

**MINUTES OF A
RECONVENED SPECIAL MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
NOVEMBER 09, 2018**

The Jackson County Board of Commissioners met in a Reconvened Special Meeting on November 09, 2018, 1:00 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Charles Elders, Vice Chair
Boyce Deitz, Commissioner
Mickey Luker, Commissioner
Ron Mau, Commissioner

Don Adams, County Manager
Heather C. Baker, County Attorney
Angela M. Winchester, Clerk to Board

Chairman McMahan called the meeting to order.

(1) CLOSED SESSION:

Motion: Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(5) Real Property. Commissioner Deitz seconded the Motion. Motion carried.

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

(2) AGENDA: Commissioner Elders moved to amend the agenda to add two items: (1) Pepsi-Cola Property and (2) Budget Ordinance Amendment. Commissioner Luker seconded the Motion. Motion carried.

(3) PEPSI-COLA PROPERTY: Mr. Adams stated that the purpose of the meeting was for discussions regarding the proposed acquisition of the Pepsi-Cola Plant. The Pepsi property, along with the Drexel property were part of the property associated with Jackson Development Corporation (JDC). When the property was purchased by Pepsi and the facility was built, there was a first right of refusal placed in the deed that if the property was ever sold, JDC or Jackson County, would have a first right of refusal to purchase the property.

The property had been up for sale for some time and the county was made aware 20 days ago that a contract was pending for the sale of the property. The contract was with a nonprofit entity for \$500,000 along with tax credits that Pepsi would receive. As long as the county could meet specifics such as being a nonprofit and having an appraisal of the property with a value that would allow Pepsi to retain tax credits they were looking for, then the purchase price for the county would be \$500,000. The Board would be voting on whether to move forward and exercise the first right of refusal to purchase the facility.

Motion: Commissioner Mau moved to exercise the right of first refusal in the deed to Pepsi to approve the purchase of the 5.612 acre Pepsi tract from Pepsi Corporation for \$500,000 along with the terms set forth in the September 26, 2018 Real Estate Purchase Agreement between 1 Voice Foundation, Inc. and Pepsi Cola Bottling Company of Hickory, NC. Commissioner Luker seconded the Motion. Motion passed by a vote of 3-2 with Chairman McMahan and Commissioner Deitz voting “nay”.

(4) **BUDGET ORDINANCE AMENDMENT**: Chairman McMahan stated this item for consideration was a budget ordinance amendment in the amount of \$550,000, from fund balance, to acquire the Pepsi property.

Motion: *Commissioner Luker moved to approve the budget ordinance amendment in the amount of \$550,000 from fund balance for the acquisition of the Pepsi property. Commissioner Mau seconded the Motion. Motion passed by a vote of 3-2 with Chairman McMahan and Commissioner Deitz voting “nay”.*

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Deitz seconded the Motion. Motion carried and the meeting adjourned at 1:57 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman