

CLEVELAND COUNTY BOARD OF COMMISSIONERS

January 6, 2009

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: Jo Boggs, Chairwoman
Johnny Hutchins, Vice-Chairman
Mary Accor, Commissioner
Ronald J. Hawkins, Commissioner
Eddie Holbrook, Commissioner
David C. Dear, County Manager
Bob Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Chris Crepps, Finance Director
Alexis Pearson, Human Resources Director
Bill McCarter, Planning Director
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Jo Boggs called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Assistant County Manager Eddie Bailes provided the invocation for the meeting.

Chairwoman Boggs introduced David Fisher with the Shelby Parks and Recreation Youth Council. The Shelby Parks and Recreation Youth Council consists of fourteen members from Crest High School, Crest Middle School, Shelby High School and Shelby Middle School. Students are nominated by teachers or principals and must go through an interview process before being appointed to the council. The Shelby Parks and Recreation Youth Council participates in different projects throughout the community. The students have also visited Shelby City Council and will spend a day in court. The purpose is to show students how local governments affect them. Each student introduced themselves to the Commissioners.

AGENDA ADOPTION

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following addition:*

(5) *Resolution in Support of Duke Energy Cliffside Steam Station*

CITIZEN RECOGNITION

Dorothea Harbinson expressed her concern with Animal Control.

Gary Kulas spoke before Commissioners in July. He came before Commissioners again, asking for Commissioners to consider a noise ordinance stating that he researched and found that twenty-four counties have noise ordinances. He presented Commissioners with copies of several noise ordinances for review. He stated, "I am trying to find out if anything has been done, if not, please do something."

Chairwoman Boggs gave the information presented by Mr. Kulas to County Attorney Robert Yelton for review.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *November 18, 2008, December 2, 2008 Work Session and December 2, 2008*, motion was made by Ronnie Hawkins, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *approve the minutes as written*.

LIBRARY: BUDGET AMENDMENTS (BNA #045)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve the following budget amendments:*

| <i>Account Number/Project Code</i> | <i>Department/Account Name</i> | <i>Increase</i> | <i>Decrease</i> |
|------------------------------------|--------------------------------|-----------------|-----------------|
| 010.611.4.991.00 | Library/Fund Bal Appr | \$ 2,319. | |
| 010.611.5.790.02 | Library/Donations-Periodicals | 2,319. | |
| 010.611.4.991.00 | Library/Fund Bal Appr. | 26,034. | |
| 010.611.5.790.00 | Donations/General | 26,034. | |

Explanation of Revisions: To budget donations for purchase of periodicals, general supplies and books needed through the year.

PLANNING DEPARTMENT: SHEREE LANE PAVING ASSESSMENT

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *adopt the following resolution scheduling a public hearing for February 3, 2009.*

Preliminary Assessment Roll

Pursuant to NCGS 153A-205(c), the Cleveland County Board of Commissioners will hold a Public Hearing on February 3, 2009 at 6:00 p.m. in the Cleveland County Administration Building located at 311 East Marion Street, Shelby, NC, to confirm the Assessment Roll for the paving of Sheree Lane. Each lot is assessed equally and the owners of the following lots will be responsible for their share of the total project costs:

| Owner | Parcel | Lot | Assessment |
|-----------------------|--------|-----------|------------|
| Steven D Stinnette | 31110 | 9 | \$ 7,802 |
| David Miller Mathis | 31111 | 10 | \$ 7,802 |
| David Miller Mathis | 31112 | 11 | \$ 7,802 |
| Russell Matthews | 72864 | 12 | \$ 7,802 |
| Peggy Louise Franklin | 31114 | 13 | \$ 7,802 |
| Bobby Lee Ramsey | 71166 | 14 | \$ 7,802 |
| Ruby Mae Jablonski | 72863 | 15 | \$ 7,802 |
| William A Weathers | 31117 | 16 | \$ 7,802 |
| Ronald Lee Pearson | 31118 | 17 | \$ 7,802 |
| Vickie P Smith | 31119 | 18 | \$ 7,802 |
| Dennis Keith Lane | 31120 | 19 | \$ 7,802 |
| Christina Louise Meli | 31121 | 20 | \$ 7,802 |
| Tony Britt Barts | 70759 | 21 | \$ 7,802 |
| David Miller Mathis | 72385 | 22 | \$ 7,802 |
| James Richard Piercy | 70598 | 23 | \$ 7,802 |
| David Wayne Allen | 31126 | 25 (Part) | \$ 7,802 |
| John H Colvin | 56348 | 25 (Part) | \$ 7,802 |
| Leonard L. Smith | 31127 | 26 | \$ 7,802 |
| Richard Harold Baker | 31128 | 27 | \$ 7,802 |

After the Public Hearing and Confirmation of the Assessment Roll, property owners will have ten (10) days to appeal this assessment to Superior Court. The Tax Collector will then record the Notice of Confirmation with the Register of Deeds by March 1, 2009. Property owners will have until March 31, 2009 to make payments without interest. On April 1, 2009 any outstanding balance will be charged eight percent (8%) interest annually.

Adopted this 6th day of January 2009.

LEGAL DEPARTMENT: SOUTHERN POWER INCENTIVES

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve the acknowledgement of Southern Power Incentives.*

On July 24, 2007, after a statutorily required public notice and public hearing, the Cleveland County Board of Commissioners approved incentives, and entered into an incentive agreement for any power generating facility Southern Power Company might announce in Cleveland County within twenty years from the date of that agreement. On December 5, 2008, Southern Power Company announced a project involving four combustion turbine units and \$350 to \$400 million in capital investment. This project falls under the terms of that incentive agreement and contractually the County is committed to the incentive grants set forth in that agreement.

REGULAR AGENDA

NCACC LEGISLATIVE LIAISON

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board to, *appoint Commission Chair Jo Boggs to represent Cleveland County as their NCACC Legislative Liaison .*

RESOLUTION: SUPPORT OF DUKE ENERGY'S CLIFFSIDE STEAM STATION MODERNIZATION PROJECT AS A MINOR SOURCE OF HAZARDOUS AIR POLLUTANTS RATHER THAN A MAJOR SOURCE

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the following resolution.*

NUMBER 30-2008

In Support of Duke Energy's Cliffside Steam Station Modernization Project as a Minor Source of Hazardous Air Pollutants Rather than a Major Source

WHEREAS, Duke Energy's estimated \$2 billion modernization of Cliffside Steam Station will include the retirement of units 1-4 and the construction of a state-of-the-art 825-megawatt coal unit by 2012, including best available environmental controls and industry guarantees for mercury removal;

WHEREAS, The modernization of Cliffside Steam Station in Rutherford and Cleveland counties is an environmentally-sound and cost effective way for Duke Energy to provide reliable, affordable and clean power for customers;

WHEREAS, Duke Energy will continue to comply with North Carolina's stringent "Clean Smokestacks" legislation, and the new unit is designed to remove 99 percent of sulfur dioxide emissions, 90 percent of nitrogen oxide emissions and 90 percent of mercury emissions;

WHEREAS, The current air permit includes a carbon mitigation plan designed to make the new unit carbon neutral by 2018;

WHEREAS, The economic benefits of the Cliffside Steam Station modernization are substantial to Rutherford and Cleveland counties, including a four- year construction payroll of more than \$100 million, a significant increase in each county's property taxes and the use of local vendors during the construction and operation of the plant whenever possible;

WHEREAS, Duke Energy has requested, and the state is considering, revising or amending the existing air permit to restrict the new unit's hazardous air pollutants to less than 10 tons per year for any HAP and less than 25 tons per year for any combination of HAPs, which would qualify the unit as the largest, and one of only two utility pulverized coal units in the country, to have such low HAP emissions as to be designated a minor source for HAPs;

WHEREAS, The current air permit issued by the North Carolina Department of Environment and Natural Resources, Division of Air Quality, will result in significant reductions in total emissions of key

pollutants as well as increased power production, which are both necessary to sustain and enhance the environment and economic growth of our region;

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners fully supports Duke Energy's request to amend the air permit to include the minor source hazardous air pollution limits and designate the new unit as a minor source, which further assures the public that Cliffside Unit 6 will be one of the cleanest coal plants in the nation when it comes on line in 2012.

ADOPTED THIS THE 6th DAY OF JANUARY 2009.

COMMISSIONER REPORTS

Chairwoman Boggs shared that the work session was a good meeting and very productive.

ADJOURN

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, ***to adjourn***. The next regular meeting will be held on ***Tuesday, January 20, 2008, at 6:00 p.m.*** in this Commission Chamber.

*Rebecca Jo Powell Boggs, Chairwoman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*