

Cherokee County Board of Commissioners  
July 18, 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 Has, 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 Stiles to add “tipping fee discussion” to the Solid Waste item under New Business. Motion passed unanimously.

**Agenda Adoption**

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

**Public Forum**

Several members of the public spoke about various issues.

Ben Adams asked the Board to support placing a temporary banner at Konehete Park, until the official sign could be placed. Motion made by Commissioner Griggs and seconded by Commissioner Westmoreland to approve. Motion passed unanimously. There is no cost to the county. Mr. Adams will also be asking the Town of Murphy for their support.

**Presentation by Attorney John Noor, followed by Q & A – Re: Land Use options for counties**  
Presentation attached.

**Public Hearing for Road Names -** Dickey Place Dr; Ron Luther Ln; Bentley Cv; Holly Point Dr; River Launch Rd; Landing Pad Ln; Mizgav Hazak Rd; Mountain Trek Dr; Elsa Ln; Mama Tried Trl; Nicholson Farm Rd; Lazy Rays Way; Lynae Ln; Bluebird Valley Dr; Taylor Cove Ln; Fallen Oak Ln; Windy Ln; Harvest Pines Dr; Forest House Rd; Ty Cobb Ln.

Motion made by Commissioner Stiles and seconded by Commissioner Phillips to open the public hearing. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Phillips to remove Ivy Log Dr. from the list of proposed road names. Motion passed unanimously.

There were no public comments.

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to close the public hearing. Motion passed unanimously.

Motion made by Commissioner Phillips and seconded by Commissioner Westmoreland to approve the road names as presented. Motion passed unanimously.

### **Budget and Finance**

a) FY 2022 Turner & Company CPA Audit Contract

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

b) Budget Revision to replace 2 Courthouse HVAC Units

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

c) Budget Revision for Internet Crimes Against Children Grant to purchase equipment, software, and training. No county match  
Motion made by Commissioner Westmoreland and seconded by Commissioner Phillips to approve. Motion passed unanimously.

### **Old Business**

Motion made by Commissioner Westmoreland and seconded by Commissioner Phillips to reappoint Al Lovingood to the Tri-County Community College Board of Trustees. Motion passed unanimously.

### **New Business**

a) Three requests for rescue funds

Motion made by Commissioner Griggs and seconded by Commissioner Westmoreland to approve the following rescue funds:

- \$25,000 to Ranger VFD to upgrade rescue equipment
- \$15,000 to Peachtree VFD to purchase swift water equipment
- \$7,585 to Hiwassee Dam VFD to purchase a handheld side scan sonar for locating submerged bodies

Motion passed unanimously.

b) Sam Davis – Request that county pay for search and rescue team members workman's comp insurance, if not already covered by VFD insurance (\$800 annually)

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

c) Tax Refund Report and NCVTS Report

Motion made by Commissioner Phillips and seconded by Commissioner Westmoreland to approve the tax refund report and the NCVTS report. Motion passed unanimously.

d) Rob Ward, Solid Waste Director – **1) Compactor** (TANA E380 - \$856,874, cost after CAT trade-in = \$606,874); and, **2) Recommended changes for Solid Waste Ordinance** (3 sections needing to be amended – 700.14 Packing materials prohibited; 900.09 Temporary Banning of Substances from Landfill; and, 1000.07 Commercial Hauler Penalties)  
Motion made by Commissioner Stiles and seconded by Commissioner Griggs to approve the purchase of a TANA compactor. Motion passed unanimously.

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to approve the proposed amendments to the Solid Waste Ordinance. Motion passed unanimously.

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to approve increasing the minimum landfill tipping fee from \$2.85 to \$10.00 and to increase the tonnage fee from \$57 per ton to \$80 per ton, effective immediately. Motion passed unanimously.

e) Cherokee County Voting Delegate for NCACC Conference

Motion made by Commissioner Stiles and seconded by Commissioner Phillips to appoint Maria Hass as voting delegate for the upcoming NCACC Annual Conference and the NCACC Legislative Conference. Motion passed unanimously.

f) Archibald D. Murphey Chapter DAR request to place a 12” x 24” plaque in the Cherokee County Courthouse in remembrance of Archibald D. Murphey  
Motion made by Commissioner Griggs and seconded by Commissioner Phillips to approve. Motion passed unanimously.

**County Manager Items**

The county manager gave an update on what steps have been taken by the county, concerning the poor Verizon Wireless cellular service.

**Chair/Commissioner Items**

Commissioner Griggs thanked Hanging Dog VFD and Unaka VFD for reducing their fire rating from a 9 to a 6.

Commissioner Phillips thanked everyone for their prayers and asked for continued prayers as he continues to battle health issues.

**Closed Session**

Motion made by Commissioner Griggs and seconded by Commissioner Phillips to go into closed session to discuss a personnel issue. Motion passed unanimously.

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

**Open Session**

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

**Adjourn**

Motion made by Commissioner Eichenbaum and seconded by Commissioner Westmoreland to adjourn. Motion passed unanimously.

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# Options for Protecting Land Use Rights

Cherokee County Commissioners July 18, 2022

## Comprehensive Planning

### ▶ Comprehensive Planning & Requirements on Limited Activities

- ▶ State law provides the County with authority to engage in a comprehensive planning process to determine what kinds of development residents would like to see in Cherokee County.
  - ▶ Planning does not restrict any land use.
  - ▶ Planning allows the County to prioritize rural and agricultural land uses that would/could be undermined by intense industrial or residential development.
  - ▶ Planning allows the County to engage with residents, land owners, and the business community on development issues.
  - ▶ Provides a high-level document to inform land-use options in the County, including the preservation or continuation of existing open-land use standards.
  - ▶ Without comprehensive planning, the County cannot control how industrial or other high-impact land uses operated within the County.

## Standards for Targeted Land Uses

- ▶ The completion of a comprehensive plan provides the County with the authority to enact standards for targeted land uses
  - ▶ These standards could maintain the current practice of allowing any land-use throughout the County, but subject to limited standards that prevent new or existing land uses from infringing on the rights and peaceful enjoyment of neighboring or nearby property owners
  - ▶ Examples of such standards include
    - ▶ Decibel limits on industrial uses that cause high levels of noise.
    - ▶ Standards for uses that could harm neighboring agricultural uses.
  - ▶ Standards cannot regulate bona fide farm uses.

## Nuisance/Noise Ordinances

- ▶ Updates to the County's nuisance ordinances could provide additional options for limiting the impact of new or existing land uses that cause excessive noise to travel across property lines and negatively impact residents ability to exercise their property rights.
- ▶ Options include fines and injunctive relief (i.e. court orders preventing or terminating excessive noise).



## Private Nuisance Litigation

- ▶ The County or other private citizens or entities have the ability to file a nuisance action to abate existing nuisances in the County.

