

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, JANUARY 3, 2022**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were Chairman William Lapsley, Vice-Chair Rebecca McCall, Commissioner Mike Edney, Commissioner Daniel Andreotta, Commissioner David Hill, County Manager John Mitchell, Assistant County Manager Amy Brantley, Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Also present were: Director of Business and Community Development Christopher Todd, Finance Director Samantha Reynolds, Budget Manager/Internal Auditor Sonya Flynn, , Engineer Marcus Jones, Recreation Director Carleen Dixon, Planning Director Autumn Radcliff, Sheriff Lowell Griffin, Tax Director Darlene Burgess, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Analyst Jennifer Miranda, Recycling Coordinator Christine Wittmeier, Assistant Engineer Deb Johnston and PIO Kathy Finotti – videotaping, Deputies John Ashe and Michelle Hensley provided security.

CALL TO ORDER/WELCOME

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

Chairman Lapsley requested the Board move the Public Comment Period up in the agenda.

INVOCATION

The invocation was provided by Pastor Anthony Craver, Upward Christian Fellowship.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Agnes Willis, Leaders in Training 4-H Club.

INFORMAL PUBLIC COMMENTS

1. Beatrice Park - Spoke in opposition to the Flat Rock Playhouse mask mandate.
2. Kathy Yurista – Spoke in opposition to the COVID Vaccine.
3. Maureen Heaphy - Spoke in opposition to the COVID Vaccine.
4. Dana Lyons – Spoke in opposition to the Flat Rock Playhouse mask mandate.
5. Emily Nunzio - Spoke in opposition to the Flat Rock Playhouse mask mandate.
6. Jay Pheil - Spoke in opposition to the Flat Rock Playhouse mask mandate.
7. Corrine Mandell – Spoke in opposition to mask mandates and vaccine passport requirements at the Flat Rock Playhouse.
8. Carolyn Widener – Spoke in opposition to the mask mandate.
9. Karen Hensley - Spoke in opposition to the mask mandate.
10. Jacqueline Weiks - Spoke in opposition to the mask mandate.
11. Laurie Fisher - Spoke in opposition to the mask mandate and vaccines.
12. Julie Dunn - Spoke in opposition to the mask mandate.
13. Rachell Poller – Spoke in support of the COVID vaccine.
14. Lucy Butler - Spoke in support of the COVID vaccine.

RESOLUTIONS AND RECOGNITIONS

2022.01 Resolution in Support of “Heartbeat Bill” Legislation

The Henderson County Board of Commissioners was requested to adopt the attached Resolution supporting “Heartbeat Bill” Legislation.

RESOLUTION – IN SUPPORT OF HEARTBEAT BILL LEGISLATION

- WHEREAS,** fourteen state legislatures have passed “Heartbeat Bill” legislation protecting the youngest members of the human family whose heartbeats can be detected; and
- WHEREAS,** these legislative bills disallow the use of abortion procedures after an unborn child’s heartbeat is detectable; usually no later than six weeks following conception; and
- WHEREAS,** the presence of a heartbeat is a universal and scientific accepted indicator that life does exist; and
- WHEREAS,** the United States Supreme Court case of Gonzalez vs. Carhart ruled as a “finding of fact” that a living person is legally recognized as existing from the time a heartbeat is detected even if the person is unborn; and
- WHEREAS** the existence of a heartbeat is a specific and scientific determination that is defensible and is not based on the changing and ambiguous concept of “fetal viability”; and
- WHEREAS** the Fourteenth Amendment of the United States Constitution guarantees every person “life, liberty, and property” as well as equal protection under the law; and
- WHEREAS,** it is the position of the Henderson County Board of Commissioners that Constitutional protections should be guaranteed to every living person, including the unborn, that are unable to express or defend themselves; and
- WHEREAS,** the state of North Carolina averages 27,400 abortions each year, many of which occur after the development of a heartbeat.

NOW, THEREFORE, BE IT RESOLVED, that the Henderson County Board of Commissioners endorse the passage of “Heartbeat Bill” legislation in North Carolina and that this endorsement includes a reporting and verification process consistent with that passed by other States; and

BE IT FURTHER RESOLVED that this Henderson County Resolution be forwarded to all members of the General Assembly including the Honorable Tim Moore, Speaker of the House of Representatives, the Honorable Phil Berger, President Pro Tempore of the Senate, Senator Chuck Edwards, Representatives Tim Moffitt, Jake Johnson, and the Council of State, including Lt. Governor Mark Robinson, and Governor Roy Cooper.

ADOPTED, this the 3rd day of January 2022.

Vice-Chair McCall made the motion to adopt the Resolution as presented. All voted in favor and the motion carried 5-0.

Recognition - Henderson County Eco Heroes Award Program

The Henderson Eco Heroes Awards Program exists to honor individuals who can serve as an example and inspire others to preserve the environmental health of Henderson County. Managed by the Henderson County Environmental Advisory Committee, members of this committee hope this award can bring environmental awareness to new people and demonstrate that a healthy environment improves the quality of life for all people. This year’s recipients were Patricia Russell, Kim Bailey, and Geri Conley.

Patricia Russell serves as the Cafeteria Manager at Dana Elementary and has worked with the school community to institute a composting project, which has resulted in a significant reduction of solid waste being sent to the landfill.

Kim Bailey is a local pollinator, farmer, environmental educator, and advocate for pollinators. Kim owns and operates Milkweed Meadows Farm where she grows milkweed, pawpaw, and other pollinator-friendly plants. She grows, donates, and sells milkweed and other plants to ensure that these plants are widely available for monarchs and other important pollinators for generations to come.

Geri Conley, who focuses on natural resource conservation, is a long-time, reliable, and devoted volunteer for conservation groups in Henderson County. Geri is an avid recycler and volunteers to curb food waste and redirect it to people who need it with IAM and the Feed the Kids program.

Recycling Coordinator, Christine Wittmeier, presented each of the recipients with an Eco Hero Certificate acknowledging their contributions in promoting a healthy environment.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Edney pulled the following two items from the consent agenda for discussion: Consent item (E) Re-Criminalization of Certain Ordinances, and consent item (L) Amendment of Interlocal Agreement with Tourism Development Authority.

Chairman Lapsley made the motion to adopt the consent agenda as presented. All voted in favor and the motion carried 5-0.

CONSENT AGENDA consisted of the following:

Minutes

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

December 6, 2021 - Regularly Scheduled Meeting

December 14, 2021 – Special Called Meeting

Motion:

I move the Board approve the minutes of December 6, 2021, and December 14, 2021.

Tax Collector's Report

The December 22, 2021, report from the office of the Tax Collector was provided for the Board's information.

Henderson County Annual Bills (Real and Personal Property):

2021 Beginning Charge:	\$88,218,343.01
Discoveries & Imm. Irreg.:	\$1,226,378.80
Releases & Refunds:	(\$143,775.52)
<u>Net Charge:</u>	<u>\$89,300,946.29</u>
Unpaid Taxes:	\$26,298,485.63
Amount Collected:	\$63,002,460.66

**Paid
70.55%**



**Unpaid
29.45%**

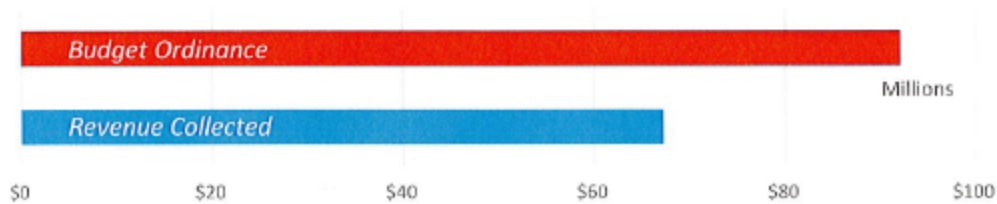
Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$3,707,639.52
Unpaid Taxes:	\$6,738.95
Amount Collected:	\$3,700,900.57

99.82%

Henderson County FY22 Budget Analysis:

	<u>Budget Ordinance</u>		<u>Revenue Collected</u>
Ad Valorem:	\$91,127,728.00	Ad Valorem:	\$66,703,361.23
Prior Years:	\$980,000.00	Prior Years:	\$505,483.04
Budget Total:	\$92,107,728.00	YTD Revenue:	\$67,208,844.27



2022.02 Pending Releases and Refunds

The attached pending releases and refunds were reviewed by the Assessor. As a result of that review, it was the Assessor’s opinion that these findings are in order. Supporting documentation is on file in the County Assessor’s Office.

These pending release and refund requests were submitted for approval by the Henderson County Board of Commissioners.

Type:	Amount:
Total Taxes Released from the Charge	\$ 115,044.72
Total Refunds as a Result of the Above Releases	\$ 1,044.48

I move the Board approve the Combined Release/Refund Report as presented.

Notification of Vacancies

The Notification of Vacancies was provided for the Board’s information. They will appear on the next agenda under “Nominations.”

1. EMS Peer Review Committee – 1 vac.
Position #6
2. Juvenile Crime Prevention Council – 1 vac.
Position #4

2022.03 Re - Criminalization of Certain Ordinances

In adopting what became North Carolina Session Law 2021-138, the General Assembly decriminalized all county and city ordinances adopted under the police power in North Carolina.

The same session law allowed for the possibility of limited “re-criminalization” of certain (but not all) ordinances, at least to the extent of imposing a maximum \$500.00 fine for violations (no possibility of incarceration).

The session law also created new defenses to violations of ordinances applicable to no other criminal violations in North Carolina in the new N.C. Gen. Stat. §14-4(c):

A person may not be found responsible or guilty of a local ordinance violation . . . if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

- (1) **No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.**
- (2) **The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance.**

Notwithstanding the normal rule, set out in N.C. Gen. Stat. §153A-45, that an ordinance may be passed on first reading if all members vote in favor, “no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced”. So, the proposed amendments are for first reading only today, and must, to be finally approved, be adopted at a second meeting.

The proposed ordinance amendments re-impose criminal penalties (for the same acts for which criminal penalties were possible prior to the enactment of Session Law 2021-138) for violations of the following:

- Animal ordinances
- Noise ordinance
- Parks and recreation areas (including sex offender-free zones)
- Weapons on certain posted county property and failure to keep projectiles on property
- Massage parlors
- Nuisances
- Violation of emergency plans or order

The following violations for which criminal penalties were formerly possible are changed to civil penalties only, due to the restrictions on the types of ordinances for which criminal penalties are now possible as a result of the session law:

- Failure to obtain pawnbrokers’ license
- Junkyards
- Abandoned or junked vehicles
- Motor sports facilities
- Emergency medical service franchises

2022.04 Budget Amendment – VFW Project Costs

The Board was requested to approve a Budget Amendment, transferring \$20,000 from the Capital Reserve Fund to the Capital Projects Fund. These monies will be used for costs associated with the assessment of the VFW property.

Motion:

I move the Board approve the budget amendment as presented, transferring funds from the Capital Reserve Fund to the Capital Projects Fund.

Facility Use Policy Exemption

The Board received a request from the Boy Scouts of America regarding the use of Jackson Park Shelter #1 on Saturday, January 29, 2022, at 3:00pm for their 2021 District Banquet. The Board was requested to waive the rental fee for the shelter.

Motion:

I move the Board waive the rental fee for Shelter #1 on Saturday, January 29, 2022, at 3:00 pm for the Boy Scouts 2021 District Banquet.

2022.05 Revision to Henderson County Code Chapter 45 – Farmland Preservation and Henderson County Agricultural Advisory Board By-laws

Attached, for the Board's consideration, are revisions to Chapter 45 of the Henderson County Code and to the Agricultural Advisory Board By-Laws as approved at the December 15, 2021, Agricultural Advisory Board Meeting. Revisions reflect changes mandated by Chapter 106 of the North Carolina General Statutes.

Motion:

I move the Board of Commissioners approve the attached revisions to Chapter 45 of the Henderson County Code and to the By-Laws of the Henderson County Agricultural Advisory Board per mandates from Chapter 106 of the North Carolina General Statutes.

Purchase and Installation of Cosmetic Cabinetry

The Board was requested to approve the attached proposal and authorize staff to proceed with the procurement and installation of salon cabinetry for the BRCC Cosmetology Department as detailed in the BRCC MRTS Sink Building Cosmetology Dispensary Planned Project via the sole source exception as allowed under N.C.G.S 143-129 (e)(6). As a sole source contract with County government, approval of this agreement by the Board of Commissioners is required.

The sole proposal was received from Collins Manufacturing Company for a total price of \$33,338.03. The BRCC Cosmetology Department has had three previous renovation projects all using Collins Manufacturing Company Salon Cabinetry and would prefer to have the identical salon cabinetry provided for this phase to match the existing salon cabinetry for an esthetically pleasing environment. The salon cabinetry stations, and cabinetry were custom designed and built to fit the needs of the students, the layout for the department, and to allow for a proper learning environment for the future.

The purchase and installation of the Cosmetology Salon Cabinetry is a part of the FY21/22 BRCC MRTS Planned Projects budget.

Motion:

I move the Henderson County Board of Commissioners award the contract for the purchase, installation of Cosmetology Cabinetry to the sole bidder, Collins Manufacturing Company for \$33,338.03 and authorize staff to proceed with the purchase using the sole source exception to bid as allowed under N.C.G.S 143-129 (e)(6).

Eventide NexLog Hardware Refresh

The Board was requested to approve the attached proposal and authorize staff to proceed with the purchase of (1) Eventide NexLog Communications Recording System refresh via the sole source exception to bidding as allowed under N.C.G.S 143-129 (e)(6).

The sole quote was received from Carolina Recording Systems (CRS) for a total price of \$66,945. CRS is the only certified and fully authorized Eventide factory trained sales and service center in the region. The system was originally purchased and installed by CRS in 2014 with the last significant upgrade occurring in 2015. By purchasing the hardware refresh from the same vendor, we ensure that existing licenses compatible with the upgraded system are able to be utilized, the installation of new components within the existing system are performed by the same company, and that maintenance can readily be performed both in person and via electronic means in a timely manner.

The recording system hardware refresh was included in the FY2022 budget in the amount of \$98,090. (This amount included maintenance costs which will be billed separately.)

Motion:

I move the Henderson County Board of Commissioners award the purchase contract for the Eventide NexLog hardware refresh to the sole bidder, Carolina Recording Systems for \$66,945 and authorize staff to proceed with the purchase using the sole source exception to bid as allowed under N.C.G.S 143-129 (e)(6).

Rejection of Bids for the purchase of Computer Workstations and Peripherals

The Board was requested to reject all bids and authorize staff to resolicit bids.

Due to the purchase involving the use of federal funds, bids were solicited from September 22 to October 4, 2021. The low bid received was in the amount of \$131,940.56. This bid was within budget; however, it did not conform to the specifications provided. All other bids received were above the budgeted amount of \$179,700 that was budgeted in the Department of Social Services and Department of Public Health budgets for FY2022.

Motion:

I move the Henderson County Board of Commissioners reject all bids and authorize staff to proceed with rebidding the purchase of computer workstations and peripherals

2022.06 Amendment of Interlocal Agreement with Tourism Development Authority

The Tourism Development Authority proposed an amendment to their agreement with the County to fix the rent for the next thirty years, in return for long-term investment in the structure by the Authority.

Motion:

I move that the Board adopt the proposed amendment of the Interlocal Agreement with the Tourism Development Authority.

Commissioner Edney requested the language in the agreement with Tourism Development Authority be revised to include a minimum investment requirement.

After discussion, the Amendment of the Interlocal Agreement with the Tourism Development authority was revised to include a minimum investment requirement of a \$900,000 investment over three years.

2022.07 Budget Amendment – First Contact Ministries

The Board was requested to approve a budget amendment to provide an additional \$150,000 to First Contact Ministries for the Substance Abuse Recovery Resource Navigator program. The Board discussed an allocation of \$200,000 at the June 7, 2021 meeting during budget discussions, but ultimately determined to revisit once it was determined if the expenditure was eligible for funding through the American Rescue Plan. \$50,000 was included in the adopted FY21-22 Budget.

Motion:

I move that the Board of Commissioners approve a Budget Amendment appropriating Fund Balance for First Contact Ministries.

Commissioner Edney made the motion to adopt the consent agenda with the revised language discussed. All voted in favor and the motion carried 5-0.

DISCUSSION**Land of sky Broadband Discussion**

Sara Nichols, the Regional Planner with Land of the Sky Regional Council, provided the Board with an update and current information on Broadband in the region.

Land of Sky- WestNGN

Henderson Broadband Updates 2022



55.1%

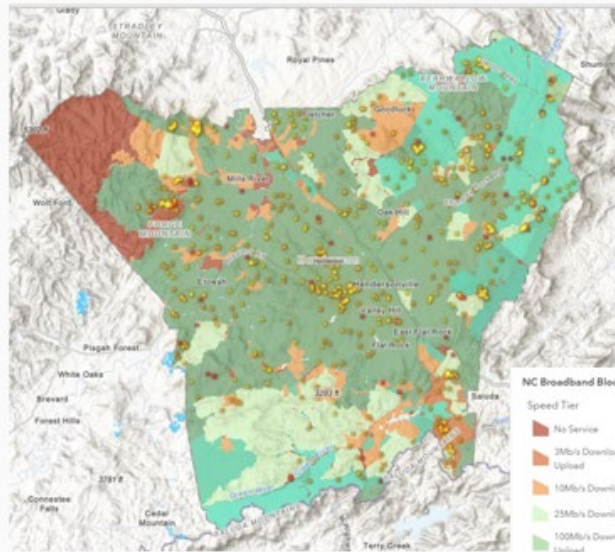
The number of Henderson County residents currently responding that their internet provider doesn't sufficiently meet the needs of their household.

5.9% of survey responses claim to have no access at all.

Henderson County

- Data in the North Carolina portal to represent unserved areas will become increasingly important

ncbroadband.gov



NC Broadband Block Summary

Speed Tier

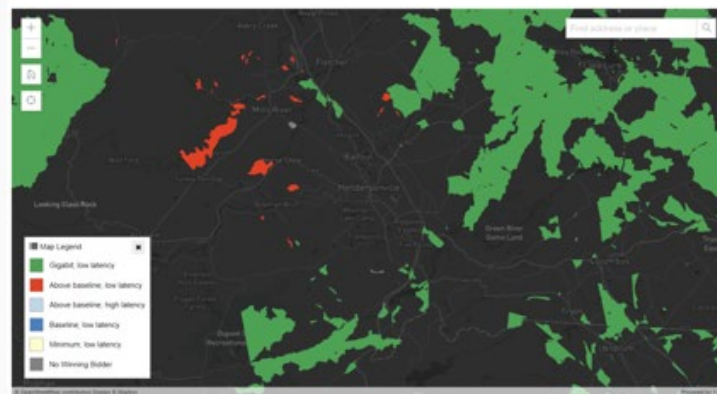
Dark Red	No Service
Red	3Mb/s Download and 768 kb/s Upload
Orange	10Mb/s Download and 1Mb/s Upload
Light Green	25Mb/s Download and 3Mb/s Upload
Medium Green	100Mb/s Download and 3Mb/s Upload
Dark Green	300Mb/s Download and 10Mb/s Upload

FCC- RDOF

- \$20B federal reverse auction for FCC unserved census blocks (\$16B in Phase I)
- \$9.2 B awarded in first round to serve at least 25/3- (Charter and SpaceX awarded in LOS areas of Buncombe and Henderson)
- \$167M and 155,000 locations in NC
- 8 Year buildout obligation (40% by year 3, additional 20% in year 4-5)
- Given questions of FCC mapping there might be a significant delay for the second phase of RDOF

Rural Digital Opportunity Fund Phase I Results

Data as of 12/07/20



In the Rural Digital Opportunity Fund Phase I auction (auction 504), 180 bidders won \$9.2 billion over 10 years to provide broadband to 5.2M locations in 49 states and the Commonwealth of the Northern Mariana Islands.

LOCAL ARPA

Digital Inclusion

- Fully in County jurisdiction
- Addresses affordability, device access, digital skills trainings, or public WIFI access

Broadband Infrastructure

- County can help support projects to a private provider- cannot act like a provider
- Most projects need to be in unserved areas
- Utilization of federal funding for broadband could disqualify the county from other leveraging opportunities

Funding Leveraging Opportunities in 2022

Updated guidance from North Carolina anticipated in mid Jan. 2022

<p>GREAT GRANTS</p> <ul style="list-style-type: none"> Unserved Rural Census Tracts Not going to be served by a provider in the next 18 months (or otherwise by compliance duration program) County has not spent funding on broadband infrastructure since May 2021 State and federal funded rounds (first round anticipated in Jan) Providers apply- County and other organizations can be formal partners on projects through funding or infrastructure (2 extra points if County match is completely ARPA funding with state) 	<p>Completing Access to Broadband Program (CAB)- *NEW</p> <ul style="list-style-type: none"> Work with NCDIT on project eligibility Unserved by 25/3 Not going to be served by a provider in the next 18 months County has not spent funding on broadband infrastructure since May, 2021 Projects subject to bid process Cost share between state, provider, and county (at least 10% of project cost for Henderson up to \$8M in projects) 	<p>USDA, ARC, EDA, NTIA-</p> <ul style="list-style-type: none"> Anticipating funding changes from major funding groups in the region
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Vyve Broadband Presentation

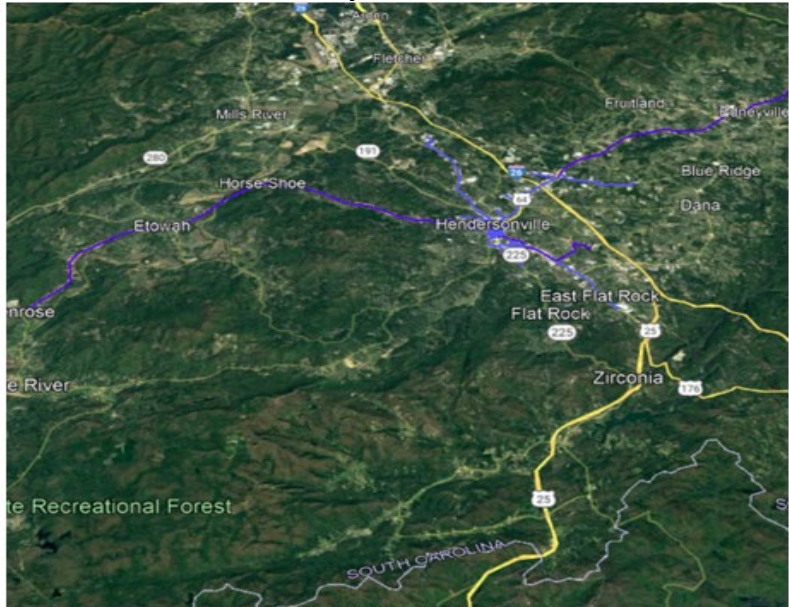
Representatives from Vyve Broadband, a broadband provider operating in North Carolina, were in attendance to discuss future service plans, and the broadband industry.

Henderson County Proposal

50 Miles of New Fiber Build

3500 Commercial Passings

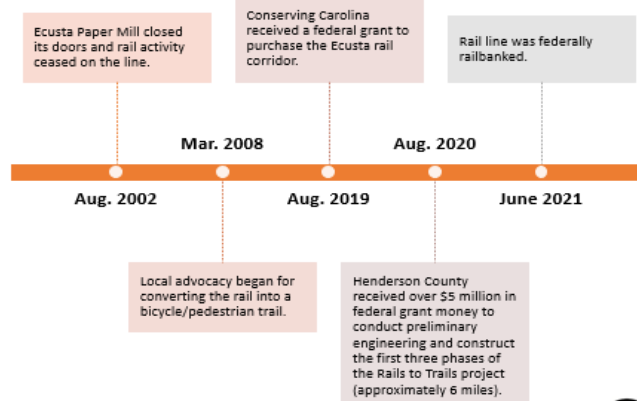




Rails to Trails Update

Business and Community Development Director Chris Todd provided the Board with an update on the Rails to Trails Project.

Background



A Victory for Henderson County

- August 13, 2021
Conserving Carolina Purchased Rail Corridor
- October 20, 2021
Henderson County leased their 11 mile section



Our Partnerships

- Friends of the Ecusta Trail
 - Volunteer Workday on January 15th
 - Plan to clean up approximately 2 miles of trail
 - 60 Volunteers Scheduled to work



Animal Ordinance Amendment – Add On

Commissioner Edney informed the Board that he would like to recommend the addition of a new section

to the proposed ordinance as defined in Chapter 16.1 of the Henderson County statutes in order to change three of the current definitions.

- 16.1 (18) Dog – remove the word “domestic”
- 16.1 (26) Hybrid – remove the two words “or wolves”.
- 16.1 (29) Inherently Dangerous Animal – remove the references to “wolves” or “Wolf Hybrids”.

County Attorney Russ Burrell will present the revised language to the proposed ordinance at the mid-month January meeting for the Board to consider.

NOMINATIONS AND APPOINTMENTS

1. Cemetery Advisory Committee – 2 vac.
Vice-Chair McCall nominated Susan Rex for position #6. All voted in favor and the motion carried.
2. EMS Peer Review Committee – 3 vac.
There were no nominations, and this item was rolled to the next meeting.
3. Henderson County Board of Equalization and Review – 1 vac.
Chairman Lapsley nominated current alternate Mark Weinstein to move to regular position #2. All voted in favor and the motion carried.
4. Henderson County Transportation Advisory Committee – 1 vac.
Vice-Chair McCall nominated Sam Henderson for position #1. All voted in favor and the motion carried.
5. Henderson County Zoning Board of Adjustment – 1 vac.
Commissioner Andreotta nominated Carlos Ruiz for alternate position #9. All voted in favor and the motion carried.
6. Hendersonville City Zoning Board of Adjustment – 2 vac.
Vice-Chair McCall nominated Michael Edney for position #2. All voted in favor and the motion carried.
7. Hendersonville Planning Board – 1 vac.
There were no nominations, and this item was rolled to the next meeting.
8. Home and Community care Block Grant Committee – 1 vac.
There were no nominations, and this item was rolled to the next meeting.
9. Juvenile Crime Prevention Council – 3 vac.
Vice-Chair McCall nominated Anthony Cavaliere for position #4. All voted in favor and the motion carried.
10. Laurel Park Planning Board – 1 vac.
There were no nominations, and this item was rolled to the next meeting.
11. Laurel Park Zoning Board of Adjustment – 1 vac.
There were no nominations, and this item was rolled to the next meeting.
12. Nursing/Adult Care Home Community Advisory Committee – 10 vac.
There were no nominations, and this item was rolled to the next meeting.

COMMISSIONER UPDATES

Vice-Chair McCall addressed the members of the audience who had spoken during the public comment period to share that she agrees with a lot of the comments they made. She noted that the Board had been and will continue to stand up against mask and vaccine mandates. She believes that everyone should have the right to choose whether to wear a mask or to get the vaccine and they should not be mandated to do so. She noted Friday, January 7, 2022, is a very important day in this country. The Supreme Court will be listening to comments on whether or not OSHA has the legal standing to uphold vaccine mandates for employers. Vice-Chair McCall has faith in the Supreme Court that this will not happen. In closing, Vice-Chair McCall directed County staff to contact the Flat Rock Playhouse for an update on their current mask

and vaccine passport requirements.

Commissioner Andreotta echoed Vice-Chair McCall's statements. He stated he was thankful the Board adopted the Resolution in support of "Heartbeat Bill" legislation.

Commissioner Hill voiced his agreement with the Board's opposition to mask and vaccine mandates. He thanked the citizens that had attended the meeting to express their thoughts and opinions during public comment. He wished everyone a blessed and prosperous New Year.

Chairman Lapsley agreed with the comments made by his colleagues. He stated the board was unanimous in their agreement regarding mask and vaccine mandates. He noted the Board had made their position on this matter known to the Governor, and the Legislature and will continue to do so.

COUNTY MANAGER'S REPORT

County Manager John Mitchell stated the next Board of Commissioners meeting on January 19, 2022, will be the Budget Retreat for Fiscal Year 22-23. The Board and Henderson County staff will begin working through a draft budget that will likely be presented to the Board at the first meeting in May and allow the month of May, including the mid-month meeting, for Budget Workshops. With hopes the Budget will be adopted in early June.

In closing, per tradition, John Mitchell polled the Board for their predictions in the upcoming College Football Playoff National Championship Game on January 10, 2022.

Predictions were as follows:

Commissioner Edney – Georgia

Vice-Chair McCall – Alabama

Chairman Lapsley – Alabama

Commissioner Hill – Georgia

Commissioner Andreotta – Alabama

Amy Brantley – Georgia

John Mitchell – Georgia

Russ Burrell – Georgia

Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) and (a)(5).

1. To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body. (§143-318.11(a)(3))
2. To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. (§143-318.11(a)(5))

Commissioner Edney made to motion to go out of closed session and adjourn at 8:15 p.m. All voted in favor and the motion carried 5-0.

ADJOURN

Denisa A. Lauffer, Clerk to the Board

William Lapsley, Chairman