

Minutes
Mooresville Board of Commissioners
Monday, January 3, 2011
6:00 p.m. – Mooresville Town Hall

Agenda Briefing

Thursday, December 30, 2010 - 8:30 a.m. – Mooresville Town Hall

Present: Mayor Chris Montgomery. Commissioners Rhett Dusenbury, Mac Herring, Chris Carney, Thurman Houston, Miles Atkins, Mitch Abraham, Town Manager Steve Husemann and Town Attorney Stephen P. Gambill.

Also Present: Tim Brown, Planning Director; Allison Kraft, Senior Engineer; John Vest, Public Services Director; Shane Lacount, Assistant Fire Chief; Jeff Brotherton, IT Supervisor; Craig Culberson, Senior Planner; Carl Robbins, Police Chief; Janet Pope, Town Clerk.

1. Consider the purchase of property at 210 Talbert Point Drive.

Action: A motion by Mr. Herring, seconded by Mr. Abraham, to approve the purchase of the property located at 210 Talbert Pointe Drive in the amount of \$803,762.22 was unanimously approved.

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

Mayor Montgomery adjourned the briefing at 10:15 a.m.

Regular Meeting

6:00 p.m. – Mooresville Town Hall

Present: Mayor Chris Montgomery. Commissioners Rhett Dusenbury, Mac Herring, Chris Carney, Miles Atkins, Thurman Houston, Mitch Abraham, Town Manager Steve Husemann and Town Attorney Stephen P. Gambill.

Also Present: Erskine Smith, Assistant Town Manager; Maia Setzer, Director of Finance and Administration; John Vest, Public Services Director; Tim Brown, Planning Director; Wes Greene, Fire Chief; Ryan Rase, Engineering Manager; Craig Culberson, Senior Planner; Janet Pope, Town Clerk.

Public Comment: Kyndra Wheeler is representing Lake Norman High School's "The Academy." They are an audition only acting team and won the North Carolina State Championship for small group acting. They will represent North Carolina at the National Level at the Southeastern Theatre Conference in March. They will do a showing of the play "Nora's Lost" on January 29 and 30 at The Charles Mack Citizen Center and March 1 at the Lake Norman High School Auditorium.

Steve Bennett made a community service announcement. Standup North Carolina, a group of area citizens that promotes constitutionally responsible government, is sponsoring a citizen's constitution workshop beginning tomorrow evening from 7 to 9 at The Charles Mack Citizen Center.

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Mayor Montgomery opened the meeting at 6:12 p.m. Steve Gambill gave the invocation. Mayor Montgomery led the Pledge of Allegiance.

1. Commissioner Abraham presented a proclamation honoring the Mooresville Middle School 8th Grade Red Imp Football Team for a record of 8-0 and winning the Rowan Middle School Conference. (attachment)
2. Fire Chief Wes Greene recognized the promotions of Engineer Ryan Harrell and Captain Neel Brawley.

3. Adjustments to the Agenda.

Action: A motion by Mr. Atkins, seconded by Mr. Carney, to approve the Agenda with the following adjustments and the Consent Agenda was unanimously approved.

- A. Consent Item h. – Remove #4.**
- B. Add Consent Item p. – Consider adopting a resolution delegating leasing authority to the Town Manager for a period of up to two (2) months for a parcel of Town-owned property at 210 Talbert Pointe Drive.**
- C. Agenda Item 12 – Remove from agenda. This is being removed from the agenda at the request of the applicant. Since this matter has been withdrawn, a public hearing will not be held. Please note that the applicant has indicated that he is planning to modify his plans to encompass suggestions for a future submission and this matter may come before the Board at a future date.**
- D. Agenda Item 14 – In Table 9.1.4(2): Minimum Off-Street Parking Standards, change Assisted Living/Nursing Home from one (1) to two (2) per facility vehicle.**
- E. New Business – Add Vision 2010-Moving Mooresville Forward.**
- F. Closed Session – Remove Property Acquisition and Consult with Attorney.**

4. Consent Agenda Items Approved:

- a. Minutes of November 15, 2010, November 23, 2010, November 29, 2010 and December 6, 2010.
- b. Consider the following adjustments to the Town Tax Scroll for 2010. (attachment)
 - Releases – Previous Years - \$315.58
 - Releases 2010 - \$6,446.52
 - Additions 2010 - \$31,989.22
 - Vehicles - \$149,396.45
- c. Approved the annual certification of the Mooresville Fire Department roster with the North Carolina State Firemen’s Association. North Carolina G.S. 58-86-25 requires that all certified fire departments submit a complete roster of its eligible firefighters annually for the pension fund. (attachment)
- d. Approved a budget amendment and accepted a Grade+ grant through Mecklenburg County in the amount of \$45,196 to replace two dump trucks. Grant funds are available through the American Recovery and Reinvestment Act to replace aging diesel engines and the CMAQ clean air initiative. (attachment)

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- e. Approved a request from the Police Department to apply, accepted and approved a budget amendment for a COPS Technology Program Grant in the amount of \$125,000 for in-car cameras. Grant funds are available through the U.S. Department of Justice COPS Technology Program. The grant requires no matching funds. (attachment)
- f. Approved a request from the Engineering Department for the payment of \$13,775 to Joseph and Margaret Gallman and the right to connect to the Town's gravity sewer line that is to be located on the property (at the expense of the property owner and pursuant to Town policy at that time) provided the property owner petitions for annexation into the Town limits.
- g. Approved an agreement with NCDOT to install railroad crossing signals and gates at Penske Way for the estimated cost of \$214,000. The Town's estimated share will be \$21,400 for construction and an estimated annual maintenance cost of \$1,532. (attachment)
- h. Consider amending the Mooresville Golf Course Tournament Contract with the following changes: (attachment)
 - 1. No shotgun tournaments on weekend/holidays except tournaments that guarantee a minimum of thirty (30) teams.
 - 2. Eliminate range fee.
 - 3. Beer and wine must be purchased from the facility.
 - 4. *Remove from agenda:* A non-refundable 50% tournament deposit is required.
- i. Approved a request from Public Works to purchase a pre-owned rubber tire loader in an amount not to exceed \$45,000. Public Works currently has a 1996 Samsung rubber tire loader that needs approximately \$15,000 in repairs if done in-house and \$25,000+ if sent out. There is no local dealer and parts normally have to be ordered through the manufacturer overseas. Staff's recommendation is to trade or surplus this loader and purchase a pre-owned loader that will better serve the needs of the division.
- j. Authorized the Mayor to execute a Right of Way Agreement between the Town and Duke Energy Carolinas, LLC to allow Duke Energy to locate electrical poles and lines that will service the Operations Center on Highway 21.
- k. Authorized the Mayor to execute a Right of Way Agreement and Special Warranty Deed to the North Carolina Department of Transportation that will transfer right-of-way on Langtree Road for the part of the highway that was widened near the Lowe's corporate entrance.
- l. Adopted a resolution authorizing a five-year lease agreement between the Town and Cricket Communications, Inc. for space on the Church Street water tank to locate antenna and equipment as well as 180 square feet of ground space near the tower. The lease is renewable for five years. Cricket will pay \$2,169.80 monthly the first year which will increase by 3% each month after the first year. (attachment)
- m. Adopted a resolution authorizing a five-year lease agreement between the Town and Radio Frequency Concepts for space on the Town's radio transmission tower located at 2544 Charlotte Highway. Radio Frequency Concepts will pay rent in the amount of \$4,800 per year. (attachment)
- n. Released or reduced the following bond amounts:
 - 1. M/I Homes – Northbridge Subdivision – Sidewalks for Phase 1, Map 3 - \$51,250
 - 2. M/I Homes – Northbridge Subdivision – Street trees for Phase 1, Map 2 – Reduce bond from \$82,225 to \$40,000

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3. M/I Homes – Northbridge Subdivision – Street trees, sidewalks and handicapped ramps for Phase 1, Map 3 – Reduce bond from \$173,535 to \$132,685
- o. Adopted a resolution amending Article IV, Chapter 14 Nuisances of the Code of Ordinances. This amendment addresses overgrown vegetation. (attachment)
- p. Adopted a resolution delegating leasing authority to the Town Manager for a period of up to two (2) months for a parcel of Town-owned property at 210 Talbert Pointe Drive. (attachment)
5. Maia Setzer, Director of Administration and Finance, presented the Financial Summary Report for five months ending November 30, 2010. (attachment)
6. Mr. Husemann presented the Manager’s Report. He reported on his top 50 list, the Public Services Project Summary and the joint meeting of the Planning Board and Town Board on January 13, 2010.
7. John Kasberger and Alan Hall presented an update on the key events and current projects of MI-Connection, a rate comparison with Time Warner, Direct TV and Dish Network and their new campaign.
8. Angela Greene, Kirk Ballard and Rich Cerchiara presented two new programs for the Beautification Committee: a community gift catalogue and the first annual street side garden contest.
9. Ron Johnson presented the audit and financial update for the Mooresville/Lake Norman Travel and Tourism Bureau.

10. Public Hearing to consider a Conditional Rezoning request from Carolina Income Management Group, LLC.

Removed from the agenda at the request of the applicant.

11. Public Hearing to consider a request from Nathan Sims for a Text Amendment to the Mooresville Zoning Ordinance.

Mayor Montgomery opened the Public Hearing at 7:11 p.m.
Craig Culberson presented the request.

TA-2010-13 Chapter 5 Section 5.4.2(2)(c), 5.4.2(5)(b), (d), (i) new, 5.4.2(7)(a), delete Table 5.4.2(7), (c) and Chapter 13.2

Dick Brolin said he had been working with clients looking to come to Mooresville looking for larger lots. They’re interested in building large houses and need storage. They couldn’t buy a lot in Mooresville because their demand for an accessory building was insufficient. They would move into the Iredell County area where they’re allowed more

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space. Their main question to him was they would rather be in Mooresville and is there any way they could get a variance for this. Mr. Sims has a little over 2½ acres off Magnolia on Richards Lane and needs the storage. He agreed to sponsor the text amendment.

Mayor Montgomery closed the Public Hearing at 7:27 p.m.

Action: A motion by Mr. Abraham, seconded by Mr. Houston, to approve the Statement of Reasonableness and the following Text Amendment to the Mooresville Zoning Ordinance subject to staff recommendations and the following text change was unanimously approved.

- 1. Text Change to Notes (1) to read: Farms subject to the N.C. Farm Tax Exemption are exempt from the maximum aggregate accessory structure size requirements.**
- 2. TA-2010-13 Chapter 5 Section 5.4.2(2)(c), 5.4.2(5)(b), (d), (i) new, 5.4.2(7)(a), delete Table 5.4.2(7), (c) and Chapter 13.2 – The approved text amendment will establish standards in terms of accessory use structure areas among lot sizes. (attachment)**

The meeting recessed for 12 minutes.

12. Public Hearing to consider Text Amendments to the Mooresville Zoning Ordinance.

Mayor Montgomery opened the Public Hearing at 7:40 p.m.

Craig Culberson presented the request. There was no public comment.

1. TA-2010-10 Chapter 9, Development Standards, Sections 9.1 and 9.2 and Chapter 13, Definitions
2. TA-2010-19 Chapter 8, Signage, Section 8.3, Signs Exempt From Building Permits

Mayor Montgomery closed the Public Hearing at 7:53 p.m.

Action: A motion by Mr. Carney, seconded by Mr. Abraham, to approve the Statements of Reasonableness and the following Text Amendments to the Mooresville Zoning Ordinance subject to staff recommendations was unanimously approved.

- 1. TA-2010-10 Chapter 9, Development Standards, Sections 9.1 and 9.2 and Chapter 13, Definitions – The approved text amendment will revise parking regulations in regard to surfacing, off-street parking standards, computation of required spaces, cross-access, Alternative Parking Plan, alternative materials, on-street parking and definitions. (attachment)**
- 2. TA-2010-19 Chapter 8, Signage, Section 8.3, Signs Exempt From Building Permits The proposed text amendment would allow for Historic Neighborhood Identification Signs to be placed at entrance locations to those neighborhoods that have been identified as historically significant. (attachment)**

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13. Public Hearing to consider rescinding the Downtown Redevelopment Area Plan and the Downtown Redevelopment Area Map.

Mayor Montgomery opened the Public Hearing at 7:54 p.m.
Tim Brown presented the request. There was no public comment.

The resolution would rescind the Downtown Redevelopment Area Plan, rename the Downtown Redevelopment Area Map to the Commercial Maintenance Area Map and reflect the map name change in the Commercial Maintenance Code.

Mayor Montgomery closed the Public Hearing at 8:03 p.m.

Action: A motion by Mr. Atkins, seconded by Mr. Herring, to adopt a resolution removing the designation of a “Non-Residential Redevelopment Area” was unanimously approved. (attachment)

14. Continuation of a Public Hearing to consider an Amendment to the Conditional Rezoning request from G.K. Curtis Pond LLLP.

This agenda item was continued at the December 6 Board meeting.

Mayor Montgomery re-opened the Public Hearing at 8:04 p.m.
Craig Culberson presented the request.

Bill Rice is representing G.K. Curtis Pond. Coulter Group is the forming company of G.K. Curtis Pond. They acquired the lots last summer. As they were beginning to do the work on these particular lots as Mr. Culberson pointed out, there is quite a drop from the street level back to the building pad and then again back to the pond. Their contractor is the one who raised the issue to them that in his opinion that it would be better if they could pull these houses forward ten feet because the amount of fill dirt coming in...his concern with the pond back there is there would be less of a potential impact and give a better transition down from the building pad to the back of the lots towards the pond. They first approached staff about the opportunity for administrative approval. Because it was listed on the original conditional use plan that was approved by you folks in 2006, that's what required it to be a more formal request so you had an opportunity to react to that as you did the original plan. He would have to consult his engineer if they went to two 30's, two 25's and then to the 20. Lot 421 may be a non issue because he thinks it's built on now. It obviously would have been permitted under the current zoning.

Jonathan Garner stated 428, 427, 426, 425, 424, 423, 422 and 415 are all approved as basement lots. They will still be slopping down but it will bring it back to lessen the impact to the back of the property. They're not allowed to have any erosion run off. There is no way to filter out the red but again they're required to lessen the impact. They do their storm water monitoring as required by the state, the state inspects and so far they've gotten a clean bill of health with what they're doing out there. They've been on

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site with the fill work that's going on right now. At the same time there is the practical end of it that the contractor wants to lessen the potential for what may happen as much as possible. They have started doing fill on those lots.

Dominic Calucci is the one who brought up the concern about the one house on the corner. The owner is out of town and he was concerned with it because he has the 30 foot setback. The only other concern he has is behind that along the pond and the property line, you have a basket crib wall loaded with stone. Instead of a tie wall, it's loaded with stone baskets and they built that up about 15 or 20 feet along the one side. Previously he had problems with his yard and he brought in 110 yards of dirt to build it up. He worries about the longevity of that wall and what it does to the residents that buy that property later on. Let's fix the wrongs that were there before instead of trying to compensate around them. Moving the house up with the setbacks would keep stuff away from that basket wall but you're keeping it away from the wall. The property line still goes back to that basket wall. Is the wall going to fail down the road?

Mr. Rice said if the wall is on the back property line it would be up to the buyer to have their home inspection to have an inspector look at that wall and give a determination of it just like the rest of the house. He's not sure it's even on their property given it's not a part of the construction plans for the site.

Ryan Rase said basically what they have done is it's a form of retaining wall. They're used all over the state of North Carolina. It's not out of the ordinary. He will walk out to the site tomorrow. His guess is that it's probably on the other property and was done at the request of the current property owner of the pond when Curtis Pond was developed.

Steve Broy lives in Curtis Pond. He showed pictures of setbacks in Curtis Pond Development. There are sidewalks in the community now that stop in the middle of the street. He likes the idea of Mr. Rase going out to look at the retaining wall because that bothers him too. Nothing that Mag Land Development did was done properly. It's probably on Curtis Pond land because he doesn't think Mag Land would build it on someone else's property. They are not allowed to park on the street after 11 p.m. at night. So again with a 20 foot setback...three cars...you have to put one in the street. A Mooresville Tribune article stated that the Coulter Group was doing this because he wanted to save the cost of grading. He can't see rhyme or reason for this.

Commissioner Abraham would like to see a condition on this request that he consider on lot 428 to stay at the 30 foot setback, on lots 427 and 426 a 25 foot setback and the rest could be the 20 foot setbacks.

Action: A motion by Mr. Carney, seconded by Mr. Dusenbury, to continue this agenda item to the January 18 Board meeting was approved with Commissioners Dusenbury, Herring, Carney, Atkins and Houston voting for the motion and Commissioner Abraham voting against the motion. (attachment)

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15. Review of Curtis Pond Infrastructure.

Mr. Rase said a review of the status of the Curtis Pond infrastructure and an update on the existing bonds and letters of credit was asked of staff on behalf of the Board. He presented a map of Phase B depicting vacant lots and they have been acquired by the Coulter Group. This phase is cabled off and closed to the public. It is currently without street lights and Coulter is willing to work with the Town to put up new no trespassing signs so the area will not be traversed by the public. We do have an outstanding \$99,000 bond. A representative did a site visit on December 9 of the subdivision. He asked for a cost estimate by the first week of January to submit. It typically takes 30 to 60 days for a decision on the bond. The first option is not to issue a check. They have the option of hiring their own contractor to complete the punch list items that are in the bond language for Phase B. In this bond it stipulates that the entire \$99,000 would be used for sidewalks for Phase B. Mr. Rase asked if they would have a problem with us using the \$99,000 for infrastructure improvements for Phase 3B. He said that it did not seem like this would be out of the reach of what the \$99,000 could be used for. Within 30 to 60 days we'll know what this entitles us to do...whether we bid the project or whether they'll bring in their own contractor to do that. Phase 3B is by far the worst shape of the entire phases left to be acquired by the Town for operation and maintenance. Phase 3B has a wash out of the asphalt near the southeastern portion of the subdivision that needs immediate attention, missing catch basins and this phase has become the dumping ground for the rest of the subdivision. The final infrastructure upgrade would be the last 1½ inches of asphalt on the road. Phase 4 was subdivided into 4A, B, C and D. The letter of credit stipulates only Phase 4. Half of the phase has existing homes built on the lots. The letter of credit is for \$145,000. Mag Land contacted Mr. Rase and said they were in the proceedings of going through the foreclosure and it would be in our best interest to call this letter of credit. Mrs. Setzer has received a check for \$145,000. Unfortunately we still run into the same language that stipulates all \$145,000 should be used for sidewalk improvements in Phase 4. Mr. Gambill will draft a letter to solicit a written proposal stating that we can use the proceeds for infrastructure improvements in the Curtis Pond Subdivision. Mr. Rase hopes within 60 days that we will have close to \$244,000 with no stipulations so the punch list can be publicly bid and the project can move forward.

Bill Rice said the lower section is probably a couple years at least away from having any construction activity. That's the reason it's good to have it chained off. The Town is in the unenviable position of having assumed the developer role on Curtis Pond. He would suggest you approach it the same way a developer would and that is going along you're only going to repair those items that not repaired will get worse and cost more when you get to them. The rest of it you leave until that 90 percent point just as a developer would. He wouldn't spend that money on anything other than what you've got to do to protect the current condition of the streets. Save the rest for when the Town takes them over.

Mr. Rase will report to the Board in 60 days with a list of items to be repaired and the cost to repair them.

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16. CMAQ Park and Ride Site.

In 2009, the Town received a \$2,028,000 CMAQ grant from NCDOT to construct a surface parking lot with 155 spaces and spread footings for a future multi-story parking deck that would be constructed once the Legacy Village Commuter Rail Station was operational. The Town met the “Fast Track” guidelines for completing the preliminary engineering and submitting to NCDOT by August 29, 2009; therefore, the Town will be reimbursed the \$2,028,000 upon completion of the construction of this facility. There was uncertainty about traffic congestion and the ability to develop the current site of the park and ride lot; therefore an extension of the CMAQ grant has been requested.

Action: A motion by Mr. Dusenbury, seconded by Mr. Herring, to approve the delay of the construction of the CMAQ park and ride lot until FY 2-15 was unanimously approved. (attachment)

17. Change Order #4 – Rocky River Wastewater Treatment Interim Plant Expansion.

Change Order #4 to the Pizzagalli Construction Company contract in the amount of \$4,818 is to adjust the opening invert elevation in the wall of the new and existing Influent Pump Stations and install the isolation gate to the wall of the existing pump station. Also to adjust the pump discharge piping and steps/handrail at the Secondary Effluent Pump Station and the steps/handrail at the post aeration structure as a result of an error in the as-built record drawings structure elevations. The actual structure elevations for the Influent Pump Station, Chlorine Contact Basin and Post Aeration facilities were built one (1) foot lower than the as-built record drawings structure elevations. This change order will increase the contract amount from \$10,312,277 to \$10,317,095.

Action: A motion by Mr. Carney, seconded by Mr. Dusenbury, to approve Change Order #4 to the Pizzagalli Construction Company contract in the amount of \$4,818 was unanimously approved. (attachment)

18. Change Order #5 – Rocky River Wastewater Treatment Interim Plant Expansion.

Change Order #5 to the Pizzagalli Construction Company contract in the amount of \$34,232 is to upgrade the current plant control software from Lookout Direct to Wonderware. This includes development key, migrating the existing Lookout Direct control system into Wonderware, conversion of the existing graphics, verification of the conversion of the existing system and add the new interim plant expansion controls. The existing Lookout Direct system does not have enough equipment identifiers tags for the interim plant expansion and the proposed Wet Weather Equalization facility. The plant already has the largest tag count offered in the Lookout Direct product. The next product offered would be the best version of NI’s Lookout. Recent communications on this

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version indicated that the manufacturer will no longer provide support for the plant's system which is another reason to switch to Wonderware. The upgrade to Wonderware would provide the Town of Mooresville with 3,000 tags which is enough for the control of the proposed projects. This change order will increase the contract amount from \$10,317,095 to \$10,351,327.

Action: A motion by Mr. Herring, seconded by Mr. Houston, to approve Change Order #5 to the Pizzagalli Construction Company contract in the amount of \$34,232 to upgrade the current plant control software from Lookout Direct to Wonderware was unanimously approved. (attachment)

19. Appointments to Boards and Commissions.

Mooresville Planning Board

One Appointment due to resignation of Larry Stamm, Term expires 6/30/11

David Coble	Lisa Qualls
Sandra Eaton	Kathleen Rabideau
Dawn Huston	Rudy Rudisill
John Jacob Morse	Lenore Sherrill
Rosemary Morse	Joel Spenner

Action: A motion by Mr. Herring, seconded by Mr. Carney, to appoint Lisa Qualls to the Mooresville Planning Board was unanimously approved.

Mooresville Environmental Protection Commission

One appointment due to the resignation of Dee Browder, Term expires 6/30/11

Edwardo Haynes
Paul Judge
Anne Loftin
Kathleen Rabideau
Nathaniel Franklin Rogers

Action: A motion by Mr. Herring, seconded by Mr. Carney, to appoint Anne Loftin to the Mooresville Environmental Protection Commission was unanimously approved.

Mooresville Recreation Advisory Board

Two appointments due to amended By-Laws providing for only one Town Board member instead of three. Terms will expire 6/30/12.

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Dan Brewer
Stephen Allen Broy
Terry Brummeyer (not in Town limits)
Edwardo Haynes (not in Town limits)
Donald Allen Howard
Eric Hungarter

Pete Parnian
Kathleen Rabideau
Myrna Reiss
Nathaniel Franklin Rogers (not in Town limits)
Sharon Marie Riley (not in Town limits)
Sylvia Spury (not in Town limits)

Action: A motion by Mr. Herring, seconded by Mr. Carney, to appoint Dan Brewer to the Mooresville Recreation Advisory Board was unanimously approved. Another appointment will be made at a later date.

MI-Connection Board of Directors

One appointment, Term expires 12/31/2012

Henry Batten
Linda Brandt
Dina Denbicki
Richard Howard (presently serving)
John Jacob Morse
Tony Nespoli
Sylvia Spury
Larry Stamm

Action: A motion by Mr. Herring, seconded by Mr. Carney, to reappoint Richard Howard to the MI-Connection Board of Directors was unanimously approved.

The meeting recessed for eight minutes.

20. Recycling.

Mr. Husemann said his recommendation is for the Mayor to appoint a three member committee from the Board to meet with the Town Manager and John Finan to wrap this up. There are two general options: town-wide or subscription. Within that there are two collection options: collected by the town or privately. There are three payment options: a tax increase, utility bill or prepaid subscription service.

Mr. Herring made the motion to adopt the subscription recycling plan as presented. The motion failed for lack of a second.

Commissioners Dusenbury, Abraham and Herring were appointed to the recycling task force.

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21. Lowe's YMCA Request.

The Lowe's YMCA is asking the Town to share in the cost of a well in the amount of \$15,000 to provide water for a future spray park. Utilization of the well will eliminate the need for compliance of Town water restrictions, any recirculation pumps and will provide irrigation to the YMCA landscaping and fields. The estimated cost of the well is \$25,755. The expenditure will be funded in the FY 2010-2011 Recreation General Fund.

Action: A motion by Mr. Carney, seconded by Mr. Atkins, to continue this agenda item to the February 7 Board meeting was unanimously approved.

22. New Business

Vision 2010 – Moving Mooresville Forward: Mr. Atkins would like staff to update our document by moving forward to Vision 2020.

23. Closed Session – G.S. 143-318.11

Remove from agenda: **Property Acquisition – G.S. 143-318.11(a)(5)**

Gymco LLC – 210 Talbert Pointe Drive

Remove from agenda: **Consult with Attorney – G.S. 143-318.11(a)(3)**

Forest City Land Group, Inc. versus Town of Mooresville

Personnel – G.S. 143-318.11(a)(6)

Action: A motion by Mr. Herring, seconded by Mr. Abraham, to go into closed session to discuss personnel was unanimously approved.

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

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

Action: A motion by Mr. Herring, seconded by Mr. Dusenbury, to accept the resignation of Steve Husemann as Town Manager effective January 9, 2011 and tendered as set out in Section 5.f. of his employment agreement and direct that all agreements and contracts be delivered to the Town Attorney until that time was unanimously approved.

Mr. Abraham said it was with great appreciation that Mr. Husemann came to the Town as a qualified and experienced manager. While Mr. Husemann has served to Town well, his professionalism and integrity are unquestioned. However, the Board has decided to take a different direction for the future of the Town. This is not a reflection on Mr. Husemann's abilities but instead a difference in philosophies.

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Mr. Husemann clarified that the statement about contracts being tendered to the Town Attorney is routine and not a reflection on him personally.

Action: A motion by Mr. Houston, seconded by Mr. Abraham, to appoint Erskine Smith as Interim Town Manager effective January 10, 2011 was unanimously approved.

Action: A motion by Mr. Carney, seconded by Mr. Herring, to return to closed session to discuss personnel was unanimously approved.

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

Action: A motion by Mr. Atkins, seconded by Mr. Herring, to adjourn the meeting was unanimously approved.

The meeting adjourned at 2:26 a.m.

Janet Pope
Town Clerk

Chris Montgomery
Mayor