

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
DECEMBER 8, 2009**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, December 8, 2009, at 7:00 P.M., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Board Members Present

Chairman Godfrey Williams
Vice Chairman Marvin Norman
Steve Johnson
Scott Keadle
Ken Robertson

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Finance Director Susan Blumenstein, Health Director Donna Campbell, Transportation Director Ben Garrison, Planning Director Ron Smith, Recreation Director Robert Woody, Purchasing Agent Dean Lail, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Williams

INVOCATION by Commissioner Robertson

PLEDGE OF ALLEGIANCE

ADJUSTMENTS OF THE AGENDA: MOTION by Commissioner Johnson to approve the following agenda adjustments:

Delete: • Request for Permission to Create and Distribute a Request for Proposals Concerning a Centralized Addressing Solution (This will be discussed at the January 5, 2010 meeting.)

Add: • Request for Approval of Budget Amendment #34 to Recognize Lottery Proceeds and to Appropriate to the Iredell-Statesville Schools for the Career Tech Center (\$800,921), the North Iredell High School Cafeteria Roof Project (\$49,980), and to the Woodland Heights Water/Sewer Project (\$151,099)

• Request to Approve \$82,739 from Funds Currently Appropriated for Airport Improvements as Matching Funds for Grants Awarded to the City of Statesville

• Request to Accept/Approve the 2009/2010 NC OneMap Framework Ortho Imagery Collection Proposal & Authorize the County Manager to Sign the Proposal

• Closed Session Pursuant to G.S. 143-318.11(a) (6)- Personnel

VOTING: Ayes – 5; Nays – 0.

PUBLIC HEARINGS

Rezoning Case 0911-1; Request from Applicant Leroy Templeton for Owners Malcolm J. Thompson, Lowell E. Harmon, and Melissa Alejandro for a Rezoning from Single Family Residential Zoning District to Neighborhood Business Zoning District: Planning Director Ron Smith summarized the staff report for this case as follows:

EXPLANATION OF THE REQUEST

This is a request to rezone 1.6 acres Turnersburg Hwy across from Strawberry Lane from R-20, Single Family Residential Zoning District to NB, Neighborhood Business Zoning District.

OWNER/APPLICANT

Owners: Malcolm J. Thompson Lowell E. Harmon Melissa Alejandro
1072 Tomlin Mill Road 747 Turnersburg 737 Turnersburg Hwy
Statesville, NC 28625 Statesville, NC 28625 Statesville, NC 28625

Applicant: LeRoy Templeton
134 Homestead Road
Harmony, NC 28634

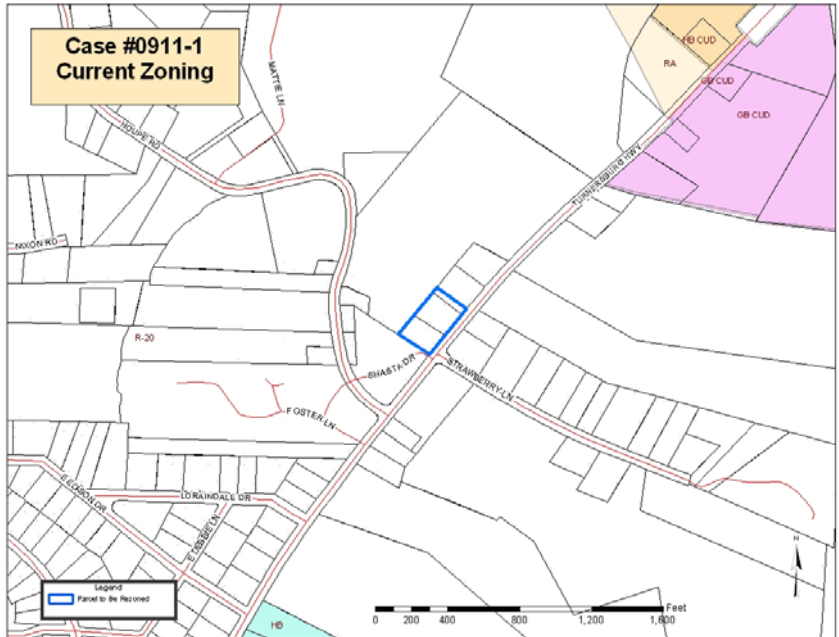
PROPERTY INFORMATION

LOCATION: On Turnersburg Hwy across from Strawberry Lane; more specifically identified as PIN #s 4746-66-4587, 4746-66-5688, and part 4746-66-6893.

DIRECTIONS: North on Turnersburg Hwy. Site is past Houpe Road across from Strawberry Lane

SURROUNDING LAND USE: Commercial, Residential and farming uses surround the property.

SIZE: 1.6 acres are being requested for rezoning.



EXISTING LAND USE: The area to be rezoned is currently vacant. A house was recently demolished, and the site cleaned up on the southern portion of the property.

ZONING HISTORY: This property and the surrounding area were zoned R-20 in 1990 with countywide zoning.

OTHER JURISDICTIONAL INFORMATION: The property in question is within Statesville’s short term urban service area. The Statesville Planning Department made the following comments:

- 1. “Recommended rezoning should be conditional to exclude some of the other uses in the NB District.
- 2. Right-of-way dedication
- 3. NCDOT to make sure they would not have to install a left turn lane or other improvement on US 21.

Finally with the property being located in the USA area, we would look for standards such as parking lot trees, sidewalk, street trees and elevation requirements.”

OTHER SITE CHARACTERISTICS: This property is not located in a drinking water supply watershed.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: In 2008, the average number of vehicles per day on Turnersburg Hwy .5 miles north of the site was 10,000, with a capacity of 28,000 vehicles per day.

SCHOOLS: Because this is a commercial rezoning, there should be no implications on local schools.

FIRE MARSHAL: This proposal has been reviewed by the Iredell County Fire Marshal's Office. The Fire Marshal's Office has no issues with the proposal.

EMS: This proposal has been reviewed by the EMS Director and he had no problems or comments with regards to the request.

REQUIRED REVIEWS BY OTHER AGENCIES

LOCAL: The applicant will have to provide a site plan to the Planning Department for review to develop the property. Zoning requirements such as parking and screening will be reviewed at such time. An erosion and sedimentation plan will be required and reviewed before any new construction begins if over an acre of land is disturbed.

STATE: Other than building code and food and septic standards through the Health Department, and NC DOT for the driveway locations, there should be no formal state agency review at this time.

FEDERAL: None at this time.

STAFF AND BOARD COMMENTS

STAFF COMMENTS: The current Ordinances in place will take care of most of the comments made by the City of Statesville excluding right-of-way dedication, sidewalk requirements, street trees and elevation requirements. A driveway permit will be required to be issued by NCDOT in which any improvements to Turnersburg Hwy will be addressed. Parking lot trees and screening will be required based on our Zoning Ordinance.

Planning staff is recommending approval of the request for the following reason: the 2030 Horizon Plan shows this area to be transitional commercial which is suitable for the neighborhood business zoning classification requested.

SITE REVIEW COMMITTEE: Alan Williams and Harry Tsumas visited this site with the staff on October 13, 2009.

PLANNING BOARD ACTION: On November 4, 2009, the Planning Board voted 9-0 to recommend in favor of this zoning map amendment and to advise that it is consistent with the Iredell County 2030 Horizon Plan.

-----End of Staff Report -----

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

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

MOTION by Commissioner Robertson to approve the zoning map amendment and to make a finding that approval was consistent with the adopted 2030 Horizon Plan and that said approval was reasonable and in the public interest due to its consistency with the 2030 Horizon Plan; as a result, said approval furthers the goals and objectives of the 2030 Horizon Plan.

VOTING: Ayes – 5; Nays – 0.

Consideration/Approval of the Proposed Exit 42 Roadway Protection Overlay (RPO) District: Planning Director Smith said the Exit 42 RPO was a 300 foot wide overlay extending the length of Highway 21 from Westmoreland Road to Troutman's planning jurisdiction. He said the overlay would help in preventing traffic congestion/accidents, and it would improve the appearance of the corridor by limiting lot sizes, the number of driveways, sizes and types of signs, and outdoor storage. Mr. Smith said the Town of Troutman had requested the RPO. He said this would be a first step for an Urban Service Area (USA) that was detailed in the 2030 plan. Smith then reviewed the RPO amendment as follows:

Section 6.18.3 Exit 42 Roadway Protection Overlay District (RPO)

For the purposes of this section the term “Highway 21” also means “Charlotte Highway” and the section of Highway 21 named “South Main Street”.

A. Application.

The requirements of this Section apply to all uses in the RPO District except one and two-family residences, including newly established uses and changes in use that require site plan approvals.

B. Front Yard Setback.

Where applicable, the front yard setback is to be measured from any future right-of-way as designated in the Iredell County CTP (Comprehensive Transportation Plan) or Troutman CTP.

C. Minimum Lot Width.

The minimum lot width for all lots created after the effective date of the RPO District shall be one hundred and fifty (150) feet.

D. Parking.

Sixty (60) percent of all parking spaces must be located in the rear and/or side yard.

E. Outside Storage of Materials.

All outside storage of materials within 200 feet of the roadway shall be prohibited. This shall include the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale. This shall not preclude any situation where the primary use of the property includes the outside display of goods for sale such as automobiles, boats, mobile homes, etc. Outside storage located beyond 200 feet, yet still visible from the highway must be screened according to the specifications in Section 12.1.

F. Ingress and Egress Points (Driveway Access).

1. No two points of ingress and egress on Highway 21 (as measured at their closest distance) shall be closer than three-hundred (300) feet apart, unless driveways cannot be shared and doing so would prohibit ingress/egress to a lot.
2. No more than two (2) separate points of ingress and egress per lot or within a planned multi-tenant development shall be allowed per road front, except for a use located on a lot containing five (5) or more acres (Figure 1).
3. Notwithstanding #1 above, if any subdivision of land occurs after the effective date of this Ordinance (December 1, 2009), a formula of one (1) point of ingress and egress per every 300 feet of road frontage of the original parcel will be used, regardless of how many lots are created (Figure 2).

Figure 1:

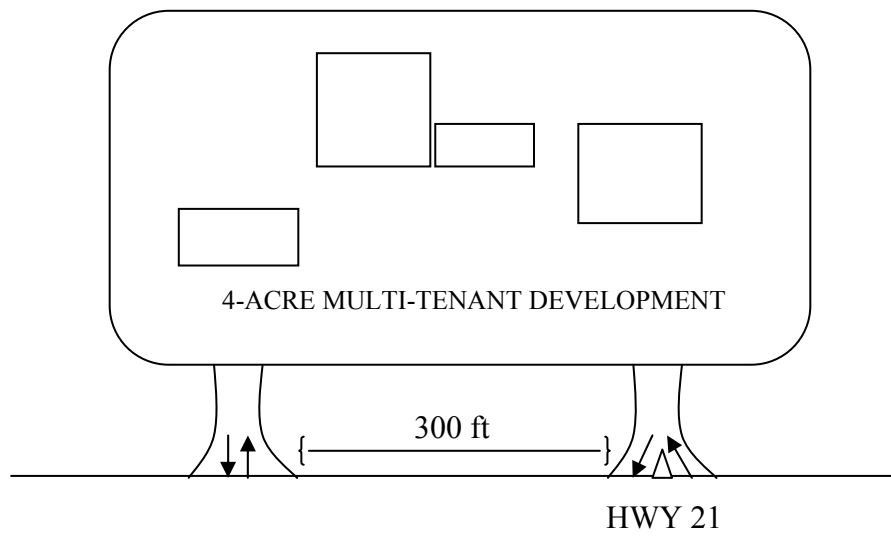
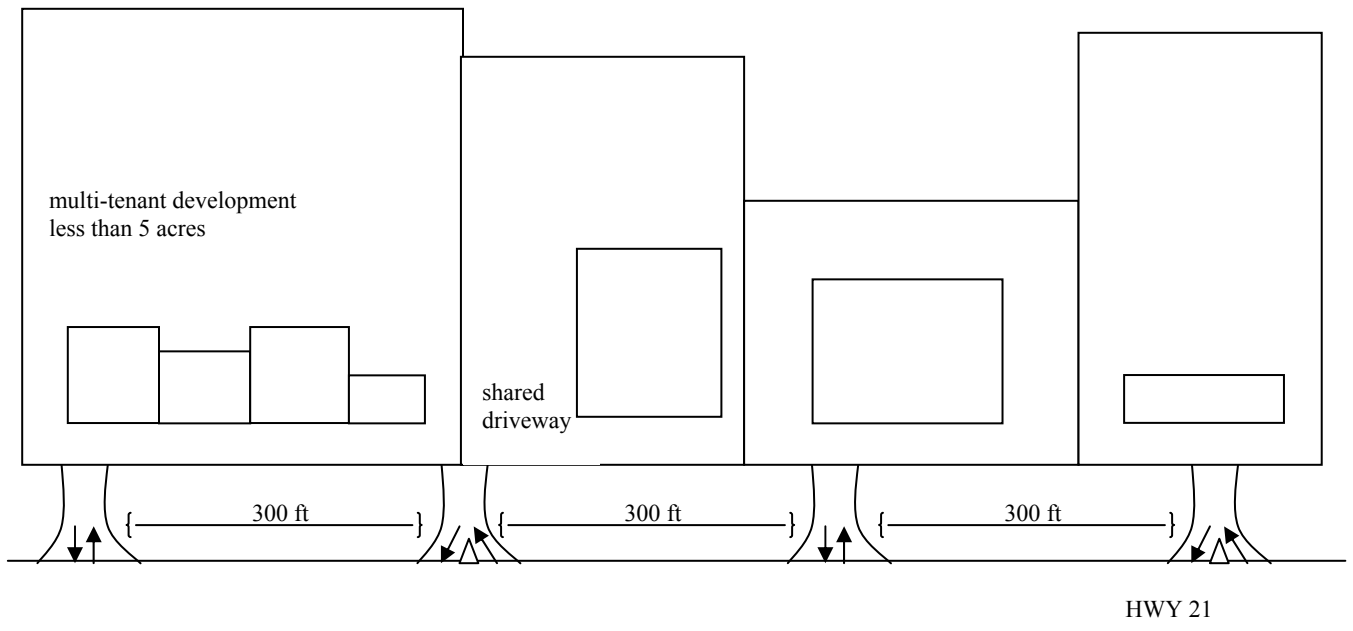


Figure 2:



4. The creation of off-set driveways and/or intersections is not permitted, unless no practical alternative exists. Except where ingress and egress would be denied, no portion of a new driveway shall be located closer than three-hundred (300) feet to the centerline of the intersection of the road upon which the use fronts and an intersecting road.
5. If a property has frontage on both Highway 21 and a public road of lesser classification (i.e. minor arterial, collector, etc. – as defined in the Iredell County CTP), the driveway must be located on the road of lesser classification unless geographically impossible. Furthermore, the driveway must be located at least 150 feet from the centerline of the intersection of the road of lesser classification and Highway 21.
6. Any driveway serving as a point of ingress and egress shall have a width not to exceed thirty-six (36) feet unless otherwise required by NCDOT.

G. Interconnectivity.

1. Applicants for zoning approval must connect to adjacent commercially-zoned property by creating a stub-out at the common property boundary, unless determined to be unnecessary or geographically impossible by the Planning Staff.
2. Once established, connections between adjacent commercially-zoned properties may not be blocked.

H. Signs.

1. One free-standing identification sign per lot (or multi-tenant development) shall be allowed. The maximum height of a free-standing sign shall be ten (10) feet. The maximum area of all free-standing signs shall be sixty-four (64) square feet unless a lower sign height and/or a smaller sign area is required for the underlying zoning district. In such case, the more stringent height and/or size requirements shall apply.

In the event that a parcel has frontage on more than one public road an identification sign shall be permitted for each road frontage. The maximum area for each additional sign shall be fifty (50) square feet. All additional signs shall meet the standards listed above concerning height and underlying district requirements.

Furthermore, wall signage will be allowed and shall not exceed (10) percent of the wall area of the wall facing the street.

2. All free-standing signs must be at least ten (10) feet from the right-of way line.
3. Billboard signs, off-premise advertising signs, temporary signs (except on-premises signs advertising real estate for sale), portable signs, and moveable signs are prohibited.
4. Outdoor Lighting Standards.

Outdoor lighting shall not exceed 6-foot-candles, measured at ground level at any point within the property, and shall be installed in such a manner that the source of light (the bulb) is shielded and not visible from adjacent roadways. All lighting shall be directed inward in such a manner so as not to produce glare onto adjacent property and so that the primary cone of illumination does not extend beyond the property lines.

J. Landscaping.

1. Any fence shall be constructed in a durable fashion of wood posts and/or planks with a minimum diameter or width of three (3) inches and with no greater than twenty-five (25) percent of the fence surface left open between posts and/or planks. Any chain link fencing visible from the street must be vinyl coated and colored dark green or black. All fencing and vegetation shall be kept in a state of good repair.
2. Commercial Parking lots must be screened from the roadway at least ninety (90) percent opaque from the ground to a height of at least four (4) feet. This provision may be omitted if it is accomplished by #1 above. Large shrubs used in any screening or landscaping must be at least two (2) feet tall when planted.
3. The parking lot shall also be landscaped with a minimum of one (1) canopy tree located within 60 feet of every parking space. The measurement shall be taken from the base of the tree. Minimum tree caliper measured six (6) inches above ground on all trees shall be two and a half (2-1/2) inches and the minimum height shall be eight (8) feet. No trees identified as large maturing trees shall be planted within twenty (20) feet of an electrical distribution line. This does not include low-voltage or covered lines of 240 volts or less or telephone or cablevision lines.
4. A landscaped roadway yard shall be provided by each use subject to this requirement. The requirement for a landscaped roadway yard shall be initiated by the occurrence of the same activities as set forth in Section A above. The landscaped area shall be penetrated only by driveways and crosswalks. The minimum width of the roadway yard shall be fifteen (15) feet measured from and parallel to the public road right-of-way. The roadway yard must be measured from the future right-of-way if expressed in the Troutman or Iredell County CTP. It shall be landscaped and maintained with a vegetative cover and shall be planted with small and/or medium shrubs at a rate of ten (10) shrubs per one hundred (100) linear feet of street yard not counting driveway and crosswalk area. The Planning Director may approve a different vegetative landscape type when in his opinion equal or better performance will result. The following is a sample list of recommended trees by common name:

Cherry Laurel,	Carolina Cedar, Deodar	Dogwood, Kousa
Elm, Lacebark	Hemlock, Canadian	Holly, Savannah
Magnolia, Saucer	Maple, Hedge	Maple, Japanese
Oak, Laurel	Oak, Sawtooth	Oak, White
Oak, Willow	Pagoda, Japanese	Pear
Photinia, Frazier's	Pine, Austrian	Poplar, Tulip
Spruce, Norway	Zelkova, Japanese	

5. The following is a sample list of recommended shrubs by common name:

Burford Holly	East Palatka Holly	Eleagnus
Ligustrum	Japanese Black Pine	Juniper
Nelly R. Stevens Holly	Savannah Holly	Tea Olives
Wax Myrtle		

6. If the standards attributed to the landscaped roadway yard will meet the intent of, and provide the necessary screening as listed in J.2, this option may be used in lieu of those requirements.

(Amendments to ARTICLE XIX DEFINITIONS)

A. General Definitions

Comprehensive Transportation Plan (CTP). A document prepared by the Transportation Planning Branch of the North Carolina Department of Transportation (NCDOT). This document recommends future width and design of roadways, based on trip generation and capacity and other transportation engineering principles.

Outside Storage. The storage of materials, equipment, products, vehicles, trailers, and the like not enclosed by walls and a roof.

Stub-out. An extension of a driveway or parking lot that reaches the property line, for the purpose of connecting to an adjacent property's driveway or parking lot in the future. A stub-out is a temporary dead end.

* * * * *

Smith said the "meat" of the amendment pertained to egress and ingress with driveways being 300 feet apart. He said, however, access to a property would not be denied. Smith said the larger issue pertained to bigger tracts, and in reference to Flowerhouse Loop, there would be a 300 ft. separation, with the loop being treated similarly to a driveway. In reference to signs, Smith said there was "middle ground," with larger signs for office/neighborhood uses. He said this was similar to what Troutman required.

Commissioner Robertson asked about road widening, and if this occurred, would the proposed setbacks still be in compliance with Troutman's regulations.

Smith said they would.

Commissioner Johnson said he understood that Highway 21 setbacks varied due to specific locations.

Smith said this was true.

Johnson asked the widest Department of Transportation right of way.

Smith said he thought 120 feet was one of the widest.

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

Howard Bryan, a developer and owner of properties along Exit 42, spoke in opposition to the RPO. He mentioned the following concerns (1) a text change or amendment did not require notice to the property owners and (2) the amendment being discussed didn't apply to a specific property; however, the text would later be applied to properties. Bryan said many of the overlay points were good, and they served a purpose, but there were concerns. He requested a postponement of any action until the Exit 42 property owners could review the amendment. Mr. Bryan said the two interstates were assets for the county, and well designed and maintained billboards were needed to encourage travelers to stop and trade within the county. He said the RPO was "an anti-business move."

Robertson said at some point, the road would be widened. He asked Mr. Bryan the correct way to widen the road since there was opposition to plan.

Bryan said an overlay of 300 ft. might not be necessary. He said Mooresville, in the 1980s, established a highway corridor. Bryan suggested that a corridor be created at a reasonable number, and probably the Department of Transportation would come up with 150 to 200 ft.

Mr. Robertson said people buying property in the area had to believe the road would eventually be four lanes.

Bryan said that if the traffic increased, then it should have four lanes.

Commissioner Johnson mentioned Item F in regards to ingress and egress. He said property owners were given an option to not be 300 feet apart.

Erika Martin, a Town of Troutman planner, said the RPO would help preserve the town's character and reach community goals. She said Troutman limited billboard signage, and that in regards to landscaping, it added value to properties. In regards to limited access, she said it was a goal to keep the traffic flowing; however, access would be given. She said the county planning staff did a good job on the RPO.

Chairman Williams adjourned the public hearing.

MOTION by Commissioner Johnson to direct Mr. Smith to meet with the property owners to address their concerns and for the matter to be tabled until the first meeting in February 2010.

VOTING: Ayes – 5; Nays – 0.

BOY SCOUT RECOGNITION: Commissioner Robertson recognized John Dawson, a scout with Troop 171. Dawson was attending the meeting to achieve his Citizenship in the Community merit badge. Robertson praised Dawson and described him as being a gifted leader.

Consideration/Approval of the NC 3 Corridor Study: Centralina Council of Governments Planner Bill Duston reviewed the NC 3 corridor study and the east-west connector that connected NC 3 with Langtree Road. Duston provided the following information.

- Jurisdictions involved in the study: Kannapolis, Mooresville, Cabarrus and Iredell County.
- NC 3, between Kannapolis and Mooresville, has a distance of 12 miles with an average daily traffic count between 7,500 to 10,000 vehicles, with a projected 2030 count of 30,000 vehicles. The Department of Transportation has no funds to improve NC 3.
- East-west connector between NC 115 and NC has a distance of five miles. The current average daily traffic count is 1,100 to 6,500 vehicles. (No estimates for future projections on traffic.) Jurisdictions governing this area are Mooresville and Iredell County. The Department of Transportation has no funds for the east-west connector.
- CATS 83X bus services the area, and there is a proposed north line bus route.
- Utility “players” along the corridor are Mooresville and Kannapolis as the other governments are not in the utility business.
- The east-west connector will likely follow a portion of Rocky River Road. Areas near I-77 are subject to Mooresville’s Mt. Mourne plan. Expected Kannapolis annexation is to the Wayne Brothers’ site at Odell School Road. Emphasis should be made to retain the rural character of the road. There has not been that much development along the corridor.
- Much of NC 3 south of Rocky River Road is in a WS-II Watershed (1 unit per 2 acres). Mooresville’s zoning is mostly urban/suburban residential (RS-2, 3 and 5). Iredell County zoning is mostly residential agricultural (2 units an acre). Cabarrus County has mostly AO zoning (1 unit per three acres). Kannapolis has mixed commercial/residential zoning at the Odell School Road.
- Recommendations for the East-West Connector.
 - Road Section: Four lane suburban boulevard with median and sidewalks on both sides.
 - Future Land Use: Primarily suburban residential development along corridor
 - Future Land Use: Employment Center near NC 3 at DEI
 - Implementation of Mt. Mourne recommendations near Langtree/NC 115
 - Internal connectivity of new developments
 - Implementation of USA concept between Mooresville and Iredell County
- Recommendations for NC 3
 - North of Rocky River Road: Urban boulevard with median north of Rocky River Road into Mooresville. Keep existing two-lane section near Center Avenue.
 - Rocky River Road to Odell School Road: Four lane rural boulevard with median and multi-purpose path on one side.
 - Odell School Road to (near) Kannapolis Parkway: Maintain existing two-lane section.
 - Access Management: Uniform standards
 - Neighborhood business node: Johnson Dairy Road
 - Viewshed Buffers: South of Rocky River Road
 - Uniform overlay district along corridor

Action Plan Items – Land Use Plan

No action needed. Major objectives of NC 3 Study are contained in the 2030 Horizon Study

Action Plan Items – Ordinance Amendments

Freestanding Signage

Issue: Current Regulations allow signs up to 300 sf in area, 30 feet in height.

Zoning Section: 11.19

Concern: Too high/too large. Johnson Dairy node could have non-residential development.

Action Item: Apply RPO District along NC 3 or new overlay district.

Off-premise real estate signs

Issue: Current regulations prohibit such signs in right of way; otherwise, no limitations

Zoning Section: N/A

Concern: NC 3/east-west connector could be flooded with signs on weekends

Action item: Amend zoning regulations (such signs prohibited in Mooresville)

Access Management

Issue: Regulations do not address number/location of access points in non-subdivisions

Zoning Section: N/A

Concern: For non-residential uses, no guidance

Action Item: Apply RPO District (minimum curb cut separation of 300 feet) or similar language

Action Plan Items – Ordinance Amendments

Viewshed Buffers

Issue: Open space not required in Conventional Subdivisions; 30% mandate in “Cluster subdivisions”

Subdivision Ordinance Section: Article IX, SR2

Concern: Not all subdivisions will be clustered; no provisions as to type or location of open space provided

Action Item: Adopt uniform viewshed buffer standards along NC 3 Corridor

Building Design Standards

Issue: Non-mandated, except in RPO districts

Zoning Section: N/A

Concern: Typical “suburban” look development could occur; most likely at Johnson Dairy Road and near DEI

Action Item: Apply RPO or similar design standards along corridor

Off-Street Parking

Issue: No limitations on the amount of off-street parking in front yard

Zoning Section: N/A

Concern: Typical “suburban” look development could occur; most likely at Johnson Dairy Road and near DEI

Action Item: Apply RPO or similar design standards along corridor.

Sidewalks/Multi-purpose path

Issue: Sidewalks called for one east west connector; path on NC 3 South of Rocky River Road

Subdivision Section: 405.7(B)

Concern: Sidewalks/path only required for certain subdivisions; not entirely applicable along NC 3/East west connector

Action Item: Update subdivision and zoning ordinance to state where sidewalks/paths mandated.

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

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

MOTION by Commissioner Robertson to approve the NC 3 Corridor Study.

Commissioner Johnson said careful thought needed to be given about the impact of water and sewer extension. He said Highway 3 was on a “ridgeline” where as the roadway proceeded south, it curved to the east, and this created a basin with a part being more easily

served by Mooresville and the other by Kannapolis. Johnson said that if development occurred in the corridor, the two jurisdictions would have to work on the issue.

VOTING: Ayes – 5; Nays – 0.

Annual Election of the Chairman and Vice Chairman: County Manager Joel Mashburn presided over the meeting while the election of the Chairman occurred.

Commissioner Norman nominated Godfrey Williams for the chairman’s position.

No other nominations were submitted, and Commissioner Johnson made a motion to close the nominations and elect Godfrey Williams by acclamation.

VOTING: Ayes – 5; Nays – 0.

Commissioner Johnson nominated Marvin Norman for the vice chairman’s position.

No other nominations were submitted, and Commissioner Johnson made a motion to close the nominations and elect Marvin Norman by acclamation.

VOTING: Ayes – 5; Nays – 0.

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

MOTION by Commissioner Johnson to approve the following 11 consent agenda items.

VOTING: Ayes – 5; Nays – 0.

1. Request for Approval of a Revision to the Rules of Procedure Pertaining to Agenda Briefings: County Manager Joel Mashburn said that due to not holding briefing sessions during the past few months, the board’s Rules of Procedure needed to be amended. He said the Rules needed to be corrected by deleting the segment pertaining to briefing sessions and to instead provide a provision whereby the chairman, after consultation with the county manager or clerk to the board, could call for an agenda briefing.

2. Request for Approval of the Public Officials’ Bonds: Finance Director Susan Blumenstein said the public official bonds for the Register of Deeds, Tax Collector, Deputy Tax Collector, Finance Officer and Sheriff were required by law to be approved each year. She said the bonds were in order for approval, and \$862 had been budgeted.

3. Request for Adoption of a Community Transportation Improvement Plan Resolution & Approval of Budget Amendment #33 for the Appropriation of Fund Balance in the Transportation Fund to Provide Match Monies for the Community Transportation Improvement Plan: Transportation Director Ben Garrison said a resolution was needed to participate in the funding for a Community Transportation Service Plan. He said a ten percent local match was needed, and the federal and state governments mandated that a plan be completed before funding could be received. He said the Department of Transportation had hired a consultant to complete the plan, and the final document would be submitted to the board for approval.

A copy of the resolution, and the budget amendment are as follows:

**Authorizing Iredell County
To enter into an agreement with the North Carolina Department
Of Transportation**

WHEREAS, Iredell County has requested the North Carolina Department of Transportation to participate in the funding of a Community Transportation Services Plan (CTSP); and

WHEREAS, Iredell County will provide 10% of the cost of the above described project.

MCC – Private Gifts	300,000
Contribution from County General Fund – Reserved for MCC	895,625
Contribution from Mitchell Community College	317,585
	\$ 5,962,895

Section 2. The following costs for school projects shall be paid by this fund:

Professional Fees – Architect, Management, Printing	\$ 425,920
Closing Costs	21,600
Other Fiscal Costs	53,240
General Construction	4,250,700
Contingency	659,720
Furniture, Fixtures & Equipment	551,715
	\$ 5,962,895

Section 3. This Capital Project Fund shall continue until the projects are complete.

Section 4. Transfers between line items shall only be made upon formal action by the Mitchell Community College Board of Trustees and such action shall be reported to the Iredell County Board of Commissioners at its next regularly scheduled meeting.

Section 5. Payments from this Capital Project Fund shall be authorized by the County Manager or his designee.

5. Request for Approval of an Amended Mooresville Graded School District Capital Project Ordinance for School Construction Projects: Finance Director Susan Blumenstein said the 2006 Project Ordinance for Mooresville School Construction could now be closed with costs being lower than originally anticipated. She said Mooresville had provided an upfront payment of \$1,542,418.00, and \$957,658 could be returned to the school unit.

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

Section 1. Funds for this Capital Project Fund will be provided from the following sources:	Amended Ordinance	MGSDReq Dec-09	Amended Ordinance
GO Bond Proceeds (Includes Premium)	\$ 8,294,582	-	8,294,582
COPS Proceeds	8,200,000	-	8,200,000
Interest on 20006 GO Bonds	650,315	-	650,315
Interest on 2006 COPs	258,446	13,140	271,586
Contribution – Mooresville Graded Schools	1,543,418	-	1,543,418
Sales Taxes Reimbursed	395,515	1,610	397,125
	\$ 19,342,276	14,750	19,357,026

Section 2. The following costs for school projects shall be paid by this fund:

Professional Fees – Architect	\$ 944,359	(293,639)	650,720
Construction Management			
Testing, Permits, and Other Fees	150,000	377	150,377
Closing Costs	64,583	(21,488)	43,095
Reimbursement to MGSD		957,658	957,658
General Construction	16,530,546	(624,484)	15,906,062
Contract	16,272,100		
(1) Unencumbered	258,446	526,688	526,688
Water/Sewer			
Furniture, Fixtures & Equipment	1,126,100	(3,674)	1,122,426
	\$ 19,342,276	\$14,750	

Section 3. This Capital Project Fund shall continue until the projects are complete.

Section 4. Transfers between line items shall only be made upon formal action by the Mooresville Graded Schools Board of Education and such action shall be reported to the Iredell County Board of Commissioners at its next regularly scheduled meeting.

Section 5. Payments from this Capital Project Fund shall be authorized by the County Manager or his designee.

6. Request for Approval of a Budget Amendment for the Use of Medicaid Max Funds to Upgrade the Health Department’s Patient Accounting Software and the Purchase of an Electronic Medical Record System as well as to Award a Bid for the System to Netsmart for Insight Modules and Licenses: Health Director Donna Campbell said 17 years ago, when the health building on Highway 21 opened, the county purchased the current QF computer patient management system. She said QF was no longer offering upgrades, plus the system did not have electronic medical record capabilities. Campbell said that in 2014, the federal government would require health providers to use an electronic system. She said through a grant, the health department had participated in a review of medical records software, and Insight Software was recommended. Campbell said the cost was \$432,765.00, and 100% of this would be paid with Medicaid Max dollars. She said the complete request before the board was as follows: (1) *Approval of a budget amendment for the use of fund balance reserved for Medicaid Max funds to upgrade the patient accounting software along with the purchase of an electronic medical record system (EMRS) and (2) Waiver of bidding subsequent to NCGS 143-129(e)(6)(iii), exception to bidding requirement based on standardization or compatibility, with award of contract to purchase Netsmart Insight EMRS software modules and signature on appropriate project documents.*

Commissioner Robertson asked Campbell to explain Medicaid Max funding.

Campbell said the department had an annual cost analysis by the state, and with these figures, the staff knew how much it cost, above, what was reimbursed for Medicaid costs. She said typically, about 60 cents on the dollar covered the gap between what it cost to serve Medicaid clients and what was actually paid in Medicaid fees. Campbell said the money was placed aside to pay for interpreters, large capital purchases, and major renovations. She said the funds were not guaranteed, and therefore, they were not built into the annual budgets.

REVENUE LINE(S)	DESCRIPTION	EXISTING BUDGET	CHANGE	AMENDED BUDGET
104590 444001 41100	Generic Services Medicaid Max	-\$40,515.00	-\$432,765.00	-\$473,280.00
EXPENSE LINE(S)	DESCRIPTION	EXISTING BUDGET	CHANGE	AMENDED BUDGET
105590 537514 41100	Contracted Services-Software	\$46,400.00	\$54,440.00	\$100,840.00
105590 610150 41100	Dep Assets-Computer	\$21,615.00	\$263,260.00	\$284,875.00
105590 620150 41100	Non Dep Assets-Computer	\$26,900.00	\$20,520.00	\$47,420.00
105590 535000 41100	Department Supplies	\$17,130.00	\$29,430.00	\$46,560.00
105590 535150 41100	Computer Supplies	\$13,277.00	\$56,115.00	\$69,392.00
105590 535500 41100	Telephone	\$14,965.00	\$9,000.00	\$23,965.00

7. Request for Approval to Apply for a Parks and Recreation Trust Fund Grant in the Amount of \$133,426 to be used for the Acquisition/Capital Improvements of the Scotts Community Recreation Center that will be Renamed the “Scotts Rosenwald Park”: Parks and Recreation Director Robert Woody said on November 6, 2009, the county accepted the donation of the Scotts Center. He said at that time, a discussion occurred on applying for a \$133,426.00 PARTF grant. Woody said the funds would improve the buildings and grounds (insulation, update the doors, locks, add a walking trail, basketball courts, horseshoe pits, and new playground equipment). He said the value of the property would be used as the required match, and the county should not have to pay anything to receive the grant funds. Woody said the county’s tax reval department had estimated the site to be worth \$130,000 to \$134,000. He said that if the property value was actually lower, he would propose for the remaining needed match funds to be derived out of the park fund.

8. Request for Approval of a Resolution Pertaining to the “Talon Systems Building Renovations Project” for the North Carolina Rural Center’s Building Reuse and Restoration Grants Program: Economic Developer Mike Smith requested a resolution for the Talon Systems Renovation project. He said the company was considering the county for a new facility, and a resolution was needed for the Rural Center’s Building Restoration Grant. He said there was a cash match of \$5,000 needed, plus \$14,400 was needed for administrative costs, with

the total needed from the county being \$19,400.00. Smith said the company would pay the \$19,400.00; however, if a decision was made to locate in the county.

Commissioner Robertson asked if the resolution needed to be re-worded indicating the company would pay the costs if a decision were made to locate a facility in the county.

County Manager Mashburn said nothing had been submitted in writing from the company. He said the resolution should imply the method on how the match funds would be supplied.

Smith said this had been discussed with the company representatives -- that they would provide the funds.

(The following resolution will be used for this request.)

AUTHORIZING RESOLUTION BY IREDELL COUNTY for the
North Carolina Rural Center
Building Reuse and Restoration Grants Program
“Talon Systems Building Renovations Project”

WHEREAS, the North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects, and

WHEREAS, the County has need for and intends to assist in the renovation of a vacant building in a project described as the “Talon Systems Building Renovations Project”; and

WHEREAS, the County intends to request funding assistance from the Building Reuse and Restoration Grants Program for the project.

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

That the County is in full support of the application and the project, if funding is received, and

That the County will provide for a cash match of \$5,000 for application preparation and at least 3% (\$14,400) of the total grant amount for project administration as a cash investment into the project and that if Talon decides to locate in Iredell County, the company has agreed to pay the cash match and project administration costs.

That the County has substantially complied, or will substantially comply with all state, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

* * * * *

9. Request for Approval of the November 17, 2009 Minutes

10. Request for Approval of Budget Amendment #34: Dr. Kenny Miller, with the Iredell-Statesville Schools, said the system planned to move forward with several projects (Career Tech Center @\$800,921; the North Iredell Cafeteria Roof @ \$49,980; Woodland Heights Water/Sewer Project @ \$151,099), and it was a goal to complete the work in a “pay as you go” method. He said the system needed to recover some funds already spent from \$1,002,000 in lottery funds that were available Raleigh.

BA#34 12/8/2009	To recognize proceeds of Lottery Proceeds and appropriate to Iredell-Statesville Schools for the Career Tech Center (\$800,921) NIHS Cafeteria Roof (\$49,980), Woodland Heights Water/Sewer (\$151,099),			
Account #		Current	Change	Amended
	General Fund			
104700 457101	Lottery Proceeds - ISS	(3,784,615)	(1,002,000)	(4,786,615)
105700 560004	ISS - Lottery Projects	3,552,063	1,002,000	4,554,063

11. Request to Accept/Approve the 2009/2010 NC OneMap Framework Ortho Imagery Collection Proposal & Authorize the County Manager to Sign the Proposal: Geographic Information Systems Director Chris Bridges requested permission to apply for an aerial imagery project (NC OneMap Framework Ortho Imagery). He said once the application was approved, a contract for cost sharing funds would be submitted to the board in approximately one month. He said the current ortho project was on schedule, and it should be completed by the end of this year. Bridges said awarded funding had averaged about \$20,000.00, and the amount was based on the jurisdiction’s size along with how much money was available. He said the original intent of the proposal was to assist 25 North Carolina counties each year, with a goal of all 100 counties being updated in a four–year cycle, but funds had been limited in the past few years. He said that for the 2010 flight season, eligible jurisdictions had to be a part of an urban region, as defined by the National Geospatial Intelligence Agency, and Iredell County qualified. Bridges said requirements of the county would be to supply a copy of the ortho photography on a portable hard drive and to provide access to the imagery through the NC One Map web site.

Commissioner Robertson asked if the work would impact the quality of GIS records that could be viewed on the web site at this time. He said the 2005 photos were done during the fall or winter, and the 2008 photographs, which were “fuzzy,” were done in the summer. Robertson asked if the newer photos would be on the web site.

Bridges said the 2005 photos were with county flown imagery, while the 2008 shots were taken by the state during the month of June. He said the newer imagery (2009) should be better quality.

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

Request for Approval of a Revision to the Economic Development Incentive for Providencia, USA, Inc: County Attorney Pope said an economic development incentive was previously approved for Providencia based on an agreement where the city and county would jointly purchase property in the West Industrial Park, and resale it to Providencia. Pope said the arrangement was based on an assumed \$120 million investment. He said since that time, Providencia’s plans had changed, and the anticipated investment was between \$70 to \$80 million. Pope said the company had now decided to purchase the property, but Providencia was still eligible for an economic development incentive.

Greater Statesville Development Corporation Economic Developer Mike Smith said 56 new jobs would be created by September of 2011 with Providencia paying more than the county’s average wage rate.

Pope said he understood the City of Statesville had approved an incentive for the company based on a minimum investment of \$63 million and a maximum of \$70 million.

Smith said this was correct.

Pope said this would mean that Providencia would have to have at least a \$63 million investment to trigger any incentives, and the county would not pay any incentive in excess of \$70 million. Mr. Pope said he assumed that Providencia was asking for a similar investment (\$63 million up to \$70 million) from the county.

Smith said yes.

Commissioner Keadle said he understood that previously the board committed to assisting Providencia but in a different form. He said the county was basically keeping a commitment; however, it was less.

Attorney Pope said this was a fair summary.

MOTION by Commissioner Norman to accept the proposal (approve the Providencia economic development incentive based on an investment of between \$63 million to \$70 million).

VOTING: Ayes – 5; Nays – 0.

Request from the Economic Developers Regarding American Recovery & Reinvestment Act Projects: Information about the projects are as follows:

Recovery Zone (RZ) Facility Bonds (Public Sector) for Municipal Projects

City of Statesville: Statesville City Manager Rob Hites said stimulus projects had to be “shovel ready,” and bids for a new \$3 million fire station would be reviewed this month. He said 15 new jobs would also be created. He requested \$3 million in RZ bonds.

Town of Troutman: Troutman Finance Director Steve Shealy requested an RZ allotment of \$4,106,000 for acquisition, construction and equipping of water sewer for a business park. He said the facility would increase the county’s tax base and create new jobs.

Town of Mooresville: Mooresville Director of Finance Maia Setzer said the Town had been working with the Local Government Commission on a bond issue with a possible sale date in February of 2010. She said one component of the \$33 million package was a wastewater treatment plant, and the Town had an \$11.8 million state revolving fund loan for the project. She requested \$5,000,000 of RZ bonds that would be used to finance a portion of the acquisition, construction and equipping of the Presbyterian Pump Station. She said Mooresville could use more RZ funds if any were returned to the state.

MOTION by Commissioner Johnson to accept the municipal requests for the Recovery Zone Facility Bonds for the public sector.

VOTING: Ayes – 5; Nays – 0.

Recovery Zone (RZ) Facility Bonds for the Private Sector

Providencia USA, Inc.: Greater-Statesville Economic Development Corporation Executive Director Mike Smith, on behalf of Providencia, requested an allocation of \$9,100,000 in RZ bonds to assist the nonwovens manufacturing company. He said the RZ program would not cost the county anything, and it was a good financing tool.

Cliff Bridges, the Public Relations Spokesperson for The Polymer Group (PGI), said his company was a global manufacturer of nonwovens. He said PGI was a corporate citizen of the county, and the Mooresville facility employed 100+ people. Bridges said PGI had invested \$40 million in the Mooresville facility that manufactured fabrics that were converted into medical and hygiene products. Mr. Bridges said partnerships between businesses and governments were commendable and they were needed to advance manufacturing in North Carolina. He said it was hoped that PGI would be considered for the same type of incentives that were being provided for other companies manufacturing nonwoven fabrics. Bridges said a level playing field was needed, and the company requested open dialogue.

Commissioner Robertson asked Mr. Bridges if PGI had a project that was ready.

Bridges said the company was always looking to “expand our opportunities and there were various things being considered.”

Robertson asked if the company had a project that was ready to go.

Bridges said, “No sir, but a project could ready in the near future.”

Commissioner Keadle asked how near in the future.

Bridges said there were various things being considered, but something might be brought to a conclusion by the end of the year or the next three to four months.

Commissioner Johnson said RZ bond money not used by the counties reverted back to the state. He said Iredell County could apply for the funds, and perhaps an application could be made on PGI’s behalf to the state.

Note: Mr. Bridges signed up to speak during the Public Comment Period.

MOTION by Commissioner Johnson to approve the Recovery Bond allocation of \$9,100,000 for Providencia, USA, Inc.

VOTING: Ayes – 5; Nays – 0.

Atrium at the Lake, Inc.: Mooresville-South Iredell Community Development Executive Director Russ Rogerson said I-77/Exit 31 opened earlier this year, and it was designated as an employment zone for the county. He said the largest development at the site was Atrium at the Lake, and \$9,059,000 was requested in RZ bonds. Rogers said the site would be commercial, with a convention hotel, and the \$800 million Atrium project would employ several thousand people.

Attorney David Parker, a partner in the Atrium at the Lake project, said RZ funds were “use it or lose it” money, and if the county did not allocate the bond allocation before December 15, 2009, Raleigh would make the allocations. Parker said the bonds required no government backing.

Commissioner Keadle asked when Mr. Parker became aware of the bonds.

Parker said he knew about Build America Bonds, but they didn’t apply in the same manner as recovery zone facility bonds. Parker said the RZ bonds were tax exempt bonds, and he learned about them about six weeks ago. He said the RZ bonds were easier for the LGC, as compared to Special Assessment Improvement District (SAID) bonds. Additionally, he said the LGC had never considered Mooresville’s SAID bonds as the Town had never formally submitted a request. He said the LGC would review Atrium’s request for the RZ bonds, and the process would be similar to Industrial Revenue Bonds. Parker said either a private or direct placement could be used with the RZ bonds while this couldn’t be done with SAID bonds. Parker said two institutional buyers were interested in Atrium’s project/bonds.

Commissioner Johnson asked Attorney Bill Pope if due diligence had to occur with Atrium’s request similar to what was needed for SAID bonds.

Attorney Pope said the county would not be the issuer in the RZ bonds. He said no due diligence was required, and the RZ process was similar to industrial revenue bonds. Pope said the federal/state government had expanded the program to allow more uses for industrial revenue bonds. He said the LGC would review Atrium’s RZ bond request.

Parker said the RZ bonds did not have to be credit enhanced if there was a single qualified institutional buyer who would take the entire issue. He said this was made a “huge” difference, and made the bonds more marketable.

Johnson said it appeared that Atrium could go to the LGC with a letter of intent from a financial institution and probably secure approval.

Parker said, “They have to be big. They have to have at least \$100 million at almost any particular time and do an average of \$10 million in investments each. He said this tended to be large insurance companies, large banks, and large pension plans.”

MOTION by Commissioner Norman to approve the Atrium at the Lake request.

VOTING: Ayes – 5; Nays – 0.

Request to Approve \$82,739 from Funds Currently Appropriated for Airport Improvements as Matching Funds for Grants Awarded to the City of Statesville: Finance Director Susan Blumenstein said the City of Statesville had received two additional runway and taxiway rehabilitation grants, plus there was a grant to acquire additional land. She said the county had agreed in the past to provide equal funding for local matches with the city, and \$302,571.00 had been received in grants. Blumenstein said the city had \$137,092 in reserve that had been retained from the runway overlay project, and this left a balance of \$165,479. She said

one half of this amount was \$82,739. Continuing, she said the county had \$164,318 in this year's budget for possible land acquisition, and it was recommended that the \$82,739 be derived from these funds.

Commissioner Johnson said additional land would be needed in the future, but not immediately. He said the match funds would be used for a runway and taxiway that would also strengthen the ramp.

Blumenstein said \$80,000 of the match was matching a \$1,450,000 grant received from the federal government for land acquisition.

MOTION by Commissioner Johnson to approve \$82,739 from funds appropriated for airport improvements as matching funds for grants awarded to the City of Statesville.

VOTING: Ayes – 5; Nays – 0.

APPOINTMENTS TO BOARDS & COMMISSIONS

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

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

VOTING: Ayes – 5; Nays – 0.

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

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

VOTING: Ayes – 5; Nays – 0.

Information & Referral Service (1 appointment): Commissioner Robertson nominated Norma Rife.

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

VOTING: Ayes – 5; Nays – 0.

Home & Community Care Block Grant Committee (2 appointments): Commissioner Robertson nominated Joan Elam and Sue Walser.

MOTION by Chairman Williams to close the nominations and appoint Elam and Walser by acclamation.

VOTING: Ayes – 5; Nays – 0.

Board of Health (2 appointments): **MOTION** by Commissioner Keadle to table the two appointments.

VOTING: Ayes – 5; Nays – 0.

Community Alternatives Program – Disabled Adults (CAP-DA) (6 appointments): Commissioner Keadle nominated Laurie Klum, Jackie Negley, Carolyn Lamb, Leigh Ann Darty, Daphne Rogers, and Robin Norris.

MOTION by Chairman Williams to close the nominations and appoint Klum, Negley, Lamb, Darty, Rogers, and Norris by acclamation.

VOTING: Ayes – 5; Nays – 0.

Criminal Justice Partnership Program Committee (CJPP) (4 appointments):

Commissioner Johnson nominated Joel Mashburn, Susan Stroud, Ed Dearman and Sally Dellinger.

MOTION by Chairman Williams to close the nominations and appoint Mashburn, Stroud, Dearman, and Dellinger by acclamation.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Board (1 appointment): **MOTION** by Commissioner Keadle to table this appointment.

VOTING: Ayes – 5; Nays – 0.

Region F Aging Advisory Committee: Commissioner Keadle nominated Lynda Harmon.

MOTION by Chairman Williams to close the nominations and appoint Harmon by acclamation.

VOTING: Ayes – 5; Nays – 0.

Note: The Region F Aging Advisory Committee appointment had been previously tabled and was on the reminder list.

COUNTY MANAGER’S REPORT: A written activity report was distributed.

CLOSED SESSION: **MOTION** by Chairman Williams at 9:45 p.m., pursuant to G.S. 143-318.11 (a) (3) – Legal, G.S. 143-318.11 (a) (4) – Economic Development, and G.S. 143-318.11 (a) (6) – Personnel, to enter into closed session.

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 10:10 P.M.)

CALL FOR A PUBLIC HEARING REGARDING AN ECONOMIC DEVELOPMENT INCENTIVE: **MOTION** by Commissioner Johnson to call for a public hearing on Tuesday, January 5, 2010 to consider an industrial grant in the total amount of \$31,336 for an undisclosed company considering a new location in Statesville, North Carolina.

VOTING: Ayes – 4; Nays – 1 (Keadle)

ADJOURNMENT: **MOTION** by Commissioner Johnson to adjourn the meeting. (Next Meeting: Tuesday, January 5, 2010 at 7:00 P.M., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.)

VOTING: Ayes – 5; Nays – 0.

Approval: _____

Clerk to the Board