

*Scotland County Board of Commissioners regular meeting
May 3, 2010, 1405 West Boulevard, Laurinburg, NC*

MINUTES

**Scotland County Board of Commissioners
Regular Meeting, May 3, 2010
Scotland County Complex, 1405 West Boulevard, Laurinburg NC**

At 7 p.m. Chairman J. D. Willis called the 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 Edward Johnston and Clerk to the Board Ann W. Kurtzman. Commissioner Alford delivered the opening prayer. The Pledge of Allegiance was recited.

Public Forum

Ms. Helen Livingston quoted Mr. Peter Anderson, Executive Director of the Center for Competitive Waste, which is dedicated to the protection of a competitive waste industry. Ms. Livingston said \$200,000 had been spent on the landfill project that was proposed for the Sandhills. She said taxpayers should know how much the County has spent on the new proposed landfill project. Ms. Livingston said the Commissioners should seriously investigate alternatives to “mega dumps.” She pointed out that the Town of Maxton approved a resolution opposing a landfill near Maxton and the airport. Ms. Livingston asked the Commissioners to please listen to Maxton and the people.

Mr. Tom Gibson read portions of a letter he received from a friend who lives one mile from the Bishopville landfill. The friend wrote of bad odors and numerous birds. The friend wrote that residents get very little from the landfill in the way of tax relief. Mr. Gibson said there is no stopping a landfill once one gets started. Once a landfill is in, money is spent on whatever it takes to keep the landfill there, Mr. Gibson said. He added that Scotland County should tend its own waste and let other communities tend to theirs.

Mr. L.T. Grubbs read the County Vision Statement to the Board of Commissioners. He asked how a “mega dump” fits into that description.

Mr. Joe Creech said Campbell’s Soup cleans everything one day a week for some religious organization and people come in to observe what they do. Mr. Creech said if the landfill comes, “you can kiss that goodbye.”

Item 1. Public Hearings: Planning and Zoning

Planning and Zoning Chairman Henry McLeod introduced the following applications:

Conditional Use Application 460-10 – Robert Craig Davis, Jr. – Request for a Conditional Use Permit to operate an in home mail order firearms business located at 6401 Peeles Chapel Road, Laurel Hill, NC. Scotland County Tax Map Number 157 Block 01 Parcel 046.

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Mr. McLeod said the business was inspected by the ATF and has received tentative approval. Mr. McLeod said the applicant will order firearms from his house and deliver the firearms to customers. No weapons or ammunition will be stored in the home.

Mr. McLeod said the Planning and Zoning Board recommends approval of the application.

County Attorney Ed Johnston opened the Public Hearing and asked if anyone wished to speak for or against the conditional use application.

Mr. Robert Craig Davis, Jr., having been sworn in by the Clerk to the Board, said the business involved the sales of pistols, hunting rifles and shotguns. There would be no sales of assault weapons.

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

Commissioner Davis asked permission to be excused from the vote. Commissioner Davis said he would not benefit financially from the business, but the applicant is a family member. Chairman J.D. Willis excused Commissioner Davis from the vote with Board consensus.

Motion was made by Commissioner McCook and duly seconded by Commissioner McDow to approve Conditional Use Application Number 460-10. Vote: For: Chairman Willis and Commissioners Alford, McCook, McDow and McPhatter. Vote: Against: Vice Chair Gholston.

Mr. McLeod introduced the next application.

Rezoning Application 461-10 – Tracie D. Locklear – Request to rezone 1.54 acres in accordance with Scotland County Zoning Ordinance Article IV from RA (Residential Agricultural) to C1 (Neighborhood Commercial). The property is located at 12820 Pea Bridge Road, Laurinburg, NC and better described as Scotland County Tax Map Number 239 Block 01 Parcel 062. Property owner is Eula S. Kelly.

Mr. McLeod said the applicant would like to put a country store on the property. Neighbors opposing the application said they feared the store would attract unwanted people to the community, especially at night.

Mr. McLeod said the Planning and Zoning Board recommends the application not be approved because it is considered spot zoning and the applicant would have to apply for a conditional use for a buffer, which could present a security problem.

County Attorney Ed Johnston opened the Public Hearing and asked if anyone wished to speak for or against the rezoning application.

Mr. Nelson High came forward and said he represents the people who signed the petition against the application. Mr. High said the area is a mix of residential and farmland. All the people who

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signed the petition against the application live within a few blocks of the proposed store. Mr. High said the petitioners do not want anybody putting a business like that in the neighborhood.

No one else spoke against the application. Mr. Johnston asked if anyone wished to speak in favor of the application.

Six individuals came forward to speak in favor of the application. All cited the convenience of having a store in the community where they can pick up basic food and household items without having to travel to larger markets, some located in South Carolina.

One citizen, Gary Locklear, asked what the zoning law said.

County Attorney Johnston said there is flexibility for the zoning of Neighborhood Commercial in the community, and it could go either way.

County Attorney Johnston asked for a show of hands of those people who favor the application. About a dozen people raised their hands.

Ms. Tracie Locklear spoke in favor of the application. She distributed a petition signed by an estimated 100 people who supported the rezoning application. Ms. Locklear said there would be no clubs in the area, and she just wanted to start a small business so she could earn income for her family. Ms. Locklear's daughter, Wendy, displayed a floor plan and the items the store would sell.

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

The Commissioners and Mr. McLeod discussed the buffer requirement when there is a commercial establishment next to a residential area.

Commissioner Alford said he could see no reason not to approve the rezoning application. He explained the petitions show more people favor a community store. Commissioner Alford added that there have been businesses in the area before.

Motion was made by Commissioner Alford and duly seconded by Vice Chair Gholston to approve Rezoning Application Number 461-10 with the type and size of the buffer to be determined by the Planning and Zoning Board. Vote: Motion unanimously approved.

Mr. McLeod introduced the next application.

Conditional Use Application 462-10 – Viridian Biomass – Request for a Conditional Use Permit to operate a biomass facility that converts organic waste into biofuel. The property is located on Airbase Road and better described as Scotland County Tax Map Number 252 Block 01 Parcel 004. St. Andrews College owns the property.

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Mr. McLeod said the land is zoned industrial. He said the company will works with blended wood chips and biosolids, it will not accept household waste. Mr. McLeod said only wood products would be stored outside.

Mr. McLeod said the Planning and Zoning Board recommends approval of Conditional Use Application 462-10 with the following conditions:

- *Company will make all reasonable efforts to minimize its emission of*
 - *Smoke*
 - *Dust*
 - *Fumes*
 - *Glare*
 - *Noise*
 - *Vibration*
 - *Odor*

- *Company will apply for, obtain and maintain all state and federal permits including but not limited to air, water, land quality permits – and operate within or in conformity with the permit*

- *Company to notify County Manager and County Engineer within 5 working days of receipt of any notice of non-compliance with any permit*

- *BOC reserves the right to modify the conditions of this approval should circumstances warrant such modification (in BOC's sole discretion)*

- *Hours of operation will be as stated in application unless BOC approves otherwise*

- *It is anticipated that the operation of this facility will not result in the creation of odors; should complaints about odors arise, the BOC reserves the right to modify existing conditions and/or impose new conditions to address same.*

Operation of facility will be maintained in compliance and accord with those standards in Section 38 of the Scotland County Zoning Ordinance.

County Attorney Ed Johnston opened the Public Hearing and asked if anyone wished to speak for or against conditional use application 462-10. No one came forward, and the Public Hearing was closed.

Motion was made by Commissioner McDow and duly seconded by Commissioner Alford to approve Conditional Use Application Number 462-10 along with the conditions as outlined above. Vote: Motion unanimously approved.

Item 2.ARRA Nutrition Funding Request

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LRCOG Aging Program Administrator Margaret Kelly asked the Commissioners to approve new American Recovery and Reimbursement Act (ARRA) funding for the nutrition program for the period ending December 31, 2010. Ms. Kelly said the funds would pay for additional meals to the frail and elderly currently enrolled in the nutrition program.

Ms. Kelly said the one-time funding would allow for the continued provision of meals when nutrition sites were closed during holidays. Ms. Kelly said Scotland County would receive \$15,110 with a \$1,679 local match.

Motion was made by Vice Chair Gholston and duly seconded by Commissioner McPhatter to approve the Agreement for the Provision of County-Based Nutrition Services for the Elderly through the ARRA of 2009 and the County Funding Plans. Vote: Motion unanimously approved.

Item 3. 2009 Annual Report: Community Child Protection Team

Community Child Protection Team (CCPT) Chair Wendy Stanton presented the 2009 annual report. She said CCPT reviewed the cases of eight families, which included 15 children. The cases reviewed demonstrated the work of 10 different agencies. Of the cases reviewed, 80 percent suffered from substance abuse addiction, and domestic violence was a major issue for 50 percent of families reviewed.

Ms. Stanton discussed achievements in 2009 and goals for 2010. She asked the Commissioners to consider approval of the 2010 CCPT membership team.

Motion was made by Commissioner Alford and duly seconded by Commissioner Davis to approve the Community Child Protection Team for 2010. Vote: Motion unanimously approved.

Item 4. 2008 Annual Report: Child Fatality Prevention Team

Child Fatality Prevention Team (CFPT) Chair Kitty Johnson presented the 2008 report. Ms. Johnson reported on the eight deaths and causes of the deaths. Ms. Johnson said the 2008 statistics are a little better than the previous year locally but still above the State average.

Ms. Johnson discussed the numerous activities and projects that took place to raise awareness of child fatalities, including a billboard promotion of the Safe Surrender Law.

Item 5. Consent Agenda:

- a) **Approval of minutes of the Board of Commissioners April 5, 2010 regular meeting.**
- b) **Approve resolution requesting that the NCDOT abandon SR 141476 — Fairley Ray Road, Wagram from the State Maintained Road System.**
- c) **Approve Tax Department request to release funds in the amount of \$301.21 and in the amount of \$4,308.24 and to make refunds in the amount of \$815.91 and in the**

amount of \$1,071.78.

- d) Approve transfer of one watch and one tray commemorating Edwin Gill to Scotland Historic Properties Commission.
- e) Approve EMS Week Proclamation
- f) Approve request by EMS to surplus a 1993 Ford E-350 AEV Ambulance VIN# 1FDKE30M6PHA81799.
- g) Approve request to transfer the surplus 1993 Ford E-350 AEV Ambulance VIN# 1FDKE30M6PHA81799 to the City of Laurinburg Police Department.
- h) Approve Health Department bad debt write off request in the amount of \$8,433.33.
- i) Budget Amendments:
 - 1) DSS: Approve receipt of additional funding in the amount of \$71,004, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.
 - 2) Juvenile Crime Prevention Council: Approve receipt of an additional \$11,111 for Scotland County JCPC for FY ending 6/30/10.
 - 3) Juvenile Crime Prevention Council: Approve transfer of \$8,325 from the JCPC Administration Budget to the Scots for Youth Budget.

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

Item 6. Health Department Staffing Request

Health Director Ron Sapp asked the Commissioners to approve the upgrade of the Breastfeeding Peer Counselor from a part-time Community Health Assistant to a full-time Medical Office Assistant. The position will be funded by a federal grant.

Mr. Sapp added that with a growing caseload there is a need to fill the Nutritionist I position, which has been vacant since March 30, 2010.

Motion was made by Commissioner McCook and duly seconded by Commissioner Alford to approve the upgrade of a part-time Community Health Assistant to a full-time Medical Office Assistant and to approve the recruitment for a Nutritionist I position. Vote: Motion unanimously approved.

Item 7. Update from the County Manager

County Manager Patterson said there was consensus among governments in the region to apply for a planning grant to gather additional information on the cost and process of regionalizing the West Point water and sewer plants.

The LRCOG will administer the grant process, and Scotland County will serve as official applicant to the Rural Center. Any local match would be paid by all governments participating in the study.

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Motion was made by Commissioner Davis and duly seconded by Commissioner McCook to approve the intent to apply for a study and planning grant to be administered by the LRCOG. Vote: Motion unanimously approved.

Mr. Patterson said the ABC Board asks the Commissioners to approve a resolution supporting the current structure of the ABC system in the State. The Governor has made recommendation to study changes in the structure across the state, including privatizing the system.

Motion was made by Commissioner McPhatter and duly seconded by Commissioner McDow to approve a Resolution in Support of the Current Alcoholic Beverage Control System in North Carolina. Vote: Motion unanimously approved.

**RESOLUTION IN SUPPORT OF THE CURRENT
PUBLIC ALCOHOLIC BEVERAGE CONTROL SYSTEM IN NORTH CAROLINA**

WHEREAS, Chapter 18B of the North Carolina General Statutes addresses the regulation of alcoholic beverages in our state; and

WHEREAS, current North Carolina law establishes a uniform system of control over the sale, purchase, transportation, manufacture, consumption and possession of alcoholic beverages in North Carolina; and

WHEREAS, local government control is central to the current alcoholic beverage control system; it is a local decision to establish and operate ABC stores, and local government, acting through an appointed local ABC Board, balances the control, profits and availability of spirits in its jurisdiction; and

WHEREAS, when local voters approved liquor sales for off-premises consumption, the voters did not vote to allow liquor to be sold in private retail establishments, but only through publicly controlled local ABC stores; and

WHEREAS, current law provides that profits from ABC store sales are returned to local government, and this revenue stream is a critical source of local government funding; and

WHEREAS, it is a priority to maintain current sources of revenue, especially in the current challenging economic times; and

NOW, THEREFORE, BE IT RESOLVED that the Scotland County Board of Commissioners does hereby support the continuance of the Alcoholic Beverage Control System, and opposes any efforts to privatize the ABC system, diminish local control or to diminish the local government revenue stream afforded from local ABC store profits.

Adopted this 3rd day of May, 2010.

Mr. Patterson then discussed other staffing issues at the Health Department. Mr. Patterson said two vacancies exist at the agency's front window. Mr. Patterson asked the Board to allow the County to work with a staffing company to recruit the positions.

The Commissioners discussed at length the benefit of using a staffing company and temporary workers versus formal recruitment and hiring of permanent positions.

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Health Director Ron Sapp discussed the immediacy with which the positions must be filled. He added the services of a staffing agency would provide a temporary solution. Mr. Sapp said the Health Department is in desperate need to fill the positions now and that anyone hired through a staffing agency would be included in the probationary process. The use of a staffing agency would speed up the filling of the positions.

Mr. Patterson said a worker from a staffing agency would eventually be eligible to apply competitively for the permanent position.

Motion was made by Commissioner McPhatter and duly seconded by Commissioner McDow to waive the 90-day wait period and begin the hiring process immediately. Vote: Motion unanimously approved.

Mr. Patterson said he included a draft Ethics Code in the agenda package. Commissioner Davis asked the County Attorney and County Manager to review the ethics code.

Mr. Patterson said a resolution from Chowan County opposing the transfer of secondary road maintenance to the counties was received along with a resolution from Macon County requesting a change in the well regulations to allow licensed well drillers to self certify grout installations. A copy of the resolution was forwarded to the Health Department.

The County Manager said the Rural Center approved a \$49,000 award to convert the old post office in Wagram into a market. A Rural Center contract is expected in the next 30 to 60 days. The contract must be approved by the Board before it can be executed.

Motion was made by Vice Chair Gholston and duly seconded by Commissioner Alford to approve the Rural Center contract pending review by the County Attorney. Vote: Motion unanimously approved.

After brief discussion, the Commissioners scheduled a budget work session 12 p.m. Monday, May 24 at 507 West Covington Street and tentatively scheduled continuation of the budget work session for May 26, same time same place, if necessary.

The County Manager said currently expenditures are approximately \$1.5 million higher than last year. Most departments submitted budgets equal with last year. There was an increase in the DSS budget due to uncontrolled costs, plus an increase in retirement and insurance. Mr. Patterson said the difference does not include any COLA.

He said revenues appear to be stable. The first estimate on property tax valuation is consistent with last year with the same collection ratio. Sales taxes are projected to have a two per cent increase for the year. Mr. Patterson said this still leaves a wide margin that will have to be met in the budget.

Additionally, the County Manager said there are a number of capital items that will need Board approval before they can be put in the budget. Capital projects include the Speller building and security and building renovations at DSS. Mr. Patterson said the County is awaiting official

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notification of the earmark grant for the EOC building. The County still will have to go through the normal application process to receive the funds.

Mr. Patterson said LGC has begun the approval process for the Wagram school expansion project.

Mr. Patterson said the Maxton Town Board approved a resolution opposing a landfill expansion in Scotland County.

Motion was made by Commissioner Alford and duly seconded by Commissioner McCook to go into 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. Vote: Motion unanimously approved.

OPEN SESSION RESUMED

Motion was made by Commissioner McCook and duly seconded by Commissioner Davis to recess to 12 p.m. Monday, May 24, at 507 West Covington Street. Vote: Motion unanimously approved.

Ann W. Kurtzman
Clerk to the Board

J.D. Willis
Chairman