

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
MARCH 19, 2002**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, March 19, 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 William P. Pope, Finance Director Susan Blumenstein, 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 approve the following agenda adjustments.

- Additions:
- Request for Permission to Allow Appropriate Punishment Options to Apply for FY 2002-03 Criminal Justice Partnership Program Funding
 - Request for Approval of Budget Amendment #35 to Allow the Transfer of a Position in the Sheriff's Department to the Solid Waste Department
 - Closed Session for the Purpose of G.S. 143-318.11 (a) (5) – Property Acquisition
- Deletions:
- Update from the Planning Supervisor Regarding Public Water Connectivity (The update was given during the briefing session.)

VOTING: Ayes – 5; Nays – 0.

MR. JIM HICKMAN, A WASTE MANAGEMENT SPECIALIST WITH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES PRESENTS AN \$8,000 GLASS RECYCLING GRANT: Mr. Hickman presented the \$8,000 grant that had been requested to improve an area at the solid waste department for glass recycling. Recycling Coordinator Carla Parks accepted the award on behalf of the Iredell County Solid Waste Department.

Chairman Tice thanked Hickman and Parks for their interest and commitment in waste reduction and recycling.

VOTING: Ayes – 5; Nays – 0.

MS. KAY B. CLARK DISCUSSES THE ACCOMPLISHMENTS OF THE VOICES & CHOICES ORGANIZATION AND REQUESTS APPROVAL OF A “QUALITY OF LIFE” RESOLUTION: Clark said the mission of Voices & Choices was “to ensure environmental and economic sustainability in the Central Carolinas by engaging citizens, governments, and community organizations in shaping a shared vision and to implement solutions through collaborative decision making.” Mrs. Clark said the nonprofit (501C3) organization operated under “The Foundation for the Carolinas.” She said the group served a 14-county region and was staffed by an executive director and two full-time project managers. Mrs. Clark said the funding for Voices & Choices came from foundations (one-third), local governments (one-third), and corporations (one-third). She then summarized the following initiatives.

Open Space Framework: She said a “Vision Map” had been created to identify the criteria for open space in the 14-county region. Clark said the map would guide farmland preservation, recreation, transportation, and urban land use. She said Voices & Choices hoped the map would encourage regional planning and that it would be used by planners and developers. Mrs. Clark said a representative from the group would make contact in the future to receive feedback about the map.

Quality of Life: Clark said a resolution was being requested from each of the 14 counties and that Gaston, Cabarrus, Cleveland, Lancaster, Mecklenburg, Rowan, and York had already approved it. She said the resolution was an acknowledgement, or declaration, stating the importance of regional planning for growth. Mrs. Clark said community action forums were another component of this initiative. She said a local contact person from Iredell County was needed to aid in the forums.

Two-Day Green Gala on the Land: Mrs. Clark said a gala would be held in April as a fundraising event. She said invitations would be mailed to the county officials.

Quality of Life Summit 2002: She said this would be a large-scale summit that would focus on future quality of life issues.

In conclusion, Clark asked for the adoption of the resolution and the appointment of an Iredell County Contact Person for the forums.

MOTION by Commissioner Bowles to compare the information submitted by the Voices & Choices Organization with the approved findings of the Iredell County Balanced Growth Committee.

VOTING: Ayes – 5; Nays – 0.

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

MOTION by Commissioner Ray to approve the following twelve (12) consent agenda items.

VOTING: Ayes – 5; Nays – 0.

- 1. Approval for the Martin Boal Anthony Johnson (MBAJ) Architectural Firm to Continue with the Phase 1 (first floor) Design Work in the Amount of \$1,277,717 for the Iredell County Government Center-South** (Additional information regarding this item may be found in the briefing minutes.)
- 2. Request for a Public Hearing to be held April 2, 2002, at 7:00 P.M. Regarding the Rural Operating Assistance Program (ROAP):** (Iredell Transportation Authority Chairman Ben Garrison appeared before the board at the 5 p.m. briefing and shared information regarding the purpose for the hearing.)
- 3. Request from the State Department of Transportation for Approval of the Abandonment of a Portion of SR 1246 - Fairview Road:** (During the briefing, Planning Supervisor Smith said a request had been received from the state department of transportation requesting the elimination of 425 linear feet of roadway on SR 1246. He said the elimination, or withdrawal of state maintenance, was due to an improvement project.)
- 4. Request for Approval of the February Refunds & Releases:** (The following refunds and releases were submitted by the County Assessor for approval.)

<u>Breakdown of Releases</u>		\$32,931.72
County	21,882.43	
Solid Waste Fees	189.00	
E. Alexander Co. Fire #1	.11	
Shepherd's Fire #2	111.00	
Mt. Mourne Fire #3	45.53	
All County Fire #4	1,201.28	

Statesville City	1,619.74
Statesville Downtown	0
Mooresville Town	6,328.91
Mooresville Downtown	0
Mooresville School	1,529.45
Love Valley	0
Harmony	0
Troutman	24.27

Breakdown of Refunds \$2,818.83

County	1,101.45
Solid Waste Fees	13.00
E. Alexander Co. Fire #1	0
Shepherd's Fire #2	0
Mt. Mourne Fire #3	0
All County Fire #4	104.32
Statesville City	688.49
Statesville Downtown	0
Mooresville Town	720.06
Mooresville Downtown	0
Mooresville School	191.51
Love Valley	0
Harmony	0
Troutman	0

5. Request from the Solid Waste Department for Permission to Reduce the Price of Mulch Sold to Commercial Companies: During the briefing, Solid Waste Director Ron Weatherman said his department had accumulated a large supply of mulch. He said the mulch generated heat and his staff had to frequently turn it to prevent fires. Weatherman asked for permission to lower the price in an effort to reduce some of the supply. Mr. Weatherman said other counties had taken similar measures.

6. Request for Approval of Budget Amendment #34 in the Amount of \$200,000 for the Appropriation of Restricted Fund Balance for the Town of Harmony's Water/Sewer Project: Finance Director Blumenstein said during the briefing that the State of North Carolina had notified the Town of Harmony of the need to spend the local match for the Clean Water Bond funds. (The \$200,000 commitment from the county was approved on May 13, 1999. The money was to be held in the county's general fund (restricted) to match the \$3 million grant.)

- 7. Requests from the Iredell County Library for:**
- a. Permission to Apply for an EZ-LSTA Basic Equipment Grant (no local matching funds required)**
 - b. Approval of the Computer Replacement Policy**
 - c. Approval of the Internet Access Acceptable Use Policy**

During the briefing, Library Director Steve Messick said the \$7,725 grant from the State Library of North Carolina would be used to purchase five computers, a printer, network equipment and computer desks for the proposed Harmony library. Messick said the EZ-LSTA grants were established to insure that sufficient public access computers were available to provide on-line resources. He said that in order to be considered for the grant, the county had to approve a computer replacement policy and an Internet access acceptable use policy. The policies are as follows.

**IREDELL COUNTY PUBLIC LIBRARY
Computer Replacement Policy**

The Iredell County Public Library recognizes the need to provide current information technology to both the residents of Iredell County and to the staff of the library. Computer technology is a field where innovations and advancements occur at a rapid pace. Keeping abreast of current technology both increases the ability of county residents to access the information they need and increases the productivity of the library staff. To achieve the goal

of maintaining current technology, the library will adhere to the following guidelines.

- 1) The library will maintain an inventory of all personal computers used by the library, both for public and staff use. The inventory will include the acquisition date of the computer and basic technical specifications such as processor, memory, storage capacity, and other information.
- 2) Replacement of each computer will be based on its intended use in relation to its technical specifications. Intended use categories are:

Intended Use	Hardware Requirements	Replacement Cycle
Public Access to Internet	High	3 years
Public Access to CD-ROM Resources	Medium	5 years
Public Access to Word Processing, etc.	Medium	5 years
Staff Use-Internet	High	3 years
Staff Use-Word Processing, Spreadsheets, E-mail	Medium	5 years
Staff Use-Database, Graphics, Network Administration	High	3 years

- 3) Computers with high hardware requirements will be replaced on a three-year cycle. Computers with medium to low hardware requirements will be replaced on a five-year cycle.
- 4) Computers with high hardware requirements that are replaced after three years may, if appropriate, be reassigned to a use requiring medium hardware requirements. If so, they will be assigned to medium hardware roles for two years.
- 5) In any case, all computers should be replaced after five years no matter what their use.
- 6) All computers purchased should be designed for future expansion and upgrading. Computers will be upgraded as appropriate to extend their useful life span. Upgrades may include additional memory, storage devices with increased capacity, video system and monitor replacement, and processor upgrades.
- 7) All new computers should be networked into the library's LAN (Local Access Network). This increases the ability to share resources and it facilitates maintenance by central administration.

IREDELL COUNTY PUBLIC LIBRARY

Public Computer Use Policy

- A. The Iredell County Public Library is required by the Childhood Internet Protection Act (CIPA) to use "A technology protection measure that protects against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or, with respect to use of the computers by minors, harmful to minors." The library uses filtering software that blocks access to Internet Sites that may violate the Childhood Internet Protection Act. Library users who believe that access has been blocked to a site that does not violate the Childhood Internet Protection Act may request that the library staff evaluate the site. Requests that sites be evaluated may be submitted anonymously. If the library staff determines the site does not violate the Childhood Internet Protection Act, the site will no longer be blocked. The library staff will make the final determination of the status of any site.
- B. Users should understand that no technology protection measure is totally effective, including the filtering software used by the Iredell County Public Library. The library is not liable or responsible for any sites that violate the Childhood Internet Protection Act that may be accessed by any user. Users are held responsible for any sites they access that violate the Childhood Internet Protection Act even if the site is not blocked by the library's filtering software. Users who intentionally access sites that may violate the Childhood Internet Protection Act may have their Internet Privileges revoked. Users who inadvertently access sites that may violate the Childhood Internet Protection Act should report the access to library staff.

- C. The Iredell County Public Library is not liable or responsible for any loss or damage incurred by any library user accessing the Internet through the library's public use computers. This includes, but is not limited to, any loss associated by buying or selling merchandise or services through the Internet, theft of credit card or other financial data, any personal information disclosed through the Internet, or any other information or data transmitted through the Internet.
- D. Information on activities by a library patron when using a public use computer, including dates and times of use, sites accessed, or any other information is confidential under North Carolina State Statute 125-18. Such information is not made available to any other person except as provided under Statute 125-18.

Public Computer Use Agreement

All users accessing the Internet through the library must agree to abide by the following rules:

1. Public Use Computers are available on a first-come, first-served basis. Users are limited to a maximum of one hour daily. When time has expired, users must promptly end their use.
2. The library staff is not responsible for providing instruction in the use of any software or Internet site.
3. The library uses software to block access to Internet sites that violate the Child's Internet Protection Act. Library users who believe access has been blocked to a site that does not violate the Childhood Internet Protection Act may request for the library staff to evaluate the site. Requests that sites be evaluated may be submitted anonymously. If the library staff determines the site does not violate the Childhood Internet Protection Act, the site will no longer be blocked. The library staff will make final determination of the status of any site.
4. The Iredell County Public Library is not liable or responsible for any loss or damage incurred by any library user accessing the Internet through the library's public use computers. This includes, but is not limited to, any loss associated by buying or selling merchandise or services through the Internet, theft of credit card or other financial data, any personal information disclosed through the Internet, or any other information or data transmitted through the Internet.
5. Users age 12 and under require a Public Computer Use Agreement signed by a Parent, Guardian or Legal Care Giver and adult supervision on the Public Use Computers.
6. Users age 13 to 17 require a Public Computer Use Agreement signed by a Parent, Guardian or Legal Care Giver.
7. Users age 18 and over require a signed Public Computer Use Agreement.
8. Users may print for 10¢ a page for black and white or 25¢ a page for color.
9. The following actions are *NOT ALLOWED* at any time:
 - a. The use of chat rooms or instant messaging programs in any form.
 - b. The reception, transmission, or display of sexually explicit images, messages, or cartoons, or a transmission or use of communications containing ethnic slurs, racial epithets, or any other material that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability or religious or political beliefs.
 - c. Misuse of e-mail or other communications to defraud, threaten, harass or misrepresent oneself to others.
 - d. Illegally adding, deleting, copying, modifying or "hacking" files or programs on the computer or any other computer or network accessible through the local network or the Internet.
 - e. Violating copyright laws or software license restrictions.

- f. Misrepresentation of self by password or signature.
- g. Unauthorized disclosure, use and dissemination of personal information regarding minors.

* * * * *

- 8. Requests from the Mooresville Graded School District (MGSD) for:**
- 1. Approval to Transfer \$19,500 for a Moisture & Indoor Air Quality Project at Park View Elementary School**
 - 2. Notification/Approval of a Capital Outlay Budget Amendment in the Total Amount of \$88,402**

Blumenstein, during the briefing, said the MGSD had experienced a moisture problem in the basement classrooms at Park View Elementary. She said the school system had completed three projects (exterior wall enclosure, carpet in the media center, a telephone system replacement) at Park View and \$19,500 was unspent. Blumenstein said the school system wanted to use the \$19,500 for the air quality project due to complaints.

Mrs. Blumenstein said the budget amendment for \$88,402 was due to the sales tax distribution decrease. She said the money was found by reducing the following accounts.

Contingency	\$29,902
Copier Replacement	15,000
Maintenance Radio System	9,000
Telephone System Replacement	3,000
Bus Radios	5,000
Furniture & Equipment	10,000
ADA Compliance	10,000
Floor Tile Replacement at N.F. Woods	<u>6,500</u>
	\$88,402

9. Request for a Decision Concerning a Method of Governance for Mental Health Services Due to the Mental Health Reform Act: The board chose to remain as a multi-county area authority (present configuration). During the briefing, Commissioner Williams, said the counties of Surry and Yadkin had voted to remain as a multi-county authority. He said that in addition, the Board of Directors for Crossroads had voted to retain this type of authority. (The choices that were available to the commissioners were (1) to become a single-county program (2) to become a single-county area authority (3) to become a multi-county program or (4) to become a multi-county area authority.)

10. Request for Permission to Allow Appropriate Punishment Options to Apply for FY 2002-03 Criminal Justice Partnership Program (CJPP) Funding: During the briefing session, Appropriate Punishment Options Director Pam Navey asked for permission to apply for a Criminal Justice Partnership Program grant in the amount of \$121,929. She said the funding would be used for the continuation of the Iredell Day Reporting Center. Navey said the center had been in operation for the past six years. She said it was one of the busiest centers in the state and on March 18, 2002, it had 122 clients.

Blumenstein said during the briefing, the state was behind in its CJPP grant payments for this fiscal year. She said the funding for five months had been received.

11. Request for Approval of Budget Amendment #35 to Allow the Transfer of a Position in the Sheriff's Department to the Solid Waste Department: Mashburn advised during the briefing that in the past the Solid Waste Enforcement Officer had been stationed in the sheriff's department. Mr. Mashburn said Sheriff Redmond had requested for this position to be transferred to the solid waste department. Mashburn said the employee would have a uniform similar to the one used by the animal control officers.

12. Request for Approval of the March 5, 2002 Minutes

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

Request for the Approval of a Resolution Requesting the Governor of North Carolina to Restore Full Funding of State Reimbursements of Repealed Taxes to Local Governments: MOTION by Commissioner Johnson to approve the following resolution.

VOTING: Ayes – 5; Nays – 0.

RESOLUTION REQUESTING THE GOVERNOR OF NORTH CAROLINA TO RESTORE FULL FUNDING OF STATE REIMBURSEMENTS OF REPEALED TAXES TO LOCAL GOVERNMENTS

WHEREAS, local governments have been receiving reimbursements from the State to replace local revenues lost in the late eighties when the General Assembly repealed certain local property taxes; and

WHEREAS, local governments have been highly committed to being fiscally responsible; and

WHEREAS, local governments provide essential services which the citizens of North Carolina depend upon; and

WHEREAS, local governments preparing their fiscal year 2001-2002 budgets last year were promised funds consisting of Inventory Tax Reimbursements, Local Beer and Wine Tax Reimbursements, and Elderly/Disabled Homestead Exemption Reimbursements in order to provide essential services; and

WHEREAS, the loss of these reimbursements during the fiscal year 2001-2002, after local governments have adopted budgets and set tax rates, will have a significant impact on the operations of local governments and the ability to provide essential services; and

WHEREAS, the loss of these reimbursements in future years will be detrimental to state mandated fund balance amounts and the ongoing operations of state mandated programs, including current expense and capital expense needs of the local boards of education; and

WHEREAS, recent legislation signed by Governor Easley committed the State of North Carolina to funds for distribution to North Carolina cities and counties for replacement of the repealed Inventory Tax Reimbursements and other reimbursements.

NOW, THEREFORE, BE IT RESOLVED, by the Iredell County Board of Commissioners that:

1. The Governor of North Carolina is requested to restore full funding of the Inventory Tax Reimbursements, Local Beer & Wine Tax Reimbursements, and the Elderly Homestead Exemptions for fiscal year 2001-2002.
2. The Governor of North Carolina is requested to continue support for full funding of all State reimbursements of revenues lost when the General Assembly repealed certain local property taxes.
3. The Clerk to the Board is instructed to forward this resolution to the Governor, the North Carolina General Assembly, the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, the North Carolina Department of Public Instruction, and the remaining 99 counties for their consideration and adoption.

* * * * *

APPOINTMENTS TO BOARDS & COMMISSIONS

Adult Care Home Community Advisory Committee (5 appts.): Commissioner Bowles nominated Walter Gene Hall.

Commissioner Ray nominated Bette Ivester.

Commissioner Williams nominated Mary Ellen Wade.

Chairman Tice nominated Jeannette Dickens.

Commissioner Johnson nominated Gary McKinna.

No further nominations were submitted, and Chairman Tice **moved** to appoint Hall, Ivester, Wade, Dickens, and McKinna.

VOTING: Ayes – 5; Nays – 0.

Board of Health (1 appt.): **MOTION** by Commissioner Bowles to postpone this appointment (nursing profession) until the April 2 meeting.

VOTING: Ayes – 5; Nays – 0.

Centralina Workforce Development Board (1 appointment): **MOTION** by Chairman Tice to postpone this appointment until the April 2 meeting.

VOTING: Ayes – 5; Nays – 0.

NEW BUSINESS

MOORESVILLE LIBRARY: Commissioner Johnson made the following statement/motion about the Mooresville Library.

“People have been reading with interest the articles in the Mooresville Tribune and the Statesville Record & Landmark concerning the Mooresville Library. In last year’s budget, we unanimously agreed to appropriate \$562,200 to the Mooresville Library for current expense. The county’s share has increased dramatically over the last few years, and each time, it has been approved unanimously by the board of commissioners who fully recognize the need for library services for the people of south Iredell. Criminal charges have resulted from an investigation by the Mooresville Police Department. I will not comment on the allegations because the presumption of innocence must be maintained. What is apparent in these matters, however, is that a lack of financial controls and accountability has existed in this organization for some time. This lack of oversight is troubling to many people who pay the taxes which resulted in an appropriation of \$562,200 to the Mooresville Library. I commend Mr. and Mrs. Cliff Homesley for their dedication to the Mooresville Library and their assiduous pursuit of accountability. I find it further disturbing, however, to learn that these folks who have attempted to make the problems known and desired only to correct the situation have themselves been accused of wrongdoing. The Homesleys and I differ in our view of the role and size of county government but the desire for accountability transcends our differences and philosophies. They are both well respected in the community and work hard to make it a better place. I admire their courage and their love of integrity. Therefore, I wish to make a motion to instruct the county manager to make a written request to the city of Mooresville requesting a detailed explanation of the accounting principles and financial controls that have been put in place in recent days to preclude such a situation from happening in the future.”

VOTING: Ayes – 5; Nays – 0.

COUNTY MANAGER’S REPORT: Mr. Mashburn said a written report had been distributed. He said notification had been received stating the Keith Corporation

planned an expansion of the Garden Ridge Distribution Center. He said the expansion would enlarge the facility from 288,000 sq. ft. to 639,000 sq. ft.

Support Services Director Vernon then gave updates on the following construction projects.

Stumpy Creek Park: The design for the septic system has been approved and bids will be received soon. Grading and seeding have been done. Through private donations, dugouts are being constructed on the baseball fields.

Hall of Justice Annex (former agricultural building): Interior demolition has started. Eventually the site will house court offices on the top floor and the Register of Deeds will occupy the bottom level. This project has a 145 day completion schedule.

Iredell County Government Center-South (former Lowrance Hospital): This project is in the design development stage.

New Library: This project is also in the design development stage. Staff will go out for bids on the demolition of some buildings on the site soon.

CLOSED SESSION: Citing G.S. 143-318.11 (a) (5) – Property Acquisition, Chairman Tice at 7:40 p.m., moved to enter into closed session.

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 8:05 P.M.)

ADJOURNMENT: Chairman Tice moved to adjourn the meeting at 8:05 p.m.
NEXT MEETING: Tuesday, April 2, 2002, 5 p.m. and 7 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

VOTING: Ayes – 5; Nays – 0.

Approved: _____

Clerk to the Board