

**Montgomery County Commissioner's Meeting  
August 19, 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**

*Before the regular session, the Board toured the Jail Construction Site with Moseley Architects and representatives from Boudreaux Construction (the construction company building the jail).*

The Montgomery County Board of Commissioners met in a regular session on Tuesday, August 19, 2008 at 6:00 p.m. in the Commissioner's Assembly Room. All Board Members were present. *Chairperson Sally Morris called the meeting to order and the following was heard:*

**Invocation**

Rev. Mark Fisher pastor of the Macedonia Presbyterian 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.

**Deletions From Agenda**

Chairperson Morris announced that the Council on Aging request, and the appointment to the Sandhills Mental Health Board would be discussed at a later date.

**Presentation of Retirement Plaques**

Chairperson Sally Morris presented Retirement Plaques to Brenda Byrd (retiring from the Tax Department) and Phebe Corbett (retiring from DSS).

**Public Forum**

***The following spoke during the public forum:***

*Mrs. Becky Stegall, Board Chair of DSS, who resides at 306 Nance Farm Road in Troy, was present. She represented the Social Services Board and read the following: The Montgomery County Board of Social Services is pleased to request the reappointment of Shirley Gerald to her 2<sup>nd</sup> and final third year term to the board. Currently Mrs. Gerald is the only minority female to serve on the board. Mrs. Gerald exceeds expectations required to serve on this board. On behalf of the Social Services Board we are pleased to request her reappointment.*

*Mr. Jeff Carpenter*, resides a 240 Reynolds Drive in Candor, wants to know where we stand in regards to the water situation. He said he is hearing many conflicting stories regarding funds, and where the board stands in regards to a solution.

County Manager Lance Metzler explained that we are waiting on 400,000.00 in funds from CDBG for the remaining funds, however if we start tomorrow working on that project we will not be eligible for those funds. He request that he contact him tomorrow and he will provide him with more information regarding this.

### **Consent Agenda**

Madam Chair requested a motion to approve the consent agenda.

Commissioner Knight requested item "b" to be removed from the consent agenda. A motion was made by Commissioner Corbett, and supported by a second from Commissioner Maness. The motion carried unanimously to approve all items on the consent agenda with the exception of item "b".

- Approval of Minutes
- ~~Approval of Budget Amendment—01/09—Parks & Recreation—\$1,000.~~
- Approval of Records Retention & Disposition Schedule
- Approval of Resolution Requesting The Designation of Agrarian Growth Zone Resolution No. 2008 – August 012
- Approval of Resolution Requesting The Designation of Agrarian Growth Zone Resolution No. 2008 – August 013
- Approval of Resolution Requesting The Designation of Agrarian Growth Zone Resolution No. 2008 – August 014

Madam Chair reminded everyone the policy is to review any item pulled from the consent agenda and Commissioner Knight requested that the Budget Amendment for Parks and Recreation be removed to discuss.

- Commissioner Knight stated he is in favor of the \$1,000 to go to the Dixie Softball league and would like to make a recommendation that in the future we handle matters according to the law. By removing money from the contingency fund without the Board of Commissioners voting on it was wrong. That a public forum and vote should have been held prior to allocating these funds. This was totally wrong and he recommends not doing or handling situations like this in the future.
  - Madam Chairs stated this was done due to the lack of time, states this is the first public forum to be held and the decision had to be made at that point in time.
- Commissioner Knight states he can understand the urgency regarding the matter; however, breaking the law should not be done emergency or not

when we could have had funds in the contingency fund that the Board of Commissioners voted against.

- Madam Chair called for the vote for item “b”, a Budget Amendment for Parks and Recreation. Motion passes, all in favor except Commissioner Knight.

A motion was made by Commissioner Maness, and was supported with a second from Commissioner Corbett. The motion carried 4-1 to approve consent agenda item “b” – Budget Amendment 01/09 - \$1,000 for Parks and Recreation.

### **Planning Board Report**

*Mrs. Thompson, Planning Director presented the following report:*

Chairperson Morris recessed the regular session and called to order a Public Hearing for a text amendment.

### **Zoning Ordinance Text Amendment - Campground Resort Regulations**

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

The board requested explanation of this, which was given by the Planning Director Mrs. Theresa Thompson.

- Madam Chair requested a motion to approve this new text amendment, A motion was made by Commissioner Maness, seconded by Commissioner Corbett and the motion carried unanimously.

### **Conditional Use Permit for a Campground Resort**

Chairperson Morris recessed the regular session and called to order the public hearing for a conditional use permit for a campground resort for Phillip Pennington.

Mrs. Thompson stated that Phillip Pennington’s request was a conditional use permit for property located on the 51.30 acre tract, located on Mullinix Road, approximately 1,000 ft. west of NC Hwy 109 N (PIN 6692 00 40 3463).

*The following spoke during the public forum:*

- Tamara Morris of the Eldorado Community was against the campground and delivers a petition of others from the community against this campground. The majority of residences are not in favor of this campground. Registration fee is \$295 and \$100 per Child; she does not feel the people of the County can afford this. She has called numerous agencies checking on Mr. Pennington and his work that is called “Galloway by the Sea” and none of them have heard of him or his agency. Based on other camps, they charge \$60 -\$120 per child which is a huge difference.

This will devalue the property (gives phones numbers of realtors who provided her with the information) It has torn their community apart.

- Dan Parsons of the community stated that if this is allowed it will be in their back yard. He has nothing against them building a Church, the issue I have is the land being donated to the entity "Galloway by the Sea" to whom Mr. Pennington is the sole owner of. He also does not see the need in a Church of this size when their current churches are not even filled. They are not helping the community because none of the children will be able to afford to go to this camp.
- Becky Stegall who resides at 306 Nance Farm Road has gone to see the location of the intended camp. She feels this mission camp has brought about "unknown fear." She feels they want to assist the County and the needs of it. "These are Christian people who are trying to bring Christian value to the Community." She is all for this.
- Marion Owen, She and her husband were sent here in 62 when the Government made it a national forest. She states their lives have been devoted to helping the Community and youth. They have assisted many avenues of community service such as 4H, building churches in Florida etc. They want to leave something behind to further benefit the youth of tomorrow.
- Bethany Hollingsworth, 5018 W. Haven Lane, spoke of the youth group SOS, Service Over Self, which is similar to Galloway Service, SOS is a Christian youth organization that provides the opportunity to share Gods love though helping others by renovating peoples homes. Another part is of SOS is daily worship through chapel. Lastly, it has allowed me to be a Christian encourager to other youths. This has had definite impacts on my life and will on others as well.

Madam Chair asked if there were any other responses in favor or against this permit.

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

Commissioner Knight had some issues with this being brought before the board. The Planning board recommendations are in favor based on guidelines, but follow up must be done to ensure that is the case. Many articles within this permit need to be further investigated by the planning board before we can be asked to vote on this.

Mrs. Thompson addressed Commissioner Knight's questions. He said I have looked at the information given. Mrs. Thompson stated the Board has the right to table this if they do not feel they have adequate information. She recommends approving it based on the fact that at this point they meet all the needed conditions, meaning if they do not get their information together and to us, the building will not start.

Commissioner Knight made a motion to table the request until the Planning Board gets their information and decides to go further. The motion died due to lack of support.

A motion to approve the conditional use permit was made by Commissioner Maness and was supported by a second from Commissioner Jackie Morris. The motion carried 4-1 (Commissioner Knight voted no) to uphold the Planning Board's recommendation to approve the conditional use permit request. The ownership and running of the campground resort shall only be by a certified 501C3 non-profit organization for humanitarian purposes including organizing missions, retreats for church youth groups, scouting organizations, church men and women's groups, local non-profit organizations, and others who seek to serve the local community, with the exception of allowing the property open to other groups including corporate, education, and government for retreats, conferences, and seminars at the discretion of the local board during weeks without scheduled mission activities. Most of the scheduling will be for mission camps during the summer months, with the facility being available for other events the rest of the year. Also, the campground facility may be used by the community for meeting space. The owner of the property may also request amendments to the conditions approved in the future by the Board of Commissioners. If the use is not being or has been executed as approved, including the terms or conditions or such approval, the conditional use permit may be revoked by the Board of Commissioners.

### **Public Hearing on set back Variance Request for James and Betty Ingram.**

Chairperson Morris recessed the regular session and called to order a Public Hearing for a variance for James and Betty Ingram.

Mrs. Thompson explained the request and stated the property is located at 652 Fairway Shores Rd, Mount Gilead, N.C.

*The following spoke during the public hearing:*

- Tom Weaver, reading a letter for Jack Carroll who was unable to attend due to illness. States article 6 of the zoning ordinance. He does not feel that the planning board can make a request for a variance without a drawing of the request. This variance request is a conflict of interest. The letter recalls the planning board request in the past that was brought before the board in Sept. 05, and shut down by the Board of Commissioners, and shows the inability of the planning board to follow state laws and guidelines.
- Charles and Jessica Ingram, Requestors of the setback Variances, stated the reason for the variance is to maximize the potential of a river lot, based in accordance with the deed to the lot, which at the time was a variance of 5 ft.

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

Commissioners Corbett and Maness asked County Planner Theresa Thompson if she agreed with the Planning Board recommendation.

- o Mrs. Thompson stated that she does not agree with this, because it is going against set ordinance.

Commissioner Knight stated that she needs to go into Planning Board meetings and really speak up and voice her opinions, *(she states that she does)*.

A motion was made to table this request; however, Commissioner Knight requested to be able to speak prior to having it tabled. He states that he does not feel Mrs. Thompson was in favor of this, and believes that she is trying her hardest to make good decisions for the county. He states she should not put her signature to something that she does not approve.

A motion from Commissioner Maness was made to table this request. The motion was supported by a second from Commissioner Corbett and the motion to table the request until the next meeting carried unanimously.

### **Set Back Variance Request for Phyllis and Kenneth Long**

Chairperson Morris recessed the regular session and called to order a Public Hearing for a set back variance for Phyllis and Kenneth Long.

Mrs. Thompson stated Phyllis and Kenneth Long of 121 River Ridge Trail, Mount Gilead, NC; Lot 177 Section E in Twin Harbors were requesting a set back variance.

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

A motion was made by Commissioner Corbett to approve the set back variance request for Phyllis and Kenneth Long. The motion was supported by a second from Commissioner Knight. The motion carried unanimously.

### **Board Appointments**

Sandhills Mental Health Board (tabled – postponed)

Social Services Board

Montgomery Community College Board of Trustees

### **Appointment to the Sandhills Mental Health Board (citizen position)**

This appointment was tabled until the next meeting.

Appointment to Social Services Board: (Appoints Sandra Callicutt)

Commissioner Knight recommended the reappointment of Shirley Gerald to the Social Services Board.

Mrs. Sandra Callicutt was recommended by Commissioner Maness

Commissioner Knight feels that if Mrs. Gerald is not reappointed to serve a second term that it would be sending the message that she did not fulfill her duties during her first term. He continues that the state recommends having people serve on the board according to the needs of the people of the community. States that with the mixture of clients she needs to remain, and in the interest of justice she should be allowed to serve final term.

Madam Chair called for a motion to appoint Mrs. Sandra Callicutt to serve on the Social Services Board. The motion was given by Commissioner Corbett and seconded by Madam Chair. The motion carried 3-2. (Voting against were Commissioner Knight and Commissioner Jackie Morris).

Appointment to the Montgomery Community College Board of Trustees

Madam Chair requested nominations for appointments to the MCC Board of Trustees.

Commissioner Knight stated the MCC had recommended Jimmy Cagle and he would like to honor their recommendations as they have in the past. Clerk Laura Morton said this was in regards to the Sandhills Mental Health not MCC Board of Trustees.

Commissioner Corbett made a motion to appoint Ms. Paula Covington to serve on the MCC Board of Trustees. Madam Chair supported the second with a motion. The motion carried unanimously to appoint Ms. Paula Covington to serve on the MCC Board of Trustees.

**County Manager's Report**

*County Manager Lance L. Metzler presented the following report:*

**County Jail Construction Update**

- Project is still on schedule for Substantial Completion in January, 2009, and Final Completion in February, 2009, as originally scheduled.
- As of the July, 2008 Application for Payment #10, the Project is approximately 38.89% complete. There are many different types of materials (brick, CMU, structural steel, steel joists, steel decking, rebar, hollow metal door frames, pipe, conduit, fittings, ductwork, etc.), equipment (tractors, trucks, lifts, scaffolding, forms, etc.), etc. being stored on site for use in the construction of the building.
- Work is progressing well (previous to 7/29/08) and is being planned (beyond 7/29/08) as required by Project requirements and needs as follows:
- "30 Day Look Back" at work being done:  
Continue with block (CMU) walls, including reinforcing (60%-70%).

- Continue with hollow metal door frames (85%).
- Pour mezzanine (Second Floor) concrete floor slab (100%).
- Continue with all rough-ins (Fire Protection, Plumbing, Mechanical, Electrical, and steel embeds for detention equipment and furniture) (65%).
- Continue setting structural steel as needed (15%).
- Continue with concrete grout fill in block (CMU) walls (60%-75%).
- "Anticipated Schedule of Progress" of work to be done:
  - Start damp proofing CMU walls.
  - Progress Energy to set transformer.
  - Continue with CMU walls.
  - Start brick.
  - Start setting steel bar joists and steel decking.
  - Continue with wall rough-ins (Plumbing, Mechanical, Electrical, and steel embeds for detention equipment and furniture).
- Have Pre-Installation Roofing Conference.
- Clean CMU walls for concrete grout fill.
- Continue concrete grout fill in CMU walls.

#### **Lapse Salary Discussion- Interim Health Director**

- As you are all aware, Health Director Tammie Bell resigned last month and at the Board of Health's last meeting they made Julie Clark the Interim Health Director and recommended a \$1,000 increase to hold that position.
- In accordance with our personnel policy, under the additional job duties or responsibilities increase, anything up to 10% can be approved by the County Manager and anything above that has to be approved by the Commissioners.
- The recommended increase by the Board of Health exceeds the 10%; therefore, I am requesting that you concur with the increase recommended by the Board of Health.
- Commissioner Knight does not want to use lapse salary, states that Mrs. Clark is not qualified to serve in this position, and that currently they do in fact have someone who is qualified to serve in that position. He does not understand the thinking behind that.
- Commission Maness extends his thanks to Mrs. Clark for what she has done in the position and does believe that she should return to school; however given the current time frame he makes a motion to approve the \$1,000 pay increase to Mrs. Clark as acting Health Director.

A motion was made by Commissioner Maness, and was supported with a second from Commissioner Jackie Morris. The motion carried 4-1 to support the Board of Health's decision to increase Mrs. Clark's salary by \$1,000 while serving as Interim Health Director. Mr. Knight said he is voting no because of the budget and DSS is not allowed to use lapse salary.

#### **Request Approval of Waterline in-house installation- McCaskill Road**

- We had talked about adding McCaskill Road to the in-house installation list but the Commissioners never took official action on this.

- The portion of waterline is .52 miles and will serve 8 houses. The construction cost is estimated \$165,000 if we contracted it out but it will cost less in-house.

Request approval of waterline in house installation of McCaskill Rd. as discussed in previous meetings, questions were asked why it was left off and no reason have been found as to why we cannot do this in house.

A motion was made by Commissioner Maness to approve this request.

Commissioner Knight had issues with this due to the lack of funds by the county. He feels there are more important areas in need of water. He feels the Board needs to get their priorities in line.

A motion was made by Commissioner Maness, and was supported with a second from Commissioner Corbett. The motion carried 4-1 to approve McCaskill Road water line extension as an in-house project. (Voting no was Commissioner Knight).

### **Golden Leaf Foundation Community Assistance Initiative**

- I will report on this next month.

Golden Leaf Foundation community assistance initiative will be coming to Montgomery County next year and I will be giving funding to help relief economic issues.

### **EMS Work Session for September**

- The Director of Emergency Management and I have been working on figures to provide you all to consider providing Emergency Medical Services (EMS) in house versus contracting out with First Health.
- We need to have a work session sometime in September.
- Could we do it before our next regular session or would you prefer it at another time?

Commissioner Corbett asked for the date in which we must let them know something. County Manager is unsure of the date, Commissioner Corbett does not feel this should be discussed until all the information (date) can be set. Mr. Metzler stated he would look into this for the Board.

### **Lankford Protective Services**

- As you are all, the Federal Minimum Wage went up in late July.
- In your packet, you have letter from Sam Lankford stating that he had to increase costs to the County due to this occurring and will have to pass this increased expense on to the County.
- The point in bringing this up is that we will have to make a budget amendment later in the year to compensate for the increase in minimum wage and our

contract with them which includes a paragraph on uncontrollable increase that would be passed on to the client.

- This will not affect the budget immediately; however there may be a budget amendment made after November.

Commissioner Knight stated he had an issue he would like to discuss. Madam Chair stated that it is not listed on the agenda. Commissioner Knight continues that in a past agenda the board was to meet with the school board for discussion and that has not happened yet.

Madam Chair explains she has tried numerous times to set up a date; however the School Board has been unable to meet.

**Adjournment**

There being no further business, the meeting was adjourned.

Sally M. Morris  
Sally M. Morris, Chairperson



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