

*Scotland County Board of Commissioners regular meeting
December 6, 2010, 1405 West Boulevard, Laurinburg, NC*

MINUTES

**Scotland County Board of Commissioners
Regular Meeting, December 6, 2010
Scotland County Complex, 1405 West Boulevard, Laurinburg NC**

At 7 p.m. County Attorney Edward Johnston called the regular meeting to order. Commissioners in attendance: Commissioners John Alford, John Cooley, Bob Davis, Carol McCall, Guy McCook, Joyce McDow and Clarence McPhatter. Staff in attendance were 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.

Attorney Johnston recognized City Council Member Tommy Parker and Sheriff Shep Jones, who were in attendance. Mr. Johnston then explained the reorganization process. County Attorney Johnston asked for nominations for the office of Chairman of the Scotland County Board of Commissioners for the year 2011.

Commissioner Cooley nominated Commissioner Davis, and Commissioner Alford nominated Commissioner McCook. There were no other nominations. Commissioner McPhatter moved and Commissioner McDow seconded to close nominations. Vote: Motion unanimously approved.

Mr. Johnston asked for a vote of those in favor of Commissioner McCook as Chairman. Vote in favor: Commissioners Alford and McCook.

Mr. Johnston asked for a vote of those in favor of Commissioner Davis as Chairman. Vote in favor: Commissioners Cooley, Davis, McCall, McDow and McPhatter.

Commissioner Davis was elected Chairman by a majority vote.

Motion was made by Commissioner McPhatter and duly seconded by Commissioner McCook that Joyce McDow be nominated as Vice Chair. There were no other nominations. Chairman Davis moved and Commissioner Alford seconded to close nominations. Vote: Motion unanimously approved. Commissioner Joyce McDow was elected Vice Chair by acclamation.

Chairman Davis said he is honored to be elected Chairman and is committed to the Commissioners and to the citizens and would perform the best job possible on their behalf.

Public Forum

Chairman Davis asked if anyone wished to speak at Public Forum. No one came forward. Chairman Davis then discussed a request from Ms. Sue McArn that the County assume responsibility for the care of the cemetery on US 74 in East Laurinburg.

The Board of Commissioners by consensus agreed to review the material and look into the issue at the next meeting.

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Item 1. Public Hearing: Closeout of Shell Building CDBG Project

Chairman Davis said it was now time for the Public Hearing on the Closeout of Shell Building CDBG Project.

Economic Developer Greg Icard explained that the Public Hearing is procedural in the process of closing out the loan with the Department of Commerce. Mr. Icard said the first two years of the five-year loan were interest-only and two years remain on the loan.

Chairman Davis asked if anyone had comments regarding the closeout of the shell building project. There were none, and Chairman Davis asked for the wishes of the Board.

Motion was made by Commissioner Alford and duly seconded by Commissioner McCook to approve the closeout of the shell building CDBG project. Vote: Motion unanimously approved.

Item 2. New Bylaws: Scotland County Memorial Library Board of Trustees

Library Director Leon Gyles said the Bylaws were revised after the Library became a County department. Mr. Gyles said County Attorney Johnston reviewed the Bylaws and incorporated suggested modifications.

Motion was made by Commissioner Alford and duly seconded by Commissioner McCook to approve the Bylaws for the Library Board of Trustees. Vote: Motion unanimously approved.

Item 4. Consent Agenda:

- a) Approval of minutes of the Board of Commissioners November 1, 2010 regular meeting and November 29, 2010 joint session.
- b) Approve Tax Department request to release funds in the amount of \$28.60 and in the amount of \$951.82 and to make refunds in the amount of \$104.58 and in the amount of \$3,049.47.
- c) Approve participation agreement with the NC League of Municipalities for the NC Debt Setoff Program for 2011.
- d) Budget Amendments:
 - 1) **Health:** Approve receipt of additional funds in the amount of \$1,634, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.

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

Item 3. Requests for Compromise on Discovery Tax Bill: Ryan Inc. and KORDSA

Tax Administrator Mary Helen Norton said KORDSA withdrew its appeal.

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Ms. Joan Lee, speaking on behalf of Murphy Bown, asked the Commissioners to consider allowing some relief on the penalties applied to the company as a result of the discovery process.

Ms. Lee said the company intends to report going forward but up until the discovery, the reporting process was unclear as to what was considered real property and what was considered business personal property.

Chairman Davis said the County has gone down this road with other companies that appealed, and the County continued to follow rules and regulations from the State, which provides guidelines the Tax Department uses in its discovery process.

Ms. Lee said it was her opinion the penalty was severe because of a misunderstanding on the part of Murphy Brown. She pointed out that the guidelines are not consistently followed and vary in other counties where Murphy Brown does business.

Commissioner Cooley said he thought the penalties were disproportionately high compared to that of KORDSA. Ms. Norton explained that there is a 10 percent penalty for each year that has escaped listing.

County Attorney Johnston said the Department of Revenue suggests counties adopt policies regarding appeals for relief of this nature. Mr. Johnston said a policy would ensure that companies and businesses making appeals would be treated consistently and not arbitrarily.

Commissioner McPhatter said he concurs with the findings of the Tax Department and the importance of consistency in cases such as these.

Motion was made by Commissioner McPhatter and duly seconded by Commissioner McCook to concur with the findings of the Tax Department and deny the request for compromise on the Murphy Brown discovery tax bill.

Discussion: Commissioner McCook said he agrees with Commissioner McPhatter in that the County must treat folks equally across the board and perhaps, as the Attorney suggested, a policy might be established.

Vote: Motion unanimously approved.

Item 5. Appointments to Board and Committees

Vice Chair McDow said there is one seat on the ABC Board and Mr. Bob Davis and Mr. Leon Butler submitted applications to serve.

Motion was made by Commissioner McPhatter and duly seconded by Commissioner Alford to appoint Mr. Bob Davis to a three-year term on the ABC Board. Vote: Motion unanimously approved.

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Vice Chair McDow said a letter from former ABC Board member and Chairman J.D. Willis states the ABC Board recommends Ms. Dee Hammond be appointed Chair for 2011.

Motion was made by Vice Chair McDow and duly seconded by Commissioner McCook to appoint Ms. Dee Hammond as ABC Board Chair for 2011. Vote: Motion unanimously approved.

Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to reappoint Mr. David Bridgeman and Dr. William Stroud to the Board of Health and to appoint Mr. Charles Todd as the pharmacist-representative to the Board of Health. Vote: Motion unanimously approved.

Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to reappoint Mr. Randy Jones and to appoint Ms. Cynthia Morton to three-year terms on the Scotland-Hoke Criminal Justice Partnership Board. Vote: Motion unanimously approved.

Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to appoint Mr. Tom Landry to the Juvenile Crime Prevention Council. Vote: Motion unanimously approved.

Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to appoint Ms. Carol McCall as the Commissioner-representative to the Southeastern Regional MH/DD/SAS Area Board of Directors. Vote: Motion unanimously approved.

Chairman Davis appointed Vice Chair McDow to serve as Chairman of the Scotland Economic Development Corporation.

Motion was made by Chairman Davis and duly seconded by Commissioner Alford to appoint Commissioner McCall to the Scotland Economic Development Board. Vote: Motion unanimously approved.

Item 6. Landfill Issues: Robeson County Solid Waste Operations Proposal

County Manager Patterson said Robeson County submitted a proposal to take control of the transfer station. The offer includes payment of a \$280,000 host fee annually. Mr. Patterson said that figure would have to be negotiated since the County spends \$280,000 for the convenience sites alone, and it would not cover closure or post closure costs for the C&D landfill.

Chairman Davis agreed the proposal should be reviewed further. He added that more numbers are needed.

Mr. Patterson said if the Board is interested in proceeding with a plan, it could be brokered with other vendors for transfer and export of solid waste. Mr. Patterson said he would begin conversations with other haulers that might have an interest in submitting a proposal.

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Vice Chair McDow suggested that the issue be discussed in greater detail during the midyear retreat. County Manager Patterson said he would also discuss the current financial state of the C&D landfill at that time.

Lumbee Electric Rider Small Qualifying Facilities Purchased Power

Mr. Patterson said he received standard rider rates from Lumbee Electric in the event the utility company would purchase methane gas from a County collection system. Mr. Patterson explained that the system would be developed with a \$250,000 grant plus an \$86,000 match from the County.

Mr. Patterson said based on the rider rates, the County would reach the break-even mark on its \$86,000 investment in the second year.

Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to accept the grant and to move forward with the project. Vote: Motion unanimously approved.

Item 7. DSS Facility Needs

County Manager Patterson said the current DSS building at 40 years old was designed for half the staff it currently houses.

DSS Director Robby Hall added the State is looking for corrective measures to address fire hazards, ADA requirements, record confidentiality and interview space. Mr. Hall said the agency, which averages 4,000 visitors daily and 40,000 visitors annually, has outgrown the building. Without a plan, the State could withhold administrative funds from the agency.

Mr. Hall said he intends to present a multi-tiered written plan before the State-imposed deadline of February 28, 2011. Mr. Hall said the plan would be in several phases with an intended accomplishment over several years.

Commissioner Alford said whatever the action plan it should be initiated within a year. Commissioner Cooley said he would like to see adjustments made to the existing facility since the economy is not conducive to building a new one. Chairman Davis agreed that the County plan should be as cost-efficient as possible.

Item 8. Update from the County Manager

County Manager Patterson said the proposed Personnel Policy covers federal changes in the Family Medical Leave Act, which addresses the activation of a family member's National Guard or Reserve status. FMLA allows for 26 weeks instead of 12 for employees caring for family who are members of the Armed Forces. Expansions of definitions are reflected in the policy. Mr. Patterson said the changes would not have a significant impact on the County compared to the previous policy.

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Commissioner McCook noted there was a grammatical error that made the first sentence of the second page unclear.

Motion was made by Commissioner Alford and duly seconded by Commissioner McCook to approve the amendments to the Personnel Policy, which would include the correction on the top of the second page. Vote: Motion unanimously approved.

Mr. Patterson said attached are three policies for the Scotland County Area Transit System that address purchasing, American with Disabilities Act and drug and alcohol testing. The changes recommended are a result of the last audit of the SCATS program. The policies are models from federal and state agencies.

Mr. Patterson said the significant change in the drug testing policy is the inclusion of ecstasy as a prohibited and tested substance. The ADA policy and procedures are a codification of current practices. The purchasing guide is a standard guide from NCDOT. Currently the department head, Roylin Hammond, must approve all purchases. All purchases above \$800 must be approved, with purchase order system, by the County Manager.

Any new vehicles or construction must be approved by NCDOT Public Transportation Division, PTD. Any purchase in the formal range must be approved by the County Commissioners.

Motion was made by Commissioner McDow and duly seconded by Commissioner Alford to approve the SCATS Drug and Alcohol Testing Policy, ADA Policy and Procedures and Purchasing Guide. Vote: Motion unanimously approved.

Mr. Patterson said the Army's 97th Civil Affairs Battalion (CAB) is asking the County to participate in a CAB training in February. Mr. Patterson said this is not associated with the training performed at the old Wagram Prison. The CAB is designed to operate with civilian populations and local officials in foreign countries. Part of this training will be to develop a community needs assessment and work with the County on predetermined projects. The training will last one week. The County previously participated with this operation in a one-day training.

Motion was made by Commissioner McCook and duly seconded by Commissioner McCall to approve a Memorandum of Understanding with the 97th Civil Affairs Battalion Culmination Exercise. Vote: Motion unanimously approved.

The County Manager said the power service for the Gibson gym was removed due to safety concerns. An appropriate service will be reinstalled at a later date. The lighting to the grounds was disconnected also.

Mr. Patterson said the bathrooms and concession stand at Jaycee Park are in serious disrepair and the roofs on both structures are failing. Since the park has not been used for County programs in several years, Mr. Patterson advised Public Works to demolish both structures this winter.

Mr. Patterson added there are safety concerns with the Jaycee Park playground equipment. Since the playground equipment is not heavily used, and it poses a potential risk, Mr. Patterson advised

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Public Works to remove the playground equipment and outfield fencing from Jaycee Park. Jaycee Park will remain a community or practice park for baseball and softball.

Light poles at all parks will be inspected for issues of concern.

Mr. Patterson said the Community GYM Program began at I. E. Johnson School. The Parks and Recreation Department worked with the school system to merge the recreation program with the school's Scholars program.

The County Manager said the Veteran's Park Project is asking for one veteran from each County to have their hand bronzed as part of the project. The Veterans Service Officer coordinated the selection process with the various military organizations in the County. Two names were submitted. Robert Sanford, Jr. was submitted by American Legion Post 50, VFW Post 2008 and Scotland County Veteran Service and William Swift, Jr. was submitted by Scotland County Military Retirees.

Motion was made by Commissioner Alford and duly seconded by Commissioner McDow to select Mr. William Swift, Jr. for the project. Vote: Motion unanimously approved.

Discussion: Commissioner McPhatter asked if Mr. Robert Sanford, Jr. also could participate on the project. Mr. Patterson said the Project would only accept one veteran from each county.

Vote: Motion to select Mr. Swift as the Park Project veteran was unanimously approved.

Mr. Patterson mentioned that first quarter financial reports from Mental Health are attached along with two resolutions opposing designating Boylston Creek as a trout stream.

Item 9. Closed Session

Motion was made by Commissioner Alford and duly seconded by Commissioner Cooley 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 and Closed Session in accordance with N.C. General Statute §143-318.11(a)(3) to consult with an attorney. Vote: Motion unanimously approved.

OPEN SESSION RESUMED

Motion was made by Commissioner Alford and duly seconded by Commissioner McCook to adjourn. Vote: Motion unanimously approved. Meeting adjourned at 9:10 p.m.

Ann W. Kurtzman
Clerk to the Board

Bob Davis
Chairman