

*Scotland County Board of Commissioners regular meeting
June 7, 2004, 1405 West Boulevard, Laurinburg*

MINUTES

**Scotland County Board of Commissioners Regular Meeting, June 7, 2004
Scotland County Complex, 1405 West Boulevard, Laurinburg, NC**

At 7 p.m., Chairman David Burns called the regular meeting to order. Commissioners in attendance: Chairman David Burns, Vice Chair Nancy J. Shelley, Betty Blue Gholston, Charles "Scoofer" Jordan, Sam Snowdon, Clint Willis and J.D. Willis. Staff in attendance: County Attorney Ed Johnston, Chief Financial Officer/Assistant County Manager Kevin Patterson and Clerk to the Board Ann W. Kurtzman. Commissioner Jordan delivered the opening prayer. The Pledge of Allegiance was recited.

Chairman Burns presented the 2004 Department Head of the Year Award to Register of Deeds Jane Callahan.

Chairman Burns opened Public Forum. He invited those in attendance who would not be able to attend the June 9, 2004 Public Hearing on the FY 2004-2005 Proposed Budget to speak at this time.

Mr. John Thomas: Mr. Thomas asked the Commissioners how the governing body could justify setting aside \$200,000 for employee raises while at the same time complain about a \$450,000 increase in school floor funding.

Commissioner Clint Willis said the \$200,000 is just a proposed cost of living increase for employees and nothing has yet been decided.

Mr. Harold Mercer: Mr. Mercer asked whether the Commissioners run the County or the School Board runs the County. He described the idea of funding mandates when there are no funds with which to do it as "malarkey."

Mr. Buddy McCarter: Mr. McCarter said although he could appreciate the challenges facing the Commissioners he wanted to see no more taxes because the County cannot afford it. He implored the Commissioners to cut services, challenge the school floor and do whatever is necessary to cut taxes.

Mr. Freddie Gibson: Mr. Gibson said the Commissioners were elected to represent Scotland County citizens, not the State, not the federal government. He challenged the Commissioners not to pay the mandates if the funding was not there. He urged the Commissioners to stand up for the citizens, say no to the mandates, go to court if necessary and stop these taxes. He said take action and say no to Doug Yongue, Bill Purcell and the rest of the State.

Mr. Wilbur Newman: Mr. Newman said revaluation was supposed to lower the tax rate, but now he pays more taxes on a more expensive home. He asked why revaluation was going to be conducted every four years instead of every eight years.

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Mr. Bill Grogan: Mr. Grogan suggested the best thing the Commissioners can do is say “no” to the school floor. He said that as a representative for the Concerned Citizens for Good Government, he attended School Board meetings but was never given an opportunity to speak before the Board of Education. He said the people in this room care about the County and don’t want to see it go bankrupt. He predicted that would happen the way the tax rate is going. Mr. Grogan also complained about the unreasonable increase in property values. He said take a stand and choose not to fund social services or the school system until they justify how the money would be spent. Say no to higher taxes even if it means cutting services and find a way to fight to get the taxes reduced, he said.

Mr. Bill Strickland: Mr. Strickland asked how 99 other counties out of 100 do without a school floor tax. If the County continually year after year does not take a stand the school floor issue will go on and on and on.

Dr. Bill Morgan: Dr. Morgan, addressing Mr. Grogan, said that if he was denied the right to speak at the next Board of Education meeting to give him a call and he would take care of the request. Dr. Morgan said at a joint meeting of the County Commissioners and Board of Education he challenged the governing body to hold a joint meeting of the County, Board of Education and all municipalities in order to have a “hard-nosed discussion” about what’s going on. So far, he has seen no such request to have that joint meeting. Dr. Morgan said the Board of Education gave up \$1 million and cut personnel. He challenged the Commissioners to give up their salaries, and the Board of Education would do likewise. Dr. Morgan said the County employees should give up their raises for a year. He said he would make an honest effort to give up the \$427,000 if he saw an honest effort on the part of the Board of Commissioners to make some hard-nosed decisions. He said he is only one vote on the School Board, but he would make that challenge. He complained about the revaluation process and how it affected the value of two properties he owned, which he appealed.

No one else spoke. Chairman Burns declared the Public Forum closed and moved on with the agenda.

Item 1. FY 2004-2005 NCDOT Secondary Road Improvement Plan

Mr. Kevin Hedrick, District Engineer for the NC Department of Transportation, presented the FY 2004-2005 Secondary Road Construction Program. Mr. Hedrick reviewed the Highway Fund, the Trust Fund, the paving priority list, the map indicating proposed roads to be widened and the hold list of roads with rights of way that are unavailable. Those roads might eventually become eligible for paving if the right of way becomes available. The Highway Fund allocation is approximately \$385,000 with an unallocated amount of approximately \$79,000. The proposed FY 2004-2005 Trust Fund allocation is approximately \$369,000 with an unallocated amount of approximately \$87,000.

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Motion was made by Commissioner Clint Willis and duly seconded by Vice Chair Shelley to approve the FY 2004-2005 NCDOT Secondary Road Improvement Plan. Vote: Motion unanimously approved.

Mr. Hedrick said the funds come from the gas tax. He provided an update on work progress at the Blues Farm and Turnpike Roads intersection, which was recently paved. One utility pole will be replaced and made a little taller followed by painting of the stripes. He said the NCDOT is looking at left turn lanes at X-Way and Turnpike roads in the next budget year for access to the new community complex. He said he knows of no plans to place a turn lane at the Jameson Inn intersection, but he would look into it and report back to the Board.

Item 2. County Engineer's Report

County Engineer Jim Blackwell reviewed the proposed amendments to the Solid Waste Ordinance.

- 1. Include abandoned manufactured homes, mobile homes, burned, partially burned structures or other uninhabited structures, which are declared unsafe in the definition of Construction and Demolition Waste (3).*
- 2. Add asbestos to the list of wastes, which cannot be placed in the landfill (12).*
- 3. Restrict items at the recycling centers to materials received at the landfill and the transfer station (14).*
- 4. Authorize access to the County's agent to correct violations after a conviction (21).*
- 5. Add littering and improper storage to the civil penalties of ordinance (21 & 22).*

Chairman Burns opened the Public Hearing and asked for any comments for or against the proposed amendments. No one came forward, and the Public Hearing was closed.

Chairman Burns said the County Attorney would review the amendments to the proposed ordinance, and the Board would have opportunity to act on it at the July 12, 2004 regular meeting.

Solid Waste Enforcement: The Solid Waste Enforcement Officer responded to 71 cases, which resulted in 61 violations and 8 court summons. 34 cases have been resolved and 50 tons of illegally dumped or stored waste brought to the landfill.

Youth Recreation Center: Concession/restroom building was bid and awarded to Thames Construction Company. Work continues on the splash pad along with the final phase of land clearing. Rough grading will begin on the softball fields and rough clearing removed. Electrical, water and sewer service will be coordinated with the City of Laurinburg.

Water Districts: Bids will be received for the final phase of Water District II, and bid tabulation and recommendation for award will be scheduled for the next meeting.

Item 3. Community Development Block Grant (CDBG) Update

LRCOG Housing Coordinator Adrian Lowery said one of the 10 units was removed from the Community Development Block Grant program because it had become a rental unit, which must be treated as two properties.

Of the nine remaining units, those not completed in this funding cycle would be completed in the 2005 funding cycle.

Mr. Lowery said of the nine, two could be rehabilitated; the rest would have to be replaced. The Project Advisory Committee discussed modular homes versus doublewide homes as replacements. Bids received estimated five unit replacements with modular homes and a rehabilitated unit would cost about \$350,000. Of the doublewides, it was estimated that one rehab and six replacements would cost an estimated \$335,000. The Project Advisory Committee recommends modular homes because they appreciate in value and are built to a higher building code. A modular home would be more energy efficient and future repairs would be less expensive.

Mr. Lowery asked the Board to consider the use of modular homes as replacement units in the program.

Motion was made by Commissioner Gholston and duly seconded by Commissioner Jordan to approve the use of modular homes as replacement units in the Community Development Block Grant program. Vote: Motion unanimously approved.

Mr. Lowery asked the Board of Commissioners to consider authorizing the Project Advisory Committee to award contracts to the lowest bidder for asbestos inspections and for lead paint inspections for the rehab units so they would be completed by the Board of Commissioners July 12, 2004 meeting.

Motion was made by Commissioner Clint Willis and duly seconded by Commissioner Snowdon authorizing the Project Advisory Committee for the local CDBG to award contracts to the lowest bidder for asbestos inspections and for lead paint inspections for the rehab units. Vote: Motion unanimously approved.

Mr. Lowery said some funds would have to be moved from the rehab line item to clearance and relocation when the application process is completed. The State requires any money that is more than 10 percent of the budget that's moved from one line item to another as subject to a Public Hearing. Mr. Lowery said he would advertise that and return to the July 12, 2004 regular meeting for the Public Hearing.

Mr. Lowery said the 2005 CDBG program information packet would be forwarded from the State to the County Manager's Office by the end of the summer.

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Item 4. Consent Agenda:

- a) Approve minutes of the Board of Commissioners, May 3, 2004 regular meeting and May 10, 2004 joint meeting.
- b) Approve request by the Cities of Rockingham and Hamlet for membership in the Lumber River Council of Governments.
- c) Approve amendment to Personnel Policy, Article VII, Section 2. Group Health and Dental Insurance, D., regarding retiree health benefits.
- d) Approve amendment to Personnel Policy, Article III, Section 8. Pay Rates in Promotion, Demotion, Transfer, Reclassification and Reinstatement, A 1. and 4.
- e) Approve Primary Care Fees on a sliding fee scale provided by the State. The fees would not slide below \$40 for annual physicals and \$20 for established follow-up visits.
- f) Approve the purchase and use by department of debit/credit card machines provided said purchase is deemed necessary and authorized by the Chief Financial Officer.
- g) Budget Amendments
 - 1) Administration: Approve \$4,000 in pass through money for the Spay/Neuter Program and authorize the Finance Officer to make necessary budget arrangements to receive and expend this money.
 - 2) Board of Elections: Accept Help America Vote Act Grant in the amount of \$12,685 and authorize the Finance Officer to make necessary budget arrangements to receive and expend this money.

Commissioner Clint Willis said that on item g) 1) additional monies changed the pass through money for the Humane Society from \$186 to \$4,000. Commissioner Clint Willis said a grant in the amount of \$12,685 to the Board of Elections from the Help America Vote Act was added to the Consent Agenda as item g) 2).

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

Item 5. Mental Health Facility Site Proposal

Mr. Lee Wallace, Clinical Supervisor, Scotland Center, the local office of Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services (SRMH/DD/SAS), presented a proposal to relocate its outpatient clinic from its 1224 Biggs Street location to the 507 West Covington Street facility recently vacated by the Health Department's Family Center. Mr. Wallace also proposed that the developmental disabilities program and adult vocational program relocate from its current location on X-Way Road across from the John Blue House to Biggs Street. He said the lease on the X-Way facility runs out the end of the month. He said the move from Biggs Street to Covington Street would resolve some overcrowding issues.

Mr. Wallace discussed information found in the Agenda Package, which includes the number of staff and the number of people served. He also discussed proposed

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renovations to the Biggs and Covington Street buildings. Mr. Wallace said some renovation would require work by outside contractors, while the County's maintenance staff could provide other work. Mr. Wallace said Mental Health is not requesting any funds from the County.

Public Buildings Supervisor Hyder Massey said proposed renovations requested of his staff could all be handled except for installation of exhaust fans in bathrooms, which would have to be done by an outside contractor.

Mr. Wallace discussed staffing levels at the two facilities and how the levels might remain the same or shrink as Mental Health Reform progresses.

Motion was made by Commissioner Snowdon and duly seconded by Vice Chair Shelley to approve the facility proposal presented by Scotland Center, the local office of Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services, and authorize that renovations begin immediately. Vote: Motion unanimously approved.

Item 6. Scotland County Recreation Foundation, Inc., Report

Mr. Terry Garner, representative for Scotland County Recreation Foundation, Inc., discussed the history of the Foundation, a non-profit group formed about 23 years ago to support the County's recreation efforts. It has been active and inactive at different times. There now is a desire to reactivate the Foundation.

Mr. Garner said that the Foundation still is in good standing with the State and with the Internal Revenue Service. Mr. Garner said that the members, who have been serving ad hoc, are himself, Earl Bowling, Anzell Harrell, Sr., Judge Bill McIlwain, James "Sunbeam" Sutherland, Janna Wegner and Greg Baines, who helped in the past but no longer wants to serve. Mr. Garner said Steve McLean no longer wants to serve, and David McLamb wants to serve in his place.

Mr. Garner said some Foundation records are missing so it is requesting legitimacy as a self-perpetuating board under its bylaws. He asked that the Board of Commissioners approve the abovementioned group as members of the current board, which would appoint its own successors. Mr. Garner said there are no records explaining how they came to be on the Foundation, which is why he was requesting the initial appointments be made by the Board of Commissioners.

Motion was made by Commissioner Snowdon and duly seconded by Vice Chair Shelley authorizing Mr. Terry Garner, Dr. Earl Bowling, Mr. Anzell Harrell, Sr., Judge William McIlwain, Ms. Janna Wegner, Mr. David McLamb and Mr. James "Sunbeam" Sutherland be approved as the members of Scotland County Recreation Foundation, Inc. Vote: Motion unanimously approved.

Item 7. Appointments to Boards and Committees

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Motion was made by Vice Chair Shelley and duly seconded by Commissioner Jordan to approve the appointment of Laurinburg City Councilwoman Lisa Griswold as the municipal representative to the Transportation Advisory Committee. Vote: Motion unanimously approved.

Motion was made by Vice Chair Shelley and duly seconded by Commissioner Gholston to appoint Mr. Jim Frank Henderson to the Transportation Coordinating Committee, replacing Mr. Jim Blackwell. Vote: Motion unanimously approved.

Motion was made by Vice Chair Shelley and duly seconded by Commissioner Clint Willis to appoint Mr. Colby McCanna as the youth representative to the Healthy Carolinians Steering Committee. Vote: Motion unanimously approved.

Motion was made by Vice Chair Shelley and duly seconded by Commissioner Clint Willis to appoint Commissioner Sam Snowdon to the Richmond Community College Board of Directors. Vote: Motion unanimously approved.

Motion was made by Vice Chair Shelley and duly seconded by Commissioner Clint Willis to appoint Mr. Robert Busko to the unexpired term on the Cable Access Advisory Committee recently vacated by Mr. Harvey “Bo” Butler. Vote: Motion unanimously approved.

Item 8. FY 2004-2005 Budget Discussion

Commissioner Clint Willis, Interim Budget Officer and Chairman of the Finance Committee, provided the Board with an update on efforts by the North Carolina Association of County Commissioners (NCACC) and the State legislators to secure Medicaid relief for poorer counties.

Commissioner Clint Willis said one budget planning recourse is addressed in the school floor funding legislation, which states the Scotland County Board of Commissioners and the Scotland County Board of Education may in “extraordinary economic circumstances” set a level of current expenditures for a fiscal year. Commissioner Clint Willis said the Scotland County Board of Commissioners has already made that request of the Scotland County Board of Education, and the Board of Education refused to honor that request.

Commissioner Clint Willis said if the County elects to defy the law by saying it does not have the available funding and set a tax rate accordingly, a lawsuit would be a certainty. If the case is lost in court, the money to make up the funding would have to come from Fund Balance.

Commissioner Clint Willis said if the County shut down Social Services, the State and Federal governments would come in, run the program and withhold all sales tax.

He reemphasized that this is just a proposed FY 2004-2005 budget. He said the net cost to the taxpayers currently to operate the County is \$19 million out of \$44 million. He

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said that amount is broken down for information purposes by Department and by dollars and by pennies on the tax rate. He said the School Floor, Health Department, Social Services and the Jail brings the tax rate to 99 cents. He said if the County goes to the 99-cent tax rate, everything else would have to close.

Commissioner Clint Willis said the Finance Committee had cut 4.8 percent of the budget from last year. The Committee cut almost \$3 million from requests by Department Heads. Additionally, the Committee cut almost \$900,000 from this year's budget so there is 4.5 percent less money appropriated than what we have here for next year. Commissioner Clint Willis said the Committee would go back and make further cuts if that is the wish of the Board of Commissioners. He said further cuts would likely impact personnel and services. He said it is his opinion that it is better to eliminate a Department rather than cripple a Department to the point where it can't function.

Vice Chair Shelley suggested that maybe the County should not operate five days a week as a way of saving money. Commissioner Clint Willis said it would be a possibility and the Finance Committee is willing to look at anything although EMS, the Sheriff's Department and Jail must be excluded.

Commissioner J. D. Willis said the County should set the tax rate and budget accordingly even if it means scaling back Departments and hindering quality of service. He said this would mean living within the County's set budget at a level it could afford.

Commissioner Jordan said unless the County becomes rebellious, it couldn't do what Commissioner J.D. Willis suggested and fund the mandates. Commissioner Jordan said that his understanding of what Commissioner J.D. Willis said was that when the County runs out of money it would buck the mandates.

Commissioner J.D. Willis said yes and explained that 15 years ago he encouraged challenging mandated services and the school floor. The bottom line, Commissioner J.D. Willis said, is that the County cannot continue to have an increase in taxes every year. He said the County must live within its means regardless.

Commissioner Clint Willis, referring to the Scotland County Tax Rate by Department document, said the County would have to close half of its existing Departments in order to get 8 or 10 cents off the tax rate. He suggested elimination would be a better option than crippling a Department.

Commissioner Clint Willis invited input from Commissioners regarding additional cuts to the budget in order to get the tax rate down.

Motion was made by Vice Chair Shelley and duly seconded by Commissioner Clint Willis 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. Vote: Motion unanimously approved.

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OPEN SESSION RESUMED

Motion was made by Commissioner Snowdon and duly seconded by Vice Chair Shelley to recess until 7 p.m., June 9, 2004 in the Commissioners Chamber for Public Hearing on the FY 2004-2005 Proposed Budget Plan. Vote: Motion unanimously approved.

Respectfully Submitted,

Ann W. Kurtzman
Clerk

David L. Burns
Chairman