

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 of 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.*

TOTAL TAXES COLLECTED FEBRUARY 2020			
YEAR	AMOUNT-REAL	AMOUNT-VEH	
DEF REV	\$0.00	\$0.00	
2019	\$1,649,154.56	\$0.00	\$1,649,154.56
2018	\$51,274.37	\$0.00	\$51,274.37
2017	\$17,176.09	\$0.00	\$17,176.09
2016	\$8,063.87	\$0.00	\$8,063.87
2015	\$4,682.63	\$0.00	\$4,682.63
2014	\$724.72	\$0.00	\$724.72
2013	\$1,045.45	\$566.11	\$1,611.56
2012	\$858.23	\$1,104.68	\$1,962.91
2011	\$191.13	\$1,050.71	\$1,241.84
2010	\$227.24	\$202.80	\$430.04
2009	\$0.00	\$0.00	\$0.00
TOTALS	\$1,733,398.29	\$2,924.30	\$1,736,322.59
DISCOUNT	(\$8.98)		
INTEREST	\$65,184.28	\$2,661.30	\$0.00
TOLERANCE	(\$13.56)	(\$0.99)	
ADVERTISING	\$303.32	\$1,786.64	
GARNISHMENT	\$2,131.78		
NSF/ATTY	\$314.25		
LEGAL FEES	\$0.00		
TOTALS	\$1,801,309.38	\$7,371.25	\$1,808,680.63
MISC FEE	\$0.00	\$0.00	
TAXES COLL	\$1,801,309.38	\$7,371.25	\$1,808,680.63
DEF	\$6,142.14	\$6,778.74	\$0.00
DISC	(\$5.89)	\$1,808,088.12	\$7,371.25
TOL	\$0.00		\$1,815,459.37
INT	\$642.49		
TOTAL TAXES UNCOLLECTED FEBRUARY 2020			
	AMOUNT-REAL	AMOUNT-VEH	COMBINED AMT
2019	\$3,813,034.18	\$0.00	\$3,813,034.18
2018	\$823,004.26	\$0.00	\$823,004.26
2017	\$431,960.95	\$0.00	\$431,960.95
2016	\$261,363.46	\$0.00	\$261,363.46
2015	\$188,762.66	\$0.00	\$188,762.66
2014	\$175,591.14	\$0.00	\$175,591.14
2013	\$125,372.25	\$62,854.59	\$188,226.84
2012	\$96,061.10	\$70,777.37	\$166,838.47
2011	\$74,127.92	\$54,102.71	\$128,230.63
2010	\$67,043.70	\$52,693.55	\$119,737.25
2009	\$0.00	\$0.00	\$0.00
	\$6,056,321.62	\$240,428.22	\$6,296,749.84
DEF REV	\$53,428.54		
TOTAL UNCOLLECTED	\$6,109,750.16	\$240,428.22	\$6,350,178.38

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.

PENDING REFUNDS / RELEASES (RECOMMENDED FOR APPROVAL)											
March 17, 2020											
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. Staff Recommendation: Approve Requests.											
NAME	YEAR	RECEIPT	NOTE	REQUESTED VALUE CHANGE	DISTRICT	RATE	TAX, FEES & INTEREST	PAID	RELEASE	REQUEST REFUND	
MEGAN BRADLEY	2018	4372779	DWMH destroyed by fire 12/21/2017	(75,739)	66	0.8275	856.80	856.80	0.00	856.80	
MEGAN BRADLEY	2019	4459422	DWMH destroyed by fire 12/21/2017	(75,739)	66	0.8275	819.73	0.00	819.73	0.00	
DONNIS PUGH WOODS	2019	4420288	MH destroyed prior to 1/01/2019	(2,290)	51	0.8275	97.77	0.00	97.77	0.00	
ELLEN PORTER WARLICK	2019	4494109	Boat listed in Lincoln County	(6,217)	2	1.1100	78.58	0.00	78.58	0.00	
ELLEN PORTER WARLICK	2019	4494110	Outboard motor listed in Lincoln County	(5,025)	2	1.1100	63.51	0.00	63.51	0.00	
NANE PUBLISHING LLC	2019	4468276	Billed under another account	(944)	2	1.1100	11.85	11.85	0.00	11.85	
NANE PUBLISHING LLC	2019	4468277	Billed under another account	(1,013)	2	1.1100	12.70	12.70	0.00	12.70	
NANE PUBLISHING LLC	2019	4468278	Billed under another account	(1,300)	2	1.1100	16.31	16.31	0.00	16.31	
NANE PUBLISHING LLC	2019	4468279	Billed under another account	(20)	2	1.1100	0.24	0.24	0.00	0.24	
PATRICIA GAYLE MELANCON	2019	4479059	Boat sold prior to 1/01/2019	(6,175)	5	1.2425	87.35	0.00	87.35	0.00	
TIMMY D. GREEN	2018	4411058	MH destroyed prior to 1/01/2018	(2,594)	61	0.8275	126.60	126.60	0.00	126.60	
TIMMY D. GREEN	2019	4500931	MH destroyed prior to 1/01/2018	(2,594)	61	0.8275	100.63	0.00	100.63	0.00	
ROBERT EUGENE JOHNSON JR	2019	4425906	Boat sold prior to 1/01/2019	(1,500)	4	1.1500	17.73	0.00	17.73	0.00	
ROBERT EUGENE JOHNSON JR	2019	4425907	Outboard motor sold prior to 1/01/2019	(360)	4	1.1500	4.25	4.25	0.00	4.25	
									TOTAL	1,247.57	1,046.48
PENDING REFUNDS / RELEASES (RECOMMENDED FOR DENIAL)											
March 17, 2020											
The following requests have been reviewed by the County Assessor and Deputy County Attorney. It is their opinion that the stated request does not constitute a valid defense to the tax imposed or any part thereof, as provided in G.S. 105-381. Supporting documentation is on file in the County Assessor's Office. Staff recommendation: Deny requests.											
NAME	YEAR	RECEIPT	NOTE	REQUESTED VALUE CHANGE	DISTRICT	RATE	TAX, FEES & INTEREST	PAID	RELEASE	REQUEST REFUND	
(none currently)											
									TOTAL	0.00	0.00

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:*

Account Number	Project Code	Department/Account Name	Increase	Decrease
011.504.4.310.00	93556-P096	Title XX/Federal Grants	\$11,526.00	
011.504.5.121.00		Title XX/Salaries	\$11,526.00	

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:*

Account Number	Project Code	Department/Account Name	Increase	Decrease
010.542.4.409.00		Animal Services/Local Revenue	\$15,000.00	
010.542.5.700.00		Animal Services/Grants	\$15,000.00	

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:*

Account Number	Project Code	Department/Account Name	Increase	Decrease
010.441.4.810.00		Sheriff's Office/Contrib-Donations	\$3,200.00	
010.411.5.790.00		Sheriff's Office/Contrib-Donations	\$3,200.00	

010.441.4.810.16	Sheriff's Office/Canine Fundraiser	\$3,562.00
010.441.4.790.16	Sheriff's Office/Canine Fundraiser	\$3,562.00
010.441.4.810.19	Sheriff's Office/Donations Christmas	\$1,009.00
010.441.5.790.19	Sheriff's Office/Donations Christmas	\$1,009.00
010.441.4.810.39	Sheriff's Office/Donations Explorers	\$980.00
010.441.5.790.39	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 Exploders.

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:***

<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 Forf Fds/Fd Bal Approp	\$18,025.00	
010.443.5.91000		State Forf Fds/Capital Equip	\$18,025.00	

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:***

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
011.519.4.310.00	93568-P372	Public Asst/Fed Govt Funds	\$9,928.00	
011.519.5.512.08		Public Asst/LIHEAP	\$9,928.00	

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:***

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.548.4.410.00		CODAP/Local – Other Grants	\$1,000.00	
012.539.4.340.00		CODAP/Grants	\$1,000.00	

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:***

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
028.452.4.991.00		Vol Fire Depts/Fund Balance Appropriated	\$500,000.00	
028.452.5.700.00		Vol Fire Depts/ Grants	\$500,000.00	

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.*



Proclamation

07-2020

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS, the coronavirus ("COVID-19"), also referred to as severe acute respiratory coronavirus 2 ("SARS-CoV-2"), is a new strain of coronavirus previously unidentified in humans that can spread from person to person;

WHEREAS, COVID-19 can result in serious illness or death;

WHEREAS, in response to the global spread of this virus and the disease it causes, the World Health Organization has declared COVID-19 a Public Health Emergency of International Concern; the Centers for Disease Control and Prevention ("CDC") has warned of the high public health threat posed by COVID-19 globally and in the United States and has deemed it necessary to prohibit or restrict travel to areas designated by the CDC; the United States Department of Health and Human Services Secretary has declared a public health emergency in the United States for COVID-19; and the North Carolina Department of Health and Human Services ("NCDHHS") confirmed multiple cases of COVID-19 in North Carolina as of March 10, 2020;

WHEREAS, Governor Roy Cooper, by Executive Order No. 116, declared a State of Emergency for the State of North Carolina on March 10, 2020 that addresses response and protective actions to prevent the spread of COVID-19; and

WHEREAS, in consultation with health care professionals and based upon guidance from the CDC and NCDHHS, arrangements must be made immediately to take such actions as are deemed necessary and appropriate to ensure that COVID-19 remains controlled and that residents and visitors in Cleveland County remain safe and secure.

NOW, THEREFORE, pursuant to the authority contained in Article 1A of N.C.G.S. § Chapter 166A and Article 36A of N.C.G.S. § Chapter 14, the Cleveland County Board of Commissioners (the "Board") hereby proclaims that a State of Emergency exists within Cleveland County.

This Board further proclaims that the Emergency Management Plan adopted by Cleveland County, and all applicable mutual assistance compacts and agreements, are in effect and shall remain in effect until this proclamation expires or is rescinded by the Cleveland County Board of Commissioners or the Board Chair. All necessary personnel are hereby ordered to cooperate in the implementation of the provisions of Cleveland County's Emergency Management Plan and all applicable mutual assistance compacts and agreements, and to furnish assistance thereunder.

This Board further proclaims that the Board Chair may, following consultation with the County Manager and Emergency Management Coordinator, rescind this emergency declaration.

This Board directs that copies of this Proclamation be disseminated to municipalities and mass communications media for publication and broadcast and that a copy 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 6:30 a.m. (P.M.) on March 17, 2020 and shall remain in effect until rescinded by this Board or the Board Chair as provided above.

Susan Allen
Susan Allen, Chairman
Cleveland County Board of Commissioners

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




RESOLUTION IN SUPPORT OF NORTH CAROLINA'S PROPOSED FY 2019 – 2021 BIENNIUM

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.*



Resolution

03-2020

**RESOLUTION IN SUPPORT OF NORTH CAROLINA'S PROPOSED FY 2019 - 2021 BIENNIUM BUDGET
Supporting the Passage of House Bill 966**

WHEREAS, the State of North Carolina does not have an enacted budget for the FY2019-2021 biennium; and

WHEREAS, House Bill 966, *An Act to Make Base Budget Appropriations for Current Operations of State Agencies, Departments, and Institutions*, was passed by the General Assembly but was vetoed by Governor Cooper; and

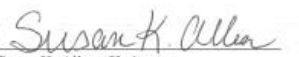
WHEREAS, House Bill 966 includes vital funding provisions for several major projects and initiatives, including but not limited to:

- \$16.6 million in capital funding for K-12 schools.
- More than \$7.5 million in capital funding for Cleveland Community College.
- \$4.5 million for repair and renovation of the Cleveland County Courthouse.
- Provides more than \$427,000 for start-up and ongoing costs related to the new Public Defender District 27B-Cleveland and Lincoln Counties.
- \$300,000 to Cleveland County for Patriots' Park.
- \$250,000 for the Upper Cleveland Rescue Squad.
- \$80,000 for the Cleveland County Rescue Mission.
- \$5, 000 to the HealthCare Foundation of Cleveland County.
- \$5,000 to the Boys & Girls Club of Cleveland County.
- Provides Funding for a District Attorney Investigator Position for Prosecutorial District 39 - Cleveland and Lincoln Counties.
- \$150, 000 for the American Legion World Series Stadium updates.
- \$50, 000 for Cleveland County Fair Improvements.
- \$25,000 for the Cleveland County Pregnancy Resource Center.
- \$60, 000 for Cleveland County Roof Repairs and Operations at the Earl Scruggs Ctr

WHEREAS, the absence of an enacted state budget for FY 2019-2021 and the veto of House Bill 966 hurts the citizens of Cleveland County, and threatens the ability to serve and contribute to the economic vitality of North Carolina;

NOW THEREFORE, BE IT RESOLVED, THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY strongly encourages all members of the General Assembly to act in accordance with the State and support Cleveland County by taking measures to ensure these important programs, included in the proposed state budget, are funded for the communities that they will so clearly benefit.

Adopted this the 17th day of March, 2020.

By: 
Susan K. Allen, Chairman
Cleveland County Board of Commissioners

Attest: 
Phyllis Nowlen
Clerk to the Board

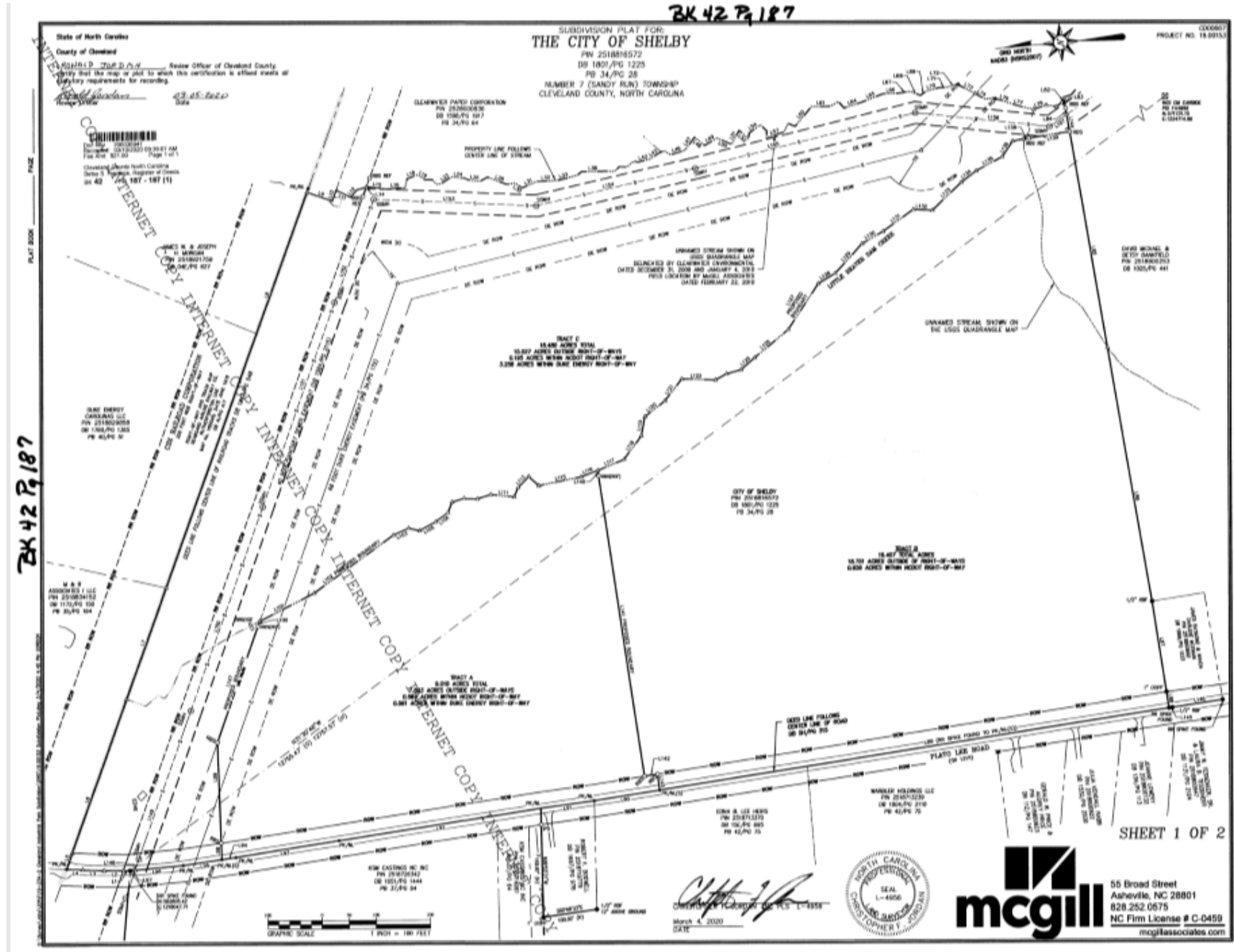


PUBLIC HEARINGS

JOB READY SHELL BUILDING 3 – PROPERTY ACQUISTION (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.*

RECORDING FEE 26⁰⁰ REVENUES 00
*VELDA CURTTON

Doc No: 200037388
Recorded: 03/20/2020 12:05:21 PM
Fee Amt: \$26.00 Page 1 of 2
Transfer Tax: \$0.00
Cleveland County North Carolina
Betsy S. Harnage, Register of Deeds
BK 1809 PG 2056 - 2057 (2)

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 0.00
Parcel Identifier No. Verified by _____ County on the ____ day of _____, 20____
By: _____
Mail/Box to: _____
This instrument was prepared by: Robert W. Yelton, Attorney at Law
Brief description for the Index: _____

THIS DEED made this 15th day of March, 2020, by and between

GRANTOR	GRANTEE
CITY OF SHELBY PO Box 207 Shelby, NC 28151-0207	CLEVELAND COUNTY, NORTH CAROLINA PO Box 1210 Shelby, NC 28151-1210

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 required by context

WITNESSETH, that Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in Cleveland County, North Carolina and more particularly described as follows:

- Being all of Tract B as shown on a plat entitled Subdivision Plat for The City of Shelby and recorded in Plat Book 42, Pages 187 and 188, Cleveland County Registry.
 - Being a portion of that property conveyed to City of Shelby by Cleveland County, North Carolina by deed dated October 31, 2019 and recorded October 31, 2019 in Book 1801, Page 1225, Cleveland County Registry.
- This property is NOT the primary residence of the Grantor.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

BK 1809 PG 2057 DOC# 200037388

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Rights of way and Easements of record

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

ATTEST:

Berhadette A. Parduski (SEAL)
Berhadette A. Parduski, NC-CMC, IIMC
City Clerk

O. Stanhope Anthony, III (SEAL)
O. Stanhope Anthony, III
Notary Public

State of North Carolina- County of Cleveland

I, the undersigned Notary Public of the State aforesaid, certify that O. Stanhope Anthony, III, personally came before me this day and acknowledged that he is the Mayor of the City of Shelby, a State of North Carolina Governmental Body, and by authority duly given and as the act of this entity he signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and Notarial stamp or seal, this 16th day of March, 2020.

My Commission Expires: 02/08/2024
(Affix Seal)

Carol S. Williams
Carol S. Williams Notary Public
Notary's Printed or Typed Name

CAROL S. WILLIAMS
Notary Public, North Carolina
Cleveland County
My Commission Expires
February 08, 2024

JOB READY SHELL BUILDING 3 – INSTALLMENT FINANCING

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.



Cleveland County
NORTH CAROLINA

Installment Financing

Shell Building III

March 17, 2020




SHELL BUILDING III

PROPERTY

- Plato Lee Road
- 19.4 Acres
- Adjacent to future Hwy 74 Bypass Interchange
- Adjoining Parcels:
 - Clearwater Paper
 - KSM

FUTURE BUILDING

- 100,000 sq. ft. 87% Manufacturing/Warehouse
- Expansion ability to an additional 100,000 sq. ft.
- Building Dimensions: 250' x 400'
- Zoning: General / Light Industrial
- Estimated Completion: December 2020
- Utility connections installed

Finance Recommendations

Recommended Lender - Truist Bank – Formerly BB&T

- Amount Financed \$6,000,000
- 10 year Term
- No penalty/premium for prepayment
- Debt Service Requirements shared with City of Shelby

• Closing Date - By April 17th

• First Debt Payment – 4/1/2021 FY 20-21

• Final Maturity - 4/1/2030


• Annual Debt Service Requirements

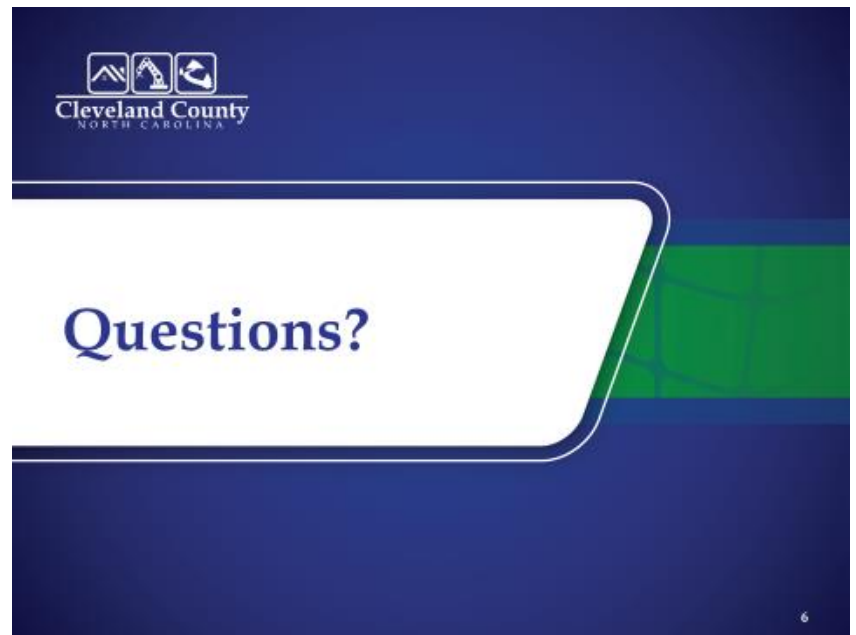
Debt Service Payment	\$675,000
Less –City’s Portion	(337,500)
Approx. Annual County Cost	\$337,500



Financing Schedule

- **March 17th**
 - Public Hearing
 - Board considers selecting a winning bidder
 - Board considers adopting a Findings Resolution
- **April 7th**
 - LGC considers approving the financing
 - Board considers adopting a Final Resolution
- **April 17th**
 - Close on financing
 - Construction to begin following closing

Preliminary Finding Resolution & Installment Financing Contract Package Resolution	
	
• Preliminary Finding Resolution, March 17, 2020	
Approved Action Item	Pre-Approved by LGC
Public Purpose Need – Hold Public Hearing	✓
Affordability Analysis	✓
Preliminary Approval of Trust Bank	✓
• Installment Financing Contract Package Resolution – For Consideration April 7, 2020	
Recommended Approval Items	
Approve Financing Documents	
Approve Transactional Documents	
Authorize County Staff to complete closing	



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:*

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

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*