

Mayor
Christy Clark

Mayor Pro Tem
Jennifer Hunt

Commissioners
Alisia Bergsman
Amanda Dumas
Edwin Quarles
LaToya Rivers
Nick Walsh



Town Manager
Anthony Roberts

Deputy Town Manager
Jackie Huffman

Assistant Town Manager
Bobby Williams

Town Attorney
Emily Sloop

Town Clerk
Janet Pierson

AGENDA

Regular Town Board Meeting

April 1, 2024 - 6:00 PM

TOWN HALL (101 Huntersville-Concord Road)

**Live Stream available via YouTube
@townofhuntersvillenc28078**

- 1. Call to Order**
- 2. Invocation/Moment of Silence**
- 3. Pledge of Allegiance**
- 4. Announcements**
- 5. Public Comments, Requests, or Presentations**
 - 5.A. North Mecklenburg Demographic and Housing Assessment Update from UNCC Urban Institute. *(Dr. Bill McCoy and Katie Zager)*
- 6. Agenda Changes/Adoption of Agenda**
- 7. Consent Agenda**
 - 7.A. Approve the minutes of the March 4, 2024 Regular Town Board Meeting. *(Janet Pierson)*
 - 7.B. Approve the minutes of the March 18, 2024 Regular Town Board Meeting. *(Janet Pierson)*
 - 7.C. Approve budget amendment appropriating Capital Reserve revenue in Parks and Recreation in the amount of \$21,000 to Capital Outlay to add two pickleball courts at Holbrook Park. *(Pattie McGinnis)*
 - 7.D. Approve property tax refund report from Mecklenburg County. *(Pattie McGinnis)*

- 7.E. Call a public hearing for Monday, May 6, 2024, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #R24-01, a request by Hotel Ventures of Lake Norman Inc. to rezone +/- 10.328 acres located at 8830 Northpointe Executive Park Drive (Parcel #00537204) from Highway Commercial Conditional District to Highway Commercial Conditional District for a 3-story hotel proposal. (*Jesse James*)
- 7.F. Call a public hearing for Monday, May 6, 2024, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #TA24-04, a request by the Huntersville Planning Department to amend Article 11, Section 11.4.3(a) of the Huntersville Zoning Ordinance and Article 5.000 of the Huntersville Subdivision Ordinance in response to the Huntersville Ordinance Advisory Board bylaw updates. (*Patrick Patterson*)

8. Public Hearings

- 8.A. Conduct public hearing on Petition #TA24-03, a request by the Huntersville Planning Department to amend Chapter 3.1.2 and 11.4.7 k of the Zoning Ordinance. (*Brad Priest*)

9. Other Business

- 9.A. Consider appointing one (1) member to the Environmental Sustainability Committee due to one vacancy. (*Bobby Williams*)

10. Closing Comments

11. Adjourn

GENERAL MEETING INFORMATION

Town Board:

The Town of Huntersville Mayor and Board of Commissioners are elected for two-year terms. Huntersville operates under the council-manager form of government, which establishes the Town's policies that are carried out by the Town Manager and staff. For more information visit www.huntersville.org.

Meeting Time, Place and Agenda:

All meetings of the Board are open to the public and the public is invited and encouraged to attend. The Board meets in the Town Hall at 6:00 p.m. on the first and third Monday of each month (after July 1 it will be on the first and third Tuesday of each month) (unless otherwise posted). Agendas are published Thursdays before the meeting on our website. The Board reserves the right to deviate from the agenda.

Public Comment and Public Hearing Policy:

Persons desiring to address the Board during the public comment period or a public hearing shall sign up via the speaker sign-up sheet prior to the beginning of the meeting. Once the meeting has begun, a person may not sign up to speak. Persons who have signed up to speak shall be allowed to speak for up to three (3) minutes. The Mayor shall have the discretion to shorten the allotted speaking time depending on the number persons registered to speak and in consideration of the length of the agenda. (Public Comment and Public Hearing Policy - Amended February 19, 2024)

Special Accommodations:

Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact the Town Clerk. The Clerk can be reached by phone or fax: 704-875-6541, email: clerk@huntersville.org or at 101 Huntersville-Concord Rd, Huntersville, NC 28078. We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

**Town of Huntersville
Town Board
April 1, 2024**

To: Town Board

From: Janet Pierson, Town Clerk

Date: April 1, 2024

Subject: Approval of Minutes - March 4, 2024

EXPLAIN REQUEST:

Consider approving the minutes of the March 4, 2024 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**March 4, 2024
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 March 4, 2024.

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

Commissioner Walsh made a motion to go into closed session pursuant to N.C.G.S. §§ 143-318.11(a)(5) and (a)(6) to: 1) instruct staff or negotiating agents concerning the price and other material terms for the acquisition of real property; 2) to instruct staff concerning the amount of compensation and other material terms of an employment contract; and 3) to consider the qualifications, competence, performance, character, fitness, and conditions of appointment of an employee.

Upon return from closed session, 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 March 4, 2024.

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

Mayor Clark called for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

ANNOUNCEMENTS

- CRTPO Awards Grant for N.C. 73 Pedestrian Bridge.
- Mayors' Fitness Challenge Registration Open.
- Website Reminders.
- Parks & Recreation 2023 Employee of the Year – Ronell De Verteuil.
- Parks & Recreation Black History Month Event on February 17, 2024.

- Town role in identifying potential unmarked resting places. Stephen Trott, Director of Engineering, noted the Town hires a consultant to use radar scanning devices to look underground to see if there are any potential conflicts where there could be something underground without disturbing the ground.
- Ways to connect with us – website, social media pages, Town of Huntersville app.

PUBLIC COMMENTS

Ashley Kakas, Arts & Science Council, provided update on how funding has been stewarded throughout Huntersville year to date. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

Aaron Hintz, Carolina Diving Academy, provided update on Carolina Diving Academy and announced the Carolina Big Dive Invitational 2024. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

Shawn Caldwell said I'm a lifelong Huntersville resident. I came up to speak for two reasons. First being I want to invite you all to NAMI. NAMI is the National Alliance for Mental Illness and we meet every third Monday at Huntersville United Methodist Church on Stumptown and we offer two classes up there that we facilitate. I'm an executive board member for Lake Norman Iredell facility of that. We offer a family class and we offer a connections class. I'll say that because one out of every five persons actually has some form of mental illness. The second reason I'm here, back in 2020 I was at my desk at Davidson Behavioral Health and I had a stroke and so I've been getting healthy since then. I use the ASC Grant, I go to the Waymer Center and so I reached out to the I call it the Taj Mahal, the regional, the big one on 21 and then I called also up to the aquatic fitness center, and I'll be honest with you, I was astounded. I'm a retired Veteran from the Marine Corps and I can remember when the Town Hall was where the fire station is. I was told they offer nothing for Veterans in the sense of reduced rate or sliding scale – nothing, so work on that. That's why I'm here and the first thing everyone wants to say is thank you for your service and seems to me now it's becoming cliché. And we're supposed to be a Veteran friendly state here in North Carolina and I'm upset that we have nothing for us for that, so that's why I was here. I usually would have stepped to Edwin or I have an open-door contract with Mike as well, but I just felt like you needed to know that. I've got a flag in front of my house and it means a lot to me. Everyone wants to say thank you for service, so don't tell me about it, show me.

Emily Outing said I've been a resident of Huntersville for almost 30 years and I'm here to address an issue with the Spring Grove development that's going in on Hagers Road. On January 30 of this year my water line, which we had installed in front of my property, was relocated across the street to connect with the Spring Grove development, which I have no dealings with. Since that has happened, my water quality has been terrible. My water is milky white. I've had to call the city out three times to check my water. They said it's fine, but my water is still cloudy and because I do beverages from my home, I can't use that water without a purifier. I'm afraid it's not safe to drink like it is straight from the faucet, so I purchased a water purifier and I've used bottled water. RBC Contractors are the ones that moved my water line from in front of my house and we have copper piping from the previous meter to my home. They have installed PVC or some other type of piping and it's 87' away from my home. It's in an area that's not on my property. What we need to know is who's going to be responsible for maintaining that waterline and repairing it or replacing it in the future if it needs that, because it's not on my property, it's across the street and I am the only one on that water line. That I don't understand either. Why did you have to move me and nobody else is connected to that piping. It's for Spring Grove development. There are no houses over there yet. They are still developing that property. That needs to be addressed and I'm bringing it here because the city approved that development, including using my property

without even asking me before it was approved. I have that major concern. I would just like to have some response from the city as to what's going to be done about that.

Rachel Zwipf said I come to you today as the chair of the Pottstown Heritage Group. In heart of our town lies a treasure.....not the structure or the streets but the stories, the heritage and a vibrant spirit that has weathered the test of time. Pottstown, the historic black community, a cornerstone of our town's rich cultural tapestry, stands as a testament to resilience, innovation and enduring strength of a community bond. However, like many invaluable facets of our history it faces relentless pressures of modernization, economic shifts and the risks of a fading collective memory. This is a pivotal moment for us. It is within a vision of balance and respect that we call upon the Board of Commissioners to collaborate with the Pottstown Heritage Group and the community as a whole as a dedicated entity with a proven track record in community revitalization. I ask that first you take a look at the old 2007 East Huntersville Plan and work with us to create a community revitalization plan that focuses just on the preservation of Pottstown. Secondly, we ask that you understand that I know several projects have been put off currently but understanding that closing streets, causing any type of detour in and out of Pottstown is of great impact to us, the residents residing here, rather it sets forth lining the pockets of developers and satisfying the neighbors that surround us and Pottstown that don't care about Pottstown because they consider impoverished and inconvenience to their growth. We urge the Board of Commissioners to recognize the value and urgency of this initiative. By partnering with us we can embark on a transformative journey that honors the path, enriches our present and secures our future. Come celebrate together and preserve this rich history in our historic black community and demonstrate our shared commitment to a future that respects our history and empowers all members of the community.

Regina Phillips said I am a lifelong resident of Huntersville of the Pottstown community. My family still lives there. I have friends all around that have lived there. I'm here to speak for a few minutes about the proposed, that I understand now is on hold, but the widening of Church Street. I'm here to speak that developers are looking at this and they have tried to hold some meetings, which I did attend one last year, but they are not engaging the residents and when they are engaging, they think they're engaging the residents, they're not, they're engaging with people that may have splintered off from some groups there. There's one group that has the community as their focus and that's the Pottstown Heritage Group and I would like to encourage the town or whomever is talking about this to make sure that you contact that committee and those people because they have the ear of the residents and that you engage the residents so that they know what's going on. Just throwing stuff out online, most of them do not have access to that. It has to be grassroots. People have to go and they have to knock on doors to get these people to understand what is going on. My big thing is to be conscience of who the information is coming from. Make sure it's coming from reputable people that actually live and represent the community. In closing I would like to say that Pottstown is a small lower income community that was founded by descendants of slaves and most of the residents that live there have grown up there. They've left, they've come back, some of them have never left. I realize that it may seem like a very small inconsequential area and it's not much, but we cannot box people out. We cannot build up around people, especially people that have nowhere to go. You can come in there and you can say I'm going to widen this and take people's land, or I want to buy your house, but if you buy someone's land or you buy their house, at the prices that houses are going for now, they can't even afford to go out and buy somewhere else to live. This needs to be taken into consideration. I understand that developers are not really interested in that, they are interested in lining their pockets. I want this Town Board and I want the people of the town to actually have an interest to be considered about the residents and the things that are happening.

Jeff Sny, (Christopher Boyd ceded his time), said I'm a Huntersville resident and Chair of the Town Planning Board. First, I would actually like to read a prepared statement by Huntersville resident and Vice Chair of the Town Planning Board, Frank Gammon. He couldn't be here tonight as he and his fellow Mecklenburg County poll workers are preparing for tomorrow's primary elections. In his words – Thank you for the opportunity to share my thoughts regarding the proposed changes to the Huntersville Ordinances Advisory Board's Rules of Procedure. You, the Town Board, certainly have the legislative power and ability to change the Rules of Procedure of any advisory board notwithstanding state statute requirements and limitations. However, in this instance I would suggest that the cart has been placed before the horse. Before you can remove the power of the HOAB to initiate a text amendment, the Zoning Ordinance must first be changed. Article 11.4 Amendment Process specifically 11.4.3(a)(1) states, and I paraphrase, any amendment to the Zoning Ordinance text or Zoning Maps may be initiated by the Town Board, Huntersville Ordinances Advisory Board or the Planning Board on its own resolution. Changing the Rules of Procedure without first changing the Zoning Ordinance does not remove the ability of the HOAB to initiate a text amendment, it just creates conflict and confusion. There is a text amendment process and I ask that you follow it to avoid this conflict. Second, the Town Board formed citizen advisory boards to make recommendations. If you do not agree with those recommendations, that's fine, but please tell your citizens why you agree or disagree. You are the decision maker. In the case of the HOAB, it appears that the Town Board does not like the advice that it's receiving and has chosen to pull its teeth and limit its voice. I ask each of you, have you reached out to communicate with the HOAB regarding the proposed changes and why they are proposed. Finally, I ask that before these Rules of Procedure are put in place that first you meet with the HOAB to discuss these changes. If after that meeting you want to proceed with the changes, then initiate a text amendment to change Article 11.4.3(a)(1) before approving the new Rules of Procedure. I look forward to hearing your decision and the reasons why each of you voted for or against this proposal. Thank you.

As for myself, I'm here to speak regarding Item 10.D as well, which is the HOAB Rules of Procedure, both as a citizen and as a volunteer of various Huntersville advisory boards for more than 8 years now. I share with you that a majority of the proposed changes to the HOAB bylaws are not what's best for the town and the fact that they have found their way into your agenda packets is actually a disservice to yourselves. First a little background. I was a founding member of the Huntersville Ordinances Advisory Board and served for a little over 3 years, finishing as its Vice Chair before being invited to join the Planning Board, of which I've probably served on ever since. As soon as I made that transition, I also became the Planning Board representative on the HOAB for their Traffic Impact Analysis Subcommittee that was created at about that same time. I say that simply to validate my knowledge surrounding the HOAB itself and what it used to be. I've been reminded a number of times recently that the HOAB is not legally required to exist and that's absolutely true. At the same time, though, it was absolutely created for a reason. For a number of years Town staff and the board vetted a number of ideas with the help of the HOAB. On top of the endless amount of text amendments that flow through them, they also tackle things like traffic impact, invasive plant species, they helped save the town from damaging its relationship with CMS more than it already was at that time and they even addressed an ordinance about sniffing modeler's glue.....that's a true story.

In recent years though that seems to have changed. Newer boards got distracted with other things and as town staff positions turned over, relationships were lost. I'll point out that in all my years of being involved with the town, staff has been wonderful and I believe they have the best intentions for all of its citizens. Some of them have even become true friends of mine. I bet I've only encountered a handful of people over the years that for whatever reason just don't embrace that. Part of why these changes are being proposed stems from the checks and balances boards like the HOAB place on staff. It's absolutely human nature to push back against oversight and we've all learned as well that how the message is

delivered definitely matters, but I'd remind everyone that you have voluntarily chosen to be employed in the public sector. Transparency and oversight are woven throughout every form of government and that's something you have to accept. It's either that or the private sector awaits you. By implementing a majority of these changes you will neuter the HOAB. You will strip the citizens who volunteer and sacrifice their time for that board of their key powers. I'll go as far as to say that you'd actually be better off eliminating the HOAB and not waste anyone's time than to change the bylaws to what's in front of you. Either way this is going to make you look bad, but at least the people most vocal behind closed doors can come out from the shadows.

Amy Hallman, (Lee Hallman and Amber Kovacs ceded their time), said I'm normally here just to speak as a happy resident, but I am the Chair of the HOAB board, so there were moments today where I almost didn't come. I thought, what's the point. And then I realized that I had people that I don't talk to regularly or some at all who are here speaking not just on my behalf, but on behalf of the board and then I decided I needed to get my little self back up here and do this, so here I am. When I, as the Chair of Huntersville Ordinances Advisory Board, learned of this agenda item on Thursday only after it was made available to the public, I kept asking myself why now. Well, I answered that question in an email, so today I think the question is why did no one contact the HOAB. If this has been a behind the scenes discussion for months, why has no one reached out. Only being given one side of the argument and then putting the Huntersville Ordinances Advisory Board on defense only after learning about this, is a strategy. Please don't let it work.

I have never had a cross word with staff. To dismantle this board is retaliatory. Is that because of me. I don't believe that. Is it because of some zombie HOAB uprising. I don't believe that either. If you go through with the decision to amend the bylaws to remove the HOAB's members' authority to propose amendments, you are affectively killing HOAB as Chair Sny said. That's no compromise. And for those who dislike HOAB, that is sufficient. That is the strategy. Some of you have said that you aren't sure the correct bylaws are in place. Those pure distraction and manipulation, someone is taking advantage of your good nature by telling you that and I don't say that lightly. There's nothing light about me right now. This is devastating. You can watch the Town Board meeting from April 4, 2022, on YouTube and see exactly.....this entire discussion starts at minute 40:10.

If you're told that having to deal with the HOAB is dragging out the process entirely too long for our town to be in compliance, that is incorrect also. It is a hollow argument and if we get past tonight, I'm happy to explain. Many items within our bylaws are not being adhered to, that is true, but it's not by our board. If you want to remove the requirement that the Legal Department must give a legal opinion each month, do. That hasn't been done a single time. If you want to remove the part where the staff must give us all material evidence every single minute, do. If you want to remove subcommittees, do. We are continually told we can't have them anyway. If you want to change when our vice chair or chair election is, do. These things don't fundamentally change the HOAB. The town, not me personally, not the HOAB, will be responsible when we're not given all the material information. The town, not me personally and not the HOAB, will be responsible if bad legal advice is given. I don't believe that's the case. So, if that's what makes you happy, then that's fine. But please do not limit citizen involvement in the Town process. Do not take away the ability of the Ordinances Advisory members to propose ideas and hamstring the citizens and residents who cannot afford nor understand how to pursue governmental change.

Currently if someone finds a problem, she, he, or they can bring it to us even unofficially before litigation forces a change that costs our town residents more money. Some of us did not apply to be on a board or a committee. My connection to rules and the ordinances and how I became involved in this local

government in the first place is a straight line. I will continue in that vein and I cannot be distracted. These are the text amendment changes through 2022. The last time they were updated was March 2023. With every text amendment our Zoning and Subdivision Ordinances change. Our ordinances are a live document. That job is not done. Bringing in more than one attorney and you can have more than one interpretation, that's what a lawsuit is, more than one interpretation. To say that information is outdated because the HOAB puts too much work on staff is just not true and as such HOAB is reduced to just approving already mandatory text amendments for compliance to state law and only what the Planning Department puts forward, it would be easy to argue that we really aren't necessary. You'll be back here in a few minutes. Our ordinances, our town, is in danger. I feel like we could have all saved this heartache and drama had someone picked up the phone and called me, but that would have implied that someone actually was looking for a sincere solution and we look at where this discussion started and how it went down, you don't have the entire picture. I would like to work on a solution that could work for everyone. The HOAB is in the public interest and it is the public interest that we work together in the open.

Matthew Jones, (John Passarelli ceded his time), said I've been a resident of Huntersville since 1998. I'm here tonight to speak in opposition of the proposed changes to the bylaws of the Huntersville Ordinances Advisory Board. For the last 6 years I've served on the board in a variety of roles. I've served as chair, vice chair and chair of the Traffic Impact Analysis Subcommittee. The proposed changes to the Ordinances Advisory Board bylaws serve no public purpose. Restrict public input and engagement, reduce accountability, transparency, are inconsistent with our adopted ordinances. The Ordinances Advisory Board serves to protect the town by making sure our ordinances are in the public interest and legally compliant. Municipal advisory boards by definition are a form of citizen engagement. Like many other boards and committees in our town, it is not legally required but it provides numerous benefits to the citizens of our town. When writing or changing regulations and processes there's a benefit to evaluating feedback from as many and varied perspectives as possible. This reduces the probability of unintended consequences and makes for better regulation. One of the main benefits of our board is we are able to spend more time vetting changes than the Planning Board and the Town Board can. Ordinances are a living set of documents that are in a constant state of change via legislation, case law, changes in our comprehensive plan and based on the needs of our growing community. Recently our board brought to the attention of staff the changes needed based on House Bill 488, the result of which was correcting parts of our ordinances that had been out of compliance for more than a decade.

We also recently identified changes that needed to be made to our campaign sign ordinance which was in excess of the Town's authority. We additionally proposed a set of recommendations via the Traffic Impact Analysis Subcommittee to better address traffic impacts from new development, which have yet to be implemented and have largely been suppressed from the public view. These are just a few of the many examples of benefits our board has provided to the town over time. When ordinances are not correct, citizens can unknowingly commit criminal offenses as has happened with our campaign sign ordinance, pay unnecessary fees, have unnecessary restrictions placed on their property and it increases the litigation risk of our town. I evaluate ordinances from a number of different communities on a regular basis and are they all perfect, no. Most of them are not. They all have inaccuracies. They all have things that need to be corrected, but our town is unique because we have this board. It gives the ability of a citizen to come in and instead of having to pay a fee or try to figure out how to correct that ordinance and make that change, they can come to use and engage with us and we can make a decision whether that the engagement needs to happen. Most other towns don't have that. And that request just goes into a black hole and nothing ever happens.

It is in the best interest of the public that we do not change the bylaws of the Ordinances Advisory Board and to continue allowing citizen engagement and for the board to continue to provide services to the citizens of this town as we have for almost a decade.

Michael Pollard said I think you've probably had an earful of all the reasons why it is a concern to look at changing the rules of which the Ordinances Advisory Board operates off of. I'm one of the newer members. I've not lived in Huntersville my whole life. In fact, a very short part of my life. With that though, where I came from, I formerly served and worked in municipal government for quite a while. I was an elected official. I was also chairman of the board of finance for the city, served as Chief of Staff for the City of Stanford and the mayor of the city and so I'm quite versed in looking at boards and commissions and authority, etc. and I would simply say you probably, like I, have the same primary objective that is to ensure that the taxpayers, the citizens, are absolutely getting the highest possible quality of life necessary. Making decisions we ultimately look and try to figure out and drill down as quickly as we can to what's in it for the citizens, what's in it for the residents.

I also formerly served for a couple of consulting firms for 15 years and one of the things that I often got involved with was process improvement. How is this making it better for citizens and residents by making changes to their government. With that being said, I think in the end what we all try to strive for is to be able to look at a resident and say this is absolutely a far improvement of what we previously had. When I got here one of the things I was very pleased to do is to go to Huntersville 101, learn as much about Huntersville as I possibly could. I'm a big believer in give back to your community, don't just live there and say you've got a residence there, actually do something and I'm a do something kind of guy. I'm also on the board down at Mecklenburg County as well.

With that being said, when I look at what I could have brought to the board under the current structure and what the rules are, is that I immediately start saying let's look at pedestrian safety. I had a proposal about pedestrian safety. Let's look at some areas where blight is considered to be a problem for some of the neighborhoods. Let's look at how we fix those. Those are the kind of things that a new member like me could bring to the table. However, based on what you've already heard, if that power is removed, it limits greatly and it adds layers of complexity to get things done. If I now have to go to someone else to get the same thing done, I've impacted not only my time but their time as well. With that being said I won't dribble on, but I do want to strongly encourage you to simply look at it purely from the taxpayers and citizens lens and try to determine what is the most impactful things one could do with a board like the Ordinances Advisory Board and that is to leverage it in ways that you can't leverage other resources that you have. With that being said, I'm just to shut my little my mouth up. It's been a pleasure to meet with you and talk with you and I wish you all the best.

Bill Fountain, former schoolteacher, said over the past several years our progressive CMS school board and administrations have actually replaced the classical values of merit, fairness and equality with diversity, equity and inclusion – the DEI ideology. These progressives are also using social/emotional learning, SEL, to indoctrinate the children with this DEI ideology. And the SEL has actually grown quite a bit within the CMS bureaucracy to pretty expensive and some of those funds could be used to supplement teacher pay. Not only that but several new studies have revealed that the students who have gone through an SEL program have had more depression, more anxiety and had more difficulty in managing emotions and reported worse relationships with their parents. The diversity, equity and inclusion ideology treats some people as being less valuable than others not because of their character but because of what they look like or what they believe. This is a litmus test that I feel that is trying to divide our society, not unite it. The Hill publication says that DEI is a derivative of neo-Marxist identitarian ideology. Any criticism of DEI is often met with being called prejudice thus chilling the free

speech and causing some of the teachers to feel like they are going to be ostracized or censored or maybe terminated which is not a very healthy work environment. Most of the teachers really want to teach their subject area and not be advocates from some socialistic ideas. The alternative to DEI is merit, fairness and equality which are consistent with liberty and individual rights. It's based on academic merit and not on group identity. This respects the individual rights and it promotes the primary mission of education as being a former teacher and that is helping students learn so they can be successful after high school.

Mayor Clark proclaimed March 2024 as Women's History Month.

A Proclamation For Women's History Month

WHEREAS, Women's History Month is a dedicated month to reflect on the often-overlooked contributions of women to United States history. From Abigail Adams to Susan B. Anthony, Sojourner Truth to Rosa Parks, the timeline of women's history milestones stretches back to the founding of the United States; and

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural, and social roles in every sphere in the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, American women have served our country courageously in the military; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, which create a more fair and just society for all.

NOW, THEREFORE, I, Christy Clark, Mayor of Huntersville, do hereby proclaim March 2024 as "**WOMEN'S HISTORY 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 4 of March, 2024.

AGENDA CHANGES

Commissioner Dumas made a motion to adopt the agenda. Commissioner Quarles seconded the motion. Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes – February 5, 2024. Commissioner Rivers made a motion to approve the minutes of the February 5, 2024, Regular Town Board Meeting. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Approval of Minutes – February 8 and 9, 2024 Workshop. Commissioner Rivers made a motion to approve the minutes of the February 8 and 9, 2024 Town Board Planning Workshop. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Approval of Minutes – February 19, 2024. Commissioner Rivers made a motion to approve the minutes of the February 19, 2024, Regular Town Board Meeting. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Audit Contract. The Town bid Audit Services in FY2023 and Martin Starnes & Associates was selected. This is the second year of the agreement. Staff recommends that we re-engage Martin Starnes & Associates for the 2023-2024 Financial Audit.

Commissioner Rivers made a motion to approve contract with Martin Starnes for Audit Services. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 3.

Property Tax Refund Report. Commissioner Rivers made a motion to approve Property Tax Refund Report from Mecklenburg County. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Property Tax Refund Report attached hereto as Exhibit No. 4.

Budget Amendment – HFFA. Commissioner Rivers made a motion to approve budget amendment appropriating \$300,000 to HFFA from the General Fund to correct HFFA's deficit fund balance. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Amendment to Capital Project Ordinance for Transportation Projects. Commissioner Rivers made a motion to adopt Seventh Amendment to the Capital Project Ordinance for Transportation Projects. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Seventh Amendment to Capital Project Ordinance for Transportation Projects attached hereto as Exhibit No. 5.

Amendment to Huntington Green Sidewalk Capital Project Ordinance. Commissioner Rivers made a motion to approve Third Amendment to the Huntington Green Sidewalk Capital Project Ordinance for additional funds awarded by the Community Development Block Grant. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Third Amendment Huntington Green Sidewalk Capital Project Ordinance attached hereto as Exhibit No. 6.

Resolution – Huntington Green Sidewalk Construction Contract. Commissioner Rivers made a motion to adopt Resolution to accept Huntington Green Sidewalk Construction Contract. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 7.

FY2025 Goals. Commissioner Rivers made a motion to approve FY2025 goals. Commissioner Bergsman seconded the motion. Motion carried unanimously.

FY2025 Goals attached hereto as Exhibit No. 8.

Call for Public Hearing – Petition #TA24-03. Commissioner Rivers made a motion to call a public hearing for Monday, April 1, 2024, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #TA24-03, a request by the Huntersville Planning Department to amend Chapter 3.1.2 and 11.4.7(k) of the Zoning Ordinance. Commissioner Bergsman seconded the motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #TA24-01. Mayor Clark called to order public hearing on Petition #TA24-01, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 3.3.2(2)(d), 3.3.2-A(e), 3.3.2B(e), 3.3.3-A(e), 3.3.3(2)(d), and Article 8.17(3)(e) to bring the text into compliance with HB 600.

Patrick Patterson, Planner I, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 9.*

The proposed text amendment is in response to the passing of House Bill 600 which amends stormwater runoff rules and programs language. The Town attorneys drafted the proposed language so that it matched directly with the state statute.

The existing language states that there is no need to put in new or more extensive stormwater management systems for (1) already developed areas or (2) redevelopment projects that do not reduce or remove current stormwater management systems.

The language being added specifies that increased stormwater controls are only required for the newly created impervious surface beyond what existed before the redevelopment, regardless of whether it involves demolishing or relocating existing impervious surfaces.

The change in language does not constitute a change in practice when administering stormwater runoff. The change will update several sections of the Zoning Ordinance, but the effect of the language is the same throughout.

Staff recommends approval of the text amendment. On January 4, 2024, the Huntersville Ordinances Advisory Board recommended approval with a vote of 8-0.

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

Petition #TA24-02. Mayor Clark called to order public hearing on Petition #TA24-02, a request by the Huntersville Planning Department for a text amendment to Article 10, Section 10.10.9, 10.12, and 10.14.3 to clarify the Town's role in permitting, the placement, and enforcement of campaign signs.

Patrick Patterson, Planner I, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 10.*

This past election cycle, planning staff received several inquiries about campaign signs and the Town's rules in permitting, the placement, and the enforcement of campaign signs. This text amendment is introducing minor changes in the language to further clarify the Town's role regarding enforcement on Town Property or Town-maintained right-of-way and where campaign signs are permitted. The proposed amendment intends to clarify/institute the following:

The amendments to Section 10.10.9 are to clarify that individuals must seek permission from private property owners before placing a sign. Individuals must also seek permission from any property owner fronting the Town maintained right-of-way where a sign is erected.

The amendments to Section 10.12 clarify that temporary Campaign and Election signs are allowed to extend into the right-of-way of Town Maintained roads, and as allowed by the North Carolina Department of Transportation along the streets that they maintain. This clarifies the Town's stance on Campaign Signs in the right-of-way and defers to the North Carolina Department of Transportation for their right-of-way regulations.

The amendments to Section 10.14.3 signify that Town staff may remove any illegal signs placed on Town property or Town-maintained right-of-way.

Staff recommends approval of the text amendment. On January 4, 2024, the Huntersville Ordinances Advisory Board recommended approval by a vote of 7-0-1.

Mr. Patterson noted the one HOAB vote was an abstention.

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

Mayor Clark called for a 5-minute recess.

The Board reconvened.

OTHER BUSINESS

Budget Amendment – Huntersville Fire. Per consensus of the Board at the pre-meeting on February 19, 2024, this budget amendment funds the Town paid part-time firefighters. The expense to the Town by adding part-time fighters for the remaining 2-1/2 months of FY24 is estimated at \$884,955, which will be funded in various line items. The funding sources are General fund balance of \$206,123 and the reduction in the contribution to the HFD, Inc. of \$678,832.

Commissioner Dumas said is it usual to pay benefits for part-timers?

Chief Jim Dotoli said I think the benefits are what's going to attract the open spots.

Commissioner Dumas said are there other towns around here that do that?

Chief Dotoli said Davidson started doing it about 2 years ago when they started having problems filling the seats because less and less people wanted a part-time job, they all wanted full-time. When they opened that door that the town decided let's give them LGER's, let's give them the 401K, they were the first to do it and they were the first to really start seeing the benefits from that. In fact, we lost a few of our firefighters to go up there to get LGER's, so I was hoping to get them back.

Jackie Huffman, Deputy Town Manager, said can I add prior to adding part-time firefighters it has been unusual for us to have part-time positions that had retirement benefits. It's not unprecedented, but it's unusual.

Commissioner Bergsman said can you share the rationale behind the inclusion of the increase in pay?

Ms. Huffman said the first thing I want to remind everybody of is why we are doing this. We fund 18 positions 24/7/365 and the fact that we are not able to fill those positions is exactly why we believe we'd like to do something to induce firefighters to agree to staff those positions, and so if we were going to do nothing more than pay them on the Town's books, the \$678,000 in the budget amendment would be all we need to do. Rather than pay it to them, we'd keep it here and pay them on our books. Our agreement with the retirement system is anybody that works over 1,000 hours a year participates in the retirement system. When we put people in the retirement system, we make sure they get a 5 percent 401K contribution. The whole reason to do that is to hope to encourage more people to choose to work our shift so we have enough staff on the trucks. We didn't write fair labor standards, but we absolutely adhere to it and so if you are an employee of the non-profit inc. overtime applies when you exceed 40 hours in one week. That is not so if you are paid by the town. It's just a fair labor standards rule. It's not our rule, not something we made up to be more generous. We want to make sure first that we are paying our firefighters close to market. Today right now firefighters make under \$20 an hour and that's \$17.75, so adding some to the rate of pay helped compensate for the loss of some of their overtime hours. If you participate in the Local Government Employee's Retirement System, employees make a 6 percent contribution, so the part-time employee would be required to contribute 6 percent of their salary, that would be a deduct from their salary on a pre-tax basis, so this increase in rate of pay also helps offset that. We want to make sure that we are paying close to what other entities in this area are paying their firefighters and there is reason to believe that there are other agencies in this area that will be at \$18 an hour, so if we're at \$17.75 and we're taking a 6 percent retirement contribution out, that's going to feel like a reduction in the rate of pay which is unlikely to result in more people choosing to staff the stations.

Commissioner Bergsman said I had some questions about the donations that come in for HFD, Inc. and what the average is at least in recent years.

Chief Dotoli said every year around October everybody gets a donation form through a mailer. We don't call you or anything like that. But we do look at your residence and we have a company that sends out a mailer to everybody. It costs us a little bit of money to do that, but it brings in some profit. There's a lot of businesses that still.....a lot of town citizens that still love to do \$50, \$20. Duke Power does like a \$6,000 donation. Metrolina Greenhouses does something like that, so it brings in about \$34,000 in donations. Once we become all one and Town employees and the Town fire department, I believe people can still donate money, but I would ask Emily more as far as that rule goes – can we accept money from somebody.

Commissioner Bergsman said I would like clarification. I'm just trying to make sure that looking into the future if we can still accept donations and have them earmarked for the fire department without risking losing some of that funding source.

Emily Sloop, Town Attorney, said the Town is authorized to accept donations from citizens for anything that the Town has statutory authority to carry out and we do have statutory authority to have a municipal fire department, therefore we can accept donations to carry out fire protection services.

Commissioner Walsh made a motion to approve a budget amendment appropriating \$206,123 from the General Fund Balance and \$678,832 from the reduction in the contribution to Huntersville Fire Department Inc. to fund Town employee part-time firefighters from April 15 to June 30.

Commissioner Dumas seconded the motion.

Commissioner Walsh said this Board started the process to create a municipal fire department this past December. The purpose was to move from a non-profit providing fire services in Huntersville to our own Town managed municipal fire department. The first step was to hire 18 full-time firefighters and a chief, which has been completed. This evening, we take the next step. We will transition the part-time firefighters from the non-profit over to the municipal fire department. This will complete the personnel integration of these two entities.

Mayor Clark called for the vote.

Motion carried unanimously.

Environmental Sustainability Committee Appointments. Commissioner Hunt said this is an exciting day for Huntersville. The outpouring of support and interest in the Environmental Sustainability Committee has been really exciting and energizing and we've had so many talented and intelligent, thoughtful applicants for this new board. Everyone's passion and enthusiasm for environmental sustainability are evident and I can't wait to get started with this group and so I would like to make some nominations if we're ready.

Mayor Clark said I would like the Town Board to make nominations. There are nine nominations with the first three nominations being a 3-year term, the next three being a 2-year term, and the last three being a 1-year term.

Commissioner Hunt nominated Dana Hicks, Dan Fogle and Richard Sampson to a 3-year term; Mary Ann Sprung, Diana Truman and Trisha Knight to a 2-year term; and Kendyl Brown, Dr. Leslie Kepler and Jeremy Shook for a 1-year term.

Commissioner Rivers agreed with the nominations.

Commissioner Walsh agreed with the nominations.

Commissioner Dumas agreed with the nominations.

Commissioner Quarles agreed with the nominations.

Commissioner Bergsman said mine's a little different and I just want to preface it by saying this is a very difficult decision. We had lots of great of applicants, not enough spots and one of my considerations making this was whether or not folks are already serving on a current committee, so I'll list all nine with a similar order – Dana Hicks, Dan Fogle, Dr. Leslie Kepler, Rich Sampson, Diana Truman, Trisha Knight, Mary Ann Sprung, Jeremy Shook and Bruce Early.

Commissioner Hunt made a motion to appoint Dana Hicks, Dan Fogle and Richard Sampson to a 3-year term; Mary Ann Sprung, Diana Truman and Trisha Knight to a 2-year term; and Kendyl Brown, Dr. Leslie Kepler and Jeremy Shook for a 1-year term to the Environmental Sustainability Committee.

Commissioner Quarles seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Parks & Recreation Commission Appointment. Consider appointing one member to a partial 3-year term expiring 12/31/2024 on the Parks & Recreation Commission due to a vacancy from the resignation of Taylor Hutto.

Commissioner Rivers nominated Aron Nair.
Commissioner Walsh nominated Aron Nair.
Commissioner Dumas nominated Aron Nair.
Commissioner Hunt nominated Aron Nair.
Commissioner Quarles nominated Aron Nair.
Commissioner Bergsman nominated Aron Nair.

Commissioner Bergsman made a motion to appoint Aron Nair to the Parks & Recreation Commission.

Commissioner Hunt seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Huntersville Ordinances Advisory Board Bylaws Amendments. Emily Sloop, Town Attorney, said you have in your packet proposed amendments to the HOAB Bylaws. I would like to reiterate that the HOAB is extremely unique to Huntersville. It is unique in that when searching across the state to see if other jurisdictions had this type of advisory board only one other community was able to be located, that being Cornelius, as having a similar board. That's likely due to the fact that most of the duties that the HOAB carries out are duplicative and redundant compared to the Planning Board's duties.

In several instances as of late we have seen that a text amendment to merely comply with legislative updates has sat in the HOAB for approximately four months. There are deadlines for complying with legislative changes in our ordinance and we really need to as a town implement those legislative updates in a timely fashion so that our ordinances are not out of compliance with the statutes.

Another thing that makes the HOAB extremely unique is that the statutes do allow for the Town Board or governing boards to create additional advisory boards outside of the Planning Board or outside of the Board of Adjustment, however the statute that provides for creating those additional boards allows the Town Board to create them via ordinance. In searching to see whether or not the HOAB was created by ordinance, it was not. It was actually created in 2015 as a result of what I found and located to be a Bob Evans agenda. I can't find anywhere in the minutes of the town that this Bob Evans agenda stemmed from or was the result from an official Town Board meeting.

Also, as to providing legal opinions and information related to text amendments, the Legal Department has taken a proactive approach in bringing to the attention of Planning staff and the Town Board all legislative changes that have taken place since I have been installed as the Town Attorney, which was October 2020. Prior to my coming on board, I believe that one of the major goals and purposes of having the HOAB in place was to have a subcommittee to look into whether or not impact fees were allowed. Impact fees are illegal in North Carolina and nothing has changed since then. Now that that task has been completed and also a major overhaul has been completed throughout the updates to the ordinances when we aligned our ordinances with Chapter 160D of the North Carolina General Statutes, a large part of the HOAB's duties have already been completed that were initially contemplated. All of the outdated references to Chapter 160A have been replaced by the Chapter 160D references to the extent that they were listed in the first place.

Also, by way of additional background, in approximately 2018 the Town Board had directed the Town Attorney at the time to go through and update all of the Rules of Procedures and Bylaws for not just the HOAB, but all of the advisory boards across the town, so Planning Board, Board of Adjustment, HOAB, Parks & Recreation, etc., to align them with conflict of interest rules, to make the election procedure similar across the board, to have the elections take place at the same time, etc. One thing that we did when I came on board was to start that process and we actually amended the HOAB bylaws on September 7, 2021, and those amendments did just that. They aligned the HOAB bylaws with many of the other committees, boards, here in Huntersville. And also at the time we had noticed that there were some concerns and that on several occasions, and this was discussed in detail on the September 7, 2021, open record for that meeting, we had been noticing that citizens would receive a decision from Planning staff about a planning related issue and if they did not like the answer from Planning staff they would then take their concern to an HOAB member and try to have them unilaterally add it to the agenda rather than going through the proper appeals process and paying the appeal application fee and that is not something that we should be doing as a town from a legal standpoint. If a citizen does not agree with a staff opinion, instead they should pay the application fee to appeal that opinion and go through the proper process because if the appeal is then later appealed or for some other reason taken to court, we need to have a paper trail that we followed the proper process.

Just by way of example we had an item that was related to private civil litigation that one member attempted to add to the agenda. The Town does not deal in private civil litigation matters. These amendments are again bringing the HOAB bylaws in line with other committees as far as the election period, the election timeframe, making sure that the proper procedures and protocols for text amendments are being followed. I could provide additional background but I'm sure that you all have questions that you would like to ask of Legal staff and I'm happy to answer those questions.

Commissioner Dumas said in Public Comments there was a question about requiring a zoning ordinance change. Do you have any thoughts on that?

Ms. Sloop said do you mean as far as whether or not you as a Town Board can update the bylaws prior to updating the Zoning Ordinance? Yes, you can. In fact it would be much more efficient to make sure that you have approved the bylaws first and then go back and adjust the ordinance itself to make sure that the Town Board has already voted to make these changes and then we start the text amendment process because we have a procedure that must be followed for text amendments which includes calling a public hearing, advertising for a public hearing, holding a public hearing, all of which cost money to do in terms of advertising costs.

Commissioner Rivers said I know that you stated on September 7, 2021, there was the process of amending the HOAB bylaws. Have there since then been any changes or updates or amendments to the HOAB bylaws.

Ms. Sloop said correct. When we made the changes in September 2021 after having had further discussions and looking at them, we realized that there needed to be further clarification regarding the elections to make sure that it stated that timeframe for the election clearly, how long the chair and vice chair would serve, and so we wanted to take those minor housecleaning explanatory amendments back before the board and at the time that the Board voted on those minor amendments, the commissioner that made the motion to approve the amendments added additional amendments as part of the motion.

Commissioner Rivers said for clarity, additional amendments were made, in addition to the election process.

Ms. Sloop said correct, from the dais the commissioner that made the motion to approve the clarification or clarifying edits added some additional edits to the redline that was in the package via his motion.

Commissioner Hunt said one of the things in the bylaw change said that staff will no longer provide HOAB members with materials needed, including legal opinions etc. Can you explain that change, please.

Ms. Sloop said that also goes back to why it is very important for text amendments to come through the proper protocol so that Planning staff and so that Legal staff have the opportunity to vet, to research the proposed amendment to make sure that it is legal, that it is not being proposed that we insert something into the ordinance language that isn't feasible or not legal. Every time a text amendment is being proposed through the proper process both Planning staff and Legal staff review it to make sure that it is legal. We do our research before it even reaches the HOAB. That's why it's important not to have the proposed amendments not go through the proper process and in terms of providing a legal opinion, we do provide a legal opinion. We discuss it with the HOAB and with staff, we talk about it before it gets to that point, but we do not create a formal written legal opinion addressing pros and cons of a proposed text amendment that would then become part of the public record. If for some reason legal, an attorney that was representing a developer, let's say, wanted to look for a reason to strike down our ordinance, that would be serving them on a silver platter pros and cons and potential weaknesses of the ordinance language. Therefore, we do not write up formal legal opinions about the proposed text amendments. We do vet them, we do discuss them from a legal standpoint with all involved. We also make sure that the House Bill or Senate Bill or statute language is provided. If for some reason due to an inadvertence staff forgets to put it in the packet, we always send the language of the statute or of the house bill or senate bill after the fact or get it for them during the meeting.

Commissioner Quarles said will the staff recommendations in regards to the ordinance amendments limit citizens involvement in the Town process?

Ms. Sloop said no. As discussed earlier, there is a proper process for a text amendment. Currently, citizens can sign up to speak at the HOAB meetings, they can sign up to speak at the Planning Board meetings, at the Town Board meetings, and also at the public hearings themselves, so they are free to discuss their concerns at multiple different occasions. They can also reach out to a Town commissioner at any time.

Commissioner Quarles said will this take away the ability of HOAB members to propose ideas and hamstring all citizens or residents who cannot afford nor understand how to pursue governmental changes.

Ms. Sloop said going back to some of the previous discussion, HOAB members should not be taking up personal agendas of citizens and pushing them through the process, skirting the process, without having that citizen file an application for a text amendment and file the application fee. Again, that is because we have an appeals process in place that must be followed, so by skirting the system and going straight to an HOAB member to push a personal agenda we don't have that paper trail in place in case we were to have to go to court later down the road.

Commissioner Bergsman said the original intent and purpose of forming HOAB and particularly I'm also wondering if it was designed to be a long-term committee or if it was designed to be shorter to deal with a specific issue.

Ms. Sloop said I was not here at the time that the HOAB was created. Honestly, I probably would not have recommended that it have been created just because of the fact that it is duplicative of what is already legally required of Planning Board. However, again it is within the governing board's power and authority to create by ordinance other advisory boards. I did look back at the 2015 bylaws to see if anywhere in the 2015 bylaws that it said that it was within the purview of the HOAB to propose on their own any text amendments and I did not see that language. I did not see propose or draft text amendments anywhere in the 2015 bylaws. In fact, it appears that the intent was for the entirety of Section 1-1 to act as directed by the Town Board or Planning Board. I don't believe though, just a sidenote, that the original bylaws were drafted by an attorney.

Commissioner Bergsman said are there any legal implications of having HOAB propose a text amendment if it's brought to them by a resident or developer or a fellow member on the board?

Ms. Sloop said we talked about that previously at the September 7, 2021, meeting. We would not want for instance, let's say an HOAB member themselves wanted to unilaterally bring forward a text amendment and that text amendment actually affected part of their business or an aspect of their business. Even if the intent was not to pursue a personal agenda or to skirt the system by not having to pay the fee or to not follow the proper protocol, the optics are very bad if the Town Board allowed someone to sit on the HOAB and without paying the fee, without putting in an application, just unilaterally put onto the agenda a proposed text amendment that would benefit their business in some way. There are strict conflict rules that must be followed. They would need to recuse themselves and I would go so far as to say that that not only just recusing themselves, but they shouldn't be doing that ever in the first place.

Commissioner Bergsman said one of the redlines actually I think adheres more to Planning Board and is crossing out Planning Board, so I am just wondering if in North Carolina does Planning Board have the authority to direct another advisory board on tasks.

Ms. Sloop said 160D-301(b) sets forth the duties that are the statutory duties for Planning Board and nowhere in that set of duties that is enumerated in the statute does it say that an advisory board that is created by the governing board can direct the HOAB, so we wanted to make that redline to essentially clean that up. It's a clean-up edit.

Commissioner Quarles made a motion to consider approving amendments to the Huntersville Ordinances Advisory Board bylaws.

Ms. Sloop said just to clarify, you make a motion to approve the amendments.

Commissioner Quarles made a motion to approve the amendments of the Huntersville Ordinances Advisory Board bylaws.

Commissioner Rivers seconded the motion.

Commissioner Bergsman said some of the changes I do support. Some of those I really think they need a little further time to look at. I'm honestly still on the fence on how this discussion goes, but one of the things that I wanted to bring up was specifically in regards to the redline about the chairperson's involvement with giving input on the agenda. I feel that that's something that has gone a little bit too far and I'm looking at whether or not.....I mean I personally feel like that's something that a chairperson along with staff should still have the ability to give input and advice on the agenda. To make sure I'm clear on that, not necessarily during the meeting at the time, but in advance of meetings.

Commissioner Dumas said I think that the folks that serve on this board, I have huge respect for them and I believe that there is value in what this board can do, but I don't think that the way it's currently written or the way it has been working previous to this is sustainable or makes sense. At this moment in time, it's duplicative. And I've been largely on the fence as well. I think I would be in favor of that amendment, that change, in support of your comments. Otherwise, I'm in favor and is there a way to make that change, that redline?

Ms. Sloop said the Town Board can make a motion to approve with that change, if they so desire.

Mayor Clark said we have a motion on the table to approve them as currently written. We would need to have.....

Ms. Sloop said if someone is attempting to make a substitute motion they would need to do so.

Commissioner Bergsman said how many members.....these are volunteers that we are talking about who give hours of time to our community who have also some come out tonight and I am hearing that there is a desire to be a part of the conversation that there's acknowledgement that the process can be improved and that's the way that HOAB currently runs. There's room for improvement. The other thing is I don't know if there's any interest in a continuance or not. Those were really the two questions that I had tonight to fellow Board members. If not, then I at least plan on making a second motion to make that one change, but I'd like to hear what others have to say.

Commissioner Hunt said I appreciate everyone's service on HOAB and I can tell they are passionate about it. I'm glad that we have residents who are interested in serving on these unpaid boards. But as Ms. Sloop identified, the HOAB is unique to Huntersville. It's duplicative of the Planning Board and it has occasionally prevented us from being in compliance with state statute, which is obviously very problematic. Based on the details provided, I support the motion that Commissioner Quarles made.

Commissioner Walsh said I, too, support the motion as it was originally proposed by Commissioner Quarles.

Commissioner Rivers said I want to say I don't want to discredit anyone's service or work that the HOAB has provided. I don't want that to be misconstrued or anyone to think because this motion is made that we are discrediting your work, I just think that we definitely need to be in align with our policies or procedures and bylaws and just making these amendments would assist in doing so, so I'm agreeing with Commissioner Quarles.

Mayor Clark said Commissioner Bergsman are you intending to make a substitute motion?

Commissioner Bergsman said it doesn't seem like there's a

Mayor Clark called for the vote.

Motion carried 5 to 1, with Commissioner Bergsman opposed.

Amended Bylaws attached hereto as Exhibit No. 11.

Ordinance – Establish Procedure for Reimbursement Agreements. Emily Sloop, Town Attorney, said this is an ordinance that would allow the Town to enter into reimbursement agreements for municipal infrastructure that is on the Town's Capital Improvement Plan and in order to do so under 160A-499 we do need to have an ordinance in place to be able to have these types of agreements. I just want to reiterate that the agreements will still need to be approved by the Town Board in accordance with our contracting policies and delegation as well as any necessary budget amendments, they would also have to come back before the Town Board.

Commissioner Rivers made a motion that we consider adopting an ordinance to amend the Town of Huntersville Code of Ordinances to establish a procedure for reimbursement agreements pursuant to NCGS 160A-499.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 12.

Resolution – Update Standard Reimbursement Agreement for Reimbursements. Emily Sloop, Town Attorney, said we have an updated reimbursement agreement that would be used to reimburse schools for street improvements that the Town requires to the municipal street system. In approximately 2017 the General Assembly passed what is now 160A-307.1. That section of the statute mandates, does not give an option, but mandates that the Town Board reimburse for these types of improvements. However, there has been case law recently that changed the definition of what street improvements are. We have multiple school projects that are coming up and to have the reimbursement agreement as part of a policy that cannot be changed to fit the individualized project and the scale of the project is not ideal. We need to be able to have specific terms that fit the project in and of itself, whether it be scale, time, etc. What we are asking is that you all rescind the policy and adopt a more robust and comprehensive agreement. The agreement terms can then be changed as necessary by the Town Manager to fit the project. You all will have to approve the reimbursement agreements themselves in

accordance with our contracting policies and procedures and delegation. You would also have to approve any of the budget amendments necessary.

Commissioner Quarles made a motion to adopt resolution to update standard reimbursement agreement for reimbursements pursuant to North Carolina General Statute 160A-307.1.

Commissioner Bergsman seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 13.

Resolution – Bellamore to CVS Sidewalk Project. Stephen Trott, Director of Engineering, the project is to connect sidewalk from the Bellamore residential units up to the CVS along 115. There are a couple of parcels that would need to be acquired. Not entirely, just the easements for the sidewalk and a drainage easement along the frontage of those, along 115. We would need some permanent sidewalk easement and some temporary construction easement and permanent drainage easement to be able to deliver that sidewalk project.

Commissioner Dumas made a motion to consider adopting resolution to acquire right-of-way and/or easements necessary for the construction of Bellamore to CVS sidewalk project.

Commissioner Rivers seconded the motion.

Commissioner Bergsman said I drive this area all the time and I know Bellamore is a retirement community and just the other day I saw someone in a motorized wheelchair going down the road probably to CVS or somewhere nearby and it scares me. I just want to make sure the public knows how much safety issues are in this area right now.

Mayor Clark called for the vote.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 14.

Resolution – Drake Hill Drive Drainage Improvements. Kevin Fox, Director of Public Works, said this project is a little different than some of the projects that we present to you guys. This project is to reduce a potential flood hazard in the Vermillion/Valencia subdivision on Drake Hill Drive. We need permanent storm drainage easement as well as some temporary construction easement so that we can reduce the potential for flooding. This is a citizen request. There's about a 4-acre drainage area that's coming directly into their parcel and we need to redefine a swell to convey the storm water.

Commissioner Hunt said when should property owners expect to hear from you and do you know how long the process will take?

Mr. Fox said I just received the piece of paper that you're seeing right here myself less than two weeks ago, so I was in a hurry to get it in on your agenda so that we could go work. It's a flooding risk for a

property owner and so we try to move these things pretty quickly. The consultant has been working on this for probably a couple of months to come up with the design and again I just got the design, so I expect if this passes tonight that we will be reaching out to these folks this week to start those discussions.

Commissioner Bergsman said it looks like most of the right-of-way necessary is with the HOA.

Mr. Fox said that's correct. This entire sliver is common open space for the HOA and really the only other impacted parcel is this triangle, which is a vacant lot. We will need a little bit of drainage easement and right of entry, construction easement and then one little sliver of drainage easement on that parcel.

Commissioner Bergsman made a motion to acquire right-of-way and/or easements necessary for the construction of the Drake Hill Drive drainage improvements project.

Commissioner Walsh seconded the motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 15.

Town Manager Employment Contract. Mayor Clark said I just want to provide some support for why I would like this contract to be approved. Our Town Manager, Anthony Roberts, I've known since 2019. He manages a \$110 million budget. He's a strategic thinker. He puts the best interest of our town first. He has strong intergovernmental relationships that extend far beyond Mecklenburg County and can help us grow and build in a way that we want. He is really good at finding grant funds and managing those and making sure that we are applying for all the things that we need to so we can maximize the use of town dollars. He leads us in a most professional way and also leads our department heads to achieve our town goals and is clear on that. Mr. Roberts is also an innovative problem solver and strategic risk taker, which is good for me as I am as well, and also is fantastic at fostering relationships in our community with transparency. Therefore, I ask that you all approve the employment contract for our Town Manager.

Commissioner Hunt made a motion to approve the employment contract for the Town Manager, Anthony Roberts.

Commissioner Dumas seconded the motion.

Commissioner Walsh said I was a part of a team of commissioners who hired Mr. Roberts several years ago. Tonight, I'm proud to be a part of a team of commissioners who extend his contract and his service to the Town of Huntersville. Huntersville is very fortunate to have him as our chief executive. I could spend hours this evening speaking about his accomplishments, but I want to focus in on one. A company or town is only as good as its employees. Mr. Roberts has done an excellent job of hiring, training and retaining many employees who serve this town. This was particularly evident in his succession planning. We probably had one of the smoothest transitions, at least that I can remember, in our Police Department about a year ago when an internal candidate was promoted to Chief. Again, recently we saw the smooth transition in our Planning Department as it came under new leadership. Great job Mr. Roberts and I look forward to working with you in the coming year.

Mayor Clark called for the vote.

Motion carried unanimously.

Employment Contract attached hereto as Exhibit No. 16.

CLOSING COMMENTS

Commissioner Quarles said yesterday was Commissioner Bergsman's birthday and tomorrow is the Mayor Pro Tem's birthday, so I want to take this moment to say happy birthday.

Commissioner Bergsman said in addition to March being Women's History Month, it is also Endometriosis Awareness Month. Endometriosis affects approximately one in ten people with uteruses. It is a complex, chronic inflammatory disease that causes multiple symptoms, many of which can be debilitating. The stigma that persists in regards to discussing menstruation and period pain contributes to the lengthy delay many experience between symptom onset and official diagnosis. Like many other medical conditions, there are also racial and ethnic inequities in both diagnosis and treatment. There's no cure for endometriosis. I am part of the one in ten that has endometriosis. I live with it every day. I experienced my first symptoms at age 16. It took 12 years before I found a doctor who took my pain seriously and first mentioned the possibility of endometriosis. I spent decades battling this disease. During those years I learned to hide my illness and function with extreme pain. I am sharing this message for two reasons. As part of my advocacy during endometriosis awareness this month to educate the general public about the disease and also to speak directly to my fellow endowarriors who might be listening. I live with this invisible illness. If you currently feel like you're existing instead of living, silently fighting an invisible illness and exhausted from the unpredictable or constant pain that you try to hide from the rest of the world, I want you to know I've walked in your shoes. But I see you and that your suffering is not what makes you stronger and your suffering is not what builds your character and that sometimes it just hurts a lot, but you are resilient and your illness does not define you. I would not be sitting here today if it did. It is your strength and your bravery despite this disease that will help you through and if you don't have a support network, I'm open and you can always reach out to me and I will help you find one.

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

Approved this the ____ day of _____, 2024.

**Town of Huntersville
Town Board
April 1, 2024**

To: Town Board

From: Janet Pierson, Town Clerk

Date: April 1, 2024

Subject: Approval of Minutes - March 18, 2024

EXPLAIN REQUEST:

Consider approving the minutes of the March 18, 2024 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**March 18, 2024
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 March 18, 2024.

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

FY25 Revenue Budget. Jackie Huffman, Deputy Town Manager, reviewed the FY25 Revenue Budget. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

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 March 18, 2024.

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

Mayor Clark called for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

ANNOUNCEMENTS

Town Office are closed Good Friday, March 29.

Registration is underway for the Mayor's Fitness Challenge.

Ways to connect with us – website, social media pages, Town of Huntersville app.

Mayor Clark said just a reminder that Huntersville won the Mayor's Fitness Challenge last time around, so we want to win again, so everybody join me in making us successful this time around.

PUBLIC COMMENTS

Ashley Wiley said I'm here tonight to talk to you just a little bit about gutting HOAB, the way that was done. Gutting HOAB in that manner takes an element of transparency away from the community. It also takes fresh set of eyes that have done a lot for this town. It's taking away the ability to really ensure that Huntersville is going to remain the best that it can be for all of us for a very long time to come. And it's also feeling at this point a little bit more personal than it is political and/or professional just because of the things that have been said and because of who is actually on that board. I urge you to please not gut HOAB. It's going to take away a lot and I don't think that's the appropriate thing to do.

Hope Wiley said I would like to talk about the eminent domain and.....

Ashley Wiley said she wanted to talk about eminent domain and about how it was wrong to come in and take somebody's property even if they didn't want to sell it, because we always tell our children if something is not yours, don't take it. She was kind of thinking that was the same thing as taking something that doesn't belong to you even though they don't want to sell it. She was wondering what kind of an example that was providing to our children. And that's pretty much what she was going to say without the giggles.

Mark Nelson, (Cheryl Nelson ceded her three minutes), said I've been here in the past to speak. I was asked by Leo Brett why I supported this project. I'd like to take this time to answer him.

First of all, Jon and Katie invited me to a public meeting to hear a proposal. They said if you like the proposal, would you please support us. That's the first reason. Second reason is the amount of misinformation or lies, whatever you want to call them, in this whole process.

There's a neighbor that claims 98 percent from Long Creek community support their petition. You can stand in that neighbor's driveway and count five or six houses that were never approached, never asked to sign a petition one way or another. I'm not a mathematician, but I find it hard to believe if you leave that many out that you are going to get to 98 percent.

Also, at some point a Facebook group called Huntersville Unmasked joined the fight. Some of the claims on there were that a lifelong resident moved away because this was a done deal. The lifelong resident moved into that house and lived here in 2021. Maybe if 98 percent and lifelong.....I don't know, but three years doesn't sound lifelong to me.

I was accused of being a financial backer of the whole family entertainment center. Trust me, I'm not. I have better things to do with what little bit of money I do have. I was also on there that the commissioners that went by to see the site in person were there to collect their take money. They claimed that big developers were buying the whole project. There were numerous pictures posted of areas that weren't even there and some that were across the street of a mulch parking lot that was nothing but a mud pit. It wasn't even on the property in question. It was called the stupid ninja turtle bar and was going to ruin all the livelihoods of the neighbors nearby. I live nearby. I don't think it's going to ruin my livelihood.

I asked a few questions, pointed out a few concerns and was kicked off their page. I contacted the admin and asked why I was kicked off. I was told I was bullying someone. I said, well as the admin you're able to see everything I post. Could you tell me what I did or what I said that bullied anyone. Then I was told by the admin that they didn't really want any drama, that I could sign back up if I wanted

to, but she really didn't have a dog in the fight. She didn't even know where the property was at. I declined signing back up.

Other public meeting statements that were made, Leo Brett claimed that youth female sports would bring pedophiles to the neighborhood. It's kind of disturbing to me, and it's very sad, that would be a thought. He also said this is no place for a business, yet he's been running a business out of his garage on his property in that very same neighborhood. He also claimed there's been no updates to the house and he had concerns of lead paint and asbestos the last time he stood up here. I asked Jon and Katie when was Leo in the house to see if there were any updates.....never, not as long as they have owned it. You might ask them if they've had any updates. You might be surprised.

Jon and Katie from the very beginning have answered any questions or concerns I had. They offered that to everybody in this room and I believe if you ask them out of the list of people that are on the opposed side, not one person has approached them to ask them any questions or have any concerns. I know there's going to be a vote and not everybody is going to be happy with the results. There's two sides to everything and some will be happy, some won't. Either way, I just hope you take into consideration the willingness of Jon and Katie to answer questions, address concerns, even make changes to their plans versus the lies that were told to gain support to try to shoot this project down. I hope you take those things into consideration when you vote.

Jeff McElroy said I was here one time before to talk to you in large part because I've known Jon and Katie for a long time. I actually had the pleasure of knowing them individually before they even knew each other – Katie from CrossFit Cornelius and Jon from playing volleyball.

If you were in the programming world like me, a nerd, back in the late 80's you know what WYSIWYG means. It means what you see is what you get and for me that's Jon and Katie. They are frugal, hard working, sensible people. They're not hasty. They put an awful lot of time and thought into this to try to bring something to the community that would be beneficial to a wide variety of people.

I don't begrudge the neighbors, they're opportunity to speak and be disgruntled about that maybe, but I think certainly as the last speaker pointed out, there's been some mischaracterizations of what that property is actually trying to be. I think there's a new development there, there's going to be like 400 or 500 new people in the community and they're going to want somewhere to go. I think it'd be great if they stayed in Huntersville. I also have a daughter. I think you guys had the Carolina Diving Academy guy here speaking which was kind of talking a little bit about not just women's sports, but in this case I have a daughter that plays D1 beach volleyball for the University of Arizona. The training that was necessary to get her to that point was immense and we were going to Atlanta for it, we were going to Raleigh for it – sometimes once or twice a week. We did train a couple of places here – Blythe Landing and others, but the opportunity to have people like Rachel and Matt Noreika to run an academy that would offer that kind of training and that kind of opportunity, not to mention just the recreation for the adults, I would love for you guys to support the project.

Bill McElroy said I hope you decide not to accept this petition. If not, this will be a blow to our neighborhood. Traffic, lights and noise. We have a place for beer, wine and mixed drinks and that's Lancaster's BBQ. We also have a place where you can play volleyball, badminton, so forth, and those places are Latta Plantation Park up the road and Hornet's Nest Park down the road. I just hope and pray you will say no this petition.

Scott Brett said I've got to address something right off the bat. Since we've started this, didn't agree with this petition, we've been under personal attack to our family, my son, and these accusations that have been going on since the day we started this last spring.....it's been personal attacks against our family and I'm tired of it. It's been going on and on and if you want to attack me, that's fine, but don't attack my son and he's not even here to defend himself.

These personal attacks have been going on, like I said, continuously because we don't accept their project and we don't even have a fair chance and it is 98 percent of the community because if you knew the community, it goes deep back in there for at least two miles and there's 30 some people that signed that petition which is 98 percent, if you know your math. But all we do is get attacked constantly by.....we're lying. We've never lied. Whatever we've said is the truth. Like I said, I'm tired of these accusations against us and against my family. I wasn't planning on saying that, but I'm going to defend what I have to stand for.

I ask you to deny this Petition R23-06. If it is passes, this will violate the 2040 Plan and the small area plan. This will create 13 new commercial properties for more reckless growth in Huntersville. This vote will show the direction of Huntersville's future either to control growth or to continue with destructive growth which will continue to destroy communities and the history of Huntersville. This rezoning has been lacking in fairness, clarity for the residents of Long Creek community and Huntersville. Do what is right and deny this petition.

Mary Brett said I am lifelong resident of the Long Creek community in Huntersville. The applicants are wanting to rezone 9339 Beattie Ford Road, Petition R23-06, from Residential to Highway Commercial. This property should remain residential with the watershed restrictions put in place by Mecklenburg County.

I forwarded each of you an email I received from the Water Quality Program Manager with Mecklenburg County Storm Water Services. As the Quality Program Manager quoted, rezoning application indicates that three parcels will be combined and that impervious will be added. These properties are located in the Gar Creek watershed immediately upstream of our drinking water intake on Mountain Island Lake, which is the most sensitive water quality protection area in the county. Any change of use that would result in an increase in impervious area should be denied because even the slightest increase will result in increased nonpoint source pollution which is always a bad thing in such a sensitive area.

I also sent an email to each of you with an attachment with the spot zoning law in North Carolina. This document states eight different categories that are a match for the property located at 9339 Beatties Ford Road to be rezoned to Commercial. An example would be allowing one parcel to be rezoned as light industrial when all the surrounding parcels are zoned as single-family residential. In North Carolina spot zoning is invalid under all circumstances. Please do the right thing and deny this petition.

Cory Neal said I am here tonight to express my support for the Long Creek Family Entertainment rezoning proposal. My wife Kelly and I live a few minutes down the road from the rezoning and I can't tell you how excited we are about the possibility of a business like this on our side of town.

Like many people my wife and I began working from home during the pandemic and once life opened back up, we remained as remote workers. We are lucky enough to have an office in our home, but as both husband and wife both work from the house, I'll let you guess who gets the formal office and who works from whatever counterspace he can find. We are proud parents of a 2 year old. We are

expecting our second child this summer and we are doggie parents to Leonard, our cute but remarkably vocal Dotson.

I work for the US Department of Education and most days my job consists of meeting with various colleges, universities across the country. You can imagine the challenges that come with presenting to professors, provosts and presidents with a 2 year old toddler roughhousing with his yappy doggie bestie in the background of my Zoom calls, wherever those might be, kitchen or otherwise. The easiest solution to this challenge is a coworking facility. Unfortunately, there are limited options for this need in Huntersville. I believe I mentioned the last time I was here, but a quick Google search will show you that other possibilities for such meeting spaces are conference rooms in hotels that are either too large or too expensive or facilities that offer monthly rentals. The only other alternative is Main Street Coffee and Coworking located on the other side of town.

Remote work is on the rise. Forbes published an article in June 2023 presenting research anticipating that remote work will continue its upward trend and that approximately 32.6 million Americans will work remotely by 2025. As more companies adapt to remote employment, the demand for coworking facilities such as this one will rise as well.

The west side of Huntersville is very much in need of a space like the one Katie and Jon are proposing – a communal, affordable, and convenient space. I ask that you please support the Long Creek Family Entertainment project by voting yes to this rezoning. I'd also like to come off my handy notes here and just mention that this rezoning is for a small business, a family business. It's not for another CVS or Walmart. These are family-oriented people. These are good people. I think it speaks volumes the folks that show up like myself week after week to speak on their behalf.

Eric Willoughby said for those of you who do not know me, I am 17 and a student at Hough High School. I'm also a proud resident of Huntersville. I know it's not the cool or in fashion thing for any teenager to come to a Board of Commissioners meeting, but here I am.

I have a message from young people. That message is we need to chill out. Huntersville is a town full of faith, love, and community spirit, not a massive cabal of shadow faced operatives needing to be unmasked. The reality is simple – people, all people, but especially young people like me, are sick and tired of the constant mudslinging whether that be national or local. It seems that some groups and people only seek to stoke division and drive speculation. It is ridiculous. Let me tell y'all, I get enough of my daily dose of drama from school.

It shouldn't be too much to ask for certain people to turn down the temperature and knock it off with the absurd smears of certain community members or those on this Board. I'm not going to sit here and tell you that the folks up here, myself, or anyone in this room are perfect or wear capes and have superpowers, but here on this Board, these folks have a resounding mandate to lead and an attitude to move Huntersville forward that is contagious. In the past three months this Board has cast the tough votes the prior board should have cast but didn't do, and tonight they will hopefully add to that list of tough votes by supporting the Long Creek community plan. People in our town certainly recognize this Board's willingness to do what is right and move our town into the future and I am really sincerely grateful for that.

Alyssa Shepherd said I live on the corner of Beatties Ford and Midas Springs. I'm two doors down from Katie and Jon, and we're actually on the only corner of those four corners that is not like a business or a

school or who knows what it's going to be now, or the restaurant across the way. For us, we've lived at our property 16 years. We're raising two small children.

Obviously, we've seen a lot of change over the last 16 years that we've been there. I think it was shortly after we moved in that we discovered the Small Area Plan, so at that point we were already permanently there, clearly. For some reason our property, like I said we're literally 20' across from the old school, 40' across from the restaurant and we're not included in the plan at all. We understand that the approval of the Long Creek Family Entertainment project means our property would be moved into the Activity Center and we welcome this.

The Beatties Ford Small Area Plan was created and adopted about 20 years ago and it's amendable for a reason. A lot has happened in our area in 20 years. There's been immense improvements. There's also just things coming down the pike that are happening constantly and we would like to be a part of that as well at our place.

As of right now with the sidewalk that will be going through our front yard, I mean that's like maybe 30' from where my kids sleep every night, so there's obviously going to be a lot of increased foot traffic and everything there. One of the things, and it's been echoed by others up here, is that Katie and Jon have done a really good job of going the extra mile to reach out to everybody. They've been an open book.

There's people who have said they didn't agree with something or they wanted something slightly changed, they've altered their plans multiple times to include all of our neighbors and all the people that the project would affect. They've learned all the Municipal Codes, Zoning Ordinances. They filed applications. They've just gone about everything the correct way in my opinion. A lot of the people that are against this project seem to pass judgment instantaneously without any kind of conversation with Katie and Jon. This process was made for the people, and I think we fully support it where we're coming from, and I'd like you to consider it as well.

AGENDA CHANGES

Commissioner Dumas made a motion to adopt the agenda.

Commissioner Walsh seconded the motion.

Motion carried unanimously.

CONSENT AGENDA

Commissioner Quarles made a motion to adopt the Consent Agenda.

Commissioner Walsh seconded the motion.

Commissioner Dumas said in lieu of making changes to the agenda, I do have some questions about 8.C that I would like to ask about. I just wanted a little bit of background on the actual parcel of land and the project in general.

Stephen Trott, Director of Engineering, said this is the last parcel for this particular project. The parcel we're trying to acquire is about 450 sq. ft. of area. The parcel itself is roughly 20 acres, so I think it's 0.01 acres is what we are trying to acquire for permanent and then 0.01 acres for temporary acquisition

on this parcel for this project. This is the last parcel that's needed for the project and the improvements along the frontage there are related to drainage improvements needed for the project.

Commissioner Dumas said how long have we been working on trying to get these properties for this project?

Mr. Trott said our agent first started contacting property owners back in July 2022.

Commissioner Dumas said do you have the number of how much money we have spent on this project so far and we couldn't continue if we don't have this parcel, correct?

Mr. Trott said the parcel is needed for the project and as of the end of February we had spent approximately \$370,000 on this project.

Commissioner Dumas said my understanding of the process is that we used an independent appraisal process. Do we always use an independent appraiser?

Mr. Trott said we've used on every project so far I've been a part of is a separate independent appraiser to determine the value on the property. We just provide the information on which parcel and what the impacted area is and then we pay them the same regardless of whatever they determine the value is.

Commissioner Dumas said the process moving forward, there's a 30-day notice letter that will go to the property owner.

Mr. Trott said for eminent domain the first step is to have to file a letter and then.....

Emily Sloop, Town Attorney, said I'll just jump in. That's correct, prior to filing a condemnation action we do have to provide a 30-days' written notice before we can even file the complaint and then once that time has expired, we would have to file the complaint and also a Memorandum of Action with the Register of Deeds and also put in an estimate of what we consider to be just compensation as a deposit with the court and there is 120 days for the property owner to respond to the complaint with an answer.

Commissioner Dumas said but there's still opportunity for negotiation.

Ms. Sloop said correct and even after the complaint is filed the typical process would include a mediation with a neutral arbitrator and at that point in time the Town and the property owner can negotiate a settlement without going to jury trial and typically that is what happens is that there is not a trial, that we actually settle through mediation.

Commissioner Dumas said so just to be clear, we're not taking anyone's house or even any like sheds or anything. We're just talking about a sliver of land that is needed for this project.

Mr. Trott said in this particular case, it's just property. I believe there's some woods or vegetation there that would be impacted, but there's not a structure.

Commissioner Hunt said just to clarify, we're not taking land – people are being fairly compensated for their property.

Ms. Sloop said correct, we have to pay just compensation for any property that we acquire through the eminent domain process.

Commissioner Hunt said and it's a last resort kind of measure, correct?

Ms. Sloop said the Town always tries to negotiate and purchase the property outright prior to filing a condemnation complaint and that's because we would rather negotiate with the property owners and not have the added cost for either the property owner or the Town by going to court.

Commissioner Dumas said it's about a different Consent Agenda item. While we are discussing Consent, I did receive a few questions this week about the change in our meeting time, so I just wanted to mention that. We voted on our meeting time back in December when we were first appointed and sworn in. Since then, I personally and I think several other members, I can't speak for them, have seen that our Town employees are working long days on the Mondays that we have these meetings, because the agenda comes out on Friday and they are working all weekend in a lot of cases to answer those questions and prepare us for this meeting. Tuesday, the reason I support it is that it gives us extra time, gives them extra time to prepare, so it's for the betterment of our Town employees.

Mayor Clark called for the vote.

Motion carried unanimously.

The following Consent Agenda items were approved:

1. Revised Meeting Schedule for the Huntersville Board of Commissioners reflecting the meeting day change from Monday to Tuesday, starting July 1, 2024. *Revised Meeting Schedule attached hereto as Exhibit No. 2.*
2. Property Tax Refund Report from Mecklenburg County totaling \$558.14 which includes \$22.75 in interest. *Property Tax Refund Report attached hereto as Exhibit No. 3.*
3. Resolution to acquire property necessary for the construction of the Beatties Ford Road at Hambright Road project. *Resolution attached hereto as Exhibit No. 4.*
4. Budget amendment appropriating General Fund Balance of \$425,000 to the Stumptown Road project for the design survey contract.
5. Resolution to accept Stumptown Road Extension Contract Addendum. *Resolution attached hereto as Exhibit No. 5.*

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #R23-06, Beatties Ford Family Entertainment. Nathan Farber, Planner II, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

Just a quick background, this rezoning was originally submitted in June 2023. In September of last year, the Town Board made a motion to approve. The motion failed and then no further motion was made and then December of last year the Town Board directed staff to call for and readvertise this public hearing for this rezoning.

The applicants Jonathan Eury and Katie Carpenter are proposing to rezone 2.5 acres of land from Rural to Highway Commercial with conditions in order to allow office and meeting space and outdoor recreation.

This is an aerial overview of the site, and this is the rezoning site plan. The applicants have requested two modifications in this rezoning. One is to allow an existing shed to encroach into the required 30' buffer on the south portion of the property. Town staff is in support of this modification. The second modification is to allow mulch within the parking spots. Staff is not in support of this modification.

The Planning Board made a recommendation to approve 7 to 1. In considering the proposed rezoning application R23-06, the Planning Department recommends denial based on the plan being inconsistent with the Huntersville 2040 Community Plan Policies LU-6.1, 6.2, 6.3, EOS-10.2 and with the Beatties Ford Road Corridor Small Area Plan and the Beatties Ford Road/Mt. Holly-Huntersville Road Small Area Plan. It is reasonable and in the public interest to not approve the rezoning plan because it is not consistent with the envisioned uses and development patterns set forth within the 2040 Plan and all the small area plans previously touched on. Modification 1 is not in keeping with the spirit of the ordinance and therefore cannot be supported. Staff does have a recommendation that if the Board approves this rezoning, the Activity Center be moved north to encompass this property.

Commissioner Hunt said can you explain if this rezoning would qualify as spot zoning.

Emily Sloop, Town Attorney, said the General Assembly in North Carolina has provided statutory authority for jurisdictions to conditionally rezone properties. And what that means is that the property can have an individualized site plan with individualized conditions, so that is akin to spot zoning in and of itself, but it's not illegal spot zoning. The statutes also require that a rezoning, whether it's a conditional rezoning or a general rezoning, it must be reasonable meaning that it cannot be arbitrary and capricious and that's why the Board when making a motion to approve a rezoning has to rationalize why they feel it is reasonable and when the rezoning is reasonable then it is not going to be subject to a successful spot zoning challenge.

Commissioner Dumas said we know this property is allowed based on the impervious laws, but we have received an email about the water quality issues. Can anyone speak on that? Do we have anybody that's able to answer questions about how this impacts the water quality?

Mr. Farber said in terms of the Zoning Ordinance and water quality standards, the rezoning is going to be in good standing with those. It'll actually be under the required 6 percent limit. The critical area watershed has a 6 percent impervious limit and they'll actually be under that, so there will not be any negative effects from this property.

Brian Richards, Planning Director, said the use that's being applied for does not carry any inherent noxious things such as a gas station, oil change, chemical plant, none of those things are applied here. Really the only source of pollutants would be automobiles coming to and from the property, so in that regards there's not heavy point source of pollutants from this type of use.

Commissioner Dumas said we talked about this in the last meeting, but I just want to confirm, several of the parts of this project don't require a rezoning if I remember correctly. Can we get a little bit more understanding about what specifically could be moved forward if we declined this project, what could they do moving forward with the decline.

Mr. Farber said the outdoor recreation portion is a by-right use, so without this rezoning they could come back and do just outdoor recreation without having to come in front of the Board.

Commissioner Dumas said how does that impact the restrictions in our conditional rezoning, like the hours of operation, sound ordinances and stuff?

Mr. Farber said because this is a conditional rezoning I do believe, unless Emily corrects me, you guys can come up with different hours of operation specifically for this rezoning site.

Commissioner Dumas said so approving this project actually puts additional restrictions.

Ms. Sloop said if included in the motion. If the motion includes stricter hours of operation as a condition of this conditional rezoning site plan, then yes it can be a stricter hours of operation requirement than what is in our ordinance.

Commissioner Quarles said just in elementary terms, if they want to do whatever that is requested in the proposal for outdoors, can they do that without the Board's approval?

Mr. Farber said yes.

Commissioner Bergsman said I'm curious, in past rezoning applications when thinking of the 2040 Plan, are there ever situations where one specific policy like you know LU-6 or one of the others, could be considered both supporting and not supporting.

Mr. Richards said we are all humans and we can all read things differently, so yes you may have an opinion and we may have a disagreement, and that's fine, that's why we are here.

Commissioner Bergsman said has that happened before?

Mr. Richards said absolutely.

Commissioner Bergsman said this is for the applicant. With the modification that involves the mulch, are you open to something like pavers instead? I definitely feel that.....staff has pretty strongly shown the reasons why mulch is not a great option for that, so are you willing to consider other options?

Katie Carpenter said absolutely, we're open to options.

Commissioner Bergsman said the only other question I had for you was in regards to the hours. I know you stated I think it was during a public hearing and I saw it on your website as well, those hours, you're okay with if something like that would be part of the conditional rezoning to keeping to those hours?

Ms. Carpenter said correct.

Commissioner Bergsman said in considering the proposed Rezoning Application R23-06, I make a motion to approve the Beatties Ford Family Entertainment to rezone approximately 2.513 acres from Rural to Highway Commercial – Conditional District. The rezoning is consistent with the Huntersville 2040 Plan Policy LU-1 to encourage a development pattern that follows the future land use map in that the development is located within the Long Creek Village Activity Center and provides a low density

commercial and recreational component of support for said Activity Center. The rezoning is also consistent with and supported by Huntersville 2040 Plan Policies LU-6, LU-6.1, LU-7.1, LU-8.1, EV-2, EV-2.1, LU-4, EOS-3, and EOS-8. In addition, the rezoning is supported by the 2040 Community Plan economic development goal of balancing the tax base and encouraging entrepreneurship. The amendment is further supported by the Beatties Ford Road Corridor Small Area Plan, which identified a Long Creek Hamlet as Urban Hamlet or Urban Village Mixed-use Center generally located between McCoy Road and Mt. Holly-Huntersville Roads. The Urban Hamlet development pattern is defined in the comprehensive plan as a pattern that fosters residential, institutional, or recreational activities adjacent to Long Creek Elementary School and retail/commercial in the vicinity of the intersection and for some reason iPad cut out there, so bear with me for one second while I pull up the rest. We've been having some issues with Civic today. I may repeat myself for this one section just to make sure I've covered it all. The amendment is further supported by the Beatties Ford Road Corridor Small Area Plan, which identified a Long Creek Hamlet as Urban Hamlet or Urban Village Mixed-use Center generally located between McCoy Road and Mt. Holly-Huntersville Roads. The Urban Hamlet development pattern is defined in the comprehensive plan as a pattern that fosters residential, institutional, or recreational activities adjacent to Long Creek Elementary School and retail/commercial in the vicinity of the intersection of Beatties Ford and Mt. Holly-Huntersville Roads. The amendment is also supported by the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan for the reasons previously stated. The Town Board recommends that the following modification be approved: The request to allow an existing storage shed to encroach into the required 30' buffer on the south side of the property.

The recommendation for approval is contingent upon:

1. All redline comments being addressed with staff.
2. All driveways shall be paved with preferably brick pavers or with asphalt or concrete.
3. That the hours shall remain as stated by the applicants during the hearing as.....does anybody have that out, it completely cut out on mine.....your hours are Sunday through Thursday 8 a.m. to 9 p.m., Friday and Saturday 10 a.m. to 10 p.m., is that correct. I just want to make sure we get the hours correct.

Katie Carpenter said I'll pull up our website.

Commissioner Bergsman said are the hours Sunday through Thursday 8 a.m. to 9 p.m.?

Ms. Carpenter said Monday through Thursday, 8 a.m. to 9 p.m., Friday 8 a.m. to 10 p.m., Saturday 10 a.m. to 10 p.m. and then Sunday 10 a.m. to 9 p.m.

Emily, do I need to repeat those.

Ms. Sloop said you're incorporating those into your motion, correct?

Commissioner Bergsman said yes.

This rezoning approval shall further serve to amend the 2040 Community Plan to shift the Long Creek Village Activity Center northward to include the property subject to this rezoning. It is reasonable and in the public interest to approve the rezoning because it is consistent with the Huntersville 2040 Community Plan Future Land Use Activity Center Character Area, the Beatties Ford Road Corridor Small Area Plan, and the Beatties Ford and Mt. Holly-Huntersville Road Small Area Plan.

Ms. Sloop said just for clarification purposes I want to make sure that we had the second condition clearly stated. You stated all commercial driveway and parking areas shall be paved with asphalt, concrete, or brick pavers with a preference for pavers. Is that correct?

Commissioner Bergsman said yes, all driveway and parking areas shall be paved with brick pavers, asphalt or concrete, with a preference for brick pavers.

Commissioner Hunt seconded the motion.

Commissioner Hunt said I recognize that this feels like a big change to some people, and I know there are passionate people on both sides, so give me some latitude here to share my thinking. Our ordinances currently allow recreation in Rural zoned areas. This means to reiterate that the applicants could do the volleyball court and other outdoor games administratively by getting a permit. The rezoning is to allow for the coworking space and retail. None of the objections raised about this project were about the coworking or retail elements of this project. Again, the objections were raised about something that the applicants could do administratively. Additionally, the applicants made a number of changes to accommodate the objections raised. They're installing a privacy fence if memory serves, they're saving 85 percent of the trees on the site and planting additional trees for a hardier buffer. They're hours reflect those of Lancaster's BBQ right across the street. Some will say that this is against the 2040 Plan. We've heard that repeatedly and should be denied. You'll notice that when the Planning Board made the recommendation and when Commissioner Bergsman just made the motion, there were various examples of how the 2040 Plan does support the project. It is not an infallible document and we have to weigh the various elements against each other for each individual project or proposal. Any additional homes that would like to become commercial would need to come before us for rezoning and this does not happen automatically. The project will still retain much of its rural character through outdoor recreation, pollinator habitat, tree save and a turtle sanctuary. To me this is the epitome of rural character. One of the concerns raised about this project was including additional impervious space in the watershed. This was a concern for me as well. I also spoke to the Mecklenburg County Water Quality Program Manager and asked him to explain the impact on the watershed. As we discussed, our ordinance currently allows for impervious transfer on properties as long as it does not exceed 6 percent and this project will be under that. The applicant stated in a previous meeting that they would be amenable to these changes as they reiterated tonight. As long as our ordinances allow impervious surface transfer on properties in the watershed as opposed to denying any additional impervious surfaces it doesn't seem reasonable to deny the project for this reason.

Another concern raised was increased traffic. On a road that has over 10,000 drivers daily, I'd argue the traffic is already there. Previous boards approved additional single-family homes in that area which will undoubtedly mean more drivers on the road. For a project that may have only up to 40 to 50 people on the property at one time, I do not believe that traffic will change considerably. Lastly, in Huntersville our tax base is predominantly residential, roughly 75 percent to 25 percent commercial. In order to alleviate the burden from residents we need to encourage entrepreneurship, so for all those reasons I support the rezoning of this project.

Commissioner Quarles said this proposed project has brought a lot of chatter. This low density project that we know should have been voted on long before. As Commissioner Bergsman just read in the motion and Mayor Pro Tem just noted in her comment, it fits the 2040 Plan as well as the Small Area Plan and the Planning Board first voted for this 8 to 0 in favor. We must not make decisions because we like or dislike a person, project or plan. Sheriff Carmichael came to speak before us and I agree with Sheriff Carmichael when he said this project will enhance the community. This project is unique and so

is Huntersville. This project makes Huntersville who we are. Maybe this will bring more continuity and community venues in our area.....places where families can go to bond. I'd like to see more of them in our area. I will be voting in favor.

Commissioner Bergsman said before I made my decision on this application, and I feel like our Board as a whole we worked really hard to listen and address resident concerns. In regards to the possible noise and light pollution, former Commissioner Munger had asked the applicants last fall to install a 6' solid privacy fence and that is now part of the design plan that's in front of us, along with no amplified sound. The opening hours were initially 10 or 11 p.m. and as early as 7 a.m. The applicant has modified those hours after taking in feedback from the community. Traffic, Mayor Pro Tem Hunt has already spoken on this briefly, but we've heard from several people during the public comments that this was a concern, but we also heard from some individuals who look forward to the ability to walk to this business and to patronize it by using pedestrian sidewalks and pathways. I also, keeping in mind that the current traffic flow in the area I believe was said during the hearing is 10,500 cars, and in my opinion it's highly unlikely that a business of this size would greatly impact the traffic flow and on a street and in an area already seeing those numbers. One of the biggest questions I heard is you know a legitimate fear that this would open the door to another larger commercial entity. I fully understand and I empathize with that. While I have no problems if this specific project were to be located in my backyard, I would not be okay with a larger commercial property like a CVS or a McDonalds or something along those lines, but that's the great thing about conditional rezoning is that it allows for the exact type of business like this that's on the application, but anything different would have to come back to the board and would have to go through this process again. I do want to make it clear, I'd prefer and I likely would never support a larger chain commercial presence at a property location like that, but the home this project looking at the fact that what is it I believe 83 percent or 80 percent of trees and the natural features of the property are maintained and you know I'm glad that they are going to stay that way. In addition to the above we've also had a lot of questions about any potential impact to the critical watershed. I spoke to multiple environmental experts and our Planning staff and I was informed that this business does not pose a detriment or contamination to concern to our watershed, which was also important to me as well. When I see businesses and amenities in the critical watershed like Rural Hill and Latta Nature Preserve, which are two destinations I love, but which also bring tens of thousands of vehicles and cars to the critical watershed each year, it was hard pressed for me to see how this business could be worse than that. The fact is almost all components of this application are allowed via an administrative by-right permit, so I commend the applicants for going about the process in the right way and making some changes to the original plan that are not required by the ordinances if this was done by-right.

Commissioner Dumas said I'm voting yes for this project because I believe it's in the best interest of everyone involved on both sides. I believe the conditional rezoning allows for that.....that the applicants involved have addressed resident concerns like hours, lights, amplified music, the things that have already been discussed so I'm not going to go into great detail but the applicants addressed those and have made these restrictions that are based in this conditional rezoning and I believe that's best for everyone that lives in the area, so that's why I support this.

Commissioner Walsh said I have to admit I struggled with this one immensely over the last month or so but ultimately at the end of the day they could have done just about anything by right other than the coworking space. I think the additional restrictions we put on the outdoor and other concessions they made help make this a little bit more palatable for me so I will be supporting it.

Commissioner Rivers said I am in favor of this project. The reason being is because of the sense of community that it brings and it provides. The community garden was a great aspect that was added into

this but the fact that the couple went back at the beginning when they were denied and they went back and they did their due diligence and they came back and they were able to answer every question that was asked, not from just the Board but the staff as well, so I will be supporting this. I like to agritourism aspect of it with the tortoise museum as well as the pollination I think that is unique concept and it again adds charm to this project.

Mayor Clark called for the vote.

Motion carried unanimously.

Petition #TA23-08. Nathan Farber entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 7.*

Staff proposes removing Regulation of Nuisances from Article 8.13 in order to clarify and remove redundancies between the Zoning Ordinance and the Code of Ordinances.

On December 7, 2023 the HOAB unanimously recommended approval 8 to 0 and the Planning Board of February 27 also unanimously recommended approval 8 to 0. In considering the proposed amendment TA23-08, Planning staff recommends approval based on consistency with all policies of the Huntersville 2040 Community Plan in compliance with state statutes is reasonable and in the public interest to amend the Zoning Ordinance because it complies with the Huntersville 2040 Community Plan and state statutes.

Commissioner Walsh made a motion to approve Petition #TA23-08. In considering the proposed amendment TA23-08, the Town Board approves the petition based on consistencies with all policies of the Huntersville 2040 Community Plan and compliance with state statutes. It is reasonable and in the public interest to amend the Zoning Ordinance because it complies with the Huntersville 2040 Community Plan and state statutes.

Commissioner Rivers seconded the motion.

Motion carried unanimously.

Parks & Recreation Commission Appointment. This term ends December 31, 2025. There's seven applications in your packet to choose from.

Commissioner Hunt nominated Selene Cypress-McNairy.

Commissioner Bergsman supported the nomination.

Commissioner Quarles supported the nomination.

Commissioner Rivers supported the nomination.

Commissioner Walsh supported the nomination.

Commissioner Dumas supported the nomination.

Commissioner Hunt made a motion to appoint Selene Cypress-McNairy to the Parks & Recreation Commission.

Commissioner Quarles seconded the motion.

Motion carried unanimously.

CLOSING COMMENTS

Commissioner Hunt said as a former English teacher I want to share something from a book that I really enjoyed and I think speaks to some of the comments that we heard earlier today. We have the tendency to make assumptions about everything. The problem with making assumptions is that we believe they are the truth. We make assumptions what others are doing or thinking and we take it personally and then we blame them and react by sending emotional poison with our word. This is why whenever we make assumptions we're asking for problems. Because we are afraid to ask for clarification we make assumptions and we believe we are right about the assumptions and we defend our assumptions and try to make someone else wrong. It is always better to ask questions than to make an assumption because assumptions set us up for suffering. In the future I hope that if residents have questions they will have the courage to reach out to us in good faith.

Commissioner Quarles said my closing comments comes out of love. This past Friday the cowardly person who hides behind an Instagram social media account put a couple of very racist posts of the seven of us that they thought were meant to harm. What it did was it showed the ignorance of the individual and proof that they must remain hidden. Huntersville is blessed to have two African Americans to sit on this Board. To add to Huntersville's blessings are the other five elected officials who sit here. I thank each of you for not allowing racism to move your needle. I love how each of you continue to overlook ignorance, misleading rhetoric and other shenanigans that are designed to make you lose your focus. You're doing exactly what you promised this town you would do. Huntersville is changing for the better in such a very short time because of you. Indecisions of the past have us with responsibilities to make very tough decisions in order to turn things in a forward direction versus a neutral position. Board members, continue to be humored by ignorance and lies. Serving honorably in the United States Air Force taught me how to be mentally tough and professional. I recognize those two traits very well. Mayor and Commissioners, each of you have an open door policy and you have met with many people when they have asked you to meet. Neither of you have shied away from the tough questions. That's being the leaders that you were elected to be. You are tough and professional and that's irritating a very small number of 65,000 like a rash. You care and you want the very best for everyone in this great town. You take your charge very seriously. We don't always agree. You study the many things that come before you prior to meetings. You ask and you challenge staff so you can make the best decisions. You visit sites and you've told some developers no. There are some things that you've prevented from getting on the agenda because you stood your ground. You're not fragile and definitely not a coward. You don't hide. You're what this town needs for a brighter future for our children and children's children. For the racist person, you missed your target, but most importantly I pray for you.

Commissioner Rivers said well initially I was going to give the origin of the post that was posted on social media on Friday, but after hearing Commissioner Quarles' speech, here's what I will say. As we sit up here, it's not easy. It's trying every day, but what this Board has decided is to work together cohesively and together to show unity, diversity and community, as well as love, because what I will say is that during the time that those ignorant posts were posted by colleagues reached out to ensure that I was okay, that Commissioner Quarles was okay. Whether or not people are accepting of it, we are a family. We are a team and together each accomplishes more.

Mayor Clark said I just want to call attention to one thing before we close, which is all the women commissioners are wearing white today and that is to commemorate Women's History Month. The suffragists used to wear white when they were activating and trying to get the vote for women and so tonight we chose to honor them by wearing white as well.

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

Approved this the ____ day of _____, 2024.

DRAFT

**Town of Huntersville
Town Board
April 1, 2024**

To: Town Board

From: Pattie McGinnis, Finance Director

Date: April 1, 2024

Subject: Parks and Recreation Budget Amendment

EXPLAIN REQUEST:

Appropriate Capital Reserve revenue (103510.9999) in Parks & Recreation for \$21,000 to capital outlay (106200.0500). These funds will be used to add two pickleball courts at Holbrook Park. The Parks & Recreation Commission made this recommendation by an 8-0 vote at their March 20, 2024 meeting.

ACTION RECOMMENDED:

Approve Budget Amendment

FINANCIAL IMPLICATIONS:

No net impact to fund balance; offsetting revenue and expense.

ATTACHMENTS:

None

**Town of Huntersville
Town Board
April 1, 2024**

To: Town Board

From: Pattie McGinnis, Finance Director

Date: April 1, 2024

Subject: Property Tax Refund Report

EXPLAIN REQUEST:

Attached is the Refund Report from Mecklenburg County. This report contains three refunds totaling \$840.15, which includes \$34.25 in interest. The refunds are the result of the Property Tax Commission.

ACTION RECOMMENDED:

Approve property tax refunds.

FINANCIAL IMPLICATIONS:

Decrease in revenue.

ATTACHMENTS:

1. 3-18-2024 Tax Refunds

HUNTERSVILLE Refunds

Tax Year	Bill Number	Parcel #	Source Type	Adj. #	Adj. Reason	Date of Adj.	Recipient Name	Address	City	State	Zip Code	Payment Date for Interest Calculation	Refund Amount (\$)	Total Interest to Pay if mailed on or before 4/17/2024 (\$)
2023	0001486162-2023-2023-0000-00	01744105	REI	620922	BER Decision	3/7/2024	HUNTERSVILLE FORD	P O BOX 2189	HUNTERSVILLE	NC	28070-0	1/6/2024	771.94	32.81
2023	0001481344-2023-2023-0000-00	01708202	REI	620984	BER Decision	2/29/2024	JOLLY, CHARLES M	PO BOX 311	HUNTERSVILLE	NC	28270	1/6/2024	21.64	0.92
2023	0001493938-2023-2023-0000-00	02302686	REI	620989	BER Decision	2/29/2024	SERVICEMAC LLC	3001 HACKBERRY RD	IRVING	TX	75063-0156	1/6/2024	12.32	0.52
TOTAL													805.90	34.25

Total840.15

**Town of Huntersville
Town Board
April 1, 2024**

To: Town Board

From: Jesse James, Senior Planner

Date: April 1, 2024

Subject: Call Public Hearing for Petition #R24-01 Northpointe Hotel

EXPLAIN REQUEST:

Call a public hearing for Monday, May 6, 2024, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #R24-01, a request by Hotel Ventures of Lake Norman Inc. to rezone +/- 10.328 acres located at 8830 Northpointe Executive Park Drive (Parcel #00537204) from Highway Commercial Conditional District to Highway Commercial Conditional District for a 3-story hotel proposal.

ACTION RECOMMENDED:

Call a public hearing

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None

**Town of Huntersville
Town Board
April 1, 2024**

To: Town Board

From: Patrick Patterson, Planner I

Date: April 1, 2024

Subject: Call Public Hearing for Petition #TA24-04

EXPLAIN REQUEST:

Call a public hearing for Monday, May 6, 2024, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #TA24-04, a request by the Huntersville Planning Department to amend Article 11, Section 11.4.3(a) of the Huntersville Zoning Ordinance and Article 5.000 of the Huntersville Subdivision Ordinance in response to the Huntersville Ordinance Advisory Board bylaw updates.

ACTION RECOMMENDED:

Call a public hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
April 1, 2024**

To: Town Board

From: Brad Priest, Assistant Planner Director

Date: April 1, 2024

Subject: Public Hearing on Petition #TA24-03: Conditional Zoning District - Intent and Modifications Amendment

EXPLAIN REQUEST:

TA23-03 is a text amendment proposed by the Huntersville Planning Department staff to amend Chapter 3.1.2 and 11.4.7 k of the Huntersville Zoning Ordinance. The purpose of the text amendment is to clarify the intent of conditional rezoning districts, and to update the process through which code modifications are considered.

ACTION RECOMMENDED:

Consider conducting a public hearing for TA24-03 on April 1, 2024.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA24-03 Staff Report PH - 4 1 24
2. Ordinance - 2 29 24
3. Signed Text Amendment Application
4. HOAB March 7 2024 Minutes

TA24-03 Conditional Zoning District - Intent and Modifications Amendment

PART 1: DESCRIPTION

TA24-03 is a text amendment request by the Town of Huntersville Planning Department to amend Article 3.1.2 and 11.4.7 to clarify the intent and zoning ordinance modification process for Conditional Zoning Districts.

PART 2: BACKGROUND

Several policies of the Huntersville 2040 Plan recommend that the Town look for ways to offer flexibility from zoning regulations to encourage developments with excellent design or which provide exceptional public benefit. Article 11.4.7 (k) of the Huntersville Zoning Ordinance currently allows for such flexibility through the conditional rezoning process. However, that flexibility is significantly limited. Modifications are allowed only when the “spirit of the regulations are maintained”. Currently then, major changes or eliminations of certain zoning requirements may be considered inappropriate due to not being consistent with the principle of the regulation or the intent of the underlying zoning district.

To allow the greater flexibility that the 2040 plan recommends, Planning Staff proposes to remove the reference to the “spirit of the regulations”. Thus, the Town Board would have broader legislative discretion on modifications to the zoning standards. For instance, the Town Board would be able to greatly decrease or modify a design requirement through the rezoning process. Design elements such as parking space number and location, building height, architecture, setbacks, lot width, lot size, tree save, landscaping, etc. could be amended. It would also open the ability for the Board to modify the density, attached residential percentage, and open space requirement of the underlying general zoning district.

However, to better clarify the intent and purpose for the new ordinance flexibility, Article 3.1.2 of the ordinance would also be amended with this application. This section would include specific examples of the types of projects that would be appropriate for conditional district rezoning approval; projects with design that exceeds the minimum ordinance standards (excellent design), that include a new or improved public space, or that provides exceptional public benefit. These additions though are meant to be examples and not an exhaustive list. The Town Board at its sole discretion would decide what projects qualify for a conditional zoning district and what modifications to the ordinance are appropriate.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

TA-23-04 is consistent with the following Huntersville 2040 Community Plan policies.

- **LU-8: Emphasize form and flexibility in Mixed-Use Centers, Employment Centers, the Town core, and Activity Centers.** *Staff Comment:* The proposed amendment would increase the flexibility to ordinance standards through the conditional zoning district process. The Town Board would have greater freedom to alter design requirements of the ordinance.
- **LU-8.2: Evaluate and strengthen incentives to encourage the achievement of higher design standards.** *Staff Comment:* The greater flexibility allowed through the conditional process would be a strong incentive for developments to raise the standard level of their design. Changes to Chapter 3.1.2 would also give specific examples of the higher design standards desired by the Town. Developers and

the public would then have a clear understanding of what type of project could qualify for a conditional rezoning district.

- **Excellence in Design Box – Page 66:** *Staff Comment:* This box highlights the 2040 plan’s emphasis on offering flexibility in exchange for excellent design. It gives examples of excellent design, including projects that offer “exceptional public benefit”. Staff took the language in this box and incorporated it in the intent language of Chapter 3.1.2. Therefore, it would be highlighted in the ordinance that the intent of the conditional rezoning district and ordinance design modifications is to achieve an excellent development project that exceeds the regular standards of the ordinance.
- **LU-10.4: Consider allowing additional flexibility in site design in exchange for more quality open space preservation to allow for conservation of natural resources in the Transitional and Rural zoning districts.** *Staff Comment:* Through the conditional district review process, the Town Board could approve greater design flexibility in exchange for quality and unique open space preservation.
 - **Benefits of Flexible Site Design Box – Page 83:** *Staff Comment:* This box highlights how flexibility to design standards can help conserve natural resources in less urban parts of the Town. By modifying the minimum lot sizes and setbacks of a subdivision, the development can better space the site so that natural resources are less disturbed. It notes that through the 2020 plan public input survey, 59% of survey participants supported providing flexibility in site design to protect natural resources. The proposed amendment would give the Town Board greater ability to provide flexibility to protect natural resources.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment due to its consistency with policies LU-8, LU-8.1, and LU-10.4 of the Huntersville 2040 Plan. TA24-03 would provide greater flexibility to developments through the conditional rezoning process while at the same time encouraging extraordinary design.

It is reasonable and in the public interest to approve the application because it allows creative and unique developments that add exceptional public benefit to the Town’s built environment that would otherwise be restricted by the ordinance.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD-

On March 7, 2024, the Huntersville Ordinance Advisory Board recommended to approve the application by a 5-1 vote.

PART 6: PUBLIC HEARING

The Public Hearing is scheduled for April 1, 2024.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for April 23, 2024.

PART 8: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance

3. HOAB Minutes

PART 9: STATEMENT OF CONSISTENCY – TA24-03		
Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA24-03, Planning Staff recommends approval based on consistency with policies LU-8, LU-8.2, and LU-10.4 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it would provide greater flexibility to developments through the conditional rezoning process while at the same time encouraging extraordinary design with exceptional public benefit.	APPROVAL: In considering the proposed amendment TA24-03, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: In considering the proposed amendment TA24-03, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
DENIAL: N/A	DENIAL: In considering the proposed amendment TA24-03, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)	DENIAL: In considering the proposed amendment TA24-03, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> It is not reasonable and in the public interest to amend the Zoning Ordinance because.... (Explain)

AN ORDINANCE TO AMEND THE TOWN OF HUNTERSVILLE ZONING ORDINANCE ON CONDITIONAL DISTRICT REZONINGS AND ORDINANCE MODIFICATIONS

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 3.1.2 of the Zoning Ordinance, Conditional Zoning Districts, is hereby amended as follows (new language in bold, removed language strikethrough):

3.1.2 Conditional Zoning Districts

Conditional zoning districts correspond to general districts. **Conditional zoning districts may be appropriate for situations including, but not limited to, the following:** ~~They provide for those situations where a particular use, properly planned, may be appropriate for a particular site, but where~~

1. The general district has insufficient standards to mitigate the site-specific impact on surrounding areas.
2. **Projects where modifications of the ordinance standards may be needed to provide flexibility for design that exceeds minimum ordinance standards.**
3. **Projects that provide a public benefit such as a new or improved public space or transportation improvements. Examples may include, but are not limited to, public streetscape improvements, parking facilities, greenway construction, transit facilities, etc.**

The Town Board in its sole discretion will determine the merit of the proposed conditional district. Uses that may be considered for a conditional zoning district are restricted to those uses permitted in the corresponding general zoning district. Conditional Zoning Districts are established on an individualized basis, at the request of all owners of the property to be included, according to the procedures of Section 11.4. Zoning of a conditional zoning district is not intended for securing early or speculative reclassification of property. It is expected that, in most cases, the standards of the General Districts appropriately regulate the site-specific impact of permitted uses and structures on surrounding areas.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 11.4.7 (k). of the Zoning Ordinance, is hereby amended as follows:

11.4.7 (k) In approving a conditional zoning district, the Town Board may modify standards established in the Zoning or Subdivision ordinance ~~provided the spirit of the regulations are maintained.~~

Section 3. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: Proposed 3/7/24

PLANNING BOARD: Proposed 4/23/24

TOWN BOARD: Proposed 5/6/24



Text Amendment Application

Date of Application _____ 2/26/24 _____

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

____ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

__x__ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): _____ Chapter 3.1.2 and 11.4.7 K _____ Article(s): _____ Section(s): ____

See attached Ordinance

Current Ordinance

Proposed Text

Reason for Proposed Change

To update the intent of Conditional District Rezoning, and to clarify the decision standards for zoning ordinance modifications that are approved through the conditional rezoning process.

Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name _____ Brad Priest _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☒ Partnership ☐ Other: _____ Planning Staff _____

Signature _____ Date _____ 2/27/24 _____

Title _____ Assistant Planning Director _____ Email _____ bpriest@huntersville.org _____

Address of Applicant _____ 101 Huntersville Concord Road _____

Property Owner (if different than applicant)

* Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

Contact Information

**Town of Huntersville
Planning Department**
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: _____

Staff Initials: _____

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, March 7, 2024.

Call to Order/Roll Call

Chairwoman Hallman called the meeting to order at 3:30 pm.

Voting Members Present: A. Hallman, K. Jones, M. Jones, S. Harrington, S. Hensley, and H. Whittaker

Voting Members Absent: J. Kluttz, M. Pollard & J. Palillo

Non-Voting Members Present: Commissioner Bergman, B. Richards, T. Barron, and E. Sloop.

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the January 4, 2024, Regular Meeting Minutes

Motion: M. Jones made a Motion to Approve the January 4, 2024, regular meeting minutes as amended. S. Harrington seconded the motion.

Vote: The motion passed unanimously (6-0).

Public Comments

G. Campbell, Huntersville

D. Boone, Huntersville

Action Agenda

4A. TA24-03: Conditional District. Proposed amendment to clarify the intent of the zoning districts and modify ordinance allowance considerations in the Conditional District (CD) rezoning process.

B. Priest, Assistant Planning Director reviewed the proposed text amendment.

K. Jones asked if there were examples of approved conditional rezonings that would have been handled differently had this text amendment been in place. Staff explained that there are no examples since the conditional rezoning process is entirely legislative the Town Board can negotiate the results. This amendment is an attempt to give some idea of what the results could be but does not seek to lock in one way or another what the results will be without the legislative process.

M. Jones commented that he likes the flexibility but it might be good to add some language to this to avoid creating liability for the Town as the flexibility is subject to N.C.G.S. 160D-702b. Staff clarified that it was intentional in the draft of this amendment to continue to allow Zoning Ordinance Article 11.4.7 to deal with the requirements and actual process of approving

conditional rezonings which highlights that all conditions must be voluntary and cannot violate 160D or make someone do something arbitrary. This amendment is to Article 3 which is the intent, the high-level vision and goals.

H. Whittaker asked what the Town would gain from this versus what we currently have. A. Hallman also asked about why this type of change is needed. Staff commented that the goal is to gain more flexibility in what we can negotiate on with the applicant. The proposed amendment could allow staff when meeting with the applicant to have more flexibility to share with them the 2040 Plan goals and vision to try to get better design and better development.

S. Hensley described the proposed amendment as lowering the guardrails and asked if there are still guardrails in place within the proposed amendment to ensure that the legislative process is properly executed. Staff responded that the Town Board would really be the guardrails, the proposed amendment and the 2040 Plan wording are to increase flexibility. There are many unique designs and projects that the Ordinance, written in 1996, does not envision. The statement within the Zoning Ordinance that a project be within the spirit of the ordinance can be limiting.

Motion: K. Jones made a motion to recommend Approval of TA24-03, a request by Huntersville Planning Department for a text amendment. S. Hensley seconded the motion.

A. Hallman commented that the legislative process seems to grant full flexibility already so she doesn't see how this would help one way or another. Staff provided an example of downtown parking and that there is no flexibility that staff can support at this time, but some projects and parcels could really benefit from requesting a condition to have parking requirements waived.

Vote: The motion passed (5-1) with A. Hallman opposed.

4B. TA24-04: Proposed amendment to remove reference to Ordinance Advisory Board from Zoning Ordinance Article 11.4.3(a) and Subdivision Ordinance Article 5.000

B. Richards, Planning Director reviewed the proposed text amendment as a result of the adoption of the updated Ordinance Advisory Board Rules of Procedure on Monday, March 4, 2024, by the Town Board.

M. Jones requested that it be noted in the minutes that the updated rules of procedure have not been signed by the mayor and therefore the Board is not yet subject to the updated rules of procedure. Additionally, the agenda was changed without the consent of the Board Chair. Staff stated that the rules of procedure have been signed by the mayor and the email was just sent to the Board members.

Motion: K. Jones made a motion to Approve TA24-04, proposed amendment to remove reference to Ordinance Advisory Board from Zoning Ordinance Article 11.4.3(a) and Subdivision Ordinance Article 5.000. S. Harrington seconded the motion.

H. Whittaker asked what the purpose of his volunteering for this Board was with these changes. The Chair responded that with these changes the Board will serve the purpose of hearing and discussing only what staff presents to them.

K. Jones stated that it was explained to her by the previous Planning Director that her role was to look at ordinances and offer suggestions to Staff for text amendments, not to write or submit something for a text amendment. She then asked when the intent of the Board changed. Staff responded that the evolution of the Ordinance and Board are an on going process and subject to change.

S. Hensley commented that he was not in support of the changing of the bylaws but it has been done and now this text amendment falls within the scope of what the Ordinance Advisory Board is tasked to complete. Given the change to the bylaws he will support the motion but he would have preferred no action on this item.

A. Hallman commented that she understands that the bylaws have passed but she disagrees with this change. She does not believe that this is in the public interest and she understands that the vote of this board does not matter, the item will move forward.

Vote: The motion failed (1-4-1) with A. Hallman, M. Jones, S. Harrington, K. Jones opposed and H. Whittaker abstaining.

Motion: A. Hallman made a motion to Deny TA24-04, proposed amendment to remove reference to Ordinance Advisory Board from Zoning Ordinance Article 11.4.3(a) and Subdivision Ordinance Article 5.000. M. Jones seconded the motion.

Vote: The motion passed (5-0-1) with S. Hensley abstaining.

Other Business

5A. Follow up discussion related to street stubs.

B. Richards, Planning Director reviewed the connectivity goals as outlined in the 2040 Long Range Community Plan. Staff stated that the Engineering Standards guide does review curb cuts and sidewalks and there are existing developments that were approved prior to the current standards which were adopted in 2018. S. Trott, Director of Engineering provided examples around Town of the variety of curb cuts, sidewalks, cul-de-sac that exist in the Town.

S. Harrington commented that he is satisfied knowing that the standards are in place to ensure that pedestrians and persons in wheelchairs have a safe and accessible way to cross the street. In his opinion, the goal has never been to go back and mitigate developments prior to 2018.

S. Hensley asked staff if they were comfortable with the current process, or if they feel that any changes should be made to address this further. Staff stated that they are comfortable with the current process.

Adjourn

Motion: H. Whittaker made a Motion to Adjourn. M. Jones seconded the motion.

Vote: The motion passed unanimously (6-0).

Approved this ____ day of _____ 2024.

Chair or Vice Chair

Board Secretary

**Town of Huntersville
Town Board
April 1, 2024**

To: Town Board

From: Bobby Williams, Assistant Town Manager

Date: April 1, 2024

Subject: Environmental Sustainability Committee Appointment

EXPLAIN REQUEST:

Consider appointing one (1) member to the Environmental Sustainability Committee due to one vacancy.

This will be the remainder of a one-year term, expiring 6/30/2025.

ACTION RECOMMENDED:

Appoint 1 member

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Environmental Sustainability Committee Summary - 20240327
2. Environmental Sustainability Committee Board Member & Applicant Map 3-27-24
3. Environmental Sustainability Committee Applications - 20240327

Environmental Sustainability Committee

9 Members Total
 8 Current
 0 Expiring
 1 Vacant
1 APPOINTMENT(S) NEEDED

CURRENT MEMBERS (8)

Name	Position/Title	Notes	Term Exp & Years	Regular Term Start		
				Partial	Term 1	Term 2
Kepler, Leslie	Chair		3/31/2025 1		3/4/2024	
Sampson, Richard	Vice-Chair		3/31/2027 3		3/4/2024	
Fogel, Dan			3/31/2027 3		3/4/2024	
Hicks, Dana			3/31/2027 3		3/4/2024	
Knight, Trisha			3/31/2026 2		3/4/2024	
Shook, Jeremy			3/31/2025 1		3/4/2024	
Sprung, Mary Ann			3/31/2026 2		3/4/2024	
Truman, Diana			3/31/2026 2		3/4/2024	

VACANCIES SINCE LAST APPOINTMENT

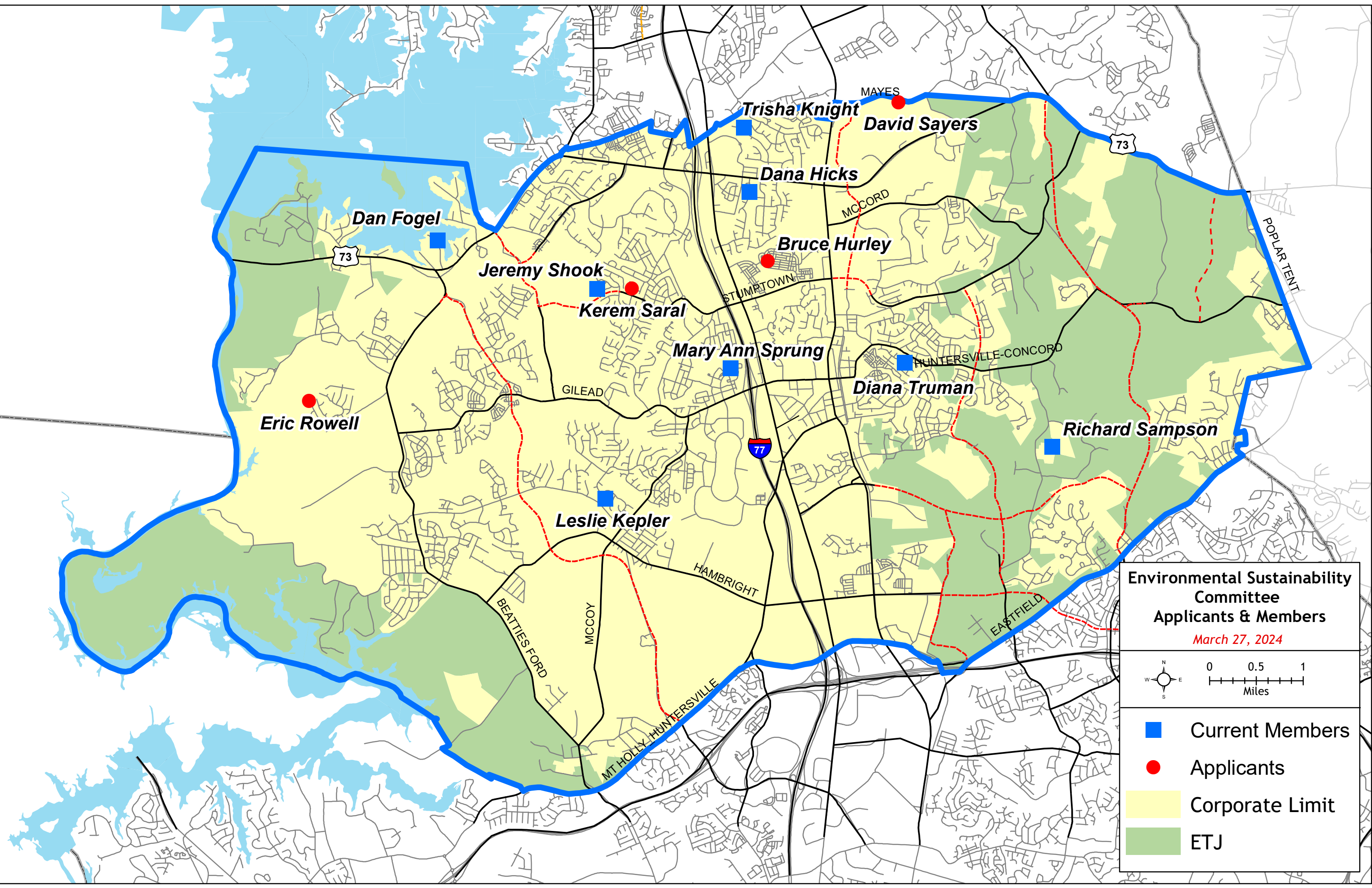
Name	Notes	Early Term	Original Term Exp & Years	Alternate Term Start			Partial	Regular Term Start		
				Partial	Term 1	Term 2		Term 1	Term 2	Term 3
Brown, Kendyl	didn't meet membership	3/13/2024	3/31/2025 1					3/4/2024		

APPLICANTS (4)

Name	Current Board Assignment?	App Date	Still Interested (if application is over 3 months old)?
Hurley, Bruce	No	1/11/2024	
Rowell, Eric	No	3/14/2024	
Saral, Kerem	No	3/19/2024	
Sayers, David	No	1/16/2024	

* Term expires within 3 months

Wednesday, March 27, 2024



Environmental Sustainability Committee Applicants & Members
March 27, 2024

Current Members

Applicants

Corporate Limit

ETJ

Map Labels: Dan Fogel, Jeremy Shook, Kerem Saral, Mary Ann Sprung, Leslie Kepler, Bruce Hurley, Dana Hicks, Trisha Knight, David Sayers, Eric Rowell, Diana Truman, Richard Sampson, MAYES, MCCORD, STUMPTOWN, HUNTERSVILLE-CONCORD, POPLAR TENT, GILEAD, HAMBRIGHT, BEATTIES FORD, MCCOY, MT HOLLY, HUNTERSVILLE, EASTFIELD.

Print

Environmental Sustainability Committee Application - Submission #16503

Date Submitted: 1/11/2024

First Name*

Bruce

Last Name*

HURLEY

Street Address (must be in Huntersville)*

16505 Spruell St., Huntersville, NC 28078

Email Address*

brucehurley@gmail.com

Phone Number*

5613023029

Are you available to meet the 2nd Thursday at 3:30p.m. each month?*

Yes

Approx. Hours You Could Dedicate to this Committee (per month):*

4

Area(s) of Expertise (check any that apply)

☐

Climate/Environmental Science

☒

Education

☐

Environmental Policy

☐

Environmental Law

☐

Energy Conservation/Alternative Energy

☐

Forestry/Urban Forestry

☒

Sustainable Business Practices

☒

Sustainable Development

Please Describe (in detail) your Area(s) of Expertise*

I am a small-business consultant who has helped numerous companies adopt sustainable practices. I'm also a former real-estate developer and led the National Builder's Association's Governmental Affairs Committee and advocated for greater environmental awareness.

Professional and Civic Experience Relevant to this Committee*

I've taught numerous courses and spoken publicly more than 300 times. I have been a licensed real estate agent for 42 years.

Occupation

Small business consultant

Education

Bachelor's degree with dual major in Finance and Real Estate

Briefly describe your environmental sustainability vision for Huntersville.

Environmental impact should be duly considered in every aspect of development approval and every decision that could affect the welfare of the city's environment. I would also like to see voluntary programs of sustainability for residents and businesses to commit to standards like eliminating the use of plastic bags and other plastics, using more environmentally friendly building materials, and adopting ride-share, public transportation, or low-emission travel options.

How would you accomplish your environmental sustainability vision?

Educational awareness campaigns, "deputizing" citizens to advocate for more sustainable practices by neighbors and local business, rewarding and acknowledging environmental advocacy by issuing awards and publishing successes and compliance in the local newspaper and other publications, and developing a long-term plan for continued success.

List any Town or County Boards, Commissions, or Committees you are presently serving (or have served) on (include term expirations):

Electronic Signature Agreement

By adding your name to the "Electronic Signature" box below, you agree and acknowledge that:

1. Your application will not be signed in the sense of a traditional paper document,
2. By signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and
3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

Bruce Hurley

Signature Date*

1/11/2024

Print

Environmental Sustainability Committee Application - Submission #16991

Date Submitted: 3/14/2024

First Name*

Eric

Last Name*

Rowell

Street Address (must be in Huntersville)*

14306 Rhiannon Ln.

Email Address*

ericwrowell@gmail.com

Phone Number*

7045556666

Are you available to meet the 2nd Thursday at 3:30p.m. each month?*

Yes

Approx. Hours You Could Dedicate to this Committee (per month):*

5

Area(s) of Expertise (check any that apply)

☐

Climate/Environmental Science

☐

Education

☒

Environmental Policy

☒

Environmental Law

☐

Energy Conservation/Alternative Energy

☐

Forestry/Urban Forestry

☒

Sustainable Business Practices

☐

Sustainable Development

Please Describe (in detail) your Area(s) of Expertise*

I have been licensed as an attorney for over 15 years now and also have past experience as an insurance adjuster. During my time as an adjuster, I handled environmental claims and litigation and learned about the damage from unregulated industry. I also have experience in dealing with environmental regulatory bodies to ensure my company is in compliance with government regulations and adhering to sustainable practices.

Professional and Civic Experience Relevant to this Committee*

5+ years of legal and risk management work experience dealing with environmental related claims and litigation. Support of local farmers in and around Huntersville to help reduce the environmental impact of trucking industry. Encouraging recycling efforts and sustainability education at each company office in multiple states.

Occupation

Risk Manager

Education

BA - Political Science, NCSU; JD - Charleston School of Law

Briefly describe your environmental sustainability vision for Huntersville.

My vision is a future where environmental sustainability is at the forefront of community values, helping to foster a harmonious balance between nature and development. Huntersville should strive to be a model for responsible and regenerative practices, prioritizing clean air, water, and green spaces that enhance the well-being of our residents.

How would you accomplish your environmental sustainability vision?

We have to start with more community engagement and education. The committee can raise awareness about sustainable practices, climate change, and the importance of preserving local ecosystems; including by developing and enhancing public transportation options, pedestrian-friendly infrastructure, and cycling paths.

List any Town or County Boards, Commissions, or Committees you are presently serving (or have served) on (include term expirations):

I have previously served on 3 town advisory committees: the Board of Adjustment, 2040 Plan committee, and the HEOSC (educational options study committee). I am not currently serving on any boards.

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Electronic Signature*

/s/ Eric Rowell

Signature Date*

3/14/2024

Print

Environmental Sustainability Committee Application - Submission #17017

Date Submitted: 3/19/2024

First Name*

Kerem

Last Name*

Saral

Street Address (must be in Huntersville)*

9018 Park Grove St. Huntersville, NC 28078

Email Address*

kerem@cirtexcorp.com

Phone Number*

9802016746

Are you available to meet the 2nd Thursday at 3:30p.m. each month?*

Yes

Approx. Hours You Could Dedicate to this Committee (per month):*

10

Area(s) of Expertise (check any that apply)



Climate/Environmental Science



Education



Environmental Policy



Environmental Law



Energy Conservation/Alternative Energy



Forestry/Urban Forestry



Sustainable Business Practices



Sustainable Development

Please Describe (in detail) your Area(s) of Expertise*

I've 20+ years of experience in the textile industry, a majority of which was spent in the recycling and sustainability fields. After spending 10 years in raw materials and waste trading for recycling purposes, in 2013, I became the Sr. Supply Chain Manager for a non-for-profit organization based in Switzerland named the Better Cotton Initiative (BCI). BCI is the world's largest farm-level sustainability standard for cotton production. This 7-year experience was pivotal for me in terms of becoming a sustainability expert in the textile industry. Most of the knowledge I've gained during my time at the BCI is transferable to and can be applied at other industries (definitions, challenges, standards, target setting, benchmarking, execution, impact, monitoring and evaluation, training, outreach/raising awareness, etc.). In 2020, about a year after moving to Huntersville with my wife and son, I quit my job and started a company that specializes in used apparel and textile recycling. This experience has allowed me to learn about circular economy models and the challenges that need to be overcome to implement them in various industries. Circularity is a big component of sustainability and an area that I am passionate about.

Professional and Civic Experience Relevant to this Committee*

I've extensive experience in waste management, recycling, sustainability standards, and circularity. I believe almost all the experiences I gained in my career at both for-profit and non-profit organisations are relevant to this committee.

Occupation

Self-employed. In 2020, I founded a company named CirTex Corporation. My company specializes in converting mixed textile waste streams into recyclable fractions through sortation. CirTex is a small-scale "textile MRF" and it is one of the first ones to specialize in this area in the country. In December 2023, after a 2-year R&D phase, my company was awarded a grant by the NC DEQ. With the support of the DEQ, my company is becoming operational in March 2024.

Education

MBA - Webster University (2012 - Geneva, Switzerland) BS - Florida State University (2000)

Briefly describe your environmental sustainability vision for Huntersville.

A city where residents are aware of the environmental challenges and are actively involved in activities that are designed to overcome these challenges.

How would you accomplish your environmental sustainability vision?

Here are the steps I would follow to accomplish my vision: 1) Identify environmental challenges to address 2) Determine available resources and budget that can be allocated to the committee's activities 3) Set measurable, achievable and impactful targets 4) Form a strategy to achieve targets 5) Execute the strategy 6) Measure, evaluate and report on results

List any Town or County Boards, Commissions, or Committees you are presently serving (or have served) on (include term expirations):

None

Electronic Signature Agreement

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Electronic Signature*

Kerem SARAL

Signature Date*

3/19/2024

Print

Environmental Sustainability Committee Application - Submission #16526

Date Submitted: 1/16/2024

First Name*

David

Last Name*

Sayers

Street Address (must be in Huntersville)*

12232 MAYES RD

Email Address*

SayersEsq@gmail.com

Phone Number*

7047871302

Are you available to meet the 2nd Thursday at 3:30p.m. each month?*

yes

Approx. Hours You Could Dedicate to this Committee (per month):*

10

Area(s) of Expertise (check any that apply)



Climate/Environmental Science



Education



Environmental Policy



Environmental Law



Energy Conservation/Alternative Energy



Forestry/Urban Forestry



Sustainable Business Practices



Sustainable Development

Please Describe (in detail) your Area(s) of Expertise*

On a daily basis, I use my technical and legal background to lead teams of people in developing solutions for environmental and energy challenges. I work for an independent, 501(c)(3) non-profit energy research and development organization, with offices in Charlotte and around the world. Each day I am help driving innovation to ensure the public has clean, safe, reliable, affordable, and equitable access to electricity. For the avoidance of doubt, my thoughts and opinions are my own and do not represent those of any company, entity, or town as a whole.

Professional and Civic Experience Relevant to this Committee*

I am a member and regular participant of the Charlotte Chapter of the Association of Corporate Counsel (ACC), which includes attorneys from large businesses in the region. For the avoidance of doubt, my thoughts and opinions are my own and do not represent those of any company, entity, or town as a whole.

Occupation

Corporate Legal Counsel (in-house attorney)

Education

Juris Doctor, Master of Science in Technology Management, Bachelor of Science in Mechanical Engineering

Briefly describe your environmental sustainability vision for Huntersville.

My environmental sustainability vision is to implement Huntersville's 2040 Plan with sustainability in mind. In other words, to operate in the residents' collective best interests -- while recommending, educating, and/or guiding the town's actions. The town's sustainability vision should be aspirational, equitable, and achievable in the long term.

How would you accomplish your environmental sustainability vision?

As a candidate for the sustainability committee, I would collaborate with others on the committee to set the agenda for actions. There are a number of pieces required to execute this vision, however, a great place to start is to review the reasons the committee was created, defining the roles and expectations of the new committee, gathering best practices of other local municipalities, and developing an implementation plan (with Huntersville's 2040 Plan in mind). I look forward to discussing with the committee.

List any Town or County Boards, Commissions, or Committees you are presently serving (or have served) on (include term expirations):

Although I have not served, I am interested in serving.

Electronic Signature Agreement

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2. By signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and
3. You may still be required to provide a traditional signature at a later date.

Electronic Signature*

David Sayers

Signature Date*

1/16/2024