

**MINUTES
BURKE COUNTY BOARD OF COMMISSIONERS
SPECIAL (ORGANIZATIONAL) MEETING**

The Burke County Board of Commissioners held a special meeting on Monday, December 5, 2022, at 2:00 p.m. in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Entrance E, in Morganton, North Carolina. The purpose of the special meeting was to swear-in the newly elected officials, organize the Board (elect a chair, a vice chair), make appointments (clerk, county attorney and tax attorney) and approve bonds for public officials. Chairman Mulwee executed the notice, and it was published on November 28, 2022. The meeting was streamed live on the County's YouTube channel, BurkeCountyNC, and it was broadcast on the local cable systems. The agenda, in its entirety, was posted to the County's website, www.burkenc.org, several days prior to the meeting. Those present were:

COMMISSIONERS:

Scott Mulwee, Chairman
Johnnie W. Carswell, Vice Chairman
Jeffrey C. Brittain

COMMISSIONERS ELECT:

Randy Burns
Phil Smith

STAFF:

Bryan Steen, County Manager
Margaret Pierce, Deputy County Manager/Finance Director
J.R. Simpson, II, County Attorney
Kay Honeycutt Draughn, Clerk to the Board

CALL TO ORDER

Chairman Mulwee called the meeting to order at 2:00 p.m.

INVOCATION

Dr. Dave Kistler, H.O.P.E. Ministries International, delivered the invocation.

PRESENTATION OF COLORS

The Sheriff's Color Guard presented the flags and led the Pledge of Allegiance to the American flag.

OATHS OF OFFICE**BOC - OATHS OF OFFICE FOR COMMISSIONERS ELECT**

The Honorable Clifton H. Smith, District Court Judge, administered the oaths of office to Commissioners-elect Randy Burns and Phil Smith.

BURKE COUNTY,
BOARD OF COMMISSIONERS
OATH OF OFFICE



Commissioner Burns being sworn-in by Judge Smith, District Court Judge, accompanied by his wife, Crystal, and granddaughter, Dallas.

I, Randall (Randy) Scott Burns, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Randall (Randy) Scott Burns, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as a County Commissioner; so help me, God.

I, Randall (Randy) Scott Burns, do solemnly swear that I will, well and truly, execute the duties of the office of County Commissioner according to the best of my skill and ability, according to law; so help me, God.

/s/: Randall Scott Burns
Randall (Randy) Scott Burns

Subscribed and sworn to me, this the 5th day of December 2022.

/s/: Clifton H. Smith
Clifton H. Smith, District Court Judge

BURKE COUNTY
BOARD OF COMMISSIONERS
OATH OF OFFICE



Commissioner Smith being sworn-in by Judge Smith, District Court Judge, accompanied by his wife, Penny, and son, Garrett.

I, Karl Phillip (Phil) Smith, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Karl Phillip (Phil) Smith, do solemnly swear that I will support and maintain the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as a County Commissioner; so help me, God.

I, Karl Phillip (Phil) Smith, do solemnly swear that I will, well and truly, execute the duties of the office of County Commissioner according to the best of my skill and ability, according to law; so help me, God.

/s/: Karl Phillip Smith
Karl Phillip (Phil) Smith

Subscribed and sworn to me, this the 5th day of December 2022.

/s/: Clifton H. Smith
Clifton H. Smith
District Court Judge

After the oaths of office were administered, Commissioners Burns and Smith joined the Board at the dais and participated in the meeting from this point forward. Each Commissioner was given an opportunity to address the Board. Commissioner Burns expressed his eagerness to get busy on behalf of the citizens of Burke County and was thankful for his wife and granddaughter being with him tonight. Commissioner Smith thanked everyone, expressed that he will always do God's will and remember that he works for the citizens.

RESULT: NO ACTION TAKEN.

ORGANIZATION OF THE BOARD

BOC - ELECTION OF CHAIRMAN FOR 2023

Information from the agenda packet:

Pursuant to North Carolina General Statute 153A-39, it is the duty of the Board of Commissioners to elect a chairman for the ensuing year.

Extract from the Rules of Procedure (d) Presiding Officer: The outgoing chair shall call the organizational meeting to order and preside until the board elects a new chair. If the organizational meeting takes place during an even-numbered year in which the outgoing chair has lost his or her seat on the board, the county manager shall fill the role of presiding officer until a new chair is elected. Once elected, the new chair shall preside.

Chairman Mulwee opened the floor for nominations. Vice Chairman Carswell nominated Commissioner Mulwee for the position of Chairman. With there being no others, Chairman Mulwee closed the floor for nominations.

Motion: To elect Commissioner Mulwee as the Chairman of the Burke County Board of Commissioners for 2023 by acclamation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Johnnie W. Carswell, Commissioner
AYES:	Scott Mulwee, Jeffrey C. Brittain, Randy Burns, Johnnie W. Carswell and Phil Smith

BOC - ELECTION OF VICE CHAIRMAN FOR 2023

Information from the agenda packet:

Information from Pursuant to North Carolina General Statute 153A-39, it is the duty of the Board of Commissioners to elect a Vice Chairman for the ensuing year.

Chairman Mulwee opened the floor for nominations. Vice Chairman Carswell nominated Commissioner Brittain for the position of Vice Chairman. With there being no others, Chairman Mulwee closed the floor for nominations.

Motion: To elect Jeffrey C. Brittain as the Vice Chairman of the Burke County Board of Commissioners for 2023 by acclamation.

RESULT: APPROVED [UNANIMOUS]

MOVER: Johnnie W. Carswell, Commissioner

AYES: Scott Mulwee, Jeffrey C. Brittain, Randy Burns, Johnnie W. Carswell and Phil Smith

BOC - APPOINTMENT OF COUNTY ATTORNEY

Information from the agenda packet:

Currently, James R. Simpson, II serves as the Board's attorney. This position is appointed by the Board of Commissioners and serves at the Board's pleasure.

Chairman Mulwee opened the floor for nominations. Commissioner Carswell nominated J. R. Simpson for the position of County Attorney. With there being no others, Chairman Mulwee closed the floor for nominations.

Motion: To appoint James R. Simpson, II as the County Attorney for the Burke County Board of Commissioners for 2023 by acclamation.

RESULT: APPROVED [UNANIMOUS]

MOVER: Johnnie W. Carswell, Commissioner

AYES: Scott Mulwee, Jeffrey C. Brittain, Randy Burns, Johnnie W. Carswell and Phil Smith

BOC - APPOINTMENT OF THE CLERK TO THE BOARD

Information from the agenda packet:

Pursuant to NCGS 153A-111, the Board of Commissioners shall appoint or designate a Clerk to the Board. The Board may designate the Register of Deeds or any other county officer or employee as Clerk. The Clerk shall perform any duties that may be required by law or the Board of Commissioners. The Clerk shall serve as such at the pleasure of the Board. Kay Honeycutt Draughn currently serves as the Clerk to the Board, and she has served in this capacity since 2012.

Chairman Mulwee opened the floor for nominations. Commissioner Carswell nominated Kay Honeycutt Draughn for the position of Clerk to the Board. With there being no others, Chairman Mulwee closed the floor for nominations.

Motion: To appoint Kay Honeycutt Draughn as the Clerk to the Board for the Burke County Board of Commissioners for 2023 by acclamation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Johnnie W. Carswell, Commissioner
AYES:	Scott Mulwee, Jeffrey C. Brittain, Randy Burns, Johnnie W. Carswell and Phil Smith

BOC - APPOINTMENT OF TAX ATTORNEY

Information from the agenda packet:

The Kania Law Firm currently serves as the County Tax Attorney. This position is appointed by the Board and serves at the pleasure of the Board. The Board may change this appointment as deemed necessary.

Chairman Mulwee opened the floor for nominations. Commissioner Carswell nominated the Kania Law Firm for the position of County Tax Attorney. With there being no others, Chairman Mulwee closed the floor for nominations.

Motion: To appoint the Kania Law Firm as the County Tax Attorney for the Burke County Board of Commissioners for 2023 by acclamation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Johnnie W. Carswell, Commissioner
AYES:	Scott Mulwee, Jeffrey C. Brittain, Randy Burns, Johnnie W. Carswell and Phil Smith

POINT OF PERSONAL PRIVILEGE

Chairman Mulwee expressed how proud he was that Commissioner Carswell received the NC Dogwood Award of Appreciation from Attorney General Josh Stein on November 22, 2022, for his work in securing \$750 million in the national opioid settlement. Commissioner Carswell was one of seven North Carolinians to receive the award.

ADJOURN

Motion: To adjourn at 2:20 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Randy Burns, Commissioner
AYES:	Scott Mulwee, Jeffrey C. Brittain, Randy Burns, Johnnie W. Carswell and Phil Smith

Approved this 18th day of July 2023.



Scott Mulwee, Chairman
Burke Co. Board of Commissioners

Attest:

December 5, 2022 (Special [Organizational])

589


Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board