

**MITCHELL COUNTY BOARD OF COMMISSIONERS**

**MINUTES**

**REGULAR SESSION**

**DECEMBER 4, 2006**

**NORTH CAROLINA**

**MITCHELL COUNTY**

The Mitchell County Board of Commissioners met in regular session on December 4, 2006 at 6:00 p.m. in the Courtroom, Mitchell County Courthouse, Bakersville, NC. Those present for the meeting were Phil Byrd, Member; Mike Hensley, Member; Patrick Phillips, Member; Lisa Sparks, Member; Jim Saylor, Member; Ryan Whitson, County Manager and Kathy Young, Clerk to the Board. Also present were Mavis Parsley, Finance Officer; Donny Wisor, Reporter with the Mitchell News-Journal; Steve Murphy, Reporter with WKYK/WTOE Radio Station.

1. **CALL TO ORDER** – County Manager Whitson called the meeting to order at 6:00 p.m.
2. **INVOCATION** – Commissioner Saylor gave the invocation.
3. **BOARD ORGANIZATIONS & APPOINTMENTS**
  - A. **Election of Chairman & Vice-Chairman** – Commissioner Sparks move to appoint Commissioner Byrd as Chairman. Commissioner Phillips seconded the motion and it carried 3 to 2. Commissioners Hensley and Saylor opposed the motion.  
  
Commissioner Phillips moved to appoint Commissioner Sparks as Vice-Chairman. Chairman Sparks seconded the motion and it carried 3 to 2. Commissioners Hensley and Saylor opposed the motion.
4. **ADDITIONS OR CHANGES TO THE AGENDA** – Commissioner Hensley moved to add a Warranty Deed to the Town of Bakersville. Commissioner Sparks seconded the motion and it carried unanimously. Commissioner Sparks moved to table Items 9 A. Revaluation and 9. B. Toe River Health District until the next meeting. Commissioner Phillips seconded the motion and it carried unanimously.
5. **ADOPTION OF PARLIAMENTARY PROCEDURES – Roberts Rules of Order** – Commissioner Sparks moved to adopt Robert Rules of Order. Commissioner Phillips seconded the motion and it carried 3 to 2. Commissioners Hensley and Saylor abstained.

Chairman Byrd explained the reason for adopting these procedures is to have guidelines to conduct the meetings by. This is all rather hurriedly, but the reason so is to set up a standard as to how we conduct these meetings. It is a right of the American people to be at these meetings. It is a form of government. I want these meetings to be held civil, with respect to each other in the audience, to respect to the Board members, the Board members to respect each other, and to respect everyone in attendance. That is what our soldiers are fighting for and that is the way we are going to conduct these

meetings. In this meeting or any other meeting that this Board has if you are ask to – if people are improper in their conduct or intimidating or belittling another Board member, I will call attention to that and ask that to cease, if not, you can be expelled and if that doesn't work we can ask for the Sheriff or law enforcement to removed you from the meeting. We are going to conduct these meetings in a civil manner with each other and move forward with this County.

## **6. BOARD ORGANIZATIONS & APPOINTMENTS**

### **A. Organizational Appointments**

1. **Clerk to the Board** – Commissioner Hensley moved to appoint Kathy Young as Clerk to the Board. Commissioner Sparks seconded the motion and it carried unanimously.
2. **County Attorney** – Commissioner Sparks moved to appoint Harrison & Poore as the County Attorney. Commissioner Phillips seconded the motion and it carried unanimously.
3. **Finance Officer** – Commissioner Sparks moved to appoint Mavis Parsley as the Finance Officer. Commissioner Phillips seconded the motion and it carried unanimously.
4. **County Manager – Vote on Current County Manager** – Commissioner Saylor moved to keep the current County Manager. Commissioner Hensley seconded the motion. The motion failed to pass by a vote of 2 to 3. Chairman Byrd and Commissioners Phillips and Sparks opposed the motion.

Commissioner Sparks moved to dismiss and immediately terminate Ryan Whitson as County Manager of Mitchell County, and that he be instructed to immediately vacate his office and remove all his personal property. Additionally he is to ensure that all Mitchell County property in his possession, remain with Mitchell County, including, but not limited to all computers and other technical equipment. Commissioner Phillips seconded the motion and it carried 3 to 2. Commissioners Hensley and Saylor opposed the motion.

During the discussion prior to the vote, Commissioner Hensley asked the reasons that he is being dismissed – are they personal, because he has a contract. He has not been disciplined at any time he has been here. You have fired him sounds like for personal reasons. You have not given any reason for firing him. I would like to know from each one of you what your reasons are.

County Attorney Harrison advised the Board that there be no reason given because of upcoming legation. He would also point out that the statute is still clear, Mr. Whitson and any county manager serves at the pleasure of the Board, no reasons are required.

Commissioner Saylor in the past three years under the management of County Manager Whitson, Mitchell County at the current time is in the best financial shape in its history. We are totally debt free. We have taken care of the schools for a total of two million dollars. We have moved forward in a number of ways. I can see no fault in the leadership of Ryan Whitson. I think it would be on of the biggest mistakes that this Board could do is to dismiss Ryan Whitson. Because of his record and what he has accomplished.

Commissioner Sparks moved to appoint Phil Castro as Interim County Manager. Commissioner Phillips seconded the motion and it carried. Commissioners Hensley and Saylor abstained.

Chairman Byrd informed the Board that Interim County Manager Castro had agreed to work for the same rate of pay that he had received previously.

## **7. APPOINTMENTS**

- A. Appointments to Boards & Committees** – By consensus the Board agreed to the following appointments:

**Chairman Byrd**

WNC Caucus  
Chamber of Commerce Board of Directors  
Mitchell County Fire Association  
Toe River Health District

**Patrick Philips**

Mitchell County Council on Aging  
EnergyXChange  
Criminal Justice Partnership Advisory Board  
Region D Executive Board  
Region D Rural Transportation Planning Committee  
Mitchell County Fire Association

**Lisa Sparks**

Northwestern Advisory Council of Advantage West  
AMY Regional Library Board  
EMS Planning Committee  
Juvenile Crime Prevention Council

**Mike Hensley**

Region D Development Corporation  
Region D Child Care Board of Directors  
Home Health Advisory Board  
Economic Development Commission

**Jim Saylor**

Economic Development Commission  
W.A.M.Y. Board of Directors  
CDBG Advisory Committee  
May Coalition  
EnergyXChange  
Future Forward

**County Manager**

Mitchell County Transportation Advisory Board  
Parks & Recreation Advisory Board

**Blue Ridge RC&D**

Shane Biddix

**DSS Board**

Bill Burleson                      Appointment Expires June 30, 2007  
Dr. Vincent Bomanio              Appointment Expires June 30, 2008

- B. Appointment to the Mitchell County Long Term Care Advisory**

**Committee** – Commissioner Hensley moved to appoint Debbie Dellinger to the Mitchell County Long Term Care Advisory Committee for a three-year term. Commissioner Sparks seconded the motion and it carried unanimously.

## **8. RESOLUTIONS/PROCLAMATIONS/ORDINANCES**

- A. Sub-Division Ordinance** – Commissioner Sparks moved to table this until the next meeting. Commissioner Phillips seconded the motion and it carried unanimously.

**9. ITEMS FOR DISCUSSION**

- A. Revaluation** – Postponed
- B. Toe River Health District** - Postponed
- C. Warranty Deed to the Town of Bakersville** – Commissioner Hensley moved to approve the Warranty Deed to the Town of Bakersville (a copy is hereby attached and becomes a part of the minutes). Commissioner Saylor seconded the motion and it carried unanimously.

**10. RELEASES/REFUNDS**

- A. Releases/Refunds for Board Approval** - None
- B. Releases/Refunds for County Manager Approval** – A copy of the Releases/Refunds for County Manager Approval is hereby attached and becomes a part of the minutes.

**11. COUNTY MANAGER’S REPORT**

**12. BOARD COMMENTS**

**13. CITIZEN & AUDIENCE COMMENTS**

- A. Matters on the Printed Agenda**
- B. Matters not on the Printed Agenda**

- 14. ADJOURNMENT** – Commissioner Hensley moved to adjourn the meeting. Commissioner Sparks seconded the motion and it carried unanimously.

The meeting adjourned at 6:48 p.m.

MITCHELL COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Phil Byrd, Chairman

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Lisa Sparks, Vice-Chairman

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Mike Hensley, Member

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Patrick Phillips, Member

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Jim Saylor, Member

ATTEST:

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Kathy Young, Clerk to the Board

