

**MINUTES
BURKE COUNTY BOARD OF COMMISSIONERS
ORGANIZATIONAL MEETING**

The Burke County Board of Commissioners held an organizational meeting on Monday, December 2, 2024, 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 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. Pursuant to Resolution No. 2024-17 adopted and effective on August 20, 2024, the Burke County Board of Commissioners conferred upon itself all the power, duties and responsibilities of the Board of Health and the Social Services Board. Those present were:

COMMISSIONERS: Randy Burns
Phil Smith

COMMISSIONERS ELECT: Jeffrey Brittain, Chairman
Brian Barrier
Mike Stroud

STAFF: Brian Epley, County Manager
Margaret Pierce, Finance Director/Deputy County Manager
J.R. Simpson, II, County Attorney
Kay Honeycutt Draughn, Clerk to the Board

CALL TO ORDER

Chairman Brittain called the meeting to order at 2:05 p.m.

INVOCATION

Pastor George Logan, New Day Christian Church delivered the invocation.

PLEDGE OF ALLEGIANCE

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

SINGING OF THE NATIONAL ANTHEM

Chairman Brittain led the singing of the national anthem.

INDUCTION OF COMMISSIONERS ELECT

BOC - OATHS OF OFFICE FOR COMMISSIONERS ELECT

The Honorable Daniel A. Kuehnert, Superior Court Judge, administered the oaths of office to commissioners-elect Brian Barrier, Mike Stroud and Jeffrey Brittain.

BURKE COUNTY
BOARD OF COMMISSIONERS
OATH OF OFFICE



Commissioner Barrier being sworn in by Judge Kuehnert, accompanied by his wife Michelle, and son, Luke.

I, **Brian Keith Barrier**, 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, Brian Keith Barrier, 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, Brian Keith Barrier, 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.

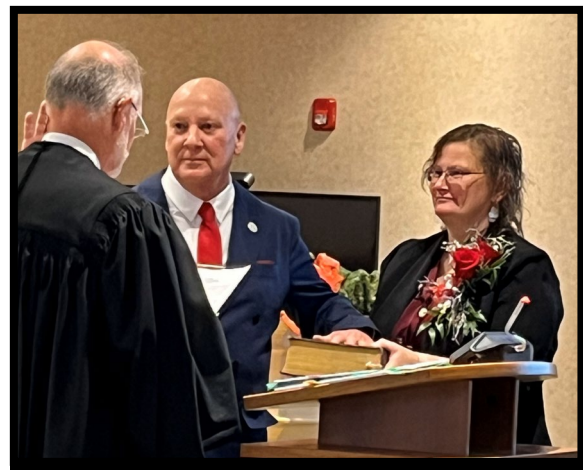
/s/: Brian Keith Barrier
Brian Keith Barrier

Subscribed and sworn to me, this the 2nd day of December 2024.

/s/: Daniel A. Kuehnert
Daniel A. Kuehnert
Superior Court Judge

I, **Michael Hugh Stroud**, 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, Michael Hugh Stroud, 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



Commissioner Stroud being sworn in by Judge Kuehnert, accompanied by his wife, Samantha.

duties of my office as a County Commissioner; so help me, God.

I, Michael Hugh Stroud, 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/: Michael Hugh Stroud
Michael Hugh Stroud

Subscribed and sworn to me, this the 2nd day of December 2024.

/s/: Daniel A. Kuehnert
Daniel A. Kuehnert
Superior Court Judge



I, **Jeffrey C. Brittain**, 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, Jeffrey C. Brittain, 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, Jeffrey C. Brittain, 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/: Jeffrey C. Brittain
Jeffrey C. Brittain

Subscribed and sworn to me, this the 2nd day of December 2024.

/s/: Daniel A. Kuehnert
Daniel A. Kuehnert
Superior Court Judge

After the oaths of office were administered, each Commissioner was given an opportunity to address the Board.

Commissioner Barrier expressed gratitude, giving all glory to God. He thanked his wife, sons Luke and Trevor, and his mother-in-law, Kathy, for their unwavering support. He also extended his appreciation to the citizens for placing their trust in him to make the right decisions, encouraging them to reach out to him at any time.

Commissioner Stroud expressed heartfelt thanks to his wife, Samantha, as well as several others, including his campaign staff. He emphasized his passion and commitment to helping people and promoting transparency in government. As a businessman, he affirmed his dedication to ensuring the best for the community.

Commissioner Brittain thanked the citizens for entrusting him once again to represent their needs. He pledged to continue doing his very best to serve the community.

RESULT: NO ACTION TAKEN.

ORGANIZATION OF THE BOARD

BOC - ELECTION OF CHAIRMAN FOR 2025

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 Brittain opened the floor for nominations. Commissioner Smith nominated Commissioner Brittain for the position of Chairman. With there being no others, Chairman Brittain closed the floor for nominations, and he was unanimously elected as Chairman of the Burke County Board of Commissioners for 2025.

Motion: To elect Jeffrey C. Brittain as the Chairman of the Burke County Board of Commissioners for 2025.

RESULT:	APPROVED [UNANIMOUS]
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MOVER:	Phil Smith, Commissioner
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AYES:	Jeffrey C. Brittain, Brian Barrier, Randy Burns, Phil Smith, and Mike Stroud
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BOC - ELECTION OF VICE CHAIRMAN FOR 2025

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 Brittain opened the floor for nominations. Commissioner Burns nominated Commissioner Smith and Commissioner Stroud nominated Commissioner Barrier for the position

of Vice Chairman. Chairman Brittain closed the floor for nominations. The votes were cast in the order in which the nominations were made. Commissioner Smith was elected by a vote of 3-2 as Vice Chairman of the Burke County Board of Commissioners for 2025.

VOTES FOR PHIL SMITH AS VICE CHAIRMAN FOR 2025

RESULT: **APPROVED [3 TO 2]**

MOVER: Randy Burns, Commissioner

AYES: Jeffrey C. Brittain, Phil Smith, and Randy Burns

NAYS: Brian Barrier and Mike Stroud

VOTES FOR BRIAN BARRIER AS VICE CHAIRMAN FOR 2025

RESULTS: **FAILED [2 TO 3]**

MOVER: Mike Stroud

AYES: Brian Barrier and Mike Stroud

NAYS: Jeffrey C. Brittain, Phil Smith, and Randy Burns

Chairman Brittain opened the floor for comments from Vice Chairman Smith, who expressed his gratitude and shared his hope to live up to the high standards set by Chairman Brittain. In response, Chairman Brittain expressed what an honor it was to serve as Chairman once again. He pledged to do his best and stated he looked forward to working collaboratively with everyone.

BOC - APPROVAL OF BONDS

Kay Draughn, Clerk to the Board, reported that in accordance with N.C. General Statutes, certain county officials who are responsible for handling public funds are required to be bonded. The bonds ensure the protection of public assets and provide financial assurance for the faithful performance of their duties.

The following officials are required to be bonded:

<u>Position</u>	<u>Bond Amount</u>	<u>Statutory Requirement</u>
Finance Director	\$1,000,000	Amount equal to 10% of the annual budgeted funds, up to \$1,000,000, N.C.G.S. § 159-29
Tax Collector	\$75,000	Amount considered reasonable by BCC, N.C.G.S. § 105-349(c)
Register of Deeds	\$50,000	At least \$10,000, but no more than \$50,000, N.C.G.S. § 161-4
Sheriff	\$25,000	Amount considered reasonable by BCC, but no more than \$25,000, N.C.G.S. § 162-8

The bond amounts have been set in compliance with statutory requirements and are consistent with the County's policies for risk management and financial accountability. The Board of County Commissioners were requested to approve the bonds for these officials, ensuring compliance with state law and safeguarding county resources.

Budgetary Effect: N.A. Bond premiums are included in the County's annual operating budget.

Chairman Brittain opened the floor for questions or comments. There being none, he called for a motion.

Motion: To approve the bonds as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Randy Burns, Commissioner
AYES:	Jeffrey C. Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

BOC - APPOINTMENT OF COUNTY ATTORNEY

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 Brittain opened the floor for nominations. Commissioner Barrier nominated Michelle Lippert and Chairman Brittain nominated Destin Hall. The votes were cast in the order in which the nominations were made.

VOTES TO APPOINT MICHELLE LIPPERT AS COUNTY ATTORNEY FOR 2025

RESULTS: **FAILED [2 TO 3]**

MOVER: Brian Barrier

AYES: Brian Barrier and Mike Stroud

NAYS: Jeffrey C. Brittain, Phil Smith, and Randy Burn

VOTES TO APPOINT DESTIN C. HALL (WILSON, LACKEY, ROHR & HALL, P.C.) AS COUNTY ATTORNEY FOR 2025

RESULT: **APPROVED [3 TO 2]**

MOVER: Jeffrey C. Brittain, Chairman

AYES: Jeffrey C. Brittain, Phil Smith, and Randy Burns

NAYS: Brian Barrier and Mike Stroud

Chairman Brittain opened the floor for comments from Attorney & NC Representative Hall who expressed his enthusiasm for the opportunity to work with the county. He highlighted that his firm, Wilson, Lackey, Rohr & Hall, P.C., brings over 50 years of experience in local government, underscoring their expertise.

Mr. Simpson left and was not present for the remainder of the meeting.

BOC - APPOINTMENT OF TAX ATTORNEY

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 Brittain opened the floor for nominations and then nominated Kania Law Firm. There being no other nominations, Chairman Brittain called for a motion.

Motion: To appoint Kania Law Firm as the County Tax Attorney for the Burke County Board of Commissioners for 2025. The only compensation for the County Tax Attorney will be those authorized by General Statutes in relation to a foreclosure action. The County Tax Attorney will provide the Board with a quarterly report of

accounts turned over to him/her and the disposition of said cases at the end of each quarter.

RESULT: APPROVED [UNANIMOUS]

MOVER: Jeffrey C. Brittain, Chairman

AYES: Jeffrey C. Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

ADJOURNMENT

Chairman Brittain invited the public to meet the new commissioners and enjoy some refreshments. He also announced that the pre-agenda meeting would begin around 3 p.m. or shortly thereafter.

Motion: To adjourn at 2:33 p.m.

RESULT: APPROVED [UNANIMOUS]

MOVER: Jeffrey C. Brittain, Chairman

AYES: Jeffrey C. Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Approved this 17th day of February 2025.


Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

Attest:


Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board