

**Montgomery County Commissioner's Meeting**

**September 16, 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 Tuesday, September 16, 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**

Dr. Harold Pope, pastor of the Family Worship Ministries 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**

*The following spoke during the public forum:*

*Paul Scott* of 1048 Lakeshore Dr. New London, NC He has been without water since the summer. He asked why the Board voted for Alcoa when 6 other Counties around us did not support them. He also provided a letter to the Board for their review.

Commissioner Corbett informed Mr. Scott that he did not vote in favor of Alcoa and that he completely agreed with him.

*Amy Reynolds* 106 S Russell Street, & 322 Reynolds Drive Candor, NC upset with water situation and tax bill received. She requested a time line. She said her children do not understand why they can't live at home.

- County Manager Lance Metzler stated the County submitted the Urgent Needs CDBG Infrastructure Project application for the Rocky Springs Community with the Department of Commerce.
- This grant request was for \$400,000 to complete the needed funds for the project.
- More than 48,000 linear feet of waterline will be installed to serve 80 homes.
- The \$400,000 with \$500,000 from the Rural Center, \$200,000 from the Bernard Allen Foundation and \$487,157 the County committed will total \$1,587,157.
- I have already got our engineers conducting the Environmental Review which will allow us to get a release of funds so that we can start design.

- Believe it or not quick process, thank Mary Beck, Wes Carter, Melanie Wade Goodwin and all state agencies involved.
- Richmond County Manager has contacted me to fill him in on the ups and downs and where to find the revenues.

*Fred Bruchette* of 656 Fairway Shores, comments in regards to variance, ordinances and the application of such. He wanted to make it clear that the Ingram's are good people and it has nothing to do with them personally. He stated that approving the variance would be against the ordinance. He also stated that good planning builds good communities.

**Consent Agenda**

A motion was made by Commissioner Maness and was supported with a second from Commissioner Corbett. The motion carried unanimously to approve the following consent agenda items:

- a. Approval of Minutes.
- b. Approval of Work First Plan.
- c. Budget Amendment 02/09 – Environmental Health – New Funding.
- d. Budget Amendment 03/09 – Maternal Health – Wal-mart Grant to Purchase Educational Supplies.
- e. Budget Amendment 04/09 – Maternal Health – DHHS Funds for MCC Medicaid Ineligible Women.
- f. Budget Amendment 05/09 – Health Department - General

**Introduction of Jamie Warner, Livestock Agent**

Mrs. Susan Hamilton, Director of Montgomery County Cooperative Extension introduced the County's new Livestock Agent, Jamie Warner.

**Approval of Annual Tax Settlement**

Mrs. Vickie Maness, Montgomery County Tax Collector presented the County's Annual Tax Settlement to the Board of Commissioners.

A motion was made by Commissioner Corbett and was supported with a second from Commissioner Jackie Morris. The motion carried unanimously to approve the Annual Tax Settlement.

**Right of Way Request from Department of Transportation - Schools**

This item was deleted from the agenda and does not require approval from the Board of Commissioners.

**Board Appointments**

Mr. Lance L. Metzler presented the following Board appointments:

*Appointment to the Sandhills Mental Health Board (Citizen Position)*

A motion was made by Commissioner Corbett and supported by a second from Commissioner Maness. The motion carried 4-1 to appoint Anthony Copeland in the citizen position for Sandhills Mental Health. (Commissioner Knight voted against the motion because he felt there should have been more than one to choose from. Chairperson Morris

said this vacancy has been on the agenda for several months and was advertised and this is the only response we received).

*Appointment to Library Board (Mt. Gilead Citizen Position)*

A motion was made by Commissioner Maness and supported by a second from Commissioner Corbett. The motion carried unanimously to appoint Mrs. Nancy Robinson in the Mt. Gilead citizen position for the Montgomery County Library Board.

**County Manager's Report**

*Mr. Lance L. Metzler presented the following report:*

**County Jail Construction Update**

- We are still on track even with the rain. The substantial date of completion is January 2009 and final completion is February 2009.
- The project is roughly 47% complete.
- The roof is getting ready to go up by the end of the month and the work inside begins.

**Finance Director Search**

- We had 69 applicants to apply. Springstead has interviewed 25 candidates.
- They will narrow this down to 5 to 7.
- I will be interviewing them in early October and we should have announcement by mid-October with them starting in early November.

**Fire Commission Property- Coggins Road Discussion**

- Some of the Fire Commissioner has concerns about the potential for the Coggins Road Fire Training Center could be leased or rented out by the County to any organization.
- I met with our Emergency Management Director and he is meeting with representatives from the Fire Commission to have a recommendation on how to proceed.
- Alan feels that Emergency Services should oversee the usage of this facility but again we will have a recommendation to you at the next meeting.

Commissioner Maness voiced his concerns of the fire commissioners in regards to the possibility of renting or leasing this property out. They have poured concrete and invested a lot of time and money (not tax money) into repairs; in turn they want to ensure that their investment is secure in the years to come.

It was agreed to put this on the next agenda to discuss further.

**Director of Emergency Management Operations Job Description**

- Currently Alan's title is Director of Emergency Services and Communications.
- He is asking that the Board of Commissioner modify the title and job description with minimal changes but large impacts.
- The new job description better defines his roll, it allows us to access funds for all the fire departments and rescue squad through one agency and it defines him as being the Fire Marshal.

- He is acting as Fire Marshal anyway but he just does not have that in his job description.

Alan Griffin was present and stated this would allow our Director of Emergency services and communications to apply for more grants and ultimately is just a better fit with the duties of his job description.

A motion to approve this is request was made by Commissioner Maness and supported by a second from Commissioner Jackie Morris. The motion passed unanimously to approve the Job Description Amendment for the Director of Emergency Management.

### **Board of Elections Budget Amendment 06/09 – HAVA Grant**

- It was brought to our attention by the state that we have to roll unused HAVA funds in to a separate account other than the General Fund.
- This budget amendment to the general funds rolls \$18,652.49 in to a separate interest bearing account because these funds are to only be used for assisting in accessibility for elections.
- Action was requested.

The HAVA grants are funds that have to be used in accessibility to the election. Instead of going to the general fund they should have been put into a separate budget. It was discovered with an internal audit and we were notified by the state that we needed to remove these from the balance. Request to see the correspondence requesting this. Madam chair states this will be added to next month's agenda.

### **Sales Tax Levy Discussion Land transfer tax and sales tax**

- The state has allowed to other alternative taxing authorities to local government other than residential tax one was the land transfer tax and the other was the sales tax.
- During the budget cycle, you showed interest in discussing diversifying the revenues streams and maintaining a reasonable tax rate.
- You also discussed not addressing both at one time but that the sales tax would be more palatable.
- In your packet is a memo from the Attorney General's Office discussing how it is to be placed on the ballot.
- My question is do you want to proceed with this or not.

It was decided to wait on a decision regarding a Sales Tax Levy.

### ***Ingram Variance Case – Ingram Variance Case (tabled from the August meeting)***

- The Board of Commissioner's conducted a Public Hearing and received Public Comment on the Ingram Variance Case at last month's meeting.
- I think you all had a chance to go to the property to evaluate the request and the current conditions.
- You asked that I place it back on the agenda for you all to make a decision on this case.

➤ Action was requested.

Chairperson Morris asked the County Manager if this is for a vote. Mr. Metzler said yes. Mrs. Morris said she had a chance to go out and take a look at the property and she assumed everyone else did as well. She asked for comments.

Commissioner Maness asked if the board has to have another public hearing on this. Mr. Metzler said no, we have already had it at this last meeting. Mr. Maness said all we need to do is take it to a vote. Mr. Metzler said yes. Chairperson Morris said we tabled the vote at the last meeting.

Commissioner Knight said Madam Chairman; I would like to mention and bring to the Board's attention the information this gentleman Mr. Fred Bruchette brought. We didn't have a chance to ask him any questions and I was hoping that . . . the Commissioners can't do this during public forum, this is one reason I thought maybe we should . . . his comments should be made at this time because this is the time that we as Commissioners are authorized to ask questions and I did have some questions for this gentleman. If we could bring him back I would appreciate it. Madam Chairperson said this is not a public hearing, we tabled the vote and we had the public hearing and public comment period last month. She said this is for the Commissioners to make a decision after they went out and looked at the property.

Commissioner Knight asked Chairperson Morris if she understood what he just said. Chairperson Morris said yes, I heard what you said, yes I did. Commissioner Knight asked did you let him speak during a time when the Commissioners couldn't ask questions. Chairperson Morris said he spoke during the public forum. Mr. Knight said Commissioners don't ask questions during the public forum. Chairperson Morris said if you have a question, maybe the County Manager can answer it for you.

Mr. Knight said I would like to ask the gentleman that you allowed to speak during the public forum, I think I have that right don't I.

Mr. Metzler said when we have the public comment period, that is typically when they typically speak but that is up to you guys.

Chairperson Morris asked what the rest of the Board would like.

Commissioner Knight said I thought you said just a few minutes ago you were trying to do what was right and it seems like you want to do what is right when it is convenient.

Chairperson Morris said George I am not going to hear this and she asked if anyone else had anything to add or if the Board wanted to take a vote tonight.

Commissioner Maness said I wanted to say I went out and look at the property and if I have any concern it would be when the Ingram's bought the property there were 5 ft. setbacks. When the Armstrong house was sold there were 10 ft. setbacks, so I see both sides. We have granted variances for sub sized lots for eight years since I have been on this Board. I wish there could be some type of . . . Commissioner Knight laughed and said I knew he

wasn't timing you and I knew he was going to time me when I talk. . . Chairperson Morris asked Commissioner Maness to continue. . . Mr. Maness said if he has something smart to say . . . Mr. Knight said I think it is funny the way things are going on.

A motion to approve this variance request was made by Commissioner Maness and was seconded by Commissioner Corbett.

Commissioner Knight said he would like to comment that rules that we are supposed to follow in making these decisions. We are not following the rules because rule number three, four, and five are not be followed or applied in the board decision making process. These variances are only supposed to be approved only if these rules apply. Somewhere along the line, somebody needs to start following the law. The law says you are supposed to do one thing and just because you get three votes, I mean it has already been proven that three votes does not change the day of the week. Somewhere along the line someone needs to start abiding by the rules and the laws for the benefit of the citizens of this County because somewhere along the line the citizens of this County will be the ones to suffer. You people will be gone on and had your fun and gone on with your business, but somewhere along the line, the citizens are going to suffer for what went on around here. So, do what you want to do, but I am going to try to do the right thing and my vote is not because it is a violation of the ordinance.

Chairperson Morris called for the vote.

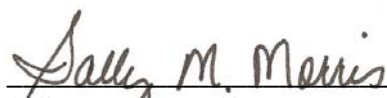
The motion carried 4-1 (Commissioner Knight voted no).

**Progress Energy Lake Park**

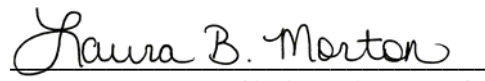
Mr. Metzler stated the County does have a draft agreement in hand to review for property at Lake Tillery for a public beach and recreation area.

**Adjournment**

There being no further business, the meeting was adjourned.

  
Sally M. Morris, Chairperson



  
Laura B. Morton, Clerk to the Board