

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
JUNE 21, 1995

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Renee Kumor, Commissioner Bob Eklund, Commissioner Don Ward, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Matt Matteson and Planner Karen Collins.

Absent were: Vice-Chairman Vollie G. Good who was out of town and Commissioner J. Michael Edney who was in court and planned to join the meeting later.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge to the American Flag.

INVOCATION

Jane McKown, Minister of Hospice, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Due to the importance of item "E" Environmental Services Contract, Chairman Kumor asked that discussion on this item be delayed until Commissioner Edney arrives.

CONSENT AGENDA

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

CONSENT AGENDA included the following:

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Review of Minutes - Minutes were presented for review and approval of the following meetings:

February 15, 1995

April 19, 1995

May 30, 1995

Resolution sealing minutes of Closed Session - Pursuant to N.C.G.S. 143-318.11, part of the Open Meetings Law, the Board of Commissioners may go into Closed Session for those purposes listed in N.C.G.S. 143-318.11. Pursuant to the Open Meetings Law, minutes of Closed Sessions may be kept confidential if public inspection would frustrate the purpose of a Closed Session.

A draft Resolution addressed the sealing of Closed Session Minutes as allowed by the Open Meetings Law. The Resolution does the following:

1. Specifies the method of preparation of Closed Session Minutes;
2. Serves as a standing order that all Closed Session Minutes will remain sealed unless release is authorized under the terms of the Resolution;
3. Specifies, with respect to each possible purpose for Closed Sessions, who is authorized to release information contained in the Closed Session Minutes; and
4. Specifies who may have access to sealed Closed Session Minutes.

Tax Releases - A list of 20 tax release requests was submitted by the County Assessor for approval by the Board. Supporting documentation is on file in the Assessor's office.

Tax Refunds - A list of 13 tax refund requests was submitted by the County Assessor for approval by the Board. Supporting documentation is on file in the Assessor's office.

Notification of Vacancies - The Board was notified of up-coming vacancies. These were for information only. They will appear under "Nominations" on the next agenda:

1. "Year of the Mountains" Commission - 1 vacancy.

INFORMAL PUBLIC COMMENTS

1. Vivian Hill - Ms. Hill read a prepared statement regarding Orchard Valley subdivision in East Flat Rock. She had a map of the area in question.

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She requested that the Board of Commissioners grant a request for a 30 foot buffer zone; require the requested building of roads; the installation of street lights; a designated recreation area for children, and finally, that the Commissioners implement the R-15 zoning designation of Orchard Valley due to violation of the Judicial Consent Order.

2. Don Soula - Mr. Soula asked that the Board of Commissioners take into consideration that there is a great deal of public interest in the rezoning request submitted by Ingles. He suggested that the Board consider this when setting the Public Hearing date and hold it in a room large enough to accommodate a large number of people.

The Board will address Mr. Soula's request under Discussion Items, "B". Chairman Kumor accepted Ms. Hill's maps and handouts. She stated that she will be awaiting a response and recommendation from the County Manager.

DIE-TRONIC METAL CASTINGS, INC.

Angela Skerrett reminded the Board that Henderson County recently accepted an offer for Lot 7 (revised) of Appleland Business Park from Die-Tronic Metal Castings, Inc. in the amount of \$75,000.00. Appleland Business Park is governed by Restrictive Covenants adopted by the Board in January 1994.

Under the terms of Paragraph 7, the Henderson County Board of Commissioners is the Association for the Business Park. Paragraph 8 of the Restrictions requires that the Association approve the plans and specifications of any structures constructed in the Business Park. The County has received preliminary drawings from Die-Tronic Metal Castings, Inc.; however, it was staff's feeling that more information was necessary before the Board could approve the building. Paragraph 8 requires "complete, detailed plans and specifications of all planned Construction intended to be done on or to any portion of the Business Park," including "the grading plan, soil and erosion control plan, drainage plan, elevations, dimensions, materials, parking areas, utilities, set back lines, buffer and landscape areas, external building finishes, lighting, storage and such other matters as may be required." The Board, acting as the Association, has 30 days to review plans received. Failure to review plans within the 30 day time frame is deemed an automatic approval.

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It was the consensus of the Board to grant contingent approval but reserve 30 days to approve the final plans and specifications once they are submitted.

SET PUBLIC HEARING on Rezoning Application #R-6-95 by Ingles Markets, Inc.

Matt Matteson informed the Board of a formal petition submitted by Ingles Markets, Inc. for rezoning. Ingles has requested that the County rezone to C-4 (Highway Commercial) a 28.63 acre portion of a parcel located on NC 191 (Haywood Road). About two-thirds of the property is currently zoned R-20 and the remainder is zoned R-30.

Late Arrival - Commissioner Edney arrived during presentation/discussion of this item.

On May, 30, 1995, the Henderson County Planning Board voted 8 to 1 to send an unfavorable recommendation to the Board of Commissioners on the rezoning application. The Board of Commissioner must hold a public hearing on the rezoning request before taking any action.

Staff recommended that the hearing be set for some time in July and also recommended that the Board select an alternate meeting location for such public hearing since they anticipate attendance by a large crowd.

Following discussion of possible meeting locations, Commissioner Edney made the motion to set the Public Hearing for Thursday, July 27 at 7:00 p.m. at West Henderson High School. A vote was taken and the motion carried unanimously.

Chairman Kumor stated that all public input will be accepted regarding this item at this time and there will be no action taken at the Public Hearing.

GENERAL CODE PUBLISHERS CORPORATION

Angela Skerrett reminded the Board that in November 1994, the County entered into a contract with General Code Publishers Corporation for the codification of the County's ordinances. At the November meeting a proposed schedule outlining the time and scope of work for the codification project was distributed to the Board.

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The on-site research and Research Conference and the preparation of the Manuscript and Report of Comments and Recommendations have been completed. The on-site Research involved a search by General Code of all County minutes and records to determine all existing County legislation. All legislation found was compiled into a Manuscript. The Report of Comments and Recommendations contains comments of General Code concerning the Manuscript for consideration by the Board in reviewing the Manuscript. The project is approximately three months ahead of schedule.

Angela Skerrett stated that the next step in the process will be a series of work sessions by the Board to review the Manuscript. Staff will be bringing a recommended schedule for these work sessions back to the Board in the near future.

Ms. Skerrett distributed copies of the Manuscript and the Report to all Commissioners.

HOME and COMMUNITY CARE BLOCK GRANT

David Nicholson informed the Board that the State has allocated \$337,302 in Home and Community Care Block Grant funds for FY 95-96. The Henderson County Planning for Older Adults Steering Committee recommended the allocations for each service and their recommendations were approved by the full Planning for Older Adults Committee. Newspaper ads were run to obtain proposals from interested providers; however, we received only one proposal for each service with the exception of in-home aide. A committee composed of Brenda Blankenship (Block Grant Administrator -DSS); Lloyd Steen (AARP); Barbara Steward (Hospice); and Martha Sneed (Blue Ridge Community College) met to review the proposals and negotiate rates. A great deal of time was invested in trying to negotiate a "same" rate with our in-home providers, but they were unsuccessful. VHP would not drop their rate below the \$12.00 per hour and even at that rate did not want a large portion of the money. They have designated the larger portion of the in-home funds be awarded to Pardee Home Care at a lower rate. Funding was decreased by 3.45% this year and they had to make decisions to purchase the most amount of service with the dollars allotted.

The final approval before the full Planning for Older Adults Committee was Friday, June 16 at 9:00 a.m. and the Public Hearing was held at 11:00 a.m. the same day.

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Commissioner Eklund made the motion to approve the request as submitted. All voted in favor and the motion carried.

ENVIRONMENTAL SERVICES CONTRACT

Angela Skerrett handed out copies of the "Environmental Services Agreement" on which negotiation was finalized this morning over breakfast. The contract is between Henderson County and North Carolina Municipal Landfill Gas (NCMLG), LLC, a North Carolina Limited Liability Company.

Ms. Skerrett reminded the Board that in February 1995 the County entered into a contract with Enerdyne Power Systems, Inc. Henderson County gave Enerdyne a chance to prove themselves in the field of methane gas. The County contracted with Enerdyne to stop the migration of methane gas from the border of the landfill. They were given a short time-frame in which to achieve this. Enerdyne performed and the County is in compliance.

Because Enerdyne proved themselves, the County Manager allowed them to approach the County with a second proposition for a long-term system to be installed in the landfill to collect the methane gas that is being generated currently at the landfill.

It has become known throughout the United States that landfills produce methane gas. This Board determined that it would be the environmentally prudent thing to do to collect the gas.

Pursuant to the terms of the proposed contract, NCMLG would install a landfill gas collection system to collect the gas produced by the landfill. The gas collection system would be owned and operated by NCMLG. The County would be required to make a one-time, up-front payment to NCMLG for the environmental services. In addition, NCMLG would be granted a license to the methane gas rights. NCMLG would then sell the gas to an energy-producing company, which would then sell the energy to an end-user. The energy-producing company would receive alternative fuels tax credits from the IRS, hence their incentive to perform the environmental services.

Staff anticipates that future Federal Regulations are going to require that such landfill gas collection systems be in place in landfills. In addition, the County has previously determined that installation of such a gas collection system is the environmentally

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prudent step to take. In January 1995, the County received bids for the construction of such a gas collection system and flare station to be owned by the County, which would have resulted in a project budget of over \$250,000. However, the Board rejected all bids received at that time. The proposed contract would result in a net savings to the County.

Commissioner Edney made the motion to approve the Environmental Services Agreement as presented and authorize the funds when appropriate (to come out of the Landfill Enterprise Fund). All voted in favor and the motion carried.

PROPOSED RECORDS DESTRUCTION PROCEDURE

David Nicholson reminded the Board that at the February 15, 1995, Board of Commissioners' Meeting, the Board requested changes in the Records Destruction Procedure. The revisions have been incorporated and a new Records Destruction Procedure reviewed.

The proposed policy as now drafted requires Board of Commissioners' approval prior to the destruction of Henderson County Records according to the Records Retention and Disposition Schedule developed by the North Carolina Department of Cultural Resources/Records Services Branch.

Commissioner Ward made the motion to approve the Records Destruction Procedure. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES/ Request for Direction to the Chair

1. Manufactured Home Park Ordinance

Chairman Kumor distributed copies of the revised Manufactured Home Park Ordinance. She and Commissioner Ward have met several times to revise the Ordinance.

The Commissioners will review the revised draft and it will come before the Board at a later date for vote.

Commissioner Edney asked that a copy of the draft be sent to the Mobile Home Association for their review and that staff use the draft and do a "dry run" going through all the procedures. He preferred that we not use Planning Staff or Zoning Staff for this project so it would be more like an average citizen coming in for this process.

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David Thompson will try to have this ready for Board Action by the mid-July meeting, July 19, 1995.

2. Junk Car Issues

Chairman Kumor informed the Board that she continues to get calls from citizens wondering what can be done about junk cars in their neighborhood or in neighbors' yards. Her recent response has been that we are in the process of codification and re-looking at all of our ordinances.

3. Willis Engineering Final Repot

David Thompson stated that he had talked with Charlie Willis. He has discussed the Willis report with Chairman Kumor. The report is still in draft form. Mr. Thompson stated that the Board really needed to decide how much capacity they need from the City of Hendersonville.

Chairman Kumor stated that we hope to hold a work session with Mr. Willis early in July so that the County can then give a number to the City of Hendersonville. The Commissioners then set a special called meeting for July 6 at 7:00 p.m. for a Sewer Meeting with Charlie Willis.

4. Carl Sandburg Historic Site

Chairman Kumor stated that she had contacted Charles Taylor's office to request that anything that the legislators feel the Board should know about termination and/or reduction in funding, the Board of Commissioners would like to know as soon as possible. Charles Taylor's office felt that something should be happening this week.

5. Board and Committee Update

Chairman Kumor reviewed some redrafted letters with the Board that she and the Clerk have been working on. They were the appointment letter, the reappointment letter, and the expired term letter.

APPOINTMENT OF ABC PERMIT REVIEW OFFICIAL

At the Board of Commissioners' meeting on April 19, 1995, the Board considered a request to appoint a Henderson County official to review ABC Permit Applications. This person would review any type of ABC application in the unincorporated areas of the County. According to Ann Johnson, Supervisor of the Permit Division of the

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North Carolina Alcoholic Beverage Control Division, there are no specific qualifications of this person required by state law.

At the request of the Board, staff asked Sheriff George Erwin to suggest an individual within this department with a number of years service with Henderson County. Sheriff Erwin has suggested that Lt. Sandy Jackson with the Criminal Investigations Division be appointed to review these permit applications.

David Nicholson reviewed a Resolution with the Board which would designate Lt. Sandy Jackson as the ABC Permit Review Official. Commissioner Edney made the motion to adopt the Resolution as presented. All voted in favor and the motion carried.

RECESS Chairman Kumor called a 10 minute break.

NOMINATIONS

Chairman Kumor reminded the Board of the following vacancies and opened the floor to nominations:

1. **Private Industry Council (PIC)** - 3 vacancies. There were no nominations at this time so this item was rolled to the next meeting.
2. **Board of Equalization & Review** - 1 vacancy. The Clerk had talked with the Chairman of the Board of E & R and he did not see the need to replace the third alternate at this time.
3. **Jury Commission** - 1 vacancy. There were no nominations at this time so this item was rolled to the next meeting.
4. **Board of Health** - 3 vacancies. The three vacancies are one dentist and two public members. The dentist and one of the public members do not wish to serve another term.

Commissioner Edney nominated Dr. Douglas Barker for reappointment as one of the public members. No other nominations were made and this item was rolled to the next meeting. No vote was taken on the nomination of Dr. Barker because a full Board was not in attendance.

5. **Asheville Regional Housing Consortium** - 1 vacancy. Chairman Kumor nominated David Nicholson for reappointment. A vote will be taken at the next meeting.

6. **Mountain Valleys Resource Conservation & Development Program** - 3 vacancies. All three members have shown an interest in serving another term. Commissioner Edney nominated Terry L. Longworth, J.B. Osteen, and Drew C. Brannon for reappointment. A vote will be taken at the next meeting.

7. **Youth Advisory Board** - 3 vacancies. All three members have indicated they would like to continue on the Board. There were no nominations at this time so this item was rolled to the next meeting.

8. **Hendersonville City Zoning Board of Adjustment** - 1 vacancy. There were no nominations at this time so this item was rolled to the next meeting.

9. **Hospital Board of Trustees** - 1 vacancy. There were no nominations at this time so this item was rolled to the next meeting.

10. **LAND OF SKY REGIONAL COUNCIL - Advisory Council on Aging** - 1 vacancy. There were no nominations at this time so this item was rolled to the next meeting.

IMPORTANT DATES

Chairman Kumor reminded the Board of some up-coming meetings:

July 6 @ 7 p.m. Sewer/Wastewater Issues Work Session
July 27 @ 7 p.m. Public Hearing at WHHS on rezoning issue (Ingles)
July 29 @ 10 a.m. Ribbon Cutting Ceremony at new Youth Home

CLOSED SESSION

Chairman Kumor stated that the Board would have lunch and Closed Session and then will reconvene at 1:00 for a CIP Work Session. At 2:00 will be the FY 1995-1996 Budget Work Session.

Commissioner Ward made the motion for the Board to go into Closed Session as allowed under N.C.G.S. 143-318.11 for the following reasons:

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1. (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 a claim.
2. (a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.
3. (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.

Commissioner Edney made the motion for the Board to go out of Closed Session. All voted in favor and the motion carried.

CIP WORK SESSION

Angela Skerrett reviewed the proposed evaluative criteria with the Board.

The Board raised some questions concerning total debt service capacity. Carey McLelland, Finance Director, presented a draft document concerning total debt services. The Board requested some additional documentation of Mr. McLelland.

2:00 p.m.

FY 1995-1996 BUDGET WORK SESSION

Action

Before beginning the Work Session, Commissioner Edney made the motion to reappoint Robert Baird as Henderson County Tax Assessor for four more years. All voted in favor and the motion carried.

WORK SESSION

There was detailed discussion regarding:

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Sheriff's Department
Voting Machines
A management study

Expenditures were discussed for the following:

Jail
Emergency Management/Fire Marshall
Fire Marshall
Inspections
Risk Management
Health

There was discussion regarding the possible need of an internal audit. It was the consensus of the Board to approve a legitimate figure for an internal audit position. Carey McLelland will research and report back to the Board.

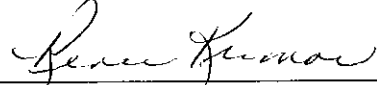
David Nicholson reviewed approved positions in the proposed budget.

As there was no further business to come before the Board at this time, the meeting was continued to tomorrow at 5:00 p.m.

ATTEST:



Elizabeth W. Corn, Clerk



Renee Kumor, Chairman

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

100 NORTH KING STREET
HENDERSONVILLE, N.C. 28792-5097
PHONE 704/697-4808
FAX 704/697-4536

DAVID F. THOMPSON
COUNTY MANAGER

RENEE KUMOR
CHAIRMAN
VOLLIE G. GOOD
J. MICHAEL EDNEY
BOB EKLUND
DON WARD

RESOLUTION

Resolution of the County of HENDERSON, regarding designation of an official to make recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC permit applications.

WHEREAS, G.S. 18B-904(f) authorizes a governing body to designate an official by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS, the County of HENDERSON wishes to notify the NC ABC Commission of its designation as required by G.S. 18B-904(f);

BE IT THEREFORE RESOLVED THAT Sandy Jackson, Lieutenant, Henderson County Sheriff's Department, is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the County of Henderson, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the County of HENDERSON should be mailed or delivered to the official designated above at the following address:

Mailing Address: Henderson County Sheriff's Department

Office Location: 114 Second Avenue West
Hendersonville, NC 28792-5027

This the 21th day of June 1995.



**RENEE KUMOR, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS**

Sworn to and subscribed before me this the 21th day of June, 1995.



**ELIZABETH W. CORN
CLERK TO THE BOARD**

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RESOLUTION

WHEREAS, effective October 1, 1994, N.C.G.S. 143-318.10(e) requires the Henderson County Board of Commissioners to keep minutes of all closed sessions held pursuant to N.C.G.S. 143-318.11; and

WHEREAS, pursuant to N.C.G.S. 143-318.10(e), any minutes of a closed session may be withheld from public inspection for so long as public inspection would frustrate the purpose of a closed session; and

WHEREAS, pursuant to N.C.G.S. 143-318.11(a)(1-7), there are seven (7) purposes for which the Board of Commissioners may go into closed session, to wit:

- (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.
- (2) To prevent the premature disclosure of an honorary degree; scholarship, prize, or similar award.
- (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. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.
- (5) 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; or
 - (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (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

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officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct; and

WHEREAS, it is the intent of the Henderson County Board of Commissioners in adopting this Resolution to comply with the North Carolina Open Meetings Law, Chapter 143, Article 33C of the North Carolina General Statutes.

NOW THEREFORE BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. The terms of this Resolution shall apply to all minutes of closed sessions held by the Board, whether such minutes be in draft form (hereinafter "Draft Closed Session Minutes") or approved form (hereinafter "Approved Closed Session Minutes").
2. The Clerk to the Board of Commissioners, or the Board's designee, shall attend all closed sessions held by the Board of Commissioners and shall prepare minutes of each closed session. Each item discussed in closed session shall be listed on a separate page in a format substantially similar to the attached Exhibit A. Any information approved for release in accordance with the terms of this Resolution shall be signed by the person authorizing such release at the top of the original of each page released in the closed session minute book. As used in this Resolution, "release" of information shall mean a declaring that the information sought is public record. Any such page so signed for release shall be kept by the Clerk in a separate file for public inspection.
3. All Draft Closed Session Minutes shall remain sealed and confidential and shall not be released except by order of a court of competent jurisdiction. Only the following persons shall have access to such Draft Closed Session Minutes: the Clerk, any Commissioner currently serving on the Henderson County Board of Commissioners, the County Manager, the Assistant County Manager, the County Attorney, the Staff Attorney, or any Attorney retained by the County with respect to a particular matter contained within the Draft Closed Session Minutes.
4. The Clerk, or the Board's designee, shall present the Draft Closed Session Minutes to the Board during a closed session for comments or revision. The Board of Commissioners shall approve all Draft Closed Session Minutes in an open session convened immediately after the end of the closed session at which the Draft Minutes were presented without discussing or disclosing their contents. Upon approval, the minutes shall be considered Approved Closed Session Minutes.
5. All Approved Closed Session Minutes shall remain sealed and confidential unless release of all or part of a set of closed session minutes is authorized by majority vote of the Board of Commissioners, Chairman of the Board, the County Manager, or the County Attorney in accordance with the terms of this Paragraph 5:

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- a. All items reflected in Approved Closed Session Minutes which are required by State or Federal Law to remain confidential shall remain sealed and shall not be released, except by order of a court of competent jurisdiction.
- b. All information contained in Approved Closed Session Minutes which is not considered a public record under Chapter 132 of the North Carolina General Statutes shall remain sealed and shall not be released, except by order of a court of competent jurisdiction.
- c. All information contained in Approved Closed Session Minutes with respect to an honorary degree, scholarship, prize, or similar award may be released subsequent to the receipt by the intended recipient of such honorary degree, scholarship, prize, or similar award, at the discretion of the Chairman, the County Manager, or the County Attorney.
- d. All consultations with an attorney, retained or employed by Henderson County in order to preserve the attorney-client privilege reflected in Approved Closed Session Minutes shall remain sealed and confidential, and may not be released, except by the majority vote of the Board of Commissioners, or by order of a court of competent jurisdiction.
- e. The terms of any settlement of a claim, judicial action, or administrative procedure shall be reported to the public body and entered into the open session minutes as soon as possible within a reasonable time after the settlement is concluded. Information contained within Approved Closed Session Minutes with respect to said settlement shall remain confidential and shall not be released except by majority vote of the Board of Commissioners, or by order of a court of competent jurisdiction.
- f. Any information contained within Approved Closed Session Minutes relating to the location or expansion of an industry shall remain sealed and confidential, and may not be released without the permission of the industry locating or expanding in Henderson County. Upon receipt of such permission, the Chairman, the County Manager, or the County Attorney may authorize the release of such information. Notwithstanding the foregoing, if any action is taken by the Board of Commissioners with respect to the location or expansion of an industry in open session, then subsequent to such action information contained within Approved Closed Session Minutes may be released by the Chairman, by the County Manager, or by the County Attorney without the consent of the industry, provided however, that information which is not considered a public record under N.C.G.S. Chapter 132 with respect to the industry may not be released except by a court of competent jurisdiction.
- g. Information contained in Approved Closed Session Minutes relating to instructions given by the Board to County staff or negotiating agents concerning the position of the County to be taken with respect to negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease may be released by the Chairman, the County Manager, or the County Attorney subsequent to the date of closing for any such real estate transactions discussed.
- h. Information contained in Approved Closed Session Minutes relating to instructions given by the Board to staff or negotiating agents concerning the position of the

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County to be taken with respect to negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract may be released by the Chairman, the County Manager, or the County Attorney subsequent to the hiring of such employee, but only with respect to that employee. Information concerning persons not hired may not be released except by order of a court of competent jurisdiction. In addition, where State or Federal Law precludes the release of any such information covered by the terms of this Subparagraph h., such information may not be released except by order of a court of competent jurisdiction.

- i. Information concerning any particular public officer or employee or applicant for employment, relating to the qualifications, competence, performance, character, fitness, conditions of initial employment, complaints, charges or grievances by or against a public officer or employee, which is contained in Approved Closed Session Minutes, may not be released, except by order of court of competent jurisdiction, or pursuant to a determination by the County Attorney that the release of such information is not precluded by State or Federal Law in which case release may be made by the Chairman, the County Manager, or the County Attorney. (Nothing contained herein shall be deemed to authorize the Board of Commissioners to discuss the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the Board of Commissioners, or of any other member of any public body in closed session.)
 - j. Information contained in Approved Closed Session Minutes relating to investigations of alleged criminal misconduct may not be released except by order of competent jurisdiction.
 - k. Any other information contained in Approved Closed Session Minutes which is authorized by N.C.G.S. 143-318.11, but which is not specifically listed above may be released at the discretion of the County Manager or the Chairman, but only upon a determination by the County Attorney that the release of such information is not precluded by State or Federal Law, and only upon a determination by the County Manager or the Chairman that the release of such information will not frustrate the purpose for which the closed session was called.
6. Only the following persons shall have access to Approved Closed Session Minutes prior to a release by the appropriate person(s): the Clerk, any Commissioner currently serving on the Henderson County Board of Commissioners, the County Manager, the Assistant County Manager, the County Attorney, the Staff Attorney, or any Attorney retained by the County with respect to a particular matter contained within the Approved Closed Session Minutes.
 7. Information released under the terms of this Resolution shall only be released pursuant to a request received by the Clerk to the Board of Commissioners. The Clerk shall promptly transfer any such requests received to the appropriate person having authority to release the requested information as stated above for his/her consideration. The Clerk shall only release the specific information approved for release by the appropriate person, and only after such appropriate person has signed the specific pages to be released as required by this Resolution.
 8. Any person shall have standing to request the release of information under the terms of this Resolution; however only those persons listed above shall have the authority to release information. Where the terms of this Resolution require that release is allowable only upon

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majority vote of the Board of Commissioners, the request shall be considered by the full Board of Commissioners in a closed session, after which the request shall be voted on in open session. Where the terms of this Resolution authorize the Chairman, the County Manager, or the County Attorney to release any such information, and the request is denied, the request shall be considered by the full Board of Commissioners in closed session, after which the request shall be voted on in open session. In the event any request is denied by the full Board of Commissioners, the person making the request shall have the right to pursue any remedies at law or in equity.

THIS the 21st day of June, 1995.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Renee Kumor
Renee Kumor, Chairman

ATTEST: (County Seal)

Elizabeth W. Corn
Clerk to the Board

Approved as to Form:

R. H. Collins
County Attorney

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EXHIBIT A

Public Inspection Status	
Release authorized by :	Date
_____ Board/Chairman/County Mgr./County Attorney	_____

MINUTES OF CLOSED SESSION OF
HENDERSON COUNTY BOARD OF COMMISSIONERS

DATE

TIME

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

ITEM DISCUSSED

Clerk

Chairman

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June

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

100 NORTH KING STREET
HENDERSONVILLE, N.C. 28792-5097
PHONE 704/697-4808
FAX 704/697-4536

RENEE KUMOR
CHAIRMAN
VOLLIE G. GOOD
J. MICHAEL EDNEY
BOB EKLUND
DON WARD

DAVID F. THOMPSON
COUNTY MANAGER

June 26, 1995

Robert Baird, County Tax Assessor
HENDERSON COUNTY ASSESSOR'S OFFICE
400 North Main Street
Hendersonville, N. C. 28739

Dear Mr. Baird:

Attached please find the lists of tax release requests (20)
and tax refund requests (13) approved at the Henderson County Board
of Commissioners' Meeting on Wednesday, June 21, 1995.

Sincerely,



Renee Kumor, Chairman
Henderson County Board of
Commissioners

RK/ewc

enclosures

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REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: Wednesday, June 21, 1995

SUBJECT: Tax Releases

ATTACHMENTS: Release Report

SUMMARY OF REQUEST:

The enclosed release requests (20) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

These release requests are submitted for the approval by the Henderson County Board of Commissioners.

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Taxpayer Name Taxbill Total Reason
ARWOOD, BRIAN K 94A54863.08 \$199.14 92 DBL WIDE WAS DBL LISTED AS REAL

BUCHANAN, WALTER 93A9946955 \$100.60 ASSESSMENT & VALUES ARE INCORRECT

BUCHANAN, WALTER 94A9946955 \$100.60 ASSESSMENT & VALUE ARE INCORRECT

BURL LANCE BUILDERS AND REALTY 90A9936296 \$304.65 PROPERTY WAS DBL BILLED

CAUDLE, RONNIE N 94A94496.08 \$165.48 DBLWD MH WAS DBL LISTED
CAUDLE, CAROL A

ECK, DAVID LEE 93A9946957 \$51.40 ASSESSMENT & VALUES ARE INCORRECT
ECK, DARLENE

ECK, DAVID LEE 94A9946957 \$51.40 ASSESSMENT & VALUES ARE INCORRECT
ECK, DARLENE

EDNEYVILLE PACKERS 95A132976.03.1 \$559.88 RELEASE DISCOVERY BILL FOR 90-94
CALCULATED INCORRECTLY

ELMORE, MARGARET A 94A0113474 \$135.15 TRADED 84 MH FOR 93 MH IN '93.
84 MH WAS STILL LISTED AS REAL FOR
'94.

FRENCH BROAD RIVER FOUNDATION 94A9944748 \$137.41 PROPERTY TRANSFERRED BY DEED

GALLOWAY, BARGARA A 94A0800369 \$29.92 SOLD 75 MANS MH IN 1993

HENDERSONVILLE WINDOW TINTING 94A77801.01 \$85.00 ARBITRARY ASSESSMENT

HIGHWAY ONE SEVENTY SIX EXXON 94A33755.01 \$559.67 AMENDED BUSINESS LISTING

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RELEASE.
05/09/95

COMMISSIONER'S
RELE.
05/21/95

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Taxpayer Name	Taxbill	Total	Reason		

KENMURE PROP LIMITED PARTNERSH	94A9947999	\$9.49	PARCEL IN INACTIVE UNITS HAVE NOT BEEN BUILT		
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KENMURE PROP LIMITED PARTNERSH	94A9948001	\$9.49	PARCEL IS INACTIVE UNITS HAVE NOT BEEN BUILT		
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LA VISTA VILLAGE CONDO ASSOCIA	94A9949394	\$4.60	THIS BILL BELONGS TO HOMEOWNERS		
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STATON BROTHERS INC	92A0114715	\$320.24	HEND CO AGREED TO BE RESP FOR TAXES WHEN SOLD TO THEM		
---------------------	------------	----------	--	--	--

TAPP, NEIL M EST.	92A0501870	\$20.93	NOW OWNED BY HENDERSON COUNTY		
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TENDA, VIRGIE BOONE	94A69242.04	\$113.78	90 MH WAS DEL LISTED 1994		
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TENDA, VIRGIE BOONE	95A69242.04.1	\$139.06	90 MH WAS DEL LISTED		
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TOTAL RELEASES >>> \$2867.79

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REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: Wednesday, June 21, 1995

SUBJECT: Tax Refunds

ATTACHMENTS: Refund Report

SUMMARY OF REQUEST:

The enclosed refund requests (13) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

These refund requests are submitted for the approval by the Henderson County Board of Commissioners.

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RELEASE, M 06/09/95 COMMISSIONER'S 06/21/95 RF PA

Taxpayer Name Taxbill Total Reason

BALLARD, DAVID REECE 94A88149.01 \$66.13 85 MH DRL LISTED

BLUE RIDGE VENDING SERVICE 94A100358.01.1 \$15.63 TAGGED MV
OVERGAARD, ALLAN D/B/A

CUNNINGHAM, CHARLIE B 93A9928384 \$40.50 CHARGED FOR PROPERTY NOW LISTED TO
DIAMOND BRAND

CUNNINGHAM, CHARLIE B 91A9928384 \$38.25 CHARGED FOR PROPERTY NOW LISTED TO
DIAMOND BRAND

CUNNINGHAM, CHARLIE B 94A9928384 \$40.50 CHARGED FOR PROPERTY LISTED TO
DIAMOND BRAND

CUNNINGHAM, CHARLIE B 90A9928384 \$33.75 CHARGED FOR PROPERTY NOW LISTED TO
DIAMOND BRAND

CUNNINGHAM, CHARLIE B 92A9928384 \$38.25 CHARGED FOR PROPERTY NOW LISTED TO
DIAMOND BRAND

JONES, SPEVINES R 94A9950399.1 \$228.14 BILL SHOULD HAVE OTHER PARTIES
INVOLVED.

MOODY, MICHAEL H 93A0600235 \$12.00 INCORRECT ACREAGE DUE TO ERROR
IN MAPPING

MOODY, MICHAEL H 92A0600235 \$11.40 INCORRECT ACREAGE DUE TO ERROR
IN MAPPING

MOODY, MICHAEL H 94A0600235 \$12.00 INCORRECT ACREAGE DUE TO ERROR IN
MAPPING

UNDERWOOD, STEVEN M 94A9947550 \$7.32 NEW SURVEY REFLECTS ACREAGE DIFF

UNDERWOOD, STEVEN M 93A9947550 \$7.32 NEW SURVEY REFLECTS ACREAGE DIFF

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RELEASE 06/09/94
COMMISSIONER 06/21/95
REFL

Taxpayer Name Taxbill Total Reason

TOTAL REFUNDS >>> \$561.19

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