

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
November 28, 2011 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, November 28, 2011 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Larry Chapman, Jason Chappell, Chairman Mike Hawkins, Daryle Hogsed, and Vice-Chairman Kelvin Phillips. Also present were County Manager Artie Wilson, County Attorney Curtis Potter, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Mark Todd

There were approximately 40 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:05 p.m.

WELCOME

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

PUBLIC HEARING

REQUEST TO INCREASE THE OCCUPANCY TAX FROM FOUR PERCENT TO FIVE PERCENT

In June 2005, the NC General Assembly passed local legislation which allowed the Board of Commissioners of Transylvania County the authority to increase the Occupancy Accommodations Tax up to six percent. The current rate is four percent. The Tourism Development Authority (TDA) requested that the Board of Commissioners consider increasing the Occupancy Accommodations Tax to five percent effective January 1, 2012. A public hearing is required in order to consider raising the Occupancy Tax rate. The Clerk properly advertised for the public hearing.

Brad Campbell with Market Connections made a power point presentation to the Board about how the additional funds generated by the tax increase would be used to promote travel and tourism in the County. Mr. Campbell said each household pays approximately \$388 less annually in State and federal taxes as a result of tourism economic activity.

Mr. Campbell discussed the TDA's accomplishments over the last three years. The TDA undertook a brand new approach to their marketing techniques and as a result they plan to reach over 28 million people through advertising, using print, newspaper, television and web outlets. Mr. Campbell showed some examples of ads that ran in such publications as Bike Magazine, Our State Magazine, and Southern Living Magazine. The TDA also completely revamped its website. The website is also interactive and anyone involved with travel and tourism aspects can post events on a calendar for others to view.

Mr. Campbell said in terms of public relations, the TDA has been working very hard to build a relationship with the NC Travel and Tourism Division. As a result of that relationship, the State has begun to feature Transylvania County more in its advertisements. In the past year, the State has run full page ads in several publications and feature Transylvania County in those ads.

Mr. Campbell reported that the travel planner and map have been completely redesigned. Both publications have been combined into one publication so that it is less costly to produce and more consumer-friendly.

Transylvania County is a county is built on legacy tourism; meaning that people come here one time and then they continue to return again and again. So the TDA started building a one-on-one relationship with those people through an e-newsletter. In 2009, there were nearly 1,000 names in a database which allowed the TDA to communicate with visitors. Since that time, the database has grown to over 6,000 people.

As a result of all these initiatives, in 2010-2011 the TDA is projecting the Occupancy Tax revenues to increase to \$317,693, an 8 ½ % increase over the previous year. Mr. Campbell noted that in August the TDA did its first broadcast television advertising and got into the Atlanta market. Within two weeks of the ad, there was a 67% increase in visitation to the website in the Atlanta area, all attributable to the new television spots they were running there. It is the TDA's goal to expand upon this, especially with markets in Raleigh and Charlotte.

Mr. Campbell said all this is happening in an environment that has quite a disadvantage. Surrounding counties receive significantly more Occupancy Tax revenues than Transylvania County. However, year-to-date, Transylvania County has experienced an 8 ½ % increase based on all the work the TDA is doing. Despite having less revenue than surrounding counties, the TDA has managed its resources skillfully to achieve better results. Mr. Campbell pointed out that 42% of the counties that collect an Occupancy Tax have a rate of 5% or greater.

Mr. Campbell said the TDA would like to request that the current rate be increased from 4% to 5%. The TDA believes that the Occupancy Tax will enable the TDA to expand its marketing in critical areas, specifically broadcast television advertising, with the goal of increasing revenues for all accommodations establishments in the County. Greater revenue from out-of-town guests for local accommodations, retailers and attractions, will bring more tax income to the County and help keep taxes low for County residents.

Dee Dee Perkins, the immediate past president of the TDA, supported the increase in the Occupancy Tax rate. She said she is proud of what the TDA has accomplished over the last three years with limited funding. With the additional funding, the TDA wants to support direct marketing efforts, enhance the visitors' center, and establish satellite facilities in Pisgah Forest and other areas in County with the use of volunteers in order to introduce other aspects of the County to visitors. Ms. Perkins noted that a one cent increase will increase the TDA's budget by 20% and she encouraged Commissioners to accept the recommendation because there is more to be accomplished.

In response to a question from Commissioner Chapman, Ms. Perkins said a one cent increase is a reasonable request and is comparable to other counties. Furthermore, accommodations owners feel that a one cent increase would not have a negative impact upon their businesses.

Chairman Hawkins declared the public hearing open at 7:25 p.m. There were no public comments.
Chairman Hawkins declared the public hearing closed at 7:26 p.m.

This item will be considered later on the agenda.

PUBLIC COMMENT

Gerald Leopard: Mr. Leopard said he believes in the Salvation Army and the work they do, but he expressed concern about the organization's disbursement of funds, food, etc. and had unanswered

questions about these concerns. He emphasized that he was speaking on behalf of himself and no other person or organization. Chairman Hawkins informed Mr. Leopard that he should take his concerns before the Salvation Army Board of Directors. In attendance was Captain Thornhill with the Salvation Army organization and he addressed Mr. Leopard's concerns and answered his questions one by one. Overall, he assured Mr. Leopard that funds collected in Transylvania County are used in Transylvania County and are budgeted according to the availability of resources. Captain Thornhill provided some data regarding the number of individuals and families helped with rent, utilities, clothing, food, etc. In direct financial assistance, over 55% of the monies collected here are used in Transylvania County. The other 45% is utilized in other areas and programs. Mr. Leopard commented that his concern was mostly generated prior to Captain Thornhill coming on board to the Salvation Army and that previously he was not afforded the information that Captain Thornhill provided at this meeting.

Gerry Hunsicker: Mr. Hunsicker withdrew his request to speak at this time.

AGENDA MODIFICATIONS

The Manager reported on the agenda modifications. He requested to remove Item V-A Minutes, under Consent Agenda and add Item V-A Facilities Use Requests and to modify VI-A In Recognition of Anthony Dwayne Moss under Presentations/Recognitions to include allowing Mr. Moss to purchase his service weapon.

Chairman Hawkins moved to approve the agenda as modified, seconded by Commissioner Phillips and unanimously approved.

CONSENT AGENDA

Commissioner Hogsed moved to approve the Consent Agenda, seconded by Commissioner Chappell and unanimously approved.

The following items were approved:

FACILITIES USE REQUESTS

The use of the old jail by Shawn Cain Films on December 11, 2011 to film a scene in conjunction with the Rosman Historical Society was approved contingent upon Shawn Cain Films signing a Hold Harmless Agreement.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for October 2011 was approved.

PRESENTATIONS/RECOGNITIONS

IN RECOGNITION OF ANTHONY DWAYNE MOSS

Dwayne Moss will be retiring from Transylvania County on December 1, 2011 with 24 years of service. He began his career in the Recreation Department and since 1996 has served in a variety of positions in the Sheriff's Office. These positions include telecommunicator, deputy and most recently as patrol sergeant. Sheriff David Mahoney and Commissioners recognized him with a resolution and extended to him best wishes during his retirement and future endeavors.

Sheriff Mahoney requested Commissioners allow Mr. Moss to purchase his service weapon at a cost of \$1.

Commissioner Chappell moved to approve Resolution 47-11 In Recognition of Anthony Dwayne Moss and to approve allowing him to purchase his service weapon for \$1, seconded by Commissioner Phillips and unanimously approved.

(Resolution 47-11 In Recognition of Anthony Dwayne Moss is hereby incorporated by reference and made a part of these minutes.)

IN RECOGNITION OF CYNTHIA DIANNE MOSS

Dianne Potts will be retiring from Transylvania County on December 1, 2011 with 29 years of service. She began her career as a Van Driver for the Transportation Department where she transported children and disabled and elderly citizens. Her last assignment was in the New Adventure Learning Center where she worked as an Educational Development Aide where she assisted teachers in planning, coordinating and supervising activities. Social Services Director Stoney Blevins and Commissioners recognized her with a resolution and extended to her best wishes during her retirement and future endeavors.

Commissioner Chapman moved to approve Resolution 48-11 In Recognition of Cynthia Dianne Potts, seconded by Commissioner Phillips and unanimously approved.

(Resolution 48-11 In Recognition of Cynthia Dianne Potts is hereby incorporated by reference and made a part of these minutes.)

150TH SURVEY REPORT

As part of the County's 150th Celebration the County, Commissioners instructed the Planning and Economic Development Department, the Economic Development Advisory Board (EDAB) and the Planning Board to help develop a long term vision for the County. The Planning Staff, EDAB and Planning Board collaborated to develop a power point presentation and a 13 item electronic survey questionnaire to complete this task.

EDAB Chairman Bill Towler reviewed some of the key results of the survey and highlighted the following:

The purpose of the survey was to encourage people to think about moving forward and how people want to see Transylvania County in the future. The majority of the people who participated live in Brevard and the County and 95% of respondents were full time residents. As far as the age group of the respondents, the age group 31-70 was the largest group at 56%, and there were an identical number of young people that responded. Over half of the responders were full time employees; another 14.7% self-employed and only 1.7% said they were unemployed. Half of the responders have lived in Transylvania County for only one generation and 25% were fourth generation Transylvanians.

Planning and Economic Development Director Mark Burrows reported that over 1,300 people responded to the survey which represents approximately 5% of the 2010 Census population of the County greater than 16 years of age. Mr. Burrows said this number is probably higher because some may have completed the survey as a family. Beginning in June the three groups visited over twenty different locations where they made their presentation and asked the citizens to complete the survey.

As mentioned, the largest group of people completing the survey was from Brevard and then Pisgah Forest. The majority of the respondents were from outside Brevard and Rosman. Almost every community was represented in the survey.

Mr. Burrows highlighted some of the questions that were asked in the survey and the responses as follows:

What is Transylvania County's greatest asset?

1. Clean air and water
2. Schools
3. Waterfalls
4. Brevard Music Center
5. Brevard College
6. Transylvania Regional Hospital
7. Blue Ridge Community College

Listed below are areas of concern. In your opinion what priorities should the County establish to deal with these concerns?

1. Jobs
2. Lack of jobs
3. Overall economy
4. School funding
5. Living wage

Concerns for their community or neighborhood:

1. Nearly 38% said jobs and the economy is a real concern
2. Schools and education
3. Government and taxes
4. Housing
5. Roads
6. Miscellaneous (a variety of comments)

Thinking about the future, prioritize each item you would like community leaders to address:

1. Preserve natural environment and waterfalls
2. Promote entrepreneurship
3. Promote manufacturing
4. Promote tourism
5. Promote greater cooperation between County, Brevard and Rosman
6. Preserve mountain heritage
7. Develop new recreational opportunities
8. Promote Main Street

Listed below are ordinances and regulations that the County has adopted except for steep slope or county-wide zoning. In your opinion, does the County need ordinances or regulations in order to manage growth and development?

1. Erosion – very strong
2. Flood damage – yes
3. Farmland – very high
4. Manufactured home parks – lower
5. County-wide zoning – yes (more than 60% of first generation citizens were for zoning; the majority of fourth generation citizens were against zoning)

What is the most important infrastructure improvements needed in the County?

1. Condition of secondary roads
2. Broadband and internet access
3. Cell phone towers
4. Extension of water and sewer

Mr. Burrows noted that many respondents did not understand what County government can and cannot do.

Which one of the following issues should the County use tax dollars to address?

1. Education
2. Recruitment and retention of businesses
3. Programs to support businesses
4. Development of industrial business sites

What other comments or suggestions do you have to make Transylvania County be a better place to live, work and play?

1. Jobs and economy
2. Government and taxes
3. Schools
4. Childcare
5. Recreation
6. Roads and infrastructure
7. Tourism

Mr. Towler offered three recommendations on behalf of the Planning and Economic Development Department, the EDAB and the Planning Board:

1. Share the survey responses with the City of Brevard, Town of Rosman, Board of Education and other economic development allies
2. Better communicate the County's success to the public and the limitations of what the County can do
3. All community groups come together and initiate a planning process and long range planning goals

Mr. Burrows requested no action from the Board of Commissioners at this meeting other than to accept the report at this time. Chairman Hawkins suggested Commissioners read and digest the data and think about the best ways to respond in the future.

Commissioner Hogsed moved to accept the report, seconded by Commissioner Phillips and unanimously accepted.

APPOINTMENTS

JOINT HISTORIC PRESERVATION COMMISSION

Connie Kay Hughes resigned from the Joint Historic Preservation Commission and there is one application on file to fill the vacancy.

Commissioner Chapman nominated and moved to appoint Paul Heidmann to fill the vacant term, seconded by Commissioner Chappell and unanimously approved.

NEW BUSINESS

REQUEST TO INCREASE OCCUPANCY TAX FROM FOUR PERCENT TO FIVE PERCENT

A public hearing was held at the beginning of the meeting on the proposal to increase the Occupancy Tax from 4% to 5%. The 1% percent increase would generate an additional \$80,000. The Occupancy Tax must be approved by resolution after a 10-day public hearing notice and after the public hearing itself. Per NCGS, the effective date must be the first day of the calendar month but not earlier than the first day

of the second month after the date the resolution was adopted. If approved, it would become effective January 1, 2012.

Commissioner Chappell inquired as to how much increase the TDA is anticipating. Mr. Perkins said this past year the TDA budgeted for no increase. They had intended to use funds from the reserve account and ended up not having to do so.

Commissioner Chappell asked if the primary emphasis will be on print marketing. Ms. Perkins said the TDA also benefits from public relations initiatives and they had a very small budget for public relations activities. Karen Tessier with Market Connections added that marketing for the TDA has been a multi-year strategy which was based on lots of research and analytical data. Ms. Tessier said the TDA needs resources to expand to other areas and markets. One challenge they face is they put together a budget every year and then are forced to cut it dramatically because the funds are not available. She said she wants Transylvania County to get the full effect of the marketing strategies.

Commissioner Chapman asked if accommodations owners expressed any negative comments. Chamber of Commerce Executive Director Libby Freeman responded that yes, there were some negative comments, but they all recognized the value of the increased marketing strategies.

Stephen Dugard, a member of the TDA Board, said that in 10 years of working in the accommodations business, less than a handful of people have ever asked him about the tax rate. He concluded that the Occupancy Tax rate is basically a non-issue with most people.

Commissioner Chappell expressed concern about reaching a tipping point and that trying to be more competitive may defeat the purpose of increasing the tax rate. Ms. Perkins believes the County will benefit by seeing additional growth because the TDA will be able to reach more people about Transylvania County. She commented that other areas are selling aspects of Transylvania County to market their own area. The goal is for those people to visit Transylvania County and use its accommodations.

Ms. Tessier pointed out that with more funds the TDA hopes to work on group travel opportunities. Mr. Campbell added that group travel opens up tremendous opportunities for accommodations in the County and helps to market Transylvania County during the "shoulder" seasons when there is not as much going on and the hotels are not full.

Commissioner Chappell said he hoped the monies to open satellite facilities would be minimal because there is so much focus on the state-of-the-art website.

Commissioner Chapman said he views this as an economic development issue.

Commissioner Chapman moved to approve Resolution 49-11 Increasing the Lodging (Occupancy) Sales Tax from Four Percent to Five Percent effective January 1, 2012. The motion was seconded by Commissioner Chappell. Commissioner Chappell inquired if there were plans for monies not spent in the current year's budget. Mr. Perkins said there are plans to do another photo shoot and there are opportunities for television ads. Ms. Tessier commented that the TDA will revise its marketing plan by January 1, 2012. Commissioner Chappell suggested including in the TDA's annual report how the additional revenues are spent. Commissioner Phillips pointed out that many people do not understand the purpose of the Occupancy Tax and who pays it because it is not a tax upon citizens. He supported the increase. Commissioner Hogsed preferred to table the decision to the next meeting to avoid the illusion that the County is trying to rush through the approval. He commented that this tax is being imposed upon people that can not vote for him. He expressed opposition to imposing such a tax upon the citizens of Transylvania County and therefore was not willing to pass it onto others. Commissioner Chappell noted

that the purpose for voting on this matter tonight is to make it effective January 1, 2012. Chairman Hawkins also pointed out that the TDA met with accommodations owners already so this is not a completely new topic to the public. **The motion passed by a vote of 4 to 1, with Commissioner Hogsd voting against.**

(Resolution 49-11 Increasing the Lodging {Occupancy} Sales Tax from Four Percent to Five Percent is hereby incorporated by reference and made a part of these minutes.)

BUDGET AMENDMENTS

Finance Director Gay Poor presented the following budget amendments to the Board for approval:

- #24 - Transfer FY 2011 Surplus in the amount of \$11,157 in the Tourism and Development Fund to the FY 2012 Budget as contingency
- #25 - To record the receipt of \$5,000 from Western Highlands Network for transporting indigent clients to psychiatric appointments
- #26 - To return \$2,443 in DJJDP funds that were not used in FY 2011 and record \$3,807 in additional DJJDP funds received for FY 2012
- #27 - To record the receipt of \$18,040 in NC Pre-K funds and the appropriation of \$3,800 to the New Adventure Learning Center with remainder going to fund balance
- #28 - To record the receipt of \$3,003 in proceeds from insurance claims and appropriation of \$2,003 for repairs to Sheriff's vehicles and deposit \$1,000 to fund balance for a prior year's claim

These amendments (25-28) increase the General Fund budget by \$17,053 bringing the total amended budget to \$39,892,586.

Commissioner Chappell moved to approve the budget amendments, seconded by Commissioner Phillips and unanimously approved.

FINANCIAL REPORT THROUGH OCTOBER 31, 2011

Finance Director Gay Poor provided a financial report to the Board through October 31, 2011. Total revenues for the first four months of FY 2012 are \$768,835 ahead of last year with the largest item being an increase in the collection of property taxes. Expenditures are essentially the same as last year through the four month period at \$11,394,189. Since over 50% of the County's revenue comes from ad valorem taxes, which are mainly collected in December and January, the County will be in a deficit position until the majority of the taxes are collected. Ms. Poor noted the financials only reflect one month of sales tax as the reporting is three months behind. Sales tax revenues are lower than this time last year, but the County is still on target to meet the budget. The self-insurance fund for health insurance is also on target to meet the budget although there have been a few large claims this year. Scale sales at the landfill and convenience centers are in line with the previous year and expenditures are below budget.

Commissioner Chapman inquired about the status of the fund balance. The Manager said the audit will be presented at the next meeting. The fund balance has decreased by \$2.1 million at this point but only because of timing. That will change when the County begins to collect ad valorem taxes in December and January.

At this point the County is on track with the budget and staff will continue to monitor the financials on a month by month basis. The Manager emphasized that the County will not be over budget in terms of expenditures.

COMMENTS-FEASIBILITY STUDY PROPOSED DAVIDSON RIVER VILLAGE CONNECTOR ROAD

The NC Department of Transportation is currently working on a feasibility study for the Davidson River Village Connector Road from US 276/64 to US 64 in Transylvania County. The project manager of the feasibility study has requested comments from the Board of Commissioners on the proposed Connector Road. The feasibility study is expected to be complete in June 2012. The next step would be to get the project added to the Transportation Improvement Plan and secure funding.

The Manager noted that this road continues to be a priority for the Rural Planning Organization and is a key element in the development of Davidson River Village. Furthermore, Davidson River Village has agreed to donate the right-of-way for the project.

The Manager presented a draft letter to the Board seeking approval. The response is due November 30, 2011.

Chairman Hawkins moved to approve the draft letter supporting the connector road, seconded by Commissioner Chappell and unanimously approved.

SIGN FOR WILSON BRIDGE

The bridge crossing the French Broad River just outside of Brevard going south on US 276 was named Wilson Bridge in 1926 when it was constructed by the North Carolina Highway Commission. A new bridge was constructed in 1997 but no reference was made to naming it Wilson Bridge. The Manager reported that he received a call from Joel Setzer with the NC Department of Transportation (NCDOT) recently as a result of a phone call Mr. Setzer received from a citizen regarding the name of the bridge. The Manager verified to him the original name of the bridge. If approved by Commissioners, the NCDOT will place a new sign at the bridge indicating its name as Wilson Bridge.

Commissioner Phillips moved to allow the NCDOT to put up a sign indicating the bridge's name as Wilson Bridge, seconded by Commissioner Chappell and unanimously approved.

Commissioner Chapman suggested that an organization like the Heritage Museum should maintain the old sign.

WESTERN HIGHLANDS NETWORK'S FISCAL MONITORING REPORT

North Carolina General Statute 122C-117(c) requires that each board of commissioners be given a copy of the Local Management Entity's financial status on a quarterly basis. First Quarter results reflects total revenues of \$11,087,653 versus expenditures of \$11,403,141 or a drawdown of reserves in the amount of \$315,488. The Manager reported that the drawdown of funds is normal because the State is very slow to release funds at the beginning of a new fiscal year.

Commissioner Chappell moved to accept the financial report, seconded by Commissioner Phillips and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

1. Mental Health: Effective January 3, 2012, Western Highlands Local Management Entity will implement the 1915 (b) (c) Waiver. In order to protect the counties from any financial support from the waiver process the LME Board of Directors passed a resolution stating that the counties would not be held liable for any funding shortfalls or operational spending from the LME. Commissioners may hear from some clients as this may mean less services or at least very different service levels.

2. East Fork Bridge: A public meeting will be held on Tuesday, November 29 at 5:30 PM at Rosman High School to discuss location alternatives for replacement of the East Fork Bridge.
3. USDA EPA Event: The event was very successful and those involved in the process were able to highlight Gaia Herbs, Davidson River Village and Brevard College to the visitors.
4. Work continues on the Five Year Capital Requests. Staff plans to make a report to the Board in the coming weeks.
5. The Manager has approved filling the following vacant position: Income Maintenance Child and Family Medicaid position (an offer is pending). The Manager provided a report on the status of all vacancies.
6. The Closing Ceremony for the County's 150th Celebration is scheduled for 4:30 PM on Saturday, December 3, 2011 in the large Courtroom of the Courthouse.
7. Staff reviewed the sealed closed session minutes and there are none to open at this time.
8. The audit will be presented at the next meeting.

PUBLIC COMMENT

Gerry Hunsicker: Mr. Hunsicker commented on the recent USDA/EPA event and expressed disappointment that the presentation at times appeared to be a campaign stop for the President. Furthermore, what the presenters said was that they could not provide jobs; they only provide funds which they control. Unfortunately he only sees funds going to outside contractors and the County gets little to no return on these projects. Mr. Hunsicker noted that the TDA model for marketing is great and the County should use the same model to attract business to the County. He emphasized the importance of jobs but noted the federal government will not be able to create jobs across the nation. Lastly, Mr. Hunsicker questioned the cost of this event to the County.

COMMISSIONERS' COMMENTS

Commissioner Chapman said he recently visited the North Transylvania Fire Department and he encouraged others to visit their nice new facility.

Commissioner Chapman commented about the Board changing auditors last year and inquired about when the last time the County issued an RFP regarding the County's banking affiliation. With the current economic environment, he feels the County should explore other options. Finance Director Gay Poor responded that the County is in the last year of its first renewal period with the current bank.

Chairman Hawkins responded to Mr. Hunsicker. He said he honestly did not view the event as a pep rally for the current administration. However he noted that the President's name was mentioned because the speakers and presenters were members of his cabinet. Chairman Hawkins said there were strategic reasons for the visit as well, in that there is assistance that the federal government can provide, and part of the reason for having them here was the opportunity to put those people in front of the Davidson River Village project and Gaia Herbs. Gaia Herbs talked about how they were able to access federal funds which is part of the reason the business was able to grow. Furthermore, the USDA and EPA is part of the reason the old Ecusta site was cleaned up and ready for development.

Chairman Hawkins announced that tomorrow is the Manager's birthday.

Chairman Hawkins moved to go into closed session per NCGS 143-318.11 (a) (3) to consult with an attorney reference lawsuit Transylvania County vs. Michael Baxley after a five minute recess, seconded by Commissioner Phillips and unanimously accepted.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney reference lawsuit Transylvania County vs. Michael Baxley, closed session was entered into at 9:30 p.m. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Hogsed, and Phillips, County Manager Artie Wilson, County Attorney Curtis Potter, and Clerk to the Board Trisha Hogan.

Commissioners discussed the status of the lawsuit and instructed staff on how to proceed.

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

OPEN SESSION

Chairman Hawkins moved to seal the minutes of the closed session until such time that opening the minutes does not frustrate the purpose of the closed session, seconded by Commissioner Chapman and unanimously approved.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Chappell moved to adjourn, seconded by Commissioner Chapman and unanimously carried.**

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board