

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**February 21, 2022
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:00 p.m. on February 21, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the pre-meeting to order.

Noise Ordinance. Emily Sloop, Town Attorney, presented PowerPoint summarizing the noise ordinances of surrounding jurisdictions and information related to decibel standards. *PowerPoint attached hereto as Exhibit No. 1.*

Chief Bence Hoyle reported on decibel testing the Police Department has done. Officers tested a decibel reader during a football game. They went to seven different intersections near the stadium to test the noise level. The average decibel level at the intersections was between 60-65 decibels, with the lowest result at 55 decibels and the highest of 75 decibels. It was not clear whether the higher results were from a spike in noise from the football game or from nearby ambient noise.

Ms. Sloop reviewed recommendations: (1) include exceptions for certain activities/businesses in the ordinance; (2) before implementing decibel standards, quantify estimated cost increases associated with implementing decibel standards; and (3) determine if implementing decibel standards will have the desired effect.

Commissioner Phillips said how many calls are you getting in a year over noise. I'm concerned maybe this is a solution looking for a problem.

Chief Hoyle said we don't get a lot of noise complaints. When we get them, it's usually about Community School of Davidson (CSD). We get a lot of noise complaints about CSD. We're not going to solve that problem. You can't write 1,000 spectators a ticket for screaming at a ballgame. The stadium is right on top of houses, and you are just not going to solve that problem. If you exempt sporting events and you exempt some of the business stuff that Emily has recommended, it will cut our noise complaints probably by 90 percent. The rest of our noise complaints involve barking dogs, people having parties and officers are not going to be able to use a decibel reader for that. We usually give one or two warnings before we write a ticket anyway. We don't have a lot of noise complaints other than those special event type complaints. There are times when we went out, not just that school but other locations, where there was an issue with the PA speaker being too loud. We met with them and got them to redirect their speakers downward toward the field and not have them so far up and that helped. A combination of speakers and bands and cheering crowds especially at a competitive

ballgame, it's not just a CSD problem. You can hear it at Hopewell, you can hear it everywhere. We're just not getting complaints from those locations. To answer your question, noise is not a big problem, but it's a consistent problem.

Commissioner Kidwell said what seven intersections were readings taken at.

Chief Hoyle said this is just around CSD. We also went down to Hopewell that same night. McIlwaine Road, we took some readings not at the school, too. We were trying to measure everything. Could hear announcements, 60 to 65 decibels. Beatties Ford and Bud Henderson, 70 decibels, light traffic, no noise from the stadium. Bud Henderson and Carrington Ridge 65 decibels, little to no noise heard. That would probably be a good ambient noise reading.

Commissioner Kidwell said I live in Carrington Ridge and I'm ¼ mile as the crow flies and I can hear them in my backyard while I'm playing music over the speaker.

Chief Hoyle said here's an example, in the parking lot of the stadium was a 70 to 75 decibel reading. No music, but could hear the cheering crowds, so that was without the PA. It's all point in time when you mash that button. Is the crowd cheering, are they not cheering. Is the band playing, are they not playing. On Beatties Ford Road it was 65, no noise from the stadium. We read 65 in the parking lot. I will say that night we didn't get any complaints from anybody. It was after we tilted the speakers. There's some more review to be done. Typically, an officer would go out there, and I can tell you it would be very difficult for an officer to enforce a noise ordinance on a ballgame. There's not a person responsible. You've got 1,000 people responsible for that noise and it's very difficult.

Commissioner Munger said the end of the game is usually the exciting, loud portion. Can you tell me approximately what time football games end.

Chief Hoyle said around 10:00 p.m., but it can be loud at the very beginning. That's when all the excitement is and it's usually consistent noise all the way through the game.

Commissioner Munger said I'm just thinking loud at 6:30 – 7:00 p.m., loud at 10:00 p.m. – 10:30 p.m.

Chief Hoyle said I think that's a point Emily made, we really need to think about timeframes.

Commissioner Munger said hypothetically if we talked about doing an exemption for sporting events such as this, is that just cap off, they hit 120, 130 decibels, all good.

Ms. Sloop said it depends on whether or not you set a decibel level for the exemption or whether or not just that particular activity is exempted. We have the ability to set parameters for the exemptions, it would just be whatever the Town Board wanted us to look at and consider.

Commissioner Boone said high school football games are a pretty exciting time in everybody's life. What I'm hearing is the guy that has worked all day comes home at 7:00 p.m. he's ready to go to bed about 9:00 p.m. and he was hearing the whole football game. I think the complaint I hear more than football games are the loud cars around town and especially at Birkdale Village. How do you handle something like that.

Chief Hoyle said we can cover it under our ordinances. We can write them tickets and things like that. The difficulty with that is they are mobile. They are moving. We've got to hear them, we've got to write them citations for that. That's more difficult.

Commissioner Boone said I don't want to have to see the officers wear something else on their toolbelt that has to measure decibels.

Chief Hoyle said we would probably have four of those, one assigned to each shift. There would be a little bit of maneuvering around to make sure the decibel reader gets to the location that's complained about.

Commissioner Partee said Saturday night lights and Friday night lights is part of our culture, football. The Community School of Davidson stadium, that's ground zero for all this debate right now. Prior to their inaugural football season and building of that stadium, how many complaints have we had in the past from other schools regarding noise from games or events.

Chief Hoyle said I asked staff that question, and I haven't looked it up. I haven't pulled the numbers, but they don't recall any other noise complaints from any sporting events.

Commissioner Kidwell said as we dive into this deeper as a Board, I've done research around the state on my own of what other municipalities are doing. *Refer to spreadsheet attached hereto as Exhibit No. 2.*

**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 February 21, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Commissioner Boone

- Fire Chief Jim Dotoli will make presentation to the Board under Public Comments.
- Huntersville 101 starts the first week in March.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.
- Provided update from the Huntersville Regional Chamber of Commerce.

Commissioner Kidwell

- The Charlotte Regional Transportation Planning Organization approved \$50 million to local projects, including over \$6 million in Huntersville.
- Veterans Service Officer will be at Town Hall on Wednesdays.

Commissioner Phillips

- Provided update from Visit Lake Norman.

Commissioner Partee

- Recognized Harriet Tubman as part of Black History Month.
- Toured the campuses of Lake Norman Charter Elementary, Middle and High School.
- Attended ribbon cutting at Rosedale Nature Park and Lowes Food Market.
- Attended Black History Month Forum at the Waymer Center.
- Greenway, Trail and Bikeway Commission met virtually on February 15.
- Spoke to the 7th grade Social Studies class at J. M. Alexander School.
- Commended the Huntersville Police Department Homicide Division for their outstanding investigative/solvability work.
- Huntersville Police Department offers free child safety gun locks.
- Consider supporting Cool Kids Clubhouse.

Commissioner Munger

- Next Huntersville Ordinances Advisory Board meeting is March 3.
- Attended the Black History Month event put on by BeeJay Caldwell.
- Attended the opening of the new Lowes grocery store.
- Consider supporting local non-profits.

Mayor Bales

- Next meeting of the Metropolitan Transit Commission is this Wednesday.
- Last Saturday the Town Board had a strategic planning session.
- Announced Mayor's Fitness Challenge.
- Participated in the Lake Norman Chamber of Commerce's Focus Friday.
- Attended ribbon cutting at Lowes Foods and Rosedale Nature Park.
- Announced upcoming Town Board retreat.

Mayor Bales requested staff reach out to Colonial Pipeline to request update on the gas spill.

Mayor Bales noted that an email was received this afternoon with a request that it be included in the public record of this meeting. It was my understanding we would not accept emails once we were back meeting in person.

It was the consensus of the Board to make an exception for this meeting and allow the email to be read into the record under Public Comments.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Fire Chief Jim Dotoli presented the Board with the Huntersville Fire Department's Strategic Operations and Budget Plan for July 1, 2022 to June 30, 2023. *Refer to Exhibit No. 3.*

Chief Dotoli reviewed their budget request for 2022-2023. *Refer to PowerPoint attached hereto as Exhibit No. 4.*

Mayor Bales introduced Ms. Pearlie Cureton-Thomas, who was present by phone.

Pearlie Cureton-Thomas discussed the Mount Olive Missionary Baptist Church's historic restoration project to turn an old farmhouse into an African-American Museum of Church History. *Refer to Exhibit No. 5.*

Mayor Bales proclaimed March 2022 as Irish American Heritage Month.

**Town of Huntersville
Proclamation**

Whereas, the Town of Huntersville is proud to be the home of citizens of Irish-American descent; and

Whereas, more than 30 million Americans are of Irish-American descent and since our nation's inception and throughout our history, brave men, women and children, longing for a better life and yearning for freedom and opportunity, made the journey to the United States in search of a better life; and

Whereas, Irish-American citizens have made significant economic and cultural contributions to our nation and their influences can be found in every walk of life.

Now, Therefore, I, Melinda Bales, Mayor of the Town of Huntersville, North Carolina, do hereby proclaim March 2022 as ***Irish-American Heritage Month*** in the Town of Huntersville and commend its observance to all citizens.

In Witness Whereof, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 21st day of February 2022.

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board. *Refer to written comments attached hereto as Exhibit No. 6.*

Crystal Silvas, 13925 Beatties Ford Road, said Community School of Davidson – I am back 3-1/2 months later. We haven't really made progress. Still nothing has been done about the noise. If this isn't done by fall, it's going to continue to be at least 30 decibels higher during a game at all of the surrounding properties. You can hear this miles away. The lights are still on usually five nights a week. We were told that they were fixed. This is not fixed. This is still a mile away and you are not supposed to be able to even read.....it's .1 footcandles. This is clearly well over 50, which is where you would read at. Nothing is being done. I have requested what the footcandles were prior to the fixing and after, and still haven't received them. I know that I'll receive them for afterwards after the engineer is done confirming, but we as a community would like to know what they were to begin with, especially now knowing and you will see the occupancy hold details. Our town knew about this February 2020. Nothing was done after it was found to not be in compliance, but it was signed off on March 25, 2020. All of these people have been dealing with this. It has been brought multiple times by multiple people in our community and nothing has been done until I brought physical pictures, despite the fact that our town knew. Further, this is a stadium. I have gone through all of our ordinances and I've given you the definitions right from our ordinances. This has permanent seating. It was allowed under Outdoor Recreation, which it also does not comply with because that is supposed to be operated with a commercial or membership basis, which it's not. This was allowed without any input from any of the surrounding communities when really it did not comply with the zone. I'm asking that you guys please get back with us. We understand there's nothing that can be done now as far as them being there, but they can bring their structure,

bring their games into compliance with our ordinance instead of just telling the cops to leave. *Hand-out attached hereto as Exhibit No. 7.*

Kim Strickland, Public Information Officer, read email from Gateway Campbell, 104 Interlaken Place, into the public record. *Refer to email attached hereto as Exhibit No. 8.*

AGENDA CHANGES

Commissioner Munger made a motion to adopt the agenda with no changes.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

None

CONSENT AGENDA

Approval of Minutes. Commissioner Kidwell made a motion to approve the minutes of the January 25, 2022 Special Town Board Meeting.

Commissioner Munger seconded motion.

Motion carried unanimously.

OTHER BUSINESS

Petition #SUP-21-06. Petition #SUP21-06 is a request by RSRV Power on behalf of Karen Butler of Parcel 01533303, to allow solar panels on the front roof slope of the home.

Mayor Bales said this is a quasi-judicial hearing on the application submitted for Special Use Permit #21-06, solar installation.

Quasi-judicial hearings are evidentiary in nature. Only parties with standing including the applicant, property owner, local government, and individuals who can show they will suffer special damages have the right to participate fully in the hearing. Special damages must be particularized, separate and distinct from damages to the public at large. Special damages are a fact specific inquiry. While proximity may bear weight in the determination of special damages, proximity in and of itself is insufficient to grant standing.

Parties may present evidence, call witnesses, and make legal arguments. Other individuals may, but are not required to, speak as a witness, however, they will not be allowed to participate fully as a party, such as by questioning other witnesses or by calling other persons to testify.

Witnesses must swear or affirm their testimony. General witness testimony is limited to facts, not personal preferences or opinions. Certain topics require expert witnesses including projections about impacts on property values and traffic impacts.

Individuals providing expert opinion testimony must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Mere conclusionary testimony lacking the foundation of the expert's opinion is insufficient to establish the existence or nonexistence of a fact or conclusion.

The Board must base quasi-judicial decisions upon competent material and substantive evidence in the record.

Competent evidence is evidence that is sufficiently trustworthy and reliable, and that is legally fit and acceptable for consideration by the Board. Speculative, irrelevant or vague evidence, non-expert opinions as to something that requires an expert, and non-expected hearsay evidence will likely not be competent evidence.

Material evidence is evidence that shows that the standards will or will not be met.

Evidence is substantial if it is relevant and regarded by a reasonable person as sufficient to support a specific conclusion. Speculation, unsubstantiated fears of the community, or vague assertions do not constitute substantial evidence. Quasi-judicial hearings are constrained by the standards in the ordinance and the facts presented.

Even though the Board may hear other evidence if it is not objected to, the Board should rely on competent, material, and substantial evidence in making its decision.

The Board will recognize the applicant as a party, as well as the property owners.

Is the applicant here?

The applicant was present.

Mayor Bales said are there other persons who believe they have standing to participate fully as a party?

There being none, do you intend to call witnesses this evening?

The Applicant said I do not.

Mayor Bales said the parties in this case are entitled to an impartial Board. A Board member may not participate in this hearing if she or he has a fixed opinion about the matter, a financial interest in the outcome of the matter, or a close relationship with an affected person. Does any Board member have any conflicts of interest to offer at tonight's meeting?

Seeing none, I'd like to call on Planning staff for the presentation of their staff report.

Mayor Bales swore in Nathan Farber and the Applicant.

Mayor Bales said to the Applicant, do you wish to speak or testify this evening.

The Applicant said if necessary.

Nathan Farber, Planner I, submitted the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 9.* This special use permit is a request to place solar panels on the front roof slope at 11913 Henderson Hill Road. Minor residential solar energy facilities facing a public street or common open space are allowed within the Rural district with the issuance of a special use permit.

Here's just a quick aerial overview of the property and then this is where the solar panels would be placed on the roof.

Planning staff recommends approval of the special use permit.

Mayor Bales said does the Board have any questions for the parties or witnesses.

Commissioner Kidwell said are we moving forward with becoming compliant with the state legislation so this does not have to come in front of us again?

Emily Sloop, Town Attorney, said yes, there's a proposed text amendment that's going to be on the HOAB agenda for March.

Commissioner Boone said I have a question for the applicant. Have you had any complaints from your HOA or any neighbors?

The Applicant said no, sir.

Commissioner Boone said can you please give me your name.

The Applicant said Justin Mikkelsen.

Mayor Bales said does the Board have any more questions for the parties before we move into deliberation?

Mayor Bales said hearing no additional questions or presentation of relevant facts, the Board will now begin deliberation. The evidentiary hearing remains open so that the Board may ask clarifying questions, if needed. As a reminder, this Board is tasked with deciding if, based on competent, material, substantive evidence presented at the hearing before this Board, this proposal meets the applicable standards.

If the applicant meets their burden of producing competent, material and substantial evidence that the standards in the ordinance will be met, the burden shifts to other parties. Since we have no other conflicting parties, we can move on. Is there a motion on the floor?

Commissioner Phillips made a motion in considering the Special Use Permit #SUP21-06, Solar Panels for 11913 Henderson Hill Road, we, the Town Board, find the request meets all the required criteria for granting a Special Use Permit for minor residential solar energy facilities facing a public street or common access space, as outlined in the Zoning Ordinance. The Town Board grants #SUP21-06 and the applicant has acknowledged that all required approvals and permits will be obtained. Staff will follow-up with the applicant to ensure all applicable permits are obtained. The solar energy facility will not be considered roof-top equipment and screening, or architectural standards are not required. The applicant has provided documentation stating that the solar panels have an anti-reflective coating as

such staff believes that the minor solar energy facility will not cause potentially injurious effect on adjacent properties or pedestrian and vehicular traffic.

Commissioner Munger seconded motion.

Ms. Sloop said can you refer to Part 8 at Page 5 of this. We do need to add on some language if you are adopting Staff's findings of fact for the standards to grant it. We just need to add that on.

Commissioner Phillips said the incorporate staff findings part?

Ms. Sloop said yes, if that's what you are basing it on.

Commissioner Phillips said do I have to re-read the whole thing.

Ms. Sloop said no, you can just add that you are incorporating staff's findings.

Commissioner Phillips said incorporate staff findings of fact the standards to grant SUP21-06, incorporate staff findings of fact numbers, specifically which one.....

Ms. Sloop said just A.

Commissioner Phillips said alright.

Mayor Bales said there is a motion on the floor. Do I have a second?

Commissioner Munger seconded motion.

Mayor Bales called for the vote to approve Petition #SUP21-06.

Motion carried unanimously.

Petition #R21-15. Petition #R21-15 is a request by TLO Properties LKN, to rezone 14520 Beatties Ford Road (Parcel #01540105) from the Rural – Conditional and Transitional Residential Districts to the Rural District.

Nathan Farber, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 10.*

Rezoning #R05-13 Nassar-Gordon consisted of a 60-lot residential subdivision on a total of 64 acres. At that time, the entire proposed subdivision consisted of two lots. The applicant is proposing a general rezoning to remove Rural Conditional District rezoning and Transitional Residential associated with the R05-13 Nassar Gordon rezoning so that the entire parcel will be zoned Rural. Because this is a General Rezoning, the application does not have a site plan or any conditions associated with the request. If approved, all uses allowed in the Rural district will be permitted as described in the ordinance.

Commissioner Boone made a motion in considering the proposed Rezoning Petition #R21-15, 14520 Beatties Ford Road, the Town Board finds the rezoning is consistent with the Huntersville Zoning Ordinance Articles 11.4.7d and 11.4.7e and the Huntersville 2040 Community Plan Policies LU-2.2, LU-3.1 as outlined in Part 4 of the Staff Report. It is reasonable and in the public interest to rezone this

property because the Rural zoning will be consistent with the character and uses adjacent to the subject property and the entire property will have one zoning district instead of three.

Commissioner Kovacs seconded motion.

Mayor Bales called for the vote to approve Petition #R21-15.

Motion carried unanimously.

Petition #TA21-14. Petition #TA21-14 is a request by the Huntersville Planning Department to amend the following articles of the Huntersville Subdivision Ordinance: Sections 2.100: Definitions; Section 6.300: Sketch Plan Required for Major Subdivisions; Section 6.310: Sketch Plan Not Required for Minor Subdivisions; and Section 6.520: Exceptions: When Preliminary Plan Not Required.

Brad Priest, Principal Planner, reviewed the Staff Report. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 11.*

This amendment will provide clarity regarding what is and is not considered a major subdivision. The way the Subdivision Ordinance currently reads, improvement to existing street right-of-way and extension of right-of-way easements for Charlotte Water are considered a major subdivision which requires approval by the Town Board and is a 3-month process. With this amendment, expansion of existing street right-of-way and Charlotte Water water/sewer utility easements will be considered a minor amendment requiring staff approval. The definition of a major subdivision will still include the creation of any new public street.

Staff is also proposing to condense the definition of a minor subdivision. Staff is proposing the definition of a minor subdivision simply state that if a subdivision does not meet the major subdivision definition or the exempt definition, then it is a minor subdivision.

The Subdivision Ordinance nor the Zoning Ordinance specifies the requirements for a Farmhouse Cluster Plan. The Zoning Ordinance currently states in Articles 3.2.1 (e)(11) and 3.2.2 (e)(11), "A Farmhouse Cluster requires an approved Farmhouse Cluster subdivision plan, according to the requirements of the Huntersville Subdivision Ordinance including approval by the Town Board and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat." However, the only reference to the Farmhouse Cluster plan in the Subdivision Ordinance is in the definition of a minor subdivision and the language still does not specify the required information for a Farmhouse Cluster plan. Farmhouse Clusters are generally not common submittals; however, in the past year there were three Farmhouse Clusters submitted for review. This brought to Staff's attention that the plan requirements for a Farmhouse Cluster need to be specified in the Subdivision Ordinance.

Staff recommends approval. The Huntersville Ordinances Advisory Board unanimously recommended approval on November 4. The Planning Board unanimously recommended approval on January 25.

Commissioner Boone made a motion in considering the proposed amendment TA21-14 to amend Section 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance, the Town Board recommends approval based on the amendment being consistent with Policies EV-1.4, LU-9, LU-9.2 and LU-10. It is reasonable and in the public interest to amend the Zoning Ordinance for the following reasons: (1) it cleans up the approval process while ensuring that items are addressed and

rules are met; (2) it establishes a proper path forward for farmhouse clusters that ensures all those processes and requirements are met; (3) it encourages in-fill development which often brings with it diverse housing options.

Commissioner Partee seconded motion.

Mayor Bales called for the vote to approve Petition #TA21-14.

Motion carried unanimously.

Petition #R20-04. Petition #R20-04 is a request by Palillo Holdings, LLC to revise the phasing to committed road improvements for Statesville Road Mixed Use Rezoning #R20-04.

Stephen Trott, Director of Engineering, reviewed the request. *Refer to Staff Report and Staff PowerPoint attached hereto as Exhibit No. 12.* The applicant, Palillo Holdings, LLC is requesting to add a phase or subphase (going from two phases to three phases) for the TIA improvements approved as part of #R20-04 Statesville Road Mixed Use.

Engineering and Planning staff have reviewed the TIA Revision submittal and determined that it is consistent with the requirements of Article 14 of the Zoning Ordinance (it is mitigating what must be mitigated for each cumulative phase).

Commissioner Boone made a motion in considering Petition #R20-04, Statesville Road Mixed-use Rezoning, the Town Board approves the Palillo Holdings LLC request to add Phase 3 to the TIA requirements approved as part of #R20-04 Statesville Road Mixed Use Rezoning. The Town's Engineering and Planning Departments have reviewed the TIA revised submittal and determined that it's consistent with the requirements of Article 14 of the Zoning Ordinance.

Commissioner Kidwell seconded motion.

Mayor Bales called for the vote to approve Petition #R20-04.

Motion carried unanimously.

Resolution – Waive Rights for City of Concord Annexation. The Town received a notice from the City of Concord of their intent to annex lands owned by Larry Stinson and Myra Stinson. The Town's annexation agreement with the City of Concord requires the Town Board to waive its right to annex properties within the Town's area of consideration after receiving notice of annexation by another municipality.

Commissioner Kovacs made a motion to adopt a Resolution to waive rights for the City of Concord to annex lands owned by Larry Stinson and Myra Stinson.

Commissioner Munger seconded motion.

Mayor Bales called for the vote to adopt Resolution to waive rights for the City of Concord to annex lands owned by Larry Stinson and Myra Stinson.

Mayor Bales called for the vote to adopt Resolution.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 13.

Two Pole Building – Seagle Street. This project includes two pole buildings that will be built at the Seagle Complex. One building will serve the Police Department's storage needs and workspace and the other building will serve the Parks & Recreation Department's storage needs and workspace. The Police Building will be a five-bay building (2,520 sq ft.) with two bays being enclosed. The Parks & Recreation Building will be a six-bay building (3,024 sq. ft.) with three bays being enclosed.

Commissioner Boone made a motion to adopt Resolution and Construction Contract with DanForth Construction Group LLC to construct a Two Pole Building at Seagle Street in the amount of \$438,490 which will come from Fund Balance funds approved for FY22 that has been budgeted.

Commissioner Munger seconded motion.

Mayor Bales called for the vote to adopt Resolution.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 14.

North Meck Park Synthetic Turf Agreement – Carolina Miners Lacrosse. This synthetic turf agreement with the Carolina Miners Lacrosse will give them priority usage on one of the two soccer fields at North Mecklenburg Park. Carolina Miners Lacrosse would pay between \$73,800 per year to \$90,200 per year pending final cost (82 percent of the overall cost). This agreement is for 10 years. The Parks & Recreation Commission unanimously approved this agreement at their December 15 meeting. The yearly maintenance savings per field per year is estimated at \$20,000 to \$25,000 or \$200,000 to \$250,000 over the length of the 10-year agreement.

Commissioner Phillips made a motion to approve the North Mecklenburg Park Synthetic Turf Agreement with Carolina Miners Lacrosse.

Commissioner Boone seconded motion.

Commissioner Kidwell expressed concern that by approving this item and the next item on the agenda we are setting the tone that we only have one soccer club for the Town of Huntersville and no one else can come forward. I can't approve this agreement on that idea.

Mayor Bales called for the vote to approve North Meck Park Synthetic Turf Agreement with Carolina Miners Lacrosse.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Agreement attached hereto as Exhibit No. 15.

North Meck Park Synthetic Turf Agreement – Charlotte Independence. This synthetic turf agreement with the Charlotte Independence Soccer Club (CISC) will give them priority usage on one of the two soccer fields at North Mecklenburg Park. CISC would pay between \$73,800 per year to \$90,200 per year pending final cost (82 percent of the overall cost). This agreement is for 10 years. The Parks & Recreation Commission unanimously approved this agreement at their December 15 meeting. The yearly maintenance savings per field per year is estimated at \$20,000 to \$25,000 or \$200,000 to \$250,000 over the length of the 10-year agreement.

Commissioner Partee made a motion in consideration of North Mecklenburg Park Turf Agreement with the Charlotte Independence Soccer Club, the Town Board recommends approval of the field use in the Turf Agreement contract.

Commissioner Phillips seconded motion.

Commissioner Munger asked if there were any other field locations within Huntersville that provide opportunities for soccer clubs other than Charlotte Independence to practice and play.

Mr. Jaycocks listed Waymer Park, Huntersville Athletic Park and all of our school joint use agreements (Alexander Middle, Bradley Middle) as options. If Independence does not use fields, Lacrosse tournaments, flag football tournaments and other rentals use those fields.

Mayor Bales called for the vote to approve North Mecklenburg Park Turf Agreement with the Charlotte Independence Soccer Club.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Agreement attached hereto as Exhibit No. 16.

Purchase Agreement – 105 N. Maxwell Street. The Town has received an Agreement for Purchase and Sale of Improved Real Property from Jeffrey D. Howard, Trustee of the Jeffrey D. Howard Revocable Trust and Michael and Evan Athanas, as sellers, for the purchase of 105 N. Maxwell Street, Huntersville, NC. If the Board moves forward, the closing will be 60 days from February 21. The reason for purchasing this property is to meet the need in the 2006 Downtown Master Plan and also for potential Town Hall expansion.

Commissioner Kovacs made a motion to approve the Agreement for Purchase of Real Property at 105 N. Maxwell Street.

Commissioner Partee seconded motion.

Mayor Bales called for the vote to approve the Agreement.

Motion carried unanimously.

Agreement for Purchase and Sale attached hereto as Exhibit No. 17.

Audit Contract. Staff recommends that we re-engage Martin Starnes & Associates for the 2021-2022 Financial Audit. The contract has increased 5 percent due to new standards such as GASB 87 for Lease

accounting. In addition, there is a \$3,500 fee associated with the Single Audit for additional testing due to Uniform Guidance associated with the Federal programs.

Commissioner Munger made a motion to approve the contract to re-engage Martin Starnes & Associates for the 2021-2022 Financial Audit.

Commissioner Kidwell seconded motion.

Mayor Bales called for the vote to approve Audit Contract.

Motion carried unanimously.

Contract attached hereto as Exhibit No. 18.

HOAB Appointments. Four individuals need to be appointed to the Huntersville Ordinances Advisory Board.

Mayor Bales called for nominations.

Commissioner Boone nominated Matt Jones, Jacob Palillo, Joseph Kluttz, Amy Hallman.
Commissioner Kovacs nominated Matt Jones, Amy Hallman, Harrison Whitaker, Edward Montague.
Commissioner Kidwell nominated Matt Jones, Amy Hallman, Bianca Marple, Christopher Price.
Commissioner Phillips nominated Matt Jones, Amy Hallman, Joseph Kluttz, Jacob Palillo.
Commissioner Partee nominated Matt Jones, Amy Hallman, Joseph Kluttz, Harrison Whitaker.
Commissioner Munger nominated Matt Jones, Edward Montague, Jacob Palillo, Harrison Whitaker.

Matt Jones received six nominations and Amy Hallman received five nominations.

There was the three-way tie between Joseph Kluttz, Jacob Palillo and Harrison Whitaker. Mayor Bales called for nominations of two names from those three.

Commissioner Boone nominated Joseph Kluttz and Jacob Palillo.
Commissioner Kovacs nominated Joseph Kluttz and Harrison Whitaker.
Commissioner Kidwell nominated Joseph Kluttz and Harrison Whitaker.
Commissioner Phillips nominated Jacob Palillo and Joseph Kluttz.
Commissioner Partee nominated Joseph Kluttz and Harrison Whitaker
Commissioner Munger nominated Jacob Palillo and Harrison Whitaker.

Joseph Kluttz received five nominations and Harrison Whitaker received four nominations.

Commissioner Partee made a motion to appoint Matt Jones, Amy Hallman, Joseph Kluttz and Harrison Whitaker to the Huntersville Ordinances Advisory Board.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Planning Board Appointment. The Planning Board seat filled by Jennifer Davis is now vacant with a partial term remaining through June 30, 2024.

Mayor Bales called for nominations.

Commissioner Munger nominated Jay Henson.
Commissioner Partee nominated Vincent Flowers.
Commissioner Phillips nominated Jay Henson.
Commissioner Kidwell nominated William Haigler.
Commissioner Kovacs nominated Patrick Thomas.
Commissioner Boone nominated Jay Henson.

Commissioner Phillips made a motion to appoint Jay Henson to the Huntersville Planning Board effective through the remaining term of June 30, 2024.

Commissioner Munger seconded motion.

Motion carried unanimously.

Amend Huntersville Board of Commissioners Rules of Procedures. Commissioner Kidwell made a motion to amend the Town of Huntersville Board of Commissioners Rules of Procedures Rule 6, to amend the order of the agenda and would like to break up Commissioner Reports and Staff Questions.

Commissioner Phillips seconded motion.

Commissioner Kidwell expressed appreciation to fellow Board members for working on a compromise to bring more transparency to the process.

Commissioner Munger expressed concern about moving Commissioner Reports to the end. I'm not going to be opposed to this, but want us to keep an open mind at the possibility of moving the reports back up at a later date.

Commissioner Phillips indicated she requested the reports be moved to the end out of respect for citizens' time. I think it's a good opportunity for us to start inviting the people who we sit on the committees with to come do the presentations themselves.

Mayor Bales called for the vote to approve amending the Town of Huntersville Board of Commissioners Rules of Procedure, Rule 6 – Order of Business.

Motion carried unanimously

Amended Rules of Procedure attached hereto as Exhibit No. 19.

Call for Public Hearing – Historic Designation “Huntersville School #2.” Commissioner Phillips made a motion to call a public hearing for Monday, March 21, 2022 at 6:00 p.m. at Huntersville Town Hall on the question of designating as a historic landmark the property known as the “Huntersville School #2” also known as the Dellwood Center (including the exterior of the building and the approximately 2.787 acres of land listed under tax parcel 01908102 in the Mecklenburg County Tax Office) located at 508 Dellwood Drive.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

CLOSING COMMENTS

Mayor Bales commended the Board for their work this evening.

There being no further business, the meeting was adjourned.

Approved this the 4th day of April 2022.