

**IREDELL COUNTY BOARD OF COMMISSIONERS  
MINUTES  
AUGUST 7, 2001**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, August 7, 2001, at 7:00 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

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

Staff Present: County Manager Joel Mashburn, County Attorney William P. Pope, Finance Director Susan Blumenstein, Planning Supervisor Ron Smith, and Clerk to the Board Jean Moore.

**CALL TO ORDER** by Chairman Tice.

**INVOCATION** by Commissioner Bowles.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

Clarifications: - Request for Approval of Centralina Council of Government's Proposal, in the Amount of \$11,926, for a Brawley School Peninsula Small Area Study  
- Request for Approval of Budget Amendment #3 to Recognize a Grant from the Governor's Crime Commission for the Multi-County Interdiction Team (\$1,500 grant + \$2,300 seized funds = \$3,800)

Additions: - Request for the Approval of a Resolution in Opposition to Governor Easley's Attempt to Impose an Additional One-Half of One Percent Local Option Sales Tax  
- Request for Approval of Budget Amendment #4 to Increase the Appropriated Fund Balance and to Increase the 911 Telephone Charges for a Retroactive Tariff Charge Increase Approved by the North Carolina Utilities Commission  
- Request for Permission to Accept a Proposal from Design Associates for the Design and Renovation of the Agricultural Center (Water Street, Statesville, NC)  
- Closed Session to Discuss: G.S. 143-318.11(a)(4) Economic Development

VOTING: Ayes – 5; Nays – 0.

**PRESENTATION OF SPECIAL RECOGNITIONS & AWARDS**

**Recognition of Iredell County Retiree Bobby Abernathy:** Information Systems Director Bobby Abernathy retired on July 31, 2001, after 32 years of county employment. Abernathy was thanked for his service, and he was given a plaque.

**PUBLIC HEARINGS**

Chairman Tice declared the meeting to be in a public hearing. (Due to Case 0107-1 involving conditional uses, the individuals desiring to speak were sworn in.)

**Case No. 0107-1: Request from Roger Templeton for Property to be Rezoned from Residential Agricultural & Neighborhood Business District to Community Business Conditional Use District (The property is located on Jennings Road, at Duke Lane, across from Friendship Road in Statesville, NC.):** Planning Supervisor Ron Smith said Mr. Templeton had previously operated a mobile homes sales/service business at the location being reviewed from 1970 through 1985. Smith said Templeton, since 1985, had been leasing property for his businesses. Mr. Smith said his staff had worked with Mr. Templeton to develop a set of uses that (1) maintained the neighborhood business design and (2) used site development standards that reflected the rural quality of the area. Smith said Templeton was requesting

approval to use any/all permitted uses that were allowed in the neighborhood business district, with the addition of mobile home sales and service, and with the following three conditions:

1. Signage shall conform to Neighborhood Business District Standards except to allow a 48 sq. ft. copy area for a free-standing sign.
2. In reference to lighting:
  - a. The primary cone of illumination shall not extend outside the property lines.
  - b. Lighting sources (bulbs) shall be at a height, shielded and directed, so as not to be visible from Jennings Road, or from adjacent residential houses.
  - c. One each, low-power "Security Light" will be allowed.
3. Development shall be set back a minimum of 30 feet from the Jennings Road right of way.

Smith said the 1.8 acre tract of land could be identified by PIN #4749-52-7618. He said the existing land use was for residential mobile homes and the surrounding land use was residential, convenience store (BP Gas Station), and farming. Mr. Smith said that on July 11, 2001, the planning board unanimously recommended approval in a 10-0 vote.

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

**MOTION** by Commissioner Johnson, after reviewing the findings of fact and determining them to be in order, to approve the rezoning for Case 0107-1 from Neighborhood Business and Residential Agricultural to Community Business Conditional Use District with the three conditions.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing and requested that all persons desiring to speak in reference to Case No. 0107-2 to come forward and be sworn in.

**Case No. 0107-2: Request from Donald Goforth for Property to be Rezoned from Residential Agricultural to General Business Conditional Use District (The property is located at 1096 Charlotte Hwy/US 21, south of Exit 42/I-77.):** Smith said the owner desired to use any/all permitted uses allowed in the General Business District. He said the site development would conform to the Exit 42 Land Use Plan standards, and it would comply with the following conditions of use:

- 1) Underground utilities.
- 2) Roadway Protection Overlay Standards along US 21.
- 3) One driveway access to US 21, even if parcel is subdivided.
- 4) Site development plan to provide for shared parking with adjacent parcels under same ownership.
- 5) Development Plan to provide for future interconnectivity by vehicle and pedestrian traffic to adjacent properties.

Smith said the site (2.59 acres) could be identified by PIN # 4740-92-6850, and it was within the "Interchange Commercial District" of the Exit 42 Land Use Plan. He said the request, coupled with the specific conditions of use, agreed with the specific requirements of the land use plan. Mr. Smith said the planning board on July 11, 2001, unanimously recommended approval of the request in a 10-0 vote.

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

**MOTION** by Commissioner Bowles, after reviewing the findings of fact and determining them to be in order, to approve the rezoning for Case 0107-2 from Residential Agricultural to General Business Conditional Use District.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing and requested that all persons desiring to speak in reference to Case No. 0107-3 to come forward and be sworn in.

**Case No. 0107-3: Request for an Amendment to the Iredell County Land Use Plan and a Request from Lancaster Custom Dock & Lift Systems, Inc., for Property owned by John Kindley to be Rezoned from Resort Residential to General Business Conditional Use District (The property is located at 1156 Perth Road (Skippers Convenience Store) in Troutman, NC.):** Smith said the applicant for this rezoning desired to construct a dock-building facility on the 1.62 acres of land that could be identified by PIN# 4730-72-5706. Mr. Smith said the proposed conditions for the request were:

- a. Request shall be limited to a dock-building facility only with continued usage of the boat slips by the proposed operation.
- b. The development shall adhere to the Site Specific Plan.
- c. All loading and equipment/storage yards shall be located only on the western part of the tract, as per the site plan.
- d. All outside storage shall be screened to 90% opacity to a height of eight feet (this should be done with either a solid fence, vegetation, earth berm, or a combination).
- e. The outside storage must be screened in a way that would not allow different elevations to see inside the fence, i.e., if someone were located on a higher elevation overlooking the site, the storage would have to be hidden so that it would not have a detrimental effect on the neighbor.
- f. If metal is designated as the primary building material, the frontage and lake side should have architectural treatments such as a façade. All new buildings on the property shall be in general conformity with the primary building, i.e., materials, architectural treatments, etc.
- g. All fabrication shall take place inside a building or within the screened “yard.”
- h. Only assembly of pre-fabricated sections may take place on the water. This type of assembly shall be limited to sections that must be immediately put into the water for assembly and/or transport.
- i. A letter of approval/recommendation from the Lake Norman Marine Commission and Duke Power shall be required.
- j. Lighting should be oriented away from the adjacent residential property owners, including those across the cove. The primary cone of illumination shall not create a glare off of the lake and shall not affect adjacent property owners or owners across the lake either directly or indirectly.
- k. New signage shall be limited to that permitted in the Office and Institutional District (60 square feet total with a 24-foot total for freestanding signs).
- l. Hours of operation (8-5 weekdays).
- m. All forklifts or heavy equipment would have to be “muffled” and the noise limited.
- n. No overnight stays shall be permitted on any boats docked in any approved slips.
- o. One slip shall be designated for usage by the Iredell County Sheriff’s Department.
- p. The slips/docks shall be gated and locked when not in use.
- q. The slips/docks shall be cleared of people thirty minutes after sunset.

Mr. Smith said that due to the site’s prior usage as a convenience store with boat slips, gas tanks and a grill, in a residential neighborhood, the property’s use had been somewhat contentious in the past. He said the property had been in commercial use since the 1960s. Smith said there had been attempts to rezone the property to General Business in the past; however, they had failed due to citizen opposition. Mr. Smith said the request did not conform to the land use plan, but the proposed use of the property was lake-oriented and this would lessen some of the impact of the current use. Smith said the staff had reviewed the request in reference to spot zoning. He said the four factors that were generally considered for spot zoning were: (1) size of the tract (2) compatibility with an existing comprehensive plan (3) impact on the land owner and neighbors and (4) relationship between newly allowed uses and previously allowed uses. Smith said the staff only had questions about the first two factors. However, he said the overall commercial nature of the quadrant (including the dry storage on the surrounding land use) and the type of lake use that was being proposed, might satisfy the spot zoning issue.

On July 11, 2001, Smith said the planning board, in a 6-3 vote, approved the rezoning request and the amendment to the land development plan.

Commissioner Johnson asked if the Federal Energy Regulatory Commission (FERC) had given permission for the boat slips.

Smith said yes -- Mr. Lancaster had approval for 20 slips. He said the action would require some local approval of any additional slips that might go into the area. He said there was a requirement, now, on the usage of the slips.

Commissioner Bowles said he understood there would not be any gas sales at the location.

Smith said this was true. He said no gas would be sold.

Commissioner Ray said she understood there would not be a public launch area at the site.

Smith said this was correct.

Commissioner Johnson asked how far out into the cove the boat slips could protrude.

Smith said the approved FERC permit allowed them to extend 95 feet into the water. Mr. Smith said the county had its own pier projection/extension regulations, but they mirrored Duke Power's regulations and FERC's regulations.

Commissioner Williams asked how the condition pertaining to the removal of people from the slips/docks thirty minutes after sunset would be enforced.

Smith said this would be in the lease agreement with the people using the boat slips, and it would be enforced by the planning department. He added that Mr. Lancaster would also have some responsibility.

Mark Lancaster said he started his business in 1986, and he currently employed 17 people. Lancaster said he had served on the Lake Norman Marine Commission, and that he had assisted several other community-related agencies. Mr. Lancaster said he desired to purchase the site, because he was running out of space at his current dock building location. He said he knew the site's history because his father helped to build the marina. Mr. Lancaster said his family had owned businesses in the Mooresville area since the 1970s. He said he cared about the lake because it supplied his livelihood.

Ken Kotowicz (Advocate for the Rezoning): Advised that he owned the dry storage business on the adjacent piece of property. He said that during the past year, he had seen the property depreciate, and he felt Mr. Lancaster's business would be an asset.

Duane Lewis (Advocate for the Rezoning): Advised that he known Mr. Lancaster for many years, and he (Lancaster) would make a good commercial neighbor. Lewis said that a dock-building business was necessary for Lake Norman. (Lewis that he was a realtor in south Iredell, but he had nothing to gain by his comments.)

Tom Cochran (Opponent of the Rezoning): Advised that he lived at 141 Driftwood Cove Drive (3 lots from the convenience store). Cochran said he represented 102 people who signed a petition against the rezoning. He voiced concern about adjacent properties requesting to be rezoned commercial, in the future, if the request were approved.

Earl Carney (Opponent of the Rezoning): Advised that the cove being discussed was very narrow. Carney said he was opposed to anything going into the location. He also said the soil at the site was contaminated.

Sandy Cochran (Opponent of the Rezoning): Advised that she was concerned about the environment, especially lake pollution. She said the soil on the opposite side of the lake would be tested for contamination on August 30, 2001, by the Environmental Protection Agency.

Harry Tsumas (Advocate for the Rezoning): Advised that he had lived in the Skipper's Cove area for 15 years. He said the owner of the property was going to sell the property to someone, and he was in favor of it being sold to Mr. Lancaster for his dock-building business.

Bob Dooley (Advocate for the Rezoning): Advised that he felt Mr. Lancaster's proposed usage would be better for the area than other uses.

Joel Patterson (Opponent of the Rezoning): Asked if a pump-out facility could be added to the conditional uses.

Planning Supervisor Smith said he felt the county could require it; however, he said he would prefer to have input from the health officials before he gave a final answer.

Bob Dellinger (Advocate for the Rezoning): Advised that he was a realtor/appraiser and he felt Lancaster's operation would be an asset to the area. He said he didn't think it would depreciate the property values. He said a forceful wake would not be created by a barge because it would travel slower than other water vessels.

Kenneth Jinnette (Advocate for the Rezoning): Advised that if the rezoning were approved and the sheriff's department was allowed to use one of the boat slips, the law enforcement presence would be of benefit to the neighborhood.

George Cooper (Opponent of the Rezoning): Requested that further research be obtained from the federal and state governments before a decision was made.

Casey Jacobus (Advocate for the Rezoning): Advised that she lived across from the site and she felt the boat dock-building usage would be appropriate for the area.

Dr. Randall Perry: (Advocate for the Rezoning): Advised that growth was inevitable and the site, in its present condition, was an "eyesore." Indicated that Mr. Lancaster was a good businessman and he knew the rules and regulations pertaining to the lake.

Elizabeth Elsworth (Opponent of the Rezoning): Asked who would monitor the boat slips in the evenings and weekends.

Smith said the planning department would do some enforcement. He said that also the neighbors, through "word of mouth" would monitor the situation. In addition, he said there was a condition that stipulated the slips would be gated.

Charles Onsrud (Advocate for the Rezoning): Reiterated that something would eventually be located at the site. He said there would be less boat traffic with Lancaster's business than there would be with a convenience store and a public launch ramp.

Unidentified speaker from audience area: Asked about any dredging activities that might occur.

Lancaster said there would be a barge to get the docks to their destinations. He said there was a possibility that dirt would be carried if a boat ramp was needed.

Chairman Tice adjourned the public hearing.

Commissioner Ray said that everyone had to work together for the common good of the lake.

**MOTION** by Commissioner Ray to amend the Iredell County Land Development Plan, as it related to Case #0107-3, and after reviewing the findings of fact and determining them to be in order, to approve the rezoning for Lancaster Custom Dock & Lift Systems, Inc., and property located at 1156 Perth Road, Troutman, NC, from Resort Residential to General Business Conditional Use District.

VOTING: Ayes – 5; Nays – 0.

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

**MOTION** by Commissioner Johnson to approve the following twelve (12) consent agenda items.

VOTING: Ayes – 5; Nays – 0.

1. **Request for Approval of Centralina Council of Government’s Proposal, in the Amount of \$11,926, for a Brawley School Peninsula Small Area Study:** Two proposals were submitted for this small area study. It was the staff’s recommendation to award the project to Centralina Council of Governments in the amount of \$11,926. The proposals were from:

	<u>Cost of Study</u>
Benchmark, Inc.	\$16,450
Centralina Council of Governments	\$11,926 (\$15,326 - \$3,400 for four blocks of membership hours)

2. **Request for Permission to Apply for a Local Law Enforcement Block Grant for the Purchase of a Reverse 911 Interactive Community Notification System:** During the briefing, Sgt. Neil Hayes, with the sheriff’s department, explained that this was a 90%-10% grant with matching funds to come from seized drug funds. He said the sheriff’s department desired to purchase a Reverse 911 system. Hayes said the federal amount in the grant would be \$36,812, and the seized fund amount would be \$4,090. Sgt. Hayes said the system would be housed at the sheriff’s department and would be used for circumstances such as, “lost children alerts and emergency drills at McGuire Nuclear Power Plant.” Hayes said the system would enable the department to target specific geographic areas and send telephone alerts. He added the department would be conservative in the system’s usage to maintain its credibility and effectiveness.

3. **Request for Approval of Budget Amendment #2, in the amount of \$10,000, for the Appropriation of Fund Balance (restricted) from the Sheriff Department’s Commissary Account for the Purchase of Jail Kitchen Equipment:** The items to be purchased (coffee maker @ \$3,064, food slicer @ \$2,843, mobile heater/proofer cabinet @ \$1,668, and a hot food serving counter @ \$2,324) will cost approximately \$10,000.

4. **Request for Approval of Budget Amendment #3 to Recognize a Grant from the Governor’s Crime Commission for the Multi-County Interdiction Team (\$1,500 grant + \$2,300 seized funds = \$3,800):** During the agenda briefing, Sgt. Neil Hayes said permission was given in 2000-01 to apply and receive the interdiction team grant. For 2001-02, Hayes said grant funds of \$1,500 were awarded with a needed 50% match. However, he said the combined amount of the grant and match would not be enough for the service on the telephone system. He suggested that a total of \$2,300 be derived from seized funds to match the grant and to enable the department to maintain the phone system.

5. **Request for the Approval of a Cooperative Education Agreement between the Iredell County Emergency Medical Services Dept. and Davis Regional Medical Center:** This agreement provides a clinical education program, in the field of emergency medical services, between the hospital and the EMS Department.

6. **Request for the Designation of Statesville Planner Ashley “Lee” Lawson as a Plat Review Officer:** The City of Statesville has requested that Mr. Lawson be added to the listing of individuals designated as official plat review officers. The listing will now be composed of:

<b>IREDELL COUNTY PLAT REVIEW OFFICERS</b>	
<b>Iredell County</b>	Ron Smith William Allison Seth Harris Rebecca Moose Dean Osborne Barry Whitesides
<b>Town of Mooresville</b>	Timothy D. Brown Craig Culbertson
<b>City of Statesville</b>	David Currier Steve Warren Ashley “Lee” Lawson
<b>Town of Troutman</b>	A.J. Barghothi Ann Sims

7. **Request for a Decision Regarding the Former Garage Property, Located in the Loray Community, and/or the Approval of a Lease Agreement with the Firemen's Association for the Storage of an Air Van:** The county manager recommended for the large bay area, of the former garage facility, to be leased to the firemen's association for the storage of the air van. The county will use the shed, the fenced area, and the smaller garage area for equipment and vehicular storage.

8. **Request for the Establishment of September 30, 2001, as a Date to hold an Open House & Dedication Ceremony for the Iredell County Agricultural Resource Center:** On September 30, 2001, at 2:00 p.m., an open house/dedication ceremony will be held at the new Agricultural Resource Center located at 444 Bristol Drive, Statesville, NC.

9. **Request for Approval of the July 17, 2001 Minutes**

10. **Request for the Approval of a Resolution in Opposition to Governor Easley's Attempt to Impose an Additional One-Half of One Percent Local Option Sales Tax:** The following resolution was adopted.

**RESOLUTION  
OPPOSING GOVERNOR EASLEY'S ATTEMPT TO IMPOSE AN ADDITIONAL ONE  
HALF OF ONE PERCENT LOCAL OPTION SALES TAX AND FOR THE GOVERNOR AND  
THE LEGISLATURE TO CUT, OR ELIMINATE, WASTEFUL PROGRAMS ENACTED BY  
THE STATE**

**WHEREAS**, the property tax and sales tax base have both grown dramatically over the last ten years in Iredell County and across North Carolina, thereby eliminating the need for increased property or sales tax rates; and

**WHEREAS**, when the State of North Carolina took away from the counties the revenues from inventory and intangible taxes, it promised to reimburse the counties the revenues it took; and

**WHEREAS**, we believe it is unfair for the State to renege on its promises to us, to attempt to balance its own budget on the backs of the counties, and to blackmail the counties into increasing sales taxes; and

**WHEREAS**, we firmly believe the State should exercise fiscal discipline and reduce, or eliminate, wasteful programs.

**THEREFORE, BE IT RESOLVED**, that the Iredell County Commissioners oppose Governor Easley's attempt to impose an additional one-half of one percent local option sales tax on the people of Iredell County in exchange for not sending the promised inventory and intangible taxes and thereby balancing the state's budget on the backs of the counties.

**AND**, that the Iredell County Commissioners strongly urge the Governor and the legislature to look first to cut back on, or eliminate, the wasteful programs enacted by the State over the last eight years before ever looking to increase taxes on the good citizens of Iredell County.

**AND**, that this resolution be sent to the Governor, our legislative delegation, and to the other ninety-nine county commissions in North Carolina.

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11. **Request for Approval of Budget Amendment #4 to Increase the Appropriated Fund Balance and to Increase the 911 Telephone Charges for a Retroactive Tariff Charge Increase Approved by the North Carolina Utilities Commission:** During the agenda briefing, Emergency Communications Director Larry Dickerson said BellSouth was billing the county for back charges resulting from a tariff change the company received from the North Carolina Utilities Commission. Dickerson said the utilities commission was allowing Bell South to collect the increase from March 15, 2001 to June 30, 2001. The budget amendment amount is \$11,835.04

12. **Request for Permission to Accept a Proposal from Design Associates for the Design and Renovation of the Agricultural Center (Water Street, Statesville, NC):** Design Associates proposes to provide architectural services and hire consulting engineers for the renovations in the upper and lower levels of the present agricultural center. The lower level, excluding the emergency communications area, will be remodeled for use by the Register of Deeds. The upper level will be designed for judicial use (court rooms, judges chambers, and district attorneys). Chuck Goode, the President of Design Associates, proposed a cost of \$41,250.

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

**Request for Approval of a Proposed Road Name Pursuant to Section 11-32, of the Iredell County Code, by David Pressley (Pressley Development Corporation, Inc.):** Planning Supervisor Smith said Mr. Pressley desired to name a road, *Fourth Creek Crescent Drive*. Smith said the planning board had denied the request since there was another road, in the same vicinity (north side of the Statesville city limits and off the east side of Turnersburg Highway) called *Fourth Creek Landing Drive*. Mr. Smith said Pressley had appealed to the planning board, because the staff members, including the Emergency Communications Operations Director, were not in favor of the road name. Mr. Smith said the Iredell County Road Naming Ordinance, Chapter 11, Section 31 (c) stated, “no person shall cause or permit a duplication of road names among governmental jurisdictions in the county,” and that (e) of the ordinance read, “road names that are similar in sound shall be avoided.”

David Pressley said the difference he had with the decision related to the definition of duplication. He asked what it meant. Mr. Pressley said he had requested a copy of the road naming ordinance and a proposed ordinance was sent. He said the proposed ordinance indicated that when naming a road, local history should be promoted. Pressley said about ten years ago, he named the first road in his development, *Fourth Creek Landing Road* due to close proximity to the creek. He said now, he had presented *Fourth Creek Crescent Road* due to the crescent shape of the road. Mr. Pressley said the county’s ordinance specified that, “expressly prohibited road names would be the ones where words sounded like others, or if they were deceptively similar.” Pressley said the ordinance did not address how many words constituted a duplication. Mr. Pressley said he had requested a listing of all the road names in the county, and a 100-page listing with about 50 road names per page was given to him. He said that on the first page, there were seven roads with Alexander in them and two roads that used Anderson. Pressley said a few years ago he named a road Argyle Court. He mentioned there was also an Argyle Place. In addition, Pressley said several years ago he named a road, Forest Park Terrace. He said this road was right off Forest Park Drive.

Commissioner Ray asked if the area was a subdivision, and if Mr. Pressley desired to use Fourth Creek again in the future.

Pressley said the road in question was simply a link for US 21, and the United Parcel Service Park (UPS) -- a business area. He said he would not be trying to name any other roads in the area.

Commissioner Williams asked if the road would be open to the public.

Pressley said yes. He said the purpose of the road was to give people multiple opportunities to get in-and-out of Highway 21.

Smith reiterated that the staff was concerned about (1) creating confusion that might delay emergency responses and (2) the precedent that would be set.

Commissioner Bowles said that when citizens called 911 and reported emergencies, it was sometimes difficult to find out exactly where they lived. He said he recalled a past situation involving Coddle Creek Drive and Coddle Creek Road. He said the caller just said, “I live on Coddle Creek.”

**MOTION** by Commissioner Bowles to postpone the decision on the road name until further study could be accomplished and a possible compromise might be reached.

VOTING: Ayes – 5; Nays – 0.

**Request for Approval of a Resolution to Call for a Public Hearing on Tuesday, August 21, 2001, at 7:00 p.m., Regarding the Third Creek Elementary School Financing and other Public Facility Financings:** Finance Director Susan Blumenstein stated the resolution called for a public hearing concerning the financing of certain public facilities and the refinancing of certain outstanding certificates of participation pursuant to an installment financing agreement. She said the board of commissioners had been considering the financing of the construction of a new elementary school, the construction of Phase I of the school administrative complex, the construction of lined cell #3 for the county landfill, the purchase and renovation of an existing building for use as a government services building (former Lowrance Hospital Building) and the refunding of certain certificates of participation (term bond on the

1992 Iredell-Statesville School Project). Blumenstein said the financing would be in compliance with G.S. 160A-20, Chapter 159. She said the statute required the county to hold a public hearing on the financings, and she requested that one be held on August 21, 2001 at 7:00 p.m., in the Commissioners' Meeting Room, of the Iredell County Government Center. She said the financing would be in an aggregate principal amount not exceeding \$17,000,000.

Commissioner Ray said she had been contacted by a county citizen recently. She said the individual did not feel the commissioners were "on board" with the concerns and activities in regard with the Iredell-Statesville School System. She said the individual felt that only one commissioner was doing anything about the matter. Mrs. Ray said there was a process that had to be followed to maintain the credibility of the investigation. She said there was protocol, and a designation of authority in dealing with personnel, and the school board was in place as the first tier in dealing with the situation. She said it was impossible to act on facts that you didn't have. Mrs. Ray said she wanted to assure the public that all of the board members were concerned and wanted the facts in the situation rectified in a timely matter. Ray said the school board was aware of the board of commissioner's position. Mrs. Ray said the children and teachers should in no way suffer or be penalized for the actions that seemed to have occurred in the school system's administrative level.

**MOTION** by Commissioner Ray to approve the resolution calling for a public hearing on Tuesday, August 21, 2001 at 7:00 p.m., concerning the financing of certain public facilities, **excluding the construction of Phase I of a school administrative complex enumerated in the installment financing agreement and the refinancing of certain outstanding Certificates of Participation pursuant to an Installment Financing Agreement.**

Mrs. Ray said she did not feel it was appropriate, at this time, for the taxpayers of this county to provide any additional funds to the administration of the Iredell-Statesville School System.

Commissioner Williams said he was concerned about the continuing delay and debates occurring in the legislature. He said, "Here we are in August, without a state budget, and we are facing a possible shortage of 2.7 million this year if the legislature doesn't refund the reimbursables owed to us." Williams said that when the commissioners made a commitment to begin the financing projects, the severity of the state's financial situation was unknown.

**SECOND TO COMMISSIONER RAY'S MOTION WITH AN AMENDMENT:** Commissioner Williams **seconded** **Commissioner Ray's motion but amended it to postpone a public hearing on the purchase of the hospital property in Mooresville until the board was certain that adequate funds were available.**

Commissioner Johnson said that when the Lowrance Hospital property was presented to the board, he was the only commissioner to vote against the purchase. He said the reason he voted this way was because it appeared the state might financially shortchange the county. Johnson said he had asked the county manager where the county was "standing in the budget process." Mr. Johnson said the county manager reported a "1.7 million spread and that he had not talked to the school systems about their requests." Johnson said this was why he voted against the purchase. Mr. Johnson said he had concerns about how the county could service the debt necessary to purchase and renovate the Lowrance building, particularly should the state not reimburse the county and the withholding occur more than one year. He said that if this occurred, it was only a matter of time before a tax increase would be necessary to complete the Lowrance project.

**MOTION AS AMENDED VOTING:** Ayes – 5 Nays – 0.

For clarification, Johnson said he was understanding the motion approved the financing for the Third Creek Elementary School and Cell III at the Solid Waste facility.

Williams asked about the refinancing of the 1992 Certificates of Participation.

Blumenstein said the county could proceed with the refunding; however, she said that if the county could wait another two years, there would be no penalty, and the savings would be greater. She said it was a matter of trying to guess what the markets would do. Blumenstein said that what she had seen lately affected the "one-to-three-year types and not the ten-year ones." She said that when the public hearing was held, a recommendation could be given on the best

option at that time. Blumenstein said that between now and the next meeting, she would discuss the county's options with the underwriter, the Local Government Commission, and the County Attorney.

Commissioner Johnson said that in reference to the school system's request for a new administrative complex, that he had pointedly asked the school officials, at one point prior to appropriating any additional money, if they had "this problem fixed." Johnson said the school officials said yes. Mr. Johnson said he had asked the same question more than once, and the problem was not fixed. He said that now, "due to someone's misdeeds or incompetence, the school system had gone from a situation of having a \$700,000 fund balance to being \$3 million in a hole."

Commissioner Williams said he wanted to let the other commissioners know that soil was already being moved on Eastside Drive (site for the school administrative complex). He said this was a separate contract for earthmoving and the schools had already entered into this contract prior to the board of commissioner's actions on this evening. He said this portion of the site improvement would be completed, and secured, until such time as there were adequate funds for the project.

Chairman Tice said she was devastated that money appropriated to the children in this county had been misappropriated. Tice said she had talked to many county citizens and members of the school board, and she didn't see how the board of commissioners could take any action until the school board received the results of the investigations.

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Note: The commissioners' comments about the financial irregularities with the Iredell-Statesville School System stem from the following events.

- October 1999: The State Bureau of Investigation is called to investigate the possible misspending of construction monies.
- February 2000: Harold McManus is hired as an Asso. Supt. of Adm. & Finance, and he is paid at least \$20,000 in moving expenses. (He formerly resided in Asheboro, NC, or 67 miles away.)
- March 2001: School board members (Ralph Staley, Tara Cashion, Keith Williams, Jim Head and Dr. David Cash), and Supt. Coleman and Asso. Supt. McManus, along with family members and others, travel to San Diego, CA for a school conference. Additionally, side trips to Tijuana and Disneyland were taken.
- July 31, 2001: The school board met and was advised that a \$1.8 million budget deficit had occurred. (McManus resigned on June 29, 2001.)
- August 2, 2001: The school board met and was advised that the budget deficit was actually \$3 million.

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

### **Centralina Workforce Development Board (1 announcement)**

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

## **APPOINTMENTS TO BOARDS & COMMISSIONS**

**Statesville Board of Adjustment-Extraterritorial Jurisdiction (2 appts.):** No nominations were submitted, and Commissioner Bowles moved to postpone these two appointments until the August 21 meeting.

VOTING: Ayes – 5; Nays – 0.

**Adult Care Home Community Advisory Committee (3 appts.):** Commissioner Bowles moved to appoint Edna Stafford for a three-year term and to postpone the other two appointments until the August 21 meeting.

VOTING: Ayes – 5; Nays – 0.

**Recreation Advisory Board (1 appt.):** No nominations were submitted, and Chairman Tice moved to postpone this appointment until the August 21 meeting.

VOTING: Ayes – 5; Nays – 0.

**Farmland Preservation Board (7 appts.):** Commissioner Williams nominated Danny Allen and Rex Bell for two-year terms.

Chairman Tice moved to close the nominations, for the individuals holding two-year appointments, and elect Allen and Bell by acclamation.

VOTING: Ayes – 5; Nays – 0.

Commissioner Ray nominated James Dobson, Jerry Turner, and Bill Harris for three-year terms.

Chairman Tice moved to close the nominations, for the individuals holding three-year appointments, and elect Dobson, Turner and Harris by acclamation.

VOTING: Ayes – 5; Nays – 0.

Commissioner Williams nominated Bobbie Williams and Andy Gray for four-year terms.

Chairman Tice moved to close the nominations, for the individuals holding four-year appointments, and elect Williams and Gray by acclamation.

VOTING: Ayes – 5; Nays – 0.

**COUNTY MANAGER’S REPORT:** (Previously, the county manager indicated he would like to discuss a request from Mr. Mike Johnson pertaining to Davidson Point. Mr. Mashburn said he had received a telephone call from Mr. Johnson recently, and a discussion was not needed at this time.)

**CLOSED SESSION:** Citing G.S. 143-318.11 (a) (5) – Property Acquisition and G. S. 143-318.11 (a) (4) Economic Development, Chairman Tice moved to enter into closed session.

VOTING: Ayes – 5; Nays – 0.

RETURN TO OPEN SESSION AT 10:30 P.M.

**Approval to Purchase Land, Adjacent to the Landfill, Owned by the Statesville Country Club:** MOTION by Chairman Tice to (1) authorize the county attorney to draft the documents in conjunction with the purchase of 39.5 acres of land, at a cost of \$118,500, from the Statesville Country Club, to be used for monitoring or test wells (2) that the money to purchase the land be obtained from the enterprise fund and (3) the transaction comply with the following three country club stipulations:

1. The full amount for the land will be paid “up front.”
2. The county will pay the closing costs.
3. The country club will have first refusal rights should the county, at some time in the future, decide to sell the property.

VOTING: Ayes – 5; Nays – 0.

**Approval to Call for a Public Hearing on Tuesday, August 21, 2001, at 7:00 P.M. Regarding an Economic Development Incentive for Egre Properties, LLC & Evernham Motorsports, LLC:** MOTION by Chairman Tice to call for a public hearing on August 21, 2001, at 7:00 p.m., regarding an economic incentive of \$152,280, over a five-year period of time, based on an \$8,100,000 expansion project, for Egre Properties, LLC and Evernham Motorsports, LLC.

VOTING: Ayes – 5; Nays – 0.

**ADJOURNMENT:** MOTION by Chairman Tice to adjourn the meeting at 10:32 p.m.  
**NEXT MEETING:** Tuesday, August 21, 2001, 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