

A REGULAR MEETING
OF THE
CHEROKEE COUNTY
BOARD OF COMMISSIONERS
October 07, 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 7th day of October, 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; 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 Commissioner McKinnon.

The Pledge of Allegiance was led by all.

The Chairman presided and the Clerk kept the Minutes.

Budget Revisions/Finance Items:

- After discussion, a Motion was made by Commissioner McKinnon to use lottery funds for debt service on Andrews High School. Motion seconded by Commissioner Meltz. Motion passed by unanimous vote.
- After discussion a Motion was made by Commissioner Meltz to approve a budget revision to use sheriff's designated funds to purchase a Polycom Video Conferencing Device, a 65" LED TV, and three security cameras. Motion seconded by Commissioner Jordan. Motion passed by unanimous vote.
- A Motion was made by Commissioner Meltz to approve a budget revision to use sheriff's designated funds to purchase fifteen ballistic vests. Motion seconded by Commissioner Wood. Motion passed by unanimous vote.

New Business:

- Chad Bonawitz came before the board to request permission to build a slackline park at Konehete Park. After discussion, a Motion was made by Commissioner Wood to approve the request. Motion seconded by Commissioner Stiles. Voting for the Motion was Commissioners Wood, Stiles and Meltz. Voting against the Motion was Commissioners Jordan and McKinnon.
- The Logan's Run Funding update was tabled until the October 21st meeting.
- The Valley River Humane Society (VRHS) agenda item was tabled. It was suggested that the board schedule a worksession with VRHS.
- W.C. King, Cherokee County Fire Marshal, came before the board to present a map of the additional area to be covered within the Hiwassee Dam Five and Six Mile Insurance District. A Motion was made by Commissioner Wood to add this additional area to Hiwassee Dam's Fire Insurance District. Motion seconded by Commissioner Meltz. Motion passed by unanimous vote.
- After discussion, a Motion was made by Commissioner McKinnon to approve funding and

engineering study for a radio tower, as presented by the fire marshal. Motion seconded by Commissioner Meltz. Motion passed by unanimous vote.

- After discussion, a Motion was made by Commissioner Meltz to approve a resolution urging the NC Department of Health and Human Services, the NC General Assembly and the governor, to delay, revisit and revise the requirements concerning the governance and appointment of elected county officials as board members to the Smoky Mountain LME/MCO Board of Directors. Motion seconded by Commissioner McKinnon. Motion passed by unanimous vote.
- After discussion, a Motion was made by Commissioner Wood to approve the tax releases and refunds as presented by Will Roberts, excluding the release for the Mike Stone property until further review could be made. Motion seconded by Commissioner McKinnon. Motion passed by unanimous vote.
- After discussion, a Motion was made Commissioner Jordan to appoint Anthony El-Khouri to the Cherokee County Tourism and Development Authority to fill the seat vacated by Karen Nash. Motion seconded by Commissioner McKinnon. Motion passed by unanimous vote.
- After discussion, a Motion was made by Commissioner Jordan to appoint Dr. Mark Gilbert as Cherokee County EMS Medical Director, and give the county manager the authority to enter into an agreement with the medical director. Motion seconded by Commissioner Meltz. Motion passed by unanimous vote.
- After discussion, a Motion was made by Commissioner Wood to appoint the nominees for the Cherokee County Comprehensive Plan Local Steering Committee as presented by Chairman Stiles. Motion seconded by Commissioner Meltz. Motion passed by unanimous vote. Woody Giles of TSW Planners was in attendance to talk about the Opt-In planning process and answered questions from the board and members of the public.

County Manager Items:

- The county manager informed the board that the 2013 Big Sweep Lake Cleanup was a success and yielded 3,400 pounds of garbage and debris.
- After discussion, a Motion was made by Commissioner Jordan to schedule a special worksession on Wednesday, October 9th at 7 p.m. to discuss the county's tax collection policy. Motion seconded by Commissioner Meltz. Motion passed by unanimous vote.
- Commissioner McKinnon announced that he and the county manager would be attending a meeting on October 16th concerning the recent mental health developments.

Public Forum:

- Rick Carter asked questions about the Opt-In Plan. Commissioners McKinnon and Wood responded. Commissioner McKinnon said that when he voted for the NCDOT comprehensive plan that he was told that the county would have input, but that he has since learned that that is not the case.
- Teresa Ricks from the Town of Andrews wanted to talk about the Andrews Broadband issue. The board told her that due to the legal demand letter that they would be discussing it in closed session and would allow her to speak at that time.

There being no further public comments, a Motion was made by Commissioner Wood to go into closed session to discuss a personnel matter and to consult with the attorney on a legal issue. Motion seconded by Commissioner Meltz. Motion passed by unanimous vote.

The Board took a five minute recess.

Closed Session:

During closed session the Board addressed a complaint concerning an employee's time card. The Board also discussed the legal demand letter from the Wood family to the County and the Town of Andrews to remove the unapproved broadband equipment on the county's rotating beacon tower. The county attorney advised.

A Motion was made by Commissioner Wood to return to open session. Motion seconded by Commissioner Jordan. Motion passed by unanimous vote.

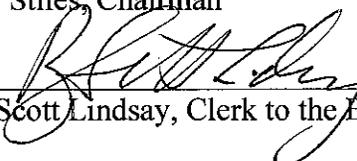
After returning to open session, there was no action taking on the personnel matter. A Motion was made by Commissioner Stiles to allow the Town of Andrews until October 17, 2013 at noon to remove their broadband equipment from the county's rotating beacon tower that is located on Wood family property. This will be the same deadline that the Wood family has given the County to remove the equipment. Per FAA rules and regulations concerning fair market values, the Town of Andrews will need to pay \$250 a month for the fifteen months that the equipment has been on the airport tower. Motion seconded by Commissioner Meltz. Voting for the Motion was Commissioners Stiles, Wood, Meltz, and McKinnon. Voting against the Motion was Commissioner Jordan.

A Motion was made by Commissioner Stiles to allow the Town of Andrews until November 27th at 5:00 p.m. to remove their broadband equipment form the county's airport tower on Sherwood. This will allow the Town of Andrews and the County to comply with the FAA's sixty day resolution period. Teresa Ricks, Andrews Town Administrator, agreed that the Town of Andrews would make a good faith effort to meet these deadlines and didn't see a problem doing so. The board agreed to reconsider a reasonable deadline if there is good reason for delay. Additionally, per FAA rules and regulations concerning fair market values, the Town of Andrews would need to pay \$250 a month for the fifteen months that the equipment has been on the Sherwood airport tower. Motion seconded by Commissioner Meltz. Voting in favor of the Motion was Commissioners Stiles, Wood, Meltz and McKinnon. Voting against the Motion was Commissioner Jordan.

There being no further business to come before the Board, a Motion was made by Commissioner Meltz to adjourn. Motion seconded by Commissioner Wood. Motion passed unanimously. The meeting adjourned at 7:45 o'clock p.m.



Cal Stiles, Chairman



R. Scott Lindsay, Clerk to the Board