

**Minutes of the 5 January 2010  
Regular Meeting of the Yancey County Board of Commissioners  
Held at 7:00 o'clock p.m. in the Yancey County Courtroom  
Yancey County Courthouse, Burnsville, North Carolina**

Present at the 5 January 2010 meeting of the Yancey County Board of County Commissioners were Chairman Walter Savage, Member Jerri Storie, Member Johnny Riddle, County Manager Nathan Bennett, Clerk to the Board Jason Robinson, Retired Sheriff Kermit Banks, Acting Sheriff Gary Banks, Avery County Sheriff Kevin Frye, Catawba County Sheriff David Hoffman, Dare County Sheriff Rodney Midgett, McDowell County Sheriff Dudley Greene, 24<sup>th</sup> District Court Judge Bill Levell and Gregory Horne, Jody Higgins, and members of the general public.

**Call to Order, Invocation and Approval of Agenda**

Chairman Savage called the meeting to order and asked Reverend Shane Cassida, Pastor of Cane River Baptist Church to deliver the invocation. After the invocation Chairman Savage asked for a motion to approve the agenda. The motion to approve the agenda was made by Commissioner Storie and was seconded by Commissioner Riddle. The vote to approve was unanimous. (Attachment A)

**Public Comment**

The Board then moved to the public comment portion of the meeting. The first person to speak was former Burnsville mayor Marvin Holland. Mr. Holland praised former Sheriff Kermit Banks as being a man that was trusted by the people from Bee Log to Busick. Mr. Holland stated that Yancey County has been honored by your service and sacrifice for the County and he would like to say thank you. The next person to speak before the Board was District Court Judge Bill Levell. Judge Levell stated that when he thinks of Sheriff Banks he thinks of 2 bests, the best lawman and the best politician. He thinks that he is the best at these things is because he has a great understanding of people. Judge Levell further stated that he will miss Sheriff Banks a lot. The next person to speak before the Board was Catawba County Sheriff David Huffman. Mr. Huffman praised Sheriff Kermit Banks for his many years and presented Sheriff Banks with the Shield and Badge Bible that is presented to many law enforcement officials. The final person to speak before the Board was Avery County Sheriff Kevin Frye who stated that he was honored to have Sheriff Banks assigned as his mentor by the North Carolina Sheriff's Association. He stated that he appreciated all that Sheriff Banks has done for him since his election.

**Approval of Previous Minutes**

The Board then considered the minutes from its previous meetings in December. The Board first considered the minutes from the December 1<sup>st</sup> regular meeting. Commissioner Storie made a motion to approve the minutes and the motion was seconded by Commissioner Riddle. The vote to approve was unanimous. The Board then moved to the special meeting that was held on December 10<sup>th</sup>. Commissioner Riddle made a motion to approve the minutes from December 10<sup>th</sup> and the motion was seconded by Commissioner Storie. The vote to approve was unanimous. The Board then considered the minutes from a special meeting on December 14<sup>th</sup>. Chairman Savage made a motion to approve the minutes and the motion was seconded by Commissioner Storie. The vote to approve was unanimous. The Board finally considered the minutes from a special meeting on December 21<sup>st</sup>. Commissioner Riddle made a motion to approve the minutes and the motion was seconded by Commissioner Storie. The vote to approve was unanimous.

**Honor and Remember Flag Campaign**

The Board next heard from Sgt. Josh O'Conner and Jan Banks with the Honor and Remember Flag Campaign. Mr. O'Conner and Ms. Banks asked the Board to pass a resolution asking the United States Congress to recognize the Honor and Remember Flag as a national symbol in remembrance of all those service men and women who have given their lives for our country. The Clerk to the Board then read the resolution into the minutes (Attachment B). After having the resolution read into the minutes Commissioner Storie made a motion to approve the resolution and the motion was seconded by Commissioner Riddle and the vote to approve was

unanimous. Chairman Savage stated that this campaign touched him personally because he lost two crewmen in Turkey in April of 1965. Sgt. O'Connor and Ms. Banks then presented an Honor and Remember Flag to the family of Sgt. Kevin Akins from Yancey County who was killed in the line of duty in Afghanistan. Sgt. O'Connor and Ms. Banks then thanked the Board for allowing them to make a presentation.

**Recognition of Retired Sheriff Kermit Banks**

The Board then asked for retired Sheriff Kermit Banks to come forward and be recognized. The Board presented Sheriff Banks with a framed resolution and two gifts in honor of his service for 39 years. Chairman Savage asked the Clerk to the Board to read the resolution into the minutes (Attachment C). After having read the resolution into the minutes Chairman Savage made a motion to approve this resolution. The motion was seconded by Commissioner Storie and the vote to approve was unanimous. The Board then asked Sheriff Banks if he had anything he would like to say. Sheriff Banks stated that he was certainly not worthy of all of the festivities and that he would like to thank all of the people of Yancey County and to thank God for being able to serve the county for so long. He further stated that he enjoyed being the Sheriff of Yancey County but he looked forward to spending more time with friends and family. He also stated that he would like to thank the commissioners and the county manager's office for the reception that was given in his honor and for everything that they had done during this time.

**Recommendation of Candidate and Election of the Sheriff of Yancey County**

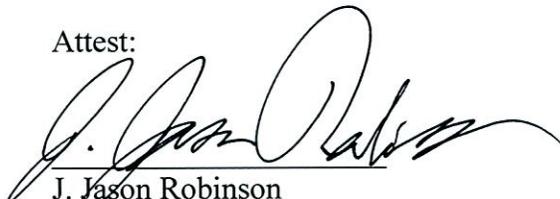
The Board then heard from Lewis McEntyre Jr., Vice-Chairman of the Yancey County Republican Party. Mr. McEntyre told the Board that the Yancey County Republican Party had met on December the 17<sup>th</sup> and drafted a resolution (Attachment D) to present to the Board. The Board received the name of Mr. Gary Banks as the candidate recommended by the Yancey County Republican Party for the Sheriff of Yancey County. Upon hearing from Mr. McEntyre Chairman Savage made a motion that pursuant to North Carolina General Statute 162-5.1, upon consultation with and a recommendation made by the Yancey County Republican Party Executive Committee, that the Yancey County Board of Commissioners duly elect Donald Gary Banks as Sheriff of Yancey County to fill the remainder of retired Sheriff Donald Kermit Banks' term. The motion was seconded by Commissioner Storie and the vote to approve was unanimous.

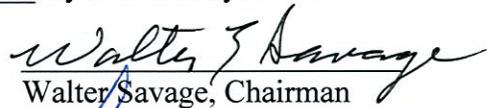
**Adjournment**

Having no further business Commissioner Riddle made a motion to adjourn and it was seconded by Commissioner Storie. The vote to adjourn was unanimous.

Approved and authenticated on this the 2<sup>nd</sup> day of February 2010.

Attest:

  
J. Jason Robinson  
Clerk to the Board

  
Walter Savage, Chairman  
  
Jerri Storie, Member  
  
Johnny Riddle, Member

(county seal)



# Attachment A



## YANCEY COUNTY

110 Town Square, Room 11 • Burnsville, North Carolina 28714  
PHONE: (828) 682-3971 • FAX: (828) 682-4301

Nathan Bennett, *County Manager*

Walter Savage, *Chairman*

Jerri Storie, *Commissioner*

Johnny Riddle, *Commissioner*

### AGENDA YANCEY COUNTY COMMISSIONERS REGULAR BUSINESS MEETING JANUARY 5, 2010

- I. Call to Order---Chairman Walter Savage
- II. Invocation
- III. Approval of the Agenda
- IV. Public Comment
- V. Approval of Minutes
- VI. Honor and Remember Flag Campaign – Staff Sgt. Josh O’Conner, Jan Banks
  - a. RESOLUTION – In Support of “Honor and Remember” Flag
  - b. Presentation of Flag to Family of Sgt. Kevin Akins in Remembrance
- VII. RECOGNITION – Sheriff Kermit Banks
- VIII. Office of the Sheriff of Yancey County
  - a. Recommendation of Candidate from Yancey County Republican Party pursuant to N.C.G.S. §162-5.1
  - b. Election of Sheriff to Fill Vacancy of Unexpired Term of Sheriff Kermit Banks
  - c. Approval of Sheriff Bond
- IX. Adjournment of Commissioner’s Meeting for Sheriff Oath of Office Ceremony

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*Oath of Office Ceremony  
for  
Yancey County Sheriff-Elect  
The Honorable Judge R. Gregory Horne, Presiding*

*Attachment B*



## YANCEY COUNTY

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PHONE: (828) 682-3971 • FAX: (828) 682-4301

Nathan Bennett, *County Manager*

Walter Savage, *Chairman*

Jerri Storie, *Commissioner*

Johnny Riddle, *Commissioner*

## RESOLUTION

### RESOLUTION IN SUPPORT OF THE "HONOR AND REMEMBER" FLAG AS AN OFFICIAL SYMBOL TO HONOR MEMBERS OF THE ARMED FORCES WHO HAVE DIED IN THE LINE OF DUTY

**WHEREAS**, since the Revolutionary War, more than one million members of the United States Armed Forces have sacrificed their lives in the line of duty to preserve our freedom; and

**WHEREAS**, the service and sacrifice of those fallen members of our Armed Forces are deserving of national recognition; and

**WHEREAS**, House Bill 1034, proposing to amend Chapter 9 of Title 36 of the United States Code has been introduced to designate the "Honor and Remember" flag as an official symbol to recognize members of our Armed Forces who have died in the line of duty; and

**WHEREAS**, the "Honor and Remember" flag will serve as a daily reminder for all Americans to acknowledge the ultimate price of freedom and will give comfort to the families who have lost loved ones during military service.

**NOW, THEREFORE BE IT RESOLVED** by the Yancey County Board of County Commissioners as follows:

1. That this Board does hereby support legislation to establish a national flag to honor and remember those who have given their lives in military service for our nation.
2. That the United States Congress is urged to adopt House Bill 1034 to select the "Honor and Remember" flag which has been created to serve as a national symbol.
3. That a copy of this resolution be forwarded to our representatives in the United States House of Representatives and the United States Senate.
4. That this resolution be effective upon its adoption.

**ADOPTED** this the 5<sup>th</sup> day of January, 2010.

(county seal)



Attest:

*J. Jason Robinson*  
J. Jason Robinson, Clerk to the Board

*Walter E. Savage*  
Walter E. Savage, Chairman

*Jerri Storie*  
Jerri Storie, Member

*Johnny Riddle*  
Johnny Riddle, Member



# RESOLUTION

IN HONOR and RECOGNITION  
Of

## SHERIFF DONALD KERMIT BANKS

**WHEREAS**, Donald Kermit Banks was appointed Sheriff of Yancey County, North Carolina in 1969 and;

**WHEREAS**, Sheriff Banks was elected and re-elected to the Office of Sheriff of Yancey County in 1970, 1974, 1978, 1982, 1990, 1994, 1998, 2002, and 2006; and

**WHEREAS**, Sheriff Banks served as Sheriff of Yancey County for 36 years and a total of 39 years in service with the Yancey County Sheriff's Department; and

**WHEREAS**, Sheriff Banks, at the date of his retirement, was the longest serving sheriff in the history of Yancey County and has served more years than any other active sheriff in the State of North Carolina; and

**WHEREAS**, Sheriff Banks dedicated his law enforcement career to serving the Citizens of Yancey County; and

**WHEREAS**, Sheriff Banks served the Citizens of Yancey County in the spirit of community, responsibility, and civic leadership; and

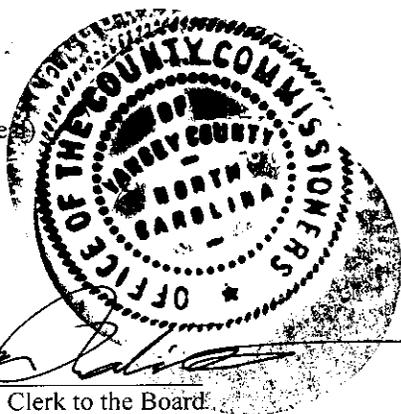
**WHEREAS**, Sheriff Banks retired from the Office of Sheriff of Yancey County on December 31, 2009.

**NOW, THEREFORE BE IT RESOLVED** by the Yancey County Board of County Commissioners as follows:

1. That this Board, on behalf of the Citizens of Yancey County, does hereby pay tribute and honor to Sheriff Kermit Banks for his 39 total years of service to the Citizens of Yancey County.
2. That the accomplishments of Sheriff Banks and the Yancey County Sheriff's Department are recognized as a testament to the general welfare and public safety of the Citizens of Yancey County.
3. That pursuant to N.C. General Statute §20-187.2, in recognition and consideration of 39 years of service, Sheriff Banks shall receive at no cost to him the badge worn and carried during his tenure of service.
4. That pursuant to N.C. General Statute §20-187.2, in recognition and consideration of 39 years of service, Sheriff Banks shall receive at no cost to him his service side arm, that being a Sig Sauer P226 (Serial # U684100), to have and hold for perpetuity.
5. That this resolution be effective upon its adoption.

**ADOPTED** this the 5th day of January, 2010 by the Yancey County Board of County Commissioners.

(county seal)



Attest:

*J. Jason Robinson*  
J. Jason Robinson, Clerk to the Board

*Walter E. Savage*  
Walter E. Savage, Chairman

*Jerri Storie*  
Jerri Storie, Member

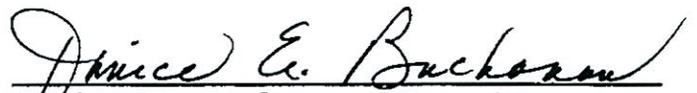
*Johnny Riddle*  
Johnny Riddle, Member

Attachment D

RESOLUTION ON THE 17<sup>TH</sup> DAY OF DECEMBER, 2009 BY A VOTE OF THE  
REPUBLICAN PARTY OF YANCEY COUNTY

RESOLVED, that the Chairman of the Yancey County Republican Party Executive Committee is directed to communicate to the Yancey County Board of Commissioners within thirty days of the retirement of Sheriff Kermit Banks on 31 December, 2009, that the Yancey County Republican Party Executive Committee recommends Donald Gary Banks to fill the vacancy.

This 17 December 2009.

  
Janice E. Buchanan, Secretary  
Yancey County Republican Party