

A REGULAR MEETING  
OF THE  
CHEROKEE COUNTY  
BOARD OF COMMISSIONERS  
December 3, 2012

The Clerk to the Board, R. Scott Lindsay administered the oath of office of commissioner to C.B. McKinnon and Cal Stiles, the newly elected commissioners. After taking the oath of office for the Board of County Commissioners as prescribed by law, Commissioners C.B. McKinnon and Cal Stiles joined Commissioners Lorraine Meltz, David Wood and Steve Jordan for the business of the regularly scheduled meeting.

*Preamble to Minutes read by Chairperson Meltz: "Members of the County Board of Commissioners are advised, hereby, of their duty under the Local Government Ethics Act to 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".*

The following Commissioners were present for the meeting: Lorraine Meltz, David Wood, Steve Jordan, C.B. McKinnon and Cal Stiles. Also present were the following: Randy Wiggins, County Manager; R. Scott Lindsay, County Attorney/Clerk to the Board; and, Candy Roberts, County Finance Director.

Present from the media was Joe Martin of the Cherokee Scout.

The invocation was given by the County Manager. The Pledge of Allegiance was led by Commissioner Wood.

The Chairperson presided and the Clerk kept the Minutes.

Chairperson Meltz announced that this being the first Monday in December, the Board was required to organize pursuant to G.G. 153A-39 and elect a Chairman and Vice-Chairman. Chairperson Meltz announced that the floor was open for nominations for Chairman. Commissioner Jordan nominated Commissioner Stiles as Chairman and Commissioner Meltz as Vice-Chairperson. The Motion was seconded by Commissioner Meltz.

Chairman Stiles then presided over the meeting.

**Budget Revisions/Finance Items:**

There were no Budget Revisions or Finance Items for the Board's consideration or action.

**Public Hearing:**

Chairman Stiles announced that the next matter for the Board's consideration was a public hearing regarding the 2014 Fiscal Year Community Transportation Grant. At 8:35 o'clock a.m., a Motion was made by Commissioner McKinnon that the Board conduct a public hearing to receive public comment regarding the proposed 2014 Fiscal Year Community Transportation Grant. The Motion was seconded by Commissioner Jordan. The Motion passed unanimously. After going into the public hearing, Chairman Stiles called upon Randy Cantor, Director of the Senior Citizens Center, to make the presentation. Mr. Cantor presented information and a written report regarding a proposed 5311 CTP administrative and capital grants. He also stated that county transportation was seeking to expand trips to the Andrews area including two scheduled trips from Andrews to Murphy. Mr. Cantor also answered questions from the Board and from the public.

At 8:50 o'clock a.m., a Motion was made by Commissioner McKinnon that the Board close the public hearing. The Motion was seconded by Commissioner Jordan. The Motion passed unanimously.

After closing the public hearing and after discussion, a Motion was made by Commissioner Meltz that the Board approve Resolutions to authorize Randy Cantor, Director of Cherokee County Transit, to apply for the FY 2014 Human Services Transportation State Funding grant and the FY 2014 5311 Community Transportation Program grant. The Motion was seconded by Commissioner Jordan. The Motion passed unanimously. Copies of the Resolutions are on file in the County Manager's Office for public inspection.

#### **Approval of Minutes:**

A Motion was made by Commissioner Meltz to approve Meeting Minutes of November 5, 2012 and November 19, 2012 as presented. The Motion was seconded by Commissioner Jordan. The Motion passed unanimously. Commissioner Meeting Minutes are available for public inspection on the county website at [www.cherokee-county-nc.gov](http://www.cherokee-county-nc.gov), or in the office of the Clerk to the Board.

#### **New Business:**

- Dr. Carlton Van Horne, veterinarian member of the Cherokee County Board of Health, came before the Board to present an update on the Health Department project. The cost for the Andrews Unit is \$82,396.00. The cost for the Murphy Unit is estimated to be \$467,704.00 which would leave the Murphy Unit \$50,000.00 short on anticipated expenses. Dr. Van Horne explained that when the grant was applied for, the Health Department was under the impression that it could use the grant funds however it wanted on the project which turned out not to be the case. The Health Board is working with the architect, Clark, Patterson, Lee and the contractor, Wells & West, to reduce costs and still be able to achieve the goals of the project
- Tax Supervisor Will Roberts came before the Board to present proposed tax releases and refunds. After discussion, Commissioner Meltz made a Motion that the following tax releases/refunds be approved by the Board upon the recommendation of Tax Supervisor Will Roberts: Steven Coleman - \$365.80 - billed to wrong owner; Flying BC, LLC - \$2,706.04 - tax exempt pursuant to lease agreement with the County; Jose Monzon - \$741.33 - billed on wrong acreage; Betty Palmer - \$282.06 - billed on wrong elderly exemption value; Lynn Shields - \$191.84 - double wide mobile home double billed to different account; and Lynn Shields - \$209.96 - double wide mobile home double billed to different account. The Motion was seconded by Commissioner Wood. The Motion passed unanimously.
- Dr. Stephen Lane, Superintendent of Cherokee County Schools, came before the Board and presented information regarding proposed a long-term lease with a solar facility developer on the campuses of Mountain Youth Development School, Hiwassee Dam Union School and Ranger Elementary School. There is a deed of trust against the Hiwassee Dam Union School and Ranger Elementary School properties which require waivers from the financial institutions which hold the deeds of trust. The project would cost nothing to the Cherokee County Schools or the County. Dr. Lane reviewed the solar facility project at Martins Creek Elementary School which has gone well since construction. The Martins Creek facility is now operated by Duke Energy.
- Because the project at Mountain Youth Development School is a long-term lease it is treated like a sale and the County has the right of first refusal with regard to the property. After discussion, a Motion was made by Commissioner Wood that the County decline to exercise its right of first refusal with regard to the Mountain Youth Development School. The Motion was seconded by Commissioner Meltz. The Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Meltz that the Board approve the Ranger Elementary School solar facility subject to the approval of the financial institution which holds the deed of trust on the Ranger Elementary School property. The Motion was seconded by Commissioner Wood. The Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Meltz that the Board approve the Hiwassee Dam Union School solar facility subject to the approval of the financial institution which holds the deed of trust on the Hiwassee Dam Union School property. The Motion was seconded by Commissioner Wood. The Motion passed unanimously.

**County Managers Items:**

Al Lovingood, Chief of the Murphy Volunteer Fire Department, came before the Board to present information regarding the new rating obtained by the Murphy Rural Volunteer Fire Department. Chief Lovingood provided a written Release from the North Carolina Department of Insurance – Office of State Fire Marshall as well as a slide presentation. The new rating is a 5/9E which will result in substantial savings for property owners in the Murphy Rural Volunteer Fire Department.

The County Manager informed the Board that outgoing Congressman Heath Shuler has notified the County that the Congressman's local office in the Cherokee County Courthouse will be closing on December 31, 2012. The County Manager informed the Board that he has heard nothing from Congressman-Elect Mark Meadows regarding Mr. Meadows keeping the local office open.

The North Carolina Association of County Commissioners will conduct its Legislative Goals Conference on January 24-25, 2012 in Raleigh. All members of the Board may attend the conference, but the Board will need to designate one commissioner as the voting delegate for the conference. The County Manager requested the Board consider whom it wants to designate the voting delegate at the Legislative Goals Conference at the Board's next regularly scheduled meeting.

**Chairman's Items:**

None.

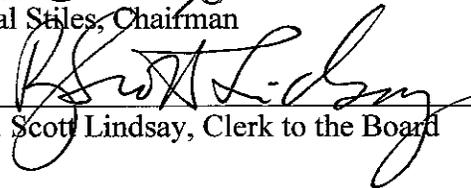
**Public Forum:**

Steve Whitmire came before the Board on behalf of the Smith Family heirs and the denial of PUV valuation for property owned by three members of the Smith Family. At a prior meeting Audrey Ware came before the Board to request that the PUV valuation which had been granted to her father when he owned the property also be granted to the heirs after her father's death. Ms. Ware asked that the PUV valuation be granted to her because she missed the date for applying for PUV valuation because of her husband's illness causing him to be hospitalized. Ms. Ware did not formally request that the PUV valuation be granted to her siblings. Mr. Whitmire, who leases the property from the Smith Family heirs, stated that Ms. Ware believed she was requesting the PUV valuation for herself and her siblings and asked the Board to reconsider the denial of PUV valuation to Ms. Ware's siblings. Commissioners Meltz and Wood stated that they thought the persons who were applying for the PUV valuation should appear before the Board and present the reasons they believed they were entitled to the PUV valuation. After additional discussion, a Motion was made by Commissioner McKinnon that the PUV valuation be allowed for all members of the Smith Family heirs effective for the 2012 tax year. The Motion was seconded by Commissioner Jordan. Voting in favor of the Motion were Chairman Stiles; Commissioner McKinnon; and Commissioner Jordan. Voting against the Motion were Commissioners Meltz and Commissioner Wood. The Motion carried by a majority vote.

The Board's meeting time for regularly scheduled meetings was discussed. After discussion, a Motion was made by Commissioner Jordan that the time for all regularly scheduled Board meetings on the first and third Mondays of each month be moved to 6:00 o'clock p.m. The Motion was seconded by Commissioner McKinnon. The Motion passed unanimously.

There being no further business to come before the Board, the meeting adjourned at 10:45 o'clock a.m.

  
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Cal Stiles, Chairman

  
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R. Scott Lindsay, Clerk to the Board