

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
FEBRUARY 7, 2006**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, February 7, 2006, 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, Deputy County Manager Susan Blumenstein, Planning & Code Enforcement Director Lynn Niblock, Planning Supervisor Steve Warren, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Tice

INVOCATION by Commissioner Williams

PLEDGE OF ALLEGIANCE TO THE FLAG

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

Addition: Request for Permission to Apply for a Justice Assistance Grant in the Amount of \$13,727

VOTING: Ayes – 5; Nays – 0.

PRESENTATION OF SPECIAL RECOGNITIONS & AWARDS

RECOGNITION OF JEFF COGGINS: Mr. Jeff Coggins, a retiree of the Iredell County Sheriff's Department, was given an appreciation plaque for his 13 years of service. Coggins held several different positions while employed with the county but his most recent title was that of a Patrol Supervisor.

Chairman Tice congratulated and thanked Coggins for his county service.

RECOGNITION OF BERNICE MCJUNKIN: **MOTION** by Chairman Tice to adopt the following resolution in memoriam to Bernice McJunkin.

VOTING: Ayes – 5; Nays – 0.

**RESOLUTION IN MEMORIAM
OF
BERNICE MUNDAY MCJUNKIN**

WHEREAS, the Iredell County Board of Commissioners has learned with deep regret about the death of Bernice Munday McJunkin, a former Iredell County employee; and

WHEREAS, Bernice Munday McJunkin gave untiring public service to the County of Iredell County, to the State of North Carolina, and to the United States during her lifetime; and

WHEREAS, Bernice Munday McJunkin held many job positions during her 45 years of employment with Iredell County; and

WHEREAS, Bernice Munday McJunkin achieved many awards and recognitions during her impressive career, and in fact, was selected as North Carolina's Outstanding County Accountant for 1969.

NOW, THEREFORE, BE IT RESOLVED that a copy of this Resolution be forwarded to the family of Bernice Munday McJunkin with expressed sympathy and condolences from the members of the Iredell County Board of Commissioners.

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PUBLIC HEARINGS

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

Case No. 0601-1: Dwight Somers, Administrator for the Frances Somers Estate, Requests to Rezone Property from Residential Agricultural & General Business to M-2 Heavy Manufacturing District: Planning Supervisor Steve Warren shared the planning staff report, a copy of which is as follows:

PLANNING STAFF REPORT CASE NO. 0601-1

OWNER: Frances Somers Estate APPLICANT: Same
(Dwight Somers, Admin.)
1357 Jennings Rd.
Statesville, NC 28625
Phone: (704)876-0494

LOCATION: 1872 West Memorial Highway, Union Grove, NC 28689; more specifically identified as PIN(s) 4843-92-6587, 4843-92-4706, and 4843-93-3019. Directions: North from Statesville on I-77, take Hwy 901 Exit and turn left. Continue on 901 and turn right onto Union Grove Road directly across from Union Grove Elementary School. Entrance to subject property is on the right just past Post Office.

REQUESTED ACTION AND CONDITIONS: Rezone the subject parcels from RA, Residential Agricultural and GB, General Business, to M-2, Heavy Manufacturing.

PROPOSED USE: Expansion of existing lumber mill operations.

SIZE: 11.86 acres total.

EXISTING LAND USE: Lumber mill.

SURROUNDING LAND USE: Feed Mill, Post Office, Residential, Agricultural.

WATERSHED REGULATIONS: The subject parcels are located within the WS-III-Balance watershed.

TRAFFIC: According to NCDOT traffic counts during 2004, this stretch of Memorial Highway had an average of 6,000 vehicles per day with a carrying capacity of 9,000.

ZONING HISTORY: This property has been zoned RA and GB since countywide zoning took effect in 1990.

STAFF COMMENTS: This property has been used as a lumber mill for over 40 years. Countywide zoning took effect in 1990 and, as staff has discovered, the former GB zoning allowed for lumber yards at that time. This rezoning would allow the applicant to bring the property into compliance with the modern zoning code and thereby add a desired lumber shed to the present operation. Because the subject parcels were largely included in a GB zoning classification that originally allowed for the lumber mill to operate, the County's intent of having the property suitably zoned was established early on. Staff therefore recommends in favor of the request. *Statement of Land-Use Plan Consistency:* The Future Land-Use Plan indicates the suitability of general commercial uses along the Hwy 901 corridor while taking into consideration all existing land-uses (i.e. the lumber mill) at the time the Plan was adopted. It should be noted that the Plan shows commercial areas holding tightly to the Hwy 901 corridor. Hence, if the present rezoning should occur, this should not be viewed necessarily as a preference for the addition or expansion of commercial designations on the Land-Use Plan. Therefore, adjustment to the Land-Use Plan is not recommended at this time.

PLANNING BOARD ACTION: On January 4, 2006, the Planning Board voted unanimously (11-0) to recommend approval of the rezoning as requested along with the Statement of Land-Use Plan Consistency: *The Future Land-Use Plan indicates the suitability of general commercial uses along the Hwy 901 corridor while taking into consideration all existing land-uses (i.e. the lumber mill) at the time the Plan was adopted. It should be noted that the Plan shows commercial areas holding tightly to the Hwy 901 corridor. Hence, if the present rezoning should occur, this should not be viewed necessarily as a preference for the addition or expansion of commercial designations on the Land-Use Plan. Therefore, adjustment to the Land-Use Plan is not recommended at this time.*

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Dwight Somers, the owner of the property, said his family had operated a lumber yard or building supply facility for over 42 years. He said the business was “boxed in” and needed expansion space. Mr. Somers said there were plans to build a structure to store lumber that would later be sold.

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

MOTION by Commissioner Williams to (1) approve the Statement of Land-Use Plan Consistency as follows: *The Future Land-Use Plan indicates the suitability of general commercial uses along the Hwy 901 corridor while taking into consideration all existing land-uses (i.e. the lumber mill) at the time the Plan was adopted. It should be noted that the Plan shows commercial areas holding tightly to the Hwy. 901 corridor. Hence, if the present rezoning should occur, this should not be viewed necessarily as a preference for the addition or expansion of commercial designations on the Land-Use Plan* and (2) to approve the rezoning from Residential Agricultural & General Business to M-2 Heavy Manufacturing District.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing. In addition, due to the next case involving conditional uses, Mrs. Tice administered the oaths to all persons desiring to speak.

Case No. 0601-2: Overcash Electric, Inc., Requests to Rezone a Portion of Property from Residential Agricultural and Neighborhood Business to General Business Conditional Use District: Planning Supervisor Steve Warren shared the planning staff report, a copy of which is as follows:

**PLANNING STAFF REPORT
CASE NO. 0601-2**

OWNER: Overcash Electric, Inc.
2106 Charlotte Hwy.
 Mooresville, NC 28117
 Phone: (704)664-3113

APPLICANT: Same

LOCATION: 2106 Charlotte Highway in Mooresville, NC; more specifically identified as a **portion** of PIN# 4658-55-6460. **Directions:** South on Charlotte Highway from Statesville, bear right onto Hwy 21 at 115/21 fork, property on right past Bailey Road (Overcash Electric, Inc.).

REQUESTED ACTION AND CONDITIONS: Rezone a portion of subject parcel from RA, Residential Agricultural, and NB, Neighborhood Business, to GB-CUD, General Business Conditional Use District. The following conditions serve to limit the potential proliferation of highly-intense commercial and industrial uses normally permitted within the GB district classification (these noted categories are specified in detail within the Iredell County Zoning Ordinance’s Table of Permitted Uses):

- Prohibit the following “Business, Professional, & Personal Service” and “Retail Trade” uses: fuel oil sales; farm machinery sales & service; furniture repair & upholstery; mobile home sales & service; motorcycle sales; pawn shops; recreational vehicle sales & service; tire dealers & services; and truck stops.
- Prohibit all “Wholesale Trade” uses with the exception of electrical goods.

- Prohibit all “Manufacturing & Industrial” uses.
- Prohibit Adult Oriented Businesses.

PROPOSED USE: Expansion of existing electrical contracting business.

SIZE: 10.81 acres to be rezoned (parcel totals 29.3 acres).

EXISTING LAND USE: Electrical Contractor.

SURROUNDING LAND USE: Residential and Commercial.

WATERSHED REGULATIONS: The subject parcel is located within the WS-IV-Protected Area.

TRAFFIC: According to NCDOT traffic counts during 2004, this stretch of Charlotte Highway had an average of 10,000 vehicles per day with a carrying capacity of 10,500.

ZONING HISTORY: This property has been zoned RA and NB since countywide zoning took effect in 1990.

STAFF COMMENTS: This property has been used by Overcash Electric since 1972. This rezoning would allow the applicant to bring the property into compliance with the modern zoning code, supplemented by certain conditions to limit particular GB uses deemed incompatible with the surrounding area; the surrounding area has witnessed a predominant pattern of NB zoning with some HB as well. Additionally, the applicant is only requesting to rezone the front portion of the parcel containing the business (approximately one-third of the entire parcel). Staff therefore recommends in favor of the request. *Statement of Land-Use Plan Consistency:* The Future Land-Use Plan indicates the suitability of general commercial areas along Charlotte Highway in this vicinity, with nodes clearly established near the Hwy 115/21 junction and Cornelius Road areas. Hence, the request is deemed compatible with the spirit and intent of the Plan.

PLANNING BOARD ACTION: On January 4, 2006 the Planning Board voted unanimously (11-0) to recommend approval of the rezoning as requested along with the Statement of Land-Use Plan Consistency: *The Future Land-Use Plan indicates the suitability of general commercial areas along Charlotte Highway in this vicinity, with nodes clearly established near the Hwy. 115/21 junction and Cornelius Road areas. Hence, the request is deemed compatible with the spirit and intent of the Plan.*

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Mitch Meadows, with Overcash Electric, said the company had been in existence for the past 27 years, and additional space was needed.

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

MOTION by Commissioner Robertson, after reviewing the findings of fact and determining them to be in order, and after approving the statement of consistency (*The Future Land-Use Plan indicates the suitability of general commercial areas along Charlotte Highway in this vicinity, with nodes clearly established near the Hwy. 115/21 junction and Cornelius Road areas. Hence, the request is deemed compatible with the spirit and intent of the Plan*) to approve the rezoning from Residential Agricultural and Neighborhood Business to General Business Conditional Use District (conditional uses being those stipulated in the planning staff report).

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing and invited all persons desiring to speak regarding Case No. 0601-3 to proceed to the dais for the administering of the oaths.

Case No. 0601-3: Thomas & Sandra McCurdy Request to Rezone Property from Residential Agricultural and Neighborhood Business to Highway Business Conditional Use District: Planning Supervisor Steve Warren shared the planning staff report, a copy of which is as follows:

Warren said yes. He said there was not a limitation on the permitted uses.

Steve Emmons, said there was a demand for storage units in Mooresville due to new housing developments and people moving into the area. He said 1 in 11 households used self-storage units, and he owned Triple S Mini Storage in Mooresville. He said Larry Crease, a partner with Joe Keiper, the applicant, was also attending the meeting. (Crease owns Mini-Storage 1109 in Mooresville and Advantage Mini Storage in Statesville.) Mr. Emmons said the applicant wanted to be a good neighbor, and clean, attractive units were proposed. He said fencing and shrubbery would be placed at the site, and a detention pond would be constructed. Emmons said he was a licensed general contractor, that he served on the North Carolina Self-Storage Association, and that all applicable state laws (SR 30) would be followed for the storage units.

Commissioner Robertson asked if the roadway would be gravel or paved. He also asked about any runoff.

Emmons said paved. He said any runoff would be on the property itself. Emmons said state law required a 15 ft. wide road, but Mr. Keiper's would be 27 ft. wide. Emmons said approximately 300 individual units ranging from 5 x 5 to 12 x 40 were anticipated for the site, and the only plumbing would be an office bathroom that would have a drain field. Mr. Emmons said the business would probably generate around \$20,000 in tax revenue.

Sandy McCurdy, owner of the property, said one individual at the planning board meeting had concerns about lighting that might shine on an old homestead. Mrs. McCurdy said this would not occur, because the home was not across from the property. (She offered pictures to illustrate this fact.)

Commissioner Robertson asked Mr. Warren about conditional uses. He asked what happened if the request were granted and a few years from now, something else was placed on the site.

Warren said any permitted uses in the Highway Business designation could be established on the property provided the conditions were met.

Commissioner Johnson asked Mr. Emmons and Mr. Crease if they had the authority from Mr. Keiper, the applicant, to accept any further conditions.

The gentlemen said yes, and Commissioner Johnson asked if they would accept an additional condition -- it being that only mini-storage uses could be placed on the property.

Crease said no. He said there was a life span on storage units, and ten years down the road something else might be needed. Mr. Crease said they did not want to be "handcuffed" in the matter.

Emmons said there was a life cycle to storage units. He said they started out with residential goods but ended up with commercial products.

Johnson said in 15 to 20 years that if the owners wanted to place offices on the site, they could seek permission for that type of use. Mr. Johnson said there were citizens with concerns about the project.

Doug Carrigan, said he would soon live near the property. He said there wasn't so much of a concern about mini-storage units as there was about the highway business designation, which was sort of "carte blanche." He said the owner would have several business options.

Commissioner Williams said he had concerns about the request due to the planning board's denial. He said the planning board members had not reviewed the four conditions that were later added.

Chairman Tice asked Mr. Warren the specific concerns of the planning board.

Warren said some members had questions, but there was no one at the meeting that could answer them. He said the questions mostly dealt with mini-storage businesses.

Commissioner Johnson asked Mr. Warren about the WS-II Balance (Coddle Creek) Watershed. He asked the restrictions on the impervious area. Mr. Johnson said it didn't appear much damage could occur on 4.67 acres.

Warren said the commercial low density option (10/70 Rule) was 70% and this was after 10% of the site had been used. He said there was not an option on commercial high density for this particular watershed. Warren acknowledged that anyone re-developing the property would have to abide by the watershed rules.

Chairman Tice asked Warren how much of the 4.67 acres could be built upon.

Commissioner Johnson said a little over three and a quarter acres.

Commissioner Robertson said it appeared the future owners had a plan concept, and the neighbors did not appear to be totally opposed. Robertson suggested that rather than totally denying the request, which would require the applicant to wait another year for reapplication, to send the matter back to the planning board for further review.

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

MOTION by Commissioner Robertson to remand Case No. 0601-3 (Joe Keiper, Applicant) to the planning board due to the new information being presented.

Commissioner Norman asked how soon the case could reappear before the board of commissioners.

Warren said the planning board would reconsider the case in early March. He said the case would probably be on the commissioners' agenda in April.

VOTING: Ayes – 5; Nays – 0.

-----**CONSENT AGENDA**-----

MOTION by Commissioner Williams to approve the following 17 consent agenda items.

VOTING: Ayes – 5; Nays – 0.

1. Request from the Iredell-Statesville School System for Acknowledgement of Receipt and Review of the Public School Facility Needs Survey: At the 5:00 o'clock meeting, Iredell-Statesville Schools' Director of Construction Rob Jackson requested review of a needs assessment survey the state required every five years from each school unit. Jackson said the needs or numbers were entered into a computerized survey, and a state formula rendered the costs.

2. Request from the Mooresville Graded School System for Acknowledgement of Receipt and Review of the Public School Facility Needs Survey: Mooresville Graded Schools Superintendent Dr. Bruce Boyles said the survey was a "benchmark" to project what the statewide educational needs were for the state. He said the data could be used for statewide bonds. Dr. Boyles said construction; however, was more expensive in this area than in other parts of the state.

3. Request for Approval of Revisions to the Plat Review Officer Listing: Planning Supervisor Steve Warren requested revisions to the plat review officer listing, due to personnel changes in the municipal and county planning offices. (The updated listing that will be submitted to the Register of Deeds' Office for recordation is as follows.)

**IREDELL COUNTY
PLAT REVIEW OFFICER LISTING**

<u>IREDELL COUNTY:</u>	Steve Warren William Allison Rebecca M. Harper Matthew Todd Barry Whitesides
<u>TOWN OF MOORESVILLE:</u>	Timothy D. Brown Craig Culbertson Jim King
<u>CITY OF STATESVILLE:</u>	David Currier Sherry Ashley Elaine Anthony
<u>TOWN OF TROUTMAN:</u>	Donald E. Duncan, Jr. John Garland

4. Request from the Transportation Department for Approval of Budget Amendment #25 to Recognize \$25,000 Received from a Job Access Reverse Commute Grant (JARC): Ben Garrison, the transportation director, explained during the briefing session that these grant funds would be used to provide employment transports in the early hours of the morning and in the evening hours. He said the funding would also assist with childcare referrals to the Partnership for Children. He said the JARC funds would be distributed in two different budget years with \$25,000 this year and \$51,032 in 2007.

5. Request from the Cooperative Extension Service for Approval to Apply for a Lowes' Charitable and Educational Foundation Grant to be used for the Horticultural Demonstration Garden: Cooperative Extension Director Ken Vaughn said at the agenda briefing that the horticultural garden had primarily been maintained through the use of community volunteers, and now, funds were needed for supplies and materials. He requested permission to apply for a \$8,589 monetary grant to be used as follows:

Brick pavers:	\$2,276
Walkway edging:	\$928
Landscape timbers:	\$310
Water stations (4):	\$850
Storage building:	\$3,207
Rental of equipment:	\$575
Signage:	<u>\$1,143</u>
	\$9,289 (\$700 is already in the budget)

6. Request from the Tax Collector for Approval to Schedule the Advertising Date for Tax Liens on Real Property: Tax Collector Bill Furches, during the briefing session, requested permission to advertise tax liens on April 12, 2006 (on real property taxes not paid by March 31). Mr. Furches said that as of January 31, 2006, the unpaid taxes totaled \$5,735,287. He said, thus far, there was about a 93% collection rate.

7. Request from the Library Director for Approval to Apply for Telecommunication Discounts Offered by the Federal Communications Commission (E-Rate Program): During the agenda briefing, Library Director Steve Messick said his department could save \$17,361 using this program. Messick said a fee was added to all telephone bills (universal access fees), and if the county did not apply for the funds, they would be spent in other localities.

8. Request from the Emergency Communications Operations & Management Department (ECOM) for the Awarding of a Contract for a Simulcast System: Purchasing Agent Dean Lail and ECOM Director David Martin said \$524,700 had been budgeted for the Simulcast Repeater System Project. They said Two-Way Radio of Carolina had submitted a \$491,080 proposal but necessary changes had increased the costs to \$501,280. Lail said there were no other bidders. (Motorola did not submit a bid). The gentlemen said they felt comfortable with the system that used G.E. radios, and the county attorney had reviewed the contract. They also said additional costs were not anticipated.

9. Request for Approval of a Letter of Agreement Between Hospice & Palliative Care and the County for EMS or Ambulance Services: Emergency Management Director Tracy Jackson requested approval of this agreement at the briefing session. He said Hospice preferred to use county EMS services instead of private agencies, and the agreement addressed this arrangement. Jackson said the contract had been reviewed by the county attorney.

10. Request from the EMS Department for Approval to Apply for a 2005-06 Health Resources & Services Administration Grant: Emergency Management Director Tracy Jackson requested permission at the 5 o'clock meeting to apply for a \$21,473 grant that would be used for disaster trailer/supplies at \$11,080 and educational/training services at \$10,393.

11. Request for Approval of Budget Amendment #27 Allocating a \$1,500 "Campus Crime Stopper" (D.A.R.E) Grant: Lieutenant Rick Eades, with the sheriff's department, requested approval of this amendment at the briefing session. He said the money would be used for promotional materials geared towards encouraging students to report crimes. Eades said the actual reward money was derived from drug-seized funds. (Chairman Tice added during the briefing session that she was a member of a committee that determined how much reward money was awarded to a person providing a valid tip.)

12. Request from the Sheriff's Office for Approval to Apply for a Department of Justice COPS Grant: Also during the briefing session, Lieutenant Rick Eades requested permission to apply for a \$323,960 technology grant. He said the COPS grant had four phases over five years, and last year, Phase I in the amount of \$150,000 for a regional crime center was approved. Lt. Eades said Phase II funds would be used for additional equipment for the center that might be located at the Highway 21 annex.

13. Request for Approval of Budget Amendment #26 to Recognize Proceeds (\$47,513) from Insurance Claims: Finance Director Blumenstein requested approval of this amendment during the briefing session. She said the funds received for property damage would be added to departmental expenditure line items from which repairs or replacement costs were incurred.

14. Request for Approval of an Agreement for Arbitrage Rebate Calculation Services (Series 2003 • Installment Payment Revenue Refunding Bonds • \$18,020,000): Susan Blumenstein said the Internal Revenue Code stipulated that any earnings over the declared yield of tax exempt bond issues had to be rebated to the U.S. government. She said it was best to hire outside agencies to determine the arbitrage, or excess earnings, and she recommended Bingham Arbitrage Rebate Services with an annual fee of \$1,000 for five years. (This agreement will be for the second five-year period. The educational bond series was actually issued in year 2000, but a refunding issuance occurred in year 2003.)

15. Request for Adoption of a Capital Project Ordinance for School Construction Projects for Year 2006: Finance Director Blumenstein reported at the briefing session that an ordinance needed to be adopted for the educational facilities included in the General Obligation (GO) Bonds, Certificates of Participation (COPs), and Qualified Zone Academy Bonds (QZABs). Blumenstein reminded the board members that the school systems could not move funding from one school construction project to another

without approval from the commissioners. A copy of the \$77,392,055 ordinance is as follows:

**Iredell County, North Carolina
Capital Project Ordinance
School Construction Projects – 2006**

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:

4504700	4900.10	GO Bond Proceeds	\$36,400,000
4504700	4900.20	COPS Proceeds	35,000,000
4504700	4900.30	QZAB	2,000,000
4504700	4900.40	Public School Building Capital Fund	3,500,000
4504700	4900.50	Contribution - Iredell Statesville Schools	492,055
			<u>\$77,392,055</u>

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

4505700	520000	Professional Fees - Architect	\$4,623,292
4505700	520014	Construction Management	910,114
4505700	520020	Testing, Permits, and Other Fees	513,500
4505700	561000	Closing Costs	645,000
4505700	580200	General Construction	65,170,484
4505700		Contract	59,191,070
4505700	(1)	Unencumbered	5,979,414
4505700	580255	Transitional Costs (mobiles)	2,790,000
4505700	601000	Land Purchases	1,220,000
4505700	630000	Furniture, Fixtures & Equipment	1,519,666
			<u>\$77,392,055</u>

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 Iredell-Statesville 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.

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16. Request for Approval of the January 17, 2006 Minutes

17. Request for Permission to Apply for a Justice Assistance Program Grant: Lt. Rick Eades, at the briefing session, requested for this request to be added to the agenda. He said \$13,727 was available for the emergency response team to purchase infrared imaging technology. Eades said the technology, or equipment, detected heat sources that would (1) help apprehend criminals (2) help locate lost individuals and (3) help to improve officer safety.

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

Request for Approval of a Resolution Calling for a Public Hearing on February 21, 2006 at 7:00 P.M. Concerning the Financing of Certain School Facilities Pursuant to an Installment Financing Agreement: Chairman Tice introduced the following resolution, a copy of which had been provided to each Commissioner, which was read by title and summarized by the Director of Finance and Administrative Services:

*RESOLUTION CALLING A PUBLIC HEARING
CONCERNING THE FINANCING OF CERTAIN SCHOOL FACILITIES
PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT*

WHEREAS, the Board of Commissioners for the County of Iredell, North Carolina (the "County") is considering the financing of (i) the expansion of North Iredell High School,

including the construction and equipping of additional classrooms and a new gymnasium and locker room, (ii) the expansion of West Iredell High School, including the construction and equipping of additional classrooms, a new science wing, an auditorium, a new gymnasium and locker rooms, and expanded cafeteria and kitchen facilities, (iii) the expansion of Statesville High School, including the construction and equipping of a Freshman Academy, an auxiliary gymnasium, a ROTC room, a science wing and additional performing arts and general classrooms and the acquisition of land to expand practice fields and parking lots, (iv) the expansion of Sharon Elementary School, including the construction and equipping of additional classrooms and resource rooms, a new cafeteria/kitchen, a new administration area and a new media center and the acquisition of land for the expansion of the sewer septic system, and (v) the construction and equipping of a new Mooresville Intermediate School (collectively, the "Project") pursuant to an Installment Financing Agreement, to be dated as of May 1, 2006 or such other date as the parties thereto shall mutually agree upon (the "Installment Financing Agreement"), between Iredell County Public Facilities Corporation, a North Carolina non-profit corporation (the "Corporation") and the County; and

WHEREAS, pursuant to the Installment Financing Agreement, the Corporation will finance the Project, and the County will make Installment Payments (as defined in the Installment Financing Agreement) in amounts sufficient to pay the principal and interest with respect to Certificates of Participation (Iredell County School Projects), Series 2006 (the "2006 Certificates"), to be executed and delivered by the Corporation for the purpose of financing the Project, it being the express intention of the Board of Commissioners that only the principal amount of 2006 Certificates necessary to accomplish the purposes stated in the Installment Financing Agreement will be executed and delivered (estimated not to exceed \$45,000,000 principal amount); and the County's obligations under the Installment Financing Agreement will be secured by, among other things, a deed of trust on certain real property to be owned by the County, consisting of the sites of the Sharon Elementary School, the Statesville High School and the Mooresville Intermediate School, including all buildings, improvements and fixtures thereon; and

WHEREAS, the Installment Financing Agreement, if entered into, will comply in all respects with Section 160A-20 and Chapter 159, Article 8, of the General Statutes of North Carolina and the guidelines of the Local Government Commission of North Carolina for all financings undertaken pursuant to said Section and Article; and

WHEREAS, said Section 160A-20 requires that, before entering into an installment financing agreement involving real property, the County shall hold a public hearing on such agreement; now, therefore,

BE IT RESOLVED by the Board of Commissioners for the County of Iredell:

Section 1. A public hearing with respect to the Installment Financing Agreement is hereby directed to be held on Tuesday, February 21, 2006, at 7:00 P.M., in the Commissioners' Meeting Room at the Iredell County Government Center, 200 South Center Street, Statesville, North Carolina.

Section 2. The Clerk to the Board of Commissioners is hereby directed to publish notice of said public hearing, in substantially the following form, once at least ten (10) days prior to the date of the public hearing as required by Section 160A-20(g) of the General Statutes of North Carolina:

**NOTICE OF PUBLIC HEARING BY
THE BOARD OF COMMISSIONERS FOR THE COUNTY OF IREDELL,
NORTH CAROLINA, CONCERNING THE FINANCING OF CERTAIN SCHOOL
FACILITIES PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT**

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Commissioners for the County of Iredell, North Carolina (the "County") is considering the financing of (i) the expansion of North Iredell High School, including the construction and equipping of additional classrooms and a new gymnasium and locker room, (ii) the expansion of West Iredell High School, including the construction and equipping of additional classrooms, a new science wing, an auditorium, a new gymnasium and locker rooms, and expanded cafeteria and kitchen facilities, (iii) the expansion of Statesville High School, including the construction and equipping of a Freshman Academy, an auxiliary gymnasium, a ROTC room, a science wing and additional performing arts and general classrooms and the acquisition of land to expand practice fields and parking lots, (iv) the expansion of Sharon Elementary School, including the construction of additional classrooms and resource rooms, a new cafeteria/kitchen, a new administration area and a new media center and the acquisition of land for the expansion of the sewer septic system, and (v) the construction and equipping of a new Mooresville Intermediate School (collectively, the "Project") pursuant to an Installment Financing Agreement, to be dated as of May 1, 2006 or such other date as the parties thereto shall mutually agree upon (the "Installment Financing Agreement"), between Iredell County Public Facilities Corporation, a North Carolina non-profit corporation (the "Corporation"), and the County. It is expected that

the Corporation will execute and deliver Certificates of Participation, evidencing proportionate and undivided interests in the installment payments to be made by the County under the Installment Financing Agreement, in an aggregate principal amount not exceeding \$45,000,000 for the purpose of financing the Project.

NOTICE IS HEREBY FURTHER GIVEN that the Board of Commissioners will hold a public hearing in the Commissioners' Meeting Room at the Iredell County Government Center, 200 South Center Street, Statesville, North Carolina, on February 21, 2006, at 7:00 P.M., or an adjournment thereof, at which time any person may be heard regarding the proposed Installment Financing Agreement.

COUNTY OF IREDELL, NORTH CAROLINA

By: Jean C. Moore
Clerk to the Board of Commissioners

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

Upon motion of Chairman Tice, the foregoing resolution entitled: "RESOLUTION CALLING A PUBLIC HEARING CONCERNING THE FINANCING OF CERTAIN SCHOOL FACILITIES PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT" was passed by the following vote: Ayes – 5; Nays – 0.

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Juvenile Crime Prevention Council (1 announcement)
Nursing Home Advisory Committee (1 announcement)
Community Alternatives Program for Disabled Adults (1 announcement)

APPOINTMENTS TO BOARDS & COMMISSIONS

Animal Grievance Committee (1 appointment): Commissioner Williams nominated Dr. Gary Davis.

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

VOTING: Ayes – 5; Nays – 0.

Adult Care Home Community Advisory Committee (5 appointments): Commissioner Norman nominated Sina Brown and Dean Weaver.

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

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Norman to postpone the remaining three appointments until the February 21 meeting.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Committee (2 appointments): No nominations were submitted, and Commissioner Norman made a MOTION to postpone the two appointments until the February 21 meeting.

VOTING: Ayes – 5; Nays – 0.

Criminal Justice Partnership Program (2 appointments): Commissioner Johnson nominated Lorraine Hill for the substance abuse professional position and Robin Griffin for the at-large position.

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

VOTING: Ayes – 5; Nays – 0.

Juvenile Crime Prevention Council (1 appointment): Commissioner Norman nominated Pam Davis for the nonprofit representative position.

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

VOTING: Ayes – 5; Nays – 0.

Centralina Economic Development Commission (1 or 2 appointments): Chairman Tice nominated Bill Thunberg and R.B. Sloan.

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

VOTING: Ayes – 5; Nays – 0.

Statesville Planning Board (ETJ) (1 appointment): **MOTION** by Commissioner Johnson to postpone this appointment until the February 21 meeting.

VOTING: Ayes – 5; Nays – 0.

Hazardous Waste & Low Level Radioactive Waste Management Board (1 appointment): Commissioner Norman nominated Millard Brasington.

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

VOTING: Ayes – 5; Nays – 0.

Industrial Facilities & Pollution Control Financing Authority (1 appointment): Commissioner Williams nominated Larry Rogers.

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

VOTING: Ayes – 5; Nays – 0.

Centralina Workforce Development Board (1 appointment): Commissioner Norman nominated Jean Manall.

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

VOTING: Ayes – 5; Nays – 0.

CLOSED SESSION: **MOTION** by Chairman Tice at 8:20 p.m., to enter into closed session for the purpose of discussing an Economic Development matter pursuant to G.S. 143-318.11 (a) (4) and Personnel items pursuant G.S. 143-318.11 (a) (6).

VOTING: Ayes – 5; Nays – 0.

RETURN TO OPEN SESSION AT 8:45 P.M.

CALL FOR A PUBLIC HEARING ON FEBRUARY 21 FOR CAROLINA NONWOVENS: MOTION by Commissioner Johnson to call for a public hearing on February 21, 2006 at 7:00 P.M., regarding an economic development incentive of \$174,000 (over a five-year period) for Carolina Nonwovens based on a \$10 million investment in Iredell County.

VOTING: Ayes – 5; Nays – 0.

ADJOURNMENT: There being no further business, Chairman Tice at 8:47 P.M. made a motion to adjourn the meeting. (NEXT MEETING: February 21, 2006, 5:00 P.M. and 7:00 P.M., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.)

VOTING: Ayes – 5; Nays - 0.

Approved: _____

Clerk to the Board