

**Montgomery County Commissioner's Meeting
December 13, 2005**

**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 L. Metzler
Finance Officer - Cathy S. Baxter
Clerk to the Board – Laura B. Morton
County Attorney – Russell J. Hollers**

The Montgomery County Board of Commissioners met in a regular session on Tuesday, December 13, 2005 at 6:00 p.m. in the Commissioner's Assembly Room. A full Board was present. Chairman Maness reconvened the meeting and the following was heard:

Invocation

Rev. Mike Davis from the Troy United Methodist Church gave the invocation.

Approval of Minutes

A motion was made by Commissioner Corbett to approve the minutes from the November 29 Work Session and Regular Session. Commissioner Morris seconded the motion. The motion carried unanimously.

Formation of the Board

Chairman Maness turned the meeting over to County Manager Lance Metzler to conduct the meeting during the formation of the board.

Mr. Metzler said the floor is open for nominations for Chairman, Vice Chairman, Clerk to the Board and County Attorney.

Nominations:

Commissioner Morris made the following nomination:

- Chairman, Billy Maness;
- Vice Chairman, Sally Morris;
- Clerk to the Board, Laura Morton; and
- County Attorney, Russ Hollers.

Commissioner Knight seconded the motion.

The motion carried unanimously.

Let the record show that the officers are Chairman: William Maness; Vice Chairman Maness: Sally Morris; Clerk to the Board: Laura Morton; and County Attorney: Russ Hollers.

Recognition of the Youth Leadership Group

Chairman Maness recognized the Youth Leadership Group who was in attendance. He asked each of them to stand and introduce themselves.

Public Forum

Ms. Trudy Arden (Thelma Hall) – Twin Harbor Sewer Rates – (did not attend the meeting).

Gladys Marshall was present to request an update on where the clean up on Faduma Street stands. She said there are people that have had their houses approved, but the problem is the clean up. I don't know what to tell the housing people because I don't know about the cleanup. Mrs. Marshall said I know Mr. McIntyre was supposed to be cleaning two spots. I discussed the next step with Mr. McIntyre and he didn't know the next step. She said people are coming up to her because of things in the newspaper. Mr. McIntyre got up and said certain things he would do that he hasn't done yet. I know I have a different relationship with you all than what my community does. My community thinks you all are up here just saying things to blow me off and make you think these things are going to happen. I know that is not true because I know you all on a different level. I am here today to see if we can get this situation solved so these people can get into their new homes. They have moved out of their homes and they need to be in their homes. I have talked with my Mayor and he said he was going to get in touch with you Chairman Maness and you all would discuss these things. She said I am here today to ask you what else. I did what I was told to do with the permits etc. I have been back to Mr. McIntyre, I don't know what else to do, it is holding up these people from getting in their homes. The Mayor has agreed to go ahead and tap these people once the homes come in. Another problem is when the funding comes in it has to go out, if they continue to hold this money, they have to

continue to renew the money, and they have one more time to renew it and they can't renew it anymore. I am asking what else we can do. There are four spots that haven't been touched.

Chairman Maness said Mr. Metzler and County Commissioner Knight have been working on this. They have been working on some numbers to clean up the lots. The Chairman turned the meeting over to them. Mr. Metzler said the County has been working hard with Faduma Street on the issues they have. They have valid issues because these houses are on standby until the existing structures are removed. We have worked with the Troy Fire Department who has graciously helped us to burn the houses. It was our understanding from the beginning was the four houses she was referring to were going to be taken care of from another source, since this did not come to pass, I have contacted a few local contractors to see how much it would take to resolve this issue, if the commissioner decide to get involved as far as monetarily to solve this issue. One quote came in at \$5,500 and one at \$7,000. He said Mr. Knight you may want to add to all of that.

Commissioner Knight said I am not aware of the prices from the contractors. Mr. Metzler said that was just recently that I received them. Commissioner Knight said I stayed in contact with Gladys and have tried to assist her in every way that I could with the information that I have. I know we are supposed to be working on finishing the clean up and it is a matter of who could do it and what it would cost, and then I believe the Commissioners said at one time that they would work with the people down there as far as the money to clean up. Some of the work has been done already. I think there are two areas that have been cleaned up by Mr. McIntyre. Chairman Maness lived up to his end of the bargain to have some people down there to remove and take off what needed to be taken off. So now it is a matter of finding the Commissioners, I assume, saying if we can find the money to fund these people that you have contacted to go ahead and finish the clean up. It needs to be done right now. I didn't know it was going to take this long. Commissioner Knight said this is causing hardships. I hope we can do it soon.

Chairman Maness suggested that Commissioner Knight and Mr. Metzler meet with Mayor Roy Maness and put it on the agenda for the first meeting in January. Mrs. Marshall asked if the Board could give her a time limit. Chairman Maness said let us meet with Troy first before we give you a definite time.

Sewer Line Discussion

County Attorney Russ Hollers was present to discuss the County's sewer line. He said it has finally come together. The line is finally owned by the County and an agreement has been entered into. The agreement with Twin Harbor was signed over a year ago for the County to take over their sewer system.

Attorney Hollers said a real estate deal closed last week. VK Development bought the property from Allen & Associates. The County now has \$1,890,000 in its coffers of which \$1,026,000 will be paid back to the developers per the contract, leaving \$864,000 to be used by the County however it sees fit.

Attorney Hollers said that he and Mr. Metzler are currently reviewing the sewer contract with Mt. Gilead.

He presented the following information regarding the proceeds from the Lake Tillery Sewer Line:

LAKE TILLERY SEWER LINE PROCEEDS

Twin Harbor, Tillery Tradition and Allen Realty combined efforts to construct the Lake Tillery Sewer Line in 2003. This line was constructed to accommodate usage for approximately 2,746 connections of which 1,346 would go to Twin Harbors, 400 to Tillery Traditions, 600 Allen Realty and 400 were available for future development, totaling. The County worked with Twin Harbor to provide bulk connections for the 1,346, which left 1,400 to be split up as previously mentioned.

The contract between the County and Twin Harbor to operate the internal Twin Harbor system was finalized in June 2005. The Agreement regarding transfer of the sewer system from the three developers to the County was only recently finalized. As you are all aware, V.K. Member Holdings NC, LLC is purchasing the property from Allen Realty and V.K. will acquire the rights to the 600 connections.

The breakdown of the proceeds to the County and to the developers which are to be reimbursed for their original contribution to the construction of the sewer line are as follows:

PAID OUT IN 2003		
DEVELOPER	PERCENTAGE	AMOUNT
Twin Harbor	40.02%	\$ 410,295
Tillery Tradition	33.32%	341,764
Allen Reality (V.K.)	26.66%	273,530
TOTAL	100%	\$1,025,589

TAPS SOLD/ PAID TO MONTGOMERY COUNTY			
DEVELOPER	TAPS	PER TAP	TOTAL AMOUNT
VK	150	x \$1,000	\$ 150,000
VK	250	x \$3,000	750,000
VK (add.)	200	x \$3,000	600,000
Total VK	600		\$1,500,000
Allen Reality	50	x \$3,000	\$ 150,000
Swift Island	80	x \$3,000	\$ 240,000
TOTAL	730		\$1,890,000

The County would pay back \$1,025,589 to the respective developers/property owners out of the \$1,890,000 revenues received from the sales leaving \$864,411 in revenues over expenditures.

<u>LAKE TILLERY SEWER LINE</u>			
FUTURE PROCEEDS			
DEVELOPER	TAPS	PER TAP	TOTAL AMOUNT
Tillery Tradition	150	x \$1,000	\$150,000
Tillery Tradition	250	x \$3,000	750,000
Total Tillery Tradition	400		\$900,000
A&C Enterprise	200	x \$3,000	\$600,000
Additional	50	x \$3,000	\$150,000
TOTAL	650		\$1,650,000

*If a future Flow study indicates additional capacity then the revenues would continue to be generated at \$3,000 for each additional tap.

Chairman Maness asked when will we be paying the contractors. Mr. Hollers said I would certainly hope that will be before Christmas. Chairman Maness said we need to go ahead and settle with them.

Commissioner Knight asked what are we saying, the \$864,000 that we have now, that we need to pay a certain amount to the developer. Mr. Hollers said the total amount \$1,890,000 minus the \$1,206,000 (developers' amount) leaves \$864,000. In the agreement, Mt. Gilead was to get a certain amount for treatment and the County for the tap and administration of that. Mr. Knight asked if this takes care of the developers with everything, are we going to have to do this every time we have hook-ups. Mr. Hollers said this takes care of the developers, they get paid back. He proposed that it be laid out on some kind of form for the future so that when we are gone it will be understood.

Mr. Metzler said I think I understand what Commissioner Knight was asking. The \$1,025,000, that is what the developers paid original. The total \$1.8 million is the amount the County has received from this project so far. The \$864,000 is a net. Commissioner Knight said it looks as if we have 1,400 more taps left, is that what the first paragraph is saying. Mr. Hollers said no sir. That is Twin Harbor, which has about 1,400 lots, and most of their lots have hooked up.

Commissioner Knight asked how many more taps before we reach the maximum on that line. Attorney Hollers said after contractual obligations of the contract have been met, there was approximately 400 "extra" taps of which about 350 and some have been taken. There is a potential of another 50 lots. Future flow studies show there maybe additional capacity there. As I understand the State mandates a certain amount of capacity for each home and the way it is with the part time/weekend homes, in the past, it hasn't taken as much for each home as required by the state. It is a potential. If others want to get together and run another sewer line in, that is another matter entirely. From what I understand, the Mt. Gilead Treatment Plant can accommodate it. Commissioner Knight said as far as this line we are getting close to the maximum. Mr. Hollers said we are close to the maximum. Tillery Tradition is promised 400 taps, but they haven't sold but 30-40 lots and I don't know how many houses are out there. I think you and I will be gone before that capacity is ever used to the maximum.

Commissioner Knight said I guess what I am trying to get to is, after we pay the developers, I am trying to find out if this is going to settle everything with the developers. Mr. Hollers said it is. Commissioner Knight said so any taps in the future, that 400 or whatever these people have been obligated, this will be revenue. Mr. Hollers said additional funds.

Chairman Maness asked Mr. Metzler to get the money to the developers and also asked that the contract with Mt. Gilead be on the next agenda. Mr. Metzler said I will have that available for the first January meeting, there are considerable revisions that need to be made.

Occupancy Tax

David Zmiewsky presented a proposal for a Montgomery County Occupancy Tax. He said legislation was approved in 2001. He represented the 21st Century project. It is not a tax on the people in Montgomery County, only those visiting the County. It would be a 3% tax for those who stay overnight here. We are surrounded by counties who have already utilized this tax. We are the only County that is not collecting this tax in the surrounding counties. Part of the legislation is that a Montgomery Tourism Development Board be formed. He requested the board consider a public hearing on a possible Montgomery County Occupancy Tax. This tax would generate \$16,000. Chairman Maness said we can use \$16,000.

A motion was made by Commissioner Corbett to hold a public hearing on January 17, 2006. Commissioner Bostic seconded the motion. The motion carried unanimously .

Update on Water Projects

Tim Carpenter from Hobbs Upchurch & Associates was present to give the Board an update on the SRF water projects. Mr. Carpenter said the project design is complete and the County's Public Works Director has signed off on the permits.

Planning & Zoning Requests

Phil Henley, Zoning Administrator, presented the following request:

Robert and Vicki Jarrell from 2338 Berkley Lane in Asheboro have requested a setback variance for their property, lot 40 in the Lakemont Development at Badin Lake. The contour line is 10' closer to the structure due to an elevation change by Alcoa. The only other option would be to move the existing structure back 10', but that would be costly. Mr. Henley said all adjoining property owners were notified, the property was posted, and the Planning Board unanimously recommended this setback variance for approval.

Commissioner Corbett made a motion to approve the setback variance for Robert and Vicki Jarrell. The motion was seconded by Commissioner Morris. The motion carried unanimously.

Influenza Vaccine Supply Resolution

Dr. John Woodyear, Chairman of Board of Health requested approval of the Influenza Vaccine Supply Resolution that was approved by the Montgomery County Board of Health at their last meeting.

Commissioner Corbett made a motion to approve the Influenza Vaccine Supply Resolution. Commissioner Morris seconded the motion. The motion carried unanimously.

Solid Waste Attorney Discussion

Mr. Tim Bratton, GBB, the County's Solid Waste Consultants, was not present.

Budget Amendments

Mrs. Cathy Baxter, Finance Officer, presented the following budget amendment:

Governing Body BA 22/06

Mrs. Baxter said this amendment is to cover the cost of the State of North Carolina unemployment insurance for Fiscal Year 2005. The amount of the amendment is \$79,552.94.

Commissioner Morris made a motion to approve budget amendment 22/06 for the Governing Body for \$79,552.94. Commissioner Knight seconded the motion. he motion carried unanimously.

Social Services BA 23/06

Mrs. Baxter said this amendment is to receive funds in the amount of \$10,868 for the Crisis Intervention Program.

Commissioner Morris to approve budget amendment 23/06 for the Social Services – Crisis Intervention for \$10,868. Commissioner Knight seconded the motion. The motion carried unanimously.

County Manager's Report

County Manager Lance L. Metzler presented the following report:

Formation Procedure for Boards and Committees

The Commissioners asked me to develop some sort or policy or procedure that would allow consistency when appointments are made to Board and Committees at your November meeting. The procedure establishes four-year terms, with two consecutive term limit and a waiting period of two years to be reappointed to that same Board or Committee. Appointments are to be staggered to show continuity in membership. It addresses unexcused absences, do not allow more than three unexcused absences or miss more than ¼ of the regular meetings. Appointments to vacant Boards or Committees will be for the remainder of the term. Mr. Metzler explained that staff advertises when there is a vacancy on a board and have developed a board bank application. Chairman Maness asked if there has been success with that. Mr. Metzler said yes we have. We are waiting on an opening to come available to use these applications. This is strictly for you consideration, if you want me to proceed let me know. Chairman Maness asked that this be put back on the agenda. He said I think this is a great idea.

Utility Committee

Currently, the Utility Committee consists of the County Manager, the Director of Public Utilities, Tim Carpenter, Jo Haywood and Commissioner Corbett which has provided the name of Ron Kincaid. Is there any other Commissioner who has an appointment to add to this Committee? Chairman Maness asked how many more do you need? Mr. Metzler said one or two more, you don't want it to be too large. Mr. Metzler said if you can think of anyone, please let me know. He explained that Jim Matheney from Uwharrie Pointe was contacted to see if anyone from that area of the County would be interested.

Jail Committee Update

The Jail Review Committee met on December 5th to discuss Detention Space needs, Magistrate needs and Law Enforcement needs as well as Jail Forecasting and Housing and Classification Allocations. Mr. Metzler said there is a summary/breakdown of what was discussed, there are modifications that were made, but unfortunately, our architects did not provide us with this in time for the meeting. I will provide them to you once they are changed. A 102 bed facility was recommended. The Jail Review Committee will be meeting again on January 16th at 9:30 a.m. If you have any questions pertaining to the information provided, then please let me know. Commissioner Knight and Commissioner Corbett are on the committee and my have additional comments. Commissioner Corbett said we welcome any visitors to the meeting on January 16, 2006 .

Official Name of Old Troy Town Hall

Martha, with the Board of Elections, has requested that the County Commissioners name the Old Troy Town Hall. The reason is that it is a polling place and she needs to have a name for it for any future elections. Currently it does not have a name. Chairman Maness said get Judy Stevens and the other Commissioners involved to come up with a name and have that for the next meeting. Chairman Maness said if there are any suggestions, please contact Mr. Metzler.

Economic Development Commission Luncheon

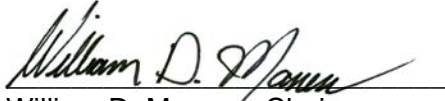
Mr. Metzler reminded the Commissioners about the Economic Development Commission tomorrow at noon at the Eagle Springs Inn.

Water Plant Luncheon

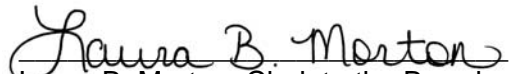
Chairman Maness said Jason Caviness has invited the Board to their luncheon on Friday, December 16 at the Hummingbird Café.

A motion was made by Commissioner Knight to go into closed session to discuss personnel issues under the provisions set forth in N.C. General Statute Section 143-318.11. Chairman Maness seconded the motion. The motion carried unanimously.

There was nothing to report out of the closed session. The meeting adjourned.


William D. Maness, Chairman




Laura B. Morton, Clerk to the Board