

**IREDELL COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
JULY 16, 2002**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, July 16, 2002, at 7:00 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

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

Staff Present: County Manager Joel Mashburn, County Attorney Bill Pope, Planning Supervisor Ron Smith, Inspections/Planning Director Lynn Niblock, and Clerk to the Board Jean Moore.

**CALL TO ORDER** by Chairman Tice.

**INVOCATION** by Commissioner Bowles.

**PLEDGE OF ALLEGIANCE**

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

Deletions: • Request for Approval of the Hazard Mitigation Plan  
• Request for the Designation of a Voting Delegate for the Annual Conference of the North Carolina Association of County Commissioners on August 22-25, 2002

Additions: • Request from the Health Department to Receive and Expend a Health Promotion Grant and Approval of Budget Amendment #1

VOTING: Ayes – 5; Nays – 0.

**PUBLIC HEARINGS**

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

**REZONING REQUEST: DONALD GOFORTH PROPERTY, CASE NO. 0206-1 FROM RESIDENTIAL AGRICULTURAL TO GENERAL BUSINESS CONDITIONAL USE DISTRICT:** Planning Supervisor Smith said Mr. Donald Goforth desired to rezone 5.44 acres of property located off U.S. Hwy. 21 (PIN#4740-82-0431). Smith said the proposed use for the site would be any/all uses in the General Business District with the following conditions:

1. underground utilities
2. site development plan to provide for shared parking with adjacent parcel
3. site development plan to provide for future interconnectivity between adjacent properties

Mr. Smith said the request was in compliance with the standards recommended in the recent Exit 42 Study, and the property was located in the Interchange Commercial Area. He said the planning board unanimously recommended approval of the request on June 5, 2002.

No one else spoke, and Chairman Tice adjourned the hearing.

**MOTION** by Commissioner Ray, after reviewing the findings of fact and determining them to be in order, to grant the rezoning request of Case No. 0206-1 (Donald Goforth) from Residential Agricultural to General Business Conditional Use District with the three conditions.

VOTING: Ayes – 5; Nays – 0.

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

**PROPOSED AMENDMENT TO THE IREDELL COUNTY SUBDIVISION ORDINANCE (SECTION 406) & ZONING ORDINANCE (ARTICLE VII) IN REFERENCE TO SUBDIVISION PUBLIC WATER CONNECTIVITY:** Planning Supervisor Smith said the proposed amendments were the results of a directive given by the board of commissioners at the Winter Planning Session. He said the staff had reviewed ordinances from Alexander, Catawba, Rowan and Lincoln counties to determine how other governmental units handled subdivisions and public water connectivity. Smith said the amendments had been before the planning board on two separate occasions. He said the amendments only addressed new minor and major subdivisions and would not affect (1) family subdivisions and (2) splits of properties. (Also, any matters not under the direct purview of the subdivision ordinance.) Mr. Smith said the amendments were for new developments, and they would not be retroactive on subdivisions already platted or developed.

Smith then summarized the amendments which were:

1. The following definition for a Public Water Supply System.

*An approved water supply system serving ten (10) or more connections, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the Iredell County Sanitarian in consultation with the State Division of Environmental Health.*

2. Under "Connection Required," to state the following:

- a. *Wherever it is legally possible and practical to connect a major or minor subdivision to a public water system, such connection shall be made at the subdivider's expense and shall be based on the requirements detailed in the table below.*

- b. *The term "legally possible and practical" shall mean the following:*

- i. *There is an existing water line of adequate size and water flow and/or pressure (as determined by the water provider) that correlates with the requirements described below, and*
- ii. *The water provider has agreed to provide service to the proposed development, and*
- iii. *An easement necessary to run a connecting line over property not owned by the owner of the proposed subdivision to be served can be reasonably obtained, and*
- iv. *There are no legal or documented topographical constraints which would prevent the subdivider from connecting onto and extending the existing system.*
- v. *If a request is made by a developer to exempt a subdivision from the standards of A.2 due to failure to meet or attain any of the factors listed in this section, the Subdivision Administrator shall review the pertinent background information submitted by the developer, consult with any applicable agencies, and make a final determination concerning connection to the subject water system.*

- c. *The following table shall be used to determine the minimum distance required for connection to a public water system based on the number of lots (all phases, present and future) being created in the subdivision. If the subdivider chooses to develop only a portion of the original tract, a determination of the potential number of lots that could be developed, based on Article 7.0 of the Zoning Ordinance, shall be made by the Subdivision Administrator. The distance shall be taken from the nearest point on the original lot line to the existing water line.*

<i>Number of Lots</i>	<i>Distance</i>
<i>0-10</i>	<i>200 feet</i>
<i>11-20</i>	<i>300 feet</i>
<i>21-50</i>	<i>600 feet</i>
<i>51-100</i>	<i>1,000 feet</i>
<i>101+</i>	<i>1,500 feet</i>

(Example: If a fifteen-lot subdivision is proposed and the subdivision lies within three hundred feet of an existing water line, owned and operated by a public entity, the subdivision will need to be connected to that water system.)

Smith said the planning board on June 5, 2002 recommended changes to the table. He said the first change was to go **from 0-20 lots within 100 feet of an existing public water line and the second change was 101+ lots to 2,000 feet.**

*d. Notwithstanding the statements listed above, the County may deem it necessary for health, safety, or for other public purposes to acquire, at the subdivider's expense, the necessary easements and/or rights-of-way to facilitate the installation of public water facilities and require that they be installed.*

*e. All required water line extensions shall include appropriate valves, hydrants, taps and service to the property line of each lot as required by the standards of the provider of service.*

*3. In addition to meeting all standards and regulations of their respective agencies, water systems must contain water lines that are sized to provide adequate fire protection as described in Section 406.1 of this ordinance. This provision shall not apply, however, on cul-de-sac roads (with no future extension possible) of lengths less than five hundred (500) feet or in cases where the main line of service to the proposed development is less than six inches in diameter. In no instance, however, shall water lines be less than two inches in diameter.*

Another amendment discussed by Smith was:

#### Proposed Zoning Ordinance Amendment

##### **Article VII. Table of Area, Yard, and Height Requirements**

*(a) Notwithstanding subsection (h), in the R-20, R-A and R-R\* Districts a minimum lot size of **15,000 square feet** may be permitted where either public water or sewer, or both is provided. The lot sizes required for the various districts of this ordinance were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities may require larger areas or in some instances because Health Department standards may not permit development as intended.*

Smith said a change to this section had also been recommended. He said the minimum lot size had been changed from **15,000 sq. ft. to 20,000 sq. ft.** by the planning board.

Commissioner Johnson asked for a clarification on the property owner hooking onto the water line. Johnson said he understood the property owner would only pay if he or she chose to hook on -- that the mandate was for the developer to run the water line. He said there was no mandate for the property owner to hook onto the line.

Smith said this was correct.

Commissioner Bowles asked if fire hydrants would be required down the 2,000 sq. ft in subdivisions with over 100 homes, or if they were only required in the subdivisions.

Smith said just in the subdivisions.

Commissioner Ray asked if there were any regulatory dollar amounts in regard to tap-on fees, or if this was just at the discretion of the water companies.

Smith said each water company had its own fee schedule.

Commissioner Ray asked what agency approved the fee schedule, or changes in the water rates.

Smith said that in the case of the Iredell Water Corporation, rate changes would first go before the board of directors and then to the North Carolina Public Utilities Commission.

Bowles said the water companies had different rules about water line extensions.

Carl Chambers, of Chambers & Sons Water Well Drilling, spoke in opposition to the amendments. Mr. Chambers said his well drilling business had been in operation for the past 46 years, and the amendments were being discussed at a bad time due to the drought and local water conditions. Chambers said it appeared the amendments were primarily for the water companies. Mr. Chambers voiced concerns about acts of terrorism on public water lines.

Buddy Hemric said the homes in his area were on a community well and that several years ago the residents circulated a petition to connect onto a public water line. He said the water company refused service due to not having enough people interested. Mr. Hemric said the water company had to know how many people would utilize the service before the lines were extended due to the costs. He said it would appear the water companies would need a specific number of households from the developers.

Smith said the developer would probably guarantee a specific number of tap-ons.

Attorney Pope said the customary procedure of the water companies was to recover the cost of extending the water lines from the ones benefiting from the extension. He said that if it cost \$10,000 to extend the line, the company knew how many new customers it would need to justify the cost. Pope said the water companies tried to protect the existing customers by not having a rate increase when line extensions occurred. Mr. Pope said that if a developer extended the water lines, the water company's customers would not be affected because the developer paid the costs.

Chairman Tice asked for a clarification on allowing homeowners to have wells when public water was available to them.

Smith said that if a developer connected to a public water line, the amendments did not require a connection from the homeowner. He said the amendments required the developer to extend the water line to the property line of each lot. Smith said it would be up to the individual to attach onto the water line or have a well dug. He said the options might be diminished if the lots were less than 20,000 sq. ft. in size.

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

**MOTION** by Commissioner Bowles to postpone action on the proposed subdivision and zoning ordinance until the August 20, 2002 meeting.

VOTING: Ayes – 5; Nays – 0.

(Note: Commissioner Bowles said that between now and August 20, he would like the staff to find out more information about (1) the various policies used by the water companies pertaining to line extensions and (2) what benefits, if any, the county would gain by the water companies building one large well vs. several smaller ones by the individual homeowners. He noted that municipalities obtained their water from lakes.)

## ADMINISTRATIVE MATTERS

### **UPDATE ON THE TRANSPORTATION IMPROVEMENT PROGRAM:**

Planning Supervisor Smith gave the following information about the major improvement projects listed in the North Carolina Transportation Improvement Program (TIP) for years extending from 2004-2010.

#### **1. Interstate 40**

- Interchange with I-77: This includes a reconfiguration of the existing cloverleaf interchange. It will include “flyover” lanes rather than a traditional cloverleaf design. Planning for this project is underway and construction is scheduled to begin in 2007. The estimated cost of this project is \$88,060,000. This has been moved up on the TIP list. In last year’s document this was considered a “post year” project, meaning there was no timeframe involved.
- West of Exit 151 (Crossroads) to Exit 154: This project includes interchange modifications, pavement and bridge rehabilitation. There is no scheduled timeframe, as of yet, and this project is not funded. Estimated project cost is \$12,263,000. There has been some talk of this project being included with the larger I-40 & I-77 project. If this happens, it is likely the project will be finished sooner.

#### **2. Interstate 77**

- Interchange with Jane Sowers Road: This project will likely be included in the I-77/I-40 interchange project. The proposal would change the existing overpass to an interchange. At this time, there is no scheduled timeframe, or project cost.
- Exit 33 Interchange Upgrade and Realignment of Centre Church Road: This project is currently in the design and right-of-way acquisition phase. Construction is scheduled to begin in 2003. Centre Church Road will line up with Gateway Boulevard and a traffic signal will likely be provided. Project cost is estimated at \$6,405,000.
- Interchange at Langtree Road: This project would convert the existing grade separation to an interchange. The planning and design for this project is underway, while right-of-way will begin in 2004 and construction in 2006. The expected cost of this project is \$10,530,000.
- Widening and Reconstruction Feasibility Study: The State is looking at a widening project from NC 73 to I-40. This would be a 26-mile project.

**3. US 21 from Cedar Lane Avenue to Moose Club Road in Troutman:** This is an unfunded widening project that is estimated to cost approximately \$4,075,000. There is no set timeframe for the project.

**4. US 70 from Fanjoy Road in Statesville to US 601 in Salisbury:** This project will widen the remaining portion of US 70 to multi-lanes and will relocate a portion of the existing roadway. Design and right-of-way acquisition is currently underway and construction is scheduled to begin in 2003. This is a lengthy project, 19.7 miles, and will likely not be finished until around 2010. The estimated cost for this project is \$103,450,000.

**5. NC 150 from Lincolnton to I-77:** This project has been in the TIP as an unfunded project for several years. Last year, Iredell partnered with Lincoln and Catawba Counties to request a feasibility study. The overall project would span 22.6 miles and cost approximately \$96,742,000.

**6. Brawley School Road Widening:** This project will span from US 21 in Mooresville to Chuckwood Road near the Point. This would be a widening and relocation project with a new interchange being constructed at the intersection of I-77. It is currently in the planning and design stage. Construction is scheduled to begin in 2007. Project cost is estimated at \$33,750,000.

**UPDATE ON THE VOLUNTARY FARMLAND PRESERVATION PROGRAM:** Smith said the farmland preservation ordinance was adopted in July of 2001, and since that time, 7,300 acres or 43 farms had been approved for inclusion in a preservation district.

**REQUEST FOR APPROVAL OF AMENDMENTS TO THE VOLUNTARY FARMLAND PRESERVATION PROGRAM ORDINANCE:** Planning Supervisor Smith described five amendments being proposed for the farmland preservation ordinance. The amendments were:

1. Page 5 (404.5) Add: *Develop a county-wide farmland protection plan as defined in NCGS 106-744(e) (1) for presentation to the Board of Commissioners;*
2. Page 6 (502.1) Removal of the provision allowing the inclusion of non-farm

- properties.
3. Page 6 (502.2) Add: *(B) The Natural Resources Conservation Service; and*
  4. Page 6 (502.3) Add: *The Natural Resources Conservation Service*
  5. Page 7 (601.2) Add: *1) forestry products, horticultural crops; 2) have good soil qualities; 3) have a favorable growing season; and under section 5) receive the available moisture needed to produce high yields for an average of eight out of ten years; or*

Attorney Pope asked the procedure that would need to be followed if the Department of Transportation desired to widen a road in one of the districts.

Smith said a public hearing would have to be held by the Farmland Preservation Advisory Board. He said the board would have to determine if the road widening was the best alternative.

Commissioner Williams said he understood the staff had a waiting list containing properties up for review by the farmland advisory board. Mr. Williams said he also understood that highway signs would soon be erected near the designated farmlands.

Smith said there had been a waiting list since the farmland ordinance was first adopted. He said information about the signage was now being developed, e.g., who would pay for the signs, where they would be posted, and a sign design.

Mr. Smith said developers with properties within a quarter of a mile of farmland districts would have include a statement on the bottom of plats indicating there were farming activities occurring that might be noxious to some people.

**MOTION** by Commissioner Williams to approve the Farmland Preservation Program Ordinance amendments.

VOTING: Ayes – 5; Nays – 0.

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

**MOTION** by Commissioner Ray to approve the following six (6) consent agenda items.

VOTING: Ayes – 5; Nays – 0.

**1. REQUEST FOR APPROVAL OF THE JUNE REFUNDS & RELEASES**

<u>Breakdown of Releases</u>		\$24,911.50
County	\$17,056.66	
Solid Waste Fees	89.00	
E. Alexander Co. Fire #1	226.28	
Shepherd’s Fire #2	57.79	
Mt. Mourne Fire #3	52.47	
All County Fire #4	734.23	
Statesville City	1,840.42	
Statesville Downtown	1.99	
Mooreville Town	3,801.54	
Mooreville Downtown	0	
Mooreville School	985.00	
Love Valley	0	
Harmony	0	
Troutman	66.12	

<u>Breakdown of Refunds</u>		\$ 1,867.08
County	1,361.94	
Solid Waste Fees	0	
E. Alexander Co. Fire #1	0	
Shepherd’s Fire #2	30.19	
Mt. Mourne Fire #3	0	

All County Fire #4	107.94
Statesville City	101.48
Statesville Downtown	0
Mooresville Town	144.34
Mooresville Downtown	0
Mooresville School	121.19
Love Valley	0
Harmony	0
Troutman	0

**2. REQUEST FOR APPROVAL OF A LEASE WITH PIEDMONT CREDIT UNION FOR SPACE AT THE OLD JAIL:** (The credit union will pay \$265 per month for office space in the Old Jail. The lease will extend through June 30, 2003.)

**3. REQUEST FOR THE APPOINTMENT OF SUSAN BLUMENSTEIN AS THE ACTING COUNTY MANAGER FROM JULY 24-29, 2002:** (The county manager will be on vacation during this period of time.)

**4. REQUEST FROM THE EMS DEPARTMENT FOR APPROVAL OF THE 2002-2003 HEALTH PROFESSIONAL CONTRACT:** (The contract will extend through June 30, 2003, and will be with Dr. Steve Folstad, affiliated with Mid-Atlanta Emergency Medical Associates (MEMA), for medical consultation and direction in support of Iredell County’s Emergency Medical Services and 9-1-1 Emergency Communications.)

**5. REQUEST FOR THE APPROVAL OF MINUTES FOR JUNE 18, 2002, JUNE 27, 2002 & JULY 2, 2002**

**6. REQUEST FROM THE HEALTH DEPARTMENT FOR APPROVAL TO RECEIVE AND EXPEND A HEALTH PROMOTION GRANT AND APPROVAL OF BUDGET AMENDMENT #1:** (The grant for \$2,500 will be used to promote physical activity in youth ages 9-13. A memo from the health director explained that North Carolina youth were two or three times more likely to be overweight than the national average. Ten counties in North Carolina have been selected as recipients of the federal grant. The school systems will be used to encourage physical activity with children earning points for being “active” and classrooms competing against each other to win monthly prizes consisting of hoola hoops, soccer balls, badminton sets, jump ropes, etc.)

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

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

**Nursing Home Advisory Committee (1 announcement)**

**Adult Care Home Advisory Committee (1 announcement)**

**Juvenile Crime Prevention Council (1 announcement)**

**APPOINTMENTS TO BOARDS & COMMISSIONS**

**Juvenile Crime Prevention Council (2 appts.):** No nominations were submitted, and Chairman Tice moved to postpone the two appointments until the August 6 meeting.

VOTING: Ayes – 5; Nays – 0.

**Region F Aging Advisory Committee (2 appts.):** No nominations were submitted, and Chairman Tice moved to postpone the two appointments until the August 6 meeting.

VOTING: Ayes – 5; Nays – 0.

**Home and Community Care Block Grant Advisory Committee (2 appts.)**

Commissioner Johnson nominated Tracie Hill to the unexpired term of Brenda Gatton.

**MOTION** by Chairman Tice to appoint Hill and postpone the remaining appointment until the August 6 meeting.

VOTING: Ayes – 5; Nays – 0.

**COUNTY MANAGER’S REPORT:** A written activity report was distributed.

**CLOSED SESSION:** **MOTION** by Chairman Tice at 8:15 p.m., to enter into closed session for the purpose of discussing economic development - G.S. 143-318. 11(a) (4) and property acquisition - G.S. 143-318. 11(a) (5).

VOTING: Ayes – 5; Nays – 0.

(Return to Open Session at 9:09 p.m.)

**ADJOURNMENT:** **MOTION** by Chairman Tice to adjourn the meeting at 9:09 p.m. (NEXT MEETING: Tuesday, August 6, 2002, 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: \_\_\_\_\_

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Clerk to the Board