

A REGULAR MEETING  
OF THE  
CHEROKEE COUNTY  
BOARD OF COMMISSIONERS  
January 16, 2014

*Preamble to Minutes read by Chairman Wood: "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 16th day of January, 2014 at 6:00 o'clock p.m. This meeting was rescheduled from the cancelled January 6<sup>th</sup> meeting, due to inclement weather.

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

Senator Jim Davis was also present.

Present from the media was Joe Martin Cherokee Scout.

The invocation was given by Senator Jim Davis.

The Pledge of Allegiance was led by all.

**Public Address:** Senator Jim Davis was in attendance and board members asked him if he would like to speak. Senator Davis thanked the board for the opportunity to speak and told the board and members of the public that he is here to serve Cherokee County local government and the citizens of Cherokee County. He said that local government is the best form of government, in his opinion. He gave a brief update on current issues affecting counties and those that have the potential to affect local governments; such as, unfunded mandates and regulations. The board thanked Senator Davis for coming, and congratulated him on being named Legislator of the Year by the NCACC. Senator Davis was chosen for this honor from a pool of 170 legislators.

**Modification of Agenda:**

There were no modifications to the agenda.

**Adoption of Agenda:**

A Motion was made by Commissioner Meltz to approve the agenda. 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 use of fund balance for tax assessor office software migration. Motion seconded by Commissioner McKinnon. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Stiles to approve a budget revision for use of contingency funds to cover the final costs of the development of the Hiwassee Dam Convenience Center site. Motion seconded by Commissioner Meltz. Voting in favor of the Motion was Commissioners Stiles, Meltz, Wood and Jordan. Voting against the Motion was Commissioner McKinnon. Commissioner McKinnon said that he would like to wait until next fiscal year to complete the site. Motion passed 4-1.

### **Approval of Minutes:**

A Motion was made by Commissioner Meltz to approve the Meeting Minutes of December 19, 2013. Motion seconded by Commissioner Stiles. Motion passed unanimously.

### **Public Forum:**

- Town of Andrews Alderman Gary James came before the board to request county assistance for funding the driver's license office in the Town of Andrews. Mr. James said that the rent and utilities are \$1500 a month. He said that he would put a formal proposal together for the next commissioners meeting. Commissioner Jordan asked Mr. James if he had requested help from Graham County to share in the cost. Mr. James said that he would be attending board meetings at Graham County and Clay County to ask for assistance. Commissioner McKinnon asked if the Cherokee County Board of Commissioners were asked about the move initially. The county manager told him no, and said that the county had offered the NCDMV office space in the Annex building at no cost to keep the driver's license office centrally located in Murphy. The DMV folks visited the county manager and told him that they had been donated space in Andrews at no charge and that the donated building in Andrews would also allow them to do motorcycle testing. Commissioner Jordan said that he thought that having the office in Andrews is a good thing to bring traffic to the Town. There was no action taken on Mr. James request.
- Tom Bennett commented on the Candy Mountain Road convenience site and said that the site looked good. He also inquired about using Coral Honeysuckle at the site. The county manager told him that the type of plants for the site has not been decided yet.
- Lea Hays and Dana Luther of Equine Second Chance came before the board to complain about a horse issue on Mission Road. There were many comments and concerns from members of the audience. Commissioner Stiles talked about the animal control ordinance, and said that the county is working on revising it to address larger animals. Sheriff Lovin and Chief Deputy Joe Wood also spoke about North Carolina animal control laws. The board agreed to have a worksession in the near future with all interested parties to review the revised DRAFT Animal Control Ordinance.

### **New Business:**

- After discussion, a Motion was made by Commissioner Meltz to approve the tax releases and refunds, as presented by Delenna Stiles. Motion seconded by Commissioner Stiles. Motion passed unanimously.
- Gary Wright came before the Board to give an update on HVAC repairs at Cherokee County Schools.
- Winfield Clonts, director of Cherokee County Senior Services, came before the board to request permission to open a nutrition site at the Unaka Community Center for the remainder of this fiscal year. Mr. Clonts said that he had enough funds to cover the program from February 3<sup>rd</sup> through June 30<sup>th</sup> of this year. The County Manager expressed his concerns with the presented budget and said that he would like to see a full year budget presented, and also said that the presented budget did not include salaries. He also shared concern of starting such a program and not being able to continue funding after June 30<sup>th</sup>. Commissioner McKinnon also expressed concerns and said that he does not see the sustainability of the program. He also asked about other communities like Wolf Creek, Culberson and those that are not receiving the same opportunity. After discussion, a Motion was made by Commissioner Jordan to approve opening a Unaka Nutrition Site for February 3<sup>rd</sup> through June 30<sup>th</sup>. Motion seconded by Commissioner Meltz. Voting in favor of the Motion was Commissioners Jordan, Meltz, Stiles and Wood. Voting against the Motion was Commissioner McKinnon.
- After discussion, a Motion was made by Commissioner McKinnon to vote against the recommended board of directors for the Consolidated Local Management Entity and Managed Care Organization for Smoky Mountain Center and Western Highlands Network. Commissioner McKinnon and Commissioner Meltz expressed concern over Cherokee County losing its representation through the consolidation. Motion seconded by

Commissioner Stiles. Motion passed unanimously.

- After discussion, a Motion was made by Commissioner McKinnon to table the commissioner appointment for the Smoky Mountain Center and Western Highlands Network Advisory Council. Motion seconded by Commissioner Meltz. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner McKinnon to revise the Cherokee County Personnel Policy concerning firearms and lethal weapons. The revision will change the language in Chapter 8, Section 9, and Number 28 from “Possession of unauthorized firearms or lethal weapons on the job” to “Possession of illegal weapons on the job and the open carrying or displaying of firearms on the job”. This revision does not apply to law enforcement personnel.

**County Manager Items:**

- After discussion, a Motion was made by Commissioner McKinnon to table a request sent to the county manager by the Valley River Humane Society for assistance in hauling gravel by landfill employees for the humane society. Motion seconded by Commissioner Meltz. Voting in favor of tabling the request was Commissioners McKinnon, Meltz, Wood and Jordan. Voting against tabling the item was Commissioner Stiles. Motion passed 4-1.

**Executive Session:**

A Motion was made by Commissioner Meltz to go into executive session, pursuant to §143-318.11(a) (6), to discuss a personnel matter. Motion seconded by Commissioner McKinnon. Motion passed unanimously.

While in closed session the Board discussed personnel matters within the EMS Department and the Health Department.

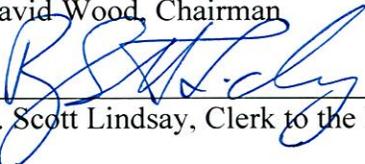
A Motion was made by Commissioner Wood to return to open session. Motion seconded by Commissioner Meltz. Motion passed unanimously.

After returning to open session, Commissioner Wood said that he wanted to go on record as opposing the payout on the Holley settlement. He said that the termination was justified and that in his opinion, the county should not have settled.

The Assistant County Manager presented the NCDOT airport projects. After discussion, a Motion was made by Commissioner Wood to remove all airport projects from the NCDOT’s RPO 3.0 Priority Ranking System. Commissioner Wood said that he did not want airport projects competing with highway and other DOT projects. All board members concurred. Motion seconded by Commissioner McKinnon. Motion passed unanimously. Mrs. Hass said the county would not be eligible to submit any new projects for two more years; and that this priority list did not include the fencing and obstruction removal projects that were already pending and in line for funding.

There being no further business to come before the Board, a Motion was made by Commissioner Wood to adjourn. Motion seconded by Commissioner McKinnon. Motion passed unanimously. The meeting adjourned at 8: 45 o’clock p.m.

  
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David Wood, Chairman

  
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R. Scott Lindsay, Clerk to the Board