

Montgomery County Commissioner's Meeting

July 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 - VACANT

Clerk to the Board – Laura B. Morton

County Attorney – Russell J. Hollers

The Montgomery County Board of Commissioners met in a regular session on Monday, July 15, 2008 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

Commissioner Jackie Morris gave the invocation.

Overview of Rules & Procedures

County Manager, Lance L. Metzler reviewed meeting rules and procedures given for public hearing, anyone in audience allowed to speak, nine minute time limit given to speakers.

Introduction Of The Montgomery Teaching Fellows Scholarship Award Recipients

The Board received an introduction from Dr. Kevin Lancaster of the Scholarship Award Recipients. He introduced each and they each gave a report. These include the new recipients as well as the previous year's recipients. They are as follows: Tarra Barrett, Brandi Lamonds, Katie Stevenson, Taylor Hurley, and Matthew Kyle Greene. Jamie Cesaro was unable to attend due to job responsibilities.

Dr. Lancaster thanked the Board and former Commissioner Ralph Bostic who had the foresight for this program.

Commissioner Knight asked if there is a need for a specific teacher, such as math or science, and if they look for those students. Dr. Lancaster said that is a valid point for consideration.

Public Hearing 2009 Rural Operating Assistance Program

Mr. Roger King gave a background on ROAP, Grant program from NCDOT and the funds that come into Montgomery County to support transportation. ROAP is divided into 3 categories: Elderly and disable transportation assistance program, which provides

transportation assistance for elderly and disabled individuals. Employment Transportation assistance program, which provides operating assistance for transitional work first work force development programs in the general public employment transportation. Rural general public program, transportation for those who are not human service agents. FY 2009 allocated supplemental funds in all 3 combined. The numbers are \$67,846 for Elderly and Disabled, \$10,649 for Employment transportation and \$64,822 for rural with a combined total of \$143,317. Increase of 08 funds in the amount of \$18,730. The Public Hearing is apart of the application process, dually advertised in the Herald at least 14 days prior to our meeting date tonight. It was distributed in both English and Spanish, and has provided forms to general public. Requirements that we ask of you tonight are, sign the application for these Funds. Last year we had a 24% increase in trips provided. We anticipate another hefty increase in 2009, partly because of Dept. Social Services working to give all their transportation for their Medicare needs to RCATS. Increase in fuel prices lead to many inquiries for transportation from the general public. One of the biggest issues in Montgomery County is medical trips. Many of those appointments however they are unable to do here in town. Therefore many of our trips are outside of the County. Luckily this has worked to our advantage as we are able to plan for that and take more people on one trip.

Madam Chairperson asked if there were any questions:

- Commissioner Knight stated he used to receive notifications.
 - Mr. King stated he does send him email notification, or he can make phone calls.
- Commissioner Knight asks if they are planning on raising their rate.
 - Our rate structure is calculated by the mile. And Yes, this yr it was \$1.30 a mile. In January when we projected our rate for this year we were at \$1.36 however that was prior to gas hitting \$4.00 a gallon. After the 1st quarter we may need to make more adjustments in order to cover our cost. So about a 5% increase.
- Commissioner Knight – with the funds and the increase in gas do you see that it may be a problem in the future for you to continue providing this service?
 - I certainly hope we will be able to continue to provide these services to our community and continue to grow. Looking at what we receive from the state for this program, we received a cut for the Elderly and disabled portion. The work first remained the same, and the state provided more money for the rural general public. In order to receive \$68,000.00 it will require a 10% match or \$6,800.00. We will not generate enough revenues to use all those funds, meaning some local dollars will have to be put into the fund from somewhere. We have requested this and haven't heard anything back but are hoping that you are still considering our requested.
- Commissioner Knight- Last year we had to go into our General Fund to make the match. Was this budgeted for this year?

- Mr. Metzler said we funded the same thing that we funded last year for operations. This is something that the Commissioners may want to consider, because it was not budgeted.
- Commissioner Knight stated that this is something we should make a decision on tonight, that if we do not approve this we will lose \$68,000.00 in funding for a service we need.

Chairperson Morris closed the public hearing and reconvene regular session.

Madam Chair called for a vote on the application.

A motion was made by Commissioner Corbett, seconded by Commissioner Jackie Morris and so the motion carried unanimously to approve the application request.

Chairperson Morris recessed the regular session and called to order the following public hearing:

Public Hearing Called to Order for Community Development Block Grant Scattered Site Housing

Michael Walser with Hobbs Upchurch was present. He explained this is a program Montgomery County has participated in twice before, not a lot of changes have been made within the program. \$400,000 in funds is offered with no matching funds on behalf of the County. Activities allowed: rehabilitation, is still the number one priority which means bringing low to moderate income houses up to state standards. For those houses that cannot be brought up to state standards we can provide replacement housing and demolition to their old home. New part of the programs allows us to set aside 10% of our funds, \$40,000, for emergency repairs. We can spend \$5,000 per home to assist in replacing a roof, heating system, making a home handicap accessible or eliminate an electrical or plumbing hazard. 25 individuals have sent in application requesting assistance, we are reviewing the applications and rating and ranking them based on 3 things.

1. Special Needs: elderly and disabled, large families, and single parent homes;
2. Income: Low to moderate income range, program deal with 50% and below with main focus on the lowest 30%; and
3. Condition of the home: Can the house be rehabilitated and brought up to state guidelines, and if it cannot are the residences willing to accept replacement housing and have their home demolished.

Once we rate and rank these we will go out and perform inspections and take photos. Then we will sit down with the selection committee to decide if we are going to do all rehab or demolition or a combination. I am going to recommend setting that 10% aside for emergency repairs. With 25 applicants we cannot do all those homes, but with that

set aside we can at least touch 8 homes with emergency repairs. The most we can spend is \$5,000 per house on the emergency repairs. We should be able to touch about 15 homes with repairs. Replacement housing/demolition doubles the cost; we would only be able to touch about 3 homes. Application Deadline was end of July; the state has extended their own deadline until the end of August, reason being they have added some new requirements on it. In the past you submitted your application on the home for repairs and when you got the monies we were finding that a lot were in need of demolition and the owners were not willing to allow that so you lost the home and then had to find another and submit and new application. So essentially they have saved us some time, we now go out and do a full scope inspection of what is needed and submit that.

Madam Chair called for any questions and or comments regarding the Community Block Grant for Scattered Site Housing. No one spoke.

Chairperson Morris closed the public hearing and reconvened the regular session.

Mr. Walser explained that a vote was needed to approve, that the application needs to be sent, signed by the County Manager and myself, along with the policy and procedure plans and ordinance packet.

A motion was made by Commissioner Maness, seconded by Chairperson Morris, and so the motion carried unanimously to approve the application, policies, procedures, plans and ordinance packet, with the signature of the County Manager and Chairman.

Public Forum

The following spoke during the public forum:

Tom Weaver of Fairway Shores was present with concern from the article he read in the Montgomery herald. It mentions that the planning Board has approved a 36 lot subdivision to go between Twin Harbor and Lake Tillery and no mention is made of the water shed. He also read the minutes from that meeting and nothing was mentioned of the water shed. They are also saying they are looking at a 20,000 square foot minimum requirement for lots. State law mandates the water shed is ½ acre. The Planning Board does not have the authority to issue a variance against the state water shed. Another thing in that article, a gentleman stated he has already purchased 36 sewer taps that's \$108,000.00. He checked with Mr. Hollers and his records do not show where this man is listed. He also checked with Mt. Gilead and they were not aware that this gentleman had purchased any sewer taps. He would like our Planning Board to check into this due to the mandates placed by the state.

Madam Chair asked if there were any other speakers:

Michael Chisholm of Candor stated: on June 12, 2008 my 9 yr fiest was killed by 2 pit-bulls about ½ a mile from my property. His father called the dog catcher; the dog catcher responded and picked up the 2 dogs that killed my dog. The occurrence

happened on my father's property. He was assured by the dog catcher that these dogs would not be returning to their property. He later found out that if the owner of the 2 pit-bulls built a 10x10 enclosure poured on concrete that the dogs could be returned. His father noticed the dog catcher in the area and asked him what he was doing. He was told that the dogs were being returned to their owner. The dog catcher told him that the County Commissioners voted to have the dogs returned. He then told me to contact my County Commissioner, which is Mr. Knight. His father talked to him last week, and Mr. Knight contacted Mr. Metzler. He has not heard anything back from them as of yet. He knows the dogs are not fenced but merely chained. He explained that he has a 1 and 4 year old child, and that if either dog were to enter his property again he "drop" them. He was then informed that at that time he would be charged with cruelty to animals. He looked up the minutes to the last meeting and there was nothing in regards to a vote to have the animals returned. He would like to know if this was ever voted on, and if so, who voted to have them returned.

- Mr. Metzler explained that Commissioner Knight contacted him last week in reference to this. At that time he requested that he contact Mr. Chisholm which I did. I also contacted Animal Control to find out the situation. He informed me that there was a male and female pit-bull and they were unable to determine which of the 2 had killed the dog.

Mr. Chisholm- speaks up and informs that he saw it happen, both dogs were involved and he told that to the dog catcher at the time the dogs were removed. He advised me to go to small claims court to collect the value of the dog. I do not want any monetary compensation for my pet; just to be sure these dogs do not have the opportunity for this to happen again.

- Mr. Metzler requested that he please allow him to finish, and that it was relayed to him that the animal warden could not determine which of the 2 dogs, I had killed the animal. Typically the males are more aggressive, and the owner did agree to have him put down. The female was returned under the circumstances that she would be placed in a 10x10 enclosed cage. If that is not the case, the dog needs to be removed. It was not presented to the Board, and they did not vote to return the dog. That was a misunderstanding.

Commissioner Knight –"Somebody don't pay attention to what I try to do, your father called me, I called the County Manager, the Manager told me he would get back in contact with your father, and I thought the dog catcher had done his job. Now if the ordinance calls for one of those dogs to be put down, then the ordinance calls for both of the dogs to be put down. I asked the Manager to get with the dog catcher to ensure we were abiding by the law or ordinance. If he didn't do that, then he didn't do his job. I did my job, your father called me and I assured sure him that I would do my job and I did my job. I don't want anybody to think I didn't do my job, now if we didn't abide by the ordinance then we didn't do our job and it wasn't me. I passed it on the Manager who was supposed to get with the dog catcher and he was supposed to ensure we

were abiding by the ordinance. If he killed one of the dogs and he wasn't supposed to he didn't follow the ordinance. If he let one of the dogs go and returned it home and wasn't supposed to he didn't follow the ordinance. Now Manager somebody needs to take care of that."

Mr. Metzler stated that Commissioner Knight is being overly aggressive regarding this. We did take care of the situation and it was handled accordingly. Mr. Chisholm was contacted within 5 minutes of Commissioner Knight informing me of the issue. Animal control was contacted once Mr. Chisholm side of the story had been received as per policy for handling the situation.

- Commissioner Knight- What is the policy what does the policy say?
Mr. Metzler said- Read it; I've got it for you.
- Commissioner Knight- I read the policy and it says those dogs should have been put down.
Mr. Metzler asked, can you determine which dog killed his?
- Commissioner Knight- He said he saw both of them do it, why didn't he put one of them away?
Mr. Metzler stated he did put one of them away
- Commissioner Knight- Why?
Mr. Metzler said, he did because it was determined that one of them had killed it, and the males are more aggressive than the females.
- Commissioner Knight- You can't determine that, you can't make that decision.

Mr. Chisholm stated he does believe the dog warden is following up as he has seen him in the area numerous times. His main concern and reason for attending the hearing was to in fact find out if the Commissioners voted to have the dog released, and if so which ones were in favor of that decision. Commissioner Knight and Mr. Metzler both contacted my father as they have stated. The dogs are being moved at their convenience to avoid the dog warden.

Continue Consent Agenda

Commissioner Knight requested to have item "d" pulled from the consent agenda.

A motion was made by Commissioner Corbett and supported by a seconded from Commissioner Maness. The motion carried unanimously to approve the consent agenda with the exception of item "d"

Item D: Authorize County Manager to sign airport grants

Commissioner Knight said the reason for this is during budget Session we did not have enough confidence in our Manager to handle out contingency fund. Therefore, I do not believe he is capable of handling these grants for the County.

- Madam Chair stated that she felt we have a very capable Manager and is confident with their Managers abilities to handles these funds

Motion to carried 4-1 (Voting no – Commissioner Knight).

Call To Order Public Hearing Planning And Zoning – Text Amendment

Chairperson Morris recessed the regular session and called to order the public hearing for Planning and Zoning.

Planning Director Mrs. Thompson explained that this is for a text amendment to zoning ordinance for contact storage area for heavy machinery for district 2.

No one spoke during the public hearing. Chairperson Morris closed the Public Hearing and reconvened the regular session.

A motion was made by Commissioner Maness and was supported by a second by Commissioner Jackie Morris. The motion to approve the text amendment carried unanimously.

Call To Order Public Hearing For Conditional Use Permit – Phonekeo Sayasne

Chairperson Morris recessed the regular session and called to order a public hearing. No one spoke during the public hearing.

Chairperson Morris closed the public hearing and reconvened the regular session and called for a vote.

Mrs. Thompson explained the request from Phonekeo Sayasne who was requesting a conditional use for a contractor's storage area for heavy machinery. For the property located on 5.89 acre tract located on NC Hwy. 109 S approximately 1,000 ft S of McLeod Rd. The Planning Board has recommended approval for this requested.

A motion was made by Commissioner Maness and supported by a second from Commissioner Jackie Morris. The motion carried unanimously to approve the conditional use permit for Phonekeo Sayasne.

Call To Order Public Hearing For Conditional Use Permit For A Nursery With Commercial Sales - Margaret Piccirilli

Chairperson Morris recessed the regular session and called to order a public hearing. No one spoke during the public hearing.

Mrs. Thompson stated that Margaret Piccirilli is requesting a conditional use permit for a nursery with commercial sales. The property is located at 2626 Blaine Road. The Planning Board recommended approval for this permit.

- Commissioner Corbett stated this has been there for 30 years why is it just now coming up?
- Mrs. Thompson- it has been there in violation, I thought it had only been there for about a year.
- Commissioner Corbett- That place has been used for bark and whatever for forever.
- Mrs. Thompson- a zoning permit was given for a storage building about a year about, I wasn't aware of anything being there. It was zoned commercial, and nothing was grandfathered in. It's been used for a nursery and a gift shop. So she trying to come into compliance.
- Commissioner Corbett- I have no problem with it; I was just curious why it's coming up at this point.
- Theresa Thompson- she is trying to come into compliance.

Chairperson Morris closed the public hearing and reconvened the regular session and called for a vote.

A motion was made by Commissioner Corbett to approve the request. The motion was supported by a second from Commissioner Maness.

Commissioner Knight stated he had some comments but did not want to be called out of order. He asked is this the proper procedure of how to handle someone who is in violation? I remember a situation that came to the Board and we didn't handle it like this.

- Mrs. Thompson- I feel that it's best to give them the opportunity to correct the situation and come into compliance. All violations are given time to come into compliance before going to the County authority.

The motion carried 4-1 to approve the conditional use permit for a nursery with commercial sales and a gift shop. (Voting No - Commissioner Knight)

Commissioner Knight asks if the gift shop is already open,

Ms. Piccirilli stated she has applied for the permits and has them posted, that the gift shop is not yet open.

James & Betty Ingram Set Back Variance Request

This request was been pulled by the applicants.

Board Appointments

Sandhills Mental Health Board Appointment (citizen)

Sandhills Mental Health citizen position, the appointee we have now has been very ill and not been able to attend for a year. They have asked if we would consider replacing

him. His term ends in July 2009. The Board tabled this request until next month's meeting.

Sandhills Regional Library Board Appointment

A motion was made by Commissioner Corbett and supported by a second from Chairperson Sally Morris to appoint Mrs. Beth Blake to the Sandhills Regional Library Board. The motion carried unanimously.

Montgomery County Library Board Appointment (citizen)

A motion was made by Chairperson Sally Morris and supported by a second from Commissioner Maness to appoint Mr. Richard Roose to the Montgomery County Library Board. The motion carried 4-1. (Voting No – Commissioner Knight.)

Commissioner Knight- it doesn't say anything about an appointment to the Library Board. There should be applications in here, let's at least try to do it right, I know we are in a hurry, but it needs to be done right. He requested tabling this appointment until documentation is received. Madam Chair requested 2nd to table it. The motion failed due to the lack of a second motion.

County Manager's Report

County Jail Construction Update and Transition Training Invitation

- The construction on the jail is going well and we are still on schedule.
- I am scheduling a meeting with the Jail Review Committee to discuss some issues pertaining to the potential additional costs to be considered by the Board of Commissioners.
- The Sheriff and the Engineers want to invite you to join us in part of the transition training to allow you to understand the dynamics and changes from the way we did operate to how we will operate with the new jail. The training will be held on July 22nd at 8:00. It will be held on the 23rd and 24th as well but your attendance is requested for the first day.

Update on Rocky Springs Target Area

- As you all are well aware, we have been working very hard to resolve the contaminated well issue outside of Candor.
- Melanie Wade Goodwin, Hobbs Upchurch and County staff have really been working diligently to make construction happen fast.
- I have asked that Hobbs Upchurch do some preliminary design work so we can already have this taken care of.
- The total cost is about \$1.5 million and again the funding sources are: \$400,000 that we are applying for through CDBG which is due July 21st, Rural Center funds for \$500,000 which we have received, but the paperwork has to be in by July 29th, Bernard Allen foundation funds of \$200,000, and a local commitment of \$485,000 that we had left over from the State Revolving Loan.
- Hobbs Upchurch scheduled a meeting out in the community last week to get additional income surveys.
- Everything seems to be moving as fast as it can.

NCACC Annual Conference Voting Delegate

- It is that time of year for the County Commissioner's Annual Conference in August.
- We have two Commissioners going Commissioner Knight and Jackie Morris.
- You all need to determine a voting delegate to act on behalf of Montgomery County during the annual business meeting on August 23rd.

A motion was made by Commissioner Jackie Morris and supported by a second from Commissioner Corbett. The motion carried unanimously to appoint Commissioner George Knight as a voting delegate at the NCACC Annual Conference.

Approval of County Holidays for 2009

- I had brought this to you all at the June meeting and there were some discussions and I was asked to bring it back at the July meeting.
- Commissioner Knight asked if another day could be added at Christmas for the employees.

A motion was made by Commissioner Maness and supported by a second from Commissioner J. Morris. The motion carried unanimously to add an additional day at Christmas for employees as part of the holidays already given and in addition approve the 2009 Holiday Schedule (*which includes this extra day at Christmas*).

Update on Fagg Dangerous Dog Incident

- You all had asked that Madam Chairman and Leon go and check the situation with the Fagg's and the dangerous dogs.
- Sally and Leon both went over there and they determined that there was no need to enforce the Dangerous Dog regulations.
- They said that the dogs barked when they first arrived but were very friendly and did not show any signs of being a danger to surrounding neighbors.

Request Approval of Cole Road and Tabernacle Church Road

- A while back you all approved several roads for waterlines.
- The worksheet is included in your agenda packet.
- Cole Road and Tabernacle Church Road were not included.
- It would be the recommendation by me, Jason, and the engineers to include these two roads.
- One is .17 miles and the other is .63 miles.
- If you all approved these, we can do both in-house.

A motion was made by Commissioner Corbett and supported by a second from Commissioner Maness. The motion carried unanimously to add Cole Road and Tabernacle Road to the list of roads to install waterlines on. This project is to be done in house.

The Board asked about adding McCaskill Road. Mr. Metzler agreed to check on this and bring it back to next month's meeting to discuss. Mr. Metzler stated he is not sure why it was over looked but agreed that it only makes sense do it as well.

Budget Amendment 60/08- CJPP

- We received additional pass through funds for Criminal Justice Partnership Program in the amount of \$21,500.

Commissioner Corbett requested it be contingent on checking to see if money was budgeted for 08-09.

A motion was made by Commissioner Corbett, supported by a second from Commissioner Maness. The motion carried unanimously contingent upon checking the amount budgeted.

Chairperson Morris said that is all of our agenda.

Commissioner Knight said, Madam Chair, I would like to make a motion to go into closed session to discuss a topic mentioned at last month's agenda meeting. He voiced concerns that it was not placed on this month's agenda.

Commissioner Knight requested to go into closed session in regards to a personnel matter that doesn't need to be discussed in public forum. From the minutes it was to be placed on the agenda, but was not.

Madam Chair does not feel this particular issue needs to be discussed. She opened the floor to the board for a 2nd request for closed session. The motion failed for lack of a second motion..

Commissioner Knight stated that he is black and makes up 20% of the board and thus it doesn't require a 2nd motion,

Adjournment

Chairperson Morris adjourned the meeting

Sally M. Morris
Sally M. Morris, Chairperson



Laura B. Morton
Laura B. Morton, Clerk to the Board