

**Minutes
Town of Mooresville
Board of Commissioners
September 3, 2019
6:00 PM - Mooresville Town Hall**

August 30, 2019

Agenda Briefing

8:30 a.m.- Mooresville Town Hall

Present: Mayor Pro Tem Thurman Houston, Commissioners Lisa Qualls, Barbara Whittington, Gary West, Eddie Dingler, Town Attorney Sharon Crawford, Interim Town Manager Ryan Rase

Absent: Commissioner Bobby Compton

Also Present: Deborah Hockett, Finance Director; Jeff Brotherton, TI Director; Kim Sellers, Public Information Officer; Marian Lytle, Library Director; Craig Culberson, Senior Planner; Rupa Venkatesh, Assistant to the Town Manager; Pam Reidy, Parks & Recreation Director; Chris Russell, Risk Manager; Tiffany Shelley, Deputy HR Director; Genevieve Miller, Town Clerk.

Staff was present to answer any questions or concerns pertaining to the agenda.

The meeting adjourned at 9:38 a.m.

Regular Meeting

September 3, 2019

6:00 p.m.

Mooresville Town Hall

Present: Mayor Miles Atkins, Commissioners Eddie Dingler, Thurman Houston, Lisa Qualls, Barbara Whittington, Gary West, Town Attorney Sharon Crawford, Town Manager Randy Hemann.

Also Present: Deborah Hockett, Finance Director; Jeff Brotherton, TI Director; Kim Sellers, Public Information Officer; Marian Lytle, Library Director; Craig Culberson, Senior Planner; Rupa Venkatesh, Assistant to the Town Manager; Pam Reidy, Parks & Recreation Director; Tiffany Shelley, Deputy HR Director; Genevieve Miller, Town Clerk.

Public Comment

Lynn Taylor spoke about consent item 5g. She is concerned DOT grant is part of international, state and federal program. Does this mean taxes will go up? When will construction start, and how will it impact the easements?

Larry Gregory spoke to the tax situation. Mr. Gregory believes taxes have gone up because of Continuum, now that it is for sale, he believes the residents should get their money back.

Kirk Ballard with the MSI Chamber of Commerce gave a statistical update on the website analytics and highlighted specifics from the posts which received the most views.

Mayor Atkins called the meeting to Order at 6:09

Mr. Rase gave the Invocation and KJ Grossbeck of Troop 222 led the Pledge of Allegiance.

1. Presentations

- 1.a. Proclamation recognizing the week of September 9th, 2019 as National Suicide Prevention Week.
- 1.b. Proclamation recognizing September 2019 as National Recovery Month.
- 1.c. Proclamation recognizing September 2019 as National Library Card Sign Up Month.
- 1.d. Proclamation recognizing September 17-23, 2019 as Constitution Week.

2. Adjustments to the Agenda

Presentations:

(add) Proclamation recognizing September 17-23, 2019 as Constitution Week.

Consent Agenda:

5n- (edited) Consider awarding a contract to Miles-McClellan Construction Co. Inc. for the design/build of Fire Station No. 6 in an amount not to exceed ~~\$280,544~~ \$286,240.

5ai. - (add) Consider a transfer of funds to cover additional right of way purchases. In accordance with Section 9 of the Project Ordinance, as the amount exceeds \$100,000.

Regular Agenda:

6e.- (removed) Public Hearing to consider an Economic Incentive Agreement with Project Blueberry. The incentive agreement is based on an investment of \$20,000,000 with an economic incentive of an estimated amount of \$76,000 per year for five (5) years for a total incentive of \$380,000.

6f.- (removed) Public Hearing to consider an Economic Incentive Agreement with Project Starling. The incentive agreement is based on an investment of \$13,000,000 with an economic incentive of an estimated amount of \$49,400 per year for five (5) a total incentive of \$247,000.

Action: A motion by Mr. Dingler, seconded by Mr. West, to approve the adjustments to the agenda, and the agenda was unanimously approved.

3. Consent Agenda Items Approved

a. Accepted a grant from the Drug/Alcohol Coalition of Iredell (DACI) in the amount of \$6,020 and approving the associated budget amendment. No match is required.

[DACI Grant Award Letter.pdf](#)

[Police 09.03.19 DACI grant award.xlsx](#)

b. Awarded a contract to Brady Integrated Security in an amount not to exceed \$62,608.68 for the annual maintenance of 270 cameras and VMS.

[Mooresville Service Agreement Quote](#)

c. Approved reclassifying a vacant Office Assistant (#2621) position at PG 343 (\$28,178 to \$44,069) in Parks & Recreation to an Administrative Assistant at PG 348 (\$35,964 to \$56,245).

d. Approved a Memorandum of Understanding between Town of Mooresville and N.C. Division of Emergency Management concerning the development and use of the Town

of Mooreville's specialized swift water/flood team for disaster relief operations of the NC Division of Emergency Management.

[Mooreville Fire - Rescue.pdf](#)

e. Approved a request from the Fire Department to award a Houston - Galveston Area Cooperative Purchasing Agreement "piggy-back" contract to Atlantic Emergency Solutions for the purchase of a fire engine for \$736,078.00, with the option to prepay the vendor and save \$18,794.00. Funds were approved in the FY 20 Budget.

[Mooreville - Proposal Page](#)

f. Approved a request from the Fire Department to donate a surplus fire hose and Res-q Jacks to the Central School Volunteer Fire Department. This donation will assist the Central School VFD in providing service to the residents of their district in northern Iredell County.

[Central School VFD Request for surplus equipment.pdf](#)

g. Approved the Municipal Agreement for the Safe Routes to School Non-Infrastructure Grant Program in the amount of \$120,000. The total grant amount is \$150,000 with a \$30,000 Town match over a 3-year period (\$10,000 per year). Requesting this year's match of \$10,000 to come from appropriated reserve and, if accepted, to amend this year's budget accordingly.

[Town of Mooreville SRTS Grant Agreement.pdf GF - Planning 09.03.19 NC Safe Routes to School.xlsx](#)

h. Approved the following adjustments to the Town Tax Scroll for 2019.

Releases: \$852.60

Additions: \$4,097.49

Vehicles: \$235472.06

[Tax Scroll](#)

i. Approved a request from the Fire Department to purchase two 3/4-ton pick up trucks and two 1-ton pick up trucks from Randy Marion Chevrolet for \$186,944.00. Money was approved and is available in the FY 20 budget.

j. Approved a request from the Manager's Office to close Main Street between Institute Avenue and McLelland Avenue, and all crossing streets: Iredell, Moore, and Center will be closed at Broad Street and Church Street on Monday, November 11, 2019 from 12:30 p.m. to 3:00 p.m. for the Veterans Day Parade.

k. Adopted a Resolution authorizing Police Chief Ron Campurciani to award the badge and duty weapon of Officer Jordan Sheldon to the Executor of his Estate, Susan Ledford.

[A Resolution Authorizing the Sale of Personal Property](#)

l. Approved a request from the Mooreville Youth Council to sell non-alcoholic beverages during the September 7, 2019 Downtown Food Truck Festival. The monies raised will go towards the cost of the Robotics Team.

m. Approved a request to close Broad Street from Iredell Avenue to McLelland Avenue and cross streets, Moore Avenue and Center Avenue, on Saturday, November 9, 2019 from 12:00 p.m. to 6:00 p.m. for the Veterans Cruise-In Celebration.

n. Awarded a contract to Miles-McClellan Construction Co. Inc. for the design/build of Fire Station No. 6 in an amount not to exceed \$280,544. This contract is part of the Design/Build method approved by the Board of Commissioners, for the design/build of Fire Station No. 6, in the amount of \$280,544. This amount covers the design fees for the project and will eventually require an amendment to add the construction cost.

[Criteria for Selection of Design Build.pdf](#)

o. Approved the minutes from the Annual Board Retreat on February 21-22, 2019.

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p. Approved an agreement with McGill Associates, PA in an amount not to exceed \$77,500 for the design and construction administration of wetwell repairs/relining and new automatic bar screen for the South Iredell pump station.

[South Iredell PS Rehab Contract](#)

q. Approved the 2019 Tax Scroll for the Town of Mooreville and Mooreville Downtown District.

Town of Mooreville - \$6,995,200,291 (Net Assessed Value)

Mooreville Downtown District - \$45,520,709 (Net Assessed Value).

[Tax Scroll - Assessments.pdf](#)

r. Approved a contract with Air Dynamics MS LLC. for the replacement of nine (9) HVAC units at the Charles Mack Center in an amount not to exceed \$100,000.

s. Approved a request for utility service from Norman and Dealiena Felts for property located at 123 Joshua Lane.

[Utility Extension-Annexation Staff Report 123 Joshua Lane.docx](#)

[JoshuaLn123ANNEX.pdf](#)

[UER 123 JoshuaLane.pdf](#)

t. Approved a request for utility service from Donnie Mack Williams for properties located at 114 and 124 Joshua Lane.

[Utility Extension-Annexation Staff Report 124 Joshua Lane.docx](#)

[JoshuaLn124ANNEX.pdf](#)

[114 & 124 JoshuaLane.pdf](#)

u. Approved a request for utility service from Phifer I. Johnson Limited Partnership, RLLP for a property located at 111 Rocky River Road.

[Utility Extension-Annexation Staff Report 111 Rocky River Road.docx](#)

[RockyRiverRd111ANNEX.pdf](#)

[UER 111RockyRiverRd.pdf](#)

v. Approved a request for utility service from Joyce S. Johnson for a property located at 123 Rocky River Road.

[Utility Extension-Annexation Staff Report 123 Rocky River Road.docx](#)

[RockyRiverRd123ANNEX.pdf](#)

[UER 123RockyRiverRd.pdf](#)

w. Approved a request for utility service from Zip Properties, Inc. for a property located at 983 River Highway.

[Utility Extension-Annexation Staff Report 983 River Highway.docx](#)

[RiverHwy983ANNEX.pdf](#)

[UER 983RiverHwy.pdf](#)

x. Approved a request for utility service from Zip Properties, Inc. for a property located at 973 River Highway.

[Utility Extension-Annexation Staff Report 973 River Highway.docx](#)

[RiverHwy973ANNEX.pdf](#)

[UER 973RiverHwy.pdf](#)

y. Approved a request for Utility Service from Iredell Avenue Residential Development, LLC for a property located at 1025 Coddle Creek Highway.

[Utility Extension-Annexation Staff Report 1025 Coddle Creek Highway.docx](#)

[CoddleCreek1025ANNEX.pdf](#)

[UER 1025CoddleCreekHwy.pdf](#)

z. Approved a request for Utility Service from Susan Koontz and Donald Edward for property located at 2918 Charlotte Highway. (1.03 Acres), PIN 4656-19-8016.

[2918 Charlotte Hwy.pdf](#)

[CharlotteHwy2918ANNX.pdf](#)

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[Utility Extension-Annexation Staff Report 2918 Charlotte Highway.docx](#)

aa. Approved a request for Utility Service from Parikh Corp. for a property located at 2187 Charlotte Highway.

[CharlotteHwy2187ANNX.pdf](#)

[2187 Charlotte Hwy.pdf](#)

[Utility Extension-Annexation Staff Report 2187 Charlotte Highway.docx](#)

ab. Approved a request for utility service from Sequioa Forest, LLC for portions of properties located at 2243 and 2255 Charlotte Highway.

[Utility Extension-Annexation Staff Report 2243 Charlotte Highway.docx](#)

[CharlotteHwy2243ANNEX.pdf](#)

[2243 CharlotteHighway.pdf](#)

ac. Approved a request for utility service from 833 River Highway, LLC for properties located at 833, 847, and 855 River Highway.

[Utility Extension-Annexation Staff Report 833. 847. 855 River Highway.docx](#)

[RiverHwy833ANNEX.pdf](#)

[UER 833-847-855RiverHwy.pdf](#)

ad. Approved authorizing the Town Manager to sign a "License Agreement" between the Town of Mooreville and the Mooreville Downtown Commission. This agreement allows the Downtown Commission to use a portion of the property the town owns located at the corner of East Center Avenue and North Church Street to hold the annual "Wiener Race." The dates of use are October 4 - October 21, 2019 which allows for the actual event to be held on October 12, 2019. The agreement provides for the Town Manager to establish the actual area of the property that will be used.

[Weiner Race--License Draft 2019 ToM.pdf](#)

ae. Accepted with appreciation donations totaling \$6,406 made to the Mooreville Police Department for National Night Out 2019 and approve the budget amendment.

[NNO Donations 2019.docx](#)

[GF - Police 09.03.19 National Night Out Donations.xlsx](#)

af. Approved a contract with Disability Access Consultants, LLC in an amount not to exceed \$177,500 for a comprehensive update for the Town's Americans with Disabilities Act Self-Evaluation and Transition Plan and accept the corresponding budget amendment.

[Town of Moorevile NC- Proposal for services-BT 8.20.19.pdf](#) [GF - Risk Management 09.03.19 ADA Self Eval and Transition Plan.xlsx](#)

ag. Accepted with appreciation, donations totaling \$165.00 for various donors in memory of Imogen (Gene) Tharpe former library employee to purchase enhancements for the patio and adjust the budget accordingly.

-Marilyn & Stephen Swanson - \$50.00

-Mr. & Mrs. Roy Watkins - \$25.00

-Jackie & Tammy Call - \$20.00

-Sue Tharpe - \$20.00

-Charles & JoAnn Wooten - \$50.00

[GF - Library 08.20.19 donations in memory of Imogene Tharpe.xlsx](#)

ah. Approved Supplemental Agreement #5 with Blythe Development Co. in an amount not to exceed \$1,956.36 for additional work on NC 115/NC 150 Intersection Improvement Project C-5200. This agreement will increase the contract amount from \$1,114,793.44 to \$1,116,749.80. This agreement is for the work required to remove two additional wooden poles within the project corridor.

[C-5200 SA5- Wood Poles Removal.pdf](#)

ai. Approved a transfer of funds to cover additional right of way purchases. In accordance with Section 9 of the Project Ordinance, as the amount exceeds \$100,000.

4. Regular Agenda

4a. PUBLIC HEARING to consider amending the boundary of the Downtown Municipal Services District (MSD).

[MSD Owner Notification Letter](#)
[Proposed MSD Expansion Map](#)

Rawls Howard presented the request. There was no public comment.
Mayor Atkins closed the hearing at 6:31 p.m.

Action: A motion by Ms. Qualls, seconded by Mrs. Whittington, to adopt the Ordinance Amending the Mooreville Service District was unanimously approved.

4b. PUBLIC HEARING to consider a CONDITIONAL REZONING request from Hopper Communities for properties located along Huntington Lane and Waterlynn Road to go from Single Family Residential-2 (R2) and Single Family Residential-3 (R3) to Residential Mixed Use with Conditions (RMX-C).

<https://goo.gl/maps/AwXokSDmd9CRRKP6A>
[Staff Report CZC-2019-09.doc](#)
[Application.pdf](#)
[HuntingtonLnZO.pdf](#)
[HuntingtonLnLU.pdf](#)
[Huntington-Concept plan Approved.pdf](#)
[Labels CZC 2019 09 125 Huntington.doc](#)
[TBMemo CZC 2019 09 Huntington Lane.doc](#)

Rawls Howard presented the request. The applicant was available to answer questions.

Bruce Overcash, a resident of 152 Regal Circle spoke about his concerns with the site, the buffering and the traffic. Mr. Overcash is concerned with the height of the fence, he would like to have a few more evergreens in the plan for relief from noise and visibility.

Mike *Flannin* urged the Board to reject the proposal. He spoke to his concerns about the tree save area being minimal and he believes the canal is not deep enough to support a community boat dock. He would like to see this development wait until Highway 21 is completed.

Patricia Corey of 163 Huntington Lane is opposed to this development because of the many developments that are in progress in the immediate area, within a ¼ of a mile of this project.

A resident of 167 Regal Circle spoke about her concerns with the traffic on Waterlynn and the school traffic times, as there is currently no stoplight or a stop sign. She would like to know how long the sidewalks will be. She also asked if the speed be reduced?

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Nicole Snyder of 162 Huntington Lane spoke about the issues with the traffic and her concerns with the timing of this development prior to the developments' approval.

Kathy Ballard of 137 Huntington Lane is concerned with the buffer. She would like to see the fence erected prior to the start of the construction.

Dustin of 107 Regal Circle is concerned with the school traffic and the other developments exiting onto Waterlynn and Highway 21.

Don Higgy of 176 Huntington Lane is concerned with all of the developments in the immediate area and the traffic. The school and the stadium traffic is also a concern for the evening times.

Karl Schwabb a resident of Highway 21 is concerned that the DOT plans will not coincide with the developers plans. He is in favor of the plan but would like to see how all the developments in the area recently approved will work with the NCDOT improvements.

Andrew McCarthy of Regal Circle is concerned with the safety of the children and the sidewalks surrounding the school and the new developments. There are currently no sidewalks, he would propose a flashing crosswalk. The left-hand turn is also a concern, could there be a double left turn option for the northbound lane?

Matt Deager of 180 Regal Circle is concerned with the traffic. He is also concerned with the 5 homes on a community well, what would happen if it goes dry? He is also concerned with the wind blowing dirt and debris towards their homes.

Jim Gales is concerned with traffic from the school and the Waterlynn and Highway 21 intersections. He believes there should be a stoplight at Huntington Lane.

Mrs. Crawford read the conditions for the request:

- 1. The approved concept plan; and**
- 2. All TIA mitigations per the signed mitigation measures agreement;
and**
- 3. Construction of a 6- 8 foot opaque fencing according to the applicants exhibit; and**
- 4. To analyze options to realign the street connection to the east as indicate in the applicant's exhibit**

Mr. Crawford asked the applicant if they are agreeable to those conditions.
Applicant responded yes.

Mayor Atkins closed the public hearing at 7:44 p.m.

Action: A motion by Ms. Qualls, seconded by Mrs. Whittington, to approve the conditions as read and include an additional condition to require the developer to work with NCDOT and Town staff to provide a request for a crosswalk across Waterlynn Road, and work towards a 3 way stop sign at Regal Circle, and will explore a study for a stoplight at Huntington Lane and Highway 21 at the time the road mitigation improvements have been

completed, pursuant to the MMA when a plat is required, all subject to DOT requirements was approved by a 3-2 vote.

Yay-3 (Qualls, Whittington, Houston)

Nay-2 (West, Dingler)

Action: A motion by Ms. Qualls, seconded by Ms. Whittington approving a statement of reasonableness stating the conditional rezoning request is approved and is consistent with the town's Comprehensive Land Use Plan and is reasonable and in the public interest because the US 21 Small Area Plan designates this site as both Multi Family Corporate Campus and Single Family Detached; the proposed plan will allow a mix of townhome and single family detached dwellings; and the RMX zoning district would be an allowable request under these designations was approved by a 3-2 vote.

Yay-3 (Qualls, Whittington, Houston)

Nay-2 (West, Dingler)

The rezoning request was approved by the Board based on the conditions that the developer agree to at this public hearing.

Mayor Atkins recessed the meeting at 7:55 p.m.

Mayor Atkins called the meeting back to Order at 8:03 pm.

4c. PUBLIC HEARING to consider a request for a CONDITIONAL USE PERMIT from the Town of Mooresville for properties located at 420 South Academy Street, 450 South Academy Street, and 435 South Broad Street. <https://goo.gl/maps/5cYT6mFoscqn6Mep7>
[Staff Report.doc](#)
[SBroad435ZO.pdf](#)
[SBroad435LU.pdf](#)

Rawls Howard was sworn in and presented the request.

There was no public comment.

Mayor Atkins closed the public hearing at 8:12 p.m.

Action: A motion by Mr. West, seconded by Mr. Houston, to suspend the Rules of Procedure was unanimously approved.

The votes on the Findings of Fact were as follows:

- 1. Do you find the development proposed in the application does not material endanger the public health or safety? (5-0)**
- 2. Do you find that the development proposed in the application complies with all relevant town laws and ordinances, State and Federal laws and regulation and any regulations imposed by the Town Board and agreed to by the applicant? (5-0)**
- 3. Do you find that the development proposed in the application will not substantially injure the value of adjoining or abutting property or is a public necessity? (5-0)**
- 4. Do you find that the development proposed in the application will be in harmony with the area in which it is located and be in general conformity with the comprehensive land use plan? (5-0)**

Action: A motion by Mr. Houston, seconded by Mrs. Whittington to approve the Findings of Fact was unanimously approved.

4d. Consider adopting a resolution authorizing the issuance of not to exceed \$16,500,000 Enterprise Revenue Refunding Bonds of the Town of Mooreville, North Carolina.
[Bond Order - Mooreville 2019.docx](#)
[Modified Document Escrow Agreement - Mooreville 2019 Revenue Bonds - ...doc](#)

Deborah Hockett presented the request.

Action: A motion by Mr. West, seconded by Ms. Qualls to adopt a resolution authorizing the issuance of not to exceed \$16,500,000 Enterprise Revenue Refunding Bonds of the Town of Mooreville, North Carolina was unanimously approved.

5. Manager's Report

- Mayor Atkins recognized Mr. Rase and thanked him for his service as the Interim Town Manager, as this is his last meeting in that capacity.
- Jonathan Young gave an update on the current transportation projects.
- Ryan Rase thanked the town staff for their help throughout his time as Interim Town Manager.

6. New Business

There was no new business.

A motion by Mr. Dingler, seconded by Mr. West, to enter into Closed Session was unanimously approved.

7. Closed Session

- A. Consult with Attorney- G.S. 143-318.11(a)(3)
- B. Economic Development- G.S. 143-318.11(a)(4)
- C. Personnel- G.S. 143-318.11(a)(6)

MINUTES FOR THE CLOSED SESSION HAVE BEEN RECORDED AND SEALED UNTIL PUBLIC INSPECTION WILL NO LONGER FRUSTRATE THE PURPOSE OF THE CLOSED SESSION.

8. Following the closed session, the Board returned to open session.

A motion by Mrs. Whittington, seconded by Mr. Dingler, to adjourn the meeting was unanimously approved.

The meeting adjourned at 9:15 p.m.

Miles Atkins, Mayor

Genevieve Miller, Town Clerk