

A REGULAR MEETING
OF THE
CHEROKEE COUNTY
BOARD OF COMMISSIONERS
August 22, 2016

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 22nd day of August, 2016 at 6:30 o'clock p.m.

The following Commissioners were present for the meeting: C.B. McKinnon, Chairman; Dan Eichenbaum, Vice-Chairman; Cal Stiles, member; Gary Westmoreland, member; and Roy Dickey, member. Also present were the following: Randy Wiggins, County Manager; Maria Hass, Assistant County Manager and Clerk to the Board; Candy Anderson, Finance Director; and, R. Scott Lindsay, County Attorney/Assistant Clerk to the Board.

Media present were the Cherokee Scout and Local TV4. DVD copies of commission meetings may be purchased at Local TV4.

The Chairman read the boards adopted ethics statement.

The invocation was given by Commissioner Roy Dickey.

The Pledge of Allegiance was led by all.

Agenda Adoption:

A Motion was made by Commissioner Dickey to adopt the agenda. Motion seconded by Commissioner Westmoreland. Motion passed.

Public Forum: None

Minutes:

A Motion was made by Commissioner Eichenbaum to approve the minutes of July 5th and July 18th. Motion seconded by Commissioner Dickey. Motion passed.

Finance and Budget:

- The finance director presented to the board the Declared Surplus Disposal Form, as required. No action needed.
- The finance director shared the July 31st cash flow report for the Hiwassee Valley Pool and Wellness Center; saying that the Center had a positive cash flow of \$7,494.32.
- A Motion was made by Commissioner Dickey to approve a budget revision for use of schools designated sales tax for a district-wide boiler cleaning. Motion seconded by

Commissioner Stiles. Motion passed.

- A Motion was made by Commissioner Westmoreland to approve a budget revision to transfer monies between expense lines for the Snap-On grant budget. Motion seconded by Commissioner Dickey. Motion passed.
- A Motion was made by Commissioner Dickey to approve a budget revision to retrofit the recently acquired rescue squad truck for use by EMS. Motion seconded by Commissioner Westmoreland. Motion passed. The funds will come from recent proceeds received from the sale of an old ambulance.
- A Motion was made by Commissioner Dickey to approve a budget revision for the recently mandated 911 Backup Plan. Motion seconded by Commissioner Westmoreland. Motion passed.
- A Motion was made by Commissioner Eichenbaum to approve a budget revision for the carry-forward of unspent prior year budgeted items. Motion seconded by Commissioner Dickey. Motion passed.

Budget revisions are available for public inspection, in the office of the Finance Director.

New Business:

- A Motion was made by Commissioner Stiles to approve a work authorization and budget revision for an updated airport layout, as submitted by airport consultants, W.K. Dickson & Co., Inc.; and presented by airport manager, Ed Marshall. Motion seconded by Commissioner Dickey. Motion passed.
- After much discussion, a Motion was made by Commissioner Eichenbaum to grant a second flood plain variance for Mr. Walker Rowland. Motion seconded by Commissioner Westmoreland. Commissioner Stiles made a Motion to table the request, until the board could meet with the flood plain administrator and discuss the issue. The county manager also suggested that the board meet with the flood plain administrator, and explained that he was not in attendance, because he was anticipating a meeting with the board prior to a decision being made. Commissioner Stiles Motion failed for lack of a second. Voting in favor of Commissioner Eichenbaum's motion to grant the variance, was Commissioners Eichenbaum, Westmoreland, McKinnon and Dickey. Voting against the motion was Commissioner Stiles. Motion passed, and variance granted.
- Shelly Foreman, of Smoky Mountain Local Management Entity and Managed Care Organization, came before the board to give a quarterly update. The board thanked Ms. Forman for coming and giving the update.
- A Motion was made by Commissioner Dickey to approve a firework permit for the Town of Andrews for the date of September 3rd, and a rain date of September 5th, 2016. Motion seconded by Commissioner Stiles. Motion passed.
- Cecilia Crawford, director of REACH of Cherokee County, came before the board to request a waiver of landfill fees to dump unsellable thrift store items once a month. The board told her to make her request each to the county manager and they would review on a case-by-case basis. No action taken.
- James Jallah and Linda May, applicants for the board of Social Services, gave brief introductions. Appointment to be made at next meeting.
- After discussion, a Motion was Commissioners Stiles to approve a revision to the EMS

Schedule of Fees, to include the add-back of a BLS (Basic Life Support) non-emergency charge. Motion seconded by Commissioner Dickey. Motion passed.

- Al Lovingood, fire chief for Murphy Rural Fire Department, came before the board to share a Cost-Recovery Services Program which was recently approved by the Town of Murphy. This item was informational only, and no action was needed by Cherokee County.
- A Motion was made by Commissioner Stiles to approve the current tax releases. Motion seconded by Commissioner Dickey. Motion passed.
- A Motion was made by Commissioner Dickey to approve the current tax refund report. Motion seconded by Commissioner Eichenbaum. Motion passed.
- A Motion was made by Commissioner Westmoreland to approve the NCVTS Report. Motion seconded by Commissioner Dickey. Motion passed.
- A Motion was made by Commissioner Eichenbaum to appoint Judith Davis to the fulltime volunteer position on the Area Agency on Aging Council. Ms. Davis was previously serving in the alternate position. Motion seconded by Commissioner Stiles. Motion passed.

County Manager Items:

- After discussion, a Motion was made by Commissioner Stiles schedule a worksession on September 12th at 6:30 p.m., for the purpose of discussing issues pertaining to Solid Waste. Motion seconded by Commissioner Eichenbaum. Motion passed. The county manager said that if the September 6th agenda is light, that the board could possibly hold the worksession, following regular business items.

Chairman/Commissioner Items:

Commissioner McKinnon announced his appointment to the Eastern Band of Cherokee Indians Preservation Foundation. The board members congratulated him on his appointment.

Commissioner Westmoreland asked if there was any update on the Courthouse dome repairs. Commissioner Dickey said that he would have an update soon, and that the repairs could possibly be complete by year-end.

Closed Session: 8:05 p.m.

Pursuant to §143-318.11, a Motion was made by Commissioner Eichenbaum to enter into closed session to discuss a personnel matter, and consult with legal counsel. Motion seconded by Commissioner Dickey. Motion passed.

While in closed session, the board discussed a personnel matter relating to EMS; and also consulted with Sean Perrin, legal counsel for Cherokee County in the Towanna Roberts vs. Cherokee County case. Mr. Perrin discussed the facts of the Roberts case and gave his legal opinion; recommending settlement. The board authorized Mr. Perrin to negotiate a settlement amount. The settlement amount is not public record, until it no longer frustrates the purpose of the closed session.

Adjourn:

There being no further business to come before the Board, a Motion was made by Commissioner Stiles to adjourn. Motion seconded by Commissioner Dickey. Motion passed. The meeting adjourned at 9:45 o'clock p.m.

**THESE MINUTES WERE APPROVED AT A REGULAR MEETING OF THE
CHEROKEE COUNTY BOARD OF COMMISSIONERS ON SEPTEMBER 6, 2016.**