

**MINUTES OF A  
WORK SESSION  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
AUGUST 11, 2020**

The Jackson County Board of Commissioners met in a work session on August 11, 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.

**(1) DRIVE-THRU VETERANS' APPRECIATION DINNER:** Shelia Setzer, Veterans Service Officer, stated that she knew they were in uncertain times, but she did not want to discount the veterans in any way. She wanted to do something with safety first for the veterans, staff and volunteers. She talked with John Faulk and Eddie Wells about having a drive-thru dinner at the Senior Center. They had been doing Meals on Wheels, delivering the food as they pulled up under the overhang. That was what prompted her to possibly do a dinner there.

A question that came up was how would they keep the temperature safe for the food for getting it from the kitchen to the veterans' car. Mr. Faulk stated that he had experience with this at the First Methodist Church with coolers and warmers. They thought about limiting it to 150. They would let them enter one way and exit another. As far as the budget, she would have a sufficient amount and she would help provide the beverages as well. Advertisement would be a huge part of this, making sure they had a good count. Mr. Faulk stated that if they had a lot of food left over, he knew where it could go to and how to handle that. Also, she had a lot of phone calls about the parade. They were wanting to know from the Sheriff's Office, Sylva Police Department and the Town of Sylva if it would be permissible.

Mr. Adams asked how much money she had budgeted for the dinner.

Ms. Setzer stated that she had \$5,000, which would be enough to do the dinner.

Commissioner Woody stated that she thought, as far as the Veterans' Parade, it would depend on where they were at that time with the Governor's directive.

Chairman McMahan stated that at that time, he did not think that parades were permissible under phase two, she could tentatively go ahead and apply for a permit for the parade with the idea that she could cancel a week or two prior. He thought these were great ideas to try to continue to support and honor the veterans in a way that was safe. He appreciated her willingness to do this.

Ms. Setzer stated that she wanted to work to provide something for the veterans to look forward to.

*Informational item.*

(2) **CENSUS UPDATE**: Michael Poston, Planning Director, stated that he wanted to provide an update of where they were with the census and what they would do to move forward. They had been operating under the assumption that they would have until October 31<sup>st</sup> to enumerate as many people in the county as they could. They had been informed in the last few days that had been changed to the end of September, which included self reporting and the door to door operations.

Self Response Rates:

- 2010 Overall County Self Response Rate: 33.7%
- Current 2020 Overall Self Response Rate: 32.8%

They were currently running 0.9% below where they were in 2010. They had eight weeks to try and improve the numbers. Dogwood Trust had rolled out a lot of dollars to support the census in Western North Carolina. They were offering to partner with organizations to provide the ability to do some fundraising. If partners reached out to their contacts to provide help to them to respond to the census, Dogwood would enter into an agreement where they would pay them \$20 per person to sign them up. This was an effort to organize and incentivize community efforts. There was an umbrella partner that Dogwood had out of Cherokee County that would work with the small nonprofits if they wanted to be part of that process. Also, the Sylva Herald had written an article highlighting this operation.

The county had signed a couple of agreements with Dogwood Trust, one of which was a \$1,500 mini-grant to place banners at all of the SRC sites. They had those for the municipalities as well. At the end of July, they had a response rate of 31.6%. Dogwood Trust offered an incentive to counties to help continue the effort of paying \$1,000 per percentage point that the county got in self response. Currently, they were at 32.8%, so they had earned \$1,000 in a grant. Based on the changes they were informed of, it would go to \$2,000 per percentage point. They would also give them \$5,000 if they surpassed the 33.7% self response rate of 2010.

There were a lot of financial incentives given to the community and county to continue to work to encourage self response rates. They were doing this in a couple of different ways. They were working with WCU to outreach off-campus student housing. They were also going to work with them with a Mobile Questionnaire Assistance Center, where they would find locations throughout the county with a high volume of people. In conjunction with the Census Liaison, they would set up these volunteer efforts to help sign people up. Self response would be an important piece because they were still trying to find and train enumerators to be out in communities knocking on doors.

They were working with partners, including Southwestern Child Development Center, to help enumerate ages under five years old, which was traditionally a difficult number to capture. There were a lot of different ways they were trying to continue to reach out to the community and to encourage and promote self reporting.

They were at a point they had saturated social media as they had sponsored a lot of ads over the last three months. They had also sent out mailers to the post office boxes to follow up. If they were willing, he requested that the Commissioners and all of the elected officials to reach out to their contacts and make sure they had filled out the census. There were hundreds of thousands of dollars on the line for the county in the next ten years of federal funding that stood to lose out on if they did not make sure they had the most complete count they could possibly have.

General discussions were held.

*Informational item.*

(3) **MEETING ROOM SOUND AND VIDEO UPDATE**: Kelly Fuqua, IT Director and Justin Thomas, Assistant Director, were present for this item.

Mr. Adams stated that they had been dealing with video and sound issues in the board room. As he had gone back and forth with conversations with IT, it had become apparent that if they wanted to continue to allow people to use Zoom to present, they were not going to be able to purchase multiple cameras as they originally thought because of the way their current situation had to be. As the Board knew, the last meeting, they had just got to a point they could YouTube live stream.

Ms. Fuqua stated that the proposal was for the first phase to upgrade the room. Currently, with Zoom, they could only use a webcam. In order for them to use YouTube, they could only use one camera. The first phase would involve upgrading the sound quality. Since the existing AD System was 17 years old, they could not upgrade the microphones or other equipment in the room. They would first like to replace the AD System with all new wiring, monitors and microphones, which should help tremendously with the quality of the sound. As time went on and they phased out of Zoom, they would like to install fixed cameras to stream to YouTube.

Mr. Adams stated that originally, when IT put together quotes, they were doing the sound package plus some web cameras so they could stream on YouTube, but they were not able to use the multiple cameras they needed for YouTube with the Zoom format. With Zoom, they were limited to their current camera setup. Until they were out of the pandemic, they needed to keep the capability for people to present via Zoom versus in person. They really just needed to focus on the sound at that point.

Ms. Fuqua stated that they placed the video links in three different places on the county website to make it easy for the public to find. They would keep the videos loaded on the website until it was decided how long they wanted to keep them there.

Mr. Adams stated that would be something they would have to discuss in the future.

Commissioner Woody thanked Ms. Fuqua for the extra effort that she and her staff put in for the last meeting keeping them secure. That was really important. Also, she thought it was really important that they keep video access. She felt that with social media, where people were posting things that could be disrespectful, but when they were speaking and seeing someone's face, she thought it was deterrent for them to say things they would not say to someone face to face. They wanted to work towards respect and civility in their discourse as a county and be examples of that, which she thought the Board definitely had been. She thought video helped with that.

Mr. Adams stated that they were streaming live with a 20 second delay. These were things they would have to continually discuss if the Board continued to stream live and also maintain the videos. Before they were live streaming, the audience would go through a process in order to communicate with the Board. When texting became available, they could sit in the audience and text the Commissioners, but they would have to physically be there to know to ask them a question.

Now, streaming live, they would expand the audience and it could start causing live texts to come to them. He reminded the Commissioners that if they were texting related to the meeting, it was public record. It was not something they could not work around, they just needed to realize as Commissioners, this was the world they lived in. They could receive a public information request to receive texts about county business. It would be a continuing conversation about how they would archive those things and how would they would make those items available for public record.

Commissioner Woody stated that they could only concentrate on one thing at a time with their brain focusing and really engaging. If they were texting, they would not be hearing what someone else was saying. To her, there was a problem right there with their presence in a meeting and really being involved in the process of what they were discussing on the agenda. She did not know where that came into play, but she would be concerned about that.

Commissioner Mau stated that he thought the bigger question with the texting and cell phones may be, should there be county cell phones for certain elected officials. That may help them with backing all of that content up somehow? That way it would not be their personal cell phones, it would be county cell phones. They would then have some sort of system where it could automatically be put into the cloud so if there was a request, it would be readily available like the email that would come up from time to time.

Ms. Fuqua stated that texts were only stored for a period of time.

Chairman McMahan stated that was why he chose to not get any county correspondence on his cell phone.

General discussions were held.

Mr. Adams stated that for where they were, was the Board in agreement to proceed forward with the sound upgrade? Regardless of where they would go with the cameras, they had sound issues. This would be the first step for them to proceed forward. At some point, if they were interested in continuing with live streaming and maintaining the videos, staff could come back with recommended policies for that.

Chairman McMahan stated that at some point, COVID would come to an end and they would go back to normal operations with a live audience. He did think there was some advantage to having Zoom in the future, so Commissioners or presenters could still participate remotely. People would still have to sign up in advance, but that could be a separate component to the broadcast on YouTube.

Commissioner Mau stated that he thought they should continue streaming on YouTube indefinitely also. It was easier for someone to click a button and watch instead of getting in their car to drive down.

Mr. Adams stated that they would continually have conversations about how to improve.

Commissioner Woody stated that she participated in the NCACC Annual Meeting via Zoom. The Director of Broadband Infrastructure spoke about the importance of having secure technology within counties.

Mr. Thomas stated they had an assessment done last year by the military and received an A+ rating.

Commissioner Woody stated that the vendor was from Haywood County. Was there a vendor that provided this service in Jackson County?

Ms. Fuqua stated that there was not.

**Consensus:** *Continue with the current quote and add this item to the next regular meeting for consideration.*

**(4) PROPANE BIDS:** Chad Parker, Public Works Director, stated that he had been in that job since 2011 and shortly thereafter, they started trying to pull together contracts for different items such as propane that they used in different buildings. The five-year contract for the propane would be up at the end of the month. The contract started out with Smoky Mountain Propane, which was bought out by Blossman Gas. They had been paying approximately 18 cents over cost.

He and Ms. Baker opened the proposals from four companies on Thursday. The lowest was from Freeman Gas at 25 cents per gallon over cost. Mr. Adams had asked him to include fire departments and community buildings in this cycle. Previously, it had been just county buildings. The county did own some of the community building facilities, but this would open it to community buildings and fire departments as well.

Mr. Adams stated that hopefully, those buildings would see the savings that the county got because of the volume.

Chairman McMahan stated that most of those entities already had existing contracts.

Mr. Parker stated that staff reached out to the fire departments and community buildings. Some people were not using propane, but the ones that were should possibly see a savings.

Mr. Adams stated that this was not a mandate.

Mr. Parker stated that it was not required, they would just have the ability to join if they wanted to.

**Consensus:** *Add this item to the next regular meeting for consideration.*

**(5) OLD COURTHOUSE HOLIDAY DECORATIONS:** Mr. Adams that he wanted to provide an update to the Board regarding the Old Courthouse holiday decorations conversation. The minutes from the March 10, 2020 work session, where the Board last discussed this item, stated: "Mr. Adams stated that he was bringing in the Library Board to take the leadership in the conversation. They already had inclusive decorations inside the library, so this was not a new conversation for them."

Instead of this issue coming up again around the holiday season, he reached out to Tracy Fitzmaurice, Librarian and she would bring this issue up at the next Library Board. They would appoint a couple of people to sit down with county staff, including members of the Public Works staff, to discuss holiday decorations on the courthouse lawn. Their charge would be to come back and make recommendations to the Board, within a month so that the Board could discuss this issue in October.

*Informational item.*

**(6) BILLBOARD LEASE:** Mr. Adams stated that he provided the Board with a copy of the old advertising lease with Allison Outdoor Advertising. The lease was for two billboards located near the American Legion Building by Mark Watson Park. Allison Outdoor Advertising recently reached out to the county regarding material that was going to be placed on those billboards. The lease in their packets was provided to Darlene Fox, Finance Director, with provisions that were being enforced on those billboards. The county also owned the property off US 441 next to the Emergency Management 911 Center where there was also a billboard. Those were the only two properties billboards were located on with a lease with Allison Outdoor Advertising. The provision in the lease stated: "Allison shall not allow third parties to use the billboard for political ads or issues or for promotion of subjects which are politically sensitive or which might tend to imply the County of Jackson has taken a position in regards to a political matter."

In the last couple of weeks, with the communications with Allison's and some of the issues they were dealing with, it was a strange position for local government to be involved in. It was the first time he had ever been involved in any conversation regarding content on billboards. He was bringing this issue to the Board to discuss a couple of factors. One was if the Board wished to continue to allow billboards on county property, he thought they needed to update the leases for both locations. Was this something that the county should be in the business for allowing billboards to be placed on county property? Also, Ms. Baker had done the legal research on this issue.

Reconcile Sylva was the group involved with the Confederate statue and were looking to place ads on these billboards. They first approached Allison Advertising, which referred to the above language and at that point, did not follow through with the particular artwork that was asked to be put on the billboards. After that, he received information from Reconcile Sylva requesting that the county get involved in the conversations. His initial interpretation was that the enforcement of the provision was appropriately managed. The conversations continued between Reconcile Sylva and Allison Outdoor, then it was still put back on the county to be involved in the conversation. He wanted to have this general conversation with the Board. If the Board chose to continue to allow billboards to be placed on county property, then at a minimum, the leases needed to be revised. He was not comfortable being involved in a conversation regarding regulating speech on billboards.

Chairman McMahan stated that a couple of weeks ago, during that same time frame, he received a message from Allison's. He spoke to Jeff Bryson and other representatives that were on speakerphone. He presented the issue to him and stated a group wanted to rent the billboard, but they did not approve of the language. They had a lease with the county and he wanted to get his opinion on it. He stated that he did not have an opinion to offer because he had not seen the lease and regardless of what his opinion would be, he was one Commissioner. He let them know that if this was an issue that needed clarification from the county, they needed to call the administration office and speak with the County Manager and the County Attorney to follow up from an administrative standpoint. If there were actions to be taken by the Board, if the language called for the Board's response, it would be an issue the Board would take up at one of their future meetings.

Mr. Adams stated that at the same time, he received an email from Natalie Newman from Reconcile Sylva regarding this issue. He had conversations with Ms. Baker to get a legal opinion on whether or not speech could be regulated on a billboard.

Ms. Baker stated that this was a complicated issue and the only way she could give them an opinion was to go through some of the relevant case law. At first look, it may seem like they were violating someone's constitutional right to free speech because they were favoring commercial speech over non-commercial speech. Noncommercial speech being political speech of any kind, issues or candidates. The most recent US Supreme Court case on content based restrictions prohibited the regulation of content. If they were trying to create an ordinance that had this type of restriction in it, they could not do it under the recent Reed decision. They may have heard them talk about this when they brought up the UDO for approval, they had to go back and amend the Sign Ordinance language in the UDO to comply with the current US Supreme Court decision.

However, if they went further, the controlling case on this issue was a 1974 US Supreme Court case *Lehman vs. City of Shaker Heights*. It had been cited several times since then in other cases. This case was helpful because it was right on point for the situation. It addressed a billboard on the side of a transit bus in the city and they had very similar language. The case stated that their agreement with the management company stated: “No political or public issue advertising.”

Commissioner Mau asked if that was inside the bus or on the outside of the bus?

Ms. Baker stated that she thought it was on the outside of the bus. They considered this as a billboard and stated that it was not a public forum. It was not something where they were conducting, in this case, city business, they were basically participating in commerce like they were with the billboard, it was not a public forum and therefore, they could regulate the content of the billboard. The Reed case and that line of cases did not apply. The Lehman case applied which stated they could regulate this type of speech. “The city is engaged in commerce, not a public forum. However, it could not be arbitrary, capricious or invidious.” This meant that it had to be consistent across the board, they had to apply it equally. This case law was probably what was relied on in 2012 when this provision was put into the lease.

There was case law that allowed it. This case was also applied in a City of L.A., billboard case. In this situation, it was allowed under the Supreme Court cases. However, as Mr. Adams mentioned, they did not like being in the situation where it got put back on the county to make a decision. That was very awkward and very uncomfortable, even though it may be allowed. The court stated “In these circumstances, the decision to limit space to less controversial commercial and service oriented advertising, does not rise to the dignity of a first amendment violation and one of the reasons was because it was political speech”. It talked about the city not wanting to appear and show favoritism to one side of the issue or another or to show they were allowing one candidate to use that advertising space, but not the other. They could get pulled into that debate. These may be the very reasons that in 2012, the Board decided to put these limitations on this lease for those same reasons and they recognized that as having priority over the first amendment violations.

Commissioner Mau stated that there had been some more recent cases too where they got into this concept of public perception. Had she read any of that?

Ms. Baker stated that she did take the case all the way forward to make sure it was still the seminal law and it was. She talked with the School of Government on the issue. She knew there were a lot of other cases that applied, but on this particular issue - as far as perception, that was a discussion they could have.

Commissioner Mau stated he was referring to an actual Law Review article from the University of Chicago. Basically, the standard was if the public perceived it to be government speech, then they could have this regulation. If the public did not, then they necessarily could not. So, if someone was driving down the road and saw the billboard out by Emergency Services, would they really think that was Jackson County speaking? That was the standard in the article.

Ms. Baker stated there was some discussion about where billboards were located. Was it obviously on county property or was it not, but ultimately, they did not want that perception. In this case, it was on a city transit bus. This case had not been overruled and had been cited in cases. She could see that being an issue. She and Mr. Adams were not previously aware that the county had leases for these billboards on county property.

Mr. Adams stated that in his initial correspondence with the group, Allison’s denied the wording based on the lease. He stated to them that it looked like the lease was managed appropriately and he had no recourse to proceed forward. The request from the group was for the county to give a variance.

The group then approached Allison’s again and started talking about different versions of the original question. It was reposed to the County Manager asking what problem he had with the language. At that point he was being asked to make a comment on what was obviously sensitive issues among the community. There was one section stating “Sylva have you talked to your children about racism”. His response of saying he felt that was okay – it was a horrible position for any government official to be put in because they were talking about speech. At no point was he going to be perceived as somebody who denied somebody else’s ability to send out a message about talking to their family about racism. Frankly, it was a very uncomfortable place to be.

He felt obligated to come back, but he still referred to the lease itself. In his email, he said he did not see anything wrong with the language as it related to the lease. He finished the last correspondence saying this was a strange situation to be in and he was going to bring this back to the Board for discussion. What occurred under this lease and this language, the county had been pulled into the conversation about language being appropriate or not to be on the billboards. If they were going to be asked to comment on language on an advertisement, then in essence they were in the billboard business. Personally, he was not comfortable being in that position.

Chairman McMahan stated that he would rather the county renegotiate these leases with Allison's to remove this provision and Allison's, as a corporation, be responsible for managing the billboards and put whatever they want to put on it. If they felt comfortable with it, then so be it, but it would cost more than \$50 per year. They would have to reconsider that. Let Allison's manage it. It was really not the county's choice.

Commissioner Mau asked if that clause was on both billboard contracts? He and Commissioner Luker had a billboard on the one by Emergency Management, so that had not always been applied consistently.

Mr. Adams stated that they did not know that one existed. This was the first time that he was aware that the county had been pulled into these types of discussions about any advertising on either of those billboards. The other point he would make about just removing the clause and Allison's managing that, from a staff level, that appealed him, but he would mention to them, as a Board, that they had to be comfortable with whatever was put on the billboard. If people did not know before, they would know now that this would be on county property and if they did not like the message, then they may get a phone call about it.

General discussions were held.

Mr. Adams stated that both Allison's and Reconcile Sylva had involved the county in these conversations. They felt the county should weigh in on this when he did not believe they should have. If they allowed the billboards to remain on county property, then it had to be clearly stated that the county had no say in it.

Chairman McMahan stated that the only other option would be to cancel the contract and take the billboards down.

Mr. Adams stated that they received \$50 per year for the billboards by Mark Watson and \$2,200 per year for the billboards on US 441. They were aware of the US 441 billboard and it was there prior to the county purchasing the property.

Commissioner Mau stated that legally, he understood what she said, but he also knew that it was complicated. He had read the Shaker Heights summary. If they keep the clause in the lease, was the county more or less at risk for someone bringing a lawsuit for the first amendment.

Ms. Baker stated that they could run into issues either way. It was helpful to talk this through with Adam Lovelady at the School of Government. They had the same conclusion that they may face issues either way. She thought the it would be more likely to be an issue if Allison's allowed something that the county or someone did not like and then they complained and it was on county property.

Commissioner Mau stated that it came back to the whole concept of the public perception. Was it the landowner speaking or the entity placing the advertising.

Ms. Baker stated that she thought that sounded like the public forum part of the discussion.

Commissioner Luker stated that in his opinion, if they left it on county property, even if it was Allison's managing it, it was still always going to be a perception of the county and it would be a reflection of the county. He would be in favor of eliminating it if it was on county property.

**Consensus:** *Eliminate the billboards that were on county property.*

Mr. Adams stated that staff would begin the steps of the notification requirements, which were six months. It would be February or March of 2021, when this would be complete.

Commissioner Woody asked if they were in jeopardy in the meantime?

Ms. Baker stated no, if it continued as it had been, they were in good standing.

**(7) NCACC GOALS:** Mr. Adams stated that the deadline for the Board to submit their goals was September 30<sup>th</sup>. It would have to be a Board decision to submit the goals. They could go online at NCACC to view a summary of the 2019-20 Legislative Goals. He would include this item on the September work session for feedback and then adoption at the September 15<sup>th</sup> regular meeting.

Commissioner Woody stated that last year, the number one goal was expansion of broadband infrastructure. As Chairman McMahan brought this up at the last meeting when they had the report from Tony Elders, Permitting and Code Enforcement Director, she would like them to consider to have the language changed on the jurisdiction on the local soil and water inspections to Jackson County as opposed to the state. She would like that to be number one from Jackson County. She did not know that would go statewide, although she could imagine that many counties would also feel that was very important.

Commissioner Mau stated that if they did that, he would want to give the option or the opportunity to do that because some counties may not have the staff and resources to do that. He thought Jackson County would be more than willing to look at those projects. He thought it would be good to give the counties, the local jurisdictions the option.

Chairman McMahan stated that was a similar arrangement that was in place several years ago that was created for managing erosion control in general. The state managed it and then opted to allow counties that wanted to step in and take over as long as they were as strict or stricter than the state standards, the county could do that and Jackson County did choose to do that. He thought that was a great way to approach it.

Commissioner Mau stated that he would still be pushing for internet after going through COVID, that had to be up there in the top two, in his opinion.

Chairman McMahan stated that they could be thinking about those goals and any particular ones they wanted to endorse and send through the process.

*Informational item.*

**(8) OTHER BUSINESS:**

**(a)** Mr. Adams stated that Ms. Fox informed him that day that she did get a proposal in and they were starting to implement putting the finances online very similar to how Alleghany County's was presented. Completion of that would be the end of October.

*Informational item.*

**(b)** Commissioner Woody stated that she participated in the NCACC's virtual meeting. Jackson County was highlighted. The NCACC President's focus of the year was disenfranchised youth, who were people 16-21 years that were either not in school or employed. They looked at two programs statewide and the local Height Program was featured as one of those. Marcus Metcalf gave a great presentation and she was so proud of how he represented the county.

Also, Mike Sprayberry, Director of NC Emergency Management, gave a report on COVID and also the hurricane that had just occurred. Mr. Sprayberry mentioned Jackson County as one of the counties that had responded to the hurricane relief. She was so pleased and proud of the Emergency Management team.

*Informational item.*

**(c)** Commissioner Woody stated that the Appalachian Women's Museum had been in talks with TWSA. From what the Health Department had told them in their initial meeting, it may be very difficult for them to have a septic system there. Daniel Manring, TWSA Director, was very hopeful that could move forward.

Mr. Adams stated that they had a meeting the next day. They were going to go over whether or not there was room for a septic system and if TWSA was involved, it may involve a grind and pump system.

*Informational item.*



(d) Commissioner Woody stated Jeff Sural, Director of the North Carolina Broadband Infrastructure Office, spoke to them about broadband, issues with COVID and school situations. That was definitely an issue. He let her know that he would travel at this time and she wanted to mention that so that it could be on a work session in the near future. He also mentioned that there was more money available, so she thought it would be helpful for him to see them specifically about how they could find those funds for areas that were under served.

*Informational item.*

(e) Commissioner Woody stated that she wanted to ask Commissioner Mau, knowing that he took the Oath of Office like all of them did and he was very concerned about following the law, which she thought was so admirable. She just wondered in his own personal research, what did he find, as far as the law, the general statute that did not allowed them to move the monument. How did he see a way forward, legally, since he voted that way?

Commissioner Mau stated that it did not say that it did not allow it. It depended if it was state owned and then there was a process they would go through the state and they could make the determination whether or not it could be moved

Commissioner Woody stated that was not the law. The law said that if it was on state property, they had to go through the state. The one in Jackson County was on county property.

Commissioner Mau stated that there was a difference in the law if it was state owned or not what the process was. Laws could be changed.

Commissioner Woody stated that when she took the Oath of Office she took it very seriously and she would not vote on something that was directly opposed to a law. She contacted the attorney at the North Carolina Association of County Commissioners, she talked to Commissioners and attorneys in Chatham County, who had moved a monument. If they looked at what the law actually said, if it was owned by the county, it did not need state approval to move it. They had to follow the law, which said they could not move it to a cemetery or mausoleum unless it was already in one. The wording also included that they could not move it to a museum unless it was already in one. Those provisions were very specific and she knew that he respected the law and wondered how he legally would see a way forward to move it.

Commissioner Mau stated that he read the law multiple times. He disagreed with her interpretation of the law based on what he read on the UNC School of Government website.

Commissioner Woody stated that Adam Lovelady's seminal interpretation on the UNC School of Government website, it was very clear.

Commissioner Mau stated that he remembered reading a different interpretation. No laws were that clear. He could get two attorneys and watch them argue both sides of an argument.

Commissioner Luker stated that this was an issue they had already voted on and moved on from.

Commissioner Woody stated that she just wanted clarification. She thought maybe Commissioner Mau had some legal insight that allowed him to do that.

*Informational item.*

There being no further business, Commissioner Mau moved to adjourn the meeting. Chairman McMahan seconded the Motion. Motion carried and the meeting adjourned at 2:42 p.m.

Attest:

Approved:

---

Angela M. Winchester, Clerk to Board

---

Brian Thomas McMahan, Chairman