

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**April 18, 2022
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:00 p.m. on April 18, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called to Pre-meeting to order.

CIP Review. Anthony Roberts, Town Manager, reviewed the items that have changed on the Capital Improvement Program since it was last presented to the Board in February 2022. Changes are highlighted in yellow. *Projected Capital Improvement Program FY 2023 Summary attached hereto as Exhibit No. 1.*

Jackie Huffman, Deputy Town Manager, reviewed the Town of Huntersville 5-year Financial Plan and tax implications. *Town of Huntersville Five Year Financial Plan as of March 2022 attached hereto as Exhibit No. 2.*

The Board discussed timing of a bond referendum (2022 or 2023). For a referendum to be on the November 2022 ballot, the Board would need to start taking action in June.

It was suggested that the David Kenney Farm Road project come off the CIP.

Stephen Trott, Director of Engineering, provided update on NC 73 project. NCDOT will provide update later this year. Currently it is scheduled for FY26.

Mayor Bales suggested the Board review the CIP projects and be prepared to discuss a bond referendum for 2022 or 2023 at the Budget Workshop scheduled for April 25.

There being no further business, the Pre-meeting was adjourned.

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on April 18, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Phillips requested update on the situation with the Northstone parking and the flooding situation.

Kim Strickland, PIO, said as far as resurfacing, the Town annually resurfaces neighborhood streets and we started four weeks ago. The first notice went out the last week of March. We get a spreadsheet from the contractor of the roads that will be worked on the next week, weather permitting. Staff goes out and puts signs, and the contractor comes through a day or two ahead of schedule and tags any cars that might be on the street or leaves a notice if they're not. They might put it on the mailbox or whatever and then every week I would send out an advanced notice through Nextdoor directly to the neighborhood and I would list the street names. Somehow there were people, I'm sure in all the developments, but particularly we heard from the Northstone people over the weekend. We went back and looked and there are 833 households in Northstone on the Nextdoor platform. That does not mean they saw the notice, but there are 833 homes that are registered with that platform. That includes almost 1,400 people. What I said to the one gentleman was I'm very sorry that somehow between the signs and the tags and flyers and the notification, they did not receive the notice. The other thing we were wondering is if Good Friday had something to do with it. It was a holiday. People were home versus typically at work. We've looked into that today. We tried to figure out what else we can do. We are wrapping up. We have been in Northstone now for two weeks, instead of just one, but typically the streets it would take between five and seven business days, weather permitting, for all of the work to be done.

Commissioner Phillips said maybe this is something the Communications group can pick up to discuss for next steps.

Ms. Strickland said one of the things that we looked into was the HOA list, which is great if you have an HOA. Not all communities do. Some of the streets that were also done last week in what is considered Greenfield Park, is not necessarily part of an HOA. We also found that there were some information gaps in some of the HOA's. I think it was we looked at a way that we can try to see where we didn't reach people this time, so we can do better next time.

Kevin Fox, Director of Public Works, said we found out this weekend about the issue on the private alleyway that backs behind Walters Street. We have reached out to that resident today and also the builder that built those homes and we are going to work towards an amicable solution for everyone.

Commissioner Boone expressed appreciation to the Town Manager for staff's work in getting a crosswalk installed on Gilead Road at Sherwood Drive.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales recognized Huntersville 101 graduates.

Mayor Bales recognized County Commissioners Powell and Rembrandt, and former Huntersville Commissioner Brian Hines, who were present in the audience.

Ken Joyner, Mecklenburg County Tax Assessor, presented update on 2023 Revaluation. *Refer to PowerPoint attached hereto as Exhibit No. 3.*

Rose Williams, Executive Director, North Carolina League of Municipalities, presented update on the North Carolina League of Municipalities. *Refer to PowerPoint attached hereto as Exhibit No. 4.*

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board concerning Pottstown. *Refer to written comments attached hereto as Exhibit No. 5.*

Amy Hallman, 100 Cambridge Road, said you know that I am a proponent for preservation and for promoting our history as much as we can. I don't presume to know what's best for Pottstown, but I do have one idea and I ran it by a few of my friends there who know I'm speaking on this topic. While Pottstown is included on the East Huntersville Small Area Plan, Pottstown truly deserves its own community plan. I'm not saying throw \$100,000 to a study. You may not want to test this committee with your new idea to remove names from applications. One of the oldest and most underserved communities in our town deserves our sincere attention. Yes, there are recommendations from white people outside to do what Smithfield is doing and start a coalition. I'm not sure anyone who is saying that has truly studied Pottstown or understands that starting a coalition is a little harder than snapping one's fingers. Perhaps there is a coalition to be started that Smithfield has had a year in this, has had a buy-in from its town and county officials and millions of dollars in support for it. The dynamics within Pottstown are a little different than Smithfield right now. While there's always something to learn, without some empathy, without some assistance, without some buy-in and without some time, any progress will be lost. St. Phillip Church on Dellwood dates back to at least 1899. Last month you voted to declare Rosenwald School #2 a historic landmark and this can be the beginning. With cooperation from the county, we could establish a more complete plan that includes Torrence Lytle and other aspects determined by a real study. In the 2007 East Huntersville Small Area Plan, it dedicated three paragraphs to the entire community of Pottstown, while it did give an entire page to Torrence Lytle School. Admittedly, it does say to develop like scale and size 1 to 1-1/2 story homes. It should be acknowledged in 2022 that a reputable plan, a thoughtful plan, can't simply include one single residence from Pottstown surrounded by all these governmental and developmental white people telling our oldest African American community what it needs. Let's allow someone who does not plan to develop within the neighborhood be the contributor to this plan, or have the say on what should be there. I'm asking more than the Board to make this possible. If not, development will cut an irreparable chasm through it and it will be on all of us. Please consider establishing a committee to study Pottstown community and its absolute place in our town. The previous speech on neighborhood delineation shows you that it is important.

Rachel Zwipf, 10321 Central Avenue, said as the Vice Chair of North Mecklenburg Move Makers, I am here inviting you to Pottstown's bulk pick-up day, which is May 21, 2022 from 9 a.m. until 2 p.m. Myself along with Janelle Harris and Commissioners Kovacs and Kidwell have heard the neighborhood's need to help residents with this issue. I was able to speak with Bobby Williams at the Town. He was able to

secure two dumpsters from Waste Management for our use. Many of our residents are elderly and need some help clearing bigger items out of their home and trash and land that has not been developed to get some of that trash out to help with beautification. We are now looking for volunteers to help with these efforts and we are hoping that you are able to join us.

Ameris Stephenson, 13021 Central Avenue, said I just wanted to let the Board know that I love living in the Pottstown community. I came to live with my aunt from New Jersey and since I moved to Pottstown I've met a lot of nice people. I have made tons of friends.

Jaxon Thompson, 13021 Central Avenue, said I just wanted you guys to know why I love the Pottstown community. I love the Pottstown community because I like going to the Waymer Center and the park with my family and friends.

Janelle Harris, 14111 Holbrooks Road, said I'm the Chairwoman of North Mecklenburg Move Makers. I am thankful for the new momentum our neighborhood seems to be picking up on and I'm dedicated to seeing the quality of and prosperity abundantly evident in our community. I also want to thank the advocates for the David B. Waymer Center and the Mecklenburg County officials who hired me. I am happy to serve as a liaison to the community and the gym facility. Our next Pottstown monthly community meeting is Wednesday, April 20 at 6:00 p.m. at the Dellwood Center. Commissioners Amber Kovacs and Rob Kidwell have been very helpful by coming to our neck of the woods and joining local organizations with other residents and listening to our concerns. We have been able to see changes in our area since our first meeting back on February 23, like bigger stop signs in our community. We appreciate you and hope you continue making a difference with us. The Four Seasons Inaugural Softball Tournament to benefit Pottstown community will also be on May 21. They will be raising funds and making a donation at 6:00 p.m. at the David B. Waymer field. They are providing Forever Young barbecue to give our volunteers from the pick-up day meals and we are so thankful that the long-time staple of neighborhood baseball teams and games are using this opportunity to give back to the community they've been in for so long. I also want to thank members of the Board and the previous board for appointing me to the Downtown Plan Steering Committee. I am aware that Pottstown is not part of downtown, but I do know the public input survey results and committee involvement sessions show that there is a desire for more consideration to be given to the preservation and revitalization of Pottstown. I do feel also that there is a need for the Town Board and the county commissioners to allow for community leaders, vested residents and a staff dedicated to the planning of the future of Pottstown.

AGENDA CHANGES

Commissioner Phillips made a motion to adopt the agenda.

Commissioner Munger seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Kidwell made a motion to approve the minutes of the March 7, 2022 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

Budget Amendment – Parks & Recreation. Commissioner Kidwell made a motion to approve budget amendment appropriating \$20,000 from Recreation Center Sponsorship Funds (Signage Fund) to the Capital Fund to fund double doors at the Huntersville Recreation Center. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution – Huntersville Athletic Park Lighting. Commissioner Kidwell made a motion to approve Resolution to award the bid for the Huntersville Athletic Park Athletic Field Conversion Lighting Project and approve the construction contract. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 6.

LUESA Interlocal Agreement Amendment. Commissioner Kidwell made a motion to approve amendment to LUESA Interlocal Agreement with Mecklenburg County and Cabarrus County. Commissioner Munger seconded motion. Motion carried unanimously.

Amendment to Interlocal Agreement attached hereto as Exhibit No. 7.

Proposed Concept for Mural. Commissioner Kidwell made a motion to approve the proposed concept for the mural on one of the picnic tables at Holbrook Park Shelter by Junior Troop 1548. Commissioner Munger seconded motion. Motion carried unanimously.

Proposed concept attached hereto as Exhibit No. 8.

Call for Public Hearing – Proposed Budget for FY23. Commissioner Kidwell made a motion to call a public hearing for Monday, May 16, 2022 at 6:00 p.m. at Huntersville Town Hall to receive comments on the proposed budget for FY23. Commissioner Munger seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #R21-17. Petition #R21-17 is a request by HFH Partners, LLC to rezone (+/- 3.8 acres) 202, 204, 206, 208 Gilead Rd from Neighborhood Residential District to Traditional Neighborhood Development Urban Conditional District for a mixed-use development (Parcel #s 01712112, 01712111, 01712110, 01712109).

Brian Richards, Assistant Planning Director, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 9.*

The Planning Staff recommends approval of Petition #R21-17, including the four modifications outlined in the Staff Report (buffer yard, rear setback, building height and internal landscaping). The Planning Board recommended approval on March 22, 2022.

Commissioner Boone made a motion in considering the proposed rezoning application R21-17, Gilead Road Mixed Use, the Town Board recommends approval based on the plan being consistent with the Huntersville Zoning Ordinance Article 11.4.7(d), 11.4.7(e), and the Huntersville 2040 Community Plan Policies LU-2.1, LU-5.1, LU-5.3, LU-6.2, LU-6.3, LU-7.1, LU-8.1, LU-8.2, EV-2.3, DT-1.3 and DT-11.1. It is reasonable and in the public interest to amend the Zoning Ordinance because the Zoning Ordinance is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan and the 2006 Downtown Master Plan. The Town Board further recommends approval of four modifications: Modification #1 (buffer yard), Modification #2 (rear setback), Modification #3 (building height), all of which are in keeping with the spirit of the ordinance and therefore supported. The Town Board is inclined to recommend approval of Modification #4 (front and rear yard trees) and the Town Board supports the staff's request to continue discussions to explore options or mitigation. The approval is contingent upon the application addressing all outstanding staff comments.

Commissioner Phillips seconded motion.

Mayor Bales called for the vote to approve Petition #R21-17.

Motion carried unanimously.

Hill Street Subdivision – Phase 3. Commissioner Kidwell said I would like to ask for a Board member to recuse me from the quasi-judicial hearing. As a Town Commissioner it is my duty to speak to citizens whether they are on the developer's side or the public side and that being said, I would not be able to make a fair and impartial decision on this case.

Mayor Bales said this is the conduct of an evidentiary hearing and consider decision on Hill Street Subdivision?

Commissioner Kidwell said right.

Commissioner Munger made a motion to recuse Commissioner Kidwell.

Commissioner Kovacs seconded motion.

Mayor Bales called for the vote to recuse Commissioner Kidwell.

Motion carried unanimously.

Mayor Bales said this hearing is a quasi-judicial hearing on the application submitted for the Hill Street Subdivision – Phase 3, to subdivide 0.401 acres into six townhomes.

Quasi-judicial hearings are evidentiary in nature.

Only parties with standing, including the applicant, property owner, local government, and individuals who can show they will suffer special damages have the right to participate fully in the hearing.

Special damages must be particularized, separate, and distinct from damages to the public at large. Special damages are a fact-specific inquiry. While proximity may bear weight in the determination of special damages, proximity in and of itself is insufficient to grant standing.

Parties may present evidence, call witnesses, and make legal arguments. Other individuals may, but are not required to be, allowed to speak as a witness; however, they will not be allowed to participate fully as a party, such as by questioning other witnesses, or by calling other persons to testify.

Witnesses must swear or affirm their testimony. General witness testimony is limited to facts, not personal preferences or opinions.

Certain topics require expert witnesses including projections about impacts on property values and traffic impacts. Individuals providing expert opinion testimony must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Mere conclusory testimony lacking the foundation of the expert's opinion is insufficient to establish the existence or non-existence of a fact or conclusion.

The Board must base quasi-judicial decisions upon competent, material, and substantial evidence in the record.

Competent evidence is evidence that is sufficiently trustworthy and reliable, and that is legally fit and acceptable for consideration by the Board. Speculative, irrelevant, or vague evidence; non-expert opinions as to something that requires an expert; and non-accepted hearsay evidence will likely not be competent evidence.

Material evidence is evidence that shows that the standards will or will not be met.

Evidence is substantial if it is relevant and regarded by a reasonable person as sufficient to support a specific conclusion. Speculation, unsubstantiated fears of the community, or vague assertions do not constitute substantial evidence.

Quasi-judicial hearings are constrained by the standards in the ordinance and the facts presented.

If there is a recusal, which we have had one already tonight, it is the policy of this Board that a recused member shall step down from the dais and be excused from the room. The Board member may return for the next matter.

Is there anyone else that would like to be recused from this decision this evening.

No one responded.

The parties to this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the case outside of the hearing. That may be email communications, as well as conversations with parties, staff, or the general public. Does any Board member have any ex parte communications to disclose?

Seeing none, we will now move and proceed with the hearing. Mr. Peete, who are our applicants this evening?

David Peete, Principal Planner, said Hill Street Bowman, LLC.

Mayor Bales said who all needs to be sworn in?

Mr. Peete said Mr. Bowman and myself.

Mayor Bales swore in David Peete and Nate Bowman.

Mr. Peete said I would like to enter the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 10.*

This is a request to subdivide to create six townhome lots at the corner of Hill Street and Huntersville-Concord Road. The property is zoned Neighborhood Residential and also Traditional Neighborhood Development Overlay as part of the larger Vermillion development. This particular property you see in the red box is to the right or south, you can see that there are Phases 1 and 2. This is a continuation of that. The rest of the Staff Report gives the references to the Community Plan and the consistencies, which we can touch base with if you would like to, but the quick update for you is Staff's position is this application is complete, that the requirements of our ordinances have been met. There are three additional stipulations that you see bulleted in the Staff Report on Page 7, and that is that the two urban open space scenarios are both acceptable. One is that there is a park scenario with a gazebo, that would satisfy. But the applicant intends to actually create a leg of the future greenway and move it through there pursuant to the county's approval. That is consistent with our Greenway Master Plan. Either of those are perfectly acceptable and that will be part of the next phase if this is approved.

The second bullet is that the storm water plan would have to be approved by the Town staff and that is still pending, but that would absolutely be something that we would want to see. And then all the other redline comments that would typically be associated at this stage would have to be addressed satisfactorily as well.

With that, the staff would be in a position to recommend that this is compliant with our regulations and could be approved. Furthermore, last month the Planning Board recommended by a vote of 9-0 to recommend approval subject to the same three bullets I just mentioned.

Any questions of the Staff Report or myself or Mr. Bowman?

Mayor Bales said does the Board have any more questions for the parties?

Commissioner Munger said there's a reference made to LU-5.3: Support infill housing options near services, shopping, employment, etc. related to rail stations. Are we still making reference to the rail station item now that we kind of did away with that, the TOD?

Mr. Peete said the Community Plan is there and then this process I believe was initiated before that change was made. That reference is in there. If the Board does not feel that is one that you want to hang your hat on, it's your prerogative.

Commissioner Munger said just thinking out loud.....

Mayor Bales said the change does not go into effect until June.

Commissioner Munger said fair point. I will let it go.

Mayor Bales said any other questions? There being none, as a reminder, this Board is tasked with deciding if, based on competent, material, substantial evidence presented at the hearing before this Board, this proposal meets the applicable standards.

If the applicant meets their burden of producing competent, material, and substantial evidence that the standards in the ordinance will be met, the burden shifts to the other parties, there are no other parties opposing this evening, the application to show by competent, material, and substantial evidence that the standards in the ordinance will not be met.

At this point, is there a motion regarding this request?

Commissioner Phillips made a motion to approve the Hill Street Subdivision – Phase 3 Sketch Plan to subdivide 0.401 acres located at the intersection of Hill Street and Huntersville-Concord Road at into six townhome lots because the application is complete, complies with all applicable requirements and is supported by the findings of facts outlined in Parts 2 through 4 of the Staff Report. This approval includes the following conditions: (1) urban open space is coordinated with Mecklenburg County; (2) the stormwater plan is approved by Town Engineering staff at the Engineering Preliminary Plan stage; and (3) all other staff comments are addressed.

Commissioner Partee seconded motion.

Mayor Bales called for the vote to approve Hill Street Subdivision – Phase 3 Sketch Plan.

Motion carried 5 to 0.

Mayor Bales said Staff will draft and I will sign a final written decision to reflect the vote and reasoning for this decision.

Thank you to everyone attending the hearing regarding Hill Street Subdivision – Phase 3 Sketch Plan. We welcome you to stay for the other items on the agenda. If you are leaving, please do so quietly at this time.

Commissioner Boone made a motion to bring back Commissioner Kidwell.

Commissioner Kovacs seconded motion.

Motion carried 5 to 0.

Valea Subdivision. Jack Simoneau, Planning Director, said we have received a request from the developer, Valea Bowman, LLC, to continue the request until May 16, 2022 at 6 p.m. at Town Hall. However, the developer is also willing to have a 60-day continuation, so either a 30 day or 60 day continuation. The 30 day would be May 16 at 6 p.m., here at Huntersville Town Hall or June 20.

Mayor Bales said do you know what we have currently scheduled for the agenda for the 16th.

Mr. Simoneau said I do not.

Commissioner Munger made a motion to continue the quasi-judicial evidentiary hearing on Valea Village until June 20 at 6:00 p.m. at Huntersville Town Hall.

Commissioner Phillips seconded motion.

Mayor Bales called for the vote to continue evidentiary hearing on Valea Village to June 20, 2022.

Motion carried unanimously.

Petition #TA21-15 – Rooftop Amenity Spaces. Jack Simoneau, Planning Director, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 11.*

Petition #TA21-15 is a text amendment request by the Town of Huntersville Planning Department to amend Zoning Ordinance Articles 8.7 Height Limitation, 12.2.1 General Definitions, 4 Apartment Building Type & Shopfront Building Type, 7.10 Open Space, and 7.11 Urban, Agricultural, Common, Natural, & Recreational Open Space to allow and place standards for Rooftop Amenity Spaces to exceed the maximum building height.

Staff recommends approval. The Planning Board by a vote of 7-2 recommended approval. The Huntersville Ordinances Advisory Board did not recommend approval.

Commissioner Phillips made a motion in considering the proposed amendment TA21-15, the Town Board recommends denial. The Town Board was aware of and considered the Planning Board's recommendations and any relevant portions of the adopted Comprehensive Plan. It is not reasonable and in the public interest to amend the Zoning Ordinance because it is inconsistent with the general nature of our town-wide open space requirements, the general nature of our town-wide height requirements, and the uncertainty of meeting site lighting requirements, specifically light trespass into neighboring properties and neighborhoods. In addition, conditional zoning provides for these situations where a particular use properly planned may be appropriate for a particular site, but where the general district has insufficient standards to mitigate the site specific impacts on surrounding areas. Conditional zoning districts are established on an individual basis at the request of all owners of the property to be included according to the Town's Zoning Ordinance.

Commissioner Kovacs seconded motion.

Commissioner Munger said one of the things, if I remember correctly, on the Huntersville Ordinances Advisory Board, it did not pass, but if I remember correctly one of the board members on that thought it should be more expansive than it was. In my opinion, you could argue that HOAB was actually in favor of this. Obviously, Planning staff was in favor of this. I struggle with the idea that we are focusing on a one square mile radius in a 62 square mile town. We have to think about how this would affect all areas of town instead of focusing on possibly even a single building. I think this is a wonderful thing. I think there was room for compromise on here. One of the things I wasn't entirely in favor was counting some of the rooftop amenity space for open space. Because it is private, that's not really open space. It's not community space, so it shouldn't have been considered that. There was room for compromise on this and I find it unfortunate that this is the route we have chosen to take. I will not support the motion as presented. I would prefer to see it actually be passed.

Commissioner Kovacs said I would like to say I appreciate your opinion, Commissioner Munger. I obviously seconded this so I am in favor of the motion, but I actually am in favor because I do believe that this should be a case-by-case basis based off one of your points. As you said, it's more than just one mile, we have 62 square miles, and that's why I do believe it needs to stay a case-by-case basis because it should come to the Board and us be able to make a decision based on where it's at, not just as an overall blanket statement.

Commissioner Partee said I'm also in favor of the motion because one of the reasons why I moved down here with my family is because Huntersville has that quaint feel and I think it has a distinct character that mixes the old country feel with a modern upscale appearance. We don't say urban anymore, we say upscale and as a rooftop amenity I see a rooftop amenity downtown, uptown where it's above 10 floors where folks can sit out, watch the horizon, have a cocktail, and have an unobstructed view of the landscape. Here in Huntersville anything below 10 stories does not have that fit, doesn't have that feel. And to be four stories above the street just doesn't give the appearance of having that hometown feel. I am in favor of the motion and I agree with the community and they are not in favor of it and therefore I am in favor of the motion of denying.

Commissioner Boone said I have a question for Mr. Simoneau. If these folks come with a special use permit, would that have been a better direction to go versus doing the entire town for the text amendment.

Mr. Simoneau said that could be an option. That's not what was proposed obviously. Conditional rezoning as was mentioned in the motion is an option and if somebody doesn't want to go that route, they could also ask for a text amendment to allow it as a special use permit. That is another option.

Commissioner Kidwell said I wasn't here for the public hearing. I believe that was the day my son was born. However, a few things and I might be backtracking or just reminding everybody, this was brought before HOAB three or four times. It wasn't a developer asking for this, this was Town staff, which I find that odd. Usually, a developer comes and says hey we would like to do this and then it goes forward and we make these changes. That being said, I completely support the motion. I agree with Commissioner Phillips and what you said Jack, a text amendment or a special use permit, conditional use or what have you, should be brought up on a case-by-case basis. I'm not a fan of rooftop amenities. In general, even having gone to dinner down in Charlotte and there's places where you can go out on a balcony and as Commissioner Partee said have a nice drink and look at the scape. When you're 40 stories up or 30 stories up and you are overlooking a city, it's a little bit different when you're 3-1/2 stories up overlooking the flooded rooftop of the future brewery in downtown. I will be supporting Commissioner Phillips' motion.

Mayor Bales called for the vote to deny Petition #TA21-15.

Motion carried 5 to 1, with Commissioner Munger opposed.

Emily Sloop, Town Attorney, said it was brought to my attention that on the item that was continued for Valea Village, that there had been a previous change to our meeting schedule for Juneteenth, so we likely need to reopen that and correct the meeting date.

Mayor Bales said we will do that after 10.E.

Petition #TA22-01. Petition #TA22-01 is a request by the Town of Huntersville Planning Department to amend Articles 11.4.3(a), 11.4.9, and 12.2.1 of the Zoning Ordinance to clarify the Down-Zoning definition and initiation of the process.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 12.*

The North Carolina General Statutes were amended in 2019 by creating a new Chapter 160D. This new Chapter consolidated city and county enabling statutes for development regulations into a single, unified chapter. Local governments had until July 1, 2021, to adopt the necessary ordinance amendments to comply with Chapter 160D. At that date, the rules and procedures of Chapter 160D applied whether or not the local ordinance had been updated.

Text Amendment #TA21-01 was approved on June 21, 2021 and encompassed the majority of amendments required to comply with 160D. Petition #TA21-01 did not include the updated language from 160D-601 that defines down-zoning and explains who can initiate the down-zoning of property. Therefore, the Zoning Ordinance requires a text amendment to ensure the language complies with 160D.

Planning staff recommends approval. The Huntersville Ordinances Advisory Board recommended approval on January 6, 2022. The Planning Board recommended approval on March 22, 2022.

Commissioner Phillips made a motion in considering the proposed amendment TA22-01, the Town Board recommends approval based on the amendment being consistent with all policies of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment is necessary to comply with state legislature.

Commissioner Boone seconded motion.

Mayor Bales called for the vote to approve Petition #TA22-01.

Motion carried unanimously.

Valea Subdivision – Revised Motion. Commissioner Munger made a motion to re-open Item 10.C.

Commissioner Phillips seconded motion.

Mayor Bales called for the vote to re-open Item 10.C.

Motion carried unanimously.

Commissioner Munger made a motion to continue the quasi-judicial evidentiary hearing on Valea Village until June 21 at 6:00 p.m. at Huntersville Town Hall.

Commissioner Boone seconded motion.

Mayor Bales called for the vote to continue evidentiary hearing to June 21.

Motion carried unanimously.

Edits to Code of Ordinances. The Town recently updated several of its ordinances to remove criminal penalties from ordinances that can no longer be criminally enforced as the result of NC SB 300. The updated language of 160A-175(b) also requires that criminal penalties be specifically cited in the ordinance language for ordinances that the Town still wishes to enforce criminally and which are legally allowed to be enforced criminally. As such, these additional edits are to incorporate criminal penalties in specific sections of the Town Code of Ordinances that may still be criminally enforced vs. relying on the blanket penalty at Section 10.99 for those sections. Pursuant to updated language of N.C.G.S. 160A-175(b), the addition of criminal penalties in ordinances require the proposed edits to come before the Town Board twice, with enactment at the second setting. Thus, these proposed edits were discussed at the March 21, 2022 meeting and will be voted on at the April 18, 2022 meeting.

Additionally, the edits remove in its entirety Chapter 112, entitled Cable Communications. In 2006, there was a legislative change that preempted the franchising authority for municipalities regarding cable services effective January 1, 2007 – "After this date, a county or city may not award or renew a franchise for cable service." (Session Law 2006-151, N.C.G.S. 66-351, 66-355).

Commissioner Phillips made a motion to approve the edits to the Town Code of Ordinances to comply with SB300 and remove preempted ordinances in Chapter 112.

Commissioner Kidwell seconded motion.

Commissioner Kidwell said I just want to point out on Section 130-01 Model Glue; possession, use regulated, I received a Tik Tok video from Commissioner Phillips where a young man specifically pointed out weird laws in North Carolina and this one made the cut because of use by minors regulated that no person under 16 shall possess or buy any model glue. I can completely agree with him. This is a weird one, because between the ages of 11 and 16, I built a lot of models and purchased a lot of model glue.

Mayor Bales called for the vote to approve edits to the Code of Ordinances.

Motion carried unanimously.

Edits attached hereto as Exhibit No. 13.

Purchasing and Contracting Policies. The proposed purchasing and contracting policies are meant to establish a comprehensive policy to ensure that all federal, state, and local rules, regulations, and requirements governing municipal purchasing and contracting, as well as the administration and expenditure of grant funds are adhered to.

Commissioner Munger made a motion to approve Purchasing and Contracting Policies.

Commissioner Phillips seconded motion.

Commissioner Kidwell said I appreciate all the work that was put into this from two pages to over 130, however I will not be supporting this. One of the things for me is the authority of the Town Manager to award and execute contracts and the amount associated with that. I've been a stickler with that. If it's

under \$300,000, whether it's in the budget or not, I still think that's something that the Town Board should be doing, so I'm just going to stick with my guns on that.

Commissioner Boone said I would like some clarification on personnel activity when it comes to, I'm talking from Page 60, the partial funding of federal grants that there's a paperwork trail that has to be done. Does this have anything to do with our school resource officers.

Emily Sloop, Town Attorney, said no, this would be specific to when you have more than one federal grant and that the particular employee is working on more than one federal grant. For ARPA the case is typically going to be that the funds are being used for the provision of general government services and that particular employee would only be working on one grant objective. If the employee is working on multiple grant objectives, that's when the personnel activity report would have to be submitted.

Commissioner Boone said just a follow-up, when we send a K9 down to the Charlotte airport to help them out and we are using grant funds, would we be satisfying the PAR funding on this.

Ms. Sloop said I'm not sure I understand the question. Are you saying that particular employee would be working on multiple grants.

Commissioner Boone said let's say they go down to the Charlotte Airport working with the FBI and Charlotte Police Department and other agencies for drugs and stuff like that.

Ms. Sloop said I think you are discussing the forfeiture funds, which is different.

Commissioner Boone said I understand what forfeiture funds are, but I'm worried about how they get the salary back to the Town of Huntersville, because it says that there's a paperwork trail for the required match in funding.

Ms. Sloop said this would also depend on whether or not we were using those federal grant funds to provide a local match for a federal project that's utilizing federal grant funds. Essentially all this is, is just a more involved version of the time certification, so whereas the time certification is just asking that they verify their time and sign-off on their timesheets, this just asks to see a more detailed schedule essentially.

Commissioner Partee said I just noticed when I was reviewing my agenda packet on Page 111 we have the Town of Huntersville Minority Business Participation Outreach Plan. Is this a new policy that the Town of Huntersville is instituting or is there one that's presently in operation.

Ms. Sloop said this is one that I actually worked on as well when I came on board and worked to implement with Staff Attorney Jacob Glass and so it is newish, meaning that it was implemented in the last year or so, but we did make updates to this policy as well to clarify the use of the affidavits. We had some confusion with some of our people that were submitting bids, so the edits to this particular policy clarify that section.

Commissioner Partee said who is going to administer the Outreach Program for Minority Businesses.

Ms. Sloop said I believe that responsibility falls with Assistant Manager Bobby Williams.

Commissioner Partee said can we keep me updated on that. I would like to work with you on that also.

Mayor Bales called for the vote to approve Purchasing and Contracting Policies.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Purchasing and Contracting Policies attached hereto as Exhibit No. 14.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Lake Norman Economic Development Corporation is currently working 42 projects, 20 of which are in Huntersville.
- Loch Norman Games were a success.
- Jazz Concert Series this Saturday.
- Next Metropolitan Transit Commission meeting is April 27.
- Met with pastor at St. Marks Episcopal Church. They will be doing Barbados event on April 30.

Commissioner Munger

- Public Arts Commission met last week. The Girl Scouts will be doing artwork on a picnic table in Holbrook Park.
- Consider supporting local non-profits.

Commissioner Partee

- Spoke to Huntersville 101 Class.
- Attended Habitat for Humanity reception.
- Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Phillips

- Provided update from Visit Lake Norman.

Commissioner Kidwell

- Charlotte Regional Transportation Planning Organization has not met.
- Met with Commissioner Boone and Dave Hill about various road projects and policies dealing with that. CATS is going to be looking at micro transit in this area.

Commissioner Kovacs

- Provided update from the Huntersville Regional Chamber of Commerce.
- Provided update from Lake Norman Chamber of Commerce.

Commissioner Boone

- Spoke with Vickie Sawyer, state senator about micro transit.

Mayor Bales called for any closing comments.

Commissioner Phillips said the tiaras that people have seen tonight are in honor of Eleanor who went by Wookie. She was a resident of the Lake Norman area and she was a trailblazer who made it possible for women like us to sit up here and she dedicated her life to helping minorities and people who needed a break in life.

There being no further business, the meeting was adjourned.

Approved this the 6th day of June 2022.