

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 18, 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 5:30 p.m. on December 18, 2023.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, and Nick Walsh. Commissioner LaToya Rivers entered the meeting at 5:33 p.m. during Chief Graham's presentation.

Mayor Clark called the Pre-meeting to order.

Asset Forfeiture Funds. Police Chief Barry Graham presented presentation on asset forfeiture funds. *PowerPoint attached hereto as Exhibit No. 1.*

Commissioner Dumas said what happens when an innocent's property is used for illegal activity without their knowledge.....how long is that process?

Emily Sloop, Town Attorney, said I will say that with real estate it's a little bit different because typically they don't seize real estate prior to and hold onto it. There are certain circumstances where they might do that, but typically real estate is one of the types of property that would not be actually seized and in custody of the agency until after the process has been followed. I just wanted to go ahead and make that distinction. Then as far as the innocent owner doctrine, even if they are an innocent owner, let's say the example that we talked about earlier, the gun, it still might be seized as evidence for the criminal prosecution, so at that point in time it's going to be held onto during the investigation, but later as far as the forfeiture process they might be able to put forth the innocent owner doctrine. There are certain requirements that have to be satisfied. They can't know that the conduct giving rise to the forfeiture is occurring or if they do learn of it, they have to take certain steps to try to alert for example law enforcement agencies or they have to stop the person from using it in some way, revoke their permission to use it, for example. They do have to successfully put forth that effort and succeed in the forfeiture proceeding on that doctrine.

Chief Graham said correct me if I'm wrong, if it's a main home the government also gives them legal representation for that.

Ms. Sloop said for the primary residence, they can have appointed counsel.

Chief Graham said that process is really out of our hands. If it's part of a crime, then it's whatever time you get through the court process.

Commissioner Hunt said I have a clarifying question and then just one other question, too. Just to be clear, the Huntersville Police Department does not seize any assets or contraband, it's the task forces that will come in and do that.

Chief Graham said that is correct. These task force agents are Huntersville police officers. They are sworn in and deputized through the federal government and then all the process is federal. It's going to be agents that actually do the seizing, federal court, federal prosecutors and they seize that. It's against the law in North Carolina to do civil seizure in North Carolina by us. It has to go through the court process if you are going to take folks' property other than the cash that's used at the time of the arrest.

Commissioner Hunt said has anyone appealed an asset forfeiture case that we benefitted from and we found out that there was a miscarriage of justice that had taken place?

Chief Graham said everything that we've been given, we've never had anybody come back and say that was wrong, we have to give the money back. That's part of our agreement if that does happen, but from talking to those folks it is a lengthy process and they've got opportunity to appeal. We've never worried about that and it's never happened.

Commissioner Bergsman said can you pass along thanks to the officers involved in the case that you were speaking about. From someone who has family who has been directly impacted by the opioid epidemic, some good news there of getting some fentanyl off the street. I kind of just wanted clarifying statement that we have not received asset forfeitures from civil cases, they have all been criminal cases.

Chief Graham said we have received proceeds from civil cases. Generally, they run together, a criminal case as well as a civil case. Generally, when you have property, it has to be a civil process. It's just like you sue your neighbor about something that falls on your property or damages your house, it's not a criminal case, it's a civil case. There's quite often, whether money laundering where they are putting it through different places, that they would have to go after those proceeds, so if they show that this person is selling drugs, bringing in the money and then giving the money to other businesses and stuff like that, that is when the civil process comes through. So yes, we do receive funds from the civil side, but it all originates in a criminal case and it's always a federal civil case.

Commissioner Bergsman said you had mentioned there's an audit once a year.

Chief Graham said that was the sheet I was talking about that we have to show how much we have, how much was brought in, all of our individual things that we've done, how much we have used and then we file it just like you would do with your taxes and then they review it. They don't actually come in and do it. Once the money has been given to us and been through the process, it is ours. They don't come and check and see how much we've got every so often. Everything that we've bought it has to be within the rules set forth by them.

Commissioner Bergsman said is it possible to send the Board a copy of that.

Chief Graham said this is a federal document and if I can get it for you, I absolutely will. I'll let the attorney look at it.

Ms. Sloop said he did send out the link to a couple of the manuals. There's the Guide to Equitable Sharing for State, Local and Tribal. That's a condensed version. It's about 30 pages. The other one is

about 190 pages, which is much more robust, but I believe he did send you that link. If you didn't receive it, we can resend that to you.

Chief Graham said this is the actual operating procedures for that. I have one that we do from the federal government that we submit to them. They are picky when it comes to their forms. It says on the bottom of it, it has to go through their side to get access to anything. If I can talk to the agent and he's like yes, sure, it's no big deal, it's last year's, you are good to go, absolutely.

Commissioner Bergsman said I am curious if Huntersville chose not to participate in asset forfeiture what would happen to that money allocation that would have come to Huntersville. Where would it go?

Chief Graham said we would keep it, it's ours. If not, then there's another process to do something like that, but that money has been given to us. It's ours to use for law enforcement projects.

Commissioner Dumas said do informants also lose their property or is that part of the deal of becoming an informant?

Chief Graham said are you talking about like if you have an informant that gets stopped and said hey we would like to know where this came from and they're using their car, it's possible they could use their stuff as well even if they become an informant. What it would be is they committed a criminal act, they're just not charging them with it in return for their information.

Commissioner Dumas said when you say drugs, you've mentioned some pretty hard drugs. Do we ever do anything like this when it comes to marijuana?

Chief Graham said we absolutely could. In talking to these folks this morning it's fentanyl, heroine, cocaine that they are looking at. If you get a tractor trailer load of marijuana coming in, absolutely. If you are talking about pounds, no.

Commissioner Dumas said what percentage of the cases are administrative? You mentioned that's the largest amount, but what percentage.

Chief Graham said what happens is that if you've got a civil case and no one accepts responsibility for that, it's turned over to a judge because what's happened is we've taken this in and it has to go in front of a judicial official to be able to be released for that, so like 80 percent of this stuff people say not my money, not my drugs, not my guns, not my car, whatever it happens to be, so it stagnates there unless it goes to an administrative court. It goes in front of the judge, they say we've given them this amount of time to do it. No response, your honor. We did this, your honor. We contacted these folks, your honor. No response, no one has claimed it, it's turned over.

There being no further business, the Pre-meeting was adjourned.

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on December 18, 2023.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh.

Mayor Clark called the meeting to order.

Mayor Clark called for a moment of silence in memory of one of our advisory board members, Crystal Roeder, who passed away in September.

Mayor Clark led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Bergsman said we have on the Consent Agenda right now the Rules of Procedure. Just because I saw most of the things are clerical changes, grammatical changes, but the section about appointments and the change of name of that agenda item, can you give us some detail?

Anthony Roberts, Town Manager, said the Rules of Procedure, the agenda changes I guess where the Board was looking to revise the agenda, the layout of the agenda. So what I took from that from the Board was that right now like you see on this existing agenda, you have Staff Questions and you also have Reports and y'all were looking to streamline the agenda to make it more efficient so you ended up taking announcements and reports, basically the same word, you can call it whatever you want, but instead of having reports you'll have announcements which you can give reports then and then from a staff question standpoint, all the items that are already on an agenda during that time you would probably ask those questions during that actual agenda item, and if there were outside questions like Anthony, what's going on with the light at 115 and whatever intersection, you would ask that at that same time as announcements. That's what my understanding was. It's just a rebranding and just handling it differently and maybe it's more efficient. That's what I understood.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Monika Leach, 9822 Midas Springs (Rosaline Cil, 3831 Alton Street, deferred her time to Ms. Leach), said my family and I have been living there for a couple of years now. The Midas Springs area is known for its strong sense of community, which we actually experienced a couple of months ago when I was going through surgery one of the trees that was blocking the road fell down and every member of our neighborhood came and helped no matter of the age. We were very thankful because we couldn't really help, we were in the middle of my recovery and it was really nice. That's just one of the benefits living in the community where neighbors support and assist one another. Living in the Rural Residential and impervious area has presented its fair share of challenges for many of us. We are required to adhere to the watershed regulation. Today I'm here to address the Board and request assistance in preventing the rezoning of our peaceful neighborhood into commercial area. And I'm regarding the Beatties Ford Community Center, whatever is the status of this entertainment. If you take a look around, you will notice that our homes are located right next to the property that is pushing for the rezoning. At this point I have heard various plans and proposals. I'm not sure today where we stand with it. I heard different stories and I'm uncertain about what exactly will happen. The latest information I received from the board member indicates that they will not be community marketplace as much as it's like a membership based establishment because I was kind of questioning how the family going to make money off the property and I just want to mention when you look them up, the property address is Beatties Ford Road but it's located off Broadway Street where it's very narrow. There's not a

lot of parking places for this establishment. All I ask you today is for you to put yourself in the shoes of the people that are living next door. We genuinely do not want more traffic, alcohol and most importantly any influx of cars in the small area. We chose to escape the city and enjoy the peace and quiet that this place offers. Please understand why we strongly disagree with rezoning this property and respectfully request that you put a stop to it.

Based on my observation it seems that those family members for me they are more investor than anything. They're just seeking approval to purchase and develop the property with the intention of selling it later on. Alternatively, they may buy a piece of land down the road that has already been rezoned and wait for someone else to take action on it. Since I only spoke with them once, I think they are here, I know they are trying to do different things to pursue that, but I don't see anything for me as a community person living in the community that I can benefit from if I have to pay for membership to even enjoy trading seats or drink a cup of coffee.

Now I want to speak on behalf of my husband. He is sick so he couldn't make it, so he sent me a note to present. His name is Aaron Leach and he lives also 9822 Midas Springs Road. In my opinion the most important note is the fact they have never had true benefits planned or architectural drawing of any type outside of the concept, a wide range of concepts that's covered anything from sports to coffee shop to serve coffee and bars, including farmers market. Essentially this leaves the lot open for any businesses that ever want to move in. Given the nature of the business I would have to assume the ultimate goal is to buy residential for cheap and sell commercial for higher cost in turn doubling their money moving on to the next project not caring who moves in.

Mary Brett, 9331 Broadway Street, said I'm a lifelong resident of the Long Creek community. The Long Creek community is built on a relationship with all the neighbors. We all are very close, take care of one another, and keep an eye out for our community. My son, husband, and our next door neighbor who used to live at 9401 Broadway Street, and I drew up petitions for the Long Creek community. We got a total of 58 signatures just in the Long Creek community. This is 98 percent of our neighbors who are against this project. The second petition we drew up are those that live in the Huntersville area. And that was a total of 50 signatures who are also against this project. My son drew up another petition totaling 180 signatures, so now we have a total of 288 who are against this project. The project needs to be denied. Jon Eury and Katie Carpenter were quoted at the Planning Board meeting on August 27, 2023, that they bought this property to rezone it from Residential to Commercial for their business venture for volleyball tournaments, 40 to 80 people in attendance, serving alcohol and this doesn't mix with the young kids. This creates and introduces crime into our neighborhood. They just don't have any consideration at all for the Long Creek community. You are a new Huntersville Town Board of Commissioners, the Mayor, and we would like for you to stand up for the residents of Huntersville. We want you to look out for us and protect us from this reckless growth. If you pass this petition, you will take away our lives, our future with our son and our future with our grandkids and this would be just devastating. Please deny this petition tonight. *Petitions attached hereto as Exhibit No. 2.*

Leo Brett, 3831 Alton Street, said my mother is who just spoke. I am a fifth generation family member that has lived in this neighborhood. I have many neighbors that are still family members at the time and as you can tell the people that do move in that have been moving in recently enjoy the environment and the type of situation that they are brought into, and they look for the same thing that we do. We just want peace and quiet and a nice area to live. If you look on a map and look at the way our area is laid out, there is nothing like what we have anymore. Everything is a cookie cutter neighborhood. Everybody is 3" from their neighbor. It's super tight constricted neighborhoods. We don't have that. We have probably in the ballpark of 16 to 20 neighbors and I mean everybody owns almost an acre, if

not more, but that doesn't stop the fact that their location, their plan, is located on the main road but they also have multiple houses located behind them that would be affected by it and plenty of people that would be too. They've done their volleyball tournament stuff before there without being commercial. I don't see what it needs to be commercial for for playing volleyball. It's claimed to be a community center. I don't really understand how this comes into play with making money, especially if it's a community center I don't really see how it needs to meet the commercial status that they are looking for or if there's a lower status that they should be seeking, something that would hopefully not ruin us when they leave because you know it's one of those business ventures. We don't know what's going to happen. They could go in, they could pass it, it could succeed, it could go on for a long time, or it could fail and somebody with multi million dollars could come in, look through all the rules and find stipulations and put what they want there. And that's our concern is this is going to end up becoming something that we don't want. It's going to ruin the area we have. We have enough issues with crime and problems like that already. People drunk and acting stupid on the property is not going to help it. Beatties Ford is a 16' road. There's not enough room to park on both sides of the road or do anything like that. There's going to be people wandering the neighborhoods. They want to host this volleyball set-up for they were saying a majority of younger kids and girls, and they want to put it out on the main road. I mean we live in the 21st century, I hate to say it out loud but there's pedophiles everywhere and advertising little girls on the front road while we have people drinking beer somewhere where they can go and stand around and who knows what, it brings up a lot of opportunity. It's stuff that shouldn't be done in my opinion. Kids don't mix with alcohol. I mean everybody knows that. And let's add to the fact of that house was built in the 40's. The lead paint, have we considered that, asbestos testing, has any of this been done on this house.

Scott Brett, 9331 Broadway Street, said I have lived there for 28 years. I'm asking you to deny the R23-06 from Rural Residential to Commercial to benefit a commercial venture in a residential area that will severely impact the quality of life of all the residents in the area with the noise impact of 40 to 80 people, alcohol and volleyball league tournaments with spectators and stadium lighting and amplified music seven days a week. Put yourself in our shoes. Would you want this place next to your home. This business needs to go to a proper location, a commercial area. This type of reckless rezoning would set a new standard for the commercial growth in Huntersville. This decision is being watched closely by property owners and commercial developers. As a newly elected board the residents of Huntersville hope you will follow the 2040 Plan and the small area plans made by Huntersville and follow the guidance of your professional Planning staff who does not support this rezoning and states it does not match the 2040 Plan or the Beatties Ford Small Area Plan and should remain Rural Residential, low intensity use for the critical watershed area that we live in. Please stand up for the residents of Huntersville, not just for the commercial ventures for profit.

Sandy Lusk, 9709 Midas Springs Road, said I have lived there my entire life. I am 64 years old. I don't want the crime and there will be crime. People will leave there drunk. They will leave there with too much to drink. It happens everywhere where you go where they drink. It will happen. We don't want it in our neighborhood. When you rezone from homes to business, then the homes go away and the businesses take over. That's just the way it is. Beatties Ford Road is full of history. I don't want any of the history going away. Please take into account once you take that zone, you are taking away our history. Thank you for your time.

Violet Clarke, 13423 Willow Breeze Lane, said first of all I would like to say congratulations to the new board. The residents spoke out loud and clear and flipped the entire board. It is so great to see all these new faces. We had a chance to talk, we meaning Mary Ann and Noelle and myself, with most of you before the election and you promised to work for the people and follow the 2040 Plan. We are here to

hold you to that every time. Once again, I need to speak out against another rezoning application. A rezoning from Rural to Highway Commercial, the Beatties Ford/Long Creek Family Entertainment application. Just saying it sounds horribly wrong and calling it family entertainment when it's anything but for families, is also very misleading. Alcohol and music until 11 p.m. at night does not belong in a rural community and is not for families. Outdoor sports, tournaments, movies, live bands and alcohol has no place among these homes. The residents nearby, several of which you have heard from tonight, have lived in the surrounding homes for decades and sometimes their entire lives and are entitled to quiet enjoyment of their homes that they worked for their entire lives. This location is only minutes from Charlotte and all those activities are readily available for the people that want them in designated commercial areas. This is not the place for it. The Planning staff, the people that we as residents pay for to make the right decisions for our town, recommend not approving this rezoning for several reasons, most importantly because it's located in a rural conservation area. It is also in a critical watershed and future land use area. Those reasons alone should stop this entire application. It's also interesting to note that the Planning Board voted yes unanimously 8 to 0 which is in your agenda packet. I'm wondering if there's a conflict of interest because one of the Planning Board members actually worked with the applicant several years ago on a real estate team together, so I'm wondering if there's some kind of conflict of interest where maybe he should have recused himself. All the information is in your agenda packet along with the signed petitions from the residents which were brought forth tonight. There's also an online petition and as of right now there's over 200 signatures currently. I urge you all to make the right decision for the residents that spoke out loud and clear for change in Huntersville and voted all of you in. When the time comes to vote, please vote no for this horrible idea and rezoning.

Ashley Wiley, 12435 Treasure Cove, said congratulations on the election. I come to you tonight to bring attention to Huntersville Police. I don't know if you have read it or not but recently there was a teacher that was arrested for having inappropriate relations with a student. When this school had stated that they had asked Huntersville Police to check the hard drive on said teacher's computer, not once but twice, apparently that was declined. When people report abuse of children, let alone when it's sexual abuse of children or abuse of a child due to disability, they shouldn't be denied justice. They're cops. That's the reason why we have detectives.....look at the device, at least listen to the person, hear them out, don't just send them away. I speak to that because denying people justice creates an even larger issue within the community as a whole. You can't say I'll give justice to you, but not to you. I'll do it for that one, not for this one. You can't pick and choose justice. When I had tried to report the abuse of my child, I was told by the captain of the criminal investigations unit that I needed to go home and get my husband and that he could make a report, but I couldn't. I have no idea what my husband being there or not being there would have to do with that however, he wasn't wearing a body camera. This was the third time that he yelled at me, said very inappropriate things, so that time I recorded him. When I brought that to their attention and did an internal affairs complaint, I was told that the solution was that I would have to learn how to get along with him, yet this cop accused another cop of investigating that didn't and I can prove that. But yet he yells at me and doesn't wear a body camera. How is denying justice okay. You guys speak about drugs. What if people were to tell you hey, that guy over there has a drug house and they go prove it. We don't care and they deny one but not the other. I thought we lived in a time of equality. Why are we picking and choosing. It's shameful. How many more people are going to get hurt before Huntersville Police actually get somebody to look into it and say hey, what's going on here. Just like the asset forfeiture. I assure you there's a lot more there with the cars, just saying.

AGENDA CHANGES

Commissioner Dumas moved Item 8.C under Consent Agenda (Adopt revisions to the Town Board Rules of Procedure) to Item 10.E under Other Business.

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

Commissioner Dumas seconded motion.

Motion carried 5 to 1, with Commissioner Quarles opposed.

CONSENT AGENDA

Resolution – Memorandum of Agreement Related to Grant Services. This request is for adoption of Resolution to Approve a Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement with NC League of Municipalities for technical assistance in the area of grants. This is one of several areas of assistance being offered to cities and towns through NCLM and their selected contractors as part of state funds to assist local recovery efforts awarded as a result of the American Rescue Plan. This resolution will allow the Town Manager to sign a letter of engagement with NCLM grant contractor Witt O'Brien's for up to \$30,000 worth of Grant Services (at no cost to the Town) over three possible phases:

- Phase 1 - Project identification, project prioritization, and available funding source identification based on alignment, eligibility, timeline, and the municipality's ability to meet requirements or criteria.
- Phase 2 - Preparation and submittal of grant applications.
- Phase 3 - Grant Award Management.

The engagement letter with Witt O'Brien's as NCLM's provider of these services has a not to exceed amount of \$30,000 so it will not allow the amount to go over and lead to any costs from the Town.

Commissioner Walsh made a motion to adopt Resolution to approve a Memorandum of Agreement related to Grant Services.

Commissioner Rivers seconded motion.

Motion carried 5 to 1, with Commissioner Quarles opposed.

Resolution attached hereto as Exhibit No. 3.

Resolution – Transportation and Parks & Recreation Bonds. In compliance with the North Carolina General Statutes and on the advice of Bond Counsel, it is requested the Board adopt Resolution certifying the election results for the Transportation and Parks and Recreation bonds.

Commissioner Walsh made a motion to adopt Resolution for Transportation and Parks and Recreation bonds.

Commissioner Rivers seconded motion.

Motion carried 5 to 1, with Commissioner Quarles opposed.

Resolution attached hereto as Exhibit No. 4.

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #R23-06, Beatties Ford Family Entertainment. Commissioner Bergsman said one of the reasons I wanted this brought onto the agenda tonight is I've heard a lot of use of the word limbo to describe this application, so I kind of wanted to start with Planning staff, if you could possibly come up and kind of give an overview of where things stand right now and kind of what happened at the last meeting that was a bit unusual, I guess you could say.

Brian Richards, Planning Director, said back in September the then board made a motion on the Beatties Ford Road Family Entertainment project and typically when you make these motions it's either to approve or to deny. Let me see how to rephrase this clearly.

Emily Sloop, Town Attorney, said the last Town Board when this item was on for a final decision there was a motion made and seconded to approve the rezoning. However, that motion did not get the required number of votes to pass, therefore they did not approve the rezoning. However, there was not a subsequent motion to deny the rezoning either and the reason at the time it's my understanding I believe Commissioner Phillips was absent and there was a potential that they may want to bring it back up. As far as the one year limitation, that is typically applied and has historically been applied here in Huntersville when a motion has been made to formally deny a petition.

Commissioner Bergsman said when is the last time that a situation like that has occurred, do you know?

Mr. Richards said I cannot recall. This may have happened one or two other times in the time that I've been here. Very infrequently.

Commissioner Bergsman said I want to have a discussion with the Board tonight, not necessarily on the merits of the application but when something is ambiguous like that I kind of like to tackle those complicated things and not leave it hanging there with questions in the community and questions from the applicants and questions from us. Looking at this, it seems like one of the courses that we could take is to call a second public hearing, considering that we were not the board that was present for the first public hearing and I do feel that it would be most fair to all parties involved – neighbors, applicant, the community, to go through that process again. There seems to be information out there that some modifications have been made but those were not a part of the public hearing before, but I'm open to fellow commissioner comments.

Commissioner Dumas said what happens if we do nothing.....if it stays on our docket or it waits until the applicants reapply. What happens. What's the next step if we don't call for another public hearing?

Ms. Sloop said I would say if this Board does not vote to move forward and basically restart the process, there are a couple of options. The applicants can withdraw. If they withdraw, there is a one year limitation of resubmitting. If they don't withdraw and you take no action, then it's not going to be approved. It's just going to sit there unapproved.

Commissioner Walsh said the property in question, is that in the Activity Node?

Mr. Richards said it is outside of the marked Activity Node in the 2040 Plan and several small area plans.

Commissioner Walsh said and that property is one of seven or eight that sit on that block I believe to the north, so the other seven properties, what would happen to them in terms of going from Rural to Commercial?

Mr. Richards said staff would not be in support of those as well. Of course, anybody is welcome to apply for those rezonings.

Commissioner Walsh said but if that's the farthest point in the node then it makes sense that those south of it, the other seven properties would.....

Mr. Richards said it would be up to each individual property owner to apply or assemble them and apply as a group.

Commissioner Quarles said in regards to the small area plan, does the Town of Huntersville and the City of Charlotte have a partnership in regards to the small area plan?

Mr. Richards said no, that was just for Huntersville.

Commissioner Quarles said in looking at the small area plan, a portion of the plan is on the Mt. Holly-Huntersville side in the City of Charlotte, so if this was to be moved 200' then the project would fit.

Mr. Richards said right and we went through those charrettes with the community to develop those boundaries. They are not hard and set boundaries. The unique factor with this property is it is across the street from a watershed. On the east side there's not a watershed restriction. On the west side there are watershed restrictions. This just happens to be in the critical area which is our most restrictive, which allows a maximum of 6 percent built upon area and so when you do these plans and you'll see these things come to fruition over the next year or so, you have general bubbles.....you can in these plans do hard and fast lines but typically you have bubbles or areas of influence because you don't want to draw sometimes our lines in the sand and then sometimes you do, so you have to find out which shoe fits and that's the tool that you will use when you do the small area plans.

Commissioner Quarles said I've studied it quite extensively and there are homes or properties directly across the street that's part of it but then the project itself is not, which is kind of weird for it to be directly across the street and not to meet the plan within itself.

Mr. Richards said correct and that had to do mainly with the watershed restrictions in this case. On the west side of Beatties Ford Road they are in the watershed, so that's a more limited basis of what you can develop. On the east side there is not a watershed restriction, so you are able to develop the land more freely.

Commissioner Quarles said I have a lot of family history in that area, a lot from my wife going to Long Creek Elementary School and some of our family members 20 years older than she, so I know a lot about that area. I would hope the Board allow us the opportunity to at least look at it for ourselves.

Commissioner Hunt said can you talk about the road improvement projects in that area.

Mr. Richards said I spoke with Mr. Trott this morning. There is an intersection improvement project slated for that area. We call it the 5-points area. It's Broadway/Beatties Ford and some other areas. They are looking at installing turn lanes as well as a traffic signal.

Commissioner Hunt said I don't know if this is more of a Mr. Trott question or not, but do you think that would alleviate any problems with traffic?

Stephen Trott, Director of Engineering, said the current configuration of the intersection has five legs that come in. The project proposes to make it four. That reduces the number of conflict points at the intersection and also adds turn lanes and a traffic signal, so you have some capacity benefit and also some safety benefit with doing that and controlling the movements.

Commissioner Quarles said back in 2020, January 5, 2020, it's my understanding that.....was there a rezoning for the Oak Grove project.

Mr. Richards said yes, Bowman Development Group did apply for and received permission for a rezoning on the east side of Beatties Ford for the Oak Grove Hill development.

Commissioner Quarles said 100 plus homes.

Mr. Richards said correct.

Commissioner Quarles said just a lot of traffic there. And then I assume that it came back to the board March 20, 2023, for an expansion.

Mr. Richards said that's correct. They asked for a revision to the project which continued it more over towards Mt. Holly-Huntersville Road. They were able to get some additional land under contract and they made some configuration changes to the project and that was also in 2023.

Commissioner Walsh said are there any plans to widen Beatties Ford Road?

Mr. Richards said no.

Commissioner Bergsman said are the applicants in the room. I just wanted to check with the applicants if they are here, if they are willing to pay to advertise for a second public hearing.

Mr. Richards said I did speak with the applicants through email and they were acceptive of that condition.

Commissioner Bergsman made a motion to call/advertise for and hold another public hearing for Petition #R23-06, Beatties Ford Family Entertainment, a request by Jonathan Eury and Katie Carpenter to rezone 2.513 acres and to request a second Planning Board recommendation on the petition. The applicants will cover the cost of the legal advertisements and mailings.

Commissioner Quarles seconded motion.

Commissioner Walsh said I'm actually not going to be in support of readvertisement. Back on September 18 the board voted not to approve this, and I don't see any reason to drag the neighbors

through another rezoning process. The property is not inside the Activity Node. It would affect a total of nine properties because you are going to put that commercial as far north of those other properties. It was mentioned we got elected to manage growth. That was the number one thing I heard during the election and quite often we shrug our shoulders and say it was a project done by right. In this case we have a chance to leave Rural property Rural and not turn it into commercial property and again with no plans to widen Beatties Ford Road, an already overburdened road doesn't need any more traffic on it.

Commissioner Dumas said I am very much on the fence on this one. I've spoken with residents and the applicants and I love the idea of this project. I really feel like it would conserve some land and use the four acres for the turtle sanctuary and they've made lots of changes that I think speak to some of the concerns, but I am not a fan of going outside of the current plan and the precedent that sets for the other homes that are just on that cusp as well, so I'd like to hear from the applicants and the changes, so I will be voting yes to revisit, but I'm very much on the fence with this one.

Commissioner Bergsman said this is more not necessarily about the merits or lack of merits of the application. It's about, you know again tonight I heard it being referred to as unresolved and I don't think that's great policy to leave something unresolved, so for me it's giving everyone who is a party in this application whether they are the applicant, neighbor, community residents, the opportunity to hold a second hearing so that we can resolve this application.

Commissioner Hunt said just because we might choose to go back to the public hearing stage it doesn't mean it's a foregone conclusion that this is going to be approved, but I agree with Commissioner Bergsman in the sense that this is resolving some of the limbo that we are currently seeing for the applicants and then also for the folks in the neighborhood who admitted earlier we don't really know where this is in the process, so this will just help everyone have a sense of closure to this project.

Mayor Clark called for the vote.

Motion carried 5 to 1, with Commissioner Walsh opposed.

Parks & Recreation Commission appointments. Consider appointing five members to the Parks & Recreation Commission due to three expiring terms and two vacancies from 14 applicants.

1. Three-year term, expiring 12/31/2026 (Frank Freeman has served 1 partial term and is eligible, and has applied, for another term)
2. Three-year term, expiring 12/31/2026 (Janelle Harris has served 1 partial term and is eligible, and has applied, for another term)
3. Three-year term, expiring 12/31/2026 (Ash Munro has served 1 term and is eligible, and has applied, for another term)
4. Three-year term, expiring 12/31/2025 (vacancy from Alisia Bergsman resignation)
5. Partial three-year term, expiring 12/31/2025 (vacancy from Mark Burns resignation)

Mayor Clark said I would like to ask the commissioners to please provide five nominations with the partial term listed last.

Commissioner Bergsman nominated Frank Feeman, Janelle Harris, Ash Monroe, Telisa Johnson and Kendyl Brown.

Commissioner Hunt nominated Frank Freeman, Janelle Harris, Ash Monroe, Telisa Johson and Kendyl Brown.

Commissioner Duman nominated Frank Freeman, Janelle Harris, Ash Monroe, Kendyl Brown and Telisa Johnson.

Commissioner Walsh nominated the same five that have been mentioned.

Commissioner Rivers nominated the same five that have been mentioned.

Commissioner Quarles nominated Frank Freeman, Janelle Harris, Telisa Johnson, Kendyl Brown, Cathy Lewis...she's not on....Margaret Cook.

Emily Sloop, Town Attorney, said it sounds like there was some discrepancies as to the partial term. It didn't sound like the same name was named for the partial term, so we may want to go ahead and separate the partial term out for a vote. You can do that either before or after the nominations for the other four seats.

Mayor Clark said for the other four seats we have Kendyl Brown, Frank Freeman, Janelle Harris and Telisa Johnson. I didn't know if we wanted to give Commissioner Quarles another opportunity because one of the names he mentioned is someone who is not on the applicant list.

Commissioner Quarles amended his nominations to the same five that have been mentioned.

Mayor Clark said we now have Kendyl Brown, Frank Freeman, Janelle Harris, Telisa Johnson and Ash Monroe as nominees. Kendyl Brown and Telisa Johnson are the two partial terms.

Commissioner Bergsman for the motion am I splitting out the partial terms.

Ms. Sloop said just list them and the last two will be the partial terms.

Commissioner Bergsman made a motion to appoint Frank Freeman, Janelle Harris, Ash Monroe, Telisa Johnson and Kendyl Brown to the Parks & Recreation Commission.

Commissioner Rivers seconded motion.

Motion carried unanimously.

Greenway, Trail and Bikeway Commission Appointments. Consider appointing four members to the Greenway, Trail and Bikeway Commission due to three expiring terms and one vacancy, from 19 applicants.

1. Three-year term, expiring 12/31/2026 (Maria Reese has served one term and is eligible, and has applied, for another term)
2. Three-year term, expiring 12/31/2026 (Katie Spikes has served one partial term and is not reapplying for another term)
3. Three-year term, expiring 12/31/2026 (Randy Suggs has served one partial term and is eligible, and has applied, for another term)
4. Partial three-year term expiring 12/31/2024 (vacancy from Theodore Turner resignation)

Mayor Clark said please have four nominations, with partial term listed last.

Commissioner Bergsman nominated Maria Reese, Randy Suggs, Timothy Turton and Sally Walker.

Commissioner Quarles nominated Maria Reese, Randy Suggs, Timothy Turton and Sally Walker.

Commissioner Hunt nominated Maria Reese, Randy Suggs, Timothy Turton and Sally Walker

Commissioner Duman nominated the same four. I just want to say that there were so many applications and it was super competitive and really a tough choice, but I have the same four.

Commissioner Walsh nominated the same four.

Commissioner Rivers nominated the same four.

Commissioner Hunt made a motion to appoint Maria Reese, Randy Suggs, Timothy Turton and Sally Walker to the Greenway, Trail and Bikeway Commission.

Commissioner Walsh seconded motion.

Commissioner Hunt said I just wanted to piggyback off of what Commissioner Dumas said that we were really lucky to have so many wonderful and talented applicants and I just wanted to point that out that there were so many folks, you were so well qualified. It was really competitive, but if there are other opportunities, I would encourage folks to apply.

Mayor Clark called for the vote.

Motion carried unanimously.

Public Art Commission Appointments. Consider appointing three members to the Public Arts Commission due to two expiring terms and one vacancy, from six applicants.

1. Three-year term, expiring 12/31/2026 (April Dunn has served two consecutive terms and is not eligible for another term)
2. Three-year term, expiring 12/31/2026 (Jessica Horton has served one term and is eligible, and has applied, for another term)
3. Partial three-year term expiring 12/31/2024 (vacancy from Crys Roeder)

Commissioner Bergsman said I just wanted to say both Commissioner Hunt and Commissioner Dumas brought up something I forgot to say, but also just want to mention for those who will not be selected tonight, please apply again. There were a lot of great applications. Make sure to fill out as much information as you can think of because that one sheet is pretty much what we use to make these decisions, and if you haven't taken the Huntersville 101 class and you're interested in being on an advisory commission, I strongly recommend that you take that class as well.

Commissioner Bergsman nominated Jessica Horton, Kendall Kendrick and Leonard King.

Commissioner Quarles nominated the same three.

Commissioner Hunt nominated the same three.

Commissioner Dumas nominated the same three.

Commissioner Walsh nominated the same three.

Commissioner Rivers nominated Jessica Horton, Kendall Kendrick and Leonard King.

Commissioner Hunt made a motion to appoint Jessica Horton, Kendall Kendrick and Leonard King to the Public Arts Commission.

Commissioner Bergsman seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Mayor Clark said everyone who applied, I encourage you to apply again. We appreciate your willingness to serve our town.

Town Board Rules of Procedure Revisions. Commissioner Dumas said I think that we received a few emails about this and questions about it so I thought it was best to move it to Other Business so that we could address any questions that might be still within the board. I think that from my perspective we were looking to make the agenda ours as a new board and it wasn't intended to change much except that we wanted to avoid grandstanding and campaigning from the dais and we thought what's one way we could do that and we thought the term "Announcements" would still allow us each to say what we need to and ask questions if we need to and still have that time. I just thought it would be good for us to make comments or discussion. I don't know if we have any because we had the question earlier. So, any other thoughts.

Commissioner Bergsman said I support definitely having announcements higher up in the agenda rather than saving things like that for closing comments because there are a lot of times where events or things were announced in comments but at that point in time everybody had left the room, so I like having that earlier in the meeting. I just want to make sure that we all have clarity or on the same page that Anthony's description of what announcements means is what each of us expected and is in agreement with. And I'm okay with it.

Commissioner Walsh made a motion to adopt revisions to the Town Board Rules of Procedure.

Commissioner Dumas seconded motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Revised Rules of Procedure attached hereto as Exhibit No. 5.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Bergsman

- Provided update from Visit Lake Norman.

Commissioner Quarles

- It's been 14 days since we were sworn in and I'm excited as to how we are governing. We are not going to make everyone happy with our decisions. We've already witnessed some town citizens being disruptive and trying to control the town's agenda and they will continue for as long as we serve. We've already experienced mistruths to things that have not even happened. There have been inquiries, some of the same, that's come before the staff and commissioners in the past. This Town Board of Commissioners wants to build relationships with those who will be against us no matter what we do unless we do it their way. Speaking of that, there's a large number of us who are in here tonight and I assure you that none of us travel in the same direction. Some drove a car, some drove a truck or maybe an SUV. We all got here safely, but I have a question. Which one of us traveled here the wrong way. We want to build trust with our community. This Board has and will continue to seek legal counsel and expert counsel to make sure we are in order with the rules and the law. What pleases me most with this group of commissioners, we are seeking facts and evidence and will block out the noise. This is a group who has an open door policy and who will sit down with staff to ask questions and to learn, have a cup of coffee or maybe even take a tour because constituents have asked. As I said in my remarks on December 4, we have a lot of work to do. We have hit the ground running. The Air Force can lock in on a target from California and launch a drone to accomplish its mission in a foreign country. We, the Board, have locked in on our target which is the great town of Huntersville. Board, let's not change course. Let's continue our mission which is to serve every citizen. Speaking of serving every citizen, we have some underserved residents here in Huntersville. Some of you may know a person and/or family who may be in need of assistance in paying their heating bill. Mecklenburg County Department of Community Resources is wanting to help. Each year they struggle to use the funding they have, leaving the more than \$1 million in unused funds. They have a program that is similar to Crisis Ministries. This program is called Crisis Intervention Program or LIEAP, so if you or someone you know or someone who may have a need for assistance, please reach out to them.
- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Rivers

- To piggyback off of what Edwin said, we definitely need to take advantage of the resources that are being provided by Mecklenburg County. Those LIEAP applications are important and the funding is definitely there, so make sure if you know anyone, please let them know of those resources.

There being no further business, Commissioner Walsh made a motion to adjourn. Commissioner Hunt seconded the motion. Motion carried unanimously.

Approved this the 16th day of January 2024.