

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
MAY 9, 2006**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, May 9, 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, Planning & Code Enforcement Director Lynn Niblock, Planning Supervisor Steve Warren, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Tice.

INVOCATION by Commissioner Johnson.

PLEDGE OF ALLEGIANCE

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

Addition: Request for Approval of a Resolution Supporting Evacuees of Hurricane Katrina (extension of resolution adopted on October 15, 2005)

Revision: *Public Hearing for the LeaWay Company's request for Approval to Expand a Non-Conforming Use was moved to the beginning of the agenda.

VOTING: Ayes – 5; Nays – 0.

**Note: Due to an overflow crowd in attendance, and most of the citizens being interested in one particular case (LeaWay Company's request for approval to expand a nonconforming use) the public hearing for this matter was moved to the beginning of the meeting. Others not involved in the case were requested to temporarily vacate the room in an effort to seat everyone (all 200 chairs were occupied) and to comply with fire codes.*

PUBLIC HEARINGS

Chairman Tice declared the meeting to be in a public hearing and requested that all persons desiring to speak in regards to the LeaWay Company case to proceed to the dais for the oaths, due to the possibility of conditional uses.

Expansion of a Non-Conforming Use for a Rendering Facility: Owners Arthur and Deloris Lea, Along with the LeaWay Company (Steve Lea) as Applicant: Planner Richard McHargue said a nonconforming request followed a somewhat different process from a rezoning case. He said a property owner was afforded a right under the county's ordinance to expand a use that was nonconforming or out of compliance with the zoning ordinance. He said the current zoning was established in 1990 when countywide zoning was adopted. Mr. McHargue then summarized the staff report which is as follows:

EXPANSION OF A NON-CONFORMING USE

<u>OWNER:</u>	Arthur and Deloris Lea	<u>APPLICANT:</u>	LeaWay Company (Steve Lea)
	P.O. Box 1762		417 Garden Valley Road
	Bunnell, FL 32110		Statesville, NC 28625
	(386) 437-5160		(704) 873-2072

LOCATION: 417 Garden Valley Road in Cool Springs community, more specifically identified as PIN#4787-94-2136. Directions: East from Statesville on Mocksville Highway, turn left onto Cool Spring Road, bear right onto Garden Valley Road. Property on left at corner of Loggerhead Road.

REQUESTED ACTION: Expansion of a Non-Conforming Use.

PROPOSED USE: Rendering facility.

SIZE: 9.4 acres.

EXISTING LAND USE: Meat Products Processing Facility (pet food).

SURROUNDING LAND USE: Vacant, Agricultural. There is a non-owner petitioned R-20 area that begins approximately 1,000 feet south of the subject parcel along Garden Valley Road. This rezoning occurred in 1994 with the intent of the property owners to limit opportunities for mobile home development. The case involved 2,000 acres of land with all 76 (100%) property owners signing the petition.

WATERSHED REGULATIONS: This property is located within the Watershed IV-Protected Area.

TRAFFIC: In 2004, Garden Valley Road had an average of 220 vehicles per day.

ZONING HISTORY: This property has been zoned RA since Countywide zoning took effect in 1990.

STAFF COMMENTS: The Iredell County Zoning Ordinance allows non-conforming uses to expand based upon the applicant's meeting several criteria:

- a. The enlargement will not cause substantial harm to the adjoining property owners.
- b. The enlargement will not result in traffic increases beyond the capacity of the roads serving said use.
- c. The enlargement will not result in emission of smoke, fumes, noise, odor, or dust which will be detrimental to the character of the district or to the health, safety, or general welfare of the community.
- d. The enlargement will maintain all minimum setbacks and buffer requirements of the use district in which said use would be permitted.

Background: The applicant seeks permission to add a rendering facility to their existing meat-processing operation which has been in business since 1979 at this location. LeaWay Company picks up deceased cattle from area farms and provides a means for sanitary disposal; the existing plant processes useable materials into pet food products but it must ship out the unusable parts to outside renderers. Industry and regulatory changes over the operation of rendering plants have led some rendering operations to downsize or even shut down. LeaWay is requesting this expansion due to its need to continue providing services to the local agricultural community which would otherwise have limited, if any, opportunities for legal and sanitary disposal. Applicant has also submitted a letter-of-support to this effect from the County Agricultural Extension; in follow-up to this, staff has consulted with both the Extension and the Health Department. Neither entity reports any historical complaints against the company. The Extension again stressed their support for the project, stating that it would provide a valuable and needed service to the agricultural community.

Request: The applicant seeks to add a 6,720 square-foot facility onto their existing operation of 9,223 square feet. This will be a 112'x60' building attached to the west side of the existing building. The applicant has submitted a preliminary site plan and their proposal meets County setback requirements. LeaWay currently has a monthly average of just over 2 million pounds of material going through their facility. Of this total, approximately 66,000 – 70,000 lbs. (3%) constitute unuseable cattle ruminants that are currently being shipped to outside renderers for processing.

Evaluation of Criteria: Items (b) and (d) would appear to be met based on the limited amount of traffic that this operation generates as well as the plans of the applicant. Items (a) and (c), however, would require greater analysis. The applicant must demonstrate that the proposed expansion would not prove detrimental to the surrounding community. In answering this, one may look to the suitability of the surroundings for this type of industrial operation. Although the area is not zoned for general industrial use, the subject parcel involves an agriculturally-based business that is located in an undeveloped rural area (zoned RA). There are no homes adjacent, and there is vacant wooded land on three sides (north, east, and south) of the subject property. The parcel to the west is vacant and owned by the LeaWay owners, as well. Therefore, the subject property's physical situation would buffer it well in terms of impact on neighboring property. In addition to this factor, rendering facilities are heavily regulated by the State and will, as described in the enclosed environmental report, have to meet stringent permitting requirements. In summary, the location of the existing operation appears to be no less suitable for a rendering facility than any other industrially-zoned territory in the County. It is located in an agricultural community that has been relatively undeveloped. After due consideration of the many factors surrounding this case, and upon site visit to this area, staff would recommend in favor of this request.

PLANNING BOARD ACTION: On April 5, 2006 the Planning Board voted unanimously (10-0) to recommend in favor of this expansion request.

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McHargue said the setbacks had been met by the applicant's preliminary site plan, and the traffic might actually decrease due to the different means of material processing. He said the company provided a service to Iredell residents as well as some adjacent counties. Mr. MchHargue said LeaWay picked up deceased animals and processed the legally usable parts into pet food. He said other parts, such as bones and organs, were rendered or cooked offsite. MchHargue said that from an economic standpoint, the company had been advised that it would be more advantageous to render the material onsite rather than having it trucked to other locations. He said the primary regulatory body was the state veterinarian (Dr. Marshall), who had said the State of North Carolina had not issued a license for a rendering facility in 20 years. Also, he indicated there were only ten rendering plants in NC, with most being large facilities owned by large companies. MchHargue said Tyson's Foods in Harmony, NC, a rendering facility, produced in the millions of pounds per week, compared to the projected amount of 50,000 pounds per week that LeaWay could process in livestock ruminants. He said the planning board members had noted how small of an operation the LeaWay facility would be when making their decision. MchHargue said the new building would be 60 ft. wide by 100 ft. long; all enclosed. He said the applicant owned about seven acres nearby, but it was in a different parcel.

McHargue said the planning board felt it was appropriate to recommend in favor of the request. He said the planning board had tried to determine where a "perfect" site might be found to place a rendering facility and decided that due to only a few homes around the LeaWay Company, the site would be suitable; especially when looking at the county's industrial land use map.

Commissioner Johnson mentioned the criteria, and he asked MchHargue if it were safe to say the recommendation was based on the small scope of the project and the engineering report (closed facility).

McHargue said this would be a fair assessment, plus the area was well buffered in a natural way. He said that if homes were situated across the road from the company, the decision would be more difficult.

Jimmy Gray (advocate), a dairy farmer and Vice Chair of the Soil & Water Conservation District Board distributed a handout. He mentioned dairy farmers had to go through a certification process that included an explanation on the methods to handle animal mortality (disposal pits, trench burial, incineration, rendering, and composting). Gray said many landfills did not accept animal carcasses, and onsite burials and pit disposals were being heavily scrutinized due to the water tables, or soils being vulnerable to the leaching of nutrients. In addition, he said incineration was

energy intensive and contributed to pollution. Gray said rendering was an option that recycled carcasses into safe, useful by-products (meat and bone meal, animal fat, paints, and plastics). He said composting was becoming more popular, but his operation had used LeaWay for 20 years -- no other method had been used. Gray said state regulations required that animal burials be 300 ft. away from streams, and the carcasses had to be covered with three feet of matter. He said the members of the Soil and Water Conservation Board and the state veterinarian were in favor of the rendering method.

Steven Lea (applicant) said Iredell County had approximately 50,000 beef and dairy cattle. He said this was the largest concentration per county in the state. Lea said since 1979, his company had helped to recycle dead animals, at no cost to the county or state. He said the company was under strict regulations from the United States Dept. of Agriculture and the North Carolina Dept. of Agriculture, and LeaWay was an approved collection site. Lea said that with BSE (Bovine Spongiform Encephalopathy or mad cow disease) that operational guidelines changed almost daily thereby requiring companies to change, and this was the reason for the expansion. He said at present, 47.5% of the total monthly production had to be truck transported, three times a week, offsite for processing. Lea said this was about 16,625 lbs. per week. He said that with the addition, his company would be able to process all raw materials in an enclosed facility before shipment. Lea said the proposed expansion was to process existing material -- not additional material. He said LeaWay could not be compared to the Tyson facility in Harmony. Lea said Tyson processed about 10 million lbs. of material per week compared to LeaWay's 16,625 lbs. per week. He said Tyson Foods would process in one day more than what LeaWay would do in a year's time. He said Tyson had a wastewater treatment plant, and this was primarily where the odors originated. Lea said his facility would hold wastewater in a 5,000 gallon enclosed storage tank, and it would be taken to the plant on Bell Road for treatment. He said this would not generate any odors. In addition, he said the expansion would require only one new employee. Lea said the building was much larger than required for the new equipment. He said all material would be stored inside so the air could be treated before released to the atmosphere; thus no impact to the community or property values. Lea said the expansion could not be considered an industrial complex as some in opposition had mentioned, rather it was an essential improvement to the current operation where no complaints had been lodged in 27 years. He said his door was always open, and he was available to meet with anyone about the current or proposed operation. Mr. Lea asked the board members to consider the impact if there wasn't a livestock removal service for the county's agricultural community.

Rick Eaglin (advocate), the President of the ANCO-Eaglin Company located in Greensboro, NC, a manufacturer of rendering equipment, said he had evaluated LeaWay's proposal to handle the material in-house rather than trucking it off-site. Eaglin said Mr. Lea had requested an environmentally sound system, and a "closed system" was being proposed due to no vapors escaping from it along with having a room air scrubber as an additional method to treat any odors. He said other states had lenient rendering requirements. Eaglin said his company had outfitted a comparable facility in Canton, Ohio with a scrubber for the vapors. He said Mr. Lea had requested additional equipment to insure the "best available technology" for his facility.

Commissioner Williams mentioned the Ohio facility. He asked if this was the closest company that Mr. Eaglin had assisted.

Eaglin said it was the closest "comparable" installation. He said compared to Tyson Foods, the LeaWay Company was "very small." Eaglin said the Ohio facility was comparable to LeaWay due to it being a cooker operation.

Commissioner Robertson asked about the process -- muscle tissue removed from the carcass.

Lea said this was correct, and the tissue was boxed, frozen, labeled, and shipped to the Greyhound Tracks in Florida as pet food.

Robertson said the leftover parts were placed in a vat and cooked to eliminate the water.

Eaglin said this was correct. He said rendering was basically removing the water and making the product stable.

Robertson asked if it entailed batch work or a continuous process. (Was there an auger that feed the cooker?)

Eaglin said it was a batch system with the material loaded into the cooker. He said the water was driven off by heat and condensed.

Robertson asked what fueled the burner.

Lea said he was selecting oil.

Robertson said water vapor would occur along with other materials that would go through a heat exchanger/condenser. He asked what type of condenser would be used.

Eaglin said a contact condenser that would condense the water vapors.

Robertson asked what fed the condenser -- cooling water or chilled water.

Eaglin said chilled water.

Robertson said this turned the steam into a liquid that came off. He asked what happened if the chiller failed.

Eaglin said a safeguard (temperature controller) would be used. He said this would automatically shut off the steam to the system to eliminate a failure from happening.

Robertson asked if the hot liquid went on to a holding tank.

Eaglin said yes.

Robertson said this was the primary difference between a closed and open system -- an open system went on to a waste treatment pond where there was hot liquid and this was what people smelled.

Eaglin said yes, and this was what Tyson had in Harmony.

Robertson said the process, thus far, had no material exposed to the atmosphere. He asked if this was correct.

Eaglin said yes.

Robertson said the liquid was placed in a storage tank and taken to the waste treatment plant in Statesville. He asked if this had been approved by the city.

Lea said it had not.

Eaglin said the Ohio facility took its material to the local municipality and there were no problems with the acceptance.

Robertson asked how long it took to load the vessel.

Eaglin said 10 or 15 minutes.

Robertson said the vessel was opened to the atmosphere.

Eaglin said yes, but there would probably be only one "cook" a day.

Robertson asked if fumes were coming out during the 20 minutes the vessel was being loaded.

Eaglin said there was always a slight vacuum so no odors would permeate out. He said the condensing system created its own vacuum -- then with the scrubber system there was a scrubber fan that created static pressure -- distillation column (pack bed with countercurrent flow). Eaglin said a chemical caustic solution was then used to treat any potential odors.

Robertson asked about the caustic solution.

Eaglin said it nullified or oxidized the non-condensable gases.

Robertson asked how often the solution in the column needed to be replaced.

Eaglin said there was a ph control on it that automatically adjusted. He said the normal setting was 9.5 to 10. He said once a week it would be discharged down the drain -- small amount of water -- or it could be hauled off.

Robertson said the purpose of a pack bed column was to maximize the surface water and the gas to get the most interaction. He said in regards to the off gases coming out of the top of the column, state law required all non-condensable vapors to be incinerated at 1200 degrees Fahrenheit for at least .3 seconds in case anything unclean came out. Robertson asked if the company had made any provisions to accomplish this.

Eaglin said a provision had been offered, and if the county required it, Mr. Lea would comply.

Mr. Lea said this was a non-issue.

Robertson asked if this would be a separate incinerator or the boiler.

Eaglin said a separate incinerator.

Robertson said the average volume of pieces and parts that would be cooked had been estimated to be 16,625 lbs. per week. He asked how many lbs. might be generated in a high week -- ballpark estimate.

Lea said 28,000.

Robertson asked the capacity (lbs.) of the cooking vessel.

Eaglin said 6,000 lbs., if fully loaded.

Robertson said that if 30,000 lbs. were being processed this would mean five cooking cycles per week. He said this would be one batch a day. He asked how long it would take to cook a 6,000 lb. batch.

Eaglin said about two hours.

Robertson asked how long it took to unload, if it took 20 minutes to load and 2 cooking hours.

Eaglin said 15 minutes. He said at the end, a caustic wash would occur.

Robertson asked the length of time for the clean cycle.

Eaglin said the door would not be open during the clean cycle.

Robertson said during this hour the vapors could come out and go through the scrubber that might have particulates of the pieces and parts that might smell -- for about an hour.

Eaglin said yes.

Robertson asked what it would smell like when being loaded -- drawing the vacuum -- going up through the scrubber. What would it smell like at the top of the tower during the 20 minutes?

Eaglin said a light chlorine bleach smell.

Robertson asked if this was a persistent smell or would it dissipate quickly and easily.

Eaglin said there would be quick dissipation.

Robertson asked how this occurred.

Eaglin said a dissolution effect occurred with the air because the discharge fan was normally set up about 25 feet in the air.

Robertson asked if Mr. Lea was purchasing used or new equipment.

Lea said it would be brand new state-of-the-art equipment.

Robertson asked about equipment training.

Lea said the company would train his staff, and everyone using the manuals would be literate in English. (Mr. Robertson had asked this question.) Lea said one reason he chose the ARCO Company was due to its location (Greensboro), and its availability to address malfunctions on a quick basis.

Robertson asked about any warranty over the odor.

Eaglin said that over Mr. Lea's current operation, the new equipment and process would be much better -- a great improvement.

Robertson said that right now, Mr. Lea had no scrubbing equipment.

Eaglin said this was correct.

Commissioner Norman said he understood that other states were more lenient than North Carolina on rendering facility regulations. He asked Mr. Eaglin if there would be an odor at the Canton, Ohio plant.

Eaglin said no. He said Nebraska had no air regulations, but Ohio did. He noted the Canton facility had sufficient equipment; however, Mr. Lea had "gone one step further."

Attorney Charles L. Bateman from Alamance County, North Carolina, said he represented several residents in the Cool Springs area. He said materials from the county included a drawing of a new building that was a considerable distance from the present facility. Bateman said that other material from the planning office indicated the facility was adjacent, but the drawing looked like there would be a 40-foot distance. He questioned the planning department's terminology of "building addition."

Commissioner Johnson said that Planning Supervisor Warren had told him the building would be attached to the existing building.

(Bateman passed copies of the drawing handouts to the board members.)

Mr. Bateman said there were numerous reasons why the application should be rejected. He said the applicant had to meet the four criteria. Bateman said the application itself was not covered by the county's ordinance. He said that after reviewing the ordinance, he didn't see how the project could be an expansion to the existing structure. Bateman said the ordinance did allow a special permit process through the board of adjustment, but this was an entirely different process. He said the question of whether the rendering facility provided a needed service to the community wasn't a factor under the county's ordinance -- it wasn't applicable to the decision. Bateman said the ordinance was created for the public's protection -- nonconforming uses were things that would not normally be permitted in a neighborhood. Mr. Bateman said the planner had indicated the recommendation might not have been as favorable if there were homes across the street, but it was possible that a home could be placed there. He questioned whether a rendering facility would even be appropriate in a heavy industrialized zone.

Bateman continued by saying (1) a local appraiser had said surrounding property would be damaged by the facility (2) an e-mail from the City of Statesville (Public Works Dept.) indicated it would not accept the rendering plant's discharge, and in any event, would require pretreatment as required by the city council (3) the perception of a rendering plant drove down property values (4) in most business operations there would be some days where there were equipment breakdowns -- chiller or scrubber problems, etc., and this would cause odors. He said the burden was on the applicant to prove the surrounding area would not be harmed. In addition, he mentioned that information obtained from the county's tax department showed that property valuations for parcels adjacent to the Tyson's rendering plant had been reduced.

Henry Walker (advocate), a farmer and owner of beef cattle, said LeaWay provided an essential and preferred method for animal disposal. Mr. Walker said animal disposals on farm property had the potential to pollute ground water. He said he farmed in Iredell, Davie and Rowan counties, and he owned property about a mile away from the company. Mr. Walker said he lived approximately four miles away from both LeaWay and the Tyson's plant, and there was no comparison. He said LeaWay was a small business, and it needed a chance to grow in order to survive.

Christopher Beaty (opponent) said he purchased property near the site about a year-and-a-half ago and a house would be constructed. Beaty, a civil engineer, said the county landfill would accept a dead cow and horse for \$50.00, and the fee for a goat or calf was \$2. He said Mike Landis (Air Quality/NC Dept. of Environment and Natural Resources) had indicated that Tyson's in Harmony operated under every existing state and federal regulation, but an odor still existed. Beaty said he had grown up on a farm in the Cool Springs area, and he wasn't opposed to the existing company. He said he was opposed to the new proposal because there was no way to control it, especially if Mr. Lea sold it at some future date. Beaty said Mr. Landis had indicated the state could not close rendering facilities, rather all the state could do was cite the plant for infractions. Beaty said Landis had continued by saying the Tyson's plant was, on average, inspected only once a year. He said the federal government had enforcement powers only if the state did not act.

Rex Bell (advocate) said he was a dairy farmer off Hwy. 70, but he grew up in the Cool Springs community. Mr. Bell said LeaWay provided an excellent service to the community as well as to communities in other counties. Mr. Bell noted the expensive homes in the Ballentyne community, off I-485 in Charlotte, and he said the property owners contended with an odor just as offensive as the one from Tyson's Foods in Harmony. Bell said he didn't feel the project would have a negative impact on the Cool Springs community. He said it would, however, provide a valuable asset to the community.

Homer Hobbs (opponent) said he had lived in Cool Springs for 30 years. He said the project would change the business from an agro-service business to industrial. Mr. Hobbs said the project would turn out to be a “Pandora’s Box” when the business started developing and numerous other counties wanted to send their “bones to it to be ground and cooked.” He said the company provided a service to the farmers, but the community would be “turned around” if industrial development were allowed.

Jim Dobson (advocate), a farmer, said he was Chairman of the Farmland Preservation Board and a member of the Farm Service Bureau Board of Directors. Dobson acknowledged that he was not a resident of the Cool Springs community, but he said that he resided in the county. Mr. Dobson said that speaking on behalf of the referenced boards, that Mr. Lea provided an essential service to the agricultural community by assisting in the prompt removal and disposal of deceased livestock. He said in addition, this helped to eliminate ground water contamination and odors from carcasses left unattended. Mr. Dobson said several board members had traveled to the site, studied the plans, questioned the company’s owners, and they had received satisfactory answers. He said the Preservation Board, and the Farm Bureau, endorsed the proposal in principle, as presented.

(Chairman Tice called for a break at 8:20 P.M.)

County Planner Richard McHargue said the first contact with Mr. Lea was in the fall of 2005, and the first drawing was presented at that time. He said the drawing was revised, and it was intended to be an attached building on the west side of the main building. McHargue said the initial drawing changed, because Mr. Lea was advised that he had to have an “attached” building. (This was in response to Attorney Bateman’s earlier statement.)

Chairman Tice stated, for the audience, that the drawing in the commissioners’ packets had an **attached** building.

Attorney Bateman said he didn’t want to mislead the commissioners, but under the Freedom of Information Act, the entire contents of the planning department’s file on this application had been requested. He said that if the planning department had a revised map or drawing, it had not been provided upon request.

Randy Jenkins (opponent), said he was a local business owner (RV Park & Campground) about a mile from the proposed project, and he had concerns about the impact on the whole county. He said I-40 and I-77 allowed numerous visitors and travelers to travel through the county on a daily business. Jenkins mentioned the elementary school about a mile from the facility and the impact the proposed “industry” would have on the children. (He relinquished his remaining time to Mr. Bateman.)

Attorney Bateman said the issue was not whether the LeaWay Company would remain open and continue to provide a service to the community, but rather the issue was whether the company would be allowed to add an additional process to increase its profits. Bateman said the owner had not offered any testimony indicating a facility shutdown if the project failed.

Jeff McNeely (advocate) said he was a member of the Iredell County Planning Board, and that he ran G & M Milling Company. He said the planning board understood Mr. Lea would operate his business Monday through Friday -- 8 to 5 -- no nights -- no weekends -- plus the project would actually be a safer facility with cooking or sterilization. McNeely said that with BSE, more cows would probably wind up going to the facility. He said that only a few people lived near the company. McNeely said the planning board looked at the four criteria and made a decision to approve the project. He said that as a member of the agricultural community, Mr. Lea provided a valuable service. He said small businesses were feeling the “crunch” of high fuel prices and agriculture was related to this economy. McNeely said the LeaWay Company was also feeling this “crunch,” especially with so much of the product being transported

away. He said the agricultural community kept getting “kicked in the teeth,” and even though people liked to see cows eating in green pastures, they didn’t want to see them dead along the roadside. McNeely said the commissioners needed to look at the four criteria and vote accordingly.

Dennis Linburg (opponent) said he was a business owner and resident of the Cool Springs community. He said the Land Use Plan showed a projected growth for his area of 62.5% -- second only to the Davidson Township. He said every other community had a lesser percentage. Linburg said the technology sounded impressive; however, the wastewater treatment plant had not been contacted.

Sheila Hilton (opponent) said she was a neighbor of the company on Garden Valley Road. She asked where the containers containing the caustic solution would be stored. Ms. Hilton also asked about the air level. She said the solution was a carcinogen and health problems could occur over a period of time -- not only to the community, but also to the employees and owners of the company. Hilton asked if Mr. Lea could address these concerns.

Mr. Lea said any material (animals) would be stored in the new addition.

Mr. Eaglin said the 50% caustic solution was distributed in plastic drums and one to two gallons a day would be used by Mr. Lea

Charlie Boggs (opponent) said he owned property in Cool Springs. He suggested that the ANCO Company approach the Tyson’s Food facility in Harmony and try to sale the equipment to eliminate the odors there. Boggs said caustic soda was also Drano, which people used to clean out septic tanks. Mr. Boggs said he owned three houses (Garden Valley Road) with one being on the National Registry and one that would be willed in perpetuity to the Cool Springs community. Mr. Boggs said he understood the farmers’ needs and the company’s needs. He mentioned that it was his opinion that due to Mr. McNeely selling grain to the farmers that he should have been recused from voting at the planning board meeting. Boggs said humans already had E. coli in their intestines, but it was only when it got into a person’s bloodstream that health problems occurred. He said contamination would occur when trucks loaded with LeaWay materials spilled the waste material along the roadsides near Davis Hospital, Highway 64, Garden Valley Road, and elsewhere.

Chairman Tice asked the audience members in favor of the project to stand, and then she asked those in opposition to stand. With virtually all 200 audience seats being occupied, an overwhelming majority were in opposition (estimate of 75%).

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

MOTION by Commissioner Norman to delay the decision on the LeaWay Company request.

Commissioner Johnson said he needed assurance from the applicant pertaining to the material leaving the facility to the city’s wastewater plant, or to some other municipality. Johnson said he understood it would be questionable as to how far the board could go in placing any conditions. He requested that Attorney Pope explore any options of this type.

Commissioner Williams said he, too, was uncomfortable in making a decision at the meeting. He mentioned the possibility of observing the facility in Ohio and determining for himself if the equipment was eliminating odors.

VOTING: Ayes – 5; Nays – 0.

Attorney Bateman said he wanted it noted for the record that as opponents to the measure, that if this was intended to be a quasi-judicial hearing, the process just

discussed by the board was totally devoid of any due process. He said the procedure didn't meet the standards, when acted upon in this manner.

Chairman Tice deferred to County Attorney Pope for any responses to Mr. Bateman's comment.

Attorney Pope said he had no comments.

(Chairman Tice announced a short break in order for the audience members to exit the room.)

At 9:05 p.m., Chairman Tice declared the meeting to be order and in a public hearing.

Consideration of an Economic Development Incentive for the Structure Medical Company: Keith Klopp, with the Mooresville-South Iredell Chamber of Commerce, said the Structure Medical Company desired to locate in south Iredell with an investment between \$3 million to \$4 million. He said using the county's economic development incentive policy, the company would be eligible for an incentive between \$52,200 to \$69,600 over a five-year period. Klopp said the company manufactured medical devices, and it would employ 25 people. He said the new company aligned well with what a recent study (Angelou Economics) had suggested for the community.

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

MOTION by Commissioner Johnson to grant an economic development incentive ranging between \$52,200 to \$69,600 (over a five-year period) for the Structure Medical Company based on a \$3 million to \$4 million investment.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing.

Sadhav, LLC, Owner, along with Agent Costi Kutteh, Attorney, Request that a Portion of Property be Rezoned from Residential Agricultural to Neighborhood Business: Planning Supervisor Steve Warren presented this case and explained the staff report as follows:

CASE NO. 0604-1

<u>OWNER:</u>	Sadhav, LLC. 2225 Wilkesboro Hwy. Statesville, NC 28625 (704) 873-1545	<u>AGENT:</u>	Costi Kutteh, Attorney 113 N. Center Street Statesville, NC 28677 (704) 873-2131
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LOCATION: Subject property is the former Martin's One-Stop convenience store at 2225 Wilkesboro Highway in Statesville, NC; more specifically identified as PIN#4736-12-0081. Directions: From Statesville, north on Wilkesboro Highway (NC 115); property at corner of Scotts Creek Road.

REQUESTED ACTION: Rezone a portion of subject parcel from RA, Residential Agricultural to NB, Neighborhood Business.

PROPOSED USE: Continued use as a convenience store.

SIZE: 1.06 acres.

EXISTING LAND USE: Convenience store.

SURROUNDING LAND USE: Residential, Commercial, Churches, Agricultural.

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

TRAFFIC: In 2004, this section of 115 had an average daily traffic count of 10,000 vehicles per day. According to the Iredell County Thoroughfare Plan, this road has a carrying capacity of 12,000 vehicles per day.

ZONING HISTORY: The majority of this parcel was assigned the NB zoning classification during countywide zoning in 1990. The properties touching this intersection were all assigned a partial NB designation at that time; in addition, this intersection was identified as a commercial node with the adoption of the County Land-Use Plan in 1997.

STAFF COMMENTS: Sadhav, LLC has purchased the subject property which was previously part of a larger parcel owned by Thomas and Diane Martin. The new owner plans to continue operations as a convenience store with hopes for a modest expansion to the building to allow for a larger cooler and storage area inside. Due to the new property split, the subject parcel now contains 2 small triangular areas that together total approximately .16 acre. These areas are the subject of the rezoning request. Because the majority of this property is presently zoned NB and the Land-Use Plan identifies this intersection as a commercial node, staff recommends in favor of the request.

Statement of Land-Use Plan Consistency: Approval of this rezoning is consistent with the Land-Use Plan's identification of the Wilkesboro Hwy/Scotts Creek Road intersection as a commercial node.

PLANNING BOARD ACTION: On April 5, 2006, the Planning Board voted 7-1 to recommend in favor of the rezoning as requested pursuant to the Statement of Land-Use Plan Consistency as written.

* * * * *

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

MOTION by Commissioner Williams to (1) approve the proposed zoning map amendment and to make a finding that approval is consistent with the adopted Future Land-Use Plan and that said approval is reasonable and in the public interest due to its consistency with the Future Land-Use Plan; as a result, said approval furthers the goals and objectives of the Land-Use Plan and (2) that approval be given to rezone the property involved in Case #0604-1 (Sadhav, LLC/formerly Martin's One-Stop) from Residential Agricultural to Neighborhood Business.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing.

County Attorney Bill Pope asked to be excused from any input or questions regarding this case.

Owners Jerry Cashion & Clyde Deaton, Along with Agent Bedford Cannon, Attorney, Request an Amendment to the Exit 42 Small-Area Plan and to Rezone Property from Residential Agricultural to Highway Business: Planning Supervisor Steve Warren reviewed the following staff report for this case.

CASE NO. 0604-2

<u>OWNERS:</u>	Jerry C. Cashion 1104 Mordecai Drive Raleigh, NC 27604 (919) 834-4569	Clyde W. Deaton 294 Houston Road Troutman, NC 28166 (704) 528-6229
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AGENT: E. Bedford Cannon, Attorney
140 East Water Street
Statesville, NC 28677
(704) 872-7438

LOCATION: 294 Houston Road (2.98 acres) and adjacent vacant parcel (19.5 acres), more specifically identified as PIN# 4750-16-2272 and 4750-06-8409.
Directions: South from Troutman on Charlotte Highway, turn left onto Houston Road; property on right past I-77 overpass.

REQUESTED ACTIONS: 1) Amend the Exit 42 Small-Area Plan; and 2) Rezone subject parcels from RA, Residential Agricultural to HB, Highway Business.

PROPOSED USE: Any and all Highway-Business uses.

SIZE: 22.48 total acres.

EXISTING LAND USE: Vacant and Residential.

SURROUNDING LAND USE: Residential & Agricultural.

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

TRAFFIC: In 2004, this end of Houston Road had an average of 770 vehicles per day.

ZONING HISTORY: The subject parcels have been zoned RA since county-wide zoning took effect in 1990. The applicants have submitted this request with the intention of the parcels becoming part of a commercial development in the Exit 42 vicinity. During 2005, several parcels totaling approximately 40 acres were zoned commercially (HB) pursuant to the Exit 42 Small-Area Plan objectives for the interchange area.

STAFF COMMENTS: The present request seeks to rezone the subject parcels along Houston Road in the same fashion as those mentioned above. Superior Properties has acquired ownership in most of the previously-zoned properties and intends to continue this assembly of parcels for purposes of development; however, the subject parcels are not part of the Small-Area Plan. Therefore, a strong justification will be needed to recommend an amendment to the Small-Area Plan as well as any rezoning. With the addition of the Houston Road parcels, the developers have explored the opportunity to provide a road connecting Houston Road with Charlotte Highway just south of the I-77 overpass. NCDOT has advised staff that Superior Properties has submitted an access plan for the Charlotte Highway side of the development. At this time, however, no plans have been submitted for connection to Houston Road. Similarly, no site-plans have been submitted to the County Planning Department on the proposed development or its traffic management measures; it is staff's understanding that the developer wishes to keep site plans confidential at this time due to ongoing negotiations with potential tenants. Without site-plan information and specific conditions, however, staff feels it would be inappropriate to recommend in favor of a Land-Use Plan amendment and the rezoning request. Staff cannot make a judgment as to the amount of traffic generated onto Houston Road, nor are there any conditions on the request that would guarantee interconnectivity between parcels. In addition, if the parcels are not developed under the same ownership there is no guarantee that the subject properties will be part of the overall development; thus there is potential to have HB-zoned tracts with no conditions along a very rural portion of Houston Road. Without stipulations on the property that would help provide certainty as to the use and development of these particular parcels in terms of their connection to the planned development and traffic facilitation, staff recommends against this request.

STATEMENT OF LAND-USE PLAN CONSISTENCY: This request is not consistent with the objectives of the Exit 42 Small-Area Plan.

PLANNING BOARD ACTION: On April 5, 2006 the Planning Board voted 9-1 to recommend against both the rezoning and Land-Use Plan amendment requests, citing the Statement of Land-Use Plan Consistency as written.

* * * * *

Commissioner Robertson said properties on Houston Road had already been zoned Highway Business. He asked the staff's hesitation on this case.

Warren said he was unclear, but Planner Richard McHargue said that in the mid-to-late 1980s the zoning was assigned. He said the only use that had been on the property, to his knowledge, had been a billboard.

Commissioner Johnson said he appreciated the staff's concern about interconnectivity. He said at some point water and sewer would be needed, and he felt setbacks would be established then.

Warren said this was a good possibility, but it wasn't under the county's purview.

Attorney Bedford Cannon distributed handouts and photos to the board members. Attorney Cannon said the owners were not opposed to conditions for the request, and he offered the following wording:

No commercial driveways nor street entrances from Houston Road to the Cashion and Deaton properties will be constructed and opened to traffic and (1) a traffic impact analysis (TIA) as required by NCDOT has been completed, (2) the design and construction of all driveways and street access to the Cashion and Deaton properties meet the approval of the NCDOT and all applicable local governmental requirements, and (3) all rights of ways required by NCDOT from the Cashion and Deaton properties for improvements to Houston Road have been recorded in the public records of the Iredell County Register of Deeds.

Cannon said the owners were asking for an amendment to the Land Use Plan and a Highway Business zoning, and there was in excess of 2,000 feet that was contiguous to either HB or GB zoned property. He said there was about 1,200 feet along the Chappel tract, and the property to the west had about 800 ft. Cannon said in regards to development of the interchange quadrant, there would be three pieces of property (Superior Properties, the Chappel property, and this property). Cannon said the GB property and some of the HB (68-acre tract) could handle one major tenant, but if the development scheme were to have two major tenants with adequate parking, the Superior properties, the Chappel property and the 22 acres north were needed. He said these fit well together and two tenants could occupy them. Mr. Cannon said Howard Bryan had been negotiating, and two tenants were interested. He said, however, the names of the tenants could not be disclosed. Cannon said that in regards to interconnectivity, he couldn't speak for the other property owners. He said the Town of Troutman intended to build a water tower, and it was anticipated the town would serve the water needs. Cannon said a natural gas line followed the roadway. He said there were businesses already in the area.

Commissioner Robertson asked if an Iredell County group would develop the property.

Cannon said it was anticipated it would be a partnership between local and out-of-county individuals -- a partnering to put the tracts together.

Earl Bowers (opposition) said he lived down the street. He asked where the adjacent property was located.

Planning Supervisor Warren showed the area.

Mr. Bowers said no one would answer what would be built on the site, and he had concerns. He voiced concerns about the potential noise, the traffic, and noted the road was small with only two lanes. Bowers said he had previously been told that nothing would be built on the eastside of I-77.

Judy Honeycutt (opposition) distributed photos of her home place located across the road from the area being considered for the rezoning. She said the soil in the area was excellent for farming, and her family wanted to improve the property. She said, however, they were hesitant to make any improvements due to not knowing what type of uses would be there. She voiced concerns about the traffic and any proposed industrial uses.

Nora Carruthers (opposition) said she didn't understand how the project could be approved without knowing what would be placed on the property. She said an application had been submitted for organic farming, and her plans might be impacted by the rezoning.

Commissioner Robertson asked if a trucking terminal or distribution warehouse could go on highway business zoned property. He asked Attorney Cannon if this type of use was being planned.

Attorney Cannon said it would not be a trucking terminal or distribution warehouse.

Planning Supervisor Warren said nothing would be legally binding, statement wise, from the applicant. He said it would have to go through the conditional use process, which it had not. Warren said a truck stop would not be permitted in Highway Business, and it would require either a manufacturing designation or a General Business district.

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

MOTION by Commissioner Robertson to amend the Exit 42 Small Area Plan.

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Robertson 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. Additionally, that no commercial driveways nor street entrances from Houston Road to the Cashion and Deaton properties will be constructed and opened to traffic and (1) a traffic impact analysis (TIA) as required by NCDOT has been completed, (2) the design and construction of all driveways and street access to the Cashion and Deaton properties meet the approval of the NCDOT and all applicable local governmental requirements, and (3) all rights of ways required by NCDOT from the Cashion and Deaton properties for improvements to Houston Road have been recorded in the public records of the Iredell County Register of Deeds.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing.

Proposed Text Amendment for SR57, Homeless Shelter: Planner Rebecca Harper said a totally new section to SR57 was being proposed, along with revisions to the definition section and table of contents. She said the planning board made changes to the draft amendment (as shown by strikeouts, bold print, and red print). Harper said to establish a homeless shelter, as now written, an applicant would have to go through a rezoning process (if not in a commercially zoned area), and the board of adjustment; thereby incurring fees in both circumstances. Mrs. Harper said the staff had tried to keep the homeless shelter proposal in line with similar uses (nursing and convalescent homes). She said the planning board did not want to see homeless shelters in residential areas.

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

MOTION by Commissioner Johnson to approve the text amendment as approved by the planning board.

VOTING: Ayes – 5; Nays – 0.

The amendment and revisions will be as follows:

Proposed SR57, Homeless Shelter
 Amendment to: Zoning Ordinance
 Articles and Sections: Article VIII. Table of Permitted Uses and Special Uses, Section 8.3 Table of Permitted Uses and Special Uses; Article IX. Special Requirement Notes to the Table of Permitted and Special Uses, SR 57 Homeless Shelter; Article XIX. General Definitions

Article VIII. Table of Permitted Uses and Special Uses,

Section 8.3 Table of Permitted Uses and Special Uses

I. USE TYPES	RA	RU-R	R-R	R-20	R-12	R-8	R-8A	RO	OI	NB	HB	SC	CB	GB	M-1	M-2	SR
Homeless Shelter	S	S		S			S	S	X S	X S	X S		X S	X S			57

~~(These districts are the same for similar uses such as convalescent homes, group homes, family care homes, and nursing homes)~~

Article IX. Special Requirement Notes to the Table of Permitted and Special Uses

SR 57. Homeless Shelter.

- (A) ~~In any residential district, a minimum of one (1) acre shall be required to establish a homeless shelter and on a site utilizing greater than three (3) acres (130,680 square feet) devoted to the use shall have frontage on a collector or thoroughfare street.~~
- (B) ~~In any residential district, all structures including secondary and accessory structures shall be located a minimum of fifty (50) feet from any property line and a thirty (30) foot undisturbed buffer shall be provided along all residentially zoned property.~~
- (C) Minimum **habitable** floor space of **fifty (50) one hundred (100)** square feet shall be provided for each individual sheltered.
- (D) No such facility shall be located within one-half (1/2) mile of an existing shelter for the homeless or any other group care facility.
- (E) The facility shall be contained within the building of and operated by a government agency or nonprofit organization.
- (F) The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.
- (G) A complete site plan shall be provided for all homeless shelters, which must conform to all applicable health, building code, licensing laws and regulations.
- (H) Screening and landscaping which complies with Article XII shall be provided along all property lines abutting residentially zoned property.

Article XIX. Definitions

Homeless Shelter. A facility operating year-round or seasonal, which provides lodging and supportive services (including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care) for indigent individuals and/or families with no regular home or residential address.

Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.
(NC State Building Code)

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

MOTION by Commissioner Williams to approve the following 12 consent agenda items.

VOTING: Ayes – 5; Nays – 0.

Note: The individuals/employees mentioned as describing the requests did so at the briefing session held at 5 p.m.

1. Request from the Iredell-Statesville School System for Approval of Land Purchases (near Statesville High School): Iredell-Statesville Finance Officer Kay Fulp, Construction Manager Rob Jackson, and Maintenance Director Dr. Kenny Miller attended the meeting to discuss this request.

Location	Price	Owner	School
311 & 315 E. Bingham	\$111,063.31	Steve Allison	Statesville High
512A & 512B Sylvia St. along with 513 & 515 Brevard St.	\$ 79,500.22	Deloris Leith	Statesville High
501 Sylvia St.	\$ 31,580.00	Susan Watt	Statesville High
503 Sylvia St.	\$ 26,870.00	Susan Watt	Statesville High
507 & 509 Sylvia St	\$ 76,104.00	Robert Long	Statesville High
511 Brevard St.	\$ 4,550.00	Bibleway Church	Statesville High
509 Brevard St.	\$ 24,100.00	Robert Gordie	Statesville High

2. Request from the Iredell-Statesville School System for Approval of 2005-2006 Capital Outlay Fund Budget Amendments: Iredell-Statesville Schools Finance Officer Kay Fulp requested amendments for funds that were the result of line item projects completed under budget, along with additional funds received by the unit at the beginning of the fiscal year. She said initially, the additional funds were used to provide cash flow for bond projects, until the bonds were actually sold. The adjustments were as follows:

	Original Budget	Net Prior Increase or (Decrease)	Current Increase or (Decrease)	Amended Budget
Mobile Lease Purchase	1,100,000.00	(110,000.00)		990,000.00
Annual Renovations	359,247.00	505,000.00	(75,000.00)	789,247.00
Roofing	213,023.00	0		213,023.00
Boiler/HVAC	190,000.00		160,000.00	350,000.00
Mobile Set-Up/Lease	250,000.00	185,120.00	(90,000.00)	345,120.00
Vehicles	696,777.00			696,777.00
Paving	60,000.00	150,000.00	(40,000.00)	170,000.00
Waste Water	230,000.00	(20,000.00)	(30,000.00)	180,000.00

Furniture/Equipment	638,000.00		75,000.00	713,000.00
Total	3,737,047.00	710,120.00	0	4,447,167.00

3. Request from the Juvenile Crime Prevention Council (JCPC) for Approval of the FY 06-07 Funding Plan: JCPC Chairman Pam Navey requested approval of the council's recommendation as follows:

	Proposed Funding Amount
Barium Springs-----	\$ 48,474.00
Counseling Center of Iredell-----	\$ 20,000.00
ARK-----	\$ 50,000.00
Piedmont Mediation Center-----	\$ 25,000.00
Boys & Girls Club of the Piedmont Collaboration-----	\$ 15,000.00
Don-Lin-----	\$ 9,453.00
Psychological Services-----	\$ 6,820.00
Mills Home-----	\$ 20,075.00
Project Challenge-----	\$ 60,000.00
Partnership for Drug Free NC-----	\$ 10,000.00
JCPC Administration-----	\$ 10,500.00
Total to be distributed-----	\$275,322.00
Total in reserve for 2006-2007	14,096.00
Total amount available for distribution	\$289,418.00

4. Request from the Human Resources Department for Approval of Policy Changes for Article VI., Holidays and Leave, Article VII., Employee Benefits, and Revision to Retiree Health Plan: Human Resources Director Carolyn Harris requested approval of the following policy changes:

All Changes Effective July 1, 2006

CHANGE #1: ARTICLE VI. HOLIDAYS AND LEAVE

Section 5. Annual Leave

E. Annual leave may be accumulated without any applicable maximum until the payroll period that includes December 31 of each calendar year. However, if the employee separates from service, payment for accumulated leave shall not exceed thirty (30) days or 240 hours. Any employee with more than thirty (30) days or 240 hours of accumulated leave at the end of the payroll period that includes December 31, shall have up to ~~40~~ **80** hours of the excess accumulation converted to sick leave. Any additional excess accumulation shall be cancelled so that only thirty (30) days or 240 hours are carried forward to the next payroll period.

CHANGE #2: ARTICLE VII. EMPLOYEE BENEFITS

Section 1. Insurance Benefits

A. The County may provide individual hospitalization insurance to all employees occupying budgeted positions established at least ~~half-time~~ **seventy-five percent time (30 hours per week)**. To be eligible, employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts and on the first day of the month following a thirty-day waiting period

(For employees hired on and after 7/1/06)

CHANGE #3: RETIREE HEALTH PLAN (For employees hired on and after 7/1/06)

Employees who work for Iredell County fifteen (15) consecutive years in a position with benefits and who retire under the NC Local Governmental Retirement System

(NCLGRS) are eligible to participate in the County’s Retiree Health Insurance Plan until they reach age 65 or obtain Medicare, whichever is first.

The County will contribute to the cost of the retiree insurance premium based on the years of service with **Iredell County** using the following schedule:

30 or more years of service	- 100% paid
Age 55 and 25 – 29 years of service	- 75% paid
Age 55 and 20 – 24 years of service	- 50% paid
Age 55 and 15 – 19 years of service	- 25% paid

After having worked 15 years for Iredell County and becoming eligible for participation in the retiree insurance plan, the service credit given by the NCLGRS for sick leave reported on the application for retirement can be counted as years of service for purposes of determining how much the County will contribute toward the premium for retirees.

At retirement, retirees may elect to carry dependents who have been covered under the County’s health plan for at least two years prior to the employee’s retirement. However, the dependent will not be eligible to enroll after the initial election or re-enroll if dropped at any time after the initial enrollment election.

Failure to pay premiums timely may result in loss of coverage under the plan.

* * * * *

5. Request from the Health Department for Approval of an Environmental Health On-Site Waste Intern Salary Schedule Proposal: Health Director Donna Campbell requested approval of the following salary proposal for the referenced employees:

**April 2006
IREDELL COUNTY ENVIRONMENTAL HEALTH
ON-SITE WASTEWATER (OSWW) PROGRAM
BENCHMARK BASED
INTERN SALARY SCHEDULE PROPOSAL**

OSWW Intern Benchmarks	EHS SALARY	COUNTY PAY PLAN GRADE/STEP
INTERN HIRED	\$35,128.48	67/21
COMPLETES ONE BENCHMARK INTERN RECEIVES AUTHORIZATION/TEMPORARY CERTIFICATION <i>OR</i> INTERN PASSES R.S. EXAM	\$36,015.52	67/26
COMPLETES TWO BENCHMARKS INTERN RECEIVES AUTHORIZATION/TEMPORARY CERTIFICATION <i>AND</i> INTERN PASSES R.S. EXAM	\$37,857.36	67/36
INTERN REACHES FULL REGISTERED SANITARIAN STATUS	\$39,010.71	68/33

Additional Guidance:

- State Personnel policy requires that intern salaries must not be higher than \$1.00 below the minimum salary of a Registered Sanitarian. This proposal is a full step below the minimum salary.

- Interns are on County Pay Grade 67 and Registered Sanitarians are on County Pay Grade 68. The county pay scale has 88 pay steps on each pay grade.
- Merit raises cannot increase the salary higher than one dollar below the minimum salary of a Registered Sanitarian.
- Each time there is a County Across-the-Board salary increase, the intern salary schedule will be adjusted by the same percent increase.
- This proposal only applies to On-Site Waste Water Interns.

* * * * *

6. Request from the Health Department for Approval of a Co-Pay Fee: Health Director Donna Campbell requested permission to add a \$3 fee for Code Pay03, a \$5 fee for Code Pay05, and a \$10 fee for Code Pay10 to the Allied Health and Preventive Health Fee Schedules for use with NC Health Choice.

7. Request from the Health Department for Approval of an Amended Fee Policy: Health Director Donna Campbell provided an amended fee policy and noted that a team of staff members had made the fee recommendations. The changes will be incorporated into the operations manual for the health department.

8. Request from the Health Department for Approval of a Flu Vaccine Supply Resolution: Health Director Donna Campbell requested approval of the following resolution.

**Influenza Vaccine Supply Resolution
Iredell County Board of Health
Iredell County Board of County Commissioners
Iredell County, North Carolina**

Whereas, each year, a substantial proportion of vaccine-preventable diseases occur among adults, despite the availability of safe and effective vaccines; and

Whereas, adult immunization levels continue to lag far behind childhood rates, and adult morbidity and mortality from vaccine-preventable diseases remain distressingly high; and

Whereas, adults form the core infrastructure needed to respond to any emergent public safety and health need; and

Whereas, the burden of and responsibility for vaccinating high-risk and vulnerable populations often falls upon public health departments and their public partners; and

Whereas, public health is often unable to serve the high-risk and vulnerable populations within a community because of a lack of timely distribution of vaccine, especially influenza vaccine; and

Whereas, commercial vaccinators make early bulk purchases of influenza vaccine and are able to offer mass flu campaigns before public health can vaccinate high-risk populations; and

Whereas, the federal government and local medical providers look to the public health infrastructure to be prepared to respond to and coordinate the response of any communicable disease outbreak, including an influenza pandemic; and

Whereas, the federal government has provided support for the childhood immunization program nationally that has resulted in dramatic reductions in childhood vaccine preventable diseases; and

Whereas, an adult immunization infrastructure is needed prior to implementation of a national universal influenza vaccine recommendation.

Now, Therefore, in recognition of this compelling public health challenge, the Iredell County Health Department and the Iredell County Commissioners request that:

Measures be taken to create incentives so that manufacturing and distribution of flu vaccine can be streamlined and equitable.

* * * * *

9. Request from the Health Department for Approval of a Pandemic Flu Funds Budget Amendment: Health Director Donna Campbell advised that \$13,175 would be received from the state for pandemic flu planning. She said an emphasis would be placed on education and public awareness through brochures, informative packets, billboard and radio advertisements, along with supplies and “enhancement of blast fax capabilities.”

10. Request for Approval of a Lease Agreement with the U.S. Department of Agriculture (Rural Development) for Space at the Agriculture Resource Center: Deputy County Manager Susan Blumenstein requested authorization for the county manager to sign this renewal lease for the Rural Development Office to utilize space (1,150 sq. ft.) at the Agricultural Resource Center for \$852.92 a month, or \$10,235.00 a year.

11. Request for Approval of the April 18, 2006 Minutes

12. Request for Approval of a Resolution Supporting Evacuees of Hurricane Katrina: Planner Rebecca Harper explained the need for an extension of the resolution adopted on October 18 as follows:

A RESOLUTION SUPPORTING EVACUEES OF HURRICANE KATRINA

WHEREAS, the Iredell County Board of Commissioners recognizes the unprecedented damage caused by Hurricane Katrina in the Gulf Coast and the circumstances that have occurred where U.S. citizens have been classified as evacuees; and

WHEREAS, the people of Iredell County have displayed sympathy, compassion and concern for the citizens of the Gulf Coast by the many humanitarian acts such as supplying food, water, furnishings, and the generous donation of money; and

WHEREAS, Iredell County has evacuees currently relocating to this area; and

WHEREAS, there are non-profit organizations that wish to continue aid for their fellow mankind by providing temporary shelter at locations throughout Iredell County; and

WHEREAS, the Iredell County Board of Commissioners feels there exists special circumstances related to the housing and relocation of these evacuees and that Iredell organizations are capable of providing temporary shelter in the best interests of the evacuees; and

WHEREAS, current zoning regulations may not allow for non-profit organizations to provide temporary shelter to the evacuees; and

WHEREAS, the Iredell County Commissioners approved a resolution on October 18, 2005, to allow Non-Profit Organizations in Iredell County to provide temporary shelter to evacuees of Hurricane Katrina for a maximum of six months where zoning would not otherwise permit for the sheltering of evacuees and provided that these facilities comply with all other State and local guidelines.

NOW, THEREFORE BE IT ORDAINED, that the Iredell County Commissioners assembled on May 9, 2006, declare that there is a need for an extension of the resolution for another six months to allow the Non-Profit Organizations to comply with new zoning guidelines.

This resolution shall be in effect when adopted and remain so for a period of six months.

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

Request for Approval of a Resolution Providing for the Issuance of \$8,930,000 General Obligation Public Improvement Bonds, Series 2006: Chairman Tice introduced the following resolution, a copy of which was provided to each

Commissioner, and Director of Finance and Administrative Services Susan Blumenstein read its title and summarized its contents.

*RESOLUTION PROVIDING FOR THE ISSUANCE OF
\$8,930,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT
BONDS, SERIES 2006*

BE IT RESOLVED by the Board of Commissioners for the County of Iredell:

Section 1. The Board of Commissioners has determined and does hereby find and declare:

(a) That orders authorizing not exceeding \$44,630,000 School Bonds and \$6,000,000 Community College Bonds were adopted by the Board of Commissioners for the County of Iredell on August 2, 2005, each of which orders was approved by the vote of a majority of the qualified voters of said County at a referendum duly called and held on October 11, 2005.

(b) That (i) \$36,400,000 principal amount of said School Bonds has heretofore been issued, which Bonds are designated "General Obligation School Bonds, Series 2006," are dated February 1, 2006, and are stated to mature (subject to the right of prior redemption as therein set forth) annually, February 1, \$1,300,000 2007 to 2016, inclusive, \$1,900,000 2017, \$2,500,000 2018 to 2025, inclusive, and \$1,500,000 2026, (ii) no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance (\$8,230,000) of said School Bonds, and (iii) it is necessary to issue the balance of said School Bonds at this time.

(c) That (i) none of said Community College Bonds has heretofore been issued, (ii) no notes have been issued in anticipation of the receipt of the proceeds of the sale of said Community College Bonds, and (iii) it is necessary to issue \$700,000 of said Community College Bonds at this time.

(d) That it is desirable to consolidate, for purposes of sale, the bonds described in subsections (b) and (c) above, said bonds to be designated "General Obligation Public Improvement Bonds, Series 2006".

(e) That the maximum period of usefulness of the improvements to be undertaken with the proceeds of said bonds to be issued is estimated as a period of not less than 30 years from June 1, 2006, the date of said bonds to be issued as hereinafter provided, and that such period expires on June 1, 2036.

Section 2. Pursuant to said order, there shall be issued bonds of the County of Iredell, North Carolina (the "Issuer") in the aggregate principal amount of \$8,930,000, designated "General Obligation Public Improvement Bonds, Series 2006" and dated June 1, 2006 (the "Bonds"). The Bonds shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) annually, June 1, \$450,000 2007 to 2025, inclusive, and \$380,000 2026, and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina (the "LGC") at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable semiannually on June 1 and December 1 of each year, commencing December 1, 2006, until payment of such principal sum.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The Bonds will be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. One fully-registered Bond certificate for each stated maturity of the Bonds, registered in the name of Cede & Co., the nominee of The Depository Trust Company, New York, New York ("DTC"), or such other name as may be requested by an authorized representative of DTC, will be issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The principal of each Bond shall be payable to Cede & Co. or any other person appearing on the registration books of the Issuer hereinafter provided for as the registered owner of such Bond or his registered assigns or legal representative at the office of the Bond Registrar mentioned hereinafter or such other place as the Issuer may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by the Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Director of Finance and Administrative Services of the Issuer determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book-entry system with DTC. If the Issuer identifies another qualified securities depository to replace DTC, the Issuer will make

arrangements with DTC and such other depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and the references to DTC or Cede & Co. in this resolution shall thereupon be deemed to mean such other depository or its nominee. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof ("Certificated Bonds") in exchange for the outstanding Bonds as required by DTC and others. Upon the request of DTC, the Issuer may also deliver one or more Certificated Bonds to any participant of DTC in exchange for Bonds credited to its account with DTC.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 3. The Bonds shall bear the manual or facsimile signatures of the Chairman or Vice Chairman of the Board of Commissioners for the Issuer and the Clerk to said Board and the official seal or a facsimile of the official seal of the Issuer shall be impressed or printed, as the case may be, on the Bonds.

The certificate of the LGC to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of the LGC or any assistant designated by him and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the Issuer or the LGC whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bonds to be registered in the name of Cede & Co. or any other name designated by an authorized representative of DTC and the endorsements thereon shall be in substantially the following forms:

UNLESS THIS CERTIFICATE IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TRUST COMPANY, A NEW YORK CORPORATION ("DTC"), TO ISSUER OR ITS AGENT FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY CERTIFICATE ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUIRED BY AN AUTHORIZED REPRESENTATIVE OF DTC (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

No. R-

\$.....

United States of America
State of North Carolina

COUNTY OF IREDELL
GENERAL OBLIGATION PUBLIC IMPROVEMENT
BOND, SERIES 2006

<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP</u>
June 1, 20..	...%	462668

The County of Iredell, North Carolina (the "Issuer"), a political subdivision of the State of North Carolina, is justly indebted and for value received hereby promises to pay to CEDE & CO.

or registered assigns or legal representative on the date specified above, upon the presentation and surrender hereof, at the office of the Director of Finance and Administrative Services of the Issuer (the "Bond Registrar"), Iredell County Government Center, 200 South Center Street, Statesville, North Carolina 28677, the principal sum of

HUNDRED THOUSAND DOLLARS

and to pay interest on such principal sum from the date hereof or from the June 1 or December 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a June 1 or December 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable semiannually on June 1 and December 1 in each year, commencing December 1, 2006, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of the Issuer. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of the Issuer are hereby irrevocably pledged.

This bond is one of an issue of bonds designated "General Obligation Public Improvement Bonds, Series 2006" (the "Bonds") and issued by the Issuer for the purpose of providing funds, together with any other available funds, for financing school and community college facilities, and this bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, two orders adopted by the Board of Commissioners for the Issuer, each of which orders was approved by the vote of a majority of the qualified voters of the County of Iredell who voted thereon at a referendum duly called and held, and a resolution duly passed by said Board (the "Resolution").

The Bonds maturing prior to June 1, 2017 are not subject to redemption prior to maturity. The Bonds maturing on June 1, 2017 and thereafter may be redeemed, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than June 1, 2016, at a redemption price equal to 100% of the principal amount of Bonds to be redeemed, plus interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000; provided further, however, that, so long as a book-entry system with The Depository Trust Company, New York, New York ("DTC"), is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC shall determine by lot the amount of the interest of each DTC direct participant in the Bonds to be redeemed. If less than all of the Bonds shall be called for redemption, the maturities of the Bonds or portions of Bonds to be redeemed shall be determined by the Issuer.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and given by certified or registered mail to Cede & Co. at its address appearing upon the registration books of the Issuer. On the date fixed for redemption, notice having been given as aforesaid, the Bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of such Bonds or portions thereof on such date plus accrued interest to such date and, if moneys for payment of such redemption price and the accrued interest have been deposited by the Issuer as provided in the Resolution, interest on the Bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this Bond shall be called for redemption, a new Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to Cede & Co. or its legal representative upon the surrender hereof.

Any notice of redemption may state that the redemption to be effected is conditioned upon the receipt by the Issuer, on or prior to the redemption date, of moneys sufficient to pay the redemption price of and interest on the Bonds to be redeemed and that if such moneys are not so received, such notice shall be of no force or effect and such Bonds shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the redemption price of and interest on such Bonds are not received by the Issuer on or prior to the redemption date, the redemption shall not be made and the Issuer shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., a nominee of DTC, is being issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In certain events, the Issuer will be authorized to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at her office the books of the Issuer for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this Bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within the boundaries of the Issuer sufficient to pay the principal of and the interest on this Bond as the same shall become due; and that the total indebtedness of the Issuer, including this Bond, does not exceed any constitutional or statutory limitation thereon.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this Bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon. IN WITNESS WHEREOF, the Issuer, by resolution duly passed by its Board of Commissioners, has caused this bond to be manually signed by the Chairman of said Board and the Clerk to said Board and its official seal to be impressed hereon, all as of the 1st day of June, 2006.

*Chairman of the Board of
Commissioners*

*Clerk to the
Board of Commissioners*

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

*Director of Finance and Administrative
Services of the County of
Iredell, North Carolina,
as Bond Registrar*

By _____
Authorized Signatory

Date of authentication: _____ **ASSIGNMENT**

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto _____ the within bond and all rights thereunder and hereby irrevocably constitutes and appoints _____ attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of Cede & Co. with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 4. The Bonds maturing prior to June 1, 2017 will not be subject to redemption prior to maturity. The Bonds maturing on June 1, 2017 and thereafter will be redeemable, at the option of the Issuer, from any moneys that may be made available for such purpose, either in whole or in part on any

date not earlier than June 1, 2016, at a redemption price equal to 100% of the principal amount of Bonds to be redeemed, plus interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the Issuer in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000; provided further, however, that, so long as a book-entry system with DTC is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC shall determine by lot the amount of the interest of each DTC direct participant in the Bonds to be redeemed. If less than all of the Bonds shall be called for redemption, the maturities of the Bonds or portions of Bonds to be redeemed shall be determined by the Issuer.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at his address appearing upon the registration books of the Issuer, provided that such notice to Cede & Co. shall be given by certified or registered mail. Failure to mail such notice or any defect therein shall not affect the validity of the redemption as regards registered owners to whom such notice was given as required hereby. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

Any notice of redemption may state that the redemption to be effected is conditioned upon the receipt by the Issuer, on or prior to the redemption date, of moneys sufficient to pay the redemption price of and interest on the Bonds to be redeemed and that if such moneys are not so received, such notice shall be of no force or effect and such Bonds shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the redemption price of and interest on such Bonds are not received by the Issuer on or prior to the redemption date, the redemption shall not be made and the Issuer shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the redemption price of the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, have been deposited by the Issuer to be held in trust for the registered owners of Bonds or portions thereof to be redeemed, interest on the Bonds or portions thereof called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 5. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or

registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the Issuer or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to Section 4 of this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance and Administrative Services of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

Section 6. The Issuer covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Code, except to the extent that the Issuer obtains an opinion of bond counsel to the effect that noncompliance would not result in interest on the Bonds being includable in gross income of the owners of the Bonds for purposes of federal income taxation.

Section 7. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2006, to each nationally recognized municipal securities information repository ("NRMSIR") and to the state information depository for the State of North Carolina ("SID"), if any, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2006, to each NRMSIR, and to the SID, if any, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under the heading "The County - Debt Information and - Tax Information" (excluding information on underlying units) in the Official Statement relating to the Bonds and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, to each NRMSIR or to the Municipal Securities Rulemaking Board ("MSRB"), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on any credit enhancements reflecting financial difficulties;
- (5) substitution of any credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds;
- (8) call of any of the Bonds for redemption;
- (9) defeasance of any of the Bonds;
- (10) release, substitution or sale of property securing repayment of the Bonds; and
- (11) rating changes; and

(d) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

To the extent permitted by the U.S. Securities and Exchange Commission, the Issuer may discharge the undertaking described above by transmitting electronically such financial statements, financial and statistical information and notices to www.disclosureusa.org.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds then outstanding may take action to protect and enforce the rights of beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 ("Rule 15c2-12") as of the date of the Official Statement, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by approving vote of the registered owners of not less than a majority in principal amount of the Bonds then outstanding pursuant to the terms of this bond resolution, as it may be amended from time to time.

The Issuer agrees that the annual financial information containing the amended operating data or financial information will explain, in narrative form, the reasons for the amendments and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section 8 shall terminate upon payment, or provision having been made for payment, in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 8. The actions of the Director of Finance and Administrative Services of the Issuer in applying to the LGC to sell the Bonds and the LGC in asking for sealed bids for the Bonds by distributing a notice of sale and a Preliminary Official Statement relating to the Bonds are hereby approved. Such Preliminary Official Statement, to be dated May 5, 2006 and in substantially the form presented at this meeting, is hereby approved, and the Chairman of the Board of Commissioners, the County Manager and the Director of Finance and Administrative Services of the Issuer are each hereby authorized to approve the Official Statement, in substantially the form of the Preliminary Official Statement, including changes necessary to reflect the interest rates on the Bonds, the offering prices of the Bonds and any credit enhancement for the Bonds purchased by the successful bidder, and to execute such Official Statement for and on behalf of the Issuer.

Section 9. This resolution shall take effect upon its passage.

Upon **motion** of Chairman Tice, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$8,930,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2006" was passed by the following vote:

Ayes: 5

Noes: 0

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Mitchell Community College Board of Trustees (1 announcement)

Centralina Workforce Development Board (2 announcements)

Juvenile Crime Prevention Council (8 announcements)

APPOINTMENTS TO BOARDS & COMMISSIONS

Adult Care Home Community Advisory Committee (4 appointments): No nominations were made, and Commissioner Norman made a **motion** to postpone the four appointments until the May 23 meeting.

VOTING: Ayes – 5; Nays – 0.

Historic Properties Commission (2 appointments): No nominations were submitted from the Historic Properties Commission, and Chairman Tice made a **motion** to postpone the two appointments until the May 23 meeting.

VOTING: Ayes – 5; Nays – 0.

Recreation Advisory Board (1 appointment): Commissioner Robertson nominated David Steen.

MOTION by Chairman Tice to close the nominations and appoint Steen by acclamation.

VOTING: Ayes – 5; Nays – 0.

NEW BUSINESS

Storm Damage in West Iredell: Commissioner Williams said last year the board approved a tipping fee waiver for residents in north Iredell due to debris caused by a tornado. He said, similarly, residents in west Iredell had recently suffered from storm damage. Mr. Williams said that even though this year's storm wasn't as serious as last year's, he felt a waiver should be available for the west Iredell residents.

MOTION by Commissioner Williams to waive the tipping fees for west Iredell residents due to recent storm damage.

VOTING: Ayes – 5; Nays – 0.

(Note: Similar to the action taken by the board on July 19, 2005, this will be a temporary measure, and the waiver will apply to only debris caused by the storm on April 25, 2006.)

Discussion on Growth Management/Control Measures: Commissioner Williams read the following statement:

“In March of this year I contacted Mr. Steve Warren, Iredell County Planning Supervisor, with a request that he submit a menu of different strategies and techniques that other local governments have tried in the interest of managing or controlling their rate of growth in their high growth areas.

“My request was made as a result of the many complaints I have received concerning the traffic congestion along Brawley School Road, as well as other areas affected by the continuing endless delays by NCDOT in resolving the problems along that road.

“On April 3, 2006, Mr. Warren responded by providing the Board of Commissioners with a report titled Growth Management vs. Growth Control. This report clearly defines several legal options that deal with the growth problem, that our board has available.

“I feel that it is imperative that we begin to look seriously at this problem. It is well past time that we take on this difficult task and look at all options available.

“Personally, I feel that nothing less than a general moratorium of all new housing construction in the area known as Brawley Peninsula is in order. This includes the area west of Williamson Road, under the Iredell County planning jurisdiction. This moratorium should remain in effect until such time as the widening of Brawley School Road is completed. However, I am asking that the Iredell County Board of Commissioners allow Mr. Warren and his staff time at our next meeting to explain our options and that this Board enter into serious discussions on those options.

“I am a firm believer in property owner's rights and I understand the impact our home builders have on our economy and the significance they provide our county. However, I must sympathize with those Iredell County citizens who live daily with this increasing problem of traffic congestion. All citizens should have the right to leave home, go to work, go to the store, or take their children to school, without facing this increasing problem. We must assure that none of our citizens are denied emergency services because of traffic congestion.

“Many will say this is too little too late, but Iredell County cannot afford to sit back any longer and react to this increased demand on our infrastructure by uncontrolled growth without responding. We must begin to look aggressively at solutions to some of these problems before they become irreversible.”

MOTION to ask Planning Supervisor Steve Warren to appear before the board at the next meeting to discuss the information submitted on April 3, 2006.

Commissioner Robertson said he agreed something needed to be done about the Brawley School Road problem, but he didn't feel he might be ready to implement a moratorium. Robertson said he could sympathize with individuals who had just purchased a lot hoping to build a new home, and who might be “stuck” for several years before construction could occur. He said that whatever was drafted, it needed to be written with “common sense.” Mr. Robertson said he would like to get ahead of the curve, due to so much criticism about the board waiting until it was in a crisis mode. He said Brawley once had one school, then two schools, and now three schools with one way off the peninsula. He said Perth Road now had two schools with traffic outlets on Hwy. 150 and another one into the Town of Troutman. Robertson said he would like to broaden the commissioners' scope on Perth Road in an effort to prevent a similar problem from occurring. He said the same criteria might not need to be applied towards the Perth Road situation, but he would like for the area to be reviewed.

Chairman Tice said she wanted to address the remark “too little too late” which was her answer to a reporter that called and told her a week before the election that board members had decided it was time to do something about Brawley School Road, and they were in favor of a moratorium. Tice acknowledged that she did reply, “too little too late” and she felt most people would agree. Mrs. Tice continued by saying she was the commissioner who had been working with the Brawley School Road for 15 years in an effort to get it widened. She said, “This is the commissioner that serves on the Rural Planning Organization Committee that has worked diligently to get Brawley School Road widened, in fact, I was the first chairman of the committee and served for two years. I worked with Frank Johnson. I worked with Crescent Resources for many, many years trying to get some relief for the folks on Brawley School Road. So I take exception to the fact that I'm the commissioner that's not in favor of helping the folks on Brawley School Road, because the record will show that for the past 15 years I've been the commissioner that was concerned. I've been the commissioner that met with Crescent Resources, with the DOT, with Ann Hefner, with Frank Johnson. Just this past week I met with the DOT and the folks at the Lake Norman Fire Department. So, I think it's a little unusual that no one on the board told me they were thinking about a moratorium, and it was taken to the press a week before the election.”

Commissioner Johnson said he was surprised when he received a call from the media. Johnson said he was asked, “If we had considered it?” He said that he answered there had been some private discussion, but private discussion was a long way from making a decision.

Chairman Tice said the discussion had never gotten to the chairman.

Commissioner Williams said he didn't know how this had gotten to the media because he decided a long time ago to wait until after the election and not make this a political issue. Williams said he was surprised when the reporter called him for a response. He said the reporter was told that he had promised other members this wouldn't be discussed until after the election. Williams said, “So basically, I made a ‘no comment’.”

Commissioner Johnson praised Chairman Tice for her efforts to widen the Brawley School Road.

Chairman Tice said she and Mr. Johnson had been on the board for many years, and a moratorium had never been placed on anything or anybody. She said it was

her feeling that if it was something the board planned to do, that it needed to be discussed by the full board, or at least she should be told what was occurring.

Commissioner Williams said this was what was in his motion -- to enter into a discussion with the planning board on what options were available. Williams said that he had simply said, "It was my personal feelings that a moratorium would be acceptable." He said that obviously the board would make the final decision.

Commissioner Johnson said there were measures available now that could target things in different ways that were not available a short time ago. He said that in the past, a moratorium could only have occurred from Mt. Mourne to Union Grove, or an adequate public facilities ordinance would have to extend from Doolie Road to Sheffield Road -- areas couldn't be targeted. He said in an effort to help one small group, a 100,000 were penalized. Johnson said that to a large extent, the hands of past board members had been tied. He said this was being stated to defend himself and Chairman Tice, who had been on the board for many years. Johnson said in the past, the staff had taken an adequate public facilities ordinance from another county, and "pretended" it had been imposed on Iredell County. Johnson said the staff showed there were only two places to build a home -- Cool Springs and Love Valley. He said everyone needed to proceed with caution because what was one person's inconvenience was another person's livelihood.

Chairman Tice said she did find the matter amusing since it hit the paper a week before the election.

VOTING: Ayes – 5; Nays – 0.

COUNTY MANAGER'S REPORT

County Manager Joel Mashburn shared copies of a recent booklet printed by the North Carolina Association of Counties entitled, "Welcome to Your County."

He also shared information on the following:

Wednesday, May 17, 2006 County Assembly Day in Raleigh
Sunday, June 4, 2006 (2 – 4 P.M.) Open House/Dedication of the new Social Services Building

FY 2006-2007 Budget: Mashburn said the budget books were ready for distribution to the board members and media. He then gave key points from his budget message. (A complete copy is as follows.)

IREDELL COUNTY PROPOSED FY 2006-2007 BUDGET MESSAGE

The FY 2006-2007 proposed budget is submitted in accordance with the NC state statutes and county policy.

Revenue: Revenues for the general fund are up by almost 6.5% over the revised budget for '06. This increase is due in part to a more favorable economic trend, and in part due to the recommended 3 cent tax rate increase needed to cover the bond debt which was approved by the voters on October 11, 2005. We have had, according to the county assessor, about 6.01% in real growth over what was budgeted in 05-06. Sales taxes show an overall increase of about 10.8% over the amount budgeted for '06; however, the allocation method implemented by the state during FY 06 has resulted in higher growth in the ½ cent sales taxes than in the one cent sales tax.

Expenditures: The proposed budget shows a 9.3% increase over the projected actual '06 budget. When you review the supporting documents, you will note that a significant amount of the increase is due to 47% increase for school capital outlay and

the 37% increase in school debt service. Operating expense of county government shows a 7.38% increase; however, as a percentage of the total, this is actually a 1% decrease.

School Appropriations: The current expense appropriation for the Iredell-Statesville Schools is a 6.28% increase, or \$1,618,946. The Mooresville Graded Schools has an overall current expense increase of 7.58% or an actual increase of \$442,131. The per pupil rate of both goes from \$1,263 to \$1,310.

Personnel: Thirty-seven (37) new positions were requested. Only 32 positions are being recommended. Of the increase, 1/3 of the new employees will be in human services [DSS (10), Health (2)]. Approximately 1/3 will go to emergency services [Sheriff (6), ECOM (2), Fire Marshal (1)]. All the new positions are in response to the rapid growth and the demand for increased service. Also included is a 2.5% across the board increase and another 2.4% set aside for merit increases following employees' evaluations. Also incorporated into the budget are funds to implement the next round of position reviews and market adjustments.

Capital Reserve Fund: The proposed budget increases the appropriation into the Capital Reserve Fund from \$1,500,000 to \$2,000,000. This will increase our Capital Reserve Fund balance from \$1,150,164 to \$1,665,664. This will allow us to complete the renovation of the old DSS building for Planning and Enforcement, as well as making some improvements to several other projects.

Fund Balance: If the budget is approved as recommended, the fund balance will be at or near 13 1/2%.

Closing: The budget as recommended is based on a tax rate of 46 1/2 cents per \$100 valuation and a tax base of \$15,084,650,000 and a collection rate of 96.94%.

Budget Review Dates: The board agreed to begin budget review sessions at 5:30 P.M. on the following dates:

Tuesday, May 16	(South Wing Conference Room)	
Thursday, May 18	"	"
Thursday, May 25	"	"

The public hearing is set for Tuesday, June 6 and the anticipated budget adoption date is Tuesday, June 20.

CLOSED SESSIONS: MOTION by Chairman Tice to enter into Closed Session at 10:30 P.M., pursuant to Economic Development - G.S. 143-318.11 (a) (4) and Legal - G.S. 143-318.11 (a) (3).

VOTING: Ayes – 5; Nays – 0.

(Return to Open Session at 11:10 P.M.)

ADJOURNMENT: MOTION by Chairman Tice to adjourn the meeting at 11:10 P.M. (Next Meeting: Budget review session on May 16, 2006 at 5:30 P.M., in the South Wing Conference Room of the Iredell County Government Center, 200 South Center Street, Statesville, NC.

VOTING: Ayes – 5; Nays – 0.

Approved: _____

Clerk to the Board