

April 23, 2018

To: Don Adams, Jackson County Manager

Paige Dowling, Sylva Town Manager

From: David Noland, Chairman Jackson County ABC Board



On June 30, 2018, one of the county's appointments (Mr. Tom Albert) and one of the town's appointments (Mr. Maurice Moody) to the Jackson County ABC Board expires. As the merger agreement presently is, neither would be eligible for reappointment. The county and town would need to make new appointments for these two positions for (3) year terms or amend the merger agreement to change the allowable number of consecutive terms. Mr. Albert and Mr. Moody have each expressed an interest in continuing to serve on the ABC Board if allowable.

I have attached the page from the merger agreement concerning appointments for any guidance it may be. It is my understanding the majority of NC ABC Boards do not have consecutive term restrictions. It is also my understanding that there is nothing in the ABC Statutes limiting or speaking to consecutive terms.

As the merger agreement currently is, there will be a completely new five member board in 2 years or by 6-30-2020.

In addition to the above needed action, annually the county and town by mutual agreement appoints the chairman of the ABC Board from the membership of the ABC Board (see merger agreement). The appointment should be effective 7-1-18 for one year.

At the April 17, 2018 meeting of the Jackson County ABC Board, the Board by consensus agreed to recommend my reappointment as chairman. I would like to continue serving as chairman.

Thank both of you and the members of the County and Town Boards in advance for consideration of these requests and recommendations.

**RESOLUTION MERGING THE
TOWN OF SYLVA ALCOHOLIC BEVERAGE CONTROL BOARD
WITH JACKSON COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD**

WHEREAS, there presently exists an Alcoholic Beverage Control System which serves the Town of Sylva and an Alcoholic Beverage Control System which serves the County of Jackson; and

WHEREAS, the Town of Sylva Alcoholic Beverage Control Board, the Jackson County Board of Commissioners and the Town of Sylva Board of Commissioners have determined it is in the public interest to have a Consolidated System to serve both Jackson County and the Town of Sylva as permitted by the merger provisions of Chapter 18B of the North Carolina General Statutes; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Municipality of the Town of Sylva (Town) do hereby approve the Board and system as set out in this Resolution and will request that it be submitted for approval by the North Carolina Alcoholic Beverage Control Commission ("Commission").

BE IT FURTHER RESOLVED by the Jackson County Board of Commissioners (County) do hereby approve the Board and Consolidated System as set out in this Resolution and will request that it be submitted for approval by the North Carolina Alcoholic Beverage Control Commission ("Commission").

1. Organization

- 1.1 The merger would take place effective May 1, 2014 or as soon thereafter as possible.
- 1.2 The two boards will be combined into a single board known as the Jackson County Alcoholic Beverage Control Board.
- 1.3 The merged board shall be composed of five members, three appointed by the County and two appointed by the Town. Two appointments would be for a one year term ending June 30, 2015, two appointments for a two-year term ending June 30, 2016, and one appointment would be for a three-year term ending June 30, 2017. All new appointments would be for a three- year term and members may serve no more than two consecutive terms. All terms shall end on June 30th and begin on July 1st. Board members must be voting residents of Jackson County. The Chairman shall be appointed jointly by mutual agreement by the County and the Town on an annual basis from the membership of the ABC board.

ABC BOARD (Alcoholic Beverage Control Board)		
<i>NAME</i>	<i>APPOINTED BY</i>	<i>EXPIRES</i>
Maurice Moody 114 Moody Childress Drive Sylva, NC 28779	Sylva 04-17-2014 05-07-2015	06-30-2018
Marion Jones P.O. Box 951 Dillsboro, NC 28725	Sylva 04-17-2014 06-02-2016	06-30-2019
Thomas Albert 1713 Woods Mountain Trail Cullowhee, NC 28723	County 04-21-2014 06-04-2015	06-30-2018
Donald Ferguson P.O. Box 370 Cherokee, NC 28719	County 04-21-2014 05-05-2016	06-30-2019
David Noland – Chair 625 Fisher Creek Road Sylva, NC 28779	County 04-21-2014 05-15-2017 Chair 06-30-2015 Chair 05-05-2016 Chair 05-15-2017	06-30-2020 Chair 06-30-2018

Initial terms staggered

5 members (3 appointed by County, 2 by Sylva)

3 year terms (members shall serve no more than two consecutive terms)

Terms expire on June 30th

Chair appointed annually by mutual agreement between County and Town

Created by Joint Resolution R14-05 (04-14-2014)

Members must take 2 hours ethics training G.S. 18B-706

MUST take oath of office