

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 21, 2020 (Virtual)
6:00 p.m. – Hosted From Huntersville Town Hall**

PRE-MEETING

None

**REGULAR MEETING (VIRTUAL)
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners (Virtual) was hosted at the Huntersville Town Hall at 6:00 p.m. on December 21, 2020.

GOVERNING BODY MEMBERS VIRTUALLY PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh.

Mayor Aneralla stated this meeting is being held both in person at the Huntersville Recreation Center on Verhoeff Road as well as livestreamed on Facebook Live. The Board of Commissioners are participating remotely. The public has been invited to attend and comment during the public comments or during any of the public hearings (1) in person at the Huntersville Recreation Center or (2) by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. today. The public may also submit comments by e-mail to the Town Clerk at jpierson@huntersville.org.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a Moment of Silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Aneralla

- Huntersville Half Marathon and 5K was a success last weekend. Expressed appreciation to state and local officials that helped allow that.
- Attended Charlotte Regional Transportation Planning Organization meeting.
- Met the new management of Birkdale Village.
- Received upset bid for the Blythe Building.
- During the stay at home order, Mecklenburg County restrictions were more stringent than the rest of the state and businesses that were listed to be closed included car dealerships. The Town Manager, Mayor Washam and myself worked with the county and car dealers to allow

them to open safely. Jim Keffer of Keffer Automotive was so overwhelmed with how hard we worked, that he is donating \$100,000 to area charities.

Commissioner Bales

- Expressed appreciation to Mr. Keffer for his generous donation.
- The Health Department notified Charlotte-Mecklenburg Schools of a COVID cluster at Bradley Middle School and Huntersville was not notified. There were discussions to improve that communication in the future.
- Lake Norman Economic Development Corporation is currently working on 40 projects, 19 of which are in Huntersville.

Commissioner Boone

- Provided update on Lake Norman Chamber of Commerce events.
- Expressed appreciation to first responders. Jim Dotoli was re-elected Fire Chief of Huntersville Fire Department, C. J. Auten was elected Deputy Chief and Adam Maier was elected Assistant Chief. Mark Auten will be a Captain.

Commissioner Hines

- Charlotte Regional Transportation Planning Organization met Wednesday and received update on the 2050 Metropolitan Transportation Plan. Huntersville received an additional \$1.99 million in funding for the Gilead Road West project as well as The Park Greenway that will extend all the way through the business park and eventually connect to Mt. Holly-Huntersville Road.

Commissioner Munger

- Meeting with new Birkdale Village management was positive.
- Encouraged people to donate to local non-profits.

Commissioner Phillips

- Holidays will be hard this year, consider checking in on others.

Commissioner Walsh

- Expressed appreciation to volunteers on the Parks & Recreation Commission, Public Arts Commission, Greenway, Trails and Bikeway Commission, Board of Adjustment, Huntersville Ordinances Advisory Board, and the Planning Board.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Harold Rice, Executive Director, Ada Jenkins Center, provided update on upcoming programs that will be offered through Ada Jenkins.

Stephen Trott, Director of Engineering, provided update on transportation projects. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

Debbie O'Handley, Executive Director of Hope House Foundation, 15604 Northcross Road, expressed appreciation to the Town Board for considering donation of two lots to Hope House. The plan for the lots is to build cottages that will provide a safe and stable place to call home for women with children.

Justin Ckezepis, Hope House Foundation, noted he was available to answer any legal questions concerning the lots or the plan.

Jeff Sny, 13945 Old Vermillion Drive, addressed the Board on additional changes to the 2040 Community Plan requested by the Planning Board. Requests Nos. 1 and 5 encourage the Town to update all of the small area plans as soon as possible. Encouraged Board to start with the Downtown Small Area Plan. Also, the 73 corridor we are going to continue to see requests come in as a place for development. Request No. 2 regarding senior housing – we saw two applicants come through with plans for that. Just based on those it would seem that those buildings have some very specific requirements in terms of layout, etc. that may not perfectly match what we currently have on the books, so it may be a good idea to look at something specific to those. Requests Nos. 3 and 6 related to setting goals - a lot of times the goals set come across as not loaded with detailed specifics. Encouraged everyone to not be afraid of setting specific goals, sharing the progress with the citizens and let everyone know that you are working on their behalf.

Eric Rowell, 14306 Rhiannon Lane, said I've already outlined my concerns to you all in an e-mail over the weekend about the town-wide spy camera system the police is trying to implement, but I've not heard a response so I can only hope that your silence means that you all are in complete agreement with all the points I've raised. *E-mail attached hereto as Exhibit No. 2.* To recap some of the questions and concerns I have about items 8.F and 8.G on tonight's agenda are as follows. Cost – what specifically are we spending \$194,000 on; what is going to be the recurring cost of these cameras; who pays for replacement or repair of old or damaged cameras; who is going to pay for installation; how much is it going to cost to monitor these cameras on a regular basis. We don't have any answers to those questions. No. 2 Placement – how many cameras are going to be placed throughout the town; where specifically will these cameras be placed; will these cameras only be placed at intersections of major highways or are they also going to be placed in certain neighborhoods where they can monitor the activity of certain residents as well. No. 3 – why is the Chief trying so hard to push these items through under the exception to the public bid process when this "sole source" provided is clearly not the only company in the cloud-based security software business; why is the Chief so intent on only doing business with Verkada, a Silicon Valley start-up that's only been around for four years; why did I have to submit a records request to find out basic information about the relationship between HPD and Verkada; if we supposedly live in one of the safest towns in North Carolina how are spy cameras going to reduce or deter crime; how did police solve crimes for all the years before the technology that we currently have now; what type of oversight will be implemented to ensure a spy camera network this vast isn't going to be abused by HPD or any other third party. Cameras can't replace officers. If you force a vote on this tonight instead of continuing this item indefinitely until the public has a chance to learn more about the camera system, you are abdicating your responsibility to do what is in the best interest of the town. Everyone always thinks tyranny is something that happens to other people in other places, that it could never happen here, but this is how tyranny starts by failing to stand up for the truth.

AGENDA CHANGES

Commissioner Munger made a motion to adopt the agenda.

Commissioner Boone seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve

Commissioner Boone – Approve

Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

PUBLIC HEARINGS

None

OTHER BUSINESS

Huntersville 2040 Community Plan. Dave Hill, Transportation Planner, reviewed the amendment options for the Huntersville Draft 2040 Community Plan, dated October 21, 2020.

Commissioner Munger made a motion to pass a resolution adopting the Huntersville 2040 Community Plan with the revisions requested by the Town Board, Planning Board and Town staff as set forth in the Agenda Item 8.A as incorporated herein by reference.

Commissioner Hines seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Resolution attached hereto as Exhibit No. 3.

Resolution – Convey Property to Holding Hope. Commissioner Walsh made a motion to adopt the Resolution conveying real property as described in Agenda Item 8.B to a non-profit corporation, Holding Hope, Inc.

Commissioner Bales seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Resolution attached hereto as Exhibit No. 4.

Resolution – Convey Property to Habitat for Humanity. Commissioner Boone made a motion to approve a Resolution conveying real property as described in Agenda Item 8.C to Habitat for Humanity of the Charlotte Region, Inc.

Commissioner Walsh seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Resolution attached hereto as Exhibit No. 5.

Resolution – Waymer Park Athletic Field Lighting Project. This project will replace the old wooden pole flood light lighting system on the Waymer Park Softball Field. The Town advertised this project three times and only received one bid all three times. The Town has negotiated on the bid received from Musco Sports Lighting for this project. Musco Sports Lighting is the same sports lighting system that the Town has at Bradford Park. This LED low energy system can be controlled remotely from anywhere and you have access to a troubleshooting hotline 24/7 365 days a year. For the last eleven years the Musco System has been by far the best system we have from an operational standpoint and long-term maintenance. The Parks & Recreation Commission recommended to move forward with lighting the Waymer Park Softball Field at their December 16, 2020 meeting.

Commissioner Munger made a motion to approve Resolution to award the bid for the Waymer Park Athletic Field Lighting Project and approve construction contract with Musco Sports Lighting, LLC.

Commissioner Bales seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Resolution attached hereto as Exhibit No. 6.

Resolution – Design Build for New Town Hall Project. Mayor Aneralla said before we go to Mr. Roberts' presentation, I just want to kind of give everybody a sense of where we are and why we are here today and why I think we are here today and why I asked to put this on the agenda.

First of all, I think it's very important for everybody to know that our current fund balance as a Town is \$81 million, of which \$20 million plus is unassigned at this time. We have a very high policy in the Town

of 45 percent of our future revenue should be in cash. The typical town our size, that's 20 or 25 percent. As you can see, the Town is in very good financial health.

Going back to 2006, there were plans in the works to expand Town Hall. The problem is where the current Town Hall is, the Town doesn't own any additional land and you need parking and so forth. Over the past few years that I've talked about this and I think a lot of the other Board members have talked about this, if we ever sold some of the other parcels, whether it be the two acres adjacent to Discovery Place Kids or the Blythe Building, which we now have a bona fide offer on, we would potentially use those proceeds to start building a new town hall.

The Town Hall we are in currently is obviously obsolete. It was obsolete Day 2 after they built it with 20 parking spots and not a lot of room. In the day and age that we are today, I know things will be better months from now, but clearly we need some additional space for meetings, community space. We will be losing the Blythe Building, because of the brewery or restaurant that will be going in there. That was a senior center. We need more community space downtown and maybe we could have voting down there. Potentially, we could lease some of the first floor space to a restaurant that would open up onto what I will call Rotary Plaza or Discovery Place Kids, and consolidating all these assets we could put a substantial down payment on any future cost for the new town hall.

In addition, we had at one time a Veterans Liaison from the County. We could have him/her come in, as well as additional other county services that we could have. The Lake Norman EDC could possibly be there, a magistrate possibly could be there and then finally, currently it's somewhat inefficient how the Town is set up with a majority of the employees on one side of the street and a majority on the other.

Last year during the Board retreat, we had basically said we are not going to do anything unless we have a bona fide offer on some parcels of ours and I feel very confident that the Blythe Building, we have this additional offer today, that we could go ahead and that's why I had asked to put it on.

I've spoken to at least four different groups that are interested in discussions for current Town Hall and the parcel adjacent, which used to be the CarQuest building that Foster Frame is in. To me that shows that there's a lot of interest in our downtown. With that as the background, Mr. Roberts has a brief presentation.

Anthony Roberts, Town Manager, reviewed the options for building a new town hall. *Refer to PowerPoint attached hereto as Exhibit No. 7.*

Commissioner Bales said once those numbers come in in regards to cost, are we going to have an opportunity to revisit this. I know this would be an initial step, but let's say come February and RFQ's are in, the cost is in and we'll have an opportunity at that point to also revisit moving forward or not. Is that correct.

Mr. Roberts said the only thing in February is the RFQ. All you're doing in February, once we get those proposals back, is you are selecting a firm based on qualifications only. Government has to base it on qualifications.

Commissioner Bales said at what point are we looking at the actual cost of the town hall.

Mr. Roberts said let's say April 5 you award the contract to move with a firm, it all depends on what kind of direction we give them on design-build. I don't know the exact date of when they could come back with a guaranteed maximum price, but until the contract is signed, you can back-out any time.

Commissioner Bales said I know there was a lot of conversation around the location and this particular location, it's fiscally responsible. We already own the land, storm water is already addressed, parking is already addressed. One of the questions that I have is will this location serve our community long-term, because the Town Hall that we are currently sitting in built in 1997 was obsolete within a matter of years. I want to make sure if we are going to build something, that we are building it to last 40-50 years.

Mr. Roberts said it depends on the size of the building. Let's just say you go with a 3-story building, because there's nobody on this call and no citizen out there in the world that can tell me how many staff people we'll need in 2040 or 2050, the 3-story building will at least get us 20 years. You have multiple options from there, so you may decide through this process you go 4-stories. The other option you've got is the DPK Building. DPK's lease is up in 2025, but they have multiple 5-year extensions that are available and I don't know what DPK will look like in 2040. Let's say at the end of their term, let's say 2040, you decide you want to do something different, that's a potential option. Obviously, we have the third floor that we have staff on. There are different options available, that's where I would need guidance from the Board on how big do we build this building. Three floors would definitely hold us 20 plus years, but it's not going to hold us for 50 years.

Commissioner Bales said I for one am not interested in a 20-year band aid. If we are going to build it, we need to have enough vision to build it for sustainability. I do like hearing from the Mayor the ability to lease out or utilize space for the county for various services that our community needs and otherwise would have to drive down to Freedom Drive for. I think there's some viability here with it. I just can't envision us building something that we are going to sit here 20 years from now and regret building and that's what I don't want to see happen.

Commissioner Munger said do you have any concerns where construction costs are right now and do you believe that anytime in the near future construction costs might go down.

Mr. Roberts said I wish I knew that, too. Construction costs are high. I've seen some projects that have just finished. I think a project I looked at not too long ago was about \$370/sq. ft., but it all depends on materials and different things you use. Are we talking about a year to basically permit/design. I don't know what will happen within that year timeframe. But if the economy is strong, let's look at it. Folks say we are in COVID-19. I agree, but as you know residential and commercial permits in Huntersville from 2019-2020 are up 75+ percent, which is crazy. That's residential, industrial/commercial coming out of the ground. I would not tell you the cost is going to come down. I hope they would, but I would not guarantee they would come down.

Commissioner Phillips said we pulled this out of the budget for the fiscal year and I feel like we shouldn't be discussing this again until then. For crying out loud, federal government is giving each American who qualifies \$600 and here we are talking about spending money to build pretty much a self-monument. You guys may not believe that, but that's how it feels to me and how it feels to the people I talk to. For every one person I speak to that wants a Town Hall, ten say no and right now is not the time to be discussing this, especially after we had so many people speak out in the past back in May and I just feel like we are being extremely reckless with money that doesn't belong to us and we're not listening to the will of the people that we represent. I feel like we're just being rude. We're being rude to our citizens and we should be doing better with their money right now.

Commissioner Walsh said I guess there's a couple of things I'd note and it's been spoken of this evening already is the two buildings we built back in 1997 were almost obsolete the day they were opened. What is interesting about this is that by moving across the street two things – one, we probably don't ever have to leave that corner, because between that building and the Town Center/DPK building we'd have an absolute ton of space and the Town won't be occupying two corners of a major intersection. We'll simply be operating on one corner and therefore allowing private industry to have the other three corners. We can barely have a meeting because of the small meeting space. When we could have it at Town Hall, citizens would be out in the hallway sometimes for hours which is a total disservice to the citizens. Additionally, we can't even hold a meeting. We have to go up to Cornelius every time there's any sort of a bigger community meeting. When this is designed, I hope we look at the example of Kannapolis where they actually have a wall that blocks off the dais and then they have multiple rooms almost like a hotel where they can hold big community meetings. They actually rent it out for different events. They have a little kitchen, so they are not only providing a community service, but in addition generating some revenue from those rentals without building a room specifically for that. As has been mentioned here, it's great because we own the property. Even on the current property if we had the room, busting out the back just wouldn't be the best idea in my opinion.

Commissioner Bales said I know we had a conversation around busting out the back of Town Hall and building and there were issues with doing that, correct.

Mr. Roberts said we actually had Creech and Associates come by and do a study of how we could expand the Board Room and things like that. There was a plan, I forgot when it was dated back to, or a sketch drawing on these multiple Town Hall or downtown plan which showed blowing out the back of the building and expanding it. Right now, the Town owns the lot behind Town Hall which is where Foster Frame Shop is. The pictures look like it would take and add on to the back of the building. I haven't seen any survey or anything. And then we would expand the surface parking down the side. There's not much parking here and you know how big the lot is behind Town Hall. With the expansion you'd be lucky to double the parking. It was sketched out quite a few years ago. As far as if you are asking me, I think the first question you asked me is if it's a long-term fix. No, it's not long-term fix. We're 60 some thousand. I don't know what the Town population is going to be. It's not going to work from a parking standpoint. It's not going to work from a space standpoint.

Commissioner Bales said I think one of the things that we've got to take into account as well is our staff and they are on top of one another and our staff continues to grow. Commissioner Phillips, I hear what you are saying. I don't view this as a self-monument because we don't work there every day, our staff does. We continue to grow and we continue to ask more and more of them and are not providing them, in my opinion, with a safe of a working environment as we could. We have got to find a solution and we have been talking about this for 4 years now and we continue to kick the can down the road and yet our staff continues to grow because our community continues to grow. If we start now and I'm not necessarily saying let's start now, but I'm saying if we start now, a solution will be there by 2023. It's not a snap our fingers and make that work. We all need to do our part and figure out the best way to do this and provide the right space for not only our employees, but our residents so that they have a community space that they can come to and utilize and do it fiscally responsibly. If I'm sitting here it is not going to be a Taj Mahal, it would be something that meets the needs of our community and that's a hard stop. I will encourage the Board if we are going to move forward, that we look for a fix that's not a 20-year fix. I do not want to be part of the 20-year fix. I want to be a part of a fix that's going to last longer.

Commissioner Hines said I think everybody has made some great points and asked some great questions. This is definitely the right site to build a town hall, whether it's voted on tonight or next month or two months after, there's no question in my mind where we are talking about is the site. We've got a parking deck, we own the land, storm water is there, we're going to save 20 percent, 25 percent right there. We do have the money. We could either pay cash for it or we can borrow it. The Town could get low interest rates because we have a great credit rating. We are continuing to grow. I don't think government is what grows downtowns. I think the private sector does that, but we also need to represent our growing community. My challenges are I'm the CRTPO representative and we are working on these road projects and yes, we're not at fault for what happened with COVID, however a lot of our road projects have been pushed back and I think is there a way that we can utilize the funds we would associate with this to go accelerate a lot of these other projects. The challenge with that is we still have a lot of hurdles to jump through and the greenways are not all ours. The roads are not all ours, so we can't go spend taxpayer money on things that are not our roads or our greenways. I would rather have a little bit more dialogue on this. It's not something I can support tonight, but I do believe our current Town Hall is functionally obsolete. I think that we have to find a solution for it. I think we are going to get there. It's just hard for me to get there tonight if there's a vote on it.

Commissioner Phillips said even back in the budget talks I was never a no, I was a not right now. And whoever would have thought back in May we would still be meeting from home, not even interact and now we are putting cameras in the Rec Center to have meetings, so that's another cost. Three years is a long time. We own other land besides the parcel that's being discussed and that's always an option down the line in the future potentially and I just feel like we are being reckless rushing this and why can't we talk about this in January during the two-day meeting and then really have a deep discussion and let the public have input since they now know, seeing Anthony's presentation, and just be more mindful of it, because it's not our decision really and it's not our money. Who knows maybe in a month COVID is over because of the vaccines. We're just in crazy times and I just don't want to rush and be reckless on something that's eventually going to cost \$15 million.

Commissioner Boone said I get the Town Hall is extremely overcrowded. The staff is doing the best they can with the amount of space they have. What I can't get my head around is an economy that's around us. We've got people that live in Huntersville losing their jobs at USAir, being laid off, etc. We don't know what the unemployment rate is going to look like. We definitely don't know what the virus is going to hold in store for us in the future. I have some huge questions around 115 and if this is going to add more traffic down there and bottle that up and we're talking about having enough space for our town employees, I agree with that, but we've really got to start looking into doing something for the Huntersville Police Department. We've got to make that right or.

Mayor Aneralla said could you repeat some of your last comments because you were going in and out.

Commissioner Boone said I don't think we've got our handle on this virus. I don't think any of us know that and I think we have some issues with the Huntersville Police Department where we don't need to be building \$8 or \$9 million buildings when we've got to fix that situation. We've got Town employees working the best they can at home now. I would like to see a new Town Hall, but we need to wait.

Mayor Aneralla said thank you all for your comments. At what point would we have to actually commit dollars to this.

Mr. Roberts said when you sign the contract. Looking back at the calendar, it looks like we said we would bring a contract to you in April, so sometime in April. Once we award that contract and issue that

notice to proceed, then that's when the dollars would start to go hard. If you wait until January, we've still got to go through this process. You've got RFQ's and all that, so it's going to be about 3-4 months if you go with design-build to start spending some money regardless of whenever you decide to pull the trigger, if you decide to pull the trigger.

Mayor Aneralla said I guess my bigger overall comment is I'm not going to be here in 3 years, so this is not a monument to me, so I take a little offense on that comment. We don't know what the future is, but we do know that we have a lot of interest in our downtown, including our current Town Hall. We have potentially \$1.8 million coming in from the sale of the Blythe Building and we were having this exact conversation a year ago and our conversation then was well we are going to wait to see if we can get any proceeds out of any of our assets downtown and that would be what we would start the town hall process with if we went forward with that. So, you wait 30 days, you wait 60 days, you wait a whole year, you wait four years and you have a Colonial Pipeline situation where 80 people want to come out and get their concerns heard and you have to have it at the Rec Center. You have a controversial rezoning and you have another 50 people and you have to have it at the Rec Center. We are losing our community space at the Blythe Building. We will need to replace that in our downtown. I think it's government slowing the process down. I think it is prudent to start the process today because it's just going to get more expensive down the road. We might have 3.5 to 4 million dollars to put down as a down payment and borrow it at 1 to 1-1/2 percent. Our money market rate right now at the Treasurer's Office is earning 1-1/2 percent. We have \$20 million we could use for some of the road projects, some of the greenways, but also for the town hall, so you know I think delaying it is just delaying it. It's not really coming up with a plan. I think if you move forward tonight or wait until the retreat to discuss it even more there, I think it's going to have to happen and it's the right place, the right time.

Commissioner Walsh made a motion to adopt a Resolution approving the design-build criteria and the design-build contract method for a new Town Hall project.

Commissioner Munger seconded motion.

Commissioner Phillips made a substitute motion that we delay this until the retreat, so that way the public has time to give more input since they just now saw Anthony's presentation.

Commissioner Boone seconded motion.

Commissioner Hines said if we delay it to the retreat can we vote on it at the retreat or do we have to do it at the next meeting.

Emily Sloop, Town Attorney, said you can't vote on the resolution at the retreat. You would have to do it at a public meeting.

Mayor Aneralla said we have an amended motion to delay further discussion on eventual design-build criteria for a new town hall until either January 28 or 29.

Commissioner Bales said if we delay this for the sake of delaying it, I think that's a big mistake. But if we are genuinely looking to have conversation, because like I said earlier, we've been talking about this for 4 years. This isn't something new. If you are seriously considering having true dialogue between now and then with the public, engaging them more, which I do think is great, I'm considering it at this point. But if this is just for the sake of delaying, I don't know that I'm interested, so I would like to hear back from Commissioner Phillips or Boone in their regards.

Commissioner Phillips said we are taking the first steps to spending \$15 million and maybe more and it's the taxpayers' money, it's going to be their town hall, and I think that it should be important that they have a say because otherwise it does come off like we are building a monument to government and I feel like if we could have more education, if we can have better dialogue amongst each other, not just the Board, but with the people who are going to own this, because we're not all going to be on this board forever, but they will forever own that piece of property that we're going to build on and the town hall, I think it's worth having. And that's what the retreats are for are to have these discussions and to have these moments where the public can either come out and share how they feel or they don't, but that way we at least know we've given that opportunity and then the next Board meeting, let's vote. And I'm fine with that. But I just want to give the people more time and consideration.

Commissioner Bales said will you amend your motion to include the vote at the first meeting of February.

Commissioner Phillips said sure. Let's extend this conversation until the retreat in January and then let's vote on it the first meeting in February.

Commissioner Bales said Commissioner Boone, are you good with that.

Commissioner Boone said I'm good with that, but I think it also gives the public additional time to look at the documentation that was in the agenda packet that not everybody realized what we were going to speak about tonight and give them time to contact the commissioners to get their input into this new town hall.

Commissioner Bales said I think that it's very important whichever direction we go that we cannot forget that we have staff working in that Town Hall day in and day out in conditions that are overcrowded. I could care less necessarily about the Board Room. It's those office spaces where they are piled in kind of on top of one another and can hear one another's conversations that create some havoc and that has got to be addressed. I will support the amended motion to defer so we can have some continued conversation at Board Retreat and then vote the first meeting in February.

Mayor Aneralla said just as a point of clarification, the first meeting in February is February 1, so that is two days after the retreat.

Commissioner Walsh said I'm concerned about the delay for sake of delay, too. I know in my 3 years on the Board we've been talking about a new town hall. I don't think anybody here is defending the current location and/or the facility. In fact, I think Commissioner Hines said the current property we own in front of the Town Center or DPK building is the right place to go and so I'm not sure what the other discussion would entail and even if we started now, we are talking about April before we really commit to spending any money, so I'm uncomfortable with another delay considering there aren't a lot of options and personally I don't think we should be on two corners of Gilead and 115, so I would prefer to just get the process started and we've got some checkpoints down the road. We know we have to do something. I haven't heard a good alternative from anybody here. It's not like we've got A and B and B is a good alternative.

Commissioner Munger said does this essentially just move everything back 1-1/2 to 2 months on your timeline or would there be an adverse effect.

Mr. Roberts said it would just move the timeline back and it would be the same type of process you have to follow. I'll just try to line certain things up with the Board meetings when approvals are needed.

Commissioner Bales said I just wanted to comment on something Commissioner Walsh said. I think that it's very important that our residents understand the why. While we have been talking about it for 4 years, they may not have. That may not have been on their radar. I would rather see us engage our community so that they understand the why. I think we all agree that it's the right location, but we need to make sure that the community understands why. Why, because we are overcrowded. There's a long list of the whys and we just need to educate them on the why. I think that it's incumbent upon us to do that and so that's why I'm happy with waiting, let's circle back around retreat, have this conversation again and then vote in February, but I don't want to delay any further than that.

Mayor Aneralla called for a roll call vote on the substitute motion to delay a decision until the February 1 meeting but have discussion about this design-build criteria at the Town Board retreat January 28 or 29.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Resolution – Surveillance Platform and Equipment. Chief Hoyle reviewed request for camera replacements and additions. *PowerPoint attached hereto as Exhibit No. 8.*

Commissioner Bales said can you talk a little bit about the security of the data and making sure if somebody were to take one of those cameras off the poles, could they access the data that's in there.

Chief Hoyle said no, we asked that question specifically. The data is encrypted and if the information was to come off the camera and for some reason it got back to Verkada, the company would not be able to access that information on the camera without it being on our system because it's encrypted with a key that's specific to our agency. Now conceivably I think the biggest risk of data getting off of there would be one of our employees downloading data and sending it to somebody that they shouldn't have sent it to. That would be my biggest concern, but they've all got cell phones in their hands. They've all got the ability to do that because they are likely to be on the scene. I really like the fact that they let us control access to the cameras. We can literally cut off their own staff, so if a camera goes down we have to physically send it back, they can't work on it remotely. We have to allow them into the system to work on the cameras.

Commissioner Bales said do you have policies in place to make sure that employees aren't utilizing that data in a negative way.

Chief Hoyle said yes, we do. This policy is a draft and it's a work in progress. I just wanted to show you a couple of places we brought that in. We have here this public safety camera system for overt monitoring of public areas where there's no reasonable expectation of privacy to the public. Video camera usage in public areas will be conducted in a legal and ethical manner while recognizing protecting constitutional standards of privacy. No video technology shall be used in any manner to gather evidence from the use of criminal prosecution in areas where there's an expectation of privacy unless they have a court order which it would be legal then. Cameras can only record video images, not

sound. Unauthorized viewing, recording, reproduction, dissemination is prohibited. And then we've got a general section on prohibited uses. It also talks about not using anything in a way that's discriminatory and the typical things we have. That is pretty standard policy for a camera system. We have the same system on body worn cameras and we're very sensitive about that because officers with body worn cameras are often walking into somebody's house, so that's why we control that so closely. These cameras are a little bit different because they are all in public spaces. There's nothing in a private space unless you would consider the lobby of a public building a private space, but that's as private as it gets. The outside cameras are all in public spaces. If you did anything illegal for example, it's impossible for us to "spy" on you because you are doing it in front of everybody because our cameras are in front of everybody. It's not like we are hiding these cameras or secretly recording somebody.

Commissioner Bales said are there other municipalities in the area using this type of technology.

Chief Hoyle said I don't know who is using the cloud-based systems. My familiarization has been with internal systems where we have servers and terabytes of data storage and all the fees that go with that. I'm sure there are. I know our vendor, the one that we vetted, there are some municipalities that have it. We've talked to those. One is in Charleston, West Virginia, I believe was a pretty large system.

Commissioner Bales said I guess in reference to cameras, are we the first in the area to utilize this type of camera in intersections and in public spaces.

Chief Hoyle said no, right off hand I don't know of any agency but Huntersville that doesn't have it. I may be mistaken about that a little bit, but I know all the major communities have some cameras. I don't know if they are trying to cover every intersection like I'm trying to do – some may have just one or two in public spaces. I'm trying to cover a grid so that we can track anybody coming and going that's committing crimes, but I do know that all the agencies I'm familiar with have cameras. To what extent they have I really don't know.

Commissioner Walsh said how are these fixed cameras any different than the NCDOT cameras that already litter the area.

Chief Hoyle said they're not different, other than those come up and down the interstates mostly and they are controlled by DOT, so we can't interact with those cameras, search those cameras or anything like that. Our cameras are exactly the same when it comes to so-called privacy issue rights – they are in public spaces, they are on public streets and there's no difference really in the cameras other than we are placing them where we want to place them.

Commissioner Walsh said Emily, I assume you are reviewing these policies, but in your opinion these cameras are legal and I guess there's probably some case law that would support that.

Ms. Sloop said it's been found that in public rights-of-way there is no legitimate expectation to privacy and just recently a 2020 case from November upheld use of surveillance systems.

Commissioner Munger said can you help me understand why we didn't follow a bid process for these particular cameras.

Chief Hoyle said basically what happened with how we selected this company was we were looking for a way to go internal, that's what I'm familiar with. We were talking about buying servers and installing all the technology, just like we've done before. We don't have the ability to do that because we don't have

the fiber infrastructure here. I had talked to several companies through our Chiefs Association that had some vendors that I knew about and Larry with IT had come to me with a system that he has been looking at for the Arts Center that they put in that he said he thought it would do what I wanted it to do and it would bypass the need for the fiber issue. He set up a presentation and we looked at it and I've got to say I was skeptical about using cloud-based systems especially over cellular networks, but it worked and I was very impressed with it. Because we had already purchased this for the Arts Center, we can I guess you would call it piggyback or there's an exception. In order to have everybody on the same system, we just went with what was already out there.

Ms. Sloop said I can speak to that a little bit further. In terms of the sole source exception to the bidding process, you can apply that exception when one of the key determinations for the product is compatibility with our current system. In this particular case because we needed the ability to have those cameras interact and be compatible with each other, it was something that would fall under that sole source purchase exception from the bidding process.

Commissioner Munger said in terms of the facial recognition functionality, are you planning on making use of the facial recognition functionality with these cameras and which ones would you use that functionality with if you were to use it.

Chief Hoyle said the functionality is built into the cameras. We do have the ability to turn those on and off. We can turn off the facial recognition and different things like that. I would recommend that we have those on any time you have a lobby area or somewhere like that. I don't think those are necessary in a traffic camera because you are not going to recognize faces from 40' up on a pole. A lobby camera is a little bit different because people's coming and going and you see who they are. All the cameras have the capability of doing it. I'm perfectly fine with guidance on what you are comfortable with on the use or not use of that technology. I don't think it's feasible to use on the traffic cameras. You are not going to see faces. Perhaps if we had an open air area where we had cameras like a Veterans Park or something that might make sense to have that in case we had problem people out there, but I really don't see the use for it outside of a facility like that.

Commissioner Munger said referring to the policy, who actually created the policy around these cameras.

Chief Hoyle said staff started working on a policy and the way we do that is we rob other people just like everybody else does. We go start pulling policies from everywhere and we pull ours from CALEA accredited agencies. We have a system through our accreditation that will provide us with sample policies that meet CALEA accreditation requirements and all of our policies are accredited and get reviewed every year. It's important for us to make sure we can withstand the CALEA audit because that would be a bad thing if we didn't complete that. Staff puts that together and sends me a draft and then I go through that draft and make corrections. It's nothing like it originally was because it was too burdensome for officers to get information back out of it, you had to jump through too many hoops. I have cleaned that up a little bit and that will go to Emily. Emily will look at the legal side of it and then we will come back and implement that.

Commissioner Munger said in order to change that policy, what would it take to modify this particular policy or to expand the use or more cameras or where they are pointing and things like that.

Chief Hoyle said we can point them at any direction that's a public space, even in our existing policy. There would be no ability to change the policy to point it in a private space because that would be

illegal. It would be a violation of our policy if we did that. General changes to the policy can be made anytime. We are constantly changing policies for different reasons. There may be case law that comes out that requires us to change the policy, but we're leveraging the maximum ability of these cameras with the policy that we have. There wouldn't be anything to expand. I think if the vendor changed the technology and made it to where if Mr. Munger was walking down the street it could all of a sudden run his tag number from his facial recognition, that would be a privacy problem. I think that's something we would have to come back to the Board. I would probably have to come back to you if we decided to use that function and say what do you think about this because the implications of that would be bad. I would expect for any change of use I would have to come back at least to the manager or something like that. I don't care how we would specify that, but I don't want to get into saying you can only put these at intersections, because I might want to put it between two intersections because I don't have access to a pole at that intersection. I think the public space limitation is adequate to make sure we aren't pointing these things in an area is not appropriate.

Commissioner Munger said if there was a need to have the expansion of the use of these particular cameras, you would be okay coming back to the Board to get an authorization for that expansion.

Chief Hoyle said absolutely.

Commissioner Boone said I had a complaint Sunday night of drag race on Mt. Holly-Huntersville Road at 2 in the morning. Would you be able to track those people that are drag racing.

Chief Hoyle said Mt. Holly-Huntersville Road may be a little difficult because that's all Duke Power poles and Duke Power is notoriously difficult to get attachment agreements on. Our intent if we can't get attachments on their poles, and we are going to work with them and try, but if we can't we are going to try to set our own poles somewhere in an appropriate place that will still allow us to see that.

Commissioner Boone said the Arts & Science Building or the old library, there's two cameras in that building. I believe that those cameras are monitored by Parks & Rec employees. Are you saying that the Police Department is going to be monitoring all those cameras that are in public buildings. That's one question. Two, if I'm in an Olde Huntersville Historic Society meeting and the camera is on and it takes a picture of several people's faces, will that face remain in our system or does it go out to California some place or down in the Bahamas.

Chief Hoyle said it remains on the camera itself. All the storage is done on the camera.

Commissioner Boone said you have to go to that camera and get that.

Chief Hoyle said that's correct. Let me also say that we would not be monitoring those cameras. We'd have access to them, so if we had a theft in the park we could pull those cameras up and look for a suspect vehicle or something like that. Those cameras are for Parks & Rec and not for police. We probably would staff inside our building monitoring our lobby and our parking lot, but we wouldn't be monitoring any other cameras in real time.

Commissioner Boone said I've got concerns about people who aren't trained with privacy issues like Parks & Rec or any other department in town. Who's monitoring what they are doing. That's my concern.

Chief Hoyle said I guess there's a Town policy issue there that we could address. I want to say all of these cameras and I think all the cameras in parks are all in public spaces. I don't know that there's any concern there as far as privacy issues, but certainly we could look at Town policy to see what could we incorporate from our policy and make it a Town policy for other departments using cameras.

Commissioner Phillips said I just wanted to verify that you guys picked this company because that's what's in the Arts Center.

Chief Hoyle said the Arts Center selected those and I was asked to look at it because the Arts Center was interested in it. What he said to me was I think this will do what you want to do and I was pleasantly surprised it would do that and because the Arts Center bought it I think it's important that we all be on the same system. I did not do an extensive search. I just know that what they've demoed to us and the demo cameras that we've got up are working perfectly for what we need and since the Arts Center already had it, it made sense for us to go ahead and buy it.

Commissioner Phillips said I'm uncomfortable with this company. Back in October it came out that they had used their own software to sexually harass their own employees and they didn't even handle the employees that were doing the sexual harassing until it became public. I just expect better for Huntersville. If it means spending a little bit more money to get the right product if needed, I'd rather do something like that and take our time, even though you know how I feel about cameras in general, but I don't want to do business with this company. I feel like Huntersville's reputation is more important than getting maybe a better deal. I just feel like we could have spent more time looking for someone else because I take it very seriously that they didn't handle sexual harassment in their own business until it went public and they've also lied in the past that they even partnered with law enforcement. I don't feel like it represents what Huntersville represents.

Chief Hoyle said I agree with you about the concerns and we did vet that. Whether we know for sure exactly what was one I don't know because I'm hearing two different sides of it, but we did vet that out and they had one of their senior sales managers was posting images of women that worked there, facial images of women that work there on some kind of different site and was making sexually suggestive comments about those images to other employees other sales employees, so this wasn't like a company sanctioned thing, it was an employee misconduct and they initially disciplined those people financially in some way and later in October of this year they terminated all of them that were involved. They have since sent me some follow-up policies that have been put in place regarding sexual harassment and mandatory training for all their employees that they've done. It satisfied me that they addressed it. It may not satisfy everybody. I'm mainly looking at the technology and whether it works and whether don't and trying to vet some of these issues so I'm not saying I trust everything they say but I will say they've been responsive and open to me about what happened including the vice president of personnel that I spoke with it about it. It was a concern to me as well and I do feel like they addressed it, but I'm sure to the women that work there it wasn't addressed adequately enough, but I do know that they terminated – I don't know, I was told specifically they terminated every employee involved in that situation. I agree with you, it's not a good look, but I do feel like they addressed it.

Commissioner Bales said it kind of piggybacks with what Commissioner Phillips was saying. I did look at those articles and I read them and I asked some questions of Chief as well around them.....really kind of honed back in on our data and making sure that they didn't have access to our data at all, that they had to come to us or Chief had to work with them that they couldn't just tap in that everything that we had is encrypted and at the end of the day protecting that data is really the most important thing.

Chief Hoyle said I won't bore you with it but they actually sent me the encryption algorithm. I've got some security background and it's well encrypted. I have to go on what they tell me. I'm not there, I don't see how they access the cameras and things like that, but they are telling me that they cannot access the cameras unless we physically give them permission and open it up for them to access. And it makes sense to me because all the information in on the cameras.

Commissioner Bales said that's no different than your phone. It's all encrypted.

Chief Hoyle said I don't like proprietary systems. I like open source systems that I can pull data from different places and build our own servers and maintain, but that is absolutely the most expensive way you can go and we don't have the ability to do that the way our network is. We just don't. We have to go with a cloud-based system. The only reason I'm really focused on this company is because we already have it and it makes it easier. I'm not opposed to looking for something else, but I really feel like this works. We've demoed now for three or four months and I'm pretty confident it's going to start solving cases. That's kind of where I'm at with it.

Commissioner Boone said I spent a lot of time on this and Big Brother is watching is something that I've kind of dealt with for a while but I do think the cameras will solve crimes. If you look at August 15, 2013, I don't think that crime would have been solved unless they had cameras and that date was the date of the Boston Marathon bombing. With that said I would like to make a motion to approve the resolution authorizing the Huntersville Police Department to contract with Veradeck Inc. for the purchase of surveillance platform and related equipment as a sole source purchase.

Commissioner Walsh seconded motion.

Commissioner Munger said I was wondering if Commissioner Boone would be open to an amendment to that – that any expansion beyond the original scope will need to be authorized by the Town Board specifically.

Commissioner Boone said I'll agree with that. That's an excellent point. I will definitely amend my motion for that.

Commissioner Walsh seconded amended motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Deny
Commissioner Walsh – Approve

Budget Amendment – Asset Forfeiture. Commissioner Boone made a motion to approve the appropriated assets forfeiture revenue of \$194,000 to the asset forfeiture capital account for the public safety camera network system.

Commissioner Walsh seconded motion.

Commissioner Phillips said does every penny from civil asset forfeiture from somebody who's been convicted of a crime – not accused but convicted.

Chief Hoyle said I cannot answer that question. I wish I could but I can't – it comes from a federal system, I think you saw my email on that, it's vetted but I don't know specifically which cases were involved in what asset forfeiture comes from.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Deny
Commissioner Walsh – Approve

CONSENT AGENDA

Commissioner Hines made a motion to approve the Consent Agenda. Commissioner Bales seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

The following items were approved under the Consent Agenda:

- Minutes of the November 16, 2020 Regular Town Board Meeting.
- Budget Amendment appropriating Park Capital reserve revenue in the amount of \$75,000 to the Athletic Field Lighting expense for the Waymer baseball field.

CLOSING COMMENTS

Commissioner Bales wish everyone happy holidays and encouraged everyone to continue to practice social distancing.

Commissioner Walsh wished everyone happy holidays.

Mayor Aneralla expressed appreciation to staff, the Board, volunteer commits for their work during 2020.

There being no further comments, the meeting was adjourned.

Approved the 19th day of January 2021.