

MINUTES
Scotland County Board of Commissioners
Regular Meeting, April 6, 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, Vice Chair Betty Blue Gholston and Commissioners John Alford, Bob Davis, Guy McCook, Joyce McDow and Clarence McPhatter. Staff in attendance: County Manager Kevin Patterson, County Attorney Ed Johnston and Clerk to the Board Ann W. Kurtzman. Commissioner McDow delivered the opening prayer. The Pledge of Allegiance was recited.

Public Forum

Mr. Bill Caudill and **Mr. Beacham McDougald** asked the Commissioners for support through discretionary funds for the Scotland County Highland Games. Mr. Caudill explained how Scotland County citizens came to organize the local highland games, which is expected to become an annual event. Mr. Caudill reported that there are 11 corporate sponsors. Mr. Caudill said he would appreciate support from the Commissioners as the Scotland Highland Games gets off the ground and becomes something the community and the region could be proud of.

Mr. McDougald described the Scotland County Highland Games as a family-oriented event particularly geared toward children. Mr. McDougald said event organizers received 501(3)c status. He urged the Commissioners to consider financial support for the event.

Item 1. Public Hearings: Planning and Zoning

Planning and Zoning Chairman Henry McLeod submitted the following rezoning request:

Rezoning Application Number 457-09 – Ruben Huerta Fuentes – Request to rezone 1.80 acres in accordance with the Scotland County Zoning Ordinance, Article IV from RA (Residential Agriculture) to C1 (Neighborhood Commercial) with a Conditional Use for a produce stand. The property is located at 5741 Andrew Jackson Highway (US 74) and is better described as Scotland County Tax Map Number 157, Block 01, Parcel Number 021. P&A Investments, Inc. owns the property.

Mr. McLeod said a C1 designation has produce stand as a conditional use, but it must be specified.

Chairman Willis called the Public Hearing and asked if anyone wished to speak in favor of or against rezoning application 457-09. No one came forward and the public hearing was closed.

Motion was made by Vice Chair Gholston and duly seconded by Commissioner Alford to approve Rezoning Application Number 457-09 to rezone 1.80 acres in accordance with the

*Scotland County Board of Commissioners regular meeting
April 6, 2009, 1405 West Boulevard, Laurinburg, NC*

Scotland County Zoning Ordinance, Article IV from RA (Residential Agriculture) to C1 (Neighborhood Commercial) with a Conditional Use for a produce stand. Vote: Motion unanimously approved.

Item 2. FY 2007-2008 Audit Report

Mr. Carl Head, Lundin & Company, presented the FY 2007-2008 audit. Mr. Head said although the Fund Balance in the General Fund decreased by \$504,049 from FY 2006-2007 to FY 2007-2008, the more than \$11 million in the Fund Balance as of June 30, 2008, still is considered strong.

Mr. Head reported that there was a decrease in the Public Works Fund of \$22,537, which is considered a significant deficiency.

Water District I increased \$38,918 while Water District II increased \$440,899.

Mr. Head said priority must be given to the independent audit to insure all accounts must be reconciled, journal entries are posted and the audit is submitted by contract deadline. He added that some improvements have been made in this area but it remains a learning experience. Mr. Head said that there is hope the deficiency will be removed in the new year.

Item 3. Consent Agenda:

- a) **Approval of minutes of the Board of Commissioners March 2, 2009 regular meeting.**
- b) **Approve Tax Department request to release funds in the amount of \$92.43 and in the amount of \$2,748.54 and to make refunds in the amount of \$190.66 and in the amount of \$4,080.98.**
- c) **Approve request by the City of Laurinburg to hold a public exhibition with use of pyrotechnics pursuant to NCGS 14-413.**
- d) **Approve resolution reaffirming Scotland County's responsibility to provide funding to Scotland County Schools.**

**Resolution Reaffirming the Responsibility of the County of Scotland
to Provide Funding to Scotland County Schools**

WHEREAS, Article IX on Education in the North Carolina State Constitution clearly defines how free public schools are to be funded by the State and by local entities; and

WHEREAS, Article IX on Education states "The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students"; and

WHEREAS, Article IX continues, "The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of units of local government with financial responsibility for

*Scotland County Board of Commissioners regular meeting
April 6, 2009, 1405 West Boulevard, Laurinburg, NC*

public education may use local revenues to add to or supplement any public school or post-secondary school program”; and

WHEREAS, the Scotland County Board of Commissioners subscribes to and fully supports the Constitution of the State of North Carolina and the mission of the Scotland County Schools to educate all children to their fullest potential, emphasizing human worth, and in its assertion and belief that all children can learn.

NOW, THEREFORE, BE IT RESOLVED that the Scotland County Board of Commissioners will honor its legal commitment and ethical responsibility to fund the Scotland County Schools according to requirements set down by the Constitution of North Carolina and in events where the School System faced with a crisis or emergency might require additional local funding support.

Approved the 6th day of April, 2009

e) **Approve resolution supporting continued State funding for the Criminal Justice Partnership Program.**

**RESOLUTION SUPPORTING CONTINUED STATE FUNDING
FOR THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM**

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, the Criminal Justice Partnership Program is in danger of being cut from the State budget entirely despite its successes in general and the successes of the Scotland-Hoke Criminal Justice Partnership Program, in particular; and

WHEREAS, Scotland-Hoke currently receives \$155,586 a year in CJPP funding and the average cost per offender per day is \$11.06 for the Scotland/Hoke Program compared to the average cost per offender per day is \$14.77 for CJPP Statewide; and

WHEREAS, the Scotland-Hoke Program served 89 offenders as of the end of February compared to 66 offenders in FY 2007-2008 where approximately 53 percent of offenders were less likely to have their probation revoked when compared to the non-CJPP intermediate offenders; and

WHEREAS, the alternative to the Criminal Justice Partnership is far more costly when the average cost per offender per day is \$74.77 for an offender in prison and the average cost per offender per day is \$55.00 for offenders in county jails statewide.

*Scotland County Board of Commissioners regular meeting
April 6, 2009, 1405 West Boulevard, Laurinburg, NC*

WHEREAS, without this program there will not be free substance abuse counseling available for the intermediate offender who will live in the community and will continue to commit crimes if their drug problems are not addressed; 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

NOW THEREFORE BE IT RESOLVED THAT the Scotland County Board of Commissioners urges its local legislators to vigorously support continued funding for the administration of the statewide Criminal Justice Partnership Program.

This the 6th day of April 2009.

f) **Approve Parks and Recreation request to surplus a 1996 Crown Victoria VIN 2FLAP71W5VX216073 and a 1995 Plymouth Voyager VIN 2P4GH2539SR304406.**

g) **Approve DSS request to reclassify Office Assistant IV (59-3) to Child Support Agent I (63-3).**

h) **Approve DSS request to reclassify Social Worker IAT (70-3) to Social Worker Supervisor III (73-3).**

i) **Budget Amendments:**

- 1) **Soil and Water: Approve \$432 in additional funding for Voluntary Agricultural District sign sales.**
- 2) **Health : Approve additional funding in the amount of \$2,500, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.**
- 3) **Health : Approve additional funding in the amount of \$3,787.82, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.**
- 4) **Revaluation: Approve additional funding in the amount of \$34,000 for the Revaluation Reserve Fund.**

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

Item 4. Appointments to Boards and Committees

Motion was made by Commissioner McDow and duly seconded by Vice Chair Gholston to appoint Mr. Charles “Scoofer” Jordan, Mr. Walter Rogers, Mr. Ken Haney, Mr. Sam Cribb and Mr. Aubrey L. Jones to the Board of Equalization and Review for 2009. Vote: Motion unanimously approved.

Chairman Willis asked if those appointed to the Board of Equalization and Review had already served two terms. County Manager Patterson said most of them had served two terms but the appointees possess some technical expertise for a Board of Equalization and Review.

*Scotland County Board of Commissioners regular meeting
April 6, 2009, 1405 West Boulevard, Laurinburg, NC*

Motion was made by Commissioner McDow and duly seconded by Commissioner Davis to appoint County Manager Kevin Patterson and Economic Development Director Greg Icard to the Transportation Coordinating Committee. Vote: Motion unanimously approved.

Motion was made by Commissioner McDow and duly seconded by Commissioner McCook to appoint Ms. Cynthia Morton to an unexpired term on the Scotland Memorial Library Advisory Board. Vote: Motion unanimously approved.

Commissioner McDow said the agenda includes a list of boards and committees that will have available seats in the coming months. She asked the Commissioners to encourage interested citizens to complete applications for board and committee seats.

County Manager Patterson said it was agreed in a recent discussion with former City Manager Craig Honeycutt and the now Interim City Manager Dee Hammond that Ms. Hammond succeed Mr. Honeycutt on the Transportation Advisory Committee.

Motion was made by Commissioner Davis and duly seconded by Commissioner McDow to appoint Interim City Manager Dee Hammond to the Transportation Advisory Committee. Vote: Motion unanimously approved.

Item 5. Update from the County Manager

County Manager Patterson discussed the Constitutional requirement for the County to fund the schools, particularly in times of crisis, as indicated in the resolution approved in the Consent Agenda.

Chairman Willis said that it meant if the County had to raise taxes to fund the schools and its needs, the County would be required to do that.

The funding issue was discussed, and Commissioner McCook questioned whether there was a need to approve a resolution since State law already requires that the County financially support the school system.

County Manager Patterson said Parks and Recreation summer programs rely on the hiring of part-time staff of three part-timers for the summer programs and five part-time employees for the Splash Pad. Mr. Patterson said without the part-time positions the summer programs would have to be canceled.

Motion was made by Commissioner McDow and duly seconded by Vice Chair Gholston to hire the Parks and Recreation part-time positions for the summer. Vote: Motion unanimously approved.

County Manager Patterson said a senior maintenance technician is out on FMLA. He added that another position, a maintenance technician, recently resigned. Mr. Patterson asked the Commissioners to consider approval of the maintenance technician position that just opened up.

*Scotland County Board of Commissioners regular meeting
April 6, 2009, 1405 West Boulevard, Laurinburg, NC*

He added that the maintenance technician would also fill in for the senior maintenance worker when necessary.

Motion was made by Commissioner McCook and duly seconded by Commissioner McDow to approve the hiring of a maintenance technician position. Vote: Motion unanimously approved.

County Manager Patterson said names of individuals from County and City administrative staff have been submitted to serve on the 21st Century Communities Steering Committee. Invitations to serve will be sent to the individuals listed. Mr. Patterson said that any Commissioner who wished is invited to serve. Commissioner McCook said he wishes to serve and would like his name added to the list.

Mr. Patterson said the Chamber of Commerce Image Committee will host its spring 2009 Litter Sweep the weekend of April 17. Volunteers will be asked to pick up supplies in the parking lot of Nic's Pic Kwik on North Main Street the morning of April 17 and pick up litter at their convenience through the weekend.

Mr. Patterson said the Criminal Justice Partnership Program is included in the Governor's budget but will be cut seven percent. He reminded the Commissioners that they approved a resolution in the Consent Agenda supporting continuation of CJPP funding.

Mr. Patterson said a letter from Perquimans County asks legislators to require testing of Volatile Organic Compounds in drinking water only when indicated. Perquimans County also approved a resolution supporting the creation of an insurance commission.

The County Manager said he was contacted by a financial consultant who indicated that the 1998-1999 school bonds are callable this year, which could result in a 3.25 percent savings of \$140,000 over the life of the bond. Mr. Patterson asked the Board for direction in this matter.

The Board of Commissioners, by consensus, directed the County Manager to research the issue further if a savings would result.

Other Information/Comments from the Chairman and Commissioners

Chairman Willis distributed two items of information – one regarding proposed legislation that would centralize ABC boards and another urging Congress to implement the homeowners and bank protection act.

Chairman Willis said the local ABC Board opposes forced mergers and supports continued local control by the ABC Board.

Motion was made by Commissioner Alford and duly seconded by Vice Chair Gholston to approve the Resolution Supporting Local Control of the Local ABC Boards and Opposing Forced Mergers of Local ABC Boards. Vote: Motion unanimously approved.

**Resolution Supporting Local Control of the Local ABC Boards and Opposing
Forced Mergers of Local ABC Boards**

WHEREAS, the citizens of Scotland County voted to permit the sale of spirituous liquor through the establishment of the Scotland County ABC Board, which is part of the North Carolina's state control system;

WHEREAS, *SB 839/HB 768 – Modernization of the ABC System* would require all ABC boards in a county to merge, allow the State ABC Commission to merge countywide boards into regional boards, require the ABC Commission to develop performance standards, allow the ABC Commission to close or merge ABC boards, close ABC stores with low profitability, contract directly with agency stores for the sale of spirits where ABC stores are authorized but not in operation, and require the ABC board to contract with an agency store;

WHEREAS, it is a local decision to establish and operate an ABC store, and any decision to merge an ABC Board should be made by the local government based on local circumstances, and not by the state.

WHEREAS, a local government balances control, profits and availability of spirits in operating ABC stores;

WHEREAS, the decision by a local government to operate with a low profit margin does not reduce the amount of liquor excise tax received by the state, so the state does not have a financial interest in the profitability of the ABC stores;

WHEREAS, an "agency store" is a private retail seller, and the citizens of Scotland County, when voting to permit the operation of ABC stores, did not vote to allow liquor to be sold in such private off-premise retail establishments;

WHEREAS, sales and liquor may not be well-regulated in agency stores, thereby potentially creating law enforcement and other problems, Scotland County desires to retain North Carolina's control system over the sales of spirits and to continue to make spirits available to its citizens only through its ABC store;

NOW THEREFORE, BE IT RESOLVED BY THE Scotland County Board of Commissioners that the establishment and operation of Scotland County's ABC through the control system should be a local decision and that the Scotland County Board of Commissioners opposes any state mandate to merge ABC Boards, mandate the merger or closing of ABC stores and opposes the establishment of agency stores.

The Commissioners asked that a homeowners and bank protection act resolution be prepared for consideration at the next meeting.

Commissioner Davis said he supported the resolution where the County reaffirms its support of the schools since the School Board indicated it is committed to helping the County.

Commissioner McCook said he is concerned with the ads about the schools that ran in *The Laurinburg Exchange* and on WLNC for approximately \$2,000, a sum that came out of the County coffers. Commissioner McCook said he felt the ads were not productive and their tone was meant to make the schools buckle to the will of the County.

*Scotland County Board of Commissioners regular meeting
April 6, 2009, 1405 West Boulevard, Laurinburg, NC*

Commissioner McCook asked who authorized the expenditure and why the Board of Commissioners did not make a decision about whether the ads should run.

Chairman Willis said the ads were strictly public information so the content was not political and approval by the Board would not be needed.

Commissioner McCook disagreed saying the ads were akin to asking the County to take a position on funding of the schools.

Commissioner McDow noted that according to a recent education forum report, the County is at the top of the list in its ability to fund the schools, which means the County is funding the schools at a level far above its means to do so.

Commissioner Alford said the Board needs to be clear on spending money for ads that include public information.

County Manager Patterson suggested that the Board could develop a policy on advertising public information through the media.

Item 6. Closed Session

Motion was made by Commissioner Davis and duly seconded by Commissioner McCook to go into Closed Session held in accordance with N.C. General Statute in accordance with N.C. General Statute §143-318.11(a)(3) to consult with an attorney and Closed Session 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.

OPEN SESSION RESUMED

Motion was made by Commissioner McPhatter and duly seconded by Commissioner Alford to adjourn. Vote: Motion unanimously approved. Meeting adjourned at 8:10 p.m.

Ann W. Kurtzman
Clerk to the Board

J.D. Willis
Chairman