

**MINUTES**  
**Scotland County Board of Commissioners**  
**Regular Meeting, July 6, 2009**  
**Scotland County Complex, 1405 West Boulevard, Laurinburg NC**

At 7 p.m. Chairman J. D. Willis called the regular meeting to order. Commissioners in attendance: Chairman Willis, Vice Chair Betty Blue Gholston and Commissioners John Alford, Bob Davis, Joyce McDow and Clarence McPhatter. Commissioners not in attendance: Commissioner Guy McCook. Staff in attendance: County Manager Kevin Patterson, County Attorney Ed Johnston and Clerk to the Board Ann W. Kurtzman. Chairman Willis delivered the opening prayer. The Pledge of Allegiance was recited.

**Public Forum**

No one spoke at Public Forum.

**Item 1. Public Hearings:**

- a) **Six-year local incentive grant**
- b) **Five-year local incentive grant**

Chairman Willis called the Public Hearing and asked if anyone wished to speak in favor or against the two economic incentive grants. No one came forward and the Public Hearing was closed.

**Motion was made by Commissioner Davis and duly seconded by Commissioner Alford to approve the six-year local incentive grant and the five-year local incentive grant. Vote: Motion unanimously approved.**

**Item 2. Parks and Recreation: Bypass and Pinewood parks recommendations**

Parks and Recreation Director Shannon Newton said the Parks and Recreation Advisory Board recommends that Pinewood Park close while By-Pass Park remain open. Ms. Newton said the recommendation comes as a result of public input sessions.

Ms. Newton said the Advisory Board also recommends that playground equipment be placed at a park near Pinewood when funding is available so the impact on children would be minimized.

**Motion was made by Commissioner Alford and duly seconded by Commissioner Davis to approve the Parks and Recreation Advisory Board recommendation and close Pinewood Park. Vote: Motion unanimously approved.**

**Item 3. Consent Agenda:**

- a) **Approval of minutes of the Board of Commissioners June 1, 2009 regular meeting and June 18, 2009 reconvened meeting.**
- b) **Authorize the Tax Collector to collect the taxes set forth in the tax records filed in the office of the Scotland County Tax Department.**

- c) Approve Health Department request to increase lab procedure fees and approve eight additional tests with the recommended fees.
- d) Approve Tax Department request to release funds in the amount of \$66.34 and in the amount of \$334.49 and to make refunds in the amount of \$69.60 and in the amount of \$1,105.16.
- e) Approve Single Family Rehabilitation Program Assistance Policy for the FY 2009 Cycle.

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

#### **Item 4. Revolving Loan Fund Plan to assist existing and expanding businesses**

Economic Developer said he applied for a rural business enterprise grant in February. Approval for the Revolving Loan Fund Program is requested in order to submit it to the USDA by the set deadline.

**Motion was made by Commissioner McPhatter and duly seconded by Vice Chair Gholston to approve the Revolving Loan Fund Plan. Vote: Motion unanimously approved.**

#### **Item 5. Appointments to Boards and Committees**

**Motion was made by Commissioner McDow and duly seconded by Vice Chair Gholston to reappoint Ms. Kyle Bethel to a first full term on the Scotland Memorial Library Advisory Board and to appoint Ms. Freddie Davis to a first term on the Scotland Memorial Library Advisory Board. Vote: Motion unanimously approved.**

**Motion was made by Commissioner McDow and duly seconded by Vice Chair Gholston to reappoint Mr. Jeff Maidment to a first full term on the Parks and Recreation Advisory Board and to appoint Mr. Randy Jones to an unexpired term on the Parks and Recreation Advisory Board. Vote: Motion unanimously approved.**

Commissioner McDow said the Parks and Recreation Advisory Board requests that the Chairman of the Aging Advisory Council have a permanent seat on the Parks and Recreation Advisory Board to facilitate better communication between the two Boards.

**Motion was made by Commissioner McDow and duly seconded by Vice Chair Gholston to approve the addition of the Chairman of the Aging Advisory Council as a permanent seat on the Park and Recreation Advisory Board. Vote: In Favor: Chairman Willis, Vice Chair Gholston and Commissioners Alford, Davis and McDow. Against: Commissioner McPhatter. Vote: Motion approved.**

Commissioner McDow said Clint Willis currently is serving as Chairman of the Aging Advisory Council.

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**Motion was made by Commissioner McDow and duly seconded by Commissioner Alford to appoint Mr. Clint Willis to the Aging Advisory Council. Vote: In Favor: Chairman Willis, Vice Chair Gholston and Commissioners Alford, Davis and McDow. Against: Commissioner McPhatter. Vote: Motion approved.**

Commissioner McDow said the Parks and Recreation Advisory Board asks that the term limits for current members be extended from two to three years as is the case for all new appointees.

**Motion was made by Commissioner McDow and duly seconded by Commissioner Alford to extend the term limit from two to three years for all current appointees on the Parks and Recreation Advisory Board. Vote: Motion unanimously approved.**

**Motion was made by Commissioner McDow and duly seconded by Vice Chair Gholston to appoint Ms. Amanda Dial to the Maxton/Scotland County Board of Zoning Adjustment and Appeals. Vote: Motion unanimously approved.**

#### **Item 6. Update from the County Manager**

County Manager Patterson said he and staff reviewed a request to waive tipping fees for nonprofits. Mr. Patterson said staff recommendation is not to waive the fees.

Mr. Patterson's report on the request is as follows:

*As requested, I have had conversations with staff concerning the waiver of fees for certain nonprofit and governmental agencies. In 2004 the Board discussed waiving fees for other governmental and nonprofit organizations. The primary focus was on inspection fees. The Board agreed to waive fees for County projects and for projects for other Scotland County municipalities when they did the work themselves. It was decided not to waive fees for nonprofits.*

*The Commissioners did waive some of the tipping fees for the demolition of the old hospital. The contractor sent most of the material to other facilities. The reason cited was the necessary separation of materials.*

*The variable cost of land filling C&D material is approximately \$20 per ton. Assuming the current expansion of the C&D permit is approved the County will need to generate retained earnings of \$1 million within the next fifteen years, the projected life of the landfill expansion. This is the post closure costs for the landfill. This assumes that the County wishes to change the implied strategy of having the continuing care of the landfill covered by the General Fund. The County has increased different fees at the landfill for three of the last four years.*

*The Board passed the Community Assistance Grants (CAG) policy to allow for more varied funding of nonprofit organization. One of the items discussed was the growth in funding for nonprofit organizations. One purpose for the policy was to restrict this growth.*

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*I recommend that nonprofit organizations apply for CAG funding to offset inspection and/or tipping fees. At most for municipalities demolishing abandoned homes, we could collect \$25 per ton at disposal and have the municipality add the remaining \$14.75 per ton to their lien against the property. The County would likely not collect the remaining fees unless the property is foreclosed on and sold. This does not reduce the County's future debt of post closure costs. The City of Laurinburg has had limited activity in demolishing abandoned homes. If each municipality were to start an active demolition program it would increase the demand on the landfill. This would not address the Laurel Hill community.*

*At this time I recommend caution in reducing revenues or expanding services on the County level. It is easier to allow programs to grow, especially when they reduce the cost of others and put them back on the County, than to rein them in later.*

The Commissioners discussed at length Mr. Patterson's recommendation versus the request to waive tipping fees for nonprofits.

Commissioner McPhatter said he did not believe there would be that much tonnage coming from nonprofits to make that much of a difference. He suggested some allowable threshold be established.

Chairman Willis reminded the Commissioners that waiving tipping fees means the landfill would not get the revenue and the landfill already is in the red.

Chairman Willis suggested the Commissioners communicate some thoughts and ideas with the County Manager in order to develop a policy that would be acceptable to the Board.

*The Board of Commissioners, by consensus, asked that the waiving of fees continue to be reviewed to see if a policy could be developed to assist nonprofits.*

Mr. Patterson said the Chairman sent a thank you letter to Rep. Larry Kissell for including a \$650,000 Emergency Operations Center project in the 2010 Homeland Security Budget. The appropriation passed the House and now must pass in the Senate.

Mr. Patterson asked that Accountant Charles Nichols be appointed a Deputy Finance Officer, which would give Mr. Nichols the authority to pre-audit contracts.

**Motion was made by Vice Chair Gholston and duly seconded by Commissioner McDow to appoint Mr. Charles Nichols as Deputy Finance Officer. Vote: Motion unanimously approved.**

Mr. Patterson asked that Mr. Nichols be added to the list of those individuals who have check signature authority at First Bank and BB&T.

**Motion was made by Commissioner Alford and duly seconded by Vice Chair Gholston to approve Mr. Charles Nichols with check signature authority with First Bank and BB&T. Vote: Motion unanimously approved.**

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The County Manager said resolutions were received from Perquimans County opposing the provision of property tax breaks for elderly homeowners and a resolution asking that Support Our Students funding be restored.

A resolution from Pamlico County opposes the charging of public safety volunteers for continuing education courses.

Mr. Patterson discussed the Open Government Bill, which would establish a State agency to hear complaints about open records. The bill requires the payment of attorney fees if a local government loses an open records lawsuit. Mr. Patterson said elected officials and County personnel would also have some liability for paying fees individually.

**Motion was made by Commissioner Alford and duly seconded by Commissioner McDow to approve a resolution opposing HB1134 Open Government Act. Vote: Motion unanimously approved.**

**A Resolution Opposing HB1134 Open Government Act**

**WHEREAS**, House Bill 1134 Open Government Act would create an Open Government Unit of the Department of Justice to receive and attempt to informally resolve disputes between the public and more than 430 State and local government agencies; and

**WHEREAS**, the Open Government Act would create another bureaucracy that would become involved anytime there is disagreement over what is a public record or an open meeting and require the payment of reasonable attorneys' fees if a local government loses an open records lawsuit; and

**WHEREAS**, the Open Government Act would allow for attorneys' fees to be assessed against a public agency or the court may order that all or any portion of any attorneys' fees so assessed be paid personally by any public employee or public official; and

**WHEREAS**, current law protects local governments from having to pay attorney's fees if they act with "substantial justification" in denying access to records while HB1134 would remove this protection and substitute reliance on a court order or judgment, an appellate opinion or a written opinion from the Attorney General so that a public body would **NOT** be able to rely on an opinion of its own attorney or other legal experts when considering requests for records.

**NOW, THEREFORE, BE IT RESOLVED** that the Scotland County Board of Commissioners vigorously opposes HB 1134 Open Government Act since the Scotland County Board of Commissioners believes that the current system works well, in that, citizens' address their concerns directly with those elected officials that they hold accountable through local elections.

Adopted this 6<sup>th</sup> day of July, 2009

County Manager Patterson said it is time to designate a voting delegate for the NCACC conference August 27 to 30.

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**Motion was made by Vice Chair Gholston and duly seconded by Commissioner Alford to designate Commissioner Joyce McDow as 2009 NCACC Voting Delegate. Vote: Motion unanimously approved.**

*Information/Comments from the Chairman and Commissioners*

Chairman Willis recognized School Board Member Calvin Newton, who attended the meeting.

Vice Chair Gholston congratulated Mr. Walter Rogers on his appointment as Chairman of the State Black Caucus.

**Motion was made by Commissioner Davis and duly seconded by Commissioner McDow to recess to 7 p.m. Thursday, July 9, for a joint meeting with the Board of Education in the Commissioners Chamber, 1405 West Boulevard. Vote: Motion unanimously approved.**

Ann W. Kurtzman  
Clerk to the Board

J.D. Willis  
Chairman