

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
NOVEMBER 20, 2001**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, November 20, 2001, at 7:00 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

Present: Chairman Sara Haire Tice
Vice Chairman Steve D. Johnson
Tommy E. Bowles
Karen B. Ray
R. Godfrey Williams

Staff Present: County Manager Joel Mashburn, County Attorney William P. Pope, Finance Director Susan Blumenstein, County Assessor Brent Weisner, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Tice.

INVOCATION by Commissioner Johnson.

PLEDGE OF ALLEGIANCE TO THE FLAG: The pledge was led by Boy Scout Troop 607, affiliated with Concord Presbyterian Church, 3867 Taylorsville Hwy., Statesville, NC. Scouts Cameron Ayers, Jared Bradburn, Daniel Ervin, Cole Johnson, Brian Lackey and Robbie Sherwood, along with troop leader, Junior Sherrill, attended the meeting.

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

Additions: • A Request for the Department of Transportation to Increase the Clean-Up and Maintenance Efforts on Interstate 77

Deletions: • A Request from the Iredell Soil and Water Conservation Office for Continued Participation in the Beaver Management Assistance Program from 10/1/01 - 09/30/02 at a cost of \$4,000. (The cost for this service was included in the 2001/02 budget, and this is why the request was deleted from the agenda.)

Revisions: • Presentations Regarding the Selection of an Architectural Firm for the Iredell County Government Center – South. (The presentations occurred during the briefing session, and the board decided to negotiate with the firm of Martin Boal Anthony and Johnson.)
• A Presentation on Rural Transportation Planning Organizations (RPOs) (This presentation was given during the briefing session, and the board decided to approve a resolution in support. At the present time, the board declined to approve a Memorandum of Understanding.)

VOTING: Ayes – 5; Nays – 0.

APPOINTMENTS BEFORE THE BOARD

PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR IREDELL COUNTY, YEAR ENDED JUNE 30, 2001, BY RON MCLELLAND, CPA, WITH THE FIRM OF MCLELLAND, RUTHERFORD & MCKENZIE, P.A.: McLelland said he was pleased to present the annual financial report. He said the report was submitted to the Local Government Commission on October 22, 2001, and it was approved on October 31. Mr. McLelland said his firm's report was unqualified, and there were no findings of noncompliance with either state or federal awards, or laws and regulations. He said there were no questioned costs. McLelland said the report showed the various material budget amendments that occurred during the year. He pointed out that in a "perfect world" budget amendments would not be necessary. He said, however, that since this was not the case, the board had to

approve numerous budget amendments throughout the year. McLelland said he and the Local Government Commission encouraged the budget amendment practice. Mr. McLelland said that if additional revenues came in during the budget year, there were laws stipulating they first had to be appropriated before being spent. McLelland stressed the importance of adopting budget amendments for unexpected expenditures and revenues.

McLelland then discussed a statistical handout that had been prepared about the county's finances. He said "cash and investments were up to the tune of \$17+ million, but the majority of this was unspent monies borrowed and related to the school installment notes."

McLelland said new governmental accounting standards would mandate a change in the report's format next year.

Chairman Tice accepted the annual report and thanked Finance Director Blumenstein, and her staff, for their excellent work.

PRESENTATION OF THE "TAXPAYER'S FRIEND AWARD" BY BUDDY HEMRIC, OF THE IREDELL CITIZENS FOR INTEGRITY IN GOVERNMENT, ORGANIZATION: Buddy Hemric presented the Taxpayer's Friend Award to Support Services Director Jim Vernon. Chairman Tice congratulated Mr. Vernon on his achievement.

PUBLIC HEARING

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

CONSIDERATION OF THE COMMUNITY TRANSPORTATION PROGRAM (CTP) APPLICATION: Mr. Ben Garrison, the Executive Director of the Vocational Workshop, and the Chairman of the Iredell Transportation Authority, said the purpose of the hearing was to give the public an opportunity to speak about the CTP application for Fiscal Year 2003. He said the application was submitted annually, and in the past, the Vocational Workshop had been responsible for its submission. Garrison said, however, the county would be submitting the application in the future. He said the application was composed of the administrative part and the capital/operating assistance segment. Garrison said this year, state and federal funds totaling \$229,000 had been received. He said these funds had a match of \$34,425 that was funded by the county and from operating fees.

No one else spoke and Chairman Tice adjourned the public hearing.

RURAL TRANSPORTATION PLANNING ORGANIZATIONS (RPOS): Planning Supervisor Smith said discussions had recently occurred with North Carolina Department of Transportation Board Member Frank Johnson about the possible establishment of an RPO. He said a proposal had been submitted to establish the Lake Norman RPO composed of Cleveland, Lincoln, Iredell and a portion of Gaston County. Smith said the state had appropriated funding for future transportation needs throughout the state. He said RPOs would aid rural counties in seeking transportation improvements.

Commissioner Bowles said he understood that if the county did not partner with other counties in an RPO, it would be virtually overlooked as far as transportation funding in the future.

Smith said this was correct. He said there would probably be a three-tier system as the state looked at priorities -- Metropolitan Planning Organizations, Rural Transportation Planning Organizations, and the remaining entities. He said the "remaining entities would probably be left out in the cold."

MOTION by Commissioner Johnson to approve the following resolution supporting the establishment of a Rural Transportation Planning Organization for Iredell County, but to request the staff to express the board's concerns about (1) the voting stipulations in the Memorandum of Understanding and (2) request for the staff to study the composition of the proposed RPO to insure that Iredell County was aligned with counties having the same traffic patterns.

VOTING: Ayes – 5; Nays – 0.

**RESOLUTION
IN SUPPORT OF LOCAL GOVERNMENT PARTICIPATION
IN THE LAKE NORMAN RURAL TRANSPORTATION PLANNING
ORGANIZATION**

WHEREAS, Section 135 of Title 23, United States Code, declares that it is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve all areas of the State efficiently and effectively; and

WHEREAS, North Carolina General Statute 136-18 was amended by the North Carolina General Assembly by ratification of Senate Bill 1195 on July 6, 2000, and this same bill was signed by the Governor on July 14, 2000, and subsequently Chaptered, and which Chaptered statute provided for the establishment of Rural Transportation Planning Organizations (RPOs), similar in concept to Metropolitan Planning Organizations (MPOs) which provide transportation planning in North Carolina's urban areas; and

WHEREAS, the establishment of a Rural Transportation Planning Organization (RPO), similar in concept to the urban Metropolitan Transportation Planning Organizations (MPOs) would provide rural areas the opportunity to work in partnership with the North Carolina Department of Transportation toward the development of sound, short and long range transportation planning for rural areas; and,

WHEREAS, the establishment of a Rural Transportation Planning Organization for the four counties in the "Lake Norman" area would assist the North Carolina Department of Transportation in complying with the provisions of the Transportation Equity Act for the 21st Century (TEA 21), enacted June 9, 1998, relative to the participation of local officials and the public in the transportation planning process; and

WHEREAS, Iredell County is a jurisdiction in this area eligible to participate in the Rural Transportation Planning Organization.

NOW THEREFORE, BE IT RESOLVED that Iredell County does hereby express its intent to participate in the Lake Norman Rural Transportation Planning Organization, staffed by Centralina Council of Governments.

BE IT FURTHER RESOLVED that Iredell County encourages its neighboring entities eligible to participate in this process to do so to provide for continual, cooperative, and comprehensive transportation planning in rural parts of North Carolina and this region.

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

MOTION by Commissioner Williams to approve the following nine (9) consent agenda items.

VOTING: Ayes – 5; Nays – 0.

1. **APPROVAL TO NEGOTIATE WITH MARTIN BOAL ANTHONY & JOHNSON FOR THE ARCHITECTURAL/ENGINEERING SERVICES REGARDING THE IREDELL COUNTY GOVERNMENT BUILDING - SOUTH.** (This firm is located in Charlotte, NC. See briefing minutes for additional information.)

2. **REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THAT IREDELL COUNTY BE DESIGNATED AS THE LEAD AGENCY FOR THE RURAL PUBLIC TRANSPORTATION PROJECTS FUNDED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT):** The following resolution was approved.

**RESOLUTION
NCDOT LEAD AGENCY CHANGE**

WHEREAS, the Iredell County Board of Commissioners has recognized and provided financial support to the Iredell Vocational Workshop, Inc., to serve as the “Lead Agency” applicant for Rural Public Transportation Projects funded by the North Carolina Department of Transportation; and

WHEREAS, the Iredell Vocational Workshop, Inc., has petitioned the Board of Commissioners to transfer the “Lead Agency” applicant status back to the County for the purpose of providing full warranty of compliance with requirements of the Federal Transit Administration and the Public Transportation Division.

NOW THEREFORE, BE IT RESOLVED that the Iredell County Board of Commissioners is requesting the North Carolina Department of Transportation to recognize the County of Iredell as the legal applicant for all Administrative, Capital and Operating grants that are awarded to Iredell County.

Other provisions of this agreement are:

1. That the effective date for the County to be the legal applicant is on the 1st day of July 2002.
2. That the FY’2003 Community Transportation Program (CTP) application scheduled for completion on June 30, 2002 reflects that the Iredell County Board of Commissioners is now the legal applicant beginning with the FY’2003 CTP application.
3. That the Board of Commissioners hereby assures and certifies to the NC Department of Transportation that it will comply with the federal and state statutes, regulations, executive orders, Section 5333 [b] Warranty, and all administrative requirements which relate to the applications made to and grants received from the Federal Transit Administration and the North Carolina Transportation Division.
4. That the present fleet of twenty-five vehicles will remain titled to the Iredell Vocational Workshop, Inc., until such time that the vehicles are replaced. This will serve the purpose of avoiding a three percent (3%) highway tax (estimated \$1,500 per vehicle) that is charged for a title transfer. Beginning with FY’2003, all acquired vehicles will be titled to Iredell County.
5. That Iredell County, as the lessee, will sign a standard lease agreement with the Iredell Vocational Workshop, Inc., as the lessor. The purpose of this agreement is to assure the lessor and the North Carolina Department of Transportation that the Project Equipment will be used in accordance with the procedures and guidelines set forth in Federal Transit Administration Circulars 5010.1C, 9040.1E, and 9070.1E, all of which are dated October 1, 1998, or any subsequent revisions or amendments thereto.
6. That the Iredell Transportation Authority Board members are asked to continue serving the county as an advisory committee.
7. That the County Manager is authorized to apply for funding, execute any agreements, and provide necessary assurances and certifications to the North Carolina Department of Transportation.
8. That the County Finance Director serve as the “Primary Designee” and the ITA Chairman as the Alternate Designee” to submit all reimbursement requests, budget revisions/amendments, and place approved vehicle orders on behalf of the county.

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3. REQUEST FOR APPROVAL OF THE OCTOBER 2001 REFUNDS & RELEASES:

<u>Releases for the Month of October 2001</u>	\$77,902.66
County	52,406.49
Solid Waste Fees	943.00

East Alexander County Fire #1	37.83
Shepherd's Fire #2	197.14
Mt. Mourne Fire #3	62.35
All County Fire #4	3,129.94
Statesville City	13,611.01
Statesville Downtown	0
Mooresville Town	6,208.90
Mooresville Downtown	0
Mooresville School	1,047.66
Love Valley	0
Harmony	0
Troutman	258.34

Refunds for the Month of October 2001 \$1,393.10

County	874.52
Solid Waste Fees	113.18
East Alexander Co. Fire #1	0
Shepherd's Fire #2	4.38
Mt. Mourne Fire #3	0
All County Fire #4	54.59
Statesville City	259.44
Statesville Downtown	0
Mooresville Town	68.71
Mooresville Downtown	0
Mooresville School	18.28
Love Valley	0
Harmony	0
Troutman	0

4. REQUEST FOR APPROVAL OF A BUDGET TRANSFER IN THE GIS/MAPPING DEPARTMENT INVOLVING THE TRANSITION FROM INFOCAD TO ArcInfo & APPROVAL OF BUDGET AMENDMENT #17 (BUDGET TRANSFER OF \$11,550 FROM PART-TIME SALARIES TO TRAINING AND \$2,750 FROM PART-TIME SALARIES TO NON-DEPRECIATED ASSETS) (Additional information may be found in the briefing minutes.)

5. REQUEST FOR APPROVAL OF EIGHT PATROL CAR BIDS FOR THE SHERIFF'S DEPT. The following bids were opened on November 14, 2001.

Finish Line Ford	\$166,826.80 (\$20,853.35 ea)
Mooresville Ford Mercury	176,994.00
Town & Country Ford	169,704.00

In a memo to the board, Purchasing Agent Evie Caldwell recommended for the bid to be awarded to the low bidder (Finish Line Ford) for the "marked" patrol vehicles. In addition, she indicated the county planned to purchase five unmarked cars from the North Carolina State Contract at \$20,715 each. She said this price included the street appearance package, but it did not include items necessary for a "marked vehicle." Caldwell said the purchases were within the budgeted amount.

The board awarded the bid to Finish Line Ford at \$166,826.80.

6. REQUEST FROM THE SHERIFF'S DEPARTMENT TO TRANSFER FUNDS FROM THE DRUG SEIZURE ACCOUNT TO THE DEPARTMENTAL SUPPLIES LINE ITEM FOR THE PURCHASE OF CELL PHONES & APPROVAL OF BUDGET AMENDMENT #18: During the briefing, Assistant Jail Supervisor Terry Beck said the sheriff's department desired to purchase 21 phones at \$100 each. Beck said the cell phones would be placed in the patrol cars. He said there was available money in the drug seizure account to make the purchases.

7. REQUEST FOR APPROVAL TO TRANSFER THE PROGRAM MANAGER'S RESPONSIBILITIES INVOLVED WITH THE JUVENILE JUSTICE AND DELINQUENCY INTERVENTION/PREVENTION BUREAU'S PROGRAM AGREEMENT FOR RESIDENTIAL YOUTH SERVICES TO THE BARIUM SPRINGS HOME FOR CHILDREN (This item was discussed during the briefing session.)

8. REQUEST FOR APPROVAL OF THE NOVEMBER 6, 2001 MINUTES

9. A REQUEST FOR THE DEPARTMENT OF TRANSPORTATION TO INCREASE THE CLEAN-UP AND MAINTENANCE EFFORTS ON INTERSTATE 77: The following motion was included in the consent agenda about this matter.

Motion stating the Iredell County Board of Commissioners requests the North Carolina Department of Transportation to increase the clean-up efforts involving the rights-of-way along the interstates in Iredell County, and in particular, for the stretch of Interstate 77, from the Mecklenburg County line to the intersection of I-77 and I-40 be cleaned, and further, that a letter signed by the chairman be sent to North Carolina Department of Transportation Board member, Mr. Frank Johnson, making this request.

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

REQUEST FROM REALCO OF THE CAROLINAS, INC., & SARA D. HENDERSON FOR A ZONING & SUBDIVISION JURISDICTION (ETJ) RELEASE TO THE TOWN OF MOORESVILLE FOR APPROXIMATELY 125 ACRES OFF SHINNVILLE ROAD: Planning Supervisor Smith said the referenced property included several parcels located in the Shinnville Road area. He said the county's zoning for the site was Residential Agricultural, and it was designated as low-density residential in the land use plan. He said the Town of Mooresville had also designated the area as low-density residential. Smith said, however, the availability of utilities would likely dictate the type of development in the area. He said Mooresville, if the request were approved, had indicated the property would be zoned low density but a commitment could not be made until it was approved by the Town board. Smith said the request had been granted utility extensions on November 5, 2001. In addition, the Town approved a voluntary annexation of the property as of June 30, 2002. Smith said the proposed development would consist of single family residential units. He said his understanding of the development would be three units per acre (Town of Mooresville), compared to the county's criteria of two units per acre.

Commissioner Johnson asked about the home sites available. He said that under the county's regulations up to 180 would be available compared to at least 280 under Mooresville.

Smith said this was correct. He said it was generally assumed that 75% of the property would be developed when the roads/infrastructure were "backed out."

Johnson said he understood that if the county released the property, the owners could petition the Town board for a more intense zoning classification. He asked if this were correct.

Smith said yes.

Commissioner Williams asked, assuming the request was denied, if there was anything that would prohibit the developers from seeking water line extension.

Smith said not to his knowledge. He said, however, the developer would not be able to obtain any approvals on the project itself. Smith said the Town of Mooresville had a policy where it only approved plans within its own jurisdiction.

Mr. Smith said that by releasing the property now, the developer could begin the approval process. He said that if the county did not approve, the developer would have to wait until June 30.

Commissioner Bowles asked if the county had approved any other releases that pertained to residential developments. He said he recalled the retirement village on Bluefield Road, but the reasoning here was because no children would be added to the school system. He said that in addition, the retirement village would not increase the traffic.

Smith said he recalled the precedent that had been set involved nonresidential development releases.

MOTION by Commissioner Williams to deny the request submitted by Realco of the Carolinas, Inc., & Sara D. Henderson for a Zoning & Subdivision Jurisdiction Release.

VOTING: Ayes – 5; Nays – 0.

REQUEST FOR THE DESIGNATION OF AN E-COMMUNITIES CHAMPION TO SPEARHEAD THE RURAL INTERNET ACCESS AUTHORITY'S INITIATIVE IN IREDELL COUNTY: **MOTION** by Commissioner Williams to appoint Kenneth W. Vance as Iredell County's E-Communities Champion.

VOTING: Ayes – 5; Nays – 0.

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Adult Care Home Community Advisory Committee (2 announcements)

Community Advisory Program for Disabled Adults (CAP-DA)

(9 announcements)

Criminal Justice Partnership Program (CJPP) (6 announcements)

Board of Health (5 announcements)

APPOINTMENTS TO BOARDS & COMMISSIONS

Adult Care Home Community Advisory Committee (6 appts.): No nominations were submitted, and Chairman Tice **moved** to postpone these appointments until the December 4 meeting.

VOTING: Ayes – 5; Nays – 0.

Animal Grievance Committee (1 appointment): Commissioner Bowles nominated William Guy for a reappointment.

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

VOTING: Ayes – 5; Nays – 0.

Statesville Board of Adjustment-Extraterritorial Jurisdiction (1 appt.): No nominations were submitted, and Chairman Tice **moved** to postpone this appointment until the December 4 meeting.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Committee (1 appointment): Chairman Tice nominated Barbara Barrier.

No other nominations were submitted, and Chairman Tice **moved** to appoint Barrier by acclamation.

VOTING: Ayes – 5; Nays – 0.

Zoning Board of Adjustment (5 appointments): Commissioner Ray nominated Nick Carrington as a candidate to fill the unexpired term of Robert Kestler.

No other nominations were submitted, and Chairman Tice moved to appoint Carrington by acclamation.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice nominated Harry M. Tsumas to replace Carrington as an alternate.

Commissioner Williams nominated Carol Graham Parish, Harvey Reeves, and James Wilson for reappointments.

MOTION by Chairman Tice to close the nominations and appoint Tsumas (alternate), Parrish, Reeves, and Wilson by acclamation.

VOTING: Ayes – 5; Nays – 0.

COUNTY MANAGER’S REPORT: Mashburn said a written activity report had been distributed to the board members. He added that a branch library proposal had been sent to the board members, and this item would be on the December 4 agenda.

Financial Update by Finance Director Blumenstein: In reference to sales tax revenues, Blumenstein said the first allocation for this fiscal year arrived on November 15. She said that compared to last year, at this same point in time, the taxes were 9.10% over. Blumenstein said the county budgeted a 6% increase. She said that when this was annualized, and if the trend continued, the county should receive about \$630,000 more in revenues. She said the largest increase was in the one percent sales tax or the point-of-return tax (the sales that actually occur in this county). She said the other taxes, distributed on a per capita basis, actually decreased by about one quarter of a percent when compared to last year. Blumenstein said this showed that sales were stagnant in the state but not in the county. Mrs. Blumenstein said, however, that the schools filed for their sales tax refunds in August of last year. She said this had not occurred for this year. She said that when the requests were filed, and the school systems received their refunds, the amount would be deducted from the county’s distribution. Blumenstein said she was not too concerned about this, since the difference would only be about two percent.

She said ad valorem taxes, or the estimated valuation, was not meeting the growth that had been anticipated. Blumenstein said the estimates, at this point, were \$142,000,000 less than budgeted. She said this equated to around \$645,000. She said to offset the decrease that might occur in ad valorem taxes, the tax department was continuing in its audits of business personal property. Blumenstein said the department was also working on new collection methods to obtain the current year’s levy. Mrs. Blumenstein said the delinquent taxes were about two percent ahead of last year.

Blumenstein said the Register of Deed’s revenues were about six percent over budget. She said that beginning January 1, a new fee would be implemented which would help the revenues even more. Pertaining to the inspections department, Blumenstein said the revenues were ten percent over budget. She said the state had been slow in producing health department revenues, grants, and Medicaid. Blumenstein said the state had indicated that by December, it would be “on track.”

Mrs. Blumenstein said one concern she had involved current medical expenditures at the jail. She said 70% of the budget had already been spent. Blumenstein said the jail staff had no control over these costs, e.g., when an inmate arrives at the jail, the county has to pay for the cost of medical treatment and pharmaceutical products. She said psychotropic drugs were expensive. Mrs. Blumenstein said a budget transfer would probably be necessary in the near future.

A memo from County Assessor Brent Weisner was then distributed that gave a revised assessed tax value for the county. He mentioned that most of the Fiscal Year 01-02 valuation estimates that were off target were in business personal property. Weisner

said the estimates had not actually decreased, they had just not grown or increased as much as was anticipated. He said that additionally, business personal property depreciated each year.

County Manager Mashburn said that since the revenues from the state still looked “shaky,” he and Blumenstein recommended for the freeze on capital items to remain in place.

CLOSED SESSION: Citing G.S. 143-318.11 (a) (6) – Personnel, Chairman Tice moved to enter into closed session at 8:00 p.m.

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 8:11 p.m.)

ADJOURNMENT: MOTION by Chairman Tice to adjourn the meeting at 8:11 p.m. **NEXT MEETING:** Tuesday, December 4, 2001, at 5:00 p.m. for a briefing session and 7:00 p.m. for the regular meeting.

VOTING: Ayes – 5; Nays – 0.

Approved: _____

Clerk to the Board