

**Minutes of 1 December 2008**  
**Special Meeting of the Yancey County Board of Commissioners**  
**Held at 12:00 o'clock p.m. in the Commissioners' Meeting Room**  
**Yancey County Courthouse, Burnsville, North Carolina**

Present at the 1 December 2008 special meeting of the Yancey County Board of County Commissioners were Walter Savage, Chairman, Members Johnny Riddle and Jerri Storie, members of the general public were also present.

Upon the call of the meeting to order by Chairman Savage the Board first addressed the issue of electing a Vice-chairman. Chairman Savage made a motion that Jerri Storie be elected Vice-chairman and was seconded by Commissioner Riddle. The Board voted unanimously to approve the motion.

The Board then proceeded to the adoption of the regulation of public comment period as provided by North Carolina General Statute 153A-52.1. The policy was drafted and submitted by Chairman Savage for consideration. Chairman Savage entertained a motion that the policy be approved, Commissioner Riddle made the motion and it was seconded by Commissioner Storie. The Board voted unanimously to approve the motion.

The Board then proceeded to the dismissal of the present County Manager, Michele Lawhern. A motion was entertained by Chairman Savage that Ms. Lawhern be thanked for her time and work on behalf of the county but that due to the Board's desire to change the direction of the management of the county's business, that she be dismissed as County Manager and Clerk to the Board effective immediately and that the issue of the severance package provided by her employment contract be tabled for further discussion with her by the Board. It was also noted by Chairman Savage that it was the intent of the Board to offer Ms. Lawhern a position within county government. Commissioner Storie moved to accept the motion and it was seconded by Commissioner Riddle. The motion was approved unanimously.

The Board then proceeded to the appointment of a new County Manager and a new Clerk to the Board. Chairman Savage entertained a motion that as provided by North Carolina General Statute 153A-81 and 153A-111 that Nathan Bennett be appointed as the Yancey County Manager, effective immediately upon his accepting the oath of office. Also, that he be empowered by the board to appoint officers, employees, and agents without first securing the Board's approval as provided by North Carolina General Statute 153A-82(1). In addition, that Jason Robinson be appointed as Clerk to the Board, effective immediately upon his accepting the oath of office. Commissioner Riddle moved to accept the motion and it was seconded by Commissioner Storie. The motion was approved unanimously.

The Board then addressed the issue of the dismissal of the County Attorney. Chairman Savage entertained a motion that J. Todd Bailey, the present County Attorney, be thanked for his time and professional service on behalf of the county but as it is the Board's desire to obtain new counsel that he be dismissed as County Attorney immediately. Commissioner Storie moved to accept the motion and was seconded by Commissioner Riddle. The motion was approved unanimously.

The Board then proceeded to appoint a new County Attorney. Chairman Savage then entertained a motion that as provided by North Carolina General Statute 153A-114 that Donny Laws be appointed as Yancey County Attorney effective immediately. The motion was made by Commissioner Storie and was seconded by Commissioner Riddle. The motion was approved unanimously.

The Board then proceeded to the issue of the Finance Officer and Director of Finance. Chairman Savage entertained a motion that it was the pleasure of the Board for Brandi Burlison to continue in her office as Yancey County Finance Officer. In addition, it is the pleasure of the Board that Lynne Hensley be appointed as Yancey County Director of Finance to serve at the pleasure of the Board whose duties shall include supervision of the budget, giving advice and consent to the Board on all financial matters, and any other duties as shall be assigned to her by the Board or County Manager.

Commissioner Riddle moved to accept the motion and it was seconded by Commissioner Storie. The Board voted unanimously to approve the motion.

The Board proceeded to the matter of the County Planner. Chairman Savage entertained a motion that the Board should appoint Jamie McMahan be appointed as Yancey County Planner to serve at the pleasure of the Board whose duties shall include supervision of all ongoing capital projects undertaken by the county and any other duties as shall be assigned to him by the Board of Commissioners or County Manager. Commissioner Storie moved and Commissioner Riddle seconded the motion. The Board voted unanimously to approve the motion.

The Board then moved to address the last minute purported appointments of Peter Franklin and Tamera Frank. The Board notes that the alleged appointments of Mr. Franklin and Ms. Frank have neither been properly acknowledged, nor properly filed, nor does either specify which vacant position the prospective appointee is to fill. As such the Board does not deem the appointments valid. Furthermore, the Board has been advised that a conflict of interest exists with the appointment of both Peter Franklin, who was dismissed from employment with the Yancey County Department of Social Services and was the subject of a criminal investigation relative to certain acts he is alleged to have committed subsequent to his dismissal, and Tamera Frank, who is the immediate family member of an employee of the agency. In light of the fact that the previous Board left these vacancies unfilled for more than eighteen months and only acted to fill them at their last meeting in office and chose to exercise the trust vested in them by the voters of this county to appoint partisan individuals for the sole purpose of creating disruption in the ordinary conduct of business at the Department of Social Services, therefore per the authority given to the Board of Commissioners to organize and reorganize county government in North Carolina General Statute 153A-4 and 153A-76 Chairman Savage entertained a motion that the last minute appointments of Peter Franklin and Tamera Frank to the Yancey County Board of Social Services, to the extent that they are even valid, be revoked and that Elaine Boone be appointed to fill the remaining term formerly held by Jason Robinson, now 18 months vacant on the Board, and that Judy Buchanan be appointed to the term formerly held by Jamie McMahan, now six months elapsed, to serve immediately upon accepting the oath of office. Commissioner Riddle moved to accept the motion and Commissioner Storie seconded. The motion was unanimously approved by the Board.

The Board then proceeded to the issue of qualifications for the Department of Social Services Board of Directors. In order to insure that no future outgoing Board of County Commissioners can act as this past Board has done in implementing last minute, partisan appointments to the Board of Social Services the Chairman entertained the following motion: That as provided by North Carolina General Statute 153A-25 the Board of Commissioners does hereby fix additional qualifications for holding the position of member of the Yancey County Board of Social Services to those set forth in 108A-3(c). To provide that in addition to being a resident of the County, no person who is an immediate relative of an employee of the County Department of Social Services nor any person who has been terminated from his or her employment with the County Department of Social Services shall be qualified to serve as a member of the Yancey County Board of Social Services.

The Board then proceeded to adopt the rules of order for their further meetings. Chairman Savage entertained a motion to adopt Robert's Rules of Order to govern all meetings except as may be from time to time specifically amended by a majority vote of the Board. Commissioner Riddle moved to accept the motion and Commissioner Storie seconded the motion. The Board voted unanimously to approve the motion.

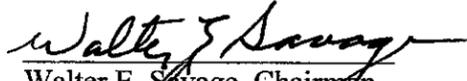
Having no further business, Commissioner Storie moved to adjourn the meeting and the motion was seconded by Commissioner Riddle. The motion was approved unanimously by the Board and the meeting was adjourned at 12:25 p.m.

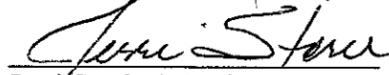
Approved and authenticated on this the 8<sup>th</sup> day of December 2008.

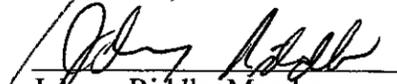
Attest:

  
Jason Robinson  
Clerk to the Board

(county seal)

  
Walter E. Savage, Chairman

  
Jerri Storie, Member

  
Johnny Riddle, Member

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## YANCEY COUNTY

County Courthouse, Room 11 • Burnsville, North Carolina 28714  
PHONE: (828) 682-3971 • FAX: (828) 682-4301

### RESOLUTION

#### Qualification of Service on the Yancey County Board of Social Services Board of Directors

Whereas it is the desire of the Yancey County Board of County Commissioners to avoid potential conflicts of interest and to insure that sound, unbiased, objective, nonpartisan individuals serve on the Yancey County Board of Social Services and

Whereas North Carolina General Statute 153A-25 allows County Boards of Commissioners to fix additional qualifications for holding appointed office, with regard to county offices.

Now Therefore be it hereby Resolved that the Yancey County Board of County Commissioners do hereby fix the qualifications for holding the position of Member of the Yancey County Board of Social Services to be the following:

- (1) Per the requirements of North Carolina General Statute 108A-3(c) the prospective appointee shall be a resident of the county.
- (2) That the prospective appointee shall not have been terminated from employment from the Yancey County Department of Social Services.
- (3) That the prospective appointee have no immediate family member who is currently employed at the time the appointee is appointed to his/her seat on the Board of Social Services.

Adopted by the Board on this the 1<sup>st</sup> day of December 2008 and signed on this the 9<sup>th</sup> day of December 2008.

*Walter J. Savage*

Walter Savage, Chairman

Attest:

*Jason Robinson*  
Jason Robinson, Clerk to the Board

(county seal)



## YANCEY COUNTY

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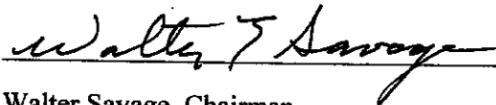
### RESOLUTION

#### Authority of the County Manager 153A-82(1)

**WHEREAS** it is the desire of the Yancey County Board of County Commissioners to authorize the Yancey County Manager to have the authority to appoint officers, employees, and agents without first securing the Board's approval as such authority is permitted to be delegated to county managers per the terms and provisions of North Carolina General Statute 153A-82(1).

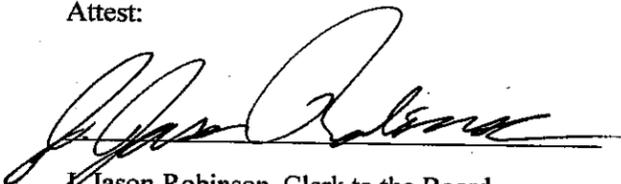
**NOW THEREFORE** be it hereby **RESOLVED** by the Yancey County Board of County Commissioners that the Yancey County Manager, Nathan Bennett, shall have the authority to appoint officers, employees, and agents without first securing the Board's approval as such authority is permitted to be delegated to county managers per the terms and provisions of North Carolina General Statute 153A-82(1). **FURTHER** that this authority is limited only to Nathan Bennett for so long as he shall serve in the office of Yancey County Manager and shall not inure to any successor of his in office unless specifically authorized by action of the Board.

Adopted by the Board on this the 1<sup>st</sup> day of December 2008 and signed on this the 9<sup>th</sup> day of December 2008.



Walter Savage, Chairman

Attest:



J. Jason Robinson, Clerk to the Board

(county seal)

**YANCEY COUNTY  
BOARD OF COMMISSIONERS  
PUBLIC COMMENT PROCEDURES**

- 1 Citizens who wish to address the County Commissioners must sign up with the County Clerk no less than five minutes prior to the meeting by giving their name, address and a short description of the topic on the sign-up sheet located in the Commissioners Board Room.
2. The Public Comment portion of the agenda will be placed at the beginning of the agenda but at the end of all Public Hearings.
3. Each speaker must be recognized by the Chairman as having the exclusive right to be heard.
4. Comments are limited to three (3) minutes per speaker. A speaker cannot give their allotted minutes to another speaker to increase that person's allotted time.
5. A maximum of three (3) participants on the same subject. If there are several people who wish to speak on the same subject, it is recommended that they choose one person to speak for all.
6. The time allotted for Public Comment will be no more than 15 minutes, or until the last person on the sign-up sheet has exhausted his/her three minutes, whichever shall occur first.
7. Individuals who sign up but cannot speak because of time constraints, will be carried to the next regular meeting of the Board of Commissioners.
8. For clarification, the Board members may ask the speaker questions. There will be no questions from the audience
9. Action on items brought up during the public comment period will be at the discretion of the Board of Commissioners.
10. The Board strongly discourages petitions regarding a matter which recently has been, or which soon will be, before the Board as a public hearing item. Public Comment time is not intended to substitute for Public Hearings.
11. Speakers should not discuss any of the following:
  - A) Matters which concern the candidacy of any person seeking public office, including the person addressing the Board of Commissioners.
  - B) Matters in current or anticipated litigation; or
  - C) Employee matters