

IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
MAY 1, 2007

The Iredell County Board of Commissioners met in Regular Session on Tuesday, May 1, 2007, at 7:00 P.M., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Board Members Present
Chairman Marvin Norman
Vice Chairman Sara Haire Tice
Steve Johnson
Ken Robertson
Godfrey Williams

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Deputy County Manager Susan Blumenstein, Acting Planning Director Steve Warren, Soil Erosion Control Administrator Mark Selquist, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Norman.

INVOCATION by Commissioner Johnson.

PLEDGE OF ALLEGIANCE: Posting the Colors and assisting with the Pledge were JROTC students Rodney Gramaldi (North Iredell High), Devin Saunders (South Iredell High), Matt Lucas (South Iredell High), Aaron Lofton (South Iredell High), Tony Lewis (Mooresville High), Dana Grimley (Mooresville High), Naomi Allen (Civil Air Patrol), Casey Upright (West Iredell High) Travis Holland (North Iredell High), Dallas Tolliver (West Iredell High), and instructors: Cmdr. Mike Powden (Mooresville High), Master Sgt. Michael Fisher (South Iredell High), and Sgt. Major Kenneth Thompson (West Iredell High).

ADJUSTMENTS OF THE AGENDA

MOTION by Chairman Norman to approve the following agenda adjustments.

VOTING: Ayes - 5; Nays – 0.

- Additions:
- Request for a Letter Supporting a Federal Grant Application by Indicating a Willingness to Expand Transportation Services (ICATS) to the New Hope, Union Grove, Eagle Mills, Sharpesburg, Olin, and Turnersburg Townships of Iredell County
 - Closed Session for Property Acquisition – G.S. 143-318.11 (a)(5)
- Deletions:
- Presentation and Adoption of a Proclamation of Congratulations and Praise to Major General James B. Mallory III (This presentation will occur on May 15.)
 - Request for Approval of a “Land of Tomorrow” Resolution

PRESENTATION OF SPECIAL RECOGNITIONS & AWARDS

Presentation and Adoption of a Proclamation in Celebration of Military Tribute Month: MOTION by Commissioner Robertson to approve a Military Tribute Month proclamation.

VOTING: Ayes – 5; Nays – 0.

The adopted proclamation is as follows:

Military Tribute Month

WHEREAS, since the beginning of our nation's history, brave men and women have served in the Armed Forces in defense of our country's ideals; and

WHEREAS, the citizens of Iredell County live in freedom due to the contributions and sacrifices made by those who served, or are presently serving, in the Armed Forces of the United States; and

WHEREAS, in gratitude for the men and women, past and present, who have worn the uniforms of the Army, Navy, Air Force, Marine Corps, and Coast Guard, the third Saturday in May has been designated as Armed Forces Day; and

WHEREAS, in profound respect for the men and women who have died in military service for our country, the last Monday in May has been designated as Memorial Day; and

WHEREAS, our servicemen and servicewomen, past and present, should be acknowledged, honored, and thanked for the many blessings they have brought to this great country.

NOW, THEREFORE, we, the members of the Iredell County Board of Commissioners hereby proclaim May of 2007 as Military Tribute Month and call upon all citizens to recognize and thank all veterans and active duty military servicemen and servicewomen, reservists, and members of the National Guard, for their courage, patriotism, and for their selfless commitment to our nation and people.

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Accepting the proclamation on behalf of all veterans was Mr. James Sharpe, a WWII combat infantry man, and accepting the proclamation on behalf of active duty service men and women, as well as those serving in the National Guard and Reserves, was Staff Sgt. Daniel Skilldon, who recently completed a tour of duty in Iraq.

Other Special Guests Welcomed: Boy Scouts Dino Maglic and Eric Jordan, from Troop 176, sponsored by Oakdale Baptist Church, also attended the meeting.

PUBLIC HEARINGS

Chairman Norman declared the meeting to be in a public hearing, and Attorney Pope administered the oaths to all individuals desiring to speak in regards to the conditional use rezoning cases.

Case No. 0704-4: Todd Abernathy Construction LLC Requests to Amend the Iredell County Land Use Plan & to Rezone Property from Residential Agricultural to General Business Conditional Use District (Location: 276 Lipe Road, Troutman, NC: Acting Planning Director Warren said the applicant had recently requested to withdraw this request until August.

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

MOTION by Commissioner Johnson to grant Mr. Abernathy's request for withdrawal of Case No. 0704-4 until August 2007.

VOTING: Ayes – 5; Nays – 0.

Soil Erosion and Sedimentation Control Ordinance Text Amendments: Erosion Control Administrator Mark Selquist reviewed soil erosion and sedimentation text amendments that were suggested by the state. He said once the amendments were approved, the ordinance would fully comply with the Sedimentation Pollution Control Act.

Teresa O'Keefe, with the Lake Norman Homebuilders Association, said her organization understood the importance of the ordinance and the need for clean water; however, the following ordinance revisions were suggested:

- (a) Appoint a review board for dispute resolution -- not a large group – members who were engineers and attorneys would be helpful
- (b) Place a three-year cap on fees with staff to review at that time.

Selquist said the Board of Adjustment was the entity that would review the disputes.

MOTION by Commissioner Johnson to (1) approve the text amendments as presented, (2) for the staff to review the pros and cons of the Board of Adjustment versus an independent

board for the appeal process and (3) for the staff to return to the board of commissioners with the findings.

VOTING: Ayes – 5; Nays –0.

Note: The soil ordinance was adopted with the following text amendments.

Added language:

Section 202

(f) *The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan.*

Section 203

(p) *Phase Inspections. The landowner, the financially responsible party, or the landowner’s or financially responsible party’s agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). The person who performs the inspection shall maintain and make available a record of the inspection at the site of the land-disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition to inspections required by G.S. 113A-61.1.*

Section 404

(a) *Civil Penalties*

(The word **minimum** was added to this sentence.)

(1) *The **minimum** civil penalty that the county shall assess per violation is five hundred dollars (\$500.00) for each acre rounded up to the next whole acre.*

Added language

(2) *Civil Penalty Assessment Factors. The County shall determine the amount of the civil penalty based upon the following factors:*

- (i) *the degree and extent of harm caused by the violation*
- (ii) *the cost of rectifying the damage*
- (iii) *the amount of money the violator saved by noncompliance*
- (iv) *whether the violation was committed willfully, and*
- (v) *the prior record of the violator in complying or failing to comply with this ordinance*

Section 405 Injunctive Relief

(a) last sentence to read as follows:

The action shall be brought in the Iredell County Superior Court ~~of the county in which the violation is occurring or is threatened.~~

(b) *Abatement of Violation.*

Sentence to read as follows:

~~Upon determination by a court that an alleged violation is occurring or threatened.~~ The County shall issue no building, zoning, or environmental permits to the violator until such violation is abated.

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Case No. 0704-1: Hazel Bass Wike Requests to Rezone Property from Residential Agricultural to General Business Conditional Use District (Location: 1124 Charlotte Highway, Troutman, NC): Acting Planning Director Steve Warren reviewed the following staff report for this case.

**PLANNING STAFF REPORT
CASE NO. 0704-1**

OWNER: Hazel Bass Wike
1124 Charlotte Highway
Troutman, NC 28166
(704) 528-5558

AGENT: Tam Leroy Wingler
178 Happy Lane
Statesville, NC 28677
(704) 872-8604

LOCATION: The property is located at 1124 Charlotte Highway, being in the southern quadrant of the interchange for I-77 and Charlotte Highway in Troutman, NC; more specifically identified as PIN# 4740-92-1175. Directions: Take Charlotte Highway south from Troutman; property on right approximately ½ mile south of the existing truck stop.

REQUESTED ACTION: Rezone subject parcel from RA, Residential Agricultural to GB-CUD, General Business Conditional Use District.

- ♣ All utilities must be underground.
- ♣ Apply Roadway Protection Overlay (RPO) standards; which include signs, landscaping, and access restrictions.
- ♣ Interconnectivity between adjacent parcels.

PROPOSED USE: Any and all GB uses.

SIZE: 14.0 acres.

EXISTING LAND USE: Single Family Residential.

SURROUNDING LAND USE: Residential uses are adjacent to the northeast, south, and east, with vacant commercial land to the north and west of the requested property.

WATERSHED REGULATIONS: The subject parcel is not located within a watershed area.

TRAFFIC: This section of Charlotte Highway had an average of 11,000 vehicles per day in 2005. According to the 1993 Iredell County Thoroughfare Plan, this section of Charlotte Highway has a carrying capacity of 10,500 vehicles per day.

ZONING HISTORY: The subject parcel was zoned RA when countywide zoning took effect in 1990. Several rezoning cases have been approved at this interchange in anticipation of commercial development occurring as the Town of Troutman extends utilities into this area. Parcels adjacent to west and north of the requested site have been rezoned as General Business Conditional Use, with the most recent rezoning approved in March of 2007 for GB-CUD to allow for possible future commercial development.

STAFF COMMENTS: The Exit 42 Small Area Plan identifies this area as suitable for future interchange commercial development. The applicant has chosen the GB-CU District classification, which allows for a greater range of commercial uses and is similar to other nearby commercial properties. Adjacent parcels to the north and west are zoned commercial and staff recommends in favor of this request since it is consistent with the Exit 42 Small Area Plan.

PLANNING BOARD ACTION: On April 4, 2007 the Planning Board voted 8-0 to recommend approval for the rezoning request.

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

MOTION by Commissioner Tice, after reviewing the findings of fact and determining them to be in order, to approve the proposed zoning map amendment and to make a finding that approval was consistent with the adopted Exit 42 Small Area Plan and that said approval was reasonable and in the public interest due to its consistency with the Exit 42 Small Area Plan; as a result, said approval furthers the goals and objectives of the Exit 42 Small Area Plan.

VOTING: Ayes – 5; Nays – 0.

Case No. 0704-2: Bob Rudisill Homes, Inc., A Request to Rezone Property from Residential Agricultural to Single Family Conditional Use District (R-12/CUD) Location:

124 Jillian's Lane in Davidson, NC): Acting Planning Director Steve Warren shared the following staff report for this case:

**PLANNING STAFF REPORT
CASE NO. 0704-2**

OWNER/APPLICANT: *Bob Rudisill Homes, Inc
174 Winding Shore Drive
Troutman, NC 28166
(704) 662-3468*

LOCATION: *The property is located at 124 Jillians Lane in Davidson, NC; more specifically identified as PIN# 4644-98-7892. Directions: Take Mecklenburg Highway south from Mooresville; turn right onto Bridges Farm Road; turn right onto Jillians Lane and property is at end of road.*

REQUESTED ACTION: *Rezone subject parcel from RA, Residential Agricultural to R12-CUD, Single Family District, Conditional Use District.*

♣ *Limited to single family detached dwelling units.*

PROPOSED USE: *Single Family detached dwellings.*

SIZE: *1.89 acres.*

EXISTING LAND USE: *Vacant.*

SURROUNDING LAND USE: *Single family homes and lots surround tract; an existing single family development to south and west lies within the town limits of Davidson.*

WATERSHED REGULATIONS: *The subject parcel is located within the Lake Norman/Catawba Critical Area watershed.*

TRAFFIC: *This section of Mecklenburg Highway had an average of 11,000 vehicles per day in 2005. According to the 1993 Iredell County Thoroughfare Plan, this section of Mecklenburg Highway has a carrying capacity of 10,500 vehicles per day.*

ZONING HISTORY: *The subject parcel was zoned RA when countywide zoning took effect in 1990. Parcels located to the south and west are within the town limits for Davidson and zoned for high density residential use.*

STAFF COMMENTS: *The applicant has chosen the R-12 Single Family District classification, which will allow single family residential development with a minimum lot width of 80 feet. The South Iredell Small Area Plan identifies this area as suitable for future residential development; staff feels that this request is reasonable and recommends in favor of this request since the parcel is located adjacent to high density single family development zoned by the Town of Davidson as LPA-Lakeshore Planning Area.*

PLANNING BOARD ACTION: *On April 4, 2007 the Planning Board voted 8-0 to recommend approval for the rezoning request.*

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Bob Rudisill, President of Bob Rudisill Homes, Inc., offered to answer any questions.

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

MOTION by Commissioner Tice, after reviewing the findings of fact and determining them to be in order, to approve the proposed zoning map amendment and to make a finding that approval was consistent with the adopted South Iredell Small Area Plan and that said approval was reasonable and in the public interest due to its consistency with the South Iredell Small Area Plan; as a result, said approval furthers the goals and objectives of the South Iredell Small Area Plan.

VOTING: Ayes – 5; Nays – 0.

Case No. 0704-3: Friendship Holding, Inc., A Request to Amend the Iredell County Land Use Plan & to Rezone a Portion of Property from Residential Agricultural to Heavy Manufacturing Conditional Use District (M2-CUD) (Location: 1469 Friendship Road, Statesville, NC): Acting Planning Director Steve Warren reviewed the following staff report for this case.

PLANNING STAFF REPORT

CASE NO. 0704-3

OWNER/APPLICANT: *Friendship Holding, Inc.
1477 Friendship Road
Statesville, NC 28625
(704) 682-1474 (phone)
(704) 876-4441 (fax)*

LOCATION: *The property is located at 1469 Friendship Road, in Statesville, NC; more specifically identified as PIN# 4821-93-8948. Directions: Take Wilkesboro Highway north from Statesville; turn right onto Friendship Road, property is approximately 1¼ mile on right.*

REQUESTED ACTION: *Rezone a portion of subject parcel from RA, Residential Agricultural to M2-CUD, Heavy Manufacturing Conditional Use District and amend the Iredell County Land Use Plan.*

- ♣ Uses limited to Sawmill & Lumber and Wood Products.*
- ♣ Operation hours limited to 7am-6pm*
- ♣ Weekly removal of sawdust and chips*
- ♣ Operation conducted within existing metal building*

PROPOSED USE: *Sawmill operation.*

SIZE: *5.3 acre portion of a 6.33 acre tract.*

EXISTING LAND USE: *Sawmill operation.*

SURROUNDING LAND USE: *Residential uses are scattered along Friendship Road to north and west of site, vacant land adjoins property along east and south.*

WATERSHED REGULATIONS: *The subject parcel is not located within a watershed area.*

TRAFFIC: *This section of Friendship Road had an average of 820 vehicles per day in 2004; the 1993 Iredell County Thoroughfare Plan identifies the carrying capacity of Friendship Road as 8,000 vehicles per day.*

ZONING HISTORY: *The subject parcel was zoned Residential Agricultural when countywide zoning took effect in 1990. The surrounding area is largely rural farmland with scattered housing along the existing roadways. The nearest commercial zoning areas are located approximately 1¼ miles from either the intersection of Wilkesboro Highway or North Chipley Ford Road.*

STAFF COMMENTS: *The Iredell County Land Use Plan identifies this area as suitable for future residential development. The size of the property considered for rezoning may raise the issue of spot zoning and staff is recommending against this request since it is inconsistent with Iredell County Land Use Plan and the associated noise, dust, and traffic resulting from a manufacturing operation can negatively impact the adjacent residences.*

PLANNING BOARD ACTION: *On April 4, 2007 the Planning Board voted 8-0 to recommend denial for both the Land Use Plan amendment and the rezoning request.*

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Karen Shultz (proponent) owner/applicant advised of owning/residing in the area since 1988. She said prior to September 2001, the site operated as a racing shop. Shultz said the sawmill generated about one truckload of lumber a day, and closing the facility would adversely impact the 20 employees.

Kathy Sparks (proponent) operator of the sawmill company, said sawmilling was similar to farming in that family members, generation after generation, became sawmillers. She said the business was needed in north Iredell and had operated for the past three years without complaints.

Pattie Ralston (opponent) said the business should be in a manufacturing district. She expressed concerns about the rezoning, especially since the Voluntary Farmland Preservation Program was adopted by the county.

Jettie Pharr (opponent) expressed concerns about piles of wastewood on the backside of the property that adjoined her land. Ms. Pharr also said landscape drainage was eroding and damaging her property.

Robin Shook (opponent) also expressed concerns about the poor landscaping and the drainage problems. He said safety was a factor due to the large trucks that backed out of the business.

Kent Jordan (proponent) said dairy tankers maneuvered daily from farm-to-farm in the area, and approximately 80 people would be impacted if the sawmill were closed.

Andy Barker (proponent) said the business was convenient for the community to obtain mulch and sawdust. Barker said the business could provide the “little jobs” that larger companies couldn’t.

Joanna Barker (opponent) expressed disappointment in the esthetics (long-bed trailers at the site, ruts in the fields). She mentioned safety concerns for the students residing or traveling along the road. Barker also said, “Ignorance of the law is no excuse.”

A.K. Loyd (opponent) reminded everyone that zoning remained with the property. He asked who would “police” the zoning if it changed to heavy manufacturing. Loyd said other than college and military service, he was a life-long resident of the area, and a “Pandora’s Box would be opened if the request were approved.

Bedford Cannon (attorney representing the applicant) said the business would be an agricultural support business, and small farms in the area would utilize the sawmill operation. Cannon said the chipper would be in an enclosed area to reduce the noise. He said 20 employees would be out of work if the business closed, and the sawmill operation was an adjunct to the lumber industry. He said the entryway couldn’t be screened, but screening could be provided for the landowners to the east and west. Cannon said the southern end was already screened by a forest. He said there was (1) no room for expansion (2) noise would be minimal (3) the operation would fill the void created by the closing of G&M Lumber, and (4) there would be minimal truck traffic. He said the business was equivalent to a dairy business, but it was an adjunct to the lumber industry.

Commissioner Johnson asked how the attorney would rebut spot zoning statements.

Cannon said it would be a zoning reclassification with conditions to enhance, and that were not inconsistent with the zoning already in place -- agricultural. He said heavy industry would never be at the site -- the business was an adjunct.

Gloria Byers (opponent) said there was another sawmill in the community. She said the business was noisy, and much of the wildlife was now gone. Byers asked how this would impact the property values for the neighboring properties. She said the operation sometimes started at six in the morning and ended around eight at night.

Steve Warren said that as Mr. Loyd had mentioned, certain caveats or factors “ran with the property.” He said that if in the future RBN went out of business, the successor would have

to abide by the conditions as well as the main condition which was that the business was limited to a sawmill. He said there were numerous uses in an M-2 district, but the condition specifically limited it to a sawmill. Warren said the only way another type of industry could be placed at the site, lawfully, was to request a change of conditions through the board of commissioners. Mr. Warren said the use of the property for a sawmill was not allowed under the current classification, and this was regardless of whether the actual sawmill machine was inside or outside a building.

Commissioner Robertson asked if any other zoning classification could be used.

Warren said M-2 was the only one.

Robertson asked about the building's location.

Warren said the building was on the 5.3 acre tract listed in the rezoning request, and it was actually part of a 6.33 acre tract. He said the building could be used for a farm-type enterprise in the RA district.

Commissioner Robertson asked how the department would regulate the conditions.

Warren said citizens could call the planning department if violations occurred. He said there was a zoning code enforcement employee who would investigate possible violations. Warren said in this particular case, the tenant and property owner would be contacted. After this, Warren said a series of steps were taken and a time period was given for compliance. He said if compliance didn't occur, the county attorney was notified.

Attorney Pope said the person could be found in violation, and a restraining order could be issued. He said evidence would have to be shown on whether the violation was an isolated instance or there was a pattern of violations. Pope said the magnitude of the situation would impact the restraining order decision.

Robertson asked what happened if violations repeatedly happened.

Warren said financial penalties would occur as well as the possible business closure.

Robertson asked who had the burden of proof -- the county or the adjacent property owners.

Warren said if a violation occurred it would be the county's responsibility to obtain the services of Attorney Pope, as well as anyone else, to follow through to ensure the business owner was in compliance.

Robertson asked about the hours of operation.

Kathy Sparks, with RBN Grading & Lumber, said that once approved for the M-2 zoning, the business would abide by the hours of operation stipulated in the conditions (7 am - 6 pm).

Robertson asked about the chipper noise.

Cannon said a piece of equipment would be used to grind the lumber parts that were unusable lumbering materials.

Sparks said a truck would be backed into the rear of the building, and a machine would blow the chips into a larger truck.

Robertson asked about the buffering

Shultz said a \$9,800 buffer (trees) was purchased prior to the rezoning application, and she said "I'm willing to do what has to be done to make it look good."

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

MOTION by Commissioner Johnson, after reviewing the findings of fact and determining them to be in order, to amend the Iredell County Land Use Plan.

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Johnson to approve the proposed zoning map amendment and to make a finding that approval was consistent with the adopted Iredell County Land Use Plan and that said approval was reasonable and in the public interest due to its consistency with the Iredell County Land Use Plan; as a result, said approval furthers the goals and objectives of the Iredell County Land Use Plan.

Commissioner Robertson asked if the owner/applicant would add visual and acoustic in (d) of page 3 in the rezoning application. (The clause would then say, “*additional, economically reasonable, visual and acoustic buffering.*”)

Attorney Cannon said the applicant/owner was agreeable to this stipulation.

VOTING: Ayes – 5; Nays – 0.

EWD Inc., Requests the Release of Zoning/Subdivision Jurisdiction to the Town of Mooresville for 1.43 Acres (Location: Exit 36 Grill and Billiards Restaurant, 167 Pinnacle Lane, Mooresville, NC): Acting Planning Director Steve Warren reviewed the following staff report for this public hearing.

OWNER: EWD Inc.
2192 Metcalf Drive
Sherrills Ford, NC 28673

LOCATION: 167 Pinnacle Lane in Mooresville, NC, more specifically PIN# 4628-41-0974.
Directions: Hwy 150 west, turn right on Pinnacle Lane, at the end on the left.

REQUESTED ACTION AND CONDITIONS: Release Zoning and Subdivision Jurisdiction to the Town of Mooresville.

PROPOSED USE: The existing restaurant, Exit 36 Grill and Billiards, is experiencing difficulty with a well and would like to obtain water from the Town of Mooresville to keep their business in operation.

SIZE: The proposed area to be released is 1.43 acres.

EXISTING ZONING: The property is currently zoned General Business.

EXISTING LAND USE: Commercial (restaurant).

SURROUNDING LAND USE: Residential and commercial development.

WATERSHED REGULATIONS: This property is located in the WSIV-CA Watershed.

TRAFFIC: The most recent traffic count (in 2005) indicated 37,000 vehicles per day along Highway 150 west of Mooresville.

ZONING HISTORY: This property is currently zoned General Business. It was part of a 9.9 acre tract rezoned by Crescent Land and Timber from Resort Residential and Single-Family Residential on June 7, 1988.

STAFF COMMENTS: This request meets the criteria for a release of zoning and subdivision jurisdiction. The River Highway Corridor Plan designates the area for commercial uses. The property is already being used as a restaurant. The owner is currently having trouble with his well and needs an alternate source of water. The Town of Mooresville approved the extension of water service only to the property on March 6, 2007. The Town of Mooresville has installed water lines along Highway 150. The owner will be financially responsible for the lines to his property from Highway 150. The property will be considered for annexation in June of 2007. The zoning to be assigned by the Town is Conditional Use General Business, which is comparable to the county’s GB designation.

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Commissioner Williams asked if water had already been extended to the roadway.

Warren said the applicant would be responsible for extending a waterline from Hwy. 150, and the Town of Mooresville would consider an annexation petition in June of this year.

Bernie May, a homeowner across the street, said the business appeared to be growing and there wasn't opposition to this, but he asked about the sewage disposal. He said with growth, there would be more water. May said there was an open vat, approximately 20 x 15, on the property that processed sewage.

Warren said he would follow up on the sewage question and share the findings with Mr. May.

Chairman Norman adjourned the hearing.

MOTION by Commissioner Tice to approve the Release of Zoning/Subdivision Jurisdiction to the Town of Mooresville for the 1.43 acres as requested by EWD, Inc., due to annexation occurring in June.

VOTING: Ayes – 5; Nays – 0.

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

MOTION by Commissioner Johnson to approve the following 17 consent agenda items.

VOTING: Ayes – 5; Nays – 0.

(All items were explained at the pre-agenda meeting.)

- 1. Request from the Iredell-Statesville Schools for Approval of a Capital Outlay Budget Amendment:** Iredell-Statesville Schools Finance Officer Kay Fulp requested approval of a budget amendment totaling 1,211,105. She said the amendment included the 06-07 settlement from the county, plus line item transfers.
- 2. Request from the Recreation Department for Approval of an Annual Lease Agreement with Doug Bess for the North Iredell Park:** Recreation Director Robert Woody requested approval of a lease allowing Doug Bess to utilize acreage at the North Iredell Park for agricultural purposes. (The lease will terminate on December 31, 2007, and Mr. Bess will pay \$25 per tillable acre with the funds payable to the North Iredell Park sub-account of the Iredell County Parks' Special Revenue Fund.)
- 3. Request from the Recreation Department for Approval of an Annual Camp Iredell School Bus Lease:** Recreation Director Woody said this was a lease renewal, and the only changes from last year were the calendar dates.
- 4. Request from Facility Services for Approval of a Three-Year Service/Maintenance Contract for a DSS Elevator:** County Manager Joel Mashburn said the Thyssenkrupp Elevator Service had agreed to a three-year-service agreement at \$150 a month for the social services building elevator.
- 5. Request from the Stony Point VFD for Approval of Budget Amendment #34 for the Appropriation of \$5,500 from Fund Balance for the East Alexander Fire District:** This amendment was approved as requested. (See briefing minutes for additional information).
- 6. Request from the Sheriff's Department for Approval of Budget Amendment #35 for the Appropriation of Federal Equity Sharing Funds (\$49,000) for the Purchase of a Forensic Comparison Microscope:** Darren Campbell, with the sheriff's department, said this microscope would be purchased with seized funds and used in the crime lab.
- 7. Request from the Health Department to Add a Zostavax Fee of \$155 to the Fee Schedule:** Health Director Donna Campbell said Zostavax was a vaccine that provided protection against shingles for adults over the age of 60. (This will be CPT Code 90736.)

8. Request from the Health Department for Approval of a Hydroxyprogesterone Caproate Fee of \$14: Health Director Donna Campbell said this medication was given weekly to pregnant women with a history of pre-term labor to prevent premature births. (This will be CPT Code J1741.)

9. Request from the Health Department for Approval of a Gardasil Fee of \$122: Health Director Donna Campbell said this vaccine was recommended for females 9 to 26 years of age for the prevention of Human Papillomavirus infection that could lead to cervical cancer. (This will be CPT Code 90649. The vaccine will be demand-based ordered and will be State supplied to only Medicaid eligible, uninsured, American Indian or Alaskan natives. All others will be private pay.)

10. Request from the Health Department for Approval of Budget Amendment #36 for Additional Title X Funding: Health Director Donna Campbell said additional Title X funding of \$3,375 was available, and it would be used to purchase birth control supplies.

11. Request from the Health Department for Approval to Revise the Dental Clinic Fee Schedule: Health Director Donna Campbell said about three percent of the dental clinic patients were at the federal poverty level, and no fees were collected. She requested to stop the sliding scale at 20% so that everyone would be assessed a fee in order for the clinic to be self-supporting. (Patients who were previously at 0% pay will now be at 20% pay.)

12. Request from the Health Department for Approval of an Update to the Solicitation Policy of 1999: Health Director Donna Campbell said this request would (1) create a more comprehensive policy that provided better control measures and auditing tools (2) provide software technology to solicit and receive monetary as well as product donations and (3) increase the health director's approval threshold levels as follows:

- Approval by the board of health/board of commissioners if the monetary donation is over \$5,000
- Approval by the board of health/board of commissioners if the product (individual) has a fair market value greater than, or equal to, \$5,000

13. Request from the NC Department of Health & Human Services for a Month-to-Month-Lease Agreement Extending from October – December 31, 2007 (Current lease for 216 Sq. Ft. of Space at the Iredell County Government Center-South expires on September 30, 2007.) County Manager Mashburn said the State Division of Public Health previously leased space in the Government Center-South, but notification was received that after December, the agency would no longer need the space. Mashburn said the current lease expired at the end of September, and the state had requested a month-to-month agreement terminating at the end of December 2007.

14. Request from the Elections Department for Approval to Apply for a Help America Vote Act “Electronic Records Access at the Polling Place” Grant: Elections Supervisor Becky Galliher said this grant would help to purchase electronic poll books, and these would provide an automated “check in” for voters. Galliher said the benefits from the electronic method would be better security and better accuracy (voter's ballot style would be printed on the authorization to vote form); plus the system would be time-saving for the voters. She said the grant amount available was \$87,000.

15. Request for the Scheduling of FY 2007-08 Budget Work Sessions: The board chose budget deliberation dates of Monday, May 21, Thursday, May 24, and Tuesday, May 29, at 5:30 p.m. (South Wing Conference Room/ICGC).

16. Request for Approval of the April 17, 2007 Minutes

17. Request for a Letter Supporting a Federal Grant Application by Indicating a Willingness to Expand Transportation Services to the New Hope, Union Grove, Eagle Mills, Sharpesburg, Olin and Turnersburg Townships of Iredell County: Deputy County Manager Susan Blumenstein said the federal government had identified 200 counties

nationwide that were eligible to submit applications for a \$600,000 annual grant for Community Health Centers. She said 120 counties would be awarded the grant, and if pursued by Iredell County and then awarded by the federal government, an area north of the Yadkin River would be the targeted population. She said, however, a site on Shelton Avenue, in south Statesville, had been identified as a potential location. Blumenstein said the State Community and Public Health Leadership organization had asked the Gaston Family Health Services, an existing non-profit entity in Gaston County, NC, to consider opening an Iredell center. She said the Gaston facility was requesting a letter from the county advising that ICATS would expand its transportation routes to include areas in north Iredell. Blumenstein said Iredell Memorial currently contributed \$300,000 to the Open Door Clinic, but this money would be diverted to the new Iredell County facility, if created and operated by the Gaston Family Health agency. Additionally, she said Davis Regional Hospital would assist with funding.

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

Request from the Health Department for Approval of Fee Revisions for the Environmental Health Program & Removal of the Repair Fee: Health Director Donna Campbell said environmental fee revisions were requested effective June 1, 2007, and there was also a request, effective immediately, to remove septic repair fees. She said the health department had been instructed to cover the ongoing budgeted costs of the onsite wastewater program through fee revenues. Campbell said, additionally, the staff had noted there had been a fifty percent decrease in repair permits and it was felt the public was either not repairing their septic systems repaired, or they were illegally fixing them. She said in the interest of public health, the repair fee needed to be eliminated.

Commissioner Johnson asked how much revenue would be lost with the abolishment of the repair fees.

Campbell said approximately \$10,000.

Johnson said the health department had estimated the budgeted costs at \$950,000 and the actual operational cost was estimated at \$750,000 due to lapsed salaries. He continued by saying the service was supposed to be self-funded in order for the taxpayers to not subsidize a homebuilders' purchase of a septic permit. Mr. Johnson said it wasn't fair for the operational costs to be less than the budgeted costs. He expressed concerns about any excess revenue going towards other service areas. Mr. Johnson said the numbers needed to be closer -- somewhere in the middle -- and the numbers probably needed to be reviewed each year for inflation.

Campbell said that in budgeting, the department was expected to cover the costs or to cover the budgeted expense. She said if it wasn't budgeted with revenue, then county dollars would have to be set aside to cover the expenses.

Johnson said in the free market that when goods didn't sell, the costs were decreased. He said it was difficult to understand that with septic permits requests being down, there was a price increase. Johnson said in the free market the cost would be lowered to encourage the purchase.

Campbell said the staff had to be maintained and the well program would be implemented in the next year. She said county management had instructed the department to cover its own cost, and to do this, revenues were used. Campbell said if insufficient fee revenues occurred, then county dollars would need to be guaranteed.

Commissioner Robertson asked what happened if more money was collected than was actually spent in the environmental program. He asked, for example, if additional money could be used for children's vitamins.

Deputy County Manager Blumenstein said the only way this might occur was through a budget amendment to transfer the funds from environmental to clinical. Blumenstein said at the end of the year, funds lapsed and rolled into the general fund. She said the board could maintain the existing price and increase the estimated work requests to balance out.

Robertson asked Environmental Health Supervisor Kelly Sheeks to address the new staff that would be added for the well program.

Sheeks said none of the fee revenue would cover the costs for the well program employees.

Chairman Norman asked Blumenstein how the program would be funded if the department came up short in revenues.

Blumenstein said that if revenues didn't meet expectations, there was still a cost, and this would be paid with general funds. She said a balanced budget had to be adopted.

Johnson said the department could still get closer than the \$200,000.

MOTION by Commissioner Johnson for the request to be examined again by the board of health with a directive that a figure between \$750,000 to \$850,000 be derived as the budgeted number. (Commissioner Johnson said a pledge would be given that if septic permits increased then the fees could be raised.)

VOTING: Ayes – 4; Nays – 1 (Robertson)

Campbell clarified that she was to return to the board with fees based on revenues between \$750,000 to \$850,000 and the amount didn't have to balance with expenditures.

Commissioner Johnson said there needed to be a surplus over the anticipated actual expenditures.

County Manager Mashburn said general county funds would have to be shown or there would have to be a reduction in appropriations. He said appropriations could be reduced to the amount that the revised fee schedule would generate and then return to the board for additional funds.

Commissioner Johnson said the department could come closer than \$200,000. He said there was nothing fair about taking someone's money and then giving it to someone else.

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Adult Care Home Community Advisory Committee (1 announcement)

Industrial Facilities & Pollution Control Financing Authority (3 announcements)

APPOINTMENTS TO BOARDS & COMMISSIONS

Adult Care Home Community Advisory Committee (4 appointments): **MOTION** by Commissioner Tice to appoint Sue Hudgins Ligon and to postpone the remaining three appointments.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Committee (3 appointments): **MOTION** by Commissioner Tice to postpone the three appointments until the May 15 meeting.

VOTING: Ayes – 5; Nays – 0.

Mitchell Community College (1 appointment): **MOTION** by Commissioner Tice to appoint Dr. Jackie Grigg.

VOTING: Ayes – 5; Nays – 0.

Centralina Workforce Development Board (3 appointments) **MOTION** by Commissioner Tice to appoint Jan Comer, along with Jean Manall, and to postpone the remaining appointment until the May 15 appointment.

VOTING: Ayes – 5; Nays – 0.

CLOSED SESSION: MOTION by Chairman Norman at 9:25 p.m., to enter into closed session pursuant to G.S. 143-318.11(a) (6) - Personnel and G.S. 143-318.11 (a) 5 – Property Acquisition.

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 9:50 P.M.)

ADJOURNMENT: MOTION by Chairman Norman to adjourn the meeting at 9:50 P.M. (NEXT MEETING: Tuesday, May 15, 2007 at 5 & 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