

**Cherokee County Board of Commissioners
Regular Meeting Minutes
January 23, 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; 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

Invocation

Invocation given by Commissioner Adams.

Pledge of Allegiance

Reading of Ethics Statement by Clerk to the Board

Modifications of Agenda

Motion made by Commissioner Griggs and seconded by Commissioner Eichenbaum to add the following budget revisions: 1) Cherokee County Schools request for use of sales tax dollars; 2) Sheriff's request for drug informant money; and 3) Replacement of pool heater at wellness center. Motion passed unanimously.

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to add a resolution opposing a Cherokee County Sheriff SWAT team. Motion passed unanimously.

Agenda Adoption

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

Public Forum

The following persons spoke in public forum concerning various issues and concerns: John Leder, Bob Murray, Judy Stines, Lynell Morris, Dori Mitchen, and Ron Wright.

Old Business

a) Cherokee County Schools \$484,000 Funding Request for Budget Shortfall

No action was taken

b) Arena Sinkhole and Stormwater Issues

Motion made by Commissioner Phillips and seconded by Commissioner Griggs to approve a

budget of up to \$10,000 to contract with an engineering firm to assess the damage and develop a remediation plan. Motion passed unanimously.

c) Disposition of Old Pool Dome

Motion made by Commissioner Phillips and seconded by Commissioner Adams to declare the old pool dome as unusable and dispose of it at the county's landfill. Motion passed unanimously.

d) Airport Management Structure

Motion made by Commissioner Adams and seconded by Commissioner Griggs to approve the hiring of a full-time airport manager and two part-time airport linemen, and to add the positions to the county's current pay plan as presented. Motion passed unanimously.

Budget and Finance

a) Motion made by Commissioner Eichenbaum and seconded by Commissioner Griggs to approve a budget revision in the amount of \$4,429 to purchase a mini-split system for the landfill scale house. Motion passed unanimously.

b) Motion made by Commissioner Phillips and seconded by Commissioner Eichenbaum to approve a budget revision to receive a private grant in the amount of \$600 for Cooperative Extension. Motion passed unanimously.

c) Motion made by Commissioner Phillips and seconded by Commissioner Adams to approve a budget revision for use of Article 46 sales tax in the amount of \$7,400 to pay for a topographic survey at Andrews Middle School. Motion passed unanimously.

d) Motion made by Commissioner Phillips and seconded by Commissioner Eichenbaum to approve a budget revision for use of Article 46 sales tax in the amount of \$197,428 to pay the final LS3P invoice for professional services for school consolidation project. After discussion, Commissioner Stiles suggested the invoice be paid out of the school's fund balance. Voting in favor of the Motion to pay the invoice from Article 46 sales tax was Commissioner Phillips. Voting against the Motion was Commissioners Stiles, Griggs, Adams and Eichenbaum. Motion failed 1-4.

e) Motion made by Commissioner Adams and seconded by Commissioner Eichenbaum to approve a budget revision for Sheriff's request of drug informant money in the amount of \$3,300. Motion passed unanimously.

f) Motion made by Commissioner Griggs and seconded by Commissioner Eichenbaum to approve a budget revision for the use of fund balance in the amount of \$806 to replace the pool heater at the wellness center. Insurance proceeds covered \$50,527. Motion passed unanimously.

Introduction of Noise Ordinance

Motion made by Commissioner Griggs and seconded by Commissioner Stiles to take a short break to allow county staff to make copies of the draft noise ordinance for public distribution. Motion passed unanimously.

After returning from break, copies of the draft noise ordinance were shared with those in

attendance. County Attorney Darryl Brown gave an overview of previous ordinance discussions and the board's attempt to address the crypto-mining issue. He also shared that the county had previously adopted and submitted a resolution to the General Assembly, requesting a state law that would ban crypto-mines in Cherokee County. Mr. Brown said he wanted to thank Representative Karl Gillespie for making General Assembly attorneys available to speak with him about the crypto-mine issues. Mr. Brown said that unfortunately, a local bill is not possible due to Article II, Section 24, subsection (j) of the N.C. Constitution which reads: *The General Assembly shall not enact any local, private, or special act or resolution: (j) Regulating labor, trade, mining, or manufacturing.* Mr. Brown said that any bill would have to be a statewide bill, and/or passed by Congress and the President and signed into law nationally. Mr. Brown said the most effective way to deal with the crypto-mine issue is through a land-use ordinance, but since the board of commissioners does not support that, the next best thing the county can do is craft a noise ordinance. He said a noise ordinance would apply to several different noise issues, not just crypto-mines. Mr. Brown then read the draft ordinance in its entirety. After the reading of the draft ordinance and lengthy board discussion, a Motion was made by Commissioner Phillips and seconded by Commissioner Adams to table the item and allow for additional public input. The draft ordinance will be presented at the commissioners February 6th meeting. Motion passed unanimously.

Approval of Rural Transformation Grant Funded Property Purchase Agreement

Motion made by Commissioner Phillips and seconded by Commissioner Eichenbaum to approve a property purchase agreement for the purpose of purchasing land in Marble for the development of an economic development site in Marble. Motion passed unanimously. Cherokee County was awarded a Rural Transformation Grant in the amount of \$550,000 to go toward the purchase. A budget revision will be presented at the next meeting for the remaining \$100,000.

Tax Releases and Tax Refunds

Motion made by Commissioner Adams and seconded by Commissioner Griggs to approve tax releases and tax refunds. Motion passed unanimously.

Set FY23-24 Departmental Budget Meetings

After discussion, a Motion was made by Commissioner Adams and seconded by Commissioner Eichenbaum to table discussion until the February 6th meeting. Motion passed unanimously.

Resolution Opposing SWAT

After discussion, a Motion made by Commissioner Phillips and seconded by Commissioner Eichenbaum to table the resolution until the February 6th meeting. Motion passed unanimously.

County Manager Items - None

Chairman/Commissioner Items

- Commissioner Griggs discussed TVA's proposed transmission project, saying that TVA did not reach out to the county and that she only found out about it because she has land

that will be affected. Commissioner Griggs shared the TVA's website where more information can be found.

- Commissioner Adams asked about using the new projector for displaying the agenda at future meetings. No action was taken.

Closed Session

Motion made by Commissioner Stiles and seconded by Commissioner Phillips to go into closed session pursuant to N.C.G.S. 143-318.11 (3) attorney-client privilege. Motion passed unanimously.

Open Session

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

Adjournment

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

MINUTES APPROVED APRIL 3, 2023