

POLK COUNTY MEETING MINUTES  
August 2, 2010 7:00PM  
FOUR (4) PUBLIC HEARINGS  
BOARD OF COMMISSIONERS' REGULAR MEETING  
R. Jay Foster Hall of Justice, Womack Building  
Columbus, N.C.

1. Call to Order/Welcome – Chairperson Walker called the meeting to order.
2. Invocation – Commissioner Watson gave the invocation.
3. Pledge of Allegiance – Commissioner Melton led the pledge.
4. ESGR Presentations – Dr. Robert E. Lair, Jr. of the National Committee for Employer Support of the Guard and Reserve presented a Statement of Support for the Guard and Reserve to the Board. He also presented an award recognizing Polk County Government as a Patriotic Employer.
5. Approval of Minutes – Commissioner McDermott made a motion to approve the July 12, 2010, Regular Board of Commissioners' meeting minutes, seconded by Vice-Chairperson Gasperson and the motion carried unanimously.
6. Approval of Agenda – County Manager Whitson added the following items: 17a. – BA #2, Purchase of Transportation Van; 10a. – State Approval of the Human Services Facility; 10b. – Soliciting Bids and Prequalification for the Human Services Facility. Vice-Chairperson Gasperson made a motion to approve the amended agenda, seconded by Commissioner McDermott and the motion carried unanimously.
7. Public Hearings – Chairperson Walker announced that the public hearings were advertised in the *Tryon Daily Bulletin* July 19, 2010, and July 26, 2010. Planner Cathy Ruth will present recommendations from the Planning Board.
  - 1) An Ordinance Amending the Polk County Tower Ordinance – Chairperson Walker called the public hearing to order. The recommended changes to the ordinance are on file in the Manager's office. There were no citizen comments. Commissioner Watson made a motion to adjourn the public hearing, seconded by Commissioner Melton and the motion carried unanimously.
  - 2) An Ordinance Amending the Subdivision Ordinance of Polk County - Chairperson Walker called the second public hearing to order. The recommended changes to the ordinance are on file in the Manager's office. Citizen Comments: Mr. Bill Smith recommended that Section 3 of the proposed ordinance be replaced with the following. "The fire water supply for all subdivisions with any lots further than 1,000 road feet from any recognized

fire hydrant shall have an approved, recognized water supply with dry hydrants or sprinklers. The approval authority shall be the NC Dept. of Insurance, Office of State Fire Marshal. A public protection class of 8 or less shall apply.” Commissioner Watson recommended the ordinance be sent back to the Planning Board for further review. Commissioner McDermott made a motion to adjourn the public hearing, seconded by Vice-Chairperson Gasperson and the motion carried unanimously.

- 3) An Ordinance Amending the Zoning Ordinance of Polk County - Chairperson Walker called the third public hearing to order. The recommended changes to the ordinance are on file in the Manager’s office. There were no citizen comments. Commissioner Watson recommended the ordinance be tabled until the next meeting since the recommended changes being presented were not included in the original meeting packet. Commissioner McDermott made a motion to adjourn the public hearing, seconded by Vice-Chairperson Gasperson and the motion carried unanimously.
- 4) Amendments to Map 24 (Future Land Use Map) and Page VI-8 (Future Land Use Acreages) of the Polk County 20/20 Vision Plan – Chairperson Walker called the fourth public hearing to order. There were no citizen comments. Commissioner McDermott made a motion to adjourn the public hearing, seconded by Vice-Chairperson Gasperson and the motion carried unanimously.
8. Vote on Amendments – Ordinance #2 was sent back to the Planning Board for review. Ordinance #3 was tabled until the next BOC meeting. Whereas the Board of Commissioners finds that the ordinance amending the Polk County Tower Ordinance is neither consistent nor inconsistent with the Polk County 20/20 Vision Plan, Commissioner Watson made a motion to approve the tower ordinance, seconded by Vice-Chairperson Gasperson, and the motion carried unanimously. Vice-Chairperson Gasperson made a motion to approve the resolution adopting the amendments to Map 24 (Future Land Use Map) and Page VI-8 (Future Land Use Acreages) of the Polk County 20/20 Vision Plan. The motion received no second and the motion failed.
9. Naming of the Proposed Human Services Facility – Vice-Chairperson Gasperson and Chairperson Walker lauded Polk County native Howard Greene for his service in the U.S. Army during WWII, and his record of volunteerism and community involvement in Polk County. Vice-Chairperson Gasperson made a motion to name the new human services facility “The Howard Greene Human Services Building”, seconded by Commissioner McDermott. Commissioner Melton said that while Mr. Greene is a candidate worthy of recognition, it is his recommendation that a committee be formed to allow other Polk County veterans to be considered in naming the building. Commissioner McDermott said that Mr. Greene is an exceptional veteran and volunteer, and the Board should move forward in naming the building after him. Commissioner Watson said that while

Mr. Greene is worthy of the honor, he believes the decision is premature. With a motion and a second on the floor, the motion carried 3-2 (Melton and Watson opposed).

10. Recognition of Bryant H. Womack – Commissioner Gasperson said he would like a commemorative plaque dedicated to Mr. Womack placed in the lobby of the Womack Building, thereby providing information on Mr. Womack to those who are unfamiliar with his story. Mr. Howard Greene shared some anecdotes about Mr. Womack, and Mr. Ambrose Mills read Mr. Womack's Congressional Medal of Honor Citation, a copy of which is on file. Vice-Chairperson Gasperson made a motion for the county manager to research a plaque and move forward with its purchase, if feasible, seconded Commissioner McDermott and the motion carried unanimously.

*A ten minute recess was taken at this time.*

- 10a. State Approval of Human Services Facility – County Manager Whitson announced the receipt of a letter from the state approving the proposed facility.
- 10b. Bids and Pre-qualifications – County Manager Whitson said that at the beginning of the proposed human services facility process the committee discussed the prequalification of general contractors. While it sounded like a good idea, it is more complicated than was first realized. County Manager Whitson said he spoke with Eileen Youens of the NC School of Government and discovered that she is not a big fan of prequalification. He distributed a prequalification and non-prequalification schedule to the Board and asked them to consider following the schedule without prequalification. Jim Powell of ADW Architects explained that prequalification came about years ago to give the public sector some of the flexibility that the private sector had with building contractors. Discussion ensued.

Vice-Chairperson Gasperson said prequalification will not enable the County to eliminate an undesirable contractor, and he recommended against it. Instead he suggested specifying certain qualifications within the bid package itself. Commissioner Watson said prequalification was a tool decided upon from the outset, and he believes this is really a schedule issue. Commissioner McDermott said that Ms. Youens recommends the County not go through the prequalification process in part because of the potential of law suits. Irresponsible contractors can be screened out even without prequalification. Chairperson Walker clarified that the Board has neither previously discussed, nor made a decision regarding, prequalification, and emphasized that no one is advocating for any time schedule as of yet. The Board is still gathering information in order to make the best decision for the County regarding the proposed human services building. Commissioner Watson respectfully disagreed with Chairperson Walker regarding time schedule advocacy, stating that he has had several conversations with the County Manager and Vice-

Chairperson Gasperson on this issue. Commissioner Watson said that while undesirable contractors cannot be screened out, they can be put on notice that they will be held accountable by the County; prequalification is the first step in this process. Commissioner McDermott said that all of this can be accomplished through the bid documents as well.

Mr. Powell stated that prequalification is not standard in the public sector, but some have chosen to do it. Language can be inserted into the bid document to create a contractor qualification statement. He also said that when you reject a contractor there is always an inherent risk of getting sued. Commissioner Watson said the aim is to determine which contractors are financially capable of doing the project before starting the bidding process. Mr. Powell said that regardless of whether you prequalify or wait until the bid date, it still comes down to making a decision on which contractor you think is most responsible. The question is whether you want to do it early or on bid day, but both work. Mr. Powell said contractors are awarded bids based not only on the best price, but also on the best overall value. Mr. Egan said all the information contained in prequalification documents can be incorporated into the bid document. Commissioner McDermott said that melding the two steps into one is the best way to proceed in order to continue forward with the timeline, which was unanimously agreed upon. Commissioner Watson said the timeline is assuming that the project budget will be met.

Vice-Chairperson Gasperson made a motion to move forward with the bid process without prequalification for general contractors and that additional language be added to the bid package to reflect the additional questions which have been brought up concerning LEED Certification and others that are deemed necessary, seconded by Commissioner McDermott, who modified the motion to read "to meld the most significant of the prequalification questions into the bid package", and the motion carried 3-2 (Melton and Watson opposed).

11. Schedule Public Hearing – Jewell Carswell, Transportation Authority Director, requested that the annual ROAP application public hearing be scheduled for August 16, 2010. Commissioner Watson made a motion to schedule the public hearing, seconded by Commissioner Melton and the motion carried unanimously.
12. Award of Bid - DSS Facility – County Engineer Dave Odom discussed the cost refiguring necessitated by the worksite bids coming in over estimate. Mr. Odom has modified the site plan to reduce the cost without negatively impacting either the use of the building or erosion control considerations. The modifications resulted in a cost reduction of \$43,432.29, which is still approximately \$54,000.00 over the original estimate. Mr. Odom also informed the Board that the second lowest bidder recently sent him an email stating that the lowest bidder does not have all the necessary licenses for this job. Mr. Odom has been in contact with the County Attorney regarding this issue. Given his years of experience with contractors, Mr. Odom said he feels completely confident with the lowest bidder.

Commissioner Gasperson stated that the proposed site modifications will not significantly limit future expansion and will allow for a building of approximately 5,000ft<sup>2</sup>. Commissioner Watson commended Mr. Odom for reducing the budget, but said the site work is still 32% over the initial grading and paving budget of \$170,000.00. He said that it is unrealistic to think the amount can be further reduced to \$170,000.00, and in the overall budget there are potential savings in other places in the construction of this project. However, his concern is that the County doesn't know what the construction costs are yet. He would like for the site work to be rebid as part of the total project package in order to have the total cost of the project. Then, if the project is over budget, the County can either reduce the cost or decide to spend more money by increasing the project budget ordinance. Commissioner Watson said one of the reasons the facility site was moved from its originally planned location on Park St. was to allow for future expansion. Another reason was budgetary concerns, but already this project is starting out over budget. Commissioner Watson went on to say it is his experience both personally and as a contractor that when a project starts out over budget it tends to stay over budget, and he reiterated that the site work needs to be bid as the total package.

Commissioner McDermott said that the County has needed a new DSS building for over twenty years and, given the current state of disrepair of the Jervey Palmer Building, is it beyond belief that employees are subjected to working under such conditions for even one additional day. Commissioner McDermott, a member of the Social Services Board, invited everyone to visit the building, but cautioned them to beware of falling roof tiles. She also said the County does not want to get into a problem like the recreation park wherein the project was dragged out because there was no proper follow up on what the engineers recommended to remediate erosion control problems, thus costing the County tens of thousands of extra dollars. Commissioner McDermott concluded by saying she did not want to spend another \$50,000.00 more on the Jervey Palmer building just to keep it functional, as the County has had to do in the past. Commissioner Watson said an extra month or two will not make or break this project. He does not want to act in haste. Commissioner Melton stated he wants to throw out all the grading bids and allow the architect to rebid the entire project.

Chairperson Walker wondered why the committee decided to bid the grading separately, and why the site work bid is being called "over budget" when there was never a budget, only an original estimate which was low. The number that needs to be thrown out is the estimate, not all the bids which came in much higher than the low bid. Chairperson Walker reminded the Board that they voted unanimously on the timeline, and the timeline must be met in order to sow grass seed successfully. Vice-Chairperson Gasperson made a motion to award the bid to Thompson Contractors in the amount of \$137,622.70 and direct the County Manager to sign the contract to proceed, seconded by Commissioner McDermott.

Citizen Comments: 1) Mr. Andy Shrom complained that the Board did not consider Prince Construction, a local contractor. Mr. Shrom was informed that the project was advertised in the newspaper and all bids were welcome. 2) Seth Davis said the DSS building needs to be built, but it does not appear the Board knows what it's doing. ADW Architects just needs to be told to get the job done, which is what they are paid to do. He said there is no need to rush this project because Stearns Gym can house DSS while the new facility is being completed.

Commissioner Watson asked the Board to remember that this is not a fixed price bid but a unit price contract, which means price will fluctuate in direct proportion to quantities. Mr. Odom said the contract states that the amount on the revised total cannot be exceeded without a change order being approved by the contractor and the Board.

With a motion and a second on the floor, the motion carried 3-2 (Melton and Watson opposed).

13. Comprehensive Economic Development Strategy (CEDS) – The annual CEDS update by Isothermal Planning and Development Commission required Board approval. Jim Edwards, Executive Director of Isothermal Planning and Development Corporation, explained that this planning document is prepared for the four counties of the Isothermal Region to meet a planning requirement of the U.S. Economic Development Administration (EDA). It is a threshold document, updated every year and completely rewritten every five years, which must be in place in order to be awarded funds through the EDA. Commissioner McDermott was approved to proof sections of the document relevant to Polk County. Commissioner McDermott made a motion to approve the CEDS subject to corrections, seconded by Commissioner Watson and the motion carried unanimously.
14. Ethics Policy – The Board discussed the formation of a committee or a work session to begin work on a Polk County Ethics policy. It was determined that the Board would review the policy section by section over a number of BOC meetings.
15. Interlocal Agreement for a Group Self-Insurance Fund for Risk Sharing or Group Purchase of Coverage – Mr. Egan said that upon review he found nothing objectionable in the agreement. Commissioner Watson made a motion to adopt the Interlocal Agreement for a Group Self-Insurance Fund for Risk Sharing or Group Purchase of Coverage, seconded by Commissioner Melton and the motion carried unanimously.
16. Update on Stimulus Funding for Water Lines and Watershed Classification Status – Mr. Odom reported that the Federal stimulus funds allocated to North Carolina for utility infrastructure have been expended, and Polk County's project was not funded. The funds were authorized for green projects and ongoing projects that

presented an urgent need. Current stimulus funds are available primarily for job creation. A new cycle begins in September with additional funds from DENR based on urgent needs. If the County has documented cases of dry wells, or wells that have substandard water quality, then the County is more likely to receive utility infrastructure stimulus money. Regarding watershed classification, the NC State Division of Water Quality is still reviewing the data and conducting additional testing of samples from Lake Adger. Upon completion of these analyses the information will be presented to the State Board for a decision.

17. Budget Amendments – Finance Officer Sandra Hughes, made the budget requests. BA #1 Budget Addition, Solid Waste \$6,333 to increase revenue and expense for a Grant awarded 7/1/10 for the Community Waste Reduction and Recycling Program from NCDENR. Vice-Chairperson Gasperson made a motion to approve BA #1, seconded by Commissioner Watson and the motion carried unanimously. BA #2 Budget Addition, Transportation \$36,569 to increase revenue and expense to purchase a new van with ARRA stimulus funds. Commissioner Melton made a motion to approve BA #2, seconded by Vice-Chairman Gasperson and the motion carried unanimously.
18. Board Vacancies (Vote) – 5 applications/5 re-appointments of Animal Cruelty Investigators: Cathy Berlin, Libbie Johnson, Stephen King, Walker O’Duggan, and Margo Savage. Vice-Chairperson Gasperson made a motion to appoint the applicants, seconded by Commissioner McDermott and the motion carried unanimously.
  - 1 application/1 vacancy for Transportation Authority - Eric Gass. Commissioner McDermott made a motion to appoint Mr. Gass, seconded by Commissioner Watson and the motion carried unanimously.
  - 1 application/3 vacancies for Recreation Advisory Board - Chris Huffstetler. Commissioner Melton made a motion to appoint Mr. Huffstetler, seconded by Commissioner Watson and the motion carried unanimously.
  - 2 applications/1 vacancy Department of Social Services Board - Paul Sutherland and John McClellan Bond. Vice-Chairperson Gasperson made a motion to appoint Mr. Bond, seconded by Commissioner McDermott and the motion carried 3-2 (Melton and Watson opposed).
  - 1 reappointment Nursing Home Community Advisory Committee - Jane Stikeleather. Commissioner Melton made a motion to appoint Ms. Stikeleather, seconded by Commissioner McDermott and the motion carried unanimously.
19. August 16, 2010, BOC Meeting – The Board discussed moving the meeting to August 17<sup>th</sup> because Vice-Chairperson Gasperson will not be able to attend on the 16<sup>th</sup>. It was determined that the meeting would be held as scheduled.
20. Citizen Comments on Non-Agenda Items – There were none.
21. Commissioner Comments - Commissioners Melton and Watson congratulated Ms. Walker on her daughter’s recent recognition as a member of Sigma Alpha

Lambda at the University of North Carolina at Chapel Hill. Commissioner Watson thanked his fellow commissioners for treating each other with dignity and respect. Commissioner Watson also reiterated that Mr. Greene is a wonderful man, and his reasons for not voting for Mr. Greene are not personal. Commissioner McDermott agreed with Commissioner Watson regarding the appropriate way for the Board to interact, and also congratulated Chairperson Walker on her daughter's accomplishment. Vice-Chairperson Gasperson thanked the Board for engaging in many good discussions. Chairperson Walker thanked everyone for coming.

22. Closed Session – 143-318.11.(a)(5) Acquisition of real property. Commissioner Watson made a motion to go into closed session, seconded by Commissioner Melton and the motion carried unanimously.

23. Return to Open Session – There was no action taken.

24. Adjourn – Commissioner Melton made a motion to adjourn the meeting, seconded by Vice-Chairperson Gasperson and the motion carried unanimously.

ATTEST:

POLK COUNTY BOARD OF COMMISSIONERS

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Beth Fehrmann  
Interim Clerk to the Board

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Cindy Walker  
Chairperson