

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
September 23, 2013 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, September 23, 2013 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Jason Chappell, Chairman Mike Hawkins, Daryle Hogsed and Page Lemel. Vice-Chairman Larry Chapman was absent because his work required him to be out of town. Also present were County Manager Artie Wilson, County Attorney Tony Dalton, and Clerk to the Board Trisha Hogan.

Media: *The Daily Waterfall* – Kevin Smith
The Transylvania Times – Eric Crews

There were approximately 60 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:07 p.m.

WELCOME

Chairman Hawkins welcomed everyone to the meeting and thanked the members of the audience for participating in their County government. He introduced the members of the Board of Commissioners and staff.

PUBLIC COMMENT

There were no comments from the public.

AGENDA MODIFICATIONS

There were no agenda modifications.

Commissioner Hogsed moved to approve the agenda, seconded by Commissioner Lemel and unanimously approved.

CONSENT AGENDA

Commissioner Lemel moved to approve the Consent Agenda as submitted, seconded by Commissioner Chappell and unanimously approved.

The following items were approved:

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for August 2013 was approved. Total tax dollars released was \$5,920.56. Refunds totaled \$3,154.40.

AMENDMENTS TO RECORDS RETENTION AND DISPOSITION SCHEDULE

The NC Department of Cultural Resources has approved amendments to the Records Retention and Disposition Schedule for Elections, County Management, Register of Deeds and Tax Administration. The amendments for Elections shall be approved by the Board of Elections. The others must be approved by the Board of Commissioners.

Commissioners approved the amendments to the Records Retention and Disposition Schedule for County Management, Register of Deeds and Tax Administration as submitted.

PRESENTATIONS/RECOGNITIONS

RESOLUTION IN RECOGNITION OF RICHARD C. PANGLE

Effective October 1, 2013, Rick Pangle will retire as the Parks and Recreation Director after 35 years of service to Transylvania County and its citizens. Commissioners presented Mr. Pangle with a resolution in his honor. They each personally thanked him for his many years of dedicated service to the adults and youth of Transylvania County. There will be an appreciation ceremony at the Parks and Recreation Department next Monday. Mr. Pangle thanked Commissioners for this recognition and said it has been a pleasure to work for Transylvania County for all these years.

Commissioner Lemel moved to approve Resolution 30-2013 In Recognition of Richard C. Pangle, seconded by Commissioner Hogsd and unanimously approved.

(Resolution 30-2013 In Recognition of Richard C. Pangle is hereby incorporated by reference and made a part of these minutes.

PRESENTATION-DRAFT 2013 BLUE RIDGE BIKE PLAN UPDATE

The Land-of-Sky Regional Council, along with representatives from the various counties, has been working on developing a draft bike plan for Buncombe, Haywood, Henderson, Jackson, Madison, Swain and Transylvania Counties, and the Qualla Boundary. Erica Anderson, Director of Economic and Community Development, provided a power point presentation which updated Commissioners on the draft 2013 Blue Ridge Bike Plan.

The draft Blue Ridge Bike Plan comes as a result of a 2-year effort with grant funding by the NC Department of Transportation. The focus of this plan was on the economic benefit of biking to the region, as well as improving safety and mobility issues for both motorists and bicyclists.

The economic benefit of cycling is significant in this region. The bicycle industry contributes \$133 billion annually to the U.S. economy. Annual spending by bike travelers is estimated at nearly \$50 billion. Ms. Anderson hopes to have the regional figures soon.

Several craft beer and microbreweries have recently moved into the area. One of the main categories they have focused on is a bike-centric culture. These breweries have chosen this region because they love the small town feel and bike-centric culture and they are bringing jobs and investment to the community with them.

Transylvania County is a hub for tourism; specifically the natural resources based tourism. There are over 240 mapped rides through the Blue Ridge Bicycle Club. There are also over 30 organized rides bringing in thousands of riders to the area which bring huge direct and indirect benefits to the region.

Health and safety is another area of focus. This is an up and coming issue with the rate of chronic health related issues, such as obesity. Cycling is a way to help make improvements in people's lives. In terms

of safety, there were 157 crashes reported between 2006 and 2011, most of which resulted in nonfatal injuries. Four of those crashes resulted in fatalities. Safety is especially a concern in the mountain regions of the State.

Another focus was to make the Blue Ridge Bike Plan part of the State's Transportation Improvement Plan where with upcoming transportation projects, such as road improvements or resurfacing or other ongoing road issues, bicycle infrastructure could be included at a lower cost or at no cost. Ms. Anderson pointed out that the draft plan is a non-binding plan and there is nothing in it that is required by the communities, counties and municipalities. The plan has recommendations with a myriad of options so communities can choose what is best for them.

The composition of the Steering Committee included local government staff, county appointees, business representatives, a State Bicycling Committee representative, and MPO/RPO staff. Public participation was fairly significant. There were almost 500 survey respondents providing input on road types and infrastructure improvements. There were hundreds of responses that have been narrowed down to specific recommendations for the county level and regional level. Several stakeholder meetings and community input sessions were held as well.

The Blue Ridge Bike Plan revolves around five themes:

1. Mobility
2. Economic Development
3. Environment
4. Health
5. Safety

All of the goals and strategies for the plan have been grouped into these five themes.

In terms of bicycle facilities, the Steering Committee asked the community to help them determine what would look best in urban, rural, agricultural and mountainous areas.

The county priority corridors have been determined based on surveys and a lot of input from staff, the public and Steering Committee members. They have identified five priorities in each county. Regional priorities were highlighted if they connected different jurisdictions. Each county report includes their priority corridors and for each one there is information about the community, the length of the improvement, and the approximate cost. Ms. Anderson finalized the presentation and noted there will be additional revisions to the plan based on additional input and information received.

Discussion:

Commissioner Chappell asked if the Steering Committee looked at possible interconnectivity with the South Carolina borders. He asked because many bicyclists travel routes between the two States. Ms. Anderson said the study was predominantly geared towards this region; however, this was brought up by many of those interested in the recreational aspect of biking.

Commissioner Lemel mentioned that the report indicates the possibility of partnering on other projects. She attended a meeting today to learn about proposed improvements to US 64 West. At the meeting there were specific comments made about an unpaved shoulder and she wondered if the group was ready to act when projects of this nature arise to ensure the bike improvements are included. Regional Planner Josh King was in attendance. He responded that this was a concern that he brought to the attention of the Department of Transportation at the same meeting today. The six-foot shoulder would be adequate enough to provide a three-foot bicycle lane and also allow the additional leeway for motorists. He hopes

that will be implemented into the design. The plan would also give them the ability to work with the Department of Transportation on bridge replacements and paving improvements to incorporate design elements as projects occur.

Commissioner Hogsed asked if any part of the plan dealt with biker safety education. Ms. Anderson there are recommendations in the plan for education and outreach to be a component.

Chairman Hawkins commented that cycling in Transylvania County is primarily for recreation purposes, not for commuting, so it is his thought that interconnectivity with South Carolina, as mentioned by Commissioner Chappell, should be a priority or at least an important component of a regional plan. Bicycling is an emerging trend and something counties need to plan for.

Chairman Hawkins asked how the draft bike plan ties into the State transportation plans. Ms. Anderson stated that the five themes she discussed earlier are directly correlated to the five themes in the State's plan. This will be important should funding come available. Ms. Anderson also commented that safety is one of her biggest concerns. It is her hope that this bike plan is incorporated in transportation planning at the local and regional levels and will allow for more communication and interaction with the Department of Transportation to address these issues.

Commissioners thanked Ms. Anderson and Mr. King for the presentation on the draft Blue Ridge Bike Plan.

PRESENTATION BY UNITED WAY

Steve Pulliam with United Way presented a power point presentation to Commissioners about the work United Way has done in the community and its fundraising efforts to meet its goals.

In 2008, United Way embarked on plan to develop its long term vision. The United Way Board adopted three focus areas and decided to partner with the Child and Family Coalition and the Land of Waterfalls Partnership for Health. That effort came to be known as Transylvania United. Through their efforts they recruited members and instituted training and completed a vision mapping process with the hopes that by the year 2020 Transylvania County residents will commit to a healthy lifestyle and have access to appropriate healthcare. Transylvania United worked to determine the barriers to living healthy lifestyles and the needed improvements for community outcomes they should focus on.

In 2010 and 2011, United Way implemented this process for agencies and that became the focus of their work. Unfortunately, United Way did not get everything they wanted out of this process, nor did they see much change. As a result, in 2012 United Way decided to move toward a collaborative funding process. United Way revised their allocation plan and prioritized collaboratives (2 or more agencies working together to break through one of the defined barriers to success for a defined population.) The new allocation plan allowed for the first \$100,000 of allocations to go towards collaboratives. There were four collaboratives approved for a total of \$72,000. Those collaboratives were: TRAIN, Health TRAIN, Healthy Smiles, and Connect. This year two new collaboratives were added: Family & Money and Oxford House.

Mr. Pulliam turned the presentation over to Social Services Director Stoney Blevins. Mr. Blevins helped start a collaborative called Connect, a collaborative with Social Services, the Family Place, the Children's Center, the Health Department and the school system. Connect is a collaborative that was created as a way to help prevent abuse and neglect in children. In its first year it has produced great results. It is a voluntary program to help people before a situation becomes worse. In the first year staff was called out on 60 cases involving 91 children. 96% of those kids did not come through the Child Protective Services system. This happened to result in a savings of \$108,993, which is just the cost of care if those children

would have gone into the system. The collaborative is called Connect because it helps to connect people to services where there are gaps in their lives.

Mr. Pulliam finalized the presentation by informing Commissioners that it is the goal of United Way to make deliberate choices about where to invest and how much to invest in each approach in order to increase their impact on improving people's lives. Mr. Pulliam said a future goal might be to have a "one-stop center" as a way to remove the barrier to holistically working with clients. He asked everyone to please not forget the non-profit role and the benefits they have on the community.

Commissioners thanked Mr. Pulliam, United Way and all those who have formed these collaboratives and for the work they do in the community to help improve people's lives.

APPOINTMENTS

HUMAN RELATIONS COUNCIL

There are four vacancies on the Human Relations Council. The Clerk has advertised several times over the past few months. At this time, two of the applicants wish to be appointed to the Human Relations Council.

Commissioner Lemel moved to appoint Patrick Payne and Amie Scheidegger to the Human Relations Council with their terms to expire May 2014. The motion was seconded by Commissioner Chappell and unanimously approved.

TRANSYLVANIA COUNTY COUNCIL ON AGING

Jessica Nolan, the Health Department representative to the Transylvania County Council on Aging resigned her position in the Health Department. The Health Director recruited for her position and recently hired Keelin Schneider. It is the recommendation of Health Director Steve Smith and Council on Aging Chair Louise Koontz to appoint Keelin Schneider to fill this vacancy.

Commissioner Lemel moved to appoint Keelin Schneider to the Transylvania County Council on Aging with her initial term to expire in August 2014, seconded by Commissioner Hogsed and unanimously approved.

PARKS COMMISSION

There is one vacancy on the Parks Commission. Through advertisements and other efforts, the Clerk received two applications. One of the applicants has expressed an interest in serving on a number of different boards and committees. The other applicant expressed interest in only the Parks Commission.

Commissioner Lemel moved to appoint James Megonnell to fill the vacancy on the Parks Commission, seconded by Commissioner Chappell and unanimously approved.

JUVENILE CRIME PREVENTION COUNCIL

Barbara Belli recently resigned from the Juvenile Crime Prevention Council. She served as a Commissioner Appointee. There are two applications on file, both of which have expressed interest in serving on a number of different boards and committees. The recommendation is to appoint Amie O'Neill to serve on the Juvenile Crime Prevention Council. The other applicant is being recommended to serve on the Nursing/Adult Care Home Advisory Committee.

Commissioner Lemel moved to appoint Ami O'Neill to serve on the Juvenile Crime Prevention Council with her initial term to expire June 2015. The motion was seconded by Commissioner Chappell and unanimously approved.

NURSING/ADULT CARE HOME ADVISORY COMMITTEE

There are two vacancies on the Nursing/Adult Care Home Advisory Committee. The Clerk has received one application from a young man who is interested in serving on a number of boards and committees. The regional ombudsman has contacted the applicant and would very much like to see him on this committee.

Commissioner Lemel moved to appoint Daniel Nicholson to one of the vacancies on the Nursing/Adult Care Home Advisory Committee. The motion was seconded by Commissioner Hogsed and unanimously approved.

TRANSYLVANIA NATURAL RESOURCES COUNCIL

The terms of Derek Ibarguen (Pisgah National Forest), Peter Chaveas, Mac Morrow (City of Brevard), Steve Pagano (Gorges), Carroll Parker, Stephen MacLeod, Marshall McCallie, and Mark Tooley expire at the end of September. It is the recommendation of staff to specify that members representing Gorges State Park, Dupont State Forest, Pisgah National Forest, the City of Brevard and the Town of Rosman have automatic term renewals and to amend the bylaws indicating such. Of the terms mentioned above that expire, only Bob Twomey and Carroll Parker are not eligible to serve another term. Bob Twomey has retired his position with the US Department of Agriculture and Carroll Parker has served more than two full terms. It is also the recommendation that the vacancy by Carroll Parker be reserved for representation from the Town of Rosman. There are two additional applications on file. One is a new applicant. The other currently serves on the Economic Development Advisory Board. One of the current members has been unable to attend the meetings, and it is the recommendation that the new applicant be appointed to that position.

Commissioner Lemel moved to amend the bylaws and allow members serving in specific membership roles or their designee to be automatically renewed. The motion was seconded by Commissioner Chappell. After some discussion and clarification, the motion was unanimously approved.

Commissioners preferred to table the appointments until staff ensured that each of the members representing the specific agencies were willing to serve in that particular capacity. This item will be added to the agenda for the first meeting in October.

NEW BUSINESS

APPROVAL FOR RENOVATION OF OUTDOOR STRUCTURE TO HOUSE ADVANCED MACHINING COURSES

Blue Ridge Community College (BRCC) has been working with the Transylvania County Board of Education to offer machining, mechatronics and welding courses at Brevard High School through the Career and College Promise program. BRCC purchased some advanced machining equipment with Golden Leaf funds. However, Brevard High School does not have adequate space to house the new equipment. The BRCC Board of Directors recently approved the renovation of an outdoor structure/picnic area on the Transylvania Campus to house the advanced machining equipment and hold these courses. The renovations are estimated to cost between \$100,000 and \$150,000 and will be funded through capital reserve funds; therefore no additional County funds will be required. The estimated completion of the project is January 2014.

Commissioner Lemel moved to allow Blue Ridge Community College to proceed with the renovation of the outside structure to house the advanced machining equipment and courses. The motion was seconded by Commissioner Hogsed. Commissioner Chappell expressed his support for

this project and said it is much needed to help train a qualified workforce. **The motion was unanimously approved.**

DRAWDOWN OF LOTTERY FUNDS

The Transylvania County Board of Education has requested to draw down \$156,016.77 in lottery funds in order to replace four chiller units in three schools. Approval by both the Board of Education and Board of Commissioners is required before lottery funds can be withdrawn.

Commissioner Lemel moved to approve the application for the drawdown of \$156,016.77 in lottery funds for the replacement of four chiller units in three schools. The motion was seconded by Commissioner Hogsed and unanimously approved.

LAKE TOXAWAY FIRE RESCUE LOAN

Lake Toxaway Fire Department is paying off a portion of its existing debt this fiscal year that will result in a decrease of the current annual debt service. In addition, the department is proposing to refinance the building mortgage and reduce the interest rate from 3.95% for 15 years to 2.43% for 10 years. The department anticipates this will save approximately \$100,000 over the life of the loan. The department is also moving forward on the purchase of a tanker as proposed in the FY 2013-2014 budget at an interest rate of 2% for 5 years. Chief Bobby Cooper expects the annual debt service to remain the same or potentially decrease as a result of the pay off of existing loans this fiscal year and the reduced interest rate from the mortgage refinance. It should be stated that approval does not obligate Transylvania County in any way.

Commissioner Lemel moved to support the Lake Toxaway Fire and Rescue Department with refinancing of their mortgage as well as their assumption of the loan on the purchase of the tanker. The motion was seconded by Commissioner Hogsed and unanimously approved.

TRANSYLVANIA COUNTY-CITY OF BREVARD ANIMAL SHELTER AGREEMENT

The proposed agreement provides for 24/7 access to the Animal Shelter by the City for housing dogs and cats obtained by the City during the provision of services within its own jurisdiction. Other provisions include that the County shall operate the Animal Shelter pursuant to the agreement for a period no less than 30 years from the date of the agreement. Should the County fail to do so for any reason, it shall reimburse the City by paying to the City the sum of \$3,333.33 for each year short of 30 years. Also, the City will pay the County \$100,000 over a 5-year period toward the construction costs. There is no other financial impact unless the County fails to operate the shelter for the period stated in the agreement.

Commissioner Lemel moved to approve the new Animal Shelter Agreement with the City of Brevard. The motion was seconded by Commissioner Chappell. It was noted that the 30-year agreement was a compromise with the City of Brevard. They had originally requested 40 years. Commissioner Hogsed stated that he is not supportive of this agreement. He is concerned that the agreement has no provision for allowing the County to privatize these services should it choose to do so. Furthermore, there is no reference to the previous contract from 1979 and no effort by the City of Brevard to live up to its obligations from that contract. Commissioner Lemel expressed support of the agreement. She commented that City residents are County residents as well and in a sense are contributing to the construction of the animal shelter twice. Commissioner Chappell preferred the agreement be for a period of 20 years. Nonetheless, he understands the County will be in the animal control business for a long time, especially being that the County just built a new shelter. Because the animal shelter is a County owned facility, he believes it should be the County's decision of whether or not to privatize such services in the future. Chairman Hawkins pointed out that the 30-year period is a shorter period of time than what was originally requested by the City. He also noted that one of the priorities identified at the recent Board retreat was placing emphasis on collaborative interests with outside agencies and other local governments

and this is an example of that taking place. Chairman Hawkins asked Commissioner Lemel if she would be willing to amend her motion to specify in the agreement that the County reserves the right to privatize services in the future as long as the services are still being provided. **Commissioner Lemel moved to amend the motion to approve the contract with the change in Article V that the County reserves the right to privatize the animal shelter as long as the services are being provided. Commissioner Chappell seconded the motion and the amended motion was passed unanimously. The main motion passed by a vote of 4 to 1, with Commissioner Hogsed voting against.**

REQUESTED FEE CHANGES IN DEPARTMENT OF PUBLIC HEALTH

The following fee changes have been endorsed by the Transylvania County Board of Health:

1. Environmental Health-Septage Haulers Fee-\$25 – no longer applicable
2. Add secondary siting of onsite water supply (well) - \$235 and not charge again the initial fee of \$470
3. Add new fees for sampling and water testing of existing onsite water supplies (well)

There is no impact to the current budget.

Commissioner Lemel moved to approve and initiate recommended fees by the Transylvania County Board of Health with an effective date of October 1, 2013. The motion was seconded by Commissioner Hogsed. For the benefit of the public, Jim Bowyer with the Environmental Health Department explained the reason for the water testing fees. Besides the fact that many residents are requesting the tests, changes in State laws mandate the testing and variance requirements. **The motion was unanimously approved.**

MANAGER'S REPORT

The Manager updated Commissioners on the following:

1. Business Friendly- The Senior Resource Group is working with Building Department staff on making recommendations for the permitting process. The Manager attended a status meeting last Friday and was impressed with the suggestions and improvements being made thus far. Once completed the group will make a presentation to the Board of Commissioners.
2. The process of selecting a replacement for Parks and Recreation Director Rick Pangle continues. The Manager hopes to select a replacement soon. He reminded everyone that Rick's retirement party is Monday, September 30 from 2:00 p.m. to 4:00 p.m. at the Activity Center.
3. Commissioners held a Board retreat on Friday, September 13 and Saturday, September 14. The session was facilitated by Lydian Altman with the School of Government. The session was very informative and laid the ground work for developing a strategic plan.
4. Met with Architect Rich Worley and made several revisions to the renovation plans for the old Library with the hopes of going out to bid in November.
5. Responses to the Request for Qualifications for the Courthouse expansion study are due on Friday, September 27.
6. Met with Health Director Steve Smith, Social Services Director Stoney Blevins, Milton Butterworth of Blue Ridge Community Health Services, and a representative from the Buncombe County Council on Aging to discuss how to handle the questions from the public regarding the Affordable Care Act which is effective October 1. Blue Ridge Community Health Services has committed to having someone stationed in the Community Services Building for 20 hours a week to help navigate citizens through the process. Staff is still working on this and hopes to have more communication out his week.
7. Staff worked with the organizers of a rodeo to help them navigate through the Mass Gathering Ordinance. The rodeo will be held the first weekend in October in Little River.
8. Water-City Engineer Jay Johnston met with individual Commissioners and staff to educate them on the process the City is undertaking to expand its water capacity. The County has engaged

McGill Associates to prepare a white paper on the subject in order for the County to do its due diligence. The City is holding a special meeting on Monday, September 30 at 5:30 p.m. at the Library to discuss water capacity issues.

9. Started looking at alternative sites for One Stop Voting in the event that the old Library is not available.
10. Received the 2016 Reappraisal Plan from the Tax Administrator which will be presented to the Board of Commissioners soon.
11. The Manager was recently asked the question about whether or not David Bradford, a member of the Independent Economic Development Task Force, is a citizen of Transylvania County. The Manager contacted Mr. Bradford and was informed that he lives approximately 100 yards into Henderson County near DuPont. His children attend school in Transylvania County. Mr. Bradford is in the process of moving his business from his home to a business park in Cedar Mountain. Mr. Bradford has a Cedar Mountain mailing address. The Manager also spoke with Karen Gleasman, Chair of the Independent Economic Development Task Force, about Mr. Bradford and she said he is a very energetic and a valuable member of the committee and if he was removed it would be disruptive to the committee. While Mr. Bradford is not a resident of Transylvania County, he clearly has a vested interest in the community. This issue of eligibility for serving on various committees is an area the Manager hopes Commissioners will address in the near future. The Manager brought this issue up before Commissioners tonight to ensure transparency throughout the process.
12. HIPPA- Staff is busy working on new requirements that go into effect today. Health Director Steve Smith is the County's HIPPA Compliance Officer. He met with staff last week and has made the necessary changes. Staff was notified of the changes only two weeks ago.
13. Attended a meeting today regarding proposed improvements to US 64 West. The proposal includes a 2.1 mile improvement stretching from Indian Creek to Flat Creek Valley Road. The design should be complete in 2014. Acquisition of property should occur in 2014. Construction would occur in 2015 if approved. The estimated cost of the renovation is \$9 million and would take 1 ½ years to construct.
14. National Flood Insurance-There are many areas in the County located in the floodplain. The National Flood Insurance program will be extended for 5 years while requiring significant program reform. The changes are designed to make the program more financially stable and ensure flood insurance rates accurately reflect the real risk of flooding. Currently approximately 20% of homeowners are paying subsidized rates. These rates will be phased out over a period of 5 years. Those with subsidized rates that are not considered primary homes will experience a 25% rate increase this year. In late 2014, full risk rates will be phased in over a period of 5 years, which is an increase 20% each year. Staff will continue to monitor this issue and determine the impact to citizens in this County.

Commissioner Lemel spoke to the issue about being a citizen versus a resident in terms of serving on a County board or committee. The policy for many of these boards and committees is different. She informed everyone that the Board is beginning to work through this issue and hopes to have a recommendation soon on how to address this.

Chairman Hawkins asked the Manager if there was anything the County can do to help with the National Flood Insurance issue. The Manager said citizens should contact the Building Department. The only thing the County can do at this point is ask FEMA to review the flood maps. Information will be placed on the website as well. Staff will determine how many people have this type of insurance and make sure they are aware of the upcoming changes.

PUBLIC COMMENT

Kim Provost: Ms. Provost asked the Board to explore the possibility of video recording their meetings so they can be more available to the public, especially for those who cannot get out in the evening to these meetings. Ms. Provost said she has been informed that when inmates are released from the jail they are literally released and sometimes they knock on the doors of the residents in the area looking to use a phone to call a ride, etc. She wondered if there was a place where released inmates could be dropped off or the possibility of a designated area for them to stay while waiting for a ride.

COMMISSIONERS' COMMENTS

There were no additional comments by Commissioners.

Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (2) to prevent the premature disclosure of an honorary award or scholarship and (a) (3) to consult with an attorney, after a 5 minute recess. The motion was seconded by Commissioner Lemel and unanimously carried.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (2) to prevent the premature disclosure of an honorary award or scholarship and (a) (3) to consult with an attorney, closed session was entered into at 9:20 p.m. Present were Chairman Hawkins and Commissioners Chappell, Hogsed and Lemel, County Manager Artie Wilson, County Attorney Tony Dalton, and Clerk to the Board Trisha Hogan.

Commissioners discussed a matter with the County Attorney and instructed staff on how to proceed.

Chairman Hawkins moved to leave closed session, seconded by Commissioner Lemel and unanimously carried.

OPEN SESSION

Chairman Hawkins moved to seal the minutes of the closed session until such time that opening the minutes would not frustrate the purpose of the closed session. The motion was seconded by Commissioner Chappell and unanimously approved.

ADJOURNMENT

There being no further business to come before the Board, **Chairman Hawkins moved to adjourn the meeting, seconded by Commissioner Lemel and unanimously carried.**

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board