Cleveland County Board of Commissioners  
March 17, 2020

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

PRESENT:  
Susan Allen, Chairman  
Ronnie Whetstine, Vice-Chair  
Johnny Hutchins, Commissioner  
Doug Bridges, Commissioner  
Deb Hardin, Commissioner  
Brian Epley, County Manager  
Tim Moore, County Attorney  
Phyllis Nowlen, Clerk to the Board  
Kerri Melton, Assistant County Manager  
Elliot Engstrom, Deputy County Attorney  
Perry Davis, Fire Marshal/Emergency Management Director  
Lucas Jackson, Finance Director

CALL TO ORDER

Chairman Allen called the meeting to order and Commissioner Hutchins provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

ACTION:  
Commissioner Bridges made the motion, seconded by Commissioner Hutchins and unanimously approved by the Board to, approve the agenda with the following addition to the Regular Agenda:

Item 4A: Emergency Declaration of a State of Emergency for Cleveland County.

During an emergency declaration for an agenda item, the County can declare a State of Emergency.

CITIZEN RECOGNITION

Robert Williams, 814 E. Stagecoach Trl, Fallston – spoke about several agenda items such as the public hearings and the closed session. He also voiced his concerns regarding the HVAC system at Shelby High School.

Danny Blanton, 1827 Creekridge Rd., Shelby – is a Cleveland County School Board Member and read the following which he posted on Facebook regarding the COVID-19 pandemic: “Please anyone that works for CCSS call me, any of the other 7 board members, Stephen Fisher your GOVERNOR anyone that has any type of knowledge about what is going on with our current situation we will gladly inform you to the best of our ability. Things are changing daily and we still do not know all of the facts I myself am doing everything that I can to find out information as quickly as possible like everyone else. Please understand this is all new to everyone and I want what is best for our children and employees but this is something that we can not control here in Cleveland County we can only do as we’re told from the governor and state superintendent.” (Mr. Blanton was late signing up for the citizen recognition however, the Board gave no objections in allowing him to speak).

CONSENT AGENDA

APPROVAL OF MINUTES
The Clerk to the Board included the Minutes from the *February 18, 2020 regular meeting*, in board members packets.

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

**TAX COLLECTOR’S MONTHLY REPORT**

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *February 2020*.

<table>
<thead>
<tr>
<th>Tax Collector’s Monthly Report</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during <em>February 2020</em>.</td>
<td></td>
</tr>
</tbody>
</table>

**TAX ABATEMENTS AND SUPPLEMENTS AND PENDING REFUNDS/RELEASES**

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *February 2020*. The monthly grand total of tax abatements was listed as ($2,453.14) and monthly grand total for tax supplements was listed as $33,824.66.
**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve the Abatements and Supplements and Pending Refunds/Releases as submitted by the Tax Assessor.

**SOCIAL SERVICES: BUDGET AMENDMENT (BNA #041)**

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>011.504.4.310.00</td>
<td>93556-P096</td>
<td>Title XX/Federal Grants</td>
<td>$11,526.00</td>
<td></td>
</tr>
<tr>
<td>011.504.5.121.00</td>
<td></td>
<td>Title XX/Salaries</td>
<td>$11,526.00</td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for $11,526.00 at accept additional federal funds for monthly caseworker visits to help offset the county’s share in salaries for FY 2019/2020.

**ANIMAL SERVICES: BUDGET AMENDMENT (BNA #042)**

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.542.4.409.00</td>
<td></td>
<td>Animal Services/Local Revenue</td>
<td>$15,000.00</td>
<td></td>
</tr>
<tr>
<td>010.542.5.700.00</td>
<td></td>
<td>Animal Services/Grants</td>
<td>$15,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for $15,000 at accept grant funds from Best Friends Animal Society to provide a minimum of 272 Trap and Release/Return to Field (TNR/RTF) surgeries and vaccines (rabies, FVRCP (rhinotracheitis, calicivirus and panleukopenia) and pain meds) for cats in Cleveland County service area by 09/30/2020.

**SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #043)**

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.441.4.810.00</td>
<td></td>
<td>Sheriff’s Office/Contrib-Donations</td>
<td>$3,200.00</td>
<td></td>
</tr>
<tr>
<td>010.411.5.790.00</td>
<td></td>
<td>Sheriff’s Office/Contrib-Donations</td>
<td>$3,200.00</td>
<td></td>
</tr>
</tbody>
</table>
Sheriff’s Office/Canine Fundraiser $3,562.00
Sheriff’s Office/Canine Fundraiser $3,562.00
Sheriff’s Office/Donations Christmas $1,009.00
Sheriff’s Office/Donations Christmas $1,009.00
Sheriff’s Office/Donations Explorers $980.00
Sheriff’s Office/Donations Explorers $980.00

Explanation of Revisions: Budget allocation for $8,751 to accept donation funds received to be used to cover expenses in specialty programs within the Sheriff’s Office such as the Canine Program and the Explorers.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #044)

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.443.4.991.00</td>
<td></td>
<td>State Forf Fds/Fd Bal Approp</td>
<td>$18,025.00</td>
<td></td>
</tr>
<tr>
<td>010.443.5.91000</td>
<td></td>
<td>State Forf Fds/Capital Eqip</td>
<td>$18,025.00</td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for $18,025 for the purchase of a vehicle for the new Victim Specialist position that was added to the Sheriff’s Office through a grant. The grant however, does not cover the purchase of a vehicle that will be used for call outs.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #045)

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>011.519.4.310.00</td>
<td>93568-P372</td>
<td>Public Asst/Fed Govt Funds</td>
<td>$9,928.00</td>
<td></td>
</tr>
<tr>
<td>011.519.5.512.08</td>
<td></td>
<td>Public Asst/LIHEAP</td>
<td>$9,928.00</td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for $9,928 to accept additional federal Low-Income Energy Assistance Program (LIEP) funds for the FY 2019/2020. The additional monies are a result of additional funding.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #046)

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>012.548.4.410.00</td>
<td></td>
<td>CODAP/Local – Other Grants</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>012.539.4.340.00</td>
<td></td>
<td>CODAP/Grants</td>
<td>$1,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for a $1,000 grant from the Cleveland Healthcare Foundation awarded to the Cleveland County Substance Abuse Prevention Coalition. These funds will be used toward food expenses for an upcoming Controlled Substance Provider Training for local health professionals.

VOLUNTEER FIRE DEPARTMENTS: BUDGET AMENDMENT (BNA #047)

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>028.452.4.991.00</td>
<td></td>
<td>Vol Fire Depts/Fund Balance Approp</td>
<td>$500,000.00</td>
<td></td>
</tr>
<tr>
<td>028.452.5.700.00</td>
<td></td>
<td>Vol Fire Depts/ Grants</td>
<td>$500,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for a $500,000 to aid County Volunteer Fire Departments with the purchase of new radio equipment.

FOOTHILLS SHOOTING COMPLEX POLICY AND PROCEDURE CHANGES

Administrative policy and procedure updates, primarily defining how many hours for a ninety-day period a part-time employee must work to remain active. The proposed policy and procedure changes were approved at the Shooting Range Advisory Board meeting and they recommend approval from the Board of County.
Commissioners. (A full copy of the Foothills Shooting Complex Policy and Procedures is filed in the Clerk’s Office).

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve the changes to the Foothills Shooting Complex Policy and Procedures.

**REGULAR AGENDA**

**DECLARATION OF STATE OF EMERGENCY**

Approval for a proclamation declaring a state of emergency for Cleveland County due to the COVID-19 pandemic that is impacting people all over the world. Several surrounding counties, including Gaston County and Lincoln County, have already approved a Proclamation of a State of Emergency. There are three main reasons a county can declare a state of emergency:

- Heighten community awareness of a situation
- Position the county to receive reimbursement from State or Federal Authorities for unscheduled expenses incurred during the emergency
- To allow the Board, if necessary, to impose more stringent rules than are imposed under the state emergency declaration

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to approve the proclamation of a State of Emergency for Cleveland County.

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This Board directs the copies of this Proclamation be disseminated to municipalities and mass communications media by publicity and broadcast and that copies of this Proclamation be posted in the County Manager’s Office, on the Cleveland County website, and in public buildings as appropriate.

This Proclamation shall be effective as of [date] and shall remain in effect until rescinded by this Board or the Board Chair as provided above.

[Signature]
Sue C. Call
Chairman
Cleveland County Board of Commissioners

ATTEND:
Phyllis Nuyens, Clerk to the Board
Cleveland County Board of Commissioners
RESOLUTION IN SUPPORT OF NORTH CAROLINA’S PROPOSED FY 2019 – 2021 BIENNIAL BUDGET

Currently, the State of North Carolina does not have an enacted budget for the FY 2019 – 2021 biennium. The proposed resolution allows for Commissioner to show support for the passage of House Bill 966 which includes vital funding for capital improvements to schools, the community college and other organizations within the community.

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve the resolution of support of North Carolina’s proposed FY 2019 – 2021 Biennium Budget.

PUBLIC HEARINGS

JOB READY SHELL BUILDING 3 – PROPERTY ACQUISITION (PARCEL 58557)

Chairman Allen called Elliot Engstrom, Deputy County Attorney, to the podium to present the property acquisition, parcel 58557, for Job Ready Shell Building 3. The City of Shelby owns parcel 58557 and at their February 17, 2020 meeting, the Shelby City Council authorized its staff to convey this property to the County as part of the County and City’s joint effort to construct a shell building on this property. Pursuant to North Carolina General Statute § 158-7.1(b), the County may, after a public hearing, acquire property that is suitable for industrial
or commercial use and then put the property to such use. Advantages to this approach allows the County to have some flexibility when the property is ready to be sold.

Chairman Allen opened the Public Hearing at 6:19 pm for anyone wanting to speak for or against Job Ready Shell Building 3 – Property Acquisition (Parcel 58557). *(Legal Notice was published in the Shelby Star on Wednesday, March 4, 2020).*

**Robert Williams, 814 E. Stagecoach Trl, Fallston** – advised he is against the property acquisition for the shell building. He then spoke about the HVAC system at Shelby High School.

Hearing no additional comments, Chairman Allen closed the Public Hearing at 6:23 pm.

Chairman Allen opened the floor to the Board for discussion and questions. Commissioner Hutchins commented on the previous two shell building projects the County has partnered with the City of Shelby and the success of those projects. Commissioner Whetstine spoke of a previous public hearing held when the property was originally transferred to the City of Shelby to allow them to take the lead with this project. The County is administering the loan for Job Ready Shell Building 3. He advised this project has been brought before the Board on several occasions since its inception.

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to approve the property acquisition (parcel 58557) for Job Ready Shell Building 3.*
Chairman Allen called Finance Director Lucas Jackson to the podium to present the Installment Financing for Job Ready Shell Building 3. The County has contracted with Davenport & Company LLC to distribute a Request for Proposals (RFP) to secure a commitment for a direct bank loan evidenced by an Installment Financing Agreement to finance a shell building project and associated costs in the amount of $6,000,000. The construction of the proposed Shell Building 3 is a joint project with the City of Shelby and all costs associated with this project will be split equally with the city upon sale of the property. The RFP was distributed to over fifty national, regional, and local lending institutions. As part of the RFP process, responding institutions were asked to provide taxable interest rates for a five-year and ten-year amortization term. Through this process, the County was able to secure two responses to the RFP, including:
1. Sterling National Bank
2. Truist Bank – Formerly Branch Banking & Trust or BB&T

During the due diligence process with the banks, there were no concerns expressed related to the County’s credit or ability to borrow the funds.

Overview of rates received:
1. Sterling National Bank
   - 5 Year fixed interest at 2.9%
   - Prepayment Provision with a penalty of early pay off
2. Truist Bank
   - 5 Year fixed interest at 1.8%
   - 10 Year fixed interest at 2.19%
   - Flexibility to pay off at any time without penalty

Based upon review of the proposals, related analyses, discussions with the City of Shelby and Bond Counsel, the recommendation is that the County select the Truist ten-year taxable proposal. While it is the County’s desire to sell the facility and prepay the loan prior to the first principal payment, the 10-year term would minimize any principal payments required should the sale take longer than one year. Additionally, the Truist ten-year taxable proposal provides the lowest annual debt service cost and the proposal provides flexibility to prepay or refinance the loan at any time in whole without penalty, which will allow the County to prepay the loan as soon as the property is sold. The annual debt service payment of approximately $675,000 is to be split with the City of Shelby in the event property is not sold for economic development by the date first Debt Service Payment on April 1, 2021. Mr. Jackson reviewed the following PowerPoint to the Board.
Chairman Allen opened the floor to the Board for questions and discussion. Commissioner Bridges stated he anticipates the Job Ready Shell Building 3 to sell quickly based on the previous two shell building projects.

Commissioner Hardin inquired when the proposed start day is for construction. Mr. Jackson stated if approved, the building would begin immediately with an anticipated completion date in December. County Manager Brian Epley advised there is already a high level of interest from several companies for this project site.

Chairman Allen opened the Public Hearing at 6:30 pm for anyone wanting to speak for or against Job Ready Shell Building 3 – Installment Financing. *(Legal Notice was published in the Shelby Star on Thursday, March 5, 2020).*

Hearing no comments, Chairman Allen closed the Public Hearing at 7:31 pm.

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to approve the installment financing for Job Ready Shell Building 3.

**BOARD APPOINTMENTS**

**CLEVELAND COUNTY ANIMAL SERVICES ADVISORY BOARD**

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to appoint the following people to serve as members of this board:

<table>
<thead>
<tr>
<th>Seat/Position</th>
<th>Name</th>
<th>Term Scheduled to Conclude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veterinarian</td>
<td>Dr. Luke Martin</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Law Enforcement Officer</td>
<td>James Willard</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Operator of Animal Rescue Organization</td>
<td>Alison Still</td>
<td>January 1, 2022</td>
</tr>
<tr>
<td>Volunteer</td>
<td>Lois Smith</td>
<td>January 1, 2022</td>
</tr>
<tr>
<td>Citizen</td>
<td>Janet Whisnant</td>
<td>January 1, 2023</td>
</tr>
</tbody>
</table>

**CLOSED SESSION**

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to go into closed session per N.C.G.S. 143-318.11(a)(3), (a)(5), and (a)(6) to consult with an attorney in order to preserve the attorney-client privilege, to consider a personnel matter, and to establish the terms of an employment contract. *(Copy of closed session minutes are sealed and found in Closed Session Minute Book).*
RECONVENE IN REGULAR SESSION

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, reconvene in open session.

Chairman Allen announced no action was taken during the closed session; direction was given to the County Manager.

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 meeting. The next meeting of the Commission is scheduled for Tuesday, April 7, 2020 at 6:00 p.m. in the Commissioners Chamber.

______________________________
Susan Allen, Chairman
Cleveland County Board of Commissioners

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