

POLK COUNTY BOARD OF COMMISSIONERS
Two Public Hearings, & Regular Meeting
October 7, 2019 - 6:30 PM
R. Jay Foster Hall of Justice - Womack Building
Columbus, NC
MINUTES

PRESENT: Chairman Melton, Vice-Chairman Yoder, Commissioner Beiler, Commissioner Gasperson, and Commissioner Moore. Also in attendance were County Manager Pittman, County Attorney Berg, and Clerk to the Board High.

1. Public Hearings - The two schedule Public Hearings will begin at 6:30 pm with the Regular meeting beginning immediately following.

A. Call the Public Hearing to Order - Chairman Melton. The purpose of the public hearing was to take public comment on changes to the Subdivision, and Junkyard Ordinances, and the Construction and Abandonment of Well Ordinance. The public hearing was properly advertised in the Tryon Daily Bulletin.

Cathy Ruth Planner explained the updates to the Junkyard and Subdivision Ordinance are to reflect the transition of the regional health department to the Polk County Health and Human Services Agency.

Mrs. Ruth said Jana Berg, County Attorney made the recommendation to repeal the existing Polk County Well Ordinance since the County is required to enforce the state statutes and rules. As a result, county health departments must enforce state statutes and rules and may receive technical and legal assistance from the Environmental Health Section. Attorney Berg also said the state has preempted the county on the distance between a well and landfill, and the 1000 foot separation requirement will follow the state guidelines, local ordinances cannot be more restrictive than the state.

Commissioner Beiler asked Attorney Berg if he could participate in the vote since he had a well permit. Ms. Berg stated that Polk County does not enforce well permits, and there is no conflict of interest.

B. Citizen Comments - There were none.

C. Commissioner Comments - There were none.

D. Adjourn Public Hearing - Commissioner Moore moved to adjourn the public hearing, seconded by Vice-Chairman Yoder and the motion carried unanimously.

E. Call the Second Public Hearing to Order - Chairman Melton. The purpose of the public hearing was to take public comment on changes to the Zoning Ordinance referencing towers. The public hearing was properly advertised in the Tryon Daily Bulletin.

Cathy Ruth Planner stated the suggested amendments to the Zoning Ordinance Permitted Use Table for Towers are as follows:

- a) Permit administrative approval as Permitted with Conditions (P*) in all Zoning Districts not currently permitted.
- b) Permit non-administrative approval as Conditional Use permit (C*) in all Zoning Districts not currently permitted.

Vice-Chairman Yoder asked if the unzoned areas have to follow the tower ordinance. Mrs. Ruth said they do, but in the zoned areas there is a second set of criteria they must follow by obtaining a conditional use permit.

Commissioner Moore asked where the green section of the map was located. Mrs. Ruth said it is White Oak and Cooper Gap townships, which are the unzoned areas.

Manager Pittman asked if the Planning Board evaluated the tower fees. Mrs. Ruth said typically the Planning Board does not discuss fees, which are currently \$100 to \$2500. She said the Commissioners may adjust the fee schedule anytime without a recommendation, but the Planning Board will evaluate the issue if the Board desires them to do so.

Commissioner Gasperson said if towers over sixty feet require Board of Adjustment (BOA) approval, how do they issue the approval for the unzoned areas. Attorney Berg said the BOA is a quasi-judicial board and they're findings are not limited to the zoning ordinance.

F. Citizen Comments - There were none.

G. Commissioner Comments - There were none.

H. Adjourn Public Hearing - Commissioner Beiler moved to adjourn the public hearing, seconded by Vice-Chairman Yoder and the motion carried unanimously.

2. Call the Regular Meeting to Order - Chairman Melton.

3. Invocation - Vice-Chairman Yoder.

4. Pledge of Allegiance - Commissioner Beiler.

5. Approval of Agenda

A. Commissioner Moore moved to approve the agenda as written, seconded by Commissioner Beiler and the motion carried unanimously.

6. Consent Agenda

Vice-Chairman Yoder moved to approve the consent agenda, seconded by Commissioner Beiler and the motion carried unanimously.

A. September 23, 2019 public hearing and regular meeting minutes.

- B. September 24, 2019 Joint Water Regionalization Report Work Session meeting minutes.
- C. Re-appoint Scott Woodworth to the Jury Commission as required in § 9-1.
- D. Tax refund requests through September 30, 2019 in the amount of \$4,012.34.

7. Citizen Comment(s)

There were none.

8. Preliminary Recommendation for Americans with Disabilities Act (ADA) Compliant Voting Machines.

Cliff Marr Elections Director said he is attending the meeting to document the preliminary recommendation of a new voting system. Mr. Marr said it is the ExpressVote ballot marking device that Polk County will be using for ADA purposes, and they are compatible with the other voting machines. He said the funds were already appropriated to purchase the ten ADA machines, one per precinct with three spares, and he will not be asking for any more money to purchase. He said since the ExpressVote just recently became certified, he wanted to move through the legal steps necessary to acquire the machines, and he will come back to the board in a few months for final submission.

Commissioner Beiler asked if the use of these machines will take more time to use. Mr. Marr said he is confident there will be enough booths to make it convenient for everyone to vote without lines.

Commissioner Gasperson asked if voting will still be anonymous. Mr. Marr said absentee ballots need identifiers, and if someone votes during early voting, and they pass away before the election, if challenged, the elections board needs to have a way to pull the deceased persons ballot. He said to be truly anonymous, vote on election day.

9. Review and Submission of Rescue Squad's Strategic Business Plan.

Captain James Smith, and Larry Walker Rescue Squad, presented the strategic business plan that was requested during the budget work sessions. They said the Rescue Squad will now have five part-time employees, two per shift, Monday through Friday 8:00 am to 5:00 pm. They said the squad will be back up for EMS, and will help in transporting non-emergency patients. They will be using the same firm as EMS for billing, and hope as revenues increase, they will be able to expand their services.

10. Solid Waste Equipment Purchase (Backhoe).

Larry Walker Solid Waste Director presented the quotes for a new backhoe to be used at the Transfer Station. He said the transmission went out on the

current equipment unexpectedly, and it is urgent to replace because they use it everyday. He presented the two quotes, and recommended the lowest bid for a John Deere 310SL backhoe for \$88,430.50 with a four year warranty.

Commissioner Gasperson moved to approve the lowest bid to purchase the backhoe, seconded by Commissioner Beiler and the motion carried unanimously.

Commissioner Gasperson moved to appropriate \$88,430.50 from the Solid Waste fund balance for the purchase of a backhoe, seconded by Vice-Chairman Yoder and the motion carried unanimously.

11. Subdivision, Junkyard, and Construction and Abandonment Well Ordinance Recommended Changes.

Attorney Berg read a suggested motion for each ordinance change.

Commissioner Gasperson moved to find the written recommendation of the Planning Board regarding Plan Consistency be made a part of the record of this proceeding, and the Subdivision Ordinance update is not inconsistent with the 20/20 Vision Comprehensive Plan, adopted March 15, 2010, amended September 18, 2017. He further move to adopt the ordinance effective this day, October 7, 2019, seconded by Vice-Chairman Yoder and the motion carried unanimously.

Commissioner Moore moved to find the written recommendation of the Planning Board regarding Plan Consistency be made a part of the record of this proceeding, and the Junkyard Ordinance update is not inconsistent with the 20/20 Vision Comprehensive Plan, adopted March 15, 2010, amended September 18, 2017. He further move to adopt the ordinance effective this day, October 7, 2019, seconded by Commissioner Beiler and the motion carried unanimously.

Vice-Chairman Yoder moved to find the written recommendation of the Planning Board regarding Plan Consistency be made a part of the record of this proceeding, and the Construction and Abandonment of Wells Ordinance is not inconsistent with the 20/20 Vision Comprehensive Plan, adopted March 15, 2010, amended September 18, 2017. He further move to repeal the ordinance effective this day, October 7, 2019, seconded by Commissioner Moore and the motion carried unanimously.

12. Zoning Ordinance Recommended Changes, Towers.

Attorney Berg read the suggested motion.

Vice-Chairman Yoder moved to find the written recommendation of the Planning Board regarding Plan Consistency be made a part of the record of this proceeding. The Board of Commissioners find the Zoning Ordinance update is

consistent with the 20/20 Vision Comprehensive Plan, adopted March 15, 2010, amended September 18, 2017, and as stated in I.47 As necessary, revise/update the Polk County Ordinances and the Polk County Tower Ordinance (Wireless Telecommunication Ordinance). He further moved to adopt the ordinance effective this day, October 7, 2019, seconded by Commissioner Beiler and the motion carried unanimously.

13. Volunteer Board Application(s)

- A. Applications for Vote: Stuart Goldstein and Ann Webster Adult Care & Nursing Home Advisory Committee, Joe Cooper and Christine Mariotti Appearance Commission, and Rick Covil and Penny Padgett Health & Human Services Agency Board.

Commissioner Gasperson moved to to approve applicants as presented, seconded by Commissioner Moore and the motion carried unanimously.

- B. The Commissioners reviewed Nancy Phelps application to be an Animal Cruelty Investigator.

14. Commissioner Comment(s)

The Commissioners thanked everyone for attending the meeting. Commissioner Beiler recognized Cliff Marr as being outstanding in his job, and told him how proud he is to have him in Polk County. Vice-Chairman Yoder said he wanted to clarify any rumors that he may have changed political parties, he said he is still a full-blooded Republican, although there was a typographical error in a newsletter stating he was not. Chairman Melton thanked the staff present at the meeting, and said it was an honor to be the Chairman of this Board.

15. Adjournment

Commissioner Moore moved to to adjourn, seconded by Vice-Chairman Yoder and the motion carried unanimously.

Attest:

POLK COUNTY BOARD OF
COMMISSIONERS

Ange High
Clerk to the Board

Tommy W. Melton
Chairman