

DRAFT MINUTES

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

BOARD OF COMMISSIONERS OCTOBER 21, 2009

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, Attorney Russell Burrell and Clerk to the Board Teresa L. Wilson.

Also present were: Finance Director J. Carey McLelland, County Engineer Marcus Jones, Planning Director Anthony Starr, PIO Christy DeStefano, Planner Autumn Radcliff, Solid Waste Manager Will Sager, Captain Greg Cochran, Recreation Director Tim Hopkin, Internal Auditor Darlene Burgess, and Planner Alexis Baker.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Commissioner Chuck McGrady.

INVOCATION

Commissioner Mark Williams gave the invocation.

INFORMAL PUBLIC COMMENT

1. Penny Summey – Ms. Summey spoke in regards to the Council on Aging, Healthy Aging Plan. She presented a copy of the Aging Study of Henderson County conducted under the North Carolina Legislature directive through the North Carolina Division of Aging Adult Services to the Board of Commissioners. This study was concluded in April 2008 and has a lot of good research and data supporting the Aging Action Plan to be heard later in the meeting. She stated that one reason Henderson County was selected was because of the disproportionate population of residents who are 60 and over and the fact that this population group will grow significantly through the year of 2030. Active planning processes are critical to meet the needs of these folks. One of the key strengths noted for Henderson County in this plan was the active citizen led aging groups that are found within our County.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Charlie Messer made the motion to approve the agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner Mark Williams made the motion to approve the Consent Agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for board review and approval of the following meetings(s):

October 5, 2009 – Regularly Scheduled Meeting

DATE APPROVED:

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated October 9, 2009 for information only. No action was required.

Capital / Facilities Status Reports

Internal Auditor Darlene Burgess had provided a status report to the Commissioners for the period ended September 30, 2009 on Capital and Facilities projects.

Construction Management Update

Construction Manager David H. Berry & Associates, LLC had provided a monthly status report to the Commissioners for Henderson County facilities.

Fuel Reduction Plan Status

This agenda item updated the Board on the status of the County's fuel reduction plan. The data provided compared the first quarter, July 1 through September 30, of FY09 and FY10. At this point in time, consumption is up 4.94% from the previous fiscal year, but the cost is down 38.24%. Staff will continue providing the Board with this information on a quarterly basis.

Approval of insurance settlement

The Board's approval is requested for a settlement of a fidelity bond involving a loss due to theft or other taking by a county employee. The claim involves a former employee of the Parks and Recreation Department. Sedgwick Claims Management Services, Inc., representing the North Carolina County Commissioners Association Risk Management Pool, is for \$151,001.39, presuming the Board's approval.

Suggested Motion:

I move that the Board accepts the offered settlement of \$151,001.39 on the claim involving a loss due to theft or other taking by a former Parks and Recreation Department employee.

Fireman's Relief Fund Trustees

Pursuant to NC General Statute 58-84-46 the Board of Commissioners is authorized to appoint Trustees to the Local Firemen's Relief Fund. Trustees are normally appointed by recommendation of the local fire department and serve unlimited terms.

Mills River Fire & Rescue recommends Gary Livingston to replace the late Ralph "Doc" Moore.

Dana Fire & Rescue recommends Justin Ponder to replace the late Phillip Ponder.

Suggested Motion:

I move the Board appoints Gary Livingston and Justin Ponder as Local Firemen's Relief Fund Trustees for Mills River Fire & Rescue and Dana Fire & Rescue respectively.

Homeland Security Grant

At the September 8, 2009 meeting, the Board of Commissioners approved a budget amendment in the amount of \$460,000 for a Homeland Security Grant. Since approval of that grant and budget amendment, the County has learned that the associated equipment purchase will be made by another agency. The Board is requested to approve the budget amendment provided to remove the revenue and expenditure from the Emergency Management Department budget.

Suggested Motion:

I move the Board approves the provided budget amendment.

Sidearm Request – Randall Shane Thomas

The Henderson County Sheriff's Office requests that the service sidearm of Randall Shane Thomas be given to him in recognition of his retirement from the Henderson County Sheriff's Office following a permanent injury on the job.

Randall Shane Thomas began employment with the Sheriff's Department on August 20, 1990. For many years he has honorably served the Department and the community. He worked in several divisions during his career including Communications, Detention, Patrol and Criminal Investigations. He has been instrumental in the success of many criminal cases.

Deputy Shane Thomas has been a true asset to the Sheriff's Office, and his service to the people of Henderson County is greatly appreciated and will be remembered.

Sheriff Davis makes this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187(a).

Suggested Motion:

I move the Board allows Sheriff Rick Davis to present this service sidearm as a token of appreciation to Deputy Randall Shane Thomas.

Flat Rock Playhouse – Use of Courtroom

The Flat rock Playhouse has requested the Board of Commissioners consider a request for their use of the Courtroom for the production of "Twelve Angry Men". The play is a classic piece of theater which primarily involves deliberations in a jury room, though there are courtroom scenes in the play.

The dates requested by the Playhouse are June 24, 2010 through July 18, 2010. The performances would begin with a preview performance on Wednesday, June 20, 2010 with the official opening night on Saturday, July 3, 2010. The Playhouse also requests the use of the Community Room on Saturday, July 3, 2010 for an opening night gala.

Suggested Motion:

I move the Board of Commissioners approve the Flat Rock Playhouse's use of the Courtroom from June 24, 2010 through July 18, 2010, and the use of the Community Room on Saturday, July 3, 2010. I further move the Board authorizes the Chairman to work with the Flat Rock Playhouse on the specific details regarding the use of the Courthouse throughout the planning process.

NOMINATIONS**Notification of Vacancies**

1. Equalization and Review, Henderson County Board of – 1 vac.
2. Juvenile Crime Prevention Council – 1 vac.

Chairman Moyer stated the two notifications of vacancy could be dealt with if it was the Board's pleasure to waive the rules and fill these positions at this meeting.

Nominations

1. CJPP (Criminal Justice Partnership Program) – 2 vac.

There were no nominations at this time so this item was rolled to the next meeting.

2. Downtown Hendersonville, Inc. – 2 vac.

There were no nominations at this time so this item was rolled to the next meeting.

3. Equalization & Review, Henderson County Board of – 1 vac.

Chairman Moyer noted that positions #2 & 4 were vacant and Tax Assessor Stan Duncan recommends Steve Dozier for position #2 and John Porter for position #4 and further made the nominations.

Commissioner McGrady questioned if the Board desired to have someone on this Board who also serves on the Planning Board.

Following discussion, *Commissioner McGrady made the motion to suspend the rules and appoint Steve Dozier and John Porter by acclamation. All voted in favor and the motion carried.*

4. Henderson County Planning Board – 1 vac.

Commissioner Williams nominated Rick Livingston for position #6.

Commissioner McGrady stated that the Board has consistently appointed people from the development community or who have views that are very conservative on issues coming before the Planning Board and he feels that the Board is out of balance.

Commissioner Young feels that the Planning Board is diverse.

Chairman Moyer made the motion that the Board appoints Rick Livingston to position #6 by acclamation. All voted in favor and the motion carried.

5. Historic Resources Commission – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

6. Jury Commission – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

7. Juvenile Crime Prevention Council – 10 vac.

Chairman Moyer nominated Christopher Smith for position #1 as the school superintendent designee and Richard Arell for position #21.

Commissioner McGrady made the motion to waive the rules with respect to position #1 and proceed to appoint Christopher Smith to position #1 and Richard Arell to position #21 by acclamation. All voted in favor and the motion carried.

8. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

Chairman Moyer nominated Martha Mohidin as recommended by Chair Nuala Fay for position #12. *He further motioned to accept the appointment of Martha Mohidin to position #12 by acclamation. All voted in favor and the motion carried.*

9. Senior Volunteer Services Advisory Council – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

COUNCIL ON AGING, HEALTHY AGING PLAN

In February, 2008, the Board of Commissioners designated the Council on Aging as the lead planning agency for older adults in Henderson County. The Council's first goal was to develop an Aging Plan that would address the challenges our County will face as its' population continues to age.

Kevin Parries, Council on Aging President, stated that they are committed to serving older adults in the community. The first step in this process was to identify the needs of the older adults and formulate a

plan. The Council on Aging is not asking for money however they asking the Board for continued support to serve older adults in the community. The Council on Aging enlisted the help of the Healthy Aging Coalition of Henderson County to work on developing the Aging Plan.

Project coordinator for the Livable and Senior Friendly Communities at the Council on Aging Michelle Skeele gave a quick overview of how the process worked. In 2005 they began the Livable and Senior Friendly Communities initiative through UNC Chapel Hill and the Land-of-Sky Regional Council. This grew into a funding assessment in 2006 when they took a look at how they fund programs for older adults in the community followed by a presentation to the Board of Commissioners in 2008. The Healthy Aging Coalition was originally the Steering Committee.

Aging Program Specialist, with the Land-of-Sky Regional Council, Margaret Stanley spoke on behalf of Joe Connelly, the director of the area agency on aging. Developing an aging plan for a community provides an awareness of this population and advocates for services to extend independence and healthy aging opportunities. The Council on Aging of Henderson County has led the effort with significant community involvement to draft the plan with five areas of focus; access to information and resources, social support services, transportation, housing, and health and wellness. The area agency on aging at the Land-of-Sky Regional Council is pleased to participate in this planning effort. They are confident that the Council on Aging of Henderson County will be able to provide further leadership to see this plan through to implementation.

Joe Johnson, with the Council on Aging, followed up with two main points. They are not asking for money, but rather the continued support and leadership of the Board of Commissioners. This plan is rather aggressive and they decided to mirror the remaining time in the County Strategic Plan and will run through the FY2011. The plan focuses on strengthening and enhancing existing systems and building on what we already have in Henderson County rather than creating new systems which may not be necessary. The underlying theme of the plan is to create that safe and sustainable community for older adults in Henderson County. At the end of 2008, it was estimated that nearly 30,000 people over the age of 60 reside in Henderson County and the number is expected to grow.

Chairman Moyer made the motion that the Board endorses the Council on Aging's Healthy Aging Plan which includes their action plan. All voted in favor and the motion carried.

LINKING LAND AND COMMUNITIES

Jim Stokoe, Senior Planner with the Land-of-Sky made a presentation to the Board of Commissioners on "Linking Land and Communities in the Land-of-Sky Region." Land-of-Sky is a four County membership organization of local governments serving Henderson County and eighteen other member governments in Transylvania, Buncombe, Henderson, and Madison County. They provide regional planning, grant writing, economic development housing and other services. The Linking Lands and Communities project is creating a forum for practitioners, citizens, local governments and organizations to build a common understanding of the region's ecological systems and services and build relationships across sectors and jurisdictional boundaries. By using a collaborative approach, this effort will help to link urban and rural communities and protect the area's rich natural and cultural heritage.

Land-of-Sky Regional Council is working with individuals, local governments, and organizations across our four-county region to develop a regional network that identifies the location and condition of our natural systems and provides a strategy for maintaining connectivity of these resources. This project is organized into five distinct steps.

1. Develop broad-based partnerships and recruit community leaders to participate in the following four steps on the project.

2. Gather data, conduct ecological assessments and develop maps for key elements of our region's natural systems (which make up our green infrastructure network), including water resources, agricultural lands, wildlife habitat, recreation and conservation lands, and cultural resources.
3. Develop a science-based green infrastructure network for the region based on the assessments and data collected above.
4. Create a Regional Conservation and Development Network that helps communities to understand the role of future development and natural disturbance factors (i.e., climate change, invasive species) as it relates to the region's green infrastructure network.
5. Identify implementation strategies for the Regional Conservation and Development Network and engage partner in these activities.

This information has not been put out to the public yet. It is being provided to the Board of Commissioners for their consideration. The Regional Conservation and Development Network is an interconnected network of lands valuable for their ecological systems and services including farmlands, forests, water resources, wildlife habitat, recreation areas and areas most suited for future growth and development. Their goal is that the counties and municipalities will use the data from this project as they review proposed development plans and as future updates are completed on land use and comprehensive plans. Training will be offered to the Planning Departments as well as GIS Specialists on how to get the most value out of the data compiled during the project.

Through the efforts of more than 45 partners around the region, the first two steps of the project are nearly completed. They are now ready to finalize their ecological assessments and maps by bringing them to local leaders and the public for an extensive round of review and comment. The Open House events will provide an opportunity for practitioners, government officials, and community members to learn about the Linking Lands and Communities Project and the ways that communities benefit from maintaining a network of healthy natural systems in the region. Participants will also gain an understanding of the kinds of products and tools that will be available once the project is complete and how they can use them.

Chairman Moyer has concerns about opening several of these issues again as we have held extensive public meetings and we are now in the small area planning process. He feels the citizens of Henderson County will be confused as to why we are going back over these issues again and how the information will be used. Prior to scheduling any open house events or distributing data to the public, he suggested the Board asks Mr. Stokoe and his staff to work with the Planning Department Director Anthony Starr and look at the plan to see what is right for Henderson County. Anthony Starr, working with the County Manager, will bring the information back before the Board with modification of what pieces are right for Henderson County.

Commissioner McGrady felt that the Regional Council has four counties in its jurisdiction and these counties are in very different places in terms of their work on these sorts of issues. We are arguably far ahead of them.

Commissioner Messer stated that Henderson County is way ahead of the game in area planning.

Commissioner Williams agreed that Henderson County has already completed a great deal of work and doesn't feel this is what the citizens are looking for; this should be done more local than regional.

Commissioner Young was in agreement to have staff see what portion can be used by Henderson County.

Commissioner McGrady noted that the Land-of-Sky is trying to provide services which will mostly be for the value of other Counties however we are located right in the middle. He hopes that what comes out of the effort here is completely consistent with the plans we have already adopted and maybe provide some new value in areas that we haven't yet looked at.

County Manager Steve Wyatt suggested looking at the proposed scope of work to find what might be valuable in the next couple of months with Selena Coffey and Anthony Starr and bring that information back to the Board.

It was the consensus of the Board that no public input sessions or open houses would be held until after the process with the Planning Department is completed.

ADULT PROBATION AND PAROLE SPACE STUDY

Engineer Marcus Jones stated at the direction of the Board during the September 16, 2009 Board Meeting, the Engineering Department conducted a study of the space occupied by Adult Probation and Parole in the 1995 Courthouse.

Lease History

- Current Lease expired February, 2008
- Since February, 2008 – month to month at \$1080.10 for 1,500 square feet
- Probation & Parole occupy 6,200 square feet
- Space able 1,500 square feet is without compensation
- In June, 2009 New Lease negotiated and approved by Board with 4% increase to \$1,123.30 per month
- Since June, 2009 New Legislation passed requiring Counties to provide space at no charge
- New Legislation still allowed compensation for Management which is applicable for Henderson County
- Judicial District Manager and staff (JDM)
- First proposed from State for JDM Lease – 385 square feet at \$280.41 per month
- Presented JDM Lease to Board in September, 2009 – not approved
- Board directed space study
- Engineer renegotiated the JDM Lease – 890 square feet at \$648.22 per month which has been approved by State

Existing Space

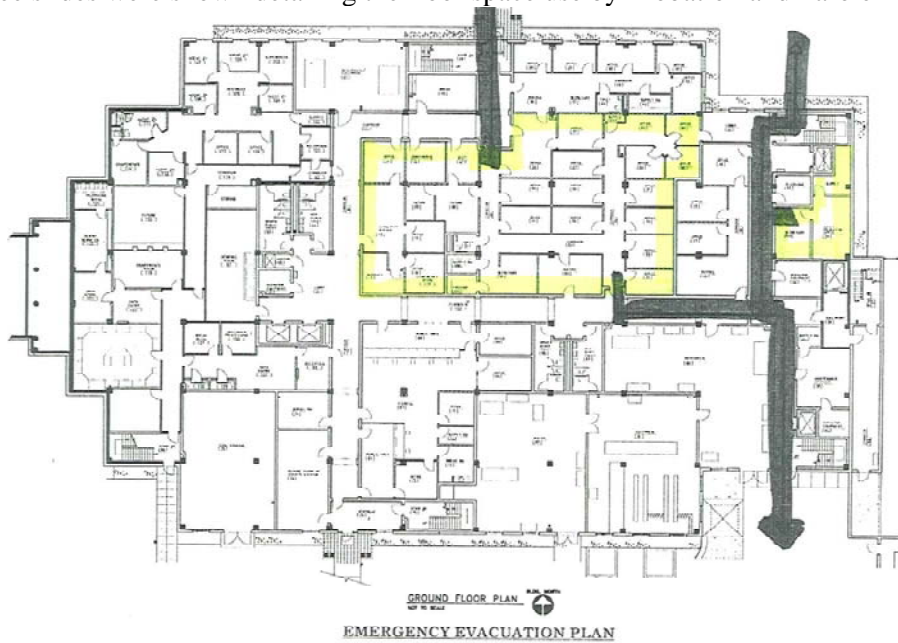
- Adult Probation and Parole occupy 6,200 square feet in the ground floor of the 1995 Courthouse
- Space Requirements – From the State Property Standards the following areas are authorized:
 - Probation & Parole Officers: 14 at 108 square feet = 1,512 square feet
 - Office Assistant: 2 at 340 square feet = 680 square feet
 - Chief Probation Officer: 3 at 130 square feet = 390 square feet
 - JDM and Staff: 1 at 385 square feet
 - Community Service Coordinators: 2 est. at 108 square feet = 216 square feet
- Total = 3,183 square feet

Marcus Jones felt it was important to note that the 6,200 square feet includes a waiting room, storage room, internal hall space, file room, and conference rooms which is space critical to their operations.

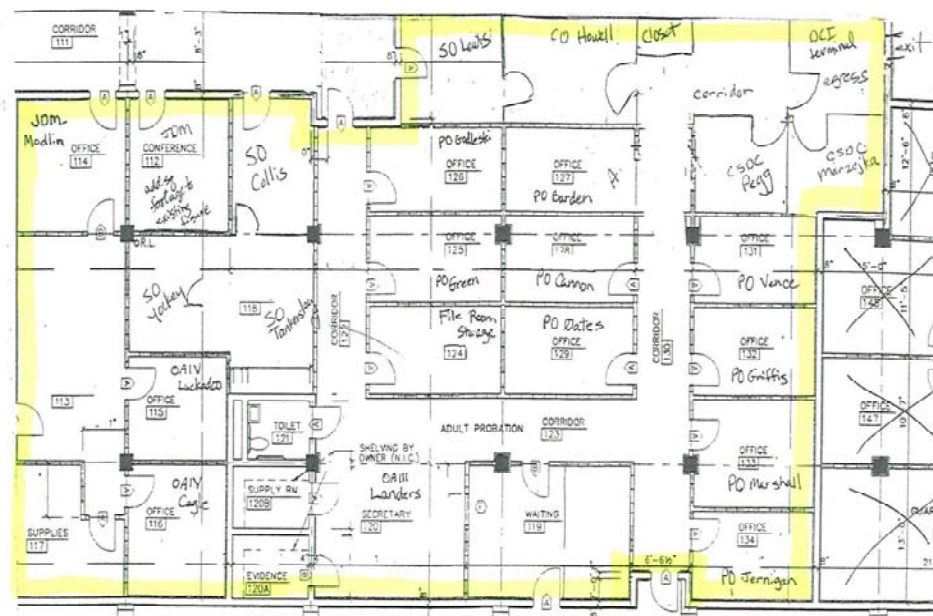
Conclusion

- The Adult Probation & Parole is occupying approximately 3,000 square feet more than the minimum required by the State Property Standards
- Allocating exactly 3,183 square feet would be very difficult in the existing building
- Solutions for Local Government will be studying 1995 Courthouse to determine recommendations for space vacated by Tax Assessor.
- This study could determine possible options in context of entire Courthouse.

Three slides were shown detailing the floor space use by Probation and Parole in the 1995 Courthouse.

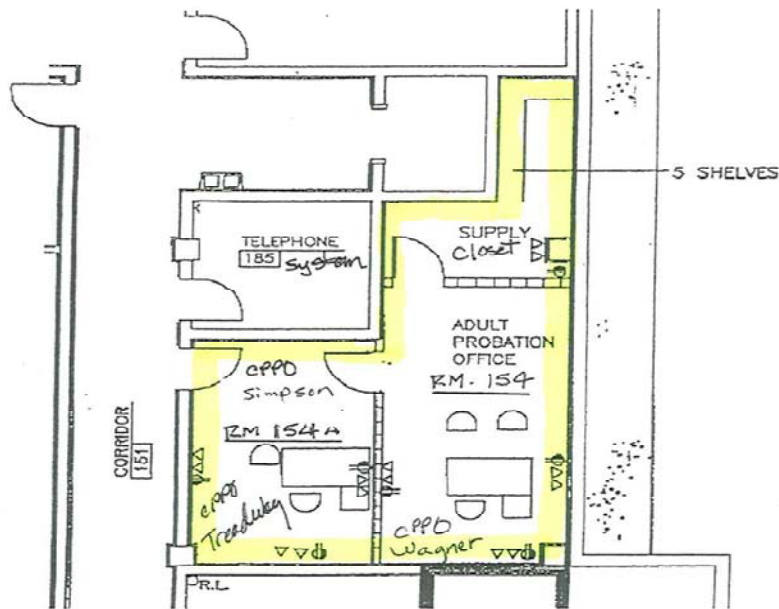


Probation & Parole Space Study



Probation & Parole Space Study





Probation & Parole Space Study



Marcus Jones noted when touring the Probation and Parole offices he found no waste of space.

Chairman Moyer reiterated that when looking at their needs based on State standards and looking at the hallways, file room, etc., it is a reasonable use of the 6000+ space.

County Manager Steve Wyatt stated that once again the State is balancing their budget at the expense of Counties. He suggested the Board look at this again as we look at the entire operation and what fits best with the space in the 1995 Courthouse.

Attorney Russ Burrell questioned if the lease was for three years and asked if we would be specifically locking in the location of Suite 90.

Mr. Jones responded this lease would lock in the JDM's location.

Steve Wyatt stated the location should be 1995 Courthouse to offer flexibility.

Chairman Moyer made the motion that the Board approves 890 square feet for \$648.22 per month for a term of three years, with the Board having flexibility to relocate as the 1995 Courthouse is reorganized. All voted in favor and the motion carried.

NAMING OF EDNEYVILLE COMMUNITY CENTER MEETING ROOM

Assistant County Manager Selena Coffey stated a letter was received from the Edneyville Community Center Association requesting the Board of Commissioners approve the naming of the large meeting room at the Community Center in honor of Gaylerd Davis and Margaret Davidson. At the Center, there is only one large meeting room, which may hold 150 people and a smaller room (office space), which may hold up to 4 people.

Staff recommends that the Board of Commissioners approves the naming of the large meeting room at the Edneyville Community Center as the Davis-Davidson Room, Gaylerd Davis-Margaret Davidson Room, Davidson-Davis Room, or some other variation in order to honor these two individuals as requested by the Edneyville Community Center Association.

Following discussion, *Chairman Moyer made the motion that the Board of Commissioners approves the naming of the Edneyville Community Center large meeting room as Davidson-Davis Room. All voted in favor and the motion carried.*

QUARTERLY FINANCIAL UPDATE

Finance Director Carey McLelland provided the Board with the financial report for the 1st quarter of FY2010.

Expenditures

The information provided includes cost allocations requested by the Board in the current year primarily for insurance, utilities, and debt service for the County. Most departments are in good condition below 25%. Adjustments for grants were shown for several departments.

2010 Total Expenditures	BOC Adopted	Expenditure Revisions	Revenue Revisions	Total Revised	\$ Expended	\$ Expended
General Fund Total	\$109,545,323	\$837,927	\$837,927	\$110,383,250	\$23,819,917	21.9%

Revenues

Our current year tax collections are good. The bills went out early and comparing to last year for the first quarter we are up about \$1.1 million in collections or 12%. In the prior year's collection 46.8% of the budget collected, compared to last year we are up about \$200,000 or 43% of where we were the prior year. The Delinquent Tax Office is doing a great job.

Sales Tax

Sales Tax lags two and a half months behind before we receive a month. Our July distribution was received this month and therefore will be reported in the second quarter. The Register of Deeds, Deed Excise Stamp Tax is down about \$83,295 or 28.6%. Building Inspection Fees are slightly ahead of last quarter. ADM Revenues cannot be expected at all this year. Lottery Revenues are close to making budget already and with three quarterly distributions remaining we hope to have in excess of \$1 million and easily surpass the budget.

2009 FEASIBILITY STUDY, CONTINUATION – HENDERSON COUNTY SOLID WASTE

Marcus Jones stated at the Board's direction during the October 13, 2009 workshop, the subject study was continued to provide additional time for the Board to review the information and address any questions or concerns. In response to the specific questions regarding the cost of a mobile recycling center, a memo from staff was provided detailing the cost and additional considerations.

Also in response to the Board's direction to explain the methodology behind the rate analysis that generates a ten year tipping without convenience center revenue then dollars higher than with the revenue an explanation from Martin McGill was provided. In addition, the County Engineer, Finance Director and Internal Auditor have reviewed the rate analysis in detail and were available to provide input during the meeting.

Most importantly, Solid Waste staff needs direction from the Board regarding a plan to transition the County's permitted haulers into compliance with the State Mandates for equipment and recycling.

Operational Recommendations

- Direction to discuss with the haulers any possibilities to take advantage of some efficiency in our hauling network to include or not to include franchising.
- Consideration in the future of convenience center revenue or adding revenue to our convenience center operations.
- Staff needs direction regarding a plan to transition the County's permitting process to help bring the haulers into compliance with the State Mandates previously discussed for equipment and recycling.

The plan being proposed is focusing on the permit process. It is at no time going to preclude any requirements to the haulers or the Solid Waste operations on State Law or the Administrative Code.

Chairman Moyer stated what he had hoped to accomplish with a longer transition period was to reframe from being subject to fines and sanctions from the State if we were not in compliance. Chairman Moyer felt he was hearing from Mr. Jones that at best this would be a handshake agreement with the current inspector and there would be no letter, no agreement and no protection for us.

County Manager Steve Wyatt noted that everyone is struggling with this.

Commissioner McGrady chairs the Environmental Steering Committee of the North Carolina Association of County Commissioners. They are meeting the first week of November and this item is included on their agenda. Several people with the same title and job responsibility as Will Sager serve on the committee. He felt the Board should not be surprised that no one is willing to provide flexibility of rules being set by the General Assembly. DENR is tasked with implementing the rules that are set by the General Assembly and he feels they understand they can't be widely rigid here and are willing to try to work with us.

Chairman Moyer made the motion that the Board of Commissioners authorizes Solid Waste staff to implement the recommended transition plan to bring the permitted haulers into compliance with the State Mandates for equipment and recycling. All voted in favor and the motion carried.

STAFF REPORTS

County Attorney's Report

Russ Burrell had read a new article regarding a referral to the Board of Commissioners from the Board of Elections regarding an issue. The Board of Commissioners has not been granted the power by the State of North Carolina to determine its eligibility for membership. Once elected that eligibility is covered by the North Carolina Constitution and the North Carolina General Statutes. This is not like the NC House of Representatives which can vote to expel a member. Eligibility for office in North Carolina, under the NC Constitution, requires the candidate to be a qualified voter at least 21 years of age. There is a specific provision of the NC Constitution called disqualifications for office stating any person who shall deny the being of almighty God is disqualified from office in North Carolina and any office filled by the election of the people must be qualified to vote in the election of that office. All County Commissioner elections in Henderson County are filled by County wide votes. Therefore under that Constitution provision there has never been a case law dealing with that provision.

County Manager's Report

Steve Wyatt provided a brief update on Soil Erosion and Sedimentation Control. Polk County has expressed an interest in joining with Henderson County and Henderson County provides this control. In

the process the State has indicated they want to transfer the previous inspections the State had been doing, prior to us implementing the program, transferring the responsibility to us. It was very clear that there was a date that the County would go forward and the State would continue. Mr. Wyatt has told Polk County that we will not be joining with them unless they bring us the fees to pay for the service. This decision has also been communicated to the State.

Chairman Moyer noted that the LGCCA (Local Government Committee for Cooperative Action) met the day before and updates were provided to the committee in regards to Mental Health, Water Issues, Agriculture Preservation Plan, and the plan to go to a delegated Storm Water Program.

IMPORTANT DATES - no action necessary.

CANE CREEK WATER & SEWER DISTRICT – There was no business

CLOSED SESSION

Commissioner McGrady made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reason(s):

1. (a)(3), to consult with an attorney employed or retained by the public body.
2. (a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

All voted in favor and the motion carried.

ADJOURN

Commissioner McGrady made the motion that the Board go out of closed session and adjourn at 11:30 a.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

William L. Moyer, Chairman