

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, DECEMBER 15, 2008**

The Lincoln County Board of County Commissioners met in regular session on December 15, 2008 at the Citizens Center, Commissioners Room, 115 W. Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman  
Bruce Carlton, Vice Chairman  
George Arena  
James A. Klein  
Carrol Mitchem

Others Present:

George A. Wood, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Building and Land Development Director  
Randy Hawkins, Zoning Administrator  
Netta Anderson, Addressing Department  
Kevin Heavner, North Brook Fire Department  
Steve Gilbert, Public Works Director  
Barry McKinnon, Sr. Utility Engineer  
Leon Harmon, Finance Director

**Call to Order:** Chairman Patton called the December 15, 2008 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Reverend J. V. Allen, Boger City Wesleyan Church, gave the Invocation. Chairman Anderson led in the Pledge of Allegiance.

**Adoption of Agenda:** Chairman Patton presented the agenda for the Board's approval.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to adopt the agenda as presented.

**AGENDA**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**DECEMBER 15, 2008**

- |     |         |  |
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|     | 6:30 PM | Call to Order  |
|     | 6:31 PM | Invocation – Reverend J. V. Allen, Boger City Wesleyan Church  |
|     | 6:32 PM | Pledge of Allegiance   |
| 1.  | 6:33 PM | Adoption of Agenda   |
| 2.  | 6:34 PM | Consent Agenda <ul style="list-style-type: none"> <li>- Tax Requests for Refunds – More than \$100</li> <li>- November 9 – 23, 2008</li> <li>- Budget Adjustment No. 21, 40 - 44</li> <li>- Approval of Minutes</li> <li>- December 1, 2008</li> </ul>   |
| 3.  | 6:35 PM | Public Comments  |
| 4.  | 6:50 PM | Recommendation from Planning Board – Randy Hawkins<br><br><u>CZ #2008-4 Ronnie Caldwell, applicant</u> (Parcel ID# 29852 and 29863) A request to rezone 1.5 acres from R-SF (Residential Single-Family) and CU B-N (Conditional Use Neighborhood Business) to CZ B-N (Conditional Zoning Neighborhood Business) to permit an office complex consisting of a 4,400-square-foot building to be constructed and an existing house that already contains offices. The property is located at 6596 Campground Road in Catawba Springs Township. |
| 5.  | 7:00 PM | Joint Public Hearing with Historic Properties Commission – Daniel E. Rhyne House Landmark Designation – Jason Harpe  |
| 6.  | 7:15 PM | Joint Public Hearing with Historic Properties Commission – Reinhardt-Craig House, Kiln, and Pottery Shop Landmark Designation – Jason Harpe  |
| 7.  | 7:30 PM | Road Naming Public Hearing – Candy Lane – Netta Anderson   |
| 8.  | 7:40 PM | Discussion of Howard’s Creek VFD Building and Equipment – Chief Kevin Heavner  |
| 8a. |         | Ordinance 2008-06: Ordinance Amending Ordinance Regarding Penalties for Violations of Lincoln County Ordinances  |
| 9.  | 7:55 PM | Proposed Adoption of 20-year Capital Improvement Plan – Steve Gilbert  |
| 9a. |         | QZAB Resolution – Leon Harmon  |
| 10. | 8:05 PM | Capital Project Report – Steve Gilbert   |

- 10a. Approval of Water Withdrawal Agreement with Duke Energy
  - 10b. Capital Project Reports – Steve Gilbert
  11. 8:10 PM Odor Control Update – Steve Gilbert
  12. 8:15 PM Finance Officer's Report
  13. 8:20 PM County Manager's Report
  14. 8:25 PM County Commissioners' Report
  15. 8:30 PM County Attorney's Report
  16. 8:35 PM Vacancies/Appointments
  17. 8:40 PM Calendar
  18. 8:45 PM Other Business
- Adjourn

**Consent Agenda:** UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Consent Agenda.

- Tax Requests for Refunds – More than \$100
- November 9 – 23, 2008

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (NOVEMBER 9, 2008-NOVEMBER 23, 2008)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Macleod Construction	2008	DFD	0143078	177.36
<b>TOTAL</b>				<b>\$177.36</b>

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (NOVEMBER 9, 2008-NOVEMBER 23, 2008)

G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100.00 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Ford, Henry Jr.	2008	UFD	01162	599.77

**TOTAL                    \$ 599.77**

- Budget Adjustment No. 21, 40 – 44

No. 21: Carry over CIP budget balances from previous year

No. 40: Increasing expenditure/revenue line items for additional allocations of funds for Crisis Intervention Program (no county funds involved)

No. 41: To budget for receipt of 2007 Urban Areas Security Initiative Grant. Emergency Management Dept recd an '08 Chevy Silverado truck valued at \$36,558 at no cost to county.

No. 42: To budget \$13,775 for payment to be received for 2008 SCAAP grant. SCAAP, or the State Criminal Alien Assistance Program, is a program in which the Federal government provides money to governments that incurred correctional facility related costs for incarcerating certain undocumented criminal aliens. Money to be received Dec 2008 or Jan 2009.

No. 43: Budget adjustment to increase expenditure/revenue line items for Work First DOT funds.

No. 44: Budget for work comp expenses from 07-08 carried over to 08-09. NCACC estimates work comp liability before beginning of year actual cost is reconciled in next fiscal year.

- Approval of Minutes  
- December 1, 2008

**Public Comments:** Chairman Patton advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

Being no one wishing to speak, Chairman Patton declared the public comments section closed.

**Recommendation from Planning Board – Randy Hawkins:**

**Conditional Zoning No. 2008-4 – Ronnie Caldwell, applicant:** The Planning Board voted 7-1 to recommend approval, with the condition that the outdoor lighting comply with the Unified Development Ordinance.

Commissioner Arena stated that he read through the UDO and Land Use Plan. He stated that there are Historic District overlays in the UDO. Commissioner Arena asked if the UDO will give more definition on uniformity.

Commissioner Klein asked the difference in Conditional Zoning and Conditional Use.

Randy Hawkins stated that this is not a quasi judicial matter and Conditional uses are.

Commissioner Klein stated that he shares Commissioner Arena's concerns about the design of this building. He stated that the road is mostly older homes and he is not sure that this building will fit in.

**UPON MOTION** by Commissioner Mitchem, the Board voted 4-1 (Klein against) to approve Conditional Zoning No. 567 – Ronnie Caldwell, applicant.

**Joint Public Hearing with Historic Properties Commission – Daniel E. Rhyne House Landmark Designation – Jason Harpe:** Jason Harpe presented information concerning the significance of the Daniel E. Rhyne House as a Landmark Designation

Chairman Patton opened the joint public hearing concerning the Daniel E. Rhyne House Landmark Designation. Being no one wishing to speak, Chairman Patton declared the public hearing closed.

**Joint Public Hearing with Historic Properties Commission – Reinhardt-Craig House, Kiln, and Pottery Shop Landmark Designation – Jason Harpe:** Jason Harpe presented information concerning the significance of the Reinhardt-Craig House, Kiln, and Pottery Shop Landmark Designation.

Chairman Patton opened the joint public hearing concerning the Reinhardt-Craig House, Kiln and Pottery Shop Landmark Designation. Being no one wishing to speak, Chairman Patton declared the public hearing closed.

The Historic Properties Commission recessed their meeting to the conference room.

**Road Naming Public Hearing – Candy Lane – Netta Anderson:** Netta Anderson presented a map of a privately maintained road that by ordinance needs to be named and added to the Master Street Address Guide for address purposes. Ms. Anderson requested the Board's vote of approval to add this road to the system.

This road is north off of Old Plank Road and requires naming due to the fact that there are now three structures that access Long Circle via this private road. The name proposed is Candy Lane and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by Communications.

Chairman Patton opened the public hearing concerning the road naming of Candy Lane. Being no one wishing to speak, Chairman Patton declared the public hearing closed.

**Discussion of Howard's Creek VFD Building and Equipment – Chief Kevin Heavner:** Kevin Heavner spoke on behalf of Howard's Creek Volunteer Fire Department. He stated that they would like to keep the Board involved with their needs so they are aware at budget time. He stated that they have purchased 6.5 acres of land west of their location. He stated that they are currently debt-free, but it is time for the

station to address the needs of the community by upgrading their apparatus, equipment and facility.

The Board thanked Mr. Heavner for keeping the Board aware.

**Ordinance 2008-06: Ordinance Amending Ordinance Regarding Penalties for Violations of Lincoln County Ordinances:** Jeff Taylor presented the following Ordinance, which basically reinstates the penalties in the Lincoln County Fire Prevention and Protection Ordinance.

**ORDINANCE AMENDING ORDINANCE REGARDING PENALTIES FOR VIOLATIONS OF  
LINCOLN COUNTY ORDINANCES**

**WHEREAS**, on July 21, 2008, the Lincoln County Board of Commissioners adopted Ordinance #2008-03, the Ordinance Regarding Penalties for Violations of Lincoln County Ordinances; and

**WHEREAS**, prior to the effective date of the aforesaid Ordinance, the Lincoln County Fire Prevention and Protection Ordinance contained a schedule of penalties that were deemed by the Lincoln County Fire Marshal and his staff to be adequate and sufficient for achieving the purposes of the Fire Protection Ordinance; and

**WHEREAS**, in adopting Ordinance #2008-03, the Board did not intend to reduce or change penalties that were already adequate and sufficient for achieving the various purposes of the County's ordinances; and

**WHEREAS**, the Board believes that the previously existing system of penalties under the Fire Prevention and Protection Ordinance should be restored;

**NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED** as follows:

1. Section 2 of the Ordinance Regarding Penalties for Violations of Lincoln County Ordinances is hereby amended to read as follows:

Section 2. **APPLICABILITY.** *Except as otherwise provided herein, the system of penalties provided for in this ordinance shall apply to any violation of any county ordinance unless otherwise prohibited by state law. The provisions of this Ordinance shall not apply to the Lincoln County Fire Prevention and Protection Ordinance, the penalties under which are hereby restored to the levels at which they were set prior to the effective date of this Ordinance.*

2. This Ordinance shall become effective immediately upon its adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2008.

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Alex E. Patton  
Chairman Board of Commissioners  
Lincoln County

ATTEST:

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Amy S. Atkins  
Clerk to the Board

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve Ordinance 2008-06.

**Recommendations from the HPC:** Jason Harpe stated that the Historic Properties Commission recommend approval of both properties as Landmark Designations.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Daniel E. Rhyne House Landmark Designation.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the Reinhardt-Craig house, Kiln, and Pottery Shop Landmark Designation.

**Proposal on Savings in Safety Program:** Mr. Wood presented a proposal from Marsh to provide the necessary safety training and assist with all OSHA inspections and workers compensation issues. They will also prepare a Safety Policies and Procedures Manual for the county and work with the employee safety committee. This money is currently in the budget for a safety officer in the Emergency Management department. The position has been vacant for about 3 months since the employee took another job in county government. There is currently \$116,205 in the budget for these expenses; the salary and benefits for this position on an annual basis are \$48,364.60.

The cost of the agreement with Marsh is for \$26,400. There will be some printing costs and other expenses, but expect to keep this in the \$50,000 range on an annual basis.

Mr. Wood commented that he also has frozen the Administrative Assistant position in the County Manager's office for this fiscal year.

Mr. Wood recommended approving the contract with Marsh to contract out these services.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the contract with Marsh for safety services.

**OZAB Resolution:** Chairman Patton introduced the following resolution, a copy of which had been provided to each Commissioner, which was read by title and summarized by the Finance Director:

RESOLUTION RATIFYING AUTHORIZATION OF THE EXECUTION  
AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT  
TO FINANCE SCHOOL IMPROVEMENTS, A DEED OF TRUST,  
A CONSTRUCTION AND ACQUISITION AGREEMENT, A LEASE  
AGREEMENT AND CERTAIN OTHER DOCUMENTS AND ACTIONS  
RELATING THERETO AND AUTHORIZING OTHER OFFICIAL ACTION  
IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION  
AND DELIVERY OF A RESERVE FUND ESCROW AGREEMENT

WHEREAS, the Lincoln County Board of Education (the Board of Education”), the governing board of the Lincoln County school administrative unit, has determined that a need exists for renovating, modernizing and equipping school facilities within the County of Lincoln, North Carolina (the “County”), including Battleground Elementary School, G.E. Massey Elementary School, Iron Station Elementary School, F.D. Jack Kiser Intermediate School, Lincolnton High School, Love Memorial Elementary School, North Brook Elementary School, S. Ray Lowder Elementary School, Union Elementary School and West Lincoln Middle School, (the “Project”); and

WHEREAS, on November 17, 2008, the Board of Commissioners of the County (the “Board”) adopted a resolution authorizing the execution and delivery of an Installment Financing Agreement, to be dated as of November 1, 2008 or such other date as the parties thereto shall mutually agree upon (the “Installment Financing Agreement”), between Farmers Savings Bank (the “Bank”) and the County for the purpose of financing costs of the Project; together with the Deed of Trust, the Construction and Acquisition Agreement and the Lease Agreement (as such terms are defined in the resolution of the Board adopted on November 17, 2008); and

WHEREAS, pursuant to the Installment Financing Agreement, the Bank will advance funds to the County in the amount of \$1,281,354 to pay costs of the Project and certain costs relating to the execution and delivery of the Installment Financing Agreement, and the County will repay such advances in a single payment upon the expiration of the Installment Financing Agreement; and the County’s obligations under the Installment Financing Agreement will be secured by, among other things, a deed of trust on the site of Battleground Elementary School, including all buildings, improvements and fixtures thereon; and

WHEREAS, the Board has designated the installment payments to be made by the County pursuant to the Installment Financing Agreement as Qualified Zone Academy Bonds pursuant to Section 54E of the Internal Revenue Code of 1986, as amended (the “Code”) and the regulations thereunder; and the Installment Financing Agreement, if entered into, will comply in all respects with Section 160A-20 and Chapter 159, Article 8, of the General Statutes of North Carolina and the guidelines of the Local Government Commission of North Carolina for all financings undertaken pursuant to said Section and Article; and

WHEREAS, in connection with such financing, the County will enter into a reserve fund escrow agreement (the “Reserve Fund Escrow Agreement”) to provide for the payment to make sinking fund payments, which together with the investment earnings thereon, will be applied on the expiration date of the Installment Financing Agreement to repay the advance made thereunder; and

WHEREAS, there have been presented at this meeting copies of the following documents relating to the financing described herein:

- (a) a revised draft of the proposed Installment Financing Agreement;
- (b) a draft of the proposed Reserve Fund Escrow Agreement, by and between the County, the Bank and U.S. Bank National Association, as escrow agent (the “Escrow Agent”); now, therefore,

**BE IT RESOLVED** by the Board of Commissioners for the County of Lincoln:

Section 1. The forms, terms and provisions of the Installment Financing Agreement and the Reserve Fund Escrow Agreement are hereby approved in all respects, and the Chairman or Vice Chairman of the Board of Commissioners, the County Manager, the Finance Director, and the Clerk to the Board of Commissioners are hereby authorized and directed to execute and deliver the Installment Financing Agreement and the Reserve Fund Escrow Agreement, in substantially the forms presented at this meeting, together with such changes, modifications and deletions as they, with the advice of counsel, may deem



necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the County.

Section 2. The County hereby ratifies its approval of the installment payment to be made under the Installment Financing Agreement pursuant to Section 160A-20 of the General Statutes of North Carolina in a principal amount not to exceed \$1,281,354, provided that such installment payment shall comprise a single payment to be made to the Bank upon the expiration of the term of the Installment Financing Agreement or on such other date or dates as may be approved by the Finance Director of the County (the "Installment Payment") and the County hereby ratifies its approval of the sale thereof, in the form of the Installment Financing Agreement, to the Bank at a purchase price equal to 100% of the principal amount thereof (less such fees and expenses of the Bank as the Finance Director shall deem to be reasonable). Pursuant to the Installment Financing Agreement, the Bank will advance moneys to the County in an amount equal to \$1,281,354, and the Installment Payment shall be applied to repay such advance, without interest, throughout the term of the Installment Financing Agreement. The term of the Installment Financing Agreement shall not exceed the maximum term permitted under Section 54A(d)(5) of the Code. The County further ratifies its approval of the Deed of Trust, the Construction and Acquisition Agreement and the Lease Agreement.

Section 3. A reserve fund shall be established in accordance with the provisions of the Reserve Fund Escrow Agreement (the "Reserve Fund"), and the County shall make payments therein in accordance with the provisions of the Reserve Fund Escrow Agreement. Amounts on deposit in the Reserve Fund, together with investment earnings thereon, shall be pledged to the Bank as security for the County's obligations under the Installment Financing Agreement, and shall be available to pay the Installment Payment on date or dates such payment becomes due.

Section 4. The Chairman or Vice Chairman of the Board of Commissioners, the County Manager, the Finance Director, the County Attorney and the Clerk to the Board of Commissioners are authorized and directed (without limitation except as may be expressly set forth herein) to take such actions and to execute and deliver such documents, certificates, undertakings, agreements and other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the Installment Financing Agreement, the Reserve Fund Escrow Agreement, the Deed of Trust, the Construction and Acquisition Agreement and the Lease Agreement. The Clerk to the Board is hereby directed to affix the corporate seal of the County to each such document and to attest to the same.

Section 5. The County hereby ratifies its approval of the Project.

Section 6. No deficiency judgment may be rendered against the County in any action for breach of any contractual obligation under the Installment Financing Agreement, the Reserve Fund Escrow Agreement or the Deed of Trust, and the taxing power of the County is not and may not be pledged, directly or indirectly, to secure any moneys due under the Installment Financing Agreement or the Deed of Trust.

Section 7. The Board hereby ratifies its designation of the obligations under the Installment Financing Agreement as a qualified zone academy bond under Section 54E of the Code and the regulations promulgated thereunder.

Section 8. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Carlton, seconded by Commissioner Mitchem, the foregoing resolution entitled: "RESOLUTION RATIFYING AUTHORIZATION OF THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT TO FINANCE SCHOOL IMPROVEMENTS, A DEED OF TRUST, A CONSTRUCTION AND ACQUISITION AGREEMENT, A LEASE AGREEMENT AND CERTAIN OTHER DOCUMENTS AND ACTIONS RELATING THERETO, AUTHORIZING OTHER OFFICIAL ACTION IN CONNECTION THEREWITH AND

AUTHORIZING THE EXECUTION AND DELIVERY OF A RESERVE FUND ESCROW AGREEMENT” was passed by the following vote:

Ayes: Commissioners Patton, Carlton, Arena, Klein and Mitchem.

Noes: none.

**Proposed Adoption of 20-year Capital Improvement Plan – Steve Gilbert:** Mr. Gilbert stated that on October 20, 2008, Olver, Inc., represented by Ron Singleton, presented the updated version of a 20-Year Capital Improvement Plan for Water and Sewer. This plan will serve as a long range planning tool and will be utilized each year during budget preparation by providing a scheduled implementation plan on the projects that will allow the County to have infrastructure in place to accommodate expected growth. Some minor edits have been made to the plan since October, and copies of the final plan have been provided to the Board.

Mr. Gilbert recommended approval of the plan as submitted.

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to adopt the 20-year Capital Improvement Plan.

**Approval of Water Withdrawal Agreement with Duke Energy:** Mr. Gilbert stated that this document formalizes the longstanding relationship the County has had with Duke that allows withdrawal of water from Lake Norman for our Water Treatment Plant. It also formalizes the easement allowing the location of our water intake structure in the Lake. The agreement includes certain stipulations arising out of the Federal Relicensing effort Duke has been going through since 2003. These stipulations have to do with Duke’s ability to charge less for withdrawal of water. Other stipulations address the formation of the Catawba-Wateree Water Management Group, of which Lincoln County is a Charter Member. Membership in this group allows us to avoid paying withdrawal fees by participating in and sharing funding of certain improvements and enhancements aimed at protecting the shared water supply in the Catawba-Wateree system. Other stipulations involve the uniform response to drought conditions in the basin based upon certain drought triggers such as streamflow and groundwater levels, which are monitored by Duke.

Jeff Taylor has reviewed these documents from a legal standpoint and has found no issues, and Public Works recommends approval of the documents as presented.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Water Withdrawal Agreement with Duke Energy.

**Capital Project Report – Steve Gilbert:** Steve Gilbert presented the Capital Project Report.

**Finance Officer’s Report:** Leon Harmon presented the Finance Officer’s Report.

**County Manager's Report:** George Wood presented the County Manager's Report. He stated that the Public Safety Committee met last week and recommended repairing the current communication system at a cost of around \$210,000.

Mr. Wood stated that he has talked with Kelly Atkins and they will be changing the name of Building and Land Development to the Planning and Inspections Department effective March 31.

Mr. Wood stated that he plans to move Grounds Maintenance from the Finance Department and put it under Parks and Recreation effective the first week in January. He stated that since the county broke out from the City Recreation, we now have two different departments doing landscaping, mowing, and grounds work. He stated that it just makes sense to have all this under the same department.

Mr. Wood stated that our planning staff has been meeting with Catawba County, Mooresville, Lincolnton, and Iredell County representatives for the last eight months discussing the NC 150 East corridor. Catawba County Board of Commissioners has requested a workshop to include all of the Boards of Commissions and Planning Boards for a meeting as to where to go on a corridor plan. The two dates they have proposed are January 29 or February 12 from 6 to 8 p.m. at the Charles Mack Citizens Center in Mooresville. Both dates were fine with the Board.

**County Attorney's Report:** Jeff Taylor presented the County Attorney's Report. He stated that he has recently been contacted by Tyson Smith concerning the status of the Union County APFO case. The developer and the other plaintiffs in that case have filed an appeal to the North Carolina Court of Appeals. The purpose of his call was to see if the county wanted to file an amicus brief.

**Vacancies/Appointments:** Commissioner Carlton recommended Jeff Frushtick for the vacant seat on the Planning Board.

**A MOTION** by Commissioner Carlton to appoint Jeff Frushtick to the Planning Board.

Commissioner Klein stated that a couple weeks ago, the sentiment on the Board was that Martha Lide would be the person to fill Commissioner Arena's seat. He stated that there are rumors that he promised Mr. Frushtick a Planning Board seat. He stated that he has never promised anyone a seat. He said that Jeff Frustick did contact Kelly Atkins and asked when he started. He said Mr. Atkins response was appropriate and professional.

Commissioner Klein expressed concerns that qualified women have applied and if the Board does not take the opportunity to appoint either of them, they may not be interested the next time a seat is vacant.

Commissioner Klein made a substitute motion to appoint Martha Lide to the unexpired term of George Arena on the Planning Board.

Commissioner Carlton stated that his recommendation has nothing to do with who promised who or what was said by anyone prior to his becoming the vacancies/appointments coordinator. He stated that he is all for diversity, but he feels the boards are for citizens to have a voice in government. He stated that Kim Phillips and Martha Lide are both qualified, but Kim is employed by LEDA and Martha is employed by Centralina. He stated that the last thing we need on these boards are more government people or people with special interests. He stated that Mr. Frushtick is CEO of a company here in Lincoln County that LEDA helped bring here. He stated that he feels Jeff Frushtick can come to the Planning Board, serve without bias and fulfill the obligation of a citizen board for Lincoln County.

Commissioner Arena stated that he did solicit candidates for the Planning Board. He stated that just like other members on that board, these applicants are employed. He stated that all members there act independent of their employment. He stated that he is a little disappointed that the Board is giving up the diversity, but feels any of the candidates are qualified. He stated that Commissioner Carlton is the appointments coordinator and he will support his recommendation.

Vote on Substitute Motion to appoint Martha Lide to the Planning Board: 1 - 4

AYES: Klein

NOES: Arena, Patton, Mitchem, Carlton

Vote on Original Motion to appoint Jeff Frushtick to the Planning Board: Unanimously approved.

Chairman Patton asked for a Commissioner to volunteer to serve on the Future Forward Economic Alliance. Commissioner Arena agreed to research Future Forward to see if he would be interested in serving.

**Closed Session:** UPON MOTION by Commissioner Mitchem, the Board voted unanimously to enter closed session pursuant to N.C.G.S 143-318.11

- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

**Adjourn:** UPON MOTION by Commissioner Carlton, the Board voted unanimously to adjourn.

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex Patton, Chairman  
Board of Commissioners

