

POLK COUNTY
Monday, February 21, 2011, 3:00 PM
PUBLIC HEARING
BOARD OF COMMISSIONERS' REGULAR MEETING
R. Jay Foster Hall of Justice
Womack Building
Columbus, NC
MINUTES

1. Call to Order – Chair Gasperson called the meeting to order. He welcomed everyone, and made mention of the two Polk County Sheriff's Department officers present. He acknowledged that the Board will often have contentious issues to discuss and will not always agree. He said it is important to have a free and spirited exchange of ideas and healthy debate. Yet, through it all, civility will be maintained. Chair Gasperson also asked that the family and friends of Vanessa Mintz be kept in everyone's thoughts and prayers.
2. Invocation – Commissioner Walker gave the invocation.
3. Pledge of Allegiance – Commissioner Pack led the pledge.
4. Approval of Minutes – Commissioner Owens made a motion to approve the February 7, 2011, regular BOC meeting minutes with amendments, seconded by Vice-Chair McDermott and the motion carried unanimously.
5. Approval of Agenda – County Manager Whitson asked that Agenda Items #10 and #16 be removed from the agenda and added to the March 7th meeting agenda. Commissioner Owens asked that a closed session for G.S. 143-318.11(a)(2), attorney-client privilege, be added to the agenda. Commissioner Walker made a motion to approve the agenda as amended, seconded by Vice-Chair McDermott and the motion carried unanimously.
6. Eliose Thwing – Ms. Thwing thanked the Board for recognizing her work with Thermal Belt Outreach Ministry.
7. BOC Meeting Security – Chair Gasperson put forward that Board meetings should be staffed by two uniformed officers for the rest of the fiscal year, and that meeting attendees should be required to pass through a metal detector before entering the meeting room. Upon the recommendation of a magistrate, Chair Gasperson also put forward that the public area be defined as the space behind the half walls, that the Commissioner/staff area be defined as the space forward of the half walls, and that members of the public deliver all written information to the Clerk for distribution to the Commissioners. Commissioner Owens read the following statement (transcribed as submitted):

“Although I don't agree with it, I'm not criticizing your request for the Sheriff to have deputies at the commissioners' meeting, with a possible homicide in Saluda this past week-end, with break-ins and drugs I feel their time could be better spent than sitting at a commissioners' meeting. Also, when I get to the

point where I won't allow a citizen of Polk County to state his/her opposing views then I need to step down. If the deputies are going to be here I would request that they be in full uniform and not plain clothes. We are not a communist country yet."

Commissioner Owens concluded by saying he does not approve of having deputies at BOC meetings unless someone is really threatened.

Commissioner Pack said Commissioners are elected to represent all the people. They are hired by the citizens to do a job, which is the County business. The citizens pay taxes from their hard earned money to operate the County. Now this Board is wanting to spend some of that hard earned tax revenue to protect the Commissioners from the citizens they are supposed to represent, and Commissioner Pack does not agree with this. If Commissioners get to the point where they are in that much fear of the citizens, then they should resign.

Vice-Chair McDermott said she has been coming to BOC meetings for quite a few years, and it has not been unusual to have one or more deputies in attendance. When Sheriff Satterfield was in office he came to just about every meeting himself. There should be no implication taken from this that anyone wants to stifle debate or cut off speech on the part of the citizens. Vice-Chair McDermott said she has no idea why anyone would jump to such conclusions because the Commissioners have never stifled debate or cut off speech, and they do not intend to do so now. Having deputies at meetings in no way should stifle speech – they are our neighbors, too. What we see all over the Country, aside from anything that happened in Polk County, is the need for security in public meetings. This is not only to protect the Commissioners, but to protect the audience as well. Recently in Tucson, not only was a representative shot, but many citizens were either killed or grievously wounded as well. Vice-Chair McDermott went on to say that the recent murder in Saluda is evidence that we are not immune from bad things happening. We need to take reasonable steps to protect the entire public who want to come to these meetings and be free in a free democracy.

Commissioner Owens suggested the Commissioners pay the approximately \$84.56 per meeting for the two deputies out of their own pay. Discussion regarding this proposal ensued.

Citizen comments: Elizabeth Garniss urged the Commissioners to find some way to communicate with each other in a successful and productive manner. Keith Holbert read the following statement (transcribed as submitted):

"Mr. Chairman, my name is Keith Holbert. I have attended meetings of the Board of Commissioners on a regular basis for approximately the last 12 years. I have yet to see a citizen physically assault a Commissioner. However: I have heard citizens verbally abuse Commissioners, and I have heard Commissioners verbally abuse citizens. If security is necessary in this chamber, then I would respectfully ask that you put up audio and video for the protection of the citizens as much as the Commissioners. The only times that I can remember security being requested at Commissioners meetings was

when “Chicago Style Politics” were being used. Once was when Jack Lingafelter and board members wanted to use “Imminent Domain” [sic] on a citizen, and the other was when Harry Denton and board members wanted to force “Zoning” on an area of the county that citizens did not want. That being said, what is this board planning that the citizens will rise against?”

Margaret Johnson said intimidation and bullying are becoming all too common in our political arena. They are actually being used as a political tactic to drive good, decent people away from civic activities. We cannot let this happen. This type of behavior is not compatible with democracy. It is also not compatible with the kind of Christianity that she understands. Ms. Johnson applauded the Commissioners’ efforts in trying to protect the citizens, and in trying to elevate the political discourse in Polk County.

Ricky McFalls said \$84.00 is not that much money, and the Commissioners ought to put the money up themselves. The Commissioners are throwing good money after bad just because of one incident. He has been coming to these meetings for a long time and, while he has heard things said, he has never seen anyone physically harmed. He asked the Commissioners to table the issue and look at it some more.

Commissioner Walker made a motion to approve that Board meetings be staffed by two uniformed officers for the rest of the fiscal year, that meeting attendees be required to pass through a metal detector before entering the meeting room, that the public area be defined as the space behind the half walls, that the Commissioner/staff area be defined as the space forward of the half walls, and that members of the public deliver all written information to the Clerk for distribution to the Commissioners, seconded by Vice-Chair McDermott and the motion passed 3-2 (Owens and Pack opposed).

Commissioner Owens made a motion for the Commissioners to pay \$84.56 for two Sheriff’s deputies to attend the BOC meetings out of their own pay, seconded by Commissioner Pack. Vice-Chair McDermott said the deputies’ presence is for the entire community, not just for the Commissioners. Some Commissioners work and take a huge amount of time off work to fulfill their duties as elected officials; therefore, they have a considerable financial detriment to their lives and should not be asked to pay any more out of their small County salaries. Vice-Chair McDermott said she spoke to a member of the NC School of Government about security and he was aghast that security was not in place from the beginning, as it was in most counties. Commissioner Walker said if she does not pay attention to things that occur to her, and make sure that she responds appropriately, then she has failed in her responsibilities to herself and to the citizens. It is unfortunate the meetings now require a metal detector and officers present, and that citizens cannot walk beyond the half wall. However, she said, “we can’t unring the bell”; it has occurred, and she has a responsibility to pay attention to that.

Commissioner Pack said that if any of the Commissioners were serving in this small community for the monies, then they were serving for the wrong reason. Commissioners are here to serve and to try and do what is best for the citizens, and it should not be about the monies. If a Commissioner cannot afford to pay for his or

her protection, then they are there for the wrong reason. Regarding the NC School of Government, Commissioner Pack said Polk County is a little bit different than most of the other counties, most other communities, in North Carolina in that we are small, and everybody pretty much knows everyone. Things are a little bit different here and we do not need to have these strict rules that you draw a line you cannot cross, because that is wrong. It should be that the Commissioners can interact and talk to everyone as neighbors and as friends. When you start putting security up here, you are trying to put a force that you are going to hide behind, and that is wrong. The citizens should feel like they are a part of this, not the opposition. With a motion and a second on the floor, and the motion failed 2-3 (Gasperson, McDermott and Walker opposed).

8. Public Hearing – Chair Gasperson called the public hearing to order to hear public comment on the FY 2011-2012 Community Transportation Grant. Notice of the public hearing was advertised in the *Tryon Daily Bulletin* on February 10, 2011. Jewell Carswell, Transportation Director, was present to answer questions. There were no citizen comments. Commissioner Owens made a motion to adjourn the public hearing, seconded by Commissioner Pack and the motion carried unanimously.
9. FY 2011-2012 Community Transportation Program Resolution – Commissioner Owens made a motion to approve the resolution, seconded by Commissioner Pack and the motion carried unanimously.
10. Medicaid Waiver – Mr. Niels Eskelsen, 1915(b)(c) Medicaid Waiver consultant and former Piedmont Behavioral Medicine CFO, discussed the financial and operational issues of the Medicaid Waiver. He spoke in favor of the waiver and recommended the BOC vote to approve the resolution.

Citizen comments: Local mental health advocate Jim VanHecke spoke in support of the Medicaid Waiver and urged Commissioners to approve the resolution.

Commissioner Walker made a motion to approve the Western Highland Area Authority Medicaid 1915(b)(c) Waiver Project Resolution, seconded by Vice-Chair McDermott and the motion carried 4-1 (Pack opposed).

11. Rails to Trails Initiative Update – Andy Millard, Chairman of the Rails to Trails Executive Committee (RTEC), apologized to property owners along the proposed Rails to Trails line for not contacting them regarding the initiative. Mr. Millard announced that property owners will be invited to a meeting with the RTEC on Thursday, March 4th at 5:30pm at the depot in Tryon.

Citizen comments: The following citizens spoke in opposition to the proposed Rails to Trails initiative – John Blanton, Bruce Wilson, Carroll Edney, Gary Walker, Janet Sauve, and Virginia Gosnell. The following citizens spoke in support of the proposed Rails to Trails initiative – Ed Chapman, Jeff Byrd, Jerry Burns and Reggie Drake.

12. Bright's Creek Development Agreement – Cathy Ruth, Planner, told the Board that it is the recommendation of the Planning Board to accept the Bright's Creek Development Agreement proposed amendments. Commissioner Owens made a motion to schedule a public hearing for March 7, 2011, seconded by Commissioner Pack. Will Buie, P.E., with William Lapsley & Associates, P.A., gave a presentation on the Bright's Creek Development Agreement proposed amendments. With a motion and a second on the floor, the motion carried unanimously.
13. Waterline From the Middle School Well to Polk Central School – County Engineer Odom told the Board that it will cost an estimated \$420,000 to run a 12" waterline from the Middle School well to Polk Central School. The estimated cost to run a waterline from the intersection of Peniel Rd. and Hwy. 9 to the school is \$656,000. Discussion ensued regarding running a waterline to the school versus the school system bringing the existing well up to State standards at an estimated cost of \$30,000-\$40,000. School Superintendent Bill Miller, Jr., said it would be nice for the school to have public water, but he would be happy with any timely decision made by the Board. County Manager Whitson said the State is currently proposing that local school systems take responsibility for the purchase of school buses. A new school bus costs approximately \$80,000. Both Superintendent Miller and School Board Chairman Geoff Tenant said the school board agreed that, in lieu of public water, it would rather protect existing programs and jobs; running a waterline to Polk Central School is at the bottom of the school board's priority list. Commissioner Pack expressed concern regarding the school system spending money out of its fund balance for the well, only to have the County run a waterline later - that would be a waste of money. Commissioner Walker made a motion for the school system to repair the Polk Central School well, seconded by Vice-Chair McDermott and the motion carried 3-2 (Owens and Pack opposed).
14. Financial Report – Sandra Hughes, Finance Director, presented the January 2011 financial report. Commissioner Owens made a motion to accept the financial report, seconded by Commissioner Walker and the motion carried unanimously.
15. Travel & Tourism – County Manager Whitson gave a brief overview of the Chamber of Commerce letter, the letter from the Chair of the Travel & Tourism Advisory Board, letters from Polk County accommodations owners, and a letter from the Saluda Business Association. It was the consensus of the Board to vote on the Travel & Tourism Board vacancy at the March 7, 2011, BOC meeting. County Manager Whitson was instructed to provide the Chamber of Commerce with the requested Travel & Tourism budget information. Commissioner Owens said that, if the Chamber takes over Travel & Tourism, it would be appropriate for a Commissioner to be on the tourism steering committee.
16. Volunteer Boards for Review – The following applications were reviewed: Economic Development Commission – 1 application, 1 regular vacancy; Equalization & Review – 6 applications, 5 vacancies; Senior Tar Heel Legislature Delegates – 2 applications, 1 regular and 1 alternate vacancy.
17. Citizen Comments on Non-Agenda Items - Ricky McFalls asked if a citizen could ask the County Attorney a question directly. Chair Gasperson said questions for the

County Attorney can be submitted to the County Manager in writing. Ernie Smith asked Chair Gasperson if he stood by his recent statements about David Moore in the *Tryon Daily Bulletin*. Chair Gasperson said the Clerk could take Mr. Smith's questions and he would call or meet Mr. Smith in person. Mr. Smith asked Commissioner Walker about her qualifications to serve on the Recreation Advisory Board.

Commissioner Walker clarified the protocol for questions and answers during the citizen comments portion of BOC meetings. All questions should be addressed to the Chair. Questions will be answered immediately, if possible. Where further research is required, the Board will take the question under advisement. In that case, the County Manager or staff member will look into the matter and contact the person with an answer. The Board welcomes clearly rhetorical questions, but will not attempt to address them.

Commissioner Walker said her interest in Polk County Recreation stems primarily from the aquatics program. Mr. Smith asked Commissioner Walker why she felt Mr. Moore was not qualified to serve on the Recreation Advisory Board, and Commissioner Walker said who she votes for is her prerogative. Mr. Smith said the Recreation Advisory Board vote was a political one.

Debbie Arceneaux criticized the Board for constantly interrupting Mr. Arthur Carder during his presentation at the last BOC meeting. She this Board does not listen to people properly, and does not let them speak. She also said David Moore should have been appointed to the Recreation Advisory Board, and the citizens are tired of the politics of this Board.

18. Commissioner Comments – Commissioners Owens and Walker thanked everyone for coming. Commissioner Pack thanked everyone for coming, and apologized for what appears to be all the politics getting into everything. It should not be; unfortunately it is. Vice-Chair McDermott said Commissioner Pack speaks for himself when he says politics is getting into everything, because it is not. Her votes are not political and she does not intend for them ever to be. Chair Gasperson thanked everyone for coming. The next meeting will be held at the Green Creek Fire Department on March 21st at 7:00pm.
19. Closed Session – Commissioner Owens made a motion to enter into closed session for G.S. 143-318.11(a)(2), attorney-client privilege, seconded by Commissioner Pack and the motion carried unanimously. No action was taken.
20. Adjournment – Commissioner Walker made a motion to adjourn, seconded by Vice-Chair McDermott and the motion carried unanimously.

ATTEST:

POLK COUNTY BOARD
OF COMMISSIONERS

Beth Fehrmann
Clerk to the Board

Ray Gasperson
Chair