

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
SEPTEMBER 5, 2006**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, September 5, 2006, at 7:00 P.M., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

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

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

CALL TO ORDER by Chairman Tice

INVOCATION by Commissioner Johnson

PLEDGE OF ALLEGIANCE

ADJUSTMENTS OF THE AGENDA: **MOTION** by Chairman Tice to approve the following agenda adjustments:

- Deletion: • Announcement of the National Incident Management System (NIMS) Training for Elected Officials (discussed during the agenda briefing)
- Addition • Closed Session for G.S. 143-318.11(a)(4) – Economic Development
- Request for Approval of Budget Amendment #12 to Recognize and Appropriate Health Resources & Services Administration (HRSA) Grant Funds of \$18,367

VOTING: Ayes – 5; Nays – 0.

PUBLIC HEARINGS

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

Rezoning Request: Case No. 0608-1; Randy & Gloria Hinson Property, Request to Amend the Brawley School Peninsula Small Area Plan and to Rezone Property from Residential Agricultural to Residential Office (Location: 1400 Brawley School Road, Mooresville, NC): Deputy Planning Director Steve Warren said the applicant's attorney had submitted a withdrawal letter (as follows) for this rezoning request.

September 5, 2006
Mr. Steve Warren
Iredell County Planning and Zoning
Re: Hinson rezoning
Case number: 0608-1

Dear Steve:

This is to confirm that Randy and Gloria Hinson respectfully desire to withdraw their rezoning request that is scheduled for hearing tonight. We ask the board in its discretion to allow this withdrawal. We will not be in attendance at the meeting tonight.

Sincerely,
HOMESLEY, GOODMAN & WINGO, PLLC
Clifton W. Homesley

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

MOTION by Chairman Tice to accept the withdrawal letter for Case No. 0608-1 (Randy & Gloria Hinson Property).

VOTING: Ayes – 5; Nays – 0.

highway. Additionally, a major industry owns property directly across the road, and there are no immediately adjacent land uses that would seem to suffer a negative impact by this expansion. The property is large enough to accommodate the expansion and necessary parking while still maintaining a good natural buffer against adjacent properties. Item D would be met by the applicant's plans to expand toward the rear of the existing building. In summary, the location of this property lends itself well to an expansion of this nature and staff therefore recommends in favor.

PLANNING BOARD ACTION: On August 2, 2006 the Planning Board voted 8-1 to recommend in favor of this expansion request.

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John Regan announced that he and his wife, Lillian, along with property owner Becky Carter, were available to answer any questions.

Commissioner Johnson mentioned there was not a specific site plan, and he asked Mr. Warren if the staff members were comfortable with the expansion request due to the nature of the development.

Warren said this was correct, and adjoining property belonged to Davidson College and to Ingersoll Rand. Mr. Warren said the site was a "good place for the modernization of an existing property."

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

MOTION by Commissioner Johnson to approve the Expansion of a Non-Conforming Use as requested by Applicants John & Lillian Regan for the Billy Lee & Rebecca Carter Property (Bill's Anchor Grill).

VOTING: Ayes – 5; Nays – 0.

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

Request for Approval of Proposed Amendments to the Iredell County Zoning Ordinance Article IV., NonConforming Situations; Article VII., Table of Special and Permitted Uses; Article X, Off-Street Parking & Loading; & Article XI., Signs: Deputy Planning Director Steve Warren briefly reviewed the proposed amendments.

Commissioner Johnson mentioned Article IV, and the recommendation that nonconforming requests be acted upon by the board of adjustment rather than the planning board and commissioners. He said applicants should have the privilege of establishing their cases not only in a formal setting but also in a casual setting (at the site or in the neighborhood). Johnson said the board of adjustment was a quasi-judicial body, and if a denial occurred, the applicant's only recourse was through Superior Court. Mr. Johnson said it was his belief these types of requests should be as "unintimidating" as possible, and they should not be cost prohibitive. He said the process should be open and the commissioners accessible.

Another change suggested by Mr. Johnson pertained to Section 11.22 D. (Damaged or Deteriorated Non-Conforming Signs) where applicants needed to provide three estimates. Johnson said it was sometimes difficult to locate three bidders. He suggested for the amendment to be written indicating the applicant would be required to provide estimates from three vendors, or a minimum of two vendors with a list of the companies/individuals who were contacted for the third estimate. (The planning staff could follow-up to insure the vendors had been contacted.)

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

MOTION by Commissioner Johnson to remand the proposed zoning ordinance amendments back to the planning board with the two suggestions and for the planning board members/staff to resubmit the amendments at their convenience.

VOTING: Ayes – 5; Nays – 0.

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

Request for Approval of Proposed Amendments to the Iredell County Subdivision Ordinance, Section 305.3, Approval of Final Plat by the Subdivision Administrator and Recording; Section 308.3, Review Procedure; and Section 309.3, Submission Procedure: Deputy Planning Director Steve Warren shared the proposed subdivision amendments. He said the changes basically pertained to the timeframe needed for the subdivision administrator to approve plats. Warren said the current 14-day-review period was changed to 31 days for both minor and major plats.

Commissioner Williams asked if the staff members were having problems completing the reviews within 14 days.

Warren said a “time crunch” did occasionally occur when a large number of plats were submitted. He said other staff members were being trained to review the plats.

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

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

VOTING: Ayes – 5; Nays – 0.

The revised subdivision ordinance, in its entirety, is as follows:

Section 305. Procedure for Review of Minor Subdivisions

305.3 Approval of Final Plat by the Subdivision Administrator and Recording

Once the Subdivision Administrator has received the required number of copies of the final plat, he shall have thirty-one (31) days to review the plat and to grant approval, approval with conditions or disapproval. If more than thirty-one (31) days is required for approval, the Subdivision Administrator must notify the Subdivider in writing advising him of the delay, the nature of the delay and an approximate date as to when a decision can be forwarded.

During his review of the final plat the Subdivision Administrator may employ the Mapping Department to confirm the accuracy of the final plat. If substantial errors are found, the costs shall be charged to the Subdivider and the plat shall not be recommended for approval until such errors have been corrected.

If the Subdivision Administrator does not approve the final plat, he shall instruct the Subdivider concerning resubmission of a revised plat and the Subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Subdivision Administrator, or appeal the decision first to the Planning Board and second to the Board of Commissioners if the Subdivider is not satisfied with the decision of the Planning Board.

Failure of the Subdivision Administrator to approve, approve with conditions, or disapprove the plat or notify the Subdivider of a delay in reviewing the plat within thirty-one (31) days of plat submittal shall constitute grounds for the Subdivider to apply to the Planning Board for plat approval.

If the Subdivision Administrator approves the final plat or if the plat is approved on appeal to the Planning Board or to the Board of Commissioners, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the County of Iredell, North Carolina and that this plat has been approved by the Subdivision Administrator for recording in the Office of the Register of Deeds of Iredell County.

Subdivision Administrator
Iredell County, North Carolina

Date

If the final plat is disapproved by the Subdivision Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One copy of such reasons and one print of the plat shall be retained by the Subdivision Administrator as part of its records; a copy of such reasons and the remaining copies of the plat shall be transmitted to the Subdivider. If the final plat is disapproved, the Subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Subdivision Administrator.

If the final plat is approved by the Subdivision Administrator, said approval shall be noted on the plat and the reproducible copy of the approved final plat. The Subdivider shall have seven days from the date of the final plat approval to remit to the Subdivision Administrator the current charge for recording the plat. Upon receipt of this fee, the Subdivision Administrator shall have five days to have the plat recorded in the Register of Deeds. If the final plat is not recorded within the required amount of time, this shall not invalidate any prior approvals.

Section 308. Preliminary Major Subdivision Plat Submission and Review
308.3 Review Procedure

The Committee shall recommend to the Subdivision Administrator on a majority vote of the members present to approve the plat, conditionally approve the plat with recommended change to bring the preliminary plat into compliance, disapprove the plat with reasons, or continue the plat with reasons, within thirty-one (31) days of the Committee meeting at which the plat was discussed. If no recommendation is made by the Committee within this time, the Subdivider may apply directly to the Subdivision Administrator for preliminary plat approval. Once the Committee makes the recommendation to the Subdivision Administrator (or if the thirty-one (31) days elapses without recommendation) the Subdivision Administrator shall have seven days to approve or disapprove the plat. If action is not taken by the Subdivision Administrator within said seven days, the plat shall be deemed approved.

If the preliminary plat is disapproved by the Subdivision Administrator, the Subdivider may make the recommended changes and submit a revised preliminary plat or appeal the decision first to the Planning Board and second to the Board of Commissioners if the Subdivider is not satisfied with the decision of the Planning Board.

If the Subdivision Administrator approves the preliminary plat, it shall be noted on a copy of the plat and said copy shall be filed with the Subdivision Administrator. If the Subdivision Administrator approves the preliminary plat with conditions, approval shall be noted on the copy with a reference to the conditions. Once these conditions are met, the plat shall be noted as approved and shall be filed with the Subdivision Administrator.

If the Subdivision Administrator disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One copy of the plat and the reasons shall be retained by the Subdivision Administrator, and one copy shall be returned to the Subdivider.

Section 309. Final Subdivision Plat Submission and Review
309.3 Submission Procedure

A quorum of the Committee shall recommend to the Subdivision Administrator on a majority vote of the members present to approve, conditionally approve with recommended changes to bring the final plat into compliance, disapprove the final plat with reasons, or continue the plat with reasons, within thirty-one (31) days of the Committee meeting. If no recommendation is made by a quorum of the Committee within this time, the Subdivider may apply directly to the Subdivision Administrator for final plat approval. Once the Committee makes its recommendations to the Subdivision Administrator (or if the thirty-one (31) day period elapses without recommendation), the Subdivision Administrator shall have seven days to approve or disapprove the plat. If action is not taken by the Subdivision Administrator within said seven days, the plat shall be deemed approved.

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

Consideration/Approval of a Resolution Entitled: “Approval in Principle of an Industrial Project for Riley Technologies, Inc., and the Financing thereof with Industrial Development Revenue Bonds in the Principal Amount of up to \$3,500,000:” Attorney Bill Pope said in the past few months, Riley Technologies had obtained an economic development incentive. He said at that time, it was revealed the company was previously located in Indiana, but it desired to relocate to the Mooresville area and manufacture racecars and racecar parts. Pope said the company had also appeared before the industrial revenue bond authority where it received approval of an inducement agreement. He said the county needed to approve the

agreement in principle and request the Local Government Commission to allocate a part of the private activity bond limit to the transaction. Pope said bond proceeds totaling up to \$3.5 million would be loaned to Riley, and a letter of credit issued from a banking institution would secure the loan. Mr. Pope recommended approval, and he said the county had no exposure in the transaction.

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

Chairman Tice introduced the following resolution, the title of which was read:

APPROVAL IN PRINCIPLE OF INDUSTRIAL PROJECT FOR RILEY TECHNOLOGIES, INC., AND THE FINANCING THEREOF WITH INDUSTRIAL DEVELOPMENT REVENUE BONDS IN THE PRINCIPAL AMOUNT OF UP TO \$3,500,000

WHEREAS, The Iredell County Industrial Facilities and Pollution Control Financing Authority (the "Authority") has agreed to assist in the financing under the North Carolina Industrial and Pollution Control Facilities Financing Act (the "Act") of an industrial project by Riley Technologies, Inc., an Indiana corporation, or its related or affiliated entities (collectively, the "Company"), which plans to acquire, construct and equip a 32,000 square foot facility to be used for the manufacture of racecars and racecar parts (the "Project") and has indicated that agreement by the execution of an Inducement Agreement between the parties dated June 29, 2006; and

WHEREAS, under G.S. § 159C-7 each project must be approved by the Secretary of the Department of Commerce and, under Article 51B of Chapter 143 of the North Carolina General Statutes, the Federal Tax Reform Allocation Committee must allocate a sufficient amount of North Carolina's "private activity bond limit," as defined in Section 141 of the Internal Revenue Code of 1986, as amended (the "Code") to the financing; and

WHEREAS, the Act and the Rules and Procedures of the North Carolina Department of Commerce require that the governing body of a county approve in principle any project to be financed under the Act; and

WHEREAS, this Board of Commissioners today has held a public hearing with respect to the advisability of the Project and the issuance of bonds therefor, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, the Authority intends to issue its Industrial Development Revenue Bonds (Riley Technologies, Inc. Project), Series 2006 (the "Bonds") in the principal amount of up to \$3,500,000 which either will be secured by a letter of credit issued by a United States bank or be privately placed with a qualified institutional investor; and

WHEREAS, Section 147(f) of the Code requires that the Board of Commissioners approve the plan of financing for the bonds; and

WHEREAS, under Section 159C-4 of the Act the issuance of bonds under the Act must be approved by the governing body of the county in which the project to be financed under the Act is located.

NOW, THEREFORE, the Board of Commissioners of Iredell County, meeting in regular session at Statesville, North Carolina, on September 5, 2006, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR IREDELL COUNTY: The proposed "industrial project" consisting of the acquisition, construction and equipping of a facility to be used for the manufacture of racecars and racecar parts in Iredell County and the issuance of bonds in an amount not to exceed \$3,500,000 therefor are hereby approved in principle.

The Board of Commissioners hereby requests the Federal Tax Reform Allocation Committee to allocate up to \$3,500,000 of North Carolina's 2006 "private activity bond limit," as defined above for the financing of the Project. The Board of Commissioners hereby approves the plan of financing as required by Section 147(f) of the Code. The issuance of the Bonds in the principal amount of \$3,500,000 is hereby approved for purposes of Section 159C-4 of the Act.

* * * * *

Commissioner Norman moved the passage of the foregoing resolution and Commissioner Johnson seconded the motion. The resolution passed by the following vote:

Ayes: 5; Nays: 0

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

MOTION by Commissioner Johnson to approve the following nine consent agenda items.

VOTING: Ayes – 5; Nays – 0.

(All items were explained during the briefing session.)

1. Request from McMillion Properties, LLC for the Release of Zoning/Subdivision Jurisdiction of 3.15 Acres of Property (PIN#4668-04-3783) on McKenzie Road, Mooresville, NC to the Town of Mooresville: Deputy Planning Director Warren said this property was adjacent to the Town, and it met the zoning release criteria. He said the current zoning was Heavy Manufacturing, and the county’s land use plan designated the property for transitional development. Warren said the developer intended to develop the site for light manufacturing uses, which would be allowable by the county. He said the applicant had petitioned Mooresville for annexation, and a water sewer extension had been approved.

2. Request for the Designation of the Social Services’ *Work First Program* as Either “Standard” or “Electing County Status” (The board of commissioners chose to remain as an “Electing County”): Social Services Director Don Wall said the General Assembly in 1999 approved the county for an electing status, and this designation had continuously been used. He said the following benefits were derived from being an electing county:

- An electing county must spend only 90% of Maintenance of Effort while a standard county must spend 100%. Savings (Maintenance of Effort) for Iredell County are \$147,793 a year.
- An electing county may transfer under spent TANF cash payment funds to the TANF Child Welfare Program to help offset county funds. In FY 2005-06, the cash savings were \$634,316.
- An electing county may develop its own policies and rules geared to the community’s needs. Generally, an electing county’s policies are more conservative than a standard county’s policies.

Mr. Wall estimated the potential cost savings, by remaining an electing county, at \$782,109. He estimated the total electing county savings since 2000-01 at \$3,820,331.

3. Request for Approval of Additional Fees for the Preventive Health Fee Schedule: Health Director Donna Campbell requested inclusion of the following fees into the fee schedule:

**IREDELL COUNTY HEALTH DEPARTMENT ADDITIONAL
PREVENTIVE HEALTH FEES**

August 2006

90772 Administration of therapeutic/ prophylactic/ diagnostic SubQ/IM Injection.

Will replace code 90788 previously approved with a fee of **\$28.00**.

90473 Administration of Intranasal immunization.

Approved 10/13/05 at \$8.00. Request increase to **\$10.00** which is in line with other approved immunization administration fees.

90660 Flu Vaccine, intranasal

Approved 10/13/05 at **\$18.00**. No change in rate requested.

90655 Flu Vaccine, preservative free

Request same **\$15.00** fee as approved for regular flu vaccine.

90732 Pneumonia Vaccine

Approved 10/13/05 at \$25.00. Approved as part of fee schedule on 6/13/06 to \$22.00. Request to increase fee back to **\$25.00**, as Medicare will pay \$24.57.

LU214 Local Use Code for Kindergarten Physical

Approved last year at **\$45.00**. No change in rate requested.

96110 Developmental testing

Approved last year at \$114.00. No change requested.

LU115 Replacement Birth Control Patches (one month)

New code - cost of patches for one month at \$22.46. No Medicaid reimbursement. Request fee of \$25.00. Fee will slide according to eligibility status.

LU116 Replacement NuvaRing Birth Control (one month)

New code cost of NuvaRings for one month at \$23.56. No Medicaid reimbursement. Request fee of \$25.00. Fee will slide according to eligibility status.

LU235 Pill Replacement (one month)

Approved 6/8/06 at \$7.00. Average cost of pill packs now \$13.16. No Medicaid reimbursement. Request fee increase to \$15.00. Fee will slide according to eligibility status.

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4. Request to Accept an Unsolicited Dental Donation from Drs. Coleman and Muldoon:

Health Director Donna Campbell said two dentists in Cornelius, NC were renovating their offices and offered to donate the following pieces of equipment:

Product	Quantity	Fair Market Value
X-ray processor (Air Techniques AT2000 SN:470152)	1	1,000
X-ray Duplicator (TINN Model 72-1200 SN: 10068)	1	300
Ultrasonic (Health Sonics Corp-Model T13.7CSN:HS0398-80639RT Volts 110 amps 3.0)	1	1,000
Laminate Wall Cabinets	2	300
Microwave (Model-R320T P776530MR SN:8812113478)	1	50
Brother Typewriter 355	1	50
TOTAL		\$2,700

5. Request for Consideration/Approval of a Renovation Proposal for the Health Department/Statesville Facility (2nd Floor) and Approval of Budget Amendment #10A:

Health Director Donna Campbell said the mental health provider was using second floor offices formerly occupied by the social services staff; however, vacant space still remained. She shared the following renovation cost proposal to effectively utilize the space:

Facility Services materials quote:	\$ 65,110
Furnishings	38,290
Wiring	5,500
Projector and installation for training room	6,500
Color Copier	<u>9,600</u>
Total Medicaid Max Funds	\$125,000

Mrs. Campbell added that when the second floor was completed, another renovation project would be presented that involved the clinical areas using Medicaid Max Funds.

6. Request for Additional Review of the Ambulance Franchise Ordinance and Call for a Public Hearing on September 19, 2006 at 7:00 P.M.: Assistant County Manager Jackson described an ambulance ordinance, a franchise application, and a franchise agreement. (The ordinance will again be reviewed on September 19 when the public hearing is held.)

7. Request for Approval of Budget Amendment #11 for the Recognition of an Interfund Transfer from Capital Reserve (Building Improvement Projects) for the EMS/Mooresville Base (412 East Center Avenue, Mooresville) and the Government Center South (2nd Floor Renovations/Future Housing of Crossroads Behavioral Healthcare Provider): Deputy County Manager Blumenstein said this year's five-year-capital plan included \$500,000 to complete two projects in Mooresville. She said \$200,000 would be used to renovate the building currently occupied by the Crossroads Behavioral Healthcare provider (future site for the EMS base in Mooresville), and \$300,000 would be used to renovate the second floor of the Government Center-South for the mental health provider. Mrs. Blumenstein said Jim Vernon, currently working on a contractual basis, had provided the estimates and would oversee the projects.

8. Request for Approval of the August 15, 2006 Minutes

9. Request for Approval of Budget Amendment #12 to Recognize and Appropriate Health Resources & Services Administration (HRSA) Grant Funds of \$18,367: Deputy County Manager Blumenstein said \$18,367 had been received from the State EMS Office, and the Interim EMS Director proposed usage of the money as follows:

- \$12,250 to purchase a disaster/mass gathering trailer
- \$ 750 to purchase a graphics addition for the disaster/mass gathering trailer
- \$ 2,570 to purchase miscellaneous disaster supplies for the disaster/mass gathering trailer
- \$ 2,797 to purchase an all-terrain EMS response bicycle, spare parts, miscellaneous bike program items, and standard add-on options for a bike mass gathering team

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

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Board of Adjustment (1 announcement)
Nursing Home Advisory Committee (1 announcement)

APPOINTMENTS TO BOARDS & COMMISSIONS

Adult Care Home Community Advisory Committee (4 appointments): Commissioner Norman nominated Carole Adiego.

No other nominations were submitted, and Chairman Tice made a motion to appoint Adiego by acclamation and postpone the remaining three appointments until the September 19 meeting.

VOTING: Ayes – 5; Nays – 0.

Region F Aging Advisory Committee (2 appointments): No nominations were submitted, and Commissioner Williams made a motion to postpone the two appointments until the September 19 meeting.

Nursing Home Advisory Committee: MOTION by Commissioner Williams to suspend the board's Rules of Procedures regarding announcements/appointments for committees/boards and to appoint Linda Piraino for the Nursing Home Advisory Committee.

VOTING: Ayes – 5; Nays – 0.

COUNTY MANAGER'S REPORT: County Manager Mashburn introduced Mike Smith, the newly chosen Director for the Greater Statesville Development Corporation (GSDC).

CLOSED SESSION: Pursuant to G.S. 143-318.11(a)(4) Economic Development, Chairman Tice at 7:45 p.m., made a motion to enter into closed session.

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 8:00 P.M.)

CALL FOR A PUBLIC HEARING REGARDING AN ECONOMIC DEVELOPMENT INCENTIVE FOR PURINA MILLS, LLC / LAND O'LAKES: MOTION by Chairman Tice to call for a public hearing on September 19, 2006, at 7:00 P.M., regarding an economic development incentive of \$68,820 a year, or \$344,100.00 over a five-year period, for Purina Mills, LLC / Land O'Lakes, LLC based on an investment of \$18.5 million.

VOTING: Ayes – 5; Nays – 0.

ADJOURNMENT: At 8:01 P.M., Chairman Tice made a motion to adjourn the meeting. (NEXT MEETING: Tuesday, September 19, 2006, 5:00 and 7:00 P.M., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.)

VOTING: Ayes – 5; Nays – 0.

Approval: _____

Clerk to the Board