

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MARCH 20, 2006**

The Lincoln County Board of County Commissioners met in regular session on  
March 20, 2006, at the James W. Warren Citizens Center, Commissioners Room,  
115 West Main Street, Lincolnton, North Carolina,  
the regular place of meeting, at 7:20 p.m.

Commissioners Present:

Thomas R. Anderson, PE, Chairman  
James Buddy Funderburk, Vice Chairman  
Carrol Mitchem  
Marie Moore  
Alex E. Patton

Others Present:

Stan B. Kiser, County Manager  
Jeffrey A. Taylor, County Attorney  
Delores Alfaro, Assistant Clerk to the Board  
Kelly Atkins, Director of B&LD  
Randy Hawkins, Zoning Administrator  
Candi Cornwell, Review Officer  
Steve Gilbert, Director of Public Works  
Leon Harmon, Director of Finance  
Susan Spake, Director of Emergency Management  
Mike Futrell, Fire Marshal  
Bill Summers, Deputy Fire Marshal

**Call to Order:** *Chairman Anderson* called the March 20, 2006, meeting of the Lincoln County Board of Commissioners to order.

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

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**MARCH 20, 2006**

- |            |                    |
|------------|--------------------|
| 7:20 PM    | Call to Order      |
| 1. 7:21 PM | Adoption of Agenda |

2. 7:22 PM Consent Agenda
  - Approval of Minutes
    - March 6, 2006
  - Budget Adjustment No. 64
  - Budget Adjustment No. 65
  - Tax Requests for Refunds – More than \$100
    - Feb 27 – Mar 12, 2006
  - Letter of Credit #47
  - 2006 July 4<sup>th</sup> Celebration Contribution (City of Lincolnnton)
3. 7:25 PM Public Comments
4. 7:40 PM Recommendations from Planning Board
  - ZTA #523 - Lincoln County, applicant.
  - ZTA #520 - Lincoln County, applicant.
  - ZMA #521 - Joy Riddle, applicant
  - ZMA #522 - P.J. Jones, applicant
  - PCUR #130 - Donna Harris, applicant
  - CUP #270 - Steve Ramsey, applicant
5. 8:10 PM 2006 Community Development Block Grant  
Scattered Site Housing Public Hearing – James Luster
- 5A. Denver Fire District Five & Six Mile Centerline Analysis – Mike Futrell
6. 8:15 PM Construction Observation for Westport Water Lines – Steve Gilbert
7. 8:20 PM Lincoln County Industrial Park Sewer, Contract Amendment No. 2 – Steve Gilbert
8. 8:25 PM Water Treatment Plant, Final Change Order – Steve Gilbert
9. 8:30 PM NC 73 & Airport Water Line, Contract Amendment No. 1 – Steve Gilbert
10. 8:35 PM Capital Project Report – Steve Gilbert
11. 8:40 PM Resolution and Proposals for Water Lines at NC 16 & NC 73 – Steve Gilbert
12. 8:45 PM Finance Officer's Report
13. 8:50 PM County Manager's Report

14. 8:55 PM County Commissioners' Report
15. 9:00 PM County Attorney's Report
16. 9:05 PM Vacancies/Appointments
17. 9:10 PM Calendar
18. 9:13 PM Other Business
19. 9:15 PM Closed Session

Adjourn

*Commissioner Patton* stated that he wanted to add an item regarding the Denver Fire District as Item 5A.

**UPON MOTION** by *Commissioner Moore*, the Board voted unanimously to adopt the agenda as amended.

**Consent Agenda:**

- Approval of Minutes
  - March 6, 2006
- Budget Adjustment No. 64
  - Re: Increasing expenditure & revenue line items for additional allocations of funds for Crisis Intervention Program (no county funds involved)
- Budget Adjustment No. 65
  - Re: To purchase approximately 12 tasers and related items for Courthouse security
- Tax Requests for Refunds – More than \$100
  - Feb 27 – Mar 12, 2006

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (February 27, 2006-March 12, 2006)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Goodwin, Scott	2005	DFD	0163400	150.00
Gregory, John	2005	CITY	0115482	849.67

**TOTAL    \$999.67**

- Letter of Credit #47
- 2006 July 4<sup>th</sup> Celebration Contribution (City of Lincoln)

*Commissioner Moore* requested that the 2006 July 4<sup>th</sup> Celebration Contribution (City of Lincoln) be pulled for independent consideration.

**UPON MOTION** by *Commissioner Moore*, the Board voted unanimously to adopt the consent agenda as modified.

**2006 July 4<sup>th</sup> Celebration Contribution (City of Lincoln):** *Commissioner Patton* stated that this is a centrally located annual event. *Commissioner Patton* made a motion that the Board approve this item. *Commissioner Moore* stated that a letter from Denver was forthcoming. Ms. Moore stated that, last year, Denver received \$3,000 and the City of Lincoln received \$6,000. Ms. Moore stated that she felt the Board should make this consistent and give equal amounts across the board, as she felt this was a fairness issue. Ms. Moore stated that, if approved, this could cost this county an additional \$12,000.

**UPON MOTION** by *Commissioner Patton*, the Board voted 4-1 to approve the request from the City of Lincoln for a \$6,000 contribution to their 4<sup>th</sup> of July celebration.

AYES: Anderson – Funderburk – Mitchem – Patton

NOES: Moore

**Public Comments:** *Chairman Anderson* opened the floor to public comments by any member of the public who wishes to address the Board on any matter.

*Commissioner Funderburk* stated that he would like to address some correspondence he received regarding the committee formed to address ways to slow growth and debt in the county. Mr. Funderburk stated that this committee, composed of citizens from across the county to represent the entire county, was not intended to be an “East Lincoln growth solution committee” as was stated in the e-mail. He stated that, as Appointment Chairman, he submits names for any board or committee to this Board to vote on, and that any commissioner has the option to ask to remove a name or present someone else for approval. Mr. Funderburk stated that the Board voted in favor of this committee, and that the list of committee members is available to the public, as are the minutes of each meeting (which are also available by our website). He stated that the e-mailer suggested that “the committee is biased, and a fox would be let in the henhouse,” and that his comment to that was that “the fox should not be let in the henhouse with the citizens from the entire county working on this committee and representing the whole county.”

Being no additional speakers, *Chairman Anderson* declared the Public Comments session closed.

**Recommendations from the Planning Board:** *Randy Hawkins, Zoning Administrator*, presented the following recommendations from the Planning Board.

**Zoning Text Amendment No. 523 – Lincoln County, applicant:** The Board of Commissioners voted unanimously March 6, 2006, to withdraw Zoning Text Amendment No. 523.

**Zoning Text Amendment No. 520 – Lincoln County, applicant:** The Planning Board voted 7-0 to recommend approval of Zoning Text Amendment No. 520, and to adopt the Statement of Consistency and Reasonableness.

*Randy Hawkins, Zoning Administrator,* stated that this is a proposal to regulate advertising signs which do not exceed 32 square feet, to eliminate the grandfathering of non-conforming signs, and to redefine portable signs.

*Commissioner Mitchem* asked for clarification on popsicle signs, noting that he had a problem with a private business owner not being able to advertise on his own property.

*Randy Hawkins* stated that the Zoning Ordinance prohibits portable signs, which popsicle signs are considered to be. Mr. Hawkins stated that they told Mark Cotter that the temporary sign issue not part of this proposal, and that B&LD and the Planning Board would review that again. He stated that one of the problems with popsicle signs was multi-tenant developments that might have ten to fifteen businesses in one building.

*Commissioner Patton* stated that this proposed ordinance doesn't get rid of the big signs that you put letters on, but that it only requires them to be put on posts or made permanent, and that multi-tenant businesses can have those signs.

*Kelly Atkins, Director of Building and Land Development,* explained that permanent signs would require a building permit and inspections. Mr. Atkins stated that the inspection would involve wind loads and footing detail.

*Randy Hawkins* stated that the City of Lincolnton approved the same proposal in 1991, giving business owners a year to come in compliance, and eliminating the grandfathering of portable signs.

*Commissioner Moore* stated that, by making portable signs permanent, it eliminated safety issues in regards to wind storms and sight distance.

*Commissioner Mitchem* asked if permanent signs were supposed to be anchored down. Randy Hawkins stated that grandfathered signs did not have to be, and that using posts as opposed to anchors actually appeared more permanent.

*Commissioner Patton* stated that there had to be a way for every business owner to advertise as needed.

*Chairman Anderson* stated that normally in a strip mall situation the landlord would have a permanent sign with a space for each tenant to advertise.

*Commissioner Mitchem* stated that his issue, in regards to strip malls, that they weren't allowed to have signs that required daily changing.

*Commissioner Patton* stated that, regarding the statement of consistency, signs were not allowed in residential areas. Randy Hawkins stated that no off premise advertising signs were allowed by private businesses. Mr. Patton stated that more needed to be done before the Board approved this. *Commissioner Mitchem* agreed, asking if it could be tabled or sent back to the Planning Board.

*Chairman Anderson* suggested if they tabled and returned it to the Planning Board for further consideration, that they give them specific concerns to address

*Randy Hawkins* suggested that the Board consider approving the part of the proposal dealing with the off-premise advertising signs. Mr. Hawkins explained that, currently, you can put an advertising sign not exceeding thirty-two square feet in any neighborhood at any place on Hwy. 16 without a permit, and that this was a big loophole that needed to be closed as soon as possible.

*Commissioner Moore* made a motion to close the gap and return the remaining two items to the Planning Board for further consideration until the next meeting.

*Chairman Anderson* questioned counsel as to whether or not the Board could proceed with such a motion.

*Jeff Taylor, County Attorney*, deferred to Randy Hawkins, since he was more familiar with the text of it.

*Randy Hawkins* explained that, when they proposed this, they broke it down into three separate proposals: one dealing specifically with the off-premise advertising signs; one dealing with the portable signs; and one dealing with non-conforming signs. Mr. Hawkins stated that his proposal would be to adopt only the part dealing with the off-premise advertising sign.

*Chairman Anderson* suggested that the Board take Commissioner Mitchem's suggestion to return this to the Planning Board to try to redraft this statement such that the end result would be that businesses on premise have the ability to advertise specific items of sale for the day, the week or the month, to give them that flexibility on premises, and if that motion is made, he would like it to include this being brought back at the 2<sup>nd</sup> meeting in April.

*Commissioner Moore* withdrew her motion. Ms. Moore suggested to Mr. Hawkins that they consider one sign for special events.

**UPON MOTION** by *Commissioner Patton*, the Board voted unanimously to refer Zoning Text Amendment No. 520 back to the Planning Board for further consideration until April 17<sup>th</sup>, 2006.

**Zoning Map Amendment No. 521 – Joy Riddle, applicant:** The Planning Board voted 7-0 to recommend approval of Zoning Map Amendment No. 521, and to adopt the Statement of Consistency and Reasonableness.

Case No: ZMA 521

Applicant: Joy Riddle

Parcel ID#: 75081

Location: Water Oaks Drive

Proposed

Amendment: Rezone from R-T to R-CR

**UPON MOTION** by *Commissioner Funderburk*, the Board voted unanimously to approve Zoning Text Amendment No. 521, including the Statement of Consistency and Reasonableness.

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: This property is not located in area designated for commercial development, meaning it is suitable for residential development.

This proposed amendment is reasonable and in the public interest in that: The applicant owns an adjoining parcel to the rear that is already zoned R-CR. The property on the opposite side of the road and on one side is also zoned R-CR. R-CR is a residential district that is more restrictive than R-T in terms of what's allowed as a use by right. It does allow a limited number of commercial uses, but subject to the issuance of a conditional use permit.

**Zoning Map Amendment No. 522 – P. J. Jones, applicant:** The Planning Board voted 7-0 to recommend approval of Zoning Map Amendment No. 522, and to adopt the Statement of Consistency and Reasonableness.

Case No: ZMA 522

Applicant: P. J. Jones

Parcel ID#: 33813

Location: Hwy. 16 at Grassy Creek Road

Proposed

Amendment: Rezone from I-L to B-G

**UPON MOTION** by *Commissioner Mitchem*, the Board voted unanimously to approve Zoning Text Amendment No. 522, including the Statement of Consistency and Reasonableness.

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: This property is located in an area designated by the Land Use Plan as a commercial and employment center.

This proposed amendment is reasonable and in the public interest in that: This is a downzoning to a more restrictive district. Other properties in this area are zoned business. This property is located on a major highway at an intersection.

**Parallel Conditional Use Rezoning No. 130 – Donna Harris, applicant:** The Planning Board voted 7-0 to recommend approval of Parallel Conditional Use Rezoning No. 130, with the condition that the front of the building be bricked halfway up, and to recommend approval of the Statement of Consistency and Reasonableness and Findings of Fact as a whole.

Case No: PCUR #130

Applicant: Donna Harris

Parcel ID#: 54342

Location: Rock Dam Road

Proposed

Amendment: Rezone from R-SF to CU B-N to permit a hair and tanning salon

**UPON MOTION** by *Commissioner Funderburk*, the Board voted unanimously to approve Parallel Condition Use Rezoning #130, to accept the Statement of Consistency and Reasonableness, to accept the Findings of Fact as a whole, and the condition submitted by the Planning Board in connection with this matter.

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: This property is located in an area designated by the Land Use Plan as a commercial and employment center.

This proposed amendment is reasonable and in the public interest in that: Other properties in this area are zoned business or industrial. Public water and sewer will soon be available in this area. This property is located just off a main highway. As a conditional use rezoning, the use will be limited to a hair and beauty salon.

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES ☒ NO ☐



Factual reason cited: Will not endanger the public health or safety.

2. The use meets all required conditions and specifications. YES ☒ NO ☐

Factual reason cited: Meets all required conditions and specifications.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES ☒ NO ☐

Factual reason cited: May raise the value of adjoining property.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES ☒ NO ☐

Factual reason cited: Is consistent with Land Use Plan, located in an area designated as a commercial and employment center.

**Conditional Use Permit No. 270 – Steve Ramsey, applicant:** The Planning Board voted 7-0 to recommend approval of Conditional Use Permit No. 270, the Statement of Consistency and Reasonableness, and the Findings of Fact.

**UPON MOTION** by *Commissioner Patton*, the Board voted unanimously to approve Conditional Use Permit No. 270, and to accept the Findings of Fact as a whole.

1. The use will not materially endanger the public health and safety if located where proposed and developed according to plan. YES ☒ NO ☐

Factual reason cited: Based on location, other mobile homes around.

2. The use meets all required conditions and specifications. YES ☒ NO ☐

Factual reason cited: Does meet all required conditions and specifications, meets appearance criteria, being placed on ¾-acre lot.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES ☒ NO ☐

Factual reason cited. Existing singlewide mobile home located nearby.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES ☒ NO ☐

Factual reason cited: Is in general conformity with land Use Plan, consistent with the surrounding area containing a mix of site-built and mobile homes.

**Conditional Use Permit No. 271 – Cherry Enterprises, applicant:** The Planning Board voted 6-1 to recommend that the request be denied. Cherry Enterprises, applicant, officially withdrew its application March 17, 2006.

**2006 Community Development Block Grant Scattered Site Housing Public Hearing**

**– James Luster:** *James Luster* stated that the application process had been completed. Mr. Luster stated that, from approximately 20 applicants, five participants remained. He stated that the final requirement was for the county to complete the public hearing and submit the 2006 Scattered Site Housing application to the state.

*Chairman Anderson* opened the public hearing for the 2006 Community Development Block Grant Scattered Site Housing Program. Chairman Anderson stated that this is an application to be submitted by Lincoln County for \$400,000 in community development block grant funds.

Being no speakers, *Chairman Anderson* closed the public hearing.

**Denver Fire District Five & Six Mile Centerline Analysis – Mike Futrell:** *Mike Futrell* presented copies of a map of the Denver Fire District Analysis to the Board. Mr. Futrell updated the Board regarding a change in the ISO rating for a portion of the Denver area, along with plans to upgrade it. He asked that the Board approve the map tonight so as to allow them to complete the process by the June 30, 2006, deadline.

**UPON MOTION** by *Commissioner Patton*, the Board voted unanimously to approve the Five & Six Mile Centerline Analysis Map presented.

**Construction Observation for Westport Water Lines – Steve Gilbert:** *Steve Gilbert* presented Contract Amendment No. 1 to the Board for approval.

*Commissioner Patton* stated that he thought the salary was high, and asked about qualifications. *Mr. Gilbert* explained the calculation he used to arrive at the figure. He stated that the person must have a lot of field experience in this line of work and be familiar with the requirements that the contractor must meet. He described this as a proactive step to avoid potential problems that could occur later. *Commissioner Patton* stated that the county could have two full-time county employees for a full year for the price of this one observer for six months

*Chairman Anderson* stated that, as a Professional Engineer, he could confirm that additional observation was beneficial with some projects, due to either their location or the criticality of the project. He explained that contractors are driven by schedule and production, and will do what is necessary to finish within that. Chairman Anderson stated that the Board, functioning as an owner, sometimes has to make a decision to protect ourselves as best we can. He stated that, if the Utilities Department has made the

determination that this project is sufficiently critical to have this additional inspection, it's probably warranted.

*Commissioner Patton* stated that, as owners, we still wouldn't be there observing, instead paying someone who might not care any more than the contractor.

*Commissioner Funderburk* asked if it would be worthwhile to have a county employee do this all the time.

*Commissioner Patton* stated that it would be if the need came up repeatedly.

*Commissioner Mitchem* asked about the amount of time the contractor is supposed to work. *Mr. Gilbert* stated that the amount of time is the full contract length, and that the observer, who will be paid at an hourly rate, will be on site when the contractor is there. *Mr. Gilbert* clarified his statement in his memo by explaining that the contractor must be there 80% of the contract time.

*Commissioner Funderburk* asked if, accepting this for now, they would be able to opt out at a later date if they came up with an alternate solution. *Chairman Anderson* stated that he thought the Board had the ability to control the number of hours expended under this contract. *Steve Gilbert* stated that he was correct. *Jeff Taylor, County Attorney*, also agreed.

**UPON MOTION** by *Commissioner Moore*, the Board voted 4-1 to accept the recommendation of the Utilities Department to agree to Amendment No. 1 with W. K. Dickson for construction observation.

AYES: Anderson – Funderburk – Mitchem – Moore

NOES: Patton

**Lincoln County Industrial Park Sewer, Contract Amendment No. 2:** *Steve Gilbert* presented Amendment No. 2 for the design of the Lincoln County Industrial Park sewer to the Board for approval, with the stipulation regarding the access route.

**UPON MOTION** by *Commissioner Patton*, the Board voted unanimously to approve Amendment No. 2 for the Lincoln County Industrial Sewer Park line.

**Water Treatment Plan, Final Change Order – Steve Gilbert:** *Steve Gilbert* presented the Final Change Order for the Water Treatment Plant to the Board for approval.

**UPON MOTION** by *Commissioner Mitchem*, the Board voted unanimously to approve Change Order Four to the Water Treatment Plant Improvements.

**NC 73 & Airport Water Line, Contract Amendment No. 1 – Steve Gilbert:** *Steve Gilbert* presented Contract Amendment No. 1 for the NC 73 & Airport Water Line to the Board for approval.

*Chairman Anderson* asked if there was a particular reason why we couldn't continue straight into the airport, rather than following the road. Mr. Gilbert explained that hangars will be where the road is now, and that he preferred to stay in the right-of-way.

*Mike Wolfe* stated that there is a little bit of a hump in the road where they plan to put the terminal buildings, and they plan to excavate it. Mr. Wolfe stated that they discussed other options, but this was the best solution.

**UPON MOTION** by *Commissioner Patton*, the Board voted unanimously to approve Contract Amendment No. 1 for the NC 73 & Airport Water Line.

**Capital Project Report – Steve Gilbert:** *Steve Gilbert* presented the Capital Project Report. In addition, Mr. Gilbert stated that the Solid Waste Division of Public Works was approved for a grant in the amount of \$53,851.70, which covers 95% of the cost of the knuckleboom truck that the Board approved the purchase of at the January 9<sup>th</sup> meeting.

**Resolution and Proposals for Water Lines at NC 16 and NC 73 – Steve Gilbert:** *Steve Gilbert* presented the Resolution and Proposals for Water Lines at NC 16 and NC 73 to the Board for approval.

**UPON MOTION** by *Commissioner Moore*, the Board voted unanimously to adopt the resolution.

#### RESOLUTION TO EXEMPT WATERLINE PROJECTS FROM QUALIFICATIONS-BASED METHOD OF AWARING CONTRACTS

WHEREAS, Lincoln County has a need for engineering services for design and preparation of plans and specifications for waterlines in the vicinity of the intersection of NC 16 and NC 73; and

WHEREAS, Section 143-64.31 of the North Carolina General Statutes requires a Qualifications-based Selection process for Professional Services, and

WHEREAS, the aforesaid waterline project needs to proceed without undue delay or expense; and

WHEREAS, Section 143-64.32 of the North Carolina General Statutes allows units of local government to exempt particular projects from the qualifications-based method of awarding public architectural, engineering, and surveying contracts in the sole discretion of the unit of local government, stating the reasons therefore and the circumstances attendant thereto; and

WHEREAS, exempting the aforesaid projects will expedite the design and construction process and avoid delays to other much needed infrastructure improvements.

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

1. That the Lincoln County Board of Commissioners hereby exempts the project for design and construction of waterlines in the vicinity of the intersection of NC 16 and NC 73 from the requirements of Article 64.31 of Chapter 143 of the North Carolina General Statutes, in order to expedite the design and construction process and avoid delays to other much needed infrastructure improvements.

2. That this resolution shall become effective upon adoption, and staff shall proceed with the process of soliciting and evaluating proposals for engineering services for the design and preparation of plans and specifications for such waterlines and making an appropriate recommendation to this Board.

Adopted this 20<sup>th</sup> day of March, 2006.

LINCOLN COUNTY

By: \_\_\_\_\_  
Thomas R. Anderson, P.E., Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Delores Alfaro, Assistant Clerk  
to the Board of Commissioners

**Finance Officer's Report – Leon Harmon:** *Leon Harmon* presented the Budget Performance Report for February 2006. In addition, Mr. Harmon stated that there had been some discussion about establishing an Audit Committee, and that he included some information from the State Treasurer's Policy Manual concerning the makeup of such a committee. Mr. Harmon stated that the State Treasurer's Office informed him that the County could proceed with the COPS application process.

*Commissioner Moore* stated that she would like to make a motion to form an Audit Committee consisting of three people selected by her.

**UPON MOTION** by *Commissioner Moore*, the Board voted 4-1 to reject the proposal to establish an Audit Committee.

AYES: Moore

NOES: Anderson – Funderburk – Mitchem – Patton

**UPON MOTION** by *Commissioner Mitchem*, the Board voted 4-1 to approve the Contract Audit Services submitted by Martin Starnes & Associates.

AYES: Anderson – Funderburk – Mitchem – Patton

NOES: Moore

**County Manager's Report:** *Stan Kiser* presented the County Manager's report. Mr. Kiser distributed two memos regarding "Property Valuation (Value of One Cent)" and "County Debt."

**County Commissioners' Report:**

*Commissioner Patton* updated the Board regarding the Airport Authority. He suggested that a document detailing information acquired from a workshop on "Fire Insurance Ratings" be drafted and mailed with the tax bills.

*Chairman Anderson* referred to the insurance provider exchange from Audrey Setzer, Director of Personnel.

**County Attorney's Report:** *Jeff Taylor* presented the County Attorney's report. Mr. Taylor updated the Board regarding the condemnation of the former Rhyne Mills property. Mr. Taylor suggested that the Board authorize him to petition the court to lift the injunction so that the Rhyne family could proceed with the Greenway project. *Chairman Anderson* instructed Mr. Taylor to proceed and to provide a copy of the document to the Board.

**Vacancies/Appointments:**

Vacancies:

Council on Aging \*1  
Historic Properties Commission \*1

Appointments:

Board of Health:

- Andrea "Cheryl" Lineberger

Reappointments:

Library Board:

- Kaye M. Hollifield
- Councilman Fred M. Houser

Commissioner Funderburk requested that George Sain be added to the Growth and Debt Service Committee to represent West Lincoln.

Appointments:

Growth and Debt Service Committee:

- George Sain

**UPON MOTION** by *Commissioner Funderburk*, the Board voted unanimously to approve the appointments/reappointments as amended.

*Chairman Anderson* stated that the Hospital Board, currently limited to two consecutive three-year terms, is asking that they be allowed to extend their terms to three consecutive three-year terms to sitting members. Chairman Anderson entertained a motion to offer a third three-year term to current members for a total of nine years on the Board.

*Commissioner Funderburk* made a motion to allow them to offer a third three-year term, but withdrew the motion.

*Commissioner Mitchem* suggested reappointing them for an additional year during the next three years.

*Chairman Anderson* stated that he would return with a more definitive proposal for the Board to consider.

**Calendar:** *Chairman Anderson* presented the calendar for April 2006.

**Other Business:** *Chairman Anderson* distributed copies of a memorandum he received regarding NCACC "Possible Changes, Association Constitution."

**UPON MOTION** by *Commissioner Patton*, the Board voted unanimously to go into Closed Session pursuant to Rule III, Subparagraph 5 specifically to discuss price or other material terms of a proposed contract for the acquisition of real property by purchase, option, exchange or lease.

**UPON MOTION** by *Commissioner Funderburk*, the Board voted unanimously to return to Open Session.

*Chairman Anderson* stated that no matters discussed in Closed Session required action by the Board.

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

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Delores Alfaro, Assistant Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners