

POLK COUNTY  
BOARD OF COMMISSIONERS' PUBLIC HEARING & REGULAR MEETING  
February 8, 2016 – 7:00 P.M.  
R. Jay Foster Hall of Justice  
Womack Building  
Columbus, NC  
MINUTES

PRESENT: Chair Pack, Vice-Chair Holbert, Commissioner Bradley, Commissioner Gage and Commissioner Gasperson. Also in attendance were County Manager Pittman, County Attorney Berg, Clerk to the Board Fehrmann, media and citizens.

1. Call to Order of the Public Hearing to Consider “An Ordinance Concerning Bona Fide Farms, Recreational Vehicles, and Defining Eaves; Amending the Polk County Zoning Ordinance to Authorize Recreational Vehicles in Zoning Districts” - Chair Pack called the public hearing to order. The purpose of the public hearing was to take public comment on “An Ordinance Concerning Bona Fide Farms, Recreational Vehicles, and Defining Eaves; Amending the Polk County Zoning Ordinance to Authorize Recreational Vehicles in Zoning Districts”. Planner Cathy Ruth was present to answer questions regarding the three proposed changes. The public hearing was properly advertised in the Tryon Daily Bulletin. Information regarding the ordinance was included in the agenda packet under Agenda Item #11.
2. Citizen Comments – There were none.
3. Commissioner Comments – There were none.
4. Adjournment – Commissioner Gage moved to adjourn the public hearing, seconded by Commissioner Bradley and the motion carried unanimously.
5. Call to Order of the Regular Meeting – Chair Pack called the regular meeting to order.
6. Invocation – Commissioner Bradley gave the invocation.
7. Pledge of Allegiance – Sheriff Donald Hill led the pledge.
8. Approval of Agenda – Vice-Chair Holbert informed the Board that he had worked with the Clerk to the Board to correct a typographical error in the January 25, 2016, regular meeting minutes. Commissioner Gasperson recommended the procedure the BOC uses to appoint members to volunteer boards be changed from one of a simple majority vote to one which requires a motion, a second, and a vote for each individual volunteer board applicant. Commissioner Gasperson received no board support for his recommendation. Commissioner Gage moved to approve the agenda, seconded by Vice-Chair Holbert and the motion carried unanimously.
9. Consent Agenda
  - A) January 25, 2016, regular meeting minutes.

- B) Tax Department January 2016 refund request.
- C) North Carolina Department of Health & Human Services, Division of Social Services: Community Services Block Grant Program FY 2016/17 Application for Funding – To consider approving the application to the state for funding of this ongoing Western Carolina Community Action Community Services Block Grant Program.

Commissioner Gage moved to approve the consent agenda with the typographical correction to the minutes, seconded by Vice-Chair Holbert and the motion carried unanimously.

10. Citizen Comments – Sky Conard said the majority of the Board remains consistent with its will to abandon its duties and obligations to safely repair Turner Shoals dam. Regarding Agenda Item #13, Michael Veatch said the 2008 purchase of Lake Adger and Turner Shoals Dam was a complex transaction and, at the time of purchase, it was clearly understood that the reservoir would serve only Polk County - water would not be distributed to out of state customers - and the county was committed to maintaining Turner Shoals dam. County Manager Pittman confirmed that Turner Shoals dam is currently in compliance with DENR.
11. An Ordinance Concerning Bona Fide Farms, Recreational Vehicles, and Defining Eaves; Amending the Polk County Zoning Ordinance to Authorize Recreational Vehicles in Zoning Districts – Commissioner Gage moved to adopt An Ordinance Concerning Bona Fide Farms, Recreational Vehicles, and Defining Eaves; Amending the Polk County Zoning Ordinance to Authorize Recreational Vehicles in Zoning Districts; and further moved that the Board finds whereas the Polk County 20/20 Vision Plan states that Polk County considers the preservation of farmland essential to maintaining a strong local economy, and whereas the plan states that Polk County considers the protection of its natural assets to be crucial to the preservation of the county's overall quality of life, and whereas the Polk County Board of Commissioners find this ordinance is consistent with the plan, in particular the aforementioned portion, and declares that for the foregoing reasons this ordinance promotes the public interests, seconded by Commissioner Bradley and the motion carried unanimously.
12. Resolution of the Board of County Commissioners Calling for a Special Referendum on a Proposed Alteration in the Structure of the Board – This item was placed on the agenda by Commissioner Gage for the Board to consider adopting a resolution calling for a referendum to change the Commissioners' terms of office from staggered two-year/four-year terms to staggered four-year terms. Commissioner Gage said the BOC has learned a great deal since the April 22, 2013, adoption of a resolution to preserve the current term structure. He said consistency in government is extremely important, especially concerning local economic development and, given elections are expensive, staggered four-year terms would help ease the financial burden of running for office. Furthermore, the referendum allows the citizens to decide the issue. Commissioner Gage moved to adopt a resolution of the Board of County Commissioners calling for a special referendum on a proposed alteration in the structure of the board from staggered

two-year/four-year terms to staggered four-year terms, seconded by Commissioner Bradley.

Commissioner Gasperson read the following statement by then BOC Vice-Chair Ted Owens as recorded in the April 1, 2013, meeting minutes, and asked that the statement be included in the minutes verbatim: "Last week I had the privilege to speak with the 4<sup>th</sup> and 5<sup>th</sup> grade students at Polk Central about county government. The knowledge and understanding these young boys and girls have made me realize we not only have one of the best school systems in the state, but that we are unique as well. Also, I listened to the tape of the comments the public made at our last meeting concerning four year terms. Just to name one or two, Mr. Bole, Emily Clark and Dave Maxwell and others made some good points. One especially by Mr. Bole about Polk County did not have to be like the other 91 counties in our state and I completely agree with that. Besides that county commissioners were created by the North Carolina Constitution in 1868 and our present system of electing county commissioners has served us well over a 100 years. As the old adage says 'If it is not broken, don't break it to fix it.' The bottom line is this, it is working well as is, so let's don't break it."

Commissioner Gasperson read the following statement by then BOC Commissioner Tom Pack as recorded in the April 1, 2013, meeting minutes, and asked that the statement be included in the minutes verbatim: "Commissioner Pack recommended that at the next regular meeting the Board consider adopting a resolution stating that the current Commissioners want the Commissioners' terms to remain the same, and the Board concurred."

Commissioner Gasperson read the following resolution adopted by unanimous vote on April 22, 2013, and asked that the resolution be included in the minutes:

**RESOLUTION  
POLK COUNTY COMMISSIONER TERMS**

**WHEREAS**, members of the Polk County Board of Commissioners have historically served two/four year staggered terms; and

**WHEREAS**, this structure of the Board of Commissioners has served Polk County Government and the citizens of our county effectively and well for over one hundred years.

**NOW, THEREFORE, BE IT RESOLVED** that the Polk County Board of Commissioners do not wish to alter the current term structure of the Board of Commissioners.

Commissioner Gasperson said he voted for the April 22, 2013, resolution and continues to believe the Commissioners' terms should remain the same. With a motion and a second on the floor, the motion carried 4-1 (Gasperson opposed).

13. An Overview of the County's History with Lake Adger – Commissioner Gasperson asked that this item be placed on the agenda. Commissioner Gasperson reviewed portions of the October 15, 2007, and May 1, 2008, meeting minutes, which are on

file as Pages 49-55 of the current meeting's agenda packet. Commissioner Gasperson said that back in 2007 the county began researching the possibility of forming a water authority. Commissioner Gasperson read the following excerpt from the May 1, 2008, regular meeting minutes and asked that it be included in the minutes verbatim: "Commissioner Owens said the proposed agreement will allow Polk County to utilize the water resources of the Green River for all its citizens by way of an intake at Lake Adger which, the County is advised, is the most advantageous, cost effective, and environmentally responsible means of securing such water resources. Therefore, on this first day of May, 2008, Commissioner Owens made a motion that this Polk County Board of Commissioners approve this Resolution Authorizing the Agreement for Purchase of Sale of Property By and Between County of Polk and Northbrook Carolina Hydro, L.L.C, and that the appropriate budget amendments be approved, seconded by Commissioner Pack."

Commissioner Gasperson: 1) Said he applauded the purchase because it assured and ensured a reliable water source for the citizen of Polk County forever. 2) Noted the purchase price for Lake Adger and the Turner Shoals was \$1.6 million, and that the motion to complete the purchase carried unanimously. 3) Said that at the time of purchase an 8MDG water treatment plant was planned to be located on the county-owned 25 acre parcel adjacent to the Hwy. 9 transfer station.

Commissioner Gasperson read the following excerpts of statements made by then Commissioner Ted Owens as recorded in the May 1, 2008, meeting minutes, and asked that the statements be included in the minutes verbatim: "I sincerely thank God for the events that are taking place here tonight. Because 'Water is Life'. I want everyone to understand that obtaining a water supply for the citizens of this county is above any politics, any individual government entity or any one individual's wants and desires. This a momentous time in the history of Polk County!" "When Tom Pack and I took office a little over 3 years ago we had two goals: one is to work with the towns in anyway the county could and second to work with them to set up a Water Authority to reserve Green River as a water supply." ". . . the icing on this cake would have been a county-wide water authority!"

Commissioner Gasperson commended former BOC Chair Tommy Melton who, at the time of purchase, emphasized the non-partisan nature of the agreement to purchase Lake Adger and Turner Shoals Dam. Commissioner Gasperson read the following excerpt as recorded in the May 1, 2008, meeting minutes, and asked that it be included in the minutes verbatim: "Chairman Melton said he was appreciative of the elective officials and other distinguished guests in attendance to share this momentous occasion with the citizens of Polk County. He said it was Governor Easley who issued a statement five years ago asking the towns and counties to get their water systems in place. When you look at this Board you are looking at five men. You are not seeing partisanship, but non-partisanship. This is the one time that we can say we have supported life, because without water we do not have life. We have just experienced the worst drought in a hundred years and we are not out of it yet. The most precious resource for our citizens is water, and that is what this Board has secured for the future."

Commissioner Gasperson said he wanted everyone to think about the history of the purchase of Lake Adger and Turner Shoals dam, and to remember Commissioners change, but the actual Board of Commissioners entity continues.

Referring to the Adger Marina and Marina Boat Ramp Facility Public Access Agreement dated December 7<sup>th</sup>, 2004, Commissioner Gasperson asked County Attorney Berg what, if any, impact selling Lake Adger and Turner Shoals Dam would have on the extant Duke Energy non-exclusive recreational easement, an easement which ensures public access to the lake. County Attorney Berg said the non-exclusive recreational easement is a perpetual easement, and would pass to the next owner if the lake were sold. Commissioner Gasperson said the North Carolina Wildlife Resources Commission (NCWRC) pays an annual fee of \$15,000 per year to Lake Adger Developers, Inc., in lieu of the individual fee(s) described in the Recreational Easement. County Attorney Berg said the agreement states NCWRC, the Lake Adger Property Owners Association, Inc., Lake Adger Developers, Inc., and Polk County meet annually to discuss public access via and Lake Adger Marina and the Marina Boat Ramp Facility. However, the agreement does not specify who is to call the meeting, or where the meeting is to occur.

County Manager Pittman said he has not attended any such meeting during his tenure as county manager, but has had individual conversations with representatives of the aforementioned entities. County Attorney Berg said the agreement obligates NCWRC to maintain the access channel from the Lake Adger Marina and Marina Boat Ramp Facility to the main body of Lake Adger so watercraft can access the waters of the lake and boat ramp. County Manager Pittman said NCWRC is concerned about sedimentation flowing downstream from the Green River into the lake; the ongoing sedimentation issue needs to be addressed before a successful dredging operation can occur.

Commissioner Gasperson recommended, since the state owns the water in Lake Adger, the county endeavor to place a permanent easement for an 8 MGD water intake on Lake Adger so that the county would have access to water even if the lake is sold. Vice-Chair Holbert said the water intake should be sited below Turner Shoals Dam. County Attorney Berg said she was not sure an easement could be put in place, but the lake could be sold with the condition that the county will retain the right to construct an 8 MGD water intake facility on the lake or on a certain site below the dam. Chair Pack clarified by saying the county could sell Lake Adger and Turner Shoals Dam, but retain a portion of the property below the dam for a future water intake facility.

Commissioner Gasperson said Lake Adger is the most reliable source of water in case of the most severe of droughts. Vice-Chair Holbert said the lake did not have watershed protection when the county purchased it, but now it does and can therefore be used as a public water source. County Attorney Berg said the county could craft a provision to the sale of the lake and dam wherein the purchaser would agree not to impede the county's intake of water below the dam. Commissioner Gasperson said in an extreme drought it is possible little or no water would flow over the dam, and he recommended the intake facility be placed in a more secure location on Lake Adger itself.

14. Manager's Report – The Smoky Mountain LME/MCO FY 2015/16 2<sup>nd</sup> Quarter Financial Report was presented. County Manager Pittman invited the Commissioners to attend an informational meeting with Smoky Mountain and stakeholders on February 17, 2016, at 10:00 A.M. in the Womack Building.
15. Volunteer Boards for Vote – Paula Kempton was appointed to the Library Board of Trustees by unanimous vote. Christel Walter was not appointed to the Planning Board by a 2-3 vote (Pack, Holbert and Gage opposed).
16. Volunteer Board for Review – One application for two Planning Board vacancies was reviewed.
17. Commissioner Comments – Commissioner Gasperson thanked everyone for coming out. Commissioner Gage reiterated that the state owns the water in Lake Adger. Commissioner Gage said the Board majority was criticized for the 75-year length of the proposed water agreement with Inman-Campobello Water District, but the county's agreement with Northbrook Energy is for 60 years, so 60 years must be the threshold. Vice-Chair Holbert said one reason a waterline was laid on Hwy. 9 was that providing public water to Sunny View Elementary School and Polk Central Elementary School - both of which previously relied on well water - precluded the need for expensive water testing in these schools. Vice-Chair Holbert said another reason for the Hwy. 9 waterline was the water storage tank at Sunny View Elementary School was leaking and would have been costly to replace. Commissioner Bradley and Chair Pack thanked everyone for coming out.
18. Adjournment – Commissioner Gage moved to adjourn the meeting, seconded by Vice-Chair Holbert and the motion carried unanimously.

ATTEST:

POLK COUNTY BOARD  
OF COMMISSIONERS

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Beth Fehrmann  
Clerk to the Board

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Tom E. Pack  
Chair