

MITCHELL COUNTY BOARD OF COMMISSIONERS

MINUTES

EMERGENCY SESSION

AUGUST 10, 2011

NORTH CAROLINA

MITCHELL COUNTY

The Mitchell County Board of Commissioners met in Emergency Session on August 10, 2011 at 8:00 a.m. in the Commissioner's Conference Room, Administration Building, Bakersville, NC. Those present for the meeting were: Marvin Miller, Chairman; Lee Roy Ledford, Vice-Chairman; Ken Hollifield, Bill Slagle, Member; Joe Street, Member; Charles Vines, County Manager and Kathy Young, Clerk to the Board. Also present were Mitzi Moody from the Avery Post and Corey Hoilman, Reporter with the Mitchell-News Journal.

1. **CALL TO ORDER** – Chairman Miller called the meeting to order at 8:00 a.m.
2. **INVOCATION** – Commissioner Slagle gave the invocation.
3. **CLOSED SESSION** – Commissioner Street moved to enter into Closed Session in accordance with N.C.G.S. 143-318.11(a) (3), which reads as follows: 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, mediation, arbitration, 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. Commissioner Ledford seconded the motion and it carried 3 to 2. Commissioners Hollifield and Slagle opposed the motion. Commissioner Ledford stated the reason he seconded the motion was because County Attorney Harrison recommended it be done in Closed Session.

Commissioner moved to handle this item in open session. Commissioner Slagle seconded the motion and it carried unanimously.

No Closed Session was held.

4. ITEMS FOR DISCUSSION

A. Courthouse Security – County Attorney Harrison stated the emergency session was called because of the “very strong potential” of legal action by Judge Guinn against the county commissioners. He reviewed Judge Guinn’s request for the Courthouse security. He stated the last two items he was requesting was a full-time employee to monitor the point of entry with the metal detector and closed circuit TV monitoring. County Attorney Harrison informed the Board that Judge Guinn had called him and was very upset that the Board was refusing to comply with his order, and demanded it occur immediately or he was ready to implement the next phase of getting the Board into court, which County Attorney Harrison stated that Judge Guinn was fully prepared to do that. He reminded the Board that Judge Guinn does have the authority to require the Board to implement his request.

Chairman Miller said “I pondered and pondered, is there some way that I can come to terms with my conscience on my principles, and I can’t find a way”. He said “I can’t find assent with my mouth to something my heart’s not in and on those terms I offer my resignation immediately”. Mr. Miller’s resignation became effective at 8:11 a.m.

Commissioner Slagle moved to allow County Manager Vines to proceed with the Courthouse security. Commissioner Hollifield seconded the motion and it carried unanimously.

5. ADJOURNMENT – Commissioner Slagle moved to adjourn the meeting. Commissioner Hollifield seconded the motion and it carried unanimously.

The meeting adjourned at 8:30 a.m.

MITCHELL COUNTY BOARD OF COMMISSIONERS

Bill Slagle, Chairman

Lee Roy Ledford, Vice-Chairman

Ken Hollifield, Member

Keith Holtsclaw, Member

Joe Street, Member

ATTEST:

Kathy Young, NCCCC Clerk to the Board