

Cherokee County Board of Commissioners  
October 17, 2022 Meeting Minutes

**Board members present:** Dr. Dan Eichenbaum, Gary Westmoreland, Jan Griggs, Randy Phillips, and Cal Stiles.

**Others present:** Randy Wiggins, County Manager; Maria Hass, Asst. County Manager/Clerk to Board; 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 add two budget revisions for Cherokee County Schools use of sales tax, and a budget revision for the Sheriff's office for job re-classification. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Stiles to add discussion of rescheduling the November 7<sup>th</sup> meeting, and to add discussion concerning teleworking. Motion passed unanimously.

Motion made by Commissioner Phillips and seconded by Commissioner Westmoreland to move "update to FBO Lease" discussion to closed session. Voting against the Motion was Commissioners Griggs and Stiles. Motion passed 3-2.

**Agenda Adoption**

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

**Meeting Minutes**

Motion made by Commissioner Griggs and seconded by Commissioner Stiles to approve the meeting minutes of September 19, 2022, as amended. Motion passed unanimously.

**Public Forum**

During public forum, the following persons spoke in opposition of the proposed airport lease by

Mr. Gayland Trull: Patty Callahan; Ben Adams; John Midkiff; Rusty Albietz, Shannon Greathead; Tom Hall; Dori Mitchen; Margaret Ackiss; Bob Murray; Lynell Morris; Jenny Pike; Judy Stines; Joanne Spino; and Brenda Cook. Speaking in favor of the proposed lease was C.B. McKinnon.

Speaking against crypto-mining was Patty Callahan; Judy Stiles; Dori Mitchen; Shannon Greathead; and Lynell Morris.

Craig Hall spoke about election integrity, saying there is going to be a move to replace voting machines with paper ballots.

Other complaints were made about the County's bidding and contracting history, and questions were asked concerning the County's funding of schools; more specifically, why Cherokee County Schools were asking for additional local county funds, when they received \$5 million in Elementary and Secondary Schools Emergency Relief (ESSER) funds.

Motion made by Commissioner Griggs and seconded by Commissioners Stiles to allow the county attorney to answer a question from members of the public. Voting against the Motion was Commissioners Eichenbaum, Phillips and Westmoreland. Motion failed 2-3.

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

### **Budget and Finance**

Budget Revision for Receipt of Donation for Adult Protective Services

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

Budget Revision for Carry Forward of Budgeted Funds Not Fully Expended in FY 21-22

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

Budget Revision for Increase in Annual Funding Requested by Valley River Humane Society (VRHS)

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to approve the requested \$6,850 increase. After discussion, a Motion was made by Commissioner Griggs and seconded by Commissioner Phillips to amend the original Motion and to increase the county's annual appropriation to VRHS by \$10,000. Motion passed unanimously.

Budget Revision for Receipt of Additional Infant Mortality Funds from NCDHHS

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

Budget Revision for Use of Sheriff's Designated Funds to Purchase Arson Investigation and Other Miscellaneous Equipment

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

Budget Revision for Cherokee County Schools (CCS) Use of Article 46 Sales Tax for Andrews High School chiller engineering, and a request for additional funding in the amount of \$484,000. Motion made by Commissioner Phillips and seconded by Commissioner Griggs to approve the chiller engineering, and to table the request for additional funding. Commissioner Stiles said he would like to preserve the sales tax dollars and suggested CCS use the Elementary and Secondary Schools Emergency Relief (ESSER) funds to cover the \$484,000 request. Motion passed unanimously.

Budget Revision for Cherokee County Schools (CCS) Use of Article 40/42 Sales Tax for Field Maintenance

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

Budget Revision to cover the cost of re-classification of K-9 officer to Sergeant Position

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

Motion passed unanimously.

**Update on 2022 County Fair** – Brief presentation by Miss Chasity Ledford.

### **First Closed Session**

New FBO Lease

Motion made by Commissioner Phillips and seconded by Commissioner Westmoreland to go into closed session to consult with the county attorney on the proposed airport lease, submitted by Mr. Gayland Trull. Voting in favor of the Motion was Commissioners Eichenbaum, Phillips and Westmoreland. Voting against the Motion was Commissioners Griggs and Stiles. Motion passed 3-2.

While in closed session, the county attorney advised the Board that the proposed lease does not meet all the legal requirements of the county and FAA. He reminded the Board that the county continues to be non-compliant with their FAA Grant Assurances and unable to receive airport funding, due to ongoing non-compliance issues. He said if the Board chooses to move forward and approve the lease, that it would be doing so against legal advice.

### **Open Session**

Update to FBO Lease

Motion made by Commissioner Griggs and seconded by Commissioner Stiles to take no action on the proposed airport lease. Motion passed unanimously.

### **New Business**

Authorize Construction of Two New Private Airport Hangars

Motion made by Commissioner Phillips and seconded by Commissioner Westmoreland to allow the assistant county manager to investigate potential locations and opportunities for construction of future hangars for Axel Aviation and Les Burrell. Hangar construction projects will not commence until approved by the Cherokee County Board of Commissioners, and only after FAA and Tribal support and approval. Motion passed unanimously.

#### Resolution Supporting Operation Green Light for Veterans

Mr. Rick Millett, Cherokee County Veteran Service Officer, came before the Board to present and request support of Operation Green Light. Mr. Millett asked the Board and Cherokee County residents to light up buildings and homes green from November 7th-13th. The project is a partnership between NACo, the National Association of Veteran Service Officers, local governments and communities, to let veterans know they are seen, appreciated and supported. Motion made by Commissioner Griggs and seconded by Commissioner Phillips to approve. Motion passed unanimously.

#### Tax Releases, Tax Refunds, and NCVTS Report

Motion made by Commissioner Phillips and seconded by Commissioner Griggs to approve The tax releases, refunds and NCVTS report. Motion passed unanimously.

Delenna Stiles, Cherokee County Tax Collector, came before the Board to present the following tax items:

- Insolvent Tax Releases
- Real Property Write-offs and Personal Property Write-offs
- Motor Vehicle Write-offs

Motion made by Commissioner Griggs and seconded by Commissioner Stiles to approve all tax reports, as presented. Motion passed unanimously.

The Tax Collector then shared with the Board that seven tax foreclosure sales have been unsuccessful and asked the Board how they would like to proceed with disposition of the properties.

Motion made by Commissioner Phillips and seconded by Commissioner Griggs to purchase the properties for the amount of taxes owed and then to list the properties for auction on GovDeals. Motion passed unanimously.

#### N.C. Probation and Parole Office Lease Renewal

Motion made by Commissioner Phillips and seconded by Commissioner Griggs to approve a three-year renewal for office space in the County Annex. Motion passed unanimously.

#### DA Conference Room Renovations for DA Victim Services

Motion made by Commissioner Westmoreland and seconded by Commissioner Phillips to approve a budget revision in the amount of \$3,500 for the renovation project. Motion passed unanimously.

#### Resolution Supporting the Establishment of Local County Laws Extending Deer Gun Hunting Season on Private Property

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

Amendment to Residential Through the Fence (RTTF) Agreement – Wood Family Farmland, LLC.

Motion made by Commissioner Phillips and seconded by Commissioner Griggs to approve an amended RTTF agreement for the inclusion of a fair market value access fee, and to remove any language referencing a property swap for AWOS or hangar. Motion passed unanimously.

### **Other Business**

After discussion, a Motion was made by Commissioner Phillips and seconded by Commissioner Stiles to cancel the November 7<sup>th</sup> meeting and reschedule the November 21<sup>st</sup> meeting to November 28<sup>th</sup>. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Phillips to terminate all teleworking across all county departments, effective November 1<sup>st</sup>. Motion passed unanimously.

### **Closed Session**

Motion made by Commissioner Phillips and seconded by Commissioner Westmoreland to go into closed session, pursuant to 143-318.11 (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; and (6) to discuss a personnel matter. Motion passed unanimously.

During closed session, the Board discussed the following items:

- Real property acquisition for economic development purposes
- Personnel matter concerning a tax office employee.

### **Open Session**

After returning to open session, a Motion was made by Commissioner Westmoreland to approve a Rural Transformation Grant Resolution. The grant, if awarded, would be for the purpose of acquiring real property for economic development recruiting purposes. Motion seconded by Commissioner Stiles. Motion passed unanimously.

### **Adjourn**

Motion was made by Commissioner Phillips and seconded by Chairman Griggs to adjourn. Motion passed unanimously.

**APPROVED 11-28-2022**