

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
SEPTEMBER 4, 2007**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, September 4, 2007, at 7:00 p.m., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Board Members Present

Chairman Marvin Norman
Vice Chairman Sara Haire Tice
Steve Johnson
Ken Robertson
Godfrey Williams

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

CALL TO ORDER by Commissioner Norman

INVOCATION by Commissioner Johnson

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA: No adjustments were made, and Commissioner Johnson made a motion to approve the agenda as presented.

VOTING: Ayes – 5; Nays – 0.

PUBLIC HEARINGS

Chairman Norman declared the meeting to be in public hearing session, and Attorney Pope administered the oaths to all persons desiring to speak about the conditional use rezoning cases.

Rezoning Request: Case No. 0706-9, Attorney/Agent Edmund Gaines on behalf of the Kent Development Company Requests to Change the Conditions on an Existing Community Business Conditional Use District: (Location: 2290 Salisbury Highway in Statesville, NC): Planning Director Ron Smith reviewed the following staff report for this case.

PLANNING STAFF REPORT - CASE NO. 0706-9

OWNERS: Kent Development Company
2290 Salisbury Highway
Statesville, NC 28677

AGENT: Edmund Gaines with Homesley, Jones, Gaines & Dudley
216 E. Broad Street
Statesville, NC 28677

LOCATION: 2290 Salisbury Highway, more specifically PIN# 4763-04-7670.
Directions: US Highway 70 east, on the corner of Old Warren Drive.

REQUESTED ACTION AND CONDITIONS: Change the conditions on an existing CB CUD Zoning District **removing the following conditions:**

- Access onto Old Warren Drive will be restricted to emergency and service vehicles only, with associated signage to this effect posted on site.
- Public access to this property will be limited to the east side of the parcel onto Salisbury Highway.
- Fencing will be installed as a buffering device between Old Warren Drive and both entrances to the gymnasium parking area.

And adding the following condition:

- Reasonable buffering will be required between the west line of the property on Old Warren Drive but not so as to restrict access from Old Warren Drive to both entrances to the old gymnasium parking area.

PROPOSED USE: Daycare Center, Psychological Evaluation Center for people with disabilities and recreational facilities for people with disabilities.

SIZE: The property is 9.27 acres.

EXISTING LAND USE: Business and office.

SURROUNDING LAND USE: Residential and industrial.

WATERSHED REGULATIONS: This property is not located in a watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Highway 70 is 10,500 vehicles per day. In 2005, the estimated daily traffic count for US Highway 70 was 18,000 vehicles per day. The State is currently in the process of re-routing and widening US Highway 70, which begins at this lot.

ZONING HISTORY: This property was rezoned from RA to CB CUD on February 21, 2006. Prior to that the property had been zoned RA since county-wide zoning took effect in 1990. The property to the north has been zoned M-2 since 1990. The properties to the east were zoned HB in 1991 and M-1 in 1995.

STAFF COMMENTS: This property was originally proposed for rezoning in the fall of 2005. The owner-applicant is now seeking a change in the conditions imposed at that time. The US 70 East Corridor Land-Use Plan proposed maintaining this property in a Public & Institutional capacity. The Plan further states that “The former Wayside School building may be sold for a use not permitted in the RA district. It is important that if rezoning is required for the future use of this site that the rezoning be in the conditional use format in order to ensure compatibility with the surrounding residential area.”

The district and restrictions originally adopted were in keeping with the principles of the US 70 East Corridor Land-Use Plan. Such conditions help the property blend with the residential character of the area located on the southern side of Highway 70. Changing those conditions would not be consistent with the plan. Therefore, staff **recommends against** the request.

PLANNING BOARD ACTION: On June 6, 2007, the Planning Board voted 8-1 to recommend denial of this request and to advise that it is consistent with the US 70 East Corridor Plan.

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Commissioner Johnson mentioned that “reasonable buffering” was subjective. He asked if the staff had talked to the applicant about being more specific.

Smith said the buffering information was left vague.

Chairman Norman said he understood the conditions were imposed about a year ago.

Smith said yes -- early 2006, and the case actually started in the fall of 2005.

Attorney Eddie Gaines, on behalf of the applicant submitted the following documents:

Item 1 – Boundary Survey (He said Old Warren Drive was entirely on the Kent Development property).

Item 2 – Copy of GIS map (aerial photo) (He said this indicated Old Warren Drive was on the Kent Development property too).

Item 3 – Another map

Item 4 – Appraisal Card (Gaines said the property was appraised in three different sections at a total value of \$1,100,000.)

Item 5 – Affidavit from Dale Fox, the last school principal at Wayside School. (Gaines said Fox mentioned the various school uses on Old Warren Drive in the document.)

Item 6 – Eleven photos of the fence alongside Old Warren Drive.

Gaines said Kent Development purchased the property in 2005 from the school system at a cost of \$575,000. He said his client bought the property with the understanding the site would be rezoned from RA. Mr. Gaines said the land use plan in 2005 recognized that the former school site would be sold, and it would probably not be used for anything compatible with RA. He said the plan also mentioned conditions that could be imposed to make it conducive to RA. Gaines said Mr. Kent closed on the property in October, and the rezoning came up later. He said the applicant did not purchase the site with the knowledge that Old Warren Drive access to the western side would be prohibited. Gaines said that along with the initial purchase amount of \$575,000.00, his client had spent \$150,000 for property improvements. He said that at the rezoning meeting, four or five neighboring property owners spoke and “strenuously” objected to the usage of Warren Drive. Mr. Gaines said the request was tabled, and it was suggested that Mr. Kent work the problems out with the neighbors. Gaines said no one was being accused, but Mr. Kent’s property had suffered from the following: (1) a building was broken into on a number of occasions, and this was on the Warren Road side (2) furniture had been crushed (3) numerous windows broken (4) fire extinguishers were released from inside the building (5) messages in large scrawl were written across the blackboards saying, “Get out. We don’t want you here. Why can’t you understand that we don’t want you here? Get out now, or else.” Mr. Gaines said the thermostat was turned wide open and ran up a \$4,000 heating bill. He said the sheriff’s department was called on at least two occasions and had photos of the vandalism. Mr. Gaines said these were some of the reasons as to why Mr. Kent agreed to the conditions.

Mr. Gaines said Warren Drive was actually on Mr. Kent’s property, and the residents off Old Warren Drive were actually driving on Mr. Kent’s property to access their homes. He said the deed from the school board indicated the property was subject to the right of way for the residents to use Warren Drive. Mr. Gaines said the roadway appeared to have been there “forever” and a permanent easement hadn’t been located. He said in the early 1950s, the school board recorded a plat, and the roadway was shown as a private roadway. Gaines said the former principal, Mr. Fox, estimated 80 private vehicles transported children in-and-out via the roadway when school was in session, plus there were delivery trucks and community events in the gym whereby people drove on Old Warren Drive.

Gaines said his client wanted to use the building as a day care center and the gym as a recreational building. He said it would cost \$60,000 to build another road, and the sewer line was on the property’s backside. Mr. Gaines said the applicant wanted to withdraw the last request, pertaining to the buffering, because a fence had now been erected.

Commissioner Johnson said that in most real estate transactions, the purchaser usually made an offer contingent upon rezoning. He asked if the new roadway cost of \$60,000 would be the extent of the harm, should Old Warren Drive be disallowed for use.

Max Kent (owner of the property) said he wanted harmony with the neighbors. He said, however, there was (1) a concrete company across the site that generated much dust (2) new industry was locating on the highway everyday and (3) there was heavy construction occurring with the highway widening and this would generate even more growth. Kent said he never felt there would be a problem using a road that belonged to him. Mr. Kent said he couldn’t figure out why a new roadway should be built when one already existed. He said, “We don’t mind the neighbors using our road, so why should they mind us using the road that belongs to us?”

Commissioner Johnson asked Mr. Kent if he felt the previously imposed conditions had been adequately complied with or satisfied.

Mr. Kent said he probably had “fallen a little short.” He said a financial setback had occurred when a state contract fell through. Kent said citations had been issued, but a fence and trees were now on the site.

Edward Crew (opponent) said Old Warren Drive was not on Mr. Kent’s property. He said the landowners (off Old Warren Drive) owned the greatest portion of the road. In addition, he said aerial photos shouldn’t even be considered as legal documents. Crew said there wasn’t a recorded deed for the school to have right of way to the property. He said Mrs. Mary Warren lived in the first house off Old Warren Drive, and she had lived there since the school started operating -- even before it burned down in 1943. Crew said he owned what was referred to as the “wood box,” which was actually a cabin once occupied by Mrs. Warren. He said anyone that had

been a developer for 20 years should have noticed the county's land use plan, especially where it stated the property "must be sold in a conditional use." Crew said most people would want to know the conditions before purchase. He said the residents took pride in their neighborhood, and in reference to Mr. Gaines' accusations about vandalism, it needed to be known that in fact, the Old Warren Road residents had called the police about people loitering around the old school site. Mr. Crew said that in regards to the statements from Mr. Fox, the former principal, that numerous complaints had been made about parked vehicles blocking the driveway. Crew said he had a heart condition, and on one occasion, it took 30 minutes to get out of the driveway. He then shared a prepared statement from the neighbors as follows:

"We have met with the developer and county commissioners and discussed this at length. The conditions were set and agreed upon in favor as stated in the September 21, 2006 minutes. As of this date, 18 months later, the developer has not fully complied with the conditions set forth by the board. It has only been within the last 90 days that he has started to comply. The only reason there has been any compliance is because code enforcement started issuing or threatening to issue citations. The county inspections department was told by the developer that the DOT had blocked the eastside entrance, and this was the primary or largest entrance to the property. The developer cut another entrance from Old Warren Drive, directly in front of Mary Warren's driveway to gain access to the front of the property, and this is definitely not in the site plan, or any of the conditional uses. The wood fence is only partially completed, and it does not blend well within the residential area. It basically looks more like a military stockade fence. The biggest problem with the fence, with no gates at this point in time, is that people are exiting from Old Warren Drive causing unsafe conditions -- on two occasions there were near collisions. The other violations are the dog training site with web site directions being directly down Old Warren Drive. This is a violation of the conditions, and it took code enforcement to get this changed; however, it has not been clearly changed. The sign does not direct traffic to the east entrance. Old Warren Drive is a dead-end lane and it provides no turn around. The most recent statement about the need for Old Warren Drive was so ICATS could transport handicapped children to the gymnasium. This was just another attempt to use Old Warren Drive. We checked with ICATS, and didn't find any information about transporting anyone to the school. We also checked with the health department about the inability to build a drive or a parking lot because of the septic system. Information from the health department indicates that in 08-08-91 and on 11/14/91 the county authorized money to upgrade the sewer system. The leach fields are in the rear of the property. The county health department advises that no paperwork is available for the facility to be used dating from February of 2006. The property is required to have an inspection from the health department before occupancy."

Crew continued and said the area should be preserved as a residential area with a proper boundary in relationship with unlike uses. He said this had been accomplished somewhat by using the fence and the Old Warren Drive as the boundary. He requested on behalf of the other residents that the request be denied.

Chairman Norman adjourned the hearing.

MOTION by Commissioner Johnson to deny the zoning map amendment and to make a finding that the denial was consistent with the adopted US 70 East Corridor Plan and that said denial was reasonable and in the public interest due to its consistency with the US 70 East Corridor Plan; as a result, said denial furthers the goals and objectives of the US 70 East Corridor Plan.

Johnson said the conditions that now existed would continue to exist.

VOTING: Ayes – 5; Nays - 0.

Rezoning Request: Case No. 0708-1, Owner/Applicants Michael L. & Kristine S. Peebles Request an Amendment to the Iredell County Land Use Plan and to Rezone a Portion of Property from Neighborhood Business to General Business Conditional Use District: Planning Director Smith summarized the staff report for this case as follows:

**PLANNING STAFF REPORT
CASE # 0708-1**

OWNERS/APPLICANTS: Michael L. and Kristine S. Peebles
1355 Oakridge Farm Highway
 Mooresville, NC 28115

LOCATION: 1349 Oakridge Farm Highway, more specifically a portion of PIN# 4677-57-9538.
Directions: Highway 150 east (Oakridge Farm Highway), the property is on the left just past the Landis Highway split.

REQUESTED ACTION AND CONDITIONS: Amend the Land Use Plan and rezone the portion of the property that is NB, Neighborhood Business Zoning District to GB CUD, General Business Conditional Use Zoning District with the following conditions:

- Allow all NB uses, and
- Allow the following GB uses
 - ♣ Auto repair & service
 - ♣ Auto towing & storage
 - ♣ Auto sales & service
- Limited to one driveway access onto NC 150

PROPOSED USE: Auto repair, tire and service center is proposed.

SIZE: The property is 3 acres, with approximately half being rezoned from NB to GB CUD.

EXISTING LAND USE: Residential.

SURROUNDING LAND USE: Residential and commercial.

WATERSHED REGULATIONS: This property is located in the Back Creek WS II-Balance of Watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Highway 150 is 10,500 vehicles per day. In 2005, the estimated daily traffic count was 5,100 vehicles per day.

ZONING HISTORY: This property has been zoned NB since County-wide zoning went into effect in 1990. The property to the west that is zoned HB CUD was rezoned in February 2006. The property to the west that is zoned GB has been designated as such since 1990 as well.

OTHER JURISDICTIONAL INFORMATION: This property is not currently within the future land use plan for the Town of Mooresville. However, they are currently in the process of adopting their 2030 Land Use Plan. This property is identified as Rural Residential in the plan.

STAFF COMMENTS: The property is currently zoned for Neighborhood Business uses. Although the property is not directly located within the commercial node designated on the County Land Use Plan, it was initially zoned for commercial uses when county-wide zoning went into effect. Existing commercial uses in the area include an automobile repair shop, motorcycle sales, flag/ice cream store, and a trailer storage yard. Traffic counts are less than half of the road capacity. Therefore, the change should not negatively impact the area. There is already a trend to convert residential units to commercial with the conversion of a residence to a flag/ice cream store. Due to its location near the intersection of two major thoroughfares, current zoning designation for commercial uses, proximity to a proposed commercial node on the County Land Use Plan, the proposed conditions, existing commercial properties, trend for conversion from residential to commercial uses, and lack of potential impact on traffic, the Planning staff recommends in favor of this request.

PLANNING BOARD ACTION: On August 1, 2007, the Planning Board voted 10-0 to recommend approval of amending the County Land Use Plan and voted 10-0 to recommend approval of this request and to advise that it is consistent with the County Land Use Plan.

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Commissioner Johnson asked if the staff had discussed a Roadway Overlay with the Town of Mooresville.

Smith said no, especially due to the property's close proximity to the county line.

Commissioner Johnson asked if there would be any limitations on the number of vehicles at the site.

Kris Peebles (owner) said ten vehicles or less, and there would be a screened-in area. She said the company did recycle, but there wouldn't be a storage facility. She said they had a automobile dealers license to sell, but it wasn't anticipated this would be a business sideline.

MOTION by Commissioner Robertson to amend the County Land Use Plan.

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Robertson to approve the zoning map amendment and to make a finding that the approval was consistent with the adopted County Land Use Plan and that said approval was reasonable and in the public interest due to its consistency with the County Land Use Plan; as a result, said approval furthers the goals and objectives of the County Land Use Plan.

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Robertson to approve the Conditional-Use Permit based on the Findings-of-Fact.

VOTING: Ayes – 5; Nays – 0.

Request for Approval of a Proposed Amendment to the Subdivision Ordinance - Pertains to Section 110 (Other definitions), "Subdivision Review Committee: Planning Director Ron Smith requested an amendment to the subdivision ordinance as follows:

**Staff Report
August 24, 2007**

ORDINANCE: Subdivision Ordinance

SECTION: Section 110 (Other Definitions)

Subdivision Review Committee. A committee appointed by the Board of Commissioners to review all major subdivision preliminary and final plats and to make recommendations to the Subdivision Administrator to approve, approve with conditions, or disapprove such plats. The committee shall consist of ~~nine~~ **eleven** members as follows:

- The Subdivision Administrator (or Designee),
- Two Members of the Iredell County Planning Board, ~~and~~
- **One representative from the N.C. Department of Transportation,**
- **One representative from Iredell-Statesville Schools,**
- **One representative from the Mooresville Graded School District, and**
- One representative each from the following Iredell County Offices or agencies:
 - i. Emergency Communications, Operations & Mgt. Office,
 - ii. Fire Marshal's Office,
 - ~~iii. Register of Deeds Office,~~
 - iv. Health Department,
 - v. Mapping Department, and
 - vi. Planning Department.

Of these members, the Subdivision Administrator alone shall be entitled to designate, for any meeting of the Committee which he is unable to attend, a member of the Planning Department staff to attend in his place and to cast the subdivision Administrator's vote on any matters before the Committee at that meeting.

STAFF COMMENTS: The Planning staff was directed to pursue these changes by the Board of Commissioners at their winter retreat. The changes include adding voting members from

NCDOT, Iredell-Statesville Schools and Mooresville Graded School District. We are also removing a voting member from the Register of Deeds Office. This change will increase the voting members from 9 to 11.

PLANNING BOARD RECOMMENDATIONS: On August 1, 2007, the Planning Board voted 10-0 to recommend approval of this request and to advise that it is consistent with the County Land Use Plan. * * * * *

MOTION by Commissioner Tice to approve the proposed ordinance amendments and to make a finding that approval was consistent with the adopted County Land Use Plan and that said approval was reasonable and in the public interest due to its consistency with the County Land Use Plan; as a result, said approval furthers the goals and objectives of the County Land Use Plan.

VOTING: Ayes – 5; Nays – 0.

Request from Applicant Rich Hoffman for Stutt Family Limited Partnership (Owner) for the Release of Zoning & Subdivision Jurisdiction to the Town of Mooresville for Property Located on Ervin Road in Mooresville, NC: Ron Smith, the planning director, reviewed the staff report for this case as follows:

**PLANNING STAFF REPORT
Release of Jurisdiction**

APPLICANT: Rich Hoffman
Princeton Management, LLC
PO Box 3608
Mooresville, NC 28117

OWNER: Stutt Family Limited Partnership
181 Ervin Road Road
Mooresville, NC 28115

LOCATION: Ervin Road in Mooresville, NC, more specifically a portion of PIN# 4647-17-6808. **Directions:** Highway 150 west, right Ervin Road, the property is on the left.

REQUESTED ACTION AND CONDITIONS: Release Zoning and Subdivision Jurisdiction to the Town of Mooresville.

PROPOSED USE: A mix of retail, office, commercial and residential uses.

SIZE: The proposed area to be released is approximately 70 acres.

EXISTING ZONING: The property is currently zoned Residential Agricultural.

EXISTING LAND USE: Residential and vacant.

SURROUNDING LAND USE: Residential and proposed commercial development.

WATERSHED REGULATIONS: This property is located in the Catawba/Lake Norman WSIV Critical Area Watershed.

TRAFFIC: There are no current traffic counts for Ervin Road. The closest vehicle count was made on Highway 150 east of Ervin Road, which indicated 37,000 vehicles per day. The capacity for this stretch of Highway 150 is 10,500 vehicles per day.

ZONING HISTORY: This property is currently zoned RA and has been since county wide zoning in 1990.

STAFF COMMENTS: This request meets the criteria for a release of zoning and subdivision jurisdiction. The River Highway Corridor Plan calls for mixed-use development on this parcel. The proposed use of the property as a mix of retail, office, commercial and residential uses is consistent with that recommendation. The Town of Mooresville approved the extension of water

and sewer service to the property on August 6, 2007. A voluntary annexation petition has been filed and will be under consideration in June 2008.

Mooresville currently has more stringent development approvals in place than the County. A Traffic Impact Analysis will be required for this development, as well as the requisite improvements to the intersection of Highway 150 and Ervin Road. When developing the River Highway Corridor Study, it was anticipated that this area would develop as a mixed-use (likely under Mooresville's jurisdiction) as utilities were extended into this area. Based on this, staff **recommends approval.**

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Attorney Pope asked when the release would become effective, if approved.

Smith said immediately but there was a 60-day-waiting period.

Pope asked the zoning designation during the 60 days.

Smith said it remained RA.

Rich Hoffman, the applicant, said a mixed use development was proposed with approximately 344 housing units (113 single-family; 187 town homes, and 44 active adult homes). He added that towards the Hwy. 150 side, approximately 13% of the development would be in retail use. Hoffman said that in respect to the residential aspect, construction would be out about six years.

Commissioner Robertson asked where the children would attend school.

Hoffman said Lake Norman Elementary, Lake Shore Elementary and Lake Norman High.

Robert Bolton (opponent) said everyone knew about the traffic problems in the area, and for this reason, he was against the release.

Wolfgang Lohrmann (opponent) mentioned the recent growth in the area with a Target Store, Pet Store, Best Buy and the 300 homes in the Morrison's Plantation Development. He said during rush hour, the road became a parking lot. Dr. Lohrmann said there wasn't a firm proposal for the site.

Commissioner Williams asked if Lohrmann realized his comments would be moot once Mooresville annexed the property.

Lohrmann said yes.

Robert Stutts (owner/advocate) of the property said his family had owned the property for 60 years. He requested approval and said it was a good development.

Terry Lohrmann (opponent) said the property needed to remain in the county. She said there was already traffic congestion. She said in the future, the children of the property owners wouldn't have a place to live due to so much growth.

Gwen Leon (opponent) said there was already a traffic problem, and she had to install brick columns and a gate to keep travelers out of her driveway. She asked if the development could wait until Hwy 150 was widened. She also said the property was situated on high ground, and she had concerns about erosion problems.

Miranda Ewalt (opponent) spoke of safety concerns (for the next six years this development will be occurring), savings concerns (she relocated to the area two years ago and has invested much into her home), and surroundings (the lake needs to be protected). She stressed the need to preserve the area.

Tracy Dickson (opponent) said due to the traffic problems, it was already difficult to sell houses in the area.

Commissioner Johnson asked if the owners had already petitioned for annexation.

Smith said yes.

Ewalt asked what happened to Ervin Road if Mooresville annexed the property.

Smith said this would be a voluntary annexation meaning the owners would ask for the property to fall within the Town of Mooresville’s jurisdiction. He said the town would only take over Ervin Road if the entire roadway, or the properties surrounding the road were totally encompassed in Mooresville’s jurisdiction -- the roadway starts and ends within the town’s jurisdiction.

Commissioner Tice stressed the fact that Mooresville could annex the property by state statute without any approval from Iredell County.

Smith agreed.

Commissioner Robertson mentioned the fact that schools in the area were already at capacity. He said it would be irresponsible for him to agree to the release.

Commissioner Tice said the Stutts family had paid taxes for the past 60 years, and it was the family’s request for the property to be annexed by Mooresville.

MOTION by Commissioner Robertson to deny the Stutts Family Limited Partnership request for a zoning/subdivision jurisdiction release to the Town of Mooresville.

VOTING: Ayes – 3; Nays – 2 (Johnson and Tice).

Request from Applicant Scott C. Ryals on behalf of 10 Property Owners for the Release of Zoning Jurisdiction to the Town of Mooresville for Properties Located at 113, 117, 123, 137, 145, and 149 Cornelius Road along with 2148 and 2186 Charlotte Highway in Mooresville, NC: Planning Director Ron Smith reviewed the staff report for this case as follows:

Release of Jurisdiction

APPLICANT: Scott C. Ryals, PE
Environmental Engineer, NCDENR
Division of Waste Management, UST Section
1637 Mail Service Center
Raleigh, NC 27899

<u>OWNERS:</u>	Christine Freeman 113 Cornelius Road Mooresville, NC 28117	Joe & Jackie Thompson 123 Cornelius Road Mooresville, NC 28117	Hubert Brown 2186 Charlotte Highway Mooresville, NC 28117
	Charles Rogers 137 Cornelius Road Mooresville, NC 28117	Russell Settlemeier 145 Cornelius Road Mooresville, NC 28117	Gwendolyn Robinson 149 Cornelius Road Mooresville, NC 28117
	Deborah Cole 2148 Charlotte Highway Mooresville, NC 28117	Stanley & Margaret Goodman 275 Cornelius Road Mooresville, NC 28117	

LOCATION: 113, 117, 123, 137, 145, and 149 Cornelius Road and 2148 and 2186 Charlotte Highway in Mooresville, NC, more specifically PIN#s 4658-53-1848, 4658-53-0838, 4658-43-9839, 4658-43-6956, 4658-44-4051, 4658-44-3055, 4658-54-3024, 4658-54-4342, 4658-43-5959, 4658-43-7943, 4658-43-8941, 4658-53-2859, & 4658-53-0579. Directions: Highway 21 south, at the corner of Cornelius Road and along Cornelius Road.

REQUESTED ACTION AND CONDITIONS: Release Zoning and Subdivision Jurisdiction to the Town of Mooresville.

PROPOSED USE: To provide water to these properties, which are experiencing water quality issues due to the contamination of their well water.

SIZE: The proposed area to be released is 11.48 acres.

EXISTING ZONING: The property is currently zoned Residential Agricultural and Neighborhood Business.

EXISTING LAND USE: Residential.

SURROUNDING LAND USE: Residential and commercial.

WATERSHED REGULATIONS: This property is located in the Catawba/Lake Norman WSIV Protected Area Watershed.

TRAFFIC: The most recent traffic count (in 2005) indicated a 4,900 vehicles per day along this portion of Cornelius Road and 11,000 along this portion of Charlotte Highway.

ZONING HISTORY: This property is currently zoned RA and has been since county wide zoning in 1990.

STAFF COMMENTS: This request meets the criteria for a release of zoning and subdivision jurisdiction. At the intersection of Charlotte Highway and Cornelius Road, former underground storage tanks are releasing petroleum into the surrounding soils. This is contributing to the contamination of several wells with benzene and other chemicals. The properties in question have been experiencing water quality issues due to the contamination. The Town of Mooresville has agreed to provide water service to the properties under the condition that they are released into the Town's zoning jurisdiction. The Town has agreed to forgo the annexation of the properties, and will only require tap and meter fees for the residents. The Planning staff **recommends in favor** of this request.

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No one else desired to speak.

MOTION by Commissioner Johnson to approve the NCDENR request for the zoning/subdivision jurisdiction release to the Town of Mooresville for the listed properties.

VOTING: Ayes – 5; Nays – 0.

-----CONSENT AGENDA-----

MOTION by Commissioner Tice to approve the following eight consent agenda items.

VOTING: Ayes – 5; Nays – 0.

(All requests were described by the staff during the briefing session.)

1. Request for Approval of a High Density Request from the Iredell-Statesville School System (Location: 186 Doolie Road, Mooresville, NC – Lake Norman High School): Planning Director Ron Smith said the Iredell-Statesville School System wanted to develop this site under the high-density guidelines of the WS-IV Critical Area Watershed. (Lake Norman High School is located on the site.) He said approval of the request would allow the school system to exceed the standard allowance of 24 percent and develop the property with impervious surfaces not to exceed 35 percent. Smith said two wet detention ponds were proposed, and these would be capable of removing 85 percent of the total suspended solids from the first one-inch of rainfall.

2. Request for Approval to Contract with a Company for the Purpose of Providing Revisions to the County's Subdivision Regulations (Staff recommends Benchmark CMR, Inc., @ a cost of \$12,000): Planning Director Ron Smith said Subdivision Administrator William Allison had reviewed proposals from two companies interested in updating the subdivision ordinance. Smith said a \$12,000 proposal from Benchmark was being

recommended. He said Centralina had submitted a \$5,835 bid, plus the usage of 22.5 membership hours. (The commissioners agreed to contract with Benchmark, and it was noted that Centralina was already working for the county on the NC 3 project.)

Note: The board, after hearing the ordinance update might take up to seven months, encouraged the staff to obtain a quicker turnaround time, if possible.

3. Request from the North Carolina Department of Transportation for a Resolution in Support of a Left-Turn Lane on US-21 at Cornelius Road (SR 1302): Planning Director Ron Smith said the \$160,000 funding for this project would come from Department of Transportation Board Member Bob Collier's discretionary fund. The commissioners approved the following resolution:

RESOLUTION
SUPPORTING IMPROVEMENTS BY THE
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
TO
SR 1302 – CORNELIUS ROAD & US-21
WBS 41656
(Work Breakdown Structure # 41656)

WHEREAS, the North Carolina Department of Transportation proposes to install a left-turn lane on US-21 at SR 1302-Cornelius Road; and

WHEREAS, this turn lane will help to correct a traffic problem occurring at this intersection; and

WHEREAS, the Iredell County Board of Commissioners desires to promote safer and more efficient transportation routes in Iredell County.

NOW, THEREFORE, BE IT RESOLVED, that the Iredell County Board of Commissioners endorses the North Carolina Department of Transportation's proposal to install a left-turn lane at US-21 and SR 1302-Cornelius Road, in Mooresville, NC.

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4. Request for Approval of Budget Amendment #11 for the Recognition/Appropriation of a Juvenile Crime Prevention Commission Demonstration Grant of \$98,979 (Pass-Through to Exchange/SCAN for FY 08): Assistant Finance Director Deb Alford said no local match was required for this pass-through grant to the SCAN program.

5. Request for Approval to allow Mike Phillips with the Sheriff's Department to Apply for a Public Safety Interoperability Communications Grant: As was requested by Chief Deputy Rick Dowdle, the sheriff's office will be allowed to apply for a \$780,000 NC Crime Patrol Public Safety Grant. The department will then purchase 151 radios (800 Mhz) to be used with the VIPER (Voice Interoperability Plan for Emergency Responders) System.

6. Request for Approval of Budget Amendment #13 to Purchase a Replacement Lake Patrol Boat with Federal Equity Funds: Chief Deputy Rick Dowdle explained the need to replace a recreation-type boat with a commercially-fitted one at the briefing. He said the existing boat had a cracked transit. The department was approved to use \$49,000 in federal equity funding for the new boat. (See briefing minutes for additional information.)

7. Request for Approval of a Reimbursement Resolution in Regards to Iredell-Statesville School Projects: Assistant Finance Director Deb Alford requested approval of the following resolution:

RESOLUTION
OF THE IREDELL COUNTY BOARD OF COMMISSIONERS DECLARING IREDELL COUNTY'S INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES TO BE MADE IN CONNECTION WITH THE PURCHASE OF LAND FOR THE SITES OF NEW SCHOOLS AND THE CONSTRUCTION, RENOVATION, AND/OR EQUIPPING OF NEW SCHOOL BUILDINGS AT CODDLE CREEK ELEMENTARY, SHEPHERD ELEMENTARY, CELESTE HENKLE ELEMENTARY, EAST IREDELL ELEMENTARY, SOUTH IREDELL HIGH, STATESVILLE HIGH, AND A NEW ELEMENTARY SCHOOL TO THE NORTH OF THE CITY OF STATESVILLE

WHEREAS, Iredell County (the “Issuer” or the “County”) will make expenditures on and after the date of adoption hereof with respect to expenses incurred and to be incurred (the “Expenditures”) in connection with the purchase of land for the sites of new schools and the construction, renovation, and/or equipping of new buildings at Coddle Creek Elementary, Shepherd Elementary, Celeste Henkle Elementary, East Iredell Elementary, South Iredell High, Statesville High, and a new elementary school to the north of the City of Statesville (the “Projects”), and

WHEREAS, the Iredell County Board of Commissioners (the “Board”) has determined that the funds advanced and to be advanced from the General Fund to pay Expenditures are or will be available for a temporary period and it is necessary to reimburse the Issuer for Expenditures made on and after the date hereof with respect to the Project from the proceeds of one or more tax-exempt financings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby adopts this declaration of official intent under Treasury Regulation Section 1.150-2 and declares its intent to reimburse the Issuer with the proceeds of one or more tax-exempt financings for Expenditures made on and after the date hereof with respect to the Projects.

Section 2. The maximum principal amount of debt expected to be issued for the Projects is \$90,000,000.

Section 3. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences its use of proceeds of the financings to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the expenditure is paid. The Issuer recognizes that exceptions are available for certain “preliminary expenditures”, costs of issuance, certain de minimis amounts, Expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and Expenditures for construction projects of at least five years.

Section 5. This resolution shall take effect immediately upon its passage.

8. Request for Approval of the August 21, 2007 Minutes

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

Request for Approval of Budget Amendment #12 for a Computer System Switch & Router Replacement for the Sheriff’s Department: Chief Deputy Rick Dowdle explained the need to replace computer components. In addition, he mentioned the need to install a new HVAC system near the networking equipment. (The county’s network administrator visited the sheriff’s office and concurred with the switch and router replacements along with a better cooling system in the affected areas.) The contingency fund will be used to purchase the new equipment that is estimated to cost \$70,000.

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

(none)

APPOINTMENTS TO BOARDS & COMMISSIONS

Statesville Planning Board (ETJ) (1 appointment): MOTION by Commissioner Johnson to postpone this appointment until the September 18 meeting.

VOTING: Ayes – 5; Nays – 0.

Adult Care Home Community Advisory Committee (2 appointments): **MOTION** by Commissioner Tice to postpone the two appointments until the September 18 meeting.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Committee (5 appointments): **MOTION** by Commissioner Tice to postpone the five appointments until the September 18 meeting.

VOTING: Ayes – 5; Nays – 0.

COUNTY MANAGER’S REPORT: County Manager Mashburn offered condolences to Deputy County Manager Susan Blumenstein on the death of her husband, Otto, who passed away on August 26, 2007.

ADJOURNMENT: **MOTION** by Commissioner Tice at 8:45 p.m., to adjourn the meeting. (Next Meeting: Mini-Retreat on September 6, 2007 at the Springhill Suites/Marriott Conference Center in Mooresville, NC).

VOTING: Ayes – 5; Nays – 0.

Approved: _____

Clerk to the Board