

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, FEBRUARY 16, 2009**

The Lincoln County Board of County Commissioners met in regular session on February 16, 2009 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  
Netta Anderson, Addressing/GIS  
Barry McKinnon, Sr. Utility Engineer  
Leon Harmon, Finance Director

**Call to Order:** Chairman Patton called the February 16, 2009 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Reverend J. V. Allen, Boger City Wesleyan Church, gave the Invocation. Chairman Patton 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 moving item 8 to Item 2a.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 16, 2009**

6:30 PM	Call to Order
6:31 PM	Invocation – Rev. 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
  - Tax Requests for Refunds – More than \$100
    - December 22 – 28, 2008
    - January 12 – 25, 2009
  - Sponsored Group Status
    - Piedmont Bottle Club
  - Approval of Minutes
  - Budget Adjustments 58, 65, 66
  - Resolution 2009-3: Defense of Marriage Resolution
3. 6:35 PM Public Comments
4. 6:50 PM Motion to Award the Animal Shelter Construction Project to David E. Looper Company in the amount of \$1,055,100.00, with the work to be completed within 180 days of Notice to Proceed
5. 7:00 PM Motion to Award the Animal Shelter Incinerator Bid to the Crawford Industrial Group in the amount of \$70,300.00
6. 7:10 PM Motion to Award the Animal Shelter Equipment Bids for Kennels and Stacks to the Mason Company in the amount of \$129,890.59
7. 7:20 PM Road Naming Public Hearing – Potter House Lane – Netta Anderson
8. 7:30 PM Discussion on 2% Reduction in BOE Budget and Motion to Take Action on Budget Adjustment 64
9. 7:40 PM Mountain Island Lake Marine Commission Annual Report – Annette Lawing
10. 7:50 PM Nursing and Adult Home Community Advisory Committee Annual Report – Cindy Kincaid
11. 8:00 PM Resolution # 2009-2: Resolution to Advance Lincoln County's Reappraisal Schedule from January 1, 2012 to January 1, 2011 – Jeff Taylor
12. 8:10 PM Discussion of Car Farm Road Development Project Request – George Wood
13. 8:20 PM Tub Grinder Financing – Leon Harmon
14. 8:25 PM Discussion of Policy on Whether to Allow Design Build Projects by VFDs as Opposed to Design Bid Build Projects – George Wood

15. 8:35 PM Capital Project Report – Steve Gilbert  
16. 8:40 PM Finance Officer's Report  
17. 8:50 PM County Manager's Report  
18. 8:55 PM County Commissioners' Report  
19. 9:00 PM County Attorney's Report  
20. 9:05 PM Vacancies/Appointments  
21. 9:10 PM Calendar  
22. 9:15 PM Other Business

Closed Session

Recess to Monday, February 23, 2009 at 6:30 p.m. in Board of Commissioners Room

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

- Tax Requests for Refunds – More than \$100
- December 22 – 28, 2008

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (DECEMBER 22, 2008-DECEMBER 28, 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
Sharp, Eric D.	2008	ELFD/ELSD	0196088	295.26
			<b>TOTAL</b>	<b>\$ 295.26</b>

- January 12 – 25, 2009

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (JANUARY 12, 2009-JANUARY 25, 2009)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Duarte, Carlow M.	2007	CITY	0208350	271.80
Nissan Infiniti, LT	2008	DFD/ELSD	0166655	164.93
<b>TOTAL</b>				<b>\$436.73</b>
<ul style="list-style-type: none"> <li>- Sponsored Group Status</li> <li>  - Piedmont Bottle Club</li> <li>- Approval of Minutes</li> <li>  - February 2, 2009</li> <li>- Budget Adjustments 58, 65, 66</li> </ul>				
<p>No. 58: for DSS to correct a previous budget adjustment</p> <p>No. 65: for DSS – budget adjustment requested for funds allocated for functional evaluations on Work First recipients.</p> <p>No. 66: for Sheriff's Department to budget for \$140,000 installment loan proceeds to purchase additional law enforcement vehicles</p>				
<ul style="list-style-type: none"> <li>- Resolution 2009-3: Defense of Marriage Resolution</li> </ul>				

#### **North Carolina Marriage Amendment Resolution**

**WHEREAS**, marriage throughout human history has been the basic building block of society; and

**WHEREAS**, marriage is in fact the union of one man and one woman at one time, and it is the nature of this male/female relationship that defines marriage; and

**WHEREAS**, North Carolina law recognizes that, “A valid and sufficient marriage is created by the consent of a male and a female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other...” (N.C. Gen. Stat. 51-1); and

**WHEREAS**, the General Assembly of North Carolina passed a “Defense of Marriage Act” in 1996, which clarifies in statute that: “Marriage, whether created by common law, contracted, or performed outside of North Carolina, between individuals of the same gender are not valid in North Carolina.” (N.C. Gen. Sta. 51-1.2); and

**WHEREAS**, the United States Congress enacted a federal statute known as the “Defense of Marriage Act” which mandates that, the word ‘marriage’ means only a legal union between one man and one woman as husband and wife, and the word ‘spouse’ refers only to a person of the opposite sex who is a husband or a wife.” (1 U.S.C. § 7); and

**WHEREAS**, the Supreme Judicial Court of the State of Massachusetts declared in a 4-3 decision that the Massachusetts legislature must provide for same-sex marriages, and whereas the State of Massachusetts began issuing marriage licenses to same-sex couples on May 17, 2004, and whereas the Massachusetts legislature repealed a law that prohibited marriage in Massachusetts of couples whose home states would not recognize the marriage, so that same-sex couples from North Carolina can now legally “marry” in Massachusetts; and

**WHEREAS**, the California Supreme Court ruled in a 4-3 decision that limiting marriage to opposite-sex couples was a violation of the California Constitution, and whereas the State of California began issuing marriage licenses to same-sex couples on May 17, 2008,

and continued that practice until November, 4, 2008, when voters in California overrode their Court’s redefinition of marriage by passing Proposition 8 protecting the traditional definition of marriage; and

**WHEREAS**, on October 10, 2008, the Supreme Court of Connecticut ruled by a 4-3 majority that, even though same-sex couples in Connecticut can form civil unions equal in rights and benefits to marriage, denying them the right to marry violates the State's Constitution, and whereas, on November 12, 2008 the State began issuing marriage licenses to same-sex couples; and

**WHEREAS**, An unknown number of same-sex couples that reside in North Carolina have already obtained marriage licenses in Massachusetts, California (before Proposition 8 passed), or Connecticut, and at any time, one or more of these couples could file suit in a North Carolina court in an attempt to convince a judge to overturn our State's marriage laws, arguing that they unconstitutionally prohibit "marriages" between same-sex couples; and

**WHEREAS**, without a provision in our State Constitution defining marriage as the union between only a man and a woman, any court in our State could redefine marriage by legalizing the union of same-sex couples, without a vote of the people of the State or our elected legislators; and

**WHEREAS**, to date, 30 states have passed Marriage Protection Amendments that place the traditional definition of marriage as the union of one man and one woman in their state constitutions and beyond the reach of a court; and

**WHEREAS**, North Carolina is the only state in the southern United States that has not protected marriage in its State Constitution by defining it as the union of one man and one woman, thus making it a target for same-sex "marriage;" and

**WHEREAS**, a Constitutional Amendment stating that "*Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State*" is the strongest means of protecting North Carolina's statutory definition of marriage and of insuring that the definition of marriage will be determined by the people of the State; and

**WHEREAS**, bills have been proposed in the last five sessions of the General Assembly to protect marriage by defining it in the North Carolina Constitution as the union of one man and one woman, but the leadership in the North Carolina House and Senate have denied lawmakers and the citizens of the State an opportunity to vote on these bills;

**BE IT THEREFORE RESOLVED**, that the Lincoln County Board of Commissioners believe that it is in the best interest of the people of the County Lincoln and the State of North Carolina to define marriage in the North Carolina Constitution as the union of one man and one woman at one time.

**BE IT THEREFORE RESOLVED**, that Lincoln County hereby requests that the North Carolina General Assembly, in accordance with Article XIII, Section 4 of the North Carolina Constitution, approve legislation submitting a proposal to the qualified voters of this State, for their ratification or rejection, for the adoption of an amendment to the North Carolina Constitution stating:

***"Marriage between a man and a woman is the only domestic legal union  
that shall be valid or recognized in this State"***

Dated this 16<sup>th</sup> day of February, 2009.

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Alex E. Patton, Chairman  
Lincoln County Board of Commissioners

ATTEST:

**Discussion on 2% Reduction in BOE Budget and Motion to Take Action on Budget Adjustment 64:**

**Adjustment 64:** Dr. David Martin, School's Superintendent, stated that due to North Carolina General Statutes, before the County Commissioners may reduce appropriations to a school administrative unit as part of a general reduction of county expenditures required because of prevailing economic conditions, it must hold a public meeting at which time the School Board is given the opportunity to present information on the impact of the reduction. The impact of this 2% reduction or \$359,335 came at the same time of state reductions of \$873,364 for a total of \$1,232,699. The impact of this reduction necessitated reviewing all locally funded budget lines. Dr. Martin stated that they tried to minimize any impact on the teaching and learning process. Dr. Martin stated that we are all in the economic crisis together.

Dr. Martin stated that the state cuts are expected to be between 3 and 7 percent. Low wealth funding would also be lost. That would bring the reduction in funds to \$4.7 million plus the low wealth money. He said that could mean around 80 to 100 positions in the system.

George Wood stated that the low wealth funds would be due to a change in formula which has not been done yet. Mr. Wood asked for the Board's authorization to get with our legislative delegation as soon as possible to explain the situation to them. This money would help with the state's budget but is pretty devastating to the school system. There are 15 counties in this situation.

Mr. Wood thanked Dr. Martin for his willingness to work with the county by reducing 2%.

Dr. Martin stated that he and Mr. Wood meet on a monthly basis and are getting a lot of work done with the upcoming budget.

Chairman Patton thanked Dr. Martin and the Board of Education for the commitment to Lincoln County and for the positive attitudes.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the motion to approve Budget Adjustment 64.

**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.

**Motion to Award the Animal Shelter Construction Project to David E. Looper Compay in the amount of \$1,055,100.00, with the work to be completed within 180 days of Notice to Proceed:** UPON MOTION by Commissioner Carlton, the Board voted 5-0 to approve the motion to award the Animal Shelter Construction Project to David E. Looper Company in the amount of \$1,055,100.00, with the work to be completed within 180 days of Notice to Proceed.

**Motion to Award the Animal Shelter Incinerator Bid to the Crawford Industrial Group in the amount of \$70,300.00:** UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the motion to award the Animal Shelter Incinerator Bid to the Crawford Industrial Group in the amount of \$70,300.00.

**Motion to Award the Animal Shelter Equipment Bids for Kennels and Stacks to the Mason Company in the amount of \$128,890.59:** UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the motion to award the Animal Shelter Equipment Bids for Kennels and Stacks to the Mason Company in the amount of \$128,890.59.

**Road Naming Public Hearing – Potter House 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.

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

Ms. Anderson requested the Board's vote of approval to add this road to the system.

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

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the road naming public for Potter House Lane.

**Mountain Island Lake Marine Commission Annual Report – Annette Lawing:** Annette Lawing, Chris Watson, and Pam Beck appeared before the Board to present the Mountain Island Lake Marine Commission Annual Report.

**Nursing and Adult Home Community Advisory Committee Annual Report – Cindy Kincaid:** Cindy Kincaid with Centralina Council of Government's Ombudsman Program, gave the annual report for the Nursing and Adult Home Community Advisory Committee. Ms. Kincaid invited the Board to attend a facility visit with the Committee.

**Resolution #2009-2: Resolution to Advance Lincoln County's Reappraisal Schedule from January 1, 2012 to January 1, 2011 – Jeff Taylor:** UPON MOTION by Commissioner Arena, the Board voted 3-2 (Mitchem, Klein against) to approve Resolution #2009-2: Resolution to Advance Lincoln County's Reappraisal Schedule from January 1, 2012 to January 1, 2011.

Commissioner Klein stated that he opposes the notion because it doesn't deal with the question of the process.

Commissioner Mitchem stated that he agrees with what Commissioner Klein said and will not support this. The concern of the people is that they are paying too much tax money.

**RESOLUTION TO  
ADVANCE LINCOLN COUNTY'S REAPPRAISAL SCHEDULE  
FROM JANUARY 1, 2012, TO JANUARY 1, 2011**

WHEREAS, Section 105-286(a) of the North Carolina General Statutes requires that all counties in North Carolina conduct a reappraisal of real property at least once every eight years; and

WHEREAS, Section 105-286(a)(2) allows a county that desires to advance its reappraisal schedule to do so upon adoption of a resolution so providing; and

WHEREAS, the Lincoln County Board of Commissioners adopted a resolution in 1993 providing for a reappraisal in 1996 and every four years thereafter; and

WHEREAS, the most recent reappraisal became effective on January 1, 2008; and

WHEREAS, the next scheduled reappraisal under the cycle adopted in 1993 would become effective on January 1, 2012; and

WHEREAS, significant negative changes in economic conditions, particularly in the real estate market, have occurred since January 1, 2008, and the Board feels that it would be in the best interests of the citizens of Lincoln County to conduct the next reappraisal a year early in order to have the County's tax valuations sooner reflect the changes that have occurred since the 2008 reappraisal;

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:**

1. That pursuant to Section 105-286(a)(2) of the North Carolina General Statutes, the Board hereby advances the next scheduled reappraisal to be effective on January 1, 2011.

2. That the effective dates of future reappraisals after January 1, 2011, shall be every four years thereafter.

3. That the Board states that adequate funds are available to begin and will be made available to complete the upcoming reappraisal by January 1, 2011.

4. That the County Manager and Tax Administrator are hereby directed to submit this resolution to the North Carolina Department of Revenue for its approval.

Adopted this 16<sup>th</sup> day of February, 2009.

LINCOLN COUNTY

By: \_\_\_\_\_  
Alex E. Patton, Chairman  
Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the  
Board of Commissioners

**Discussion of Car Farm Road Development Project Request – George Wood:** Mr. Wood stated that there was a meeting last week with LEDA, the City Manager and Public Utilities, and the County Public Works Department. He stated that the purpose of the meeting was to determine that from an operational standpoint this could be done. He stated that the Chairman and he have a meeting with the City Manager and Mayor this week and would like the Board's authorization to negotiate this with them.

Mr. Wood stated that this would be gravity flow sewer down old 321 to the right off of Car Farm Road, then tie into the sewer system owned by the County in the Lincoln County Industrial Park. At that point, there is a pump station that lifts the sewer up, takes it across and puts it into the nearest manhole in Lincolnton's sewer system.

Mr. Wood stated that we have an agreement with Lincolnton that in the Industrial Park, they will charge the inside industrial city rate. The normal policy for the city is that anyone who utilizes their sewer system outside the city is double the normal rate.

Mr. Wood stated that we could do this with no problems. The developer would be paying double the sewer rates for the city and will be a customer of the county.

He stated that we need a policy going forward. He said the county should get some of the revenues from this due to the fact that they have the cost of running the pump stations,

maintaining them, inspecting them plus we are responsible for operational problems in the future.

Mr. Wood stated that this is only for information and he will meet with the City this week.

**Tub Grinder Financing – Leon Harmon:** Leon Harmon presented bids for the \$430,000 financing for the balance of funds needed to purchase the tub grinder to be used at the landfill. The proposals are to finance over a 59 month term. The bids received are as follows:

	Rate	Fee
Aquesta Bank	5.25%	
First Citizens	3.68%	\$200
LGFCU	4.00%	
RBC Bank	3.73%	\$100
SunTrust Finance & Leasing	3.225%	\$500
BB&T	3.78%	

Mr. Harmon recommended the low bid from SunTrust Finance.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Resolution Authorizing the Execution and Delivery of a Master Lease Agreement, Equipment Schedule No. 01 and Related Instruments, and Determining Other Matters in Connection Therewith.

#### **RESOLUTION OF GOVERNING BODY**

At a duly called meeting of the governing body of Lessee held in accordance with all applicable legal requirements, including open meeting laws, on the 16th day of February, 2009, the following resolution was introduced and adopted:

#### **RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 01 AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS, the governing body of [LESSEE] (“Lessee”) desires to obtain certain equipment (the “Equipment”) described in Equipment Schedule No. \_\_\_\_\_ to the Master Lease Agreement (collectively, the “Lease”) with **SUNTRUST EQUIPMENT FINANCE & LEASING CORP.**, the form of which has been available for review by the governing body of Lessee prior to this meeting; and

WHEREAS, the Equipment is essential for the Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be applied to the acquisition of the Equipment in accordance with such Lease; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, Lessee proposes to enter into the Lease with **SUNTRUST EQUIPMENT FINANCE & LEASING CORP.** substantially in the form presented to this meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:**

Section 1. It is hereby found and determined that the terms of the Lease in the form presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. The Lease and the acquisition and financing of the Equipment under the terms and conditions as described in the Lease are hereby approved. The County Manager and Finance Director of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Lease with any changes, insertions and omissions therein as may be approved by the officers who execute the Lease, such approval to be conclusively evidenced by such execution and delivery of the Lease. The County Manager and Finance Director of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Lease and attest the same.

Section 3. The proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Lease.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the Lease executed on behalf of Lessee is the same as presented at such meeting of the governing body of Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

Date: \_\_\_\_\_, \_\_\_\_\_

[LESSEE],  
Lessee

By:

\_\_\_\_\_  
Body) (Chairman of the Governing

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Attested By: \_\_\_\_\_

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Discussion of Policy on Whether to Allow Design Build Projects by VFDs as Opposed to Design Bid Build Projects – George Wood:** Mr. Wood stated that a Fire Chief approached him about whether it would be legal for them to use a design-build firm to construct their new fire station, or if the County required them to bid out the project. Any County-owned project over \$300,000 in value would have to use the sealed bid method of obtaining competitive quotes. This building is about \$1.5 million, so it meets that threshold.

Mr. Wood stated that he discussed this with Jeff Taylor. Apparently, state law does not require this, because you would have contracted with a fire department that is legally a 501(c)(3) non-profit corporation. However, the fact remains that any of our fire departments would be expending tax dollars to build such a facility. Mr. Wood stated that he believes the County needs to have a discussion about whether to implement a policy on this.

Mr. Wood said the normal process is design, bid, build. An architect is hired to design the building, based upon his qualifications. Once the building is designed, with detailed drawings and written specifications that detail the types of materials to use and assure those are used, a public bid process with sealed bids is held, so that any qualified construction company can submit a sealed bid, with all opened at the same time. That gives all qualified bidders an opportunity to bid on the work, and the competition should keep the prices down. The third step is to select one of those bidders (usually the lowest, responsible bid) to actually build the building, with the architect acting as the owner's agent to inspect the workmanship and make sure the plans were followed. So, it's a three step process-design, bid, then build.

The process under consideration is design, build. A construction company is selected and a price is negotiated with them. The construction company either hires an architect or has one on staff who designs the building. There is no bid process. Then the contractor builds the building. The argument used to support this process is that they can save on some of the architect fees. Mr. Wood said there are at least five aspects to this process that have always bothered him: 1) How does the owner assure the quality of the construction details if there are limited plans and specifications? 2) How do you know that the per square foot cost is tied to actual quality of the construction, since the price has been agreed, then the building designed? 3) How does the owner know that another construction company would not have bid lower on the construction, if they had been given an opportunity to bid on it? This is critical, and why counties and cities are required to use sealed bids in the first place. 4) If the architect is hired by the contractor, not the owner, who ensures that the building is built according to the plans? Is this not an inherent conflict of interest? 5) If the architect works for the contractor, who advises the owner on whether a change order is necessary or not, or overpriced or not?

Mr. Wood said that even if state law did not require counties to use the sealed bid process, he would never recommend that the County use the design, build process for any of our major projects. Competitive bids on an architect-designed building with clear specifications assures the public that the best price was obtained, and that the quality of the building was assured.

The Board discussed this item and instructed the County Manager to bring a policy to the Board at the next meeting.

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

Commissioner Carlton asked about the smell at the sewer pump station. Mr. McKinnon stated that there was a problem, the vendor was contacted, and the issue was resolved.

**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 E-911 money has restrictions and can only be used for limited items. Franklin County has introduced a local bill that essentially would change state law to where you could fund other items with these funds. He asked for the Board's permission to draft this bill.

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to draft a bill to be submitted to the general assembly concerning 911 money.

**County Attorney's Report:** Jeff Taylor presented the County Attorney's Report.

**Vacancies/Appointments:** Commissioner Carlton presented the following vacancies and appointments.

February 16, 2009  
Lincoln County  
Board of Commissioners  
Board Vacancies/Appointments

**Vacancies:**

Nursing and Adult Care Home Community Advisory Committee  
LNRC  
Recreation Commission  
Board of Equalization and Review  
Board of Adjustment - Alternate

**Appointments:**

Board of Health:

Appoint:

- Kathy Buelin

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to appoint Kathy Buelin to the Board of Health.

**Calendar:** Chairman Patton presented the March 2009 calendar.

**Closed Session:** **UPON MOTION** by Commissioner Klein, the Board voted

unanimously to enter into closed session pursuant to N.C.G.S. § 143-318.11

(a)(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.

**Recess:** **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to recess to Monday, February 23, 2009 at 6:30 p.m. in the Board of Commissioners Room where Commissioners Carlton and Mitchem will be available by phone.

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex Patton, Chairman  
Board of Commissioners