

A REGULAR MEETING
OF THE
CHEROKEE COUNTY
BOARD OF COMMISSIONERS
August 17, 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 17th day of August, 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; Candy Roberts Anderson, County Finance Director; and, R. Scott Lindsay, County Attorney/Assistant Clerk to the Board.

Media present were 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.

Agenda Modification:

A Motion was made by Commissioner Stiles to add an agenda item to discuss the counter offer from the tribe to the county for EMS services. Motion seconded by Commissioner Eichenbaum. Motion passed.

A Motion was made by Commissioner Westmoreland to add an agenda item to discuss an entertainment contract for the upcoming county fair. Motion seconded by Commissioner Eichenbaum. Motion passed.

Agenda Adoption:

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

Recognition and Introduction of Local High School Student:

The board recognized Miss Aisha Booze-Hall, a Murphy High School student who will be representing Cherokee County at the 2015 Youth Summit this month at the NCACC Annual

Conference. The board thanked Miss Booze-Hall for representing Cherokee County.

Public Hearing for Spotlight Ordinance:

A Motion was made by Commissioner Dickey to open the public hearing for public input of the spotlight ordinance. Motion seconded by Commissioner Westmoreland. Motion passed.

There were no comments or questions from the public.

A Motion was made by Commissioner Eichenbaum to close the public hearing. Motion seconded by Commissioner Stiles. Motion passed.

A Motion was made by Commissioner Dickey to adopt the spotlight ordinance. Motion seconded by Commissioner Eichenbaum. Motion passed.

Public Forum: None

Approval of Minutes:

A Motion was made by Commissioner Eichenbaum to approve the minutes of June 15th and July 30th. Motion seconded by Commissioner Westmoreland. Motion passed.

Finance and Budget:

- The finance director gave a financial update on the Hiwassee Valley Pool and Wellness Center through July 31st. The center is operating with a positive cash flow. No action required.
- A Motion was made by Commissioner Stiles to approve a budget revision for the school's use of restricted sales tax for multiple school capital projects. Motion seconded by Commissioner Dickey. Motion passed.
- A Motion was made by Commissioner Dickey to approve a grant from Southeast Industrial Development, for the creation of an economic development website. Motion seconded by Commissioner Stiles. Motion passed.
- A Motion was made by Commissioner Westmoreland to approve a grant, received from the NC Department of Public Safety, for the purchase of a laptop for Emergency Management. Motion seconded by Commissioner Eichenbaum. Motion passed.
- The finance director presented the FY14-15 report of Declared Surplus Property. No action required.

New Business:

- After discussion, a Motion was made by Commissioner Stiles to approve the tax releases and refunds, as presented by Delenna Stiles. Motion seconded by Commissioner Dickey. Motion passed.
- A Motion was made by Commissioner Stiles to approve a commitment letter and a resolution accepting the NCDOT Division of Aviation Airport Safety/Maintenance Plan

Program, as presented by airport manager, Ed Marshall. Motion seconded by Commissioner Eichenbaum. Motion passed. At such time that any maintenance is planned, Mr. Marshall will provide the board a scope of work, prior to commencement.

County Manager Items:

The county manager announced that with the Labor Day holiday, the next meeting would be on Tuesday, September 8th. He said that one of the board members would be out of town on that day, and asked the board if they would like to cancel the September 8th meeting. Commissioner Stiles commented that by cancelling the meeting on the 8th that it would be five weeks until the next meeting on September 21st. The county manager said that if any pressing matters came up that the board could call a special meeting. A Motion was made by Commissioner Eichenbaum to cancel the September 8th meeting. Motion seconded by Commissioner Westmoreland. Motion passed.

Chairman/Commissioner Items:

Commissioner Stiles suggested that the board hold a worksession to discuss the airport's recent FAA Land-Use Inspection Report, since an action plan is due back to the FAA by September 4th. He said that he felt like the board needed to go over the report and provide input to the airport manager in answering the complaints. Commissioner McKinnon said that the majority of the issues were concerning leases and that the leases could not be changed until they come up for renewal. No worksession was scheduled. Commissioner McKinnon asked Mr. Marshall to send the response to the board, once he had it complete.

Closed Session:

A Motion was made by Commissioner Dickey to go into closed session, pursuant to §143-318.11 (3) to consult with the county attorney regarding Lovin vs. Cherokee County. Motion seconded by Commissioner Westmoreland. Motion passed. During closed session, the board talked to the county attorney and county-retained attorney, Sean Perrin of Womble, Carlyle, Sandridge, and Rice, concerning the lawsuit filed by former sheriff, Keith Lovin.

After returning to open session, a Motion was made by Commissioner Stiles to file an appeal of the judge's ruling in Lovin vs. Cherokee County. Motion seconded by Commissioner McKinnon. Voting in favor of the Motion was Commissioners Eichenbaum, McKinnon, and Stiles. Voting against the Motion was Commissioners Dickey and Westmoreland. Motion passed.

Add-On Items:

- The county manager read the tribe's latest counter-offer for county-provided EMS services. Commissioners Eichenbaum, McKinnon and Stiles all shared that they felt the county had been fair in their negotiations, and made a good faith effort to work with the tribe on this matter, and agreed that they were not willing to accept an offer that could potentially create a greater tax burden on Cherokee County taxpayers. A Motion was made by Commissioner Eichenbaum to graciously decline the tribe's offer. Motion seconded by Commissioner Stiles. Motion passed. The board directed the county manager to draft a letter to Chief

Hicks declining the tribe's August 11th counter-offer.

- A Motion was made by Commissioner Stiles to enter into a one-year agreement with EBCI and the NC Division of Public Health to provide, through Cherokee County Environmental Health, food and lodging inspections on tribal property. The agreement will include a 90 day notice for renewal or extension of agreement. The agreement will become effective 9/9/2015 and expire on 9/8/2016. Motion seconded by Commissioner Westmoreland. Voting in favor of the Motion was Commissioners Westmoreland, Eichenbaum, Dickey and Stiles. Voting against the Motion was Commissioner McKinnon. Motion passed.
- Commissioner Eichenbaum presented a professional services entertainment contract for assistance in booking Saturday night's main act at the county fair. He said that the fee for contracted services is \$4,000.00. Commissioner Eichenbaum said that he is personally providing \$2,000 toward this fee. Commissioner Westmoreland said that he would commit \$500 toward the fee. Commissioners Dickey and McKinnon said they would also commit \$500 each toward the fee. A Motion was made by Commissioner Westmoreland to approve the contract with Showgun Entertainment. Motion seconded by Commissioner Dickey. Motion passed.

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. The meeting adjourned at 7:45 o'clock p.m.

C.B. McKinnon, Chairman

Scott Lindsay, Assistant Clerk to the Board