

Cleveland County Board of Commissioners
February 20, 2018

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
Susan Allen, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Brian Epley, County Manager
Tim Moore, County Attorney
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Allison Mauney, Human Resources Director
Chris Green, Tax Administrator
Betsy Harnage, Register of Deeds

CALL TO ORDER

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

AGENDA ADOPTION

ACTION: Commissioner Allen made the motion, seconded by Commissioner Whetstine and unanimously approved by the Board to, *approve the agenda.*

SPECIAL PRESENTATION

Cleveland County Wellness Program Success Story: County Manager Brian Epley recognized Susan Ledford from the Register of Deeds office, who shared her wellness program success story to the Board. Mrs. Ledford advised several years ago she was diagnosed with a non-cancerous fibroid tumor in which her doctor wanted to only monitor at that time. Prior to the 2017 Wellness Program Biometric screening, Mrs. Ledford followed the advice from a co-worker and made an appointment to get an exemption from one of the risk factor categories. Subsequently her doctor had no openings for several months, Mrs. Ledford made her appointment with a different doctor who informed Mrs. Ledford her tumor had grown into a very large mass and needed to be removed. When the doctor was reviewing the pathology results with Mrs. Ledford at the post surgery follow-up, she learned the tumor was indeed cancerous. Mrs. Ledford followed up with a specialist to ensure the cancer had not spread.

Mrs. Ledford declared the Biometrics Screening saved her life. She and her husband attribute their now healthier lifestyle to the Wellness Programs offered to County employees and their covered dependents. She concluded by thanking the Board and staff for implementing and continually supporting the lifesaving wellness programs offered to the agency's personnel.

CITIZEN RECOGNITION

No citizens registered to speak.

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to approve the Abatements and Supplements and Pending Refunds/Releases as submitted by the Tax Assessor.*

TAX DEPARTMENT: ADVERTISEMENT OF TAX LIENS ON REAL PROPERTY

Per N.C.G.S. 105-369, uncollected taxes for the current year that are a lien on real property, must be advertised in a newspaper having general circulation in the taxing unit. Upon receipt of the Tax Collector’s report in February, the governing body must order the Tax Collector to advertise the tax liens.

Number of Parcels	8,533
Assessed Value	\$473,981,084
Base Tax	\$3,988,340.31
Assessments	\$215,452.18
Penalties	\$81,839.16
Interest	\$32,852.36
Flat Fees	\$667.46
Total Taxes	\$4,203,792.49
Total Additional Charges	\$115,358.98
Total Due	\$4,319,151.47

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *authorize the tax collector to, on or about March 15, 2018, advertise tax liens on real property that remain unpaid as of March 7, 2018. Advertisement shall be made in the manner provided by N.C.G.S. 105-369.*

LEGAL: DUKE EASEMENT ENCROACHMENT

The Right of Way for the Duke Energy line to the Clearwater Expansion site was previously granted by the county and recorded in Plat Book 39, pages 178-82. The new line will pass over an easement held by Cleveland County for the rail spur serving the existing Clearwater Paper facility at 671 Washburn Switch Road. Duke Energy has prepared the consent agreement as an acknowledgement of the encroachment on the County rail easement. The Right of Way will not impair or impede function of the rail spur.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *approve the Duke Easement Encroachment.*

February 20, 2018

Duke Energy Carolinas, LLC
Attn: Mr. Jim Wilson
Data & Document Management DEC22A
550 South Tryon Street
Charlotte, NC 28202

Re: Consent to Proposed Easement Encroachment
Site: 104070
Land Unit: 1696292
Project: 104070-458577

Dear Mr. Wilson:

Cleveland County, North Carolina (the "County") understands that Duke Energy Carolinas, LLC ("Duke Energy") is seeking an easement from Clearwater Paper Corporation to permit Duke Energy to construct, operate and maintain electric power lines within a "Right of Way Strip" consisting of 3.616 ± acres, as shown on a plat of survey entitled "Duke Energy Carolinas, LLC Clearwater Substation Line 100KV," dated 7/17/17, marked Map: 104070-456835, said plat being recorded in Plat Book 39 at Pages 178-82 in the Cleveland County Registry (the "Plat"). The Right of Way Strip will encroach upon a portion of an existing Deed of Easement for Railroad Track held by the County, said easement being recorded in Book 1629 at Page 552 (the "Railway Easement"). Duke Energy has provided a copy of the proposed easement to the City.

The County has reviewed the proposed easement and the Plat and hereby consents to the grant of the easement to Duke Energy and use of the Right of Way Strip as described in the easement document.

Sincerely,

By: Eddie Holbrook
Name: Eddie Holbrook
Title: Chair - Board of Commissioners

PUBLIC HEARINGS

SMALL BUSINESS INCENTIVE GRANT FOR A&K WILLIAMS ENTERPRISES, LLC

Chairman Holbrook called Chris Green, Tax Administrator, to the podium to present the Small Business Incentive Grant for A&K Williams Enterprises, LLC. Mr. Green reminded the Board the purpose for the Small Business Incentive Grant Program is to help expand Economic Development growth in Cleveland County. The ambition was to attract new business investments and encourage expansion/reinvestment in existing business throughout the County, focusing on small business in particular. A&K Williams Enterprises, LLC has submitted an application for participation in the Small Business Investment Grant Program based on the qualifying investment with real and personal property associated with the poultry operation. Mr. Green reviewed some of the core guidelines for the program which include:

- A net increase in taxable value of at least \$100,000 for the year following the base year.
- The grant is for a period not to exceed three years and the criteria must be upheld in each year.
- Only applies to new purchases and assets that were not taxable prior in the County.
- Assets under consideration are subject to all the listing requirements and audit review as any other tax business in the County.
- Businesses must remain current with all tax levy by the County and the business personal listing must be filed timely in the tax office each year.

Under the Program, a qualifying net new investment of \$250,000 to \$500,000 would be eligible for a grant equal to 100% of taxes paid on the new investment for year one of the grant and 50% for years two and three. The

grant amount will be calculated on 0.57 per \$100 of net new investment. A&K Williams Enterprises, LLC has met the listing and investment requirements for 2017 at \$360,936 and they are in compliance with the guidelines. The year one grant amount is \$2,057.34. Taxes have been paid and there are no unresolved appeals.

Chairman Holbrook opened the floor to the Board for any questions. Hearing no questions or comments from the Board, Chairman Holbrook opened the Public Hearing at 6:21 pm for anyone wanting to speak for or against the Small Business Incentive Grant for A&K Williams Enterprises, LLC.

Steve Padgett, Small Business Center Director, spoke in support of the Small Business Incentive Grant for A&K Williams Enterprises, LLC. He thanked the Board for their continual support of small businesses in Cleveland County.

Hearing no further comments, Chairman Holbrook closed the Public Hearing at 6:22 pm. (Legal Notice was published in the Shelby Star on Friday, February 9, 2018).

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstone, and passed unanimously by the Board to, *approve the Small Business Incentive Grant for A&K Williams Enterprises, LLC.*

SMALL BUSINESS INCENTIVE GRANT FOR ROLAND GRACE FARMS, LLC

Chairman Holbrook again recognized Chris Green, Tax Administrator to present the Small Business Incentive Grant for Roland Grace Farms, LLC. Mr. Green advised Roland Grace Farms, LLC has made application for participation in the Small Business Investment Grant Program on the qualifying investment with real and personal property associated with machine equipment and farming operation. All of the same guidelines of the incentive grant would apply to Roland Grace Farms, LLC. Under the program, a qualifying net new investment of \$100,000 to \$250,000 would be eligible for a grant equal to 50% of taxes paid on the new investment for three years. The grant amount will be calculated on 0.57 per \$100 of net new investment. Roland Grace Farms, LLC has met the listing and investment requirements for 2017 at \$130,336 and they are in compliance with the guidelines. The year one grant amount is \$371.46. Taxes have been paid and there are no unresolved appeals.

Chairman Holbrook opened the floor to the Board for any questions. Hearing no questions or comments from the Board, Chairman Holbrook opened the Public Hearing at 6:26 pm for anyone wanting to speak for or against the Small Business Incentive Grant for Roland Grace Farms, LLC.

Steve Padgett, Small Business Center Director, spoke in support of the Small Business Incentive Grant for Roland Grace Farms, LLC. He advised small businesses in Cleveland County have the opportunity and are encouraged to grow because of the support that is given to them and it starts with the County Commissioners.

Hearing no further comments, Chairman Holbrook closed the Public Hearing at 6:27 pm. (Legal Notice was published in the Shelby Star on Friday, February 9, 2018).

Commissioner Allen stated she hopes to see more businesses taking advantage of the Small Business Incentive Grant. The purpose of this program to help small business and the County grow and succeed which is what the Board continually strives to achieve. Chairman Holbrook thanked Mr. Padgett for his all of his work and

efforts in assisting the small businesses in the County. Commissioner Bridges is glad to see assistance available to the local farmers.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *approve the Small Business Incentive Grant for Roland Grace Farms, LLC.*

REGULAR AGENDA

WASHBURN SWITCH ROAD REALIGNMENT BID AWARD

Chairman Holbrook recognized Jimmy Terry with TGS Engineers to present the Washburn Switch Road Realignment Bid. Mr. Terry explained following the NCDOT requirements detailed in the Public Access/Economic Development Agreement dated March 27, 2017, staff has submitted a recommendation to approve selection of the low responsive, responsible bid from NHM Constructors, LLC for grading, drainage, and paving for the addition of turn lanes and new industrial entrances to Washburn Switch Business Park. The bid was originally advertised on December 14, 2017 with a due date of January 18, 2018. There were no responses and the project was re-advertised. On February 1, 2018, the County received bids from NHM Constructors, LLC, and Site Development Corporation. The conceptual cost estimate for construction of the industrial access road, turn lane improvements, and relocation of the 16" water line along Washburn Switch was \$2,855,000, inclusive of engineering design and construction inspection fees. The budget for the project is \$3,050,000 including ROW acquisition fees, utility relocations and other incidental costs. NHM Constructors bid was \$3,126,670, raising the current estimate for the project to \$3,708,734, \$658,734 above budget. Construction bids were 20% above the conceptual estimate and 15% above current NCDOT averages, reflecting a robust market and very tight contracting environment. The NCDOT Board of Transportation has approved funding up to \$1,875,000 to assist with the costs associated with the project. The budgeted reimbursement from the company for this portion of the infrastructure improvements in accordance with the Economic Development Agreement executed on February 13, 2017 is \$1,175,000.

Chairman Holbrook opened the floor to the Board for comments or questions.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and passed unanimously by the Board to, *approve the Washburn Switch Road Realignment Bid Award to NHM Constructors.*

RESOLUTION TO CANCEL MARCH 6, 2018 REGULAR MEETING

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Allen, and unanimously adopted by the Board, *to adopt the following resolution:*



Resolution

NUMBER 04 – 2018

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

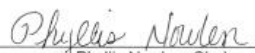
WHEREAS, the Cleveland County Board of Commissioners have decided that it is appropriate to cancel their regular meeting of **March 6, 2018** in order for Commissioners to attend the NACo Legislative Conference in Washington, DC.

NOW, THEREFORE, BE IT RESOLVED, THAT, the Cleveland County Board of Commissioners cancel their meeting in accordance with the mandates of North Carolina General Statute 153A-40. The regular meeting schedule as adopted by the Board will resume March 20, 2018.

ADOPTED THIS 20th DAY OF FEBRUARY, 2018.


Eddie Holbrook, Chairman
Cleveland County Board of Commissioners

ATTEST:


Phyllis Nowlen, Clerk
Cleveland County Board of Commissioners



COMMISSIONER REPORTS

Commissioner Bridges – attended the Community in Schools mentoring dinner and shared some of the success stories that were given during that event. He thanked Speaker of the House Tim Moore, for North Carolina lawmakers forming the School Safety Committee.

Commissioner Whetstine – recently toured Cleveland County's Animal Services and commended the staff for their hard work and dedication on the immense improvement of the facility and the re-homing of the animals brought to the shelter. He thanked staff for the hard work they put in for the recent work sessions.

Commissioner Hutchins – echoed Commissioner Whetstine's comments about the work sessions. He feels the meetings were very informative and productive. Commissioner Hutchins will be attending several meetings on other boards he sits on. He had Betsy Harnage, Register of Deeds, give a brief synopsis of the program she is working on to bring a Passport Office to Cleveland County.

Commissioner Allen – spoke at Benchmarks Partnership for Excellence summit. The initiative is to help with the health of a county which aligns with one of the Board's strategic goals. She gave an update from the JCPC meeting regarding the age of juveniles being charged with certain crimes.

Chairman Holbrook – thanked Commissioner Hutchins for his continued work on the Community College's Board of Trustees. Chairman Holbrook stated the Board has been looking at avenues available to improve areas of the county.

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hutchins made the 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, March 20, 2018 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*