

*Scotland County Board of Commissioners regular meeting
October 4, 2010, 1405 West Boulevard, Laurinburg, NC*

**MINUTES
Scotland County Board of Commissioners
October 4, 2010 Regular Meeting
1405 West Boulevard, Laurinburg NC**

At 7 p.m. Chairman J. D. Willis called the regular meeting to order. Commissioners in attendance: Chairman Willis, Vice Chair Betty Blue Gholston and Commissioners John Alford, Bob Davis, Joyce McDow and Clarence McPhatter. Commissioners not in attendance: Commissioner Guy McCook. Staff in attendance: County Manager Kevin Patterson, County Attorney Edward Johnston, Clerk to the Board Ann W. Kurtzman. Commissioner McDow delivered the opening prayer. The Pledge of Allegiance was recited.

Public Forum

Mr. Charles Parker, referring to the Public Hearing requesting a change in the subdivision rules, said the State would not take subdivision roads unless they come up to State standards, and the requested change would be a concern to him.

Item 1. Public Hearing: Planning and Zoning

Planning and Zoning Chairman Henry McLeod presented the following request to amend the Subdivision Ordinance.

Request by Quinn Swartout to amend the Scotland County Subdivision Ordinance – Request subdivision change [4.2] 1 and add [4.4]. 4.2.[1] to remove: all streets, private or those: ADD 4.2 [4] Those streets which are shown on the design plat and labeled private should be considered private and built to good paving practice but be allowed to be maintained by the owner and/or home owners association.

Mr. McLeod said the above might read as a minor change but it is, in fact, a tremendous change. Mr. McLeod read from the Subdivision Ordinance. “All streets, private or those streets proposed to be dedicated to the state road system, in a subdivision shall be designed and paved as prescribed by, and in accordance with specifications and standards required by the North Carolina Department of Transportation.

“All subdivision streets shall be maintained by the developer to minimum standards of the Department of Transportation as required for acceptance of subdivision streets to the State Maintained System.”

Mr. McLeod said the developer shall petition through the Board to the State to take it on. He added that the proposal is if a private road is indicated on the subdivision plan, then what I’ve told you doesn’t apply anymore. Mr. McLeod said the applicant wants to let the developer design the subdivision, pave the roads with what he calls good paving practices and maintained by the owner or homeowner’s association.

Mr. McLeod said the Planning and Zoning Board met with the applicant and explored the request. Mr. McLeod said the Planning and Zoning Board unanimously recommends to the

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Board of Commissioners that the existing procedure not be changed.

Chairman J.D. Willis called the Public Hearing and asked if anyone wished to speak in favor of the request or against the request. No one came forward, and the Public Hearing was closed.

Motion was made by Commissioner Davis and duly seconded by Commissioner Alford that the Commissioners not approve the changes and go with the recommendation of the Planning and Zoning Board. Vote: Motion unanimously approved.

Item 2. Public Hearing: 2011 Schedule of Values

Tax Administrator Mary Helen Norton said the October 4 meeting was selected for the purpose of the Public Hearing on the Schedule of Values, which must be held at least seven days prior to adoption. Ms. Norton discussed the purpose of the Schedule of Values, which is used to equalize and realign values close to market value. The Schedule provides ranges, guidelines and rules for this.

Ms. Norton said notices of values will be sent out in early January. About six weeks of informal hearings will follow where values could be appealed. There also will be opportunity to appeal to the Board of Equalization and Review in April. Ms. Norton said the Tax Department will return in December to ask for approval of the Schedule of Values. Meanwhile, copies of the document are available for review in the Tax office.

County Attorney Johnston asked for clarification on the Statute regarding time between the October 4 Public Hearing and September 7, when the Schedule of Values was formally presented to the Commissioners for review. Mr. Johnston said the item abstract indicate a required 30-day period between the two events, and an October 4 Public Hearing falls short of that.

Ms. Norton said she would review the Statute and report back to the Commissioners with a clarification.

County Manager Patterson suggested since a Public Hearing was advertised for October 4 it should be called, even if another Public Hearing is held November 1.

Chairman Willis declared the Public Hearing open and asked if anyone wished to speak in favor of or against the Schedule of Values. No one came forward and the Public Hearing was closed.

Item 3.CDBG Grant Application for Viridian Sewer Line and Pump Station

Economic Developer Greg Icard said the agenda contains some documents in reference to the CDBG application, one of which is a resolution authorizing for the signature and approval of all documents at one time. Mr. Icard asked the Board to approve the resolution, which would allow the Chairman to sign all the documents.

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Motion was made by Vice Chair Gholston and duly seconded by Commissioner Alford to approve the resolution and continue with the application process for CDBG funding. Vote: Motion unanimously approved.

RESOLUTION FOR THE COUNTY OF SCOTLAND APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE VIRIDIAN SEWER LINE AND PUMP STATION PROJECT

WHEREAS, the Scotland County Board of Commissioners previously indicated its desire to assist in economic development efforts within the County; and,

WHEREAS, the Commissioners held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit Greenrite Maxton LLC; and,

WHEREAS, the Commissioners, on behalf of Scotland County, wish to pursue a formal application for Community Development Block Grant funding to benefit Greenrite Maxton LLC; and will invest monies in the amount of \$5,175.00 into the project as committed to in the application.

WHEREAS, the Commissioners certify the County will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the County's Board of Commissioners that the County is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development to benefit Greenrite Maxton LLC.

Adopted this the 4th day of October, 2010, in Laurinburg, North Carolina.

Item 4. Dr. Dale McInnis: Update on RCC activities and programs

RCC President Dale McInnis said there currently 830 students at the Community College's Scotland County campuses, 135 of which are enrolled at the new Honeycutt Center. Dr. McInnis discussed current courses and future courses that will be offered. Dr. McInnis said RCC hopes to expand its existing facilities in Scotland County.

Before continuing to the next item, Tax Administrator Mary Helen Norton was recognized by Chairman Willis. Ms. Norton said the Statute in the Schedule of Values states that the Public Hearing be held no less than 21 days from formal presentation of the document. The Commissioners agreed that the Schedule of Values would be considered for approval at the November meeting.

Item 5. Consent Agenda:

- a) Approval of minutes of the Board of Commissioners September 7, 2010 regular meeting.**
- b) Approve Resolution Supporting Feasibility Study for Deeper Water Access Port in North Carolina**

Resolution Supporting Feasibility Study for Deeper Water Access Port in North Carolina

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WHEREAS, Scotland County recognizes that continued growth in transoceanic shipping will increase export and import opportunities at ports located throughout the east coast of the United States, and that this fact is supported by growth trends and projections within the expanding global economy; and

WHEREAS, the North Carolina State Ports Authority and the State of North Carolina are examining all option for the Ports to be as competitive as possible in the future within this global economy; and

WHEREAS, it is understood that completion of the expansion of the Panama Canal in 2014 will allow the new Post-Panamax class of ships to access east coast ports, and that the current ports in North Carolina cannot accommodate these deep draft shipping vessels; and

WHEREAS, this trend in the global shipping industry will therefore place the State of North Carolina in a less competitive position for economic development; and

WHEREAS, many companies rely on ports for importing and exporting of products, raw materials and parts for products being manufactured, assembled and/or distributed in the United States, and that approximately 40 percent of all industries that consider the Southeast Region of North Carolina for site location have a port requirement, and this percentage is rising; and

WHEREAS, the location of such companies into the Southeast Region creates jobs, capital investment and tax revenues and in the future, these and existing companies will rely on available modernized port services in close proximity to their facilities and that a proposed deeper water access port in Brunswick County, as a deepwater port in close proximity to the Atlantic Ocean, with adequate channel depth, could service the new Post-Panamax size ships that would supply these firms; and

WHEREAS, the ability of a deeper water port to service these new Post-Panamax container ships would reduce the cost of ocean shipping for North Carolina business and industry and would make the State's businesses and industrial sector more competitive globally while also supporting efforts by the N.C. State Ports Authority to increase the number of trans-oceanic shipping lines serving North Carolina and to create the most cost competitive shipping model possible for businesses and industries in the State; and

WHEREAS, a proposed deeper water access port would enhance the ability of North Carolina and Scotland County to recruit business and industrial concerns that require the cost competitive advantages provided by the use of these larger and more economical Post-Panamax container ships and would, in fact, improve the ability of the State to recruit these facilities; and

WHEREAS, Scotland County recognizes the need for globally competitive port services for North Carolina and the positive economic impacts such port services will render to the State; and

WHEREAS, Scotland County supports the completion of the full feasibility study recommended by the U. S. Army Corps of Engineers to evaluate the following; **a)** all potential impacts of a deeper water access port in Brunswick County if it were built including costs and benefits to the State and projected jobs created and additional port services made available **b)** a prospectus of private sector investment and cost-sharing; and **c)** the environmental impacts of site development, infrastructure and channel deepening; and

WHEREAS, Scotland County further believes that final decisions on whether to proceed with a deeper water access port cannot and should not be made without first completing a full analysis of the project.

NOW, THEREFORE, BE IT RESOLVED that the Scotland County Board of Commissioners

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1. Recommends that the State of North Carolina and the North Carolina State Ports Authority undertake the adequate analysis required before any final decision is made as to whether to develop and construct a deeper water access port, including but not limited to:
 - *Reconnaissance Study* by the U.S. Army Corp of Engineers,
 - *Economic Impact Analysis* update by N.C. State University and
 - *Feasibility Study* required by the U.S. Army Corp of Engineers (USACE).
2. Encourages the North Carolina General Assembly to support the financing of North Carolina's required half of the USACE mandatory *Feasibility Study*.

ADOPTED this 4th day of October, 2010

c) Approve Tax Department request to release funds in the amount of \$661.14 and in the amount of \$12,905.65 and to make refunds in the amount of \$204.22 and in the amount of \$4,765.50.

d) Budget Amendments:

- 1) **Health: Approve receipt of funding in the amount of \$9,283 for Family Planning TANF and authorize the Finance Officer to make the necessary arrangements to receive and expend the money.**
- 2) **Health: Approve receipt funding in the amount of \$30,820 in Bioterrorism funding and authorize the Finance Officer to make the necessary arrangements to receive and expend the money.**
- 3) **Health: Approve receipt of funding in the amount of \$173 for Environmental Health and authorize the Finance Officer to make the necessary arrangements to receive and expend the money.**
- 4) **Health: Approve receipt of funding in the amount of \$9,643 for WIC and authorize the Finance Officer to make the necessary arrangements to receive and expend the money.**

County Attorney Johnston said comments he made regarding modifying the ethics policy were changed to more accurately reflect in the minutes what he had said. Mr. Johnston said the corrected paragraph was distributed to the Commissioners for review.

Motion was made by Commissioner McDow and duly seconded by Commissioner McPhatter to approve the Consent Agenda, which would include the corrected paragraph in the September 7, 2010 minutes. Vote: Motion unanimously approved.

Item 6. FY 2009-2010 Annual Health Department report

Health Director Ron Sapp presented highlights from the agency's 2009-2010 annual report. Mr. Sapp said while clinic visits for general services increased in the past four years, family planning and maternity care numbers fell. Mr. Sapp said the agency will look at community outreach to bring the numbers up.

Many services provided by the Health Department remained steady compared to previous years. Mr. Sapp explained that environmental health services declined due to the poor economy.

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Animal control calls increased from 4,300 last year to 5,000 in 2009-2010. Health promotion activities as well as the number of participants increased from last year.

Mr. Sapp said he is grateful for an increase in State grants, which helped make up for the decline in the County's contribution. Mr. Sapp thanked the Board of Commissioners for its continued support of public health activities.

Chairman Willis introduced DSS Director Robby Hall before the Commissioners continued with the next agenda item.

Item 7. Appointments to Boards and Committees

Motion was made by Commissioner McDow and duly seconded by Commissioner McPhatter to reappoint Mr. John Alford and Mr. James Baggett to Four County Community Action Board. Vote: Motion unanimously approved.

Motion was made by Commissioner McDow and duly seconded by Commissioner Alford to appoint Mr. Robby Hall as the Social Services representative to the LRCOG Workforce Development Board. Vote: Motion unanimously approved.

Item 8. Update from the County Manager

County Manager Patterson said Gulf and Ohio began last month preparing a site on Church Street outside East Laurinburg for a butane transfer facility. Butane is highly flammable and considered hazardous. Since the land is in the Laurinburg ETJ the zoning requires a 1,250-foot separation between a hazardous facility and other structures. The required footage separation would prohibit the facility from locating at the site.

Mr. Patterson said SRMH Director Sharen Prevatte will retire at the end of the year. Statute requires that the search committee for the position include a County Manager. Mr. Patterson said the Robeson County Manager is on the search committee. The final recommendation from the committee must be approved by each Board in counties served by SRMH unless the Board waives its authority to approve the appointment.

Motion was made by Commissioner McPhatter and duly seconded by Commissioner McDow to waive its authority to approve the appointment of the SRMH director. Vote: Motion unanimously approved.

Mr. Patterson said he and County Engineer Jim Blackwell were contacted by Robeson County because Robeson is exploring the possibility of taking over the Scotland County transfer station. Robeson County expanded its landfill capacity, which will have approximately 60 years of life. Robeson County will develop a financial proposal for Scotland County.

The Commissioners generally agreed that more information would be needed, especially the financial aspect of the proposal.

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Mr. Patterson reported that a 20-team tournament was held at the Morgan Recreation Complex and several other tournaments are scheduled in the fall.

Parks and Recreation continues to work on a recreation program for youth at I. E. Johnson School, and there might now be an institutional partner since the school is the recipient of a grant to create an afterschool program for at-risk children.

Mr. Patterson said the County hopes to marry the two programs, which would provide additional services to youth and also would include transportation and nutrition for the blended program. Mr. Patterson said because of the nature of the grant, it is open to Johnson students only.

Motion was made by Commissioner McDow and duly seconded by Commissioner McPhatter to consider the creation of a blended program. Vote: Motion unanimously approved.

Mr. Patterson said the LRCOG will bid out the study for WestPoint Stevens water plant. Applications from engineering firms will be reviewed in October with a recommendation brought to the Board at the November meeting.

Mr. Patterson said the County executed contracts with Zaccheus Legal Services to begin the foreclosure program. The program will be in full affect before the end of the calendar year.

There was discussion between the County Manager and the governing body about the Zaccheus contract. Mr. Patterson said the Zaccheus firm made a presentation to the Commissioners at the retreat. Mr. Patterson said Zaccheus specializes in foreclosures only and will work on 100 foreclosures every other month for a total of 600 in a year.

County Attorney Johnston said another law firm did contact him about a contract possibility with the County. Mr. Patterson said the County waited for a time period in case another attorney came forward with a proposal. He said the Zaccheus contract was executed two weeks ago.

Mr. Patterson said the first Business Personal Property Seminar will be held 10 a.m. to 12 p.m., November 2 at the F. Diane Honeycutt Building. Department of Revenue officials will discuss business personal property taxes and how the Machinery Act and Tax Code treat the same property differently.

Mr. Patterson said WLPP–BRAC RTF received a grant to perform a Working Lands Protection Program (WLPP) study. The two-year process involved BRAC RTF, Soil and Water, Sustainable Sandhills, Cooperative Extension and the counties is presented to the Commissioners for review. A copy of the final draft for the WLPP is attached. A formal presentation on the WLPP will be made at the November meeting.

Mr. Patterson said NCACC and Fayetteville Arts Council will present exhibits in Fayetteville honoring soldiers throughout the State. The Arts Council is looking for a veteran from each County in the State whose hand would be used in a mold for use in the exhibit. Mr. Patterson asked if the Commissioners would like to select the veteran or leave it to the VFW. *The Commissioners agreed the VFW should move forward with the project.*

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Mr. Patterson asked the Commissioners to notify him or the Clerk to the Board if they wish to attend the LRCOG annual banquet October 21.

Other Information/Comments from the Chairman and Commissioners

Motion was made by Commissioner McDow and duly seconded by Commissioner Davis to support the Chowan County Resolution asking that the ban on Sectarian Prayers in the House of Representatives be reversed. Vote: Motion unanimously approved.

Motion was made by Commissioner McPhatter and duly seconded by Commissioner Alford to adjourn. Vote: Motion unanimously approved. Meeting adjourned at 8:15 p.m.

Ann W. Kurtzman
Clerk to the Board

J.D. Willis
Chairman