

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 21 March 2007

SUBJECT: Unsealing certain closed session general accounts

ATTACHMENT(S): General account of closed session of April 19, 2006 (session 1)
General account of closed session of May 1, 2006 (sessions 1 and 3)
General account of closed session of October 26, 2006 (session 1)

SUMMARY OF REQUEST:

The attached general accounts of certain closed sessions of this Board are recommended for unsealing, pursuant to your policy.

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

BOARD ACTION REQUESTED:

Unsealing of accounts of closed sessions.

If the Board is so inclined, the following motion is suggested:

I move that the Board unseal the general accounts of the closed sessions of April 19, 2006 (session 1), May 1, 2006 (sessions 1 and 3) and October 26, 2006 (session 1).

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 April 19, 2006

TIME approx. 12:10 p.m.

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on April 19, 2006. These closed session minutes are a part of the minutes of that meeting and should be read in that context.

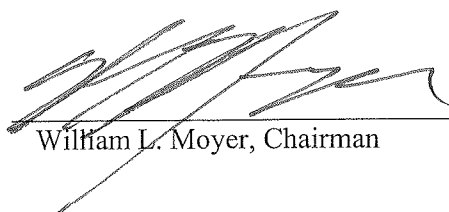
Present: Chairman Bill Moyer, Vice-Chair Charlie Messer, Commissioner Larry Young, Commissioner Shannon Baldwin, Commissioner Chuck McGrady, County Manager Steve Wyatt, Assistant County Manager Justin Hembree, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

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

Russell Burrell distributed a copy of a letter from Manual Woodworkers & Weavers ("MWW"), seeking reduction in the amount of repayment owed under their economic incentives agreement with the County, with which MWW has failed to comply. MWW has not maintained the required number of full-time employees, having instead made an economic decision to use part-time labor. MWW sought to be forced to repay less than the full amount of incentives awarded under the agreement.

The Board's consensus was to require repayment of the full amount.

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 May 1, 2006

TIME approx. 7:15 p.m.

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on May 1, 2006. 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 Steve Wyatt, Assistant County Manager Justin Hembree, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(1) Review/approval of closed session minutes. Session I

Russell Burrell informed the Board of a number of draft sets of closed session minutes that were recommended for approval and some recommended for unsealing:

Approve only: Sept. 6, 2005 – Continental Teves; Sept. 6, 2005 – Tap Root Dairy; Dec. 5, 2005, Session I; March 15, 2006 – Tuxedo property; April 3, 2006 – Condemnation, Youngblood; April 3, 2006 – Vivian Hill/Jenny Giles; April 10, 2006 – Vivian Hill/Jenny Giles; April 19, 2006 – Manual Woodworkers & Weavers; April 19, 2006, Session I.

Approve and Unseal: Sept. 6, 2005 – Elkamet; December 5, 2005 – Claim.

Already approved, Unseal: Sept. 21, 2005 – Elkamet; Oct. 12, 2005 – Elkamet; Oct. 19, 2005 – Elkamet; Nov. 16, 2005 – Elkamet.

The April 19 set, Session I was pulled and not approved at this time.

Commissioner McGrady made the motion to approve all the minutes presented for approval with the addition of subject matter to the one set, except the April 19, 2006 set mentioned above. All voted in favor and the motion carried.

Commissioner McGrady made the motion to unseal all the minutes presented here for unsealing except the Oct. 19 set on Elkamet. 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 May 1, 2006

TIME approx. 7:15 p.m.

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on May 1, 2006. 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 Steve Wyatt, Assistant County Manager Justin Hembree, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(3)

Consult with an attorney with respect to the following claim: In re: the appeal of Van Wingerden International, Inc. (NC Property Tax Commission file 03-PTC-554)

Session III Stan Duncan was also present for this item (County Tax Assessor).

Stan Duncan discussed the appeal with the Board. 2003 Van Wingerden appealed the County's assessment of their property in two actions. A potential settlement has been reached with numbers (with which Van Wingerden has stated that they will agree) which the Tax Assessor feels are better for the county and make only adjustments which were fair.

Chairman Moyer made the motion that the Board accept the final approval agreement. All voted in favor and the motion carried.

Stan Duncan left the room.

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 October 26, 2006

TIME approx. 9:50 p.m.

The Board of Commissioners of Henderson County, North Carolina, met in closed session during its regularly scheduled meeting on October 26, 2006. 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 Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Deputy Clerk to the Board Terry Wilson.

ITEM DISCUSSED pursuant to NCGS 143-318.11(a)(5)(i) Purchase of real estate Session I

Russ Burrell had ordered an appraisal on the Mountain Laurel/High Vista property. Mountain Laurel's appraisal was \$706,000. The Board agreed that was a high appraisal and therefore wanted their own appraisal done.

Taking into account the previous tax values of the building and property and adjusting for 2007 values, the estimated value was \$400,000 - \$450,000. There was some discussion regarding offer to purchase from outside sources, etc.

The County plans to make an offer and if not accepted, the Board discussed the possibility of condemnation – 30 days out. Purchase would provide office space for county use.

The 6th Ave. Club House is a spin-off of Mountain Laurel

The Board is not willing to pay more than fair market value.

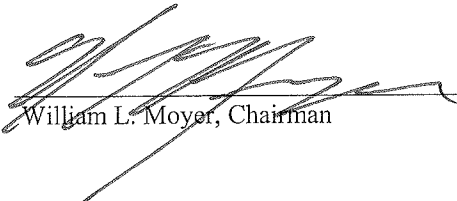
Commissioner McGrady made the motion to proceed with condemnation, if necessary. All voted in favor and the motion carried.

Commissioner Young made the motion that the Board pay whatever the certified appraisal states as the value, but not to exceed \$450,000. All voted in favor and the motion carried.

Chairman Moyer made the motion for the Board to go out of Closed Session. All voted in favor and the motion carried at 10:05 p.m.

Attest:

Terry Wilson, Deputy Clerk to the Board



William L. Moyer, Chairman