

POLK COUNTY
Monday, March 7, 2011, 7:00 PM
PUBLIC HEARING
BOARD OF COMMISSIONERS' REGULAR MEETING
Green Creek Fire Department
Columbus (Green Creek Township), NC
MINUTES

PRESENT: Chair Gasperson, Vice-Chair McDermott, Commissioner Owens, Commissioner Pack and Commissioner Walker. Also in attendance were County Manager Whitson, County Attorney Egan, Clerk to the Board Fehrmann, staff, media and citizens.

1. Call to Order – Chair Gasperson called the meeting to order.
2. Invocation – Commissioner Pack gave the invocation.
3. Pledge of Allegiance – Commissioner Walker led the pledge.
4. Approval of Minutes – Commissioner Owens made a motion to approve the February 21, 2011, regular BOC meeting minutes, seconded by Commissioner Walker and the motion carried unanimously.
5. Approval of Agenda – Commissioner Owens asked that Agenda Item #14.e be added to schedule a work session with the Economic Development Commission; County Manager Whitson asked that Agenda Item #7 be removed. Vice-Chair McDermott made a motion to approve the agenda, seconded by Commissioner Walker and the motion carried unanimously.
6. Public Hearing – Chair Gasperson called the public hearing to order to hear public comments on the Bright's Creek Development Agreement proposed amendments. Notice of the public hearing was advertised in the *Tryon Daily Bulletin* on February 24, 2011, and February 28, 2011. Cathy Ruth, Planner, was present to answer questions, but there were none.

Citizen comments – Bill Smith spoke in opposition to the proposed amendments to the development agreement. Kate Bond urged the Bright's Creek developers to voluntarily implement night sky ordinances and ridge top development regulations. Bill Ennis spoke in support of the proposed amendments to the development agreement. Marty McGuinn expressed concern regarding Sunny View V.F.D.'s current capability of providing adequate fire coverage were a large-scale hotel to be built.

In response to Commissioner Pack's inquiry, County Attorney Egan confirmed that the existing County ordinances pertaining to permitted uses at Bright's Creek will

be the ones in effect at the time the permitted use is developed. Will Buie, P.E., with William Lapsley & Associates, P.A., concurred with Mr. Egan's interpretation and said the agreement needs to be tweaked in this regard.

Commissioner Owens made a motion to adjourn the public hearing, seconded by Vice-Chair McDermott and the motion carried unanimously.

7. Brights' Creek Development Agreement – This item was removed from the agenda.
8. 2010 State of the County Health Report (SOTCH) and Polk County Wellness Coalition Update – Mary Smith, Rutherford-Polk-McDowell District Health Department Health Educator and Polk County Wellness Coalition Member, presented the update, and the information is on file with these minutes.
9. Sunny View Forest Fire Update – Marty McGuinn, Sunny View Fire Department Chief, gave a PowerPoint presentation on the efforts of his department and others in fighting the Jude's Gap fire at World's Edge. The presentation is on file with these minutes. Commissioners thanked all the volunteers involved in every aspect of this effort. County Manager Whitson was instructed to determine the out of pocket expenses incurred by each local volunteer entity as a result of the Jude's Gap fire.
10. Rails to Trails Initiative Update – Andy Millard, Chairman of the Rails to Trails Executive Committee (RTEC), gave an overview of the informational meeting held at the Tryon Depot on March 3rd. Approximately seventy property owners attended the meeting. Mr. Millard said the committee will address property owners' concerns. These concerns included ownership, liability, safety, privacy, taxes, environmental issues, crime, rights of way, and easements. Mr. Millard emphasized that this project is still in its discovery and exploration phase, and stressed that RTEC does not intend to force the trail on property owners against their will. County Manager Whitson reported that he spoke to Durwood S. Laughinghouse, NC Resident Vice President of Norfolk & Southern, on February 24, 2011, and Mr. Laughinghouse said the railroad has no intention of letting go of this or any other rail lines. This is a main line, an alternate coal route, and is still considered an active line. County Manager Whitson also said the County will not exercise eminent domain, or contribute funds to the Rails to Trails project. Since the County will have no involvement, it will also have no liability concerns regarding this initiative. Commissioner McDermott stated that she would never vote for eminent domain.

Citizen comments: Joyce Kimpton, Ellis Fincher, Bruce Wilson, John Blanton and Melvin Marx all spoke in opposition to the Rails to Trails initiative. Ed Chapman spoke in support of the Rails to Trails initiative.

Commissioner Owens made a motion to rescind the resolution in support of the proposed Rails to Trails initiative passed on December 6, 2010, seconded by Commissioner Pack and the motion failed 2-3 (Gasperson, McDermott and Walker opposed). Discussion ensued regarding rescinding the resolution and it was determined that the Board would review the resolution at the March 21, 2011, BOC meeting.

11. CJPP Funding Application – Commissioner Pack made a motion to approve the Criminal Justice Partnership Program Application for Continuation of Implementation Funding, seconded by Commissioner Owens and the motion carried unanimously.
12. Local Human Services Resolution – Commissioner Owens made a motion to approve the resolution supporting the legislative goal for increased County flexibility to organize local human services adopted by the membership of the North Carolina Association of County Commissioners, seconded by Commissioner Walker and the motion carried unanimously.
13. Budget Amendment – Commissioner Pack made a motion to approve BA #18, Elections, to increase revenue and expense for a Help America Vote Act (HAVA) grant award, seconded by Commissioner Owens and the motion carried unanimously.
14. County Manager's Report – a) Commissioner Walker made a motion to approve the bid by Mike Varner Plumbing, Inc. for jail plumbing in the amount of \$29,830.00, seconded by Vice-Chair McDermott and the motion carried unanimously. b) Abolish Adult Reference Librarian Position and create Grade 13 Position. This Adult Reference Librarian position is a Grade 17, and the current salary is \$34,199. With fringe benefits included, the savings will be \$45,365 per year. Vice-Chair McDermott made a motion to abolish the Adult Reference Librarian Position, seconded by Commissioner Walker and the motion carried unanimously.

Regarding the creation of a Grade 13 position for the library, County Manager Whitson said he met with the Library Board and they requested this Library Assistant position be created. County Manager Whitson told them he did not foresee the funding of that position if the BOC creates it in next year's budget. Commissioner Owens expressed concern that the new Library Director, although extremely competent, may realize down the road that she has more than she can handle. He would like to keep the Grade 13 position. Commissioner Pack made a motion to create a Grade 13 Position for the Library but not fund it at this time, seconded by Commissioner Owens.

Vice-Chair McDermott questioned the rationale for creating the position but not funding it; why not wait until there is actually a need for it? Commissioner Owens

said he is not for spending money unnecessarily, and he thinks it is commendable that Interim Library Director Cindy Nannney says she does not currently need the position. But, he would rather create the position now and not down the road. Commissioner Pack said in Ms. Nannney's previous position she was responsible for keeping an eye on the Children's Library. He said the Library Board wanted to make sure there was another position to cover the Children's Library, and to assist Ms. Nannney where necessary. Commissioner Walker suggested moving someone already on staff to assist Ms. Nannney, if necessary, and recommended doing a cost analysis of the Book Mobile to see if a person could be transferred from there. Commissioner Pack said a cost analysis of the Book Mobile is currently underway. Regarding the Grade 13 Position, Commissioner Pack said if you cannot create a position because you do not know the staffing requirements/needs, then how can the Reference Librarian position be eliminated without knowing the needs? Commissioner Walker said that rather than create an unfunded position for something that might happen, why not look at something that could be improved (Book Mobile) and use a person already employed by the library?

County Manager Whitson said he has worked with Isothermal Planning and Development and placed an elderly worker at the library twenty hours per week. The cost to the County is \$1,200 per year. County Manager Whitson also said Ms. Nannney has moved an employee who previously worked out of her home into the library for ten hours per week. This is a net gain of 30 hours a week for the library. Vice-Chair McDermott said creating unfunded positions - essentially phantom positions - does not make sense. If the Grade 13 position is created then the Board will be pressured to fund the position at budget time. In this tough economic time, and until we know what the State is going to do, it does not make sense to put the County in that position. With a motion and a second on the floor, the motion failed 2-3 (Gasperson, McDermott and Walker opposed).

c) Updated Road Abandonment Resolutions – County Manager Whitson was instructed to verify that all residents affected by the road abandonments are still in favor of the abandonments. The resolutions will be reconsidered at the next BOC meeting. d) George Geisler, president of All Bright Sanitation, gave a brief overview of his plans to convert his fleet to natural gas, and to create a natural gas station in the County. Vice-Chair McDermott made a motion to approve the All Bright Sanitation Natural Gas Vehicle Project resolution, seconded by Commissioner Walker and the motion carried unanimously. e) Commissioners scheduled a work session with the Economic Development Commission at the beginning of the regular BOC meeting on March 21, 2011, at 3:00pm.

15. Volunteer Boards for Vote – A paper ballot was completed by each Commissioner for the following appointments: 1) Economic Development Commission - There was one regular vacancy and one applicant. Karen Jones was appointed by unanimous vote. 2) Equalization & Review - There were five regular vacancies and six applicants. Glenn Burgess, John Dahlgren, Fred Earl Foster and Frances

- Parker were reappointed by unanimous vote. Herman Walker was reappointed by a 3-2 vote (Owens and Pack opposed). Keith Holbert was not appointed by a 2-3 vote (Gasperson, McDermott and Walker opposed). Mr. Walker was appointed as chair by a 3-2 vote (Owens and Pack opposed). Mr. Foster was not appointed as chair by a 2-3 vote (Gasperson, McDermott and Walker opposed). 3) Travel & Tourism Advisory Board – There was one regular vacancy and two applicants. Neither applicant was appointed to the board. (Caudle: 2-3 - Gasperson, McDermott and Walker opposed. Huff: 1-4 - Gasperson, Owens, Pack and Walker opposed.)
16. Volunteer Boards for Review – The following boards were reviewed: Animal Cruelty Investigator – 2 applications, 1 regular vacancy; Council on Aging – 2 applications, 4 regular vacancies; Isothermal Planning & Development Commission – 1 application, 1 BOC appointment.
17. Citizen Comments on Non-Agenda Items – Keith Holbert said support of the Rails to Trails resolution is essentially an endorsement of eminent domain. Margaret Johnson thanked the Board for working so hard to be professional when dealing with such serious and emotional issues. Elizabeth Garniss said she is proud of the County and the Commissioners for the fabulous job they do. John Metcalf asked the County to consider cleaning up and maintaining the property between the Ag Center and the ball field. County Manager Whitson said the property belongs to Polk County Soil & Water and is their responsibility.
18. Commissioner Comments – Commissioner Owens said he was pleased with the turnout and urged everyone to buy American products. Commissioners Walker and Pack thanked everyone for coming out. Vice-Chair McDermott thanked everyone for coming out, and appealed to Polk County citizens to support local agencies that help feed the hungry. Chair Gasperson thanked the Green Creek Fire Department for hosting the meeting and thanked everyone for coming out.
19. Adjournment – Commissioner Walker made a motion to adjourn, seconded by Commissioner Owens and the motion carried unanimously.

ATTEST:

POLK COUNTY BOARD
OF COMMISSIONERS

Beth Fehrmann
Clerk to the Board

Ray Gasperson
Chair