

POLK COUNTY  
BOARD OF COMMISSIONERS' REGULAR MEETING  
January 25, 2016 – 7:00 P.M.  
R. Jay Foster Hall of Justice  
Womack Building  
Columbus, NC  
MINUTES

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

1. Call to Order – Chair Pack called the meeting to order.
2. Invocation – Rev. Warren Elliott gave the invocation.
3. Pledge of Allegiance – Commissioner Bradley led the pledge.
4. Approval of Agenda – County Manager Pittman asked that Agenda Item #7, Polk County Property Revaluation Update, be removed from the agenda, and that Agenda Item #16, Manager's Report, be moved to Agenda Item #7. Commissioner Gage moved to approve the agenda as amended, seconded by Vice-Chair Holbert. Commissioner Gasperson read the following: "Agenda Item #14, Commissioner Gasperson's Water Plan – Commissioner Gage asked that this item be placed on the agenda as a formal request for Commissioner Gasperson to provide the Board of Commissioners (BOC) with his plan to supply the citizens of Polk County with safe, dependable, and inexpensive drinking water from Lake Adger." Commissioner Gasperson said Commissioner Gage presented him with a conundrum with this agenda item – on the one hand he welcomed the opportunity to speak about Lake Adger, but on the other hand he felt it was very disrespectful that he was not contacted directly about this agenda item. Commissioner Gasperson said he would never do this to Commissioner Gage or any other Commissioner without asking ahead and collaborating. With a motion and a second on the floor, the motion carried 4-1 (Gasperson opposed).
5. Consent Agenda
  - A) January 11, 2016, regular meeting minutes.
  - B) Tax Department December 2015 refund request in the amount of \$6,412.74.

Vice-Chair Holbert moved to approve the consent agenda, seconded by Commissioner Bradley and the motion carried unanimously.

6. Citizen Comments – Pat Salomon said it was rude and insulting to Commissioner Gasperson that Agenda Item #14 was allowed to be placed on the agenda without his consent; it is the responsibility of the entire Board, and not Commissioner

- Gasperson's duty alone, to come up with a plan for Lake Adger; it is not Commissioner Gasperson's fault that the proposed contract with Inman-Campobello Water District fell through; there is a pressing need to repair and maintain the Turner Shoals dam, but no pressing need to develop Lake Adger as a water source. Pat Schlembach, whose neighborhood is currently dealing with the constant nocturnal barking of dogs and crowing of roosters kept in an enclosure in the neighborhood, urged the Board to consider enacting a noise ordinance.
7. ~~Polk County Property Revaluation Update – Melissa Bowlin, Tax Administrator, and Wampler Eanes Appraisal Group revaluation coordinator Robert Haskins will present the information.~~ This item was removed from the agenda.
  8. Manager's Report – 1) The Polk County driver license services office, which is the first new NCDMV mobile office in the state, will open on January, 28, 2016. 2) Cliff Marr, the new Polk County Elections Director, is a graduate of Brevard College and has been employed by the Henderson County Board of Elections as an Elections Specialist for the past eight years.
  9. Schedule a Public Hearing to Consider "An Ordinance Concerning Bona Fide Farms, Recreational Vehicles, and Defining Eaves; Amending the Polk County Zoning Ordinance to Authorize Recreational Vehicles in Zoning Districts" – Commissioner Gage moved to schedule a public hearing for the ordinance on February 8, 2016, at 7:00 P.M. in the R. Jay Foster Hall of Justice, Womack Building, seconded by Commissioner Bradley and the motion carried unanimously.
  10. Polk County Detention Center Feasibility Study – Todd Davis and Jason Hopkins of Moseley Architects gave a PowerPoint presentation, a copy of which was included in the Board agenda packet. A copy of Moseley Architects' entire "Polk County, NC, Detention Center Feasibility Study" is hereby incorporated by reference into these minutes. The study included projected county growth trends through 2038. The estimated cost to construct a 74 bed jail facility – Option 3, Plan A – was \$7,971,057. The estimated cost to construct a 56 bed jail facility – Option 3, Plan B – was \$7,432,747. These plans called for a new jail facility on a new site, but the estimates did not include the cost to purchase the 5-10 acres recommended for the jail facility. Commissioner Gasperson said operating costs for a new jail facility would be significant, and questioned where construction funding would come from. Commissioner Gasperson said some counties plan ahead and save up money to build their new jails, and asked County Attorney Berg if a local referendum would be required if a tax increase were necessary in order to pay for a new jail. County Attorney Berg said a referendum would be required if a new jail is financed through the issuance of bonds, but not if the county finances the project through a third party.

Mr. Davis said he recommends that counties size new jails to the capacity that they will ultimately need in the future, and lease the extra beds to other counties in the interim. County Manager Pittman emphasized that the county will not break even, and will certainly not make money, by housing out-of-county or Federal inmates.

Chair Pack said Option 3, Plan A, is the best choice in planning for the future; he expressed concern that in choosing Option 3, Plan B, the county could end up having to add on to the jail in a few years. Vice-Chair Holbert said he agreed with Plan 3, Option A, but recommended the jail be sized based on a 30-year projection instead of a 20-year projection. Mr. Davis said unless Polk County experiences a great deal of growth in population, or if the state laws change, the difference between a 20-year projection and a 30-year projection would not signify a need for a drastic increase in jail capacity.

Commissioner Gasperson said Polk County is a small rural county surrounded by larger, more populated counties, and is not likely to experience a significant growth in population. Vice-Chair Holbert said it would be prudent and most cost efficient to build a jail slightly larger than recommended in Option 3, Plan A. Mr. Davis said all the jail cells are sized for double occupancy, so some jail expansion is built into the plan. Mr. Hopkins said jail capacity must be upsized in increments of eight because a shower is required for every eight inmates. Mr. Hopkins said the juvenile cells, which are the only single cells in Option 3, Plan A, could be modified to double occupancy cells. Vice-Chair Holbert and Chair Pack said they would support Option 3, Plan A, if the plan was modified so that all the cells were designed as double occupancy cells.

Mr. Hopkins said the bed capacity for Option 3, Plan A, could be increased by adding another mezzanine level. Chair Pack asked if the jail could initially be built with the mezzanine, but without completely finishing out all of the cells, and Mr. Hopkins said it could. Mr. Hopkins said it would be an efficient use of space to locate an administration building next to the jail facility, with the two building connected by a corridor. He said an administration building alone would cost approximately \$150 per square foot, and would cost approximately \$200 per square foot if it included a 911 communications center. An administration building alone would need to be approximately 10,000 square feet in size. An administration building with a 911 communication center would need to be approximately 12,000 square feet in size.

Commissioner Gage said he supported Option 3, Plan A, if the plan was modified so that all the cells were designed as double occupancy cells. Chair Pack said the next step would be for the Board to hire an architect to design the facility, and to begin the search for an appropriate piece of property. Commissioner Gasperson said the detention center feasibility study is a great first step in due diligence, but recommended the Board thoroughly research the financial aspect as well as the availability of property before moving forward. Commissioner Gasperson said the only way he would vote for a tax increase to fund this project would be if the citizens passed a referendum in favor of the tax increase.

Vice-Chair Holbert moved to approve Option 3, Plan A, modified so that all the cells are designed as double occupancy cells, to hire Moseley Architects to design the facility and complex to include an administration building, and to instruct County Manager Pittman to begin the search for an appropriate piece of property for the

- complex, seconded by Commissioner Gage. Commissioner Gage said the sheriff has done everything he can to keep the current dilapidated jail going, but it is time for a Board of Commissioners to stop procrastinating and take action on this much needed project. Commissioner Gasperson said he would like for his aforementioned questions to be answered before the Board takes any action; he is not opposed to a new jail but wants to make sure all due diligence is exercised. With a motion and the second on the floor, the motion carried 4-1 (Gasperson opposed).
11. Waterline Extensions - Commissioner Gage moved to instruct Dave Odom of Odom Engineering to proceed with the formal bid process for the project to extend the waterline from Sunny View School to the Polk County line, and for the project to extend the Green River Baptist Church/Green Creek waterline, and to present the bids to the Board at the February 22, 2016, regular meeting, seconded by Commissioner Bradley. Commissioner Gasperson said as far as he was able to ascertain, Lake Lure has no interest in connecting to a Polk County waterline at this time. With a motion and a second on the floor, the motion carried 4-1 (Gasperson opposed).
  12. Communication Radios Federal Grant Application – Bobby Arledge, Emergency Management Director, informed the Board he is applying for a FEMA Assistance to Firefighters Grant (AFG) in the amount of for \$581,640 for hand held and truck radios for all local emergency personnel radios. The primary goal of the AFG is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical service organizations. Since 2001, AFG has helped firefighters and other first responders obtain critically needed equipment, protective gear, emergency vehicles, training and other resources needed to protect the public and emergency personnel from fire and related hazards. If awarded the AFG, the county will be required to provide 10% in matching funds.
  13. Budget Amendments & Purchase Order – Sandra Hughes, Finance Director, presented the budget amendments. 1) ~~Project Budget Ordinance, Sunny View Waterline Extension – To construct a waterline extension from Sunny View School to the Polk County line.~~ This item was removed from the agenda until completion of the formal bid process. 2) Commissioner Gage moved to approve BA #9, Addition, Recreation, \$15,470 – To increase the hourly rate of part-time employees for retention and to increase the number of part-time workers, seconded by Commissioner Bradley and the motion carried unanimously. 3) Commissioner Gage moved to approve BA #25, Transfer from Capital Reserve Fund to Water Capital Project Fund, \$22,500 – To transfer undesignated fund balance from the Capital Reserve Fund to the Water Capital Project Fund for an additional six months' retainage for Dave Odom for county-wide water services, seconded by Commissioner Bradley. Commissioner Gasperson noted these funds were left over from previous capital projects, and further noted there is \$22,042 still remaining in the Capital Reserve Fund. Commissioner Gage said the county has to spend this money for water services because the proposed water agreement with Inman-Campobello Water District did not come to fruition. With a motion and

- a second on the floor, the motion carried unanimously. 4) Vice-Chair Holbert moved to approve P.O. #18968, \$65,894.00 – For the purchase of two Dodge Chargers for the Sheriff's Department as budgeted for FY 2015/16, seconded by Commissioner Bradley and the motion carried unanimously.
14. Historic Courthouse Site Retaining Walls Inspection & Repairs – Commissioner Gage gave a presentation on the current state of the retaining walls encompassing the historic courthouse square, which have been in disrepair for many years. Copies of the three photographs presented are hereby incorporated by reference into these minutes. The retaining walls currently bulge outward, and stucco applied to the walls in the 1980s is delaminating, all as a result of pressure created by insufficient and aging weep holes. Commissioner Gage said as good stewards of this historic building it is incumbent upon the county to maintain the site to the same or higher standards than our other county assets. It was the consensus of the Board to instruct County Manager Pittman to seek professional recommendations on repairing or replacing the historic courthouse site retaining walls, and to bring the pertinent information and a cost estimate back before the Board for discussion and possible action.
15. Commissioner Gasperson's Water Plan – Commissioner Gage asked that this item be placed on the agenda as a formal request for Commissioner Gasperson to provide the Board of Commissioners (BOC) with his plan to supply the citizens of Polk County with safe, dependable, and inexpensive drinking water from Lake Adger. Commissioner Gasperson said he wanted to proceed with a plan from a position of knowledge and expertise. Commissioner Gasperson moved to direct County Manager Pittman to research the names of independent public water advisors and report back to the Board with his findings so the Board could move forward with hiring experts to help guide the county in: 1) Evaluating current county and municipal water distribution systems, and the quality and value of potable and raw water supplies. 2) Evaluating future public water needs so the county can be prepared for anticipated residential and commercial growth patterns. 3) Planning for water system expansions and improvements. 4) Developing a capital improvement program. The motion failed for lack of a second.

Vice-Chair Holbert said, from a business standpoint, Lake Adger is currently a liability which returns nothing, and the county needs to find some way to make it profitable; studies cannot help stop the drain on the taxpayers for maintenance and repair costs. Commissioner Gasperson said the purchase of the lake was initiated prior to his being elected Commissioner, and he inherited this dilemma as well. Commissioner Gasperson said that although Lake Adger is a valuable resource – a reservoir with a protected watershed – it was never his understanding that the lake was purchased in order to make a profit from it; experts need to be hired to help guide the county regarding Lake Adger. Commissioner Bradley said the county should hire an expert to value Lake Adger and Tuner Shoals dam in order to sell them both. Chair Pack agreed with Commissioner Bradley, and said the burden needs to be removed from the taxpayers.

Commissioner Bradley moved to instruct County Manager Pittman and County Attorney Berg to research the value of surplussing Lake Adger and Turner Shoals dam for potential sale, and to research potential buyers, seconded by Vice-Chair Holbert. Commissioner Gasperson said he agreed with researching the value of the lake and the dam, but was not necessarily committing himself to selling this county asset. With a motion and a second on the floor the motion carried unanimously.

16. Noise Ordinance Research – Commissioner Gasperson asked that this item be placed on the agenda in response to complaints regarding the constant nocturnal barking of dogs and crowing of roosters, all of which are kept in enclosures in the Fork Creek community of Saluda. The owner of the property lives in Henderson County, but visits the property daily to feed and water the animals. Commissioner asked the Board to consider instructing County Attorney Berg to research noise ordinances from nearby counties, especially Henderson County, to see if one can be modified for Polk County. Commissioner Gasperson also asked the Board to consider instructing County Attorney Berg to research dog kennel requirements, since Saluda is zoned Multiple Use.

Commissioner Bradley said he, from experience, completely empathized with the unpleasant predicament of having to live with nuisance dog barking, however, noise ordinances are extremely hard to enforce when it comes to barking dogs. Vice-Chair Holbert said he would like to have a public hearing to take public comments from motorcycle riders, truck drivers, hunters, etc., before he would even consider researching a noise ordinance. County Manager Pittman said he recently spoke with some of the effected Saluda residents and explained to them that an extant legal mechanism – common law disturbance of the peace - could offer a remedy to the nuisance dog barking problem. Commissioner Gasperson received no Board support for either of his requests.

17. ~~Manager's Report~~ – 1) ~~Polk County driver license services update.~~ 2) ~~New Director of Elections.~~ This item was moved to Agenda Item #7.
18. Volunteer Board for Vote – William Ennis and Walter Pace were appointed to the Planning Board by unanimous vote. Lisa Krolak was not re-appointed to the Planning Board by a 1-4 vote (Pack, Holbert, Bradley and Gage opposed).
19. Volunteer Boards for Review – One application for one Library Board of Trustees vacancy was reviewed. One application for two Planning Board vacancies was reviewed.
20. Commissioner Comments – The Commissioners welcomed the new Board of Elections Director, thanked the DOT, the Sheriff's Department, EMS, and all the local volunteers who helped around the county during the recent snow event, and thanked everyone for coming out.

21. Adjournment – Commissioner Gage moved to adjourn the meeting, seconded by Commissioner Bradley and the motion carried unanimously.

ATTEST:

POLK COUNTY BOARD  
OF COMMISSIONERS

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Beth Fehrmann  
Clerk to the Board

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Tom E. Pack  
Chair