

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** December 5, 2005

**SUBJECT:** CLOSED SESSION

The Board is requested to go into Closed Session for the following reasons:

1. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(1), to prevent disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, in accordance with and pursuant to N.C. Gen. Stat. § 143-318.10(e) and Article II of Chapter 11 of the Henderson County Code.
2. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(3), 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.
3. Pursuant to N.C. Gen. Stat. § 143-318.11(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.
4. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(3), 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, which privilege is hereby acknowledged. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to the following claim:

Bellsouth Carolinas PCH, L.P.

v.

Henderson County Zoning Board of Adjustment

v.

Phipps

North Carolina Court of Appeals COA05-31

Suggested motion:

***I move that the Board go into closed session for purposes of preventing disclosure of information that is privileged and not a public record, to discuss personnel, to consult with an attorney, and to consult and direct an attorney regarding the case Bellsouth Carolina PCH vs. Henderson County Zoning Board of Adjustment, all as set out more fully in the materials accompanying the Board's agenda packet.***