

A REGULAR MEETING
OF THE
CHEROKEE COUNTY
BOARD OF COMMISSIONERS
October 20, 2014

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 20th day of October, 2014 at 6:00 o'clock p.m.

The following Commissioners were present for the meeting: C.B. McKinnon, Chairman; Lorraine Meltz, Vice-Chair; Cal Stiles, 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 Anderson, County Finance Director.

Present from the media was Matthew Osborne of the Cherokee Scout; and Ralph Robinson of Local TV4. DVD copies of commission meetings may be purchased at Local TV4.

Chairman McKinnon read the boards adopted ethics statement.

The invocation was given by Mr. Hugh Williamson.

The Pledge of Allegiance was led by all.

Modification of Agenda: None

Agenda Adoption:

A Motion was made by Commissioner Meltz to adopt the agenda. Motion seconded by Commissioner Stiles. Motion passed unanimously.

Public Hearing:

A Motion was made by Commissioner Meltz to open the public hearing for the NCDOT Rural Operating Assistance Program Grant. Motion seconded by Commissioner Jordan. Motion passed unanimously.

Cherokee County Transit Director Mike Catuto presented the program. There were no questions from members of the public. A Motion was made by Commissioner Jordan to close the public hearing. Motion seconded by Commissioner Meltz. Motion passed unanimously.

A Motion was made by Commissioner Meltz to approve the NCDOT Rural Operating Assistance Program Plan. Motion seconded by Commissioner Stiles. Motion passed unanimously.

Adoption of Minutes:

A Motion was made by Commissioner Meltz to approve the minutes of September 15, 2014. Motion seconded by Commissioner Stiles. Motion passed unanimously.

Public Forum:

Prior to the Public Forum, Chairman McKinnon gave instructions on conduct during public forum, and said that Public Forum is for the discussion of county business and not for personal or political agendas.

During public forum the following items were discussed:

- Margaret Deluna read a statement regarding professional meeting conduct and said that there have been times in the past that she has not felt safe, due to personal attacks. Mrs. Deluna thanked Chairman McKinnon for his statement on conduct during public forum.
- David Liden asked the board to pass a resolution requesting a moratorium on forced pooling to protect private property rights. Board members shared that they have submitted to the NCACC for lobbying, a revision to the Energy Modernization Act which would grant individual counties local authority over the matter. Commissioner Wood told Mr. Liden that he would add the resolution under Commissioner Items for consideration.
- Ed Figueroa asked board members to take a position on fracking.
- Denise DerGarbedian thanked the board for submitting a legislative goal and lobbying for change in the Energy Modernization Act. She suggested that legislative changes also require companies to provide a full disclosure of chemicals. Mrs. DerGarbedian read a statement explaining her request.
- Emily Willie shared her support of Mr. Liden's resolution.
- Beth Watson complained of two wild dogs around her property and said that she wanted the board to work on the animal control issue.
- Mark Stiles, representative of Four Square Community Action requested county office space at no cost. He said that other counties provide space at no cost. Commissioner Wood said that he would add the item under Commissioner Items for consideration.

Finance and Budget Items:

The county manager presented the Tax Collector's report of 2004 Real Personal Property Tax Write-Offs. No board action required.

After discussion, a Motion was made by Commissioner Wood to approve a budget revision for courtroom jury box modifications. Motion seconded by Commissioner Meltz. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Meltz to approve a budget revision for establishment of the budget for the Criminal Justice Security Improvement Grant, which was previously approved by the board on June 2, 2014. Motion seconded by Commissioner Jordan. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Stiles to approve a request from Cherokee County Schools to transfer their school capital outlay funds to the schools current operating expense. Motion seconded by Commissioner McKinnon. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Meltz to approve a request from Cherokee County Schools to use lottery funds for the Ranger School debt service payment. Motion seconded by Commissioner Stiles. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Stiles to approve a request from Cherokee County Schools for use of restricted sales tax funds for multiple project expenses. Motion seconded by Commissioner Jordan. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Stiles to approve carrying forward the Honey Bee Loss Prevention Grant. The budget for this grant was previously approved in FY 2013-14. Motion seconded by Commissioner Wood. Motion passed unanimously.

New Business:

After discussion, a Motion was made by Commissioner Meltz to approve a request by DSS Director, Donna Crawford for additional staffing for the NC Fast program and the LIEAP program. Mrs. Crawford said that the additional positions will be funded by state dollars. Motion seconded by Commissioner Jordan. Motion seconded by Commissioner Stiles. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Stiles to approve a request by the Cherokee County Saddle Club to use \$1,200.00 of Mountain Folk Center funds to cover the cost of delivery for footing material to the Nora Starks Arena. Motion seconded by Commissioner Wood. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Stiles to approve the proposed fee schedule for use of the Nora Starks Arena, as submitted by the Cherokee County Saddle Club. Motion seconded by Commissioner Wood. Motion passed unanimously.

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.

After discussion, a Motion was made by Commissioner Jordan to approval a waiver of solid waste fees for Western Carolina Pacesetters, in the amount of \$329.58. These fees resulted from disposal of waste from the county property that is leased to Pacesetter's. Motion seconded by Commissioner Meltz. Motion passed unanimously.

The board received only one application for the pharmacist position on the Board of Health, and that was from Ms. Kim Shepherd. Ms. Shepherd was present for introductions.

The board received only one application for the Area Agency on Aging, and that was from Mrs. Linda May, who has previously served on the Area Agency on Aging Council.

The board received two applications for the Nantahala Regional Library Board. One was from Mrs. Amy Davis, and the other from Ms. Elaine Russell. Ms. Russell was present for introductions. Mrs. Davis was out of town for continuing education.

After discussion, a Motion was made by Commissioner Jordan to approve a resolution calling for President Obama to demand the release of Sgt. Andrew Tahmooressi, a marine imprisoned by the Mexican government since May 2014, when he accidentally crossed the border into Mexico. Motion seconded by Commissioner Meltz. Motion passed unanimously.

County Manger Items:

Mrs. Hass requested the board approve a budget revision in the amount of \$3,987.50 to clear the power line easement on Carringer Mountain for the Sherwood airport tower. Mrs. Hass explained the importance of getting the easement line cleared before winter weather. The following companies provided quotes: Marvin Guffey, \$3,987.50; Conley's Tree & Lawn Service, \$5,000.00; and LeQuire Construction, \$4,320.00. Mrs. Hass asked the board to approve the lowest bid. A Motion was made by Commissioner Jordan to approve the budget revision and award the bid to Marvin Guffey. Motion seconded by Commissioner Stiles. Motion passed unanimously.

Commissioner items:

Items added by Commissioner Wood:

After discussion, a Motion was made by Commissioner Jordan to provide office space to Four Square Community Action at no cost. Motion seconded by Commissioner Meltz. Commissioner McKinnon made a Motion to postpone action until a lease could be drafted by the county attorney, and presented at the next meeting. Motion seconded by Commissioner Meltz. Voting in favor of postponing action was Commissioners McKinnon, Meltz, Jordan and Stiles. Voting against the Motion to postpone was Commissioner Wood. Motion passed 4-1.

After discussion, a Motion was made by Commissioner Wood to place Mr. Liden's resolution on the next meeting agenda. Motion seconded by Commissioner Jordan. Voting in favor of the Motion was Commissioners Wood, Jordan, Meltz and Stiles. Voting against the Motion was Commissioner McKinnon. Motion passed 4-1.

Commissioner Meltz wanted to revisit the issue of the Andrews Industrial Park property, jointly owned by the Town of Andrews and the county. Commissioner Meltz said that she would like the Town to buy the county out, or the county buy the town out. The county manager and county attorney provided some history on the joint venture that began in 1987. A Motion was made by Commissioner Wood to revisit this item and discussions with town. Motion seconded by Commissioner Meltz. Motion passed unanimously.

Chairman Items:

Chairman McKinnon suggested that the board reschedule the November 3rd meeting to November 5th, to allow candidates time for final preparation before the election. A Motion was made by Commissioner Stiles to reschedule the November 3rd meeting to November 5th. Motion seconded by Commissioner Wood. Motion passed unanimously.

Commissioner Stiles dispelled rumors that the county's draft animal control ordinance that is floating around was not established by him, and had been drafted years earlier. The county attorney confirmed and shared the history behind the draft ordinance.

Commissioner Wood requested a five minute recess. There was no objection.

The board reconvened at 7:40 o'clock p.m.

After reconvening, a Motion was made by Commissioner Stiles to go into executive session for the purpose of discussing the vacant tax assessor position. Motion was seconded by Commissioner Meltz. Motion passed unanimously.

At 7:50 p.m., the board returned to open session.

After returning to open session, a Motion was made by Commissioner Meltz to appoint Mr. Edward Allen as Cherokee County Tax Assessor for a two-year term. Motion seconded by Commissioner Stiles. Motion passed unanimously.

Adjourn:

There being no further business to come before the Board, a Motion was made by Commissioner Meltz to adjourn. Motion seconded by Commissioner Wood. Motion passed unanimously. The meeting adjourned at 7:55 o'clock p.m.

C.B. McKinnon, Chairman

R. Scott Lindsay, Clerk to the Board