

**IREDELL COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
MARCH 16, 2004**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, March 16, 2004, 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, and Clerk to the Board Jean Moore.

**CALL TO ORDER** by Chairman Johnson.

**INVOCATION** by Commissioner Norman.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

Addition to Agenda: Mr. Raymond Cole was Allowed to Address the Board Regarding a Zoning Hardship Case

Deletion from Agenda: A Request from the Health Department for the Allocation of Bioterrorism Grant Revenue of \$103,044

VOTING: Ayes – 5; Nays – 0.

**MR. RAYMOND COLE DISCUSSES A ZONING HARDSHIP CASE:**

Mr. Cole, a resident of 248 Cedar Ridge Loop, in Statesville, said his family had recently suffered a double loss. He said that in early February, a house fire claimed the life of his father-in-law. Mr. Cole said his mother-in-law, Betty Seymore, survived; however, her home was totally destroyed. He said Mrs. Seymore had received an insurance payout, but it was not enough to construct a stick-built home. He said that to complicate matters even further, Mrs. Seymore had property in an R-20 zoned district, and this prohibited her from placing a mobile home on the site. Mr. Cole continued by saying his mother-in-law was 65 years old, with numerous health problems, and she was coping with the loss of her husband, her home, and her belongings. He asked for the board's assistance in finding a way to allow Mrs. Seymore to locate a double-wide mobile home on her property that was located on Odell Road in Statesville.

Commissioner Williams said he recalled a recent hardship case where an allowance was approved.

Planning Supervisor Smith said there was an allowance for a hardship mobile home in an R-20 district; however, the Statesville airport expansion was a factor in the case. Smith said the amendment approved in this particular case might possibly be retrofitted to aid Mrs. Seymore. Mr. Smith said he had visited Mrs. Seymore's property and noted there was some RU-R property, consisting of mostly mobile homes, to the south. He said the RU-R area abutted the R-20 general area, but not directly to Mrs. Seymore's property. Smith said one option to assist Mrs. Seymore would be rezone her property to RU-R or RA.

Commissioner Madison asked if the board members could legally provide any immediate assistance.

Smith said that to abide by state laws, the options would be an amendment to the county's ordinance or an amendment to the district -- a rezoning. Mr. Smith said his staff would be more inclined to seek a rezoning, over an ordinance change, due to the county having over 20,000 acres designated as R-20 districts. He said that out of the 20,000 acres, there would probably be some people who would rather have an RA or RU-R district over the more restrictive R-20.

Chairman Johnson said there would be some expense to a rezoning.

Smith said the cost of a non-owner rezoning would be \$750 plus a dollar an acre. He said a 100-acre rezoning would cost \$850.

Commissioner Madison asked how the hardship stipulation applied when a mobile home was approved for a relative.

Smith said a hardship had to be established by a doctor, and the mobile home had to be set up with minimal standards, due to its temporary status. He said the hardship application had to be annually renewed. Mr. Smith said the "catch" here, when comparing it to Mrs. Seymore's situation, was there had to have been an existing grandfathered mobile home on the site prior to the hardship.

Chairman Johnson asked what problems would occur with an ordinance amendment.

Smith said he envisioned there would be more hardship cases surfacing. He said non-owner rezonings needed only 80% of the property owners, and the remaining 20% might start asking for allowances.

Mr. Cole said there was an existing mobile home near the property that was less than 50 feet away. He said the mobile home belonged to Mrs. Seymore's sister, and it had been there for several years. Cole said Mrs. Seymore and her sister had inherited two acres of land with the intent of each woman having one acre, but the property had never been surveyed or separated.

Chairman Johnson said he understood the hardship allowance was only given for mobile homes to piggyback on a stick-built home.

Commissioner Williams asked if the proposed rezoning, to aid Mrs. Seymore, would connect her property to the RU-R district.

Smith said this would be the best way to eliminate spot zoning.

Commissioner Williams questioned whether or not the property owners in the R-20 area would allow their parcels to be rezoned (RU-R).

Smith said that as he recalled, the R-20 zoning approved in the Odell Road area didn't receive as much support as some other non-owner requests; such as the Scotts Creek Road case.

Chairman Johnson asked, if the ordinance were amended, if it could be restricted down to where it would allow a hardship for an elderly person who had suffered the loss of his or her home by fire.

Attorney Pope said this could probably be crafted. He said another stipulation that might be included would be to indicate there had to be an existing mobile home on the site.

Johnson said the amendment could also stipulate that when the elderly person died, the right to retain the mobile home on the site was nontransferable. He said this way, the R-20 integrity could be maintained, and it would eliminate this particular family from having to pay the \$850.

Williams said he didn't feel there would be that many people asking for this type of variance.

Smith said he was a little worried about changing the ordinance. He said there was one provision there already, and it was "very tight." Smith said that if another were added, of a "tight nature," there might be more hardships occurring.

Williams asked if there was permission to waive the \$850.

County Manager Mashburn said the waiver question had never been asked.

Attorney Pope said he thought there could be a hardship fee waiver.

Smith said the amount was just a standard cost listed in the fee schedule.

Commissioner Madison asked the timeframe, on either option, to aid Mrs. Seymore.

Smith said 45 days.

Commissioner Madison asked if the matter had to be presented to the planning board.

Smith said a zoning amendment would have to be presented to the planning board in accordance with the bylaws and the county's ordinance. He said a rezoning could go before the planning board and then go straight to the commissioners. Smith said this would accelerate the process by two weeks.

**MOTION** by Chairman Johnson to (1) instruct Mr. Smith to review the ordinance and draft an amendment that specifically pertained to elderly individuals who had suffered the loss of their homes and (2) expedite the process as much as possible.

VOTING: Ayes – 5; Nays – 0.

## **ADMINISTRATIVE MATTERS**

**Request for Permission to Apply for the North Carolina Department of Correction's Criminal Justice Partnership Program Grant for the Iredell County Resource Center:** Appropriate Punishment Options Director Pam Navey requested permission to apply for a \$121,929 grant for the continuation of the Iredell Resource Center. Navey said the Criminal Justice Partnership Program Committee, the organization providing oversight for the resource center, had reviewed the application and recommended approval. She said that if approved by the state, the grant funding would extend from July 1, 2004 through June 30, 2005.

**MOTION** by Commissioner Norman to grant permission for the Appropriate Punishment Options staff to apply for the North Carolina Department of Correction funding.

VOTING: Ayes – 5; Nays – 0.

**Request from the Tax Administrator for Approval of the First 2004 Meeting Date of the Board of Equalization and Review:** Tax Administrator Bill Doolittle requested permission to convene the Board of Equalization and Review on Thursday, April 15, 2004, and to adjourn the meetings on Thursday, June 24, 2004. Mr. Doolittle said the meetings would be in accordance with N.C.G.S. 105-322.

**MOTION** by Commissioner Madison to approve the time table as presented by the Tax Administrator.

VOTING: Ayes – 5; Nays – 0.

**Request from the Tax Administrator for Approval of the February Refunds & Releases:** Tax Administrator Bill Doolittle presented the following February refunds and releases and stated they were in order for approval.

<b>FEBRUARY 2004 TAX RELEASES &amp; REFUNDS</b>		
	<b>Releases</b>	<b>Refunds</b>
County	\$37,996.34	\$ 8,300.81
Solid Waste Fees	104.00	13.00
East Alexander Co. Fire #1	18.23	0
Shepherd's Fire # 2	109.86	105.39
Mount Mourne Fire # 3	31.03	0
All County Fire # 4	2,997.72	929.47
Statesville City	2,764.79	0
Statesville Downtown	215.20	0
Mooresville Town	4,200.76	0
Mooresville Downtown	3.56	0
Mooresville School	1,089.78	0
Love Valley	0	0
Harmony	.91	36.23
Troutman	0	0
<b>Total</b>	<b>\$49,532.18</b>	<b>\$9,384.90</b>
A complete list, of the individual tax releases and refunds, is hereby incorporated into the minutes by reference.		

**MOTION** by Commissioner Williams to approve the February refunds and releases as presented.

VOTING: Ayes – 5; Nays – 0.

**UPDATE REGARDING ACTIONS TAKEN BY THE TAX ADMINISTRATOR'S OFFICE RESULTING FROM THE FARM USE TASK FORCE RECOMMENDATIONS:** Tax Administrator Bill Doolittle presented a handout that detailed the following actions being taken regarding present use valuation.

- The tax department has been working on an outline for sound management in order to hold meetings with the Cooperative Extension Service, Farm Service Agency, Natural Resources Conservation Service, the North Carolina Forestry Service, and other groups, to see what assistance these offices may provide in aiding property owners in substantiating that their properties are under sound management programs.
- The tax department has requested the addresses of all Iredell County attorneys in order to mail them information relevant to present use laws and property transfers.
- The tax department will mail copies of present use laws to everyone in the present use program.
- The tax department has returned the Schedule F/Federal Tax Returns, previously acquired, to their rightful owners. The Schedule Fs will not be requested in the future; however, some property owners have requested to use them. If the property owner desires to use the Schedule Fs during the application process, the staff will make notations of the relevant information, but the forms (Schedule Fs) will not be retained or copied.

- The tax department will only provide estate planning information when asked, and then, it will only be relevant to how qualification for present use will be affected.

- The tax department will soon hire an individual to work in the present use program. During the interim period, Tax Administrator Bill Doolittle will serve as the present use application intake person and answer any questions about the program.

- The tax department is currently processing over 150 present use applications.

Mr. Doolittle said other improvements were being reviewed, but the information shared provided an update to this point in time.

Chairman Johnson asked about statute changes that would disqualify individuals from farm use. He said there was an understanding the tax department would provide a grace period.

Doolittle said, “Within whatever restrictions that the statutes puts on us, we want to provide as much grace period as we can.”

Johnson asked if the department had settled on a timeframe.

Doolittle said it depended on the type of situation -- if it happened to be a forestry application, more time would be provided than if it were just an ownership change. He said forestry might be a year or more and an ownership change might be 90 or 120 days. Doolittle said it really depended on the kind of change -- it was extended as far as the tax office could go to give people a reasonable amount of time. He said, “A lot of it basically is going to be the next listing period, which is almost a year. Mr. Doolittle said the office was also going to send a letter to everyone in the present use program, not asking them to do anything, but just to provide information.

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**Call for a Public Hearing on April 6, 2004 Regarding the Rural Operating Assistance (ROAP) Application for FY 04-05:** Transportation Director Ben Garrison requested permission to apply for annual funding, and he said a public hearing was needed to begin the process. Garrison said the hearing would give him a chance to explain in more detail the following programs and requested funding.

	Funding to be Requested
Elderly & Disabled Transportation Assistance	\$69,196
Work First	\$12,880
Rural General Public	\$56,117
Discretionary Rural General Public	\$50,000

Garrison said the ICATS ridership had been increasing, and it had been noted that much of the increase was from people needing rides to work. He said the hours might change to aid these people. Garrison said 12% of the county’s population did not have a vehicle.

**MOTION** by Commissioner Tice to hold a public hearing on April 6, 2004, at 7:00 p.m., for the Rural Operating Assistance Program Application.

VOTING: Ayes – 5; Nays – 0.

**Request for Approval of a \$4,200 MBAJ Contract Increase for Additional Engineering Needed to Rebuild the Earth Dam for the Existing Pond at the New Social Services Building Site:** Support Services Director Vernon said the architects for the new social services building had suggested that the best alternative to handle storm drainage discharge would be to route all drainage into the existing pond for a single collection point. He said another suggestion would be to rebuild the existing earth dam to eliminate any problems associated with the improvements that might occur on the

property owners located downstream. Vernon said the staff was recommending that (1) \$4,200 be approved for the earth dam repair (2) the project ordinance be amended by advancing \$30,000 to be used for contingency and for this amount to be repaid upon receipt of the financing proceeds and (3) the \$4,200 be deducted from the \$30,000.

Commissioner Tice asked if the \$4,200 could be recouped from the state participation in the project.

Vernon said probably not, but he would check on the matter.

**MOTION** by Commissioner Madison to approve Budget Amendment #31 in the amount of \$30,000 (contingency) for the purpose of amending the MBAJ contract in the amount of \$4,200 and to approve the following amended capital project ordinance.

VOTING: Ayes – 5; Nays – 0.

**AMENDED CAPITAL PROJECT ORDINANCE  
DEPARTMENT OF SOCIAL SERVICES FACILITY**

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

Section 1. Funds for this Capital Project Fund will be provided from the following source:

Advance from Capital Reserve Fund to be repaid upon receipt of financing proceeds:	<u>\$404,300</u>	30,000	<u>\$434,300</u>
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Section 2. The following costs for the design and engineering of the Iredell County Department of Social Services facility shall be paid by this fund:

Basic A/E Fees & consultants	\$339,300	4,200	\$343,500
Survey, Geotechnical, Testing, Reimbursables	65,000		65,000
Contingency	-	25,800	<u>25,800</u>
	<u>\$404,300</u>		<u>\$434,300</u>

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

Section 4. The County Manager is authorized to transfer funds from Contingency to other expenditure line items with a report to the board of commissioners at the next meeting.

Section 5. Payments from this Capital Project Fund shall be authorized by the County Manager or his designee.

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**Request for Discussion and/or Approval of a Contract (Model) for the Voted-In Volunteer Fire Departments/Districts to Furnish Fire Protection and Medical Responder Service:** In attendance at the meeting were Steve Knox, with the Mount Mourne Volunteer Fire Department, Kelly Robinson and Tim Conley, with the Shepherds Volunteer Fire Department, and Steve Lackey, with the Stony Point Volunteer Fire Department. Commissioner Williams said in August of 2003, the board of commissioners agreed to review the existing contracts with the three VFDs having a voted-in fire tax district. He said a new contract had been drafted, and it incorporated everything requested at the August meeting.

Chairman Johnson said he understood the Stony Point VFD wanted to revise clause #3 in the revised contract. The clause reads as follows:

*As a further condition of this contract the \_\_\_\_\_ Volunteer Fire Department agrees that a majority of its Board of Directors will be non-members of the Fire Department, residents of the Fire Tax District, and with no blood or marital relationship to any member. The non-department Board Members and their successors are to be appointed by the Board of Directors.*

Johnson said Stony Point had suggested that the paragraph read:

*As a further condition of this contract the Stony Point Volunteer Fire Department agrees that a majority of its board of directors will be non-members of the fire department, but residents of the fire tax district. Members and their successors are to be nominated and elected at the annual meeting. In accordance with the Stony Point Volunteer Fire Department bylaws, there will be six non-fire department members, three fire department members, and one chief, as a non-voting member.*

Lackey, with the Stony Point VFD, said it would be difficult to abide by the stipulation of “no blood or marital relationship” due to the size of the Stony Point community.

Chairman Johnson said he assumed that one contract, or an identical contract for all three departments, was recommended.

Robinson, with Shepherds VFD, said he didn’t think this would be possible. He said the contracts would probably need to be geared to each department. Robinson said Shepherds was a five-mile voted in district with a six-mile boundary that was not taxed to the district. He said clause #1 took fire protection and gave it to the outside area. Mr. Robinson also questioned whether or not the statute citations were correct.

Attorney Pope asked if Shepherds was providing fire protection outside the voted-in fire district.

Robinson said yes.

Pope asked how long.

Robinson said since 1961.

Pope asked what needed to be changed to reflect the coverage.

Robinson said the fire department’s attorney had instructed him not to sign the contract. Mr. Robinson said he had received the contract on Thursday evening, March 11 and a VFD board meeting was held on March 15. He said that due to the short time span, his board had not been able to adequately review the contract. Robinson asked who wrote the contract because he had not been involved. Robinson said he had only been to one meeting, where the new contract had been discussed, and it was held in Troutman, NC. He continued by saying Shepherds actually served two five-mile insurance rated districts, from the Department of Insurance, with two fire stations.

Chairman Johnson said the contract was what he and Commissioner Williams were offering.

Robinson said clause #1 needed to be revised. He said something needed to be written about the tax money being paid by the people in the outlying area, and these funds going in the general fund. In regards to clause #3, Robinson said he didn’t think the VFD board had any problems allowing members from the community to serve, but it was difficult to locate them. Robinson said liability insurance would have to be carried on all the board members, and that to be listed on the department’s roster, 48 hours of training was needed.

Johnson said he didn’t feel the non-members would need fire experience, but it would be helpful if they had financial experience.

Robinson again said the VFD attorney had advised them not to sign the contract as written. He suggested that two commissioners attend a meeting with the VFD board for the purpose of writing a new contract.

Johnson said clause #3 was nonnegotiable.

Conley, the Shepherds VFD Board of Directors President, said the firemen were independent contractors, as stated in clause #8. He asked why the board of directors' composition had to be in the contract, especially since they were independent contractors. He said, "We told you back in August that we would make an attempt to get more community members involved, get our chiefs off the board, because we understand this is a good business practice, but we don't want to enter into a contractual obligation as far as that goes. That's not good business sense as far as we are concerned. What you are telling us, on number three, is that we don't have good business sense -- as fire fighters we are taxpayers just like anyone else. While we agree we need more people from the community, it's finding level-headed people who are willing to donate their time to do that. We have been looking, and we have things in the works, but we, and I'm speaking on behalf of our board that met last night, we are not willing to enter into a contractual obligation to do that. We can amend our bylaws, and we can make adjustments towards that, but at this juncture, we are not prepared to do that. We have one member that's not a member of our department." Conley said his department's bylaws required that all three chiefs serve on the board.

Johnson asked how many members were on the Shepherd's board.

Conley said eleven.

Johnson said that left eight that did not have to be chiefs.

Conley asked why it had to be in a contract. He mentioned that the new contract referred to the firemen or the department as independent contractors. Conley said he agreed with this terminology -- the department was an independent contractor with the county.

Chairman Johnson said his interest about the VFD board composition was due to some citizens complaining about the way their tax funds had been used.

Conley said no citizens had complained to him. He said that as President of the Shepherds VFD Board of Directors, it was his signature needed on the contract. Conley said he had not been involved in any discussions concerning the new contract.

Johnson asked how much time Shepherds needed to become complaint with clause #3 in the contract.

Conley said this was up to the community. He asked about the individuals who had been complaining. Conley asked if they would volunteer to be members on the board of directors.

Johnson said it wasn't his job to recruit the VFD board members. He said civilian oversight was over most military or municipal organizations (police departments, U.S. Air Force, Army, Navy, Marines) and there were reasons for this. Johnson said the people who provided the oversight could look at the organizations on an objective basis.

Conley said he agreed.

Johnson asked how long it would take, then, to become compliant.

Conley asked why there had to be a contractual obligation. He said that if the contract were signed, there was an obligation to comply.

Johnson said the commissioners were asking for compliance because they were the governing body that funded the fire departments. He said the other departments didn't have a problem with the arrangement.

Conley said again his board had no intention of entering into the contract, as written, with number three dictating the structure of Shepherd's board.

Johnson said that if the Shepherd's VFD did not become compliant, he would have problems at budget time. He said he was trying to look after the taxpayers' interest. He said the stewardship of the money was just as important as putting out a fire.

Robinson asked if two people from the board of commissioners could meet to discuss the contract. He mentioned that clause #2, pertaining to standards, also needed to be addressed.

Johnson again asked if there were problems with clause #3.

Robinson said they didn't have a problem with representatives from the community serving on the board.

Conley, however, asked why there had to be a contractual obligation.

Robinson asked if the county would pay the liability insurance for the community representatives.

Conley said he understood in August, the contract would be drafted by a committee, but he had not been invited to any of the meetings.

Commissioner Madison suggested that the Shepherds VFD draft a new contract.

**MOTION** by Chairman Johnson to allow the Shepherds VFD Board, in the next two weeks to (1) establish any amendments needed for the contract (2) forward the suggested amendments to each member of the board of commissioners and (3) during the interim period, two commissioners (Johnson and Williams) would meet with the Shepherd's Chief and one member of the VFD Board to discuss the contract.

Conley said he had previously appointed four people to review the contract.

Johnson said this was fine. He again tried to clarify that clause #3 was not a problem.

Conley said, "We do not have a problem complying, but we are not ready to enter into a contractual obligation. We do not want it in the contract."

Commissioner Williams asked if there was still any desire for all three contracts to be alike.

Robinson asked if the board composition stipulation was going to "fizzle" down to the fire commission. He said there were many 19 or 20 member VFD boards that had all firemen.

Johnson said there was never any intention of the board of commissioners to become involved in the county-wide district. He said the difference was that the commissioners acted as the voted-in districts' fire tax board.

Robinson said he understood. He said the Shepherd's VFD Board of Directors met the second Monday night of each month, and the people doing the complaining should start voicing their objections at one of these meetings.

Steve Lackey, with the Stony Point VFD, mentioned that in April of this year, its insurance rating would be reduced from a nine to a seven. He said this would result in a \$100-a-year reduction in costs for the district's residents.

Steve Knox, with the Mount Mourne VFD, said he had no problems with the contract as presented.

VOTING: Ayes – 5; Nays – 0.

**Request for Approval of an Ordinance Requesting that Iredell County Become a Member of the Unifour Early Action Compact for Air Quality:** County Manager Mashburn said he was requesting the adoption of an air quality resolution, but at the same time, he was asking for the chairman to be given authorization to rescind the resolution if needed. Mashburn said there was a short timeframe regarding air quality designations. He said the board had been told by a Centralina planner in January that the county would probably be designated as a nonattainment ozone area by April 15. He said that in January, the board had not been apprised of any choices in the matter, but the board on its own decided to write letters to the Environmental Protection Agency, the North Carolina Department of Environment and Natural Resources, and other agencies to voice objections to the designation. He said later, it was determined there were some options that could be taken. Mashburn said the county could apply for membership into the Catawba, Burke, Caldwell, and Alexander County Early Action Compact, and indications were that the state would not oppose this action. He said this decision had to be made by the end of March. Mashburn said it was his understanding, however, that Catawba County (Hickory) would probably be designated as a nonattainment area for particulate matter. He said the EPA requirements for particulates were stronger than for ozone nonattainment. Mashburn said as it stood now, on April 15, 2004, the county would probably be designated as a nonattainment ozone area due to being included in Charlotte's Metropolitan Statistical Area (MSA). He said the designation would mean that industries in Iredell County would have to abide by new air quality rulings.

Commissioner Madison asked if the county would be eligible for any MSA benefits.

Mashburn said no. He said the EPA had included Iredell County in the Charlotte MSA strictly for the designation.

**MOTION** by Commissioner Williams to approve the ordinance as presented with authorization for the Chairman to rescind the board's action if necessary.

VOTING: Ayes – 5; Nays – 0.

(The ordinance is as follows.)

**ORDINANCE REQUESTING THAT IREDELL COUNTY  
BECOME A MEMBER OF THE UNIFOUR EARLY ACTION COMPACT  
FOR  
AIR QUALITY**

*WHEREAS, the City of Statesville and Iredell County have been declared a "nonattainment area for air quality"; and*

*WHEREAS, Iredell County wishes to mitigate the issue by entering into an "Early Action Agreement"; and*

*WHEREAS, being declared a nonattainment area will severely limit Iredell County's ability to attract and retain industry; and*

*WHEREAS, the North Carolina Department of Natural Resources (DENR) and the Environmental Protection Agency (EPA) only allows such compacts for Metropolitan Statistical areas; and*

WHEREAS, DENR has approved such a compact with the “Unifour” MSA which is the geographically closest MSA to Statesville and Iredell County.

NOW, THEREFORE, LET IT BE ORDAINED BY THE Iredell County Board of Commissioners that it hereby requests the members of the Unifour Compact to be allowed to join the “Unifour Early Action Compact” regarding air quality.

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**Request for Approval of Amendments to the Policy Governing the Use of the County Commissioners’ Meeting Room (The amendments will basically add the South Wing Conference Room to the policy.):** County Manager Mashburn said requests for the usage of the South Wing Conference had been increasing, and he recommended that the policy being used for the Commissioners’ Meeting Room be revised to include the South Wing Conference Room.

**MOTION** by Commissioner Madison to amend the Policy for the Commissioners’ Meeting Room as proposed by the county manager.

VOTING: Ayes – 5; Nays – 0.

The amended policy will be as follows:

**IREDELL COUNTY**

**POLICY GOVERNING THE USE OF THE COUNTY COMMISSIONERS’ MEETING ROOM & THE SOUTH WING CONFERENCE ROOM**

**IREDELL COUNTY GOVERNMENT CENTER  
200 SOUTH CENTER STREET  
STATESVILLE, NC**

***PURPOSE***

The Iredell County Commissioners’ Meeting Room and the South Wing Conference Room are primarily for the use of the county commissioners. The purpose of this statement is to insure that the county commissioners receive top priority, and then, to provide a written policy when the rooms are used by other approved groups. This policy is applicable to the County Commissioners’ Meeting Room and the South Wing Conference Room only.

***SCHEDULING AND SUPERVISION OF ROOMS***

The responsibility for scheduling the County Commissioners’ Meeting Room and the South Wing Conference Room and the supervising of the uses thereof shall be assigned to the County Manager. The Iredell County Board of Commissioners and the County Manager reserve the right to refuse or cancel any use of the building not in the best interest of the public.

***PRIORITY OF USE***

1. First priority for the use of the County Commissioners’ Meeting Room and the South Wing Conference Room shall be given to the county commissioners.
2. Secondly, priority for the use of the County Commissioners’ Meeting Room and the South Wing Conference Room shall be given to the departments of Iredell County and/or their affiliate groups.
3. Thirdly, if the above priorities have been met, non-profit organizations or civic organizations may use the referenced facility after special permission, through proper channels outlined above provided that the use of the facilities is for educational, business, or professional meetings. Scheduling shall be done only after submission of request in writing on a form provided by the County Manager.

***OPERATING PROCEDURES***

1. The County Commissioners’ Meeting Room and the South Wing Conference Room are available for meetings between the hours of 8:00 a.m. and 10:00 p.m.

2. All requests from agencies other than departments of County government and their affiliate groups shall be made in writing 30 days prior to the event requested except as determined by the County Manager. Confirmation of the schedule will be made immediately upon receipt of the request.

3. Cancellation of a booking must be twenty-four (24) hours in advance of the date reserved.

4. Use of the facility does not obligate the County to provide any equipment for the area. No nails, screws, tape, or fixtures of any kind may be driven or applied to the walls, woodwork, floors, or ceiling. No food or drinks are allowed in the upstairs area (Commissioners' Meeting Room) at all.

5. Groups using the facility must accept the responsibility for the cleaning charges for the area after use of the building. The groups will reimburse the County for the actual cost of the extra cleaning necessary because of the use of the meeting room.

6. Iredell County personnel will be responsible for securing the building after the meeting and will remain on duty throughout the use of the room. A charge of \$18 an hour for the security person will be charged the user for any staff time after 5:00 p.m., or before 8:00 a.m., or on weekends. A minimum of three hours will be charged the user for the security person's time.

7. No charge shall be levied by the user against their participants except that amount to cover cost incurred.

**STATEMENT OF DISCLAIMER**

In renting, leasing, or making available the County Commissioners' Meeting Room and the South Wing Conference Room, neither the Iredell County Board of Commissioners nor Iredell County employees assume any responsibility for the loss of or damages to any property placed on the premises by the user or for loss or damage of any property or personal effects, including motor vehicles and their contents thereof, the user, its members, employees, agents, participants, guests, or attenders.

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**Request for Continued Discussion/Decision Regarding the Town of Mooresville's Proposal to Assist the North Carolina Department of Transportation in the Construction of Sidewalks along Brawley School Road:** Mashburn said that at the March 2 meeting, he was requested to determine if the county had authority to assess property owners for sidewalk construction. He said an e-mail was sent to Institute of Government Attorney David Lawrence regarding the matter. Mashburn said Lawrence responded by saying that in the early part of the 1900s, the state took over the county road systems, and this action stripped away the statutory authority to spend money on streets or roads, except in narrow circumstances. He (Lawrence) continued by saying that since sidewalks were associated with streets, it could be assumed this authority was also eliminated. Mashburn said there were two other options available and one of these would require 75% of the affected Brawley School Road property owners to petition for an assessment. He said, however, the statute was clear that this type of assessment was for subdivisions or residential streets. Mashburn said another option would be to ask for special legislation. He concluded by saying it was clear to him that special assessments were for subdivisions or residential streets, and the Brawley School Road was basically a commercial thoroughfare.

After review of the information provided by the county manager, Commissioner Madison suggested for the board to move on to the next agenda item.

Chairman Johnson requested the county manager to share the findings, and the board's reluctance to participate in the project with the Mooresville town officials.

**Request for Approval of the March 2, 2004 Minutes:** MOTION by Chairman Johnson to approve the captioned minutes as presented.

VOTING: Ayes – 5; Nays – 0.

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

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

**Criminal Justice Partnership Program (1 announcement)**

**Adult Care Community Advisory Committee (3 announcements)**

**APPOINTMENTS TO BOARDS & COMMISSIONS**

**Regional Comprehensive Economic Development Strategy Panel (CEDS) (3 appointments):** **MOTION** by Chairman Johnson to postpone these three appointments until the April 6 meeting.

VOTING: Ayes – 5; Nays – 0.

**Animal Grievance Committee (1 appointment):** Commissioner Tice nominated Alison Fortner for a reappointment.

Chairman Johnson **motioned** to close the nominations and appoint Fortner by acclamation.

VOTING: Ayes – 5; Nays – 0.

**Hazardous Waste & Low Level Radioactive Waste Management Board (4 appointments):** Commissioner Tice nominated Dr. Pam Westmoreland Sholar for a reappointment.

Commissioner Norman nominated Mike Overcash and John Schafer for reappointments.

Chairman Johnson nominated Jeff McKay for a reappointment.

Commissioner Madison **motioned** to close the nominations and to appoint Sholar, Overcash, Schafer, and McKay by acclamation.

VOTING: Ayes – 5; Nays – 0.

**Adult Care Home Community Advisory Committee (1 appointment):** Commissioner Madison **motioned** to postpone this appointment until the April 6 meeting.

VOTING: Ayes – 5; Nays – 0.

**Historic Properties Commission (1 appointment):** Commissioner Madison **motioned** to postpone this appointment until the April 6 meeting.

VOTING: Ayes – 5; Nays – 0.

**NEW BUSINESS**

**Iredell Rescue Squad:** Chairman Johnson said he had requested the Finance Director to run an amortization schedule pertaining to a rescue squad loan. He said the county several years ago assisted the squads with loans, but the assistance had been stopped. Johnson said volunteer fire departments could obtain low interest tax-exempt loans on their own, but that rescue squads could not. He said the Iredell Rescue Squad currently had a \$719,500 loan with an 8.750% interest rate. Johnson said it was his understanding a new loan might be able to cut the interest in half. He said this wouldn't require any additional assistance from the county, other than being the lead agency on the loan. Johnson noted that this type of assistance could be limited to the rescue squads.

County Finance Director Blumenstein said the rescue squad needed to know that the county would have to take ownership of the property, and the squad would have to pay the legal fees.

**MOTION** by Chairman Johnson to authorize the Finance Director to review the matter and to return to the board of commissioners with a proposal.

VOTING: Ayes – 5; Nays – 0.

**COUNTY MANAGER’S REPORT:** Mashburn commented on the following:

Scrap Tire Reimbursement: The North Carolina Department of Environment and Natural Resources has sent notice that a scrap tire reimbursement (\$39,368.88) will soon be forthcoming.

Retirement of the Tax Collector & Request for Direction Regarding the Hiring of a Replacement: Mashburn mentioned that Mr. Ketchie would be retiring on May 30, 2004. He said the commissioners would have to appoint the new collector, and he asked for the board’s suggestions regarding the matter.

Chairman Johnson said he would like for the county manager to be the clearinghouse on the applicants. He said the applications needed to be narrowed down to a few for the commissioners to interview. (The other commissioners were in agreement with this arrangement.)

**CLOSED SESSION:** At 8:45 P.M., Chairman Johnson motioned to enter into closed session for the purpose of discussing an economic development matter pursuant to G.S. 143-318.11 (a) (4).

VOTING: Ayes – 5; Nays – 0.

RETURN TO OPEN SESSION AT 9:00 P.M.

**CALL FOR A PUBLIC HEARING REGARDING AN ECONOMIC DEVELOPMENT INCENTIVE FOR NGK CERAMICS USA AND APPROVAL OF A RESOLUTION IN SUPPORT OF RAIL IMPROVEMENTS FOR THE COMPANY:** **MOTION** by Commissioner Norman to (1) call for a public hearing on April 6, 2004 at 7:00 p.m., for the consideration of a \$1,222,607.00 economic incentive, over a six-year period, based on an investment by the NGK Ceramics USA Company of \$58,554,000.00 in Iredell County and (2) that approval of a resolution in support of company’s request for rail assistance from the North Carolina Department of Transportation be made.

VOTING: Ayes – 5; Nays – 0.

*RESOLUTION IN SUPPORT OF  
NGK CERAMICS USA, INC., IN ITS EXPANSION EFFORTS  
IN  
IREDELL COUNTY, NORTH CAROLINA*

*WHEREAS, NGK Ceramics USA, Inc., is considering the possibility of expanding its manufacturing facility located at Highway 115 North and Mazeppa Road in Mooresville, North Carolina; and*

*WHEREAS, NGK Ceramics USA, Inc., proposes to invest \$26,994,000 and to add 101 employees with the expansion; and*

*WHEREAS, the expansion plans of NGK Ceramics USA, Inc., are consistent with local land use and state and local transportation plans; and*

*WHEREAS, the expansion plans of NGK Ceramics USA, Inc., conform with all applicable state and local ordinances and policies; and*

*WHEREAS, Iredell County is committed to work with the NCDOT in a leadership role to make transportation improvements that address the safety needs of the public, the contractors, and the employees of NGK Ceramics USA, Inc.*

*NOW, THEREFORE, BE IT RESOLVED BY THE IREDELL COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:*

*Section 1: Iredell County supports the expansion efforts of NGK Ceramics USA, Inc., in Mooresville, NC and confirms that its plans are consistent with, and conform with, state and local laws, plans, and policies.*

*Section 2. Iredell County endorses the application of NGK Ceramics USA, Inc., to request financial support from the North Carolina Department of Transportation to assist in the funding of a rail industrial access track to serve NGK Ceramics USA, Inc.*

*Section 3. Iredell County commits to work with the North Carolina Department of Transportation (NCDOT) to make needed transportation improvements necessary to protect the safety of the public, the contractors, and the employees of NGK Ceramics USA, Inc.*

*\* \* \* \* \**

**ADJOURNMENT:** MOTION by Chairman Johnson at 9:10 p.m., to adjourn the meeting. (NEXT MEETING: Tuesday, April 6, 2004, 5:00 p.m. and 7:00 p.m., in the Iredell County Government Center located at 200 South Center Street, Statesville, NC.)

VOTING: Ayes – 5; Nays – 0.

Approved: \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board