

IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
July 5, 2005

The Iredell County Board of Commissioners met in Regular Session on Tuesday, July 5, 2005, at 7:00 p.m., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

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

Staff present: County Manager Joel Mashburn, Deputy County Manager Susan Blumenstein, County Attorney Bill Pope, Planning Supervisor Steve Warren, Planner Richard McHargue, GIS Administrator Lee Anne Owens, and Acting Clerk to the Board Stephanie Whitlock.

CALL TO ORDER by Chairman Tice.

INVOCATION by Commissioner Johnson.

PLEDGE OF ALLEGIANCE

ADJUSTMENTS OF THE AGENDA: **MOTION** by Chairman Tice to approve the following agenda adjustments:

Additions: To discuss the action taken during the Closed Session (Briefing Session) under New Business.

VOTING: Ayes – 5; Nays – 0.

PRESENTATION OF SPECIAL RECOGNITIONS & AWARDS

Recognition of County Retiree Ethel Wilhelm: Chairman Tice presented Mrs. Wilhelm with an appreciation plaque, and expressed thanks for her many years of service and dedication to the county. Mrs. Wilhelm was wished the very best in her retirement.

Lee Anne Owens, GIS Administrator with the Mapping Division, stated she was thrilled and honored that the County had chosen to present Ms. Wilhelm with an appreciation plaque. She said that even though Mrs. Wilhelm had only been gone two days, the department already missed her. Mrs. Owens also wished Mrs. Wilhelm the very best in her retirement.

Note: County Retiree Darren Stutts was also scheduled to receive a plaque; however, due to illness he was unable to attend. His supervisor, Robb Tatham, also did not attend.

PUBLIC HEARINGS

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

Non-Owner Rezoning Request; Several Property Owners in the Mocksville Highway/Oak Forest Drive Area, Case No. 0506-1, Request a Rezoning from Residential Agricultural to R-20 Single Family Residential Zoning for Approximately 404 Acres: Planning Supervisor Steve Warren shared the following staff report pertaining to this rezoning request.

OWNERS: Several property owners (89%) in the Mocksville Highway/Oak Forest Drive area.

LOCATION: A portion of Mocksville Highway east of Barry Oak Road, Wild Oak Road, and a portion of Oak Forest Drive.

REQUESTED ACTION AND CONDITIONS: Non-Owner rezoning request to rezone the properties from RA, Residential Agricultural Zoning District to R-20, Single-Family Residential Zoning District.

PETITION INFORMATION: 31 out of 35 property owners signed the petition in favor of the request (89%), which equals 398 out of 404 acres (99%).

PROPOSED USE: Single-Family Residential uses.

SIZE: The total acreage is 404.22 acres.

EXISTING LAND USE: Residential.

SURROUNDING LAND USE: Residential, vacant residential and commercial.

WATERSHED REGULATIONS: The property is not located in a watershed.

TRAFFIC: The capacity for this stretch of Mocksville Highway is 10, 500 vehicles per day. In 2003, the estimated daily traffic count was 3,600 vehicles per day. Rezoning this property should not have any effect on the traffic in the area since the change is from residential to residential.

ZONING HISTORY: This property has been zoned RA since countywide zoning went into effect in 1990. The adjacent R-20 and NB districts have also been in place since 1990.

STAFF COMMENTS: This request has strong support among the affected property owners (89% of owners and 99% of the acreage) and does not conflict with the County Land Use Plan. Therefore, staff recommends in favor of this request.

PLANNING BOARD RECOMMENDATION: On June 1, 2005, the Planning Board unanimously recommended in favor of this rezoning request, by a vote of 10-0.

Commissioner Johnson asked Mr. Warren if he was correct in his understanding that an effort was made by both the applicants and through public notice of the rezoning request by the planning staff to contact the four property owners who did not sign the petition and no one responded. Mr. Warren said yes, this was correct.

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

MOTION by Commissioner Robertson to approve the rezoning request of Case No. 0506-1 (Mocksville Highway/Oak Forest Drive Property) from R-A, Residential Agricultural to R-20, Single-Family Residential Zoning District.

VOTING: Ayes – 5; Nays – 0.

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

Rezoning Request; Donald A. Goforth Property, Case No. 0506-3 from Residential Agricultural to General Business Zoning District; Location: 1,052 feet North of Flower House Loop Adjacent to I-77 in Troutman, NC: Planning Supervisor Steve Warren explained the following staff report for this rezoning request.

OWNERS: Donald A. Goforth
1917 Shelton Avenue
Statesville, NC 28677

APPLICANT: Howard Bryan
Piedmont Realty
PO Box 1654
Statesville, NC 28687

LOCATION: 1032' north of Flower House Loop adjacent to I-77, more specifically identified as PIN# 4740-81-0901. Directions: Highway 115 south, on the left behind the mobile home sales lots.

REQUESTED ACTION AND CONDITIONS: Rezone the property from R-A, Residential Agricultural Zoning District to GB, General Business Zoning District.

PROPOSED USE: The owner is proposing to combine this lot with the 35 acres that he owns adjoining this property, which is already zoned GB. He wants to create a planned development for light industrial uses.

SIZE: The total acreage is 6.64 acres.

EXISTING LAND USE: Vacant

SURROUNDING LAND USE: Vacant residentially and commercially zoned property and I-77

WATERSHED REGULATIONS: The property is not located in a watershed.

TRAFFIC: This property does not have direct access to a road right-of-way. The capacity for the stretch of Charlotte Highway, the proposed access for the property, is 40,000 vehicles per day. In 2003, the estimated daily traffic count was 11,000 vehicles per day. Rezoning this property would likely increase the traffic along this stretch of Charlotte Highway. However, the possible impacts should not bring the road close to the maximum carrying capacity.

ZONING HISTORY: This property has been zoned RA since countywide zoning went into effect in 1990. On July 16, 2002, the Board of Commissioners approved a rezoning on the adjacent parcel to GB CUD for this same owner. The conditions were:

- 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.

STAFF COMMENTS: This request is in compliance with the standards recommended in the Exit 42 Study. It is located in an area designated for Interchange Commercial, which fits in the GB zoning district. Therefore staff recommends in favor of this request with the same conditions that were placed on the adjacent parcel in 2002, which are:

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.

PLANNING BOARD RECOMMENDATION: On June 1, 2005, the Planning Board recommended in favor of this rezoning request without the conditions recommended by staff, by a vote of 9-1.

Commissioner Johnson asked if he was correct in his understanding there were no findings of facts or conditions and the reasoning behind this was due to the fact that requirements would be imposed by the Town of Troutman for annexation. Mr. Warren said this was a correct assessment, and it was very likely that in order to receive utility services from the Town of Troutman, the Town might attach conditions in order to obtain the extension of services.

Commissioner Johnson stated that while those conditions may be stricter than any the County might have placed on the rezoning, that those conditions were between the applicant and the Town of Troutman. Mr. Warren stated yes, this was correct.

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

MOTION by Commissioner Williams to approve the rezoning request of Case No. 0506-3 (Donald A. Goforth Property) from R-A, Residential Agricultural to GB, General Business Zoning District.

VOTING: Ayes – 5; Nays – 0.

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

Proposed Amendment to the Iredell County Zoning Ordinance; SR14 – Swimming Pools and Section 18.6, Definition – Swimming Pools: Planning Supervisor Steve Warren explained that for purposes of regulation within the Zoning Ordinance, swimming pools (residential) were considered the same as accessory buildings and structures. He stated accordingly, swimming pools had to abide by certain minimum setback requirements the same as other accessory buildings and structures. Mr. Warren said swimming pools additionally had special requirements (SR14), which differed from those of other accessory structures.

Mr. Warren stated a pattern of problems had occurred with one of the provisions. He said SR14. B stipulated that pools which were not an integral part of the principal building shall be located a minimum of ten (10) feet from the principal building. He said the issue pertained to the amount of space allocated to building, deck or patio, and pool for compliance with the setback requirement from the rear, particularly, the lakefront lot minimum fifty (50) ft requirement from the 760 elevation line. He said the staff had researched the matter and found no compelling reason to keep the requirement. He said it made more sense to establish consistency with regulations within the N.C. Building Code. Mr. Warren suggested the following amendment:

Amend: SR 14. Swimming Pool, Residential

A. Pools shall be located to comply with the minimum *exterior* setback requirements for accessory buildings and structures of the district in which located.

B. Pools which are not an integral part of the principal building shall be located ~~a minimum of ten (10) feet from the principal building~~ **at least the minimum distance from the principal building necessary to comply with N. C. Building Code requirements.**

C. Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

Add: Section 18.6, Definitions

A. General Definitions

Swimming pool. Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground, and on-ground pools; hot tubs and fixed-in-place wading pools.

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

MOTION by Commissioner Johnson to adopt the proposed zoning ordinance amendment regarding swimming pools as proposed by the planning staff.

VOTING: Ayes – 5; Nays – 0.

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

MOTION by Commissioner Johnson to approve the following consent agenda item.

VOTING: Ayes – 5; Nays – 0.

1. Request from the Town of Troutman for Approval of an Easement Deed for Property Located at the Southern Line of the Iredell County Vocational Workshop and the Northern Line of Iredell County Property (Section of the County Home Property): Troutman Town Manager Donald Duncan requested at the briefing session for Iredell County to grant an easement along the property line bordering the Iredell County Vocational Workshop and ABT, Inc., for the installation of a force main to provide sewer services to the C.R. Onsrud Property, located behind the Iredell County Vocational Workshop.

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

ADMINISTRATIVE MATTERS

Request for Approval of a Resolution Making Certain Findings Relating to the Authorization and Issuance of School Bonds and Community College Bonds & Authorizing the Director of Finance and Administrative Services to File an Application with the Local Government Commission: The Chairman introduced the following resolution, which was read by title and summarized by the Director of Finance and Administrative Services.

RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF SCHOOL BONDS AND COMMUNITY COLLEGE BONDS OF THE COUNTY OF IREDELL, NORTH CAROLINA, AND AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO FILE APPLICATION FOR APPROVAL THEREOF WITH THE LOCAL GOVERNMENT COMMISSION

WHEREAS, the Board of Commissioners for the County of Iredell, North Carolina (the “County”) is considering the authorization of not exceeding \$44,630,000 School Bonds and \$6,000,000 Community College Bonds of the County (collectively, the “Bonds”) for the purpose of providing funds, together with any other available funds, for financing, respectively, school improvements and improvements to Mitchell Community College, including paying expenses related thereto;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County:

Section 1. The Board of Commissioners hereby finds and determines in connection with authorizing the issuance of the Bonds that (a) the issuance of the Bonds is necessary or expedient for the County, (b) the proposed principal amounts of the Bonds are adequate and not excessive for the proposed purposes of such issues, (c) the County’s debt management procedures and policies are good and are managed in strict compliance with law, (d) the estimated increase in taxes necessary to service the Bonds (3 cents per \$100 assessed valuation) will not be excessive and (e) under current economic conditions the Bonds can be marketed at reasonable rates of interest.

Section 2. The Director of Finance and Administrative Services is hereby designated as the representative of the County to file an application for approval of the Bonds with the Local Government Commission of North Carolina, and all actions heretofore taken by the Director of Finance and Administrative Services and any other officers of the County relating to such matter are hereby approved, ratified and confirmed.

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

Upon motion of Commissioner Norman, the foregoing resolution entitled:

“RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF SCHOOL BONDS AND COMMUNITY COLLEGE BONDS OF THE COUNTY OF IREDELL, NORTH CAROLINA, AND AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO FILE APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION”

was passed by the following vote:

Ayes: Commissioners Tice, Norman, Williams, Robertson, Johnson

Noes: None.

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Juvenile Crime Prevention Council (1 announcement)

APPOINTMENTS TO BOARDS & COMMISSIONS

Adult Care Home Community Advisory Committee (6 appointments): No nominations were submitted, and Commissioner Tice made a motion to table the six (6) appointments until the July 19, 2005 meeting.

VOTING: Ayes – 5; Nays – 0.

Juvenile Crime Prevention Council (4 appointments): Commissioner Norman nominated Sally Dellinger for the “substance abuse professional” position, and Commissioner Tice nominated Reverend John Milholland for the “faith community” position.

Chairman Tice made motion to close the nominations, appoint Dellinger and Milholland by acclamation and postpone the remaining two (2) appointments until the July 19, 2005 meeting.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Board (1 appointment): No nominations were submitted, and Commissioner Tice made a motion to postpone the appointment until the July 19, 2005 meeting.

VOTING: Ayes – 5; Nays – 0.

Farmland Preservation Advisory Board (1 appointment): Commissioner Johnson made a motion to postpone this appointment until the July 19, 2005 meeting. He said it had recently been brought to his attention that there is no one on the Farmland Preservation Advisory Board representing the poultry side of agriculture

VOTING: Ayes – 5; Nays – 0.

Region F Aging Advisory Committee (2 appointment): No nominations were submitted, and Commissioner Tice made a motion to postpone the two appointments until the July 19, 2005 meeting.

VOTING: Ayes – 5; Nays – 0.

NEW BUSINESS: Chairman Tice stated that during the 5:00 p.m. briefing session, the Commissioners agreed to call for a public hearing on Tuesday, July 19, 2005, at 7:00 p.m., for the purpose of discussing an economic development incentive grant for Lowes Companies, Inc., and its Phase III construction of a 730,000 square foot addition of office space to accommodate up to 2500 additional employees with the projected cost being \$110,000,000.00. Tice said the company expected to finalize its cost and approval for the project by early fall of 2005 with construction to begin in early 2006 and the anticipated completion date being early 2008. She said the company was requesting an incentive grant of \$382,800.00 per year for a six-year period, totaling \$2,296,800.00. Chairman Tice said the county was fortunate to have company, such as Lowes, that had enough confidence in Iredell County to add 730,000 square feet with an estimated cost of \$110,000,000.00.

Commissioner Johnson stated that over the years the board of commissioners had continued to maintain a business environment with a low tax rate. He stated that as the past chairman of the board, he knew how much time discussions on economic development took. He thanked Chairman Tice for her exceptional representation of the board when dealing with industrial recruitment and other economic matters.

Chairman Tice thanked Mr. Johnson for his comments, and expressed appreciation to him for his services on the Statesville Airport Commission. She said the airport improvements had probably influenced the Lowes officials in making their expansion plans. Mrs. Tice said it was fulfilling when an economic development project came to fruition.

COUNTY MANAGERS REPORT: None

ADJOURNMENT: Chairman Tice adjourned the meeting at 7:34 p.m. (NEXT MEETING: Tuesday, July 19, 2005, at 5:00 p.m. and 7:00 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.)

Approval: _____

Acting Clerk to the Board