

*Scotland County Board of Commissioners regular meeting
May 7, 2012, A.B. Gibson Center, 322 South Main Street, Laurinburg, NC*

**MINUTES
Scotland County Board of Commissioners
May 7, 2012 Regular Meeting
A.B. Gibson Education Center, 322 South Main Street, Laurinburg NC**

At 7 p.m. Chairman Bob Davis called the meeting to order. Commissioners in attendance: Chairman Davis, Vice Chair Joyce McDow and Commissioners John Alford, John Cooley and Guy McCook. Commissioners not in attendance: Commissioner Carol McCall (*excused*) and Clarence McPhatter. Staff in attendance: County Manager Kevin Patterson, County Attorney Ed Johnston and Clerk to the Board Ann W. Kurtzman. Chairman Davis delivered the invocation. The Pledge of Allegiance was recited.

Motion was made by Commissioner Alford and duly seconded by Commissioner Cooley to approve the May 7, 2012 agenda as presented. Vote: Motion unanimously approved.

Public Forum

No one spoke.

Item 1. Public Hearing: Planning and Zoning

Planning and Zoning Board Chairman Henry McLeod presented the following rezoning request.

Rezoning Application Number 468-12 – Donald F. Norton – Request to rezone 40,000 square feet of an approximate 3.993 acre tract in accordance with Scotland County Zoning Ordinance Article IV from C1(Neighborhood Commercial) to RA (Residential Agriculture). The property is located at 20501 Sneads Grove Road and better known as Scotland County Tax Map Number 309 Block 01 Parcel 014.

Mr. McLeod said the applicant intends to place two rental mobile homes adjacent to his convenience store on Sneads Grove Road and intends to buffer the mobile homes with fences.

Mr. McLeod recommended that the Board approve rezoning application 468-12 and indicate that buffering is not required.

Chairman Davis asked if anyone wished to speak in favor of or in opposition to the rezoning application. No one came forward, and the Public Hearing was closed.

Motion was made by Commissioner Alford and duly seconded by Commissioner McCook to approve rezoning application 468-12 and that a buffer is not required. Vote: Motion unanimously approved.

Item 2. Public Hearing: Community Development Block Grant application

Economic Developer Greg Icard said a public hearing must be held in order to apply for a Community Development Block Grant.

Chairman Davis said this is the first of two required public hearings as part of the application process. Chairman Davis asked if anyone wished to comment in favor of or against the application. No one came forward, and the Public Hearing was closed.

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Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to proceed with the CDBG application process. Vote: Motion unanimously approved.

Item 3. Child Community Protection Team annual report

DSS Program Administrator April Snead presented the 2011 report on the Child Community Protection Team (CCPT). Ms. Snead said the cases of 10 families, which included 14 children, were reviewed. The cases reviewed involved the work of 10 different agencies in the County. Ms. Snead said the two contributing factors from the review were substance abuse and domestic violence. Ms. Snead said the CCPT intends to reach out to LMEs to provide intensive outpatient treatment for substance abuse. It also will study the development of a batterers program locally. Ms. Snead discussed CCPT accomplishments in 2011.

Motion was made by Commissioner Alford and duly seconded by Vice Chair McDow to approve the CCPT members for 2012 as presented. Vote: Motion unanimously approved.

Item 4. Report: Local oversight of scrap recycling operations

Detective Edwards of the Sheriff's Office said the agency follows State law in enforcing the sale of scrap metal. Detective Edwards agreed scrap metal theft is a big problem and there is no way to hold scrap yards accountable for what is sold there. Detective Edwards discussed regulatory requirements of the State law. He said people who sell scrap metal find ways around the law. As an example, he said only contractors are eligible to sell air conditioning units, but if a unit is stolen, it is chopped up until it is unrecognizable and sold as scrap.

Item 5. Consent Agenda:

- a) **Approve minutes of the Board of Commissioners April 2, 2012 regular meeting**
- b) **Approve Cooperative Extension request to surplus a 1999 Ford Explorer VIN 1FMZU34X5XUC57092.**
- c) **Approve citizen petition to include Silver Lane off Sallie McNair Road as part of the State-maintained road system.**
- d) **Budget Amendments:**
 - 1) **Health: Approve receipt of State funds in the amount of \$3,160 for staff training, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.**
 - 2) **DSS: Approve receipt of State funds in the amount of \$372 for Energy Neighbor, and authorize the Finance Officer to make the necessary arrangements to receive and expend the money. No County dollars involved.**
 - 3) **DSS: Approve reduction in the amount of \$221,963 from State pass-through funds and from more efficient operating methods developed by the agency.**

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

Vice Chair McDow asked the Commissioners to consider the transfer of a surplused vehicle to Richmond Community College for the maintenance staff.

Item 6: Scotland County Memorial Library Advisory Board report

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Library Director Leon Gyles discussed the 2008 establishment of the Library Board and the development of its by-laws. The Board meets quarterly to provide community input on enhancing services and to review operations. Mr. Gyles said vacancies exist on the Advisory Board. He said it is desired that appointees appreciate the library and understand how its services can improve the quality of life.

Item 7. Appointments to Boards and Committees

Motion was made by Vice Chair McDow and duly seconded by Commissioner Cooley to reappoint Mr. Larry Lanier and Ms. Penny Craner to three-year terms on the Laurinburg/Scotland County Zoning Board of Adjustment. Vote: Motion unanimously approved.

Item 8. Update from the County Manager

Mr. Patterson said he and County Attorney Johnston discussed the deed transfer of property to the Humane Society with a reversionary clause, which would give the Humane Society legal ownership of the land. If the Humane Society ceased to operate the location as an animal shelter the land would transfer back to the County.

Motion was made by Commissioner Alford and duly seconded by Commissioner Cooley to authorize the execution of deed transfer of land, which includes a reversionary clause, to the Scotland County Humane Society. Vote: Motion unanimously approved.

The County Manager said since the Board last month accepted the offer of Mr. Harvey Edge to purchase property on Highland road the upset bid process must begin with approval of a resolution. The resolution must be approved before the property can be legally advertised.

Motion was made by Vice Chair McDow and duly seconded by Commissioner McCook to approve the Resolution Authorizing an Upset Bid Process. Vote: Motion unanimously approved.

A Resolution Authorizing an Upset Bid Process

WHEREAS, the County of Scotland owns certain property being a tract of 15.28 acres (more or less) as shown and described upon a survey by Joseph F. Wampler Engineering, Inc., dated March 7, 1997 and entitled "15.28 Acre Survey For Scotland County." Said tract is more particularly described by metes and bounds as follows:

Beginning at a railroad spike which marks the intersection of the center line of State Road 1323 (Highland Road) and State Road 1609 (Harry Malloy Road); thence North 31 degrees 48 minutes 27 seconds East 2,278.14 feet to an iron found in the Carolina Power and Light Company right-of-way; thence North 83 degrees 48 minutes 44 seconds East 199.80 feet to an iron placed near a ditch, said iron also being in the Carolina Power and Light Company right-of-way and representing the point and place of the BEGINNING of this tract; thence North 86 degrees 09 minutes 14 seconds East 136.87 feet to an iron placed in a ditch, thence North 81 degrees 24 minutes 43 seconds East 214.50 feet to an iron placed, thence North 85 degrees 19 minutes 43 seconds East 251.02 feet to an iron placed, thence South 05 degrees 33 minutes 14 seconds East passing over an iron stake at 251.79 feet for a total distance of 585.44 feet to an iron placed; thence South 07 degrees 42 minutes 17 seconds East 235.80 feet to an iron placed; thence South 16 degrees 59 minutes 28 seconds West passing over a witness corner at 274.35 feet for a total distance of 280.85 feet to a point in a ditch; thence North 55 degrees 10 minutes 47 seconds West 309.06 feet to an iron placed in a ditch; thence South 84 degrees 52 minutes 14 seconds West 377.88 feet to an iron placed in a ditch; thence North 67 degrees 06 minutes 31 seconds West 284.76 feet to an iron

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placed; thence North 34 degrees 45 minutes 00 seconds East 603.55 feet to an iron found, thence North 11 degrees 40 minutes 59 seconds West 279.73 feet to an iron placed, the point and place of the BEGINNING.

The above tract is that same tract described in that deed recorded in the Scotland County Registry in Deed Book 477, page 319.

WHEREAS, North Carolina General Statute § 160A-269 permits the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$9,168, submitted by Mr. Harvey Edge of 18100 Old Lumberton Road, Laurinburg, NC; and

THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF RESOLVES THAT:

1. The Board of Commissioners upon receipt of the five percent (5%) deposit from Mr. Harvey Edge on his offer to purchase the property authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.

2. The County Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.

3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the County Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the County Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

4. If a qualifying higher bid is received, the County Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the County Clerk.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.

7. The terms of the final sale are that

- the County Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
- the buyer must pay with cash at the time of closing.

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to Mr. Harvey Edge.

Approved this 7th day of May, 2012

Mr. Patterson said a contract agreement with EMS/MC would provide the County with ambulance billing services, support software and six tough book computers. Scotland County would pay 9.5 percent of collections from EMS/MC to the same. The service provided by EMS/MC would free the EMS billing person to follow up on past due accounts.

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Motion was made by Commissioner Cooley and duly seconded by Commissioner Alford to authorize execution of the billing services agreement with EMS/MC pending final approval of the County Attorney. Vote: Motion unanimously approved.

County Manager Patterson reminded the Board that May 30 is County Assembly Day and to alert County staff if they wish to attend.

The Board agreed to two half-day budget work sessions 8:30 a.m. to 1 p.m. Tuesday May 22 and Thursday May 24.

Comments from the Chairman and Commissioners

Motion was made by Vice Chair McDow and duly seconded by Commissioner McCook to write a letter to the State in support of its providing the \$650,000 match to the federal government to release \$4 million in HAVA funds. Vote: Motion unanimously approved.

The Board asked for the following items to be placed on the budget work session agenda:

- a. Resolution asking the Governor to secure funds to pay the unpaid principal of the federal unemployment tax act loan made to the State of North Carolina. Vice Chair McDow suggested this resolution should be considered if it would benefit Scotland County.*
- b. Discussion on the Regional Alliance (formerly BRAC) and the County's continued participation.*
- c. Follow up on discussions regarding wording on the County tax card, particularly as it refers to "school tax."*
- d. Discuss the Laurel Hill Fire Department's equipment needs and how the fire tax might support those needs.*

Motion was made by Commissioner Alford and duly seconded by Vice Chair McDow to recess to 8:30 a.m. Tuesday, May 22, at 507 West Covington Street for a budget work session. Vote: Motion unanimously approved.

Ann W. Kurtzman
Clerk to the Board

Bob Davis
Chairman