

**IREDELL COUNTY BOARD OF COMMISSIONERS
BRIEFING MINUTES
SEPTEMBER 18, 2001**

The Iredell County Board of Commissioners met in Briefing Session on Tuesday, September 18, 2001, at 5:00 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

Present: Chairman Sara Haire Tice
Vice Chairman Steve D. Johnson
Tommy E. Bowles
Karen B. Ray
R. Godfrey Williams

Staff Present: County Manager Joel Mashburn, Finance Director Susan Blumenstein, Sgt. Neil Hayes with the Sheriff's Department, Inspections/Planning Director Lynn Niblock, Planning Supervisor Ron Smith, County Assessor Brent Weisner, Health Director Ray Rabe, Health Environmental Supervisor Kelly Sheeks, Health Services Coordinator Norma Rife, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Tice.

REQUEST FROM LOWE'S COMPANIES, INC., FOR THE RELEASE OF ZONING AND SUBDIVISION JURISDICTION TO THE TOWN OF MOORESVILLE: South Iredell Economic Developer Melanie O'Connell Underwood and John W. Vining, Jr., the Administrative Vice President for Lowe's Companies, Inc., attended the meeting in reference to this request.

Planning Supervisor Ron Smith said Lowe's Companies, Inc., desired the release of zoning and subdivision jurisdiction to the Town of Mooresville for 146 acres of property located between Fairview Road and Langtree Road. Smith said the property consisted of three parcels and some of it was located near the Mooresville Town limits, or within the urban services boundary. Smith said that on September 10, 2001, the Town of Mooresville approved a request from the Lowe's officials for annexation and utilities extension.

REQUEST FOR THE CONSIDERATION OF A PROPOSED SOLID WASTE ORDINANCE AMENDMENT IN REFERENCE TO ABANDONED OR JUNKED MOTOR VEHICLES: Smith said there was currently a section in the zoning ordinance that addressed junkyards. He said, however, that if a property were located in a municipality's extraterritorial jurisdiction, the regulations pertaining to junked or abandoned vehicles were difficult to enforce; both by the city and the county. Smith said a remedy for this would be to place the regulations or the amendments in the solid waste ordinance. Mr. Smith offered the following amendment. He noted the solid waste officer would determine if violations had occurred, and if so, the owner would be asked to either remove the vehicles or to store them in a manner consistent with the ordinance. Mr. Smith said the county would have the authority to remove the vehicles if the owner failed to respond.

Chapter 12
SOLID WASTE
(Proposed additions)

Sec. 12-2. Definitions

Abandoned Motor Vehicle — Any motor vehicle that is:

1. Left on public grounds or County-owned property in violation of a law or ordinance prohibiting parking, or
2. Left for longer than 24 hours on property owned or operated by the County, or
3. Left for longer than two hours on private property without the consent of the owner, occupant, or lessee of the property, or
4. Left for longer than seven days on public grounds.

Junk Motor Vehicle — Any motor vehicle which does not display a current license plate and that:

1. Is partially dismantled or wrecked, or
2. Cannot be self-propelled or moved in the manner in which it originally was intended to move, or
3. Is more than five years old and appears to be worth less than one hundred dollars (\$100)

Motor Vehicle — Any machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.

Sec. 12-7. Storage

(a) No owner, occupant, tenant or lessee(already in the code)

(b) No junk or abandoned vehicles shall be stored on any lot in a manner that can be easily seen from a public right-of-way or from any property within 750' of said lot except where the vehicles:

- (1) Are stored in an enclosed building, or
- (2) Are stored in an opaque fence that is meant to enclose the rear yard of a residential lot and which meets the requirements of sub-section (b) above, or
- (3) Are on the premises of a business enterprise being legally operated under the terms of the local zoning jurisdiction, or
- (4) Are being stored in an approved (or legally non-conforming) salvage yard operating in compliance with the local zoning jurisdiction, or
- (5) Are presently being restored to an operable stage (limited to one vehicle), or
- (6) Are located more than 750' from any property line or public right-of-way.

Sec. 12-11. Removal of Vehicles

- (a) Iredell County may require the removal of any vehicle that is deemed to meet the definition of a junk or abandoned motor vehicle, and that does not comply with Section 12-7 Storage of this ordinance.
- (b) Removal and disposal of vehicles by the County as provided by this section shall be in accordance with G.S. 153A-132, G.S. 153A-132.2. and G.S. 20, Article 7A, as amended.

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Commissioner Williams asked how the proposed amendment would relate to farm vehicles.

Smith said that, generally, farm vehicles were exempt. He said, however, that if the vehicle happened to be dismantled, there might be a problem.

Inspections/Planning Director Niblock added that an old silage truck used once a year would be allowed, because it would be covered in item two of the Junk Motor Vehicle definition.

Commissioner Bowles asked Smith how many cars he felt would be out of compliance.

Smith said “a lot.”

Commissioner Johnson suggested for the planning board to review the amendment before the commissioners took any action.

Mashburn said that if the amendment were approved, the county would be going from six abandoned vehicles (current zoning ordinance) to zero, unless the vehicles were in compliance due to the storage criteria. He asked if the commissioners wanted any

changes prior to referring the amendment to the planning board. Mr. Mashburn also asked the planning supervisor to check with the other counties, that had enacted similar restrictions, to find out the disposal method they used for the out-of-compliance vehicles.

The commissioners agreed to:

1. Revise the proposed amendment by allowing up to three junked or abandoned vehicles. However, if additional vehicles are added, the owner will have to comply with the criteria on all the vehicles.
2. Refer the amendment to the planning board.
3. Hold a public hearing, if one is needed, to adopt the amendment. (It was agreed the planning board would not hold the public hearing.)

REQUEST FOR APPROVAL OF THE AUGUST 2001 REFUNDS AND RELEASES: County Assessor Brent Weisner explained the August refunds and releases. He said there were many changes due to the staff needing to eliminate personal property no longer located in the county. He said the month of August was a time when some of the bookkeeping corrections were made.

Weisner then discussed House Bill 108, “An Act to Authorize Counties to Require the Payment of Delinquent Property Taxes Before Recording Deeds Conveying Property.” Mr. Weisner said this act would require the Register of Deeds to insure that all deeds being recorded had a certification from the tax collector indicating there were no delinquent taxes. Weisner said the counties that had requested the legislation were: Cherokee, Graham, Haywood, Jackson, Madison, and Swain. He asked permission for Iredell’s legislators to be contacted and advised that Iredell County desired to be included in the legislation. Weisner said a resolution would have to be adopted by the board before the requirement would be made of the Register of Deeds. He said the implementation of the legislation would add work to his department and the Register of Deed’s office, but overall, the certification requirement would be beneficial. Mr. Weisner said the only request he was making at this time was permission to add Iredell County to the listing of counties to be included in House Bill 108.

WEST NILE VIRUS DISCUSSION: Health Director Ray Rabe discussed the confirmed case (dead bird) of the West Nile virus found in Cabarrus County. He said he wanted to share information on what his department had been doing to combat the health nuisance. Rabe said that due to the case being in a contiguous county, it was highly probable the virus was already in Iredell County. He said that in the past, pamphlets and flyers had been created and distributed. He also shared an activity listing that showed what precautionary measures had been taken to educate the public.

Environmental Supervisor Sheeks said he had talked with private pest control companies in the county about the possibility of some type of mosquito spray program. He said that at the present, it would be difficult to implement a “spray program” due to a couple of factors. He said the sprayer would need an operator’s license and that liability issues would have to be resolved. Sheeks said a spray program probably wouldn’t be beneficial this year due to the mosquito season being about over. He said that if a contract could be worked out with a company during the winter months, the proper training and certification could be achieved prior to the spring 2002 mosquito season. Sheeks said larvicide chemicals killed immature mosquitoes, and adulticides were used on the adult mosquitoes.

Rabe and Sheeks both said they did not favor the “fogging” method for mosquito abatement.

BUDGETARY REPORTS AND UPDATES: Finance Director Blumenstein distributed project reports for the Stumpy Creek Park, the Lined Landfill Cell III, the Meeting Street Service Center, the Hall of Justice, and the Cooperative Extension Service Building.

A Public School Building Capital Fund (PSBCF) Report was shared, and Blumenstein said a memo from the Local Government Commission had advised that

deposits for corporate income taxes, restricted for the PSBCF, were actually lower than projected. She said the financing for Third Creek Elementary School would close in October, and she wanted to brief the board on how this project would be impacted by the PSBCF funding decrease. She said the 2001-02 budget included \$1,609,560 in PSBCF money and that \$959,560 was projected to be received in 01-02. She also said that \$650,000 was expected to be “rolled forward” from prior years. Blumenstein said that due to the lower deposits, a reduction of \$477,505 would occur. She said the board could “roll” the \$477,505 appropriation into fiscal year 2002-03 using a portion of that year’s PSBCF. Blumenstein said this would meet the construction funding needs for Third Creek. Mrs. Blumenstein said she would seek a budget amendment in November.

Another report shared by Blumenstein pertained to the state estimates on county population used to distribute state-shared revenues. She said there would be a slight decrease in the county’s share of sales taxes due to a population shift.

Mrs. Blumenstein said the ad valorem tax payments were being received and that by November, the county would be near its normal collection level. She mentioned there had been delays with the tax bills this year, due to the City of Statesville delaying the establishment of its tax rate.

She said the county’s fund balance was still around 10.4%. Blumenstein said the county still had not received the intangibles money (\$1.2 million) from the state. She said this money was included in the 2001-02 budget, and adjustments would have to be made if the state did not deliver the money.

ADJOURNMENT: Chairman Tice adjourned the briefing at 6:45 p.m.

Approved: _____

Clerk to the Board