

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**September 7, 2021
6:00 p.m. – Huntersville Recreation Center**

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at Huntersville Recreation Center, 11836 Verhoeff Drive, at 5:15 p.m. on September 7, 2021.

GOVERNING BODY MEMBERS PRESENT: Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh. Mayor John Aneralla was not present.

Commissioner Bales served as Mayor Pro Tem in the Mayor's absence.

The Board discussed funding of non-profit organizations that had requested funding. *Refer to list of the non-profits attached hereto as Exhibit No. 1.*

It was the general consensus of the Board to fund the following organizations from the General Fund: Ada Jenkins at \$20,000; Angels and Sparrows at \$5,000; Caterpillar Ministries at \$15,000; and Hope House Foundation at \$10,000.

It was the general consensus of the Board to remove \$20,000 of funding for Historic Latta Plantation in the Tourism Fund.

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 Recreation Center, 11836 Verhoeff Drive, at 6:00 p.m. on September 7, 2021.

GOVERNING BODY MEMBERS PRESENT: Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh. Mayor Aneralla was not present.

Commissioner Bales served as Mayor Pro Tem in the Mayor's absence.

Mayor Pro Tem Bales called the meeting to order.

Mayor Pro Tem Bales called for a moment of silence to remember 9/11 and those who have fallen due to COVID.

Mayor Pro Tem Bales led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Pro Tem Bales

- The Field of Honor flag memorial is set up on the Town Center and Veterans Park lawns and will remain in place during the 20th anniversary of the 9/11 terrorist attacks. Encouraged every one to take time to remember.
- Lake Norman Economic Development Corporation is working 51 projects, 31 of which are in Huntersville. Microban International, headquartered here in Huntersville, was featured on the Charlotte Regional Business Alliance Podcast, The Charlotte Alliance Talks.
- Over the past 14 days, Huntersville has had the second highest positivity rate per zip code of COVID cases in Mecklenburg County.

Commissioner Boone

- Provided update from the Lake Norman Chamber of Commerce.
- Huntersville Fire Department is selling t-shirts to raise funds for Purple Heart Homes and The 22 Project.
- Huntersville Police Department has put their podcast back up with some new episodes.

Commissioner Hines

- Charlotte Regional Planning Transportation Organization met last month and approved the fiscally constrained roadway project list. The next meeting is next Wednesday.

Commissioner Munger

- Reflected on where he was on September 11.
- Tonight at 6:30 p.m. Habitat of Charlotte Region has information sessions going on.
- Huntersville Ordinances Advisory Board met this week.
- Consider supporting local non-profits.

Commissioner Phillips

- Reflected on where she was on September 11. Recognized Amy Hallman, who was in the audience, for keeping her high school students calm that day and also recognized Derek Partee who was actually at Ground Zero on that day.
- Provided update on Rural Hill events.
- Provided update on ocular melanoma. Those impacted in Huntersville and the Lake Norman area are encouraged to participate in the Vision Registry which unites patients, caregivers, researchers and physicians across the globe to share data, accelerate progress and advance towards a cure for ocular melanoma.
- Expressed appreciation to Animal Control Officer McCutcheon for his dedication in reuniting a family with their missing cat.

Commissioner Walsh

- Next meeting of the Public Art Commission is tomorrow evening.
- Next meeting of the Parks & Recreation Commission is September 15.
- Provided update from Visit Lake Norman.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Pro Tem introduced Kim Strickland, Huntersville's new Public Information Officer.

Roy Gargagliano, 14033 Salem Ridge Road, said the developer has been in contact with the Board and we've been talking to them and in general we think what they are doing is probably the best situation. In talking with some of your Planning people, it looks like they want to make a connection between the new development and a road that comes out from our main entrance with a light and we have some serious concerns about that because the road it connects to, you guys put in speed bumps because the speeding problem was so bad on that and we are just concerned that if you make this connection to another perfectly straight road, a little hilly but straight, that that's just going to extend the speeding problem there. I think there was some discussion with your Planning people about getting in speed bumps. We are just hoping to get that in the Board's mind and hopefully get that approved as part of the project long-term. I don't know if you are voting on that piece at all today, but that's really all I'm here to do and to discuss that and any other concerns. I don't know if it's allowed, but our Board President Craig Sandhaus is here and I would like to yield the rest of my time to him.

Craig Sandhaus, 11255 Skytop Drive. Tonia Crowell yield her time to Mr. Sandhaus. Mr. Sandhaus said I am the president of the HOA in Skybrook. Roy gave a perfect lead into what our concerns are. The project that we are talking about is Petition #R21-03 Billings Property, a request by Skybrook West. The Town of Huntersville would like that property to connect to Linksland Drive, which is in Huntersville and I was told that there's a good possibility that there would be some kind of speed mitigating device on that road to slow any potential problems that we have. I think it's important for the commission to know that the Board has hired five off-duty officers a week to patrol the Huntersville section and the Cabarrus section. We do have a speeding problem, which you all know because you helped us put speed tables in on Salem Ridge Road. The problem is the road that does not belong to Huntersville. It's on the Cabarrus side. Linksland Drive will connect to Skybrook Drive. That's in Cabarrus. And then the last time I spoke I mentioned how many speeding tickets were given in one day there. Yes, it would be nice to have speed tables or some kind of speed mitigating device if in fact that were to go through for Linksland, but what happens to Skybrook Drive. It just adds to an already difficult problem and makes it worse. I spoke to Mr. Peete today and he said maybe we could have the Town of Huntersville and the developer and/or the state work with us to put a speed table in on Skybrook Drive. Would the board be welcoming of that. We have to have definitives. We can't vote on something that's a maybe. If the Commission comes back and says we now have the developer and/or the Town of Huntersville willing to put in speed tables on the Cabarrus Road and we have permission from the State because the State is the municipality that owns that road, that's something the board would look favorably on and we could meet and discuss that carefully. I would like for you to please take some real consideration because any problem that you create, we have to deal with and we are greatly concerned about having a problem that will add another volume of traffic to an already difficult road.

Susan Gammon, 8912 Deerland Court, said I am here representing the Alexandriana Chapter of the Daughters of the American Revolution. If you don't know, DAR is one of the largest women's organizations in the world. Currently we have over 190,000 members and since the founding in 1890 we have welcomed over 1 million members. DAR is a lineage society whose members link themselves to a Revolutionary War patriot. DAR promotes historic preservation, education and patriotism. Under the Patriotism heading we are going to talk about Constitution Day and Week. President Eisenhower, upon the urging of DAR, signed into law that Constitution Day and Week would be celebrated from September 17 through 23. He signed this into law on August 2, 1956. I have a question for you, who were William Blunt, Richard Dobbs Speight and Hugh Williamson. They were the North Carolina delegates who signed the constitution at 4 p.m. on September 17, 1787. They had been meeting in Philadelphia with the other delegates since May 14. It was all very hush-hush behind closed doors, couldn't talk about what was going on in there. They debated, they discussed, they probably fought a little bit and finally after deciding how much power to allow the central government, how many representatives in congress to

allow each state and how these representatives should be elected, they emerged with a document that has stood the test of time for 234 years, the United States Constitution. With that in mind we ask you to join our chapter on the steps of Huntersville Town Hall on Constitution Day September 17 which is a Friday. The ceremony will begin at 4 p.m. so I suggest you get there a little bit ahead. I have been told by two people that instead of standing in front of Town Hall we should go around to the side because it would be more conducive not as much traffic. At 4 p.m. we are going to ring bells. Why are we going to ring bells, because that's the exact time that the delegates signed the constitution. When we get done ringing the bells we are going to present the Town of Huntersville with an American Flag that flew over DAR Constitution Hall in Washington, D.C. and then we are going to read the constitution out loud. If you have a copy bring it along. Follow along. If I don't have enough ladies show up I'm going to elect somebody from the audience and they can help me talk because I don't want to have to read it all by myself. Also, please come out on September 17. We've never done this before. We hope it turns out to be a success. If you are ever on Jeopardy and the question is what day is the only day you can see all pages of the constitution at the National Archives, the answer is Constitution Day, September 17.

AGENDA CHANGES

Commissioner Boone added to the Consent Agenda Item 10.L – Call a public hearing for Monday, October 4, 2021, at 6:00 p.m. at Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #TA21-12, an amendment to Article 14, the Traffic Impact Analysis.

Commissioner Bales revised Item 10.K to read “Call a public hearing for Monday, October 4, 2021, at 6:00 p.m. at Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #TA21-08, a request by the Town of Huntersville Planning Department to amend Article 8.25.4: S.W.I.M Buffers, Buffer Delineation, to require an on-site stream delineation by a certified professional for applicants seeking land development permits or property owners seeking to dispute buffer locations; amend Articles 8.17.12(a)(2) and 8.17.12(b)(1) to require surface water to be delineated by a certified professional; and amend Article 12.2.3 to require that perennial streams shall be delineated by a certified professional.

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

PUBLIC HEARINGS

Petition #R21-10. Mayor Pro Tem Bales called to order public hearing on Petition #R21-10, a conditional rezoning request by ADE 883, LLC, to rezone 10401 Hambright Road (Parcel 01740103) from Corporate Business to Corporate Business Conditional District to reduce the planting requirements of the 80' CB buffer.

Commissioner Walsh made a motion to continue the public hearing for Petition #R21-10 until October 4, 2021, at 6:00 p.m. to be held here at the Recreation Center.

Commissioner Boone seconded motion.

Motion carried unanimously.

Petition #TA21-07. Mayor Pro Tem Bales called to order public hearing on Petition #TA21-07, a request by Nick Lombardo on behalf of North American properties to amend Article 4: Shopfront Building, Architectural Standards of the Huntersville Zoning Ordinance, to allow shopfront buildings to use

decorative metal panels such as Aluminum Composite Material (ACM) panels as an accent or trim material.

Lauren Speight, Planner II, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 2.*

There are currently five commercial building types listed in Article 4, including shopfront buildings. Currently shopfront buildings are not allowed to have ACM or metal paneling. Urban workplace building types are allowed to have ACM paneling, but it's not allowed to exceed 30 percent of any façade visible from the street. Highway Commercial building types are similarly allowed to have metal paneling not to exceed 30 percent of any façade visible from the street. Apartment buildings are allowed to have two material types, with the heavier material on the bottom and of course the lighter on the top. Civic building types are not allowed to have metal paneling along any street front building face.

Currently the Town of Huntersville has some building types that have the ACM paneling such as the Whole Foods Market off of 73 and the Charlotte Metro Credit Union along 115.

The applicant is proposing similar language that is already included for other building types such as the Highway Commercial building type and the Urban Workplace building type. In the language proposed by the applicant they are proposing that the metal paneling is allowed for shopfront building types, not to exceed 30 percent of any façade visible from the street.

Considerations for this proposed text amendment are that it would allow greater flexibility in the materials allowed for shopfront buildings, it matches the current allowances for the metal accent material for Highway Commercial and the Urban Workplace building types.

The applicant, while they are connected with Birkdale Village, acknowledge that shopfront buildings are not unique to Birkdale Village only. They can be located in other areas of the town. We also recognize that there should be some type of compatibility with regards to the metal paneling with the surrounding architecture elsewhere. The applicant has already proposed limitations on the percentage of metal paneling allowed and the Planning Department does recommend this proposed text amendment as well.

There being no questions or comments, Mayor Pro Tem Bales closed the public hearing.

OTHER BUSINESS

Petition #R21-03 – Billings Property. Petition #R21-03, Billings Property, is a request by Skybrook West LLC to rezone +/- 21.04-acres north of Eastfield Road, just west of the Cabarrus County boundary, from Rural to Neighborhood Residential - Conditional District for a 47-lot subdivision; (Mecklenburg Co. Parcel: 02111116 & Cabarrus Co. Parcel 46703589660000).

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff Analysis attached hereto as Exhibit No. 3.* Just to bring you current to what has changed since last you've seen this and the Planning Board has taken action, I think everyone recalls the property is located on Eastfield Road at the extreme eastern boundary of our jurisdiction. In fact, it has a portion of a Cabarrus County property that was annexed into the Town.

None of the data points have changed. It's still 47 lots, single-family homes only, looking at a density of 2.23 units an acre. You can see the zoning that is in place now and the request is for Neighborhood Residential Conditional District for the 21-acre site.

One new item as was pointed out in previous Staff Reports, there are a number of lots along Eastfield Road highlighted in red at the bottom that are beyond a ¼ mile of the urban open space that is proposed for this development. It's probably around 100 or less feet, but it does exceed, and it's more than we would sort of say is compliant with that. The applicant is asking for an actual ordinance modification for those parcels. All the other items that were listed in the Staff Report have generally been modified or satisfied, with two other exceptions. The other modification request is the cell tower. It sits less than the 200' from the residential lot boundaries as the ordinance would prescribe, so the request is for 149' setback and staff's suggestion and the Planning Board's endorsement was that is fine as long as there is engineering documentation provided that the tower will implode upon itself and not sort of fall at its full height.

The last two items that in essence have not been modified for this plan is, as referenced in the public comment period, there was a recommendation only to connect to Linksland in the north and then 1998 illustrative masterplan for all of Skybrook it was envisioned that Linksland would connect down to the south. The applicant has not provided that connection through the plan, so just to be clear about that. There's a further suggestion by staff that is if that road is not to connect that the current situation at the end of Linksland is there's no turn around and so it was originally approved as a stub and that's why we don't see a turnaround. It is recommended that be cleaned up through this process.

Lastly, you can see on the edge along here in the green, that is just a suggested route to connect this subdivision to the amenity center to the east which is completely in Cabarrus County. My understanding is that you do not have to be a resident of Skybrook nor does being a resident of Skybrook automatically put you into the club. But it is an available amenity that I think it would be safe to say many of these residents would like to take advantage of. The suggestion of the green line is purely following the BMP access easement that is a requirement and will be in place and did not seem to obligate any additional land to make that connection and then Skybrook HOA owns the land to the east to be able to make that connection. But again, to be clear, that trail connection is a recommendation. The Linksland Drive and the turn-around are also recommendations and then you have the two modification requests.

That is the essence of the latest plan that's in front of you. Here is the full Planning Board motion. They did recommend approval by 7-2 vote. They were in favor of the cell tower modification as I requested. They did not act on the urban open space, the lots that were more than ¼ mile from the urban open space, because that was not part of the request. You can see their policy recommendations and again the Eastfield Road Small Area Plan provides the most support for this rezoning with this consistency to the adjoining Skybrook.

Commissioner Walsh said back when the masterplan for Skybrook was put together, there was supposed to be a connection from Linksland on down. The condition of that stub is kind of tough right now because it was designed as a stub-out. I'm wondering if you would be willing to work with staff to maybe get a turnaround put up in that area so that we kind of clean that up a little bit.

Scott Moore said we're happy to take a look at it. We're happy to work with staff and the HOA as well. The big thing to talk about here is all of this land that is around here is all owned by the Skybrook HOA and when we were talking about making this connection here at the public hearing, the reason we did

not do that is because the HOA at the time was not willing to sell us the land or to make that connection, so we weren't proposing any connection, but I'm happy to work with everyone to see what we can do. I just can't vouch for the HOA, where if any additional right-of-way were needed for a turnaround, I can't make that decision for them because it's land that's owned by the HOA.

Commissioner Walsh said I understand and I know Mr. Sandhaus is here, but you are willing to take care of that if we can get this HOA to allow you to do a turnaround type of thing there.

Mr. Moore said I would like to know what "take care of that" means, just to be clear.

Commissioner Walsh said we don't really need a turnaround for an 18-wheeler, but something, because it was designed as a stub street, some kind of little cul-de-sacish type of turn around. Normally, if we would be connecting that, we'd get that cleaned up and I kind of hate to leave the HOA with it.

Mr. Moore said I'm happy to work with them. As I was talking with David, in 1999 the staff actually approved it at the right-of-way and not the property line, which is kind of what the issue is that we are dealing with today. But if I could be a part of the solution, we will be happy to work with that.

Commissioner Walsh said the trail around the BMP.

Mr. Moore said that I would like to discuss because that portion right there, there's grading all the way up to tree save, so I'm happy to talk about that with David a little bit more. I don't know that we have an easement. More of that is across the lines of directly from the cell phone tower. These areas and this path right here will be the connection of where that will take place. It wasn't a matter of us not wanting to do that. I think that's a very simple change, if there's room to do it. What I didn't want to do, and as described at the public hearing, is to have to clear out all the trees that buffer the pond and the area just to put a path in. I didn't feel that was a really good use of that land. If we could work with that without having to clear out, because there is part of tree save, meeting requirements. I don't want to put ourselves in an issue where we are clearing out trees to make a path and then we now have issues with tree save. That was part of the reason why.

Mr. Peete said I can assure you that we are not casting aside other requirements of the ordinance. The buffer would have to be there, all the other elements. As I said, based upon if you go back a couple of slides to the site plan, it's difficult to see but under that green line is the access to the BMP's, which is a requirement of the ordinance. It's got to be at least 10' so it's plenty for a trail. And we are just following that to the storm water feature that's proposed. We don't disagree that we are not here to take away other requirements, but it feels like there is plenty of room to do it.

Commissioner Walsh said are you good with that.

Mr. Moore said the only other issue I would say is putting trails between two lots is not ideal because most people who close on homes don't want to be right next to a lot, but if it's a requirement and the only way that we can through to approve it, we will do what we can to make that work.

Commissioner Walsh made a motion in considering Petition #R21-03, a request by Skybrook West to rezone 21.04 acres north of Eastfield Road, the Town Board approves this rezoning as it is consistent with Policies LU 11.1, 11.2 and T 3.1 of the Huntersville 2040 Community Plan and specifically the Eastfield Road Small Area Plan. It is reasonable and in the public interest to approve this rezoning as it promotes street connectivity, safeguards the development on this parcel, and continues the look, feel

and flow of the existing and adjacent phase of Skybrook. The Town Board approves the applicant's request for the ordinance modification as it relates to the cell tower buffer of 149' instead of 200'. The Town Board also approves the ordinance modification to the lots not within ¼ mile of an urban open space, as it only looks to be about 80' more. This approval is contingent upon a trail from the cul-de-sac to the adjoining Skybrook amenity center being provided around the BMP or other path; creating a paved turn-around at the end of Linksland Drive, if approved by the homeowners association; and address all outstanding redline comments from staff.

Commissioner Hines seconded motion.

Motion carried unanimously.

Appointments to 2022 Downtown Plan Steering Committee. The Downtown Plan Steering Committee will be comprised of Huntersville residents, property owners and business owners. The committee will serve to provide oversight of the planning process involved in updating the Downtown Masterplan. Several non-voting ex officio members will serve as liaisons to other town boards and commissions. The project is expected to take about a year to complete and will be supported by Town staff and consultants. The project is identified as a priority in the 2040 Community Plan.

Commissioner Walsh made a motion to temporarily suspend Rule of Procedure 31 and take up Agenda Item 9.B.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Commissioner Walsh made a motion to nominate Bob Lemon, Charles Guignard, Cindy Trevisan, Don Gest, Doug Ferguson, Elaine Kerns, Elizabeth Rodriguez, Gatewood Campbell, Janelle Harris, Jessika Tucker, John Foster, Lee Hallman, Nate Bowman, Sarah McAulay, and Sean Flynn.

Commissioner Hines seconded motion.

Commissioner Bales said we had 64 applicants for a 15-member board and I just want to take a moment and thank every single one of you for your willingness to serve. It's a huge undertaking and it's one that will help our community move forward and work to revitalize the downtown area in Huntersville. Please if your name was not called out, I would encourage you to not despair and continue to apply for other opportunities to serve this wonderful community. The fact that 64 people threw their name into the hat for this committee amongst others, just shows how connected our community is to one another.

Motion carried unanimously.

Huntersville Ordinances Advisory Board Bylaws Revision. Emily Sloop, Town Attorney, said you all were provided a draft of the suggested edits. The edits primarily dealt with adding the conflict of interest rules from 160D-109. We also added language that would allow for subcommittees within the HOAB. There were a few other slight tweaks.

Commissioner Hines said with this, 1-2(B) says review concerns from residents and developers regarding Town planning processes and procedures as may be communicated to the HOAB by Planning

Department staff. The way I read that, if a resident has a complaint, are the HOAB board members allowed to communicate with them or are they not.

Ms. Sloop said they can communicate with them as long as it's not in violation of 160D-109. However, what was occurring is that residents were reaching out directly to HOAB staff and asking them to add items to the agenda. We would rather have them take up matters that come through the Planning Board so that we can document that and that we have a paper trail essentially. It's not to say that they cannot speak with them at all about concerns that they may have, but we want them to follow the proper channels as far as raising complaints. We do have an appeals process with regards to administrative appeals and as far as quasi-judicial matters as well, so we want to make sure that the proper channels are being followed and if it's for a proposed text amendment then we need to go through the application process and ensure that the application fee is being paid, that the application is being submitted, etc.

Commissioner Hines said so my understanding is when the board was originally created – you know, Planning Board, Town Board, Planning staff, as well as the HOAB could bring a matter up to discuss. I believe some language in here makes it unclear whether or not the HOAB board member can put something on the agenda. Can you talk to that.

Ms. Sloop said the HOAB Board could suggest that something be added to the agenda, however, if there's a conflict, they would need to recuse themselves. It really depends on what the matter is. Again, if it's a proposed text amendment from a citizen, that citizen should be paying the application fee and filing the application.

Commissioner Hines said so you are just cleaning the language up to basically say that if a HOAB board member has something they want to discuss, that they take it through the proper channels, speak directly to the Planning staff, Planning Board or the Town Board and get them to initiate the matter to the HOAB.

Ms. Sloop said as far as the planning process, we did leave in there language about if they saw something within the procedural process that they would like to make a suggestion with regards to and again procedural is different than a legislative matter, they could bring that up, but the goal here is to make sure that individual developers and individual citizens are taking their complaints to the Planning Department rather than going through the HOAB and asking that something unilaterally be added to the agenda without having a discussion with other HOAB members.

Commissioner Boone said it's my understanding that the Planning Director and the HOAB makes the agenda and if a HOAB member is talking to somebody in the community, that member can go to the chair or the Planning Director to have that item put on the agenda. Is that correct thinking there?

Ms. Sloop said it depends on the facts of that specific matter. If it is for a legislative change, meaning a proposed text amendment, they would need to go through the Planning Department.

Commissioner Boone said I'll give you an example of a case that the HOAB had a couple of years ago at Birkdale Village where the planting instructions for the buffer on the parking lots was supposed to start at 3'. That was the minimum amount that you could plant and hoping that it would grow to no higher than 6' and we changed that ordinance to read that it can't be any higher than 3' at maturity because of safety and that would not have come up in front of the HOAB unless the police officer had mentioned it to somebody that had had a problem in the parking lot and they knew somebody on the board and then

that was just brought in front of the Planning Director and it was put on the agenda. Is that how the process should work.

Ms. Sloop said we really shouldn't be doing that because we would want planning staff to review and research as well as legal stuff any proposed text amendments prior to them being added to an HOAB agenda and if the HOAB member adds the proposed text amendment to the agenda without first coming through planning and legal staff, that can cause unintended consequences.

Commissioner Boone said I guess my problem is that the wording of 1-2(B). I think it should be review concerns from residents and developers regarding Town planning processes and procedures as may be communicated to the HOAB and just period there. Take out "by the Planning Department staff."

Ms. Sloop said if that's what the Board prefers, we can make that edit through a motion. Again, the reasoning behind the edit was to avoid having developers and citizens ask that something unilaterally be added to the agenda, especially matters that were not pertaining to procedural processes but with regards to something that might affect something within the ordinance that would require a legislative process.

Commissioner Bales said I think what I heard was that by funneling all the communication through Planning staff that it allows the vetting of the process through not only Planning staff but also from a legal perspective prior to it getting to HOAB or along the journey.....like giving the heads up. And it also allows for additional documentation in case there was some sort of administrative appeal involved in case there was a court process involved. Again, it's hard to speak in blanket terms because it really would matter basically what the facts are of that particular situation. This is just tightening up.

Ms. Sloop said yes, correct. It also helps to avoid the appearance of bias even though bias may not be involved with the HOAB member adding something onto the agenda from a citizen or developer, but it does help reduce the appearance of bias even if bias is not involved and it also stems further potential for violation of 160D-109 which are the conflict rules for advisory boards.

Commissioner Hines said has this ever become.....I think what I'm hearing you say, has a resident just brought a text amendment directly to the HOAB board without it being vetted by Planning staff.

Ms. Sloop said we've had some instances recently where things were asked to be added to the agenda directly through an HOAB member, yes.

Commissioner Hines said up to that point, the staff had never seen any of these requests.

Ms. Sloop said to my knowledge I don't know what extent of conversations Planning staff had had, but it looked like the citizen had been emailing an HOAB member directly.

Commissioner Hines said I think we're trying to streamline the process not make it more burdensome, so that's the only thing that I'm wrestling with right now is....hopefully staff would.....staff is vetting this prior to.....it may be on the agenda but I know that the Planning staff is talking to the chairman and I'm assuming they've talked about it prior to the actual date of the meeting.

Ms. Sloop said I can't speak for Planning staff, but my understanding is that there was limited communication prior to asking for it to be added.

Commissioner Boone said I'm ready to make a motion but I'm still kind of like Commissioner Hines kind of wrestling 1.2(b) as far as somebody wanting to talk to somebody on the committee, but I'll leave that as is. I'd like to make a motion to approve the revised HOAB bylaws with two changes Section 3-1 change the following to read A Chairperson and Vice Chairperson shall be elected by all the voting members of the HOAB and Section 9-1 Subcommittees take out upon consensus of the Town Board. The remaining verbiage in Section 9-1 shall remain the same.

Commissioner Hines said Commissioner Boone can you restate the 9-1.

Commissioner Boone said 9.1 it's subcommittees under that section take out upon consensus of the Town Board. That means the Town Board has to appoint or approve all the subcommittees, no other town commissioner or board has to go through this, why we are letting HOAB have town approval it just seems like we're getting in their way to do their job and the same thing as far as the board members that can vote for the chair, we need to have those people vote for their chair and vice chair like we do every other committee in town.

Commissioner Hines seconded motion.

Commissioner Walsh said I would be in support of the committee 1. Whatever it was electing their own chair and vice chair however I still would like to see the Town Board, they are going to create subcommittees because it involves staff time and can be pretty intensive, I would like to still have approval of that. I don't know if you would consider amending your motion.

Ms. Sloop said just for clarification a consensus would not require to come to an official meeting for approval. You could give a consensus outside.

Commissioner Bales said I do have a question, does the Planning Board, I know in the past there was a time when I believe the Board approved like this any potential subcommittees.

Ms. Sloop said we did review the Planning Board Rules of Procedure, they are allowed to have subcommittees however it doesn't require a consensus of the Town Board.

Commissioner Boone said an example of that is when the Planning Board put together the Tree Save Committee on their own, took staff time and did not get approval from the Town Board. Why this one board has to have our approval so they can form a subcommittee to do their job to look into the ordinances.

Commissioner Phillips said on the flipside should we make it where Planning Board has to have our approval for a subcommittee and that way it's fair and then leave the Board of Adjustment as is because they are quasi-judicial and on their own.

Commissioner Walsh said I would be for tightening it up with the other ones too. Again, it's impacting staff and resources and I'm not saying they are doing it willy nilly but it is something to be considered. I have no problem going back to the other ones and cleaning it up but I would like this one to remain the way it is, but I agree with Commissioner Boone they should pick their own chair.

Commissioner Munger said I'm probably in agreement with Commissioner Boone's original amendments to 3.1 and 9.1

Motion carried 5 to 1, Commissioner Walsh opposed.

Refunding Installment Finance Contract. At staff's request, the Town Financial Advisor, Davenport & Company, LLC, distributed Requests for Proposals seeking to refinance the Town's Installment Financing Contract on the Police Station and limited obligation bonds. Six proposals were opened on August 25 and staff and the Financial advisor recommend refinancing this debt with the low bidder, Pinnacle Financial Partners. Over the remaining 10 years on these two pieces of debt, the Town expects to refinance at 1.250 percent and 1.139 percent, resulting in estimated savings of \$643,246.

Commissioner Munger made a motion to approve a resolution refunding an installment financing contract and calling for a public hearing on same for Monday, September 20, 2021 at 6 p.m. at Huntersville Recreation Center.

Commissioner Walsh seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

Findings of Fact Resolution – Introduce and Adopt Two Bond Orders. Commissioner Bales said this is the GO Refunding. At staff's request the Town's Financial Advisor, Davenport & Company, distributed requests for proposals seeking to refinance the Town's 2013 GO Bonds. Eight proposals were opened on August 25 and staff and the Financial Advisor recommend refinancing these GO bonds with the low bidder, Pinnacle Financial Partners. Over the remaining 12 years on this debt, the Town expects to refinance at 1.518 percent and 1.2 percent, resulting in an estimated savings of \$337,545.

Commissioner Munger made a motion to adopt a Findings of Fact Resolution and introduce and adopt two bond orders related to existing Town bonds.

Commissioner Hines seconded motion.

Motion carried unanimously.

Resolution and Bond Orders attached hereto as Exhibit No. 5.

CONSENT AGENDA

Approval of Minutes. Commissioner Hines made a motion to approve the minutes of the August 16, 2021 Regular Town Board Meeting. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution – Assignment of Land Development Bond. Commissioner Hines made a motion to accept the Assignment of Land Development Bond for North Lake Business Park. Commissioner Phillips seconded motion. Motion carried unanimously.

Assignment of Land Development Bond attached hereto as Exhibit No. 6.

Resolution – Donation Policy. Commissioner Hines made a motion to approve the Donation Policy. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 7.

Sidewalk Construction Agreement – AAC. Commissioner Hines made a motion to approve Sidewalk Construction Agreement with American Asset Corporation. Commissioner Phillips seconded motion. Motion carried unanimously.

Sidewalk Construction Agreement attached hereto as Exhibit No. 8.

Speed Limit Ordinances – Portion of Hambright Road. Commissioner Hines made a motion to adopt ordinance to repeal 45 mph speed limit on portion of Hambright Road and adopt ordinance enacting 45 mph speed limit on Hambright Road, east of McCoy Road and west of US 21. Commissioner Phillips seconded motion. Motion carried unanimously.

Ordinances attached hereto as Exhibit 9.

Resolution – Temporarily Close Town Maintained Road for Special Event. Commissioner Hines made a motion to adopt Resolution to temporarily close certain Town-maintained roads for a special event organized by the Town of Huntersville. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 10.

Resolution – Award Patterson Road Extension Project Contract. Commissioner Hines made a motion to adopt Resolution awarding contract for the Patterson Road Extension Project. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 11.

Resolution – 2022 Resurfacing Project. Commissioner Hines made a motion to adopt Resolution awarding the 2022 Resurfacing Project. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 12.

Budget Amendment – McDowell Creek Greenway. Commissioner Hines made a motion to approve budget amendment appropriating Fund Balance in the amount of \$1,000,000 in the General Fund and \$800,000 in the Tourism fund for the design associated with the McDowell Creek Greenway per the agreement. Commissioner Phillips seconded motion.

Call for Public Hearing – Petition #TA21-13. Commissioner Hines made a motion to call a public hearing for Monday, September 20, 2021 at 6:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #TA21-13, a request by Trinity Capital Advisors to amend Section 3.3.2 and possibly 8.25.10 allowing an impact to a PA-2 Mountain Island Lake Watershed Overlay District buffer in a Corporate Business Conditional District subject to mitigation.

Call for Public Hearing – Petition #TA21-12. Commissioner Hines made a motion to call a public hearing for Monday, October 4, 2021 at 6:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #TA21-12, an amendment to Article 14 Traffic Impact Analysis.

There being no further business, the meeting was adjourned.

Approved this the 20th day of September 2021.