

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
SEPTEMBER 17, 2002**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, September 17, 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
Tommy E. Bowles
Steve D. Johnson
R. Godfrey Williams

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

CALL TO ORDER by Chairman Tice

INVOCATION by Commissioner Ray

PLEDGE OF ALLEGIANCE TO THE FLAG

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

- Deletions:
- Appearance Before the Board by Mr. Victor Crosby in Reference to Water Needs
 - Discussion and/or Decision Regarding the 2003 Community Development Block Grant (CDBG) for Scattered-Site Housing
- Additions:
- Request from the Greater Statesville Development Corporation for the County to Apply for a Community Block Development Grant for Economic Development
 - Request for Approval to Award the Contracts for the Iredell County Government Center-South Project and to Adopt an Amended Capital Project Ordinance
 - Closed Sessions for the Purpose of Discussing Personnel - G.S. 143-318.11 (a) (6) and Property Acquisition - G.S. 143-318.11(a) (5)

Presentation & Approval of a Resolution Recognizing the Problem of Child Abuse: David Crosby, the site director for Crossroads Behavioral HealthCare, along with Randall Weatherman, a Social Worker for Social Services, and Brenda Speece, the Director of the Emergency Child Care Home attended the meeting in reference to a candlelight vigil to be held on October 3, 2002 in recognition of the children who died in North Carolina during 2001 due to child abuse. Crosby said the vigil would be held at the Presbyterian Church of the Springs (formerly Little Joe's Presbyterian Church) and the public was invited to attend.

MOTION by Chairman Tice to approve the following resolution about the vigil and its purpose.

VOTING: Ayes – 5; Nays – 0.

**RESOLUTION
RECOGNIZING THE PROBLEM
OF
CHILD ABUSE**

WHEREAS, the abuse and neglect of children is a family and societal problem of local, state, and national significance; and

WHEREAS, it is important to recognize that children are abused at the hands of their parents and caregivers; and

WHEREAS, 24 children are known to have died in North Carolina in the year 2001 due to abuse or neglect that was inflicted upon them by their parents or caregivers; and

WHEREAS, it is important to remember the 24 known innocents who died in North Carolina during the year 2001.

NOW, THEREFORE BE IT RESOLVED, that the Iredell County Board of Commissioners calls upon Iredell County communities to dedicate October 3, 2002, as a day of remembrance for the unknown number of children who died as a direct result of abuse and neglect and for the 24 innocent children known to have died due to abuse and neglect in North Carolina during the year of 2001.

Mr. Alan R. Eisele Presents a Petition from Concerned Citizens Requesting the Reconsideration of the Decision to Locate the New Library at the Meeting & Front Street Location: Mr. Eisele said he was presenting a petition that had been signed by nearly 2,000 county citizens who were concerned about locating the new library at the Meeting and Front Street location. The caption of the petition read:

“Petition to Reconsider Construction of the Iredell County Library at the Meeting Street Location: This is a petition addressed to Members of Council of the City of Statesville and to County Commissioners of Iredell County. The undersigned citizens and residents of Iredell County and of the City of Statesville, for a number of compelling reasons, are opposed to locating the Iredell County Library upon the site selected at the corner of South Meeting and West Front Streets in the City of Statesville. We hereby petition the two governing bodies to re-open consideration of site selection for said library and to receive additional public input within the context of official public hearings before each body. Since facts now available to the public regarding the selected site were not available at the times of previous public hearings, this procedure is necessary to allow meaningful public input on this important issue.”

Eisele said the circumstances surrounding the library issue had changed since he first made a request to appear before the board. He said that “last Friday morning the city council passed a resolution offering the county a sum of money intended to enable the county to build the new library upon some site within the downtown business area.” Eisele said the resolution did not specify a site, or that it was being made “in lieu of the city’s offer to provide the county a ‘buildable’ site at the corner of Front and Meeting Street.” He said that, however, at the council’s meeting on September 16, 2002, Mayor Marshall deleted an agenda item that would have addressed the inter-local agreement pertaining to the Front and Meeting Street site. Mr. Eisele said the petition was being presented since the county had not officially addressed the latest developments of the city. He said his group was requesting the county to officially abandon the Front and Meeting Street site as had the city.

MOTION by Commissioner Williams to accept the mayor’s, and the Statesville City Council’s, offer of \$1,000,000 along with any other donations that have been received on behalf of the effort to place the Iredell County Library in downtown Statesville. In receiving this gift, we the board of the county commissioners, agree to withdraw from any previous agreement concerning the proposed site on Meeting Street. After an appropriate examination, and by determining the site to be suitable, we agree to use our resources along with those gifts of the city, and any other benefactors, on the parcels of land on Water and Tradd Street for the construction of a new Iredell County Library.

Commissioner Johnson said there had been a great deal of controversy over the library. He continued by saying:

“Approximately 16 months ago, I was asked by this board of commissioners to approach the city council members concerning their desire to participate with the county financially in the construction of a new Iredell County Library. I went to those folks individually and talked to most of them and was satisfied that at that time, we had a majority of support from the members of city council for their financial participation for the county library. Subsequent to that, came the state budget debacle -- an ongoing continuing mismanagement of the state budget. Understanding the predicament they found themselves in, since the commissioners were in a similar situation, I re-approached those members of the council and told them we understood their plight, and that we would postpone any action on the library due to the financial uncertainty as far as reimbursements from the state. At that point, I was thanked by each one I contacted for my understanding and the understanding of the other commissioners. Later on, Mr. Godfrey Williams approached the city council when financial matters had improved to some degree about the possible participation from the city on the financing of the library. Mr. Williams was told ‘no.’ As a commissioner

and as a member of the board of commissioners we must respect that. They know their financial conditions better than we do. If no is no, I'll honor that as I'm sure the rest of this board will do. Honorable people would do this. Subsequent to that, came the possibility of placing the library on Eastside Drive. An occurrence that was unbeknown to anyone on this board previously. There became some serious discussion on this board's part on locating the library on Eastside Drive, but there was never any formal action -- merely discussion. But as is usually the case, rumors abound, and it wasn't long before the city council heard we were talking about Eastside Drive. We were approached by the city about the possibility of allowing them to participate financially in the Iredell County Library, which we were more than happy to discuss at that point. There was never any action by this commissioner or any other commissioner that I know of who tried to use Eastside Drive as a leverage to gain financial participation for the county. Nevertheless, we were approached. Later on, there was an appearance before the board of commissioners. At that meeting, there was not a presentation on a specific site, but two sites were discussed, that being Stockton Street and the site at Front and Meeting Street as Mr. Eisele referred to a moment ago. It was commented in the city council meeting that at some point the county had been offered seven different sites for the library by city council. That did not happen. There were only two sites that I know of that were ever offered. I know of no staff member who ever heard of seven sites. I haven't talked to any commissioner who ever heard of seven sites. At the end of the discussion we were somewhat hesitant. We gave the charge to the city at that time to come back with a 'buildable' site. The county did not choose Meeting Street, the city council chose it, and presented it to us as a 'buildable' site. Now the debate at that time became couched in the terms of Eastside Drive versus downtown. Several commissioners, other than myself, made the comment that they were not prone to vote either way, but they wanted room for expansion of the library, adequate parking, and a 'buildable' site. At a reappearance before this board, the city offered Meeting Street, and this board in a three/two vote accepted Meeting Street. Mr. Bowles and I voted against Meeting Street, and in the meeting, I listed the reasons why I voted like I did -- the closing of Meeting Street as far as a commercial and emergency corridor, problems with underground springs, and pollution. What has brought us to this point was the city's withdrawal of the offer. My understanding was that this was because of the degree of contamination on the Raymer property. By State standards, a site is deemed to be what they call 'hot' if there are 50 parts per million. The Raymer property has 2800 parts per million, and it is stated there would have to be monitoring wells that would have to be continually monitored for stability of the site and to see if any additional pollution had occurred. I understand that in the conducting of county business it is necessary for the commissioners to be magnanimous in victory and gracious in defeat; however, I will take a departure from my magnanimity for one moment and say, 'I told you so.' So the city realized the great expense that they would incur ongoing, and subsequently, they withdrew the offer on Meeting Street. As a result of this, I am more than happy to support Mr. Williams' motion to release them from this offer they have made. I say those remarks not to offend anyone, but in the age in which we live, there are always folks willing to rewrite history. But that's the history of this great saga. Thank you for your indulgence Madame Chairman."

Commissioner Bowles said the motion was well crafted, and he believed it was best for the county to return to the original site, especially since there would be enough money for expansion, for the grading, and for ample parking.

Chairman Tice commended Mr. Eisele and the citizens for their involvement. She said this was truly the democratic process in motion. Tice said, "we had the property on Eastside Drive, then the citizens said 'no,' we want it downtown, so we proceeded to work with the city on a suitable site. I had given my word to the council that if they came back with a suitable site, one that our architect approved, that I would support it. As the different citizens called me about this situation, my response to them was that they needed to talk to the city council because it was in their court. I think all of the commissioners on this board are eager to build a new library, we know we need a new library, but certainly, we want to please the citizens as to the location. It has taken some time, as Mr. Johnson pointed out, but I believe that maybe we have come to a conclusion that is acceptable to most of the county's citizens."

Commissioner Ray said, "I am in support of Mr. Williams' motion. I, too, think this has been a real democratic process. I will say, that I'm going to let Mr. Johnson offer his own history, because I have a little different version than he does."

Commissioner Williams said the debate was now over, and it was time for everyone to become involved in the library project. Williams said the county had budgeted \$5,600,000.00, and the city was going to put in \$1,250,000. He requested the business community and private citizens to become involved.

Commissioner Johnson asked Support Services Director Jim Vernon if the site would have adequate parking and room for expansion.

Vernon said absolutely. He said there were some areas on the site that would accommodate increased parking and building expansion -- both in a single-story, or a two-story facility.

VOTING: Ayes – 5; Nays – 0.

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

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

VOTING: Ayes – 5; Nays – 0.

1. Presentation and/or Approval of Recommendations from Hunter Human Resources Extension Regarding a Clerical Study for Positions Classified from Grade 57 through 65 in the Iredell County Pay: (A total of sixteen positions were upgraded, effective October 1, 2002.)

2. Request for Approval of the August Refunds and Releases (The following releases and refunds were approved.)

<u>Breakdown of Releases</u>		\$180,244.63
County	111,055.48	
Solid Waste Fees	1,177.00	
East Alexander Co. Fire #1	52.62	
Shepherd's Fire #2	7,091.39	
Mt. Mourne Fire #3	4,527.55	
All County Fire #4	6,089.59	
Statesville City	37,289.49	
Statesville Downtown	0	
Mooresville Town	8,272.36	
Mooresville Downtown	16.58	
Mooresville School	2,518.08	
Love Valley	0	
Harmony	7.84	
Troutman	2,146.34	

<u>Breakdown of Refunds</u>		\$ 1,524.70
County	579.92	
Solid Waste Fees	100.00	
East Alexander Co. Fire #1	3.26	
Shepherd's Fire #2	0	
Mt. Mourne Fire #3	64.25	
All County Fire #4	6.40	
Statesville City	235.82	
Statesville Downtown	0	
Mooresville Town	246.02	
Mooresville Downtown	0	
Mooresville School	145.81	
Love Valley	0	
Harmony	0	
Troutman	143.22	

3. Request from the Sheriff's Department for Approval of:

a. The continuation of the Multi-County Interdiction Unit (Approval of the following Resolution)

Whereas, the Iredell County Sheriff's Department, hereinafter called the agency, has completed an application contract entitled "Sheriff's Multi-Agency Traffic Interdiction Unit," and that the County Board of Commissioners, hereinafter called the governing body, has thoroughly considered the problem identified and has reviewed the project as described in the contract.

Therefore, Now Be it Resolved, by the County Board of Commissioners in Open Meeting, assembled in the City Statesville, North Carolina, this 17th day of September 2002, as follows:

1. That the project referenced above is in the best interest of the governing body and the general public; and
2. That the Sheriff's Department be authorized to file, on behalf of the governing body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$875.00 to be made to the governing body to assist in defraying the cost of the project described in the contract application; and
3. That the governing body has formally appropriated the cash contribution of \$2,625.00 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangements for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

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- b. The transfer of \$3,200 from Seized Funds to be Used as the Local Match for a Local Law Enforcement Block Grant & Approval of Budget Amendment #7 (Funds will be used to purchase a Digital Scanning Machine.)
- c. Budget Amendment #8 for:
 - the transfer of \$12,000 from Seized Funds to Purchase a K-9 (Belgian Malinois) for the Jail
 - the transfer of \$2,500 from Commissary Funds to Equip a Vehicle for the K-9
 - the transfer of \$2,000 from Seized Funds for the Tax and Title Fees for two Seized Vehicles
 - the transfer of \$1,248 from Commissary Funds for Training

4. Request for Approval of Budget Amendment #9 for the Usage of \$4,255 in Contingency Funds to Pay for FY 2002-03 Participation in the Lake Norman Rural Planning Organization (RPO): During the briefing, Finance Director Blumenstein said the county's match for participation in the RPO was \$5,150.21. However, if Centralina membership hours are used, the amount could be reduced to \$4,250.21. The board agreed to use one block of Centralina hours and pay the \$4,250.21 for the dues.

5. Request for Approval of Budget Amendment #10 for the Usage of \$20,500 in "White Goods" Earnings for Road Repairs at the Solid Waste Department: (As was explained in the briefing, this appropriation will be used to complete road repairs to the "white goods" area.)

6. Request for Approval of Budget Amendment #11 for the Recognition of additional Revenue for the Social Services Dept. and for Appropriation to the Program Line Items: (Total additional funding of \$215,549 was received and appropriated out of the Crisis Intervention Program/Administration line items.)

7. Request from the Library for Approval to Apply for an EZ-LSTA Digitalization Starter Grant: The grant funds will be used to purchase a digital scanner.)

8. Request from the Health Department for Approval of Proposed New Fees for the Preventive and Allied Health Divisions (The revised fee amounts are listed in the briefing minutes.)

9. Request for Approval of a FY 2002-03 Robert S. Segal, CPA PA Agreement for the State Criminal Alien Assistance Program (SCAAP): SCAAP provides federal

assistance to states/cities/counties that are incurring expenses from the incarceration (minimum of 72 hours) of undocumented criminal aliens accused or convicted of offenses. CPA Segal will evaluate the Iredell County Jail records to determine if federal reimbursements are obtainable. Mr. Segal's fee for the work will be seventeen (17) cents on every dollar received from SCAAP.

10. Request for Approval of an Investment Management Proposal with First Citizens Bank (The board approved this proposal with a limit of \$5,000,001.00 for the investments.)

11. Request for Approval of an Agreement between Iredell County and the Rural Economic Development Center, Inc., for a Public Access Grant in the Amount of \$12,000 (see briefing minutes for explanation)

12. Request for Approval of a Resolution Requesting the North Carolina Department of Transportation and Division of Highways to Construct a New Driveway for the Celeste Henkel Elementary School (The following resolution was approved.)

**A RESOLUTION REQUESTING
THE
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND
DIVISION OF HIGHWAYS
TO CONSTRUCT A NEW DRIVEWAY FOR THE
CELESTE HENKEL SCHOOL**

WHEREAS, public safety is a prime objective of the Iredell County Board of Commissioners; and

WHEREAS, a traffic congestion problem has been occurring for several years at the Celeste Henkel Elementary School located at 1503 Old Mountain Road, Statesville, North Carolina; and

WHEREAS, the Celeste Henkel community has experienced a substantial amount of residential growth during the past few years and by all indicators, the traffic congestion at the school will only continue to worsen; and

WHEREAS, the traffic problem makes it increasingly more dangerous for the students at the school, the parents, the school staff, and for the general motorists.

NOW, THEREFORE, BE IT RESOLVED, that the Iredell County Board of Commissioners, the official governing body of Iredell County, North Carolina, hereby respectfully requests the North Carolina Department of Transportation and Division of Highways to construct a new driveway for the Celeste Henkel School at an estimated cost of \$200,000.

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13. Request for Approval of the August 28, 2002 & September 3, 2002 Minutes

14. Request from the Greater Statesville Development Corporation for the County to Apply for a Community Block Development Grant for Economic Development (see briefing minutes for an explanation on this item)

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

Request for Approval to Award the Contracts for the Iredell County Government Center-South (ICGC-S) and to Adopt an Amended Capital Project Ordinance: County Manager Mashburn said that on August 22, 2002, the county received bids from 12 companies for the ICGC-S renovations. He said the bids were "tight" indicating the bidders understood what was needed; however, the low bid was \$274,650 over the amount allocated for the project. Mashburn said a special meeting was

held on August 28 to discuss the bids, and a motion was approved to (1) put the project on hold (2) ask for an extension on the loan (3) not re-bid until the Department of Environment and Natural Resources (DENR) had made a decision to rent from the county (4) bid the two projects together (1st/2nd floor and 3rd floor/DENR) and (5) raise other money locally. Mashburn said the staff recently met to discuss the project and determined that since DENR had not made a commitment, the matter needed to be discussed again, because anymore delays would put the project into another calendar year. He said this would have a negative impact on the interest rate, i.e., delaying the financial issuance could cost the county additional payments of over \$270,000 during the next 15 years. He said the county could re-bid the project, but there were no assurances that the bids would be less. Mashburn recommended that the board reconsider the August 28 decision and award the contract for Phase I in accordance with the bids. He did, however, recommend that the \$100,000 in contingency be removed. He also recommended that (1) value engineering changes be made (\$38,000) (2) the contract be awarded to the low bidder of Monteith in the amount of \$1,448,900 (3) unspent funds totaling \$150,000 from the Agricultural Resource Center project and the Hall of Justice Annex project be transferred to the ICGC-S Capital Project Fund, and (4) that an amended Iredell County Government Capital Project Ordinance be adopted.

Commissioner Bowles said he understood there was a monetary deficiency of \$36,650 with Mr. Mashburn’s recommendations. Bowles said he was disappointed that more money locally could not be raised for the project.

Mashburn said the \$36,650 was correct.

Commissioner Ray said it still wasn’t too late to raise the additional funds from the community. She asked Mr. Vernon about saving money as the project was being accomplished, e.g., using one method over another to cut costs.

Vernon said the staff would try to use the most cost effective methods that could be found.

MOTION by Commissioner Ray to transfer unspent funds of \$150,000 from the Agricultural Resource Center Capital Project Fund and the Hall of Justice Capital Project Fund to the Iredell County Government Center – South Capital Project Fund and adopt the amended Iredell County Government Center-South Capital Project Ordinance.

Commissioner Williams urged the residents in Mooresville to assist with the project.

VOTING: Ayes – 3; Nays – 2 (Bowles & Johnson)

(The amended project ordinance is as follows.)

Iredell County, North Carolina
Amended Capital Project Ordinance
Iredell County Government Services Building – South

Be it Ordained by the Board of County Commissioners of Iredell County, North Carolina:

Section 1. This capital project fund shall finance the cost of planning, design, & construction of the Iredell County Government Center – South

Professional Fees	\$	220,500
Asbestos Removal		67,600
Survey		2,700
General Construction		1,448,900
Contingency		113,350
Retire HMA Promissory Note		1,900,000
Closing Costs of Financing		<u>16,500</u>
		<u>\$ 3,769,550</u>

Section 2. Funds for this Capital Project Fund will be provided from the following sources:

Financing Proceeds – Bank of America	\$ 3,510,000
Transfer from Capital Project Funds	150,000
Contribution – Town of Mooresville	100,000
Interest Earned on Construction Fund	<u>9,550</u>
	<u>\$ 3,769,550</u>

Section 3. This Capital Project Fund shall continue until the project is complete.

Section 4. Payments from this Capital Project Fund shall be authorized by the County Manager or his designee.

Section 5. Upon completion of the construction project, all funds remaining in this Capital Project Fund shall be transferred back to the Capital Reserve Fund.

This Amended Ordinance being adopted September 17, 2002.

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MOTION by Commissioner Ray to award the construction bid to Monteith Construction Company in the amount of \$1,448,900.

VOTING: Ayes – 3; Nays – 2 (Bowles & Johnson)

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Personnel Advisory Committee (2 announcements)

Nursing Home Advisory Committee (2 announcements)

Adult Care Home Community Advisory Committee (1 announcement)

APPOINTMENTS TO BOARDS & COMMISSIONS

Juvenile Crime Prevention Council (2 appointments): Chairman Tice nominated Stephanie McNeill to represent the faith community.

Commissioner Johnson nominated Leigh Byers as a county commissioner appointment.

No further nominations were submitted, and Chairman Tice moved to close the nominations and appoint McNeill and Byers by acclamation.

VOTING: Ayes – 5; Nays – 0.

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

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Committee (1 appointment): No nominations were submitted, and Chairman Tice moved to postpone this appointment until the October 1 meeting.

VOTING: Ayes – 5; Nays – 0.

Adult Care Home Community Advisory Committee (2 appointments): No nominations were submitted, and Chairman Tice moved to postpone the appointments until the October 1 meeting.

VOTING: Ayes – 5; Nays – 0.

Welfare Reform Committee (10 appointments): Commissioner Johnson nominated the following nine individuals.

Mac Lackey to represent the board of social services
David Crosby to represent the area mental health authority
David Boone to represent the health board
Steve Lane, or his designee, to represent the school system
Kalman Gordon to represent the business community
Steve Johnson to represent the county commissioners
Paul Wilson to represent community-based organizations that are representative of the population to be served
Ben Garrison to represent the community transportation system
Rev. Doris Allison to represent the religious organizations

No further nominations were submitted, and Chairman Tice **moved** to close the nominations and to appoint the nine individuals by acclamation.

VOTING: Ayes – 5; Nays – 0.

Note: The tenth appointment(s) suggested by Social Services Director Don Wall were recipients of Work First or other types of assistance or services.

Consumer & Family Advisory Committee for Crossroads Behavioral Healthcare (3 appointments): Commissioner Williams nominated and **motioned** to approve the appointments of Cecil Maynor of Mooresville, Dottie Harrison of Mooresville, and Wanda Mayes of Statesville.

VOTING: Ayes – 5; Nays – 0.

COUNTY MANAGER’S REPORT: Mashburn said a written activity report had been distributed. He then reminded the board members about the following events.

Saturday, September 21, 2002: Dedication of Stumpy Creek Park at 10 a.m., (160 Stumpy Creek Road, Mooresville, NC).

Commissioner Johnson requested that recognition be given to Kim Gallyon at the ceremony.

Monday, September 23, 2002: Meeting with the Boards of Education for the Iredell-Statesville School System and the Mooresville Graded System, at the Agricultural Resource Center, 444 Bristol Road, Statesville, NC for a presentation on capital needs.

CLOSED SESSION: **MOTION** by Chairman Tice to enter into closed session at 8:15 p.m., for the purpose of discussing Personnel - G.S. 143-318.11 (a) (6) and Property Acquisition - G.S. 143-318.11(a) (5).

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 8:45 p.m.)

ADJOURNMENT: **MOTION** to adjourn the meeting at 8:45 p.m., by Chairman Tice. **NEXT MEETING:** Monday, September 23, 2002, 6:30 p.m., at the Agricultural Resource Center for the joint meeting with the schools boards.

VOTING: Ayes – 5; Nays – 0.

Approved: _____

Clerk to the Board