MINUTES OF A SPECIAL CALLED MEETING OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS

The Cherokee County Board of Commissioners met on November 28, 2023 at 6:30 p.m. in the Cherokee County Courthouse, Room 342, located at 75 Peachtree St., Murphy, North Carolina.

BOARD MEMBERS PRESENT: Cal Stiles, Chairman; Jan Griggs, Vice-Chair; Randy Phillips, member; and Ben Adams, member; and Dr. Dan Eichenbaum, member.

STAFF PRESENT: Randy Wiggins, County Manager; Darryl Brown, County Attorney; and Maria Hass, Asst. County Manager/Clerk to Board.

Chairman Stiles called the meeting to order.

Invocation was given by Commissioner Adams.

Pledge led by Commissioner Eichenbaum.

The Clerk to the Board to read the Board's adopted Ethic's 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."*

PURPOSE

The purpose of the called meeting was to have a public quasi-judicial, evidentiary hearing to hear the tax appeal of Joe and Jan Griggs for real property located at 210 Guy Eller Rd., Murphy, NC. Mr. and Mrs. Griggs were appealing the previous decision of the Cherokee County Board of Equalization and Review.

PROCEEDINGS:

Chairman Stiles announced that the meeting was called to hear an appeal of the Board of Equalization and Review decision in the matter of Joe and Jan Griggs.

The Chairman first recognized Commissioner Griggs, who recused herself from the Board because she was a litigant in the matter. Commissioner Griggs left the dais.

Chairman Stiles stated, "This matter is a quasi-judicial hearing with the following goals: To give both sides due process, to ensure fundamental fairness, and to render an impartial decision based solely on the evidence presented. We, as Commissioners, sit as a panel of judges and must abide by the highest ethical standards in hearing this matter."

ANY KNOWN CONFLICTS

Chairman Stiles stated that due to having prior knowledge of the case, and for what might be the appearance of a conflict of interest, that he could not serve as a fair and impartial arbitrator of the case and for ethical reasons he must recuse himself.

Chairman Stiles recognized other Board members for any comments of concerns related to the hearing.

Commissioner Eichenbaum stated that due to his prior knowledge of the facts of the case that he could not render an impartial decision and that he was recusing himself from the case.

Commissioner Phillips stated that due to his prior knowledge of the case, and due to the fact that the Board of Equalization and Review is seated by the Board of Commissioners that he is recusing himself from the hearing. He said he doesn't think the Board of Commissioners should be questioning the decision of the Board of Equalization and Review.

OTHER COMMENTS

Commissioner Adams said that due to the absence of a quorum that there couldn't be a public hearing.

Chairman Stiles asked Commissioner Adams if he had any statements he would like to make.

Commissioner Adams said he was torn, and that he would like to know the law a little better. He also stated his prior knowledge of the case. He said he would like to know more details about the case, but he completely understands the other Board members recusals, due to the prior knowledge of the case.

FINDING

Chairman Stiles announced, "A quorum is not present to hear the case; therefore, the decision of the Board of Equalization and Review stands, subject to the pending appeal to the North Carolina Property Tax Commission."

No formal adjournment of the hearing was announced by the Chairman, because a quorum was not present; therefore, the hearing was adjourned as a matter of law.

ADJOURNMENT

A Motion was made by Commissioner Phillips to adjourn the Special Called Meeting. Motion seconded by Commissioner Eichenbaum. Motion passed 4-0.

Meeting adjourned at 6:38 p.m.

THESE MINUTES WERE APPROVED AT A REGULAR MEETING OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS ON JANUARY 8, 2024.