

*Scotland County Board of Commissioners regular meeting
December 6, 2004, Commissioners Chamber, 1405 West Boulevard, Laurinburg*

MINUTES

**Scotland County Board of Commissioners
Regular Meeting, December 6, 2004
Scotland County Complex, 1405 West Boulevard, Laurinburg, NC**

At 7 p.m., County Attorney Ed Johnston called the regular meeting to order. Commissioners in attendance: John Alford, Leon Butler, Betty Blue Gholston, Charles "Scooper" Jordan, Joyce McDow, Clarence McPhatter and J.D. Willis. Staff in attendance: Finance Officer/Assistant County Manager Kevin Patterson, County Attorney Ed Johnston and Clerk to the Board Ann W. Kurtzman. Commissioner Alford delivered the invocation. The Pledge of Allegiance was recited.

County Attorney Johnston said he would chair the meeting briefly for the purpose of Board reorganization. County Attorney Johnston asked for nominations for the office of Chairman of the Scotland County Board of Commissioners for the year 2005.

Commissioner Gholston nominated Commissioner Willis. Commissioner McPhatter seconded the nomination.

Motion was made by Commissioner McDow and duly seconded by Commissioner Jordan that nominations for Chairman be closed and J.D. Willis be elected Chairman by acclamation. Vote: Motion unanimously approved.

Mr. Johnston asked for a nomination for Vice Chair.

Commissioner McPhatter nominated Commissioner Gholston. Commissioner Butler nominated Commissioner Jordan.

Motion was made by Commissioner McDow and duly seconded by Commissioner Alford that nominations for Vice Chair be closed.

County Attorney Johnston asked for a vote from all those in favor of Commissioner Gholston. **Vote: Commissioners Alford, Jordan, McDow, McPhatter and Willis.**

County Attorney Johnston asked for a vote from all those in favor of Commissioner Jordan. **Vote: Commissioner Butler.**

Commissioner Gholston is elected Vice Chair by a majority vote.

Chairman Willis thanked the Board for electing him as Chairman for 2005. Chairman Willis promised he would communicate with all Board members on all matters concerning County business. "Hopefully, we will work together as a team for the betterment of the citizens of Scotland County," said Chairman Willis. He said he is sure the Board would be able to overcome all tough decisions ahead.

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Chairman Willis presented ex-Commissioner Nancy Shelley and ex-Chairman David Burns with plaques of appreciation for 12 years and 8 years, respectively, of public service to the citizens of Scotland County.

Chairman Willis asked if anyone wished to speak at Public Forum. No one came forward, and Public Forum was closed.

Motion was made by Commissioner Jordan and duly seconded by Commissioner McPhatter to go into Closed Session held in accordance with N.C. General Statute §143-318.11(a)(3) to consult with an attorney and Closed Session held in accordance with N.C. General Statute §143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body. Vote: Motion unanimously approved.

OPEN SESSION RESUMED

Item 2. Planning and Zoning

Planning and Zoning Board Chairman Henry McLeod presented information on Conditional Use Application #442. The request comes from BellSouth to construct a telecommunications tower on a portion of property at 16904 McNair Mill Road. Mr. McLeod said the Planning and Zoning Board recommends that the Board of Commissioners approve Conditional Use Application #442. He said steel towers are a permitted use on the land zoned Residential-Agricultural (RA) subject to a conditional use application.

Mr. McLeod said that County Attorney Johnston worked with BellSouth attorneys to develop a hold harmless agreement to protect the County and subsequent landowners from any liability. Approval of the application by the Planning and Zoning Board was contingent upon the provision of the necessary hold harmless assurances.

Chairman Willis opened the Public Hearing and asked if anyone wished to speak for or against the application.

Mr. Matt Danielson spoke in favor of the application and said he attended the meeting on behalf of the applicant. He said he would give a full presentation or answer questions depending on the pleasure of the Board.

There were no questions, and Chairman Willis closed the Public Hearing.

Motion was made by Vice Chair Gholston and duly seconded by Commissioner Jordan to approve Conditional Use Application #442 contingent upon the applicant providing indemnification pursuant to the Planning and Zoning Board's recommendation. Vote: Motion unanimously approved.

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Mr. McLeod discussed proposed amendments to Ordinance #28, which provides for the removal and disposition of abandoned, nuisance and junked motor vehicles. Mr. McLeod said there are more people in the County now who will disassemble junked automobiles at no charge, which would assist in enforcement of the ordinance.

Mr. McLeod asked the Board at its discretion to call for a public hearing of the ordinance so the proposed few amendments could be made part of the existing Ordinance #28.

Mr. McLeod also provided a Highway Corridor update, which is a fundamental change of how the subdivisions are designed in the County. Mr. McLeod explained that it is a proposal to stop putting 100-foot driveways along the major highways in order to speed up the flow of traffic. He said any changes would require a public hearing.

**Item 3. Public Hearing: 2005 CDBG Scattered Site Housing Funding Application
Update on 2005 CDBG application**

Mr. Adrian Lowery, LRCOG Housing Coordinator, said this is the second and final Public Hearing for the 2005 CDBG Application.

Chairman Willis opened the Public Hearing and asked if anyone wished to speak for or in opposition to the 2005 CDBG Application.

No one came forward, and the Public Hearing was closed.

Motion was made by Vice Chair Gholston and duly seconded by Commissioner Jordan to proceed with the 2005 CDBG application process. Vote: Motion unanimously approved.

Mr. Lowery provided an update on the 2005 program and discussed some changes the Board should be made aware of. Mr. Lowery said the names and applications of individuals who wish to participate in the program must be turned in with the funding application by the February 2005 deadline. He said about 20 of the 60 to 70 applications mailed out have been received thus far.

He said the Division of Community Assistance would require the counties to involve the municipalities in the program. Mr. Lowery asked the approval of the Board to draft a letter to send to the municipalities in Scotland County informing them of the program, requesting submission of applications and offering them a seat on the Advisory Committee.

A new local option has been added to the CDBG program, Mr. Lowery reported, which would allow the County to spend up to 10 percent, or \$40,000 of the funds, on emergency repairs.

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Mr. Lowery brought the Board up to date on the 2004 CDBG Program. Demolitions have begun for relocations, and Manis Custom Builders in Maxton will supply replacement units.

Motion was made by Commissioner Jordan and duly seconded by Commissioner Alford authorizing a letter be sent to municipalities in Scotland County encouraging receipt of applications and requesting the appointment of a representative from each municipality to serve on the Advisory Committee. Vote: Motion unanimously approved.

Item 4. Consent Agenda:

- a) Approval of minutes of the Board of Commissioners, November 1, 2004 regular meeting
- b) Approval of fidelity bonds for various County officials and employees as per G.S. 58-72-10.
- c) Budget Amendments
 - 1) **Health Department:** Approve receipt of State funding in the amount of \$1,300 for the Child Services Coordination program and authorize the Finance Officer to make necessary budget arrangements to receive and expend this money.
 - 2) **Health Department:** Approve increase in Healthy Mother/Healthy Children State grant funding in the amount of \$395 and authorize the Finance Officer to make necessary budget arrangements to receive and expend this money.
 - 3) **EMS:** Approve receipt of Lumber River Council of Governments COPS Grant in the amount of \$30,626 and authorize the Finance Officer to make necessary budget arrangements to receive and expend this money.
 - 4) **EMS:** Approve receipt of the State Emergency Medical Services 2004 HRSA grant in the amount of \$12,584 and authorize the Finance Officer to make necessary budget arrangements to receive and expend this money.
 - 5) **Tax:** Approve receipt of Leg-Up grant in the amount of \$12,155 and authorize the Finance Officer to make necessary budget arrangements to receive and expend this money.
 - 6) **DSS:** Accept receipt of additional funding in the amount of \$33,305 and authorize the Finance Officer to make necessary budget arrangements to receive and expend this money. No County dollars are involved.

Motion was made by Commissioner McDow and duly seconded by Vice Chair Gholston to approve the Consent Agenda. Vote: Motion unanimously approved.

Item 5. County Engineer's Report

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County Engineer Jim Blackwell said the Solid Waste Enforcement Officer worked 82 solid waste cases and seven zoning cases. Ten "Notices of Violation" were issued for abandoned structures, which resulted in the removal of five buildings. Work in progress includes the clean up at Mobile Home Estates and the removal of the 401 Truck Stop Building south of town.

Commissioner Butler and Mr. Blackwell discussed procedures for the cleaning up or removal of abandoned structures. Mr. Blackwell said there has not yet been an incident where a property owner would not comply with a notice of violation. Commissioner Butler suggested that plans be considered for that possibility in order to protect the County from incurring any cost for cleanup or removal of abandoned structures.

Mr. Blackwell said progress continues on the splash pad and recreational complex. The slab will be poured in the next several weeks. The concession/bathhouse is almost complete. Water and sewer will be run this month into the site. Electrical service is scheduled for right after the first of the year. The splash pad is scheduled to be open in the spring.

Item 6. Monthly Update from the Finance Officer/Assistant County Manager

Finance Officer/Assistant County Manager Kevin Patterson said the two Boundary Commissions arrived at a preliminary understanding that the boundary between Richmond and Scotland will follow the accepted boundary, so there will be no displaced citizens from either county. The boundary, if moved by legislation, will not affect any property rights or any deeds that mention the county line due to legislative protections. He said more information from the State would be forthcoming.

Mr. Patterson said that the City of Laurinburg has requested the County match participation for a fireworks display at \$5,000 or double the fireworks display for \$10,000. The City requests a response from the County because contract negotiations are planned for February.

Motion was made by Commissioner Jordan and duly seconded by Vice Chair Gholston that the County decline participation in the fireworks display with the City of Laurinburg. Vote: Motion unanimously approved.

Mr. Patterson provided a summary of School Reserves as of December 2, 2004. He said part of the sales tax received is dedicated for capital expenditures for the schools. There is a current agreement that that can be used to pay off the school bonds so tax dollars do not have to be used at any point in time to pay off the school debt. The status of the reserve was requested by the schools and provided to the Board in the event the School Board makes requests for the funds, said Mr. Patterson. He said the schools have not made any requests.

Chairman Willis said the Board must be very careful about the reserve fund. Chairman Willis explained that when the bond was floated the Board said there would be no

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increase in tax dollars. Chairman Willis said at the time the County Manager said the sales tax would provide enough revenue to pay off the bonds. Chairman Willis said the year before last the Board dipped into the account to provide capital dollars to the schools against the request of the Finance Officer and County Manager. Chairman Willis said if the Board does that again – anytime – the County would be out of money by 2006. He added that when the County is out of money the only way to raise the funds for Debt Service would be to raise property taxes.

Mr. Patterson requested the Board's consideration of two budget amendments, which actually are budget transfers within a Department. Mr. Patterson said without a Budget Officer, no one currently has the authority to transfer monies inside the Departments.

Mr. Patterson requested that Parks and Recreation transfer \$500 from special programs to repairs and maintenance while the Health Department requests a transfer of \$14,187 from capital outlay to capital outlay vehicles.

Motion was made by Commissioner Jordan and duly seconded by Vice Chair Gholston to approve the transfer of \$500 in Parks and Recreation from special programs to repairs and maintenance and \$14,187 in the Health Department from capital outlay to capital outlay vehicles. Vote: Motion unanimously approved.

Item 7. Appointments to Boards and Committees

Motion was made by Vice Chair Gholston and duly seconded by Chairman Willis to appoint Commissioner McPhatter as the Commissioner representative to the Lumber River Council of Governments Board of Directors. Vote: Motion unanimously approved.

Motion was made by Vice Chair Gholston and duly seconded by Chairman Willis to appoint Commissioner Alford to the Social Services Board.

Discussion: Commissioner Butler said there have been a lot of requests to leave former Commissioner Clint Willis on that Board temporarily for six months. Commissioner Jordan said that Mr. Clint Willis was appointed to a three-year term and has only served part of one year. Commissioner Jordan said since the DSS Board is in the middle of Leading by Results, perhaps Mr. Clint Willis should remain on the DSS Board.

Chairman Willis said it is up to the Board, but in the past whenever a Commissioner has stepped down they step off of that Board and other boards. Chairman Willis said when he was Chair of that Board, and he lost, he stepped down.

Commissioner Jordan said the learning curve serving on that Board would take a lot of time.

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The motion by Vice Chair Gholston to appoint Commissioner Alford to the Social Services Board was duly seconded by Chairman Willis. Chairman Willis said he seconded the motion to get the issue on the floor.

Discussion: Commissioner Jordan asked if both Commissioner Alford and Mr. Clint Willis could serve on the Board.

Chairman Willis said that the only way Mr. Clint Willis could serve would be as a citizen appointment.

DSS Director Jan Elliott said the governing body could appoint two people who could be either citizens or Commissioners or any combination. She said the DSS Board is permitted five members by Statute and currently has five members serving.

Chairman Willis called for a vote on the motion to appoint Commissioner Alford to the Social Services Board. Vote: Motion unanimously approved.

Motion was made by Chairman Willis and duly seconded by Commissioner Jordan to appoint Commissioner Butler as the Commissioner representative to the Scotland County Fire Commission. Vote: Motion unanimously approved.

Motion was made by Chairman Willis and duly seconded by Commissioner Alford to appoint Commissioner McDow as the Commissioner representative to the Richmond Community College Board of Trustees. Vote: Motion unanimously approved.

Chairman Willis said a Commissioner must serve on the regional Mental Health Board, which meets in Lumberton. Chairman Willis said he would attend the meetings while the Commissioners consider who would serve on the Mental Health Board.

Motion was made by Chairman Willis and duly seconded by Commissioner Jordan to appoint Commissioner Alford as the Commissioner representative to the Work Force Development Board. (No vote was taken).

Motion was made by Commissioner McDow and duly seconded by Commissioner McPhatter to appoint Chairman Willis as Scotland County Budget Officer. Vote: Motion unanimously approved.

Item 8. Midyear Planning Retreat Schedule

Chairman Willis asked the governing body to consider some dates for the scheduling of the Midyear Planning Retreat. Chairman Willis suggested the retreat be scheduled some time during the second or third week of February after new Commissioners attend Essentials Of County Government.

Item 9. Other Information

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Chairman Willis discussed the possibility of allowing employees to take three additional days during the holidays. This would be a proposed one-time arrangement, Chairman Willis said.

Chairman Willis said employees who work at EMS and the Sheriff's Department would have to schedule their days at a different time while the majority of employees would take the days during the holiday time.

Motion was made by Vice Chair Gholston and duly seconded by Commissioner Alford to give County employees a one-time additional 24 hours of leave during the holiday season, which is three work days, with discretion given to Department Heads to schedule accordingly to avoid emergency situations. Vote: Motion unanimously approved.

Motion was made by Commissioner Jordan and duly seconded by Commissioner McPhatter to adjourn. Vote: Motion unanimously approved. Meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Ann W. Kurtzman
Clerk

J.D. Willis
Chairman