

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
JANUARY 20, 2004**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, January 20, 2004, at 7:00 p.m., in the Iredell County Government Center-South (Courtroom), located at 610 East Center Avenue, Mooresville, NC.

Present were:

Chairman Steve D. Johnson
Vice Chairman Godfrey Williams
Doug Madison
Marvin Norman
Sara Haire Tice

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Finance Director Susan Blumenstein, Planning Supervisor Ron Smith, Tax Administrator Bill Doolittle, Health Director Ray Rabe, Health Administrative Officer Bill Griffith, Chief Deputy Rick Dowdle with the Sheriff's Department, Emergency Management Director Tracy Jackson, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Johnson.

INVOCATION by Chairman Johnson.

PLEDGE OF ALLEGIANCE: Boy Scouts James Teeter and Brandon Galbreath of Troop 171, affiliated with Williamson's Chapel Methodist Church, 589 Brawley School Road, Mooresville, N.C., led the Pledge of Allegiance. Approximately 28 other scouts with the same troop, along with Mr. Wayne Persons, also attended the meeting.

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

- Additions:
- Request from the Sheriff's Department for Permission to Apply for a \$400,000 Governor's Crime Commission Grant for the Purchase of Portable Radios in Conjunction with the 800 mhz Project
 - Closed Session for the Purpose of Discussing a Personnel Matter – G.S. 143-318. 11 (a) (6)
- Deletions:
- Request for Approval of Revisions to the Industrial Development Incentive Program Policy for Iredell County
 - Request for Approval of Agreements between Iredell County, EnergyUnited Electric Corporation, and West Realty Agency Regarding the West Farm Water Tank Project (This will be discussed at a later date.)

VOTING: Ayes – 5; Nays – 0.

APPOINTMENT BEFORE THE BOARD

Ms. Rebecca Yarbrough, with the Centralina Council of Governments, Discusses the Regional Travel Demand Modeling Process: Yarbrough said that as a part of the Clean Air Act, geographic areas would be deemed non-attainment or attainment areas. She explained that attainment areas were the ones that met the air pollutant criteria for health standards, while the non-attainment sections had levels of "criteria air pollutants higher than the level allowed by federal standards." Yarbrough said, however, that one geographic area could be classified as both attainment and non-attainment. She also said the following:

- Federal transportation money can be lost if an area is declared non-attainment.
- Previously, just the southern end (Mooresville) of Iredell County was considered to be in a non-attainment area, and this was due to its close proximity to Charlotte. Now, however, it is anticipated the Environmental Protection

Agency (EPA) will recommend that the entire county be classified as non-attainment due to it being in a combined metropolitan area.

- A Regional Travel Demand Model will be created as a response to the EPA's probable designation of this region as a non-attainment area. A report (model) must be submitted that contains "transportation conformity plans demonstrating that the region's transportation system (both existing and proposed for the future) does not worsen air quality." Initial growth projections will be submitted to the county's planning department. They (projections) will later be submitted to the commissioners.

- Input will be needed from the county, especially future transportation needs and plans.

Commissioner Williams asked if a petition could be submitted to the EPA requesting for the county to be excluded from the non-attainment area.

Yarbrough said she couldn't predict the successfulness of a petition. She said, however, the petition could be for the exclusion of a section of the county or as a whole.

Chairman Johnson asked what agency made the determination.

Yarbrough said the EPA, and a decision would occur by April 15, 2004.

Williams mentioned there was a difference between the southern end of the county and the more rural, northern section.

Yarbrough said transportation funds were tied to "conformity," and any areas classified as non-attainment would probably have problems recruiting industry, especially companies with air emissions. She said obtaining the necessary permits would be difficult.

Chairman Johnson said he felt the EPA should be petitioned for the elimination of the entire county from the non-attainment designation. He emphasized that the county did not want to do anything that discouraged industrial development.

Yarbrough said that in Iredell County's favor, there were no "violating monitors" within its jurisdiction. She said Rowan County and Lincoln County, both included in the same proposed non-attainment area as Iredell, had "violating monitors."

Commissioner Madison asked when Iredell County became a part of the Mecklenburg County Metropolitan Statistical Area.

Yarbrough said during the 2000 census.

County Manager Mashburn asked when the county became a part of a Micropolitan Statistical Area.

Yarbrough said this also originated out of the 2000 census.

MOTION by Chairman Johnson to (1) request that Mrs. Yarbrough share North Carolina Department of Environment and Natural Resources and Environmental Protection Agency contact information for the purpose of submitting a petition for the county to be excluded from the geographical area that would probably be designated as non-attainment and (2) for a letter to be written to the county's legislative delegation in Washington regarding the rules and regulations being written by individuals who had not achieved their offices through the electoral process.

VOTING: Ayes – 5; Nays – 0.

PUBLIC HEARING

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

Consideration of Economic Development Incentives for Lowe’s Companies, Inc., for Projects (Hangar/Aircraft) at the Statesville Municipal Airport: County Manager Mashburn said the incentives under consideration were based upon an anticipated \$100,000,000.00 investment in Iredell County by Lowe’s Companies, Inc. He said the incentives had the following two components.

1. Consideration of an annual grant, over a five-year period, for the construction of a **building or hangar** to be located at the Statesville Airport.
2. Consideration of an annual grant, over a five-year period, for the Lowe’s corporate **aircraft**, with a stipulation being that the air fleet must remain in the county for five years. Upon payment of ad valorem taxes in the sixth (6th) year, the Lowe’s Company will be awarded an incentive grant in accordance with county policy.

Attorney Pope said incentives were earned by the industries, and that most North Carolina counties used a similar method to recruit and maintain industry.

No one else spoke regarding the incentives; however, Mr. John Vining, the Lowe’s Vice President of Administration, was in attendance.

Chairman Johnson adjourned the hearing.

MOTION by Commissioner Tice to approve the Lowe’s Companies, Inc., incentives for aircraft and a hanger at the Statesville Municipal Airport, as explained by the county manager.

VOTING: Ayes – 5; Nays – 0.

ADMINISTRATIVE MATTERS

Request for Approval of the December 2003 Refunds & Releases: Tax Administrator Bill Doolittle requested approval of the following releases and refunds.

DECEMBER 2003 TAX RELEASES & REFUNDS		
	Releases	Refunds
County	\$ 54,992.00	\$ 1,843.10
Solid Waste Fees	221.00	26.00
East Alexander Co. Fire #1	3.87	0
Shepherd’s Fire # 2	737.30	8.50
Mount Mourn Fire # 3	61.32	2.24
All County Fire # 4	2,872.23	55.56
Statesville City	11,750.83	82.38
Statesville Downtown	16.43	0
Mooresville Town	12,482.84	1,814.68
Mooresville Downtown	2.42	0
Mooresville School	3,462.41	326.26
Love Valley	0	0
Harmony	5.99	0
Troutman	110.33	12.00
Total	\$86,718.97	\$4,170.72
A complete list is hereby incorporated into the minutes by reference of the individual tax releases and refunds.		

MOTION by Commissioner Williams to approve the December 2003 refunds and releases as recommended by the Tax Administrator.

VOTING: Ayes – 5; Nays – 0.

Request from the Tax Administrator for the Extension of the 2004 Tax Listing Period: Tax Administrator Bill Doolittle said the current deadline for tax listings was Saturday, January 31 at midnight. As a courtesy to the county citizens, he requested permission to extend the deadline until Monday, February 2, 2004, at midnight.

MOTION by Commissioner Madison to approve the request to extend the 2004 tax listing deadline until Monday, February 2, 2004, at midnight.

VOTING: Ayes – 5; Nays – 0.

Request from the Health Department for Approval to Write-Off FY 2001-02 Delinquent Accounts: Health Director Rabe requested permission to write-off the following accounts.

SUBPROGRAM	PRIVATE PAY	MEDICAID	TOTAL
Adult Health	\$ 935.60	\$ 0	\$ 935.60
Child Health	998.40	324.00	1,322.40
Child Service Coord.	0	0	0
Dental Health	0	4,361.00	4,361.00
Family Planning	23,053.10	145.00	23,198.10
Health Promotion	0	0	0
Immunizations	2,000.59	1,110.25	3,110.84
HIV/AIDS Case Mgt.	0	82.00	82.00
Maternity Care Coord.	0	237.56	237.56
Maternal Health	4,898.70	394.00	5,292.70
Miscellaneous	332.80	47.28	380.08
TOTALS	\$32,219.19	\$ 6,701.09	\$38,920.28

Rabe said the board of health approved the write-offs on December 11, 2003. He said the health department’s mission was to serve people regardless of their ability to pay, and the office did not contract out for account collections. Mr. Rabe said, however, the department had recently signed up with the NC Debt Set-Off Program.

The county manager asked why there were Medicaid write-offs.

Bill Griffith, an administrative officer for the health department, said there were several reasons. He said one reason was due to having to collect on private pay insurance before the Medicaid billing.

MOTION by Commissioner Norman to approve the 2001-02 Health Department write-offs as presented.

VOTING: Ayes – 5; Nays – 0.

Request from the Health Department for Environmental Health Salary Adjustments: Human Resources Director Harris said that for many years the environmental health division had been having employee retention problems. She said many individuals started out as interns, but when they became trained, a time-consuming process, they were lured into more lucrative positions elsewhere. Mrs. Harris said that in an effort to alleviate the problem, a market study had been done, and it recommended a reclassification of one grade upward for each class in a division. She said the reclassification cost, to be implemented retroactively to January 1, 2004, was \$14,520 for the remainder of this fiscal year. In addition, she said the health director

had indicated the costs could be paid out of lapsed salary funds due to a vacant environmental technician position.

Chairman Johnson said it appeared the problem was with the entry-level positions and recruitment. He said there seemed to be stability with senior positions. Johnson asked if the raises could be restricted to only the lower-level staff.

Harris said the health positions were subject to the State Personnel Act, and as such, if one grade changed, they all had to change.

Health Director Rabe mentioned the advantages of obtaining a “substantially equivalent system.” He said this designation would eliminate the health personnel from being under the State system.

Harris said the county had been working towards the “substantially equivalent system” for some time.

Mashburn said the system being discussed would require overall policy changes, and these would affect all of the county employees -- not just the health staff.

Johnson said many citizens had called and complained about the month long environmental permit backlog.

Rabe said that if the reclassifications were approved, they wouldn't necessarily eliminate the backlog. He said they would help, but there weren't that many certified people in the county who could do the work.

Commissioner Norman asked what was needed for certification.

Rabe said a degree, six months training in Raleigh, the passage of written tests, and on-the-job training. He continued by saying the staff felt the backlog could be decreased to two weeks; however, in the spring, when construction increased, the delays would probably start again. Rabe said the FY 04-05 budget request would ask for more environmental staff.

Commissioner Madison asked if signing bonuses for these types of positions were legal in North Carolina.

Harris said some areas were using bonuses as a recruitment tool, especially for nurses.

Madison asked if signing bonuses could be used without changing pay grades.

Mashburn said the county's policy already provided for bonuses when an employee reached his/her top pay scale. He said that if they were awarded merit increases, and they were near, or at their top pay, the employees could elect for the increases to be paid out as a one-time bonus -- it wouldn't increase their annual salaries.

Rabe said he was equally concerned for the existing staff and their salaries.

Harris said another option would be to have a scale for the number of years an employee worked in a position. She volunteered to research the matter and to share information on any other options that might be discovered.

MOTION by Commissioner Madison to postpone the environmental health specialist pay study decision until the February 3 meeting.

VOTING: Ayes – 5; Nays – 0.

Request for Permission to Apply for a State Homeland Security Program Grant (Iredell County to be a sub-grantee and to apply for reimbursement from the NC Dept. of Crime Control & Public Safety): Emergency Management Director Tracy Jackson requested permission to apply for a \$337,553.00 grant to be used for equipment, exercises, training and/or planning. He said no local match would be needed.

MOTION by Commissioner Norman to approve the Emergency Management Director's request to apply for a \$337,553 State Homeland Security Program Grant.

VOTING: Ayes – 5; Nays – 0.

Request from the Mooresville Christian Mission, a non-profit organization, for the Waiver of Solid Waste Tipping Fees: The county manager said the Mooresville Christian Mission was requesting the waiver of solid waste tipping fees for donated items that could not be accepted. He recommended approval of the request, based upon the reasoning that the citizens making the donations were already paying the disposal fees through their solid waste household availability fee.

MOTION by Commissioner Tice to approve the Mooresville Christian Mission's request for the waiver of solid waste tipping fees.

VOTING: Ayes – 5; Nays – 0.

Request for Approval to Allow the County to Serve as a Community Development Block Grant-Economic Development (CDBG-ED) Applicant for Carolina CAT & a Request to Call for A Public Hearing on Tuesday, February 3, 2004, Regarding CDBG-EDs (Public hearing will be for FlexSol & Carolina CAT as well as any other CDBGs in the next 12 months.): County Manager Mashburn said the West Iredell Water Corporation had been asked to provide water service to the Carolina CAT facility to be located at I-40 and the Stamey Farm Road, and a community block development grant would aid in this effort. He said a local match was needed, but the water corporation would supply \$50,000.00 less the county's commitment for the necessary water hydrants. Mashburn said the fire marshal had indicated that seven hydrants were being budgeted for the West Iredell Volunteer Fire District for 2004-05. Mashburn continued by saying James Holler, the West Iredell Water Corporation President, had indicated his organization would pay the upfront cost of the hydrants and allow the county to make reimbursement in the next fiscal year.

MOTION by Commissioner Madison to call for a public hearing on February 3, 2004, regarding CDBG-EDs during the next 12 months, and specifically, to hear comments on the two known projects, at this time, of Carolina CAT and FlexSol.

VOTING: Ayes – 5; Nays – 0.

Request for Approval of the Annual Audit Contract for Year Ending June 30, 2004: Finance Director Blumenstein said audit costs of like-sized counties had been evaluated, and she recommended the firm of McLelland, Rutherford, & McKenzie PA, CPAs for the 2003-04 annual financial contract. She said the firm's cost would be \$35,675.

MOTION by Commissioner Madison to approve the 2003-04 audit contract with McLelland, Rutherford, & McKenzie PA, CPAs.

VOTING: Ayes – 5; Nays – 0.

Request for Approval of Budget Amendment #22 for the Purpose of Transferring Contingency Funds to the Economic Development Fund to Pay One-Half the Lost Interest Earnings on Funds Paid by the City of Statesville Prior to Grant Availability for the Statesville Airport Project: Finance Director Blumenstein said an invoice had been received from the City of Statesville in the amount of

\$1,080.96 for one-half of the lost interest earnings on funds advanced for the Statesville Airport runway-extension project. She said the amount was for the quarter ending December 31, 2003, and she had estimated the total project costs for this fiscal year to be \$6,600. Blumenstein requested approval of a \$6,600 budget amendment and for the funds to be derived from contingency and placed in the Statesville Airport line item.

Commissioner Williams asked the status of the airport grant.

Chairman Johnson said it had been approved by the House, and it was proceeding to the Senate. He said the project was on schedule.

MOTION by Commissioner Tice to approve Budget Amendment #22 in the amount of \$6,600 for the Statesville Airport Project.

VOTING: Ayes – 5; Nays – 0.

Request for Approval of the January 6, 2004 Minutes: **MOTION** by Chairman Johnson to approve the January 6, 2004 minutes as presented.

VOTING: Ayes – 5; Nays – 0.

Request from the Sheriff's Department for Permission to Apply for a \$400,000.00 Grant: Chief Deputy Dowdle requested permission to apply for a \$400,000 grant from the Governor's Crime Commission for the purchase of radios in conjunction with the 800 mhz project. He said the radios were expensive (\$2,600 each), and a 25% local match would be needed. Dowdle said the department was looking at using seized funds for the match. In reference to the proposed 800 mhz project, Dowdle said he had discussed the types of radios to be purchased with the Communications Director (David Martin), and they would be compatible. Dowdle said, however, there might be "some holdover." Chief Dowdle said he planned to apply for the entire grant of \$400,000.00, but it would be splintered out over a two-year period.

MOTION by Commissioner Madison to approve the request to apply for a \$400,000 Governor's Crime Commission Grant for the purpose of purchasing radios.

VOTING: Ayes – 5; Nays – 0.

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Centralina Workforce Development Board (1 announcement): Commissioner Tice, the Chairman of the Centralina Workforce Development Board, said the organization had experienced a vacancy for quite some time, but recently two individuals expressed an interest in serving. Due to the Workforce Development Board needing the vacancy to be filled as soon as possible, Tice made a **motion** to suspend the rules of procedure and to nominate and appoint Kevin Williamson to the position by acclamation.

VOTING: Ayes – 5; Nays – 0.

APPOINTMENTS TO BOARDS & COMMISSIONS

Adult Care Home Community Advisory Committee (3 appointments): No nominations were submitted, and Chairman Johnson **motioned** to postpone the appointments until the February 3 meeting.

VOTING: Ayes – 5; Nays – 0.

Board of Equalization & Review for 2004 (1 alternate appointment):
Commissioner Williams nominated Larry Galliher.

MOTION by Commissioner Madison to close the nominations and to appoint Galliher by acclamation.

VOTING: Ayes – 5; Nays – 0.

COUNTY MANAGER’S REPORT: County Manager Mashburn said the new library construction was “well underway.” In regards to the planning for the new social services building, he said the needs were being modified, and an update would be given at the winter planning session. (A written manager’s activity report was also distributed.)

CLOSED SESSION: **MOTION** by Chairman Johnson to enter into closed session at 8:40 p.m., for the purpose of discussing an economic development matter pursuant to G.S. 143-318.11(a) (4) and a personnel matter in accordance with G.S. 143-318.11(a) (6).

VOTING: Ayes – 5; Nays – 0.

RETURN TO OPEN SESSION AT 8:59 P.M.

ONE-YEAR AGREEMENT EXTENSION FOR SAERTEX USA LLC:
MOTION by Commissioner Madison to approve an amendment to the Saertex USA LLC economic development agreement dated July 25, 2001, for the purpose of offering a one-year extension for the company to meet the \$3,000,000.00 minimum investment needed for incentives to begin.

VOTING: Ayes – 5; Nays – 0.

MERIT INCREASE FOR THE COUNTY MANAGER: **MOTION** by Commissioner Norman to award a merit increase of 3.5% to the county manager as of February 1, 2004.

VOTING: Ayes – 5; Nays – 0.

ADJOURNMENT: **MOTION** by Chairman Johnson to adjourn the meeting at 9:00 p.m. (NEXT MEETING: Tuesday, February 3, 2004, 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