

**BOARD OF
COMMISSIONERS
REGULAR MEETING
APRIL 3, 2023
5:00 PM**



**R. Jay Foster Hall of
Justice - Womack
Building Columbus, NC**

-
1. Call to Order - Chairman Melton.
 2. Invocation - Commissioner Beiler.
 3. Pledge of Allegiance - Commissioner Overholt.
 4. Approval of Agenda
 - A. Items may be added or removed at this time.
 5. Consent Agenda - Motion to approve Consent Agenda.
 - A. Approval of March 20, 2023 Public Hearing and Regular Meeting Minutes.
 - B. Amended Grant Project Budget Ordinance to allocate \$250,000 ARPA Revenue Replacement Funds for the Department of Information Technology (DIT) approved broadband project with Charter.
 - C. Polk County Recruitment and Retention Resolution Extension.
 - D. Tax Refund Request in the amount of \$739.07.
Motion to approve the Consent Agenda.
 6. Citizen Comments on Agenda Items.
 7. Field Representative for US Congressman Chuck Edwards - Tommy Laughter.
 8. Proclamation to declare April 2023 as Child Abuse & Neglect Prevention Month - Kim Wilson, Senior Program Manager Polk County Health and Human Services, Division of Social Services.
Motion to adopt the proclamation.
 9. 2022 Uncollected (Delinquent) Tax Report - Melissa O'Loughlin, Tax Administrator.
Motion to charge the Tax Administrator to advertise and collect the 2022 unpaid taxes by any and all means.
 10. Tax Refund Request Discussion - Melissa O'Loughlin, Tax Administrator.
Motion to approve the Tax Refund Request.

Motion to release Rollback Taxes as requested.
 11. 2025 Tax Revaluation Discussion - Melissa O'Loughlin, Tax Administrator and Brandon Highsmith, Operations Supervisor.

12. Interlocal Agreement between Town of Tryon and Polk County for Fire Safety Services - Bobby Arledge, Emergency Management Director.

Motion to approve the interlocal agreement as presented.

13. Addendum to 2017 Memorandum of Understanding (MOU) between Polk County E-911 Communications and Rutherford County E-911 Communications - Attorney Berg.

Motion to approve the addendum to the 2017 MOU.

14. Citizen Comments on Non-Agenda Items.

15. Volunteer Board Application(s)

A. Applications for Consideration: Carolyn Baughman, Library Board of Trustees.

Motion to approve the applicant as presented.

16. Chairman and Commissioner Comments.

17. Adjournment

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

April 3, 2023 Regular Meeting

Agenda Item#: A.

ATTACHMENTS:

Description	Type	Upload Date
Draft 3.20.2023 Meeting Minutes	Cover Memo	3/28/2023

POLK COUNTY BOARD OF COMMISSIONERS
Public Hearing and Regular Meeting
March 20, 2023 - 5:00 PM
R. Jay Foster Hall of Justice - Womack Building Columbus, NC
Columbus, NC
MINUTES

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

Pledge of Allegiance - Commissioner Beiler and Foothills Academy Students.

1. Public Hearing

A. Call the Public Hearing to Order - Chairman Melton. The purpose of the public hearing was to take public comment on the proposed Comprehensive Transportation Plan (CTP). The public hearing was properly advertised in the Tryon Daily Bulletin.

Alan Toney, Foothills Regional Commission introduced Domonique Boyd and John (Andy) Bailey, NCDOT. Mr. Boyd and Mr. Bailey jointly presented the Comprehensive Transportation Plan presentation. A copy of the presentation is hereby incorporated into these minutes for reference.

B. Citizen Comments.

There were sixteen citizen comments during the Public Hearing.

C. Commissioner Comments.

The Commissioners discussed the pros and cons of the proposed CTP Plan and sought clarification from Mr. Toney. The Commissioners all agreed the new process giving them authority to approve or deny projects from moving forward, makes them much more comfortable with the plan, as there are parts of the plan that they do not agree with.

D. Adjourn Public Hearing.

Commissioner Overholt moved to adjourn the Public Hearing, seconded by Vice-Chairman Yoder and the motion carried unanimously.
Absent: Moore

2. Call to Order - Chairman Melton.

3. Invocation - Vice-Chairman Yoder.

4. Pledge of Allegiance - Commissioner Beiler and Foothills Academy Students.

5. Approval of Agenda

- A. Items may be added or removed at this time.

Commissioner Overholt moved to amend the agenda to allow the Foothills Academy Students to lead the Pledge of Allegiance prior to the Public Hearing, seconded by Vice-Chairman Yoder and the motion carried unanimously.

Absent: Moore

6. Consent Agenda - Motion to approve Consent Agenda.

- A. Approval of March 6, 2023 Public Hearing and Regular Meeting Minutes.
- B. Tax Refund Requests totaling \$517.94.
- C. Sheriffs Department Monthly Activity Report for February 2023.
- D. Declare IT equipment as surplus to be sold electronically through Govdeals.
- E. Amend the Polk County High School HVAC Project Budget Ordinance in the amount of \$1,840 due to the contract being over the loan amount. (Overage paid with sales tax refunded from the project.)

Commissioner Beiler moved to approve the consent agenda, seconded by Vice-Chairman Yoder and the motion carried unanimously.

Absent: Moore

7. Citizen Comments on Agenda Items.

There were three comments on agenda items.

8. St. Luke's Hospital Update - Michelle Fortune, Chief Executive Officer.

Chairman Melton asked that this item be added to the agenda. Ms. Fortune gave a presentation detailing the updates at St. Luke's Hospital over the past year and the importance/impact of having St. Luke's Hospital in our county.

9. Resolution in support of a Workforce Facility and Update - Margaret H. Annunziata, Ed.D. President, Isothermal Community College

Ms. Annunziata updated the Board on Isothermal Community College (ICC), and announced the ICC Polk Center is now officially being recognized as the ICC Polk Campus. she then presented the Workforce Facility Resolution for consideration.

Commissioner Overholt moved to adopt the Resolution in support of a Workforce Facility, seconded by Commissioner Beiler and the motion carried unanimously.

Absent: Moore

10. Resolution Authorizing the Sale of Retiring K-9 Officer, Jumper - Jeff Ramsey, Chief Deputy.

Sheriff Wright said that Officer Thomas is relocating and requested to purchase K-9 Jumper due to the bond they had formed over the past several years. He presented the resolution and purchase agreement for consideration.

Vice-Chairman Yoder moved to adopt the Resolution Authorizing the sale of K-9 Jumper, seconded by Commissioner Overholt and the motion carried unanimously.

Absent: Moore

Commissioner Overholt moved to approve the purchase agreement, seconded by Commissioner Beiler and the motion carried unanimously.

Absent: Moore

11. Foothills Comprehensive Transportation Plan (CTP) - Alan Toney II, Foothills Regional Commission Community & Economic Development Director, Domonique Boyd, Project Manager NCDOT Transportation Planning Division and John A. (Andy) Bailey, Supervisor NCDOT Transportation Planning Division. (Information can be found attached to the Public Hearing Item.)

Commissioner Overholt said he would like to see a separate set of state requirements for rural roads. He explained you cannot remove a portion of the project from the CTP, its all or nothing. These proposed updates may not be brought forth for approval for many years, but he wanted to state publicly on the record, that maintenance is a priority. Vice-Chairman Yoder said the process to widen or modernize a road, must come before the Board for approval before it goes any further. He said this is a new process giving the Board of Commissioners control of projects before they go to the RPO for consideration. He said he too prioritizes maintenance.

Commissioner Overholt moved to affirm the 2017 Vision Plan and adopt the Comprehensive Transportation Plan, seconded by Vice-Chairman Yoder and the motion carried unanimously.

Absent: Moore

12. Temporary Construction Easement Agreement between Polk County, Jasmine LLC and Route 74 LLC - Attorney Berg.

Attorney Berg explained this easement was in place prior to being acquired by Polk County and is for a temporary construction easement which will expire on December 31, 2024.

Commissioner Overholt moved to approve the agreement and grant the County Manager signatory authority, seconded by Commissioner Beiler and the motion carried unanimously.

Absent: Moore

13. Citizen Comments on Non-Agenda Items.

There was one citizen comment on non-agenda items.
Absent: Moore

14. Volunteer Board Application(s)

A. Applications for Consideration: Fred Baisden - Isothermal Planning and Development Commission. David Scherping - Isothermal Community College Board of Trustees. John Joseph (JJ) Sauve - Fire Rescue Advisory Committee. Sanjay Patel, Ronnie Smith - Columbus Fire Department Tax Commission.

Commissioner Beiler moved to approve the applicants as presented, seconded by Vice-Chairman Yoder and the motion carried unanimously.
Absent: Moore

15. Chairman and Commissioner Comments.

The Commissioners thanked the public for attending.
Absent: Moore

16. Adjournment

Commissioner Beiler moved to adjourn, seconded by Vice-Chairman Yoder and the motion carried unanimously.
Absent: Moore

Attest:

POLK COUNTY BOARD OF
COMMISSIONERS

Kristy A Tipton
Clerk to the Board

Tommy W. Melton
Chairman

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

April 3, 2023 Regular Meeting

Agenda Item#: B.

ATTACHMENTS:

Description	Type	Upload Date
Project Budget Ordinance	Cover Memo	3/28/2023

COUNTY OF Polk, NORTH CAROLINA

**GRANT PROJECT BUDGET ORDINANCE
America Rescue Plan Act (ARPA)**

Revenue		Amended 2/21/2022	Amended 4/4/2022	Amended 4/3/2023
ARPA Grant 2021 (American Rescue Plan Act)	26-3437-4400	\$ 4,025,394	\$ 4,025,394	\$ 4,025,394

Section 1. The County has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1), and expend all its ARP/CSLFRF funds for the provision of government services.

Total		\$ 4,025,394	\$ 4,025,394	\$ 4,025,394
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Section 2. The following amounts are appropriated for the project and authorized for Expenditure:

Budget Expenditures

Unassigned allocation	26-4316-6900-1	\$ 3,875,394	\$ 1,792,713	\$ 1,542,713
Vaccine Clinic Costs-FY21	26-4316-3233-0	150,000	91,648	91,648
GREAT Grant-Broadband	26-4316-5800-5		-	250,000

Reimburse 7/1/21-3/31/22	26-4316-1210-0			
Administration	Salaries	-	215,380	
	Benefits	-	60,153	
Finance/HR	Salaries	-	200,606	
	Benefits	-	61,455	
Tax/Tag	Salaries	-	217,008	
	Benefits	-	75,961	
Legal	Salaries	-	63,086	
	Benefits	-	4,826	
Elections	Salaries	-	81,468	
	Benefits	-	20,538	
ROD	Salaries	-	97,048	
	Benefits	-	28,413	
Bldg. Maint.	Salaries	-	91,584	
	Benefits	-	31,665	
Information Tech.	Salaries	-	127,686	
	Benefits	-	39,253	
Planning & Development	Salaries	-	101,192	
	Benefits	-	34,088	
Soil & Water/Ag.	Salaries	-	107,441	
	Benefits	-	34,726	
Recreation	Salaries	-	123,307	
	Benefits	-	43,533	
Library	Salaries	-	206,896	
	Benefits	-	73,720	
Total Reimb.			2,141,033	2,141,033

Total		\$ 4,025,394	\$ 4,025,394	\$ 4,025,394
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Polk County Federal grant award to be spent as directed by the Act, the State and the Board of Commissioner's. 50% was received 5/24/21 (\$2,012,697) and the remaining 50% is due one year later (5/24/22).

Amended 4/4/22 - This amendment reduces the vaccine clinic budget for FY21 and adjusts it to actual spent. It also uses the standard allowance to provide government services, in this case, salaries and benefits, for reimbursement to the County for 7/1/21-3/31/22. This use of funds was approved by the Polk BOC 2/21/22 after the Final Rule was released.

Amended 4/3/23 - This amendment allocated \$250,000 ARPA Revenue Replacement funds for the DIT approved broadband project with Charter

Date approved & entered into the BOC minutes

COUNTY MANAGER

FINANCE OFFICER

-Grant Project Ordinance: ARPA 2021



Roy Cooper
Governor

James A. Weaver
Secretary and State Chief Information Officer

August 1, 2022

Joe Prater
Director, State Government Affairs
Spectrum Southeast, LLC
7800 Crescent Executive Drive
Charlotte, NC 28217

Re: Growing Rural Economies with Access to Technology (GREAT) Grant Award
Notification; Application # 1000014087

Dear Mr. Prater:

Congratulations! On behalf of the N.C. Department of Information Technology's Division of Broadband and Digital Equity, I am pleased to announce that Spectrum Southeast, LLC (Charter Communications dba Spectrum) has been selected for funding under the GREAT Grant program in the amount of \$4,000,000.00. These funds are awarded from American Rescue Plan Act State Fiscal Recovery Funds as appropriated by N.C. Session Law 2021-180 and are subject to federal requirements as detailed in the U. S. Treasury Final Rule and other applicable requirements referenced in the GREAT Grant Guidance Document.

The required match for this project is \$8,084,196.00. These funds are contingently awarded for the project entitled 2022 NC GREAT - Polk County Project to deploy broadband services to approximately 3,531 households and businesses in Polk County. The Broadband Infrastructure Office will send a follow-up letter in the coming days outlining the additional information that must be submitted to us prior to contracting. If the requested information is not received, the awarded project may be rescinded and the next highest scoring application in the county may be eligible for award.

The GREAT grant awards are being made on a rolling basis through July and August for this funding round. We extend our best wishes for success in deploying broadband services to unserved areas in North Carolina, and we look forward to working with you on this important project. If you have any questions about the next steps, please contact Angie Bailey, Director of the Broadband Infrastructure Office, at GREATgrant@nc.gov.

Sincerely,

DocuSigned by:

7808BF9EB6564CB...

Nathaniel S. Denny
Deputy Secretary
Division of Broadband and Digital Equity
N.C. Department of Information Technology

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

April 3, 2023 Regular Meeting

Agenda Item#: C.

ATTACHMENTS:

Description	Type	Upload Date
Retention and Recruitment Resolution	Cover Memo	3/28/2023

**POLK COUNTY
RECRUITMENT & RETENTION
RESOLUTION**

WHEREAS, Polk County North Carolina, like most regions across the State and Country is experiencing a much higher unemployment rate than normal; and

WHEREAS, Polk County Local Government has had a large number of vacancies in different County departments, including emergency services; and

WHEREAS, these positions have remained vacant for an extended time period, using all the standard recruitment strategies and methods; and

WHEREAS, we understand, and are sympathetic to other business and organizations experiencing the same staffing difficulties, however, the services Polk County Local Government employees provide to the citizens are deemed essential, and many positions are statutorily required, and provide emergency and life safety functions in the community.

Therefore, be it resolved the Polk County Board of Commissioners enact the following temporary recruitment and retention measures:

1. Full-time non-exempt emergency personnel working in the following departments: Sheriff, Jail, Animal Control, School Resource Officers, EMS, and 911 Communications, at the discretion of the County Manager, may be paid overtime hours instead of accruing compensation time beginning in the June 20 - July 3, 2022 pay period and ending in the June 5 - 18, 2023 pay period.
2. Any new person who accepts a position with Polk County Local Government between Jul 1, 2022 and June 30, 2023 will receive a one thousand dollar (\$1,000) hiring bonus after they complete the customary probation period.

Adopted on the 7th day of September, 2021. Amended on the 20th day of September, 2021. Amended on the 6th day of December, 2021.
Amended on the 6th day of June, 2022. Amended on the 3rd day of April, 2023.

ATTEST:

POLK COUNTY BOARD
OF COMMISSIONERS

Kristy A. Tipton
Clerk to the Board

Tommy W. Melton
Chairman

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

April 3, 2023 Regular Meeting

Agenda Item#: D.

ATTACHMENTS:

Description	Type	Upload Date
Tax Refund Request	Cover Memo	3/27/2023

Suggested Motion:

Motion to approve the Consent Agenda.

Memorandum

To: Polk County Board of Commissioners

From: Melissa O'Loughlin, Polk County Tax Administrator

Date: 3/31/2023

Re: Refund Request

<u>Taxpayer</u>	<u>Parcel</u>	<u>Amount</u>	<u>Reason</u>
CVS of Columbus #7008		\$ 739.07	Overpayment-Written Refund Request

TOTAL: \$ 739.07

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

April 3, 2023 Regular Meeting

Agenda Item#: 8.

ATTACHMENTS:

Description	Type	Upload Date
Proclamation	Cover Memo	3/29/2023

Suggested Motion:

Motion to adopt the proclamation.

April 2023
Child Abuse & Neglect Prevention Month
Proclamation

WHEREAS, our children are our most valuable resources and will shape the future of Polk County; and

WHEREAS, every child deserves to be loved, cared for, secure, and safe and it is the responsibility of our communities to promote every child's right to a safe, happy and healthy environment; and

WHEREAS, in 2023, 310 reports were made to Polk County Child Protective Services; and

WHEREAS, child abuse and neglect not only cause immediate harm to children, but can have long-term psychological, emotional, and physical effects that can have lifelong consequences for victims of abuse and can increase the likelihood of criminal behavior, substance abuse, health problems and risky behavior; and

WHEREAS preventing child abuse and neglect is a community responsibility affecting both the current and future quality of life of Polk County and finding solutions depends on involvement among all people; and

WHEREAS, protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children; and

WHEREAS, we must make every effort to promote programs and activities that benefit children and their families; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among child welfare, citizens, agencies, schools, religious organizations, law enforcement agencies, and the business community; and

WHEREAS, we acknowledge that we must work together and that all citizens should become involved to provide safe, nurturing environments for children in all areas of their lives – at home, in school, and in the community – offering them the opportunity to grow up to be caring, contributing members of the community;

WHEREAS, **PREVENTION** remains the best defense for our children and families;

NOW, THEREFORE, I, Tommy Melton, Board of Commissioner Chair, do hereby proclaim **APRIL 2023 as Child Abuse and Neglect Prevention Month** in Polk County, North Carolina and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families, thereby preventing child abuse and neglect and strengthening the community in which we live.

Adopted this _____ day of _____, 2023.

Tommy W. Melton, Chairman

ATTEST:

Kristy Tipton, Clerk to the Board of Commissioners

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

April 3, 2023 Regular Meeting

Agenda Item#: 9.

ATTACHMENTS:

Description	Type	Upload Date
Uncollected Tax Report	Cover Memo	3/28/2023

Suggested Motion:

Motion to charge the Tax Administrator to advertise and collect the 2022 unpaid taxes by any and all means.

Memorandum

To: Polk County Board of Commissioners

From: Melissa O'Loughlin, Polk County Tax Administrator

Date: 3/20/2023

Re: Total Unpaid taxes for 2022

Report for the Polk County Board fo Comissioners of total unpaid taxes for 2022 as of February 28, 2023

Uncollected amount \$1,175,447.27 at a collection rate of 92.85%

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

April 3, 2023 Regular Meeting

Agenda Item#: 10.

ATTACHMENTS:

Description	Type	Upload Date
Refund Request - TEP	Cover Memo	3/28/2023
Refund Request - clerical error	Cover Memo	3/28/2023
Rollback Taxes	Cover Memo	3/29/2023

Suggested Motion:

Motion to approve the Tax Refund Request.

Motion to release Rollback Taxes as requested.

Memorandum

To: Polk County Board of Commissioners

From: Melissa O'Loughlin, Polk County Tax Administrator

Date: March 23, 2023

Re: Taxpayer Refund Request

This refund request is in regards to a double billing. Tryon Equestrian Properties listed real property within the business personal property listing for multiple years. This created a double billing. Per NCGS 105-381 (a)(1)(a) a tax imposed through clerical error or 105-381 (a)(1)(b) an illegal tax.

The taxpayer is requesting the credit be applied to any delinquent open balances in lieu of a refund check.

Memorandum

To: Polk County Board of Commissioners

From: Melissa O'Loughlin, Polk County Tax Administrator

Date: March 28, 2023

Re: Taxpayer Refund Request

Written request has been received from the taxpayer. This refund request is in regards to an over billing for tax year 2021 & 2022. Per NCGS 105-381 (a)(1)(a) a tax imposed through clerical error.

Clerical error made, upper level of home was billed twice.

Memorandum

To: Polk County Board of Commissioners

From: Melissa O'Loughlin, Polk County Tax Administrator

Date: March 22, 2023

Re: Taxpayer Release Request

This release request is in regards to rollback tax bills the taxpayer is requesting to be released.

After a scrivener's deed was filed to correct an error made, the rollback taxes would then be classified as an illegal tax under NCGS 105-381 (a)(1)(b). My recommendation is to release the rollback tax bills. An estimate of the release is \$1514.32

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

April 3, 2023 Regular Meeting

Agenda Item#: 12.

ATTACHMENTS:

Description	Type	Upload Date
Interlocal Agreement	Cover Memo	3/29/2023

Suggested Motion:

Motion to approve the interlocal agreement as presented.

**INTERLOCAL AGREEMENT
BETWEEN
TOWN OF TRYON
AND
POLK COUNTY
FOR FIRE SAFETY SERVICES**

THIS INTERLOCAL AGREEMENT (“ILA”) is entered into effective July 1, 2023 by and between Polk County, North Carolina, a political subdivision of the State of North Carolina and body corporate (“County”), and the Town of Tryon, a municipal corporation of the State of North Carolina (“Town”), collectively “the Parties.” Both Parties are duly organized and operate under and through the laws of the State of North Carolina.

WHEREAS, the Town of Tryon is charged with the administration and enforcement of the International Building Code and the International Fire Code within its corporate limits; and

WHEREAS, the International Building Code and the International Fire Code require various inspections of new and existing occupancies and buildings; and

WHEREAS, the County has the statutory authority, competence and desire to undertake certain inspections within the town’s corporate limits; and

WHEREAS, North Carolina law permits governmental entities to enter into agreements to the advantage of each;

NOW, THEREFORE, in consideration of the terms, conditions, and covenants stated herein and the performance to be rendered under this ILA, the Parties agree as follows:

Section 1. Purpose and Authority

The Parties desire to contract with one another for the County to provide fire inspection services within the Town’s jurisdiction. The Parties agree that this ILA should be liberally construed to effectuate its purpose.

Section 2. Scope of Agreement

The Parties agree as follows:

A. Fire Inspector Position: The County will employ and supervise an experienced and qualified Fire Inspector as a County employee (“Inspector”). The County will ensure that the Inspector position remains filled for the duration of this ILA.

B. Duties of the Parties:

(1) The County through its Inspector will be responsible for performing fire safety plan reviews and all fire safety inspections, including assistance with fire code compliance and enforcement, within the Town’s corporate limits that are required by the International Fire

representatives.

(2) Each Party agrees to defend and indemnify the other Party and its elected or appointed officers, officials, employees, agents, and volunteers from and against all claims, losses, damages, suits, and expenses, including reasonable attorney fees and costs, to the extent they arise out of the negligence or willful misconduct of the indemnitor or its elected or appointed officers, officials, employees, agents, and volunteers in the performance of this ILA. The indemnitor's duty to defend and indemnify extends to claims by the elected or appointed officers, officials, employees, agents, and volunteers.

D. Nonpayment and Other Defaults: In the event of any default hereunder, upon 30 calendar days' written notice by either Party with regard to failure to make any payment required, and if the same is not cured within 60 calendar days, then the requesting Party is entitled, without further notice or demand, to give notice of termination as set forth in the "Duration and Termination" section of this ILA, including any other remedy granted at law or in equity.

E. Notice: Any formal notice required to be given by one Party to another must be in writing and deposited in the United States mail, postage prepaid, addressed as follows or at such future address as a Party may provide:

COUNTY: Polk County Fire Marshal
 PO Box 308
 Columbus, NC 28722

With copy to:
Polk County Manager
PO Box 308
Columbus, NC 28722

TOWN: Town Manager
 Town of Tryon
 301 North Trade Street
 Tryon NC 28782-3015

This provision does not apply to informal correspondence, which is ordinarily conducted by email.

Notice is deemed to have been given at the time it is deposited in the United States mail in the manner prescribed herein. Nothing in this section precludes personal service of any notice in the manner prescribed for personal service of a summons or other legal process.

F. Entire Agreement: This ILA constitutes the entire Agreement of the Parties regarding fire inspections and supersedes all prior agreements, contracts, and understandings, written or oral, on the subject of fire inspections. The Parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this ILA. Any and all previous agreements, understandings, and the like, oral or otherwise, are hereby revoked.

normal business hours.

P. Public Records Requests: Each Party is responsible for timely and adequately responding to requests for records addressed to it under the Public Records Act or other demand for disclosure.

Q. Challenges: Entry into this ILA will not be construed to be a waiver or abandonment of any defense or claim a Party may have against another.

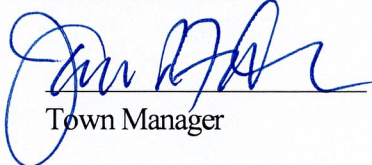
R. Survival of Certain Provisions. Any term of this ILA that by reasonable implication contemplates continued performance, rights, or compliance beyond its expiration or termination, survives the ILA and continues to be enforceable. Without limiting the generality of this provision, the Parties' obligation to indemnify each other survives for a period equal to any and all relevant statutes of limitation, plus the time necessary to fully resolve any claims, matters, or actions begun within that period.

S. Severability. If any term of this ILA is declared by a court having jurisdiction to be illegal or unenforceable, the validity of the remaining terms is unaffected and, if possible, the rights and obligations of the Parties are to be construed and enforced as if the ILA did not contain that term.

The Effective Date of this Agreement is the 1st day of July, 2023.

APPROVED:

TOWN OF TRYON

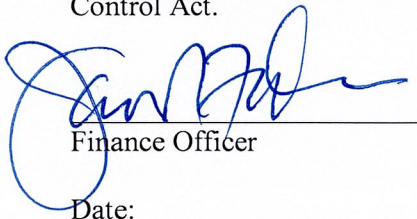

Town Manager

APPROVED:

POLK COUNTY

County Manager

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.


Finance Officer
Date:

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

April 3, 2023 Regular Meeting

Agenda Item#: 13.

ATTACHMENTS:

Description	Type	Upload Date
Addendum	Cover Memo	3/27/2023

Suggested Motion:

Motion to approve the addendum to the 2017 MOU.

**ADDENDUM TO
MEMORANDUM OF UNDERSTANDING**

This Addendum to Memorandum of Understanding, made and entered into this the ____ day of _____, 2023, by and between Polk County, a political subdivision of the State of North Carolina (hereinafter "Polk County"), and Rutherford County, a political subdivision of the State of North Carolina (hereinafter "Rutherford County");

WITNESSETH:

THAT, WHEREAS, Polk County, by and through Polk County E-911 Communications, and Rutherford County, by and through Rutherford County Sheriff's Office E-911 Communications, entered into a Memorandum of Understanding By and between Polk County E-911 Communications & Rutherford County Sheriff's Office E-911 Communications on the 23rd day of February, 2017 (hereinafter "MOU"); and

WHEREAS, Rutherford County E-911 Communications has subsequently been transferred from the Rutherford County Sheriff's Office to Rutherford County; and

WHEREAS, Polk County continues to require the services provided in the MOU and Rutherford County is willing and able to provide such services as stated therein; and

WHEREAS, the parties hereto desire to extend the term of the MOU.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereto agree as follows:

1. The term of the MOU shall be extended to June 30, 2024.
2. All other terms of the MOU are hereby confirmed.

IN TESTIMONY WHEREOF, Polk County and Rutherford County have each caused this Addendum to be executed by its County Manager and attested by the Clerk of the Board of County Commissioners, by authorization duly given.

POLK COUNTY, a political subdivision of the State of North Carolina

BY: _____
Marche Pittman, County Manager

ATTEST:

_____, Clerk
Board of County Commissioners

RUTHERFORD COUNTY, a political subdivision of the State of North Carolina

BY: _____
Steve Garrison, County Manager

ATTEST:

Hazel S. Haynes, Clerk
Board of County Commissioners