

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JULY 14, 2020**

The Jackson County Board of Commissioners met in a work session on July 14, 2020, 1:00 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. There were individuals listening via Zoom and also from Room A227 via Zoom. He reminded everyone that the purpose of the meeting was a work session. This was the opportunity for the Board to review several items, have discussions and receive staff reports. Work sessions were an opportunity for the Board to ask questions, direct staff to seek additional information and put the Board in a position to make a decision to add an item to an upcoming business agenda where they would take action and have a vote. There would be no voting or public comment that day.

(1) RELOCATION OF STATE ROAD 1331 – DR. KILLIAN ROAD: Michael Poston, Planning Director was present for this item. Chris Lee, NCDOT District II Engineer, was present via Zoom video conferencing for this item.

Mr. Adams stated that they had information in their packets requesting to abandon and move Dr. Killian Road in Cullowhee.

Mr. Poston stated that the North Carolina Department of Transportation was requesting, in conjunction with Western Carolina University (WCU), to relocate 1,350 feet of the maintained right-of-way for SR 1331, locally known as Dr. Killian Road. Dr. Killian Road was located off Blackhawk Road in the Cullowhee community. G.S. 136-63 stated that the Board of Commissioners, on their own motion or on a petition of a group of citizens, requested the Board of Transportation to change or abandon any road in the secondary system when the best interest of the people of the county would be served.

The road provided access to the Briar Patch Road subdivision and property owned by WCU, including the location of the new Millennial Campus Apartments. The new road alignment was included in the concept subdivision plan approved by the Planning Board during the subdivision review process. The relocation of 1,350 feet of the right-of-way of Dr. Killian Road did not negatively impact the access to Briar Patch Road or to the additional property owned by WCU. No property owners would be deprived of access, ingress or egress to their property if the Board supported this request.

The relocation of the 1,350 feet of right-of-way required that the existing right-of-way be abandoned and the new right-of-way accepted. The request before the Board of Commissioners was that they consider adopting a resolution to abandon 1,350 feet of the existing right-of-way of Dr. Killian Road and add the new road alignment to the NCDOT Secondary Road System.

Staff found the request to be in the best interest of the public as the relocation of Dr. Killian Road provided WCU with greater land development opportunities and continued to serve all existing property owners that relied on it to access their property. Staff recommended that the Board of Commissioners consider approval of a resolution supporting the abandonment of 1,350 feet of the existing right-of-way for SR 1331 (Dr. Killian Road) and add the new alignment to the Secondary Road System.

Chairman McMahan stated that it was more rare to receive a request to remove a road from the DOT maintenance system than it would be to add to the system. The reason for the request was that they wanted to relocate the road. Was there a plan to resubmit and request that DOT take the maintenance back over?

Mr. Poston stated that there was a petition to abandon the right-of-way and there was also a petition for an addition to the right-of-way. The resolution covered the removal and the addition.

Mr. Lee stated that for clarity, he wanted to do an abandonment and an addition. When they were approached by WCU, they wanted to make sure they wanted to abandon the roadway and then add it back. They made the connection and did not really change their mapping as it was the same length. The abandonment could be done because, for all practical purposes, it had been relocated and they had already been able to create a plat. Part of the new General Statute stated that they had to produce a plat if they were going to record any new right-of-ways. They also had to enter into a new right-of-way agreement with WCU.

They had a goal to complete construction by mid-August. As of that morning, the road was not yet complete. They had some problems over the weekend with a rain event and a broken water line that affected part of the road. He thought the items could be repaired and the road could be in a condition that DOT would accept and could be on a future Commissioners' agenda for consideration. This also required DOT Board approval, which their next available agenda would be September. By the time they were in a position to add the road back, he thought construction would be completed and would warrant the addition component of the request.

Chairman McMahan stated that it was confusing from the public's standpoint, what was really taking place because they did not normally do this procedure in this format. To Mr. Lee's point about the status of the newly constructed road, he was interested in making sure the road met DOT specs and that it adequately addressed storm water runoff with the proper drainage and systems in place that were needed for that hill and section of road. He thought it would be very beneficial if they had a point where DOT came back to the Board and stated they were fully satisfied and at that point he thought the Board could then be in a position to execute the document. They did not want to be premature and create a headache for a lot of people.

Mr. Lee stated that he agreed. This was usually a formality that would follow up all construction. For full disclosure, he was approached by the developer that had various sources of financing going into the project with a complex public-private partnership. Their underwriters and attorneys were very concerned about the previous right-of-way that this roadway occupied where buildings were located. Those agreements still resided at the Register of Deeds Office that were attached to those original underlying property deeds. The DOT right-of-way existed with that prior location. They wanted to see that extinguished and those easements become unattached to those underlying deeds so they could occupy the property free and clear. That was what got them to the abandonment component of the process in consideration of where the project was at that point.

He was agreeable to move ahead with an abandonment and they could consider the addition based on where they were in the process. He felt that a resolution for abandonment was probably reasonable at that time, but he did not want it to be met with public confusing that this was not an abandonment with a road going away permanently.

Commissioner Woody stated that she knew that WCU had other roads that they had the right-of-way for and would end up in a similar situation that would also lead to or intersect with private property around the edge. She wanted to make sure that other citizens that would need access to their private property would not be impacted. How did they ensure that the citizens were protected?

Mr. Poston stated that Dr. Killian Road was located in and around what was at that time WCU property. However, that road had historically been maintained by NCDOT and included in their secondary road system. DOT would also evaluate the impact to access for adjacent property owners. Where the road was being moved would not impact other property owners as it was beyond. The only other property potentially impacted was owned by WCU at that time.

Mr. Lee stated that the actual relocation of the road occurred above Briar Patch Lane. Beyond Briar Patch Lane, was all WCU property on both sides of the road. Below that, from Blackhawk Drive to Briar Patch Road, the property owner on the right was a different property owner. They only had existing right-of-way agreements with those property owners, so nothing changed until beyond that point.

There were some impacts ongoing on that property with an allowed encroachment to occur for a new water line to serve the facility. Also, there were some drainage changes, sidewalk and curb and gutter. It looked like they were really impacting the lower property, however, this realignment did not change access to any other property owners. WCU was the only one affected as they made sure they covered that base in their agreements.

Back to the point of making sure they built the road to DOT standards, they entered into a driveway permit for this new facility to access Killian Drive and with that permit, they had various items including encroachments for waterlines, etc. They also had a bond to make sure they met their minimum standards of construction. If they did not, they could exercise their right to access the bond to hold them accountable to make sure the road was built to their standards, so they did have protections built into the process.

Commissioner Deitz asked if the property was all WCU property? Everywhere they were putting the new road was on WCU and was it a state-maintained road?

Mr. Lee stated that before WCU acquired the property, it was privately owned. It was a state road that served homes in the past.

Commissioner Deitz stated that he had no problem with any of it other than what Commissioner Woody was talking about and assuring the people that lived near and below this construction they would do everything they could to circumvent some of the things that had been happening with flood water. It kept happening and it could not all be because of heavy rain. They had a lot of construction going on in that area and they needed to make sure every drop of water possible could be taken care of in the utmost way they could.

Chairman McMahan stated that was why he raised the point about storm water, drains and making sure everything was connected properly to discharge ponds, basins and underground cisterns as it was critical. They all knew that the paved surfaces were just collection points for a large volume of water that would just go down the hill. As long as DOT could agree that it had been properly built and installed and was willing to accept it, they would be willing to vote.

Commissioner Deitz asked Mr. Lee about the north end of the Millennial Campus where the construction was going on where they had all the flooding. On the other end where the property could be entered, was that a state road going up that side also?

Mr. Lee stated that was Blackhawk Drive and it was a state road. They reviewed all the drainage on the road and it was an improvement over what they had at the time. They applied their Subdivision Standards to the roadway, so they had 20-foot pavement with curb and gutter on each side, so all of the water that got in the roadway would be confined to the roadway. It would then be allowed to spill into intermediate drop inlets down the entire slope. The contractors still had work to do to get to that point because apparently they had a big blowout over the weekend due to a rain event. The drainage pattern was not in its final look at that time, but when it was, it would be an improvement.

Commissioner Woody stated she appreciated Mr. Lee's explanation because that did clarify for her. With the intermediate drop inlets, where would that water then run to?

Mr. Lee stated that they would go into a trunk line, which would be under that section of pavement or off into the shoulder and would be carried down to Blackhawk Road to a large structure on the left side of the road where they constructed a concrete sidewalk. That was in association with the bridge replacement project they had there.

Commissioner Woody stated that was at the entrance of Ms. Deitz's property, Catamount Homes.

Mr. Lee stated it all ended up in a structure across the road that dumped into Long Branch. DOT installed new drainage associated with the bridge replacement project where the drainage from the new development would go down Killian Road and tie in.

Commissioner Deitz stated that over the weekend it flooded and went to the left all the way down and came into the other side of the bridge.

Mr. Lee stated that there was a rain event that came down Killian Road, which he thought it over topped Blackhawk Road and spilled into a property. From what he saw that day, the contractor was there dressing all it up.

Chairman McMahan stated that what he understood Mr. Lee was saying was that the concrete structure was ready to receive the pipe that was coming down the hill, but they were not hooked up yet and that was why they were seeing some of the drainage run down that road. Eventually, when this was finished and all hooked together, all the water then would be channeled into pipes underground that would feed into the concrete structure.

Mr. Lee stated that was correct. He thought that over the weekend they also had a water leak. Apparently, TWSA did a water test and found they were losing water from a newly installed waterline, so they had to try and find that. During that repair, this storm came in and so they were in an open excavated situation that was unfortunate timing. He thought it was working fairly well until the waterline issue came about.

Mr. Adams asked Mr. Lee if they took into consideration about drainage and dumping more water into the stream that the concrete structure was in the flood zone?

Mr. Lee stated that was for a 100-year flood event. For the purposes of what they required of the relocation of the road, it had to meet their secondary road hydraulic standards, which was meeting a 25-year flood event. They made sure the proposed drainage network, as a result of the relocation, met the 25-year flood event. As far as the road relocation, they made their engineers show that they met the 25-year flood criteria for a secondary road before they would have approved the driveway.

Commissioner Luker stated that he had some concerns about water runoff and collections of water piping it all down into Long Branch. People that had lived in that area many years had seen Long Branch out of its banks numerous times over the years. As they had removed many of the elements that collected water, allowed for the slowing down of water to go back into the ground or get filtered and dispersed more slowly down the mountain before it hit the creek. With the large amounts of development there, they had taken a lot of that natural filtration and elements away. He did worry about the fact that they were gathering all of this water into the system and locating it down by Ms. Deitz's property into that one location and what that did at that point with the newly increased amount of water and the hydraulics of that and the flooding.

Chairman McMahan stated that he and Commissioner Woody met the day before with representatives from WCU related to the construction site. A statement was made that once this road project was finished and everything got hooked up, there were underground cisterns and measures put in place to help control the water, slow it down where there were underground retention ponds and the water would fill up there and slowly release, was that correct? Once the system was completed, while not as good as a natural system with an open vegetated area, there was a process that would help mitigate some of the storm water.

Mr. Lee stated that was correct. The topography could lend itself to having out fall in other locations and not all be directed down the road. He did not think they could make the assumption that the roadway was the gutter for all of the water.

Chairman McMahan stated that he thought the Board wanted to wait until this had been completed and as they understood August was the target. It would potentially be sometime in August when they would be in a position to take action on this.

Mr. Poston asked Mr. Lee if he thought the roadway would be in shape for an early August meeting?

Mr. Lee stated that based on his conversation with the project manager, yes. However, he did not know what additional delays they may experience.

Chairman McMahan stated that they would rely on DOT to give them the green light when they were prepared. When DOT felt confident and ready to take the legal action, they would follow their cue.

Mr. Lee stated that if they got into a position that the addition did not make sense in early August, did the abandonment make sense in early August as well. He thought the abandonment could come first, but he did not want to present it to the Board of Transportation until he had both resolutions in hand.

Mr. Adams stated that he would tentatively place this item on the August 4th agenda, following up the week before with Mr. Lee regarding the status of the road. If he was hearing correctly, the Board wished to get something from DOT stating they were satisfied with the construction of the road. If they were not ready, they would place it on the mid-month meeting in August.

Chairman McMahan stated that was correct.

Consensus: *Tentatively add this item to the August 4th regular meeting agenda for consideration.*

(2) CASHIERS DOG PARK: Mr. Adams stated that Vision Cashiers reached out regarding one of their goals to fundraise and build a dog park in Cashiers. As they were aware, the Rec Department was going through a planning process to create a Cashiers Master Recreation Plan, which had been delayed. Rusty Ellis, Parks and Recreation Director, indicated to him that a desire for a dog park had been expressed in the plan. They were not at a point where the plan could be presented and adopted. He thought Vision Cashiers may want to participate to expedite the dog park portion of the plan.

Chairman McMahan stated that he had a few conversations with Paul Robshaw, one of the leading members of Vision Cashiers. They were very interested in the dog park concept and potentially looking to identify a parcel already owned by the county. Their goal was to work within the community to fundraise for the amount money needed to pay for the capital improvements, such as fences and park benches, etc. They would have to do this primarily during the season that most people were in town.

One of the challenges was that they did have a process unfolding to develop the new master plan, so in some ways it would fit better to be part of the overall master planning and go from there. Also, he thought staff had some concerns about the potential site. They were evaluating the request as they were working through the process of the master plan as it may eventually deal with this item itself.

Mr. Adams stated that he had asked staff to look into this. Vision Cashiers had a location they identified. Currently the Planning Department was working with the Rec Department to identify more appropriate locations. He asked if the Board had an interest to proceed forward?

He recommended they wait until staff gave them a recommendation of where the dog park should be located. Staff would take into consideration parking, pedestrian access and those type things. There were some other areas that could be potentially be utilized, but they needed to work out the details.

Consensus: *Staff to proceed forward to work on the concept to continue the discussion.*

Mr. Adams stated that he would follow up with Mr. Robshaw about if they wished to fundraise and continue those conversations.

(3) REQUESTED LETTER REGARDING PROPOSED NC CASINO: Mr. Adams stated that Mike Kondratick emailed Chairman McMahan requesting the Board approve a letter to the Governor regarding the new proposed casino at Kings Mountain. They were requesting that the Board register their strong opposition and ask the Governor's Office to become involved in the situation.

The Board passed a resolution previously that went to the federal legislators in opposition to allowing the casino to occur. This request would be for a letter signed by the Chairman asking the Governor's Office to become involved. A sample letter was provided and some of the statistics it stated were regional. He recommended to amend the letter to reflect numbers specific to Jackson County.

Chairman McMahan stated that he received a call from Mr. Kondratick, who was with the organization Defend NC. They were working with the Eastern Band of Cherokee Indians to work on this project to try and stop the Kings Mountain casino project. He explained to Mr. Kondratick that the Board had adopted a resolution as well other jurisdictions in the area in 2019. Also, they knew the tribe had entered into a legal battle and they also had sent a letter offering their assistance in ways they could to support them. This was the first request asking if they would be willing to sign a letter asking the Governor and the Attorney General to weigh-in and take action. They were asking others to do the same in the area.

Consensus: *Move forward to prepare and send the letter as requested.*

(4) COMMISSIONER BOARD ROOM: Mr. Adams stated that he wanted to have a general conversation with the Board regarding procedures in the meeting room. Obviously, since the COVID-19 Pandemic, they all had to readjust to how they operated. As the Governor proceeded forward with the phases, it allowed the Board to meet and it allowed citizens to attend via Zoom. As the community opened, they started getting more requests from people to physically attend the meetings.

Also, a question that Commissioner Mau had raised was that since they were now Zooming, were they going to record and publish the meetings. He asked the Board to discuss that conversation as a whole. Was that a policy the Board wished to have to start recording the meetings and making them available online. That discussion would impact upgrades to the board room that were already getting ready to take place.

As they recalled, they did have sound quality issues prior to COVID-19. I.T. had started putting together quotes about updating microphones, etc. If the Board wished to record and post videos online, then he would recommend going above and beyond the small camera they were currently using. He thought this was more of a policy discussion and not necessarily a monetary discussion. A sound system versus a sound system plus video would be between a \$5,000-\$10,000 difference.

He wanted to get input from the Board about videoing and recording the meetings. At that time, they were videoing and would need to continue to do so as long as they were dealing with COVID-19, but eventually, that would end. The first discussion would be about videoing, recording and posting videos and having a policy on how to handle that.

Commissioner Mau stated that he had a couple of people ask where they could go to watch the meetings and if they were recording them since they were using Zoom. He let them know that he did not know, but would find out. That was really start of the conversation on the video.

Mr. Adams stated they would come back with a policy about how long they would maintain the video and where they would put it. Before they would proceed with that, staff would need direction that was what the Board wished to do. If they wished to do that, then they would come back with the policies of recording and they would recommend to discuss live streaming also.

Chairman McMahan stated that the option was on Zoom to record. Where it went and how citizens would access it would be the question. Also, he asked if they could record on the other side if someone was participating from home?

Commissioner Mau stated they could hit record, but depending how the meeting was set up, they would have to receive permission from the host, which he thought was how their meetings were set up. That did not stop them from using their phone and making a video of the screen.

Also, he had people ask why they had to go through the process of sending in an email, why was there not a link that was posted on the county website so that anyone could click on it to watch. They understood the process if they wanted to participate to let people know. Some people had stated that even when COVID was gone, they thought the county should do this so that they could watch the meetings if they wanted to.

Commissioner Woody stated that the tribe had shared their meetings for a while now and she thought citizens appreciated that.

Chairman McMahan stated he thought it went back to the quality of the video and making sure people knew who was speaking. If they were going to do it, they would want to make sure people could clearly hear them and understand who was making the comments. Was there a consensus for them to continue videoing, potentially after COVID, but enhance what they were currently doing? If so, maybe develop a policy to look at options of how to record and share.

Mr. Adams stated that they were prepared to come in and make those recommendations, but they would have to decide what they would do with the information. Was there willingness of the Board to provide video current and after COVID? The estimated cost was \$16,000-\$20,000.

Consensus: *Continue the process and bring back information to the Board to consider.*

Mr. Adams stated that the next part of the conversation was related to the major issue the Board would discuss later in the meeting with the Confederate monument. This would also relate to any major topic that may come before the Board while dealing with the COVID-19 crisis. The issue was the appropriate way to allow the public to communicate with the Board. When the crisis began, they started the Zoom format and were highly encouraging people to use Zoom for the meeting. They did not tell people that they were not allowed to physically come to the meeting. They had the overflow room, which had worked well to maintain the occupancy of the board room.

If they started having 30 or more people show up, that would start to present a logistics issue for staff. He thought staff did an excellent job at the last meeting where they did have 10-15 people show up. The issues would include enforcement of spacing and wearing masks. If they did have 30 or more people show up, he wanted the feedback from the Board about he may be forced to ask the Sheriff to bring law enforcement so they could enforce the spacing and face mask requirements to protect the citizens and staff.

Chairman McMahan stated that he really would wish this would all go away and they could get back to business as usual where people could come into the board room and fill the seats to have a conversation with their government and participate. Unfortunately, they were not there yet and he did not see them getting there anytime real soon. He appreciated what staff had done to try to put them in a position to still be able to interact through Zoom.

Recently, he heard a citizen state that they felt they were locked out of the board room and could not have access. They had tried to provide opportunities for them to have access. In his opinion, they did have a capacity in the board room to reserve one or two slots for the public. If they were willing to abide by the social distance requirements by standing in line six feet apart, they could cycle them through the room one at a time, coming in one door and back out the other.

The citizen could come in, speak their three minutes and go back out the door. If people did not want to participate by Zoom or did not have that option, they would have to understand they could just come in and speak their three minutes and leave because that would be the only way they could accommodate everyone. That was just his opinion.

Commissioner Mau stated that he thought something like that made sense. It had to be safe and if they put the right steps in place, he did not have a problem with it.

Chairman McMahan stated that he had thought about if they had a large public hearing they may need to meet outside or at another facility. It would create a challenge, but would potentially be an option for a large gathering. They could accommodate one at a time in the board room if staff was willing to manage and enforce the policies, that could be an option.

Commissioner Mau asked if staff was willing to have them do something like that?

Mr. Adams stated that was where they would need to get the sheriff involved and request law enforcement. There were people that did not believe they should wear a mask. Another challenge they would have was that people did not just want to come and talk, they also wanted to see the meeting. At the previous meeting, people crowded around the door to try to see and hear the meeting. He did not believe staff wanted to be completely in charge.

Commissioner Mau asked if staff would feel comfortable if people were coming into the board room one at a time? That would be something they would need to think about.

Mr. Adams stated that currently there was a limit on gatherings indoors. They were trying to abide by the state law, even though local government did have some exemptions. At minimum, he would want to make sure of spacing requirements, people were wearing masks and they were abiding by the health regulations. He did not want to go above the maximum amount allowed in any confined space. He would follow up and have private conversations about Commissioner Mau's question.

Commissioner Woody stated that at the Board of Health meeting the night before, Shelley Carraway, Health Director, shared with them the most recent information from the CDC that if everyone wore a masks and social distanced, in three weeks they would see a turn around with the virus. Leaving that meeting, she thought that she needed to be very vigilant to be an example. She thought that if one person at a time came into the board room, if staff felt comfortable, she would feel comfortable with that.

Commissioner Deitz asked if they could only have ten people in the board room.

Mr. Adam stated that they were going by twelve because that was what Judge Letts put on the door when they turned the board room into a courtroom.

Chairman McMahan stated that judge Letts was the Chief Justice for this district court area, he was in charge from the Supreme Court level. They were instructed to develop a plan and the board room was now a courtroom, so he set the occupancy at twelve.

Commissioner Deitz stated that he was comfortable with one at a time coming in.

Commissioner Luker stated that he was comfortable.

Mr. Adams stated that he wanted to make a statement for everyone Zooming in the meeting. Staff wanted everyone to have access to the Board and they were working hard to make sure that occurred. If everyone would work together so that it would be safe for everyone. If the Board was comfortable with lining up in the hall, then he hoped they were comfortable to get the resources necessary to make sure people were properly social distancing and wearing masks. At that time, everyone was supposed to wear a mask in the hallway due to state and local directives.

Informational item.

(5) HOUSE BILL 1023 – CRF ALLOCATION FOR MUNICIPALITIES: Mr. Adams stated that this was a follow up from the Manager’s Report at the last meeting. They had a meeting scheduled with the municipalities that week to go over the information. The state did appropriate the additional \$150 million for counties and municipalities for a total of \$300 million from CRF Coronavirus Relief Fund. Then new law required counties to allocate at least 25% of the funds for use.

In the meeting with the municipalities, they would review the information and let them know what were eligible expenses. They would also discuss going into contract for the funds stating they would follow all of the rules and regulations since the funds flowed through the county and the county would ultimately be responsible for the funds. The municipalities would be required to submit a budget by September 1st.

Commissioner Mau stated that the last bill dealt with municipalities, but could TWSA potentially be reimbursed? All of the forming entities of TWSA would be there. Did TWSA need to be involved in the conversation?

Mr. Adams stated that the legal answer was yes. TWSA could legally receive the funds. The question would be if it fell within the appropriate expenditures. How they would go about doing that, he did not have an answer.

Commissioner Mau asked if TWSA needed to be involved in the meeting?

Mr. Adams stated that they could provide TWSA with the information. He recommended that TWSA discuss this and begin the request process. At any time, they could go through the information and provide it.

Commissioner Woody stated that at the state zoom meeting for North Carolina Association of County Commissioners, they reiterated repeatedly that if monies were not directly spent in relation to the COVID crisis, they would be held in contempt and the funds would be requested back. They had to be very careful.

Chairman McMahan stated that since the last meeting, when this was presented to them for the first time, he had a conversation with Mr. Adams and he showed him the formulas and how they came about the numbers for the municipalities. He would feel more comfortable not excluding Highlands and giving them at least \$1,000. There was only a small portion of Highlands that was in Jackson County, but those people did live in Jackson County. The county contracted with them to provide certain emergency services and they did have a fire tax for that portion of the county. He knew there were expenses from an emergency services standpoint that would be reimbursable to utilize the funds. He wanted to be sure they were treating all citizens fairly.

Mr. Adams stated that he would present the agreements to the Board along with the amounts so they could certify the amounts that would be going to the groups.

Consensus: *Bring this item back to a regular meeting for consideration.*

The Board took at brief recess at 2:27 p.m.

Chairman McMahan called the meeting back to order at 2:33 p.m.

(6) CONFEDERATE MONUMENT: Mr. Adams stated that this was an item that had been placed on the agenda. Multiple people gave public comment regarding the Confederate Monument. He turned the item back over to the Board for general discussions.

Chairman McMahan stated that Commissioner Woody, at one point, had started this discussion by asking that the Board consider putting together a task force. This was why they put the item on the agenda to debate the merit of that and to determine if they wanted to do that and whom they would want to put on the task force. He deferred to Commissioner Woody to see if she still felt the way she did. Was she still asking the Board to consider that and were there other options from the Board of things they may want to consider.

Commissioner Woody stated that she did recommend that. Her motivation to do that was recognizing the fact that they were five white individuals and the county was more diverse than that. Her thought was that by having a task force and inviting people of various persuasions from different ethnic groups, racial groups, the historic society, the genealogical society and others to come together to have a respectful discussion, they could hopefully come to some common ground where they could move forward respectfully.

Since she brought that up, she had a lot of personal criticism, which she understood and it was part of the process. She had thought a lot about it. Some people had said that she was elected to make the decision and she needed to step up and do that. Her thought was never to abdicate that role. The task force would be an information gathering, strategic planning type of situation so that the Board could get ideas from various individuals and then the Board would take on that responsibility they were charged with as elected officials to make the final decision.

She had gotten a lot of emails from a wide spectrum of opinions and some very good suggestions. She thought there were so many positive, thoughtful people in Jackson County. They had come up with some very good ideas about how they could address the monument in a respectful way. She wanted to defer to the Board about what they thought. She had some dear friends in the community she wanted to suggest to be on the task force, but she would never want to put them in a situation where they would be attacked and treated disrespectfully. She was rethinking and really wanted to defer to her fellow Commissioners to have their input about if they thought that would be positive or would it be more divisive.

Chairman McMahan stated that as a reminder, there were no decisions to be made that day, this was just a starting point for discussions. They were not bound to take any action and would not be voting that day and would not necessarily be voting on anything at the next meeting. It would give them an opportunity to discuss a topic that was very important and had received a lot of feedback and recognition within the community. It was a timely topic that was on a lot of people's minds and he thought they were looking at the Board for some kind of action, potentially, which may or may not happen. They would just have to see what the Board thought.

Commissioner Mau stated that he thought he had heard some of the same comments that Commissioner Woody had received: "Yes, have a task force". "It could be dangerous to have a task force". "It could be more positive". "It could be more divisive, so don't have one". "The Board of Commissioners should go ahead and make the decision".

One that he had seen in a few more emails in the last couple of days was about putting it on a ballot, which he did not know if they could do. He had also been thinking about if they did the task force, they would have to give them a charge of what their duties were and a timeline. If they went that route, if they knew they were not the ultimate decision makers, it was about getting information from all sides of the issue to present to the Board. He did not know if that was positive or more divisive. He was still thinking about this a lot.

Chairman McMahan stated that one of the other questions he had been asked beyond the scope of the task force was “When was the Board voting on this?” His reply had been, that they did not even have it on the agenda, it was not even a topic to vote on. There had been a lot of informal comments from the public about how they felt for or against the statue, but there really had not been any type of formal request. He had heard discussion that the Town of Sylva may be voting on a resolution that would come to the Board, but he did not believe that had taken place.

Ms. Baker stated that they voted on something at their last meeting and she thought this item would be on a work session in the future.

Chairman McMahan stated that he thought they voted to not have any kind of Confederate symbols in the town – he was not sure of the full extent of that. He knew that they were supposed to be debating and voting on whether or not to send a resolution to the County Board concerning the statue location. That was something that could trigger an official request for the Board to then take action. At that point, maybe they would continue to speak with citizens and gather input.

Commissioner Deitz stated that he did not think it was a good idea to have a task force. He knew that Commissioner Woody had very good intentions. If it was done correctly, which he did not know what that would be, it may be good. He thought there were so many possibilities and it opened so many doors for bad relationships between people. He had asked people if they would serve on it and they told him no, they would not even if they thought it may be a good idea.

He thought they needed to slow down about all of this and be very careful about what they said and did. His prayer was that hopefully there was some way they could use the situation they were in, to compromise and bring them all more together than apart. He thought they all had more in common than they had that was uncommon between them. That would be what he would try to do as he felt really strongly about this.

He heard people say that some of the people in the community or people in the country were too sensitive about this. Most of the time when they would hear that they were talking about people that were not white – that they were too sensitive. He did not think they should ever say they were too sensitive. There was a booklet from the Sylva Herald in 1945 that had all of the people that died in World War II. His dad was in Normandy and luckily he did not die where he was at.

In the booklet, it had all the people that died in the war from Jackson County, where they were from, whose son they were, what Theatre they fought in, where they were killed and buried overseas. In the back of the book there were five fellows that were killed that were black. They were in the back of the book because they could not be in the middle of all of the white fellows. If someone said black folks were too sensitive about some of this – they should be sensitive about it. He played left guard on a football team with the first black to play in Jackson County. He would come to the line of scrimmage as a quarterback and had to listen to the linemen on the other side call him the N word.

He thought there would be a vote some time along the way on what to do about the statue. He had as many reasons to not want to see the statue moved as anyone. That could be his great-granddad standing up there, he was a foot soldier. He had talked to people that did not want to take the statue down and people that did want to take the statue down. He talked about compromise. What could they do on that hill that would make a difference with everyone instead of making the chasm wider. That was what he would try to do. He did not want people mad at him, but if they got mad, they got mad.

He wished he did not have to make a decision on something like that. Whatever decision he made and he was sure it was the same with the other Commissioners, it was not going to be political. It was going to be his heart. He could take someone being mad at him, but he did not want to be mad at himself. When he looked in the mirror, he would know that he was doing what he had stood for all of his life. If their forefathers could compromise on some of the things they had to compromise on, whether it be states coming in or slavery or no slavery or how to count slaves as people or property to get representation, then surely, they could compromise and not fight another civil war.

Commissioner Woody stated that she was thinking long and hard about this and she was listening to people. She hoped that they could come to a place where they did not forget the past, but they reached toward the future. The future could be so bright and so supportive. They had so many wonderful people in Jackson County and she was hearing from them daily, on both sides of this issue – she wanted people to know that. If someone was stigmatizing people because they were on the other side, whichever side they were on, they needed to be talking about “us”. They were citizens of Jackson County. Somehow, she believed with her whole heart, they could find a place where they could reach toward the future, be respectful and find a solution that did recognize the past, but moved past that to their bright future, where every single citizen felt safe and valued in Jackson County.

Commissioner Mau asked Commissioner Deitz what a compromise would look like?

Commissioner Deitz stated that before they could compromise on anything, they had to have people that were willing to compromise and the case in front of them had to be so important that they knew something had to be done about it. He was reading a book entitled “Conciliation with the Colonies” written by Edmund Burke. The entire book was about him talking to parliament and it took place right before the Revolutionary War. He tried to tell his colleagues how important the colonies were to them. He guessed that he was asking them to compromise and that they needed to get together instead of fighting.

He would like to see the monument left, staying where it was at. How about Doug Meyers that died in Beirut, Lebanon, along with 248 more marines by a bomb. He was represented on that hill too. Bobby Parris died on his birthday in Vietnam and his two brothers had already died. They ended up with a lot of folks that died over there that were poor and they could not go to college or get out of it. He would like for him to be remembered. His daughter did not die, but she served in the service. That was where he would like to see them bring it together. He knew boys that died in Glenville in Vietnam and all the people that died in every war from Jackson County. He wanted to see something up there to commemorate them.

He would like to see them take the flag off of the stone. Every time he saw the flag he had no good thoughts. That had not always been true in his life. At WCU, they used to sing Dixie, but when the first black student came, someone decided it was not right for them to sing Dixie. He did not remember anyone getting upset, they just stopped. Through the years he would see where the flag would bother blacks because it bothered him. The statue was fine, but he did not like the flag. His compromise would be to do something with a plaque to honor everyone that had ever fought in the past and in the future.

Commissioner Mau stated he agreed with Commissioner Deitz about the flag.

Chairman McMahan stated that the only part he would disagree with was that the monument had a historical perspective representing Jackson County’s role in the American Civil War and it was not about Vietnam, World War I, World War II, Korea, Dessert Storm, Afghanistan or anything else. It was specifically placed there about one military conflict in history, the worst conflict in history, the Civil War.

He agreed with the concept of placing a bronze plaque to cover the flag, but instead of it becoming something other than what it was, it would become a monument to the Civil War and Jackson County’s involvement. The plaque could talk about Jackson County’s Civil War history, what Companies that came from Jackson County, where the troops came from Jackson County and the vote that was held whether or not to enter the war. It could cover a complete synopsis of Jackson County as to the Civil War. They could place an information board out from the statue that showed the 1915 installation and what that meant to the community.

Also, they could use it as an opportunity to educate people about Jim Crow and that movement and let people decide for themselves instead of people trying to tell people what their history was. Let people, for themselves, stand there and read it and make reasonable, educated determinations about what history was. That, he could support. He was firmly in favor of keeping the statue, he did not want to take the statue down. He did think there were ways they could use it as a tool to look at the past, honor the past, but also to use it as a tool to help them look to the future.

Commissioner Deitz stated that was what compromise was about.

Commissioner Mau stated that another compromise was, that it was his understanding that some conversations had gone on between some of the people in different groups to relocate the statue to somewhere else. Whether that was in the historical part of the Library or someplace else outdoors.

Commissioner Deitz stated that he believed they had all thought about this real strong. He thought that maybe a lot of times their constituents did not consider how serious they took some things and how they prayed about them and thought about them a lot and make decisions in their mind and then changed their minds because they listened to people. He wondered about if they took the statue to a cemetery somewhere, he could see that being a place that it could be abused and maybe other stones be knocked over too. It stated in the legislation about it being put in a place as prominent as the place it was removed.

Commissioner Woody stated that the wording of the statute was “to be placed with equal honor, visibility and accessibility”.

Commissioner Deitz stated that he did not know where they would put it to meet that standard.

Commissioner Mau stated that he put his engineer hat on when someone suggested moving it indoors and he thought would they be able to do that structurally in an existing building anyway.

Commissioner Luker stated there had been some great points. It was not an easy decision by any means. He had so many friends that were many different nationalities. As Commissioner Deitz stated about his prayer, he would even take it to when they stood before God, it was not going to matter if they were black, white, red, yellow or brown. They would have to stand before Him and answer for the decisions they had made and how they treated others individually, that was his belief. He did agree with the Chairman’s remarks, very much so. He believed there was something they could do, but he did not have the answer as to what it would be.

Commissioner Deitz stated that when Commissioner Luker stated he thought there was something they could do, but did not know exactly what it was, that was okay. There was something they could do and they would probably make this really a good thing. Between the five of them, they may not be able to figure it out, but there was usually an answer and sometimes it took a long time to find it. That was their call to see if they could find out what that was that could make people feel good about that situation.

Commissioner Luker stated that maybe they do put it out there before the people as they were talking and with the calls and emails. He thought they were in agreement that they did not want to see it come off the hill, but what could they do to change the situation. What would people recommend as a compromise or conditions of change that they could do. There may be someone that had the perfect answer for them.

Commissioner Mau asked if they needed a task force then?

Commissioner Deitz stated no. He thought they needed to listen to people.

Commissioner Luker stated that he thought it was listening. Not act hastily, but to take some time and listen and continue the dialogue.

Commissioner Deitz stated that this war was terrible. The most terrible thing someone could ever do was to fight with their brother and fight each other and that was what the Civil War was, they were fighting each other. He wondered what it would have been like at Gettysburg. The southern army came in from the north to the battlefield and the north came in from the south.

Pickett had all of his soldiers in the peach orchard and they were going to strike the northern soldiers across the wheat fields that ran up to Cemetery Ridge, which was high ground. One soldier said there was a rabbit ran out from the grass and he said “run rabbit run, I’d run too if I could”.

In this thing they were in, they could not run away from it. It was a terrible thing they were talking about happened, so they could not forget their history. Those soldiers were slaughtered when they went across that wheat field going up to Cemetery Ridge. It was a terrible thing. If they could run across that wheat field, they could figure that out something too.

Informational item.

(7) OTHER BUSINESS:

(a) Commissioner Woody stated that she was requested by the pro-statue movement group to bring the petition that they signed Saturday, so she had those there. They were Jackson County residents whose names were on there. If anyone wanted to see them, they could talk with the Clerk to the Board.

Informational item.

(b) Commissioner Deitz stated that the Health Department was giving coronavirus tests outside the Health Department and it was free. It took about a week to get back information. If someone needed results within a day, there were places in town that did that. They stated that insurance would pay for the test.

Commissioner Woody stated that the Health Department did that on Tuesdays.

Informational item.

There being no further business, Commissioner Luker moved to adjourn the meeting. Commissioner Deitz seconded the Motion. Motion carried and the meeting adjourned at 3:11 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman