

WORK SESSION
Commissioners Conference Room
September 19, 2006 ~ 5:00 p.m.

The Montgomery County Board of Commissioners met in a work session on September 19, 2006 at 5:00 p.m. in the Commissioners Assembly Room. Chairman Maness called the work session to order and the following was heard:

Due to a big turn out at the work session the meeting was moved to the regular meeting room. We have three different items we need to go through during our work session then we will move on to our regular session. We have got an hour to do that so we'll try to move on through this. To start with we are still going to use this meeting, we have a policy and procedures that we have in place for our regular session that we usually waive these for the work session where we can have more discussion, so this will be more of a discussion part for the work session. With that I'm going to let Commissioner Morris get up here. Chairman Maness called Harold Matthews and Kevin Hedrick of the Department of Transportation to discuss the Secondary Improvement Program.

Department of Transportation Secondary Improvement Program

Mr. Harold Matthews and Mr. Kevin Hedrick with the NC Department of Transportation were present.

Kevin Hedrick presented the 2006-2007 Secondary Improvement Program. The first part is the highway funds. We've got approximately \$954,000 available that has been allocated this year. Of that we need about \$600,000 to cover work that we already have funded or in the process of getting right of way. There is a list of six roads on that first page. That only leaves \$354,000 for paving or setting up additional roads. Gold Mine Road SR1561 has actually been on the hold list, we have not been able to get right of way on that road. Some of the property owners have been working together to get right of way on part of that. We are going to go back to that hold list and bring that forward to try to pave about a half a mile which I think will catch what homes are on that road. I just wanted to make the note that Boyd Road SR1567, we were unable to obtain right of way on that. Items 2 and 3 on that page are just maintenance reserves that we hold back, that are required and that's for \$94,000. And the \$109,000 is for overruns, money we retain just in case we need those additional funds. Flip over a couple of pages, that was the highway fund now let's go to the trust fund.

There again on that we have about \$986,000 total available for paving. Of that we need to put some towards Tower Road or Ophir Road, SR1134. We are getting much closer to getting right of way on the remaining portion of that, about 3.15 miles. I'm still working with the forestry service on that and part of Lewis Road. I guess we need to add some additional money to Lewis Road. That leaves about \$486,000 available and I plan on using \$300,000 of that on Rush Road SR1538, we do have right of way on that so next year we can begin grading on that. Again maintenance reserve is \$103,000 and retaining 8% about \$83,000 for those two funds. Next page are the maps just showing the locations, they are highlighted. Flip over to the page just after the maps, where Rush Road is highlighted, that is the remaining roads left in Montgomery County, State Maintained unpaved dirt road that overtime we will be presenting as money allows in this priority order for right of way. Were down to Rush Road right now and we have the majority at Fairview Farm, it was in last years program that was presented early this year. We are trying to get back on track. We did this early in the year and now we are doing it again, and well be right back come March or April of next year and well get back on the

sequence like we normally do presenting the program right before the new fiscal year. We are just trying to get back on track which is why we are back again here in the fall.

The next page has the subdivision roads that we have added over the past four years, those are actually under contract to be paved by the end of October. Those roads will be paved and come off this list.

The next list and final page is the hold list of 24 roads here in the county, about 35 miles that we have attempted to obtain right of way on and have been unable to and you'll notice highlighted there is the Gold Mine Road which we haven't been able to obtain the right of way, I think we have one last property owner, were trying to work out something there, it shouldn't be a problem and that will come off. These others are ones we have attempted. Some of the ones at the bottom of this list are there just from 17 down to 24. For the most part we are going to be able to pave those its just a matter of getting to them, they're being set up they may still be in right of way they are still trying to work some things out. I will just read through this as a formality and ask for approval and a resolution to be passed for that. Any questions? Commissioner Corbett asked what is your best guess on Tower Road Kevin? Kevin replied, Not another 4 or 5 years like it has been but it is still with the forestry service and they have the information and they have the plans, they have done their mechanical and some of the other investigations that they have needed to do. I was hoping before next year we would have right of way completely wrapped up with them and we could get started. Mr. Corbett said late last year they told me the problem wasn't with them. Kevin said as far as I know it is, they have this in their hands and it has been sent through our folks in Raleigh, our right of way department, I let it sit for a while then I make phone calls and see where it is at. Dolon Corbett asked do you deal with Ashville or local? Kevin said Ashville is the one who has that. Mr. Corbett said thank you.

Commissioner Bostic addressed Chairman Maness and said if you will allow me to vent a little bit as I'm nearing the end of my tenure with these people I probably wont be seeing again and I've been on this for a number of years. Yet you know the tax base is what the county commissioners, one of the things that we have designed to keep and to increase. We have some roads, especially a road down in the Dry Creek area, Bowden Road. I don't know if it is on your system or not but it is a road in our county. There is a young man interested in building a home there but the road is just about impassable to get through there. And the mother to the young man is thinking about leaving because of the condition of the road and the water, but I think we have the water situation hopefully taken care of, but the road is just about impassable. Ive talked to you guys about the road down at Acapulco and the bad roads down in Bell Acres. Emergency vehicles cant hardly get in down there, and school busses run over there and they cant hardly get down to those roads. At least it looks like to me that if we can't pave it then we could take the motor grader and pull them up. We've got a road in Brutonville, School road that goes into a daycare center, the pot holes are just terrible there, you can't hardly get into that road and that goes into a school, and there is a soccer field just below that. We have people coming in from other counties and other states coming there and it's shameful that they have to look at the condition of those roads. The ditches in Brutonville haven't been pulled up in years. We can spend thousands of dollars on roads that are only used for farm equipment and other things, but when we have our citizens trying to get to their homes on these type roads its terrible. We set here as a formality and this is going to be approved and we do this as a formality. You come here every year and all we do is, I think I can remember once that we change the priority of a road when you all came here and these people are citizens, taxpayers and it's a shame that we cant do something about those roads. We have got our children trying to get to school, we got emergency vehicles trying to get to our people, and we spend

thousands of dollars for tractors to run up and down the road. They can go anywhere; they can go up and down the field so I think we should take a look at that. Thank you Mr. Chairman.

Commissioner Corbett added to Kevin that I have been down to School Road the last time it rained a couple of days and there is no drainage there what so ever. I don't know what the problem is but it was standing in that entire dead end of that road. Kevin said what road was that and Mr. Corbett said School Road the dead end part of School it was horrible, just a few weeks ago. Kevin said School Road? Commissioner Corbett said yes, Ralph can tell you better how it runs. Commissioner Bostic said the ditches in that area need to be pulled up, water runs into peoples yards, into their homes and I think we can do better than that. Kevin said are the paved state roads? Commissioner Bostic said that's a paved road but I don't think it is a state road. When we had the school there the elementary school they kept it up they paved and patched the holes. Kevin said with it no longer being a school they no longer maintain that. Mr. Bostic said there is a school there; there is a head start there. Kevin said right and if I'm not mistaken we came out and assisted and fixed some of those pot holes. Mr. Bostic said it has been 2 or 3 years ago and you did, but you haven't been back. Kevin said nobody has called us either. Mr. Bostic said we have called, I called. Harold Matthews said I appreciate your concern because I get a lot of these calls that you are talking about. The head start school that you are referring to we checked into that with you and found that it is privately owned and they are getting federal monies to operate that facility. That is why we as a state agency could not participate in repairs on that road. But the others I get a lot of calls from the DOT and what it amounts to is roads to private individuals we have no authority to expand state roads to private property. I know what you say is true and until the legislation is changed our hands are tied so to speak. Kevin said the same is true with these dollars here they're set aside for the sole purpose of paving of the unpaved state roads in each county. Formulas based on the number of miles of road and the number of miles of unpaved road is derived to get those dollars we get each year and that's all we can use that for. We have maintenance dollars for the other things and different funding sources.

Chairman Maness said Lance weren't you working with the legislature on these roads. County Manager Lance Metzler said they are in your packets its an information item and the general assembly isn't going to make any changes to that law. Melanie tried every effort to get them to change it. She provided some legislation for them to consider and it didn't fly at all. So we tried it that way I don't know if there is another way we can try in the future. She did speak for Montgomery County; I applaud her efforts for that because she did take it for us to them.

Commissioner Knight said Mr. Chair maybe our county manager could mention the part of the options she talked about in there. County Manager Metzler asked are you talking about on the front page Commissioner Knight. Mr. Knight said the second page. Mr. Metzler says in here it talks about there's always the probable option that the land owners will agree to pull their money and pay but this isn't an option in the neighborhoods you may want to talk with the North Carolina Association of County Commissioners to see if they have any other suggestions. Mr. Knight says there was a part a few words ahead of that read about what the county can do. County Manager Metzler read either the local government pays to get the road up to state minimum standards and the Department of Transportation comes in and pays or local government pays and assesses the effected land owners so there are a few options. Mr. Knight said I wanted you to mention that simply because we spent taxpayer's money on everything else and these people although they got caught up in all that mess with subdivisions after 1975 they're still citizens of this county and I think we need to take care of them one way or the other. So if the county has to spend tax payers money to take care of its citizens I think that's what tax money is for. So there are options just because there is a law saying that these people's hands

are tied. It still doesn't excuse the fact that we got bad roads in this county and something needs to be done about it. I think we should look at ways of doing something about it. That's the way I feel because these are our citizens. We are trying to build this county, we spending a lot of money on the lake area so I see no reason why we cant spend tax payers money on our southern part of the county where it needs to be spent. I mean that's the way I feel about it. These people they cant afford something and it seems like those are the people we should be more concerned with those people that cannot afford to live a good life in this county simply because of being caught up in certain situations. That's why I wanted you to read that because there are other options just because their hands are tied doesn't necessarily mean that the roads can't get fixed. Mr. Metzler said that's correct. There was a couple of other questions also Mr. Chair. Mr. Maness said yes sir. How are these roads prioritized? Kevin said there is a rating. I don't have a copy of the rating sheet but its based on homes, businesses, school bus route, the amount of traffic, the top 10 are frozen and there is a formula if there are homes, schools, churches, businesses, the amount of traffic and all of that comes up with a point system. We rate these every four years I think this was last done in 2005 so I think we will do it again in 2009. At that point in 2009 depending on how far down the list we have gotten on the list of 18 which the top 10 were frozen that's automatic they are the next 10 at the beginning of 2005 they were the next 10 from the previous years list from 2001. So when this comes back around 11 through 18 will be frozen so there will be no more to prioritize in Montgomery County. We don't prioritize the hold list roads because at any time property owners say hey I would like to have this road paved now and were able to get the right away from them we will work them into a program to go back and pave those roads as well. Commissioner Knight asked do they come to the top of the list. Kevin said there is a statement here, normally if its during that year, don't know if its any set way that that is done across the state but I know with Gold Mine Road during this year its come about that we can get the right of way so it is coming up on the next program. It has to be presented before the county commissioners so normally it would be a year after they say yes we will sign right of way now at the earliest that we will be able to get to that. Mr. George Knight said we as county commissioners sometimes we approve what you guys bring before us because we feel like you know what you are doing. Fairview Farm Road, could you tell me how that road got paved? There are no houses on it, no traffic none of that. Kevin said the right of way was granted so we paved the road; it was up on that first section. That road was in several different sections coming from the 73 end up to McRae Road. Mr. Knight said and now you are going all the way up to Lilly's Bridge Road. Kevin said that is the next section. Mr Knight said there is no houses there no traffic. Kevin said there again it had a higher priority than other roads in the county. So as we get to those in priority order we have been able to get right of way on part of that. We are not going to be able to pave completely through that. Commissioner Knight said I just think that you use the same priority list 20 years ago as you are using today. Kevin said no they are at my office I have them back to 1999. They are changed each 4 years that priority changes. Commissioner Knight said but it would have something to do with the houses and the traffic? Kevin said yes. Mr. Knight says it will always have something to do with that not just because Jo Blow wants it done? Kevin said no each of those roads we assess we ride them, we get traffic counts if need be, we find out if they are bus routes, we count the number of homes, if there are businesses and businesses can include a chicken house or it can include a little convenience store whatever may be on these secondary roads, a little mom and pops place or something. If it's a business it's a business and it has its point system. Commissioner Knight said like Ralph was saying earlier, we build these roads for tractors and farm equipment but we can't build roads for emergency vehicles and school buses and things like that. I don't understand what's going on that's why I mentioned that because it seems like our priorities is not in order because we got a lot of roads here. Tower Road; is that the road that Commissioner Corbett lives on? Commissioner Corbett said no. Mr. Knight said what's the name of that road that you live on? Mr. Corbett said I live

on Ophir Road. Commissioner Knight said OK Ophir Road, I understand that it was paved only so far and then the rest of the people have to drive on the dirt road. Kevin said part of it is still unpaved and that's the part were waiting on for right of way through the US Forestry Service. It is a very long process to get the Forestry Service to sign right of way for that. As soon as we can get that we are putting additional monies into it in order to pave that. We have had to do some redesigns for the Forestry Service, endangered plant species and different things trying to get that through there. Commissioner Knight said ok. Commissioner Morris said but that's on Tower Road. Kevin said its Tower Road SR1134 I sometimes call it the Ophir Road but I think it is the Tower Road as far as the green sign. Mrs. Morris asked don't it come out on Ophir Road? Commissioner Corbett said it joins Ophir Road two miles from the county line. Kevin says it has several different names but the same state road number which is what we go by. Commissioner Corbett says there are 35 to 40 houses on that road. Commissioner Knight said somebody that lives on that road happened to call me and talk to me about that road and they didn't understand how some was paved and there was some people down the road that had to get on rough road and they just don't understand. Sometimes it seem like to keep people from saying your doing for one and not doing for the other one on this road. Is there a way you can wait until you get everything settled for the road then pave the whole road? Kevin said we can do that but we get these dollars each year and if we let them continue to sit and sit and sit and balances begin to grow so we try to spend that money as we can. In this case I think we paved a little over a mile on that road 2 years ago. It was all owned by private property owners, the remaining majority if not all is owned by the Forestry Service. So we went ahead and paved through private properties owners because they granted the right of way to us. So we have been able to spend some of that money and we have been sitting on that trying to get the right of way and when we do we can build and pave that. It's just the way we have been doing things. Commissioner Knight said I know a lot of times people say that your doing for the people down the street and they'll come up with some reason as to why you are doing for the people down the street but your not doing for us up here maybe were the poorest up here and the richest down there or what ever they always come up with something so I thought maybe we could keep that from happening there might be some way of putting the money in a pot and wait until you get enough to pave the whole road or don't even think about doing the road until you get enough to get the whole road paved or whatever. That seems like to be the fair way to do it. I'm not trying to change the way you do things but I was thinking of the fairest way to do it. Chairman Maness asked if anyone had any more questions or concerns. If not I've got a couple. I've had a few calls about the speed limit up in the Love Joy area close to the dumpster. I think it is 55 through there they say people are flying and a lot of traffic could yall check on that? Then my second question would be, I didn't see Substation Road on here, do you know? Kevin said on the program itself? Mr. Maness said if I overlooked it I didn't see it. Kevin said no its not on there. That is one that will hopefully be on next year's program. Before I put it on a program I want to get most of the right of way there again it's another road on the hold list. I think there are 16 property owners on that unpaved portion and 9 out of 16 have signed in the past couple of weeks and hopefully the remaining 7 people will sign. There again I am doing some realignment changes, trying to move the road back to where the old road was as far as design. There was some endangered species they wanted us to try to avoid as we get down to the creek but in order to get down there to pave the road were going to have to go through some of that so. Chairman Maness asked does it look promising to get the other ones to sign? Kevin replies that It seems to be with what our right of way department tells me but where the new bridge is going to be that's where we may have some concerns because it is cutting across a land owners property there but were working on that and if were able to do all of that it will come next March or April, May or when we meet next. Hopefully have it on that program. Chairman Maness asked if you would check on that speed limit and let us know. Any other questions or comments from any Commissioner? If not I think we have you on the regular

session to vote on this and we appreciate you coming again. Kevin said thank you and Chairman Maness said thank you.

Discussion of Dental Building

Chairman Maness introduced Dr. Mary Kirk and her board members. They are here to discuss the dental building. Dr. Kirk said thank you very much and I am pleased to have Gelynda Capel who is Chairman of our board, Earl Connelly Vice-Chair of our Board, and Nudy James who is Chairman of our building and grounds committee. Charles Johnson is the Chairman of our finance committee he had to leave. You have a folder at your place that has information in there. Quickly though to give you a little history in case you may not remember this. Building 200, the Business, Industry, Technology building was finished in 1997. The county contributed a match to match what the state dollars are in to fund that building. Since the completion of that building it has been in litigation until this summer. There were dollars left over on the state side and the county side that had been allocated for building 200 that we purposely held for fear that if it ended up in court and if the college was found liable that we would have dollars to pay if there were any damages. Thankfully that has been cleared and were all walking away and there are still things on our building 200 punch list that need to be completed. To reallocate those dollars they are not used for building 200 because that is how the 3 dash 1 went into Raleigh. We have to submit a 3 dash 2 explaining how we intend to use those remaining dollars both the county and the state. I need to make sure everyone understands we have that process to work through. When we came with our local budget request for this current year we had at one point and time, Mr. Metzler \$415,000 in our capital needs request and we paired that down to \$335,000 and so there was discussion about trying to get that building closed out because those dollars are still sitting there that we are well aware of and we were able to close out the building. Keep in mind it has to go before Raleigh how we plan to use those dollars if it is not for building 200. So two of the requests in the capital building were let's continue leasing the building or we could buy the dental building and then another request was for a two classroom one lab metal building with possibly a brick side for forestry. At that time I think it was \$180,000 and has quickly grown to more than that. With talking with Mr. Metzler we thought well maybe we could get Building 200 closed out that we might could use some of those dollars to meet some of those needs. That was how we proceeded with the capital budget request. The dental building as you remember was an active dental office then Dr. Lane bought it and built the big white building down near Wal-mart. The opportunity came for us to lease that building from Dr. Lane to do dental assisting and I think all of you remember how we did that. We have leased it and it is currently on a three year lease and in your packet you will see the information for that lease agreement, it was drawn up by Mr. Hollers. We have an option through out this entire lease to buy the building. It was my understanding that there were members of the Commissioners who would prefer that we buy the building and not continue to throw leased dollars at it so my Vice President of Administrative Services contacted Phil Henley and Pete Hinson, the building inspectors of Montgomery County and they went with her to inspect the building and if you will look at Appendix E you will see some of the things they have sited. The biggest problem being that it's not ADA accessible. So you have problems with the whole American Disabilities Act if you had someone come in there that wanted to get in with a wheel chair or use the rest rooms or be able to get down the hall ways. There are some problems there. The other problems there is you can see it needs to be re-roofed, the overhang on the front porch is rotting, the back porch is rotting, the seal on the back part of the building is rotting out and that would have to be jacked up and a new seal put in. It is a wood, actually it is like a log building and the woodpeckers and the beetles have been getting into the areas that have gotten damp and stayed damp and now there are areas where you can actually put your hand through the log. Facial Boards will have to be replaced around the building. Obviously, the trees being so close to the building are part of the dampness problem on it.

Dr. Kirk said in the interior there is water damage around the skylights. To make the bathroom handicapped accessible we will need to renovate it. We need to get ground fault receptacles put in and then there is a problem with the heating and air conditioning. She said if you will look at the second page is the repairs, the third page is a quote from Wallace Dunn, and one is \$11,200 and \$12,800. Quickly you are looking at approximately \$60,000 according to Mr. Henley to bring it up to specifications so it would be approved to be sold, but that is the first problem we encountered.

Dr. Kirk said we have spent two board meetings and two committee meetings talking about what to do with this issue. It is the consensus of our Board of Trustees, that rather spending . . . well rather . . . the issue is do you spend \$110,000 on the building and sink another \$60,000 into it or would it be not be better to concentrate that \$170,000 toward building that forestry building that we need on campus. We could then move it out of Building 100 which consists of two large classrooms and two office spaces and a large lab area. That area then be retrofitted with these dollars, I am sure we could get it approved to do that. Then we could bring the dental assistant program back on campus. So I wanted to have discussion about that to see if you have questions about it, to see if it makes sense, it seemed logical to us as we were going through the process. Hopefully, if we can do that, we can get that building completed this year and get the building retrofitted and we would be out of this lease by the end of our academic year. I wanted to discuss it with you because it was my understanding that you felt we should buy the building and as you can see there are problems with that building.

Chairman Maness asked if there were any comments or questions for Mary on this.

Commissioner Knight said Mr. Chair, do we . . . I noticed on the front page it says service the air units, then there is a quote back here to replace it from Wallace and Dunn. Is that what I am looking at? Dr. Kirk said yes sir, when the building inspector said he saw problems with the heating and air conditioning units, with all the dampness under the house, all of those works under there that conducts everything has rusted out. The pipes that run everything in are rusted out. In Wallace and Dunn's opinion it would just be easier to replace the unit and put in everything new. I guess it is the duct work, but it is also the pipe work that went with the unit, from the return back to the unit it was all rusted out.

Commissioner Knight said I see we have only been in that building for two years this September, did we know any of this when we talked about starting our Dental Technician Program and leasing the building and maybe considering buying the building. Did we know any of this at that time? Dr. Kirk said actually we thought since there was a ramp going into the building that it was ADA accessible, but when we were talking about leasing it there weren't the issues of is this acceptable for purchase and no sir we did not have it inspected and you made a valid point we probably should have. Commissioner Knight said I thought we had leased it with the option . . . Dr. Kirk said with the option to purchase. Mr. Knight said because we did consider the purchase of that building. So all of this was considered back then, I am not trying to say you didn't do your job, but it looks like we would have known all of this before we would have decided to lease the building with the thoughts of maybe purchasing it one day. If it is not handicap accessible, these are things that should be noticed at first site. Dr. Kirk said you have a valid point and again we were given the opportunity and I think we were so excited to be able to offer a dental assisting program that is where the energy went into. Is this a good idea, we have the facility, would you be willing to lease the building with the option. Then we started really thinking about purchasing it, which is when we said before we do that we should really have it inspected. Yes sir, perhaps we should have before we went into the lease.

Commissioner Knight said because we only had a three year lease with the option to buy so we knew we would disband the program after three years, build a new building, find another building, or go ahead into another lease agreement. We had to do something after three years. I wish we could have built a new building years ago. Dr. Kirk said yes sir. Mr. Knight said I think it is a good thing you are doing. He said I said that to say this in the future we need to look long range because we may waste a few dollars along the way. Dr. Kirk said it is a lesson well learned. She said speaking of long range plans, we have just been planning, the information about the Forestry and Health Science Building are plans that are all subject to change. So that you are aware since 1997 when Building 200 was completed, our FTE has increased 32% and we now have 1,000 curriculum students on campus, which is a record for the college. When you add the continuing education students, the occupation extension students, basic skills, ESL, the adult high school, ABE, prison guard training, all those different programs and we end up with 4,000 people on that campus. If you have been there lately, there is no more parking, there is no parking on campus in the morning, it lightens up in the afternoon, but it is again horrid at night.

Dr. Kirk said I think I have toured most of you, the science labs are outdated, they are cramped there is not enough room for the students. We are seeking grant money and working with the EDA to hopefully get a grant written to go after a Health Science Building, so yes, the long range plan eventually is to have a Health Science Building that houses nursing, EMS, dental assisting, practical nursing, phlebotomy, and all the health sciences. All the Chemistry, Science, and Biology labs all of that and we have requested of the county . . . when you are considering, and it is my understanding that you are looking at capital needs, that we remain in that budget for \$3 million to go towards that Health Sciences Building. So we are talking about retrofitting Building 100 to try to keep that program alive for the moment, but the long range plan is to eventually have that in that Health Sciences Building.

Dr. Kirk said in your packet there is a colored chart that shows, again it is a plan and it could be changed, but the Forestry Building could be placed there, the red building the Allied Health Building/Health Sciences Building in the back with parking extended. We've got to have more parking. You will see that eventually we would like to connect Building 100 and Building 200 to open up more space which would be cheaper than a whole building. We could connect the two, put student services and some of the bookstore the Hole in the Wall Grill to open up more space in Building 100 for more classroom space. She said we look at this every year and we try to be diligent with our strategic planning and our long range planning. What I want to make sure that all of you understand, and I am open to any questions, does it seem at this point in time more logical to getting that program back on campus.

Commissioner Bostic asked how many students are in that program. Dr. Kirk said I should have that information . . . we can accommodate 15. It is my understanding that we had 15 going into the fall semester, I have not heard if anyone has dropped or added into the program. She said we can do 15; we had the discussion of doing 15 at night. We have just written a grant to get start up dollars to start up a nursing program at night because we have such a long list. Also, putting them in clinical at night because there aren't any clinical spaces open during the day.

Commissioner Bostic said I guess I was one of them that advocated buying this building because I have always preferred buying instead of rental. I didn't know the condition of it was as such as it is. The second option would appeal to me now to retrofit the other building and go back with it. I don't see putting money into the building. I was a patient in that building and thought it was in good shape. Dr. Kirk said we did too. Mr. Bostic said I think most of us did.

Dr Kirk said I just want us all to understand that if we go in this direction, that you understanding we be sending this to Raleigh as a 3-2 to asking may we do this with these dollars. I wanted to make sure that all of you understood the direction we are looking to go in.

Chairman Maness asked what that dollar amount was again. Dr. Kirk said for which one. The Chairman said the first step. The first step would be obviously be trying to get the forestry building that can grow. Russell said that could be done in late winter if it was just a metal building it could be 180. We also discussed in the Board meeting that they are not opposed to metal buildings, but it would at least me nice to have a brick façade, like our pottery building. You have seen how that is done, it is metal, but there is a brick façade on the front and on the sides so that it blends in with the campus, and when you start doing that the price starts going up. There are quotes in there for two different sizes. We have written a grant to Golden Leaf and there is \$1 million opportunity if we can get the grant from the Community College System there is \$15 million, we are currently doing a request for proposal to try to get funding toward this forestry building. Keeping in mind if we ask for \$250,000 we have to have match for \$250,000 and keep in mind that the money leftover from Building 200 has already been used for a match. Chairman Maness said I understand. Dr. Kirk asked if everyone understands that, it has already been used for match dollars so I can't put that back up for match again,

Chairman Maness said for me, I agree with Ralph and George, to bring it back on campus. I think it is a great program; I have been an advocate from the beginning. I would like to see us go a little further with not just the nursing program but our RN program. Dr. Kirk said yes sir. Mr. Maness said I think the Community College, even before I became a commissioner, I didn't know that much about it, after seeing the revenue they bring in from the federal government and the revenue they bring in and the things the college does for the community it is good. Dr. Kirk said thank you.

Chairman Maness said the Commissioners need to put our heads together because this is one of the best things we have going for us now. So, I totally agree. Dr. Kirk said thank you.

Chairman Maness said I don't think it would be a bad idea sometime for us to come down and see for ourselves exactly instead of looking at it on paper, you can so us what you have in mind and we can all put or head together and move forward with it.

Dr. Kirk asked if it would be okay to schedule that with Mr. Metzler, it might be a good idea for the Board to attend a building and grounds committee meeting.

Dr. Kirk said I have one other thing, do you remember asking me a while back about not being able to do truck driver training? Chairman Maness and Commissioner Bostic said many times. Dr. Kirk said I have it worked out where the classroom work can be done on campus through our Information Highway on Tuesday and Thursday night so they can still work during the day and on Saturdays and Sundays they drive to Lexington to do the driving, but I have to have 15 students. Chairman Maness asked if it has been advertised. Dr. Kirk said no, I just found this out today. Dr. Kirk said when we start putting out the advertisement; again I have to have 15 students. They need a cohort of 15 and I understand why because it is expensive. Commissioners Corbett and Bostic said they didn't feel there would be a problem getting the 15. Dr. Kirk said okay, I wanted to bring you up to date on that, we are excited about this.

Dr. Kirk said we will schedule a meeting; we would love to have you on campus anytime.

Chairman Maness said thank you all for coming. Dr. Kirk said I appreciate your listening.

Health Department Appointee

County Attorney Russ Hollers was present. Chairman Maness said he is here to discuss with us the Health Department appointee.

Attorney Hollers said Chairman and members, after your last meeting, Lance contacted me regarding the question about how do you appoint folks to the County Board of Health and how do you have them removed if that is the desire.

Attorney Hollers said I want to say I was not asked about this before your meeting last time, nobody asked me for my advice about that. So, I don't confess to know a whole lot, I went back and looked at some State Statutes and talked with some folks who deal with this on a daily basis as part of their jobs at the Institute of Government, which I think, has some real informed folks.

He said as you know under the Statute, I don't know if you all have read it, but under 130A-135 The Board of Health members are appointed by the County Board of Commissioners and the County Board of Commissioners would be the body to remove anybody that was on the Board for reasons enumerated under the Statute. He said I don't think the Health Department is the correct party to send a letter of particulars to a member stating why they want to have him removed; I think that is to be done by the County Board of Commissioners. Obviously you would have a request from the County Board of Health and particulars on why they would want this particular action and be as it may, that seems to be the procedure. In that regard, my recommendation is, I understand that you had a resolution and passed and had a member of the Board removed at the last meeting. Mr. Hollers said it is my suggestion that at the regular business meeting tonight of the Board that you rescind that action. It says that a Board member may only be removed after he has been given written removal and the basis of the removal and has had the time to respond. Even if we say the action of the County Board of Health was complied with as far as presenting a letter, I don't see anywhere that anyone has presented a letter in writing. I think it needs to come from you not the Board of Health. Therefore I think that in a sense of fair play and complying with the statute it would be my recommendation to rescind the action. I am not saying what you need to do in the future, that is up to you. He said a more careful reading of the statute would lead you to the same conclusion. Attorney Hollers said I would be glad to answer any questions,

Chairman Maness asked the Board if they had any questions.

Chairman Maness said I have a question, with that it needs to come from the Commissioners the actions the Board of Health. Mr. Hollers said it might be the reasons set forth in the statutes. Obviously, if you are not in all the meetings, there is no reason for you to know, you can gather the information from the Board of Health and it would be up to you to decide whether or not they are adequate enough to present. It has to be your decision in that regard. Whoever is given this or whatever is given for the opportunity to respond, what ever is reasonable, it is not 5 minutes, and not 10 minutes but before the time planned and I would think you all would have time to schedule that if that is what you choose to do. He asked if there are any questions.

Chairman Maness asked if there are any other questions. County Attorney Hollers said I am through. Chairman Maness said thank you.

Items Carried Forward to the Regular Session

- Department of Transportation Secondary Improvement Program
- Health Department Appointee

Recess

Chairman Maness recessed the meeting until the 6:00 p.m. regular session.

William D. Maness, Chairman

Laura B. Morton, Clerk to the Board

**Montgomery County Commissioner’s Meeting
September 19, 2006**

**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, September 19, 2006 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. Roger Rhodes pastor of Troy Wesleyan Church gave the invocation.

Public Forum

Chairman Maness asked County Manager Lance Metzler to read the public forum policy and he did.

The following spoke during the public forum:

John D. Mason of 122 1st Avenue, Pinehaven Village in Badin Lake appeared before the Board. He said the people of Badin Lake would like to be put on your next agenda. He said I am here reference to the mandatory sewer system that has been put in my Handy Sanitary District. I would like to remind you folks down in the area we are from in that area; we pay more tax than any other area that size anywhere in this County. I understand that the school gets the biggest portion of our tax money. We don’t have a school there, our children have to be bused either to Troy or Mt. Gilead, and some of them have to catch the bus at 5:30 a.m. They have come up with this lottery now; we could be getting extra money from that. I can’t understand why we have to have Handy run this sewer; it looks like our tax dollars in Montgomery County could do it. The next biggest expense is police protection. Thank God we don’t need a lot of that down there because we are pretty decent people. Sometimes you can go for weeks and not see a patrol car, County, City, State . . . ever once in a while you will see a county car come there, and then it is because they have been called to some kind of trouble. There again we would like our tax money to be spent to get a sewer system. We don’t deny that we need a sewer system; that’s

for sure; there are some places down there. The majority has good septic tanks and some have been put in within the last year. Some of the people have spent as much as \$8,000 and \$10,000 to put in a septic tank because they had to buy another piece of property to pump it to across the road and everything. For us to be forced to pay these ridiculous prices that Handy has put on us, this is really ridiculous to me, it doesn't even seem like America to me. I live in a simple single wide home I have five lots. Probably all of you know the lots are only 50' x 100'. If we can't get it changed, they are going to tell me that I owe them \$37,500 for a sewer hook-up. That is what the figures come to. Don't put that kind of burden on us. Let's see if there is any kind of way you can help us. You have a water tank sitting down here on 109 and I understand it is only seven miles from Blaine Road that you are running water down to Blaine Road. Why in this world didn't we get it back where we are at, it is not that much farther. Handy's water if it was in your house you wouldn't drink it. If there is anybody here that has Handy Water I guarantee you wouldn't drink it. We had a meeting the other night and about 260 came out to protest the Handy mandatory hook ups.

Chairman Maness asked if he is speaking for 9 minutes. Mr. Metzler said yes. Chairman Maness said go ahead sir. Mr. Mason said you got me off track where was I at. In the meeting we asked the questions who is paying for the water and won't drink it and you wouldn't believe the hands that raised that said they wouldn't drink the water. You wouldn't have believed it if you would have been there. He said I am asking that you please help us with this situation. In that area, Tuckertown Road they are clearing property, right now, they are clearing property, probably for another huge new development, probably condominiums and at the intersection of 8 and 49 which is Davidson County, which is up above us a little, they are talking about building a shopping center to be put in there. There is no reason at all that you folks can't interfere and get those tax dollars and let them pay you for hooking on to the water system or sewer system. If you put one in there you would put it in the right way. I don't understand it and I am not an engineer, but they say they are going to run the water line from all the way at Badin Lake all the way down to your waste treatment in a 12" pipe, like I said I am not an engineer but I don't see how it can possibly be done. The system they are going to put in they say everybody has to have a pump. They only guarantee it for one year and they want you to buy and pay for it, and from what I hear eight years is all they will last, people said they just will not hold up. The new development I am speaking about, the environmental health is stepping in and has so much authority, but yet they are cutting down all of our filters for the pollution and every time they build something they cut down the trees and I think everybody knows that is our greatest filter for pollution, especially in the air. I asked you to quit issuing permits until we can get the situation worked out with the sewer. We don't need to be running more sewer in there if we already have a sewer problem already. There is a small sewer problem, but nothing like has been exaggerated. I have been there for well over 30 years. I have boated out there and everything else. As a matter of fact, I can take you out there and show you a burial vault that is used for a sewer system, but there is not that many, it is rare. They hollered about 1,100. I challenge anybody to show me even 1,000 damaged sewer tanks down there, it just doesn't happen. I am sorry to have to stop a lot of times I can run my mouth without stopping. Mr. Metzler said Mr. Chairman he has 30 seconds.

Mr. Mason said I just about got it all in there. He said I will go ahead and give you the 30 seconds and thank you for listening and please take it into consideration. Chairman Maness said thank you sir.

Mr. Larry Laney from 1021 New London Drive was present. He said basically the same thing Mr. Mason said if any of you all would like to ride around and see all of the water leaks that is a product of what they are selling and making money off of and that they let leak for weeks and

months. Think about the sewage leaking. It is going to be on your shoulders. You will be dumping more sewage in the lake it will be more than a few septic tanks leaking. Like Mr. Mason said there are some leaking, but nothing like the numbers they are giving. Basically, this sewer system is going to help a couple of the gated communities with sprinkler systems that are built to their max. I don't think that other people that have been there for 20 years should pay for it. It is like Mr. Mason said, why is Handy coming in and doing it? Why should Handy make anything off of Montgomery County? Why isn't Montgomery County taking care of Montgomery County and running the sewer and making the money? I would feel a lot better about paying \$85 a month for sewer if I were paying it to the Montgomery County instead of Handy. If they are a town, how can this town come into our County and say what they are going to do and tell me what I am going to do. How can they force me, I wouldn't have their water, I wouldn't drink their water just like Mr. Mason said when they sent out notices that says their water can cause cancer, why would you want to drink it. I drink bottled water just like you. Why would you want to drink it, why would I want to hook up to it? So it is going to cost me \$10,000 to hook up and give me two bills a month I didn't have before. I didn't have septic tank problems before and haven't had in 26 years. Basically the water they are letting leak all over the ground has all this acid in it that causes cancer. That water is going in the lake; maybe they are contaminating the lake more than our septic tanks. I just want you to think about that. Anyone who wants to ride with me, I went today and found six leaks, just riding around and seeing water coming out of the ground. So, thank you for your time.

Chairman Maness asked if anyone else would like to speak during our public forum.

Bill Page of 214 Hillcrest Road, Pinehaven Village, New London, N.C. appeared also regarding the Handy Water Sewer System. Larry just brought up a point; if you leave my village to the rescue squad is 1/3 of a mile. Front the front of my village to the rescue squad there is no less than seven patches in the road. Those patches are the result of Handy Water leaks. Those leaks, they come out and fix them, sure, but in turn we take State taxpayer's money and have to patch to road back. One thing that got me involved in this was some of the comments that were made down there. These people I represent in my village are elderly people and are fixed incomes and that is what they live on. This is where they decided to live. They are the ones that pioneered this place. They are the ones that made that end of the world what it is. They built their own community center; they built their own outdoor church, their own fire department. Montgomery County put one fire truck in that building when they first started. The Pinehaven Village Association in which I am the mayor of turned over property to the fire department so they could get a truck. Everything up there is community oriented in my village. These people up there when they came up, they said there was no opposition. Of course there was no opposition, I had a sewer system that was inspected and put it by the County that I pay taxes on because it is on my property. My sewer system is great, why do I want their sewer system? Why do I want to pay for something I already have got? Then once we start jumping up on the price from of two payment of \$750 which is \$1,500 which includes the pump. If the system did not go through, changes are you will not get your money back that is what they told you. Who would want to pay for something they already have. Mr. Metzler and Chairman Maness informed Mr. Page he had 30 seconds left. Mr. Page said okay, the next thing they came up . . . and said we are at a point now after the first of the year it will cost you over \$10,000 by the time you get your sewer system in including the draining of your own septic tank, which you will pay for, the hook up for the tank and everything that they put in and filling up your septic tank with some kind of solid material. Now, you know, this isn't going to be the end of it, because there are people that don't want it. I put out an advertisement to have an open air meeting to address this thing and like I said we had around 260 people to 300 people at the open air meeting at the church in less

than four days. He said I thank you for your time and you will be seeing me again if we don't get something resolved.

Mr. Marvin Driggers of Whipowill Cove at Badin Lake also appeared in opposition to the sewer system. He said he has been a resident since 1983 and his sewer system has been fine and have no problem with it. He said he has Handy Water but can't drink it, he double filters it and they still have to use bottled water. He said it is just like they said we pay more taxes than anybody us, she less police and county sheriff than anyone else and when I did have a break in it took them an hour and a half to get there. So, why do we have to use Handy and why is it mandatory from Handy, why doesn't Montgomery County put us a sewer system in if we have to have one. We have to pay \$3,500 before the first of the year and then it goes to \$7,500 after that just for the tap. The minimum bill will be \$50 or \$55 even if you don't use the sewer. My wife works for City Hall in High Point and the minimum bill there is \$16. That is a big jump, which is a big increase. It is like t hey says, that is a bill I will have every month that I don't need. If we have to have it, let our tax dollars pay to have it come in, don't let a private company like Handy come in a do it. I know you guys gave them power, or somebody gave them power they aren't a city or a county. We don't pay them tax dollars. That is all I have. Chairman Maness said thank you sir.

Mr. Toby D. Brown of 118 Summit Street in Pinehaven Village appeared in opposition of the sewer issue. He said I think this is something that a lot of citizens can not afford. He said if I may, I have a Badin Lake Water General Information paper that they gave out when they first started out. They say they had all these people for it. He said if I could I would like to read it to you. It says the system can serve up to 3,000 customers. The area represents the most densely developed region in the Handy Sanitary District. Lake pollution from septic tanks would cease, home sites would no longer be restricted due to septic tank area location requirements. Property values could increase. Financing Alternatives include Farmer's Home Administration and the N.C. Revolving Loan Program. At least 1,500 customers would be needed initially to develop acceptable services charges. The project would cost would be in the range of \$6 million. The system would be managed by Handy Sanitary District. Only customer users of the waste water system would be charged for the service. The tap on fee would be charged at initially reduced amounts to develop user base for the system. If enough interest is shown in the area, Handy Sanitary District will move forward with final studies to develop the project feasibility. That is a far cry from what they have now and letters we have received through the years indicating that it would be an optional sewer program. So now, they have a mandatory, and the way I understand it, they have the mandatory with supposed people supporting it. If you compare then to what they have now and look at the people opposed to this and a lot of them paid the \$1,500 and supposedly gave them the free pump. I don't think Montgomery County would benefit with ties to this company that has changed with people they are servicing water to. Mr. Metzler said you have 30 seconds. Mr. Brown said I am a little nervous this is my first time in front of people. Chairman Maness said that okay, you are alright. Mr. Brown said I wanted to get up and let you know how I feel. I have three kids and my water bill runs \$50 some a month. If this proposal goes through we would have \$150 - \$180 water/sewer bill is what I came up with for 8,000 – 9,000 gallons on top of the finance bill. We would be strapped. Thank you.

Commissioner Corbett asked Mr. Brown if he could get a copy of that. We can run one if you are going to be here a while. Mr. Brown said it isn't signed. Mr. Corbett said that's okay.

Chairman Maness asked if anyone else would like to speak.

Mr. Paul Logan who owns property at 929 Pine Ridge Road in Pinehaven Village. He said I live in and Charlotte. My wife and I are retired. I built a house there about 15 years ago and we use it just for retirement purposes. Mr. Logan said I own four, fifty foot lots. He said I have a good septic tank; I have a pump to pump it up the hill, never have had problems with. Handy's water I have had trouble with, but it is the only thing down there right now. For me to pay this kind of money for a sewer system and I tell you we need a sewer system whether we have a leaking thing or not, but to pay the kind of outrageous prices they are wanting to charge us and charge us \$85.50 or more is highway robbery. We pay in Charlotte about \$11 a month for sewer and water and we also have a run off bill in there. We are paying \$11 and they want \$85. This is highway robbery guys, just stick a gun to my back. I don't need the sewer system myself, but for the environment we need it. Everybody needs a sewer system if they have a backup to take care of it. From what I heard at the open air meeting, your system can not take care of what we send down here. I am not an engineer and I don't know anything that is going on down here, but if I pay my money to Montgomery County for taxes, I feel like that you people need to help us and get this Handy deal pushed to the side and come down there and run us a sewer system and we would be glad to pay more taxes, but don't rob us. Give us a break; we are just like you guys. Some of you guys, I was looking up here, are retired and some of you are still having to work for a living. It is no different when you are retired than when you are working, you still have so much money to live on. Thank you for your time. Chairman Maness said thank you sir.

Chairman Maness asked if anyone else would like to speak.

Mr. Mason came back up and asked the Board if any of them had seen in the papers what Handy had to say about this. He said I have a copy of the ad if anyone would like to see it. Chairman Maness asked Mr. Mason to hand the paper to Laura (the clerk). Chairman Maness thanked Mr. Mason.

Mr. Laney also added one more thing. He said they are also telling everybody they will have to buy a generator for when the power goes off and that is ridiculous.

Chairman Maness asked if anyone else would like to speak. He said if not, I am going to have our County Manager go over a few things. I had him get some things together because I understood some people from Handy were coming. I understand your concerns. He said I am going to turn it over to our County Manager and have him give a little history of the County and the History. Chairman Maness also I talked with Mr. Page and if it is okay with the Commissioners, we probably need to schedule a work session to sit down and work through this.

Mr. Metzler said there are two concerns we have been approached with. One is the mandatory hook-ups for those who have perfectly fine septic systems and the second is the County put in the \$750,000 for River Road and why the County using tax dollars there and not to help in the Badin Lake Area. So, I went back and looked through the minutes that there were discussions on Handy that stem back to 1998. The major discussion just from me researching the minutes was the discussions in the late 90s and in 2001. The General Statutes allowed for the creation of the Sanitary District. Mr. Metzler said most of you have already heard this, but this is for the benefit of the Commissioners and those who haven't heard this. The Legislators thought it would be a good idea to encourage water and sewer in areas that aren't usually serviced by water and sewer and that is how these sanitation districts were created in the Legislature. Handy has been around since 1970. Basically, from my understanding, and our Attorney Russ Hollers can look at this at a later time, but a Sanitary District is a political subdivision of the State and has all the authorities that a locality has a county, city, or town, except the sale of alcohol

and provide law enforcement. They can even offer zoning and offer garbage pick-up if they need to. Once statement was made that they are not a public entity, they are, they are a public entity. They are not a private company.

Mr. Metzler said from my interpretation from the minutes there were discussions in the minutes there was discussion in 2000 and 2001. I think what has caused all of this confusion is in previous legislation, only cities, towns, and counties, and environmental health inspectors were allowed to make a citizen to be mandated to hook up to water and sewer. I think in August of this year, Handy petitioned the General Assembly to have that changed to include a Sanitary District. So that has been added. So now Sanitary Districts can mandate the citizens hook up to water and sewer.

Some of the other concern was the \$750,000 to upgrade the water/sewer line on River Road for future growth down River Road. The concern was that why use my taxes to accommodate this, you as Commissioners will probably start hearing this. Just so you know those are not tax dollars those are part o user fees from our Enterprise Funds from fund balance, part from water and sewer sales, and sale of sewer taps from the Lake Tillery area. That is basically bringing you guys up to date and we can certainly expand this once we have a meeting there.

Chairman Maness said make sure we get a meeting lined up with them so we can move forward with this.

Consent Agenda

Chairman Maness said we had one consent agenda item removed. Commissioner Knight would like to remove item b.

- a) Approval of Minutes August 15, 2006 Work Session
- b) Cancel November 28, 2006 meeting

In a motion made by Commissioner Corbett, seconded by Commissioner Morris, and so the motion carried unanimously to approve the minutes from the August 15, 2006 work session.

Chairman Maness turned the meeting to Commissioner Knight to discuss canceling the November 28 meeting.

Commissioner Knight said Mr. Chair, the reason I wanted that taken off the Consent Agenda because that was an item that we as Commissioners voted on when we scheduled our meetings and I thought, I made the recommendation that we have the two meetings in November because there is a lot of business that needs to be taken care of. I just wanted to know the reason or reasons why we can't have that scheduled meeting.

Chairman Maness said my concern is, I think we talked about the election on November 7 that we cancel the meeting the 14th is our meeting. I will be at a meeting on the 21st and out of town on the 28th. If the other Commissioners want to move forward I won't be able to be here on either of those dates.

Commissioner Corbett said I have plans on the 28th also. Chairman Maness asked Commissioner Bostic and Morris. Commissioner Bostic said I do not have plans. Commissioner Morris said with two gone we might should cancel them.

Commissioner Knight said I guess I can put it in the form of a motion to reschedule the meeting because I will be getting with our manager on some things we really haven't talked about and I think we need to start talking about some of the things that need to be discussed. I don't know if it has been put off or just what. I know there are things we need to discuss. I don't know how much money we paid for the consultant for our landfill, but we haven't heard anything from him, I don't know how long it has been, but that was taxpayer's money that we are talking about that we are throwing away. I think we should show some results with their money. There are some things that I am quite sure we can put on the schedule. So I move to reschedule that meeting and come up with things we need to take care of.

Chairman Maness asked what date were you looking at. Commissioner Knight said it doesn't matter, I told my constituents that I would be available to work for them so I will arrange to be here. Chairman Maness said Ralph, Dolon . . . I won't be here on those dates. Commissioner Bostic said the Election will be November 7. He asked when the new Commissioners will take the oath. Mr. Metzler said December. Mr. Bostic said we could schedule it earlier. I will be gone after November so I don't have a problem. Commissioner Knight said can I stay one more thing; we need to look at one more thing. General Statutes say that new Commissioners come in, in December and we can't even vote on that.

Chairman Maness said our concern is the meetings in November. The 21st and 28th are the two Tuesdays in question. I will not be able to be here either one of those days. He asked the Board what would you like to do. Commissioner Morris said you will not be here either of those dates. Chairman Maness said no. Chairman Maness said the vice chair can run the meeting.

Commissioner Bostic said that will be fine with him. Commissioner Morris asked what dates. Chairman Maness asked which date, the 21st. Dolon can't be here on the 28th. Commissioner Corbett said that is fine with me.

Chairman Maness asked if there was a motion to reschedule to meetings to the 14th and 21st of November. Commissioner Knight made the motion. Commissioner Morris said that is a week apart. Commissioner Bostic seconded the motion. The motion carried unanimously.

Chairman Maness said the meetings in November will be the 14th and 21st.

County Manager's Report

County Manager Lance L. Metzler presented the following:

Montgomery Fellows Scholarship Meeting Update

Mr. Metzler said the first item is in referenced to the Montgomery Fellows Scholarship. He said we have had several meetings on the scholarship and have reworked the existing contract so the successful awardee is more accountable to the Commissioners to come to the meetings and talk to the Commissioners about what they are doing. In addition, I am going to mention the changes that were made between the previous document and the new document. Number one the academic requirements are an increase in GPA for the freshman year 2.25 to a 2.5 and maintain a GPA of 2.8 overall from a 2.5 that was in the past. Also in the same paragraph it says "should the Fellow's recipient GPA fall below the minimum he or she will be required to appeal to the scholarship committee regarding repayment of the scholarship or obtaining probationary status to bring the GPA status back to the minimum. In addition to that were changes to the application form it self which included removing three requirements in the application process and they are a writing sample and the interview process and if the applicant completed high school in a home school environment verification of the school's registration

with the N.C. Division of Non-Public Schools is required and if a male is over 18 provide evidence of registration with the military selective services.

The next item in eligibility, which was a new thing and it commingles three and four and basically allows the awardee to have an option to attend MCC or a four year college or university.

Mr. Metzler said the last change; Commissioner Bostic can correct me if I am wrong, the scholarship committee changed from a five member committee to a seven member committee. That includes the high school principals, two guidance counselors, (one from each school), MCC President and one minority member of the Board of Education. In the past, the committee included one commissioner, the MCC President, Superintendent and two at large members.

Commissioner Bostic said in the amount of the scholarship the payback period was not four years but six years to the County. Mr. Metzler said that is correct. Mr. Bostic said if it pleases the Board that we would strike the component that says race from this application so you want have to worry about looking at race so you can only look at the numbers and the credentials of the individual. Chairman Maness and Commissioner Corbett agreed.

Commissioner Corbett said I have read this a couple of times and I may have missed it, but I don't see anywhere that requires a person to be a U.S. Citizen. Mr. Metzler said it doesn't you are right, Commissioner Bostic said it doesn't. Commissioner Corbett said we need to be sure to put that in there.

Commissioner Knight said as far as the application is concerned I don't think we need to start striking race, male or female because I think the school board along with the President of the Community College, when they start giving out these scholarships, I think they should also look at the need of the school system itself. If we already have an abundance of social studies teachers, we don't need anybody else going to school to be social studies teachers. If we need math teachers in our schools or see that we will need math teachers down the road then I think we should get those students who can come back and supply our needs.

Mr. Knight said the same thing with black. Our school system is having a hard time recruiting black teachers and administrators to come to this county so I think that should be considered too. So I think we should leave race and male or female alone because I feel these things should be considered in their interview for the needs of the County. We are doing it because we need teachers and we should do it because we need certain teachers to come back to this county and teach. We shouldn't just let them go off and be anything because after four years they can go on anyway. We should try to satisfy the needs of our school system.

Chairman Maness asked if there were anymore questions.

Commissioner Morris asked if we have look at State Scholarship applications to see what they put on there as far as race. Mr. Metzler said this is an application that was created some time ago and Mr. Bostic may be able to answer that.

Commissioner Bostic said this application was taken from the State Fellows Program. My thing was when we . . . of course . . . when you look at an application sometimes they are excluded because of race and I wanted to be fair and, of course, as Commissioner Knight said this program was designed to bring teachers to our County that would come back and I would hate

for somebody to look at this application and exclude them because of race and if it is not there, there will not be a need to worry about that.

Chairman Maness asked if there were any other concerns or questions. He said I think we have done a thorough job, I like this. I like the MCC part, I know Ralph always like the students going out of town, but I like the part that includes MCC. What we are trying to do is get this process started and try to start in February of 2007. Commissioner Bostic said we had talked about this program starting as early as this year because it has been and advertise one time that applications would be taken for this school term and if there were some people in school now and wanted to pursue a career in education and would come back they could take advantage of it since we were a little slow in getting the program together.

Chairman Maness asked Mr. Metzler what he wanted the Board to do with this. Do we need to pass this? Is it a big hang up with the race issue on there Ralph or George?

Commissioner Knight said it is not a big hang up with me Mr. Chairman, but you have Asian, multi-racial, Hispanic, white, you have all these other races on here are you going to eliminated them all together? Chairman Maness said I agree if you eliminate one you need to eliminate them all. Commissioner Bostic said that is what is was to take them all out. Commissioner Knight asked what about male and female? Sometimes people make difference between male and female. Mr. Bostic said we can take that out too. We just need teachers.

Commissioner Knight said I would like to get the other Commissioner's opinion too as far as the need for the school I think this should be mentioned. I think if we could get with our Superintendent of Schools I think she would be glad if we could satisfy her needs with this program, and her needs would be to find those teachers that are hard to find. If we so okay, our school system is going to need math teachers, I think we should try to equip our schools with math teachers.

Commissioner Bostic said Mr. Knight that is one of the reasons that we restructured that process so those people would be able to know what the school system needs that is why it is was put on that board; before we didn't have those people on that board.

Commissioner Knight said Mr. Chair if I may, most applicants come before a committee before they are hired and even awarded the scholarship and we do not have blind people sitting on that committee. So people are going to see what race you are because they will see. So I don't see where all of this makes any difference. Chairman Maness said I was getting ready to say the same thing.

Commissioner Bostic said what happened here is there is a two tier committee here and the people that select the people are the counselors and principals from the High Schools then it would come to this group of seven to select who gets the scholarship. He said I have no problem with this, I am just glad that somebody saw fit to bring this program back. I want argue about anything as long as the program goes forward. Commissioner Knight said I agree.

Chairman Maness said I agree it looks like what we have here is a good agreement and I would like to see this thing get into motion. He asked for a motion.

Commissioner Corbett made a motion to approve the Montgomery Fellows Scholarship Program (agreement and contract) with the addition of the U.S. Citizen question. Commissioner Knight seconded the motion and the motion carried unanimously.

Update of Various Projects

Landfill

Mr. Metzler said I am glad Mr. Knight brought up the Solid Waste Consultants (Landfill). As per the Commissioner's request we have been negotiating faithfully in the best interest of Montgomery County with Republic and should have a draft in the very near future. He said we may even need to call a special meeting with the Commissioners to go over some of the changes. The thing I have been trying to stress is more accountability. He said we should have it to you in the near future.

Commissioner Corbett said on that issue we will need plenty of time to look at it and study it and not try to vote on it in one week or one night or something,

Personnel Committee

We have been meeting and have reviewed five articles and have six articles to go through and hopefully will meet by the end of this month and hopefully have a draft to you by the first of the year.

Chairman Maness said Lance before you get into Springdale Heights, Laura needs to change her CD. It will take two or three minutes.

Springdale Heights

There was a time where they were worried about being annexed inside the town, but the town is not interested in annexing them into the town. However, they said if they are going to apply for Montgomery County this time, then next year if they have a grant open would the County in turn apply for them next year since we are not eligible this year and they are. It seems like it is a good thing for both parties and shows that County Government is working with Town Government. We are going to proceed this way if it is okay with the Commissioners. Chairman Maness and Commissioner Corbett said it was okay with them.

Beyer's Island No Wake Zone Update

The next item is Beyer's Island No Wake Zone. We were notified on September 12 by the Wildlife Resources Commission that the No Wake Zone request for Beyer's Island was approved on August 1 and apologized to us for not notifying us earlier about that. It did go through and the buoys should be out there shortly.

Commissioner Corbett said now we will have to buy the buoys correct? Mr. Metzler said my understanding it has always been the subdivision or the individual who purchased them. He said according to the minutes we reviewed they always purchase them. Chairman Maness said Wood run and the ones listed here always bought theirs.

Items Carried Forward

Department of Transportation Secondary Improvement Program Resolution

In a motion made by Commissioner Corbett, seconded by Commissioner Morris, and so the motion carried unanimously to approve the Department of Transportation Secondary Improvement Program and the following Resolution:

RESOLUTION APPROVING MONTGOMERY COUNTY SECONDARY ROAD IMPROVEMENT PROGRAM

FOR FISCAL YEAR 2006-2007

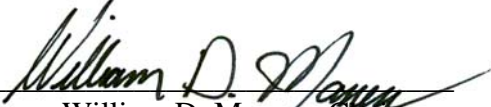
WHEREAS, North Carolina of Transportation staff members appeared before the Montgomery County Board of Commissioners during the regular meeting of Tuesday, September 19 2006, to present the 2006-2007 Secondary Road Improvement Program for Montgomery County; and

WHEREAS, each Commissioner was presented a copy of the program, and background information was provided along with objectives of the Secondary Road Improvement Program. Funding availability for each element of the program was also discussed and questions from Board members were answered.

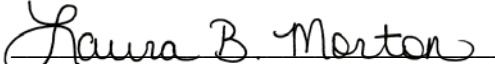
NOW, THEREFORE BE IT RESOLVED, that the Montgomery County Board of Commissioners approved the Secondary Road Improvement Program for FY 2006-2007 as presented by the Department of Transportation.

Adopted this 19^h day of September 2006.




William D. Maness, Chairman
Montgomery County
Board of Commissioners

ATTEST:


Laura B. Morton, Clerk to the Board

Health Department Appointee

Commissioner Morris said Mr. Chairman since I made the motion to start with on the advice of our attorney, I would make a motion that we rescind that motion for now and we will get information and get back to it at a later date. Commissioner Corbett seconded the motion.

Chairman Maness asked Mr. Metzler to contact the Health Board.

Commissioner Corbett said before we adjourn, I would like to ask Bob Freedle and Larry Laney if they will be able to come up with enough money for those buoys. Mr. Freedle said I do not know, it was kind of dropped in my lap. This thing has been going on for a year. He said Montgomery County said Wildlife would pay for them and the Wildlife said Montgomery County would pay for it. We are going around in circles. The first time I heard the Coast Guard bought

theirs was this week. Then, Wildlife did call Laura or Lance, this has been going on . . . Chairman Maness said sir, if you would come forward please. Chairman Maness said this was on our agenda. He asked Mr. Freedle to get with Lance and give him a call and we will go from there. If it is something that needs to change, we will need to put it back on the agenda to vote on it. Mr. Freedle said we have had a lot of calls and now we finally got to the end of it and now we have reached another stale point as to who is going to do what. It is surprising to me as many no wake zones as we have and all of a sudden nobody knows what is going on. It is very confusing after working on it for one year.

Chairman Maness said in the past and what we have seen, Woodrun and Carolina Forest bought their own, is that correct? Mr. Metzler said that is what we have been able to find through our Finance Department and looking back at the minutes.

Chairman Maness said we will have it back on our agenda if we need to take further action.

Mr. Metzler said one other thing; the Health Department asked that we inform the Board of the Health Fair on September 27th 9 a.m. until 3 p.m. and have a lot of activities going on that day.

Chairman Maness said it has been a good meeting. He said I appreciate everything.

Adjournment

There being no further business the meeting was adjourned.

William D. Maness, Chairman

Laura B. Morton, Clerk to the Board