

Montgomery County Commissioners Meeting
October 19, 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 regular session on Tuesday, October 19, 2004 at 6:00 p.m. in the Montgomery County Commissioners’ Room. All board members were present. *Chairman Maness called the meeting to order and the following was heard:*

Mr. Danny McRae gave the invocation in the absence of Rev. Harold Pope.

Approval of Minutes

In a motion made by Commissioner Corbett, seconded by Commissioner Morris, and so the motion carried unanimously to approve the minutes from the last meeting.

Public Forum

There were two citizens scheduled to appear during the public forum and did not appear. *Mr. Larry Watkins* had expressed interest in speaking with the board about an irrigation meter for his property at Twin Harbor, but he was not at the meeting. *Mr. Robert Grayson* was also present to discuss his opposition to the No Wake Zone Resolution for Gar Creek, but he also was not at the meeting.

Chairman Maness asked if there was anyone else who would like to speak.

Mr. William Norman appeared before the board he said he has been working on the boat ramp trying to get it straightened out for about six years (Whipowill Cove). He said you all took time to come up there and look at it. He said you all decided what you wanted to do and sent the papers to be signed. He said I did get some to sign, but there are still people saying they are not going to do it. What I would like for the commissioners to do is, I know you all took oaths to do the job, and to do what is right, and the county has rules. If anybody breaks the rules, it is you all's place to fix that. People have taken this boat ramp built over thirty feet and have taken it from their own personal use and have blocked us from using it. I would like for the county to give these people thirty days to get their stuff off the property of the boat ramp so we can have our boat ramp back. I don't see no reason why. . . everyone who has come up there has said it is wrong and it is greedy people trying to take something that is not theirs. I don't know why ya'll can't straighten this out.

Chairman Maness asked Mr. Danny McRae, Chairman of the Montgomery County Planning Board to come forward with Mr. Norman. Mr. Maness asked how many homeowners were there. Mr. McRae said there are 28 lots, there maybe a few that own more than one lot. If it is single lots it would take 16 to have a majority. But there are some that own more than one which would chance the majority and I don't have any idea what it would be.

Chairman Maness said the commissioners didn't vote on this, but the commissioners agreed that this would be a good idea. The Planning Board took care of this and it was kind of a compromise that said if you do this it will be okay. I guess what you are saying now is you have the signatures that you need to do this. . .Mr. Norman said I have the signatures.

Mr. McRae said the covenant said a majority is required. Chairman Maness said if he gets 14 of 28. . .Mr. McRae said the covenant states that 3/4 , but the covenant of Whipowill Cove states the majority, which a majority would be 15 and there was 28 different lots, but if there is several with more than one lot, then the majority may end of being 12 or 13, but the way I counted these, they need to sign like Carlos he owns two lots and he signed in both places. . .Chairman Maness said that is right though. . .Mr. McRae said he has 14 of the 28 and would actually need one more for a majority. Chairman Maness said at that point and time when he gets one more signature . . . I thought we had agreed with the Planning Board what they would do if they got these signatures. If the family doesn't want to move, at that point and time our only recourse would be what? I am asking the manager whatever our next recourse would be if they are not going to move it. County Manager, Lee Matthews said he thought there was some question about whether the county has any standing in enforcing the covenants and restrictions. He

said my understanding is that it is between the homeowners and they would have to get their attorneys involved. Commissioner Morris said the homeowners' association would have to get an attorney; it wouldn't be up to us. Chairman Maness said my question would be if the county let people build over the line . . . County Manager Matthews said then there is some question whether we would have some liability. Chairman Maness agreed. That is what we are talking about where this stands. He said whatever we need to do we need to finish this thing up right, wrong or indifferent. We need to do what we have to do as county commissioners to get this thing finished. I want to know the next move that we need to make to finish this up. Mr. Matthews said that is a legal question that he can't answer at this point. Commissioner Morris asked Mr. Matthews if he found out when the houses were built? Was it after we had our regulations with the Inspections Department or did they have the authority, were the houses built before then, or did the Inspections Department let them get by with it or what? Mr. Matthews said he was going to have to do some more checking. He said it was his understanding that some of those houses were superceded when the county zoning took effect. Commissioner Morris said that is what I was asking.

Commissioner Knight said Mr. Chair can we take a look at this thing. He said in this county before anybody can do a development, I don't know how far it goes back, but it must go back quite a ways, but there were laws in this county that governed developments way back. There was a development established up there, and in most cases when you establish a development you cannot build a house on it until it has been established, right? Chairman Maness said yes. Mr. Knight said that development was established there before any house was built and they had regulations and setbacks. Chairman Maness said a subdivision was yes. Mr. Knight said that right; they had setbacks before any house was built on any property up there. Mr. Norman said it is recorded with a 10-foot setback, just like Montgomery County's. Chairman Maness said it was a state setback then to wasn't it. Mr. Danny McRae said each subdivision could change it, Fairway Shores was 5-foot, but once it was platted and recorded, that was the guideline. Chairman Maness said and that guideline in this subdivision was? Commissioner Knight said 10-feet, and you can't say that the law. . .the law is on our side. What good are we as county commissioners, what good are we doing ordinance or anything if we can't enforce it, that is what I don't understand about this thing. We sit up here and we talk about it and say we can't enforce it. . .if I had my way about it I would go out there and they would move back 10-feet or take a bulldozer down there and push it down because we have had enough. They don't want to come to an agreement out there and people don't get me over a barrel when I have the law on my side and they think. . .this man has been messing with this thing for six years and it is time for something to be done, and it should be done right now, give them 30 days and let them do what they are going to do and then go out there with the law and move it for them and move it for them that is the way I feel about it. I am tired of wasting my time messing with some folks that do not want to abide by the law. I have to abide by the law. I am getting ready to build something on my property and I bet you I have to abide the law.

Mr. Norman said that is like me I am fixing to build. I have a garage and a pontoon boat and I asked the Inspector about putting a lean-to shed out there for my boat to go under and he said I will have to get a permit. I asked him what would happen if I didn't and he said you would have to tear it down. I said I guess I will get a permit then.

Chairman Maness said I totally agree, it is two people trying to take over the boat ramp is all it is. I want to make sure when we move forward from here tonight we are all on the same page doing what we need to do and the legal thing that we can do. My understanding is the County Attorney Russ Hollers said that before to the past commissioners that we didn't have any business there, that is what he said. If we hadn't why don't we, we need to finish this thing up. I don't understand how we can sit up here and give variances to people and there is no variance . . .Mr. Norman said there is no need for you to write rules if you are not going to make people stick to them, if you aren't going to make people stick to the rules, then we don't need rules.

Mr. McRae said we went out (the Planning Board) on another step with the people from our last meeting to the property. This was a fact finding study and see what we could suggest only to the landowners to see if we could meet a mutual agreement that would be satisfactory to at least the majority, sometimes it is hard to satisfy all parties. We asked Mr. Merrill (on the road looking down to the lake on the right hand side) to remove 8-foot of landscaping timbers. That was drawn up and the county sent out a letter and that is what he has signatures on today. One was asked to remove some bushes. One was asked to remove stepping-stones and five foot of a deck, which is very minimal. That satisfied the majority of the landowners, the ones that were present at the site. We thought everything was very reasonable. The ownership of Lot 16 had changed owners in the last year or two; well it was there when we bought it. He said you and me have an obligation when we purchase something to check it out. They inherited the problem and they just can't get over on it by saying it was there when we bought it, that is not the way the law is. So we asked a very minimum of these people and we brought it back to the Planning Board and it was unanimous and made the recommendation to you all that are fact findings should have been. .if I would have owned this place that has little bit of a deck on it, much more of their deck is on this property, but these people didn't want to move their deck. It is just that area on the end that has it shut down where you can hardly get a boat in. If I would have been the Wilson's, I would have been tickled to death to sign this agreement to move a little bit of stones and a little corner of my deck and let everybody live happily ever after. That would have been the easiest thing to do, but then the Chairman and I went out of the site, the lady that was

bucking it said now that I understand the code, I do have the responsibility since we purchased the agreement and it was already done, I agree. Her husband said I will move the stones, but I am not going to move the corner of that deck. Mr. McRae said I am not speaking tonight, and I am going to sit down, as part of the Planning Board, I am speaking as a taxpayer in Montgomery County. These people have all rights to utilize this property. It is for all 28-land owners. These people have encroached. Most of this happened after the ordinance, I don't know how, but it has. We went up as a Planning Board to try to smooth it over and get it worked out so everyone can move forward, and the one guy wants to buck the system a little bit. As an individual, not the planning board, I would suggest that the commissioners send them a letter and tell them to get that mess and get it fixed up according to the agreement and if not you all are going to seek action.

Commissioner Corbett asked how long have those homes been there. Chairman Maness said I think since 1980. Mr. Norman said one has been added onto several times since 1975. The Merrill house on the right is probably seven or eight years old. He had a little house in there and he tore it out and built the new one. All of this has been done since 1975 when the county adopted the setback rules. It is recorded. Why is there a problem? They messed up; they went ahead and did what they wanted to do. Why can't we just say fix it.

Mr. McRae said the Planning Board's recommendation was this. We just asked for five feet. The deck actually goes way out there and has concrete. They utilize this property every time they come into their home. Chairman Maness said they use it as a driveway. The covenant says this lot will be used for owners to put their boat in and out on. That is the purpose for it. These people are not objecting that they use it as a driveway; they're not objecting that Mr. Merrill has encroached. One corner of his building could be encroaching onto this lot, and they are not objecting to that. They are not asking him to move his garage. His garage doors open onto this lot access. They are not denying him use coming into his garage. They are asking a very minimum to correct the problem. It would be different if they are going overboard.

Chairman Maness said my recommendation would be that we need to get a copy of this. Mr. Matthews, if you would turn it over to Attorney Hollers in the morning and if the other commissioners agree with this, is to contact both families, explain what is going on here and see if he can work something out. With that put a timeline on it, when is this going to take place? I think that would be the best thing.

Mr. McRae asked if all of the commissioners had seen a copy of the agreement? Mr. Matthews said yes, we discussed this a couple of meetings ago.

Commissioner Corbett and Commissioner Morris said we need to contact Attorney Hollers.

Commissioner Knight said my recommendation is strong. We have played long enough and I am ready to stop playing. Chairman Maness said Commissioner Knight I understand what you are saying, and I know we have dealt with this thing enough and it is time to put it to bed and that is why we need to turn this over in the morning to our attorney with our manager giving him the whole background of where we have been and let him work this thing out and let him contact them and let them know how important it is for them to move five feet of that deck. If I think if they go in another direction it would be worse on them.

Commissioner Knight said Mr. Chair, we as a board, we didn't vote on it, but we agreed that this would be done by the first of the year. I suggest we stick to that. Chairman Maness said that is no problem. Chairman Maness asked Commissioner Bostic what he thinks. Mr. Maness said I think we need to turn it over to the attorney and let him get the whole background of what we have done and then report back to us. Commissioner Bostic said he has been apprised to this thing a number of times. I think he told us a long time ago that we didn't have anything to do with that, now whether. . .Mr. Norman said you all don't have anything to do with the rules of Montgomery County. Mr. Bostic said right or wrong, that is what the attorney told us that we didn't have anything to do with it.

Chairman Maness said let's give it to him in the morning, Mr. Matthews make that a priority in the morning, is that okay with the board? The board agreed. Chairman Maness said let him report back to us and he needs to be able to get Merrill, and what is the other family's name? Mr. McRae said the owner's name is Wilson, I am not sure if that is the people, the tax bill was sent to Jersey, I don't know if it is relatives. Chairman Maness said Attorney Hollers was also the attorney that closed on it when they bought that. Commissioner Corbett said that is where the problem is. Commissioner Bostic said he Attorney Hollers did say that I don't know whether he was right or wrong. Chairman Maness said if he needs to talk to me or Mr. McRae we can come by, let's just get it to him and get this behind us and again it needs to have a date to it and let us know.

Commissioner Knight said we are missing something here. Our attorney has told us in the past and before I even came on this board it was told to Commissioner Bostic and other commissioners back there. There is something wrong with this attorney because he is telling us that we can't do anything about it. Now the Planning Board is going to bring some variances up here and we are going to have to say yes you can or no you can't. Now how can we sit up here and say we can't do anything about it when we make a decision as to whether you can or you can't. Now if I go down and do something on my property and you don't have a permit, then you can't deal with me can you? This board cannot deal with me. Chairman Maness said you don't need to talk to me about it George, I understand exactly. We are trying to go about this in the right way. Commissioner Knight said we are the commissioners and we have told them they will do the minimum. These people are bending over backwards.

Chairman Maness said okay you are going to tell them right now tonight when we are in this meeting to move the stuff off by 30 days. Mr. Knight said you do it by the first of the year like we said. Chairman Maness said if they don't do it? Mr. Knight said then we take action. Chairman Maness said I am saying we need to take action tonight; that is what I am saying. Mr. Knight said we have already said, I don't like to go back on my word, we said we could do that by the first of the year. Chairman Maness said they are saying now they are not going to move it. Mr. Knight said well, then come first of the year, if it hasn't been done, then we can take action. Commissioner Corbett said but we don't do anything in my opinion without the lawyers, whoever. Commissioner Knight said we can get another attorney. If he doesn't want to deal with it, we can get another attorney, but we need to deal with it, we need to let the people of this county know that when we make rules and regulations it is going to be abided by. Chairman Maness said I understand. He asked Mr. Matthews to please handle this in the morning with the county attorney. As soon as you have sat down with Attorney Hollers contact each commissioner personally and let us know what is going on. Mr. Matthews said okay.

Commissioner Knight said I hope that you don't have to come back up here any more. If you have been doing this stuff six years, well I probably won't be on the board six years from now, but I sure hope that you are not doing this six years from now. Mr. Norman said I hope not either. Mr. Knight said you don't have a right to that. The constitution protects people's rights and we are sitting up here saying that we can't protect this man's rights. He bought that property with a right to use that place.

Mr. Norman said I may be wrong, and you can explain it if I am, but you all make the rules and if someone breaks the rules, you have to fix it.

Chairman Maness asked what was said the first time the commissioners went up there. Why didn't they take care of it at that time? Mr. Norman said the only one that was a commissioner at that time was Ralph Bostic. They went there into that little room and had a little chow wow and came back and said this is a private matter and this is not concern of the county so we are not getting involved.

Commissioner Bostic said that is exactly right there. We were acting on the advice of our attorney and whether or not is was right or wrong, he advised us at that time the commissioners had nothing to do with that situation, so we left it alone. Mr. Norman said well . . . Mr. Bostic said I am not saying whether the attorney was right or wrong, that is what he did and of course if you hire an attorney I guess you need to listen to him, because he knows more about the law than we did. That is what we did. I think the board of commissioners then emphasized with you all, but he told us that our hands were tied. I don't know what. . . Chairman Maness said he didn't really tell you why. . . Mr. Bostic said no, he didn't tell us why, he was here, if you remember with us. Mr. Norman said I may be wrong, but don't the commissioner write the rules for Montgomery County or does Russ Hollers? Mr. Bostic said well the commissioners do the rules, but then we have to have an interpreter, there are a lot of things we may not need to have written, but I am not saying that is the case here. The Chairman has instructed the County Manager as to what to do, and I don't know what rules the lawyer went by and he might have been wrong. Chairman Maness said we are going to leave it at this and Mr. Matthews is going to contact Mr. Hollers in the morning and tell him exactly where we stands and if he has any questions, he can call myself or Danny McRae, the Planning Board chair and we will move forward with this and try to get it behind us. I feel . . . you know where I stand and you know I want to get this out of the way. I appreciate you coming up and we will see what we can get done.

Commissioner Knight said I would like to make one suggestion though, I spent a couple of hours reviewing our ordinance, and according to our ordinance, we have setbacks, we have all. . . that book is pretty thick. We even have remedy in there. There is a section in there for remedies for people who are in violation with the ordinance. There are certain steps in there that you take; it is laid out there. Now the commissioners approved that, I don't know which ones approved it, but it still stands, and Attorney Hollers reviewed that before the commissioners signed it. Now if there is something in there that should not be in there, that when you break these rules that we can't do anything about it, it needs to be put in the ordinance. Chairman Maness said we will do that. Mr. Matthews will get with him in the morning and go from there.

Commissioner Bostic said gentlemen, there is a law that if a person moves on your property and stays there for seven years, there isn't a thing you can do about it. Commissioner Corbett said it is called eminent domain. Commissioner Bostic said I don't know if this went under that or not, but I do know. . .the law has a whole lot of funny things, and it looks like it is against the people that are trying to do right. He said I am not saying whether he was right or wrong, but that is what we went on.

Chairman Maness said the main thing is this time we need to get to the bottom of it, whatever it is. I appreciate it.

Discussion of 911 Radio Equipment Enhancements – Sheriff Jeff Jordan

Chairman Maness said there is a little bit of a change in our agenda. Sheriff Jordan didn't get to discuss the 911 Communications equipment with us during the work session. He has been with us since 4:00. He asked the Sheriff to come forward. He said he contacted three vendors about the 911-phone system. This would replace the consoles and these prices do not include maintenance agreements. He said Motorola no longer manufactures or updates the equipment we have. Mr. Matthews checked on the amount of money we have in the 911 Surcharge Fund. Mr. Matthews said there is \$498,000. Sheriff Jordan said the one of the three vendors he contacted was CML. They are top of the line and Randolph, Moore, and Stanly Counties all use this equipment. They have a package that costs \$184,600 to replace the infrastructure. He said the second bid comes from Southern Software. He said we do some business with them now. There have our dispatch software. They are very good. They have a business in Southern Pines and the main office is in Alabama. Their price is \$172,297. Their maintenance agreement is \$4,000 a year, which is quite reasonable. The other folks I talked to about two weeks ago was Modicam and their price is \$128,920. He said I thought they were quite good, but I have some reservations now because we asked them about their service agreement and they said they don't have one. He said I asked what do you do if you have a problem, and they said we train your local radio dealer and maintenance support. He said that bothered me and I believe that had something to do with it because I feel like they would be selling us their product and they would be gone. A few weeks ago we were pretty desperate. He said I asked Ron Adams what kind of equipment do you want? He said if I wanted the best it would be CML, the second best would be Southern Software.

Commissioner Morris asked how much is the maintenance on the first one? Sheriff Jordan said \$13,000 a year. He said Southern Software is \$4,000. Their total price is \$172,297 plus the \$4,000 for the maintenance contract. Southern Software does it all.

Chairman Maness said this would replace the system that we talked about last week that hadn't went kaplunk, but was fixing too. Sheriff Jordan said yes. Motorola is not replacing or making any more parts.

Commissioner Morris said the CML; all of the other counties around us have it, would that work better with you interacting with them. Sheriff Jordan said it is the best, there is no interaction problem, but it is the best product, it would put us way out in front of the curb, and we wouldn't have to replace it for a while, but Southern Software is a good alternative also.

Commissioner Corbett asked how many years have we had Motorola. Sheriff Jordan said since 1999. Mr. Corbett said so this system is five years old. Sheriff Jordan said we bought it before, we made contracts for it.

Commissioner Knight asked the maintenance fees and everything associated with the system, will we be able to use 911 Funds for everything, like next year we want have to budget for it, it will just come right out of. . .Sheriff Jordan said it would just come right out of the surcharge.

Commissioner Bostic asked Sheriff is there any kind of warranty that goes with this equipment? Sheriff Jordan said yes sir, I don't have the information with me. Mr. Bostic said what I am getting at is would we need the service agreement during the warranty period, could we pick it up after the warranty period. Sheriff Jordan said I don't think maintenance of the system is included in the warranty agreement.

Commissioner Morris asked why shouldn't we go with CML when the money is there to use it for that. Sheriff Jordan said CML is the best, and we ought to go with the best, but if you want an alternative, Southern Software is the alternative. We called the other counties except Richmond County and asked them what they had and they said CML.

Chairman Maness said that was \$12,000 more. Sheriff Jordan said and the maintenance agreement for a year is \$8,000. It can all be paid for with surcharge funds and the money will be there.

Commissioner Knight said I am sitting here trying to figure out why we are going to try to pay more for some equipment and the maintenance charge is going to be more for better equipment. He said the better the equipment it looks like the maintenance charge would be less. That is the way it seems to me.

Commissioner Bostic said with things changing, and in five years we will probably need to do something else, so let's say if something happens in five years we would be ahead of the ballgame and we would save \$21,000 and would save over \$100,000 over five years. He said I would suggest that you go with Southern Software if it would do what you need it to do. Sheriff Jordan said Southern Software is a fine company and they have fine software. Commissioner Bostic asked the Sheriff if he is comfortable with it? Sheriff Jordan said yes we are comfortable with it, CML is a Cadillac and Southern Software is a Buick. Commissioner Bostic said that is good.

Commissioner Corbett made a motion to buy the Southern Software package, which is \$172,297 plus \$4,000 a year for maintenance. Commissioner Bostic seconded the motion.

Chairman Maness asked for other comments.

Commissioner Morris asked if the CML has an upgrade. A lot of times they will provide upgrades, as the things come along that you need. Do you know if that is part of this system or not? Sheriff Jordan said I don't know, that is a good question, I didn't ask Ron Adams.

Commissioner Knight said I am quite sure you have gotten with the manager to see if we can afford it or not, but I am thinking about do we have any other equipment or anything like that might shut down on you tomorrow and we have to spend \$300,000 or something . . . Sheriff Jordan said this is pretty much an overhaul. Chairman Maness said this is it. The Sheriff said this is an overhaul this is trying to keep us from shutting down. Mr. Knight said so in the next five years we won't be looking at an emergency we won't be able to afford? Mr. Matthews said that would still leave us about \$325,000 in the fund.

Chairman Maness said Sheriff I am looking at this with a business aspect. If Southern Software will do the job for five years, it could be outdated in three years the way things are moving, if that one will do the job and do what we need done and represent us well. Do you feel that way? Sheriff Jordan said I do. I am impressed that these other counties are using CML, but they have deeper pockets than we do. I don't like CML because of their large maintenance contract and it turns me off. I don't think we will suffer one iota. I think Southern Software is pretty close. They are well known.

Commissioner Corbett said they also may have upgrades available and may last longer than five years.

Mr. Matthews said I want to point out too, of course this shouldn't matter as far as your preference, but the amount of the contract we still may have to go out for bids for this, we can double check. This doesn't preclude you from selecting that vendor provided.

Commissioner Bostic said he brought us three bids. These are proposals. I don't think we have done a formal bid. We may even get better prices.

Commissioner Morris said how long is it going to take us, the Sheriff needs this equipment. Mr. Matthews said we can advertise and take bids within a few days. Sheriff Jordan said these are in the process of formalizing these proposals as we speak. Commissioner Corbett said you can get them back in real quick can't you. Sheriff Jordan said yes. Chairman Maness said that would be the first meeting in November, or whenever we are ready. Right now we have a motion and a second on the floor to go ahead and buy the Southern Software. So we need to hold off until he gets bids, is that what we are saying. Mr. Matthews said I think we need to. Sheriff Jordan said you advertise it and I will call them. We can send it directly to them.

Commissioner Bostic said in light of the information I withdraw my motion and Commissioner Corbett withdrew his second. Chairman Maness said the motion and the second have been withdrawn. We will make sure we get bids for it and bring it back in and hopefully you can jaw them down that much more. Chairman Maness thanked the Sheriff.

Resolution Requesting Addition to State Maintained Secondary Road System

Mr. Matthews explained that DOT sent us a letter that they had received a request from residents of Tillery Park Drive to add that road to the state maintained system. He said if we agree to do this, there is a resolution that we have to adopt asking that the DOT look at doing that and if it meets the minimum standard of criteria they will add it to their list of state maintained roads. Chairman Maness said that is pretty simple.

In a motion made by Commissioner Corbett, seconded by Commissioner Morris, and so the motion carried unanimously to adopt the resolution adding Tillery Park Drive to the state maintenance system. (Tillery Park Drive is at the end of Deerfield Road, which is located between Tillery Tradition and Twin Harbor. The property owners have dedicated a 50' right of way to DOT.)

Commissioner Bostic said he wonders if the board could petition our representative to entertain a bill into legislation that could get out from under this thing with private developments that we would put those roads back on the state system. I think we would have to do it after 1976. If we enter that and try to see what happens, because we have bad roads. Mr. Matthews said we can ask them.

Commissioner Corbett said we have some roads that police cars can't go down. Commissioner Bostic said a bulldozer can't go down some of the roads. Mr. Bostic asked if he could get a second to pursue a request to the county representative to see if the ruling on roads in subdivisions can be changed. The motion was seconded by Commissioner Corbett. Commissioner Corbett stated that it is a safety issue. Mr. Corbett said he rode with a deputy one day and the police car could hardly get down some roads because the car was dragging. Commissioner Bostic said he had a service one time and he had to stop at the end of the road and the family had to walk because the family car could not get down the cars were dragging so and that is really bad.

The motion carried unanimously. Chairman Maness asked Mr. Matthews to handle this for the board.

Final Approval of the 2005-2007 County Work First Plan

Social Services Director, Jim Sanders was present to request the final approval of the 2005-2007 County Work First Plan. He said I will keep it brief because I went through this at length at the last meeting. Chairman Maness said we appreciate it. Mr. Sanders said I brought Soundra McRae with me. I wanted to recognize her for the work for her outstanding performance and leading an excellent group of employees in the Work First Program. They have been recognized by the state several times for their performance. The board thanked Mrs. McRae for her work. Mr. Sanders said the DSS Board made their final approval of the 2005-2007 Work First Plan at their meeting this morning. He said we have received some input from Planning Committee members and it will be open for input until the end of the month and it has to be finally submitted by November 1 following your approval.

He said I need the commissioners approval. He said this plan does include a process to reinstate home visits at initial application that was recommended by Commissioner Knight. He said the County Manager and I have worked out an agreement that we can use one of the old surplus trucks.

In a motion made by Commissioner Morris, seconded by Commissioner Corbett and so the motion carried unanimously to make the final approval of the 2005-2007 County Work First Plan. Chairman Maness said we appreciate what you do very much.

Approval SRF Engineering Contract with Hobbs Upchurch and Associates

Chairman Maness asked Mr. Matthews to go over the change in numbers we have. Mr. Matthews said from the original draft you have in your package they have reduced the basic contract amount from \$213,416 to \$191,000 and \$50,000 for the environment assessment remains the same, and the \$150,000 for construction, administration, and inspection and that is a not to exceed figure and hopefully we won't reach that number in the contract. That is based on how many hours they participate and how many miles of line we are able to do on that project.

Chairman Maness asked for other questions.

Commissioner Knight asked if this is the time that we need to address that road list that is being submitted with the application. Chairman Maness said we are not even going over that, we are not even going to use that list. Mr. Matthews said this is just the contract for the engineering, for the design, and planning for the project. Chairman Maness said we are going to set our own list.

In a motion made by Commissioner Morris, seconded by Commissioner Corbett. Chairman Maness asked if there is any further discussion.

Commissioner Knight said Mr. Chairman; I just thought that the list was going to be submitted with the application for the loan. Chairman Maness said this contract is so we will be able to move forward where we will be able to get that loan. Mr. Knight said I thought that list of roads was with that. Mr. Matthews said the application has already been submitted. That was done

back in September. Mr. Knight said this list was in there. Mr. Matthews said yes, but as Mr. Hobbs explained, we can revise that list. Chairman Maness said we are going to make our list of how we will go about doing each road. We are trying to get our \$3.5 million, 2.3% loan. Mr. Knight said I understand what you are talking about, but in our work session we talked about this and I thought if we were going to vote and approve the contract, I thought we would have to mention also. I didn't know what we said in our work session was nothing that we voted on or anything so I didn't know; I didn't want somebody to come back and renege later on that. Chairman Maness said we are not using that list. Commissioner Corbett said I think we agreed that the five of us would get together and come up a new list once we get the money. Chairman Maness said once we get the grant. Commissioner Knight said I know we agreed on that. Chairman Maness said it is in the minutes right now, Laura is putting it down. Commissioner Knight said okay, I just don't want to come back and renege on it and say I don't remember us agreeing on that. Commissioner Corbett said now we have it twice.

Chairman Maness said we have a motion and a second to approve the contract with Hobbs, Upchurch and Associates is there any more discussion.

The motion carried unanimously.

Commissioner Bostic said I don't want us to come back and take names off of the list either.

Approval of Memorandum of Understanding for the FY 2004 State Homeland Security Grant

Chairman Maness asked Mr. Matthews to explain this. Mr. Matthews said this is the requirement if we choose to use the 2004 Homeland Security Grant. This is the Memorandum of Agreement between the county and the state for those funds. At this point the intention is to use the current money we have for this amount is \$61,000. The intention is to use it for communication equipment for first responders, however, that is not set in stone, we will meet with the commissioners again to get input from you folks about that. This is just a memorandum of understanding if we choose to utilize those grant funds and we have to send it in by November 1.

Chairman Maness said one thing I heard pretty clear by the commissioners is I know they have the board that approves the stuff, but from now on I think the commissioners. . Mr. Matthews said that is what I said. . Mr. Maness said the commissioners. . Mr. Matthews said that is what I said is. . Mr. Maness said the commissioners from now on want it to come by them before. . Mr. Matthews said that is what I said from now on we will have input from the commissioners.

Chairman Maness said they can approve it, but we have to put our rubber stamp on it. Commissioner Bostic said they can recommend. Chairman Maness said but we approve it.

Chairman Maness asked for other questions.

Commissioner Knight said I was reading in here and I didn't underline it when I was reading it, but there was something in here about being responsible. Mr. Matthews said I think what it is basically saying is if the county for some reason doesn't comply with certain regulations or whatever as far as the grant is concerned; we would be responsible for paying for whatever it is versus the grant monies. Commissioner Corbett said that is page 5 of 6, second paragraph down that Commissioner Knight is discussing. Mr. Matthews said they are basically saying they have to comply with all the rules and regulations and laws for the grant funds.

In a motion made by Commissioner Morris, seconded by Commissioner Knight, and so the motion carried unanimously to approve the memorandum of understanding for the FY 2004 State Homeland Security Grant.

Approval of Budget Amendments – Rural Center Sewer Grant – Professional Building Systems

Mr. Matthews said if you remember, six months ago, in order for Professional Buildings Systems to go into the old Dal-tile building we had to have some sewer line improvements and at that time the board approved to spend up to for a matching amount of \$5,000. The company paid half of the cost, the Rural Center paid \$8,500, and the county's costs only came to \$2,700 for the project. Chairman Maness said we saved some money didn't we. Mr. Matthews said we did. He said the budget amendment to account for the funds from the Rural Center and to pay half the invoice for PBS.

A motion was made by Commissioner Corbett and seconded by Commissioner Knight. Chairman Maness asked if there were any further questions.

Commissioner Knight asked what happens to that money that is left over. Chairman Maness said that it stays in our general fund. Mr. Matthews said actually fund balance. We didn't actually appropriate any money into the fund balance for that project. What will actually happen is we will take the \$2,700 from the water fund balance to pay that project. It won't have any other affect on the fund balance. Chairman Maness said we just approved up to \$5,000 and it didn't cost us but \$2,700 so he will take it out of the water fund balance. Mr. Knight said take it out of the water fund. Mr. Matthews said yes. Mr. Knight said okay.

The motion carried unanimously.

Items Carried Forward from the Work Session

County Manager's Report

Mr. Lee Matthews presented the following report:

Mr. Matthews said most of these things can wait until the next meeting, but there are a couple of things I need to mention.

Forest Tour

The Forest Tour is scheduled for next Wednesday. We are going to meet at the ranger's office at 9:30 a.m. and he is going to give us a tour of various facilities of the forest. We are going to wind up for lunch at Eldorado Outpost and try to finish up by 1:00. Chairman Maness said this is the U.S. Forest Service. Mr. Matthews said yes. Commissioner Morris said 9:30. Commissioner Corbett said 9:00. Mr. Matthews said he originally said 9:00 but changed it to 9:30, he said 9:30 until 1:00 and he will have transportation for us.

Handy Sanitary Resolution

Mr. Matthews said we passed out a resolution. We received a letter from Handy Sanitary asking the board to approve the resolution endorsing and supporting their project to come to Troy. In the interest of time I don't know if you want to do it tonight or wait.

Chairman Maness said I think it is important that we get it done and let everybody know how serious we are to help out and to do this, it is a good deal. Mr. Matthews said basically what it does is put the commissioners on record as supporting and endorsing Handy Sanitary Sewer Project. This project will built a force main to their district to the Town of Troy. It does say that hopefully it would add Montgomery County customers in the future as things develop.

Commissioner Bostic asked if they are going to pick up Montgomery County customers along the line? Mr. Matthews said yes sir that is the intention. Chairman Maness said yes. Commissioner Matthews said as a matter of fact some of these are already Montgomery County customers like in Pinehaven Village and Badin Shores Resort.

Chairman Maness said Commissioner Corbett can speak to it too. I went up and spoke met with Handy, that was in my district, and they called me to come up and speak to them. He said that has been a year or more. Handy has been trying to build a sewer plant for the last few years and it is just not going to happen. The regional system. The state wouldn't let them build one, if they ever let them build one, basically bringing a line from NC Hwy. 109 from Blaine Road to Troy will not cost (I am using rough numbers) half of what it would cost to build a sewer plant and Troy is needing the revenue with the textiles going over seas and with the dye houses shutting down. Troy has a perfect sewer plant, so it is just a great deal to clean up the river too. Getting the line ran all the way into Troy. Hopefully, in a few years or less we can go from Uwharrie to Hwy. 24/27 and our whole lake area will be covered with sewer when they bring it out to the developments.

Commissioner Corbett said Mr. Chairman, going back to some of those comments to, they had already gotten their permitting to go into the Uwharrie River and this will stop it. He said the second thing, I don't want to mislead anybody, but say as they come through Eldorado, nobody is going to be able to hook on because they say they don't have the capacity at this point. Chairman Maness said my understanding is that it is a force main and they will be able to hook on, and they will have all of the capacity in the world. They are going to build this line now with pumps, my understanding how this thing will work is you put enough pumps in now to take care of the flow they have now, and what you do is add pumps as you move forward to take care of that capacity. You know we have had that situation over here on the other one. That was kind of a concern; that is one of the main ones I discussed with them too. They would be able to put grinder pumps on and whoever is on that line, especially those right on the line will be able to hook on. Commissioner Knight said Mr. Chair, I don't know, we need to make sure of this. You know, they ran a forced line from Unilin down to Mt. Gilead and you can't touch that line. The only citizens on 109 from Unilin to Mt. Gilead can't hook onto that sewer. Chairman Maness said I don't understand why. Mr. Matthews said it is probably it is the way it is designed, they may not have designed it with excess capacity. These other lines we did for Twin Harbor and for the one they are talking about here, there are some excess capacity. There could be some future growth on it.

Commissioner Knight said that is what I am talking about, the commissioners at that time didn't even consider the people on that road. . . Commissioner Bostic said Commissioner Knight we did and they told us at that time that people on that road would be able to hook on. We need to check the minutes on that. Mr. Knight said I sure wanted to hook on. Chairman Maness said if you go in with a grinder pump, unless it is capacity, I don't see why you couldn't hook on to the line, that is what is it for. Commissioner Bostic said I remember that, if it comes down through that road, the people on that road would be able to hook on.

Commissioner Corbett said I asked specifically about Heron Bay, at that point, the meeting at was at they didn't think they would have the capacity for Heron Bay, at that point. Chairman Maness said no I think. . . Commissioner Corbett said maybe this is something newer. Chairman Maness said eventually what they want to have it to where Heron Bay and Uwharrie Point hook onto this one line. I think if Heron Bay is ready to hook on, it is designed, they have to add pumps or whatever to it, but the pipe size they are going to run from Blaine Road to Uwharrie is a certain size pipe, and then the pipe from Uwharrie, because eventually it will hook onto Woodrun and Carolina Forest, it will be a bigger line. That was a big concern. What you would if you would Mr. Bostic get with Mr. Matthews. . . Mr. Bostic said I would like for you to check those minutes on that if you would please. Mr. Knight said and too when we start looking at something like this, because, people living on that line, they said even if I could tap on it was going to cost me some outrageous price to hook onto that line. Chairman Maness said it is a lot more expensive to hook onto a force main because of the geographical area we live in, we have to have force mains. He said for example, the way it is forced up through here, you couldn't get across Buck Mountain if you didn't. We (BFI) hooked onto the force main that comes from the Middle School and we had to have a tank and a grinder pump, and it is expensive to hook onto one, that is just the nature of the beast.

Commissioner Knight said there are other lines that can be run other than a force main line, where people can hook on because we are coming down hill to Mt. Gilead if you run the lines the right way, you don't need a force line. Chairman Maness said I am not really aware of the Mt. Gilead situation; I am really speaking on this one up here. Commissioner Knight said what I am saying is when start talking about running lines all over this county, we have to consider out citizens that are living between where we are running these lines. Our citizens should be able to utilize a sewer line that runs passed their house.

Chairman Maness asked Mrs. Morton to pull the minutes on that. He asked the board if they know of a date he said that was before I was here. Mr. Matthews said that was before I was here. Commissioner Bostic said I am not sure, I just remember it coming up. Mr. Knight said we have a lot of bad septic tanks right there on 109. Chairman Maness said I don't know why they would ever build that line if it wouldn't at least pick up the people going to the sewer plant.

Chairman Maness said Mrs. Morton, if you would please pull that I would appreciate it. He asked if there is any other questions?

In a motion made by Commissioner Morris, seconded by Commissioner Corbett, and so the motion carried unanimously to approve the Resolution in Support of Handy Sanitary. *The resolution is as follows:*

Cell Tower/Water Tower Agreement

Mr. Matthews said Mr. Chairman, one last thing that I need to mention to the board because we will actually have a final agreement at the November 2 meeting. I finally got back with the company that is interested in doing the cell tower or the antenna on the water tank on 109. We have made a counter offer and they have agreed to a \$2,000 a month rental fee. They would like to add to the contract of two option periods of 12-month and a 6-month period. They would pay us a \$1,000 per option period; that is for the first 18 months. If they finish everything before that the rental agreement would start earlier. That would give them time to do the due diligence, the surveying, give us a chance to work on the covenants and restrictions that are in there with the property owner, and any other type of legal work they will have to do on the site.

Chairman Maness asked Mr. Matthews if he would have that at the next meeting. Mr. Matthews said yes. Mr. Maness said that is November 2, and another thing that is election. Let's change it to the next Tuesday, if that is okay, I will be out politicking. The board discussed this. Commissioner Bostic said he has a 7:30 p.m. meeting, we will be done then. Please put that on the agenda. Commissioner Bostic said do we need two meetings? Commissioner Corbett said let's do one meeting, because of Thanksgiving. Chairman Maness agreed. The board agreed to have only one meeting in November on the 16th.

Chairman Maness asked Mr. Matthews if he was going to get with Attorney Hollers first thing in the morning. Mr. Matthews said yes sir. Mr. Maness said then we will go from there.

Commissioner Bostic asked how much money do we have to give those people for that tower? Mr. Matthews said they want to split it in half. Chairman Maness said put it on the next agenda and we will talk about it.

There being no further business the meeting was adjourned.

William D. Maness, Chairman

Laura B. Morton, Clerk to the Board