

**Montgomery County Commissioners Meeting
July 12, 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, July 12, 2005 at 6:00 p.m. in the County Commissioners Assembly Room. A full board was present. *Chairman Maness called the meeting to order and the following was heard:*

Robin Moore, Assistant Clerk was present in the absence of Laura Morton, Clerk to the Board.

Invocation

Commissioner Bostic gave the invocation.

Approval of Minutes

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

Public Forum

The following citizens spoke during the public forum:

Mr. Timothy Thompson was present. He said he is opposed to the landfill especially the negative impact of individuals who live near the landfill. He said there is an average of 189 trucks coming to the landfill on a daily basis. He said if these trucks would form a line it would be 2 miles long. Mr. Thompson said the aroma is unpleasant. He said how much damage are these garbage trucks doing to the roads? Montgomery County should not bear the garbage for all other counties.

Josh Ray – AAU Basketball – was not present

Planning Board Report

Mr. Phil Henley, Zoning Administrator presented the following report:

Carol Jean Maness is requesting a rezoning on her property located at 436 Small Road. She would like it rezoned from R2 to R3. He said a few people came to the meeting to find out what she was planning, but they were not in opposition to her request. Mr. Henley said this would be for two acres only.

Commissioner Knight said all the surrounding property is all zoned R-2 what would other people do when they come in for request. What was the reason for rezoning? Mr. Henley said that was done back in 2002. It was advertised in the paper. Mr. Knight asked do you feel right doing this. We need to stick to the zoning ordinances.

Commissioner Morris asked is this for your personal residence. Mrs. Maness said yes ma'am. Commissioner Knight said we need to put something in the ordinance for no trailer parks. Mr. Henley said individuals would still have to come for rezoning. Mr. Knight said there are lots of areas in Montgomery County that are not allowed to have trailer parks. Chairman Maness asked how many mobile homes do you plan to put on the land. Mr. Henley said one. Commissioner Corbett asked when do you plan to put a mobile home on the property. Mrs. Maness said next year.

Chairman Maness asked what is the pleasure of the board.

In a motion made by Chairman Maness, seconded by Commissioner Corbett, and so the motion carried 3-1 to approve the rezoning request. (Voting for the request: Chairman Maness, Commissioner Corbett, Commissioner Morris, Voting against the request: Commissioner Knight; Abstaining: Commissioner Bostic).

Commissioner Knight said he would like to hear concerns from other Commissioners. Chairman Maness said all cases are different. Commissioner Knight said we owe it to the public.

Charge to the Tax Collector

County Manager Lance Metzler presented the annual charge to the tax collector.

In a motion made by Commissioner Corbett, seconded by Commissioner Morris, and so the motion carried unanimously to approve the following Charge to the Tax Collector:

NORTH CAROLINA

MONTGOMERY COUNTY

**CHARGE TO TAX COLLECTOR
NCGS 105-321 (b) TO INCLUDE
AUTHORITY OF CHAPTER 1070
OF 1989 SESSION LAWS AS
AMENDED BY SESSION LAW 1999-127**

To Vickie Maness, Tax Collector of the County of Montgomery

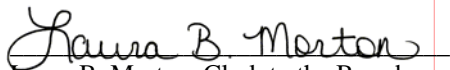
You are hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the office of the County Assessor and in the tax records delivered to you, in the amounts and from the taxpayers likewise therein set forth. You are also authorized, empowered and commanded to collect delinquent water bills and related costs set forth in the files in the Montgomery County Administrative Offices and in the records thereof delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes and delinquent accounts are hereby declared to be first liens upon all real property of the respective taxpayers in the County of Montgomery, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof in accordance with law,

Witness my hand and official seal, this 12th day of July 2005.



William D. Maness
William D. Maness, Chairman
Montgomery County
Board of Commissioners

ATTEST:


Laura B. Morton, Clerk to the Board
Montgomery County Board of Commissioners

Grandparents Raising Grandchildren Grant

Mrs. Susan Hamilton from Cooperative Extension was present to request permission to receive the Grandparents Raising Grandchildren Grant in the amount of \$13,239.00. She said Karen Wicker would be the primary agent.

Commissioner Corbett asked why are you interested in the grant now and not last year when asked? Mrs. Hamilton said there was too much on our plate to do at the time. We refocused some efforts after receiving requests from grandparents in this area. Ms. Wicker said it will help out in the county and expand in other areas.

Commissioner Bostic said as soon as there was a salary involved everyone jumped onto the band wagon.

Ms. Wicker said the Piedmont Triad Council of Governments came to us with this idea.

Commissioner Corbett asked if the checks would be written from the Administration Office. Mrs. Hamilton said yes that would remain in the Administration Office. Mr. Corbett asked if the equipment would remain at Brutonville. Mrs. Hamilton said yes. Chairman Maness asked who do you pay rent to. Finance Office Cathy Baxter said Brutonville Concerned Citizens. Chairman Maness asked if the groups meet at other locations. Mrs. Wicker said the libraries (Troy, Mt. Gilead, Star, and Biscoe).

Commissioner Knight said we have a lot of grandparents raising their grandchildren and the parents are collecting the money. Ms. Wicker said we help grandparents find resources to help raise the children.

Mr. Corbett asked what do you expect to pay this extra person. Ms. Wicker said \$14/hour, no benefits or insurance. Mr. Corbett said the salary takes over half of the grant. Mrs. Hamilton said it would not be every week. Commissioner Bostic asked when did it go from \$8 to \$14. Ms. Wicker said I am not familiar with that.

Chairman Maness asked what is the pleasure of the board.

In a motion made by Commissioner Knight, seconded by Commissioner Morris, and so the motion carried unanimously to approve the Grandparents Raising Grandchildren Grant in the amount of \$13,239.00.

Town of Troy Request for a Water Adjustment

Lance Metzler said in April the Town of Troy had to do a routine clean-up and is asking for a water adjustment for 250,000 gallons. Mr. Metzler said my recommendation is to split the difference and adjust 125,000 gallons which is approximately \$200.

In a motion made by Commissioner Knight, seconded by Commissioner Morris, and so the motion carried unanimously to give the Town of Troy a water adjustment in the amount of \$200.

Presentation by Republic on the Landfill Facility Site Plan

Bill Hodges, Consulting Engineer for Republic was present. He said I have in front of me the site application and facility plan for the expansions of the Uwharrie Regional Landfill. It is called the 2005 Expansions Plan. This document has been prepared in accordance with the 1600 rules of the solid waste section. This facility plan and site application provide all of the operation site information on the facility. This is the documents for the Commissioners to review when you consider approval of the expansion of the facility. These documents are being provided to the Board of Commissioners for their use with the 30 day public notice and subsequent public hearing. We request the Commissioners accept these documents and duplicate copy provided to the County Manager. Should the Board of Commissioners elect to go ahead with the public notice and hold a public hearing on this, then one set of these documents should be placed in the Commissioners' office and one at the library. They would be available for public review during that period. We can provide additional sets if the Board of Commissioners needs one. We are available anytime to discuss this. He said this is the permit application which would go into the State and the Board of Commissioners is required to look at this and consider this when they make a decision to issue local approval.

Chairman Maness said I think that is very important, if you would make a copy for each commissioner, and each commissioner has it along with the Commissioners if we decide on this. Another thing is, we are going to hire a Solid Waste Consultant to help us through this process, to start the negotiations with us, let's make sure they have a copy too. Mr. Hodges said I will work with your County Manager. Mr. Hodges said there are three volumes. He said North Carolina law requires you review the facility prior to making the decision. He said I will leave these with the Clerk to the Board.

Chairman Maness said I was talking with Mr. Metzler; we are going to put a copy up here and a copy at the library. It has to be in the paper for 30 days right? Mr. Metzler said yes. Mr. Corbett said we need time to study them to. Chairman Maness said it is important if we set a public hearing date, that all the Commissioners have time to go through it and study and meet with our consultant individually and let him start explaining and help us work through this process.

Mr. Hodges said I will be available to your consultant if he has any questions or if you as board or the County Manager need to go through these documents.

Chairman Maness said in our County Manager's Report tonight, he will make his recommendation to us. Mr. Hodges said if you want us to send a copy to your consultant we will be glad to do that to save you having to ship the documents.

Commissioner Knight said it should be clearly understood what we are doing now, we are not deciding on anything. I think it should be understood, all we are doing is looking at the plans and the request he has. This is all we are doing now, after doing all of this, the public hearing and all of that. I think that should be made clear. I don't like for people to tell me I have already decided on something when I know I haven't, it bothers me. I don't make a decision in advance, because if I did I wouldn't even come up here and listen to people talk. Mr. Hodges said let me go on record saying this is the first you have seen of this document. I delivered it to you tonight; you all have not seen any part of it. I published it as of today. Commissioner Knight said I wanted this to be understood; I don't want to have to deal with all those rumors.

Commissioner Corbett asked Mr. Hodges if anyone not on your payroll that has one. Mr. Hodges said no. I am a consulting engineer for Republic and I delivered one to Mr. Flanagan. There are

three copies. One to County Manager's Office (15 minutes before the meeting); one to Republic (about an hour before the meeting); and this copy has been delivered to you.

Chairman Maness said I echo what Commissioner Knight said, this is the first I have seen these documents. This is another step in the process we are going through. I think it is important to get a solid waste consultant on board and each individual commissioner needs to sit down with the consultant individually and work through this and sort all of this information out.

Chairman Maness asked what is the pleasure of the board.

Commissioner Corbett said he didn't think we need to do anything tonight because it will take time to go through it all.

Commissioner Knight said what we are doing tonight is accepting it.

After a discussion on this issue, Commissioner Morris made a motion to accept the Solid Waste Plan, to get a copy to all of the Commissioners and to our consultant, and put them on the review at the Library and the County Manager's office as we have done in the past and that we set a public hearing for September 6.

Mr. Corbett said we have not hired a consultant yet. Mrs. Morris said when we hire him. Chairman Maness said I hope we can hire a consultant tonight.

Commissioner Knight seconded the motion.

Commissioner Bostic said I will go along with everything except the setting a date. We need to look at it and there may not be a need to set a date. Chairman Maness said I think by law you have to set a public hearing.

Commissioner Corbett said why are we moving so fast? Commissioner Bostic said that is what I was wondering.

Commissioner Knight said from my understanding we are going to have to study the plan along with our consultant. The public is going to be able to view the same documents we are. To make a decision we have to listen to the public. That is what the public hearing is for so the Commissioners can make a decision based on comments and the reviewed material. Chairman Maness said this is not voting for the landfill to expand. This is setting the public hearing, another step in the process, so it will all be out in the open and out front. Commissioner Knight suggested the public hearing be September 20.

Commissioner Morris amended the motion to change the date of the Public Hearing to the September 20.

The motion carried 3-2. (Voting For the motion: Commissioner Morris, Commissioner Knight, Chairman Maness; Voting Against the motion: Commissioner Bostic and Commissioner Corbett).

County Manager Report

County Manager Lance Metzler gave the following report:

Boards and Commissions Policy & Application

Mr. Metzler presented a Boards and Commissions Policy & Application.

In a motion made by Commissioner Corbett, seconded by Knight, and so the motion carried unanimously to approve the following policy and application for board and commissions:

**MONTGOMERY COUNTY
ATTENDANCE POLICY FOR BOARDS, COMMISSIONS**

Non-attendance:

No member of any board or commission shall accumulate an annual total of more than three (3) unexcused absences, or be absent from more than one-fourth of the total number of meetings held by such board or commission within a given calendar year, for reasons other than personal illness, the illness or death of a relative, or other circumstances beyond the member's control. If this limitation is exceeded, the board or commission chairperson will advise the County Manager who will notify such member in writing, with a copy of such notification to the Board of Commissioners; that due to unexcused absences in excess of the number allowed his or her term of membership on the board or commission has terminated.

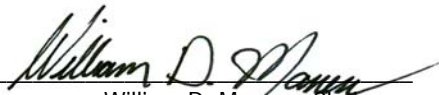
Vacancies:

Approximately sixty days prior to the expiration of a term of office, the County Manager's Office shall cause to be published in the local newspaper a notice indicating vacancy will be occurring on the specific board or commission; any details as to district served, etc.; and such other information as the County Manager may deem appropriate. Persons in the community interested in serving on the board or commission will be asked to complete a Board Bank Application, available in the County Manager's Office.

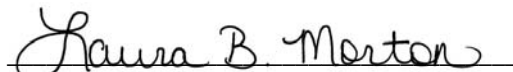
Delinquent Taxes:

No person who owes delinquent taxes to the County is eligible to serve as a member of a board or commission, which serves at the Board's pleasure. If a member's taxes' delinquent while serving on a board or commission, that member will have sixty (60) days to satisfy the debt.




William D. Maness, Chairman
Montgomery County Board of Commissioners

Attest:


Laura B. Morton, Clerk
Montgomery County Board of Commissioners

The Board Bank Application is available in the County Manager's Office.

CDBG Award Announcement

Mr. Metzler said he went to Raleigh to receive a grant for \$359,600 for Dry Creek. He said Hobbs Upchurch & Associates did a wonderful job. This grant money is for Dry Creek.

Chairman Maness said there is one stipulation; you have to have water in the area.

Update on the 24/27 Bypass

Mr. Metzler gave an update on the 24/27 Bypass.

Solid Waste Consultant Recommendation

Mr. Metzler said after reviewing the proposals for a Solid Waste Consultant, I recommend the board hire GBB on an as-needed basis.

Commissioner Bostic asked if we decide to get this firm can they start now. Mr. Metzler said I asked all of them and they can start right away. I ask that the board make a decision right a way so we can begin as soon as possible. The fee rates for all firms were in the same parameter.

Chairman Maness asked are you going to have to negotiate with them. Mr. Metzler said he would work with them to get a figure. Commissioner Morris said it is very important that they get started because they are going to have a lot of work to do before the September 20 public hearing that they can give us information on.

Commissioner Bostic said I don't think we need to give them a blank check. Mr. Metzler said I don't think they can do in two weeks, they can't charge up 100,000 in a two week period. All I simply ask in the two week period is that they review the existing contract that we have with Addington and the amendments with that and start discussion with that, anything else about this other request for expansion is not even in play right now. What we want them to do is evaluate the existing contract. Chairman Maness asked Mr. Metzler if he could work on this and contact the commissioners and get the board's opinion. Mr. Metzler said sure, but you would have to take a formal action before we could proceed. Commissioner Corbett said since I have been on the Board, I don't think we have ever signed a contract that we didn't know what it was going to cost within a reasonable amount.

Commissioner Knight said I think the manager has been with us long enough that I put confidence in him to make a good decision. We are not signing an open contract. We need to get started and stop dragging our feet.

Chairman Maness made a motion for Mr. Metzler to hire GBB as the County's Solid Waste Consultant.

Commissioner Bostic said the buck stops with the Commissioners, not the manager.

Commissioner Corbett asked if it is an open ended contract. Chairman Maness said absolutely not. Commissioner Knight said no.

Commissioner Corbett seconded the motion.

The motion carried unanimously.

Faduma Street Update

Mr. Metzler said we have identified 12 properties that needed to be razed, removed, and cleared for reasons such as rodents and drug trafficking. We have gotten permission from homeowners to have the properties razed and removed. We are also testing. As you know the board approved the funds for the asbestos. Before that time, John McIntyre came in and assured us he would help us with the project. Chairman Maness asked have you heard anything from Mr. McIntyre. Mr. Metzler said some how we were not on the same page; they told us today it was only a portion of it, so we will have to find other means. There were 12 identified properties. This leaves us six to remove. They had agreed to remove six and thought the costs were getting elevated. Chairman Maness said that is not what they agreed to do at the commissioners meeting. They agreed to do away with them all and I agreed to haul it all off. Mr. Metzler said we need to figure out a way to remove the others.

Mrs. Gladys Marshall said there are a total of 15. I thought John was going to take them all. If the fire department could burn, why can't Jim McIntyre take them? Mr. Metzler said because of asbestos.

Chairman Maness suggested that Mary Beck might be able to help.

Commissioner Knight said they have been promised by the Mayor things would be done. The Town of Troy might be able to assist us.

Chairman Maness said let's let Mr. Metzler work with Mary Beck and the Town of Troy.

Mrs. Marshall also announced an appreciation day on August 6 at 3:00 p.m. in the First Bank Conference Room.

Department of Transportation Secondary Road Paving Program Cuts

Mr. Metzler announced that the Department of Transportation has had to make some paving program cuts. Chairman Maness said some projects may take a year to complete.

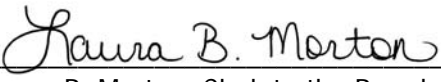
Closed Session to Discuss Personnel Matters.

In accordance with North Carolina General Statute Section 143-318.11(a) (6), the Board of Commissioners went into closed session to discuss personnel matters.

There being no further business, Chairman Maness adjourned the meeting.


William D. Maness, Chairman




Laura B. Morton, Clerk to the Board