

Closed Session – November 1, 2004

At 6:10 p.m. the Board adjourned to closed session to consult with the County Attorney to consider and give instructions concerning a judicial action titled “State of North Carolina, on Relation of, County of Randolph vs. Clarence Ray Jernigan individually and d/b/a Heath Amusement; Heath Cigarette and Music Service, Inc. d/b/a Heath Amusement; and James Worth Heath individually and d/b/a Heath Amusement,” pursuant to N.C.G.S. 143-318.11(a)(3). Commissioners Holmes, Davis, Mason, Kemp, and Frye were present. Also present were Frank Willis, County Manager; Alan Pugh, County Attorney; Aimee Scotton, Associate County Attorney; Alice Dawson, Clerk to the Board; and Cheryl Ivey, Deputy Clerk to the Board.

Aimee Scotton told the Board that a mediation date has been set for November 17, 2004, 8:30 a.m. at the offices of Smith Moore in Greensboro. She said that the mediator will be Tom Duncan. She said that no settlement dollar amount had been offered at this time but someone needed to be at the mediation to represent the County or the Board could designate someone to speak on the County’s behalf, should an offer be made.

It was the consensus of the Board that the Board’s main concern, more so than a monetary settlement, was to get all of the video poker machines out of Randolph County permanently. Ms. Scotton said that the establishment of an ordinance banning video poker machines from the County might not be legal. She is still researching this.

The Board directed Alan Pugh and Aimee Scotton to represent the County at the mediation and designated Harold Holmes as the County Commissioner to contact by phone, should any decision from the Board be needed at the mediation.

On motion of Mason, seconded by Davis, the Board voted unanimously at 6:35 p.m. to end the closed session and return to open session.

J. Harold Holmes

Darrell L. Frye

Phil Kemp

Robert B. Davis

Robert O. Mason

Cheryl Ivey, Deputy Clerk to the Board

Approved: December 6, 2004
Unsealed: June 6, 2005