

Cherokee County Board of Commissioners
Meeting Minutes
June 7, 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: 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 the following items to the agenda under New Business, seconded by Commissioner Griggs, and approved unanimously:

- Tri-County Community College (TCCC) Board of Trustees Appointments
- Release of NCDOT Right of Way at Western Carolina Regional Airport
- Call for vote on Commissioner Griggs request to Cherokee County Schools for information

Agenda Adoption

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

Public Hearing on FY 21-22 Budget

Motion made by Commissioner Stiles to open the floor to public comments. Motion seconded by Commissioner Griggs. Motion passed unanimously.

Comments from Mr. David Vowell and Mr. Ben Adams. There were no other public comments concerning the FY21-22 budget.

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

Public Forum - There were no comments during public forum.

Minutes

Motion made by Commissioner Westmoreland to approve the minutes of May 17, 2021. Motion seconded by Commissioner Stiles. Motion passed unanimously.

New Business

- Motion made by Commissioner Stiles to adopt the Records Retention Schedule for Tax Office. Motion seconded by Commissioner Griggs. Motion passed unanimously.
- Motion made by Commissioner Phillips to approve a resolution providing for electronic tax listings and extending the time for filing electronic listings of personal property for property tax purposes. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.
- Motion made by Commissioner Phillips to approve the tax releases, tax refunds, and NCVTS report, as submitted. Motion seconded by Commissioner Westmorland. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Stiles to approve bids from Western Carolina Fence and Steel Gates of North Carolina for security fencing and gates at Western Carolina Regional Airport, in the amount of \$111,744.39. Motion seconded by Commissioner Griggs. Motion passed unanimously.
- Motion made by Commissioner Phillips to decline NCDOT Airport Coronavirus Relief Funds in the amount of \$13,000, due to the required face covering policy. Motion seconded by Commissioner Stiles. Motion passed unanimously.
- Motion made by Commissioner Griggs to approve a ground lease between Mrs. Faye Laney and Cherokee County for construction, utilization and maintenance of a public safety tower. Motion seconded by Commissioner Stiles. Motion passed unanimously.
- Motion made by Commissioner Stiles to rescind a previous vote concerning compensation for WKRK Facebook livestreaming, due to Mr. Tim Radford, owner of WKRK, declining payment. Mr. Radford said that he appreciated the offer, but could not accept payment. Motion seconded by Commissioner Griggs. Motion passed unanimously.
- Motion made by Commissioner Westmorland to reappoint Cherokee County appointee, David Williams, and Clay County appointee, Bryan Hedden, to the Tri-County Community College Board of Trustees. Motion seconded by Commissioner Griggs. Motion passed unanimously.
- Motion made by Commissioner Griggs to approve an agreement for reduction of NCDOT right-of-way at Western Carolina Regional Airport. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.
- Motion made by Commissioner Griggs for the Board to receive documentation of the spending of funds by Cherokee County Schools, and to answer the following five budget-related questions in open session:
 1. Why was (text redacted) paid from local funds and who authorized this payment?
 2. Why are the finance officer, the maintenance director, and transportation director being paid from local funds and who authorized this payment?
 3. Why is the County paying more than the agreed upon 24 certified teachers from local funds and who authorized?
 4. What are the positions of Administrative Scale and why are they paid from local funds?

5. Why is the SRO chief being paid a monthly supplement of \$2013 from local funds and who authorized this?

Motion seconded by Commissioner Stiles. Commissioners Eichenbaum, Westmoreland and Phillips voted against the Motion. Motion failed 2-3. Commissioner Griggs read a statement and said that the Board of County Commissioners should not approve the School's budget request, without having answers to the questions, and that she felt an independent audit request to the State auditor was in order. Cherokee County School Superintendent, Jeana Conley, and Finance Officer, Stephanie Hass were in attendance. Mrs. Hass read a statement, saying that they were advised by counsel not to provide the information, citing it was confidential and not public record.

County Manager Item

- 1) The county manager gave an update on EMS Station 1, saying that there were not enough bids received and that the project would be re-advertised.
- 2) Motion made by Commissioner Westmoreland to allow the county manager to move ahead with advertising for the Human Resources Generalist position. Motion seconded by Commissioner Griggs. Motion passed unanimously.

Commissioner Items

- Commissioner Stiles read a statement concerning Cherokee County Schools request for an additional \$965,084. He said that these costs will be recurring costs. He shared his concerns about deficit spending, and said now is not the time for the County to be spending more than it is taking in.
- Commissioner Eichenbaum read a statement concerning political discourse on the Board and said that these matters should be discussed in closed session. Concerning Cherokee County School's budget requests, and funding requests for high school consolidation, he said that discussions about plans for a new school are not new and have been occurring since 2016. He said that every single commissioner is concerned with the taxpayer's best interest.

Closed Session

Motion made by Commissioner Phillips to go into closed session to consult with the county attorney about a contract matter; and to consult with the county's legal counsel, concerning the insurance pool lawsuit. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.

During closed session, the board discussed two separate items: 1) discussion with county attorney, Darryl Brown, concerning lease or sale options for real property; and 2) discussion with the county's counsel concerning the NCACC insurance pool lawsuit.

During closed session, the county attorney advised the Board on legal requirements and concerns related to the disposition of real property. The Board also consulted, via Zoom, with the County's coverage counsel, Richard Daniels, to discuss legal options related to insurance coverage.

The Board instructed the County manager to retain and engage with counsel to defend the County against the insurance pool.

Open Session

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

Adjournment

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

THESE MINUTES WERE APPROVED AT A REGULAR MEETING OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS ON AUGUST 16, 2021.