

Work Session
August 21, 2007 ~ 3:00 p.m.
Montgomery County Library ~ Commissioner's Conference Room

The Montgomery County Board of Commissioners met in a work session on Tuesday, August 21, 2007 at 3:00 p.m. A full board was present. Chairman Maness called the meeting to order and the following was heard:

Tour of the Montgomery County Public Library in Troy (3:00 – 4:00)

Mrs. Carol Walters, Director of the SRLS, along with other staff members David Atkins and Linda Lamp were present. They gave the board a brief overview of library activities. After this presentation, the Board was led on a tour of the library to evaluate the needs (i.e. carpet, storage, etc.).

Chairman Maness asked Mrs. Walters to come up with the top 5 needs the library has and give them to the County Manager to have on next month's meeting work session agenda.

Transportation/ RCATS Local Funding Request. (4:00 – 5:00)

Mr. Mike Rood, Montgomery Council on Aging and Mr. Roger King, RCATS were present to request funding for the Transportation Program. Mr. Rood and Mr. King gave an overview of the programs and requested an additional \$4,600 appropriation from Montgomery County.

Items Carried Forward to the Regular Session

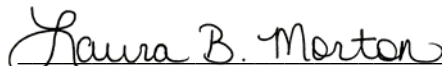
- **RCATS/Council on Aging Funding Request**

Recess

There being no further business, Chairman Maness recessed the meeting until the 6:00 p.m. meeting.


William D. Maness, Chairman




Laura B. Morton, Clerk to the Board

**Montgomery County Commissioner's Meeting
August 21, 2007**

**Chairman – William D. Maness
Vice Chairman – Sally M. Morris
Commissioner – Dolon W. Corbett
Commissioner – Jackie Morris
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, August 21, 2007 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

Commissioner Jackie Morris gave the invocation.

Public Forum

No one spoke during the public forum.

Consent Agenda

In a motion made by Commissioner Corbett, seconded by Commissioner Sally Morris and so the motion carried unanimously to approve the following consent agenda:

- Approval of Minutes
- Resolution Authorizing the Chairman's Electronic Signature
- Approval of Charge to the Tax Collector
- Special Child Adoption Fund – BA 06/08 – (to receive new funds)
- Reappointment of Myra Taylor and Phil Kissell to Library Advisory Board
- Reappointment of Melinda Cagle & Tommy Blake to the Tourism Development Authority
- Appointment of Michelle Haywood to the Tourism Development Authority
- Appointment of Pat Leonard to Represent Uwharrie Point
- Confirmation of Claudia Bultuis as Chairman of Tourism Development Authority

Reschedule Public Hearing – CDBG Infrastructure – Commodore Homes

In a motion made by Commissioner Corbett, seconded by Commissioner Jackie Morris, and so the motion carried unanimously to reschedule the public hearing for September 18, 2007.

Public Hearing – Proposed Solid Waste Ordinance

Mr. Metzler gave this history of the proposed Solid Waste Ordinance. He explained with the help of the Piedmont Triad Council of Governments this proposed ordinance was drafted. He explained that Ginger Booker was scheduled to be at the meeting but was not present.

Chairman Maness asked if the Board had questions regarding this proposed ordinance.

Commissioner Knight had a few questions. He asked if this ordinance had anything to do with the towns. Mr. Metzler said the Towns have their own ordinances.

Mr. Knight asked about page 5, second paragraph, the last three lines . . .” It is the responsibility of the owner or person managing rental property to see that the residents dispose of their garbage in a

lawful manner.” He asked Mr. Metzler to explain this. Mr. Metzler said for example if a person owns a trailer park, it is the owner’s responsibility to make sure the tenants abide by the laws and make sure waste is put in the proper containers.

Mr. Knight also asked about “Open Burning Prohibited - There shall be no open burning of solid waste in Montgomery County. Mr. Metzler said this was discussed quite a bit and a lot of other localities do not allow this either and explained that solid waste is different from yard waste. Chairman Maness said this is a State law too. Mr. Knight asked if this would be enforced and there is a penalty. Mr. Metzler said yes sir.

Mr. Knight said somewhere along the line I think we should make an effort to inform the public of this ordinance. Some of the things people may not understand.

Mr. Knight also had a question about Item E – Item #2 – Hauling garbage and solid waste to a designated county owned solid waste convenience center (residential waste only) including the convenience center at the site of the MRF and the Uwharrie Environmental Landfill. Mr. Knight said it states you have to cover your truck. Mr. Metzler said that is in here to make sure waste doesn’t fly all over the place. Mr. Knight said so if a person is riding down the road with his truck uncovered he is in violation. Mr. Metzler said no, if the materials are not recovered immediately, then yes, the person could be charge with a violation of the Solid Waste Ordinance. Mr. Metzler said the intent is to address the professional haulers not a citizen who is hauling trash from their house. He said it could be modified to require only professional haulers cover their vehicles.

Mr. Knight said another question; there will be no charge for our citizens to haul to the site. Mr. Metzler said there is no charge now, no sir. There will be no charge.

Ginger Booker came in to the meeting.

There was a discussion of a charge of yard waste at the landfill. Mr. Metzler said this is no change from what it currently is.

Mr. Knight said the Commissioners need to go through this ordinance because it is not feasible for the citizens. There is too much for citizens to worry about. There should be ways to dispose of all of our waste. Can we look at more in depth?

Mr. Metzler said I was charged over two years ago by the Commissioners to look at this issue. Collectively, the Commissioners asked me to address it. The proposal has been before you several times. I have talked with you, I have listened to you, and we have had a couple work sessions on it. I am taken back a little bit, this is the first time I have heard about these things. Mr. Knight said this is the first time I have been able to voice my concerns and sometimes I have to do it up here. He said I think we need to go back and take a look at this ordinance and make sure we look at it. I am not saying you didn’t do a good job. We ought to be able to dispose of our garbage. Mr. Knight said I would recommend we wait on approving it.

Chairman Maness asked about being charged for yard waste. The board discussed this briefly.

Chairman Maness closed the regular session and called to order the public hearing to receive comments from the public regarding the proposed ordinance.

Larry Mabry of Troy was present. He said he printed the information off of website. Why can’t we have a recycling program in this County? We are 57th in the State. We recycle only 70 lbs. per person. Dare County is doing the best. At the present time the prices for recycled goods are the best they have been. I would like us to get a jump on this. We already have convenience centers; it would be just a matter of putting bins out there to separate the goods. He said I spoke with the gentleman at Uwharrie Environmental and they will take it if it is separated. Mr. Mabry said I would assume that this ordinance would have to agree with the approved contract with Republic. There is some wording

in there that bothers me. The ordinance you are working on now prohibits radioactive waste; however, the franchise agreement and contract prohibits certain radioactive waste. Also, this ordinance prohibits sludge and biological and pathological waste. The more sludge the more gas. Chairman Maness said good points. Thank you.

Chairman Maness asked if anyone else would like to speak.

Chairman Maness closed the public hearing and reconvened the meeting.

Chairman Maness said Commissioner Knight suggested waiting and asked each Commissioner to go through again and see Lance and it will be on the next agenda. He asked Mr. Mabry to stop by and talk with the County Manager about recycling that Lance has been working on.

Annual Tax Settlement

Mrs. Vickie Maness, Tax Administrator was present and went through the Annual Tax Settlement. She said this is the first year we have collected 4 of the 5 towns' taxes and we increased their tax collection percentage.

In a motion made by Commissioner Jackie Morris, seconded by Commissioner Sally Morris, and so the motion carried unanimously to approve the annual tax settlement.

Update on Summer Recreation Program

Travis Stewart, Parks & Recreation Director was present. He said at the last meeting, Tonia Thomas was here and had to be cut short by two weeks. He presented his plan for next year, which is as follows:

The 2007 Summer Recreation Program started on July 5th and ended early due to an inaccurate budget. Instead of focusing on the negatives, the following documentation will show the plan for 2008 and why it is imperative to keep this money available for the children of Montgomery County.

Organization

The first issue that needs to be addressed is organization. Job descriptions need to be provided for each position and these jobs need to be posted throughout the County and on the Internet.

Second, each summer employee needs to pass a drug test and background check.

Third, there needs to be an orientation for all camp counselors held at the beginning of every summer. The human resource department needs to be involved to go over county policies and to enroll the workers. Job assignments can be handed out and it will be a good time to go over policies and procedures. This ensures that seasonal employees know the County's expectations before the start of the summer.

Scheduling

There has to be a more detailed schedule available to campers and their guardians. Each week would be based on a particular theme. The program would last for 6 weeks and start the week after school gets out for the summer. Below is a sample schedule.

	Monday	
7:30 – 8:00		Drop off/Breakfast
8:00 – 9:30		Playground/Outside Play
9:30 – 10:45		Exotic Animals Activity

10:45 – 11:00		Clean up/Restroom
11:00 – 12:00		Lunch
12:30 – 1:00		Journals/Pickup

Activities and Fees

Summer Camp will offer traditional “camp” activities: arts and crafts, field trips, educational and cultural activities, nature studies, swimming and sports. Each site should be limited to a certain number of applicants and pre-registration is mandatory. I would suggest a one-time, non-refundable \$25 registration fee. This helps to defer the cost of entry fees and transportation during weekly field trips.

Age Limit

I would limit the ages at the particular sites to from ages 5-10. Right now there is no age limit. If there needs to be alternative programming available fine but there are huge risks and liabilities involved with having children hanging out with teenagers and young adults.

Conclusion

Summer Day Camp will provide an opportunity for fun, exploration and personal growth. These goals will be met by having a staff that is composed of youth leaders in the community and often public school educators. However nothing is more important than the safety of our children. Currently new policies, procedures, and checklists will be in place for next summer. This is a program that will benefit the community and needs to continue but some changes will have to be made in order for it to be successful.

He said the time has changed to tweak the program. He asked the Board to give him a chance to run a summer camp one summer to include cultural learning, arts and crafts, etc.

Commissioner Corbett asked how he determined the age limit. Mr. Travis said he called other places. He said alternate programs could be done at other locations.

Commissioner Knight said there are no activities in Mt. Gilead and asked if he would be working with Mt. Gilead. He said I hoped each town would benefit from the programs. There are towns that do not have activities going on; we may need to take a look at it. Mr. Stewart said he would be glad to take a look at it. He said I have sent letters to League Coordinators to talk with him. Mr. Metzler asked Commissioner Knight to get contact names to him and he would relay it to Travis.

Commissioner Jackie Morris agreed with the comments.

Appointment of Commissioner to the Social Services Board

In a motion made by Commissioner Sally Morris, seconded by Commissioner Corbett, and so the motion carried 4-1 to appoint Commissioner Jackie Morris to serve on the Social Services Board. (Commissioner Knight did not vote).

County Planning Report

Mrs. Theresa Thompson, Planning Director presented the following request:

Public Hearing – Variance Request – Phyllis & Kenneth Long

Mrs. Thompson said the applicant is requesting a variance for a .05 acres parcel identified by PIN#6575 18 42 3434. The applicant owns a park model which is sitting on the property. The park model does not meet setback regulations. The property is located at 121 River Ridge Trail in Mt. Gilead, Lot 177, Section E in Twin Harbor.

Mr. Kenneth Long was present to present his case.

Commissioner Knight asked what the rules were 10 years ago when they put the trailer there. Mrs. Thompson said there were none. She said Twin Harbor cases could not be grandfathered. Commissioner Knight asked why. Mrs. Thompson said I wasn't here when the Campground Ordinance was written but the intent was for campgrounds to be temporary. Mr. Knight said it seems we are stirring something up. Is it a good idea to have a deck on a temporary lot? Mrs. Thompson said it is not attached. Mrs. Thompson said in most cases it would be easy to bring up to code in park models.

Chairman Maness gave a history of why this was so; the Board asked that this be required before a building permit can be issued.

Ms. Debbie Deese spoke. She lives in Twin Harbor. They want to improve the place. Every time we want to do something we have to have a variance. I wasn't allowed to put vinyl siding on my place without a variance. I have seen it; I wish you guys would look.

Mrs. Thompson said for the record any aesthetics work on their property you do not have to have a permit.

Public Hearing – Variance Request – Clifford & Cynthia Reed

Mrs. Thompson said the applicant is requesting a variance for a .05 acres parcel identified by PIN #6575 18 41 2536. The applicant owns a recreational vehicle which is currently located on the property. The recreational vehicle does not meet setback regulations. The location of the property is 109 Lookout Drive, Mt. Gilead, Lot 87, and Section E in Twin Harbor.

Commissioner Knight said all I see in the future is problem because there are permanent structures in Twin Harbor.

We have tried to work with Twin Harbor. We have sat down with the Board of Directors of Twin Harbor to try to work things out. Mrs. Thompson said most of the regulations in place are State Law.

Chairman Maness closed the public hearing.

In a motion made by Commissioner Corbett, seconded by Commissioner Knight, and so the motion carried unanimously to approve the variance requests of Phyllis & Kenneth Long and of Clifford & Cynthia Reed.

County Finance Officer's Report

Mrs. Cathy S. Baxter presented the July Financial Statement. She said the cash flow in August has been the lowest she has ever seen. Mr. Metzler said it will get better.

Water Update

Chairman Maness asked for an update on the water main break. Mr. Metzler said the last he heard the latest would be 8 p.m.

County Manager Report

County Manager Lance L. Metzler presented the following:

2007 Montgomery County CDBG Engineering Report

- As you all know, we received CDBG funds to install sewer in the Springdale Heights community.
- The County is required to place Request for Proposals for engineering services on any CDBG project.
- We advertised for an RFP and received two responses. One from Hobbs Upchurch and Associates and the other from Adams Company out of Warsaw.

- I evaluated each response and included that in your packet.
- Based upon my evaluation, I recommend that you all award the engineering services for this project to Hobbs Upchurch and Associates.

In a motion made by Commissioner Knight, seconded by Commissioner Jackie Morris and so the motion carried unanimous to award the CDBG Engineering Contract to Hobbs Upchurch as recommended by the County Manager.

Montgomery Old Home Cemetery Dedication

Mr. Metzler announced the Montgomery Old Home Cemetery Dedication on September 12 at 9 a.m. at the cemetery. He said Representative Melanie Wade Goodwin would be present.

County Jail Update

- As you all are aware the jail project came in over bid (\$8,750,850).
- The architects and I have been working with the general contractor (Bordeaux) on value engineering or reducing the costs of the project without degradation of the project.
- They have reduced expenses by \$470,000.
- We are working with the Town of Troy for different options on the sewer system which may change the reduction of costs (muffin monster vs. the bar screen the Town putting it in for us vs. the general contractor) so the reduction of \$140,000 may fluctuate but to get this project moving, I am asking the Commissioners to approve the Value Engineering recommendation made by Bordeaux.

In a motion made by Commissioner Knight, seconded by Commissioner Jackie Morris and so the motion carried unanimous approve the value engineering recommendation made by Boudreaux.

Commissioner Knight stated his concerns about the downgrades (security, etc.). Mr. Metzler said I had the same questions. I gave it to the Sheriff and he is pleased with it. Mr. Metzler said the General Contractor was okay and didn't think it was downgrading. Commissioner Knight asked him why he put it there to start with. He said you are going to have problems when you downgrade. We are going to pay for this. Mr. Knight said we should not allow this to happen. The Sheriff is not going to be here; his time will be up, what about the next Sheriff. Mr. Knight said our Manager has done what he was asked to do.

Chairman Maness asked if the Jail Committee met on this. Mr. Metzler said the Commissioners asked me to bring it back. Chairman Maness asked the Jail Committee what they thought.

Commissioner Jackie Morris said I have some of the same concerns especially with security. No reflection on the manager.

Chairman Maness said housing is down, maybe if we rebid we could get a better cost. Commissioner Corbett said he has voiced some of the same concerns.

Chairman Maness said you have done exactly what you were told, but we may need to have them come in and talk with those on the Jail Committee. After that, we can call the Commissioners on the phone or call a meeting within 48 hours. Mr. Metzler said it will have to be quick.

Board Biographies

Mr. Metzler asked the Board to provide their biographies to Laura if they haven't already.

Softball League

- I just wanted to let you all know that our Parks and Recreation Department really jumped in with both feet.
- He has started a swimming program and a softball league.
- Both of these programs have been very well received.
- The County actually has a team and we have been doing pretty well.

Medicaid Relief Discussion

- As you are all aware, the state attempted to provide Medicaid relief for counties.
- I have placed a breakdown memorandum in your packet but basically the state is guaranteeing \$500,000 relief for each County.
- In the first year the state will assume 25% of all the Medicaid cost for the past 8 months to the counties which is \$372,441 for Montgomery County.
- The state will reduce the amount of Corporate ADM funds for school construction at 60%. We previously received \$279,028 and the reduction of 60% of \$167,417 which will leave the state giving us \$111,611.
- The new County net reducing the ADM payment is \$205,024 plus the state hold harmless funds will be \$294,976 which equates to \$500,000.
- Next year, the state will provide 50% relief (\$1 million).
- They will reinstate the level of funding for the ADM payment but will take .25% from Article 44 which equates to \$20,649.00 (collected \$825,962).
- The third year the state will cover Medicaid 100% (\$2.1 million) but will continue to received the .25% of Article 44 and they will fund Article 42 ½ from per capita to point of delivery.
- Not sure exactly how that will shake out. Really cannot estimate those figures.
- In reality, for this year we are looking at a savings of only \$311,934. \$500,000 savings from state minus the ADM funds that we have to make up for the schools (\$167,417) minus the loss in revenues in Article 44 (\$20,649).
- If you all would like a work session on this then I can certainly arrange one with staff and a representative from the state.
- Very difficult and convoluted formula that may not be as beneficial as it appears. We will also be required to return loss of sales taxes in Article 39 to the towns in 2008-2009.

Land Transfer Tax and Local Option Sales Tax

- The state has given the counties two additional funding sources which is a 4% land transfer tax in 1% increments or a ¼ cent sales tax at the local level.
- The Land Transfer Tax would equate to roughly \$712,956 additional in revenue and the Sales Tax would generate \$428,562 additional revenues.
- These two taxes are collected in different ways. The land transfer tax is 4% of sales on a property and the sales tax is distributed equally on purchases.
- If you all were going to put those on the November ballot then you would have to request for pre-clearance no later than August 31st.

This one may also deem a work session.

24/27 Bypass Public Hearing

- D.O.T. will be conducting a Pre- Public Hearing on the proposed location for the 24/27 Bypass at West Montgomery High School on September 17th between 4:00 and 6:30 p.m.
- The formal presentation will begin at 7:00 p.m.

Personnel Policy and Social Services Building Work Session

- I would like to combine both h and j.
- We really need a work session to discuss the recommended amendments to the Personnel Policy and also to get direction as to the size and concept of the Social Services building.
- I will meet with you all individually on the Social Service building but also collectively for formal action so that we can get started on the design of the facility.
- I need some dates to work with. We may be able to combine both in one work session.

Commissioner Knight asked if he could request something. He said I know we have incurred some costs. I don't remember approving any expenditure of funds for these services for the Social Services Building and site. When we meet would you please provide this to me. I would like to know where it came from and who approved it. Mr. Metzler said I will approve this.

Discussion of 2” Tap Fee Reduction During Construction

- During construction on the new waterlines you all reduced the tap on a fee from \$300 to \$150 or 50% for a ¾ inch tap.
- Neither staff nor Commissioners thought about reducing other size taps because we typically have not dealt with that under new construction.
- The Chairman was approached about why a 2 inch tap should not be reduced during the construction period.
- If you did reduce the amount then you could reduce as you did for the ¾ inch tap by 50%.
- The tap fee would be \$900 instead of \$1,800.

In a motion made by Commissioner Knight, seconded by Commissioner Corbett, and so the motion carried unanimously to approve a 2” Tap Fee Reduction during Construction to be reduced by the same percentage as residential taps.

Commissioner Jackie Morris said the payback would be good.

Items Carried Forward from the Work Session

Library

Mr. Metzler said Chairman Maness asked Mrs. Walters to provide the top 5 needs to be presented at the next meeting.

RCATS/Council on Aging Funding Request

In a motion made by Chairman Maness, seconded by Commissioner Knight, and so the motion carried unanimously to approve \$4,600 for RCATS/Council on Aging (if any other funds were found from other sources, it would be deducted from this \$4,600). These funds are to come from the fund balance.

Discussion of IT and Social Services Positions

Commissioner Knight made a motion to give Social Services position and also the additional IT Person. The motion was seconded by Commissioner Jackie Morris as point of discussion.

Commissioner Jackie Morris asked if this Social Services position was the administrative position. Mr. Metzler said yes.

The motion failed 3-2. (Voting No: Chairman Maness, Sally Morris, Dolon Corbett)

Adjournment

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

William D. Maness

William D. Maness, Chairman



Laura B. Morton

Laura B. Morton, Clerk to the Board