

**IREDELL COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
APRIL 6, 2004**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, April 6, 2004, 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, and Clerk to the Board Jean Moore.

**CALL TO ORDER** by Chairman Johnson.

**INVOCATION** by Chairman Johnson.

**ADJUSTMENTS TO THE AGENDA:** MOTION by Chairman Johnson to adjust the agenda by:

- Deletions:
- Request for Guidance Regarding the 800 MHz Project (see briefing minutes)
  - Appointment Before the Board Regarding a Request for the Release of Property in the Vicinity of the Statesville Regional Airport into the City of Statesville's Extra-territorial Jurisdiction
  - Appointment Before the Board Regarding a Request for Approval of an Inter-Governmental Agreement with the City of Statesville to Extend Sanitary Sewer from the Third Creek Outfall to the Hanger Area of the Statesville Regional Airport
- Additions:
- G.S. 143-318.11 (a) (3) - Closed Session for a Discussion Regarding Legal Matters
  - Request for Approval of a Budget Amendment for a Family Planning (Title X) Grant
  - Announcement of Two Vacancies on the Mooresville Library Board of Trustees

VOTING: Ayes – 5; Nays – 0.

**Request for the Temporary Closing of SR 1363 - Bethlehem Road:** Chairman Johnson said it wasn't the intent of the county or city to close a portion of Bethlehem Road, but the Federal Aviation Administration (FAA) was requiring the temporary closure. He said the FAA had concerns about the airport's instrument landing system possibly receiving interference from traffic on the road. Johnson said an individual with Ohio State University had been hired to conduct tests and determine if there was an actual problem.

Planning Supervisor Smith said he would determine whether it was the city or county's responsibility to instigate the closure petition with the North Carolina Department of Transportation.

Note: Mayor John Marshall was scheduled to appear at the 7 p.m. meeting regarding two other airport matters (inter-governmental agreement for sewer and release of zoning jurisdiction); however, due to a delay by the city council, these were not presented to the board of county commissioners.

**PUBLIC HEARINGS**

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

**Consideration of an Economic Development Incentive for NGK Ceramics USA:** Economic Developer Melanie O’Connell Underwood said NGK Ceramics was currently involved in its tenth expansion since locating in the county. She said an incentive was granted to the company last year, but the contracts were never executed. Underwood requested to combine the incentive package approved on February 18, 2003 (\$118,665 over six-year period based on a \$31,365,000 investment) with the current request. She said the company’s combined total investment would now be \$58 million.

Steve Dailey, NGK’s general manager, said 101 new employees would be hired.

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

**MOTION** by Commissioner Madison to approve the incentive grant of \$1,222,607 (over a six-year period) based on a \$58,554,000.00 investment by NGK Ceramics in Iredell County.

VOTING: Ayes – 5; Nays – 0.

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

**Consideration of a Rural Operating Assistance Program (ROAP) Application for FY 2004-05:** Transportation Director Ben Garrison requested permission to apply for funding from the North Carolina Transportation Department. He said a total of \$188,193 would be requested and used as follows:

	Funding to be Requested
Elderly & Disabled Transportation Assistance	\$69,196
Work First	\$12,880
Rural General Public	\$56,117
Discretionary Rural General Public	\$50,000

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

**MOTION** by Commissioner Williams to approve Mr. Garrison’s request to apply for the transportation funds.

VOTING: Ayes – 5; Nays – 0.

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

**Consideration of a Rezoning Request; Case #0403-1; Niblock Development - from Neighborhood Business (NB) Conditional Use District (CUD) to Residential Agricultural (RA) (Location: Blume Road off Brawley School Road in Mooresville, NC):** Planning Supervisor Smith said the owner/applicant (Niblock Development Corporation) was requesting to rezone 3.73 acres of a 52.8 acre-tract (PIN# 4636-39-9719). Smith said the property was currently zoned NBCUD, and the owner desired to rezone it to RA. He said the property did not have anything on it, and the surrounding land uses were vacant and residential. Mr. Smith said the planning board unanimously approved the request on March 3, 2004.

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

**MOTION** by Commissioner Madison to approve the rezoning request of Case #0403-1 (Niblock Development) from Neighborhood Business Conditional Use District to Residential Agricultural District.

VOTING: Ayes – 5; Nays – 0.

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

**Consideration of the Proposed South Iredell Small Area (SISA) Plan:** Joining Planning Supervisor Smith in the presentation of the SISA plan was Lisa Valdez, with CMR Services, Inc. Ms. Valdez described the plan in detail, and the executive summary for the 57-page plan is as follows:

*In 1997, the Iredell County Board of Commissioners approved a countywide land use plan which was intended to present a series of projected land uses for all unincorporated areas of the County as well as provide a guide for use by the Planning Board and Board of Commissioners regarding growth and development decisions in the County. As with any adopted plan, conditions and events occur that cannot always be forecast and the need for continual monitoring and update of such a plan is understood. In 2001, Lowe's Companies, Inc., the world's second largest home improvement retailer, announced plans to relocate its headquarters to the Mt. Mourne area of southern Iredell County. While this area is now located in the municipal limits of the Town of Mooresville, the impact will be felt on the entire south Iredell area. The purpose of this South Iredell Small Area Plan is to examine recent factors to provide an updated series of projections for land use, as well as policy recommendations.*

*The South Iredell Small Area Plan encompasses an area approximately 9.5 square miles in south central Iredell County lying outside the corporate limits of the Town of Mooresville. The district is bounded generally by I-77 to the west; the county line to the south; Shearers Road to the east; and generally Faith Road to the north. The study area is bisected by Mecklenburg Highway (NC 115), which, in combination with an existing rail line, serves as a physical east-west divider within the study area.*

*Public input was gathered through meetings with stakeholder agencies, public workshops with the residents of the area, and the diligent work of the steering committee that was established to assist in this process. This input formed the basis for the following **Guiding Principles**:*

**Infrastructure:**

- *Proactive planning for infrastructure (schools, utilities, and transportation network) should address the adequacy of existing systems so as not to overburden their capacity with new development.*
- *The majority of the development in the area will demand municipal utilities; however, the exception is Heater Utilities, who may be able to serve development on the west side of I-77. Because of the demand for utilities, increased development pressure will be placed on the towns of Davidson and Mooresville, as well as the County during the interim period.*
- *Multi-modal forms of transportation should be encouraged.*

**Land Use and Design Elements:**

- *Non-residential development, particularly office uses, is the preferred land use between I-77 and the existing railroad.*
- *East of the railroad and along the NC 115 corridor the application of mixed-use development with higher density residential, office and/or neighborhood commercial is preferred, but not in a "strip-style" commercial development pattern.*
- *Low-density residential development is the preferred land use east of NC 115.*
- *Along the west side of I-77 at the Langtree Road interchange, high-end office space with strict design guidelines is also the preferred land use. However, high-end service type establishments, also with design guidelines, would also be acceptable.*
- *Strip-style, auto-oriented retail development should be avoided completely within the study area.*
- *Commercial development should maintain a pedestrian/neighborhood scale.*
- *Multi-story development, with a compact design, should be encouraged.*

**Natural, Cultural and Historic Resources:**

- *In the low-density residential portions of a study area, the rural character should be maintained.*
- *Due to a large portion of the study area lying within the watershed, every effort should be made to design developments using best management practices to preserve the natural landscape and protect the environment.*

**Community Facilities and Parks:**

- *A joint effort should be made by the Iredell-Statesville School System and Iredell County Parks and Recreation to proactively acquire land for future school and park projects while land prices are reasonably low.*

*These principles serve as the foundation for the recommendations and implementation strategies of this Plan. A detailed implementation schedule is included in Section Six of the Plan, but is summarized below with some of the specific **Implementation Strategies**.*

- *Grant Extraterritorial Planning Jurisdiction (ETJ) to the Town of Mooresville in Areas 1,2,3 (and potentially 4 as infrastructure improvements are made). Or, adopt compatible design standards for Areas 1,2 and 3 where urban-type development is planned.*
- *Utilize the Conditional Use Rezoning process for rezonings in the study area to achieve the desired design criteria, but particularly those in close proximity to the proposed interchange, on Langtree Road and Hwy 115.*

- *Adopt an Adequate Public Facilities Ordinance.*
- *Request sidewalks and/or bike lanes as part of all NCDOT improvement projects in the study area.*
- *Coordinate site plan and subdivision review with stakeholder agencies to determine impact on infrastructure.*
- *Develop a county-wide Park and Greenway Master Plan with input from each municipality.*
- *Pursue the identification and purchase of property for future schools and parks.*
- *Update the existing historical survey of the area (1978).*

\* \* \* \* \*

Ms. Valdez said the planning board approved the plan on March 3, 2004.

Commissioner Tice said that in reference to the area west of I-77, she wanted to inquire about the zoning on Alcove Road. She asked what would be permitted.

Valdez said, initially, the northern and southern points were to be residential, but this was changed. She said the change designated the southern point as residential and the northern section as residential with mixed used.

Tice said some of the property owners did not desire for their properties to be residential.

Smith said that what was being proposed for the Alcove area would not limit the owners to residential uses.

Johnson said it sounded like there would probably be some conditions placed on any rezoning requests in the area to protect the residential areas.

Smith said this was correct, and there might be an effort made to “funnel” nonresidential to the front side and residential to the rear.

Tice asked if the mixed use would extend all the way to Langtree Road.

Valdez said, potentially, it did.

Chairman Johnson said that for Area 1 (west of interstate), Area 2 (between interstate and Hwy. 115) and Area 3 (Hwy. 115) there was a recommendation to either adopt standards similar to the Town of Mooresville, or for the county to surrender ETJ to the Town.

Valdez said this was correct.

Johnson asked about Area 4 (east of Hwy 115 corridor).

Valdez said that at some point, Mooresville would probably be in the area, but due to public comments, this area was left out. She said that as future infrastructure improvements were made, the county might want to consider it, but for now, it was where most of the residences were located.

Johnson asked Ms. Valdez’s opinion on how long it would take for Area 2 to be commercially built out.

Valdez said perhaps five years with a total build out in 10 years. She said it was dependent upon the Lowe’s Company and how many vendors located in the area.

Johnson asked Mr. Smith if standards could be written up for Area 4.

Smith said this could be done.

Don Bartell, the Chairman of the Transportation & Infrastructure Committee for the Mooresville-South Iredell Chamber of Commerce spoke and said his group endorsed and supported the recommendations that had been made; both in terms of the small area plan and the ETJ for the Town of Mooresville.

Attorney David Parker said he represented some property owners in the area, and they wanted to know (1) whether they would be submitting rezoning requests to the county or the Town of Mooresville and (2) the timeframe.

Johnson asked Mr. Smith to respond to Mr. Parker's question, if areas 1, 2, and 3 were released to Mooresville (ETJ).

Smith said the Mooresville officials would have to decide if they wanted the areas. He said if an understanding could be reached, and the Town wanted jurisdiction, then all of the requests would be processed in Mooresville.

Tice asked the timeline in regards to the Alcove Road area, if the property owners wanted to apply for a rezoning with the county.

Smith said they could apply tomorrow, and the request would be on the next planning board agenda. He said they might not receive a favorable recommendation, but their request could at least be on the agenda.

Commissioner Madison said he thought some negotiations needed to be done with the Mooresville officials to see if they concurred with the plan. He said that water and sewer couldn't be done in one or two years, and there needed to be a progressive plan.

Mr. Parker said the Department of Transportation was somewhat "pushing" the need for action due to condemnation proceedings. He suggested for the plan to be adopted, but that ETJ not be approved until the staff could organize it in an orderly fashion.

Rick Howard said he had lived in the area for 51 years, and he was a property owner on Langtree Road as well as in Area 1. He said the first question that potential buyers asked about the property was, "What type of zoning does it have?" Howard said he was hoping to have an answer from the meeting. He said the plan was not perfect, but at least it was a plan.

Commissioner Williams said he would like a report from the Town of Mooresville officials regarding their intentions for the area.

Chairman Johnson adjourned the hearing.

**MOTION** by Commissioner Madison to (1) accept the outline of the South Iredell Small Area Plan, or the proposals that were presented, as far as the type of the development in the four different areas, but that the recommendations for implementation not be accepted at this time, (2) that Mr. Smith and Mr. Mashburn be instructed to contact the staff and mayor in Mooresville in an effort to make sure they are "buying into this same plan and if they are not, further discussion on the ETJ implementation will need to occur again" and (3) that the county staff report back to the board of commissioners at the next meeting.

Mr. Madison said the property owners in the area could go ahead and make a rezoning application tomorrow, if they chose to do so. He said it appeared some individuals were waiting on a decision and this would help them, but they should also know the implementation of the plan might be "tweaked" somewhat differently from the proposals.

Chairman Johnson clarified that the motion was basically saying the county had a footprint of the plan, and continued discussion would occur about its implementation.

Commissioner Tice asked if this would allow the folks on Alcove to go ahead and apply for a commercial rezoning.

Commissioner Madison said, "In line with what has been proposed -- yes." Madison then asked Smith if this was his understanding.

Smith said yes, but he had a question. He said some of the recommendations were directly tied to the land use -- as far as standards. Smith said it could be done either way -- it was totally up to the board. He said that if the board chose to go with the land use designations as

shown on the map, that would mean more or less office usage in this area (pointing to a map), nonresidential in this area, but not consider any design standards or standards for protection of adjacent property owners.

Mr. Madison said he didn't have any problems with the design standards or the standards to protect property owners. He said the problems he had were with ETJ and the Adequate Public Facilities Ordinance.

Johnson asked Mr. Madison if he had a problem with the huge amount of area that was being designated as ETJ, or with the concept in general.

Madison said he had a problem in general, especially when it (ETJ) had not been requested. He said, "We don't have any understanding with the jurisdiction that, yes, they plan to do what we've laid out. They may come in and say we want it all single-family residential on two-acre lots. That wouldn't be real smart, but they could do that -- surely they wouldn't. Hopefully, they will buy into this plan and it will be an easy transition from our jurisdiction to theirs."

Commissioner Tice asked if the board would consider the plan, if the owners wanted to move quickly to sell their properties.

Commissioner Madison said yes. He said there could even be a stipulation indicating that the county would not transfer ETJ for 90 days or 180 days to give adequate time or notice. He said during that time, negotiations could occur with Mooresville, and Davidson if necessary, on what their ETJ and zoning would look like.

Commissioner Williams said he also had a problem releasing ETJ without a request from Mooresville. Williams said he'd rather release it upon a request from Mooresville rather than give a blanket release.

Johnson said, "As it stands right now, we are going to adopt the plan, consult with Mooresville to see how much of this they want in Mooresville, less the Adequate Public Facilities Ordinance."

Madison said there was also a direction to the staff and the county manager to contact Mooresville.

Attorney Pope asked if the adoption of the plan would rezone property, or if the plan would be used as an aid when rezoning requests were being considered.

Johnson said it would become a template -- a basis for arguing why a property should be rezoned to a certain type of district, but that it wouldn't actually rezone. He asked Smith if this was his understanding.

Smith said yes.

VOTING: Ayes – 5; Nays – 0.

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

**MOTION** by Chairman Johnson to approve the following thirteen (13) consent agenda items.

VOTING: Ayes – 5; Nays – 0.

- 1. Request for the Rescindment of the Resolution of Intent Adopted on February 17, 2004 Regarding the Abandonment of Holland Street:** Planning Supervisor Smith advised during the briefing that due to the developer (Chen Fee LLC) withdrawing the Holland Street abandonment request, there was no need to hold the public hearing. (Note: The developer withdrew the request prior to publishing the legal notices.)

**2. Request for Approval of a Proclamation that Proclaims April 18-24, 2004, as County Government Week:** (The following proclamation was adopted.)

**Proclamation  
for  
County Government Week  
April 18-24, 2004**

County owned and operated transportation systems reach out to meet the growing and ever changing needs of a community. County transit systems move people to necessary services associated with quality of life and they help citizens to develop or maintain a higher level of independence.

Obviously, there is a continually growing need for transportation service in this community. From the last census report, 34% of all households in Iredell County have 0-1 vehicle; 12% of our households have no vehicle. Limited mobility has a significant impact on citizens of a community.

Transportation daily moves our citizens to medical appointments, work, school, and personal needs trips. Human service agencies depend on reliable transportation services to insure that their consumers will receive necessary and essential services. From its start as a human service system, the primary focus of the Community Transportation Program has shifted towards making services available to all citizens of the county.

The goal of ICATS is to provide transit services that are safe, efficient, and cost-effective in meeting the needs of its citizens. When the county assumed the operations of the system on July 1, 2003, the transit system recognized the responsibility to seek input from citizens in an effort to expand service based upon identified need.

County officials and employees use their role as local leaders to improve the lives of their citizens and make their communities more livable. Counties have a long history of providing critical services. County governments are the citizen's local government voice, providing solutions that bring communities together.

Now, therefore, be it resolved by the Iredell County Board of Commissioners, in recognition of the leadership, innovation and valuable service provided by our nation's counties, that April 18-24, 2004 be proclaimed as County Government Week in Iredell County.

**3. Request for Approval to Apply for a Technology Grant from the State Board of Elections [Funding Source will be the Help Americans Vote Act (HAVA)]:** Elections Supervisor Becky Galliher requested permission at the five o'clock meeting to apply for a HAVA grant for the purpose of purchasing a scanner and copying machine.

**4. Request for Approval of a Resolution Pertaining to the Badge and Sidearm used by Former Deputy Joe Ketchie, who will be Retiring from County Service on May 31, 2004:** The following resolution was approved allowing Mr. Ketchie to be awarded his law enforcement badge and sidearm.

**RESOLUTION REGARDING THE BADGE AND SIDEARM OF  
FORMER DEPUTY JOE KETCHIE**

WHEREAS, Joe Ketchie has served in the Iredell County Sheriff's Office and has, upon his retirement, requested that he be permitted to keep his badge and to purchase his service sidearm.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Iredell County, that said badge be awarded to former Deputy Ketchie at no cost and that his sidearm be sold to him for the sum of One Dollar (\$1.00) as provided in G.S. 20-187.2.

One (1) Smith & Wesson 38 Caliber Revolver  
Model 10-6, S/N 46879

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**5. Request from the Sheriff’s Department for Approval of Budget Amendment #32 to Recognize a Donation of \$9,011 that will be used to Purchase Surveillance Equipment for the Narcotics Division:** During the briefing session, Chief Deputy Rick Dowdle said \$9,011 had been received from the Purdue Pharmaceuticals Corporation. Dowdle requested permission to use the funds to purchase narcotics surveillance equipment.

**6. Request for Approval of a “Sole Source ”(Exclusive Manufacturer) Contract for the Purchase of a \$126,718 Mobile Command Post for the ECOM & Sheriff’s Departments:** At the briefing session, Purchasing Agent Evie Caldwell said Budget Amendment #25 was approved on February 17, 2004, for the purchase of a mobile command vehicle. She advised, however, that the board needed to separately approve the purchase due to the acquisition being from a sole source provider.

Chief Deputy Dowdle added that Farber Speciality Vehicles was the exclusive manufacturer of the FSV 30WS Mobile Command Post vehicle.

(The company’s brochure stated it was the only supplier in the United States that was “entirely dedicated to law enforcement applications.”)

**7. Request for Approval of Budget Amendment #33 Regarding a \$103,133 Bioterrorism Grant:** (See briefing minutes)

**8. Request for Approval of Budget Amendment #34 for a Family Planning (Title X) Grant:** (See briefing minutes)

**9. Request for Authorization to be Given to the County Manager or his Designee to Send a Letter to the North Carolina Department of Transportation (NCDOT) Regarding Eastside Drive Roadway Improvements in Association with the Social Services Building Project:** During the briefing session, Support Services Director Jim Vernon said that as a part of the permitting process, the NCDOT required right and left turn lanes at the Eastside Drive construction site. He said the social services building would share the same entrance area and traffic signal that would be used by the patrons of the new cinema being built by Folger Properties, LLC. Vernon said the cinema construction would begin this summer, far in advance of the social services building, but the NCDOT was requesting a letter of commitment from the county. He requested authorization to send a letter to this effect to the local transportation office.

**10. Request for Approval of an Increased Investment Management Proposal with First Citizens Bank:** Finance Director Blumenstein, at the briefing session, said the board had approved a \$5,000,001.00 investment management service agreement with First Citizens in September of 2002. She requested permission to increase the 5 million to 11 million for the purpose of transferring \$3.2 million, currently in the North Carolina Capital Management Trust (NCCMT) Landfill Closure Account to First Citizens. Mrs. Blumenstein said First Citizens had an earning yield of .5% more than the NCCMT, and this was the reason behind the request. She said the landfill account would remain separate from the general county funds. In addition, she said the \$11 million would allow her to increase the investment for the general county funds as the cash flow permitted.

**11. Request for Approval of an Amendment to the Stumpy Creek Park Project Ordinance for the Recognition of \$5,000 Received in Contributions for the Completion of the Irrigation System:** The following ordinance amendment was approved.

Amended Stumpy Creek Capital Project Ordinance

Be it Ordained by the Board of County Commissioners of Iredell County, North Carolina:

Section 1. The following project will be financed by this fund:

Stumpy Creek General Construction	\$ 748,176
Professional Services	75,155
Irrigation System	60,000
Gallyon Memorial	22,485
Transfer to Parks Capital Reserve Fund	<u>25,340</u>
	<u>\$ 931,156</u>

Section 2. Funds for this Capital Project Fund will be provided from the following sources:

Parks & Recreation Trust Grant	\$ 250,000		\$ 250,000
Community Contributions	135,000		135,000
Contributions-Irrigation System	25,000	5,000	30,000
Memorials	22,485		22,485
Transfers from Parks Capital Reserve Fund	245,626	(5,000)	240,626
Transfers from General Fund	128,045		128,045
Investment Earnings	<u>125,000</u>		<u>125,000</u>
	<u>\$ 931,156</u>		<u>\$ 931,156</u>

Section 3. This Capital Project Fund shall continue until the project is complete.

Section 4. Payments from this Capital Project Fund shall be authorized by the County Manager or his designee.

Section 5. The Parks Capital Reserve Fund is advancing \$100,000 to the Stumpy Creek Project Fund for completion of the project. This advance is to be repaid annually by transfers from the Stumpy Creek Project Fund to the Parks Capital Reserve Fund equal to ¼ of the total transfer from the General Fund.

Section 6. Any funds remaining in the Stumpy Creek Project Fund at completion of the project will be transferred to the Parks Capital Reserve Fund and applied as a reduction to the advance.

Section 7. The Parks Reserve Fund agreed to advance \$30,000 to the Stumpy Creek Park Project for the installation of an irrigation system (total cost \$60,000). The first \$5,000 collected from boat ramp user fees will be used in the General Fund for maintenance of the ramp. Collections of boat ramp user fees exceeding \$5,000 will be used to repay the \$30,000 advance from the Parks Reserve Fund.

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**12. Request for Approval of a Centralina Council of Governments Service Agreement in the Amount of \$600 for the Greater Statesville Development Corporation’s (GSDC) Profile Report:** County Manager Mashburn advised during the briefing that in the past, Centralina had provided updates for the GSDC’s statistical profile. Mashburn said Centralina was willing to prepare the updates at a cost of \$600 plus 7.5 membership hours. (Note: Without the usage of the membership hours, the cost would be \$1200.)

**13. Request for Approval of the March 16, 2004 Minutes**

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

**ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS**

**Adult Care Home Community Advisory Committee (1 announcement)**

**Recreation Advisory Committee (1 announcement)**

**Centralina Workforce Development Board (2 announcements)**

**Mooresville Library Board of Trustees (2 announcements)**

**APPOINTMENTS TO BOARDS & COMMISSIONS**

**Regional Comprehensive Economic Development Strategy Panel (CEDS) (3 appointments):** Commissioner Tice nominated Anita Johnson.

No other nominations were submitted.

**MOTION** by Commissioner Madison to appoint Johnson by acclamation and to postpone the remaining two appointments until the April 20 meeting.

VOTING: Ayes – 5; Nays – 0.

**Nursing Home Advisory Committee (1 appointment):** No nominations were submitted, and Chairman Johnson motioned to postpone the appointment until the April 20 meeting.

VOTING: Ayes – 5; Nays – 0.

**Criminal Justice Partnership Program (2 appointments):** Commissioner Madison nominated Ed Dearman for the at-large position and George Pettigrew for the probation/parole position.

No other nominations were submitted, and Chairman Johnson motioned to appoint Dearman and Pettigrew by acclamation.

VOTING: Ayes – 5; Nays – 0.

**Historic Properties Commission (1 appointment):** Commissioner Tice nominated Teresa Turner.

No other nominations were submitted, and Chairman Johnson motioned to appoint Turner by acclamation.

VOTING: Ayes – 5; Nays – 0.

**Adult Care Home Community Advisory Committee (4 appointments):** No nominations were submitted, and Commissioner Madison made a motion to (1) postpone the four appointments until the April 20 meeting, and (2) request the clerk to the board to recruit volunteers for the committees through newspaper advertisements.

VOTING: Ayes – 5; Nays – 0.

#### UNFINISHED BUSINESS

**Contract with Shepherd’s Volunteer Fire Department (VFD):** Chairman Johnson advised that he and Vice Chairman Williams had met with the Shepherd’s VFD officials about the fire protection contract. Johnson said the meeting had been productive, and it was reasonable to expect that a contract could be drafted to satisfy both parties. Mr. Johnson said, however, the bylaws for the VFD would have to be amended to coincide with any new contracts, and for this reason, additional time was needed.

MOTION by Chairman Johnson to grant a 90-day extension to the Shepherd’s VFD for the preparation of a fire protection agreement.

VOTING: Ayes – 5; Nays – 0.

**CLOSED SESSION:** MOTION by Chairman Johnson, at 8:40 p.m., to enter into closed session for the purpose of discussing an economic development matter pursuant to G.S. 143-318.11(a) (4) and legal matters in accordance with G.S. 143-318.11 (a) (3).

VOTING: Ayes - 5; Nays – 0.

RETURN TO OPEN SESSION AT 9:25 P.M.

**APPROVAL OF BUDGET AMENDMENT #35 IN THE AMOUNT OF \$98,500.00 FOR THE WHITE FOX CONSTRUCTION COMPANY CONTRACT:** MOTION by Chairman Johnson to approve Budget Amendment #35 for the purpose of appropriating Solid Waste Retained Earnings for the final settlement regarding White Fox Construction Company’s Contract for the Mooresville Transfer Station.

VOTING: Ayes – 5; Nays – 0.

**APPROVAL OF A RESOLUTION IN SUPPORT OF A RAIL INDUSTRIAL ACCESS TRACK FOR WINCUP HOLDINGS:** **MOTION** by Chairman Johnson to approve the following resolution for WinCup Holdings.

VOTING: Ayes – 5; Nays – 0.

**Resolution in Support of  
WinCup Holdings and its Plans to Locate a Facility in  
 Mooresville, North Carolina**

WHEREAS, WinCup Holdings, is considering the possibility of locating a facility in Iredell County, North Carolina; and

WHEREAS, WinCup Holdings, proposes to invest \$38 million in its plans to locate in Iredell County and to add 200 employees; and

WHEREAS, the plans of WinCup Holdings, are consistent with local land use and state and local transportation plans; and

WHEREAS, the plans of WinCup Holdings, conform with all applicable state and local ordinances and policies; and

WHEREAS, Iredell County is committed to work with the NCDOT in a leadership role to make transportation improvements that address the safety needs of the public, the contractors, and the employees of WinCup Holdings.

NOW, THEREFORE, BE IT RESOLVED BY THE IREDELL COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

Section 1: Iredell County supports the efforts of WinCup Holdings to locate in Mooresville, NC and confirms that its plans are consistent with, and conform with, state and local laws, plans, and policies.

Section 2. Iredell County endorses the application of WinCup Holdings to request financial support from the North Carolina Department of Transportation to assist in the funding of a rail industrial access track to serve WinCup Holdings.

Section 3. Iredell County commits to work with the North Carolina Department of Transportation (NCDOT) to make needed transportation improvements necessary to protect the safety of the public, the contractors, and the employees of WinCup Holdings.

This the 6th day of April, 2004.

**CALL FOR A PUBLIC HEARING ON APRIL 20<sup>TH</sup> FOR WINCUP HOLDINGS:** **MOTION** by Commissioner Williams to call for a public hearing on April 20, 2004, at 7:00 p.m., regarding an economic development grant of \$139,200.00, over a six-year period, for WinCup Holdings based on a \$40 million investment.

VOTING: Ayes – 5; Nays – 0.

**ADJOURNMENT:** **MOTION** by Chairman Johnson to adjourn the meeting at 9:28 p.m. (NEXT MEETING: Tuesday, April 20, 2004, 5:00 p.m. and 7:00 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

VOTING: Ayes – 5; Nays – 0.

Approved: \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board