

**IREDELL COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
FEBRUARY 5, 2002**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, February 5, 2002, at 7:00 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

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

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

**CALL TO ORDER** by Chairman Tice.

**INVOCATION** by Commissioner Bowles.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ADJUSTMENTS OF THE AGENDA:** **MOTION** by Chairman Tice to adjust the agenda by:

Additions:

- Request for Approval of Budget Amendment #26 for the Appropriation of Fund Balance (\$40,000) and to Increase the Expenditure Line Item for Hydrants for the Purpose of Reimbursing the West Iredell Water Corporation
- Request for Approval to Negotiate a Contract with Craig Gaulden Davis for the new Iredell County Library Design Work (This is actually a rewording of the initial request.)

Deletions:

- Request for the Release of Frozen Capital Expenditures (\$2,781,800) in the FY 2001-2002 Budget
- Closed Session Regarding Property Acquisition – G.S. 143-318.11(a) (5)

VOTING: Ayes – 5; Nays – 0.

**APPOINTMENT BEFORE THE BOARD**

**UPDATE FROM MR. TONY BURTON, DIRECTOR FOR THE VISIONS STRUCTURED DAY PROGRAM:** Mr. Burton was accompanied to the meeting by Benny Ferguson, the Operations Director for VisionsWork Youth Services. Mr. Burton noted one change that had to be made to the original grant application. He said the program had to hire a teacher instead of a counselor.

Ferguson said the second-year funding of \$158,293 from the Governor's Crime Commission had been approved. He said the Visions Structured Day Program, located at 433 South Meeting Street, Statesville, N.C., currently had 17 students. Ferguson said the staff had worked with students from all of the county's middle and high schools with the exception of Lakeshore Middle, Brawley Middle and West Iredell Middle. Mr. Ferguson said juvenile probation officers were the primary referral source for the program. He referenced a letter, written by the chief juvenile court counselor, that indicated the program was working with students that had been suspended or expelled. The letter advised that the juveniles were benefiting from the program, especially since they were being supervised during the peak hours for delinquency (2 p.m. – 7 p.m.).

Chairman Tice thanked Mr. Burton and Mr. Ferguson for their presentations about the structured day program.

**PUBLIC HEARINGS (7:00 p.m.)**

Chairman Tice declared the meeting to be in a public hearing and requested that all persons desiring to speak in reference to Case No. 0201-1 to come forward and be sworn in.

**REZONING REQUEST; CASE NO. 0201-1: Request from Jeff Cernuto for property to be rezoned from Residential Agricultural to Residential Office Conditional Use District (Location: 817 River Highway/NC 150, Mooresville, NC - PIN# 4637-87-9816):** Planning Supervisor Ron Smith said the owner/applicant Jeff Cernuto was requesting that his one-half acre tract be rezoned to residential office conditional use district. Smith said the existing land use was residential and the surrounding uses were residential, limited commercial, and vacant properties. Smith said the applicant had agreed to the following two conditions.

1. *New development must satisfy the standards of the Roadway Protection Overlay.*
2. *New uses of the property are limited to the primary building and new accessory buildings only. (The intent is to protect the integrity of the "mixed-use" designation in the River Highway Corridor Study.)*

Smith said the traffic on River Highway was over capacity at the current time. He said, however, the proposed uses in the Residential Office District would not be major contributors to the traffic situation. He said there was a building on the site, and the planned use for it was office space. Mr. Smith said there were municipal utilities in the area, and the property would probably be combined with larger tracts in the future. Smith said the planning board on January 2, 2002, unanimously recommended approval of the request.

Mr. Cernuto said he planned to lease the building for office space at the present, but he would be open to working with a contiguous land owner in a joint sale or development.

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

**MOTION** by Commissioner Bowles, after reviewing the findings of fact and determining them to be in order in reference to Case No. 0201-1 (Cernuto), to grant the rezoning request from Residential Agricultural to Residential Office Conditional Use District with the two referenced conditions.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing. (All individuals desiring to speak in reference to Case No. 0201-2 were invited to the dais to be sworn in.)

**REZONING REQUEST; CASE NO. 0201-2: Thomas S. Wilson, Applicant for Riverpark LLC, requests that property be rezoned from Residential Office to Neighborhood Business Conditional Use District (Location: Intersection of River Highway/NC 150 & River Park Road, Mooresville, NC - PIN # 4638-40-1047):** Smith said the owner/applicant was requesting the rezoning of four acres with the following conditions:

- No new direct access off River Highway
- One access off River Park Drive and the apartment building entrance
- Roadway Protection Overlay (RPO) standards
- Land Use Limitations (uses expressly prohibited):
  1. Automobile Washing Facilities (unless an ancillary use to primary facility)
  2. Laundromats
  3. Service Stations (including major repairs)
  4. Taxi Terminals
  5. Apparel sales
  6. Appliance Sales & Service
  7. Retail Bakeries
  8. Carpet Sales & Storage
  9. Catalogue Stores
  10. Department & Variety Stores
  11. Electronic Sales & Service
  12. Fabric or Piece Goods Stores
  13. Floor Covering, Drapery, or Upholstery
  14. Furniture Sales
  15. Gift, Novelty & Souvenir Shops

16. Grocery Store
17. Hardware Store
18. Hobby & Toy Stores
19. Home Furnishings
20. Leather Goods Sales
21. Lighting Goods Sales
22. Miscellaneous Retail Sales
23. Music Stores
24. Newstands
25. Office Supply Stores
26. Optical Goods Sales
27. Paint, Glass and Wallpaper Stores
28. Pet Stores
29. Radio & Television Repairs
30. Record & Tape Stores
31. Retail Sales not classified elsewhere
32. Shopping Centers and Malls
33. Sporting Goods Stores
34. Tobacco Stores
35. Video Tape Rental & Sales
36. Woodworking Shops, Retail

Smith said the existing land use was vacant, and the surrounding land use was vacant residential-office and commercial (highway and general business). He said the property was rezoned in 1996 from Residential Agricultural to Residential Office. Mr. Smith said the property was designated as “transitional” in the River Highway Corridor Study. He said Neighborhood Business, with the stipulated conditions, would meet the study’s designation. Smith said the planning board on January 2, 2002, unanimously recommended approval.

Commissioner Ray asked about the location of the apartments.

Smith said “they more or less were positioned in a crescent around the property.”

Commissioner Bowles asked about landscaping, if the request were granted.

Smith said the developer would be required to do a landscape buffer yard. He said “standard throughout the ordinance was parking landscaping that included trees, as well as a screen and buffer, between the apartments and the use.”

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

**MOTION** by Commissioner Johnson, after reviewing the findings of fact and determining them to be in order, to grant the request of Case No. 0201-2 (Riverpark LLC) and to rezone the property from Residential Office to Neighborhood Business Conditional Use District with the conditions stipulated by the planning supervisor and agreed upon by the applicant.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing. All individuals desiring to speak in reference to the case involving Crescent Resources’ Vesting Rights for 711 lots were invited to the dais to be sworn in.

**PROPOSED VESTING OF DEVELOPMENT RIGHTS FOR THE POINTE ON NORMAN AND OTHER PROPERTY SOUTH OF BEECH TREE ROAD OWNED BY CRESCENT RESOURCES, INC.:** Crescent Resources, Inc., has requested an early vesting of development rights (2-5 years) for a proposed residential subdivision located on several large tracts between Beech Tree Road and Chuckwood Road off Brawley School Road, Mooresville, NC: Smith said Crescent desired the early vesting of development rights (2-5 years for all phases) for 711 residential lots or 828 acres. He said the existing land use was vacant and the surrounding land use was residential. Mr. Smith said that when the project was completed, possibly around 2010, the development could potentially add up to ten automobile trips per day, per household. He estimated that 9,200 additional trips would occur. Mr. Smith said the Brawley School Road presently handled over 19,700 vehicles a day. He said the request probably would not impact the area that much because it would occur over an extended period of time and road improvements

were scheduled before all of the homes were built. He said the Brawley School Road was scheduled to be improved in 2005 (right-of-way acquisition) and 2007 (construction). Smith said that several road improvements at key intersections had already helped to move the traffic. Mr. Smith said he understood the Department of Transportation planned to construct a third lane on Brawley School Road from Williamson Road to Chuckwood Road. Mr. Smith said the zoning ordinance was amended in 1998 to require 30,000 sq. ft. of area, per dwelling unit, for property that utilized Brawley School Road to access Williamson Road. He said Crescent's proposal had an overall density of one unit per 37,784 square feet. In conclusion, Smith said Crescent was requesting permission to develop its project using the current ordinance. He said approval of the vesting rights would give Crescent the authority to plat the lots under the current regulations for a time between two and five years. Smith said that in May of 2001, the planning board recommended denial of the request in a 7-2 vote. He said, however, the planning board reviewed a request composed of 994 acres and 828 lots.

Commissioner Bowles asked the timeline for the Brawley School Road widening (three-lanes) and if the state had funding available.

Smith said he understood that Frank Johnson, a Department of Transportation (DOT) board member, was in support of the project and was trying to "push it through." Smith said he had also talked to a local DOT engineer and was told the state would seek bids on the project this spring.

Chairman Tice said she was understanding the three lanes would extend from Williamson Road all the way to The Pointe.

Commissioner Williams said he recalled that when the planning board heard the case, it was unclear as to whether there would be enough space for a school.

Smith said that last May, Crescent had not made a definite decision on a site to be set aside for a new school.

Mr. Smith said he was recommending approval of the request since Crescent had met all of the technical aspects and standards of the county's ordinance. Smith said he was also more comfortable with the request, now, due to the slated road improvements.

Bowles asked how many more projects, of this magnitude, might be in the future for Brawley School Road.

Smith said probably none. He said there was land left, but it wasn't in large tracts.

Commissioner Johnson asked Smith about the possibility of Crescent selling the property to another developer(s). He asked if Mr. Smith envisioned that other developers would build an upscale development similar to what Crescent was proposing.

Smith said Crescent usually provided amenities that other developers might not include, e.g., curb and gutter. He said he couldn't determine the quality of development that might occur with other developers; however, with the investments that Crescent already had in the area, it was pretty safe to say the company would not undermine its own interests.

Bowles asked about site specific plans.

Smith said he had seen the most site specific plans that could be rendered at this point in time.

Bowles referred to Mr. Johnson's question about the possibility of the tracts being split up and sold off to smaller developers. He asked Smith if he felt this might happen if the request were denied.

Smith said there was a demand for home sites in the Brawley School area. He said the most development in the county was occurring in the Davidson Township. He said this had been happening for the past six or seven years.

Tom Webb, with Crescent Resources, said his company was asking permission to develop the parcels over several years under the same regulations. He said that for a custom-

home community of this type, the construction would take several years. Webb said Crescent had been building homes at the peninsula since 1991 (800 homes). He said lots in The Pointe started selling in 1998, and there were now 160 homes. Webb said the character of the proposed homes would be similar to what was already there. He said Crescent's plan had 135 acres of open space and pocket parks. He said there would be at least one active five-acre community neighborhood facility. Webb said the company didn't anticipate utilizing curb and gutter in the area; however, it would expand the standard road width by five feet to provide bike lanes. He said the development would have a community well system, along with an elevated storage tank. Webb said septic systems would also be used with annual inspections. Mr. Webb said Crescent was not asking to "lock-in" any erosion control requirements at this time.

Robert Bach (Against the Request), said he was a resident of Camp Road (Hager's Cove/Hobbs Creek area). He reminded the commissioners about the decision of the planning board. Bach said the Brawley School Road peninsula was probably the largest cul de sac in the state. He said the residents had two lanes to get in-and-out, and the development would further hamper emergency services. Bach asked where the run off would go. He said he had concerns about his well.

Harvey Carpenter (Against the Request), a resident of Lakeview Shores Loop, said he was concerned about the community well systems. He said he understood that if a well system were installed and the "neighbors" lost their water from the lowering of the water tables, the developer would furnish water for everyone. He questioned what would happen if an act of terrorism occurred at the nuclear power plant.

Carol Stakely (Against the Request), a resident of Lakeview Shores Loop, questioned the notification process for the request. Stakely said she thought the request was asking the commissioners to give up future rights. She mentioned moratoriums, road issues, and environmental laws that might be enacted in the future. Ms. Stakely also talked about the development's effect on the aquifer.

Larry Davis (Against the Request), a resident of Kings Cross Lane, said he didn't receive notification on any of the meetings. Mr. Davis criticized what Crescent referred to as park areas. He said that from what he had seen, the areas were swamp lands. Davis mentioned a past situation involving Crescent and road pavings. He said Crescent had reneged on an obligation to pay a portion of costs regarding the paving of a road.

Tate Starrette (Against the Request), a resident of Grasshopper Circle, said his home was on a very narrow cove. He said 18 lots were proposed for the cove, and the water in the area was not deep enough to sustain the boat traffic. He said there would be pollution problems.

Nancy Fletcher (Against the Request), a resident of Dye Circle, said the traffic on McKendry Road was heavy. She said the property set aside for the new school would not help. Ms. Fletcher said the buses were already full, and the children had to sit four to a seat. She also complained about the trailers that had to be used by the school children.

Tiffany Erwin (Against the Request), questioned why the request didn't go back before the planning board. Erwin said that by her calculations, more than a ten percent change had occurred from the original request. She asked whether or not Crescent had donated property for the school site.

Chairman Tice said Crescent Resources had donated property to the Iredell-Statesville School System.

Erwin said the traffic would increase on the day the first tree was cut for the development. She said the construction vehicles alone would increase the traffic. Erwin said she didn't feel Crescent would sell the property if the vesting rights were denied, because the property was too viable.

Commissioner Williams asked Smith to address the ten percent variance.

Smith said the ten percent was a benchmark percentage. He said it really applied to increasing the request/proposal. Smith said there was no legal requirement to take the request back to the planning board. In addition, he said there was not a time requirement. Mr. Smith

said that in reference to the public notice process, four separate mailings had been sent to 700 residences. He did acknowledge, however, that many letters had been returned.

Commissioner Ray said she understood the Department of Environment and Natural Resources (DENR) handled the sediment runoff issue.

Smith said this was correct. He said his office reviewed subdivision plans. He said that one of the subdivision requirements was that a plan had to be obtained from DENR stipulating the approval of culverts and ditches.

Ray said she understood that DENR established the designs and locations in reference to storm drains or sediment basins.

Smith said this was correct.

No one else spoke and Chairman Tice adjourned the hearing.

**MOTION** by Commissioner Williams, after reviewing the findings of fact and determining them to be order, to approve the five-year vesting for development rights for The Pointe on Norman and other property south of Beech Tree Road owned by Crescent Resources, Inc.

VOTING: Ayes – 5; Nays – 0.

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

**MOTION** by Commissioner Johnson to approve the following eleven (11) consent agenda items.

VOTING: Ayes – 5; Nays – 0.

**1. Request from the City of Statesville for the Approval of a 2001 AIR 21 Grant Project & Expenditure (airfield improvements including security fencing, access roads and navigational aid repair) for the Statesville Municipal Airport (no county funds needed):** During the briefing, Commissioner Johnson said the county, in a 50/50 basis, had been working with the city to provide fencing at the airport. Johnson said the city's planning director had found out that Air 21 grant funds could be used for airfield improvements, including security fencing, access roads and navigational aid repair. Mr. Johnson said the county's share would be reduced by \$28,500.

**2. Request from the Sheriff's Department for Approval of Budget Amendment #24 for Permission to:**

- a. **Transfer Drug Seizure Funds for the Purchase of Canines/ Equipment/Training (\$61,000) and Radios (\$33,332.00)**
- b. **Transfer Commissary Funds for Floors (\$3,934.00) and P2P Grant (\$6,500)**
- c. **Permission to Apply for the Annual Bulletproof Vest Grant**

Chief Deputy Rick Dowdle, mentioned during the briefing session, that the sheriff's department was requesting four more dogs at a cost of \$61,000, including equipment and training. He also requested permission to transfer \$33,332 for the purchase of 63 hand-held radios and \$3,934 for new carpeting.

In addition, Dowdle requested permission to apply for a Police to Police Grant (P2P) in the amount of \$26,000. He said the P2P grant would be for an Internet Band Program, or an interlink with other departments. The grant will need a 25% or \$6,500 match. Dowdle also asked for permission to apply for the annual bulletproof vest grant. He said this grant had a 50/50 match.

**3. Request for the Approval of Budget Amendment #25 for the Transfer of funds from the Reserve-Truck Fund for Cool Springs VFD to Purchase a Pump for a Brush Truck:** The Fire Tax District Board on December 12, 2001, voted to fund Cool Springs VFD \$5,317 for a new brush truck pump. It was stipulated that the funds were to come from the reserve truck fund. It was also mentioned that the request was not in the 2001-02 budget.

**4. Request for the Approval of Budget Amendment #26 in the Amount of \$40,000 for the Appropriation of Fire Tax Fund Balance and to Increase the Expenditure Line Item of 200525-574271 (Water/Fire Hydrants) in the Amount of \$40,000 for the Purpose of Reimbursing the West Iredell Water Corporation for Hydrant Installation:** The county manager, during the briefing session, advised that the hydrant purchases/installations were approved by the board of commissioners in the past, but no funds were appropriated. It was also mentioned that a hydrant policy, to be used by all of the water companies, was being reviewed.

**5. Request for Approval to Negotiate a Contract with Craig Gauden Davis for the Architectural Design Work for the new Iredell County Library:** Craig Gauden Davis is based in Greenville, South Carolina. The principal architect for the library project will be David Moore. The senior architect that will work on the project is Earle Gauden.

**6. Request for Approval of Budget Amendment #27 for the Re-Appropriation and Transferring of funds to the Parks Reserve Fund and the Stumpy Creek Project & Approval of an Amended South-Iredell Park Fund Ordinance:** Information from the finance director explaining these two requests is as follows:

Budget Amendment #27: Recreation revenue received in fiscal year 2000-01 exceeded budget by \$50,462 and Recreation expenditures were under budget by \$25,900. The amendment re-appropriates the total and transfers it to the Stumpy Creek Project Fund and Parks Reserve Fund. According to the advance of funds made from the Parks Reserve Fund, Stumpy Creek is to repay the \$100,000 advance in amounts equal to the annual General Fund transfer. (Finance Director Blumenstein said she was recognizing the \$19,090 transfer to Stumpy Creek and appropriating the same amount for the transfer back to the Parks Reserve Fund.)

Stumpy Creek Project Fund: The Amended Project Ordinance recognizes the total transfers from the General Fund project, to date, plus the transfer received this fiscal year. Additional community contributions of \$20,000 and \$46,820 in additional investment earnings are also being recognized.

Incorrect account numbers were used in prior fiscal years and some transfers and interest were not picked up and added to the budget. At December 31, 2001, \$107,280 was reported as available for construction. The correct amount should be:

Available at 12/31/01	\$107,280
Add: Project Amendment	121,865
Less: Repay to Parks Reserve	<u>(25,340)</u>
	<u>\$203,805</u>

The \$203,805 includes the \$100,000 advance from the Parks Reserve Fund. The advance may be reduced further by unspent construction funds when the project is complete.

The amended South Iredell Park Capital Project Ordinance is as follows:

Iredell County, North Carolina  
Amended South Iredell Park Fund  
Capital Project Ordinance

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

Section 1. The following project will be financed by this fund:

Stumpy Creek Park Project	\$760,730	
Professional Services	75,155	
Transfer to Parks Capital Reserve Fund	<u>25,340</u>	<u>\$19,090 amend + \$6,250 01/02 appro.</u>
	<u>\$861,225</u>	

Section 2. Funds for this Capital Project Fund will be provided from the following sources:

Parks & Recreation Trust Grant	\$250,000	Increases
Community Contributions	135,000	+20,000 annual receipts \$133,124
Memorials	16,530	
Transfers from Parks Capital Reserve Fund	210,626	
Transfers from General Fund	128,045	+35,845 =actual including unspent GF
Investment Earnings	<u>121,024</u>	<u>+66,020</u> =actual since 1996
	<u>\$861,225</u>	<u>=121,865</u>

Section 3. This Capital Project Fund shall continue until the project is complete.

Section 4. Payments from this Capital Project Fund shall be authorized by the County Manager, or his designee.

Section 5. The Parks Capital Reserve Fund is advancing \$100,000 to the Stumpy Creek Project Fund for completion of the project. This advance is to be repaid annually by transfers from the Stumpy Creek Project Fund to the Parks Capital Reserve Fund equal to ¼ of the total transfer from the General Fund.

Section 6. Any funds remaining in the Stumpy Creek Project Fund at completion of the project will be transferred to the Parks Capital Reserve Fund and applied as a reduction to the advance.

This Amended Ordinance being duly adopted this the 5<sup>th</sup> day of February, 2002.

**7. Request for Approval of a Reimbursement Resolution Regarding the Iredell County Government Center-South:** The following resolution was approved.

RESOLUTION OF THE IREDELL COUNTY BOARD OF COMMISSIONERS  
DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS  
OF A FINANCING FOR CERTAIN EXPENDITURES TO BE MADE IN  
CONNECTION WITH THE PURCHASE, RENOVATION, AND/OR EQUIPPING OF  
THE IREDELL COUNTY GOVERNMENT CENTER-SOUTH.

WHEREAS, Iredell County will make expenditures on and after the date hereof with respect to expenses incurred and to be incurred (the "Expenditures") in connection with the purchase of an existing building, renovation, and/or equipping a facility to be known as the Iredell County Government Center-South; and

WHEREAS, the Iredell County Board of Commissioners or the Issuer (the "Board") has determined that the funds advanced from the General Fund, Capital Reserve Fund, and Capital Projects Fund and to be advanced to pay expenditures are, or will be, available for a temporary period and it is necessary to reimburse the Issuer for Expenditures made on and after the date hereof with respect to the Projects from the Proceeds of one or more County financings under Section 160A-20 of the General Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby adopts this declaration of official intent under Treasury Regulation Section 1.103-1 8(c)(2)(i) and declares its intent to reimburse the Issuer with the proceeds of a financing for Expenditures made on and after the date hereof with respect to the Projects.

Section 2. The maximum principal amount of debt expected to be issued for the expenditures of the Projects is Three million four hundred thousand dollars (**\$3,400,000.00**).

Section 3. This resolution shall take effect immediately upon its passage.

\* \* \* \* \*

**8. Request for Approval of the Annual Audit Contract for Fiscal Year Ending June 30, 2002:** Blumenstein recommended the approval of a contract with McLelland, Rutherford & McKenzie, PA, CPAs for (1) the single audit (2) assistance with the implementation of Statement 34 of the Government Accounting Standards Board (GASB 34) and (3) assistance with the Comprehensive Annual Financial Report. She said the CPA firm had given a total contract price of \$35,675, which was less than the budgeted amount.

**9. Request for the Acceptance of the Bids for the Remodeling of the Hall of Justice Annex (former Agricultural Building/Water Street) with the Acceptance of Alternate 1 and Alternate 4 & to Amend the Capital Projects Ordinance:** The approved bids are as follows:

Separate Prime Bids

Streamline LLC	\$377,105 *
Nichols Mechanicals	33,500
William C Reynolds	109,624
Caldwell Electrical	<u>64,629</u>
	\$584,858

\* **Alternate No. 1:** Amount to be deducted from the Base Bid to eliminate the entrance additions (-\$15,700).

**Alternate No. 2:** Amount to be deducted from the base bid to eliminate the counter at work area 105. (This alternate was not used.)

**Alternate No. 3:** Amount to be deducted from the base bid to eliminate the counter and swing gate at vital area 112. (This alternate was not used.)

**Alternate No. 4:** Amount to increase the base bid to repaint all exterior CMU with Benjamin Moore “Off White 105-1A,” (+\$4,800)

\*Streamline’s bid of \$377,105 was reduced by \$15,700 using alternate # 1 and eliminating the entrance additions. Also, the bid amount then (\$361,405) was increased by adding alternate #4 (repainting of exterior) in the amount of \$4,800 to arrive at the \$366,205 (general construction amount used in the project ordinance).

The amended Capital Project Ordinance is now as follows:

Iredell County, North Carolina  
Amended Capital Project Ordinance  
Hall of Justice Annex

*Note: There is no change in the total dollars budgeted. This amendment allocates costs between separate contracts.*

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

Section 1. The following costs of the design, renovation, and furnishing of the Hall of Justice Annex (formerly Iredell Agricultural Center) shall be financed by this fund:

Design & Engineering	42,000
General Construction	366,205
Plumbing	33,500
Mechanical	109,625
Electrical	64,630
Furniture & Equipment	<u>138,440</u>
	<b>\$ <u>754,400</u></b>

Section 2. Funds for this Capital Project Fund will be provided from the following source:

Transfers from Capital Reserve Fund **\$ 754,400**

Section 3. This Capital Project Fund shall continue until the project is complete.

Section 4. Payments from this Capital Project Fund shall be authorized by the County Manager or his designee.

Section 5. Upon completion of the construction project all funds remaining in this Capital Project Fund will be transferred back to the Capital Reserve Fund.

A complete summary, of all bids received, is as follows:

**Separate Prime General Contract**

	<u>Streamline</u>	<u>W.G. Holden</u>	<u>Brooks GC</u>	<u>Wilkie Const.</u>	<u>BH Bryan</u>
Time	145	150	150	180	150
Base Bid	\$ 377,105	\$ 426,588	\$ 479,453	\$ 468,816	\$ 390,070
Alt. 1	- 15,700	- 14,136	- 24,000	- 22,200	- 9,400
Alt. 2	- 2000	- 925	- 1,500	- 925	- 925
Alt. 3	- 1000	- 875	- 1,300	- 875	- 875
Alt. 4	+ 4800	+ 5,220	+ 5,200	+ 4,800	+ 9,987

Note: No bids received from American Construction, Walker Construction, Mullet Construction, and Donald Neal Construction.

**Separate Prime Plumbing Contract**

	<u>Castor Plumbing</u>	<u>Nichols</u>
Time	240	30
Base Bid	\$ 57,777	\$ 33,500

**Separate Prime Mechanical Contract**

	<u>Wm. C Reynolds</u>	<u>Huffman Metal</u>	<u>Triangle</u>
Time	W/GC	Per/GC	Per/GC
Base Bid	\$ 109,624	\$ 111,506	\$ 208,000

**Separate Prime Electrical Contract**

	<u>Lake Electric</u>	<u>Hinson Electric</u>	<u>Caldwell</u>
Time	AS GC	120	AS GC
Base Bid	\$ 80,379	\$ 71,000	\$ 64,629

**Single Prime General**

	<u>Streamline</u>	<u>W.G. Holden</u>	<u>Brooks GC</u>	<u>Donald Neal</u>
Time	145	150	150	180
Base Bid	\$ 610,105	\$ 650,572	\$ 785,453	\$698,000
Alt. 1	- 15,700	- 14,136	- 24,000	- 15,000
Alt. 2	- 2,000	- 925	- 1,500	- 1,200
Alt. 3	- 1,000	- 875	- 1,300	- 1,200
Alt. 4	+ 4,800	+ 5,220	+ 5,200	+ 8,500

Note: No single prime general bids were received from Wilkie Construction, American, BH Bryan, Walker Construction, and Mullet.

\* \* \* \* \*

**10. Request for the Acceptance of an Offer to Purchase County Property (a dwelling) located at 2635 Ebony Circle, Statesville, NC, & Approval of a Resolution Seeking Upset Bids:** The following resolution was approved:

RESOLUTION SEEKING UPSET BIDS FOR THE SALE OF A  
DWELLING LOCATED AT  
2635 EBONY CIRCLE, STATESVILLE, NC

WHEREAS, on March 2, 1999, the Iredell County Board of Commissioners approved the purchase of several tracts of land located in the Ebony Acres Subdivision for the purpose of solid waste landfill expansion; and  
 WHEREAS, lots 12 and 13 have a dwelling situated on them, which with repairs and improvements, could be made into a habitable condition; and  
 WHEREAS, the referenced dwelling is described as being a split level, gable roofed, partial brick and stained board (exterior) structure and as having 2,326 s.f. arranged in three bedrooms, two and one-half baths, kitchen/dining/living room area, and can be located at 2635 Ebony Circle, Statesville, N.C., Tax Pin #4754 51 8007; and  
 WHEREAS, Iredell County finds the dwelling to be surplus to its needs and desires to dispose of the same; and  
 WHEREAS, on January 29, 2002, a **\$2,000 offer** was made by a county resident **to purchase** the dwelling and to remove the structure from the site.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Iredell County Board of Commissioners proposes to accept the \$2,000 offer and hereby instructs the county staff to seek upset bids for the aforementioned dwelling with a stipulation in the required legal notice that all bidders shall be required to move said structure from the premises and assume all associated costs with the relocation. Any person may, within ten (10) days from the publication thereof, increase said bid by offering to do so in writing to the Clerk to the Board at P.O. Box 788, Statesville, NC. As provided by N.C.G.S. 160-269, upset bids must raise the bid which is being considered by at least 10% of the first \$1000 and 5% of the remainder. Accompanying the bid offer there should be a 5% bid deposit. The bid period will remain open for the entire ten days. At the end of the ten days, all qualifying bids will be examined and the highest bid will become the new offer. In case of identical high bids, the bid received first will be selected. All envelopes containing bid offers should be clearly identified as containing an **UPSET BID OFFER**.
2. The successful bidder will have 90 days to **remove** the dwelling from the premises.

The Iredell County Board of Commissioners reserves the right to reject any and all offers.

**11. Request for Approval of the January 8, 2002 Minutes**

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

**Request for the Discussion/Approval of a Motion Regarding Land Acquisition for the Iredell-Statesville School System (I-SSS)& Facility Needs:** (The request for discussion on this item was prompted by the Iredell-Statesville School System's presentation on school needs at the commissioners' planning session held on January 25, 2002. After the presentation, the commissioners decided to formulate a plan to accomplish some of the needs with a certain amount of money [approximately \$30 million]).

Commissioner Johnson said he and Commissioner Williams would meet with Vaughn Sprinkle and David Cash, both members of the Iredell-Statesville Board of Education, to prioritize the needs. Johnson said that later, a monetary amount could be established for the projects.

Commissioner Williams said he had talked to Dr. Julia Williams (I-SSS Acting Supt.) about utilizing value engineering in an effort to add another project or additional improvements with the \$30 million.

Dr. Julia Williams, in attendance at the meeting, thanked the commissioners for allowing the school officials to begin the planning and design steps for the needed facilities. Dr. Williams said the projects were identified about a year ago by the Facilities Task Force to relieve overcrowded and aging facilities. She said value engineering would be used to squeeze as many projects from the funding as was possible. (I-SS Board of Education Member Jim Head was also at the meeting.)

Johnson said the Facilities Task Force had a difference of opinion regarding the Scotts Elementary project. He said some task force members desired to totally eliminate the building while others wanted to maintain part of the structure. Mr. Johnson said further review of the structural needs of Scotts Elementary School would occur.

Commissioner Johnson then made the following motion:

*Based on current estimates, it is projected that approximately \$796,000 in FY 2003 and \$2,300,000 in FY 2004 can be made available to the Iredell Statesville School System for new capital projects; therefore, I **move** that the Iredell County Board of Commissioners issue a letter to the school board stating the commissioners' intent to provide funds over the next two fiscal years, as available, for the accomplishment of the following:*

*Purchase of land for a new western Iredell middle school.*

*Employ architect and engineering consultants to develop the technical plans for:*

- 1. A new western Iredell middle school*
- 2. Replacement and/or expansion of Scotts Elementary*
- 3. Replacement and/or expansion of Harmony Elementary*
- 4. A new southern elementary school.*

*It is further understood that this commitment may need to be modified if funding falls below projections; therefore, it is vitally important that both boards remain in close contact during the planning phase of each project.*

*Should the economy improve and should more money become available, the board of commissioners will do its best to make more funds available.*

Voting: Ayes – 5; Nays – 0.

Note: Johnson said the order in which the four projects were listed was not necessarily the way they had to occur.

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

Troutman Board of Adjustment (ETJ) (2 announcements)

Nursing Home Advisory Board (2 announcements)

#### **APPOINTMENTS TO BOARDS & COMMISSIONS**

Adult Care Home Community Advisory Committee (6 appts.): No nominations were submitted, and Chairman Tice **moved** to postpone the appointments until the February 19 meeting.

VOTING: Ayes – 5; Nays – 0

Board of Health (2 appts.): No nominations were submitted, and Commissioner Bowles moved to postpone the two appointments (nurse/veterinarian) until the February 19 meeting.

VOTING: Ayes – 5; Nays – 0.

Recreation Advisory Committee (1 appt.): No nominations were submitted, and Chairman Tice moved to postpone the appointment until the February 19 meeting.

VOTING: Ayes – 5; Nays – 0.

Industrial Facilities & Pollution Control Financing Authority (1 appt.): Chairman Tice nominated John Massey to fill the expired term of Loren Powell. No further nominations were submitted, and Tice moved to close the nominations and appoint Massey by acclamation.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Committee: Chairman Tice moved to suspend the rules of procedure regarding committee appointments, and appoint La Rue Burleigh to the Nursing Home Advisory Committee.

VOTING: Ayes – 5; Nays – 0.

**COUNTY MANAGER’S REPORT:** County Manager Mashburn mentioned Governor Easley’s press conference today, and the announcement that \$1.2 million of Iredell County’s money would be withheld due to the state’s budget crisis. Mashburn said the Governor also planned to hold three to four percent of the public school system’s funds, withhold local beer and wine tax money, withhold elderly/disabled property tax exemption reimbursements, and to withdraw money from the state’s mental health reserve fund. Mr. Mashburn recommended for the board members to contact the legislators regarding the situation. He said the Governor’s actions would definitely have an impact on this year’s budget as well as the one for FY 2002-03.

**ADJOURNMENT:** At 8:45 p.m., Chairman Tice moved to adjourn the meeting. **NEXT MEETING:** Tuesday, February 19, 2002, 5:00 p.m. and 7:00 p.m., in the Iredell County Government Center, Statesville, NC.

VOTING: Ayes – 5; Nays – 0.

Approved: \_\_\_\_\_

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