

Cherokee County Board of Commissioners
Meeting Minutes
July 15, 2024

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

Others present: Randy Wiggins, County Manager; Maria Hass, Assistant County Manager/Clerk to Board; and, Darryl Brown, County Attorney.

Candy Anderson, Chief Financial Officer was absent.

Time: 6:30 p.m.

Location: Cherokee County Courthouse, Room 342.

Call to Order by Chairman Phillips

Invocation

Pledge

Ethics Statement “Members of the County Board of Commissioners are advised, hereby, of their duty under the Local Government Ethics Act and should avoid conflicts of interest and the appearance of such conflict; and, further, are instructed to refrain from participating in any matter coming before this Board of County Commissioners with respect to which there is a conflict of interest or appearance of such conflict as may be allowed by law”.

Modification of Agenda

Motion made by Commissioner Stiles and seconded by Commissioner Eichenbaum to remove item “a”, the VAYA Health Go Live update, due to Shelley Foreman being unable to attend. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Adams to add a budget revision for the purchase of a tankless hot water heater at detention center. Motion passed unanimously.

Motion made by Commissioner Adams and seconded by Commissioner Eichenbaum to add discussion of landfill green boxes under New Business. Motion passed unanimously.

Adoption of Agenda

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

Public Comment Period

Budget and Finance

- Motion made by Commissioner Stiles and seconded by Commissioner Eichenbaum to approve a budget revision for the following items: 1) Use of contingency in the amount of \$29,300 and receipt of \$50,000 golden leaf grant for due diligence analyses on the county’s new Industrial Park Site in Marble; and 2) Acceptance and approval of a Golden Leaf Grant Agreement. Motion passed unanimously.

- Motion made by Commissioner Phillips and seconded by Commissioner Adams to table a request for funds in the amount of \$7,800 to cover engineering services for a metal arch proposed to be placed at Konehete Veteran's Park. Voting in favor of tabling the request was Commissioners Phillips, Adams, Eichenbaum and Stiles. Voting against tabling the request was Commissioner Griggs. Motion passed 4-1.

- Motion made by Commissioner Adams and seconded by Commissioner Eichenbaum to approve a budget revision in the amount of \$4,159.62 to replace a tankless water heater at the detention center. Motion passed unanimously.

New Business

- Motion made by Commissioner Stiles and seconded by Commissioner Adams to re-appoint Whitney Eller to the Pharmacist position on the Cherokee County Board of Health. Motion passed unanimously.

- Motion made by Commissioner Griggs and seconded by Commissioner Stiles to allow Logan's Run Rescue to apply to the NC Department of Agriculture & Consumer Sciences Spay and Neuter Program for funds to assist low-income individuals in Cherokee County. Motion passed unanimously. This requires no county match and Logan's Run Rescue will administer the grant. Logan's Run Rescue will submit quarterly reports to the county for sign-off before submitting reports to the State.

- The Board took no action on Ricky Stiles request to pasture cattle on county's property in Marble.

- After discussion, a Motion was made by Commissioner Adams and seconded by Commissioner Griggs for the county to develop a policy for an open bidding process so that all taxpayers have an equal opportunity to apply for use of public lands for cattle grazing or hay cutting. Motion passed unanimously.

- Motion made by Commissioner Phillips and seconded by Commissioner Eichenbaum to approve a resolution awarding to former Sheriff, Derrick Palmer, his badge and fireman. Motion passed unanimously.

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

- Motion made by Commissioner Griggs and seconded by Commissioner Adams to approve the EMS Station 2 design, as presented by Architecture Unlimited. Motion passed unanimously.

- After discussion, a Motion was made by Commissioner Griggs and seconded by Commissioner Eichenbaum to approve the following legislative goals for submission to NCACC. Motion passed unanimously. Goals are in no specific order.

1) Seek legislative repeal of NCGS §131E, Article 9, Certificate of Need requirement

2) Seek legislation to allow for a ballot referendum for counties to levy an additional quarter (1/4) cent sales tax dedicated solely to school capital needs

3) Seek legislative repeal of NCGS Session Law 2024-45, sect. 22. (a) -This law places additional and unnecessary burdens on counties, who are already working with limited staff and resources; it also poses safety risks for tax office employees.

4) Seek legislation to restore Department of Environmental Quality (DEQ) Weatherization funding to rural counties

Community Action Agencies administer most (17 CAAs) of these programs. Four Square Community Action is one of the CAAs that serves Cherokee, Clay, Graham, and Swain counties. Cherokee County was cut by 38 housing units, decreasing funding from \$880,080 to \$357,370 in the budget that covers July 1, 2024- June 30, 2025. This is a decrease of 59.4% from the previous budget for Cherokee County.

Four Square Community Action serves the neediest clients in our four-county region and this has a serious impact on our community, and this reduction in funding does not just impact Four Square and Western NC. Community Action Agencies administer weatherization assistance programs across all one hundred North Carolina Counties. The counties hardest hit are the rural impoverished areas of the state. Weatherization (WAP) is a vital link in the housing continuum in rural counties and keeps low-income families housed during a challenging housing market.

5) Seek legislation to allow counties to charge for actual cost of an employee's time when the extent of a public record request is so large that it requires exhaustive research and interrupts the employee's normal daily job responsibilities

6) Support legislation to increase the number of state funded county Veteran Services Officers to at least one per county, or to cost-share with counties to cover one local Veteran Services Officer.

7) Seek legislation to add additional language to NCGS §14-269.4 as (4e): "Any public employee who possesses a valid concealed handgun permit and whose public office is housed in a building housing a court of the General Court of Justice, other than a courtroom itself."

Justification for #7: More court facilities and government buildings are becoming targets of terroristic acts. Lawful carry in court facilities and government buildings should not be limited to specific public employees. If a district attorney, judge, or magistrate can lawfully carry in a courthouse, then a public employee who possesses a valid concealed handgun permit and whose public office/workplace is in the courthouse, should also be allowed to carry in the courthouse.

There are multiple county and state offices housed in Cherokee County's courthouse. Due to the layout of the historic courthouse, there are many areas of ingress once inside the courthouse, but limited areas of egress, meaning, should terrorists enter the building, most employees are sitting ducks. Courthouse employees who possess valid concealed handgun permits should have the same rights as all other persons exempted in §14-269.4.

- Chairman Phillips suggested changing leaving the landfill green boxes open 24/7. After discussion, a Motion was made by Commissioner Adams and seconded by Commissioner Eichenbaum to change the hours for the landfill green boxes and the Mountain Folk Center site back to 24/7 for a 6-month trial period. Voting in favor of the Motion was Commissioners Phillips, Adams, Eichenbaum and Griggs. Commissioner Stiles opposed, saying that the hours were just recently changed and enough time had not passed to see how the new hours were working. Motion passed 4-1.

Commissioner Comment Period

- Commissioner Griggs made a Motion to reactivate the Needs and Solutions Advisory Committee. Motion seconded by Commissioner Adams. Commissioner Stiles said before reactivating the committee, the Board needs to set some parameters for the committee to work within. Commissioner Griggs amended her Motion to add the item to the August 5th agenda for the board to work with the county attorney in setting the Board's expected parameters. Motion seconded by Commissioner Adams. Motion passed unanimously.
- Commissioner Griggs announced that she is part of a housing continuum work group and said she would like to see a commissioner, DSS member, Board of Health member and someone from Senior Services be appointed to the Board. It was explained that the Board would not have the authority to appoint persons to the work group, but they could identify persons from those specific areas to participate in the work group. Commissioner Griggs said she would continue to participate as a general member of the public after her term of office ends. Commissioner Phillips suggested Commissioner Stiles participate as the Board's representative. Commissioner Stiles agreed to do so, following Commissioner Griggs expiring commission term.
- Commissioner Griggs announced the MANNA food distribution at Hiwassee Dam Senior Center this Wednesday, July 17th.
- Commissioner Stiles responded to comments made about the budget during public forum, saying that the county's budget is balanced and has to be balanced by state law.
- Commissioner Eichenbaum said that he has been hearing that Valley River Humane Society is accepting animals from outside Cherokee County, but not accepting animals from Cherokee County residents. He said another issue is that persons wishing to adopt animals are not allowed to pick out their own animals. He said there needs to be a program to move unadoptable animals.
- Commissioner Adams said he would be looking at dates to schedule the next Planning Board meeting.
- Commissioner Adams asked the board members to email to him, their vision and goals for the county by August 5th. He said he would then compile the information.

County Manager Items

The county manager addressed questions asked in public forum concerning the audit selection, budget process and contingency fund.

Closed Session

Motion made by Commissioner Stiles and seconded by Commissioner Adams to go into closed session pursuant to §143-318.11 (a) (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes; (2) to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award; (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney client privilege between the attorney and the public body, which privilege is hereby acknowledged; and (6) Personnel - to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

During closed session, the Board discussed the following matters:

- 1) Honorary award
Motion made by Commissioner Griggs and seconded by Commissioner Adams to adopt a resolution requesting NCDOT name a portion of a road in honor of Tom O'Brien for his dedication and service to Industrial Opportunities, Inc. (IOI). Motion passed unanimously. If approved by NCDOT, the honorary award will be revealed at the 50th Anniversary Celebration of IOI on October 4th.
- 2) Personnel matter – Commissioner Adams said he had received a complaint against a tax office employee. The Board instructed the County Manager to investigate the allegations.
- 3) Commissioner Griggs shared concerns of an alleged threat against a former airport employee by a member of the public.
- 4) Protected attorney-client privilege matter.

Motion made by Commissioner Stiles and seconded by Commissioner Adams to return to open session. Motion passed unanimously.

Open Session

There was no action taken after returning to open session.

Adjournment

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

THESE MINUTES WERE APPROVED BY THE CHEROKEE COUNTY BOARD OF COMMISSIONERS ON OCTOBER 7, 2024.