

Montgomery County Commissioners Meeting
December 7, 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 –
Clerk – Laura B. Morton
County Attorney – Russell J. Hollers

The Montgomery County Board of Commissioners met in a regular session on Tuesday, December 7, 2004 at 6:00 p.m. A full board was present. Chairman Maness called the meeting to order and the following was heard:

Invocation

Rev. Mike Davis with Trinity United Methodist Church in Troy gave the invocation.

Approval of Minutes

There were no minutes ready for approval.

Youth Leadership Montgomery

Chairman Maness announced that the Montgomery County Youth Leadership class was in attendance. A representative stood and announced the group and expressed their appreciation for the board allowing them to sit in and see how the commissioners' meetings are held.

Formation of the Board

Chairman Maness turned the meeting over to Finance Officer Cathy Baxter to conduct the meeting during the formation of the board. Mrs. Baxter opened the floor for nominations for Chairman, Vice Chairman, Clerk to the Board and County Attorney.

Commissioner Knight nominated Billy Maness for Chairman, Sally Morris for Vice Chairman, Laura Morton for Clerk to the Board, and Russ Hollers for County Attorney.

Commissioner Bostic nominated Commissioner Corbett for Vice Chairman.

Commissioner Corbett said he has served as vice chairman for the last two years and declined the nomination.

Mrs. Baxter closed the nominations and called for a vote.

In a motion made by Commissioner Knight, seconded by Commissioner Morris, and so the motion carried unanimously to approve the following nominations: Billy Maness for Chairman, Sally Morris for Vice Chairman, Laura Morton for Clerk to the Board, and Russ Hollers for County Attorney.

Mrs. Baxter said let the record show that the officers are Billy Maness, Chairman; Sally Morris, Vice Chairman; Laura Morton, Clerk to the Board; and Russ Hollers, County Attorney

Chairman Maness thanked Mrs. Baxter for conducting this portion of the meeting.

Public Forum

Chairman Maness explained this is the portion of the agenda where anyone can speak to the board about any county issue. There are two people that called ahead and requested to be put on the agenda. Chairman Maness called for William Allen Norman and Hazel Carter. They both were not present.

Chairman Maness asked if anyone else would like to speak before the board. **Mrs. Bobbie Johnson** from Twin Harbor said she would like to speak to the board. Mrs. Johnson had some concerns about the water and sewer rates at Twin Harbor. She said she called the water department and she was told since you owned two lots she could have one of the sewer taps disconnected, but when she called back someone else told her she could not. She said she doesn't think it is fair if the water is cut-off at the road to charge sewer. She said she could understand a minimum water bill.

Chairman Maness said this has been brought up numerous times. We have a loan that we have to pay for and we figure in the minimum fee to get water to people, and when they sign the agreement and do that we kind of have to do that. If we did one, and we were not charging it, then we would not be able to pay our bank note and wouldn't be able to do the water. Again, we will look into it and hopefully one of these days something can happen different, but at this point and time, I am don't see anything we can do.

Commissioner Knight asked did you say you wanted to have it disconnected; you no longer need the services there. Mrs. Johnson said nobody lives there and it is completely shutdown and winterized, and I have it for sale. I do pay a water and sewer bill where I am living at, but I don't see paying a minimum of \$40 a month when no water is being ran, no sewer has run down the drain. Mr. Knight said you do have it for sale. Mrs. Johnson said yes I do. So if the next person, if the person bought it, they would be using the utilities. Mrs. Johnson said yes. We used to, when I was getting ready to move, at that time I was told I could pay a \$25 disconnect fee and when the person bought it they would have to come and put in an application and pay a \$25 reconnect fee and it would be their account. But, when I went through with it and bought the other place they told that we could no longer to that. The only way is that if the lots were adjoining and the water on the second lot was not being used, then you could pay and have it completely took out, that was the only exception, but there is nobody there, there is not one drop of water or sewer going down the drain. It is unfair. There are over 1500 places in there and over one third are for sale now because a lot of the people live on fixed incomes and can not afford to pay that minimum of \$40. We should have an off-season rate or something to compensate these older people that don't work everyday and have a fixed income that can no longer enjoy it because they can't afford it. It just seems unfair.

Chairman Maness said I think we can revisit that with Mr. Carpenter, but I think we have two or three times, with the sewer out there. We ran our sewer line there on the road. . .Twin Harbor and the Tillery Group, different groups did. Mrs. Johnson said we also paid over one million dollars to run that sewer and turned around and gave it to the county. Chairman Maness said basically with the amount of people on that line right now and what we are being charged by the Town of Mt. Gilead to treat the sewer and to keep the line up, that is what it is. He said when more people get on the line we will be better off. We will try to do something; we will look at it.

Mr. William Allen Norman came into the meeting.

Chairman Maness called for Mr. Norman and Mrs. Carter another time.

Mr. William Allen Norman came up to speak before the board. He thanked the board. He introduced himself and asked if he could approach, he wanted to give the some paperwork to the board. "He said I appreciate ya'll giving me the opportunity to be here tonight and bring my concerns to the board. I will give you just a brief second to review the cover sheet and glance at the documentation presented and then I will spend a few minutes arguing my case/situation with the animal control department here in Montgomery County. You can go ahead and speak while we are review if you would like to. He said as my cover letter shows here, my concerns are

number one, I want to review the General Statutes of North Carolina, which is 67-4.1 in reference to dogs and the bylaws of animal control. Second, review of the facts and statements of facts and statements concerning the letter dated November 6, 2004 when animal control department denied my request to declare Mr. and Mrs. Byrd's dog potential dangerous. Thirdly, Mr. Beane's refusing to investigate my complaint on November 11; and my request for the statements involving the case being refused. As well as number four, discuss on how we may as a community work together in helping the community work together in helping the community be more productive during these adverse situations.

"It has been brought to my attention since I have been under this specific incident that there has been a lot of, I am saying, numerous, remarks brought before my attention from the Sheriff's Department all the way up to several persons without mentioning specific names, and even individuals in the community that is extremely frustrated about the animal control and the laws that there to protect them, not being done. So I want to bring that up on how we can work together as a community and try to resolve these issues. The first sheet I want to go over is the general statutes. General Statutes Article 1, Dangerous dog, and if you will review there I have the specific areas that primarily applies to my specific situation highlighted. How this began is, once I was under this situation where my dog was attacked by the neighbors' dog, I, my first response was to call the Sheriff's Department. The Sheriff's Department then put me off to Animal Control. I thought that was appropriate at the time. Animal Control said they couldn't do anything about it because of the one time freebee law. I was flabbergasted, one time freebee law? I was like what does that mean? He said well if the dog commits an act one time, there is nothing we can do about it, it is a one time freebee law. I was like where is that law written? Nobody could produce that law in a written article. Montgomery County has no adopted statutes, so I was told that North Carolina General Statutes is what applies to Montgomery County if we don't have additional statutes that governs Animal Control. In response, I called the Attorney General's office of North Carolina and they sent me copies of the General Statutes and the statutes clearly state in number one dangerous dogs part two is determined by the person on the board designated by the county or municipal authority responsible for Animal Control could be potentially dangerous because the dog has engaged in, and I have it underlined, one or more of the behaviors listed in subdivision of this subsection. Subdivision two of this subsection clearly states that a potentially dangerous dog means a dog that a person on the board designates by the county or municipal authority responsible for animal control determines to have. . .skipping a and going to b that applies to my specific situation. . .has inflicted severe injury upon a domestic animal when not on the owners' real property. It goes into definitions of owner's real property and owner means, and also severe injury. Severe injury means any physical injury that results in broken bones or disfiguring lacerations or requires some cosmetic surgery or hospitalization. My domestic dog was on my property, there is an eyewitness that seen this. Chairman Maness asked if he has that? Mr. Norman said I do have that statement, yes sir, he was going to try to make it here tonight, I think he is just running late. . .we were told 6:30 so. Chairman Maness said we always have it, unless it is posted different, at 6:00. Mr. Norman said I apologize, I was under the assumption and maybe it was my miscalculation that. . .I thought I was being here early. . .I got here and realized I was late. If you will flip through you will see a statement that is by Michael Lemons, and I will read his statement. "I had went to Allen's house to get a trailer, when I was getting into the truck I heard a yelp. When I turned around I saw two dogs chasing Zoe (that is the name of my dog, Mr. Allen said). Zoe went up on the porch scratching on the door, when I drove off the dogs was in the neighbors' yard." Mr. Allen said the neighbors' property is my property as well, it is rental property for me. Mr. Allen said the time was around 11:00-11:30. He has put 11/12, he got confused on the date. One dog was a large grey and black dog and the other was a brown chow looking dog. Mr. Norman said one I realized the statute, and trying to prepare myself to prepare for civil court, because this is the normal procedures that you go under. Knowing the difficult challenges that magistrates and judges have out here in determining what is right and just and fair is made even more difficult when our law enforcement officials do not do the procedures that North Carolina law constitutes and said we shall do and that is, if you will turn back to the article 67-4.1, second page two of two, part c. . .the county or municipal authority responsible for Animal Control shall designate a person or a board to be responsible for determining when a dog is potentially dangerous and shall designate a separate board to hear any appeals the person or the board making the potential determination that the dog is potentially dangerous,

must notify the owner in writing with the reason for the determination when the dog may be considered potentially dangerous under this article. Chairman Maness said with that I will let Sally speak to this because she is more up on it than I am. Commissioner Morris said we did appoint Animal Control, some years back when the this law came out to be the person to determine if a dog was vicious or not, if that was not satisfactory it was to come to this board. Mr. Norman said correct. Chairman Maness said and on an appeal process. Mr. Norman said I . . .sir? Chairman Maness said on an appeal process to come back to this board. Commissioner Morris said if they are not satisfied with what Animal Control did. Mr. Norman said correct and the initial reason I am here, when I first called my complaint in that day, to Animal Control, after I called the Sheriff's Department, I was reverted to the Animal Control department, and spoke with Mr. Leon Everette. I commend Mr. Everette, he sympathized, he was very polite, very courteous. I think he has done an excellent job in my point of view if dealing with me. His remarks to me, Mr. Norman I understand your frustration, I am just doing what I was trained to do, I have an officer I have to listen to. My problem came in when Mr. Beane had refused to come out an investigate this case. He kept diligently telling me that I was wrong, that the one time freebee law is the way they have been doing it for years. I am just an old military boy and I live by rules, and I think that is how our society and our laws is written so we can get along in society. That is the purpose of them, is to live by these rules. I politely sent a letter to Mr. Beane with the whole facts and case. Upon several phone conversations diverted. That letter dated December 3, 2004, and delivered it to him with all the facts, all the statements, and he responded back, in a statement denying my request. He sent a statement denying my request if I can find it in all of my paperwork. . . Clerk Morton said here is mine if you would like to. . .Mr. Norman said I have mine. My request is, I have this statement stated, without reading the whole statement, because it is not that long, without reading the whole statement, the just of it was he denied my request. He said I have no statement from anyone who witnessed Mr. Byrd' dogs attack your dog. Now I for three or four weeks, since November 11, have been trying to get Mr. Beane to come out and do the proper investigation, allow me to bring the paperwork to him, and all of my efforts have been disproven. He is stating that he has reviewed all of the statements. Number one the eyewitness has not been contacted, hadn't even been interviewed. He has a written statement that I sent to him, and when I repeatedly told him I had a written statement. He said I took the written statement up to the office up here, he told me that statement is not good enough, it is not certified or notarized. I said what do you mean it is not good enough, go talk to him, that is what he wrote. He said I am not going to do anything without a certified statement. The bottom line is ego now. He is ticked off because I have in his mind undermined his authority in his telling me the one time freebee law and telling me that he was not going to do anything about this case. He said so I went to Sheriff Jordan, and Sheriff Jordan was like as appalled as well. Sheriff Jordan told me well I will just get a statement from Michael and have one of my deputies have the statement drawn up and he said you can't get anymore certified that that. And from what I understand that is supposed to take place today. Um, and, Mr. Beane has already sent the letters out, without even reviewing the facts in the case. One of my major concerns is, is, now, it is just about like buying a car. You buy a new car you think you are the only one that has that car, that color, and that look and that style and you drive it off of the lot and you see twenty of them just like it. Now that I am under this situation, I am more aware and a tuned to now other persons in this county that has had similar situations and it is very appalling that the person that is appointed be in charge of these Animal Control issues is just lamely not doing his job, from my point of view, and in my specific case, I have been getting the complete run around. I have been sent to the county attorney. . .actually I have got sent all the way up to the district attorney, then got sent to Sheriff Jordan's office. . .everybody just kept putting me off, putting me off and kept bouncing me around, bouncing me around, and 'til I finally got frustrated and said I want to get on the docket to get for this meeting. Chairman Maness said we appreciate you coming. Mr. Norman said and thank you. In my last part, I am the type of person, I am not going to make a complaint and raise fuss and cane without being an active part in trying to make things better. Now, my opinion is in this first part of that, I couldn't have wrote or been anymore appropriate or been any more polite and courteous, there is not a single person I have dealt with in this case. You can go from Sheriff Jordan, to Mr. Beane, Mr. Everette, the ladies in the office over here, the commissioners I spoke to. I have been very professional, very polite and very courteous. And, um, all I have been dealt with so far is my concerns has no parity. I am willing to work with the commissioners to try to come up with a resolve and first in for most is for me to be protected as a citizen. It is clear if you look at the pictures and the facts of this case. There is an

eyewitness that seen it. Um, my kids was there. The facts of the case, you can read them in more detail later, but my kids had just left out of the house around 11:00-11:30 somewhere in that time frame. Commissioner Corbett said Mr. Norman who is your witness that saw it? Mr. Norman said Michael Lemons. Mr. Corbett said I was reading his statement here; I never saw either of the dogs bite, attack, or in any other way touch the Norman's dog. That is his statement here notarized. Mr. Norman said well, you are seeing a different statement notarized. That is not the statement that I have. Commissioner Corbett said would you like to look at it? Mr. Norman said which statement do you have? Mr. Corbett said we all have, among others too. Mr. Norman said that is the statement when I called Mr. and Mrs. Byrd the night it occurred, when I called Animal Control and told them there was a witness that seen the dog attacking my dog. He said that um. . .to call Mr. and Mrs. Byrd and let them know and see what they are going to do. So that was Leon Everette; that is what he told me to do. That is the day everything was occurring. So when I called Mr. Byrd, Mr. Byrd told me, cussed me out again, because he had already cussed me out when I went to see him. Cussed me out again and told me he would pay it to send him the bill. A few minutes later, thirty minutes later, his wife called me back, and told me that she was talking to an attorney, and she mentioned the name Sonya Williamson. And said if I didn't see my dog in her dog's mouth, that she wouldn't have to pay, but she offered to pay half. I said well Mrs. Byrd I am looking at the facts. You are more than welcomed to come up here; we will sit down and go over them, if I am overlooking something of the facts. I don't want to wrongly accuse anyone, but I feel your dogs is the ones that has done it, based on the facts that I am reviewing. My kids just had went out of the house, went to rake leaves. Michael drove up just a couple minutes after my kids went out of the house, my dog went out with the kids. Michael heard my dog yelp, and you need to look at statement, Michael, his original statement that he wrote. Chairman Maness said both statements said that, that he heard a dog yelp or something. . .Mr. Norman said yeah. . .Mr. Maness said but he never did see them attack. Mr. Norman said the statement that Michael wrote, the original statement Michael wrote, the reason why there is two statements, Mr. and Mrs. Byrd went to Michael's house, because Michael works with Mr. Byrd at the State. And his. . .Mr. Byrd's dad owns the ice plant where Michael also works part time. Chairman Maness said Allen, let me say something, we have a process that is in place. I understand that you have a concern about our dog warden. I will sit down and talk with him and get the details. We have a process in place. Mr. Norman said right. The Chairman Maness said you need to follow that process. Mr. Norman said and the process you are speaking about. Mr. Maness said we have sent you a letter that the dog is not vicious or dangerous. If you want to appeal that, you appeal it to this board. Mr. Norman said okay. Mr. Maness said that is how we need to follow our process. If you have any other cases, or whatever, the Sheriff's Department will take care of it because that is on the other side. . .Mr. Norman said I thought that is what I was doing here, appealing my case. Chairman Maness said you are on our public forum. If you want to appeal the case, you need to get on our docket of appealing this case. We are just hearing, we are just listening to what you had to say. Mr. Norman said I thought that is what this meeting was for. Chairman Maness said no this is not for the appeal process, the letter just went out a day or so ago. Clerk Laura Morton said yesterday morning. Mr. Maness said yesterday morning or whatever and if you want to appeal this process, at that time, you call us back, and get on the docket and you can appeal it. Mr. Norman said I was told to be here tonight, that this was on the docket tonight. Chairman Maness said that is our public forum, anyone in Montgomery County can be on that docket and speak. Mr. Norman said said so you are telling me to come back at. . .Mr. Maness said if you want to appeal this case, after the letter that was sent to you from our Animal Control, you get on our agenda and appeal this case. Mr. Norman said alright now, what do I do in a public forum in my concerns with Mr. Beane from the beginning. Chairman Maness said I just answered that, I told you I would personally meet with Mr. Beane and I will see what. . .and I will be in contact with you personally myself. Mr. Norman said you all will be hearing back from me, I am not satisfied with the results I am getting here tonight, I feel like I am being put off. Chairman Maness said you are not being put off, that is the process, this is the way this works. Mr. Norman said well you are stating a process and I have been dealing with Mr. Beane ever since September, excuse me, I mean November 11. And Mr. Beane yesterday sent a letter out, because I have been forcing the issue all the way from county commissioners that I have already spoke to on the phone, all the way to the Sheriff's Department because every step of the way I have been pushed aside, pushed aside, pushed aside, and put off. Now I am telling you as a citizen of Montgomery County, there are a lot of people in Montgomery County that are totally frustrated and aggravated because they get the exact same thing. Chairman Maness said

and I mentioned to you, Mr. Norman said. . I mentioned to you. . Mr. Norman said I didn't interrupt you so you don't interrupt me. . Chairman Maness said I control this meeting and I will interrupt when I get ready to interrupt. Mr. Norman said due diligent respect. At this point, Chairman Maness asked the deputy to get Mr. Norman out of here. Chairman Maness said I am not going to listen to him. Mr. Norman said thank you commissioners.

Public Hearing – CDBG Application – Dry Creek

Chairman Maness recessed the regular session and called to order the Public Hearing regarding the CDBG project for the Dry Creek area. Mrs. Mary Beck, grants administrator from Hobbs Upchurch and Associates was present. She gave the history of why the county applied for the grant. She said that water testing had been done and there were some bad water found. Mrs. Beck explained that in order to apply for this grant the community has to have two severe needs. One of the needs is water. It would be an expensive process to run water to the area because it is five miles from Pekin and five miles from Candor. She said there has been some confusion that the water is coming immediately. She said the other need is housing. She said we have done an income housing survey; we have tested the wells, and have taken necessary photos. She said an advisory committee for the target area needs to be appointed and she has the following names: Ms. Elmer Armstrong, Mr. Rufus Collins, Ms. Bernice Little, Mr. D.L. McBride, and Ms. Evelyn Armstrong all from the Dry Creek area. Phil Henley and Laura Morton to serve from the county.

Chairman Maness gave the public an opportunity to speak regarding this CDBG application.

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

Commissioner Bostic said I understand that you are getting some opposition. What will happen? Mrs. Beck said we are hoping the gentleman will understand. We are going back not tomorrow, but Thursday.

Commissioner Bostic said, I think they feel that all of the questions that you have to ask is an invasion of privacy just to get this water in the area. I understand where you are coming from and them too. Mrs. Beck said the income survey has specific questions that need to be asked. She said I won't remember that information once I leave their house. I understand this is the only way. There have to be two needs and water and housing are the only two we could use. She said the applications are not made public. She said everyone has housing needs whether they are mild, moderate, or severe. I noticed this gentleman's roof. It is approximately 15 years old. He could use a new one. He said one need works with the other.

Commissioner Corbett asked what happens if you do not get 100% participation? Mrs. Beck said the CDBG grant application asked specifically if there is a 100% participation. She said I can split it into two target areas.

Commissioner Knight said, do people realize it is not just for the water? He said it would help if someone they knew was going into the community. I told them when they called me that it would be to their advantage to cooperate.

Mrs. Beck said the gentleman does not want to participate, then the target area will have to be split into two areas.

In a motion made by Commissioner Corbett, seconded by Commissioner Morris, and so the motion carried unanimously to vote to apply for the grant and to authorize the chairman to sign all of the required documents. The board will also need to reaffirm the local commitment of \$112,750 (which was approved in September '03 and reaffirmed with the Rural Center Application in September '04).

Planning & Zoning Report

Mr. Phil Henley was present to present the following Planning and Zoning Report:

Mr. Henley said the **Frank DeRollo** variance request has been taken off of the agenda.

Mr. Henley said that **Mr. Charles K. Haithcock** is requesting his property be rezoned from residential to commercial. The property is located at 3178 NC Hwy 24-27 West and consists of approximately 3.29 acres in size. He said the property was posted, the request was advertised in the paper, and all adjacent property owners were notified. Mr. Henley said the Planning Board unanimously recommends this request for approval.

Commissioner Knight questions the pictures of the building and if the building is already there. Chairman Maness said it is an existing structure.

In a motion made by Commissioner Morris, seconded by Commissioner Morris, and so the motion carried unanimously to approve Charles K. Haithcock's request for rezoning of his property from residential to commercial.

Mr. Henley said the next case is a request from **Mr. Geu Vang** for a conditional use permit in order to put a service station on the property located on N.C. Hwy. 109 S in front of West Montgomery High School.

Mr. Henley stated that there was no opposition to this request, just general calls asking for information. He said the property was posted, the request was advertised in the paper, and all adjacent property owners were notified, and the Planning Board unanimously recommends this request for approval.

Mr. Vang was present.

Chairman Maness asked Mr. Vang what his plans are. Mr. Vang said we would like to build a service station. Commissioner Knight asked where the entrance will be. Mr. Henley said an entrance has not been designated yet.

Mr. Vang presented a map to the board with plans for Heritage Park.

Commissioner Morris asked where on this map will the service station be. Mr. Vang said we haven't decided. He said they own property on the other side of the railroad tracks and they were thinking about parking the cars and let people walk over the tracks. Chairman Maness said it will have DOT restrictions because of the school. Commissioner Knight said that is my concern.

Mr. Vang misunderstood the question about where the service station & entrance to it would be. Mrs. Cathie Hodges came up and explained the question to Mr. Vang and explained about the driveway.

Commissioner Knight said he has no problem with the service station, he is just concerned with traffic and understands that the village is on the other side of the railroad tracks.

Mrs. Hodges said they to parallel the road.

Commissioner Bostic asked, who helped with your brochure? It is very nice. Mrs. Hodges said RC&D. Mr. Bostic said thank you. They do a lot of good things.

In a motion made by Commissioner Corbett, seconded by Commissioner Knight, and so the motion carried unanimously to approve the request of Geu Vang for a conditional use permit.

Mr. Henley said the last case is a request from **Larry Asbill**. His request is to request a special exemption for a sub sized lot and a variance on the setback.

He said the property was posted, the request was advertised in the paper, and all adjacent property owners were notified, and the Planning Board unanimously recommends this request for approval. Mr. Asbill property is lot #99 at Dixie Shores.

Mr. Henley said there is currently a singlewide on the property and an existing septic tank. They are currently building a home and the home will not fit according to the septic tank.

Chairman Maness asked if they are planning on removing the singlewide when the house is finished. Mr. Henley said yes.

Commissioner Knight said this would be going with a lot size that is half of the minimum. Am I correct? Mr. Henley said yes.

Commissioner Knight asked do we. . .I was looking at the map of the area, is this a regular thing? Mr. Henley said yes. Commissioner Morris said the lot requirements are the same as they were. Commissioner Bostic said most are waterfront lots and are always smaller. He said we probably should have looked at this during our zoning process.

Commissioner Corbett said Progress Energy has a high water line on each waterfront property.

Commissioner Knight asked Mr. Henley if he feels the board needs to look at this in the ordinance and go ahead and change it? Mr. Henley said we may need to think about it with the new sewer lines coming.

Commissioner Knight said what will they do with a system in the middle of the lot? Can they fill it in? Mr. Henley said yes, they could fill in and compact it and build over it.

In a motion made by Commissioner Corbett, seconded by Commissioner Knight, and so the motion carried unanimously to approve Mr. Larry Asbill's request for a sub sized lot and a variance on the setback.

Budget Amendments

Mrs. Cathy Baxter, County Finance Officer, was present to discuss the budget amendments on the agenda. She said none of the amendment requires any additional county funds.

In a motion made by Commissioner Knight, seconded by Commissioner Morris, and so the motion carried unanimously to approve the following budget amendments: **Health Department – DHHS Primary Care Grant** (to record grant received from the NC DHHS for the increase in primary care for uninsured and underinsured clients) **\$25,000**; **Health Department – Sterilization Program**, (State award for clients who request sterilization and can not cover the cost, **\$24,500**; **Department of Social Services** (to record grant received from the State of NC, Department of Transportation Rural Operating Assistance Program (ROAP), **\$72,231**; and the **Arts Council** (to record grant funds from the NC Department of Cultural Resources for the Arts Council, **\$5,136**).

Items Carried Forward to the Regular Session

The following items were discussed in the work session and are carried forward to this meeting for a vote:

New 911 Communication Equipment

Commissioner Morris made a motion to go with Sprint. This motion was seconded by Commissioner Knight.

Chairman Maness called for any further discussion regarding this issue.

Commissioner Bostic said he would like to voice his concerns regarding this. He said he could not see spending \$56,000 more for Sprint. He said the advantages in his opinion do not outweigh the disadvantages.

Chairman Maness called for a vote. The motion was carried 4-1 to go with Sprint's proposal. (Voting For: Commissioner Morris, Commissioner Knight, Commissioner Corbett, and Chairman Maness; Voting Against: Commissioner Bostic).

Pee Dee Community Building Resolution

In a motion made by Commissioner Corbett, seconded by Commissioner Bostic, and so the motion carried unanimously to approve the following resolution:

**Resolution
Declaring Pee Dee Community Building Surplus Real Property**

Whereas, the Montgomery County Board of Commissioners have acknowledged that the Pee Dee Community Building located at 6441 NC Hwy 73 West in the Pee Dee Community is county property;

Whereas, the Montgomery County Board of Commissioners, does hereby declare the Pee Dee Community Building surplus property, and does authorize the building and property to be sold at public auction, to the highest bidder, according to the provisions set for in G.S. 160A-270;

Whereas, the above stated property consists of a building and ½ acre more or less, whose deed is recorded in the Montgomery County Register of Deeds, Book 89, Page 331;

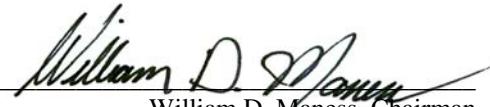
Whereas, this property shall be sold as is and the buyer shall be responsible for all closing costs associated with the sale which includes lawyer fees and recording of the deed.

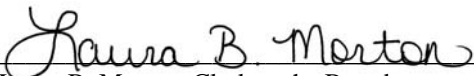
Whereas, this auction shall be published in a local newspaper not less than 30 days before the public auction. The publication shall include a general description of the property, the terms of the sale, and reference this resolution;

Whereas, the property shall be sold to the highest bidder at the sale, who will make a bid deposit of 10%. The highest bid shall be reported to the Board of Commissioners. Any offer or bid shall be accepted and confirmed by the board before the sale will be effective. The Board of Commissioners reserves the right to accept or reject the bid within 30 days after the sale.

Now, Therefore, Be it Resolved, that the public auction shall take place on February 10, 2005 at 4:00 p.m. on the Montgomery County Courthouse steps, 108 East Main Street, Troy, N.C.




William D. Maness, Chairman
Montgomery County Board of Commissioners

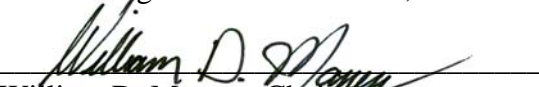

Laura B. Morton, Clerk to the Board

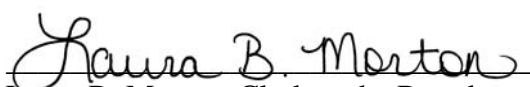
Register of Deeds Equipment

In a motion made by Commissioner Corbett, seconded by Commissioner Morris, and so the motion carried unanimously to go with the update for the Register of Deeds equipment.

There being no further business, the meeting was adjourned.




William D. Maness, Chairman


Laura B. Morton, Clerk to the Board