

*Scotland County Board of Commissioners regular meeting
June 6, 2011, A.B. Gibson Education Center, Laurinburg, NC*

MINUTES

**Scotland County Board of Commissioners
June 6, 2011 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, Carol McCall, Guy McCook and Clarence McPhatter. Staff in attendance: County Manager Kevin Patterson, County Attorney Ed Johnston and Deputy Clerk to the Board Tim Martin. Chairman Davis delivered the invocation. The Pledge of Allegiance was recited.

Motion was made by Commissioner Alford and duly seconded by Commissioner McCall to approve the June 6, 2011 agenda. Vote: Motion unanimously approved.

Public Forum

Mr. James “Sunbeam” Sutherland said he attended expecting a Water District Board meeting, but was informed by the County Manager that Water Board meetings have always been done during County Commissioners meetings. Mr. Sutherland contended the Water Board is a completely different board and its meetings should be advertised and held separately. Mr. Sutherland then asked how the Water Districts can take depreciation away from cash money. He said it is not possible. Mr. Sutherland asked where the \$2.4 million is.

Chairman Davis said the Board will look into this and the Board will get an answer to Mr. Sutherland.

Economic Development

Economic Developer Greg Icard presented the Commissioners with an Interlocal Agreement between Scotland County and Laurinburg Maxton Airport. The agreement states the LMA will provide wastewater treatment services to GreenRite of Maxton, which received CDBG funds to construct a sewer line to both facilities.

Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to approve the Interlocal Agreement for Wastewater Services between Scotland County, North Carolina, and the Laurinburg Maxton Airport Commission. Vote: Motion unanimously approved.

Mr. Icard presented a Language Access Plan, the approval of which is required by the federal government in order for the County to receive federal funding. Mr. Icard explained the Plan provides for populations that lack English language proficiency to have access to the translation of vital documents. Mr. Icard said Scotland County at about 2.7 percent does not reach the five percent required threshold, but he was told at the federal level that the County would have to have a Language Access Plan regardless. Mr. Icard explained that translations would not be required unless or until Scotland County met the threshold.

Motion was made by Commissioners McPhatter and duly seconded by Commissioner McCook to approve the Scotland County Language Access Plan. Vote: Motion unanimously approved.

Mr. Icard presented a lease agreement between Scotland County and FCC (North Carolina), LLC. Mr. Icard said the previous contract expired and this would be a renewal of the contract for 10 more years. County Attorney Johnston reviewed the contract.

Motion was made by Commissioners Cooley and duly seconded by Commissioner McCall to approve the lease agreement between Scotland County and FCC (North Carolina), LLC. Vote: Motion unanimously approved.

Mr. Icard presented the Assessment Policy for the FCC Sewer Line and Pump Station Project as part of the CDBG grant to construct a sewer line and pump station for FCC so it would have additional sewer capacity for proposed expansion. The policy states future users connecting to the pump station shall be required to pay an assessment fee to Scotland County. Mr. Icard suggested the fee might be \$100 per connection.

Motion was made by Commissioners Alford and duly seconded by Vice Chair McDow to approve the Assessment Policy for FCC Sewer Line and Pump Station Project. Vote: Motion unanimously approved.

Mr. Icard asked the Commissioners to approve a resolution to apply for CDBG funding for the sewer line and pump station project at FCC. Mr. Icard said the Commissioners already held the two required public hearings, and the resolution is the next part of the application process.

Motion was made by Commissioners Alford and duly seconded by Commissioner McCook to approve the Resolution for the County of Scotland Application for Community Development Block Grant Funding for the FCC Sewer Line and Pump Station Project. Vote: Motion unanimously approved.

**RESOLUTION FOR THE COUNTY OF SCOTLAND APPLICATION FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE
FCC SEWER LINE AND PUMP STATION PROJECT**

WHEREAS, the Scotland County Board of Commissioners previously indicated its desire to assist in economic development efforts within the County; and,

WHEREAS, the Scotland County Board of Commissioners held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit FCC (North Carolina), LLC; and,

WHEREAS, the Scotland County Board of Commissioners desires the County to pursue a formal application for Community Development Block Grant funding to benefit FCC (North Carolina), LLC; and,

*Scotland County Board of Commissioners regular meeting
June 6, 2011, A.B. Gibson Education Center, Laurinburg, NC*

WHEREAS, the Scotland County Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the Scotland County Board of Commissioners that the County is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development to benefit FCC (North Carolina), LLC.

Adopted this the 6th day of June, 2011 in Laurinburg, North Carolina.

Mr. Icard said he received three RFQs from engineering firms for engineering design and grant administration for the GreenRite (Viridian) sewer project at the Laurinburg/Maxton Industrial Park. Mr. Icard asked the Commissioners for approval for Municipal Services Engineering to conduct administration of the grant as well as the engineering responsibilities for the sewer project. Mr. Icard said the project is funded by CDBG and NC Rural Center. Total project is expected to be \$255,000. There is no cost to the County.

Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to approve Municipal Services Engineering for grant administration and engineering design for the GreenRite sewer project. Vote: Motion unanimously approved.

EOC expansion: Authorize negotiations with an architectural firm

EMS Director Roylin Hammond said in March 2011 the County received permission to spend the funds it received from Homeland Security for the expansion of the Emergency Operations Center (EOC). County officials interviewed three of the six architectural firms that returned RFPs. It was decided the Becker Morgan group, Wilmington, NC, was the firm that would best meet the needs of the County regarding the project. Mr. Hammond asked the Commissioners for approval to proceed with negotiations with that particular firm.

Motion was made by Commissioner McCook and duly seconded by Commissioner McCall to approve contract negotiations with the Becker Morgan Group regarding EOC expansion. Vote: Motion unanimously approved.

Consent Agenda:

- a) **Approval of minutes of the Board of Commissioners May 2, 2011 regular meeting.**
- b) **Approve interfund transfer in the amount of \$121,598.11 from Capital Project Funds to General Fund for closeout of capital projects.**
- c) **Approve FY 11-12 Home and Community Care Block Grant for Older Adults County Funding Plan**
- d) **Budget Amendments:**
 - 1) **Health: Approve receipt of funds in the amount of \$12,800, 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 Alford to approve the Consent Agenda. Vote: Motion unanimously approved.

Business Update: Enterprise Funds

County Manager Patterson said the current financial situation of Water District I is \$5,835 in the black. Water District II has an \$18,000 deficit, but the 12-months of revenues have not come in yet. Water District I revenues would be around \$25,000 while Water District II would be around \$40,000. Mr. Patterson said there is still an estimated \$200,000 of depreciation, which means the year would show a net loss of \$100,000 to \$125,000 between the two projects.

Mr. Patterson reported the landfill is showing a positive cash flow but will probably show a small net loss from depreciation. Mr. Patterson said the accrual window for closure and post closure costs will be longer since it is now 30 years out at 2040. Mr. Patterson said the waste streams and revenues should increase as the economy recovers.

Mr. Patterson said fee increases for all three enterprise funds are proposed in the FY 2011-2012 budget. Mr. Patterson said the rates would be close to those in surrounding counties but not higher than the other counties. Mr. Patterson said he would provide more specific information on what other landfills charge.

When Mr. Patterson turned the discussion to the fee structure for the Water Districts, Mr. Sutherland in the audience asked if that discussion should be reserved for the Water District Board of Supervisors and advertised accordingly. County Attorney Johnston said he would research the issue and suggested discussion could proceed as long as no action was taken at this time regarding the Water Districts.

Mr. Patterson said an increase in the Water Districts rate structure is proposed that would put both Water Districts on the same rate. Mr. Patterson said the proposed rate would be higher but the minimum gallons used would be 2,000 versus 1,000. He discussed the proposed additional fees per 1,000 gallons after the 2,000. Mr. Patterson said the proposed fee structure would be competitive.

Chairman Davis responded to continued questions by Mr. Sutherland as to whether the Board of Commissioners should be sitting at an advertised meeting as the Water District Board of Supervisors when District business is discussed. Chairman Davis said the Clerk to the Board reviewed the minute books and could find no record where the governing body met separately as the Water District Board of Supervisors. Chairman Davis said this would have covered a time period when Mr. Sutherland served on the Board of Commissioners. Chairman Davis went on to assure Mr. Sutherland that his Water District meeting question would be researched further to ensure the process is done according to law.

Change order for Government Complex roof

County Engineer Jim Blackwell said some damage to the insulation and the interior roof gutter on the Government Complex was discovered during the roof replacement project. Damage was

*Scotland County Board of Commissioners regular meeting
June 6, 2011, A.B. Gibson Education Center, Laurinburg, NC*

caused by water that deteriorated the insulation and wooden substructure under the roofing membrane.

Mr. Blackwell said the items must be replaced or the warranty on the new roofing system will be voided. Mr. Blackwell said a change order was negotiated with the contractor to include remove and replace the wet insulation, remove and replace deteriorated wood in the bottom of the gutter and remove and replace deteriorated wood nailers. Mr. Blackwell said the negotiated change order would not exceed \$15,574, although it might be lower than this amount.

Motion was made by Commissioners Alford and duly seconded by Commissioner McCook to approve the change order and make the necessary budget amendment to the Public Buildings budget. Vote: Motion unanimously approved.

Appointments to Board and Committees

Motion was made by Vice Chair McDow and duly seconded by Commissioner McPhatter to appoint Ms. Juliet McMillan to a two-year term on the Jury Commission. Vote: Motion unanimously approved.

Motion was made by Commissioner Alford and duly seconded by Commissioner Cooley to reappoint Ms. Cathy Poole and Mr. Joe Manis as private sector members on the LRCOG Workforce Development Board. Vote: Motion unanimously approved.

Motion was made by Vice Chair McDow and duly seconded by Commissioner Alford to reappoint Mr. Beacham McDougald, Mr. Jim Walker and Mr. Lee Gaunt to four-year terms on the Historic Properties Commission. Vote: Motion unanimously approved.

Motion was made by Commissioner Alford and duly seconded by Vice Chair McDow to appoint Mr. Guy McCook as the Commissioner-representative to the Social Services Board. Vote: Motion unanimously approved.

Report from the County Manager

Mr. Patterson updated the Commissioners on budget deliberations at the State level, the details of which might not be known until next week.

The Board is invited to the Town of Maxton's Annual Independence Day Celebration July 1.

Cumberland County sent a resolution supporting the feasibility study for the proposed international terminal at Southport. The County approved a similar resolution. Vice Chair McDow suggested the local delegation be reminded of the County's support of this study.

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

*Scotland County Board of Commissioners regular meeting
June 6, 2011, A.B. Gibson Education Center, Laurinburg, NC*

matters relating to the location or expansion of business in the area served by this body and 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.

OPEN SESSION RESUMED

Motion was made by Commissioner McCall and duly seconded by Commissioner McCook to name a different entity to conduct the County audit; require a written monthly report in the Board of Commissioners agenda package as to amounts in restricted and unrestricted fund balances and to state what percentage unrestricted fund balance is of the total general fund expenditures; require Budget Ordinance to contain explanation of how Budget Officer made projections from revenue from Property Tax, Sales Tax, all other material sources of revenue and if there are statutory limitations on a projection, state relevant limitation; and to receive not less than quarterly a financial report detailing expenditures and disbursements from County funds. Vote: Motion unanimously approved.

Commissioner John Alford moved that the Board of Commissioners recess until 8 a.m. Thursday, June 9, at 507 West Covington Street for a budget work session. Vote: Motion unanimously approved.

Ann W. Kurtzman
Clerk to the Board

Bob Davis
Chairman

Minutes written by Clerk to the Board Ann W. Kurtzman from audio and notes compiled by Deputy Clerk Tim Martin