

POLK COUNTY
April 26, 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, Superintendent Bill Miller, Interim County Attorney Egan, Clerk to the Board Britton, staff, media and citizens.

1. Call to Order/Welcome – Cindy Walker, Chairperson.
2. Invocation – Gary Curtis, Green River Baptist Church.
3. Pledge of Allegiance – Vice-Chairperson Gasperson.
4. Approval of Regular Board of Commissioner Minutes for April 12, 2010 – Commissioner Melton made a motion to approve, seconded by Commissioner Watson and the motion carried unanimously.
5. Approval of Agenda – Commissioner Melton added report from Ted Owens, Adult Day Health Care Fundraising, to 6a. Commissioner Watson made a motion to approve the amended agenda, seconded by Commissioner Gasperson and the motion carried unanimously.
6. Interim County Attorney – Chairperson Cindy Walker introduced Attorney Michael Egan. Commissioner Melton made a motion to retain Mr. Egan as the Interim County Manager, seconded by Commissioner Gasperson and the motion carried unanimously.
 - 6a. Elder Day Care Endowment Committee – Ted Owens, Chairman, updated the Board on their committee status and members. The members include Burt Baer, Roger Traxler, Don Hoffman, Bill Jones, Ursula Shuler and Ted Owens. They are continuing to seek donations to fund assistance scholarships for those in need. Committee member Don Hoffman reported on meeting with Rutherford Life Services and partnering with them to re-work their literature and educational programs to include Polk County. This committee will be a sub-committee of the Council on Aging. Scholarship funding will flow through them for distribution.
7. 2009 Annual Report Community Child Protection Team – Lou Parton, Program Manager, DSS, gave the annual report and thanked the Commissioners for all their efforts on behalf of the Community Child Protection team. Commissioner

Melton made a motion to adopt the April Child 2010 Child Abuse & Neglect Prevention Month Proclamation, seconded by Commission Gasperson, Chairperson Walker read the Proclamation, and the motion carried unanimously. Helen White, Clinical Nursing Supervisor for the Health Department, gave her 2009 Child Fatality Prevention Team annual report. Both reports are included in the Clerk's office meeting file.

8. Human Services Facility Award of Architectural Contract – Mr. Whitson reported on the proposal from ADW Architects. There was discussion with the architect and Interior Decorator. Thomas Carlson-Reddig, architect, explained the Basic Services, Leadership, Energy, Environment Design and criteria, and the interior design services and furniture. The proposal was divided into (3) motions. (1) Commissioner Watson made a motion to accept the base services for \$98,000, seconded by Commissioner Gasperson and the motion carried unanimously. (2) Commissioner Watson made a motion to accept the LEED services for \$31,000, seconded by Commissioner Gasperson and the motion carried unanimously. (3) Commissioner Gasperson made a motion to accept the \$10,000 for furniture, seconded by Commissioner McDermott and the motion carried 4-1 (Melton opposed).
9. Green Creek Drive Water Line - On 4.12.10 a motion and a second was made to approve the water line. It was then tabled for review of the Waterline Extension Policy. Interim Attorney Mike Egan reviewed the policy and reported there was no legal impediment to the County funding the water line. Commissioner Watson stated that the exception allowed in item 12 of the Water Line Extension Policy was intended to provide a means for the Board to fund the construction of the main trunk lines for the Water System to complete the backbone of the system. He further stated that the 60/40 participation fee match required in the policy was intended to apply to all water line extension requests other than those for the main trunk lines.

Citizens commenting in support of the water line were: James Metcalf, Margaret Johnson, David Page, Christa Haynes, Harry Denton, Charles Davis and Pam Doty. Those opposed were Keith Holbert and Gary Curtis.

Following are Commissioner Warren Watson's statement on the water line extension to Green Creek Community Center:

"Is it reasonable for Polk County taxpayers to pay 100% of the cost to extend a water line to a private, non-profit facility? In so doing, are we being good stewards of the taxpayers' hard-earned dollars? And if so, what precedent will we be setting in using this type of selective reasoning to circumvent a policy that this Board adopted not even a year ago?"

No one on this Board has questioned the fact that the Green Creek Community Center is a provider of critical public services. And at first glance, the information

used to support this idea is somewhat persuasive. Technically, as pointed out by at least one of our members, our June 2009 Water Line Extension Policy does allow this Board, at its discretion, to fund 100% of a project. However, one only has to look just beneath the surface to find an adequate reason to doubt the prudence such an action.

It is true that the Green Creek Community Center provides space to the County as the satellite senior recreation center, known as the "Meeting Place II", and that our County's program for "Home-Delivered Meals" (**not** Meals on Wheels) uses a portion of the facility to stage deliveries of pre-cooked meals from the Meeting Place in Columbus, for delivery to clients in the Green Creek area. In addition, the Red Cross can utilize the facility in the event of a disaster, and voting is held at the facility, along with a host of other public and private gatherings and festivals. No one is disputing the important functions that are provided through the use of this wonderful facility.

However, the proponents of this free water line extension failed to mention some important compensating factors. First of all, **Polk County pays \$1,150.00 per month to rent that space** at the center. GCCC is the Owner, and Polk County is a Tenant. I haven't read the lease, but traditionally the Owner is responsible for providing adequate utilities for a facility.

Secondly, the proponents of this free water line extension also fail to recognize that this Board and the previous Board of Commissioners has made it a policy not to subsidize other non-government non-profit agencies (i.e. Red Cross, etc...). By making an exception to the Water Line Extension Policy, this Board would, in essence, be violating its own policy with regard to subsidizing non-profits.

Thirdly, is it fair and equitable to the other taxpaying citizens who have come before this Board, filled out the forms, committed their personal monies, and worked hard in their communities to garner support from their neighbors to get a costly water line extension, for this Board to selectively manipulate the system by using a loophole in our newly adopted policy to allow such an exception?

Fourthly, when making these types of decisions, it is imperative for our Board to have time to properly deliberate the costs and the consequences of such actions. Unfortunately, the last minute addition to the agenda, the false sense of urgency and the large price tag do not meet the standards of open government professed by this Board.

Instead of following this Board's established protocol, members were led to believe that the timing was critical for funds appropriation, and that the need was urgent. However, upon questioning the County Manager, we learned that unspent Capital Projects funds would not be lost, but rather would be rolled into next year's budget. And upon questioning the representative for the Green Creek Community Center, we learned that the facility had recently spent approximately

\$5,000.00 to repair its existing well, which is currently functioning properly. In other words, there was no reason to make a hasty decision on that evening. And had this request been made in a more timely manner, those funds spent to repair a well would have paid the majority of funds needed to make this project happen within the guidelines of our current policy, without making an exception.

In addition to the other reasons I have stated, the legal precedents set by this ill-conceived plan, have yet to be evaluated by our attorney. It is improper and imprudent to proceed on such a course without proper legal counsel.

Don't misunderstand me. I am in favor of providing the service request to the Green Creek Community Center. In fact, everyone on the Board was in agreement that the facility is a great asset to the community and that we should try to accommodate the request for a water line extension. However, in so doing, I believe that we must treat every request with the same set of rules. **NO EXCEPTIONS!!!**

The exception built into our Water Line Extension Policy was not intended to be used selectively in this manner, but rather to provide for a way to pay for the extension of Main Trunk Lines, which create the backbone of our water system. These Main Trunk Lines, like the one on Highway 9, are water lines that would have to be run anyway, as part of our Comprehensive Water Plan, in order to complete the major portions of the system. The line extension to the Green Creek Community Center, although it would serve a much-needed purpose, is not critical to the overall completion of the system, and does not meet the standards required to warrant an exception to the policy.

Instead, our policy requires participants along the proposed water line extension, to provide a 40% match to the County's 60% investment. This is still an extremely good deal for the participants. The policy was modeled after similar policies from other water providers in the region, and it was created by this Board, with much deliberation and concern for both the recipients of the services as well as the County taxpayers who will bear the lion's share of the burden.

Our Commissioners should stay true to their professed policy of providing for proper deliberation on every issue. And we must remember that we are elected "at-large" to represent the entire County equally. Therefore, we must consider the impact of making these types of exceptions as it pertains to every taxpayer. Anything less is simply unacceptable."

Commissioner Melton said he supported the Green Creek Community Center but feels we can't just pick and choose areas in Polk County. He feels it is wrong for this Board to pay for the entire amount. The Center should forego rent for 5 or 6 months.

Commissioner McDermott stated under that, under the terms of the Comprehensive Plan, critical public service facilities are different from other non-profits and are to be provided with water. She feels that #12 In the Waterline Extension Policy is broad and supports waterline extensions in the County where appropriate.

Commissioner Gasperson's vision is the big picture, and he is also pushing to extend the water line up to the Mill Spring Agricultural Center. Tap fees still have to be paid which is \$1200.

Chairperson Walker stated she was OK with Blackwood Road, Silver Creek Road and Claude Gilbert Road ,and Landrum Road. "Water is Life".

Commissioner Gasperson made the motion to authorize the County Manager to move forward and sign the contract with Inman Campobello to run a 6" water line up Green Creek Drive to the Green Creek Community Center terminating at a fire hydrant, seconded by Commissioner McDermott and the motion carried 3-2 (Melton, Watson opposed).

10. Superintendent William Miller, Jr. – Mr. Miller presented the school budget request for 2010-2011. Mr. Miller had no additional requests for the school budget from last year's budget. However, he did make it clear that it is the next budget year 2011/2012, that the state will take away \$750,000 which supports staffing at the schools (clerical, custodian and maintenance). That budget year will be very tough.
11. Safety Policies – Policies and Resolution adopting the policies were reviewed by Attorney Egan. Discussion over two sections of the policy ensued. Page 52 (Section 1C) "Defensive Driving" was taken out, and Pg. 57 "Mobile Communications was changed to read "No texting while vehicle is moving." Commissioner McDermott made a motion to adopt the resolution, seconded by Commissioner Gasperson and the motion carried unanimously.
12. Request to Change Service District Boundaries by the Fire Departments - A) Statute, B) Report, and C) Schedule Public Hearing. Mr. Whitson reported on the request. Commissioner Watson made a motion to accept the report (per General Statute) and schedule a Public Hearing for May 12, 2010, at 6:00, seconded by Commissioner Gasperson and the motion carried unanimously. The report is available in the County Manager's office.
13. Erosion Control Recommendations – Chairperson Walker requested this item be placed on the agenda and provided additional research on the erosion control acreage, yearly building inspection permits, revenue forecasts and mobile home permits. There was much discussion over the next steps for a local SEC program and timeline for local program implementation. Commissioner Gasperson made the following motion: I move that Polk County begin the process of a local

Sedimentation and Erosion Control Ordinance implementation when Polk County's Single Family Dwelling permits reach 75 and/or its submitted acreage reaches 150 (whichever is first) within a fiscal year. In the interim, Polk County Planning Dept. staff will:

- 1) Continue to monitor the existing sites in alliance with the Swannanoa Regional office of DENR;
- 2) Seek educational opportunities and certifications for erosion control practices;
- 3) Pursue funding opportunities through 'start-up grants' and creative collaboration with neighboring municipalities, contractors and sedimentation professionals;
- 4) Remain attentive to NC state legislation and policy changes relating to sedimentation and erosion control issues.

Commissioner McDermott seconded the motion and the motion carried unanimously.

14. Budget Amendments – BA #69 EMS \$15,000 Department Transfer – additional part-time wages needed to cover full-time positions that are out temporarily for various reasons. Commissioner Melton made a motion to approve BA #69, seconded by Commissioner Gasperson and the motion carried unanimously.

BA #8 Health Insurance \$249,0512 to appropriate fund balance for an estimated amount needed to pay claims through 6/30/10. Commissioner Watson made a motion to approve BA #8, seconded by Commissioner Melton and the motion carried unanimously.

15. March Tax Refund Request – Melissa Bowlin, Tax Collector, requested the refund totaling \$1,301.41. Commissioner Watson made a motion to approve the request, seconded by Commissioner Melton and the motion carried unanimously.
16. County Manager's Report – 1) Grading update on the Adult Day Care Facility. County Engineer Dave Odom and Terry Hayes, grader, both agree that the fill dirt is too wet. Commissioner Watson recommended getting costs for bringing in fill dirt and report back by the May 3, 2010, meeting. 2) Mental Health Advisory Board membership rules (exemption to policy for county residency.) The Board consensus was to review by-laws and Board procedures at the May 3, 2010, meeting. 3) Commissioner Watson made a motion to attend a joint meeting with the towns, hosted by the Town of Columbus, on June 8, 2010, at 7 pm, seconded by Commissioner McDermott and the motion carried unanimously.
17. Board Vacancies (Vote) - Library – Don Hoffman; Council on Aging – Barbara Batchler, 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. Commissioner

Gasperson made a motion to approve all the applicants, seconded by Commissioner Watson and the motion carried unanimously.

Board Vacancies (Review) – Library – Reappointment Amber Keeran. New Applicant Nancy Gales; Mental Health Advisory Board Reappointments – Joseph Crowder, Lou Parton, Kathy Romich, Katherine Smith, Carol Swetman, New Applicants – Diane Brandstadter, Rob Fuller, Lionel Gilbert. These applications were reviewed.

18. Citizen Comments on Non Agenda Items – There were none.

19. Commissioner Comments – Commissioner McDermott thought it was a productive meeting; Commissioner Gasperson was pleased to have an Interim County Attorney.

20. Adjourn – Commissioner Melton made a motion to adjourn, seconded by Commissioner Watson and the motion carried unanimously.

ATTEST:

POLK COUNTY BOARD OF COMMISSIONERS

Anne Britton
Clerk to the Board

Cindy Walker
Chairperson