

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
APRIL 4, 2006**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, April 4, 2006, at 7:00 P.M., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

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

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Deputy County Manager Susan Blumenstein, Planning & Code Enforcement Director Lynn Niblock, Planning Supervisor Steve Warren, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Tice

INVOCATION by Commissioner Norman

PLEDGE OF ALLEGIANCE

ADJUSTMENTS OF THE AGENDA: **MOTION** by Chairman Tice to approve the following agenda revision.

Deletion: Presentation from Mr. R.B. Sloan Regarding a Request for Adoption of a Resolution Calling for a Study to Determine a Method to Maximize Economic Opportunities As Measured by Jobs and Capital Investment.

VOTING: Ayes – 5; Nays – 0.

APPOINTMENTS BEFORE THE BOARD

Presentation from Melanie O'Connell Underwood Regarding a Memorandum of Understanding Pertaining to the Endorsement of the AngelouEconomics Study: Economic Developer Melanie O'Connell Underwood asked for endorsement of the study presented at the March 14 meeting. She said a similar request would be made to the other entities involved in the study.

MOTION by Commissioner Robertson to endorse the memorandum of understanding as requested.

VOTING: Ayes – 5; Nays – 0.

**MEMORANDUM OF UNDERSTANDING
BETWEEN**

**THE TOWN OF MOORESVILLE, IREDELL COUNTY, THE MOORESVILLE-
SOUTH IREDELL CHAMBER OF COMMERCE, AND THE SOUTH IREDELL
COMMUNITY DEVELOPMENT CORPORATION**

WHEREAS, the South Iredell Community realized the value and importance of continuing a strong economic development program; and

WHEREAS, Mooresville and South Iredell are considered leaders in the economic development field; and

WHEREAS, in order to maintain our economic development health, the community realized that a strategic vision, complete with target industries, future site locations, and a market and organizational study were required; and

WHEREAS, in order to further their vision of the future, a strategic plan for the community needed to be completed, and AngelouEconomics, an Austin, Texas-based company, was hired to study and recommend a strategic plan for our community; and

WHEREAS, in order to complete this study, funding was contributed by the Town of Mooresville, Iredell County, the Mooresville-South Iredell Chamber of Commerce, and the South Iredell Community Development Corporation; and

WHEREAS, that upon reviewing the results of the comprehensive economic development study, the undersigned unanimously support the work of the Mooresville-South Iredell Chamber of Commerce in leading the efforts to accomplish the goals set forth in said report.

THEREFORE, BE IT RESOLVED, that Iredell County, the Town of Mooresville, South Iredell Community Development Corporation and the Mooresville-South Iredell Chamber of Commerce hereby endorse the AngelouEconomics study and its findings.

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Presentation from Mr. Dennis Clary, with the Iredell County Marine Corp League, Regarding the July 4, 2006 Parade: Clary said last year's July 4 parade had over 100 entries, and the Troutman Police Chief had estimated that between 8,000 to 9,000 citizens attended. He said the 2006 parade would be on Saturday, July 1 beginning at 10 a.m. Clary requested \$7,500 from the county to be used primarily for advertising.

MOTION by Commissioner Johnson to approve Budget Amendment #33A for the purpose of using \$7,500 from contingency for the July parade.

VOTING: Ayes – 5; Nays – 0.

PUBLIC HEARINGS

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

Consideration of an Economic Development Incentive for Riley Technologies/deBotech: Economic Developer Melanie O'Connell Underwood said Riley Technologies was an Indianapolis, Indiana based company that was working with deBotech in Mooresville in an expansion project. She said both companies would expand, and Riley would relocate and employ 35 employees (some will be from Indiana). Underwood said two buildings would be purchased in the Talbert Pointe Business Park in Mooresville, NC. She said the total investment (both companies) would be between \$3 million and \$4.5 million. (The incentive at \$3 million would be \$52,200 over a five-year period, and the \$4.5 million would yield a \$78,300 incentive over a five-year period.)

Mr. Fred Coggins spoke in opposition. He questioned whether the companies would hire anyone older than 35 years old. Coggins said that just a few jobs would be brought into the community, and they would be geared towards the younger population. He said it wasn't fair because the older citizens were paying the taxes.

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

MOTION by Commissioner Robertson to grant the economic development incentive request of between \$52,200 to \$78,300 (over a five-year period) based on an investment by the two companies of between \$3 million to \$4.5 million.

VOTING: Ayes – 5; Nays – 0.

Commissioner Johnson told the audience that the two companies were not leaving with a check, and instead, they were entering into a contract with the county. He said the companies would not receive any county funding until the terms of the contract were fulfilled -- employment opportunities and increased tax base.

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

Proposed Text Amendment; SR50, Wireless Telecommunication Towers, Requested by the Berkley Group: Planning Supervisor Steve Warren said the planning board and staff recommended approval of this amendment that would revise ordinance text by adding a provision regarding cell towers. Warren said the revision would allow a decreased setback upon an engineer's certification of the fall zone surrounding the tower. He said the current text required a one-to-one ratio (one foot setback per one foot in vertical height), plus 25 feet, and the proposed text would eliminate the additional 25-foot requirement. Warren said the amendment would aid cell tower companies in finding site locations while at the same time providing protection for the public.

In addition, Warren read the following consistency statement:

This Amendment is consistent with the Land-Use Plan's purpose of serving as a policy guide in making future recommendations dealing with the growth and development of the County; specifically, this Amendment recognizes the changing patterns of available land for infrastructure while balancing this need with the public health, safety, and welfare.

Ron Smith, a representative for the Berkley Group, said the proposal primarily came about by interest in southern Iredell County. He said it was difficult to locate sites in this area, and the amendment would offer more options. Smith said there would still be a 500 separation from any residential ground structures. He said several adjoining counties were already using the option.

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

MOTION by Commissioner Norman to approve the text amendment for SR50, Wireless Telecommunication Towers, as presented.

VOTING: Ayes – 5; Nays – 0.

The revisions are as follows:

SR 50. Wireless Telecommunication Towers and Facilities

A. A site plan shall be submitted containing the name of the tower owner, property owner, scale, north arrow, and latitude/longitude coordinates. Existing site conditions, including contours, any unique natural or man-made features such as vegetation and ground cover. Exact boundary lines of the property containing the proposed tower construction, fall radius and any associated guide wires. Description of adjacent land use and all property owners(s) and their addresses. A front and side elevation profile, drawn to scale, of all existing and proposed towers and their antennas to be located on the property.

B. **Towers shall be sited to contain all ice-fall or debris from tower failure within the setback area. The minimum distance from the tower's base to the property line shall be one foot to each vertical foot of the tower's height. However, a lesser setback shall be permitted upon certification by a NC Registered Professional Engineer which ensures that the fall area of the tower and any appurtenances will be within the setback area proposed.** ~~Towers shall have a setback of one foot for each one foot in height of tower, plus twenty-five (25) feet from all property lines and rights-of-way, as measured from ground-level.~~

C. Towers shall not be located within a one-half (1/2) mile radius of any other wireless telecommunication tower, unless concealed in a church steeple, farm silo, or other architecturally designed encasement. Furthermore, towers located beyond a one-half (1/2) mile radius and not exceeding three (3) mile radius from any other wireless telecommunication tower shall not be permitted, unless the applicant can prove that collocation is not a viable option and no stealth location is possible.

D. Towers shall be no closer than five hundred (500) feet from any existing residential dwelling, excluding any dwellings located on the same parcel of land as the tower.

E. Towers with a height of two hundred and fifty (250) feet or greater shall be subject to Board of Adjustment approval as a Special Use Permit.

- F. Towers shall not exceed three hundred and fifty (350) feet in height as measured from ground level.
- G. Towers with a height greater than one hundred-fifty (150) feet shall be constructed to permit the capability for the co-location of additional provider antennas as follows:
- 151 feet to 200 feet - two additional antennas
 - 201 feet to 250 feet - three additional antennas
 - 251 feet to 300 feet - four additional antennas
 - 301 feet to 350 feet - five additional antennas
- H. The applicant shall be required to provide written documentation showing that no proposed tower lies within a thirty (30) foot to one (1) foot run to rise ratio from the nearest point of the nearest runway of a private airstrip or airport registered with the Federal Aviation Administration (FAA).
- I. No business signs, billboards, or other advertising shall be installed on a tower, nor shall any tower be painted or have a color considered obnoxious or offensive.
- J. No offices or outdoor storage of equipment or materials are permitted on tower sites located in a residential district.
- K. Accessory or component buildings shall be setback fifty (50) feet from all property lines and rights-of-way. **However, if the required setback of the primary tower is less than fifty (50) feet the required setback for accessory structures shall be the same as that of the tower.**
- L. All structures shall be enclosed by a chain link fence at least eight (8) feet in height and screened subject to Section 12.1.
- M. The applicant shall be required to provide written documentation stating that the tower is in compliance with all applicable Federal and State regulations.
- N. Notice shall be provided to the planning department when any telecommunication tower is placed out of service. Towers not used for a period of six (6) months or more shall be removed by the owner within one hundred and twenty (120) days of receipt of notification to that effect. The applicant shall also provide the County with written documentation substantiating that the applicant has and will sustain the financial ability to disassemble and remove the tower, once no longer in operation.
- O. Additional provider antennas and equipment shelters associated with an approved telecommunication tower site are permitted, provided said changes do not increase the setback requirement beyond the allowable limit according to tower height.
- P. Tower lighting shall not exceed the minimum for red obstruction lighting as administered by the Federal Aviation Administration (FAA).
- Q. All permits for the construction of a wireless telecommunication tower are issued in reliance upon a presumption that the tower will in fact conform to the plans which are submitted as the basis for the permit. Once constructed, the tower must continue to be maintained in compliance with the provisions of this ordinance.
- R. The applicant shall be required to notify all property owners within a one-half (1/2) mile radius of a proposed tower with a height greater than two hundred-fifty (250) feet. The notice shall be by certified mail and shall include tower height and design type and date, time and location of the proposed meeting.
- S. The applicant shall be required to provide written documentation stating that it is not viable to co-locate on existing facilities within the coverage area. Facilities includes other towers, elevated tanks, electrical transmission lines, or other structures.
- T. The applicant shall provide the County with proof of liability insurance which protects against losses due to personal injury or property damage resulting from the construction or collapse of the tower, antenna, or accessory equipment. Such proof shall be supplied to the County by the applicant at the time of application.
- U. The applicant shall provide to the planning department an inventory of its existing antennas and towers that are either within the jurisdiction of the County or within three (3) miles of the border thereof, including specific information about the location, height, and design type of each tower and antenna. The applicant shall also provide an inventory of potential future tower sites within the jurisdiction of the County. The planning department may share such information with other applicants; however, that by sharing this information, it is not in any way representing or warranting that such sites are available or suitable.

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

Case No. 0603-1; Applicant Greg Palmer, for Pinecrest Land Developers, Requests to Rezone Properties from Single Family Residential Conditional Use District (R-20 CUD) to Single Family Residential District (R-20): Planning Supervisor Steve Warren presented the following staff report for this case.

OWNER: Pinecrest Land Developers, Inc. APPLICANT: Greg Palmer
191 Clearview Road (same)
Statesville, NC 28625
(704) 902-6033

LOCATION: Pinecrest Subdivision at the corner of East Monbo and Hudspeth Roads in Troutman, NC; more specifically identified as PIN#s 4720-49-4555; 4720-49-3580; 4720-49-3415; 4720-49-2421; 4720-49-1307; 4720-39-9288; 4720-39-8291; 4720-39-7198; 4720-49-0145; 4720-49-1157; 4720-49-2138; 4720-49-3146; 4720-49-4106. Directions: From Troutman at Hwy 21/Old Mountain Road intersection, travel west on Old Mountain Road. Turn left onto E. Monbo Road and travel approximately 3 miles to intersection with Hudspeth Road; property will be on the left, immediately before Hudspeth Road.

REQUESTED ACTION: Rezone subject parcels from R20-CUD to R20.
PROPOSED USE: Single-family residential.

SIZE: 8.245 total acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Residential and Agricultural.

WATERSHED REGULATIONS: The subject parcel is located within both the WSIV-Protected Area and WSIV-Critical Area. Minimum lot sizes are as follows: WSIV-PA = 21,780 square feet; WSIV-CA = 25,000 square feet.

TRAFFIC: In 2004, East Monbo Road had an average daily traffic count of 1,800 vehicles per day. According to the Iredell County Thoroughfare Plan, this road has a carrying capacity of 9,000 vehicles per day.

ZONING HISTORY: In 1997 these parcels were one large tract of land that was included in a Non-Owner Petition rezoning request. This rezoning was approved by the County Commissioners; the property was rezoned from RA to R20-Conditional Use District, with the condition that the minimum lot size shall be 40,000 square feet. This request stemmed from the property owners' collective desire to maintain the rural and agricultural nature of the community.

STAFF COMMENTS:

Background: In the fall of 2005, Pinecrest Land Developers, Inc. submitted a single-family residential subdivision plat with lots that were drawn subject to the standards of the Watershed Districts within the project area. This plat was approved and the lots recorded (this involved a total of 13 lots). As part of this process, the applicant was advised by Subdivision staff that the area was zoned R-20; the applicant had thus drawn their lots according to these applicable standards (see Watershed Regulations above). Upon approval of the subdivision, the developer proceeded to stake out the lots. A complaint was then registered with the Planning Department; the complainant questioned the lot sizes, thinking that the larger lot size (40,000 square feet) was required. Upon research into the 1997 case file, it was confirmed that the rezoning was indeed conditioned with the greater minimum lot size requirement. Upon notifying the developer of this mistake, the developer decided to submit the present request for rezoning which, in effect, seeks the elimination of the larger lot size condition from the R-20 designation. *The Subdivision Department computer was not activated with the GIS layer that indicated the existence of Conditional Use Districts; therefore, it was believed

that the zoning on the property was a straight R20 without conditions. The mistake was not realized until the complaint was issued.

Present request: The applicant requests a rezoning to eliminate the 40,000 square foot minimum lot size requirement. Again, there are presently a total of 13 lots recorded on 8.245 acres. Should the larger lot size be enforced on the project, the plat will need to be redrawn in which case the project would only be allowed a maximum of eight (8) lots.

Summary & Recommendation: Because of the unique nature of this application, staff has put considerable thought into this case. Staff understands that this property is located on the outer edge of the R20-CUD district while also being located adjacent to RA property. Additionally, there are watershed regulations applicable to this property that, in and of themselves, require larger lot sizes than those within the standard R20 classification. At the present time with the approved subdivision plat, the applicant is indeed meeting these requirements. However, the fact remains that a non-owner rezoning petition was submitted several years ago in which the majority of property owners made a conscious and collective decision to maintain the rural, low-density nature of the surrounding community. Although the Pinecrest subdivision is relatively small in scope, an approval of rezoning could set a precedent that is contrary to the intent of the Conditional-Use District and thus open the door for future requests that seek higher densities. In this context, it is important to realize that the rural character of the community has remained so since the rezoning of 1997. There has been little subsequent construction within this CUD area; therefore from a public-policy standpoint, there appears to be little pressure to rezone the property to allow for additional housing beyond that which would be allowed under the CUD requirements. For these reasons, and after due consideration of all facets of this case, staff recommends against this request.

Statement of Land-Use Plan Consistency: This case does not hinge on the County Land Use Plan per se; therefore, denial of the rezoning would be neither consistent nor inconsistent with the Plan. However, denial of the rezoning would be consistent with the goals of the surrounding community in terms of the existence of the nonowner-petitioned R20-Conditional Use District that specifically requires larger minimum lot sizes.

PLANNING BOARD ACTION: On March 1, 2006 the Planning Board voted 11-0 to recommend denial of the rezoning request.

* * * * *

Commissioner Williams mentioned the tract was especially large to be rezoned as R-20 CUD.

Steve Warren said this was correct, and it could be largest nonowner rezoning in the county's history. He said, however, that everything was in compliance, with 55 out of 68 landowners (81%) originally requesting the zoning.

Commissioner Johnson said that in 1997, the ordinance requirement was 80%.

Chairman Tice said she also recalled that 80% was the needed percentage.

Attorney Mark Childers, representing Pinecrest Land Developers, then spoke and made the following remarks:

“This will be a friendly, quick, and cost effective way for everybody to resolve a substantial error in regards to the planning staff. The staff has been absolutely forthright in acknowledging that a staff error has led to the problem. The staff is to be commended for their integrity and professionalism in acknowledging the error. Given the volume of work the planning staff handles, it's unusual this type of situation hasn't come up before. In August of 2005, Pinecrest entered into a contract to purchase eight acres at a cost of \$140,000.00, contingent -- expressly in the contract -- it was required as a precondition of Pinecrest's obligation to buy the property that Pinecrest be able to put 14 buildable lots on the property. That was set as a precondition of closing, and Pinecrest set about conducting its due diligence before it

closed by participating in the ordinary course as it is required by law to do -- to consult with the planning department, engage their expertise and their knowledge of the zoning rules and regulations, and to gather from them through the review and comment process, their approval on behalf of the county for Pinecrest's proposed use of the property. In September, the Department of Transportation was contacted regarding their approval. In September 21, 2005 under the new business agenda for the Iredell County Subdivision Committee, we submitted our preliminary plat. On October 19, 2005, in the ordinary course of the required legal procedure, we submitted to the Iredell County Subdivision Review Committee our final plat which was in fact approved at that time to construct 13 lots -- not 14 -- but 13. The reason for the difference was because of the heightened acreage requirements brought about by the watershed regulations, which you all are familiar with. Based upon our having gone through that process and obtaining the county's approval, Pinecrest bought this property. On November 16, 2005, two separate closings occurred at \$70,000 each. They spent \$140,000 that, quite honestly, and under the terms of the contract they would not have spent, but for the approval of the county planning staff acknowledging that what they proposed to do was in fact lawful and could be done. Since that time, Pinecrest has marketed lots, and it has continued to engage in its site design work. It has in fact, entered into three contracts, started building a house -- put down a slab for a house -- and was bringing it out of the ground and moving on with the contract. It had to buy one of these lots, when it became aware of the fact that this was an issue, and the work has now stopped. It has lost three buyers because of what has happened. With that said, we are not in the controversy business. We are in the business of building homes and trying to seek an appropriate business-like-way to resolve problems. We are not here to rattle swords and talk about what we are going to do -- or what if. But, what we want to try to do, and we believe this is a perfect scenario to really create the proverbial, but so hard to find, win-win situation for everybody involved here. By simply giving us the benefit of what we thought we had -- what we spent a large sum of capital believing we had -- by giving us the straight R-20 zoning on a small, eight-point-some-odd-acre of property. Less than one percent, I might add, of the entire R-20 CUD District, on the very edge of that R-20 CUD District, so it is a very minimal way to resolve the problem. It won't reconfigure in any drastic way that conditional use district. It's right on the edge and adjacent to other RA property and we believe that if the commission were to allow our rezoning petition, this is a respectful, graceful, and friendly way to resolve a serious problem. We are required by law to go to the planning department when we do things with our land in this county, and we are entitled, I would submit, to rely on what they tell us. Now, I don't know whether you all have seen or whether it's a part of your packet of information regarding the planning staff report. On this (staff report), they indicate that what happened was the subdivision department's computer was not activated in some manner with the GIS layer that indicates the existence of the conditional use in this area. It was believed by the zoning and planning folks, and my clients, that the zoning was a straight R-20 without conditions. Now that's a mistake -- nobody meant for that to happen. Nobody is a bad person for having this to happen, but this is the real world. I think it's appropriate that folks have to own up to their mistakes and accept responsibility for things. They are only human, they're very busy, and it's commendable what they've acknowledged to this point. I think that it's appropriate for the county to be good stewards of the county's funds, as well as to create some ability for the public to trust what the zoning staff says. When we go there and rely on what they say -- that we be able to do what they've said we could do. I respectfully request that the commission grant this petition, rezone this small parcel of property to straight R-20 -- without condition. That will leave untouched the vast majority of the property and will be the right thing to do. As a procedural matter, I would respectfully submit some documents that I would like to be made a part of the record. That being the planning staff report to which I just referred to, as well as a copy of the purchase contract that my client entered into, a copy of a letter communicated to the Department of Transportation about their subdivision plans, a copy of the agendas for September 21 and 19 for the Subdivision Review Committees, two settlement statements wherein its reflected that they purchased this property, two deeds that reflect that they purchased this property, a map recorded at the Iredell Register of Deeds, Book 48, Page 63 of the plat which the planning and zoning office

approved, and an inspections job card indicating there were at least three different inspections done on improvements which were made on this property before we were told that we had to stop.”

Brent Warren (opposition) said he resided in the East Monbo community and had participated in the original petition to have the property rezoned with the 40,000 lot size. He said the community took the action in 1997, and the proactive approach was taken to preserve the rural integrity of the community. Warren said it was a “huge” undertaking -- maybe the largest nonowner petition in the county -- and it was not an easy, or simple thing to do. He said, however, the residents thought it was important enough at that time to look ahead, and it was something that needed to be addressed. He said the purpose was to prevent a high-density development and to maintain lower-density developments. Mr. Warren said the residents did everything needing to be done, and the process was “by the book.” He said the current situation was regrettable, but it wasn’t the community’s fault. Warren said the property was on the edge, as Mr. Palmer’s attorney had indicated, but it wouldn’t be fair to the residents near the development. (He said his property was actually in the upper section of the area, and he wouldn’t be as affected as the others on the edge.) Warren said Mr. Palmer’s attorney had mentioned the public’s trust and following procedure, but he noted that in 1997, the residents had also followed the procedure and that public trust went both ways. Mr. Warren said he felt the commissioners should rule in favor of the community, and this would be a truer measure of upholding the public’s trust. He said it was hoped the board of commissioners would vote the same as the planning board, and deny the request. (Mr. Warren noted that he was not related to Planning Supervisor Steve Warren.)

Jane Jennings Getsinger (opposition) said she was a part of the 1997 group involved in the nonowner petition. She said that even now, the community was looking towards the future due to an effort to obtain a “scenic route designation” for their road. In addition, she said covenants were being reviewed with the Land Trust organization, and they were taking the approach that the four-mile stretch to the lake and Duke Power State Park was an amenity for the area. She said it was known that high-density developments would occur in Troutman, especially at Exit 45, and the this neighborhood was looking towards the future for everyone.

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

Commissioner Robertson asked Attorney Pope about land purchases and who had the responsibility to find out the zoning designation for the property.

Attorney Pope said the buyer would have some obligation to find out what could be done on the property. He said the question was, “Can you rely on the public record?” He said that when a person was told by public officials what could be done and money was spent relying on that information, then the question was, “Should you be able to rely on that?”

Robertson asked if the seller was required to find out if the property would be suitable for the purchaser’s intended purpose.

Pope said he was not sure if the seller had the affirmative duty to warn a person about the zoning, but if asked, and the seller lied, then that was fraud. Pope said that he wasn’t sure that an omission, or failure to disclose, rose to the level of fraud -- it depended on the circumstance. He said it depended upon the dialogue.

Commissioner Johnson asked if vested rights should be considered in the situation.

Pope said vested rights usually occurred when public officials were asked about the zoning designation for a piece of property, then money was spent on a project based on the information, but then later, the officials changed the zoning.

Commissioner Johnson asked Pope, assuming the board voted against the request, if he would be optimistic about how the situation might fare in court.

Pope said there was the possibility the county might have immunity; however, he didn't know for sure in this particular case.

MOTION by Commissioner Williams to **deny** the rezoning request of Case No. 0603-1 (Applicant Greg Palmer/Pinecrest Land Developers) from Single Family Residential Conditional Use District (R-20 CUD) to Single Family Residential District (R-20).

VOTING: Ayes – 5; Nays – 0.

Commissioner Williams asked the planning staff if measures had been taken to prevent the problem from occurring in the future.

Planning and Code Enforcement Director Lynn Niblock said measures had been taken to update all of the computers.

ADMINISTRATIVE MATTERS

Update on the Duke Power/Catawba-Wateree Relicensing Project & Request for Endorsement of the Draft Agreement-in-Principle: Planning Supervisor Steve Warren said the hydro-relicensing process had been occurring for the past three years. He said the county was now being asked to agree on a draft agreement-in-principle that stipulated the terms of the hydro-electric facilities along the Catawba River basin for the next 50 years. Warren said the final agreement had to be submitted to the Federal Energy Regulatory Commission later this year. He said some amendments might need to be made to the zoning ordinance, due to shoreline management components, but these would be minor.

Commissioner Robertson said the contents of the agreement-in-principle (AIP) were a significant change in the way business had previously been conducted. He said there was a proposal to establish a Water Management Group (WMG), and it would be comprised of users that withdrew a million gallons of water a day from the Catawba River Basin. Robertson said the AIP stipulated that the members of the WMG would pay a fee based upon the amount of withdrawn water and a surcharge, if the water was not returned to the basin. He said an example would be the City of Statesville and the Town of Mooresville -- they both obtained drinking water from the basin, but the treated wastewater did not return to the same basin. Robertson said the two municipalities would pay higher fees. Mr. Robertson said that after reading the AIP, he began having concerns about the usage of the money. He said that unless changes were made to the language, he had concerns the money might not be used for the intended purposes. He mentioned the state gas tax and the state lottery funds, and how these were created for particular needs, but then they wound up going towards something else. Robertson offered the following agreement revisions in an effort to curtail the possibility of individuals using the money for other purposes.

Attachment P – Catawba-Wateree Basin Water Management Group (WMG)

- 2.3 **Change to** “The Group’s objectives are limited to the following:”
- 2.4 **Change to** “The Group’s activities will be limited to:”
- 3.7 **Add** “or any extension or renewal of same” **to the end of the sentence.**
- 3.8 **Replace** “other” **with** “members and”.
- 4.1 **Delete the sentence allowing for unidentified credits since said credits are not defined.**

4.5 **Insert the sentence** “It is not within the authority of the convening committee to modify the Group Purpose (2.2), the Group Objectives (2.3), the Group Activities (2.4), or Decisions (8.2) as defined in the AIP.”

5.5 **Delete** “or solicited from interested third parties. Third parties may also present project recommendations to the group for consideration.”

8.2.3 **Change to** “The Group will require a super majority (greater than two-thirds) for approving projects. Other topics for super majority voting include:”

MOTION by Commissioner Robertson to approve the agreement-in-principle with major reservations, or Category 4, and to request that Attorney Pope, using the appropriate format, include the aforementioned items in a statement. (Attorney Pope was given latitude to revise the wording as necessary but to retain the board’s intent or purpose for the changes.)

VOTING: Ayes – 5; Nays – 0.

(The motion will also allow the Planning Supervisor to sign the agreement.)

Commissioner Johnson suggested that Commissioner Robertson establish “some common ground” or a consensus on the changes with the other counties involved in the relicensing. Johnson said that while the county was involved in the relicensing process, that Statesville and Mooresville were not, and these were the entities that would bear the greatest financial burden.

Commissioner Robertson said Commissioner Johnson’s suggestion would be taken as an implied task, and it would be done.

Note: The AIP signature form had a five-point consensus scale written as follows:
1...full endorsement, no reservations
2...some concerns, willing to sign (will work toward final agreement)
3...minor reservations, willing to sign (will work toward final agreement)
4...major reservations, willing to sign (submit statement why)
5...cannot agree with AIP (submit objections)

-----CONSENT AGENDA-----

MOTION by Commissioner Norman to approve the following 15 consent agenda items.

VOTING: Ayes – 5; Nays – 0.

1. Request for Adoption of a Resolution of Intent Allowing the Farmland Preservation Board to Pursue Special Legislation Authorizing the Transfer of Development Rights (TDR): Planning Supervisor Steve Warren said at the briefing session that the TDR initiative would be another tool the Farmland Preservation Board could use to assist the agricultural community.

Cooperative Extension Director Ken Vaughn said at the briefing session that support from the local legislative delegation would be needed to obtain the land use initiative, and an endorsement from the board of commissioners was also needed.

(The following resolution was approved through the consent agenda.)

Transfer of Development Rights Program Resolution

WHEREAS, the county commissioners are in support of the preservation and protection of Iredell County’s rural agricultural farmland; and

WHEREAS, the agricultural farmland in Iredell County contributes to the county by consistently ranking high in production of many agricultural commodities in North Carolina; and

WHEREAS, Iredell County already has a well-established Voluntary Farmland Preservation Program; and

WHEREAS, Iredell County has recently established a Purchase of Development Rights Program; and

WHEREAS, a transfer of development rights program would serve as an additional tool for the protection and preservation of agricultural farmland in Iredell County; and

WHEREAS, funding for the conservation of agricultural farmland would come from private developers.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Iredell County, North Carolina, supports the Farmland Preservation Board pursuing special legislation to establish a Transfer of Development Rights Program.

** * * * **

2. Request from Ms. Linda Parker (148 Ervin Road, Mooresville, NC) & Mr. Willis Stutts (152 Ervin Road, Mooresville, NC) for the Release of Zoning Jurisdiction to the Town of Mooresville for Approximately 1.68 Acres off River Highway, northwest of Mooresville, NC: At the five o'clock briefing, Planning Supervisor Steve Warren said the two property owners desired the release of zoning jurisdiction for their properties. He said Ms. Parker's land was adjacent to the Town's jurisdictional boundary, and it was designated in the Highway 150 Future Land Use Plan as commercial; while Mr. Stutts' property was planned for low-density residential development. Warren said the Town approved the extension of utilities to the properties (PIN#s 4647-18-9269 & 4647-18-7295) on March 6, 2006.

3. Request for Approval of a Restructuring Plan for the Emergency Communications Operations Management Office and the Office of Emergency Management & the Resulting Reclassifications/Grade Changes: Assistant County Manager Tracy Jackson said there was a vacant Deputy Emergency Management (EM) Coordinator position, and discussions had recently occurred about the most effective organizational structure for the department. He requested that the Office of Emergency Management be merged into the Emergency Communications Operations Management (ECOM) Department and for the ECOM Director to assume the responsibilities of the EM Coordinator. In addition, he requested that a current Telecommunicator II position be reclassified as a Deputy ECOM Coordinator and that an existing EM Program Assistant IV position be transferred to ECOM. The recommended reclassifications/grade changes that will occur effective May 1, 2006, are as follows:

- *ECOM Director (Grade 73) to ECOM Director/EM Coordinator (Grade 76)*
- *Change one ECOM Telecommunicator II (Grade 65) to Deputy ECOM Coordinator/Telecommunicator II (Grade 70)*
- *Move Deputy EM Coordinator and Program Assistant IV positions under ECOM and place under ECOM Director/EM Coordinator (no grade change)*

4. Request for Approval of Budget Amendment #34 for the EMS Department to Recognize \$1,025 in Donated Funds: Assistant County Manager Tracy Jackson said at the agenda briefing that \$1,000 had been donated to EMS from the Kiwanis Club and \$25 had been donated from a private citizen. He said the department wanted to use \$500 for an EMS Week celebration and a staff meeting event. Jackson said the remainder (\$525) would be used for public education and outreach materials.

5. Request for Approval of Budget Amendment #35 for the Sheriff's Department to Transfer \$65,000 from Commissary Sales to Commissary Supplies: During the five o'clock meeting, Chief Deputy Rick Dowdle requested a budget amendment to recognize a \$65,000 commissary sales increase and to transfer the same amount of funds to commissary supplies for purchases.

6. Request for Approval of Budget Amendment #36 for the Sheriff's Department to Transfer \$5,000 in Seized Funds for the Restructuring of the Crime Stoppers Program: Chief Deputy Rick Dowdle requested permission, during the agenda briefing, to transfer \$5,000 in seized funds to the Crime Stoppers Program. Dowdle said the Statesville Chamber of Commerce assisted with the program, and a restructuring was needed to become more effective.

7. Request for Approval of Budget Amendment #37 for the Sheriff's Department to Transfer \$17,100 in Seized Funds for the Purchase of a Four Stroke Boat Engine: Chief Deputy Rick Dowdle said his department had two boats, and one already utilized a four-stroke engine. He said that because of propeller differences, the four-stroke engine already owned by the department could not be used in the boat needing a replacement. He requested permission to use \$17,100 for an additional four-stroke engine.

8. Presentation of FY 2006-07 Health Insurance Recommendations & Request for Concurrence: Human Resources Director Carolyn Harris said at the agenda briefing that a recommendation was being made to remain with the North Carolina Association of County Commissioners' pool for health insurance. She said, however, there would be an increase in some co-pays. A listing of the cost changes are as follows:

| | <u>PCP</u> | <u>Specialist</u> | <u>Eye</u> | <u>ER</u> | |
|--------------------|---------------|-------------------|-------------|---------------|-------------|
| | <u>Co-Pay</u> | <u>Co-Pay</u> | <u>Exam</u> | <u>Co-Pay</u> | <u>RX</u> |
| <i>Current</i> | \$20 | \$30 | \$10 | \$100 | \$10-20-30 |
| <i>Recommended</i> | \$20 | \$40 | \$20 | \$150 | \$10-35-50* |

**Mail order – 90 day supply with savings to member is available. Also, a limited number of over the counter medicines are covered with prescription.*

*Total Expected Cost: \$5,476,837 Total Expected Cost Increase: 11.1%
Based on 811 employees*

* * * * *

9. Request to Call for a Public Hearing on April 18, 2006 Regarding the FY 06-07 North Carolina Department of Transportation Rural Operating Assistance Program Grant: (The grant application is due May 12, 2006, and state law requires the transit system to hold a public hearing for citizen comment.)

10. Request for Approval of Reimbursements to Fire & Rescue Squad Departments Due to the July 7, 2005 Tornado in North Iredell: During the five o'clock meeting, Fire Marshal Lloyd Ramsey requested permission to reimburse the fire/rescue organizations that provided service and assistance in conjunction with the July 7, 2005 storm in northern Iredell County. (The county-wide service district fund has sufficient funds to cover the reimbursements totaling \$1,602.34.)

11. Request for Approval of a Landfill Service Corporation Lease/License Agreement: Solid Waste Director David Lambert requested renewal of an agreement for Posi-Shell equipment and materials that are used for daily landfill cover. He said at the briefing session that an addendum had been added in case any regulatory agencies deemed the Posi-Shell Cover System to be an inappropriate daily cover method. (The lease is for a 24-month period with a per ton increase from \$37.50 (2004) to \$43.00 per ton.)

12. Request for Approval to Apply for a North Carolina Division of Pollution Prevention & Environmental Assistance Grant for Recycling Storage Containers: Recycling Coordinator Carla Parks requested permission at the briefing session to apply for a \$23,355 grant to be used for the purchase of storage containers. She said a ten percent match was needed, but the funds were already budgeted. Parks said the roll-off containers would be used to store cardboard, glass, and electronics.

13. Request from the Recreation Department for Approval of an Environmental Education Fee Schedule: Recreation Director Robert Woody said that due to increased participation, it would be necessary to implement fees to cover the costs associated with the environmental education program. The price list will be as follows:

| Program Type/Length | Full Instruction Group Size Minimum 15 |
|---------------------------|---|
| 2 hour program | \$3.00 |
| 4 hour program | \$5.00 |
| Full day – 8 hour program | \$10.00 |

| Program Type/Length | With Wild Education Site Instructors in Group Size Minimum 15 |
|--------------------------|--|
| 2 hour program | \$1.50 |
| 4 hour program | \$3.00 |
| Full day, 8 hour program | \$6.00 |

14. Request for Approval of a Centralina Service Agreement for the Usage of “Membership Hours” to Update the Greater Statesville Development Corporation’s 2006 Statistical Profile: County Manager Mashburn said at the briefing session that for the past few years, the Greater Statesville Development Corporation had utilized unused county Centralina Council of Governments membership hours (7.5 hrs. = \$652.50) to update existing statistical profiles.

15. Request for Approval of the Minutes for February 24, 25, 2006 & March 14, 2006

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

Request from the Covenant House of Statesville, a 501C-3 Organization, for Waste Disposal Exemptions: Mr. Darryl McIntyre, Covenant House Executive Director, requested a waste disposal exemption. McIntyre said the Covenant House previously was located in downtown Statesville, but it recently relocated to 117 McElwee Street. He said the McElwee site had been an eyesore, but it had now been fully renovated. McIntyre said contractors had estimated a cost of \$340,000 for the renovation, but by using the labor of the Covenant House participants, the structure was improved and restored for \$100,000. He said the Covenant House was no different from the Salvation Army or Fifth Street Ministries, but the agency had a structured program. McIntyre said \$300 was spent at the solid waste facility last year, and 80% of the trash disposal fees were due to the facility’s renovations. He said it cost \$240,000 a year to operate the program, and only 20% of this came from the United Way. Mr. McIntyre said the remaining 80% came from the Covenant House men working in the community. He said the program primarily worked with individuals from Iredell County. McIntyre said a “cap” could be placed on the exemption.

Commissioner Norman asked the criteria used in the past for organizations to be exempted from the waste disposal fees.

County Manager Mashburn said the only example he could recall was for the Salvation Army. He said the exemption rationale centered on the fact that had the goods not been donated, the donor would have disposed of them anyway at the landfill, and they would have been covered under the standard household fee imposed on county residents.

Deputy County Manager Blumenstein said Fifth Street was exempted when furniture or items of this nature were discarded. She said the agency utilized a private company for daily waste pickup.

Commissioner Williams said the county had hundreds of nonprofits, some of which were the volunteer fire departments. He suggested that the staff review the

exemption criteria used in the past. Williams said that if the county didn't have criteria already established, that something might need to be created to treat everyone fairly.

MOTION by Commissioner Norman to request that the staff review the past policy or criteria used in allowing trash disposal exemptions at the solid waste facility.

VOTING: Ayes – 5; Nays – 0.

Request for Approval of a Resolution Approving the Sale of Certificates of Participation: Chairman Tice introduced the following resolution, a copy of which had been provided to each Commissioner, which was read by title and summarized by the Director of Finance and Administrative Services:

RESOLUTION APPROVING THE SALE BY IREDELL COUNTY PUBLIC FACILITIES CORPORATION OF CERTIFICATES OF PARTICIPATION IN CERTAIN INSTALLMENT PAYMENTS TO BE MADE BY THE COUNTY OF IREDELL, NORTH CAROLINA, APPROVING A PROPOSED INSTALLMENT FINANCING AGREEMENT TO FINANCE CERTAIN SCHOOL FACILITIES, APPROVING CERTAIN OTHER DOCUMENTS AND ACTIONS RELATING THERETO AND AUTHORIZING OTHER OFFICIAL ACTION IN CONNECTION THEREWITH

WHEREAS, the County of Iredell, North Carolina (the "County") has determined that it is necessary and expedient to finance (i) the expansion of North Iredell High School, including the construction and equipping of additional classrooms and a new gymnasium and locker room, (ii) the expansion of West Iredell High School, including the construction and equipping of additional classrooms, a new science wing, an auditorium, a new gymnasium and locker rooms, and expanded cafeteria and kitchen facilities, (iii) the expansion of Statesville High School, including the construction and equipping of a Freshman Academy, an auxiliary gymnasium, a ROTC room, a science wing and additional performing arts and general classrooms and the acquisition of land to expand practice fields and parking lots, (iv) the expansion of Sharon Elementary School, including the construction and equipping of additional classrooms and resource rooms, a new cafeteria/kitchen, a new administration area and a new media center and the acquisition of land for the expansion of the sewer septic system, and (v) the construction and equipping of a new Mooresville Intermediate School (collectively, the "Project"); and

WHEREAS, in order to effectuate such plans to finance the Project, the County and Iredell County Public Facilities Corporation (the "Corporation") have been negotiating certain financing documents and arranging for the negotiated sale of Certificates of Participation in certain Installment Payments (as defined in the hereinafter defined Installment Financing Agreement) to be made by the County pursuant to an installment financing agreement, to be dated as of May 1, 2006 (the "Installment Financing Agreement"), between the Corporation and the County, pursuant to the authority granted to the County under Section 160A-20 of the General Statutes of North Carolina; and

WHEREAS, the County has determined that it is in the best interests of the County that the County and the Corporation enter into the Installment Financing Agreement to make available to the County funds with which to finance the Project; and

WHEREAS, the County and the Corporation have retained investment bankers for the purpose of underwriting said Certificates of Participation; and

WHEREAS, said Certificates of Participation are expected to be marketed in the expectation of executing a Certificate Purchase Agreement with respect thereto on or about April 27, 2006 and delivering said Certificates of Participation on or about May 11, 2006; and

WHEREAS, in connection with such financing, it is necessary for the County to approve the sale of said Certificates of Participation by the Corporation, to approve certain other documents relating thereto and to authorize certain action in connection therewith; and

WHEREAS, there have been presented at this meeting copies of the following documents relating to the delivery of the 2006 Certificates (as hereinafter defined):

(a) a draft of the proposed Certificate Purchase Agreement for the 2006 Certificates (the "Purchase Agreement"), to be dated on or about April 27, 2006, among the Corporation and Wachovia Bank, National Association and Banc of America Securities LLC, as underwriters (the "Underwriters"), relating to the purchase and sale by the Underwriters of the 2006 Certificates;

(b) a draft of the proposed Installment Financing Agreement, pursuant to which the Corporation will make available to the County funds to be derived from the sale of the 2006 Certificates with which to finance the Project, and the County will be obligated to make Installment Payments (as defined in the Installment Financing Agreement) and certain other payments, among other requirements;

(c) a draft of the proposed Trust Agreement, to be dated as of May 1, 2006 (the "Trust Agreement"), by and between the Corporation and Deutsche Bank National Trust Company, as trustee (the "Trustee"), under which the Trustee will make available to the County the proceeds of Certificates of Participation (Iredell County School Projects), Series 2006 evidencing proportionate and undivided ownership interests in the Installment Payments to be made by the County under the Installment Financing Agreement (the "2006 Certificates") to pay the cost of financing the Project;

(d) a draft of the proposed Deed of Trust, to be dated as of the date of May 1, 2006 (the "Deed of Trust"), from the County to a deed of trust trustee for the benefit of the Corporation;

(e) a draft of the Preliminary Official Statement, to be dated on or about April 18, 2006 (the "Preliminary Official Statement"), relating to the offering of the 2006 Certificates;

(f) drafts of the Construction and Acquisition Agreements, each to be dated as of May 1, 2006 (each a "Construction Agreement"), between the County and Iredell-Statesville Schools Board of Education and Mooresville Graded School District Board of Education (each a "Board of Education"), respectively, pursuant to which each Board of Education will use its best efforts to cause the construction of the portion of the Project for which it is responsible; and

(g) drafts of the Lease Agreements, each to be dated as of May 1, 2006 (each a "Lease Agreement"), between the County and each Board of Education, respectively; now, therefore,

BE IT RESOLVED by the Board of Commissioners for the County of Iredell, North Carolina:

Section 1. Capitalized words and terms used in this resolution and not defined herein shall have the same meanings in this resolution as such words and terms are given in the Trust Agreement and the Installment Financing Agreement.

Section 2. The County hereby approves the sale of the 2006 Certificates by the Corporation. The 2006 Certificates shall mature in such amounts and at such times and shall bear interest at such rates as shall be determined by the President, any Vice President or the Treasurer of the Corporation; provided, however, that the aggregate principal amount of the 2006 Certificates shall not exceed \$47,000,000, the final maturity of the 2006 Certificates shall not extend beyond December 31, 2027, and the true interest cost of the 2006 Certificates shall not exceed 5.25% per annum.

The 2006 Certificates shall be issued in fully registered form in denominations of \$5,000 or any whole multiple thereof. Interest with respect to the 2006 Certificates shall be payable on December 1, 2006 and thereafter semiannually on each June 1 and December 1 until the 2006 Certificates are fully paid. Payments of principal and interest with respect to the 2006 Certificates shall be made by the Trustee to the registered owners of the 2006 Certificates in the manner set forth in the Trust Agreement.

Section 3. The 2006 Certificates shall be subject to prepayment at the times, upon the terms and conditions, and at the prices set forth in the Trust Agreement; provided, however, that no prepayment premium shall exceed 2%.

Section 4. The proceeds of the 2006 Certificates shall be applied as provided in Section 2.05 of the Trust Agreement.

Section 5. The forms, terms and provisions of the Installment Financing Agreement, the Trust Agreement, the Deed of Trust, the Purchase Agreement, the Construction Agreements and the Lease Agreements are hereby approved in all respects, and the Chairman or Vice Chairman of the Board of Commissioners or the County Manager is hereby authorized and directed to execute and deliver the Installment Financing Agreement, the Deed of Trust, the Purchase Agreement, the Construction Agreements and the Lease Agreements, in substantially the forms presented to this meeting, together with such changes, modifications and deletions as she or he, with the advice of counsel, may deem necessary and appropriate, including, but not limited to, changes, modifications and deletions necessary to incorporate the final terms of the 2006 Certificates as shall be set forth in the Purchase Agreement; such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the County.

Section 6. The County hereby approves the award of the 2006 Certificates to the Underwriters pursuant to the Purchase Agreement, subject, however, to the limitation on true interest cost contained in Section 2.

Section 7. The County hereby authorizes the use and distribution of the Preliminary Official Statement in connection with the public offering of the 2006 Certificates, and the Official Statement, in substantially the form of the Preliminary Official Statement, with such changes as are necessary to reflect the maturities, interest rates, prepayment premiums and initial offering prices of the 2006 Certificates, is hereby approved, and the Chairman or Vice Chairman of the Board of Commissioners, the County Manager or the Director of Finance and Administrative Services is hereby authorized to execute, on behalf of the County, the Official Statement in substantially such form, together with such changes, modifications and deletions as she or he, with the advice of counsel, may deem necessary or appropriate; such execution shall be conclusive evidence of the approval thereof by the County. The County hereby also approves and authorizes the distribution and use of copies of the Official Statement, the Trust Agreement, the Installment Financing Agreement, the Deed of Trust, the Purchase Agreement, the Construction Agreements and the Lease Agreements by the Underwriters in connection with the sale of the 2006 Certificates.

Section 8. The Chairman or Vice Chairman of the Board of Commissioners, the County Manager, the Director of Finance and Administrative Services, counsel to the County and the Clerk to the Board of Commissioners are authorized and directed (without limitation except as may be expressly set forth herein) to take such actions and to execute and deliver such documents, certificates, undertakings, agreements and other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the Trust Agreement, the Installment Financing Agreement, the Deed of Trust, the Purchase Agreement, the Construction Agreements and the Lease Agreements.

Section 9. This resolution shall take effect immediately upon its passage.

After consideration of the foregoing resolution, Commissioner Norman moved the passage thereof, and the foregoing resolution entitled: "RESOLUTION APPROVING THE SALE BY IREDELL COUNTY PUBLIC FACILITIES CORPORATION OF CERTIFICATES OF PARTICIPATION IN CERTAIN INSTALLMENT PAYMENTS TO BE MADE BY THE COUNTY OF IREDELL, NORTH CAROLINA, APPROVING A PROPOSED INSTALLMENT FINANCING AGREEMENT TO FINANCE CERTAIN SCHOOL FACILITIES, APPROVING CERTAIN OTHER DOCUMENTS AND ACTIONS RELATING THERETO AND AUTHORIZING OTHER OFFICIAL ACTION IN CONNECTION THEREWITH" was passed by the following vote:

Ayes: Commissioners Sara Haire Tice, Godfrey Williams, Steve Johnson, Marvin Norman, and Ken Robertson.

Noes: 0.

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

- Criminal Justice Partnership Program (1 announcement)

APPOINTMENTS TO BOARDS & COMMISSIONS

Juvenile Crime Prevention Council (1 appointment): **MOTION** by Commissioner Norman to postpone this appointment until the April 18 meeting.

VOTING: Ayes – 5; Nays – 0.

Adult Care Home Community Advisory Committee (6 appointments): Commissioner Williams nominated Bill Todd and Rev. James Henderson.

MOTION by Commissioner Johnson to appoint Todd and Henderson by acclamation and to postpone the remaining four appointments until the April 18 meeting.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Committee (3 appointments): Commissioner Norman nominated Saundra Smith.

MOTION by Chairman Tice to close the nominations, appoint Smith by acclamation, and to postpone the remaining two appointments until the April 18 meeting.

VOTING: Ayes- 5; Nays – 0.

Statesville Planning Board (ETJ) (1 appointment): Chairman Tice nominated Bob Stamey.

MOTION by Chairman Tice to close the nominations and appoint Stamey by acclamation.

VOTING: Ayes – 5; Nays – 0.

Historic Properties Commission (4 appointments): Commissioner Norman nominated Lewis Alexander and Gene White.

Commissioner Johnson nominated Stan Clardy.

MOTION by Chairman Tice to appoint Alexander, White, and Clardy by acclamation, and to postpone the remaining appointment until the April 18 meeting.

VOTING: Ayes – 5; Nays – 0.

Lake Norman Transportation Advisory Committee (1 appointment for an alternate position): Chairman Tice nominated Commissioner Ken Robertson.

MOTION by Chairman Tice to appoint Robertson by acclamation as the alternate appointment to the Lake Norman Transportation Advisory Committee.

VOTING: Ayes – 5; Nays – 0.

UNFINISHED BUSINESS

WATER TANKS/STORMWATER: Commissioner Robertson said that at the Winter Planning Session, stormwater and noise ordinance issues were discussed. He said water tank regulations in residential subdivisions also needed study, and he

desired for the staff to research the matter. Robertson said Planning Board Member Jerry Santoni already had much information about the issue.

MOTION by Commissioner Robertson to ask the planning department to study the water tank matter and to seek input and information from Jerry Santoni about this issue as well as stormwater problems.

VOTING: Ayes – 5; Nays – 0.

U.S. MOTTO: Commissioner Johnson said several months ago, Mr. Rick Lanier had sent a letter requesting an appearance before the board regarding the placement of the U.S. Motto on the old courthouse. Mr. Johnson requested permission to extend an invitation to Mr. Lanier, since the Supreme Court had made a ruling on the issue. (There was consensus to allow Mr. Lanier to appear at an upcoming meeting.)

COUNTY MANAGER’S REPORT: County Manager Mashburn said a Medicaid Relief bill had been drafted that was different from the March 28 proposal. He said the newer legislation would be more beneficial to the county, and he requested a resolution stating the county’s preference.

MOTION by Chairman Tice to adopt a Medicaid resolution based on the manager’s information and to allow the document to be signed.

VOTING: Ayes – 5; Nays – 0.

CLOSED SESSION: Citing G.S. 143-318.11 (a) (5) - Property Acquisition and G.S. 143-318.11 (a) (6) - Personnel, Chairman Tice at 9:00 P.M., made a **motion** to enter into closed session.

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 9:29 P.M.)

PROPERTY ACQUISITION FOR MITCHELL COMMUNITY COLLEGE: **MOTION** by Chairman Tice to approve Budget Amendment #38 in the amount of \$244,900 to be taken from unappropriated fund balance and moved to the General Fund for appropriation to Mitchell Community College’s Capital Outlay Fund for land acquisition.

VOTING: Ayes – 5; Nays – 0.

ADJOURNMENT: There being no further business, Chairman Tice made a **motion** to adjourn the meeting at 9:31 P.M. (NEXT MEETING: April 18, 2006, 5:00 P.M. and 7:00 P.M. in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

Approval: _____

Clerk to the Board