

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
JANUARY 07, 2020**

The Jackson County Board of Commissioners met in a Regular Session on January 07, 2020, 6:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman	Don Adams, County Manager
Mickey Luker, Commissioner (via speakerphone)	Heather C. Baker, County Attorney
Ron Mau, Commissioner	Angela M. Winchester, Clerk to Board
Gayle Woody, Commissioner	
Absent: Boyce Deitz, Vice Chair	

Chairman McMahan called the meeting to order.

**(1) PROCLAMATION FOR MARTIN LUTHER KING, JR. DAY OF SERVICE:**

Commissioner Mau read a Proclamation to proclaim January 20<sup>th</sup> as Martin Luther King, Jr. Day of Service. Commissioner Woody moved to approve the Proclamation. Commissioner Mau seconded the Motion. Motion carried.

The proclamation was presented to Penny Smith of the local chapter of the NAACP.

**(2) PROCLAMATION FOR WOMEN’S RIGHT TO VOTE:** Commissioner Woody read a Proclamation honoring the 100<sup>th</sup> anniversary of the 19<sup>th</sup> Amendment to the United States Constitution Women’s Right to Vote. Commissioner Mau moved to approve the Proclamation. Chairman McMahan seconded the Motion.

**Discussion:**

Chairman McMahan stated that this proclamation honored a milestone in history. He believed there were thoughts they needed to have and needed to remember concerning this right that was guaranteed through the adoption to this amendment to the United States Constitution.

The right to vote was a fundamental component of the democracy they lived in. It was the determining factor with the colonist, which was what banded them together as they boldly proclaimed to the crown in England that their voice mattered and that they needed to be heard. Men and women and of many different races and ethnicities joined together and in a common struggle, were able to secure that right to vote and for their voice to be heard.

But, there was a problem. The fruits of their labor only gave that right to a select few. Only white males of a certain age group, who owned land and were educated enough to navigate through the process, were able to enjoy that right. Everyone else, the poor, females and people of color were all disenfranchised. That had been the case for the majority of American history.

The struggle had been real and had ensued since the first votes were cast in the nation in the first election. One by one, since then, they had seen those barriers of race, age, gender and social status to be broken down and they should never cease in their efforts to guard the sacred right to vote.

The Board offered the proclamation as a way to celebrate a turning point in history, to remember where they came from and to remind them where they were going. Also, to recognize a much greater movement and to raise awareness of the work that was ongoing that every voice mattered. They would not cease in their labors until all peoples could lay hold of the promises of the unalienable rights of life, liberty and the pursuit of happiness.

Motion carried.

Commissioner Woody presented the proclamations to the following individuals: Ann Austin-McKee, Vangie Wolfe Stephens, Luisa Teran de McMahan and Annie Elena McMahan.

Commissioner Woody stated that they wanted to offer the proclamations to people they felt represented different groups in the community.

Ms. Austin stated her grandmother was Gertrude Dills McKee, who in 1931 was elected as the first North Carolina Woman Senator. She thought her life would have been very different if the amendment had not passed. She also thought it was a tribute that she came from a small community in Western North Carolina.

Commissioner Woody stated that Ellerna Bryson Forney was unable to attend.

Ms. Stephens stated that she had been an advocate for women's in the county for a long time. Years ago, they had a Council on Women in the county. Unfortunately, the amendment did not apply to Native Americans, as they did not get citizenship until 1924. It hurt that her people could not vote until the 1950's and 1960's. But, she had always supported women.

Commissioner Woody stated that Luisa McMahan represented a very important part of the community from the Hispanic heritage, but also she was not born there, she made the choice to become a citizen of the United States. They were so proud of that as it represented so many people in the nation who were gaining the right to vote.

They asked Annie McMahan to participate because she was the future. The young ladies were so important for the future as they would be the ones to carry on the important work for the communities and serving, so it was a real celebration.

Ms. McMahan stated that she chose to become an American Citizen two and a half years ago, so 2020 would be her first time voting for the United States President.

(3) **AGENDA**: Chairman McMahan requested to remove two items: Firing Range Improvements Bid Update and McMillan, Pazdan and Smith Agreement. Commissioner Mau moved to approve the amended agenda. Commissioner Woody seconded the Motion. Motion carried.

(4) **MINUTES**: *Carry over.*

(5) **CHAIRMAN'S REPORT**: None.

(6) **COMMISSIONER REPORTS**:

(a) Commissioner Woody stated she was able to see the Cullowhee VFD Building that was underway and was really coming along nicely. They were hoping to have that completed by February.

(b) Commissioner Mau stated that they recently designated HERE to take over the Homeless Shelter in the county and he noticed that they received a \$5,000 donation from Americas Home Place. It was great to see that.

(7) **COUNTY MANAGER REPORT**: Mr. Adams stated that he spoke to Commissioner Deitz and he asked that he let the Board know that he was in Charlotte at a Soil and Water Board Conference. He apologized for not being in attendance.

Also, over the weekend, Fox Sports was in the county filming an op-ed piece called "The Ragged Old Flag". This would air on Fox Sports prior to the National Anthem at the Super Bowl. They were searching for courthouses for the piece and the Jackson County Courthouse kept coming up. He wanted to give compliments to the Maintenance Department and the county for maintaining such a beautiful facility.

While in conversations, they provided them with pictures of Mark Watson Park when they had the Flags for Heroes program with the flags around the monument. Fox Sports also fell in love with that area. That was a testament to Maintenance and County Staff, as that facility was built by them.

**(8) INFORMAL COMMENTS BY THE PUBLIC:** Marie Leatherwood of Sylva stated that they were not elected to spend tax dollars on a select small group to have an outdoor heated swimming pool. Also, the DOT project was destructive to Sylva businesses and dwellings.

**(9) UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT:** Michael Poston, Planning Director, stated that they adopted the Unified Development Ordinance (UDO) in August of 2019. As they discussed during that process, the first step in the ordinance amendment process was to development the UDO that codified the ordinances and then they would begin to go back and deal with the policy issues within the document.

In September, the Planning Board started working on some of the items and issues:

**(a) Subdivisions:** The request was to change the cut and fill slope requirement for road construction and grading.

**(b) Erosion Sedimentation Control Regulations:** They consulted with Permitting and Code Enforcement to determine what types of tools would be helpful for them to better manage the erosion control process. The request was to change some of the cut and fill and maximum slopes based on recommendations from Erosion Control. Also, they had different dates for when ground cover should be established after grading, which caused issues with applying that would leave slopes not stabilized for a time. They eliminated references to phasing and final phases to ground disturbance, so that from the time ground was disturbed, they had seven days to stabilize the ground.

**(c) Heavy Industry:** The request was to modify the definition:

- **Current Definition:** A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials; or a use engaged in storage of, or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions, including but not limited to the following: acids (except non-corrosive acids), ammonia, ammonium nitrate, animal byproducts, bleaching powder, cellulose, chlorine, creosote and creosote treatment, detergents, enamels, lacquers, linoleum, oilcloth, paints, paper pulp, pigments, lime, plastic, rubber (except tire re-cappers), soaps, tannery products, turpentine, varnishes, whiting and/or wood fillers, and environmentally hazardous materials.
- **Proposed Definition:** A manufacturing establishment that creates external impacts from the use or storage of highly flammable or explosive materials, radioactive materials, toxic or hazardous materials in the manufacturing process. External impacts include outdoor storage or manufacturing processes that produce noise, odor, dust, vibration, or adverse impacts to soil, water, and air quality. Uses in these categories include, but are not limited to, stock yards, slaughter houses, chemical plants, concrete batch plants, tanneries, crematoriums, lumber mills.

***Motion:*** Commissioner Mau moved to set a public hearing on February 4<sup>th</sup> at 5:55 p.m., Justice and Administration Building, Room A201. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

**(10) OFFER TO PURCHASE AND CONTRACT FROM HELMS AND RESOLUTION R20-01:** Ms. Baker stated that she received an offer from Roger D. Helms and Dawn M. Berlanga-Helms for Lot 27, Black Bear Falls, containing approximately 2.60 acres (PIN #7623-77-5190) in the amount of \$7,500.00. Mr. Helms had also made offers on two other lots in the area from private landowners and had closed on one of them. Mr. Helms was present to answer any questions the Board may have.

She presented Resolution R20-01 for consideration.

***Motion:*** Commissioner Mau moved to approve Resolution R20-01, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

**(11) US 441 CORRIDOR DEVELOPMENT ORDINANCE TEXT AMENDMENTS:**

Chairman McMahan stated that a public hearing was held prior to the meeting with no public comment.

***Motion:*** Commissioner Woody moved to adopt the US 441 Corridor Development Ordinance Text Amendments and Statement of Consistency, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

**(12) AIRPORT AUTHORITY:** Carry over.

**(13) BUSINESS AND INDUSTRY ADVISORY COMMITTEE:**

***Motion:*** Commissioner Mau moved to reappoint Tiffany Henry to an additional three year term and to appoint Mike Byers to a three year term on the Business and Industry Advisory Committee, terms to expire December 31, 2022. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.

**(14) FIREMEN'S RELIEF FUND:** Recommendations for appointments were submitted by the respective fire departments.

***Motion:*** Commissioner Woody moved to reappoint Harold Parks of the Balsam VFD; Harold Nicholson of the Canada VFD; Randy Dillard of the Cashiers VFD; Leo Webb of the Cullowhee VFD; John Thomasson of the Qualla VFD; and Chris Bowers of the Savannah VFD to two year terms on the Firemen's Relief Fund Board of Trustees, terms expiring January 1, 2022. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

**(15) PLANNING BOARD:** Commissioner Woody requested to appoint Brandon Stephens for her appointment.

***Motion:*** Commissioner Woody moved to appoint Brandon Stephens to a two year term on the Planning Board. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.

**(16) PRESS CONFERENCE:** None.

**(17) CLOSED SESSION:**

***Motion:*** Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal. Commissioner Woody seconded the Motion. Motion carried.

Chairman McMahan called the regular meeting back to order and stated that no action was taken in closed session except the approval of the minutes.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 7:03 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman