

**Montgomery County Commissioner's Meeting
January 15, 2008**

**Chairperson – Sally M. Morris
Vice Chairman – Dolon W. Corbett
Commissioner – William D. Maness
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, January 15, 2008 at 6:00 p.m. in the Commissioner's Assembly Room. A full Board was present. *Chairperson Sally Morris called the meeting to order and the following was heard:*

Invocation

Rev. Philips McRae, First Baptist Church gave the invocation.

Overview of Rules & Procedures

Chairperson Sally Morris asked County Manager Lance Metzler to give a brief synopsis of the rules and procedures. Mr. Metzler gave the overview as requested.

Public Forum

No one spoke during the public forum

Presentation of Retirement Plaque to Mildred C. Bruton

Chairperson Sally Morris presented a retirement plaque to Mildred C. Bruton who had been an employee for N.C. Cooperative Extension since March 1, 1974. Mrs. Bruton retired December 31, 2007.

Consent Agenda

In a motion made by Commissioner Billy Maness, seconded by Chairperson Morris, and so the motion carried unanimously to approve the following items on the consent agenda with the exception of the minutes:

- ~~a) Approval of Minutes~~
- b) Budget Amendment BA 33/08 – Maternal Health Program
- c) Budget Amendment BA 34/08 – Social Services
- d) Temporary Appointment of Claudia Bulthuis to MCC Board of Trustees
Contingent Upon the State Ethics Board Approval

Commissioner Knight requested that the minutes be pulled from the consent agenda.

Chairperson Morris said our rules are that if any item is taken from the consent agenda be the next item discussed.

Commissioner Knight said Madam Chair I made some errors at the last meeting and for the benefit of the record and the people we represent, I would like to make a couple of corrections here. I asked a question about the jail project, and I didn't intend to step on anyone's toes or anything and I asked the question and I talked with the Manager about it, he did answer the question, but he did not answer all of the things that were involved in the increase in price. I am not going to ask him to go back and do that, but he can if he may. I want to make my corrections. That is on page 2 of the minutes (in the packet).

Excerpt Commissioner Knight referred to from the December 18, 2007 minutes:

Consent Agenda

In a motion made by Commissioner Corbett, seconded by Commissioner Knight, and so the motion carried unanimously to approve the following consent agenda items with the exception of BA 25/08:

- Approval of Minutes – September 11, 2007 through December 3, 2007
- BA 29/08 Bioterrorism - \$15,000 – New State Money
- BA 28/08 Sheriff's Office - \$15,723 – BJA Award for State Criminal Assistance Program
- BA 27/08 Family Planning - \$833 – DHHS Money for Family Planning
- BA 26/08 Family Planning - \$28,000 – DHHS Money for Sterilizations
- ~~- BA 25/08 Jail Project – Recording Budget Ordinance for New Jail~~
- Appointment of Members to the Montgomery County Planning Board for Services to the Elderly

Commissioner Knight requested that item f be removed from the consent agenda (BA 25/08 Jail Project – Recording Budget Ordinance for New Jail)

BA 25/08 Jail Project – Recording Budget Ordinance for New Jail Discussion

Chairperson Morris said it is our policy that any item removed from the consent agenda be the next item on the agenda. She then asked the County Manager to explain. Mr. Metzler said I may have to ask County Finance Director Cathy Baxter to help explain.

Mr. Metzler explained Budget Amendment 25/08 requested for the Jail Project. He said for several years the jail project has changed estimates. In the beginning it was \$5 million then \$6 million, then it may have gone to \$7 million, those were simply estimates and that is what the Jail Project Budget was set up for was with simply estimates so that we can begin the process with A&E services for design. The actual construction costs that came in for the Jail was \$8.28 million, your total cost up top is the \$9.9 million that is construction cost, construction administration, and administrative costs (A&E Services), and the County's costs for advertising, etc. He said I think one of the Commissioners asked why are we transferring \$100,000 to the school project, this if you will remember, the Board passed a master installment financing agreement. With this agreement, you had the jail tied in with it; you had the elementary school and the Social Services Building. That allows us to get a better funding rate if we have a master installation agreement. With that you have to interchange those funds to tie into each project, according to our bond council. It could have been \$50,000, it could have been \$200,000, but what they said to use was \$100,000. When we start building the DSS building we will have to use funds from the jail and the elementary school to tie into that so they are all tied in together as part of the master financing plan. That is why you have those costs.

Commissioner Knight said I had a couple of questions about this. He said one of my questions was, I looked back in the budget and we budgeted \$7,702,445.25 for that project back in July which was the estimated cost at the time. I realize and I was thinking the construction cost and administration had gone up since then, is this what you are saying? Mr. Metzler said yes sir. Mr. Knight said construction costs have gone up \$1.5 since July? Mr. Metzler said yes sir since the previous estimate the County had, yes sir. That is actual cost. Commissioner Knight said it looks like everything went up and it seems to be an awful big increase in just five months. Mr. Metzler asked Finance Director Cathy Baxter if the \$7.7 million has been in place longer than five months. Mrs. Baxter said yes sir, in order to establish a project; you have to establish a budget ordinance. This is an ongoing project; the \$7.7 million was the initial budget ordinance for this project when we sold the bonds we had to account for all of the proceeds we received for the bonds. Chairperson Morris asked Mr. Knight if that answers his questions. Mr. Knight said no, not really of the increase cost in just those five months, because I remember when we did the budget we did what we were told it would cost to build the building. Mrs. Baxter said this is the original budget ordinance and has been on the budget for several years (for two years, since 2005). Mr. Knight said we didn't know about the increase, we had to have known this during the budget. Mrs. Baxter said I did not know the final cost on this project until we received the final proceeds from the sale of the bonds. Mr. Metzler asked when the bonds were sold. Mrs. Baxter said they were sold in July for the Jail Project.

Mrs. Morris said we made a commitment we are going to have to go on with it. I hate the cost went up, and I am sure everyone else does too; it is just the facts of the time now.

Commissioner Maness said we talked at the last meeting to hire someone, a retiree, or whomever, to go down and watch over the Jail project. He asked if we have a job description and if we have

advertised for a Construction Manager. Mr. Metzler said if you want me to follow down that path that is great, Bill has been going down there everyday, he is taking pictures and videos and is, for right now, doing a great job. The job description is already in place, and we can advertise just to see what is out there, to help him out there, but he is going every day.

Chairperson Morris said we can put this on the next agenda if you would like to. Commissioner Maness said that will be fine if it is for just discussion purposes. Chairperson Morris asked Mr. Metzler to make a note to add this to the agenda next time. She then asked if any other Commissioner would like to add anything else to this discussion. No one did.

In a motion made by Commissioner Corbett, seconded by Commissioner Maness, and so the motion carried unanimously to approve BA 25/08 Jail Project – Recording Budget Ordinance for New Jail.

Commissioner Knight said on Page 8 of the minutes (in the agenda packet), in the paragraph where Mr. John McIntyre came before the Board and made his remarks, I would like to have that rescinded from the minutes because he was out of order in doing so and me as a Commissioner had no chance to respond to that so I would like to have that rescinded. *Excerpt Commissioner Knight referred to from the December 18, 2007 minutes:*

Mr. John McIntyre asked if he could say something. Chairperson Morris said yes. He said I have been sitting out here listening. This young lady works for you all, okay. I think a lot of the questions and comments that came down should have come through the Manager and maybe come down. It is not fair to put her on the spot at a public meeting in front of God and a whole crowd. Maybe I misunderstood, but it is almost like she was being belittled. Me and her may not see eye to eye on some of the stuff, but right is right and wrong is wrong. I just think some of the stuff that was said should have come through the Manager in a one on one meeting.

Chairperson Morris said that is what I am saying we need to get into that at another time. . . Commissioner Knight said now who is this doing the talking. Mr. McIntyre said George I don't want to get into an argument. Mr. Knight said I am not going to argue, but you have come up here making accusations. Mrs. Chair you allowed him to speak can you allow me to speak? Chairperson Morris said no, we are going on to the next agenda item. Mr. Knight said oh, so you will allow him to speak. Chairperson Morris said we can have a meeting and get into this with you at any time. Mr. Knight said I think we should start out right and if you are going to Chair this Board you need to treat me like everybody else. Mrs. Morris said we will have a meeting to discuss this at a later time. Mr. Knight said he said his peace in open session. Chairperson Morris said we are through with that.

Commissioner Knight said on Page 9 of the minutes (in the agenda packet), I made a comment that the Commissioners had placed \$53,000 in the budget for overtime and I noticed in the minutes the Sheriff said that hasn't been done. He asked that a paper be passed to Chairperson Morris for her verification. He said I do not intend to lie to the people of this County. *Excerpt Commissioner Knight referred to from the December 18, 2007 minutes:*

Commissioner Knight said we can't write a policy that contradicts the law. Whoever wrote the policy did not do what they were supposed to do. I am not saying we don't pay the man; we have to pay the man. We have policy in place that says we pay at a certain time so this doesn't happen. We even budget for overtime. We put \$53,000 in the budget for overtime . . . if you do not take time off as compensation, our policy says within 30 days and if not within 30 days then within the next pay period. If not by then, you have to pay that person. All I am trying to say is that we have policy in place. We should abide by policy. You make me abide by policy. Everybody needs to abide by the policy too. We need a system in place that will check this. We approved the positions for a whole year. If they are vacated before the year is out, there is still money in the budget to pay for the position. That is the system, so we don't have to come up and pay like we are now. You can vote on it, but it still doesn't make it right. Then we come up with paying for vacation. We are paying for overtime and we have no way of knowing how much they worked. I tried to figure out how we were going to pay vacation, for two months vacation with . . . Chairperson Morris informed Commissioner Knight that his time was up. She then asked if any other Commissioner had anything to add. . .

Sheriff Jordan spoke. I am not a department head. We have a county policy, 98% I follow, but I also have a SOP, if there is any conflict, I rely on FLS law. My office has not miscalculated. We do not have \$53,000 in overtime.

Chairperson Morris said I think we have pretty much covered the issue of the money for the Jail. She said Lance and our Finance Officer gave a pretty good explanation that we have a contract, we have to build a jail. I wished it would have come in under bid and I am sure the others wish that too. We have an allotted amount of money we had to pay.

She said as far as John McIntyre, that was my fault, I thought he was going to speak at the issue at hand, I didn't realize what he was going to say, I took what he said to be toward me than to anybody else because I had spoken to him on several different occasions and I felt like that was directed at me.

The last thing is the money for the Sheriff's Department, she asked Commissioner Knight if she could keep the paper he handed to her and she would check with Lance and Cathy and they would see what the discrepancy is here and I she would get back to you.

Commissioner Knight said okay, and just one last thing Madam Chair I excused myself from the last meeting and I just want to for the record, let my people know I will not be doing that anymore. They elected me to serve here and according to the law I can not be removed from a meeting. I want to apologize to the people of this County for excusing myself from the meeting, and I will not do this again no matter how much the heat is turned on me. That is it. Thank you ma'am.

Chairperson said with these items, can I get a motion to approve the minutes accepting these items and I will get with Commissioner Knight and go over these items at a later date.

In a motion made by Commissioner Corbett, seconded by Commissioner Knight, and so the motion carried unanimously to approve the minutes minus the items that have been discussed.

Presentation from Piedmont Triad of Governments

Ms. Hannah Cockburn with the Piedmont Triad Council of Governments was present. She gave a PowerPoint Presentation on the RPO, TIP, MOU, and their relationship with the County. She discussed the Planning, Projects, and Agreements associated with these programs.

Ms. Cockburn gave a demonstration of a project they had been working on www.googleearth.com.

Ms. Cockburn said if the Board would like they can approve the list of priorities. She also explained the changes made in the agreement as required by the State.

Approval of Resolution to Approve Amended Memorandum of Agreement

In a motion made by Commissioner Corbett, seconded by Commissioner Maness, and so the motion carried unanimously to approve the Resolution to Approve the Amended Memorandum of Agreement for the Piedmont Triad Council of Governments.

Support for List of Priorities

Commissioner Maness asked if we need to approve the list of priorities for roads. Ms. Cockburn said you can if you want to it is not required. Mr. Maness said I think it is important.

In a motion made by Commissioner Maness, seconded by Commissioner Corbett, and so the motion carried unanimously to support the list of priorities outlined by Ms. Cockburn.

County Manager's Report

Mr. Lance L. Metzler gave the following report:

Amendment to Personnel Manual

- The new Personnel Manual has a section pertaining to delinquent taxes and the responsibility of the employee to be current with taxes.
- What I have recommended is to include employees being current with water bills. It would require them to lead by example.

- I originally had much stricter language in my recommendation but after speaking with Commissioner Knight and the Chairman I changed it to make it more employee-friendly.
- The employee shall make every effort to pay or make payment arrangements to pay the delinquent bill. Failing to do so could lead to disciplinary action. If payment arrangements are made, then employee will not be subject to disciplinary actions based on this section. Employee cannot be terminated for this reason only. Mr. Metzler read the requested amendment.

Chairperson Morris said I had a question about this and so did Commissioner Knight and I think this addresses it well. Commissioner Knight said I think the language is very impressive and in doing so it shows he is willing to look after his employees. Chairperson Morris agreed.

In a motion made by Commissioner Jackie Morris, seconded by Commissioner Corbett, and so the motion carried unanimously approve the following amendment to the personnel manual:

J. Delinquent Taxes/County Water Bills

Taxes collected in Montgomery County are used to fund the various offices and agencies that the County supports and administers. County Water Bills collected are used to maintain and make improvements to the Water System. Any employee of Montgomery County whose County ad valorem taxes and/or County Water Bills Account(s) are habitually late may be subject to disciplinary action. *(employees only or joint listings)*. The employee shall make every effort to pay or make payment arrangements to pay the delinquent bill. Failing to do so could lead to disciplinary action. If payment arrangements are made, then employee will not be subject to disciplinary actions based on this section. Employee cannot be terminated for this reason only.

Applicants being considered for employment by the County shall be required to sign a statement certifying that the County property taxes and County Water bills of said potential employee are paid up to date and that said taxes will not be allowed to become delinquent. Applicants whose taxes and County Water Bills are not up to date will not be considered for employment by the County.

County Jail Construction Update

- As per your request, I have contacted DOT regarding security and parking for events and am awaiting a response from them.
- The grading is about completed and we will begin placing the footers in.
- We have monthly progress meetings on site and today the County met with the security providers.
- The Town and County both concluded that it would be okay for the County to use a Muffin Monster rather than the expensive bar screens.
- Thank you to the Town of Troy for working with us on that.

Commissioner Corbett asked how much did we save? Mr. Metzler said around \$80,000. Mr. Corbett said that is a big savings.

Construction Manager Job

- You all asked me to discuss a Construction Manager for the jail construction.
- We advertised for the Construction Manager for three weeks with the closing on January 11th but we had no responses.
- To be honest, I would not recommend a Construction Manager but allow Bill Hamilton to continue the oversight of the project.
- He is out there all the time with the camera and/or cam recorder.
- He attends all monthly meetings with me and brings any problems to me.
- I would recommend that we not hire anyone for this position and that we continue to use Bill to be our eyes and ears at the jail sight.

Junk Car Ordinance

- The Commissioners had some discussion about the junk car ordinance and the actual implementation of the ordinance.
- Phil Henley and Kevin Lamonds originally implemented the junk car ordinance when we first started it and Theresa has taken enforcement over.
- The inspections department turned over 22 cases and Theresa has had 5 since she has been here.
- 73 vehicles.
- These are being looked into as a complaint basis only.

- Mrs. Thompson is here to answer any questions.

Commissioner Corbett asked if we are doing this on complaint base only. Mr. Metzler said yes. Mr. Corbett said then we need to change to ordinance. Mr. Metzler said I will send Kevin Lamonds back at to ride the County as before.

Commissioner Maness said I agree with Lance and Dolon on that it needs to be more than a complaint basis only. He said we have a policy in place – we may someone that doesn't want to complain. We need to work it pretty hard. Mr. Metzler said maybe I can contact the Sheriff's Department and others that are out there to keep a look out. Mr. Metzler said I will work on that.

Commissioner Corbett suggested that everyone that answers directly to the County Manager to keep an eye out. He said that should take care of it pretty quick.

Chairperson Morris said the County Manager will work on this.

Water Revenues Update

- You all had a few questions at the last meeting pertaining to water billing and have an answer to provide to you all.
- The first question was why we have citizens who have two accounts or taps with the County but only pay for one.
- Staff is putting together a list of these and will address them accordingly. I will provide you an update at your next meeting
- The second question was why the water consumption and revenues were so much higher last month then that time last year.
- Two reasons, first we added 203 new accounts from the new waterlines and the second is that the Town of Robbins increased their water consumption.

Commissioner Corbett said Commissioner Maness has asked for this several times. Mr. Metzler said maybe you will have in February.

Commissioner Knight said on this, if my memory is correct, we talked about this at one time. It seems like the people that had two meters had the option of paying a disconnection fee to disconnect one and if they needed it again they would have to pay the connection fee, but as long as they had the two meters, they would pay the minimum fee on both meters. Mr. Metzler said it was brought to our attention that people have two meters out there but they are only paying one minimum, the one they are billed. He asked for clarification for the report. Commissioner Maness clarified the request. Mr. Metzler said that is what we are looking in to. Mr. Metzler said he would bring it back to the Board in February.

Commissioner Maness said another issue we talked about is that people are not paying the minimum for their taps of \$12. He also asked for a report on that. We put waterlines in and people signed contracts that they would pay that. Chairperson Morris said we have had a report on that in the past. Mr. Metzler said I will bring it back to you.

Commissioner Jackie Morris said this may be in the policy, but if a person owns property that has a tap that is not being utilized and they sale that property, what is our policy? I couldn't find it, I didn't read a lot, if the property is transferred is the new person required to pick up that tap. Mr. Metzler said we have that and I will get that to you. He said I need to know because I have had that question asked of me.

Commissioner Corbett said there are some roads that the water line is too small for a fire hydrant and we waived their minimum fees. That has been discussed many times. The Board thanked the County Manager.

Chairperson Morris said we will put this on our next agenda for a follow up.

Commissioner Knight said during budget time last year, we talked about increasing the cost of our water and there was a time limit of that we have to inform the towns. Mr. Metzler said it is 60 days before the budget process starts. We are going to bring back a Capital Improvement Plan for the Water Department and Water Facility as requested by the Board. We were going to bring it to you this month, but Wes Carter had a lot on his plate and was unable to get it completed and he is a hard worker so I trust he had a lot on his plate. So we will meet with the Commissioners in February to go over the Capital Improvement Plan and the proposed rates in February. Once you guys modify and approve we will send

it to the Towns. Commissioner Knight said I just didn't want to run out of time because this is something we need to do. Mr. Metzler said that is right.

Chairman's Report

Chairperson Sally Morris discussed the following items:

2008 Meeting Schedule

Mrs. Morris said in your package you have a schedule of meetings for this year. Our meeting time is the third Tuesday at 6 p.m. We can have work session as needed.

Upcoming Work Session Schedule

Mrs. Morris also informed the Board of a work session to be held on February 4th at 8:30 a.m. The purpose of this meeting is for the board to discuss the Board's Rules and Regulations. She said hopefully we will have our County Attorney there with us. She said this is more for my benefit to make sure I do things correctly. I hard read them and I want to make sure everything is on line. I believe that will be a good work session. We will meet at 8:30 a.m.

Commissioner Knight said he didn't know if he could make this meeting. If at all possible, if we can schedule our meetings a little in advance. He said I have a vacation plan I have to make so many months in advance. I make my plans based on our schedule. I want to make every meeting as I think we are required to do. If at all possible, if we can schedule our meetings, even our work sessions in advance, we can schedule vacations and other things around our Commissioners meetings, it would help me and probably would help other Commissioners too. We want to be here, but sometimes we can't because we have something else. I know somewhere down the road we have budget meetings and I hope we can schedule these meetings far enough in advance to where they will not conflict with other schedules.

Chairperson Morris said I have talked with Laura and Lance about setting up our work sessions on the first Monday's of each month. That is what we have kicked around.

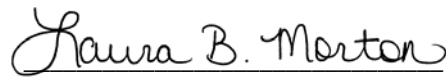
Commissioner Maness said I think it is important that Commissioner Knight is there. We need to reschedule to make sure he can be there. Mrs. Morris said we have an out of town person coming that came before and that is the reason we chose that date because he could come. Commissioner Knight said I have been planning to go to Marti Gras for years and I am not going to miss it this year. Chairperson Morris said if he can reschedule I will be in touch with you.

Adjourn

There being no further business, Chairperson Sally Morris adjourned the meeting.


Sally M. Morris, Chairperson




Laura B. Morton, Clerk to the Board