



## BOARD OF COMMISSIONERS

May 16, 2022  
MINUTES

### PRE-MEETING – 4:30PM

#### ❖ CATS BRT Presentation

CATS representative Bruce Jones gave a presentation on the CATS Envision My Ride Plan to improve schedules, enhance rider experience, and increase the access to bus transit. The plan will be presented to MTC for consideration of approval in May.

Commissioner Furcht asked if the service will be available 24/7. Mr. Jones stated that the final operation schedule has not been determined but it's expected to operate like what currently exists. Manager Grant asked if there is schedule flexibility for servicing special events that may take place in the downtown area. Mr. Jones stated that it's a possibility to work with the Town for additional service times.

CATS representative Jason Lawrence gave an overview of the MetroRAPID BRT North Corridor recommendations in the short, medium, and long term.

Mayor Washam stressed the importance of planning for this now that Atrium Healthcare will be coming to Cornelius, as well as the art center opening soon.

Commissioner Furcht asked if there are any options for providing a trolley service along the corridor. Mr. Lawrence stated that CATS no longer has trolley cars in their fleet, but he would do some research and see if there are options to consider.

#### ❖ NCDOT Projects Status Discussion

Deputy Manager Herron gave an update on new cost estimates received from NCDOT for various transportation projects that will impact the Town. He explained that the Board will need to give staff direction on how to proceed with the projects, but most importantly NCDOT would like to have an answer on the Hickory Street project as soon as possible.

After the Board discussed the new cost estimates for each of the projects, the consensus was to move forward with the Hickory Street project and wait to decide on the others until more information could be gathered on some of the projects, like Torrence Chapel/West Catawba conversations will be had with State Senator Vickie Sawyer.

*Commissioner Furcht made a motion to move forward with ROW, utilities, and construction for the Hickory Street signal improvements. Commissioner Bilodeau seconded the motion and it passed unanimously, 5-0.*

### REGULAR MEETING – 6:00PM

#### 1. CALL TO ORDER

Mayor Washam called the meeting to order at 6:04PM.

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2. DETERMINATION OF QUORUM

All commissioners were present for the meeting.

3. APPROVAL OF AGENDA

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

4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Michael Miltich 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

Michael Miltich – 18021 Nantz Road, expressed his disappointment and concerns with the proposed amendment to the Alexander Farms project.

Hardy McConnell – 13118 Mayes Road, presented his resignation as the Planning Board ETJ member as he and his wife will be moving out of Cornelius. He thanked the Town and Board for their support of his service since 2009.

7. MAYORAL PROCLAMATION

A. National Police Week

Mayor Washam read a Proclamation for National Police Week and presented a copy to Chief Black and Sgt. Griffin.

8. PUBLIC HEARING

A. FY2023 Operating Budget and Tax Rate

Mayor Washam called for a motion to open the public hearing for the FY23 Operating Budget. *The public notice is attached hereto.*

*Commissioner Gilroy made a motion to open the public hearing. Commissioner Sansbury seconded the motion and it passed unanimously, 5-0.*

Manager Grant gave an overview of the FY2023 recommended budget and tax rate highlighting key components of the proposed budget.

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

Carroll Gray – 21235 Blakely Shores Drive, expressed his support for the recommended FY23 operating budget and tax rate.

Bob Bruton – 20235 Rainbow Circle, expressed his support for the recommended FY23 operating budget and tax rate.

Lin Snowa – 9133 Robbins Reserve Road, expressed his support for the recommended FY23 operating budget and tax rate.

Willie Jones – 21935 Riddle Court, expressed his concerns with the \$3M placeholder for Smithville as it does not identify what is being funded within the placeholder.

There being no further comments, Mayor Washam called for a motion to continue the public hearing until June 6<sup>th</sup>.

*Commissioner Gilroy made a motion to continue the public hearing to June 6<sup>th</sup>. Commissioner Sansbury seconded the motion and it passed unanimously, 5-0.*

## 9. PRESENTATION

### A. Smithville Revitalization Plan

Deputy Manager Herron gave an overview of the Smithville Plan recommendations from the Planning Board, Parks Commission and the Mayor's Housing Committee. A public input session will be scheduled for June 7<sup>th</sup> and the final public hearing and consideration of approval will be on June 20<sup>th</sup>.

Commissioner Sansbury asked if the ARB will review the Plan. Deputy Manager Herron explained that they will be reviewing it at the request of the Smithville Coalition and provide them feedback on in housing design.

Commissioner Bilodeau acknowledged the efforts and dedication of Willie Jones through the process.

Commissioner Gilroy asked how the Board should be looking at the plan. Deputy Manager Herron stated that the plan should be looked at as a Small Area Plan.

## 10. PUBLIC HEARING AND CONSIDERATION OF APPROVAL

### A. REZ 03-22 Alexander Farms Amendment

Mayor Washam called for a motion to open the public hearing for REZ 03-22 Alexander Farms amendment. The public notice is attached hereto.

*Commissioner Osborne made a motion to open the public hearing. Commissioner Gilroy seconded the motion and it passed unanimously, 5-0.*

Deputy Manager Herron presented a request by Alexander Farms MU, LLC to amend a previously approved rezoning plan for approximately 55 acres located at the northeast corner of West Catawba Avenue and Westmoreland Road. The proposed amendment will increase the unit count for the independent senior living units count from 130 to 143. The plan also includes the preservation of the historic tenant house building at the corner of West Catawba Avenue and Westmoreland Road. Staff and the Planning Board recommend approval with 8 conditions.

Attorney Susan Irvin and Brian Jenest with Cole, Jenest, and Stone gave an overview of the amendment for the rezoning project, amenities and the preservation of the tenant house.

Commissioner Furcht stated that the preservation of the tenant house has been discussed a lot through this process, so he asked for a verbal commitment from the applicant's side that they know how important it is to the Town to preserve the tenant house and that every effort to do so will be done. Mr. Jenest stated that the new location for the tenant house is a prime location and will be the jewel of the project.

Commissioner Sansbury asked what amenities will be taken away by adding the 13 additional units. Attorney Irvin explained that the amenities will be the same but different types will be offered (e.g., cafeteria will now be coffee shop/café).

Commissioner Bilodeau asked about the elevations of the senior living component. Attorney Irvin stated that the ARB has reviewed the elevations and Deputy Manager Herron stated that they are fabulous.

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

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

*Commissioner Bilodeau made a motion to approve Ordinance #2022-00790 to amend the zoning map with 8 conditions. Commissioner Furcht seconded the motion and it passed unanimously, 5-0.*

**Ordinance #2022-00790 is hereby made part of the minutes by reference.**

*Commissioner Bilodeau made a motion to approve Resolution #2022-01054 declaring that REZ 03-22 with conditions is consistent with the Town's Land Use Plan and reasonable in the public's interest. Commissioner Gilroy seconded the motion and it passed unanimously, 5-0.*

**Resolution #2022-01054 is hereby made part of the minutes by reference.**

## 11. CONSIDERATION OF APPROVAL

### A. Transportation Advisory Board Appointments

Deputy Manger Herron gave an overview of the TAB appointments.

*Commissioner Bilodeau made a motion to approve the reappointments of Joy Dean, John Eberle, Scott Reynolds, Lou Raymond, and Dave Vieser to the TAB. Commissioner Osborne seconded the motion and it passed unanimously, 5-0.*

### B. Street Acceptance – Antiquity, Phase 1, Map 3

Deputy Manger Herron gave an overview of the street acceptance petition.

*Commissioner Furcht made a motion to approve Resolution #2022-01055 accepting Parsons Green Row and portions of Chapel Way, Inn Keepers Way, and Talleys Way of Antiquity Phase 1, Map 3. Commissioner Gilroy seconded the motion and it passed unanimously, 5-0.*

**Resolution #2022-01055 is hereby made part of the minutes by reference.**

C. Street Acceptance – Antiquity, Phase 1, Map 5

Deputy Manager Herron gave an overview of the street acceptance petition.

*Commissioner Osborne made a motion to approve Resolution #2022-01056 accepting portions of Old Canal Street, Lamp Lighters Way, and Talleys Way of Antiquity Phase 1, Map 5. Commissioner Sansbury seconded the motion and it passed unanimously, 5-0.*

**Resolution #2022-01056 is hereby made part of the minutes by reference.**

D. FY2023 Electric Fund Fee Schedule

Finance Director Niswonger gave an overview of the fee schedule amendment for the Electric Fund.

*Commissioner Osborne made a motion to approve the Electric Fund fees schedule amendment as presented. Commissioner Sansbury seconded the motion and it passed unanimously, 5-0.*

12. NEW BUSINESS

A. Cell Tower Discussion

Deputy Manager Herron gave an overview of the Town's current rules and regulations pertaining to cell towers. Mayor Washam asked where State statutes fit into the Town's authority to regulate towers. Deputy Manager Herron explained that small cell towers (50' or less) are exempt under the current State statute within the public right-of-way. Mayor Washam asked what provisions are there if a cell tower is no longer active. Deputy Manager Herron stated that the *Code* states that if a tower becomes obsolete for 180 days the tower can be removed. Commissioner Osborne asked if the *Conditional Zoning* process is used for tower amendments. Deputy Manager Herron stated that was correct. Commissioner Osborne asked if there is a plan to negotiate with various providers on small cell locations. Attorney Wolter explained that statutorily the Town is prohibited from asking providers about their coverage or locations. Commissioner Osborne cited a couple of legal cases that were decided differently. Attorney Wolter stated that she would review the cases and let him know how they compare to North Carolina state law.

13. CONSENT AGENDA

A. Approve Minutes – Regular Meeting – May 2<sup>nd</sup> (Approved 5-0)

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

14. MAYOR/COMMISSIONER/MANAGER REPORTS

Commissioner Gilroy reported on the following:

- Congratulations to Hough High School boys' tennis team for finishing in the top 4 in the State.

- Attended the Bailey's Glen HOA meeting that focused on Bailey Road traffic concerns, the mention of the "Bus Only" entrance off Bailey's Glen Blvd, and crosswalks on Bailey Road. Chief Black stated that CPD Traffic Units monitor speed along Bailey Road consistently, as well as the crosswalks. The back entrance "Bus Only" street is CMS property (private driveway).

Commissioner Bilodeau reported on the following:

- Cornelius Jazz Fest will be held on May 21<sup>st</sup> (5PM-9PM) at Smithville Park.
- The Lake Norman Kiwanis Splash Park will open on May 21<sup>st</sup> (9AM-9PM).
- Growth Management Task Force will meet on May 19<sup>th</sup> (4:30PM).

Commissioner Osborne reported on the following:

- Participated in the ribbon cutting at HomeTrust Bank on May 5<sup>th</sup>.
- Growth Management Task Force meeting #3 was held on May 5<sup>th</sup>.
- The Neighborhood CARE Center and Senior Community Connections received Region of Excellence Awards from Centralina on May 12<sup>th</sup>. The Lake Norman EDC also received an award for Cross Community Collaboration.

Commissioner Sansbury reported on the following:

- Neighborhood Advisory Committee continues to focus on growing its leadership participation.
- CMS Board Representative Rhonda Cheek announced she will not seek re-election.
- Thanked Betsy Shores with the Town of Davidson for organizing the 4-Town Dinner that was held at North Harbor Club. There was a lot of discussion regarding 4-year terms for elected officials.
- Thanked his F3 colleagues for their efforts in the Mayors' Fitness Challenge.

Commissioner Furcht reported on the following:

- Enjoyed the 4-Town Dinner.
- VLN updates – Lake Norman Summer Lacrosse Classic will be held at Berry Park, Huntersville on May 21<sup>st</sup> & 22<sup>nd</sup>; Atlantic 10 baseball tournament will be held on May 24<sup>th</sup>-28<sup>th</sup> at the Davidson College Campus.
- Encouraged Lake Norman boaters to be safe and to get proper safety training before heading out on the lake.
- Working with the Lake Norman Marine Commission on buoy locations near Holiday Marine.

Manager Grant reported on the following:

- We're hiring in the Planning Department and Police Department. Visit [Cornelius.org/Jobs](http://Cornelius.org/Jobs).
- Primary Election Day is May 17<sup>th</sup> (6:30AM-7:30PM).
- Jazz Fest will be held at Smithville Park on May 21<sup>st</sup> (5PM-9PM).
- Memorial Day celebration will be held on May 30<sup>th</sup> (10AM) at Town Hall.

Deputy Manager Herron reported on the following transportation projects:

- Hwy. 21/Catawba Ave. dual roundabouts – utility relocations later part of 2022; construction 2023.
- Hwy. 115/Potts St. roundabout – utility relocations the later part of 2022; construction 2023.
- Torrence Chapel/W. Catawba triple roundabouts – utility relocations the later part of 2022; construction 2023-2024.
- Northcross Drive Extension – utility relocations the later part of 2022; construction 2023-2025.
- Hickory St./Hwy. 115 intersection signal – in design 2021, right-of-way and utility relocation in 2022-2023; signal installation 2024.
- Bailey Road Extension – right-of-way acquisition to begin in 2022; utility relocation the later part of 2022; construction 2023.
- I-77 shoulder hardening – construction 2023-2025; shoulder lanes will be operational at AM/PM peak hours.
- West Catawba Ave., Phase 2 – utility relocations 2021-2024; construction 2024-2026.
- NC73 improvements – construction 2027-2029.
- Hwy. 21 widening – currently out of the STIP; estimated construction 2031.
- Bailey Road flyover – currently out of the STIP; estimated construction 2032.

Asst. Manager Beardsley reported on the following:

- Gem Street Extension – construction is underway; completion is scheduled for the end of 2002.

Mayor Washam reported on the following:

- Participated in the ribbon cutting at HomeTrust Bank on May 5<sup>th</sup>.
- Friday 5 was held on May 6<sup>th</sup>.
- Visited the Dalmas Mother's Day Rose Show on May 8<sup>th</sup>.
- Mayors' Fitness Challenge was won by Cornelius on May 11<sup>th</sup>.
- Wednesdays with Woody will be held on May 18<sup>th</sup> at Waterbean Coffee (9AM-10AM).
- Boesmiller Family fundraiser will be held on May 22<sup>nd</sup> at Eleven Lakes Brewing (1PM-7PM).
- Announced participants of the new Mayor's Study Committee to develop and establish the Cornelius History Museum.

## 15. COMMISSIONER CONCERNS

### A. Cable Installation in the Peninsula

Commissioner Bilodeau expressed his concerns with the cable installation that is being done within the right-of-way along Jetton Road, as the vendor has damaged sewer pipes and is leaving it a mess as they go. Asst. Manager Beardsley explained that Spectrum intends on installing 140 miles of cable in Cornelius and staff has been working with them as complaints are received. Manager Grant stated that Spectrum has increased their communications with HOAs as they get ready for each related area.

B. Jetton Road Extension Overgrown Trees

Commissioner Sansbury asked if the trees along Jetton Road Extension can be limbed up so that low branches and bushes do not impede pedestrians walking/running on the sidewalk.

C. DDI Intersections

Commissioner Sansbury asked if anything can be done to better educate drivers on not blocking the intersections at the DDI. Asst. Manager Beardsley stated that the Town has requested that NCDOT install “Do Not Block Intersection” signs that will allow for CPD to enforce the area. Chief Black stated that there has been an increase in vehicle volume over the past couple of months.

16. ADJOURNMENT

*There being no further business to discuss, Commissioner Gilroy made a motion to adjourn at 8:27PM. Commissioner Furcht seconded the motion and it passed unanimously, 5-0.*

Approved this 6<sup>th</sup> day of June 2022.