

MINUTES  
September 21, 2009 @ 7:00 PM  
BOARD OF COMMISSIONERS' REGULAR MEETING  
R. J. Foster Hall of Justice, Womack Building  
Columbus, N.C.

PRESENT: Chairperson Walker, Vice-Chairperson Watson, Commissioners Gasperson, McDermott, and Melton. Others in attendance were County Manager Whitson, and Acting Clerk to the Board Fehrmann, media, staff and citizens.

1. Call to Order/Welcome – Chairperson Walker called the meeting to order and welcomed those in attendance.
2. Invocation – Silver Creek Baptist Church Pastor Chris Osborne gave the invocation.
3. Pledge of Allegiance – Vice-Chairperson Watson led the pledge of allegiance.
4. Appointment of Acting Clerk to the Board – Commissioner Melton made a motion to appoint Beth Fehrmann acting Clerk to the Board while Clerk Anne Britton is on vacation, seconded by Vice-Chairperson Watson and the motion carried unanimously.
5. Approval of Regular Board of Commissioners minutes for August 31, 2009 - Commissioner Melton made a motion to approve the meeting minutes from the August 31, 2009, BOC meeting, seconded by Commissioner Gasperson and the motion carried unanimously.
6. Approval of Agenda – 1) Move Item 7., Schedule a Tax Appeal Hearing, to 14a. 2) Add Item 11a., Funding Opportunities and Solutions. 3) Add item 16a., Watershed Classification Update. 4) Add Item 21a., Closed Session - Attorney Client Privilege. G.S. 143-318.11(a)(3) to discuss pending litigation. Commissioner Melton made a motion to approve the agenda changes, seconded by Vice-Chairperson Watson and the motion carried unanimously.
7. Schedule a Tax Appeal Hearing – Moved to Item 14a.
8. Resolution – In recognition of Mill Spring Volunteer Fire Department's Fire Chief Emeritus Bill Cunningham. Chairperson Walker announced that Chief Cunningham passed away this afternoon and asked Rev. Osborne to lead those present in prayer. Chief Carswell, Firefighter Chris Carney and Rev. Osborne accepted the framed resolution on behalf of the Cunningham family. Commissioner McDermott made a motion to pass the resolution, seconded by Commissioner Gasperson and the motion carried unanimously.

9. World Alzheimer's Day –Community Outreach Coordinator Rebecca Brodar, R.N., gave a brief presentation on Alzheimer's disease, which is a progressive, degenerative brain disease. There are more than 737 people living with Alzheimer's in Polk County, a number which is expected to increase 10-15% by next year. Commissioner Melton made a motion to pass the resolution, seconded by Commissioner Gasperson and the motion carried unanimously.
  10. Mental Health Awareness Week – The Commissioners have been asked to recognize the week of October 4-10, 2009, as Mental Illness Awareness week. Vice-Chairperson Watson made a motion to pass the resolution, seconded by Commissioner Melton and the motion carried unanimously.
  11. Adult Day Care Site Plan – Ellen Harris, Harris Architects, presented Change Order #3 with itemized cost figures totaling \$177,774. This is the second proposal for Change Order #3 from TNN Contractors, and the total is approximately \$26,000 less than the first proposal. Ms. Harris said that she, architect Cecil Canon, and Ryan Whitson have some concerns regarding the proposal because they have not had an opportunity to consider it thoroughly. Commissioner Melton recommended looking into using another contractor for the job. Vice-Chairperson Watson recommended that the Board wait until TNN finishes this phase of the project and then rebid the Adult Day Care phase. Mr. Gasperson said the Board needs to research prices while at the same time pursuing grant opportunities. Vice-Chairperson Watson made a motion to table the bid and direct Mr. Whitson to seek individual prices for the grading & paving work, the canopy & concrete work, the plumbing work, the interior sprinkler system, and the water line, seconded by Commissioner Melton and the motion carried unanimously.
- 11(a) – Funding Opportunities and Solutions for Adult Day Health Care Facility

Vice-Chairperson Watson's Comments (reproduced as submitted):

*Commissioners, now we that we have received the Change Order Amounts for the Adult Day Care Facility upgrades, I would like to take this time to discuss funding sources to complete this much-anticipated project.*

*There are three basic funding sources that we need to consider in the coming weeks, as a way to offset the additional costs associated with the fire suppression sprinkler system, the new grading and paving for the main entry to the new facility, the covered client drop-off area and walkway, and the walk-in shower unit and hand sink. All of these items are necessary to bring this project to fruition.*

*Once the investment is made to complete the facility improvements, Polk County's monthly expenditures for Adult Day Health Care will be negligible. That's the beauty of our method of providing this long-awaited service to our aging citizens and their caregivers. We provide the facility, and the day-to-day operations are funded outside of the county budget. It's a win-win situation, and we don't need to lose momentum. We need to keep moving forward with a goal to have this facility ready to occupy by January 1, 2010.*

*With a tight budget and an economy in recession, some might ask, "Why now?" To me, the reasons are many. I'll mention a few.*

*First of all, we need to do this now because after talking about Adult Day Care for many years, a County Board of Commissioners has finally decided to invest in our seniors. In late October, we plan to have a grand opening for the new Senior Recreation Center. Our Adult Day Health Care facility is a perfect companion facility to supplement services provided to our growing "aging population".*

*Secondly, we already own the facility. We don't have to go out and purchase land and build a building. All we have to do is to upfit our existing facility to the specifications necessary to get this program up and running.*

*And thirdly, if you don't think there's a need for Adult Day Health Care services right now, just ask our seniors. Look around you folks, in your neighborhoods, the grocery store, restaurants, and even this meeting room. Polk County is the oldest county by "age" classification in the state.*

*Or do like I did, and ride along on a "Home-Delivered Meals" route with one of our volunteers and meet some of those in need of these services face-to-face. See how they live, many at home all day, with only the Postman and their "Meals" delivery person to check on them. What a sad existence. But we are all too busy to slow down and see the need. And even if we see it, we don't have time to do anything about it. Well Commissioners and citizens, now is your opportunity to do something.*

*We can fund this project from three sources: private donations from individuals and businesses; grants and awards; and/or take it out of savings (i.e. ... County Fund Balance). In my opinion, we need to look at all three, and we need to keep moving forward.*

*We are off to a good start. Chairman Walker and Commissioner McDermott have been researching grants. Chairman Walker and I,*

*along with Area Agency on Aging Director, Laura Lynch, have a meeting scheduled this Wednesday, September 23, with a Foundation headquartered in Asheville to request some grant funding .*

*I am even more pleased to announce that one of our own Polk County seniors has made a sizable donation toward a very valuable part of our overall Senior Complex...the new septic tank. Mr. Don Freeman has donated \$3,850.00 to offset the recent cost of the new septic tank, which was one of first unexpected expenses. Thank you, Don.*

*Having said all this, I would like to encourage you, my fellow commissioners, to keep this project moving forward, to invest in our seniors, and to finish this project. We have borrowed money for the main project. We are asking for help from the community in the form of donations and grants, for the additional expenses associated with the Adult Day Health Care facility. Along with those borrowed funds, donations and grants, we, as the elected leaders of Polk County should be willing to do what is necessary to finish the project. I will not ask you to vote to spend the money tonight, because I want to see the outcome of our grant application and any further donations. However, my fellow commissioners, I plan to request your support in funding the deficit needed to complete this project in the very near future.*

Citizen Comments: 1) Mr. Don Kauffmann urged the Commissioners to support the Adult Day Health Care facility, and to employ creative ways to seek funding. The facility is needed not only for those suffering from Alzheimer's or other type of dementia, but for their caregivers as well. 2) Ms. Joyce Kimpton suggested that the County website include a link to enable those wishing to make donations to the Adult Day Health Care facility to do so. 3) Mr. Ted Owens urged the Commissioners to do what it takes to get the Adult Day Health Care facility up and running in a timely manner. 4) Ms. Margaret Johnson thanked the Commissioners for all they have done to get this process going. She said that, as a home health supervisor, she is all too aware of the urgent need for this type of facility in Polk County. Although people are often reluctant to broach the subject, stressed out caregivers are at risk to engage in elder abuse. 5) Ms. Betsy Freeman said she is a caregiver in need of an Adult Day Health Care facility, and she has received a number of emails from Polk County residents who support such a facility. 6) Ms. Mary Sasser said she supports the Adult Day Health Care facility. Her husband, now deceased, suffered from Parkinson's disease and dementia, and Ms. Sasser used to take him to daycare in Hendersonville for respite.

Commissioner Melton said that both his step-father and mother-in-law suffer from dementia, and he understands the stress caregivers experience. He hopes the Board can move quickly on this issue.

Commissioner McDermott said she is excited to be moving forward on this project. She said additional funding sources are needed, and encouraged those in attendance to talk to their friends and neighbors about the Adult Day Health Care facility. She and others are working as fast as they can to obtain grant sources because the sooner funding is secured, the sooner the facility can start serving the community.

Commissioner Gasperson said it takes a while to put together the momentum to bring something like the Adult Day Health Care facility about, and he wants the momentum to keep going. He would like to see the facility up and running by January, 2010. Mr. Gasperson's father-in-law suffered from Alzheimer's disease and Mr. Gasperson understands how caregivers are impacted.

Citizen Comments – 7) Liz Nordstrom said that not all those suitable for adult day health care services suffer from dementia. Some people are simply housebound and need stimulation outside of the home.

Chairperson Walker's Comments (reproduced as submitted):

*In 2004 when my father, Doug Helms, had a stroke, both he and our family could have benefited from an adult day health care center.*

*From 1996 to 2008, when my mother Lilian Kempf was struggling to care for my wheelchair bound stepfather, Walter Kempf, both he and our family could have benefited from an adult day health care center.*

*In 1991 when my sister, Janet Helms Warden, became severely ill, if it were not for the Wake County Day Treatment Center, I would not have been able to continue to work and care for my young children.*

*Our community of families will benefit from an Adult Day Health Care Center. On this, I believe we all agree. Just as we benefit from Thermal Belt Outreach, Big Brothers, Big Sisters, Hospice of the Carolina Foothills, The Rotary and Kiwanis Clubs, Steps to Hope, Thermal Belt Friendship Council, our churches and countless other non profits that call Polk County home.*

*The question then becomes, where does the responsibility lie for the newly discovered costs associated with the center? The previous board had a tacit agreement that non profits were to stand on their own and tax payer dollars would not be given. I assume that this seemingly black and white, clear cut approach was intended to clarify and simplify what might become an unending line of requests for funding. The problem is, there's a whole lot of grey area out there:*

*we partially fund the Polk County Rescue Squad, we house Family Preservation, and we match Community Block Grant funds for others.*

*For the two years that I cared for my sister, quite often I asked myself, "Where does my responsibility start and end? Where does my obligation to her care and that of my family start and stop. And what about my own life?"*

*I find myself asking similar questions these days about this Adult Day Health Care Center. I would like to see our board accept the initial purchase of the Classical School and the designation of the smaller building to Adult Day Health Care, the costs thus far for Harris Architects in relation to the Adult Day Health Care, and the remainder of the initial loan after completion of the Senior Center as our "match" for this endeavor, with the remaining portion of the costs, once determined, to be funded by grants and donations.*

*It may take a little longer. It may take a little more work. Doing the right thing often does. As for myself, I intend to visit the county manager with a check in hand tomorrow morning, in memory of Lilian Cromer Kempf.*

12. Comprehensive Plan Update – Dale Holland, Holland Consulting, gave the updates. The information is included with these minutes.
13. James B. Foster Rezoning Request – Cathy Ruth, Planner, presented a recommendation regarding the creation of the Mobile Home Overlay Zoning Classification, and the creation of the overlay district. The Planning Board unanimously recommended the Board of Commissioners enact this ordinance. The information is included with these minutes. Commissioner Melton asked which governmental entity would determine if a mobile home could be placed on a parcel, and Ms. Ruth said a conditional use permit application would have to be heard by the Zoning Board of Adjustment. Commissioner Melton asked Ms. Ruth what was meant by "family member" in the context of the ordinance, and Ms. Ruth read the following definition from the proposed ordinance, Section 5.14.13.3.c.: *"The accessory mobile home is limited for residency by a member or members of the family of the resident owner of the existing single-family home and shall not be used as an income-producing property. For purposes of this section, a person shall be considered a member of the family of the resident owner if he or she is within the third degree of kinship computed in accordance N.C.G.S. § 104A-1."* Ms. Ruth also said that each new mobile home would require a separate conditional use permit application. Vice-Chairperson Watson asked what would happen if the mobile home burned down, and Ms. Ruth said the conditional use permit still applies and the mobile home could be replaced. Vice-Chairperson Watson asked if a permitted mobile home could be replaced with an upgraded one, and Ms. Ruth

said it could. Commissioner Gasperson made a motion to schedule a public hearing at 7:00pm on October 5, 2009, seconded by Vice-Chairperson Watson and the motion carried unanimously.

14. Subdivision Ordinance – Cathy Ruth, Planner, presented the Planning Board’s recommendation regarding an ordinance amending the subdivision ordinance. The information is included with these minutes. Commissioner Melton suggested a work session in order to go over the subdivision ordinance changes item by item. Commissioner Melton made a motion to schedule a work session on the subdivision ordinance changes for 7:00pm on October 26, 2009, seconded by Vice-Chairperson Watson and the motion carried unanimously.
- 14.a Schedule a Tax Appeal Hearing – Commissioner Melton asked that this item be moved because he wanted to schedule the tax appeal hearing for the same night as the subdivision work session. Commissioner Melton made a motion to schedule the Tax Appeal Hearing for 7:00pm on October 26, 2009, seconded by Vice-Chairperson Watson and the motion carried unanimously.
15. Tax Refund – Melissa Bowlin, Tax Collector, presented the August tax refunds. Commissioner Melton made a motion to approve the August tax refunds, seconded by Commissioner Gasperson and the motion carried unanimously.
- 16.a Watershed Classification Update – (Moved at Commissioner Melton’s request.) Mr. Whitson said the Henderson County Board of Commissioners voted last week 3-2 against a resolution of support for a Watershed III classification for Lake Adger. The opposing Commissioners said they would seek legislative action to stop a Watershed III classification if the State imposed that classification on Henderson County without their consent. Two Hendersonville Commissioners are still willing to negotiate with Polk County. Mr. Whitson and Dave Odom of Odom & Associates met with DENR Water Quality representatives in Raleigh on September 17, 2009, to discuss obtaining a Watershed IV classification for Lake Adger. Unfortunately, DENR will not support a Watershed IV classification. Mr. Whitson told DENR that Henderson County would not support a Watershed III classification, and DENR said they had confidence that Polk County had done everything possible to garner the support of Henderson County on the classification. Mr. Whitson asked DENR what would happen if Polk County went ahead and requested a Watershed IV classification without Henderson County’s support. DENR said the request would not be received favorably.

There are precedents wherein the State has granted a Watershed III classification against the wishes of the affected city or county, such as in the case of Raleigh and the case of Person County. However, DENR would prefer for Polk and Henderson Counties to work out their differences and

agree upon a Watershed III classification. Mr. Whitson told DENR he did not think it was possible to work things out with Henderson County, especially since legislative inquiries have already been made by Henderson County. Mr. Whitson recommended talking to Henderson County one more time regarding the Watershed III classification request and, regardless of the outcome, for Polk County to go forward with the request. DENR made it clear that there would probably be an attempt through the state legislature to intervene if the Watershed III classification were granted.

Commissioner McDermott said it was her understanding that the legislative inquiry came from a state legislator who does not represent any part of Polk County, and Mr. Whitson agreed. Commissioner McDermott asked if Mr. Whitson had talked to any legislative representative of Polk County to see how they stand on this issue, and he said he had not. Commissioner McDermott recommended Mr. Whitson contact those representatives to at least ensure that they are not going to go against Polk County in the Watershed III classification. Commissioner Melton said he initially had the same thought as Commissioner McDermott. However, he said he ultimately decided that, if that legislative representative of Polk County is not for Polk County, then that would not be a good thing for Polk County. Commissioner Melton plans to ask the Polk County legislator if he will support Polk County in the granting of the Watershed III classification. Commissioner McDermott said she thinks Polk County needs to talk to both the senate and house representatives of Polk County.

Mr. Whitson said part of the purchase agreement for Lake Adger is to have everything in place as far as permits and the go-ahead from the State. Mr. Whitson said he may not have an answer from the State for the next five or ten years.

16. Purchase of Lake Adger – Commissioner Melton said that for the past seven or eight years one of his main goals has been to protect and control the water that sits in Polk County, which is Lake Adger. He has worked diligently, as all Commissioners have, to protect the water that belongs to the citizens of Polk County. He said it is sad that politics are getting in the way of what Polk County is trying to accomplish to secure water for our citizens. Polk County has recently experienced a severe drought and there are still citizens who do not have water, or have wells that are going dry. Commissioner Melton said he does not want to lose the opportunity to purchase Lake Adger. He wants to make a motion, regardless of the watershed classification issue, and without letting politics get in the way, to purchase Lake Adger. He said that although it might be ten to twenty years before the watershed classification issue is resolved, he still wants the citizens of Polk County to own Lake Adger. He urged any citizen not in favor of purchasing Lake Adger to contact the Tryon Daily Bulletin and express their opinion because, as far as he can tell, everyone in Polk County is in favor of protecting our water. Commissioner



Melton made a motion to purchase Lake Adger when it comes time contractually to close, seconded by Vice-Chairperson Watson.

Vice-Chairperson Watson said that in recent negotiations with Henderson County on the watershed classification, Polk County's follow-up answers specifically stated as a Board that, regardless of whether or not Lake Adger had a watershed classification, the Polk County Board of Commissioners intended to follow through and close on the purchase of Lake Adger. He said the seismic study is the only contingency in the contract that would throw up a red flag at this point.

Commissioner McDermott said that as citizen comments were made in Henderson County a few weeks ago they talked about Henderson County owning the water. The fact is that neither Henderson County nor Polk County would own the water itself, only the lake bed and the dam. Polk County would still need to get the permission of the State through DENR to be able to take the water and use it for drinking water purposes. She wanted to make sure that distinction was made because she thinks it has caused a lot of confusion up in Henderson County and she does not want that to happen in Polk County as well. She said that given the reality of the fact that there could be legislative action, and that there could be legal action that does not get resolved for five to ten years, she does not think the issue of the watershed designation should hold up the purchase of the Lake Adger basin and the dam. She also said that the Board still needs to look very carefully at any costs that would be incurred in renovating the dam, look very carefully at the flood report, and look very carefully at all of the other contingency issues as specified in the contract. She said she agrees with the fact that the watershed designation may not be in place at the time the Board otherwise would want to close on Lake Adger, and she does not believe the watershed designation should stop the Board from closing.

Mr. Whitson said the seismic study has been completed and Polk County's engineer has recommended that Black & Veatch Engineering take a look at the study. He asked the Board's permission to have Black & Veatch review the seismic study, as well as the flood study once completed. Commissioner McDermott said Bill Smith is a volunteer and retired engineer in Polk County who has built dams and nuclear power plants, and has specific expertise in this area. Mr. Smith has offered to review the seismic study for a second opinion on it. Commissioner McDermott asked that Mr. Smith be given a copy of the seismic simultaneously with Black & Veatch, because she thinks the County needs all the wisdom it can get on this.

Commissioner Gasperson said he agreed with Commissioner Melton that Polk County needs to make sure it secures ownership of the Lake Adger basin and the dam. He said he was never clear whether the watershed designation was an absolute contingency. Commissioner McDermott said it is Polk County's

contingency in any event. Mr. Whitson said at this time all the State's requirements have been met except the watershed classification. Vice-Chairperson Watson said the watershed classification contingency clause was included in the contract to protect Polk County. Commissioner Melton said there is a "smoke screen" out there that Henderson or some other County is going to prevent Polk County from owning the water basin at Lake Adger. As far as he is concerned, he will never vote to give up the water basin. Vice-Chairperson Watson said that, as he understands it, Commissioner Melton is concerned about someone putting pressure on someone from Henderson County - or on DENR or whoever makes the classification possible - to eliminate or postpone the classification so long that the contract would not get executed.

Commissioner Melton said it is the intent of this Board, and was the intent of the previous Board, to own and protect the water that sits in Polk County. Polk County applied for a Watershed IV classification and the State chose to ask Polk County to go to Henderson County for a Watershed III classification. It was not Polk County's intention. Now Polk County has done what the State has asked of it, but politics are still in play. Commissioner Melton said all he wants to do is move forward with owning the water basin that belongs to Polk County.

Commissioner McDermott said Polk County's response letter to Henderson County included Polk County's commitment, should Henderson County reject the Watershed III classification, to go back to the State and make a further request for a Watershed IV classification. Commissioner McDermott wanted to make it clear that Polk County has fulfilled its commitment by going back to the State (DENR) and asking for the Watershed IV classification; the request was denied. Commissioner Melton said the previous Board invited Henderson County Commissioners to discuss the watershed classification issue and made every effort to be a good neighbor, and the current Board has carried on that tradition. He said he wants to send a message to the citizens of Polk County that the Board will finalize the purchase of Lake Adger regardless of what watershed classification the lake ends up with.

Dave Odom, county engineer, said the State imposed a watershed classification on the City of Raleigh even though they never received a resolution of support from the city. The legislature acted by putting a three year moratorium on the imposition of the watershed classification to give the parties additional time but, ultimately, the watershed classification was imposed. The situation in Person County involved a lake located in an adjoining county. None of the watershed was located in the county that wanted the water, but the parties came together and found a solution after approximately ten years. Mr. Odom said the Watershed III classification regulations that would be placed on Henderson County are not very much of a change from what they have in place, as the State already has them classified

as a Phase II County for stormwater management. Mr. Whitson added that he pleaded with DENR for a Watershed IV classification, and part of the response he received was that "Lake Adger is a gem and needs the Watershed III classification to protect it." Mr. Odom said DENR indicated that if Polk County proceeded with the Watershed IV request it would hurt our case if, down the road, we were to come back and request a Watershed III classification. It was strongly advised against. Commissioner Gasperson said if the State is insisting on a Watershed III classification, then it is pretty much implied that at some point Polk County will have the Watershed III classification. The State is not going to back off of that; this is going to happen at some point in time.

Citizens Comments – Mr. Ted Owens said that a great deal of disinformation is being spread in Henderson County regarding the future use of Lake Adger, but that does not need to stop Polk County from purchasing the lake. He went on to say this is the third or fourth time Polk County has had an opportunity to purchase Lake Adger, and will probably be the last. He encouraged the Board to make the decision to purchase Lake Adger no matter what, because another entity will come into to Polk County and do just that.

Commissioner Melton made a motion to move forward with the purchase of Lake Adger regardless of the status of the watershed designation, seconded by Vice-Chairperson Watson.

Commissioner McDermott said she would like to clarify things a little bit better because of the way Commissioner Melton last characterized the motion. She is afraid that it could be misinterpreted to say that we're not relying upon the other contingencies like the seismic study or the flood study. She suggested that perhaps we could use the language that would be a motion that we agree not to rely on the watershed designation as a contingency that would cause us not to go forward with the purchase of Lake Adger.

Commissioner Melton said what he is asking for is that the Board move forward on the purchase of the Lake Adger water basin as the contract states, given all of the contingencies except the watershed classification are satisfied. Commissioner McDermott said she just does not want the wording of the motion itself to end up saying something the Board didn't intend. Mr. Whitson clarified that the Board does not want the designation of the watershed to be taken into consideration on the purchase of the lake.

Commissioner Melton made a motion to not take into consideration the designation of the watershed on the purchase of Lake Adger, seconded by Vice-Chairperson Watson and the motion carried unanimously.

Mr. Whitson asked for guidance from the Board regarding the seismic and flood studies. Mr. Odom has reviewed the seismic study and recommended that Black & Veatch review it. Mr. Whitson has not received the flood study

yet but he expects that Mr. Odom will want Black & Veatch to review that study as well. Regarding Commissioner McDermott's request that Mr. Smith receive a copy of the seismic study for review, Mr. Whitson said the study is proprietary and confidential. The Board agreed that Mr. Smith is welcome to review the County's copy in the manager's office.

- 16.a Watershed Classification Update - Vice-Chairperson Watson said that Polk County has complied with its promise to Henderson County that it would seek a Watershed IV classification. Vice-Chairperson Watson said he would like to make a motion to pursue a Watershed III classification. In the process of doing that, and as a show of honor and good will, he would like to inform Henderson County of Polk County's intentions and request that they participate in negotiations and work with us on the watershed III classification. If Henderson County chooses not to participate, then Polk County has given them fair warning. Vice-Chairperson said the Watershed III classification would definitely be in Henderson County's best interests were they to want a water system of their own in the future. It was determined that the Board will ask to be put on the agenda for an upcoming Henderson County Board of Commissioners meeting. Vice-Chairperson Watson made a motion to ask to be placed on an upcoming Hendersonville Board of Commissioners' meeting agenda in order to make an official appearance regarding Polk County's intention to pursue a Watershed III classification, and to again ask Henderson County to collaborate with Polk County in this effort, seconded by Commissioner Melton and the motion carried unanimously.

17. Veteran's Park – Commissioner McDermott read the resolution.

Citizen Comments – 1) Kathleen McMillan, Mayor of Columbus, urged the Board to support the expansion of Veteran's Park and requested a monetary allocation from the County. 2) Columbus Town Council member Michael Gage asked the Board for its support of the Veteran's Park expansion. 3) Lisa Krolak also asked the Board for its support of the Veteran's Park expansion.

Commissioner Melton made a motion to approve the resolution of support for the Town of Columbus to expand Veteran's Park, seconded by Vice-Chairperson Watson and the motion carried unanimously.

18. Western Highlands Network's Fiscal Monitoring Report – Mr. Whitson provided information as required for 2009 fiscal year 4<sup>th</sup> quarter, ending June 30, 2009. Western Highlands has a fund balance of 11-12%, or about \$6 million. Regarding today's WHLME Special Budget Meeting, Mr. Whitson said the State has reduced the WHLME budget by about 10%, or approximately \$5.6 million. Mr. Whitson said two Western North Carolina entities, WHLME and Smoky Mountains LME, received the biggest cuts in the State; he takes issue with that. Proposals made during the special budget meeting included the

reduction of Polk County Sheltered Workshop's funding, as well as the elimination of funding for the Pardee Detox Center, a facility which is used by Polk County residents. The next meeting is scheduled for October 9, 2009. Mr. Whitson is committed to finding a solution that is less disastrous for the mental health clients of Polk County and the other seven counties. Mr. Whitson said he also takes issue with the fact that the State has entered into a contract with Cannon Memorial Hospital in Avery County for mental health clients, which means Polk County residents in need will be sent to Cannon Memorial instead of St. Luke's. The State has not entered into a contract with St. Luke's, Rutherford, Memorial Mission or Pardee hospitals, although these hospitals would welcome such a contract. Mr. Whitson is going to discuss this issue at the next full board meeting of Western Highlands. The State has been asked to attend the meeting to explain the situation. There is a movement underway wherein County Managers will no longer serve on the Western Highlands Board, to become effective November of 2010. One solution is to introduce a local bill into the legislature to allow Boards of County Commissioners to appoint who they want to appoint to that seat, and Representative Guice and Senator Snow are currently working on the bill. Members can serve on the board for two consecutive three year terms. Commissioner McDermott asked Mr. Whitson to provide her with a copy of the statute on term limits.

Citizens Comments – Ms. Brodar said St. Luke's has signed a contract with Western Highlands for indigent clients who come into the emergency room or the hospital, or who need placement. This contract enables St. Luke's to be reimbursed \$750 per day per client, up to a maximum of seven days. However, a new three-way contract has been created. According to this contract, before St. Luke's can get approval for reimbursement from Western Highlands for an eligible indigent person who comes to the emergency room, Ms. Brodar will have to call the Crisis Stabilization Unit in Asheville first to see if they will accept the patient. If they do not accept the patient, then Ms. Brodar has to call Cannon Memorial Hospital, which is outside the eight county area, and see if they will accept the patient. If they do not accept the patient, then St. Luke's is permitted to accept the patient.

Mr. Whitson asked Ms. Brodar to make a presentation, along with the other hospitals, at the next Western Highlands Board meeting.

19. Manager's Report – 1) The County now has its mobile recycling unit. Two trailers and sixteen boxes to go on the trailers have been ordered, and the process of ordering the signs has begun. 2) David White, Western Carolina Community Action, has received verbal approval for 36 slots for the Early Head Start program in Polk County. They will be hiring six people, and services are to start December 1, 2009. 3) Melinda Young, Travel & Tourism Director, presented the department's new promotion policy. This policy provides a clear structure for how and when the Travel & Tourism Department

can stop promoting a business when it is delinquent in its taxes, or when the required reports are incomplete or not turned in at all. Commissioner Melton made a motion to approve the new promotion policy, seconded by Commissioner Gasperson and the motion carried unanimously.

20. Budget Amendments – 1) Reduction: \$4,470 to reduce revenues and expenditures for the reduction of State JCPC allocations and the 20% County match reduction moved to contingency. Commissioner Melton made a motion to approve the budget amendments, seconded by Vice-Chairperson Watson and the motion carried unanimously. 2) Appropriate Fund Balance/Transfer: \$659,738 to appropriate fund balance to pay off remaining balance on the GO High School Bond. Commissioner Melton made a motion to approve the budget amendments, seconded by Commissioner Gasperson and the motion carried unanimously.
21. Board Vacancies – There were three appointments for the Economic Development Commission - Jeff Byrd, David Herbert, and Libbie Johnson. Commissioner McDermott made a motion to approved the appointments, seconded by Commissioner Gasperson and the motion carried unanimously.
- 21.A. Closed Session – Attorney Client Privilege. G.S. 143-318.11(a)(3) To discuss pending litigation. Vice-Chairperson Watson made a motion to go into closed session, seconded by Commissioner Gasperson and the motion carried unanimously.
22. Return to Open Session – There was no action taken.
23. Adjourn - Vice-Chairperson Watson made a motion to adjourn, seconded by Chairperson Walker and the motion carried unanimously.

ATTEST:

POLK COUNTY BOARD OF  
COMMISSIONERS

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Beth Fehrmann  
Acting Clerk to the Board

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Cindy Walker  
Chairperson