

**IREDELL COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
OCTOBER 1, 2002**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, October 1, 2002, at 7:00 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

Present: Chairman Sara Haire Tice  
Vice Chairman Karen B. Ray (Arrived at 8:55 p.m., due to a family emergency.)  
Tommy E. Bowles  
Steve D. Johnson  
R. Godfrey Williams

Staff Present: County Manager Joel Mashburn, County Attorney Bill Pope, Finance Director Susan Blumenstein, Planning Supervisor Ron Smith, EMS Director Tracy Jackson, and Clerk to the Board Jean Moore.

**CALL TO ORDER** by Chairman Tice

**INVOCATION** by Commissioner Williams

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ADJUSTMENTS OF THE AGENDA:** **MOTION** by Chairman Tice to adjust the agenda by:

- Additions:
- Request for the Consideration of a Private-Public Consortium Agreement with EnergyUnited Electric Membership Corporation & West Family Realty, LLC Regarding an Elevated Storage Tank
  - Request for Approval to Apply for a \$400,000 Rural Economic Development Grant & Approval of Two Resolutions (Supplemental Grants Program and Minority Business Enterprise Percentage Goal)
  - Request for Permission to Enter Into Purchase Contracts for Two Properties Near the Iredell County Library (Owners are Rebecca Weintraub/print shop properties & Elizabeth King/dry cleaner's property)
  - Request for Approval of an Adjustment to the Permit Fee Schedule
  - Request for Approval of a Reorganization of the Emergency Services Offices
  - Closed Session for Property Acquisition – G.S. 143-318.11(a) (5)

VOTING: Ayes – 4; Nays - 0

**PRESENTATION OF A CERTIFICATE OF APPRECIATION ISSUED TO MR. ROBERT ANDERSON YORK IN RECOGNITION OF HIS WORLD WAR II MILITARY SERVICE IN NORMANDY, FRANCE:** Veterans Service Officer Brad Stroud introduced Mr. Robert Anderson York of 1271 Eufola Road, Statesville, NC. Stroud said Mr. York qualified for a Commemorative Medal of the Jubilee of Liberty; however, the French government had stopped minting the medals. Mr. Stroud said that in lieu of the medal, the French Minister of Foreign Affairs had issued a certificate of appreciation to Mr. York for his military service in Normandy, France.

Chairman Tice then read out loud the certificate which is written as follows.

*Republic of France  
Minister of Defense for Veterans Affairs  
Regional Council of Normandy*

*DIPLOMA, of recognition from France, to the soldiers of the Allied Forces who engaged in the Battles of D-DAY in Normandy and the Liberation of 1944-1945.*

*Mr. Robert Anderson York*

*This certificate is an expression of our desire to pay tribute to the Brave men, such as you, who participated in these terrible events in order to restore Freedom to our country. In the name of the People of Normandy, I would like to express my deepest Gratitude.*

*Sincerely,*

*Jean-Pierre Masseret, French Minister for Veterans Affairs*

*and*

*Rene' Garrec, President of the Regional Council, Normandy*

Mr. York was presented with the framed certificate, thanked for his honorable and heroic services, and given a standing ovation by the audience members.

\* \* \* \* \*

## **PUBLIC HEARINGS**

Chairman Tice declared the meeting to be in a public hearing. (The individuals desiring to speak in reference to Case 0208-3 were called to the dais and sworn in.)

**Russell B. & Patricia T. Knox and Michael J. Heinen & Laurie Beach Property, Case No. 0208-3, from Residential Agricultural & Highway Business to Multi-Family Residential Conditional Use District (R-8A) (Location: Mecklynn Road adjacent to Interstate 77 in Mooresville, NC):** Planning Supervisor Smith said the applicant, Davidson Development LLC, desired to rezone approximately 11.63 acres (PIN#4644-49-6413 & PIN#4644-49-7731) from Residential Agricultural and Highway Business to Multi-Family Residential Conditional Use District. He said the southern portion of the overall tract was zoned Highway Business and the northern section was Residential Agricultural. Mr. Smith said the applicant had agreed to several conditions that would mitigate and minimize any adverse impact on the area. He then described the following conditions and said a few were a little redundant since they were already in some of the county's ordinances.

### CONDITIONS

#1 Development of the site shall be for the purpose of constructing a residential condominium for 19 attached residential homes and 1 detached single-family home, with associated allowed accessory uses.

#2 Shall have under 24% impervious area and shall conform with the regulations of the Low Density Option of the Watershed Regulations.

#3 The site shall maintain a 50' buffer along Lake Norman.

#4 Shall make every reasonable attempt to save the existing trees as indicated on the plan.

#5 Installation of an evergreen vegetative screen along the northern property line as indicated on the plan. The evergreen screen shall consist of Nellie Stevens holly (or equivalent) installed at 5' on center. Height at installation shall be 5' minimum. The hollies shall reach a minimum height of 15 feet at maturity.

#6 Shall extend the existing berm along the frontage of Mecklynn Road and plant a combination of evergreen and deciduous plant material on the berm.

#7 Detached pole lighting within the site shall be limited to 12' high poles.

#8 The single family unit's side yard adjacent to the southern property line will be 15' in order to be consistent with the 15' side yard in the Westview Subdivision.

#9 No attached housing will be closer than 65' to the southern property line.

#10 The petitioner and his Landscape Architect will consult with the property owner adjacent to the proposed single family home that the petitioner intends to build and occupy along the southern property line, in order to devise a landscaped evergreen

screening plan for the area between the two homes that is aesthetically pleasing for both homes.

#11 Building height will be 35' maximum.

#12 Building materials for the project shall be a combination of stone (cultured stone), cement fiber shingles (hard-shingles) dark asphalt roofing shingles, and red metal roofing accents.

#13 Development of the site shall include an emergency vehicular access to Circle View Drive. The emergency vehicle access shall remain open and clear of physical obstructions. The emergency vehicular access easement location shall be recorded on the Plat of Record. In addition, it shall be stated in the Condominium Documents that the access is for emergency use only, every day use shall be prohibited.

#14 All land will be conveyed to the Condominium Association in a manner that will prohibit future subdivision or additional dwelling units. A copy of the Condominium Documents will be provided to the Iredell County Planning Department prior to recordation of the Plat.

#15 The Plat of Record will reflect all easement of record, including the emergency access easement to Circle View Drive.

#16. A State approved contractor will be hired to insure proper operation and maintenance of the Surface Drip Wastewater Treatment System.

#17 The main entry driveway location shall be at the northern corner of the property, as generally depicted on the Conditional Plan.

#18 All construction traffic, resident traffic, realtor and visitor traffic shall be limited to the main driveway access on the north side of the property, as generally depicted on the Conditional Plan.

-END OF CONDITIONS-

Mr. Smith said the rezoning request did not conflict with the land use plan, and it would actually bring the parcel currently zoned Highway Business into compliance with the land use plan as a residential use. In addition, he said the overall density would be no higher than if the property were developed under the current Residential Agricultural zoning restrictions. Smith said the only difference would be the type of housing. He said the staff recommended approval of the request, and on August 7, 2002, the planning board approved the rezoning in a 7-2 vote.

Commissioner Johnson asked what would govern the applicant's compliance with the density of the development. He said he already knew there would be the watershed regulations and the 18 conditions, but he asked what assurance could be given to the neighbors, as far as a method of enforcement, that the development would not exceed 20 units.

Smith said that before the plat was recorded, the planning department would make sure the unit limitation was stipulated on it. He also said the site plans would be reviewed in the planning department.

Commissioner Bowles asked about the single-family dwelling. He asked how far it was from the attached housing.

Smith said he didn't know the specific distance.

Commissioner Bowles said he understood the single-family dwelling could never be split and used as a two-family home, unless it received the planning board's approval.

Smith said that was correct. He said there would have to be changes in the way the planning staff dealt with the critical area of the watershed, and there would have to be changes in the recorded agreement.

Jim Walker (opponent) said he represented 300 residents on the Langtree peninsula. Walker asked the board to postpone or reject any development surrounding the proposed interchange until a master plan was completed. He presented a petition in opposition with over 300 signatures from residents of the Westview, Waterside, Bridgeport, Royal Pointe, Alexander's Island, Sailor's Lair, Carson's Place, Pin Oak, Lakeview Shores, Yeoman's Road, and King's Landing Developments.

Fitzhugh Stout (proponent) said he was the Managing Director for Integra Realty Resources, and he had been appraising property for 27 years. Stout said he had been requested by the developer to determine if any adverse impacts would occur on the area's single-family home values if the Cove Key Town Home Development were constructed. Stout said that in making his decision, he reviewed the site plan, floor plan, exterior building elevations, the planning staff report, the preliminary findings of fact, the list of concerns from the Westview Homeowner's Association, and the list of conditions. He said the density of the project was 1.7 units, which was fairly consistent with the development across the cove, and it was slightly higher than what was south of the project. Mr. Stout said his opinion was that the proposed use and density were consistent and compatible with the surrounding land use patterns. He said the project would be well screened with an adequate setback from the shore of Lake Norman.

Anne Hicks (opponent) said she was a concerned resident of the Langtree peninsula, and she was a former member (extraterritorial zoning jurisdiction) of the Town of Cornelius Planning Commission. Ms. Hicks said she had first-hand knowledge of what could happen when an area was developed without a small area plan and/or adequate zoning ordinances. She requested for the rezoning to be denied until further study could be done, or a small area plan was created along with appropriate zoning ordinances for the entire area surrounding the proposed I-77 interchange.

Desiree McSorly (proponent) said she was a registered landscape architect with a firm in Charlotte, NC. She said approval of the rezoning would bring the parcel currently zoned Highway Business into compliance with the land use plan. McSorly said she had worked extensively with the planning department, and the development met or exceeded all of the requirements of the ordinance. She said the development would be constructed under the low-density watershed option, and it would maintain a 50 ft. vegetative buffer. McSorly said that "substantial woodland habitats would be saved with the plan." In addition, she said an "innovative wastewater system that treated the water first and then filtered it on to the forest floor would be used." Ms. McSorly said the development would not materially endanger the public health or safety of the area residents. She said (1) Duke Power had visited the site and agreed to relocate the existing service line (2) the gas company had been contacted regarding the easement (3) Heater Utilities had agreed to reserve water capacity for the 20 units and had committed to provide water for them in the future and (4) the Mount Mourne Volunteer Fire Department Chief had expressed an opinion that adequate access would be in place for emergency vehicles.

Tony Jacobs (proponent) said he was a licensed soil scientist, and he had reviewed the site in regards to waste treatment. He said the development would have a "spray permit" issued by the North Carolina Department of Natural Resources and Environment (DENR)/Division of Water Quality/Mooresville office. Jacobs said the spray method was much preferred by DENR over a discharge permit. Mr. Jacobs said he had experience with a drip system (70 thousand gallons a day) in the mountains of North Carolina, and its water was six classes cleaner than Lake Norman. He said The Pointe's Golf Club used the drip system.

Commissioner Bowles asked about the permitting for the system and the advantages of the proposed system over a package treatment plant.

Jacobs said the state would permit the system. He said the system was called "reuse water" and it was much better than what was in the permit for the Bridgeport Subdivision.

Bowles asked if the proposed system would discharge into the lake.

Jacobs said, “not at all.” Mr. Jacobs said the residents closest to the waste system would be the actual town home owners.

Bowles said he was understanding the water would be treated on-site.

Jacobs said that in a septic system, the water was treated below the ground, but in this system, it would be treated above ground, and then it would return to the surface. He said the oxygen level at the surface (20% ambient) made it a much more qualified system for the environment.

An unidentified individual asked Mr. Jacobs what he meant by “above ground.”

Jacobs said right behind the berm.

Scott Guice (opponent) requested denial of the rezoning. He said his request was based upon:

1. It placed a multi-family development into an area of single-family homes, and this would set a precedent.
2. There were discrepancies in the conditional use plan presented to the planning board.
3. According to the Iredell County Zoning Ordinances, at a minimum, a 35-foot setback must be maintained along all exterior property lines including side yards. The proposed development has a 15-ft. setback.
4. The plan was not “harmonious” with the location and character of the area.
5. A small area plan was needed for the developers and the residents.
6. There are environmental concerns about the drip wastewater system and its close proximity to the lake.
7. The project does not meet the special requirements stipulated in the Iredell County Zoning Ordinance.
8. A market analysis has shown that the project is inconsistent with the current market values for town homes on the lake.
9. There will be traffic problems for the area -- one way in and one way out.

Commissioner Williams asked the planning supervisor to clarify the southern end setback.

Smith said the southern most side would have a single-family structure with a 15-foot setback.

Commissioner Johnson asked if a small area plan would significantly alter the type of development that was being discussed.

Smith said that, typically, land use plans designated areas for high, low, or medium densities. He said high density, which he didn’t feel the town homes were, would actually fit into the land use plan.

Chairman Tice asked what uses would be allowed in the Highway Business District.

Smith said there could be a “myriad of uses.” He said some uses might be car washes, convenience stores, and auto repair stores.

Larry Resnick (proponent) said he lived in the Diamondhead Subdivision, and he and his wife were interested in owning one of the homes in the Cove Cay Development. He encouraged approval of the rezoning.

George Moore (opponent) said he had owned property for 40 years on the north border of the proposed development. He said there was one acre, owned by Heater Utilities, that did not have any trees. Mr. Moore said he agreed that Highway Business was the wrong zoning, but all the board had to do was change it to residential. He asked

the public purpose for changing the rezoning to multi-family. He asked whose rights were being protected -- the developers or the current residents.

Ron Kennerly (developer for the site) said he and his son (Chris) had worked hard to develop a planned community that preserved the land and the lake. He said the drip sewer system allowed them to preserve over 60% of the trees. Kennerly said landscaping would screen the Heater Utilities site. He said the wastewater system would not lower the water table. He also said that effluent would not be introduced into any underground well systems. Kennerly said the town homes would be 2,800 sq. feet to 3,800 sq. ft. with prices from \$525,000 up to \$775,000. He said there were two one-level condominiums proposed (\$475,000 each for 1,975 sq. ft.) and there were 17 town homes. He also said there would be one single family detached home on the site. Mr. Kennerly said there was a market for the homes, and 12 people had already expressed an interest.

Bob Henderson (attorney for the developer) said, "the development had evolved into a remarkable plan, and the cluster housing had extensive buffers." Henderson also said:

"The decision regarding the development is not about a small area plan. However, if one were in place, the most aggressive thing it would stipulate would be to require low density residential at the site. What is proposed is low residential. There is no planning document now, that requires single-family residential at any location. The four-prong test in the county's ordinance has been met.

- a. The use is eligible for conditional use.
- b. The plan presents no material public health or safety issues. (The staff, a professional landscaping architect/planner, and a professional soil scientist have spoken to these items.
- c. Meets or exceeds all requirements, conditions, or specifications of the ordinance.
- d. The plan is in harmony with the area. There is no plan that mandates an area must be single-family. The county's ordinance envisions room for smart growth of this sort. A density no greater than single-family, but it is better than this, because it has less impact on the surrounding areas and environment."

(Mr. Henderson requested that the items presented in the Power Point presentation be included as a part of the record.)

Mike Polarick (opponent) said he lived at Waterside Landing, across the bay from the property. Polarick said he was a retired chemical engineer, and he felt the development would impact the water table and private wells. He said storms would wash the sewer effluent into the lake.

Jacobs, the soil scientist, said the drip system would have cleaner water than what the Bridgeport Subdivision was already putting into the lake.

Chairman Tice adjourned the public hearing.

Commissioner Bowles asked Mr. Kennerly if the plan could be modified in terms of the single-family home -- could the buffer be moved from 15 feet to 35 feet on the southern exposure.

Kennerly said it was a tight site. He said the original plan called for a ten-foot setback. Mr. Kennerly said he later met with Dr. Guice, to discuss his concerns about the development, and it was then decided to move the setback to 15 feet.

McSorly said the developer would lose one town home if the setback were increased to 35 feet.

Kennerly agreed to have a 35-foot setback.

**MOTION** by Commissioner Bowles, after reviewing the findings of fact and determining them to be in order, after determining that the rezoning is consistent with the Land Use Development Plan written as of this date, after hearing the opinion of the planning staff indicating that if a small area plan were done, the same verdict would be reached, after receiving the planning staff's recommendation for approval, after receiving the planning board's recommendation for approval, and after walking the site myself, to approve the rezoning request of Case #0208-03 with an additional condition being:

#19 - the southern boundary will be increased from a 15-foot setback to a 35-foot setback.

VOTING: Ayes – 3; Nays – 1 (Tice)

Chairman Tice declared the meeting to be in a public hearing. (Other than the Planning Supervisor, no one desired to speak in reference to the conditional uses in Case #0209-1.)

**REZONING REQUEST; NINA GAFFNEY PROPERTY, CASE NO. 0209-1, FROM RESIDENTIAL AGRICULTURAL TO NEIGHBORHOOD BUSINESS CONDITIONAL USE DISTRICT (LOCATION: BRAWLEY SCHOOL ROAD SOUTH OF BEECH TREE ROAD, MOORESVILLE, NC):** Planning Supervisor Smith said the owner/applicant Nina Gaffney desired to rezone approximately .8 acres (PIN#4636-26-9915) from Residential Agricultural to Neighborhood Business Conditional Use District. Smith said the applicant was agreeable to the following conditions.

1. Roadway Protection Overlay (RPO) standards along Brawley School Road.
2. Site Development Plan to provide for future interconnectivity between adjacent properties.
3. No billboards permitted on the property.

Mr. Smith continued by saying the existing land use was vacant, and the surrounding usage was residential and commercial. He said the property had a commercial land use classification in the Brawley School Peninsula Small Area Plan. Smith said the staff recommended approval of the request, and on September 4, 2002, the planning board unanimously approved the rezoning.

(Two unidentified individuals from the audience section said they were in favor of the rezoning.)

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

**MOTION** by Commissioner Williams, after reviewing the findings of fact and determining them to be in order, to grant the rezoning request for Case No. 0209-1 (Gaffney) from Residential Agricultural to Neighborhood Business Conditional Use District.

VOTING: Ayes – 5; Nays – 0.

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

**PROPOSED AMENDMENT TO THE IREDELL COUNTY SUBDIVISION ORDINANCE (SECTION 404.4) COMMON OPEN SPACE TO BE PROVIDED FOR SUBDIVISIONS:** Smith said that during the community meetings held in reference to the Brawley School Peninsula Small Area Plan, many residents stated the need to have more public park facilities. He said that based on the citizen comments, a subdivision ordinance revision was being proposed whereby a developer would be given three open space choices. (Currently, there is only one requirement). The choices would be:

1. Set aside 15% of the gross acreage of developable land dedicated as common open space (the current requirement ranges from 10-15%

- dependent upon the number of lots created and the size of those lots. This would be revised to a straight 15%; **or**
2. Donate an equitable amount of suitable land in another area to the County or use as public open space for parks and/or recreational areas; **or**
  3. Make a payment to the County in lieu of a dedication for the acquisition, development, or redevelopment of public open space to be used for parks and recreation areas in the general vicinity of the development.

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

**MOTION** by Commissioner Bowles to adopt the Common Open Space Provision, with the understanding that it involved only the larger subdivisions.

VOTING: Ayes – 5; Nays – 0.

The revision to the ordinance is as follows.

**404.4 Amount of Common Open Space to be Provided**

- A. The developer of any proposed subdivision with more than 10 developable lots shall identify and commit to one of the three (3) options detailed below at the time the preliminary plat application is submitted.

1. On-Site Land Dedication

Dedicate at least 15% of the gross acreage being developed as common open space within the subdivision. Lake access lots provided as required under Section 404.2 (F) may be counted towards this requirement. The following guidelines shall apply;

(a) Each lot in the development shall have direct access or access by right-of-way or easement to such open space.

(b) The size, shape, and location of such dedicated land shall be compatible with the rest of the development and shall be suitable for the open space and recreational needs of the residents of the subdivision.

(c) Open spaces shall be held by a homeowners association, property owner’s association, public agency, nonprofit organization or similar legal entity that is organized for, capable of, and willing to accept responsibility for managing the open space for its intended purpose.

(d) The title to such open space shall be preserved for the perpetual benefit of the private property owners in the development and shall be restricted against private ownership for any other purposes. Further, the open space shall be perpetually preserved and the title shall be restricted against use for any other purpose.

2. Off-Site Land Dedication

If the required common open space is equal to or greater than two (2) acres, the developer may also donate to the County an equitable amount of suitable land in another location for the use of public open space. The developer of the proposed subdivision shall identify and commit to this preference at the time he submits the preliminary plat application. The Subdivision Administrator shall review this request for approval and may deny the request if the land is not physically or geographically suitable for recreational purposes.

3. Fees in Lieu of Open Space Dedication

The developer may pay a fee to the County in lieu of such dedication. The following formula shall be used in determining the fee.

(assessed value of onsite property) x (yearly adjusted inflation rate) x (# years since

last revaluation) + 1  
 = **Payment in lieu of Open Space Dedication Fee**

- Assessed value of on-site property equals the value of the required amount of land to be dedicated as a percentage of the assessed valuation of the site prior to subdivision, (i.e. if the total acreage is 100 and the total assessed value equals \$500,000 and the required open space dedication is 15 acres, then the assessed value of the open space would be 15% of \$500,000 or \$75,000).
- Yearly adjusted inflation rate is based upon prevailing inflation rates as reported annually in the Wall Street Journal or other reliable financial reporting medium, (i.e. 3%).
- Number of years since last revaluation is the total number of years since the last revaluation was conducted by the taxing authority.

Example:

Assessed Valuation: \$75,000	<u>(75,000)</u>
Inflation Rate: 3%	<u>x (.03 x 6) + 1</u>
<u>Years since last Revaluation: 6</u>	<u><b>\$88,500</b></u>

- (a) Any disagreements in the amount of required payment shall be resolved by conducting a professional appraisal of the fair market value of the property at the subdivider's expense.
- (b) The professional appraiser shall be mutually agreed upon by the County, or appointed by the County should an agreement not be reached.
- (c) All payments made in lieu of the dedication of open space shall be made at the time of submission for final subdivision approval.
- (d) Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered.
- (e) All funds received for payment in lieu of dedication of open space shall be used for the acquisition, development, and redevelopment of public open space within the County in correlation with NCGS 153A-331.
- (f) In the event that the County has a Recreation Plan, Greenway Plan, Open Space Plan, or similar document in place, projects designated and/or prioritized in said plan shall be given consideration in the utilization of the funds brought in by this program. Prioritization shall be given to projects which show the highest public benefit.

**PROPOSED AMENDMENT TO THE IREDELL COUNTY SUBDIVISION ORDINANCE (SECTION 6.18), ROADWAY PROTECTION OVERLAY TWO (RPO2):** Smith said the county currently had an overlay in the ordinance; however, after hearing public comments during the Brawley School Peninsula Small Area Plan meeting, it was decided to create another RPO. He said the RPO2 proposal would add to the existing sign standards, require more landscaping, and add parking location standards. Smith said street trees were also added to the landscaping requirements. (The proposal for street trees would be for new and existing RPO sections.)

Commissioner Bowles asked if the proposal would be in the ordinance as a requirement or a recommendation.

Smith said the RPO2, itself, would be a requirement, but the architectural stipulations would be included as a recommendation.

Bowles asked about the bushes and trees.

Smith said these would be a requirement. He said building design -- stucco vs. brick, etc., would be a recommendation.

Bowles asked what would happen with the following scenario: A person has an existing vacant building and he or she wants to open a gift shop. Would the person need a site plan?

Smith said that in that situation, a site plan would probably not be needed. He said, however, this might not be the case if the individual adding parking or reconfigured something.

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

**MOTION** by Commissioner Williams to adopt the proposed amendment to the Iredell County Zoning Ordinance, Section 6.18 Roadway Protection Overlay Two (RPO2).

VOTING: Ayes – 4; Nays – 1 (Bowles)

The amendment is as follows.

**Section 6.18 Roadway Protection Overlay District Two (RPO2)**

- A. Application. The requirements of this Section apply to all uses in the RPO District except one and two-family residences, including newly established uses and changes in use that require site plan approvals.
- B. Front Yard Setback. The front yard setback shall be a minimum of eighty (80) feet measured from the centerline of the frontage roadway but in no case shall the front yard setback be less than that required by the use for the underlying district in which located, or thirty (30) feet whichever is the greater. Where applicable, the front yard setback is to be measured from any future right-of-way as designated in the Iredell County Thoroughfare Plan. No chain link or similar fencing is permitted in the front yard. Fences of natural materials (i.e., wood, brick, stone, etc.) would be permitted in the front yard.
- C. Minimum Lot Width. The minimum lot width for all lots created after the effective date of the RPO District shall be one hundred and fifty (150) feet.
- D. Outside Storage of Materials. All outside storage of materials shall be prohibited. This shall include the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale. This shall not preclude any situation where the primary use of the property includes the outside display of goods for sale such as automobiles, boats, mobile homes, etc.
- E. Ingress and Egress Points.
  - 1. On any lot in any planned multi-tenant development which contains more than one lot, no two points of ingress and egress (as measured at their closest distance) shall be closer than three-hundred (300) feet apart. No more than two (2) separate points of ingress and egress per lot or within a planned multi-tenant development shall be allowed per road front, except where included as a condition for a use which requires a conditional use permit located on a lot containing five (5) or more acres. Any use engaged in the sale of automobile fuels to the public and having more than three (3) fuel stations shall be allowed to have no more than one additional point of ingress and egress per road front provided that said point of ingress and egress is located no closer than forty (40) feet from any other such access point.
  - 2. Except where ingress and egress would be denied, no portion of a point of ingress and egress shall be located closer than two-hundred (200) feet to the centerline intersection of the road upon which the use fronts and an intersecting road. Any driveway serving as a point of ingress and egress shall have a width not to exceed thirty-six (36) feet unless otherwise required by NCDOT.
  - 3. For purposes of determining the allowable number of ingress and egress points on any particular lot, all lots recorded at the

effective date of this Ordinance shall be granted at least one ingress and egress point per road front unless access can be provided internally. If any subdivision of land occurs after the effective date of this Ordinance, the number of ingress and egress points shall be determined based on the linear road frontage the tract contained prior to such subdivision. For instance, if a tract of land contained 1,300 feet of road frontage and, subsequent to the adoption of this Ordinance, were subdivided into three lots, only two points of ingress and egress serving the three lots would be allowed.

4. The creation of off-set driveways and/or intersections is not permitted, unless no practical alternative exists.

5. All driveway entrances with direct access onto a thoroughfare that lies within an RPO and which must have an approved NCDOT driveway permit must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.

6. All parking areas must be located in the rear and/or side yard and must be connected to adjacent parking areas where feasible.

#### F. Signs.

1. One ~~free-standing identification monument~~ monument sign per lot (or multi-tenant development) shall be allowed. The maximum height of a ~~free-standing monument~~ monument sign shall be fifteen ~~(15) six (6)~~ feet. The maximum area of all ~~free-standing monument~~ monument signs shall be ~~seventy two (72) thirty-six (36)~~ square feet unless a lower sign height and/or a smaller sign area is required for the underlying zoning district. In such case, the more stringent height and/or size requirements shall apply.

In the event that a parcel has frontage on more than one public road ~~an identification a monument~~ monument sign shall be permitted for each road frontage. The maximum area for each additional sign shall be ~~fifty (50) thirty-six (36)~~ square feet. All additional signs shall meet the standards listed above concerning height and underlying district requirements.

Furthermore, wall signage will be allowed and shall not exceed ~~400~~ thirty-six (36) square feet.

2. All ~~free-standing monument~~ monument signs must be at least ten (10) feet from the right-of way line.
3. All signs shall be constructed to the standards of Section 3108 of the North Carolina Building Code and shall be tastefully done. They shall be maintained in safe condition, free from deterioration, missing parts, and peeling paint.
4. Billboard signs, off-premise advertising signs, temporary signs (including real estate signs), portable signs, and moveable signs are prohibited.

#### G. Outdoor Lighting Standards.

Outdoor lighting shall not exceed 6-foot-candles, measured at ground level at any point within the property, and shall be installed in such a manner that the source of light (the bulb) is shielded and not visible from adjacent roadways. All lighting shall be directed inward in such a manner so as not to produce glare onto adjacent property and so that the primary cone of illumination does not extend beyond the property lines.

#### H. Landscaping.

1. Any chain link or similar fencing visible from the street must be screened at least ninety (90) percent opaque from the ground to a height of at least six (6) feet as per Section 12.1 of the Iredell County Zoning Ordinance.
2. Commercial Parking lots must be screened from the roadway at least ninety

(90) percent opaque from the ground to a height of at least four (4) feet as per Section 12.1. This provision may be omitted if it is accomplished by #1 above.

3. The parking lot shall also be landscaped with canopy trees as required by this section at the rate shown below. This requirement shall be initiated by the initial use or development of the property. Canopy trees shall be provided at a rate of one canopy tree for every 6 spaces. Required canopy trees shall be distributed throughout the parking area and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, inside medians or between rows of parking spaces. Canopy trees must be a minimum of eight (8) feet high and two (2) inches in diameter, measured six (6) inches above grade at planting. When mature, a canopy tree should be at least forty (40) feet high and have a minimum crown width of thirty (30) feet. A list of appropriate trees can be found in the section below.

4. A landscaped roadway yard shall be provided by each use subject to this requirement. The requirement for a landscaped roadway yard shall be initiated by the occurrence of the same activities as set forth in Section 12.1. A landscaped roadway yard is a landscaped area parallel to the public roadway designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. The landscaped area shall be penetrated only by driveways and crosswalks. The minimum width of the roadway yard shall be fifteen (15) feet measured from and parallel to the public road right-of-way or future right-of-way as designated by the Iredell County Thoroughfare Plan, whichever is most restrictive. ~~It shall be landscaped and maintained with a vegetative cover and shall be planted with small and/or medium shrubs at a rate of fifteen (15) per one hundred (100) linear foot of street yard not counting driveway and crosswalk area. The Planning Director may approve a different vegetative landscape type when in his opinion equal or better performance will result.~~ It shall be landscaped and maintained with a combination of trees and shrubs, consisting of a minimum of one (1) tree and ten (10) shrubs for each fifty (50) feet. The following is a sample list of recommended trees by common name.

Red Maple	White Pine
Pecan	Sycamore
Deodar Cedar	White Oak
White Spruce	Pin Oak
American Holly	Post Oak
Black Locust	American Linden
Red Mulberry	American Elm

The following is a sample list of recommended shrubs by common name.

American Boxwood	Common Juniper
Carolina Allspice	Nandina
Flowering Quince	Azalea
Hedge Cotoneaster	Mapleleaf Viburnum
Japanese Holly	Sargents Chinese Juniper
Japanese Barberry	Common Laurelcherry
Purple Beautyberry	Fragrant Sumac

#### Architectural Recommendations

##### 1. General Recommendation

- a. At least 70% of the street level frontages shall be in windows or doorways. Street level windows shall be visually permeable. Mirrored glass is not permitted in any location. Faux or display casements are not permitted in lieu of exterior window treatments for the frontage elevation.
- b. No frontage wall shall remain unpierced by a window or functional general access doorway for more than sixteen (16) feet.
- c. The principle, functional doorway for public or direct-entry access into a building shall be from the fronting street. Corner entrances shall be provided on corner lot buildings.
- d. Decorative cornices shall be provided for buildings with a flat roof. Alternatively, eaves shall be provided with a pitched roof.
- e. A building canopy, awning, or similar weather protection may be provided and should project 3.5 feet from the façade.

2. Materials
  - a. Commercial building walls shall be brick, cast concrete, stucco, stone, marble, or other materials similar in appearance and durability. Regular or decorative concrete block may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principle structure.
  - b. Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, diamond tab asphalt shingles, or similar material.
  - c. Signs on the insides of glazed openings may be neon.
3. Configurations
  - a. All visibly exposed facades shall have a recognizable base course, which shall align with the sill level of the first story consisting of, but not limited to, thicker walls, ledges or sills: integrally textured materials such as stone or other masonry: integrally colored and patterned materials such as smooth finished stone or tile, lighter or darker colored materials, mullions, or panels: and/or planters.
  - b. All visibly exposed facades shall have a recognizable top consisting of, but not limited to, cornice treatments, other than just colored stripes or bands, with integrally textured materials such as stone or other masonry or differently colored materials, sloping roof with overhangs and brackets, stepped parapets, and/or a cornice which shall terminate or cap the top of the building wall.
  - c. Two wall materials may be combined horizontally on one façade. The heavier material should be below.
  - d. Skylights shall be flat (non-bubble).
4. Techniques
  - a. Stucco shall be float finish.
  - b. Windows shall be set to the inside of the building face wall.
  - c. All rooftop equipment shall be enclosed in the building material that matches the structure or is visually compatible with the structure.

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

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

VOTING: Ayes – 5; Nays – 0

**1. Discussion and/or Approval of a Small Area Plan for South Iredell:** The board gave approval for the planning department to proceed with a small area plan for a southeastern section of the county. (Major road areas to be included in the plan are: Transco, Langtree, Mecklenburg Highway, Midway Lake, Faith, Presbyterian, and Shearer’s Road.)

**2. Discussion and/or Approval of the County’s Priority Listing for the North Carolina Transportation Improvement Program (TIP):** No changes were requested for the TIP listing. Planning Supervisor Smith will represent the county at the October 16, 2002, TIP comment session in Hiddenite, North Carolina.

**3. Presentation and/or Approval of a Request from the Mooresville Graded School District in Reference to the Purchase of Land for a new Intermediate School:** Approval was given to the Mooresville School officials to proceed with the purchase of property for the construction of a 750-800 student intermediate school. Additional information is as follows.

- 32.49 acres of land to be purchased between Highways 150 and 152 at Wiggins Road
- Purchase price is \$825,000 (\$25,392 per acre)
- Funding:

2000 County Appropriation	\$586,764
Interest earned	61,271
MGSD Long-Range Reserve Fund	<u>176,965</u>
Total	\$825,000

- Current owners: Thomas & Diana Dempsey, Arlington, VA
- Projected completion is in 2005
- The new school is listed as Priority #1 in the 2002 Mooresville Graded School District's Long-Range Facilities Plan

**4. Request for Approval of a Resolution Authorizing the Exchange of the County's Parker Boat for a Wellcraft Boat:** The following resolution describes this exchange.

**Resolution Authorizing  
Exchange of Personal Property**

**WHEREAS**, Iredell County owns a 25' Parker boat valued at \$16,000; and

**WHEREAS**, Mr. Jeff Lancaster owns a 24' Wellcraft boat valued at \$27,420; and

**WHEREAS**, the County and Mr. Lancaster wish to make an even exchange for the two described boats; and

**WHEREAS**, North Carolina General Statute 160A-271 authorizes the County to make such an exchange if authorized by the Board of Commissioners by a resolution adopted at a regular meeting of the Board upon at least ten days public notice; and

**WHEREAS**, the County has given the required public notice, and the Board is convened at a regular meeting.

**THEREFORE**, the Board of Commissioners of Iredell County resolves that:

1. The exchange of properties described above is authorized.
2. The appropriate county officials are directed to execute the appropriate instruments necessary to carry out the exchange.

This the 1<sup>st</sup> day of October, 2002.

\* \* \* \* \*

**5. Request for Approval of the North Carolina Rural Fire District's Report of Fire Conditions/Local Firemen's Relief Fund for 2002:** The following individuals were approved as Firemen's Relief Fund Trustees for the 14 volunteer fire departments.

North Carolina Rural Fire District  
Report of Fire Conditions  
Local Firemen's Relief Fund  
2002

<u>Department</u>	<u>#3</u>	<u>#4</u>
B&F/Troutman	Joe E. Clodfelter	R. J. Wilson, Jr.
Central	Nelson Cook	Jim Reavis
Cool Springs	Ken Secrest	Matthew Baity
Ebenezer	Wayne Smith	Harry Frye
Harmony	Matt Baldwin	Timothy Frye
Lake Norman	Edward A. Neel	Mark Missler
Monticello	Wayne Mayberry	Mary Summers
Mt. Mourne	Chris Goodrum	Gary Craven
Shepherds	Kelly Robinson	Donald McClain
South Iredell	Bruce Kennerly	Dale Burgess
Trinity	Bill Little	Kent Moore
Union Grove	Nolen Shoemaker	Jody Hoots
Wayside	Richard Oldfield	Kenneth Hall
West Iredell	John Byers	Tommy McNeely

6. **Request for Approval of a Proposed Budget for the Harmony Library:** During the briefing, Library Messick shared a \$159,970 budget for the Harmony Library. The line item amounts for the budget are as follows.

5100-02	Salaries & Wages-Regular	\$ 28,280
5125-01	FICA Taxes Expense	2,163
5125-02	Employee Group Health Insurance	8,880
5125-03	State Retirement & 401K	2,828
5315-00	Insurance & Bonds	2,474
5325-00	Maintenance & Repairs/Buildings	1,500
5325-01	Maintenance & Repairs	1,070
5340-00	Postage	475
5350-00	Departmental Supplies-Misc.	13,400
5350-12	Supplies-Library Materials	46,105
5355-00	Telephone	1,160
5362-00	Travel	799
5370-00	Utilities-Electricity & Water	2,250
5370-01	Utilities-Gas & Fuel Oil	-
5375-04	Contracted Services-Janitorial	1,320
5375-08	Contracted Services – Other	5,730
5375-14	Contracted Services – Software	920
6200-00	Non-Depreciable Assets	40,615
		<u>\$159,970</u>

Also, during the briefing, Messick said the Harmony library would be completed this month. He said the facility, however, would not be opened to the public until January of 2003. Mr. Messick said the branch head would be hired about two months prior to the opening, and the other employees would be hired later.

7. **Consideration to Place on the October 15, 2002 Agenda a Resolution to Possibly Adopt the One-Half Cent Sales Tax to Become Effective December 1, 2002:** (The purpose of this request was to ask permission to place a notice in the newspaper advising that the board would consider and possibly adopt a resolution to levy an additional one-half cent sales and use tax at the regular meeting scheduled on October 15, 2002.)

8. **Request for the Consideration of a Private-Public Consortium Agreement with EnergyUnited Electric Membership Corporation & West Family Realty, LLC Regarding an Elevated Storage Tank:** During the briefing, Economic Developer Jeff McKay, with the Greater Statesville Development Corporation, and the County Manager explained that this agreement would assist Millard Refrigeration, and any other industries desiring to locate near the former Polar Cold Storage facility located on Hwy. 64 west of Statesville, with a water system. The system would include a 1,000,000 gallon elevated storage water tank. Funds designated to pay for the tank are: Community Block Development Grant in the amount of \$240,000, West Family Realty will transfer \$100,000 in cash received as a loan from the Greater Statesville Committee of 100; \$240,000 in cash received by West as a loan from EnergyUnited; \$200,000 or “such larger sum as may be required to pay the low bidder from its own resources.” (In addition, McKay, said a \$400,000 Rural Economic Development Grant would be used.)

The consortium agreement stipulates that Iredell County will lease the tank to EnergyUnited for a term of 20 years. Tank maintenance during this period will be the responsibility of EnergyUnited. Revenues from the tank will belong to EnergyUnited. West Realty will repay the above mentioned loans by imposing an acreage fee on property to be sold in the future.

9. **Request for Approval to Apply for a \$400,000 Rural Economic Development Center Grant (REDC) & Approval of Two Resolutions (Supplemental Grants Program and Minority Business Enterprise Percentage Goal):** Economic Developer McKay said during the briefing that this grant would assist in the construction of the one million gallon elevated water tank (West Farm Water Tower). The county’s economic development incentive of \$112,800 approved on September 3, 2002, for Millard Refrigeration, will be used as a local match for the REDC grant.

Adopted resolutions are as follows.

**AUTHORIZING RESOLUTION BY IREDELL COUNTY  
SUPPLEMENTAL GRANTS PROGRAM**

**WHEREAS**, the 1998 Critical Needs Bond Act has authorized the making of loans and grants to aid eligible units of government in financing the cost for construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects; and

**WHEREAS**, the Iredell County Board of Commissioners has a need for and intends to construct a one million gallon water tower to meet the fire and safety demands for the acquisition and expansion of an existing refrigeration company by Millard Refrigerated Services in Statesville, North Carolina.

**WHEREAS**, the Iredell County Board of Commissioners intends to request grant assistance from the Supplemental Grants Program for the project.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF IREDELL:**

That the Iredell County Board of Commissioners will arrange financing for all remaining costs of the project, if approved for a grant.

That the Iredell County Board of Commissioners will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Joel Mashburn, County Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of Iredell County with the North Carolina Rural Economic Development Center (Rural Center) for a grant to assist in the construction of the project described above.

That Joel Mashburn, County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Joel Mashburn, County Manager, has substantially complied or will substantially comply with all federal, state and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 1<sup>st</sup> day of October 2002, at Statesville, North Carolina.

\* \* \* \* \*

**Authorizing Resolution by Iredell County  
Certification of Minority Business Enterprise (MBE) Percentage Goal**

**WHEREAS**, the Iredell County Board of Commissioners supports economic and community development and advertises for contracting.

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

That the Iredell County Board of Commissioners adopts the goal for participation by Minority Business Enterprises in accordance with G.S. 143-128-C.

Adopted this the 1<sup>st</sup> day of October 2002 at Statesville, North Carolina.

\* \* \* \* \*

**10. Request for Permission to Enter Into Purchase Contracts for Two Properties Near the Iredell County Library (Owners are Rebecca Weintraub/print shop parcels & Elizabeth King/Master Cleaners property):** During the briefing, County Manager Mashburn said these properties were needed for the proposed construction of the new library on Water Street. The Rebecca Weintraub property, located at 205 North Tradd Street, Statesville, NC (two parcels with PIN# 4744 06 3725) will cost \$250,000.

The Elizabeth E. King property, located at 153 Water Street (PIN#4744 06 3685), will cost \$80,000.

**11. Request for Approval of an Adjustment to Permit Fees:** Inspections Director Lynn Niblock explained during the briefing that on May 21, 2002, a rate adjustment was approved for permits. The new fees became effective on July 1, 2002. Niblock said some general contractors purchased building permits prior to July 1, but did not obtain the electrical/plumbing/HVAC work until later. He mentioned that a fairness issue had been raised since many individuals had submitted their bids to the general contractor before the new rates were implemented. Niblock requested permission to adjust the charges for the projects that occurred during the fee transitional period.

**12. Request for Approval to Reorganize the Emergency Services Offices:** County Manager Mashburn said during the briefing that he was seeking to group departments providing similar types of services under one division. He said the restructuring would be especially helpful with the federal government's emphasis on homeland security. Mashburn requested permission to position the following departments under the supervision of Tracy Jackson, the current EMS Director. The departments were:

- EMS
- Fire Marshal
- Emergency Communications
- Animal Control
- Emergency Management

Mr. Mashburn said Larry Dickerson had agreed to serve as an Emergency Management Consultant on an "as needed basis" (\$10,000 will be annually budgeted). He said David Martin would oversee the Emergency Communications Office, and his position would be listed as a Grade 72 on the salary scale. In addition, he said Paul Webster, a Telecommunicator II, would assist Martin at the Communications Department. Mashburn said Jackson's title would be Director of Emergency Services & Emergency Management, and his position would be listed as a Grade 80. (The salary grades for the Fire Marshal and the Animal Control Supervisor were not altered.)

#### **ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS**

Centralina Workforce Development Board (1 announcement)

Juvenile Crime Prevention Council (1 announcement)

#### **APPOINTMENTS TO BOARDS & COMMISSIONS**

**Region F Aging Advisory Committee (1 alternate appointment):** No nominations were submitted, and Chairman Tice moved to postpone the appointment until the October 15 meeting.

VOTING: Ayes – 5; Nays - 0

**Nursing Home Advisory Committee (3 appointments):** Commissioner Bowles nominated Charles & Sue Donaldson.

No other nominations were submitted. Chairman Tice moved to appoint Mr. & Mrs. Donaldson by acclamation and to postpone the remaining appointment until the October 15 meeting.

VOTING: Ayes – 5; Nays – 0.

**Adult Care Home Community Advisory Committee (3 appointments):** No nominations were submitted, and Chairman Tice moved to postpone the three appointments until the October 15 meeting.

VOTING: Ayes – 5; Nays – 0.

**Personnel Advisory Committee (2 appointments):** Commissioner Ray nominated Tina Robertson and Denise Feimster for reappointments on this committee.

Chairman Tice **moved** to close the nominations and appoint Robertson and Feimster by acclamation.

VOTING: Ayes – 5; Nays – 0.

**COUNTY MANAGER’S REPORT:** Mr. Mashburn said Tracy Jackson would give an update on the animal situation described by Mrs. Sara Nestler at the September 3 meeting.

Update on Animals Located at the Davis Residence in Troutman, NC: Jackson reported that over 200 animals were found at the Davis home. He said 50 of the animals were dogs, and the remaining were cats. Mr. Jackson said that only 49 animals remained, and all of these had been vaccinated.

Mr. Jackson said the animal control department knew of six other situations in the county where a large grouping (50 dogs or more) of animals was occurring. He said it was mostly dealers and animal collectors that owned this many animals.

Commissioner Ray said there was a situation this week in a subdivision where three large Rottweilers escaped from their lot. She said that when the animals were apprehended, one of the owners said, “Iredell County has no leash law.”

Mashburn said the county’s ordinance stipulated that animals had to be under the control of their owners. He said that “under control of the owner” meant at the owner’s residence, or anywhere else. Mashburn said that if animals were found away from their owner’s property, and not under control, citations were issued. He said there was also a provision pertaining to dangerous dogs. Mr. Mashburn said it sounded like the Rottweilers mentioned by Commissioner Ray were out of control.

Commissioner Ray said it was her understanding that if animals were loose and on someone else’s property, that animal control had to witness the occurrence before anything could be done.

Mashburn said this was correct. He said the property owners could obtain a warrant, but many times they did not desire to do this.

An unidentified man in the audience said he knew of a “rescue outfit” that had 43 dogs in west Iredell. He complained about having to spend his own money to hire an attorney to remedy the situation, because the county did not have an ordinance or anything to address the problem.

Another unidentified man said he had been bitten by three dogs. The man complained about the county not having a leash law.

Chairman Tice requested that Mr. Jackson meet with the individuals and discuss the problems. She said Jackson could appear before the board again, if necessary.

Scattered-Site Housing Allocation of \$400,000: Mashburn said official notice had been received from the North Carolina Department of Commerce regarding the scattered-site housing allocation. He said the matter would be on the October 15 agenda for a decision regarding the grant acceptance.

**CLOSED SESSION:** **MOTION** by Chairman Tice to enter into closed session at 9:35 p.m., for the purpose of discussing G.S. 143-318.11(a) (5) - property acquisition.

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 10:05 P.M.)

**PURCHASE OF PROPERTY FROM KENNETH B. DARTY:** **MOTION** by Commissioner Williams to accept Attorney Ken Darty’s offer to sell his property

located at 149 East Water Street, Statesville, North Carolina, for \$165,000 and to authorize the contract to purchase.

VOTING: Ayes – 4; Nays – 1 (Bowles)

**ADJOURNMENT:** **MOTION** by Chairman Tice at 10:06 p.m., to adjourn the meeting. **NEXT MEETING:** Tuesday, October 8, 2002, for a joint meeting with the Board of Social Services at 7:00 pm., in the Social Services Building/Conference Room, 349 North Center Street, Statesville, NC.

VOTING: Ayes – 5; Nays – 0.

Approved: \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board