

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

April 4, 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 4:30 p.m. on April 4, 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. The Board heard requests for funding from external agencies.

Bill Russell, Linda Dalton and Abigail Jennings requested \$15,000 for Hugh Torance House & Store. *Detailed request attached hereto as Exhibit No. 1.*

Harold Rice, Ada Jenkins Center, requested \$45,000. *Detailed request attached hereto as Exhibit No. 2.*

Cindy Deutsch, Angels and Sparrows, requested \$40,000. *Detailed request attached hereto as Exhibit No. 3.*

Ashley Nydish and Nicole Fiehler, Bags of Hope, requested \$20,000. *Detailed request attached hereto as Exhibit No. 4.*

Sarah Fortner, Caterpillar Ministries, requested \$20,000. *Detailed request attached hereto as Exhibit No. 5.*

Debbie O'Handley, Hope House, requested \$20,000. *Detailed request attached hereto as Exhibit No. 6.*

Kris Cole, Carolina Raptor Center, requested \$20,000. *Detailed request attached hereto as Exhibit No. 7.*

Jessica Bustamate, Rural Hill, requested \$20,000. *Detailed request attached hereto as Exhibit No. 8.*

**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 April 4, 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.

STAFF QUESTIONS

None

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales recognized former commissioner Sarah McAulay who was present in the audience.

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board. *Refer to written comments attached hereto as Exhibit No. 9.*

Crystal Silvas, 13925 Beatties Ford Road, said you guys are discussing money and what to do with it as far as helping out with housing in the area. Pottstown has over 100 veterans that came back from war and were guaranteed the GI bill and then did not receive it. Let's put the money right there because blacks, Mexicans, Irish, that came back from war were not given what they were guaranteed, some even still stayed in slavery. Back to CSD. Some have questioned Richard Barry Park and whether or not those lights are within limits. They are at .02 footcandles at the nearest residential property. CSD was tested again. I didn't know the exact property line when I first went out. I did the second time. They are over 10-1/2 times past the legal limit here in Huntersville. Why are they still operating multiple nights a week, usually five. It's unacceptable that their lights are shining into our yards constantly. Since all of this has started, I have their parents finding me on every platform possible, which is interesting because I'm completely blocked. You have to really search for me to find me because my kids are adopted and we are a little extra safe. I'm being told to move in all caps with many exclamation points. Saying Richard Barry Park that tiny playground is not a real park. It's a beautiful stadium and let's be honest, that whole area was an eyesore well before the stadium was built. That's not an eyesore, that's our home. I'm extremely proud to say I live in west Huntersville. It is a beautiful place with farms and people who grow their families. I literally bought my forever home so that my kids could run outside. Why are they still operating. It's extremely frustrating that nothing is being done. We've given them time, you need to fix it. How much time do they have on that, because most counties say 10 days, most cities say 10 days. Why were they allowed to build by right, circumvent the system and then refuse to abide by our ordinance.

June Overcash, 13701 Stumptown Road, said I am here to talk about some land that my family is wanting to sell. My family has lived in Huntersville all our lives. I live on the same road that I was born and raised on. My father's homestead place is on that road and my mother's homestead place is on Highway 115. I'd like to talk about the agenda change that is being proposed tonight. My mother, my sister, my cousin, we own three houses north of the funeral home on Highway 115. Our family has owned this property for about 150 years. My mother is now in assisted living. My sister is out of town and my cousin just had knee surgery, so my son and myself are here representing our family members. Because we are on a busy highway near the intersection of another major highway, our only hope of

selling our property has always been to be a part of Caldwell Station. A Caldwell Station developer is in the process of including our property in his project as we speak, and I understand planned to have everything filed before the text amendment was adopted. I and my family members have been closely monitoring the text amendment and have seen all of the materials on the Town's website and on the text amendment itself in the agenda packets, that the vote would occur on April 18, which is going to be a difficult deadline to meet because of all the process requirements that have to be done before the application can be filed. Now we find out this morning that some of the members on the Town Board are talking about moving the vote up tonight after their publications showing a later date. This really isn't fair to our family members. We, like everyone else, deserve to be treated fairly, and our family has supported the Town and its decisions over the years and we've always expected to be treated fairly in return. If this change is effective tonight, we will lose the opportunity to get what our family land is worth today. This is not what we expect from the Town of Huntersville. This lack of transparency is the exact opposite of everything that the Town should stand for – fair treatment and transparency for its citizens. We please ask that you delay the vote on this amendment, and we are talking about 3-1/2 acres.

AGENDA CHANGES

Commissioner Munger made a motion to move Items 10.C, 10.F and 10.G from Other Business to the Consent Agenda as Items 8.E, 8.F and 8.G.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Commissioner Kovacs made a motion to add "Consider approving Petition #TA22-01" as Item 10.E.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

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

CONSENT AGENDA

Approval of Minutes. Commissioner Munger made a motion to approve the minutes of the February 21, 2022 Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA22-05. Commissioner Munger made a motion to call a public hearing for Monday, May 2, 2022 at 6:00 p.m. at Huntersville Town Hall, on Petition #TA22-05, a request by the Huntersville Town Board to amend the Subdivision and Zoning Ordinance by removing subdivision sketch plans from a quasi-judicial process (Planning Board recommendation, Town Board decision) and making it an administrative process (staff decision).

Commissioner Kovacs seconded motion. Motion carried unanimously.

Budget Amendment – Purchase of 105 N. Maxwell Street. Commissioner Munger made a motion to approve budget amendment appropriating \$37,400 from Fund Balance to the Land Account to offset

some of the purchase price of 105 N. Maxwell Street. Commissioner Kovacs seconded motion. Motion carried unanimously.

Grant Special Revenue Ordinance – ARPA of 2021. Commissioner Munger made a motion to adopt Grant Special Revenue Ordinance for the American Rescue Plan Act of 2021. Commissioner Kovacs seconded motion. Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 10.

Parks & Recreation Co-sponsorship Policy Amendment. The Parks & Recreation Commission unanimously approved the recommendation to decrease the co-sponsorship discount rate from 75 percent to 65 percent. The discount rate hasn't been changed since the policy was formed. The fees generated from the co-sponsorship fees go into a capital reserve fund to be used in the parks for repairs to existing facilities or to build new facilities.

Commissioner Munger made a motion to approve changes to the Parks & Recreation Department Co-sponsorship Policy. Commissioner Kovacs seconded motion. Motion carried unanimously.

Amended Co-sponsorship Policy attached hereto as Exhibit No. 11.

Capital Project Ordinance First Amendment – Holbrook Street and Patterson Rd Ext. The First Amendment to the Transportation Projects Capital Project Ordinance is to transfer \$200,000 from the Walters Street project to the Holbrook Street project and \$450,000 from the Walters Street project to the Patterson Road Extension project due to cost increases to deliver Holbrook Street and Patterson Road Extension projects. Funding for Walters Street will be delayed into a future year.

Commissioner Munger made a motion to adopt First Amendment to the Transportation Projects Capital Project Ordinance. Commissioner Kovacs seconded motion. Motion carried unanimously.

Transportation Projects Capital Project Ordinance First Amendment attached hereto as Exhibit No. 12.

Property Tax Refund Reports. The reports from Mecklenburg County contain three refunds totaling \$3,104.91, which includes \$110.67 in interest. The refund is the result of the Property Tax Commission.

Commissioner Munger made a motion to approve the Property Tax Refund Reports. Commissioner Kovacs seconded motion. Motion carried unanimously.

Property Tax Refund Reports attached here as Exhibit No. 13.

PUBLIC HEARINGS

Petition #S22-01. Mayor Bales called to order public hearing on Petition #S22-01, Birkdale Landing Special Sign District, a request by Firebirds International, LLC to create a Special Sign District Overlay for Birkdale Landing located at 16641 Birkdale Commons Parkway, Tax Parcel 00917184.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 14.*

Firebirds International, LLC is requesting on behalf of the property owner, Fairway Investments, LLC, to create a Special Sign District Overlay Zone per Article 10.11.1 for the Birkdale Landing Development. A Special Sign District is intended to impose sign regulations which provide greater latitude or more stringent limitations than those provided in Article 10 of the Zoning Ordinance.

Birkdale Landing is located at the intersection of Sam Furr Road (Highway 73) and Birkdale Commons Parkway. The subject property is zoned Highway Commercial Conditional District.

Birkdale Landing is currently utilizing the Planned Development Flexibility option, which is administratively approved. The Planned Development Flexibility option requires a master sign plan, which was approved for Birkdale Landing in February 2020 and amended in January and November 2021.

Commissioner Kidwell said where they are proposing it, I know it's not facing a main street, but as you are coming down Highway 73 you are going to see the sign, correct.

Ms. Mielenz said correct.

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

Petition #TA22-02. Mayor Bales called to order continuation of public hearing on Petition #TA22-02, a Zoning Ordinance text amendment by the Huntersville Town Board affecting the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts by removing the ability to exceed 30 percent attached houses (row house, townhouse or duplex), apartment buildings and mixed-use buildings (commercial and residential in one multi-story building) in major subdivisions located within ¼ mile of designated rail transit stations (3.2.4(d)(4), 3.2.6(d)(4), 3.2.5(d)(4), 3.2.7(d)(4)(a)).

Jack Simoneau, Planning Director, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 15.*

Petition #TA 22-02 is a Zoning Ordinance text amendment sponsored by the Huntersville Town Board affecting the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts by removing the ability to exceed 30 percent attached houses (row house, townhouse or duplex), apartment buildings and mixed-use buildings (commercial and residential in one multi-story building) in major subdivisions located within ¼ mile of designated rail transit stations.

In the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts, major subdivisions are limited to 30 percent attached houses, apartment buildings and mixed-use buildings. However, there is also a provision where the 30 percent cap can be exceeded in major subdivisions within ¼ mile of designated rail transit stations. These provisions have been in the ordinance since 1996.

The first development to be approved under these provisions was Vermillion Village in 2017, followed by Huntersville Town Center/North State Development in 2021. Both properties are zoned Town Center - CD. Since rail transit may not come or if it does will be far into the future, the Town Board requested text amendment #TA22-02 be processed for consideration.

The Huntersville Ordinances Advisory Board and the Planning Board recommended approval.

Commissioner Partee said can you explain the options for this particular ordinance if we vote against it.

Mr. Simoneau said I won't use the word override, but it's an option that any property that abuts that could rezone their property to TND and have 100 percent attached.

Commissioner Partee said so Ms. Overcash would have to go through the rezoning process.

Mr. Simoneau said it's going to be a subdivision process anyway, so that's a 3-1/2 month process. If they go through the conditional rezoning process, that will be a 4-1/2 month process, so it would be 30 more days, but it will still be able to go through that rezoning and if the rezoning is approved, then you will authorize staff to sign off on the subdivision as long as it complies with that.

Commissioner Munger said in terms of if they start the process prior to an effective date, does that keep them under the previous zoning.

Mr. Simoneau said there's something called permit choices. If you turned in the materials for a development with all the materials before the code change happens, then the code change happens, the developer has a choice to follow the new code or stay with the code in effect when the application was submitted. Two cases came in prior to this text amendment.

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

Petition #TA22-03. Mayor Bales called to order public hearing on Petition #TA22-03, a request by the Town of Huntersville Planning Department to amend Article 8.9.1 and 12.2.2 related to clear sight triangles in order to comply with HB 489.

Nathan Farber, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 16.*

The North Carolina General Assembly passed House Bill 489 in 2021 amending Chapter 160A-306 Building Setback Lines. The updated language serves to define where sight distances at street intersections will be measured from. This language will not change the way the Town currently measures a sight triangle at intersections. To align with House Bill 489, Town Staff has included the new language into Article 8.9.1 – Clear Sight Triangle at Intersections and into the Sight Distance Triangle definition within Article 12.2.2 – Sign Definitions.

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

Petition #TA22-04. Mayor Bales called to order public hearing on Petition #TA22-04, a request by the Town of Huntersville Planning Department to remove the special use requirement for street facing solar panels in Article 9.54.1 and to reorganize and clean up Article 9.54 to bring the ordinance into full compliance with State Statute 160D-914.

Nathan Farber, Planner I, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 17.*

Petition #TA 22-04 is a request by the Huntersville Planning Department to amend the Huntersville Zoning Ordinance Article 9.54. The purpose of the amendment is to remove all special use permit

requirements from Article 9.54.1 Minor Solar Energy facilities. Town staff has also worked with the Town Attorneys to reorganize and clean-up language while also bringing language into full compliance with 160D-914.

Minor solar energy facilities/solar panels fronting a public street for both residential and commercial properties require a Special Use Permit approved by the Huntersville Town Board with a recommendation from the Planning Board. Other minor solar facilities, such as those that are built on the side or rear of the home, are approved administratively by staff. Since adoption of solar energy provisions in 2013, only three special use permits have been applied for, though two of those have occurred within the past three months (all approved). Staff has seen an increased interest in solar panels that will likely continue.

In addition to more interest in solar panel installations, there can be situations where one house has solar panels placed on side facing roofs (approved by staff) and front facing roofs (requires special use permit). Changing the special use permit requirement to an administrative staff approval will remove the unnecessary burden that the special use permit process places on applicants (three-month approval process for a special use permit; three-business days approval for zoning permit).

Commissioner Boone said if the HOA says no to the homeowner, who has jurisdiction over that, the Town or the HOA.

Mr. Farber said the HOA.

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

OTHER BUSINESS

Interlocal Agreement – Huntersville Mobility Plan. The Charlotte Regional Transportation Planning Organization grant for the Mobility Plan is an amount not to exceed \$128,000 (80 percent). The Town of Huntersville will be responsible for \$32,000 (20 percent) in local matching funds. The agreement describes the terms and conditions that the Town of Huntersville must follow to use grant funds for development of a town-wide Mobility Plan. The grant award is federally funded and includes several specific requirements related to performance, reporting, and accounting.

Commissioner Kidwell made a motion to approve the Interlocal Agreement.

Commissioner Boone seconded motion.

Mayor Bales called for the vote to approve the Interlocal Agreement.

Motion carried unanimously.

Interlocal Agreement attached hereto as Exhibit No. 18.

Resolution – Authorize Disposal of Surplus Property at 8840 McIlwaine. The Town Board has received an offer to purchase approximately 0.78 acres of property located at 8840 McIlwaine Road. If approved for disposal, the property will be advertised for upset bids subject to the terms and conditions of the draft purchase agreement.

Commissioner Kovacs made a motion to approve the Resolution authorizing the disposal of 0.78 acres of surplus property located at 8840 McIlwaine Road, with the addition of a deed restriction being added as a term of the purchase agreement that restricts the property to no more than one unit being developed on the lot or if the parcel is combined with additional acreage, the overall density of combined acreage being limited to no more than one unit per acre.

Commissioner Munger seconded motion.

Mayor Bales called for the vote to approve Resolution.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 19.

NC SB300 Additional Edits Discussion. The Town recently updated several of its ordinances to remove criminal penalties from ordinances that can no longer be criminally enforced as the result of NC SB300. The updated language of 160A-175(b) also requires that criminal penalties be specifically cited in the ordinance language for ordinances that the Town still wishes to enforce criminally, and which are legally allowed to be enforced criminally. As such, these additional edits are to incorporate criminal penalties in specific sections of the Town Code of Ordinances that may still be criminally enforced versus relying on the blanket penalty at Section 10.99 for those sections. Pursuant to updated language of N.C.G.S. 160A-175(b), the addition of criminal penalties in ordinances require the proposed edits to come before the Town Board twice, with enactment at the second setting. Thus, these proposed edits are only for discussion on this agenda and will be voted on at the 4/18 meeting. Additionally, the edits remove in its entirety Chapter 112, entitled Cable Communications. In 2006, there was a legislative change that preempted the franchising authority for municipalities regarding cable services effective January 1, 2007 - "After this date, a county or city may not award or renew a franchise for cable service." (Session Law 2006-151, N.C.G.S. 66-351, 66-355).

Commissioner Partee said if the violator incurs three or more violations or infractions, does the penalty increase and is there a fee or warrant issued for that.

Emily Sloop, Town Attorney, said it depends on the language of the actual ordinance. For example, we could put in there that each separate day is a separate offense. We can specify the maximum penalty. It can be no more than \$500, so it really depends on the language that we include in the specific section.

Commissioner Phillips said we know in Charlotte SB300 has been a nightmare for them because they decriminalized a bunch of stuff. Are our animal cruelty ordinances up to code.....do we need to change anything.

Ms. Sloop said we do not. The last edits that we had before the Town Board were to remove only those criminal enforcement mechanisms for ordinances that can no longer by law be enforced criminally.

Edits attached hereto as Exhibit No. 20.

Huntersville Ordinances Advisory Board Bylaws Amendment. In September 2021, the Huntersville Ordinances Advisory Board Bylaws were updated to reflect statutory conflicts of interest rules, allow for subcommittees, and incorporate provisions for remote meetings. On the date of adoption, the Town Board requested an additional edit to the Bylaws to allow for the HOAB to elect its own Chair and Vice

Chair rather than said positions being appointed by the Town Board. The proposed edits set the term limit for the elected offices and the date of the election.

Commissioner Kidwell made a motion, but before I do, I would like to make some changes to what was presented here. If the Board and the audience could be patient and follow along with me here.

Under Section 1-1, Subsection A, after “....Ordinances that have been applied for through the Town of Huntersville Planning Department (“Planning Department”) or which are proposed by Planning Department staff...” add “the HOAB” to that section.

Under Section C, remove “as directed by the Town Board.”

In Section 3.1, Election of Officers, instead of July, move to March.

Section 4, we are going to move 4-4. It will become 4-5 and for 4-4 place the following verbiage: “Town staff shall provide HOAB with all material information as well as a written legal opinion for all proposed text amendments which shall contain the Town source of authority and statement of compliance with statute and case law and constitutional limits.”

Under Records, I would like to add Section 5-2: “Staff shall provide a summary of HOAB recommendations, transactions, findings, determinations in a standardized form to the Planning Board and Town Board.”

Commissioner Kidwell said with those changes, I would like to make a motion to approve.

Emily Sloop, Town Attorney, said can I just ask for a point of clarification. First, if these do go through, if you will be so kind as to send those to me, it would probably be easier. Second, did we want to not have an election this year since March has already passed.

Commissioner Kidwell said we can have an election at the next meeting, so we can move forward with that. It would just be a shorter term for the next group.

Ms. Sloop said so at all other times the election would be in March and then for this year have the election at the next meeting.

Commissioner Kidwell said that’s correct.

Mayor Bales said there are a lot of changes here. I guess I’m just curious as to why these did not get sent in to staff so they could get into the agenda.

Commissioner Kidwell said great question Madam Mayor. I actually want to thank the chairman, Matt Jones. He, in lots of conversations with many of us on the Board, came up with a bunch of different changes here. Some were applied, some were not. When you have someone that is that dedicated to a Board, that is that deep into a commitment to the Town, that sees it from the inside and to say hey these things are really important to us, we have to listen. I did submit this to everybody on the Board two weeks ago at our last meeting. It was followed up in an email. Everybody should have had this copy. It was not presented to us to compare for this meeting by the Town Attorney, which that’s her choice, so that’s why I’m making the changes. I believe this document with the changes as presented, to be better suited for the HOAB going forward.

Commissioner Kovacs seconded motion.

Commissioner Boone said I would like to know if you could amend your motion on 2-1 (D) to reflect the Town Board member would be a voting member and not ex officio.

Commissioner Kidwell said while I don't think a Town Board member should vote, I will amend the motion to accept that.

Commissioner Kovacs seconded amended motion.

Commissioner Kidwell said I'll bring up some discussion on that. I'm not a fan of one of us being on a board and voting on that board and then coming up here and voting again. However, it's been brought to my attention by other commissioners and other HOAB members, that when they make requests for things like that it doesn't seem to have traction. It just seems to fall short. Other commissioners have said let's get someone back on there with a vote to make sure that we are getting that traction. I'd like to explore this and see how this turns out. We can come back to it later if we find that we are getting the proper traction as needed down the line.

Mayor Bales said I would remind the Board that a few years ago the Board made the decision to remove commissioners off of this board specifically because of the very reason you just stated.

Commissioner Munger said I was part of that board that decided to go from two voting members down to one voting member down to ex officio, which is where we are at now and I am ex officio at this point. A couple of clarification questions. If this were to pass as amended, I would be the person or would we reevaluate and determine the best fit for that board.

Commissioner Kidwell said you're on it. You are the current.

Commissioner Munger said we have no other boards within the Town that has a current commissioner that votes on any other board. It seems to work for every other board and the idea that we are going to try to experiment.....we had an experiment, we did this. We've been here. I don't take issue. I appreciate the fact that there was particular language stricken that bothered me. This one, the voting member doesn't sit well with me, simply because if I look at Board of Adjustment, very important decisions, should we have someone there. Planning Board. Should we have someone there. Important things happen there. Where do you draw the line. We pulled back from this for a reason that made sense and I tend to think it's working as is. I wouldn't support it with this amendment. I would support it without that specific amendment.

Commissioner Boone said this board has been in business for six years and one month, and for the first four years that it was doing business there were no problems whatsoever. We had two commissioners that were on this board that voted and then all of a sudden a previous board decided that we don't need another bite out of the apple. It's a vote to move legislation along to the next committee – make sure we have a good product moving from one board to the next. The Ordinances Advisory Board is probably the best board in town for a new commissioner to learn how the town works. Everybody knows Jack Simoneau is in charge of the Planning Department, but all the other people, this is a board where you learn. A board that meets for 90 minutes. I'm going to support the amended motion.

Mayor Bales called for the vote.

Motion carried 5 to 1, with Commissioner Munger opposed.

Petition #TA22-02. Petition #TA22-02 is a Zoning Ordinance text amendment by the Huntersville Town Board affecting the Neighborhood Residential, Neighborhood Commercial, Town Center and Highway Commercial zoning districts by removing the ability to exceed 30 percent attached houses (row house, townhouse or duplex), apartment buildings and mixed-use buildings (commercial and residential in one multi-story building) in major subdivisions located within ¼ mile of designated rail transit stations (3.2.4(d)(4), 3.2.6(d)(4), 3.2.5(d)(4), 3.2.7(d)(4)(a)).

Jack Simoneau said the Planning Department recommends approval. The Planning Board also recommended approval.

Commissioner Kovacs made a motion in considering the proposed amendment #TA22-02, the Town Board recommends approval based on the amendment being consistent with Policy LU-2, Policy LU-5 and Policy LU-10 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the rail transit will not be completed in the foreseeable future, and for this to go into effect as of June 1, 2022.

Commissioner Phillips seconded motion.

Commissioner Phillips said I've only had 28 phone calls today about this. TOD has been not a good time. It has been frustrating. As somebody who is all for property rights, this has been a trying time to do the right thing. Commissioner Munger loves to say that a compromise is when everybody walks away unhappy. I feel like that's what we are doing tonight. We could have passed it and the effective date would have been as we close this meeting. However, the good people of this Board we worked together and we put an effective date which doesn't often happen with zoning and the reason we did that is that we wanted to be fair and we wanted to be ethical because we don't know all the situations that are occurring with people selling land. Things are going to develop and it's not, in my opinion, acceptable for us to pull the rug from underneath nice people like our previous speaker because there are families and people who have invested and that is their investment is for land so we started at first with a May 1 date. We moved to June because the thing is we and I feel like this is probably the best thing this Board has ever worked on collectively because we don't want to hurt other people. We want to be fair and for us and for me personally, I think this is the fairest product that could have come to the Board. I appreciate all the changes and the efforts made and I would hope in the future that we don't do something haphazardly again like this, but I think it's been a great learning lesson that if we can move faster as government we sure should because it shouldn't take this long to do the right thing and I really do appreciate my fellow board members for us making this a moving and living document that I think everybody is happy with, hopefully. Not everybody, but enough people.

Mayor Bales called for the vote to approve Petition #TA22-02.

Motion carried unanimously.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Festival of Services event held by Ada Jenkins and Caterpillar Ministries in Huntington Green was a success.

- Lake Norman Economic Development Corporation currently has a total of 41 projects, 20 of which are in Huntersville.
- Provided update from Metropolitan Transit Commission meeting.
- There is a ribbon cutting and grand opening for Plant House on Saturday.
- Congratulated Autumn Solesbee who attends Southlake Christian Academy for winning the Augusta National Drive, Chip and Putt National Finals in the 7 to 9 year old category.

Commissioner Boone

- Festival of Services event held in Huntington Green was a success.

Commissioner Kovacs

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

Commissioner Kidwell

- Provided update from the Charlotte Regional Transportation Planning Organization meeting.

Commissioner Phillips

- Provided update from Visit Lake Norman.

Commissioner Partee

- Attended Hopewell High School PTA meeting orientation on preventing gun violence and suicide.
- Visited Colonial Pipeline spill site to receive update.
- Attended Festival of Services in Huntington Green.
- Huntersville Police Department has free child safety gun locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Munger

- Attended Festival of Services in Huntington Green.
- Visited Colonial Pipeline spill site to receive update.
- Next Huntersville Ordinances Advisory Board Meeting is April 7.
- Next Public Art Commission meeting is April 13.
- Consider supporting local non-profits.

Mayor Bales called for any Closing Comments.

Commissioner Kovacs expressed appreciation to the Huntersville Fire Department for allowing her to suit up and go inside training fire.

Mayor Bales apologized for not calling on Lee Hallman to speak during one of the public hearings and offered to re-open the public hearing for him to speak. Mr. Hallman declined.

Commissioner Kidwell expressed appreciation to fellow Board members for the support when his family welcomed a new baby boy.

Commissioner Phillips wished her parents a happy 41st anniversary.

There being no further comments, the meeting was adjourned.

Approved this the 6th day of June 2022.