

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
DECEMBER 5, 2006**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, December 5, 2006, at 7:00 P.M., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

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

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

CALL TO ORDER by Chairman Norman

INVOCATION by Commissioner Johnson

PLEDGE OF ALLEGIANCE

ADJUSTMENTS OF THE AGENDA (none)

APPOINTMENT BEFORE THE BOARD

Presentation by Mr. Vince Dicarlo, Chief Meteorologist with the National Weather Service Office (Greenville-Spartanburg, SC) Regarding Iredell County being Designated as a *StormReady County*: Mr. Dicarlo said the *Stormready* program helped municipalities and county's find ways to reduce the potential for disastrous, weather-related consequences. He praised the county's emergency management personnel who had worked to achieve the designation and for specifically accomplishing the following:

- ▲ Establishing a 24-hour warning point and emergency operations center
- ▲ Developing different methods to receive and publicly deliver severe weather warnings/forecasts
- ▲ Creating a system to monitor local weather conditions
- ▲ Promoting/emphasizing public readiness via community seminars
- ▲ Developing a formal hazardous weather plan (including weather spotter training and emergency excises)

Mr. DiCarlo then presented two *StormReady* road signs to Emergency Management/Communications Director David Martin and Assistant County Manager Tracy Jackson.

PUBLIC HEARINGS

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

Consideration of the Proposed Schedules, Standards, and Rules for the 2007 Real Property Revaluation: Tax Administrator Bill Doolittle said state law required that all real property be assessed every four to eight years. He said Iredell County used a four-year cycle and 2007 would be the next revaluation year. Mr. Doolittle then presented a PowerPoint presentation that explained the process used in the reappraisal. (A copy of the presentation may be found in the November 14 briefing minutes.)

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

(The Schedule of Values has been scheduled for adoption on December 19.)

Chairman Norman declared the meeting to be in a public hearing, and Attorney Pope administered the oaths to the individuals desiring to speak in regards to Case No. 0610-1 (conditional use district).

Case No. 0610-1: Moondance Land Company LLC Requests to Amend the Iredell County Land Use Plan and to Rezone a Portion of Property from Residential Agricultural & Neighborhood Business to General Business Conditional Use: Acting Planning Director Steve Warren reviewed the following staff report for this case.

PLANNING STAFF REPORT

OWNERS: *Moondance Land Company, LLC (James P. Cartner)
PO Box 79
Stony Point, NC 28678*

AGENT: *E. Bedford Cannon
140 E. Water Street
Statesville, NC 28677*

LOCATION: *Corner of Scotts Creek Road and Wilkesboro Highway/ NC 115, more specifically a portion of PIN # 4736-11-0736. Directions: Highway 115 north, on the southwest corner of Scotts Creek Road.*

REQUESTED ACTION AND CONDITIONS: *Amend the Land Use Plan and rezone a portion of the property from RA, Residential Agriculture Zoning District and NB, Neighborhood Business Zoning District to GB-CUD, General Business – Conditional Use Zoning District.*

PROPOSED USE: *Veterinary Hospital.*

SIZE: *The proposed area to be rezoned is 2.321 acres. The total parcel is 3.557 acres.*

EXISTING LAND USE: *Vacant.*

SURROUNDING LAND USE: *Residential, commercial, and vacant.*

WATERSHED REGULATIONS: *This property is not located in a watershed.*

TRAFFIC: *According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of roadway is 12,000 vehicles per day. In 2003, the estimated daily traffic count was 9,500 vehicles per day. The impacts of amending the Land Use Plan should not impact the amount of traffic at this intersection, since the use is intended to draw customers from the surrounding residential areas.*

ZONING HISTORY: *This property has been zoned RA and NB since County-wide zoning went into effect in 1990. The previous owner, Shirley Levan, requested that this property be rezoned in 2005 to HB-CUD with the only condition being that it was for an animal hospital only. The staff recommended approval of the request. The Planning Board voted 9-0 to recommend in favor of the request on April 6, 2005. The Board of Commissioners voted 5-0 to deny the request on May 3, 2005, citing septic and buffering issues.*

STAFF COMMENTS: *This property is at the intersection of two major roads in the County. There is a gas station to the north of this property as well as other businesses in the area. Rezoning only a portion of the property and a required 30 foot buffer along all adjacent residentially zoned properties, will protect the neighboring residential uses from any negative impacts associated with the proposed use. The applicant hired a licensed soil scientist to evaluate this*

property for the proposed project. The report stated that the property was suitable for the septic system required for veterinary clinic. A copy of the report is included with the application. For these reasons, staff recommends in favor of the rezoning request to GB-CUD.

PLANNING BOARD ACTION: On October 6, 2006, the Planning Board voted 9-1 to recommend an amendment of the Iredell County Land-Use Plan and to recommend in favor of this request along with advising that it is consistent with the Iredell County Land-Use Plan.

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Attorney Bedford Cannon representing the owner/applicant, said (1) traffic concerns were not relevant (2) lighting shouldn't be a factor because the facility would close at 6:30 p.m., plus the lighting from the hospital would be much less than a nearby commercial property (3) noise would be minimal -- the kennels will be enclosed (4) there will be no odors (5) the only time the animals might be visible from the outside is when they were being exercised and (6) a drain fill will be on the west side of the property.

Dan Combs (opponent) a resident of 124 Ellenburg Road said he had lived in the area since 1972. Mr. Combs shared concerns about water pollution, noise, and odor.

Cecil Stallard (proponent) said he owned 40 acres near the property, and the animal hospital would be a good fit for the area. In regards to some of the neighbors' concerns, Mr. Stallard said animal hospitals were heavily regulated.

Thomas Rumble (opponent) asked if the parking lot would be gravel or pavement. He said property near the western side of the tract belonged to him, and he was worried about runoff. He also asked about a catch basin and a silt screen.

Susan Johnson (proponent) said Dr. Cartner was highly respected and offered quality animal care. She said Cartner's office in Stony Point was a clean facility, with no odors, and with well attended landscaping. Johnson said she lived in the eastern part of the county, but her animals were taken to the Stony Point clinic for veterinarian care.

William Godfrey (proponent) said he owned land near the site. In regards to traffic, he said the roadways in north Iredell were already heavily used, and Dr. Cartner's office wouldn't impact the area that much. Mr. Godfrey said Cartner was a reputable vet and a "good" person.

Larry Ellenburg (proponent) said he resided at 127 Ellenburg Road and an animal hospital was needed in north Iredell. He said more and more people were moving into the area and their animals needed a convenient clinic.

Mike Randolph (proponent) said Dr. Cartner was an upstanding man and the facility was needed.

Larry Watts (business partner with Dr. Cartner) said Dr. Cartner owned property in Iredell County, and he was a highly regarded veterinarian.

Ann Pate (proponent) said she lived off Miller Farm Road and an animal hospital would be an asset to the community. She said the neighbors shouldn't be concerned about water runoff.

Thomas Rumble (opponent) said Dr. Cartner's reputation wasn't being disputed, but the residents had concerns, especially about runoff.

Commissioner Johnson asked Attorney Cannon about the runoff concern.

Cannon said a diagram had been presented to indicate where the drain fill would be located. He said two acres would remain residential agricultural, and the drain fill would be towards the west side of the two acres to be rezoned

Commissioner Williams asked how the water flow in the parking lot would be addressed.

Cannon said he didn't anticipate much water. He said the primary parking would be towards the east, or closer to the Stallard and Stevenson property. Cannon said the parking area towards the west side would be for the staff. He said there would be minimal surface water runoff. Additionally, he said three or four residences north of Ellenburg Drive might have a lower elevation, but no matter what business was located at the site, there would be some natural runoff.

Commissioner Williams asked if a water stream was on the Stallard property.

Mr. Stallard said yes, and the stream came across his property, then under Ellenburg Road (drain pipe), and then back to his property across the "back third."

Commissioner Williams asked if Dr. Cartner intended to pave the parking lot.

Cannon said he would do what was necessary to provide minimal impact to the people towards the south side. Mr. Cannon said the county would probably impose or identify the necessities. He said, however, this was a minimal issue.

Commissioner Williams asked about the noise level. He said with enclosed kennels, the only noise occurring might be from hospitalized (overnight) animals. Williams asked if the facility would be sound proof.

Cannon said it was an enclosed area, and the animal population, at the most, would be around 15. He said the facility would be of solid construction, and if the Stony Point facility could be used as a business indicator, then the Scotts Creek Road would be fine with no noise. Cannon said a buffer would also help -- 35 foot setback line that would probably be doubled for the building.

Commissioner Robertson said previously the commissioners had denied the request due to concerns about the runoff, the odor, and the noise. He said that under the conditions, the facility would not have open kennels. Robertson asked if a maximum of 15 animals would be kept at any given time.

Cannon said 15 would be the average census with 20 being the maximum.

Commissioner Robertson asked if there might be 15 on the inside with 5 on the outside chained to a tree.

Cannon said all animals would be in an enclosure.

Commissioner Robertson asked how the excrement would be disposed of when the animals were outside exercising.

Dr. Cartner said the waste was picked up and disposed of in a proper waste container. He said the parking lot would be paved. Dr. Cartner said nothing would be on the land that would degrade the neighboring properties. He said the lay of the land coming off the Interstate and Scotts Creek Road emptied onto Mr. Stallard's property, and if anyone needed to be concerned about runoff, then it should be Mr. Stallard, who was actually in favor of the request. Dr. Cartner advised of being an "ecological environmentalist," and he said the runoff would be minimal.

Commissioner Williams asked about interior noise.

Cartner said there was a special concrete product being made that reduced noise. He stressed that the animals would be in a totally enclosed structure.

Commissioner Robertson said the drawing indicated that the waste water would be pumped to another station even though the soil scientist had indicated the property would perk. He asked if the pump system was being used due to the drain fill's location relative to the building.

Dr. Cartner said a pump system was required -- as opposed to being gravity fed.

Thomas Rumble again asked about having a catch basin and silt screen before the land was graded.

Warren said the county was considering an erosion control ordinance and that if a property owner had at least an acre of disturbed land, no matter the size of the tract, then an erosion control plan needed to be filed with the state.

Rumble asked if this had been filed since the land had already been cleared off. He also asked the zoning designation for a portion of the Stevenson lot.

Warren said it appeared to be zoned neighborhood business, but most of it was residential agricultural.

No further individuals desired to speak, and Chairman Norman adjourned the hearing.

MOTION by Commissioner Robertson to amend the Iredell County Land-Use Plan.

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Robertson to approve the zoning map amendment and to make a finding that approval was consistent with the adopted Iredell County Land-Use Plan and that said approval was reasonable and in the public's 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 Robertson to approve the conditional use findings of fact.

VOTING: Ayes – 5; Nays – 0.

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

Case No. 0611-1: Dorothy Woodfin, Applicant for D.C. Warren, Requests to Rezone Properties from Residential Agricultural to General Business District: Acting Planning Director Steve Warren reviewed the staff report for this case as follows:

CASE NO. 0611-1

OWNER: D C Warren
175 Triplett Road
Cleveland, NC 27013

APPLICANT: Dorothy Woodfin POA
111 Ridgewood Lane
Statesville, NC 28677
(704) 872-1097

LOCATION: 175 Triplett Road, more specifically PIN#s 4773-61-5749, 4773-62-6096, 4773-71-0860, 4773-62-9037, & 4773-72-1072. **Directions:** Highway

70 east, right onto Triplett Road, property is on the left at the intersection of the new Highway 70.

REQUESTED ACTION AND CONDITIONS: Rezone the properties from RA, Residential Agriculture Zoning District to GB, General Business Zoning District.

PROPOSED USE: Any GB uses.

SIZE: The proposed area to be rezoned is 11.848 acres.

EXISTING LAND USE: Residential and vacant.

SURROUNDING LAND USE: Residential, agricultural, vacant, and a new highway.

WATERSHED REGULATIONS: This property is not located in a watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Highway 70 is 10,500 vehicles per day. In 2005, the estimated daily traffic count was 11,000 vehicles per day. The State is currently in the process of re-routing and widening Highway 70. This property will have frontage on the new stretch of Highway 70. The proposed capacity for the new Highway 70 is 26,000 vehicles per day.

ZONING HISTORY: This property has been zoned RA since county-wide zoning went into effect in 1990. The properties to the north that are GB were rezoned in April of 1996 and December of 2004. The property to the west that is GB was rezoned in August 1995. The property to the east that is M-1 CUD was rezoned in July of 2006. The property to the east that is M-1 has had the same zoning since county-wide zoning went into effect in 1990.

STAFF COMMENTS: The area is in the midst of transition due to new highway construction slated for completion next summer. An 880 linear foot boundary of the applicant's property fronts the new Highway 70. It is anticipated by staff that owners of frontage properties will continue to request zoning changes in anticipation of the road improvements. This particular tract also has frontage on Triplett Road. The Highway 70 Small Area Plan identifies this area as suitable for future industrial expansion. The applicant has chosen the GB District classification which allows many business uses including some light industrial uses. There is not a prospective tenant, and it is the applicant's intent to market the property as broadly as possible. A GB District lies to the north, across the new Hwy 70. Planning staff recommends in favor of the request. The property is more suitable for future GB uses based on the Highway 70 Corridor Plan, the road improvements, and the nearby zoning districts and land uses.

PLANNING BOARD ACTION: On November 1, 2006, the Planning Board voted 10-0 to recommend approval of this request and to advise that it is consistent with the Highway 70 Small Area Plan.

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Commissioner Williams asked if the new Highway 70 would have limited road access.

Warren said yes, and it was possible the only access to the property might be off Triplett Road.

Williams said this would make the area unsuitable for residential uses.

Warren said this was correct.

James VanHoy (advocate) said one person had previously voiced objections to the rezoning; however, since that time, the individual had purchased 18 acres of the tract. VanHoy said the person no longer objected.

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

MOTION by Commissioner Tice to approve the zoning map amendment and to make a finding that the approval was consistent with the adopted Highway 70 Small Area Plan and that said approval was reasonable and in the public's interest due to its consistency with the Highway 70 Small Area Plan; as a result, said approval furthers the goals and objectives of the Highway 70 Small Area Plan.

VOTING: Ayes – 5; Nays – 0.

Chairman Norman declared the meeting to be in a public hearing, and Attorney Pope administered the oaths to the individuals desiring to speak in regards to Case No. 0611-2 and its conditional uses.

Case No. 0611-2: William Todd Nicholson, and others, Request to Amend the Iredell County Land Use Plan and to Rezone Property from R-20, Single Family Residential to Highway Business Conditional Use District: Acting Planning Director Warren shared the staff report for this case as follows:

CASE NO. 0611-2

OWNERS: William Todd Nicholson, et al
449 Bell Farm Road
Statesville, NC 28677
(704) 880-0003

LOCATION: At the corner of Turnersburg Highway and Strawberry Lane, more specifically PIN # 4746-66-5231. DIRECTIONS: Highway 21 north, on the right at the corner of Strawberry Lane.

REQUESTED ACTION AND CONDITIONS: Amend the County Land Use Plan and to rezone the property from R-20, Single- Family Residential District to HB-CUD, Highway Business-Conditional Use District, with the condition that it be used only for automobile repair, sales, and service.

PROPOSED USE: Automobile repair, sales and service.

SIZE: The proposed area to be rezoned is 2.24 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Residential, commercial and vacant.

WATERSHED REGULATIONS: This property is not located in a watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Turnersburg Highway is 10,500 vehicles per day. In 2005, the estimated daily traffic count was 9,200 vehicles per day.

ZONING HISTORY: This property has been zoned R-20 since County-wide zoning went into effect in 1990. The properties to the south that are HB have been zoned R-20 since County-wide zoning went into effect in 1990. The properties to the north that are GB were rezoned in September of 2000.

STAFF COMMENTS: The applicant's property lies approximately midway between commercial nodes on the Land Use Plan. Neither of the commercial areas are close to "build-out." The area to the north of the subject property is

the Hwy 21/ I-77 Interchange and contains a number of parcels of various sizes, some of which are zoned for the intended use. Both sides of I-77 seem to have potential locations for this type of business. The commercial area to the south is also more suitable for the intended use and provides a variety of more suitable locations with HB zoning. The planning staff is recommending against the request in support of the Land Use Plan. There are a number of commercial properties nearby and the subject property is in the middle of a low density residential area which deserves protection from less compatible uses and the County needs to avoid the potential for stripping commercial development along this part of the Turnersburg Highway.

PLANNING BOARD ACTION: *On November 1, 2006, the Planning Board voted 9-2 to recommend denial of this request and to advise that it is inconsistent with the Iredell County Land-Use Plan.*

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Commissioner Johnson said at some point in time, it would be reasonable to assume that between the two existing commercial areas, the area would probably become a commercial corridor, but for the present, this particular request was somewhat premature.

Warren said this was a correct assumption.

Chad Nicholson (advocate) said he was a third owner of the property and had lived at the site in the past. He said it was a high traffic area, and there would probably never be a residence on the site. Nicholson said on a nearby lot, his father resided and operated a motorcycle repair shop.

Carl Thompson (opponent) said he owned 40 adjoining acres (towards backside) and there were plans for a residential development. He said a car lot would not be appropriate for the property.

Tim Dempsey (advocate) said his wife was also an owner. He said the Strawberry Lane residents had no objections to the proposed business. Dempsey said the business would close early through the week and on Saturdays, and he encouraged approval of the request.

Chairman Norman adjourned the hearing.

MOTION by Commissioner Williams to deny the proposed amendment and to make a finding that denial was consistent with the adopted Iredell County Land Use Plan and that said denial was reasonable and in the public's interest due to its consistency with the Iredell County Land Use Plan; as a result, said denial furthers the goals and objectives of the Iredell County Land Use Plan.

Commissioner Johnson said a few thousand feet of pipe and a sewer lift station in the area would increase the property value, and so much so, that in the future a car lot wouldn't be the best property usage. He said for the time being, the property owners should be allowed to sell the cars, and eventually, when the lift station was built near the Interstate, the property could be sold for a profit.

VOTING: Ayes - 3; Nays - 2 (Johnson & Tice)
(Motion to deny carried.)

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

Case No. 0611-3: J.C. Faw Requests to Rezone Properties from Residential Agricultural & Neighborhood Business Conditional Use District to Neighborhood Business District: Acting Planning Steve Warren shared the staff report for this case as follows:

CASE NO. 0611-3

OWNER: J C Faw
PO Box 410
Wilkesboro, NC 28697

AGENT: Eric Wood
410 Auction Drive
Salisbury, NC 28147
(704) 202-1524

LOCATION: At the corner of Brawley School Road and Drye Drive, more specifically PIN #s 4647-01-3786 & 4647-01-3588. Directions: Brawley School Road, right Drye Drive, on right.

REQUESTED ACTION AND CONDITIONS: Rezone the property from RA, Residential Agricultural District and NB-CUD, Neighborhood Business-Conditional Use District to NB, Neighborhood Business.

PROPOSED USE: Office building.

SIZE: The proposed area to be rezoned is 2.38 acres.

EXISTING LAND USE: Vacant and residential.

SURROUNDING LAND USE: Commercial and residential.

WATERSHED REGULATIONS: This property is located in the WSIV-CA Watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Brawley School Road is 9,000 vehicles per day. In 2005, the estimated daily traffic count was 24,000 vehicles per day.

ZONING HISTORY: The parcel to the north has been zoned RA since County wide zoning occurred in 1990. The parcel to the south was rezoned from RA to NB-CUD on March 2, 1999. The condition was that the only use permitted was a convenience store with gasoline sales. The property to the east was zoned CB-CUD in July 2001 and April 2003. Mooresville has zoning jurisdiction to the East and south.

STAFF COMMENTS: The NB District designation request and intended use, (offices) are both supported by the Brawley School Peninsula Small Area Plan. Nearby land uses include an office building across the road and this segment of Brawley School Road is more suitable for the intent of the district namely providing services to nearby residences than future residential sites. Planning staff is in favor of this request.

PLANNING BOARD ACTION: On November 1, 2006, the Planning Board voted 11-0 to recommend approval of this request and to advise that it is consistent with the Brawley Peninsula Small Area Plan.

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Commissioner Johnson asked the dimensions of one tract (yellow) included on the map.

Eric Wood (applicant) said it was 8,000 sq. ft. or 200 x 400 feet. He said the traffic of the roadway had been considered, but the proposed office was needed. Wood said much of the site could not be used due to the watershed restriction.

Max Speer (builder for the project) said the request was to lessen the conditional use permit from the convenience store, which would decrease the traffic count.

Commissioner Johnson asked if the building plans included an allowance for the Brawley School Road widening project.

Speer said yes.

Commissioner Tice asked if the North Carolina Department of Transportation had purchased the right of way.

Speer said no.

Skip Webber (opponent) said he was a land owner on the Brawley School Road peninsula, and this request had bad timing due to the property owners still experiencing the effects of past bad planning. Webber said 2008 was the anticipated year for the road widening project, and this request would only profit the owner -- not the other 18,000 residents in the area. He said that if the property became commercial, the property value would increase, and this would make it more expensive for the state to purchase the rights of way.

Commissioner Robertson said everything that could be done had been done to get the Brawley School Road widened. He said first, however, the state had to buy the rights of way and state officials had mentioned difficulties in getting this done. Robertson said the state would be further hampered if the request were approved.

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

MOTION by Commissioner Robertson to deny the zoning map amendment and to make a finding that denial was consistent with the adopted Brawley Peninsula Small Area Plan and said denial was reasonable and in the public's interest due to its consistency with the Brawley Peninsula Small Area Plan; as a result said denial furthers the goals and objectives of the Brawley Peninsula Small Area Plan.

Commissioner Johnson said the Brawley School Road land wasn't expensive merely because it would become commercial if the request were approved, it was expensive because of the residential development in the area that had elevated the land costs as people tried to locate businesses in the vicinity to tap into the market. He said another reason the road widening project was over budget was due to the state's mismanagement of the highway trust fund. Johnson said the project could have been accomplished a long time ago had the Raleigh politicians used fiscal discipline. Mr. Johnson said the Brawley plan actually called for commercial development, and a denial would be in opposition. He said a denial to the owners and their personal property rights was a "trampling" upon individual property rights and liberties.

Robertson said (1) the property was zoned this way when it was purchased and (2) the purchase wasn't made contingent upon a rezoning to this classification. He said that if the personal property rights point were taken to the extreme, then all rezoning requests needed to be approved. Mr. Robertson said the Brawley School Road needed four lanes and the rights of way had to be purchased before he could, in good conscience, approve the request.

Vice Chairman Tice said she supported the denial because recent conversations with the Department of Transportation had revealed the road widening costs were exceeding the available funds. She said rezoning the property to commercial would demand a higher price from the state, and there were meager funds. Tice said there was an urgency for the road improvements, and she too, in good conscience, couldn't approve the request until there was relief on Brawley.

Eric Wood said the rights of way could be donated to the county or state.

Attorney Pope said this could not be required as a condition of approval -- it would be extractive zoning.

Robertson asked if the case could be postponed.

Wood said he would much prefer a postponement over a denial.

Robertson withdrew his motion.

MOTION by Commissioner Johnson to postpone the case for consideration until the first meeting in January of 2007.

VOTING: Ayes – 5; Nays – 0.

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

Proposed Amendments to the Iredell County Zoning Ordinance: Article IV, Nonconforming Situations; Article VIII, Table of Special and Permitted Uses; Article X, Off Street Parking & Loading; and Article XI, Signs: Acting Planning Director Steve Warren reviewed the proposed amendments as follows:

Amendments

ORDINANCE: *Zoning Ordinance*

<u>SECTIONS:</u>	<i>Article IV</i>	<i>Nonconforming Situations</i>
	<i>Article VIII</i>	<i>Table of Special and Permitted Uses</i>
	<i>Article X</i>	<i>Off Street Parking & Loading</i>
	<i>Article XI</i>	<i>Signs</i>

STAFF COMMENTS: *These amendments were reviewed at the October Planning Board meeting after being referred back to the Board by the Board of Commissioners with a couple of changes. The Planning Board found a few errors and requested that changes be made. The subcommittee charged with reviewing these amendments did so, and the changes were being brought back to the Planning Board. The proposed changes can be seen in red and underline text. The changes requested by the Board of Commissioners can be seen as blue text. In Article IV, Section 4.4 (B 3), the Board of Commissioners recommended that the process for expansion of non-conforming uses remain at the discretion of the Planning Board and Board of Commissioners rather than allowing the Board of Adjustment to handle such requests. In Article IX, Section 11.22 (D), the Board of Commissioners recommended a change concerning the number of estimates required for replacement of damaged non-conforming signs.*

PLANNING BOARD RECOMMENDATIONS: *On November 1, 2006, the Planning Board made the following recommendations concerning the proposed Zoning Ordinance amendments:*

- *Recommended approval of Article VIII, Table of Special and Permitted Uses and Article X, Off Street Parking & Loading with the addition of **“or a maximum of 15 spaces”** to the parking requirements for mini-warehouse uses in Section 10.0 (C).*
- *Recommended approval of Article XI, Signs with a change to Section 11.22 (D) which limits the number of required estimates to two (2).*
- *Recommended approval of Article IV, Nonconforming Situations with a change in Section 4.4 (B,3) that charges the Board of Adjustment with approving expansions of non-conforming uses.*

ARTICLE IV. NON-CONFORMING SITUATIONS

Section 4.0 General

This Ordinance places restraints on the use of land and its improvements by establishing minimum standards. Prior to the adoption of this Ordinance, land and improvements were used and plans were initiated to use land and improvements in a number of instances according to standards below the standard established in this Ordinance. It is recognized that the strict

application of the provisions of this Ordinance to circumstances emanating from past actions and past intentions as regards to the use of land, when no standards or lesser standards were in existence, could yield hardships. It is recognized further that properties which do not now conform to the provisions of this Ordinance could be allowed to be used in such ways without violating the spirit of the Ordinance. Accordingly, the following sections refer to situations in which lots have been platted prior to the adoption of this Ordinance with dimensions and other characteristics which are not in conformity with the standards of this Ordinance; to treatment of existing uses and structures not in conformity with the standards of this Ordinance; to standards for the reconstruction of damaged structures which did not conform to the standards of this Ordinance; and to changes in zoning, subsequent to the adoption of this Ordinance, as these might affect conformity of parcels of land, their use or improvements thereon to the standards of this Ordinance.

Section 4.1 Non-Conforming Vacant Lots

This category of nonconformance consists of vacant lots for which plats or descriptions have been recorded in the office of the Register of Deeds of Iredell County, which at the time of the effective date of this Ordinance, fail to comply with the dimensional requirements for the districts in which they are located. Any such nonconforming lot may be used for any of the uses permitted by this ordinance in the district in which it is located, provided:

- A. Such vacant lot of record does not abut another lot of record to which it can be combined as provided for in Section 3.3. Lot of Record.
- B. Minimum Requirements of the district for front yard, side yard, rear yard, height and unobstructed open space shall be complied with.

Section 4.2 Non-Conforming Occupied ~~Lots or~~ Buildings or Structures

This category of non-conformances consists of ~~lots,~~ occupied ~~by~~ buildings or structures at the time of the passage of this Ordinance, that fail to comply with minimum requirements for area, width, front yard, side yard, rear yard, height, unobstructed open space and other requirements for the districts in which they are located. Structures and buildings ~~on these lots~~ may be improved, enlarged, and extended, provided as follows:

- ~~A. Any such improvement, enlargement or extension of buildings or structures shall comply with minimum requirements as to front yard, side yard, rear yard, height and unobstructed open space for the district in which they are located.~~
- ~~B. The existence of a nonconforming condition on a lot, parcel or tract of land shall not prevent the construction of additional buildings or structures on said parcel, lot or tract so long as said building or structure itself meets the requirements of this ordinance.~~
- ~~C. Nonconforming conditions such as absent or substandard buffering, parking space, landscaping, or loading space, existing at the enactment of this Ordinance on premises used for a conforming use may be continued so long as they are not enlarged or otherwise made less conforming. The construction or erection of structures or buildings shall not be considered an enlargement or extension of such conditions.~~

A. Non-conforming Principal Buildings or Structures (excluding mobile homes and signs)

- (1) Normal structural repair and maintenance may be performed to allow the non-conforming structure to be used.**
- (2) Any improvement, enlargement or extension of principal buildings or structures shall comply with minimum requirements as to front yard, side yard, rear yard, height and unobstructed open space and other requirements for the district in which they are located.**

- (3) Replacement of the structure is permitted provided the original foundation is used and the replacement does not create new non-conformities with respect to setbacks and height.
- (4) The existence of a nonconforming condition on a lot, parcel or tract of land shall not prevent the construction of additional buildings or structures on said parcel, lot or tract so long as said building or structure itself meets the requirements of this ordinance.

B. Non-conforming Mobile Homes

- (1) The mobile home was the only principal residential structure on the lot. If more than one principal residential structure is located on the lot, any mobile home removed may not be replaced;
- (2) The mobile home to be replaced was occupied for at least 90 of the 180 days immediately preceding the date of replacement;
- (3) The replacement mobile home is placed on the property within 90 days following removal of the existing manufactured home;
- (4) The replacement does not create new conformities with respect to setbacks.
- (5) Normal structural repair and maintenance may be performed to allow the non-conforming structure to be used.

C. Non-conforming Accessory Buildings or Structures

- (1) A nonconforming accessory structure may be expanded only if the nonconforming features of that structure are expanded in a manner which does not increase the degree of nonconformity.
- (2) Replacement of any accessory structure must comply with all regulations concerning setbacks and height.

Section 4.3 Non-Conforming Open Uses of Land

This category of non-conformances consists of lots used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this Ordinance, in the district in which it is located. A nonconforming open use of land may be continued except as follows:

- A. *When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.*
- B. *Nonconforming open uses of land shall not be changed to any but conforming uses.*
- ~~D.~~ *A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.*
- ~~E.~~ *When any non-conforming open use of land is discontinued for a period in excess of one year, any future use of the land shall be limited to those uses permitted in the district in which the nonconforming use of land is located. Vacancy and/or non-use of the land regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.*

Section 4.4 Non-Conforming Uses of Structures

This category of non-conformances consists of structures used at the effective date of this Ordinance for purposes not permitted in the district in which they are located. Such uses may be continued, provided as follows:

- A. When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use ~~except as provided in subsection 4.6 below~~.
- B. Except as specifically authorized below, a nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became non-conforming were already erected and arranged or designed for such non-conforming use. No structural alterations or additions shall be made in any structure occupied by a nonconforming use, except those required by law or ordinance, and except as follows:
 - (1) ~~Nonconforming existing residential structures in either business districts or industrial districts may be enlarged, extended or structurally enlarged provided no additional dwelling units result from such enlargement, extension, or alteration.~~
 - (2) A nonconforming ~~structure~~ **use** may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use.
 - (3) A ~~nonconforming~~ structure containing a nonconforming use, may be enlarged within the boundaries of the lot it occupied at the time it became nonconforming upon approval by the Iredell County ~~Board of Commissioners~~. ~~Said approval shall be considered after hearing and recommendation from the Iredell County Planning Board~~ **Board of Adjustment** upon the following:
 - (a) The enlargement will not cause substantial harm to the adjoining property owners.
 - (b) The enlargement will not result in traffic increases beyond the capacity of the roads serving said use.
 - (c) The enlargement will not result in emission of smoke, fumes, noise, odor, or dust which will be detrimental to the character of the district or to the health, safety, or general welfare of the community.
 - (d) The enlargement will maintain all minimum setbacks and buffer requirements of the use district in which said use would be permitted.
 - (4) The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of this Ordinance occur.
 - (5) Any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of the same, lesser, or larger size, so long as the replacement does not create new conformities or increase the extent of existing nonconformities with

respect to yard size and setback requirements. In particular, a mobile home may be replaced with a larger mobile home, and a "single-wide" mobile home may be replaced with a "double-wide". This section is subject to the limitations stated in 4.4(C) below on discontinued use.

- (6) Maintenance and repairs necessary to keep a nonconforming structure in sound condition shall be permitted.

- C. When any nonconforming use of a structure is discontinued for a period in excess of one year, the structure shall not ~~be~~ thereafter be used except in conformance with the regulation of the district in which it is located.

Section 4.5 Reconstruction of Damaged Structures

When a non-conforming structure or a structure containing a nonconforming use is damaged by fire, flood, wind, act of God, or casualty, such structure may be reconstructed and used as before any such calamity, provided such reconstruction begins within six (6) months and is completed within one year, and provided that the non-conforming situation is not increased.

Section 4.6 Change in Kind of Non-Conforming Use

A non-conforming use of a building or buildings may be changed to another non-conforming use of similar or less intensity upon appeal to the Board of Adjustment. ~~and a finding by the Board of Adjustment that the new use is more in character with the uses permitted in the district than the previous use. In making such a finding the Board of Adjustment may place reasonable and appropriate conditions on the new use.~~ Such permit may be issued if the Board of Adjustment determines that:

- A. The new use is allowed only in the same or more restrictive zoning districts as the previous use;
- B. The hours of operation generally can be expected to be similar (i.e., with regard to opening and/or closing times) or fewer than the previous use;
- C. The days of operation generally can be expected to be similar (or fewer) than the previous use;
- D. The amount of required parking for the use is no greater than ten percent greater than the previous use;
- E. The level of traffic generated by the new use can be expected to be no more than ten percent greater than the previous use as determined by the most recent version of the ITE (International Traffic Engineers) manual;
- F. The use meets all other ordinance criteria, such as but not limited to, screening and parking requirements.

Section 4.7 Other Non-conforming Standards

- A. The existence of a nonconforming condition on a lot, parcel or tract of land shall not prevent the construction of additional buildings or structures on said parcel, lot or tract so long as said building or structure itself meets the requirements of this ordinance.
- B. Nonconforming conditions such as absent or substandard buffering, parking space, landscaping, or loading space, existing at the enactment of this Ordinance on premises used for a conforming use may be continued so long as they are not enlarged or otherwise made less conforming. The construction or erection of structures or buildings shall be considered an enlargement or extension of such conditions.

* * * * *

Commissioner Johnson asked if the amendments needed to be considered separately or as one package.

Warren said this was up to the board.

Chairman Norman adjourned the hearing.

MOTION by Commissioner Johnson to approve the first two amendments as follows:

- Recommended approval of Article VIII, Table of Special and Permitted Uses and Article X, Off Street Parking & Loading with the addition of “or a maximum of 15 spaces” to the parking requirements for mini-warehouse uses in Section 10.0 (C).
- Recommended approval of Article XI, Signs with a change to Section 11.22 (D) which limits the number of required estimates to two (2).

Commissioner Johnson **continued with his motion** by **denying** the following recommendation:

- Recommended approval of Article IV, Nonconforming Situations with a change in Section 4.4 (B,3) that charges the Board of Adjustment with approving expansions of nonconforming uses. (Commissioner Johnson said this had previously been rejected by the board of commissioners.)

All other amendments pertaining to Nonconforming Situations (Article IV) were approved as presented.

VOTING: Ayes – 5; Nays – 0.

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

MOTION by Vice Chairman Tice to approve the following three consent agenda items.

VOTING: Ayes – 5; Nays – 0.

(All items were explained during the briefing session.)

1. Request for Approval of an Interlocal Agreement between Iredell County and the Town of Mooresville for the Development Financing District: Deputy County Manager Susan Blumenstein said the Town of Mooresville was authorized to create a downtown corridor development financing district for the Mooresville Mills public improvements (private development project). She said the agreement was necessary for the town and county to pledge the ad valorem taxes received on the incremental property valuations (resulting from new development) and for these taxes to be directed towards repayment of the Town’s debt. Blumenstein said it was anticipated the Local Government Commission would review/approve the Town bonds in February of 2007.

2. Request for the Appointment of a Voting Delegate for the Legislative Goals Conference Sponsored by the North Carolina Association of County Commissioners on January 11-12, 2007 in Pinehurst, NC: Chairman Norman will attend the conference and serve as the board’s voting delegate.

3. Request for Approval of the November 14, 2006 Minutes

(Note: There was an announcement of the NACo Legislative Conference to be held March 3-7, 2007 in Washington, D.C., but no action was taken/needed.)

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

Further Consideration of the Draft Soil Erosion and Sedimentation Control Ordinance (Action needed to Approve the Ordinance: (1) Adoption of the Ordinance & (2) Approval to Submit a Letter of Petition to the NC Sedimentation Control Commission to Delegate Authority to Iredell County to Implement the Sedimentation Pollution Control Act and to Implement the Ordinance with State Requirements): Erosion Control Administrator Selquist again reviewed the draft ordinance and specifically addressed the following items:

1. Performance Bond: A performance bond was reviewed, but it was determined this would not be a reasonable alternative. (It would require an estimate of potential damage as a result of a particular project and this could be problematic. Secondly, based on the estimate, a qualified person (engineering background) would need to be found willing to place his name/seal on the determined cost (estimate). Measures are in the ordinance for the issuance of stop orders.
2. Removal of control measures prior to a ground cover being established: (Specifically a project being built and then sold.) Additional language was inserted (Section 202 D) under ground cover to remedy this problem.
3. Appeals Process: A measure was inserted into the ordinance that would require the Board of Adjustment to hear appeals.

Commissioner Johnson referred to Article II C (1) “Exclusions from Regulated Land-Disturbing Activity” that reads as follows:

“An activity, including breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man, including, but limited to”

Mr. Johnson requested an amendment to the sentence as follows: *“An activity, including breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man for personal consumption or to be sold commercially, including, but limited to”* He said this would remedy the problem for people wanting to have a garden.

In addition, Commissioner Johnson said that if citizens were caught between the board and the state officials, then telephone calls would be made to Mr. Selquist, and he would be charged with resolving the problem with the state and not the property owner.

Selquist said the intent of the ordinance would be to make sure everything ran smoothly.

Commissioner Williams asked what liability would occur if a builder or person built something while abiding by the staff’s recommendations, especially if a 50-year rain occurred. He asked if the county would be liable.

Attorney Pope said there was hesitancy to say no, but to some extent the answer was fact driven. He said anytime the board chose “activity” an increased risk or litigation exposure occurred. Pope said, however, he didn’t see it as a significant risk. He said the county was insured, but the insurance coverage shouldn’t be used unnecessarily. Pope said the risk wasn’t significant enough to deter him from action.

Commissioner Williams mentioned the Harmony School water runoff. He said the school officials didn’t feel they were liable but yet nearby residents were experiencing runoff. Williams said the school plan didn’t work even though it was what the state had presented. He said the state wasn’t accepting liability and neither was the school system.

Pope said the county wouldn’t be preparing the plans -- the county would be reviewing them for compliancy.

Selquist said this was correct, as far as compliance and sufficiency.

Williams asked if the county was accepting responsibility by approving the plans.

Pope said county approval wasn't intended, nor should it be construed as assurance of no runoff or contamination.

Robertson asked if a plumber made an error, and then the county inspector signed off on the work, was the county responsible?

Pope said there were some circumstances where this was the case.

Selquist said the ordinance was based on the state ordinance and it was performance based -- builders could put control measures in place and these should be sufficient. He said it was written in the state document that should they not be sufficient, then it could be required for them to be upgraded.

Johnson asked when the ordinance would go into effect.

Selquist said that once adopted, the ordinance would be sent to the state and the process would take about three months, plus another month for state review making it sometime in April.

Chairman Norman asked Attorney Pope if additional review was needed.

Pope said he could study the ordinance more; however, he didn't feel his answer would change (some risk but not appreciable).

MOTION by Commissioner Robertson to adopt the ordinance with the revision mentioned by Commissioner Johnson (Article II C {1}).

Commissioner Williams said he understood the ordinance was primarily created for the areas around the lake, but he hoped that twenty years from now the board would not be criticized for the action.

Commissioner Johnson said his biggest concern was that the state would eventually dissolve itself of any regulation in the matter.

Commissioner Tice said she understood the performance bond requirement had been deleted from the ordinance.

Selquist said this was correct.

Commissioner Johnson said he would accept Commissioner Robertson's motion if he would also add that adoption was contingent upon further review by Attorney Pope regarding any unreasonable exposure or liability.

Commissioner Robertson accepted Commissioner Johnson's amendment.

VOTING: Ayes – 5; Nays – 0.

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

- Board of Equalization and Review (6 announcements)
- Future Forward Economic Alliance Board (1 announcement)
- Adult Care Home Community Advisory Committee (1 announcement)
- Nursing Home Advisory Committee (2 announcements)

APPOINTMENTS TO BOARDS & COMMISSIONS

Pandemic Preparedness Coordinating Committee (25 or more appointments):

MOTION by Commissioner Robertson to approve the committee appointments as follows:

Iredell County Pandemic Preparedness Coordinating Committee	
Appointee's Name	Area of Representation
<u>Ken Robertson</u>	Iredell County Commissioner
Mike Spath Mac Herring Patricia Clanton Torie Barker (no submittal at this time) (no submittal at this time)	A representative from each municipality's governing board Troutman Mooresville Harmony Love Valley Statesville Davidson
<u>Tracy Jackson</u>	County Administration Representative
<u>Donna Campbell</u> <u>Scott Lenhart</u>	Health Department Director Health Department Emergency Planner
<u>David Martin or designee</u> P.O. Box 788 Statesville, NC 28687 704 878-3047	Iredell County Emergency Management Coordinator or his designee
<u>David Cloer or designee</u>	Iredell County Emergency Medical Services Director or his designee
<u>Don Wall or designee Donna Rufty</u> DSS	Iredell County Department of Social Services Director or his designee
<u>Debra McClure</u> American Red Cross	A representative from the American Red Cross Local Chapter
<u>Darrin Payne</u> Interim Troutman Police Chief	A representative from a law enforcement agency
<u>Sylvia Chapman</u> (nurse epidemiologist) <u>Shannon Clark</u> (R.N./occupational) Piedmont Healthcare <u>Gail Beatty</u> Lake Norman Regional <u>Larry Marlin</u> First Rx Pharmacy	A representative from each healthcare provider group (hospital, Urgent Cares, home health care, and pharmacies). <i>Iredell Memorial Hospital</i> <i>Piedmont Urgent Care</i> <i>Home Health Care</i> <i>Pharmacy</i>
<u>Anita Christian</u> Autumn Care	A representative from a nursing home, assisted living or other type facility
<u>Mr. Ron Hargrave</u> (Dir. of Student Services) <u>Karen Kerley</u> (R.N) <u>Dawn Creason</u> (Public Information Officer) <u>Selene Beaty, R.N.</u>	A representative from a public and private educational entity. <i>Iredell-Statesville Schools</i> <i>Mooresville Graded Schools</i>

<u>Pastor Walter Wagner</u>	<i>Southview Christian School</i>
<u>Karen Shore</u> Mooresville-South Iredell Chamber	A representative from each Chamber of Commerce in the county <i>Mooresville Chamber</i>
<u>David Bradley</u> Statesville Chamber	<i>Statesville Chamber</i>
(no submittal at this time)	<i>Lake Norman (contacted Bill Russell)</i>
<u>Captain David Chapman</u> Salvation Army	A representative from a faith-based organization, association or district.
<u>Kim Camp</u> Director of Human Resources Kewaunee Scientific	A representative from a business with 300 or more employees.
<u>Linda Post, RN</u> Kewaunee Scientific	
<u>Donna Swicegood</u>	A representative from a media outlet in the county.
<u>Nettie Johnson</u>	Iredell County Information Systems (website)

VOTING: Ayes – 5; Nays – 0.

Crossroads Behavioral Healthcare (3 appointments): Commissioner Williams nominated Dr. Neil Kassman, Clyde Thomas and Dinah Daniels.

MOTION by Chairman Norman to close the nominations and appoint Kassman, Thomas, and Daniels by acclamation.

VOTING: Ayes – 5; Nays – 0.

Criminal Justice Partnership Program Committee (6 appointments): Commissioner Tice nominated Ken Robertson, Joel Mashburn, David Crosby, Billie Fay Gill, Susan Stroud and Ed Dearman.

MOTION by Commissioner Norman to close the nominations and appoint Robertson, Mashburn, Crosby, Gill, Stroud, and Dearman by acclamation.

VOTING: Ayes – 5; Nays – 0.

Board of Health (2 appointments): Commissioner Robertson nominated Grady Mills. (Robertson, who serves on the board of health, advised that the remaining appointment needed to be postponed until the next meeting.)

MOTION by Chairman Norman to (1) close the nominations (2) appoint Mills by acclamation and (3) postpone the remaining appoint until the December 19 meeting.

VOTING: Ayes – 5; Nays – 0.

Home & Community Care Block Grant Committee (3 appointments): Commissioner Johnson nominated Joan Elam, Sue Walser, and Sara Haire Tice.

MOTION by Chairman Norman to close the nominations and appoint Elam, Walser, and Tice by acclamation.

VOTING: Ayes – 5; Nays – 0.

Information & Referral Services Board (1 appointment): Commissioner Johnson nominated Norma Rife.

MOTION by Chairman Norman to close the nominations and appoint Rife by acclamation.

VOTING: Ayes – 5; Nays – 0.

Recreation Advisory Board (2 appointments): Commissioner Williams nominated Bill Benfield and David Rothwell.

MOTION by Chairman Norman to close the nominations and appoint Benfield and Rothwell by acclamation.

VOTING: Ayes – 5; Nays – 0.

Zoning Board of Adjustment (2 appointments): Commissioner Tice nominated Steve Shoe and Michael Johnson.

MOTION by Chairman Norman to close the nominations and appoint Shoe and Johnson by acclamation.

VOTING: Ayes – 5; Nays – 0.

Adult Care Home Community Advisory Committee (5 appointments): No nominations were submitted, and Commissioner Johnson made a **MOTION** to postpone the appointments until the December 19 meeting.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Committee (1 appointment): No nominations were submitted, and Commissioner Williams made a **MOTION** to postpone the appointments until the December 19 meeting.

VOTING: Ayes – 5; Nays – 0.

NEW BUSINESS

State Letter Advising of a Possible New District 22 Public Defender Office: Commissioner Robertson referenced a letter from the state that indicated a new public defender office might be created for District 22 (Alexander, Davidson, Davie, and Iredell Counties). Robertson said the letter mentioned a satellite office for Iredell County, with a main facility in Davidson County, and the General Assembly might be requested to create the offices. He said if the offices were approved, the counties, as required by the state law, would have to absorb the additional costs. Mr. Robertson said the letter indicated that, overall, the government would save money because (1) it would be cheaper to hire public defenders (paid by the state) and (2) the counties would provide the facilities, with these costs being less than contracting out for the legal services. He said a portion of the letter read, “However, the annual savings to the State would be substantially higher than the annual cost to the counties.” Robertson said overall it might be a “good deal” for the taxpayer, but it would be worse for the county. He said there might be efficiencies gained, but the state was only passing the expenses to the counties. Robertson said another part of the letter that concerned him read, “In addition, our experience has shown that because public defender offices have the institutional infrastructure to work with the courts and jails to implement system efficiencies, they typically save counties money by reducing the jail population and county jail costs.” Robertson said that if having a public defender office put more offenders out on the streets instead of in the jails, then he would take the inefficiencies. Mr. Robertson said he would rather have the people incarcerated than having them out on the streets harming the public.

State Department of Transportation Board of Directors: Commissioner Tice mentioned that Judge Collier was recently reappointed by Governor Easley to represent DOT District 12. Tice said having an Iredell County resident on the state board was beneficial to the county.

Winter Planning Session/Statesville Airport: Commissioner Johnson requested that at the February planning session, the City of Statesville staff be allowed to present a report on airport activities and potential opportunities. Johnson said in the past, he had stipulated that airport financial requests would go before the county only if they generated a positive cash flow or paid for themselves. He said thirty minutes to an hour would be appropriate for a business plan to be presented.

COUNTY MANAGER'S REPORT: Mr. Mashburn reminded the board members about the Annual Christmas Luncheon to be held Thursday, December 14, 2006 from 11:30 am., - 1:30 p.m., at the Statesville Civic Center. In addition, Mashburn said the January 10, 2007, Centralina COG Board meeting would be hosted by Iredell County, along with Mooresville, Statesville and Troutman, and all commissioners were invited. (Meeting will be at the Charles Mack Citizens Center in Mooresville, NC.)

ADJOURNMENT: There being no further business, Commissioner Johnson made a MOTION to adjourn the meeting at 10:30 p.m. (NEXT MEETING: Tuesday, December 19, 2006 at 5 and 7 pm in the Iredell County Government Center, 200 South Center Street, Statesville, NC.)

VOTING: Ayes – 5; Nays – 0.

Approval: _____

Clerk to the Board