

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**October 16, 2023
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:15 p.m. on October 16, 2023.

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

Mayor Bales called the Pre-meeting to order.

Mayor's Affordable Housing Task Force Presentation. Justin Ckezepis and Michelle Hoverson presented report from the Mayor's Affordable Housing Task Force. *PowerPoint Presentation attached hereto as Exhibit No. 1.*

**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 October 16, 2023.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Boone requested update on I-77 lane closures at Gilead Road.

Ethan Smith, Public Information Officer, noted all northbound lanes on I-77 will close at Exit 23 at Gilead Road from 10:30 p.m. to 5:00 a.m. tonight, Tuesday night and Wednesday night of this week.

Mayor Bales said Ms. Sloop, a resident had reached out to me over the weekend asking if I was being sued and I wanted to make sure that folks understood the condemnation process.

Emily Sloop, Town Attorney, said as the Mayor of the Town of Huntersville, you are unable to derive a direct benefit, meaning income from a contract with the Town, so that's why we cannot purchase your property outright, rather we have to go through the condemnation procedures because of the fact that there's an exception to the statute against direct benefits of contracts with the Town when you have a consent order or a judgment from the court regarding condemnation.

Anthony Roberts, Town Manager, said that's related to a road project that we have going on in front of your house.

Ms. Sloop said correct, and so it's litigation, but you have not been sued by the Town in the traditional sense.

Mayor Bales said thank you. I just wanted to make sure that was clarified and corrected on the record.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

National Arts & Humanities Month Proclamation. Mayor Bales presented Proclamation proclaiming October as "National Arts and Humanities Month."

A Proclamation for National Arts and Humanities Month

WHEREAS, the month of October has annually been recognized as National Arts and Humanities Month by thousands of arts and culture organizations – including the Arts & Science Council, the local arts agency of the Town of Huntersville and Mecklenburg County – and by communities, counties, and states across the country for nearly 30 years; and

WHEREAS, the arts and humanities help community members explore their diverse history and culture with the support and creativity of large, midsize, and small cultural organizations, creative individuals, educational institutions, and local businesses; and

WHEREAS, despite significant losses to the coronavirus pandemic, the creative industries remain among the most vital sectors of the American economy - providing new opportunities for development, and creating jobs and economic activity across sectors; and

WHEREAS, the collective nonprofit arts industry of the Town of Huntersville, surrounding towns, Mecklenburg County and Charlotte strengthens our local economy by generating \$243 million in total economic activity annually, \$21.6 million in state and local government revenue, and by supporting the full-time equivalent of 7,600 jobs; and

WHEREAS, the arts and humanities embody so much of the accumulated wisdom, intellect, and imagination of humankind, and play a unique role in the lives of our families and our community.

NOW, THEREFORE, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim October "**NATIONAL ARTS AND HUMANITIES MONTH**" in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 16 of October, 2023.

Mount Olive Missionary Baptist Church. Mayor Bales presented proclamation congratulating Mount Olive Missionary Baptist Church on their 155th Anniversary.

A Proclamation for Mount Olive Missionary Baptist Church

Whereas, October 22, 2023 marks the 155th Anniversary of Mount Olive Missionary Baptist Church, which was founded in 1868; and

WHEREAS, it was formed by an ex-slave Reverend Alex Anderson whose burning desire led to the formation of the Mount Olive Baptist Church; and

WHEREAS, Reverend Alexander began his work of building a brush arbor to house Mount Olive's first members and now, 155 years later, the church continues his mission in a beautiful building and flourishing congregants; and

WHEREAS, Mount Olive Missionary Baptist Church continues to flourish in its vision to "reach, teach and minister to the hurts and needs of seekers, preparing them to be believers and workers for Christ"; and

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

Now, Therefore, by virtue of the authority vested in me as Mayor of the Town of Huntersville, I do hereby deem it an honor to extend congratulations to Mount Olive Missionary Baptist Church on their 155th Anniversary.

In Witness Whereof, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 16th of October, 2023.

Recognition of Jack Simoneau. Brian Richards, Assistant Planning Director, to say that Jack Simoneau means something to the Town of Huntersville is an understatement. For the last 22 years Jack has headed up the Planning Department here. Many ups and downs, pluses and minuses, given everybody's various political season that it is, everybody's viewpoint is different, but I can tell you this, Jack has been a tremendous leader for us. He's led us through three comprehensive plans, more than ten small area plans, over 150 rezoning petitions, numerous text amendments because he couldn't count that many this afternoon and well over 105 residential and mixed-use subdivisions, hundreds of thousands of square feet of commercial and industrial space. To say that he has left his footprint here is again an understatement and I cannot say enough. He's been a wonderful mentor, a wonderful person to work for and I've really enjoyed the last 20 years of serving on his team and I've got some big shoes to fill. It's an honor and I want to call you my friend and can't say much more than that.

Jack Simoneau, Planning Director, said for the record, it was 22 years, 2 months and 16 hours that I started. I just want to say thank you. This has been the best job I've ever had. I appreciate working with all the boards that I have worked with, and I mean every one of them. The Town staff has been fantastic, the management has been fantastic. The Planning staff is just fabulous. Brian Richards is walking in.....he's already running the department to be honest with you and you are in great hands, so again thank you for everything, I appreciate it. Wonderful job - I'll never forget Huntersville. I'm going to stay here for the rest of my life.

AGENDA CHANGES

Commissioner Munger said I'd like to move Item 10.F from Other Business to Item 8.D on the Consent Agenda.

Mayor Bales said are there any other agenda changes? Is there a motion to adopt the agenda, as amended?

Commissioner Phillips made a motion to adopt the agenda, as amended. Commissioner Munger seconded motion. Motion carried unanimously.

Mayor Bales said is there a motion to adopt the agenda?

Commissioner Phillips made a motion to adopt the agenda. Commissioner Kovacs seconded motion. Motion carried unanimously.

Mayor Bales said you're right, I did miss it, because I got ahead of myself. Poor Jack, just after 12 years of learning from him, just got me a little emotional and I try not to be. We are going to move back and go back to Public Comments. The first person who has signed up to speak is Charles Guignard.

Charles Guignard, 201 Sherwood Drive, said excuse me Madam Mayor, you're not the only one excited about Jack's retirement, but saddened about Jack's retirement and excited about Brian taking over that position. I believe I was the only elected official that was a part of that interview process and we all

agreed that evening that Jack Simoneau could do a good job and over 22 years and however many hours that it's increasing, he has served well. I was fortunate to be sitting as Mayor Pro Tem and commissioner at this dais for 8 of those 22 years and oh my gosh as a citizen, as a business owner, as a property owner, he worked with everybody equally, diligently and understandingly, to the best of his abilities, so thank you Jack. Number two, I see on your agenda this evening a joint use thing with Lake Norman Charter School. What emotions that brings to me. I remember fighting Charlotte-Mecklenburg School System for 19 months to get them to agree to take a check from this town for \$500,000 for the Huntersville Elementary School gym, the first joint use thing that they did with a small town and I'm excited to say that I am the one that made the motion for Lake Norman Charter to exist, so bring them on Michael, just keep doing those good things. Third, before I forget it, Anthony, the wonderful Charlotte Water system has agreed to replace a sewer line right out yonder that they say doesn't exist and I am not drunk. There's a sewer line out there from manhole to manhole that Charlotte Water said doesn't exist, but they've agreed to replace that one day next week. As soon as they tell me, I promise you you'll be the second phone call. I won't tell you who the first is. Most importantly, before I run totally out of time, former mayor, former commissioner, former mayor pro tem and most importantly for this sentence or two, chairperson of the Downtown Study Committee, whatever we were officially called, the last thing I am going to do in this town is speak for Sarah McAulay. For anyone in here that knows her, that ain't a good thing to do. But she told me she's away with a family situation in Raleigh dealing with a sister that she is trying to assist. She will be very disappointed if the Golden Cow passes tonight. From her perspective if the Golden Cow passes, that opens up all of the downtown study that was done, all of it, including having taller buildings than is presented in the Downtown Study. I personally would agree in general.....

Mayor Bales said Mr. Guignard, your time is finished.

Mr. Guignard said and I will thank you and appreciate what you have done. Again, Jack, we will miss you greatly. Thank you.

Elaine Kerns, 301 Hillcrest Drive, said I respectfully disagree with Mr. Guignard. As a member of the Downtown Planning Steering Committee, I urge you to approve the Golden Cow project. It is exactly what we had in mind when we developed the plan. It's a unique small business with character, it provides a great place for people to gather, it's 100 percent commercial which we very much need, and as a bonus the applicants are local and unless I'm mistaken they appear to be great neighbors.....they would be great neighbors. Let's look at some of the reasons why some of you might be opposed to this. It's not a two-story building. It meets the height requirement of a two-story building, it just doesn't have a second story on the inside. However, it will provide space for two to three additional businesses, which again we greatly need. Regarding the height, it blends in beautifully with the older one-story homes that border it, and it adheres to the step-down intensity provision in the plan. It doesn't fit the 2040 Plan. With the exception of a few needed modifications, staff says that it does, and they support the plan. Please keep in mind that the Planning Board unanimously voted for the plan. Will there be enough parking? I believe they are providing parking, however if that's not enough there is a big, beautiful parking deck right across the street with lots of spaces. I think we want people to park and walk around downtown. It will compete with another ice cream shop in downtown. Well, hopefully they will both thrive, but isn't that the nature of competition. Does that mean we should only have one shop, one restaurant, one bar. May the best man win if it comes down to that. More competition is good for our town. This would be the first new all commercial construction built in downtown since 1999. That was 24 years ago, and before that the last commercial building was built in 1972, 51 years ago. I don't think businesses are knocking on the door to build downtown and we do not want to have the reputation as being business unfriendly in this area. This new building and new business will draw

other businesses downtown. I urge you to vote yes and allow the process of breathing new life into our downtown to begin. It only makes sense to approve this.

Joe Hewitt, 16106 Henry Lane, said what I am here to do is express concerns about the Highway 73 widening project. It's very ambitious and we've looked at multiple sets of plans. We're not sure what the exact latest set of plans are, but we have some serious concerns about how the residents of Henry Lane and Cramur Lane are going to be able to leave their neighborhoods and go east on 73. That's my first concern. There is a reworked proposal for the Beatties Ford/73 interchange that addresses some issues, but it certainly doesn't address the issues associated with our neighborhoods. My second set of concerns have to do with the increased traffic on Beatties Ford Road headed north toward 73. As a matter of fact, I picked up my nephew from Hopewell this afternoon and the line extended back past the church, and it took us 15 minutes to come through the intersection and it wasn't an especially busy day. The reworked plans do not seem to address increasing the through put of the Beatties Ford traffic onto 73, so that's my second major concern. My third major concern has to do not only with the residents of Henry and Cramur, but also Sunset and Terry, and that is our ability to access the shopping area around the Harris Teeter. Once we head east on 73, we can get to the Harris Teeter, but it's very difficult for us to get back home and most of us when we go out shopping have multiple errands to run. The last stop is going to the grocery store, Harris Teeter in this case, and once there there's no way coming west on 73 to conveniently access the Harris Teeter. Those are my primary concerns. I do want to say that I am enthusiastic about the project because it does seem to include sidewalks that extend from Blythe Landing up toward Southlake, which is great. We just need to keep those in the budget, and I'll yield my time.

Dan Fogel, 16100 Henry Lane, said I want to thank you for your work. I don't get a chance to say that enough and I really appreciate what you do. I know the staff is concerned. I've talked with them about this project. It's ditto what Joe said plus I'm worried about emergency vehicles. There's no real way if this project, either plan goes through, for emergency vehicles to efficiently get into the neighborhoods. I'm getting a little long in the tooth and I'm concerned a lot about emergency vehicles having access to my house at least and I know to others as well. I think it's a really important issue to consider about how they're actually going to get in there and get out at the same time. Another thing is, there is a solution I think that you could consider. It's going to cost a little bit of money but right there Brian Hines owns property across from the gas station there. That property has a road already. It's his private property, but if you were to purchase that then we could come out at least to Henry Lane that would solve the problem, take a right and go to the light and actually it would be the safest way to get out of the subdivision that way. We wouldn't have to go all the way around and keep making turns. That would be an efficient way go left with the light, so consider if you could, if it could be in the budget is to purchase that land in the front – just that parcel. You don't have to purchase the whole thing, just that road parcel so that we can take a right and go around. I think one thing that I'm very concerned about is our property values. As you go through this, I'd hope you would consider how people are going to respond to this type of traffic flow and what it's going to do to our property values, so those are my major concerns in addition to what Joe mentioned.

John Fuller, 11626 Old Statesville Road, said I'm here on behalf on Don Dancy in regard to the Dearness Gardens project. I had previously communicated with I believe it was Brian that this was likely going to be continued on until the next hearing in November, but I did want to go ahead and put our concerns on the record as Mr. Dancy who is the property owner resides at 502 South Main Street. His property does stand to be affected by this. I want to first start out with in general Mr. Dancy does support the proposal and supports the rezoning, but as the site plan that is looking to be approved as part of the rezoning shows there is going to be a buffer zone that's actually placed on his property. I believe the

parties are looking to find a way to work around that which is why we would be requesting that this be continued until November, but that is something that he cannot support placing it on his property when in reality it would need to be placed on the Dearness Gardens property instead of his. The other thing that Mr. Dancy wanted to note was specifically as in regard to the buffer zone between the two properties, the site plan that was originally proposed back in June when he signed off on the original rezoning application, did not indicate that there was anything that was going to be placed on his property and that site plan has significantly changed to the point where now we are talking about 30, 35 trees down a strip of his property that would essentially render the rear of the property unusable for him. In short, we ask that this be pushed until November so the parties can work together to resolve this. He generally supports the project but just wishes to make his concerns out there on the record.

Julia Rogers, 14820 Beatties Ford Road, said thank you for allowing me to come speak here. Primarily as a life-long resident of Huntersville and one of the co-owners of one of the last remaining century farms in the area my primary concern is the proposed EPCON development just right up the road from us. I feel primarily there's been a lack of transparency in the communication for the people directly impacted to that. There's been a sign put there, but as was stated at the last meeting, there....more than just a sign put up. We haven't received a flyer or any sort of concrete information about that. I was able to hear some of the footage from the last meeting. EPCON gave a really good showing of their residents. I would have been more interested in hearing the neighbors of their neighborhoods and how they feel about their projects. But that being said, Beatties Ford Road is heavily trafficked. As a gentleman mentioned earlier, twice a day traffic backs up to our farm from that location. You will definitely sit sometimes 15 to 20 minutes just to get half a mile down the road to the gas station, which is very frustrating when you live in that area and you are trapped. Furthermore, my concern is that this plan really doesn't correlate with not only our future plans, the 2030 and 2040 Plan, but also the plans of Mecklenburg County, they're stated objectives for preserving the last remaining green spaces in the area as they recently passed the Farm Preservation Plan and they have stated that's their primary goal to preserve what's left of our soil and water quality, which is going to be heavily impacted by increased development. I just don't feel that this development is in correlation with the plans for Mecklenburg County and really the goals of the Town of Huntersville. Finally, it's just disappointing as small business owners, we were in communication with the Town of Huntersville to potentially put a store on our property and we were told that the biggest factor in that was that Beatties Ford Road is designated a historical road and thus any development would require rezoning which I know there's proposed rezoning, but to me if you designate something as an historical road it should be kept that way and more development is not in keeping with the historical nature of Beatties Ford Road, it's against it.

Ashley Wiley, said can I write the address down, I don't feel comfortable giving that, if that's okay with you. First of all, I want to tell you all thank you. As we go into early voting here soon and hopefully going into voting we can all just do things kindly and civilly. On that note, I kind of want to bring you to Section 2 of the Huntersville Code of Ethics where it states that "Members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include: Adhering firmly to a code of sound ethical value; behaving with respect towards everyone with whom they interact; exhibiting trustworthiness; best judgment; remaining incorruptible, self-governing and unaffected by improper influence while at the same time being able to consider the opinion and ideas of others." And then it goes into "treating members of the public with respect and honoring the opinions of others even when there are differences of opinion." That last one is what I want to bring the most attention to as there has been a huge rift in our town. It's truly not fair what's happened and honestly, I shouldn't be afraid to give you my address. I mean obviously you have it, but I shouldn't be worried about saying it. I shouldn't also be worried about being told that I would have to face consequences for speaking out against the

commissioner and being threatened with my appointment. That's not okay. Everybody has the right to free speech, even as an elected official you do not give up your right to the freedom of speech. Non-discrimination and non-retaliation mean exactly that. You don't discriminate and you don't retaliate. If you have a difference of opinion, please just go to that person. Stop trying to look for something that's not there. And at the end of the day, you are who everyone looks up to. It's just that simple. You're who my children look up to. Just do things the right way. Stop with the rift. It's gone too far. And honestly, I don't know how some people can still sit up here and want to run for mayor when their campaign manager threatens me for using my voice.

CONSENT AGENDA

Approval of Minutes. Commissioner Phillips made a motion to approve the minutes of the October 2, 2023 Regular Town Board Meeting. Commissioner Kidwell seconded motion. Motion carried unanimously.

Updated Fee Schedule. The only change is to the wording in Erosion Control Plans. The fee is now chosen by the Applicant for either acres disturbed or the number of single-family lots developed.

Commissioner Phillips made a motion to approve updated Fee Schedule to comply with House Bill 488. Commissioner Kidwell seconded motion. Motion carried unanimously.

Updated Fee Schedule attached hereto as Exhibit No. 2.

Resolution – Seagle-4th Street Improvements Construction Contract. Commissioner Phillips made a motion to adopt Resolution to award the Seagle-4th Street Improvements Construction Contract to Efficient Developments. Commissioner Kidwell seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 3.

Lake Norman Charter School Joint Use Gym Agreement. The Lake Norman Charter School is planning the construction of a new elementary school on McIlwaine Road just to the west of Fire Station No. 4. The Town currently has joint use agreements with the Lake Norman Charter School at their existing elementary school, middle school and high school. Currently, those agreements will expire in July of 2039. This new agreement will add the new elementary school gym for 15 years and extend the other three gyms by an additional two years each. The new elementary school is anticipated to be open by August of 2026. The Town would make a one-time payment of \$500,000 for this new agreement once the school is opened.

The Parks & Recreation Commission unanimously made a recommendation at their September meeting to approve this agreement. The 2030 Huntersville Parks & Recreation Master Plan calls for an additional 44,000 sq. ft. of indoor recreation space by 2030. This project will include over 10,000 sq. ft. of indoor gym space.

Commissioner Phillips made a motion to approve the Lake Norman Charter School Joint Use Gym Agreement. Commissioner Kidwell seconded motion. Motion carried unanimously.

Joint Use Agreement attached hereto as Exhibit No. 4.

PUBLIC HEARINGS

None

OTHER BUSINESS

Beatties Ford Road/Brown Mill Road. Commissioner Phillips requested to be recused from Item 10.A.

Commissioner Munger made a motion to recuse Commissioner Phillips. Commissioner Boone seconded motion.

Commissioner Kidwell said could you clarify your recusal, please.

Commissioner Phillips said my parents own property in that vicinity that will be impacted potentially.

Mayor Bales called for the vote to recuse Commissioner Phillips.

Motion carried unanimously.

Brett Canipe, Division 10 Engineer with NCDOT, said thanks again for having us. We've been to the council a few times recently and as we will cover here in the presentation, we visited with the Town and had several public hearings a few years ago now to talk about the NC 73 project that's west of the town. With that, I will go ahead and get started. *PowerPoint presentation attached hereto as Exhibit No. 5.*

What we are here to talk about tonight is sort of a recap. We have a slide that will show what we've kind of accomplished over the last couple of years, but really we're here to focus in on one particular area. That's the Beatties Ford Road and Brown Mill Road intersection and also as we consider options for that intersection, just north of there, Beatties Ford Road and NC 73 also would be impacted by decisions we make.

NCDOT is coming to ask the Town council to provide their preferred alternative over two options that we've kind of narrowed things down to and I can show everyone that with a project map here just in a minute and then tell you about another public meeting we are going to have because it's been a while since we've been out there to the public.

This project, NC 73 widening from more or less West Catawba Avenue to just past Beatties Ford Road, has been around in our State Transportation Improvement Program for a number of years now. We began working on the project back in 2018. That work progressed through environmental studies, a lot of things there. I won't read everything on the screen, on up until the 2021 timeframe we were able to restart the project after a delay that most of our projects experienced across the state during some financial struggles we went through.

We've been coordinating with other Town projects like the Gilead Road intersection project and a lot of other developments or proposed developments along the corridor, so we've been engaging with everyone.....came back to the town, met with everyone, reviewed some alternatives because there were some concerns over the design and where we are right now is we are in the right-of-way phase of this project, so our designs realistically were complete, but we went back to the drawing board in a few locations at the request of the Town trying to make some tweaks that would hopefully suit everyone just a little bit better. But again we're trying to buy right-of-way right now as we speak, so many of you, if you live in that area, you may receive letters if you own property in that area.

Back in February we were asked specifically to reevaluate the Beatties Ford Road and Brown Mill intersection to look for some other alternatives that might help with traffic flow and help ease some concerns. We worked on that through the spring and summer of this year and came up with these design options that I'll walk through with you here just in a minute. And then met with the Town council folks just to go over the details of the design so that they could truly understand what we were proposing because sometimes if you look at a set of even concept drawings for a highway project, it's hard to kind of pick out what's going on, but I commend y'all for your interest and glad we were able to come to a conclusion on most of the design concepts.

This is what we had as a previous design at the intersection of Beatties Ford Road and NC 73. This was before we had a request to reconsider the design, so you will notice on the north side of NC 73 there, the northern leg of Beatties Ford Road was shown to be offset from the main intersection and also there was some concerns on this lower part of the page about the concept that we were proposing at Brown Mill and Beatties Ford itself. We did move into an alternative for the Brown Mill intersection or we considered two alternatives there. In the previous design it was harder to see, but we were proposing to limit through movements or left-turns.....the previous design had a little bit more limitation on the movements that were allowed here, so we were always proposing a left-turn out of the westbound leg of Brown Mill Road and that's actually the left-turn movement for NC 73 traveling westbound to go south on Beatties Ford. We are proposing to now include a left-turn that would take you to the north out of Brown Mill up towards NC 73 on Beatties Ford, so that's what we are calling Alternative 1. I will tell you from a traffic operations standpoint, I believe that's probably the superior option. There's a lot of details and a lot smarter people than me in the traffic engineering world that could explain that, but I don't know that anybody wants to hear it tonight. We can see the other alternative on the next screen and that would be to allow a through movement on the westbound approach of Brown Mill across Beatties Ford Road, but because of the way the signal has to be phased, that means timed, in relation to the Beatties Ford and 73 intersection which is just to the north and you've heard tonight from at least a couple of people about the challenges that we are dealing with there at that intersection. This would be Alternative 2 that we've come up with and presented to the Town. Again, the other option is NCDOT's preferred alternative at this point, but again this is one of the critical decision points that we're at right now that we'll be asking the Town to weigh in on.

If you look at the larger picture you can see this would be a picture of Alternative 1 where you can turn left out. You'll notice that we had proposed earlier as I described the northern leg of Beatties Ford Road would have been offset here. We brought that back into the main intersection at the request of the Town. In order to achieve that there was a u-turn bulb that was proposed right here, but unfortunately that would conflict with this left-turn movement, so we had to remove that in this version of the design.

I'll just go ahead and try to get maybe some of the comments I heard. The Henry Lane folks, for example, were concerned about being able to travel back to the east. The way you would have to do that is to go through the intersection, go here and make a u-turn at this location, and if you imagine any four-lane divided highway, which that's what NC 73 would be, that's what's in our Transportation Plan and has been for a long time. Alternatively, you may have been able to make a u-turn here with this being a divided highway. In this case because of the design of this intersection to facilitate the very heavy left-turn movements on Beatties Ford, you're unable to accommodate that movement here. As with everything, our designs are a balance between everyone's needs – between the folks using the corridor or the folks living on the corridor, sometimes that's the same people.

We've got a public meeting scheduled for November 14 at Lake Norman Baptist Church. There's two different timeframes. If anyone would like to come out, we're happy to cover in much greater detail and we'll have the whole project team there. Some of them are here with me tonight that could help answer some detailed questions but certainly could cover it more there.

Just a quick note on the cost of the project. Right now we're looking at getting really close to the \$80 million mark for this one single leg of the NC 73 project and if anyone was here for the last visit and we covered cost, I'll tell you that cost has gone up dramatically since that last time we were here and everyone is familiar with what's been happening with inflation in our economy and it's definitely affecting the horizontal construction market as well, probably even at a greater rate than most every other market, so just a very large investment that we're all making here. We all are making this investment as taxpayers but just wanted to represent to you guys what's being invested in this one leg of 73. I think that's it. I can take any questions. We can cover, you know if you guys want to look back at any of the designs or however you guys want to handle it from here, but happy to take questions.

Mayor Bales said let's open it up for the Board members to ask questions.

Commissioner Partee said just real quick, the diagrams that I have in my agenda packet.....I mean your presentation was much more simplistic than what I have here. How can I match up the Alternative 1, 2 and 3 compared to engineering diagrams that I have in my packet.

Mr. Canipe said it's a risk to show one version, but there's a little more detail in that design that you are looking at there. It's the same thing. It's based on the same line work, so if you have a specific question about any of those turning movements or anything like that we can cover it. We can also get you hard copies of those design concepts we went over in the agenda packet if that would help you. We'll get those out.

Commissioner Munger said thank you for the presentation. I just want to kind of put it in simplistic terms as I understand it. Alternative 1 allows a left-turn if you are going eastbound on Brown Mill, whereas Alternative 2 does not.

Mr. Canipe said that's correct. Alternative 2 allows a straight through movement if you are westbound on Brown Mill.

Commissioner Munger said so Alternative 1 allows no straight through.

Mr. Canipe said correct.

Commissioner Munger said I just want to make sure I understand the fundamentals of the difference.

Mayor Bales said so Alternative 1, you cannot go straight through west, which means you would have to.....east or west or both.

Mr. Canipe said both. In Alternative 1 you would have left-turns coming from both sides of Brown Mill and then Alternative 2 you would have left-turns on the westbound approach because that is the left-turn serving into 73 traffic that wants to go south on Beatties Ford Road. You would also be allowed to go straight through across Beatties Ford Road at the same time that those left-turns would be made.

Commissioner Kidwell said a couple of things. I don't know if your maps can.....can you show like if you're cutting off access to go east on Brown Mill to go straight across so the individuals there would have to go down to 73 and basically take a left out of their property if they are on the south side.....take a left, go down to 73 and then head east. Do you have another map in here that kind.....

Mr. Canipe said do we have hard copies, by chance. Would that help if y'all had that in front of you. I apologize for maybe not having that.

Commissioner Kidwell said so where the Phillips' farm is, if you live on the Phillips' farm side and you've got to go east on 73, you've got to take a left out of their property, go down to 73 if you want to go east, and then take a right. Correct?

Mr. Canipe said I was still trying to flip to the right one. If you're on this side under Alternative 1 and you want to go straight across here, is that your question?

Commissioner Kidwell said no. Alternative 1 does not allow you to go to cross.

Mr. Canipe said Alternative 1 would allow you to turn left, you're correct, from that leg. You could go north on Beatties Ford, then make a right on 73 to head east.

Commissioner Kidwell said what the map doesn't show us here is how it shows a small portion of Beatties Ford Road. What it's not showing us is how Beatties Ford.....what you guys are doing from Brown Mill to Gilead, and I think that's the bigger.....this is kind of you've got to look at both of those sections, and coming from where we're doing some improvements as a town at Gilead to turn right and putting in a lane, we're actually narrowing it down in front of the Fire Department and then widening back out because there's two gas lines, a 42" and a 36" gas line, so we can make all the improvements here. You heard some folks from over at Henry Lane talk and there's probably another 2,000 or 3,000 people that come down that lane. It's still going to be an issue with traffic because we're going from two to one to two. We're doing this accordion effect and it's going to impact.

Mr. Canipe said there's no doubt it would be a better deal overall if we could carry that lane all the way through. It's those gas lines and we talked about that a little bit more last time and that's a very significant undertaking to extend that lane because of the way you have to handle those gas lines and I know you know a little bit about that.

Commissioner Kidwell said I understand that and I appreciate that, but I also know NCDOT wants to move traffic and vehicles as safely and as quickly as possible and if we're not going to extend those lanes down, we're not going to be moving them as quickly as possible and I question the safety as well because we're still going down to one lane.

Mr. Canipe said I would say this about the design. The efficiency of the design, particularly the way those northbound left movements to get on 73 are being handled with the two left turning lanes feeding into two lanes on NC 73, that's going to make a very big difference. You're going to process a lot more traffic. And there's detailed information of the modeling that would tell you just how much we are saying we would improve. Really you are talking about where you are stacking cars, right. You're either going to stack cars in two lanes or stack cars in one lane, but because we're able to move into the intersection much more efficiently, there's less cars there waiting because there's more cars that got through the previous cycle.

Commissioner Kidwell said potentially, you are still stacking them up single lane. You're still doing this accordion effect which in my years up here and listening to individuals who've built roads like yourself, traffic calming device is what they call it. It's a natural calming device. It's slowing traffic down, so it's not moving it. But all in all I look at this, I think Alternative 1 seems like it's a better option than just a right-in/right-out for Brown Mill.

Mr. Canipe said I agree.

Mayor Bales said is that the option that NCDOT is recommending?

Mr. Canipe said yes.

Commissioner Boone said two questions. The stone monument that's at Beatties Ford and Brown Mill, will that be moved?

Mr. Canipe said I've got some of the project team members here. I think we're missing that, is that correct? We have to move it out, so we would relocate that. It's very tight through there.

Commissioner Boone said what's the best of all three alternates here, the best to move traffic off of Beatties Ford Road?

Mr. Canipe said I believe that this is the best all-around alternative.....Alternative 1. It provides more mobility and that was some of the concern we had before, mobility in this particular area and that's how we came up with this new concept and there's always a give and take. If you choose one path, that's going to have impacts in some other area of the project. Like I mentioned, we had to do away with that u-turn bulb that was here to facilitate the northern leg realignment, which again it does improve some mobility for some folks.

Commissioner Kovacs said with Alternate 1 if you want to go to Denver and you live on the Phillips' farm, you are going west.....or no, Alternate 1 you would be able to turn left onto Beatties Ford still, correct.

Mr. Canipe said that's correct.

Commissioner Kovacs said so then they could go across and go left. Alternate 2 they would have to go west to get onto 73 to go to east to turn around to go back west to go to Denver.

Mr. Canipe said I think you said that correctly. Again, more mobility, another reason I thought it was a better option.

Mayor Bales said is there a consensus, is there a motion?

Commissioner Munger made a motion to move forward with Alternative 1 for the Beatties Ford at Brown Mill intersection for NC 73 R-5721B Project.

Commissioner Kidwell seconded motion.

Commissioner Kidwell said I know it's a cost undertaking, but I really think we should just take some money from the Cornelius project and put it in the Huntersville project for the gas lines. They raised

their taxes, so they're fine. I've said it before and I'll go on record, I am glad we are moving forward with this portion. I'm not a fan of this project. Going up to Hickory it might work where there's not development. We've got development on both sides. We've got retail throughout this and it's going to be a long.....what are we going to be on 6 years.

Mr. Canipe said before we're done? Potentially.

Commissioner Kidwell said if you say potentially, so a long 8 years of construction.

Mayor Bales called for the vote to support Alternative 1.

Motion carried unanimously.

Mr. Roberts said is there any opportunity as we're working on the intersection improvements of the Town project, separate from this but they tie together, to possibly relook at what Commissioner Kidwell said?

Mr. Canipe said I was thinking about that. We have coordinated to date, so our plans connect and tie and all those things from an engineering standpoint, so if you want to increase the scope and consider taking that lane across the gas lines, there may be some other funding sources that we could talk to the MPO about potentially from discretionary funds that would require.....those are federal funds that would require a 20 percent match. There may be some way for us to blend forces. We are always willing to try to do that. I'll remind everyone, though, that we are in that right-of-way phase, so we'd prefer to go to a property owner one time. That might take going two times because I would hope that everyone agrees we don't want to slow down anymore than the time that we've already lost dealing with this. We're going to look at it, for sure.

Mr. Roberts said what I would say is continue moving down the path you're going, but if you are willing to consider what Commissioner Kidwell brought up with the project we have going on, maybe we can get our teams together to sort of relook at that.

Commissioner Kovacs said you had asked one of your coworkers about maps. If you do have any, could we have some. We have some residents that reached out that don't have access to a computer and they kind of wanted to see how it was going to affect them – this portion and as a whole.

Mr. Canipe said I can follow-up with one of y'all about the number of maps.

Mayor Bales said just work with Mr. Roberts and then he will get it to us.

Mayor Bales said is there a motion to bring Commissioner Phillips back?

Commissioner Munger made a motion to bring Commissioner Phillips back.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Petition #R23-07, EPCON – Beatties Ford Road. Petition #R23-07, EPCON – Beatties Ford Road, is a request by EPCON Communities Carolinas, LLC to rezone six parcels totaling 78.7-acres generally located

at 15201 Beatties Ford Road (South of NC 73 and east of Gilead Road and Beatties Ford Road intersection) from existing Rural to Transitional Residential - Conditional District zoning district for a 118-lot, single-family home subdivision.

Commissioner Phillips requested to be recused because my parents are adjoining landowners.

Commissioner Boone made a motion to recuse Commissioner Phillips.

Commissioner Munger seconded motion.

Commissioner Boone said I would like to make a full disclosure statement that the landowner in this application has donated to every one of my campaigns, but it will not affect my decision.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

This is the continued item from last month. The public hearing was held in due course. There are no changes from the package last month. The item, as you remember, is 78.7 acres currently zoned Rural. The request is to rezone it to a Transitional Residential Conditional District, which would be an age restricted project of 118 units at 1-1/2 units an acre and they would have just above 40 percent open space.

Just to give you a quick update since the Planning Board. This was leading into the meeting a month ago. You can see the items in red there. Essentially the modifications that were requested, “a” is supported by staff’s recommendation, which is the removal of an entry median requirement.

The second one is “b” and that is to increase the driveway width for each individual unit. That is not supported by the staff’s recommendation.

Modification “c” is for a cul-de-sac length extension due to a utility easement crossing. That is supported by staff.

Modification “d” is that there is a buffer disturbance allowed. In other words, they would hold an outer amount undisturbed and an inner amount disturbed and replanted. However, they have modified that and they are no longer asking for that modification, so you don’t have to worry about “d”.

And “e” involves the allowance of a wet pond. That’s a very technical item. Our ordinance allows it if you do the wet pond in a specific way or that you prove certain things that you can do that, and staff is accepting to recommend that wet pond with the provision that they provide those elements that are required.

You can see the next item under “e” was that needed to provide at least parking on one side of the streets where the lots are of a certain dimension and they have done that, so that is no longer needed as well.

All the outstanding redlines would need to be addressed and they’ve expressed that they will do that as well and then there was a recommendation to add a walking trail through the facility and they are looking to do that as well.

Jumping back to the very beginning, just the recommendation from staff was that the request to rezone from R to TR-CD was not supported by the 2040 Community Plan or the Beatties Ford Road Corridor Plan, which we can elaborate on if you would like.

The motion from the Planning Board was to recommend approval. It was by a 6 to 2 vote. I will not belabor the entirety of the motion unless you would like me to, but it is there. In the red just highlights some of the very specific elements in their motion. The vote, you can see the stipulations that they had there, starting with enumeration 1 to remove the median per staff, to increase the length of the cul-de-sac per staff, to allow the wet pond with the qualifying measures. They did not support or rather they were not in agreement with staff. They were looking to allow the driveway increase in width and they were supportive of the disturbance of the buffer, but again, it's a non-issue.

Any questions of the Planning Board motion or the recommendation or the request itself for tonight's consideration?

Mayor Bales said is there a motion?

Commissioner Kidwell said I have a motion, but I'd like to ask a question of Mr. Peete first. In our policies, and it always bugs me when we have a resident saying they weren't alerted or people weren't alerted. What is our policy in making sure that, besides the signs, but letters getting out to individuals.

Mr. Peete said we post the property with a physical sign on any public right-of-way. Unfortunately, due to the odd shape of this property, it only has that small frontage on Beatties Ford Road. Nothing to the rear has been constructed yet through the second phase of Riverdale. We do mailings to every property owner adjacent or within 250' by first class mailing from the county Register of Deeds official address list or property ownership. We also post an ad in the paper, which is the Charlotte Observer, and we post on our website. We have a full project page with everything that's been submitted thus far. So those are our requirements for our CD rezonings.

Commissioner Kidwell said this Board, we've only got a little over a month before the election, or less than a month before the election. I think the next board if we've got candidates sitting out there, think about how we can reevaluate that and change that.

Commissioner Kidwell made a motion in consideration of Petition R23-07, EPCON – Beatties Ford Road, a request by EPCON Communities Carolinas LLC to rezone six parcels totaling 78.7 acres generally located at 15201 Beatties Ford Road (south of NC 73 and east of Gilead Road and Beatties Ford Road intersection) from existing Rural to Transitional Residential – Conditional District zoning district for a 118 lot single-family home 55 and older age restricted subdivision, the Town Board recommends approval. The Town Board finds that it is consistent with the Huntersville 2040 Community Plan Policy LU-1: Encourage a development pattern that follows the Future Land Use Map in that the development is located both within and adjacent to the Beatties Ford Road/NC 73 Mixed-use Activity Center and provides a key residential component of support for said activity center. This recommendation is consistent with and supported by Huntersville 2040 Plan Policies LU-2, LU-2.1, LU-2.2, LU-6, LU-6.1, LU-9, LU-9.1, LU-9.2, LU-10, LU-10.1, LU-10.2, LU-10.4, LU-12, LU-12.2, LU-12.3, EOS-2, EOS-2.1, EOS-2.2, EOS-3, EOS-6, EOS-6.1, EOS-10, EOS-10.1, T-3. The amendment is further supported by the Beatties Ford Road Corridor Small Area Plan which identified a NC 73 Mixed-use Center at the intersection of Beatties Ford, Gilead and NC 73. The Town Board further recommends that the following modifications be approved: (1) remove the requirement for a landscaped median at the Beatties Ford Road subdivision entrance; (2) increase the maximum road length of the road 10 cul-de-sac by 470' not to exceed 820';

(3) allow a wet pond in lieu of traditional water quality measures. This approval is contingent upon the applicant working with Town staff to identify and apply acceptable techniques to meet the intent of the Water Quality Ordinance. In addition, the recommendation for approval is contingent upon: (1) that this community will be a 55 and over age restricted community; (2) within the proposed Courtyards of Walters Farm development, EPCON agrees to reserve three lots to be used as owner-occupied, affordable housing for an affordable housing program if the Town of Huntersville establishes an affordable housing program within three years from the approval date of this rezoning request. If a program as described above exists within three years of the approval date of R23-07, homes on the lots will be built by EPCON and sold for zero profit on the purchase of the home, without upgraded features, and these lots will remain within the future Huntersville affordable housing program. If a program is not established within three years of the approval date of R23-07, the lots will revert to EPCON to sell as market rate housing. All redline staff comments must be addressed. All that being said, it is reasonable and in the public interest to approve the rezoning request R23-07.

Commissioner Munger seconded motion.

Mayor Bales said now we are going to open it up for discussion and I would imagine we would want to hear from the applicant. In regards to that motion, what I heard was three lots set aside for affordable housing. After three years if Huntersville does not establish an affordable housing program, they would revert back to market value. Are you willing to.....

Applicant's Representative said yes, we are willing to do that.

Mayor Bales said any additional questions at this point for the applicant.

Commissioner Boone said I noticed the county has purchased the property north of this. Does anybody know what the county's plans are. I read something, but I just want to hear if it's true.

Mr. Roberts said the property to the north is under contract by the county, if you are talking about the farm itself, but they have not closed on it as of yet.

Commissioner Kovacs said is this supermajority?

Emily Sloop, Town Attorney, said it's three out of five, she's recused. If she had been absent and not recused, it would have been four out of six.

Commissioner Partee said I'm not going to support this motion and I'm not supporting it under the following 2040 Plan LU policies: LU-1, LU-1.1, LU-3.1, which is very important because LU-3.1 discourages rezoning in the higher intensity residential districts in the Residential Edge and Rural Conservation future land use character areas. There is consistent pressure to rezone to higher density districts on the edges of town. Growth management was the #1 priority for survey responses. There's a need to be a concerted effort to uphold previous policy decisions to limit density and increase open space preservation in the more developed areas outside the Town Core. And Policy 7 and Policy LU-11. I was on the 2040 policy development of the 2040 Plan and I live on Beatties Ford Road and I can attest to the traffic that is there, but I just think that we need to preserve the east and the west lower density areas, so therefore I will not be supporting this motion.

Commissioner Munger said I just want to commend Commissioner Kidwell for doing the legwork on this. One of the things that I had originally wanted to see here was some affordable housing. I did nothing

towards that end. Commissioner Kidwell did absolutely everything. He worked with the applicant, he worked with staff, he worked with our attorney to get the language around this and to get three affordable housing lots. We had a presentation earlier tonight about affordable housing. This couldn't be more appropriate at this time to try and get this to happen. I, too, was against this initially, but the idea was so that we could get some affordable housing because especially amongst our older community, hopefully I'm not using a term that offends anyone, I'm almost there, it's especially difficult because they can be on fixed incomes and this makes it just that much easier for them to be able to live in a place and thrive in a community that is serving people like them. To me where it's bordering it fits so well because you will have some older people working next to a farm area community that they won't really be in conflict with each other. They are going to be in really good harmony and one of the things that we always talk about is traffic. As we know, as you get into the older years, you drive less, so this won't contribute as much to the traffic situation, as I believe staff will tell you a TIA was not recommended for this because of the type of residents that will be living there. This is a wonderful thing. I just wanted to acknowledge Commissioner Kidwell – thank you so much. You really took this and ran with it. I will be supporting this, and I appreciate all the work.

Commissioner Kovacs said my soul is on fire right now. This project, while it does not fit the 2040 Plan or the Small Area Plan, one of my concerns and as you pointed out Commissioner Munger, affordable housing, I'm so thankful that you guys are doing that. It brings me so much joy. I think you are paving the way for developers to continue to do things like that. We need it and that is part of why I'm in turmoil, because in my opinion this project itself does not fit there. While we did just discuss affordable housing, we also just discussed right after that the traffic. And we talked about this exact same area and the effects of traffic and then we are going to turn around put housing there and I would like to avoid adding more traffic. I know that we did not require a TIA because it is 55 and up and I may be alone on this belief, but I don't believe that the amount of traffic that will be added is that insignificant as Commissioner Munger. I'm not picking on you, but you just spoke. As you just pointed out, you are almost there and I see you driving around, so it will be an impact on the roads. Now it's not going to be as much of an impact as say if I were to live there and taking my kids to and from school, but to be toted as something that's not going to impact the roads is not quite factual in my opinion. I thank you more than I can possibly say, Commissioner Kidwell, for the work for affordable housing and if this does pass, I will thank you again for us having that in our bank of affordable housing and attainable housing for our residents and to the developer, but I'm not able to support this.

Commissioner Kidwell said just a point of clarification, while the Town did not require a TIA, the NCDOT did and one was done.

Mayor Bales called for the vote to approve Petition #R23-07, EPCON – Beatties Ford Road.

Motion carried 3 to 2 – Commissioners Boone, Kidwell and Munger in favor; Commissioners Kovacs and Partee opposed.

Commissioner Boone made a motion to bring Commissioner Phillips back.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Petition #R23-08 – Dearness Gardens. Petition #R23-08, Dearness Gardens, is a request by Ken Forster, to rezone six parcels totaling +/- 10.07 acres generally located at 13501 Old Statesville Road from

existing Highway Commercial – Conditional District and Neighborhood Residential to Highway Commercial – Conditional District and Neighborhood Residential for boundary and site amendments.

Commissioner Boone made a motion to continue Petition #R23-08, Dearness Gardens, to November 6, 2023, at 6:00 p.m. at Town Hall, 101 Huntersville-Concord Road.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Petition #R23-09 – Golden Cow. Petition #R23-09, Golden Cow, is a request by H2H Holdings, LLC to rezone approximately 0.6 acres at 14516 S. Old Statesville Road from Town Center to Town Center – Conditional District for a one-story retail building.

Jesse James, Senior Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.*

This is 23-09, Golden Cow, for a conditional district rezoning that is Town Center to Town Center – Conditional District.

There are three modification requests. Kind of the main one, why we're here, is the requirement of a two-story building. The applicants have offered a one-story building with additional height on the building at 25'. They meet the minimum parking requirements for 11 spaces. They're offering 12 spaces. There is a modification request to reduce the 10' required buffer on the southern portion of the property to 5' with shrubs instead of trees. There is a modification request to have the dumpster located on the back portion of the property against residential properties. The ordinance requires dumpsters be internal to the site.

I won't go over this entire Planning Board recommendation, but it was an 8-0 unanimous approval for the rezoning, and same with the staff recommendation. The Planning Board did recommend all three modifications be approved. Staff does recommend approval with all three modification requests approved.

Commissioner Munger made a motion in considering the proposed Rezoning Application #R23-09, Golden Cow, the Town Board recommends approval based on the plan being consistent with the Huntersville 2040 Community Plan Policies DT-2, DT-6, DT-6.1, LU-8.1, LU-8.2 and with the 2022 Downtown Plan Organizing Principles of Mobility, Gathering and Soul. While this plan does not propose an occupiable second story, it does offer creative design indicative of a traditional downtown site and an active and welcoming frontage for gathering, a store front height of a two-story building at 25'. Conditions for approval are: (1) modification to allow a one-story proposal; (2) modification to allow the applicant to locate the dumpster adjacent to the southern property lines in the best practical location for garbage and recycling pick-up; (3) modification to allow a 5' buffer for planting area screening for the proposed parking lot with evergreen shrubs and no trees. It is reasonable and in the public interest to approve the rezoning plan because the rezoning is.....my apologies, because the site is small and not being developed with the adjacent properties. It will bring several small businesses to downtown. This business blends with the surrounding development and enhances the visual interest and walkability of downtown Huntersville.

Commissioner Partee seconded motion.

Commissioner Kidwell said I'm not going to support this tonight and contrary to some people, it's not because there's another ice cream shop in town. I rarely get over this way for ice cream when there's so many other options on the other side of 77, but the committee as a whole supported the Downtown Plan and some of them may have had different viewpoints on that and that's fine. I think three businesses going into this building, and it's three businesses going into this building, is going to require what the Zoning Ordinance asks for. Also, I heard someone say that it's going to be a great place to gather. I remember the owners up here saying they don't want people to gather. They want them to get their ice cream and move on. Get your goods and go, and they said that up here. The brewery is a great place to gather. They put out picnic tables, they want you to stay, but down there they don't. I don't know what the other two businesses are going to look like being in there and how they are going to manage the parking. That's up to them. The other thing is, this is a tough one for some of my fellow Board members and some candidates to think about because if you read the agenda packet it's supported by the 2040 Plan and it's not supported by the 2040 Plan. That's just you've got to weigh your options. That's why the 2040 Plan is a guide. I fully laud Commissioner Munger's willingness to approve this in utilizing parts of the 2040 Plan to do so.

Commissioner Kovacs said I think kind of off of what Commissioner Kidwell just said. This is proof why the 2040 Plan is not a solid fall back and I think that we need to look at there's some pros, some cons. The Downtown Steering Committee, the number one thing they want is to get people to invest in downtown, and this is our first investor since the 90's. While I really wish they would have come and followed our ordinances and been two stories and I've been adamant about that since the beginning, I am very thankful and welcoming to you all to come to Huntersville and I see this as being an asset.

Mayor Bales called for the vote to approve Petition #R23-09, Golden Cow.

Motion carried 4 to 2 – Commissioners Boone, Kovacs, Munger and Partee in favor; Commissioners Kidwell and Phillips opposed.

Petition #TA23-05. Petition #TA23-05 is a request by the Town of Huntersville Planning Department to amend Article 9.51 of the Zoning Ordinance to further clarify non-residential outdoor activities allowed within the Neighborhood Residential zoning district within ¼ mile of the Town Center zoning district.

Brian Richards, Assistant Planning Director, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 8.*

As the Mayor mentioned, this is just a quick clean-up for some clarification on language which allows for outdoor activities on a front porch in the Neighborhood Residential zoning district when the properties are within ¼ mile of the Town Center district.

This was supported by both the Huntersville Ordinance Advisory Board and the Planning Board.

Commissioner Partee made a motion in considering the proposed amendment #TA23-05, the Town Board recommends approval to amend Article 9.51 based on consistency with EV-2.2 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will provide further clarification to the language.

Commissioner Kovacs seconded motion.

Commissioner Kovacs said I was just going to say thank you to the Planning staff and HOAB for taking out the ambiguity of this because I know I actually had talked to you about it and not understanding.....we have a lot of this and I hope that we continue to tighten down on our ordinances and change it so that way it's very black and white and we don't have that gray area, so I just wanted to say thank you.

Commissioner Kidwell said the HOAB, that was a 6 to 2 vote, correct?

Mr. Richards said correct.

Commissioner Boone in the Town Center zoning it's ¼ mile measurement and that measurement starts at what point?

Mr. Richards said at the edge of the Town Center zoning district, which typically are property lines or center lines of roads. As you can see here, it's the dark red. I believe we discussed earlier if properties were to rezone from Neighborhood Center to a different district to Town Center, that ¼ mile would adjust.

Commissioner Boone said so that general area could grow?

Mr. Richards said it could.

Commissioner Kovacs said when Town Center project got approved it furthered.

Mr. Richards said it did. Next door to Huntersville Town Center, North State?

Commissioner Kovacs said yes.

Mr. Richards said no, it was done previously when that was under ownership group because that was rezoned to a Town Center – Conditional District that had no.....nothing inside of it, so they had to rezone, so it did not change the boundary but it did change that.....

Commissioner Kovacs said so the property two, three houses down from that changed then it.....

Mr. Richards said just for clarification these uses are only along major and minor thoroughfares, so not the back streets.

Mayor Bales called for the vote to approve Petition #TA23-05.

Motion carried unanimously.

Budget Amendment – HFFA. Zach Brown, Executive Director of Huntersville Family Fitness & Aquatics, said this is certainly not something that was anticipated but this is in response to the HVAC and ductwork replacement for the 50-meter pool air system at HFFA. Upon awarding of the bid, the contractor came in and did some more review of the selected supporting items to get that system replaced and upon doing that review they found that there was going to be some unique challenges which required them to present a change order. This is the difference in the amount of the change order and the amount that was officially selected for budget for this project and so this is just something for consideration for approval so that they can continue on with the fabric duct replacement.

Commissioner Boone made a motion to approve the appropriation of fund balance and capital expense in the amount of \$53,500 related to a change order for the air filtration system at HFFA. The additional cost is for the replacement of supply ductwork to fabric ductwork and additional scaffolding needed to complete the project.

Commissioner Phillips seconded motion.

Mayor Bales called for the vote to approve the budget amendment.

Motion carried unanimously.

Resolution – Amend CIP and Apply for CRTPO Discretionary Grant. Heather Maloney, Transportation Planner, said I'm here to request an amendment to our CIP to fund a greenway bridge over NC 73. You guys talked about this project earlier with the widening of 73. Here we have a picture of the plan at the intersection of Lindholm Drive and 73. If you are familiar, we have a development project coming in on the south side, the Birkdale Golf Club retail development and just to orient you guys, this project will put a greenway extension on the south side of 73 and on the north side you see the existing McDowell Creek Greenway. *PowerPoint Presentation attached hereto as Exhibit No. 9.*

As the project is planned now, this greenway will require pedestrians to walk down 73 along the planned multi-use path, cross Lindholm, continue down 73, cross again and then backtrack 170', cross again, cross the future Lindholm Drive Extension and then carry on on the greenway that's being built as part of that project.

What we are worried about here is that people may take the decision into their own hands and look for a shorter crossing, shorter than the 650' that we are requiring now and the four traffic signals that they will have to wait through. We wouldn't want them to cross the 120' directly. Instead, we are proposing and have worked with NCDOT and Mecklenburg County Greenways to develop a plan for a bridge over 73 that will save people from crossing at grade.

We are here tonight to ask you for an amendment to allow us to match a grant request to Charlotte Regional Transportation Planning Organization (CRTPO) of \$3.1 million. Our match would be in the ballpark of \$2 million covering the \$5.1 million dollar cost of the project.

CRTPO, their Discretionary Grant Program, has a cap for each project of \$3.1 million, so that top line falls under that minimum.

This bridge design falls in line with the Safe Systems Approach to transportation planning, which is the direction that all USDOT departments of transportation are moving in and there are six principles to that, starting with death and serious injuries are unacceptable. If you are familiar with the Vision Zero initiative to eliminate death and serious injuries on our roadways, the Safe System Approach recognizes that as its first principle.

Second and third are that humans make mistakes and humans are vulnerable. Humans will inevitably make choices that put themselves at risk and lead to crashes, but the transportation system can be designed to account for those errors and to avoid the types of injuries that result.

The last three tenants are the responsibility is shared, shared amongst all of us, all levels of government and the public. Safety is proactive. We have to get ahead of this and design in order to make our roadway and transportation system safer and redundancy is crucial.

In conclusion, we need to design roadway environments to mitigate human mistakes, account for injury tolerances, to encourage safer behaviors and to facilitate safe travel by the most vulnerable users, those being our walkers, our bicyclists, elderly and younger people that don't or can't drive and all those in between.

This is a view of our growing greenway network. In green you see the existing greenways. In blue you see those that are under construction. Orange represents those that are funded and in design and to be built in the next 3 to 5 years and then a sidewalk connection showing there up on Birkdale Commons Parkway. You can see in the next few years we have nearly built out a system where you can connect downtown Huntersville to Birkdale with two tunnels at 77 and US 21 that the Board so graciously helped us apply for funding last cycle and then there's a tunnel being built under Gilead Road on the west side and this bridge up there at the top will complete that entire network of greenways requiring only four at-grade crossings in quiet streets like Sherwood Drive, Commerce Center Drive, Rosewood Meadows and Bradford Hill Lane.

I'm here asking you guys to help us support making Huntersville the most livable community in North Carolina following the mobility principles outlined in our 2040 Community Plan to promote multi-modal connectivity to Activity Centers through on-street improvements, strategic sidewalk projects and the continued construction of the greenway network.

Commissioner Kidwell said how many people cross 73 now. Do we have a traffic count for people crossing?

Ms. Maloney said we do not have a traffic count for pedestrians. We do not keep track of pedestrian counts. NC 73 presents a significant barrier, so people don't usually cross where crossings are not provided. People also don't drive where roadways are not provided.

Commissioner Kidwell said there's a crossing there right now, isn't there?

Ms. Maloney said not at Lindholm.

Commissioner Kidwell said the bridge.....bike friendly?

Ms. Maloney said yes, it would be a multi-modal path.

Commissioner Kidwell said and handicapped accessible?

Ms. Maloney said ADA accessible. We worked with NCDOT's designers to make sure that it's ADA compliant.

Commissioner Kidwell said this is a question for Jackie Huffman. The \$2 million.....does that stay in our account until this is approved by.....if this gets approved at CRTPO or do we have to pony up the money now?

Ms. Maloney said we do not.

Commissioner Kidwell said we heard tonight that we're four to six years out from 73.

Ms. Maloney said this is currently in right-of-way. If we are able to get it funded, this will be incorporated into that right-of-way acquisition and then incorporated into the design and construction.

Commissioner Kidwell said I thought it would be during the construction phase, correct. This will be done....if approved then we get the funding from CRTPO, this would be in conjunction with.

Ms. Maloney said yes, similar to the 21 tunnel, it will be incorporated into that project.

Commissioner Munger said just a quick follow-up on the \$2 million number and Anthony you might want to jump in here. The intent is not for the Town to pay that full \$2 million. We are seeking additional funding from the county, is that correct? And our number would actually end up being somewhere in the neighborhood possibly below half a million.

Anthony Roberts, Town Manager, said that is the goal, yes. I've had some conversations with the county manager and she is supportive of the project, so we will be working out details in the coming weeks on that, so stay tuned.

Mayor Bales said I know we had a lot of conversation about the tunnel and we looked originally at other options other than a bridge. Would you mind elaborating just so that folks hear all the work that we've done to get to this point.

Ms. Maloney said we approached NCDOT as you know I think in February or March to revisit a crossing and we discussed a tunnel that was evaluated many years ago and we asked them to revisit that, the feasibility of that, and to also look at a bridge option. They came back with an updated cost estimate for the tunnel and then two different bridge options. The tunnel was going to cost something in order of \$5.2 million. The two bridges were going to be \$3.2 million and \$4.4 million. We started with the \$3.2 million design and then have tweaked it and then it has run up \$5.1 million with the required inflation and contingency fees, so the base cost estimate of the bridge without those was about \$4 million.

Mayor Bales said but we weeded out the tunnel because of the lift of the roadway.

Ms. Maloney said there was significant feasibility issues in terms of constructability. They would have to close down 77 which would cause some headaches and they'd also have to lift the road significantly to fit the tunnel underneath which would have impacts to Exit 25 and the continuation of the widening project to the west to get the levels back down.

Mayor Bales said I just want to thank you for all the work that you've done along with the rest of staff in working with NCDOT. This was a crossing for me that I feel very strongly about because of the safety factor. The fact that we came back and NCDOT was able to find a solution to this, I'm certainly grateful for that and Commissioner Munger I would agree with you that we don't want to bear the burden of the entire match all on our own. It is a county greenway and hopefully they will be, as they always have been, an excellent partner on this funding.

Commissioner Boone said one last question, this is the final piece, this seven miles of greenway?

Ms. Maloney said for the connection from Birkdale to downtown? Yeah.

Commissioner Munger made a motion to adopt a Resolution to amend the Capital Improvement Program (CIP) and apply for the Charlotte Regional Transportation Planning Organization (CRTPO) funding for the NC 73 Greenway Bridge Project that will be located over NC 73, just east of the intersection of NC 73 and Lindholm Drive.

Commissioner Phillips seconded motion.

Commissioner Kidwell said while I would have preferred to put the money towards a splash pad at Waymer, or towards the 77,000' of sidewalks that we have on our list, or a greenway from Pottstown to Walmart for that community, I'm going to support this tonight. I will have to say I find it ironic that we find ways to shorten the path to get people on the greenways, so we took out 650' of walking so they are going to have to make up for that by walking even further in Birkdale holding a cappuccino and then coming back across the street to eat at the Firebirds.

Mayor Bales called for the vote to adopt Resolution.

Motion carried unanimously.

Budget Amendment – Firefighter Positions. Jackie Huffman, Deputy Town Manager, said staff and when I say staff, I mean the staff of the Town and staff of the Fire Department, have been talking about how we might integrate talking about how we might fill some vacancies at the Fire Department. There are numerous shifts that are not filled and there is a concern about being able to respond to calls and therefore we included the majority of the slides you will see tonight in the packet so I'm not going to read all of these to you, but I do want to hit a few highlights. *PowerPoint Presentation attached hereto as Exhibit No. 10.*

Chief Dotoli of our Fire Department suggested at our January workshop that there was a need to hire full-time positions and so in January of this year he brought this to our attention. At that workshop, the Mayor requested that our two public safety representatives of the Board, Commissioner Partee and Commissioner Boone, meet with Commissioner Kovacs and we discussed what we might do about moving forward. We met before the budget process and spoke with many agencies who are also going down this path that perhaps have a blend of full and part-time staff who perhaps have a blend of non-profit inc. employees and municipal employees and we spoke to insurance representatives, and we spoke to the League of Municipalities including the League's recommended consultant on fire studies.

At the time, the Board considered incurring the cost of an external study to have the external consultant look at what we might do to fill positions and the decision was made at the time that rather than pay the external consultant, that staff would continue to research options. After the budget was adopted, Town staff and the Fire Department staff continued to meet and explore options. We felt like we had enough information. We reconvened that fire study group of Boone, Kovacs and Partee in September and those Board members decided at the time we should move forward with bringing a proposal to the full Board and that's what you have in the packet tonight.

Why are we considering full-time firefighters? The part-time staff of the non-profit inc. monthly gives their availability to the Chief to work shifts. We will have slides that will detail for you how many shifts we have every day. There are numerous shifts that are not being filled, so we don't have the staff that we believe is ideal on a truck and therefore we are exploring the option of having full-time staff. Full-time staff, generally speaking, work a set schedule. That's doesn't mean they work every Tuesday and

every Wednesday or every Tuesday and every Friday. That means not unlike our patrol in the Police Department there is a schedule that they work on a day/off a day so on and so forth. We would not pick we are just going to work our 18 staffers that we're talking about here on the busy holidays, but if we had a certain number of staff to fill positions, there would be fewer positions that we would need part-time staff to fill. We, the Town, does not have the data about how vacant the shifts are. That is housed at the Fire Department, and so I'm going to ask the Chief to talk a little bit about vacancies that has caused this to come to light.

Chief Jim Dotoli said every day there's 18 firefighters on duty spread out between the four stations and six apparatus. What we ran into, a lot the shortages now are that the county invested about a million dollars in each of the county fire departments to make sure there were four people on duty every day, seven days a week. The City of Charlotte experienced a lot of downfall also, so when the city is short and people like myself could work for the city, we could bring home \$1,000 to \$1,200 by working overtime down there, so a lot of their time of saying hey come work for us, that's where a lot of people went. Concord did that, the City of Charlotte did that – they just bring back their own people and they get their own people on those fire trucks, which then creates shortages on us. At that time, you know I came to you in 2021 with a proposal. In 2022 I didn't want to cry wolf. In 2023 is when you heard it at the winter retreat that we really needed some people.

Ms. Huffman said I'm guilty of loving the numbers, right. If you can make \$75 an hour on an overtime shift for your full-time employer or you can make \$20 an hour for your part-time employer, what are you going to do. It's just a numbers game. This slide will tell you even offering overtime on some major holidays and offering overtime when we don't have more than two people on a truck, we're spending \$400,000 a year in overtime at the non-profit inc. level.

There is a lot of data on this slide. I want to pick out a couple of the bullet points that resonate with me. We attempt to staff six trucks every single day with those 18 people that we just talked about. That very bottom bullet point, we don't have the six trucks staffed on the weekends or after 7 p.m. all 365 days a year, so it is during the day as you will see this the third from the bottom bullet point, the second truck has three firefighters 43 percent of the time, so not quite half of the time, Monday through Thursday, do we have staff on the second truck at Station 4. We only have the second truck staffed at Station 4 12 percent of the time during the day on Fridays. It's not that we have a particular affection for Stations 1 and 4. We have predictability regarding where our calls are coming from which is how we picked which two stations should have the second trucks added. There's one truck at Station 2 and one truck at Station 3 24/7/365 and when the Chief sends out his who would like to work shifts at these stations this month, if he doesn't get a minimum of three people at Stations 2 and 3, then he pulls people from 1 or 4, and so he doesn't have enough people to staff that second truck at 1 and 4 if he's got to pull people from 1 and 4 to staff 2 and 3. This is the entire reason for the request of the budget amendment. It would be logical for us to stop right here and see if there's any questions about the vacancies.

Commissioner Kidwell said how does this \$1.12 million break-out per person? Is someone getting more, less, how's that going to work?

Ms. Huffman said your rates of pay, will you speak to him about what firefighters make.

Chief Dotoli said last year you approved a pay rate for firefighters, a \$2 pay rate.....\$17.75 is what the firefighters make, \$19.75 is what the drivers make, and the captains make \$2 more than that which is at \$21.75. We put together all three of those and obviously there's a median.....about \$19.75 is the median. We took \$19.75 times 24 hours times the 18 people and it came to about \$600,000 and we

said let's take that \$600,000 out of the Fire Department's budget and just use it for the full-time pay and then there's the benefit.

Commissioner Kidwell said so \$1.12 million is including benefits in this?

Ms. Huffman said yes.

Chief Dotoli said and a \$200,000 grant.

Ms. Huffman said we've got a slide on the particular numbers.

Commissioner Kidwell said this is a budget amendment for this year, but what is the tax implications of going full-time?

Ms. Huffman said I would say if the cost associated with the 19 firefighters which is the Chief and the 18 positions is \$1.1 million for half a year, I would say it's \$2.2 million for a full year. I'm sure that estimate will change slightly when we get FY25's health insurance and insurance numbers for workers' comp and such, but that's a ballpark number.

Commissioner Kidwell said so 2 to 3 cents to start.

Ms. Huffman said if a penny generates a \$1.5 million, then I would say it's a penny and a half for a full year. One more slide before we get off vacancies and move on to my favorite part, the numbers. If we have 18 shifts on any random day 365 days a year, we've tried to make this simple. I hope it worked. Who wants to choose to work on the holidays, right, so on Thanksgiving we were six people short. That means we had 12 people at the four stations. Christmas Day we were seven people short, and you can see the list here. Some of the different holidays we were less short. But even at offering double-time we struggled to fill positions.

Commissioner Kovacs said how much are we spending on overtime right now?

Ms. Huffman said \$400,000 a year. When I say we, we're making an annual contribution to the non-profit inc. and the non-profit inc. is spending \$400,000 a year in overtime.

Commissioner Kovacs said when you figured out the total of what it's going to cost us to add full-time employees, did you already take into account we wouldn't be paying \$400,000 in overtime?

Chief Dotoli said you still would, because those trucks are not manned, so we're still manning the other trucks with that overtime. This is the two trucks that we cannot man and we're just basically taking the money that you gave us and bringing it back to the Town to use it for full-time.

Ms. Huffman said the only benefits that the non-profit inc. pay today are social security/Medicare which is federally mandated and they pay gap insurance. For a lay person this is what gap insurance is. If the line share of the non-profit inc.'s employees are full-time firefighters of Charlotte or Concord or another agency and they are working part-time hours for us, if they get injured working a fire for the Town of Huntersville, workers' comp will restore the portion of their salary associated with where the injury occurred. That does nothing for them for their full-time employment which is their bread and butter for their families and so the gap insurance compensates them at a rate that will help reimburse some of those full-time employee expenses. Town employee.....full-time Town employees, Police Department

employees, Town Hall employees, Seagle, Town Center employees have retirement and 401K. We have paid holidays, sick, vacation accruals and health insurance.

The budget amendment you have before you tonight is to reimburse half of a year of 19 employees, so six firefighters, six engineers, six captains and the chief's salary. The chief would set a consistent rotating schedule, so that's not a I'm going to randomly select which of 30 days in a month I want you to work. It will be a routine schedule, not unlike a schedule that we set in patrol and police. The chief would manage all of the staff and a highlighted reason why you are being asked to consider this tonight in October is it takes a period of time for local government to hire an employee, so we hold the ad out public so that people will know that we are hiring for a period of time and then we do interviews and then for a fire employee there's got to be a physical, drug test, background check. It takes a period of time to fill a position and so the request is tonight for you to consider funding effective January 1 through June 30 of fiscal 24 those 19 positions. I'll get back to the chief position in just a minute.

Specific questions, you were asking about the budget amendment, so we have estimated the cost of these 19 positions at \$1.1 million. Where would we get that money? Our budget has to balance so if we are increasing our expenses by \$1.1 million, where would that money come from. We've been informed we've got a \$200,000 grant from the State of North Carolina to support fire services. Thank you, Representative Bradford. We're very appreciative of that. We have no reason to believe that's a recurring grant. That's a one-time thing, so the first \$200,000 of the \$1.1 million would come from the State grant. As the Chief just described, since he's unable to fill positions, it doesn't make sense for us to continue to give him funds for positions that are not filled, so we would reduce the first two payments in calendar 24 of what we would ordinarily make a quarterly distribution to the Fire Department. We would reduce that by the \$607,178 and this is a request tonight to come out of the General Fund for what I'm going to call \$305,000.

Anthony texted me picking on me earlier, so let me tell you what that last bullet point means. We don't know how many of our current firefighters might choose to come to work for us full-time. If somebody who's working for us part-time today chooses to come to work for us full-time, theoretically the gear that they already have issued to them would work. But there's a difference in say the size of me and Anthony and so gear that would fit me might not necessarily fit Anthony and so on and so forth and so we don't know exactly how much gear that we need to buy now. I've been here 7 years. For about the first 3 or 4 years of my tenure here each year when the board adopted a budget to give the Fire Department their annual contribution, we withheld at the Town \$100,000 of that. There's \$321,000 of that that still sits in our total fund balance that originally was agreed to give the Fire Department and so we want to put you on notice here we expect that we'd come back to you when we know how much gear we need to buy and use part of that \$301,000 built up emergency services fund balance.

I could stay on this slide forever. I could have made this slide 12 columns and it wouldn't have been enough. I need personally to know how other departments are operating compared to us. Are there other municipalities that have some great idea on how to save money running a fire department that I don't know. I could have easily added columns here for what the ISO rating is for each department. This is not how good the chief thinks his department is, that's not how good Jackie thinks it is, the State Department of Insurance assigns an ISO rating about effectiveness of the fire department. Our current rating is currently 3. Each of the departments listed here, if memory serves, has a I'm going to call it better because you want a lower number, so 1 is the best rating that you can have, ours is 3, so we are operating at a lower budget than other agencies.

These two bullet points on the bottom are very important. There are different services and there are.....fire inspections for instances. Some departments have fire inspections within the fire department. We do not. Statesville off the top of my head, I meant to look again today and forgot, but there is a substantial portion of capital they funded as a one-year item, so I'm not sure it's a completely apples to apples comparison. When you think about what calls have to be responded to, I ask you to think about number of square miles protected, their ISO rating, I ask you to think about density, so not just population, but there is appreciably a density difference between say us and Thomasville or I would argue even Statesville. There are a lot of factors that go in here. I have an estimate that says undetermined at Thomasville for the number of firefighters they have. I have an estimate from the state that says they staff their four stations with 69 people. That's how we compare with some other agencies. The only other agency I know of in the state of North Carolina that also has four stations is the City of Jacksonville down east. We've already bought the land for Station 5, that's why I put some municipalities on this chart that have five stations. I suspect that's eventually where we are headed if not more.

We commented justifying why we are seeking this budget amendment now in October if the positions wouldn't start until January. There is a lot of work that still needs to be done, so our agreement with the Fire Department still needs to be amended. The Fire Department's bylaws need to be amended. Our Personnel Policy was not adopted to contemplate that we'd have firefighters working 24-hour shifts. There will be changes that we need to our Personnel Policy. While our insurance agents have reassured us that we can do what we are proposing to do here among our existing agreements, we just need to.....it's different when they say yeah, sure, we'll do it and you say yeah, I want to make it effective January 1, we've got some ironing out to do there.

It is not a misnomer we didn't leave this bottom bullet point. There will be things we have not thought about that we will need to change. Setting the schedule, there's a lot more work to be done between now, October 16, and January 1 when we potentially put firefighters on the payroll. There will be a lot of decisions that the incoming board will need to make related to fire, so that will later FY24/25 budget including part-timers converting to the Town rather than paid by HFD. There are a lot of intelligent people who have gone down this road before, some of whom would suggest that having staff from two different entities is not a long-term solution and so of the \$5.8 million that we budgeted in the FY24 budget to pay the non-profit inc. to provide fire service here, basically \$4 million of that is in salary and mandatory social security/Medicare and so if we paid that directly, we would have more access directly to exactly which stations and which shifts have vacancies, so an eventual decision and recommendation about whether or not the Town would pay not just the full-timers but the part-timers. I won't bet Anthony's house and car, but I strongly suspect that in calendar 24 a board will get to hear a recommendation about not just these 18 full-timers but part-timers as well.

I benefit wildly from continuing to work on this project with Lara Cagle our HR Director. The title of this entire slide Employer of Choice.....for over 100 years Huntersville Fire Department has served this town and done so amazingly and we are very thankful for their contribution. There is no doubt that saved the Huntersville taxpayer millions and millions of dollars and so it is my assumption that we would like to continue that part-time model for as long as possible because part-time employees are paid fewer benefits, saves the Town dollars and so at the point where a Town Board decides we are having so many staffing issues, we're in more control of our own destiny if we hire full-timers rather than part-timers. That will cost us additional money but we're going to need to decide what we want to do about that. If we get to the point where the Town hires part-time firefighters, it is my understanding having talked to part-time firefighters and this makes a lot of sense to me, remember how we talked about the gap insurance before, if their family is exposed to financial hardship, if they are hurt on the job working for

us, I think it's a non-starter if they don't have gap insurance with us. To the extent that we pursue part-timers, we will need to pursue gap insurance, that's Jackie's opinion.

I'm not asking you to make a decision tonight about this slide, but I will tell you the information that we have to this point. You should know about our agreement with the retirement system. According to the retirement system if employees are going to work routinely more than 1,000 hours a year and they don't vary that 1,000 hours, whether somebody is sworn or fire service employee, if an employee works routinely more than 1,000 hours a year, they need to be put in the retirement system. To not get that coded correctly from the beginning there is an employer contribution and there's an employee contribution.....we don't want to mess that up. At the point where an employee gets 1,000 hours, we need to put them in the retirement system. And Lara I'm sure if she were here would say if we have reason to believe they are going to work 1,000, we ought to do it before they hit 1,000 hours.

The ACA, Affordable Care Act, says that for employees who work more than 30 hours a week, we have to offer them health insurance to the extent that we offer it to other employees and so we are suggesting to you that we think there could eventually be a recommendation to have four different types of employees based on how many hours they might work. That is not the proposal before you tonight. Jackie, you've spoken a lot tonight about the fire chief being an employee and 18 full-timers. There are multiple agencies in our area who have operated what I'm going to refer to as a hybrid system – some municipal employees and some non-profit inc. employees. There are several schools of thought that suggest that that's not the most ideal because in a council/manager form of government there needs to be that the Town Manager in Huntersville is tasked with supervising all employees except the Town Attorney and some oversight of the Town Clerk, but to the extent that we have only 18 full-timers and not the chief reporting to us, then who's in charge of the fire department. Who is our chain of command and so the Town of Huntersville through its quarterly contributions to the fire department is paying the non-profit inc. for the chief's salary, so I would argue you're removing that line of where's your chain of command if rather than paying the non-profit inc. to pay the chief, if you just pay him directly and so that's the rationale behind one fire chief plus 18 full-time firefighters. I will reiterate long-term solution we are going to have to decide how we are going to fill additional shifts. I would invite Lara or the Chief to fill in any holes they feel like I've left and certainly we are all here to respond to questions.

Commissioner Kovacs said a full-time employee works how many hours?

Chief Dotoli said 2,900.

Ms. Cagle said 2,080.

Commissioner Kovacs said a full-time firefighter?

Ms. Cagle said no, a regular full-time employee.

Chief Dotoli said are you talking about firefighters or employees?

Ms. Huffman said Town Hall staff is 2,080, firefighters in 24-hour shifts is generally 2,760.

Ms. Cagle said we are obligated to pay overtime at 2,756 hours. The shifts how they would be working, they're working closer to 2,900 hours a year, so we would be obligated overtime between the 2,756 and 2,900.

Commissioner Kovacs said part-time we pay overtime when?

Chief Dotoli said 40.

Ms. Huffman said part-time employees, the non-profit inc. is required by Fair Labors Standard to pay overtime in excess of 40 hours a week. Municipal firefighters are required to get overtime after 106 hours in a biweekly pay period.

Commissioner Kovacs said so I say in the most lovingly way possible, we squeeze more juice out of full-time than part-time it seems like.

Ms. Huffman said we would get more hours out of municipal firefighters than we would out of non-profit inc. firefighters at the regular rate before overtime applies.

Commissioner Kovacs said I know we are not deciding on the hybrid tonight, but if we were to do the full-time tonight and stick with that for a while, do you feel that could potentially be sustainable for a good amount of time or do you think we would then have to turn around and go turn another 19 full-time.....like that's my question, is this going to set us up for success for a while?

Chief Dotoli said this fills in the holes, fills in the gaps, stops the bleeding and I think we keep the part-timers because they are well trained from Charlotte, they are well trained from Concord, and it allows them to keep working in the system with our full-time staff. As long as we have that we've got complete coverage. We talked about six apparatus, and I don't want anybody to think why doesn't the chief just do it with four and why doesn't he do it with three. We have four fire stations. When Station 2 goes to her store this leaves a giant gap. Station 4 that's the next closest truck just can't move up to Station 2. That's why we keep two stations manned with two apparatus so we can move those other stations around. Skybrook residents, it's a heck of a ride from Station 1 all the way to Skybrook. When that station is out, we have to move the apparatus around to complete the coverage.

We spent hours and days this year on that lake – Mountain Island Lake. We take care of the lake. Somebody has to do the dirty part of when people get hurt and go missing out there and sometimes it takes days, so this is definitely going to help with all the staffing needs and \$300,000, while it might sound like a lot, I think \$2 million for a bridge is a lot and that has nothing to do with the safety of our town.

Ms. Huffman said I'm going to kick myself if you don't let me get this off my chest. Who wants to hang out at 8:30 at night and talk about Fair Labor Standards. Fair Labor Standards requires that you pay overtime based on hitting a ceiling in the number of hours. It has nothing to do with whether somebody is full or part-time.

Commissioner Partee said I have a question and a comment. First of all, I want to thank the Human Resources Department, I want to thank our Town Managers and the Town Attorney and also the Chief for the amount of time and work that you put into this proposal. When it comes to our life and our property and our heirlooms, there's no price that you can put on that. I know when it comes to collective bargaining Police and Fire are at the top of the food chain because we provide a service to protect life and property and put our lives on the line. My other question is about overtime. As you know there's overtime when someone banks out and there's overtime when you are responding to an

alarm or a call and you're held over. Can you differentiate between the two. Is that the same system that you guys use here?

Chief Dotoli said the beauty of having the full-time staff and then backed up with the part-time staff is that if Jackie calls out sick, I have 100 people I could go to to fill in those gaps. That's fine. That's the regular overtime part. Anytime we stay over at fires, yes it costs us. A lot of times the City of Charlotte we get comp time. So, you stay over at a fire two or three hours, maybe it's a big fire, down in Southpark was a little different, so they comp time us – when it's time for you to go home or come in a little late or go home a little early spend time with your family, we give you that back. Now there is days on the weekends I get emails all the time and text messages. Sometimes the City of Charlotte is like 25 firefighters short on a weekend. It's crazy amounts of people. That's all overtime. That's all time and a half that these people that are waiting to get those text messages, they'll go back there and work, which leaves us short. Now I'll never let somebody that's on duty say I just got this text message, I need to go to the City of Charlotte. No. You won't be a fireman here in Huntersville when you get back. We don't play that game, but if they're already on duty they are on duty for us.

Commissioner Munger said this particular issue, I mean it's really got me influx. I'm just kind of all over the map with it to be honest. Do I think it's the right solution? I absolutely do. Long-term it is absolutely the correct solution for us to do to be able to bring in the Fire Department and make it in-house. Is it the right solution today? I don't think it is and I feel like I have to kind of explain why I'm making a decision when I'm doing something that might be considered controversial. One of the things I look at admittedly, right now the current year estimation I think is somewhere in the neighborhood of \$300,000 that would affect the fiscal year 24 budget. We have to look at budgets going forward thereafter and thereafter I think the numbers are going to be closer to \$1.1 million to \$1.5 million relatively because I would assume during the next budget season you're also going to look for an expanded number of possible full-time employees. The problem I have is I know what our tax rate is. I know where the wiggle room is and honestly in my opinion, and I could be incorrect, my opinion is it's not there. We don't have the 1.5 to 2 cents of property tax available to be able to pay full-time firefighters, so for me for us to vote to say next board good luck figuring out how to pay for it would be irresponsible and that's the position I'm coming from in that I feel like it is in the best interest of the next board to look at this full picture, understand the absolute need, be able to plan for it, be able to appropriately set the property tax rate to be able to fund things like this to be able to make sure that our firefighters have everything they need and one of the other things just in general I struggle with is everyone says well that department is light on firefighters, that department is light on firefighters, we are light on firefighters, I struggle with the idea what we could hire 18 that we could actually be competitive against Charlotte and get those bodies. I want the next Board to be empowered to make the absolute best decision because maybe we're not paying enough. Maybe this isn't the right rate. Maybe it should be higher. I know that you can look at things over time but again I just don't want to burden the next board with a decision that was just kind of okay, let's slam it in. I know it's very unpopular because I love the fire department. I absolutely want you guys to have everything you need and be able to do everything you can. It's bad timing unfortunately and I know someone will disagree with me, but I at least wanted to try and explain why I'm going to vote against this. It's not because I don't think the fire department should have the full-time, it's just do it during the budget process. Give it the right approach so that everything is done correctly because one of the slides you showed was loose ends. I look at all those loose ends and there's a lot that needs to be filled in and a lot of things need to change, and I realize that we have the best staff in the entire state if not the country, but it's a lot to burden you with to be able to do all those things and get it done by January. That's my opinion.

Ms. Huffman said thank you for the opportunity. I spoke about enjoying working on this project with Lara. Emily has come up with some very good ideas that has saved a lot of effort and I appreciate working on that project with her as well. She has recommended some changes to the bylaws. She's done a fair amount of research on the least employees. I'm very thankful that we have assembled the team that we have, thank you.

Chief Dotoli said I'll be more direct. I can't save lives if you go that route. I can't put the amount of people to cover the 62 square miles with that path you're going down.....if you are looking at politics, democrats, republicans, pluses, minuses, we put you up here to make decisions in the month of October – not November, not December. We've still got to keep going and you've got to realize when those fire trucks are out of service and they call 911, it's going to be on you when that fire truck doesn't show up. For \$300,000 I think that's an investment that you are making a quality in this for the future.

Commissioner Kidwell said you brought a 5-year contract to this Board and it was approved. If we knew then, if you would have come to us, this Board, and said hey I can do this for 1 year or 1-1/2 years and this is it, I'd be fully behind this. But from a business perspective, if someone brings me a 5-year contract or a 4-year contract, I expect them to hold that contract out. I'm not expecting to hold the 5-year contract out now. I do agree a lot with Commissioner Munger.

Commissioner Kidwell said I voted against it also for legal language. The thing that concerns me is I don't think this is a \$300,000 fix and the next board is going to have to decide, there's no guarantee I'm on that board, but I think this is going to be a significant increase to the budget and they need to be a part of that. I think this can hold off, push it out for a month or whatever it is and allow them and take the time to look at it right now, look at the documentation of all the candidates running and make that decision.

Commissioner Kovacs said do you feel in your first term in the first three months that you would be able to adequately make this decision?

Commissioner Kidwell said yeah, because I knew what I was getting into and I did my research. I read three years of reports from this board. If you signed up to run, you should have done your homework and been ready to step up. Yes, I was ready.

Commissioner Kovacs said absolutely, but you're also still learning in the first three months, so as Commissioner Munger said you don't want to put this on the next board. I don't want to put this on the next board. We sat here and said that we are going to look into this and then we have the fire department saying that we need this so we can protect our residents. We just approved \$2 million for a bridge to walk across the street like that, but we don't want to approve personnel to show up when they call 911.

Commissioner Kidwell said if you want to take the bridge back, I will fully support doing that, because I think people should just walk across the street like normal.

Commissioner Kovacs said but when they get hit because we didn't do the bridge are we going to have firefighters to show up before Medic.

Commissioner Kidwell said there hasn't been any pedestrian accidents at that intersection. There's been vehicle accidents. Since you brought it up, you had three meetings with staff and the fire

department, and nothing was shared with the rest of this Board. Not hey, this was the results from our first meeting, this was the results from our second meeting, this is the results from our third meeting.

Commissioner Kovacs said we just got to this point.

Mayor Bales said commissioners we can't do this back and forth.

Commissioner Kidwell said my apologies.

Mayor Bales said I do want each of you to be heard because I think each of you have something to share obviously.

Commissioner Phillips said so this bridge keeps getting brought up, but the bridge is a one-time occurrence spend and there's potential money out there for more funding and support. This is a \$1 million plus, \$2 million, this is a forever expense and I in good faith cannot saddle another board to this kind of expense when I've been asking for this for four years and then having it to come to me at like the end of my term is really unfortunate, but I can't do that to the citizens to be like yeah let's just casually spend \$2 million. It reminds me of like the presidential pardons when they're going out, like let me get what I want on my way out. It's not a disrespect for you, because for four years I've told you this is where I wanted to be.

Chief Dotoli said and here you are.

Commissioner Phillips said and here we are, but it's at a really terrible time and I think that there is potential to do it better and answer questions along the way and I do put faith in the next board that they will be able to do their jobs otherwise they shouldn't be running.

Mayor Bales said is there a motion.

Commissioner Boone made a motion to approve the appropriation of \$304,952 in general fund balance, recognize and accept a \$200,000 state grant and reduce the fiscal year 2024 fire appropriation to the Huntersville non-profit fire department by \$607,178 in order to fund 19 full-time municipal firefighters for the Huntersville municipal fire department.

Commissioner Partee seconded motion.

Commissioner Munger made a substitute motion to defer action on this budget amendment to December 18, 2023.

Commissioner Kidwell seconded motion.

Mayor Bales called for the vote on the substitute motion to defer action to December 18, 2023.

Motion was tied – Commissioners Munger, Kidwell and Phillips in favor; Commissioners Boone, Kovacs and Partee opposed.

Mayor Bales said so I guess this lands in my lap. A couple of things, then I will chime in. This isn't just a small amount that is being requested for a budget amendment. This actually is setting up this town for a brand-new department and based off of the comparisons in the budget I think you're really looking at

something closer to somewhere between \$15 million and \$18 million long-term in building out a department. I have to admit that when we have these discussions, we very rarely have them to where here's a discussion, now vote on it the same night. You're asking your fellow Board members to support something without having an opportunity to really walk away, digest it, and come back and ask additional questions. I am fully supportive of this creation. I understand where we are. But I don't think that putting it on an October 16 agenda and asking your Board members to not only go into discussion and dialogue around a very serious topic, but to then turn around and ask them to vote the exact same night.....I don't find that to be very fair. And I think that sitting here tonight as I look out there's at least six candidates sitting in the room, at least, with others I guarantee you watching online, so I think that between November 7 and December 18 they can get caught up to speed, because Commissioner Kidwell you are right, when you do this job you hit the ground running and you do all the leg work between election night and the night you are sworn in to be prepared to hit the ground running. This sitting up here is no joke, so I am going to support the deferral until December 18 because frankly if you started tonight, I don't think you're going to get 19 positions hitting January 1 to begin with, I just don't. But let's let this next board do their homework and hit the ground running and make that decision on December 18 and I know I could then put my head on my pillow to know that we have passed the baton the right way, so that is my vote.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Munger

- Huntersville Ordinances Advisory Board met on October 5. Commissioner Kovacs attended in my absence.
- The Public Arts Commission held a ribbon cutting for the SculpTOUR.
- Consider supporting local non-profits.

Commissioner Partee

- The Greenway, Trail and Bikeway Commission is having Wine on the Vine October 26.
- Advocate for gun safety. Huntersville Police Department has free gun safety locks.

Commissioner Kidwell

- No Report.

Commissioner Kovacs

- Provided update from the Huntersville Ordinances Advisory Board meeting.
- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Boone

- No Report.

Commissioner Phillips

- No Report.

Mayor Bales

- Expressed appreciation to Commissioner Munger for stepping in for me at the ribbon cutting for SculpTOUR.
- Centralina Regional Council hosted their 55th anniversary of serving the piedmont.
- Lake Norman Economic Development Corporation is currently working on two new projects.

- The Lake Norman Community Health Clinic just celebrated their 25th anniversary serving our communities. They have changed their name to the Cook Clinic.

Mayor Bales said does anyone have any closing comments?

Commissioner Munger said this might be long winded and I apologize in advance. In recognition of October being Breast Cancer Awareness month, I'd like to give a shout-out to some very important people who at one time or another have shared their voice in pursuit of what they believe is best for Town of Huntersville: Amy Hallman, Taylor Hutto, Beejay Caldwell, Gatewood Campbell, Barbara Gerhardt, Ashley Wiley, Janelle Harris, Elaine Kerns, Suzanne Villar, Sarah McAulay, Amanda Dumas, Elizabeth Rodriguez, Cindy Trevisan, Jessika Tucker, Cindy Deutsch, Kathy Jones, Diane McLaine, April Dunn, Audra Collins, Jill Brown, Karen Poppin, Cary Edelstein, Crys Roeder, Michelle Bennett, Jamie Wideman, Kimberle Burton, Brandy Skelly, Deanna Baumgardner, Kathy Lewis, Christianna Bierne, Maria Reese, Michelle Blumenthal, Alisia Bergsman, Varona Wynn, Katie Spikes, Noelle Burton, Linda Angele, Lynn Cavanaugh, Jennifer Hunt, Terra Mills, Jessica Horton, Amelia Burnett, Anna Rubin, Jessica Bustamante, Carmen Cousin, Beverly Mitzel, Cayley Mullen, Trina Loomis, Jodi Wright, Susan Irvin, Jill Swain, Christy Clark, Natasha Marcus, Vickie Sawyer, Elaine Powell, Melissa Easily, Heather Mahoney, Tracy Barron, Tracy Houk, Kayleigh Mielenz, Pattie McGinnis, Lara Cagle, Catherine Cook, Odette Saglimbeni, Kim Strickland, Janet Pierson, Jackie Huffman, Emily Sloop, Commissioner Amber Kovacs, Mayor Pro Tem Stacy Phillips, Mayor Melinda Bales, and the many other wonderful women whom I have failed to mention here. I want you to know that I respect your voice. I may not always agree with your opinion, but I do respect it. I appreciate all the things that you are trying to accomplish for our community, and I want you to know that on occasion, when discussing some of these topics, you might become impassioned on some of these topics, which sometimes can be contagious and that is a good thing. I never want you to lose that passion, that fuel for change and if a man ever tries to intimidate you, says you're being too emotional or tells you to calm down, I can guarantee you that there is at least one other man in the room, if not every other man in the room, who wants you to stand up and shout I will not be silenced. And now I am going to do what more of my gender should probably do on a regular basis, I'm going to sit down and shut up.

Commissioner Kidwell said well said, sir.

There being no further business, the meeting was adjourned.

Approved this the 6th day of November 2023.