

**IREDELL COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
SEPTEMBER 21, 2004**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, September 21, 2004, 7:00 p.m., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

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

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

**CALL TO ORDER** by Chairman Johnson.

**INVOCATION** by Commissioner Norman.

**PLEDGE OF ALLEGIANCE**

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

Addition: Closed Session for Personnel – G.S. 143-318.11 (a) (6)

Deletion: Closed Session for Property Acquisition – G.S. 143-318.11 (a) (5)

VOTING: Ayes – 5; Nays – 0.

**RECOGNITION OF GUESTS:** Chairman Johnson recognized a Firemen's Training Class composed of individuals from the Monticello and West Iredell VFDs. The trainees were attending the meeting with their instructor, Iredell County Fire Marshal Chuck Gallyon.

**RECOGNITION OF REPORTER MICHELLE HARRISON:** Chairman Johnson honored *Record & Landmark* reporter Michelle Harrison with a "Distinguished Citizen" certificate. Harrison, who plans to relocate to the coastal part of the state in a few weeks, was thanked for her newspaper articles dealing with county news and events during the past few years.

**APPOINTMENTS BEFORE THE BOARD**

**Mr. Danny Yount, the Environmental, Health, and Safety Department Specialist for ASMO North Carolina, Inc., Provided a 2003 & 2004 (1<sup>st</sup> Six Months) Environmental Report in Conjunction with the Environmental Protection Agency's (EPA) National Performance Tracking Program:** Mr. Yount said his presentation was a requirement of the EPA's Performance Program. He mentioned that ASMO was awarded North Carolina's Environmental Steward award last year. Yount then described several methods in which his company was "attempting to exceed environmental requirements along with focusing on making the environment better." Some methods he described are as follows:

- Balers have been purchased to bale plastic and other items.
- A different method for aerosol can disposal is being used. Previously, ASMO sent the cans to a company for disposal, now they are drained, crushed, and sent to a metal recycling company.
- Recyclable oil pads are being used instead of purchasing new absorbent pads.

Mr. Yount said the company's volatile organic compound air emissions had been reduced, along with energy consumption, and this was due to the types of equipment being used. Yount said the "new generation motors" were made of zinc-coated steel, and there was no need to paint them. He said a future endeavor would be to incinerate trash and sludge.

Attorney Pope asked if there was a net cost to the savings or the benefits.

Yount said all of the equipment (e.g., baler) had to be justified. He said information had to be provided regarding the materials, and if they prevented pollution and helped the environment.

**Request from the City of Statesville for the Release of Zoning and Subdivision Jurisdiction (ETJ) for Property Located East of I-77 Between Exit 45 & Exit 49:** Iredell County Planning Supervisor Ron Smith said a request for the release of zoning and subdivision jurisdiction for approximately 1,200 acres had been submitted from the City of Statesville.

Statesville Planning Director David Currier said the Statesville city council had passed a resolution requesting consideration for the release of approximately 1,120 acres of land to the city's ETJ. Currier said the property was being reviewed by a developer for a mixed-use project, and many properties were already under option. He said the initial proposal would be for 3,000-4,000 dwelling units (mixture of single-family; high-density condominiums, and so forth). Mr. Currier said the total build out could yield close to a million and half square feet of office space along with the same amount for commercial development. He said a project similar in magnitude would be the Birkdale Village project at I-77/Exit 25. Currier said 362 acres were already within the city's ETJ, and water and sewer would be needed for the adjacent properties.

Mr. Currier said the council had met with the board of commissioners a few years ago, and it was the consensus of the group at the time that Statesville should be developed in an urban fashion -- high densities -- more on less -- in an effort to allow the county to preserve the rural agricultural farm base. He said the city council felt the proposed project was an excellent example of the shared vision. Mr. Currier said the developer, GS Carolina LLC, out of Charlotte, NC, wanted to start the charrette process as soon as possible. He said all of the affected property owners, plus the governmental entities and the Iredell-Statesville School System, would be invited to the public meetings. Currier said that if the properties were released, Statesville would work with the developers on applying mixed-use zoning. He said that if there were properties not included in the exercised options, the staff would recommend to the Statesville Planning Board, and council, a synonymous zoning with the county, for example, a residential agricultural district would be supported as a residential agricultural city district.

Chairman Johnson said his interpretation of the proposal was that the City of Statesville was not asking to annex anything at this point in time.

Mr. Currier said it was his understanding that annexation was being reviewed, but a final decision had not been reached.

Chairman Johnson said it was his understanding that an urban service area was basically an idea where the county, when it zoned or developed a land use plan, would be considerate of future infrastructure needs of the city. He said annexation was not occurring if the county approved the ETJ or zoning release request. He continued by saying that with an ETJ release, the property owners would still be allowed to offer input.

Currier said "most definitely." He said the developers knew the commissioners were concerned about schools and school sites, and they would look at "exactions" from the development community to provide for any and all types of public facilities.

**MOTION** by Commissioner Madison to release the ETJ as requested by the City of Statesville.

Chairman Johnson said he had met with several property owners and they understood that in order to obtain city services they would have to give up the ETJ. He said the people also understood that annexation would not occur right away.

VOTING: Ayes – 5; Nays – 0.

(Note: Statesville Councilman Jap Johnson also attended the meeting.)

**Request for Renewal of a Lease with the Kiwanis Club of Statesville for the Fair Grounds:** Commissioner Madison said the fair grounds renewal contract stipulated the county had to provide a one-year notice if an early termination was needed. He said this was a lengthy time, and if by chance there were negotiations occurring on the property, the stipulation would give the Kiwanis Club a default over the county’s future plans. Mr. Madison suggested that a 90-to-180-day notice, or some type of mutual consent language, be substituted for the one-year period.

Attorney Pope said the following wording could be inserted into the contract:

*Lessor reserves the right in its sole discretion to substitute other premises for the demised premises. Prior to substitution of alternate premises for the demised premises the lessor shall consult with the lessee concerning the location and adequacy of proposed alternate premises, but lessor shall not be bound by the recommendations of lessee in selecting or improving any alternate premises.*

Commissioner Madison said the wording was sufficient.

**MOTION** by Commissioner Norman to approve the contract with the revised wording provided by the county attorney contingent upon approval by the Kiwanis Club.

VOTING: Ayes – 5; Nays – 0.

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

**MOTION** by Chairman Johnson to approve the following 13 consent agenda items.

VOTING: Ayes – 5; Nays – 0.

**1. Request from the Department of Transportation for the Abandonment of Road Maintenance for a Portion of Hobbs Lane (SR 2948):** As was described in the briefing session by Planning Supervisor Ron Smith, the North Carolina Department of Transportation has requested that a portion of SR 2948 (Hobbs Lane) be abandoned due to the Highway 115 realignment. Smith said a total of 95 linear feet would be abandoned from state maintenance.

**2. Request from the North Carolina Department of Transportation (NCDOT) for the Endorsement of a Reclassification of Brawley School Road from a “Local Road” to that of a “Rural Major Collector Road”:** During the briefing session, Planning Supervisor Smith said the NCDOT had proposed a revision to the Functional Classification System. He said the changes would apply to the following roadways:

- R-3833, SR-1100 (Brawley School Road), SR-1177 (River Loop Road) to SR 1109 (Williamson Road), add as Rural Major Collector (3.85 miles)
- R-3833, SR 1100 (Brawley School Road), SR 1109 to US 21, add as Urban Collector (2.01 miles).

Smith said the classification change would have an affect on (1) future funding appropriations, (2) future design criteria, and (3) future planning for the Lake Norman Rural Planning Organization. He said the DOT was requesting an endorsement letter regarding the reclassification.

**3. Request for Approval of the August 2004 Refunds and Releases:** Tax Administrator Bill Doolittle, during the agenda briefing, recommended that the following refunds and releases be approved.

<b>AUGUST 2004 TAX RELEASES &amp; REFUNDS</b>		
	<b><u>Releases</u></b>	<b><u>Refunds</u></b>
County	172,916.13	4,348.74
Solid Waste Fees	4,199.00	105.82
East Alexander Co. Fire #1	121.96	85.02
Shepherd's Fire # 2	1,989.90	82.38
Mount Mourne Fire # 3	1,028.22	0.00
All County Fire # 4	9,823.02	167.15
Statesville City	29,618.04	746.43
Statesville Downtown	75.85	0.00
Mooresville Town	54,376.29	129.20
Mooresville Downtown	0.18	0.00
Mooresville School	14,176.70	36.26
Love Valley	112.95	0.00
Harmony	40.17	0.00
Troutman	2,784.43	0.00
<b>Total</b>	<b>291,262.84</b>	<b>5,701.00</b>
A complete list, of the individual tax releases and refunds, is hereby incorporated into the minutes by reference.		

**4. Request for Approval of Budget Amendment #9 to Record a \$22,000 Grant Award from the North Carolina Department of Environment and Natural Resources for the School Community Waste Reduction and Education Program (local match = \$2,200):** Budget Amendment #9, as explained by Recycling Coordinator Carla Parks at the 5 p.m. meeting, will recognize \$22,000 received from a state grant. Ms. Parks said the money would purchase recycling containers to be placed in educational facilities inside the Statesville city limits. She said the city's sanitation department would pick up the recyclables.

**5. Request for Approval of Fee Revisions, Effective Immediately, for the Animal Control Department:** During the briefing session, Emergency Services Director Tracy Jackson and Chief Animal Control Officer Rob Tatham requested approval of the following fee revisions for the animal control department.

**New adoption figures**

(The goal will be to have 200 dogs and 60 cats adopted.)

**\$70 dog**

- \$45.00 – surgery to spay/neuter 10-0532-5200-04 Professional services
- \$2.00 – 4-n-1 vaccine 10-0532-5350-16 Supplies – Medical/Drugs
- \$1.85 – kennel cough vaccine 10-0532-5350-16 Supplies – Medical/Drugs
- \$6.00 – rabies vaccine 10-0532-5350-16 Supplies – Medical/ Drugs \*
- (\$10.00 – microchip available at this cost – new line item – self funding)

Total \$54.85

\* Pending certification of rabies vaccinator

**\$55 cat**

- \$45.00 – surgery to spay/neuter 10-0532-5200-04 Professional services
- \$2.00 – FVRCP vaccine 10-0532-5350-16 Supplies – Medical / Drugs
- \$6.00 – rabies vaccine 10-0532-5350-16 Supplies – Medical / Drugs \*
- (\$10.00 – microchip available at this cost – new line item – self funding)

\* Pending certification of rabies vaccinator

Total \$53.00

**Old prices**

<b>\$71 dog</b>		
\$76.00 spay		10-0532-5200-04 Professional Services
\$56.00 neuter		10-0532-5200-04 Professional Services
\$7.00 exam		10-0532-5200-04 Professional Services
\$7.00 rabies vaccine		10-0532-5200-04 Professional Services
\$7.00 corona vaccine		10-0532-5200-04 Professional Services
\$2.00 4-n-1 vaccine		10-0532-5350-16 Supplies – Medical / Drugs
	<i>microchip not available</i>	
Total	\$97.00 females	
	\$77.00 males	
<b>\$55 cat</b>		
\$53.00 spay		10-0532-5200-04 Professional Services
\$28.00 neuter		10-0532-5200-04 Professional Services
\$7.00 exam		10-0532-5200-04 Professional Services
\$7.00 FVRCP vaccine		10-0532-5200-04 Professional Services
\$7.00 rabies vaccine		10-0532-5200-04 Professional Services
	<i>microchip not available</i>	
Total	\$77.00 females	
	\$52.00 males	

<b><u>Strays vs. donated animals</u></b>	<b><u>During August 2004</u></b>	<b><u>Year to date 2004</u></b>
Stray dogs	119	1187
Donated dogs	328	1457
Stray cats	158	1181
Donated cats	194	1284

<b><u>To adopt 200 dogs</u></b>	<b><u>Actual cost</u></b>	<b><u>Adoption income</u></b>	<b><u>Difference</u></b>
New adoption price	\$12,970	\$14,000	\$1,030
Old adoption price	\$17,400	\$14,200	-\$3,200

<b><u>To adopt 60 cats</u></b>	<b><u>Actual cost</u></b>	<b><u>Adoption income</u></b>	<b><u>Difference</u></b>
New adoption price	\$ 3,180	\$ 3,300	\$ 120
Old adoption price	\$ 3,870	\$ 3,300	-\$ 570

At the briefing session, Mr. Tatham said this request also included a proposal to offer the public, as an option of the standard reclaim of their cat or dog, an opportunity to have the animal spayed or neutered within an agreed upon time. He said that if the spay or neuter was not completed within the specified time, the owner would be liable for all fines. Tatham explained the process by saying the owner, at the time of reclaim, would decide if he or she preferred to pay the standard reclaim fee of \$25 for dogs, \$10 for cats, the \$5 per day board fee and any applicable citations starting at \$50.00, or pay an adoption fee and agree to bring the animal to the shelter to be surgically altered on a scheduled date. He said that at the time of the spay/neuter agreement, citations would be issued, but if the owner complied with all requirements, a waiver would occur. Additionally, Officer Tatham said he desired to offer senior citizens (65 years or older) a discount of having up to four animals spayed or neutered at the shelter's actual cost.

**6. Request for the Addition of Two Members to the Animal Grievance Committee:** Chief Animal Control Officer Tatham, at the briefing session, requested that two additional positions be added to the Animal Grievance Committee. He said the present committee composition of three members, often times left only one member at the hearings.

**7. Request for Approval of Library Shelving Bids:** Purchasing Agent Dean Lail explained during the briefing session that bids were opened on September 15, 2004 for library shelving. He recommended for the bids to be awarded to Interior Systems for Estey Shelving with wood end caps at a total project cost of \$180,822.00. A listing of all bids received is as follows:

VENDOR	MANUFACTURER	BASE BID	END PANELS	ALTERNATE	BID BOND
Acorn	Estey (Alt) Montel	\$181,748.00	None	\$196,365.00	Yes
Interior Systems	Estey	148,721.00	\$180,822.00		Yes
Mecos	Estey	151,251.00	183,000.00		No

(Note: The bids were awarded to the low bidder -- Interior Systems.)

**8. Request for Approval to Declare Two Crown Victoria Automobiles as Surplus and for Permission to Lease the Vehicles to Mitchell Community College for Usage in the Basic Law Enforcement Training Program (BLET) Along with an Amendment to the County's Policy Regarding the BLET Vehicles:** Purchasing Agent Dean Lail explained during the briefing that on May 20, 1997, the county approved a policy to lease two surplus vehicles to Mitchell Community College for the BLET Program. He said the arrangement allowed the college to lease the vehicles for \$1 each, per year, and they were later swapped out for newer surplus vehicles. Lail said new state requirements now required the BLET Program to have four vehicles in order to be accredited. He asked that two additional vehicles be leased to Mitchell, and that the former policy be amended to reflect the leasing of four vehicles. Mr. Lail said the college maintained the vehicles and purchased automobile insurance.

He suggested that the following two vehicles be declared surplus to fulfill the college's request.

1999 Ford Crown Victoria VIN#2FAFP71W8XX150845 (Mileage – 142,146)

1999 Ford Crown Victoria VIN#2FAFP71W3XX150848 (Mileage – 117,896)

**9. Request for Approval of a Lease with the North Carolina Department of Health & Human Services for Office Space at the Iredell County Government Center – South:** During the briefing session, Support Services Director Jim Vernon requested approval of a three-year lease, extending through September 30, 2007, for 216 net square feet of office space to be used by the North Carolina Department of Health & Human Services at the Iredell County Government Center-South facility.

**10. Request for Approval of Budget Amendment #10 to Recognize Homeland Security Grant/Part I Funds not used During 2003-04 and to Appropriate the Funding for 2004-05 Expenditures:** Finance Director Blumenstein, at the 5 p.m. meeting, requested that Homeland Security Funds (Part I) not used in FY 2003-04 be appropriated for 2004-05 expenditures. She said \$70,746 would be appropriated as follows:

Supplies	\$ 10,136
Training & Development	5,420
Training Exercises	17,250
Depreciable Assets	15,114
Non-depreciable Assets	16,240
Vehicles & Licensed Trailers	6,586

**11. Request for Approval of Budget Amendment #11 to Recognize the SouthTrust Bank Loan for the Refinancing of the Iredell County Rescue Squad Debt and to Transfer Funds From the Annual Appropriation to Debt Service (Iredell County Rescue Squad) for Monthly Payments from September 2004 through June 2005:** Finance Director Blumenstein said the loan to refinance the debt for the Iredell County Rescue Squad closed on August 25, 2004. She requested approval of Budget Amendment #11 to incorporate the \$700,000 transaction into the 2004-05 budget.

**12. Request for a Decision Regarding the Board's Meeting Schedule on Election Day, Tuesday, November 2, 2004:** For the month of November 2004, the board members agreed to cancel the meetings scheduled for the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays (November 2 & 16) and to instead meet on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays (November 9 & 23). The alterations, just for the month of November 2004, occurred due to Election Day being on the 1<sup>st</sup> Tuesday of the month.

**13. Request for Approval of the September 7, 2004 Minutes**

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

**ANNOUNCEMENTS OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS**

**Iredell County Board of Adjustment (1 announcement)**

**Animal Grievance Committee (3 announcements):** Alison Fortner recently resigned from this committee and with the two added appointments, a total of three positions are now open.

**MOTION** by Chairman Johnson to suspend the rules of procedure, regarding the announcement of appointments to boards and commissioners, and to nominate Mrs. Elaine Allman for the Animal Grievance Committee.

VOTING: Ayes – 5; Nays – 0.

**MOTION** by Commissioner Madison to appoint Mrs. Allman to the Animal Grievance Committee.

VOTING: Ayes – 5; Nays – 0.

**APPOINTMENTS TO BOARDS & COMMISSIONS**

**Adult Care Community Advisory Committee (4 appointments):** Commissioner Norman nominated Johnny Elliott.

**MOTION** by Chairman Johnson to appoint Elliott by acclamation and to postpone the remaining three appointments until the October 5 meeting.

VOTING: Ayes – 5; Nays – 0.

**Recreation Advisory Committee (1 appointment):** Commissioner Williams nominated Bob Howell.

**MOTION** by Commissioner Tice to close the nominations and appoint Howell by acclamation.

VOTING: Ayes – 5; Nays – 0.

**COUNTY MANAGER’S REPORT:** County Manager Mashburn distributed a written activity report. He gave updates on the following projects:

New library: Should be completed by the latter part of December.

New Social Services Building: Bids were opened earlier today (September 21). They will be thoroughly reviewed prior to submission to the board for approval.

**CLOSED SESSION:** **MOTION** by Chairman Johnson at 7:35 p.m., to enter into closed session for the purpose of discussing a personnel matter pursuant to G.S. 143-318.11(a) (6).

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 7:46 P.M.)

**ADJOURNMENT:** MOTION by Commissioner Madison to adjourn the meeting at 7:46 p.m. (NEXT MEETING: Tuesday, October 5, 2004, 5 & 7 p.m. in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

VOTING: Ayes – 5; Nays – 0.

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

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