

Closed Session #2– December 6, 2004

At 6:05 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, Lanier, 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 had been held on November 17, 2004 at the offices of Smith Moore in Greensboro. She and County Attorney Alan Pugh represented the County, along with Randy Reavis of Nexsen Pruet Adams Kleemeier, our attorney of record in the case. She said that, unfortunately, nothing had been accomplished at the mediation. At the end of the day the mediator, Tom Duncan, ordered Mr. Jernigan to provide Mr. Reavis all of his business and personal financial statements. These records were to be provided within one week of the date of the mediation. Ms. Scotton said that she had spoken with Mr. Reavis on December 3 and that Mr. Reavis still did not have all the statements. All parties are to set another date for a second mediation as soon as possible after the documents are provided. This date will probably necessitate a Saturday meeting since the mediator’s calendar is booked through January 2005.

Ms. Scotton said that Mr. Reavis suggested that as soon as he had received all of the financial statements from Mr. Jernigan, Mr. Reavis should come back to the Board of Commissioners, along with Sheriff Hurley, before the next mediation takes place, for an update and a discussion of the objectives to be pursued at the mediation. The Board agreed to this.

On motion of Mason, seconded by Davis, the Board voted unanimously at 6:42 p.m. to end the closed session and return to open session.

J. Harold Holmes

Darrell L. Frye

Phil Kemp

Robert B. Davis

Arnold Lanier

Cheryl Ivey, Deputy Clerk to the Board

Approved: January 3, 2005
Unsealed: June 6, 2005