

A REGULAR MEETING
OF THE
CHEROKEE COUNTY
BOARD OF COMMISSIONERS
February 04, 2013

Preamble to Minutes read by Chairperson Stiles: "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".

A Regular Meeting of the Cherokee County Board of Commissioners was held in the Commissioners Boardroom, also known as Multi-Purpose Room 342, of the Cherokee County Courthouse in Murphy, North Carolina on the 4th day of February, 2013 at 6:00 o'clock p.m.

The following Commissioners were present for the meeting: Cal Stiles, Chairman; Lorraine M. Meltz, Vice-Chair; C.B. McKinnon, member; David Wood, member; and Steve Jordan, member. Also present were the following: Randy Wiggins, County Manager; Maria Hass, Assistant County Manager/Assistant Clerk to the Board; 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 Commissioner McKinnon.

The Pledge of Allegiance was led by R. Scott Lindsay.

The Chairman presided and the Clerk kept the Minutes.

Budget Revisions/Finance Items:

- After discussion, a Motion was made by Commissioner Meltz to approve a budget revision for capital outlay to move \$750 from the detention center budget to the sheriff's budget for equipping vehicle. Motion seconded by Commissioner Wood. Motion passed unanimously.

Approval of Minutes:

A Motion was made by Commissioner Meltz to approve the Meeting Minutes of January 22, 2013. Motion seconded by Commissioner McKinnon. Motion passed unanimously. Commissioner Meeting Minutes are available for public inspection on the county website at www.cherokeecounty-nc.gov, or in the office of the Clerk to the Board.

New Business:

- Tim Coffey, Pool Manager for the Town of Andrews, came before the Board to request funding for the Andrews Pool, which had been previously budgeted. Mr. Coffey submitted a proposed improvement list in the amount of \$38,114.00. Commissioner Stiles said that he was concerned most with the leaks in the pool and would like those to be repaired before releasing all of the requested funds. Commissioner Stiles suggested that the Board release \$22,091.00 to address the immediate needs and suggested that when the leaks have been fixed that Mr. Coffey could come back to the Board to request the remaining funds. All Board members agreed. Commissioner Jordan made a Motion to approve \$22,091.00 for the Town of Andrews for pool repairs and maintenance. Motion seconded by Commissioner Meltz. Motion passed unanimously.
- Tracy Foster, secretary of St. Williams Catholic Church, along with Lou Megargee and other church members asked the Board to approve a resolution requesting the N.C. Department of Transportation (NCDOT) name a two and one-half mile portion of

Highway 64E at the Clay/Cherokee County line in honor of Rev. George M. Kloster. A resolution was presented with many supporting attributes of Rev. Kloster. After discussion, a Motion was made by Commissioner Meltz to approve the resolution and forward it on to the NCDOT for consideration. Motion seconded by Commissioner Jordan. Motion passed unanimously.

- After discussion, a Motion was made by Commissioner Wood to approve a resolution adopting the N.C. Association of County Commissioners Legislative Goals. Motion seconded by Commissioner McKinnon. Motion passed unanimously.
- After discussion, the Board declined a request by Republican Party member Linda Hurd to use the Cherokee County Courthouse on Saturday March 23rd for their annual Republican Party convention. The county manager explained that if the courthouse was going to be used outside of regular business hours, that there would be a cost to the county for security personnel. Mr. Wiggins suggested that if the facility is going to be utilized outside of regular business hours that the Board may want to adopt facilities use policy. Sheriff Lovin was in attendance and was asked to speak concerning courthouse security issues. After further discussion, a Motion was made by Commissioner Wood to adopt a facility use policy before allowing the use of the courthouse, outside of regular business hours. Motion seconded by Commissioner Jordan. Motion passed unanimously.

County Managers Items:

- The county manager informed the Board that the county offices were finalizing the draft animal control ordinance and that it should be ready to forward on the Valley River Humane Society board in a couple of weeks.
- Mr. Wiggins told the Board that Hiwassee Dam VFD had agreed to extend their response date until March 31, 2013 for the Violet community non-tax area across the dam. Mr. Wiggins said that this will give all parties involved time to look at other options.
- Mr. Wiggins shared a resolution titled "Request Legislation to Exempt Certain Records of the Sheriff's Office from the Public Record Act". The resolution, which has been adopted by the Gaston County Board of Commissioners, was sent to the other 99 counties for support and adoption. The Board agreed to adopt a resolution at the next board meeting.

Chairman's Items:

- Chairman Stiles said that he would like to look at the possibility of having a Fixed Based Operator (FBO) for Western Carolina Regional Airport. After discussion, a Motion was made by Commissioner Wood to allow the county manager to start looking at options for having an FBO once again operate the airport. Motion seconded by Commissioner Meltz. Motion passed unanimously.
- Commissioner Jordan announced that he will not be at the next meeting.
- Commissioner McKinnon said that he enjoyed the NCACC Legislative Goals Conference and that he was able to get an amendment added on to the goal list, which would require payment of property taxes on manufactured homes and other titled properties before a title could be transferred. Commissioner Wood said that Western North Carolina had the largest representation at the conference that it has had in several years.
- The Board had been asked by Beaufort County Board of Commissioners to follow suit and adopt a resolution titled "Local Second Amendment Preservation Resolution". Commissioner McKinnon asked Scott Lindsay to read the resolution and said that he thought it was a good thing to do and asked the board to consider adopting the resolution at the next board meeting. Commissioner McKinnon said "This is a statement that we have been pushed as far as we are going to be pushed". All board members were in support of the resolution. Members of the public stood and applauded the decision.

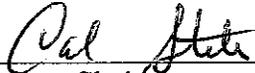
Public Forum:

- There were about 50 people in attendance and several members of the public expressed their appreciation of the resolution titled "Request Legislation to Exempt Certain Records of the Sheriff's Office from the Public Record Act" and the resolution titled "Local

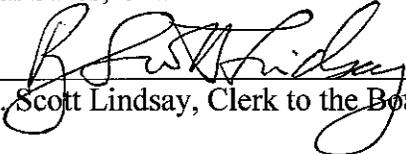
Second Amendment Preservation Resolution”.

- Carlos and Raisa Carus, retired nurses, came in support of the Second Amendment resolution. Mr. Carus spoke of the state of his former country Cuba, his personal tragedies as a child there, and the devastation caused by the Cuban government disarming its citizens. Mrs. Carus asked the board to consider adding some type of verbiage to the “Request Legislation to Exempt Certain Records of the Sheriff’s Office from the Public Record Act” resolution, which would also allow the Sheriff’s Department to access mental health records while doing background checks for concealed permits. The Carus’ said that we need to change the HIPAA (Health Insurance Portability and Accountability Act) laws to allow access to mental health records, before the issuance of concealed permits.
- Sheriff Lovin said that Cherokee County is the highest per capita for concealed carry permits, than any other North Carolina county. Sheriff Lovin said he loved his community and was proud to live here. He credited community involvement for helping to make his office successful. After addressing members of the public, Sheriff Lovin received appreciation and applaud by those in attendance.
- Dr. Dan Eichenbaum also spoke on the Second Amendment rights, and said that gun registration has led to confiscation.
- The county attorney encouraged citizens to contact Senator Kay Hagan and make their wishes known.

There being no further business to come before the Board, a Motion was made by Commissioner Wood to adjourn. Motion seconded by Commissioner Meltz. Motion passed unanimously. The meeting adjourned at 7:30 o’clock p.m.



Cal Stiles, Chairman



R. Scott Lindsay, Clerk to the Board