

June 22, 2009

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF POLKBOARD OF COMMISSIONERS  
JUNE 22, 2009

The Polk County Board of Commissioners met for a regularly scheduled meeting at 6:00 pm in the R.J. Foster Hall of Justice, Womack Building, Columbus, North Carolina followed by the three public hearings on the Erosion and Sedimentation Control Ordinance and the Mountain and Ridgeline Ordinances which began at 7:00 pm.

Those present were Cindy Walker, Chairperson, Warren Watson, Vice-Chairperson, Commissioners Ray Gasperson, Renée McDermott and Tommy Melton.

Also present were County Manager Ryan Whitson, County Attorney Tom Hix, and Clerk to the Board Anne Britton.

1. Call to Order/Welcome – Chairperson Walker.
2. Invocation – Commissioner Melton.
3. Pledge of Allegiance – Vice-Chairperson Watson.
4. Approval of Regular Board of Commissioner minutes for June 8, 2009.  
Vice-Chairperson Watson made a motion to approve the minutes, seconded by Commissioner Melton and the motion carried unanimously.
5. Discussion/Adjustment of Agenda – Vice-Chairperson Watson made a motion to approve the agenda, seconded by Commissioner Melton and the motion carried unanimously. There were no additions or deletions.
6. Reappointments of Tax Assessor and Tax Collector – There were two motions made and approved. (1) Commissioner Melton made a motion to make the term of office for the Tax Assessor and the Tax Collector a four year term for 2009-2012, seconded by Vice-Chairperson Watson and the motion carried unanimously. (2) Commissioner Melton made a motion to reappoint John Bridgers as Tax Assessor and Melissa Bowlin as Tax Collector, seconded by Vice-Chairperson Watson and the motion carried unanimously. Clerk Britton gave the oath of office to Mr. Bridgers and Ms. Bowlin.

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7. Schedule Public Hearing for Transportation Authority to approve their annual R.O.A.P. Application – Rural Operating Assistance Program for July 20, 2009. This program consists of Elderly and Disabled, Work First and Rural General Public Funds. Commissioner Melton made a motion to approve the public hearing for July 20, 2009, seconded by Commissioner Gasperson and the motion carried unanimously.
8. Approval of Board of Commissioners meeting schedule July – December. Commissioner Gasperson suggested having a meeting August 31, 2009, and only one meeting in September which would be September 21, 2009. Commissioner Melton made the motion to change the meeting dates, seconded by Vice-Chairperson Watson and the motion carried unanimously.
9. Resolution – In support of Western Carolina’s Community Action application for Early Head Start grant. David White of WCCA spoke in support of the grant and explained the program, which is funded by the federal government. Commissioner Melton made a motion to approve the resolution, seconded by Vice-Chairperson Watson and the motion carried unanimously.
10. EMS Debt Write Off – Penny Storey of EMS explained the uncollected amount of deceased accounts in the amount of \$6093.64 to be written off. Commissioner Gasperson made a motion to approve the write off, seconded by Commissioner Melton and the motion carried unanimously.
11. Kudos to EMS and St. Luke’s Hospital – Job well done from Lance Owens from the BMW Golf tournament. Cindy Walker, Chairperson, read the email commending EMS and St. Luke’s Hospital for their excellent medical coverage.
12. St. Luke’s Hospital recommendation – Support for St. Luke’s Hospital’s “Strategy for Growth and Sustainability” from the St. Luke’s Hospital Working Group. Chairperson Walker recognized the “working group” which included Susan McHugh, Commissioner McDermott, Kipp McIntyre, Sandra Page, Kathy Woodham and Carol Jackson. Commissioner McDermott reported that this committee spent much time in meetings, visiting the hospital, reviewing maps, facts and figures, operating rooms, and storage areas that ought to be patient areas. She felt a great deal was learned about St. Luke’s Hospital and its very important role in the community. She introduced Susan McHugh, Chairman of the St. Luke’s Board of Trustees, and Alex Bell, Interim CEO of the hospital, who provided further information. Mrs. McHugh thanked the County Manger and Commissioners and introduced the hospital board of trustees. Alex Bell presented a power point presentation which outlined the recommendations for Phase 1 of the hospital plan and the need for the \$285,000 from the county. The power point presentation and the written proposal for Phase 1 are on file in the Clerk’s office.

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Commissioners' discussion on St. Luke's Hospital followed - Commissioner Gasperson thanked Commissioner McDermott and the working group. He recommended the committee stay together as a working group and report back as needed. He also recommended that the money given by the county be given in phases as needed and coordinated by the County Manager and the Finance Officer. Commissioner Watson stated his concern over the future and the cost of Phase 2. Chairperson Walker shared some of the same concerns but supports continued reports from the working group, and also authorizing the County Manager to handle disbursement of funds.

Public Comments – 1.) Ricky McFalls supports the hospital. 2.) Norm Powers, Chairman of the St. Luke's Foundation, thanked Commissioner Melton for all of his support. He announced that The Foundation will provide the remaining funds to complete Phase 1. 3.) John Young, CEO of Carolina Healthcare Systems, responded to Vice-Chairman Watson's concerns. He explained that, not knowing the future and the economy, he does not know if they will be back to ask for more money. The best they can do is to keep this partnership alive, which has fallen apart over the last few years, and continue the dialogue. He assured the Board that none of the \$285,000 would be wasted. He stated that they will be creative through philanthropy, through cost cutting on the hospital's side, through growing the business, and making all these efforts fund everything else.

Commissioner McDermott made the motion to move \$285,000 from the fund that received the James Tool sale proceeds to the general fund so that it can be provided to St. Luke's to help fund Phase 1 of their Strategy for Growth. This motion also included authorizing the County Manager to oversee the payments in phases as the work invoices are due. Vice-Chairperson Watson seconded the motion and the motion carried unanimously.

Commissioner Melton asked to make a statement. He spoke of 5 issues that were tremendously important to him and that he felt necessary for him to accomplish as a commissioner. 1.) Completion of the Courthouse - It has now reopened and is in operation. 2.) Protection of our water and water lines - It has been almost 8 years that he has been committed to protecting the water of Polk County; that being the purchase of Lake Adger and hope to close soon. 3.) Farmland Preservation - He has been involved in wanting to protect our farmlands and thinks the Board is moving in the right direction. 4.) Ridge Top and Erosion Control – He thinks tonight they will take a major step in doing that. 5.) St. Luke's Hospital Board of Trustees - He has served on this board since becoming a commissioner (3 years.) He stated the importance of maintaining the hospital. He felt that he could and has brought dialogue to partnership with this Board and St. Luke's Hospital. He felt that it was imperative to keep St. Luke's Hospital. He stated that tonight's vote is a new

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beginning. It is a new day for St. Luke's Hospital and Polk County Government.

Commissioner Watson replied to Mr. Young that he appreciated his candidness in response to his questions. He believes that is what the citizens of Polk County need to hear.

Commissioner Melton made a motion for a short recess, seconded by Commissioner Gasperson and the motion carried unanimously.

(Short recess)

13. 7:00 pm - Chairperson Walker called to order the Public Hearing for the Erosion and Sedimentation Control Ordinance. The Notice of Public Hearing was advertised in the *Tryon Daily Bulletin* June 8, 15, 2009, and in the *Polk County News Journal* June 11, 18, 2009. Henderson County Department of Soil and Erosion staff members, Natalie Berry and Tim Fox were present to discuss their enforcement of soil and erosion issues. They support a local ordinance such as this one and believe in the education it allows the home owners. It gives them a chance to become proactive not reactive. The State only regulates anything over an acre that is disturbed. They brought their regulations down to 100 square feet so between 100 sq. feet and an acre, excluding the slopes; you only need a sketch plan. That is a \$10 Permit and it is basically just a letter of intent that says you are going to build a house. Anything that falls into the slope criteria requires an engineer design or a landscape architect. That is \$400 an acre. That is a onetime fee. Your permits are good for 3 years. These are on disturbed sites. The \$400 gets you the review of the permit, inspections, assistance from them once every 2 weeks if help is needed. Commissioner Watson asked the true cost for a complete permit application. What is the real impact to the builder or homeowner? Typically the homeowner site would fall in the \$10 Permit. With the \$400 fee, you would have to hire an engineer to do the plan or a landscape architect. With their local program, they do their review plan in 15 days instead of 30. The State does not require an engineer on their plans, however there turnaround time is 30 days and their permit is \$65. Ms. Berry said they should have had a letter of credit requirement in place due to the economy. Commissioner Watson asked what a typical bond would be if they had one in place. \$1200-2000 per disturbed acre was an estimate. It is less expensive to have a letter of credit than a bond.

Vice-Chairperson Watson made a motion to adjourn the public hearing, seconded by Commissioner Melton and the motion carried unanimously.

Chairperson Walker called to order the Public Hearing for the Mountain and Ridgeline Protection Ordinance for zoned areas of Polk County. The Notice of

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Public Hearing was advertised in the *Tryon Daily Bulletin* June 8, 15, 2009, and in the *Polk County News Journal* June 11, 18, 2009. Chairperson Walker asked for public comments. The following citizens spoke in support of the recommended Mountain and Ridgeline Protection Area for zoned areas: Burt Baer, Rebecca Kemp, Brenda Brock, David Weiss and Bern Collins. Letters of support for all three ordinances were emailed to the Clerk from Susie Welsh, Mary Hardvall, Lois Merrill, and Susan Speight to be placed in the record. Commissioner Melton made a motion to adjourn the public hearing, seconded by Commissioner Gasperson and the motion carried unanimously.

Chairperson Walker called to order the Public Hearing for the Mountain and Ridgeline Protection Ordinance for unzoned areas of Polk County. The Notice of Public Hearing was advertised in the *Tryon Daily Bulletin* June 8, 15, 2009, and in the *Polk County News Journal* June 11, 18, 2009. Chairperson Walker asked for public comments. The following citizens spoke in support of the recommended Mountain and Ridgeline Protection Area for unzoned areas: Burt Baer, Jim Johnston, Rebecca Kemp, Bill Smith, David Weiss, and Bern Collins. Commissioner Melton made a motion to adjourn the public hearing, seconded by Vice-Chairperson Watson and the motion carried unanimously.

14. Mountain and Ridgeline Protection Ordinances and Erosion and Sedimentation Control Ordinances. Commissioner McDermott presented the following background information and recommendations on all three ordinances as follows:

Drafts of all three of these proposed ordinances were originally submitted by this Board of Commissioners to the Planning Board for its review and recommendations.

That review process extended over a period of months and involved lengthy and thoughtful deliberations by the Planning Board in a number of regular meetings and special work sessions. Views of a number of specialists – engineering, legal and administrative – were sought and taken into account.

This review process resulted in extensive revisions in the original drafts submitted to the Planning Board by this Board of Commissioners. Those revisions, in my judgment, make significant and substantial improvements in the texts of all three proposed ordinances.

The Planning Board completed its work on May 14, 2009. On that date, the Planning Board determined that all three proposed ordinances, as revised, were consistent with Polk County's comprehensive plan that was adopted on October 4, 2004. It also noted that those proposed ordinances were fully consistent with the Visioning Committee Report adopted by the Board on June

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16, 2008. The Planning Board then unanimously recommended that this Board of Commissioners adopt all three ordinances.

The Planning Board's written recommendations concerning all three ordinances were submitted to this Board of Commissioners at its regular meeting on May 18, 2009. At that meeting we set public hearings to be held today on all three proposed ordinances. Notice of those hearings has been duly published in both the *Tryon Daily Bulletin* (on June 8, 2009, and June 15, 2009) and the *Polk County News Journal* (on June 11, 2009, and June 18, 2009). The public hearings have now been held.

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With respect to the proposed Erosion and Sedimentation Control Ordinance, Commissioner McDermott made the motion that the Board:

(1) Finds that the proposed ordinance is consistent with the County's current comprehensive plan as set forth in the Polk County Land Use Plan adopted October 4, 2004, in that it implements the following recommendations in that plan:

Recommendation III (A) concerning regulation of storm water runoff in subdivisions and commercial developments; and

Recommendation III(C) concerning protection of stream quality by requiring vegetative buffers; and

(2) Adopts the proposed ordinance, to become effective 30 days following the date upon which it is approved by the North Carolina Sedimentation Control Commission pursuant to N. C. Gen. Stat. §113A-60, The motion was seconded by Commissioner Melton. There was one additional citizen comment – Chris Price who supported the proposed ordinance. The vote was unanimous.

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With respect to the proposed Mountainside and Ridgeline Protection Ordinance for Zoned Areas of Polk County, North Carolina, Commissioner McDermott made the motion that the Board:

(1) Finds that the proposed ordinance serves the public interest for the reasons set forth in Sections 3 and 4 of the proposed ordinance;

(2) Finds that the proposed ordinance is consistent with the County's current comprehensive plan as set forth in the Polk County Land Use Plan adopted

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October 4, 2004, in that it implements the following recommendations in that plan:

Recommendation II(A) concerning preservation of open space;

Recommendation II(B) concerning encouragement of natural resource conservation;

Recommendation II(C) concerning protection of scenic views;

Recommendation III(A) concerning regulation of storm water runoff in subdivisions;

Recommendation III(B) concerning preservation of well water supplies;

Recommendation III(C) concerning protection of stream quality by requiring vegetative buffers;

Recommendation V(A) requiring subdivisions to provide green space;

Recommendation VII(A) concerning measures to prevent the wholesale leveling of mountains; and

Recommendation VII(B) concerning limitation of development on mountain slopes and ridges; and

(3) Adopts the proposed ordinance, effective immediately. The motion was seconded by Vice-Chairperson Watson and the motion carried unanimously.

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With respect to the proposed Mountainside and Ridgeline Protection Ordinance for Unzoned Areas of Polk County, North Carolina, Commissioner McDermott moved that the board:

(1) Finds that the proposed ordinance serves the public interest for the reasons set forth in Sections 3 and 4 of the proposed ordinance;

(2) Finds that the proposed ordinance is consistent with the County's current comprehensive plan as set forth in the Polk County Land Use Plan adopted October 4, 2004, in that it implements the following recommendations in that plan:

Recommendation II(A) concerning preservation of open space;

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Recommendation II(B) concerning encouragement of natural resource conservation;

Recommendation III(A) concerning regulation of storm water runoff in subdivisions;

Recommendation III(B) concerning preservation of well water supplies;

Recommendation III(C) concerning protection of stream quality by requiring vegetative buffers;

Recommendation V(A) requiring subdivisions to provide green space;

Recommendation VII(A) concerning measures to prevent the wholesale leveling of mountains; and

Recommendation VII(B) concerning limitation of development on mountain slopes and ridges; and

(3) Adopts the proposed ordinance, effective immediately. The motion was seconded by Commissioner Melton and the motion carried unanimously.

Commissioner comments followed: Commissioner Melton thanked Lisa Krolak for her work on these ordinances and the Save Our Slopes organization. Vice-Chairperson Watson spoke on behalf of the importance of local enforcement for the Erosion and Control Ordinance and commended those who have found a way to make this happen. The cost to the county is minimal and he applauded the Board and the Planning Board and all the citizens for their work.

Commissioner Gasperson's comments followed: "I think one of the great things that are going to be happening with these ordinances is, frankly, if you are a developer and you have to live within parameters then things go a lot better. One of the things I would really like to see change, (unfortunately, there are too many examples when you say "developer" - it has such a negative connotation.) I would sure like to see, in the future, that we move into an era where the negative connotation goes out of the term and the concept of the developer is that they are actually coming in and making great places for people to live. Another thing that is really emphasized is about clustering. I really like that concept; I think it is great and that provides more green space. If you have clustering and you go down to 10,000 square feet for a home site you still may have the parameters of 5 – 7 acres that is required for a house in an area. Therefore that really reduces sprawl. I really like that concept. I am very pleased about that."

Commissioner McDermott – "Earlier on the agenda we had an item for St. Luke's Hospital and I said it is a new day for St. Luke's, and I think it is a new day for Polk

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County, too. With the help of this Board of Commissioners, and with the help of the wonderful group of people here tonight and many more who have provided support and encouragement along the way, we have a new day for Polk County. We are going to protect this county.”

Chairperson Walker – “I have got one thing to say. I want to thank you guys so much for the vote and for getting this through tonight. To those of you who gave your time and energy, who gathered around tables to hammer out solutions, those of you who burned the midnight oil, fingers to keys, eyes to monitors typing up rewrites, to those of you who stood in the hot sun gathering signatures and spreading the words, to the lay writers, the researchers, the speakers and the doers, you know who you are and I thank you from the bottom of my heart.”

15. Fire Department and Forest Service Budgets – Mr. Whitson will answer questions on these budgets. Mr. Whitson reported on the Fire Department budgets, the rates are levied per \$100. They are as follows:

Columbus .033	Saluda .065
Green Creek .041	Sunny View .060
Mill Spring .050	Tryon .048

These fire tax rates are revenue neutral minus the growth rate.

Forest Service Budget – Dan Loudermelt gave an overview of his department which is largely responsible for putting out fires, planting trees and helping citizens manage their timber. He reported his budget remained the same as last year’s budget, which was \$50,209.

16. Womack Building Debt Pay Off – Mr. Whitson reported that he wanted to pass a budget amendment to move \$426,067 out of the general fund to pay the Womack Building off. Between now and fiscal year 2015, it will save the county \$41,326.43. Commissioner Melton made a motion to approve, seconded by Commissioner McDermott and the motion carried unanimously.
17. 2009/2010 Board of Commissioners Budget Ordinance - (Motion to adopt tax levy and budget ordinance.) Mr. Whitson handed out a list of last week’s changes to the ordinance. Commissioner Gasperson made a motion that the ordinance be adopted, seconded by Vice-Chairperson Watson and the budget ordinance for 2009/10 passed unanimously.
18. Polk County Recreation Advisory Board – Jim Patterson, Chair, presented two proposals to the Board for consideration. (1) Restructuring the ball field at Gibson Park, (2) Background checks on volunteer coaches. (No cost to the county.) Nate Philpot was present and spoke on the restructuring of the Gibson Park field. He spoke on behalf of Polk County Youth Football whose four different teams practice on this field every year. They would like to change the field from softball (it is not being utilized) to a practice football and soccer

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field - (100 yards long and 60 yards wide.) They will have to move dirt, remove some trees, and move the lights. This organization has the volunteers to do the work with no cost to the county. Commissioner Melton updated the Board that Mr. Philpot had come before the Recreation Board with this presentation and that board voted unanimously to support this project. He felt it was a win-win situation for everyone. Commissioner Melton made a motion to approve and expedite quickly this request from Mr. Philpot along with (1) County Manager Whitson's recommendation that the county engineer approve these plans prior to any work being started and (2) Attorney Hix provide a "hold harmless" release form for each volunteer to sign, seconded by Commissioner Gasperson and the motion carried unanimously.

Background checks for volunteer coaches – raise registration fees \$2.00. Commissioner Melton updated the Board that the Recreation Advisory Board has taken a stronger position in protecting our children, and unanimously felt these background checks should be made. These background checks vary in price. Vice-Chairperson Watson moved to approve the \$2.00 increase in fees for background checks on volunteer coaches, seconded by Commissioner McDermott and the motion carried unanimously.

19. Board Vacancies - (Review only) Mental Health Advisory Board, 1 application. This application will be reviewed.

Board Vacancies - (Vote)

Commission on Aging, 7 regular vacancies, 2 applications; Laura Lynch and Lou Parton. Commissioner McDermott made a motion to approve these 2 applications, seconded by Commissioner Gasperson and the motion carried unanimously.

Appearance Commission, 1 regular vacancy, 1 application; Beth Cannon. Vice-Chairperson Watson made a motion to approve the 1 application, seconded by Commissioner McDermott and the motion carried unanimously.

Economic Development Commission, 1 regular vacancy and 1 alternate vacancy; Mary Lyth for the regular position and Dave Herbert for alternate. Vice-Chairperson Watson made a motion to approve the 1 regular and 1 alternate applications, seconded by Commissioner Gasperson and the motion carried unanimously.

Zoning Board of Adjustment, 1 regular reappointment, 1 application; Paul Weidman. Vice-Chairperson Watson made a motion to approve the 1 reappointment, seconded by Commissioner McDermott and the motion carried unanimously.

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Tourism Advisory Board, 1 accommodation vacancy, 1 application; Dale Potruski. Commissioner Gasperson made a motion to approve the 1 application, seconded by Vice-Chairperson Watson and the motion carried unanimously.

20. Financial Statement – Sandra Hughes provided the financial report for the month ending May 31, 2009. Budget Amendments BA #138 DSS to transfer from several accounts \$202,605 to cover foster care and adoption assistance. Commissioner Melton made a motion to approve, seconded by Commissioner McDermott and the motion carried unanimously.
21. Public Comments on Non-Agenda items. There were none.
22. Commissioner Comments. Commissioner McDermott pointed out the recommendations to the county from the Visioning Committee Report regarding the environment. It was to develop and aggressively enforce appropriate regulations to preserve and enhance the beauty and quality of our natural resources, including slope and ridge top protection as well as forest preservation. In the Visioning Committee Report the first sentence of their Vision for Polk County is Polk County's rural atmosphere and scenic natural beauty will be vigorously protected. We are going there. Thank you so much.

Ray Gasperson "I would like to talk about the budget process again. It was really fascinating – as I got into it and worked hard. The only way I can describe it - we are all out there encountering uncharted seas in this financial situation, and also encountering this perfect storm oftentimes. It has been scary, this process, and I have learned a lot. I want to thank the County Manager, and I really want to thank Sandra Hughes for putting up with me and listening to all my questions. And I want to thank Commissioner Watson for working with me on this. I think we have worked out something that I feel is reflective of me personally in so many ways, especially if you are self employed. You can't be self-employed for many years and have a small business without turning yourself into a real fiscal conservative. You are not going to survive otherwise. At the same time, as a small business type of person you end up being a very optimistic person because, unless you feel optimism for the future, you are just going to give up. I feel like we are optimistic in this budget, that the revenues are going to be there, and we are going to be fine. I really believe that."

Vice-Chairperson Watson expressed his optimism in these tough times, although budgeting is very tough. He feels we are fortunate; we have money in the bank. Things are not going to be quick to turn around, and we have got to be conservative and at the same time we have to be fair and share the load. I think we have tried to do that with regard to these ordinances that we passed tonight. He commended this Board and the Planning Board, the citizens who have worked so hard on the erosion ordinance and the mountain and ridge top ordinances and Commissioner McDermott has done a tremendous job. We couldn't have done this with the previous board and

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we couldn't have done the enforcement that we were able to work out with the previous board. We knew we wanted to do it when Commissioner Melton and I were first elected we were in the minority and I am glad this board has seen the need to follow through and made it a priority. Thanks.

Commissioner Melton stated that this was a long process of getting these things passed. It has been six long years starting with the Land Use Plan and then the Visioning Committee Report which indicated the same survey results. They separated each other by 4 years and the reports are identical. I am very proud we have seen the end. I compliment everyone on this board, but also I compliment the Lisa Krolaks, the Gasses, that have attended endless meetings and have stuck through this – thank you all.

Chairperson Walker said the Board has managed to accomplish quite a bit in the first 6 months, and she is proud of serving with them. Thank you.

Adjourn -Commissioner Melton made a motion to adjourn, seconded by Commissioner McDermott and the motion carried unanimously.

ATTEST:

POLK COUNTY BOARD OF COMMISSIONERS

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Anne Britton, Clerk

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Cindy Walker, Chairperson

23. Adjourn.

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