

POLK COUNTY MINUTES  
August 31, 2009 @ 7:00 PM  
BOARD OF COMMISSIONERS' REGULAR MEETING  
R. J. Foster Hall of Justice, Womack Building  
Columbus, N.C.

PRESENT: Chairperson Walker, Vice-Chairperson Watson, Commissioners Gasperson, McDermott, and Melton. Others in attendance were County Manager Whitson, County Attorney Hix and Clerk to the Board Britton, media, staff and citizens.

1. Call to Order/Welcome – Chairperson Walker.
2. Invocation – Rev. Dr. Darryl Maxwell, Retired Pastor, Tryon First Baptist Church.
3. Pledge of Allegiance – Commissioner Melton.
4. Approval of Regular Board of Commissioners minutes for August 17, 2009. Commissioner Melton made a motion to approve the minutes, seconded by Commissioner Watson and the motion carried unanimously.
5. Approval of Agenda – County Manager Whitson added 5b. Report on Duke Energy, 12b. Report on the NCACC Annual Conference, and 15 (5) County Manager's Report on his reserve status. Commissioner Melton made a motion to approve the amended agenda, seconded by Commissioner McDermott and the motion carried unanimously.
- 5a. Duke Energy - Mr. Whitson was pleased to announce that Duke Energy has granted free of charge an easement for a sewer line to the 2 acre Park Street property owned by the County (a savings of \$5-\$10,000). Mr. Whitson has signed acceptance for that agreement.
6. Public Hearing – Chairperson Walker called the hearing to order to hear public comments on the draft ordinances regarding Permitted Use/Definition Changes on Day Care Facilities and Veterans' Affairs Offices. She announced the Notice of Public Hearing was advertised in the *Tryon Daily Bulletin* August 19, 2009, and August 26, 2009. Commissioner McDermott recommended a change be added to the Veterans' Affairs Offices ordinance that reads under *Veterans' Affairs Office*: *"A building or structure, or portion thereof, whose purpose is to assist veterans and their families in the presentation and processing of claims as they may be entitled to under Federal, State or local laws **and otherwise assist veterans.**"* Vice-Chairperson Watson made a motion to approve the addition (in bold), seconded by Commissioner Gasperson and the motion carried unanimously. The Planning Board

recommended that the Board of Commissioners enact the Ordinance Concerning Day Care Facilities and the Ordinance Concerning Veterans' Affairs Offices by a vote of 7-0 and made the finding that the Ordinances are neither consistent with nor inconsistent with the 2004 Land Use Plan for Polk County or with any other officially adopted County plan. There was one citizen comment – Bruce Bartlett. He expressed his concern over the proposed Veterans Affairs Office. He lives in a residential subdivision in RE-1 zoning, which does not allow for these types of facilities, and suggested either a variance or spot zoning for the Veterans Affairs Office. Commissioner McDermott explained that, however good his ideas were, they are not legal by NC General Statutes. She also assured him that there is no intention of placing a Veterans Office anywhere else. There were no further comments. Commissioner Melton made a motion to adjourn the hearing, seconded by Commissioner McDermott and the motion carried unanimously.

7. Permitted Use/Definition Changes – Commissioner Melton made a motion to approve the ordinances as amended, and stated that these two ordinances are neither consistent with nor inconsistent with the 2004 Land Use Plan or with any other officially adopted County plan. The motion was seconded by Vice-Chairperson Watson and carried unanimously.
8. Altamont Environmental, Inc. – Representatives Paul Dow and Stu Ryman were present. Mr. Dow discussed the proposed Solid Waste Management Plan and resolution. Tryon and Columbus have approved the plan, and Saluda will at their next meeting. Commissioner McDermott had several questions about the plan which Mr. Dow answered and/or corrected. Chairperson Walker read the resolution. The resolution accepts and endorses the update of the Ten Year Comprehensive Solid Waste Management Plan of 2009. This plan, which is on the County website, will be updated for corrections and edits. Commissioner Gasperson made the motion to approve the resolution, seconded by Vice-Chairperson Watson and the motion carried unanimously.

Maintenance Plan – A post-construction maintenance plan for Little Mountain Landfill was presented in response to the Board's request. This maintenance proposal calls for mowing twice a year, soil testing, and applying the lime and seed for a total cost of \$5,000. They agreed on amendments made to the proposal such as once a year mowing in October and the County testing the soil. Mr. Dow agreed to make these modifications to the proposal and will return the plan and cost estimate to Mr. Whitson. Altamont will still do an annual inspection of the erosion and control measures in the spring. Altamont is on the site frequently doing ground water sampling and can couple the events without making a special trip.

9. Senior Recreation Center Change Orders – Ellen Harris, Harris Architects, and Cecil Cannon, Architect, were present to answer questions. The memo

addressing the 4 issues (change orders) discussed and the drawing (1/2 scale) is on file with the minutes.

Change Order 1 is the additional work to septic system for \$3,850.

Change Order 2, involving the 11 additional parking spaces (extension of existing parking lot to total 44 paved spaces @ \$7,786), was presented. This includes some grading, paving changes, and adding two trees and grass to the parking lot.

Change Order 3 (see agenda #10).

Change Order 4 will eliminate the covering that was planned on the sidewalk that goes between the two buildings. The sidewalk and the railing toward the rear building will remain, but the cover over the sidewalk will be eliminated. A canopy will be kept to protect the rear door and the credit amount to eliminate the covered walkway is \$7,900.

Commissioner Gasperson stated he felt a cost saving factor could be eliminating the covering (post and roof) and, if necessary, installing it at a later date. That savings would cover the 11 extra parking spaces. Vice-Chairperson Watson made a motion to approve Change Orders 1, 2 and 4 as submitted. Commissioner Melton and Commissioner McDermott preferred to leave the cover for safety reasons. Ms. Harris did not feel it would be an issue to come back at a later day and install the cover. Commissioner Gasperson seconded the motion. Pam Doty, Director of the Senior Recreation Center reported it would be nice to have the cover but understands the cost factor. Mr. Cannon felt the covering should not be eliminated. Vice-Chairperson Watson amended his motion to approve Change Orders 1 and 2 only, Commissioner Gasperson amended his second and the motion carried unanimously. Change Orders 1 and 2 were approved.

10. Adult Day Care Site Plan – Ellen Harris presented the plan for Change Order #3. There are no cost figures to present at this time but Ms. Harris wanted to show the site plan. There was a meeting held August 26 to discuss the building for Adult Day Care. A driveway to the rear of the building with an oval turnaround behind the building is the best option. Ms. Harris informed the Board that the building needs to be classified as an I-4 under the building code, which means a sprinkler system is a requirement, not an option. That also means if a building is fully sprinkled, access has to be provided for a fire truck. The driveway needs to be 20 feet wide and the turn within the oval has to be sufficient to accommodate a fire truck. Ms. Harris was asking at this time for a general approval of the layout (design is filed with the minutes) and then she will proceed to put together the cost figures, including all code requirements and everything included in the project. Commissioner Gasperson was pleased to see the road would be a 2-way; this works well for any long

range planning. Commissioner Gasperson made a motion to approve the drawing as it is, with itemized cost estimates provided at the September 21, 2009, Board of Commissioners meeting, seconded by Vice-Chairperson Watson. Ms. Harris stated that the price will include pressure options for the sprinkler system. Vice-Chairperson Watson clarified with Ms Harris that the cost figures will include everything in the project to get the facility running. Ms. Harris said that is correct. Mr. Whitson reported that the grand opening date for the Senior Recreation Center is October 28, 2009, even though the Adult Day Care facility project will not be completed. Commissioner Gasperson also requested the cost figures for paving of the road now or later. The vote was unanimous.

11. Adult Day Care Provider – The Commissioners agreed they had heard two good presentations from the qualified services of Rutherford Life and Community Health Connections. Vice-Chairperson Watson felt his decision was based on experience and experienced staff that would get the program started on day one and they agreed to hire Polk County residents as much as possible. Commissioner McDermott felt there were two qualified providers but favored selecting a Polk County-based provider, Community Health Connections, an affiliate of St. Luke’s Hospital. Commissioner Melton supports leaving it in Polk County. Commissioner Gasperson visited RLS and was impressed. The Director and Staff have been there a long term and their employees liked working for their employer. Chairperson Walker had researched and felt an important factor was how long a facility had been open, and that was her criteria.

It was discussed that the provider will pay for furnishings, electric, and interior cleaning. Mr. Whitson agreed to work with the County Attorney to furnish a management contract and include these items. Chairperson Walker would like to have a committee to find funding through grants and donations. Vice-Chairperson Watson made a motion to select Rutherford Life Services as the Polk County Adult Day Care provider, seconded by Commissioner Gasperson who also requested an annual state of facility report which would include the number of Polk County employees hired. Commissioner Melton recommended a three year lease. The motion passed 3-2 (Melton, McDermott opposed).

12. DSS Site Location – At the 8.17.09 Board of Commissioners meeting Commissioners Gasperson and Vice-Chairperson Watson discussed the property off Highway 108 and Wolverine Trail for the Department of Social Services building. Commissioner Gasperson made a motion to select the best building site for the new DSS building in the preferred parcel 71-44 (located at the corner of Highway 108 and Wolverine Trail), to authorize the County Manager to move forward with a topographical survey map of the exact location on the parcel, and to begin preliminary discussions with potential architects. Commissioner Melton requested the location be as close to Wolverine Trail as possible, and to delay any architectural drawings until

January when the tax collection rate is known. Commissioner McDermott stated that she has concerns about the site preparation costs. She supports authorizing the County Manager to go forward and find out about the various potential sites for the actual building, and to figure out the site preparation costs, but if it is decided that this is the site no matter what the costs that come in, she can't go for that. She stated that she is sufficiently interested to go forward with getting cost estimates but not necessarily to hem ourselves in if cost estimates prove too substantial to justify using the site. Mr. Whitson recommended that our engineer on retainer make a presentation once the topographical map study is complete. The topo map study is approximately \$4,000, with the County paying \$2,500 and DSS paying the remainder. Commissioner Gasperson and Vice-Chairperson Watson felt too many projects have been put ahead of this one; it has been way too long and we need to have this resolved. This motion was seconded by Vice-Chairperson Watson and carried 3-2 (McDermott, Melton opposed). Citizen Comments – Sue Rhodes, Director of Department of Social Services, was very pleased with the site and the action to move forward. She thanked the Board.

- 12b. North Carolina Association of County Commissioners Annual Meeting – Kipp McIntyre, Economic Development Director, and Commissioner McDermott attended the August 27 – 30 2009, conference in Hickory, N.C. The timely topic was “Building Sustainable Counties”. 450 attendees participated in three intense days of classes, including an Ethics course which was a six hour course for commissioners and will result in an ethics policy in 2011 for all counties including Polk. Commissioner McDermott was the voting delegate for the Board and was also sworn in as District 15 Director. Mr. McIntyre hopes more staff will be able to attend the conference in the future.
13. (2) Tax Refund Requests – John Bridgers, Tax Assessor, presented the requests. Commissioner Melton made a motion to refund a request for \$220.55 to Ethel Conner for P72-24, seconded by Commissioner Gasperson and the motion carried unanimously. Commissioner Melton made a motion to refund a request for \$709.64 to Mr. Downs for P36-38, seconded by Commissioner Gasperson and the motion carried unanimously.
14. James B. Foster Rezoning Request – Mr. James B. Foster petitioned for the rezoning of sixteen parcels, totaling 132.4 acres, from RE-1 Residential Estate/Low Density to MU Multiple Use. The Planning Board recommended that the Board of Commissioners not approve the requested rezoning. The Planning Board does sympathize with the applicant's stated purpose for the rezoning to permit the placement of a mobile home on his lot to serve as a residence for his daughter. Commissioner McDermott made a motion for the Planning Board to study a text amendment which would allow such a use in the RE-1 zoning classification under certain hardship circumstances and would be followed by a public hearing. The Planning Board will bring back their recommendations to the September 21, 2009, Board of Commissioners

meeting. This motion was seconded by Vice-Chairperson Watson and the motion carried unanimously.

15. County Manager's Report – (1) For information only - Annual Pesticide Disposal will take place September 3, 2009 from 10:00 – 2:00 at the 4-H Center. Also, there will be a 10-week Foster Parent Training Course offered by the Department of Social Services. (2) Mr. Whitson updated the Board on the three new Ford Explorers for the Sheriff's Department. (3) MOE mental health funding proposals - One proposal was submitted from Anne Lester, Executive Director, Polk County Community Health & Wellness Center, Inc. for the MOE funding request of \$74,991 which will continue to support the operations of the Center. Commissioner Melton made a motion to approve the request, seconded by Vice-Chairperson Watson and the motion carried unanimously.

Citizen Comments. 1.) Jim Van Hecke spoke in support of the Center and the need for the funding.

(4) Mr. Whitson announced his new Army Reserve position as Battalion Command Sergeant Major of the 422<sup>nd</sup> Civil Affairs Battalion in Greensboro.

(5) Forage Plots – Lynne Sprague, Agricultural Economic Development Director, said planning is underway to establish forage demonstration plots at the new Senior Center to grow high quality equestrian hay.

16. United States Census 2010 - County Manager Whitson kicked-off the call to action for every resident of our nation to "Be Counted". Commissioner Melton made a motion to approve the Resolution of Support, seconded by Vice-Chairperson Watson and the motion carried unanimously. Kipp McIntyre, Economic Development Director, will chair the local committee.
17. Polk County High School Pay-Off – The G.O. Bond Payoff Resolution. Commissioner Melton made a motion to approve the Resolution on Early Redemption of Bonds on or before October 1, 2009, seconded by Vice-Chairperson Watson and the motion carried unanimously.
18. Secure Buildings – Phase I – Marche Pittman, MIS Director, presented a power point on the Phase I plan to secure the government buildings. Phase 1 involves securing the exterior of the Womack Building using proximity card readers and new door keys and locks. Phase II would involve securing the individual department doors within the Womack Building using proximity card readers and locks. Phase III would be to roll out the proximity readers to any building on the fiber network. County Campus Cameras could be added anywhere on the network as needed in any phase. Commissioner Melton made a motion to approve Phase 1 plus the cameras for a total of \$7,300 (budget amendment follows), seconded by Commissioner Gasperson and the motion carried 3-2 (Walker, McDermott opposed based on the funds not having been budgeted and it being too early in the year to remove funds from

the contingency fund). BA #1 Contingency \$7,300 to increase MIS budget \$7,300 to fund Phase 1 of "Secure Buildings".

19. Board Vacancies (Review) – Economic Development Commission – 3 Reappointments. They are Jeff Byrd, David Herbert, and Libbie Johnson. The applications were reviewed.
20. Citizens Comments for Non-Agenda items. There were none.
21. Commissioners Comments. (1) Commissioner Gasperson is pleased with the DSS site. (2) Commissioner McDermott expressed the importance of being careful with spending money; the DSS building has been a long time coming. (3) Vice-Chairperson Watson is pleased with the location of the DSS building and moving forward with the plan to secure the government buildings.
22. Commissioner Melton made a motion to go into Closed Session - Attorney Client Privilege. G.S. 143-318.11 (a) (2) to preserve attorney-client privilege on one case, seconded by Vice-Chairperson Watson and the motion carried unanimously.
23. Commissioner Melton made a motion to Return to Open Session, seconded by Commissioner Gasperson and the motion carried unanimously.
24. Adjourn – Vice-Chairperson Watson made a motion to adjourn, seconded by Chairperson Walker and the motion carried unanimously.

ATTEST:

POLK COUNTY BOARD OF COMMISSIONERS

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Anne Britton  
Clerk to the Board

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Cindy Walker  
Chairperson