

**Cherokee County Board of Commissioners**  
**Meeting Minutes**  
**February 12, 2024**

**Board members present:** Randy Phillips, Chairman; Dr. Dan Eichenbaum, Vice-Chairman; Cal Stiles, member; Jan Griggs, member; Ben Adams, member.

**Others present:** Randy Wiggins, County Manager; Maria Hass, Asst. County Manager/Clerk to Board; Candy Anderson, Chief Financial Officer; and, Darryl Brown, County Attorney.

**Time:** 6:30 P.M.

**Location:** Cherokee County Courthouse, Room 342.

**Call to Order by Chairman Phillips**

**Invocation**

**Pledge**

**Ethics Statement** “Members of the County Board of Commissioners are advised, hereby, of their duty under the Local Government Ethics Act and should 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 as may be allowed by law”.

**Agenda Modifications**

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to add a U.S. Marshall renewal contract for inmate detention to the agenda. Motion passed unanimously.

Motion made by Commissioner Eichenbaum and seconded by Commissioner Griggs to add a budget revision for use of projected federal housing fees to purchase a transport van. Motion passed unanimously.

Motion made by Commissioner Adams and seconded by Commissioner Griggs to add a budget revision to replace the HVAC system at the Center for Applied Technology. Motion passed unanimously.

Motion made by Commissioner Stile and seconded by Commissioner Griggs to remove item “i” under New Business- Interlocal Agreement for Multi-State Infrastructure Project. Motion passed unanimously.

Motion made by Commissioner Stiles and seconded by Commissioner Eichenbaum to add Sheriff’s request to use shooting range property for fishing derby and fall festival. Motion passed unanimously.

Motion made by Commissioner Adams and seconded by Commissioner Griggs to add discussion of applying for an ARISE grant for a feasibility study of Joe brown Highway. Motion passed unanimously.

## **Adopt Agenda**

### **Public Comment Period**

#### **Budget and Finance**

Motion made by Commissioner Griggs and seconded by Commissioner Eichenbaum to approve a budget revision for receipt of DHHS Emergency Replacement Funds in the amount of \$16,721 to temporarily assist in the placement needs of Children in DSS custody. Motion passed unanimously. No county match required.

Motion made by Commissioner Eichenbaum and seconded by Commissioner Griggs to approve a budget revision for use of contingency in the amount of \$2,000 to purchase blinds, desk and bookcase for the District Attorney's Office.

After presentation by Sheriff Smith, a Motion made by Commissioner Griggs and seconded by Commissioner Eichenbaum to table the request for contingency funds in the amount of \$14,796 to purchase a public notification app for the Sheriff's office. Motion passed unanimously. The county's current public notification app, Nixle, already provides for public safety notifications and all other county-related emergencies or notifications. There was concern that this would be a duplication of services and costs.

The Board of Commissioners had commissioned Major Montgomery Ward to enter into fee negotiations with the U.S. Marshall Service for the housing of federal inmates. After discussion with Major Ward, a Motion was made by Commissioner Griggs and seconded by Commissioner Eichenbaum to approve Agreement Number 58-08-0060, a contract with the U.S. Marshal Service for the housing of federal inmates and fees related to the housing and transport of federal inmates. Motion passed unanimously. The fee changes are as follows: Fee for housing federal inmates increased from \$57/day to \$70/day; and the rate for transporting federal inmates increased from \$21/hr. to \$25/hr.

Motion made by Commissioner Stiles and seconded by Commissioner Eichenbaum to approve a budget revision in the amount of \$48,640 for use of projected increased revenues from housing federal inmates to purchase a new transport van. Motion passed unanimously.

Motion made by Commissioner Eichenbaum and seconded by Commissioner Adams to approve a budget revision for use of Article 46 sales tax in the amount of \$9,500 to replace an HVAC unit at the Tri-County Community College Center for Applied Technology in Marble. Motion passed unanimously.

#### **New Business**

Cherokee County Needs and Solutions Advisory Committee members came before the Board to submit the Committee's February report, and to give an overview of the report. Priority needs and concerns included housing, education, economic development, community health and safety, broadband infrastructure and road infrastructure. The Board thanked the Committee for its work.

After discussion, a Motion was made by Commissioner Griggs and seconded by Commissioner Eichenbaum to approve the use of the Mountain Folk Center Sale Barn and surrounding area on April 5<sup>th</sup> for Ag Youth Day, contingent upon Cherokee County Farm Bureau providing proof of insurance. Motion passed unanimously.

Randy Dockery, of Mountain Lake Board of Realtors, came before the Board to request use of county property near the Hiwassee Dam Fire Department for a community garden project for Cherokee County School students. Mountain Lakes Board of Realtors would fund the project and partner with Cherokee

County Schools/Hiwassee Dam School to establish and maintain the community garden. Mr. Dockery said Hiwassee Dam School has agreed to host the project. After discussion, a Motion was made by Commissioner Griggs and seconded by Commissioner Eichenbaum to approve the request, contingent upon Cherokee County Schools insurance covering the project area. Motion passed unanimously. Per Board of Commissioners instruction, the county attorney will draft a licensing agreement for approval at the Board's March 7<sup>th</sup> meeting.

Ellen Stephens, of Cherokee County Saddle Club, came before the Board to present a proposal for construction of a new horse arena at the Mountain Folk Center. After presentation and discussion, a Motion was made by Commissioner Adams and seconded by Commissioner Eichenbaum to table the request. Motion passed unanimously. The Board and staff also discussed liability concerns with public use of the area due to the sink hole issues. The Board agreed to prohibit use of the affected area.

Jennifer West, Cherokee County Transit Director, came before the Board to present an updated Drug and Alcohol Policy. She said USDOT updated 49 CFR Part 40 (Drug and Alcohol Regulations) to allow for oral fluid drug testing. She said oral fluid drug testing is not a requirement for her department, but is now an available option. Motion made by Commissioner Griggs and seconded by Commissioner Stiles to approve the updated policy. Motion passed unanimously.

Jennifer West, Cherokee County Transit Director, came before the Board seeking approval of a new position and pay grade to be added to the county's pay plan. Mrs. West explained that she would like to use budgeted funds from a vacant Coordinator position and budgeted funds from a vacant part-time position to create a Lead Transit Operator position. She asked that the new position be placed at a Grade 58 in the pay plan. She said this would not result in an increase to her budget since she would not be filling the other two positions. Motion Made by Commissioner Stiles and seconded by Commissioner Adams to approve the new position and pay grade, as presented. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Adams and seconded by Commissioner Stiles to approve a Licensing Agreement between Cherokee County and North Carolina Forest Service (NCFS). NCFS has had an active repeater on the Hothouse Solar Tower for the last several years, but with no formal agreement. Motion passed unanimously.

The Board discussed a resolution in support of an Appalachian Regional Initiative for Stronger Economies (ARISE) Grant. Cherokee County, in partnership with the Southeast Industrial Development Association, Polk County, Tennessee, and Fannin County, Georgia, seeks to apply for a \$100,000 ARISE planning grant for potential multi-state infrastructure projects. The planning grant, if awarded, would require the three counties to provide a 40% match. Cherokee County's portion of the match would be 10%. After discussion, a Motion was made by Commissioner Stiles and seconded by Commissioner Eichenbaum to approve the resolution. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Adams to approve the tax releases, tax refunds and NCVTS report, as submitted. Motion passed unanimously.

After discussion and debate, a Motion was made by Commissioner Eichenbaum and seconded by Commissioner Griggs to revise the Board's Rules of Procedures as follows:

- 1) Remove Chair from agenda preparation.
- 2) Allow for addition of an agenda item by majority vote, and allow the board, or a majority thereof, to act on the item at the same meeting.
- 3) Clarifies agenda items as Items of Business (Business Defined as: Requires Board

action or discussion, Board has legal authority to take the required action, and not an item requiring Closed Session as allowed by law)

4) Agenda items must be accompanied by supporting documentation to be added to agenda.

5) Restructures Rule 11. Order of Business by placing Commissioner Comment Period and County Manager Items prior to regular business, and changes Public Forum to the statutory language “Public Comment Period”. (Current rule applies, as it relates to 3-minute time limit and decorum)

6) Public comment period to be placed before commissioner comment period.

Motion made by Commissioner Stiles and seconded by Commissioner Eichenbaum to approve the Sheriff’s request to use shooting range property for a fishing derby and a Fall Festival and to waive the facility-use fees, and to add \$1,000 to the Sheriff’s budget so he can purchase a Special Event Insurance policy in his name, with the understanding that Cherokee County is to be named as an “Additional Insured”. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Griggs and seconded by Commissioner Adams to allow for application to Appalachian Regional Initiative for Stronger Economies (ARISE) Grant Program for a feasibility study of Joe Brown Highway. Motion passed unanimously. Commissioner Griggs said there is no county match required.

#### **County Manager Items**

- Update on Opioid Strategic Plan – The County Manager said the County should receive a draft plan in March or April. Once the draft plan is ready, we will have annual meeting and invite the two towns. Russ Harris, Director of Southwestern Commission, will attend the meeting to talk about the draft plan. The County Manager said the real work begins when the final plan is released in June, and the board works to determine how best to utilize the settlement funds, within the allowable purposes of the plan.
- The County Manager updated the Board on the match requirements for CAB funding for broadband expansion. He said the Board’s level of cash match will determine the size of expansion project that can occur in the county using CAB funds and that he would be sharing additional information with the Board at its March 7<sup>th</sup> meeting.
- The County Manager said RFQ’s are due from the architects on February 22<sup>nd</sup> for the new Senior and VA facility and possible renovation/addition to the health department.
- The County Manager also gave an update on the Armory project, saying that the engineers should have us a full set of plans to the county in a couple of weeks.
- The County Manager shared that the DOT is looking at a traffic pattern change at Highway 60, similar to one at Old Murphy Highway and 64 near Cherokee Guns. He said the plan would only allow traffic exiting Highway 60 to turn right.

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

Commissioner Griggs request for action items: 1) Animal Control work session with the Sheriff’s Office, Health Department, Valley River Humane Society; 2) Work session to discuss the NASA report; work session on EMS Station 2.

After discussion, a Motion was made by Commissioner Stiles and seconded by Commissioner Phillips to approve March 19<sup>th</sup> at 6:30 p.m. for an Animal Control work session. Motion passed unanimously.

Commissioner Griggs shared that the Cable Company will hold a town hall meeting at Hiwassee Dam Volunteer Fire Department his Saturday, February 17<sup>th</sup>. She said she also wanted to give a shout-out to American Legion Post 96 for hosting the district meeting at their facility in Peachtree on February 10<sup>th</sup>.

**Closed Session**

Motion made by Commissioner Stiles and seconded by Commissioner Adams to go into closed session, pursuant to §143-318.11 (1) to prevent the disclosure of information that is privileged or confidential; and (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney client privilege between the attorney and the public body, which privilege is hereby acknowledged.

During closed session, the Board authorized the county attorney to file legal paperwork to have Cherokee County removed from Johnson vs. Cavender waterline easement lawsuit.

The Board also consulted with the county attorney on an alleged violation of the High Impact moratorium.

**Open Session**

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

**Adjournment**

Motion made by Commissioner Stiles and seconded by Commissioner Adams to adjourn. Motion passed unanimously.

THESE MINUTES WERE APPROVED AT A REGULAR MEETING OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS ON APRIL 15, 2024.