

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**June 6, 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 June 6, 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.

**New Town Hall Discussion.** Bobby Williams, Assistant Town Manager, reviewed alternate site suggestions for a new Town Hall. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

Following discussion of possible options, it was the general consensus of the Board to have staff get ideas on what something would look like designed on the current town hall property and the adjoining properties to the north to house all departments and also ideas on public engagement for the project.

**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 June 6, 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 expressed appreciation to retiring Officer Eric Johnston and K-9 Officer Cirro for their work to the community.

## **PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS**

Mayor Bales proclaimed June 26, 2022 as Jonahville AME Zion Church Day in the Town of Huntersville.

### ***Town of Huntersville Proclamation***

**Whereas**, June 26, 2022 marks the 155th Anniversary of Jonahville AME Zion Church which was founded one hundred fifty-five years ago in the year 1867. Jonahville was organized with the mission of meeting the needs of the people and connecting with the community of Huntersville by sharing the love of Christ with others; and

**Whereas**, we give pause, honor and praise this day for the countless years and numerous ways Jonahville has served the community, including feeding and providing clothing for those in need. Jonahville AME Zion Church has offered summer camp programs for the surrounding community while providing a safe and affordable place for working families to bring their children for care. One of Jonahville's visions is for the Huntersville community to be a safe place for all people as Jonahville continues to be a church that focuses on social justices as well as equality for all; and

**Whereas**, it is a pleasure to extend this expression of our esteem and best wishes to the members of this congregation on the memorable occasion of this Anniversary.

**Now, Therefore**, I, Melinda Bales, Mayor of the Town of Huntersville, do hereby proclaim June 26, 2022, as **Jonahville AME Zion Church Day** in the Town of Huntersville.

**In Witness Whereof**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 6<sup>th</sup> day of June 2022.

BeeJay Caldwell, 14521 New Haven Drive, said when it comes to gentrification, it does not bother anyone whose home is not in the designated area. I live in Pottstown, a targeted site. We are living in a resurgence of time when the same type of power that forced out the Native Americans may be forcing us out. My goal is to keep Pottstown gentrification on the minds of the citizens of Huntersville and make them aware of what is happening to us and that it could happen to them and their little piece of Heaven on earth. Before residents are completely erased, we are planning to commemorate its first and possible last Juneteenth celebration on Sunday, June 19, 2022, at Huntersville Rosenwald School No. 2 for Black Children. A formal program will begin at 5:15 p.m. to unveil its certification detailing its designation as a historic landmark. Mayor Bales, Board members and Town staff, you are cordially invited to join in this celebration at 508 Dellwood Drive in Huntersville. It is free and open to the public.

Rachel Zwipf, 13021 Central Avenue, said I just want to thank everybody that came out to the Pottstown pick-up a few weeks ago. It went well. Thank you to all the volunteers for a successful clean-up day. The residents got a lot out and we are very happy and pleased with the efforts. Secondly, I would like to ask the commissioners, I'm not sure if you guys are aware of this yet, but the summer hours have come out for the County's recreation centers and Waymer will be closing at 1 p.m. on Saturdays. I'm here asking if you guys can reach out to your colleagues at the County and ask them if we can please continue to keep those hours to the 4 p.m. timeframe that they are right now. They are proposing that the center be open from 9 a.m. to 1 p.m. which really takes a lot of community activities. The boys go down there and play basketball literally all day. And being that it's in the summer, we definitely would like to keep that open. We appreciate your efforts with the Juneteenth event coming up with the County. I know that you guys have a strong relationship with them. I will be addressing the County Commissioners tomorrow about this issue. It's just not at our rec center, but it's actually at a lot of the neighborhood recreational centers that they are closing early, so I'm going to be asking for a plea for those centers to please stay open. I ask if you will join me in that action.

Carol Swartz, 15305 Merlon Court, said I am here to support the LGBTQ+ non-discrimination ordinance. At the last Board meeting, speakers asserted that we don't have that problem here. Absence of evidence is not evidence of absence. We cannot know the extent of discrimination here until we provide a process for people to insist that they be treated fairly. The NDO is that process. As TV Detective Harry Bosch says, all of us matter or none of us matter. Another claim was that the NDO will hurt our businesses. One thing that is guaranteed to hurt any business is turning away paying customers and qualified employees because of what you imagine they do in their own homes. A reputation for discrimination can spread like wildfire. Can any business tolerate missing out on the top candidates for employment. Can any business afford to lose sales to the growing number of us who support the LGBTQ+ community. We know that all of us matter or none of us matter. Finally, an assertion was made that the NDO might force people to violate their deeply held religious beliefs. This is a claim that is often used selectively. Do you refuse service to those who take the name of your Lord in vain. Do you refuse to hire those who worship a different deity or none at all. Discriminating against LGBTQ+ people is not an act of love. All of us matter or none of us matter. We are living with problems of our own creation. We are building an uncertain and dangerous future. Our very nation is at risk. I look into this world and I know we have a choice. I try to choose the path of kindness, respect and hope. I work to choose tolerance for those who are not like me. I ask you to do the same. All of us matter or none of us matter. Pass the LGBTQ Non-discrimination ordinance.

Ann Kabaklian, 8712 Lindholm Drive, said I am the General Manager of Birkdale Village. I'm here tonight on behalf of North American Properties to thank you for considering our request to implement a social district within Birkdale Village. If approved, the social district will further enhance the sense of community we are cultivating at Birkdale. I'm happy to say that our tenants are eagerly awaiting the approval of the Birkdale Social District and have expressed great interest in participating and to be a part of the vision to bring our community together. As the stewards of Birkdale Village, North American Properties realizes the value our tenants bring to the community every single day. Our goal is to develop and hone our business model to ensure that our tenants have the opportunities that will contribute towards their success. It is our hope that the social district will become one of those opportunities. Thank you in advance for your consideration for the social district ordinance.

Alex Lacy, OrthoCarolina 10315 Hamptons Park Drive, said we built and opened our new office location in October 2020. We have 45 staff and medical professionals that work at our office daily and average 250 patient visits a day, with a maximum of over 300 on some days. Sixty percent of our patients are age 60 or older, many of whom will be or have recently had a major surgery. Many of those patients have expressed concern with the safety of having to exit our location due to the volume and speed of traffic on Route 21. Staff and physicians have to deal with the traffic on a daily basis. Around noon every day, the Ivybrook School lets out and cars get backed up trying to turn left onto Route 21. Our staff and providers only have a certain amount of time in between patient appointments for their lunchbreak and end up spending at least 10 minutes or longer trying to get out. Many staff and I have personally experienced close accidents trying to turn out. Not only do you have to watch for cars going upwards of 45 mph both ways, you have to watch for cars turning into Hamptons Park, as well as cars turning out of the Hamptons neighborhood, many times not knowing if they are turning or coming straight across. The volume of cars coming in and out of Hamptons Park only continues to increase with the new Arbor Ridge retirement community opening and another medical facility that is currently being built. In summary, I support and request a traffic light to be installed at the intersection of Route 21 and Northdowns Lane for the safety of all.

Bob Inskeep, 15801 Delancey Lane, said I'm in the Hamptons neighborhood and you've seen me before. With me also tonight is Leslie Welch who is the vice president of our Homeowners Association. I previously spoke at the March 21 Board meeting about the need for a traffic light at the intersection of Statesville Road, Northdowns Lane and Hampton Park Drive. Since that meeting, I've sent each of you a follow-up letter dated May 18 summarizing the continued interest in this temporary remedy on the part of the Hampton Park Professional Center businesses, Hamptons, and Greenfarm neighborhoods. That letter mentions the meeting that Hampton Board Member Leslie Welch and I attended on April 12 with Town Manager Anthony Roberts, Engineer Director Stephen Trott and Transportation Engineer Lora Mastrofrancesco. We appreciate the time and attention you all are devoting to this matter. As I mentioned, Alex is here and she has spoken. I'm here to request the Board's consideration for approving and funding a traffic light at this unsafe intersection that Alex spoke of, which will soon become busier when this final medical center opens. This is what we know at this time. First from the NCDOT on March 4, 2022, and I quote "We have evaluated the intersection and determined that it meets signal requirements." They call it warrants. "This means we would be agreeable to allowing a signal to be installed there." Second, from the same transmission, "At this time we do not have a funding source identified for the project." And third, still quoting, "The road widening project which is U-5771 is programmed to let in December 2024. We anticipate being able to meet the current let unless we run into significant issues with acquiring rights-of-way or getting utilities moved. While not determined for certain yet this project would anticipate taking three years to complete." We realize the light would be temporary. We know that. We still believe this intersection needs to operate in a more safe manner and to not operate in that manner until at least 2028 and we all know what happens to construction projects. They tend to get delayed. It's just too many opportunities for accidents. In fact, I'm seeing school buses take left turns out of our neighborhood and I've contacted Charlotte-Mecklenburg Schools to see if they want that to happen. I think it's unsafe for left turns for school buses anywhere, but especially right there at that intersection. That's our request is to hopefully get a light installed there at least for the time being until that road construction project is finished.

**Traffic Signal – Statesville Road at Northdowns Lane.** Stephen Trott, Director of Engineering, provided information related to a proposed traffic signal at US 21 at Northdowns Lane. *Refer to Exhibit No. 2.*

The Town received a request last fall for a traffic signal at the intersection. We collected traffic count data. Based on data collected, it did meet the volume warrants for a traffic signal. That information was forwarded to NCDOT. NCDOT concurred that a traffic signal was warranted but did not have the funding available to install one. NCDOT indicated they would allow the installation of a traffic signal if someone else funded it.

It was the general consensus of the Board to have Staff bring back options for installation of a traffic signal at Statesville Road at Northdowns Lane.

### **AGENDA CHANGES**

Commissioner Phillips made a motion to adopt the agenda.

Commissioner Partee seconded motion.

Motion carried unanimously.

## **CONSENT AGENDA**

**Approval of Minutes – Winter Retreat.** Commissioner Phillips made a motion to approve the minutes of the Town Board 2022 Winter Retreat. Commissioner Kovacs seconded motion. Motion carried unanimously.

**Approval of Minutes – April 4, 2022.** Commissioner Phillips made a motion to approve the minutes of the April 4, 2022 Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

**Approval of Minutes – April 18, 2022.** Commissioner Phillips made a motion to approve the minutes of the April 18, 2022 Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

**Property Tax Refund Reports.** Commissioner Phillips made a motion to approve Property Tax Refund Reports from Mecklenburg County. Commissioner Kovacs seconded motion. Motion carried unanimously.

*Property Tax Refund Reports attached hereto as Exhibit No. 3.*

**Budget Amendment – Grant Funds.** Commissioner Phillips made a motion to approve budget amendment appropriating grant funds by the Huntersville Police Department in the amount of \$22,719.99 to the Grant Revenue Account, Equipment Expense and Training Expense. Commissioner Kovacs seconded motion. Motion carried unanimously.

**Budget Amendment – Greenway.** Commissioner Phillips made a motion to approve budget amendment appropriating fund balance in the General Fund in the amount of \$120,000 for the Greenway Connection for the new Torrence Creek Trib #2 Greenway to the new Rosedale Nature Park. Commissioner Kovacs seconded motion. Motion carried unanimously.

## **PUBLIC HEARINGS**

**Petition #R21-13.** Mayor Bales called to order public hearing 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 at 11130, 11124, and 11116 Will Knox Road (Parcels # 00544332, 00544328, 00544329), to increase the units allowed and to modify the rezoning plan to a single unit senior living facility.

Brad Priest, Principal Planner, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

The Caldwell Station development was rezoned to Neighborhood Residential and Traditional Neighborhood Development Overlay in 1998. At that time, the parcels in question were proposed to be developed as office buildings. In 2006 the rezoning plan was amended for this parcel to allow senior living condominiums rather than office.

The purpose of this request is to modify the site plan again to increase the allowable senior living units from 108 units to 134 units and permit one single 3-story building versus the five 3-story buildings currently approved.

The applicants wish to keep the vesting of the plan intact. Staff is supportive of keeping the original vesting in this case. Staff recommends the applicants add a note to the plan requesting the Town Board continue the vesting through the zoning modification. Aspects of the plan that would remain vested include tree save, storm water, lighting, landscaping, and traffic impact analysis determination.

The rezoning modification changes the senior living facility from five separate 3-story buildings to one large 3-story building. The result along the street is a continuous 300' wide building along Will Knox Road. On the other side of Will Knox Road are existing individual single-family homes. The large massing of the proposed building then is inconsistent with the smaller buildings on the other side of the street. West of the proposed structure are townhome buildings that although larger than the single-family homes, are smaller in mass than the proposed complex. Article 3.2.3 D1 of the 1998 Zoning Ordinance (NR Zoning) requires that new development respect the massing of existing adjacent development. Staff has worked with the applicant to break up the footprint and setbacks of the building to more resemble two different masses, closer to the original 2006 plan. The applicant has broken that up with an updated plan they recently submitted.

The 2006 approved plan had a required 20' buffer around the perimeter of the property. This buffer is currently wooded with existing mature trees. The plan proposes to grade much of the buffer to the property line. Staff recommends a modification note be added to the plan requesting approval of grading in the buffer and a note describing how the buffer would be replanted.

The Caldwell Station apartments to the south of the development established a walking trail that stubs to this parcel for future connection. The applicants are proposing to continue the trail near the sidewalk stub, but the plan shows it stopping short of connecting. Staff recommends the trail include a bridge over the stream to finish the connection.

Staff recently received an updated plan from the applicant, but it was after the agenda deadline for the public hearing. On the updated plan the applicant moved the storm water pond and altered the foundation of a building to help with massing.

Staff supports the application. Staff supports the vesting as it is consistent with the Town Core principles in the 2040 Huntersville Plan. Staff will continue to work with the applicant to break up the mass along the front and make it consistent with what's across the street and then there is the recommendation to connect the amenity trail which the applicant is willing to do and then just the minor notes in the Staff Report.

Commissioner Partee said my question is centered around the building of quite a few senior complexes in the Town of Huntersville. As you know we have a plan to build a senior housing complex at the corner of Beatties Ford Road and Mt. Holly-Huntersville Road. There's a proposal that's going to build a senior complex at Neck Road and April Mist Road. Is the market still there for us to fill all these projects that are in the pipeline as far as senior housing?

Mr. Priest said I can't speak to the market at this time. That's something that we can try to take a look at in regard to seeing what resources we have available to do that. What I would say is that we do have it in the 2040 Plan that it's something that's encouraged and that we are looking to accommodate it. The market continues to bring them, so that's a telltale sign that people are willing to occupy them. At this time, as far as we know, the market is there and we're planning to encourage them in our 2040 Plan.

Commissioner Phillips said over the years as we have been given numbers on senior living like facilities – what’s been built, what’s not. Do you know if these numbers (the original numbers for this plan) have been included all that time?

Mr. Priest said my assumption would be yes, but I will double-check that.

Commissioner Kovacs said do we know what caused the change from that original plan with the different buildings into this one elongated one.

Mr. Priest said I would let the applicant speak to that. They are here, so if you would like to ask that question, the applicant could probably give you some background on the market in regard to that.

Commissioner Munger said what would the impact of this development for tree save, storm water, lighting, landscaping and traffic impact analysis be if the developer was required to adhere to today’s standards as opposed to the 1998 or 2006 standards that they are being allowed to follow

Mr. Priest said I went ahead and put a slide together (included in Exhibit No. 3) just to discuss that coordination between the old code and the new code and what they are proposing to do.

The 1998 ordinance didn’t really have a tree save ordinance. There was a general section in the code that said try to save as much as you can. Significant trees should be saved. In the updated plan we did get a tree survey back and there are a significant amount of trees in the green highlighted area where the stream is. There aren’t a lot of what we call in our ordinance now specimen trees. I think I counted five or six of them. I counted the rest of the area, there’s about 20-22 specimen trees on the site. They’re probably around the 30-40 percent tree save. Right now in our current ordinance, they’d only be required to save 10 percent of the specimen trees, so for tree save it’s probably a push. They are probably meeting the old ordinance and the new ordinance with what they are proposing to do right now.

The lighting ordinance, that could be a difference. We didn’t have too much of a lighting ordinance back in 1998 either. Everybody is going to LED, so if I had to guess they are going to be doing LED lights. They are going to be probably coming up to most of our code anyway, so there’s not going to be that much of a difference but something that we can talk to the applicant on and see what they are proposing to do.

We didn’t have an LID water quality ordinance back in 1998. However, if you are looking at the grading plan, the storm water plan, even though they are asking for vesting, they are actually proposing to do a sand filter, which is a water quality device which filters the water and cleans it. That’s something that they are proposing to do in this plan. It’s not a big difference with the current plan.

There was not a lot of landscaping requirements back in the 1998 ordinance. However, here we are surrounded by residential and what’s proposed is actually residential. In our current ordinance, they don’t necessarily need to have a buffer. What staff was requesting them to do was their altering and keeping vesting from an old plan that showed a 20’ buffer. We are simply asking if you are grading into the buffer, what kind of replanting are you doing, and to put that on there for clarification.

The TIA determination that was done was based on what was vested in 2006. If we just completely took out the 2006 plan and said you are coming in with 134 units, senior living, would it trip our threshold and the answer is no. Either way, old code, new code, the TIA would be the same. There would not be

one required. Again, going back to my first statement, there's just not a lot of difference between what's proposed on this plan and our current ordinance.

Commissioner Kidwell said I'm only counting about 141 parking spaces. Are we only factoring in one car per unit?

Mr. Priest said that's correct. They are meeting the minimum requirement and part of the way that they are meeting that requirement is the garages that are shown on the site. They are including that. A lot of times we'll get senior living complexes come in and when it's age restricted the general understanding that they continually come and tell us is that our clientele don't drive as much and so there's some validity to that because when you talk to Engineering and you are doing TIA trip thresholds, the numbers are lower for senior living facilities. They are meeting the bare minimum that it's very close for comfort, but at the same time they're meeting it and we're trusting that the market is going to be able to prove true with senior facilities.

Commissioner Kidwell said let's say this moves forward and it's senior living for a while and then it falls out of favor, market tanks and they sell the building and someone is going to turn it into apartments. Would it have to come back to a future board to be rezoned.

Mr. Priest said it would. There's a description on the rezoning plan saying it's going to be deed restricted senior living and my understanding is the applicant is proposing to put that in the deed so it could not be changed later.

Commissioner Kidwell said I don't want you to fail, I'm just looking at different possibilities.

Commissioner Kovacs said you explained the difference between the 1998 and current zoning. What would be the benefit of keeping the 1998 one? I'm worried about setting a precedent, so I'm just asking what would be the benefit.

Mr. Priest said I've had a recent talk with the applicant and there's not a lot. If they kept the vesting from 1998, they wouldn't be required to do water quality, they would only be required to do detention, which is different and less restrictive. They would not be required to do specific lighting on their building that might be a little bit more dark sky friendly. They wouldn't be required to do that, but looking at their plan, a lot of it they are already proposing to do what the current code is asking, so there might not be a need for it, but I would let the applicant answer that.

Jim Jervis, Calamar, presented information on their Connect55+ active lifestyle community. *Refer to PowerPoint presentation attached hereto as Exhibit No. 5.* We have about 38 or 40 existing properties spread in 10 states and so Huntersville is on our radar and has been. I grew up in Mecklenburg County. I live in Fort Mill now. I work for Calamar. All of our projects are deed restricted at 55 and above.

We are 55 and above community. It's one and two bedrooms. There's not a swimming pool or anything else like that. Turn over averages out to about 15 percent a year. This is independent living. We hire an activity director so there's all kinds of events and activities. We want people to be able to come and be with people with like interests. These folks want to lock it and leave it. They don't want the upkeep and the maintenance. We've got some properties out there that are going to spend several thousand dollars a month. We are going to be slightly more of what regular apartments are.

Commissioner Kovacs said what caused the change from the previous plan to this plan.

Mr. Jervis said I can't speak to the previous plan. I think the owner at the time was working with someone to buy and build condos, but it was going to be assisted living and skilled nursing. It wasn't independent living. Looking back at the history it led me to believe that they couldn't find the financing for what they needed to do. That's not really an issue for us because this is all we really do. We owned the first asset we ever developed. We're going to own it, we're going to manage it, it's not a flip or anything else like that. This will be corporate owner.

Commissioner Phillips said something I've heard about some of the places that have age restriction is that the applicant puts in 55 and up but sometimes they're moving their kids in, their grandkids.

Mr. Jervis said with the way our deed restrictions are written, and it's not a scenario where we want somebody moving in where you have one person that's 55 and they bring their kid. There's not a swimming pool so they are not going to be going to grandma's and grandpa's to go swimming. We've been doing this for 33 years and haven't had issue with it. When they sign the lease, it's explained.

Commissioner Boone said if you would give us your local address for the record, I don't think that was given.

Mr. Jervis said 306 Tinderbox Lane, Fort Mill, SC.

Commissioner Boone said I've been to several of these sites and the HVAC units that are on the roof work a lot better than those on the ground, just the fact that if you are outside talking and 132 A/C units come on, it's just not a pleasant atmosphere. I hope you look into that.

Mr. Jervis said I will definitely have discussions with our folks.

Commissioner Boone said you said you've been in business for 32 years. Can you tell me where your closest facility is to Huntersville.

Mr. Jervis said the closest facility that we have right now is Burlington. I think it's about 85 percent complete right now. We have property under contract in Concord. I have property under contract in Fort Mill.

Commissioner Boone said will you have staff on site 24/7 or just a program director during the day.

Mr. Jervis said there will be staff there during the day. We typically don't monitor it 24 hours, so we don't have someone overnight.

Commissioner Boone said I think you said that there will be no kitchens in these units.

Mr. Jervis said there will be kitchens, no central kitchen. It's like a regular apartment.

Commissioner Munger said so these are rental units, they do not own them.

Mr. Jervis said correct.

Commissioner Munger said you had mentioned and maybe I misheard it, what was the price point you were looking at. Give me an approximate.

Mr. Jervis said we look at the average rental rates, the market, then we factor in is there anybody else. I would guess that our one bedroom will probably be in the \$1,300 range and I think our two bedrooms will probably be in the \$1,500-1,600 range.

Commissioner Munger said our staff member spoke about LED lighting. Would you be willing to commit to providing LED lighting externally.

Mr. Jervis said I think certainly from our perspective we are looking to be a good neighbor. I think downlighting LED lighting makes perfect sense. Obviously, we want to try to save as many trees as possible. When people come to live here it's like any of the rest of us, we don't always look at a big parking lot or busy road, so we want to keep trees and everything because people are coming for a lifestyle.

Commissioner Munger said one of the issues I do have with this is it's a monstrous building compared to the buildings previously approved and you are right up on that road with houses across the street.

Mr. Jervis said we worked at trying to break up that building so it didn't have quite the massing. It's our position that we want to come back and build something that is a compliment.

Commissioner Partee said how has the neighborhood response been to public hearings to your project.

Mr. Jervis said I'll let Steve respond.

Steve Singleton, Director of Planning and Landscape Architecture with Bohler, said we are serving as Calamar's consultant on the rezoning process. Just a few slides (*refer to Exhibit No. 4*). I want to point out the 2040 Land Use Plan for Huntersville indicates the growing need for the 55 plus age group specifically. This kind of addresses that. This is the new plan that we kind of come up with and in reading the Staff Report and working with Brad and Planning we realized the biggest issue is the massing and we have had not one but two neighborhood meetings as well to address that with the neighbors specifically across the street. I think the biggest concern from neighbors was the scale and the removal of some of the vegetation. The latter I think for the vegetation we have addressed that. There's street trees along Will Knox that would be retained and/or replanted in the event they had to be removed or damaged. The other thing that we were going to try to do was soften further the massing of that building and so this plan shows where architecturally that building's been carved at. The idea is just to break up the building and create two different masses. One thought that we had and we are still working through is utilizing that space that's been carved out now in the front as an amenity for the building and for the users and still provide additional breaking up of that massing along Will Knox. This will be kind of hashed out during more of the design, but a thought is just kind of adding more trees and creating maybe a grove or a shady space. Adding more trees, creating that density of trees and just graphically you can kind of see that also further breaks up the massing and helps us. On the site plan previously submitted we had the water quality structure flow down on the site and it was impacting what ended up being identified as streams and so we have pushed that further south.

Commissioner Kidwell said I just pulled up the map. Lakeside Charter is right there. I've been down Old Statesville Road doing some inspections over in that neighborhood before and I've seen the cars kind of pile up and then go down that road. How will you guys integrate with the school.

Mr. Singleton said we actually had a representative from Lakeside Charter at our last neighborhood meeting. We got first-hand some of that same concern you just mentioned. The proposed driveway on the plan on the east side of the site, and this is per NCDOT, will be a right-in/right-out only, so there will be a median required on Will Knox. I'm not sure if that helps with Lakeside Charter or not, but their exit is further east towards Old Statesville Road, so they were okay with that plan at that time during the meeting.

Mr. Jervis said I think just to piggyback on what Steve is saying, I think right now they have limited access to left-hand turns during peak hours from Will Knox Road and from our perspective because we are such a low impact....we don't have people going to work or anything else like that during peak times, so we kind of followed the lead in what NCDOT told us and again meeting with the charter school and getting them involved in the talks, they feel it's less of an impact than what could be built.

Mayor Bales said you think that the residents that will live here would not work. Is that the expectation.

Mr. Jervis said if your average age is 67 up to 80 years old, you are going to have probably some folks that work part-time, but the vast majority of these folks are not working or are working part-time.

Mayor Bales said going back to a question that was asked earlier in regards to parking, how many parking spots do you currently have for this site.

Mr. Jervis said 141 spaces, plus I believe there are 45 or 48 garages that we will also have here that will add to the total. What I have done in the past has been able to showcase on previous projects that our parking ratios are typically much lower. About 80 percent of the folks that have a car, they have one car, not multiple cars. We have 20 percent that don't have a car.

Commissioner Kidwell said at your other locations what is your public transit system like, because up here you've got to go away to get to the bus.

Mr. Jervis said we're not typically located anywhere in most of the markets because we are in secondary or tertiary markets. We're not going to be in a Boston. We'll be 45 miles outside of a Boston or something like that. Huntersville is kind of very typical of what we do and where we like to plan our plat and build and so from public transportation, we've never really kind of factored into that because if it's there it's there. We don't rely a lot on public transportation.

Commissioner Phillips said could staff go ahead and put this on CATS radar because the last time they came and gave a presentation we talked about making sure that CATS was aware of senior living coming this way because of situations like this. It's not a request, it's not a demand, it's just some history. Your neighboring senior living in this area gave us 15 affordable units. They weren't vouchered units, but median income units, so just wanted to put that on your radar.

Commissioner Munger said given its location, have we had any communications with Cornelius and let them know that we might be doing this there?

Mr. Priest said no, we haven't.

Commissioner Munger said being a good neighbor you take one step in the right direction, let's just give them a heads up that we are potentially going to do something.

There being no further questions or comments, Mayor Bales closed the public hearing.

**Petition #TA22-05.** Mayor Bales called to order continuation of 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 the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

This public hearing was continued from May to give the Huntersville Ordinances Advisory Board an opportunity to review the petition.

The Huntersville Ordinances Advisory Board first heard this on April 7, 2022. On May 5, 2022, the HOAB recommended by a 5-4 vote making subdivision sketch plan an administrative staff approval subject to the text being thoroughly reviewed at the June HOAB meeting.

Rachel Zwipf, 13021 Central Avenue, said I come to you asking that the Board of Commissioners keep the quasi-judicial decision and hearing at the Board level and not pass it down to the administrative process. I believe that this is an important matter where other residents, whether or not they have standing or not, should be heard and their concerns be voiced to the commissioners. These are the people that I personally voted for and I'm pretty sure that most of the town had voted for the commissioners to come into place and I believe that it is important that they be able to come and speak to you guys on those matters because they are quasi-judicial for a reason. There are some areas that are not so clear but that they just be able to have that voice and you just be able to hear what they have to say. I think as your constituents the highest honor knowing that we can look you in the eye and that our voices and our pleas are being heard from you on these matters and that's why I think that the quasi-judicial should stay within the Board's realm for decision and not be passed down to administrative process.

Commissioner Kidwell said why wouldn't a variance appeal go to the Board of Adjustment.

Mr. Simoneau said it could. Huntersville has had any variance or appeal or interpretation of the Subdivision Ordinance go to the Town Board since the 90's, so it could go to the Board of Adjustment, but we just kept it the way it is today.

Commissioner Munger said the variance appeal process, if it went to the Town Board or Board of Adjustment, that's a process that's available to the applicant as well as neighbors or people with standing, so it's not just for the applicant, everyone would have that process.

Mr. Simoneau said yes.

Commissioner Munger said just a general statement. It's a very frustrating process and I absolutely understand what you are saying. One of the things that was kind of mentioned was that people's voice needs to be heard during this process. The part of the problem with quasi-judicial is if you don't have standing, your voice can't be heard. That is the frustration for us and we're trying to figure out the best way forward. I do hear what you are saying. It's a frustrating process.

Commissioner Partee said this is directed toward Ms. Sloop. On Page 6, the 5<sup>th</sup> paragraph, where K. Jones had asked you a question and your answer was “E. Sloop added that if everyone is allowed to speak at a quasi-judicial hearing it is a slippery slope because it becomes difficult to determine if a Board member, after hearing so many different things from people without standing, can remain impartial when making a quasi-judicial decision. She referenced the findings emailed to the NC Supreme Court fining Board members for compensatory damages when even one member of a Board is biased in a quasi-judicial decision.”

Emily Sloop, Town Attorney, said that’s actually not a direct quote. As to when someone could speak, let’s say that this Board decides to keep the process quasi-judicial and not move it to administrative, if someone wants to come and speak they are able to come and speak during the public comment period, but not actually at the quasi-judicial hearing itself and act as if they have standing. Even if they did come and speak at the public comment period, this Town Board cannot consider those public comments, however we can’t prevent them from speaking during the public comment period. As to the evidentiary hearing itself, to be able to actually participate as a party, meaning present evidence, call witnesses, call experts, etc., you have to establish standing. The statute does set forth who has standing and one of those categories would be someone who can prove special damages, but that does require very specific evidence. If we were to allow those that do not have standing to speak, I said that was a slippery slope because there’s no way to tell that this Board hasn’t improperly incorporated in testimony or comments from those without standing and thereby have their impartiality destroyed. If you based your decision on evidence that doesn’t meet the evidentiary standard, then a court could invalidate that decision.

Commissioner Kovacs said I have a question because we keep coming back to one of the same things about quasi-judicial is defining who has standing and I feel like every time we get a different answer when quasi-judicial comes up and observing meetings in the past and what not I see people that are allowed to speak but then someone in the same situation isn’t allowed to speak and it seems like there’s nothing set in stone. I know you referenced it’s written, but then it’s open to interpretation.

Ms. Sloop said it’s based on the facts presented so it’s really a case-by-case determination. There’s no clearcut rule as to who has standing when they are basing it on special damages. It is clearcut in the statute that the applicant, the owner, the Town has standing. Those are clearcut. But when it comes to basing it off of special damages, you have to take into consideration the evidence presented in that specific case.

Commissioner Kovacs said for instance, I’ve seen where the applicant is an owner of property and they are considered an expert and they can talk about property value, but a neighbor who has property just across the street isn’t considered an expert on their own property value.

Ms. Sloop said the difference is that the applicant already has standing automatically per the statute, so they can talk about their own property, but someone who is a neighbor, they don’t necessarily automatically have standing. They would have to prove special damages. They cannot speak to how approving the subdivision or disapproving it would affect the value of their property, which is not subject to the application without an expert witness. They would have to have expert testimony from an appraiser to establish that.

Commissioner Kovacs said I’m trying not to get into details about what I’m thinking about, but that situation didn’t play out that way, but nonetheless I’m not okay with this going to the Planning Department for some of the reasons that residents have expressed. They want to be able to have their voice heard. I echo the fact that it’s unbelievably frustrating to have to walk out of a room if people

want to talk about a quasi-judicial process that's going to be happening or to not be able to talk to our constituents that elected us, but at the same time at least being able for them to speak during the public hearing they got to say something, they didn't have decisions made behind closed doors. So as much as I hate doing quasi-judicial, if it's between that and going directly to Planning Staff, then I'm not okay with this.

Commissioner Partee said I'm trying to follow administrative. If we decide to move it administratively, would it be the Planning Board that would make decisions or the Board of Adjustment.

Mr. Simoneau said as we prepared the draft, it would be the Planning Staff. It would not have to go to the Planning Board. It would not go to the Board of Adjustment. It would not go to the Town Board. It would be staff.

Commissioner Partee said I was concerned about the Board of Adjustment.....somewhere in there the Board of Adjustment would have to be able to hear the variance.

Ms. Sloop said during the HOAB process a question had come up about if someone doesn't agree with staff's decision, where would the appeal go. As of right now the draft is written as it would remain the same as it is right now. The appeal would go to the Town Board with a recommendation from Planning Board prior to going to the Town Board. We didn't change that. But there was a question that was raised could it go to the Board of Adjustment instead of the Town Board and so that's where we kind of had some dialogue, some discussion, that yes that is allowed per the statute, but the current draft has it coming to the Town Board and that's no change from the current ordinance as written.

Commissioner Phillips said I would like this quasi-judicial stuff to never go to the Planning Board because we as a Board can watch their meetings. I don't because I'm terrified of going to jail if you guys haven't caught on over the years. Also, Planning Board seems to get a little political sometimes and they are not the ones who do the ethics training etc. that we have to do. I think all this is great and lovely and everything my dreams are made of, but I would like to get rid of the Planning Board part of it. I think that this town is going to mess around with quasi-judicial one day and we are going to get sued and we are going to get sued big time. If you look at the list of all the other municipalities that don't do this, we are living in Mayberry times but yet trying to keep up and we can't even keep up with places half our size like Cornelius. I have sat here and watched people not disclose information that sat on this board that should have disclosed during quasi-judicial, like campaign donations, being friends with people that were speaking, etc. I overshare which is a problem, but a good problem sometimes. And the thing is, it's not even about this Board sitting up here, it's about our town and at the end of the day by-right is by-right is by-right and you may not like what your neighbors are doing, but it's their right and I feel like we're in the weeds with quasi-judicial and as I keep watching it over and over again I think that we are doing a disservice to our town and making things really complicated because I'd rather be able to sit and talk to a citizen about an issue, maybe be able to go talk to staff.....just like we did earlier with our presenters, we can't make requests, we can't make demands, but we can at least gently lead like these are concerns coming this way. I see it as an opportunity to actually be able to communicate with our citizens more and do it in a way that none of us are giving up our integrity or the morals of this town and the values that we swore to when we took our oaths.

Commissioner Kidwell said this is just a mess. Bottom-line is the process still allows us to talk to people. It still will allow me to go talk to the citizens as long as I disclose that I talked to citizens. But there is no way on God's green earth you can't say after talking with the people out there, whether it's developers or the citizens, that doesn't have some impact on you. I don't care if they're staff or if you are an

elected official, Planning Board, anybody. I don't know what the right answer is. I'm going to continue to do my job. I'm going to talk to the individuals that are involved. I'm going to hear their case and I'm going to weigh it all out up here and I'll either get recused or spill the beans up here and say everything I know and then let it fall. But I did watch as Commissioner Kovacs talked about one landowner in standing, one person was told they're not in standing due to some reason or other, but in my opinion every taxpaying citizen has standing in this town and should be allowed to come up and speak on these matters and be heard.

There being no further questions or comments, Mayor Bales closed the public hearing.

**Traffic Calming – Greenway Drive.** Mayor Bales called to order public hearing regarding Traffic Calming Measures on Greenway Drive.

Lora Mastrofrancesco, Transportation Engineer/Project Manager, reviewed data collection results and options for traffic calming. *Refer to Exhibit No. 7.*

Emily Sloop, Town Attorney, suggested Commissioner Kovacs be recused from the discussion since an option for speed hump location is in front of her home.

Commissioner Boone made a motion to recuse Commissioner Kovacs during this discussion. Commissioner Munger seconded motion. Motion carried unanimously.

Commissioner Boone requested staff contact Fire Chief Dotoli to get his feedback on speed humps being installed on Greenway Street.

Commissioner Boone made a motion to bring back Commissioner Kovacs.

Commissioner Munger seconded motion. Motion carried with five (5) yes votes.

The Town Board requested staff bring this back for a decision on July 18, 2022.

There being no further business, Mayor Bales closed the public hearing.

**Proposed Budget for FY23.** Mayor Bales called to order continuation of public hearing to receive comments on the proposed budget for FY 2023.

Anthony Roberts, Town Manager, highlighted updates to the Town Manager's Recommended Budget. *Refer to PowerPoint attached hereto as Exhibit No. 8.*

There being no questions or comments, Mayor Bales closed the public hearing.

### **OTHER BUSINESS**

**Budget Ordinance FY 2023.** Commissioner Kidwell made a motion to recuse Commissioner Phillips, Commissioner Munger and Dan Boone from Item 10.A

Motion died due to lack of second.

Commissioner Kidwell said according to an e-mail sent by the Town Attorney back in December, the SB473 which was passed into law under 14-234-3, now prohibits public officials from knowingly participating in making or administering contracts with any non-profit with which the official is associated. Associated is defined in this section as being director, officer, board member of the non-profit. Organizations created by the state or local governments are excluded. It should also be noted that 14.234.3 under Other External Agencies we are putting \$150,000 of taxpayer money to non-profits in which Board members are sitting on, therefore I reinstate my thing where they should be recused and they are in violation of state law. I contacted the State Attorney's Office on it and a personal attorney to confirm.

Emily Sloop, Town Attorney, said back at one of the pre-meetings we already had with regards to this budget process, the Town Board did go through the proper recusal process when determining the amounts that would be going to the external agencies and at that time we went ahead and drew up the contracts. They've already been sent, obviously contingent on budget funding, so technically this would not be making a contract. Those have already been approved with the proper recusals in place and entered into again pending budget approval. We also, meaning myself and Staff Attorney Jacob Glass, contacted UNC School of Government experts as well as experts from the League of Municipalities, as well as conferred with all of the attorneys that are members of the local government lawyer list serve across the state of North Carolina, and they recommended that the process that we followed would not violate SB473 and so that is the process that we went with and I also in my own personal opinion do not believe we are violating that statute.

Commissioner Kidwell said this budget gives a huge increase to elected official pay. When we talk about when the senate up in Washington, DC decides to give themselves an increase in pay everybody out here in the public are always like oh my God, I can't believe you voted yourselves a pay increase when this is going on, yet it happens locally. So those few watching at home, pay attention to your budgets locally here at the municipalities because the increase is not just this year, it will be an increase year after year, as currently written.

Commissioner Munger made a motion to adopt the FY2023 Budget Ordinance that is in the packet which reflects the updates on the slide just presented by our Town Manager.

Commissioner Partee seconded motion.

Commissioner Boone said I've been up here and gone through a few budgets and I'm going to break this up a little bit. If you recall, we had a budget workshop and the Fire Department couldn't be at that budget workshop and they gave their presentation a couple of weeks earlier. Chief Dotoli in his budget had a \$1 increase for the firefighters and that \$1 increase was generated in the original Town Manager's budget. And then we get together at a budget meeting of the commissioners and the other directors and then all of a sudden it's a money grab. We go from a 7 percent increase, now we were at as high as 11 and you look at this budget right now and there's nothing additional for the fire department, nothing, except what you requested. Every other department requested the same thing that you said, but they are getting additional dollars. It's not fair. We all talk about first responders, the people who take care of us, we are definitely not taking care of them. I'm not going to support this budget and it's the first time that I can ever remember that a town has gone over the Town Manager's suggested budget. There's a 67 percent increase in the non-profits and I am on a non-profit. I was on a non-profit before I was a commissioner. If we want to be good stewards of the money, we just can't pass this budget of over \$100 million.

Commissioner Kovacs said Commissioner Boone, you said that you can't support it because we're so far in it and because we raised salaries, but you requested a \$2.50 an hour raise which equates to almost double the maximum percent for the other employees. I'm confused about is the problem for all of it as a whole, or for the 9 percent.

Commissioner Boone said you've got to remember what a Town Manager does in his budget. He makes a suggestion and usually there's some wiggle room usually down, not that much above. When I went \$2 above what the Chief suggested, I'm saying the Chief's not even here to represent the people that work for him and all we are doing is increasing the other town employees and not the fire department. I started at \$2 and I heard that it went down to 75 cents and now it's completely out, it's completely gone. The next time you look at a firefighter in Huntersville, say I'm sorry we've got money for everybody else but not you.

Commissioner Munger said unfortunately some members of this Board failed to negotiate in good faith and by that I mean I had an agreement.....you and I, Commissioner Boone, stepped out there in the hallway when the budget workshop happened and you said \$1.50 for the fire department. I agreed to it. We had 9 percent. We agreed to it. And then three weeks ago with that agreement in place, you said I cannot support this budget. I'm not done speaking. It blows me away. At least Commissioner Kidwell I'll give you credit, you said no from the beginning. I respect that. You didn't change your opinion. You never did. You said no, we disagree respectfully. When someone says I'm going to make a deal with you and I'm going to agree to this and we are going to get a little bit on both sides.....and to be clear the \$1.50 extra is \$438,000. That was the additional \$1.50. And I was fine with that because our firefighters do deserve the respect for the job they do. What will absolutely drive me insane is when someone says I agree to it and turn around and change their mind and just stabs them in the back. That doesn't fly with me. So, to make it sound like we are blissfully unaware of how much we are spending and just throwing it around and not throwing it at the right people, you negotiate in good faith and you will get what you want. But when you negotiate in bad faith, this is what happens.

Commissioner Boone said I'm going to respond to that. I'm just going to tell you that I've done this budgeting process a lot more than you have done. And don't you sit down there and bang on this dais and try to scold me because you are sitting here and spending money that we don't have and all you are looking at is a year from now is a tax increase.

Commissioner Phillips said I'm voting for this budget. First one I've ever voted for. I'm taking ownership of the things that I have pushed for for years including splash pad, killing this David Kenney thing partially and raises for the Town Board which will make this process easier for all people to be elected. I've never voted for a budget before, but the thing is you've got to give and take, and I feel very blessed and happy that things I have asked for and cared about over the years are finally being acknowledged and I think this is going to be a good thing for our town.

Mayor Bales called for the vote.

Motion carried 4 to 2 Kidwell and Boone opposed.

*Budget Ordinance attached hereto as Exhibit No. 9.*

**David Kenney Farm Road Traffic Calming.** Stephen Trott, Director of Engineering, reviewed the request for traffic calming on David Kenney Farm Road. *Refer to PowerPoint attached hereto as Exhibit No. 10.*

Commissioner Phillips made a motion to approve five speed humps on David Kenney Farm Road because they've been a long time coming.

Commissioner Kovacs seconded motion.

Commissioner Munger said I struggled with this one simply because, to the Mayor's point, we deferred action on the David Kenney Farm Road Extension until 2025 and we don't know exactly what impact that extension will have. One could easily argue that it will exasperate the issue, it will become a cut through, it certainly has the potential for increasing speeds, and increasing traffic volume. I hear what Commissioner Phillips said. We have addressed other areas where it's been somewhat of a dead-end, it's just when it's local traffic all the people who live here should know better. I don't know if I can support this one.

Mayor Bales said I would also say that Northpoint we did not put speed humps in.

Commissioner Phillips said not yet.

Mayor Bales said they requested not to move forward, is that not right.

Mr. Trott said they requested to be removed from the process.

Commissioner Phillips said but we were still entertaining it on their behalf even though it's a dead-end road and you think of places like Cedarfield and not with some of our older communities that have speed humps and the thing is yes, people shouldn't speed. I deal with it every day, but the thing is they do and you have to take into account how delivery is part of our lives now – Uber, Amazon, all the big ones, so while the people who live there may know better, your delivery people may not and what's five speed humps if that can save somebody's life and save their kids and make them feel safer in their own community because this is an older community that everything's grown up around and I feel like this is a good first step if we ever do extend onto the David Kenney and 73, then at least we have the calming devices ahead of the chaos. I want to be preemptive instead of waiting until bad things happen.

Commissioner Munger said kind of to that end, I do understand what you are saying. My suggestion wouldn't be that we say no and we're never going to do this. It would simply be to defer action for two years which would still put it in front of the actual extension and address it.

Commissioner Kidwell said Commissioner Phillips you brought up the cost of a human life. According to FEMA, the estimated value of a statistical life in the United States is \$7.5 million. I just want to throw that number out there for you.

Commissioner Phillips said that's more expensive than putting in speed humps, so there you go.

Commissioner Kovacs said I just wanted to say obviously I'm in favor of this because I seconded this and at the last meeting I kind of pestered you about this after we had a resident speak. The speed study was done in 2018 it said. I would make a strong assumption that it has not gotten better if we had residents coming to speak to us at Town Board meetings and I don't want to hold them accountable for having to wait until we do projects or NCDOT does them, so I think it's imperative to make it safe for them and obviously I am in favor of this.

Commissioner Partee said I was on the Planning Board when this came before us and I'm surprised it has taken this long to institute these speed humps and the community was for it at the time I was sitting on the Planning Board, so I'm for this also.

Mayor Bales called for the vote.

Motion carried 5 to 1, with Commissioner Munger opposed.

**Social District Ordinance.** Emily Sloop, Town Attorney, reviewed Birkdale Social District Maintenance and Operations Plan and proposed Social District Ordinance.

Commissioner Phillips made a motion to adopt an ordinance to amend the Town of Huntersville Code of Ordinances by revising Sections 113.01 and 130.02 and adding Chapter 911.

Commissioner Partee seconded motion.

Mayor Bales called for the vote to adopt ordinance to amend the Code of Ordinances.

Motion carried unanimously.

*Social District Ordinance and Birkdale Social District Maintenance and Operations Plan attached hereto as Exhibit No. 11.*

**Planning Board Appointments.** Three seats filled by Jeff Sny, Greg Baber and Trina Loomis are expiring on June 30, 2022. The current members have expressed a desire to be considered for reappointment.

Commissioner Boone made a motion that we delay appointments to the Planning Board to June 21 due to the fact that we did not have all the applicants in the agenda packet and I would also like to suggest that we put the names back on the applications.

Motion died due to the lack for a second.

Commissioner Boone said I guess I will amend my own motion to take the names off the applications and we'll try to figure out who incumbents are and everything else.

Mayor Bales said the motion is to delay until June 21, 2022.

Commissioner Boone yes.

Commissioner Kovacs seconded motion.

Mayor Bales called for the vote to defer appointments to June 21, 2022.

Motion carried unanimously.

**Board of Adjustment Appointments.** Three seats filled by Michelle Bennett as a regular seated member, Kevin Bray and John Carbonell as alternate members, have terms expiring June 30, 2022. Michelle Bennett and John Carbonell have confirmed they would like to be considered for reappointment.

Commissioner Munger said I don't know who would be able to answer this, but is it typical if you are renominating someone for a seat that they would be renominated for the seat that they currently hold.

Emily Sloop, Town Attorney, said I would actually suggest that you do the regular seated member separately from the alternates just so it's clear that you are appointing a regular member and then appointing the two alternates. And then yes to the question as to the seat that they fill.

Mayor Bales called for nominations for Town Seat 3.

Commissioner Munger nominated Michelle Bennett.

Commissioner Partee nominated Michelle Bennett.

Commissioner Phillips nominated Michelle Bennett.

Commissioner Kidwell nominated Michelle Bennett.

Commissioner Kovacs nominated Michelle Bennett.

Commissioner Boone said I'm going to go along with everybody, but this is what I'm trying to show you, it's not fair to all concerned. The people who are up, we don't even have what their resume looks like. We have their name and their seats, but the people who are volunteering and who want to work on the Board of Adjustment, all they have is Applicant #1 and Applicant #2 and in my point of view that is not fair. I'll go with Bennett.

Commissioner Boone made a motion to appoint Michelle Bennett to Town Seat 3.

Commissioner Munger seconded motion.

Motion carried unanimously

Mayor Bales called for nominations for Alternate Member Town Seat 2.

Commissioner Munger nominated Applicant #1.

Commissioner Partee nominated Applicant #2.

Commissioner Phillips nominated Applicant #1.

Commissioner Kidwell nominated Applicant #1.

Commissioner Kovacs nominated Applicant #1.

Commissioner Boone nominated John Carbonell.

Commissioner Phillips made a motion to appoint Applicant #1 to Alternate Member Town Seat 2.

Commissioner Munger seconded motion.

Motion carried 5 to 1, with Commissioner Boone opposed.

Applicant #1 is Christopher Price.

Mayor Bales called for nominations for Alternate Member ETJ or Town.

Commissioner Munger nominated John Carbonell.

Commissioner Partee nominated John Carbonell.

Commissioner Phillips nominated John Carbonell.

Commissioner Kidwell nominated John Carbonell.  
Commissioner Kovacs nominated John Carbonell.  
Commissioner Boone nominated John Carbonell.

Commissioner Boone made a motion to appoint John Carbonell to Alternate Member ETJ or Town seat.

Commissioner Munger seconded motion.

Motion carried unanimously.

**Downtown Plan Steering Committee Appointment.** On May 11, 2022, Don Gest resigned from the Downtown Plan Steering Committee due to professional and personal obligations that hindered his attendance. Staff recommends that a replacement member be appointed to the Downtown Plan Steering Committee.

Commissioner Kovacs made a motion to move one of our ex officio members to a voting position and not replace the ex officio position due to the fact that we are so far into this process. We were recently provided the attendance record for all members that are on the board so I think that would be helpful for us to know who to appoint. I want to take a person that was ex officio and put them into a voting position based off of the attendance that we just had, so I would like to appoint.....

Mayor Bales said point of clarification, is this something we can do according to the bylaws.

Emily Sloop, Town Attorney, said the bylaws would need to be updated to reflect the increase in voting members and decrease in non-voting members.

Commissioner Munger said are we bypassing the normal process of each person giving a name and then instead trying to do a change to the bylaws and shifting it. I just wanted some clarification on that.

Ms. Sloop said my understanding is that you simply want to move a member who is currently non-voting to voting and you do not want to appoint someone to the non-voting membership, so it wouldn't be an appointment, it would just be amending those bylaws to change the voting membership and decreasing the non-voting membership.

Commissioner Munger said but that would be based on a belief that all members are in agreement with that.

Commissioner Partee said wouldn't that be an unreadiness in this particular instance because we all weren't consulted.

Ms. Sloop said that's why you can vote yes or no.

Mayor Bales said does everyone feel comfortable with this shifting of an individual from ex officio to voting.

Commissioner Partee said I just want to ask the Board why was I not consulted on this particular issue or plan to move somebody.

Mayor Bales said you are hearing it for the first time like me.

Commissioner Partee said do you have a name in mind.

Commissioner Kovacs said I just looked at the attendance, people that had perfect attendance. It's not anything that's against you, we got the attendance due to the fact that we had people that were absent frequently and so when I looked at the attendance, we saw people that had perfect attendance and I just chose the person that could actually be appointed to a board.

Commissioner Partee said I'm just asking that if you did choose somebody you should reach out and just give a name, that's all I'm requesting.

Mayor Bales said I do understand what he is saying, I think coming in with one perceived way we were going to work through this process, to change it which isn't a huge deal, just to communicated. Communication is important.

Commissioner Kidwell said if we are going to update things, who is the representative for the Huntersville Chamber of Commerce.

Commissioner Kovacs said John McClelland.

Mayor Bales called for a 2-minute recess to allow Commissioner Kovacs to draft her motion.

Upon reconvening, Commissioner Kovacs made a motion to amend the Downtown Steering Committee Bylaws, removing Barbara Gerhardt from Section 4 and adding her to Section 3. As a result, the voting members remain at 15 and non-voting members will now be 7. Also, the name Don Gest will be removed from Section 3 and then in Section 4, the name Jill Swain to represent the Huntersville Chamber of Commerce will be changed to reflect John McClelland.

Commissioner Boone seconded motion.

Commissioner Munger said I'd like to make a substitute motion to keep the bylaws as they currently are, officially designate John McClelland as the Huntersville Chamber Representative, and I nominate Lindsay Krone to replace Don Gest.

Motion died due to lack of a second.

Mayor Bales called for the vote on the original motion.

Motion carried unanimously. Commissioner Partee abstained, which was recorded as an affirmative vote.

**Huntersville Ordinances Advisory Board Bylaws.** Emily Sloop, Town Attorney, reviewed items in the Bylaws that staff would like clarification.

Commissioner Munger made a motion to amend Section 2-1 of the Huntersville Ordinances Advisory Board Bylaws by removing the ex officio Town Board member from the voting membership of the Huntersville Ordinances Advisory Board and adding the ex officio Town Board member to the non-voting membership of the Huntersville Ordinances Advisory Board. The number of voting and non-voting

members should be updated to reflect a total of nine voting members, eight of which are at-large members and four non-voting members.

Commissioner Partee seconded motion.

Mayor Bales called for the vote.

Motion carried unanimously.

*Amended Bylaws attached hereto as Exhibit No. 12.*

### **MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS**

Mayor Bales

- Chris McGill, Plant Manager at Southwire, recently passed away.
- On June 14, some Board members will go to Raleigh to speak with legislators to advocate for the Town's legislative agenda.

Commissioner Munger

- Next Municipal Education Advisory Committee (MEAC) meeting is tomorrow.
- Next meeting of the Public Arts Commission is June 8.
- Consider supporting local non-profits.

Commissioner Partee

- Announced Juneteenth month celebrations.
- Urged North Carolina House of Representatives, senators and elected officials to pass gun safety laws.
- Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Phillips

- Charlotte-Mecklenburg Animal Care and Control is getting close to being at capacity. Consider fostering, providing staycations or daycations.

Commissioner Kidwell

- Provided update on Charlotte Regional Transportation Planning Organization meeting.

Commissioner Kovacs

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

Commissioner Kidwell announced that Parks & Recreation will be hosting LalaCaboosa.

Mayor Bales announced a groundbreaking ceremony for the Aspire Trade High School will be held on Thursday.

Commissioner Munger said on May 14 an 18-year-old gunman opened fire in a grocery store in Buffalo, NY targeting members of the African American Community. He killed 10 and injured 3 others. On May 24, an 18-year-old gunman opened fire in an elementary school in Uvalde Texas. He killed 19 children

between the ages of 9 and 11. He also killed two teachers. Additionally, he injured 18 other people. In the last 30 days there have been 69 mass shootings – 94 people have been killed, 332 have been injured. I ask our legislators, when are you actually going to do something. By something, I mean raise the age limit to buy a gun to 21 years of age. Allow the creation of red flag laws. Require universal background checks prior to purchasing a firearm. Ban bump stocks. Reinstate the assault weapons ban. Do something because your thoughts and prayers have done nothing for us.

Commissioner Boone requested Major Graham email the Board the number of school resource officers that are in area elementary schools.

Mayor Bales reminded everyone of the Farmer's Market on Saturday.

There being no further business, the meeting was adjourned.

Approved this the 15<sup>th</sup> day of August 2022.