

**MINUTES OF A
RECONVENED MEETING
RECESSED ON OCTOBER 17, 2023
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 24, 2023**

The Jackson County Board of Commissioners met in a Reconvened Session on October 24, 2023, 6:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Mark A. Letson, Chairman	Don Adams, County Manager
Todd Bryson, Vice Chair	Debra Bechtel, Interim County Attorney (Via Zoom)
Mark Jones, Commissioner	Angela M. Winchester, Clerk to the Board
John W. Smith, Commissioner	
Tom Stribling, Commissioner	

Chairman Letson called the meeting to order.

(1) SUMMIT CHARTER SCHOOL FACILITY LOAN REQUEST: Chairman Letson was recused from this item at the work session on October 10, 2023. He turned the meeting over to Vice Chair Bryson.

Mr. Adams stated this was a follow up discussion from the recessed meeting of October 17th. He presented a proposed Letter of Intent to Kurt Pusch, Head of School, Summit Charter School, stating in part:

“...Board of Commissioners intends to move forward with your request under the following conditions:

- *1. All actions must be allowable by North Carolina law. Jackson County will require all documentation to be reviewed and approved by County legal representation prior to approval and implementation.*
- *2. The loan amount will be up to \$2,500,000.*
- *3. The payback timeline will be 36 months.*
- *4. The interest rate will be based upon the actual return on investments that Jackson County is receiving for its cash investments. Currently the ROI is 5.5%.*
- *5. Summit Charter School will be responsible for all costs associated with this loan. Jackson County requests that Summit Charter School commit to these costs in writing.*
- *6. The loan must be secured by a promissory note and deed of trust.*
- *7. The goal is to have these funds available to Summit Charter School by January 2024. Actual availability of funds will be dictated by how long it takes to accomplish the above tasks.*
- *8. This letter is not a formal commitment. All tasks above, and any other items deemed appropriate, must be completed prior to the Jackson County Board of Commissioners taking any final action. The Board must take final action prior to any funds being made available for this project. Any decisions / actions made by Summit Charter School based upon this proposed loan is being done so at your own risk.*

Mr. Adams stated they would also move forward with a caveat in the promissory note and/or deed of trust that funds on hand needed to be spent before utilizing county funds. This would ensure the investment would be in the property to secure the loan.

Commissioner Jones asked where the funds would be used from?

Mr. Adams stated the funds would come from the general fund so this would not impact the sales tax mandated for public schools. This should not impact future discussion about Southwestern Community College or public schools.

General discussions were held.

Commissioner Bryson asked Mr. Adams to explain the new law that allowed counties to loan funds to charter schools.

Mr. Adams noted prior to this law, county governments could not fund capital to charter schools. He referred to NC House Bill 219, Session Law 2023-107:

Part VI. Authorize Counties to Provide Capital Funds to Charter Schools.

(b1) Counties may provide funds to charter schools by direct appropriation as set forth in G.S. 153A-461. These funds shall be used only for the following purposes:

- (1) The acquisition of real property for school purposes, including, but not limited to, school sites, playgrounds, and athletic fields.*
- (2) The acquisition, construction, reconstruction, enlargement, renovation, or replacement of buildings and other structures, including, but not limited to, buildings for classrooms and laboratories, physical and vocational educational purposes, libraries, auditoriums, and gymnasiums.*
- (3) The acquisition or replacement of furniture and furnishings, instructional apparatus, technology, data processing equipment, business machines, and similar items of furnishings and equipment.*

(b2) If a charter school uses funds provided in subsection (b1) of this section to acquire or improve property, the amount provided by the county shall be evidenced by a promissory note and secured by a deed of trust on the property acquired or improved by the funds.

General discussions were held.

Motion: *Commissioner Smith moved to approve the Letter of Intent to Summit Charter School regarding a \$2,500,000 loan, as presented. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.*

Chairman Letson did not vote as he was recused from this item.

(2) CLOSED SESSION:

Motion: *Commissioner Stribling moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal and G.S.143-318.11(a)(6) Personnel. Commissioner Smith seconded the Motion. Motion carried.*

Chairman Letson called the regular meeting back to order and stated no action was taken in closed session.

(3) **AGENDA:** Commissioner Smith moved to amend the agenda to add one item: County Manager Contract. Commissioner Stribling seconded the Motion. Motion carried.

(4) **COUNTY MANAGER CONTRACT:** Chairman Letson stated there was an Agreement for Mutual Termination of Contract and Release and Waiver of Employment Rights for Mr. Adams' contract.

***Motion:** Commissioner Bryson moved to approve the Agreement for Mutual Termination of Contract and Release and Waiver of Employment Rights. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Smith moved to adjourn the meeting. Commissioner Bryson seconded the Motion. Motion carried and the meeting adjourned at 6:45 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Mark A. Letson, Chairman