

**IREDELL COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
SEPTEMBER 4, 2001**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, September 4, 2001, at 7:00 p.m., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

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

Staff Present: County Manager Joel Mashburn, County Attorney William P. Pope, Finance Director Susan Blumenstein, Planning Supervisor Ron Smith, 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 approve the following agenda adjustments.

Deleted: - Update on a Road Name Compromise Between the Staff of Iredell County and Mr. David Pressly (Fourth Crescent Place)

Added: - Request from the Sheriff's Department for Permission to Apply for a North Carolina Department of Transportation 2001 Grant for Bicycle Helmets  
- Request to Declare 500 Library Books Surplus and to Authorize the Purchasing Agent to Dispose of Them through a Private Negotiated Sale with the Fourth Creek Rotary Club for the Purpose of Sending the Books to Romania

VOTING: Ayes – 5; Nays – 0.

**PUBLIC HEARING**

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

**Case No. 0108-1: Nonowner Rezoning Request; Several Property Owners in the Hickory Highway Area, Between Dagenhart Farm Road & Shady Rest Road, from RA, Residential Agricultural to R-20, Single Family Residential District (The case involves 59 property owners and 530 acres.):** Planning Supervisor Smith said several property owners in the Hickory Highway area, between Dagenhart Farm Road and Shady Rest Road, had requested property to be rezoned from Residential Agricultural to R-20, Single Family Residential District. The following data was submitted to support the rezoning.

Total of 59 different owners (52 in favor & 7 against) = 88% in favor  
Total of 62 different parcels (54 in favor & 8 against) = 87% in favor  
Total of 530 acres (482 in favor & 48 against) = 91% in favor

Smith said the request met the ordinance's approval minimum of 80% required to accomplish a nonowner rezoning. He said that on August 1, 2001, in a unanimous decision, the planning board approved the rezoning request.

Sylvia Troutman, a proponent of the request, said she had resided in the area for 41 years and she wanted to protect the value of her property. Ms. Troutman said she was speaking for some of the other people in the audience who were in favor of the rezoning. (Approximately 25-30 people stood up when asked how many were in favor of the zoning change.)

County Planner Lindsey Hobbs said initially, a letter had been received from Lonnie Troutman and Johnny Byers advising that they did not want to be included in the rezoning. Hobbs said later, Mr. Byers contacted him and indicated that he had not authorized for his name to be used in the letter.

JoAnn Hedrick, a proponent of the rezoning, said she had lived in the area for 46 years, and she also wanted to protect the value of her property.

Patricia Warren, a proponent of the rezoning, she had nothing against mobile homes or mobile home parks, but she was against too many of them being located in the same area. Warren said the traffic on North Shady Rest Road was already a problem. She said her mother lived across the road from where some property was being developed and erosion problems had occurred. Warren showed pictures of the rezoning vicinity.

Attorney Rusty Chapman said he represented Lonnie and Clara Troutman, who were opponents of the rezoning. He said the Troutman couple owned property in the area, and they were against the rezoning due to:

1. The R-20 zoning was inconsistent with the area due to there being 38 doublewides and 163 singlewide mobile homes within a one-half mile radius of the Lonnie and Clara Troutman property. He also said there were 72 doublewides and 259 singlewides within a one-mile radius. Chapman said these mobile homes would be grandfathered if the rezoning were approved. He said Mr. & Mrs. Troutman had subdivided their property into fee simple lots, and they had never intended to place a mobile home park at the site.
2. The couple already had (1) environmental approval to develop the property, (2) they had obtained a plat (3) they had roads cut/graveled, and (4) they had thus far, invested about \$54,000. He said their property was listed on the tax books at \$100,000, and when the project was completed, the Troutman's investment would be \$130,000.
3. The rezoning process had been unfair. He said the rezoning petition had been prepared and distributed to prohibit Mr. and Mrs. Troutman in developing their property. Chapman said no one had asked them what they planned to do with the property.

Chapman said Ronda Hoke, James Chapman, Mr. and Mrs. James Waugh, Frank Davidson, and Joe Alexander did not support the petition, but they had previously signed it. Chapman said that in addition, a Mrs. Templeton, upon realizing she would not be able to place a mobile home on her property if the rezoning were approved, had requested for her name to be removed from the petition.

Ronda Hoke, an opponent of the rezoning, said he owned property in the request. He said that if the rezoning passed, his property would be split with part of it in residential agricultural and another section in the R-20 designation.

Clyde Adams, an opponent of the rezoning, said he was against the request, because he wanted the ability to place a mobile home on his property, especially for any elderly or sick relatives.

Commissioner Johnson asked Smith if there was a possibility the commissioners might have the option of voting on a less restrictive zoning classification. Johnson said he already understood it would be necessary for the petitioner to withdraw the petition and resubmit, if a less restrictive zoning were requested.

Smith said he wouldn't advise making a decision on an RU-R classification at "tonight's meeting."

Johnson said that with this being the case, the commissioners had the choice of either voting on the request as presented, or to table it.

Smith said this was correct.

Johnson asked for a clarification on accessory mobile homes, due to Mr. Adam's comments.

Smith said accessory mobile homes were allowed for family members "generally on a temporary time period." He said, however, accessory mobile homes were not allowed in R-20 districts.

Commissioner Bowles said that if the rezoning were approved, and a subdivision was created, there might still be traffic and erosion problems with stick-built homes. Bowles said he would not be inclined to vote for the rezoning. He said this was due to his belief that a large group of property owners should not have the right to determine what a small group of property owner's could do with their property.

Commissioner Williams asked Smith what was allowed in a R-20 district.

Smith said modular homes or stick-built homes. Mr. Smith said that Mr. and Mrs. Troutman could petition for vested rights if they met certain criteria. Smith said that if vested rights were proven, some type of singlewide or doublewide development could be built.

Commissioner Ray said Attorney Chapman had stated that Mr. and Mrs. Troutman did not want to place a mobile home park at the site. She asked if anyone knew what was proposed for the property.

Smith said he was not sure. He said that under residential agricultural zoning, the Troutman couple could put in a mobile home subdivision, a doublewide subdivision, or a stick-built subdivision. He said all of these required the same lot sizes and setbacks. He said mobile home parks required special use permits and an additional level of approval by the board of adjustment -- even in a residential agricultural district. Smith said the Troutman's subdivision plat indicated that a mobile home park would not be done. He said, however, this could be changed.

Chairman Tice adjourned the public hearing.

**MOTION** by Commissioner Johnson to approve the rezoning request of Case # 0108-1 (Nonowner Petition of Several Property Owners in the Hickory Highway Area between Dagenhart Farm Road and Shady Rest Road) from Residential Agricultural to R-20, Single Family Residential District.

VOTING: Ayes - 3; Nays - 2 (Bowles & Williams).

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

**MOTION** by Commissioner Johnson to approve the following eight (8) consent agenda items.

VOTING: Ayes - 5; Nays - 0.

- 1. Presentation from the Iredell-Statesville School System on the 2000-2001 Capital Outlay Report:** (For information on this item, please see the briefing minutes.)
- 2. Request from the Iredell-Statesville School System for a 2001-2002 Capital Outlay Amendment:** (For information on this item, please see the briefing minutes.)
- 3. Request from the Health Department for Proposed Staffing Changes and Budget Adjustments:** Approval was given to hire an additional full-time Processing Assistant III (bi-lingual) and to expand the hours of a Processing Assistant IV (Vital Records Clerk) from 60% to 100%. (Additional information may be found in the briefing minutes.)

**4. Request for Approval of Budget Amendment #6 to Appropriate Funds Carried over from Fiscal Year 2000-2001 for Purchase Orders that are now Outstanding:** This amendment is necessary to appropriate funds carried over from fiscal year 2000-01 for outstanding purchasing orders in the following line items or departments: General Fund, the County-Wide Fire District Fund, the 911 Telephone fund, Solid Waste Department, and Workers Comp.

**5. Request for the Approval of a Resolution Pertaining to the Renaming, or Renumbering, of NC 136 to NC 3:** The following resolution was adopted.

**RESOLUTION  
PERTAINING TO THE RENAMING, OR RENUMBERING,  
OF  
NC 136 TO NC 3**

WHEREAS, the North Carolina Department of Transportation has notified the Iredell County Board of Commissioners of a request to rename, or to renumber, the entire length of North Carolina Highway 136 (NC 136) to North Carolina Highway 3 (NC 3); and

WHEREAS, the North Carolina Department of Transportation seeks a resolution from Iredell County pertaining to the renaming, or renumbering project; and

WHEREAS, the County of Currituck, where the present NC 3 is located, is not in opposition to the change, and in fact, has submitted a resolution endorsing the project; and

WHEREAS, the purpose of the highway renaming, or renumbering, is to honor National Association of Stock Car Auto Racing (NASCAR) driver Dale Earnhardt, now deceased; and

WHEREAS, Mr. Earnhardt's racing car was registered through NASCAR as the number three (3) vehicle, and the renumbering of NC 136 to NC 3 would be a fitting tribute, and a visual reminder, of a racing legend who made his home in Iredell County.

NOW, THEREFORE, BE IT RESOLVED, by the County of Iredell as follows:

1. That Iredell County supports the renumbering, or renaming, of NC 136 to NC 3.
2. That a certified copy of this resolution be sent to the North Carolina Department of Transportation, and any other agency or official necessary, to accomplish this project.

\* \* \* \* \*

**6. Request for Approval of the August 21, 2001 Minutes**

**7. Request from the Sheriff's Department for Permission to Apply for a North Carolina Department of Transportation 2001 Grant for Bicycle Helmets:** During the briefing, Sgt. Neil Hayes said that due to the "Child Bicycle Safety Act," becoming effective October 1, 2001, the State Department of Transportation had initiated a statewide project to supply bicycle helmets to communities. The law will require all bicycle riders, under the age of 16, to wear a helmet if riding on a public street or right of way. The maximum funding per community is \$2,000, and no local match is required.

**8. Request to Declare 500 Library Books Surplus and to Authorize the Purchasing Agent to Dispose of Them through a Private Negotiated Sale for the Purpose of Allowing the Fourth Creek Rotary Club to Send the Books to Romania:** The following resolution was approved.

**RESOLUTION AUTHORIZING THE PRIVATE SALE OF CERTAIN SURPLUS  
PROPERTY**

WHEREAS, the County of Iredell has possession of the following items of personal property which are surplus to its needs and desires to dispose of same.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Iredell County, that Evie D. Caldwell, Purchasing Agent, pursuant to the provisions of G.S. 160A-266, is hereby authorized to dispose of the following personal property at private negotiated sale:

500 Surplus Library Books

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

**APPOINTMENTS TO BOARDS & COMMISSIONS**

**Adult Care Home Community Advisory Committee (3 appts.):** MOTION by Chairman Tice to postpone these three appointments until the September 18, 2001 meeting due to no nominations being submitted.

VOTING: Ayes – 5; Nays – 0.

**Statesville Board of Adjustment-Extraterritorial Jurisdiction (2 appts.):**  
Commissioner Johnson nominated David Aman.

No further nominations were submitted.

Commissioner Bowles moved to appoint Aman by acclamation and to postpone the remaining appointment until the September 18, 2001 meeting.

VOTING: Ayes – 5; Nays – 0.

**Recreation Advisory Board (1 appt.)** No nominations were submitted, and Commissioner Johnson moved to postpone the appointment until the September 18, 2001 meeting.

VOTING: Ayes – 5; Nays – 0.

**COUNTY MANAGER’S REPORT:** Mashburn reminded the board members about the Centralina Council of Government’s Dinner Meeting on September 12, 2001, at the Statesville Civic Center (social time at 6:15 p.m. and dinner to follow at 7:00 p.m.).

**ADJOURNMENT:** There being no further business to conduct, Chairman Tice moved to adjourn the meeting at 8:15 p.m. **NEXT MEETING:** Tuesday, September 18, 2001, 5:00 p.m. (briefing) and 7:00 p.m. (regular meeting) in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

VOTING: Ayes – 5; Nays – 0.

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

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