

Board approved and unsealed Minutes on 03/26/2007.

SEALED MINUTES

TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS CLOSED SESSION – JULY 25, 2005

Pursuant to NCGS 143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, closed session was entered at 8:00 p.m. Chairman Miller, Commissioners Chappell, Duvall, Guice and Phillips, Manager Wilson, Attorney David Neumann, Planning and Economic Development Director Mark Burrows, and the clerk to board were present.

Mr. Burrows updated the board of commissioners regarding Ilford/Oji and the impact of Senate Bill 629, Manufacturing Redevelopment Districts, currently being considered by the General Assembly. He reported that today the county received a proposed substitute bill. The proposal is that the county would become part of the chain of title to the DuPont property for a short time in the process of transferring the property to Ilford/Oji. The concern is that the county might have some future liability for any environmental remediation that might occur. Mr. Burrows, Mr. Wilson and Attorney Jeanne Hall spoke today with Attorney Bruce Thompson at Parker Poe, who felt that the language of the bill could be made clearer. Timing is the real issue - when does the NC Department of State certify that the property is an industrial site that could be used by Ilford? To the extent possible, we want to shorten the time period that the county is in the chain of ownership. Ilford has agreed to the proposed \$7 million cleanup costs; however, the governor has yet to sign off on that.

Representative Trudi Walend has been asked for some background information. The manager reported that our attorney in Charlotte has told him that the county would not be responsible for any cleanup of the site; however, the document from the State does not really state this. He has been working to make the language regarding the timing of the sequence of the chain of liability a little clearer, and would be speaking with our attorney in the morning to review the proposal. The manager anticipated that the legislation would be heard on July 26, 2006.

Mr. Wilson noted that we have had a lot of support from Representative Walend, Senator John Snow and Representative Bruce Goforth, as well as others. He recommended that the board of commissioners consider having someone to represent Transylvania County on this issue.

Before Mr. Burrows left the meeting, the manager thanked him for his perseverance with this project.

There being no further business, **Commissioner Duvall moved to leave closed session and reconvene open session, seconded by Commissioner Guice and unanimously carried.**

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board