

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

May 2, 2022

**6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

**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 May 2, 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 said before we move into our Regular Board Meeting, Huntersville experienced a great loss over the last several days and we wanted to take a moment to remember a former mayor who gave so much to our community. She served our community for more than two decades and she gave so much of her time and her talents. In respect and in honor of that, we also have invited our former mayors and I would like to take a moment to recognize each of them – former Mayor Sarah McAulay, former Mayor Kim Phillips, former Mayor Drew Saunders, and former Mayor John Aneralla. Also, we would like to thank Mayor Karen Alexander from Salisbury for coming to join us this evening and taking a moment in honor of former Mayor Jill Swain. Jill meant a lot to a lot of people in our community, and we want to take a moment and reflect on all of her years of service. I would like to also say that Mayor Alexander is also the League of Municipalities past president. If we can just take a moment, we'll roll that memorial video and then we will have a moment of silence.

Following the memorial video, Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

None

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales and Commissioner Kovacs presented Small Business Week proclamation to Bill Russell with the Lake Norman Chamber of Commerce.

*Town of Huntersville
Proclamation*

WHEREAS, The Town of Huntersville, North Carolina recognizes and values the dedication and entrepreneurial spirit of small businesses that keep the State and American economy growing stronger; and

WHEREAS, there are over 930,000 small businesses with employees in North Carolina alone representing a majority of the total number of businesses with employees in this state; and

WHEREAS, the income of North Carolina's small business owners totals over \$20 billion, and these businesses employ 1.7 million North Carolinians or 45.3% of the State's non-farm private workforce; and

WHEREAS, there are over 28,500 small businesses with employees in Mecklenburg County and over 69,000 sole proprietors, representing a majority of the total number of businesses in the County; and

WHEREAS, it is the collaborative mission of the town working with the Lake Norman Chamber of Commerce, Lake Norman Economic Development Corporation, Visit Lake Norman, and the Small Business Administration to help our businesses grow and create new jobs in the community and Lake Norman region by providing exemplary workforce training, financial assistance programs, and research and technical assistance; and

WHEREAS, The Town of Huntersville appreciates the support of our small business community by the Chamber of Commerce, Central Piedmont Community College, Small Business Technology Development Center, and our SCORE volunteers; and

WHEREAS, during the week of May 2 through May 7th, the Lake Norman Chamber of Commerce is celebrating Small Business Week.

NOW, THEREFORE, I Melinda Bales, Mayor of the Town of Huntersville, do hereby proclaim May 2-7, 2022 as "Small Business Week" in Huntersville and urge all citizens to acknowledge and celebrate the achievements made by small businesses both locally and nationally, and to further support your local businesses by "Shopping and Buying Local!"

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 2nd day of May 2022.

Bruce Jones and Brian Donnelly with Charlotte Area Transit System provided update on Envision My Ride Bus Priority Study and MetroRapid BRT Improvement Program. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

David Walter, 9004 Park Grove Street, said I'm here tonight to request that you make a modification to one of your policies. In conversation with Tracy Houk and a guy named Michael from the park district, there's a problem. There's been a group loosely called Friday Bridge that has made use of the Arts & Cultural Center I'm told for 15 years. I've been involved for over 10 and for at least the last 5 I've been the director, not really in charge, but I do the scoring. At the beginning of the COVID pandemic, we stopped playing. Like everything else in society, we shut down. About a year ago we resumed play. The group that plays, because this is a Friday morning, we are all retired. But we are more than that. I think I'm the youngest, but if I'm not the youngest player, I'm second and I'm going to be 75 in August. We have a group of elderly people playing bridge 3' apart for three hours exchanging the cards. The rule is if you're not vaccinated, you can't play. This is an at-risk population, and I can't stress that enough. We resumed play after the Center for Disease Control relaxed the rules and said you're allowed to have a group of people in a closed environment like this room if, and only if, everyone is vaccinated. That is a federal regulation. What I'm asking is a modification of the policy, and a policy is a guidance, that says in effect, and I'm sure the attorney can come up with better wording, but in effect the policy is whatever you said it was unless there is a conflict with a regulation from a higher level of government. You are not going to go against state laws, you are not going to go against federal laws and virtually the CDC. It's not a rule, it's a regulation. The problem came about, and she's here tonight, Lynn Drake approached me and asked if she could play. I know her opinion on vaccines because she's told me. I said Lynn we'd love to have you play, but you've got to be vaccinated. She then came to you people and to the parks district. As you can see, she's here tonight and she is not wearing a mask, so she really doesn't care if she's a risk to anybody else. Your meeting is actually in violation of the CDC regulations because there's obviously at least one person in the room who is not vaccinated.

Mayor Bales said you've used your three minutes.

Mr. Walter said all I really care about is I'm requesting a modification to the policy that takes account of the fact that there may be other conditions that are relevant in its application.

Lynn Drake, 8925 Wedgewood Drive, said I have played bridge 25 years since it has been here. If I had longer, I would spend lots of time trying to sell bridge to you all because it is well known that it is one of the top ways to prevent dementia. I play at three facilities – this one 20 out of 25 years, Mallard Creek over 10 years, and another one that's close to town, so I greatly appreciate you. I don't appreciate Mr. Walter saying that I reached out to him. We only reached out by email. I cannot take vaccines. I don't take medicine. Doctors stopped me when I was a kid. I should have a medical exemption, but what we really need to go to is the Parks & Recreation. As I was looking for places for groups to play bridge, and this is a high level bridge so you are not talking a lot, you're playing, it was made clear to me that it was very fair rules that the Parks & Recreation had that groups were not allowed to exclude anyone who showed up to play, even if they knew nothing about bridge and groups also could not change rules or make exclusions. I really do think that works because you can get into a lot of legal technicalities if you try to rule that I'm contagious. I am not. I'm one of the healthiest people you will ever meet. I take no medication. I have no ill effects, I climb ladders. What I'm trying to say is what you have now with the Parks & Recreation works. Do you want to open a can of worms and legal and I would get involved. I'm sorry, because I love the way it has worked for 20 years, and I've been able to play bridge anywhere from two to four times a week. It's kept my brain good, and the rules were very fair. Why should people be turned away if they can't play bridge. You try to explain to them that you really might not like it, or you might not stay, but I know at Mallard Creek Center they have allowed people to stay and tried to work with them. It has not been done at the other two centers. I know that for a fact. As far as changing the rules, the other part that Parks & Recreation has if you pay to play, which I hate that this has come up then you can set rules, but I do question again from a legal standpoint can you mandate for the reasons Mr. Walter is saying that I can't play and people who are unvaccinated can't play because they're contagious. That's a legal issue.

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board. *Refer to written comments attached hereto as Exhibit No. 2.*

AGENDA CHANGES

Commissioner Phillips made a motion to move Item 10.A (Presentation of Manager's Recommended Budget) to Item 10.D.

Commissioner Munger clarified it's moving Item 9.A to 9.D.

Commissioner Munger seconded motion.

Motion carried unanimously.

Commissioner Munger made a motion to adopt the agenda, as amended.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Kidwell made a motion to approve the minutes of the March 21, 2022 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

Huntersville Recreation Center Sponsorship Agreement – Novant Huntersville. Commissioner Kidwell made a motion to approve the renewal of the Sponsorship Agreement with Novant Health Huntersville Medical Center for the Huntersville Recreation Center. Commissioner Munger seconded motion. Motion carried unanimously.

Sponsorship Agreement attached hereto as Exhibit No. 3.

Call for Public Hearing – Greenway Street Traffic Calming. Commissioner Kidwell made a motion to call a public hearing for Monday, June 6, 2022 at 6:00 p.m. at Huntersville Town Hall regarding the Greenway Street Traffic Calming Request. Commissioner Munger seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R21-13. Commissioner Kidwell made a motion to call a public hearing for Monday, June 6, 2022 at 6:00 p.m. at Huntersville Town Hall, on Petition #R21-13, a request by Caldwell Station Properties, LLC to amend the Traditional Neighborhood Development Overlay District for the Caldwell Station Senior Living Center (now Calamar Senior Apartments) at 11130 Will Knox Road (Parcel # 00544332) to modify the conditional rezoning plan design from multiple senior apartment buildings to a single unit senior living facility. Commissioner Munger seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #TA22-05. Mayor Bales called to order public hearing on Petition #TA22-05, a request by the Huntersville Town Board to amend the Subdivision and Zoning Ordinance by changing subdivision sketch plan decisions from a quasi-judicial process (Planning Board recommendation, Town Board decision) to an administrative process (staff decision).

Jack Simoneau, Planning Director, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

Planning staff recommends approval based on the amendment being consistent with Policies LU-1, LU-2, LU-3 and LU-4 of the Huntersville 2040 Community Plan.

Mayor Bales called for public comments.

Amy Hallman, 100 Cambridge Road, said when you asked to remove the quasi-judicial hearings from your plate, at first I was excited, but I have many questions. I didn't realize it would require rewriting large parts, 58 pages according to Mr. Simoneau's Staff Report, of the Subdivision Ordinance to make the subjective ordinances objective, mostly because I trusted the word that the Board members cannot, not should not, talk to anyone about the topics. I was dumbstruck that there was a need to rewrite ordinances because they are subjective, just in order to pass off the quasi-judicial hearings to the Planning staff. It stands to reason that there's some wiggle room for these decisions right now in the quasi-judicial hearings. At present the quasi-judicial process is not simply black or white and I'm still

trying to learn as much as I can, so I have some questions. This is just the beginning of them and I hope you will seek answers to them on your own as I will. Have you read the general statutes personally that address the process? Where does it say you cannot speak or listen to constituents before the quasi-judicial hearing? Do you know that (a) you can speak to people on the topic and (b) the process and decision making I've witnessed here in the past two years is not entirely what can happen? Are you curious what wiggle room there is to be in a quasi-judicial hearing since it isn't entirely black and white? Do you know what constitutes a quasi-judicial hearing in the first place? Are there ways a developer could ensure a quasi-judicial hearing in order to avoid public outcry? Did you know that in essence you are asking the staff to rewrite many of the Subdivision and Zoning Ordinances in order to facilitate this request? I didn't. Do you know you have the option to give the responsibility to the Board of Adjustment as well as other appointed boards and that it would stay quasi-judicial? Did you know that giving this decision-making power to staff will remove the developer's sketch plan? I remember a decision this Board had, the discussion this Board had, that concessions can be made at the sketch plan level. That that would go away. If you instead give this decision-making power to the Planning staff, how will you ensure accountability? The staff is whom the developer first goes to. The staff then works with the developer and then the staff gets to approve the plan. Did you know that means neighborhood meetings are for pushing out information only, their input will become irrelevant? Did you know that these decisions would no longer require a Planning Board recommendation at all? Did you ask the staff to handle this or make a recommendation on best practices? What recourse does the taxpayer have if decisions are not acceptable because the taxpayer does not vote for staff, can't hire or fire staff, nor can you as the Board? Is the only recourse for taxpayers to sue the Town? Do you know the first sentence of the conformity section of the ordinances to be objective all propose subdivisions should be planned to facilitate the most advantageous development of the entire neighborhood? Do you feel the power to make these decisions should lie with you the electeds?

Rachel Zwipf, 13021 Central Avenue, said I have many points of contentions with the possibility of quasi-judicial procedure decisions going to the hands of the Planning staff. In the Town's procedural Rule 25 on quasi-judicial hearings, it states that the Mayor has the authority to rule on the admissibility of evidence and all other procedural issues that may arise during the hearing. If that power is given to the staff, my concern is that I did not vote for the staff to have this power as I did while voting on the mayor and the other commissioners. How do I hold the staff accountable for making these decisions that I do not agree with? Point No. 2, in recent hearings interested parties have not been able to participate in hearings because they were not deemed to have standing. There is a difference between a person with standing and the powers such a person with standing is allowed to actively participate in that hearing. An interested party is a person who has the ability to testify yet does not have the powers that a person of standing has such as opening and closing statements, calling witnesses and cross-examining someone. I'm not sure if you knew this. My third point being the conflict of interest in Line H in the Town's rule. Nowhere in the general statute does it state that commissioners nor the mayor may listen to or respond to their constituents on a quasi-judicial hearing, yet they have been directed by the Town Council not to do so and with that advisement they do not. But I asked isn't that what the Board is in place to do, is to listen to our concerns. Have you read the statutes for yourself and had a greater understanding before this task is set to be in the hands of the staff? I ask that these hearings not be passed to the staff to manage as they should remain in the hands of the Board to decide and is for us your constituents to continue to have a voice in the planning development stages and our voices be heard and understood.

Commissioner Kovacs said thank you for all of this work you have done on this. I know that the previous board had directed staff to look into lessening the amount of quasi-judicial stuff that came across. Have we considered sending this to the Board of Adjustment, because in my opinion that seems like a more appropriate place for quasi-judicial decisions to be made.

Mr. Simoneau said we were directed by the Town Board to not have a quasi-judicial subdivision process. That means taking out all of the subjective standards. If you left in subjective standards, statutes say it shall be assigned to a governing board, a planning board, a board of adjustment. I would just simply say if the Board wants to keep it quasi-judicial, you could keep that power, you could give it to the Planning Board, or you could give it to the Board of Adjustment. That means keeping in some subjective standards. But if we remove the subjective standards, it's black and white. You meet it or you don't.

Commissioner Kovacs said I wasn't here when the previous board gave the recommendations. I personally think the subjective standards are appropriate to keep, but I do think that going to the Board of Adjustment would be more appropriate.

Commissioner Munger said I tend to agree with Commissioner Kovacs. This is one I've struggled with. Obviously, sitting on the HOAB, I've seen both sides of this equation. It's a very real struggle. The question I have is if we did kick it over to Board of Adjustment, ultimately they would make the decision and still would not come to this Board. Their decision would be the final decision. Is that correct?

Mr. Simoneau said it would be a final decision by them.

Commissioner Munger said I would definitely agree with Commissioner Kovacs on this matter.

Commissioner Kidwell said I agree with Commissioner Munger and Commissioner Kovacs on this. My concern is rubberstamping. We are taking the neighborhood meeting and it's going from hey this is what's potentially going to happen to this is what's happening, deal with it. I think it should go to the Board of Adjustment. I don't think anybody in the town doesn't know my feelings on the Board of Adjustments and quasi-judicial and how it should be handled.

Commissioner Partee said I tend to agree with my fellow commissioners. I like seeing the Board have hands on availability to question developers that come before us regarding their projects and having experience of law enforcement and going through just judicial process there's certain checks and balances that we need to maintain. I would like the Board as elected officials to maintain that balance.

Commissioner Phillips said the whole quasi-judicial thing, I hate it. I hate it so much. People think that what we are doing.....like this whole thing, you know it's not an easy way to rubberstamp developments. I had luck one time with a developer and I'm going to hold on to that luck for the rest of the time I'm sitting up here. I asked for them to include some affordable senior components to their apartments and they were able to do that. As it currently stands, we can't do that. We can't make asks of those natures during quasi-judicial. I love the thought of getting this away from us. We are not professionals, we are just elected, so that when situations are happening, we can make those asks and keep our fingers and toes crossed for the right things to happen and good things to happen. I have recused myself from quasi-judicials because of things. I felt ethically I had to. For example, I will throw this one all the time – Hope House. Inherently I could not sit here even as an expert in homelessness because I had emotional opinions about homelessness, so therefore I recused myself. And I feel like we are getting into development situations as things continue to go where we are getting ourselves into slippery slopes where you talk about it over here for 2 years, then you go away, and then surprise it's quasi-judicial. How do we say that we don't have influence or bias when you've already done this over here, you wait a couple years, and then you go over here and do something. It's really hard not to throw names out there about projects saying this. I also think the issue of holding people accountable, you do hold the Board accountable. You hold us accountable by keeping.....if staff's not doing a good

job, and we are keeping them around, then that's on us. But also I think we have to take into consideration that by-right is by-right, and we can't let the public influence us when something is by right, so that to me creates a new obstacle. Whether we like it or not, I think the best thing we could ever do is take quasi-judicial away from the Board because then it stops being political and we let it go to the Board of Adjustment who only operate quasi-judicial.

Mayor Bales said I would just say this, if you are going to keep quasi-judicial, in my humble opinion you were elected and you should keep quasi-judicial at this Board. Passing it off to an appointed Board allows this Board to say, I didn't do it. I would also like to open the floor up for Ms. Sloop, if you have anything that you would like to add to the discussion.

Emily Sloop, Town Attorney, said the only thing I would add is that the same standards re: conflicts of interest will now apply to the Board of Adjustment members. They will have to follow the quasi-judicial process. They will have to be subject to the rules regarding ex parte communications, so by taking it from the Town Board and moving it to the Board of Adjustment, that doesn't change that fact. I just wanted to make that point of clarification.

Mayor Bales said which would then mean the Board could not talk to the Board of Adjustment on the issues that they would be taking up.

Ms. Sloop said correct. They couldn't have ex parte communications about the matters.

Commissioner Munger said one of the things I had come to understand is as long as communication is done to the Board in its entirety, that communication can be reviewed by whether it would be our Board or Board of Adjustment. It can't be reviewed if it's me and Derek got something and the rest didn't.

Ms. Sloop said I'm not 100 percent sure I follow the question, but essentially the decision-making body whether it be the Town Board or the Board of Adjustment all has to base its decision off of information presented at the evidentiary hearing.

Commissioner Munger said never before?

Ms. Sloop said exactly. They have to follow a specific standard regarding the evidence. It has to be competent material, substantial and it has to be something that all, the entire board, whether it be Board of Adjustment or this Board is presented with. It would not be something that you heard in passing or that you received via email.

Commissioner Munger said to your point, as long as the entire Board is informed, whether it be us or Board of Adjustment, my understanding was that it could occur at any time, not necessarily at the time of the hearing.

Ms. Sloop said no, it's supposed to be at the evidentiary hearing, which is why for example now, even though the Planning Board makes a recommendation, you can't consider the Planning Board's recommendation.

Commissioner Munger said fair point.

Commissioner Kidwell said doesn't that just seem ridiculous that we can send it to the Planning Board, let them make a decision, we can't talk to them about the decision, but the meeting notes are available for us to read. I'm not questioning the legality of it, it's just plain and simple stupid.

Ms. Sloop said as a point of clarification the NC School of Government does not recommend the Planning Board making a recommendation and I had also made that recommendation.

Commissioner Kovacs said what's the difference between reading the Planning Board minutes and reading an email from someone else, if we get it all at the same time.

Ms. Sloop said again, it's not illegal to have Planning Board make a recommendation to perhaps try to smooth out outstanding staff comments between staff and the developer, but the Town Board making the quasi-judicial decision is not supposed to consider material outside of the evidentiary hearing and they are also not supposed to take into consideration anything re: the Planning Board's recommendation.

Mayor Bales said what I heard is that your recommendation was that it not go to the Planning Board.

Ms. Sloop said I've had conversations with Planning staff about that as a possibility in the past and we've talked about the fact that the School of Government does not recommend that.

Mayor Bales said so, it's not a best practice.

Ms. Sloop said exactly.

Anthony Roberts, Town Manager, said I think that's why boards want to get rid of quasi-judicial because it's just a legal nightmare. You are an elected official. Every citizen wants to talk to you and then you've basically got to say I'm sorry I can't talk to you, this is quasi-judicial. What do you mean, I elected you, I can't talk to you. It's frustrating for Board members. I think that's why boards have been frustrated with the quasi-judicial process because as an elected official I cannot talk to folks who just elected me, I have to say no, come here and talk at the hearing. I hate quasi-judicial because it's a legal nightmare waiting to happen.

Mayor Bales said I think at the end of the day the Board needs to decide does quasi-judicial give you any true level of flexibility and weigh that through creating an ordinance that is very clear cut, you either meet the criteria or you don't. I have struggled with do you give it up or do you not, because I see the value in both directions.

Commissioner Phillips said for me, it's red flags everywhere. We'll trade land, we'll sale land to developers with projects that will eventually be quasi-judicial. It's a Board decision to do these things. We all say our little peace, this is good, this is bad, and then we know why we are doing it and then we step away and then we've got to pretend like we don't know anything. I think it's problematic and I know our legal staff does a great job keeping us out of trouble, but I still feel like it's insincere and performative nonsense and I'm like I don't want to do that while I'm up here and like the whole Board of Adjustment thing. Board of Adjustment is accountable because we're the ones who appoint them, so if we are appointing clowns up there, that should fall back on us. I am so sick of sitting here and having.....the one that just did me in with quasi-judicial was when a mom was not considered to be an expert on her kid's safety. I can assure you nobody up on this Board is more of an expert on a parent's

child's safety than that parent or the guardian. That did me in, because if a mom says that's too close to my mailbox, I'm worried about my kid getting hurt, that is an expert.

Commissioner Boone said I was on the Board of Adjustment and I was on the Planning Board and that's one of the first things you learn is that you can't discuss a quasi-judicial case with anybody. You've got to go on what the evidence is. When you look at this as the current, we can't go to the neighborhood meeting. The proposal is we still can't go to the neighborhood meeting. Correct?

Mr. Simoneau said the proposal is you could go to the neighborhood meeting. Under the gray, the proposed, you could go to that meeting, but that meeting is more informative to the neighbors. This is the proposed development that's coming down which we see value in, which is we didn't have to keep that in there but anybody could attend that, including Town Board members with this new standard because the decision and to that matter and I'll just leave this to Emily to comment on, our recommendation is we got rid of all the subjective requirements and just put them as guidelines and then just had all objective standards is that would then be a staff approval. That was recommended from the School of Government, because there's no room to negotiate. But if I go back to the statutes it says here in 160D 803 if the final decision on a subdivision plat is administrative, the decision may be assigned to staff which is what we propose in the text amendment and what the School of Government recommends, but the subdivision on objective standards could also go to the Town Board and if it did go to the Town Board you could attend the neighborhood meeting. I'll let Emily jump in, but if it's all objective standards and there's a neighborhood meeting to share information, I don't see where anybody couldn't attend, including Town Board members, the only difference is there's not subjective criteria there that you can start to negotiate some finer points.

Mayor Bales said basically black and white.

Mr. Simoneau said it's black and white. Now the advantage is the Town Board will hear input from citizens on what they like or don't like about your rules. That would apply even if it was a staff approval because the Town Board is actually able to attend neighborhood meetings and you can hear that feedback. When there's a question about accountability, if we go out of quasi-judicial and accountability, I would just say staff is responsible under the proposal to approve or deny the subdivision, but it's to meet the standards that were adopted by the Town Board and so if we don't like those standards then it is the Town Board who has to adopt different standards, so that's the accountability part on that.

Commissioner Boone said if I go to a neighborhood meeting and neighbors are out there answering questions, can I take their answers as evidence to get ready to make a decision.

Ms. Sloop said it depends on which type of process we are operating under. If we are operating under quasi-judicial the evidence is the evidence at the hearing. Nothing else is evidence. That means if you are at a meeting and you are not at the hearing, you cannot consider that evidence. If we transition to an administrative approval process, because the Town Board is no longer a quasi-judicial decision maker, you can speak to the citizens. It would be an administrative decision at that point.

Commissioner Boone said that's where I have a problem, because I can talk to people, they like it they don't like it, everybody hates it, but staff says we are going to go ahead and go for this. They're upset at me. But I have no decision on it. And the last point I'd like to make is we had a major discussion of what quasi-judicial meant for the Board of Adjustment and what the Town Attorney thought the quasi-judicial

meant. We had a lengthy discussion on that. Mr. Kidwell, I believe you spoke at the public hearing on that. Commissioner Boone said the Town Board just needs to do our job.

Commissioner Kovacs said to go off what Commissioner Boone asked, if we keep it quasi-judicial and it goes to Board of Adjustment, can we attend the neighborhood meetings.

Ms. Sloop said yes, you can attend the neighborhood meetings. The quasi-judicial process, if it's moved to the Board of Adjustment, would then prevent the Board of Adjustment members who are now the decision makers from having ex parte communications with the citizens.

Commissioner Kovacs said then we can talk to the developer.

Ms. Sloop said you can, but you can't then go talk to the Board of Adjustment members and have ex parte communications with them.

Mr. Simoneau said this petition was first heard by the Huntersville Ordinances Advisory Board on April 7, 2022. They did not come to a conclusion, so they will discuss and consider a recommendation at their May 5, 2022 meeting.

Mayor Bales said if it's going to the HOAB on Thursday, do we want to leave this public hearing open until June 6.

Commissioner Partee made a motion to keep Petition #TA22-05 open until June 6, 2022 at 6 p.m.

Mayor Bales called for the vote to continue public hearing on Petition #TA22-05 to June 6, 2022.

Motion carried unanimously.

OTHER BUSINESS

Resolution – Conveyance of Real Property. The Town of Huntersville received an offer to purchase a portion of PIN 01512115 for \$78,000 from Bowman Acquisitions, LLC. On April 4, 2022, the Board of Commissioners authorized disposal of the property through the upset bid process. The Town published the required notice accepting upset bids pursuant to NCGS 160A-269 and no qualifying bids were received.

Commissioner Boone made a motion to approve Resolution conveying 0.78 acres of PIN 01512115 to Bowman Acquisitions, LLC pursuant to the upset bid process.

Commissioner Kovacs seconded motion.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Resolution attached hereto as Exhibit No. 5.

Salary Ranges. Staff requests the Board consider approving new salary ranges proposed in the FY2022 compensation study. This study included review of positions in the Engineering, Public Works and Planning departments. The recommendation includes movement of 13 positions in the pay plan to

better align with comparable municipalities, known market challenges, and equity adjustments within the plan.

Commissioner Phillips said the Public Works Technician, is that salary or is that hourly?

Lara Cagle, Human Resources Director, said hourly.

Commissioner Phillips said what do they make hourly?

Ms. Cagle said this proposal increases that hourly rate to \$15.05.

Commissioner Phillips said the people who would be making \$15.05, do they have any sort of accreditations to operate machinery or you want to explain that.

Kevin Fox, Director of Public Works, said that would not be required at the Technician level. The next level up is our Equipment Operator and that would be the ones who are operating the equipment.

Commissioner Phillips said your equipment operators – how much do they make an hour or are they salary?

Mr. Fox said they are salary and the range is.....

Ms. Cagle said it's \$39,525.

Commissioner Phillips said how long does it take someone to go from like a Tech to an Equipment Operator?

Mr. Fox said they could do it in any amount of time. We've actually had some candidates that started at the Technician level, and we always try to give them on the job training and some opportunities to get on the equipment, and we've had people move up as quickly as 4 to 6 months.

Commissioner Phillips said are you having issues getting entry level Technicians right now?

Mr. Fox said yes.

Commissioner Phillips said what we are offering? Is it competitive with other places?

Mr. Fox said based on the data, we believe so. I know it doesn't compare to the private sector.

Commissioner Phillips said are you losing a lot of people to the private sector?

Mr. Fox said we've lost a few to them. Other people we've lost – warehouse workers, they can go drive a forklift and make more money. We're losing them to our same industry, but there's just jobs where they don't have to work as hard and make a lot of times more money.

Commissioner Boone said Athletic Coordinator maxes out at \$74,840 on their salary. You look at a Police Officer I, he maxes out at \$65,000. I just can't see that. There's a huge difference there and even a Master Police Officer making \$82,000 is just \$1,700 more than a Tournament Supervisor. Why is that?

Ms. Cagle said when we look at where we grade positions, we look at a variety of factors that includes what education requirements are there, supervisory responsibilities, scope, how much supervision the employee needs to have, whether they work fairly independently, or they have more strict supervision. There's a variety of factors that we look at when we decide where positions fit, so that we're putting positions that have similar responsibilities together, similar factors together, so that's one piece of it.

Commissioner Boone said so you are saying that a Tournament Supervisor is paid more because he has more responsibility than a Senior 55 Grade police officer. There's got to be supervision on his side. There's got to be responsibilities on their side, training.

Ms. Cagle said there are. Like I said, a variety of factors go into it. The Facility and Tournament Supervisor does have a lot of full and part-time supervisory responsibility at the parks. It's a different level of responsibility, but when you look at the scope, it factors differently.

Commissioner Boone said I disagree.

Anthony Roberts, Town Manager, said all of this is driven by market, so we go look at the market. We look at other places, what they are paying, the ranges. As you know our police salaries and all of our salaries are very competitive, so we want to look at the market and we want to stay above our adjoining towns, etc. You will see some of the stuff that we recommend in the Manager's Recommended Budget, but I get it, a person carries a gun or whether they tote a fire hose or whether they pick up basketballs at the gym, all this stuff is looked at from a market level so that we can be competitive.

Commissioner Kidwell said I believe I understand what Commissioner Boone is saying and from my time on the board previously and even currently, it's my understanding and I appreciate the numbers here, are we competitive with CMPD with these numbers.

Mr. Roberts said absolutely, the first time I would say in a long time. I don't know how many we've hired from CMPD, but it's unbelievable compared to what we have in previous years.

Commissioner Kidwell said what that tells me, and I might shock people here by saying this, is that we are vastly underpaying our police officers. If one of them decides to give up the uniform and the headache of being an officer and transitions over to Parks & Recreation to become a Tournament Supervisor.....

Mr. Roberts said it hasn't happened.....it doesn't happen.

Commissioner Kidwell said I'm not saying it happens, I'm just saying people are leaving jobs left and right, and benefits and pay are the major factors.

Mr. Roberts said that's why we are here before you and that's why you are going to see us continue to push that at the department level and at the manager level. We haven't been full yet since I've been here. I wish one day I could come to you and tell you that we are full in all departments. Every department is having that same issue and we are continuing to push the envelope on pay raises, benefits, ranges, that's why we have to study every year.

Mayor Bales said what is our average age for a Police Officer I?

Ms. Cagle said I can tell you our average age overall is mid 40's, but for Police Officer I, I don't have that but can find out and let you know.

Mayor Bales said that's your police officer that is just coming out of BLET. They are not in a supervisory position role. I understand the differences between the jobs.

Mr. Roberts said remember we don't hire at the minimum. Just because you have a range, doesn't mean you hire at the minimum. Most of the time you don't because you are not going to get people at the minimum, so you have to continue to adjust those ranges. I don't know when the last time we hired at the minimum.

Commissioner Partee said in regards to the maximum salary, are the benefits health, dental, whatever we offer, does that factor into the maximum.

Ms. Cagle said no, they are separate.

Commissioner Partee said what is the cost? What is the top salary when you factor that in, what's the maximum cost or salary that they would be making?

Commissioner Munger said Jackie said at last meeting 30 percent on top of that.

Ms. Cagle said we fund employee only coverage 100 percent.

Commissioner Partee what benefits do they get?

Ms. Cagle said we do medical 100 percent for employee only, dental 100 percent for employee only and then they have the ability to do additional voluntary benefits at their cost. We also have long-term disability that is 100 percent Town funded and life insurance.

Commissioner Partee said do they contribute at all to the benefits?

Ms. Cagle said depending on what level they select. If they have employee or family coverage, yes.

Commissioner Boone do we still have a 401K match?

Ms. Cagle said we do a straight contribution, it's not a match requirement, 5 percent.

Commissioner Munger made a motion to approve new salary ranges as proposed in the FY2022 Compensation Study.

Commissioner Partee seconded motion.

Commissioner Phillips said I'm not going to support this and I'm sorry it's nothing against you, but I think it's disgusting that our Town pays less than Amazon.

Commissioner Kovacs said I feel the same. When we were talking about the Public Works Technicians and everyone in that 76 Category and we said \$15.05 an hour, that's shocking because you can drive down the road and see someone that works in manufacturing and makes \$16.00 or \$17.00 an hour, so I would like to see our minimums up a little more. Commissioner Partee asked about benefits being

included in the maximum. I wanted to ask, that doesn't include if they are able to work overtime, correct?

Ms. Cagle said the maximum, correct.

Commissioner Kovacs said I'm not in support of these ranges, but again because I do think that we are a little on the low end. Nothing against you and the work that you have done, but I think our employees do deserve more than what we are showing here.

Commissioner Munger said I certainly appreciate the opinions being offered and I tend to also agree they are a little bit low. But the one thing that we have to keep in mind, if we do vote no and leave it as is, which is lower than it should be by a far margin, and what we are trying to do is make up some ground here to get us to what Ms. Cagle has done actual studies to say what a norm is, and I also appreciate some of the comments about the police officers. Police officers are grossly underpaid, but trying to compare different positions.....some people are built to be police officers. I am not. I will never be a police officer. I don't have what it takes to do the wonderful things you do, never will. That's a reality of accepting. At the same time, do I deserve to be compensated at a similar level as a police officer for what I do. The market has determined that for me, and what Ms. Cagle has done is a survey of the market and said this is what the market will bear, similar to what I do when I look for a job. I look out there and I say what will the market pay me. I won't compare it to how a police officer is paid. I compare it to how my peers are paid. That's what we are trying to do here. We are trying to do the right thing and I 100 percent appreciate that we should be paying them more, I'm just trying to drive that point home. We are trying to get there. We are trying to get to a point where we are paying the people for the jobs that they do in a similar fashion to their peers and that's all we are trying to accomplish, and we are trying to get people money. If you do vote no, know that you are going to leave them way shortchanged. We're trying to get there, so that's what a yes vote here is.

Mr. Roberts said you used an outside consultant to help you do this market study, correct.

Ms. Cagle said correct.

Mr. Roberts said I think we are looking at a range here. Remember the person who comes in the door, we don't just say you get the minimum. It just doesn't happen these days. You are hiring folks within their range based on their experience. Now if they can fog a mirror and that's it, yeah they probably make the minimum. We have to look at what experience, and experience level changes these days, but we did use an outside consultant and I want to make sure when I get to my Manager's presentation all of what you all are saying should fall right in the line with the COLA and merit and all of that. I'm hearing you and I don't disagree. We are trying to raise these ranges, but remember it's not hiring the person at the minimum. Very seldom that happens. Remember we are trying to raise these ranges for these employees and we are going to continue to look at it, a third, a third, a third. We may have to bring that in with the way the market changes, do a half, a half instead of a third, a third, a third because things are changing so rapidly. We are trying to raise these ranges up so that we can pay folks more, but we are not paying at the minimum, very seldom.

Mayor Bales called for the vote to approve salary ranges proposed in the FY2022 compensation study.

Motion carried 4 to 2, with Commissioners Phillips and Boone opposed.

Salary Ranges attached hereto as Exhibit No. 6.

Social Media Policy for Elected and Appointed Officials. Commissioner Munger made a motion to approve the Town of Huntersville Social Media Policy for Elected Officials and Members of Appointed Boards, Committees and Commissions.

Commissioner Phillips seconded motion.

Commissioner Kidwell said I'm not going to support this. The Town should not be setting a policy for elected officials. If we say something stupid on the internet, we usually have to bear the grunt of that. It has no teeth. It's essentially just a piece of paper worth nothing. I don't think we need to move forward with this.

Mayor Bales said I understand that it doesn't have teeth, but I do think it sets best practices for all of us to follow.

Commissioner Kovacs said because this includes elected, appointed boards, committees and commissions, what is the recourse for someone that is on an appointed board and goes against one of these. Do they get removed or does anything happen?

Emily Sloop, Town Attorney, said the Town Board always has the prerogative to adjust appointed boards, committees, and commissions memberships. I would say for something that rose to the level that the Town Board felt that action was needed, then yes they could take action.

Mayor Bales called for the vote to approve the Town of Huntersville Social Media Policy for Elected Officials and Members of Appointed Boards, Committees and Commissions.

Motion was tied – Commissioners Munger, Partee and Phillips in favor; Commissioners Kidwell, Kovacs and Boone opposed. Mayor Bales broke the tie by voting in favor of the motion.

Town of Huntersville Social Media Policy for Elected Officials and Members of Appointed Boards, Committees and Commissions attached hereto as Exhibit No. 7.

Manager's Recommended Budget for FY 23 Presentation. Anthony Roberts, Town Manager, presented the Town Manager's Recommended Budget for FY23. *Refer to PowerPoint attached hereto as Exhibit No. 8.*

The public hearing for the proposed budget is scheduled for May 16, 2022.

Mayor Bales encouraged the Board to contact Anthony Roberts or Jackie Huffman with any questions concerning the proposed budget.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Lake Norman Economic Development Corporation is working on 42 projects, 21 of which are in Huntersville. LNEDEC hosted a Manufacturers Mingle.
- Encouraging CATS to work with our Planning Department as they look at routes in regards to Envision My Ride.
- Received word that Jim Warren, Executive Director of the Raptor Center, passed away.

- Reminder that Mother's Day is Sunday.
- Hello Huntersville event was a success.
- Downtown Steering Committee recently held a public forum engagement opportunity.

Commissioner Boone

- Expressed appreciation to the Fire Department. The insurance rating has gone down from a 4 to a 3.
- Provided update from the ElectriCities Board of Commissioners meeting held of April 25.
- During the Hello Huntersville event, the Old Jail had 132 visitors.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Kidwell

- No Report.

Commissioner Phillips

- Read obituary of Jessica Miller who passed away from ocular melanoma on April 26.

Commissioner Partee

- Expressed appreciation to staff for their work on the Hello Huntersville events.
- Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Munger

- Hello Huntersville event was a success.
- Provided update on Charlotte-Mecklenburg Schools located in Huntersville.
- Next meeting of the Huntersville Ordinances Advisory Board is May 5.
- Next meeting of the Public Art Commission is May 11.
- Consider supporting local non-profits.

Mayor Bales called for a 5-minute recess.

FY23 CIP Projects and Bond Referendum Discussion. Upon return from the recess, the Board discussed potential bond referendum. Anthony Roberts, Town Manager, requested the Board give a final determination as to whether the Board would like to have bond referendum in 2022 or 2023. If the Board wants it on the November 2022 ballot, action would have to be taken in June. Because of the tight timeframe, staff suggests pushing it to November 2023 so you can choose the projects, educate citizens, etc.

Commissioner Munger expressed concern about waiting due to the inflation rate.

Jackie Huffman, Deputy Manager, reviewed spreadsheet showing interest rate scenarios. *Refer to Exhibit No. 9.*

Commissioner Partee noted he would like for referendum to be on the November 2022 ballot.

Commissioner Boone noted he would like for referendum to be on the November 2023 ballot.

Commissioner Kovacs noted she would like for referendum to be on the November 2022 ballot.

Commissioner Kidwell noted whether it's done in 2022 or 2023, the Board needs to be very precise on what the money will be used for. There are a lot of questions that need to be answered.

Mayor Bales called for a straw poll vote.

Commissioners Partee and Munger support a referendum in November 2022.

Commissioners Phillips, Kidwell, Kovacs and Boone support a referendum in November 2023.

Commissioner Phillips suggested scheduling a workshop to discuss the CIP and to receive update on legislative policies.

There being no further business, the meeting was adjourned.

Approved this the 18th day of July 2022.