

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
NOVEMBER 9, 2004**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, November 9, 2004, at 7:00 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

Present were:

Chairman Steve D. Johnson
Vice Chairman Godfrey Williams
Doug Madison
Marvin Norman
Sara Haire Tice

Staff Present: County Manager Joel Mashburn, County Attorney Bill Pope, Finance Director Susan Blumenstein, and Acting Clerk to the Board Stephanie Whitlock.

CALL TO ORDER by Chairman Johnson.

INVOCATION by Commissioner Madison.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

- Deletions:**
- Request for Approval of Electrical and Construction Bids for the Flex-Sol Waterline & Sewer Project (West Consultants recommends for the electrical bid to be awarded to Smart Electric Company at \$63,389 and for the construction bid to be awarded to the Hickory Sand Company at \$204,269.)
 - Request for Approval of a Lease Agreement with Crossroads Behavioral Healthcare for the 610 East Center Avenue, Mooresville, NC Property (former Health Building)
 - Closed Session Pursuant to G.S. 143-318.11 (a) (5) – Property Acquisition

VOTING: Ayes – 5; Nays – 0.

APPOINTMENT BEFORE THE BOARD

Mr. James Rick Bringle Speaks Regarding the Need to have an Ordinance to Address Stormwater Runoff Problems in the County: Mr. Bringle said he recently built his home at 110 Turnerlair Court, and since then, a developer had built two additional homes. He said the two newly developed lots were uphill from his property, and he was experiencing stormwater run-off. Mr. Bringle ran two videos, one of which showed the run-off before grass was planted and landscaping occurred and the other after these were added. He requested for the commissioners to approve some type of ordinance to regulate the problem.

Chairman Johnson asked Planning Supervisor Ron Smith if there were any regulations to address the problem.

Mr. Smith said he was not aware of any county or state regulations.

Chairman Johnson said a decision would not be made at the November 9 meeting regarding the request. He asked Mr. Bringle to provide copies of the videos for the Board's review.

PUBLIC HEARINGS

Chairman Johnson declared the meeting to be in a public hearing. He also recused himself from voting on Case No. 0410-1 due to kinship to the owners of G & M Milling.

Rezoning Request for the Linda Sue Stroud, Roger Dale Stroud & Charles Herman Stroud Jr., Property, Case No. 0410-1: G & M Milling Company Requests to Rezone Property from Residential Agricultural to General Business District (Location: 4024 Taylorsville Highway, Statesville, NC- PIN# 4715-28-6481.) Planning Supervisor Smith presented the staff report for this rezoning request, most of which is as follows:

Staff Report

PROPOSED USE: Warehousing and storage

SIZE: The parcel is 3.36 acres.

EXISTING LAND USE: Residential

SURROUNDING LAND USE: Commercial, industrial, and residential

WATERSHED REGULATIONS: The property is not located in a watershed district.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of roadway is 9,000 vehicles per day. In 2002, the estimated daily traffic count was 4,500 vehicles per day.

ZONING HISTORY: The property to the east of the parcel has been zoned GB since countywide zoning went into effect in 1990. North State Lumber Distributors rezoned the property to the north on January 7, 1997, from RA to GB, Case# 9612-1. The property to the west was rezoned by John M Watts from RA to M-1 on December 21, 1993, Case # 9312-2.

STAFF COMMENTS: The rezoning request is in compliance with the Iredell County Land Use Plan. The property is located in a commercial node and is adjacent to an industrial node. The properties surrounding it are presently zoned General Business and Light Manufacturing. Therefore, staff recommends in favor of the rezoning request.

PLANNING BOARD RECOMMENDATION: On October 6, 2004, the planning board unanimously recommended in favor of the rezoning by a vote of 7-0.

(end of staff report)

Jeff McNeely, with the G & M Milling Company, said the property had recently gone on the market for sale. He added that his company might plan to expand in the future, but not at the immediate time.

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

MOTION by Commissioner Tice to approve the request of Case No. 0410-1 (G & M Milling Company) from Residential Agricultural to General Business District.

VOTING: Ayes – 4; Nays – 0.

Chairman Johnson declared the meeting to be in a public hearing and requested that all persons desiring to speak in reference to the conditional uses of Case 0410-2 to proceed to the dais to be sworn in.

Rezoning Request for the Lake Norman Airport Inc., Property, Case No. 0410-2: Tom Wilson Requests to Rezone a Portion of Property from Residential Agricultural/Single Family Residential to Heavy Manufacturing Conditional Use District (M-2 CUD) & to Change the Conditions Rendered on a Portion of Property Already Identified as Heavy Manufacturing Conditional Use District (M-2 CUD): Planning Supervisor Smith presented the staff report for this request, most of which is as follows:

Staff Report

LOCATION: Yeager Road, Mooresville, specifically a portion of PIN 4638-62-0564.

Directions: Perth Road south, turn right onto Catawba Air Road, turn left onto Yeager Road.

REQUESTED ACTION AND CONDITIONS: Rezone the property from R-20, Single Family Residential Zoning District, RA, Residential Agricultural Zoning District, to M-2-CUD, Heavy Manufacturing Conditional Use Zoning District and change the conditions of a portion on the existing M-2-CUD. The conditions are as follows:

1. For the existing hangar, allow the following:
 - o Aviation related offices
 - o Avionics and interior airplane work
2. For the area proposed to be rezoned, allow airplane tie downs

PROPOSED USE: All uses as listed in the conditions

SIZE: The parcel is 11.37 acres.

EXISTING LAND USE: Lake Norman Airport

SURROUNDING LAND USE: Lake Norman Airpark and residential

TRAFFIC: Yeager Road is not a state maintained road. Due to the low volume of traffic on Catawba Air Road, there have not been any traffic counts done for this road.

ZONING HISTORY: (A separate fact sheet was included in the agenda packet).

STAFF COMMENTS: The request is in part a result of the previous case that was heard and withdrawn in August. The conditions that are part of this request address many of the objections that were heard in the last meeting.

Although this request would extend the existing M-2 (CUD) property to include more airplane tie-downs, it would also remedy an ongoing enforcement problem. The area in question is currently paved and used only for Dr. Wilson's planes. If there were infractions of this rule, it would be very unlikely the staff would be aware of them. Rezoning this small area would allow for the same number of planes to be stored, while not having a significant impact on the adjoining vacant residential properties.

The changes in the conditions for the existing hangar are minor in comparison to what was requested at the last meeting. An allowance for aviation related offices and minor airplane work in the hangar are not unreasonable in the staff's opinion. Based on the relatively minor changes that this request would have on the scope of the airport operations, the staff recommends approval.

(end of staff report)

David Parker, an attorney representing Dr. Wilson, the property owner, said the request involved the following three aspects:

- 1) A change of the conditions to allow the 7000 s.f. hanger to be built out
- 2) The ability for the public to use the space for avionic services
- 3) A rezoning of the tie-down area for the purpose of allowing the public to also tie down.

Parker said the requests would cause very little impact on plane traffic but a large impact on the cash flow for his client. He said the neighbors would actually have a place for their planes to be worked on locally, and this would reduce the amount of air traffic. Parker said the pilots could drive down the airstrip for repairs instead of flying out to other locations. He said the tie-down pad already existed, but Dr. Wilson desired permission to allow the public to use it. Attorney Parker said seven planes could be accommodated. He said a notice from the Federal Aviation Administration prohibited pilots from flying over the school, and most of them tried to be responsible and obey the rules, but occasionally some people were unaware of the ruling and disobeyed. Mr. Parker said (1) the airport couldn't be extended, (2) the buffers and taxiways were there to stay, and (3) the airport could never become a commercial facility.

Butch Stevens (proponent): Stated the airpark was not a commercial facility. He said no large aircraft was permitted at the site, and he desired to see some avionics.

Bob Joyner (proponent): Stated the airpark was convenient -- easy access in and out. He said the avionic plans were great, and the community needed the airport. He also said that most locals agreed with the plans.

Tom Wilson (proponent – owner/applicant): Stated he tried to be as sensitive as possible to his neighbors, but not everyone could be pleased. Advised that he needed to cash flow the hangers to continue operations and services. Stated he was not planning on increasing to a large level.

Mark William (opponent): Stated the facility would have limited parking. Also stated that Yeager Road was more of a taxiway than an ingress and egress for the public.

Byron Alexander (opponent): Stated the noise was his primary concern, and he was awakened every morning at 5:45 a.m., with planes going in and out. Advised that he home schooled his children, and the noise was distracting.

Harry Rimmer (opponent): Stated the runway had already been lengthened once, and the positive for this was that the pilots could elevate faster, but the negative was they could change flight patterns quicker. He said the pilots were supposed to wait until they were over the lake to change their flight patterns, but they did not. Rimmer said this was a safety concern. He said the zoning change would not devalue the airpark property, but it would decrease the values of the houses in the airport area and on Perth Rd.

Jim Slate (opponent): Stated concerns about the septic field not being large enough to accommodate the 7000 s.f. renovation. He also stated that most of the business operations were not from the residents but from other sources. He said the traffic flow would increase if services were expanded. In addition, he said other problems were (1) the inability to contact the airpark's management and (2) security. He said a gate had been installed at the entrance of the airpark, but now, people used Catawba Road to gain access.

Charles Littwin (proponent): Stated that approval of the requests would provide a valuable service without negative impacts on the neighbors.

Shannon Marshall (opponent): Stated the request had been reduced from the August meeting, but the intent was still the same -- to grow and provide commercial services.

Barbara Bell (opponent): Stated that safety was her primary concern due to 21 accidents resulting in 5 deaths in the Mooresville area, and pilot error being listed as the cause in most reports. Advised that the most recent accident occurred on October 12, 2003, when a plane crashed into a hanger. Advised that the odds of a tragedy increased as the business expanded. She presented a petition with 102 signatures in opposition from property owners in/around the Lakeshore Elementary School area.

Meg Frost (opponent): Stated a friend had flown in from out of town and utilized the tie-down area, so she knew the public was using the facility. She stated the matter for her involved a "trust" issue. She said everyone had been told the airpark would be for residential and not commercial purposes. She said (1) houses were built around the airpark (2) Dr. Wilson made his money and (3) Dr. Wilson was now trying to make more money by turning the facility into a commercial airport.

Gwen Kane (opponent): Presented a petition in opposition with signatures from residents of five different communities.

Attorney Parker said that in regards to the septic field and the parking, these elements would have to meet county zoning and health requirements before being permitted. He said that as far as NPST data, that cars on I-77 were more dangerous than what Mr. Wilson was requesting. Parker said that in reference to the tie-down area, it was not fenced off. He also said the airpark pre-existed most of the development in the area.

Meg Frost (opponent): Spoke again and said she wanted the commissioners to know (1) that her friend went into the airport office and was told to use the tie-down pad, and (2) the friend then paid for the tie-down service.

Chairman Johnson adjourned the public hearing.

MOTION by Commissioner Madison, after reviewing the findings of fact and determining that they were not in order, to deny all three aspects of the request for Case No. 0410-2 (Lake Norman Airport, Inc.).

VOTING: Ayes – 5; Nays – 0.

APPRECIATION EXPRESSED TO PLANNING SUPERVISOR RON SMITH: Planning Supervisor Ron Smith, who plans to accept employment with CMR Consulting Services in Kannapolis, NC, effective November 12, 2004, was thanked for his county service.

Chairman Johnson said it had been a pleasure working with Mr. Smith.

ADMINISTRATIVE MATTERS

Update on the Duke Power Relicensing of 13 Hydroelectric Power Stations & 11 Reservoirs along the Catawba River (Catawba Wateree Project): Planning Supervisor Smith presented a Powerpoint presentation regarding the Duke Power Relicensing of electric power stations and reservoirs along the Catawba River. He recommended that public meetings be held to gain input from the Lake Norman residents, the Lake Norman Marine Commission, and the Look Out Shoals and Catawba River residents. Mr. Smith said that if the Federal Energy Regulatory Commission (FERC) approved the license, it would be effective for 30 to 50 years, and for this reason, public input was needed.

MOTION by Commissioner Madison to instruct the staff to proceed with the public meetings as recommended by Mr. Smith.

VOTING: Ayes – 5; Nays - 0.

Request for Approval of an Electrical Power Supplier for the New Social Services Building to be located on Eastside Drive, Statesville, NC: Due to a conflict of interest, Commissioner Norman recused himself from voting on this request.

Support Services Director Vernon said electrical rate and site lighting proposals for the new DSS building were received from EnergyUnited and the City of Statesville. He said EnergyUnited was the least expensive for both components. Vernon said the City of Statesville would require a 4” conduit to be extended approximately 6700 linear feet, but Energy United didn’t, due to a direct burial.

MOTION by Commissioner Williams to select EnergyUnited for the electricity and for the site lighting as was recommended by the staff.

VOTING: Ayes – 4; Nays – 0.

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

MOTION by Chairman Johnson to approve the following six (6) consent agenda items.

VOTING: Ayes – 5; Nays – 0.

- 1. Request from the Emergency Services Department for Approval of a Mutual Aid Contract with Catawba County** (This contract will extend through June 30, 2005, with the option of automatic one-year renewals.)

2. Request from the EMS Department for Approval of Fee Changes: The current fees and the approved new ones are as follows:

IREDELL COUNTY EMS FEE RECOMMENDATIONS

	BLS	BLS-E	ALS1	ALS1-E	ALS2	SCT	Rural MILE	Urban MILE	Refusal
Current Fees	\$175.00	\$275.00	\$205.00	\$325.00	\$470.00	\$555.00	\$8.21	\$5.47	\$140.00
2005 Medicare Projected Payments	\$163.28	\$250.00	\$191.19	\$305.08	\$423.73	\$493.52	\$8.83	\$7.36	*
Regional EMS Average	\$341.63	\$366.00	\$350.50	\$389.88	\$659.83	\$614.60	\$6.44	\$6.44	\$142.50
Fee Recommendations	\$275.00	\$350.00	\$300.00	\$350.00	\$500.00	\$555.00	\$9.00	\$9.00	\$140.00
*All recommended fees (except mileage) are still below the regional average to maintain a conservative stance.									
*The mileage fee increase is due to Medicare changes and the other counties will probably also increase.									
Cost per EMS call estimated FY 04-05 = \$383.06									
Cost per billable patient estimated FY 04-05 = \$510.74									

3. Request from the Sheriff’s Department for Adoption of a Resolution Allowing a Retiring Law Enforcement Officer to Purchase his Service Side Arm & Permission for the Retiree to Retain His Service Badge: This request was approved in conjunction with the following resolution.

RESOLUTION REGARDING BADGE AND SIDE ARM OF CHIEF DEPUTY STEVE WALLACE

WHEREAS, Steve Wallace has served as a Chief Deputy in the Iredell County Sheriff’s Office and has, upon his retirement, requested to be permitted to retain his badge and to purchase his service side arm.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of Iredell County, that said badge be awarded to Steve Wallace at no cost and that his side arm be sold to him for the sum of One Dollar (\$1.00), in accordance with G.S. 20-187.2.

This the 9th day of November, 2004.

One (1) Glock, 40 Caliber Pistol
Model 22, Serial # ALF305-US

4. Request from the Health Department for the Conversion and Funding of a “Frozen” Physician Extender II Position: During the briefing session, Health Director Campbell advised that her department had an unfunded or “frozen” Physician Extender II position, and she desired to convert it into a p.r.n. (pro re nata or as needed) position. Mrs. Campbell said the annual revenue generated by the p.r.n. physician extender II position was estimated to be \$35,643, and the annual expenditure would be \$8,431. She said the board of health approved the request on October 14, 2004.

5. Request from the Health Department for a Potential Flu Vaccine Fee Revision: (See briefing minutes for additional information.)

6. Request for Approval of the October 19, 2004 Minutes

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

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS
(none)

APPOINTMENTS TO BOARDS & COMMISSIONS

Adult Care Community Advisory Committee (4 appointments): No nominations were submitted, and Commissioner Madison made a motion to postpone the four appointments until the November 23 meeting.

VOTING: Ayes – 5; Nays – 0.

Animal Grievance Committee (1 appointment): No nominations were submitted, and Commissioner Norman made a motion to postpone the appointment until the November 23 meeting.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Committee (1 appointment): No nominations were submitted, and Commissioner Williams made a motion to postpone the appointment until the November 23 meeting.

VOTING: Ayes – 5; Nays – 0.

Future Forward Economic Alliance (2 appointments): MOTION by Commissioner Madison to appoint Marvin Norman as the commissioner representative to the Alliance and to postpone the private sector appointment until the November 23 meeting.

VOTING: Ayes – 5; Nays – 0.

Hazardous Waste & Low Level Radioactive Waste Management Board (1 appointment): MOTION by Commissioner Norman to postpone this appointment until the November 23 meeting.

VOTING: Ayes – 5; Nays – 0.

UNFINISHED BUSINESS

Chairman Johnson Speaks Regarding Newspaper Coverage of School Funding Issues: Chairman Johnson said he appreciated the articles written by the local media representatives concerning county issues, and he had nothing but respect for the *Iredell Neighbors*, the *Iredell Citizen*, and the *Charlotte Observer*. He said that in the past, the representatives from these papers had demonstrated journalistic ethics, and he could always count on the fact that their editorial positions would not cloud the news reporting. Johnson said these papers could make an objective and honest determination of the leaders of the county and the public policy being decided. He said lately, however, he had come to the realization and made the determination that in regards to the actions of the board of commissioners, particularly in reference to school funding, that factual reporting on what transpired among the debate of the board and the Iredell-Statesville School Board, along with subsequent committees, that the *Record & Landmark* was no longer a reliable source of news for the people of the county. Johnson said, “I draw no pleasure from saying this. I can offer no more than what has transpired during the last week. On Friday, November 5 the *Record & Landmark* reported that I was in favor of \$140 million worth of debt, and the school plan was workable. As Commissioner Norman will testify, I never made any such comment. The only part of the plan we have discussed up to this point is the part of plan that relates to high school expansion and construction. I said that part of the plan appeared to be workable given the current flow of revenues. Is that right Mr. Norman?”

Commissioner Norman said, “That is correct.” Mr. Norman said the editor of the *Record & Landmark* continued to “beat up the commissioners” in the Sunday, November 14 paper in regards to the matter. Commissioner Norman said, “I hope he (newspaper editor) can someday get his facts straight.”

Chairman Johnson said that in Sunday’s edition of the *Record & Landmark*, Commissioner Tice and Commissioner Williams were accused of being political cowards in postponing any agreement with the schools until after the election. Johnson said Tice and Williams had never seen the recommendation from the joint school task force, because it had not been completed. Johnson said he would not speculate as to whether the articles were due to someone being incompetent, lazy or unethical, but the end result was the same. He said the story was unreliable, it was not based upon facts, and it had no business appearing in the paper. Johnson said that if the goal of the newspaper was to give an honest presentation of the proceedings of the political process in the county, then the people were being poorly served by

the reporting. Johnson said another example was the \$124 million school proposal originally recommended by the Iredell-Statesville Superintendent. He said the *Record & Landmark* asked to take a current photograph, and he agreed to do so. Johnson said later a photographer showed up along with a reporter who talked with him for about 30 to 40 minutes. Johnson said six reasons were given to the reporter on why the proposal wouldn't work, but when the story appeared in the newspaper, none of them were listed. Johnson said instead, the article questioned whether or not he could look at the issue objectively due to having sent his daughter to private schools. He said this was not an honest presentation of the facts -- it was a purposeful effort to prejudice the people's view upon a certain political issue. Mr. Johnson said he was not bitter, but he was disappointed because the people of the county deserved better. He said that he would like to see honest debate in his hometown newspapers on the facts, but it couldn't happen when the folks reporting the news allowed their editorial positions to pollute the facts.

Commissioner Madison said, "Ditto."

Congratulations Extended to Commissioner Tice and Commissioner Williams on their Successful Campaigns for Re-Election to the Board: Chairman Johnson congratulated Mrs. Tice and Mr. Williams on their re-elections to the board.

Annual Winter Retreat: Finance Director Blumenstein advised that the county manager had selected Friday, February 18 and Saturday, February 19, 2005, for the winter planning session. She said the retreat would be held at the Agricultural Resource Center in Statesville NC. (The board members said they would check their schedules to determine if the dates were workable.)

Adjournment: MOTION by Chairman Johnson to adjourn the meeting at 9:18 p.m. (NEXT MEETING: Tuesday, November 23, 2004, 5 & 7 P.M., in the Iredell County Government Center, 200 South Center Street, Statesville, NC)

VOTING: Ayes – 5; Nays – 0.

Approval: _____

Acting Clerk to the Board

Clerk to the Board