

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
FEBRUARY 1, 2005**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, February 1, 2005, at 7:00 p.m., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

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

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Finance Director Susan Blumenstein, Planning & Code Enforcement Director Lynn Niblock, Planner Emily Jackson, Tax Administrator Bill Doolittle, Mapping Supervisor Lee Anne Owens, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Tice.

INVOCATION by Commissioner Norman.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

Addition: • Request from the EMS Department for Permission to Submit a \$27,475 Health Resources & Services Administration (HRSA) Bioterrorism Grant Application

Deletion: • Request from Crossroads Behavioral Healthcare for Permission to Sub-Lease Space at Two Facilities (sites at Turnersburg Road, Statesville & East Center Avenue, Mooresville) to Telecare Mental Health Services of North Carolina beginning March 1, 2005 (This request will be discussed at the 02/15/05 mtg.)

VOTING: Ayes – 5; Nays – 0.

PRESENTATION OF SPECIAL RECOGNITIONS & AWARDS

Proclamation in Celebration of Rotary International's Centennial Anniversary & to Proclaim Wednesday, February 23, 2005 as Rotary Club Day in Iredell County: MOTION by Chairman Tice to adopt the following proclamation.

VOTING: Ayes – 5; Nays – 0.

**Proclamation
In
Celebration of Rotary International's
Centennial Anniversary**

WHEREAS, the first Rotary Club was formed with four members on February 23, 1905, by Attorney Paul P. Harris in Chicago, Illinois; and

WHEREAS, the second Rotary Club was established in San Francisco in 1908; and

WHEREAS, the National Association of Rotary Clubs was founded in 1910 consisting of 16 clubs; and

WHEREAS, the International Association of Rotary Clubs, later to become Rotary International, was established in 1912 when clubs were created in Canada and Great Britain; and

WHEREAS, Rotary International's first club in North Carolina was chartered in Raleigh on August 1, 1914, becoming the 124th club in the world; and

WHEREAS, Rotary International's first clubs in Iredell County were chartered in Statesville on May 1, 1921, and in Mooresville on February 1, 1922; and

WHEREAS, by the end of December 2004, Rotary International had evolved into an organization with over 31,000 clubs and more than 1.2 million members in 166 different countries; and

WHEREAS, Rotary International is a multi-faceted organization that promotes and provides civic and humanitarian programs on a worldwide level with over \$70 million being provided in these efforts; and

WHEREAS, Rotary International provides educational and cultural opportunities for students, teachers and business professionals to meet and work with citizens of other communities and countries thereby assisting in international relations, conflict resolution, and the promotion of peace and goodwill. The Rotary Scholarship Program is the world's largest privately funded international scholarship program awarding over 1,200 scholarships annually; and

WHEREAS, a key humanitarian program receiving much acclaim has been the PolioPlus initiative created 20 years ago with a goal to totally eradicate polio on a worldwide basis. The PolioPlus Program is the largest private-sector contributor to the global polio eradication effort, and it provides vaccines to children in developing countries, assists health-care workers in the field, provides training for laboratory workers, along with numerous other services; and

WHEREAS, over the last century, Rotary Clubs have been in the forefront in providing a vast array of programs and services to address national and international concerns.

NOW, THEREFORE, the Iredell County Board of Commissioners hereby proclaims **Wednesday, February 23, 2005**, as **Rotary Club Day in Iredell County** and urges all citizens to recognize the many programs and activities sponsored by the club that improve the human condition and promote world peace and understanding.

BE IT FURTHER PROCLAIMED that the Iredell County Board of Commissioners commemorates the 100th Anniversary of the Rotary Club and hereby commends and offers much praise and thanks to the many club members who have shown through good works and volunteerism that much can be accomplished.

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Attending the meeting to accept the proclamation were Rotary District Governor-elect Bill Wilson and Larry Reinhardt, the President of the Lake Norman Rotary Club. Mr. Reinhardt invited the commissioners to a luncheon on February 23 at the Mooresville Citizens Center (11:45 a.m.) in celebration of Rotary's Centennial Birthday Celebration.

APPOINTMENTS BEFORE THE BOARD

The James W. Hoffner Family Speaks in Reference to Property Situated at the Rowan & Iredell County Border: Julie Hoffner, spoke on behalf of her in-laws, James (Bill) and Ernestine Hoffner, residents of 2035 Mt. Tabor Church Road in Cleveland, NC. Hoffner said her family had owned property (dairy farm consisting of 213 acres) at the same location for decades. Hoffner said in December of 2004, the family received a letter indicating that due to the relocation of the Iredell and Rowan county line, the family needed to start using an address that conformed with Iredell County's criteria (three digit house number and the road is called Mt. Tabor Road in Iredell County). She said the dairy barn and other buildings were listed as being in Rowan County, while the home of her in-laws was listed as being in Iredell County. Hoffner said the family met with the Rowan County Manager, and he sent a follow up letter indicating that contact had been made with Iredell County officials, who did not

wish to re-designate the county lines. Hoffner said the letter indicated that Rowan County was willing to allow the Hoffner home to be listed within its jurisdiction for tax and public school purposes. She requested that the Iredell board members relinquish the residential property to Rowan County.

Chairman Tice said a decision could not be made at the meeting; however, the board would be in touch with the family. Tice advised that in 1992, Iredell County officials decided to adopt a county line due to the 911 Emergency Telephone Line project. She said in 1996 a county line was adopted; however, it wasn't recorded by the state until 1999.

David Swann, Area Director/CEO of Crossroads Behavioral Healthcare Presents a Mid-Year Fiscal Report: Mr. Swann briefed the board on Crossroads' activities during the past six months. Some of the statistics shared are as follows:

Summary of Service Visits for Iredell County July 2003-2004

<u>Type</u>	<u>Adults</u>	<u>Children</u>	<u>Total</u>
Clinical office visits	12,056	3,310	15,366
Crisis visits	539	115	654
Evaluations/screenings	781	223	1,004
Rehabilitation services	32,719	17,812	50,531
Residential services	14,808	11,992	26,800
Grand Total	60,903	33,452	94,355

New admissions to Crossroads July 2004 – December 2004

Total = 1,645
 Iredell County = 688
 Surry County = 649
 Yadkin County = 235
 Other Counties = 73

In addition to the fiscal report, a copy of a recent needs assessment was provided.

PUBLIC HEARINGS

Chairman Tice declared the meeting to be in a public hearing and requested all persons desiring to speak to proceed to the dais for the administering of the oath.

Rezoning Request; Superior Properties of Iredell, Allen C. Johnson, Archie A. McAlister, and John V. & Wanda S. Redden Properties, Case No. 0501-1: Proposal to Rezone Properties From Residential Agricultural to Highway Business Conditional Use District (Location: 1017, 1051, 1080, & 1087 Charlotte Hwy., in Troutman, NC): County Planner Emily Jackson said Attorney Bedford Cannon was the agent for property owners who were proposing to rezone property from Residential Agricultural to Highway Business Conditional Use. Jackson said the condition would be that any development would have to meet regulations by the Town of Troutman. She said the parcels totaled 22.3 acres, and they had been zoned Residential Agricultural since county zoning took place in 1990. Ms. Jackson continued by saying the properties were located in the Interchange Commercial node of the Exit 42 Future Land Use Study. She said the requested zoning district and the proposed uses (restaurants, retail, hotel/motel, local and interstate related businesses) were consistent with the best uses for the area. Jackson said the Town of Troutman was aware of the rezoning request, and the officials were in agreement with the proposed usage. She said the staff, along with the planning board by a unanimous vote on January 5, 2005, recommended approval.

Commissioner Johnson asked for a clarification on whether or not the owners were seeking the condition. He said that since the planning board meeting, he understood more discussion had occurred about the condition.

Attorney Bedford Cannon asked for the condition to be removed. He said the property would be difficult to administer if a conditional use happened to be “pegged” with the Town of Troutman. Cannon said the property would eventually be annexed to the Town of Troutman anyway, due to water and sewer needs.

Commissioner Johnson asked if the owners were willing to accept Troutman’s conditions for the utilities.

Cannon said yes.

Milton McAllister said he owned 700 feet of property in front of the Wilco Station. McAllister said he was against the Town of Troutman having anything to do with his property.

John Pinyan said he, too, was an adjacent property owner, and he asked the rezoning advantage for the people in the area. He also asked what types of businesses would be allowed on the property, and how the intended uses would affect the adjacent property owners’ taxes.

Chairman Tice said the proposed uses, as shown on the staff report, were restaurants, retail, hotel/motel, local and interstate related businesses. Mrs. Tice said that if the adjacent property continued with the same zoning designation -- not commercial, the value should remain the same.

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

MOTION by Commissioner Johnson to grant the request from Residential Agricultural to Highway Business and to delete the condition in regards to the regulations by the Town of Troutman.

VOTING: Ayes – 5; Nays – 0.

Note: The condition that was deleted from the request is as follows:

In addition to the Iredell County requirements, the properties will have to meet the zoning regulations of the Town of Troutman. Between the two jurisdictions, the properties will have to meet the most restrictive requirements of all applicable ordinances.

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

Consideration of a Proposed Amendment to the Iredell County Subdivision Ordinance Pertaining to Section 405.4 Marginal Access: County Planner Jackson said that in October of 2004, the planning board and staff began working on an amendment to the subdivision ordinance pertaining to access onto certain high traffic roads. She said on January 5, 2005, the planning board unanimously recommended in favor of an amendment. Jackson said it was hoped the amendment would assist with the distribution of traffic in a manner that would avoid congestion, overcrowding, and create conditions essential to the public’s health, safety, and general welfare. She said the amendment would only pertain to subdivisions that were on a minor rural collector road or higher, or roads that had 5,000 or more trips per day. Jackson then showed a map of the roads that currently qualified, and she said they were listed by the Department of Transportation (DOT) as minor or higher collector roads. She said the function of minor collector roads was to collect traffic from local roads and then to bring the traffic from developed areas, within a reasonable distance, to a major collector road. Jackson said minor roads also provided a service to communities and linked the local important traffic generators with the rural outskirts. She said the roads not classified by the DOT, that met the 5,000 trips per day were Murdock Road, Mazeppa Road, Linwood Road, and Brawley School Road. Jackson said that if a subdivision were located along one of these four roads, the lots would be prohibited from having direct access to the road. She said the lots would have to be developed using a new roadway of some type, e.g., cul de sacs,

loop roads, or short-connecting roads. Ms. Jackson said that only if physical barriers prohibited the development of a new road, would the lots be able to use another design standard such as joint driveways. She said that as with any provision of the subdivision ordinance, there were some exemptions and these were:

- a. *The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to, or exceed the standards of Iredell County as shown in this ordinance;*
- b. *The division of land into parcels greater than ten (10) acres where no road right-of-way dedication is involved;*
- c. *The public acquisition by purchase of strips of land for the widening or opening of roads, and*
- d. *The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no road right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of Iredell County as shown in the ordinance.*
- e. *Family subdivisions which are gifts and do not require any transfer of money.*

Jackson concluded her statements by saying the planning board unanimously voted in favor of the amendment.

Commissioner Johnson said he understood that the logic behind the amendment was to limit access to the feeder roads by curtailing so many people from backing out of their driveways in unsafe areas. He said another reason was that when a person wanted to subdivide two lots, etc., that he or she could be “pretty far in the process” before it was realized that a driveway permit would not be issued from the DOT.

Jackson said safety and traffic were the reasons behind the amendment. She said in reference to the DOT’s driveway permits, that there was a possibility of problems occurring when a person tried to subdivide property. She said the DOT looked at the traffic flow and sometimes an individual had to redesign a subdivision.

Commissioner Williams asked, assuming the amendment was approved, what happened to the people who had subdivisions already in the process.

Jackson said there was a possibility of having minor/major subdivisions being allowed that already had preliminary planning office approval. She said the preliminary approval stipulation had been used when the open space amendment was approved.

Commissioner Williams said he wanted the developers to have an opportunity to submit their projects before the board “closed off” on the matter.

Jackson said the commissioners could establish a date for the implementation of the amendment.

Commissioner Johnson said he understood that if the county’s standards were “tighter” than what the DOT used, the DOT accepted the county’s standards.

Jackson said this was correct -- the county had to sign off on driveway permits. She said that if the county had regulations in place that prohibited the permit, then the individual would not gain approval.

Johnson said he understood the planning staff received traffic counts from the DOT.

Jackson said this was correct.

Chairman Tice emphasized that the main purpose behind the amendment was safety.

Commissioner Williams said the only negative he could see in the amendment would be that there would be an added cost.

Jackson said it potentially could; however, she had heard some developers say it was harder to sell the lots having road frontage. She said the process might work out in the developers' favor.

Commissioner Robertson asked how the people, who would be most impacted by the amendment, would find out about it.

Jackson said normally, when subdivision amendments were approved, notices were not sent; however, in this situation letters could be mailed to the homebuilders' associations, surveyors, and any other associations that might be affected. She said legal notices had already been published about the amendment, plus agendas and the ordinances were posted on the county's web site.

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

MOTION by Commissioner Johnson to adopt the marginal access amendment, with an effective date being 120 days from February 1, 2005.

VOTING: Ayes – 5; Nays – 0.

(The amendment is as follows. The sections to be deleted from the ordinance are shown with strikeouts, and the corrected wording is shown with underlining.)

405.4 Marginal Access ~~Road~~

Where a tract of land to be subdivided ~~adjoins~~ borders a ~~principal arterial~~ road that is designated currently by the Iredell County Thoroughfare Plan as a minor rural collector road or higher or is projected to have greater than 5,000 vehicle trips per day within the next five years, the subdivider may be required by NCDOT to provide a marginal access road parallel to the arterial road or reverse frontage on a minor road for the lots to be developed adjacent to the arterial. Where reverse frontage is established, the lots private driveways shall be prevented from having direct access to the ~~principal arterial~~ qualifying road. The subdivider shall provide road entry and exit points to the qualifying road to facilitate connectivity.

If physical barriers exist which prohibit the construction of a new road, another access design (e.g. joint driveways) may be used to achieve the intent of this regulation.

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

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

VOTING: Ayes – 5; Nays – 0.

1. Request for Approval to Award a Contract for the Purchase of Automated Demand Response and Paratransit Scheduling / Routing Software to RouteMatch Software, Inc., in the Amount of \$55,895 along with Approval of Budget Amendment #35: Transportation Director Ben Garrison said at the 5 p.m., meeting that subject to approval by the North Carolina Department of Transportation, he was recommending that RouteMatch Software, Inc., be awarded the contract for the Automated Demand Response and Paratransit Scheduling and Route Software. He said a ten percent local match would be needed for the purchase, and the money could be found from system-generated fees.

2. Request for the Establishment of a Date and Time to Tour the Mooresville Library in Accordance with an Invitation from Mooresville Mayor Al Jones: The

board agreed to visit the library on Saturday, February 26, 2005, after the conclusion of the Winter Planning Session. (The actual time will be confirmed later.)

3. Request for Approval of the January 18, 2005 Minutes

4. Request from the EMS Department for Permission to Submit a \$27,475 Health Resources & Services Administration (HRSA) Bioterrorism Grant Application: During the agenda briefing, EMS Director Lee Darnell asked for permission to apply for a grant with the funds to be used for the following:

4 computer systems	\$11,875
10 complete sets of turnout gear	10,000
1 patient roller system for decontaminating non-ambulatory patients	900
25 nerve agent kits	1,250
15,000 Doxy tabs	750
Wireless mic receiver, wireless lapel mics, digital camcorder, tripod, mass-gathering training, tactical medical operations training	2,700
	<u>\$27,475</u>

Darnell said the grant did not require a local match. He also said the purchases would not create a future burden on the county.

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

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

- Adult Care Home Community Advisory Committee (1 announcement)

APPOINTMENTS TO BOARDS & COMMISSIONS

Lake Norman Rural Planning Organization (1 appointment): Commissioner Williams nominated Steve Warren.

MOTION by Chairman Tice to close the nominations and appoint Warren by acclamation.

VOTING: Ayes – 5; Nays – 0.

Home & Community Care Block Grant Committee (1 appointment): Commissioner Norman nominated Joan Elam.

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

VOTING: Ayes – 5; Nays – 0.

Adult Care Community Advisory Committee (5 appointments): No nominations were submitted, and Chairman Tice made a **motion** to postpone the appointments until the February 15 meeting.

VOTING: Ayes – 5; Nays – 0.

Animal Grievance Committee (1 appointment): Commissioner Johnson nominated D.J. Loyd.

MOTION by Commissioner Norman to close the nominations and appoint D.J. Loyd by acclamation.

VOTING: Ayes – 5; Nays – 0.

COUNTY MANAGER’S REPORT: County Manager Mashburn gave the following update on construction projects.

New Social Services Bldg.: There have been weather related setbacks, but work is occurring.
New Library Building: Carpet has been installed.
Current Library Bldg.: The design layout has been completed on the current library structure, which will be used to house the county's tax department when vacate.

Mr. Mashburn mentioned that perhaps the new county library, as well as the Mooresville library, might be toured on Saturday, February 26.

CLOSED SESSION: MOTION by Chairman Tice at 8:30 p.m., to enter into closed session for the purpose of discussing personnel matters pursuant G.S. 143-318.11 (a) (6).

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 8:50 P.M.)

ADJOURNMENT: MOTION by Chairman Tice to adjourn the meeting at 8:50 P.M. (NEXT MEETING: Tuesday, February 15, 2005, 5 & 7 P.M. in the Iredell County Government Center, 200 South Center Street, Statesville, NC.)

VOTING: Ayes – 5; Nays – 0.

Approved: _____

Clerk to the Board