

Unsealed by the Board of Commissioners 05/23/2011.

**SEALED MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION – September 14, 2009**

Pursuant to NCGS 143-318.11 (a) (3), to consult with an attorney reference the lawsuit Transylvania County versus Michael D. Baxley and Charlotte Baxley dba Baxley Off Road Motor Track and/or Baxley's Training Facility, closed session was entered into at 8:00 p.m. Present were Chairman Chappell, Commissioners Bullock, Hawkins, Hogsed and Phillips, County Attorney Curtis Potter, County Manager Artie Wilson, and Clerk to the Board Trisha McLeod.

County Attorney Curtis Potter discussed with Commissioners a response from Mr. Baxley's Attorney, Ed Bleyнат, regarding the County's offer to resolve the lawsuit by limiting the size and number of bikes on his bike track. The response does not offer significant limitations, but rather a plan for Mr. Baxley to operate his bike track on a fairly regular basis. Further, the response does not address the size of the bikes, the age of the riders, etc., or any other conditions offered and discussed during mediation. Mr. Potter noted that Mr. Bleyнат has requested a response from Commissioners within 14 days, but noted in his letter there is room to negotiate.

Commissioner Bullock suggested the Board stick with its original offer to limit the size of the bikes and the age of the riders. The Manager noted that Mr. Bleyнат's proposal only addresses time frame. Mr. Baxley wants to operate his track on Tuesdays, Thursdays, Fridays, Saturdays and Sundays.

Commissioner Hawkins said he did not feel it was reasonable giving a response at this time being that Commissioners just received the letter from Mr. Bleyнат today. Chairman Chappell agreed. This item will be discussed at a future meeting. The Manager noted that the County should know the outcome of the criminal proceedings against Mr. Baxley by the next Board meeting.

Chairman Chappell moved to leave Closed Session, seconded by Commissioner Phillips and unanimously carried.

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board