

Cherokee County Board of Commissioners
Regular Meeting
April 5, 2021
6:30 p.m.

I. Call to Order and Ethics Statement

“Members of the County Board of Commissioners are advised, hereby, of their duty under the Local Government Ethics Act.

II. Invocation

III. Pledge of Allegiance

IV. Modification of Agenda

V. Agenda Adoption

VI. Public Forum

VII. Minutes (If no modifications, can approve in one Motion)

a) February 22 (Worksession)

b) March 15

VIII. Budget and Finance

a) Budget Revision for Contract Mowing at Ranger Ballfield

b) Budget Revision to Receive CARES and Family First Grant Funds for Senior Center (No county match)

c) Amended Audit Contract (modifies only the due date)-Audit company delays, due to personnel turnover and COVID.

IX. New Business

a) 2021 Senior Games and Silver Arts Proclamation

b) Jordan Messer-Peachtree VFD Request for Fire Tax Increase

c) Introduction of Board of Health Applicant for Pharmacist Position (1 applicant, 1 position)

d) Tax Assessor Recommendation for Re-appointment of Dana Jones to Board of E & R (1 applicant, 1 position)

e) Cherokee County Transit Face Mask Policy and Procedures (TSA Directive)

f) Commissioner Appointee for Juvenile Crime Prevention Council

g) Commissioner Appointment to RPO TAC

h) Tax Releases

i) Tax Refunds

j) NCVTS Report

k) Newspaper Recycling and Ordinance Amendment

l) Sheriff Palmer-Discuss Animal Control Ordinance

X. County Manager Items

XI. Chair/Commissioner Items

XII. Closed Session

XIII. Adjourn

**Cherokee County Board of Commissioners
Armory Worksession
February 22, 2021
6:30 p.m.
Penland Senior Center**

Members present: Dr. Dan Eichenbaum, Chairman; Jan Griggs, Vice-Chairman; Cal Stiles, member; Randy Phillips, member; and Gary Westmoreland, member.

Staff present: Randy Wiggins, County Manager; Maria Hass, Assistant County Manager/Clerk to the Board; Candy Anderson, Finance Director; and, Darryl Brown, County Attorney.

Also present: WKRC Radio, Local TV4 and Cherokee Scout.

Call to order and ethics statement by Chairman.

Invocation and Pledge

Modification of Agenda

Motion made by Commissioner Stiles to add a closed session to the end of the meeting, pursuant to §143-318.11(a) (3), to consult with the county attorney. Motion seconded by Commissioner Phillips. Motion passed unanimously.

Armory Discussion

Commissioner Phillips shared a proposal from Cherokee County Schools (CCS) proposing the county give the armory to CCS in exchange for Central Office now, and Murphy Elementary School in 10-15 years when it becomes available. The proposal included the county providing CCS with \$500,000 for renovations. He said CCS could then relocate central office staff, bus garage, maintenance, and food storage to the armory. Commissioner Phillips then proposed moving the county Veteran's Service Office and the Board of Elections to the Central Office location. He said it would allow more parking for the Board of Elections and the county could also add a drive-thru for one-stop voting.

Commissioner Griggs wanted to know how many CCS employees are at central office that would move to armory. Commissioner Phillips said there are 13-14 employees at the central office building, but said there are central offices employees located in several different places around county.

Commissioner Stiles said he felt like the highest and best use option for the armory, is to sell it. He said the board could then put the proceeds from the sale toward constructing a county office building on the county's property by the sheriff's office. He said this would allow for all county offices to be in one location. He said his other thought is that if the board is going to make the property exchange that they put the central office building on the market, and use the proceeds from the sale to go toward a new county office building. He shared personal knowledge of some of the challenges of renovating central office and said it would be very expensive to make external renovations. Concerning Murphy Elementary School, he said it is unknown when in the

future that the building would be available, and as it ages it will become more expensive to renovate or to clear the property. He said he would like to think about doing something "in the here and now" and start moving toward building in one location. He said county offices are currently scattered. He would like to see everything in one location to make it more convenient. He said people are currently being sent to multiple locations for county services.

Commissioner Westmoreland said Commissioner Phillips proposal for the armory for CCS would eliminate the \$400,000 from the schools budget request for a new bus garage and food storage. Commissioner Stiles said that if the county spends \$500,000 to renovate the armory, as proposed by CCS, that it would actually be an additional \$100,000 cost for the county. Commissioner Phillips talked about the recent updates that have been made to the central office building that would save the county some money. Commissioner Stiles said that it is already difficult to find a parking spot at central office, and that it would be even more difficult during an election with early voting. Commissioner Phillips said that with a little work at the back of the building that employees could park in back. He said currently CCS employees park in the front of the building, but there is a rear entry door, so employees could park in the back.

Commissioner Griggs asked if CCS had looked at moving their offices into the armory and considered that just on the other side of the wall would be the bus garage, where there would be diesel engines running. Commissioner Phillips said they would put in exhaust fans, a sprinkler system and some other things to address that. He said the cost to renovate would have been less, if the bus garage was not going there. Commissioner Griggs asked what the cost of renovations would be for the current bus garage. Commissioner Phillips said the cost for renovating the current bus garage is about \$200,000 and then another \$200,000 is needed for a food storage building. Commissioner Stiles asked where the food is currently being stored. Commissioner Phillips said it is stored in several different places around the county. Commissioner Griggs said she would like an outline of where all food storage locations are. Commissioner Phillips said he would get that for her. Commissioner Eichenbaum clarified with Commissioner Phillips that the armory exchange would meet all of the schools needs by getting everything in one location. Commissioner Phillips said it would.

Concerning central office, Commissioner Phillips said other county offices could also go in that building. He said he just thought of the veteran's office and the elections office, due to the need to move the veteran's office out of the courthouse, and for better parking access for the elections office. Commissioner Eichenbaum agreed that the elections office needs to be relocated where there is better parking, and that the veteran's office needed to be moved out of the courthouse.

Commissioner Griggs commented that the county is finishing up the new 911 Backup facility and asked, once that space is free in the code enforcement building, will it be sufficient for the offices remaining there; or, will the county be looking at the need for new facilities for Emergency Management, EMS admin and Code Enforcement. The County Manager said that the EM Coordinator and EMS Director wasn't present, but that he would say no, ultimately it does not meet their needs. He went on to say that with the 911 backup center out of the building, it certainly provides for more opportunities than is currently there, and it also buys the Board some time to think about what its next step is for these offices. He said the greatest space need right now is for the veteran services office.

Commissioner Westmoreland said he had talked to the Robin Caldwell, Emergency Management Director about the need for an emergency operations center, and Al Lovingood, Chief of Murphy Fire Department about the need for a place to store the department's ladder truck. Commissioner Stiles discussed a proposal from Mr. Lovingood and Mrs. Caldwell. The proposal included joint use of the facility. It was proposed to use the facility as an emergency operations center and an emergency administration building, and for the home of a new Murphy fire station to serve Murphy rural fire district.

Commissioner Griggs said that the county had also received a proposal from a local business owner wanting to purchase the armory.

There was discussion about other county uses for the armory, such as the potential for a Health and Human Services building, to include the health department, social services and senior services.

Commissioner Stiles mentioned the Mountain Folk Center as a possible location for a CCS bus garage.

Commissioner Westmoreland discussed the large flag pole at the armory and made a Motion to move it to the new EMS Station 1. Motion seconded by Commissioner Stiles. Motion passed unanimously.

Commissioner Griggs said if the county is going to utilize the armory that county I.T. needs to be included in the discussions.

Other Business

Commissioner Westmoreland said there are structural issues with the annex building in the EMS day room. He said there are two steel beams rusting out. County maintenance will look into it.

Motion made by Commissioner Griggs to cancel the March 1st meeting. Motion seconded by Commissioner Phillips. Motion passed unanimously.

Closed Session

Motion made by Commissioner Stiles to go into closed session to pursuant to §143-318.11(a) (3) to discuss the Hogan vs. Cherokee County case. Motion seconded by Commissioner Griggs. Motion passed unanimously.

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

There being no further business, a Motion was made by Commissioner Griggs to adjourn. Motion seconded by Commissioner Phillips. Motion passed unanimously.

Meeting adjourned at 7:45 P.M.

Cherokee County Board of Commissioners
Meeting Minutes
March 15, 2021
6:30 p.m.
Cherokee County Courthouse

Members present: Dr. Dan Eichenbaum, Chairman; Jan Griggs, Vice-Chairman; Cal Stiles, member; Randy Phillips, member; and Gary Westmoreland, member.

Staff present: Randy Wiggins, County Manager; Maria Hass, Assistant County Manager/Clerk to the Board; Candy Anderson, Finance Director; and, Darryl Brown, County Attorney.

Also present: WKRK Radio, Local TV4 and Cherokee Scout.

Call to order and ethics statement by Chairman.

Invocation and Pledge

Modification of Agenda

Motion made by Commissioner Stiles to add a budget revision to the agenda for replacement of carpet in Sheriff Palmer's office. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.

Agenda Adoption

Motion made by Commissioner Westmoreland to adopt the agenda, as modified. Motion seconded by Commissioner Griggs. Motion passed unanimously.

Public Hearing for the following proposed road names: Longbrook Road and Valley Farm Road.

Motion made by Commissioner Westmoreland to open the floor for public comments. Motion seconded by Commissioner Phillips. Motion passed unanimously.

There were no public comments.

Motion made by Commissioner Stiles to close the public hearing. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.

Motion made by Commissioner Griggs to adopt the road names, as presented. Motion seconded by Commissioner Stiles. Motion passed unanimously.

Public Forum

Several people signed up to speak about Cherokee County Schools (CCS) consolidated high school plan. The Chairman stated that several people had signed up, but that persons who didn't speak at the last meeting would have the opportunity to speak first.

List of persons speaking for and against the CCS consolidated high school plan.

- Mary Hoesch: AGAINST
- Alex Higdon, speaking for Ryan Christy and for himself: FOR
- Holly Christy: FOR
- Dane Rickett, MES principal: FOR
- Misty Bennett, AGAINST
- Cale Curtis, Local business owner: AGAINST (Mr. Curtis submitted a signed petition from 1,035 citizens, who are also opposed to the plan.)
- Daniel Murphy, parent: AGAINST
- Margaret Ackiss: AGAINST
- Hannah Johnson, student: FOR
- Jordan Mixon, speaking for Juliana Aiken and herself: FOR
- Alaina Ledford, CCS teacher: FOR
- Eddie Wood: FOR
- Michael Milligan: AGAINST
- Jose Berreira: FOR
- Andrea Berreira, CCS teacher: FOR
- Jo White, speaking on behalf of Scott West and herself: FOR
- Mark Kephart: AGAINST
- Jack Simons: AGAINST
- Shannon Raper: AGAINST
- Elliott Southworth: AGAINST (Mr. Southworth submitted a signed petition from 830 citizens, who are opposed to the plan.)
- Chuck Hoesch: AGAINST
- Shawn Massey: AGAINST
- Jamie Ellis, CCS Board Member: AGAINST
- Joe Wood, CCS Board Member: AGAINST

There were also concerns about possible historic significance and archaeological disturbance on or around the high school property site.

CCS Superintendent, Jeana Conley, spoke about the continual decline of student population and utilization percentages of current high schools. CCS Transportation employees, Justin Clapsaddle and Justin Dockery, spoke about the proposed bus routes. CCS Board members, Arnold Matthews and Jeff Tatham spoke in support of the plan.

Public forum concluded at 9:10 p.m.

Following public forum, a Motion was made by Chairman Eichenbaum to support and fund the CCS Consolidated High School project at a maximum cost of \$40 million, and with a property tax increase of up to four (4) cents to service the debt, if necessary. Chairman Eichenbaum said approval is contingent upon compliance with all applicable state laws governing school consolidation and construction projects. Motion seconded by Commissioner Westmoreland.

Commissioner Griggs read a prepared statement, which is incorporated herein as Attachment A.

Commissioner Stiles asked the Board to slow down and revisit once the pandemic has passed. He shared concerns of the negative impact that closing Andrews High School would have on the town, recalling the effects to Andrews when District Memorial Hospital closed several years ago. He mentioned the ability for virtual learning and questioned how many students would actually return to the classroom and how that could further impact student population. He said he would like to see the School of Innovation and Technology and Early College finished and see how many students choose to attend, before beginning another project. He also shared concern over increasing the millage rate. He said according to a chart from finance, if the county were to finance \$37 million for fifteen (15) years, it would require a six (6) cent increase, not a four (4) cent increase. Commissioner Stiles said that CCS has the opportunity to apply for another \$15 million grant in two years, and he would like to see them step back and take that time to form a better plan, as he doesn't feel this is the right plan. He also said he does not support the design-build method and thinks projects of this magnitude should be bid out. He said that only 4 of 7 school board members support the plan and 3 of 5 commissioners support the plan. He said he would like to see a plan that could receive unanimous support.

Commissioner Westmoreland said this is the right plan. He said there are only two options, one consolidated high school or two new high schools. He said he supports the one high school plan because of its proximity to the college.

Commissioner Phillips said that it is the county's responsibility to build and maintain school facilities. He said the county has maintained 60 year old buildings long enough. He agreed that closing Andrews High School will hurt Andrews, but said the School of Innovation and Technology will hopefully draw industry back into county. He said too many kids are falling through the cracks. Concerning complaints and statements that Commissioner Phillips should recuse himself from voting, due to Dr. Conley being his employer, he said he disagreed.

Chairman Eichenbaum said he believes a single school gives all kids equal opportunities and he wants the process to start. He said the greatest gift that you can give a kid is an education so they can compete in the world. He said nothing compares to in-school learning. He said that this subject has been talked about for years and previous commission boards have kicked the can down the road year after year. He said, "It is time for the commission to say the buck stops here and that we are willing to take this on as our responsibility".

Voting in favor of the Motion was Commissioners Eichenbaum, Westmoreland, and Phillips. Voting against the Motion was Commissioners Griggs and Stiles. Motion passed.

Minutes

Motion made by Commissioner Stiles to approve the meeting minutes of 12/7/20, 1/21/21 (work session with BOE), and 2/15/21. Motion seconded by Commissioner Phillips. Motion passed unanimously.

Finance and Budget

- Motion made by Commissioner Phillips to approve a budget revision to replace a portion of the roof at the detention center. Motion seconded by Commissioner Stiles. Motion passed unanimously.
- Motion made by Commissioner Phillips to approve a budget revision to purchase sanitizing foggers for the senior center. Motion seconded by Chairman Eichenbaum. Motion passed unanimously.
- Motion made by Commissioner Phillips to approve a budget revision to repair hydraulic lifts on the courthouse elevators. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.
- Motion made by Commissioner Stiles to approve a budget revision to replace the carpet in the sheriff's personal office. Motion seconded by Commissioner Phillips. Motion passed unanimously.

New Business

- Motion made by Commissioner Stiles to approve tax releases, tax refunds, and NCVTS report, as submitted. Motion seconded by Commissioner Phillips. Motion passed unanimously.
- Motion made by Commissioner Griggs to order the tax collector to advertise delinquent tax liens. Motion seconded by Commissioner Phillips. Motion passed unanimously.
- Motion made by Commissioner Stiles to appoint Gail Stansell to the Cherokee County Board of Health. Motion seconded by Commissioner Griggs. Motion failed. Motion made by Chairman Eichenbaum to re-appoint C.B. McKinnon to the Board of Health. Motion seconded by Commissioner Phillips. Voting in favor of the Motion was Commissioners Eichenbaum, Phillips and Westmoreland. Voting against the Motion was Commissioners Stiles and Griggs. Motion passed.
- Motion made by Commissioner Westmoreland to appoint Dr. Lynn Taylor to the Cherokee County Board of Health. Motion seconded by Commissioner Phillips. Motion passed unanimously.
- Motion was made by Commissioner Phillips to approve a licensing agreement between Cherokee County and Hiwassee Dam VFD to access the county's property for the installation and maintenance of a septic system for the new fire department. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.
- Motion made by Commissioner Stiles to approve an ordinance prohibiting the unlawful possession and unlawful transport of catalytic converters in Cherokee County. Motion seconded by Commissioner Phillips. Motion passed unanimously.
- Commissioner Griggs gave an update on the Anti-Litter in Action Coalition. She said that she currently has six volunteers, who she will be meeting with to establish the initial committee. Once established, the committee will recruit additional volunteers. The Anti-Litter in Action Coalition will be established as an autonomous committee.
- After discussion, a Motion was made by Commissioner Stiles to approve Murphy Rural Fire Department's Response District Map. Motion seconded by Commissioner Griggs. Motion passed unanimously. NOTE: This action corrects the meeting minutes of September 14, 2015, which incorrectly stated that the Board approved a "fire tax" district

map for Murphy Rural Fire Department. It was actually a "response" district map that was submitted for approval at the 2015 meeting.

Commissioner Items

- Commissioner Griggs said she would like the Board to establish an annual volunteer recognition program. Her vision is for different organizations within the county to submit the name of their "volunteer of the year", so that the Board can recognize them in a public meeting and present them with a certificate of appreciation. Tim Radford, of WKRK, volunteered to promote the program through his radio's Facebook site.
- Commissioner Westmoreland asked the Board to set a work session date to discuss capital projects and fund balance planning. After discussion, a Motion was made by Commissioner Stiles to schedule a work session for March 29th at 6:30 p.m. at the courthouse. Motion seconded by Commissioner Phillips. Motion passed unanimously.

Adjournment

There being no further business, a Motion was made by Commissioner Stiles to adjourn. Motion seconded by Commissioner Phillips. Motion passed unanimously.

ATTACHMENT A

I would ask that Commissioner Phillips recuse himself from voting on the consolidated high school issue. As an employee of the school system, with the superintendent and school board being his employer, I do not feel that he can uphold the Cherokee County Board of Commissioner Code of Ethics to “Avoid impropriety in the exercise of official duties.” in that this is a CONFLICT OF INTEREST or in the very least an APPEARANCE OF A CONFLICT OF INTEREST:

Appearance of a conflict of interest means the impression that a reasonable person might have, after full disclosure of the facts, that an Appointee's judgment might be significantly influenced by outside **interests**, even though there may be no actual **Conflict of Interest**.

We as commissioners are elected by the residents of this county to represent them; we are their voice.

It was clear and evident in the May 20th public hearing last year, even though it was held in the midst of this pandemic, that the residents of our county DO NOT support this consolidation. G.S. 143-310.10 requires full and accurate minutes of all meetings. G.S. 115C-276 states that the superintendent is responsible for prompt and accurate recording of all minutes. After the superintendent finally posted the minutes, 8 months later, and I was able to read all of the input from the residents that attended, emailed or phoned in, it was

an overwhelming 78% that were AGAINST the consolidation plan.

I have also asked for the minutes of the school meetings that took place in 2017. My initial request on February 11 to Ms. Conley, was completely ignored. I then completed a formal request to Ms. Conley on February 17, and received nothing short of excuses for the delay but comments of “I know we have them because I’ve included them in several presentations” to “I apologize we are still looking for notes from those meetings. I do know they were collated and distributed to the board”. On February 23rd I submitted a formal request to Ms. Conley for a copy of the analysis that was sent to the State

Superintendent, to date I have not received this document. On March 2nd I submitted a formal request to all seven members of the Board of Education outlining my requests that had not been fulfilled by Ms. Conley. On March 8th I received only one set of minutes from Mr. Chapman, those are from Hiwassee Dam from their meeting of April 4, 2017. I am still awaiting the minutes from the meetings of Murphy High School, Tri-County Early College and Andrews High School. On March 3rd, I received an email from Ms. Conley which contained a response from the school attorney Mr. Shatley. He stated "The 5 year plan was recently discussed at the joint work session and APPROVED by the board

of commissioners.” This is incorrect. This plan is NEVER approved by the commissioners, the cover sheet that is signed reads “ The Cherokee County Board of Commissioners has RECEIVED and REVIEWED a copy of this survey prior to submission to the State Board of Education. This does NOT necessarily constitute endorsement of or commitment to fund the Facility Needs Survey.”

G.S.115C-521 clearly states “the board shall not invest any construction money in the new building unless it submits to the State Superintendent..... an analysis that compares the costs and feasibility of building the new building and of renovating the existing building.....” PFA architect letter of Feb 28,

2020, to Wells & West, builders of the School of Innovation indicates they have increased the square footage of the SOI building by 5,800 square feet to “accommodate future high school” by whose authority? Money is being spent on a high school that has not yet been approved by either the county nor state.

On March 9th I also requested public records to include The audited trial balance for General (Local) Fund for FY18 and FY19 and the actual amount paid out of local funds covering Cherokee County Schools personnel by name, position and gross salary.” To date, I have not received this information. There are six personnel in the finance department

that could provide these documents. My reason for requesting these documents is that we have often heard that our county pays for 24 teachers, that we are responsible for facilities, the local current expense per student and then when we discussed possible uses of the armory, the school wants it to be used as a new bus barn and move their central office personnel. She later provided a list of 36 personnel within central office. 36 personnel in central office. Previous administrations never came close to these numbers in central office. In addition, the most recent renovations to the central office building were never authorized by the board of commissioners.

G.S. 132-6 requires a timely response for all public records requests. It reads “A prompt response to a fairly simple records request ranges from immediate, within a few hours, or within a day or two.” I have been waiting for more than one month for some of these records, this is unacceptable.

And just in the last few weeks The Learning Center has announced that they will start enrolling high school students next year. In the next 4 years they will have 96 high school students in their charter school. How does that effect our public schools?

In the School board meeting last week Ms. Conley indicated emphatically that there is no plan

on the table that has anything to do with moving elementary students. That is not completely true.

The plan the school board voted on, May 28th last year, is for one high school and 3 K-8 schools. They just haven't given us the remainder of the plan yet.

They are eventually going to close some of our elementary schools. They just haven't said which ones and when BUT IT IS ON THE TABLE.

However, let me also point out that the copy of the LS3P Cherokee County facilities study provided to the County Manager and located at the courthouse, does not even show this plan as an option.

We have an opportunity to apply for another \$15 million dollar grant in two years, why not wait.

If we take out a \$40 million dollar loan just for this one build for 10 years, at 3% interest it will raise our tax rate a minimum of 5 cents, our monthly payment will be approximately \$13,000 a day, \$400,000 a month or \$4.5 million a year. This amount only pays for the high school, no renovations, no stadium, no land to build the stadium on. We have a debt capacity for our county and this amount of \$40 million will put us “above average”. Give us the rest of the plan, this is just phase one. There are still too many unanswered questions before we move forward.

I made one, one phone call and located the school consolidation study completed in 1991, that

was supposedly destroyed according to Ms. Conley.

There is valuable information in these documents.

Form a new committee. This one had almost 60

members with 5 different committees. We owe it to

ourselves and our children to get this right. We need

to regroup and allow our county to be a part of this

decision that will effect us for the next 50-75 years.

And let us not forget the latest developments in

all of this.....there are potential abandoned slave

graveyards and villages AND Aquohee District

Courthouse site that needs to be thoroughly and

completely looked at by experts. We can not move

forward with anything whatsoever until all of the

archeologists have completed their studies.

These are your children, your county, your taxes NOT just ours. We are your representatives NOT your dictators. I have pledged to serve as a commissioner with HONOR, integrity, responsibility, accountability, COURAGE do the right thing, in the right way, for the right reasons COMMITMENT to the people of this county.

I DO NOT DENY THAT CHANGES NEED TO BE MADE BUT THIS PLAN IS NOT THE ANSWER.

I CAN FIND ABSOLUTELY NO REASON WHATSOEVER TO SUPPORT THIS PLAN AS PROPOSED!!!!!! AND I KNOW I SPEAK FOR THE VAST MAJORITY OF RESIDENTS OF OUR COUNTY WHEN I SAY THIS.



CHEROKEE COUNTY

75 Peachtree Street
Murphy, NC 28906
825-837-5527

Randy Wiggins, County Manager
Maria Hass, Asst. County Manager/Clerk to the Board
Candy R. Anderson, Finance Officer
Darryl Brown, County Attorney

Board of Commissioners
Dan Eichenbaum, Chairman
Jan Griggs, Vice Chairman
Randy Phillips
Cal Stiles
Gary Westmoreland

BUDGET REVISION

		4/5/2021
		(DECREASE)
		INCREASE
1010000-39991	Use of Fund Balance	1,500.00
1096121-43510	Facility Maintenance	1,500.00

To contract the mowing, weed trimming, and spraying of the Ranger recreation ballfield.

Chairperson

4/5/2021



CHEROKEE COUNTY

75 Peachtree Street
Murphy, NC 28906
825-837-5527

Randy Wiggins, County Manager
Maria Hass, Asst. County Manager/Clerk to the Board
Candy R. Anderson, Finance Officer
Darryl Brown, County Attorney

Board of Commissioners
Dan Eichenbaum, Chairman
Jan Griggs, Vice Chairman
Randy Phillips
Cal Stiles
Gary Westmoreland

BUDGET REVISION

4/5/2021

(DECREASE)

INCREASE

1045860-35809	Division of Aging - Other Grants
1095860-45050	Capital Assets < \$5000

34,312.00
34,312.00

CARES and Families First grant funds received by the Senior Center to purchase new flooring, chairs, tables, and other senior site improvements. No County match.

Chairperson

4/5/2021

Whereas	Primary Government Unit Cherokee County
and	Discretely Presented Component Unit (DPCU) (if applicable)
and	Auditor Turner & Company CPAs P.A.

entered into a contract in which the Auditor agreed to audit the accounts of the Primary Government Unit and DPCU (if applicable)

for	Fiscal Year Ending 06/30/20	and originally due on	Audit Report Due Date 10/30/20
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hereby agree that it is now necessary that the contract be modified as follows.

☒ Modification to due date:

☐ Modification to fee:

Original due date 10/30/20	Modified due date 05/24/21
Original fee	Modified fee

EXPLANATION OF MODIFIED CONTRACT TERMS

Please provide an explanation for the modification to due date and/or fees.

The delay was and continues to be in part due to the following:

- The multiple issues that have caused delays in the audited financial statements in prior years has continued to have a domino effect resulting in delays in the completion of the current year's audited financial statements.
- Loss of additional audit personnel
- Time necessary to train new audit personnel
- The continued impacts of the COVID-19 pandemic

If the amendment is submitted to extend the due date, please indicate the steps the unit and auditor will take to prevent late filing of audits in subsequent years.

All events leading up to the delay were unexpected and not within our control. We will continue to seek out additional qualified personnel and do our part to have timely submissions in subsequent years.

By their signatures on the following pages, the Auditor, the Primary Government Unit, and the DPCU (if applicable), agree to these modified terms.

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Turner & Company CPAs P.A.	
Authorized Firm Representative* (typed or printed) Holly M. Turner, CPA	Signature* <i>Holly M. Turner, CPA</i>
Date* 03/31/21	Email Address holly@myturnercpa.com

GOVERNMENTAL UNIT

Governmental Unit* Cherokee County	
Date Primary Government Unit Governing Board Approved Amended Audit Contract* (If required by governing board policy)	
Mayor/Chairperson* (typed or printed) Dr. Dan Eichenbaum, Chairman	Signature*
Date	Email Address drdan.commissioner@gmail.com

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT

(Pre-audit certificate not required for charter schools or hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer*	Signature*
Date of Pre-Audit Certificate*	Email Address*

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU	
Date DPCU Governing Board Approved Amended Audit Contract (If required by governing board policy)	
DPCU Chairperson (typed or printed)	Signature
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT

(Pre-audit certificate not required for charter schools or hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)	Signature
Date of Pre-Audit Certificate	Email Address

*Proclamation
Cherokee County Senior Games and Silver Arts 2021*

WHEREAS, according to the 2019 North Carolina certified population estimates, more than half of Cherokee County's full-time residents are 50 years of age and over; and

WHEREAS, Cherokee County is one of the leading counties in the State in terms of numbers of resident seniors; and

WHEREAS, with advances in medical science it is possible to add years to our lives and good health to our years; and,

WHEREAS, it is of utmost importance to add quality to our aging population's lives to enable them to retain their happiness, mobility, and independence; and,

WHEREAS, the Cherokee County Senior Games and Silver Arts 2021 Program is designed to inspire, motivate, and educate all citizens about their potential for good health and involvement throughout their lives; and,

WHEREAS, the Senior games and Silver Arts Program will improve the quantity and quality of physical activity and arts programs in Cherokee County by providing competitive athletic experiences and creative artistic endeavors for older adults; and

WHEREAS, a statewide network of local games exist that culminates in an Annual State Finals Senior Games in Raleigh and National Senior Games every two years; now

THEREFORE, BE IT RESOLVED that the Cherokee County Board of Commissioners, Murphy, North Carolina, met on March 15, 2021 and hereby proclaim that the official 14th Annual Cherokee County Senior Games and Silver Arts Program will take place May 8th through May 29th, 2021.

Dr. Dan Eichenbaum, Chairman

ATTEST:

S E A L

Maria Hass, Clerk to Board



CHEROKEE COUNTY BOARD OF COMMISSIONERS

REQUEST TO BE ON AGENDA

DATE: 4/5/2021 TIME: _____

NAME: Jordan Messer Peachtree Fire Dept.

ADDRESS: 115 Upper Peachtree Rd Murphy NC

PHONE: 828-557-1299

DETAILED REASON FOR REQUESTING TO SPEAK TO THE BOARD:

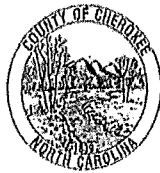
Request a raise on our millage rate with documentaion on why we need it

REQUESTS MUST BE RECEIVED BY NOON ON THE WEDNESDAY PRIOR TO THE MEETING ON THE FOLLOWING MONDAY.

DEPENDING ON THE LENGTH OF THE AGENDA, YOUR REQUEST MAY BE POSTPONED TO A FUTURE MEETING.

BY FRIDAY BEFORE THE MONDAY MEETING, YOU WILL BE NOTIFIED BY TELEPHONE OF WHAT TIME YOU HAVE BEEN PLACED ON THE AGENDA, OR YOU CAN CALL THE COUNTY MANAGERS OFFICE AT (828) 837-5527.

ATTACHMENTS MAY BE INCLUDED



Cherokee County
Application for Boards/Commissions/Committees

Please complete each section

Full Name Whitney Marcus Eller Date of Birth [REDACTED]

Home Address [REDACTED] Murphy NC 28906

Home Phone [REDACTED]

Current Employers King's Pharmacy

Job Title Pharmacist Years in current position 1 yr.

Business Phone: 828. 837. 7474 Fax: 828. 837. 4622

E-Mail Address: wrmarcus14@gmail.com

Duties HRT specialist, compounding, clinical pharmacist

Other employment history —

It is the Board of Commissioners goal to maintain a balance of membership on its Boards/Commissions/Committees based on race, gender and County district residency.

District No. _____

Male _____ Female X

White X Black _____ Hispanic _____ Native American _____ Asian _____ Other _____

Board/Commission/Committee Applying For (list only one per form) Health

Generally, the Board of Commissioners desires to broaden participation on Boards/Commissions/Committees for as much citizen involvement as possible; therefore, a goal is to limit appointees to no more than 2 Boards/Commissions/Committees. Therefore, please list any other Boards/Commissions/Committees on which you currently serve:

none

Why are you interested in serving on this Board/Commission/Committee? Have a voice in health decisions/give advice to community.

DO NOT SUBMIT RESUMES/ATTACHMENTS
(OVER)

Interests/Skills/Areas of Expertise/Professional Organizations/Activities: _____

Hormone Replacement therapy - PCCA certified

Compounding

Clinical services - administering vaccines / consulting

Affirmation of Eligibility:

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes _____ No X If yes, please explain disposition: _____

Is there any conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Board of Commissioners? Yes _____ No X

If yes, please explain: _____

I understand this application is public record and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/Committee. I understand regular attendance to any Council Board/Commission/Committee is important and, accordingly, I further understand that if my attendance is less than the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the County Manager and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee.

Signature: Whitney M. Allen Date: 3.18.21
Form is invalid if not signed and dated

Return completed form to:

Clerk to the Board
75 Peachtree Street, Suite 112
Murphy, NC 28906
Phone: (828) 837-5527 Fax: (828) 837-9684

Applicants are required to be a resident of Cherokee County

MUST PROVIDE VALID ID OR DRIVER'S LICENSE AS PROOF OF RESIDENCY



Cherokee County
Application for Boards/Commissions/Committees

Please complete each section

Full Name DANA H. JONES Date of Birth [REDACTED]

Home Address [REDACTED], Andrews, NC 28901

Home Phone [REDACTED]

Current Employers DANA H. JONES REALTY

Job Title Broker Years in current position 43

Business Phone: 828-361-3369 Fax: N/A

E-Mail Address: DANA.JONESREALTY@gmail.com

Duties Broker with 3 Provisional Brokers To Supervise & Sales - Also Appraiser with Appraisal Services Co. 40 yrs.

Other employment history USAF 6 yr.

It is the Board of Commissioners goal to maintain a balance of membership on its Boards/Commissions/Committees based on race, gender and County district residency.

District No. 1

Male ☒ Female ☐

White ☒ Black ☐ Hispanic ☐ Native American ☐ Asian ☐ Other ☐

Board/Commission/Committee Applying For (list only one per form) _____

Generally, the Board of Commissioners desires to broaden participation on Boards/Commissions/Committees for as much citizen involvement as possible; therefore, a goal is to limit appointees to no more than 2 Boards/Commissions/Committees. Therefore, please list any other Boards/Commissions/Committees on which you currently serve:

Above

Why are you interested in serving on this Board/Commission/Committee? To offer

Expertise on R.E. Values Based on Experience

DO NOT SUBMIT RESUMES/ATTACHMENTS
(OVER)

Interests/Skills/Areas of Expertise/Professional Organizations/Activities: _____

Mountain Lake B.O.R.

N.G.A. M.L.S.

Affirmation of Eligibility:

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes _____ No X If yes, please explain disposition: _____

Is there any conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Board of Commissioners? Yes _____ No X

If yes, please explain: _____

I understand this application is public record and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/Committee. I understand regular attendance to any Council Board/Commission/Committee is important and, accordingly, I further understand that if my attendance is less than the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the County Manager and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee.

Signature: D. A. J. Date: 2-18-2021
Form is invalid if not signed and dated

Return completed form to:

Clerk to the Board
75 Peachtree Street, Suite 112
Murphy, NC 28906
Phone: (828) 837-5527 Fax: (828) 837-9684

Applicants are required to be a resident of Cherokee County

MUST PROVIDE VALID ID OR DRIVER'S LICENSE AS PROOF OF RESIDENCY

Cherokee County Transit Face Mask Policy and Procedures

Adopted by Cherokee County Board of Commissioners

Policy is to be enforced until expiration of TSA Security Directive 1582/84-21-01.

1. *Cherokee County Transit will notify passengers of the Security Directive 1582/84-21-01 : Security Measures-Face Mask Requirements to facilitate awareness and compliance. We will inform passengers, when booking transportation and at the time of pickup or boarding passengers, of the following:*
 1. *Federal law requires properly wearing a mask for any age over two years while on a transit vehicle or in their facility and failure to comply will result in denial of boarding or removal.*
 2. *Refusing to wear a mask is a violation of federal law; passengers may be subject to penalties under federal law.*
2. *Cherokee County Transit will post the following sign communicating to passengers that wearing a mask is now federal law on every transit vehicle: Sign is attached and can also be found at the following link:*

https://www.tsa.gov/sites/default/files/6732_sign_shss_facemasks_required_surface_operations.pdf
3. *Cherokee County Transit has established procedures to manage situations with persons who refuse to comply with the requirement to wear a mask. At a minimum, these procedures must ensure that if an individual refuses to comply with an instruction given by Cherokee County Transit with respect to wearing a mask, we will take the following actions:*
 1. *Deny boarding, unless a current valid medical excuse is provided by a licensed physician before boarding the vehicle and on file in our facility.*
 2. *Make best efforts to disembark the individual as soon as practicable; or*
 3. *Make best efforts to remove the individual from the transportation hub/facility.*
4. *"If an individual's refusal to comply with the mask requirement constitutes a significant security concern, Cherokee County Transit will report the incident to the Transportation Security Operations Center (TSOC) at 1-866-615-5150 or 1-703-563-3240 in accordance with 49 CFR 1570.203."*

5. *The mask wearing requirement does not apply in the following situations:*
 1. *When necessary to temporarily remove the mask for identity verification purposes.*
 2. *While eating, drinking, or taking oral medications for brief periods. Prolonged periods of mask removal are not permitted for eating or drinking; the mask must be worn between bites and sips.*
 3. *While communicating with a person who is deaf or hard of hearing, when the ability to see the mouth is essential for communication.*
 4. *If unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance.*
6. *The following persons are exempt from the mask wearing mandate:*
 1. *Children under the age of 2.*
 2. *People with disabilities who cannot wear a mask, or cannot safely wear a mask because of the disability as defined by the Americans with Disabilities Act.*
 3. *People for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations.*



**Transportation
Security
Administration**

MEMORANDUM

To: Covered Owners/Operators

Date: January 31, 2021

Subject: Security Directive 1582/84-21-01

Attached to this memorandum is Security Directive (SD) 1582/84-21-01: Security Measures – Face Mask Requirements. This SD is issued to implement the January 21, 2021, Executive Order on promoting measures to prevent the spread of coronavirus disease 2019 (COVID-19) by travelers within the United States and those who enter the country from abroad. This SD also supports enforcement of the Centers for Disease Control and Prevention (CDC) Order mandating masks issued on January 29, 2021.

This SD applies to the passenger railroads, intercity bus services, and public transportation. Please refer to the SD for the specific applicability.

All queries concerning the attached SD should be submitted to TSA via email at TSA-Surface@tsa.dhs.gov



Darby LaJoye

Senior Official Performing the Duties of the TSA Administrator

Attachment:

Security Directive 1582/84-21-01



SECURITY DIRECTIVE

<u>NUMBER</u>	SD 1582/84-21-01
<u>SUBJECT</u>	Security Measures – Mask Requirements
<u>EFFECTIVE DATE</u>	11:59 pm EST on February 1, 2021
<u>EXPIRATION DATE</u>	May 11, 2021
<u>CANCELS AND SUPERSEDES</u>	Not Applicable
<u>APPLICABILITY</u>	Each owner/operator identified in 49 CFR 1582.1(a); each owner/operator identified in 49 CFR 1584.1 that provides fixed-route service as defined in 49 CFR 1500.3
<u>AUTHORITY</u>	49 U.S.C. 114
<u>LOCATION</u>	United States

PURPOSE AND GENERAL INFORMATION

Due to the ongoing COVID-19 pandemic and to reduce the spread of the virus, the President issued an Executive Order, *Promoting COVID-19 Safety in Domestic and International Travel*, on January 21, 2021, requiring masks to be worn in airports, on commercial aircraft, and in various modes of surface transportation. On January 27, 2021, the Acting Secretary of Homeland Security determined a national emergency existed requiring the Transportation Security Administration (TSA) to issue this Security Directive (SD) to implement the Executive Order and enforce the related Order¹ issued by the Centers for Disease Control and Prevention (CDC), pursuant to the authority of 49 U.S.C. section 114. Consistent with these mandates and TSA's authority, TSA is issuing this SD requiring masks to be worn to mitigate the spread of COVID-19. The requirements in this SD must be applied to all persons in or on one of the conveyances or a transportation facility used by one of the modes identified above. TSA developed these requirements in consultation with the Department of Transportation (including the Federal Railroad Administration, the Federal Transit Administration, and the Federal Motor Carrier Safety Administration) and the CDC.

¹ See Order Under Section 361 of the Public Health Service Act (42 U.S.C. § 264) and 42 Code of Federal Regulations §§ 70.2, 71.31(B), 71.32(B); Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs (January 29, 2021).

DEFINITIONS

For the purpose of this SD, the following definitions apply:

Conveyance has the same definition as under 42 CFR 70.1, meaning “an aircraft, train, road vehicle, vessel, or other means of transport, including military.”

Mask means a material covering the nose and mouth of the wearer, excluding face shields.²

Transportation hub/facility means any airport, bus terminal, marina, seaport or other port, subway stations, terminal (including any fixed facility at which passengers are picked-up or discharged), train station, U.S. port of entry, or any other location that provides transportation subject to the jurisdiction of the United States.

ACTIONS REQUIRED

- A. Owner/Operators must notify passengers with prominent and adequate notice of the mask requirements to facilitate awareness and compliance.³ At a minimum, this notice must inform passengers, at the time tickets are purchased or when otherwise booking transportation *and* at the time the conveyance departs its location after boarding passengers, of the following:
 - 1. Federal law requires wearing a mask while on the conveyance and failure to comply may result in denial of boarding or removal.
 - 2. Refusing to wear a mask is a violation of federal law; passengers may be subject to penalties under federal law.
- B. Owner/Operators must require that individuals wear a mask, except as described in Sections D., E., or F., as follows:
 - 1. Any persons in a public transportation, passenger railroad, or bus conveyance covered by this SD.
 - 2. Any person in public areas of transportation hubs/facilities controlled by the owner/operator (such as for purposes of purchasing tickets, waiting areas, and platforms for boarding and disembarking) for the duration of travel, boarding, and disembarking.

² A properly worn mask completely covers the nose and mouth of the wearer. A mask should be secured to the head, including with ties or ear loops. A mask should fit snugly but comfortably against the side of the face. Masks do not include face shields. Masks can be either manufactured or homemade and should be a solid piece of material without slits, exhalation valves, or punctures. Medical masks and N-95 respirators fulfill the requirements of this SD. CDC guidance for attributes of acceptable masks in the context of this SD is available at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

³ Notice may include, if feasible, advance notifications on digital platforms, such as on apps, websites, or email; posted signage in multiple languages with illustrations; printing the requirement on tickets; or other methods as appropriate.

C. Owner/Operators must ensure that direct employees and contractor employees wear a mask at all times when in conveyances or in or around transportation facilities under their control, except as described in Sections D., E., or F.

D. The requirement to wear a mask does not apply under the following circumstances:

1. When necessary to temporarily remove the mask for identity verification purposes.
2. While eating, drinking, or taking oral medications for brief periods⁴. Prolonged periods of mask removal are not permitted for eating or drinking; the mask must be worn between bites and sips.
3. While communicating with a person who is deaf or hard of hearing, when the ability to see the mouth is essential for communication.
4. If unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance.⁵

E. The following conveyances are exempted from wearing masks:

1. Persons in private conveyances operated solely for personal, non-commercial use.
2. A driver, when operating a commercial motor vehicle as this term is defined in 49 CFR 390.5, if the driver is the sole occupant of the vehicle.

F. This SD exempts the following categories of persons from wearing masks:⁶

1. Children under the age of 2.

⁴ The CDC has stated that brief periods of close contact without a mask should not exceed 15 minutes. See <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

⁵ Persons who are experiencing difficulty breathing or shortness of breath or are feeling winded may remove the mask temporarily until able to resume normal breathing with the mask. Persons who are vomiting should remove the mask until vomiting ceases. Persons with acute illness may remove the mask if it interferes with necessary medical care such as supplemental oxygen administered via an oxygen mask.

⁶ Owner/Operators may impose requirements, or conditions of carriage, on persons requesting an exemption from the requirement to wear a mask, including medical consultation by a third party, medical documentation by a licensed medical provider, and/or other information as determined by the owner/operator, as well as require evidence that the person does not have COVID-19 such as a negative result from a SAR-CoV-2 viral test or documentation of recovery from COVID-19. CDC definitions for SAR-CoV-2 viral test and documentation of recovery are available in Frequently Asked Questions at: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html>. Owners/Operators may also impose additional protective measures that improve the ability of a person eligible for exemption to maintain social distance (separation from others by 6 feet), such as scheduling travel at less crowded times or on less crowded conveyances, or seating or otherwise situating the individual in a less crowded section of the conveyance or transportation hub/facility. Owners/Operators may further require that persons seeking exemption from the requirement to wear a mask request an accommodation in advance.

-
2. People with disabilities who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).⁷
 3. People for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations.
-
- G. Owner/Operators must establish procedures to manage situations with persons who refuse to comply with the requirement to wear a mask. At a minimum, these procedures must ensure that if an individual refuses to comply with an instruction given by the owner/operator with respect to wearing a mask, the owner/operator must:
1. Deny boarding;
 2. Make best efforts to disembark the individual as soon as practicable; or
 3. Make best efforts to remove the individual from the transportation hub/facility.
- H. If an individual's refusal to comply with the mask requirement constitutes a significant security concern, the owner/operator must report the incident to the Transportation Security Operations Center (TSOC) at 1-866-615-5150 or 1-703-563-3240 in accordance with 49 CFR 1570.203.

PREEMPTION

The requirements in this SD do not preempt any State, local, Tribal, or territorial rule, regulation, order, or standard necessary to eliminate or reduce a local safety hazard, which includes public health measures that are the same or more protective of public health than those required in this SD, if that provision is not incompatible with this SD.

PROCEDURES FOR SECURITY DIRECTIVES

- A. The owner/operator must immediately provide written confirmation of receipt of this SD via email to TSA at TSA-Surface@tsa.dhs.gov.
- B. The owner/operator must immediately disseminate the information and measures in this SD to corporate senior management, security management representatives, and any personnel having responsibilities in implementing the provisions in this directive. The owner/operator may widely share this SD with anyone subject to the provisions of this directive to include,

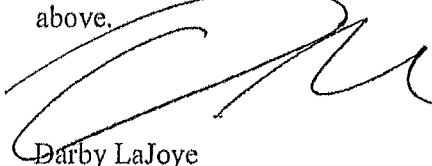
⁷ This is a narrow exception that includes a person with a disability who cannot wear a mask for reasons related to the disability; who, e.g., do not understand how to remove their mask due to cognitive impairment, cannot remove a mask on their own due to dexterity/mobility impairments, or cannot communicate promptly to ask someone else to remove their mask due to speech impairments or language disorders, or cannot wear a mask because doing so would impede the function of assistive devices/technology. It is not meant to cover persons for whom mask-wearing may only be difficult. CDC intends to issue further guidance regarding this exception.

but not limited to, federal, state, and local government personnel; direct owner/operator employees; tenants; contractors; transport personnel; taxi drivers; law enforcement; *etc.*

- C. All individuals responsible for implementing this SD must be briefed by the owner/operator. If the owner/operator is unable to implement the measures in this SD, the owner/operator must submit proposed alternative measures and the basis for submitting the alternative measures to TSA for approval.
- D. The owner/operator may comment on this SD by submitting data, views, or arguments in writing to TSA via email at TSA-Surface@tsa.dhs.gov. TSA may amend the SD based on comments received. Submission of a comment does not delay the effective date of the SD.

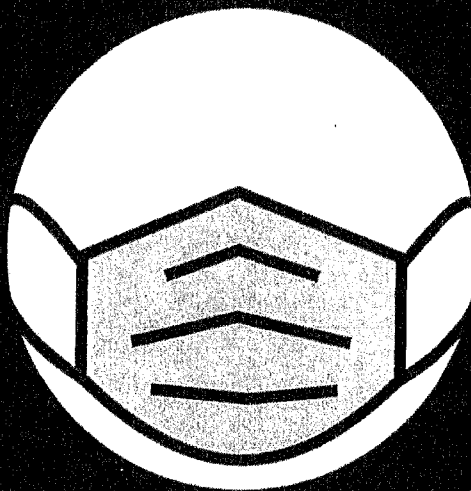
APPROVAL OF ALTERNATIVE MEASURES

The owner/operator must immediately notify TSA via email at TSA-Surface@tsa.dhs.gov if unable to implement any of the measures in this SD. The owner/operator may submit proposed alternative measures and a justification for adopting those measures to the email addresses above.



Darby LaJoye
Senior Official Performing the Duties of the TSA Administrator

Face masks required.



TSA requires proper wearing of face masks, per federal law. Face masks are to be worn at all times. Failure to comply will result in denial of boarding or removal, and may result in penalties.



Stay Healthy. Stay Secure.
tsa.gov/coronavirus

CHEROKEE COUNTY TAX COLLECTOR

REQUESTS FOR RELEASE

3/9/2021-3/29/2021 FINANCE APPROVED PRIOR TO MEETING

Taxpayer Name	Year	Bill#	Tax Amt	Reason
PRESSLEY, KATHY	2019	27303	\$60.00	2 GARNISHMENT FEES ADDED BY MISTAKE.
COOPER, PENNY	2020	6853	\$91.19	DOUBLE BILLED TO ACCT 42867
COOPER, PENNY	2019	6961	\$94.62	DOUBLE BILLED TO ACCT 42868
COOPER, PENNY	2018	8833	\$95.88	DOUBLE BILLED TO ACCT 42869
COOPER, PENNY	2017	6965	\$97.31	DOUBLE BILLED TO ACCT 42870
COOPER, PENNY	2016	6852	\$98.85	DOUBLE BILLED TO ACCT 42871
FITZGERALD, MARION	2020	21279	\$27.89	BUSINESS CLOSED OCTOBER 2019.
TRI STATE SLEEP LAB	2020	34321	\$88.89	BUSINESS CLOSED LATE 2019 PER BUILDING OWNER. PERDUTT & WAGNER GREEN VALLEY DOES NOT OWN ASSETS.
GREEN VALLEY POULTRY FARM INC	2020	13225	\$56.54	THEY BELONG TO DUTT & WAGNER
ABERNATHY BRUCE	2014	52	\$75.00	NO ONE HAS LIVED IN MOBILE HOME FOR YEARS PER WANDA RELEASE SWFEE
ABERNATHY BRUCE	2015	58	\$75.00	NO ONE HAS LIVED IN MOBILE HOME FOR YEARS PER WANDA RELEASE SWFEE
ABERNATHY BRUCE	2016	59	\$75.00	NO ONE HAS LIVED IN MOBILE HOME FOR YEARS PER WANDA RELEASE SWFEE
ABERNATHY BRUCE	2017	73	\$75.00	NO ONE HAS LIVED IN MOBILE HOME FOR YEARS PER WANDA RELEASE SWFEE
ABERNATHY BRUCE	2018	25760	\$75.00	NO ONE HAS LIVED IN MOBILE HOME FOR YEARS PER WANDA RELEASE SWFEE
ABERNATHY BRUCE	2019	64	\$75.00	NO ONE HAS LIVED IN MOBILE HOME FOR YEARS PER WANDA RELEASE SWFEE
ABERNATHY BRUCE	2020	68	\$75.00	NO ONE HAS LIVED IN MOBILE HOME FOR YEARS PER WANDA RELEASE SWFEE

TOTAL FINANCE RELEASES

\$1,236.17

2/10/2021-3/8/2021 NEEDING APPROVAL

MORROW JIMMY	2020	23817	\$158.41	MOBILE HOME DOUBLE BILLED ACCT 48442
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TOTAL COMMISSIONERS RELEASES

\$158.41

RUN DATE: 3/30/2021 8:13 AM

CHEROKEE COUNTY REFUND REPORT
REFUND REPORTS 3/9/2021 - 3/29/2021

NAME	BILL NUMBER		AMOUNT	OPER	DATE TIME
90000036155 STEVEN THOMAS RENTAL	2020-32239	PERSONAL PROPERTY	3.49	HUGO	3/9/2021 7:51:57 AM
436 PINE VILLA DR					
ATLANTIS, FL 33462		VISA DEBIT CONF # 523717189 REFUND RECIPIENT: APPLY TO 2021.			
32304 THOMAS STEVEN K	2020-33714	RP: 451000797495000	8.02	HUGO	3/9/2021 7:52:44 AM
436 PINE VILLA DR					
ATLANTIS, FL 33462-1220		VISA DEBIT CONF # 523720213 REFUND RECIPIENT: APPLY TO 2021			
201280005100 CHASTAIN KESHA DAWN CHASTAIN MELISSA GIBSON 112 WHATEVER WAY	2012-800051	MOTOR VEHICLE: 201207Y	3.85	HUGO	3/10/2021 2:38:32 PM
BRASSTOWN, NC 28902		DEBT SETOFF PAYMENT FOR MELISSA CHASTAIN REFUND RECIPIENT:			
48520 CLEAVELAND KENNETH & W/ CLEAVELAND JILL 230 CAMP CREEK ESTATE DR	2020-6065	RP: 452400342563000	15.68	HUGO	3/11/2021 7:55:19 AM
MURPHY, NC 28906-8657		VISA DEBIT CONF # 524510635 REFUND RECIPIENT: APPLY TO 2021			
48863 WILLIAMS DAVID BRIAN	2020-36691	PERSONAL PROPERTY	2.48	HUGO	3/11/2021 8:05:28 AM
71 GILES LUTHER RD					
ANDREWS, NC 28901-0618		VISA DEBIT CONF # 524347093 REFUND RECIPIENT: APPLY TO 2021			
12847 POSCICH JAMES A & W/ POSCICH ELIZABETH W 236 KAMSTON DR	2020-27044	RP: 552503211993000	5.37	HUGO	3/12/2021 8:22:31 AM

RUN DATE: 3/30/2021 8:13 AM

CHEROKEE COUNTY REFUND REPORT
REFUND REPORTS 3/9/2021 - 3/29/2021

NAME	BILL NUMBER		AMOUNT	OPER	DATE	TIME
HAYESVILLE, NC 28904-0380		VISA DEBIT CONF # 524605943 REFUND RECIPIENT: APPLY TO 2021				
31983	2020-27045	RP: 552503215492000	2.25	HUGO	3/12/2021	8:23:41 AM
POSCICH JAMES A & W/ POSCICH ELIZABETH W 236 KAMSTON DR						
HAYESVILLE, NC 28904-0380		VISA DEBIT CONF # 526066835 REFUND RECIPIENT: APPLY TO 2021				
90000036549	2020-19438	PERSONAL PROPERTY	7.00	HUGO	3/12/2021	8:24:47 AM
LANDMARK HOME BUILDERS LLC C/O HARRY MALONE 6900 E 45TH ST N APT F3						
BEL AIRE, KS 67226		VISA DEBIT CONF # 526088235 REFUND RECIPIENT: APPLY TO 2021				
35169	2020-35584	RP: 552503112446000	163.36	DELENNNA	3/12/2021	2:43:32 PM
WATKINS DARRELL & W/ WATKINS RHONDA 1265 MALTBY RD						
MARBLE, NC 28905		GARNISHMENT SNAP-ON POWER TOOLS INC REFUND RECIPIENT:				
6543	2020-6883	RP: 550103136040000	1459.85	kathy	3/15/2021	3:57:20 PM
COPENHAVER ROGER D & W/ COPENHAVER VIOLA C 30 BEE TREE LANE						
MURPHY, NC 28906		REFUND RECIPIENT: VIOLA COPENHAVER 7430 LAKE BREEZE DR UNIT 409 FORT MYERS FL 33907				
120055000030	2020-200141	PERSONAL PROPERTY	125.61	kathy	3/18/2021	12:11:23 PM
BLUE RIDGE MTN ELEC MEMB CORP ATTN: HEATHER WALDROUP PO BOX 9						
YOUNG HARRIS, GA 30582		REFUND RECIPIENT:				

RUN DATE: 3/30/2021 8:13 AM

CHEROKEE COUNTY REFUND REPORT
REFUND REPORTS 3/9/2021 - 3/29/2021

NAME	BILL NUMBER		AMOUNT	OPER	DATE TIME
31067 RICH AUBREY J & W/ ALICIA L/E KENNEDY ROBERT A JR 2229 CAPTAIN KIDD DR FERNANDINA, FL 32034-7917	2020-28436	RP: 443900192036000 VISA DEBIT CONF # 528549081 REFUND RECIPIENT: APPLY TO 2021 PER ROBERT	15.06	HUGO	3/23/2021 8:19:06 AM
28826 COOKE LAWSON GREY PO BOX 517 MARBLE, NC 28905	2020-6818	RP: 552400825583000 MASTERCARD CONF # 528573813 REFUND RECIPIENT: APPLY TO 2021	11.68	HUGO	3/23/2021 8:21:01 AM
33074 SCHUTTE SHERRIE ARAGAO-TEIXEIRA JENNIFER JTROS 3821 UPPER PEACHTREE RD MURPHY, NC 28906	2020-30126	RP: 553300833685000 VISA DEBIT CONF # 528604757 REFUND RECIPIENT: APPLY TO 2021	15.14	HUGO	3/23/2021 8:24:45 AM
440045099102 BARKER MARTHA P 4109 UPPER PEACHTREE ROAD MURPHY, NC 28906	2020-1728	RP: 553300250820000 VISA DEBIT CONF # 528490507 REFUND RECIPIENT: APPLY TO 2021	13.20	HUGO	3/23/2021 8:25:58 AM
1001298 WHIDDEN RANDY E 1/2 UND INT & WHIDDEN DAVID E 1/2 UND INT 3104 E 14TH STEET LEHIGH ACRES, FL 33972	2020-36256	RP: 442900877078000 REFUND RECIPIENT: APPLY TO 2021	2.20	DELENNNA	3/23/2021 2:57:46 PM
35735 MONCRIEF RUBY 1/2 UND INT MONCRIEF HAZEL 1/2 UND INT JT W/ROS 250 CHARLES TAYLOR RD	2020-23433	RP: 552203347878000	15.83	HUGO	3/24/2021 7:55:20 AM

RUN DATE: 3/30/2021 8:13 AM

CHEROKEE COUNTY REFUND REPORT
REFUND REPORTS 3/9/2021 - 3/29/2021

NAME	BILL NUMBER		AMOUNT	OPER	DATE TIME
MURPHY, NC 28906		VISA DEBIT CONF # 528780889 REFUND RECIPIENT: APPLY TO 2021.			
40030	2019-25755	RP: 550200510234000	26.60	DELENNNA	3/24/2021 1:56:50 PM
PANTER DONNA L					
313 CHATTAHOOCHEE WAY					
WOODSTOCK, GA 30188		REFUND RECIPIENT:			
49128	2020-1191	RP: 454100694223000	6.87	HUGO	3/25/2021 8:19:54 AM
ARMOUR JOSEPH E & W/ FROST ANGELA D 461 SMOKEY HOLLOW DR					
MURPHY, NC 28906		VISA DEBIT CONF # 530451119 REFUND RECIPIENT: APPLY TO 2021			
48532	2020-36425	RP: 457400790112000	2.82	HUGO	3/25/2021 8:39:39 AM
WHITENER KEITH DENNIS					
781 SNEED BRANCH RD					
MURPHY, NC 28906-6660		VISA DEBIT CONF # 529730077 REFUND RECIPIENT: APPLY TO 2021			
770080041960	2020-37342	RP: 556501175796000	74.67	HUGO	3/26/2021 8:10:49 AM
WOOTEN ROGER G					
PO BOX 2118					
ANDREWS, NC 28901		MASTERCARD CONF # 529790855 REFUND RECIPIENT:			
35888	2020-17237	RP: 454300040810000	48.48	HUGO	3/26/2021 8:49:09 AM
JEMIS BENJIS PARTNERSHIP LLLP ATTN: ARTHUR W JOSEPH 1811 ENGLEWOOD ROAD #268					
ENGLEWOOD, FL 34223		VISA DEBIT CONF # 529563685 REFUND RECIPIENT:			
11140	2020-26307	RP: 552300516870000	8.39	HUGO	3/26/2021 8:51:01 AM
PELUSO ROBERT					

CHEROKEE COUNTY REFUND REPORT
REFUND REPORTS 3/9/2021 - 3/29/2021

NAME	BILL NUMBER		AMOUNT	OPER	DATE	TIME
2339 TREASURE ISLE DR # 45						
WEST PALM BEACH, FL 33410		VISA DEBIT CONF # 529958697 REFUND RECIPIENT: APPLY TO 2021				
-----	41054 2020-8925	RP: 455100429233000	2.25	HUGO	3/29/2021	8:51:02 AM
DILLENBECK HARLAND V DILLENBECK CHERYL A 7597 PALMER GLEN CIRCLE						
SARASOTA, FL 34240		ECHECK CONF # 531462105 REFUND RECIPIENT: APPLY TO 2021.				
-----	42348 2020-23018	RP: 550102690288000	225.22	HUGO	3/29/2021	9:03:28 AM
MIDLAND IRA INC FBO MARK KEISTER #1636728 25 RETOUR WAY						
SHARPSBURG, GA 30277		ECHECK CONF # 529840499 REFUND RECIPIENT:				
-----	3793 2020-19882	RP: 551402558692000	172.53	kathy	3/29/2021	1:07:50 PM
LEDFOORD CHRISTY & H/ LEDFOORD JEFFERY L 106 GERALDS LN						
MARBLE, NC 28905-8650		GARNISHMENT FROM BBT REFUND RECIPIENT:				
-----	3793 2020-19882	RP: 551402558692000	91.90	kathy	3/29/2021	1:21:34 PM
LEDFOORD CHRISTY & H/ LEDFOORD JEFFERY L 106 GERALDS LN						
MARBLE, NC 28905-8650		BANK ATTACHMENT FIRST CIT REFUND RECIPIENT: P.O. BOX 101 MARBLE NC 28905				
-----	47025 2020-5428	RP: 447900083132000	226.01	DEBORAH	3/29/2021	2:19:15 PM
CEBEREK ADAM & W/ CEBEREK SHANNON E 1061 COOK BRIDGE RD						
MURPHY, NC 28906-8836		BA PNC BANK CK 316504-REFUND-PO PD 3-18-21				

REPORT ON NEWSPAPER VOLUMES AND PROBLEMS WITH COUNTY COLLECTION

Executive summary: The Solid Waste Department proposes discontinuing the collection of newspaper at all sites and converting the newspaper/aluminum beverage can roll-off containers to aluminum cans only (simple signage change required). The volume of and price for recycled newspaper has been declining for years and is expected to continue to do so while cardboard recycling stream is increasing.

Background: The subscriber base for newspapers has declined nationally over the last few years due primarily to the internet and social media. Revenue from advertising and circulation is down and one third of US newspapers have experienced layoffs since 2017. It is believed by market researchers that newspapers will disappear within five years except for a few national papers. This decline has created some issues for us and, when coupled with other problems, has caused us to examine our newspaper recycling.

Landfill operation: It took the Solid Waste Department Recycling Section nearly two years (March, 2017 to February, 2019) to collect the 22.42 tons that were shipped during FY 2019. During that period, we upgraded from two small vertical balers to two large horizontal balers which took up considerable space in the recycling building. The horizontal balers were necessary to process the considerably larger volumes of cardboard, aluminum (easy to market, high dollar), and plastic (recycling required by NCDEQ). The time required to accumulate newspaper tonnage for shipment, lack of markets, and space in recycling building have created numerous problems for the Solid Waste Dept.

- Newspaper gets soaking wet in the roll-offs, causing the roll-off container to rust and is frozen in winter
- Drying bales of newspaper expand and often burst open the baling wire requiring newspapers to be baled twice and is therefore inefficient to process
- Wet newspapers in a poorly ventilated area can be a fire hazard
- Newspaper accumulates so slowly that there is no room in building to collect a full load and continue baling/storing other materials (cardboard, aluminum, plastic)
- Difficult to find a vendor willing to take newspaper. Only one cardboard vendor (who is unreliable even for cardboard) will allow a mixed load of newspaper and cardboard, and a mixed load negatively impacts the revenue from cardboard by approximately \$125 per truckload. This is because the reliable cardboard vendor pays \$5 more per ton of cardboard but, will not take newspaper at all.

Summary: The Solid Waste Dept. proposes that we discontinue the collection and recycling of newspaper due to a minimal volume of material (1.25 bales per month over the last calendar year), a steadily declining revenue stream over the last 7 years: Down from \$1640 in FY2015 to an estimated total of \$869 in FY 2021, and a small impact of less than 19 CY of post-compaction airspace taken up in the landfill. Which is a loss of \$540 in annual airspace revenue for the landfill.

The Solid Waste Department feels that these 2 negative revenues totaling an estimated loss of \$1409 per year are minimal compared to the cost of the collection of the newspaper and the need for additional space in the recycling building. Discontinuation of recycling newspapers will free up more space in the bailer building for more the more profitable and increasing cardboard bailing operations. Solid Waste Dept. proposes converting the newspaper/aluminum can roll-off containers to aluminum cans only (simple signage change required). Newspaper recycling is not required by NCDEQ therefore, this decision can be made locally.

Cherokee County Solid Waste Department

	A	B	C	D	E	F
1	Historical Table of Newspaper Tons and Revenue					
2						
3	FY	QUANTITY		REVENUE	COMMENTS	
4		IN TONS				
5	2015	39.7		\$1,640.36		
6	2016	16.94		\$676.80		
7	2017	32.68		\$1,853.76		
8	2018			\$0.00	No shipments during FY 2018	
9	2019	22.42		\$911.20		
10	2020	14.42		\$0.00	Used as "fluff" liner protection in the new landfill cell	
11	2021	15.8		\$869.00	Projected number for FY 2021	
12	7-yr Total	141.96		\$5,951.12		
13						
14						
15	American Recycling offers \$55/ton for newspaper and \$75/ton for cardboard and they will take mixed loads of the two.					
16	Jackson Paper offers \$80/ton for cardboard. But they will not take newspaper					
17						
18	1 newspaper bale weighs approximately 1,580 lbs.					
19	1 newspaper bale is 60"x54"x32"= 60 Cubic Ft = 2.22CY					
20	A newspaper bale has a density of 1580 lbs./2.22 CY = 711 lbs/CY					
21						
22	Total for the last calendar year is 12 bales x 1580 lbs. = 18,960 lbs, which is approximately 720 CF or 26.66 CY					
23	18,960 lbs / 2000 lbs = 9.48 tons					
24	9.48 tons x \$57/ton in revenue = \$540 loss in landfill airspace per year					
25						
26	Compacted Municipal Solid Waste (MSW) in a landfill has an average density of 1000 Lbs./CY *					
27	That results in an annual loss of less than 19 CuYd in post compaction landfill airspace.					
28						
29	* Source Solid Waste Association of North America (SWANA)					

Current

Cherokee County Animal Control Ordinance

ARTICLE I.

Section 1. Definitions

Animal Boarding Facility/ Shelter: Any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this ordinance and may include any animal shelter contracted by the Board of Commissioners.

At Large: Any animal shall be deemed to be at large when he is off the property of its owner and not under restraint of a competent person.

Attack: An approach to a person by an unrestrained animal in a vicious, terrorizing or threatening manner or apparent attitude of attack, without the animal having been teased, molested, provoked, beaten, tortured, or otherwise harmed.

Attack Training Facility: Any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or training dogs or other animals in mode of attack.

Dangerous Animal: Any animal that has demonstrated a fierce or dangerous propensity or tendency to do any act which may endanger persons or property and/or any non-domesticated animal indigenous to the state of North Carolina including hybrid animals that are part wild. This would include but not be limited to any dog which has (1) assaulted, bitten, attacked or inflicted serious injury on a human being without provocation on public and/or private property and/or (2) which has killed or injured a pet or domestic animal without provocation.

Exceptions: No dog is dangerous pursuant to this definition if at the time the threat, injury or damage was sustained, the person attacked was teasing, tormenting, abusing or assaulting the dog, or has in the past teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. Nor shall a dog be considered dangerous pursuant to this definition if it has attacked or injured a pet or domesticated animal in defense of an attack by another animal or if it is protecting or defending its young.

Dealer: Any person who is licensed by the U.S. Department of Agriculture as a dealer.

Domestic Animal: Any of various animals as horses, sheep, cattle, goats, hogs, poultry, etc; domesticated by man so as to live and breed in a tame condition.

Exhibitor: Any person who is licensed by the U.S. Department of Agriculture as an exhibitor.

Exposed to Rabies: An animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten by, or been exposed to, any animal known or suspected to have been infected with rabies.

Inherently Dangerous Mammal: Inherently dangerous mammal is any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

1. **Canidae**, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (Canis Familiaris).

1. Enforcing, in this county, all state and county laws, ordinances and resolutions relating to the care, custody and control of animals.
2. Assisting in the enforcement of the laws of the state with regard to animals and especially with regard to vaccination of animals against rabies and the confinement or controlling of dangerous animals and dangerous dogs.
3. Investigating cruelty or abuse with regards to animals.
4. Making such canvasses of the county as it deems necessary for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or State statute.
5. Acting as liaison for Cherokee County with any animal holding facility and/or animal shelter that the Board of Commissioners shall so designate.

B. It shall be the duty of The Animal Control Program to keep, or cause to be kept, accurate and detailed records of:

1. Impoundment and disposition of all animals coming into the contracted animal control facility.
2. Bite cases, violations and complaints, and investigation of same.
3. All monies belonging to the county which are derived from impoundment fees and penalties.
4. All other records deemed necessary.

C. Any person authorized to act under the Animal Control Program shall be known as the "Animal Control Officer."

Section 4. Cruelty to Animals

It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful shooting of birds, deer and other game for human food; nor to prohibit an animal's owner, a veterinarian, the Health Director or Animal Control Program agents from destroying dangerous, unwanted or injured animals in a humane manner, nor to prohibit the lawful use of animals in scientific research.

The Cherokee County Board of Commissioners as provided under North Carolina General Statute §19A-45 may appoint animal cruelty investigator(s). An animal cruelty investigator(s) shall have the responsibility for carrying out the defined duties of an animal cruelty investigator as mandated by North Carolina General Statutes. An animal control officer may be requested to accompany the investigator on animal seizures.

the animal control officer determines after investigation that the report is supported by the evidence. Said dog or animal shall be deemed dangerous.

B. The owner will be notified in writing to confine the dog or animal in a humane secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog or animal is on the premises. Said sign shall not be less than one foot by two feet or two square feet in area.

C. The owner shall have 30 days from the date of notification to provide a humane, secure enclosure. The animal deemed "Dangerous" shall be under constant restraint on the owner's property during this period.

D. An agent of the animal control program is empowered to confiscate the dog or animal and harbor it at the owner's expense pending the owner's construction of a humane secure enclosure. If any dangerous animal or dog is confiscated under this provision, the owner of the dangerous dog or animal shall be given written notice at the time of confiscation that if the owner fails to provide a secure enclosure upon the expiration of thirty days from confiscation Animal Control is authorized to dispose of the animal. If the owner constructs a secure enclosure which is approved by Animal Control, and the animal is not being destroyed pursuant to Section 16 B and C, the animal may be redeemed within thirty days from confiscation so long as all fees owing to Animal Control for harboring, caring and maintaining the animal are paid.

E. Dogs or animals trained or being trained in mode of attack are subject to the provision of B, C and D of this section.

Section 8. Requirements for Attack Training Facility

It shall be unlawful for any person, group of persons, partnership or corporation to conduct training in mode of attack for dogs or other animals at any location unless such training is conducted within a secure enclosure.

Such training within a secure enclosure within the meaning of this ordinance if it is performed within (1) a fence or structure of adequate height to prevent the dog or animal from jumping, climbing or otherwise escaping from the enclosure and (2) said training is conducted in the presence of the owner(s) or trainer(s) at all times.

Any dog or animal trained or being trained in mode of attack is deemed to be dangerous and is subject to all the provision of this ordinance relative to dangerous dogs or dangerous animals.

Section 9. Confiscation of Animals

Any dangerous animal or dangerous dog not kept in accordance with the requirements of this chapter, may be confiscated by the animal control officer and harbored at the owner's expense until the owner complies with the requirements of this chapter, or disposed of as provided in Section 8 of this Article.

Section 10. Required Notification to Animal Control Program by Owners of Dangerous Animals or Dangerous Dogs

The owner of a dangerous animal or dangerous dog shall inform the Animal Control Program, as

or otherwise injure or kill a human being, the owner shall pay a five hundred dollar (\$500.00) fine and, after a ten (10) day waiting period exclusive of Sundays and holidays, said dog shall be destroyed by the Animal Control Program. For each owner's subsequent violation said owner shall pay a fifteen hundred dollar (\$1500.00) civil penalty for owning or keeping a dangerous animal or dangerous dog which attacks, assaults, wounds, bites or otherwise injures or kills a human being.

C. If any dangerous animal or dangerous dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal or pet, the owner of said dog shall pay a two hundred fifty dollar (\$250.00) civil penalty and the Animal Control Program is empowered to confiscate and, after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays, may destroy said dangerous dog or animal. For each subsequent violation the owner of said dog or animal shall pay a civil penalty of five hundred dollars (\$500.00).

D. Violation of this ordinance may subject the violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this ordinance, violation of this chapter shall be a misdemeanor for which a criminal summons may be issued. Any person convicted of such violation shall be punishable as provided in North Carolina General Statute § 14-4. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes, civil penalties or fees imposed under this ordinance.

E. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

ARTICLE II. RABIES CONTROL

Section 1. Compliance with State Law, Article as Supplement to State Law

A. It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

B. It is the purpose of this article to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

Section 2. Inoculation of Dogs, Cats and Other Pets

A. It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the County Health Director, the Board of County Commissioners, or the State Public Health Veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.

B. A rabies inoculation shall be deemed "current" for a dog and cat if two inoculations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.

by the Board of County Commissioners.

E. In the case of any carnivore or bat the animal may be euthanized and the head examined for rabies.

Section 6. Destruction of Animal Bitten by Rabid Animal

Unvaccinated animals bitten by a known rabid animal shall be immediately destroyed in a humane manner and as allowed by law. If the animal has a current rabies inoculation, it shall be re-vaccinated and returned to the owner.

Section 7. Area-Wide Emergency Quarantine

A. When reports indicate a positive diagnosis of rabies, the County Director of Public Health may order an area-wide quarantine for such period as he/she deems necessary. Upon invoking of such emergency quarantine, no dog, cat or other carnivores shall be permitted to be at large during such period. During such quarantine, no dog or cat or other carnivore may be taken or shipped from the county without written permission of the Animal Control Program, and the police and sheriff's departments are hereby directed during such emergency, to impound any dog, cat or other carnivore found running at large in the county. During the quarantine period, the Animal Control Program or local health authorities shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

B. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the County Director of Public Health.

Section 8. Postmortem Diagnosis

A. If an animal dies while under observation for rabies, the head of such animal shall be submitted to the Cherokee County Department of Health for shipment to the State Laboratory of Public Health for rabies diagnosis.

B. The carcass of any animal suspected of dying of rabies shall be surrendered to the Animal Control Program. The head of such animal shall be submitted to the Cherokee County Department of Health for shipment to the State Laboratory of Public Health for rabies diagnosis.

Section 9. Unlawful Killing, Releasing, etc, of Certain Animals

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the county without written permission from the Animal Control Program and the County Director of Health.

Section 10. Failure to Surrender Animal for Quarantine or Destruction

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this article, when demand is made therefore by the Animal Control

Control Program and given to any animal adoption agency deemed appropriate by the animal control officer (s) who may offer for adoption to any responsible adult who is willing to comply with this ordinance.

Section 5.

Procedure with Respect to Redemption of Unvaccinated Dog or Cat

A. Unless proof of a current rabies vaccination can be furnished, every person who redeems a dog or cat at the animal shelter must receive a card from the animal control officer entitled "proof of rabies vaccination card" which must be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person's choice for rabies vaccination. The time limit for dogs and cats four (4) months and older will be seventy-two (72) hours, with Sundays and holidays excluded. For puppies and kittens under four (4) months, the time limit will vary according to their age.

B. The "proof of rabies vaccination card" will be completed and returned to the Animal Control Officer by the veterinarian. If this card is not returned to the Animal Control Officer within the time limit specified on the card, an animal control officer will be dispatched to retrieve the dog or cat.

C. Payment for the rabies vaccination provided for in this section will be the responsibility of the person redeeming the animal.

Section 6. Suspected Rabid Animals not to be Redeemed

Notwithstanding any other provision of this article, animals impounded, which appear to be suffering from rabies shall not be redeemed, but shall be dealt with in accordance with Article II of this ordinance.

Section 7. Destruction of Wounded or Diseased Animals

Notwithstanding any other provision of this article, any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the Animal Control Program shall attempt to notify the owner before disposing of such, but if the owner cannot be reached readily, and the animal is suffering, the Animal Control Program may destroy the animal at its discretion in a humane manner.

Section 8. Destruction of Animals Which Cannot be Seized by Reasonable Means

Now notwithstanding any of the provisions of this ordinance, an animal which cannot be seized by reasonable means may be humanely destroyed by order of the County Health Director or person duly authorized by the County Health Director.

RESOLUTION FOR THE ADOPTION OF AN ORDINANCE ACQUIRING THE LICENSING OF DOGS AND THE PROHIBITING OF DOGS RUNNING LOOSE WITHIN THE CITY LIMITS OF THE TOWN OF ANDREWS

WHEREAS, the Town of Andrews Board of Aldermen have become aware that a problem exists wherein dogs are running loose within the city limits of Andrews, and are destroying property; and,

WHEREAS, the Town of Andrews Board of Aldermen have become aware of instances of dangerous dogs running loose within the Town of Andrews endangering persons and other dogs and pets; and,

WHEREAS, the Town of Andrews Board of Aldermen understand and recognize the importance and benefits of keeping dogs for pets and other purposes; and,

WHEREAS the Town of Andrews Board of Aldermen feel that dogs can be licensed and their roaming restricted in order to protect the citizens and property of the Town of Andrews while at the same time not unduly burdening dog owners or infringing upon their ownership rights; and,

WHEREAS the Town of Andrews Board of Aldermen, after due discussion and consideration, have agreed that an ordinance requiring licensing of dogs and the prohibiting of dogs running loose within the city limits of the Town of Andrews is in the best interest of the Town of Andrews, it's citizens, and the dogs and other pets;

NOW THEREFORE, let it hereby be resolved that the Code of Ordinances, Town of Andrews, North Carolina, is hereby amended by adding a new article, to be numbered Chapter 5, Article 3, which said article reads as follows:

ARTICLE III - DOG CONTROL AND LICENSING

Section 1- ALLOWING DOG TO RUN LOOSE IN TOWN OF ANDREWS UNLAWFUL

It shall be unlawful for an owner of a dog to allow that dog to run loose within the city limits of the Town of Andrews. For purposes of this Article, to "run loose" shall mean to allow a dog out of doors unless said dog is constrained or restricted in its roaming by a fence, pen, leash, or other such device.

Section 2- ALL DOGS TO BE LICENSED

It shall be unlawful to keep a dog within the city limits of the Town of

appears on said dog.

Section 6 - SEIZED DOGS TO BE KEPT IN HOLDING FACILITY UNTIL CLAIMED OR DISPOSED OF

Dogs seized in accordance with Section 5 of this Article shall be held at a designated holding facility until claimed by their owner or otherwise disposed of in accordance with that holding facility's policies. Provided, however, that in no case shall any dog be disposed of, other than being claimed by its owner, until at least three (3) business days have passed after notifying the owner, where a license or other identifying information appears on the dog. Notice to a particular dog's owner shall be by certified mail with proof of receipt thereof by the dog's owner returned to the Town of Andrews, or by virtue of an affidavit filed by a Town of Andrews employee stating that the particular employee has personally served upon the dog owner notice of the dog being seized. In cases where there is no license or other identifying information appearing on the dog, no dog shall be disposed of, other than being claimed by its owner, until at least seven (7) business days have passed after its being seized.

Section 7 - OWNER LIABLE FOR COSTS CHARGED BY HOLDING FACILITY

An owner whose dog is seized and held in a designated holding facility by authority of this Article, shall be liable for the cost of holding said dog and shall reimburse the facility or the Town of Andrews for the cost thereof. The Town of Andrews or the designated facility may require reimbursement of such costs as a prerequisite to the owner reacquiring said dog.

Section 8 - FINES FOR VIOLATION OF THIS ARTICLE

In addition to those charges for reimbursement of the cost of holding a seized dog, persons in violation of Section 1 and/or Section 2 of this Article shall be fined in accordance with the following:

- a. First Violation of Section 1 - fine of ten dollars (\$10.00)
Second Violation of Section 1 - fine of twenty dollars (\$20.00)
Each Additional Violation of Section 1 - fine of thirty dollars (\$30.00)
- b. Each Violation of Section 2 - fine of fifty dollars (\$50.00)

Section 9 - DELEGATION TO COUNTY

The Town of Andrews may, from time to time, enter into agreements with Cherokee County for the enforcement and/or administration of a portion or all of this Article.

Section 10 - STATE OF NORTH CAROLINA DANGEROUS DOG LAW

Nothing herein shall prevent or prohibit a dog owner from being charged with a violation of Chapter 67 of the North Carolina General Statutes, dealing

AFFIDAVIT OF SERVICE NOTICE OF SEIZURE OF DOG

This affidavit is to certify that I, _____, an employee
(Affiant's name)
and/or agent of the Town of Andrews, personally served upon _____
(Dog Owner's Name)
a copy of the "NOTICE OF SEIZURE OF DOG IN VIOLATION OF SECTION 1 OR SECTION
2 OF TOWN OF ANDREWS DOG CONTROL AND LICENSING ORDINANCE," attached
hereto. This personal service occurred at _____

(Place of Service)
on the _____ day of _____, _____, at _____ p.m./a.m.

Affiant

Subscribed to and sworn before me this the _____ day of _____, _____.

NOTARY PUBLIC

My Notary Expires:

INFORMATION TO BE COLLECTED AT ISSUANCE OF DOG LICENSE

License Number: _____

Date Issued: _____

Dog Owner: _____

Address of Dog Owner: _____

Phone Number: _____

Name of Dog: _____ Spayed or Neutered: _____

Breed: _____ Sex: _____ Color of Dog: _____

Additional identifying information: _____

Additional Owner Addresses and Phone Numbers: _____

This information shall be entered into a registry kept by the Town Clerk in accordance with
Section 4 of the Dog Control and Licensing Ordinance.

Proposed

CHEROKEE COUNTY ANIMAL CONTROL ORDINANCE

All prior ordinances regarding animal control in Cherokee County are by vacated as of the effective date of this ordinance by the Cherokee County Board of Commissioners.

It shall be the policy of this County to encourage enforcement of the Laws of the United States of America and the State of North Carolina regarding the possession of, transport of, care of and disposal of any and all animal life within the confines of the County of Cherokee by and through duly sworn law enforcement officers, and for prosecution of violations of such State and Federal laws and the ordinances herein through the Courts of appropriate jurisdiction.

Provisions of this Ordinance shall in no way, shape or form supersede any laws or Administrative Codes of the State of North Carolina or the United States of America.

Article 1- Violations of this Cherokee County Animal Control Ordinance shall be punished as a Class 3 misdemeanor under the criminal codes of the State of North Carolina.

Article 2- Enforcement of this Ordinance is authorized by any law enforcement officer duly sworn to enforce the laws of the State of North Carolina. Violations of this ordinance may also be enforced through the issuance of criminal process issued by a judge or magistrate under the laws of the State of North Carolina as authorized in Chapters 15 & 15A of the North Carolina General Statutes.

Article 3 – Possession of an Inherently Dangerous or Exotic Animal.

- A) Defined: An inherently dangerous or exotic animal is any beast, fowl or creeping thing that is likely to cause a reasonable person to be fearful of significant destruction of property or of bodily harm, including, but not limited to, the following that are not regulated by the State Wildlife Commission:
- a. Any indigenous or non-indigenous reptile that produces venom.
 - b. Any non-indigenous arachnid that produces venom.
 - c. Any constricting snake in excess of 6 feet in length.
 - d. Any non-human primates weighing in excess of 10 pounds.
 - e. Any member of the Canidae family, including hybrids thereof, other than *Canis familiaris*.
 - f. Any member of the Felidae family, including hybrids thereof, other than *Felis catus*.
 - g. Any crocodile, alligator or caiman.
 - h. Elephants, rhinoceros, hippopotamus, ocelots, cheetahs, giraffes.
 - i. Any dog that has been designated as a dangerous dog under the laws of the State of North Carolina.

- j. Any animals designated by the Centers for Disease Control and/or the US Department of Agriculture or other national or state public health protection agencies as embargoed or prohibited.

B) Possession Prohibited – No person shall knowingly harbor, feed or otherwise possess and inherently dangerous or exotic animal as defined in Article 2(A) herein.

C) Exceptions:

- a. Transportation of any such beast through the territory of Cherokee County so long as such takes no longer than 24 hours.
- b. Possession for purposes of public display of inherently dangerous or exotic animals as defined herein in a duly authorized and licensed zoo, circus, carnival, fair or other such enterprise that are properly equipped to separate and confine the inherently dangerous or exotic animals. Any such public display shall be reported to the Sheriff of Cherokee County no less than 96 hours before any such animals are to enter the territory of Cherokee County.
- c. Possession by the North Carolina Wildlife Resources Commission and its designates under the laws of the State of North Carolina.
- d. Any possessor who is licensed by the US Department of Agriculture or the US Department of the Interior to possess such animals. Any possessor of such license shall produce said license upon demand by any law enforcement officer.

D) Recapture: The lawful or unlawful possessor of any inherently dangerous or exotic animal as defined herein shall reimburse Cherokee County for any and all costs incurred while attempting to recapture any such animal. Any lawful or unlawful possessor of an inherently dangerous or exotic animal that must be euthanized or destroyed by any agent of law enforcement or designated of Cherokee County shall reimburse Cherokee County for the costs of such euthanization or destruction. By bringing any such animal into Cherokee County, the possessor gives consent for any disputes regarding such animals to be in the Jurisdiction of the General Courts of Justice of North Carolina and specifically within the venue of Cherokee County.

Article 4 – Each section of this Ordinance remains separate and apart from other provisions of this ordinance. Invalidation of any section of this ordinance shall not invalidate other provisions herein. This Ordinance is subject to State and Federal law.

The Ordinance shall be effective upon the date of adoption by the Cherokee County Board of Commissioners.

Chairman

Clerk