

A REGULAR MEETING  
OF THE  
CHEROKEE COUNTY  
BOARD OF COMMISSIONERS  
January 5, 2015

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 5th day of January, 2015 at 6:30 o'clock p.m.

The following Commissioners were present for the meeting: C.B. McKinnon, Chairman; Cal Stiles, Vice-Chairman; Dan Eichenbaum, member; Gary Westmoreland, member; and Roy Dickey, 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 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 Randy Wiggins.

The Pledge of Allegiance was led by all.

**Modification of Agenda:**

A Motion was made by Commissioner Dickey to modify the agenda to add "Andrews Urgent Care-Sewer Issue as Item E". Motion seconded by Commissioner Stiles. Motion passed unanimously.

**Agenda Adoption:**

A Motion was made by Commissioner Eichenbaum to adopt the agenda. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.

**Public Forum:** There were no comments.

**Approval of Minutes:**

A Motion was made by Commissioner Eichenbaum to approve the regular meeting minutes of December 17, 2014, with a revision to be made as to the motions for the Legislative Goals Committee designee. The revision will reflect that "Commissioner Eichenbaum made a motion to appoint Chairman McKinnon as designee, and Commissioner Stiles seconded the motion". Motion seconded by Commissioner Stiles. Motion passed unanimously.

**Finance and Budget Items:**

After discussion, a Motion was made by Commissioner Dickey to table the sheriff's department budget revision for reallocation of funds. Motion seconded by Commissioner Stiles. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Stiles to approve a budget revision to purchase two Microsoft Surface Pros for the Tax Assessor office, using revaluation funds. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Eichenbaum to approve a budget revision for repairs to the Ford Escape, used by the building code department. Motion seconded by Commissioner Dickey. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Westmoreland to approve a budget revision for repairs to the Chevy Tahoe, used by economic development. Motion seconded by Commissioner Dickey. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Eichenbaum to approve a budget revision to use restricted sales tax for boiler repairs at Murphy High School and Hiwassee Dam School. Motion seconded by Commissioner Stiles. Motion passed unanimously.

A Motion was made by Commissioner McKinnon to table the budget revision for soundproofing the MHS choir room. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Stiles to approve installation of new HVAC at the Tri-County Community College Center for Applied Technology. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.

#### **New Business:**

- After discussion, a Motion was made by Commissioner Stiles to approve the current tax releases and refunds, as presented by Delenna Stiles. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Eichenbaum to rescind Appendix D of the NC Fire Code, originally approved by the board in 2007 and 2008. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Stiles to approve a resolution and submission of a legislative goal that would oppose any expansion of the Clean Water Act beyond its original intent. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously. A copy of resolution is available in the office of the Clerk to the Board.
- After discussion, a Motion was made by Commissioner Stiles to approve submission of a legislative goal that would stop the allowance of future land acquisitions by federally recognized tribes, which would then be held in trust by the federal government, and exempt such land from property taxes; thus creating a greater tax burden on Cherokee County property owners. Motion seconded by Commissioner Eichenbaum. Voting in favor of the Motion was Commissioners Stiles, Eichenbaum, Dickey and McKinnon. Voting against the Motion was Commissioner Westmoreland.
- After discussion, a Motion was made by Commissioner Eichenbaum to approve the Health Services Agreement for the Detention Center. The county attorney will revise section 1.6 and 1.7 to clarify that emergency services will be provided while in-house. The agreement will become effective February 1, 2015, and the quarterly payment will be prorated. Motion seconded by Commissioner Stiles. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Eichenbaum to approve the Cherokee County personnel policy revisions. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Stiles to approve a resolution opposing the recent ruling by District Court Judges Max O. Cogburn, Jr. and William Osteen, which overturned Amendment One of the North Carolina Constitution. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously. Amendment One passed in 2012, by a majority vote of the registered voters of North Carolina; and defined marriage as the union between one man and one woman. A copy of resolution is available in the office of the Clerk to the Board.
- After discussion, a Motion was made by Commissioner Stiles to approve a USFS Communication Permit for placement of communication equipment at the Waucheesi Bald Mountain tower site; and to set a budget for the project, not to exceed \$18,000. Motion seconded by Commissioner Dickey. Motion passed unanimously.

- After discussion, a Motion was made by Commissioner Stiles to appoint Commissioner McKinnon to the Board of Health to replace former Commissioner, Steve Jordan. Motion seconded by Commissioner Dickey. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Dickey to appoint Commissioner Westmoreland to the Hiwassee Valley Pool and Wellness Center to replace Commissioner Stiles. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Westmoreland to appoint Commissioner Dickey to the Museum Board to replace Commissioner Stiles. Motion seconded by Commissioner Stiles. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Dickey to appoint Commissioner Eichenbaum to the Social Services Board to replace Commissioner McKinnon. Motion seconded by Commissioner Stiles. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Stiles to appoint Commissioner Dickey to the Tri-County Community College Board of Trustees to replace former Commissioner, Lorraine Meltz. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Stiles to appoint Commissioner Eichenbaum to the Juvenile Crime Prevention Council to replace Commissioner Stiles. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Eichenbaum to appoint Commissioner McKinnon to the Rural Planning Organization Board to replace former Commissioner, David Wood. Motion seconded by Commissioner Stiles. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Stiles to place a 12 month moratorium on sexually oriented businesses, to include retail stores; until the board can finalize an ordinance. Motion seconded by Commissioner McKinnon. Motion passed unanimously. The county attorney will submit a draft ordinance to the board by the end of the week.
- After discussion, a Motion was made by Commissioner Dickey to set the next board worksession for January 27<sup>th</sup> at 6:30 p.m. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.

#### **County Manager Items:**

After discussion, a Motion was made by Commissioner Dickey to open the courthouse door to the public 30 minutes prior to the 6:30 p.m. board meetings. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously.

#### **Chairman/Commissioner Items:**

Commissioner Stiles said that he and Commissioner Westmoreland are trying to schedule a meeting with two of the town alderman of Andrews, but the Town is still requesting a meeting with the full board. He said once they are able to work out a meeting date, he will update the board.

Commissioner McKinnon said that he and Commissioner Westmoreland are working on the Hanging Dog Campground issue. He said that they had talked with the former county manager, David Badger and former commissioner Jonathan Dickey about past discussions, concerning the campground.

#### **Executive Session:**

A Motion was made by Commissioner Eichenbaum to go into executive session, pursuant to §143-318.11 to discuss a personnel issue. Motion seconded by Commissioner Dickey. Motion passed unanimously.

A Motion was made by Commissioner Stiles to return to open session. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously.

**Open Session:**

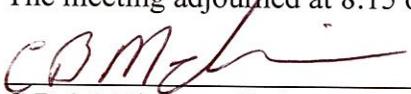
After returning to open session, there was no action taking on matters discussed in closed session.

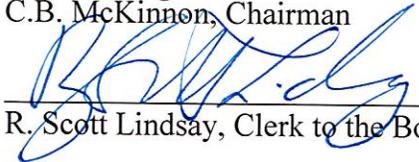
After discussion, a Motion was made by Commissioner Stiles to appoint Maria Hass as County Clerk. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously. Mrs. Hass will take her Oath of Office prior to next regular meeting.

After discussion, a Motion was made by Commissioner Stiles to appoint Scott Lindsay as Assistant Clerk. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously.

**Adjourn:**

There being no further business to come before the Board, a Motion was made by Commissioner Stiles to adjourn. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously. The meeting adjourned at 8:15 o'clock p.m.

  
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C.B. McKinnon, Chairman

  
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R. Scott Lindsay, Clerk to the Board