

*Scotland County Board of Commissioners regular meeting
September 12, 2005, 1405 West Boulevard, Laurinburg*

MINUTES

**Scotland County Board of Commissioners
Regular Meeting, September 12, 2005
Scotland County Complex, 1405 West Boulevard, Laurinburg, NC**

At 7 p.m., Vice Chair Betty Blue Gholston called the regular meeting to order. Commissioners in attendance: Vice Chair Gholston and Commissioners John Alford, Leon Butler, Charles "Scoofer" Jordan, Joyce McDow and Clarence McPhatter. Commissioners not in attendance: Chairman J.D. Willis (*excused*). 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. Commissioner Jordan delivered the opening prayer, asking that citizens consider the plight of Hurricane Katrina victims and assist them through generosity and volunteer opportunities. The Pledge of Allegiance was recited.

Vice Chair Gholston asked if anyone wished to speak at Public Forum. No one came forward, and Public Forum was closed.

Vice Chair Gholston, presiding, said at the end of the meeting the Commissioners would go into Closed Session held 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.

Item 1. Update: Adelphia Transfer to Time Warner Cable

County Manager John Crumpton said Mr. David Harris, Regional Cable Administrator, Piedmont Triad Council of Governments, will review Scotland County's franchise ordinance and cable franchise contract and make recommendations to the Board.

Mr. Crumpton recommended the governing body approve via resolution the transfer of the cable television system owned by Adelphia to Time Warner Cable. He said approval of the resolution would keep the contract in force after the transfer and ensure that Time Warner abides by the franchise agreement rules. Mr. Crumpton said the Scotland County contract, which remains in effect until 2009, brings in an estimated \$57,000 annually in revenue.

Mr. Crumpton said issues within the current franchise that have not been satisfied by Adelphia, would be up for corrective negotiation with Time Warner. He said the governing board should expect to renegotiate the franchise agreement with Time Warner in the first quarter of next year.

Motion was made by Commissioner McDow and duly seconded by Commissioner Jordan to approve the Resolution by the County of Scotland, North Carolina, Approving the Transfer of the Cable Television System Owned by Adelphia to Time Warner NY Cable LLC. Vote: Motion unanimously approved.

RESOLUTION BY THE COUNTY OF SCOTLAND, NORTH CAROLINA APPROVING THE TRANSFER OF THE CABLE TELEVISION SYSTEM OWNED BY ADELPHIA TO TIME WARNER NY CABLE LLC

WHEREAS, Scotland County, North Carolina ("Franchising Authority") has granted a cable television

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franchise to an entity (the “Franchisee”) presently controlled by Adelphia Corporation (“Adelphia”), as debtor-in-possession; and

WHEREAS, on April 20, 2005, Adelphia and Time Warner NY Cable LLC (“TWN”) entered into an agreement, under the supervision of the Bankruptcy Court, whereby the Adelphia cable system serving Scotland County will be acquired by TWNY (the “Transaction”) with an anticipated closing date of the first quarter of calendar year 2006; and

WHEREAS, Time Warner NY Cable LLC is registered with the North Carolina Department of the Secretary of State to conduct business in North Carolina; and

WHEREAS, pursuant to the Scotland County Code and Title VI of the Communications Act of 1934 (the “Cable Act”), as amended, TWNY and Adelphia have submitted to the Franchising Authority an FCC Form 394 - Application for Franchise Authority Consent to Assign or Transfer of Control of Cable Television Franchise, and other documentary materials required by Federal Communications Commission regulation or state law or as required by the Adelphia Franchise and the Scotland County Code; and

WHEREAS, the Transfer shall not alter, affect or otherwise change the terms or conditions of the Adelphia Franchise, except as provided herein and the management of the cable system will continue to be at the local level; and

WHEREAS, after careful evaluation of the Federal Communication Commission Form 394, Consolidated Balance Sheets of TWNY and related filings concerning the Transfer, it was found that TWNY has the legal and technical expertise, as well as the financial stability, to operate and maintain the cable television system in accordance with the Adelphia Franchise; and

WHEREAS, the County and Grantee hereby reserve all rights under applicable provisions of the Cable Act, including Sections 626 and 635. Nothing herein shall deem or be construed as a waiver, release or surrender of any rights that either party may have under the Cable Act or any applicable law; and

WHEREAS, it is in the best interests of the County and its citizens to consent to the Transfer of the Adelphia System:

NOW THEREFORE, be it resolved by the Board of Commissioners acting on behalf of the County (the “Franchising Authority”) that:

1. The Franchising Authority hereby approves the Transaction;
2. That following the transfer of the Adelphia System, TWNY may, at any time and from time to time (i) assign or transfer its assets, including the Adelphia Franchise, provided, however, that such assignment or transfer is to a parent or subsidiary of TWNY or any affiliate entity controlled by, controlling or under direct or indirect common control with TWNY; (ii) restructure debt or change the ownership interests among existing equity participants in TWNY, and/or its affiliates; (iii) pledge or grant a security interest to any lender(s) of TWNY’s assets, including but not limited to the Adelphia Franchise, or of interests in Grantee, for purposes of securing an indebtedness without obtaining prior approval of the Franchising Authority;
3. That the Franchising Authority waives any rights of first refusal that it may have to assume the Adelphia Franchise or acquire the Adelphia System upon any transfer contemplated hereunder;
4. This Resolution shall become effective immediately upon passage. The Franchising Authority shall be notified promptly upon the closing of the transactions contemplated under the Agreement; and

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BE IT FURTHER RESOLVED AS FOLLOWS:

Within sixty (60) days following the completion of the closing of the transactions described in FCC Form 394, TWNY will provide the required performance bond and insurance certificates required by the Franchise and will notify the Franchise Authority of its acceptance of the terms of the Franchise and the Resolution; and

BE IT FURTHER RESOLVED AS FOLLOWS:

5. Within sixty (60) days following the completion of the closing of the transactions described in FCC Form 394, TWNY will provide the required performance bond and insurance certificates required by the Franchise and will notify the Franchise Authority of its acceptance of the terms of the Franchise and the Resolution; and

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF SCOTLAND, NORTH CAROLINA THIS THE 12th DAY OF SEPTEMBER 2005.

Item 2. Consent Agenda:

- a) **Approve minutes of the Board of Commissioners: August 1, 2005 regular meeting.**
- b) **Authorize the County Manager to sign the contract agreement for legal services provided to the County.**
- c) **Approve settlement for current taxes for Fiscal Year 2004-2005 and approve settlement for delinquent taxes for FY 2004-2005.**
- d) **Approve Contract for Housing Services: 2005 Crisis Housing Assistance Fund.**
- e) **Approve lateral transfer of duties within the Sheriff's Department of Jail Sergeant to Senior Dispatcher.**
- f) **Approve Sheriff's Department reclassifications from Dispatcher 60-4 to Dispatcher/Records Clerk 61-5 and Adm Tech II (Civil) 62-4 to DCI Specialist/Administrative Tech II (Civil) 63-6.**
- g) **Approve Recipient's Plan to Further Fair Housing with regard to the 2005 Community Development Block Grant (CDBG).**
- h) **Approve FY 2005 CDBG Program Administrative Guidelines and Policies.**
- i) **Approve to Lumber River Council of Governments for 2005 CDBG Community Development Administrative Services.**
- j) **Approve FY 2005 CDBG Floodplain Certification**
- k) **Approve FY 2005 CDBG Amendment Condition**
- l) **Approve Forestry Services Contract for FY 2005-2006.**
- m) **Budget Amendments**
 - 1) **Cooperative Extension: Approve an amended School Age Child Care FY 2005-2006 budget of \$2,569.92, which reflects a decrease of \$1.08, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money**
 - 2) **Health Department: Approve \$117,947 in bad debt write offs for FY 2004-2005.**
 - 3) **DSS: Approve additional funding in the amount of \$99,941, which requires a 10 percent County match of \$1,190, and authorize the Finance**

Officer to make the necessary arrangements to receive and expend the money.

- 4) **DSS**: Approve an additional \$100 in State funding authorizations, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money.
- 5) **Economic Development**: Approve receipt of \$125,000 to adjust for the first of two NC One Fund Grants for GOJO, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars required.

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

Item 3. Finance Officer/Assistant County Manager Update

Finance Officer/Assistant County Manager Kevin Patterson said \$4.7 million in property taxes was collected through the end of August. He said collection is significantly up because of a discount for taxes paid on time.

Mr. Patterson said the first six months sales tax revenues were \$1.1 million. Sales tax revenues will fluctuate significantly throughout the year. He said revenues are higher than expenditures at this point because of the property tax discounts.

Mr. Patterson said the cash balance is \$13 million, \$1.7 million of which is in a separate account reserved for the schools. He said the \$1.7 million did not include ADM monies, which were received one day after his report was dated.

Item 4. Appointments to Boards and Committees

Motion was made by Commissioner Butler and duly seconded by Commissioner Alford to reappoint Ms. Jennifer Butler to a one-year term and Mr. Nathan Monroe to a two-year term on the Laurinburg Downtown Revitalization Board. Vote: Motion unanimously approved.

Motion was made by Commissioner Butler and duly seconded by Commissioner McPhatter to appoint Dr. Clark B. Hanmer to the Scotland County Healthy Carolinians Steering Committee. Vote: Motion unanimously approved.

Motion was made by Commissioner Butler and duly seconded by Commissioner McPhatter to appoint Mr. Walter Rogers, Mr. Penny McLaurin, Mr. Ernest Stephens, Mr. Joe Knott, Ms. Jan Hester Maynor and Mr. Aubrey Jones to the Housing Coordination Task Force. Vote: Motion unanimously approved.

Item 5. County Manager's Report

County Manager Crumpton discussed the County Participation for 2005-2006 State Legislative-Granted Leave Bonus. Mr. Crumpton said the County is being asked to participate in the 40-

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hour bonus leave for Cooperative Extension employees. Mr. Crumpton said approval of the program would mean Cooperative Extension employees could take bonus days equivalent to the County share of their salaries. Mr. Crumpton said Cooperative Extension staff along with all County employees would receive three additional days off during the holidays as approved by the Commissioners. Mr. Crumpton recommended that the County not participate in the bonus leave plan.

Motion was made by Commissioner Alford and duly seconded by Commissioner Butler to not participate in 2005-2006 State Legislative-Granted Leave Bonus. Vote: Motion unanimously approved.

Mr. Crumpton discussed local efforts to provide relief to Hurricane Katrina victims. He said 4-H youth are requesting donations of supplies, hygiene items and educational materials for youth and adults who are now in shelters and temporary housing. He listed items suggested by 4-H for donation. Mr. Crumpton said that food is not included on the list. He said donations would be accepted through September 30.

Item 7. Other Information/Comments from the Chairman and Commissioners

Vice Chair Gholston welcomed back Commissioner Alford and congratulated Commissioner McDow on her NCACC District 5 appointment.

DSS Director Jan Elliott, responding to questions by Commissioner Jordan, discussed illegal aliens, the documentation and verification process and what services the agency provides them.

The status Aberdeen Meadows, vacant the result of a fire, also was discussed. County Manager Crumpton said he would look into it.

Commissioner Alford said he is concerned there has been no development of public housing in the Laurel Hill area. He said since Laurel Hill is not incorporated, it is the responsibility of the County, and attention should be paid to the need for public housing in Laurel Hill.

Commissioner Butler said since teachers received 2.2 percent rather than a 3 percent salary increase, would the School Board return funds to the County not used for the salary increase. Commissioner Butler said he would like County employees benefit from monies not used for teacher salary increases. Commissioner Jordan said it couldn't hurt to ask. Mr. Patterson said the schools are under no obligation to return any funding since the County pays according to the legislative calculation. He said the schools can reallocate the funds for current operations.

County Manager Crumpton said he asked Department Heads to submit monthly reports for the Agendas to keep Commissioners current on what they are doing. He explained that when it gets to budget time, and they start asking for things, it would not come as a surprise.

Responding to a question by Commissioner McDow, County Manager Crumpton provided an update on the status of the heating and air units in County facilities. Mr. Crumpton said he is reviewing alternatives, which cost money but present efficiencies.

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Vice Chair Gholston said she appreciated reading the monthly information from Departments Heads. *(Item 6)*.

Motion was made by Commissioner Jordan and duly seconded by Commissioner McDow to go into Closed Session held 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 Jordan and duly seconded by Commissioner Alford to adjourn. Vote: Motion unanimously approved. Meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Ann W. Kurtzman
Clerk

Betty Blue Gholston
Vice Chair, presiding