

**Montgomery County Commissioners Meeting**

**August 3, 2004 ~ 6:00 p.m.**

**Chairman – William D. Maness “Billy”**

**Vice-Chairman – Dolon W. Corbett**

**Commissioner - Sally M. Morris**

**Commissioner – R.C. Bostic**

**Commissioner – George H. Knight, Jr.**

**County Manager – Lee Matthews**

**Clerk – Laura B. Morton**

**County Attorney – Russell J. Hollers**

The Montgomery County Board of Commissioners met in a regular session on Tuesday, August 3, 2004 at 6:00 p.m. A full board was present. Chairman Maness called the meeting to order and the following was heard:

**Invocation**

Mr. Earl Connelly gave the invocation in the absence of Rev. Dexter Gibson.

**Approval of Minutes**

There were no minutes ready for approval.

**Public Forum**

No one spoke during the public forum.

**Public Hearing: Amendment to the Montgomery County Scattered Housing Site CDBG Project**

Chairman Maness recessed the regular session and called to order the public hearing for the amendment to the Montgomery County Scattered Housing Site CDBG Project. Mrs. Mary Chandler Beck was present.

Mrs. Beck said they have received 27 applications and only 5 households are eligible. In the original grant application the County proposed to relocate only one (1) household in Montgomery County by demolishing and clearing the existing housing unit and have a new “special order” doublewide built and moved to the site, replacing the existing home. However, due to the cost associated with the severity of the housing needs, we have two (2) additional households that have housing needs, which far exceeds the cost allowed for rehabilitation under the Scattered Housing Grant Program. As you are aware, we received matching funds for assistance from USDA Rural Development Program on the first home that was replaced, and we are working with USDA on the replacement of these two homes as well. She asked the board to move funding from the rehabilitation line item in the existing Scattered Housing Site budget to the relocation and clearance line items. This will allow the County to proceed with the demolition and clearance of these two additional homes and replacement homes.

She reminded the board that after the public hearing is closed the board will need to vote on this amendment.

No public comments were received.

Chairman Maness adjourned the public hearing and reconvened the regular session.

**Vote on the Amendment to the Montgomery County Scattered Housing Site CDBG Project**

In a motion made by Commissioner Corbett, seconded by Commissioner Morris and so the motion carried unanimously to approve the Amendment for the Montgomery County Scattered Housing Site CDBG Project. *(A copy of this and all amendments are on file in the office of the clerk to the board).*

Chairman Maness announced that Commissioner Bostic had to be absent today because of a funeral. Mr. Maness said it is rare for him to miss a meeting.

### **Presentation by NC Land Trust – Natural Heritage Inventory**

Mr. Kevin Redding presented the board a copy of the Montgomery County Natural Heritage Inventory and said he hoped the board would use it as a resource. He said he also brought a copy for the County Library and one for Mr. Matthews and one for each of the board members. He introduced Mrs. Moni Bates a biologist who worked on this project. She commented on the project.

Commissioner Corbett asked about land that floods around Barnes Creek. Mrs. Bates said it must be part of the natural flow because it hasn't caused any problems.

### **MCC Dental Hygienists Program**

Dr. Mary Kirk and members of the Board of Trustees at Montgomery Community College were present. Mrs. Gelynda Capel gave the introduction to the proposal for leasing agreement to initiate a dental assisting program. Dr. Kirk gave the mission statement and objective for the college. She said that there had been an announcement that some of the smaller colleges may be combined. Montgomery County needs the college. She said right now we are safe, but we have requested that the State, Division of Budget come in and evaluate Montgomery Community College.

Dr. Kirk explained the HUSKIN program and the many other programs the college offers. She said our goal is to raise the FTE's so they will never say anything about combining our school with another.

Dr. Kirk said you all know the state of our county and the struggles we have had with job layoffs and unemployment being over 8%. She said even our churches have felt the effects.

She explained that Dr. Sharda, a former dentist in Biscoe, sold his practice to Dr. Lane. Dr. Lane has built a new office at Wal-mart shopping center. She said Mr. Phil Kissell began talks about the use of the vacant office building. Dr. Kirk said we were not aware of this until after the budget request was prepared. If all of this works out we could start classes by Fall 2005. She said we want to write a grant to JB Reynolds Foundation.

Mrs. Mary Chesson explained that there is a waiting list for this course of study at every college that offers it. She said the target area is not just Montgomery County; we are looking at a regional concept. Mrs. Chesson noted other counties with the Dental Assisting Programs and said we have no competition. She said we want to start it through the Continuing Education curriculum.

Dr. Kirk said she was proud of her staff because they have pulled all of this information together and they have only had since Thursday to get the information together. She said after some negotiation he said he would sell for \$110,000 and he will donate the equipment. She said the tax value is \$124,000. If we decide not to purchase he will offer a 3 year lease of \$12,000/year with a 5% increase, with the option of purchasing after the first year.

Chairman Maness asked Dr. Kirk if this will ever be brought to campus. Dr. Kirk said eventually. She said our goal is to get a grant to build a Health/Science Building, which is a good argument to just lease. Chairman Maness asked about insurance coverage. Dr. Kirk said we will have to pay liability and have insurance on the equipment. She said we could do a HUSKIN program course there after 3:00 p.m., and we can market to the minority community.

Dr. Kirk said we can't lease a building with state dollars.

Dr. Johnny McKinnon a dentist in Mt. Gilead appeared before the board. He said he evaluated the building and it is in good, safe shape. He said the equipment is in good shape for teaching. He said the location is good because it is an actual office practice setting.

Chairman Maness asked how many students will this serve? Dr. Kirk said 20. Dr. McKinnon said there is a shortage of Dental Assistant. This will be very good to have.

Commissioner Corbett said in California and Colorado Dental Hygienists can work on their own. Dr. McKinnon said North Carolina is a very conservative state.

Commissioner Knight said the initial phase would turn out what? Dr. McKinnon said Dental Hygienists.

Dr. Lindsey Suggs, Superintendent of Montgomery County Schools expressed the schools support for this.

Dr. Kirk said the good thing about this building is that it can be used for other programs as well.

Commissioner Knight asked Dr. Kirk what she wants. Dr. Kirk said I want to lease it and look at other sources so she would have a better picture. Commissioner Morris said are you asking for all of the money. Dr. Kirk said yes, but if needed we could use \$5,000 from contingency. Commissioner Corbett asked about proceeds for the golf tournament. Dr. Kirk said that is an option. Chairman Maness said wherever we find the money; this is an important opportunity.

Dr. Kirk said if we don't take advantage of this I am afraid we will not get the opportunity again.

Commissioner Morris said I think it is a good idea.

Chairman Maness mentioned the money that had been set aside for the boiler/chiller.

Commissioner Corbett asked about the county buying the building instead of leasing it. Commissioner Knight said I don't think it would make any difference because you are going to still have to come up with the money. He said I don't think the county needs to buy another building right now.

Chairman Maness asked do you need a nod from the board. Dr. Kirk said yes. He wants a lease signed, he wanted it signed Sunday, and I told him we couldn't do that before the meeting. She said we took \$1,000 and asked him to please hold the building because he has a buyer.

Commissioner Morris asked when will you know if you can teach this or not. Dr. Kirk said we can start dental assisting tomorrow. Dental Hygiene is the curriculum program we want to go after, it usually takes six to nine months to go through this process.

Dr. Kirk said the word is already on the street about this course. She said Cathy Harris has had numerous calls about this program.

Chairman Maness said I think you are going to have a waiting list just like the others.

Chairman Maness asked for the pleasure of the board. He said you know where I stand, I think it is a great idea. Where the money comes from is what we need to delve into. He said my nod would be to move forward and let Dr. Kirk do what she needs to do and let Dr. Lane know we do want to rent the building. We will have to work on details on how to fund it.

Commissioner Corbett asked do we need to contact Commissioner Bostic by phone? Chairman Maness said I wouldn't think so.

In a motion made by Commissioner Morris, seconded by Commissioner Knight, and so the motion carried unanimously to approve the 3-year lease.

Chairman Maness told Dr. Kirk that you need to get with your board and Mr. Matthews and try to figure out where we can get the money. He said this will need to be worked into the budget next year.

Mrs. Ruth Simpson said she her granddaughter has been on a waiting list to be a dental hygienist program for over a year. Mr. Maness said you need to tell her to run down to Montgomery Community College and put her name on the list.

### **Planning Board Report**

Mr. Phil Henley was present to present the Planning Board report. He said he would first like to thank the board for the digital camera they allowed them to purchase. He said Pete Hinson has finished taking pictures of all of the lots and it has served to be very useful information.

Chairman Maness said usually there is more backup information than was in the packet. He asked Mr. Henley if he could provide more information. Mr. Henley said yes, I apologize I have had people on vacation.

Mr. Henley present the following report:

*Mrs. Shirley Poe* appeared before the Planning Board requesting a variance from the set back to the property line to repair a storm damaged cover over her deck. The damaged happened before the new campground ordinance was adopted. He said she is located at Twin Harbor Lot #157A & 158A. He said all adjoining property owners were located and this was advertised. At the Planning Board meeting we heard both the pros and the cons. The Planning Board recommended approval of this request, because the damage was done before the new ordinance was adopted. He said this is not to set a precedent for the future.

Mrs. Poe was present at the meeting. She appeared before the board with her request. She said she was requesting a variance to the setback in the new campground ordinance for lots 157 and 158A at Twin Harbor, in order to repair wind storm damage which happened March 7, 2004, as we were unable to finish the repairs before the new campground ordinance was adopted May 5, 2004.

Mrs. Poe said I met with the State Farm Insurance adjuster on Sunday, May 21, at which time he paid \$5,600 for repairing the damage (which included the camper roof and cover over the deck).

I am a self-employed accountant, and work 16 hours a day during income tax season, so I called the company that put up the deck cover and asked if they would get the damage repaired for me, since I didn't have time to take care of it during tax season.

They put part of the deck cover up and realized the material was cut wrong, and had to take down what they had put up, and were unable to come back until May 5, the day after the new campground ordinance was adopted. The inspector stopped the company from putting the deck roof back up that morning. I have already paid for the material that is laying on the ground at Twin Harbor, which is the same as the original. I just want to put it back exactly as it was before the storm.

The campers were placed on the lots in 1982 & 1991, and were in compliance at that time, and I was not required to be 5 ft. off the property line then; so I thought the deck cover was grandfathered until which time the accessory (the deck cover) was removed for more than 6 months (new campground ordinance section 3-3.8 grandfathering existing accessory).

I would like to say at this time, when the deck cover was put up two years ago I asked people, that I thought was in the know at Twin Harbor, if I needed a building permit, and as told no because it wasn't stick built. That I am sorry for, because now I am told by the inspector that I should have gotten a permit when it was first put up.

An engineer in Greensboro designed the deck cover which cost \$5,200.00 and was wind and snow load engineered.

From the material I gave you, the pictures of the cover before, and after the storm, and the way it looks now. The windstorm left all posts and frame standing, but took off the top.

She said I am asking permission to get a permit and repair the storm damage, as now the rainwater stands under the wooden deck floor, causing more mosquitoes for me and my neighbors.

Commissioner Corbett asked which inspector looked at it? Mrs. Poe said Mr. Henley and Mr. Hinson.

The board discussed the date the ordinance was adopted.

Commissioner Knight said you are wanting a variance as far as the set back? Chairman Maness said she is putting it back the way it was, she is not going to be adding anything.

Commissioner Knight said I don't want people from Twin Harbor putting back things the way it was. Mr. Maness said it is a judgment call.

After some discussion a motion was made by Commissioner Corbett, seconded by Commissioner Knight and so the motion carried unanimously to approve the variance request for Mrs. Shirley Poe.

Mr. Henley said Mr. Donnie Shelton's request is like Mrs. Poe's. Mr. Shelton is requesting a variance to replace a carport damaged by the storm of February 27. His property is located in Twin Harbor at 109 Crocket Trail (100F). He said his carport was damaged before the new ordinance was adopted as well. Mr. Henley said all adjoining property owners were located and this was advertised. He said the Planning Board recommended approval of this request, on the condition that the changes be made that they requested.

Mr. and Mrs. Donnie Shelton were present. They discussed their case and provided pictures.

In a motion made by Commissioner Knight, seconded by Commissioner Maness, and so the motion carried unanimously to approve the variance request for Donnie Shelton.

Commissioner Knight was concerned about information getting out to the people at Twin Harbor. Mr. Henley said he would talk with Nick Hancock at Twin Harbor and maybe he could be an insert in the newsletter.

There were several people from Twin Harbor that spoke about the sewer rates.

Robert Nelson a full time resident said he was upset when he received his first bill and it was over \$60. So he did some investigating on his own about the sewer rates. He found out that the reason the rates are so high is because we are paying Mt. Gilead to treat the sewer. He said we are actually paying less than the out of town rates at Mt. Gilead.

Mrs. Ruth Simpson said there are a lot of people on fixed incomes out there that can't afford the rates.

Mr. Smokey Dorsey was present commended the board on the meeting. He said I have been to a lot of meeting in the City of Charlotte because I am a retired firefighter. He said you have to treat the zoning situations like cars. He said this is just a suggestion. When you have a certain amount of damage, and at a certain point they total it. He said maybe you need to look at it like that. Chairman Maness told Mr. Dorsey that the board appreciated the input.

### **Annual Tax Settlement**

Mrs. Vickie Maness presented the Annual Tax Settlement to the board. She answered questions the board had regarding the settlement and tax collection procedures and town tax collection reimbursements.

In a motion made by Commissioner Corbett, seconded by Commissioner Morris and so the motion carried unanimously to approve the Annual Tax Settlement.

### **Discussion of School Timber Sale**

Dr. Suggs said with the convocation, the school year as gotten off to a good start. He said everyone is excited, we have higher goals than last year. He said we had five schools of distinction last year. He announced the goals for this year.

Dr. Suggs announced the death of Mr. Eddie Henderson. He said the funeral will be tomorrow at East Montgomery Auditorium.

He said the school has some property that has some timber with value. Dr. Suggs said I think I talked with all of you except Mrs. Morris. He said they contracted with David Henderson to do the work for us to look at the property. He said it was our understanding that this was something the school board could decide on. As we got more to the point of closing this out, we got with Max Garner our attorney and he said we had to get the approval of the county commissioners. We checked with the School Board Association and they said yes you do need to go before the county commissioners for approval to do this. We didn't realize it wasn't a school board decision. That is when I sent the letter. It wasn't something we were trying to run sideways on at all.

Dr. Suggs said these funds will go back into the fund balance for needs during the year. He said there are some exceptions. He said there are times when stuff happens. We have a preschool class we are putting in at Mt. Gilead. It is one that was dropped by another organization. The problem is we don't have a building on site. We are in the process of contacting people about this. The funds will have to come from this type of revenue. There is no intent for the money just to be taken and used. It will be put in the fund balance for situations like this. He said if I messed up I apologize.

Commissioner Corbett asked if the top bidder was from Montgomery County. Dr. Suggs said no, but I feel good about the ones we awarded the bid to.

Commissioner Knight asked if the property would be clear cut and reseeded. Dr. Suggs said yes.

Mr. Knight said Mt. Gilead was kind of in a fix because the preschool program with Head Start closed and left us with some kids that were not going to receive any preschool education. He said Dr. Suggs and Mr. Shaw have been working with some people on this. Mr. Shaw called me the other day with some good news. He said they are going to take these children. He said if there are kids coming into the school that haven't had any preschool education it will effect things. He said I appreciate this.

Dr. Suggs said the thing that shocked me was they still don't have a full class. Mr. Knight said you are doing a great job, I must say. Chairman Maness said I echo that.

Commissioner Corbett asked how many children are we talking about? Dr. Suggs said around 18.

Chairman Maness asked what was the bid? Dr. Suggs said a little over \$300,000. He said this money is not a freebee for anyone to spend.

In a motion made by Commissioner Morris, seconded by Commissioner Corbett and so the motion carried unanimously to approve the school sale of timber.

**Approval of Budget Amendment for the Health Department – Alandale Foundation**

In a motion made by Commissioner Corbett, seconded by Commissioner Knight and so the motion carried unanimously to approve the budget amendment for the Health Department/Alandale Foundation in the amount of \$1,000.

**Discussion of Meeting Dates for Board Retreat and Forest Tour**

Chairman Maness suggested that the retreat dates be the work sessions. Water being the #1 topic. He said at the August 17 meeting we need to meet a couple of hours before the regular session and discuss mainly water. Commissioner Corbett asked if Mr. Tim Carpenter could be here. Commissioner Knight asked if the board is going to have a busy agenda or will each item be taken one at the time. Mr. Matthews said we can talk about a list at the August 17 meeting and prioritize the list.

Chairman Maness suggested the board tour the forest in the fall when it is cooler.

**County Manager’s Report**

**Voting Delegate**

Mr. Matthews said there was a question whether he could be a voting delegate. He said I checked and I can, he said I have to send it in my Monday. The board agreed unanimously for Mr. Matthews to serve as the county’s voting delegate.

**District 10 Representative**

Mr. Matthews said Montgomery County is up again to have someone from the board serve as District 10’s Representative. He said last time we passed.

Chairman Maness asked if it is a two-year deal. Mr. Matthews said yes. Mr. Maness asked when is it? Mr. Matthews said the end of August.

Chairman Maness asked the board to think about it and get back with Mr. Matthews. He asked what it consists of? Mr. Matthews said it is part of the State Association Board. Mr. Maness asked Mr. Matthews to e-mail the information to him.

**Washington Perspective Trip**

Mr. Matthews announced the Washington Perspective Trip September 12-14.

Chairman Maness, Commissioner Morris and Commissioner Corbett said it is a good trip to go on.

There being no further business, the meeting was adjourned.

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William D. Maness, Chairman

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Laura B. Morton, Clerk to the Board