

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
FEBRUARY 16, 2010**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, February 16, 2010, at 7:00 P.M., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Board Members Present

Vice Chairman Marvin Norman
Steve Johnson
Scott Keadle

Absent: Chairman Godfrey Williams
Ken Robertson

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Sheriff's Chief Deputy Rick Dowdle, Deputy County Manager Tracy Jackson, Finance Director Susan Blumenstein, Planning & Development Director Ron Smith, and Clerk to the Board Jean Moore.

CALL TO ORDER by Vice Chairman Norman

INVOCATION by Commissioner Johnson

PLEDGE OF ALLEGIANCE

ADJUSTMENTS OF THE AGENDA (none)

APPOINTMENT BEFORE THE BOARD

Presentation from Centralina Council of Governments Ombudsman Cindy Kincaid About the Nursing and Adult Care Home Community Advisory Committees: Joining Kincaid at the meeting were committee members Alan Singerman, Kathy Smith, and Sharon Molleur. Kincaid said there were approximately 250 volunteers in Centralina's nine county region (Region F) and 1,800 statewide. She said the volunteers received 15 hours of initial orientation and in-facility training plus 8 hours of on-going training throughout the year. Continuing, she said the committees were mandated by the General Statutes, and they were legislatively empowered as resident advocates. She said Region F had 15,000 long term care beds with Iredell County having 739 nursing home beds and 774 adult care home beds. Ms. Kincaid reviewed the activities of the committees during the past year and some are listed as follows: a residents rights party along with a Christmas party were held, magazines, coloring books, clothes and personal items were collected/delivered, local church and civic groups were provided with educational programs about the committees, plus the committee members visited the homes numerous times during the year outside of the required inspections.

Kincaid said not having enough committee members was a problem and another one was the reluctance of the adult care and nursing home administrators in implementing the committee's recommendations. She said also, it had been noted that there was an increase in younger individuals suffering from mental illness who were residing in the homes, and this was a concern to the older population.

PUBLIC HEARINGS

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

Consideration of an Economic Development Incentive for an Undisclosed Company (\$43,736 over five years based on a \$3 million investment): Mooresville-South Iredell Economic Developer Russ Rogerson said Triad Racing Technologies, a company based in High Point, NC, was requesting an economic development incentive of \$43,736. Rogerson said the company proposed to (1) lease-to-own a 40,000 sq. ft. facility in Mooresville (2) make a \$3 million equipment investment and (3) create 56 jobs at an average wage of \$33 an hour.

Mark Chambers, Triad's General Manager (engine plant) said the company was a design, development, testing, and manufacturer/supplier of NASCAR related engines. He said 10 to 15 teams were supplied for the NASCAR Truck Nationwide Cup and ARCA Series. Additionally, he said the company provided "body stampings, parts, and pieces." Chambers said the company planned to diversify and expand into other areas.

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

MOTION by Commissioner Johnson to approve the \$43,736 incentive based on the \$3 million investment.

VOTING: Ayes – 2; Nays - 1 (Keadle)

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

Consideration of a Resolution Approving in Principle a Special Purpose Project for Providencia USA, Inc., and the Financing Thereof with Recovery Zone Facility Bonds (RZFB) in the Principal Amount of up to \$9,100,000: Hunton & Williams Bond Attorney Mary Nash Rusher, representing the Iredell County Industrial and Pollution Control Financing Authority, said Providencia USA Inc., was seeking \$9,100,000 in recovery zone facility bonds. She said the proceeds would be loaned to the company for the construction of a 90,000 sq. ft. manufacturing facility. Rusher said that in December of 2009, the county decided on the allocation of \$18,159,000 in RZF bonds that were a part of the stimulus bill, and \$9.1 million was approved for the Providencia project. She said the company had to be on the Local Government Commission calendar by May of this year, and the RZF bonds required the same type of approval as industrial revenue bonds. She said the authority, and the county, did not have any liability in the repayment of the bonds, plus there was no taxing power pledge. Rusher said the county was a conduit to allow the company to borrow at a tax exempt rate. She said a notice of public hearing was published 14 days ago and a resolution approving the bonds "in principle" was required after the public hearing. (In attendance with Ms. Rusher were Greater Statesville Development Corporation Executive Director Mike Smith and Mark Jones with Providencia.)

Attorney Bill Pope said the recovery zone bonds were similar to industrial revenue bonds that had been approved in the past. He said the Industrial Revenue Bond Authority was issuing the bonds and not the county or government. Mr. Pope said the taxing authority of the government and county was not being pledged, and the bonds would be secured by a letter of credit from an A-rated bank.

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

MOTION by Commissioner Keadle to approve the resolution.

VOTING: Ayes – 3; Nays – 0.

*APPROVAL IN PRINCIPLE OF SPECIAL PURPOSE PROJECT
FOR PROVIDENCIA USA, INC. AND THE FINANCING
THEREOF WITH RECOVERY ZONE FACILITY BONDS IN THE
PRINCIPAL AMOUNT OF UP TO \$9,100,000*

WHEREAS, The Iredell County Industrial Facilities and Pollution Control Financing Authority (the "Authority") proposes to assist in the financing under the North Carolina Industrial and Pollution Control Facilities Financing Act, Chapter 159C of the North Carolina General Statutes, as amended (the "Act") of a "special purpose project" by Providencia USA, Inc., a North Carolina corporation (the "Company"), which plans to acquire, construct and equip a 90,000 square foot manufacturing facility to be used for the manufacture of non-woven textiles (the "Project"), to be owned and operated by the Company in Statesville, Iredell County, North Carolina; and

WHEREAS the Act and the Internal Revenue Code of 1986, as amended (the "Code") require that the governing body of a county approve in principle any project to be financed under the Act after a public hearing; and

WHEREAS, the Board of Commissioners previously allocated \$9,100,000 of its recovery zone facility bond allocation to the Project; and

WHEREAS, this Board of Commissioners today has held a public hearing with respect to the advisability of the Project and the issuance of recovery zone facility bonds therefor, as evidenced by the Certificate and Summary of Public Hearing; and

WHEREAS, the Authority intends to issue its Recovery Zone Facility Bonds (Providencia USA, Inc. Project), Series 2010 (the "Bonds") in the principal amount of up to \$9,100,000 which will be issued as variable rate bonds secured by a letter of credit from a bank with a long-term rating of at least "A" or better by a nationally recognized rating agency; and

WHEREAS, Section 147(f) of the Code requires that the Board of Commissioners approve the plan of financing for the bonds; and

WHEREAS, under Section 159C-4 of the Act the issuance of bonds under the Act must be approved by the governing body of the county in which the project to be financed is located.

NOW, THEREFORE, the Board of Commissioners of Iredell County, meeting in regular session at Statesville, North Carolina, on February 16, 2010, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR IREDELL COUNTY:

The proposed "special purpose project" consisting of the acquisition, construction and equipping of a 90,000 square foot manufacturing facility to be used for the manufacture of non-woven textiles (the "Project"), to be owned and operated by Providencia USA, Inc., and the issuance of recovery zone facility bonds in an amount not to exceed \$9,100,000 therefor are hereby approved in principle.

The Board of Commissioners hereby approves the plan of financing as required by Section 147(f) of the Code.

The issuance of the Bonds in the principal amount of \$9,100,000 is hereby approved for purposes of Section 159C-4 of the Act.

THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE AUTHORITY OR THE COUNTY, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION, INCLUDING THE AUTHORITY OR THE COUNTY.

* * * * *

ADMINISTRATIVE MATTERS

Request for Approval of the Exit 42 Roadway Protection Overlay District Zoning Amendment (Section 6.18.3): Planning & Development Director Ron Smith said discussions had occurred with the Exit 42 property owners about the RPO, but a consensus had not been reached. He said, however, several changes had been made to the document that was first presented to the board on December 8, 2009.

MOTION by Commissioner Keadle to postpone the RPO discussion until the second meeting in March of 2010.

VOTING: Ayes – 3; Nays – 0.

Request from the NC Department of Transportation, through the Planning Department, for Approval to Abandon a Portion of SR 2743 (no name) from the State Maintained System: Planning & Development Director Ron Smith said 170 linear feet of roadway (entrance into Kewaunee Scientific off West Front Street, Statesville, NC) had been requested to be released to Kewaunee and removed from the state maintained system. He said the company had made the request, and the staff found it to be in order.

MOTION by Commissioner Keadle to approve the request.

VOTING: Ayes – 3; Nays – 0.

Request from the NC Department of Transportation, through the Planning Department, for Approval to Abandon a Portion of SR 2779 (no name) from the State Maintained System (Connector road between US 21 and NC 115 in Mooresville, NC): Planning and Development Director Ron Smith said this request pertained to a cut through street behind a gas station at the Hwy. 115 and US 21 intersection. He said the property owners on both sides of the roadway had made the abandonment request, and the Department of Transportation (DOT) was recommending approval due to the safety implications. He said the DOT would “tear up” the roadway’s two ending points in order to prevent travelers from traveling through. Smith said the roadway property would revert to the property owners once the road was taken off the state maintained list.

MOTION by Commissioner Keadle to approve the request.

VOTING: Ayes – 3; Nays – 0.

(This request was postponed from the February 2, 2010 meeting.)

Request for Approval of the January 2010 Refunds and Releases: County Manager Mashburn said the January refunds and releases were recommended for approval.

MOTION by Commissioner Johnson to approve the January refunds and releases.

VOTING: Ayes – 3; Nays – 0.

Releases for the month of January 2010	Monthly Total
Breakdown of Releases:	\$15,764.86
County	\$9,949.64
Solid Waste Fees	\$20.25
E. Alex. Co. Fire #1	\$2.67
Shepherd's Fire #2	\$249.68
Mt. Mourn Fire #3	\$19.63
All County Fire #4	\$398.92
B&F Fire #5	\$48.79
Statesville City	\$1,926.79
Statesville Downtown	\$0.00
Mooresville Town	\$2,584.52
Mooresville Downtown	\$0.00
Mooresville School	\$486.92
Love Valley	\$0.00
Harmony	\$13.01
Troutman	\$64.04
Davidson	\$0.00

Refunds for the month of January 2010	Monthly Total
Breakdown of Refunds:	\$1,519.47
County	\$625.32
Solid Waste Fees	\$20.25
E. Alex. Co. Fire #1	\$0.00
Shepherd's Fire #2	\$0.00
Mt. Mourn Fire #3	\$8.11
All County Fire #4	\$29.99
B&F Fire #5	\$391.33
Statesville City	\$0.00
Statesville Downtown	\$0.00
Mooresville Town	\$386.12
Mooresville Downtown	\$0.00
Mooresville School	\$58.35
Love Valley	\$0.00
Harmony	\$0.00
Troutman	\$0.00
Davidson	\$0.00

Request from the Sheriff’s Department for Adoption of a Resolution Declaring that Canine Renni be Declared Surplus and Sold by Private Sale to the Handler: County

Manager Mashburn said the sheriff’s department had a canine unit that needed to be removed from service due to age. He said the trainer desired to purchase the animal, and a resolution had been provided to declare the Belgian Malinois dog surplus.

MOTION by Commissioner Keadle to approve the request.

VOTING: Ayes – 3; Nays – 0.

*RESOLUTION AUTHORIZING THE PRIVATE SALE OF
CERTAIN SURPLUS PERSONAL PROPERTY*

WHEREAS, the County of Iredell has possession of the following item of personal property which is surplus to its needs and desires to dispose of same.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of Iredell County, that the County Purchasing Agent, Dean A. Lail, pursuant to the provisions of N.C.G.S. 160A-267, is hereby authorized to dispose of the personal property as listed for cash or good check by private sale, and the said Purchasing Agent is further authorized and directed to execute the necessary functions associated with the sale.

One (1) Canine Unit Named Renni

Request from the Sheriff’s Department for Approval of Budget Amendment #46 to Purchase 15 Vehicles & Vehicular Equipment: Sheriff’s Chief Deputy Rick Dowdle requested consent to purchase twelve (12) vehicles (\$300,000) along with three (3) SUVs (\$90,000) and specialized vehicular equipment (\$123,000) for the new cars. Dowdle said the current fleet had several cars with high mileage, and they needed to be replaced. He said another reason the department wanted to purchase the vehicles was due to lengthier delivery waiting periods. Dowdle said the sheriff had agreed to purchase the vehicles with seized funds.

MOTION by Commissioner Johnson to approve Budget Amendment #46 for the request.

VOTING: Ayes – 3; Nays – 0.

BA#46 2/16/2010 Account #	To purchase 15 vehicles in the Sheriff’s department with Federal Equity Sharing Funds.	Current	Change	Amended
		General Fund		
104510 4820.00	Federal Equity Sharing	(326,047)	(513,000)	(839,047)
105510 620000	Non-Depreciable Assets	18,380	123,000	141,380
105510 650000	Vehicles	21,000	390,000	411,000

Request from the Finance Department for Approval of an Audit Contract with Martin Starnes & Associates, CPAs, P.A.: Finance Director Susan Blumenstein said an audit was required to comply with federal regulations. She submitted a recommended contract with Martin Starnes costing \$39,000 which was the same cost as for the 2009 audit.

MOTION by Commissioner Keadle to approve the audit contract.

VOTING: Ayes – 3; Nays – 0.

Request from the Recreation Department for Approval of Outdoor Education Center Program Rate Increases: Recreation Programs Administrator Michele Hepler said the outdoor education program rates had not increased since 1997, and increases were needed to cover the costs.

MOTION by Commissioner Johnson to approve the rate increases.

VOTING: Ayes – 3; Nays – 0.

The new rates will be as follows:

Outdoor Education Center Rates – Effective February 16, 2010

Ropes Challenge Course and Climbing/Rappelling Tower

Youth Rates (per person)

Age range is from 10 to 18. Director must approve other ages.

I. Program	Forms Received 1 Week Before Start of Program	Forms Received Less than 1 Week Before Start of Program
½ Day, low only (3-4 hours)	\$28.00	\$33.00
Full Day, low or low/high (7-9 hours)	\$35.00	\$40.00
Two day (same participants each day)	\$53.00	\$58.00

Adult Non-Profit Rates (per person)

Age range is 18 and up.

II. Program	Forms Received 1 Week Before Start of Program	Forms Received Less than 1 Week Before Start of Program
½ Day, low only (3-4 hours)	\$40.00	\$45.00
Full Day, low or low/high (7-9 hours)	\$55.00	\$60.00
Two day (same participants each day)	\$80.00	\$85.00

Corporate Rates (per person)

Age range is 18 and up

III. Program	Forms Received 1 Week Before Start of Program	Forms Received Less than 1 Week Before Start of Program
½ Day, low only (3-4 hours)	\$60.00	\$65.00
Full Day, low or low/high (7-9 hours)	\$75.00	\$80.00
Two day (same participants each day)	\$100.00	\$110.00

NOTES:

- Cost does not include meals, however, meals can be provided at an additional cost.
- **Specialty programs may be coordinated at a different rate, based on program type, length, and content.**
- Payment is due before the start of the program or may be invoiced with approval of the Program Director.
- A non-refundable deposit of \$50.00 or approved purchase order will be required to reserve a program date.
- Minimum number of participants per group is 10. Maximum group size varies on program type and content. Information and group size will be communicated and determined in program contract.

**Primitive Group Camping Guidelines
Iredell County Outdoor Education Center**

Cost Per Night: \$30.00/group for up to 15 campers. Add \$1 for each additional camper. Maximum 30.

* * * * *

Request for Approval of an Agreement with CGI Communications for an Internet Video Showcase of Iredell County: Deputy County Manager Tracy Jackson said CGI Communications provided a free Internet-based service that would “showcase” various county services. He said a link would be placed on the county’s website to view videos made by the company. Jackson said the CGI agreement would be an on-going commitment unless the county cancelled.

County Manager Mashburn said the company would film a video, and the only commitment needed from the county would be to provide a letter of introduction using Iredell County letterhead and to allow the Internet linkage. He said CGI would take the letter to area businesses for the purpose of selling advertising ads. Mashburn said that if no ads were sold, the county would still have the video.

MOTION by Commissioner Johnson to approve the request.

VOTING: Ayes – 3; Nays – 0.

Request for Approval of the February 2, 2010 Minutes: **MOTION** by Commissioner Keadle to approve the minutes.

VOTING: Ayes – 3; Nays – 0.

APPOINTMENTS TO BOARDS & COMMISSIONS

Nursing Home Advisory Committee (1 appointment): Commissioner Johnson nominated Brenda Rumples.

MOTION by Commissioner Johnson to close the nominations and appoint Rumples by acclamation.

VOTING: Ayes – 3; Nays – 0.

Adult Care Home Community Advisory Committee (2 appointments): **MOTION** by Commissioner Johnson to table the two appointments.

VOTING: Ayes – 3; Nays – 0.

Animal Grievance Committee (1 appointment): Commissioner Keadle nominated Dr. Kim Ball.

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

VOTING: Ayes – 3; Nays – 0.

PUBLIC COMMENT PERIOD (no one desired to speak)

NEW BUSINESS: Commissioner Johnson said that at the joint meeting with the Town of Mooresville in January, a discussion occurred concerning the nonattainment issue and the possible adoption of a resolution.

MOTION by Commissioner Johnson to place a nonattainment resolution on the March 2, 2010 agenda.

VOTING: Ayes – 3; Nays – 0.

COUNTY MANAGER’S REPORT: County Manager Mashburn said recently a report was received from the North Carolina Division of Aging that showed expenditures by county for citizens 60 years and older. He said in FY 2008/09 a total of \$39,791,845 had been distributed to the Department of Transportation, Division of Aging, Division of Medical Assistance, Divisions of Mental Health and Disability, Services for the Blind, Division of Social Services, and to the Division of Vocational Rehabilitation for individuals 60 years or older in Iredell County.

CLOSED SESSION: **MOTION** by Vice Chairman Norman, pursuant to Attorney/Client - G.S. 143-318.11 (a) (3) to enter into closed session.

VOTING: Ayes – 3; Nays – 0.

ADJOURNMENT: **MOTION** by Vice Chairman Norman to continue the meeting to Friday, February 26, 2010 at 8:00 A.M., for the Winter Planning Session at the Agricultural Resource Center, 444 Bristol Drive, Statesville, NC

VOTING: Ayes – 3; Nays – 0.

Approval: _____

Clerk to the Board