

POLK COUNTY
Tuesday, September 7, 2010, 7:00 PM
BOARD OF COMMISSIONERS' REGULAR MEETING
R. Jay Foster Hall of Justice, Womack Building
Columbus, N.C.

Present: Chairperson Walker, Vice-Chairperson Gasperson, Commissioners McDermott, Melton and Watson. Also in attendance were County Manager Whitson, Interim County Attorney Egan, and Clerk to the Board Anne Britton, staff, media and residents.

1. Call to Order/Welcome – Chairperson Walker called the meeting to order.
2. Invocation – Vice-Chairperson Gasperson gave the invocation.
3. Pledge of Allegiance – County Manager Whitson led the pledge of allegiance.
4. Approval of Minutes – Approval of August 16, 2010, Regular Board of Commissioners' meeting minutes. Commissioner Watson made a motion to approve the minutes, seconded by Commissioner Melton and the motion carried unanimously.
5. Approval of Agenda – Commissioner Watson requested moving agenda item #17 to 9a. Mr. Whitson added the Transportation Authority Alcohol and Drug policy which needs to be approved at the September 20th meeting to Agenda item #5a; a personnel announcement to agenda item #5b, and a fire alarm system purchase agreement to agenda item #9b.
 - 5a. The Transportation Authority Alcohol and Drug policy (required by the Federal Government) was handed out to the Commissioners for review and approval at the September 20th meeting.
 - 5b. Mr. Whitson announced that Mark Pumphrey, Library Director, has resigned his position effective 9.17.10 and will be re-locating to El Paso, Texas, as a Deputy Director of the El Paso Public Library.
6. Proclamation – Becky Brodar, Community Outreach Coordinator from St. Luke's Hospital, made a presentation proclaiming World Alzheimer's Day September 21, 2010. She reported that the theme this year is "Dementia: It's Time For Action!". Dementia is a very large problem among the aging and not a normal aging process. A resolution proclaiming awareness was read by Chairperson Walker. Commissioner Melton made a motion to adopt the resolution, seconded by Commissioner Watson and the motion carried unanimously.

7. Advantage West – Joe Epley of the Economic Development Commissioner Advisory Board introduced Scott Hamilton, President, and Pam Lewis, Sr. Vice-President, Entrepreneurial Development. They made a presentation on Polk County's Certified Entrepreneurial Community designation and recognized Jo Ann Miksa Blackwell for her leadership contributions and also those of the Economic Development Commission's Advisory Board. They were presented a certificate and wooden statue for their efforts.

8. House of Flags Museum – Commissioner Melton welcomed Dr. Robert E. Lair, Jr., Vice-Chair of the House of Flags Museum. Dr. Lair presented an update of their progress and announced that they had received an anonymous donation of \$40,000 (total of \$110,000 in the bank) and is ready to proceed with the renovation of the old Columbus Fire Department. They hope to be in by the end of the year. The general contractors are from Mill Spring. Dr. Lair thanked the present and past Boards for their full support of this museum. Commissioner McDermott thanked him for a job well done and also for choosing contractors from Polk County. Vice-Chairperson Gasperson also thanked Dr. Lair and believes this will be a real tourist draw.

9. Jobs Task Force – Vice-Chairperson Gasperson spoke about the unemployment statistics in Polk County and that many of our citizens are unable to find jobs. The EDC and David Cudlip have come up with a great idea to create a task force from the many residents who have the expertise and experience in starting and operating successful businesses. While attracting businesses to this area remains a very important goal, growing our own as in local businesses and in new businesses through entrepreneurial ship is another way to create jobs that are compatible with the vision for Polk County. Vice-Chairperson Gasperson introduced Bob Morgan, Economic Development Commission, who reported that the Commission's concern is the high unemployment in Polk County. A meeting has been organized by the EDC for Saturday, October 2, from 10:00-11:30 in the Polk County Library meeting room in hopes of tapping volunteers who can offer straight, sound advice for organizing a business that will succeed in creating sustainable jobs and maintain the character of Polk County we all desire. He invited the Commissioners, as leaders in the community, to also attend this meeting.

- 9a. Don and Betsy Freeman Adult Day Health Care Center – Commissioner Watson made a motion for the dedication to be held on Sunday, October 17, 2010, at @ 2pm, Commissioner Melton seconded and the motion carried unanimously. Commissioner Watson announced that the center will be receiving new carpet due to a flood from the sprinkler system. The County Manager explained there were some problems with the 6 inch water line and the sprinkler company took ownership of the problem and has agreed to put new carpet down. The County has agreed to pay for ¼ of the cost. Commissioner Watson and Chairperson Walker have discussed the entrance to the building and low signage on the right side of the circle leading up to the

center. The County Manager reported the Master Gardeners will landscape the area but they will need to know their budget. Commissioner Watson would like to have more information on a budget at the September 20th meeting. He also authorized the County Manager to insert a sleeve in the drive area from one side into the center of the circle prior to the paving for power. It was agreed that some of these jobs could be done in phases. Mr. Whitson thought the furniture would be in by September 22 and will report back on the license from the state. The license will determine when the center will open.

9b. Fire Alarm System Purchase Agreement – A new fire alarm control panel, a communicator module, and HVAC protectors need to be installed at the Adult Day Health Care facility and the price is \$1,972.65. They are also going to monitor the system. Commissioner McDermott questioned the agreement in that they have asked to be indemnified by the County for problems that occur due to their own negligence and she doesn't think that is wise for us to do that. She asked Interim Attorney Egan to negotiate a more fair agreement taking out Item 7, paragraph 8, and minus line 10. Commissioner Watson summed up the two issues: one is to get the corrections and alterations made to the system, and the second issue is the monitoring of the system. Since this company is currently monitoring the senior center it seems right to have them monitor both. He believes the contract should be with both buildings. Commissioner McDermott hopes that the company will negotiate changes to the agreement. The County Manager will also try and get lower prices for installing the whole new system.

10. Tax Collector, Melissa Bowlin – (1) 2009 Settlement of Taxes – reported 3.33% uncollected taxes or \$429,264.54. (2) July refund requests of \$424.28 – Commissioner Melton made a motion to approve, seconded by Commissioner Watson and the motion carried unanimously, (3) August refund requests of \$4,596.50 – Commissioner Melton made a motion to approve, seconded by Commissioner Watson and the motion carried unanimously. (4) Taxpayer notices of deceased persons - \$583.91- Commissioner Watson made a motion to approve, seconded by Commissioner Melton and the motion carried unanimously.
11. Veterans Service Officer – County Manager Whitson requested 16 additional part-time hours for Darryl Moore, Veterans Service Officer, due to his heavy workload. Vice-Chairperson Gasperson made a motion to approve the additional hours, seconded by Commissioner Melton and the motion carried unanimously. (Budget amendment agenda item #17 (2).)
12. NC Division of Forest Resources – 2010 – 2011 - Annual agreement for the protection, development and improvement of forest land in Polk County (State and County budget appropriations). Commissioner Melton made a motion to approve the agreement, seconded by Vice-Chairperson Gasperson and the motion carried unanimously.

13. Human Services Facility Preliminary Site Update – Chairperson Walker was pleased to show pictures of the site work beginning August 23, 2010. The pictures marked the beginning of construction and our local contractors at work.

Citizen Comments – Ernie Smith, Green Creek: I have come here tonight to ask questions and get some concrete answers. Is there a finalized building plan for that site? What is the price? Mr. Whitson agreed to answer his questions: The building is out for bid and the public is invited to attend the bid opening at 2:00 pm September 9 in this room. 23 contractors have purchased the plan. The only rules that apply to your questions on mental health have to do with a convicted registered sex offender and he cannot be within 300 feet of a recreation facility. Mr. Whitson told Mr. Smith the finalized plans were in his office. The entire job estimate is \$1.733 mil. We won't know until the bids come in. Mr. Smith said, as a taxpayer of this County, he is tired of reading about it in the paper and wants some straight, on the record answers from people on this Board. How is the money being spent, where is it budgeted, where is my money being spent? Did you spend \$130,000 on grading not knowing what is going there to start with? Mr. Whitson said he would be happy to show Mr. Smith the plans – they are available to the public.

14. Discussion of Procedures for Plan Review and Approval of County Construction Projects - Commissioner Watson said that he made a mistake. Commissioner Watson said, "On June 21, 2010, when ADW presented what I presumed to be the preliminary drawings, there was a motion made by Vice-Chairperson Gasperson to move ahead with the ADW plans and instructed the County Manager to do what is necessary to get the bid packets out, seconded and passed and Commissioner Watson voted for it. What I thought I was voting for that night was not what actually occurred after talking with the County Manager. I thought I was voting to allow the plans to be completed by ADW. What I found out later from the County Manager after many heated discussions was that this is considered approval of the plans. I don't think the plans have changed substantially other than more details and a project manual; however, I would have liked to have had the opportunity prior to the plans going out for bids to have final review and approval. I thought with our milestone schedule that there was time allotted for that. I am not advocating that we go back now and scrap the bids. I am not saying that. I am just saying if we are going by the schedule. I want to understand it better. Maybe it was my misunderstanding, but I just felt like we did not get the final plans to approve prior to the bidding. It is something, as a contractor in the private sector, the owner always wants to see the end result before it goes out to bid, and I felt like we would do the same here and we didn't do that. I think the plans are not substantially different from what we saw other than more detail, but in the future in talking about a big project like this I would urge this Board or future Boards to please take the time to make sure that everyone is on the

same page. I understood the Commission approval would be the 2nd meeting in August. When I inquired about that I found out the approval had been back on June 21st. That is the statement I want to make. And, if we are going to follow procedures, I would like them in place to allow enough time to review and understand what we are doing before we go and do it. I don't want to stop the building and I don't want to stop the bids, I just think we need to be cautious about these types of things." Commissioner McDermott commented that she was surprised in that this was not done for the library or the courthouse and "I know it wasn't done for The Meeting Place or the Adult Day Health Care facility, so I don't completely understand why it came as a surprise that it wouldn't be done for this other building. But I do have sympathy for your concern." Commissioner Watson went on to say he did look back at the minutes where we approved the drawings for the addition for the Senior Center; "we were on the time line, they were approved that night and went out for bids the next day. But, again, for this schedule we made approval in June of what I thought were preliminary drawings, which would have allowed the drawings to be completed. And then there was a schedule that said we would have Commission approval in August, and that is where the discrepancy lies – I didn't realize there would not be another opportunity." Vice-Chairperson Gasperson reported that Mike Esposito of ADW said Polk County is following standard protocol. "This is the way their firm has always done it and, secondly, I have also had several conversations with the School of Government to clarify situations. In reality, we here in Polk County have gone to far greater lengths than most counties do, in terms of the procedures we have gone through, in order to get where we are. The only thing mandated by state statutes is that we approve the lowest responsible bidder, and that's it. The County Manager and Cecil Cannon, in my opinion, have gone to great lengths to bring us all up to speed and have been very transparent. We have had hours and hours of meetings related to this and we have made every possible concession to make sure that this building is adequate without being too large. We want to make sure it serves the needs of the County for many decades to come and so, frankly, I think we have done a very responsible job. I am very pleased we are where we are, and I am looking for some great bids two days from now."

15. Discussion of Facility Needs for Mental Health Services - Commissioner Melton invited Melissa Tambini, Family Preservation Services, and Jim Van Hecke, Polk County Wellness Center, for discussion on this topic. Mr. Van Hecke was unable to attend or to send a representative. He sent an email explaining that the Wellness Center has always wanted to be close to or located at St. Luke's Hospital, but might possibly use an office at the DSS location for counseling. Ms. Tambini is Director of Family Preservation Services in Polk County and in Rutherford County. She wanted to make it clear that they do not have a position on the building; they are here to provide services to the clients who need more help. Ms. Tambini distributed information detailing those services which have been in Polk County since 2006. They provide quality health care services to all consumers, including

those that have no insurance or Medicaid coverage. She has 12 employees on her staff (9 offices) and they partner with many community stakeholders, such as DSS, St. Luke's Hospital and the local Department of Corrections. She has 250 – 275 clients and sees 25 – 30 clients a day. Commissioner Melton wanted to consider moving Family Preservation Services to the new DSS location which will have 7 – 9 extra offices when completed. Commissioner Melton pointed out this would allow us to help Family Preservation.

Citizen Comment – Dr. Katharine Smith has been very concerned about access to mental health services for people of all ages in the County, and she hopes you will keep that in mind if there are extra offices.

Commissioner McDermott agreed that having some of those offices available for mental health makes a lot of sense, “but I don't understand why this was not raised at the building on Wolverine Trail from the beginning. First we were told by Commissioner Melton that we should down size and now we are told to upsize on Wolverine Trail. I think we are being whipsawed. Had this been considered at the very start in the small meetings with the contractor and the architects we could have thought about it but nothing was seriously said until tonight and that I don't understand. Now we are looking at providing a new building for Family Preservation Services right here in Columbus, and we hope that will work, because we think it will be a better situation for them. No one believes that they should stay in the Jervey Palmer building. The new home in Columbus may be available earlier than the DSS building. I hope that we can move forward on that because I think it is a very good solution for all the issues that we have.”

Commissioner Melton – Commissioner McDermott, you have been a Commissioner for almost 2 years. You had the opportunity to raise the issue too when we were constructing the DSS building. Commissioner McDermott said she chose not to because she disagrees with Commissioner Melton.

Chairperson Walker stated that we have started some negotiations on a location and maybe we need to get more information. Mr. Whitson was waiting to see what the Town of Columbus decides to do on some zoning issues. Chairperson Walker said we will continue to explore and go from there.

16. NCACC 103rd Annual Conference – Commissioner McDermott reported on the North Carolina Association of County Commissioners Conference which she and Mr. Whitson attended. She said they are always good meetings with educational experiences and other types of networking possibilities, as well as learning about what other counties are doing. She summarized the changes in the Public Records Law regarding Personnel Records. It was strongly stated that if you are concerned about the legality of offering records that you get the opinion of the Attorney General so that the County cannot be successfully sued for attorneys' fees. She also reported on savings through the NCACC on

Medicaid, discounts on insurance, EMS reimbursements, debt setoff and dues savings in 2010. She encouraged the Commissioners to attend next year if possible.

17. (a) Budget Amendments – Sue Seyfarth, Finance Office, made the requests.
(1) Budget Addition #5 Polk County Schools, \$91,000, to increase revenue and expense for the roof repair at Polk Central Elementary School using Lottery proceeds. The application was approved by the BOC at the 6/21/10 meeting. Commissioner Melton made a motion to approve BA #5, seconded by Commissioner McDermott and the motion carried unanimously. (2) Contingency BA # 1, Veterans Administration, \$8,524 (discussed in item #7) to increase Veteran's Administration salary and benefits from 48 hours per pay period to 64 hours per pay period due to an increase in claims – position remains part-time. Commissioner Melton made a motion to approve the Contingency BA #1, seconded by Vice-Chairperson Gasperson and the motion carried unanimously.

(b) June and July Financial Updates – The information is on file.
18. Board Vacancies (Review) – 2 reappointments to the Economic Development Commission and 1 new application, 4 vacancies. These applications were reviewed.
19. Board Vacancies (Vote) – Economic Development Commission (1) application; (4) vacancies. Commissioner McDermott made a motion to appoint Jeff Brown to the Commission, seconded by Commissioner Gasperson and the motion carried unanimously.
20. Citizen Comments on Non-Agenda Items – 1) Don Hofmann expressed his concern that the NC open meetings law had been violated by Commissioners Gasperson, McDermott and Walker, who wrote a letter regarding the controversies over the budget overages for the DSS building particularly the grading, which the Bulletin ran in a section entitled "Commissioners' Corner". "In that letter the three of you attacked comments I had made in a previous letter to the Bulletin as being motivated by my support for the three Republican Commissioner candidates. I want you to know that in no place in my original letter will you see the word "Republican" or the names of these candidates. I clearly supported the positions taken by Commissioners Melton and Watson. My letter was written as a citizen who 100% disagrees with the basis for your decision to approve the 34% overage on the site grading, and does see it as being fiscally irresponsible at a time that we need to be watching every dollar that we spend. It was not written as a political statement and I resent that you are trying to dismiss it, and to trivialize a citizen's comments by trying to characterize them as being politically motivated. Your letter also presents another issue that I think needs to be reviewed. By meeting in private to draft this letter – a meeting constituting a majority quorum of the Board – and by

signing this letter, and by asking that it be published in the newspaper without any kind of disclaimer, I believe you have violated the NC open meetings law. I think a majority of this Board met privately and in violation of that law. I have become suspicious, although I do not have any evidence, that this is not the first time you have done this. I think back to a few meetings ago when you proposed naming the DSS building. When the three of you came to this meeting with a power point presentation and pre-scripted comments while Commissioners Watson and Melton objected, saying they were not up to speed and did not know what was going on. I don't know the legal consequences of breaking this law. I will leave that up to the County Attorney. I believe that Commissioners Melton and Watson have every right to request an inquiry. I do know as a citizen I am very concerned with the implications of your actions.

Commissioner McDermott responded to Mr. Hofmann: "You have jumped to another conclusion. You do that quite frequently. There was NO meeting. No illegal meeting, no meeting whatsoever. I talked with individual Commissioners, and that is perfectly responsible and allowable under the law. If that is not true you need to have your condemnation of many other Commissioners, not only on this Board but on Boards in the past. No meeting!"

Chairperson Walker also responded to Mr. Hofmann: "It is called 'doing your homework'. I put together that power point. I went with Commissioner Gasperson to meet with Mr. Greene. I helped write that. We two worked together on that – we are allowed to do that and I resent your implication that we are doing anything illegal. I worked on the power point by myself at my house, once we gathered our things. Whatever Commissioner McDermott added to that is her own opinion and her own words, and the implication that we were meeting in an illegal manner is very close to being libelous and I want you to be very careful of what you are saying."

2) Debbie Arceneaux stated that September 17th is a federally mandated "Constitution Day" and September 17 – 24 is federally mandated for all public schools to teach the Constitution. "The new DSS building – partisan bantering, rushed plans, and assumed total dollar figure. I believe in a depressed economic era verging on the Great Depression this venture and the waste of space that has no known future usage should be considered questionable at best. I believe the location is a huge mistake. The site is in a school zone and additional traffic will pose a greater threat. The citizen concerns have not been thoughtfully addressed. Instead, the County breaking ground immediately was paramount. Our reserves should be conserved. This Board has no discipline in saving money for a rainy day."

21. Closed Session – Two items for closed session. (1) Personnel GS 143-318.11 (a) (6) and (2) GS 143-318.11 (a) (1) to present the disclosure of information that is privileged or confidential pursuant to the law of this State or of the

United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

22. Return to Open Session – Commissioner Melton made a motion to release approved packet 2 of closed session minutes, seconded by Commissioner McDermott and the motion carried unanimously.

23. Adjourn - Commissioner Melton made a motion to adjourn, seconded by Commissioner McDermott and the motion carried unanimously.

ATTEST

POLK COUNTY BOARD OF COMMISSIONERS

Anne Britton
Clerk to the Board

Cindy Walker
Chairperson