

A REGULAR MEETING
OF THE
CHEROKEE COUNTY
BOARD OF COMMISSIONERS
May 6, 2013

Preamble to Minutes read by Chairman Stiles: "Members of the County Board of Commissioners are advised, hereby, of their duty under the Local Government Ethics Act to avoid conflicts of interest and the appearance of such conflict; and, further, are instructed to refrain from participating in any matter coming before this Board of County Commissioners with respect to which there is a conflict of interest or appearance of such conflict".

A Regular Meeting of the Cherokee County Board of Commissioners was held in the Commissioners Boardroom, also known as Multi-Purpose Room 342, of the Cherokee County Courthouse in Murphy, North Carolina on the 6th day of May, 2013 at 6:00 o'clock p.m.

The following Commissioners were present for the meeting: Cal Stiles, Chairman; Lorraine M. Meltz, Vice-Chair; C.B. McKinnon, member; David Wood, member; and Steve Jordan, member. Also present were the following: Randy Wiggins, County Manager; Maria Hass, Assistant County Manager/Assistant Clerk to the Board; R. Scott Lindsay, County Attorney/Clerk to the Board; and, Candy Roberts, County Finance Director.

Present from the media was Joe Martin of the Cherokee Scout.

The invocation was given by Mr. Hugh Williamson.

The Pledge of Allegiance was led by Chairman Stiles.

The Chairman presided and the Clerk kept the Minutes.

After discussion, a Motion was made by Commissioner McKinnon to approve adding an additional agenda item, as item f) Andrews Pool Request, under budget and finance items, as requested by Chairman Stiles. Motion seconded by Commissioner Jordan. Motion passed unanimously.

Budget Revisions/Finance Items:

- After discussion, a Motion was made by Commissioner Meltz to approve a budget revision for the Sheriff's Department in the amount of \$5500.00 to be used from the sheriffs designated fund to digitalize their last radio repeater.
- After discussion, a Motion was made by Commissioner Meltz to approve a budget revision in the amount of \$1800.00 to construct steps and a sidewalk at the new addition of the health department in Murphy. Motion seconded by Commissioner McKinnon. Motion passed unanimously.
- Dr. Carlton VanHorn, Cherokee County Board of Health member introduced the new health director, Ms. Towena Roberts. The board welcomed Ms. Roberts.
- The finance officer presented a request from the Tourism Development Authority (TDA) to have their TDA office at the Andrews rest area added to the county's liability insurance policy; as required by the North Carolina Department of Transportation. Ms. Roberts explained that there would be no additional cost to the county's premium; however, if there is ever a liability claim that it could affect the county's cost of premium. A Motion was made by Commissioner Jordan to approve the request. Motion seconded by Commissioner Wood. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Wood to approve the annual Juvenile Prevention Council Plan as presented by assistant county manager, Maria Hass. Motion seconded by Commissioner Meltz. Motion passed unanimously.
- Tim Coffey, from the Town of Andrews came before the board to request the remainder of funds that were budgeted in fiscal year 2012-13 for the Andrews Pool Project. Mr. Coffey said that the source of leaks has now been identified and that the shallow end of the pool needs to be replaced. Mr. Coffey said that the Town of Andrews had agreed to fund the remaining balance of the cost. After discussion, a Motion was made by

Commissioner Jordan to approve the request in the amount of \$17,677 for repairs of the Andrews Pool. Motion seconded by Commissioner Meltz. Motion passed unanimously.

Old Business:

- After discussion, a Motion was made by Commissioner McKinnon to approve the minutes of March 18, 2013. Motion seconded by Commissioner Meltz. Commissioner Wood requested the minutes be amended to state that he said, "The TDA was inactive until the board of commissioners reactivated it in 2011 and that the only way to restructure the TDA was to increase the occupancy tax rate". Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Wood to appoint Marsha Davis to the Nursing and Adult Care Home Advisory Committee for a three year term. Motion seconded by Commissioner Jordan. Motion passed unanimously.

Approval of Minutes:

- After discussion, a Motion was made by Commissioner Wood to approve the April 15, 2013 minutes as presented. Motion seconded by Commissioner McKinnon. Motion passed unanimously.

New Business:

- After discussion, a Motion was made by Commissioner Jordan to adopt a resolution requesting the North Carolina Department of Transportation (NCDOT) make repairs to Locust Street in Andrews to include sidewalks, curbs and guttering. Mayor Johnny Brown of Andrews said that the Town of Andrews had also adopted a resolution in support of the project. Wesley Grindstaff, district engineer, with the NCDOT said that the project has been on the NCDOT project list, but he wanted to show local support before submitting the project to the State. Motion seconded by Commissioner Wood. Motion passed unanimously.
- Cherokee County Emergency Management Director, Robin Caldwell came before the board to request consideration of space for an Emergency Operation Center (EOC) to be used during county emergencies. Mrs. Caldwell told the board that there has been planning in past years to have an EOC and that she has requested funds in her fiscal year 2013-14 budget to equip the center. The board thanked Mrs. Caldwell for coming and sharing her need for space.
- Chairman Stiles told the board that Commissioner Meltz will be out of town during the week of June 17th and has asked the board reschedule the June 17th board meeting to June 24th. After discussion, a Motion was made by Commissioner McKinnon to reschedule the regularly scheduled meeting on June 17th to June 24th. Motion seconded by Commissioner Jordan. Motion passed unanimously.
- After discussion, a Motion was made Commissioner Wood to appoint Jeff Clark and Dick Godfrey of the Cherokee County Solid Waste department as Solid Waste Enforcement Officers as required by general statute §14-399. Motion seconded by Commissioner McKinnon. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner McKinnon to approve the adoption of the Cherokee County EMS Standard Operating Policies and Procedures, as presented by the county manager and Jeff Ledford, EMS director. Motion seconded by Commissioner Meltz. Motion passed unanimously.
- Carlos and Raisa Carus did not need to appear before the board, as previously requested.
- Ray Frazier, member of the Andrews Rescue Squad, came before the board to request that no change be made to the county's contract for fire services with the Valletown Volunteer Fire Department (VFD). Mr. Frazier said that Mr. Steve Bias, chief of Valletown VFD, has not provided to the county the requested documentation from the October 2012 meeting. Mr. Frazier said that members of the Valletown VFD are not state certified in rescue, as Mr. Bias had stated at the October 15, 2012 board meeting. Mr. Frazier also said that Valletown VFD has "fire and rescue" on their vehicles, although they are not rescue certified. Mr. Frazier asked the board to request that Mr. Bias come to the next board meeting on May 20th and provide his credentials. After much discussion, Commissioner McKinnon suggested that the chiefs of Andrews Rescue Squad

and Valletown Fire Department meet with the fire marshal and a commissioner to work on the issue before the next board meeting on May 20th. Commissioner Jordan asked if two board members could be involved, saying that he would also like to be involved in the meeting, since that is his district. A Motion was made by Commissioner Jordan for himself, Commissioner McKinnon, and the fire marshal to meet with the Andrews Rescue Squad chief and Valletown VFD chief to try and work through issues between the departments. Motion seconded by Commissioner McKinnon. Motion passed unanimously.

- Barbara Vicknair of the Valley River Humane Society came before the board to request the use of the landfill's bobcat and employee labor for two days to assist in spreading gravel in their outdoor dog runs. Ms. Vicknair said that this work has to be done to satisfy state inspectors and that it will require 474 tons of gravel (23 truck loads) at a cost of \$13,088. Ms. Vicknair said that Harrison Construction has donated 237 tons of gravel and the 1st truckload would be coming on Monday (13th). She also said that they have volunteers and will also be asking the sheriff for inmate labor to spread the gravel. Commissioner McKinnon asked that the work be scheduled at a time that our landfill employee and equipment is available. Commissioner Jordan also volunteered his time and equipment to help. A Motion was made by Commissioner Wood to approve the request. Motion seconded by Commissioner Jordan. Motion passed unanimously.

County Manager Items:

- Mr. Wiggins presented the county manager recommended budget for fiscal year 2013-14, in the amount of \$37,317,644. Mr. Wiggins said that the recommended budget had no increase in property tax, no fee schedule increase, maintains current service level to our citizens, no use of general fund balance, an addition of \$200,000 to fund balance, and due to state funding loss, an additional appropriation of \$855,911 to Cherokee County Schools to cover the small schools funding shortfall. Commissioner Jordan asked if there would be some things that the board could look at and trim back. Mr. Wiggins told Commissioner Jordan that there will be budget hearings and work sessions for the board to discuss priorities and make changes to the budget. Commissioner McKinnon thanked the county manager and finance officer for their work on the budget. A copy of the recommended budget and budget message is available for inspection on the county website, in the county manager's office and in the Murphy and Andrews Public Libraries.
- Mr. Wiggins asked the board to approve budget hearings for the dates of May 13th, 14th and 15th for departmental budget hearings from 9:00 a.m. to 1:00 p.m. each day. A Motion was made by Commissioner McKinnon to approve the recommended dates. Motion seconded by Commissioner Wood. Motion passed unanimously. Mr. Wiggins said that the plan is to have the public hearing on the budget at the first meeting in June.
- Mr. Wiggins told the board that Hiwassee Dam Volunteer Fire Department had notified him via e-mail today, that they would provide one additional extension for services to the non-tax area through June 30th to provide the county additional time to get a solution for the community. Mr. Wiggins said that he understands that the Unaka VFD is meeting this evening to discuss the issue and he expects them to have some additional questions for the county, and some guidance on what they are willing to provide. Mr. Wiggins said that he would like to have that information before rescheduling the public hearing. Chairman Stiles said that a public hearing had been previously scheduled, but could not be held due to lack of a quorum.
- Mr. Wiggins gave an update on the rock at the Mountain Folk Center, and shared recommendations from the Mountain Folk Center committee. Mr. Wiggins said that he wanted to get a final count on the rock and see if the board would like to replace the remaining rock for sale on GovDeals. Mr. Wiggins said that the Mountain Folk Center committee would like to retain four pallets of the remaining stone at the Mountain Folk Center for future project. The board agreed to allow the Mountain Folk Center to retain four pallets of the rock. Mr. Wiggins told the board that the Master Gardeners would like to purchase a pallet at \$35 for a Cultural Arts Center Project. Mr. Wiggins said that the board would need to make a motion to approve selling the pallet to the Master Gardener's at the price of \$35, since the board previously set a price of \$75 per pallet; but, the board would not need to make a motion for retaining four pallets for the Mountain Folk Center Committee since the county already owns the stone. A Motion was made by Commissioner Meltz to sell a pallet of stone to the Master Gardener's Program for \$35. Motion seconded by Commissioner McKinnon.

- Commissioner Jordan asked about the status of the Hiwassee Dam ball field. Mr. Wiggins said that the school has requested funds in their capital budget request to complete the project. Commissioner Meltz asked about rocks on the project site. Mr. Wiggins said that the current phase of the project is finalizing pad development, including retaining walls and required additional drainage.

Chairman Items:

- Chairman Stiles told the board that he had been appointed to serve on the OPT-IN (Opportunity Initiative of Southwestern North Carolina) Leadership Council. He said that this is a 1.3 million dollar study for the seven westernmost counties; in particular, Cherokee County and Graham counties will have more emphasis and it is a draft vision to identify future economic development, transportation, infrastructure and environmental needs. He said that this will be a huge study for Cherokee and Graham counties and the study will include conducting over 700 interviews. Chairman Stiles also shared the OPT-In website.

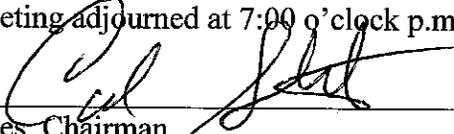
Public Forum:

- Donald Meltz advised the board that the scheduled budget meetings were during the Senior Olympics and that some people may not be able to attend.
- Linda Ray told the board that she and her husband have vacation rentals and are occupancy taxpayers. Mrs. Ray asked what resources the county has to enforce collection of occupancy tax for those not paying. Ms. Roberts told Mrs. Ray that this is a common problem with several counties. She said that the county does not have any authority to force someone to provide records that shows their sales, but that her office views websites that are advertising rentals and are checking to see if they are reporting. She also told Mrs. Ray that her office did a massive search last year where they visited every rental site and compared each site to the counties list. Phylis Blackmon, TDA member, added that the TDA had met with the Board of Realtors and educated them on the requirements to file an occupancy tax report; and that the TDA also got approval from the board of commissioners to provide an informational insert in the next tax mailings.
- Someone asked if the budget would be posted online. The county manager said yes.

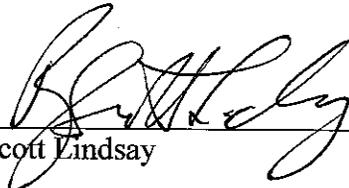
Adjourn:

There being no further business to come before the board, a Motion was made by Commissioner Meltz to adjourn. Motion seconded by Commissioner McKinnon. Motion passed unanimously.

The meeting adjourned at 7:00 o'clock p.m.



 Cal Stiles, Chairman



 R. Scott Lindsay