

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**June 21, 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 5:30 p.m. on June 21, 2022.

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

Mayor Bales called the Pre-meeting to order.

Closed Session. Commissioner Phillips made a motion to go into closed session pursuant to N.C.G.S. 143-318.11(a)(5) to instruct staff or negotiating agents concerning the price and other material terms for the acquisition of real property.

Commissioner Kidwell seconded motion.

Mayor Bales called for a roll call vote.

Commissioner Boone – Approve
Commissioner Kovacs – Approve
Commissioner Kidwell – Approve
Commissioner Phillips – Approve
Commissioner Partee – Approve
Commissioner Munger – Approve

Upon return from closed session, the pre-meeting was adjourned.

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on June 21, 2022.

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

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 Kidwell requested the Deputy Town Manager explain the budget amendment on the Consent Agenda appropriating a local option transit tax revenue in the amount of \$635,000 to the transit tax expense account.

Jackie Huffman, Deputy Town Manager, said since inception in about 1998, a portion of the transit tax has come to us. It sits in our bank account and we transfer that to Charlotte a couple of days later. For the first couple of decades, we treated that as a balance sheet item. We did not budget a revenue or an expense. In the last two or three years our auditors have told us that the preferred accounting treatment is that we budget a revenue for that and an offsetting expense. There's no change to our fund balance. We don't get to keep a penny of it. Because consumer spending has been so high this year, our revenue is up appreciably and so our expense will be up as well. For the two months of transit tax that we will accrue back into FY22, we need this budget amendment to make sure that we can meet the obligation to transfer those funds.

Commissioner Kidwell requested the Deputy Town Manager provide detail on budget amendment on the Consent Agenda appropriating community emergency needs contributions in the amount of \$9,727.22 to the Miscellaneous Expense Community Emergency Needs expense account.

Ms. Huffman said we receive donations from businesses that assist us when police officers arrive on a scene and there is a particular need. It might be someone who is in need of a meal, a cup of coffee. Rather than a police officer paying that out of pocket we have businesses who have donated to us to provide that. We are doing this budget amendment at year end so we recognize an exact offsetting revenue and expense associated with funding that.

Commissioner Kidwell said we have some wonderful businesses in town that do this for our police officers and they do this anonymously, so this is just a simple recognition of the great people we have running companies and businesses in our community.

Commissioner Boone said Jackie Huffman and I had a conversation last week concerning ElectriCities' cut-off policy in extreme cold or heat. Approximately 51 residents had their second notice to have their power cut off when it was 95 degrees outside and I was asking the question who makes the decision to cut it off. We will be working on this in the next few weeks to find out if it is a Board decision or an ElectriCities decision.

Ms. Huffman said ElectriCities manages our electric system that we own. We'll talk to them and probably take a look at whether our high temperature or low temperature are numbers we are comfortable with and bring a recommendation back to you.

Mayor Bales noted that Commissioner Munger is present via telephone.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales proclaimed the month of July 2022 as Parks and Recreation Month in the Town of Huntersville.

Town of Huntersville Proclamation

Whereas, parks and recreation is an integral part of communities throughout this country, including the state of North Carolina and the Town of Huntersville; and

Whereas, parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

Whereas, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

Whereas, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, natural areas and many other activities designed to promote active lifestyles; and

Whereas, parks and recreation programming, events, and education activities, such as out- of-school time programming, youth sports and environmental education, are critical to childhood development; and

Whereas, parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

Whereas, the Huntersville Parks & Recreation Department was created in 1995 and now serves more than 1.5 million visitors per year to its local parks; and

Whereas, our parks and natural recreation areas ensure the ecological beauty of our state and provide a place for children and adults to connect with nature and recreate outdoors; and

Whereas, the U.S. House of Representatives has designated July as Parks and Recreation Month.

Now, Therefore, I, Melinda Bales, Mayor of the Town of Huntersville, do hereby proclaim the month of July as Parks and Recreation Month in the Town of Huntersville.

In Witness Whereof, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 21st day of June 2022.

Timothy Kidd, Hamptons, said I'm here today to ask you to help us get a traffic light at the end of Northdowns Lane and 21. I understand it could cost up to \$200,000 to put a traffic light there. What's the value of one life. That's a place that's going to kill somebody real quick. I've got a cop background. I'm a combat Veteran and I don't want to die. Please help us out.

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board. *Refer to written comments attached hereto as Exhibit No. 1.*

Amy Hallman, 100 Cambridge Road, (Taylor Hutto gave her 3 minutes to Ms. Hallman), last year with the promise of a Downtown Steering Committee, people of all backgrounds were excited. It has been skewed since the beginning. I'm disappointed in how the committee has been treated and it is a shame that the previous board created this committee to fail.

The person who created the structure of the Downtown Steering Committee is responsible for pitting the members against one another in nearly perfect teams in what seems to be a distraction while the design firm just writes the plan. The structure wasn't an accident. You don't get to stand back and say I

didn't know. The same person has promised to attend every meeting because getting downtown development right was that important. That person has attended maybe one and a half meetings.

If you don't know what Mr. Potato Heading is in that context of downtown, you're not paying attention. By the way, it hasn't happened and the committee was promised it. It certainly doesn't convey the commitment to getting downtown development right.

The Board members who say that the committee should focus on commonalities and not their differences clearly have not been watching the meetings. Committee members haven't been able to. They have hardly been given an opportunity to speak and when they do, no real dialogue happens because of the round robin participation style of leadership and the aisle pass response to all of about a third of the committee members.

The committee's Town representative has vacillated regularly. This week he wanted all further motions to be listed as actionable items in the agenda. But after a motion put forth by the Chair's side, he didn't make the same request. He had said the committee would not discuss hot button topics but has since walked that back. This person continues to insert the opinion that transportation is the biggest downtown issue and despite being met with discussion, the design team continues to say treat the cars a guest. Still each meeting comes back to transportation causing deeper rifts among committee members.

He told the committee that it would not make decisions or have many votes, but the members of this Board are already saying the committee needs to come up with an agreement on what needs to go where, literally plotting what goes in downtown in order for the plan to be accepted or followed. That seems at least a highly irresponsible use of \$150,000. Who did that? Many on the committee don't look at materials or drafts or any kind of preparation and for some reason they wear that as a badge of courage. They laugh about it. They celebrate it. Why? When you discussed town hall two weeks ago in a pre-meeting, none of you mentioned the Downtown Committee and that's not a criticism, it's just now disingenuous to say we'll let the committee do its work.

The design team has created nice plans for Downtown USA, but they are not applicable to Huntersville. It didn't create the east/west corridor that many on the committee dislike. The Planning staff did that. It didn't devise a one-way Main Street project. The Planning staff did that. When we brought up concerns to you in the beginning, you said to trust the process and I'm just here to tell you the process is skewed.

A couple of weeks ago a committee member broke open meeting policy in an effort to rally his side of the committee. At least he acknowledged that Lee had done a good thorough job in his role as Vice Chair and he applauded Lee's effort, unlike the Town staff who incorrectly and privately told the other side of the committee that Lee had a surreptitious meeting of like-minded folks. The Board and the Town staff prides itself on not being political, well what was that. Lee didn't have a planned destined meeting in this room, in the public Town Hall. That's where the design plans are. Did the person who told that acknowledge that half the people in the room weren't even on the committee. And for the Chair to blast the Vice Chair about it at a hot mic during the last downtown meeting is chaos. You see stuff like that in third world country governments, not here.

Key members of this Board are already saying if the committee doesn't vote unanimously that you won't consider its plan. So are you for a pause. When this Board or any other Town board or committee votes, a majority moves that process forward. This same process that you set, we're supposed to trust.

It's hypocrisy now to say you want unanimous conclusion. It is ashamed the Board created this committee to fail. Was it for political shelter so you can ignore it and build town hall where you wanted to start with or so you can blame the overdevelopment on this committee. Was the purpose of this committee to use it as a fall guide next to election season. I am heartbroken.

My husband and several other citizens have given this committee, have given this town, sincere and genuine effort with suggestions and research to support a thriving downtown. What are you doing with it? If we weren't going to let the actual committee commit, why didn't the Town just hire a design firm to print us fancy copies of the opinion and be done. Why the show.

Today the committee received an email reading the scope does not call for the committee to select parts of each option that they want. Where did Mr. Potato Head go? That's the spoiled icing on this garbage fire cake. This committee has been told ad nauseum that they would be able to Mr. Potato Head the different parts of the three alternate futures to create one best scenario.

On February 3, 2022, the same Town representative told this committee the only thing the committee can't do is change the scope, schedule, and budget. Why today did the downtown staff representative greatly contradict what was said regularly to him and in the committee in official meetings. Is it an attempt to signal to this Board that the work is nearly complete so a pause isn't necessary. I support a pause so this Board can begin work on the town hall, set the parameters and goals. Remember the committee was told today to be given a final plan that it had no input on.....I'll stop there.

AGENDA CHANGES

Commissioner Kidwell made a motion to add Item 10.F, Downtown Steering Committee discussion.

Commissioner Phillips seconded motion.

Mayor Bales called for a roll call vote.

Commissioner Boone – Approve
Commissioner Kovacs – Approve
Commissioner Kidwell – Approve
Commissioner Phillips – Approve
Commissioner Partee – Approve
Commissioner Munger – Approve

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

Commissioner Kovacs seconded motion.

Mayor Bales called for a roll call vote.

Commissioner Boone – Approve
Commissioner Kovacs – Approve
Commissioner Kidwell – Approve
Commissioner Phillips – Approve
Commissioner Partee – Approve
Commissioner Munger – Approve

CONSENT AGENDA

Commissioner Phillips made a motion to approve the Consent Agenda. Commissioner Partee seconded motion.

Mayor Bales called for a roll call vote.

Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve
Commissioner Kidwell – Approve
Commissioner Kovacs – Approve
Commissioner Boone – Approve

The following items were approved:

1. Minutes of the April 25, 2022, Special Town Board Meeting.
2. Updated Records Retention Schedule.
3. Resolution to accept the U-6106 Gilead Road West Property Acquisition Contract. *Resolution attached hereto as Exhibit No. 2.*
4. Resolution to acquire right-of-way for the U-6106 Gilead Road West Project. *Resolution attached hereto as Exhibit No. 3.*
5. Resolution for Professional Engineering Services for the design of McCoy Road at Hambright Road and McCoy Road at McIlwaine Road intersections. *Resolution attached hereto as Exhibit No. 4.*
6. Property Tax Refund Report from Mecklenburg County. *Property Tax Refund Report attached hereto as Exhibit No. 5.*
7. Budget amendment appropriating Local Option Transit tax revenue in the amount of \$635,000 to the Transit Tax expense account.
8. Budget amendment appropriating Community Emergency Needs contributions in the amount of \$9,727.22 to the Miscellaneous Expense – Community Emergency Needs expense account.

PUBLIC HEARINGS

None

OTHER BUSINESS

Valea Subdivision. Mayor Bales noted this is quasi-judicial. My understanding is the applicant has requested the hearing to be continued to July 18.

Commissioner Boone made a motion to continue this hearing to July 18, 2022, at 6:00 p.m. at Huntersville Town Hall.

Commissioner Phillips seconded motion.

Commissioner Kidwell said how long or how many times can this be delayed or moved.

Jack Simoneau, Planning Director, said there is no limit to that by ordinance.

Mayor Bales called for a roll call vote to continue evidentiary hearing on Valea subdivision to July 18, 2022 at 6:00 p.m. at Huntersville Town Hall.

Commissioner Boone – Approve
Commissioner Kovacs – Approve
Commissioner Kidwell – Approve
Commissioner Phillips – Approve
Commissioner Partee – Approve
Commissioner Munger – Approve

Stephens Road Subdivision. Mayor Bales called to order evidentiary hearing on Stephens Road Subdivision, a request by Classica Homes, LLC to subdivide 42.245 acres into 26 single-family lots.

Mayor Bales said quasi-judicial hearings are evidentiary in nature.

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

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

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

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

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

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

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

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

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

Quasi-judicial hearings are constrained by the standards in the ordinance and the facts presented. Even though the Board may hear other evidence if it is not objected to, the Board should rely on competent, material, and substantial evidence in making its decision.

The Board will recognize the applicant as a party, as well as property owners, if different from the applicant. If we wouldn't mind having them come up at this point.

Are there other parties who believe they have standing to participate fully as a party? If you believe you have standing, come up.

Emily Sloop, Town Attorney, said anyone who believes that they have standing who has not been recognized as a party by being an applicant or a property owner needs to come forward and present the reasons why they believe that they have standing.

Ashley McMillian said I am the daughter of the landowners, the daughter of David and Linda Kidd who are the landowners of the property under consideration. I'm here on behalf of the whole family to voice our approval for the project. My father's family has farmed this land since he was a little boy. Farming is becoming a lost artform in Huntersville unfortunately. He is 74 years old now, 74 years young and ready for the next chapter. He's a native like some of you. I know we don't want to see more houses in Huntersville, but I really feel like these guys at Classica have put together a good plan to help Huntersville grow in the right way – larger lots, green space untouched. Of course, I'm going to live right next to these houses so its bittersweet for me, but I think it's what the Town needs and what my parents need, so we are asking for your approval.

Mayor Bales said as a representative of the family selling the property, I would say you have standing. Is that not correct.

Ms. Sloop said no, the property owners themselves.

Mayor Bales said oh, the property owners, not.....

Ms. Sloop said she can come forward and present it, but based on the information presented the Board would have to determine as to whether she specifically has standing in order to call witnesses, present evidence, etc.

Mayor Bales said thank you for clarifying that. At this point I would like to let the Board make that determination. Is there a question or a statement.

Commissioner Phillips said should we do our disclosures first. I've never had to deal with this before. Because the landowners are here, I think that they should be sworn in. Even if you don't speak, at least you have the opportunity to speak because if you don't come up here and things progress, you won't be able to talk on your own behalf.

Mayor Bales said I would agree with you.

Commissioner Kidwell said you had asked a question if we felt that the daughter had standing. I would say that I think her parents have asked her to come up and I would say yes.

Ms. Sloop said they can call her as a witness.

Commissioner Kidwell said but don't we have the right to say who is in standing or not.

Ms. Sloop said as far as the standing determination, by statute that's going to be the applicant, the property owners if different from the applicant, and anyone that can prove special damages. I believe she was just willing to be a spokesperson for the property owners who have standing.

Mayor Bales said I just read in the notes that that's actually a role that I play. Is that correct?

Ms. Sloop said yes, the Board makes the determination as to whether or not the person attempting to establish standing has standing in fact.

Mayor Bales said so that's the Board, not the Mayor.

Ms. Sloop said as far as if they are trying to determine whether or not the person has established special damages, which that has not been brought forth at this point in time.

Mayor Bales said now we have the property owners, we have the purchasers, Classica, and the engineer. Is there anyone else.

Abe Lehman, 6020 Stephens Road, said to be clear I'm not here to speak against this project. I actually work for a homebuilder and I'm in charge of marketing and sales for our homebuilders. This is going to negatively affect and impact the marketability of my home just because of what is currently behind my home, which is beautiful. But again, I'm not here to speak against it, I just want to have some input into the buffer situation. I've worked with many different landowners with our projects. I've worked with Meeting Street Homes about buffers and working with the landowner and understanding what their goal is for that buffer to be and that's why I'm here. I'm just here for some input on the buffer and that's pretty much it.

Mayor Bales said Ms. Sloop, would we consider.

Ms. Sloop said it sounds like you are talking about property value, but do you have an expert witness here that would be able to establish damages or a detrimental affect on your property value.

Mr. Lehman said other than the fact that this is what I do. I work in real estate as a profession.

Ms. Sloop said are you a certified appraiser.

Mr. Lehman said I'm not a certified appraiser. I'm in charge of marketing a lot of different homes and understand the value of a view, whether it's a city view, whether it's a mountain view, whether it's a lake view, whether it's this kind of view that I have right now.

Ms. Sloop said as we mentioned in the script, non-quantifiable generalized damages that are unsubstantiated are not considered grounds for standing.

Commissioner Phillips said my question is that he has been up here prior for other hearings on this Board, other projects. He is an expert in that field even if he's not talking financial. Would we not consider that because we have considered that during public hearings here on Gilead Road with Brian's project.

Mayor Bales said was that quasi-judicial.

Commissioner Phillips said no, but does that not set like a standard that we've listened to him as an expert before.

Ms. Sloop said it also depends on what type of special damages that he's attempting to establish. If he's trying to establish value, a detriment to the value of his home, we would need an expert that is certified to establish values.

Mayor Bales said at this time I don't think that we could consider you as a person with standing at this point.

Mr. Lehman said I would just like to mention, too, that the Planning Board when they put this through they actually added a little note that said to have the applicant work with the landowner beside there for the buffer and there's definitely ways to fit this within the ordinance.

Ms. Sloop said I would just like to clarify for the Board that even though if the Board decides that he does not have standing, the Board could, without objection, allow him to speak as a non-party.

Mayor Bales said would the Board be interested to allow him to speak as a non-party.

Commissioner Phillips said yes.

Mayor Bales said he would also have to be sworn in, correct.

Ms. Sloop said yes.

Mayor Bales said is there anyone else that would like to see if they have standing.

No one else came forward.

Mayor Bales said it is their interest to allow the daughter to speak.....well, she would be called as a witness, correct.

Ms. Sloop said if they were planning to call her as a witness, she would still need to be sworn in.

Mayor Bales said we have identified witnesses. We've identified parties. Will each party tell me the witnesses they intend to call.

Rick Jasinski, Classica Homes, introduced Larry Burton with Classica Homes and Michael Duval with McAdams.

Linda Kidd said Ashley is speaking for the family in support of these guys.

Abe Lehman, said land owner.

Mayor Bales said the parties to this case are entitled to an impartial Board. A Board member may not participate in this hearing if she or he has a fixed opinion about the matter, a financial interest in the outcome of the matter, or a close relationship with an affected person. Does any Board member have any conflicts of interest to offer at tonight's meeting?

Commissioner Phillips said I don't have a conflict of interest, but I grew up here, I'm a native, so naturally I know the family and I know Mr. Abe, so I would like to disclose that, but I will not be impacted one way or another with those relationships in mind.

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

There were no disclosures.

Mayor Bales said we will now move on to the hearing and with that we will now swear all of you in. If you wouldn't mind coming up front.

Mayor Bales swore in David Peete (Planning staff), Rick Jasinski (Classica Homes), Larry Burton (Classica Homes), Michael Duval (McAdams), Linda Kidd (property owner), Ashley McMillian (daughter of property owner), Abe Lehman (adjoining property owner).

Mayor Bales said before we begin, as you come up when you begin, please state for the record your name, address and relation to the case.

Mayor Bales said for those of you who are watching while he's getting set up I would say that a quasi-judicial hearing just imagine every single Board member up here in a black robe. That's how we have to work through the quasi-judicial process.

David Peete, Principal Planner, said I'd like to enter the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.* Classica Homes LLC is the applicant. They are bringing the a little over 43 acre development to this quasi-judicial hearing for a subdivision. You can see it indicated there in the black hatch. This is off of Stephens Road, south of the Stephens Grove subdivision. This is west of Beatties Ford Road.

As you can see through the aerial photograph and you can see the overlay of the proposed lots, this was a farmed piece of land. There are hardly any trees in the area of the proposed development. The 26 lots that are proposed to be here represent a density of 0.6. This is in the Rural zoning district, which has a limitation of 0.9 if you provide maximum open space. There's a tremendous amount of open space that is being provided here.

The sketch plan is shown here. You can see in the middle there that eye is a recreational open space and then to the west of the lots there is a creek that is untouched. A lot of the specimen trees are located in that area and then all the property further to the west beyond the creek is also going to be untouched in this development. There are a number of references in the 2040 Community Plan that call for this particular area to be Rural Conservation. There is a list on the bottom there of several

references where this particular project is consistent and supported by the 2040 Plan. I'll be happy to go back and elaborate on any of those if you would like, but they are summarized there.

Beyond the 2040 Community Plan, there is the Beatties Ford Road Corridor Small Area Plan and it identifies this area for something called an Equestrian Use Corridor, but the single-family housing is very much called for in that plan as well and so there's support for that. You can see there that there is a call in that small area plan for a transportation connection between Stephens Road and Jim Kidd Road and it dots in some ideas of where those may go, but it is our opinion that the internal road for this subdivision could serve that because this is not a thoroughfare. It would just simply be a localized road connection that would serve that area to keep all of the trips in this particular area from having to use Beatties Ford Road.

This is a quick report by CMS. You can see the impact to the local school district. This is an advisory document that we provide you.

There were two community meetings that were held for this particular.....excuse me, there was one neighborhood meeting on April 11. It was fairly well attended by primarily Stephens Grove residents just wanting to know what was coming.

Unless there are specific questions to the report, I would point out to you the staff's recommendation was that we find the application to be complete, that the applicable requirements in the Zoning Ordinance and the subdivision regulations have been satisfied as long as the following are addressed.

The first bullet item I will not elaborate on because since the Planning Board, it has been satisfied.

The second is that the open spaces just need to be categorized. It's a very technical thing. The applicants understand that and will do that, but it has not been done on the plan yet. Essentially that is taking common open space and sticking it into one of three categories.

The third bullet is that the DOT comments have not been received. They have been and there are no conditions by DOT. I will mention at this point that the TIA statement of decision for the Town did not require a TIA.

The last two are our catch-all points of the additional Town transportation redline comments and any other departmental redline comments would need to be addressed as normal and then the staff is in a position to recommend approval based upon those remaining bullets that are fairly minor in nature.

The Planning Board on May 24 recommended approval by a unanimous vote. The motion is there on the screen and in your report and they echoed the findings of the Staff Report. They did go further as already referenced in the discussion just a moment ago. You can see at the bottom that they would encourage the applicant to work with the owner to the northeast, Mr. Lehman, on the buffer plan. I can touch on that if you would like, or if you want to wait until questioning, but I think staff's opinion is that there is room to address the neighboring property owner's concerns within the ordinance. We can elaborate on that if you would like.

With that, I will ask the Board if they have any questions.

Commissioner Kidwell said looking at the overlay plan, lots of street trees and I know that in previous discussions with this Board the Town has been looking at eliminating the street trees because of the

damage it does to the sidewalks and sewers and things like that. Is that something that the staff has discussed with the applicant.

Mr. Peete said the Zoning Ordinance and the subdivision regulations require a 7' planting strip with street trees located 40' on center. As to if there's staff discussion ongoing about different modifications, that certainly is something that's happening, but the ordinance is as is and the applicant is complying in every regard.

Commissioner Kidwell said I bring it up because we as a Town already know the cost to us for grinding down sidewalks, replacing sidewalks, damage to homeowners' water and sewer lines, to the streets. Do we want to be proactive.

Mayor Bales said I think at this point the ordinance is the ordinance. Does the Board want to start picking and choosing projects until the Board makes a determination and changes the ordinance, I don't see how you can do that.

Commissioner Kidwell said then it's an example of allowing further destruction to happen. It's going to cost us more money down the line instead of taking care of it before it happens.

Mayor Bales said I hear you. I think the Board needs to work with staff to make that determination and make the changes to the ordinance.

Commissioner Partee said regarding the land use property being designated Equestrian Corridor, with the designation with the development of this area, will we lose that designation as an Equestrian Corridor.

Mr. Peete said the small area plan touches on what an Equestrian Corridor can sort of act like and it is our recommendation in the Staff Report that there's a tremendous amount of open space on the western side of this project, and whether you actually move through the formal part of the subdivision or not, it would be very easy to envision an equestrian trail moving through that western area that could be done at the most if it elevated itself to some type of major amendment, but you can move through green space. The county, as you well know, when it creates official greenways they are generally in floodplains. They are generally in those conservation areas because they kind of move them through as lightly as they can.

We have no reservation if that corridor concept is to create a network, there's opportunity to provide it through the subdivision.

Commissioner Partee said there are several horse farms in that area, so I didn't get any negative feedback from them at all regarding this development.

Mr. Peete said if it were maxing out the development potential of the property or if the impervious was in such a fine level that you really had no opportunity, we would maybe say differently but not in this case.

Mayor Bales said Commissioner Munger, do you have any questions at this point for staff.

Commissioner Munger said I do not, thank you.

Commissioner Kidwell said looking at the last page with CMS, the metrics they are using here, 26 homes, may add 13 kids. Do we know what kind of metrics they are using here. I figure at least 26 kids.

Mr. Peete said I cannot elaborate further. I will say if you look at the top there is a single-family home and their estimation is 0.5118 of a child.

Commissioner Kidwell said I wish CMS would actually start doing this correctly and figure out that there's not half children in these homes, they are usually full size or multiple. Again, not towards staff, that's directly pointed at CMS.

Mayor Bales said we will now look at parties with standing. If anyone would like to come to speak.

Rick Jasinski said I'm with Classica Homes and with me is Larry Burton, he's also with Classica Homes. Michael Duval represents the engineering firm McAdams who did the design. I just want to take a little bit of time to talk a little bit about Classica Homes and what we are proposing. *Refer to PowerPoint attached hereto as Exhibit No. 7.*

Classica Homes is a small local builder, work specifically just in the Charlotte area. We build 80-90 homes a year. There's a picture there of our staff. We've got 32 people on our staff, but we employ hundreds of tradespeople and craftsmen in order to build our houses in neighborhoods. We're real passionate about the houses in the neighborhoods that we build. That passion has led to a lot of awards for quality, for best places to work. We don't chase the awards, it's just that we've got a real good passionate crew and people behind it and those are accolades for the work that we do.

Some of the neighborhoods that we built in Huntersville, Huntson Reserve is up there on Ranson Road, Torrance on Gilead Road, Oak Farm which is a new community starting out on Sam Furr Road. We're just getting the houses started in there. It's going to be another real beautiful community. A few other communities up there around the area, some of them closer, Robbins Park and Jetton. Again, just small more kind of niche neighborhoods. We don't build real big neighborhoods. We only do 80 to 90 homes a year.

This is an example of the homes that we plan on building on Stephens Road. They will all be three car side-loaded luxury homes priced well over a million dollars. We've got a great architect who's out of Michigan, TK Design Group, that does all of our elevations for us. We're real passionate about that. We want authentic designs, so these are some of the home styles we'll be building. Some of the parks are also shown that we build within our communities. David already talked about the location at the end of Stephens Road there.

Just to talk a little bit more specifically about the land plan, again this is the aerial that David showed. We are laying this, and the engineering firm did a great job, McAdams, laying this out so it has basically little impact on the site. Again, we are not touching many trees. We've got one tree that's an old dying tree and it's quickly on its way out. We might lose a couple of trees putting the sewer in, but besides that we are not touching any trees. It's just going to lay on the old farmland. Both the roads are cut in and the lots are in the old farmland area. As you come in the neighborhood we've got nice space on each side of the road, so you've got good buffering as you come in, so when you come into the neighborhood you aren't immediately greeted by the side of a home. We've got nice landscaping and we spend money on landscaping making it good looking from day one, so you have nice landscaping coming into the community until you get to that Street B, that's where the first homes start.

We love the little pocket park in the center of this community, it just breaks up the streetscape and instead of having house after house on both sides of the street, you open it up you have some greenspace in between where it's a great gathering space for the neighborhood – it just makes things more neighborly. We're real excited about the plan, the product that's coming, and we're looking forward to the opportunity to do another great subdivision in Huntersville.

Commissioner Boone said could you give us your address for the record. I don't think you gave that.

Mr. Jasinski said 2215 Ayrsley Town Boulevard, Charlotte.

Commissioner Boone said I guess it's the southwest portion of the property, are there any plans to make a Phase 2 or develop that property at all.

Mr. Jasinski said no.

Mayor Bales said the property owner.

Mr. Jasinski said she's an adjoining property owner as well.

Ashley McMillian, 5930 Stephens Road.

Mayor Bales said if your mother wouldn't mind coming up just to be with you as well.

Linda Kidd, 5900 Stephens Road.

Mayor Bales said what would you all like to present to the Board this evening.

Ms. McMillian said just testimony and approval of the plan. We're still staying right beside the property. We're still going to have the horses that all the neighbors like to come pet and feed. It's not going to impact the trees. There's just the one tree that they are taking down. We think they have put a good plan together to help Huntersville grow in the right direction, not cookie cutter homes stacked on top of each other. It's time for my dad to retire. This is his retirement plan, so we just ask for your approval.

Ms. Kidd said for years we have known this was coming and this is the people that I wanted even before they came to us. I think that's a good thing.

Mayor Bales said we do have another witness, Mr. Abe Lehman. I have you listed as other witness.

Abe Lehman, 6020 Stephens Road, said I'm the white house up there in the corner. First of all, I'm not here to speak against it. I believe in landowners' rights, and they are doing this the right way. I also am very familiar with Classica Homes. I've walked their homes. I know their floorplans. I know the quality they do. I've worked with Rick before on a project. They are a quality builder and I like the plan. This plan is better than what I imagined in my head when I first heard about it. The reason I'm up here is I do want to just voice that this is going to be affecting just the way I live in general. I hook on to a 30-acre field right now with houses, horses and cows, which is spectacular and it's wide open. My goal is to keep as much of the wide-open field to my property while also maintaining a buffer. The first home doesn't start until halfway down the backside of my property line, so there are different zones in my opinion of where that buffer could be and what it could be. There's different ways in the ordinance it's 25 percent large maturing, 25 percent small maturing, evergreens, deciduous, different percentages of

that and I know David can speak to that. I am just wanting to have some input in that. I don't want to spend their money. I'm not asking them to plant a bunch more, I'm just asking for some input in that. I talked to Larry a little bit before I came up here about if they would be willing to do that. Sometimes per an ordinance.....I know when we have done projects before, not necessarily in Huntersville because we haven't done one in a while, but some ordinances can be bent to allow for homeowners that are being affected by a project and have staff make those decisions. That's all I'm looking for. I'm not really looking for anything else. This is my first quasi-judicial. I appreciate you guys recognizing me and allowing me to come up and speak and I love the Kidds. They are great neighbors.

Mayor Bales said as far as the other witness, is this something that the Board can use as they wade through this discussion and decision.

Ms. Sloop said you have to fall back on evidentiary standard, which is competent, material, substantial evidence. You all in your decision-making process would have to make that determination as to whether you felt it was.

Mr. Peete said if I could just elaborate on the leniency in the ordinance. In Article 7, under the Buffer section, it gives the minimal standards for a cross-section of a buffer in the Residential zone where the neighboring property is not a part of another subdivision and so there's a prescription as Mr. Lehman alluded to and it speaks to 25 percent large maturing, again these are minimums, 25 percent small maturing, 25 percent evergreen. The balance of that can be whatever that the applicant would like. It needs to perform and usually we are looking for opaque. But if an adjoining property owner and the applicant are working together and they create something that's just as satisfactory to both of them, we as staff see no issue with that. The Planning Board suggested you encourage them to work together. I have heard positive things from the applicant that I think they are willing to listen. I am not speaking for them. They are here and they can do that for themselves. I just wanted you to understand where there is inherent ability to maybe it gets more species that Mr. Lehman would prefer, all things being equal, but we do not have an alternative buffer plan and we are not proposing one at this stage.

Mayor Bales said are there any further questions from this Board for the applicant. Is there a motion.

Mayor Bales said we are now moving into deliberation.

Commissioner Phillips made a motion to approve Stephens Road Subdivision, a request by Classica Homes LLC to subdivide 43.245 acres located along Stephens Road at 6010 Stephens Road, Parcels 01309104, 0130926 and a portion of 01309107 into 26 single-family lots. The application is complete, complies with all applicable requirements based on the satisfaction of staff comments in Part 5 of the Staff Report, all of which must be addressed by the applicant and is supported by the findings of facts outlined in Parts 2 through 4 of the Staff Report, which are incorporated herein and recommends that the applicant continue to work with the property owner to the northeast, Abe Lehman, to find an applicable buffer plan.

Commissioner Kidwell seconded motion.

Mayor Bales said there is a motion and there is a second. Is there any discussion. Commissioner Munger, would you like to add anything or discuss the motion.

Commissioner Munger said I am fine with it.

Mayor Bales called for a roll call vote to approve Stephens Road Subdivision.

Commissioner Boone – Approve
Commissioner Kovacs – Approve
Commissioner Kidwell – Approve
Commissioner Phillips – Approve
Commissioner Partee – Approve
Commissioner Munger – Approve

Mayor Bales said the motion carries. Staff will draft and I will sign a final written decision to reflect the vote and reasoning for the decision. Thank you to everyone attending the hearing regarding the Stephens Grove quasi-judicial hearing. We welcome you to stay for the other items on the agenda. If you are leaving, please do so quietly at this time.

Traffic Signal – US 21/Northdowns Lane. Stephen Trott, Director of Engineering, said the request is for a budget amendment of \$250,000 towards the design and installation of a traffic signal at the intersection of US 21 and Northdowns Lane.

Commissioner Boone made a motion to approve \$250,000 from Fund Balance for the intersection improvement traffic signal at the intersection of US 21 and Northdowns Lane.

Commissioner Kovacs seconded motion.

Commissioner Kidwell said I think this is the right thing to do. I've been driving down that road for a long time now and recently had the opportunity to take my daughter to a camp, so leaving later in the day, I usually leave Huntersville at 6 a.m., but driving down that road at 9 a.m., seeing the traffic trying to come in and out of both sides, this is the right move for the Town Board.

Commissioner Phillips said I'm really happy that I get to vote for this and I'm very sorry to your community that it took us this long and I hope that this is a learning lesson for the Board going forward that you guys don't have to worry about your safety anymore.

Mayor Bales said the only question that I have is will this \$250,000 cover everything. We're not going to come back for more.

Mr. Trott said I don't know that. Once we go through the design process, we'll get some more information and that will shed light on whether property acquisition or utility relocation may be needed. We are hopeful that this will cover the entire amount.

Mayor Bales said I would just say I'm hopeful that both sides of the road would be willing to work with us in making sure that the light happens with minimal financial burden in addition to the \$250,000.

Commissioner Boone said I would like to amend my motion and ask the person that seconded it if they would amend their second. I would like to change my motion to approve the amount of money it takes to put a traffic light at this intersection.

Jackie Huffman, Deputy Town Manager, said we need a specific amount.

Commissioner Boone said I'll go \$300,000. That should cover it.

Commissioner Kovacs seconded amended motion.

Mr. Trott said again, I don't know what everything is going to cost until we get further along.

Mayor Bales said I would rather them come back.

Emily Sloop, Town Attorney, said we can always bring it back if additional funds are needed for another budget amendment as well.

Commissioner Phillips said I would say let's not do that because government moves real slow. I would like to just do \$300,000 and just get it done. We have drug these people along long enough and you know time is money and so are lives and it just shouldn't take this long. If it's \$300,000 and we don't hit that then it is what it is.

Mayor Bales said Ms. Huffman, is there funds in our Fund Balance to make that happen.

Ms. Huffman said yes, you could do a budget amendment for \$300,000 and quite frankly if it comes in at \$301,000 and we have money in a different line item, we'll move that \$1,000 over. If it comes in at \$500,000, we'll be back here.

Mayor Bales said the motion now has been amended to appropriate \$300,000 for intersection improvements to fund a traffic signal at the intersection of 21 and Northdowns Lane. Commissioner Munger, do you have anything to add.

Commissioner Munger said I just want to reiterate something I mentioned before which was I'm definitely in favor of this, but given its temporary nature, please make it as cheap as humanly possible and functional because in 5 to 10 years we know this goes away because of the expansion.

Mayor Bales called for a roll call vote on the amended motion to approve budget amendment for \$300,000.

Commissioner Munger – Approve

Commissioner Partee – Approve

Commissioner Phillips – Approve

Commissioner Kidwell – Approve

Commissioner Kovacs – Approve

Commissioner Boone – Approve

Purchase Agreement – Electric Distribution Substation Property. David Lucore, Electric System Manager, said we are requesting approval to purchase a piece of property from Duke Energy to build an electrical substation. This is needed for continued growth in the area and to provide redundancy to existing substations. Prior to my arrival in this position there were numerous sites investigated as to the potential to locate a substation. Some of the criteria that we look for is proximity to Duke Energy's high voltage lines that can serve a substation and land that is easily accessible and we can get distribution lines out there without tremendous cost. This piece of property resulted as the most favorable one to pursue. We have been in contact with Duke Energy and requested a sales agreement to purchase this property. What is in dispute right now is the cost. Duke Energy has given us a cost of \$466,000 and change, I don't have the exact amount. On the Town's behalf we had an appraiser appraise the value of

the property that we would like to purchase and the value of that appraisal for that property was \$96,000. We're at odds between the amount that it appraised for and what Duke Energy is requesting.

Commissioner Kidwell made a motion to move forward with condemnation of the tract of land, Parcel ID 00911112 owned by Duke Energy, for the future electric distribution substation. The fact that they are asking four times what the property is worth and they've expressed that they do not need it, I'm not going to put that burden on the taxpayers.

Commissioner Partee seconded the motion.

Mayor Bales called for a roll call vote to move forward with condemnation of Parcel ID 00911112.

Commissioner Munger – Approve

Commissioner Partee – Approve

Commissioner Phillips – Approve

Commissioner Kidwell – Approve

Commissioner Kovacs – Approve

Commissioner Boone – Approve

Planning Board Appointments. Mayor Bales said each commissioner will give me either a name or a number – three names or numbers of your pick and then we will whittle down from there.

Commissioner Boone said before we start, I would just like to say that I don't think we've really got this process down yet and it troubles me where the incumbents have their name and their street address listed in the online agenda packet. The people who aren't on the Planning Board now, they just have their resume. It just doesn't seem fair to me that one person can have all of their information, another group doesn't. You want to talk about diversity, this doesn't put us in that direction. I still feel that we need definitely a name in the future. I'm ready to vote tonight, but I think that we need to do a better job on this. With that I am going to go with Harrington, Baber and Genenbacher. You asked for names or numbers, right.

Mayor Bales said we have three names in the list and everyone else is a number.

Commissioner Boone nominated 14, Baber, 13.

Commissioner Kovacs nominated Baber, Loomis, 6.

Commissioner Kidwell nominated Sny, Loomis, 13.

Commissioner Phillips nominated Loomis, Baber, Sny.

Commissioner Partee said before I give my selection, I want to also echo what Commissioner Boone had mentioned about the system. There is a flaw. Being an investigator, I exploited that flaw. Whereas when you give a phone number you can always look up who the person is or an email address you can also find out who the person is. We can reevaluate how we evaluate in the future. Jeff Sny, Greg Baber and 14.

Commissioner Munger nominated Sny, Baber, Loomis.

Commissioner Phillips made a motion to reappoint Jeff Sny, Greg Baber and Trina Loomis to the Planning Board.

Commissioner Partee seconded motion.

Mayor Bales called for a roll call vote to reappoint Jeff Sny, Greg Baber and Trina Loomis to the Planning Board.

Commissioner Boone – Approve
Commissioner Kovacs – Approve
Commissioner Kidwell – Approve
Commissioner Phillips – Approve
Commissioner Partee – Approve
Commissioner Munger – Approve

Mayor Bales said I would like to remind this Board that this Board made the decision to move to these numbers and to do it this way. I would encourage you to work together. If you feel that this needs to be updated or modified, that you work together to make improvements to the plan. But the way we are doing it was the directive of the Board.

Commissioner Phillips said I disagree with that, though, because when we did this as numbered applications it was my understanding that our intent was that all applications would be blind applications and that we would not show favoritism to incumbents. I think maybe the direction that we were going was not received in the manner in which we brought it.

Mayor Bales said that's not the way I understood it when it was presented. We can clean the process up. I'm just saying that is the way that it was originally proposed and voted upon.

Commissioner Boone said I kind of agree with Commissioner Phillips with putting the numbers on it. We do need to clean it up. We have 23 people and you look at the dots here and there's 21 or 22. Not everybody is here.

Downtown Steering Committee Discussion. Commissioner Kidwell said I wanted to open this up for Board discussion. We've got a lot of things going on with the Downtown Steering Committee. It started with the previous board and it continued with this Board. I don't know if it's yielding what we thought it would as far as objectives being obtained. Lots of discussion, but not much is coming back to us as what's going on. In my view, I think it's the perfect storm. As one of our speakers said, it was set up to fail, in my opinion. And it was on the previous board and I'm not slamming that board for setting it up. I just think when we set up a committee, we should be giving them specific objectives, ways to achieve those objectives and then let them move forward. It just seems like even if it's in a contract that we just said alright go and good luck and God speed. Now it's come back to where we've got our paid outsource that is driving it one way, committee members agreeing/disagreeing, which is great, that's what we want, but we are not getting further down the road. I would love to hear other Board members' point of view on that and discussion on whether we should pause the committee until we can give them clear, precise objectives and accomplishments that we want as a Board utilizing the 07 plan and going from there with the updates or whatever it is. We need to give them direction because at the end of the day, at the end of our term, we are the ones who are responsible. This is not the fault of the individuals on this committee. I do not believe it is any volunteers' fault for how this has gone down. This goes back on us, whether it's previous board, our board, we're up right now, we're in the hot seat and we need to just figure out the right thing to do so we can do something about it.

Commissioner Kovacs said I have quite the similar sentiments. In the beginning I expressed some of the same concerns that it didn't seem like there was a concise direction for the committee to follow and as Commissioner Kidwell pointed out, it seems like the people we are paying are going one direction and then the people that are actually participating on the committee are going not necessarily in a different direction, but they are having conversations and then what is coming out of their conversations is not reflecting in what we are seeing. I've attended all but one meeting and I've seen progressions and relationships with people and things that people are saying and it's been really great to see but it's also been frustrating to sit back and watch because as he said there's no definitive you are going to do this, you are going to do that. Things that I've heard at maybe the second meeting and then compared to the last meeting are completely different from our own Town staff. These people we are asking them please spend your time and there are people that are putting in extreme amount of time into this and getting nowhere with it, so why are we asking them to spend their time if we are not willing to give them something that they can have a good product from and that they can be proud of. At this point I do support a pause because I'm wondering if whatever plan is finally presented to the committee, if the committee would even vote on it because it doesn't appear to reflect what they have been saying.

Commissioner Boone said I'm going to take the other side of the argument for a second. About June 9 or 10 I was given an email from a commissioner. It was addressed to myself and Commissioner Partee that said that the other four commissioners have decided that it would be a good idea to take a pause at this time and I answered the email that afternoon or evening saying give me some time to look into this because it is an important step and I do want to get it right, but I did call the chair, the vice chair. Both of those people wanted to continue to move forward. I spoke to three people on the Planning staff and those three people wanted to move forward and keep pressing on. I'm hearing the frustration in the voice of the presenter. I'm hearing the voice of frustration from our Board members here and I'm going to go along with the majority on this one, but I would like to see you continue to work hard. I don't know what a pausing is going to benefit or what kind of conclusion. I think that Commissioner Kidwell had a good point of let's go ahead and address some objectives for the committee to do.

Commissioner Phillips said I'm the one who sent the email. I'm not even going to pretend like I'm not because what was happening is we were hearing complaints from people on the committee, and it doesn't matter if they want to make downtown 20 stories or 1 story, there was a sense of frustration. We, in my opinion, set them up for failure because we didn't give them deliverables and when you have multiple people having these conversations and hearing frustration, it's our job to try to help and guide things. Some of the ideas I've had how to fix this in the future during this pause is that we can continue to get citizen input and data at events and stuff and then we give that to the committee so they have parameters in which to work in. When they come back, let their first meeting be without Shook Kelley, so that they can try to work on rebuilding who they are as a committee without outside influence. I would love to do a survey with the Downtown Steering Committee members to see what they need from us as a Board. What kind of guidance, instruction and direction they would like us to give them. I don't think we are going to do anything else really radical like get rid of TOD. We need the Board to pick a Town Hall location because they thought that this 6 months that we were giving the Town Hall, we would come back with a definitive this corner or that corner. We didn't do that, so now there's this massive gray area of what if. I also think that we need to do this not just for this but all committees. Let them have an ethics training with Emily and/or Jacob so that they better understand how their power is individually as a group. We had issues with certain emails getting sent out that could have been prevented which adds to the divide of the group and the animosity which we shouldn't have in a citizens group. I think a pause is us taking a breath before we implode and do something so critical. In 2006, I couldn't even drink then, neither could Amber. I want to make sure that we are giving the Downtown Steering Committee the best tools that we can to give us the absolute best product. I know that they

are not going to kumbaya and get along all the time, but at least on our end we're giving them what they need to feel like they are succeeding in some way, shape or form.

Commissioner Partee said I believe that it is unfair and disingenuous that we did not allow our committee to continue to serve the needs of the community. We asked Town citizens to submit an application, serve on a committee. We asked our Planning Department to have input and work with our contractor. They put in a tremendous amount of hours. The committee members who serve have sacrificed their personal time, their ideas, and I think it's fair for them to continue because I trust in this community. Also, we have a variety, we have a melting pot that is serving our community. We have input from the minority community. We have input from downtown. We have input from the outskirts. We have had public hearings at several locations. We set up at the farmers market to provide information to our residents. They come out, they give us ideas. We cannot as a Board renege on our commitment to allow this committee to continue. We have two leaders that are working hard. We have a co-chair and a chair. As I look and I observe the meetings and when you watch the meetings, you watch the body language, you listen to the committee members and what I'm concerned about, maybe not concerned, but you can see and I'm going back to my street. I was raised in the streets/public housing, but you can also see there's a secret squirrel squad that's working not to undermine, but they have a heads up on the rest of the committee members and they need to come together and speak not just to the small pot but to the collective. I'm in favor of having them to continue because in September they've got to come back with a package anyway. When they are under a timeline, you have to come together and present. I listened to Janelle Harris. I listened to John Foster and I look at their body language and I see they're frustrated because I don't think their voices are being heard. I would like all committees, this committee, to listen to all ethic rules and bring forth a viable downtown. In my community I live in, Latta Springs, I talked to my neighbors and they want to go downtown and sit out, have a beer, go to a nice restaurant. They are looking forward to utilizing what we have here in Huntersville, which is a beautiful town. Therefore, I would just like to see our committee to continue. Yeah, it's hard. It's hard on this Board. We don't agree – we agree and disagree a lot. But we come together, and we get through our meeting. They're intelligent adults, and I believe that they can come and present a viable package to us regardless of what their internal strife is about.

Commissioner Munger said I definitely agree with Commissioner Phillips that this committee, and all committees for that matter, probably do need to have some basic ethics training and kind of an understanding of procedures and how things like this are, just how they need to manage some of the important things. I also agree with a number of points that Commissioner Kidwell has made. Ultimately, I think it is the decision of the Town Board to determine what the best path for the downtown area should be. To that end, I'm very open to pausing. I will also admit I'm very open to doing away with the committee at this point simply because I don't think they were given the proper direction. They lack some specifics. I've heard conflicting points about is it up to the Board to tell us where Town Hall is supposed to be or is that ours, and it's my opinion it's our determination. Another thing we have to keep in mind is we did push out the bond issue until next year, so you don't have that bond issue. I don't care what that committee says, we're not doing a whole lot of stuff and so for me if you are going to pause it, I could make the argument pause it until January 1, 2024 simply because at that point we will know where Town Hall is going to be and we will know whether we are going to have bond funds to be able to do a number of things that will be affected by whatever this committee decides it wants to do. If you kind of just stepped away and continue with the public forums and have public feedback and we are able to gather that information from a general public feedback, I think it would push us in the right direction. For now I will support the pause.

Jack Simoneau, Planning Director, said this committee has had a lot of diversity. I also heard the Board say that they wanted to give direction. You each received the letter from Shook Kelley to try to understand where we are at and how long the pause is, so we do have a substantial amount of money that's been paid for this project. We would like to get clear direction. If that's the Board's will to go and pause the project, then our question is when will you provide that direction to the committee so that we can have a conversation with our consultants. We would just like to have an understanding of what the Board would want to see. I do disagree that staff has changed positions. We'll leave that comment at that. If there's going to be a pause, if we can understand how long and maybe have a game plan to provide information that you feel is important for the committee to know, that would be necessary for us to have a conversation.

Commissioner Kovacs said I just want to clarify that I am very big on the fact that the people that are on this committee volunteered. They are not getting paid. They volunteered to do something to shape something that they love, where they work or where they play and the diversity on the committee is being brought up a lot and I don't think it's a bad thing. We joked because our Board is very diverse, but we come together and make compromises and I've seen people are focusing on the fact that some people are saying six stories and some are saying three or some are saying I want more retail and some are saying I want more residential. That's not a bad thing. They are going to come together in the middle if they are given a chance. I don't believe they've been given the chance and I feel it's our duty as frankly the paid people, our staff, Shook Kelley, all of us, to give them the tools that they need and that is where we have failed. We need to take responsibility for that and we keep saying the committee is doing this, the committee is doing that. They are at our mercy. They have brought up multiple times at their meetings we need to know what the Board is doing.....is the Board listening.....is the Board this. I got up and let them know at one meeting that yes, we are listening. I didn't give them direction. I let them know that we were listening. People were upset about that. We have staff and Board members that don't want any of us to have anything to do with the committee, but the committee is saying please tell us what to do. They have been begging since the first meeting. Tell us what you are going to do with TOD. Tell us what you are going to do with Town Hall. Can we change the Main Street project. They have asked that multiple times. Can we own or take over ownership of some of these state roads. Can we put on street parking. They have all these questions, and everything is kind of answered like well we could maybe. Maybe we could. One of our speakers talked about the Mr. Potato Head thing. They were told that you could take bits and pieces and put them together to create a final plan and now what I'm understanding from the email today is they can't. I, as a Board member, am having a hard time understanding what's going on and following the process. Then we are over here talking about our committee members and saying they can't get along and I don't know how they can stand up and understand what's happening because we are not straight, we don't have like they said objectives and deliverables. We just kind of said I'm glad you signed up for this, follow these people, give your opinion and that's it. And then we want them to agree, and we think that there's this big problem that they are not on the same side, but the people who care about business and people who care about their home will be able to create something beautiful if given the opportunity and we're not giving it to them.

Mayor Bales said because you were here with the first downtown masterplan, what is the difference between how we worked through the process then versus now.

Mr. Simoneau said in my opinion, I think it's fair to say a controversial project was approved and that has people really concerned, as well it should. That was not present before. Before it was kind of an open slate. If I have more time to think about it, I would have other thoughts, but that's one thing that I know is different that didn't happen.

Mayor Bales said I'm wanting this Board to figure out how to give you direction.

Commissioner Phillips said we need to do a survey to the Downtown Steering Committee. Very open, honest, blanketed with the deliverables they would like from the Board – what are their needs and wants from us. Any questions, comments, concerns they have that we can address because there maybe one-offs that people don't feel comfortable asking at a streamed meeting. I know when I first got on this Town Board there were many times that I felt uncomfortable asking questions because I didn't want to look dumb. There are no dumb questions, so I feel like giving people that opportunity without it being broadcast would be great. We could do the survey now through July to give people time. We take that information, have a special meeting in August from a Doodle poll of this Town Board where we lay it out what we are going to want, need, desire from the Downtown Steering Committee and give them direction and then our first meeting in September we come back and we make an official vote to bring back the Downtown Steering Committee. That's just like my general idea of how we do this and we do it successfully because I want to make sure that these people who are giving their time and their energy get the best product for themselves because they really care and I don't want to not listen or honor that or answer questions/concerns that they have.

Commissioner Kovacs said would that include Town Hall by that September meeting.

Commissioner Phillips said that can be talked about in our August meeting. If you have DSC members, you've got more than half of them saying we want this or whatever, we just need the data from them so then we can come together and make decisions and make an outline, and as the Mayor loves to talk about maybe do buckets.

Mayor Bales said in all of the studies that we have done in the past, not to say this one can't be different, how much direction and involvement has the Board had in those hands on like giving concrete direction. I ask that question because when we did the 2040 community plan update, I don't recall the board having to say this is a definitive answer on where this is going to go. Maybe we did do that and I just don't recall. I'm just trying to understand where the disconnect is.

Mr. Simoneau said on past plans, the Town Board did not give specific direction. There was a scope of services that's run through and the Board votes on it. That's not again to say you can't give the steering committee some direction.

Commissioner Phillips said this committee is also so different because I'm literally sitting here looking at the property of someone on it and these are stakeholders. This is finance, this is people's futures, so of course they are going to be passionate, fired up, and they have every right.

Commissioner Kovacs said I don't know in the past with other plans and stuff if they've asked what does the Board want, but at every meeting at least one time someone says well what does the Board say about this, or what does the Board want from this.

Commissioner Phillips said or the Town Board hasn't made a decision about this or that.

Commissioner Kovacs said I don't know if that is any different than previous plans.

Mayor Bales said I don't recall ever a committee coming back to ask the Board for any additional directive. Is there an interest in having a couple of our commissioners work with staff so that you can formulate a plan and bring it back to this Board. I have Commissioner Phillips and Commissioner Kidwell

that have volunteered to work with staff and then I would like to see you come back before this Board at the July 18 meeting so that maybe we can have a little bit clearer direction on how to go.

Commissioner Boone said the committee needs to keep this week's meeting because these people need to have an explanation of why they are being paused. I think some commissioners and/or the mayor should be there to just say we're pausing this committee and these are the reasons why. This is what we are going to do, this is what we are going to bring back to you. Then we hope to start this back up in the future.

Mayor Bales said I would be willing to do that. I agree with you. I think that the committee should hear from this Board because as of today they had an agenda. They were being pulled together. My question to this Board is do you want them to work through that agenda.

Commissioner Kidwell said they've got a plan, let's let them move forward. They've already set the time aside, let them move forward with it and after that meeting we can explain that there's a pause.

Commissioner Phillips said and that there would be a survey coming, because I don't think it's right for us to just bombard a meeting that's theirs.

Mayor Bales said if I may recommend that Commissioner Phillips and Commissioner Kidwell get with staff to start working on some of those overarching bullet points that you want covered on Thursday so that we can do that at the end of their meeting.

Commissioner Partee said I would ask that at that particular committee meeting that you get some feedback from the committee members how they feel about being told they are going to pause and what their recommendation is because they are there to advise us.

Mayor Bales said I would agree. What I heard was that we would share with them that there would be a survey to hear from them so that would be one of those topics.

Commissioner Munger said I'm fine at this point. The meeting is already going to happen, so I'm glad that Commissioner Kidwell and Commissioner Phillips are going to kind to take this on and I'll go with the flow.

Mayor Bales said do we need a formal motion for this.

Ms. Sloop said yes

Commissioner Phillips made a motion to pause the Downtown Steering Committee after this Thursday and bring back for a formal vote on Tuesday, September 6, 2022, at Huntersville Town Hall regarding if we are going to resume it or end it.

Commissioner Kidwell seconded motion.

Mayor Bales called for a roll call vote.

Commissioner Munger – Approve
Commissioner Partee – Opposed
Commissioner Phillips – Approve

Commissioner Kidwell – Approve
Commissioner Kovacs – Approve
Commissioner Boone – Opposed

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

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Commended Parks & Recreation for partnering with Mecklenburg County on the Juneteenth program.
- Next Metropolitan Transit Commission meeting is this Wednesday.
- Lake Norman Economic Development Corporation is currently working 41 projects, 22 of which are in Huntersville.

Commissioner Phillips

- Provided update from Visit Lake Norman.

Commissioner Partee

- Commended Parks & Recreation staff for the Juneteenth program.
- Attended Junion at the Hugh Torance House and Store.
- Attended Juneteenth celebration at Rosenwald School.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Kidwell

- Provided update from the Communication Committee.
- Provided update from the Charlotte Regional Transportation Planning Organization.

Commissioner Kovacs

- Provided update from Lake Norman Chamber of Commerce.

Commissioner Boone

- Working with ElectriCities on a better system to keep customers up to date on power outages.
- Huntersville Fire Department will participate in the Birkdale Village 4th of July event.

Commissioner Munger

- Went to Raleigh last week to meet with some of our representatives and state senators. The mention of impact fees fell on deaf ears. They did share they managed to come up with a budget surplus.
- Consider supporting local non-profits.

Mayor Bales reminded everyone that the Board will not meet again until July 18.

There being no further business, the meeting was adjourned.

Approved this the 6th day of September 2022.