

POLK COUNTY  
February 2, 2009  
7:00 PM BOARD OF COMMISSIONERS' REGULAR MEETING  
R. Jay 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 Anne Britton, staff, media and citizens.

1. Call to Order – Cindy Walker, Chairperson.
2. Invocation – Commissioner Melton.
3. Pledge of Allegiance - Polk County Cub Scout Pack 659.
4. Approval of Regular Board of Commissioner minutes for January 20, 2009. Commissioner Watson made the motion to approve the minutes, seconded by Commissioner Melton and the motion carried unanimously.
5. Approval of Agenda – You may add/delete an item from the agenda at this time.
6. Reschedule Public Hearing – For February 23, 2009, Board Meeting instead of February 2<sup>nd</sup> to hear public comment on entering into the installment financing contract in order to finance the purchase of the Carolina Classical School to be used for the Senior Center. This will coincide with the time frame for the bid award for the renovations to the Senior Center. Commissioner McDermott made a motion to reschedule the public hearing, seconded by Commissioner Gasperson and the motion carried unanimously.
7. Report of Unpaid Taxes That Are Liens on Real Property - Melissa Bowlin, Tax Collector, reported to the Board the total amount of unpaid taxes for the current fiscal year. The 2008 report of unpaid taxes is as follows: Current Collection Rate: 91.37%. Total billed for 08-09: \$12,544,530.67 and total uncollected for 08-09 1,077,753.29. The collection rate comparison: 07-08 as of January 31, 2007 was 91.87%; and 08-09 as of January 30, 2007 was 91.37%.

Commissioner Gasperson made the motion to Order the Tax Collector to advertise tax liens and to collect unpaid taxes by any and all means,

seconded by Commissioner McDermott and the motion carried unanimously.

Tax Refunds – Melissa Bowlin, Tax Collector, requested refunds in the amount of \$3,281.78. Vice-Chairperson Watson made the motion to approve the requested refunds, seconded by Commissioner McDermott and the motion carried unanimously.

8. Discussion on a Possible Adult Day Care Center in Operation at the Green Creek Family Life Center - Commissioner Gasperson requested this item be placed on the agenda and introduced David Page, a Green Creek Family Life Center board member and resident of Polk County, to begin the discussion. Mr. Page showed pictures of the well maintained facility and how it could be used for adult day care. They have approximately \$30,000 to be used for any needed changes. He stated in these economic times this building is available and ready to go. This could benefit the County economically now and when times are better move on to the next step. He also reported this was a “state approved facility” and they were offering the facility not the day care business. They did not want to be in the day care business. Rutherford Life Services was suggested to run the program since they are also managing the facility in Rutherford County. A lengthy discussion followed with questions regarding size of facility, concern of location, amount of rent and utilities, sprinkler system requirements, handicapped bathrooms, and more. Mr. Page thought the facility would hold 18-20 residents and possibly more with shorter hours. Commissioner Melton recommended having a public hearing to receive comments on the need and location from the citizens. County Manager Whitson instructed Sue Rhodes, Director of Social Services (the monitoring agency), to be in touch with Rutherford Life Services and to also check with the State on the facilities license and any additional requirements.
9. Harmon Field Open Air Gym Roof – Discussion to examine funding for the roof project. George Alley was present to answer any additional questions. This was the third meeting between the Board and George Alley, who was representing the Harmon Field Board. On January 20, 2009, The Tryon Town Council had approved unanimously to execute a loan to repair the roof and Mr. Alley was seeking donations. Commissioner McDermott made a motion for the County to fund 1/3 of the project (up to \$13,000) from the General Fund which will be paid directly to the contractors on the job when the bills are due, seconded by Commissioner Gasperson and the motion carried unanimously.
10. Proposed Sedimentation and Erosion Control Ordinance – For discussion and consideration of referral to the Planning Board. Commissioner McDermott requested this item be placed on the agenda, and reviewed in the summary ordinance the history leading up to the present. The former

Board rescinded the ordinance because of cost of enforcement by the County and the fact that the State Legislature had established rules regulating land-disturbing activity by developers; however, there just were not enough state personnel to provide enforcement to the County. (Most notably, the catastrophic consequences of land disturbing activity on Chocolate Drop Mountain.) This ordinance expands the circumstances in which developers must secure approval of their plans before beginning land-disturbing activity. And it requires developers to post performance bonds to ensure that they faithfully carry out those plans and correct any deficiencies. Local enforcement of the erosion and sedimentation rules will prove more effective and efficient. Chairman Walker and Commissioner McDermott met with the Henderson County Erosion and Sedimentation Department in efforts to team together with personnel and sharing costs with them for quicker resolutions to problems and more cost effectiveness for both counties. Commissioner McDermott showed a power point showing that sedimentation is the number one pollutant and a very serious problem in Polk County. It has not been handled adequately by the state and we need to do some things to make sure it does not continue. In 2003/04 the Board of Commissioners adopted a Land Use Plan. That plan required subdivision and commercial development to deal effectively with storm water run-off. 97% of Polk County residents wanted further protection in Polk County. There is considerable interest in the county to have these protections in place. Commissioner McDermott made a motion to send the ordinance to the Planning Board for their review and return (within 60 days) to the Board with their written recommendations, seconded by Vice-Chairperson Watson. Vice-Chairperson Watson had questions about calculating the slopes and keeping it cost effective. Commissioner McDermott agreed that either an Engineer or GIS to keep the expense down. The amounts of land would not be the total lot. Vice-Chairperson Watson also wants to consider one requirement we should build into our building ordinance. That requirement would make sure that silk fences and sedimentation control measures, that are appropriate for the site, be in place prior to the footing inspection. He would like our building department to move forward with that.

Citizen Comments followed: 1.) Katherine Smith – Concern over erosion. She hopes local enforcement will turn problems around more quickly. (2.) Roulettei Gildersleeve – Many citizens have volunteered their time over the years with these concerns. It is time for the Board to be enlightened and take action. 3.) Dave Maxwell – Commends the Board on both ordinances. 4.) Phyllis Martin – Questioned why these actions had not been taken before. 5.) Eric Gass – All are stewards of creation and we need to manage our assets. 6.) Chris Price – This ordinance is long overdue and needs to be implemented quickly. 7.) Mary Hardvall – Echoes what everyone else has said and move forward. 8.) David Weiss - Needs to have a quick response time and local program. Is Polk County eligible for start up funds with

Henderson County? 9.) Jack Lingafelter – Reported on past history when 4 years ago the Board voted 3-2 to rescind the Erosion and Sedimentation Ordinance. Their reasoning was the State does it for us. Why should we have to pay for it? Mr. Lingafelter also suggested an Erosion and Sedimentation Board (much like the Planning Board and ZBA) to help move the work load along. Chairperson Walker called for the vote and it passed unanimously.

11. Proposed Mountainside and Ridgeline Protection Ordinance – For update on progress and consideration of next steps. Commissioner McDermott requested this item be placed on the agenda. Cathy Ruth, Planner, reported this proposed ordinance is already being reviewed by the Planning Board. This proposed ordinance is designed to establish a comprehensive way to encourage suitable, scenic and safe development of the mountains of Northwestern Polk County by addressing a broad range of concerns pertaining to development in mountainous areas and encouraging best developmental practices. Concerns such as: storm water runoff control, stream pollution, landslide and landslip risks, wildfire concerns, deforestation, wholesale leveling of mountainous terrain, groundwater recharge, septic waste disposal, scenic preservation, habitat conservation, emergency response issues and others. This district would pertain to the mountainous parts of Northwestern Polk County with elevations above 1,650 feet. This district would include both zoned and unzoned parts of the County. But, the protections established by the proposed ordinance that depend on the County's zoning power would not apply to the unzoned parts of the district. The goal of the proposed ordinance is to prevent repeated Chocolate Drop catastrophes encouraging responsible development. Commissioner McDermott made a motion to officially refer the proposed Mountainside and Ridgeline Protection Ordinance to the Planning Board for their written comments and recommendations and return to the Board (within 60 days), Commissioner Gasperson seconded. Citizen Comments followed: 1.) Katherine Smith told her personal experience of evacuating her home due to a mud slide. 2.) Roulette Gildersleeve – The need for sustainability. 3.) Dave Maxwell – if we blow it we won't get another chance. Hurry up and pass it. 4.) Phyllis Martin echoes what citizens have said. Keep it "rural" small and beautiful. We need to be proactive before it happens. 5.) Chris Price – Support all comments. 6.) Mary Hardvall – Move forward. 7.) David Weiss – Talked about sustainability and integrity. 8.) Jim Johnston – Look what happened to Asheville; never let that happen. 9.) Kathleen Kent – Hold fast and protect our County. 10.) Jerry Hardvall – Get the ordinances passed quickly. Cindy Walker, Chairperson called for the vote and the motion carried unanimously.
12. Budget Amendments – BA #12 DSS \$15,228.00 is an increase funding authorization. BA #13 Elections \$18,408 addition to increase revenue and expenditures for grant funds received. Sandra Hughes, Finance Officer,

was present to answer questions. Vice-Chairperson Watson made a motion to approve BA #12, seconded by Commissioner McDermott and the motion carried unanimously. Vice-Chairperson Watson made a motion to approve BA #13, seconded by Commissioner Gasperson and the motion carried unanimously.

13. Draft Interim Water Line Extension Policy - Vice-Chairperson Watson and Commissioner McDermott requested this item be placed on the agenda. This draft document included additions and comments from the commissioners. Polk County desires to adopt a comprehensive policy regarding water line extensions as part of its new Comprehensive Plan, which is now being developed, but in the meantime needs an interim water line extension policy. It was the consensus of the Board to authorize the County Manager to send the document to the attorney to put into final form. The policy will then be brought back to the Board for approval.

Citizen Comments – 1.) Robert Hilton asked if savings from other water lines could be rolled over to Poors Ford Road to assist them with the cost.

14. County Manager's Report – (1) Letter from Donald Hill, Sheriff, on an audit of the Polk County Sheriff's Office Federal Seizure Fund – Asset Forfeiture and Money Laundering Section on an annual basis. Commissioner McDermott made a motion to approve the audit, seconded by Commissioner Gasperson and the motion carried unanimously. (2) Polk County Schools Budget Amendment – Commissioner McDermott concurred with the Budget Amendment #8 Capital Outlay Fund, seconded by Commissioner Watson and the motion carried unanimously. (3) Maintenance of Effort funding will be awarded – Jim Van Hecke from the Polk County Community Health & Wellness Center requested \$74,000 in Maintenance of Effort Funds to support this integrated care facility offering primary care, mental health, substance abuse, recovery support, education/prevention and wellness services to underserved and uninsured citizens of Polk County. Mr. Van Hecke reported that they have professional support staff ready to go and anticipate a March 2, 2009 date to begin offering services. Vice-Chairperson Watson made a motion to approve the funding, seconded by Commissioner Melton and the motion carried unanimously. (4) Drainage/ Erosion issues at St. Luke's. Altamont Environmental has made a proposal for repair of stormwater damaged areas and well abandonment at the St. Luke's site in Polk County. Since the County owns the property, the County will pay half (\$5,250) from the Contingency Fund and the Hospital will pay half. Commissioner Melton made a motion to approve this proposal and strike the Limitation of Liability under Terms and Conditions of the proposal, seconded by Vice-Chairperson Watson and the motion carried unanimously.

15. Board Vacancies (For Review) – Recreation Advisory Board - 4 vacancies, 4 applications, John Marino, Dee Obrien, Harry Petersen, and Ernie Smith; Board of Equalization and Review Board – 5 vacancies, 6 applications, Marvin Arledge, John Dahlgren, Fred Earl Foster, Frances Parker, Matthew Pohsweg, and Herman Walker. (At the next meeting you will need to vote for a Chairman of the Board of E & R also.); Mental Health Advisory Board – 1 vacancy, 1 application, Dianne Brandstadter. These applications were reviewed and will be voted on February 23, 2009.
16. Citizens for non-agenda items. There were none.
17. Commissioners Comments. Commissioner Gasperson thanked Commissioner McDermott for all her hard work on the proposed ordinances presented earlier. Commissioner McDermott thanked the citizens for coming out in support of the Sedimentation and Erosion Control Ordinance and the Mountainside and Ridgeline Protection Ordinance. Cindy Walker, Chairperson, thanked everyone for a good meeting.
18. Commissioner Melton made a motion to go into Closed Session – G.S. 143.318.11 (a) (4) Acquisition of Property - 2 acres on Park Street, seconded by Commissioner Gasperson and the motion carried unanimously.
19. Return to Open Session – Closing on 2 acres on Park Street. Commissioner Watson made a motion to go ahead and close on the 2 acres on Park Street, seconded by Commissioner Melton and the motion carried unanimously.
20. Adjourn.

POLK COUNTY BOARD OF  
COMMISSIONERS

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Cindy Walker  
Chairperson

ATTEST:

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Anne Britton

Clerk to the Board