A REGULAR MEETING OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS November 4, 2013

Preamble to Minutes read by Chairman 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 November, 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 Anderson, County Finance Director.

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

The invocation was given by R. Scott Lindsay.

The Pledge of Allegiance was led by all.

The Chairman presided and the Clerk kept the Minutes.

Public Hearing:

A Motion was made by Commissioner Meltz to open the floor for a public hearing on NCDOT Transit Grants 5310 for the Elderly and Disabled; 5311 for Administration and Capitol Projects; and, 5316 for Job Access Reverse Commute. Motion seconded by Commissioner Wood. Motion passed unanimously. Mike Catuto, Cherokee County Transit Director presented each of the three grants. A Motion was made by Commissioner Meltz to close the public hearing. Motion seconded by Commissioner Wood. Motion passed unanimously.

A Motion was made by Commissioner Meltz to approve the resolutions for the 5310, 5311, and 5316 NCDOT grants. Motion seconded by Commissioner Wood. Motion passed unanimously.

Budget Revisions/Finance Items:

- After discussion, a Motion was made by Commissioner McKinnon to approve a budget revision for an Emergency Management Procurement line item, as presented by Emergency Management Director, Robin Caldwell. Motion seconded by Commissioner Meltz. Motion passed unanimously.
- After discussion a Motion was made by Commissioner Jordan to approve a budget revision for repairs to the Topton Community Center, which serves as the Topton voting precinct. Motion seconded by Commissioner Meltz. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Wood to approve a budget revision for use of contingency funds for batteries for the Wolf Mountain repeater. Motion seconded by Commissioner McKinnon. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Meltz to approve a budget revision for the DSS Adoption Assistance Program, as presented by DSS Director, Donna Crawford. Motion seconded by Commissioner McKinnon. Motion passed unanimously.

Approval of Minutes:

A Motion was made by Commissioner Wood to approve the meeting minutes of October 21,

Old Business:

- The county manager explained that the recent tax foreclosure property at Bear Paw that was placed on GovDeals auction did not bring the minimum reserve set by the board, but the highest bid did cover the county's interest in the property. A Motion was made by Commissioner McKinnon to sale the Bear Paw property to the highest GovDeals bidder at the price of \$4,500.00. Motion seconded by Commissioner Meltz. Motion passed unanimously.
- Dr. Dave Ackerman came before the board on behalf of the Valley River Humane Society (VRHS) to request additional funding and a modification of contract. A Motion was made by Commissioner Wood to table. The Motion died, due to lack of a Second. A Motion was made by Commissioner Stiles to allot an additional \$1,250.00 a month for the next eight months for a total increase of \$7,500.00, with a review process in six months. The \$1,250.00 allotment would be in addition to the current allotment of \$2,500.00 a month. Motion seconded by Commissioner Meltz. Voting against the Motion was Commissioners Wood, McKinnon and Jordan. The county manager also informed the board that the county had just received an invoice from a rescue group for boarding horses that are evidence in a criminal animal neglect case. Mr. Wiggins said the invoice is for \$5470.00, and since the horses are still being cared for, there will be additional costs until the case is settled. He said that we normally use the animal control funds to cover these expenses. Sheriff Lovin also spoke on the matter. After a lengthy discussion, no action was taken on the request for the Valley River Humane Society. Dr. Ackerman presented the board of commissioners with a sixty day notice of termination of contract, effective January 2, 2014; and said VRHS would not accept animals from Cherokee County after the termination date. Commissioner McKinnon said that he was not comfortable with providing additional tax dollars to the organization at this time, due to accusations of previous and current VRHS board members of mismanagement of funds between the two VRHS boards.
- After discussion, a Motion was made by Commissioner Wood to move forward in developing an ordinance to regulate adult entertainment business in Cherokee County. Motion seconded by Commissioner Jordan. Motion passed unanimously. The county attorney was instructed to draft an ordinance to be reviewed within thirty to forty-five days.
- Sara Wilson, Health Educator for the Cherokee County Health Department came before
 the board to request a worksession to discuss prohibited and designated smoking areas
 around county buildings. A Motion was made by Commissioner Wood to schedule a
 worksession in the near future to address this matter. Motion seconded by Commissioner
 Meltz. Motion passed unanimously.

New Business:

- After discussion, a Motion was made by Commissioner Wood to approve the tax releases and refunds, as presented by Will Roberts. Motion seconded by Commissioner Meltz. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Wood to approve a funds transfer from the Pool and Wellness Center Heating Fuel line to the Capital line, for Solar Pool Covers, as presented by Pool Manager, Sheri Brydebell. Motion seconded by Commissioner Meltz. Motion passed unanimously.
- After discussion, a Motion was made by Commissioner Wood to approve a lease renewal
 for Four Square Community Action, Inc. for a term of ten years. Motion seconded by
 Commissioner Jordan. Motion passed unanimously.
- The Assistant County Manager presented the Community Services Block Grant for Four Square Community Action, Inc. Mrs. Hass explained that there is no cost to the county, and that this is just a formality in the application process that Four Square has to adhere to.
- After discussion, a Motion was made by Commissioner Wood to accept a 2004 Ford rescue vehicle, valued at \$100,000.00, as collateral on the recent \$26,000.00 building loan granted to Cherokee County Rescue Squad by Cherokee County Board of Commissioners. Motion seconded by Commissioner McKinnon. Motion passed unanimously. Brian King, Chief of the Cherokee County Rescue Squad presented the

request.

 After discussion, a Motion was made by Commissioner Meltz to reappoint Winfield Clonts and Carolyn Cook to the Nursing and Adult Care Home Community Advisory Committee, for a term of three years. Motion seconded by Commissioner McKinnon. Motion passed unanimously.

County Manager Items:

• The county manager informed the board that the NCDOT 3.0 Priority Ranking to the Rural Planning Organization (RPO) is now due; and, that since he had not heard back from any of the board members for any changes to the list, that he would send the board's most recent priority highway project list to Phillip Moore, Senior Planner and RPO Coordinator. He said the bike/pedestrian list has been purged and those will be added back to the list. He confirmed with the board that there was no removal, replacement or additions from the current priority list. The board gave approval for submission of the current list.

Chairman's Items:

- Commissioner Wood said that he would like to investigate and look at the possibility of allowing metal recycling and white goods drop-off at the Mountain Folk Center Convenience site, and waive the scrap metal fee. He said he would like to establish a better recycling center at a more central location. Commissioner Wood also asked for an update on the Hanging Dog convenience site. The county manager said that there was an issue concerning the heirs of the property, and when those issues are resolved that we can once again begin pursuing the quarry location
- Commissioner McKinnon gave an update on the Smoky Mountain Center and Western Highlands Network lawsuit with Evergreen, and said that there is an Ad Hoc Committee being appointed to try and resolve the issues surrounding the Local Management Entities lawsuit. Commissioner McKinnon said that he had been asked to serve on the committee, but would like the board to appoint Dana Jones to the committee; due to Mr. Jones extensive background and knowledge of the issues. A Motion was made by Commissioner Meltz to appoint Dana Jones. Motion seconded by Commissioner Wood. Motion passed unanimously.

Public Forum:

- Tom Bennett suggested painting the Hwy 294 green boxes before moving them to the new Candy Mountain Road Convenience Center site.
- A member of the public stated that the county "is going to have to address some type of zoning to keep things from coming to Cherokee County."
- Margaret Deluna asked the board what they would do with strays, after the termination of the VRHS contract. Commissioner Stiles said that he hoped for a resolution before that time.

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 7:50 o'clock p.m.

Cal Stiles Chairmán

R. Soott Lindsay, Clerk to the Board