



BOARD OF COMMISSIONERS

June 6, 2022
MINUTES

PRE-MEETING – 4:30PM

❖ Agenda Review

Manager Grant gave an overview of the 6PM agenda.

❖ Closed Session

Mayor Washam called for a motion to go into Closed Session.

Commissioner Bilodeau made a motion to go into Closed Session pursuant to NCGS 143-318.11(a)(3) at 4:44PM. Commissioner Furcht seconded the motion and it passed unanimously, 5-0. Commissioner Gilroy joined via Zoom.

Upon return from Closed Session at 5:11PM, the Board continued with the Pre-meeting topics.

❖ Bailey's Glen Condos Agreement for Park Amenities

Deputy Manager Herron gave an overview of the Bailey's Glen condos rezoning that was approved December 14, 2014. The rezoning approved 132 condominium units, 220 parking spaces, a pool, and other amenities with conditions. He outlined condition 5a regarding future amenities at Bailey Road Park to be constructed, bonded or a payment in lieu provided prior to the construction document approval, and condition 5d to remove the public street connection between the development and the park but retain the multi-use pedestrian connection. Deputy Manager Herron explained that the applicant claims that he had an agreement with the Town to provide \$250K payment in lieu of for Condition 5a; however, current staff does not know how that agreement originated. Staff has requested detail of all costs incurred by the applicant with regards to engineering services. The applicant has agreed to construct the multi-purpose path, but it will not be built to handle emergency traffic and staff has agreed with the applicant on this amendment due to the existing road network and the excessive clearing and grading that would occur in the park.

Deputy Manager Herron asked the Board if the \$250K payment in lieu was an acceptable term to negotiate for Condition 5a and if the multi-purpose path could be constructed without accommodating emergency vehicles. The Board consensus was to allow the amendment to Condition 5d and directed staff to have further conversations with the developer and attempt to locate documentation that validates the developer's stance.

❖ FY2023 Budget Update

Manager Grant updated the Board on the FY23 recommended \$33.1M budget with a 23.2 cents per \$100 assessed value tax rate and highlighted the items of particular importance.

❖ NCDOT Projects Status Discussion

Deputy Manager Herron provided an update on new cost estimates received from NCDOT for various transportation projects that will impact the Town. He stated that staff does not recommend moving forward with project U-5906 (Torrence Chapel triple roundabouts) and have it rescored in the future (P8.0).

Commissioner Bilodeau stated that during conversations at CRTPO there has been a lot of talk about negotiating with NCDOT for top priority projects if other projects were foregone. In speaking with Rep. Bradford, there's not a lot of hope for IJA funds but there is \$7B sitting in a state fund that could be made available to help cover the gap funding for transportation projects.

Mayor Washam stated he has heard from Sen. Sawyer that the legislation to supplement the Highway Trust Fund is real and will most likely happen to divert a percentage of the sales tax over to the Highway Trust Fund as the current formula is unsustainable.

Commissioner Osborne asked what the penalty was for pulling out of the project later. Deputy Manager Herron explained that if the Town commits right now then it is on the hook for whatever is spent to pulling the plug, which could result in paying several million.

The Board consensus is to withdraw from NCDOT Municipal Agreement which will limit Cornelius' financial exposure.

REGULAR MEETING – 6:00PM

1. CALL TO ORDER

Mayor Washam called the meeting to order at 6:10PM.

2. DETERMINATION OF QUORUM

All commissioners were present with the exception of Commissioner Gilroy who joined via Zoom.

3. APPROVAL OF AGENDA

*Commissioner Osborne made a motion to approve the agenda as presented.
Commissioner Furcht seconded the motion and it passed unanimously, 5-0.*

4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Don Rainey led the pledge after a moment of silence was observed.

5. RULES FOR PUBLIC HEARINGS AND PUBLIC COMMENTS

A. Adopted Rules

Mayor Washam gave an overview of the adopted rules for public hearings and public comments.

6. CITIZEN CONCERNS/COMMENTS

Terry Maher – 10065 Switchyard Drive, thanked everyone who supported the Boesmillier Family fundraiser held on May 22nd at Eleven Lakes Brewery. He spoke about Senate Bill 779 sponsored by Sen. Natasha Marcus to appropriate \$150K to the Nicholas School

of the Environment at Duke University to study the potential causes of and solutions for abating ocular melanoma in northern Mecklenburg County and urged the Board to support the Bill and consider matching the funding.

Dawne Kakitsis – 21226 Norman Shores Drive, expressed her support for the Smithville Revitalization Plan and the Town’s funding support it has pledged.

7. PRESENTATIONS

A. Officer Recognition

Manager Grant introduced Officer Jessica Fail who joined the Cornelius Police Department on May 16, 2022.

B. Top Deck – UTV

Don Rainey with Top Deck Foundation and Brad Keselowski with Checkered Flag Foundation presented their UTV contribution to the Cornelius Police Department. Chief Black thanked the foundations for their support for the police department.

8. PUBLIC HEARING AND CONSIDERATION OF APPROVAL

A. FY2023 Operating Budget and Tax Rate

Mayor Washam called for a motion to reconvene the FY23 Budget public hearing.

Commissioner Furcht made a motion to reconvene the public hearing. Commissioner Sansbury seconded the motion and it passed unanimously, 5-0.

Manager Grant gave an overview of the ARP and budget survey results received to date, as well as a brief overview of his FY23 recommended \$33.1M budget with a 23.2 cent per \$100 assessed value tax rate and highlighted the items of particular importance.

Mayor Washam invited the public to speak, and the following comments were made:

Lin Snowa – 9133 Robbins Preserve Road, expressed his support of the FY23 operating budget and tax rate as presented by Manager Grant.

There being no further public comments, Mayor Washam called for a motion to close the public hearing.

Commissioner Bilodeau made a motion to close the public hearing. Commissioner Furcht seconded the motion and it passed unanimously, 5-0.

Commissioner Furcht stated that the Board has spent a lot of time discussing the budget over the past several months, received feedback from the community, and the process has not been taken lightly. He supports the recommended budget that takes care of fire, police, town employees, roads, and parks.

Commissioner Sansbury stated that the budget process has been an interesting journey for each commissioner. The recent survey results shows the majority of respondents prefer to pay for projects upfront and the FY23 budget shows that the

Town is being proactive in its budgetary planning for what's coming in the future. He supports the FY23 budget and tax rate as presented.

Commissioner Osborne referenced the survey results and preparing to pay for the projects that the Town has already committed to. The longer the Town waits to pay for projects, the more expensive those project costs become. The 20% increase in salaries, although it's a big increase, still does not catch up with our neighboring towns. He supports the FY23 budget and tax rate as presented.

Commissioner Bilodeau thanked staff for putting together a good budget and his fellow commissioners and citizens for their input; however, he does not support the 1 cent tax increase. He stated that he likes the budget but does not believe that enough has gone in for police and fire and believes the fund balance contributions over the last 4 years (\$15M) should be used instead of raising taxes during a time when gas prices are soaring, and inflation is at an all-time high.

Commissioner Gilroy thanked the management team for their efforts in preparing the budget, agreed with Commissioner Bilodeau's comments, and stated that he will not be in support of the proposed budget. The spending increases in one year go beyond what a disciplined financial management requires as fiduciaries. He represents the average taxpayer in a very tough year as they struggle with inflation, therefore, a tax increase is not necessary.

Mayor Washam thanked staff for a stellar year in the budget process with a new Board that took the process very seriously and truly wanted to listen to the citizens. No one likes tax increases; however, this stuff is not free and there's a long way to go in getting the Town in a place that the community deserves. It is time to prepare for what is coming in capital needs even with an unknown economy and inflation out of control, therefore, he supports the proposed FY23 budget and tax rate.

Commissioner Furcht made a motion to approve Ordinance #2022-00791 establishing the FY2023 operating budget and setting the tax rate at 23.2 cents per \$100 assessed value. Commissioner Osborne seconded the motion and it passed 3-2, Commissioners Bilodeau and Gilroy were opposed.

Ordinance #2022-00791 is hereby made part of the minutes by reference.

9. CONSIDERATION OF APPROVAL

A. FY2023 Operating Budget Amendment

Finance Director Niswonger gave an overview of the budget amendment allocating \$25K to the Ada Jenkins Center.

Attorney Wolter stated that Commissioner Gilroy is recused from this item as he is a board member on the Ada Jenkins Board and should not vote.

Commissioner Sansbury made a motion to approve Ordinance #2022-00792 to amend the FY2023 operating budget as presented. Commissioner Furcht seconded the motion and it passed 3-1, Commissioner Bilodeau was opposed.

Ordinance #2022-00792 is hereby made part of the minutes by reference.

B. ARP/CSLFRF Grant Project Ordinance Amendment

Finance Director Niswonger gave an overview of the project ordinance amendment to transfer the \$4,821,414 from the Grant Project Fund to the General Fund.

Commissioner Osborne made a motion to approve Ordinance 2022-00793 amending the ARP/CSLFRF Grant Project Ordinance as presented. Commissioner Sansbury seconded the motion and it passed unanimously, 5-0.

Ordinance #2022-00793 is hereby made part of the minutes by reference.

C. Offer to Purchase Contract – Town Property

Deputy Manager Herron gave an overview of the \$8K offer to purchase made by Robinson Lewis Properties LLC, for +/- 3,500sqft. of town-owned land located at 18936 Statesville Road so that they can expand their business parking at 18820 Statesville Road. He outlined the upset bid process that will take place as part of the process.

Commissioner Bilodeau made a motion to approve Resolution #2022-01057 accepting the offer to purchase and start the upset bid process. Commissioner Sansbury seconded the motion and it passed unanimously, 5-0.

Resolution #2022-01057 is hereby made part of the minutes by reference.

D. Street Acceptance – Bailey Springs

Asst. Manager Beardsley gave an overview of the street acceptance request for Potts Plantation Circle in Bailey Springs along with staff conditions to consider.

Commissioner Bilodeau asked if TAB has made a recommendation. Deputy Manager Herron explained that the conditions had not been developed prior to the TAB meeting; however, TAB recommended approving the street acceptance and supported whatever conditions staff came up with. Asst. Manager Beardsley stated that the HOA's reasoning for the speed bumps is related to the Hough High School traffic in their neighborhood.

Commissioner Furcht asked if there was a precedent being set for communities installing speed bumps of their own and then asking the Town to accept their streets. Asst. Manager Beardsley stated that in his 12-years with the Town no community has installed speed bumps on their own.

Commissioner Sansbury asked if the HOA has agreed to the staff conditions. Asst. Manager Beardsley stated that they have agreed to the conditions.

Mayor Washam called for a motion to approve a Resolution accepting Potts Plantation Circle in Baileys Spring with the presented conditions. There being no motion, Commissioner Bilodeau recommended an amended motion to approve the

street acceptance without the staff conditions. There being no second, the motion failed.

Commissioner Sansbury asked if there was an option of removing the speed bumps for the street to be accepted. Asst. Manager Beardsley stated that is possible but it most likely will cost more to remove them than maintain them. Commissioner Bilodeau stated that all but one neighbor was in favor of keeping the speed bumps. Manager Grant stated that staff sympathizes with the neighborhood's reasoning for installing the speed bumps but allowing this street acceptance will set a precedence. Manager Grant stated that staff cannot recommend acceptance since it is not compliant with Town policies. Attorney Wolter added that if the Board chooses to accept the street with the speed bumps, the Town can also choose to remove them at the time of which the street would need repairs.

Commissioner Furcht stated that he will only support the street acceptance if the speed bumps were removed before the vote.

Commissioner Sansbury made a motion to approve Resolution #2022-01058 accepting Potts Plantation Circle with staff conditions as presented. Commissioner Bilodeau seconded the motion and it passed 3-2, Commissioners Furcht and Osborne were opposed.

Resolution #2022-01058 is hereby made part of the minutes by reference.

E. Award Installment Financing

Finance Director Niswonger gave an overview of the bid process to finance construction of 3 parking lots that were approved in the FY22 budget. The response from Truist Bank is the low bid for a 3-year term at 2.86% with no prepayment penalty.

Commissioner Furcht made a motion to approve Resolution #2022-01059 authorizing the financing terms presented and authorizing the Town Manager, Attorney and Finance Director to finalize the terms and conditions. Commissioner Osborne seconded the motion and it passed unanimously, 5-0.

Resolution #2022-01059 is hereby made part of the minutes by reference.

10. NEW BUSINESS

A. Temporary Sign Regulation and Policy

Deputy Manager Herron gave an overview of the Town regulations and policy for temporary signs that are allowed due to hardship created by the pandemic. The consensus of the Board is to allow the temporary signs at least through 2022, and to reassess this fall if an extension is warranted. Commissioner Sansbury asked if the "flipper" signs were permitted. Deputy Manager Herron stated that they are not allowed. Commissioner Gilroy asked if the Town is ever going to crack down on the "For Lease" signs that have become permanent in many areas throughout Town. Deputy Manager Herron explained that they are allowed by the *Code* and staff does follow up with the commercial building owners to ensure that space is still available.

If there is nothing available, the signs are to be removed. Deputy Manager Herron stated that LDCAB can take another look at these types of signs.

11. CONSENT AGENDA

- A. Approve Minutes – Special Meeting – Mar. 30th (Budget Workshop) (Approved 5-0)
- B. Approve Minutes – Closed Session – Mar. 31st (Budget Workshop) (Approved 5-0)
- C. Approve Minutes – Regular Meeting – May 16th (Approved 5-0)

*Commissioner Furcht made a motion to approve the Consent Agenda as presented.
Commissioner Osborne seconded the motion and it passed unanimously, 5-0.*

12. MAYOR/COMMISSIONER/MANAGER REPORTS

Commissioner Bilodeau reported on the following:

- CRTPO has growing concerns of NCDOT's \$8B shortfall on their commitments. He encouraged the Board to look at all the Town's projects that are competing against others around the state and inform NCDOT of the Town's absolute first priority, which he suggested as Exit 27 as the top priority followed by West Catawba Avenue, Phase 2.

Commissioner Sansbury reported on the following:

- Attended the Memorial Day celebration and thanked staff for their efforts.
- Encouraged citizens to participate in the monthly Connecting Cornelius morning events.
- Encouraged citizens to use the Town's website as an information tool.

Commissioner Furcht reported on the following:

- Parks & Recreation will hold adult movie night on June 11th at Smithville Park featuring The Breakfast Club. Dress as your favorite movie character.
- Symphony in the Park will be held on June 18th at Bailey Road Park (6PM-10PM).
- VLN updates – Nick Jelliff and Taylor Perry recently joined the VLN team as summer interns. The USTA NC 18+ tennis championships will be held June 16th-19th at various courts in the area (1,000 tennis players will be competing).

Manager Grant reported on the following:

- ARPA survey #2 will be open until the end of June and three in-person sessions will be held so residents can receive assistance with paper copies of the survey: June 7th – First Baptist Church (9:30AM-12:30PM); June 13th – First Baptist Church (6:00PM-7:30PM); and June 23rd – Neighborhood Care Center (11:30AM-2:30PM).
- Smithville Revitalization Plan – a public meeting will be held on June 7th in the Community Room of Town Hall (5:00PM-7:00PM).
- Outdoor Cinema Series – Adult night on June 11th at Smithville Park (6:30PM) featuring The Breakfast Club.
- Symphony in the Park and fireworks will be held on June 18th (6PM-10PM).
- Connecting Cornelius – July events have been cancelled. The next morning event will be on Aug. 1st (8:30AM) at H2 Public House.

Mayor Washam reported on the following:

- Attended Jazz Fest and the Little Library dedication on May 21st.
- Attended the LNEDEC meeting featuring Sen. Thom Tillis.

13. COMMISSIONER CONCERNS

No concerns were expressed.

14. ADJOURNMENT

There being no further business to discuss, Commissioner Bilodeau made a motion to adjourn at 7:52PM. Commissioner Osborne seconded the motion and it passed unanimously, 5-0.

Approved this 20th day of June 2022.

ATTEST:

David Gilroy, Mayor Pro-Tem

Lori A. Harrell, Town Clerk