

*Scotland County Board of Commissioners regular meeting
February 2, 2009, 1405 West Boulevard, Laurinburg*

MINUTES
Scotland County Board of Commissioners
Regular Meeting, February 2, 2009
Scotland County Complex, 1405 West Boulevard, Laurinburg NC

At 7 p.m. Chairman J. D. Willis called the regular meeting to order. Commissioners in attendance: Chairman Willis and Commissioners John Alford, Bob Davis, Guy McCook and Joyce McDow. Commissioners not in attendance: Vice Chair Betty Blue Gholston and Commissioner Clarence McPhatter. Staff in attendance: County Manager Kevin Patterson and Human Resources Manager Susan Butler as recorder of the minutes. Commissioner McCook delivered the opening prayer. The Pledge of Allegiance was recited.

Public Forum

Mr. Jay Todd, volunteer for United Way of Scotland County: Mr. Todd said Scotland County United Way, a non-profit with one paid position and a volunteer Board of Directors, provides funding support to 19 of 34 non-profits in the community. Mr. Todd said the agencies funded are responsible for a broad spectrum of support services to people who live in the community. Mr. Todd said the loss of local industrial employment has negatively affected a major source of funding for United Way while ironically, at the same time, the need for service agency assistance increases. A 30 percent shortfall in United Way funding is projected for the first time in its 56-year history yet the need is as great as it's ever been, said Mr. Todd. He asked the Commissioners to make a difference through the consideration of Community Assistance Grant program funding to help the agencies and, by extension, help those in need in Scotland County.

Item 1. Public Hearings: Planning and Zoning:

Planning and Zoning Chairman Henry McLeod came forward to present the following applications:

Rezoning Application Number 451-09 – Jaxson-Morgan, LLC, – Request to rezone 6.0 acres of an approximately 35.0 acre tract in accordance with Scotland County Zoning Ordinance Article IV from (RA) Residential Agriculture to I2 (Heavy Industrial) with a Conditional Use for mining operations. The property is located on Sneads Grove Road and better known as Scotland County Tax Map Number 326 Block 01 Parcel 1009.

Mr. McLeod said the Planning and Zoning Board recommends approval and the issuance of the conditional use permit.

Chairman Willis called the Public Hearing and asked if anyone wished to speak in favor or against rezoning application 451-09.

Mr. Tom Godwin said he owns a 40-acre tract of land behind the area. An easement on his property goes right through the edge of the tract of land in question, and if it is dug up, Mr.

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Godwin said he would not have access to his property. He asked that the request be put off until he could get another easement to his property.

Mr. McLeod said that the issue did not come up at the Planning and Zoning Board when the request was made.

Mr. Phil Morgan came before the Commissioners and stated that there is more acreage in the area that would be cut off if the rezoning application was approved. Mr. Morgan said the access issue should be addressed first.

Chairman Willis suggested that since consideration was not given to an easement so that people would have access to their property, perhaps the application should be tabled until the Planning and Zoning Board could look at the application again. Chairman Willis said to bring the application back to the Board when an agreement is worked out between the parties.

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

Motion was made by Commissioner McCook and duly seconded by Commissioner Alford to table rezoning application 451-09 until the next meeting so the County Attorney could be consulted regarding access to the property behind the site. Vote: Motion unanimously approved.

Mr. McLeod said the rest of the zoning issues involve changes on or around Laurinburg-Maxton Airport to make use of certain parts of it for a training facility.

A conditional use permit would involve part of what would be rezoned tonight and part of the airport property already zoned Heavy Industrial, said Mr. McLeod.

Rezoning Application Number 452-09 – Paul Davis, Laurinburg Maxton Airport Commission – Request to rezone 9.3 acres in accordance with Scotland County Zoning Ordinance Article IV from I1 (Light Industrial) to I2 (Heavy Industrial). The property is located on Airport Road and better known as Scotland County Tax Map Number 252 Block 01 Parcel 011. James and Elizabeth Elliott own the property.

Mr. McLeod said the Planning and Zoning Board recommends that this be rezoned from I1 to I2.

Chairman Willis called the Public Hearing and asked if anyone wished to speak for or against application 452-09.

Mr. McLeod asked that the Conditional Use Permit come in one motion because it covers several pieces of land.

No one came forward to speak for or against rezoning application 452-09, and the Public Hearing was closed.

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Motion was made by Commissioner Alford and duly seconded by Commissioner McDow to approve rezoning application 452-09 to rezone 9.3 acres in accordance with Scotland County Zoning Ordinance Article IV from I1 (Light Industrial) to I2 (Heavy Industrial). Vote: Motion unanimously approved.

Rezoning Application Number 453-09 – Paul Davis, Laurinburg Maxton Airport Commission – Request to rezone approximately 92.66 acres of a 551.45 acre tract in accordance with Scotland County Zoning Ordinance Article IV from RA (Residential Agricultural) to I2 (Heavy Industrial). The property is located on Airport Road and better known as Scotland County Tax Map Number 253 Block 01 Parcel 004. William P. Floyd owns the property. Refer to map “Zoning Survey of Portion of The William P. Floyd Property” as prepared by J. F. Wampler Engineering, Inc. dated 01-07-09.

Mr. McLeod said the Planning and Zoning Board recommends that this be rezoned from RA to I2. Mr. McLeod said the conditional use part would come in the last motion.

Chairman Willis called the Public Hearing and asked if anyone wished to speak for or against application 453-09. No one came forward, and the Public Hearing was closed.

Motion was made by Commissioner McDow and duly seconded by Commissioner Davis to approve rezoning application 453-09 to rezone approximately 92.66 acres of a 551.45 acre tract in accordance with Scotland County Zoning Ordinance Article IV from RA (Residential Agricultural) to I2 (Heavy Industrial). Vote: Motion unanimously approved.

Mr. McLeod said that in working through the process, it was discovered that the center of the Airport was not zoned. Mr. McLeod asked the Commissioners to consider zoning it as I2 since I2 is a zone in which an airport is permitted.

Motion was made by Commissioner McCook and duly seconded by Commissioner Davis to zone the land shown on the original Zoning Map 6 dated January 1977 in a basic trapezoidal shape denoted as Laurinburg Maxton Airport as I2 (Heavy Industrial). Vote: Motion unanimously approved.

Rezoning Application Number 450-08 – Laurinburg Maxton Airport Commission – Request to rezone a portion of property located in the Northeastern section of the Laurinburg Maxton Airport Commission’s property described as : BEGINNING at a stake on the southwest edge of pavement at the intersection of Airbase Rd (SR 1407) and Airport Rd (SR 1434) then going 235 ft S 45 degrees E, then 940 ft S 43 degrees 30 minutes E, then 2343.89 ft N 47 degrees 52 minutes 45 seconds, then 1020 ft N 61 degrees 25 minutes W, then 1160 ft N 13 degrees E, then 220 ft N 60 degrees W, then 320 ft N 64 degrees 45 minutes W, then 255 ft N 59 degrees W, then 525 ft N 54 degrees, then 930 ft S 53 degrees W, then 2485 ft S 06 degrees 30 minutes E to the BEGINNING comprising approximately 126.426 acres more or less; in accordance with the Scotland County Zoning Ordinance, Article IV from RA (Residential Agriculture) to I2 (Heavy Industrial). Refer to map titled “Boundary Lines for Rezoning Application 450-08”.

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Chairman Willis called the Public Hearing and asked if anyone wished to speak for or against application 450-08. No one came forward, and the Public Hearing was closed.

Motion was made by Commissioner McCook and duly seconded by Commissioner McDow to approve the above-described tract of land in Rezoning Application 450-08 from RA (Residential Agriculture) to I2 (Heavy Industrial). Vote: Motion unanimously approved.

Conditional Use Application 455-09 – Paul Davis, Laurinburg Maxton Airport

Commission-Request for a Conditional Use Permit to operate a combat training center on properties in and around the Laurinburg Maxton Airport Commission property as designated on an area map titled “Proposed Rezoning Laurinburg-Maxton Airport Commission” by J.F. Wampler Engineering, Inc. dated 12-23-08; that can be viewed in the Scotland County Planning and Zoning offices.

Mr. McLeod said the Planning and Zoning Board recommends approval of conditional use permit 455-09 for this group of activities.

Chairman Willis called the Public Hearing and asked if anyone wished to speak for or against conditional use permit 455-09. No one came forward, and the Public Hearing was closed.

Motion was made by Commissioner Alford and duly seconded by Commissioner McCook to approve Conditional Use Application 455-09 for a permit to operate a combat training center on properties in and around the Laurinburg Maxton Airport Commission property. Vote: Motion unanimously approved.

Item 2. Consent Agenda:

- a) **Approval of minutes of the Board of Commissioners January 5, 2009 regular meeting.**
- b) **Approve resolution authorizing Scotland County to apply for a 2009-2010 Community Transportation Program funding. *(A public hearing notice was published requesting written citizen comments. No written comments were received).***

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

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WHEREAS, (*Legal Name of Applicant*) Scotland County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*)* County Manager of (*Name of Applicant's Governing Body*) Scotland County is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I (*Certifying Official's Name*)* Ann W. Kurtzman (*Certifying Official's Title*) Clerk to the Board do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) Scotland County Board of Commissioners duly held on the 2nd day of February, 2009.

- c) **Approve a five (5) percent salary increase for the County Manager Kevin Patterson effective January 1, 2009.**
- d) **Approve surplus of a 1993 Chevrolet Caprice VIN 1G1BL53E1PR126726 that currently is assigned to the Inspections Department.**
- e) **Approve Tax Department request to release funds in the amount of \$119.92 and in the amount of \$2,433.05 and to make refunds in the amount of \$121.76 and in the amount of \$929.08.**
- f) **Approve the order for the Tax Department to advertise the unpaid taxes for the current fiscal year that are liens on real property the week of March 16, 2009.**
- g) **Approve resolution supporting the submission of an application for the FY 2009-2010 Scotland-Hoke Criminal Justice Partnership Grant.**

RESOLUTION SUPPORTING SUBMITTAL OF STATE FUNDING APPLICATION FOR SCOTLAND-HOKE COUNTIES CRIMINAL JUSTICE PARTNERSHIP BOARD

WHEREAS, Scotland and Hoke Counties joined together in 1996 to form the Criminal Justice Partnership Board to provide services to probationary offenders with substance abuse problems, and;

WHEREAS, the Criminal Justice Partnership Board for Scotland and Hoke Counties has obtained State grant funds since its beginning to provide these services which include intensive outpatient substance abuse counseling to offenders on probation referred by the Court system; and

WHEREAS, Scotland and Hoke Counties through the Criminal Justice Partnership Program have experienced strong indications which reflect successful behavior modification, educational achievement and life skill development for these individuals; and

WHEREAS, the Scotland and Hoke Counties Criminal Justice Partnership Program has operated entirely without cost to either County; and

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WHEREAS, the Scotland and Hoke Counties Criminal Justice Partnership Board is applying to the State Department of Correction, Division of Community Corrections, for Fiscal Year 2009-2010 Funding in the amount of \$155,586;

NOW THEREFORE BE IT RESOLVED THAT the Scotland County Board of Commissioners endorses the application to the North Carolina Department of Correction, Division of Community Corrections for Fiscal Year 2009-2010 funding by the Scotland and Hoke Counties Criminal Justice Partnership Board.

This the 2nd day of February 2009.

h) Budget Amendments:

- 1) **Library: Approve receipt of a Bill and Melinda Gates Foundation grant in the amount of \$15,600, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.**
- 2) **Health: Approve receipt of \$4,061 for WIC and WIC Nutrition Education, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.**
- 3) **Health: Approve receipt of \$3,356 for Family Planning outreach services, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.**
- 4) **Health: Approve receipt of \$10,000 Kate B. Reynolds Charitable Trust grant for Healthy Carolinians, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.**

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

Item 3. Appointments to Boards and Committees

Motion was made by Commissioner McDow and duly seconded by Commissioner Alford to reappoint Mr. John Ferguson to a four-year term on the Southeastern Economic Development Commission. Vote: Motion unanimously approved.

Motion was made by Commissioner McDow and duly seconded by Commissioner Davis to reappoint Mr. Walter Currie to a four-year term on the Planning and Zoning Board. Vote: Motion unanimously approved.

Motion was made by Commissioner McDow and duly seconded by Commissioner Alford to reappoint Mr. Smith Hershman to a three-year term on the Zoning Board of Adjustment and to reappoint Mr. John Willie McNeill as an alternate to the Zoning Board of Adjustment. Vote: Motion unanimously approved.

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Motion was made by Commissioner McDow and duly seconded by Commissioner McCook to reappoint Mr. Larry Lanier to a three-year term on the Laurinburg/Scotland County Zoning Board of Adjustment. Vote: Motion unanimously approved.

Commissioner McDow presented the Commissioners with two applications from doctors – Dr. Clark Hamner and Dr. Kevin Raybon -- who would like to serve on the Board of Health. Commissioner McDow said both applicants are outstanding doctors.

Health Director Ron Sapp and Commissioner Guy McCook shared what they knew professionally about each of the applicants. Commissioners McCook said both are well-respected among their peers and either one of them would be a good choice.

Motion was made by Commissioner Alford and duly seconded by Commissioner Davis to appoint Dr. Kevin Raybon as the physician-representative on the Board of Health. Vote: Motion unanimously approved.

Motion was made by Commissioner McDow and duly seconded by Commissioner Davis to appoint Ms. Dora Abernethy and Ms. Cynthia Morton to initial one-year appointments on the Scotland County Nursing Home Community Advisory Committee and to reappoint Ms. Margaret Herring to a three-year term on the Scotland County Nursing Home Community Advisory Committee. Vote: Motion unanimously approved.

Commissioner McDow provided updates on other boards and committees that have openings but need no action at this time.

Item 4. Update from the County Manager

County Manager Patterson provided an update on the Richmond Community College project. He explained that funding is not affected by current State cutbacks. Construction activity might begin in two months if everything continues as planned, Mr. Patterson said.

Mr. Patterson said NCACC legislative goals revolve around revenue protections and revenue sources for counties.

Mr. Patterson discussed a unique event in Inspections where a retailer put in for a permit more than a year ago but could not start construction. The retailer came in recently to reinstate the permit, which is automatically voided after one year as set by the State. Cost of construction had gone up.

Mr. Patterson said rather than make the retailer purchase a new permit for several thousand dollars, he advised the Inspections Department to reinstate the permit, charge the additional cost as if they issued a new permit plus a \$100 reinstatement fee.

Mr. Patterson recommended that the Board set a fee to reinstate a building permit plus the increase of the permit price due to increased construction costs, and if the permit lapses and the building code changes, the permit cannot be reinstated.

Motion was made by Commissioner McCook and duly seconded by Commissioner Davis to set a fee of \$100 to reinstate a building permit plus the increase in permit price fee and increased construction costs in permit lapses, and if building codes change the permit cannot be reinstated. Vote: Motion unanimously approved.

Mr. Patterson said Campbell's Soup has pledged \$25,000 to the Parks and Recreation Foundation for the naming rights to the driveway into the Morgan Recreation Complex. The company requested that it be permitted to place directional signs pointing out baseball fields, soccer fields and the splash pad using its Campbell Kids logo. One expectation would be that it would be the company's responsibility to maintain the signs, said Mr. Patterson.

Motion was made by Commissioner McCook and duly seconded by Commissioner Alford permitting Campbell's Soup to install directional signs in the driveway to the Morgan Recreation Complex and that the company maintains the signs. Vote: Motion unanimously approved.

Mr. Patterson said the County is looking to make application for a Rural Business Entrepreneurial grant, which would allow the County to establish a loan fund for single business expansions.

Motion was made by Commissioner Alford and duly seconded by Commissioner Davis authorizing the County to apply for a Rural Business Entrepreneurial grant. Vote: Motion unanimously approved.

Mr. Patterson briefly described agenda items and presentations currently scheduled for the February 10 mid-year planning retreat.

Item 5. Chamber Retreat Update

Commissioner McCook discussed the Chamber of Commerce Planning Retreat and the results of the retreat with regard to the Chamber and its future role it hopes to take in the direction of the community.

Key objectives the Chamber plans to address in the coming months include:

- 1. Develop and facilitate a communitywide strategic plan.*
- 2. Continue to promote community collaboration.*
- 3. Create a workforce development/education plan.*
- 4. Work to implement a marketing/communications plan to promote a more consistent community image.*
- 5. Focus more on small business development.*
- 6. Become a stronger voice for businesses in the community.*

Other Information/Comments from the Chairman and Commissioners

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Commissioner Davis thanked Mr. Henry McLeod for his hard work in the Airport rezoning process.

Commissioner McCook said he would like to discuss the funding request presented by United Way at the retreat.

Commissioner McDow asked the Board to review the legislative goals developed by the North Carolina Association of County Commissioners.

Item 6. Closed Session

Motion was made by Commissioner McCook and duly seconded by Commissioner Alford to go into Closed Session held in accordance N.C. General Statute 143-318.11(a)(5) to establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property and Closed Session held in accordance with N.C. General Statute §143-318.11(a)(6) to consider qualifications, competence, performance, character, fitness, conditions of appointments, or conditions of initial employment of a present or prospective public officer or employee.

OPEN SESSION RESUMED

Chairman Willis said he is gathering some information on school finances to share with the Board just as a point of information.

Motion was made by Commissioner Davis and duly seconded by Commissioner McDow to recess to 1 p.m. Tuesday, February 10, 507 West Covington Street. Vote: Motion unanimously approved.

Ann W. Kurtzman
Clerk to the Board

J.D. Willis
Chairman

(Minutes prepared from notes submitted by Human Resources Manager Susan Butler)