

POLK COUNTY  
April 12, 2009  
7:00 PM BOARD OF COMMISSIONERS' REGULAR MEETING  
R. Jay Foster Hall of Justice  
Womack Building  
Columbus, N.C.

1. Call to Order/Welcome – Cindy Walker, Chairperson.
2. Invocation – Pastor David Turner, Coopers Gap Baptist Church.
3. Pledge of Allegiance – Commissioner McDermott.
4. Approval of Regular Board of Commissioner Minutes for March 15, 2010 – Vice-Chairperson Gasperson made a motion to approve the minutes, seconded by Commissioner McDermott and the motion carried unanimously.
5. Approval of Agenda – There were (3) additions and (1) deletion to the agenda. Mr. Whitson added an update of the Adult Day Care to 6a; Vice-Chairperson Gasperson added a discussion of the Green Creek Family Life Center water line to 9a; Commissioner McDermott added a correction of her motion approving the Comprehensive 20/20 Vision Plan to 11a; and Commissioner Watson omitted #14. Commissioner Melton made a motion to approve the amended agenda, seconded by Vice-Chairperson Gasperson and the motion carried unanimously.
6. Introduction of Health Department Director James H. Hines, Jr. - Commissioner Melton introduced and welcomed Mr. Hines as the Director of the Polk, Rutherford and McDowell Health District.
7. Mobile Recycling Service Update and Award – Chairperson Walker gave a power point presentation of the mobile recycling program operations and staff. She also recognized the Recycling Committee. Those members are Mark Byington, Roulettei Gildersleeve, Elaina Prevett, Neal Hall, Beth Thomas, Cindy Walker and Ryan Whitson. NCACC Western North Carolina representative David Nicholson awarded Polk County with the Outstanding County Program Award in recognition of innovative and effective county programs and services for the Polk County Mobile Recycling Service 2009. Mr. Nicholson stated that this program is “unique” in that it can be used by other counties as well.
8. Public Hearing – Polk County Animal Control Ordinance. Call to Order, Chairperson Walker. Notice of public hearing was advertised in the Tryon Daily Bulletin March 31 and April 7, 2010. Dot Moyer of the Animal Control Ad Hoc Committee gave an overview of the revisions (mostly conforming, not substantive, changes to the language). Ms. Moyer thanked the Animal Control Officer, Michael Herman (nicknamed “Cowboy”) and the Animal Control

Investigators for their suggestions, and said she felt this draft ordinance was a good first effort. Vice-Chairperson Gasperson thanked the Ad Hoc Committee and Michael Herman for a complaint driven ordinance. Chairperson Walker and Commissioner Watson expressed concern over Section 17, Violations and Penalties (a) Misdemeanor, which would be any (criminal) violation of any provision. Ms. Moyer stated that this was added to give the Sheriff's Department more teeth after repeated violations. The consensus of the Board was to seek legal counsel on this section of the ordinance. Citizen Comments followed:

- Margo Savage, Animal Cruelty Investigator, thought this was a great first step, gave definitive parameters to work with, and will be a great help. We can move forward with this and will make the Investigators job in helping the animals a lot better.
- Emmy Summers cited stronger tethering laws and the Sheriff's authority to go into pet stores under NC General Statute G.S. Chapter 19A, Article 3. She thanked the committee and Cowboy.
- Dana Mayer was thankful for everyone's efforts and an ordinance we can work with. Thank you to Cowboy for helping us out at the shelter and animals in the county.
- Debra Carton wants "tethering" offenses to be much more serious and the ordinance to be much stronger on time limits. No more than 12 hours in a 24 hour time period. It is a huge problem in Polk County. Please take action. She thanked the Ad Hoc Committee and the Animal Control Officer. Commissioner Watson expressed his concern over getting the penalties right, Vice Chairperson Gasperson wants the committee to research how other counties handle their tethering problems. Commissioner Melton discussed with Cowboy just what kind of tethering problem the county has. He said there are some animals that have been tethered for two years. This is a huge problem for the county.
- Ziegfried Forster questioned some definitions from a farmer's perspective such as heated water, definition of size of cage or pen. He also said there needs to be a penalty for frivolous complaints, and maybe there should be some exemption for farmers; there is no provision for appealing the misdemeanor; and the Appeal Board needs to hear appeals in a timely matter.

Commissioner Watson made a motion to adjourn the public hearing, seconded by Commissioner Melton and the motion carried unanimously.

9. Polk County Animal Control Ordinance – Commissioner Watson made a motion to refer the revision of the ordinance with regard to penalties (civil and misdemeanor) to legal counsel, and for the Clerk to provide the minutes reflecting these issues to the Animal Control Ad Hoc committee, and place on the agenda for the May 3<sup>rd</sup> meeting, seconded by Commissioner

Melton and the motion carried unanimously.

- 9a. Green Creek Drive Water Line – Commissioner Gasperson projected on the screen a drawing of the proposed water line extension from Highway 9 to the Green Creek Family Life Center, which is a 501-3(c) non-profit service operation. He stated that the center has an unreliable well system with continuous breakdowns in their present system. Commissioner Gasperson stated that the County has the financial means to provide the water line, which costs \$17,307, and he would like to move forward. He feels it is comparable to providing water to the Mill Spring School (Agriculture Center) which he supports also. The County Manager said there is \$16,000 left in this year's budget and \$40,000 (proposed) for next year's budget. Mr. Whitson does not feel the county is prohibited from providing the water line.

Discussion followed.

- David Page, Green Creek Family Life Center Board of Directors, discussed the need for the water line; the services provided for the community and the County and the resolution adopted by his Board in support of the water line. They recently spent in excess of \$5,000 on water repairs. They do not have the funds to pay the 40% for the water line. The center's operation is jeopardized due to the water problems. His neighbors would not participate at this time as they do not have a water problem.
- Commissioner Watson stated that this is a capital item and would roll over into next year's budget. He supports the Waterline Extension Policy which is fair to all citizens. The participation fee (40%) for the center would be approximately \$6,922. He does not want to vote on this item tonight. He suggested that the center could raise the funds. He would like to refer the policy back to legal counsel.
- Commissioner Melton supports the Green Creek community and all they do. He feels the Waterline Extension Policy should remain in place, without exception, which would require the Center to pay a participation fee of 40% and the County pays 60%. We have turned down residents in the past who could not afford to pay. He also said that the \$40,000 in next year's budget was not set aside to put in complimentary water lines.
- Commissioner McDermott felt the County can make the extensions without any change to the policy. She felt this is a different situation; not an individual resident but a service operation benefitting the community and the County. This is economically the time to provide the water line with the money in the budget.
- Commissioner Gasperson recommended that the right thing to do now is move forward with the water line. He made a motion to authorize the County Manager to contact the Inman Campobello Water District to begin the water

line, seconded by Commissioner McDermott. Citizen Comments and more discussion followed.

Citizen Comments: 1) Keith Holbert supports the comments made by Commissioner Watson and Commissioner Melton. 2) Siegfried Forster supports the Center but does not support a free water line. 3) Margaret Johnson supports the water line for the center which houses the Red Cross Disaster Center. In case of a disaster, they must have water. 4) Keith Holbert said the County has helped the Center in the past.

- Chairperson Walker reminded the Board that their usual procedures for most big decisions have been to gather the necessary information and think about it. They need to make sure they are making the right choices. She would like to table the decision and gather more information.
- Commissioner Watson made a motion to instruct the County Manager to obtain an Interim County Attorney, Mike Egan, and have him review both the Waterline Extension Policy (for agenda 4.26.10) and the draft Animal Control Ordinance (for agenda 5.3.10), and to place the Green Creek Drive waterline back on the agenda on 4.26.10, seconded by Commissioner McDermott and the motion carried unanimously.

10. Safety Policies – These policies will assist in lowering the risk pool costs. Sandra Halford, Polk County Safety Director, presented the policies which include the Back Protection Policy, Fleet Safety Policy and the Volunteer Policy. There is an April 30<sup>th</sup> deadline with the insurance company. There were many questions pertaining to the policies and what costs will be incurred. These policies will be referred to legal counsel and will be placed on the 4.26.10 agenda.
11. Implementation Strategies for the Polk County Comprehensive 20/20 Vision Plan - Commissioner McDermott requested this item be placed on the agenda. This information, taken from the approved Comprehensive 20/20 Vision Plan, organizes the implementation plan into categories. Commissioner McDermott's verbatim comments follow are included with these minutes.
12. Polk County Board of Education - Budget Amendments #5 and #6. Commissioner Melton made a motion to approve both amendments, seconded by Commissioner Watson and the motion carried unanimously.
13. Budget Amendments – BA #19 Agriculture Economic Development's \$25,000 to increase revenue and expense for a grant from the Polk County Community Foundation for farmland preservation. Vice-Chairperson Gasperson made a motion to approve, seconded by Commissioner Watson and the motion carried unanimously.

BA #7 Sheriff from Contingency \$42,792 – to transfer funds to purchase (1) 2010 black Crown Victoria and (1) 2010 black and white Crown Victoria for the Sheriff's Department. Commissioner Melton made a motion to approve, seconded by Vice-Chairperson Gasperson and the motion carried unanimously.

BA #21 DSS Budget Addition \$37,500. Commissioner Watson made a motion to approve, seconded by Commissioner Melton and the motion carried unanimously.

14. Western Carolina Community Action Update – Commissioner Watson requested this item be placed on the agenda. This item was tabled until a later date.
15. Board of Equalization & Review – NCGS 105-322 and the 1993 Resolution establishing the Polk County Board of Equalization & Review. John Bridgers, Tax Assessor, reconfirmed the motion made at the 4.12.10 meeting approving the members of the Board of Equalization & Review and the Chairman, but for a one-year term only, as adopted by the Polk County Resolution of 1993. If the Board chooses to stagger the terms, per the NC General Statute, it has to be done at the first meeting in March in that same year.
16. Resolution – Petition for road addition for Little Cove Creek Drive, Saluda. Commissioner Melton made a motion to approve the resolution, seconded by Vice-Chairperson Gasperson and the motion carried unanimously.
17. County Manager's Report – 1) The all-employee meeting is scheduled for Thursday, April 29, 2010. County offices will close at 4:00 that day for the meeting. Commissioner McDermott made a motion to approve the meeting, seconded by Vice-Chairperson Gasperson and the motion carried unanimously.
18. Selection of Architect for Human Services Facility – Mr. Whitson reported that the committee to select the Architect received 19 proposals. This was reduced to a list of 6. The committee members were Vice-Chairperson Ray Gasperson, Commissioner Watson, Sue Rhodes, Director, DSS, Lou Parton, DSS, Cecil Cannon, and Ryan Whitson. They unanimously chose ADW Architects out of Charlotte, N. C. Commissioner Watson made a motion to authorize the County Manager to begin negotiations with ADW Architects to design the facility, seconded by Commissioner Gasperson and the motion carried unanimously.
19. Board Vacancies (Review) - Library – Don Hoffman; Council on Aging – Barbara Batchler, William F. Jones, Denise C. Byers; Reappointments Saluda Fire Tax Commission – Anthony Shane Hamilton, Gerald Pruitt; Mill Spring Fire Tax Commission – William Arledge, Henry Huntsinger, and James Shehan. The applications were reviewed.

20. Citizen Comments on Non Agenda Items - Lou Rossi expressed his concern over many of the present and past actions of the Board of Commissioners.
21. Commissioner Comments.
22. Adjourn.

ATTEST:

POLK COUNTY BOARD OF COMMISSIONERS

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Anne Britton  
Clerk to the Board

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Cindy Walker  
Chairperson