

POLK COUNTY BOARD OF COMMISSIONERS
Public Hearings & Regular Meeting
May 3, 2021 - 5:00 PM
R. Jay Foster Hall of Justice Womack Building Columbus, NC
Columbus, NC
MINUTES

PRESENT: Chairman Melton, Commissioner Moore, Commissioner Overholt, and Commissioner Yoder. Also in attendance were County Manager Pittman, Attorney Berg, Clerk to the Board High, media, and citizens. Vice-Chairman Beiler was absent.

1. Public Hearings - The purpose of each public hearing is to take public comment on the proposed changes, and updates as required by the new General Statute 160D, and the recommendations of the Polk County Planning Board, County Attorney, and staff. The Public Hearings were properly advertised in the Tryon Daily Bulletin. The draft ordinances are available for review on the Polk County website www.polknc.org or by contacting the Clerk to Board.
 - A. Call to order the Public Hearing for the Polk County Adult Entertainment Ordinance - Chairman Melton called the public hearing to order, and Cathy Ruth, County Planner was present to answer questions.
 - B. Citizen Comments - There were none.
 - C. Commissioner Moore moved to adjourn the public hearing for the Adult Entertainment Ordinance, seconded by Commissioner Yoder and the motion carried unanimously. Absent: Beiler.
 - D. Call to order the Public Hearing for the Polk County Flood Damage Prevention Ordinance - Chairman Melton called the public hearing to order, and Cathy Ruth, County Planner was present to answer questions.
 - E. Citizen Comments - There were none.
 - F. Commissioner Moore moved to adjourn the public hearing for the Flood Damage Prevention Ordinance, seconded by Commissioner Yoder and the motion carried unanimously. Absent: Beiler.
 - G. Call to order the Public Hearing for the Polk County Mobile Home Ordinance - Chairman Melton called the public hearing to order, and Cathy Ruth, County Planner was present to answer questions.
 - H. Citizen Comments - There were none.

- I. Commissioner Moore moved to adjourn the public hearing for the Mobile Home Ordinance, seconded by Commissioner Overholt and the motion carried unanimously. Absent: Beiler.
- J. Call to order the Public Hearing for the Polk County Mobile Park Home Ordinance - Chairman Melton called the public hearing to order, and Cathy Ruth, County Planner was present to answer questions.
- K. Citizen Comments - There were none.
- L. Commissioner Overholt moved to adjourn the public hearing for the Mobile Home Park Ordinance, seconded by Commissioner Yoder and the motion carried unanimously. Absent: Beiler.
- M. Call to order the Public Hearing for the Polk County Planning Board Ordinance - Chairman Melton called the public hearing to order, and Cathy Ruth, County Planner was present to answer questions
- N. Citizen Comments - There were none.
- O. Commissioner Moore moved to adjourn the public hearing for the Planning Board Ordinance, seconded by Commissioner Yoder and the motion carried unanimously. Absent: Beiler.
- P. Call to order the Public Hearing for the Polk County Planning Board Bylaws - Chairman Melton called the public hearing to order, and Cathy Ruth, County Planner was present to answer questions
- Q. Citizen Comments - There were none.
- R. Commissioner Yoder moved to adjourn the public hearing for the Planning Board Bylaws, seconded by Commissioner Overholt and the motion carried unanimously. Absent: Beiler.
- S. Call to order the Public Hearing for the Polk County Sign Ordinance - Chairman Melton called the public hearing to order, and Cathy Ruth, County Planner was present to answer questions
- T. Citizen Comments - There were none.
- U. Commissioner Overholt moved to adjourn the public hearing for the Sign Ordinance, seconded by Commissioner Moore and the motion carried unanimously. Absent: Beiler.

- V. Call to order the Public Hearing for the Polk County Subdivision Ordinance - Chairman Melton called the public hearing to order, and Cathy Ruth, County Planner was present to answer questions
 - W. Citizen Comments - There were none.
 - X. Commissioner Yoder moved to adjourn the public hearing for the Subdivision Ordinance, seconded by Commissioner Overholt and the motion carried unanimously. Absent: Beiler.
 - Y. Call to order the Public Hearing for the Polk County Wireless Telecommunication Ordinance - Chairman Melton called the public hearing to order, and Cathy Ruth, County Planner was present to answer questions
 - Z. Citizen Comments - There were none.
 - AA. Commissioner Moore moved to adjourn the public hearing for the Wireless Telecommunication Ordinance, seconded by Commissioner Overholt and the motion carried unanimously. Absent: Beiler.
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- 2. Call to Order the Regular Meeting - Chairman Melton.
 - 3. Invocation - Tina Melton.
 - 4. Pledge of Allegiance - Commissioner Moore.
 - 5. Chairman and Commissioner Comments

Chairman Melton and all the Commissioners sent their condolences to Ray Gasperson and his family on the loss of his father. Commissioner Overholt recognized the hard work and dedication of teachers for teacher appreciation week. Commissioner Yoder agreed and said the Polk County High sports teams are excelling. The football team has we further than it has gone in twenty years, and the golf team has won the conference, playing for regionals, and maybe heading to State. Commissioner Moore echoed everything that was said and thanked everyone for their support and kindness during his recovery after surgery.
 - 6. Approval of Agenda - Motion needed to approve or amend the agenda.

Commissioner Yoder moved to approve the agenda as written, seconded by Commissioner Moore and the motion carried unanimously.
Absent: Beiler
 - 7. Consent Agenda - Motion needed to approve or amend the consent agenda.

Commissioner Moore moved to approve the consent agenda, seconded by Commissioner Yoder and the motion carried unanimously.

Absent: Beiler

- A. March 29, 2021 regular meeting and April 12, 2021 special meeting and work session minutes.
- B. Formal approval of fiscal year 2021 audit contract with Martin Starnes and Associates, proposal accepted at the March 15, 2021 Polk County Board of Commissioners meeting.
- C. Tax refund requests through April 30, 2021 in the amount of \$1,953.97.

8. Citizen Comments on Agenda Items

There were no citizen comments on agenda items.

9. Recognition of Sheriff Wright's Graduation from the NC Sheriffs' Leadership Institute.

Chairman Melton acknowledged Sheriff Wright's graduation from the Sheriffs' Leadership Institute. He read the specifics of the program which consists of four, week-long training sessions, conducted over two years. The first two weeks are designed to provide specific, technical skills necessary to assume the Office of Sheriff. The second two weeks are designed to further their knowledge, skills, and abilities in the leadership and management of the sheriff's office. This Institute is a national model and provides leadership and technical training, specifically designed for sheriffs, like no other training in the United States.

Sheriff Wright said after he was elected, the Sheriff's Association reached out to him to attend this program, and the County Manager encouraged him to do so. He said he was very glad he went and participated with other Sheriffs from across the State. He said the program is put together by the NC Sheriffs Association, and the networking, and partnerships with other agencies that come out of it are invaluable, and he appreciated the opportunity to attend. The Commissioners presented Sheriff Wright with his certificate and thanked him for his service to the community, and the citizens of Polk County.

Absent: Beiler

10. General Statute 160D Land Use Ordinance Changes, and Planning Board Recommendations for the Polk County Adult Entertainment, Flood Damage Prevention, Mobile Home, Mobile Home Park, Planning Board, Sign, Subdivision, Wireless Telecommunication Ordinances, and the Planning Board Bylaws.

Cathy Ruth, County Planner, said as she was preparing for the meeting and reviewing the documents, she found four additional changes that are not in the amended draft. The changes are to remove the word "zoning" in three ordinances where it does not apply, and in the Planning Board Ordinance,

remove section six, as it is duplicated verbatim in section eight. She requested the Board consider including these changes with the other amendments.

Attorney Berg read the following resolution:

**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY FOR
TEXT AMENDMENTS**

WHEREAS, Section 160D-605 of the North Carolina General Statutes specifies that prior to adopting or rejecting any zoning amendment, the Polk County Board of Commissioners shall adopt a statement which shall not be subject to judicial review; and

WHEREAS, the Polk County Board of Commissioners reviewed and considered the text amendments to the Polk County Ordinances known as, Adult Entertainment Ordinance, Flood Damage Prevention Ordinance, Mobile Home Ordinance, Mobile Home Park Ordinance, Planning Board Ordinance, Planning Board By-Laws, Sign Ordinance, Subdivision Ordinance, and Wireless Telecommunication Ordinance; and

WHEREAS, the Polk County Board of Commissioners find the proposed amendments to the above named ordinances and by-laws are consistent with the Polk County 20/20 Vision

Comprehensive Plan dated September 18, 2017, Section 1.47 As necessary, revise/update the Polk County Ordinances, along with the ordinance and by-law recommendations from the Planning Board.

WHEREAS, the Polk County Board of Commissioners conducted a Public Hearing on May 3, 2021, for consideration of text amendments to the Adult Entertainment Ordinance, Flood Damage Prevention Ordinance, Mobile Home Ordinance, Mobile Home Park Ordinance, Planning Board Ordinance, Planning Board By-Laws, Sign Ordinance, Subdivision Ordinance, and Wireless Telecommunication Ordinance as submitted by the Planning Board;

NOW, THEREFORE, BE IT ORDAINED, by the Polk County Board of Commissioners that

the following Polk County Ordinances and By-Laws shall be amended: Adult Entertainment

Ordinance, Flood Damage Prevention Ordinance, Mobile Home Ordinance, Mobile Home Park Ordinance, Planning Board Ordinance, Planning Board By-Laws, Sign Ordinance, Subdivision Ordinance, and Wireless Telecommunication Ordinance.

Commissioner Moore moved to adopt the resolution of a statement of consistency for the text amendments, along with the additional four changes presented, seconded by Commissioner Yoder and the motion carried unanimously.

Absent: Beiler

11. Budget Work Session Discussion.

Manager Pittman presented a draft Budget Work Session schedule. He said it

is composed of the larger departments and those departments who are requesting an increase greater than seven percent, or a change in their schedule of fees. He asked the Board if they would like changes or additions to the Work Session. The Commissioners were in agreement with the Budget Work Session Schedule as proposed by staff. Absent: Beiler

12. Polk County Masking and Covid Restriction Resolution.

Manager Pittman read the Polk County Masking and Covid Restriction Resolution. Commissioner Moore said he had requested Polk County pass a face mask resolution similar to the one Henderson County passed, although he does support this resolution being presented. Commissioner Yoder moved to adopt the Polk County Masking and Covid Restriction Resolution, seconded by Commissioner Overholt and the motion carried unanimously. Absent: Beiler

13. Volunteer Board Application(s)

A. Application for Animal Cruelty Investigator.

Commissioner Moore moved to approve Evalynn Hyra as an Animal Cruelty Investigator, seconded by Commissioner Yoder and the motion carried unanimously. Absent: Beiler

B. Applications for the Juvenile Crime Prevention Council (JCPC).

Commissioner Overholt moved to Kevin Blackwell, and Lee Bradley to the Juvenile Crime Prevention Council (JCPC), seconded by Commissioner Moore and the motion carried unanimously. Absent: Beiler

14. Citizen Comments on Non-Agenda Items

There were no non-agenda item citizen comments.

15. Closed Session

A. Commissioner Yoder moved to go into closed session for the purposes of attorney client privilege, personnel, and property acquisition, seconded by Commissioner Overholt and the motion carried unanimously. Absent: Beiler.

B. Commissioner Moore moved to return to open session, seconded by Commissioner Yoder and the motion carried unanimously. Absent: Beiler.

Commissioner Yoder moved to direct Manager Pittman to exercise the County's option to purchase a portion of Tax Parcel Number P71-97 consisting of 8.55 acres for the purchase price of \$515,000, and to direct the County Manager to set a closing date for the transaction, and further moved to approve the associated budget amendment to appropriate \$515,000 from the fund

balance for the purchase of the land, seconded by Commissioner Moore and the motion carried unanimously.

Absent: Beiler

Commissioner Overholt moved to Motion to amend the County Manager's prior and current employment contracts to correct an error in subsection C, ii to Section 12 entitled "Other Benefits." Section 12, Other Benefits, Subsection C.ii is amended to read as follows: "Employer agrees to make a contribution equal to 5% of Employee's annual salary to Employee's 401(k) deferred compensation plan." The amendment is necessary to reflect the parties understanding that the employee was not required to make contributions to his 401K in order to be eligible for this benefit, seconded by Commissioner Moore and the motion carried unanimously.

Absent: Beiler

16. Adjournment

Commissioner Moore moved to adjourn the meeting, seconded by Commissioner Yoder and the motion carried unanimously.

Absent: Beiler

Attest:

POLK COUNTY BOARD OF
COMMISSIONERS

Ange High
Clerk to the Board

Tommy W. Melton
Chairman