

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 6 September 2005

SUBJECT: Unsealing of closed session minutes and accounts

ATTACHMENT(S): Approved closed session minutes/accounts from
17 December 2003
18 February 2004
3 May 2004
19 May 2004 (Raflatac)
25 May 2004 (Raflatac)
18 August 2004 (Park Ridge)
16 February 2005 (Harper)
23 March 2005 (Raflatac)
15 June 2005
21 June 2005

SUMMARY OF REQUEST:


The above-listed minutes/accounts from closed sessions of the Board of Commissioners were approved by the Board at your 1 August 2005 meeting. Pursuant to your policy, you at the same meeting determined that the purpose of the closed session involved in these matters would not be frustrated by the release of these minutes, or that the minutes should no longer be kept sealed.

Your approval, in open session, is sought, pursuant to your policy, to allow unsealing of the attached minutes.

COUNTY MANAGER RECOMMENDATION/BOARD ACTION REQUESTED:

The County manager supports this proposal.

County staff will be present and prepared if requested to give further information on this matter.

The information I information would Chairman _____	 DRAFT 5-20-04 <i>to: ASB only</i> <i>ewc</i>	Section Status _____ the Board of Commissioners upon a finding that unsealing the Session. Date _____
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**MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION OF
 HENDERSON COUNTY BOARD OF COMMISSIONERS**


DRAFT

DATE December 17, 2003

TIME approx. 12:30 p.m.

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on December 17, 2003. These closed session minutes are a part of the minutes of that meeting and should be read in that context.

Present: Chairman Grady Hawkins, Vice-Chair Larry Young, Commissioner Bill Moyer, Commissioner Charlie Messer, Commissioner Shannon Baldwin, County Manager David E. Nicholson, County Attorney Angela S. Beeker, and Clerk to the Board Elizabeth W. Corn.

ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(1)
To prevent disclosure of information that is privileged or confidential – Review of closed session minutes.

The Board reviewed the following sets of closed session minutes:

- November 26, 2002
- December 2, 2002
- December 18, 2002
- November 3, 2003
- December 1, 2003

No revisions were suggested. These minutes will appear on the next consent agenda for Board approval.

 Elizabeth W. Corn, Clerk to the Board

 Grady Hawkins, Chairman



DRAFT

Public Inspection Status

The information below was unsealed by majority vote of the Board of Commissioners upon a finding that unsealing the information would not frustrate the purpose of the Closed Session.

Chairman

Date

**MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION OF
HENDERSON COUNTY BOARD OF COMMISSIONERS**

DATE February 18, 2004

TIME 10:15 a.m.

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on February 18, 2003. These closed session minutes are a part of the minutes of that meeting and should be read in that context.

Present: Chairman Grady Hawkins, Vice-Chair Larry Young, Commissioner Bill Moyer, Commissioner Charlie Messer, Commissioner Shannon Baldwin, County Manager David E. Nicholson, County Attorney Angela S. Beeker, and Clerk to the Board Elizabeth W. Corn.

**ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(1) and NCGS 131E-97.3.
To prevent disclosure of information that is privileged or confidential.**

Barbara Platz and Bob Goodman from Margaret R. Pardee Hospital were also present. They explained their need for a Certificate of Need for hospital equipment at Pardee Care Center off Allen Road, near Blue Ridge Community College.

Chairman Hawkins made the motion to approve the request to apply for a CON (Certificate of Need) with changes. All voted in favor and the motion carried.

Chairman Hawkins made the motion for the Board to go out of closed session. All voted in favor and the motion carried.

Elizabeth W. Corn, Clerk to the Board

Grady Hawkins, Chairman



DRAFT

Public Inspection Status

The information below was unsealed by majority vote of the Board of Commissioners upon a finding that unsealing the information would not frustrate the purpose of the Closed Session.

Chairman

Date

**MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION OF
HENDERSON COUNTY BOARD OF COMMISSIONERS**

DATE May 3, 2004

TIME approx. 6:15 p.m.

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on May 3, 2004. These closed session minutes are a part of the minutes of that meeting and should be read in that context.

Present: Chairman Grady Hawkins, Vice-Chair Larry Young, Commissioner Bill Moyer, Commissioner Charlie Messer, Commissioner Shannon Baldwin, County Manager David E. Nicholson, County Attorney Angela S. Beeker, and Clerk to the Board Elizabeth W. Corn.

ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(4)

Location or expansion of business or industry.

Scott Hamilton, Chamber of Commerce, was also present for this item.

Chairman Hawkins called the closed session to order.

PEPSI

Mr. Nicholson informed the Board that Scott Hamilton had met with the Town of Mills River about a possible economic development incentive from them since Pepsi is interested in locating within their municipality.

No new jobs therefore they qualify for less than 3% incentive from the county due to our guidelines.

Mr. Hamilton stated that Pepsi is ready to announce if incentives are given by Henderson County.

Following discussion, the Board of Commissioners was interested in considering an economic development incentive for Pepsi to locate in our county.

The Board will set a public hearing, after returning to open session.

Chairman Hawkins made the motion for the Board to go out of closed session at 6:36 p.m. All voted in favor and the motion carried.

Attest:

Elizabeth W. Corn, Clerk to the Board

Grady Hawkins, Chairman

Public Inspection Status

The information below was unsealed by majority vote of the Board of Commissioners upon a finding that unsealing the information would not frustrate the purpose of the Closed Session.

Chairman

Date

**MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION OF
HENDERSON COUNTY BOARD OF COMMISSIONERS**

DATE May 19, 2004

TIME approx. 10:30 a.m.

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on May 19, 2004. These closed session minutes are a part of the minutes of that meeting and should be read in that context.

Present: Chairman Grady Hawkins, Vice-Chair Larry Young, Commissioner Bill Moyer, Commissioner Charlie Messer, Commissioner Shannon Baldwin, County Manager David E. Nicholson, County Attorney Angela S. Beeker, and Clerk to the Board Elizabeth W. Corn.

ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(4)
Location or expansion of industry or business.



DRAFT

Scott Hamilton, Chamber of Commerce, was also present for this item.

Mr. Hamilton reminded the Board that this was still confidential.

A local industry interested in expanding – Raflatac.

Expansion between now and 2008 of \$33,500,000 investment with \$1,000,000 investment to building plus machinery and equipment.

By 2008 = additional \$11,500,000 investment.

\$16 – 17 hr. average wage plus a full benefit package of between 33% - 35% of wage.
Would also need an additional smaller building to move a line (10 jobs associated with).
\$88,500,000 total investment for 3.

Scott Hamilton left the meeting.



DRAFT

This would have to be phased in. The Board was interested in considering \$134,000 yr. for 7 yrs.

Chairman Hawkins made the motion for the Board to go out of closed session at 11:07 a.m. . All voted in favor and the motion carried.

Elizabeth W. Corn, Clerk to the Board

Grady Hawkins, Chairman

Public Inspection Status

The information below was unsealed by majority vote of the Board of Commissioners upon a finding that unsealing the information would not frustrate the purpose of the Closed Session.

Chairman _____

Date _____

**MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION OF
HENDERSON COUNTY BOARD OF COMMISSIONERS**

DATE May 25, 2004

TIME 7:01 p.m.



DRAFT

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on May 25, 2004. These closed session minutes are a part of the minutes of that meeting and should be read in that context.

Present: Chairman Grady Hawkins, Vice-Chair Larry Young, Commissioner Bill Moyer, Commissioner Charlie Messer, Commissioner Shannon Baldwin, County Manager David E. Nicholson, and Clerk to the Board Elizabeth W. Corn.

ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(4)

Location or expansion of business or industry.

Scott Hamilton, Chamber of Commerce, was also present for this item.

At 7:07 p.m. Chairman Hawkins called the closed session to order. Scott Hamilton from the Greater Hendersonville Chamber of Commerce was present to update the Board on two prospective businesses.

Raflatac – updated because of new investment numbers and new job numbers.

Following discussion, the County Manager was directed to send a letter out to Raflatac informing them that the Board was interested in considering an economic incentive for 7 years.



DRAFT

Elizabeth W. Corn, Clerk to the Board

Grady Hawkins, Chairman



DRAFT
5-9-05

to Russ

Public Inspection Status	
The information below was unsealed by majority vote of the Board of Commissioners upon a finding that unsealing the information would not frustrate the purpose of the Closed Session.	
Chairman _____	Date _____

**MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION OF
HENDERSON COUNTY BOARD OF COMMISSIONERS**

DATE August 18, 2004

TIME approx. 10:30 a.m.

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on August 18, 2004. These closed session minutes are a part of the minutes of that meeting and should be read in that context.

Present: Chairman Grady Hawkins, Vice-Chair Larry Young, Commissioner Bill Moyer, Commissioner Charlie Messer, County Manager David E. Nicholson, Assistant County Manager Justin Hembree, County Attorney Angela S. Beeker, and Clerk to the Board Elizabeth W. Corn.

Absent was Commissioner Shannon Baldwin.

ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(1)

To prevent disclosure of information that is privileged or confidential or not considered a public record. Herman Davis, Park Ridge Hospital, was also present for this item.

Mr. Davis informed the Board about a C.O.N. (Certificate of Need) for Park Ridge Hospital and requested a letter of support from the Board of Commissioners.

Park Ridge Hospital \$30 million investment, no county money and no public drive. He distributed a hand-out "Park Ridge Hospital Planned Expansion Project". Park Ridge is the oldest hospital in Henderson County, goes back to 1910.

It was the consensus of the Board to forward a favorable recommendation. Justin Hembree will draft the letter.

This was a confidential request.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman

DRAFT
8-4-05 to Russ

Public Inspection Status

The information below was unsealed by majority vote of the Board of Commissioners upon a finding that unsealing the information would not frustrate the purpose of the Closed Session.

Chairman

Date

**MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION OF
HENDERSON COUNTY BOARD OF COMMISSIONERS**

DATE February 16, 2005

TIME approx. 10:40 a.m.

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on January 5, 2004. These closed session minutes are a part of the minutes of that meeting and should be read in that context.

Present: Chairman Bill Moyer, Vice-Chair Charlie Messer, Commissioner Larry Young, Commissioner Shannon Baldwin, Commissioner Chuck McGrady, County Manager David E. Nicholson, Interim County Attorney Russ Burrell, and Clerk to the Board Elizabeth W. Corn.

**ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(3)
Consult with an attorney.**

Russ Burrell showed the Board a map of the property on the Spartanburg Highway where the Human Services Building will be constructed. An adjoining property owner is Bill Harper and there has been a boundary line dispute for some time.

According to the map, and to Russ Burrell, it is a very small piece or property and is immaterial to the project, 2.06 ft. strip.

The Board was in agreement to settle this dispute with the Harpers and Mr. Burrell was instructed to contact Mr. Harper with this decision. Henderson County is planting grass on the property. The boundary line agreement on the ground – Henderson County will not dispute.

Commissioner McGrady made the motion to allow Mr. Burrell to resolve the dispute on behalf of the Board. All voted in favor and the motion carried.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman

Public Inspection Status

The information below was unsealed by majority vote of the Board of Commissioners upon a finding that unsealing the information would not frustrate the purpose of the Closed Session.

Chairman

Date

**MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION OF
HENDERSON COUNTY BOARD OF COMMISSIONERS**

DATE June 15, 2005

TIME 10:15 a.m.

DRAFT

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on June 15, 2005. These closed session minutes are a part of the minutes of that meeting and should be read in that context.

Present: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Shannon Baldwin, Commissioner Larry Young, Commissioner Chuck McGrady, County Manager David E. Nicholson, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(1)

Chairman Moyer told the Board that on the morning of June 15, 2005, just prior to the beginning for the Board's meeting he was approached by Herman Davis, representing Adventist Health System, of which Park Ridge Hospital is a member. Chairman Moyer informed the Board that Davis said that Park Ridge may want to consider leasing or purchasing Margaret R. Pardee Memorial Hospital from the County. Chairman Moyer then briefly discussed the fiscal picture of Pardee Hospital, on which Board he is an *ex officio* member.

All commissioners noted that they did not have sufficient information to take any action, and none was taken. No direction as to future action was given to staff.

DRAFT

Public Inspection Status

The information below was unsealed by majority vote of the Board of Commissioners upon a finding that unsealing the information would not frustrate the purpose of the Closed Session.

Chairman _____

Date _____

MINUTES AND GENERAL ACCOUNT OF CLOSED SESSION OF
HENDERSON COUNTY BOARD OF COMMISSIONERS

DATE June 21, 2005

TIME approx. 6:45 p.m.

The Board of Commissioners of Henderson County, North Carolina, met in closed session during a special called meeting on June 21, 2005. These closed session minutes are a part of the minutes of that meeting and should be read in that context.

Present: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Shannon Baldwin, Commissioner Larry Young, Commissioner Chuck McGrady, County Manager David E. Nicholson, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(6)
To consider the performance, character, physical conditions, and employment of an individual public employee or officer.

Chairman Moyer distributed three hand-outs for the Boards consideration:

- 1- A list of salaries for Elected Positions and for Appointed Positions.
- 2- Salary Survey Results for County Manager, County Attorney, and Assessor Including Henderson County as well as 8 other municipalities and counties.
- 3- A memo from Stan Duncan (Assessor) to Chairman Moyer dated June 14 re: "Employment Contract".

Currently the Assessor's salary is \$73,440. The Board looked at comparables and there was much discussion. Russ Burrell distributed copies of an Employment Contract for Stan Duncan (Assessor). Much discussion followed.

Chairman Moyer made the motion to approve the contract Russ had circulated. All voted in favor and the motion carried.

There was some brief discussion of the salary for the Commissioners with no action taken.

Commissioner McGrady made the motion to adjourn closed session at 6:55 p.m. All voted in favor and the motion carried.

Attest:

DRAFT

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman