BOARD OF COMMISSIONERS PUBLIC HEARINGS AND REGULAR MEETING APRIL 15, 2024 5:00 PM



R. Jay Foster Hall of Justice - Womack Building

1. Call to Order the Regular Meeting - Chairman Yoder
2. Invocation - Chairman Yoder
3. Pledge of Allegiance - Vice-Chairman Melton
4. Approval of Agenda
   A. Items may be added or removed at this time.
   Motion to approve the agenda as presented or amended.
5. Consent Agenda - Motion to approve the Consent Agenda
   A. Approval of March 18, 2024 Regular Meeting Minutes
   B. Community Child Fatality Prevention and Protection Report
   C. Tax Refund Request in the amount of $136.63
6. Citizen Comments on Agenda Items
7. Regular Agenda Items
   A. Soil Erosion and Sedimentation Control (SE&SC) Landfill Update - Warren Eadus and/or Joel Lenk, Quible & Associates
   B. Amendment to Solid Waste Transportation and Disposal Agreement with Republic Services - Travis Ballard, Solid Waste Director
   Motion to approve the amended agreement.
   C. Polk County Rescue Squad Contract - Attorney Berg
   Motion to approve the contract.
   D. Proclamation to declare April 2024 as Child Abuse Awareness Month - Kim Wilson, Senior Program Manager Polk County Health and Human Services, Division of Social Services

Motion to approve the Proclamation and declare April 2024 as Child Abuse Awareness Month.

8. Citizen Comments on Non-Agenda Items

9. Volunteer Board Applications

10. Commissioner Comments

11. Adjournment

POLK COUNTY BOARD OF COMMISSIONERS
Regular Meeting
March 18, 2024 - 5:00 PM
R. Jay Foster Hall of Justice - Womack Building
Columbus, NC
MINUTES

PRESENT: Chairman Yoder, Vice-Chairman Melton, Commissioner Beiler, and Commissioner Overholt. Also in attendance were County Manager Pittman,County Attorney Berg and Clerk to the Board Tipton. Absent: Commissioner Moore

1. Call to Order - Chairman Yoder.

2. Invocation - Commissioner Beiler.

3. Pledge of Allegiance - Commissioner Overholt.

4. Approval of Agenda

   A. Items may be added or removed at this time.

   Vice-Chairman Melton moved to approve the agenda as presented, seconded by Commissioner Beiler and the motion carried unanimously.
   Absent: Moore

5. Consent Agenda - Motion to approve the Consent Agenda.

   A. Approval of March 4, 2024 Regular Meeting Minutes.

   B. Tax Refund Request in the amount of $119.61.

   C. Declare IT equipment as surplus to be sold electronically through Govdeals.

   Vice-Chairman Melton moved to approve the consent agenda, seconded by Commissioner Overholt and the motion carried unanimously.
   Absent: Moore

6. Citizen Comments on Agenda Items.

   There were two citizen comments on agenda items.

7. Polk County Schools Update - Aaron Greene, Superintendent.

   Mr. Greene introduced Polk County High School Volleyball Coach, Molly Hill. Ms. Hill thanked the Commissioners for their support during their road to win the state championship. Senior volleyball team members, Makayla Fisher and Ada Kelly then presented the Commissioners with medallions.
   Mr. Greene gave an update on the school system, a copy of the quick facts is

hereby incorporated into these minutes by reference. Some of the highlights were that Polk County Schools has ranked in the top 5 in NC for student achievement for a decade, currently at 4th for college prep and 5th for grade level proficiency. He also stated that the school system is idependently ranked in NC as #1 district to teach in, #1 district for best teachers and #2 overall district.

8. Polk County Schools - Brandon Schweitzer, Ed. D., Director of Operations.

A. Needs-Based Public School Capital Fund (NBPSCF) Request - Sixth payment on the Tryon Elementary PreK Addition Project.
Motion to approve the Distribution Request.

Dr. Schweitzer presented the 6th payment request for the Tryon Elementary Pre-K addition. he said the project is on schedule and will be completed in the Spring.

Vice-Chairman Melton moved to approve the Distribution Request in the amount of $271,341, seconded by Commissioner Overholt and the motion carried unanimously.
Absent: Moore

9. Proclamation to declare April 2024 as Sexual Assault Awareness Month - Sandra Halford, Steps to HOPE, Inc.

A represestative from Steps to Hope was not present at the meeting.

Vice-Chairman Melton moved to approve the Proclamation to decalre April 2024 as Sexual Assault Awareness Month, seconded by Commissioner Overholt and the motion carried unanimously.
Absent: Moore

10. 2023 Uncollected (Delinquent) Tax Report - Melissa O'Loughlin, Tax Administrator.

Melissa O'Loughlin presented the 2023 uncollected tax report.

Vice-Chairman Melton moved to charge the Tax Administrator to advertise and collect the 2023 taxes by any and all means, seconded by Commissioner Overholt and the motion carried unanimously.
Absent: Moore

11. Department of Social Services Compensation Alignment and Recruitment/Retention Proposal - Josh Kennedy, HHSA Director

Josh Kennedy, HHSA Director gave a presentation a copy of which is hereby

incoporated into these minutes by reference. In an effort to recruit and retain social workers, he requested the approval of a budget amendment in the amount of $19,759 to place all qualified Social Workers in Grade 25, Step 3, minimum, and to add one Adult Protection Services Supervisor and three Social Worker Assistants. Vice-Chairman Melton moved to approve the Budget Amendment in the amount of $19,759 for FY 2024, seconded by Commissioner Overholt and the motion carried unanimously.
Absent: Moore

Vice-Chairman Melton moved to approve the positions as requested, seconded by Commissioner Overholt and the motion carried unanimously.
Absent: Moore

12. Citizen Comments on Non-Agenda Items.

There were two comments on non-agenda items.

13. Volunteer Board Application(s)

A. Applications for Consideration: Susan J. Smith - Library Board of Trustees.

Vice-Chairman Melton moved to approve the applicant as presented, seconded by Commissioner Beiler and the motion carried unanimously.
Absent: Moore

14. Chairman and Commissioner Comments.

Commissioner Overholt thanked those in attendance, specifically those present to support Child Protective Services. He said he appreciates them advocating for these children. He said the situation is so much more than just throwing money at it and thinking it will get better, but that it is a step in the right direction.
Commissioner Beiler thanked the foster parents that came out. He said foster parenting is an incredible sacrifice and thanked those in the county willing to step up and foster. He went on to say that it is pleasure and honor to serve all of Polk County.
Vice-Chairman Melton also thanked those in attendance. He said although we live in the best county, there are still many issues we need to take care of.
Chairman Yoder thanked the public in attendance and gave a special thanks to Rep. Jake Johnson and for attending. He also thanked Josh Kennedy and Manager Pittman for their hard work on the recruitment and retention plan for the Social Workers.

15. Adjournment

Vice-Chairman Melton moved to adjourn, seconded by Commissioner Overholt and the motion carried unanimously.
Absent: Moore

Attest:

POLK COUNTY BOARD OF COMMISSIONERS

_____
Kristy A Tipton
Clerk to the Board

_____
Myron Yoder
Chairman

BOARD OF COMMISSIONERS
AGENDA ITEM REPORT

MEETING DATE

April 15, 2024

AGENDA ITEM # 5.B

Community Child Fatality Prevention and Protection Report

ATTACHMENTS

None

BOARD OF COMMISSIONERS
AGENDA ITEM REPORT

MEETING DATE

April 15, 2024

AGENDA ITEM # 5.C

Tax Refund Request in the amount of $136.63

ATTACHMENTS

1. Tax Refund Request

Memorandum

To: Polk County Board of Commissioners

From: Melissa O'Loughlin, Polk County Tax Administrator

Date: 3/31/2024

Re: Refund Request

Taxpayer	Parcel	Amount	Reason
Hayes Ashlie	Vehicle	$ 136.63	Tag Turned In- Vehicle Sold

TOTAL: $ 136.63

STATE OF NORTH CAROLINA
COUNTY OF POLK

CONTRACT FOR RESCUE SERVICE

THIS CONTRACT is made and entered into this ____ day of _____, 2024, by and between **POLK COUNTY RESCUE SQUAD, INC.**, a North Carolina nonprofit corporation (the "Rescue Squad") and **POLK COUNTY** a North Carolina body politic and corporate (the "County").

WITNESSETH:

WHEREAS, the Rescue Squad is a recognized provider of specialized rescue services incorporated pursuant to N.C.G.S. 55A; and

WHEREAS, the Polk County Board of Commissioners desires to have a provider of such services; and

WHEREAS, the County has heretofore furnished rescue services in the County, to the extent of the annual funding by the County, by contracting with the Rescue Squad to furnish rescue services in the County; and

WHEREAS, Polk County is currently served by the Rescue Squad; and

WHEREAS, both the Rescue Squad and the County desire to enter into a written contract for the provision of such rescue services and to have such contract supersede and take the place of any contracts previously executed;

NOW, THEREFORE, for and in consideration of the mutual undertakings herein contained and subject to the terms and conditions hereinafter set forth, the sufficiency of which is hereby acknowledged, the Rescue Squad and the County do hereby mutually agree as follows:

1. **PAYMENT OF FUNDS TO THE RESCUE SQUAD**. So long as this contract remains in effect, the County will pay over to the Rescue Squad a fixed amount of $150.00 per service call. In order to receive the full $150.00 payment, the Rescue Squad must arrive on scene with an emergency apparatus. If the service call is cancelled while the Rescue Squad is on route to the scene with an emergency apparatus, the Rescue Squad will be paid $50.00 for that call. Dispatched service call responses in personal vehicles will also be eligible for the $50.00 per call rate. Payments will be sent out on a quarterly basis for all service calls made during the previous quarter.

2. **RESCUE SERVICES PROVIDED**. So long as this contract remains in effect, the Rescue Squad will be in compliance with all requirements set forth by the North Carolina

Association of Rescue and EMS. Polk County Rescue Squad will be a provider of rescue services in the County of Polk; examples of rescue services provided include, but not limited to Emergency Medical Services, vehicle extrication, specialized or technical rescue, water rescue and underwater recovery, prearranged medical standbys and assistance during manmade and natural disasters. The Rescue Squad also provides emergency preparedness/protective measures when the County is exposed to a hazard as defined in 42 U.S.C. 5194a. Nothing in this contract shall be construed to prevent the Rescue Squad from rendering Mutual Aid Assistance to any other Rescue Squad or Fire Department within the discretion of the Captain or Officer in Charge. "Rescue Service" shall specifically include the provision of such emergency medical, rescue and ambulance services that the Rescue Squad is licensed and trained to provide in order to protect the persons within the County from injury or death. Nothing shall be construed to prevent the Rescue Squad from providing Rescue Service or Mutual Aid Assistance so long as the Rescue Squad continues to provide service to the County. Further, the Rescue Squad may furnish Rescue Services to areas not within the boundaries of any political boundary on an equipment and personnel basis within the discretion of the Captain or the Officer in Charge. It is expressly acknowledged that the Rescue Squad provides Rescue Services to areas within the boundaries of the County of Polk, including the Towns of Columbus, Saluda, Tryon and all rural areas of the County of Polk, such as Green Creek, Lynn, Mill Spring, and Sunny View.

3. **LIMITATION ON USE OF COUNTY FUNDING**. Funds paid by the County to the Rescue Squad shall only be used for one or more of the following purposes: (1) purchase and maintenance of equipment; (2) purchase, construction and repair of facilities; (3) amortization of loans incurred for purchase, construction or repair of equipment or facilities; (4) operations of the department; (5) casualty or life insurance upon Rescue Squad members; and (6) any public purposes. Funds paid by the County pursuant to this Contract shall only be expended as allowed by law. Equipment and facilities shall not be used for personal gain. Disposition of property whose fair market value is $1,000 or more and no longer needed by the Rescue Squad shall be declared as surplus by the Rescue Squad shall only be disposed in accordance with NCGS 153A-176 to assure the Rescue Squad gets the highest value when it disposes of property purchased with taxpayers' dollars.

4. **AUDIT AND RECORD KEEPING REQUIREMENTS.** The Rescue Squad shall keep accurate written records of receipts and expenditures which may be audited at any time by or on behalf of the County. The Rescue Squad shall provide to the County by December 31st following each fiscal year an annual report for the previous fiscal year of revenues and expenditures by the Rescue Squad certified by an independent audit firm or by a Certified Public Accountant approved by the North Carolina Local Government Commission in accordance with G.S. 159-34. The Rescue Squad will maintain accurate written records regarding personnel training, infection control, Articles of Incorporation, service district map and description, contracts with counties

and municipal governments, certified weight tickets for all apparatus, alarm log meeting minutes, equipment inventory and apparatus inspection forms, which may be audited at any time on behalf of the county.

5. **ROSTER REQUIRED**. The Rescue Squad shall submit to the Polk County Commissioners, County Manager and the Emergency Management Director a copy of the roster sent to the North Carolina Association of Rescue and EMS by January 1st of each year. The roster must have a minimum of 8 personnel.

6. **CALL REPORTS REQUIRED**. The Rescue Squad shall maintain copies of all call reports, which may be audited at any time by or on behalf of the County.

7. **CALL LIST INFORMATION REQUIRED**. The Rescue Squad shall provide a list of information, including Rescue Squad call numbers for all personnel, line officers, board officers, rescue certifications, a roster of all personnel and apparatus list to the County Commissioners, County Manager and Emergency Management Director by January 1st of each calendar year.

8. **TERM OF CONTRACT**. This Contract shall remain in full force and effect until 12:00 o'clock Midnight, _____ and thereafter shall be automatically renewed for successive one (1) year terms until or unless otherwise terminated or expired.

9. **TERMINATION OF CONTRACT**. Either party may terminate this Contract upon giving the other party at least 60 days advance written notice. The Board of Commissioners may, in its discretion, immediately terminate this Contract in the event that the Rescue Squad does not timely correct deficiencies as provided in paragraphs 11 and 12 or correct any other material breach of this Contract within thirty (30) days after notice of such breach. From and after the effective date of any termination of this Contract the rescue Squad shall have no further obligations under this Contract, including the provision of Rescue Services in the County.

10. **WORKERS COMPENSATION INSURANCE**. The Polk County Rescue Squad will be responsible for payment of workers compensation insurance premiums.

11. **OPERATIONS DEFICIENCIES**. The Polk County Rescue Squad shall provide notice to the Polk County Emergency Management Director of any facility, equipment or operations deficiencies which have serviced as a result of any inspections. The Polk County Board of Commissioners, in its discretion, has the right to terminate this Contract immediately if the Rescue Squad fails to remedy any deficiency within thirty (30) days from the date the Rescue Squad was made aware of the deficiency.

12. **FINANCIAL DEFICIENCIES**. If any audit performed or caused to be performed by the County in accordance with paragraph 4 reveals any deficiencies or irregularities in the financial operations of the Rescue Squad, the County shall give written notice thereof

to the Rescue Squad Captain and at least two (2) lesser officers of the rescue Squad. This notice shall specify that thirty (30) days shall be allowed to correct such deficiencies or irregularities. At the end of the said 30-day period, further audit shall be made to determine if the deficiencies or irregularities have been corrected. If not, the County Board of Commissioners may, in their discretion terminate this contract.

13. **AMENDMENT TO CONTRACT**. This Contract may only be amended by written instrument signed by both parties.

14. **EFFECTIVE DATE**. This Contract shall become effective as the date on which the last party executes this Contract.

15. **APPROVAL BY RESCUE SQUAD**. The Rescue Squad represents by execution of this document by its Captain that this instrument has been duly approved by the Rescue Squad.

16. **SEVERABILITY**. This Contract shall be severable. If any clause, paragraph or part thereof is determined to be void or unenforceable by a court of competent jurisdiction, the remainder of the Contract shall remain in full force and effect.

17. **INDEPENDENT CONTRACTOR**. The Rescue Squad shall indemnify and save the County harmless from any and all liability and expenses, including attorney fees, court costs and other costs incurred by the County which are cause by the negligence of the Rescue Squad, its agents, members, employees and personnel, to the extent of the rescue Squads insurance coverage. For this reason the Rescue Squad shall procure all insurance coverage's stated herein, and shall cause the County to be named as an "Additional Insured" for liability coverage on all policies procured. To the extent permitted by law, the County shall indemnify and save the Rescue Squad harmless from any and all liability and expenses, including attorney fees, court costs and other costs incurred by the Rescue Squad which are caused by the negligence of the County, its agents, members, employees and personnel.

18. **NONASSIGNABLE CONTRACT.** This Contract may not be assigned by either party.

19. **PRIOR CONTRACTS TERMINATED.** All prior contracts for rescue services entered between the Rescue Squad and the County shall be deemed terminated as of the effective date of this Contract and this Contract shall be deemed to supersede any prior Contract or other agreements.

20. **COMPLIANCE WITH LAWS.** The Rescue Squad shall comply with all applicable federal, state and local laws, rules and regulations; failure to do so will be grounds for immediate termination of this Contract.

WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized officers in duplicate, each to serve as an original, on the day and year first above written.

ATTEST:

POLK COUNTY RESCUE SQUAD, INC.

Josh Edwards, Secretary

By James R Smith, Jr
James Smith, Captain

(SEAL)

ATTEST:

POLK COUNTY

Kristy Tipton
Clerk to the Board

By_____
Myron Yoder
Chairman

(SEAL)

BOARD OF COMMISSIONERS
AGENDA ITEM REPORT

MEETING DATE

April 15, 2024

AGENDA ITEM # 7.D

Proclamation to declare April 2024 as Child Abuse Awareness Month - Kim Wilson, Senior Program Manager Polk County Health and Human Services, Division of Social Services
Motion to approve the Proclamation and declare April 2024 as Child Abuse Awareness Month.

ATTACHMENTS

1. Proclamation

April 2024
Child Abuse & Neglect Prevention Month
Proclamation

WHEREAS, our children are our most valuable resources and will shape the future of Polk County; and

WHEREAS, every child deserves to be loved, cared for, secure, and safe and it is the responsibility of our communities to promote every child's right to a safe, happy and healthy environment; and

WHEREAS, in 2023, 357 reports were made to Polk County Child Protective Services; and

WHEREAS, child abuse and neglect not only cause immediate harm to children, but can have long-term psychological, emotional, and physical effects that can have lifelong consequences for victims of abuse and can increase the likelihood of criminal behavior, substance abuse, health problems and risky behavior; and

WHEREAS preventing child abuse and neglect is a community responsibility affecting both the current and future quality of life of Polk County and finding solutions depends on involvement among all people; and

WHEREAS, protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children; and

WHEREAS, we must make every effort to promote programs and activities that benefit children and their families; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among child welfare, citizens, agencies, schools, religious organizations, law enforcement agencies, and the business community; and

WHEREAS, we acknowledge that we must work together and that all citizens should become involved to provide safe, nurturing environments for children in all areas of their lives – at home, in school, and in the community – offering them the opportunity to grow up to be caring, contributing members of the community;

WHEREAS, **PREVENTION** remains the best defense for our children and families;

NOW, THERFORE, I, Myron Yoder, Board of Commissioner Chair, do hereby proclaim **APRIL 2024 as Child Abuse and Neglect Prevention Month** in Polk County, North Carolina and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families, thereby preventing child abuse and neglect and strengthening the community in which we live.

Adopted this _____ day of _____, 2024.

_____
Myron Yoder, Chairman

ATTEST:

_____
Kristy Tipton, Clerk to the Board of Commissioners