

**IREDELL COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
APRIL 20, 2010**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, April 20, 2010, at 7:00 P.M., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

**Board Members Present**

Vice Chairman Marvin Norman  
Steve Johnson  
Ken Robertson  
Scott Keadle

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Deputy County Manager Tracy Jackson, Finance Director Susan Blumenstein, Director of Nursing & Clinical Services (Health Dept.) Susan Johnson, Tax Administrator Bill Doolittle, Planning Director Ron Smith, Captain Mike Phillips (Sheriff's Department), Cooperative Extension Service Director Ken Vaughn, and Clerk to the Board Jean Moore.

**CALL TO ORDER** by Vice Chairman Norman

**POSTING OF THE COLORS** by the West Iredell JROTC Color Guard &  
**PLEDGE OF ALLEGIANCE**

**OATH OF OFFICE FOR W. FRANK MITCHELL BY THE HONORABLE RENA TURNER:** Mr. Mitchell, who was unanimously appointed to the board of commissioners on April 6, 2010, was sworn into office to occupy the seat formerly held by Commissioner Godfrey Williams, now deceased. Commissioner Mitchell was accompanied to the meeting by his wife, Gayle, his daughter Keeley, and son, Keith.

**INVOCATION** by Commissioner Johnson

**ORGANIZATION OF THE BOARD**

(County Manager Joel Mashburn presided while the election of officers occurred.)

Election of Chairman: Commissioner Johnson nominated Marvin Norman for the office of Chairman of the Iredell County Board of Commissioners.

No other nominations were submitted, and Norman was unanimously elected.

Election of Vice Chairman: Commissioner Robertson nominated Steve Johnson for the office of Vice Chairman of the Iredell County Board of Commissioners.

No other nominations were submitted, and Johnson was unanimously elected.

**ADJUSTMENTS OF THE AGENDA:** [No agenda adjustments occurred; however, later in the evening, a closed session was added to discuss a legal matter – G.S. 143-318.11(a) (3)]

**PRESENTATION OF SPECIAL RECOGNITIONS AND AWARDS**

**SFC (Ret.) Brad J. Stroud (Veterans Service Officer for Iredell County) Presents a a Bronze Star Medal with "V" device along with a 1<sup>st</sup> Oak Leaf Cluster and a Combat Medical Badge to Dr. Edwin M. Fulghum:** Commissioner Robertson said Iredell County had a resident who served in the US Army during the Vietnam War, and during that time, had earned two bronze stars that were never presented to him. Robertson said this was discovered recently, and the awards would be presented to Dr. Edwin Fulghum.

Veterans Service Officer Brad Stroud said that even though the bronze star medals were the most important medals being awarded, that Dr. Fulghum was more proud of the combat medics badge which signified that he had experienced the same dangers and hardships as the military infantry personnel in combat situations. Stroud added that the medics badge was issued when a person had been assigned to an infantry unit rifle company, platoon, or smaller unit actually serving on the ground. He said the “V” device for the Bronze Star denoted valor, and it was worn to denote participation in acts of heroism involving conflict with an armed enemy.

Stroud then called Specialist 4<sup>th</sup> Class Edwin M. Fulghum Jr. to the dais and read the following citation: *“On 15 April 1968, in the Republic of Vietnam, Specialist Fulghum was serving as a medical aid man with his armored Calvary regimen. The friendly force was suddenly subjected to an intense Vietcong mortar attack. One of the munitions carriers received a direct hit causing it to burst into flames creating numerous secondary explosions. Without hesitation, or regard for his personal safety, Specialist Fulghum braved the impacting enemy rounds and the exploding ammunition as he rushed to the scene of the blazing vehicle where three soldiers were found in need of medical attention. He immediately administered first aid to his wounded comrades and assisted them to cover. The initiative, courage, and skill of Specialist Fulghum, while under heavy fire, were greatly responsible for keeping friendly casualties to a minimum. Specialist Fulghum’s outstanding display of aggressiveness, devotion to duty, and personal bravery, are in keeping with the finest traditions of the military service and reflects great credit upon himself, the first infantry division, and the United States Army. Signed Archie R. Kyle, Colonel, Chief of Staff.”*

#### **APPOINTMENT BEFORE THE BOARD**

**Mr. Jim Strasser, Representing the Red Dog Drive Neighborhood, Mooresville, NC, Discusses Past and Future Roadway Maintenance Assistance (*The county’s 911 tower is accessed off of Red Dog Drive.*):** Strasser said Red Dog Road was a private road built by Jack Curtis 30 years ago, and the residents of the roadway had a homeowner’s association that included nine households, along with Crown Castle, a cell phone company. He said during the past 30 years, the roadway had suffered much use and disrepair from not only the residents but the maintenance personnel servicing the three cell phone towers in the area, one of which was the county’s 911 tower. Strasser said the towers were actually located on South Tower Drive, a state-maintained road. He said the county purchased property, at the half-way point of the road, in 1987 and built the 911 tower. Strasser said later, in 1991, Alltel (currently owned by American Tower) was allowed to build a tower. Mr. Strasser said the Alltel lease arrangement was for \$1 a month for 30 years. He said another tower was built in 1996, and it purchased by Crown Castle in 1999. Strasser said this agreement was with a private landowner in the area at a cost of \$1,000 to \$1,500 a month. Mr. Strasser said financial assistance for the roadway had been requested from all three of the cell phone tower owners. He said Crown Castle had agreed to participate at a sum of \$2,600 for previous road maintenance fees. Additionally, Strasser said Crown Castle desired to join the homeowner’s association which had a \$300 a year fee for road and grass maintenance. Strasser said \$5,200 was spent in 2006 on the road, and since that time, two other major improvements occurred. He said the roadway had suffered much erosion, due to elevation changes, and new ditches were constructed. Strasser said \$4,800 was spent in 2009, and this year, \$6,300 was spent. He said the county manager had agreed to assist, this year, in the amount of \$1,000; however, due to the county having two towers, additional funds were being requested, especially since Crown Castle was willing to help for previous costs. Strasser requested (1) financial assistance for past maintenance and (2) that a financial arrangement be worked out for future roadway upkeep costs.

Commissioner Johnson asked the county manager how often the roadway was used by the county.

County Manager Mashburn said about once a month for the 911 tower and probably about the same for the American Tower. He said the roadway was not used on a daily basis.

Johnson asked if usage was fewer than ten trips a month.

County Manager Mashburn said yes.

Commissioner Robertson asked the types of county vehicles used in servicing the cell tower.

ECOM & Emergency Management Director David Martin said regular personal vehicles (sedans or pickup trucks).

Johnson asked Strasser how many residents lived off the roadway.

Strasser said nine individuals had houses off the roadway along with Crown Castle. He said the American Tower, for Verizon, was probably the heaviest user followed by Crown Castle, and then the 911 tower service personnel. Strasser said, however, the 911 tower would be the most important.

Johnson said he didn't see the relevance about the importance of the tower and the condition of the road. He said the relevance pertained to how much wear and tear on the roadway was being created by the county.

Robertson asked the road's length.

County Manager Mashburn said a map indicated it might be around 800 feet.

Strasser said it was about one-half mile from Rinehardt Road, the paved road, to the cell phone towers. He said the entire roadway was around one mile and a half.

Mashburn said that during his 22 years of county service, there had never been a request to assist with the road's maintenance until now. He said an offer of \$1,000 had been made to the homeowners towards the road's maintenance for this year, and then, a discussion could occur regarding an equitable solution for future years. Mashburn said the residents did not agree with the offer, and they were now submitting the request to the board.

Commissioner Johnson asked if this was still the county manager's recommendation.

Mashburn said yes.

Commissioner Mitchell asked if the road was on the state-maintained list or if it qualified for any state assistance.

Mashburn said it was a public road; however, it was not on the state system. He said that before the state would assume responsibility, it had to be brought up to the state's standards. Mr. Mashburn said due to the county not having a spreader, the state had been asked to spread some gravel (purchased by the county), but a negative response was received.

Commissioner Johnson asked about future years.

Commissioner Keadle said this could be left up to the county manager to consider.

Johnson said \$1,000 was a little more than an equal share. He said that in regards to the total amount of damage occurring on the road, the county wasn't increasing it that much. Johnson said the manager, in the future, might budget maintenance costs for the road; however, the county shouldn't be paying anymore than what any individual neighbor was paying (\$300 a year).

Mashburn said his recommendation of \$1,000 reflected that the county had not participated before. He said a discussion could occur with the owners to try and determine the county's fair and equitable share from this point forward. Mashburn said this could be included in next year's budget out of the emergency communications budget (maintenance). He said \$300 was a good number for future years.

Keadle said \$300 a year was generous.

**MOTION** by Commissioner Keadle to honor the county manager's offer and pay \$1,000 for the roadway's maintenance. VOTING: Ayes – 5; Nays – 0.

## ADMINISTRATIVE MATTERS

**Request from the Ebenezer Volunteer Fire Department for Permission to Proceed with a Banking Loan Transaction with the Proceeds to be used for a Building Expansion:** Jimmy Kestler, the Ebenezer VFD Deputy Chief, requested permission to move forward with renovations to the station. He said the fire commission had approved the plans, and this had been incorporated into this year's budget. Kestler said BB&T had given a 4.33% interest rate on a \$1,037,180 loan (annual payments of \$130,000 for ten years); however, the rate would terminate on April 30 with no extension possibility.

Commissioner Robertson asked what prompted the need for the expansion.

Kestler said the department had been in the building since 1974, and extra space was now needed. He said 12 officers were working out of a 10 x 10 office. Kestler said the expansion would include more office space, two new bays, and living quarters.

Commissioner Johnson said he understood the Fire Tax District Board had included the expansion in next year's budget.

Kestler said this was correct.

Commissioner Johnson asked about the revenue stream.

Finance Director Susan Blumenstein said that based upon information from Fire Marshal Ronny Thompson, \$130,000 had been recommended for next year. She said revenue estimates were at \$4.6 million. Blumenstein said Ebenezer would have to transfer some of its funding, intended for debt service, to the general fund (operating). She said there were sufficient funds, as a total, to cover the additional debt service, but a fund transfer would have to occur to cover general fund operations for the county-wide fire tax district.

Commissioner Johnson expressed concern about similar pending requests, especially with the prospect that Lake Norman might pull out of the county-wide district, which would create a 40% loss in revenue.

Blumenstein said a list of commitments had been requested from the fire tax district board.

Commissioner Johnson said that due to the economic climate, he didn't see a dramatic increase in the interest rate, and a spreadsheet showing the revenue stream would be helpful before making a decision.

**MOTION** by Commissioner Robertson to table the Ebenezer request until May 11, 2010.

VOTING: Ayes – 5; Nays – 0.

Commissioner Robertson said the board was not challenging Ebenezer's request or justification; rather the commissioners were trying to determine the county's ability to pay the debt service four years from now.

(Prior to the May meeting, the staff will provide a projected revenue spreadsheet, along with a list of commitments, in order to determine how Ebenezer's request would impact current and capital expense.)

**Request for Endorsement of a Resolution Requesting the City of Statesville to Adopt a Resolution that will Release from the Municipality's Extraterritorial Jurisdiction the Real Estate Parcels Owned by the County and Located Around the Solid Waste Facility:** Planning Director Ron Smith said this request would bring several county-owned properties, located in three different types of jurisdictions, under the county's control. He said part of the landfill property was within the Statesville city limits, while another portion was in Statesville's extraterritorial jurisdiction, and the last tract was completely controlled by the county. Smith said having all of the properties under the county's jurisdiction would be

helpful due to the county and city having different landfill regulations. He said this particular request pertained to the ETJ area, and there was a de-annexation request that would be made to the legislature for the property located within the city limits.

**MOTION** by Commissioner Keadle to approve the request as presented.

VOTING: Ayes – 5; Nays – 0.

**RESOLUTION**

WHEREAS, Iredell County (“County”) owns multiple parcels of real estate, upon which it operates a solid waste landfill facility (“Facility”); and

WHEREAS, the Facility and property adjacent thereto owned by County for future expansion are located within the extraterritorial jurisdiction (“ETJ”) of the City of Statesville (“City”); and

WHEREAS, expansion of the Facility requires regulatory approvals of the municipality with zoning jurisdiction; and

WHEREAS, the County has similar regulatory approvals in place; and

WHEREAS, the County believes planning and implementation would be dramatically more efficient if it were able to use the regulatory approval process adopted by the County;

NOW THEREFORE, the County hereby requests that the City adopt a resolution pursuant to NCGS 160-A-360 (f1) releasing from its ETJ the parcels of real estate identified by Iredell County Parcel Identification Numbers set forth herein to wit:

(a) 4753679486.000	Deed Book 1910, Page 1933	Tax Acres=28.420
(b) 4753682071.000	Deed Book 1212, Page 1092	Tax Acres=54.760
(c) 4753897097.000	Deed Book 816, Page 155	Tax Acres=91.130
(d) 4754350274.000	Deed Book 1133, Page 1274	Tax Acres=38.800
(e) 4754416197.000	Deed Book 1133, Page 1274	Tax Acres=
(f) 4754512101.000	Deed Book 1133, Page 1289	Tax Acres=0.460
(g) 4754513190.000	Deed Book 1133, Page 1287	Tax Acres=
(h) 4754515100.000	Deed Book 1135, Page 659	Tax Acres=
(i) 4754515099.000	Deed Book 1135, Page 659	Tax Acres=
(j) 4754517018.000	Deed Book 1133, Page 1908	Tax Acres=
(k) 475418007.000	Deed Book 1133, Page 1908	Tax Acres=

**Request for Approval of the March 2010 Refunds and Releases:** Tax Administrator Bill Doolittle submitted the March refunds and releases list and recommended approval. He did note, however, that Commissioner Keadle had sold a vehicle and was due a small refund.

**MOTION** by Commissioner Johnson to approve the March 2010 refunds and releases.

VOTING: Ayes – 4; Nays – 0.

(Note: Commissioner Keadle did not vote due to being on the list as an intended tax refund recipient.)

<b>Releases for the month of March 2010</b>	<b>Monthly Total</b>
	\$22,500.19
<b>Breakdown of Releases:</b>	
County	\$13,914.30
Solid Waste Fees	\$182.25
E. Alex. Co. Fire #1	\$5.19
Shepherd's Fire #2	\$90.19
Mt. Mourne Fire #3	\$54.43
All County Fire #4	\$545.49
B&F Fire #5	\$256.46
Statesville City	\$820.61
Statesville Downtown	\$11.47
Mooresville Town	\$5,680.07

Mooresville Downtown	\$0.00
Mooresville School	\$818.63
Love Valley	\$0.00
Harmony	\$0.00
Troutman	\$48.33
Davidson	\$72.77

**Refunds for the month of March 2010** **Monthly Total**  
\$198.27

**Breakdown of Refunds:**

County	\$174.71
Solid Waste Fees	\$0.00
E. Alex. Co. Fire #1	\$0.00
Shepherd's Fire #2	\$0.00
Mt. Mourne Fire #3	\$0.00
All County Fire #4	\$23.56
B&F Fire #5	\$0.00
Statesville City	\$0.00
Statesville Downtown	\$0.00
Mooresville Town	\$0.00
Mooresville Downtown	\$0.00
Mooresville School	\$0.00
Love Valley	\$0.00
Harmony	\$0.00
Troutman	\$0.00
Davidson	\$0.00

**Request from the 911 Addressing Department as follows: Approval of Budget Amendment #63 for the Purchase of 911 Central Database Software from the Emergency Telephone System Fund & Approval a Sole-Source Agreement with Farragut Systems, Inc., to Purchase an AddressOne Product for a Centralized E911 Addressing Solution and Street Centerline System):** Tax Administrator Bill Doolittle said that in January, permission was granted to seek proposals for addressing software and services. He said it was discovered that no one had an existing software package except for one vendor, but there were several companies that could design and write them. Doolittle said past experience had shown that writing a software program was expensive. He said a pre-written program was sought both on a national and state level, and one was found in Mecklenburg County that had cost one million dollars. Doolittle said the same company would provide the addressing software and services to Iredell County for \$120,000. He said a budget amendment was requested to purchase the software, and there was also a request to award the bid to Farragut Systems, the sole-source provider.

**MOTION** by Commissioner Robertson to approve Budget Amendment #63 for the Purchase of 911 Central Database Software with the funds to be derived from the Emergency Telephone System Fund.

VOTING: Ayes – 5; Nays – 0.

**MOTION** by Commissioner Robertson to approve a Sole-Source Agreement with Farragut Systems, Inc., to Purchase an AddressOne Product for a Centralized E911 Addressing Solution and Street Centerline System.

VOTING: Ayes – 5; Nays – 0.

**Request from the Sheriff’s Department for Approval of Budget Amendment #64 for the Appropriation of \$215,000 for the Conversion of 50 Vehicles to Propane Along with Consent to Apply for a \$150,000 Clean Fuel Technology Grant that would offset Federal Equity Sharing Expenditures:** Mike Phillips, with the Sheriff’s Department, requested permission to move \$215,000 from federal equity sharing funds to be used for the conversion of 50 vehicles to operate on propane as well as gasoline. In addition, he requested permission to apply for a \$150,000 Clean Fuel Technology Grant. Phillips said that if the grant request were successful, the equity sharing money would be cut. He said \$66,000 of the \$215,000 would be the local match, if the department received the grant.

Commissioner Keadle asked if the conversion had occurred elsewhere.

Phillips said several agencies in South Carolina had converted to propane and a couple of agencies in North Carolina had applied for the same grant in an effort to reduce costs and lower emissions.

Commissioner Johnson said he understood the company would insert the infrastructure for refueling.

Phillips said two companies had been contacted, EnergyUnited and Alliance Auto Gas, and both would put in the infrastructure and pumping station. He said sites would be in north Iredell, Statesville, and in the south end.

**MOTION** by Commissioner Keadle to approve the request.

VOTING: Ayes – 5; Nays – 0.

BA#64 4/20/2010 Account #	To appropriate Federal Equity Sharing funds to convert 50 Sheriff department patrol cars to the ability to run on propane gas.			
		Current	Change	Amended
	General Fund			
104510 4820.00	Federal Equity Sharing	(863,047)	(215,000)	(1,078,047)
105510 650000	Vehicles	412,100	215,000	627,100

**Request from the Health Department for Approval of Budget Amendment #65 for the Reallocation of \$11,865 from Salary/Fringe Benefits to Supplies for the Purchase of Computers/Server & Related Supplies for the Women, Infants & Children’s (WIC) Division:** Nursing Director Susan Johnson said the health department was requesting to reallocate \$411,865 in State WIC funds from salary/fringe to other budget lines. She said \$7,675 would be used to purchase computers and supplies, along with a UPS battery back up and two remote printer manager licenses. Ms. Johnson said the remaining \$4,190 would be used to purchase an additional server and accessories.

**MOTION** by Commissioner Johnson to approve budget amendment #65 as requested.

VOTING: Ayes – 5; Nays – 0.

Cty BA# _____	Purpose: <u>To re-allocate State WIC grant expenditures to purchase server, computers,</u>			
ICHD BA# <u>10-0408A</u>	<u>and related computer supplies to move WIC to HSIS/HIS.</u>			
EXPENSE LINE(S)	DESCRIPTION	EXISTING BUDGET	CHANGE	AMENDED BUDGET
10914031 510002	Salary-Reg	\$458,655.00	-\$8,325.00	\$450,330.00
10914031 512501	FICA	\$35,090.00	-\$575.00	\$34,515.00
10914031 512502	Grp Ins	\$103,755.00	-\$2,140.00	\$101,615.00
10914031 512503	Retirement	\$45,410.00	-\$825.00	\$44,585.00
EXPENSE LINE(S)	DESCRIPTION	EXISTING BUDGET	CHANGE	AMENDED BUDGET
10914031 535150	Supplies-Computer	\$2,200.00	\$7,675.00	\$9,875.00
10914031 620150	Non-Depreciable-Computer	\$0.00	\$4,190.00	\$4,190.00

**Request from the Health Department for Approval of Budget Amendment #66 for the Acceptance of Additional Family Planning Bonus Funds Totaling \$21,928:** Nursing Director Susan Johnson said additional one-time family planning bonus funds of \$21,928 were available for Title X services. She said the state was encouraging the health departments to use the funds for tubal ligation services, and contracts had already been secured. Ms. Johnson said (1) the cost per procedure was \$3,020 (2) seven surgeries were planned and (3) the interested candidates had already signed the consent forms. She said the remaining funds would purchase family planning supplies.

**MOTION** by Commissioner Johnson to approve budget amendment #66.

VOTING: Ayes – 5; Nays – 0.

City BA# _____		Purpose: <u>To allocate Women's Preventive Health grant revenue and expenditures</u>		
ICHD BA# <u>10-0218</u>		_____		
REVENUE LINE(S)	DESCRIPTION	EXISTING BUDGET	CHANGE	AMENDED BUDGET
10491151 440006 592D	Women's Prev Hlth Grant	\$0.00	-\$21,930.00	-\$21,930.00
EXPENSE LINE(S)	DESCRIPTION	EXISTING BUDGET	CHANGE	AMENDED BUDGET
100591 520004 41101	Professional Services	\$124,326.00	\$21,930.00	\$146,256.00

**Request from the Health Department for Approval of New CPT (Current Procedural Terminology) and CDT (Current Dental Terminology) Codes and Associated Fees:** Nursing Director Susan Johnson said current procedural and dental terminology codes needed to be amended in order to sufficiently invoice for medical and dental services. She said normally, updated codes were presented in June; but there was a need to adopt them earlier this year.

Commissioner Johnson asked if the health department would miss out on Medicaid funding if the new fees were not adopted.

Ms. Johnson said this was correct. She said the board of health had approved the new codes.

**MOTION** by Commissioner Robertson to approve the new CPT and CDT codes.

VOTING: Ayes – 5; Nays – 0.

CPT CODE ( Medical)	DESCRIPTION	RECOMMENDED FEE
81001	Automated U/A with Micro	\$21.00
81003	Automated U/A without Micro	\$18.00
82465	Total Cholesterol	\$23.00
83718	HDL	\$42.00
83721	LDL	\$44.00
84478	Triglyceride	\$22.00
84703	Serum Pregnancy Test	\$54.00
92567	Tympanometry Screen	\$50.00

CDT CODE (Dental)	DESCRIPTION	RECOMMENDED FEE
D2934	Prefabricated Stainless Steel Crown – esthetic coated	\$309
D9940	Occlusal Guard	\$278
D9942	Repair and/or Reline of Occlusal Guard	\$115

**Request for Approval of a Use Agreement with the U.S. Department of Agriculture, Animal & Plant Health Inspection Service, Wildlife Services:** Cooperative Extension Service Director Ken Vaughn said the Agricultural Center had a vacant office (Room 158 – approx. 400 sq. ft.), and none of the present building occupants had a need for the space. He said the United States Department of Agriculture/Wildlife Services had indicated a need for the office, and this type of occupant would blend in well with the other tenants. Vaughn said no particular agent or person would be assigned to the space; rather the USDA’s personnel would be based in the western part of the state. Mr. Vaughn said the proposed five-year lease agreement could be terminated by either part after a 60-day notice in writing.

County Manager Mashburn said the USDA did not pay in advance, and initially the lease agreement stipulated that rental payments would be paid annually. He said that quarterly payments had been mutually agreed upon.

**MOTION** by Commissioner Johnson to approve the USDA/Wildlife Services agreement.

VOTING: Ayes – 5; Nays – 0.

**Request for Approval of the April 6, 2010 Minutes:** The minutes were not approved due to Commissioner Keadle being absent at the April 6 meeting.

**ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS**  
(none)

**APPOINTMENTS TO BOARDS & COMMISSIONS**

**Appointments to the Boards & Committees that have Commissioner Representation**

**MOTION** by Commissioner Keadle to postpone the appointments to boards and committees requiring commissioner representation.

VOTING: Ayes – 5; Nays – 0.

**Recreation Advisory Board (1 appointment):** **MOTION** by Commissioner Robertson to table this appointment.

VOTING: Ayes – 5; Nays – 0.

**Nursing Home Advisory Board (2 appointments):** Commissioner Robertson nominated Colleen Caldwell and Sandra Smith.

**MOTION** by Chairman Norman to appoint Caldwell and Smith.

VOTING: Ayes – 5; Nays – 0.

**Adult Care Home Community Advisory Committee (3 appointments):** Commissioner Keadle nominated Phillip Killam and Ruth Andresen.

**MOTION** by Chairman Norman to appoint Killam and Andresen by acclamation and to table the remaining appointment.

VOTING: Ayes – 5; Nays – 0.

(Appointments from the Reminder List)

**Juvenile Crime Prevention Council (JCPC):** Commissioner Robertson nominated Judge Tom Church as Chief District Judge Dale Graham's designee.

**MOTION** by Chairman Norman to appoint Church to the JCPC.

VOTING: Ayes – 5; Nays – 0.

**Nursing Home Advisory Committee:** Commissioner Robertson nominated Jean Enyeart.

**MOTION** by Chairman Norman to appoint Enyeart to the Nursing Home Advisory Board.

VOTING: Ayes – 5; Nays – 0.

## PUBLIC COMMENT PERIOD

**Summer Lipford Speaks About ADA Requirements for Inmates:** Lipford spoke as follows: "I have an ongoing issue with Iredell County and their ability to meet Americans With Disabilities (ADA) Standards. Four years ago, just several months after my son was killed in Iraq, my older son was arrested by the Iredell County Sheriff's Department. They called me. I told them I would go get him, and I would bring him in. I did that. When I got to the jail, that's when I was told what it was about, I advised the deputy at that time that I needed an interpreter for my son. The deputy advised me to get one myself. I then told the deputy that it was an ADA/Federal law that the sheriff's department offer my son, who is profoundly deaf, an interpreter. Again, the deputy told me they would get one, but I would have to pay for it. I advised the deputy that I did not have to pay for it, that again, this was a federal law the Iredell County Sheriff's Department needed to meet. At that point in time, the deputy told me that if I didn't keep my mouth shut, I was going to be arrested for disturbing the peace. I told the deputy that I hadn't done anything wrong, and he gave me a second warning to either shut up and leave, quote, 'Shut up and leave,' or be arrested. I chose to shut up and leave. I called ADA in Raleigh. I spoke .... I went to the Attorney General's Office. From my understanding, the Attorney General worked with the county attorney. I spoke to Mr. Pope, and he doesn't have any recollection of this happening. The offer was that we do not sue the county for a substantial amount of money but that these regulations be met. There is no dedicated TTY line or TTD line for the hearing impaired in Iredell County to go to the sheriff's department. I called the sheriff's department today. I talked to Communications, and they told me, 'Yes,' they do accept TTY calls but they are sent to them through 911. Not all hearing impaired people need to call 911. There is no list of interpreters with the sheriff's department which was part of the agreement for us to not enforce a lawsuit. There is no list with the sheriff's department. My daughter is a retired police officer. Four years ago when she was on duty, she was dispatched to the county for a deaf woman who had been involved in a domestic violence act. My daughter went because she was dispatched -- out of the city and in to the county. This is inexcusable -- that the Iredell County Sheriff's Department does not have an interpreter for our hearing impaired community. On Monday, my son.... several weeks ago, the beginning of March, my son was in an activity in Mooresville. He was denied access .... any event held in the county or the city .... if it's a private event, the city needs to enforce the fact that there is an interpreter present. If it's a county event, such as a meeting, or even a parade, if there's someone speaking, it is the law that the county provides an interpreter. This is the first time in Iredell County history there has been an interpreter at a county commissioner's meeting. This law has been on the books for 21 years. The county has to tell the federal and state government that they are ADA enacted and on board. This is not the case. Again, the beginning of March, my son was involved in an activity in Mooresville. I received a call from the Mooresville Police Department that he had been denied access. He became angry. He lashed out, and he was arrested by the Mooresville Police Department. I immediately went to the magistrate's office, and requested that Magistrate Green call an interpreter. Magistrate Green closed the door on my face. I waited about 35-40 minutes. I went back to the door. I knocked on the door again. I then again asked Magistrate Green if my son had been brought in yet, and he said, 'No.' I said, 'Have you got hold of an interpreter?' He said, 'No,' and closed the door. I waited another 30 minutes in the sheriff's department. I went back up to the door. I knocked again, and Magistrate Green came to the door. I said, 'My son has got to have an interpreter.' He didn't acknowledge me standing there. He closed the door on my face. I received a text message from my son that he had been taken to the Iredell hospital. I immediately left the sheriff's department and went to the hospital. There was no interpreter provided there. When they told me they were taking my son to jail, I went home. There was nothing more I could do. From my home, I called Magistrate Green, and I told Magistrate Green that my son had to have an interpreter. It was the law. Magistrate Green told me to take it up with the judge on Monday. I told Magistrate Green that I would be contacting ADA on Monday. He said, 'You can take that up with the judge too.' At that point in time, I told him, 'Magistrate Green, I will be taking this up with you and the judge on Monday.' Through frustration, I called him a name that I should not have called him. Saturday morning, a deputy sheriff was at my house to arrest me. I was sentenced to four days in jail. If the Iredell County Sheriff's Department had been on board with ADA, as they promised four years ago, I could have gone to the sheriff's department and they could have provided the magistrate with an interpreter. Because the sheriff's department is not on board, and obviously does not understand the importance of our deaf community being protected, I had no protection myself. At this point in time, I have taken this to the US Attorney's Office and to the Justice Department. I hate to think that it's going to take a substantial amount of money out of this county in a lawsuit to have this county adhere to ADA laws. Our people with disabilities vote, they pay taxes, and they are not given the same rights and privileges of hearing people. My question is ..... if a deaf woman calls a deputy, and he comes out to her house after she's been raped. How long is it going to take for that deputy to figure out what she's trying to say? Because an intelligent, hearing, and speaking woman would not make any sense, let alone a deaf woman who does not speak exact English but ASL, American Sign Language. She's not only been victimized once by her perpetrator but she will be victimized by the sheriff's department. This has got to stop. We've got to get this county back on board. I'm thoroughly disgusted and appalled that twice, twice, I have been threatened to be put in jail simply by demanding that my son be given his civil rights. I would venture to say that if this happened to anyone of your family members those deputies, their badges would be on the sheriff's desk before the next shift. We've got to get this taken care of. I'm not going to stop now. At this point in time, I'm going to get your attention. We're

going to get this taken care of. It needs to be addressed by the county commissioners. I'm going to Mooresville. I'm going to address the Mooresville Police Department. I've addressed the city -- the City of Statesville, and I'm going to Troutman. We have 313,978 deaf people in the State of North Carolina. That's huge. That is .53%. Point 53 percent of our citizens are not being represented properly in our state. They are going to be represented. I'm giving you the only copy of have ..... unfortunately, I gave them to the city council last night. A couple of deaf people came to my house today to pick up a copy, and I had to give one to my son's attorney. But this is the law, and this isn't the only law. This is just for police action. There has never been an interpreter to a public event held by this county -- ever. A deaf person should not have to call the county commissioners and say, 'Can I have an interpreter?' You have microphones in front of you so these people can hear. This man does deserve to have this microphone in front of him and shouldn't have to request it. It should be done out of gratitude that he lives in the county paying taxes, and he is a citizen of North Carolina. I hope that this doesn't have to go too much further, but at this point in time, after doing this for four years, and getting no where, I just feel like we need some further action. I hate the fact that it's going to be -- it's going to cost the county money. Now, it's going to cost the county a substantial amount of money. They need TTY's in every county office, and a dedicated line so deaf people can call. None of you have TTY's in your office."

At this point, Chairman Norman announced that Ms. Lipford's time was up.

Lipford said, "Well you know what, this is more important."

Chairman Norman said Ms. Lipford had already gone over the time limit for public comments (3 minutes).

Lipford said, "I'm sorry. I apologize. Each one of you needs a TTY in your office so a deaf person can call their county commissioner. Each office in the county needs a TTY so deaf people can call county offices. I apologize, but this is the exact attitude that I got from the county attorney -- my time is up -- so is yours."

\* \* \* \* \*

**Victor Crosby Discusses Road & Highway Funds:** Mr. Crosby said that recently he met with a US Senator about using road and highway money for flood control structures, hydropower, water supply, wildlife habitat, and recreation. He said there were three important issues coming up and one matter pertained to the paving and building of a bridge on Williamsburg Road. Crosby said three hydropower plants had been on Rocky Creek, and one was still generating electricity. He said Williamsburg could also be an access road for I-77. Crosby mentioned the road had a deep curve and building a dam for water impoundment would save much travel time. Crosby said the Grange supported the concept, as well as the Keep Iredell Clean organization, and the Farm Bureau. He said the highway commissioner had been contacted along with representatives from neighboring counties. Mr. Crosby said the senator's office had requested him to contact the city and county officials for support on the project. He said additional information, including engineering studies, could be provided.

-----END OF PUBLIC COMMENT PERIOD-----

**COUNTY MANAGER'S REPORT** (none)

**CLOSED SESSION:** **MOTION** by Chairman Norman to enter into Closed Session pursuant to Economic Development – G.S. 143-318.11 (a) (4) and Attorney-Client – G.S. 143-318. 11 (a) (3).

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 10:12 PM)

**CALL FOR A PUBLIC HEARING ON MAY 11, 2010 REGARDING AN ECONOMIC DEVELOPMENT INCENTIVE:** **MOTION** by Commissioner Robertson to call for a public hearing on Tuesday, May 11, 2010, at 7:00 P.M., regarding an economic development incentive of \$50,000 a year, over a ten-year period, for an undisclosed project, based on a \$16 million investment in Iredell County.

VOTING: Ayes – 4; Nays – 1 (Keadle).

**CALL FOR A PUBLIC HEARING ON MAY 11, 2010 REGARDING AN ECONOMIC DEVELOPMENT INCENTIVE:** MOTION by Commissioner Mitchell to call for a public hearing on Tuesday, May 11, 2010, at 7:00 P.M., regarding an economic development incentive of between \$51,385.00 to \$58,395.00, over a five-year period, for Carolina Beer & Beverage based on a \$4.4 million to \$5 million investment in Iredell County.

VOTING: Ayes – 4; Nays – 1 (Keadle).

**ADJOURNMENT:** MOTION by Commissioner Johnson to adjourn the meeting at 10:15 p.m. (NEXT MEETING: Tuesday, May 11, 2010 at 7:00 PM in the Iredell County Government Center, 200 South Center Street, Statesville, NC).

VOTING: Ayes – 5; Nays – 0.

APPROVAL: \_\_\_\_\_

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