

**Montgomery County Commissioners Meeting**  
**June 21, 2005 ~ 6:00 p.m.**

Chairman – William D. Maness  
Vice Chairman – Sally M. Morris  
Commissioner – Dolon W. Corbett  
Commissioner - R.C. Bostic

Commissioner – George H. Knight, Jr.  
County Manager - Lance Metzler  
Finance Officer – Cathy S. Baxter  
County Attorney – Russell J. Hollers

The Montgomery County Board of Commissioners met in a regular session on Tuesday, June 21, 2005 at 6:00 p.m. A full board was present. Chairman Maness called the meeting to order.

**Invocation**

Rev. Bruce Turnmire, pastor of Calvary Baptist Church gave the invocation.

**Minutes**

In a motion made by Commissioner Corbett, seconded by Commissioner Knight, and so the motion carried unanimously to approve the minutes.

**Public Forum**

*The following citizens spoke during the public forum:*

County Manager Lance Metzler read the public forum policy: It is as follows:

The Public Forum Period shall be for the purpose of allowing members of the public to present any matter pertaining to County business or items on the Board of Commissioner's agenda. This period shall not serve as a forum for debate with the Board of Commissioners.

Remarks shall be addressed directly to the Board of Commissioners and not to staff, the audience or media.

The Chairperson shall open the Public Forum Period.

Each speaker shall clearly state his or her name and physical address.

Any citizen desiring to present any matter concerning the services, policies, and affairs of Montgomery County shall be allotted three minutes. Citizens will be allowed to yield their time, on a specific topic by utilizing no more than two citizens' time slots. This would allow no more than nine minutes.

The County Manager will time the speakers and notify the Chairman of their limit.

There shall be no comment, during the Public Forum Period, on a matter for which a public hearing is scheduled during the same meeting.

There shall be no comment during Public Presentations on a matter that has already been the subject of a previous public hearing where no final vote has been taken.

Speakers appearing before the Board of Commissioners will not be allowed to:

- Campaign for public office
- Promote private business ventures

- Or use language of a personal nature which insults or demeans any person or which, when directed at a public official, is not related to his or her official duties.

A given speaker could, in essence, have three minutes on any eligible topic in the Public Forum Period, and then could also have three minutes for any public hearing item, but would not be allowed to address the Board of Commissioners twice during public comment, or for any given public hearing.

**Todd Lemonds** of 358 Nance Farm Road in Troy was present. He said he has attended most if not all of the meetings that have had landfill discussions. He said I have been to the circus a time or two, but he didn't realize the Board of Commissioners were card carrying members of the Barnum & Bailey Circus. He said everyone but Bozo the Clown got up and spoke in support of the Landfill. Mr. Lemonds said the money is already spent. He said I am ashamed of the people who live around the landfill who have not attended the meetings and he said I am also ashamed of the Board of Commissioners. He said I do not want to see the rest of the county polluted like the area at the current landfill is. He said Republic made \$2.75 Billion in revenue and a profit of \$993 million last year. Mr. Lemonds said why can't the county and those in the county have a piece of the pie? He said my question is what are you going to do for the people who live close to the landfill.

**Becky Stegall** of 306 Nance Farm Road was present with concerns about the landfill. She asked if the board would be voting on a site tonight. She also asked if the board votes tonight will Section 8 of the contract with Republic cause the contract to revert back to the old contract. She asked if the old landfill ran by Burgess Maness has been cleaned up. Mrs. Stegall also asked how can we give them anything until we talk to a consultant. She also said personally, I wouldn't talk with them until everyone is on county water that lives around the landfill. She said the Clean Water Act believes in every person having the right to have clean water.

**Timothy Thompson** of 275 Tower Road was present with concerns about the landfill. He thanked the board for the opportunity to speak. Mr. Thompson said he wanted to voice his opposition of the landfill. He said he has been on vacation and has come back and still likes to call Montgomery County home. He said I would appreciate the board considering no expansion of the landfill. He said people don't trust government as it is. Montgomery County does not need to be a regional landfill. He asked the board to think long and hard about this.

**Janet Deaton** of 1055 Spies Road was present with concerns about the 911 Center. On June 7, 2005 her house burned and 911 was called. The fireman thought they were responding to a car fire and didn't know until they passed by her burning house that it was a house fire. She said they arrived 10 minutes after the first call. She said errors were made. Mrs. Deaton said I don't know if it was due to the recent changes at the 911 Center that caused this problem. She asked the board to leave their personal agendas at home. She said she wants to go on record saying the Star and Biscoe Fire Departments did their best with what they were given.

**Ervin Brown, Attorney** for Teresa Richardson explained he is representing Mrs. Richardson in a civil matter. He said he has sworn statements and depositions from members of the Sheriff's Department. He said I have general concerns. I have asked the SBI to do an investigation of the Sheriff's Department. He said the Board of Commissioners may need to ask them as well. He said members of the Sheriff's Department have been overheard stating \$100,000 would put Mrs.

Richardson in jail. They were sent to her job and threatened Mrs. Richardson and her employer. Mrs. Richardson was put into jail. Mr. Brown said I have reasons to believe there are other complaints like this one. He told the board if his office could be of any assistance to please call.

### **Alternate Siting Study for the County Landfill**

*Commissioner Morris made the following motion:*

The Montgomery County Board of Commissioners has reviewed and carefully considered the Siting Study, the alternative sites and socioeconomic and demographic data within Montgomery County, the comments of the public and any information submitted by the public, including considering proposals of approving no site, and afforded the public an opportunity to submit comments on alternative sites during the June 7, 2005 public hearing and to the Board of Commissioners up to June 14, 2005.

In light of these actions by the Board, I make a motion to adopt the Resolution for Approval by the Board of Commissioners of the Landfill site not to be relocated to an alternate site but to remain in the existing location which is site #6; illustrated in the Siting Study for Municipal Solid Waste Landfill.

Furthermore the Board of Commissioners requests that Republic Services provide a Facility Plan of the existing site prior to its July 12<sup>th</sup> meeting.

A copy of this resolution is on file with the clerk of the Board of Commissioners and is available to the public for its review.

Commissioner Knight seconded the motion. The motion carried 4-1. (Voting for Commissioner Morris, Commissioner Knight, Chairman Maness, and Commissioner Bostic; Voting against, Commissioner Corbett).

### **Board Appointments**

#### ***Economic Development Corporation Board of Directors***

In a motion made by Commissioner Knight, seconded by Chairman Maness, and so the motion carried unanimously to reappoint Commissioner Sally Morris to serve on the Economic Development Corporation Board of Directors.

#### ***Jury Commissioner***

In a motion made by Commissioner Corbett, seconded by Commissioner Bostic, and so the motion carried unanimously to reappoint Mr. Sam Elkins, Jr. to serve as Jury Commissioner.

#### ***Montgomery Community College Board of Trustees***

In a motion made by Commissioner Corbett, seconded by Commissioner Knight, and so the motion carried unanimously to reappoint Mrs. Louise Dorsett to serve on the Montgomery Community College Board of Trustees.

#### ***Department of Social Services***

In a motion made by Commissioner Bostic, seconded by Commissioner Corbett, and so the motion carried unanimously to appoint Shirley Gerald to serve on the Social Services Board. (*Her appointment replaces Wallace Jones who has served two consecutive terms*).

### **Budget Amendments**

*Cathy Baxter, Finance Officer presented the following budget amendments:*

#### ***Jail – BA 60/05***

Already approved (in packet by mistake)

#### ***Solid Waste - BA 62/05***

In a motion made by Commissioner Knight, seconded by Commissioner Morris, and so the motion carried unanimously to approve the Solid Waste Budget Amendment in the amount of \$33,000.

#### ***MCC – BA 63/05***

Already approved (in packet by mistake)

#### ***Dept of Social Services – BA 64/05***

In a motion made by Commissioner Corbett, seconded by Commissioner Bostic, and so the motion carried unanimously to approve the Department of Social Services Budget Amendment in the amount of \$50,000 (Daycare of Children).

#### ***Juvenile Justice & Delinquency Prevention - BA 66/05***

In a motion made by Commissioner Corbett, seconded by Commissioner Knight, and so the motion carried unanimously to approve the Juvenile Justice & Delinquency Prevention Budget Amendment in the amount of \$10,000.

#### ***Public Schools Budget Amendment #17***

In a motion made by Commissioner Morris, seconded by Commissioner Bostic, and so the motion carried unanimously to approve the Public School Budget Amendment #17 in the amount of \$468,842.

### **County Manager's Report**

#### ***Faduma Street Update***

Mr. Metzler reported on the progress made on Faduma Street.

- Commissioner Knight and I have met with residents in the Faduma Street area.
- We have identified 10 structures that need to be removed.
- We have provided Gladys Marshal with release forms to allow us to enter the property and raze and remove the dilapidated structures. She feels that they will sign them for her.
- In the mean time we need to be asbestos permits from the state but first we have to test them to confirm if the structures contain asbestos or not. It will cost \$2,300 to draw sample and to test the structures. I would recommend that the Board allow funds to be designated toward this project.
- Maybe this will be the first of many to alleviate the problems in our communities across the County.

- It is combined effort John McIntyre will have the structures razed and removed at no cost to the County or the residents and BFI has agreed to provide containers to load the debris into to take to the landfill. Republic has allowed the debris to be brought to the landfill at no charge.
- Once we test for asbestos and asbestos is identified in the homes then the County has to file for an asbestos permit with the state which takes a turn around of 6 to 8 weeks.
- We can proceed with razing and removing after these permits are received.
- Board needs to take action on funding the sampling and testing for asbestos not to exceed \$2,300.

In a motion made by Commissioner Knight, seconded by Commissioner Bostic, and so the motion carried unanimously to approve the \$2,300 needed for the sampling and testing for asbestos on Faduma Street. This amount is to come from fund balance.

### **Items Carried Forward from the Work Session**

#### ***Water Department Rules and Regulations Amendments #1, 3, & 4***

In a motion made by Commissioner Corbett, seconded by Commissioner Knight, and so the motion carried unanimously to approve the following Water Department Rules & Regulations Amendments:

#### **Water Rules and Regulations Amendment #1**

Currently the water department charges a \$25 NSF fee for all returned checks. In early 2005 the water system began bank draft. If the draft is returned not paid there will be a \$25 NSF Charge for those signed up for bank draft.

#### **Water Rules And Regulations Amendment #3**

Minimum water bills may be waived on accounts with extreme situations such as

- house has burned and the owner has no plans of replacing the structure;
- house has been condemned and the owner has no plans of replacing the structure;
- the company has closed and no one will be taking over the business;
- or the owner has died & no one will be living at the residence;
- both husband and wife are in a nursing home and the home is vacant; **ADD THIS SITUATION**
- property has been foreclosed on or individual has declared bankruptcy. **ADD THIS SITUATION**

#### **Water Rules And Regulations Amendment #4**

##### ***Twin Harbor Billing Options For Those With Two or More Items***

##### **Group #1**

- Disconnect one meter
  - o Customer will receive water and sewer bills on the remaining meter

##### **Group #2**

- Leave both meters in place
  - o Bill at least the minimum water bill on each meter
- With no water usage on the second meter
  - o Bill sewer only on the meter with usage

### **Group #3**

- With usage on both water meters
  - o Bill water and sewer on both meters

### **Amendment - Re-establishment of Service**

If the owner of the property decides they want to connect to the water after the meter has been removed, the fee will be \$100, pay the deposit fee and complete an application and water user agreement.

### **Resolution Adding Lance Metzler's Signature**

In a motion made by Commissioner Corbett, seconded by Commissioner Knight, and so the motion carried unanimously to approve the following resolution to add County Manager add Lance Metzler to be authorized to execute the signature requirements for the 2005 Montgomery County Scattered Housing Site CDBG Project and for the 2005 Mountaire Farms Economic Development CDBG Project:

**RESOLUTION FOR MONTGOMERY COUNTY  
REQUISITIONS AND CHECK SIGNATURES AND ADMINISTRATION OF THE 2005 COMMUNITY  
DEVELOPMENT BLOCK GRANT SCATTERED HOUSING GRANT PROJECT AND 2005 COMMUNITY  
DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT PROJECT MOUNTAIRE FARMS**

WHEREAS, in order to receive Community Development Block Grant funds Montgomery County must authorize persons to sign the requisition form for Community Development Block Grant fund and checks for Montgomery County Community Development Block Grant Projects; and, WHEREAS, in order to carry out all of the activities of the CDBG project, the County Board of Commissioners have appointed: Lance L. Metzler, (County Manager); William D. Maness, (Chairman of the Montgomery County Board of Commissioners, Cathy Baxter, (Finance Officer) Deva Swinson, (Deputy Finance Officer) to be authorized to execute the signature requirements requisitions of Community Development Block Grant Funds and checks for disbursement for the Montgomery County Scattered Housing Site CDBG Project, and for the 2005 Mountaire Farms Economic Development CDBG Project.

BE IT FURTHER RESOLVED, that Lance Metzler, William D. Maness, and Cathy Baxter, and Deva Swinson be also authorized to administer the Community Development Block Grant programs and execute all applicable documents.

Approved, this the 21<sup>st</sup> day of June 2005.

### **Grassroots Grant – Zane Simmons Exhibition**

In a motion made by Commissioner Bostic, seconded by Commissioner Corbett, and so the motion carried unanimously to approve the Arts Council and Mr. Chad Dickson's organization to use the Grassroots Grant money.

### **Resolution – State Cigarette Tax To Support the County Medicaid Relief**

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

**A RESOLUTION REGARDING INCREASING  
THE STATE CIGARETTE TAX TO SUPPORT THE COUNTY MEDICAID RELIEF**

WHEREAS, only the states of New York and North Carolina require county governments to participate in all the costs of Medicaid, and

**WHEREAS**, the state of New York recently took action to lower the costs of Medicaid to its counties, and

**WHEREAS**, Medicaid costs for counties are far outstripping county governments' ability to provide for those increases through the traditional source of flexible revenue – i.e., the property tax, and

**WHEREAS**, Montgomery County spent \$1,720,000 in 2004-2005 for Medicaid which equates to 8.50 cents on the property tax rate, and

**WHEREAS**, North Carolina counties have no opportunity under federal and state law to control Medicaid expenditures, and

**WHEREAS**, a plan to completely phase out required county Medicaid expenditures is desirable, and

**WHEREAS**, cigarette smoking contributes to health problems that increase Medicaid costs, and

**WHEREAS**, the state of North Carolina has the lowest cigarette tax in the nation, and

**WHEREAS**, an increase in the state cigarette tax could yield significant funds to reduce the county share of Medicaid.

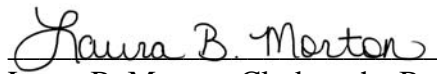
**NOW, THEREFORE BE IT RESOLVED** that the Montgomery County Board of Commissioners hereby urges the General Assembly of North Carolina to enact a significant cigarette tax increase to be used to begin a phase-out of required county contributions to fund Medicaid costs.

**FUTHERMORE BE IT RESOLVED** that a copy of this resolution be presented to members of the General Assembly.

Adopted this 21<sup>st</sup> day of June, 2005.



Attest:

  
Laura B. Morton, Clerk to the Board

  
William D. Maness, Chairman  
Board of Commissioners

**CLOSED SESSION**


There being no further business to discuss during the regular session, Chairman Maness closed the regular session.

Chairman Maness said in accordance with North Carolina General Statute 143-318.11 (a)(6) the board will go into closed session to discuss personnel matters.

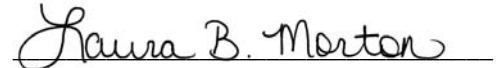
The commissioners came out of closed session and back into open session. The board voted that nothing was discussed other than why they went into closed session, which was personnel, and no action was taken during the closed session.

This was made into the form of a motion by Commissioner Corbett and seconded by Commissioner Bostic. The motion carried unanimously.

There being no further business, the meeting was adjourned.

  
William D. Maness, Chairman



  
Laura B. Morton, Clerk to the Board