

**IREDELL COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
AUGUST 1, 2006**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, August 1, 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 Johnson  
Marvin Norman  
Ken Robertson

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

Special Guest: Ken Robertson III, the son of Commissioner Robertson.

**CALL TO ORDER**

**INVOCATION** by Commissioner Robertson.

**PLEDGE OF ALLEGIANCE**

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

- Deletion: ● Update from Staff Pertaining to the Town of Mooresville's Creation of a Tax Increment Financing District (*This occurred at the five o'clock briefing session.*)
- Addition: ● Legal Closed Session Pursuant to G.S. 143-318. 11 (a) (3)  
● Request for a Letter to be Sent to the State Insurance Commissioner Regarding Section 1.3.3 of the Manufactured Housing Code  
● Appointment of a Delegate to the North Carolina Association of County Commissioners  
● Announcement of Five Vacancies for the Strategic Plan's Steering Committee
- Revision: ● Request from TBREC, LLC, or The Brownfield Real Estate Company, for the County to Initiate Foreclosure Proceedings on the former FCX Facility Property (This request will be delayed until after a closed session.)

VOTING: Ayes – 5; Nays – 0.

**PRESENTATION OF SPECIAL RECOGNITIONS & AWARDS**

**Presentation by the North Carolina Army National Guard:** 1<sup>st</sup> Lt. Brian Gill, Staff Sgt. George Campbell and Staff Sgt. Eric Ross attended the meeting and presented the county with an appreciation plaque. Staff Sgt. Campbell read the plaque's inscription as follows:

*I wish to extend to you my personal gratitude and the appreciation of the Field Artillerymen stationed with Alpha Battery, 1<sup>st</sup> Battalion, 113<sup>th</sup> Field Artillery, Statesville, North Carolina. Your commitment to excellence combined with our time honored tradition continues to make Iredell County a great place to live and work. The contributions you have made continue to help us meet the objectives of our growing community.*

Lt. Gill said the unit's strength, at present, was around 90%, and there was a high re-enlistment rate (15 new recruits this month). He said the soldiers stood ready to serve the community and any contingency missions throughout the world, as they did in Iraq 18 months ago.

**Presentation from Ms. Kelley Dennings, a Waste Management Analyst with the NC Department of Environment & Natural Resources/Division of Pollution Prevention & Environmental Assistance:** Dennings said in 2005, Iredell County ranked 67<sup>th</sup> in a waste reduction ranking; however, this year, it was listed as 13<sup>th</sup> out of 100 counties. She said the better ranking was due primarily to cardboard recycling and the pallet re-use program. Ms. Dennings said that for the past three years, the county had received a recycling grant, and this year's award totaled \$20,355. She said the grant would be used for the storage of glass, cardboard, electronics and textile recycling projects.

Iredell County Recycling Coordinator Carla Parks accompanied Ms. Dennings to the meeting.

#### **APPOINTMENTS BEFORE THE BOARD**

**Town of Mooresville Officials Along with Representatives from Cherokee Investments & Rogers & Associates Present Information about the Mooresville Mills Project:** The following individuals attended the meeting to discuss this project: Town of Mooresville Mayor Bill Thunberg, Mooresville Manager Jamie Justice, David L. Rogers with Rogers & Associates, Mark Briggs, with Cherokee Investment Services (Director of Public Finance), and John A. Guarascio, with Cherokee Investment Partners (Asset Manager for the Mooresville Mills Project).

Mayor Thunberg thanked the commissioners for being strong partners with Mooresville in the area of economic development.

Mr. Rogers referred to a web site ([www.mooresvillemills.com](http://www.mooresvillemills.com)) that included a virtual reality tour of the project. Using a PowerPoint presentation, he displayed different views of the 39-acre property (million and half sq. ft. once completed). Rogers said five current buildings (approximately 700,000 sq. ft.) would remain, and newer construction would resemble the older structures. He said the complex would be mixed use, similar to the Birkdale community, but it would resemble a New England industrial city. Rogers said the Tax Increment Financing (TIF) would be used for new streets and a parking facility with four decks (921 spaces). He said the investment placed on the tax rolls would be 1.5 million sq. ft. of new/renovated structures worth \$150 to \$200 million.

Mr. Briggs said a new North Carolina statute would be used for the \$15.5 million financing that would construct the infrastructure and parking areas. He said the property was currently on the tax rolls for \$1.35 million, and it generated \$12,700 in taxes. Briggs said at completion, the estimated value would be \$143 million. He said in the first two years of the five-year project, the property taxes would be \$570,000 increasing to \$950,000 when finished.

In regards to the issuance of bonds, Briggs said the company would agree with the county assessor on a minimum assessment value for the full 39 acres, and this would be the amount required to pay the tax increment financing. He said a financing commitment from Bank of America Securities had already been received, and it was secured by the tax revenues paid by Cherokee, the users, and property purchasers. Briggs said an inter-local agreement between the county assessor, the Town of Mooresville, and Cherokee about the minimum assessment to repay the financing would be drafted. Additionally, he said a Section 108 loan would be paid out over a 20-year period.

Attorney Pope asked how Cherokee would know the minimum level that would support the bond amortization.

Briggs said a minimum assessment would immediately occur, prior to the time of debt issuance. He said the bank would give a pledge including a debenture. Briggs said a pricing would occur and a "cushion" would probably be used in terms of what was authorized (an assessment that was greater than what was needed for the bonds -- a 1-2 coverage).

Pope said there would be a lien on the land.

Briggs said this was correct. He said tax parcels would be created, and some properties would be "built to suit" for ownership and leases. Briggs said that as they were built, an

assessment would be placed on the parcel. He said they would wait until there was a “critical mass” (e.g., 100,000 sq. ft. already leased) before the “trigger was pulled.”

Mayor Thunberg said the Local Government Commission (LGC) would be involved and guide the process. He said this was the second TIF in North Carolina, and the LGC was comfortable with the project.

Commissioner Williams asked if additional property would need to be purchased.

Briggs said the plan included only the old mill site, and the 39 acres would be the boundary for the TIF.

Chairman Tice congratulated the Town officials and the others for their work on the project that would improve the Mooresville downtown area and boost the county’s tax base.

## PUBLIC HEARINGS

Chairman Tice declared the meeting to be in a public hearing and invited all persons desiring to speak in regards to the rezoning conditional uses of Case No. 0607-1 to come forward for the oaths.

**Case No. 0607-1: Roger & Kathy McLelland Request to Amend the Iredell County Land Use Plan & Rezone Property from Residential Agricultural to Light Manufacturing Conditional Use District:** Planning Supervisor Steve Warren described the staff report for this case as follows:

### ***PLANNING STAFF REPORT CASE NO. 0607-1***

OWNER/APPLICANT: Roger and Kathy McLelland  
301 Dobson Farm Road  
Statesville, NC 28625  
(704)876-3622

LOCATION: 3492 Wilkesboro Highway in Statesville, NC; more specifically identified as PIN# 4728-36-1858. Directions: From Statesville, north on Wilkesboro Highway; property on right past intersection of Pisgah Church and Bailey Farm Roads.

REQUESTED ACTIONS & CONDITIONS: 1) Amend the Iredell County Land Use Plan; and 2) Rezone subject parcel from RA, Residential Agricultural to M-1 CUD, Light Manufacturing Conditional Use District with the following conditions:

- **The following land-uses shall be prohibited: adult businesses; night clubs/dance halls; bingo games; fortune tellers; correctional institutions; automobile wrecking or junkyards; ammunition, small arms, explosives; utility equipment and storage yards; asphalt plants; landfill (building debris, private); landfill (sanitary, private); natural gas distribution lines and related appurtenances; power generation, natural gas plants and similar production facilities; sewage collection lines; sewage treatment plants;**
- **No outside storage shall be allowed;**
- **Natural border 15 feet in width shall remain along the North and South property lines;**
- **75-foot setback from Wilkesboro Highway Right-of-Way;**
- **No construction shall occur within 30 feet of either side of the east property creek.**

PROPOSED USE: M-1 allowable uses less those noted above.

SIZE: 18.99 acres.

EXISTING LAND USE: Textile Manufacturing Facility.

SURROUNDING LAND USE: Residential, Agricultural.

WATERSHED REGULATIONS: The subject parcel is located within the WSIV-Protected Area (South Yadkin).

TRAFFIC: This section of Wilkesboro Highway had an average of 5,200 vehicles per day in 2004; according to the Iredell County Thoroughfare Plan, this section has a carrying capacity of 12,000 vehicles per day.

ZONING HISTORY: The subject parcel has been zoned RA since countywide zoning took effect in 1990.

STAFF COMMENTS: B & J Knits has operated at this location since 1989. They were originally permitted for 16,000 square feet; Countywide zoning took effect the following year and, hence, the facility became non-conforming at that time. In 1996, the property received approval for expansion of a non-conforming use; this enabled the owners to add 10,000 additional square feet onto the building. Due to economic factors surrounding the textile industry, the owners have significantly scaled back their operations over the past few years. They wish to rezone the property to allow for possible sale of the 26,000 square-foot facility in the future. The surrounding properties are either agricultural or residential in nature; the nearby intersection of Pisgah Church Road and Bailey Farm Road is largely residential. Therefore, these properties were not included as future commercial or industrial on the County's Land Use Plan. Because of this, as well as the potential for an improper spot-zoning action, staff recommends against this request. With this recommendation, however, it should be noted that the property owner retains the option under the Zoning Ordinance to request a Change-in-Kind of a non-conforming use; this procedure would allow for a different use to occupy the property upon approval from the Board of Adjustment, provided that the current use of the property is not discontinued for a period in excess of one year.

PLANNING BOARD ACTION: On July 5, 2006 the Planning Board voted 8-2 to recommend denial of this request and to advise that it is inconsistent with the Iredell County Land-Use Plan.

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Warren said the property was serviced by private utilities, and the structure was a considerable distance from the Interstate. He said that in today's terms, the area would not be appropriate for a manufacturing plant.

Commissioner Norman asked the distance between the structure and the highway.

Warren estimated at least 200 feet.

Commissioner Williams said he understood the septic system was in the front of the building.

Warren said this was correct.

Williams said that with the septic system's location, it would be unlikely for a building to be placed between the highway and the existing structure.

Warren said this was correct.

Robertson asked what other uses could be on the premises if the manufacturing business closed, but the zoning remained residential agricultural. He asked how the building could be used.

Warren said the occupant would need a certificate of occupancy (verifications on how the structure was being used).

Commissioner Johnson asked, assuming the request was approved, what type of businesses could operate that might be more objectionable than a knitting factory.

Warren said the case did pose a problem with respect to determining what was appropriate with the land use as well as the traffic. He said the potential for a truck terminal was his major concern.

Commissioner Johnson said basically, nothing could be stated that might be anymore offensive, it was just that associated activities, such as noise and traffic, might be cause for concern.

Warren said the site did have good buffering. He said it was felt the future for the property was best preserved as low density.

Commissioner Norman asked if there had been any complaints from the neighbors.

Warren said not to his knowledge.

Roger McLelland, applicant/owner said within a three-mile radius (Hwy. 115) 12 different business identities existed. He said out of the 12, he had always tried to operate as a considerate business owner because he also lived in the area. McLelland said there were two trucking companies within a one-mile radius, there were mechanic repair shops, furniture refinishing, forklift repair businesses with outside storage, and a stained glass business with outside storage. Additionally, he said within two miles, a business existed that contained four-acres with outside storage of tractors, trailers, pickup trucks, concrete mixers, backhoes, bulldozers, guard dogs, and so forth. He said the knitting operation had provided jobs since 1973, but now, the business was being impacted by China imports. Mr. McLelland said first there was NAFTA, then came CAFTA, and now China. He said the planning department referred to the request as a rezoning, but the manufacturing business had existed at the same location since 1989. McLelland said he paid taxes at an industrial rate -- not residential agricultural.

Robertson asked if the business operations were still occurring.

McLelland said some shipping and receivables were occurring, but it was a fraction of the past. He said at one time, on a daily basis, four-tractor trailers might visit the business, but there were never any traffic problems.

Robertson asked the intent of the rezoning. He asked if there were plans to shut down.

McLelland said the operation was being forced to close. He said, however, the property wasn't on the market. McLelland said textile, furniture and manufacturing jobs were being jeopardized.

Robertson asked McLelland where he resided.

McLelland said he owned adjoining property, but he lived three miles away in the Central School area.

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

Commissioner Williams said the business owners had been good neighbors in the community, and they had supported the Central School PTA as well as recreational leagues. He said the property had been well maintained for the past 17 years, and the owners had abided by local rules and regulations along with being taxpayers. Mr. Williams said without the rezoning, it was doubtful the building could be sold.

Commissioner Robertson said he respected the staff and the planning board's adherence to the land use plan, but the facility had existed prior to the plan.

Commissioner Johnson said he supported the rezoning due to the conditions agreed upon by the owner.

**MOTION** by Commissioner Williams to amend the Land Use Plan.

VOTING: Ayes – 5; Nays – 0.

**MOTION** by Commissioner Williams to approve the zoning map amendment and to make a finding that approval is consistent with the adopted Iredell County Land Use Plan and that said approval is reasonable and in the public interest due to its consistency with the Iredell County Land Use Plan; as a result, said approval furthers the goals and objectives of the Iredell County Land Use Plan.

VOTING: Ayes – 5; Nays – 0.

**MOTION** by Commissioner Williams to approve the Conditional Use Findings of Fact.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing and requested all persons desiring to speak in regards to the conditional uses of Case No.0607-2 to come forward for the administering of the oaths.

**Case No. 0607-2: Superior Properties of Iredell, et. al., along with Bill C. & Maxine Watts Smith Request to Rezone Properties from Residential Agricultural to General Business Conditional Use District:** Planning Supervisor Warren outlined the staff report for this case as follows:

***PLANNING STAFF REPORT  
CASE NO. 0607-2***

<b><u>OWNERS:</u></b>	Superior Properties of Iredell, et. al. P.O. Box 5339 Statesville, NC 28687 (704) 873-0502	Bill C & Maxine Watts Smith 1162 Charlotte Highway Troutman, NC 28166 (704) 528-5330
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**LOCATION:** Charlotte Highway in Troutman, NC; more specifically identified as PINs# 4750-00-8638, 4750-10-2824, 4750-11-8002, and a portion of 4750-01-2280 (that which lies to the east of Charlotte Highway). **Directions:** From Troutman, south on Charlotte Highway; property on left past Exit 42 interchange.

**REQUESTED ACTIONS & CONDITIONS:** Rezone subject parcels from RA, Residential Agricultural to GB-CUD, General Business Conditional Use District with the following conditions:

- **All utility connections will be underground.**
- **Roadway Protection Overlay District standards shall apply.**

**PROPOSED USE:** General Business uses.

**SIZE:** 48.1 acres.

**EXISTING LAND USE:** Vacant with one residential dwelling.

**SURROUNDING LAND USE:** Residential, Agricultural, Vacant.

**WATERSHED REGULATIONS:** The subject parcels are not located within a watershed area.

TRAFFIC: In 2004 there was an average of 11,000 vehicles per day on this stretch of Charlotte Highway, with a carrying capacity of 10,500 according to the Iredell County Thoroughfare Plan.

ZONING HISTORY: The subject parcel has been zoned RA since countywide zoning took effect in 1990.

STAFF COMMENTS: The applicants plan to utilize 18 acres of the subject property to construct a 125,000 square-foot building for wholesale and distribution of building products (primarily insulation). The remainder of the property will be developed for other office, service, and retail businesses yet to be determined. This request is for property that is part of the "General Business Conditional Use District" of the Exit 42 Small Area Plan. The applicants are proposing conditions that are consistent with the instructions in the Exit 42 Small Area Plan and that have been implemented as part of other rezonings along the Charlotte Highway corridor. Should rezoning be approved and the project commences, the Zoning Ordinance will require a minimum 30-foot buffer be maintained against all residentially zoned property; this setback must also include a screening device to separate the land uses. Staff finds this request in order due to its consistency with the Exit 42 Small Area Plan objectives and would therefore recommend in favor.

PLANNING BOARD ACTION: On July 5, 2006 the Planning Board voted unanimously (8-0) to recommend approval of this request and to advise that it is consistent with the Exit 42 Small Area Plan.

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Attorney Bedford Cannon, representing the land owners, said he was available to respond to any questions.

Commissioner Johnson asked if the developers had talked to the state transportation officials about turn lanes.

Cannon said he would envision turn lanes. He said the property was subject to the Department of Transportation's overlay, and the road frontage consisted of approximately 1,230 feet (Smith and Superior Properties tracts).

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

MOTION by Commissioner Robertson to approve the proposed zoning map amendment and to make a finding that approval is consistent with the adopted Exit 42 Small Area Plan and that said approval is reasonable and in the public interest due to its consistency with the Exit 42 Small Area Plan; as a result, said approval furthers the goals and objectives of the Exit 42 Small Area Plan.

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Robertson to approve the Conditional Use Findings of Fact.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing and requested all persons desiring to speak in regards to the conditional uses of Case No. 0607-3 to proceed to the dais for the administering of the oaths.

**Case No. 0607-3: Pamela Edwards Ford Requests to Rezone Property from Single Family Residential to Highway Business Conditional Use District:** Planning Supervisor Warren described the staff report for this request as follows:



TRAFFIC: In 2004 there was an average of 11,000 vehicles per day on this stretch of Charlotte Highway, with a carrying capacity of 10,500 according to the Iredell County Thoroughfare Plan.

ZONING HISTORY: This property was rezoned from RA to R-20 in May 1991. This case involved 160 acres and 15 different property owners. Thirteen (13) of the property owners signed the petition.

STAFF COMMENTS: Ark of Refuge began operation at the former Hill Haven Nursing Home as a temporary shelter for persons displaced by Hurricane Katrina. Because the Zoning Ordinance did not address this type of land-use, the Board of Commissioners approved a temporary zoning permit for this facility that runs through November 2006. During this time, an ordinance amendment was prepared and adopted for such temporary residential facilities (“Homeless Shelter”). This land-use is now allowed within certain commercial zoning districts but only with a Special-Use Permit from the Board of Adjustment. The applicants are thus seeking rezoning to comply with the ordinance requirements; if rezoning is approved, the applicant will then apply for a Special Use Permit from the Board of Adjustment. The property is located within the Commercial node of the land-use plan; surrounding zoning classifications are Neighborhood Business to the east (properties along Highway 21 corridor) and R-20 to the west. Since the subject property lies adjacent to NB property and the owners desire to preserve the future option of using the buildings as an assisted-living facility which would not be allowed in NB, the applicants have sought HB-CUD that excludes all other non-NB uses from this property. Therefore the practical effect of this rezoning will be to “create” an NB classification for this property that will allow for the future possibility of an assisted-living/group-care facility. The key is that, although called “HB-CUD”, all the high-intensity HB uses will be excluded from the use of this property. Because this request is consistent with the Land-Use Plan and the surrounding zoning pattern of the commercial corridor, staff recommends in favor.

PLANNING BOARD ACTION: On July 5, 2006 the Planning Board voted unanimously (10-0) to recommend approval of this request.

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Warren said the business would need to obtain a special use permit that would describe the specific use for the shelter. He said he was unaware of any complaints about the facility or request.

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

MOTION by Commissioner Norman to approve the zoning map amendment and to make a finding that approval is consistent with the adopted Iredell County Land Use Plan and that said approval is reasonable and in the public interest due to its consistency with the Iredell County Land Use Plan; as a result, said approval furthers the goals and objectives of the Iredell County Land Use Plan.

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Norman to approve the Conditional Use Findings of Fact.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing and invited all persons desiring to speak in regards to Case No. 0607-4 to proceed to the dais for the oaths.

**Case No. 0607-4: James & Cynthia Brannen Request to Rezone Property from Residential Agricultural to Residential Office Conditional Use District:** Planning Supervisor Warren presented the staff report for this case as follows:

**PLANNING STAFF REPORT**  
**CASE NO. 0607-4**

OWNER/APPLICANT: James and Cynthia Brannen  
108 Culpeze Road  
 Mooresville, NC 28117  
(704) 664-4571

LOCATION: 907 Brawley School Road in Mooresville, NC; more specifically identified as PIN#4636-79-6076. Directions: From Mooresville, west on Brawley School Road; property on left approximately 850 feet west of Canvasback Road intersection.

REQUESTED ACTIONS & CONDITIONS: Rezone subject parcels from RA, Residential Agricultural to RO-CUD, Residential Office Conditional Use District with the following conditions:

- **No outside storage;**
- **A screening device pursuant to Article XII of the Iredell County Zoning Ordinance shall be installed along the common property line with PIN#4636-78-9906 (124 Fantasy Lane).**

PROPOSED USE: Any and all RO uses.

SIZE: 1 acre.

EXISTING LAND USE: Residential.

SURROUNDING LAND USE: Residential, Commercial.

WATERSHED REGULATIONS: This property is located within the WSIV-Critical Area Watershed.

TRAFFIC: This section of Brawley School Road had an average of 12,000 vehicles per day in 2004; according to the Iredell County Thoroughfare Plan, this section of Brawley School Road has a carrying capacity of 9,000 vehicles per day.

ZONING HISTORY: This property has been zoned RA since countywide zoning took effect in 1990. This parcel is also within the Brawley School Road Roadway Protection Overlay District.

STAFF COMMENTS: This property is located within the Transitional Area of the Brawley School Road Small Area Plan. This request has also taken into consideration its proximity to residential development; the applicant has agreed to provide a screening device pursuant to the Zoning Ordinance requirements (not an ordinary requirement when RO adjoins other residential zoning). This condition could set a strong precedent for future transitional rezonings in the area, should those properties follow suit. This will serve as a suitable buffer between residential and office uses along Brawley School Road. Staff finds this request in harmony with the Small-Area Plan and therefore recommends in favor.

PLANNING BOARD ACTION: On July 5, 2006 the Planning Board voted unanimously (10-0) to recommend approval of this request.

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

**MOTION** by Commissioner Robertson to approve the zoning map amendment and to make a finding that approval is consistent with the adopted Brawley Peninsula Small Area Plan and that said approval is reasonable and in the public interest due to its consistency with the Brawley Peninsula Small Area Plan; as a result, said approval furthers the goals and objectives of the Brawley Peninsula Small Area Plan.

VOTING: Ayes – 5; Nays – 0.

**MOTION** by Commissioner Robertson to approve the Conditional Use Findings of Fact.

VOTING: Ayes – 5; Nays – 0.

**Request for a Decision Regarding the Catawba-Wateree (Duke Energy) Relicensing Final Agreement and, if agreeable, Approval of a Resolution Authorizing the Chairman of the Board to Sign the Document:** Commissioner Robertson shared concerns about the water management group (water users using over one million gallons a day) who would pay fees based on how much was taken out of the Catawba basin less how much waste water was returned to the basin. He said the scope of the projects that could potentially be funded by the group was unlimited. Robertson said the group had goals and objectives, but the members weren't limited to these items. He said the municipalities of Mooresville and Statesville, along with the other users, would pay into the system, and the charges were not set. Robertson said each user had one vote -- it wasn't set upon how much money was paid. He said after the agreement was signed, a chartering committee could make changes. Mr. Robertson referred to the state highway tax along with the lottery proceeds and said these were initially identified for one purpose but they were now being used for other purposes. He shared concerns about politicians re-directing the water fees in a similar fashion. Robertson requested for the county staff to share these concerns with Statesville and Mooresville and to also suggest that the municipalities have representation on the chartering committee. In addition, he suggested that Iredell County's chartering committee representative have a copy of the April 4, 2006 revisions approved by the board for the draft relicensing agreement-in-principle even though the changes weren't included in the final document. Robertson recommended for the representative to try and persuade the group to include the language in the agreement.

The April 4, 2006 changes referred to by Commissioner Robertson are as follows:

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:”

Commissioner Johnson asked how involved Mooresville and Statesville were in the project.

Commissioner Robertson and Chairman Tice said the entities knew about the relicensing project. Tice said the Mooresville officials, she knew, were aware of the user group.

Commissioner Johnson asked, should the county sign off on the agreement, if the board might be consigning financial harm in the future. He asked the timeframe to sign the agreement.

Commissioner Robertson said the agreement would be approved regardless of the county's action. He said the deadline was August 11.

Attorney Pope said he shared Mr. Robertson's concerns of "creating a pocketbook for politicians;" but there was language in the agreement that provided some comfort. He said the language stipulated "a consensus for the target amounts to be changed." Pope said the amount started at \$550,000.00, and a consensus was defined as "unanimous support." He said it wasn't clear to him that the chartering committee would be lawful in changing the language. Pope said the agreement empowered the chartering committee, and he felt it could be argued the group only had authority to do what was in the document. Pope said he felt a "good faith argument" could be used on this point. He said there was some hope the user funds would not be exploited.

Commissioner Johnson said he understood that if the board members didn't go along with the agreement, they would be disallowed to provide any input.

**MOTION** by Commissioner Robertson to approve the Catawba-Wateree (Duke Energy) Relicensing Resolution that Authorizes the Iredell County Board of Commissioners Chairman to Sign the Final Agreement.

VOTING: Ayes – 5; Nays – 0.

#### **CATAWBA-WATEREE HYDROELECTRIC PROJECT RESOLUTION**

**WHEREAS**, the Catawba-Wateree Hydroelectric Project (the "Project owned by (Duke Power Company LLC ("Duke") consists of 13 hydroelectric generation stations located on 11 reservoirs on the Catawba and Wateree Rivers in North and South Carolina, and for which, in 1958, the Federal Energy Regulatory Commission ("FERC") issued a 50-year operating license that will expire on August 31, 2008; and

**WHEREAS**, Iredell County has direct interests in the Project because the County jurisdiction is within a significant portion of the project; and

**WHEREAS**, Duke undertook a Relicensing Process (the "Relicensing Process") for the Project to obtain a new FERC operating license (the "New License") to rise to modern-day standards for Project-related resource impacts; and

**WHEREAS**, Iredell County, represented by Planning Department Personnel (Ron Smith and later Steve Warren), participated as a stakeholder in the Relicensing Process during the period from 2003 through 2006; and

**WHEREAS**, the results of three years of negotiations among more than 160 stakeholders (more than 80 organizations), together representing a broad set of interests in the Project, were initially captured in a non-binding Agreement-In-Principle in April 2006 and were then formalized in a contractual Comprehensive Relicensing Agreement ("Final Agreement") (signature copy dated June 8, 2006) that will run for the period of the New License, 40-50 years; and

**WHEREAS**, Planner Steve Warren presented to the Iredell County Commission progress reports on the Relicensing Process and presented on August 1, 2006 an assessment of the benefits of Iredell County becoming a Party to the Final Agreement; and

**WHEREAS**, the Iredell County Commission has reviewed and considered the benefits and commitments of becoming a Party to the Final Agreement and has concluded that it is in Iredell County's best interest to become a Party to the Final Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that Sara Haire Tice, Chairman, Board of Commissioners, is approved to sign the Final Agreement for Iredell County thereby entering into a contract with Duke and the other Catawba-Wateree Relicensing Project Stakeholders for the certain benefits and commitments as identified in the Catawba Wateree Relicensing Final Agreement; and

**FURTHER RESOLVED**, that the Board of County Commissioners of Iredell County be, and they hereby are, authorized, empowered and directed to do or cause to be done all such further acts and things as they may deem

necessary or advisable to effectuate the purpose and intent of the foregoing resolutions and that all acts of said Board of Commissioners heretofore and hereafter taken in accordance with the foregoing resolutions are hereby ratified and confirmed.

\* \* \* \* \*

**Request for Approval of a Zoning and Subdivision Jurisdiction (Exterritorial Jurisdiction) Release to the Town of Mooresville from Jim Takes for Property on Oak Tree Road, Mooresville, NC:** Planning Supervisor Warren said Mr. Jim Takes owned property (PIN#s 4637-60-9521, 4637-60-5695, 4637-60-8618, and 4637-60-2770) with frontage on Oak Tree Road that had residential-agricultural zoning. He said the Town of Mooresville was willing to annex the property next year and extend utilities. Warren said the applicant desired to use the property for multi-family development, and this type of use would be disallowed by the county's land use plan and zoning. Mr. Warren said there was also an issue with traffic and school overcrowding. He said based upon these findings, the staff did not recommend release of zoning and subdivision jurisdiction.

**MOTION** by Commissioner Robertson to deny the zoning/subdivision release to the Town of Mooresville for the four parcels.

VOTING: Ayes – 5; Nays – 0.

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

**MOTION** by Commissioner Johnson to approve the following nine consent agenda items.

VOTING: Ayes – 5; Nays – 0.

(All items were described during the briefing session.)

**1. Request from Venture Properties and Pneu-Mech Systems for Final Approval of a High Density Option for Property in/around the Food Lion Shopping Center located at Old Mountain Road/Island Ford Road, Statesville, NC, Along with Approval of a Letter of Credit:** Planning Supervisor Warren said the developers were requesting to exceed the standard allowance of 24% and to develop the property up to 70% impervious surfaces. He said the original request for a high-density option was approved on March 15, 2005, and the applicants had installed a wet detention pond on the property capable of removing 85% of the total suspended solids from the first one-inch of rainfall. Warren said the pond had been inspected and approved by a contracted engineer. In addition, Warren said a Letter of Credit needed to be approved, and it was for 75% of the construction value of the pond, as required in the watershed ordinance. He said the staff recommended approval of the high density option request and the letter of credit.

**2. Request for Approval of a Revised Memorandum of Understanding for the Lake Norman Rural Planning Organization (RPO):** Planning Supervisor Steve Warren said the Transportation Coordinator for the RPO had requested approval of amendments to the memorandum of the understanding from each entity (Cleveland, Gaston, Iredell, and Lincoln Counties along with Centralina COG and the State Department of Transportation) involved in the organization. Warren said the changes were mostly administrative or minor revisions. He said the methodology for calculating the local match was clarified, but nothing was changed in the funding formula. (He said this was confirmed by a conversation with the transportation coordinator.)

Chairman Tice added that some of the language was changed to reflect the State Open Meeting laws.

**3. Request for Approval of Budget Amendment #5 for the Appropriation of Donations Received by the EMS Department:** Interim EMS Director David Cloer said donated funds of \$1,025 were previously appropriated (2005-06 budget); however, they were never used. He asked for a re-appropriation (06-07 budget) and for the money to be used for an EMS Week celebration/annual staff meeting event (\$500) along with the purchase of public education and outreach materials (\$525).

**4. Request for Acceptance of the Annual Tax Settlement & Issuance of the Tax Orders to the Tax Collector and Sheriff for the Collection of Year 2006 Taxes:** Tax Collector Bill Furches said that in accordance with G.S. 105-373, a settlement of the 2005 taxes was being presented as follows:

2005 Taxes

Real & Personal Levy	\$57,188,597.70
Motor Vehicles	6,146,767.55
Add: Discoveries	862,993.95
Deduct: Releases	(319,990.99)
	\$63,878,368.21
Collections	61,865,785.81
2005 Outstanding Taxes	\$ 2,012,582.40

Collection Rates:

All Property	96.85%	(9 basis pts. less than last year)
Excluding Motor Vehicles	97.80%	(10 pts. better than last year)
Motor Vehicles	87.85%	(17 pts. better than last year)

Delinquent Taxes:

Collections	\$1,641,935.19
Delinquent Taxes Outstanding	\$2,719,941.22
2006 Taxes Collected	\$ 457,498.35

Furches said last year there were 602 bankruptcies compared to 359 this year. He mentioned there continued to be problems associated with motor vehicle collections, and this was attributed to the poor state collection system. Furches said \$2,194,000 more than what was budgeted had been collected.

STATE OF NORTH CAROLINA	(	)	
	(	ORDER	)
COUNTY OF IREDELL	(	)	
TO: THE TAX COLLECTOR OF THE COUNTY OF IREDELL			
You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Tax Assessor and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Iredell, and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.			
STATE OF NORTH CAROLINA	(	)	
	(	ORDER	)
COUNTY OF IREDELL	(	)	
TO: THE SHERIFF OF THE COUNTY OF IREDELL			
You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Tax Assessor and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Iredell, and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.			

**5. Request for Approval of the following four items in Conjunction with the Pratt Industries Community Development Block Grant (CDBG) Project at the West Farms Industrial Site:** Deputy County Manager Susan Blumenstein was joined by Consultant David Hartigan to discuss this request. Blumenstein said Pratt Industries, formerly Jet Corr, Inc., was preparing to construct a 30,000 sq. ft. facility at the West Farms Industrial site. She said water, sewer, and rail extensions would be needed for the industry that would utilize 112 current employees as well as create 68 additional jobs. Blumenstein said previously, the county had

awarded a \$382,800 economic development incentive and out of this, \$144,782 would be used for three grant matches.

Grant Fund Sources & Uses are as follows:

Sources:

Community Development Block Grant	576,846
NC Dept. of Transportation Rail Access Grant	124,000
Rural Development Center Economic Infrastructure Program	47,500
Iredell County Economic Incentive	<u>144,782</u>
	<u>\$ 893,128</u>

Uses of Funds:

Waterline construction (including engineering)	58,000
Sewer service construction (including engineering)	30,000
Rail Construction (including engineering)	764,128
Planning & Environmental Assessment	11,500
Administration	<u>29,500</u>
	<u>\$893,128</u>

The following four items were included in this consent agenda item:

1. Adoption of a Resolution for the County's Application for the CDBG Funding

*Whereas, the Iredell County Board of Commissioners has previously indicated its desire to assist in economic development efforts within the County; and,*

*Whereas, the Board has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit Pratt Industries; and,*

*Whereas, the Board wishes the County to pursue a formal application for Community Development Block Grant funding to benefit Pratt Industries and will invest monies into the project as committed to in the application.*

*Now, Therefore Be It Resolved, by the Iredell County Board of Commissioners that Iredell County is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development to benefit Pratt Industries.*

2. Adoption of a Resolution for the County's Assessment Policy

*Whereas, Iredell County is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and,*

*Whereas, an Assessment Policy is required for the County's CDBG project.*

*Now, Therefore Be it Resolved, that to accomplish the above, the Iredell County Board of Commissioners hereby adopts the attached Assessment Policy to be used throughout the implementation of the County's Community Development Block Grant Project.*

3. Approval of a Legally Binding Commitment between the County & Pratt Industries

4. Authorization for the Chairman, County Manager, Deputy County Manager & Clerk to the Board to Approve Documents as Necessary to Complete the Application

\* \* \* \* \*

**6. Request for Approval of a North Carolina Department of Transportation (NCDOT) Rail Industrial Authorization for the Chairman, County Manager, Deputy County Manager & Clerk to the Board to Approve Documents as Necessary to Execute the Agreement:** Deputy County Manager Susan Blumenstein and CDBG Consultant David Hartigan said the NCDOT had authorized a state financial assistance grant of \$124,000 for engineering, site preparation, track construction, and switch installation for the new Pratt Industries facility (formerly Jet Corr, Inc.)

Hartigan said the county would have to own the rail track, once constructed, at least until all grant obligations were met.

**7. Request for a Decision Regarding the Board's Meeting Schedule in November:** Due to Election Day occurring on Tuesday, November 7, the regular meeting date for the commissioners, a decision was made to hold only one meeting during the month. The meeting will be held on Tuesday, November 14, 2006.

**8. Request for Approval of the July 18, 2006 Minutes**

**9. Request for a Letter to be Sent to the State Insurance Commissioner Regarding Section 1.3.3 of the Manufactured Housing Code:** Lynn Niblock, the Director of Code Enforcement & Planning, said the state had adopted a revised manufactured housing code since the county adopted zoning ordinance requirements. He said a situation had occurred where a setup contractor had situated a manufactured home, and it did not meet local footing requirements. Niblock said the Veterans Administration, along with several financial institutions required footings, and there were insurance benefits for homes placed on permanent foundations. Mr. Niblock said the contractor had discussed the problem with the Department of Insurance and was told that Section 1.3.3 of the state code prohibited the county from enforcing local zoning codes. Mr. Niblock requested for the board of commissioners to write a letter to the State Insurance Commissioner about the situation.

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

Troutman Planning Board (ETJ) (1 announcement)  
Strategic Plan's Steering Committee (5 announcements)

**APPOINTMENTS TO BOARDS & COMMISSIONS**

**Industrial Facilities & Pollution Control Financing Authority (1 appointment):** Commissioner Johnson nominated Kevin Donaldson.

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

VOTING: Ayes – 5; Nays – 0.

**Adult Care Home Community Advisory Committee (5 appointments):** Commissioner Norman nominated Barbara Lippard.

**MOTION** by Chairman Tice to close the nominations, appoint Lippard by acclamation, and to postpone the four remaining appointments until the August 15 meeting.

VOTING: Ayes – 5; Nays – 0.

**Region F Aging Advisory Committee (1 alternate appointment):** No nominations were submitted, and Commissioner Norman made a motion to postpone the alternate appointment until the August 15 meeting.

VOTING: Ayes – 5; Nays – 0.

**Voting Delegate for the Annual Conference of the North Carolina Association of County Commissioners:** At a previous meeting, the county manager was appointed as the voting delegate. County Manager Mashburn said he could attend the conference on Friday, but not the Saturday business session. He suggested that Asst. Co. Mgr. Tracy Jackson be designated as the voting delegate.

Commissioner Norman said he would review the materials and possibly attend.

**MOTION** by Chairman Tice to appoint Commissioner Norman as the voting delegate and Tracy Jackson as the alternate.

VOTING: Ayes – 5; Nays – 0.

**COUNTY MANAGER'S REPORT:** Mr. Mashburn said the State Transportation Twelfth Division Engineer had sent a notice about a public officials' meeting at 3:30 p.m. on August 10, 2006 at the Hiddenite Center's Educational Complex, in Hiddenite, NC. He said there would also be a citizen's meeting from 5 to 7 p.m. (same date/location). Mashburn said the purpose of the meetings was to describe proposed closures and improvements of various at-grade highway/rail crossings in Alexander and Iredell Counties. Mashburn said a rail closing was proposed for New Amity Road (Crossing #864) and safety enhancements were listed for Antietam Road, Scotts Creek Road, and Grayson Park Road.

**CLOSED SESSION:** Citing G.S. 143-318.11 (a) (4) – Economic Development and G.S.143-318.11 (a) (3) – Legal, Chairman Tice made a motion at 9:00 p.m., to enter into closed session.

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 9:30 P.M.)

**ECONOMIC DEVELOPMENT INCENTIVE FOR L.B. PLASTICS, INC.:** MOTION by Commissioner Williams to call for a public hearing on August 15, 2006, at 7:00 p.m., regarding an economic development incentive of \$65,100 (over a five-year period) for L.B. Plastics, Inc., based on a \$3.5 million investment in Iredell County.

VOTING: Ayes – 5; Nays – 0.

**FCX DISTRIBUTION CENTER #230 FORECLOSURE PROCEEDINGS (Farmers Cooperative Exchange site located at 1620 West Front Street, Statesville, NC):** MOTION by Commissioner Robertson to authorize County Attorney Bill Pope to commence foreclosure proceedings on the FCX property on Front Street, in Statesville, NC, and further, in the event there are no bidders, for the proceedings to be dismissed.

VOTING: Ayes – 5; Nays – 0.

This action will eliminate the need for any further discussion pertaining to a request from TBREC, LLC, or The Brownfield Real Estate Company, for the County to initiate foreclosure proceedings on the FCX property.

**ADJOURNMENT:** MOTION by Chairman Tice at 9:31 p.m., to adjourn. (NEXT MEETING: Tuesday, August 15, 2006, at 5 and 7 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC).

VOTING: Ayes – 5; Nays – 0.

Approval: \_\_\_\_\_

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