

June 2, 2020

The Mooresville Town Council met in regular session on Tuesday, June 2, at 6:30 P. M. at the Mooresville Government Center.

Council members physically present were Council President Shane Williams, Councilman Tom Warthen, and Councilman Dustin Stanley. Councilwoman Jessica Hester was present via telephone. Councilman Jeff Cook was absent. Town attorney Chou-il Lee was present.

Councilman Warthen gave the prayer.

Councilman Williams stated Jeff Cook was absent due to mandatory employment overtime.

A motion was made by Councilman Stanley to approve the minutes of the May 19 meeting and seconded by Councilman Warthen. Motion Carried 4-0

Unfinished Business –

SB1 Innovative Performance Technologies LLC Waiver & Declaratory Resolution Public Hearing was called into order. Town Attorney Chou-il Lee explained they have asked for a personal property abatement, and a waiver is needed as the request was made after the equipment was installed. Mr. Dellinger presented himself before the Council to discuss the reasons that the waiver is being requested. Brian Figg mentioned that the rapid acquisition of the equipment was necessary due to another piece of equipment becoming nonfunctional. He also discussed the reasons that he selected Mooresville for the location of his business, as well as the economic impact his business has had on the town. With no public comments, Councilman Warthen made motion to close public hearing seconded by Councilman Stanley. Motion carried 4-0

Councilman Warthen stated his thanks for the investment that the company has made to the Town of Mooresville. Councilman Warthen made motioned to approve with waiver the Declaratory Resolution NO. 6-2020. Councilwoman Hester seconded the motion. Motion Carried 4-0 There will be a public hearing for the Confirmatory Resolution at the next Town Council meeting.

Gateway Issues – Councilman Williams and Councilman Warthen had a brief discussion and update on some of the issues surrounding the Gateway, including the request for landscaping bids that went out, along with the possibility of discussing a truck route.

New Business –

CF1 ProBuild Company LLC Councilman Warthen moved to approve the substantial compliance of Resolution 9-2010. Councilman Stanley seconded the Motion. Motion Carried 4-0

Executive appointment to Planning Commission - Kimberly Schofield presented herself before the Council to thank the Council for the consideration and discuss some of her qualifications. Councilman Williams executed the appointment of Kimberly Schofield to the Planning Commission.

Executive appointment to BZA David Saddler presented himself before the Council to thank the Council for the consideration. Councilman Williams executed the appointment of David Saddler to the BZA.

Mooresville Kids Christmas Fund Corrective Action – It was discovered that among the funds that were deposited to the Kid's Christmas bank account were several checks written to the Police Department on behalf of the private charity. Town attorney Lee explained that from a

legal perspective, those funds written to the Department needed to go into an account held by the town. As a result, an ordinance was presented to establish a non-reverting fund designated for the Christmas for Kids program. There was a discussion about the naming of the account, as well as the process for passing the ordinance.

Mark Mathis of the Mooresville Kids Christmas presented himself before the Council to explain the history and the typical operating procedure for the charity. Mr. Mathis stated the schools would provide names of approximately 30 to 40 kids each year before Church and Missions started providing the list of names. Mr. Mathis said once the town attorney reached out to him, he offered to work with the town attorney and write a check for \$10,000.00. He noted this program has always been about the kids and nothing more, and the checkbook is readily available to view. Mr. Mathis asks if there were any questions from the council or the public. Councilman Williams asks for public comments. No comments came forward.

Councilman Williams requested a full accounting of any funds that could have been made out to a public entity so that those funds could be taken from the charity and put into the public funds.

Councilman Warthen made a motion to amend Ordinance NO. 7-2020 to read Mooresville Children's Fund. Councilman Stanley seconded motion. Motion Carried 4-0

Councilman Warthen made a motion to suspend the rules requiring a second reading and consider passing the amended Ordinance NO. 7-2020 upon first reading. Motion passed 4-0

Councilman Williams mentioned that it was Councilman Cook was the one that brought this issue to the Council's attention.

Councilman Warthen made a motion to pass Ordinance NO. 7-2020 on the first reading Motion carried 4-0

Letter of engagement – Town Attorney Lee presented a letter of engagement to amend the billing process of the Town Attorney from an hourly basis to a monthly retainer of \$5,000.

Councilman Warthen made the motion to approve the letter of engagement, Councilman Stanley seconded motion Carried 3-0. Councilwoman Hester was not on the phone for the vote.

Councilman Williams expressed his regret for not having pursued the option of a monthly retainer prior to this month.

Department Head Reports -

Police Chief Kevin Julian gave an update on the options for repairing the siren at Newby. There was an update provided on the planned testing schedule for the sirens. The Town Emergency Operations Plan is still in progress.

Mark Taylor from the park board gave an update that a consensus was reached between the Park Board and the Lions Club that the Old Settlers Reunion will be canceled for 2020. There is not a way to ensure the sanitation, and social distancing requirements for it to continue this year. There will be more talks in the future regarding the downtown concerts and the 4th of July

Legal –

Town Attorney Lee discussed a part of phase one of the Sewer expansion regarding the INDOT right of way that has been granted, and detailed the changes that would be required for that. Kent Elliott presented himself before the council to explain the reasons to use that particular right of way for the project. After a short discussion on cost savings, Councilman Warthen made

the motion to approve tying the project into the INDOT right of way. Councilman Stanley seconded. Motion Passed 3-0

Town Attorney Lee let the council know that he is working on Mr. Clark's request on his landlocked property. The research is not completed due to his office closing, but he will have more information on that at the next meeting.

In regards to the eminent domain claims for the phase 1 sewer project, there is a potential conflict as Taft may represent some of the banks that hold mortgages on the properties involved in the eminent domain actions. Councilman Stanley made a motion to proceed with Attorney Lee on the project with the waiver of the conflict. Councilman Warthen seconded. Motion Carried 3-0

Public Comments –

Dawn Bain presented herself before the Council to file a petition regarding a nuisance house in her neighborhood due to several factors asking for help to deal with the activities that are occurring near her home. Councilman Warthen made a statement in support of her efforts. Police Chief detailed recent activity at the property in question. Town Attorney Lee let the Council know that at the moment, the town cannot do anything; however, there may be recourse through the prosecutor's office with forfeiture or have it condemned through the health department.

American Legion representatives came before the council to talk about the Old Settlers Parade as they have coordinated it for the past 20 years. Upon hearing that the Parks Department will be canceling Old Settlers Reunion, he asked for guidance on the possibility of canceling the Old Settlers Parade. It was determined the decision needs to be made by the American Legion.

They also requested that the Town Council entertain the possibility to enforce all private clubs in the Town of Mooresville non-smoking for the duration of the COVID-19 emergency. Town Attorney Lee stated he would need to do some research to see if that would be something the town could consider with the current state laws that are in effect.

Approval of Claims- A motion was made by Councilman Stanley with a second by Councilman Warthen to approve claims in the amount of \$ 354,419.88 Motion Carried 3-0

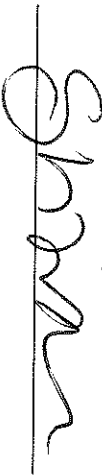
Town Council Comments –

Councilman Williams stated that all positions on the Town boards are full with the appointments that were made during this meeting. There was a discussion of compiling a list of all appointments, terms, and when the appointments need to be renewed.

Town Attorney Lee stated that unless there is a renewal of the executive order, this will be the last meeting that will be able to be held electronically.

The next regular scheduled meeting of the Mooresville Town Council will be held on Tuesday, June 16, 2020, at 6:30 P. M. at the Mooresville Government Center.

There being no further business to come before the Council at this time, a motion to adjourn was made by Councilman Stanley with a second from Councilman Warthen Motion Carried 3-0.



Shane B. Williams, President

ATTEST:



Dianna L. Wamsley, Clerk-Treasurer