

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**June 17, 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 4:30 p.m. on June 17, 2024.

GOVERNING BODY MEMBERS PRESENT: Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh. Mayor Christy Clark was not present.

The Board heard requests for funding from external agencies.

Rachel Zwiph, Chair of the Pottstown Heritage Group, requested \$30,000. *Detailed request attached hereto as Exhibit No. 1.*

Harold Rice, CEO of Ada Jenkins Center, requested \$55,000. *Detailed request attached hereto as Exhibit No. 2.*

Cindy Deutsch, Development Director, Angels & Sparrows Community Table & Resource Center (and Jessika Tucker, Executive Director of Angels & Sparrows Community Table & Resource Center/Food Security Program), requested \$20,000 for the Food Security Program and \$50,000 for the Pathway Program. *Detailed request attached hereto as Exhibit No. 3.*

Beth Kingaby, Government Relations Manager, Arts & Science Council, requested (\$42,396). *Detailed request attached hereto as Exhibit No. 4.*

Ashley Nydish, Board President, Bags of Hope, requested \$20,000. *Detailed request attached hereto as Exhibit No. 5.*

Sarah Fortner, Caterpillar Ministries, requested \$50,000. *Detailed request attached hereto as Exhibit No. 6.*

David Rochester, North Meck Crimestoppers, requested \$5,000. *Detailed request attached hereto as Exhibit No. 7.*

Linda Morris, Bridge of Hearts, requested \$5,000. *Detailed request attached hereto as Exhibit No. 8.*

Eric Boruff, Cornelius Youth Orchestra, requested \$6,500. *Detailed request attached hereto as Exhibit No. 9.*

Requests for Lake Norman Community Development Corporation and the Hugh Torance House and Store will be heard under Public Comments of the Regular Agenda.

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 June 17, 2024.

GOVERNING BODY MEMBERS PRESENT: Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh. Mayor Christy Clark was not present.

Mayor Pro Tem Hunt called for a moment of silence.

Mayor Pro Tem Hunt led the Pledge of Allegiance.

ANNOUNCEMENTS

- Town Offices will be closed June 19 in observance of Juneteenth.
- The first meeting in July is canceled. Starting with the July 16 meeting, all Town Board meetings will be held the first and third Tuesday of each month going forward.
- Mecklenburg County Updates – Small Business Hazardous Waste Event on June 26 and County Career Fair on June 28.
- NCDOT activated a new traffic signal at Arahova Drive and US 21.
- Lane closures on Maxwell Avenue began today as contractors install water taps for the new Town Hall project.
- Next Mayor's Coffee Mixer is July 24.
- Provided Fireworks Safety Tips from Huntersville Fire Department.
- Mayor Clark proclaimed June 2024 as Pride Month.

A Proclamation For Pride Month

WHEREAS, all are welcome in the Town of Huntersville to live and work, and every resident deserves a place to call home where they are safe and accepted; and

WHEREAS, the Town of Huntersville strives to ensure our town is a place where all people regardless of race, religion, national origin, gender, disability, or age are treated with dignity and respect; and

WHEREAS, LGBTQ people in the United States face disparities and discrimination in employment, healthcare, education, and housing; and

WHEREAS, June 2024 marks the 55th annual celebration of Pride Month throughout the United States; and

WHEREAS, the Town of Huntersville promotes inclusivity and equity, safety, dignity, and a welcoming environment for our residents and visitors; and

WHEREAS, the Town of Huntersville is enhanced and strengthened by the cultural, civic, and economic contributions of the LGBTQ community, and we embrace this incredible, rich diversity of our population and town staff.

NOW, THEREFORE, I, Christy Clark, Mayor of Huntersville, do hereby proclaim June, 2024 as **"PRIDE 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 17th of June, 2024.

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

PUBLIC COMMENTS

Mayor Pro Tem Hunt noted that two agencies that weren't able to present during the pre-meeting will present during this time.

Michelle Hoverson, Executive Director of the Lake Norman Community Development Corporation, which started out as the Cornelius Community Development Corporation, requested \$30,000. *Detailed request attached hereto as Exhibit No. 10.*

Bill Russell, Chair of the Hugh Torance House and Store, requested \$25,000. *Detailed request attached hereto as Exhibit No. 11.*

Angela Charles, Director of Charlotte Water, presented the State of the Utility. *Refer to PowerPoint attached hereto as Exhibit No. 12.*

Kim Jones said I'm a resident of Huntersville and I created Movement Migration – Move to live, Migrate to survive. I was a professional dancer in New York and I started this to bring seasoned artists together. During the pandemic I realized there was a need for senior citizens to get out of their house and to move. Many we know have passed because of loneliness and being isolated and not moving their body. Thanks to the ASC I was able to get \$50,000 to start movement classes for senior citizens. Many are sitting in the back and these are two of our participants that have become very important to me. It's important that we continue to support the arts and I ask you to think about it for your next fiscal cycle. I'm going to have Leslie or Pauline please share their experience in our classes at the David B. Waymer Center.

Leslie said I want to say how important this class is to all of us and we are all different levels of accomplishment with movement and dance. We have people that have never danced before, and you have people like me who was a professional dancer. It's wonderful to go to one place where body, mind and spirit are nurtured. I'm 80 years old and I must move. It doesn't matter the level. This class feeds everybody.

Ms. Jones said we do have one participant who is a breast cancer survivor here in the room and has come to our class for healing and she asked me to share with you that the movement classes provide her a quality of life. It also is a sense of belonging and gathering. We've built a community where we gather twice a week. I'm getting emotional because I now have like 50 new grandparents and they have just shaped my life and I bring in my college students. I'm a professor at UNC-Charlotte and I integrate my college students to be my assistants to be the next group of leaders to bring life back into our bodies and to connect us face to face, eye contact to eye contact, for their mental health, their spiritual health and just to build community.

Pauline Caldwell said Movement Migration has really changed my life and it has also changed the lives of those that come. Right now we're just doing two days a week. It's like Tuesdays and Fridays and we don't want to miss that for anything. They don't only teach the exercise, they give us points about how to engage. We're learning some French also.

Ms. Jones said thank you and I hope you will consider supporting the arts.

BeeJay Caldwell said good afternoon. Thank you for allowing me the privilege to come before you each time and I've got something good to share with you. On Saturday I was the recipient of the Presidential Lifetime Achievement Award. I want to read, and I may not be able to get it all read to you, but there was some question as to whether or not this was a legitimate award and so the word fraud was given to me to my face, so I thought well okay this is a teaching moment, so this is what I'm doing. The honor was established by the executive order of President George W. Bush to honor volunteers that give thousands of hours per year to helping others. That includes areas such as mental health and wellness, job readiness and creation, mentorship and program development to help communities at risk and our community is at risk. With grateful recognition AmeriCorps and the office of the President of the United States of America honors Betty "BeeJay" Caldwell with the President's Lifetime Achievement Award for my lifetime commitment to building a stronger nation through volunteer service given on this past Saturday, June 15, at Charlotte's Juneteenth Festival of the Carolinas' Outreach Program. In 2003 the President's Council on Service and Civic Participation founded the President's Volunteer Service Award to recognize the important role of volunteers in America's strength and national identity. The award honors individuals whose service positively impacts communities in every corner of the nation and inspires those around them to take action, too. To receive this award, one must contribute more than 4,000 hours of service in their lifetime. Led by AmeriCorps and managed in partnership with Points of Light, the program allows Certifying Organizations to recognize their most exceptional volunteers. A Certifying Organization is an organization that has been granted authority through an application and review process to give out the PVAS to volunteers. Certifying Organizations verify and certify that a volunteer has met the requirements to receive the award within a 12 month period specified by the Certifying Organization. Certifying Organizations must be established and operate in the US, its territories, Puerto Rico, and at the bottom of it is a statement about AmeriCorps and I have a copy for the Mayor with my little picture. Please take a moment and at some point you may wish to congratulate me. *Hand-out attached hereto as Exhibit No. 13.*

Mayor Pro Tem Hunt said I would like to congratulate you right now.

Robin Hahn said my home is behind the Oak Farm development off Sam Furr Road. The members of the development are having a terrible time getting out onto Sam Furr Road. If you try to leave your house, you're taking your life into your own hands. What we would like to see happen, we've been told we can't have a stop light in that area, is have the speed limit reduced. On Sam Furr Road from the west side Huntersville Town Limit up to 115 the speed limit is 45. At the railroad tracks, it turns to 55. That makes it very hard for us to get out. Because they're saying go 55, they're doing 60-70, they are flying and we've got curves on each end before and after our development, so you really can't see that well. We are looking for direction or help to get that speed limit dropped to 45 mph from the railroad track up to the Davidson-Concord Road intersection, which is the new Publix. There are three housing developments on that stretch of road, the warehouses are there, ElectriCities, the new Serenity senior citizen center. There's a lot of traffic, people trying to get in and out and that would be a tremendous help for us I think if we could just get the speed limit dropped. We just had a fatality in that section of road just like two weeks ago and a lot of the parents are really scared because they've got new drivers in their families. If y'all could give us some direction or help, we would appreciate it.

Mayor Pro Tem Hunt said we'll look into that, thank you.

Phil Carey (Ron Julian and Teresa Julian ceded their time) said I'm going to keep this to the salient points because I just don't think I'm going to need the whole nine minutes and I'm sure y'all will appreciate that, but I do appreciate the opportunity to express my concerns as it comes to the issue with the HOAB, which is the Huntersville Ordinance Advisory Board. I'm going to assume at this point that everything I say is information that the Board is already fully aware of. If you are not aware of something, that means there's been a communication problem, which in my opinion falls back on the Chair of the HOAB board.

The Chair of the HOAB board is Amy Hallman. It's public information and I want to make that into the comments. I'm going to start with an issue that this Board addressed roughly two months ago in regards to an anonymous post about a blackface picture and it was very clear from what I got from this Board that that was not tolerable. It was unacceptable, that it's not a part of Huntersville and it's not going to ever be a part of Huntersville as far as this particular board is concerned. A couple of days later, give or take, an existing Town Board member posted that picture on social media and I happened to pass by it and made a comment, and your HOAB Chair, Amy Hallman, chose to comment and we did a little bit of back and forth. At the end, to shorten this part of the topic, she told me to back off. When you tell me to back off, we've got a problem and when an HOAB Chair is telling me to back off, we've got a problem. I want to make that very clear to this Board. There's a bigger issue and that's what I want to get to right now is when a HOAB board Chair is telling this Huntersville taxpayer, this black man, to back off during discussion about blackface, something's wrong.

Mayor Pro Tem Hunt said Mr. Carey, I'm sorry I don't mean to interrupt you, but just if you could refrain from naming other Huntersville residents, that would be appreciated. I understand what you are saying, that this is all public record, but if you could please just refrain from naming folks, I'd appreciate that.

Mr. Carey said from naming folks, even though it's in the public record.

Anthony Roberts, Town Manager, said Jacob may want to comment. We don't want to, I guess call folks out, that may be slander etc., but I'll let Jacob comment.

Jacob Chambers, Staff Attorney, said the policy itself mentions personal attacks, so once you name the name, it makes it more personal in that way.

Mr. Carey said you tell me if I violate it again, but public information would seem to be public information, so HOAB board Chair, anybody can look it up, but fair enough. With that said, this Board also suspended, I call it suspended, but they suspended or you can use the word reduced, eliminated, restricted, whatever word you want to use, restricted HOAB board authorization to handle various processes, procedures and decisions because they were violating various state laws and various policies and procedures. With that said, there's a clear problem, a clear issue, with this board.

I looked at some of the relationships, the background within the HOAB board and so I look at the HOAB board Chair and there's an interdependence between HOAB and the Planning Board and interdependence and a relationship, this is weird to not say public information, but there's a relationship between one person of the HOAB board and a person of the Planning Board. They share the same last name and they live in the same residence. To me that seems to be a conflict of interest,

and that's also a concern that I have about the HOAB board. When you've got a relationship like that between two boards, we've got a problem.

The other thing that I noticed as I started looking in the bylaws is that there's a specific bylaw, Section 2-1(B) that says "Eight (8) At Large Members who shall reside in or own and operate a business within the Town of Huntersville Corporate Limits or the ETJ." In other words, for this specific board you don't have to live here and that's something that I'm very familiar with. I've heard that a few times over the last couple of months, but given that fact and the fact that as I looked through the bylaws of some of the other advisory boards, I don't see that, so this was a specific bylaw made just for HOAB, so I'm wondering why.

I went down to the North Carolina courthouse, did a little research and found that one of the HOAB members does not live here. They have a physical address in Cornelius. This is public information. But they don't live here, and I don't see that in any other board, so again it's another point that gives me pause that says something's not right and at some point these start to add up.

One of my last points will be the HOAB under public information is, as of today, the only advisory board in this entire state that exists for this function.....the only one. Two months ago, there were two. The other one was Cornelius. And it just so happens the person serving on the HOAB board who doesn't live here, lives in Cornelius. Another red flag for me. You've got one advisory board, an HOAB, that does not exist anywhere else in this state, but yet it still exists here. That's odd to me.

As I put all of this together, the red flags just keep adding up and I just don't get it. I could sit here and spend the next few minutes talking about accountability. Who's accountable for all of these failures. Somebody has to be. At the end of the day what I have found from reading through the bylaws is that you guys have a Code of Ethics. There's a Code of Ethics for you as the governing body and there's a Code of Ethics for the advisory boards. I would encourage you guys to look at that because if everything that I have mentioned here passes muster within the Code of Ethics, I think you guys have got a bigger problem because if your Code of Ethics allows the stuff that I have just mentioned to go on, that's a sign that you're sending out to every single other advisory board out there. And when they're out there talking and when they're out there saying things disrespecting, losing the trust of the taxpaying citizens, you've got a problem.

My ask of this Board is to come to some sort of understanding or agreement, even if it's to say we're cool with our Code of Ethics and everything that Phil just pointed out is perfectly fine, then say so. But this list of issues for this one board that does not exist anywhere else is just odd and the problems that this board is having just exacerbates those issues. I'm going to leave it at that and thank you for your time.

AGENDA CHANGES

Commissioner Rivers made a motion to approve the agenda.

Commissioner Bergsman seconded the motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes – June 3. Commissioner Bergsman made a motion to approve the minutes of the June 3, 2024 Regular Town Board Meeting. Commissioner Dumas seconded the motion. Motion carried unanimously.

Contract – The Park Huntersville Greenway. Commissioner Bergsman made a motion to approve contract for Professional Engineering Services between the Town and Dewberry Engineers, Inc. for The Park – Huntersville Greenway. Commissioner Dumas seconded the motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 14.

Resolution – Arahova Roundabout Upgrades Contract. Commissioner Bergsman made a motion to adopt Resolution to accept the Arahova Roundabout Upgrades construction contract. Commissioner Dumas seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 15.

Personnel Policy Amendment. The Equal Employment Opportunity Commission (EEOC) issued its final Pregnant Workers Fairness Act (PWFA) rules on April 15, 2024, requiring employers with 15 or more employees to provide reasonable accommodations to any employee with a physical or mental limitation that results from pregnancy, childbirth, or related conditions. The following language will be added to the Town's Personnel Policy, Article II, General Employment Principles, to reflect the requirements of the PWFA.

The Town will comply with the requirements contained in the Federal Pregnant Workers Fairness Act. The Town will endeavor to make reasonable accommodations for applicants and employees related to pregnancy, childbirth, related medical conditions, and lactation or the need to express breast milk for a nursing child, even if the employee is not experiencing a pregnancy-related disability. Accommodations may include, but are not limited to modified work schedules, breaks, physical assistance, and temporary suspension of an essential job function. Leave requests for employees under this provision may be paid or unpaid based on Article VIII. Leave Policies.

An applicant or employee who believes they need a reasonable accommodation should discuss the need for possible accommodation with Human Resources. The accommodation will be provided unless it creates an undue hardship.

Commissioner Bergsman made a motion to approve Personnel Policy amendment to incorporate Pregnant Workers Fairness Act requirements. Commissioner Dumas seconded the motion. Motion carried unanimously.

Pay Ranges. Commissioner Bergsman made a motion to approve new pay ranges based on FY24 Classification and Compensation study. Commissioner Dumas seconded the motion. Motion carried unanimously.

FY2025 Pay Ranges attached hereto as Exhibit No. 16.

Budget Amendment – Governing Body. Commissioner Bergsman made a motion to approve budget amendment appropriating Interest Earnings in the amount of \$16,000 for NC Metropolitan Mayors Coalition dues, new Board Member training and travel, and state mandated ethics class to various

Governing Board expense line items. Commissioner Dumas seconded the motion. Motion carried unanimously.

Budget Amendment – Dellwood Building Assessment Study. Commissioner Bergsman made a motion to approve budget amendment appropriating Capital Reserve revenue in the amount of \$16,500 to the Parks & Recreation Contract Services account for the cost of the Dellwood Building Assessment Study to determine the building repair needs. Commissioner Dumas seconded the motion. Motion carried unanimously.

Budget Amendment – Parks & Recreation. Commissioner Bergsman made a motion to approve budget amendment appropriating Interest Earnings in the amount of \$50,000 to various Parks & Recreation Expense Line Items. Commissioner Dumas seconded the motion. Motion carried unanimously.

Budget Amendment – Community Emergency Needs. Commissioner Bergsman made a motion to approve budget amendment appropriating Community Needs contributions in the amount of \$10,605 to the Miscellaneous Expense – Community Emergency Needs account. Commissioner Dumas seconded the motion. Motion carried unanimously.

PUBLIC HEARINGS

None

OTHER BUSINESS

Code of Ordinances Text Amendment. Jacob Chambers, Staff Attorney, said there are certain ordinances that are transient and temporary in nature. The best example of this is the Budget Ordinance. This is because the budget is adopted each year and changes each fiscal year. There are multiple amendments. This ordinance, for example, is not published in the Code of Ordinances, however according to UNC School of Government and NCGS 160A-77, the Code of Ordinances should specify which classes are being treated as temporary and transient, so all this ordinance does is add those classes.

Commissioner Walsh made a motion to approve the text amendment to update Section 10.14 of the Code of Ordinances to include classes of ordinances of transitory nature.

Commissioner Rivers seconded the motion.

Motion carried unanimously.

Ordinance Amendment attached hereto as Exhibit No. 17.

Budget Amendment – HFFA. Jackie Huffman, Deputy Town Manager, said I talked to Anthony today about providing you with visuals and Anthony suggested that my visuals were more confusing than talking, so if I don't inject a little humor into this I'm afraid in 5 minutes I will lose many of you because I try to take accounting jargon out of the things that I talk to you about and there's just no way to remove it from this.

Due to/due from, which again, humor, Anthony can't say that three times fast. We established that at the retreat this year. The due to/due from is one fund advancing some funds to another fund – some money to another fund with the expectation that it'll be paid back.

If you look at our general ledger, our financial accounting software, the HFFA fund generated a due to the General Fund. That means the General Fund advanced HFFA money to the tune of a little over \$5 million before FY2006 with the expectation that would be paid back. According to our general ledger from 2006 to 2019, not a single penny, not one payment was made. In 2019, the Board discussed it at the retreat then and I've been here since April 2016, it's been discussed several times since then. We discussed should we pay it back. In 2019 I cannot take you to minutes, I didn't ask Janet to look it up, I have no recollection that the Board in open session adopted a payment plan, but I could display for you an email where we discussed here's the 19-year plan to pay back that \$5 million. We made one payment on that I'm going to call it advancement. I don't even want to call it a loan because loan suggests to me there is an interest factor and there never has been. We made a single payment of \$350,000, COVID happened and the financials and HFFA changed dramatically and are no different really.

The whole purpose behind a due to/due from is the expectation that it be paid back. For something that you have owed for more than 18 years, when you've owed 80 percent of it for more than 18 years, do you have a realistic expectation of paying that back. I'm going to tell you I don't see a clear way to do that and so what you have before you tonight is the request to take away that expectation of repayment by making that a permanent transfer. To the extent that you believe the financial situation at HFFA would ever change, you can do exactly what you are doing tonight and make a transfer back to the General Fund. Effectively you don't have use of these funds in the General Fund because you've already advanced it to a different fund.

I've been here again 8 years. No external agency has asked me about that until we were getting a Moody's rating for our Limited Obligation Bonds (LOBS) on Town Hall this past spring and I'm going to paraphrase and say Moody's said what about this \$5 million due to/due from you've got outstanding, you ever going to do anything with that. We have discussed with you that when we adopted the FY25 budget we expect to issue bonds again this fall and so I ask you, you can choose to approve this budget amendment or not, you can continue to let this perpetuate the way it has since 2006 and prior. I would ask you if you choose not to do that, help me with an explanation I might have for Moody's when we get an opinion in August of this year in pursuit of those bonds. I'm going to stop and take a breath and see if you have questions about this proposed budget amendment.

Commissioner Walsh said in non-accounting terms, we are writing off a bad debt.

Ms. Huffman said I think that's fair. For something that you have owed for 18 years and not made a payment on, where is your expectation of a payment. I don't know. I wish there was one. I don't know how we would do that.

Commissioner Dumas said I just had to take an accounting course for work and I just want to say that you should have taught the course, and all of a sudden everything that you say kind of makes more sense to me now. What happens if we don't do this?

Ms. Huffman said you can perpetuate this and continue to allow our financial statements to look like we have an expectation of repayment if you want to. It's been done for almost 20 years, so you can keep hoping, you can keep representing in your financial statements.....we talk about budget versus actual

and we talk about revenues versus expenses a lot in local government. I'm so old, I've been doing this so long, the terminology on what your financial statements are called has changed. When we originally issued this, the idea that this is hidden, I'll grant you we don't discuss it regularly, but our balance sheet name has changed. This has gone on for so long the name of the financial statements has changed to a statement of net position. In our statement of net position, we've been required to issue an annual audit report every single year for decades and so from 2001 to present, there has been a due to/due from between HFFA and the General Fund. It looks like you have an expectation of repayment if you don't take this action tonight. I ask you to consider do you have a realistic expectation of when that will be repaid.

Commissioner Dumas said we don't have the money anyway, right? It's imaginary money right now.

Ms. Huffman said I wouldn't agree that it's imaginary. What I would say is the General Fund has advanced this money to HFFA, so HFFA doesn't have this cash and the General Fund has effectively already given to another fund to use, so analytical governmental accounting Jackie thinks you're overstating your Fund Balance by suggesting that that's funds that you have available for use because effectively it's not available for use because you've already allowed another fund to use it. I don't want to use the word transfer until we approve this amendment tonight.

Commissioner Dumas said how would that impact us with Moody's?

Ms. Huffman said please don't let me intimidate you into believing this could cause Moody's to give us a lower rating. I'm not real sure it would. I think it makes us have to get creative in how we might explain what our expectation of repayment might be.

Commissioner Bergsman said can you just confirm that, because we're talking about old debt from 2005, 2006.

Ms. Huffman said I will honestly tell you I didn't look at our financials today from between 2001 and 2006, but I will promise you that from FY2006 to present, that number has been \$5 million with the exception of 2019 when we made a \$350,000 loan payment on it.

Commissioner Bergsman said so it's only being applied to that retroactive, the debt that already exists. This doesn't have any impact on whatever happens with HFFA this next coming financial year.

Ms. Huffman said we have multiple funds at the Town. We have the General Fund, we have the Transportation Reserve, we have Powell Bill funds. We have a Grant Fund. We have multiple different funds, so another analogy that might work for you is we are taking money out of one pocket and putting it in another pocket. Town-wide our financial condition does not change with any action you take tonight because it's not like we've generated revenue from one fund. We didn't do that because there's not revenue there to be generated.

Anthony Roberts, Town Manager, said one of the key components Jackie said, if our fund balance was \$70 million, I'm just throwing a round number. It's elevated \$70 million, \$6.2 of it if we do this action tonight is really it's already gone, if you take this action. People look at our Fund Balance and say it's \$70 million. Really it's not. This right here is already committed to it, so you ultimately would be if you do this transaction or if you do this tonight, actually it would drop down to \$64 million. If you want to talk about transparency, I think what we're doing and what we're saying is as transparent as you can get, so that folks realize that ultimately we are moving money from one pocket to another to help with

operating HFFA and it's probably going to continue to happen unless we do something different in future years and that's something that this Board will have to consider maybe at a future pre-meeting, etc. that we need to continue to have those discussions.

If you think the facility up the road here in Cornelius is operating breaking even, it's not. Mecklenburg County does not set it aside like we do and keep track of it. It's buried in their entire budget. We keep track of it so we know what's happening, but you cannot get more transparent than this to tell you what's going on and it's \$6.2 million over all these years that we've been subsidizing from one pocket to the other. I think this is the right thing to do. Hopefully if you decide to do this, we won't get this question anymore from bond counsel etc. and we continue to monitor this and see what we need to do moving forward with HFFA. This has nothing to do with the folks that are managing the facility. It's our facility. HFFA is us, it's not the people managing it and I think years back we used to take Tourism dollars probably and put towards subsidizing it. I don't know what we will do moving forward, but that's a discussion the Board will have to consider. It may be we go back to subsidizing. This is just operation. We already know capital-wise the building is aging. We are going to continue to have to put money towards HVAC, \$2 million just for the HVAC we've spent. You're always painting inside, putting in lockers. It's continual capital. This is only operating side that they we're trying to break even on, so this is stuff we have to consider as we move forward.

Ms. Huffman said I ask you to think of it in terms of basic math. At the most recent Board meeting you adopted a budget and you adopted it by fund and you adopted equal revenues and expenses in the HFFA fund. Theoretically then if their expenses come in really close to budget, but their revenues are appreciably below, they have created a deficit. That deficit is going to have to come from somewhere and this is the culmination of many years' worth of deficits where there wasn't enough operating revenue to cover the operating expenses and frequently the capital has been funded out of Tourism funds or out of the General Fund itself. We had an overall deficit Fund Balance at the end of June 30, 2023, our most recently audited financial statements and so previously this year you've already done a \$300,000 budget amendment in the efforts of eliminating that cumulative to date deficit fund balance but that did not correct your prior years' negative cash balance. This would do that.

Mayor Pro Tem Hunt said I'm sorry if you already said this, but can you talk about how one year there was a \$350,000 payment. What happened that year?

Ms. Huffman said in 2019 we had positive cash flow and because we had positive cash flow, we used part of those proceeds to make that one loan payment. The year after, COVID happened and so HFFA was closed for a number of months. From memory, March to at least I think August, and so we weren't billing customers because they couldn't get in the facility and so I'm not sure that we have had revenues cover expenses since that March of 2020. I have neglected to mention that for all of my 8 years being here there has been an HFFA Committee and this has been discussed at the HFFA Committee level multiple times and several times this fiscal year with the endorsement of the Board members on the HFFA subcommittee.

Commissioner Quarles said I want to commend you for the way you explain things. You do a very good job. As has been said, we gave this advancement of \$5 million in 2006 and now here we are in 2024 and we've got \$6.2 million. It is my belief that if we do not act on this.....we're supposed to be good stewards of our taxpayers' dollars, so if we do not act upon this then next year we could be asking for \$6.2 million, which the number is going to continue to go up. As Anthony said, we're paying for HVAC unit, we're paying for lockers and things of that nature, so I would hope that we do not beat a dead horse and move forward.

Commissioner Bergsman said while I agree with everything Commissioner Quarles said, I just also want to add that I feel, and I'm not on the HFFA Committee so maybe someone that is can chime in, but I do feel like we as a Board need to prioritize where we want to go from here and really start to look into that and what the long-term vision is so that in another 4, 5, 10 years we're not kind of right back where we are right now.

Mayor Pro Tem Hunt said Commissioner Quarles and I are both on that subcommittee for HFFA so if anybody has any suggestions, you can feel free to email us, but we will be talking about this going forward and then we will also talk about it, as Anthony mentioned, probably in a pre-meeting in the future.

Commissioner Dumas made a motion to approve the budget amendment transferring \$6.2 million from General Fund balance to HFFA.

Commissioner Quarles seconded the motion.

Motion carried unanimously.

Second Amended and Restated Transit Governance Interlocal. Anthony Roberts, Town Manager, said ultimately the Interlocal Agreement was originally approved February 1999 and then an amendment was made November 2005 and this is the next go round almost 20 years later to make some changes. As you know, in these interlocal agreements things change, etc., modifications. What you see before you is a list of those modifications or changes that were proposed. *Refer to Exhibit No. 18.* This interlocal agreement is between Charlotte, Mecklenburg County, and the other six Mecklenburg County towns. This is related to CATS. And those amendments without going through all these, most of them are technical in nature, minor modifications. I'll just hit a few of them, but the term of the agreement goes to 2034. The process for selecting the CATS CEO, there's some minor changes there. Also, some expanded roles for MTC in developing the CATS budget and then also they put some discretionary funds aside so CATS could do some outside studies if we wanted to look at how the interlocal.....or if we were going to transfer to an authority or something like that, you could use funds for that. That's just a very high level highlight. I think Davidson has already approved it. Pineville has already approved it, so it's making its rounds to the towns for these amendments. It gives the smaller towns I guess a little more meat, not much, but some slight changes, so that's what I would say. All of this is in your packet. You will see the entire agreement with redlines in there also that relates back to these actual items that you see before you.

Commissioner Walsh made a motion to adopt the Second Amended and Restated Transit Governance Interlocal Agreement which includes the City of Charlotte, Mecklenburg County, and the six Mecklenburg County towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville.

Commissioner Bergsman seconded the motion.

Motion carried unanimously.

Second Amended and Restated Transit Governance Interlocal attached hereto as Exhibit No. 19.

Resolution Authorizing Upset Bid Process – 12928 S. Church Street. Bobby Williams, Assistant Town Manager, said I come to you tonight to present an offer we got for a portion of land the Town owns at 12928 S. Church Street. *PowerPoint attached hereto as Exhibit No. 20.*

How did the Town come to own this land? We acquired this property back in 2009 related to the Verhoeff bridge and the Verhoeff Extension into the Commerce Station business park that at the time was known as the North Meck Industrial Park. The picture there is from 2011. You kind of see kind of a small access road off to the side. That's basically the piece that we're looking at here where there's kind of a what I'll refer to as a sliver of land that's being sought by the person who has made the offer.

This is the whole parcel. It's about 6.5 acres and the amount requested is 0.591 acres, so it's a very small portion and is being requested by an adjacent property owner. This would give him enough land to basically add a second lot, so he'd have a second buildable lot to build for a family member who I believe was mentioned as a teacher and obviously the conversation earlier tonight related to affordable housing, it's tough for any teacher to afford anything here locally, so that would be the intent of this request.

Just to kind of show you a little more detail, this is that cut up sliver of the Town's parcel just to show you kind of how those two lots would come together. We outlined the process working with Legal for the person who was interested in making this offer. He's had to do an appraisal at his own cost, survey at his own cost, offer was submitted, put on tonight's agenda. If the resolution passes tonight, it will initiate an upset bid process. That's a process that will require advertising and then as we get into subsequent upset bids that would generate another advertisement and then also once this goes through or if it goes through, the new owner of the property will have to rezone it if he wanted to build a house. It's currently zoned Corporate Business. The new owner would also be responsible for any fees related to building permits, water/sewer tap fees, none of that would come from the Town.

I also just wanted to sort of outline what the upset bid process is and obviously I'll defer to Legal for legal questions about the process, but we've received the offer. The upset bid procedure with the 5 percent deposit earnest money would be initiated, the advertisement would be placed. There's kind of notes in there about qualifying upset bids 10 days after the date of publication and we'll just kind of keep doing that. We've had incidences in the past where we've had to keep advertising, keep advertising. I don't know how attractive this piece will be compared to some of the others that we've had in the past, but if that is the case it will keep getting advertised, so it's all out there and all public and then after all additional qualifying bids have been received the Board has the right to award it to the highest responsive responsible bidder or reject all bids.

Commissioner Dumas said I have a few questions about this, but I also wanted to talk a little bit about the process of how this came to be because I got some questions about we haven't heard about this piece of land, were we trying to sell it, how did this all happen. What's the normal process for real estate dealings like this.

Mr. Williams said the Town if it wanted to market it and then try to sell it, we could. That definitely was not the case here. We get random letters or calls. If you look in Polaris, which is where that picture came from, you can look for land the Town of Huntersville owns, so we'll get cold calls, we'll get emails for easements, all kinds of things – does the Town want to sell this, can I buy this. A lot of times it's an easement for a road project that we still need for some reason, but any number of offers or requests will come to the Town and a lot of times it's out of town folks and we're not there, we don't know what we are doing with the parcels yet and so this particular piece of land, I don't think we would have gotten

the offer but for the person making the offer having an adjacent piece of land and so with his intent there to basically give him a second lot to support his family and make something for – as was requested his daughter is a teacher, I don't think we would have gotten this offer. I think that's where that came from and it was reaching out to the Town and we've talked on and off for upwards of 18 months, maybe 2 years. There's a long list of things that person was responsible for and out of pocket costs just to even get to the point of making an offer. We thought that would scare him away. But I think it just shows you how tough this market is and folks are really looking for any opportunity they can to try to make a home in Huntersville.

Commissioner Dumas said so this specific vote is to decide to go to bid.

Mr. Williams said the upset bid process.

Commissioner Dumas said if we choose the upset bid process, can we change our mind and decide to turn down bids.

Jacob Chambers, Staff Attorney, said you could reject all the bids the next time it comes to the Board.

Commissioner Dumas said we've been told what this land is expected to be used for. What if that doesn't turn out to be accurate. Do we have an opportunity to require him to build a house for his teacher child.

Mr. Chambers said we can have certain terms in the agreement because the terms have to be set, but the terms have to be set beforehand, because everyone needs to be on the same playing field. The issue with trying to require him to have to build a home is that currently it is zoned Corporate Business, so you couldn't even build a house on it right now. For him to be able to build or anyone to build a house, they would have to rezone it, so if we tried to add a restriction that said this land can only be used for a residence and then some person tried to come and rezone it and for whatever reason that rezoning was denied, that means the land is now worthless, so because it's Corporate Business and he can't build a residence because of the deed restriction so because the land would be worthless at that point there is certain cases out there that says that's one thing the deed restrictions cannot do is make land worthless, so that is an issue there and possible other issues with similar deed restrictions going in that vain.

Anthony Roberts, Town Manager, said let's say it goes through the process and they get to a point where they ask for the rezoning. Could the Board ask them to deed restrict it as part of the rezoning process. Just a question. I know it's a curve ball I just threw out, but is that a possibility.

Mr. Chambers said I doubt in this case that it would be a conditional rezoning where you could kind of do that back and forth and make them agree to things. I think it would be just a general rezoning. I suppose you could ask them to do that, but that's about it. They wouldn't have really any obligations.

Commissioner Dumas said I know we've been talking about doing an inventory of Town owned land for potential use of affordable housing. Would this land potentially work for any of those opportunities?

Mr. Williams said I would say maybe. I think if we do that and we're looking at some options to kind of get an idea of cost and logistics of having that type of analysis, I think we would have someone look at all of our parcels and I think they would come back and tell you it's zoned Corporate Business, there's some challenges, it's not immediately buildable. And then I think if you just kind of look at the location,

in the shadow of the tower over here with Southwire and where it is, I think it's up to the Board to decide if that's the type of place you would want to put housing or if you feel that's a more appropriate use for something else. That's a bit of a broader discussion than just we've got land can we put housing on it.

Commissioner Bergsman said just because this is kind of an unusual ask that is a little bit of a new precedent, I got the impression that maybe the applicant is in the room or the person who is interested. I don't know if they would be interested in sharing.....I would be curious, I don't know about the rest of the Board, in just hearing from the person how you came up with this idea first of all because it's unique, but your reasons.

Mr. Chambers said Bobby has had discussions with him, so I think Bobby kind of explained what his point was earlier.

Mr. Williams said this is another instance for another family member, buying a piece of property and fixing it up and trying to do that type of thing. If he didn't own the adjacent parcel, he's not interested in this, so I think that's where this is coming from. And to the question earlier about inventory for housing, sort of in the spirit of the previous Mayor's task force workforce housing teachers, police, fire, all those types of things, that's our understanding of the intent for the use of this parcel and basically he just needed enough to be able to create a driveway, create that buildable lot and the intent is to serve a family member who is a teacher.

Commissioner Rivers said can you go to the slide that shows the parcels. Which one is the parcel in question?

Mr. Williams said it's the gray/green. It's a larger parcel, but this is just sort of that sliver. This is the whole parcel....this is the actual shape from the survey that he had proposed and then basically he would propose with these two is to subdivide these two lots to change the lot lines so he'd have the two lots that would be buildable, the one that exists currently and then the new sliver – the new lot would be buildable with that additional line modification.

Commissioner Rivers said can you go to the slide with the process.

Commissioner Rivers said when you are talking about publishing/advertisement for upset bids and you said you keep publishing, what is the process like the timeframe for clarity purposes.

Mr. Chambers said if there is an upset bid then we would republish and there would just be another 10 days, so it's until there's not an upset bid after 10 days. I'm going to throw this out there, I haven't thought about this too much, but I guess one possible option that the Board could consider is if the Town wanted to rezone that small area before he even bought it. Now that would obviously mean that this would be put on hold, but if the Town rezoned this small portion first to residential then at that point it takes away my concern about it being Corporate Business, so it might just be an option to consider and you might approve it now and it might be something worth talking to Emily, since I'm throwing this out on the fly, but just as an option because I see the Board wanting to possibly add that restriction.

Brian Richards, Planning Director, said we did speak with Ms. Sloop and her preference would be to do the sale and then rezone. Legally you can do either one, it's a preference.

Commissioner Bergsman made a motion to approve Resolution No. R-2024-18, authorizing the advertisement for upset bids to purchase a portion of 12928 S. Church Street, Huntersville, NC, 28078 with the amendment that Section 9 of the resolution is hereby amended to say if no qualifying upset bid is received after the initial public notice, the Board may accept the offer set forth above.

Commissioner Dumas seconded the motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 21.

Purchase Agreement – 14703 N. Old Statesville Road. Anthony Roberts, Town Manager, said obviously we know what property we are talking about, right here on the corner, Cashion's is what we are looking at, the gas station. *Refer to PowerPoint attached hereto as Exhibit No. 22.* I know there's a lot of questions here so I may just answer them as I go along and if you have some questions after the fact, because I know there's been some questions on transparency and the process, etc. Just remember this is starting that process. Nick probably wouldn't want me to buy his house right here in front of everybody and tell everybody he and I are negotiating what it may be, so you don't do real estate transactions right here at the dais. That's just fairly common sense.

This starts a process. If the Board decides to move this forward, obviously we have some due diligence to do. We'll go through our due diligence – typically that's Phase 1, Phase 2, may do some surveying, may do some drilling, all sorts of things like that just to do our due diligence, just like if I was to buy Nick's house I'd probably want to do some due diligence, see if the fence is over someone else's property line, those kind of things.

If we go through that process and do the due diligence and it comes back that everything seems to be okay.....I'm sure somebody's probably pulled the gas thing out of their car and spilled some gas on the ground and probably over the years dumped some oil on the ground. That's to be expected. But if we went out and found 10 or 15 dead bodies buried out there, that probably wouldn't be a good thing. We probably would not move forward with that transaction and thus we'd end this.

Through that due diligence, let's say we get back and everything seems okay, obviously we haven't put any money in here. I don't have any way to pay for it, so we'd have to come back to the Board for a budget amendment to be able to pay for it. The Board has to approve that budget amendment. If I had to guess I'm going to say the first meeting in August may be when we come back for a budget amendment as we're working through our due diligence. It may be a little bit later. We may need an extension. I don't know the exact date when that would come forward, but assuming everything was to work out then it would be sometime most likely in August that we would come back for that budget amendment and ask for the Board to vote on that. That's another step in the process.

We all know it's a gas station. We all know it has underground tanks. Right now, obviously they get inspected on a monthly basis. If the Board were to move forward with this transaction and we were to close on it, we would be removing those tanks. We'd tear down the building, similar to behind us where we're building Town Hall, there was a white building back there. We have to go through those inspections etc., tear down the building.

Someone had asked me would we potentially have to close down any portion of the road. Maybe if we get out there and have to dig up the concrete and things like that. The concrete is fairly close to the

edge of the road. We'd be working with DOT. I'm sure there would probably be some lane closures etc. if we get to that stage. I'm getting way ahead, but we'd work with DOT and they would try to do that at night or whatever has a minimal impact.

A question came up wasn't North State, right behind DPK where the apartments are, supposed to put in a turn-lane. Ultimately I'm going to say there was a condition actually on the paper.....maybe it was Note 15 or Condition 15.....so a TIA was done and pretty much any development with any type of magnitude anywhere in this vicinity is going to require improvements at this intersection. The intersection is failing. The town hall that we are building, the TIA requires us to look at a right-turn lane. If we move the town hall over here on the other green strip, we talked about that one time, most likely the same thing. We didn't get that far. The TIA would have required some improvements to this intersection. Anything with any magnitude is going to require some improvements there.

To get back to North State, they were supposed to buy Cashion's and put in a turn lane. Actually, what they did is put \$99,322.40 into an escrow account for a right-turn lane. That went with the plan approval. Think about it, there's no way North State could go over there and force Cashion's to sell it to them. Cashion's could say I want \$1 billion or whatever the number is. A private person can't force you to sell them their land. We as a Town cannot condemn on behalf of private developer. That is not a public purpose. But if we the Town wanted to condemn for road projects, what I would say public use, if we were to condemn for a road project or park land or something like that, I'm just throwing out some ideas, then ultimately yes, we could do a condemnation. This is not a condemnation process. This is where we are actually looking at purchasing.

You heard me say that town hall behind us, the TIA does require a right-turn lane. I'm going to mix some other things in this because I know these type things will come up. The Gilead Road project is a project that's on the DOT list that's looked to be widened where the 21 project stops basically at the post office and bring it on through this intersection, we'll say roughly on past town hall here, roughly to the railroad tracks. Well that widening in the 13 to 15 iterations we looked at, I can't remember, we actually spent town money to look at other options, that widening would blow out a couple of buildings or either take off pieces of buildings, possibly some homes if you do the roundabout up near where the Hallman house is, so it would take out some structures there too. We have been analyzing that at staff level. We tried to look at other options. There is no good option. We are probably going to come back to the Board in coming months to say do we really want DOT to move forward with the Gilead Road project and tear down possibly 760, take out the Cashion's, maybe take out a couple of houses, maybe even possibly a portion of DPK, maybe even this building, so obviously staff is not in support of that. Planning staff does not even want turning lanes, however those are required per the TIA, so what I would tell you is we will probably be coming back sometime in the near future and we have to make some decisions on those road projects that have impacts on quite a few properties, but we can't waive that requirement for us yet until we sort of think about some.....it would be hard for me to waive the Town's turn lane. That probably wouldn't look too good. We've got to think through those projects as we're moving forward.

The other thing I would say about Cashion's, one thing we're looking at, if we were to move forward with that, we need a good greenway crossing, too. We would probably look at some type of multi-purpose 10', 12' wide path come up 115 and cross at the light because it's a signalized intersection, seems to make sense, so those are the things that we would look at if we were to purchase this property and then do we have any thoughts or ideas for the property right now. Obviously, we haven't decided is it a one-story building, is it a grass strip, is it a restaurant. I don't know yet. That would be something that this Board and future boards would have to make that decision. What I do think would happen is

that if we move forward with it, we would probably do some type of RFP type process just like what we would probably do on the grass strip, just like we sort of did on 760. That's how 760 is there. That was the upset bid process like we talked about earlier and the proposals kind of came with ideas. We actually rejected the highest bid because it wasn't the right use that we wanted and ended up doing a deal with 760.

I know I've rambled a lot here, but we are talking about transparency, we talked about process, etc. This is a process this has to go through and there are many steps to continue to move this forward. The Board may get to a point and say we don't want to move forward with this, and if so, so be it, but there's a lot of things in play on this corner and we're going to have to make some tough decisions in what I would say the next three months on major road widenings, whether to do them or not, which will tear down quite a few buildings if we move forward with it. I'll stop there. You may have some other questions, but I tried to hit or anticipate questions that you may ask.

Commissioner Dumas said I just want to make sure it's clear that this is Step 1 of the process. I had a lot of questions this weekend about when it says consider you guys are voting on something before you've talked about it, right, like so we haven't had the opportunity to talk about this publicly yet. This is our public comment opportunity, our time to talk about it right now and just because if we vote on this now doesn't mean we are committed to purchasing and moving forward all the way through this process. We can change our minds at any point this is just yes, let's look into it right now.

Mr. Roberts said that is correct. I have to do some due diligence to talk about some of those things that I talked about earlier, so we need to do due diligence. We'll come back with the information to let you know if we found anything and then ultimately you'll make a decision on if we will continue to move forward. Plus, with all those other items that are out there that I mentioned – road projects, turn lanes, that are out there on future development etc. that we need to sort of analyze and think about all that as we move forward.

Commissioner Dumas said I think this is a really exciting step. I know a lot of us are really excited about the opportunity of bringing business to downtown and this is kind of like Step 1 to that. I'm really excited about this first step. How would we pay for this?

Mr. Roberts said multiple ways we could pay for it, but we did receive \$3.2 million from the state - \$200,000 of that was sort of allocated for the fire department. We've already spent that money, obviously, as we continue to transition the fire department. And then there was \$3 million for capital and equipment. We've spent roughly \$500,000 I think that was a budget amendment back a couple of months ago that came before the Board. We spent roughly \$500,000 on the northern and southern roundabouts to do improvements in those roundabouts, everything from Town signage, walls to landscaping, all of the above for those two roundabouts and I don't remember the exact date, don't hold me to the exact date, but there was a budget amendment that came before this Board to use part of the money. There's \$2.5 million left, so we could, if we so choose, we have not done that yet, if the Board so chooses, we could potentially use those funds for that purchase. You don't have to, obviously we can just pull it right out of Fund Balance. There's multiple different ways you could fund it, but that is an option.

Jackie Huffman, Deputy Town Manager, said this is Step 1. You didn't provide for this in the FY25 budget and so until you allocate a funding source, a balanced budget, to allocate to pay for the land and what your funding source is, we couldn't move forward. This is a step, you are agreeing to look into the due diligence to do it, but you do your due diligence, you decide you don't want it, you back out. Until

you provide the funds in the budget to do it, I'm not convinced that you are going to press forward with it, so this is one of many steps that will need to occur and that budget amendment will be providing a funding source, so we'll discuss it and do a budget amendment for whatever source you tell us is your preferred source.

Commissioner Quarles said there was some chatter saying that had you heard a Board member discuss this purchase. Is it ethical for a Board member to discuss real estate or legal prior to it happening, just for clarity.

Jacob Chambers, Staff Attorney, said to discuss it at what point, just like with somebody.

Commissioner Quarles said let's say before we got to the consideration.

Mr. Chambers said yes.

Commissioner Bergsman said I'm cautiously excited about this, but I've got two questions and one there is an aspect I'm a little bit uncomfortable with and that's with the cost associated with removing the tanks and any remediation of the soil or groundwater in that area.

Mr. Roberts said we'll get some estimates during the due diligence period, but that is all on the town. Obviously, I don't know exactly what everything is buried under the ground, but those are things we would be seeking outside agency funds on.

Commissioner Bergsman said so there's a possibility that the Town could receive like a grant or other kind of outside funding to help pay for that component.

Mr. Roberts said there is and as part of due diligence we'll be sort of tracking some of that down to see what options are available out there for that.

Commissioner Bergsman said the only other question I had was actually in regards to the TIA conversation with North State. Say this moves forward and is purchased, and this is all hypothetical, but then we also decide against the widening of the road, that there's not going to be a right-turn lane. Do we forfeit that escrow money or what happens to that \$99,000?

Mr. Roberts said I'm sure we haven't had that discussion yet because the turn lane has been.....one we have to decide whether we are going to move forward with a turn lane and that's stuff we'd have to sit down with Emily and Jacob on to figure out if this is what we want and we don't want any more improvements here to widen out, take out buildings, that's a policy decision we'll have to come back to the Board on. Let's just say you do move forward with that, then I would imagine that the \$99,000 because we are not using it for the purpose it was put there for, we would not accept that \$99,000. Jacob may say otherwise or Brian, but if the purpose for it is for a turning lane and we do not move forward with a turning lane, I would assume those funds could not just be used unless they decided to say yes, you could use it for something else.

Mr. Chambers said that's my first thought as well. I haven't looked into it, but that would be my assumption as well.

Mayor Pro Tem Hunt said I support moving forward with this. We are not purchasing anything tonight, but this is moving forward with the process and it helps us change the face of our downtown, which I think some people are hungry for and so I'm excited to see what comes next.

Commissioner Quarles made a motion to approve the purchase agreement to acquire approximately 0.350 acres located at 14703 N. Old Statesville Road, Huntersville, NC 28078, known as Cashion's.

Commissioner Walsh seconded the motion.

Motion carried unanimously.

Resolution to Approve Agreement for Purchase and Sale of Real Property attached hereto as Exhibit No. 23.

Board of Adjustment Appointments. The Board of Adjustment is made up of seven regular members and three alternate members. This Board only hears quasi-judicial hearings for Zoning Variance and Appeal requests. We have received eight applicants for the following four expiring seats (with new terms ending June 30, 2027):

- Peter Jacobson (Town Seat 2) - has served one term and is eligible for one additional term (and would like to be considered for reappointment)
- Jonathan Bradshaw (Town Seat 1) - has served one term and is eligible for one additional term (and would like to be considered for reappointment)
- Christopher Price (Town Seat 4) - has served one partial term and is eligible for two additional terms (and would like to be considered for reappointment)
- Kimberle Burton (ETJ Seat 1) - has served one term and has opted not to reapply

Please note that it is the recommendation of the Planning Department that Alternate Members who have had the benefit of attending meetings and experiencing quasi-judicial hearings be appointed to regular seats with any new appointments being made to fill the vacated Alternate Seats. Additionally, please note that terms are applied to the 'seat' and not the person so that there is always a majority of tenured members to the Board through the appointment process. This said, it is the recommendation of the Planning Department that:

- Peter Jacobson (Town Seat 2) - be considered for a second term
- Jonathan Bradshaw (Town Seat 1) - be considered for a second term
- Christopher Price (Town Seat 4) - be considered for a first term
- VACANT (ETJ Seat 1) - awaiting ETJ application

Mayor Pro Tem Hunt called for nominations for Town Seat 1.

Commissioner Rivers nominated Jonathan Bradshaw.
Commissioner Walsh nominated Jonathan Bradshaw.
Commissioner Dumas nominated Jonathan Bradshaw.
Mayor Pro Tem Hunt nominated Jonathan Bradshaw.
Commissioner Quarles nominated Jonathan Bradshaw.
Commissioner Bergsman nominated Jonathan Bradshaw.

Commissioner Rivers made a motion to appoint Jonathan Bradshaw to Town Seat 1 of the Board of Adjustment.

Commissioner Walsh seconded the motion.

Motion carried unanimously.

Mayor Pro Tem Hunt called for nominations for Town Seat 2.

Commissioner Bergsman nominated Peter Jacobson.

Commissioner Quarles nominated Peter Jacobson.

Mayor Pro Tem Hunt nominated Peter Jacobson.

Commissioner Dumas nominated Peter Jacobson.

Commissioner Walsh nominated Peter Jacobson.

Commissioner Rivers nominated Peter Jacobson.

Commissioner Rivers made a motion to appoint Peter Jacobson to Town Seat 2 for the Board of Adjustment.

Commissioner Walsh seconded the motion.

Motion carried unanimously.

Mayor Pro Tem Hunt called for nominations for Town Seat 4.

Commissioner Rivers nominated Christopher Price.

Commissioner Walsh nominated Christopher Price.

Commissioner Dumas nominated Christopher Price.

Commissioner Quarles nominated Christopher Price.

Commissioner Bergsman nominated Christopher Price.

Mayor Pro Tem Hunt nominated Christopher Price.

Commissioner Rivers made a motion for Christopher Price for seat 4 of Board of Adjustment.

Commissioner Walsh seconded the motion.

Motion carried unanimously.

Mayor Pro Tem Hunt said the last seat is for someone to be in the ETJ but none of our applicants are in the ETJ, is that correct.

Brian Richards, Planning Director, said yes. We will continue to search and do our best to try to recruit somebody. If you know anybody that lives in the ETJ and they're interested, please have them send their application in.

Planning Board Appointments. The Planning Board is made up of 9 members. We have received 29 applicants for the following three expiring seats (with new terms ending June 30, 2027):

- Frank Gammon - has served two full terms and is not eligible for an additional term

- Scott Hensley - has served one partial and one full term and is eligible for one additional term (and would like to be considered for reappointment)
- Jay Henson - has served one partial term and is eligible for two additional terms (and would like to be considered for reappointment)

Mayor Pro Tem Jen Hunt expressed appreciation to Frank Gammon for his service on the Planning Board.

This time I'm going to ask for all three of your applicants.

Commissioner Bergsman said are we able to have two Planning Board members that live in ETJ on the Planning Board.

Jacob Chambers, Staff Attorney, said the statute specifically says that there must be at least one resident, so it is fine to have more than one.

Mayor Pro Tem Hunt said we had 29 applicants. There's so many really wonderful applicants and so just understand that your competition was a little stiff, so thank you to everyone for applying and if you are not appointed this time, don't give up, you can apply for another seat at some other time in the future.

Mayor Pro Tem Hunt called for nominations.

Commissioner Bergsman nominated Jay Henson, Scott Hensley, Michael Pollard.

Commissioner Quarles nominated Jay Henson, Scott Hensley, Michael Pollard.

Mayor Pro Tem Hunt nominated Scott Hensley, Jay Henson, Michael Pollard.

Commissioner Dumas nominated Scott Hensley, Jay Henson, April Dunn.

Commissioner Walsh nominated Jay Henson, Scott Hensley, Michael Pollard.

Commissioner Rivers nominated Scott Hensley, Jay Henson, Michael Pollard.

Commissioner Quarles made a motion to appoint Jay Henson, Scott Hensley and Michael Pollard to the Planning Board.

Commissioner Walsh seconded the motion.

Motion carried unanimously.

CLOSING COMMENTS

Commissioner Rivers said I want to thank everyone for checking in on me last meeting. I was under the weather. Last month the Town of Huntersville, as well as Cornelius and Davidson, participated in the Affordable Housing Awareness Month in conjunction with Habitat for Humanity. I want to commend our Town staff, as well as our Town Board. Thank you all so much for your participation, for showing up, for being present, and for showing our town that you care about the residents. Habitat for Humanity sends their gratitude and their sincere thanks to each and every one of you that took part in all of the activities last month. Also, I wanted to say this, on this Wednesday our Town offices are closed due to a federal holiday – the Juneteenth holiday. Just recently Juneteenth became a federal holiday and what people fail to realize is Juneteenth was really the actual date of true freedom for everyone. When the Emancipation Proclamation was signed by Abraham Lincoln, it wasn't until 2-1/2 years later that all enslaved African Americans became free. I want us to remember this from Dr. Peter Marshall, "May we

think of freedom, not as the right to do as we please, but as the opportunity to do what is right.” Let us continue to serve together and remember that freedom is a natural born right.

Commissioner Dumas said I just wanted to reiterate the proclamation from Mayor Clark who was not able to be here this evening. I just want to say Happy Pride Month to everybody out there and if you’d like us to consider an application to put on a pride celebration, there’s still time, so please come to us.

Commissioner Quarles said I didn’t know if I was going to discuss transparency or why do we agree so much up here, but I guess since Town Manager Roberts mentioned transparency so much tonight, I’m just going to touch on transparency a bit. We hear a lot about that this Board ran on transparency. We hear that this Board isn’t being transparent or from this group of commissioners up here we question when we have our talks what is being transparent or what does a small group want. Transparency isn’t having a friend on the Board and leaking legal or real estate information to our peers. That’s not transparency. We are a very transparent Board. We’re also very ethical. Being transparent is when we see something or learn of misleading information, especially when that information may hinder our public safety, our road improvements or economic development, it is our job to go to our amazing staff to seek truth, to seek clarity and then professionally address those issues from the dais versus an individual post, email or phone call. When we say something is misleading rhetoric, we are being transparent, but when we do that, we hear that that’s not what I wanted to hear. Let me put it like this, if someone posts an accusation and if a Board member reaches out to that same person via phone call to discuss that accusation, would you call it transparent if that Board member says from the dais that he or she reached out to that person and he or she refused to talk to that Board member, is that being transparent. Let’s collaborate and all work together. Stop hiding behind the keyboard because we know who you are or should we really be transparent. Come to our Board meetings. Use your three minutes. Address your concerns and your questions to us. You’re part of 65,000, but being divided only separates us versus making us one. We are all one Huntersville.

Commissioner Bergsman said first I wanted to wish everyone a happy Juneteenth. I will be out of town this weekend so I am going to miss the event at the Waymer Center, but I wanted to make sure the information was out there. I encourage everyone to attend the Juneteenth Celebration that will be happening on Sunday from 1 p.m. to 4 p.m. I also want to wish Huntersville a happy Pride Month and I want to send a special message of thanks to Crafty Beer Guys for hosting a pride celebration and fundraiser this past Saturday for Timeout Youth. It was great to see support for our LGBTQ+ youth here in Huntersville.

Mayor Pro Tem Hunt wished everyone a safe and happy 4th of July.

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

Approved this the 16th day of June 2024.