

CLEVELAND COUNTY BOARD OF COMMISSIONERS

March 18, 2008

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
Eddie Holbrook, Vice-Chairman
Mary S. Accor, Commissioner
Ronald J. Hawkins, Commissioner (*excused at 6:15 and returned at 7:25*)
Johnny Hutchins, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Denese Stallings, Health Director
Sam Lockridge, Health Department
Chris Crepps, Finance Director
Alexis Pearson, Human Resources Director
Kathryn Larson, Cleveland Headline News
David Allen, The Star
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. Commissioner Ronnie Hawkins provided the invocation for the meeting.

AGENDA ADOPTION

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

(1) Agenda Items 4 & 5: Move Agenda Items 4 & 5 before Agenda Item 2 (Commissioner Hawkins)

SPECIAL RECOGNITION

DONALD COSTNER

Commissioners recognized Mr. Don Costner. Mr. Costner received the Scouting Silver Beaver Award. Commissioners presented him with a framed certificate which read as follows:

**CERTIFICATE OF RECOGNITION
FROM THE
CLEVELAND COUNTY BOARD OF COMMISSIONERS**

PRESENTED TO

DONALD COSTNER

IN RECOGNITION OF HIS RECEIPT OF THE SILVER BEAVER AWARD~ A DISTINGUISHED SERVICE AWARD OF THE BOY SCOUTS OF AMERICA ~ THE SILVER BEAVER AWARD IS GIVEN TO THOSE WHO IMPLEMENT THE SCOUTING PROGRAM AND PERFORM COMMUNITY SERVICE THROUGH HARD WORK, SELF SACRIFICE, DEDICATION AND MANY YEARS OF SERVICE ~ FOR SERVING THE

BOY SCOUTS OF AMERICA IN SO MANY DIFFERENT CAPACITIES ~ SPECIFICALLY, FOR SERVING THIRTEEN YEARS AS SCOUTMASTER OF TROOP 101 AND CONTRIBUTING TO THE RECOGNITION OF OVER FORTY-TWO EAGLE SCOUTS ~ WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, THANK YOU FOR THE POSITIVE INFLUENCE YOU HAVE HAD ON THE YOUTH OF CLEVELAND COUNTY.

Presented this the 18th day of March, 2008.

WOMEN IN HISTORY MONTH

In honor of Women in History Month, Commissioners presented a proclamation naming March as Women in History Month to the Cleveland County Commission for Women. The proclamation read as follows:

Number 03-2008

CELEBRATING WOMEN IN HISTORY MONTH

WHEREAS: American women of every race, class, and ethnic background have made historic contributions to the growth and strength of Cleveland County, the State of North Carolina and our nation in countless recorded and unrecorded ways; and

WHEREAS: these contributions have been critical to the growth and development of our economy, our cultural and artistic achievements, our social advancement, and all areas of achievement; and

WHEREAS: the history of American women is an expansive story of outstanding individuals who sacrificed much and worked hard in pursuit of a better world, where peace, dignity and opportunity can reign; and

WHEREAS: today, a record number of women are serving in the halls of Congress, and the number of women-owned businesses continues to grow while America's mothers are helping to build the foundation for the success of our Nation's children; and

WHEREAS: understanding the importance of women in our community, in June 1978, the Cleveland County Board of Commissioners adopted a resolution to establish the Commission for Women; and

WHEREAS: a goal of the Cleveland County Commission for Women is to identify and respond to the needs of all citizens of Cleveland County, with the greatest emphasis being on the needs of area women; and

WHEREAS: the Cleveland County Commission for Women recognizes the important role women play in Cleveland County by honoring them at the annual Cleveland County Distinguished Women Awards Banquet; and

NOW THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, including for the first time in history of the county, two women serving as past and current chair, do hereby proclaim the month of March, as ***Women in History Month*** in Cleveland County, and urge all citizens to honor the history, accomplishments, and contributions of women in Cleveland County and across the nation.

SIGNED THIS THE 18TH DAY OF MARCH, 2008.

CITIZENS RECOGNITION

Brendan LeGrand, provided Commissioners with a statement along with the Articles of Incorporation of the Cleveland County Historical Association and the lease agreement with the former Cleveland County Historical Association. She read the following statement:

“According to the Secretary of States Office, the Cleveland County Historical Museum is current and active. The acquisition form shows that the artifacts belong to the Cleveland County Museum. The lease agreement between the county and the museum dated September 2, 1975, states that it is the county's responsibility to maintain and repair the building. The building closed April 2004 for exterior repairs.

The museum did not fail. It was failed by the County Commissioners who did not maintain the building. Two of these Commissioners, Accor and Hawkins, were there then and still sit on the board.

Recently, the Commissioners allocated \$1.5 million dollars to renovate the building so that it can re-open. The lease agreement shows that the courthouse has a current tenant, and according to the lease, the county must give the tenant six months notice to terminate the lease. How can this Board of Commissioners enter into a lease agreement with another tenant until the county terminates this lease?”

Sandra Stroud, 417 Beaumont Avenue, told Commissioners that, the decision they make tonight would be their legacy as Commissioners and that this decision would follow them forever. Ms. Stroud felt like the negotiations for the use of the old courthouse have been a “secret deal”. She spoke of other

instances where she felt like Commissioners made decisions as part of a conspiracy, including the increase in the number of seats on the County Commission Board from 5 to 7 and school merger. Ms. Stroud remembered learning about music in school and remembers being brought to the old Armory to celebrate The Little Symphony coming to Cleveland County. She said, "Earl Scruggs was not talked about in musical instruction in schools." She closed by stating, "I know that this is a done deal and we have been lied to. Who do you serve?"

Vickie Parker, Shelby, spoke in support of Destination Cleveland County. "Destination Cleveland County has a life-long plan for Cleveland County". She compared Cleveland County with Helen, Georgia in the 1970's where the economy had been failing. A group of concerned citizens came up with a plan to revitalize this city. Today, the city is thriving. Ms. Parker said, "I say give Destination Cleveland County a chance, if nothing changes in ten years, then re-consider."

Barbara Parker, Shelby, spoke in support of Destination Cleveland County. Ms. Parker was a member of the first Cleveland County Historical Society in the early 1960's. She told Commissioners that the musical heritage has not been told in this community. When she was a child, bluegrass was not allowed to be played in schools. "Can you imagine a little boy named Earl Scruggs or Don Gibson going on to do what they have accomplished today?" Ms. Parker explained that the music heritage needs to be told. "I think that Destination Cleveland County has the opportunity and the plan to do this and I encourage you to move forward with the lease for the courthouse."

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of **January 22, 2008, February 5, 2008 and February 19, 2008**, motion was made by Mary Accor, seconded by Johnny Hutchins, and unanimously adopted 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 2008** (copy found on Page _____ of Minute Book 30).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **February 2008**. The monthly grand total of tax abatements was listed as (\$17,434.20); and, the monthly grand total for tax supplements was listed as \$15,773.05.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #041)

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.530.4.350.00/01120-1530	General/State Govt. Grants	\$30,176.	
012.530.5.210.00	General/Dept. Supplies	2,500.	
012.530.5.211.00	General/Controlled Prop. Exp.	27,676.	

Explanation of Revisions: Budget General Aid-To-Counties funds to replace outdated and nonfunctional furniture.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #042)

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
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012.531.4.350.00/01120-5573 AIDS/State Govt. Grants \$ 2,465.
 012.531.5.211.00/01120-5573 AIDS/Controlled Property Exp. \$ 1,865.
 012.531.5.513.06/01120-5573 AIDS/Office Visit Fees \$ 600.

Explanation of Revisions: Budget additional appropriation from DHHS AIDS Medical/Dental grant for purchase of laptop computer with dictation software and funds for additional office visit fees. (Note: DBLIT will need to be done from other ACG funds for total amount needed for purchases. Approval is being obtained from the State ACG Program.)

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #043)

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously

adopted by the Board, ***to approve the following budget amendments:***

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.533.4.350.00/01120-5599	ADULT HEALTH/State Govt. Grants	\$ 6,090.	
012.533.5.490.00	ADULT HEALTH/Professional Svcs.	6,090.	
012.533.4.350.00/93283-660X	ADULT HEALTH/State Govt. Grants	17,500.	
012.533.5.210.00	ADULT HEALTH/Dept. Supplies	2,764.	
012.533.5.211.00	ADULT HEALTH/Controlled Property	1,536.	
012.533.5.213.00	ADULT HEALTH/Office Supplies	700.	
012.533.5.230.00	ADULT HEALTH/Medicine & Supplies	800.	
012.533.5.310.00	ADULT HEALTH/Travel	300.	
012.533.5.311.00	ADULT HEALTH/Educational Materials	500.	
012.533.5.370.00	ADULT HEALTH/Advertising/Promot.	221.	
012.533.5.460.00	ADULT HEALTH/Dues/Subscriptions	279.	
012.533.5.910.00	ADULT HEALTH/C.O. Equipment	10,400.	

Explanation of Revisions: 1) Budget additional breast and cervical cancer screening funds for laboratory and mammogram fees. 2) Budget PH preparedness-pandemic influenza for purchase of three 800 Mhz radios, bullhorns, magazine subscription, furniture and other operational expenses associated with this program.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #044)

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously

adopted by the Board, ***to approve the following budget amendments:***

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.537.4.350.00/93283-190X	Child Health/State Govt. Grants	\$15,000.	
012.537.5.490.00	Child Health/Professional Services	15,000.	

Explanation of Revisions: Budget funds from DHHS- Asthma program to carry out the Enhancing Local Asthma Efforts project. This project is a regional, cultural competency training or asthma coalitions that expands minority participation in asthma activities and implements an asthma management endeavor development in WGBH in Boston.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #045)

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously

adopted by the Board, ***to approve the following budget amendments:***

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.539.4.350.00/93217-6014	Family Planning/State Govt. Grants	\$ 833.	
012.539.5.230.01	Family Planning/Prescription Drugs	833.	

Explanation of Revisions: Budget Family Planning "Bonus" funds for prescription drugs.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #046)

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously

adopted by the Board, ***to approve the following budget amendments:***

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.543.4.410.00/NCADD-8820	Health Dept. Grants/Local & Oth. Grants	\$15,000.	

012.543.5.310.00/NCADD-8820 Health Dept. Grants/Travel 10,000.
 012.543.5.893.00/NCADD-8820 Health Dept. Grants/Budgetary Acct. Only 5,000.

Explanation of Revisions: Budget planning grant from NC Association of Chronic Disease Directors. This grant is an endeavor to promote policy and environmental change strategies with a focus on obesity, diabetes, heart disease, healthy eating, physical activity and preventing tobacco use. A DBLIT will be done on the \$5,000 when additional information is available after initial meeting with grantor.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #047)

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

<i>Account Number</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
012.543.4.350.00/01120-4110	Health Dept. Grants/State Govt. Grants	\$73,190.	
012.543.5.210.00/01120-4110	Health Dept. Grants/Departmental Supplies	400.	
012.543.5.211.00/01120-4110	Health Dept. Grants/Controlled Prop. Exp	61,537.	
012.543.5.230.00/01120-4110	Health Dept. Grants/Medicine & Supplies	3,253.	
012.543.5.340.00/01120-4110	Health Dept. Grants/Maint. Bldg. & Grounds	8,000.	

Explanation of Revisions: Budget small capital Community Health Grant funds from NC Office of Rural Health for purchase of laptop computers, laboratory supplies/equipment, wiring, printers and computer mounting systems.

SOCIAL SERVICES: BUDGET AMENDMENTS (BNA #048)

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

<i>Account Number</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
011.506.4.310.00	SS Admin/Fed Gov Grants	\$78,043.	
011.506.5.211.00	SS Admin/Controlled Prop	69,254.	
011.506.5.211.01	SS Admin/Control Eq.-Major Rep.	8,789.	

Explanation of Revisions: Budget Amendment necessary to accept additional federal funds to purchase computer equipment for the agency to replace outdated equipment.

LEGAL DEPARTMENT: BUDGET AMENDMENTS (BNA #049)

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

<i>Account Number</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.416.5.971.00	Legal/C/O Foreclosure Prop	\$ 7,021.	
010.410.4.991.00	General/Fd. Bal Appropriated	7,021.	

Explanation of Revisions: To budget for purchase of foreclosed properties (Parcel #'s:16944 and 18732) and to budget for 2007 taxes on foreclosed property (Parcel #17375) that was purchased in Feb 2007.

SOCIAL SERVICES: BUDGET AMENDMENTS (BNA #050)

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

<i>Account Number</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
011.507.4.310.00/93996-2200	OUTSIDE POOR/Fed. Govt. Grants	\$194,926.	
011.507.5.420.00	OUTSIDE POOR/Contracted Services	194,926.	

Explanation of Revisions: Budget Amendment necessary to accept additional federal Non-Smart Start (day care) funds for FY 2007/2008. The current state approved allocation is more than state estimates for FY 2007/2008.

CO-OPERATIVE EXTENSION: BUDGET AMENDMENTS (BNA #051)

Winery	31213	Z							Z	Z
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Mr. McCarter also reviewed the following recommendations from the Planning Board and the Planning Consultant:

Chuck Nance, Planning Consultant, Isothermal Planning and Development Commission: Approve

I have no problem with this request at all. I think other counties are considering it part of agri-business.

Tom Spurling, Chairman, Cleveland County Planning Board: Approve

The Planning Board voted unanimously to recommend this text amendment.

Comments

Although growing grapes is an agricultural use and therefore exempt from county zoning, the production of wine is considered “beverage production” in our industrial classification system (NAICS). Beverage manufacturing is only permitted in our Light (LI) and Heavy (HI) industrial zoning districts.

Wineries are growing in popularity across North Carolina. There are many examples of these type businesses located on the farm where the grapes are grown. This activity is typically associated with an agricultural use, rather than a manufacturing use. Based on these comments, the Planning Board agreed with the petitioner that this type of business would be an appropriate use in the Rural Agricultural (RA) zoning district.

Chairwoman Boggs opened the public hearing. *(Public notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisements published in the Star on March 7 and March 14, 2008.)*

Charles Edwards: Mr. Edwards told Commissioners that, his wife grew up at 3521 Fallston Road. Mr. Edwards and his wife have been growing grapes on this land for over five years prompting them to ask approval to establish a winery on this property.

Hearing no additional comments, Chairwoman Boggs declared the public hearing closed.

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the code text amendment as requested.*

REGULAR AGENDA

HALLELUJAH ACRES RURAL CENTER GRANT APPLICATION

Paula Kempton, Isothermal Planning & Development Commission asked Commissioners for support in the submittal of a Rural Center Planning Grant. This grant would include the construction of a sewer force main, pump station and gravity line to serve the proposed new headquarters, distribution operation and call center for Hallelujah Acres. Hallelujah Acres will invest \$30 Million in their new facilities and expand their operations. The grant request is for \$200,000 with a \$20,000 match to be provided by Cleveland County

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following resolution:*

NUMBER 06-2008

AUTHORIZING RESOLUTION BY CLEVELAND COUNTY

NC Economic Infrastructure Program

WHEREAS, The North Carolina General Assembly passed House Bill 1352 authorizing the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, that will result in job creation, and

WHEREAS, The County of Cleveland has need for and intends to construct or rehabilitate a publicly-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply and distribution systems, project described as construction of a gravity line, pump station and force main to serve Hallelujah Acres; and

WHEREAS, The County of Cleveland intends to request grant assistance from the Economic Infrastructure Grants Program for the project;

NOW THEREFORE BE IT RESOLVED, BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS:

That, the County of Cleveland will arrange financing for all remaining costs of the project, if approved for a grant, and

That, the County of Cleveland will provide for efficient operation and maintenance of the project on completion of construction thereof, and

That, David Dear, County Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the County of Cleveland with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above, and

That, David Dear, County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application, and

That, the County of Cleveland has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 18TH day of March, 2008 in Cleveland County, North Carolina.

NOISE ISSUES IN LAWNSDALE

Approximately 25 residents from the Town of Lawndale attended the meeting regarding noise coming from the Thunder Valley Race Park. Vickie Lutz spoke on behalf of the residents. She noted that, since the Thunder Valley Race Park began operation, it has always been a negative thing. She said, four nights a week, events are going on at the race park causing a noise nuisance and traffic problems. She said it is difficult to entertain on the weekends due to the fact that you cannot hear your guests inside or outside your home.

Mr. Watts Jackson also spoke on behalf of the residents. He presented each Commissioner with an aerial site plan of the racetrack. It is Mr. Jackson's understanding that, Thunder Valley Race

Park is proposing the addition of camp sites and a dragstrip. These would not be grandfathered in under current zoning laws and would require a conditional use permit from the Zoning Board of Adjustment. Mr. Jackson felt as though the proposed dragstrip would be very close to residential homes and not be confined by grandstands, causing many concerns. A petition signed by over five-hundred residents has been brought before the Lawndale Town Council. Mr. Jackson stated, "Noise pollution is pollution" and asked Commissioners to think about what they could do to help this situation.

Planning Director, Bill McCarter, understands the concerns of the citizens. However, the race track was in existence before county-wide zoning was adopted in 2000. The track owners are aware that, in order to build additional facilities, they would be required to obtain a conditional use permit from the Cleveland County Board of Adjustment. Mr. McCarter noted that until they operate the proposed dragstrip or campsites, the Cleveland County Zoning Department would be unable to charge them with a violation.

ACTION: Mary Accor made the recommendation, with consensus of all Commissioners that, *the County Manager, David Dear set up a meeting with the concerned citizens and the owner of the speedway to discuss the problem.*

RESOLUTION APPROVING CONTINUING USE OF CONSTRUCTION AND DEMOLITION LANDFILL

In compliance with the North Carolina Department of Environment and Natural Resources (NCDENR) New Construction and Demolition Landfill Rules 15A NCAC 13B.0531-0541, Cleveland County is required to permit the continuing use of the Construction and Demolition Landfill. As required by NCDENR, the Health Department held a public meeting on March 5th with no objection from the public. Denese Stallings, Health Director, asked Commissioners to adopt a resolution approving the continuing use of the Construction and Demolition Landfill.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following resolution:*

NUMBER 05-2008

**Resolution Approving the
Continuing Use of the
Construction and Demolition Landfill**

WHEREAS, the Construction and Demolition Landfill (C&DLF) is part of the Cleveland County Solid Waste Facility, and

WHEREAS, the Construction and Demolition Landfill accepts land clearing and inert debris along with construction & demolition like waste or inert material; and

WHEREAS, the Cleveland County Solid Waste Facility also consists of the Municipal Solid Waste Landfill Facility (MSWLF), White Goods Recovery and Recycling site, Tire Disposal area and Yard Waste disposal area, and

WHEREAS, the Cleveland County Solid Waste Facility operates on top of the closed MSWLF, and

WHEREAS, the Cleveland County Solid Waste Facility is within Cleveland County and will only accept waste from Cleveland County, and

WHEREAS, the Cleveland County Solid Waste Facility does not lie within any incorporated city or town or within the extra-territorial zoning jurisdiction of any city or town,

NOW THEREFORE BE IT RESOLVED THAT CLEVELAND COUNTY BOARD OF COMMISSIONERS, hereby grants approval for the continuing operation of the existing construction and demolition landfill (C&DLF) at the current Solid Waste Facility.

Adopted this 18th day of March, 2008

CLEVELAND COUNTY BOARD OF ADJUSTMENT BOARD APPOINTMENTS

At the January 15, 2008 regular meeting, Commissioners re-appointed Ernie Baldwin and Leon Leonhardt to serve on the Cleveland County Zoning Board of Adjustment. At the time, the clerk was unaware that members were only allowed to serve two full terms making Ernie Baldwin ineligible for re-appointment. Also, at the January 15th meeting, Commissioners tabled the appointment of alternates to the Board of Adjustment due to the lack of qualified applicants.

County Clerk, Kerri Melton, recommended Commissioners appoint one member and two alternates to the Cleveland County Zoning Board of Adjustment.

ACTION: Eddie Holbrook made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to **appoint Tommy Brooks** as a member of this board, for a term of three-years, scheduled to conclude December 31, 2010.

ACTION: Eddie Holbrook made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to **appoint Vallery McCoy** as an alternate member of this board. There is no term for alternate members of this board.

ACTION: Eddie Holbrook made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to **appoint Bobby Rauf** as an alternate member of this board. There is no term for alternate members of this board.

CLEVELAND COUNTY PLANNING BOARD APPOINTMENTS

At the January 15, 2008 regular meeting, Commissioners appointed seven members to the Cleveland County Planning Board. Two of these appointments were to replace Wayne Yarbrow and Haywood Homesley, who had recently resigned. All seven members were appointed to serve three-year terms, scheduled to conclude on December 31, 2010.

In order to keep staggered terms on the Cleveland County Planning Board, County Clerk, Kerri Melton, recommended Commissioners change the terms of Jeff Ward and David Crow to expire December 31, 2008.

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to **change the term expiration of Jeff Ward and David Crow** to expire December 31, 2008.

**JOINT RESOLUTION CELEBRATING 100 YEARS OF COUNTY UNITY IN
RECOGNITION OF NCACC'S CENTENNIAL**

Vice-Chairman Eddie Holbrook reminded Commissioners that this year the North Carolina Association of County Commissioners (NCACC), will celebrate 100 years of county unity and recommended Commissioners adopt a joint resolution in recognition of the Association's centennial.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following resolution:*

07-2008

**Joint Resolution Celebrating 100 Years of County Unity in
Recognition of Our Association's Centennial**

WHEREAS, the North Carolina Association of County Commissioners is an advocacy and service organization made up of all one-hundred (100) North Carolina counties; and

WHEREAS, the active participation and engagement of all 100 counties have directed, strengthened and enhanced our Association; and

WHEREAS, the dedication and talents of individual county commissioners and county staff have led our Association's success in advocacy, county-centered services and educational programs; and

WHEREAS, an informal agreement to form our Association was made by a handful of county commissioners who, at the behest of Craven County Commissioner C.E. Foy, met in New Bern in 1908, to discuss county issues of common interest; and

WHEREAS, the first session of our unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where C.E. Foy was elected as president; and

WHEREAS, the North Carolina General Assembly passed an act on March 8, 1909 establishing our Association on behalf of counties;

NOW, THEREFORE BE IT RESOLVED, that the North Carolina Association of County Commissioners and each Board of County Commissioners jointly recognize and celebrate "100 Years of County Unity" in tribute to our Association's Centennial.

FURTHER BE IT RESOLVED, that the Association communicate its copy of this joint resolution to each Board of County Commissioners.

FURTHER BE IT RESOLVED THAT THE CLEVELAND COUNTY BOARD OF COMMISSIONERS communicate its copy of this joint resolution to the North Carolina Association of County Commissioners.

Adopted this 18th day of March, 2008

**COMMISSIONERS CONSIDERATION OF THE USE AND THE LEASE DOCUMENT
REGARDING THE HISTORIC COURTHOUSE**

Chairwoman Boggs began by thanking Commissioners for the time that they have spent gathering information on this important matter. She introduced County Manager, David Dear, who presented a PowerPoint titled "**Questions Regarding the use and lease of the Cleveland County Historical Courthouse.**" (*copy found on Page _____ of Minute Book 30*)

Upon completion of the presentation, Commissioner Hutchins suggested that the county agree to appoint a committee to help with the storage and use of the artifacts. He suggested that these appointments be handled in the same fashion as other Commissioner appointed boards.

Each Commissioner then commented on the proposed lease agreement. Vice-Chair Holbrook began by reading a prepared statement. He read the statement as follows.

“Sometimes it is very difficult to put into words the message you would like to convey, however, there are a couple of things that have made strong impressions on me during all these decisions.

1. It is good to see the emotion and passion of our citizens regarding Cleveland County’s history.
2. It is difficult and not always popular to be involved when decisions of this magnitude have to be made.
3. I have attempted to listen to both sides during this process and have tried to form decisions that would be most beneficial to the county.
4. It is impossible to please everyone, and as you attempt to work for solutions through negotiations and conversation you need to remain flexible and remember that a “territorial compromise is an important ingredient for progress.”
5. My goal for the county is that we will utilize the vision and creativity of our citizens and consultants, and as we move forward that we will communicate better, that we will listen better, that we will compromise for the betterment of all, and that we will work together.

Some questions have come to me from some of our citizens concerning a couple of items in the lease that I want to share with Destination Cleveland County. They have also caused me some concern.

1. Questions on whether it is good to limit the hours for Cleveland County citizens. They are taxpayers and owners of the building.
2. I understand that most museums across the country are not profitable. So it looks to me that DCC will need to really be creative in order to be self-sustaining entity and therefore, this places a great deal of importance of maximizing the Don Gibson Theater.

Both parties have voiced valid concerns and even though we have difficulty agreeing on each point, it is important that we make a decision and move forward.

I said when I entered the political arena that I wanted to see if I could make a positive contribution to our county and our citizens, and that is really the only reason I sought this position. That is what I am attempting to do. Understanding that we might not always agree, I have listened, tried to do what is best in my thoughts and actions, have been professional and have not sacrificed my integrity. I can honestly feel I did what was right. So my challenge to all of us is let’s move the county forward. Lets be creative, visionary and dream to the point that we challenge ourselves. If the history of Cleveland County has been a bright, beacon of light, let it not be said when history looks at our generation that we were viewed as a generation unwilling to accept the challenges of the future. Let it not be said that we were a generation with little vision and creativity, with little willingness to work together for progress, with leadership unwilling to lead, with ceilings on our ability to achieve, with leaders and citizens that refused to take daring steps. In my opinion the restoration of the Historic Courthouse and the Scruggs Center is a step forward. However, I do not believe that as a stand-alone venue it will attain the travel, tourism and economic benefits that all of us would like to see, but, combined with the Gibson Theater venue it has fabulous potential. I would encourage DCC to be even more visionary in their plans for that venue. It can provide not only entertainment for our citizens but with the museum and Scruggs Center it can provide the ingredients for economic revitalization. We can dream of even a Carolinas Music Hall of Fame hosted by our own Don Gibson and Earl Scruggs.

I really encourage you to challenge all of us to raise the bar and let’s look at accomplishing something that will truly be historic for a future generation.

Yes, I am willing to support the first phase of something that can be wonderful, but I ask you to evaluate and ask yourself to consider being even more creative and visionary regarding the Gibson Theater and its amenities. The winners would be both venues plus, travel and tourism, merchants, restaurants, our economy in general, and most of all Cleveland County and our citizens.”

Commissioner Accor spoke next. “I have been in Education for twenty-eight years and I realize that even for children, there will be some upsides and downsides to everything. I have been invited by Destination Cleveland County and by Ms. LeGrand to a number of meetings and each time; I have been shown nothing but courtesy. I believe that the questions regarding this have been answered to the best of my ability. Tonight, when I make my decision, it will be based on the next generation and the future of this county.”

Commissioner Hutchins noted that he has also spoken to both sides. He attended meetings of those for this proposed project and against the proposed project. "I endorsed the concept, upfront, of partnering with a private entity to sustain the courthouse for a museum regardless of whose name is on it whether it is Earl Scruggs, Elvis or anyone else as long as we can maintain control. I feel like we have worked hard on this lease agreement and I do feel like we have control. It is a start, any start is not perfect. Up until after lunch, I still had not decided which way to go. I have talked to people all over the community to find out what the people wanted rather than what each group wanted. I feel like we have a good thing going and I feel like after the vote, I certainly hope, that we all can back up and move ahead."

Commissioner Hawkins also spoke regarding the proposed lease of the historic courthouse. "Many of you are aware of a book called *The Purpose Driven Church* by Pastor Rick Warren. One of the things that Mr. Warren addresses in his book is change. We must recognize change when change is needed. Most of you know what we had in the old Cleveland County Historical Museum. It was horrible. That is why the doors have been padlocked. What I will say to you now, and will always say, is that, I will always support those individuals who champion positive change for our county. I will support the individuals who step up to recognize change and accept change which is one of the hardest things to do, and make change positive for Cleveland County."

Commissioner Hutchins asked the County Attorney, Bob Yelton, to answer the question, "What makes the old lease terminated?" Mr. Yelton explained that in his legal research and opinion, based on cases and statutes in North Carolina, when the museum association abandoned the building and stayed abandoned for a period of over 180 days, it was the county's prerogative to take over the building free of the lease and also take control of all of the property in the building. This property has been abandoned for four or five years.

Chairwoman Boggs concluded the comments by the Commissioners by stating, "I had the privilege Saturday morning, of going to the egg hunt held at the old courthouse. I was out there on the grounds of that beautiful courthouse. I thought, everyone there was from Cleveland County, probably, and everybody was getting along so well. It reminded me of a family gathering. It felt like we were one big, happy family out searching for Easter eggs. I couldn't help but look up at that building. The exterior is beautiful but if you just glance in those windows, you can see what dis-repair that building is in and how sad it looks. My grandparents have been gone for a long time. It has been years since I have been in my grandmothers homes. I remember, as a child, going to my grandmothers and playing outside. What a joy it was to be able to go into her house. Looking at the building I thought, I cannot go into our county's house. I have a three-year old grandson and a husband that were both born and raised in Cleveland County. My grandson has never been through those doors, and I dare say, it has been decades since my husband has been through those doors. I owe it to those two, as well as to the rest of this county, for those doors to be open and for the citizens of Cleveland County to be able to go into their house. There will be generations of memories that will be brought back to life. If we do not bring back those artifacts, the history of Cleveland County may cease to exist."

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the proposed lease agreement.* (copy found on Page _____ of Minute Book 30).

COMMISSIONER REPORTS

ACTION: Eddie Holbrook made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to remove Commissioner Reports from the agenda.*

ADJOURN

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to adjourn the meeting*

(at 8:00 p.m.). The next regular meeting of the Commission is scheduled for ***Tuesday, April 1, 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*