

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**May 16, 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 5:15 p.m. on May 16, 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 Pre-meeting to order.

Affordable Housing Discussion. Bobby Williams, Assistant Town Manager, presented information concerning affordable housing. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

Laura Belcher, President and CEO of Habitat for Humanity of the Charlotte Region, provided information on Habitat's affordable housing programs, including the critical repair program.

Mr. Williams will continue to gather information on how the programs could work for Huntersville, including land availability.

Introduction of ElectriCities Manager. Jackie Huffman, Deputy Town Manager, introduced David Lucore, the new manager of the Town's electric system, replacing Don Mitchell who retired April 30.

**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 16, 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 Boone requested Staff follow-up on information that was requested from the North Carolina League of Municipalities and CATS when they made their presentations to the Town Board.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Police Week Proclamation. Mayor Bales proclaimed May 15-21, 2022 as National Police Week.

Town of Huntersville Proclamation

Whereas, every day across the Town of Huntersville, police officers bravely and courageously risk their well-being to protect and serve our community and preserve the peace and order to which every citizen is entitled; and

Whereas, May 15th – 21st, 2022 has been designated as “National Police Week” to honor the police officers who put their lives on the line to keep our communities safe; and

Whereas, the Huntersville Police Department consists of 102 full-time sworn police officers and 15 law enforcement support staff. The Police Department is responsible for 24-hour community wide law enforcement and responds to all requests for emergency services. The Police Department responds to an estimated 65,000 calls for service per year; and

Whereas, the members of the Huntersville Police Department are dedicated to ensuring public safety and enhancing the quality of life in the Town of Huntersville by serving as leaders and mentors, educating the community about the importance of public safety; and

Whereas, we appreciate the extraordinary efforts and sacrifices made by officers and their family members daily, to protect our schools, workplaces, roadways, and homes.

Now, Therefore, I, Melinda Bales, Mayor of the Town of Huntersville, North Carolina, do hereby proclaim May 15th – 21st, 2022 as “National Police Week” in the Town of Huntersville and on behalf of the Huntersville Board of Commissioners do hereby honor and thank all the police officers in the Town of Huntersville during this week and commend those officers for their willingness and dedication to protect and serve our community.

In Witness Whereof, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 16th day of May 2022.

National Public Works Week Proclamation. Mayor Bales proclaimed May 15-21, 2022 as National Public Works Week.

Town of Huntersville Proclamation

Whereas, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Huntersville; and

Whereas, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

Whereas, it is in the public interest for the citizens, civic leaders and children in Huntersville to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

Whereas, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association.

Now, Therefore, I, Mayor Melinda Bales, Mayor of the Town of Huntersville, do hereby proclaim May 15 – 21, 2022 as “**National Public Works Week**” in Huntersville and urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

In Witness Whereof, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 16th day of May 2022.

National Kids to Park Day Proclamation. Mayor Bales proclaimed May 21, 2022 as Kids to Parks Day.

Town of Huntersville Proclamation

Whereas, May 21, 2022, is the twelfth Kids to Parks Day organized and launched by the National Park Trust held annually on the third Saturday of May; and

Whereas, Kids to Parks Day empowers kids and encourages families to get outdoors and visit local parks, public lands, and waters; and

Whereas, we should encourage children to lead a more active lifestyle to combat issues of childhood obesity, diabetes, hypertension, and hypercholesterolemia; and

Whereas, Kids to Parks Day will broaden children's appreciation for nature and outdoors; and

Whereas, Kids to Parks Day will recognize the importance of recreating responsibly while enjoying the benefits of the outdoors.

Now, Therefore, I, Melinda Bales, Mayor of the Town of Huntersville, do hereby proclaim May 21, 2022, as **Kids to Parks Day** in the Town of Huntersville and encourage all of our residents to celebrate by taking the children in their lives to a neighborhood, town, state or national park.

In Witness Whereof, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 16th day of May, 2022.

Non-discrimination Ordinance Discussion. Commissioner Munger said I just want to give a brief PowerPoint presentation. *PowerPoint attached hereto as Exhibit No. 1.* There's actually only eight slides to it. I'm going to kind of run through it. There will be a Q&A at the end, so if we can hold questions until that point. I'll have a couple of people make some comments along the way.

Just a quick background. In December 2020, a key section of HB142 expired which lifted the moratorium on North Carolina municipalities passing non-discrimination ordinances. With that, we can now pass the NDO's with the authority under 160A-174 or in some instances specific charter authority or local legislation.

To the best of my knowledge, and someone may end up correcting me, I believe there are 19 different municipalities within North Carolina that have passed an NDO. The questions I am going to try and address tonight will be don't existing laws provide these protections, how would enforcement be handled, what type of acts would be prohibited, and are there any exemptions. This is a lot of information as you will notice.

One of the things we do hear is aren't these classes already protected by existing laws. Some are, but especially in the realm of public accommodations which are the two further columns, they are not by and large as you can see. Everything in red means those specific protected classes are not covered under public accommodations and you just kind of quickly go through everything – age, color, creed, disability, ethnicity, familial status, gender expression and gender identity, marital status, national origin, political affiliation, pregnancy, protected hairstyles, race, religion, sex, sexual orientation and veteran status. It does give you a good overall view because a common theme I'm hearing is we don't need to pass an NDO because it's protected. As you can see for public accommodations, it is not.

Public Accommodation Prohibited Acts. This is essentially taken from the Charlotte NDO and we would be looking to pass something very similar to this. It shall be unlawful to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of a protected class. It shall be unlawful to make, print, circulate, post, mail or otherwise cause to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be refused, withheld from, or denied any person because of a protected class or that any person's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of a protected class provided, however, this section does not apply to a private club or other establishment not, in fact, open to the public. These are the two specific things for prohibited acts under public accommodations.

This is the existing process that the City of Charlotte uses. They use what's called a Community Relations Committee and we are fortunate enough to have the Executive Director of the Community Relations Committee, Willie Ratchford. Mr. Ratchford, if you could just kind of walk us through this process.

Willie Ratchford said thank you for the opportunity to come and talk about the process for receiving and investigating complaints of discrimination under the Charlotte NDO. I work as the Executive Director with the City's Community Relations Department and I have been investigating these types of complaints for 42 years now and I've worked with the City of Charlotte for the past 47 years. If you will look at the process map that's on your screen, one of the first things that we want to do when we receive a complaint is to make sure that it is not a frivolous complaint and that people who are filing the complaint are serious and they understand the nature of what it is that they are doing. Before we will actually receive a complaint, we need to make sure that complaint is jurisdictional and the questions up on the left-hand side of your presentation are the five questions that we ask. If the answer to all five of those questions is yes, the more likely than not we have jurisdiction and we can open and receive that complaint. However, if the answer to any of the five questions is no, then more likely than not, that complaint is not jurisdictional and we would not receive it. We want to make sure that the complainant or the person who is actually filing the complaint has standing to file and secondly, that the respondent who is the entity against whom the allegation is being made against, is covered under the ordinance. For instance, when Commissioner Munger was reading earlier, he mentioned that it does not cover private businesses, so if someone filed a complaint against a private entity, we could not receive that complaint because it's not necessarily a place of public accommodation. Now in this instance we have that employment related transaction is covered under the city ordinance. One of the things that's different with the city ordinance and what you all are considering is that the city's Non-discrimination Ordinance in addition to covering public accommodations, it also covers employment discrimination, but employment discrimination and public accommodation complaints are investigated just the same.

The subject matter is covered under the ordinance and then the complaint has to be timely filed. If you are going to allege a complaint under the NDO to our office, you have a 180-day statute of limitations and so we would want to know the date that the incident actually happened and if it's more than 180 days, then at that point we determine that it's not jurisdictional and we could not receive it. Again, we want to make sure no one is filing frivolous complaints and that they are in fact serious when they file the complaint. If they are successful in filing the complaint, if you look over to the far right again, it has to be filed within 180 days. After they file with us, we will actually open a case within 5 business days and the case is considered to be received when I, as the Director, sign off on the necessary forms that have been completed. Within 10 days of my signing off on it and assigning it to an investigator, we will mail an interrogatory questionnaire and notice of complaint to the respondent and the complainant has two choices – they can respond to the questionnaire that we've sent, or they can engage in conciliation. If we are able to conciliate the matter successfully with the respondent prior to the investigation, we then have the ability to close the complaint administratively without a finding of fact and it's done. And then we also have 100 business days to actually complete our investigation.

If you look at the more colorful graphics here down the middle, once an investigator completes his or her investigation of the complaint, they would submit it to me as the Director and I have to review it and make a determination as to whether I think, based on that investigation, discrimination has or has not occurred. If I feel that it has not occurred, we would make what's called a no cause finding and we would close the complaint out at that point. If I determine that it is a cause finding, which means that the evidence that we have gathered in the case leads us to believe that there was some disparate

treatment of an individual because of their protected status, then we would make what's called a cause finding. By ordinance, or by law, after a cause finding is made, we are required to attempt conciliation again. If we are successful, then we close the complaint out at that point. If we are not successful, then we would set up a public hearing, we go to the public hearing and the officers in the public hearing will determine whether the investigation of the Community Relations Committee staff was sufficient to sustain a cause finding or not. If they decide not, then there's no cause at point and we would close the complaint out again. If they determine that it is, then we again would attempt conciliation. If that conciliation is unsuccessful, we would then refer the matter to the City Attorney's office for appropriate action. That is a quick review of the manner in which we investigate.

Commissioner Munger said I just want to make two points of clarification at this point. The Town of Davidson is actively working on the possibility of using Charlotte's Community Relations Committee. My understanding is the proposed fee for that would be \$2,500 per case. Is that accurate?

Mr. Ratchford said yes and no. We have been having conversations with the Town of Davidson about the possibility of our staff investigating their complaints. We did not propose that fee. They offered that fee and it sounded very attractive, so I said yes.

Commissioner Partee said I would just like to ask a question while we are on this subject here. At the bottom of the investigation, it says the CRC shall refer to the City Attorney's office for appropriate action. What other action now can the City Attorney impose on this particular respondent.

Mr. Ratchford said that will be determined by the City Attorney.

Commissioner Partee said is it criminal or is it civil.

Mr. Ratchford said it's all civil matters.

Commissioner Munger said the only other question I had, my understanding is at this point, year-to-date the number of complaints you've actually had filed are two.

Mr. Ratchford said there's been some misinformation about that. We have a total of nine complaints received at this point since January. We got a question the other week about the number of complaints that we had received in which a member of the LGBTQIA+ community had filed a complaint and there are two of those. However, the total number of complaints under the Non-discrimination Ordinance at this point is nine and we expect that to go up dramatically in the coming months because we have started a very aggressive public education and information campaign to inform folks of their rights and as people learn of the protections that they have, those complaints will come in on a more regular basis.

Commissioner Munger said on Employment Prohibited Acts which Mr. Ratchford also referred to, one of the things that we are looking at doing here is we have a possibility of putting this to the CRC or we could also switch it up and be able to use the existing Equal Employment Opportunity Commission, the EEOC, and I'm going to let our Town Attorney, Ms. Sloop, kind of address how we are looking at swapping and beyond this.

Emily Sloop, Town Attorney, said in some preliminary conversations when I was first reviewing the Charlotte NDO language, I noticed that one of the options that they had was stating that in lieu of the Community Relations Department investigating if they felt that there was a more appropriate agency such as the EEOC that had jurisdiction over the claim that they could, in their discretion, send it to the

EEOC first. If this Town Board does choose to move forward and adopt or direct staff to draft an ordinance for consideration, I would suggest that if there is a more appropriate agency identified, that it always go to that agency first rather than to the Community Relations Department.

Commissioner Munger said NDO exemptions. Common refrain that I have heard is this would put undue burdens on religious organizations and the first thing you will notice there is (a) A Religious Organization that employs an individual to perform work associated with the religious organization that insists employees adhere to the tenets of the religious organization as a condition of employment. An employee may express the employee's sincerely held religious or moral beliefs and commitments in the workplace in a reasonable, non-disruptive and non-harassing way on equal terms with similar types of expression of beliefs or commitments allowed by the employer in the workplace, unless the expression is in direct conflict with the essential business related interests or needs of the employer.

There are specific exemptions, and I understand the need for these, so we are open to the possibility of certain exemptions, and these are the ones that we actually have listed. Again, this is taken from the Charlotte Non-discrimination Ordinance. This is just transportation related prohibited acts. No for-hire company, for-hire vehicle owner, and/or for-hire driver shall refuse or neglect to transport any person on the basis of a protected class as that term is defined in Chapter 12 of the Charlotte Non-discrimination Ordinance.

Before I do open it up for questions, I'd like to introduce two people in the audience. Mr. Kyle Luebke, you could probably describe it better than me, but you were one of the people that helped draft the original Charlotte Non-discrimination Ordinance. I also have Tarik Bokhari. He is a Charlotte City Council member who actively worked on passing the Charlotte NDO as well. Between the three people here they should be able to address most of the questions and if we have questions that go unanswered, I will hunt them down and find an answer for you.

Commissioner Kovacs said I wanted to clarify, is it just private clubs that this would not pertain to or also private businesses.

Mr. Luebke said the private club exemption would be for private clubs. Places of public accommodation are generally those areas open to the public, so a restaurant, for example, would be a place of public accommodation, even if it is privately owned, unlike the Charlotte City Club, they would not be bound by this because that is a private club.

Commissioner Kovacs said what about the store across the street.

Mr. Luebke said the store across the street would be a place of public accommodation.

Mayor Bales said we do have some public signed up to speak on this topic. We will open it up after this presentation and after that Board's discussion.

Commissioner Boone said I heard a number of nine cases in Charlotte so far and more pending. Are you aware of any documented cases from the Town of Huntersville.

Mr. Ratchford said I am not aware of any documented cases from the Town of Huntersville.

Commissioner Boone said do you think if this ordinance passes, it would help or hinder local businesses.

Mr. Ratchford said I think it would help local businesses. If you are in the business of discriminating against people because of their protected status, it might hinder what you are doing. But if you are in the business of treating people fairly and making sure that everyone regardless of their identity or their protected status have access, then it would actually increase business I believe.

Commissioner Boone said if I'm a business owner and somebody brought a case against me and it was approved, I would be responsible for hiring an attorney and getting litigation, there would be a cost to that business, correct.

Mr. Ratchford said if you were a business owner and a case were filed against you, you would have the option of hiring an attorney to protect you or you might do that yourself. In the cases I've done over the past 42 years, about half of the entities hired an attorney and the other half handled it themselves.

Commissioner Munger said I would just like to say if you guys could hang out for a little while, once we have public comments, that would be much appreciated, because there may be additional questions.

Mayor Bales said there will not be back and forth once we move into public comments.

Commissioner Munger said I would assumed that the public would be able to make their comments, run through the entire length of their comments and once that is done if there are lingering questions, which it sounds like there may be from Commissioner Boone, they would address them after – it would never be a back and forth and that's for everyone.

Mayor Bales said again, once the discussion, the way that it is on our agenda, and once the discussion....

Commissioner Munger said I'm just trying to figure out what Commissioner Boone wants to do after.

Mayor Bales said I understand, and it may be that those questions need to come up the next time we have discussion around this. We typically don't go back to an item once the item.....

Commissioner Munger said I wanted far more discussion at this point, and I wanted the questions now. If you have the questions now, we have the bodies here to answer those questions.

Mayor Bales said I hear you.....we do have individuals that came up here to answer your questions. I would encourage the Board to continue to jot what they hear from the public and then reach back out to Commissioner Munger, Commissioner Phillips, and I'm sure we can get our speakers this evening, their email addresses, and get your questions answered at that point.

Commissioner Munger said I do want to say thank you all so much for coming.

Mayor Bales said we will now move to public comments.

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

Mayor Bales requested Police Chief Bence Hoyle update the Board on the incident Ms. Caldwell referenced.

Chief Hoyle said we've been investigating this case since it started. The officer that is working this case is trying to piece together evidence. Our goal is to identify a suspect. We have not been able to do that. Our cameras don't read tag numbers. Sometimes we get lucky if the conditions are right and we can see a tag number, but it was at night, it was rainy, and I don't anticipate they've gotten that from the cameras yet. I will tell you, it's a white work truck. We don't have an exact time he came through the intersection, so it's taking them a little while to work through that. I talked to the officer about that tonight after I talked to Ms. Caldwell, and he is working that case actively and has got a request for video analysis out. Unfortunately, the road rage stuff is not extremely uncommon. We see a lot of that happen and we investigate every one of them very actively. Hopefully, we'll have a resolution of this one as well.

Al Medino, 8218 Coristar Place, said I'm here to address the David Kenney Farm Road cut-through. I know there's been a lot of discussion. I know obviously that has to be voted on to see if it's going to stay in the budget or not. We had done an impromptu survey with the neighborhood and 85 percent of the people were against it and we do understand that eventually it's going to have to go through. If it can be tabled for a while until 73 gets underway, that for us would be ideal because David Kenney Road is a narrow two-lane road. It has no lights, no sidewalks, and no speed humps at all. It was built 35 years ago, so it's an extremely narrow road and there's a blind curve on that road. I understand there was an accident last week involving a school bus on that road because it's so narrow and the speeding issue in there is really getting to be out of control. We were asked what safety features we would need when we attended a board meeting that discussed David Kenney for the cut-through. We were given the impression that those particular issues that we were requesting were speed humps to slow that traffic down, a sidewalk and lights for safety because there are no lights on that street at all. And then when I talked to Ian Fowler, he said that it's not going to be a part of a whole package, it's going to be separate issues that have to be voted on by the Board. We would like those issues taken into consideration. Also, we've been on the sidewalk list. I've been a resident in there for 20 years and we've been on the sidewalk list for over 15 years. We haven't had any progress on that issue either. We failed the traffic calming study twice. That was three years ago. I've got a letter from Stephen Trott with his recommendations to put in a phase to put in the speed humps to slow traffic down and nothing's been done. If this particular project does get shelved and we put it off for several years down the road or whatever it might be, we're requesting if we can at least get the speed humps in there to slow the traffic down. We've called the police and they have gone and talked to the people, but the neighbors themselves are stopping trucks and we're stopping neighbors that are flying through that neighborhood and it's really getting out of control, so we need some help as a community. Basically, that's why I'm here, just to ask if that project does get delayed, if we can at least get some help with that speeding issue that's going on in the community.

Dennis Golden, 13420 Fremington Road, said we purchased property here in 1997, built a house in 1998, but we moved here in 2014 after I finally retired after 25 years as the vice president of student affairs of three different universities and as the university president for 20 years, so the kind of considerations that Mr. Munger and others are speaking about are not new to me. I do have some questions as a citizen of this community. To what degree right now here in the Town of Huntersville do we have a pressing need for this particular ordinance to be organized and established? What changed recently? I know, Mr. Munger, what you said about the state government. When did that happen to allow the towns to do it? As a town of approximately 57,000 – 60,000 people, do we really need a community relations office and a commission of multiple people and to what degree will that cost the city for those people to be assigned or welcomed aboard to be on that commission? Regarding the community relations committee conciliation division, who is it accountable to and how will the Town identify appointees to that commission? What are the criteria and qualifications needed for people to serve on

that type of very important commission? I think that needs to be carefully looked at. For the community relations committee of this ordinance merely end up being a very large bureaucracy that can be politized and subject to pressure regarding these cases. I would trust not ever. I don't get that sense necessarily in the presentation that was made by our distinguished guests here this evening, but I certainly am careful about those kinds of considerations because I've been through those things many times.

Joe Gragg, 17428 Invermere Avenue, said a couple of questions that I have is as of September 2021 out of 552 municipalities that are in our state, only 12 cities Charlotte, Raleigh, Durham, Chapel Hill, Asheville, cities of kind of similar size, mainly blue cities, have passed these ordinances and one of the questions that I have is this more towards a political statement or more towards a problem that actually exists. Could this community relations committee and the conciliation division actually create divisions that are leading to unity and equality. As Ms. Caldwell spoke earlier, and I'm a native North Carolinian, a lot of these problems we've never seen and now we are creating a forum for these problems when the problems aren't even there. Is it a solution or is it a problem that's being created. In other cities it's been said that non-discrimination ordinances help attract businesses. Has Huntersville had problems attracting business and has this data existed to support this assumption about Huntersville to where this has actually been a problem. Going further, how would this controversial ordinance in other localities increase the burden on certain businesses address the problem and nationally are businesses now pulling away from some of these hot button issues. In other words are some of the businesses actually leaving places where this is actually being brought forward and causing more hardship on the businesses, in addition to taxation and the whole bit.

Glenn Yellico, 13834 Foxlyn Trail Court, said I'm a resident of the Town of Huntersville. Regarding the proposed ordinance, I just have a few points I would like to make here. Each person has dignity and should be treated with respect including those who identify themselves by sexual orientation or gender. My faith teaches that discrimination should be overcome as it is against God's will. This proposed ordinance, however, would actually discriminate against people whose belief about gender and sexuality run different from what is described in this ordinance. Over the past decade non-discrimination ordinances have been used to target small business owners who oppose discrimination yet simply hold beliefs, including religious beliefs, counter to the ordinance and now Huntersville business owners could be exposed to suffer from this discrimination. Why would the Town wish to subject business owners to the risk and harm in the business climate. People's conscience rights and sincerely held beliefs are protected under the first amendment that have been harmed by such ordinances. People of faith live out their religious beliefs not just inside their homes of worship, but in the community. We have seen this beautifully in the many instances where residents have helped those in need or even founded organizations to assist a broader group in our community. Will these groups now be subject to investigations for living out their religious beliefs in public. The Charlotte ordinance does not appear to protect religious businesses. What will this community relations committee do if it has no cases. Will it start looking for some that don't exist. Whatever the original intention of this non-discrimination ordinance was, it would actually create more discrimination and coerce small business owners into accepting a view different than one's conscience or sincerely held religious beliefs. Does the Town wish to increase discrimination or reduce it. It will harm those who live by their conscience rights and sincerely held religious beliefs. Passing this ordinance I believe would seem to go against the long standing principle in this town to respect the rights of conscience leaders. I would ask the city to consider the first amendment implications before considering this ordinance.

Tarik Bokhari, 3320 Sharon Road, Charlotte, said it's important for me to tell you why we did this in Charlotte and I'll just tell you what we did in Charlotte which is unique to Charlotte perhaps. We were

at a spot where I knew it was coming, a non-discrimination ordinance was on the way, it was going to happen and I knew that after trying multiple times with my colleagues on the other side of the aisle, they were not going to collaborate in order to build it. We were in a spot where I knew it was coming and I knew that the approach that was going to be taken was going to be one of pandering towards groups without a lot of logic towards it which really scared me. I pulled together a group of Kyle and other young Republicans in town and we went to work of saying how do our principles that define us enable us to take a position and we settled on freedom, individual liberty. It was very simple and that's where we set to the hard work of saying how would we craft this to make sure we are respecting that. And we did an approach based on expressive behavior in the business world where if you are a small business that bakes cakes, I am infringing on your individual liberty and freedom if I ask you to bake a cake that you don't believe in because you are doing expressive active behavior. However, if you are a business that has a standard menu and you're just having people coming in ordering off that menu, well you are infringing on my individual liberty by saying I don't like the way you look, you can't come in here. Same with housing. I can't say you can't rent this apartment because that's the same for everyone, but I can say I'm an interior decorator that's not going to do that for you because I don't believe in that, so we took this scalpel approach making sure that it was always centered around not putting someone in a position where you are infringing on my rights making me believe or endorse something over there and by doing this proactively, we were able to take our principles in a manner that made a lot of sense and I've worked with the faith community, worked with Raleigh and others to say do you guys buy this because we can take the lead in a city like Charlotte and that's where at the end of the day I think you guys if you are interested could take it even steps further and make it stronger. I tried to convince my colleagues to say political affiliation, do we believe all discrimination is bad, therefore if I'm a republican and my boss finds out that I'm a republican on the weekend and fires me because of that, is that okay. They did not agree that discrimination wasn't okay, but the point of the matter is we should be against all discrimination and you can see by the counts, just as we expected, this is not a high volume thing. It was something, though, where we knew it was coming and we could put something that made more sense in place by being proactive. Hopefully, that gives you a little context on why we did it and the reason.

AGENDA CHANGES

Commissioner Phillips made a motion to adopt the agenda.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Contract – Installation of Underground Facilities. Commissioner Kidwell made a motion to approve contract with new underground contractor for installation of underground facilities for FY23. Commissioner Phillips seconded motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 3.

Resolution Authorizing Increase to Returned Check Fee. Commissioner Kidwell made a motion to adopt Resolution authorizing changes to the Town's Fee Schedule. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

Budget Amendment – HFFA Rental of A/C Units. Commissioner Kidwell made a motion to approve budget amendment appropriating Fund Balance in the Tourism fund in the amount of \$200,000 for the rental of air-conditioning units to improve air quality and decrease humidity in the 50M pool at the Huntersville Family Fitness & Aquatics facility during the summer and into the fall months. Commissioner Phillips seconded motion. Motion carried unanimously.

Accept Portion of Ramah Church for Town Maintenance. Commissioner Kidwell made a motion to accept a portion of Ramah Church Road for Town maintenance. Commissioner Phillips seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Ramah Church Rd. (Ext)	N Old Statesville Rd (115)	Dead End	215

Accept Streets in Bellington Phase 1 for Town Maintenance. Commissioner Kidwell made a motion to accept streets in Bellington Subdivision Phase 1 for Town maintenance. Commissioner Phillips seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Bellington Drive	Huntersville-Concord Rd	Union Square Dr	391
Union Square Drive	Tilesford Ln	100' E of Bellington Dr	367
Tilesford Lane	Oxford Glenn Dr	Union Square Dr	663
Rushwick Drive	Tilesford Ln	350' N of Tilesford Ln	350
Oxford Glen Drive	62' W of Caldeford Ln	273' N of Tilesford Ln	566
Caldeford Lane	Oxford Glenn Dr	Bellington Dr	665

Accept Streets in Bellington Phase 2 for Town Maintenance. Commissioner Kidwell made a motion to accept streets in Bellington Subdivision Phase 2 for Town maintenance. Commissioner Phillips seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Union Square Drive	130' W of Oxford Glenn Dr.	100' E of Bellington Drive	1718
Union Square Drive	300' W of Bellington Dr	Union Square Drive	469
Oxford Glenn Dr	Union Square Dr	289' S of Union Square Dr	289
Rushwick Dr	202' N of Union Square Dr	281' S of Union Square Dr	483
Fullbrokk Dr	Union Square Dr	End of Road	366

Accept Streets in Farrington Phase 1 for Town Maintenance. Commissioner Kidwell made a motion to accept streets in Farrington Subdivision Phase 1 for Town maintenance. Commissioner Phillips seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Longford Crossing Place	Mcllwaine Road	Journeys End Trail	875
Slievroe Court	Longford Crossing Pl	Longford Crossing Pl	595
Journeys End Trail	121' W of Longford Crossing Pl	145' E of McDowell Crossing Pl	790
McDowell Crossing Place	Journeys End Trail	550' S of Journeys End Trail	550

Accept Street Segments of Holbrook Street Extension Project for Town Maintenance. Commissioner Kidwell made a motion to accept street segments constructed by the Town as part of the Holbrook

Street Extension Project for Town maintenance. Commissioner Phillips seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Holbrook Street	179' E of Margurite Ln	856' W of Margurite Ln	1035
Margurite Lane	110' N of Holbrook St	Holbrook Street	110
Commerce Centre Drive	327' N of Holbrook St	Holbrook Street	327

Accept Hunstad Boulevard for Town Maintenance. Commissioner Kidwell made a motion to accept Hunstad Boulevard for Town maintenance. Commissioner Phillips seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Hunstad Blvd	Statesville Rd / NC-21	465' E of Statesville Rd	465

Accept Jamesburg Drive for Town Maintenance. Commissioner Kidwell made a motion to accept Jamesburg Drive for Town maintenance. Commissioner Phillips seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Jamesburg Drive	Sam Furr Rd / NC-73	2,300' N of NC-73	2,300

Accept University City Church Drive for Town Maintenance. Commissioner Kidwell made a motion to accept University City Church Drive for Town maintenance. Commissioner Phillips seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Len
University City Church Dr	Sam Furr Rd / NC-73	765' N of NC-73	765

Resolution – Accept Carver Avenue from NCDOT for Town Maintenance. Commissioner Kidwell made a motion to adopt Resolution to accept maintenance of Carver Avenue from NCDOT. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 5.

Resolution – Accept Overhill Road from NCDOT for Town Maintenance. Commissioner Kidwell made a motion to adopt Resolution to accept maintenance of Overhill Road from NCDOT. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 6.

PUBLIC HEARINGS

Proposed Budget for FY23. Mayor Bales called to order public hearing to receive comments on the proposed budget for FY23.

Anthony Roberts, Town Manager, presented the Manager's Recommended Budget for FY23. *Refer to PowerPoint attached hereto as Exhibit No. 7.*

Rachel Zwipf, 13021 Central Avenue, said I just wanted to address the Board real quick about the budget and the Waymer Park and the upgrades. I spoke to my son and about 15 other kids that spend most of their time between my house and the park every day. I would have brought them today, but they were at the park. They were really excited to hear that you guys want to upgrade the park and wanted to provide you with some of their input. They would like monkey bars, a bigger area, stuff to climb on, to change the floors from the woodchips to something rubber, bigger slides and swings and a splash pad. For everybody that doesn't know, in Pottstown where I live at there is no pool. The community is elderly and a lot of the kids are being watched by their family members over the summer and access to something like a small splash pad would really impact that community. I encourage that when the development starts, reach out to me, come sit down with the kids. I guarantee you I can get 20 kids to meet to provide input for you guys and to look at plans and please just include them and the rest of the Pottstown community when you are re-doing the Waymer Park.

Commissioner Kovacs said I was at the meeting but via phone which was slightly a disservice to myself and the rest of you, so I just wanted to get clarification. I know we talked about the raises and we talked about COLA and merit. Is what we decided upon merit across the board or is that the highest it can go and it's up to Manager discretion based off of a rubric or something along those lines.

Mr. Roberts said if the merit stays at 4 percent, that's an average.

Commissioner Kovacs said I did not do much talking because I didn't have a voice as you heard, but my intentions during that vote was for 4 to be the max and then a pot set aside for each department and then a rating correlate with the raises but not for everyone to get a full 9 percent raise.

Mr. Roberts said if it stays like it is, everyone would get the 5 percent COLA, but the merit would be based on performance only. If the Board says 4 percent is the max merit, not everybody is going to get 4 percent. We would have to set some criteria of how you would get 2 percent, 3 percent, 4 percent, to give guidance so that every department head doesn't give 4 percent max to every person.

Commissioner Kovacs said I'm sure those that would have to help with that criteria would hate me for saying this, but I would feel more comfortable with that. I also wanted to ask about David Kenney Farm Road. I know we are going to shelve it, but we are going to get it to a stopping point. Does that stopping point happen to include sidewalks.

Mr. Roberts said on the David Kenney Farm project, it would just get it to right-of-way stage and then it would set up on the shelf. I haven't seen the plan. If David Kenney Farm wants streetlights now, that's something we can address now.

Stephen Trott, Director of Engineering said the street lighting request process is totally separate. Sidewalks along the length of David Kenney Farm is not currently included in the project. The only thing included in that project right now is the intersection and the roundabout.

Commissioner Kovacs said Mr. Medino stated that they received information that they should get traffic calming and they have not.

Mr. Trott said the neighborhood went through the traffic calming process and there was a public hearing and then it came time for the Board to make a decision. The Board at that time decided to hold off on making a decision.

Commissioner Kovacs said to reinstate that process, would they have to do.

Mr. Trott said it would be up to the Board to decide what they would like to do. No direction has been given to staff on the next steps.

Mayor Bales said I think the conversation from that past board was to look at installing those once the connection was made, since it's a dead-end street. Once the connection was made then the next steps would be to upfit David Kenney with the sidewalks and speed humps etc. because at that point then it would be a through street.

Commissioner Kovacs said even if it's not a through street, it could still be pretty dangerous. I would like for us to think about holding the public hearing again or deciding what we need to do.

Mayor Bales said I don't know that we need a public hearing again since the study was already done.

Mr. Roberts said why don't we pull it out and then Stephen can send an email here's what happened, it qualifies, it doesn't qualify and if it qualifies we can lay out a plan to bring it back to the Board if that's what the Board wants to do and make that happen.

Commissioner Kovacs said can we get it on the agenda for the next meeting.

Mr. Roberts said I don't see why we can't. We just need to pull it out and see whether it qualifies, doesn't qualify. I remember the Board pushed it out waiting on the connection.

Commissioner Kovacs said I know we will be approving a new roof for Town Hall for the new fiscal year and we had put a new Town Hall on hold. Is it until June, if I recall.

Mr. Roberts said there is no funding in FY 23. I saw some public comment about we are funding Town Hall in FY 23. No, unless the Board tells us to, but we are bringing it back in June to kind of tell you where we are. As you know we've purchased some additional land, so the goal was to come back to you and seek some direction on where we move forward, but as of right now there is no funding in FY 23 for Town Hall.

Commissioner Kovacs said I just wanted to make sure we weren't going to do a new roof and then all of a sudden decide to demolish the building or something.

Mr. Roberts said if the Board says hold off, we are not doing a new town hall for years, then we would probably move forward. But if the Board said let's move in a different direction, I'd put MJ up there to throw down some tar.

Commissioner Kidwell said is this public hearing open until our next meeting.

Mayor Bales said no, I was getting ready to close it.

Commissioner Kidwell said I would like for it to stay open until our next meeting and then close it then and vote on it as needed.

Commissioner Kidwell made a motion to keep the public hearing open until June 6 at 6:00 p.m. at Huntersville Town Hall.

Commissioner Boone seconded motion.

Commissioner Boone said the very first page of the presentation, the \$217,000, that's the increase over Mr. Roberts' budget. What we did is we sat down here as a group and everybody picked and chose what I wanted and what you wanted and this thing has grown quite a bit. You have to have three votes to make this pass, so my thing is do we need to take a straw vote now to see if we need to have another meeting on this, or do you think it's ready to go to be passed after the June 6 public hearing.

Mayor Bales said the question to the Board then would be do you want another workshop and we can hear from you now or the Board can make that decision after this meeting and we can then turn around and promote it.

Commissioner Boone said do you think we should have a straw vote to see where everybody kind of stands with this budget and I think if there's four people that like this budget, there's no reason to have another meeting. I'm personally not going to be able to vote for this budget as it's stated right here.

Mayor Bales said so are you recommending a workshop.

Commissioner Boone said I am.

Mayor Bales said can we get with staff and schedule another time for a workshop.

Mr. Roberts said we'll do another doodle poll and feel out some dates and times and hopefully we can get everybody together.

Motion to keep public hearing open carried unanimously.

OTHER BUSINESS

Petition #S22-01. Petition #S22-01, Birkdale Landing Special Sign District, is a request by Firebirds International, LLC to create a Special Sign District Overlay for Birkdale Landing located at 16641 Birkdale Commons Parkway, Tax Parcel 00917184.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 8.*

Staff recommends approval based on the Master Sign Plan being consistent with the Huntersville 2040 Community Plan Policies LU-7, LU-7.2, LU-8 and LU-8.1. It is reasonable and in the public interest to approve this Special Sign District because it is consistent with the greater flexibility and form, style and design desired by the 2040 Community Plan. The Planning Board recommended approval at their April 26 meeting.

Commissioner Boone made a motion in considering the proposed Petition #S22-01, Birkdale Landings Special Sign District, the Town Board recommends approval based on the Master Sign Plan being consistent with the Huntersville 2040 Community Plan, specifically Policies LU-7, LU-7.2, LU-8 and LU-8.1. It is reasonable and in the public interest to approve the Special Sign District because it is consistent with the greater flexibility form style and design desired by the 2040 Community Plan.

Commissioner Partee seconded motion.

Motion carried unanimously.

Petition #TA22-03. Petition #TA22-03 is a request by the Town of Huntersville Planning Department to amend Article 8.9.1 and 12.2.2 related to clear sight triangles in order to comply with HB489.

Nathan Farber, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 9.*

The Planning Department, Huntersville Ordinances Advisory Board and the Planning Board all recommended approval.

Commissioner Partee made a motion in considering the proposed Amendment #TA22-03, the Town Board recommends approval based on the amendment being consistent with Policy T-4 of the 2040 Huntersville Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it improves necessity to maintain land development regulations in compliance with the State Statute 160A-306 Building Setback Line which was amended with the passing of HB489.

Commissioner Munger seconded motion.

Motion carried unanimously.

Petition #TA22-04. Petition #TA22-04 is a request by the Town of Huntersville Planning Department to remove the special use requirement for street facing solar panels in Article 9.54.1 and to reorganize and clean up Article 9.54 to bring the ordinance into full compliance with State Statute 160D-914.

Nathan Farber, Planner I, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 10.*

The Planning Department, Huntersville Ordinances Advisory Board and Planning Board all recommended approval.

Commissioner Boone made a motion in considering the proposed Amendment #TA22-04, the Town Board recommends approval based on the amendment being consistent with Policy EOS-9.1 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the proposed text amendment would make it easier on the application to apply for a minor solar facility within the Town of Huntersville.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

MAYOR COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Commended staff on success of the Farmer's Market.
- Lake Norman Economic Development Corporation is currently working 45 projects, 22 of which are in Huntersville.

- LNEDEC was awarded the Cross Community Collaboration award by the Centralina Regional Council for its workforce development initiatives.
- Next Metropolitan Transit Commission meeting is next week.

Commissioner Munger

- Encouraged anyone who did not do early voting, to vote in the primary tomorrow.
- Public Arts Commission met on May 11. The Sculpt Tour was approved for the ElectriCities Smart Communities Grant.
- Consider supporting local non-profits.

Commissioner Partee

- Recognized family present at meeting.
- Next meeting of the Greenway, Trails and Bikeway Commission is May 17.
- Next meeting of the Parks & Recreation Commission is May 18.
- Waymer Center will have African dance lessons for Juneteenth.
- Huntersville Police Department has gun safety locks available.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Phillips

- Provided update from Visit Lake Norman.
- Provided update from Ada Jenkins.

Commissioner Kidwell

- Next meeting of the Charlotte Regional Transportation Planning Organization is this Wednesday.
- North Mecklenburg Move Makers is looking for volunteers for Pottstown clean-up day on May 21.

Commissioner Kovacs

- Commended Parks & Recreation for success of the adult recess program.
- Provided update from Huntersville Chamber of Commerce.
- Provided update from Lake Norman Chamber of Commerce.

Commissioner Boone

- Congratulated area graduates.

There being no further business, the meeting was adjourned.

Approved this the 1st day of August 2022.