commissioners an ordinance ordering the officer to cause such~~

~~dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the officer, and pending removal or demolition, to place a placard on such dwelling as provided by G.S. § 160A-443 and section 3.5-48 of this article.~~
(Ord. of 5-2-00, § 3.5-46)

~~Sec. 3.5-46. Appeals from order of the code enforcement officer.~~

~~(a) — An appeal from any decision or order of the officer may be taken by any person aggrieved thereby. Any appeal from the officer shall be taken within ten (10) days from the rendering of the decision or service of the order by filing with the officer and with the board of adjustment a notice of appeal, which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the officer refusing to allow the person aggrieved thereby to do any such act, this decision shall remain in force until modified or reversed. When any appeal is from a decision of the officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the officer certifies to the board after the notice of appeal is filed with him, that because of facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property. In that case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the officer, by the board, or by a court of record upon petition made pursuant to G.S. § 160A-446(f) and subsection (d) of this section.~~

~~(b) — The board of adjustment shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the officer, but the concurring vote of four-fifths of the members of the board shall be necessary to reverse or modify any decision or order of the officer. The board shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of this article, to adapt the appellation of this article to the necessities of the case to the end that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done.~~

~~(c) — Every decision of the board of adjustment shall be subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the board, but not otherwise.~~

~~(d) — Any person aggrieved by an order issued by the officer or a decision rendered by the board of adjustment may petition the superior court for an injunction, restraining the officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the officer pending a final disposition of the cause, as provided by G.S. § 160A-446(f).~~

~~(Ord. of 5-2-00, § 3.5-47)~~

~~Sec. 3.5-47. Service of complaints and orders.~~

~~Complaints or orders issued by the officer, shall be served upon persons either personally or by registered or certified mail. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the officer in the exercise of reasonable diligence, and the officer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the county at least once no later than the time at which personal service would be required under the provisions of this chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected. Other owners or parties in interest. Failure on the part of any owner or parties in interest to receive or have served upon them any complaint, notice or order provided for in this section shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person.~~

~~(Ord. of 5-2-00, § 3.5-48)~~

~~Sec. 3.5-48. In rem action by officer; placarding.~~

~~(a) — After failure of an owner of a dwelling or dwelling unit to comply with an order of the officer issued pursuant to the provisions of this article, and upon adoption by the board of commissioners of an ordinance authorizing and directing him to do so, as provided by G.S. § 160A-443(5) and section 3.5-45 of this article, the officer shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed or demolished, as directed by the ordinance of the board of commissioners and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "THIS BUILDING IS UNFIT FOR HUMAN HABITATION: THE USE OR OCCUPATION OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL." Occupation of a building so posted shall constitute a misdemeanor.~~

~~(b) — Each ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).~~

~~(c) — If the dwelling is removed or demolished by the officer, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the officer, shall be secured in such manner as may be directed by such court to the persons found to be entitled thereto by final order or decree of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.~~

~~(Ord. of 5-2-00, § 3.5-49)~~

~~Sec. 3.5-49. Cost a lien on premises.~~

~~As provided by G.S. § 160A-446(6), the cost of any repairs, alterations, or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the officer pursuant to section 3.5-48 of this article shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by G.S. Ch. 160A, Art. 10.~~

~~(Ord. of 5-2-00, § 3.5-50)~~

~~Sec. 3.5-50. Alternative remedies.~~

~~Nothing in this article nor any of its provisions shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, or to enforce this ordinance by criminal process as authorized by G.S. § 14-4 and section 3.5-52 of this article, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.
(Ord. of 5-2-00, § 3.5-51)~~

~~Sec. 3.5-51. Board of adjustment to hear appeals.~~

~~All appeals which may be taken from decisions or orders of the officer pursuant to section 3.5-46 of this article shall be heard and determined by the board of adjustment. As the appeals body, the board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedures and any other rules and regulations which may be necessary for the proper discharge of its duties. The board shall perform the duties prescribed by section 3.5-46 and shall keep an accurate journal of all its proceedings.
(Ord. of 5-2-00, § 3.5-52)~~

Sec. 3.5-~~52~~41. Conflict with other provisions.

In the event any provision, standard or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the county, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the county's jurisdiction shall prevail. The state building code, current edition, shall serve as the standard for all alterations, repairs, additions, removals, demolition's and other acts of building made or required pursuant to this article.

(Ord. of 5-2-00, § 3.5-53)

Sec. 3.5-~~53~~42. Violations, penalty.

- (a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close or vacate and remove or demolish the same, upon order of the officer duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.
- (b) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 3.5-44 of this article, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration, or improvement or its vacating and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (c) The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. § 14-4.
- (d) In addition to the penalty established by subsection (c) above, and the remedies provided by other provisions in this article, this article may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

(Ord. of 5-2-00, § 3.5-54)

~~Sec. 3.5-54. Liability.~~

~~Any officer or employee of the county or member of the board of adjustment charged with the enforcement of this article in the discharge of his duties shall not thereby render himself liable personally, and he is hereby relieved from all personal liability from any damage that may accrue to person or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any such officer or employee because of this article shall be defended by the county until the end of such proceedings.
(Ord. of 5-2-00, § 3.5-55)~~

Sec. 3.5-~~55~~43. Restrictions on employees.

An officer or employee connected with the building inspection department, except one whose only connection is as a member of the board of adjustment established by this article, shall not be financially interested in the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building or in the making of plans specifications therefore, unless he is the owner of such building. Such officer or employee shall not engage in any work, which is inconsistent with his duties or with the interest of the department.

(Ord. of 5-2-00, § 3.5-56)

[Section 3.6 — Building Code Enforcement](#)

Section 3.6-1. Powers and duties of the code enforcement officer.

For purposes of administering and enforcing the provisions of this ordinance, the code enforcement officer (hereinafter referred to as "officer") is hereby designated as the chief administrative and enforcement official. The county manager shall appoint the code enforcement officer on behalf of the Board of Commissioners. The officer shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including, without limiting the generality of the foregoing, in addition to others herein granted, the following powers:

- (1) *Investigations.* To investigate the dwelling and building conditions in the county in order to determine which dwellings therein are unfit for human habitation and dangerous, being guided in such examination of dwellings and buildings by the requirements set forth in this article.

- (2) *Action*. To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated.
- (3) *Records*. To keep a record of the results of inspections made under this ordinance and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed.
- (4) *Oaths, witnesses, etc.* To administer oaths and affirmations and to examine witnesses and receive evidence.
- (5) *Right of entry*. To enter upon and within premises and dwellings for the purpose of making examinations and investigations; provided, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.
- (6) *Delegation of functions, etc.* To appoint and fix the duties of such officers, agents, and employees he deems necessary to assist in carrying out the purposes of this ordinance, and to delegate any of his functions and powers under this article to such officers, agents and employees.
- (7) To perform such other duties as may be prescribed herein or by the board of commissioners.

Section 3.6-2. Inspections—Duty of owners and occupants.

- (a) For the purpose of carrying out the intent of this article, the officer is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises, including abandoned structures. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the officer free access to such dwelling, dwelling unit or rooming unit, and its premises, at all reasonable times for the purposes of such inspection, examination and survey.
- (b) Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order assigned pursuant to the provisions of this article.

Section 3.6-3. Procedures for enforcement.

- (a) *Preliminary investigations, notices, hearings*. Whenever a petition is filed with the officer by a public authority or by at least five residents of the county charging that any dwelling is unfit for human habitation or whenever it appears to the officer (on his own motion) that any dwelling is unfit for human habitation, the officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the officer (or his designated agent) at a place within the county in which the property is located fixed not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the officer.
- (b) *Orders*. If, after notice and an administrative hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one of the following orders, as appropriate:
 - a. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The ordinance may fix a certain percentage of this value as being reasonable. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order.
 - b. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish the dwelling. The ordinance may fix a certain percentage of this value as being reasonable. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949.

Section 3.6-4. Failure to comply with order.

- (a) *Repair, closing, and posting*. After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the officer within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding paragraph (a), the officer shall submit to the board of commissioners an ordinance ordering the officer to cause such dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the officer, and pending removal or demolition, to place a placard on such dwelling as provided by G.S. § 160D-1203(4) and Section 3.6-7 of this article.
- (b) *Civil action*. If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of the local government to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling, as authorized by G.S. § 160D-1203(8).

Section 3.6-5. Appeals from order of the code enforcement officer.

- (a) An appeal from any decision or order of the officer may be taken by any person aggrieved thereby pursuant to G.S. § 160D-405. Any appeal from the officer shall be taken within thirty (30) days from the rendering of the decision or service of the order by filing with the officer and with the board of adjustment a notice of appeal, which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. An appeal of a notice of violation or other enforcement order to the board of adjustment and any subsequent appeal in accordance with G.S. 160D-1402 stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal or during the pendency of any civil proceeding authorized by law or related appeal. If, however, the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation, then enforcement proceedings are not stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after the request is filed.
- (b) Any person aggrieved by a decision rendered by the board of adjustment may appeal said decision to the superior court within 30 days of the decision, as provided by G.S. § 160D-1402 and G.S. § 160D-1405.

Section 3.6-6. Service of complaints and orders.

Complaints or orders issued by the officer, shall be served upon persons either personally or by registered or certified mail. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the officer in the exercise of reasonable diligence, and the officer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the county at least once no later than the time at which personal service would be required under the provisions of this chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

Other owners or parties in interest. Failure on the part of any owner or parties in interest to receive or have served upon them any complaint, notice or order provided for in this section shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person.

Section 3.6-7. In rem action by officer; placarding.

- (a) After failure of an owner of a dwelling or dwelling unit to comply with an order of the officer issued pursuant to the provisions of this article, and upon adoption by the board of commissioners of an ordinance authorizing and directing him to do so, as provided by G.S. § 160D-1203(5) and Section 3.6-4 of this article, the officer shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed or demolished, as directed by the ordinance of the board of commissioners and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "THIS BUILDING IS UNFIT FOR HUMAN HABITATION: THE USE OR OCCUPATION OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL." Occupation of a building so posted shall constitute a misdemeanor.
- (b) Each ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160D-1203(4).
- (c) If the dwelling is removed or demolished by the officer, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the officer, shall be secured in such manner as may be directed by such court to the persons found to be entitled thereto by final order or decree of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 3.6-8. Cost a lien on premises.

As provided by G.S. § 160D-1203(7), the cost of any repairs, alterations, or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the officer pursuant to Section 3.6-7 of this article shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by G.S. Ch. 160A, Art. 10.

Section 3.6-9. Alternative remedies.

Nothing in this article nor any of its provisions shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, or to enforce this ordinance by criminal process as authorized by G.S. § 14-4 and Section 3.5-52 of the Cleveland County Ordinances, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Section 3.6-10. Board of adjustment to hear appeals.

All appeals which may be taken from decisions or orders of the officer pursuant to Section 3.6-5 of this article shall be heard and determined by the board of adjustment. As the appeals body, the board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedures and any other rules and regulations which may be necessary for the proper discharge of its duties. The board shall perform the duties prescribed by section 3.6-5 and shall keep an accurate journal of all its proceedings.

Section 3.6-11. Liability.

Any officer or employee of the county or member of the board of adjustment charged with the enforcement of this article in the discharge of his duties shall not thereby render himself liable personally, and he is hereby relieved from all personal liability from any damage that may accrue to person or property as a result of any act required or permitted in the discharge of his duties. Any

suit brought against any such officer or employee because of this article shall be defended by the county until the end of such proceedings.

Section 3.7 - Minimum Public Health and Safety Standards.

Sec. 3.7-1. Conditions deemed dangerous and prejudicial to the public's health and safety.

Pursuant to G.S. 153A-140, the existence of any of the following conditions on any parcel of land with an inhabited dwelling, within the unincorporated areas of Cleveland County is hereby declared to be dangerous and prejudicial to the public's health and safety and therefore constitutes a violation of this Section:

- (1). Any accumulation of solid waste not in compliance with this article or any other ordinance.
- (2). Maintaining, permitting to be maintained, or otherwise allowing any premises, upon which an inhabited dwelling is located, to accumulate any of the following non-exhaustive items in a manner that is deleterious to good health and public safety: trash, garbage, offal, stagnant water, overgrown grasses or vegetative growth, building materials, glass, wood, household appliances, tools, inoperative lawn care equipment, broken, inoperative, or discarded furniture or other household equipment, packing boxes, discarded clothing, junk metal, automobile parts, tires, inoperative boats, motorized equipment or machinery, building materials or other matter deleterious to good health and public sanitation which is permitted or caused to accumulate in any manner which is or may become harmful or cause injury to the health or welfare of residents or the public in the vicinity or causing injury to neighboring property.
 - a. The words "weeds" and "rank vegetation" as used herein include poison ivy, kudzu, plants of obnoxious odors, weeds and grasses causing hay fever, those which serve as a breeding ground for mosquitoes or as a refuge for snakes and rodents or any growth that creates a fire or traffic hazard or a blight due to unsightliness.
 - b. Nothing herein shall be applicable to grasses or any other vegetative growth that appear to have been reasonably maintained.
- (3). Maintaining or permitting to be maintained kudzu, honeysuckle, ivy or any other woody or vine-type plant upon any premises with an inhabited dwelling, when such plant grows beyond the bounds of said premises so as to entwine fences, buildings, trees, public utilities or onto any other property.

This Section shall not apply to bona fide farms in Cleveland County.

Sec. 3.7-2. Enforcement; right of entry onto premises.

Whenever it is necessary to make an inspection in the course of an investigation required by this article, an agent designated by the county manager is hereby empowered to enter, at any reasonable time, upon property where there is reasonable cause to believe a violation exists to inspect the same, but only if the consent of the person in possession of the premises is freely given or a search warrant is obtained as hereinafter provided:

- (1) If such property is occupied, the county's designated agent shall first present credentials to the occupant and request entry, explaining the reasons.
- (2) If such property is unoccupied, the county's designated agent shall make a reasonable effort to locate the person having charge or control of the property.
- (3) If such entry is refused or cannot be obtained because the person having charge or control of the property cannot be found after due diligence and a good faith search, the county's designated agent shall obtain an administrative search warrant to conduct a search or inspection of the property.

Sec. 3.7-3. Notice of alleged violation.

- (a) In collaboration with county staff, the county attorney or other designee shall send written notice to any property owner the county determines is in violation of Section 3.7-1 and include a brief articulation of the alleged violation. This notice must also clarify that the property owner has ten (10) calendar days to remedy or otherwise abate the violation. The notice must also inform the property owner that he or she has the right to an administrative hearing before a designated county official, as well as the right to appeal to the General Court of Justice.
- (b) The county attorney or other designee may notify a chronic violator of Section 3.7-1 of the county's ordinances and that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the remedial action shall become a lien upon the property that the county collects as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is defined as any person who owns real property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of Section 3.7-1.

Sec. 3.7-4. Right to hearing.

At any time before the expiration of the abatement period of ten (10) calendar days specified in the notice to the respondent property owner, the respondent property owner may request an administrative hearing before the county manager or his designee to appeal the county's finding that a violation has occurred and continues to be unabated or otherwise remedied at or on the subject premises. The request for a hearing must be in writing and be delivered to the office of the county manager. The county manager or his designee shall schedule a time for the hearing, and the initial abatement order shall be temporarily suspended upon such filing, pending the hearing. The hearing must be held by the county manager or his designee within five (5) business days following receipt of the request for hearing. At the hearing, the individual affected by the notice of violation must be given the opportunity to present evidence to refute the findings which led to the notice of violation. Upon completion of the hearing, the county manager or his designee shall consider the evidence and shall either revoke the initial notice of violation, issue a final decision which differs from the initial notice of violation, or affirm the county's notice of violation as the county's final decision within three (3) business days. The county's final decision must remind the property owner in writing of his or her right to appeal to the General Court of Justice.

Sec. 3.7-5. Abatement of violation by county.

Upon the occurrence of either of the following conditions, the county's designated agent or contractors of the county may cause said conditions to be removed or otherwise remedied by engaging a duly contracted third party or employees of the county to enter onto said premises and remove or otherwise abate the violation(s):

- (1) A hearing is requested and held under Section 3.7-4 resulting in a final order, and the property owner does not comply in abating the violation with within ten (10) calendar days from adjournment of the hearing.
- (2) If no hearing is requested and/or held, and the respondent property owner fails, neglects, or refuses to abate or remove the condition constituting the violation within ten (10) calendar days of the date on which the notice of violation from the county attorney is delivered.

Sec. 3.7-6. Charges for abatement by county; lien.

- (a) The actual cost incurred by the county to remove or otherwise remedy a violation of Section 3.7-1 will be charged to the owner of the subject property, and the owner shall pay such charges within 30 calendar days after receiving a statement of charges from the county.
- (b) If charges for the removal or abatement of a violation of Section 3.7-1 are not paid within 30 calendar days after the receipt of a statement of charges, the charges will become a lien upon the land or premises where the violation occurred and shall be collected in the same manner the county collects unpaid taxes, pursuant to G.S. 153A-140.

CLOSED SESSION

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

RECONVENE IN REGULAR SESSION

Chairman Gordon stated, *"The Board is in open session. Regarding North Carolina General Statute §143-318.11(a)(3), the Board had discussions with the County Attorney, and direction was given. No action was taken. Regarding North Carolina General Statute §143-318.11(a)(6), the Board met with staff and gave direction. No action was taken.*

ADJOURN

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 adjourn.* The next meeting of the Commission is scheduled for *Tuesday, May 6, 2025, 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 2025 Abatements and Supplements

Department: Tax Administration

Agenda Title: April 2025 Abatements and Supplements

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> April_2025_Abatements_and_Supplements.pdf	042025 Abates & Suppl

ABATEMENTS & SUPPLEMENTS

MONTH OF

APRIL 2024-2025

DISTRICT	FUND		2025	2024
<u>COUNTY GENERAL</u>	<u>10</u>	ABATEMENTS		(2,998.50)
		SUPPLEMENTS	2,101.82	
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
<u>CONSOLIDATED SCHOOL</u>	<u>20</u>	ABATEMENTS		(766.72)
		SUPPLEMENTS	540.53	
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
<u>COUNTY FIRE</u>	<u>28</u>	ABATEMENTS		(169.29)
		SUPPLEMENTS	140.70	
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
<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		
<u>FALLSTON FIRE</u>	<u>74</u>	ABATEMENTS		
		SUPPLEMENTS		
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
<u>LATTIMORE FIRE</u>	<u>75</u>	ABATEMENTS		
		SUPPLEMENTS		
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
<u>RIPPY FIRE</u>	<u>76</u>	ABATEMENTS		(11.89)
		SUPPLEMENTS	188.65	
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
TOTAL ABATEMENTS	10-76		0.00	(3,946.40)
TOTAL SUPPLEMENTS	10-76		2,971.70	0.00
TOTAL HB ABATEMENTS	10-76		0.00	0.00
TOTAL HB SUPPLEMENTS	10-76		0.00	0.00
TOTAL GAP ABATEMENTS	10-76		0.00	0.00
TOTAL GAP SUPPLEMENTS	10-76		0.00	0.00
<u>CITY OF SHELBY</u>	<u>77</u>	ABATEMENTS		(1,762.67)
		SUPPLEMENTS		
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
TOTAL ABATEMENTS	77		0.00	(1,762.67)
TOTAL SUPPLEMENTS	77		0.00	0.00

<u>TOWN OF BOILING SPRGS</u>	<u>78</u>	ABATEMENTS		
		SUPPLEMENTS		
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
TOTAL ABATEMENTS	78		0.00	0.00
TOTAL SUPPLEMENTS	78		0.00	0.00
<u>TOWN OF GROVER</u>	<u>79</u>	ABATEMENTS		
		SUPPLEMENTS		
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
TOTAL ABATEMENTS	79		0.00	0.00
TOTAL SUPPLEMENTS	79		0.00	0.00
<u>CITY OF KINGS MOUNTAIN</u>	<u>80</u>	ABATEMENTS		
		SUPPLEMENTS	32.11	
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
TOTAL ABATEMENTS	80		0.00	0.00
TOTAL SUPPLEMENTS	80		32.11	0.00
<u>TOWN OF LATTIMORE</u>	<u>81</u>	ABATEMENTS		
		SUPPLEMENTS		
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
TOTAL ABATEMENTS	81		0.00	0.00
TOTAL SUPPLEMENTS	81		0.00	0.00
<u>UPPER CLEVE WATER DIST</u>	<u>82</u>	ABATEMENTS		(41.40)
		SUPPLEMENTS	74.27	
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		

TOTAL ABATEMENTS	82		0.00	(41.40)
TOTAL SUPPLEMENTS	82		74.27	0.00
<u>TOWN OF KINGSTOWN</u>	<u>83</u>	ABATEMENTS		
		SUPPLEMENTS		
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
TOTAL ABATEMENTS	83		0.00	0.00
TOTAL SUPPLEMENTS	83		0.00	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	0.00
TOTAL SUPPLEMENTS	84		0.00	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	0.00
TOTAL SUPPLEMENTS	85		0.00	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	0.00
TOTAL SUPPLEMENTS	86		0.00	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	0.00
TOTAL SUPPLEMENTS	87		0.00	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	0.00
TOTAL SUPPLEMENTS	88		0.00	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	0.00
TOTAL SUPPLEMENTS	89		0.00	0.00
<u>TOWN OF PATTERSON SPRGS</u>	<u>91</u>	ABATEMENTS		
		SUPPLEMENTS	314.19	
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
TOTAL ABATEMENTS	91		0.00	0.00
TOTAL SUPPLEMENTS	91		314.19	0.00
TOWN OF BELWOOD	92	ABATEMENTS		
		SUPPLEMENTS		
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
TOTAL ABATEMENTS	92		0.00	0.00
TOTAL SUPPLEMENTS	92		0.00	0.00

<u>S/W COLLECTIONS</u>	<u>54</u>	ABATEMENTS		
		SUPPLEMENTS	319.14	
		HB ABATEMENTS		
		HB SUPPLEMENTS		
		GAP ABATEMENTS		
		GAP SUPPLEMENTS		
TOTAL ABATEMENTS	54		0.00	0.00
TOTAL SUPPLEMENTS	54		319.14	0.00
TOTAL REG ABATEMENTS	10-92		0.00	(5,750.47)
TOTAL REG SUPPLEMENTS	10-92		3,711.41	0.00
TOTAL HB ABATEMENTS	10-92		0.00	0.00
TOTAL HB SUPPLEMENTS	10-92		0.00	0.00
TOTAL GAP ABATEMENTS	10-92		0.00	0.00
TOTAL GAP SUPPLEMENTS	10-92		0.00	0.00
PAGE TOTALS	10-92	ABATEMENTS	0.00	(5,750.47)
PAGE TOTALS	10-92	SUPPLEMENTS	3,711.41	0.00
MONTHLY GRAND TOTAL		ABATEMENTS	(10,561.29)	
MONTHLY GRAND TOTAL		SUPPLEMENTS	3,711.41	

SHERRY LAVENDER
TAX ASSESSOR

PROPERTY AND HB20

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(1,536.30)	(1,683.77)	(798.94)	(671.48)	0.00	0.00	0.00	0.00	0.00
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(39.64)	(43.45)	(20.61)	(16.63)	0.00	0.00	0.00	0.00	0.00
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(1,575.94)	(1,727.22)	(819.55)	(688.11)	0.00	0.00	0.00	0.00	0.00
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(1,575.94)	(1,727.22)	(819.55)	(688.11)	0.00	0.00	0.00	0.00	0.00
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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"/> Late_Applications_05-06-25.pdf	Late Applications

STAFF REPORT

To: County Commissioners Meeting Date: May 6, 2025
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 6, 2025.

Fiscal Impact: Estimated \$ 3,510.56

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

Attachment:
(1) Roster of Applicants



Late Applications for Exemption, Exclusion or Deferment					5/6/2025
				Estimated	Estimated
				Value to be	Fiscal Impact
Owner Name	Parcel/Account	Physical Location	Type	Exempt/Deferred	(County Tax Only)
Joseph Lail	37720	152 Casar-Belwood Rd	Present Use Deferment	\$ 78,937	\$ 432.18
Joseph Lail	62029	Beaver Dr	Present Use Deferment	\$ 57,443	\$ 314.50
Joseph Lail	52963	Casar-Belwood Rd	Present Use Deferment	\$ 29,947	\$ 163.96
Cleveland Contractors, Inc	66738	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,070	\$ 170.11
Cleveland Contractors, Inc	66740	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,580	\$ 172.90
Cleveland Contractors, Inc	67158	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,421	\$ 172.03
Cleveland Contractors, Inc	67159	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 30,998	\$ 169.71
Cleveland Contractors, Inc	66732	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,150	\$ 170.55
Cleveland Contractors, Inc	66793	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,070	\$ 170.11
Cleveland Contractors, Inc	66796	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,280	\$ 171.26
Cleveland Contractors, Inc	66797	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,490	\$ 172.41
Cleveland Contractors, Inc	66798	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,910	\$ 174.71
Cleveland Contractors, Inc	66799	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,560	\$ 172.79
Cleveland Contractors, Inc	66800	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,770	\$ 173.94
Cleveland Contractors, Inc	66801	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,630	\$ 173.17
Cleveland Contractors, Inc	66802	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 31,490	\$ 172.41
Cleveland Contractors, Inc	66803	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 37,595	\$ 205.83
Cleveland Contractors, Inc	66804	Subd Arboretum @ Edgewater	Builder's Inventory	\$ 28,857	\$ 157.99
Staff Recommendation:	Approve applications. All properties qualify for the exclusion or exemption requested other than the late submission of the application.				
			Total	\$ 641,198	\$ 3,510.56

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"/> Budget_Transfer_Summary_04.24.2025.pdf	Budget Transfer Summary

County of Cleveland, North Carolina
Manager's Budget Summary
Presented at the May 6, 2025 Board Meeting
Time Period Covered : 04/03/2025 to 04/24/2025
For Fiscal Year Ending June 30, 2025

BUD #	DATE SUBMITTED BY DEPT	Fund #	DEPT #	DEPT NAME	EXPLANATION	Account Description	BUDGET AMOUNT
2198	4/4/2025	010	998	Contingency	Btl 2198 Several List Of Items To Purchase For Emergency Management Equipment.	Emerg & Contingency	\$ (16,548.66)
2198	4/4/2025	010	445	Emergency Management	Btl 2198 Several List Of Items To Purchase For Emergency Management Equipment.	Grants	\$ 16,548.66
2199	4/4/2025	010	446	Emergency Medical Service	Btd 2199 Swiftwater And Laptop	Controlled Property Exp	\$ 11,750.00
2199	4/4/2025	010	446	Emergency Medical Service	Btd 2199 Swiftwater And Laptop	Capital Equipment	\$ (11,750.00)
2201	4/10/2025	010	446	Emergency Medical Service	Covering Andy The Ambulance Repair-The Pr Toy	Departmental Supply	\$ (1,120.00)
2201	4/10/2025	010	446	Emergency Medical Service	Covering Andy The Ambulance Repair-The Pr Toy	Repairs On Equipment	\$ 1,120.00
2200	4/14/2025	026	454	E911 Telephone System	Move Funds To Appropriate Acct For Centralsquare Purchase	Dues/Subscriptions	\$ 5,720.00
2200	4/14/2025	026	454	E911 Telephone System	Move Funds To Appropriate Acct For Centralsquare Purchase	Capital Equipment	\$ (5,720.00)
2202	4/14/2025	010	445	Emergency Management	Btd 2202 To Cover Negatives For Invoices.	Departmental Supply	\$ 3,500.00
2202	4/14/2025	010	445	Emergency Management	Btd 2202 To Cover Negatives For Invoices.	Dues/Subscriptions	\$ 1,350.00
2202	4/14/2025	010	445	Emergency Management	Btd 2202 To Cover Negatives For Invoices.	Contracted Services	\$ (4,850.00)
2203	4/14/2025	011	504	Social Work (Prev Title Xx)	To Cover Negative Balance For Invoices Recently Being Pushed Through.	Contracted Services	\$ 12,200.00
2203	4/14/2025	011	504	Social Work (Prev Title Xx)	To Cover Negative Balance For Invoices Recently Being Pushed Through.	Unfunded Mh Services	\$ (12,200.00)
2204	4/14/2025	010	491	Planning & Zoning	Btd 2204 To Cover Negatives In Budget With Invoices Being Pushed Through	Maint Contracts-Equip	\$ 1,100.00
2204	4/14/2025	010	491	Planning & Zoning	Btd 2204 To Cover Negatives In Budget With Invoices Being Pushed Through	Dues/Subscriptions	\$ 540.00
2204	4/14/2025	010	491	Planning & Zoning	Btd 2204 To Cover Negatives In Budget With Invoices Being Pushed Through	License/Permit/Certific	\$ 130.00
2204	4/14/2025	010	491	Planning & Zoning	Btd 2204 To Cover Negatives In Budget With Invoices Being Pushed Through	Professional Serv	\$ (1,770.00)
2205	4/16/2025	010	444	Detention Center (Jail)	Move Funds To Cover Purch Of Stab Vests, Rental Fee And Inmate Settlement	Controlled Property Exp	\$ 5,800.00
2205	4/16/2025	010	444	Detention Center (Jail)	Move Funds To Cover Purch Of Stab Vests, Rental Fee And Inmate Settlement	Medicine & Supplies	\$ (5,000.00)
2205	4/16/2025	010	444	Detention Center (Jail)	Move Funds To Cover Purch Of Stab Vests, Rental Fee And Inmate Settlement	Pharmacy Fees	\$ (528.00)
2205	4/16/2025	010	444	Detention Center (Jail)	Move Funds To Cover Purch Of Stab Vests, Rental Fee And Inmate Settlement	Laundry/Dry Cleaning	\$ (1,000.00)
2205	4/16/2025	010	444	Detention Center (Jail)	Move Funds To Cover Purch Of Stab Vests, Rental Fee And Inmate Settlement	Rental/Lease Equip/Other	\$ 653.00
2205	4/16/2025	010	444	Detention Center (Jail)	Move Funds To Cover Purch Of Stab Vests, Rental Fee And Inmate Settlement	Insur/Legal Settlement	\$ 75.00
2206	4/17/2025	010	998	Contingency	Btl 2206 The Crest Charges Scoreboard Is To Be Paid In Fy25 Instead Of Budgeting For The Request In Fy26. Pulling From Manager'S Contingency Account To Fund.	Emerg & Contingency	\$ (50,000.00)
2206	4/17/2025	010	430	Municipal Grants	Btl 2206 The Crest Charges Scoreboard Is To Be Paid In Fy25 Instead Of Budgeting For The Request In Fy26. Pulling From Manager'S Contingency Account To Fund.	Grants-Ncga-Outside Agencies	\$ 50,000.00
2207	4/17/2025	010	448	E911 Communications	Move Funds To Cover Purch Of Protocol Guides Needed For Cad Stations That Are Not E911 Eligible	Departmental Supply	\$ 717.00
2207	4/17/2025	010	448	E911 Communications	Move Funds To Cover Purch Of Protocol Guides Needed For Cad Stations That Are Not E911 Eligible	Education/Certif/Training	\$ (500.00)
2207	4/17/2025	010	448	E911 Communications	Move Funds To Cover Purch Of Protocol Guides Needed For Cad Stations That Are Not E911 Eligible	Telecommunications	\$ (217.00)
2208	4/17/2025	026	454	E911 Telephone System	Move Funds To Cover Purch Of Protocol Guides Needed For Cad Stations.	Departmental Supply	\$ 1,254.00
2208	4/17/2025	026	454	E911 Telephone System	Move Funds To Cover Purch Of Protocol Guides Needed For Cad Stations.	Emerg & Contingency	\$ (1,254.00)
2209	4/21/2025	010	998	Contingency	Btl 2209 Funds Needed For Our Purchase Of Modulars And Rennovations To Bring All Our Workers Back In House	Emerg & Contingency	\$ (180,000.00)
2209	4/21/2025	011	506	Social Services Admin	Btl 2209 Funds Needed For Our Purchase Of Modulars And Rennovations To Bring All Our Workers Back In House	Capital Equipment	\$ 180,000.00
2210	4/23/2025	010	441	Sheriff'S Office	Move Funds To Cover Current Uniform Charges And Present Known Needs	Departmental Supply	\$ (7,000.00)
2210	4/23/2025	010	441	Sheriff'S Office	Move Funds To Cover Current Uniform Charges And Present Known Needs	Uniforms/Clothing	\$ 10,000.00
2210	4/23/2025	010	441	Sheriff'S Office	Move Funds To Cover Current Uniform Charges And Present Known Needs	Advertising/Promotions	\$ (3,000.00)

BUD #	DATE SUBMITTED BY DEPT	Fund #	DEPT #	DEPT NAME	EXPLANATION	Account Description	BUDGET AMOUNT
2211	4/24/2025	012	544	Dental Clinic	Transfer Funds To Cover Expenses.	Controlled Property Exp	\$ 1,977.00
2211	4/24/2025	012	544	Dental Clinic	Transfer Funds To Cover Expenses.	Contracted Services	\$ 4,000.00
2211	4/24/2025	012	544	Dental Clinic	Transfer Funds To Cover Expenses.	Emerg & Contingency	\$ (21,612.00)
2211	4/24/2025	012	544	Dental Clinic	Transfer Funds To Cover Expenses.	Capital Equipment	\$ 15,635.00
2211	4/24/2025	013	660	Employee Wellness Center	Transfer Funds To Cover Expenses.	Controlled Property Exp	\$ (5,702.00)
2211	4/24/2025	013	660	Employee Wellness Center	Transfer Funds To Cover Expenses.	Medicine & Supplies	\$ 2,000.00
2211	4/24/2025	013	660	Employee Wellness Center	Transfer Funds To Cover Expenses.	Prescription Drugs	\$ 18,952.00
2211	4/24/2025	013	660	Employee Wellness Center	Transfer Funds To Cover Expenses.	Lab Supplies	\$ (3,000.00)
2211	4/24/2025	013	660	Employee Wellness Center	Transfer Funds To Cover Expenses.	Travel/Training	\$ (3,000.00)
2211	4/24/2025	013	660	Employee Wellness Center	Transfer Funds To Cover Expenses.	Contracted Services	\$ 4,700.00
2211	4/24/2025	013	660	Employee Wellness Center	Transfer Funds To Cover Expenses.	Hospital/Doctor Fees	\$ (3,000.00)
2211	4/24/2025	013	660	Employee Wellness Center	Transfer Funds To Cover Expenses.	Awards/Appreciation	\$ (500.00)
2211	4/24/2025	013	660	Employee Wellness Center	Transfer Funds To Cover Expenses.	Hospital Insurance	\$ (10,450.00)
2212	4/24/2025	012	540	Women-Infants-Children	Transfer Funds To Cover Wic Travel	Travel/Training-Wic Cs	\$ 8,000.00
2212	4/24/2025	012	540	Women-Infants-Children	Transfer Funds To Cover Wic Travel	Emerg & Contingency-Wic Cs	\$ (8,000.00)

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Veteran's Services: Budget Amendment (BNA#065)

Department: Veteran's Services

Agenda Title: Budget Amendment (BNA#065)

Agenda Summary:

Proposed Action:

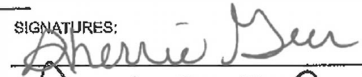
ATTACHMENTS:

File Name	Description
<input type="checkbox"/> BNA_065_010.591_Veteran_Service_Donations.pdf	BNA 065

BUDGET NEW - ORDINANCE AMENDMENT

BNA # 085SUBMITTED TO BOARD OF COUNTY COMMISSIONERS
FOR CONSIDERATION AT MEETING TO BE HELD ON:May 6, 2025FROM: BUDGET OFFICER
THRU: FINANCE OFFICE
FOR DEPT: Veteran Services
DATE: 4/9/2025

SIGNATURES:



 Finance Officer
 Department Manager

Account Number	Project Code	Department	Account Name	Increase	Decrease
010.591.4.810.00		Veteran Services	Donations/Contributions	\$ 7,300.00	
010.495.5.581.00		Veteran Services	Awards/Appreciations	\$ 7,300.00	

Explanation of Revisions:

We had a total of \$7,300 in sponsorship all monies have been turned in. To be used to pay for veteran tumblers and luncheon.THE ABOVE AMENDMENT HAS BEEN APPROVED AND RECORDED IN THE MINUTES OF THE COUNTY
COMMISSIONERS' MEETING ON 5/6/2025
(Date)Phyllis Nowlen, Clerk to the BoardRETURN TO FINANCE OFFICE and Forward copy via email to Ian.Bishop@clevelandcountync.govcc: Personnel
cc: PurchasingBatch # _____
Date: _____
By: _____

INVOICE

DATE: 03/19/2025

FOR:
Veteran Tumblers

Thank You for your order and prompt payment
Tumblers to be ready by March 26th

THANK YOU FOR YOUR BUSINESS!



You accepted an estimate from Dressing on the Side Catering

Estimate accepted March 22, 2025

We look forward to working with you. We are so very excited to be a part of this event.

We will make it all work.

Sincerely,

Show full details ▼

March 28th, 2025 (Friday) 11:00 Luncheon Honoring Veterans @ LeGrand Center (Julie Crotts)

Service date: March 28, 2025

Spaghetti (Platted Meal)	\$4,785.00
(\$15.95 ea.) × 300	

Fresh Green Tossed Salad Or Signiture Sweet & Savory Salad	\$0.00
(Choose One)	
(\$0.00 ea.) × 300	

Rolls	\$0.00
(\$0.00 ea.) × 300	

Banana Pudding & Tripple Chocolate Brownies (We will have these on plates and on the table)	
(\$0.00 ea.) × 300	

Text us

Delivery & Set Up	\$100.00
Service & Clean Up Included	\$0.00
Normal Cost For This Is: \$19.95 Per Person That Is A Savings Of \$400.00 Plus	\$0.00
Subtotal	\$4,885.00
Cleveland County Sales Tax	\$329.74
Discounted Gratuity (10%)	\$488.50
Total	\$5,703.24

Dressing on the Side Catering

103 N Trade St

Shelby, NC 28150-5353

dressingonthesidecatering@gmail.com

+1 (704) 473-1754

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RE: Budget Amendment

From Julie Crotts <Julie.Crotts@clevelandcountync.gov>

Date Wed 4/9/2025 8:06 AM

To Ian Bishop <Ian.Bishop@clevelandcountync.gov>

I also wanted to let you know that I'm expecting another donation of \$120 that should be here this week. I'll let you know as soon as I get it.

Julie Crotts

Veteran Service Officer - Supervisor

Cleveland County, North Carolina

311 E. Marion Street., Shelby, NC 28150

O: (704) 484-4803 Fax: (704) 476-3094

www.clevelandcounty.com



**** Please be aware that for privacy reasons, Cleveland County Veteran Services does not provide consult actions, complete claims work or give claim specific information via email or telephone. Also, if you email documents, there is no guarantee that this office will get them in a timely manner. In order to ensure you get prompt and timely service, please feel free to call our office to speak with a service officer****

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From: Ian Bishop <Ian.Bishop@clevelandcountync.gov>

Sent: Tuesday, April 8, 2025 3:34 PM

To: Julie Crotts <Julie.Crotts@clevelandcountync.gov>

Subject: Budget Amendment

Hey Julie,

I just wanted to reach out to you about the possible Amendment we mentioned. All I need is how much we received and what for. It will help with any backup for me to attach to the amendment and then what we are using the funds for and possibly what account it will be coming out of. I will then try and throw up an amendment for us to use and get you to sign off on it and then get Philips' signature. Thanks!

Ian Bishop

Budget Analyst

Cleveland County

704-484-4778

311 E. Marion Street, Shelby, NC 28150

www.clevelandcounty.com



COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Chaplain's Services: Budget Amendment (BNA#066)

Department: Chaplain's Services

Agenda Title: Budget Amendment (BNA#066)

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> BNA_066_Chaplain_Donation.pdf	BNA 066

BUDGET NEW - ORDINANCE AMENDMENT

BNA # 066SUBMITTED TO BOARD OF COUNTY COMMISSIONERS
FOR CONSIDERATION AT MEETING TO BE HELD ON:May 6, 2025

SIGNATURES:


Finance OfficerFROM: BUDGET OFFICER
THRU: FINANCE OFFICE
FOR DEPT: Chaplain Services
DATE: 4/15/2025

Department Manager

Account Number	Project Code	Department	Account Name	Increase	Decrease
010.441.4.810.37		Chaplain Services	Donations- Chaplains Fund	\$ 300.00	
010.441.5.790.37		Chaplain Services	Donations- Chaplains Fund	\$ 300.00	

Explanation of Revisions: \$300.00 Donated to Cleveland County ChaplainTHE ABOVE AMENDMENT HAS BEEN APPROVED AND RECORDED IN THE MINUTES OF THE COUNTY
COMMISSIONERS' MEETING ON 5/6/2025
(Date)Phyllis Nowlen, Clerk to the BoardRETURN TO FINANCE OFFICE and Forward copy via email to Ian.Bishop@clevelandcountync.govcc: Personnel
cc: PurchasingBatch # _____
Date: _____
By: _____

Rec to 010.441.4.810.37

\$300 cash fm Elizabeth Baptist Church

Chaplain's Fund
In GOD WE TRUST
\$300.00
EBC

received fds fm eric 4/15/25-asw

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Veteran's Services: Budget Amendment (BNA#067)

Department: Veteran's Services

Agenda Title: Budget Amendment (BNA#067)

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> BNA_067_Donations_to_Vet_Services_from_Sulphur_Springs_Methodist.pdf	BNA 067

BUDGET NEW - ORDINANCE AMENDMENT

BNA # 067SUBMITTED TO BOARD OF COUNTY COMMISSIONERS
FOR CONSIDERATION AT MEETING TO BE HELD ON:May 6, 2025

SIGNATURES:

FROM: BUDGET OFFICER
THRU: FINANCE OFFICE
FOR DEPT: Veteran Services
DATE: 4/16/2025
Finance Officer

Department Manager

Account Number	Project Code	Department	Account Name	Increase	Decrease
010.591.4.810.00		Veterans Services	Donations/Contributions	\$ 150.00	
010.495.5.581.00		Veterans Services	Awards/Appreciation	\$ 150.00	

Explanation of Revisions: \$150.00 Donation from Suplphur Springs Methodist ChurchTHE ABOVE AMENDMENT HAS BEEN APPROVED AND RECORDED IN THE MINUTES OF THE COUNTY
COMMISSIONERS' MEETING ON 5/6/2025
(Date)Phyllis Nowlen, Clerk to the BoardRETURN TO FINANCE OFFICE and Forward copy via email to Ian.Bishop@clevelandcountync.govcc: Personnel
cc: PurchasingBatch # _____
Date: _____
By: _____

010.591.4.810.00
payor: Sulphur Springs
Donation to Veteran Services

Sulphur Springs Methodist Church
1642 Sulphur Springs Road
PO Box 1073
Shelby, NC 28151

6668

DATE 4-12-2025

81-727/829

PAY TO THE ORDER OF Cleveland County
One hundred thirty & 00/100

\$ 130.00

DOLLARS

FOR Bank OZK Member FDIC
Veterans Service ozk.com

Denise R Schenk

⑈006668⑈ ⑆082907273⑆ 2150201487⑈

\$20-
\$130 ck.

Donton Act

CLEVELAND COUNTY
VETERANS SERVICE

Sulphur Springs
Methodist



COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Social Services: Budget Amendment (BNA#068)

Department: Social Services

Agenda Title: Budget Amendment (BNA#068)

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> BNA_068-_Reallocation_of_Helene_Funds.pdf	BNA 068

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

**Request to Set a Public Hearing on Tuesday, June 3, 2025, for Planning Case 25-05;
Request to Rezone 128 Corinth Church Road from Residential (R) to Rural Residential
(RU)**

Department: Planning Department

Agenda Title: Request to Set a Public Hearing on Tuesday, June 3, 2025, for
Planning Case 25-05; Request to Rezone 128 Corinth Church Road
from Residential (R) to Rural Residential (RU)

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 25-05_1._Staff_Report_BOC_Set_PH.pdf	Staff Report
<input type="checkbox"/> 25-05_Map_Aerial_Map.pdf	Aerial Map
<input type="checkbox"/> 25-05_Petition.pdf	Petition

STAFF REPORT

To: Board of Commissioners
Date: May 6, 2025
From: Chris Martin, Planning Director
Subject: Case 25-05 Rezoning R to RU
Location: 128 Corinth Church Rd.

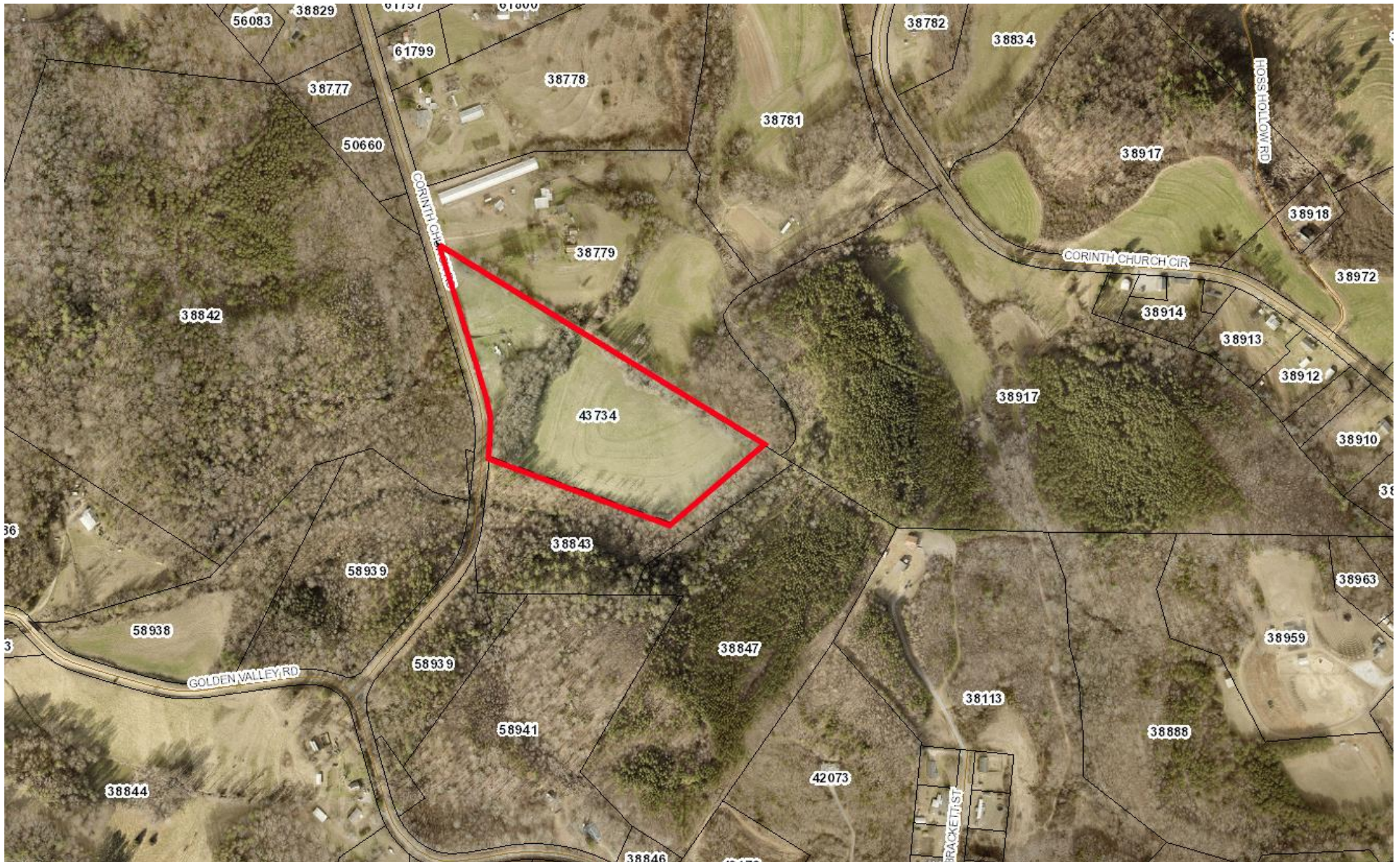
Summary Statement: Angie Price is requesting to re-zone 128 Corinth Church Rd, a 15.19-acre parcel, from Residential to Rural Residential.

Review: This property lies just west of Casar outside the town limits and north of Golden Valley Rd.

Surrounding uses consist of large rural farming and wooded tracts of land, some single-family homes, and farm structures.

Requested Board Action: Consider setting a public hearing for the regular meeting on **June 3, 2025**. The Planning Board can review and comment at their May 27th, 2025 regular meeting.

Rezoning Case 25-05
128 Corinth Church Rd.





PETITION FOR AMENDMENT OF THE ZONING MAP

NOW COMES Angie Price, Applicant, whose present mailing address is 148 Colinth Church Rd. Casar, NC 28020, who respectfully petitions and shows as follows:

1. That the applicant is the ☒ **owner**, ☐ **legal representative**, ☐ **or other concerned parties**, of a certain tract or parcel of land located in Cleveland County, North Carolina, being more particularly described as:

Physical Address: 128 Colinth Church Rd. Casar, NC 28020

Parcel(s): 43734 containing 15.14 acres.

(if a portion of property attach survey)

2. That said property above described is presently zoned Residential and the undersigned applicant desires and does hereby request that said property be rezoned to:

Rural Residential

3. The proposed zoning change would require a change in the Zoning Map? YES ☒ NO ☐

If the answer is yes: An application for rezoning shall be accompanied by a survey, legal description, or map sufficient to provide public notice of the area requested for rezoning.

4. Owners of adjoining property hereby support this petition by signing below: Adjoining property shall be construed to mean and include property on the opposite side of any street, road, or highway from the property sought to be rezoned (attach an additional sheet if necessary).

PROPERTY OWNER (SIGNATURE)	PROPERTY OWNER (PRINT NAME)	PROPERTY ADDRESS
<u>Johni Gretchen Lowman</u>	<u>Johni Gretchen Lowman</u>	

Respectfully submitted this 16th day of April, 2025.

SIGNED: Angie Price

E-MAIL: AngiePrice1966@gmail.com PHONE NUMBER: 828-310-7459

For office use:

Payment Code: ZP 11 Map Amendment

Fee: \$300

Paid on: 4-16-25 ZP: 183046 Case #: 25-09

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Planning Case 25-04: Request to Rezone 4216 Fallston Road from Residential to Light Industrial - Conditional Use

Department:

Agenda Title: Planning Case 25-04: Request to Rezone 4216 Fallston Road from Residential to Light Industrial - Conditional Use

Agenda Summary: Chris Martin, Planning Director

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 25-04_3_Staff_Report_BOC_PH.pdf	Staff Report
<input type="checkbox"/> 25-04_Site_Plan.pdf	Site Plan
<input type="checkbox"/> 25-04_Map_Aerial_Map.pdf	Aerial Map
<input type="checkbox"/> 25-04_Map_Zoning_Map.pdf	Zoning Map
<input type="checkbox"/> 25-04_Map_LUP_Map.pdf	Land Use Plan Map
<input type="checkbox"/> 25-04_Phased_Development_Plan.pdf	Development Phases

STAFF REPORT

To: Board of Commissioners
Date: May 6, 2025
From: Chris Martin, Planning Director
Subject: Case 25-04 Rezoning R to LI-CU
Location: 4216 Fallston Rd.

Summary Statement: Christoph Hackner, of Hackner Home, LLC, is requesting to re-zone 4216 Fallston Rd, a 3.1-acre parcel, from Residential to Light Industrial-Conditional Use for the purpose of developing a sewing facility. A site has been submitted with the application illustrating the proposed development and use of the property.

Review: The property lies south of Fallston along Highway 18 (Fallston Rd.) and is currently owned by Adrina Moreno Lemus, per Cleveland County Tax Assessor.

Surrounding uses consist of a mixture of business, residential, and large tracts of land. Highway 18 is considered an arterial road. The Land Use Plan designates this area as Secondary Growth, with the expectation that future development will consist of residential, agricultural, and commercial along highways and major intersections. Surrounding zoning districts include the traditional Residential and Rural Agriculture.

Current Residential Zoning: Permits site-built homes, modular homes and manufactured homes. Multifamily uses like apartments and duplexes.

Current Corridor Protection (remains unchanged): Permits limited retail and general business uses along arterial highways.

Proposed Light Industrial-Conditional Use: Accommodates limited manufacturing and related activities which have little or no adverse impact upon adjoining properties.

- Sewing Manufacturing Facilities are permitted in the Light Industrial zoning district (NAICS Code 314120 for manufacturing household textile products.)

Planning Board Review: The Planning Board did not establish quorum. The case was discussed by three members present.

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.

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

DISCLAIMER

OWNERSHIP AND USE OF DOCUMENTS, DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECTS OR PURPOSES OR BY ANY OTHER PARTIES THAN THOSE PROPERLY AUTHORIZED BY CONTRACT WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF THE ARCHITECT.

REVISIONS

NUMBER	REMARKS	DATE
001	REVISIONS	4-22-25

ISSUED FOR:	DATE ISSUED:
REVIEW	04/01/25

PROJECT TITLE:

NEW FACILITIES
FOR HACKNER
HOME, LLC

FALLSTON ROAD, SHELBY, NORTH CAROLINA
28150

PARCEL #65344

DRAWING TITLE:

REZONING SITE PLAN

PERMIT DWG DATE: TBD	PROJECT NUMBER: NC24-08-006
DRAWN BY: Author	CHECKED BY: Checker

DRAWING NUMBER:

Z101



1 REZONING SITE PLAN
1" = 30'-0"

EXACT LOCATIONS OF BUILDINGS AND DRIVES MAY VARY SLIGHTLY.

IMPERVIOUS AREA CALCULATIONS:

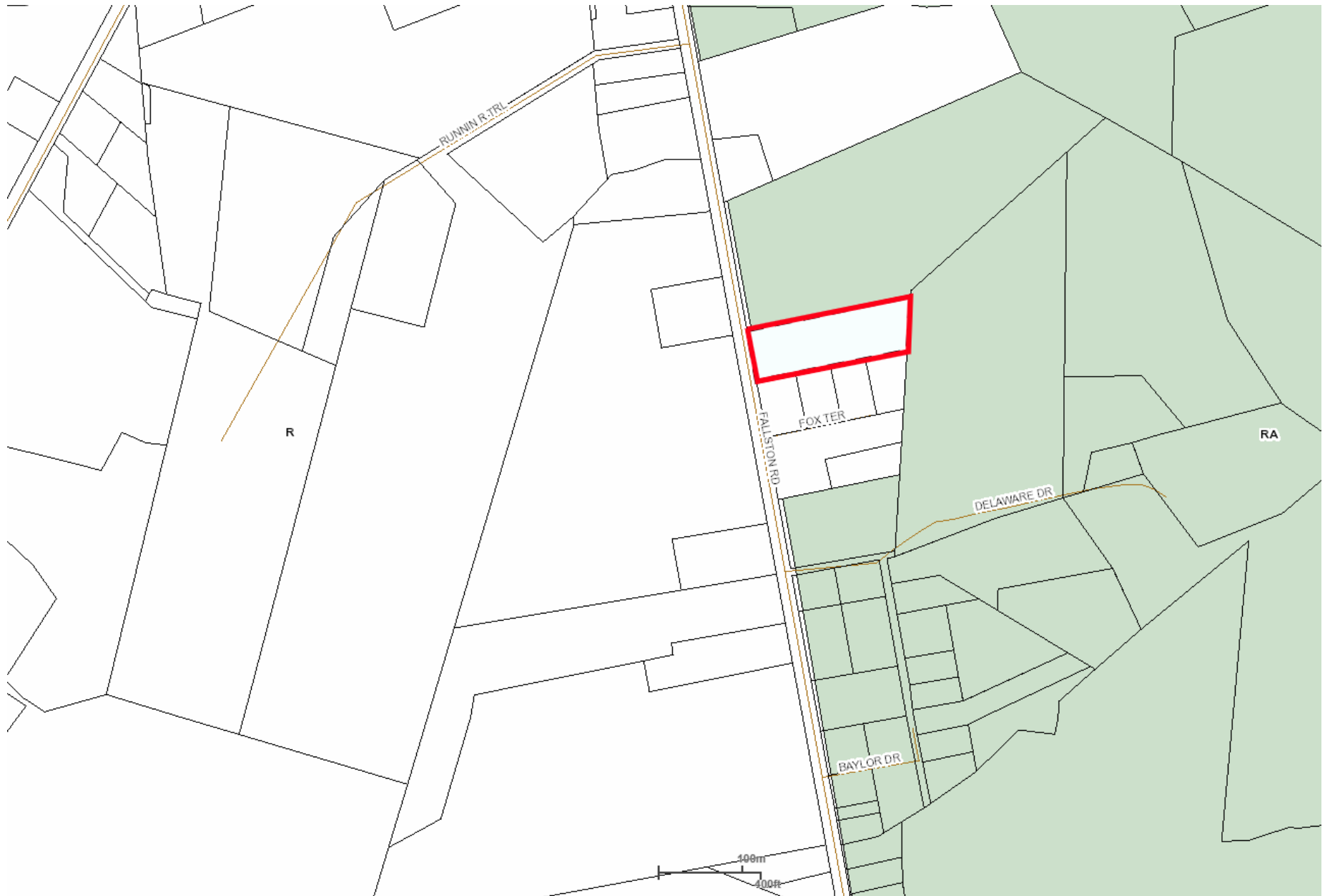
IMPERVIOUS AREAS = 57,791 SQ. FT.
TOTAL LAND AREA = 133,118 SQ. FT.

PERCENTAGE OF IMPERVIOUS AREA TO LAND AREA = 39%

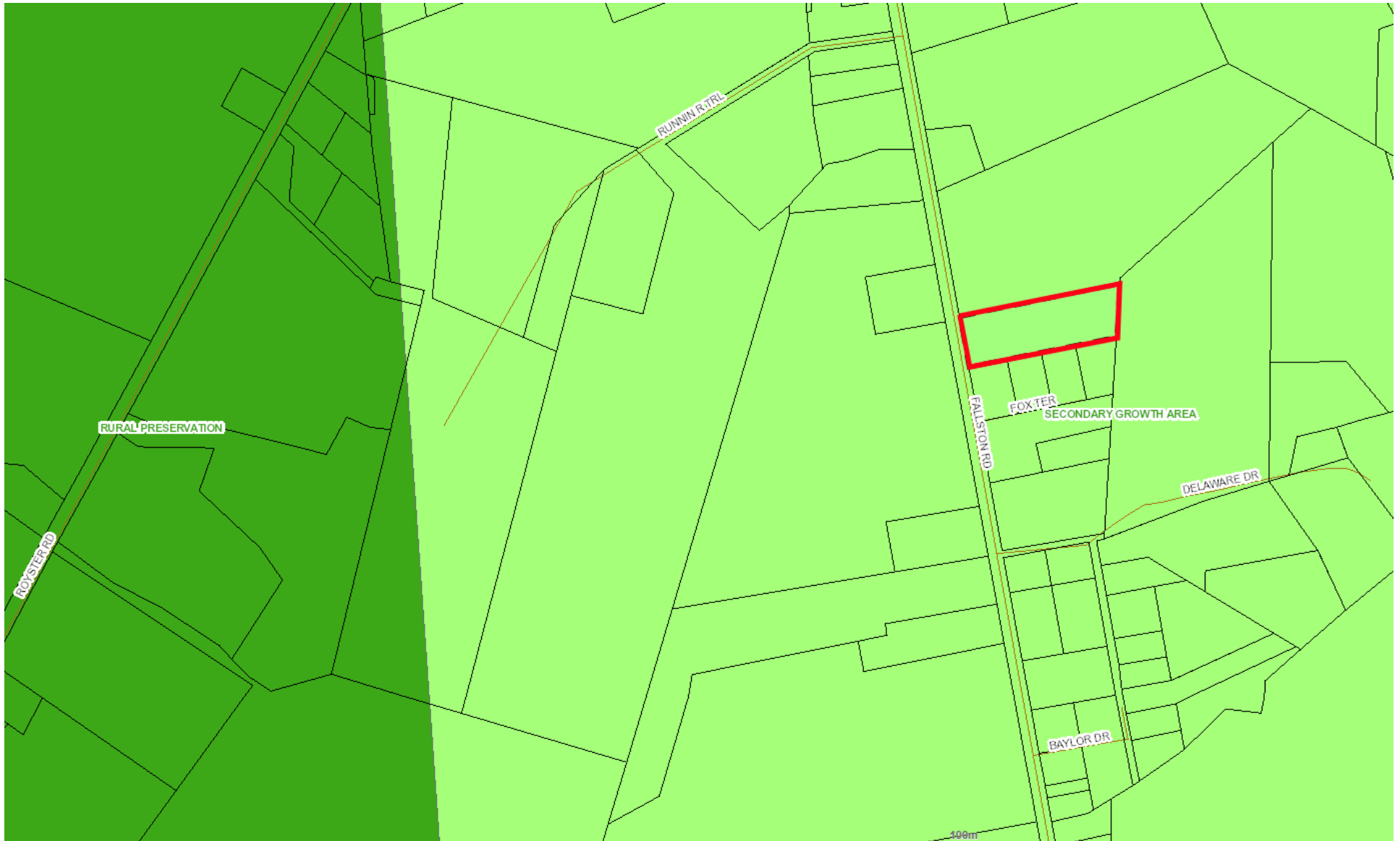
Rezoning Case 25-04
4216 Fallston Rd.



Rezoning Case 25-04
Zoning Map- 4216 Fallston Rd.



Rezoning Case 25-04
Land Use Plan Map- 4216 Fallston Rd.





Hackner Home Development Plan for 4 Fallston Rd in Shelby

Hackner Home Company overview:

Hackner Home, LLC is a trusted creator of premium soft home furnishings, proudly serving both individual customers and design professionals. Since we started the business in 2014, the company has earned a strong reputation for its quality craftsmanship, attention to detail, and beautifully made products that elevate any home interior.

Currently based at 806 W Warren St, Shelby, NC 28150, Hackner Home is powered by a talented team of experts who specialize in creating high-end textiles. Our offerings include custom pillows, drapery, bedding, and other soft home décor items—perfect for homeowners, interior designers, and boutiques looking for personalized, luxury solutions.

Hackner Home blends timeless craftsmanship with current design trends to deliver products that not only look exceptional but are made to last. With a focus on quality and customer care, we are a dependable name in the world of soft home goods manufacturing.

To support its continued growth, Hackner Home requires larger facilities and has identified 4 Fallston Road as the ideal location for its new site. The land at 4 Fallston Road is currently zoned residential (R). In collaboration with the current property owner, Hackner Home is seeking a conditional use rezoning of the property to LI-CU (Light Industrial - Conditional Use) to facilitate its development. The development is planned to take place in 3 Phases.

Phase 1:

In the initial phase of development, the company will construct a facility encompassing a footprint of approximately 7,200 square feet. The building will house office spaces, a dedicated area for product photography, and a patio designed for product staging. Additionally, it will include space for sewing operations, storage for raw materials, and designated employee parking. This phase will also incorporate the construction of a separate shed to store grounds maintenance equipment.

Phase 2:

As the company continues to grow, Phase 2 of development will introduce a second building, connected to the original structure, with an approximate footprint of 5,000 square feet. This expansion will provide increased capacity for material storage and enable the original building to focus on the growth of sewing operations. Additionally, the new facility will feature a dedicated truck dock to streamline and optimize the receiving of materials.

Phase 3:

As part of the company's long-term vision, Hackner Home plans to develop a dedicated retail space designed to showcase and sell its signature products. In addition to Hackner Home's core offerings, the store will feature a curated selection of soft home goods, furniture, rugs, home décor, lighting, and other complementary items. The retail building will span approximately 3,000 square feet and will be open to the public.

Based on evolving business needs and market conditions, Phases 2 and 3 of the development may be adjusted, with the retail space potentially being prioritized and developed first.

The development will be designed to integrate seamlessly with the surrounding community. Thoughtful consideration will be given to aesthetics and accessibility to ensure the space enhances the local environment and supports neighborhood vitality.

For any questions, please feel free to contact Jona or Christoph Hackner via E-Mail at contact@hacknerhome.com or via phone at 704-974-7211.

Thank you

Jona and Christoph Hackner

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

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 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 20, 2025, at 6:00 p.m. in the Commissioners Chambers.

Department:

Agenda Title: The next meeting of the Cleveland County Board of Commissioners will be held on Tuesday, May 20, 2025, at 6:00 p.m. in the Commissioners Chambers.

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name

Description

No Attachments Available