

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
MAY 23, 2006**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, May 23, 2006, at 7:00 P.M., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

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

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Deputy County Manager Susan Blumenstein, Tax Administrator Bill Doolittle, Solid Waste Director David Lambert, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Tice.

INVOCATION by Commissioner Norman.

PLEDGE OF ALLEGIANCE

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

- Additions:
- Request for Approval of the April 2006 Refunds and Releases
 - Request for Approval to Apply for a Homeland Security Grant
 - Request to Call for a Public Hearing on June 6, 2006 Regarding a Close-Out Report for a Community Development Block Grant (Economic Development) for Millard Refrigeration, Inc.
 - Closed Session to Discuss Personnel Matters – GS 143-318.11(a) (6)
- Deletions:
- Request from the Planning Department for a Discussion Pertaining to a Possible Amendment to the Farmland Preservation Ordinance (see briefing minutes)
 - Request for Approval of a Resolution Petitioning the State to Enact Laws to Require Vehicle Fuels to be at Least an E-85 Blend for Gasoline and a B-80 Blend for Diesel in An Effort to Lessen the Dependency on Domestic and Foreign Oil (see briefing minutes)

VOTING: Ayes – 5; Nays – 0.

APPOINTMENTS BEFORE THE BOARD

Anna Rice, Speaking on Behalf of the Home and Community Care Block Grant Committee, Requests Approval of the County Funding Plan for FY 2006-07: Rice said the aging population in Iredell County continued to grow and people in this bracket accounted for 20% of the total population. She said this year, 2006, the first “wave of baby boomers” (date of birth 1946) would turn 60 and be eligible for services under the Older Americans Act which comprised much of the funding in the Home and Community Care Block Grant. Rice said that in 2008, the baby boomers would be able to draw social security and in 2011, they would be eligible for Medicare. She said this would show an even larger shift to an even greater older population in Iredell County as well as nationwide. Mrs. Rice said current funding was \$639,607.00, but for FY-2007 the allocation would be \$635,557.00. She said a local 90/10 match was required. Rice then presented the recommended plan for the upcoming year.

HCCBG County Funding Plan												
Services	Other Block Grant Funding				Required Local Match	Net Service Cost	USDA Subsidy	Total Funding	Projected HCCBG Units	Projected Reim. Rate	Projected HCCBG Clients	Projected Total Units
	Access	In-Home	Other	Total								
Transportation	118774			//	13197	131971	0	131971	16015	8.2405	300	16500
In-Home I		104171		//	11575	115746	0	115746	5075	22.8071	100	5250
In-Home II		110702		//	12300	123002	0	123002	4861	33.7597	50	5399
Adult Day Care		57395		//	6377	63772	0	63772	1889	33.7597	15	1933
Congregate Meals			115927	//	12881	128808	13145	141953	19823	6.4979	125	21999
Home Delivered Meals			113956	//	12662	126618	14041	140659	19080	6.66361	200	23498
Senior Center Operations			14632	//	1626	16258		16258	0	0.0000	0	0
Total	118774	272268	244515	635557	70618	706175	27186	733361	66743	//	790	74579

Mrs. Rice said the services were designed to help keep older citizens in their homes/communities thus preserving their independence and dignity. She said the necessary cut, due to the decreased appropriation, was across the board.

MOTION by Commissioner Norman to approve the Home and Community Care Block Grant Funding Plan for FY 2006-07 as presented by Mrs. Rice.

VOTING: Ayes – 5; Nays – 0.

Stan Thompson, with the Hydrogen Economy Advancement Team (Mooreville/South Iredell Chamber of Commerce) Speaks in Reference to a Resolution in Support of North Carolina’s Hydrogen Initiatives: Mr. Thompson said General Assembly Representative Julia Howard had requested endorsement from the board of commissioners pertaining to the hydrogen economy. He said a study prepared by Price Waterhouse Coopers had predicted that in less than 18 years, hydrogen technologies and related goods/services would exceed \$1.7 trillion in worldwide sales. Thompson said it was important for North Carolina to get involved in the hydrogen economy, especially since it paid about \$4.8 million a year towards H₂ research/job creation in competing states. Mr. Thompson requested a “general” resolution from the county with the following wording:

“A world hydrogen economy is being developed rapidly for its renewability, air quality, energy independence and economic growth advantages. Iredell County is well positioned for a leadership position in emerging hydrogen-related industry.

Therefore the Iredell County Commission urges both Houses of the North Carolina General Assembly to support State initiatives designed to advance hydrogen research, commerce and employment.”

MOTION by Commissioner Williams to approve a resolution supporting North Carolina’s Hydrogen Initiatives as presented by Mr. Thompson.

VOTING: Ayes – 5; Nays – 0.

David Lambert, Solid Waste Director, Requests Adoption of a Resolution Accepting and Endorsing the Solid Waste Management Plan of 2006: Mr. Lambert presented the three-year update to the solid waste plan as required by G.S. 130A-309.09A (b). He said the purpose of the plan was to meet local needs and to protect the public’s health. Lambert said the original plan was developed in FY 1990-91 when the established per capita amount was 1.19 tons for the county. He said this was unrealistic, and most all areas of the state had experienced a 20% increase. Mr. Lambert continued by saying the capita of materials recovered had almost tripled since the last update (2003). He said this amount was now 173 lbs per person vs. 60 in the past. Lambert said the mission of the solid waste program was “to provide an environmentally responsible waste disposal system while optimizing all resources fully.” He cited the following four planning goals:

1. Provide all citizens and businesses in the county with waste disposal capacity, convenient disposal locations, recycling opportunities and education.
2. Increase the efficiency of solid waste programs and thereby maximize available disposal capacity while ensuring the ability to react to future needs.
3. Increase the per capita recovery rate.
4. Decrease improper disposal while protecting public health and the environment.

MOTION by Commissioner Robertson to approve a resolution accepting and endorsing the Solid Waste Management Plan of 2006.

VOTING: Ayes – 5; Nays – 0.

**RESOLUTION
ACCEPTING AND ENDORSING THE
SOLID WASTE MANAGEMENT PLAN OF 2006
FOR
IREDELL COUNTY**

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of municipal solid waste; and

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community; and

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system; and

WHEREAS, it is the goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering; and

WHEREAS, Iredell County recognizes its role in the encouragement of recycling markets by purchasing recycled products; and

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program; and

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste; and

WHEREAS, North Carolina General Statute 130A-309.09 (b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years; and

WHEREAS, the Iredell County Solid Waste Department has undertaken and completed a long range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF IREDELL COUNTY:

That Iredell County’s 2006 Ten Year Comprehensive Solid Waste Management Plan is accepted, endorsed, and placed on file with the Clerk to the Board this the 23rd day of May 2006.

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

MOTION by Commissioner Norman to approve the following 14 consent agenda items.

VOTING: Ayes – 5; Nays – 0.

(All speakers referenced in the following items, described the requests at the briefing or 5:00 p.m. meeting.)

1. Request from the Library Department for Approval of Budget Amendment #42 to Recognize Funds from a Gates Staying Connected Grant: Library Director Steve Messick said \$4,148.82 had been awarded and the funds would purchase four computers.

2. Request from the Social Services Department for Approval of Budget Amendment #43 to Recognize and Appropriate Additional Allocations Received by the State (Funds will be used for Crisis Intervention, Child Day Care & the Domestic Violence Program): Deputy County Manager Susan Blumenstein said this amendment was needed to recognize additional entitlement funds received from the federal/state governments. (Crisis Intervention @ \$154,568; Child Day Care @ \$186,767; and Domestic Violence Funds at \$155.)

3. Request from the Sheriff's Department for Approval of Budget Amendment #43A to Appropriate Additional Funds (\$60,000) to the Crime Lab and to Transfer the Funding (\$120,000 + \$60,000) to the Sheriff's Department Rather than the Jail: A letter from Sheriff Redmond stated that \$120,000 from seized funds had recently been approved for a crime lab at the Hwy. 21 site. The letter continued by saying the department now wanted to place the lab in the basement of the Bondurant Bldg. Sheriff Redmond requested that the previous \$120,000 plus an additional \$60,000 (seized funds) be used for the construction of a modular addition to the Sheriff's building. (The building would house a Domestic Violence Investigation Unit, expansion of the records division, the Reverse 911 System, video enhancement/equipment and personnel. A "breezeway" will connect the new modular, wood-frame unit to the sheriff's building.)

4. Request from the Tax Collector's Office for Approval of an Agreement Between the County and the Kmart Corporation to Settle a Bankruptcy Tax Claim: Assistant Tax Collector Linda Morrow said the county filed a bankruptcy claim against Kmart in 2002 for \$12,685.96, and the courts reduced the amount to \$8,928.46 with unspecified interest over a six year period and an unspecified startup date. She said a settlement agreement had been offered through Burt Wolff Tax Solutions in the amount of \$9,960.18, and the county attorney had reviewed it. Morrow recommended acceptance of the \$9,960.18 settlement.

5. Request from the Planning Department for Approval of a Resolution of Intent to Abandon a Portion of the Road Known as Nature's Trail: Planning Supervisor Steve Warren said a petition to close an unopened street right of way located at the end of a paved portion of Nature's Trail had been submitted. He said the first step in the process would be to approve a resolution calling for a public hearing.

RESOLUTION OF INTENT BY THE BOARD OF COUNTY COMMISSIONERS, IREDELL COUNTY, NORTH CAROLINA, TO ABANDON A PORTION OF THE ROAD KNOWN AS NATURE'S TRAIL

WHEREAS, attached hereto is a copy of record Plat Book 46 Page 59, of the Iredell County Registry, which shows the 1.262 acre and 0.568 acre parcels of land owned by Robert M. Gandy and Barbara L. Gandy (hereinafter referred to as "Gandy") and a copy of record Plat Book 46 Page 66, of the Iredell County Registry, which shows Lot 41 of Dobbs Valley Subdivision Phase II owned by Charles D. Nantz, III and Maxine G. Nantz (hereinafter referred to as "Nantz") and Lot 40 of Dobbs Valley Subdivision Phase II owned by Kent Shaw & Sons Construction, Inc., (hereinafter referred to as "Shaw"); and

WHEREAS, the plat recorded in Plat Book 46 Page 59 is a re-plat of the plat recorded in Plat Book 41 Page 70, Iredell County Registry. A copy of the plat recorded in Plat Book 41 Page 70 is attached hereto; and

WHEREAS, shown on the plat recorded in Plat Book 46 Page 59 is a small rectangular parcel of land consisting of approximately 0.068 acres more or less. The plat shows that said rectangular parcel of land is to be abandoned; and

WHEREAS, the Department of Transportation has not accepted for maintenance said small rectangular area and the Petitioners are informed and believe that the Department of Transportation consents to the abandonment of said rectangular parcel by Iredell County; and

WHEREAS, Gandy acquired title to the 1.262 acre and 0.568 acre parcels of land as shown in Plat Book 46 Page 59 by general warranty deed recorded in Deed Book 1422 Page 576, Iredell County Registry; and Nantz acquired title to Lot 41 of Dobbs Valley subdivision Phase II as shown in Plat Book 46 Page 66 by general warranty deed recorded in Deed Book 797 Page 752, Iredell County Registry; and Shaw acquired title to Lot 40 of Dobbs Valley Subdivision Phase II as shown in Plat Book 46 Page 66 by general warranty deed recorded in Deed Book 1729 Page 677, Iredell County Registry; and

WHEREAS, the Petitioners seek to have abandoned that 0.068 acre parcel of land as shown in Plat Book 46 Page 59 as it serves no useful transportation purpose; and

WHEREAS, the Petitioners are the only parties affected by the abandonment of the 0.068 acre parcel of land as they are the only parties whose properties affront said parcel and the only parties who travel across said parcel.

NOW, THEREFORE, BE IT RESOLVED by the Chairman and Members of the Board of County Commissioners of Iredell County, North Carolina, that they do hereby declare their intention to abandon that portion of the road known as Nature's Trail herein described, and do call a special hearing on the question to be held on the 18th day of July 2006, at 7:00 P.M., in the Commissioners Meeting Room of the Iredell County Government Center (Old Courthouse) at 200 South Center Street, Statesville, North Carolina; and that a copy of this resolution be posted, published and mailed by registered or certified mail as required by N.C. General Statute 153A-241.

6. Request for a Decision Regarding the Possible Cancellation of the Tuesday, July 4, 2006 Meeting of the Board: Due to Independence Day falling on the first Tuesday of July, the regular meeting date for the board, a decision was made to cancel the July 4 meeting. The board will hold one meeting in July, and it will be on Tuesday the 18th.

7. Request for Approval & Board Support for the Implementation of an Umbrella Equipment Maintenance Program Through Electronic Risk Consultants: Purchasing Agent Dean Lail estimated that at least a 21% savings could be gained by implementing a maintenance agreement through Electronic Risk Consultants on existing contracts. He said an umbrella agreement would renew each year, at the same time, rather than having many agreements up for renewal or consideration throughout the year. In addition, he said the program would provide detailed reports, better asset tracking, reduce the risk factors (repair cost and downtime) and other benefits. Lail recommended that Electronic Risk Consultants be selected for the program effective July 1, 2006. The other proposals reviewed for this type of maintenance program were as follows:

Company	Total Cost of Contract Compared	Proposal	Savings \$	Savings %
Electronic Risk Consultants (ERC)	\$100,802.34	\$82,775.49	\$18,026.85	17.88%
REMi	\$52,295.00	\$41,688.00	\$11,899.00	20.28%
Specialty Underwriters (SU)	\$53,587.00	\$39,985.00	\$13,602.00	23.38%

8. Request from the Finance Department for Acceptance of a Five-Year Banking Services Proposal: Deputy County Manager Blumenstein said banking services were recently bid, and due to many changes in the industry, CPA Bob Segal assisted with the proposals. She said that after a thorough review, the two of them recommended that First Citizen's Bank continue in providing banking services for the county, which included a lockbox service. Blumenstein said the compensating balance was \$900,000.00, which was \$525,000 less than the current agreement.

Blumenstein was asked if the compensating balance with First Citizens might be reduced even lower, and she said an inquiry would be made with the bank.

9. Request for Approval of Budget Amendment #44 to Recognize Insurance Proceeds for Property Losses & Appropriation to Departmental Budgets for Equipment Replacement & Request for Approval of Budget Amendment #45 to Cover Excess Costs for Advertisements Associated with Job Openings for this Fiscal Year: Deputy County Manager Blumenstein said Budget Amendment #44 for \$26,126 in insurance proceeds would repay the Tax Dept., Facility Services, and the Sheriff's Department for property losses this year, along with \$10,922 to the Transportation Department.

In regards to Budget Amendment #45, Blumenstein said an additional \$9,000 was needed to cover advertising costs in excess of the budgeted amount for this year.

10. Request for Approval of a Second Amendment to the Lease Between the County and Crossroads Behavioral Healthcare for the Highway 21 Facility: Deputy County Manager Blumenstein said a lease amendment was needed due to the Crossroads providers occupying additional space at the Hwy. 21 facility. She said Crossroads would pay the pro rata share (25%) of the total operating costs for the Human Services Building.

Commissioner Williams requested that someone compute the total square footage being used for mental health services.

Blumenstein said the square footage would be obtained for the Mooresville site, the two Statesville sites (Hwy. 21 & Twin Oaks Road), and the information would be shared.

11. Request from the North Carolina Wildlife Resources Commission for a Decision Regarding Participation in the Beaver Management Assistance Program Extending from October 1, 2006 – September 30, 2007: County Manager Mashburn said each year the Wildlife Commission asked if the county wanted to participate in the Beaver Management Program. He said the cost would be \$4,000 for a period extending from October 1, 2006 – September 30, 2007. Mashburn said the wildlife commission would put money into the program, but the amount was difficult to determine at this time due to not knowing how many counties would participate. He said the \$4,000 would also be taken from the \$12,000 already budgeted for Soil and Water in next year's budget.

12. Request for Approval of the May 9, 2006 Minutes

13. Request for Approval to Apply for a Homeland Security Grant: Emergency Management Director David Martin requested approval to apply for \$32,000 from a FY03 Homeland Security Grant Supplement. He said the funds would be used to (1) update the Emergency Operations Plan for National Incident Management System (NIMS) compliance (2) add resource lists to the Emergency Operations Plan and (3) revise the "debris annex to facilitate county-wide debris management planning." Martin said no matching funds were required.

14. Request to Call for a Public Hearing on June 6, 2006 Regarding a Community Development Block Grant (Economic Development) for Millard Refrigeration, Inc.:

Deputy County Manager Blumenstein said everything was in order to close out the 2003 CDBG for Millard Refrigeration, and she requested that a public hearing be held at the next regular meeting for this purpose.

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

Request for Approval of the April 2006 Refunds and Releases: Tax Administrator Bill Doolittle requested that the April refunds and releases be approved. He mentioned that Commissioner Steve Johnson had been billed twice on a vehicle, once in Iredell County and once in Wilkes County, and a release from Iredell County had been issued.

Commissioner Johnson asked to be excused from the voting.

MOTION by Chairman Tice to excuse Commissioner Johnson from the refunds and releases voting.

Ayes – 4; Nays – 0.

MOTION by Commissioner Williams to approve the April 2006 releases and refunds as presented.

VOTING: Ayes – 4; Nays – 0.

<u>APRIL 2006 TAX RELEASES & REFUNDS</u>		
	<u>Releases</u>	<u>Refunds</u>
County	20,045.94	813.84
Solid Waste Fees	390.00	26.00
East Alexander Co. Fire #1	8.00	0
Shepherd's Fire # 2	8.27	0
Mount Mourne Fire # 3	33.02	46.23
All County Fire # 4	1,458.44	6.59
Statesville City	4,202.54	0
Statesville Downtown	19.29	0
Mooresville Town	4,202.54	1,165.00
Mooresville Downtown	0	0
Mooresville School	2,461.16	309.57
Love Valley	0	0
Harmony	1.88	0
Troutman	105.89	0
Total	32,936.97	2,367.23
A complete list, of the individual tax releases and refunds, is hereby incorporated into the minutes by reference.		

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Iredell County Planning Board (4 announcements)
Mooresville Planning Board (ETJ) (2 announcements)
Statesville Planning Board (ETJ) (2 announcements)
Fire Tax District Board (1 announcement)
I-CARE, Inc. Board (3 announcements)
Carolinas Partnership (1 announcement)

APPOINTMENTS TO BOARDS & COMMISSIONS

Adult Care Home Community Advisory Committee (4 appointments): No nominations were submitted, and Chairman Tice made a **motion** to postpone the appointments until the June 6 meeting.

VOTING: Ayes – 5; Nays – 0.

Historic Properties Commission (2 appointments): No nominations were submitted, and Chairman Tice made a **motion** to postpone the two appointments until the June 6 meeting.

VOTING: Ayes – 5; Nays – 0.

(Note: The Historic Properties Commission provides the nominations.)

Mitchell Community College Board of Trustees (1 appointment): Commissioner Norman nominated James Theodore (Ted) Millsaps.

No other nominations were submitted, and Chairman Tice made a **motion** to appoint Millsaps by acclamation.

VOTING: Ayes – 5; Nays – 0.

Centralina Workforce Development Board (2 appointments): Commissioner Norman nominated Carol Johnson and Tom Neill.

No other nominations were submitted, and Chairman Tice made a **motion** to appoint C. Johnson and Neill by acclamation.

VOTING: Ayes – 5; Nays – 0.

Troutman Planning Board (ETJ) (2 appointments): Commissioner Johnson nominated Mary Addley and Gerald Clodfelter.

No other nominations were submitted, and Chairman Tice made a **motion** to appoint Addley and Clodfelter by acclamation.

VOTING: Ayes – 5; Nays – 0.

Juvenile Crime Prevention Council (8 appointments): Commissioner Robertson nominated Sally Dellinger, Don Earnhardt, Rudy Davis, Pam Navey, Vicki Dame, Leigh Byers, Steve Issak, and Steven Michael Sexton.

No other nominations were submitted, and Chairman Tice made a **motion** to appoint Dellinger, Earnhardt, Davis, Navey, Dame, Byers, Issak, and Sexton by acclamation.

VOTING: Ayes – 5; Nays – 0.

PUBLIC COMMENT PERIOD: Time was offered for public comments, but no one requested to speak.

COUNTY MANAGER’S REPORT: County Manager Mashburn reported on the following items.

Medicaid Relief: After much publicity, visits to Raleigh, etc., the Senate budget does not include any Medicaid relief for the counties.

Spring Household Hazardous Waste Day in Iredell: This event was held on April 29.

Armed Forces Day: On Saturday, May 20 an Appreciation Day was held for veterans and their families.

CLOSED SESSION: Citing Economic Development - G.S. 143-318.11 (a) (4) and Personnel – G.S. 143-318.11 (a) (6), Chairman Tice made a **motion** at 7:55 p.m., to enter into closed session.

VOTING: Ayes – 5; Nays – 0.

(Return to Open Session at 8:35 P.M.)

CALL FOR A PUBLIC HEARING ON JUNE 6, 2006 REGARDING AN ECONOMIC DEVELOPMENT INCENTIVE FOR MERCHANT METALS: **MOTION** by Commissioner Johnson to call for a public hearing on June 6, 2006 at 7:00 p.m., regarding an economic development incentive in the amount of 48,720 (over a five-year period) for Merchant Metals based on a \$2.8 million investment.

VOTING: Ayes - 5; Nays – 0.

CALL FOR A PUBLIC HEARING ON JUNE 6, 2006 REGARDING AN ECONOMIC DEVELOPMENT INCENTIVE FOR THE JC PENNEY COMPANY: **MOTION** by Commissioner Johnson to call for a public hearing on June 6, 2006 at 7:00 p.m., regarding an economic development incentive in the amount of \$68,730 (over a five-year period) for the JC Penney Company based on a \$3.95 million investment.

VOTING: Ayes - 5; Nays – 0.

CALL FOR A PUBLIC HEARING ON JUNE 6, 2006 REGARDING AN ECONOMIC DEVELOPMENT INCENTIVE FOR THE HEXCEL CORPORATION: **MOTION** by Commissioner Norman to call for a public hearing on June 6, 2006 at 7:00 p.m., regarding an economic development incentive in the amount of \$67,860 (over a five-year period) for the Hexcel Corporation based on a \$3.9 million investment.

VOTING: Ayes - 5; Nays – 0.

CALL FOR A PUBLIC HEARING ON JUNE 6, 2006 REGARDING AN ECONOMIC DEVELOPMENT INCENTIVE FOR BSI BALANCE SYSTEMS: **MOTION** by Commissioner Norman to call for a public hearing on June 6, 2006 at 7:00 p.m., regarding an economic development incentive in the amount of \$128,951 (over a five-year period) for BSI Balance Systems based on a \$7,411,000 investment.

VOTING: Ayes - 5; Nays – 0.

ADJOURNMENT: There being no further business to conduct, Chairman Tice made a **motion** at 8:50 p.m., to adjourn the meeting. (Next Meeting: Tuesday, May 30, 2006, at 5:30 p.m., for continuation of the FY 2006-07 budget review.)

VOTING: Ayes – 5; Nays – 0.

Approved: _____

Clerk to the Board