

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
APRIL 1, 2003**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, April 1, 2003, at 7:00 p.m., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

Chairman Steve D. Johnson
Vice Chairman Godfrey Williams
Doug Madison
Marvin Norman
Sara Haire Tice

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Finance Director Susan Blumenstein, Chief Animal Control Officer Sidney Weisner, Planner Emily Jackson, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Johnson.

INVOCATION by Commissioner Norman.

PLEDGE OF ALLEGIANCE: Girl Scout Troop 549 from Mooresville, North Carolina, led the pledge of allegiance. The scouts were attending the meeting due to a requirement for their model citizen's badge.

ADJUSTMENTS TO THE AGENDA: MOTION by Chairman Johnson to approve the following agenda adjustment.

Deletion: • Request for Approval of a Regional Planning Alliance Membership Pact Resolution Submitted by the Centralina Council of Governments (postponed until the April 15 meeting)

VOTING: Ayes – 5; Nays – 0.

PRESENTATION OF SPECIAL RECOGNITIONS & AWARDS

Adoption and Presentation of a Child Abuse Prevention Month Proclamation to Lisa York, a Social Work Program Administrator with the Social Services Department: Chairman Johnson read and presented the following proclamation to Mrs. Lisa York.

**CHILD ABUSE PREVENTION MONTH
APRIL 2003**

WHEREAS, child abuse is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, approximately three million children are reported as abused and neglected in this country each year; and

WHEREAS, more than 100,000 children are reported as abused and neglected in North Carolina each year; and

WHEREAS, 1,143 reports of child abuse and neglect were received in Iredell County during the year 2002; and

WHEREAS, 24 children are known to have been victims of child abuse homicide in North Carolina during the year 2001; and

WHEREAS, the effects of child abuse are felt by whole communities and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community; and

WHEREAS, all citizens should become more aware of the negative effects of child abuse and its prevention within the community and become involved in supporting parents to raise their children in a safe, nurturing environment.

NOW, THEREFORE, the Iredell County Board of Commissioners hereby proclaims April 2003 as “**CHILD ABUSE PREVENTION MONTH**” in Iredell County and calls upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in an effort to prevent child abuse and thereby strengthening our community.

This the 1st day of April 2003.

Adoption of a Proclamation for County Government Week (April 6-12, 2003): Chairman Johnson read the following proclamation.

COUNTY GOVERNMENT WEEK
APRIL 6 - 12, 2003

WHEREAS, counties provide critical services to the children and families who live in our great country; and

WHEREAS, counties provide many services that make America’s communities stronger and safer places to live and raise families; and

WHEREAS, county governments are the citizen’s local government voice, providing solutions that bring communities together.

NOW, THEREFORE, the Iredell County Board of Commissioners hereby proclaims April 6 – 12, 2003 as County Government Week in Iredell County and urges all citizens to become more involved and aware of issues facing our counties by volunteering for committees, voting in elections, and attending public meetings.

This the 1st day of April 2003.

MOTION by Chairman Johnson to proclaim April 2003 as Child Abuse Prevention Month and April 6-12, 2003, as County Government Week.

VOTING: Ayes – 5; Nays – 0.

APPOINTMENTS BEFORE THE BOARD

Margaret Lane and Stephanie Sterling, both members of the Iredell County Humane Society, Address the Board Concerning the Animal Control Ordinance: Mrs. Lane, President of the Humane Society, said she had reviewed the recent revisions to the animal control ordinance and feared the changes would “punish responsible pet owners and cause them to lose their pets.” Lane said the definition for “severe injury” was anything that resulted in broken bones or broken skin. She said a puppy that “nipped” someone could be classified as a dangerous dog due to the wording in the ordinance. Mrs. Lane suggested that additional amendments be made to re-define a “serious injury.” In addition, Mrs. Lane said she felt a dog bite needed to be classified as “unprovoked” in order for it to be classified as a vicious attack.

Mrs. Sterling, the Vice President of the Humane Society, said she supported the original ordinance proposal that was submitted by Mr. Weisner. Sterling said she concurred with Mrs. Lane’s comments about the serious injury definition, and the provoked/unprovoked issue. Mrs. Sterling said the ordinance did not leave much “leeway” in determining the severity of bites, and this was a problem for the appeals board.

Dr. Brad Rutledge, a member of the Animal Control Grievance Committee for the past 12 years, said that prior to March of this year, or the adoption of the new ordinance, the appellate board members “had some room to evaluate each case.” Rutledge said the members could evaluate the situations to determine if an animal was a “threat to the community.” Dr. Rutledge said he couldn’t in good conscience uphold the new law, and he was “temporarily resigning from the committee” until it was revised. He said the ordinance was too general in what constituted a dangerous dog. Rutledge recommended that a ten-day period be inserted in the ordinance for a quarantine period. He suggested that a committee be formed to re-evaluate the ordinance, and that prior to the adoption of revisions to the ordinance, the appeals board be given some latitude in evaluating the cases. Rutledge recommended for the committee to be composed of representatives from the board of commissioners, the animal control department, the appellate board, and the humane society, to allow for a “good balance of ideas.”

Commissioner Madison said he understood the ten-day quarantine period for a bite was a State law.

Attorney Pope said this was correct.

Madison said that under State law, a dog could not be destroyed for ten days after it bit someone. He said this would give a three day appeals process, and ten days to hold a hearing. Mr. Madison said he also understood that in March, when the ordinance was being reviewed, that the appeals board members would have the discretion to apply common sense to the judgment of a dangerous dog and adjudicate accordingly. Commissioner Madison said that basically the only thing the commissioners changed from Mr. Weisner’s proposal was the definition of a “severe bite.” He said Mr. Weisner’s proposal defined a severe bite as one that required stitches, cosmetic surgery, or something of that nature. Mr. Madison said the reason behind changing the definition was that if an animal bit a person, inflicting several deep puncture wounds, the animal could miss being classified as dangerous due to no cosmetic surgery being obtained.

Rutledge said he didn’t feel like he had the latitude or leeway to make judgmental decisions in the cases.

Attorney Pope said it appeared the term “broken skin” needed some clarification. He said the definition of severe injury was “any physical injury that resulted in broken bones or broken skin.” Pope said the animal grievance committee, or appellate board, was a quasi-judicial board, and the members had the authority, within certain parameters, to interpret the cases presented before them.

Rutledge recommended that some method be found to disclose to the public that monetary fines would be incurred for ordinance violations.

MOTION by Chairman Johnson to appoint the Chief Animal Control Officer, Commissioner Marvin Norman, Dr. Brad Rutledge, and two members of the humane society, to an ad hoc committee for the purpose of reviewing the ordinance and to make a recommendation to the board of commissioners in the future.

VOTING: Ayes – 5; Nays – 0.

Dr. Rutledge said he desired to withdraw his resignation from the animal control grievance committee, if “leeway” was being given the members to evaluate each situation on a case-by-case basis.

PUBLIC HEARINGS

Chairman Johnson declared the meeting to be in a public hearing.

Consideration of an Economic Incentive Grant for Chip Ganassi Racing with Felix Sabates: Economic Developer Melanie O’Connell Underwood said the Ganassi

Racing team was landlocked and needed to expand. She said the company planned to purchase and renovate the former Matsushita Corporation building in Mooresville to house the racing team operation.

Gene Haskett, the Executive Vice President of Chip Ganassi Racing, said the company was currently located at 114 Meadow Hill Circle, in Mooresville, N.C. He said the company had expanded to a three-car team this year, and more space was needed. Mr. Haskett said the company presently had 139 employees and an annual payroll in excess of \$10 million. He said the company met all of the economic incentive requirements of the State and the county. Mr. Haskett said the company desired to add a fourth racing team, which would add 40 employees. He said there were also plans to move the engine shop from Concord, N.C., and this would add 25 more employees.

No one else desired to speak, and Chairman Johnson adjourned the hearing.

MOTION by Commissioner Norman to grant an economic incentive grant of an amount between \$47,000 to \$122,200 (over a three-year period) for Chip Ganassi Racing with Felix Sabates based on a \$2.5 million investment in Iredell County.

VOTING: Ayes – 5; Nays – 0.

Chairman Johnson declared the meeting to be in a public hearing.

Rezoning Request; Kenneth Koontz for Moerko LLC Property, Case No. 0303-1 from Highway Business to General Business District (Location: 167 & 177 Houston Road, Troutman, NC): County Planner Emily Jackson said the applicant desired to rezone approximately 7.94 acres from Highway Business (HB) to General Business (GB) Zoning. She said the proposed use of the site (PIN #s 4740-98-2495 & 4740-98-5449) would be for office and warehouse uses. Ms. Jackson said the board of commissioners denied a rezoning request in May of 1999 for the site to have M-2 CUD and GB zoning; however, in August of 2000, a rezoning was approved from Residential Agricultural to Highway Business and General Business. Jackson said the planning board on March 5, 2003 unanimously approved the current request.

No one else desired to speak, and Chairman Johnson adjourned the hearing.

MOTION by Commissioner Madison to approve the rezoning request of Case No. 0303-1 (Koontz for Moerko LLC) from Highway Business to General Business District.

VOTING: Ayes – 5; Nays – 0.

Rezoning Request; Crescent Resources LLC Property, Case No. 0303-2 from Community Business to Residential Agricultural District (Location: Northwest corner of Brawley School Road & Chuckwood Road in Mooresville, NC): Planner Jackson said Crescent Resources desired to rezone a portion of property (PIN#4626-63-7315) from Community Business to Residential Agricultural. She said the property was presently vacant and the surrounding land uses were residential and vacant. Ms. Jackson said that even though this was a downzoning, the property had many restrictive covenants, and these would rule out many types of housing.

Attorney Walter Jones, representing the applicant, said the property was part of a Vested Right that allowed Crescent to develop the site for residential uses. Mr. Jones said the property owner, even with the Residential Agricultural zoning, would still be able to sell the lots at a price between \$400,000 - \$600,000 per lot.

No one else desired to speak, and Chairman Johnson adjourned the hearing.

MOTION by Commissioner Tice to approve the request for Case #0303-2 from Community Business Zoning District to Residential Agriculture Zoning District.

VOTING: Ayes – 5; Nays – 0.

Chairman Johnson declared the meeting to be in a public hearing.

Rezoning Request; Clayburn Lunsford, James E. Hoots, and Dorsey Allen Styers Properties, Case No. 0303-3, Request to Amend the Iredell County Land Use Plan and to Rezone a Portion of the Property from Heavy Manufacturing to General Business District (Location: West Memorial Highway/NC901 in Union Grove, NC): Ms. Jackson said this request involved property owned by Dorsey Styers and another tract jointly owned by Clayburn Lunsford and James Hoots (PIN# 4852-29-7867 & 4853-30-0235). She said the existing land use was vacant, and the surrounding uses were commercial as well as vacant. Jackson said there were plans to locate a CPA’s office on the site. She said the present zoning of M-2 was not consistent with the surrounding uses, and this designation was no longer applicable due to the fact that a mill was no longer operating at the site. Ms. Jackson said that on March 5, 2003, the planning board unanimously voted for the zoning change and to amend the land use plan.

No one else spoke, and Chairman Johnson adjourned the hearing.

MOTION by Commissioner Williams to amend the Iredell County Land Use Plan in reference to Case No. 0303-3 (Lunsford/Hoots & Styers).

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Tice to approve the request of Case No. 0303-3 (Lunsford/Hoots & Styers) from Heavy Manufacturing to General Business District Zoning.

VOTING: Ayes – 5; Nays – 0.

-----**CONSENT AGENDA**-----

MOTION by Chairman Johnson to approve the following seven (7) consent agenda items.

VOTING: Ayes – 5; Nays – 0.

1. Request for Approval of a Lease Amendment for Crossroads Behavioral Healthcare at the Twin Oaks Road Facility: During the briefing, David Swann, the CEO/Area Director for Crossroads, said the Twin Oaks property owned by the county presently housed the Psychosocial Rehabilitation Program. He said that in connection with the new mental health laws, a provider for the program would need to be obtained. Swann said Crossroads’ lease did not contain a sub-leasing provision, and this was why the amendment was needed.

2. Request from the Iredell-Statesville School System for Approval of a 2002-2003 Capital Outlay Amendment: Terry Haas, the Finance Officer for the Iredell-Statesville School System, reported during the briefing that an amendment to the capital outlay budget was requested. She said the revision would allow for a security system to be installed at Statesville High School. She said that with the approval of the \$61,000 amendment, all Iredell-Statesville high school campuses would have security systems.

3. Request from the Solid Waste Department for Approval to “Write Off” a Delinquent Account: During the briefing, Susan Cornell, the administrative manager for the solid waste department, requested permission to write off a \$625 account for Mr. George Johnson. She said the account had been on the “books” since January of 2000 in the amount of \$1,425.60. Cornell said payments had been made reducing the amount owed to \$625, but it was anticipated that no further money would be received due to the debtor being ill.

4. Request from the Health Department for Approval of a Budget Amendment for the Allocation of Bioterrorism Grants: At the briefing, Health Director Rabe said grant funds of \$39,800 had been received for the protection of the public against bioterrorism attacks. He said the funds would be used for training (\$3,000), community information and education (\$4,300), and equipment/consultation (\$32,500). Rabe also said \$7,437 had been received in a food/lodging grant. He said the department desired to use \$6,000 of these funds towards the purchase of a computerized system to enter activities associated with food/lodging inspections. Mr. Rabe said the remainder (\$1,437) would be applied towards the food and lodging staff salaries. Lastly, Rabe said there was an FY 01-02 purchase order carryover in the amount of \$6,400 for the purchase of an epidemiology module. He said that due to the module purchase being an acceptable use of the bioterrorism funds, he desired to purchase the equipment out of these funds.

The entire amendment was:

Unbudgeted grants		
Bioterrorism Grants		
Training		\$ 3,000
Community Information/Education		4,300
General/Equipment & Consultation		<u>32,500</u>
	Sub-total	\$39,800
Food & Lodging Grant		\$ 7,437
FY '01-'02 Purchase Order Budgeted Carryover		<u>\$ 6,400</u>
	Total	\$ 53,637

Proposed Expenditures		
Digital Health Department		16,000
Emergency Generator (Mooresville)		13,500
EPI Module		6,750
Professional Services (Consultation)		4,949
Commercial Refrigerator		1,487
Printing		1,000
Computer (Preventive)		954
Software		160
Digital Camera		500
Fax Machines (2)		<u>500</u>
	Sub-total	\$ 45,800
Food & Lodging Salaries '02-'03		1,437
Released County Funds		<u>6,400</u>
		<u>7,837</u>
	Total	\$53,637

5. Request from the Health Department for Approval to Transfer \$34,337 from the Medicaid Maximization Deferred Revenue Account Into Expense Accounts for Assistance in Complying with the Health Insurance Portability & Accountability Act (HIPAA): Health Director Rabe said during the briefing that in an effort to comply with HIPAA requirements, he was requesting the transfer of \$34,337 from the Medicaid Max Account into expense accounts to be used for:

Key/lock estimate	\$ 9,978.52
Building Construction estimate	9,000.00
Locking mailboxes estimate	8,050.00
Sign estimate	1,632.00
Locking desk/file cabinet estimate	2,830.00
Cabinet locks	48.00
Locking medical record transport cases	440.00
Picture name tags	682.00
Computer monitor screens	550.00
Printing	<u>1,126.00</u>
	<u>\$ 34,336.52</u>

6. Request for Approval of a Resolution that will Allow Deputy Finance Officer Dean Lail to Conduct County Business with Piedmont Bank: Susan Blumenstein, the County Finance Officer, said during the briefing that Piedmont Bank required that a resolution be adopted before allowing Deputy Finance Officer Dean Lail to transact business on behalf of the county. (The transactions would include: purchasing certificates of deposit, redeeming the certificates with payment made only to the county, and renewing certificates.)

7. Request for Approval of the March 18, 2003 Minutes

-----**END OF CONSENT AGENDA**-----

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

(In a fax dated March 25, 2003, Dr. Brad Rutledge announced his resignation from the Animal Control Grievance Committee. Dr. Rutledge was present at the meeting, and rescinded his resignation due to an ad hoc committee being appointed to study the animal control ordinance.)

APPOINTMENTS TO BOARDS & COMMISSIONS

Nursing Home Advisory Committee (2 appointments): **MOTION** by Commissioner Madison to postpone these two appointments until April 15 meeting.

VOTING: Ayes – 5; Nays – 0.

Adult Care Home Community Advisory Committee (5 appointments): **MOTION** by Chairman Johnson to postpone these five appointments until the April 15 meeting.

VOTING: Ayes – 5; Nays – 0.

Criminal Justice Partnership Program (1 appointment): Commissioner Tice nominated Judge Lynn Gullett.

Commissioner Madison **moved** to close the nominations and appoint Judge Gullett by acclamation.

VOTING: Ayes – 5; Nays – 0.

Centralina Workforce Development Board (2 appointments): Commissioner Tice nominated Dan Wallace and Jan Comer.

Chairman Johnson **moved** to close the nominations and appoint Wallace and Comer by acclamation.

VOTING: Ayes – 5; Nays – 0.

NEW BUSINESS

Announcement of the 2003 District Meetings of the North Carolina Association of County Commissioners: The District 10 meeting will be held on Friday, April 11 in Cabarrus County from 12 Noon through 3 p.m.

Adoption of a Resolution in Opposition to Governor Easley's 2003-2005 Budget: **MOTION** by Commissioner Madison to approve the following resolution expressing opposition to Governor Easley's proposed budget.

VOTING: Ayes – 5; Nays – 0.

RESOLUTION IN OPPOSITION TO GOVERNOR EASLEY'S BUDGET

WHEREAS, Governor Mike Easley's proposed budget for the 2003-2005 biennium impacts county governments by more than \$78 million; and

WHEREAS, Easley's budget redirects the state Public School Capital Funds (approximately \$59 million) into the state's general fund. These funds earmarked to assist for the payment of school construction; and

WHEREAS, Easley's budget also includes a proposal to reduce class sizes for second grade, which combined with the state's rapidly increasing school enrollment population, puts more pressure on counties to build schools; and

WHEREAS, Easley's budget also repealed the hold harmless payment to local governments for revenues that were lost last fall when the state eliminated \$95 million in reimbursements for repealed local taxes; and

WHEREAS, Easley's budget does not address Medicaid effectively. Medicaid is the second largest, single budget item for most counties and now exceeds local spending for education in some North Carolina counties. North Carolina is one of only two states that mandate county participation in Medicaid services. North Carolina counties are required to pay 15 percent of the non-federal share. Medicaid costs for North Carolina counties increased \$57 million over last year's budget, or \$420 million statewide; and

WHEREAS, Governor Easley's budget increases overall state spending by over \$500 million more than last year when county budgets continue to decrease by reducing and eliminating services.

THEREFORE, BE IT RESOLVED, that the Iredell County Board of Commissioners goes on record as opposing the Governor's proposed budget and implores, that he, Governor Easley, develop and adhere to a balanced budget between available revenues and required expenditures for services remanded by the citizens of North Carolina and stop penalizing local governments for the state's financial problems.

Adopted this the 1st day of April 2003.

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800-Megahertz System Update: Chairman Johnson said that on March 28, 2003, he toured and inspected an 800 mhz radio system in Rowan County. He said that while in Rowan County, he learned that under North Carolina laws, counties were given the ability to reserve a section of tower space. Johnson requested the staff to review the county's ordinance to determine if this provision was included, and if not, to bring a proposal for its inclusion at a future meeting.

COUNTY MANAGER'S REPORT: County Manager Mashburn reported that in conjunction with the new library project, demolition of the Bryant building and the bookmobile building was occurring. Mashburn said the owner of the dry-cleaning business had not vacated, and the staff would probably have to issue a mandatory date for the premises to be empty. He said the groundbreaking for the library was scheduled for June.

In reference to the government center in Mooresville, Mashburn said the project was approximately two weeks behind schedule due to a drywall problem. He said an occupancy date for the building would probably be in August.

ADJOURNMENT: MOTION by Chairman Johnson to adjourn the meeting at 8:25 p.m.

VOTING: Ayes – 5; Nays – 0.

Approved: _____

Clerk to the Board