

Cherokee County Board of Commissioners
Meeting Minutes
February 17, 2025

Board members present: Dr. Dan Eichenbaum, Chairman; Cal Stiles, Vice-Chairman; Ben Adams, member; Alan Bryant, member; and Mark Stiles, member.

Others present: Randy Wiggins, County Manager; Candy Anderson, Chief Financial Officer; Maria Hass, Assistant County Manager/Clerk to Board; and, Darryl Brown, County Attorney.

Time: 6:30 p.m.

Location: Cherokee County Courthouse, Room 342.

Call to Order by Chairman Eichenbaum

Invocation

Pledge

The Clerk to the Board read the Ethics Statement

Modification of Agenda

Motion made by Commissioner Mark Stiles and seconded by Commissioner Bryant to add “2024 Revised Audit Contract”. Motion passed unanimously.

Motion made by Commissioner Adams and seconded by Commissioner Mark Stiles to add “NC 250 Resolution. Motion passed unanimously.

Motion made by Commissioner Cal Stiles and seconded by Chairman Eichenbaum to add “Budget revision and Work Authorization #3 for the Airport Rotating Beacon and Obstruction Light Replacement (Design/Bid and Construction Phase Services) Project. Motion passed unanimously.

Adoption of Agenda

Motion made by Commissioner Cal Stiles and seconded by Commissioner Bryant to adopt the agenda as modified. Motion passed unanimously.

Public Comment Period

During the public comment period, Dr. Brian Mitchell spoke in opposition of Cherokee County Schools proposed plan to consolidate grades 6-12 in a new high school to be built on the campus of the Schools of Innovation and Technology in Peachtree. Dr. Mitchell said he supports a 9-12 high school.

Minutes

Motion made by Commissioner Bryant and seconded by Commissioner Cal Stiles to approve the minutes of December 19, 2024 and January 6, 2025. Motion passed unanimously.

Budget and Finance

- Motion made by Commissioner Adams and seconded by Commissioner Mark Stiles to approve a budget revision in the amount of \$3,604 for pest control services at the Rock Gym. Motion passed unanimously.
- Motion made by Commissioner Adams and seconded by Commissioner Bryant to approve a budget revision for use of contingency in the amount of \$2,950 to purchase two (2) desks and five (5) chairs for the new Public Defender's Office; and a new desk for newly appointed Clerk of Court. Motion passed unanimously.
- Motion made by Commissioner Cal Stiles and seconded by Chairman Eichenbaum to approve a budget revision in the amount of \$270 to accept a contribution to the Veteran's Office from the American Legion for the purchase of flags for the downtown memorial. Motion passed unanimously.
- Motion made by Commissioner Cal Stiles and seconded by Commissioner Mark Stiles to approve a budget revision in the amount of \$2,582 for receipt of grant revenue for Logan's Run Spay & Neuter Program. Motion passed unanimously. *Note: This is a pass-through grant from the state to reimburse Logan's Run.*
- Motion made by Commissioner Adams and seconded by Commissioner Bryant to approve a budget revision for the use of Article 40/42 sales tax in the amount of \$80,050 for Cherokee County Board of Education for an Environmental Cleaning Project and a fence enclosure for the Hiwassee Dam Boiler. Motion passed unanimously.
- Motion made by Commissioner Mark Stiles and seconded by Commissioner Alan Bryant to approve a budget revision for the carry-forward of FY 2023-2024 budgeted funds. Motion passed unanimously.
- Motion made by Commissioner Adams and seconded by Commissioner Bryant to approve a budget revision for use of contingency in the amount of \$6,632 and use of insurance proceeds in the amount of \$13,468 to purchase a replacement vehicle for the Detention Center. Motion passed unanimously.
- Motion made by Commissioner Adams and seconded by Commissioner Bryant to approve the revised 2024 audit contract. Motion passed unanimously.
- Motion made by Commissioner Cal Stiles and seconded by Chairman Eichenbaum to approve the budget revision for the county's match and Work Authorization #3 for the Airport Rotating Beacon and Obstruction Light Replacement (Design/Bid and Construction Phase Services) Project. Motion passed unanimously.

New Business

- Motion made by Commissioner Cal Stiles and seconded by Commissioner Bryant to approve a proclamation recognizing the upcoming 100th birthday of the Reverend Fred Lunsford. Motion passed unanimously.

- Motion made by Commissioner Adams and seconded by Commissioner Stiles to accept a late property tax exemption application from the First Baptist Church of Andrews. Motion passed unanimously.
- Motion made by Commissioner Mark Stiles and seconded by Chairman Eichenbaum to adopt the “Standard Client/County Transportation Agreement” for Cherokee County Transit. Motion passed unanimously.
- Motion made by Commissioner Adams and seconded by Commissioner Bryant to approve the “Cherokee County Transit Inclement Weather Policy”. Motion passed unanimously.
- Motion made by Commissioner Stiles and seconded by Commissioner Adams to approve the use of Rescue funds in the amount of \$7,082 to purchase turnout gear and an air-pak for the Fire Marshals vehicle. Motion passed unanimously.
- Motion made by Commissioner Bryant and seconded by Commissioner Cal Stiles to approve a Licensing Agreement with N.C. Farm Bureau for use of the Mountain Folk Center for Farm Bureau’s Annual 3rd Grade Ag Farm Day Event on April 17th from 8 a.m.-2 p.m. Motion passed unanimously.
- Motion made by Commissioner Bryant and seconded by Commissioner Mark Stiles to approve the updated Cherokee County, NC Policy for Dangerous Dogs. Motion passed unanimously.
- Motion made by Commissioner Cal Stiles and seconded by Commissioner Bryant to approve the Tax Releases, Tax Refund Report and NCVTS Refund Report, as presented. Motion passed unanimously.
- Motion made by Commissioner Adams and seconded by Commissioner Bryant to appoint Commissioner Mark Stiles to the Juvenile Crime Prevention Council, as an ex-officio member. Motion passed unanimously.
- No appointment was made to the VAYA Health Regional County Commissioner Advisory Board.
- Upon Commissioner Adams request, a Motion was made by Commissioner Bryant and seconded by Chairman Eichenbaum to postpone Commissioner Adams request for departmental reporting, until the board’s March meeting. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Bryant and seconded by Commissioner Adams to set an animal control worksession for March 4th at 6:30 p.m.; contingent upon the Health Director and the Sheriffs availability to attend. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Mark Stiles and seconded by Commissioner Bryant to approve a one-year lease renewal between Cherokee County and

NCDOJ for Probation and Parole office space in the Courthouse Annex. Motion passed unanimously.

- Motion made by Chairman Eichenbaum and seconded by Commissioner Bryant to approve a resolution opposing abuse of the 1906 Antiquities Act. Motion passed unanimously. A copy of the resolution and a copy of the statement read by Chairman Eichenbaum is attached to these minutes as Attachment A and Attachment B.
- Commissioners took turns sharing comments and concerns with the Cherokee County Board of Education's proposed 6-12 school consolidation and reorganization plan to build a new school on the campus of the Schools of Innovation and Technology in Peachtree. All board members disapproved of the 6-12 plan, citing concerns with middle school students being on the same campus with high school students. All board members support a new 9-12 high school on the Schools of Innovation campus and next door to Tri-County Community College, and all expressed the need for high school students to be able to access vocational courses and acquire skills that will ready them for the workforce or college after high school. Board members made it clear that reorganization or moving students and closing schools is the responsibility of the Board of Education, not the Board of Commissioners. The Board of Commissioners is responsible for helping to fund school facilities. Some Board members also shared concerns that the Board of Education is not seeking public input and thinks that should be done before moving forward.

After all board members spoke, a Motion was made by Chairman Eichenbaum and seconded by Commissioner Cal Stiles to support construction of a new 9-12 Murphy High School, adjacent to the Schools of Innovation and Technology, and for it to include classrooms, a gymnasium and cafeteria, and for open enrollment to be an option for any Cherokee County high school student who may wish to attend.

- Motion made by Commissioner Cal Stiles and seconded by Commissioner Alan Bryant to approve a resolution supporting the America 250 NC committee for the United States sesquicentennial (AMERICA 250 NC). Motion passed unanimously.

There were no County Manager Items or Commissioner Comments

Closed Session

Motion made by Commissioner Adams and seconded by Commissioner Bryant to go into closed session, pursuant to N.C.G.S. 143-318.11 (a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. Motion passed unanimously.

During closed session, the Board received an update on the Kloepper case from Attorney, Sean Perrin.

Motion made by Commissioner Cal Stiles and seconded by Commissioner Eichenbaum 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 Adams and seconded by Commissioner Cal Stiles to adjourn.
Motion passed unanimously.

THESE MINUTES WERE APPROVED BY THE CHEROKEE COUNTY BOARD OF COMMISSIONERS ON APRIL 21, 2025.

Attachment A

RESOLUTION OPPOSING ABUSE OF THE ANTIQUITIES ACT

WHEREAS, the Cherokee County (NC) Board of Commissioners met in a meeting on February 17, 2025 at 1830 Hrs. in the Cherokee County (NC) court house, Murphy, NC; and,

WHEREAS, the powers of a county as a body politic and corporate are exercised by its Board of County Commissioners; and,

WHEREAS, under the 1906 Act for the Preservation of American Antiquities, presidents can unilaterally designate national monuments, by administrative fiat, without any input or involvement of the American public, community leaders, or elected officials; and,

WHEREAS, the Antiquities Act was enacted before the creation of federal land management laws, and was intended to be used in emergency situations to protect historic artifacts, and sites of scientific value, from "imminent threat"; and,

WHEREAS, the Antiquities Act section §320301(b) states, *“The limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected”*; and,

WHEREAS, since its establishment 118 years ago, the Antiquities Act has been misused for political purposes by presidents with large scale designations intended to limit specific uses, activities, or access to vast areas of public lands; allowing unfettered governmental control and hindering the productive use of those lands; and,

WHEREAS, monument designations appear to be nothing more than another attempt at federal land grabs driven by political motivation, outside interests; and,

WHEREAS, creating additional federal lands and placing public lands into permanent conservation status causes dramatic and irreversible harm to the economies of many states; and,

WHEREAS, many businesses and citizens are involved in or otherwise depend on industries that utilize federal lands and their resources, including the oil and gas industry, livestock grazing, mining and mineral development, recreational industries, hunting, fishing, and other outdoor recreation; and,

WHEREAS, these industries are important components of the National economy and are major contributors to the economic and social wellbeing of citizens.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Cherokee County, North Carolina, that:

1. Cherokee County (NC) Board of Commissioners opposes the designation of lands, whether private lands or government lands as national monuments, wilderness, wilderness study areas, wildlife preserves, open space, or other conservation land, thereby restricting public access to such lands and preventing the development and productive use of the resources on or within such lands; and,

2. Cherokee County (NC) Board of Commissioners calls on Congress to repeal the Preservation of American Antiquities Act or at a minimum remove the unilateral Presidential discretion for designation and require that designation proposals have the approval of affected local governments; and,
3. Cherokee County (NC) Board of Commissioners calls on Congress, if it doesn't repeal the American Antiquities Act, to require that, in addition to the specific area containing the antiquity or monument to be protected, the designation contain justification for every additional acre of land taken as it relates to the "proper care and management of the objects to be protected" as required by the statute; and,
4. Notwithstanding the foregoing Cherokee County (NC) Board of Commissioners requests that any legislation adopted by Congress will continue to authorize the President, by executive order, to decommission lands as national monuments if the decommissioning has the approval of affected local government.

This resolution was revised and written by Dan Eichenbaum, Chairman, Cherokee County Board of Commissioners based on a similar resolution originally adopted by Catron County, New Mexico, Board of Commissioners on January 8, 2025

This is the 17th day of February 2025.

Attachment B

The Antiquities Act of 1906: Property Theft by Presidential Decree

The Antiquities Act of 1906 preceded the creation of land management agencies currently in existence. During the 18th century, profiteers purchased or stole historic objects and lands. Congress, fearing the loss of historic locations and relics, gave the President sole authority to protect antiquities with some stated limitations, primarily that the land taken be “confined to the smallest area compatible with the proper care and management of the objects to be protected.

Despite the good intentions of Congress, the 1906 Antiquities Act allows the President alone to steal private land in the name of the government and does not provide redress for local governments and private landowners whose property and livelihoods were confiscated. The provision limiting the amount of land to be taken has been largely ignored.

Senators Mike Lee and John Curtis of Utah introduced *Ending Presidential Overreach on Public Lands Act* to modernize the Antiquities Act of 1906 and end the executive branch’s abuse of its monument designation authority. The bill gives Congress the sole power to modify or revoke national monument designations and prevents the President from making unilateral decisions regarding national monuments, thereby promoting a more balanced approach to land management.

In an effort to support congressional efforts to reform the Antiquities Act and allow for local control of the process, Luna County, NM, adopted a resolution to that effect and is asking other counties in the United State to sign it. Their plan is to bring a large number of signed resolutions to the annual meeting of the National Association of Counties (NaCO) in Washington DC this March.

