

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
DECEMBER 2, 2003**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, December 2, 2003, at 7:00 p.m., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

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

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Finance Director Susan Blumenstein, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Johnson.

INVOCATION by Chairman Johnson.

ELECTION OF THE BOARD'S OFFICERS

Election of the Chairman: Commissioner Williams nominated Stephen D. Johnson for the chairman of the board's position.

There were no other nominations.

MOTION by Commissioner Madison to close the nominations and to appoint Stephen D. Johnson to the chairman's position by acclamation.

VOTING: Ayes – 5; Nays – 0.

Election of the Vice Chairman: Commissioner Norman nominated R. Godfrey Williams for the board's vice chairman position.

There were no other nominations.

MOTION by Commissioner Tice to close the nominations and to appoint R. Godfrey Williams to the vice chairman's position by acclamation.

VOTING: Ayes – 5; Nays – 0.

ADJUSTMENTS OF THE AGENDA: **MOTION** by Chairman Johnson to adjust the agenda by the following actions.

- Deletions:
- Presentation of a Plaque to Retiree Faye Brincefield (Due to being out-of town, Mrs. Brincefield was unable to attend the meeting. She will, however, be able to attend the December 16 meeting for the presentation.)
 - Request for Permission to Apply for a 2004 Community Waste Reduction & Recycling Grant for \$25,000 (This request will be discussed at the next meeting.)
 - Closed Session for the Purpose of Discussing a Property Acquisition Matter
- Addition:
- Request for a Letter to be Written to Iredell County's Congressional delegation seeking Legislation Allowing Rescue Squads the Opportunity to Apply for Low-Interest Loans Similar to what is Already Offered to Volunteer Fire Departments

VOTING: Ayes – 5; Nays – 0.

PUBLIC HEARING

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

Proposed Amendment to the Iredell County Subdivision Ordinance; Section 404.4 (Amount of Common Open Space to be Provided) & Section 110 (Open Space Definition): Planning Supervisor Smith said several months ago, he was asked to review the open space requirements in the subdivision ordinance. Smith said the request had been made due to concerns that unmaintained, blighted, open areas in the county might start occurring. He said another concern pertained to the minimum lot threshold. Smith said the current ordinance stipulated that if 11 lots or more were subdivided, open space, or fees-in-lieu of, had to be provided. He said open space maintenance would typically occur through a homeowner association. Smith said the planning board, after hearing recommendations from a subcommittee, approved the following ordinance amendments in an 8-1 vote in November.

1. The open space requirement would not pertain to any subdivision with 30 or less lots and average lot sizes of more than 1 acre. *(The previous ordinance applied to all subdivisions with over 10 lots. This would apply to far fewer developments and would take into consideration those subdivisions with relatively large lots.)*

2. The amount of required open space would be based on the number of developable lots in the subdivision much like the requirement before the existing regulations. *(The previous ordinance required that 15% of the overall site be dedicated.)*

3. Fees-in-lieu may be paid up to nine months after the recordation of the final subdivision plat. The subdivider would have to either submit a performance bond or an irrevocable letter of credit, both of which are spelled out in more detail in Section 309.2 of the Subdivision Ordinance. *(The original ordinance required that any fees-in-lieu would be collected prior to recordation of the final plat. This would allow for a certain degree of cash flow to come into play instead of requiring another up front cost to the developer before the subdivision was even off the ground.)*

4. The definition for open space was revised to allow for improved or unimproved open space. *(The definition in the original ordinance stated that open space was in an unaltered state.)*

Chairman Johnson said he understood \$11,000 had been generated in fees during the past year, and the money had not been obligated towards any projects.

Smith said this was correct.

Commissioner Williams asked if the land that was set aside had been developed.

Smith said most of the areas were in an “unimproved state.” He said, however, one site had some playground equipment. Smith estimated that 90% of the open space was “unimproved.”

Williams asked who paid the taxes on the lots.

Smith said it varied, but most of the land was still in the property developer’s name.

Michael Johnson, a resident of 323 Walnut Street, in Statesville, said he was in the real estate business, and he desired to speak about open space and the homeowner associations. Johnson said he was currently involved in four homeowner associations, and that in North Carolina, these were basically nonprofit organizations regulated by the North Carolina Homeowners Act. Mr. Johnson explained the costs involved with the

associations and the “rigorous” regulations that had to be met. He said open spaces could become nuisances, especially if the homeowners’ association defaulted and the county became liable for the maintenance. Mr. Johnson said there appeared to be “great risks for the county on such small returns.” In addition, he said anytime there was a “lienable right” in a subdivision, that any federally-insured lenders had to be involved, and this was a lengthy process. He said that if it was the county’s goal was to improve recreational areas, then some other type of fee structure needed to be used.

Chairman Johnson adjourned the public hearing.

MOTION by Commissioner Madison to eliminate Section 404.4 (Amount of Common Open Space to be Provided), in its entirety, from the Iredell County Subdivision Ordinance.

Chairman Johnson said the original intent of the open space requirement was to address recreational needs. Mr. Johnson said he could vote for the motion as long as there was a “gentlemen’s agreement” that at the winter planning session in February, the board would discuss recreation.

Commissioner Williams said he thought the open space requirement verged on being an impact fee. Williams said he had envisioned the requirement as being a tool to create some county green spaces. He said there would definitely be recreational needs in the future, and he had concerns that the various sectors, for example, north Iredell and the rural areas, would have to pay for them. Mr. Williams said he thought it would be fairer for the people who used the areas to pay for them. Mr. Williams said he also desired for recreation to be a topic to be addressed at the winter planning session.

VOTING: Ayes – 5; Nays – 0.

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

MOTION by Chairman Johnson to approve the following five (5) consent agenda items.

VOTING: Ayes – 5; Nays – 0.

1. Request from the Sheriff’s Department for the Establishment of an Additional Bailiff’s Position: At the briefing, Chief Deputy Dowdle said that his department had sufficient lapsed salary funds to pay the expenses for a new bailiff position through the remainder of this fiscal year. He said the position would be needed at the government center in Mooresville. (An e-mail from the finance director estimated the position (Grade 63) would cost \$18,600 for six months, and this amount included salary/uniforms/pager/radio/weapon.)

2. Request for the Annual Approval of the Public Officials’ Bonds: In accordance with G.S. 58-72-20 and G.S. 58-72-55, the following bonds were examined and approved by the board members. The bonds are with Marsh USA and extend through July of 2004.

<u>Position</u>	<u>Bond Amount</u>
Finance Officer	\$100,000
Tax Collector	50,000
Deputy Tax Collectors (2)	50,000 each
Register of Deeds	10,000
Sheriff (separate bond)	10,000

3. Request for Discussion/Approval of the FY 2004-05 Budget Calendar: The following dates were approved for the FY 04-05 budget.

January 8, 2004	Budget information distributed to Department Heads and mailed to outside agencies.
February 20, 2004	Budget requests and revenue estimates due to Finance Director. Outside agency requests due.
March 8, 2004	Social Services & Health Dept. budgets due in Finance.
April 1-April 15, 2004	County manager and finance director conduct budget discussions with department heads & elected officials.
April 5, 2004	County Assessor submits valuation estimates to the County mgr. & finance director.
April 5, 2004	School Boards & Mitchell College submit requests by this date.
April 8, 2004	Due date for Fire Tax Board's VFD recommendations. Voted Fire Districts budget requests due.
April 8, 2004	Finance Director submits final revenue estimates to County Manager.
May 18, 2004	Co. mgr. submits budget to the board and files a copy with the clerk to be made available for public inspection. Clerk makes copies available to the news media and publishes a legal notice regarding the submission to the board and gives notice of the date of the public hearing.
May 20, 25, 27, 2004	Budget work sessions 5:30 - 9:00 pm
June 1, 2004	Public Hearing
June 3, 8, 10, 2004	Budget work sessions (if needed)
June 15, 2004	Budget Adoption

4. Request for Approval of the November 18, 2003 Minutes

5. Request for a Letter to be Written to Iredell County's Congressional Delegation seeking Legislation that would offer Rescue Squads the Opportunity to Apply for Low-Interest Loans Similar to what is Already Offered to the Volunteer Fire Departments: A letter will be written to the county's congregational delegation seeking the passage of legislation that would offer rescue squads the same opportunity to obtain low-interest loans as is already offered to volunteer fire departments.

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

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Board of Equalization & Review for 2004 (6 announcements)

APPOINTMENTS TO BOARDS & COMMISSIONS

Personnel Advisory Board (1 appointment): No nominations were submitted, and Commissioner Madison motioned to postpone this appointment until the December 16 meeting.

VOTING: Ayes – 5; Nays – 0.

Adult Care Home Community Advisory Committee (2 appointments): No nominations were submitted, and Commissioner Madison motioned to postpone these two appointments until the December 16 meeting.

VOTING: Ayes – 5; Nays – 0.

Recreation Advisory Committee (1 appointment): Commissioner Madison nominated Mark Rawls.

Chairman Johnson **motioned** to close the nominations and to appoint Rawls by acclamation.

VOTING: Ayes – 5; Nays – 0.

Local Emergency Planning Committee (13 appointments): Commissioner Tice nominated Michael Morrical (Davis Regional Medical Center), Rich Ellis (Lake Norman Regional Medical Center), and Danny Rose (Southern States Cooperative).

Commissioner Madison nominated Mike Bennett (Thorlo Mfg.), Mark Shepherd (Thorlo Mfg.), and Randy Winston (Kewaunee Scientific Corporation).

Commissioner Williams nominated Eric Henderson (Troutman Police Department), Tony Johnson (Statesville Police Department), and John Crone (Mooresville Police Department).

Chairman Johnson nominated Mauro Messina (Emergency Management), Steve Lane (Iredell-Statesville Schools), Roger Hyatt (Mooresville Graded School System), and June Gaither (Believer's Faith Christian Academy).

Commissioner Madison **motioned** to close the nominations and to appoint Morrical, Ellis, Rose, Bennett, Shepherd, Winston, Henderson, Johnson, Crone, Messina, Lane, Hyatt, and Gaither.

VOTING: Ayes – 5; Nays – 0.

CLOSED SESSION: **MOTION** by Chairman Johnson at 7:35 p.m., to enter into closed session for the purpose of discussing an attorney-client matter pursuant to G.S. 143-318.11 (a) 3 and a personnel matter pursuant to G.S. 143-318.11 (a) 6.

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 7:57 P.M.)

APPROVAL TO SEEK THE AID OF A BANKRUPTCY ATTORNEY IN DEALING WITH A CORPORATION'S ATTEMPT TO OBTAIN REDUCED TAX VALUATIONS: **MOTION** by Chairman Johnson to allow the county manager to sign a letter of agreement with Attorney Robert E. Price, Jr., who has agreed to represent counties in North Carolina at an hourly rate of \$125 (pro rata with the other counties signing the letter of agreement), and with a cap of all fees being paid by Iredell County at \$2,500.00, in the matter of a local corporation seeking to gain reduced tax valuations.

VOTING: Ayes – 5; Nays – 0.

(Note: Mr. Price is the Forsyth County Attorney, and he specializes in bankruptcy law. He is familiar with this matter and has agreed to represent all affected North Carolina counties.)

ADJOURNMENT: **MOTION** by Chairman Johnson to adjourn the meeting at 7:59 p.m. (NEXT MEETING: Tuesday, December 16, 2003, 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