

*Scotland County Board of Commissioners regular meeting
April 3, 2006, Commissioners Chamber, 1405 West Boulevard, Laurinburg*

MINUTES

**Scotland County Board of Commissioners
Regular Meeting, April 3, 2006
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, Leon Butler, Charles “Scoofer” Jordan, Joyce McDow and Clarence McPhatter. Staff in attendance: County Manager John A. Crumpton, Finance Officer/Assistant County Manager Kevin Patterson, County Attorney Edward Johnston and Clerk to the Board Ann W. Kurtzman. Chairman Willis delivered the opening prayer. The Pledge of Allegiance was recited.

Chairman Willis asked if anyone wished to speak at Public Forum.

Mr. Ken Gibson, Laurel Hill: Mr. Gibson asked if the revenue generated from a mega landfill would reduce the tax rate. He asked if it would generate 100 jobs. He asked what would be its use after it’s filled other than being a mountain of trash. Mr. Gibson said he does not want to see a landfill in the County because nothing good could come of it.

Chairman Willis said the Commissioners continue to formulate answers to those questions and more, all of which would be made public in the near future.

Mr. Scott Miller, Laurinburg: Mr. Miller discussed the grant opportunity provided the Recreation Complex by the Tourism Development Authority. Mr. Miller said completion of the Complex would generate interest in the retail/service industry locally. He commended the TDA for taking the lead in this project.

Mr. Philip McRae, Laurinburg: Mr. McRae said Sandhills Mediation Center, Inc. is the record owner of the McDougald Building. Remodeling the building is a bigger project than the non-profit organization could reasonably handle, said Mr. McRae. He said the organization would like to offer the property as a donation to the County.

No one else spoke, and Public Forum was closed.

Item 1. Public Hearings: Planning and Zoning

Planning and Zoning Chairman Henry McLeod presented the following applications:

Rezoning Application Number 433-06 – Derwin Manning requests to rezone 16 lots in Springfield Village in accordance with the Scotland County Zoning Ordinance, Article IV from R1 (Residential Single Family) to R1-MHA (Residential Single Family with Mobile Home Overlay). The properties are located on Highway 79 and better described as Scotland County Tax Map Number 160, Block 08, Springfield Village.

Mr. McLeod said the Commissioners in December approved the rezoning of this area from Residential Agricultural to Residential Single Family after the community expressed concerns

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about mobile homes being located in the area. Mr. McLeod said Mr. Manning didn't know all that when he applied to have it rezoned. He said the Zoning Ordinance now prohibits mobile homes in the area, and the Planning and Zoning Board recommends the application be denied.

Chairman Willis opened the Public Hearing asked if anyone wished to speak in favor of or against the application.

Mr. Derwin Manning, the applicant, said the placement of doublewide homes in the area would not hurt the value of existing homes, and it is his intent to develop the community. He said the mobile homes would be high-value doublewide units, and he would use septic tanks. Mr. Manning said since the surrounding area is zoned Residential Agricultural, he did not understand why this one community would be zoned Residential Single Family. He said the properties would be rental and most of the doublewide mobile homes would be new. He asked the Commissioners what he would be able to do with the land otherwise since it was his understanding the area was zoned RA.

A woman who did not identify herself, speaking on behalf of Springfield residents, said the residents are against the rezoning application. She said the mobile homes would be very close to existing homes and would be scattered throughout the community and not in one area. She said some of the lots are too close to other people's homes. She said residents also are concerned with the number of people who move in and out of mobile home rental units.

Ms. Shelby Callahan, Mont Street, said her experience with rental units in the past has not been good, and she is against the application.

Mr. Marshall Perkins said he is against the application because he thinks septic tanks would create standing water in the yards, which sometimes would take weeks to go down.

Ms. Gervonia Manning spoke in favor of the application. She said the properties would be rented only after applicants are given criminal background checks and credit and reference checks. She said renters also would be required to sign inspection agreements. Ms. Manning said all properties would be fenced in, and anyone not in compliance with State regulations would be evicted. She said the process is done for all their rental properties.

Pastor Manning, Community Baptist Church, said his son does not plan to put junk in the community, and the rental checks would be strict, as Ms. Manning stated. He said his son's application would be a plus to the community if given the chance.

No one else spoke, and the Public Hearing was closed.

Chairman Willis said staff previously reviewed the community and recommended the zoning be changed to Residential Single Family, and that recommendation was accepted.

Motion was made by Commissioner Butler and duly seconded by Chairman Willis to deny Rezoning Application Number 433-06. Vote: For: Chairman Willis and Commissioners Butler, Jordan, McDow and McPhatter. Vote: Against: Vice Chair Gholston and

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Commissioner Alford.

Commissioner Jordan suggested the Mannings might consider modular homes, which would fit the Residential Single Family zoning.

Mr. McLeod presented a conditional use application.

Conditional Use Application Number 434-06 – New Cingular Wireless PCS, LLC d/b/a/ Cingular Wireless requests a Conditional Use Permit to construct a telecommunications antenna support structure on a 100 x 100 portion of property located at 16321 Pea Bridge Road, Laurinburg, and is better described as Scotland County Tax Map Number 260, Block 01, Parcel Number 013.

Mr. McLeod said the cell phone tower would be over 300 feet tall, and the company would include a hold harmless agreement in the contract in the event the tower fell. Mr. McLeod said the Planning and Zoning Board recommends the conditional use application be granted.

Chairman Willis opened the Public Hearing and asked if anyone wished to speak in favor of or against the conditional use application.

Ms. Karen Kemerait, who represents Cingular Wireless, said the tower would provide coverage to areas in Scotland County that now have no coverage.

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

Motion was made by Commissioner Jordan and duly seconded by Commissioner McDow to approve Conditional Use Application Number 434-06. Vote: Motion unanimously approved.

Item 2. Consent Agenda

- a) Approve minutes of the Board of Commissioners March 13, 2006 regular meeting.
- b) Approve application for Operating Assistance for FY 06-07 Rural Operating Assistance Program (ROAP) Funds. *(No written comments submitted for Public Hearing)*
- c) Declare surplus the following property: one 1992 ambulance chassis VIN# 1FDKE30M9NHA21528; one lot of seven (7) CPUS, seven 14” to 17” monitors and five (5) various printers; and one 24-passenger 1994 Ford bus VIN# 1FDKE30G3RHB49201
- d) Approve request by the City of Laurinburg pursuant to NCGS 14-413 to hold Independence Day fireworks July 4, 2006
- e) Adoption of the holiday schedule for 2007 to coincide with that of the State calendar per County policy. New Year’s Day, January 1, 2007; Martin Luther King Jr. Birthday, January 15, 2007; Good Friday, April 6, 2007; Memorial Day, May 28, 2007; Independence Day, July 4, 2007; Labor Day, September 3, 2007; Veteran’s Day, November 12, 2007; Thanksgiving, November 22 and 23, 2007; Christmas, December 24 25 and 26, 2007.

f) Budget Amendments

- 1) **Sheriff**: Approve transfer of \$15,346 from DSS and authorize the Finance Officer to make the necessary arrangements to expend the money.
- 2) **Administration**: Approve transfer of \$10,952 from Elections and authorize the Finance Officer to make the necessary arrangements to expend the money.
- 3) **DSS**: Approve additional funding in the amount of \$30,547, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.
- 4) **DSS**: Approve additional funding in the amount of \$49 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. Lumber River Council of Governments Update

Mr. James Perry, Lumber River Council of Governments Executive Director, discussed the current grant opportunities administered by LRCOG that would benefit the County. He said federal grants for the disadvantaged for community block grants are expected to be cut \$8 million to \$9 million this year.

Mr. Perry discussed Workforce Development and how the federal job training funds assist dislocated workers, youth and people without jobs.

Mr. Perry also discussed staff attrition as a result of funding cuts that pass through the agency.

Item 4. Closed Session

Motion was made by Commissioner Alford and duly seconded by Commissioner Butler to go into 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 and 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.

The Commissioners held Closed Session in the Health Department Education Room.

OPEN SESSION RESUMES

Item 5. Gill House Update: Historic Properties Commission

Mr. John Stewart was not present, and the Commissioners continued to the next agenda item.

Item 6. Scotland County Sports Complex Update

Parks and Recreation Advisory Board Chair Becca Hughes said the Tourism Development Authority (TDA) approved a \$55,000 grant for the Recreation Complex for the construction of four soccer fields plus irrigation. Ms. Hughes said the funds would be sufficient to complete two regulation-size soccer fields and do the prep work on the two remaining fields. Ms. Hughes said the TDA agreed to this counterproposal.

Ms. Hughes asked the Board of Commissioners to accept the funds and authorize continued oversight and development of the project to the County Engineer.

Motion was made by Commissioner Jordan and duly seconded by Commissioner Alford to accept the \$55,000 and authorize oversight and development of the project to the County Engineer. Vote: Motion unanimously approved.

Item 7. Personnel Policy Amendments and Updates

County Manager Crumpton said staff continues to review the Personnel Policy, and as soon as that is complete, the Commissioners would receive a draft copy for review and eventual action at a future meeting.

Item 8. Update from the Finance Officer/Assistant County Manager

Finance Officer/Assistant County Manager Kevin Patterson said as of March 31, 2006, there was \$24.3 million in total expenditures, \$33.2 million in total revenues, \$18.1 million in cash and investments in which \$2.7 million is in reserve for the schools.

Mr. Patterson said he received a budget amendment from DSS for the LINKS Trust program. He asked the Commissioners to accept receipt of \$1,350 from the State with no County dollars required.

Motion was made by Vice Chair Gholston and duly seconded by Commissioner McDow to accept receipt of State funds in the amount of \$1,350, and authorize the Finance Officer to receive and expend the money. Vote: Motion unanimously approved.

Mr. Patterson said the Robeson Agricultural Fair Committee is asking Scotland County to participate in its 60th anniversary event. He said elected officials would be invited to the event, and there is a request for the County to host a booth and make a minimum donation of \$200.

Cooperative Extension Director Cathy Graham summarized participation by 4-H in previous Robeson County Agricultural Fairs.

Chairman Willis said the Board would consider the request and make a decision at the May 1, 2006 regular meeting.

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Mr. Patterson introduced Ms. Alyssa Walker, of Noresco, who would discuss the Scotland County School's Guaranteed Energy Savings contract seeking acknowledgement of the contract by the Commissioners.

Ms. Walker said the contract would be \$2,750,500 over the next 12 years, and the energy savings realized by the schools would offset the payment to capitalize the program. Ms. Walker said the resolution acknowledges that the Commissioners are aware the schools are going through the process as required by the Local Government Commission.

Motion was made by Commissioner McPhatter and duly seconded by Commissioner Alford to approve the resolution regarding the Guaranteed Energy Savings Contract with the Scotland County Board of Education. Vote: Motion unanimously approved.

**RESOLUTION ACKNOWLEDGING THE EXECUTION AND DELIVERY BY THE
SCOTLAND COUNTY BOARD OF EDUCATION OF A
GUARANTEED ENERGY SAVINGS CONTRACT**

BE IT RESOLVED by the Board of Commissioners (the "Board") of the County of Scotland, North Carolina (the "County") as follows:

1. The Board hereby finds, determines and acknowledges that:

(a) the Scotland County Board of Education (the "School Board") plans to enter into a \$2,750,500 guaranteed energy savings contract pursuant to G.S. 143-64.17 et. Seq. for the purpose of providing certain energy conservation measures authorized thereby (the "Project") so as to reduce energy consumption and/or energy-related operating costs;

(b) the School Board intends to finance the Project by entering into an installment contract (the "Contract") pursuant to G.S. 143-64.17C and G.S. 160A-20, as amended;

(c) the energy savings resulting from the Project are expected to equal or exceed the total costs payable under the Contract as shown in an evaluation performed by a licensed architect or engineer on behalf of the School Board;

(d) the payments under the Contract are not expected to require any additional appropriations to be made to the School Board nor any increase in taxes; and

(e) the Board does not intend to reduce appropriations to the School Board based upon a reduction of energy costs in a manner that would inhibit the ability of the School Board to make the payments under the Contract, provided that the County is not bound in any manner to appropriate funds to the School Board in amount sufficient for the School Board to make such payments.

2. This resolution shall take effect upon its passage.

Item 9. County Manager's Report

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County Manager Crumpton said in 2003 an oil tank was removed at the County's expense from the Gill House property. A limited site assessment, which would cost \$6,000, must be submitted to the State by May 15, 2006. Mr. Crumpton said if the County would pay \$3,000 for the limited site assessment, the Historic Properties Commission would pay the other \$3,000.

Motion was made by Commissioner Alford and duly seconded by Commissioner McPhatter to approve the Work Authorization and Contract Sheet from Environmental Hydrogeological Consultants, Inc. with the County paying \$3,000 and the Historic Properties Commission paying \$3,000 to fund the assessment. Vote: Motion unanimously approved.

Mr. Crumpton said the Commissioners are being asked to approve some additions to the Public Access Channel Rules and Regulations. Mr. Crumpton said a ballot issue would be included under definitions, the rerun rule would be revised for series producers and a revision would be made to prohibit material in support of or against a legally qualified candidate for public office or ballot issues. He said the City of Laurinburg recently approved the changes.

Motion was made by Vice Chair Gholston and duly seconded by Commissioner Butler to approve the revisions and additions to the Public Access Channel Rules and Regulations. Vote: Motion unanimously approved.

Mr. Crumpton asked if the Commissioners wished to participate in the Beaver Management Assistance Program. He said the County has not participated in several years.

The Board of Commissioners, by consensus, agreed not to participate in the Beaver Management Assistance Program.

The County Manager reminded the Commissioners of the April 18, 2006 NCACC district meeting in Fayetteville where Medicaid reform proposals would be discussed.

Mr. Crumpton said the County received a letter from the NCDOT regarding upcoming bridge projects. He said comments must be submitted to the NCDOT by May 22, 2006.

Mr. Crumpton said the Governor proclaimed April 17-30, 2006 as Spring Litter Sweep. He asked the Commissioners to consider a similar proclamation.

Motion was made by Commissioner McPhatter and duly seconded by Commissioner Alford to proclaim April 17-30, 2006 as Spring Litter Sweep in Scotland County. Vote: Motion unanimously approved.

The County Manager said the Buncombe County Board of Commissioners recently approved a resolution asking the Federal government not to sell national forest land in North Carolina.

Motion was made by Vice Chair Gholston and duly seconded by Commissioner Alford to support the request by Buncombe County not to sell National Forest Land in North Carolina. Vote: Motion unanimously approved.

Item 10. Medicaid/NCACC District Meeting Report

Commissioner Joyce McDow discussed Medicaid relief plan proposed by Senator Tony Rand. She said the Rand proposal is a long term solution to Medicaid relief where the State would fund Medicaid in exchange for the Article 39 one-cent sales tax. She urged the Commissioners to lobby for that proposal since it is the best one presented so far.

Other Information/Comments from the Chairman and Commissioners

Commissioner Butler said Mr. David Guy will be unable to serve on the Board of Equalization and Review because of a health problem. Commissioner Butler asked the Commissioners to consider the appointment of Ms. Nan Johnson as an alternate to the Board of Equalization and Review.

Motion was made by Commissioner Butler and duly seconded by Commissioner Jordan to appoint Ms. Nan Johnson as an alternate to the Board of Equalization and Review. Vote: Motion unanimously approved.

Motion was made by Commissioner Alford and duly seconded by Commissioner McDow to adjourn. Vote: Motion unanimously approved. Meeting adjourned at 9:05 p.m.

Respectfully Submitted,

Ann W. Kurtzman
Clerk to the Board

J.D. Willis
Chairman