

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

The Jackson County Board of Commissioners met in a Regular Session on July 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
Boyce Deitz, Vice Chair	Heather C. Baker, County Attorney
Mickey Luker, Commissioner (via Zoom video conferencing)	Angela M. Winchester, Clerk to Board
Ron Mau, Commissioner	
Gayle Woody, Commissioner	

Chairman McMahan called the meeting to order.

(1) **PROCLAMATION OBSERVING AMERICANS WITH DISABILITIES ACT AWARENESS DAY:** Commissioner Woody read a Proclamation to observe July 26<sup>th</sup> as Americans with Disabilities Act Awareness Day. Commissioner Deitz moved to approve the Proclamation. Commissioner Mau seconded the Motion. Motion carried.

(2) **AGENDA:** Commissioner Mau moved to approve the agenda. Commissioner Woody seconded the Motion. Motion carried.

Chairman McMahan requested to move the Public Comments item up on the agenda to accommodate as many people as possible.

There were no objections to the request.

(3) **INFORMAL COMMENTS BY THE PUBLIC:**

(a) Jimmy Ashe (via Zoom video conferencing from Room A227) stated that he was a lifelong resident of Jackson County for 60 years with eight generations of family born and raised throughout the county. He served the county for 35 years in Law Enforcement and as a Public Official for 12 years as the elected Sheriff. He was in support of leaving the soldier on the Courthouse steps. He thought history would be served better by allowing history to be presented in the manner it had been for over 100 years. He thought it would be unjust for the community and for generations to follow to remove, destroy or take away the soldier or anything pertaining to Jackson County. He thought they needed to acknowledge history as Commissioners and residents of the county. He asked they take this into consideration and do the right thing for the citizens of the county. The county was formed in 1851 to make a safe place for all people to live. He requested they preserve and acknowledge the history and let it continue to be a part of the county.

(b) Frank Huguélet (via Zoom video conferencing from Room A227) stated that he was a lifelong resident of the county and his family went back to almost the Revolutionary War. He had six ancestors that served Jackson County in the Confederate Army. His childhood and high school friends' ancestors fought in the same Regiment and Company as his ancestors. When the state and county asked these men to go and serve against an invading army, they did it. His great-great-grandfather was captured at Cumberland Gap and died in a prison at Camp Douglas, Illinois, where he was buried. The monument in Sylva was put up in 1915 and was not put up in some kind of Jim Crowe, slap in the face to the African-American community. A lot of monuments did not go up in southern communities until the early 20<sup>th</sup> Century because after the war and reconstruction the southern states were devastated and did not have the money. When

they did have the money, they began to erect monuments. The monument in Sylva went up because the Daughters of the Confederacy raised money to put the statue up, not to intimidate anyone or make anyone feel less, but to honor their great-grandparents that risked their lives for the county. He was not the only one that felt that way, he represented dozens of people in the county. He requested that the Board not mess with the history as they saw enough of this going on across the country and it did not unite anyone. People that supported the statue paid taxes and lived in the county too. They had a right to their heritage without having their ancestors be demonized and be called racists. He was not a racist and was not trying to oppress people. He did not understand how people came to the county and had not even lived there a quarter of the time that most of them had, but all of the sudden wanted things removed that they did not like. They could do like Georgia and place historical, interpretive plaques with the monument to explain its history. North Carolina had a law that stated that they could not move the statue. If they touched it, they would get lawsuits dropped on them. It was not for hate, it was not for anything other than the heritage of the county and they did not want to see history erased.

(c) Denny Wood (via Zoom video conferencing from Room A227) stated that his family had been in the county since 1765. His great-grandfather and his four brothers all fought in the Civil War. The monument was a real piece of history and was special to them. They never owned slaves on either side of his family, this was not about slavery. He read a passage of scripture from the Bible in Proverbs 6:34-35. What was next. If they gave them the monument, what would they do the next week. This was the Marxist-Leftist takeover of the country. The people walking up and down the streets on Saturdays were not from there and did not know the people of Jackson County. All the folks that moved in that stated they were racists – they did not know them or their hearts. The line had been drawn. It was time for the Board to make a decision. Did they represent all of Jackson County or just the ones being bussed in on Saturdays?

(d) Mike Parris (via Zoom video conferencing from Room A227) stated that he was the Commander of the Sons of the Confederacy Veterans in the county. The statue made him proud when he came through town after his ancestors fought in the Civil War. There were a lot of things that offended people in the world and one thing that offended him was when pro athletes kneeled when they were singing the National Anthem. People had the right to be offended, it was a free country and they had a right to protest. They did not have a problem with protesting, it was if they pulled the statue down because it meant a lot to them. What would be next? Would it be the Vietnam monument? Where would it stop? This was their county and they were coming in telling them they were going to take down the statue. The Sons of the Confederacy Veterans would tie them up in lawsuits for 20-30 years or for whatever it took and drain every nickel they could out of the county. He did not want that and they did not want to go to court and fight over this. They hoped that the Board would say no, but they would sue them because that was a National Historic Site.

(e) Chris Owen (via Zoom video conferencing from Room A227) stated that he had lived there his whole life and he was in favor of keeping the statue. If people did not like it, go back where they came from.

(f) Robert Medlin (via Zoom video conferencing from Room A227) stated that he was in favor of keeping the statue because he was a direct lineal descendant of a lot of people that were in the Civil War. The monument was not about hatred or race. It was respect for people that were called upon to defend their state. Right or wrong, they needed to listen to history to make decisions for the future based on that, not tear things down. The integrity of mountain people was at stake and he hoped they would side with that. If they did not make a stand now, what would be next.

(g) Jason Ray (via Zoom video conferencing from Room A227) asked what they had done wrong. The answer was simple. They had taught two generations of Americans to hate the wonderful country. It was shameful, terrible and disdainful. This semester and the one coming up, there was a small army of liberal professors that would teach 10,000 of their babies how to be liberals, how to be Marxist and that the incredible nation was not worth saving or having at all. He supported the statue and wanted it to stand. It was a symbol of all things in history that were good and bad. There was no end to it as statues were coming down of the founding fathers. The latest statue to come down was of Frederick Douglass, who was an abolitionist, so the Black Lives Matter Movement was not just for Confederate monuments.

Someone needed to stand up and he hoped the Board would stand up to the tyranny. He prayed they would not follow the example of the misguided youth in Cullowhee.

**(h)** Joe Stuccio (via Zoom video conferencing from Room A227) stated that he was for keeping the statue and everything else that American stood for. His mother grew up in Germany during Nazi times. This was not about a statue. This was about a movement that was trying to abolish their standing in unity as a country to divide them. How would they divide them? They would turn the people against each other just like Joseph Stalin did. They tear down the statues, burn down the churches, put their own books in the school and burn all the rest. Whoever was in charge would decide who would live and who would die. That was not what American stood for. When they whittled away the heritage of the country, whether it be a statue, a plaque or a history book, they were dividing the people. So far they were succeeding and seemed to have divided Jackson County. What would they do if they were coming after the stars and stripes next because it offended someone.

**(i)** Caleb Kelly (via Zoom video conferencing from Room A227) stated that he was in favor of keeping the Confederate monument. The monument represented his heritage and his family and he did not want to see it taken away. It also represented many others in the county. He asked them to look deep inside and ask if it was really something they needed to even talk about. Black Lives Matter kept drawing a line in the sand and they had drawn a line in the county and if he crossed that line, he would cross it boldly. They had stepped on the American flag and he had family and friends that had fought for the American flag. He stood on the side of right. Destroying history was not right, it was asking history to repeat itself. Taking down the monument would be asking the families of good men of the county to come and defend their family's heritage. There was a group of people with no ties to the county that wanted to come in and upset the whole county. He asked them to take all of that into consideration.

**(j)** David Nestler (via Zoom video conferencing) stated that he was there as a lifelong member of the Sylva community and not as a Commissioner. He wanted to dispel a few myths about those that wanted the Confederate monument to be relocated. He had heard a lot of claims that they did not understand local history and he disagreed. He had been doing a lot of research and the more he learned about the statue and the time it was erected, the more he was ashamed to have it in the town. The statue was not an accurate representation of the town. People often like to downplay the presence of slavery in the community. There were 268 slaves in the county on the 1860 census. By today's percentage of the county population that would be close to the entire populous of Sylva enslaved. There were more slaves in the county than there were Confederate soldiers who died fighting to defend that slavery. Julian Shakespeare Carr, the originally planned orator for the dedication of the statue, was a well-known white supremacist, supporter of the KKK and a pro-slavery advocate. In regards to the Board's proposed task force, he wanted them all to take note that he did not elect anyone from the Sons of the Confederacy to make decisions that impacted the community. He elected them to make those decisions. They were the ones that needed to step up and do that. In speaking as a Commissioner, he would be introducing a resolution, if enough other Commissioners agreed, asking for the county to relocate the statue to outside the city limits.

**(k)** Michael Moore (via Zoom video conferencing) stated that he was a native of the Qualla community where he also owned a business. He was also a member of the Jackson Rangers Camp 1917 in the county. He supported preserving the county's history. He had many confederate ancestors from the county. He had a document that was in the Register of Deeds Office from 1996 where Phil Haire started a committee to preserve the Confederate monument on the Courthouse steps for a re-dedication on May 11, 1996. He read a partial list of names that contributed to that effort. Those folks gave and worked to preserve the honor of their grandparents. It was not racist. The monument went up when many of those men were in the fourth quarter of their lives and getting ready to leave this world. That was why the monument was put up.

**(l)** Ben Dillard (via Zoom video conferencing) stated that he was speaking in favor of the Confederate monument. He was a lifelong resident of the county and was a proud descendent of Confederate Veterans. The monument was important to his history and to others that had deep roots in the community. Removing the statue would not help racism, it would do more to further it. If they forgot history, it had a way of repeating itself. He was also a descendant of World War I and World War II

Veterans. Would they let them remove those monuments? They had already been defaced in other parts of the state. If they wanted to have a true history of the southern people and of the Confederacy, he recommended they speak to H.K. Edgerton, who was a black American and a member of the Sons of the Confederacy. Mr. Edgerton had a better grasp of southern history than anyone he had ever talked to. The tactics being used were nothing more than a communist revolution movement. It was the same thing the Nazis and Communists used to erase history, brainwash the people and remake the nation into something that the United States was never intended to be. There was good and bad in all history of the United States and it was not perfect, but it was made to be a Christian nation. He thought they should support their heritage in the county.

(m) Jonathon Bost (via Zoom video conferencing) stated that he was told once that North Carolina was one of the last states to join the Confederacy. He did not know if that was true because, like a lot of things they had been taught, there was a lot of whitewashing going on, such as the myth of the happy slave, Andrew Jackson not being a genocidal mad man and he was on the twenty-dollar bill and symbols meant a lot. People would try to say that a statue did not harm anyone. The conventional wisdom was that a statue was an inanimate thing. So much literature, art and social movements were based entirely off this pain. There were people in Sylva that would not bring their families there because of the statue that read “our heroes of the Confederacy”. Self-described history buffs would also say that the statues had nothing to do with Jim Crowe and that they went up with the south recovered from reconstruction and could afford them. But the Confederate memorials went up after the Civil War almost entirely in graveyards. The point was not to memorialize the dead, but to make a political statement. The fact that there would even be a suggestion that these Neo-Confederates would have a seat at the table to decide what would happen to Sylva Sam was egregiously offensive, but they did need to find a common ground. He submitted the idea to put the names of every soldier from Jackson County that died in war at the Veterans Memorial at the fountain. Take Sylva Sam and put him in a respectful place that was not in the middle of downtown Sylva.

(n) Jessie Swinkford (via Zoom video conferencing) stated that last week two major things happened in the community. A group of individuals on Facebook created an event for July 11<sup>th</sup> encouraging dialogue between all people in the community, march in solidarity and discuss the issue of the statue as a community. Responses to the event had been incredibly charged. They were aggressive and used very inciteful language. The counter event that was currently gathering traction encouraged people to arrive locked and loaded saying enough was enough. This should stand alone. Kelly Brown wrote a statement to the Board and it was published in multiple newspapers in the area. She encouraged them to seek the comments of that section to understand how people felt about his strong words. Supporters of the statue say they were seeking to be divisive, but they had seen supporters pushing people out of town. Did the economy of the town not rely on tourism and did they not seek to have a more inclusive and supportive town. One side of the issue threatened the Board with legal action. The other side of the issue came to them already asking to raise money to cover the cost of replacing the statue. They had not asked the county to provide that money. She felt these two things spoke strongly to the two opposing stances on the issue. She asked the Board to vote to relocate the statue to a place where it could still be a symbol of family heritage for those it meant something to. The statue did not have to be destroyed. Treat this as an opportunity to create a Sylva they want to see as a community. Let them create something together that represented the true heart of the county.

(o) Jo Schonewolf (via Zoom video conferencing) shared with them the story of Moses receiving the Law on Mount Sinai. When the statue was built, the state was coming out of a time of tremendous difficulty. They fought a war and lost. They could not imagine what was ahead and it was an uncertain future. It made sense why the statue was erected, but it did not make sense to leave it where it was. If it continued to stand as it was, they would not be able to preserve it against the elements that were eroding it at that moment. If it continued to stand where it was, they would not be able to educate people about the statue’s place in history. Most importantly, if the statue stayed where it was, it would continue to evoke protests and counter-protest endangering public safety and costing the police department time and money as they did their best to serve and protect those using their constitutional right to protest. The Board had the ability to call a closed door session to vote for the removal of the statue. They had the ability to be their

leaders in that moment when they needed leaders. If their goal was preserving history, teaching history and preparing the people of Sylva for the changing world they lived in, they must take action to move the statue to another location.

(p) Lianna Costantino (via Zoom video conferencing) stated that she was a citizen of the Cherokee Nation and had been living there for over 20 years. Her ancestor, Assistant Chief George Lowrey and his wife went on the Trail of Tears many years ago and she had now come home. Before he went on the Trail of Tears, George Lowrey fought with Dragging Canoe and she had ancestors that were Confederate Soldiers as well. She felt very differently than some of the people she had been hearing speak. For anyone that said that if she was not happy with Confederate symbols, she should go back to where she came from, she would say that everyone that was not Native was living on stolen land and she would not be going anywhere. Just like her ancestors, they fought for their homeland for centuries. Since the Trail of Tears, over the last 500 years in history for blacks, Cherokee and other Native Americans, their history had been different and oftentimes invisible or overlooked in the country, their contributions overlooked, historical grief and trauma unaddressed and unhealed because these things were too uncomfortable to talk about. But, they needed to be discussed if there was ever going to be any kind of healing or reconciliation. Their history mattered too. There was no Cherokee person alive that was in any danger of forgetting their history because a statue went missing. Symbols represented different things to different people. The racist mascots and Mount Rushmore meant different things to them than they did to the Americans that flocked there to look at those Presidents' faces. The same with Stone Mountain, the same with the Confederate flag, the Battle flag and a dozen other symbols. These symbols did represent slavery and racism to a lot of them. If they polled the black community members, she thought they would find that. There were parts of the Confederate history that she was not proud of at all and she thought it was time to change some of these things. Cherokee people had slaves too and it was a shameful part of their history. She was all about making amends for that. She thought it was time to evolve and err on the side of healing and what was right because not all traditions were good traditions. They abolished slavery many years ago and it was time they abolish all symbols of racism and hate. As they could clearly see in the response to the request to remove the statue, there had been a racist and violent response and they found that very disturbing.

(4) **MINUTES:** Commissioner Deitz moved to approve the minutes of a Special Budget Work Session of June 11, 2020; a Reconvened Special Budget Work Session of June 12, 2020; and a Work Session of June 16, 2020. Commissioner Mau seconded the Motion. Motion carried.

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

(6) **COMMISSIONER REPORTS:**

(a) Commissioner Woody congratulated Ms. Baker, who was now the President of the North Carolina Association of County Attorneys. She thought that spoke so highly of the expertise that they were blessed with in the county that Ms. Baker received this honor.

(b) Commissioner Mau stated that he provided everyone with highlights from the TWSA budget. He wanted to call their attention to the System Development Fees for a three-bedroom residence, for at least the next two years, would be \$0. There was input from different stakeholders across the county to try to help make housing affordable. They would also notice that for a 180 seat restaurant in 2017-2018 the SDF would have been \$57,600 now it would be about \$8,500. He thought that was the largest restaurant for that meter size. There was some logic going into where the breaks were. Also, they would notice that a larger apartment complex did not see as big of a reduction as a 30-bedroom apartment project would. They had to treat all of their customers the same, so they did what they could to try and help smaller projects as much as possible.

Commissioner Deitz asked if they had ever considered having an agriculture or farm fee?

Commissioner Mau stated that he would have to check on it.

Commissioner Deitz stated that in Shelby, if they had a farm that needed water, they had to pay a tap fee, which was minimal.

Commissioner Luker stated that he appreciated Commissioner Mau's hard work on the TWSA Board. From the time he went on the TWSA Board, that had been a goal of his to promote growth and help the citizens of the county be able to afford this because it had become unaffordable for any small business. Being able to do this, get it passed and make these changes - that was what the county needed.

**(7) COUNTY MANAGER REPORT:** Mr. Adams stated that he had a couple of updates for the Board:

**(a) Legislative Changes and House Bill 1023:** This related back to the Cares Funds that were awarded to North Carolina and then the state appropriated the Coronavirus Relief Funds to the counties. They initially appropriated \$150 million to all of the counties in the state. They now have appropriated the additional \$150 million, which was about 4% of the total \$4 billion appropriated to North Carolina. With the additional 4%, that came out to be about 8% that had been or would be distributed out to counties.

Under the new law, that had been signed by the Governor last week, counties must allocate at least 25% of their funds for use by the municipalities within their counties. It required all municipalities receiving the funds to develop a plan for expenditures by September 1, 2020. If they did not develop a plan, they must return the funds to the county. The county may use the funds or distribute them to other municipalities. He, along with Darlene Fox, Finance Director, were planning to set up a meeting with the municipalities the next week to provide information to them. Ms. Fox had been working to put together an information packet and an outline of what the budget should look like. They would also be available to provide resources and answer any questions.

He provided information on how the funds could be distributed to the municipalities. State law did not describe how the funds should be distributed. Staff only knew to fall back on the current methodology used to distribute sales tax. The first allocation to the county was \$964,886 and the second allocation would be \$852,746. At that point, they did not know why the allocation in the second round was less than the first. The total funds available would be \$1,817,632. If they distributed to the municipalities within the county, it was proposed as follows:

- Dillsboro           \$25,765
- Forest Hills       \$9,736
- Sylva               \$412,583
- Webster            \$6,322

The total amount, which was 25% of the total was \$454,408. He was presenting to the Board that the Highlands percentage be distributed among municipalities within Jackson County. There was a small portion of Highlands that was within Jackson County. This could be discussed at the next work session. He was attempting to come up with a methodology to distribute funds to municipalities that operated within the county.

Commissioner Woody asked if this brought them close to what they had hoped to get from the state originally?

Mr. Adams stated that it was not close. The letter that was sent to the legislators and the governor expressing the concerns of the Board stated that state did not follow through with the intentions of the federal government with issuing 45% of the funds to the countries. The \$300 million represented 8% not the 45% in which it was believed to be the intent of the federal government. They did not receive a response from the letter that was sent. The legislature was moving quickly on this. It was his understanding that out of the \$4 billion that was given to North Carolina, approximately \$450 million was directly allocated to larger counties and municipalities instead of going through the state. \$300 million went to local governments, but the remaining \$3.2 billion got utilized by state operations.

Commissioner Woody stated that County Commissions statewide had been concerned about this because they were offering grassroots health services and emergency services in their communities. A significant amount of money went from the federal government to Charlotte-Mecklenburg, Guilford County, Wake County and Forsyth County, which they should receive because they had a lot of people there, but that cut out the rest of them from really getting those resources.

Mr. Adams stated that in the interim, while the letter was being written, the Association's focus started shifting towards releasing the other \$150 million. It was not close to the 45% they were looking for, but it was better for them to release those funds instead of them holding the funds, which could lead to them utilizing them for state priorities versus local government priorities. He did think it was successful that the Association was able to get the state to move forward with releasing the additional \$150 million.

Commissioner Woody asked if he had any indication that the money that had been distributed to different subcommittees, would filter back to the counties?

Mr. Adams stated that some of it did with the health department. They were getting some directly from the federal government, but it still would not be near the 45%. Other items the state budget looked at was ROAP funds, which was the Elderly and Disabled Transportation Funds. The state revised the NCDOT budget and they just recently found out in the last week, they removed all of those funds. They received direct federal funds and the state expected them to use those to replace those state dollars. In the next few months, they would go through the large budget bill that was just passed.

**(b) Community Services Center:** In his last manager's report, he mentioned that they had discovered that the underground fuel oil tank had leaked where they were building the new Community Services Center. He wanted to update the Board and he would also follow up at the work session. He provided a packet of information, which discussed the discovery that occurred on June 8<sup>th</sup> and that the proper authorities were notified. The estimated cost of removal was \$13,855 and at that point 84 tons of contaminated soil and over 2,000 gallons of contaminated water had been removed from the site. The cost was higher because there was more tonnage than originally thought. The second phase was closure documentation and they were working with NEO, Western Builders with DEQ. In Phase 2, the \$12,584 was going to be for all of the testing that needed to take place, along with the reporting to the state. The wall closest to the foundation was tested for contamination in the soil and came back above residential standards, but below commercial standards. The other tests came back clean. They were waiting on the results for the groundwater testing well, but it was believed by the GEO Tech that it was going to come back clean.

On June 22<sup>nd</sup>, an existing sewer line was discovered that was running from the Board of Education through the slope across the county property to a manhole. The line had not been previously discovered and the top of it got clipped. Instead of repairing the line, they installed a new line to an existing manhole that had been installed on the Board of Education property.

He referred to an email from NEO that he highlighted in their packets: "As we discussed with Don this week, the most efficient and cost effective way to close out this incident, would be to continue with the work we started and end up with a deed restriction of no residential or no water wells... Any further chasing of the contamination isn't recommended as they already made a good faith effort to remove as much as possible with minimal impact." These statements were being made before they even had the test results back. They did not recommend digging any further into the wall because at that point it would become a much more complicated process because they could start undermining the foundation.

They were recommending, assuming the well test came back negative, to go ahead and file all of the appropriate paperwork to close out the site with the state. In order to do that, because they had some positive test results on some of the soil and it fell under commercial limits, the state would require them to have a deed restriction that would not allow for residential or a well to be drilled for potable use. This was a commercial building and they were TWSA customers. They would discuss this more next Tuesday. If they had any questions, they needed to ask him because he needed to proceed forward with filling up the hole. He recommended following their recommendations.

**(8) FIVE FORTY BROADCASTING COMPANY TOWER WAIVER REQUEST:**

John Jeleniewski, Senior Planner, stated that as a reminder from a previous meeting, Five Forty Broadcasting was proposing to construct an AM radio tower 199' in total height (196' tower structure, 3' concrete base) on property owned by Roy and Janice Burnette. The applicant requested four waivers for the Board to consider:

- Waiver for total tower height of 199 feet, which was 19 feet above what was allowed in the ordinance
- Waiver for Fall Zone Area to encroach on adjacent property, which was 149 feet +/- . The adjacent property was owned by the applicant
- Waiver of the Permit application fee of \$5,000
- Waiver of required landscape buffer

In addition, staff requested the waiver of a quasi-judicial hearing and to allow the application to be approved by staff without the quasi-judicial hearing. Staff had done a thorough review of the application.

Chairman McMahan stated that the request would be a waiver on the quasi-judicial hearing and allow staff to approve the application. Also, on the fall zone encroachment on the adjacent property, would there be documentation or a stipulation that he could not sell that property or allow it to be developed in the fall zone?

Mr. Jeleniewski stated that it was discussed at the work session that it was going to be at the Board's discretion. They could make a condition that the property owner show that on a plat as a non-buildable area.

Chairman McMahan stated that was the reason they were agreeing to do this because he owned the property. If he sold it and someone built a house there, then it would be in a fall zone and it would create the issue they were trying to stop. If they waived that, they would need to require that condition. He asked Ms. Baker if they were they in a position to take action on this item?

Ms. Baker stated that yes, the public hearing was on June 23<sup>rd</sup>, which was more than 24 hours ago. There could be a motion to accept the waivers with the condition that he record a plat showing that as a non-buildable area.

Commissioner Deitz asked why he should not have to pay the \$5,000 Permit application fee?

Mr. Jeleniewski stated that was brought up in the work session. The applicant's response was that due to the fact of being a radio station he did a lot of public service.

General discussions were held.

***Motion:*** *Commissioner Mau moved to approve the application with the requested waivers contingent upon the condition of recording a plat for the non-buildable area. Commissioner Woody seconded the Motion.*

**Discussion:**

Commissioner Deitz asked how was the radio coverage as to being able to cover the county from that side.

Mr. Jeleniewski stated that in previous discussions, Mr. Burnette believed it would be greater than what he had now or equal to.

*Motion carried by unanimous vote.*

Commissioner Deitz asked what would happen to the existing tower on the Old Asheville Highway?

Mr. Jeleniewski stated that it was his understanding that it would be coming down because the property was for sale. He assumed that Mr. Burnette would be responsible for removing the tower and wiring.

**(9) CULLOWHEE PLANNING AREA DEVELOPMENT STANDARDS:** Caroline LaFrierier, Planner II, requested that if the meeting was recessed due to the 24-hour requirement, to add this item to that agenda.

*Carry over.*

**(10) RECESS THE MEETING:**

Chairman McMahan stated that they would recess the meeting and reconvene at a later date.

Mr. Adams stated that he had three times that he would request the Board to consider for reconvening the meeting, which could be completely remote:

July 8<sup>th</sup> at 6:30 p.m.

July 9<sup>th</sup> at 8:15 a.m.

July 9<sup>th</sup> at 3:00 p.m.

**Consensus:** *Recess this meeting to reconvene on July 9<sup>th</sup> at 8:15 a.m.*

Ms. Baker stated that the Zoom link for the recessed meeting would be automatically sent to anyone that was on the July 7<sup>th</sup> meeting.

**(11) OFFER TO PURCHASE AND CONTRACT FROM RAW LAND REAL ESTATE, LLC AND RESOLUTION R20-11:**

Ms. Baker stated that she received an offer from Raw Land Real Estate, LLC, for Lot 6, Cove at Flat Gap, containing approximately 1.59 acres (PIN #7558-14-5407) in the amount of \$9,225.00. These lots generally sold at the Tax Foreclosure Sale and folks interested in those lots knew about it, but for whatever reason, they did not purchase this lot at the sale and had not made an offer to purchase it since. The county owned this lot since September of 2019, so the offer was for the full amount of cost since it was less than one year.

She presented Resolution R20-11 for consideration. If the resolution was approved, it would go through the upset bid process.

**Motion:** *Commissioner Luker moved to approve Resolution R20-11, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(12) OFFER TO PURCHASE AND CONTRACT FROM MURFELLO AND RESOLUTION R20-12:**

Ms. Baker stated that she received an offer from Raymond Murfello and DeAnna King-Murfello for Lot 80, River Rock, containing approximately 1.18 acres (PIN #7556-54-4716) in the amount of \$3,000.00. The county had owned this property for over a year and the cost to the county was \$13,000.00. In February, 2019, the Murfello's came before the Board to purchase another lot in a similar situation. The Board approved the sale of that lot last year for \$3,000.00. This lot adjoined their property and had no well, septic or road. Other lots in the area had sold for \$3,000.00. Ms. Murfello had planned to attend the meeting, but given the COVID situation, she did not have internet or cell phone access at her home.

She presented Resolution R20-12 for consideration. If the resolution was approved, it would go through the upset bid process.

**Motion:** *Commissioner Woody moved to approve Resolution R20-12, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(13) JULY MEETING SCHEDULE:** Mr. Adams stated that traditionally, the Board looked at the month of July to see if they wanted to continue on a regular meeting schedule. He had items that he needed to present to them at the July 14<sup>th</sup> work session, but he did not believe there was any action needed until the August meeting. He deferred to the Board if they wanted to look at the July 21<sup>st</sup> regular meeting.

**Motion:** *Commissioner Mau moved to cancel the July 21<sup>st</sup> Regular Commissioners' Meeting. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(14) BOND ORDER FOR ADOPTION:** Mr. Adams presented the Bond Order for Indoor Pool Facilities and stated that the Board would take this item up at the reconvened July 9<sup>th</sup> meeting.

*Carry over.*

**(15) RESOLUTION R20-13 REGARDING PUBLICATION OF BOND ORDER:** Mr. Adams presented Resolution R20-13 regarding the Bond Order and stated that the Board would take this item up at the reconvened July 9<sup>th</sup> meeting.

*Carry over.*

**(16) ORDER OF COLLECTION (R20-14):** Ms. Baker stated that the Order of Collection authorizes, empowers and commands the collection of taxes as set forth in the tax records filed in the office of Tax Administration.

***Motion:*** *Commissioner Mau moved to adopt the Order of Collection Resolution R20-14, as presented. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

**(17) LIBRARY BOARD:**

***Motion:*** *Commissioner Woody moved to appoint Boyd Sossamon to fill an unexpired term on the Library Board, term expiring November 27, 2021. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

**(18) PLANNING BOARD:** *Carry over.*

**(19) US 441 GATEWAY DISTRICT COMMUNITY PLANNING COUNCIL:** Michael Poston, Planning Director stated that Susan Kinsland had agreed to serve on the council. She had completed the volunteer application as required.

***Motion:*** *Commissioner Luker moved to appoint Susan Kinsland to serve an unexpired term on the US 441 Gateway District Community Planning Council, term expiring December 31, 2021. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(20) PRESS CONFERENCE:** Holly Bowman with Smoky Mountain News asked them to speak to the issue regarding the statue and what their planned timeline was to discuss the issue and make some kind of decision?

Chairman McMahan stated that it would be on the July 14<sup>th</sup> work session agenda for discussion purposes to see if the Board would choose to take any action.

There being no further business, Commissioner Luker moved to adjourn the meeting. Commissioner Mau seconded the Motion. Motion carried and the meeting adjourned at 8:00 p.m.

Attest:

Approved:

\_\_\_\_\_  
Angela M. Winchester, Clerk to Board

\_\_\_\_\_  
Brian Thomas McMahan, Chairman