

## Montgomery County Commissioner's Meeting

June 17, 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, June 17, 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:*

### **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.

### **Invocation**

Rev. Harold Pope of Family Worship Ministries gave the invocation.

### **Presentation of Plaques**

Madam Chair presented Joyce Cockman a retirement plaque for her outstanding service during her time with the county. Ms. Cockman is retiring from the Social Services.

### **Public Forum**

No speakers for tonight's public forum.

### **Consent Agenda**

Commissioner Knight requested item "C" to be removed from the agenda. A motion to approve the consent agenda is given by Commissioner Corbett and followed by Commissioner Maness. The Board is unanimous on its approval.

- a) Approval of Minutes
- b) Approval of Budget Amendment 56/08 – Health Department – Additional DHHS money for BCCCP
- c) Approval of 2009 Holiday Schedule

Item "C" was discussed due to the motion to remove, item "C" consists of the Holiday Schedule. The holiday schedule currently consists of 13 paid holidays. Commissioner Knight asked how this year's schedule compares with that of last.

County Manager, Lance Metzler, explained this is sent based on what the state has sent down and in accordance with the counties personnel policy. This is new and was started this year.

Commissioner Knight mentioned to the additional day given to County Employees for Christmas and wants that to be given in written form. County Manager states he will look into this. It will be added to next months agenda.

### **Recess Regular Session**

Chairperson Morris recessed the regular meeting and called to order the Board of Appeal.

### **Call to order Board of Appeal**

The case is regarding an Animal Control Decision, regarding Dangerous Dogs. Leon Everett, Supervisor of MC Animal Control, was contacted by Jan Harris several times regarding neighbors Terry and Mike Fagg dogs. Mrs. Harris has to drive from Albemarle to pick up her child from the bus stop. The neighbor's dogs constantly chase and antagonize the child. Mr. Everett states several notes were left at the Fagg's residence with no response. Mrs. Fagg stated the notes blew off the door. Mrs. Harris called 911 and reported the incident as the child was unable to get off the bus because of the dogs. Mrs. Harris is unable to continue to leave work at 2:30 p.m. to pick up her child by 3:00 p.m. to accompany him home. Animal Control Supervisor Leon Everett and fellow Animal Control officer Jason Vanhorn on the 19<sup>th</sup>, walked the child home. The dogs did not give chase, however did come to the road which causes the child to become nervous and run. He feels the dogs should be caged to allow the child safe passage to and from School.

Mrs. Fagg explained she is here to protest this, that this one child in particular is terrified of dogs. States that she hates that, however these dogs have never harmed anyone. The dogs do not leave her property; she admits they do in fact bark when people walk by the property but that is their territory. Other local children come over to their house and go swimming in their pond and the dogs have never been aggressive or attempted to hurt any of them. She stated that the older brother of the child who is afraid is one of the children who came over to play on their land. She went on to state they have gotten rid of one dog a younger Black dog that she calls the "leader", they have moved him to Oakboro and built him a pen, and the Boxer is going to go to a friend's house. Their other dog mostly remains in the house now. Mr. Fagg explained the dog will do them no good penned up. He states every other house in the neighborhood has been robbed aside from theirs.

Madam Chair asked if the Harris family or board of appeals have any questions.

Commissioner Knight asked for information regarding the easement and authorization given to the people. He asked if they could offer a resolution to the issue. Mrs. Fagg explains that again it is only 1 child, and they have gotten rid of 2 of the dogs. In addition she stayed home 3 days last week and the dogs never left the house.

Commissioner Maness said I am worried about the County's liability, since the County's Animal Control Officer has deemed the dog as aggressive and the board does nothing to support or back his decision. He suggested Madam Chair accompany Mr. Everett to see the dogs, as well as speak with the other family prior to making a decision. Madam Chair agreed to this and takes the phone number of Mrs. Fagg to contact her and follow up.

Commissioner J. Morris asked Animal Control Supervisor, Leon Everett if all the dogs were there at the time of his visit. Mr. Everett responded, "Yes".

Chairperson Morris recessed the Board of Appeal until more information could be obtained.

Chairperson Morris reconvened the regular session.

### **Public Hearing- Planning Department**

Planning Director Mrs. Thompson presented the following reporting:

#### **Larry Joe Green Rezoning Request**

Larry Joe Green of 199 Ballpark Rd. is requesting rezoning of his property from residential to commercial. The Planning Board recommends denial of this request; this is in follow-up from the junked car ordinance held in regards to Mr. Green in which the board approved the removal of the junked cars from Mr. Green property.

Larry Joe Green was present. He explained Mrs. Thompson, drew a diagram moving all of the "junk" 150 feet from the Hwy. or 100 feet from the neighbor's property and moved it to a 1 acre lot. He spoke with Phil Henley, 2 weeks prior and was informed that if all the plumbing was removed from the trailers they could be classified as storage. States he has purchased items to build a storage unit, but doesn't know what else to do.

Madam Chair asked if there were additional speakers in regards to the rezoning request.

Bill Johnson of 220 Ballpark Rd. stated he built his home 35 years ago when Mr. Green was just a small boy. Since Mr. Green has occupied the house he has brought junk cars, trailers, etc. on to the property. He also stated he had his home appraised and that based on Mr. Green's property it would lower the value of the home. He stated that Mr. Green has made the statement that he restores old cars; to his knowledge he has never seen him doing anything with the junked vehicles.

Michael Johnson of 229 Ballpark Rd. stated that granting this rezoning to commercial would allow Mr. Green the right to move the vehicles in and out of the property at will regardless of the time of day. He states this area is up and coming, and should not be

zoned or considered commercial. Mr. Johnson said Mr. Green is harming the environment and endangering the lives and health of the other neighbors.

Rhonda Johnson Hicks who owns 10 acres that connects with Mr. Michael Johnson was present. She posed the question of the effects these vehicles have on the environment and the long term effects the pollutants could have on the neighbors. Mrs. Hicks also mentioned that her father has tried to sell his house before and while he had interested parties, they were turned off by the appearance of Mr. Green's property and thus did not proceed with the purchase. At that point a simple request was made to Mr. Green to erect a fence around his property in an attempt to hide the junk. This was done in an attempt to raise the value of his property so it would appraise for the proper amount. She returns to the environmental issues that are posed by this Junk yard, states she will have a 7 month old grandchild who is going to be raised there and worries about their health and benefit.

Madam Chair offered Mr. Green the opportunity to make a rebuttal.

Mr. Green stated that it is not against the law to own a boat or a motor home. Also stated that they quickly forget all the things he has done for them in regards to parts for their vehicles or fixing their vehicles. He said they all had the right to move in there, and now he is wondering what rights he has at this point. He wants to resolve the issue but at this point does not know what else to do.

Commissioner Knight asked Mr. Green how long he has lived at the residence and how long it has taken to accumulate this junk yard.

Mr. Green states they moved there in the early 70's and that he purchased property from his father. The vehicles began to come into the picture in the early 80's in order to undergo restoration. There are about 48-50 vehicles that he intends or would like to keep because they are considered antiques and plans to restore them.

Commissioner Knight stated that he does not have the right to have a junk yard currently. Mr. Green rebuttals and ask the question, what rights do I have? Do I tell you what to purchase?

Madam Chair asked for questions from the Board be directed to County Planner Mrs. Thompson.

Commissioner Corbett asks if it is state statute that an old trailer cannot be used for storage.

Mrs. Thompson said she unsure if there is a state statute, but our ordinance does states that mobile homes can only be used as a dwelling. Currently, he is in violation of two ordinances, junk vehicle and zoning. If the board does not approve the rezoning, he would have to remove all the vehicles and other debris and clean up the property within a given time frame either by the board or by her.

Madam Chair request the decision of the board in regards to the rezoning request.

Commissioner Corbett made a motion to deny the request.

Commissioner Knight gives second motion to deny the rezoning request.

The motion was approved unanimously across the board.

Commissioner Corbett would like to set a time frame to give to Mr. Green which will allow time to come in compliance with the ordinance.

Commissioner Knight requested that the County Planner research Mr. Green's physical and financial means prior to giving a time frame for removal.

Madam Chair requested that this be placed on the next meeting's agenda.

**Public Hearing for Phyllis and Kenneth Long, height variance request**

County Planner Mrs. Thompson gave details of the height variance request by the Longs. They are requesting a height variance of 4.8' to the mobile home located in Twin Harbors for a room addition. Planning Board made a recommendation to approve the request.

Madam Chair asked if anyone would like to speak for and against the request.

Madam Chair asked for the pleasure of the board.

Commissioner Corbett made a motion to approve the request. The motion was seconded by Commissioner Knight. The motion was approved unanimously regarding the height variance request.

**Public Hearing for Setback Variance Request for Larry and Dawn Kauffman**

The Kauffman's were requesting a 10 foot rear setback variance for the proposed dwelling located at 194 Timberlake court. Setback regulations require 10 feet from the high water mark. The request is to build up to the high water mark. The Planning board made the recommendation to approve the request.

Madam Chair asked if anyone would like to speak for and against the request.

Mr. Larry Kauffman stated he was in favor of the request.

Madam Chair asked if anyone would like to speak for and against the request.

Madam Chair asked for the pleasure of the board.

Commissioner Knight made a motion to approve the request. Commissioner Corbett seconded the motion. The board unanimously approved the setback variance.

### **Public Hearing for Set Back Variance Request for Robert Stevens**

Robert Stevens is requesting a set back variance in order to construct a carport that would be 4 feet too close to the North Side, and 15 feet too close to the roads right away line. Setback regulations require 10 feet from the side property lines and 30 feet from the road right away line. The property is located at 108 Lake Point Circle in Carolina Forest. The Planning Board made a recommendation to approve this request. Mrs. Thompson made the board aware of opposition to this request; adjacent property owner Gary Morrison who resides at 1144 Lake Shore Dr. contacted the Planning Board to express his opposition to this request. His reason is the set back variance of 10 feet would be too close to his property line. This would put Mr. Roberts 6 feet from the property line instead of the required 10 feet. Opposition did state he may construct a garage in the future.

Madam Chair asked if anyone would like to speak for and against the request.

Robert Stevens gives further information with his intentions of the set back. He states that carport would be at the front of his home. In order for the neighbor to build a garage he would have to request the same amount of a set back variance due to the lots.

Madam Chair asked for the pleasure of the board.

Commissioner Maness made a motion to approve the variance request. The motion was supported by a second from Commissioner Jackie Morris. The Board unanimously approved the setback variance request.

### **Board Appointments**

A motion was made by Commissioner Corbett, seconded by Commissioner Knight and so the motion carried unanimously to appoint Mrs. Claudia Bultuis to the Montgomery Community College Board. Mrs. Claudia Bultuis was appointed to fill the position of Mr. James until his term expired which would be 2011.

A motion was made by Commissioner Knight, seconded by Commissioner Corbett and so the motion passed unanimously to appoint Mrs. Marie Blankenship to the Pee Dee Workforce Board. Don Trexler had to resign due to other duties; the Workforce Board recommends Marie Blankenship to take this empty seat. County Manager made the board aware of another applicant as well Robert Robinson of Troy, NC.

Commissioner Corbett made a motion to reappoint Brady Dickson, Emily Patillo, and Tom Floyd to serve an additional 2 years on the Lake Tillery Fire Tax District Board. Commissioner Knight supported the motion with a second. The Board unanimously approved the appointments of Brady Dickson, Emily Patillo, and Tom Floyd.

Appointment to the Sandhills Mental Health Board will be held until a later date.

### **ALCOA update**

Gene Ellis of Alcoa speaks of the Yadkin Project Relicensing Resolution for Stanly County. This has been under way for 6 years and is now being delayed for up to another year. Since, Montgomery County joined 22 other agencies in signing the relicensing amendment. He thanks them for the continued support.

### **County Mangers Report**

*County Manager Lance Metzler gave the following report:*

- a) Budget Amendment on item 57/08 is a transfer of \$225,000 from the 61 fund to the 11 Fund for cost allocations.
- b) Update on the Jail Project and work being done, awaiting answer for Commissioner Corbett questions about contingency.
- c) Finance Officer Position, advertising, no strong candidates as of yet, he requested a Commissioner sit in on the interview process. States we have not had any qualified candidates in his opinion based on the duties and nature of the position.
- d) Fire Arms Use Policy for Animal Control Officers as requested by the Board. Mr. Metzler requested approval of this policy. Commissioner Corbett made motion to approve the Fire Arms Use Policy, Commissioner Knight seconded the motion and the motion passed unanimously.
- e) Yadkin River, and relicensing of to ALCOA, (County Manager reads the resolution to completion) The Board supports 1 year relicensing to ALCOA, Commissioner Corbett makes motion to approve this resolution and Commissioner Knight Seconds the motions.

Commissioner Maness stated he is in opposition to this as well as Commissioner Corbett said he is also in opposition and believes this will be the biggest mistake ever made. Commissioner Knight stated that he sees no reason as to not vote in favor, He believes the Governor has done this in the best interest of the state. Madam Chair also stated that she did not get a good understanding of what they are trying to set in place. County Manager explained that this is simply to show support to another governmental agency that the vote will not change anything. Commissioners Knight and Corbett vote in favor, Madam Chair, Commissioner Morris, and Maness oppose. The motion to approve the resolution failed 2-3.

- f) General Liability Insurance, First Bank, Travelers Insurance, Mr. Metzler requested a motion to approve. A motion was made by Commissioner Corbett and supported by a second from Commissioner Maness. The motion to approve First Bank, Travelers Insurance was approved unanimously. (*Commissioner Morris does not vote due to his employment to First Bank.*)
- g) Public Hearings- two to come, first being the 2008-2009 Operating Budget to be held June 23<sup>rd</sup> CDBG Funds held the same night in regards to the contaminated wells.

- h) Teaching Fellows Scholarship winners will give board updates as to their progress at their July meeting.
- i) Mr. Metzler reminded the Board of Marie Deaton reception on July 22<sup>nd</sup> 3-5p.m. Open invitation to attend.

**Adjournment**

Having no further business, the meeting was adjourned.

*Sally M. Morris*  
Sally M. Morris, Chairperson



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