

**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 1st day of April 2024.