

**IREDELL COUNTY BOARD OF COMMISSIONERS
MINUTES
JULY 17, 2001**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, July 17, 2001, at 7:00 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

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

Staff Present: County Manager Joel Mashburn, County Attorney William P. Pope, Finance Director Susan Blumenstein, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Tice.

INVOCATION by Commissioner Johnson.

PLEDGE OF ALLEGIANCE TO THE FLAG

ADJUSTMENTS OF THE AGENDA: **MOTION** by Chairman Tice to add under the Appointments to Boards and Committees, an appointment to the Mitchell College Board of Trustees.

VOTING: Ayes – 5; Nays – 0.

PRESENTATION OF SPECIAL RECOGNITIONS & AWARDS

Recognition of Rodney Proctor: Retiree Rodney Proctor, the past Chief Deputy for the Iredell County Sheriff's Department, recently retired after 27 years of service. Mr. Proctor was thanked for his county service, and he was given a plaque in appreciation.

Recognition of Charles Culler: Retiree Charles Culler, a former lake-patrol deputy with the Iredell County Sheriff's Department, recently retired after five years of service. Mr. Culler was thanked for his county service, and he was given a plaque in appreciation.

(**Retiree Judy Herman**, a former civil deputy, was unable to attend the meeting, but her 14 years of county service were recognized.)

APPOINTMENTS BEFORE THE BOARD

Presentation from Mrs. JoAnn James in Reference to a Water Problem in the West Iredell Community (Cannon, Wood Bridge, & Delaware Road areas): Mrs. JoAnn James appeared before the board and asked for assistance with a water problem. She said the water in her neighborhood, which was obtained through private wells, contained a high iron content, an odor, and black specks. She said bottled water had to be purchased for cooking and drinking. In addition, she said her family's clothing was discolored if washed in the water, and it stained her bath fixtures and sink. Mrs. James, who appeared before the board of commissioners in April and October of 2000, said she hesitated to have a new well drilled, since her neighbors had the same water problems.

Mrs. James noted that two residents (Rev. & Mrs. Thomas Dye) were ill, and they could not leave their homes to purchase water. She said another family (Rev. Modean Dunlap) had to move because their well "went dry."

James said the property owners were willing to be assessed for the water line extension costs, and the West Iredell Water Corporation was willing to pay a portion. Mrs. James said assistance from the county was needed, especially since most of her neighbors were retirees on a fixed income.

County Manager Joel Mashburn advised that James Holler, the President of West Iredell Water Corporation, had telephoned and said that \$20,000 had been set aside for the water line project. Mashburn also advised that Mr. Holler had indicated the project could be accomplished for a total of \$77,000. Mr. Mashburn said that initially, an engineer had given a cost estimate of \$200,000.

Commissioner Johnson said the past minutes (April 4, 2000), indicated that Mr. Holler had stated the total project would cost \$55,000.

Commissioner Bowles said that after Mrs. James' presentation last year, several individuals, in other areas of the county, had telephoned and said they, too, had water problems.

Doris Lewis, a resident of Wood Bridge Road, Statesville, NC, asked when the project could be started. Lewis said she understood the county had a tight budget, but she asked if the residents could be given a time estimate on when the project might start.

Mashburn clarified that \$77,000 was the total project cost that had been submitted by West Iredell Water. He said \$20,000 had been set aside by the water corporation leaving a balance of \$57,000. Mashburn said the residents wanted the county to supply the \$57,000. He said the residents were willing to repay the \$57,000 through property owner assessments over a ten-year period. He said that if the commissioners agreed with the project, it would take at least 60 to 90 days before the assessment resolution could be approved.

Attorney Pope said the board members had to determine if they were willing to approve the project, and if so, how would the property be assessed, e.g., on a frontage basis, a per lot basis, or on an acreage basis. He said the assessment would be a tax lien on the property.

Finance Director Blumenstein said the assessment interest rate was established by the General Statutes and she thought it was eight percent.

Commissioner Johnson questioned how many other neighborhoods in the county had the same problem. He said approval of this project wouldn't necessarily indicate the approval of other projects, but a precedent would be set. Johnson said he would be more inclined to approve the project if the state had not added almost another penny on the tax rate in Medicaid costs (\$800,000) and if it had not withheld \$2.7 million.

MOTION by Commissioner Johnson to deny the request. He said that if the economy improved in the future, and the county could ascertain how many other neighborhoods might also have the same problem, he would be more inclined to approve the project.

Commissioner Ray asked if the previous board had tried to determine the magnitude of the water problems in the county.

Commissioner Bowles said that at the time the water request was being reviewed last year, another neighborhood was requesting road paving assistance. He said the county had researched the number of unpaved roads and determined that paving projects would be cost prohibitive. He said the board, in office last year, felt the water situation would also be cost prohibitive.

Commissioner Johnson said he had received telephone calls from individuals residing in the northern end of the county advising of the same water problems.

Commissioner Williams said he had been experiencing water problems for the past 27 years. Williams noted that at the last meeting, the board had frozen the purchase of some capital items requested in the FY 01-02 budget, due to budgetary concerns. He said the freeze on the purchases was necessary due to the state withholding reimbursements for the county.

VOTING: Ayes – 5; Nays – 0.

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

MOTION by Commissioner Williams to approve the following 11 consent agenda items.

VOTING: Ayes – 5; Nays – 0.

1. Request from Charles and Helen Freeze for Approval of a Zoning and Subdivision Jurisdiction Release (Extraterritorial) to the Town of Mooresville for Property Located Between Bluefield & Big Indian Loop Roads: During the briefing session, Planning Supervisor Ron Smith said the Town of Mooresville recently received a request from Charles and Helen Freeze to extend municipal utilities to their property and to annex the site on June 30, 2002. Smith said the property was zoned by the county as Residential Agricultural, and it was designated for residential use in the county’s land development plan. Mr. Smith said the proposed use for the property was a retirement community, and this would comply with the designated land use plan. Smith said that with approval, the Town of Mooresville would establish extraterritorial jurisdiction for the property, including zoning and subdivision controls. He said the property (126 acres) was a half mile from the Mooresville Town limits, and it was within the urban services boundary. (The urban services boundary is described as the approximate area in which the Town could feasibly extend municipal utilities within the next 10-20 years.)

2. Request for Approval to Abandon a Portion of SR 2132-Kinder Road, due to a Road Realignment (Petition submitted by the NCDOT): Planning Supervisor Ron Smith said during the briefing session that a petition had been submitted by the North Carolina Department of Transportation District Engineer requesting that a portion of Kinder Road be abandoned from the state maintained system. He said the request was prompted by a road realignment. Mr. Smith said the realignment was in conjunction with an improvement project, and the section to be withdrawn was 725 linear feet.

3. Request for Approval of a Letter of Credit for the Buffalo Shoals National Golf Club Estates for the Completion of Paving, Grading, and Other Street Improvements: Letter of Credit #457-0009953/00037 was approved in the amount of \$12,850. (The project is located off SR 1505, Mock Mill Road, in Statesville, NC.)

4. Request for Approval of a 36-Month Computer Lease with First Citizens Bank: During the briefing, Purchasing Agent Caldwell said the leased equipment would be returned after 36 months. At that time, newer equipment will be leased. Caldwell said First Citizens Bank would generate orders for the equipment when the lease documents were approved. Mrs. Caldwell requested permission for the county manager to sign the documents.

5. Request for Acceptance of the Annual Tax Settlement (2000-2001) & Approval of the 2001-2002 Collection Orders for the Tax Collector and Sheriff: The tax settlement was accepted and the following orders were issued.

TO: THE TAX COLLECTOR OF THE COUNTY OF IREDELL

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Tax Assessor and in the tax receipts herewith delivered to you, in the amounts, and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Iredell, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

TO: THE SHERIFF OF THE COUNTY OF IREDELL

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Tax Assessor and in the tax receipts herewith delivered to you, in the amounts, and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Iredell, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

6. Request for Approval of the June Refunds and Releases: The following releases and refunds were approved.

<u>Breakdown of Releases:</u>		\$51,285.05
County	30,787.24	
Solid Waste	69.00	
E. Alex. Co. Fire #1	1.97	
Shepherd's Fire #2	32.13	
Mt. Mourne Fire #3	20.64	
All County Fire #4	1,444.34	
Statesville City	3,150.26	
Statesville Downtown	0.00	
Mooresville Town	12,347.52	
Mooresville Downtown	0.00	
Mooresville School	3,007.98	
Love Valley	20.36	
Harmony	9.58	
Troutman	394.03	

<u>Breakdown of Refunds</u>		\$ 683.04
County	137.11	
Solid Waste Fees	0.00	
E. Alex. Co. Fire #1	0.00	
Shepherd's Fire #2	0.00	
Mt. Mourne Fire #3	0.00	
All County Fire #4	6.78	
Statesville City	159.54	
Statesville Downtown	0.00	
Mooresville Town	237.40	
Mooresville Downtown	0.00	
Mooresville School	63.14	
Love Valley	0.00	
Harmony	0.00	
Troutman	79.07	

7. Request for Approval of a Resolution Authorizing the Award of an Identification Badge and the Sale of a Service Sidearm to Retiring Law Enforcement Officer Judy Herman.

Resolution Regarding the Badge and Sidearm of
Deputy Judy Herman

WHEREAS, Judy Herman has served fifteen years in the Iredell County Sheriff's Office and has, upon retirement, requested that she be permitted to keep her badge and to purchase her service sidearm.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of Iredell County, that said badge be awarded to Deputy Herman at no cost and her sidearm be sold to her for the sum of One Dollar (\$1.00), as provided in G.S. 20-187.2.

One (1) Glock, 40 Caliber Pistol
Model 22 S/N ALF-306

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8. Request for Approval of Budget Amendment #1 to Recognize a \$165,098 Grant Award for VisionsWork Youth Services, Inc.: This budget amendment will recognize a grant from the North Carolina Department of Crime Control that will be distributed to the juvenile structured day program operated by VisionsWork Youth Services.

9. Request for Approval of a Lease for Piedmont Credit Union in the Old Jail Building: The lease extends through June 30, 2002, and the credit union will pay \$250 per month for the building's usage. In addition, the credit union staff will be allowed to use one county parking space. (The one parking space will not be guaranteed -- it will just be permitted.)

10. Request for Approval of a Lease Agreement with Coastal Hotel Holding Corporation (Vance Hotel) Involving an Easement in Exchange for Five Parking Spaces: This agreement allows the Vance Hotel to incorporate an eight-foot strip of land, owned by the county, into the hotel's parking lot in exchange for five parking spaces during the county's business hours. Thereafter, (5:30 p.m. on weekdays and at all hours on Saturdays, Sundays, and holidays) the parking spaces will be available for hotel use.

11. Request for Approval of the June 13 & 19, 2001 Minutes

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

Request for Approval of the General Contractor's Bid in Reference to the Construction of Cell III at the Solid Waste Facility: Wayne Sullivan, with Municipal Engineering Services, said his firm had designed the landfill and would be overseeing the construction of Phase III. He said nine bids were received on July 12, 2001, and the lowest bid came from Mustard Seed Construction for \$2,373,050. Sullivan said the officials at Mustard Seed had acknowledged they had no actual landfill experience. However, he said the Mustard Seed representatives had provided several references about the work they had performed. Sullivan said the references gave "outstanding remarks" for the company's earth moving work. Mr. Sullivan said Mustard Seed was working on two earth moving projects in Wilkes County for new schools. He said the amount of work involved in these projects was approximately the same as what would be needed at the landfill. Sullivan said Mustard Seed was also working on a Highway 421 road-widening project. Mr. Sullivan said Mustard Seed was a contractor with an unlimited, unclassified license, which basically allowed the company to do most any type of project. He said the North Carolina General Contractor's Licensing Board had not received any complaints about the company. In addition, Sullivan said the company was listed as a certified disadvantaged business enterprise firm with the North Carolina Department of Transportation.

Sullivan said the specifications required the general contractor to hire subcontractors that had to be approved by Municipal Engineering. He said the subcontractors were for a geotechnical engineer, to oversee the installation of the clay liner, and the actual liner installer. Sullivan said there were also qualifications for the contractor's foreman or superintendent.

Mr. Sullivan recommended the approval of Mustard Seed's bid contingent upon receiving a permit to construct from the North Carolina Solid Waste Division. He said the county was in a 45-day comment period for the draft permit. Sullivan said the actual permit should be received on August 17, 2001, with a notice to proceed with construction the following week. Mr. Sullivan suggested that a ten percent contingency amount be established for any unforeseen circumstances.

Commissioner Johnson said he understood the general contractor would use several subcontractors. Johnson said he also understood that any subcontractors, involved in any aspect of the project that was "peculiar" to a landfill, would need a minimum amount of experience, and this was stipulated in the contract specifications.

Sullivan said this was correct. He said this was specified in the contracts, particularly for the geotechnical engineer and the liner installer. Sullivan said these were the individuals where expertise and experience were critical elements. Mr. Sullivan said that none of the general contractors he had worked with in the past had any employees, already on staff, that could provide this type of work. Mr. Sullivan said Mustard Seed had extensive experience in earth work, and this was 40% of the project (erosion control and clearing the grub).

County Manager Mashburn said Keith Wayne of Wayne Construction had asked a question about the specifications. Mashburn read the following from the specifications.

Section F: Contractors, the foreman, the superintendent in charge of the project, shall have at least three years similar landfill construction experience including cohesive soil liner,

flexible membrane liner, subgrade leachate collection system, and erosion control experience. Resumes of the foreman, superintendent, and other key individuals, especially the equipment operators, shall be submitted for the engineer's approval prior to beginning any work at the site. The foreman/superintendent shall be available at the project site at all times and be in charge of directing all activities in a competent manner acceptable to the owner/engineer.

Mashburn asked how Municipal Engineering had applied Section F to the recommendation on the low bidder.

Sullivan said it would be like any other item in the contract. He said that at the time of construction, all of the documents would be reviewed -- they would be reviewed along with the expertise of the geotechnical engineer and liner installer. Sullivan stressed this was done at the time of construction. Mr. Sullivan said this was not a bidding requirement, it was a specification of the project. He said he didn't know if Mustard Seed had a foreman, or someone that met every aspect. He said someone might need to be hired. Sullivan said he was positive the company could move earth.

Mashburn said he was understanding that Municipal Engineering's interpretation was that as long as the foreman or superintendent met the qualifications by the time the job started, then the terms of the contract were being met.

Sullivan said yes.

Commissioner Ray said that at the time of bidding, the bidders were just put on notice that this was a specification of what had to take place when that phase of the project began.

Sullivan said this was correct. He said the bidders knew they must come to the job meeting all of the specifications.

Commissioner Bowles said he understood Municipal Engineering would oversee the work.

Sullivan said this was correct. He said Municipal provided contract administration and observation. He said Municipal's role would be to ensure the work was being done according to the plans and specs. He said someone would be on site the entire time that construction was occurring. He said there might not be anyone at the site when stockpiling or wasting the soil occurred. Sullivan said Municipal would oversee the performance bonds, e.g., materials and payment bond (to ensure the subcontractors and material companies were paid), performance bond (protection in case bankruptcy occurred in the middle of the job), and a \$1,000-a-day liquidated damage clause (the damages start accruing if the company hasn't finished the job after 180 days), and a \$500-a-day liquidated damage clause (these damages start accruing if the job hasn't been finalized after 45 days).

Commissioner Johnson said he understood that Municipal Engineering would ensure that the company installing the liner would have the needed experience or credentials to perform the work.

Sullivan said yes. He said the contractor would excavate to "subgrade." Then, the geotechnical person would oversee the installation of the cohesive soil -- the clay. Sullivan said this person was "somewhat the superintendent." He said Municipal would also oversee this phase and double-check the procedure. Sullivan said that after the clay was placed and the geotechnical people "signed off," the plastic liner was placed and this involved an entirely new crew. He said the people in this crew would provide their own testing. Then, Municipal would do its testing -- as a separate lab. Sullivan said next, and from this point on, the contractor was just doing earth work and pipe laying.

MOTION by Commissioner Johnson to create an amended Capital Project Ordinance for Cell III at the solid waste facility in the amount of \$3,044,500.

VOTING: Ayes – 5; Nays – 0.

The ordinance is as follows.

Lined Landfill Cell #3
Amended Capital Project Ordinance

Be it ordained by the Board of County Commissioners of Iredell County, North Carolina:

Section 1. The following costs of the Lined Landfill Cell #3 are appropriated:

Construction (10% contingency)	\$2,610,500
Engineering	398,400
Capital Outlay-Other	<u>35,600</u>
	<u>\$3,044,500</u>

Section 2. Funds for this Capital Project Fund will be provided from the following sources:

Transfers from the Solid Waste Disposal Enterprise Fund	964,500
Transfers from Solid Waste Disposal Enterprise Retained Earnings	1,200,000
Financing Proceeds	<u>880,000</u>
	<u>\$3,044,500</u>

Section 3. This Capital Project Fund shall continue until the project is complete.

Section 4. Payments from this Capital Project Fund shall be authorized by the County Manager or his designee.

Section 5. Upon completion of the construction project, all funds remaining in this Capital Project Fund will be transferred back to the Solid Waste Disposal Fund.

This ordinance is being duly adopted this the 17th day of July, 2001.

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MOTION by Commissioner Ray to award the contract to Mustard Seed Construction in the amount of \$2,373,050 for the construction of Cell III at the Solid Waste facility contingent upon receipt of the solid waste permit to construct from the State of North Carolina.

Commissioner Bowles directed a question to Solid Waste Director Ron Weatherman. He asked Weatherman if the work performed by Municipal Engineering had always been satisfactory.

Weatherman replied yes. He said the staff at Municipal Engineering observed and watched carefully any project they were working on.

VOTING: Ayes – 5; Nays – 0.

The certified bid tabulation follows for this project.

Bid Tabulation for the Iredell County Municipal Solid Waste Landfill - Phase 3 Thursday, July 12, 2001, 2:00 p.m.	
Bidder	Total Base Bid
Clary Hood, Inc.	\$2,587,589.00
Glover Construction Co.	2,804,788.75
Handex Construction Services, Inc.	2,833,905.20
Morgan Corporation	2,519,575.35
Mustard Seed Construction	2,373,050.00
Phillips & Jordan, Inc.	Bid Item #3 Not Complete
Southeast Environmental Contracting	2,985,000.00
Taylor & Murphy Construction Co.	3,677,355.00
Wayne Brothers, Inc.	2,379,394.80

Announcement of the August 9-12, 2001, North Carolina Association of County Commissioners Annual Conference in Cumberland County and Designation of a Voting Delegate: **MOTION** by Chairman Tice to designate County Manager Joel Mashburn as the voting delegate for the 94th Annual Conference of the North Carolina Association of County Commissioners to be held in Fayetteville, NC, on August 9-12, 2001.

VOTING: Ayes –5; Nays – 0.

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Recreation Advisory Board (1 announcement)
Adult Care Home Community Advisory Committee (2 announcements)
Farmland Preservation Board (7 announcements)

APPOINTMENTS TO BOARDS & COMMISSIONS

Carolinas Partnership Board (1 appointment): Chairman Tice nominated R.B. Sloan Jr. No other nominations were submitted, and Tice **moved** to close the nominations and appoint Sloan by acclamation.

VOTING: Ayes – 5; Nays – 0.

Statesville Board of Adjustment-Extraterritorial Jurisdiction (2 appts.) No nominations were submitted, and Commissioner Johnson **moved** to postpone the two appointments until the August 7 meeting.

VOTING: Ayes – 5; Nays – 0.

Adult Care Home Community Advisory Committee (1 appointment): Commissioner Johnson **moved** to postpone this appointment until the August 7 meeting.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Committee (1 appointment): Due to this committee having enough members to meet the statutory requirement, Commissioner Bowles **moved** to allow the Nursing Home Advisory Committee to remain at its present composition of ten members.

VOTING: Ayes – 5; Nays – 0.

(At the present time, Iredell County has six nursing homes. It is mandatory to have eight members on this committee, and it is possible to have up to 13 members.)

MITCHELL COLLEGE BOARD OF TRUSTEES: Chairman Tice nominated Frank Fields. No other nominations were submitted, and Commissioner Bowles **moved** to appoint Fields by acclamation.

VOTING: Ayes – 5; Nays – 0.

(Note: Mason McCullough was appointed on June 5, 2001 to replace Alice M. Stewart whose term was due to expire on June 30, 2001. Since the June 5 meeting, McCullough has declined the appointment.)

UNFINISHED BUSINESS

FORMER GARAGE FACILITY LOCATED AT 186 STEVENSON FARM ROAD STATESVILLE, NC (LORAY COMMUNITY): Commissioner Johnson advised that no directive had been issued to the county manager about the disposition of the former garage site. (The garage department is now operating at 400 South Meeting Street [former Boggs Building], and the Loray property is not being used at the present. Discussions have occurred in the past about the possibility of selling the property.)

MOTION by Commissioner Johnson to direct the county manager to review the need for the Loray property, and if there is a determination that Iredell County has a use for the property, to draft an agreement with the Firemen's Association for the storage of the air van.

VOTING: Ayes – 5; Nays – 0.

COUNTY MANAGER'S REPORT: A written report was distributed.

CLOSED SESSION: **MOTION** by Chairman Tice to enter into closed session at 7:55 p.m., for the purpose of discussing several property acquisition matters - G.S. 143-318.11 (a) 5.

VOTING: Ayes – 5; Nays – 0.

(The board returned to open session at 8:59 p.m.)

ADJOURNMENT: Chairman Tice **moved** to adjourn the meeting at 8:59 p.m. **NEXT MEETING:** August 7, 2001, 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