

*Scotland County Board of Commissioners regular meeting
April 6, 2015, A.B. Gibson Center, 322 South Main Street, Laurinburg, NC*

**Scotland County Board of Commissioners
April 6, 2015, A.B. Gibson Center, 322 South Main Street, Laurinburg, NC**

Commissioners in attendance: Chairman Guy McCook, Vice Chair Carol McCall and Commissioners John Alford, Bob Davis, Betty Blue Gholston and Bob Davis. Commissioners not in attendance: Commissioner Clarence McPhatter. Staff in attendance: County Manager Kevin Patterson, County Attorney Ed Johnston, Finance Officer Beth Hobbs and Clerk to the Board Ann W. Kurtzman.

At 7 p.m. Chairman McCook called the meeting to order. Ms. Betty Meyers delivered the invocation. The Pledge of Allegiance was recited.

Chairman McCook said as a late addition to the agenda, a resolution authorizing the DSS Director to execute contracts would be placed as Item 4.

Motion was made by Commissioner Davis and duly seconded by Commissioner Gibson to approve the April 6, 2015 agenda with the addition of the resolution as Item 4. Vote: Motion unanimously approved.

Public Forum

Library Director Leon Gyles thanked the citizens in assisting him with his quest to locate cemeteries in the County, of which 185 locations have been identified. Mr. Gyles said he hopes to wrap up the cemetery project by the end of June so it can be used as a GIS overlay.

Mr. Charles Parker said the school funding floor separated the Commissioners and Board of Education for a long time. Mr. Parker said as a result of mediation he realized the two boards could talk when the Liaison Committee was formed. Mr. Parker congratulated both boards for the effort and what they are trying to do. Mr. Parker asked why there is still a need for the funding law if this communication can happen. Mr. Parker asked if the County would do away with the school funding floor.

Parks and Recreation Director Shannon Newton said the circus will be at the James L. Morgan Recreation Complex April 21 for two shows. The County will get a portion of tickets sold, and the circus will provide its insurance.

Public Hearing: Conditional Use Application 481-15 – Shoe Creek Solar, LLC

Chairman McCook opened the public hearing and recognized Planning and Zoning Board Chairman Daniel Dockery, who presented the following conditional use application and recommendation:

Conditional Use Application 481-15- Shoe Creek Solar, LLC- Request to construct and operate a solar array. The property is located at 20882 McIntosh Road, Laurinburg, NC; better known as Scotland County Tax Map Numbers: 418-01-020; 421-01-001; 418-01-016; 418-01-017; 418-01-057; 418-01-058 and owned by Aubrey McCormick.

The Scotland County Planning and Zoning Board met Wednesday, March 18, 2015, regarding the Conditional Use Application 481-15 requested by Shoe Creek Solar, LLC. Scotland County Zoning Ordinance SECTION 38.STANDARDS was reviewed in consideration of this application.

*Scotland County Board of Commissioners regular meeting
April 6, 2015, A.B. Gibson Center, 322 South Main Street, Laurinburg, NC*

After review of the application and standards the Scotland County Planning and Zoning Board would like to recommend Conditional Use Application 481-15 by Shoe Creek Solar, LLC be approved by the Scotland County Board of Commissioners.

Chairman McCook asked if anyone wished to speak in favor of the application. Mr. Phil Nyborg, having been sworn in, spoke on behalf of the applicant. Mr. Nyborg said a solar array brings tax base to the County in business personal property, a tax that would continue for 30 years during the life of the array. Mr. Nyborg said solar arrays reduce regional pollution compared to conventional power generation such as coal-fired plants, which contribute to regional pollution.

Mr. Nyborg said the solar array would not place material burden on County resources or infrastructure. They are silent, odorless, low profile and good neighbors. Mr. Nyborg said the entire array would be removed at the end of its life and the land left in its original condition. Mr. Nyborg said that the solar array is aligned with State legislative policy that encourages solar farms. Mr. Nyborg said the solar array presents efficient local power production for an investment \$130 million. Tax base would be about 20 percent post abatement. A safety fence would be put around the array. The native grass ground cover would be mowed periodically.

Chairman McCook asked if anyone wished to speak against the conditional use application.

Mr. Charles Parker, having been affirmed, said solar farms would only be taxed at 20 percent of full value and there are no employees.

Motion was made by Commissioner Gholston and duly seconded by Commissioner Gibson to approve Conditional Use Application 481-15 with the condition that dismantling language be a part of the contract.

Discussion: Vice Chair McCall suggested that it might be worthwhile at a future date to have someone knowledgeable on the subject inform the community about solar arrays and some of the positive aspects. The Commissioners also discussed the FAA and the proximity of this solar array to Laurinburg-Maxton Airport and whether it would be detrimental to pilots.

Mr. Nyborg said there is a federal policy on solar arrays as they apply to on-airport but not off-airport. Mr. Nyborg said it requires that the array run an analysis as to whether it would produce glare to a tower or a pilot's eye.

Chairman McCook suggested action on Conditional Use Application 481-15 be postponed pending an answer to the airport issue.

Motion was made by Vice Chair McCall and duly seconded by Commissioner Gibson to table action on Conditional Use Application 481-15 until May 4, 2015 meeting. Vote: Motion unanimously approved.

Countywide fire hydrant report

EMS Director Roylin Hammond provided information on the coverage area of fire hydrants by fire district in the County, Wagram and Gibson. Coverage was broken down by square mile and the number of hydrants covered by each of the seven districts. Mr. Hammond said if you live within 1,000 feet of a fire hydrant you are eligible for an ISO rating for that particular district. Mr. Hammond said beyond that range, water is hauled from hydrants by tankers to any structural fire. Mr. Hammond said a benefit would

*Scotland County Board of Commissioners regular meeting
April 6, 2015, A.B. Gibson Center, 322 South Main Street, Laurinburg, NC*

come from the water haul rating for the ISO once the departments are approved in inspection. Mr. Hammond said the individual fire departments are responsible for testing hydrants once a year. Mr. Hammond has not heard of any hydrant that is inoperable.

Sheriff personnel hiring request

Sheriff Ralph Kersey discussed the Administrative Tech I position previously approved by the Board of Commissioners. Sheriff Kersey discussed the three panel interview process and the blind vote it took to select a candidate. Sheriff Kersey said the first candidate declined the position and the second candidate is his stepdaughter. Sheriff Kersey discussed her qualifications, skills and knowledge of the job. Sheriff Kersey asked the Commissioners to approve hiring his stepdaughter based on her experience and computer skills.

Motion was made by Commissioner Gibson and duly seconded by Commissioner Alford to approve the request by the Sheriff to hire his stepdaughter in the Administrative Tech I position. Vote: Motion unanimously approved.

Resolution Authorizing the DSS Director to Execute Contracts

Attorney Johnston said in the past the DSS Director executed contracts on behalf of the department without formal authorization. Mr. Johnston said DSS Director April Snead is asking the Commissioners to confer that authority on the DSS Director by way of resolution. Mr. Johnston said all contracts would require a pre-audit and would be reported to the DSS Board. Mr. Johnston said the resolution states that contracts executed prior to the resolution would be ratified and confirmed.

Motion was made by Commissioner Alford and duly seconded by Commissioner Gholston to adopt A Resolution Authorizing the Director of Scotland County Department of Social Services to Execute Contracts. Vote: Motion unanimously approved.

**A RESOLUTION AUTHORIZING THE DIRECTOR OF
SCOTLAND COUNTY DEPARTMENT OF SOCIAL
SERVICES TO EXECUTE CONTRACTS**

WHEREAS, the Scotland County Board of Commissioners (SCBC) has the authority and responsibility to establish the county's budget for social services, to determine the purposes for which budgeted public funds may be used by said department, and within the constraints of the Local Government Budget and Fiscal Control Act ("LGBFCA") to set procedures by which the department may enter into contracts; and

WHEREAS, it has been the practice locally for many years to allow the Director of the Department of Social Services ("Director") to execute contracts which conform to the parameters of the County's budget for the Department; and

WHEREAS, such contracts are reported to and reviewed by the DSS Board and ultimately the Scotland County Manager and SCBC; and

WHEREAS, the Scotland County Finance Officer pre-audits such contracts to assure compliance with budgetary constraints and state law; and

WHEREAS, it has been suggested that the delegation of authority previously exercised by the Director be confirmed by resolution;

NOW, THEREFORE, be it resolved that:

**Scotland County Board of Commissioners regular meeting
April 6, 2015, A.B. Gibson Center, 322 South Main Street, Laurinburg, NC**

1. The Director of the Scotland County Department of Social Services is authorized to execute contracts which comply with and carry out the intent of the department's budget as adopted by the Scotland County Board of Commissioners.
2. Such contracts shall be pre-audited by the Scotland County Finance Officer and shall be the reported to the DSS Board and ultimately to the Scotland County Board of Commissioners.
3. Such contracts shall comply with the Local Government Budget and Fiscal Control Act.
4. Contracts previously executed by the DSS Director prior to this resolution, which comply with law, are hereby ratified and confirmed.

Done this the 6th day of April, 2015.

Policy Committee report

Vice Chair McCall said the Whistleblower Policy is required for certain state and federal grants. Vice Chair McCall said the Policy Committee met March 18 in order to review the policy. County Attorney Johnston provided counsel. Vice Chair McCall said the Policy Committee recommends approval of the Whistleblower Policy and Procedure.

Motion was made by Vice Chair McCall and duly seconded by Commissioner Gibson to adopt the Whistleblower Policy. Vote: Motion unanimously approved.

Vice Chair McCall said the Policy Committee also reviewed the policy and procedure for Parks and Recreation volunteers and the final draft is recommended by the Policy Committee.

Motion was made by Vice Chair McCall and duly seconded by Commissioner Gholston to adopt the Scotland County Parks and Recreation Policies and Procedures Volunteer Policy. Vote: Motion unanimously approved.

Consent Agenda

- a) **Approve minutes of the February 27, 2015 midyear planning retreat and March 2, 2015, regular meeting.**
- b) **Approve Tax Department request for February 2015 on release of funds in the amount of \$58.31 and \$45,723.97, refunds in the amount of \$993.22 and discoveries in the amount of \$770.39. (incorporated by reference)**
- c) **Approve DSS request to unfreeze two Income Maintenance I positions and reclassify the position to Income Maintenance II. Funds are available in lapsed salaries for this fiscal year.**
- d) **Approve Resolution Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies.**

**A RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE
WITH OTHER LAW ENFORCEMENT AGENCIES**

WHEREAS, PURSUANT TO North Carolina General Statutes § 160a-288, the governing body of a county may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity and lending equipment and supplies; and

*Scotland County Board of Commissioners regular meeting
April 6, 2015, A.B. Gibson Center, 322 South Main Street, Laurinburg, NC*

WHEREAS, it is deemed to be in the best interests of the citizens of Scotland County to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions ; and

WHEREAS, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of ScotlandCounty;

NOW, THEREFORE, BE IT RESOLVED BY THE SCOTLAND COUNTY BOARD OF COMMISSIONERS THAT:

The Sheriff is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.

The Sheriff is hereby authorized to permit officers of the Scotland County Sheriff's Office to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Sheriff may lend such equipment and supplies to requesting agencies as he deems advisable.

All such request and authorizations shall be in accordance with North Carolina General Statues § 160A-288, as applicable.

While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.

While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.

The Sheriff is hereby, authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

Approved the 6th day of April 2015.

e) Approve request by Public Buildings and Grounds to surplus a 2013 John Deere Gator Serial# 1M04X2XDTDM081600.

f) Approve Health Department request for an additional service Physician Read pap agency fee of \$20.

*Scotland County Board of Commissioners regular meeting
April 6, 2015, A.B. Gibson Center, 322 South Main Street, Laurinburg, NC*

g) Budget Amendments:

- 1) **Health**: Approve receipt of \$8,880.67 in Medicaid funds for Pregnancy Care Management, and authorize the Finance Officer to receive and expend the funds. No County dollars.
- 2) **Health**: Approve receipt of Medicaid funds in the amount of \$1,385.59 for Care Coordination for Children, and authorize the Finance Officer to receive and expend the funds. No County dollars.
- 3) **Parks and Recreation**: Approve receipt of \$1,773.25 in State fund for low income subsidy and Medicare enrollment, and authorize the Finance Officer to receive and expend the funds. No County dollars.
- 4) **DSS**: Approve receipt of \$28,286 in State funds for Low Income Energy Assistance Program, and authorize the Finance Officer to receive and expend the funds. No County dollars.

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

Liaison Committee update

Vice Chair McCall said the Liaison Committee met March 17 to review what was agreed upon at the February meeting, which is to fund the schools at the mediated amount for FY16 and reduce the funding by 2.25 percent in FY17 and again in FY18. Vice Chair McCall said after some discussion the six-member committee agreed to a \$300,000 capital allocation in FY17 and FY18. Vice Chair McCall said the intent was to be successful, and the committee did not want the issue of capital to prevent that from happening. Vice Chair McCall said the County Attorney should be prepared at some point to draft a document in conjunction with the School Board Attorney.

LGC letter and County response

Finance Officer Hobbs said the LGC in analyzing the 2014 audit made note of the deficit in Public Works due to long-term liabilities for closure and post-closure costs. The LGC in its letter encouraged the County to adjust its fees to the appropriate level to address closure and post closure costs. Ms. Hobbs said the County in its response to the LGC said it is exploring availability fees as a revenue stream.

Ms. Hobbs said a second area of concern noted by the LGC was an internal control issue where grant funds were being drawn down before services were received. Ms. Hobbs said internal controls have now been put in place to prevent grant drawdowns before expenditures are incurred.

Appointments to Boards and Committees

Motion was made by Vice Chair McCall and duly seconded by Commissioner Alford to reappoint Dr. Ray Chavis as the dentist-representative and Dr. Kelvin Raybon and the physician representative to three-year terms on the Board of Health and to appoint Ms. Beth Hobbs as the public-spirited citizen to a three-year term on the Board of Health and to appoint Ms. Tiffany Graves as the nurse-representative to a partial term on the Board of Health. Vote: Motion unanimously approved.

Motion was made by Vice Chair McCall and duly seconded by Commissioner Davis to reappoint Mr. Kevin Garnett and to appoint Mr. Henry Byrd to the Board of Equalization of Equalization and Review for three-year terms.

*Scotland County Board of Commissioners regular meeting
April 6, 2015, A.B. Gibson Center, 322 South Main Street, Laurinburg, NC*

Discussion: Chairman McCook said for purposes of disclosure Mr. Garnett works at Hasty Realty.

Vote: Motion unanimously approved.

Motion was made by Vice Chair McCall and duly seconded by Commissioner Gibson to appoint Ms. Beth Hobbs to a four-year term on the Scotland County Memorial Library Advisory Board.

Vote: Motion unanimously approved.

Motion was made by Vice Chair McCall and duly seconded by Commissioner Alford to appoint Ms. Peggy Smith and Mr. Andrew Kurtzman to the Aging Advisory Council for three-year terms.

Vote: Motion unanimously approved.

Motion was made by Vice Chair McCall and duly seconded by Commissioner Alford to designate Mr. Kevin Garnett as Chairman for the Board of Equalization and Review in 2015. Vote: Motion unanimously approved.

Update from the County Manager

Mr. Patterson said he and the County Attorney had a conference call with State Cemetery Association regarding Scotland Cemetery. Mr. Patterson said if the property is accepted and transferred to the church, the County does not retain liability as long as there is no mortgage attached to property. Fresh Manna Full Gospel Holiness Church wishes to purchase Scotland Cemetery for \$25,000. Mr. Patterson said if the Commissioners accept the offer, there would be an upset bid process to be followed.

The Commissioners discussed the possible financial risks involved in the process. Chair McCook suggested it might be prudent to review financial statements from the church. Chairman McCook directed the County Manager to ask the church to provide a two to three-year financials for review.

Motion was made by Commissioner Gibson and duly seconded by Commissioner Alford to table action on Scotland Cemetery until the May 4 meeting pending a review of financials from the church. Vote: Motion unanimously approved.

Mr. Patterson said within the State Voter ID bill there is an item that moves the presidential primary to the Tuesday following the South Carolina primary. Mr. Patterson said this would impact Scotland County because it would have to fund a full primary for one race and it might reduce turnout for the May primary. Mr. Patterson said the National Republican Party delegates might be reduced from 72 to 12 as a result of the additional primary. He estimated a second primary might cost the County between \$20,000 and \$25,000.

Motion was made by Commissioner Gibson and duly seconded by Vice Chair McCall to approve A Resolution Requesting that the North Carolina General Assembly Remove Part 35, Section 35.1 Date of Presidential Primary from House Bill 589. Vote: Motion unanimously approved.

A Resolution Requesting that the North Carolina General Assembly Remove Part 35, Section 35.1 Date of Presidential Primary from House Bill 589

WHEREAS, Part 35 Section 35.1 Date of Presidential Primary in House Bill 589 establishes a separate Presidential Preference Primary by party ahead of the regularly scheduled North Carolina Presidential Preference Primary; and

*Scotland County Board of Commissioners regular meeting
April 6, 2015, A.B. Gibson Center, 322 South Main Street, Laurinburg, NC*

WHEREAS, the addition of a separate Presidential Primary by Party would require County Boards of Elections to operate and staff all polling sites; and

WHEREAS, for small, rural counties like Scotland County, running an additional election without funding support from the State would cause financial hardship; and

WHEREAS, the Scotland County Board of Commissioners believes an additional Presidential Preference Primary by party undermines the true spirit of the electoral process and might cause complacency among potential voters ahead of the scheduled primary election and presidential election.

BE IT RESOLVED that the Scotland County Board of Commissioners respectfully requests the North Carolina State Legislature consider striking the language from Part 35 Section 35.1 of House Bill 589 that causes counties to hold an additional Presidential Preference Primary.

Approved this the 6th day of April 2015.

Mr. Patterson said there also is a resolution requesting economic incentives for Tier I counties.

Motion was made by Vice Chair McCall and duly seconded by Commissioner Davis to approve A Resolution Requesting that the North Carolina State Legislature Develop a Jobs Incentive Program Geared Toward Tier I Counties. Vote: Motion unanimously approved.

**A Resolution Requesting that the North Carolina State Legislature
Develop a Jobs Incentive Program Geared Toward Tier I Counties**

WHEREAS, Scotland County and the City of Laurinburg work in a cooperative partnership to recruit new industry and expand existing industry in order to strengthen the tax base and create jobs; and

WHEREAS, the task presents unique challenges because most industries today seek a skilled workforce while the chronically unemployed in Scotland County is populated by a mostly unskilled workforce; and

WHEREAS, Scotland County and the City of Laurinburg have had success with recruiting industries that create fewer than 200 jobs and employ a mix of skilled and unskilled workers but do not meet the employment or salary threshold imposed by the North Carolina Department of Commerce JDIG (Joint Development Investment Grants); and

WHEREAS, despite sustained and strong recruitment efforts by Scotland County and the City of Laurinburg the two cannot compete with larger, more prosperous counties in the State that reap generous financial rewards from JDIG.

BE IT THEREFORE RESOLVED that Scotland County Board of Commissioners and the Laurinburg City Council request the North Carolina State Legislature enact a Criteria for Operation and Implementation of Job Development Investment Program tailored specifically for Tier I counties that would promote job creation for unskilled workers, improve the local and regional tax base and usher in prosperity for all North Carolina counties.

Adopted this the 6th day of April 2015 by the Scotland County Board of Commissioners

*Scotland County Board of Commissioners regular meeting
April 6, 2015, A.B. Gibson Center, 322 South Main Street, Laurinburg, NC*

Mr. Patterson provided the Commissioners with additional information on the PILT request by the Lumbee Tribe. There are three properties — two houses and an apartment complex. Mr. Patterson said the minimum would be \$150 per unit payment in lieu of taxes, which is the minimum amount the Bureau of Indian Affairs would mediate. Mr. Patterson said \$33,544 in back taxes are due on the two homes and apartment complex. Mr. Patterson said he would not recommend going below \$150 per unit on the PILT.

The Commissioners, by consensus, agreed to not voluntarily accept less than what is owed the County and that the units should be current on what is owed on back taxes before a PILT is agreed upon.

Mr. Patterson said as a follow-up to economic incentives and the State JDIG that Senator Phil Berger is working on a proposal that would extend the JDIG out to 2018 and would include modifications that would be beneficial to Tier I counties.

(Commissioner Alford left at 8:45 p.m.)

Closed Session

Motion was made by Commissioner Gibson and duly seconded by Vice Chair McCall 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. Vote: Motion unanimously approved.

OPEN SESSION RESUMED

Motion was made by Commissioner Gibson and duly seconded by Vice Chair McCall to adjourn. Vote: Motion unanimously approved. Meeting adjourned at 9:05 p.m.

Ann W. Kurtzman
Clerk to the Board

Guy McCook
Chairman