

Cleveland County Board of Commissioners
September 5, 2017

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: Eddie Holbrook, Chairman
Jason Falls, Commissioner
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Jeff Richardson, County Manager
Tim Moore, County Attorney
Phyllis Nowlen, Clerk to the Board
Betsy Harnage, Register of Deeds
Chris Green, Tax Administrator
Brian Epley, Finance Director
Andrea Leslie-Fite, Assistant County Attorney
Kerri Melton, Director of Community Services
Perry Davis, Emergency Management Director

ABSENT: Susan Allen, Vice-Chair

CALL TO ORDER

Chairman Eddie Holbrook called the meeting to order and Kerri Melton, Director of Community Services led the audience in the Pledge of Allegiance and provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Falls and unanimously approved by the Board (4-0) to, *approve the agenda.*

CITIZEN RECOGNITION

Kenneth Beam – Casar, NC – expressed his concerns about the possibility of a large-scale chicken farm to be built on Ward Gap Rd in Casar. Mr. Beam stated he and his neighbors have heard an out of county developer has purchased 160 acres of land with the intention of building 16 chicken houses. Mr. Beam estimates the construction of each chicken house will average 500 feet in length totaling over 8 acres of solid coverage. A concern is the run off of the gravel roads, roofing, and other buildings/structures storing the chicken waste. Mr. Beam supports and respects the local chicken farmer however he feels 16 large chicken houses in one condensed area is too much. He added the possible farm would be a full-scale industry that could raise an estimated 1.3 million chickens which could produce over 2.6 million pounds of waste per year. Another big concern about the potential chicken farm is the smell of the chickens and their waste, fly breeding and the high possibility of contamination into the local water and soil from the run offs. He stated the North Carolina Department of Environmental Equality will not regulate the air pollution to the farm being labeled agriculture and not industry. Mr. Beam concluded that he and his neighbors know the County Commissioners have no authority over agriculture operations but he feels it may be time for the State of North Carolina to give authority back to the counties.

David Caldwell – Lawndale, NC– is representing the Broad River Alliance and the Water Keeper Alliance. The Broad River Basin has increased its poultry population during 1992 – 2014 from 1.2 million chickens to 5.5

million chickens, which equals about 331% in growth, and this number is still on the rise. The Department of Water Resources will be sending out drafts to the community of the new permitting rules regarding the poultry industry on September 15th. During the 60-day open comment period, the public is strongly encouraged to voice their concerns and questions regarding this matter. The Department of Water Resources will be holding public hearings during the month of October to allow citizens the opportunity to speak about Animal Farming Operations. (No exact date or location was given). One of the biggest concerns regarding large poultry operations is the amount of waste the animals produce and the disposal of the waste. These massive operations are labeled agriculture therefore no permitting or inspections are required from the state. Mr. Caldwell finished by stating they support the local small chicken farming in Cleveland County but something needs to be done to regulate and monitor the large poultry industries.

Chairman Holbrook stated the Board knows this is a very sensitive subject to the community and he thanked the speakers for their professionalism demonstrated during their presentation.

Michael Ledbetter – Boiling Springs, NC– stated he is concerned about the possible removal of Confederate statues, monuments, grave markers, and other various symbols in Cleveland County and other places throughout the country. Mr. Ledbetter spoke of the recent tragedies in Charleston and Charlottesville. He feels the issues represent the need to enforce the rule of law and how our law enforcement officers should be supported. Mr. Ledbetter stated *“it seems we are losing the respect for authority which is a great concern to our law enforcement. None of us want this activity to come to our hometown however, if history has taught us anything, people who use violence, death and destruction of property to achieve their radical aims and purposes usually cannot be satisfied through appeasement.”* He thanked the Board for their time and asked for their consideration in protecting Cleveland County’s historical monuments from removal.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes of the **August 1, 2017 regular meeting**, in Board Members packets.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and passed unanimously by the Board (4-0) to, ***approve the minutes as written.***

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **August 2017**. The monthly grand total of tax abatements was listed as (\$6,423.38) monthly grand total for tax supplements was listed as \$12,453.46.

TAX COLLECTOR’S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *August 2017* (copy found on Page ____ of Minute Book ____).

TAX COLLECTOR'S SETTLEMENT

CLEVELAND COUNTY, NORTH CAROLINA						
Settlement for Current-Year Taxes and Delinquent Taxes						
REAL PROPERTY						INCLUDES DISCOUNT
SCHEDULE OF AD VALOREM TAXES RECEIVABLE						
YEAR ENDED JUNE 30, 2017						
	UNCOLLECTED				ABATEMENTS AND OTHER	UNCOLLECTED
FISCAL YEAR	BALANCE 06/30/16	ORIGINAL LEVY	DISCOVERIES SUPPLEMENTS	COLLECTIONS	CREDITS	BALANCE 06/30/17
2016		\$66,934,286.86	\$7,676,866.63	\$72,717,107.63	\$645,106.79	\$1,248,939.07
2015	\$1,335,151.65		-\$4,070.90	\$795,335.40	\$17,003.55	\$518,741.80
2014	\$575,989.75			\$211,327.03	\$201.36	\$364,461.36
2013	\$293,072.24			\$90,530.06	\$138.65	\$202,403.53
2012	\$174,411.05			\$35,916.41	\$833.16	\$137,661.48
2011	\$123,706.70			\$27,047.96	\$668.15	\$95,990.59
2010	\$93,239.52			\$10,375.91	-\$59.78	\$82,923.39
2009	\$85,629.76	\$2,184.25		\$6,638.42	\$2,032.65	\$79,142.94
2008	\$62,245.74			\$4,106.45	-\$59.78	\$58,199.07
2007	\$63,342.95			\$4,096.78	-\$60.30	\$59,306.47
2006	\$45,640.40		-\$1,373.37	\$772.36	\$43,466.20	\$28.47
Total	\$2,852,429.76	\$66,936,471.11	\$7,671,422.36	\$73,903,254.41	\$709,270.65	\$2,847,798.17
		2016 DISCOUNTS			\$147,530.12	
		2016 UNCOLLECTABLE BANKRUPTCY FILINGS			\$70,341.70	

ORDER OF COLLECTIONS

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board (4-0) to, *approve the Order of Collections.*

State of North Carolina
 County of Cleveland
 Order of Collection

To Necole' Richard, Tax Collector:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records for the year 2017, and all taxes outstanding for tax years 2007 through 2016, as filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in Cleveland County and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, and to use or cause to be used, all remedies provided by law.

Adopted this, the 5th day of September, 2017.

Eddie Holbrook, Chair
 Eddie Holbrook, Chair
 Cleveland County Board of Commissioners

Attest:

Phyllis Nowlen
 Phyllis Nowlen
 Cleveland County Clerk

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #002)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board (4-0) 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>
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10.497.4.350.00	08300-P432	3 rd Party Grants/State Grants	\$31,015.00	
10.497.5.700.00	08300-P432	3 rd Party Grants/Grants	\$31,015.00	
11.508.4.350.00	08300-P432	Income Maint/State Grants		\$4,884.00
11.508.5.500.00	08300-P432	Income Maint/Misc Expense		\$4,884.00

Explanation of Revisions: Budget Amendment necessary to budget grant award versus the original budget from the NC Dept of Transportation for the 2018 ROAP (Rural Operating Assistance Program). TACC grant awarded at \$31,015 more than the original budget. DSS part of grant awarded at \$4,884 less than the original budget.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #003)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board (4-0) to, ***approve the following budget amendment:***

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.441.4.991.00		Sheriff's Office/Donations-Contrib	\$750.00	
010.441.4.810.00		Sheriff's Office/Donations-Contrib	\$10,000.00	
010.441.5.790.00		Sheriff's Office/Donations-Contrib	\$10,750.00	

Explanation of Revisions: Budget Amendment requested to budget donated funds received for the purchase of AED devices.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #004)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board (4-0) to, ***approve the following budget amendment:***

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.443.4.991.00		State Forfeited Prop/Fd. Balance Approp	\$10,562.00	
010.443.5.210.00		State Forfeited Prop/Departmental Supply	\$6.00	
010.443.5.910.00		State Forfeited Prop/Capital Equipment	\$10,556.00	

Explanation of Revisions: Budget Amendment necessary to request funds for the purchase of a vehicle to be used as an undercover in the narcotics division. Budgeted amount also includes cost of confidential plate and highway use taxes.

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #005)

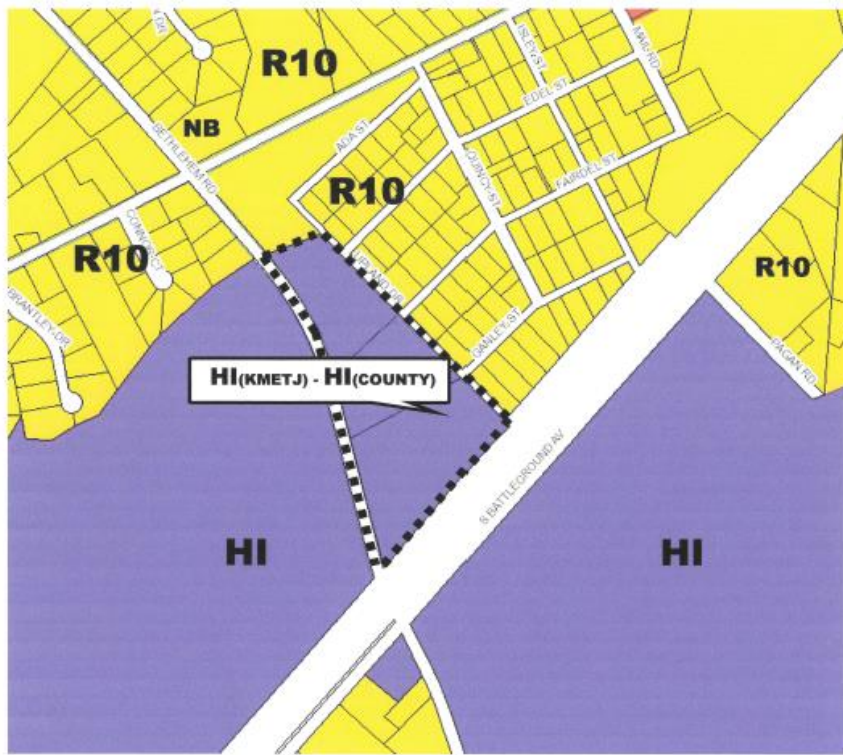
ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board (4-0) to, ***approve the following budget amendment:***

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.445.4.409.00		Emergency Mgmt/Local Revenues	\$49,200.00	
010.445.5.210.00		Emergency Mgmt/Departmental Supplies	\$1,300.00	
010.445.5.310.00		Emergency Mgmt/Travel-Training	\$3,000.00	
010.445.5.321.00		Emergency Mgmt/Telecommunications	\$1,200.00	
010.445.5.322.00		Emergency Mgmt/Postage	\$500.00	
010.445.5.421.00		Emergency Mgmt/Maint Contracts-Equip	\$1,200.00	
010.445.5.910.00		Emergency Mgmt/Capital Equipment	\$42,000.00	

Explanation of Revisions: Budget Amendment requested to budget \$49,200 in grant funds from Duke Energy to cover grant approved purchases for department supplies, travel/training, phone maintenance, contract on data equipment and a new vehicle.

PLANNING DEPARTMENT: REZONING CASE 17-05 (Schedule Public Hearing for September 19, 2017)

The Planning Department is requesting to apply the County's Heavy Industrial (HI) zoning district to three adjoining parcels, totaling 18 acres, located along the intersection of Bethlehem Rd and S. Battleground Ave. The property was relinquished by the City of Kings Mountain from their Extra Territorial Jurisdiction (ETJ) to the County's jurisdiction, and therefore will need county zoning ordinances applied to it.



REZONING CASE 17-05
 Existing: HI (KMETJ)
 Proposed: Heavy Industrial (HI)
 Planning Board Recommendation
 Public Hearing

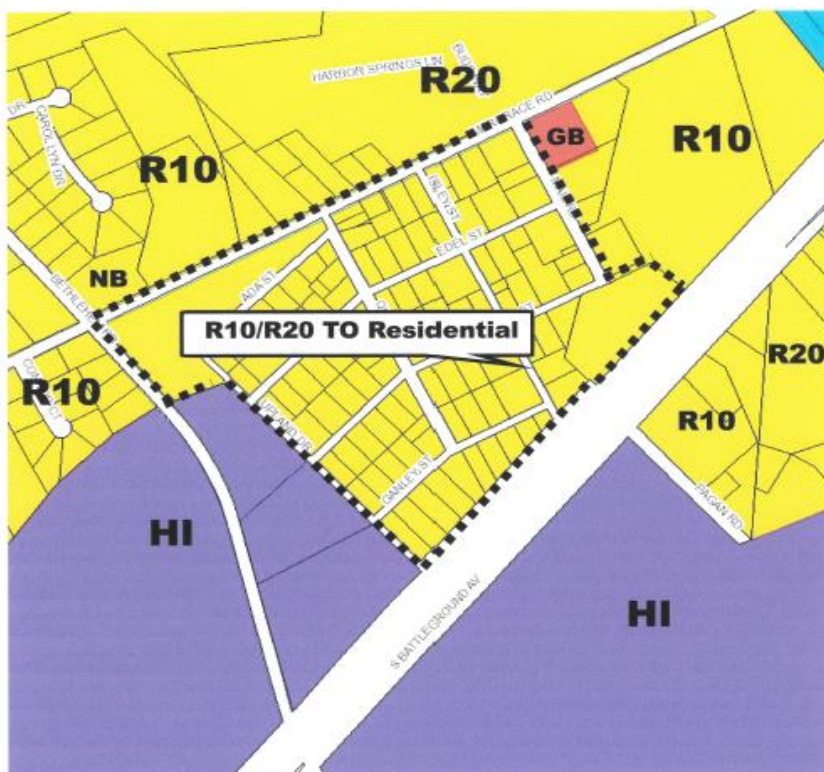
R Residential	NB Neighborhood Business
RR Restricted Residential	GB General Business
RM Manufactured Homes & Parks	LI Light Industrial
RA Rural Agricultural	HI Heavy Industrial



ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board (4-0) to, *approve scheduling the public hearing as requested.*

PLANNING DEPARTMENT: REZONING CASE 17-06 (Schedule Public Hearing for September 19, 2017)

The Planning Department is requesting applying the County’s (R) zoning district to properties located on Margrove Rd from Residential-20 (R-20) to Residential (R). The property was relinquished by the City of Kings Mountain from their Extra Territorial Jurisdiction (ETJ) to the County’s jurisdiction, and therefore will need county zoning ordinances applied to it.



REZONING CASE 17-06
 Existing: R10/R20 (KMETJ)
 Proposed: Residential (R)
 Planning Board Recommendation
 Public Hearing

R Residential	NB Neighborhood Business
RR Restricted Residential	GB General Business
RM Manufactured Homes & Parks	LI Light Industrial
RA Rural Agricultural	HI Heavy Industrial



ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board (4-0) to, *approve scheduling the public hearing as requested.*

Chairman Holbrook opened the floor to the Board for any questions regarding the Consent Agenda.

Commissioner Hutchins stated *“looking at the map, Kings Mountain didn’t fully give us what they should have from the Mid-Pine section, they held some back. I think we should go back to Kings Mountain and get the remaining parcels. This is something the City of Kings Mountain did not want to zone, did not want to enforce it and dumped it on the county for the county to do it. Now we have no choice but to do it. The houses between the store and the church are part of that community and I think we should try and include them also.”* Chairman Holbrook asked County Manager Jeff Richardson to keep Commissioner Hutchins’ comments in mind while the county pursues this issue.

REGULAR AGENDA

FOOTHILLS SHOOTING COMPLEX MEMORANDUM OF UNDERSTANDING

Chairman Holbrook recognized Kerri Melton, Director of Community Services and Ron Newcomb, Range Master to present the Memorandum of Understanding for the Foothills Public Shooting Complex. Range Master Newcomb gave a brief presentation on the improvements that have and are continuing to happen at the Foothills Public Shooting Complex.



Precision Rifle Range



Range 2 Pistol





Commissioner Hutchins stated no local tax dollars were used for the construction of the shooting complex. The Foothills Public Shooting Complex is the largest range in the southeast. Chairman Holbrook spoke of several events that were held at the Foothills Public Shooting Complex during the American Legion World Series and thanked the staff for their all their efforts and hospitality, it was well received by all the guests who attended. Chairman Holbrook also thanked Commissioner Hutchins for being the liaison Commissioner and the hard work that has gone in to make the range a success. Commissioner Hutchins spoke of upcoming events at the Range and advised citizens can visit the Range website to find schedule events. Range Master Newcomb stated 60% of the cliental who use the Range are from out of county.

Kerri Melton, Director of Community Services, gave an overview of the Proposed Memorandum of Understanding between Cleveland County and Cleveland Community College. Early in 2017, the property at 1642 Pinedale Road was donated to Cleveland County from the Cleveland County Law Enforcement Association. With the Community College and the Shooting Complex needing additional training space, the County teamed up with Cleveland Community College to renovate the building for that use. The County and the Community College have agreed to jointly renovate the existing building located on 8.04 acres. The County is the current owner of the property and will retain ownership of the subject property. The renovated property will be used as a training facility by both the County and the College. The County and the College have agreed to share renovation responsibilities.

The Facility shall be called “Foothills Public Shooting Complex Training Center”. The County will be responsible for construction of signage. The College and County logo will appear on the sign. Cleveland County will be responsible for scheduling use of the Facility. The College will be allowed use of the space as outlined below and will not be charged rent for use of the space. The Facility shall be designed to accommodate the following:

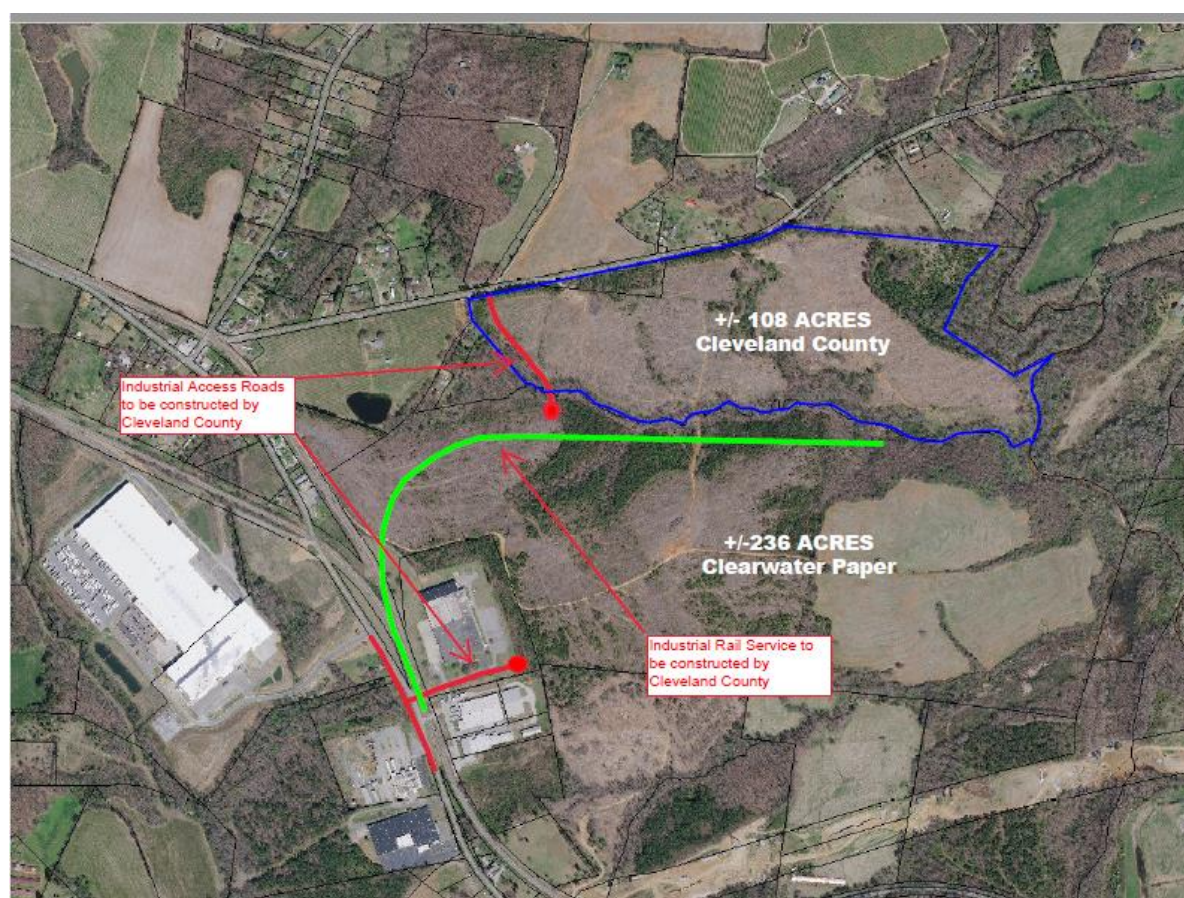
- From 8am-5pm on Monday, Tuesday and Wednesday, each week, the College will have first right of refusal for use of the space.
- From 8am-5pm on Thursday, Friday, Saturday and Sunday, each week, the County will have first right of refusal for use of the space.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Falls, and unanimously adopted by the Board (4-0) to, ***approve the Memorandum of Understanding.***

(copy found on Page ____ of Minute Book ____).

CLEARWATER INFRASTRUCTURE UPDATE

Chairman Holbrook called Matt Blackwell, Director of Business Services for Cleveland County Economic Development Partnership to the podium. Mr. Blackwell stated Clearwater Paper announced their expansion of their facility in February of 2017. They will begin construction of the new facility on 236 acres which is across from the current manufacturing facility. Approximately 108 acres remain available in the Washburn Switch Business Park and is actively being marketed by the CCEDP for industrial development. Cleveland County is partnering with the City of Shelby on utility and infrastructure improvements necessary to serve the Clearwater Paper expansion and future tenants of the park.



EASEMENT FOR UTILITIES

Approval is needed to grant permanent easements for utilities to the City of Shelby to accommodate the extension of public water infrastructure to support industrial development at the Washburn Switch Business Park. The easement area requested is approximately 10-feet in width, is located along the northern boundary of county-owned parcels 61941 and 32196, and comprises a total of 0.573 acres.

ACTION: Commissioner Falls made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board (4-0) to, ***approve the Easements for Utilities Agreement.***

(copy found on Page ____ of Minute Book____).

NORTH CAROLINA RAILROAD DEFINITIVE PROJECT INVESTMENT AGREEMENT

Cleveland County has secured a commitment of grant funding from the North Carolina Railroad Company for industrial rail infrastructure improvements to provide rail service in support of the Clearwater Paper expansion project at the Washburn Switch Business Park. The NC Railroad Company (NCRR) has committed funding from the “NCRR Invests” program. “NCRR Invests” funds in the amount of \$875,000 have been approved by the NCRR Board of Directors in support of this project. The conceptual cost estimate for rail infrastructure improvements is \$1,335,020. and is inclusive of engineering design, construction and construction inspection fees. NCRR requires execution of a Definitive Project Investment Agreement for the administration of grant funds associated with this project. Cleveland County has secured additional funding commitments from the NCDOT Rail Division and Clearwater Paper to cover project cost in excess of committed NCRR grant funding.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Falls, and unanimously adopted by the Board (4-0) to, ***approve the NCRR Definitive Project Investment Agreement.***

(copy found on Page ____ of Minute Book____).

RAIL INDUSTRIAL ACCESS AGREEMENT

Cleveland County has secured a commitment of grant funding from the North Carolina Department of Transportation for industrial rail infrastructure improvements to provide rail service in support of the Clearwater Paper expansion project at the Washburn Switch Business Park. On February 6, 2017, the Board of Commissioners approved a resolution in support of the application for grant funding from the NC Department of Transportation (NCDOT) Rail Industrial Access Program. NCDOT Rail Industrial Access funds in the amount of \$200,000 have been approved by the Board of Transportation in support of this project. The conceptual cost estimate for rail infrastructure improvements is \$1,335,020 and is inclusive of engineering design, construction and construction inspection fees. Approval is needed for the Rail Industrial Access Agreement dated August 1, 2017 for the administration of grant funds associated with this project.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Falls, and unanimously adopted by the Board (4-0) to, ***approve the Rail Industrial Access Agreement.***

(copy found on Page ____ of Minute Book____).

NCDOT GRANT FUNDING AGREEMENT

Cleveland County has secured a commitment for grant funding from the North Carolina Department of Transportation in support of industrial access roads and turn lane improvements necessary to provide access to the Clearwater Paper expansion project and the remainder of the county-owned property at Washburn Switch Business Park. On February 6, 2017, the Board of Commissioners approved a resolution in support of the application for grant funding from the NC Department of Transportation (NCDOT) STI Program, Economic Development Program, and Public Access Program in a total amount equal to \$1,875,000 to assist with the construction costs associated with industrial access road and turn lane improvements to serve the Clearwater Paper expansion and the remaining county-owned property at Washburn Switch Business Park. A NCDOT Public Access/Economic Development Agreement was approved and executed by the Cleveland County Board of Commissioners on April 4, 2017, officially securing funding in the amount of \$575,000. In July 2017, the NC Board of Transportation approved STI Program funds in the amount of \$1,300,000 in support of this project for a total funding amount of \$1,875,000. Conceptual cost estimates for industrial access road and turn lane improvements is estimated at \$2,455,000 and is inclusive of engineering design and construction inspection fees. NCDOT requires execution of a Public Access/Economic Development Agreement for the administration of grant funds associated with this project. Reimbursable expenses include professional engineering design services, construction contract costs, and construction administration (not to exceed 15% of actual construction contract cost). Cost associated with right-of-way acquisition or utility relocation are not eligible for reimbursement. Project cost in excess of NCDOT grant funding will be reimbursed by the company in accordance with the Economic Development Agreement executed on February 13, 2017. Approval of the Supplemental Agreement is needed for the administration of \$1,300,000 in grant funds in support of this project.

ACTION: Commissioner Falls made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board (4-0) to, ***approve the NCDOT Grant Funding Agreement.***

(copy found on Page ____ of Minute Book ____).

COMMISSIONER REPORTS

Commissioner Whetstine thanked Chairman Holbrook for all the work and dedication he puts into the American Legion World Series. Commissioner Whetstine advised he and other Commissioners have attended various events throughout the county over the last two weeks. Recently, Commissioners attended the Distinguished Women's Banquet hosted by the Commission for Women. This year the Commission for Women recognized four women who have made contributions to the community.

Commissioner Falls echoed Commissioner Whetstine's comments regarding Chairman Holbrook and the American Legion World Series. The Cleveland County Fair starts on September 28th.

Commissioner Hutchins recently attended the NCACC Board of Director's Meeting for the state and was re-appointed to serve on this board. One of the projects they are working on is Veteran's Affairs.

Chairman Holbrook thanked everyone who attended and/or volunteered at the American Legion World Series. The event was very successful this year. He also thanked the Economic Development Team for all they do and the hard work and dedication they put in. Chairman Holbrook advised there will be a joint publication coming out in November between the county and CCEDP that will showcase the businesses in Cleveland County.

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hutchins made the motion, seconded by Commissioner Falls, and unanimously adopted by the Board (4-0), *to adjourn the meeting.*

The next meeting of the Commission is scheduled for *Tuesday, September 19, 2017 at 6:00 p.m. in the Commissioners Chamber.*

*Eddie Holbrook, Chairman
Cleveland County Board of Commissioners*

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