

POLK COUNTY
BOARD OF COMMISSIONERS' REGULAR MEETING
May 23, 2016 – 7:00 P.M.
R. Jay Foster Hall of Justice
Womack Building
Columbus, NC
MINUTES

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

1. Call to Order – Chair Gage called the meeting to order.
2. Invocation – Commissioner Bradley gave the invocation.
3. Pledge of Allegiance – Commissioner Gasperson led the pledge.
4. Approval of Agenda – Chair Gage asked that “Polk County Government Complex Designated Zoning District” be added as Agenda Item #12.a. Commissioner Gasperson moved to approve the agenda as amended, seconded by Commissioner Owens and the motion carried unanimously.
5. Consent Agenda
 - A) Approval of the May 2, 2016, regular meeting minutes.
 - B) Approval of the Tax Department April refund request in the amount of \$15,411.84Vice-Chair Holbert moved to approve the consent agenda, seconded by Commissioner Bradley and the motion carried unanimously.
6. Citizen Comments – Don Hoffman commended Sheriff’s Department personnel for their professionalism in response to a recent 911 incident at his home. Jake Johnson, Myron Yoder and Tommy Melton spoke in support of the proposed new law enforcement facility project.
7. Recognition of Sheriff’s Department – The Board commended the Sheriff’s Department for its consistent exemplary service, and its laudable efforts during the recent murder investigation and major drug busts.
8. Proposed Fireworks/Pyrotechnics Permit Application – Bobby Arledge, Emergency Management Director, presented the proposed fireworks/pyrotechnics permit application. It was the consensus of the Board that Mr. Arledge be responsible for issuing the permits. Mr. Arledge was instructed to research the permit fees of surrounding counties and report back to the Board at the June 6, 2016, regular BOC meeting.
9. Polk County Agriculture Advisory Board Recommendations for Ordinance and Plan Revisions – Dawn Jordan, Ag Economic Development Director said Polk County created a Voluntary Farmland Preservation Program Ordinance (VAD) in 2005,

created the first Agriculture Development and Farmland Protection Plan in North Carolina in 2007, and created an Enhanced Agricultural Development and Farmland Preservation Program of Polk County Ordinance (EVAD) in 2008. Ms. Jordan said GS 106-739 gives the Agricultural Advisory Board the authority to review and make recommendations concerning the establishment and modification of agricultural districts, and any ordinance or amendment adopted or proposed for adoption under this Article, and to advise the BOC on projects, programs, or issues affecting the agricultural economy or way of life within the county.

It was the consensus of the Board to recommend the Agricultural Advisory Board update and revise the VAD and EVAD ordinances, and the Agricultural Development and Farmland Protection Plan, according to NCGS 106-739. Ms. Jordan said the updates and revisions will be brought back before the Board, and a public hearing on the proposed changes will need to be set at that time.

10. Resolution of Support for Broad River Water Authority (BRWA) Regionalization Feasibility Study – Commissioner Gasperson moved to approve the resolution in support of a BRWA feasibility study of the regionalization of water systems, seconded by Vice-Chair Holbert and the motion carried unanimously.
11. Acquisition of Property for the Proposed New Jail/Sheriff Department Facility & Future Courthouse Complex – County Manager Pittman gave a PowerPoint presentation entitled “Polk County Law Enforcement Facility Project”, a copy of which is hereby incorporated by reference into these minutes. County Manager Pittman emphasized that not only has the aging facility become functionally obsolete, it does not meet current state guidelines for jail fire safety because it has neither a smoke evacuation nor a sprinkler system. County Manager Pittman also noted Commissioner Gasperson was instrumental in identifying and negotiating the purchase of a 19.19 acre parcel site for the proposed facility.

County Attorney Berg told the Board the proposed purchase price of \$1.95 million includes site improvements not to exceed \$499,999; the proposed earnest money deposit is \$50,000, which shall be non-refundable after a two week due diligence period, and shall be applied toward the purchase price upon closing.

Commissioner Gasperson moved to authorize County Manager Pittman to execute an agreement to purchase and sale with Island Creek LLC for the county to purchase 19.19 acres, more or less, located on NC 108 and Park St., Columbus Township per that certain boundary survey performed by Lavender, Smith and Associates on May 17, 2016, being a portion of tax parcel number P73-153 for \$1,950,000, and upon entering into the said agreement, to pay an earnest money deposit of \$50,000 which shall be nonrefundable after a two week due diligence period, and which shall be applied toward the purchase price upon closing; closing shall be contingent upon the satisfactory completion, inspection and acceptance by McGill & Associates, acting as the county's agent, of certain site work to be performed by the Seller, the plans and specs for which are to be prepared by McGill and Associates and shall be an exhibit to the offer to purchase and contract, seconded by Commissioner Bradley.

Commissioner Owen expressed his gratitude to the Board - under the leadership of the late Commissioner Tom Pack - for its willingness to begin the process to undertake the long overdue task of correcting the jail situation. Chair Gage thanked the Board and all those involved in pursuing this property. Commissioner Gasperson said he made the initial phone call to the property owner a little less than a month ago, said the entire process has truly been a significant collaborative effort from start to finish, thanked his fellow Commissioners for their cooperation, and thanked County Manager Pittman and County Attorney Berg for all their hard work. Commissioner Gasperson said he had many concerns about the property initially proposed on Locust St.; his desire from the very beginning was to have a property large enough to serve the county's needs now and in the many decades to come. Commissioner Gasperson said he would like to see a future courthouse on the site.

With a motion and a second on the floor, the motion carried unanimously.

12. Project Budget Ordinance – Sandra Hughes, Finance Director, presented the project budget ordinance. Vice-Chair Holbert moved to approve the project budget ordinance to increase land acquisition to be funded with loan proceeds for the purchase of additional land (an additional \$1,950,000) for the proposed new jail/sheriff department facility and future courthouse complex, seconded by Commissioner Gasperson and the motion carried unanimously.
- 12.a Polk County Government Complex Designated Zoning District – Commissioner Owens moved for the Planning Board to make a recommendation regarding the creation of a designated zoning district for the Polk County Government Complex in the proposed location, and to report back to the BOC at the June 20, 2016, regular meeting, seconded by Commissioner Bradley and the motion carried unanimously.
13. Estimates for Appraisal of Lake Adger/Turner Shoals Dam – County Manager Pittman said he found two consultants willing to work together on the appraisal of the dam, but has since determined the cost for two consultants is prohibitive. County Manager Pittman requested and received Board consensus to secure a contract with Hartman Consultants, LLC, as the sole appraiser in the amount of \$35,300. It was the consensus of the Board to consider the proposal at the June 6, 2016, regular meeting. Commissioner Gasperson recommended County Manager Pittman work with the North Carolina Wildlife Resources Commission (NCWRC) on dredging the boat ramp area of the lake. County Manager Pittman said it is important to encourage those who use Lake Adger for recreation to contact the NCWRC directly with their concerns. County Manager Pittman was directed to have this information available on the county website and Facebook page.
14. Manager's Report – County Manager Pittman presented the Smoky Mountain LME/MCO quarterly report for period ending March 31, 2016.
15. Volunteer Board for Vote – Barbara Batchler was reappointed to the Council on Aging by unanimous vote. Benny Smith was reappointed to the Harmon Field

- Board of Supervisors by unanimous vote. Ernestine Kan was appointed to the Transportation Advisory Board by unanimous vote.
16. Volunteer Boards for Review – Two applications for three Board of Adjustment vacancies were reviewed. One application for one Economic & Tourism Development Commission education/training position vacancy (3-year appointment) was reviewed.
 17. Commissioner Comments – Commissioner Gasperson said the new facility site acquisition tonight set the template for the next fifty plus years, and purchasing the property directly from the owner saved the county approximately \$100,000 - \$200,000 in total brokerage fees. Commissioner Owens said the new facility will be a long awaited dream come true. Commissioner Bradley said he was proud the Board worked together on a new facility which will mean so much for the county's future. Vice-Chair Holbert thanked everyone for coming out. Chair Gage expressed his appreciation for his fellow Commissioners and their willingness to work together.
 18. Closed Session – Commissioner Owens moved to go into closed session for the purpose of personnel, G.S. 143-318.11(a)(6), seconded by Vice-Chair Holbert and the motion carried unanimously.
 19. Return to Open Session – Commissioner Bradley moved to return to open session, seconded by Commissioner Owens and the motion carried unanimously. Chair Gage moved to amend the contract for employment with County Manager Pittman to modify Section 1 of his contract to provide for the County Manager to communicate with the entire Board of Commissioners, and to coordinate with the Chair when the Board is not in session, and to modify Section 4 of his employment contract to provide for County Manager Pittman to be paid 16 months compensation plus one month for each additional year of service, commencing on December 12, 2012, not to exceed 24 months compensation should he be terminated without cause as currently defined in the employment contract, seconded by Commissioner Bradley and the motion carried unanimously.
 20. Adjournment – Commissioner Owens moved to adjourn the meeting, seconded by Vice-Chair Holbert and the motion carried unanimously.

ATTEST:

POLK COUNTY BOARD
OF COMMISSIONERS

Beth Fehrmann
Clerk to the Board

Michael V. Gage
Chair