

**IREDELL COUNTY BOARD OF COMMISSIONERS
BRIEFING MINUTES
DECEMBER 21, 2004**

The Iredell County Board of Commissioners met in Briefing Session on Tuesday, December 21, 2004, at 5:00 p.m., in the Iredell County Government Center (South Wing Conference Room), 200 South Center Street, Statesville, NC.

Present were:

Chairman Sara Haire Tice
Steve D. Johnson
Marvin Norman
Ken Robertson

Absent: Vice Chairman Godfrey Williams was absent due to illness of his mother.

Staff present: County Manager Joel Mashburn, Finance Director Susan Blumenstein, Tax Administrator Bill Doolittle, GIS Administrator Lee Anne Owens, Health Administrative Officer Bill Griffith, Allied Health Services Coordinator Norma Rife, Public Health Nurse Susan Johnson, Planning & Code Enforcement Director Lynn Niblock, Planners Rebecca Harper and Colleen Nelson, Support Services Director Jim Vernon, EMS Director Lee Darnell, and Clerk to the Board Jean Moore.

Call to Order by Chairman Tice.

Request from the EMS Department for Approval of a Resolution and a Memorandum of Understanding Pertaining to the North Carolina Local Debt Setoff Program: EMS Director Lee Darnell requested permission to add another step in the collection of delinquent ambulance bills. He said several years ago the tax office gained permission to join the North Carolina Government Debt Setoff Clearinghouse Program to help in the collection of delinquent taxes. Darnell said the program, with assistance from the North Carolina Department of Revenue, helped counties and municipalities collect unpaid debts. (The governmental units submit debtors' information to the clearinghouse. If the delinquent debtor is owed a state income tax refund, the setoff program shifts the refund to the unit of government holding the delinquent account.)

Darnell said a collection agency was already being used to collect delinquent ambulance accounts, and the debt setoff program would enhance the measures already in place.

County Manager Mashburn said new information had been received indicating the resolution and Memorandum of Understanding were not needed to allow EMS to participate in the program. (With this being the situation, the board deleted the request from the agenda.)

Request for the Appointment of a Voting Delegate for the Legislative Goals Conference Sponsored by the North Carolina Association of County Commissioners Scheduled for Thursday and Friday, January 13-14, 2005, at the Radisson Hotel, in High Point, NC: Due to scheduling conflicts, no board member will be able to attend the legislative conference; however, the county manager said the board members would have an opportunity to discuss legislative goals with their legislators on January 13, 2005, at the Statesville Civic Center. (A reception has been planned for that evening, and the legislative delegates representing Iredell County have been invited.)

(It was the consensus of the board to delete this item from the 7 p.m. agenda.)

Discussion Regarding a Sign Violation Located on the Premises of the Shepherds Volunteer Fire Department: Shepherds VFD Chief Kelly Robinson

asked for guidance pertaining to a sign erected in front of the fire department that was in violation of the county's zoning ordinance. Robinson said the firemen were unaware that a permit was needed for the sign. He said the planning department had informed him the sign (described as a marquee along with a built-in mailbox) was nine feet too close to the road, and there was a safety issue. Robinson said Overcash Electric, P.S. West Construction, and officials with the Town of Mooresville were all familiar with the new VFD building, but no one had mentioned a permit or any regulations for signs. He said the planning department had indicated the sign would be permissible with the elimination of the marquee, but the fire department didn't have relocation funds. Chief Robinson said the sign's brick and mortar costs were approximately \$1,800.00, and it would probably cost \$6,000 to \$10,000 to relocate the sign. He said the sign had a footing, and it wasn't just a matter of "picking it up and moving it."

Robinson continued by saying the department now had fines between \$4,000.00 and \$5,000.00, and the matter had been appealed to the Board of Adjustment twice. He acknowledged that at one Board of Adjustment meeting, a representative from the VFD was not in attendance, and a person in the community voiced objections about the sign.

(Information provided by the Planning & Enforcement Office indicated that in accordance with the General Statutes [§153A-345(e)], appeals of any Board of Adjustment decision are to be made to Superior Court.)

Planning & Code Enforcement Director Niblock said options were limited to the commissioners unless there was approval of a zoning ordinance amendment. Additional information from Niblock's office provided the following timeline regarding the sign:

- October 31, 2003 – VFD notified by phone and mail that a problem existed.
- November 14, 2003 – County Planners Rebecca Harper & Whitney Hodges visit the VFD site and talk to Jamie Barrier, the Asst. VFD Chief. The violation was explained, along with the process to seek a variance.
- May 20, 2004 – Iredell County Board of Adjustment meets to consider a request from the VFD for a variance. No one from the VFD attends. The Board of Adjustment denies the request due to determining the department "did not meet any of the findings required" for variance approval.
- May 27, 2004 – VFD notified by mail about the denial. (At that point in time, the VFD had 30 days to appeal to Superior Court.)
- August 2, 2004 – Due to VFD not removing the sign or seeking relief from the courts, the VFD was notified by mail that should "new evidence" be found another Board of Adjustment hearing could be scheduled. If not, the sign needed to be removed.
- September 29, 2004 - \$100-a-day zoning citation issued.
- October 8, 2004 - \$800-a-day zoning citation issued.
- November 17, 2004 - VFD submits a rehearing request to Board of Adjustment.
- November 18, 2004 - Board of Adjustment reviews and denies the case due to "finding no new evidence."

Robinson said the sign and mailbox were on the same side of the road, and he felt the arrangement made the area safer for everyone. He said the county's building inspectors had inspected and signed off on the new VFD building, and he felt the situation was a misunderstanding.

Commissioner Johnson said the VFD had a building permit -- not a sign permit. Johnson said he also felt there was a misunderstanding regarding the sign. Mr. Johnson asked if it would be permissible for the board of commissioners to write a letter to the board of adjustment regarding the matter.

Niblock said a letter would be acceptable under the Board of Adjustment's Rules of Procedure; however, new evidence -- nothing already presented -- needed to be provided. He said the board of adjustment wasn't supposed to hear the case again until new evidence surfaced.

Planner Rebecca Harper said all signage had to be ten feet off the right-of-way. She said the mailbox portion could remain standing, but the sign had to be moved.

County Manager Mashburn said the “hardship had to be on the land.” He said that if the Board of Adjustment adhered to the rules and the past determinations, the sign issue was out of the commissioners’ bounds of authority.

Commissioner Johnson requested that Chief Robinson and Planning & Code Enforcement Director Lynn Niblock meet together for the purpose of reviewing the situation to determine if new evidence could be found.

Adjournment: Chairman Tice adjourned the briefing at 5:55 p.m.

Approval: _____

Clerk to the Board