

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
MARCH 4, 2003**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, March 4, 2003, at 7:00 p.m., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

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

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Finance Director Susan Blumenstein, Planning Supervisor Ron Smith, Animal Control Supervisor Sidney Weisner, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Johnson.

INVOCATION by Commissioner Tice.

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

- Additions:
- Request for Approval of Budget Amendment #32 to record the Issuance of the 2003 Installment Payment Revenue Refunding Bond, Issuance Costs, and the Defeasement of the 2004-2020 Maturities of the 2000 Installment Payment Revenue Bond
 - Request for Approval of a Lease for the North Carolina Department of Environment and Natural Resources at the Iredell County Government Center-South and Discussion of a Five-Year Capital Improvement Plan
 - Request for Approval of a Capital Project Ordinance Amendment for the Iredell County Government Center-South (ICGC-S)
 - Request from the City of Statesville in Reference to the Waiver of Solid Waste Tipping Fees for the Raymer Building Demolition Debris and a Request for the County to Purchase the Downtown Motel Building/Site
- Revision:
- Budget Amendment #29 should be for \$20,000 instead of \$15,000

VOTING: Ayes – 5; Nays – 0.

PUBLIC HEARING

(Continuation of the public hearing for Case #0212-4 from February 4, 2003)

Chairman Johnson declared the meeting to be in a public hearing and invited all persons who were not sworn in on February 4 to proceed to the dais for that purpose.

Case No. 0212-4; Thomas S. Wilson, the Applicant for the Lake Norman Airport Property, Requested an Amendment to a Heavy Manufacturing Conditional Use District Zoning and to Rezone a Portion of Property located at 149 Yeager Road in Mooresville, NC, from Residential Agricultural and Single Family Residential to Heavy Manufacturing Conditional Use District: Planning Supervisor Ron Smith several options were available to the board members for the disposition of this case. He said these were: (1) approve the items as requested (2) approve the requests with conditions (3) deny the requests and (4) remand the requests back to the planning board. Smith said that also, if no motion/vote occurred, the request would be a “de facto” denial.

Frances Ryner, of Land Design, a landscape, architectural, planning and engineering firm in Charlotte, N.C., said he had been working with the Lake Norman Airport for the past year. He said the airport had:

- existed in Mooresville since the 1960s.
- been purchased in 1990 by Dr. Thomas Wilson (110 acres with 64 acres being commercially zoned).
- an agreement dated 1994, where the Homeowner's Association contractually pledged support for zoning changes.
- approximately ten acres in general aviation use.
- a fuel tank that had been in operation since the 1960s.

Ryner said the developer had placed a barbed wire fence along the fuel facility for security reasons, and he was contracting out for a six-foot berm. Mr. Ryner said a security gate at the main entrance (off Yeager Road) would be installed. (Photographs of the fencing were shown to the board members.)

David Parker, the attorney for Dr. Thomas Wilson (owner of the airport), mentioned the 1994 agreement. He said the agreement stipulated the subdivision lots being developed by Dr. Wilson would be for "hanger lots and general aviation areas, including, but not limited to, a fuel facility, hangers and tie-downs as space allows, and the right to operate flight training and other aircraft/airport related areas as well as to conduct any other business or operation and to build supporting facilities, e.g., real estate development office, restaurant, etc., as deemed necessary by Wilson for business or personal use." Parker said that in 2002, Dr. Wilson petitioned to rezone the property. He said that in December of 2002, the Lake Norman Airpark Homeowner's Association polled its members about the availability of aviation fuel for the M2-CUD zoning. Attorney Parker said 93% were in favor (78 approved/6 against).

Mr. Parker mentioned the security concerns of Sheriff Redmond. He said a fence had been erected and a gate would be installed. In addition, he said that since the February meeting, an effort had been made to reach a consensus on some of the other issues. Parker said an L-shaped (120 feet) berm (6 feet high) would be placed on the site with a wooden fence if necessary. Mr. Parker requested the board to vote in favor of the requests.

Chairman Johnson said that at the last meeting, there had been discussion about relaxing some of the conditions in the conditional use district and adding some conditions in the M-2 area.

Parker said a meeting of the property owners was scheduled a few weeks ago on these matters; however, Dr. Wilson was unable to attend. He said it was his understanding the property owners wanted to create a long-range plan that would include down-zoning, the existing M-2, working on relaxing some the conditions in the existing conditional use district, and dealing with the re-routing of some of the taxiways. Mr. Parker said these matters could not be resolved during the past four weeks.

Chairman Johnson asked what assurances the board members had that the long-range plan would be accomplished.

Parker said the same assurances that everyone had in 1994 when the property owners signed a binding contract in return for the three million dollars worth of property. He said Dr. Wilson was allowed to develop the area within the constraints placed upon it. Mr. Parker said there was a conservation easement on much of the property.

Daniel McCann said he had been a property owner in the area for 13 years. He mentioned a recent meeting with Dr. Wilson, but he said there was not that

much accomplished. He said Dr. Wilson was mostly concerned about the noncompliance area.

Rob Porter said he resided on property adjacent to a hanger. Porter mentioned the 1994 agreement where it stated Dr. Wilson could have 60 aircraft. He said there were actually 80. Porter said that in reference to the aviation fuel vote with 84 participants, some of these were from nonresidents. Mr. Porter said there was a letter on file in the county planning office that stated he would not tolerate any encroachment of the zoning line, because it would endanger the profit potential of his property. He said one issue that had not been addressed pertained to the building that was “proposed to go into aircraft storage only.” Porter said it did not appear there had been that much “give” in the situation. Mr. Porter requested for the board to not approve the request as presented.

Jim Slate said he was a resident at the airpark. He said the fuel poll included individuals who did not own property, but rather they were “commercial guests.” Slate said that if a berm were placed in the area with cypress on top, it would require a sprinkler system. Mr. Slate said he was in favor of the fence and the gate, but he questioned who would lock it at night. He said the airport did not have a manager, and it was difficult to locate Dr. Wilson. Slate suggested the use of a “touch pad” with the property owners having the lock combination. He said a six-foot fence was needed. In reference to the 1994 agreement, Slate said he didn’t know about it until after his property was purchased. He also mentioned that the agreement wasn’t “filed” until 2002.

Walter Smith, President of the Lake Norman Airpark Owners’ Association, said there were 52 lots, with 47 being residential, and five general aviation or commercial. Smith said Dr. Wilson owned one lot, and it happened to be the largest. Smith said that in the next weeks he hoped to let contracts for a new paving runway and two new turnarounds. Mr. Smith said the poll was a survey, and everyone that had a permanent aircraft based at the airport was invited to participate.

Commissioner Madison said it appeared there were legal disputes, neighborly disputes, along with a zoning violation. He said the only involvement he saw for the board pertained to the zoning issue and the protection of the public. Madison said a six-foot berm was being proposed. He said the fuel availability, if approved, needed to be for small aircraft.

Commissioner Williams said it appeared the security concerns mentioned by Sheriff Redmond had been addressed.

Chairman Johnson said he didn’t have any problems with the aviation fuel, but it needed to be 100 low lead. Johnson said the fuel availability was needed to protect the economic viability of the airport. He said the buffer would offer some relief for Mr. Porter, but he (Johnson) still had problems with the M-2 and CUD area. In reference to the 1994 agreement, Johnson said he didn’t feel the commissioners had any authority concerning it.

Chairman Johnson adjourned the public hearing.

MOTION by Commissioner Madison to change the zoning of the M-2 CUD area by adding an additional condition that would allow the sale of 100 low lead fuel and to change the zoning in the R-20 residential area to make it M-2 CUD with a condition being that a six-foot berm with an attractive five-foot solid wood fence on top of it be constructed, with plantings on both sides of the fence, to serve as a buffer in the L-shape area around the hanger. Another condition being that the paved area, in that vicinity, be used only for traffic and parking of aircraft.

VOTING: Ayes – 4; Nays – 1 (Johnson).

Request for Approval of a Sewer Bid Contract with the Bell Construction Company & Approval to Advertise for the Construction Bids for An Elevated Water Tank up to 1,000,000 Gallons for the West Farm Development Project/Millard Refrigeration Inc.: County Manager Mashburn said the West Farm Development site would accommodate future industrial development along with Millard Refrigeration.

Benji Thomas, an engineer with West Consultants, said bids were opened on January 16, 2003, for the sewer line, and the low bid was from Bell Construction for \$160,466. Thomas said that at the time the bids were opened, they were based on the plan for a four-inch sewer line from the Millard plant to Statesville's sewer system. He said recently, notice had been received about the possibility of serving additional "wet industry." Thomas said two additional scenarios had been proposed, and these were:

Scenario II (6" forcemain)

Construct pump station on/near Millard's property and increase size to accommodate the larger forcemain and to accommodate possible wet industry. The pump station would be owned by Millard, at least initially, and the forcemain by the county.

Total cost: \$248,276

Iredell County's Obligation \$112,800 (over five years)
\$ 87,810 during construction (est.)

Immediate Capacity of Pump Station 100,000 gal./day

Ultimate capacity of forcemain 250,000 gal/day

Scenario III (8" forcemain)

Construct pump station on/near Millard's property and increase size to accommodate the larger forcemain and to accommodate possible wet industry. Again, the pump station would be owned by Millard, at least initially, and the forcemain by the county. In this scenario, it is assumed that at new pump station (cost not included here) would one day be constructed at the low point of the West Farm "industrial park," thus serving a larger area as well as greater flows.

Total cost: \$277,039.50 (est.)

Iredell County's Obligation \$112,800 (over five years)
\$116,573.50 during construction (est.)

Immediate Capacity of Pump Station: 180,000 gal./day

Ultimate Capacity of Forcemain 500,000 gal/day

Original concept or **Scenario I (4" forcemain)**

Construct project as already designed and bid. Pump station would be built on Millard Refrigerated Services property and owned by Millard. Forcemain owned by county.

Total Cost: \$160,466 (bid price)

Iredell County's Obligation: \$112,800 (over five years)

Immediate Capacity of Pump Station: 15,000 gal./day

Ultimate Capacity of Forcemain 100,000 gal./day

Mr. Thomas suggested for the board to choose scenario II or III. He said the eight-inch line would provide an extra benefit for the county in the long run. Thomas said a request was also being made for the board to authorize the consulting group to advertise for the construction of the water tank.

Jeff McKay, the Director of the Greater Statesville Development Corporation (GSDC), said the site had always been of interest to industrial prospects, but due to the lack of infrastructure, nothing had developed. McKay said in the past few weeks more interest had surfaced, especially with some food-processing operations that would complement Millard's services. McKay said the city last night had chosen not to participate in a one-third split up-front, but the council would review the possibility of this type of reimbursement if annexation

occurred. He also said the “Committee of 100” for the GSDC had voted to participate, up to a level of \$50,000, in a one-third type participation to increase the line size. McKay said he would need to return to his board, due to the city not participating at this time, and ask if there was still an interest.

Commissioner Madison said he understood the total cost of the bid was \$160,466 with Millard paying this amount, then, the county was giving Millard a credit of \$112,800 over a five-year period, for the four-inch line. He said that if an eight-inch upgrade occurred, then there was an additional cost of \$116,573, with the GSDC paying up to \$50,000, leaving the county with the remainder, or \$66,500. Madison said if the upgrade were approved, it was his understanding, that as other people tapped onto the line, or as property was annexed and revenues generated, the money would be distributed back to the county and the GSDC based upon the percentage of up-front participation.

Chairman Johnson said this was his understanding.

Mashburn said the county’s remaining funds could be obtained from the economic development fund.

The bids opened on January 16, 2003 for the sewer line were from:

Millard Refrigerated Services Sewer Project Bids Opened on January 16, 2003	
Bell Construction	\$160,466
Concord Builders	No bid
Foothills Water/Sewer	No bid
Gilbert Engineering	\$232,036
James E. Harris Construction	\$249,020
Neill Grading/Construction	\$236,820.75
Pedulla Excavating/Paving	No bid
Ronny Turner Construction	\$230,290

MOTION by Commissioner Tice to approve (1) the sewer line bids for Millard Refrigeration Project as presented in Scenario III by West Consultants and to authorize the county manager to approve the necessary change orders, (2) stipulate that this approval be contingent on the county receiving matching funds in the amount of \$50,000 from the Greater Statesville Development Corporation, and (3) that the county and Greater Statesville Development Corporation seek proportionate reimbursement from tap-ons, or from the City of Statesville, if and when, the city annexes the area served by the sewer lines.

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Norman to authorize West Consultants to proceed with the bidding to build a one million gallon water storage tank to serve Millard Refrigeration and future development in the area, with a stipulation that the bidding be done in accordance with state and federal regulations and statutes.

VOTING: Ayes – 5; Nays – 0.

Request for Approval of Amendments to the Animal Control Ordinance: Chief Animal Control Supervisor Sidney Weisner reviewed proposed amendments for the animal control ordinance. He said one additional clarification needed to be made and this pertained to assistance dogs (seeing eye dogs). He said the dangerous dog section did not apply to these types of animals. Weisner said the amendments separated vicious and public nuisance dogs, and placed the vicious dog language in the dangerous dog section. Mr. Weisner said a definition for a dangerous dog was included in the amendments, along with the types of enclosures that would be needed for them. He said the fines for all ordinance violations had increased.

Mike Gilbert asked about a dog that might be standing beside of the road barking. He asked if the animal could be determined to be dangerous.

Weisner said that if the dog happened to be on the public right-of-way, and the barking was to the extent that a person believed the animal would attack, then, the animal could be deemed as dangerous.

Gilbert asked what happened if a person was in the right-of-way, a dog approached, the person made aggressive moves towards the dog, and then the dog advanced towards the person.

Weisner said this would probably be a case for the appeals board.

Commissioner Madison then reviewed several revisions that he proposed for the ordinance.

Margaret Lane, the President of the Humane Society, praised the board members for their actions to protect county citizens. She said that not all of the pet owners in the county were “responsible” owners. Lane said she did have concerns about penalizing the owners who were responsible. Mrs. Lane said she felt some language could be inserted about “unprovoked or provoked” attacks or bites. Lane said she received many phone calls from individuals who were afraid to complain about dogs in their neighborhood due to fears that someone would retaliate by making accusations about their animals.

MOTION by Commissioner Norman to adopt the animal control ordinance amendments as presented with Commissioner Madison’s revisions.

VOTING: Ayes – 5; Nays – 0.

REQUEST FOR APPROVAL OF A LEASING PROPOSAL FOR THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) AT THE IREDELL COUNTY GOVERNMENT CENTER – SOUTH AND DISCUSSION OF A FIVE-YEAR CAPITAL IMPROVEMENT PLAN:

Director of Support Services Jim Vernon said that for quite some time the staff had been working with the State in developing an acceptable floor plan at the government center in Mooresville. He said the State Property Office had rigid specifications and requirements for any leased property. Vernon said the original concept was to house DENR on the third floor; however, it was determined that space on the fourth floor would also be needed. He said that with this occurrence, additional work had to be done (toilets, etc.), and this raised the county’s costs. Vernon said the State had agreed to a floor plan of 22,371 square feet on the third floor, and 4,500 on the fourth floor. Mr. Vernon shared the following estimates for the project from Martin Boal Anthony Johnson (MBAJ).

Design & Engineering	\$ 100,000 (6.5%)
Asbestos abatement (4 th floor)	15,000
Emergency Generator (Health Dept./DENR)	47,000 (state requirement)
Construction	1,550,000 (\$50 sf)
FF&E, Contingency, Voice/Data Cable	<u>68,000</u>
Total Project Costs	<u>\$ 1,780,000</u>

Lease Costs to the County: \$1,780,000/12 year lease = \$148,333/year revenue

\$148,333/26,871sf = \$5.52 sf base lease cost

Utilities = \$1.00/sf

Misc. & Main. = \$0.98/sf

Total lease rate to DENR = \$7.50/sf = 12 year term

Vernon said that if the DENR project started in this quarter, it could possibly be completed by October/November of 2004. Vernon said the lease was on the Council of State's agenda in April. He said a letter to DENR was needed stating the lease requirements.

Commissioner Williams asked about the type of renovations required for the fourth floor.

Vernon said some fire protection, fire reporting, and the upfitting of common space.

Williams also asked about the five-year capital projects plan that was distributed at the agenda briefing.

Mashburn said the costs for the DENR project were just included in the five-year plan.

Vernon said the project was included in the five-year plan to show how each fiscal year would be impacted from a capital reserve standpoint.

Mr. Williams asked if the five-year plan would be discussed as a separate item.

Mashburn said yes.

Chairman Johnson said he had hoped the lease would net some profit for the county to offset the initial upfit of the first floor.

Commissioner Williams agreed with Johnson.

Commissioner Madison said it appeared to be a "marginal" deal, at best.

Commissioner Tice said she understood the State might have other uses for the rest of the fourth floor.

Vernon said there were no promises, but an official in the State Property Office had mentioned this idea.

Commissioner Madison suggested that a cost of living provision be added to the lease every four years. Mr. Madison said he would not be in favor of the lease if the State rejected the provision.

MOTION by Commissioner Madison to authorize the county manager and the Director of Support Services to propose a lease to the North Carolina Department of Environment and Natural Resources with the rent being \$7.50 per square foot with an adjustment based upon the Consumer Price Index every four years and the utility costs to be adjusted on an annual basis. In addition, the Director of Support Services will share a copy of the lease with the board members as soon as possible with the understanding that a special meeting of the board might be needed for further discussion.

VOTING: Ayes – 5; Nays – 0.

Commissioner Madison asked how long the county had the financing restriction (county can only lease to governmental entities and nonprofits).

Blumenstein said for 15 years, and it was because there was tax exempt financing.

NOTE: No further discussion occurred about the five-year capital projects plan at this meeting.

REQUEST FOR APPROVAL OF AN AMENDED CAPITAL PROJECT ORDINANCE FOR THE IREDELL COUNTY GOVERNMENT CENTER-SOUTH (ICGC-S): Support Services Director Vernon said there had been five major change orders for the Mooresville government center. He said the project now needed fixtures, furnishings and equipment (FF&E), and he was requesting \$100,000. Mr. Vernon said the beginning contingency balance was \$113,350 and \$87,200 had already been used for change orders. He said \$13,400 was currently being processed in a change order leaving only \$12,750 for the FF&E.

MOTION by Commissioner Tice to revise the Capital Projects Ordinance by adding \$100,000 for fixtures, furnishings and equipment.

VOTING: Ayes –5; Nays – 0.

The amended ordinance will be as follows.

Amended Capital Project Ordinance
Iredell County Government Services Building – South

Be it ordained by the board of county commissioners of Iredell County, North Carolina:

Section 1. This capital project fund shall finance the cost of planning, design, and construction of the Iredell County Government Center-South.

Professional Fees	\$ 220,500
Asbestos Removal	97,241
Survey, Roof Repair	9,305
General Construction	1,499,855
Fixtures, Furniture & Equipment	100,000
Contingency	26,149
Retire HMA Promissory Note	1,900,000
Closing Costs of Financing	<u>16,500</u>
	<u>\$ 3,869,550</u>

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

Financing Proceeds – Bank of America	\$ 3,510,000
Transfer from Capital Reserve Fund	250,000
Contribution – Town of Mooresville	100,000
Interest Earned on Construction Fund	<u>9,550</u>
	<u>\$ 3,869,550</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 shall be transferred back to the Capital Reserve Fund.

Section 6. The county manager is authorized to approve expenditures from the Contingency line item in amounts not to exceed \$25,000 with an expenditure report to the board at its next regularly scheduled

This amended ordinance being adopted March 4, 2003.

Request from the City of Statesville in Reference to the Waiving of Demolition Debris Tipping Fees for the Raymer Building and the Request for the County to Purchase the Downtown Motel Building: County Manager Mashburn said he had received a letter from the city manager asking if the county would waive the tipping fees for the Raymer Building demolition debris. He said that once the building was razed, the city desired to use the area for parking. In addition to this request, Mashburn said the city had inquired about the county purchasing the Downtown Motel site, demolishing the building, and paving the area for additional parking.

Chairman Johnson asked the cost for the motel property.

Mashburn said the city had a cost of \$150,000 when the new library was being proposed in the area.

Commissioner Norman asked why the city didn't purchase the motel.

Mashburn said the city officials did not feel they needed the entire area. He said there was \$359,000 in the capital reserve fund, if the board chose to purchase the property.

No action was taken on either of the two items -- (1) Waiver of tipping fees and (2) the county purchasing the motel property.

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

MOTION by Chairman Johnson to approve the following 15 consent agenda items.

VOTING: Ayes – 5; Nays – 0.

1. Request from Lowe's Companies, Inc., for the Release of Zoning & Subdivision Jurisdiction (Extraterritorial) to the Town of Mooresville:

During the briefing, Planning Supervisor Smith said Lowe's Companies, Inc., was requesting the release of zoning/subdivision jurisdiction to the Town of Mooresville for 8.6 acres (eight parcels). He said the Town had agreed to extend utilities to the site and annex the property. Smith said the planning department recommended approval of the release. (The parcel #s are: 4645-97-7508; 4645-97-9539; 4655-07-1534; 4655-07-1326; 4645-07-0280; 4645-97-7241; 4645-97-7451; and 4645-86-9539.)

2. Request for Approval of an Agreement Between Millard Refrigeration, Inc., and Iredell County for the Operation and Maintenance of a Sewer Line:

At the briefing session, County Manager Mashburn said this agreement would require Millard Refrigeration to hire an engineering company to design a forced-main sewer line to meet the City of Statesville's standards. He said the county would enter into an agreement with Statesville to lease the line to the city for 20 years at \$1 per year. Mashburn said the city would be required to accept the effluent and repair/maintain the line.

3. Request for Approval of an Agreement Between the EnergyUnited Water Corporation and Iredell County for the Operation and Maintenance of a Water Tank:

During the 5 p.m. meeting, County Manager Mashburn said the county would build an elevated water storage tank on property deeded to it by West Family Realty LLC. He said the agreement would stipulate that Energy United Water Corporation would lease (20 years) the tank from the county and maintain/operate it.

4. Request for Approval of an Agreement Between the City of Statesville and Iredell County for a Forced-Main Sewer Line to be Installed on Property Deeded to the County by West Family Realty, LLC: Also during the 5 p.m. meeting, Mashburn requested approval of an agreement that would allow the county to enter into a long-term sewer lease (20 years) with the City of Statesville. He said the city would maintain and operate the sewer system.

5. Call for a Public Hearing on March 18, 2003 at 7:00 p.m., Regarding the FY 2003-04 Rural Operating Assistance Program: (This hearing is required to receive state funding for the Elderly & Disabled Transportation Assistance Program (\$68,874), the Work First/Employment Program (\$11,947), the Rural General Public funds (\$53,228), and Discretionary Funds (\$80,000).

6. Request from the Solid Waste Department for Approval of a Scrap Tire Recycling & Disposal Contract with U.S. Tire Recycling: During the briefing, Solid Waste Director Weatherman said that for many years U.S. Tire Recycling had been disposing of scrap tires for the county. Weatherman recommended renewal of the contract, and he said the tires would be processed at the Twin Oaks facility at \$71 and \$80 at the Mooresville Transfer Station. Mr. Weatherman said the contract also had a Consumer Price Index adjustment clause at the end of the third year, and annually thereafter.

7. Request from the Solid Waste Department for Approval of a Lease Agreement with Billy & Kathleen Martin for the Hwy. 901 Transfer Station: At the briefing, Solid Waste Director Weatherman requested the renewal of a lease with the owners of the Highway 901 Solid Waste Transfer Station property. Weatherman said the lease had increased by \$200 per month (from \$100 to \$300), but he felt the amount was reasonable.

8. Request from the Health Department for Approval of a Food Establishment Plans Review User Fee: Environmental Health Supervisor Kelly Sheeks and Health Director Ray Rabe were present at the briefing session to explain this request. They said that in September of last year, Governor Easley signed into law a provision enabling health departments to charge a fee, up to \$200, for food establishment plans review. Mr. Sheeks said the following fees were recommended, and they were based on the difficulty and staff time involved in the review process.

Restaurants - \$200

Meat Markets - \$100

Food Stands - \$100

Any Renovation of the Above Where Plans Review is Necessary - \$100

Note: The fees will become effective May 1, 2003.

9. Request for Approval of Budget Amendment #29 in the Amount of \$20,000 for Claims & Settlements in the Legal Budget: Finance Director Blumenstein advised during the briefing that for FY 2002-03, \$5,000 was budgeted for claims and settlements. She said the money was used to pay the deductible portion of liability claims. Blumenstein said three claims had been resolved, and it was anticipated that another one would be cleared out before the end of the year. She said budget amendment #29 would transfer \$20,000 from contingency and place it in the legal/claims & settlements line item.)

10. Request for Approval of Budget Amendment #30 in the Amount of \$6,200 for the Transfer of Elections Department Part-time Salary Funds to Operating Expenses: Elections Supervisor Becky Galliher requested during the briefing that \$6,200 be transferred from part-time salaries to:

Postage - \$ 1200
 Training - \$ 2000
 Supplies - \$ 3000
 \$ 6200

Galliher said the part-time salary line item currently had \$41,000.

11. Request for Approval of an Amended Stumpy Creek Park Project Ordinance: Mrs. Blumenstein said during the briefing, that the project ordinance adopted on February 5 included \$16,530 in donations for the Gallyon Memorial that were budgeted for expenditure in the general construction line item. She said now, however, she was recommending for the funds to be transferred to another line item entitled “Gallyon Memorial” to have a better audit trail. In addition, she said that recently \$5,955 was received from a memorial golf tournament, and this would increase the memorial fund to \$22,485. Blumenstein said the investment earnings had increased by \$3,976. The amended Stumpy Creek Park Project Ordinance will now be as follows.

**Amended South Iredell Park Fund
 Capital Project Fund**

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

Section 1. The following project will be financed by this fund:

Stumpy Creek General Construction	\$748,176
Professional Services	75,155
Gallyon Memorial	22,485
Transfer to Parks Capital Reserve Fund	<u>25,340</u>
	<u>\$871,156</u>

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

Parks & Recreation Trust Grant	\$250,000
Community Contributions	135,000
Memorials	22,485
Transfers from Parks Capital Reserve Fund	210,626
Transfers from General Fund	128,045
Investment Earnings	<u>125,000</u>
	<u>\$871,156</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. The Parks Capital Reserve Fund is advancing \$100,000 to the Stumpy Creek Project Fund for completion of the project. This advance is to be repaid annually by transfers from the Stumpy Creek Project Fund to the Parks Capital Reserve Fund equal to ¼ of the total transfer from the General Fund.

Section 6. Any funds remaining in the Stumpy Creek Project Fund at completion of the project will be transferred to the Parks Capital Reserve Fund and applied as a reduction to the advance.

This amended ordinance being adopted this the 4th day of March, 2003.

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12. Request for Approval of the New Library Site Demolition Contract & Awarding of the Bid to the Terry-Linn Company in the Amount of \$29,095:

Support Services Director Vernon said six buildings, plus concrete, masonry retaining walls/curbs, footings, and asphalt needed to be eliminated for the new library. He said the county would waive all tipping fees, and remove all friable asbestos containing building materials (ACBMs) from the structures prior to demolition. Vernon said the smaller quantities of non-friable ACBMs would be taken to the landfill for disposal. He said the bids ranged from a low of \$29,095, up to \$107,089, and that \$75,000 had been budgeted. Mr. Vernon recommended the low bid proposed by the Terry-Linn Company.

The bids received were from:

COMPANY	BID AMOUNT
Terry-Linn	\$ 29,095.00
Quality Grading	30,000.00
The Linda Construction Co.	39,200.00
D.H. Griffin Co.	42,420.00
Ken Pearson Grading	46,152.00
Robert Reid	47,851.20
Stan Elder Grading	70,162.00
Allen Church	86,000.00
Frye Grading	86,800.00
Tucker Grading	96,804.00
Country Boy Landscaping	105,000.00
Chris Davidson Grading	107,089.00
Bell Construction	No bid
Gilbert Engineering	No bid

The demolition work involves the following buildings/areas.

- Former Kenneth Darty Law Office, 149 East Water Street
- Master Cleaners Building, 153 East Water Street
- Alpha Signs Building, 205 North Tradd Street
- Piedmont Mediation, 205 North Tradd Street
- Former Bryant Supply Building, Tradd Street
- Iredell County Bookmobile Building (2 levels, behind present library)
- Concrete pavement
- Masonry retaining walls & curbs
- Footings for all buildings
- Bituminous asphalt paving

13. Request from the Centralina Council of Governments for Iredell County to Pay the Full Membership Fee for FY 2002-03 (Balance of \$3,095) & Approval of Budget Amendment #31:

During the briefing, County Manager Mashburn said that for FY 2002-03, Centralina requested \$23,305 for membership dues. Mashburn said during the budget deliberations that he recommended a payment of \$20,210, and this was approved. Mashburn said Centralina's fee for each governmental member was based on the population multiplied by the per capital rate established by the Centralina Board of Delegates. He recommended that Budget Amendment #31 be approved for the payment to Centralina.

14. Request for Approval of the February 14, 15, & 18, 2003 Minutes

15. Request for Approval of Budget Amendment #32 to Record the Issuance of the 2003 Installment Payment Revenue Refunding Bond, Issuance Costs, and the Defeasement of the 2004-2020 Maturities of the 2000 Installment Payment Revenue Bond: (Closing documents were signed on February 20, 2003 for the bond refunding, and the budget amendment reflects the transactions that occurred.)

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

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Adult Care Home Community Advisory Committee (4 announcements)
Hazardous Waste & Low-Level Radioactive Waste Management Board
(4 announcements)
Nursing Home Advisory Board (1 announcement)

APPOINTMENTS TO BOARDS & COMMISSIONS

Nursing Home Advisory Committee (2 appointments): Commissioner Tice nominated Theresa Brown Moose.

No further nominations were submitted, and Chairman Johnson moved to appoint Moose by acclamation and to postpone the remaining appointment until the March 18 meeting.

VOTING: Ayes – 5; Nays – 0.

Adult Care Home Community Advisory Committee (5 appointments): Commissioner Madison nominated Tammy Brown.

No further nominations were submitted, and Chairman Johnson moved to appoint Brown by acclamation and to postpone the remaining four appointments until the March 18 meeting.

VOTING: Ayes – 5; Nays – 0.

COUNTY MANAGER’S REPORT: County Manager Mashburn said that in reference to the Millard Refrigeration/West Farm Water Tower Project, notification had been received that the Rural Center had approved the \$150,000 grant, the \$249,000 Community Block Development Grant had been approved, the \$150,000 had been awarded to the Greater Statesville Development Corporation from the Golden Leaf Foundation, and that \$240,000 was still anticipated from EnergyUnited Water.

REVALUATION NOTICES: Chairman Steve Johnson said some county citizens were under the impression he assessed the value of their properties. He said the misunderstanding was due to the county having an employee named Steve Johnson who was an appraiser in the revaluation department. Mr. Johnson said he wanted to make the clarification in order for citizens to know he could not adjust their assessments, and they needed to contact the county assessor’s reval office in reference to the appeals process.

CONTINUATION OF MEETING: MOTION by Chairman Johnson at 10:25 p.m., to continue the meeting to Wednesday, March 5, 2003, 6:00 p.m., in the South Wing Conference Room, of the Iredell County Government Center, 200 South Center Street, Statesville, NC.

VOTING: Ayes – 5; Nays – 0.

Approved: _____

Clerk to the Board