

Cherokee County Board of Commissioners
April 18, 2022 Meeting Minutes

Board members present: Dr. Dan Eichenbaum, Gary Westmoreland, Jan Griggs, and Cal Stiles. Commissioner Phillips participated remotely via Zoom.

Others present: Randy Wiggins, County Manager; Candy Anderson, Finance Director; and, Darryl Brown, County Attorney.

Time: 6:30 P.M.

Location: Cherokee County Courthouse, Room 342.

Call to Order and Ethics Statement

Members were advised of their duty under the Local Government Ethics Act.

Invocation

Invocation given by Randy Wiggins.

Pledge of Allegiance

Led by Chairman Eichenbaum.

Modification of Agenda

Motion made by Commissioner Phillips and seconded by Commissioner Westmoreland to remove New Business Item “h” “Airport Land Swap”. Motion passed unanimously.

Agenda Adoption

Motion made by Commissioner Griggs and seconded by Commissioner Phillips to approve the agenda as modified. Motion passed unanimously.

Public Hearing on Road Names

Motion made by Commissioner Phillips and seconded by Commissioner Westmoreland to open the public hearing for comments. Motion passed unanimously. There were no public comments. Motion made by Commissioner Stiles and seconded by Commissioner Griggs to close the public hearing. Motion passed unanimously. Motion made by Commissioner Westmoreland and seconded by Commissioner Griggs to adopt the following road names: Breezy Ln; Cheyenne Ln; Emersyn Rose Ln; Kamron Ln; This Way; That Way; The Other Way; Iron Wood Farm Rd; Rons Way; Refuge Mountain Trl; Valle Ridge Rd; Mila Ln; Brunner Ln; Lee Mountain Rd; Mountain Side Ln; and Rolling Meadows Way. Motion passed unanimously.

Aaron's LLC Tax Appeal

Presented by Jeff Talton via ZOOM. No action taken.

Public Forum for Crypto Mining

Several persons spoke in opposition of crypto mining business in Cherokee County, and more specifically, the Harshaw Road and Ranger Road sites, and the effects that data mining centers

have on the health and well-being of those affected. The Chairman asked the Clerk to read a statement provided to him by Exponential Digital concerning both sites. The statement is incorporated into these minutes as Appendix A. The county attorney also discussed ordinance options for regulating excessive noise.

Motion made by Commissioner Griggs and seconded by Commissioner Stiles to amend the current noise ordinance to read “anyone with noise that is constant and sustained and over 50 decibels is in violation of the noise ordinance.” Voting against the Motion was Commissioners Westmoreland and Commissioner Phillips. Motion passed 3-2.

Public Forum – None

Motion made by Commissioner Westmoreland and seconded by Commissioner Phillips to take a three-minute break. Motion passed unanimously.

Budget and Finance

- a) Budget Revision for CDC Covid Grant Funds for Health Department

Motion made by Commissioner Phillips and seconded by Commissioner Griggs to approve. Motion passed unanimously.

- b) Cherokee County Schools Request for Use of Sales Tax for Various Projects

Motion made by Commissioner Phillips and seconded by Commissioner Griggs to approve. Motion passed unanimously.

- c) Budget Revision for Southwestern Commission and Covid-19 Grant Funds Received for Senior Services

Motion made by Commissioner Griggs and seconded by Commissioner Phillips to approve. Motion passed unanimously.

- d) Budget Revision to Increase Budget for Register of Deeds, Airport, and Medical Examiner (Increase will be offset by revenues)

Motion made by Commissioner Phillips and seconded by Commissioner Westmoreland to approve. Motion passed unanimously.

- e) Non-Discrimination Policy for Coronavirus State and Local Fiscal Recovery Funds

Motion made by Commissioner Westmoreland and seconded by Commissioner Phillips to approve. Motion passed unanimously.

Old Business – Airfield Lighting Project

Motion made by Commissioner Phillips and seconded by Commissioner Westmoreland to approve the 10% local match for the airfield lighting rehab project. Motion passed unanimously.

New Business

- a) Ellen Stephens - Cherokee County Saddle Club Request

Ellen Stephens, Cherokee County Saddle Club member, came before the Board to request approval for renovating a building at the Mountain Folk Center and converting it into stables. The project would include 43 stables. The Saddle Club will be applying for Kubota's Hometown

Proud Grant to help fund the project. After discussion, a Motion was made by Commissioner Griggs and seconded by Commissioner Stiles to approve. Motion passed unanimously.

b) David Vowell – Cherokee County Arts Council

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to recognize Cherokee County Arts Council as the local arts agency for Cherokee County. Motion passed unanimously.

c) Commissioner Griggs - Proclamation Recognizing April 17-23, 2022 as Volunteer Appreciation Week
Motion made by Commissioner Westmoreland and seconded by Commissioner Stiles to approve. Motion passed unanimously.

d) 2022 Senior Games and Silver Arts Proclamation

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to approve. Motion passed unanimously.

e) Authorize Tax Collector to Advertise Delinquent Tax Liens

Motion made by Commissioner Phillips and seconded by Commissioner Westmoreland to approve. Motion passed unanimously.

f) Tax Releases w/Refunds Report, Tax Refund Report, and NCVTS Report

Motion made by Commissioner Westmoreland and seconded by Commissioner Griggs to approve all tax items. Motion passed unanimously.

g) Update to Southwestern Consortium Agreement - David Garrett, Workforce Director

Motion made by Commissioner Westmoreland and seconded by Commissioner Griggs to approve the updated agreement. Motion passed unanimously.

h) Planning Committee Discussion

Commissioner Griggs discussed her vision for long-term planning. Commissioner Griggs and Commissioner Stiles said they are for planning, not zoning. No action was taken on the proposed committee.

i) Fireworks Permit Request - McGuire's Millrace Farm

Motion made by Commissioner Phillips and second by Commissioner Griggs to approve. Motion passed unanimously.

Chair/Commissioner Items

Commissioner Stiles shared his concerns about a proposed negative easement at the airport access road and said he believes the Board should hold a public hearing. He also said that he does not believe the proposed land swap meets the criteria for fair market value.

Closed Session

Motion made by Commissioner Phillips and seconded by Commissioner Griggs to go into closed session to consult with the county attorney on the DSS lawsuit, and to receive legal advice concerning the earlier proposed noise ordinance. Motion passed unanimously.

Open Session

After returning to open session, Commissioner Griggs made a Motion to rescind her previous Motion concerning the amendment to the noise ordinance. Motion seconded by Commissioner Stiles. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Stiles to amend the current noise ordinance to include the following:

It shall be unlawful and strictly prohibited for any person, operation or facility to emit sound from said operation or facility that shall cause the ambient sound to exceed a continuous and sustained A rated sound level of 50 decibels as measured at any point not on the property of the person, operation or facility emitting the sound.

Motion passed unanimously 3-2. Voting against the Motion was Commissioner Westmoreland and Commissioner Phillips.

Motion made by Commissioner Stiles and seconded by Commissioner Phillips to approve a last-minute tax refund in the amount of \$493.22 for Kathy Willis. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Stiles to retain the services of an environmental attorney to assist with updating the county's noise ordinance as it relates to crypto/data mining facilities. Motion passed.

Adjourn

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