

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**October 5, 2020
6:00 PM - Huntersville Town Hall**

Pre-meeting - 5:00 p.m.

The Huntersville Board of Commissioners held a pre-meeting (virtual) hosted at Huntersville Town Hall at 5:00 p.m. on October 5, 2020.

GOVERNING BODY MEMBERS VIRTUALLY PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh.

The Town Board held a joint work session to discuss the 2040 Draft Community Plan with members of the Planning Board and the 2040 Community Plan Steering Committee. The Board expressed appreciation for all the work that's gone into the draft plan.

**REGULAR MEETING (VIRTUAL)
TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners (Virtual) was hosted at the Huntersville Town Hall at 6:00 p.m. on October 5, 2020.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh.

Mayor Aneralla stated this meeting is being held both in person at the Huntersville Recreation Center on Verhoeff Road as well as livestreamed on Facebook Live. The Board of Commissioners are participating remotely. The public has been invited to attend and comment during the public comments or during any of the public hearings (1) in person at the Huntersville Recreation Center or (2) by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. today. The public may also submit comments by e-mail to the Town Clerk at jpierson@huntersville.org. For public hearings only, e-mailed comments may continue to be submitted until 24 hours after the close of the public hearing.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS - STAFF QUESTIONS

Mayor Aneralla

- The Metropolitan Transit Commission met a couple of weeks ago. The big topic is trying to figure out how to fund the Silver Line. Next meeting is the end of October.

Commissioner Bales

- Explained the majority of the Board's decision to stay with virtual meetings. Reminded everyone that they can call in with their comments, deliver them in person from the Recreation Center or e-mail them.
- Lake Norman Economic Development Corporation is currently working 29 projects, of which 14 are in Huntersville.
- Charlotte-Mecklenburg Schools will start a phased plan on returning to school on October 12 with Pre-k, then K-5 will return to the classroom on a rotation basis starting November 2.

Commissioner Boone

- Provided update from the Lake Norman Chamber of Commerce.
- Expressed appreciation to the first responders.
- October 4-10 is Fire Prevention Week.
- Huntersville Police Department is continuing with their podcast.

Commissioner Hines

- NCDOT made a presentation to the Charlotte Regional Transportation Planning Organization about reprioritizing the STIP plan. A lot of the Town's projects have been pushed back anywhere from 1 to 3 years, and at one point 9 years.

Commissioner Munger

- Toured the Mecklenburg County Emergency Operation Center last week.
- Experienced firsthand how difficult it is to be tested for COVID.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

None

AGENDA CHANGES

Commissioner Bales moved item 10.B (Adopt Resolution to award Engineering Services Contract for the David Kenney Farm Road Connection Project) to Item 9.B and moved Item 9.B (Presentation and discussion regarding Electric Utility Rate Schedule OP-4) to Item 9.C.

Commissioner Walsh made a motion to adopt the agenda, as amended.

Commissioner Munger seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

PUBLIC HEARINGS

Mayor Aneralla called to order public hearing on Petition #R19-18 - Huntersville Market REVISION, a request by Cambridge Properties, LLC to rezone +/- 28.569 acres located north of the Eastfield Road and Prosperity Church Road intersection (Parcel #s 02119101, 02119168, 0211969, 02119170, 02119171, 02119172, 02119173, 02119174, 02119175) from existing Highway Commercial - Conditional District to a REVISED Highway Commercial - Conditional District to permit 190 age-restricted, active adult housing units and to eliminate a proposed public street.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 1.*

The original Huntersville Market Conditional District Rezoning was approved in 2008. This request is the third amendment to the Conditional District Rezoning Plan and it is generally compliant with the Zoning Ordinance and Subdivision Regulations, with significant elements as follows:

- Removal of 54,750 sq. ft. of commercial building space, to be replaced by (up to) 190 age restricted, active adult housing units (only 174 units are proposed on the plan).
- Removal of a publicly dedicated, but unopened street right-of-way (Street D) and the combination of two parcels into one (to be called Parcel I).
- Request to permit the age restricted, active adult housing to be four stories in height.
- The extension of Rocky Ford Club Road to the Prosperity Church Road right-of-way.
- The addition of an Urban Open Space (plaza) at the corner of Prosperity Church Road and Hylas Lane.

The applicant requests the following four modifications to Ordinance requirements:

1. Permit block length along Hylas Lane for Parcel I to exceed maximum block length, but not to exceed 750 linear feet.
2. Permit an age restricted, active adult apartment building located on Parcel I to have a building height of four stories (not to exceed 50' max.).
3. To remove approximately 347 linear feet of platted, but unopened, public right-of-way and to combine that right-of-way with the adjoining parcels to create a new "Parcel I."
4. To allow side yard parking so long as the parking is screened with either landscape screening or a masonry knee wall a minimum of 3' in height.

Staff's comments to those four requested modifications can be found in the attached Staff Report.

Additional items:

- The original Huntersville Market CD Rezoning did not extend the right-of-way for Rocky Ford Club Road to the future alignment of Prosperity Church Road. In working with the adjoining Olmstead Subdivision development, it is possible to extend the public right-of-way to set-up connection to Prosperity Church Road right-of-way. The applicant has proposed to provide this set-up by dedicating required right-of-way, however, while permission from an adjoining property owner has been verbally agreed to, the required right-of-way for Prosperity Church Road is not shown as added to the project, nor has written permission been provided.
- It is appropriate that road improvements are required along both roads to provide access. The extension of Prosperity Church Road to tie into Rocky Ford Club Road will provide complete fire protection access and will provide circulation options once both the connection to Olmstead Subdivision is complete and to compensate for the eventual turning movement restrictions that will be required at Prosperity Church Road and Hylas Lane.
- The current CD Rezoning provides Urban Open Space via one Plaza, totaling 3,600 sq. ft. The proposed revision adds a new Plaza 2 (2,400 sq. ft.) at the intersection of Prosperity Church Road and Hylas Lane for a new total of Urban Open Space of 6,000 sq. ft. The type, location and minimum size of the Urban Open Spaces are required at Rezoning / Sketch Plan, but the design is not, unless that design is integral to the overall review at this stage.
- The ground-level units along Hylas Lane need to have enhanced treatments to clearly define the private areas from the public realm. This would involve providing appropriate space from the public sidewalk, combined with knee-walls, decorative fencing, landscape elements and possible grade changes to separate these two areas. As this is senior housing, privacy and security along Hylas Lane will be important and these ground-level enhancements can help to achieve this effect.

The Huntersville Market Conditional District Rezoning Plan Revision can be supported by staff subject to the items outlined in Part 6: Staff Recommendation in the attached Staff Report.

Commissioner Bales said am I understanding that staff supports a three-story facility, not the four stories that they are asking for the modification around.

Mr. Peete said that would be correct. In referencing the ordinance, we found no justification for the additional height.

Commissioner Munger asked what is the adequate parking for the three stories versus the four stories and would they be able to accommodate either/or.

Mr. Peete said they are showing compliance for four stories and they are counting the on-street parking along Hylas, but only on the north side. If they are showing parking for a four-story building, then they certainly could provide for three.

Commissioner Bales said at the beginning of this we discussed 190 age-restricted housing units or 174, which is it.

Mr. Peete said my understanding is they would like the project capped at 175, but I believe they are still proposing actually building 174.

Jay Priester, Cambridge Properties, presented PowerPoint presentation. *PowerPoint attached hereto as Exhibit No. 2.* Since times have changed, we have included the active adult component. We hosted four neighborhood meetings. We had two neighbors show up from McGinnis Village, which is the neighborhood to the west, and they were just curious to see what was proposed. When they found out what was being proposed, they were in favor of the project. The other neighborhood meetings had no attendees.

The overall site plan shows the 28-acre Huntersville Market development. The 5.4 acres in color is what we are requesting site plan amendment rezoning, to allow up to 175 units. We are proposing capping it at 175 units. We will probably not even get to that number.

We've addressed the building along Hylas Lane, so that portion is four-story. Traveling north on Prosperity Church Road, the three rectangular shaped buildings are one-story buildings that will be garage accessory units to the main building. As you come in the main access drive, the first building is the one-story clubhouse and pool area. We've tried to internalize the four-story component of the building into the development. We're not having any four-story building imposing on adjacent neighbors. Harvest Community Church would be the closest neighbor to this project that's not within our development. They have written a letter which we will be submitting for the record in support of this project.

The big change in the plan is not having to look at a sea of parking from public right-of-way. That's done by design so that you are not looking across a wide open parking space and a big box grocery store, which also at the back you have loading docks which are less attractive to look at as you come Rocky Ford Club Drive.

We are proposing and agreeing to additional road improvements. Our main entrance into it, that road stops today. We will construct two additional lanes all the way to connect to Rocky Ford Club Road. Rocky Ford Club Road is a NCDOT gravel road with a ditch section. We will pave that road, add curb and gutter and provide streetscape, to make that connection. We have already given seven acres of the land to public right-of-way on Eastfield Road, internal streets, as well as Prosperity Church Road. In order to make the connection we have to get additional right-of-way owned by the Olmstead developer. We have had dialogue with them and they have offered to dedicate that at our request as additional right-of-way for NCDOT to allow that connection to be made as well as future expansion of the road whenever NCDOT makes the next connection.

Moving down Hylas Lane, we have added the raised tabletop at the intersection of Oyster Lane and Hylas Lane. We've also added an additional crosswalk there to connect to Walgreens, in addition to the crosswalks that go over to the existing Novant building as well as down at the traffic signal at Eastfield and Prosperity Church Road where we installed a traffic signal with push buttons for pedestrian crossing. We have also agreed to add the additional parallel parking on Hylas Lane.

We recently updated the plan to help further react to the comments that the Town had related to the building articulation. I'll show a couple of things that we have done. We call it a visual block length. Starting at the left side, that's 37' so that building is kind of its own building. Visually it will look detached from the main building. We have a big urban plaza in front, which will be hardscaped and landscaped

with benches and seating. The next section is 245'. At about the midway point of the building we do have a 28'.....what was shown on the last plan was 8'. We did a resident door there, so it will be a key fob door. There will be a hardscaped area and landscaped with that. The next section is 317'. While the overall block length is longer than the 500', we have articulated the building facade and building breaks. In addition to that, you will see the 245' section of the building. That sits back slightly more than the 317'. That's all done by design to create a better landscaping as well as visual. You will also notice sidewalks connecting the first floor to the Hylas Lane sidewalk. That's done intentionally and not every ground floor unit will have direct connection to the sidewalk and not every unit will have balconies either. It's intended to visually break that up.

I wanted to kind of show you what goes on behind the scenes. This is the first floor of the building and you can see the individual units and how they are laid out in there. That kind of dictates how we do the exterior of the building. The yellow is shown as interior hallways. The orange is the clubhouse that is one-story and then the blue squares are the location of the elevators. On the slide of the building elevation, you can see how we break up the roof pitches, design and color elements, that the fourth floor is actually a little bit recessed so that it visually goes away.

The front elevation has been updated since your package to address some of the Town's comments. You will see common architecture into the adjacent retail building that we've already constructed.

This is a streetscape rendering similar to what we provided before. As a part of our zoning conditions we will install larger trees than minimum and put in 3-1/2" to 4" caliper trees along the streetscape so that we continue to break up that visual aspect.

Commissioner Bales asked if you are proposing four stories, how many apartments per floor.

Mr. Priester said we are at about 170 units right now, so the first floor there are about 40 to 42. There are a couple of variations on each floor.

Commissioner Bales asked why did the product change from what we saw in June. The cottages I found to be interesting along the edges and now you have pulled those away.

Mr. Priester said it got a bit tight. We felt like we were trying to put too much on the plan.

Commissioner Walsh asked how many units were proposed in the original plan.

Mr. Priester said 190.

Dan Suchoza, DAS Architecture, said we have a couple of tools that we are trying to use to offset the fact that's a fairly long elevation. We've widened it to 28' between the two buildings. We set it back a full depth all the way back to the corridor. We plan on developing that with landscaping and sidewalk. We pushed the left back a little bit. We have hipped roofs and those projections stick out so that will cause some shadow lines and develop the elevation further and we also have some stitching of flat roof areas that are somewhat quieted by the removal of balconies. As the landscaping plan develops we would further highlight the fact that we are trying to create the illusion of multiple buildings even within the two larger sections.

I'd like to address the building height, which is based on a very practical and quantifiable issue with buildings like this. We try to define what I call the comfort level of the residents and the product essentially is we are trying to create a community. When you are dealing with seniors or even active seniors, what you are really trying to do is provide an environment that they can live their life to the fullest and a big part of that is the social structure that a residence like that creates for them so that they can fulfill themselves socially and the sweet spot for something like this is somewhere around 160-190 units. I think we're going to be somewhere in the 175 range. That gives some level of activity based on the normal demographics that will be in here - how many people will be in there as couples, as singles and also how many people will be in the common areas at any one time. It's going to be leased up to 85-90 percent.....that's the number we are targeting. When you target that number, it creates a number of units. When you do surface parking, this building is nice because it distributes the parking along the back, so there will be exit points and people can get to those cars with a reasonable length. Inside, the dimensions between the elevators is very critical. They shouldn't have to walk more than 200' plus or minus and on this building right now, we are at about 210' for a few units. If you can imagine you take these 170 units and you deal with these dimensions and it gets us a four-story building. If we took the same units down to three levels, we're either not going to have enough people in there, again it's about the social structure, or our distances are going to be too far to the amenities and the elevators. What you find is the lower dollar rents or the lower demographics, the buildings are like three stories. When you get into the high-end, they will go five stories or high rise and they are much more consolidated. This one is really meeting right where the developer is in terms of the rents, the amenity package, the size of the community. When you place it on this site, you really wind up with like a four-story building. I think this is a really well thought out elevation in terms of the block length and we definitely can develop it a little further with landscaping.

There was a question about the three stories and the four stories. All but one or two bays at the end over where the cottages were along Hylas have always been four stories. We did try to lower it down a little bit on the connector to the clubhouse, but the discussion about four stories really hasn't changed on the elevation that we are looking at. If you look at the elevations, we do want to kind of downplay the four stories in terms of material and color so that the more bold and more enriched exterior floors will be the first through third and then we are going to try to subordinate with our materials and colors the fourth floor just to kind of reinforce the idea that there was a trend to want to hold this thing at three stories. We have a configuration of community that's dependent on that fourth floor for distribution for the seniors or 55 active adults and I would ask you to really consider all that's gone into this.

Commissioner Walsh said you mentioned price points. These are probably some combination of one and two bedroom. What price points are you looking at.

Josh Glover, Greystar, said our goal is to start rent around \$1,100 to \$1,200 range for the entry level one-bedrooms and those kind of run all the way up to \$2,000 or just north of \$2,000 for some of the larger corner two-bedroom units.

Commissioner Munger asked for a breakdown of the one-bedrooms versus the two-bedrooms.

Mr. Priester noted it's split almost exactly 50/50 between ones and twos - 85 and 85.

Commissioner Munger said on the maps you had Phase 4. Are there any thoughts when that might occur.

Mr. Priester said Phase 4 of the project is the additional 7 acres. Our plans are to have that be a retail and office component, primarily medical.

Commissioner Boone said we have a five-story rental, 55 and older targeted building, in Huntersville and at this time one of the most important parts is the distance walking to and from the elevator with groceries. During this virus there's only allowed one person on the elevator at a time and from what I've seen the line of people waiting to get on the elevator is starting to back up. It's something you might want to look at.

Commissioner Phillips said I would just like to thank the applicants for jumping through the ringer twice and for providing us with so much information.

Mr. Suchoza, said Commissioner Bales had asked about the unit count and the unit count kind of has been at 170-171. I just wanted to impress upon you that as we continue to develop the plans, we may need some technical space and lose a unit or we may see an opportunity or when we address some of David Peete's concerns. It's not like we don't really have a target that we are going after, but it's perfectly natural that they fluctuate a unit or two.

There being no further comments, Mayor Aneralla closed the public hearing.

Petition #R20-03 – North State Development. Mayor Aneralla called to order public hearing on Petition #R20-03 - Huntersville Town Center Mixed-Use, a request by North State Development, LLC to rezone +/- 9.947-acres located south of Gilead Road (just west of NC 115), north of Greenway Street and east of Hillcrest Drive (Parcel #s 01711616, 017116699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811) from Town Center, Neighborhood Residential and General Residential to Town Center - Conditional District to permit a mixed-use development with 140 apartments, 61 townhomes and 10,900 sq. ft. of non-residential space.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

Commissioner Hines said early 2015 I was in communications with Piedmont Capital Advisors and we were going to join forces and start Invest Properties. At the time, we were looking at other properties that we had listed and he currently had at the time the Bradford tract listed with Mr. D. Bradford. Those negotiations for joining forces did not come to fruition, so we never became partners in that brokerage company. Mr. Watson and I do own some rental properties in the area that are completely separate entities. While in this process, Mr. Watson created a brochure in anticipation of the merger that showed Invest Properties as being a broker. My name was on the brochure. With that being said, I did not receive any financial contributions. I did not receive any commissions at all on this property. I wasn't even involved in this since 2015. My question is for the Town Attorney. With that being said and there's a flyer out there that I was recently made aware of, do you see any potential conflict.

Emily Sloop, Town Attorney, said no I do not. Under Statute 160A-381, you would have had to have had a substantial and readily identifiable financial gain in order to need to recuse yourself from voting on this matter or being involved in it.

Commissioner Hines said with that, I'll take the advice of our Town Attorney, unless my fellow Board members feel differently.

Mr. Peete said I just want to clarify for everyone involved, that the items in red in the Staff Report constitute the e-mailed comments that came from the applicant a couple of days before the hearing. There is an element of the public hearing that the plan that goes to the hearing must be, as we call it, locked in leading up to it. That makes sure that everybody who takes a look at it.....gets it on the website, if they were to come to Town Hall if we were open, those types of things, that they are seeing the same thing that everybody else is seeing and there isn't kind of a change up and you have good information. The Staff Report was done on the second version of the plan which is the one that has been on our website the entire time. But having said that, there was communication happening between the applicant and various groups and they did formalize some of those comments into the e-mail that was attached to the plan set that you received last week and so I decided to help make sense of those comments to put them where they would belong or the issues that they were dealing with within the Staff Report. Having said that, I want to be clear I'm not talking about those during my presentation and they are not on the table until tonight's presentation is concluded and then they can be whatever you want them to be. The applicant is certainly free after that to mention whatever they want to do in terms of possible changes to the plan.

The basic project proposal is to rezone 9.947 acres from Town Center and Neighborhood Residential and General Residential to Town Center - Conditional District. Proposed uses include 140 apartment units (in one building), 61 townhomes, 3 new streets and 3 urban open spaces.

The following ordinance modifications are proposed:

1. Provide more than 50 percent residential of first floor. Staff Comment: Staff cannot support this modification at this time.
 2. The 10' buffers along external boundaries. Staff Comment: Request is not needed, as buffers are not required in TC District.
 3. On-street parking may count as required parking. Staff Comment: Request not needed as this is allowed per zoning ordinance.
 4. Town to construct required street improvements. Staff Comment: Staff does not support this request.
 5. Urban open space may change, but comply with Zoning Ordinance. Staff Comment: Request not supported, as written. Type, size and location of Urban Open Space must be understood as part of plan approval (if applicable).
- The façade of the mixed-use building adjacent the Town parking garage (along Street A) is extremely long (+/- 400 ft.) which does not create a pedestrian-friendly streetscape. In addition, vehicles entering from Gilead Road must drive the entire length of the building to access the parking to the rear. The Downtown Master Plan (page 20) indicates as a "guiding philosophy", "parking areas should be convenient, easy to find and safe but need not dominate the visual landscape." In addition, without more direct access to the project's parking, the majority of drivers may use the Town's parking garage, which should not be dominated by any one use. STAFF COMMENT: the mass and scale of the mixed-use building should be reduced via architectural variation and effective streetscape elements. To reduce the mass and scale of the mixed-use building, it is recommended to split the building into two separate structures. If this is not preferred, provide direct access to parking, by adding a vehicle pass-thru in the middle of the building. UPDATE (9/24/20) – Applicant will provide a vehicular pass through to Street A bisecting

the mixed-use building in approximate location of the pedestrian passageway on the plan or Applicant will create two mixed-use buildings.

- All perimeter buffers consist of either undisturbed existing trees and vegetation or they are cleared and replanted. It is not clear, particularly along the western boundary of the project, which buffers are proposed to be undisturbed, natural buffers and which are to be planted. STAFF COMMENT: While the Ordinance permits both types of buffers, it is important for adjoining property owners to understand what the buffers closest to them will consist of. If mature trees/vegetation exist, it is generally recommended that buffers save the existing trees/vegetation and are wide enough to provide appropriate buffers. UPDATE (9/24/20) – All buffers will be planted or undisturbed.
- The proposed townhomes along Greenway Street do not provide an effective transition to the single-family homes south of Greenway Street. STAFF COMMENT: The housing units fronting Greenway Street should be more in keeping with the single-family homes across the street. The homes do not have to be of equal size to the existing homes. UPDATE (9/24/20) – Applicant will provide for detached houses along Greenway with some minor adjustments to setbacks.
- A compliant parking plan must be provided. STAFF COMMENT: The Rezoning Plan must show that all Ordinance-required parking can be provided on site. UPDATE (9/24/20) – Applicant will show the total number of parking spaces within the project in the calculations; however, Applicant will add a note that the total number of parking spaces required by the Ordinance will be provided in the Preliminary Plan phase of the project.
- The Town's storm water review indicates that the size of the proposed BMP can be reduced, thereby altering the impact to the adjoining property owners and providing additional area for larger buffers. STAFF COMMENT: The BMP must meet all Ordinance requirements and if a smaller BMP is appropriate, and provides more space for buffers, then the plan should be revised. UPDATE (9/24/20) – The storm water plan will be in compliance with the Ordinance and Applicant is looking at reducing the size of BMP in the final engineered Preliminary Plan, but this rezoning will show the reduction in size to accommodate the 20' buffer.
- The storm water bypass-system is shown in the vegetated buffers along the project boundaries (see Sheet RZ-12). STAFF COMMENT: This system cannot be located in vegetated buffers - unless they are large enough to accommodate both plantings and the bypass system. Pipes will need to be re-routed.
- The BMP access path, as shown, does not connect to a public street. STAFF COMMENT: While there is a note that the "conceptual access path (is) to be determined during design", it is important to show that viable options exist to connect the path to public Street C. Concerns relate to whether the route to the public street will fit between the proposed townhomes and the mail kiosk. In addition, on-street parking, which is highly recommended, is located along this section of street. A clearer understanding of how the BMP will-be-accessed is required.
- Tree preservation data is not clear. The summary of tree preservation in Sheet RZ-02 does not show compliance for specimen tree-save. The plan states that the applicant "reserves the right to mitigate/buyout of tree preservation requirements according to the Ordinance." While there is a mitigation provision in the Ordinance, it is to be applied when "site conditions are not conducive for healthy tree replacement". Buffer areas are identified on the plan, as well as open spaces where trees can be saved and the tree preservation plan should be updated to minimize mitigation.
- A public sidewalk should be added to the east side of Hillcrest Drive along the frontage of the project. STAFF COMMENT: Transportation improvements along public street frontages are required as part of subdivision of the site. While it will not initially connect, as improvements to the rest of Hillcrest Drive/Holbrook Street are provided, it will provide pedestrian

accommodations for the neighborhood.

- Site plan provisions to handle roll-out garbage collection have not been provided. STAFF COMMENT: A site plan that explains and provides for the orderly collection of trash roll-out cans must be provided, as this could impact the new public streets. UPDATE (9/24/20) – Applicant will provide that roll-out garbage and recycling for townhomes along Holbrook Street will be on Holbrook Street and that roll-out garbage and recycling for townhomes along Greenway Street will be on Greenway to address concerns about roll out along the internal roads.
- RECOMMENDATION: the full elevations for the mixed-use building should be provided for both Gilead Road and Street A.
- RECOMMENDATION: On-street parking should be added along the east side Street A.
- RECOMMENDATION: sidewalks along both sides of Street A should be 8 ft. wide. While 7ft. is required for “mixed-use sidewalks”, per Zoning Ordinance, 8 ft. provides additional width and matches the sidewalks next to the existing Town Center/DPK building.

A TIA Determination of Need was completed for the proposed Conditional District Rezoning and based on the land uses and intensities proposed, a TIA Scoping was required. After completion of the TIA scoping process, no intersections were determined to be above the threshold for study that were not already included in a current TIP project. As no intersections were required to be studied, a TIA was not required.

Under the provisions of the Adequate Public Facilities Ordinance (APFO), all residential development greater than 20 lots are required to receive a "Determination of Adequacy (DOA)" for the following public facilities: fire vehicles, fire facilities, police facilities, police vehicles and Parks & Recreation facilities. The proposed CD rezoning met the required threshold for submission of an APF application, and the proposed Rezoning Plan (and associated subdivision) is subject to the requirements of the APFO. A Determination of Adequacy (DOA) has been issued for the following public facilities: Fire Vehicles, Fire Facilities, Police Facilities, Police Vehicles and Parks & Recreation Facilities. No mitigation is required.

Charlotte-Mecklenburg Schools issued a report estimating based on their formulas that this project could generate 27 students. Multi-family tends to generate fewer students per unit than single-family.

Staff could support approval of this rezoning with the following addressed:

- Substitute detached single-family homes along Greenway Street instead of townhomes.
- Provide data to ensure required parking is provided.
- Show ordinance-compliant reduced BMP area and enhanced buffer along Hillcrest Drive.
- Provide details on how/where roll-out garbage and recycling bins will be handled and located on collection days so as not to impact public streets.
- All outstanding redline comments must be addressed.
- Recommend Street A should have on-street parking on the east side and 8' sidewalks on both sides.

Commissioner Hines said on the platted area that connects to Hillcrest, how much right-of-way is currently there.

Mr. Peete said there is enough and staff has looked at a modified cross-section. There is not enough for a regular ordinance-required right-of-way cross section, but we have worked on a modified section and you would have to do things like perhaps your sidewalks or maybe you would place them back of curb and then your lanes would probably be reduced perhaps maybe to 9'. I believe that unopen right-of-way is

around 30'.

Commissioner Munger said do we have any plan in terms of how to limit the use of the Town parking garage by residents of this development.

Mr. Peete said the garage itself is gated and there can be a fee structure. I think that was part of the original vision.

Commissioner Bales said does this plan marry up with the multiple plans that we have for downtown revitalization.

Mr. Peete said the staff's recommendation and position is that it does.

Commissioner Bales said the apartments and the retail space that is being proposed fits within the current zoning, so that portion doesn't have to be rezoned, correct.

Mr. Peete said I think the best way to answer your question is Town Center allows for commercial, apartments. To say that it accommodates what you are seeing there, I am not comfortable with saying that specifically.

Commissioner Bales said I'm just trying to make sure that I'm understanding what's being proposed and what's on our plans and how it is currently zoned.

Mr. Peete said the use that they are proposing in that location would be allowed under Town Center today and they are looking to unify the entire site as the same zone, Town Center.

Mayor Aneralla called on Planning Board member Stephen Swanick.

There was no reply from Mr. Swanick.

Commissioner Munger said I can read Mr. Swanick's question. This request is an intensification from combination GR/NR to TC. What aspects of this plan benefit from that intensification.....what can be developed by right and what requires the intensifications.

Mr. Peete said I don't think I can answer what requires the intensification. I think that would be for the applicant. But to make sure that all three of the existing zoning districts are understood, we'll start with, of course we've just gone over Town Center allows for a variety of uses without minimum lot sizes or density or caps or that type of thing. The Neighborhood Residential district does not have minimum lot sizes or density either. It lets the site handle the context of what you are going to get. However, with regard to attached units like townhomes and apartments, you would be capped at 30 percent attached, unless you are within 1/4 mile of the identified rail station, so that could very well capture that as well. Lastly is the General Residential district. As you know, that is one that has an interesting history. That was the zone that was created when we brought in developments that were originally reviewed and approved under the County's regulations and so it's always been seen as a way to allow those developments to continue and move forward, but that if you are really going to redevelop that you would change from GR and you would go to one of the other districts. I want to state that GR also has a minimum lot size of 20,000 sq. ft., so by extension very low density would be required in that zone.

Susan Irvin, Attorney for the Applicant, addressed the Board. Ms. Irvin played a video of business owners and developers speaking in support of the project.

Ms. Irvin presented PowerPoint presentation. *PowerPoint attached hereto as Exhibit No. 4.* I came in a little bit late on this project and so I am doing this for the benefit for everyone who hasn't been here from the beginning. Just starting with the timeline. I'm not going to touch on everything, but I went back to 1997 when Town Hall and the old Police Station were built. I was actually here then. Two thousand six (2006) was when the Downtown Master Plan was adopted, which recommended high density households in downtown and in 2007 the Town acquired Discovery Place and in 2009 built Discovery Place. That was really the beginnings of the efforts to try to revitalize downtown. In 2011, the 2030 Comp Plan recommends high density households in downtown. The Town acquired the two acres that zoned to Town Center that are part of this project between 2015 and 2017. It was actually zoned Town Center CD in 2008 and in 2017 it was rezoned to Town Center. The Town then began to actively recruit developers. I saw a video clip of a story on WSOC-TV in 2015 today, actually interviewing the mayor at the time, Mayor Jill Swain, where she talked about the importance of revitalizing downtown and finding a developer for a mixed-use building that would be three to four stories high at that location. Fast forward two more years and the Town and North State signed a contract for that two-acre piece of property. They worked together on the initial concept for the mixed-use development on that two acres and their due diligence began in November of last year. They hit the ground running on due diligence but in March as we all know COVID delays caused them to not get all of their due diligence completed, but during that time they began negotiations with Mr. Bradford for the eight acres adjacent piece and notified the Town in April of this year that they had a letter agreement to add the 8 acres to the project and signed the contract in May and then began the zoning process for the entire 10 acre project. The idea as Shane Buckner said on the video was to have a cohesive plan for the entire 10 acres. In July the zoning plan for the 10 acre piece was filed. In August the applicant purchased the 8 acres from Mr. Bradford and we began doing review of plans in end of July and August and submitted the second round of revisions in late August. We received the comments back that David Peete has gone over with everyone in his presentation on the 16th and I think he mentioned at that point it's too late under the ordinance for the applicant to respond to those comments and to refile. I want to say that we have had two community meetings. Our first one was in August via Zoom. We heard some concerns that there were people who wanted to attend an on-site meeting, so we had a second community meeting in September on-site following all of the COVID guidelines. Here we are at the public hearing.

This kind of touches on the comments that David made. The red is the area that's currently zoned Town Center. To address one of the questions raised by Mr. Swanick, the portion that is not in the red overlay that's north of Holbrook, is currently zoned Neighborhood Residential and the portion of the property that is south of Holbrook is zoned General Residential.

This gives you a little bit of an answer to that question what does the current zoning already allow. I have to say the community meetings that we have had have been very courteous and very respectful. We've had two very good community meetings I think. We've had excellent conversations with people who live nearby and we sat down with tracing paper after those meetings and worked on addressing those comments. There is also, I understand, a Facebook effort right now to try to stop apartments in downtown. I just don't think that all of the information has been given to the people who are signing these petitions. But to be clear, the zoning that is on the Town property allows apartments and commercial. That's the Town Center. The Neighborhood Residential zoning allows apartments, townhomes and single-family. The General Residential zoning, as David said, is an old zoning that is not for new development. If you are going to develop, the ordinance contemplates that the GR zoning would

be rezoned in accordance with the Town's adopted plans. The point I'm making here is that the Town's adopted plans do support the project.

The next slide gives a list of the, I think, pertinent plans, and really David has gone over in great detail what those plans do say, but there was a lot of citizen involvement in those. Again, you know before 2006 all the way to now really the draft 2040 Community Plan – there are community workshops, stakeholder interviews, a lot of outreach and surveys and ultimately these plans are approved by resolution of the elected officials.

When I say the adopted plans support the project, this is the Downtown Master Plan which was the very first one that talked about developing downtown.....the rezoning from NR to TC essentially for the property north of Holbrook and the rezoning of the property south of Holbrook from GR to NR. One of the things that I will talk about as far as addressing comments that we've heard from Commissioners and the community and the Planning staff is we are approaching this as a unified development of Town Center CD but the portion of the property south of Holbrook meets all of the design criteria for NR. It's just not split out as a separate zoning classification

This is the 2030 Comp Plan. Again, downtown development and a variety of housing are really in all aspects of the 2030 Comp Plan. These are some slides from the 2040 Draft. The downtown will be a walkable mixed-use area with high density residential which is what we are proposing.

This is another slide from the Comp Plan. It kind of shows the two tiers. Tier One is where the mixed-use building is with the apartments and that is intended for apartments and shop front buildings. The area south of Holbrook essentially is the Tier Two which recommends apartments, townhomes, duplexes, triplexes and urban single-family homes which is again the type of development we're proposing there.

Just a short reference to the Strategic Economic Development Plan. I mean certainly revitalizing downtown is key to economic development in Huntersville. One thing I wanted to say about that is I did receive an e-mail from Addison Causey and I forwarded some of his comments to the Town Board at his request. As you all know, Mr. Causey and his predecessors have done work at The Park and built a thriving job center for Huntersville and the broader Lake Norman community. The Park currently has over 6,000 quality high paying jobs and it is the largest single job center in the Lake Norman region outside of Charlotte. Mr. Causey asked me to pass some of his comments on to the Town Board and what he said there is that all development, existing and contemplated, benefits from having a vibrant and well-rounded Town Center with various types of housing from apartments and townhomes to single-family and with various attractions such as offices, Town offices, small retail and eateries, Discovery Place Kids, the library and so on. But little of these higher office, retail and restaurant use types will be consumed by the development community unless the population density and mix of housing types support such uses. That is essentially the message from the video earlier.

We wanted to address community concerns. I'm calling these community concerns and I realized as we were going through David's presentation that we have had a lot of communications from the Town Commissioners about these concerns as well, so when I say community concerns we certainly heard these concerns at the community meetings, but we have had a lot of comments and emphasis from the Town Commissioners about these concerns, as well as from the staff. We have taken those to heart, and I wanted to go through each one because they are very important.

The first question is about traffic generated by the multi-family. One of the first questions we got in our first community meeting was a request to obtain a traffic memorandum. We requested one and I put some key parts of that in this presentation. This is the trip generation table for all of the uses, but I wanted to point out here that the a.m./p.m. peak hour and these are the total amount of trips that are generated on all of the roads leading out of and into the project – 11 total trips in the a.m. peak hour and 8 for single-family. For multi-family it's 28 total trips in the a.m. peak hour and 35 in the p.m. peak hour. And for the multi-family mid-rise 47 and 61. The way that breaks out is one of the key concerns we heard was about cars going onto Greenway, so only 3 percent of the total residential are turning right onto Greenway, so that was the trip distribution estimate and that's based on the Institute of Transportation Engineers Trip Generation Manual.

The next slide is one of those Traffic Engineer diagrams, but it's showing the site where the asterisk is and Access B full-movement coming out of the site is Greenway and what this indicates is 3 percent of the residential traffic will be turning right onto Greenway out of the site. The next slide shows the a.m. peak hour number of trips and the p.m. peak hour number of trips and it's giving you a distribution and you can see most of the cars are going out of the Holbrook Extension onto Hillcrest and the other access roads are Street A and going to Highway 115. The next slide is basically showing the majority of the traffic which we talked about earlier on the trip generation table. These are the avenues of entry and exit for the cars according to the traffic memo.

The second concern we heard was about road infrastructure and funded projects. This is the most recent information that we have and it's showing the projects that are funded and this slide relates to the next slide which kind of gives the prioritization of these projects. If you could go to the next slide I can explain that the local projects are the Downtown Greenway and the Holbrook Street Extension. That is the extension to 21. This project will be building the extension within the project to Hillcrest. The state projects are listed here – primarily this 77/Gilead Road interchange, the Highway 21/Gilead Road interchange, Gilead Road from Highway 21 to Highway 115, Gilead Road intersection improvements and the Main Street improvements which are due east of the project.

These are just some designs of the improvements I just mentioned that we pulled off of the Town's website and I'll just run through these. These are the Gilead Road improvements. The next slide shows this is the project that is the widening of Gilead Road from 21 to 115 and the next slide is the Main Street improvements I was mentioning earlier. The star is where this project is.

The third concern was storm water. I did some research into this and the Greenfield neighborhood where we had heard the concerns about storm water was actually developed before the storm water regulations were in effect. Now all development has to follow regulations that protect watersheds and control storm water. The storm water controls will be put in place to meet or exceed the applicable laws. And this is a list of those regulations and laws that are in effect that have to be complied with for new development and so I think that is a primary difference and it's better for me to list each one of these and explain what it does.

The soil erosion and sedimentation control ordinances are, we've got to comply with those. Post construction storm water control, that is another storm water control ordinance that minimizes impacts to surface water quality. The surface water improvement, the SWIM ordinances, the watershed supply ordinances, floodplain regulations and storm water pollution controls.....all of those are a part of the evaluation and approval of this project during the engineered documents portion of the development and they must be met.

Another concern we heard was about the schools. I just included this portion of the CMS information that David Peete has already presented to you showing the additional students as a result of this development. A lot of the information that I noticed on some of the Facebook posts don't really have facts to back them up. For instance, they say that this project is not in accordance with the Town's long-term plans and I think we've shown here tonight that it absolutely is and that the burden on schools and infrastructure, what we are showing here is that it isn't actually factually the burden that it has been presented to be.

This is a list of the revisions that we have discussed with the Planning staff and with the Commissioners and with some of the members of the community. Again, we have talked about making these changes and are not allowed to submit a revised plan until after tonight's meeting, but I do want to run through those. We are changing the buffers to accommodate some of the community concerns. South of Holbrook it will be a 20' landscaped buffer in compliance with the Neighborhood Residential zoning requirements. North of Holbrook the applicant has agreed to construct a fence within the 10' landscaped buffer putting the landscaping on the west side and the fence on the project side. A key concern we heard was taking the townhomes off of Greenway and replacing them with detached houses, so they will be making that change. A vehicular passthrough rather than a pedestrian passthrough and we will meet all ordinance requirements. We are looking at reducing the size of the BMP and the applicant has agreed to extend Holbrook Street to Hillcrest and that's paying not just for the paving, but for all of the infrastructure to create that road and also the same thing with Street A, which is the street along Discovery Place Kids and the parking garage. The storm water plan, the buffers, that comment about buffers will be planted or undisturbed, that is a comment to address the staff's concern and then the non-residential will be 33 percent of the entire mixed-use building and recycling we talked about ways to address concerns about that.

One of the things that we had talked with the Town staff about was not a right-turn onto Greenway coming out of the project. There's so little traffic from the residential going onto Greenway, it just seemed reasonable just to have a no right-turn there coming out of the project. As David mentioned, there's always additional minor comments.

The next slide kind of shows these briefly. We've got 12,040 sq. ft., 20 percent of that is clubhouse and leasing or non-residential. The vehicular connection, the cost to build this street along Discovery Place and to build the Holbrook Extension to Hillcrest is plus or minus \$400,000. South of Holbrook, 20' buffers and townhomes on Greenway will be converted to single-family. We are asking for a no right-turn onto Greenway and a reduction in the pond size for a larger buffer. All of these things as a result of extensive community, commissioner and staff communications and meetings.

I just wanted to point out the economic benefits and this is really something that the Town has wanted to do and really one of the reasons for the revitalization plans that started back in 2006. This is just the tax value difference. Right now the tax value of the property is a little over \$2 million. With this development it would be \$36 million. Total annual tax revenue now is \$17,000. With the project it would be \$325,000 and the annual tax revenue going to the Town would go from about \$5,000 to \$125,000 each year. It also brings the additional benefits of additional jobs related to construction, operation and employment and we can also quantify those.

That's just really kind of showing, everybody knows where that is. That's basically standing in front of the old police station. The next one was example townhome designs for the project.

That's my last slide. I have some slides in the appendix, but I wanted to mention, first of all I didn't say this, but I wanted to thank the Town Commissioners and the Planning staff and the community for their input on this over the last two months and I wanted to introduce our team. Here we have with North State Shane Seagle, David Dupree, Shane Buckner and James Jones. With Land Design here we have Richard Petersheim, Chris Cook and Kevin Vogel. They are here as well to answer any specific questions the commissioners may have.

Commissioner Phillips said I was wondering where in Policy H-7 it says support appropriate mix of housing for all income levels. I was wondering if you guys could give us a projection of what the cost is going to be on the housing units.

Ms. Irvin said when you say cost, are you asking about what the rents will be for the apartments and what we think the townhomes will sell for and the single-family homes.
Commissioner Phillips said yes.

Ms. Irvin said on the rents I'll have to defer that to Shane or David, but this is not IRS tax credit housing or Section 8 housing, so we do not have an affordable component as a part of the multi-family and I think that's what you are getting at. This is going to be market rate apartments. They are high-end apartments, so the rents will be higher. They will not address what I think you are asking. They are not planned to be an affordable component in these apartments. I wanted to ask Shane and David if they would like to pitch in on that, but as far as actual range, what your low range and your high range on the apartments, I know we talked about the townhomes and the single-family homes and they felt very comfortable that the townhomes and the single-family homes are going to be at the high-end for townhomes and certainly commensurate or better on the single-family homes than what is surrounding them.

Shane Seagle, North State Development, said the apartments will rent for probably in the \$1,100 to \$1,200 range for the one-bedroom units and it will go up to just under \$2,000 per month for the larger units. We project the townhomes to start in the low to mid \$300,000's, as well the single-family.

Commissioner Walsh said I would like to focus in on that ground floor non-residential. The 33 percent you are referring to or 12,000 sq. ft. give or take, that box that is I'll call it to the left, how many square feet is that, if you were guessing.

Ms. Irvin said Chris Cook is on with Land Design and Richard are on the line, but we did estimate that the entire area that is shaded is about 12,040.

Commissioner Walsh said so to be clear, when you say shaded I kind of see two different.....well I see several shades, that taupe or whatever it says there, then there's a little lighter color, is that like a walkway or something.

Ms. Irvin said that's just intended to show a pedestrian passthrough. That was one of the things that came out in the discussions I believe with the Planning staff early on, a way to get from Gilead Road through the building to the back, just a pedestrian connection there. But the area when I say it's shaded, it's that kind of peach color or that darker red peach color that is not just the area that says ground floor non-residential, but the other side as well. That entire area is 12,040 sq. ft.

Commissioner Walsh said so all of the frontage there on Gilead Road would be for retail. When we say retail, we're not including leasing offices or gyms for the apartments, correct.

Ms. Irvin said that's correct. This says 12,040 sq. ft. of ground floor non-residential, 20 percent of that is intended for the clubhouse and leasing. They would like to put that adjacent to the multi-family portion of the building, but not the frontage on Gilead is my understanding. I believe that left of the breezeway they're looking on that area at approximately 7,500 sq. ft. right there.

Commissioner Bales said I just want to be very clear, you are saying that the clubhouse leasing space would be in the corner to the right.

Ms. Irvin said one of the things that we talked about was not putting that on Gilead Road and so I'll hand that over to David Dupree and Shane to discuss because that's one of the things actually that was important to some of the commissioners was that the non multi-family related portion of that non-residential that the things that are not part of the clubhouse and the leasing that that be what's on the frontage of Gilead Road.

Commissioner Bales said certainly you have heard that from me from pre-development meetings and so forth. If you are looking at that and you are saying that's that corner unit there as you are turning onto I believe it's Street A, it would probably be a good location for a restaurant or something of that sort. Would it not make more sense to move the clubhouse leasing space more into the multi-family portion just pass that.

David Dupree, North State Development, said we agree with you 100 percent. That corner would be a good place for a restaurant and our integration of the clubhouse and leasing space will come during design, but we really want to focus on activating Gilead, that's something the Planning staff has really drilled into us that activation of Gilead is important and we certainly don't see the leasing and the clubhouse as being a space that's profitable, so we certainly don't want to put it where we might could put a restaurant or have other retail users. During our design phase and building phase hopefully we will have this all leased up and we can just integrate that into a lesser pronounced portion of the building. The way that looks doesn't give any credence to where we think anything will be necessary, but we do agree that corner will probably be the easiest place to lease because of its presence on that median corner.

Commissioner Bales said I could concede the pedestrian pass way through to get folks off of Gilead and into the space, but I am still very concerned when we are talking 33 percent of the first floor non-residential when the initial plan called for 50 percent, so I know you are looking for that happy medium and that sweet spot, but I feel like for the Town it's very important if we are moving forward that the non-residential that we are maximizing as much of that non-residential space as we possibly can. One of the other things that I would ask that you would consider is designing that corner in a way where if it could hold a restaurant with outdoor seating and a space for folks to gather, I think that would enhance as well. That is just something off the top of my head. I do have another question and it kind of goes back to Ms. Irvin's presentation. You said the townhomes and single-family homes south of Holbrook meet the Neighborhood Residential zoning. Is that correct.

Ms. Irvin said yes, that's correct. They meet it or actually exceed it because with Neighborhood Residential zoning you would not need to put single-family homes on Greenway.

Commissioner Bales said going back to the non-residential ground floor, how many square feet is that first floor of the entire mixed-use building.

Ms. Irvin said I'm going to have to defer to Land Design on that exact number. I believe it's around 36,000.

Commissioner Bales said you've already answered the questions about price points. One of the things that I would highly recommend is that this Board have access and everyone to the public to understand and see the elevations and what the plan is. I know you gave us a brief kind of picture of what the townhomes could look like, but in addition to that the larger building understanding what those elevations are going to look like and how that vehicular passthrough is going to manifest itself visually.

Ms. Irvin said yes, thank you, we will do that.

Commissioner Hines said I think the plan that we are seeing, the changes are not reflected here especially when it comes to the length of the building along Street A, can you describe for us....I see you show a vehicular connection underneath, what some of the architecture is going to look like – is it all going to be the same three-story throughout the whole project or is there going to be a step-down beyond that vehicular connection.

Ms. Irvin said I can answer that and then ask David or Shane to fill in, but we have gone through this and discussed this at length about adding vehicular connection. To the south of the vehicular connection the topography steps down and so that building would actually step down with the topography and you'll notice that the street there actually jags a little bit toward the parking garage, so another thing that has been discussed because the street curves a little bit is to bring the building out a little bit on that side to match the curve of the street or to match the way the street shifts there to the east. Then as far as articulation goes the idea would be to have that vehicular passthrough with an indented portion of the building above it so that from the street it actually does look like two buildings because the second portion of that building steps down and is pushed out a little bit from the other one so the facades look different and so those are the things that we have been discussing.

Commissioner Hines said I'm really concerned about how that looks.....500' for a building is extremely long. I know there's one up in Oakhurst that's about 270' long and has the vehicular connection as you are discussing here so that's very much a concern of mine and I'm looking forward to seeing if it can be accomplished to where it does look like multiple buildings.

Ms. Irvin said okay, thank you.

The Board took a 5-minute break.

Upon return from the break, Mayor Aneralla called on public speakers.

Bill Russell, 9449 Mt. Holly-Huntersville Road, said I moved to Huntersville in 1995 to take on a position with our local Chamber of Commerce and not long after that, Town Manager Ed Humphries and Mayor Randy Quillen gave me a windshield tour of Huntersville. One of the first things they showed was a brand-new development coming out of Huntersville called Northstone. I can't believe that's been 25 years ago. But then we went to Town Center and Ed talked about where they were going to locate the new Town Hall, which is woefully too small now, but talking to me they shared their vision of the town

and we all talked about the sense of community a downtown presence gives us. Fast forward these many years, I can't remember and recall how many focus groups and stakeholder meetings, committee meetings that we've had talking about the revitalization of downtown. As a matter of fact every time the Chamber hosts a candidate forum, every candidate running for Town Board talks about what they are going to do to revitalize downtown. Susan Irvin just talked about a 2015 video which showed our former mayor standing in front of DPK talking about in 5 years the transformation that was going to take place in downtown. Sadly, really the only thing that has changed downtown is the sign at the restaurant in front of Town Hall, which was Lupie's and now it's Slice Pizza, which is great pizza, but not the transformation I think that we were looking for. Nate Bowman talked about what the other communities are doing to revitalize their downtown. Davidson has always had a very strong downtown, but the commercial development taking place at Exit 30 along I-77, we've seen some high-end restaurants now come to downtown because of that. Cornelius introduced the Antiquity project which has mixed use, it has the apartments, it has the retail and now we are starting to see a transformation in downtown Cornelius. My native town of Rock Hill, South Carolina introduced high end apartments downtown and now we are seeing a revitalization there. The bottom line is we need to introduce the density downtown that's going to drive business. We should not just save downtown, we have to reenergize downtown. We have to bring life to downtown.

Mayor Aneralla said our next speaker and several others have given their time to Mr. and Mrs. Hallman. With all the people that have given their time, you have 20 minutes.

Amy Hallman said we are Lee and Amy Hallman and we live at 100 Cambridge Road. Thank you for allowing us to address the Board even if virtually. We asked to deliver a PowerPoint, but we were told the Town doesn't allow electronic presentations for the citizens at public hearings, so we will try to paint this as clearly as possible. For purposes of this speech, we are speaking only for Save Downtown Huntersville, which is a Facebook group and several Huntersville neighborhoods with a protest petition of 1,500 signatures from residents and small business owners and we oppose the rezoning request and the site plan in general. *Petition attached hereto as Exhibit No. 5.*

We stand with Greenfield Park because this proposed plan hurts all Huntersville residents, visitors and the downtown potential. While at least one Town commissioner has said that he or she will not be swayed by traffic or school concerns, petitions, floodplain issues and not in my backyard cries, we submit that we are coming to you as a diverse group to say that this plan is not in the public interest of the residents, particularly in the Greenfield Park neighborhood.

Two weeks ago Lee spoke to the Board and asked you to deny the extension of the contract because we thought that the sale was not a good one and we still plead that. Because the Board declined to deny the extension we are faced with North State's amended site plan to add the additional 8 acres of undeveloped woods they purchased just in August 2020 to increase their initial plan of 80 apartments and 96 parking spaces to 140 apartments, an additional 61 townhomes and 300 parking spaces. This bait and switch plan will destroy the character of our town's oldest neighborhood and begin a dangerous precedent for the future of Huntersville neighborhoods all together. It is certainly not within the public interest.

Because the Board declined to deny the contract, here we are. This is literally the last time for us to get the downtown development right. North State managing partner David Dupree told the Charlotte Ledger last Friday that this proposed development would be second only to Discovery Place Kids. That statement speaks to the enormity of this project and how it will cast a dark shadow onto our downtown.

On the surface the Town should cancel the contract. The Town knows that any concept plan submitted that meets.....the offer will not be consistent with the developer's overall site plan. At present, not granting rezoning is your only recourse to save Greenfield Park because once the zoning is changed nothing can stop the development and very little can be done to prevent the developer from pushing the limits of that new already broad zoning.

Greenfield Park is the first neighborhood in Huntersville. It contains a protected watershed and is still a well-maintained family neighborhood. Greenfield Park is approximately 90 acres, with 170 existing unique single-family homes, 900 residents and 75 percent home ownership. The average single-family parcel is 0.6 of an acre. Greenfield Park has eight forest acres nestled between Hillcrest Street and Greenway Drive parcels, stocked with century old trees including Slippery Elm trees that are rare and wildlife and vegetation. It is one of the most walkable neighborhoods with mature tree canopy, a Town park and some of the oldest families in Huntersville. It is not a neighborhood you drive through and thinks need raising. It does not.

In the 1950's the Town's zoning ordinances were purposely established because of Greenfield Park and the Town's desire to protect the neighborhood from development in the future i.e. now. Similar language in the Town's 2040 Draft Community Plan introduction it is with this reverence for the past and anticipation for the future that the reader will see throughout this document a strategy that is looking forward and thinking back. The North State proposal is not in the public interest because it wants to plot down 200 new households in between just 17 of those existing family homes. While the average lot size is currently 0.6 of an acre, in relation this project's housing density proposes .05 of an acre per household, a 10 times density variance. It is not in good faith. All but about 200' of the perimeter of this proposed area is surrounded by single-family homes. Nowhere else in Greenfield Park has been drilled into like this, not even along 115. It bears repeating, at present all parcels save that 20' field frontage are undeveloped woods encircled by single-family homes. The proposal will add 140 apartments and 61 townhomes to land that currently exists in three zones – Town Center, Neighborhood Residential and General Residential.

Granting this rezoning request is not in the public interest because the majority of Greenfield Park parcels are zoned General Residential which would require that you jump two entire zoning grades to reach Town Center, with no step down for intensity which goes against the 2040 Draft Community Plan which calls for eased density and housing types where they abut established neighborhoods. Also, the rezoning goes against the spirit of the 2030 Community Plan and current Zoning Ordinances. While much of the Greenfield Park acreage at risk is zoned General Residential, two Neighborhood Residential parcels are in the proposed request. Current Zoning Ordinances state that Neighborhood Residential preservation orders development to mimic the space and physical properties within.

North State knew when they purchased this land for \$1.2 million less than two months ago that the zoning would prevent their type of a development. Why buy it anyway. Absolutely nothing fits within the current guidelines. This rezoning is not in the public interest because it intrudes on this established well-maintained neighborhood and it sets a dangerous precedent. It will allow more developers to swoop in and buy seed parcels along Mt. Holly-Huntersville Road and then bore inward. Voting to grant this rezoning request will tell developers big and small to come in and chip away at all General Residential, Neighborhood Residential areas within a radius of downtown, not just Greenfield Park. This proposed rezoning will irreparably harm the neighborhood and ignores the entire planning process. The character of this neighborhood will irreversibly be altered. Eight acres of inveterate trees that cannot be duplicated with any tree canopy ordinance will be eliminated. The quaintness is gone. The ½ acre to 1

acre lots cannot be recreated. If you are serious about preserving neighborhoods you will vote against the request, it is that simple. Make North State come back to the table for a more reasonable discussion. The developer's site plan used the bait and switch approach which speaks to a pattern of developer behavior in our Town's recent history. The original contract for 2 acres may support those 80 apartments and 96 parking spaces, but now it's five times as big and the retail space is basically unchanged. This is a false equivalency. There's no value add for the downtown. Similar to Anchor Mill with some of the same players, the developer pattern persists – lock the Town into the contract, negatively change it later. Where's that grocery store anchor. Oh yeah, last week Bowman's amended proposal called for additional apartments and townhouses and cuts 165,000 sq. ft. of retail growth. His original proposal promised to 11,000 sq. ft. and changed 400 residential to 296 apartments and 71 townhouses. Such modifications are not unlike a car dealership up sale. The Town Board has bought the car and now the developer is here with the undercoating and the floormats, things nobody really wants, but are stuck with anyway. Also, Vermillion homeowners were sold their houses being promised that a Birkdale mixed-use property would be across their way. Instead Vermillion has 99 townhouses to look forward to on the 14 acres in front of their development appropriately named Vermillion front. The Town should not be beholden to the developer. To our knowledge, no one told North State or its developers to cobble together the additional 8 acres for General Residential and Neighborhood Residential property. The Town cannot consider it relevant that North State spent the additional \$1.2 million to buy this property, the core of Greenfield Park neighborhood and they should not feel obligated to grant the rezoning.

The rezoning request is not in the public interest because no transportation impact assessment was completed for this project, not at 2 acres and not at 10 acres. There are no downtown exemptions for a TIA. Also, any previous TIA is outdated and does not include Hillcrest, Dallas, Holbrook Street, Greenway Drive, their connector streets nor any intersections with Mt. Holly-Huntersville or Highway 21 that comes into the back. Another reason the rezoning request is not in the public interest is the infrastructure is not in place and a plan is not in sight. Had the developers had to make any road improvements for turn lanes in Huntersville, worst case scenario, the Town of Huntersville cannot partner with NCDOT, because NCDOT's financial issues have delayed current projects for years. At present, any improvement to Gilead Road is slated for 2035, at best. If these road improvements get added to a state list, they would be buried at the bottom if at all.

The housing values will plummet. Recently a new house in Greenfield Park was appraised 10 percent higher only because she had to get outside of the house comps. In addition to Greenfield Park's beautiful forest currently at risk, there are other environmental disruptions. Part of the neighborhood is in a floodplain and the neighborhood itself is a protected watershed. This proposed site is not in the public interest because of the dramatic potential run-off. Just 1" of rain on this much impervious surface equals 176,000 gallons of run-off and the Town already understands similar complaints in Shepherds Vineyard with the Huntersville United Methodist Church water run-off. The tree ordinance alone challenges the public interest for this proposed site. Under 7.4.2(a) Applicability, significant forest stands shall be preserved. If you believe this proposed site plan fits Greenfield Park or even that it could, you are ignoring this neighborhood. Throughout zoning history in Huntersville, nothing like this has been done, there is no history for this, it is why it should not be done.

When a developer stands up to present Town created documents or uses his attorney to do so, a little context and a lot of common sense is necessary to see what they are doing. In 2010, the 2030 Community Plan predicated on the commuter rail coming to town, was created just after the great recession of 2008. These community plans are vision plans, not contracts. If we are holding to the 2030 plan verbatim, we'd be developing transit centers right now for the commuter rails that are not coming.

It is necessary with a vision plan to be able to assess and regroup and react in the short term and the 2030 plan recognizes this. Periodic and comprehensive evaluation of a community's growth plan is imperative in order to ensure the city develops in a desirable fashion. The Town's website, too, agrees to ensure we are current and forward in our thinking, especially in light of changing economic and market conditions the need to revisit these policies and recommendations are in these plans. From here in 2020 I'd say it's a good time to revisit some of these plans. We've had a mortgage crash, red line shelved, the pandemic shifted how people view urban living along with reevaluating the commuting and work from home models. An exit from extensive high-density housing occupancy is enough to show this proposal is not in the public interest. Nowhere in these working documents does it say Huntersville wishes to be a bedroom community, high rent or otherwise. We understand that Town Center zoning means that just about anything can go for development to encourage growth of any kind. The definition of Town Center in Huntersville was focused on the notion of a rail transit as we have heard and nearly every commissioner past and present has admitted that the train is not coming. The time is now to eliminate specific language to any transit station, train or rail system and such need for high density housing near such transit stations because the language is how the developers are trying to sell us.

The 2030 Community Plan explains that downtown Huntersville is supposed to be a thriving mixed-use area not just housing. We are good on apartments. According to the Town, Huntersville had 7,262 multi-family apartments. Currently, of that 2,073 apartments are unbuilt. The additional number of people for those 2,073 unbuilt is estimated at 5,200 to 7,300 more people. For the Vermillion Village proposal which we mentioned because it is already approved and it is within ½ mile of this proposed site plan, the additional number of people for downtown Vermillion Village, not including townhouses, is 800 to 1,200 new people and potentially 500 to 1,000 cars. We assume everyone here knows the term mixed-use. Of necessary mixed-use elements, downtown is most lacking retail, not housing. Let us not forget Vermillion Village and Vermillion Front, were both approved within ½ mile walking distance. We need a public setting. When they are offering 10,900 sq. ft. of undetermined non-residential space is not a true mixed-use development. Some types of needed retail could be like Wild Birds Unlimited, Uncommon Sense, rumor mill market type stores, maybe Metrolina Greenhouses could open a retail shop or the owner of NoDa successful McTabby Café, a Huntersville resident could consider opening a second store in downtown rather than Concord. We could use outdoor markets, a place for weekly food trucks, public facilities for arts and culture. Ideas like that. Right now visitors only choice is to get a slice of pizza or pack a picnic lunch and nothing is open on Sunday. Still we need cultural art in downtown. We need greenspace, trees and landscaping, scattered lounging seating, tables and chairs and encourage meandering, leisurely walks and gatherings, athletic rest stops and areas for reading or reflecting. This would definitely fit on part of that 2 acre parcel currently under contract. It could protect the tree canopy what is imminently endangered by North State's current proposal.

Mr. Hallman said ultimately the need of downtown is develop a purpose. Sellers of this proposal said that we need people to live here in order to build mixed-use, but the Board already has a lot of housing approved. We have some open spaces, parks and parking, but we have little retail and no real restaurant draw. We are here, Greenfield Park, Sherwood Forest, Shepherds Vineyard, Ashton Acres, Vermillion, Anchor Mill and Centennial Park. We are ready. Residents have shown that they will pack Veterans Park and the downtown streets for events such as Movies at the Park, Hello Huntersville, Music in the Park and Christmas in Huntersville. I'll say it again, this is the last time we have to get the development right in downtown. The proposed site plan and rezoning request are not in the public interest. Huntersville's downtown transportation system reports that citizens also recognize walkability and bike ability as the most important to downtown's future ranked at 57 percent. The plan currently recommends designing roads that will calm traffic and slow down cars. The survey also found that downtown planning and

design themes found most important to residents are economic development and safety. Interestingly, the least favorite answer is livability – apartments and townhouses.

Public input into the 2040 Draft Community Plan says the top priority surveyed is traffic and congestion growth management. While the top three concerns are growth management, downtown and greenways. That's right, Issue No. 2 for the entire town is our downtown. True walkability of our downtown is questionable because Gilead Road and 115 intersect at the crux of Town Center. Adding the greenway trail head is for athletic purposes, not travel through town. The plan to widen Gilead Road will do nothing to slow down current traffic. The proposed development is not in the public interest because it will add a significant thoroughfare type traffic, not small town mixed-use walkability traffic. Actually, walkability will decrease because it doesn't give us anything to walk to. The approved but not yet built apartments and townhouses within walking distance of this proposed plan already need somewhere to walk to. Currently, all literature about the Town tells that we are the fastest growing population. As some point we must focus on supporting the current population and not simply acquiring people.

Since 2010, Huntersville's population has grown 31 percent. Similarly, we discussed before you can read the CMS report for yourself but it does say that it will put excess capacity or put Huntersville Elementary, Bailey Middle and Hough High above capacity. In the last few weeks many of us have been approached and asked what we want again. But these questions are simply a bail dismissal. We already answered that question in the planning surveys being ignored by developers. Developers target Huntersville because of our well-advertised uncontrolled growth. Why even have a Planning Board if a developer can do whatever he wants. First, they came for the west side, but we did nothing because they brought us Birkdale. Then they came for the east side, but we still did nothing because it was a third-generation farmer finally getting his payday and the only time I go that way is to get on 85. So, the model comes to downtown Huntersville. The Town's properties are being sold for half price. The zoning rules are written in pencil. And if you need more land for your project, they will solicit surrounding property owners for you. We are tired of holding out waiting on the choo choo. Just submit a plan that promises the public some retail amenity, anything really. We've not had anything new sit here since 1970, just some shiny bobble to distract it like a grocery store, it doesn't matter really because in the end you end up pulling it for housing. Leverage your product with local money so we'll have all the power and none of the risk. We've done our homework, we know exactly who was doing what on this. True, only 17 percent of the population of the electors voted for commissioners in the last election. But that is still 6,000 people, 1,500 of which signed the petition in a state of a pandemic. At the last election this project did not exist. As elected officials your job is to be the gatekeepers against this bait and switch tactic in development plans clearly not in the public interest. Vote down the rezoning request, terminate for cause the negotiated offer with North State, put the land back into the Town's extensive inventory and start over. According to the Town's official website the future growth and vitality of downtown Huntersville is dependent on many factors, however foundational to the growth is that infrastructure necessary to support it.

Tammy Johnston, 405 Hillcrest Drive, said thank you commissioners for listening to our concerns. My husband took a job here with Huntersville Police Department in May 2015. Not being familiar with the area, we wanted to find the right house in the area that was the best option for our family. We have two boys with special needs so we knew that we were going to have to find something that would fit the boys. We looked at many different locations and houses. Both of my boys love being outside. One of the main reasons we picked Greenfield Park is because of how quiet the neighborhood is. My oldest who is 25 and no longer in school has a three-wheel bike that he rides around the neighborhood all the time. As he is on the waitlist for services for community support, he is home with me every day. Thanks to

COVID, he has no Special Olympics or other activities that he can participate, so his only option for entertainment and exercise are playing outside, walking, and biking the neighborhood. He rides the blocks of Dallas, Hillcrest, Joyce and Virginia. Many of the neighbors know Derick and keep an eye on him. He enjoys waving to our neighbors. My youngest is 18 and has epilepsy and has full-time nursing. My nurse walks the neighborhood with him all the time. We have noticed an increase in traffic already and it is hard to keep Brian off to the side of the road as the roads are narrow and there are no sidewalks. He loves the neighborhood dogs. He makes up names for the ones he hasn't made friends with. We love this neighborhood and how welcoming the neighbors have been to us and our boys. We are concerned with this development that has so many apartments and housing units that it will increase traffic in the neighborhood that our boys won't be able to enjoy walking and biking anymore. There are also a lot of older population that live there and walk the quiet neighborhood, along with a lot of families with their kids on bikes, in strollers and walking their dogs. Another concern for my husband and I with his job is the increase in crime. Take a look at the statistics in shootings in Huntersville with apartment complexes, it will speak for itself. We hope that you will not ruin this wonderful neighborhood that we have found to love. Please consider keeping it the way it is.

Gary Tompkins, 115 Holbrook Street, said I want to thank the Mayor and the Board for the opportunity to address you briefly. I'm a life-long resident. My family has been here pre-1900's. I grew up in the Greenfield area. I built within ½ mile still in the area on Holbrook Street. I would like to say growing up I loved going downtown – go down to the drug store, to the hardware store, this is where we did a lot of our local shopping. I would love to see the downtown develop. I'd like to see it develop properly. I resent the fact that a developer is coming in and trying to tell us what they want to do, what we need, when I know our commissioners and our board knows what the vision should be for Huntersville. I'm adamantly opposed on the present plan that they have, but I would love to see some type of development that would enhance our downtown area.

Amber Kovacs, 207 Greenway Street, said upon recent research I came across some information that was alarming to me. The brochure previously mentioned by Mr. Hines was something that stuck out to me greatly. This was updated September 13, 2020 and what was alarming was it clearly states the property is ideally situated for high density residential, whether apartments, townhomes or mixed use. Huntersville staff is willing to review all potential plans and excited about the development. It also later states the property is zoned TC-CD and GR. Huntersville staff has indicated support in rezoning the property to higher density residential. The brochure promotes the land on the idea that there will be rezoning. The name listed as the contact on the front page is Brian Hines followed by one of his company names, Invest Properties. Mr. Hines, whether or not you were a broker on the deal, per your previous statement what was your involvement in this if you no longer were involved in the brokerage. Were you the one that stated that the Town was onboard with this before the land was even sold. One of the Huntersville general principles of underlining the Code of Ethics said the governing board must be able to act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent and the resolution adopting Code of Ethics unless disclosure is made in accordance with the Code of Ethics no one shall engage, accept private employment or render services for business and entities for compensation when such employment or service is or could be perceived as incompatible with the proper discharge of their official duties or would impair their independence or judgment of an action in the performance of their official duties. We have a public official, we have a private sale advertised with the public official's name on it, we have marketing materials that blatantly advertise how this has already been discussed with the city and at the same time we have a long lasting city code that protects against this type of conflict of interest. It's the law and yet now we are at the point where now these potential people could be voting on this. It's not whether or not you violated some

statute, it's whether or not your vote represents us or your best interests.

Jim Puckett, 216 Greenway, said today, without any further development, my house literally touches the federal floodplain on two corners – one in the front and one in the back. When there are flood warnings I have to sandbag my crawl space entrance to protect my HVAC equipment. When there are floods, and that happens often, raw sewage percolates up through the manhole cover in my backyard and that's before you approve more water and before you approve more sewage. Like others, I'm not happy with no traffic study on the neighborhood roads that are already overutilized as cut-throughs. But those are not the biggest issues with this rezoning. The biggest issue is that with thousands of acres in Huntersville that could be developed for multi-family, more on top of 2,000 already approved, but not yet built, you are considering taking the last few acres in downtown that could be used to define the personality of downtown and instead make it look like everywhere else, rather than using this land as a part of a design that can finally make a destination not just another place with infill apartment complexes. So, do you add apartments and multi-family or do you enhance the aging single-family inventory that helps define our downtown as a quintessential small town North Carolina place or even better, do you hold out for a project with broader government commercial retail and public spaces, a better project not something with just a bit of retail on Gilead. More people are needed in the area, but not at this spot. The latter options are clearly in the best public interest. Past errors in downtown have robbed us of the very things that we need to develop. If this project goes through, it not only robs us of our last best chance to return character to downtown, it seals our fate as just another transition area between the over urbanized area of University City and the classics of urban charm with the towns of Cornelius and Davidson. We've become what many of us have feared for years. We've become just the most northern of Charlotte suburbs with no real identity of our own. Let's remember it's not the developer's job to define and build that's in the best public interest, it's yours. Their job is to make a profit and I encourage them to do so, just not at this location. The very reason there are zoning laws is to keep the simple free market concept of ownership and property rights from overwhelming the overall needs of the public in general. Zoning nudges the private sector, the government and the public into synergistic partnerships to allow everyone to prosper. People who sat in those seats ahead of you laid out zoning that would allow citizens to make life-long decisions with some assurance of stability. There needs to be compelling reasons to undo the foundation upon which those citizens have made those decisions. Simply turning a profit for the town for a private developer are not, in my opinion, compelling enough to lose the public trust. Basically, you have litmus test and one decision. One can the developer do what they say they will and that is if you give them the opportunity and two is this change that you are talking about in the best of the public's interest. There are at least 2,000 members of the public telling you no. You have to weigh which path you take and then deal with the consequences. But the consequences you deal with are political and fluid. Depending on the path you choose, the consequences the public has are either a continued opportunity to redefine what downtown Huntersville becomes for decades forward or literally cast in concrete the removal of the last chance for a far better option going forward.

Robert Kerns, 301 Hillcrest, said I do live in the Greenfield Park neighborhood. I am both downhill and downstream of the proposed development and it has a lot of implications. First, I would like to say there was a time, I've been in Huntersville my whole life and my family is here for six or seven generations.....I remember a time when Huntersville's downtown was the center of town. It was the center of commerce and community activity, where everybody went to meet and conduct their business. My dad walked to work every day of his life and he had that pleasure and that ability. I wish we all did. But downtown was an important place. And I think it could be an important place again. I would love to see a lively, vibrant Town Center. However, a block of apartments facing a huge parking lot will not contribute to this goal. I

strongly disagree with the rezoning request, especially the GR part along Greenway. It does not match the existing zoning or the character of the neighborhood. I also have a problem with the three road connections – two in particular, but all three of them. They are logistically problematical, and I am stunned that we don't think that there is a traffic study necessary. A simple traffic study would be to go drive down Greenway, drive down Dallas Street, drive down Hillcrest. Two cars cannot pass each other without one of them putting their wheels in the dirt. At 5 p.m. in the afternoon the traffic flow increases dramatically when the interstate backs up, when 21 backs up, 115 backs up, the next recourse is to cut through down Dallas Street crash over the speed bump and slide through the turn up onto Hillcrest, try to make it up onto Gilead before the traffic light changes. Mr. Peete said to me oh don't worry, no one will take a small street when a big street is available. Well, that's the nature of cut-through and when you cut-through you are in a hurry so you go fast. The promised improvements on 115 and Gilead Road are irrelevant because they are probably not going to happen in our lifetime. References to the transit station and light rail we know are moot. These things are not going to improve. Everything seems to be pushed far into the future. I don't see any obvious advantage to this project for our town and I do care about our town. The timing seems poor. It doesn't match the original intent as far as I can tell for this parcel. It frankly just doesn't fit. It doesn't make North State bad people, but it doesn't fit here, it's not good for Huntersville and that's what we need to concern ourselves with. It's certainly going to negligibly impact my neighborhood, which is Greenfield Park. It's one of the oldest and most stable neighborhoods in the town. Greenfield Park is a neighborhood which has a diversity of income and home size and style and age and the age of the residents are various all the way across the spectrum. So, it's a vibrant neighborhood and it recycles itself. Young people come in, they buy houses, they recondition, they raise their family. I've been there long enough to watch it happen. Why should this neighborhood pay the price for North State's profits. It's okay to make a profit, but we are going to suffer the impact. They just take the profits and they go back to wherever they came from. Where's our traffic study, where's our stormwater run-off study, what's the environmental impact and don't just say, as I heard at one of the developer meetings, oh it will probably be fine.....don't worry, the state is going to take care of it. Where is the due diligence of a responsible and responsive town council. You need to look after our needs and our desires. This is also the last stand of natural forest in the central town area that I'm aware of. Removing mature pines, oaks and elms and replacing them with some of those exploding pear trees is not really acceptable. It's not a reasonable substitute. Maybe before we pave paradise and put up a parking lot we should look at some other options. Some of the people here have mentioned some of those options.

Rick Ranson, 214 Greenway Drive, said as a descendent of Ella Hunter and the Hunter family you will excuse me if I have too much passion and I apologize for my anger. But no traffic study.....really. No impact study for the environment – it's mind boggling. As you good folks on this council make this hundred year decision it needs to be very clear the opponents are totally against it and the public interest needs to be your first consideration. Ms. Irvin was talking about the people on the petition....that we are confused or something. That petition is clearly written, strongly stated, it doesn't leave any room for doubt, debate, confusion or misunderstanding. They know what they are signing. They know what it is. We understand what it is and what's being sold. It's a building and a parking lot. That's all it is. You can get population into the city with a knife market. You can do anything to get people downtown. You don't put them into the city like this. Home ownership is what Nate Bowman did in Vermillion. They are stable, they are part of the community, they are neighbors when they own their home. Much like Save Davidson, this is a movement. The petitioners, we are against these 140 apartments and 60 townhomes. From Birkdale I knocked on 300 doors. I went everywhere. I went all over the neighborhoods. It's only going to get bigger. This is a movement that's getting bigger and stronger. We are determined to fight, we are not going away and there's a couple of things that Mr. Dupree said – he said that we are going to

tell the truth and let the chips fall where they may. That's an absurd notion and it's a disingenuous narrative that we are hell bent and whatever it was – whiskey bent and hell bent. The people against this development are doctors, they're lawyers, they are sophisticated people, world travelers. We know what it is. It's a cash cow for the one developer. That's what it is and all the anticipated tax revenues are going to be heavily diluted, largely offset by the corresponding expenses for infrastructure development. Any tax windfalls are going to be totally wiped out if the mitigation efforts to control the displaced rainwater go awry. Ten years from now if North State sells this, who is going to fix that mess. It's the taxpayers. These are predictable outcomes. And the last thing that I want to say.....there's a spring fed creek that's below this project. The head waters of it is not where the map shows it. It's actually 75' further up there. There's also that sewer line that runs through it that Mr. Puckett mentioned. It overflows. The water comes down through there and we had the meeting with North State on it the other night, they were unaware of this. They didn't understand it. This lack of information.....it fuels the distrust. If they are going to cut down 500 trees, how is that going to make it better. I just don't see that. I realize we have enough time to find commitment and consensus. My parents, when they were on the town council, they all talked about a vibrant downtown, but you don't need to put 500 people right there in the middle to do it and if you do, make them homeowners, not apartments. All that is, it's just a revenue stream for that corporation, that's all it is. *Petition attached hereto as Exhibit No. 6.*

Commissioner Hines said regarding the storm water and I know that it's all-natural right now, it's primarily wooded with that creek down there, has Engineering taken a look at it. Will this help or exasperate the current problem that's already there.

Mr. Peete said the storm water plan at this stage has been reviewed by our Storm Water Engineer. Comments have been made. Suggestions have been made about how to alter the plan, but the alterations I believe.....there are many ways to comply with the regulations. Susan Irvin's slide during her presentation listed all of the state and local regulations that would be in place. No matter what the plan, whether there's a rezoning or not, any plan or any project that the Town of Huntersville signs off on is required to meet and satisfy all of those requirements that have been handed down from the state and they are going to definitely have to provide all of that detail that's required at the construction level. At this stage, we do what's called a conceptual plan, which is does their solution and the amount of area that they have set aside for it work within the parameters that have been defined.

Commissioner Munger said due to there being substantial changes to this plan that we have yet to see including, but not limited to, the addition of detached houses instead of townhouses on Greenway, modifications to multiple buffers, vehicular passthrough in the section of the apartment building along Street A, modifications to the sizing of the BMP, revisions to the connection on Holbrook Street and percentage of non-residential on the first floor, I move to table further discussion on Agenda Item 8.B based on Article 11.4.4(d) of the Town Zoning Ordinance for no less than 30 days.

Commissioner Boone seconded motion.

Mayor Aneralla said you are using the terminology table, do you just want to postpone for 30 days or keep open the public hearing for 30 days.

Commissioner Munger said I believe so, the wording I had asked for clarification from our Town Attorney, so I am open to however you would like to interpret it.

Emily Sloop, Town Attorney, said as long as it's no less than 30 days you can modify the language of the

motion so that it states leave open as appropriate for no longer than 30 days.

Commissioner Munger said okay, I'm good with that.

Mayor Aneralla said that would be until the November 2 meeting.

Commissioner Munger said at a minimum.

Mayor Aneralla said is there any discussion on that.

Commissioner Phillips said there's unanswered questions, there's a lot of what-ifs and if we are going to be moving toward the future of our town I think 30 days is worth it.

Commissioner Hines said I guess I would ask staff what does that do.....I know I think it was the last meeting we just extended the due diligence. Does that impact that to where we don't have to do another extension before it comes for a decision. How that would be impacted.

Mr. Peete said what would happen is this item could still go to the Planning Board in October with the hearing held open, however as you could imagine the Planning Board might not be prepared to make their recommendation until the hearing is closed. But the Planning Board would meet again in November and their meeting is a week early because of Thanksgiving, so the best scenario with this action is the Planning Board could make a recommendation in November and then it would be potentially on your docket first of December for potential final action. There is a path that would work with this.

Mayor Aneralla said Commissioner Munger can I make a suggestion that you give us the date November 2.

Commissioner Munger said yes, I'm open to that.

Mayor Aneralla said if you can just say instead of the 30 days, November 2 – that's 28 days.

Commissioner Munger said sure, I move to table further discussion of Agenda Item 8.B on Article 11.4(d) of the Zoning Ordinance until November 2.

Commissioner Bales said I just want to clarify that we are leaving the public hearing open until November 2.

Commissioner Boone said I'm good with that.

Mayor Aneralla called for the roll call vote.

Commissioner Bales – Approve

Commissioner Boone – Approve

Commissioner Hines – Approve

Commissioner Munger – Approve

Commissioner Phillips – Approve

Commissioner Walsh – Approve

E-mailed comments attached hereto as Exhibit No. 7.

OTHER BUSINESS

Budget Amendment – Police Department. Consider approving budget amendment recognizing Department of Justice Equitable Sharing Fund revenue in the amount of \$203,270 and Treasury Asset Forfeiture revenue of \$40,175 and appropriate to the Police Department Capital Projects fund.

Police Chief Bence Hoyle reviewed the request.

DJI Matrice 300 RTK Drone Platform 55,200

2 Matrice Drone Platforms

1 Phantom 4 V2 Drone (mainly for training)

Spotlight

Battery Systems and Chargers

On-Site Training

Drone technology has bridged the gap between the need for aerial surveillance for public safety agencies and the cost of helicopters and helicopter crews. Huntersville has a lack of fiber technology available for camera technology and has severely limited our ability to monitor events in real time. During recent protest events we utilized drones from neighboring agencies and were able to detect armed persons among the protestors. This technology would also be utilized to assist with large crime scenes and searching for suspects and suspect vehicles.

NOTE: Drones will be used for public spaces unless authorized by a court. The 4th amendment requires us to have a court order before using drones for surveillance of private property. All drone deployments would otherwise be in areas where the public would not have an expectation of privacy.

Mobile Field Force Equipment 80,000

Equipment worn by individual officers

during disturbance events

(uniforms, face shields, batons, etc.)

Mobile Field Force equipment is equipment worn by officers working in the midst of a riot or potential riot situation where standard uniforms are not adequate. These included mostly protective gear for 40 officers. Our intent is to create a mobile field force unit that will deploy to deal with isolated incidents of civil unrest should they occur.

Police Canines and Training 22,630

2 Dual Purpose Dogs

We currently have 3 of the original authorized 5. This will bring our K-9 back up to full staff. We may request adding a 6th dog at a later date.

Robot for High Risk Entry 85,615

This is a remotely controlled robot used to send into a volatile situation such as a barricaded suspect or suspicious circumstances. This is not an offensive robot with weapons systems other than a door breaching tool. It provides tactical video feeds back to operators and command units and can establish communication with the person or persons inside.

Commissioner Walsh made a motion to approve the budget amendment recognizing Department of

Justice Equitable Share Fund revenue in the amount of \$203,270 and Treasury Asset Forfeiture revenue of \$40,175 to the Police Department's capital projects fund.

Commissioner Munger said in the past few months I've made several attempts to elicit support amongst my fellow commissioners for simple changes to policies as they relate to crowd control during protests. For the most part these attempts have been met with quite a bit of resistance.....I've heard things like this are not likely to occur in Huntersville and yet tonight we are voting to approve mobile field force equipment for \$80,000, specifically for protest related activities or riot situations that may stem from these activities. This causes me great pause. As a result I would like to make an amended motion to remove Line Item for mobile field force equipment and the associated appropriation for \$80,000 from Line Item 9.A and I will add my apologies if the amended motion is incorrect in form.

Commissioner Phillips seconded motion.

Commissioner Bales said let's take a moment and talk about what the mobile field force equipment is supposed to be for because the way I understand it is this equipment is protection for our officers. If it's protection for our officers and they are being put into a difficult situation in harm's way I think it's very important that we make sure that they have the tools necessary to keep themselves safe in addition to working to keep our community safe, so I will not be supporting the substitute motion.

Commissioner Walsh said that equipment is defensive in nature, not offensive in nature and the fact that we would send police officers into harm's way without the appropriate equipment is just mind boggling. For the same reason whatever that robot whatever the use, if we can send in a robot and not send in an officer or human being and it may save their life, why wouldn't we.

Commissioner Bales said at the end of the day we all hope that they never have to use it. We all hope they never have to gear up and put on this type of protective equipment, but at least we know that we have it for them.

Commissioner Hines said I would like to echo what Commissioner Bales and Walsh said. I want to give our police officers every tool that is necessary for whatever situation. Like Commissioner Walsh said, this is defensive, this is not offensive. It's protecting our officers. It's protecting our citizens. It's being proactive. Hopefully we never have to use this gear. This is asset forfeiture money. I have no problem with this.

Commissioner Phillips said with the mobile field force equipment, we just heard the Chief say it was about riots and protests and what Commissioner Munger is concerned about is about riots and protests so I'm not saying not ever, I'm saying not right now so we can discuss what's most holistic for all of our community so no one is worried or nervous or scared because I do put faith in HPD but I also understand and validate the concerns that our citizens have and I feel like there is some common road where we could revisit and do something that doesn't make people fear our police department or fear that we are not protecting them too.

Commissioner Munger said just to clarify I'm 100 percent in support of giving the police officers everything they need to be able to do their job and be safe. My motion on this stems from the idea that I feel like if we made this motion and passed this particular budget item, at the same time we should make a motion to protect our citizens. So we should protect our citizens and protect our police at the exact same time so that everyone's rights are allowed to continue and our officers are allowed to be protected.

This is not about trying to take something away from our officers. If we are acknowledging the fact that our officers need to be protected during protests and possible riot situations we also have to acknowledge that our citizens deserve that same protection.

Mayor Aneralla said I have to disagree with Commissioner Munger. I have no idea what one has to do with the other. We'll roll call on the amended motion.

Commissioner Bales – Deny
Commissioner Boone – Deny
Commissioner Hines – Deny
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Deny

Mayor Aneralla said that goes back to the original motion which was Commissioner Walsh's.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Deny
Commissioner Phillips – Deny
Commissioner Walsh – Approve

Resolution – David Kenney Farm Road Engineering Services Contract. Anthony Roberts, Town Manager, said this is about moving the David Kenney project ahead as far as engineering services. This is not building the actual road. As you have instructed as part of our goals of continuing to move projects along, so this is just like every other project that you have asked us to move along.

Commissioner Bales made a motion to adopt the resolution to award the Engineering Services Contract for the David Kenney Farm Road Connection project.

Commissioner Walsh seconded motion.

Commissioner Phillips said I need to clarify, I'm going to vote no and the reason is that I voted against the 2020 bonds and I feel like it's not right for me to have opposed the bonds but then vote for bond projects.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Deny
Commissioner Walsh – Approve

Resolution attached hereto as Exhibit No. 8.

Electric Utility Rate Schedule OP-4. Christina Cress, said I'm with the law firm of Bailey and Dixon. We

are here tonight on behalf of Reynolds Consumer Products and on behalf of Reynolds we thank the Board for your time and for providing us with the opportunity to speak with you this evening. With me tonight assuming that he was able to troubleshoot his own technical issues is Mr. Bryan Keys, the Director of Procurement and Logistics for Reynolds. Also with me tonight is my colleague J. T. Crook who will introduce himself at this time.

J. T. Crook said I'm an attorney with Bailey and Dixon. She's the subject matter expert for our firm when it comes to utilities and utility rate making. I practice in commercial litigation although from time-to-time I do represent towns, cities and municipalities in civil rights matters, but tonight I'm here tonight to hold Ms. Press's case and let her talk to you all.

Ms. Cress said for anyone who may not know, Reynolds Consumer Products is a leading provider of household products that simplify daily life so that folks can focus on what matters most. Reynolds products include the iconic Reynolds wrap that I'm sure that many of you have in your own homes. Reynolds kitchen parchment paper, plastic wrap, oven bags, slow cooker liners, the Hefty brand also is a Reynolds brand. Hefty is known for strong dependable trash bags, slider bags, plate and cups. Reynolds is proud to be a citizen of and an economic partner to the Town of Huntersville, where it employs 550 residents of Mecklenburg County. As you may be aware, electric utility costs often represent one of the largest expense line items for manufacturing companies such as Reynolds. As a result it is important to the financial health and sustainability of manufacturing companies that this expense line item be managed to the fullest possible extent. This is why manufacturing companies who take electric service from investor owned utilities like Duke Energy, for example, in North Carolina that's why they intervene in Duke's rate cases and they advocate on behalf of industrial rate payer interest. Manufacturers who take service from a municipality or a municipally owned electric utility, however, do not have the ability to intervene and advocate in such rate making proceedings that are presided over by the Utilities Commission and that's because retail rates that are set by municipalities are not regulated by the Utilities Commission. So for this reason manufacturers will often enter into contracts before taking ownership of a manufacturing plant or before assuming the obligations of a lease of a manufacturing plant to ensure that not just current electric rates but also future electric rates will be such that the company will be able to flourish financially and will be able to continue operating the plan in the long run.

For background here Reynolds leases the manufacturing plant located within the North Mecklenburg Industrial Park at 14201 Meacham Farm Drive in Huntersville. And prior to operating as a Reynolds plant, that location originally was Prairie Packaging, Inc. and subsequently became Pactiv which is Reynolds' former sister company. As a result, Reynolds became the successor in interest to various agreements entered into between Pactiv and its predecessor Prairie and the Town of Huntersville as it relates to electric utility rates for the provision of electric service to that plant. Reynolds certainly understands that the Town has an obligation to recoup the amount that it cost to provide electric service and electric utility functions to its customers. Reynolds absolutely is not asking any other class of rate payers to subsidize the electric service cost that it causes the Town to incur on its behalf. Reynolds likewise is not asking for special treatment but merely wants to be treated just the same as any of the other industrial rate payers in terms of the timing of any such rate increase that may occur. Likewise Reynolds understands that the town commissioned a cost of service study earlier this year to be undertaken by an electric rate consultant and that the rate increases proposed here are the result of that consultant's recommendations and work papers. But so that you know there are many different assumptions and various methodologies that go into the design of any cost of service study. These include, but are not necessarily limited to, the methodology by which demand is allocated, the methodology by which the energy factor is allocated, so on and so forth, so a slight tweak to any of the underlying assumptions or

any of the methodologies used in a specific cost of service study can really cause the end result to vary dramatically depending on what the underlying assumptions and methodologies that are used. So for example, Duke Energy in its current rate case has agreed through various intervening parties that in its next rate case it will put forward no fewer than six different cost of service studies because it's widely accepted and understood that different methodologies taking the place of others in various portions and variables of the cost of service studies will lead to vastly different conclusions and those conclusions might have unintended consequences for certain rate payers and certain classes of rate payers. In order to get a more fuller picture and in order to understand the context, Duke Energy has agreed to commission at least six different cost of service studies to get that full picture and make sure that the rates that are being proposed are fair to all rate payers. The rate increase being proposed by the Town as it currently stands with respect to industrial customers like Reynolds who takes service on the large general service on peak 4 or the OP-4 rate schedule amounts quite frankly to rate shock. It proposes a nearly 12 percent rate increase in three of the next four years and when you convert this to dollar figures, we are quite literally talking about millions of dollars. We have done some rough calculations and number crunching on our end and sort of just as a point of reference here, it seems fairly clear to us as we sit here today that Reynolds would pay substantially similar or perhaps even lower electric utility rates where it's served by Duke Energy right now as opposed to the Town. Respectfully that fact alone should cause the Town some pause that it is considering increasing rates when already right now where the rates are for the Town are at parity more or less with those being charged by Duke Energy for these large industrial customers.

We're here tonight not to ask of the Town to dispense entirely with the rate increase altogether, we're simply asking that the Town honor its word as to the timing of any such rate increase in the company's fiscal year which previously the Town had agreed would not happen after July in any fiscal year, so the earliest in our view that a rate increase should take effect as we sit here today would be July 2021. And we are asking the Town honor its word as to the nature of the rate increase. The Town agreed that it would not charge the interest holder of the manufacturing plant where Reynolds is now located any rates that would exceed those charged by Duke Energy....the comparable rate schedule charged by Duke Energy. If the Town will at least agree to just hold off on increasing those rates until July 2021 per the terms of the agreement, this will allow additional time to perform more cost of service studies instead of just using one methodology for one set of conclusions and one ultimate rate increase based on this single study, it will allow time to perform more studies to get a fuller picture and make sure that there are no unintended consequences with the rate design changes being proposed here as a result of the cost of service study that was commissioned earlier this year by the Town. And it will not be rate shock to industrial customers who are very glad to be a part of the Town of Huntersville and want to continue to be.

CONSENT AGENDA

Commissioner Hines made a motion to approve the Consent Agenda. Commissioner Phillips seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

The following items on the Consent Agenda were approved:

1. Resolution to Amend Capital Improvement Program (CIP) and Apply for the Charlotte Regional Transportation Planning Organization (CRTPO) Additional Funding for the Gilead Road West Widening Project. *Resolution attached hereto as Exhibit No. 9.*
2. Adopt Resolution to Amend Capital Improvement Program (CIP) and apply for the Charlotte Regional Transportation Planning Organization (CRTPO) Funding for The Park – Huntersville Greenway Project from existing Torrence Creek Greenway to Mt. Holly-Huntersville Road. *Resolution attached hereto as Exhibit No. 10.*

CLOSING COMMENTS

None

CLOSED SESSION

Closed Session pursuant to NCGS 143-318.11(a)(3) - To consult with attorney and to protect the attorney/client privilege.

Commissioner Bales made a motion to go into closed session pursuant to NCGS 143-318.11(a)(3) to consult with attorney and to protect the attorney/client privilege. Commissioner Walsh seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Upon return from closes session, Commissioner Bales amended the agenda to add under Other Business 9.D, an action item on OP-4 utility tariff.

Commissioner Walsh made a motion to make the effective date for electric usage for OP-4 November 1, 2020. Commissioner Hines seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

There being no further business, the meeting was adjourned.

Approved this the 16th day of November, 2020.