Cherokee County Board of Commissioners
Regular Meeting Minutes
November 6, 2023

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

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

Time: 6:30 P.M.

Location: Cherokee County Courthouse, Room 342.

Call to Order by Chairman Cal Stiles

Invocation

Pledge

Ethics Statement read by the Clerk to the Board - "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".

Agenda Modifications
Motion made by Commissioner Eichenbaum and seconded by Commissioner Phillips to add the following items to the agenda, prior to Public Forum: 1) US Forest Service update on Collett Ridge Fire; 2) Appointment of Fire Marshal and Assistant Fire Marshall; 3) Oath of Office of Fire Marshal and Assistant Fire Marshal; 4) burn ban ordinance; and 5) Statement and notice of burn ban by Fire Marshal. Motion passed unanimously.

Motion made by Commissioner Adams and seconded by Commissioner Griggs to add a Health Plan Amendment to the agenda. Motion passed unanimously.

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

Forest Service Update on Collett Ridge Fire
David Ilse, USFS Acting District Ranger for the Cheoah-Tusquitee Ranger District and Chad Cook, USFS District Fire Management Officer, along with a USFS public information officer, came before the Board to give an update on the Collett Ridge Fire and answer questions from the

Board and members of the public. Mr. Ilse said he has been here for 15 days and will be here for a couple of months until the new District Ranger is hired. He said his time here has been busy, due to the fire. He said, as of today, the fire has grown to over 2,600 acres, and 90 personnel are staged here in Cherokee County. He said the operation is being managed under a unified command between USFS and NCFS, and that it would not be as successful as it is without the help of Emergency Services Director, Robin Caldwell and Emergency Management Director Sam Davis. Mr. Cook said the fire started from a lightning strike to a single tree. He shared a map of the current burn area and said that aircraft was used to fight the fire until fire lines could be constructed. He said currently no structures are in danger, and when asked what the rain is the answer is to gaining control of the fire, he said rain is the resolution. The public information officer shared website and social media sites for continued updates on the fire.

Appointment of Fire Marshal
Motion made by Commissioner Griggs and seconded by Commissioner Adams to appoint Kevin Carter as Cherokee County Fire Marshall. Motion passed unanimously.

Appointment of Assistant Fire Marshall
Motion made by Commissioner Phillips and seconded by Commissioner Adams to appoint Sam Davis as Cherokee County Assistant Fire Marshall. Motion passed unanimously.

Oath of Office of Fire Marshal
Maria Hass, NC Notary Public, administered the oath to Mr. Kevin Carter.

Oath of Office of Assistant Fire Marshal
Maria Hass, NC Notary Public, administered the oath to Mr. Sam Davis.

Burn Ban Ordinance
After explanation by the county attorney, and following board discussion, a Motion was made by Commissioner Phillips and seconded by Commissioner Stiles to adopt an Emergency Burning Prohibition Ordinance. Motion passed unanimously. The ordinance will give the Fire Marshall or his assistant authority to prohibit open burning both within and beyond 100 feet of any structure when atmospheric conditions make open burning hazardous.

Statement of Fire Marshal
The newly appointed Fire Marshall issued a 30-day burn ban, prohibiting burning within 100 feet of occupied structures. He said the burn ban may be extended or shortened, depending on environmental conditions.

Public Forum

Minutes
Motion made by Commissioner Griggs and seconded by Commissioner Phillips to approve the minutes of October 12, 2023. Motion passed unanimously.

Budget and Finance
Motion made by Commissioner Phillips and seconded by Commissioner Griggs to approve a budget revision in the amount of $3,872.00 for use of insurance proceeds and contingency for

repairs to the airport's automated weather observation system (AWOS) equipment. Motion passed unanimously.

Motion made by Commissioner Eichenbaum and seconded by Commissioner Griggs to approve a budget revision in the amount of $3,066.00 for use of insurance proceeds and contingency to repair the Mitel phone system damaged by a recent storm. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Phillips and seconded by Commissioner Griggs to approve a budget revision in the amount of $4,165.00 to reprogram law enforcement radios. Motion passed 4-1. Voting in favor of the Motion was Commissioner Phillips, Griggs, Stiles and Eichenbaum. Voting against the Motion was Commissioner Adams. Commissioner Adams said he could not support paying for radio upgrades for the two town police departments, when they each have their own budgets to support the cost.

New Business

Shelly Foreman, Community Relations Regional Director of VAYA Health, came before the Board to give an NCDHHS update and to give an update to the statewide Pathways to Permanency Project; a foster care recruitment campaign project.

Motion made by Commissioner Adams and seconded by Commissioner Griggs to approve a late application for property tax exemption and tax release in the amount of $146.40 for Calvary Chapel Church. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Phillips to approve a budget revision in the amount of $4,689.00 for use of rescue funds to replace batteries for extrication tools for Peachtree Volunteer Fire Department. Motion passed unanimously.

Motion made by Commissioner Adams and seconded by Commissioner Eichenbaum to approve a budget revision in the amount of $8,583.00 for use of rescue funds to purchase a lightweight rope rigging system for Wolf Creek Volunteer Fire Department. Motion passed unanimously.

Motion made by Commissioner Adams and seconded by Commissioner Griggs to approve the EMS Transfer Guidelines Policy, as presented. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Adams to approve a lease renewal for a period of five years for Ranger Volunteer Fire Department's use of the County's Highway 294 Rescue Squad Building. Motion passed unanimously.

Motion made by Commissioner Phillips and seconded by Commissioner Eichenbaum to approve the following agreements: 1) Sublease from Cherokee County to State of NC for Viper Tower at Hot House Site; 2) Sublease from State of NC to Cherokee County for Tower Space and Building Space on Viper Tower; and 3) Memorandum of Sublease. Motion passed unanimously.

Motion made by Commissioner Eichenbaum and seconded by Commissioner Phillips to approve a Memorandum of Agreement for NC Cooperative Extension. Motion passed unanimously.

Motion made by Commissioner Phillips and seconded by Commissioner Adams to approve a budget revision in the amount of $6000.00 for use of contingency for the county's maintenance team to complete ADA upgrades and repairs to Peachtree Community Center. Motion passed unanimously.

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

Motion made by Commissioner Adams and seconded by Commissioner Griggs to table the Tax Collector's Insolvent Releases report until the next meeting, to allow the Board to get more information. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Eichenbaum to approve the revised Facilities List and Facilities Use-Application to include Hiwassee Dam Community Center and Uniform Facility Fees. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Phillips to change the name of the Hiwassee Dam Community Center to Hiwassee Dam Community Center and Senior Nutrition Site. Motion passed unanimously.

Motion made by Commissioner Adams and seconded by Commissioner Griggs to approve a resolution supporting Operation Green Light for veterans. Motion passed unanimously.

Motion made by Commissioner Phillips and seconded by Commissioner Eichenbaum to approve the Cherokee County Courthouse Video Surveillance Policy, as presented. Motion passed unanimously.

Motion made by Commissioner Adams and seconded by Commissioner Griggs to appoint Bruce Roydes to the Bear Paw Service District Board of Directors. Motion passed unanimously. (Mr. Roydes will fill the remainder of Terry Miller's term.)

Motion made by Commissioner Phillips and seconded by Commissioner Eichenbaum to approve a renewal agreement Between Cherokee County and Eastern Band of Cherokee Indians for Emergency Medical Services. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Adams and seconded by Commissioner Griggs to reject the offer for purchase or exchange of the Marble School property, as offered by the Cherokee County Board of Education. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Griggs and seconded by Commissioner Phillips to approve amendments 1 & 2 to the Cherokee County Health and Welfare Benefits Plan, with an effective date of November 1, 2023. Motion passed unanimously.

After discussion, a Motion was made by Commissioner Phillips and seconded by Commissioner Eichenbaum to cancel the November 20th meeting. Motion passed unanimously.

Closed Session
Motion made by Commissioner Phillips and seconded by Commissioner Adams to go into closed session, pursuant to §143-318.11 (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

During closed session, the Board discussed a proposed contract by McGill Associates for a Masterplan for site development at the county's Hilton Street property, where Cherokee County Public Health and Cherokee County Transit are currently located.

Open Session
After returning to open session, a Motion was made by Commissioner Eichenbaum and seconded by Commissioner Griggs to approve an exemption of the Mini-Brooks Act, under §143-64.32, for a site-development plan project. Motion passed unanimously.

Motion made by Commissioner Eichenbaum and seconded by Commissioner Griggs to accept a Masterplan proposal in the amount of $46,000.00 by McGill Associates for a site development plan for the county's Hilton Street property. Motion passed unanimously.

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

THESE MINUTES WERE APPROVED AT A REGULAR MEETING OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS ON MAY 6, 2024.