

## **DRAFT MINUTES**

### **STATE OF NORTH CAROLINA COUNTY OF HENDERSON**

### **BOARD OF COMMISSIONERS JANUARY 5, 2009**

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 Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Anthony Starr, Finance Director J. Carey McLelland, Research/Budget Analyst Amy Brantley, Engineering and Facility Services Director Marcus Jones, Associate County Attorney Sarah Zambon, Tax Assessor Stan Duncan, Erosion Control Division Chief Natalie Berry, Library Director William Snyder, Captain Greg Cochran, Sheriff Rick Davis, Planner Autumn Radcliff, Detective John Ashe, Delinquent Tax Collector Lee King, Auxiliary Business Manager Bill Blalock, Deputy Clerk to the Board Teresa L. Wilson, and Public Information Officer Pam Brice.

#### **CALL TO ORDER/WELCOME**

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

#### **PLEDGE OF ALLEGIANCE**

Sara Smith, of the Mountain View 4-H Club, led the Pledge of Allegiance to the American Flag.

#### **INVOCATION**

Commissioner Mark Williams gave the invocation.

#### **RECOGNATION OF HENDERSON COUNTY LIBRARY – RANKED BEST IN STATE**

County Manager Steve Wyatt stated that Henderson County public library is the highest rated library in the State of North Carolina according to the American Public Libraries rating index. This is a prestigious honor and certainly a tribute to the work of Bill Snyder and the library staff, along with the Board of Commissioners for their support of the library.

Library Director Bill Snyder explained, as the library enters its 95<sup>th</sup> year of service in 2009, we have enjoyed a history of great support from the community. The American Public Library rating index began about eleven years ago and it is a way of measuring how well libraries are doing. It looks at input measures as well as output measures. This is the sixth year in a row that Henderson County Library has received this award.

#### **New Etowah Library**

In December the North Carolina Public Library Directors met at their annual meeting in Greensboro and a certificate of recognition was presented to the Henderson County public library for the outstanding new facility under 10,000 square feet, the Etowah Public Library. Mr. Snyder presented the award to the Board of Commissioners and thanked them for their support in making this project possible.

A round of applause was received.

#### **INFORMAL PUBLIC COMMENTS**

Chairman Moyer asked each person who had signed up for informal public comments to please limit their comments to about 3 minutes each.

1. Davis Vaughn – Mr. Vaughn discussed some concerns he had regarding attacks by pit bulls. He felt the restraints used for pit bulls needed to be stronger. He stated that the Animal

DATE APPROVED:

Control Board seemed to be held up on the word “domestic”. The stories he told did not describe a pit bull as a domestic animal. Public safety is one of the County’s major concerns. He urged the Commissioners to not “drop the ball” on this.

2. Melissa Myers – Ms. Myers attended the Animal Services Committee meeting and she was very disappointed. She was told that there was nothing they could do which followed a comment “We can make it stricter, but we can’t make it looser”. They could do more things to make it safe but couldn’t loosen it up for other things. She requested that the ordinance be written to be more specific to a pit bull and was told this could not be done. Will it take a dead body of a child being presented before the opportunity is taken to strengthen the Ordinance? The City’s Ordinance is much stronger than the County’s. Ms. Myers daughter continues to have nightmares and is afraid to go to the car after the neighbor’s pit bull attacked their dog. She was not asking that pit bulls be banned from the County, only that owner’s of pit bulls in communities where small children and elderly live, confine the dogs in a way that will keep them from harming anyone else.
3. Bob Williford – Mr. Williford is president of the Henderson County Chamber of Commerce. The first phase of the Shop and Dine Henderson County for the holiday’s campaign was complete. He thanked Times-News, WHKP, WTZQ, and Flat Rock Cinemas for their support in the campaign cost for November and December in some cases doubling and tripling the advertising dollars spent with them. Mr. Williford thanked the City of Hendersonville Water Department for including the Shop and Dine Henderson County flier in their bills for November and December. He shared copies of ads which ran locally for the campaign and a recent article ran in Times-News which reported on some of the successes from the campaign. Feedbacks from the merchants showed that the people are out and shopping traffic was good. The second phase of the campaign has begun. During January and February some outdoor advertising will be added and a new special campaign centered around Valentine’s Day. If you are spending money between Christmas and the week before Valentine’s Day you will be entered into a drawing where the winner will receive a night out on the town including dinner, a night’s stay, flowers and hopefully a carriage ride. A \$1200 bracelet will be part of the drawing compliments of Blue Ridge Mall. Additional advertising will be done in the following months.
4. Diane Dotson – Ms. Dotson is a third grade teacher at Glenn C. Marlow Elementary School. She is the president of Henderson County Association of Educators. She thanked the Board for the increase in 2008 supplemental pay to educators. The Board had stated that this was a beginning and that they would look at further increases this year. Henderson County ranks lower than the neighboring counties in pay and allocation for student expenditures. This makes it harder to attract and retain new teachers and older teachers. The students deserve the best education possible and the teachers deserve a pay raise. The employees of Henderson County schools want to count on the continuing support and appreciation of the Board of Commissioners.
5. Karen Mathiesen - Ms. Mathiesen is a teacher at Hendersonville High School. She was representing Henderson County’s Association of Educators as the Vice-President and Chairman of the supplement committee. She thanked the Board for the increase in 2008 and asked the Board to consider another 1/2 % increase in 2009.

#### **DISCUSSION/ADJUSTMENT OF AGENDA**

Chairman Moyer requested that discussion item B – Immigrations and Customers Enforcement (ICE) Update and discussion item F – Vehicle Assessment Policy be moved to the end of discussions, that update of pending issues be added following the last discussion item to include 1) Regional Water Task Force update, 2) Water Supply and Distribution Task Force update, 3) Request for letter of support to NCDOT for possible installation of traffic light at Park Ridge Hospital, 4) Raw water intake from French Broad by City of Hendersonville, and 5) Lake Adger update, and the addition of a Public Hearing for possible economic incentives for Borg Warner (Project ARP).

*Commissioner McGrady made the motion to approve the agenda with the additions and changes requested. All voted in favor and the motion carried.*

### **CONSENT AGENDA**

Chairman Moyer requested that the minutes from November 14 and November 19 be pulled from the consent agenda for minor changes.

*Commissioner McGrady made the motion to adopt the consent agenda minus the November 14 and November 19, 2008 minutes. All voted in favor and the motion carried.*

### **Minutes**

Draft minutes were presented for Board review and consent approval of the following meeting:  
December 1, 2008 – Regularly Scheduled Meeting

### **Tax Collector's Report**

Terry F. Lyda, Tax Collector, provided the Tax Collector's Report for information only dated December 29, 2008.

### **Financial Report/Cash Balance Report – November 2008**

The Financial Report and Cash Balance Report for November 2008 were presented for the Board's review and consent approval.

The YTD deficit in the CDBG-Scattered Site Housing Fund, the CDBG-Shuey Knolls Project Fund, the Lewis Creek Restoration Project Fund and the Public Transit Fund are temporary due to the timing of actual expenditures and the subsequent reimbursement of the expenditures from grant funds in succeeding months.

#### *Suggested Motion:*

*I move the Board of Commissioners approves the November 2008 County Financial Report and Cash Balance Report as presented.*

### **Henderson County Public Schools Financial Reports – November 2008**

The Public Schools Financial Reports for November 2008 were presented for the Board's information and consent approval.

#### *Suggested Motion:*

*I move the Board of Commissioners approves the November 2008 Henderson County Public Schools Financial Reports as presented.*

### **EMS Accounts Receivable Report**

The EMS Accounts Receivable Report was provided as information for the Board. An aging analysis of accounts receivable and total revenues received to date for the current fiscal year was included in the report as of November 30, 2008.

The billing process for EMS remains current and bills are being mailed out on a daily basis. Staff continues to work diligently on trying to collect outstanding receivables.

Staff requested the Board consider approving the EMS Accounts Receivable Report as presented for the period ending November 30, 2008.

#### *Suggested Motion:*

*I move the Board of Commissioners approve the EMS Accounts Receivable Report as presented.*

**Public Records Disposal Request**

Staff requested approval from the Board of Commissioners to destroy the records on the provided records list on a Public Disposal Request and Destruction Log in accordance with the County's Record Retention Policy and the provisions of N.C.G.S. 105-282.1 as the period of these records has expired. A copy of said list will be attached hereto and incorporated as a part of the minutes.

*Suggested Motion:*

*I move the Board of Commissioners approves the Public Records Disposal Request and Destruction Log.*

**Extension of Special Intensity Allocation (SIA) permits for WS-2008-05-01 (Village Green at Mills River)**

H. M. "Skip" Dunn, Member, Village Green at Mills River, LLC requested a single six month extension for the Special Intensity Allocation (SIA) permit that was approved by the Board of Commissioners at their May 21, 2008 regular meeting. Mr. Dunn requests this extension to provide enough time to finalize the financing that is required to construct the project as submitted. The Property Identification Number (PIN) is 9631-83-6963 and is approximately 2.07 acres.

The Land Development Code Article 200A-324.E states "Upon the approval of an SIA, the applicant shall have six (6) months from the date of issuance thereon to obtain a building permit or begin substantial construction progress within six (6) months shall render the SIA void. The approving authority (Watershed Administrator or the commissioners) may grant a single extension of this time period of up to six (6) months upon submittal by the applicant of sufficient justification for the extension via written request." The applicant received the permit on June 5, 2008 and the permit expired on December 5, 2008. The applicant did request an extension on December 4, 2008 therefore the permit had not expired.

The Watershed Administrator recommends approval of project as submitted. The Planning Department and The Town of Mills River staff has no objections to the extension.

*Suggested Motion:*

*I move that the Board approves the application for Carolina Flooring Contractors Special Intensity Allocation (SW-III Balance Watershed) subject to the applicant satisfying all recommendations of the Watershed Administrator, Senior Planner, Mills River staff and the Board.*

**Approval of the Low Bid and Funding for Sheriff's Department Patrol Vehicles**

On December 1, 2008, the Board of Commissioners approved the purchase of six (6) Sheriff's Department Patrol Vehicles and directed that bids be obtained. Formal bidding was conducted by Sheriff's Department personnel between December 5 and December 12, 2008. The lowest, responsive bidder for six (6) 2009 Dodge Chargers was Ilderton Dodge at \$21,547 per vehicle for a total of \$129,282. The Board is required to approve the lowest responsive bidder in a formal bidding process.

Since the number of patrol vehicles approved for purchase is far less than the original number anticipated, Staff is requesting approval of the attached budget amendment to move budgeted debt service funds to the Sheriff's Department to pay cash for the vehicles instead of financing as previously planned for a larger number of vehicles for multiple departments.

The Board is requested to accept the low bid, authorize the Sheriff's Department to purchase the vehicles and approve the budget amendment provided with the agenda.

*Suggested Motion:*

*I move the Henderson County Board of Commissioners accepts the low bid from Ilderton Dodge for the purchase of six (6) 2009 Dodge Chargers, authorize the Sheriff's Department to make the vehicle purchases and approve the budget amendment provided for funds necessary to pay cash for the*

*vehicles.*

**Henderson County Public Schools 2008-2009 Capital Budget First Quarter Report and Volunteer Days**

The Henderson County Public Schools 2008-2009 Capital Budget First Quarter Report and Volunteer Days were presented for the Board's review and consent approval.

**Petitions for addition to State Road system**

It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review. It has also been the practice of the Board not to ask NCDOT to change the priority for roads on the paving priority list.

The following petitions for addition to the State Road system were received:

Conger Drive and Curtis Drive in Crab Creek Meadows Subdivision

Kingdom Place in Kingdom Place Subdivision

Wickham Way in Hawthorn Hill, Phase II

Circle Top Drive in Mountain Valley Subdivision

Peaceful Orchard Drive and Cleo Court in Peaceful View Estates

Streamside Drive in Timber Nook Subdivision

Roasted Chestnut Trail in Chestnut Ridge Subdivision

*Suggested Motion:*

*I move that the Board approves the petitions and forward them to NCDOT for action.*

**Resolution for Support for YouthBuild of Western North Carolina**

The Board of Commissioners was requested to adopt a resolution in support of the YouthBuild of Western North Carolina program. YouthBuild is a comprehensive youth and community development program which addresses several core issues facing low-income communities such as education, housing, jobs and leadership development. A copy of the resolution is attached hereto and incorporated as a part of the minutes.

*Suggested Motion:*

*I move the Board of Commissioners adopts the Resolution of Support for YouthBuild of Western North Carolina as presented.*

**Tax Collector's Settlement (interim)**

As Terry F. Lyda, Tax Collector, has retired, you must receive and accept from him a report settling his collections on your behalf since your charge of him to collect taxes for fiscal year 2008-2009.

*Suggested Motion:*

*I move that the Board accepts the tax collector's settlement for the period through the retirement of Terry F. Lyda. I further move that the bonds, the order of collection and the charge for collection to the Tax Collector for Fiscal Year 2009 taxes approved by this Board on 12 August 2008 apply to any successor Tax Collector appointed by this Board today, including any interim Tax Collector so appointed.*

**NOMINATIONS**

**Notification of Vacancies**

The Board was notified of the following vacancies which will appear on the next agenda for nominations:

1. **Child Fatality Prevention Team – 1 vac.**
2. **EMS Quality Management Committee – 1 vac.**
3. **Environmental Advisory Committee – 1 vac.**
4. **Henderson County Transportation Advisory Committee – 2 vac.**

**5. Library Board of Trustees – 1 vac.**

**Nominations**

Chairman Moyer reminded the Board of the following vacancies and opened the floor to 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. EMS Quality Management Committee – 1 vac.**

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

**3. French Broad River MPO – Transportation Advisory Committee – 2 vac.**

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

**4. Hendersonville City Zoning Board of Adjustment – 1 vac.**

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

**5. Historic Resources Commission – 1 vac.**

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

**6. Home and Community Care Block Grant Advisory Committee – 2 vac.**

A recommendation had been made and Chairman Moyer nominated Dauna Donato for position #5 and Catherine Lee for position #7. *Chairman Moyer made the motion to accept the appointment of Dauna Donato to position #5 and Catherine Lee to position #7 by acclamation. All voted in favor and the motion carried.*

**7. Industrial Facilities and Pollution Control Financing Authority – 1 vac.**

The vacant position was the Chair Herb Young, Jr. Mr. Young has recommended that current member Diane Grant be appointed as new Chair. Chairman Moyer nominated Diane Grant as Chair for the Industrial Facilities and Pollution Control Financing Authority. *Chairman Moyer made the motion to accept the appointment of Diane Grant as Chair by acclamation. All voted in favor and the motion carried.*

**8. Joint School Facilities – 2 vac.**

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

**9. Juvenile Crime Prevention Council – 9 vac.**

A recommendation had been made by the JCPC to nominate Joseph Glowacki for position #20. Commissioner McGrady nominated Joseph Glowacki for position #20. *Chairman Moyer made the motion to accept the appointment of Joseph Glowacki to position # 20 by acclamation. All voted in favor and the motion carried.*

**10. Local Government Committee of Cooperative Action (LGCCA) – 2 vac.**

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

**11. Senior Volunteer Services Advisory Council – 1 vac.**

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

**12. Water Supply and Distribution Task Force – 1 vac.**

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

**APPOINTMENT OF INTERIM TAX COLLECTOR**

Unless the Board is ready to move with a permanent appointment, it is suggested that an interim Tax Collector be appointed for a period of approximately forty-five (45) days.

Chairman Moyer stated that Terry Lyda had retired after thirty-three years with the County and no action had been taken with respect to this position. The Board will need to fill the position with an interim Tax Collector and put bonds on them while they determine what the next course of action will be.

*Chairman Moyer made the motion that the Board appoints Stan Duncan as interim Tax Collector, to serve for a period of forty-five (45) days or until a Tax Collector is named by this Board, whichever may first occur. I further move that all bonds obtained by and for Terry Lyda as Tax Collector be made to apply to and provide coverage to the County for the said interim Tax Collector. All voted in favor and the motion carried.*

County Manager Steve Wyatt stated that during the time of transition the NCACC offers a very reasonable service in conjunction with the North Carolina Department of Revenue where they will bring in a team of qualified professionals (a couple of distinguished tax administrators from the NC Department of Revenue) who will do an assessment or performance analysis of the tax office. Mr. Wyatt felt it might be a good time to have an outside "appraisal" of what the strengths and weaknesses are and how we should go forward. He has approached the County Commissioners Association; Lisa Noland, formally of the Governor's Office is now in charge of this program and she was asked if they would be able to put a team together to spend some time in the tax office and conduct the assessment. She is working to determine a timeframe and should respond to Mr. Wyatt within the next two weeks with recommendations for a team. The assessments usually take around 30 days on the ground working in the department side-by-side with the current employees. They can include procedural, processing, or structural items in the assessment. Mr. Wyatt has never seen an agency or department or individual that could not be improved. He did not have an estimate for the assessment at this time but it would be at the cost of the individuals involved.

Chairman Moyer stated that a number of counties had moved to various forms of consolidations of the Tax Collectors Office and the Assessors Office. He felt it was important to get this input and we are in a good position that the tax collectors group can continue to function as effectively as they are.

Commissioner Messer felt that Henderson County is very fortunate in the past and current of the job these employees are doing.

Commissioner Young and Commissioner Williams questioned the cost of the assessment.

Chairman Moyer thought the only cost would be time for the people that performed the assessment at a cost of less than \$5,000.00.

Mr. Wyatt stated that this figure was a couple of years old and he did not want to misquote it. He felt it would be in the \$5,000 to \$7,000 range.

Chairman Moyer questioned if the Board would be willing to vote if a maximum cost of \$6,500 were placed on the motion.

*Chairman Moyer made the motion that the Board authorizes the County Manager to move forward with the assessment with a cost not to exceed \$6,500 to the Commission and if it exceeds this figure in anyway it will be brought back before the Board. All voted in favor and the motion carried.*

#### **RESOLUTIONS FOR HENDERSON COUNTY'S 2008 CDBG SCATTERED SITE HOUSING GRANT**

Planning Director Anthony Starr explained that four resolutions were provided and were required for the County to begin the 2008 Scattered Site Housing Community Development Block Grant which included:

1. A Resolution to Adopt the Required CDBG Policies, Procedures and Plans for the Program

2. A Fair Housing Resolution
3. A Resolution Authorizing the Planning Director to Sign DCA Reports and Documents
4. A Resolution Adopting a Post Rehabilitation Subordination Policy

The Policies, Procedures and Plans were also provided and may be adopted under one motion by the Board. The other three resolutions each require separate Board action.

Planning Staff recommended that the Board of Commissioners approves and individually adopts the resolutions in the order presented as required by the 2008 Scattered Site Housing Grant.

*Commissioner McGrady made the motion that the Board approves and adopts the resolution required for the policy, procedure and plan documents for the 2008 SSH CDBG grant. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board approves and adopts the Fair Housing Resolution. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board approves and adopts the Resolution Authorizing the Planning Director to Sign DCA Reports and Documents. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board approves and adopts the Resolution Adopting a Post Rehabilitation Subordination Policy. All voted in favor and the motion carried.*

#### **DANGEROUS/POTENTIALLY DANGEROUS DOGS**

Chairman Moyer stated that over the past several years there have been a number of issues with respect to the Animal Services Group and working with other non-profits in the area coordinating with them with respect to animal issues. Some possible changes have been made at Animal Services.

Assistant County Manager Selena Coffey stated that at the end of November, 2008, Brad Rayfield was hired as the County Animal Services Director. One of his charges at that time was to pay very close attention to the Board's adopted Strategic Plan which included two specific objectives regarding animal services; 1) putting into affect a spay/neuter program 2) enact a volunteer program. Both programs have so far been very successful. We have received a number of donations from folks who want to assist with the spay/neuter program which is called "SNAP" (Spay/Neuter Assistance Program). The money that is being paid to the County when folks do not comply too the ordinance is also going into the SNAP fund.

The volunteer program is also going well. We have regular orientations for volunteers where the volunteers are given the opportunity to learn how we do business at the shelter, they learn a number of safety precautions that must be used when working with the animals, and they learn how to take folks around and show them the animals that are up for adoption. In addition, Mr. Rayfield has put into place educational classes being held about every other month for folks to attend as a part of the responsible pet owners program.

We recently held a rabies vaccination clinic sponsored by Community Partnership for Pets, Humane Society and Henderson County. We plan to continue adoption events with these sponsors as well.

Per the Board of Commissioners' direction staff placed the County's Dangerous/Potentially Dangerous Dog Ordinance on the agenda for discussion. A copy of the current Ordinance regarding dangerous/potentially dangerous dogs was provided for the Board's review and discussion. Animal Enforcement staff and staff from the County Attorney's office were available to answer questions regarding the current Ordinance and how it is being enforced.



As the Board is aware, staff and the Animal Services Advisory Board annually reviews and recommends amendments to the County's Animal Ordinance. Staff is currently finalizing amendments to the Animal Ordinance that were reviewed by the Animal Services Advisory Board at their December 11, 2008 meeting. However, the Animal Advisory Committee made no substantive amendments to the Dangerous/Potentially Dangerous Dog section of the Ordinance during that meeting.

The Henderson County Animal Ordinance does include a section 66A10-10 specifically regarding dangerous or potentially dangerous dogs. John Ashe, one of the animal enforcement officers, was present to answer possible questions.

Chairman Moyer made reference to a comment by a citizen, Melissa Myers, at the beginning of the meeting in regards to Hendersonville City's Ordinance being tougher than the County's.

County Attorney Russ Burrell stated that he had looked the up the ordinance and it is very much non-specific; it talks about vicious dogs without defining them and it doesn't tell you how you can determine a vicious dog. It does state that you can't let a vicious dog go loose. Vicious is a separate term that is not defined anywhere.

County Manager Steve Wyatt stated that from past situations in Catawba County, which was operating under the State's dangerous dog rules, the Board decided they wanted to take a further step to address a "vicious dog - a dog that has committed a particularly egregious act". Basically it is one strike and you are out.

Russ Burrell explained that the current ordinance, Chapter 66A of the Code of Ordinances defines in the definition section what a dangerous or potentially dangerous dog is. In terms of what should happen once a dog has been defined as either dangerous or potentially dangerous, the difference between the two does not matter anymore. A dangerous dog is any dog showing behavior which constitutes a risk of severely injuring or killing human or a domestic animal or which by demonstrative behavior is commonly accepted as dangerous. Examples of a dangerous dog: any dog that without provocation has killed or inflicted serious injury on a person or any dog owned or harbored for fighting. Examples of a potentially dangerous dog: any dog that has inflicted a bite on a person that has resulted in broken bones, disfiguring lacerations or requiring surgery or hospitalization, any dog that has killed or inflicted severe injury on a domestic animal when no on the owners real property, or any dog that has approached a person when not on it's owners property in an apparent attitude of attack. These definitions require that the dog be off of its owner property which creates a safe harbor when the dog is on its owner's property. At the same time our ordinance in a different section, 66A-24, that requires dog to be under control (on a lease) unless they are on their own property.

#### Existing Ordinance

Are there exceptions?

A dog shall not be deemed dangerous solely because it bites, attacks, or menaces:

- Anyone assaulting the owner or trespassing on the owner's property;
- Any person or other animal that has tormented or abused it; or
- While protecting or defending its young.

#### How is a Dog Deemed "Dangerous" or "Potentially Dangerous"?

- Declaration of dangerous/potentially dangerous dog is by the Animal Service Director. When a report is received and investigated, the Director determines whether, in the Director's opinion, the animal fits the ordinance's criteria.
- Any person who owns a dog that has been declared dangerous/potentially dangerous has the right to appeal this decision to the Appellate Board.

#### Consequences of Deeming a Dog "Dangerous" or "Potentially Dangerous"

Among other things:

The owner must (except when the dog is muzzled and controlled):

- (a) Confine the dog within the owner's residence or (b) confine the dog in a securely enclosed and padlocked pen with a concrete bottom and secure top with 30 days. The structure must be secured by a child-resistant lock.
- Post a warning sign.
- Insure that the dog at all times remains enclosed or controlled and muzzled as to meet the requirements of this chapter.
- Demonstrate that such dog has been tattooed on the inside of the right hind leg with an identification number or had a microchip implanted as directed by the Animal Service Director.

#### Penalties

Violation of the Ordinance is a criminal general misdemeanor (and requires the dog being put down).

#### Civil penalties for dangerous/potentially dangerous dog:

- Unattended dog - \$500 per day
- Dog without tattoo/microchip - \$500 per day

At this time there is no breed specific language in the ordinance. In the past a breed specific ordinance was viewed as very difficult because the breed that makes up a pit bull is not a recognized breed by AKC or any other kennel club. There are a number of dogs that could be characterized as pit bulls but you cannot scientifically tell what kind of dog they are.

Staff recommends that the Board of Commissioners review, discuss and give direction to staff regarding the Ordinance, including making any changes as the Board feels appropriate.

Associate County Attorney Sarah Zambon stated that our ordinance was based on state law with the one bite rule where the County does not do anything until there is an incident. In Catawba County they have added a definition of a vicious dog; a dog that without provocation and not on the owners property kills or inflicts serious injury on a human being such that medical treatment is required. In this instance the animal is quarantined for 10 days to check for rabies and follow up and then the dog is humanly euthanized. The Catawba definition only involves injury or death to a human, not to another animal. Animal Law Expert Amy Wall, at the School of Government, feels that if Henderson County wants to go stronger with their Ordinance, the best way would be to encompass more kinds of behavior or actions by animals into the dangerous dog definition.

Discussion followed.

Chairman Moyer asked that Russ Burrell and Sarah Zambon work with the Animal Services Committee and determine if expanding the definition of dangerous and vicious dog is the correct route to take and bring it back to the Board. The Board does feel that the Ordinance needs to be tougher.

Assistant County Manager Selena Coffey stated that she had spoken with the Public Information Officer Pam Brice in regards to educating the public on HCTV 11. Ms. Brice will be adding a segment talking about dangerous dogs and the ordinance to help folks understand what choices they have on issues about animals, whether they are chained or running loose in their neighborhood or whatever the situation may be.

#### **FEDERAL INFRASTRUCTURE STIMULUS**

County Manager Steve Wyatt provided an update to the Board of Commissioners on recent correspondence with the NCACC regarding the Federal Infrastructure Stimulus program. The County was asked to respond within 48 hours to the Governor's request through the NCACC for a list of capital improvements that could be shared with the incoming administration regarding the Federal Stimulus. The current version of the capital improvements plan was utilized and the form completed quickly. Seven projects were submitted as follows:

## Capital Improvement Plan Projects

Type of Project	# of Projects	Estimated Costs
School Construction/Community College	7	\$37,000,000
Water/Waste Water Projects		
Court Facilities		
Jails and Public Safety Facilities	2	\$23,000,000
Other County Buildings	2	\$6,000,000
Recreation Facilities	2	\$4,000,000
Broadband Deployment		
Green Infrastructure Projects		
ADA Compliance		
Other		

## County Infrastructure Projects

Project Name	Project Need
Law Enforcement Center (\$11M)	New facility to centralize Sheriff's Dept. Divisions and additional square footage due to growth in the Department. Relieve Courthouse overcrowding – State mandates.
Detention Center Expansion (\$12M)	Expansion of current Detention Center Facility – additional 120 beds due to increased inmate population/relieve overcrowding
Recreation – Multi-Purpose Facility, Soccer Complex (\$4M)	Needed due to lack of available/adequate facilities in the County; youth soccer participation growing annually
New Public Library Branch and Major Upgrade to Main Library Facility (\$6M)	New facility for expansion due to circulation growth and square footage needs; Main library in need of remodeling/electrical upgrades (20 years old)
Schools – Classroom additions (\$12M)	Co-located high school and middle school are at capacity; new central building to serve both schools.
Schools – Classroom Additions Transportation Center (\$13M) Etowah Elementary (\$1M) Edneyville Elementary (\$3M) Bruce Drysdale Elementary (\$3.5M) Hendersonville Elementary (\$3.5M) Transportation Center (\$2M)	Classroom additions at four (4) Elementary schools; new Transportation Bus Garage
Blue Ridge Community College – Workforce Development and Lifelong Learning Facility (\$12M)	Facility to house the College's workforce development programs and new classrooms for continuing education.

There is the potential to have the first act for the new President to sign a stimulus bill that pushes down some large amount of money through the states to local governments for capital projects. We must be in a position, should that happen, to make our pitch for some of that construction money here.

Chairman Moyer requested adding an Indoor Shooting Facility, a Veteran's Clinic in Henderson County, a school bus garage and Edneyville Park Phase II. Talk is that a lot of this money will go for roads and bridges, and we need to make sure that it is put into roads and bridges if it is designated for that.

**BREAK**

A five minute break was taken in order to change video tapes.

*Commissioner McGrady made the motion that the Board go into public hearing to consider a potential offer of economic incentives grant to WilsonArt International. All voted in favor and the motion carried.*

**PUBLIC HEARING – Potential Offer of Economic Incentives Grant to WilsonArt International (a Division of Illinois Toolworks Inc)**

Andrew Tate, President and CEO for the Henderson County Partnership for Economic development, representative for WilsonArt International, stated that the projected investment associated with the project is \$1,194,000 which would be for improvements to real and personal property for a long term lease. The company presently employs 686 persons and this project would create 15-20 new jobs. The project is competitive internally and is an investment job creation that would allow the Fletcher, North Carolina facility to become a central distribution site for east coast in addition to the current manufacturing operations that already take place in Henderson County. The project would include a lease of 144,000 square feet in a nearby facility for ten (10) years. The Town of Fletcher did extend 50% of the County incentive offering at their public hearing on December 5, 2008.

Plant Manager Tim Gwennat thanked the Board for the opportunity to speak and for considering the offer of economic incentive. WilsonArt has been part of the Henderson County community for 30 years. This offer will not only create jobs initially but will hopefully also fend off some cutbacks that were possible.

Notice was hereby given pursuant to N.C. Gen. Stat. §158-7.1 that the Henderson county Board of Commissioners will hold a public hearing on 5 January 2009 at 7:00 p.m., or as soon thereafter as the Board can consider the matter, to consider the request of WilsonArt International, a unit of Illinois Tool Works, Inc. for economic development incentives to assist in investment resulting in the expansion of its existing plant, and the addition of new jobs.

The Company is a manufacturing concern with a facility located near Hendersonville, North Carolina. The public benefit to be derived from the capital project is a total new taxable capital investment in the amount of approximately One Million One Hundred Ninety-Four Dollars (\$1,194,000.00) in machinery and equipment over one and one-half years, creating not fewer than fifteen (15) new full time employment positions.

The Board will consider granting assistance toward actual expenditures incurred in the Company's plan to construct its operation up to a maximum payment of Twenty-Seven Thousand Twenty-Nine Dollars and Seventy-Seven Cents (\$27,029.77), to be paid over a period of seven (7) years. Each year's incentive payment would be no greater than Three Thousand Eight Hundred Sixty-One Dollars and Fort Cents (\$3,861.40).

If approved, the request would be funded through the general property tax revenue.

Public Input

There was none.

*Commissioner Messer made the motion that the Board offer economic incentives to WilsonArt for the proposed project, in the maximum amount of Three Thousand Eight Hundred Sixty-One Dollars and Forty Cents (\$3,861.40) per year for seven (7) years. All voted in favor and the motion carried.*

*Commissioner Young made the motion that the Board go out of public hearing. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board go into public hearing to consider Economic Development Incentives for "Project Arp". All voted in favor and the motion carried*

**PUBLIC HEARING – Potential Offer Economic Incentives to Borg Warner (Project ARP)**

Andrew Tate, President and CEO for the Henderson County Partnership for Economic development, representative for BorgWarner Thermal Systems stated that BorgWarner is across the street from WilsonArt. The company, BorgWarner Thermal Systems, proposes a potential investment of approximately \$12,571,000.00 in equipment for an internally competitive project. If this proposal is successful, this investment would occur at the Fletcher plant.

Chairman Moyer questioned the potential investment amount as it was different from the numbers that were shared with the Board of Commissioners. He asked Mr. Tate to confirm the figure.

Russ Burrell stated that the figure was different from what he had received also.

This project would create new property tax, but would not create new jobs at the Fletcher plant. It would be a retention project for 28 jobs that would be otherwise jeopardized or at risk and could possibly add 2-3 additional jobs. Wages are roughly \$35,000 per year approaching \$60,000 per year with benefits. Project discussions have centered on an incentives offer of a maximum of \$46,462.42 per year (70% of property tax revenues on the new investment) for a maximum of five (5) years.

Don Bent, Plant Manager for BorgWarner confirmed that the correct investment figure was \$12,571,000.00.

Mr. Burrell recalculated the figures for the incentives. Under the Board's guidelines over a period of five (5) years with twenty-eight (28) jobs retention and a \$12,571,000 investment to a maximum incentive of \$232,312.08 over a period of five years. This works out to an annual incentive maximum of \$46,462.42 over a period of five years.

Don Bent thanked the Board for the opportunity to speak to them. He explained that they manufacture fans and fan drives for the automotive and commercial markets. Seventy percent of the product they sell goes to Ford, GM, and Chrysler. Mr. Bent firmly believes that this investment would solidify the future of the Fletcher facility for years to come in this community.

#### Public Input

There was none.

*Commissioner Young made the motion that the Board offer economic development incentives to BorgWarner Thermal Systems, in the amount of a maximum of \$46,462.42 per year for five years, pursuant to the County's economic development incentives policy. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board go out of public hearing. All voted in favor and the motion carried.*

#### **LAND DEVELOPMENT CODE FALL 2008 TEXT AMENDMENTS (TX-2008-05)**

Chairman Moyer explained that there was a lengthy list of proposed changes and he did not feel that this was the appropriate time to go through them one by one and discuss each one. Three of the key changes are still before the Planning Board and cannot be wrapped up. He asked Anthony Starr to give an overview of what had been done, why and what was included in the package. The Board will then schedule a special meeting to deal with the issues after the Planning Board is finished.

Planning Director Anthony Starr stated that when the Henderson County Land Development Code (LDC) was adopted it was anticipated that the LDC and 2020 County Comprehensive Plan (CCP) would be reviewed each year and amended as needed. Since its adoption on September 19, 2007, the LDC has undergone two significant updates. The CCP was also amended as a result of the adoption of the Land Development Code.

When the LDC was adopted an annual review of the Code was anticipated to avoid the Land Development Code becoming so outdated that a major rewrite was necessary. In being proactive the Planning Department is attempting to address merging issues and help address them before they become problems. It addresses a wide arrange of issues; some standards within the LDC with these changes would be relaxed, in an effort to encourage growth where we want growth to occur while other standards would be strengthened to avoid various issues that have came up both at the Planning Board level or the staff level or other areas.

A PowerPoint overview for the proposed fall 2008 text amendments to the LDC (TX-2008-05) was attached for the Board's review and recommendation. The proposed amendments address a range of issues including emergency vehicle access, some community character and design standards, staff or Board concerns and/or suggestions, and clarifications to portions of the code and text. Some of the amendments are technical changes and are noted as such.

The Technical Review Committee (TRC) reviewed the proposed fall 2008 text amendments to the LDC (TX-2008-05) at its meeting on November 4, 2008 and voted unanimously (6-0) to send a favorable recommendation on the attached proposed text amendments.

The Planning Board reviewed the proposed fall 2008 amendment to the LDC at its meeting on November 20, 2008 and on December 18, 2008 and voted unanimously (5-0) to send a favorable recommendation on the attached proposed text amendments with the exception of text amendments L and N. The Planning Board tabled text amendments L and N at it's December meeting and will continue discussion at the January Planning Board meeting on those two amendments and explore alternative options before making a recommendation to the Board of Commissioners.

Staff is requesting direction from the Board on how to proceed with the proposed fall 2008 LDC text amendments (TX-2008-05). Staff suggests the Board consider discussing the proposed amendments at its next regular scheduled meeting or a special called meeting, or if the Board is inclined, schedule a public hearing on the proposed text amendments (TX-2008-05).

A public hearing is required at some point, and a workshop may be held either before or after the public hearing.

It was the consensus of the Board to schedule the workshop and public hearing at the first regular meeting in February.

#### **Death of Detective Jimmy Edney**

Sheriff Davis recognized the loss of Detective Jimmy Edney, who had been with the Sheriff's Office for almost 27 years. The Sheriff stated that Mr. Edney was an icon and a true servant to the people of Henderson County.

#### **IMMIGRATIONS AND CUSTOMS ENFORCEMENT (ICE) UPDATE**

Sheriff Rick David provided an update to the Board of Commissioners on the Immigrations and Customs Enforcement 287 (g) (ICE) Program.

- Activities from 1 Jan 08 thru 30 June 08
- Activities from 1 July 08 thru 31 Dec 08
- Overall deportation figures
  - ICE Charges
  - Booked Charges
  - Nationality percentages

- Costs & Federal Billing/Reimbursements
  - Since 1 Sept 08
  - Worksite Enforcement assistance & Fugitive Enforcement Assistance
  - “Manual” Illegal Alien Query (IAQ) started 1 Jan 08
  - Removed 64
  - Drug & Gang suppression since 1 Jan 08
  - Requested assistance from Intelligence & Operations (IO) Division of ICE
  - Removed approximately 12 suspects

## Overall Deportation Figures

# Inmates Interviewed:	249
Detainees Lodged:	209

## ICE Charges (mandatory federal detention)

Aggravated Felonies, Re-entry, etc.:	24
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## Booked into detention for the following charges:

Driving while impaired	50
Drugs	16
Robbery	5
Sex Crimes	1
Assault	16
Domestic Violence	9
Traffic	56
Fraud	1
Alcohol/ D&D	9
Theft	2
Breaking and Entering	1
Trespassing	3
Other*	26

## Costs &amp; Reimbursements, Since 1 Sept 08

<u>Costs:</u>	<u>Billed/Reimbursements:</u>
Salaries & Benefits (2): -\$27,972.15	Bed Space: +\$71,168.28
Transportation: -\$4,017.00	Transportation: +\$8,947.59
Total Operating Expenses: -\$36,919.74	Total Operational: +\$80,115.87

Net = +\$43,196.13

The Federal Government has not reimbursed Henderson County yet. They run an average of 2-3 months behind in their billing.

- 287(g) Program officially began 1 July 2008
- Worksite Enforcement assistance
- Fugitive Enforcement assistance
- Two Deputies began full-time 287(g) assignments 17 Oct 2008

## Booked Charges, continued

\*Other Charges

07/01/08 - DWLR / Resisting a public officer  
 07/02/08 - FTA (X 2) / DWI / Injury to personal property  
 07/03/08 - FTA (X 2)  
 07/03/08 - Child abuse / Assault  
 07/08/08 - Intoxicated and Disruptive  
 07/25/08 - FTA (X 2) / Felony Obstruction of Justice  
 07/28/08 - NOL / Felony Obstruction of Justice / DWI  
 07/28/08 - Identity Theft / NOL / DWI  
 07/29/08 - Fugitive other State  
 07/29/08 - Felony hit & run / Fled to elude arrest  
 07/29/08 - Resisting a public officer / Injury to personal property  
 07/29/08 - Flee to elude arrest with a motor vehicle  
 08/05/08 - Injury to personal property  
 08/05/08 - Resisting a public officer  
 08/25/08 - Out of State Fugitive Warrant  
 09/01/08 - Urinating in Public  
 09/23/08 - Felony Worthless Check  
 10/01/08 - Carrying Concealed Weapon  
 10/18/08 - Attempted crime against nature  
 10/18/08 - Solicit prostitution  
 10/30/08 - Failure to appear  
 10/30/08 - Soliciting Prostitution  
 11/20/08 - Possession of Stolen Good  
 12/02/08 - Voluntary Manslaughter  
 12/05/08 - ICE Fugitive  
 12/08/08 - Carrying Concealed Weapon

287(g), IAQ, Fugitive operations, Drug & Gang suppression total for 2008 is approximately 285

Why we need 287 (g)

Joel Zelaya-Rivera

- May 5, 2000: Arrested in Texas for Assault Causing Serious Bodily Injury to Family Member
- June 13, 2002: Arrested by HPD for Assault on Female
- December 25, 2005: HCSO responds domestic violence incident. Weapon seized
- April 18, 2006: HCSO responds to DV incident, suspect arrested for AOF
- September 24, 2006: HCSO responds to a Domestic Incident, upon arrival Officers discover that two persons had been shot and suspect has fled the scene
- September 25, 2006: HCSO K-9 locates suspect in wooded area near location of murder.

Homicide & attempted murder

- Victim 1: Female, Latino, 23 (Girlfriend)
  - Single gunshot wound to head
- Victim 2: Male, Latino, 18 MO (Suspect & victim's)
  - Single gunshot wound to head
- Dying baby placed at mother's side
- Suspect is now serving life + 10 years
- Suspect had been arrested for misdemeanor charges on 3 previous occasions prior to 287(g)

### **VEHICLE ASSESMENT POLICY**

Assistant County Manager Selena Coffey stated that recently, the Board of Commissioners' has had discussions regarding the most appropriate method to determine when vehicles in the County's fleet should be scheduled for replacement. Staff has, for a number of years, been using a point system to determine which vehicles should be replaced during budget deliberations. With this system, points are assigned based



on 4 factors; age of vehicle, repair costs, type of service, and mileage of vehicle. Staff has made improvements to this ranking system a couple of times over the years as appropriate. One such change to the procedure came after the Board of Commissioners directed that patrol vehicles should be replaced at 60,000 miles in September 2006, based on the North Carolina Highway Patrol standards. To accommodate this, staff simply adjusted the mileage points assigned for patrol vehicles (see table below).

Staff proposes utilizing a new benchmark for patrol vehicle mileage based on our recent contact with the North Carolina Highway Patrol. The Highway Patrol currently uses a 75,000 mile standard for replacement of their patrol vehicles and staff feels that it is appropriate to utilize this standard as well and recommends the use of this standard for replacement of patrol vehicles in the upcoming budget process. The following tables outline the process that staff uses to ascertain which vehicles should be replaced each budget year (incorporating the new 75,000 mile standard for patrol vehicles).

Age:	1 point for every year of vehicle age
Repair costs:	1 point for every \$1,000 in repair costs
Service:	2 points for average use, 4 points for daily use, 5 points for emergency use
Mileage:	a. Regular Vehicles – 1 point per 10,000 miles of estimated year end mileage b. Patrol Vehicles – 1 point per 3,750 miles of estimated year end mileage

A replacement priority level is then assigned to the vehicle based on the total number of points calculated. The current points for each priority are as follows:

<u>Priority Points</u>		<u>Determination for replacement based on total points</u>
5	<14	Excellent condition; does not qualify for replacement
4	15-19	Good condition; does not qualify for replacement
3	20-24	Fair condition; may qualify for replacement
2	25-29	Poor condition; needs replacement
1	30>	Unsafe; needs replacement

The actual spreadsheets that staff uses to assess vehicles for replacement during the budget process were provided for review.

Staff requests that the Board of Commissioners review the procedures that staff uses in budgeting for replacement of vehicles and make any suggestions or provide direction as desired. Further, staff recommends that the Board establish the 75,000 mile standard for patrol vehicles as suggested by staff.

Chairman Moyer did not the use of estimated mileage and felt that actual mileage should be used.

Ms. Coffey stated the issue was that they begin looking at the budget in January, and if they do not use an estimated yearend mileage they lose a six month period in which staff should be looking at considering replacement and recommending it to the Board.

Chairman Moyer would like to see the actual mileage along with the estimated mileage. He suggested that the process be simplified by setting the figure at 65,000 actual miles plus other factors on patrol vehicles and at that time bring it to the table, recognizing that this is a test period and may be adjusted later. This suggestion was acceptable to the Board and the County Manager.

## **UPDATE ON PENDING ISSUES**

### **Regional Water Task Force**

Chairman Moyer noted that Commissioner McGrady and Commissioner Young had both met with the City of Asheville with respect to water issues and requested an update.

Commissioner McGrady stated that the meeting with the City of Asheville was productive both in substance and in tone. Commissioners' McGrady and Young were tasked with the responsibility of coming up with a potential draft agreement between the two parties. The basis of the agreement would be a recommitment by the City of Asheville to certain obligations remaining under the existing agreement specifically;

- Asheville supply water to Henderson County without regard to quantity as requested
- Water be supplied from the Asheville plant located in Henderson County at rates equal or less than rates applied to customers in Buncombe County
- If the water comes from a different plant the city is free to charge a higher rate
- Asheville will install regional water lines at the direction of Henderson County

The second part of the agreement would be the early return of Bent Creek property to Asheville free of future restrictions and then an agreed upon payment back to the County or some tying of the payment to the sale of the Bent Creek property. At this point the current agreement would cease to exist.

#### **Water Supply and Distribution Task Force**

Chairman Moyer stated that the first meeting of the Water Supply and Distribution Task Force was scheduled for Thursday, January 15 at 3:00 p.m. in the courtroom of the Historic Courthouse. This will be the organizational meeting to start getting things in line.

#### **Request for letter of support to NCDOT for possible installation of traffic light at Park Ridge Hospital**

Park Ridge Hospital has been advised by the State that the entrance into their hospital, with road traffic, now justifies a stop light and they have requested a letter of support from the Commissioners to NCDOT. Chairman Moyer did not see this as controversial and the Board was in agreement that a letter should be sent to NCDOT stating that the Commissioners support the installation of a traffic light.

*Commissioner Williams made the motion that the Board provides the support in written form of approval to NCDOT for the installation of a traffic light at the entrance of Park Ridge Hospital. All voted in favor and the motion carried.*

#### **Water line extension by City of Hendersonville**

Chairman Moyer stated that this item had been brought up when Bo Ferguson was here and talked about the City's plan to get additional water rights; they were applying to the State for approval to draw from the French Broad River and extend their line. Apparently now the State has sent Henderson County a letter and would like for the Board to take a position with respect to this. He felt that the Board should support this extension to give them the ability to draw water and avoid past problems.

County Manager Steve Wyatt noted that the response is required by January 15, 2009. The State Department of Administration coordinates with these applications and gives other local governments the opportunity to comment. This project by the City of Hendersonville is the new raw water intake; 11,500 feet long with 30 inch raw water pipeline and pump station to the existing water treatment plant located in Henderson County.

*Commissioner Young made the motion that the Board sends a statement to the City of Hendersonville approving the raw water line extension and pump station. All voted in favor and the motion carried.*

#### **Lake Adger**

Chairman Moyer stated that the Board had heard indirectly that the State is interested in Henderson County's position on the Lake Adger situation and approval of the issue in respect to the water shed. County Manager Steve Wyatt is currently having discussions with the County Manager in Polk County as to whether they are still interested in proceeding and how they would like to proceed.

Steve Wyatt noted that Polk County has had a turnover in three slots of their Commissioners so they are still in the process of sorting out where they are. We will continue to have communication with them.

**STAFF REPORTS**

**County Attorney's Report**

There was nothing further at this time.

**County Manager's Report**

There was nothing further at this time.

**IMPORTANT DATES**

Chairman Moyer noted that the meeting on January 21, 2009 would begin at 8:30 a.m. instead of 9:00 a.m. We will take a break for lunch. This meeting will primarily be for presentation by staff as a budget workshop.

The employee service awards date and location are being modified this year in order to save some money. Updates will be given when final information is received.

Set public hearing on new road names.

*Commissioner McGrady made the motion that the Board schedules a public hearing for new road names for Monday, February 2, 2009 at 7:00 p.m. All voted in favor and the motion carried.*

**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 reasons:*

1. 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, in order to consider and give instructions to the attorney with respect to the following claim: All pending Property Tax Commission appeals.
2. 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.

*Commissioner McGrady made the motion that the Board go out of closed session. All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner McGrady made the motion to adjourn. All voted in favor and the motion carried.*

Attest:

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Teresa L. Wilson, Deputy Clerk to the Board

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William L. Moyer, Chairman