

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

July 18, 2022

**6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:30 p.m. on July 18, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Derek Partee and Stacy Phillips. Commissioner Lance Munger was not present.

Mayor Bales called the Pre-meeting to order.

Stumptown Road Extension and Main Street Updates. Stephen Trott, Director of Engineering, provided update on the Stumptown Road Extension project. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

Kevin Fox, Director of Public Works, provided update on the Main Street project. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on July 18, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Derek Partee and Stacy Phillips. Commissioner Lance Munger was not present.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Phillips requested someone from Planning talk about the apartment situation on Highway 73.

Jack Simoneau, Planning Director, said I was asked to just give some history and background as to the apartment complex proposed on NC 73 that is just to the west of Old Statesville Road. It's called the Sam Furr Road Multi-family Project. It's residential. It's an administrative process meaning it just gets approved by staff. The application was submitted in March 2022.

Mr. Simoneau reviewed the history of the Huntersville Community Plan. *Refer to PowerPoint attached hereto as Exhibit No. 3.* In the 2020 Huntersville Community Plan, the subject property is designated as Town Core which allows a mixture of housing types and is zoned Neighborhood Residential, which if the standards of the ordinance are met, we have to issue a permit.

Commissioner Kovacs requested update on incident at Discovery Place Kids (DPK) with a child leaving the facility.

Michael Jaycocks, Parks & Recreation Director, reported that DPK now has someone stationed in the lobby at all times and have changed the way they check students in. Discovery Place has hired an outside company to do a safety audit of all their facilities.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Janelle Harris, 14111 Holbrooks Road, said David B. Waymer will have having their first annual back-to-school drive. As a member of the now paused Downtown Plan Steering Committee, there are signs that are going into Pottstown and I wanted to know if they had anything to do with the committee, because they look just like the signs that we had. They're not signs that say Revitalize Downtown, so they are not from the organization. I was happy to hear of Mecklenburg County moving into our neighborhood.

Rick Ranson, 214 Greenway Drive, addressed the Board in support of speed humps on Greenway Drive, but expressed concern with the proposed locations.

Tamia Williams, 13232 and 13228 Central Avenue (Amy Hallman deferred her 3 minutes to Ms. Williams), said I am a fourth generation Pottstown community member. My mother, my grandmother and my great grandmother have all resided there. My grandmother and mother attended Torrence-Lytle. My mother was first generation graduating class desegregated from North Mecklenburg High School. I'd like to give a bit of background on Pottstown and the importance in rich legacy that it has in the Town of Huntersville. My great grandparents Alexander Henderson and wife were leaders in the community who worked with their neighbors to achieve some of the basic human necessities needed for a decent quality of life. My great grand parents bought several acres nearly 100 years ago. They built their home in Pottstown a few years later. People had to collect water from a spring as there was no running water otherwise. My grandfather and some of the men in the community approached the Town of Huntersville about tapping into the water system. They were told that they had to find their pipe and dig the ditches to install them so they could tap onto the water. The pipe was difficult to find and resources were scarce during this time, however the men did find the pipe though it was not to specification and they laid it. Huntersville was informed to turn the water on and the residents of Pottstown prayed that the water would at least have some force because the pipes were smaller than they should be. The water was delivered in full force making it a winning issue for Pottstown. The neighbors went on to secure streetlights and paved streets, however the curbing was not done properly and drainage is so poor it has called soil erosion that is still very apparent today. Huntersville was asked to correct these problems. When the landfill was opened for construction waste, heavy trucks came down Central Avenue at a fast pace and became dangerous for seniors and children to walk. Residents

of Pottstown requested two and four way stop signs on Central Avenue and Holbrooks Road, with signs stating no trucks allowed on Central. These signs have been removed. There's been no attempt to enforce or maintain the stop signs. The traffic problem is worse today because drivers use Central Avenue to cut through to Vermillion. Improvements for Pottstown have been a bit slow to date and now gentrification with its many ills, neglected property infrastructure and lack of economic development says decision making has yet to come to the residents of Pottstown. At the last county commissioners meeting I attended, fair housing was celebrated and I look forward to seeing how the Town of Huntersville is prioritizing the same. I appreciate your input and assistance.

Jeff Price, 9905 Duane Court, said I'm the acting Secretary of the HOA Board of the Hamptons at Northcross. Our community welcomes development and we are thrilled to be a part of such a thriving community. We are not here to be unrealistic about development, we are here to express concern over how many of these projects take place. It has only recently come to our attention that a 244-unit apartment complex is currently being planned at 10410 Sam Furr Road under a by-right zoning status. While we are aware that it does not require a rezoning, we are here to communicate concern over such a massive apartment building and the impact it will have on surrounding single-family properties, neighborhoods and citizens. Traffic congestion continues to increase at a rate that far exceeds our infrastructure capacity. All five neighborhoods in this Sam Furr corridor from Target to CVS must make u-turns across a 4-lane highway to navigate around town or go to school. With this proposal, the residents of these five neighborhoods would be joined by a 425-person childcare facility with before and after care and a 244-unit apartment complex all within a ½ mile. As the trustees responsible for sustainable growth in Huntersville, approving this project as is would endanger your constituents' lives, significantly lower their quality of life, when other suitable properties are less than a mile away. We need better infrastructure foundations, processes and regulations to help accommodate our increasing growth and development. How are we addressing sewage capacity, school overcrowding, police and fire response time as well as traffic congestion and safety concerns. We also want to protect our parks and wildlife, encourage more open spaces and protect tree canopy to preserve our beautiful town for the many generations to come. We are asking Town officials to pause this project within the planning stages and work with the community to ensure the solutions of traffic implications, police, fire response time and building modifications outside of what is mandatory are being addressed. We are not here representing one development or one cul-de-sac, we are representing a broad community across town, across developments who are mobilizing and bringing together many communities, neighborhoods and HOA's so that our voices can be heard and taken seriously. We have significant support for our position both emotionally and financially. A petition was created only five days ago and has already surpassed 800 signatures. In addition, our group is working with legal counsel to explore options and our rights as a community. We also invite you to come to the planning meeting with the Town of Huntersville tomorrow for continue discussion on this project.

Jodi Obeid, 10511 Cobb Court, my husband Nick and I are some of the Hamptons residents who are directly impacted by this large project. Our home literally backs up to the parking lots of this project and looking at the plans, the developer is planning to clear everything up to our property line. We always knew this was zoned single-family and in your planning map, like what was discussed, said it's called Neighborhood Residential and I get that. We are fine with a neighborhood, someone's backyard behind our home. Even some condo's, not four-story apartments that's currently planned. Why is Huntersville okay with parking lots with hundreds of cars abutting the backyards of homes with children. You know apartment complexes are not the same as homes. Yes, families do live there, but many of the residents are young people who are not empathetic to the privacy of their neighbors. Speed limits and noise are not a priority. Is it fair that families who border this complex must now keep their kids out of their own backyards or even accompany them for fear of all the strangers and speeding automobiles, literally

behind their yard. We ask that you reconsider this plan and at a minimum, shrink the number of apartments so we have a large buffer and cars and strangers are not in our backyards, that are yet considered a housing development where we back up to another yard not a parking lot. We urge you to please come take a look at the backyards that are directly affected by this and some of those families are here right now.

Bob Soroosh, 10302 Islay Court, said I would like to introduce a term some of you may have never heard before and that term is BFO and that stands for blinding flash of the obvious. I've got a little hand-drawn map and when I'm looking at the traffic congestion already on Sam Furr and Old Statesville, that's not taking into account the new multi-family housing on the south side of Caldwell Station that will be open within the next year, the new Symphony Living multi-family on Sam Furr, the new Maple Branch homes, the new Publix Superstore, and as previously mentioned the new childcare facility. The blinding flash of the obvious here is regardless of whether this Sam Furr multi-family passes legal muster, our infrastructure can't keep up and so the only think that I can think of that would solve the enormous traffic congestion that's going to occur here over the next several years is another massive pandemic where everybody locks down and works remotely. I would simply appeal to common sense looking at the incredible negative traffic congestion that this thing is going to add to and simply ask that there's at least a couple of things. Somebody seriously has to consider a 35 mph speed limit on Sam Furr and one thing that could be done is that the Town of Huntersville could do a traffic count by hour and post that on your website and keep it updated so people that are retired like me can know when not to go on Sam Furr.

AGENDA CHANGES

Commissioner Phillips made a motion to adopt the agenda.

Commissioner Kidwell seconded motion.

Motion carried 5 to 0.

CONSENT AGENDA

Approval of Minutes – May 2, 2022. Commissioner Kidwell made a motion to approve the minutes of the May 2, 2022, Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried 5 to 0.

Approval of Minutes – May 11, 2022. Commissioner Kidwell made a motion to approve the minutes of the May 11, 2022, Special Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried 5 to 0.

Resolution – Awarding Service Firearm. Commissioner Kidwell made a motion to adopt Resolution to approve the awarding of a service firearm to a retiring law enforcement member. Commissioner Kovacs seconded motion. Motion carried 5 to 0. *Resolution attached hereto as Exhibit No. 4.*

Resolution – Designate Certain Town Owned Property to Public Right-of-way. Commissioner Kidwell made a motion to adopt Resolution approving designation of certain Town Owned Property to public right-of-way. Commissioner Kovacs seconded motion. Motion carried 5 to 0. *Resolution attached hereto as Exhibit No. 5.*

Resolution – Governor’s Highway Safety Program Local Match. Commissioner Kidwell made a motion to adopt Resolution to accept award of and approve local match of federal funding in the amount of \$20,000 as required by the Governor’s Highway Safety Program. Commissioner Kovacs seconded motion. Motion carried 5 to 0. *Resolution attached hereto as Exhibit No. 6.*

Budget Amendment – Police Motorcycle. Commissioner Kidwell made a motion to approve budget amendment appropriating \$20,000 to the Grant Revenue account for the purchase of a police motorcycle. Commissioner Kovacs seconded motion. Motion carried 5 to 0.

Resolution – Fire Protection Services Interlocal Agreement. Commissioner Kidwell made a motion to adopt Resolution approving Interlocal Cooperation Agreement for Fire Protection Services. Commissioner Kovacs seconded motion. Motion carried 5 to 0. *Resolution attached hereto as Exhibit No. 7.*

Resolution – Ratifying Updated Charter of Centralina Regional Council. Commissioner Kidwell made a motion to adopt Resolution ratifying the updated Charter of Centralina Regional Council. Commissioner Kovacs seconded motion. Motion carried 5 to 0. *Resolution attached hereto as Exhibit No. 8.*

Call for Public Hearing – Petition #S22-02. Commissioner Kidwell made a motion to call for a public hearing on Monday, August 1, 2022, at 6:00 p.m. at Huntersville Town Hall on Petition #S22-02 Novant Health Special Sign District, a request by Lockwood Identity Inc. (SignArt) to amend the plan for the Special Sign District Zoning Overlay for Novant Health Hospital located at 10030 Gilead Road, Tax Parcel 01716601. Commissioner Kovacs seconded motion. Motion carried 5 to 0.

PUBLIC HEARINGS

Petition #TA22-08. Mayor Bales called to order public hearing on Petition #TA22-08, a request by the Town of Huntersville to amend the Town of Huntersville Code of Ordinances Title XV Land Usage: Chapter 150 Minimum Housing Standards and Chapter 152 Nonresidential Building Code.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record and reviewed the request. *Refer to Staff Report attached hereto as Exhibit No. 9.*

The request is to amend the Town of Huntersville Code of Ordinances Title XV Land Usage: Chapter 150 Minimum Housing Standards and Chapter 152 Nonresidential Building Code to comply with language in N.C.G.S. Chapter 160D Article 12 – Minimum Housing Codes and Chapter 160D Article 11 – Building Code Enforcement.

The Minimum Housing Standard amendments are regarding the regulation of dwelling units unfit for human habitation. The Nonresidential Building Code amendments are regarding the regulation of the repair, closing, and demolition of nonresidential buildings or structures.

Planning staff recommends approval of the text amendment application as proposed.

Commissioner Phillips said are we doing this because we want to do it or are we doing it because it’s legally required.

Emily Sloop, Town Attorney, said it’s legally required.

Commissioner Kidwell said in the language in here it talks about the inspector can make periodic inspections when reasonable cause is there. Is our inspector a general contractor?

Ms. Sloop said the county handles the enforcement of this ordinance on the Town's behalf subject to an interlocal agreement.

Commissioner Kidwell said is that inspector a general contractor.

Ms. Sloop said I do not know the answer, but I could find out. I believe that it is an employee of the county and that they do have the proper credentials in place.

Commissioner Kidwell said as I read this, this is a massive overreach by the state coming down into our local municipalities on what they consider unfit for human habitation. It gives them the right to just go into any property that they see fit if they are driving by. I just don't know what they were thinking at the state level.

Commissioner Phillips said what happens if we don't approve something like this. What kind of trouble do we get in?

Ms. Sloop said it applies anyway because it's a statute.

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

OTHER BUSINESS

Petition #TA22-08. Petition #TA22-08 is a request by the Town of Huntersville to amend the Town of Huntersville Code of Ordinances Title XV Land Usage: Chapter 150 Minimum Housing Standards and Chapter 152 Nonresidential Building Code.

Kayleigh Mielenz, Planner I, noted the Planning Staff recommends approval of the Text Amendment application as proposed and the recommended action is to adopt the ordinance amending Chapters 150 and 152 of the Town of Huntersville Code of Ordinances.

Commissioner Boone made a motion to adopt Petition #TA22-08, a request by the Town of Huntersville to amend the Town of Huntersville Code of Ordinances Title XV Land Use: Chapter 150 Minimum Housing Standards and Chapter 152 Nonresidential Building Code to comply with the updates to Chapter 160D, Article 12 Minimum Housing Codes on the regulation of dwelling units unfit for human habitation to comply with the updates made to Chapter 160D Article 11 Building Code Enforcement regarding minimum standards for nonresidential development.

Commissioner Partee seconded motion.

Commissioner Kidwell said I'm not going to support this tonight. I think this is something that it started on July 1. Here we are on the 18th rolling this right through. It may be a state law, it may be a state statute, but this is where our Legislative Committee should be really diving into this and working with the League saying this has to change. This is a massive overreach of allowing the government to come in and say we don't approve of how you live, you need to change your ways. I've grown up in all types of housing. Some of the places I grew up – trailers. For instance, some people wouldn't consider that to be a home. This worries me about our trailer communities that we do have in Huntersville. It worries

me about our homes in other areas of Huntersville that someone driving by could easily say you know what, I just don't think that home is fit. I'm going to go knock on their door. It creates havoc for our citizens. It creates havoc for our town. It needs to be seriously gone through and reviewed, so I will not be supporting this regardless of it being a state law.

Commissioner Phillips said I cannot support this. This is legalizing gentrification. It is systemic racism. I read the whole thing so I will spare you guys some lines.....would attract persons intent on criminal activities. That's disgusting. It also says things like use by vagrants as living quarters in the absence of a sanitary facility. I have spent years working with the homeless community. Sometimes people end up in homes that may not be to my quality, but a roof is a roof. It's better than a tent. I feel like this also encourages landlords and others to pick on others that are here who pay for their rent in cash. Their landlords don't keep their properties up to code. Should they, yes. I feel like this is creating a situation where we are railroading gentrification because we are setting standards and these standards in here are very subjective. This is not okay. I think that it's disgusting that our state would run with something like this, and I refuse, I don't care, to vote for something like this because it is morally wrong. It may be legally okay, but it's morally wrong.

Mayor Bales said the old ordinance that we are replacing it with.....

Ms. Sloop said it also allowed for inspections. Only the underlined language is the new language. The other language is the existing language that was already in the current ordinance. The county, I would just remind you, reviewed this ordinance because they enforce it on our behalf and signed off on the edits as drafted.

Mayor Bales said all the new language and the language that was struck out of this ordinance, you are saying that Mecklenburg County has already adopted it.

Ms. Sloop said we submitted this to the county to review because they enforce it on our behalf, prior to bringing it to the Town Board. There were several months of review prior to bringing it to the Town Board and going back and forth working with Planning staff as well. Just to reiterate only the underlined language is the new language and then you will see the strike through as pieces that were removed from the existing ordinance.

Commissioner Phillips said some of the underlined stuff in here, too, that they have added.....like they're increasing the hazards of fires, lack of adequate ventilation, light or sanitary facilities, dilapidation, disrepair, structural defects or uncleanness. Who are we to tell somebody what's clean and what's not. It just leaves so much to be interpreted. Disrepair – well there's a lot of homes in Huntersville that may be in disrepair, but that's somebody's home and dwelling and then you sit here and throw fines on them, you force them to do stuff. If they could afford to fix it, they would have already fixed it.

Mayor Bales said I think that's something this Board can take a look at in regards to grants for folks. That's something I know we've had conversations around regarding affordable housing and making sure that there's some grant opportunities or some partnering with other non-profits to make sure that citizens who do have some issues with their homes that they do have the resources to be able to repair them. This is law. Regardless of whether this Board chooses to adopt it or not, we are still held to it. I would encourage this Board as we continue to talk about affordable housing, continue to talk about how we can provide some assistance to our residents, that we use this as a teachable moment for ourselves and make sure that what we do build is something that will add value to our citizens. That would be what I would like to see us do.

Commissioner Kovacs said I wholeheartedly agree. I want to get the word out there and help, but unfortunately if it does get to the point where they are so far behind on fines, then it's already detrimental to them. I was wondering do we have leeway to take away some of the subjectivity. Uncleanliness is the perfect example. How do we define that.

Ms. Sloop said we have modeled the edits to the ordinance to align specifically to the language of the statute.

Ms. Mielenz said that language was included in the packet as well.

Mayor Bales said when the county comes, is it completely subjective.

Ms. Sloop said they are trained to make the determination as to whether or not it is unfit or uninhabitable for human habitation based on their licensing.

Commissioner Kidwell said they may be trained, and I use that term loosely, because I know the county is behind in hiring and they are behind in inspections as well. I speak from a manufacturing standpoint, when I'm asking for a county inspector to come out for a ventilation system, they are telling me six to nine months, which totally changes how I run a manufacturing facility. If the inspector determines that the improvement of the dwelling can be made at a reasonable cost, it will make sure that the individual knows that they should be repairing it. Things are not cheap. Wood is not cheap. I know it's gone down a little bit, but the cost to build a small deck right now, a 10'x10' deck, is still like \$2,000. Imagine someone just driving by your house come in there and say the front porch looks a little shaky, I think it's going to cost about \$6,000 to fix. Make sure you take care of that, I'll be back in a week.

Commissioner Partee said I've got to throw out a term called zombie housing. In my career as an undercover drug buyer, working buying drugs from zombie homes, vacant homes, abandoned homes, I can see where the county is going in trying to prevent these abandoned houses from being turned into zombie homes and I can understand. I can feel your pain, but when you talk about systemic racism, you've got to be able to have the experience of walking into homes where children....there's no lights, there's no heat, the roaches are moving across the wall. These are homes where these folks are living and that need to be condemned, but also there has to be social programs like we talked about to come in and revitalize these homes. I've been in crack houses, I've been in heroin dens, undercover where people are just surviving. I talk from experience of seeing these zombie homes turned into drug houses, so therefore, even though we live in Huntersville, we might see those type of homes. I'm glad we do not. I can see where the county is going and that they are trying to protect the citizens because as we grow as a community, I'm going to tell you right now drugs will be coming into this community, so we've got to stay ahead of it. If we've got homes where these drug dealers can walk into and just turn it into a drug house and start selling drugs, then we need to be on top of it right now. We need to convert these homes, bringing them up to specs, and these inspectors are not going in there and kicking people out. They are doing it for safety reasons. When winter comes and you've got children that are sleeping not under blankets but sleeping under clothes on the floor because people have got to survive. You want to go into a black community, I'll take him to some very black communities. I'll take him to the hood and show you the real hood. Therefore, I can see where the statute is going. It's law. We have to pass it because it's law, but I understand and sympathize with my fellow commissioners. I have lived in the streets. I'm from the streets and I know what's going on in the streets because I have been there. I say we pass this ordinance as law and we work with the community to upgrade the homes that we feel that are abandoned or on the cusp of being a demolition or abandoned house.

Mayor Bales called for the vote to approve Petition #TA22-08.

Motion carried 3 to 2 (Commissioners Boone and Partee in favor; Commissioners Kidwell and Phillips opposed; Commissioner Kovacs abstained which was recorded as a vote in favor).

Petition #R21-13. Petition #R21-13 is a request by Caldwell Station Properties, LLC to amend the Traditional Neighborhood Development Overlay District for the Caldwell Station Senior Living Center at 11130, 11124, and 11116 Will Knox Road (Parcels # 00544332, 00544328, 00544329).

Lauren Speight, Senior Planner, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 10.*

Updates from the Planning Board meeting. There was a request from staff for some data about the proposed senior apartments that are in review or planned approved apartments that are yet unbuilt and for existing apartments. There are 284 units that are currently under review because they are senior family like developments only, and then 450 units that are approved but unbuilt, and then 446 units that are existing.

Mayor Bales said all of these are senior?

Ms. Speight said senior. Some of the site plan issues that came up in the Planning Board meeting were with regard to the massing along Will Knox Road and the tree save and parking. Staff has been talking back and forth with the applicants about how they are adjusting that and they are addressing those comments. They have the revision that was inquired about with regard to the exterior parking garages from Planning Board and those are planned to have doors now. There is some discussion on the end of the applicants with regard to some other developments that they have that have similar amount of parking that was provided, and they believe that this will be adequate for the site. I believe that they are here and they can address that if you have a question about that.

Outside of that the applicant is requesting vesting from the Town Board with regard to the tree save, TIA and landscaping requirements. They are required to come up to code for lighting and sign requirements. Regardless of the fact that they are requesting that vesting, they do plan to either meet or exceed the tree save requirement. The TIA indicated there are no improvements required. They are proposing to keep the 20' perimeter buffer around the property as well that is not required, but they are going to either keep it or plant as necessary, and that is something that we are working with the applicant on. He just has not had an opportunity to resubmit, that's why I say we're still working with them.

Staff recommends approval as noted with the request that they add appropriate notes that are described in the Staff Report.

Commissioner Partee said will there be a traffic light proposed at the intersection of Will Knox Road and 115.

Ms. Speight said no, there will not.

Commissioner Partee said why not.

Ms. Speight said I know one was not required as a part of this development.

Commissioner Partee said I know, but in the past we've had a lot of traffic congestion there on that particular road and moving forward as we increase the amount of residents and housing there, I believe there's going to be a need for a traffic light there. I'm just putting that out there on the record that we need to look into that.

Commissioner Kovacs said we went from 108 to 134, so almost a 25 percent increase, so what is the units per acre now. I can do the math, never mind. What is the reasoning behind the applicant wishing to keep the vesting of the plan. What is the benefit.

Ms. Speight said technically if they are requesting vesting then they would not be required to comply with the current ordinance. It would be their option to comply with the current ordinance.

Commissioner Kovacs said I would like to clarify, it went from office buildings to five 3-story apartment buildings to one 3-story apartment building. They are trying to keep what was approved in 1998, the vested.

Ms. Speight said that would have been the residential development from 1998. What happened was they came back in 2006 as you are aware for a revision to the residential senior family units, so they still want to do the residential senior family units, but they want to be vested in the 1998 code, which would not require them to do the tree save or.

Commissioner Kovacs said so the TIA, I just want to clarify a TIA when we are referring to that one, that is the current one, we are not referring to one in 2006. We still don't have the storm water drainage system, that's under review.

Ms. Speight said it hasn't been approved, but it wouldn't be approved until the Town Board approves it anyway.

Commissioner Kovacs said we don't have a willingness to serve from Charlotte Water and that will need to be provided.

Ms. Speight said when they come in, they are going to have to get approval from Charlotte, they just don't have that yet, but they will, because the willingness to serve would be included in our review.

Commissioner Boone said the 1998 ordinance says no lighting ordinance. Has the applicant addressed that.

Ms. Speight said yes, they are going to comply with the current ordinance.

Commissioner Boone made a motion in considering the proposed Rezoning Petition #R21-13, Calamar Senior Living Facility, the Town Board recommends approval based on the amendment being consistent with Land Use 1.1 and 10.5 of the Huntersville 2040 Plan and with the character of the existing adjacent development. It is reasonable and in the public interest to amend the Zoning Ordinance with a condition that the plan meet or exceed the current lighting standards.

Commissioner Partee seconded motion.

Commissioner Kovacs said I am not in support of this. The vesting really has me concerned. I think if we are going to comply, then we don't need that. It makes me very uncomfortable. Looking at the 2006 Plan compared to this plan I am honestly more in favor of the 2006 Plan. It looked great. I'm also concerned with the safety of this building. I know we have brought it up multiple times as we just discussed how many things we've approved lately with senior housing and usually it's Commissioner Boone asking this question, but we have a lot of calls for emergency services out to a lot of these facilities and when we have these big long facilities it's a little less accessible for our emergency services to reach the patient or the people that they are trying to get. One of the things that I was excited about the 2006 plan, which I know we are not voting on, but I liked the separate buildings because it did allow for a little bit more of that safety and access to people that were in need because time is of the essence. I'm not in support of this plan based on how it is currently and with the request for it to be vested.

Steve Singleton, 2623 Oxborough Drive, Matthews, said I represent the petitioner as their consultant. I just wanted to clarify a few things. We have worked extensively with staff through this process, so regarding the vesting which continues to come up, and I will say even for us has been a little confusing, but from day one it was recommended from staff that we pursue the vesting because it was tied to the original Caldwell Station development. We, and I'll speak for my client as well, really don't care about the vesting and we're happy to meet or exceed current development ordinance. Everything on our plan – we exceed the tree save, we're trying our hardest to save more of the specimen trees and some of the trees that we know are kind of important to the site. With regard to the landscape, that is not required under the vesting of the 98 ordinance. We are still going to meet or exceed it. I guess I'm just here to say we're happy to accept either. Same with water quality, which wasn't required under the 98 ordinance. We are proposing a sand filter. Even though it's not required, we are still providing that low impact development and water quality treatment, as well as buffering. We are meeting everything that's in the current ordinance. I just wanted to clarify that if vesting is an issue, we're happy to meet the current ordinance. The lighting – we're going to meet or exceed lighting anyway and we would, especially being that it is a senior facility. In order to be safe, it will have all the standard lighting minimums. As far as emergency access I just wanted to point out a lot of things that we look at when we do our site planning is to meet with the fire marshal about fire access and so this certainly meets that. In a lot of ways having one building is probably safer because we have three direct access points into this building, so it's consolidated, but for access it makes it easier to get in and out of from an emergency situation. I think some of the concerns while very valid have been addressed with this current site plan.

Jim Jervis, 306 Tinderbox Lane, Fort Mill, SC, said I wanted to address a couple of things. One is I mentioned in one of the previous hearings there are 10,000 people turning 65 every day in the United States. In Huntersville alone, 30 percent of your population is 55 and above. That's 17,000 people today in Huntersville. What happens is our folks want to sell their home, they want to live in the area, they want to have their friends and families and everything else that they do around the area, but they want to downsize. They want to lock it and leave it. They don't want to have stairs, they want one floor. They want to be able to just come and we have all kinds of activities and an activity director on staff to provide things for them to do. They are with like-minded people and part of the 55 plus deed restriction is so we don't have children and kids and those kinds of things there. These people want peace and quiet. They want to be able to come and go as they please. It's also projected that Huntersville will have a 9 percent growth of seniors every year for the next 6 years. That's another 1,700 people a year that are turning 55 and above. At 134 units, you're still going to be below your threshold of what you have available housing for people that want active lifestyles. We want to be a part of the community. We've worked very hard to make the adjustments – the tree save, the water quality, breaking up the front building, those types of things and from a traffic perspective as I mentioned before, 80 percent of

our folks are going to have one car because they don't have roommates or anything else. Twenty percent are going to rely on Uber, public transportation, or some other form to get around. Our folks aren't leaving in the morning to go to work or going to pick up kids or those kinds of things so they don't really impact from a traffic perspective because we would have paid for that study. I hope you will support it.

Mayor Bales called for the vote to approve Petition #21-13.

Motion carried 3 to 2, with Commissioners Kidwell and Kovacs opposed.

Hamlet at Huntersville Subdivision Sketch Plan. Mayor Bales said this is a quasi-judicial hearing on the Hamlet at Huntersville Subdivision Sketch Plan. We will be conducting an evidentiary hearing.

This hearing is a quasi-judicial hearing on the application submitted for the Hamlet at Huntersville Subdivision Sketch Plan.

Quasi-judicial hearings are evidentiary in nature.

Only parties with standing, including the applicant, property owner, local government, and individuals who can show that they will suffer special damages have the right to participate fully in the hearing.

Special damages must be particularized, separate, and distinct from damages to the public at large. Special damages are a fact-specific inquiry. While proximity may bear weight in the determination of special damages, proximity in and of itself is insufficient to grant standing.

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

Witnesses must swear or affirm their testimony. General witness testimony is limited to facts, not personal preferences or opinions.

Certain topics require expert witnesses including projections about impacts on property values and traffic impacts. Individuals providing expert opinion testimony must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Mere conclusory testimony lacking the foundation of the expert's opinion is insufficient to establish the existence or nonexistence of a fact or conclusion.

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

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

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

Evidence is substantial if it is relevant and regarded by a reasonable person as sufficient to support a specific conclusion. Speculation, unsubstantiated fears of the community, or vague assertions do not constitute substantial evidence.

Quasi-judicial hearings are constrained by the standards in the ordinance and the facts presented. Even though the Board may hear other evidence if it is not objected to, the Board should rely on competent, material, and substantial evidence in making its decision.

The Board will recognize the applicant as a part, as well as the property owner, if different than the applicant.

Are there other persons who believe they have standing to participate fully as a party? If so, please come forward at this time. However, if you do not wish to participate as a party, please wait to come up until after we have identified parties with standing.

Sir, if you wouldn't mind coming to the podium and giving us your name and your address and briefly explain why you believe, state the reasons why you believe you have standing.

George Solomon, 13600 Toka Court, said I'm a former member of the Steering Committee for the 2040 Plan. I am the treasurer and the board member of the HOA in Plum Creek. I believe we have standing because we would like to speak to the Board in regards to the access to our community and the change in what will happen by putting two unlike communities next to each other and opening up a road between the two of them.

Mayor Bales said are you here representing your HOA?

Mr. Solomon said yes.

Mayor Bales said so, you serve on your HOA board?

Mr. Solomon said I do.

Mayor Bales said Ms. Sloop, my understanding is that he would qualify as a party with standing.

Emily Sloop, Town Attorney, said the only way that an HOA would qualify is if someone who is a member of the HOA would personally have standing and establishes that. Also, I'll remind you about the importance of having an expert to testify with regards to traffic impacts. Per statute that is required to prove standing.

Mr. Solomon said it's not the traffic issue. It's the access issue that we're concerned with.

Mayor Bales said Mr. Solomon at this time I don't believe that you have standing as a party, however it's possible you may have an opportunity to be a non-party and speak at the end.

Mayor Bales said is there anyone else that believes they have standing to be a party.

No one came forward.

Mayor Bales said those who have standing, if you would please come up. That would be the applicant, the property owner, as well as Mr. Peete representing Town staff. Would you please come up and identify yourselves.

Steve Farmartino said I work for Middleburg Communities, One Ashton Street, Charleston, SC 29403.

Jason Pfister, said I'm also with Middleburg Communities, 4509 Creedmore Road, Suite 201, Raleigh, NC.

Thomas Haapapuro, Design Resource Group, 2930 Chelsea Avenue, Charlotte, NC.

Mayor Bales said we have the applicant, is there a property owner also here this evening?

The property owner was not present.

Mayor Bales said we have the applicant and we have staff.

Mayor Bales said will each party with standing tell me the witnesses they intend to call, if any, should you have one.

Mr. Pfister said other than us, Mr. Farmartino and myself, our engineer, land planner Thomas Haapapuro.

Mayor Bales said are there other persons who do not qualify to be a party but who would like to testify?

George Solomon.

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

Commissioner Boone said Mr. Solomon and I belong to the same Rotary Club. It will not affect my decision.

Mayor Bales said the parties to this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the case outside of the hearing. That may be email communications, as well as conversations with parties, staff or the general public. Does any Board member have any ex parte communications to disclose?

Commissioner Phillips said I have received emails over this, but I never read them.

Commissioner Kidwell said I received emails and I read every one of them.

Mayor Bales said is that going to affect your decision making?

Commissioner Kidwell said nope.

Commissioner Kovacs said I have received emails as well and I read one until I realized I couldn't.

Mayor Bales said will that affect your decision making?

Commissioner Kovacs said no.

Commissioner Boone said I, too, have received emails and that will not affect my decision. I did read some of them, but not all of them.

Commissioner Partee said I did receive emails. It won't affect my decision.

Mayor Bales said based off of the disclosures we've heard from the Board concerning partiality and ex parte communications, does any member of the Board or any party to this matter have an objection to the Board members participation in this hearing.

There were no objections.

Mayor Bales swore in David Peete.

Mayor Bales swore in Steve Farmartino, Jason Pfister and Thomas Haapapuro.

Mayor Bales swore in George Solomon.

Mayor Bales swore in Stephen Trott and Jack Simoneau.

Mayor Bales said I would like to call on the Planning Staff for the presentation of their Staff Report.

David Peete, Principal Planner, said I would like to enter the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 11.* I will give you a brief overview of the request and bring you up to speed. Also, I want to point out that I placed at the dais an updated Staff Report with some information in red and I'll be going over that as well. *Updated Staff Report attached hereto as Exhibit No. 11.*

The property is located there in the hatching in the middle of the image. It is located along 115 immediately north of the Plum Creek development and immediately south of Lake Norman Charter School and it does front on 115. It is zoned Neighborhood Residential.

This is a quick context map just to show you that to the west are primarily some civic uses. You've got CPCC's campus, the athletic park for the Town of Huntersville, as well as the recycling center for Mecklenburg County. Plum Creek to the south as we mentioned and then you have the top part of the Bryton development across 115 and then you have Southwire and other large industrial uses across from Lake Norman Charter.

This is just a color rendering very quickly to show you the layout that is proposed. This is on this 43.91 acres. The proposal here is for 265 for-rent units. They are made up of 187 single-family or detached style and then there are 78 townhome or attached style units.

The overall density of the project is 6.15 units per acre. However, I'll be pointing out a very specific unique feature of that density in just a few minutes.

I will point out that there were two neighborhood meetings that were conducted based upon some significant changes to the project as it moved through review. Primarily, there was a significant acreage addition from the very first version of the plan. I won't back up to that, but just to let you know that there's definitely been several iterations on the project.

Again, here's a summary of what I just mentioned. You can see there the parking at the bottom, 383 spaces required per ordinance, and they are providing 667 that are distributed throughout the project.

The 2040 Community Plan has this identified as within the Town Core. You can see the red dot there on the screen. The definition of the Town Core is shown there, and we can visit that if you would like to.

Along the bottom of the plan, I'm happy to touch on or elaborate on any of these individual items, but I would just show you that the 2040 Plan elements including environmental, land use, are outlined there at the bottom as being applicable to this particular request.

Here is a more detailed image showing the site plan and I will go through and touch on some other elements as we move through the particulars. One of the things that I mentioned about how a dense project like this and a development like Plum Creek to the south can cohabitate is through transitions. The 2040 Plan speaks to this, our Zoning Ordinance speaks to this, and so does the Subdivision regulations. There's a lot of ways that you can do that.

This particular project has approached this in three specific ways that I'm going to outline. One of ways that it looked at this was to make sure that the connection of the street that has been stubbed since the beginning of Plum Creek as well as there are many stubs in Plum Creek. That road stub was not a direct connection and it did not necessarily service the majority of the project into that development. And so through a series of site plans, as you can see if you were to exit out of Plum Creek to the north into this project, the road curves very sharply and then moves out to 115. More to the point, as the larger population moves south and tries to exit this development, it is not a direct connection into the adjacent property, it's moving out to 115.

Let's just hold that element for just a second, because again I'm building these three parts.

The second item is that they very purposely reduced the density along the southern boundary. You can see in the upper left that there's a summary chart and Plum Creek has a density of 2.67 units per acre. The density in the red in Plum Creek, which is the colored area south of the white site plan, is actually 2.59 and then above in the white, the Hamlet project, is providing 4.69, so again the entirety of the project, 6.15 but they very specifically reduced the density on their own accord to work to create a transition along that southern boundary. That is not quite matching Plum Creek, but is moving in that direction. That would be Element No. 2.

The last is enhancement of a buffer along the southern boundary. As you well know, our buffer requirement for residential projects is a minimum of 20' planted or you can use existing vegetation if it is of certain quality. If you look in the upper right of this particular image what you will see is they are using the 20' minimum and then they are adding an additional 30' that will be fully landscaped and they will also, and it is a little hard to see, but almost right there in the middle with the 20 and 30 break, they are going to have a 6' opaque fence running through the middle of the project that the property owner or HOA will maintain. In total it will be 50' of buffer and that will be more than likely planted along this particular edge and the reason I point that out and again just to make sure everyone is aware, the nature of the existing vegetation on the southern boundary is not necessarily thick or great. The

applicants, if they were to be approved and go to the construction phase, we would do an analysis and walk it and make sure that it is an acceptable quality to serve as that buffer. Having said that, if it is not, there is notation that they will plant specifically to make sure that it complies. I just wanted to show you a couple of images showing you that the vegetation on the site kind of doesn't start until you are quite ways in. The redlines represent the depths of the buffer that they would propose. I wanted to make sure that while leaving the existing vegetation in concept is a goal, it sounds great, you certainly have to have it there to save it.

TIA, transportation impact analysis, was required. You can see on the left side of the screen in the two bubbles that there are requirements that were deemed appropriate. On the right you can see a blow-up there of how that translates to the two entrances of this development onto 115. Essentially you are going to have a throat that is adjacent to 115 with left-outs, a right, and then one moving in. They also have a decel lane southbound on 115 and a middle turn-lane on northbound 115 and that would be in both instances. Also, I should mention sidewalk and bike lane along 115 as well.

This is a quick outline of where the urban open spaces are located. Again, every unit must be within a quarter mile of urban open space which is a very specific type of urban open space, not just your common area. The areas in green highlight where those are. To the west you will see, or to the left of your screen, you will see that where the creek is located there is a trail system that goes through. The trail in and of itself is not an urban open space, but it moves through the common open space.

Another highlight that I thought was important was that there will be trails from this development that will connect into the Huntersville Athletic Park as well. The Town is working on some trail enhancements on the property and whenever that is identified these will be able to tie into that. Moving the residents here over to the civic uses to the west.

This is the CMS report. You've seen these before. This is the estimation of what this project will put into the system to the schools that are assigned to it.

Having said that, the three-part test for a subdivision sketch plan are that the application be complete. Staff finds that it is and recommends that. The second part is looking for compliance with all applicable requirements. In the black in the bulleted items, you will see that these were the concerns that the Staff Report initially brought forward and they were taken to the Planning Board. The item in red indicates how the applicant has addressed those issues since the Planning Board's meeting. The urban open spaces have been identified correctly and they are indicated. The transportation comments need to be addressed. That's speaking to the minor requirements that would be out there like maybe striping for a crosswalk or something like that. The mail kiosk location has been identified. The water quality concept plan, that has not been officially approved however we do not know of any major issues, and they will not be able to proceed without it, so that is a must do situation.

Again, you can see that one of the other channel transportation comments was that there were some curve radii, the sharpness of the curves was not in keeping with our design manuals and engineering standards and they have addressed that. The applicants are here, but it's my understanding that they have sent over a site plan that shows every one of them is in compliance with our requirements for that.

As a catchall, our last bullet is that your general miscellaneous redlines would be addressed as well.

The next section here speaks to recommendations, and these were staff recommendations, not ordinance requirements that were passed along. I can elaborate on any on these, but very quickly I will say that there were a couple of sidewalk sections that were sort of running straight along a line on some of the streets and the effect was actually reducing some of the space around the residential units that the residents could utilize. The recommendation was to keep those sidewalks in the normal location, 7' planting strip and then the sidewalk and allowing more open space near that residential unit. The applicants have agreed to do that, and they have done it wherever they could possibly do that.

The second bullet is about an urban open space that was labeled as serpentine colonnade which spoke to the way that the sidewalk moved, but it was not satisfying the requirements of that particular urban open space, so they have changed the design and is compliant.

Number three was the parking near the clubhouse. Again, there's a lot of units here and the recommendation was they certainly could use as much parking around the clubhouse as possible. They have added four spaces near there. We will continue to encourage additional, but it is compliant and that needs to be stated very clearly.

The fourth bullet is the elevations that face our public streets. We do have a provision that they need to not have blank walls, so they have identified and I can go back to it, but they identified a lot of these opportunities for a blank wall, if you will, on the site plan that you saw with a red line, but it did not encompass all of where those particular areas are, so they have committed through their note that they will not allow those blank walls to exist as the face public streets.

With these elements, staff was able to recommend that we could support it and find it compliant subject to these conditions.

Last month on May 24 the Planning Board reviewed this and they voted 9-0 to approve subject to the conditions that were outlined just now. If you would like for me to go through that very specifically, I can, but they reiterated the requirements and recommendations of staff and identified all of that.

That is the formal presentation that I have. I'm happy to answer any questions that you may have and again the applicants are here as well to speak to this.

Mayor Bales said are there any questions for Mr. Peete as this time?

Commissioner Boone said I've got several questions, but I would like to wait until I hear the applicant's presentation.

Mayor Bales said I will move to the applicant. I am sure you would like to speak, so if you wouldn't mind coming on up and sharing with the Board. Before you begin, again please state your name and address for the record and your relation to the case.

Steve Farmartino, said I'm the applicant for the case. We've been working with Mr. Peete and staff for a little over a year now and this site plan as he alluded to has gone through many variations. We originally just had the Abbott piece, then we got the Whitener piece under contract, which obviously shuffled up the site plan and increased the unit count quite a bit.

I just wanted to address what David said was outstanding as far as the conditions. We worked leading up to this meeting after the Planning Commission to address everything that we could. The minor transportation comments he alluded to I believe are addressed in the latest site plan and we have DRG working to make a full resubmittal of the sketch plan with everything that has been highlighted to us.

The water quality concept, we got feedback from staff that they do not expect additional comments at this point, but pending additional comments we are happy to address and satisfy those as needed.

The clubhouse parking, you can see where that B3 unit is up next to the clubhouse. We moved that unit out of what we are calling the pod, that's how we distinguish basically where we measure the parking ratio and it's that dashed boundary. Pod 5 had 21 units. We relocated the B3 to another pod, added four parking, so it increased the parking count and lowered the parking requirements for that pod for the sake of the residents and if you were to take and double the code required seven spaces for the club, I believe you still fall above what the code requires. It is our opinion that with that change, the parking will be satisfactory for that are and that's something we can work through with staff on this upcoming submittal.

Outside of that, I know that there's been a lot of talk about the connection of Hortulan Court and our position has always been we're trying to be a friendly neighbor. We went above and beyond with the buffer and we're happy seeing that as an emergency access only. I know that the code requires that through the Subdivision Ordinance for a connection, but I did just want to get that out there, that emergency access is something that we would support and would not push back against. At this point not to belabor anything that David spoke to I'm happy to answer any questions that the Board may have.

Mayor Bales said we will open this up for discussion and questions for the applicant.

Commissioner Kovacs said could you clarify what you said about the B3.

Mr. Farmartino said you see right up here, there was a unit in this location that we relocated here and then added the four parking spaces.

Commissioner Kovacs said where do the people in the other B3 south park.

Mr. Farmartino said they would be parking in this. This is a private drive right here with head-in parking and they would be parking here and making a walk down to their unit here. The way we program is to have a minimum of two spaces within 150' of the unit. Obviously, parking has been a big topic for us with staff and we think that with the level parking provided, obviously you can't control who parks on a public street, but we think our residents are going to have more than enough parking.

Commissioner Partee said thank you for your presentation and Ms. Sloop, if I tend to go out of the scope of questioning, just bring me back in a little bit. You have developed a very dense community. How many townhomes and homes does Middleburg Communities need to construct in order to make a profit.

Jason Pfister said I think that question is speculative and not really relevant to the topic and I personally don't have the knowledge of that.

Commissioner Partee said let me rephrase it this way. What is your anticipated profit margin on this community.

Mr. Pfister said we don't have that information at this time.

Commissioner Partee said what is the lowest number of single-family homes built to make a profit. Am I out of my scope? What's the reasoning to rent townhomes as opposed to selling the townhomes.

Mr. Pfister said Middleburg as a company we are not a for sale developer. We are a fully integrated real estate development company. We develop, construct, and operate our own projects. We will be the sole owner and operator.

Commissioner Partee said who will manage the rental homes/townhomes?

Mr. Pfister said it will be Middleburg Property Management.

Commissioner Partee said are they affiliated with Middleburg.

Mr. Pfister said Middleburg Communities is the parent company.

Commissioner Partee said I have no more questions at this time.

Commissioner Kidwell said what are the price points going to be as far as rent. Just give me a basic range for townhomes versus single-family.

Mr. Farmartino said rents obviously do fluctuate, but right now the average rent will be slightly north of \$2,000.

Commissioner Kidwell said for a townhome or home.

Mr. Farmartino said that's just across all unit types.

Commissioner Kidwell said homes will be higher, townhomes will be a little bit less.

Mr. Farmartino said depending on the size and the number of bedrooms.

Commissioner Kidwell said you mentioned that you guys will be managing it, so are you taking care of all lawn care throughout the entire neighborhood, the single-family and the townhomes.

Mr. Farmartino said every blade of grass outside of the public right-of-way, that's obviously going to be dedicated over to the Town of Huntersville for maintenance, but everything else is going to be on us to keep and maintain.

Commissioner Kidwell said your maintenance group will manage the CCR's and enforce that.

Mr. Farmartino said correct.

Commissioner Kidwell said what happens if you go bankrupt. If you guys go bankrupt, I've got 264 for-rent residential development, what's the contingency on that. Is it a transition to start selling those individually. Is that a possibility?

Mr. Farmartino said we have partners in the deal. I can't speak to the exact mechanism or tools that would kick into place if that were to happen. I will tell you from a zoning standpoint, subdividing these and selling them off would be very difficult if not impossible.

Mayor Bales said any other questions.

Commissioner Kovacs said where is your closest property that you have like this near us.

Mr. Farmartino said the furthest along property we have of the Hamlet prototype is in Huntsville, Alabama and we are still going vertical with construction. We have 19 projects under contract with permitting various stages totally over 4,000 units of the Hamlet type and three active construction projects, the closest of which is in Wake Forest.

Mayor Bales said Ms. Sloop, I know this line of questioning I just want to confirm that we are within bounds or are we out of bounds with this particular line of questioning in regards to financial.

Ms. Sloop said the decision by this Board has to be based on whether or not the standards of the ordinance are met. If the standards of the ordinance do not contain any language about the price of the units, then that's not something that this Town Board should be basing its decision on.

Mayor Bales said I just wanted to make sure that we weren't going off the rails.

Commissioner Boone said I wasn't going to ask this question, but a couple of commissioners have brought it up, you also have a project in Jacksonville, Florida that's moving along, correct.

Mr. Farmartino said correct.

Commissioner Boone said how's the project going.

Mr. Farmartino said the project should start site work within the next week or so.

Commissioner Boone said Millingburg, have you guys sold any property in the last 24 months.

Mr. Pfister said I believe we have.

Commissioner Boone said do you know how many properties.

Mr. Pfister said I do not have that.

Commissioner Boone said maybe two.

Mr. Pfister said that's possible.

Commissioner Boone said I have further questions for the staff and then I have a follow-up question for the applicant.

Mayor Bales said again, I just want to confirm with Ms. Sloop that Commissioner Boone's question was that within scope or out of scope.

Ms. Sloop said about similar projects, that's within scope just to receive generalized information about another project that's similar.

Commissioner Kidwell said Mr. Peete, if you go back to the TIA and the turn-lanes in and out of this, why is there not a traffic signal here. We've got a neighborhood right down the street. We've got a neighborhood across the street. We've got a school right down the street.

Mr. Peete said Mr. Trott handled the TIA review.

Commissioner Kidwell said I don't want this to come back just like the Hamptons did over there off of 21 in a few years and say now can't get in and out of our place because the traffic of the school, traffic of the neighborhood, traffic here, and we've got to spend up to \$300,000 of today's dollars so I'll sayneighborhood let's go a million of that time's dollars for a traffic signal.

Stephen Trott, Director of Engineering, the TIA was done in compliance with the current Town ordinance, which is Article 14. The TIA did not recommend a traffic signal at either location. The state has also reviewed the traffic impact analysis that was done, although I don't think they required one, and they also did not require a traffic signal as part of that review.

Commissioner Kidwell said did the state and the TIA also say we didn't need a traffic signal at the Hamptons and 21 originally.

Mr. Trott said I'm not sure if a TIA was done for that development or not.

Commissioner Kidwell said I'm talking about the one across the street from them, the commercial.

Mr. Trott said I don't recall if one was included or not in that. I don't recall that one was required as part of the improvements for that development.

Commissioner Kovacs said the TIA was done only because you guys mentioned the plan has changed and increased significantly, the TIA was done before change or post change.

Mr. Trott said as the unit count changed, we asked for updated trip generation to make sure that it was not above the numbers that were included in the TIA that was provided.

Mayor Bales said are there any other questions for Mr. Peete at this time.

Commissioner Kovacs said I don't know and maybe this.....I don't know who is going to answer this but I'm going to send it to you. Just because Commissioner Kidwell brought it up before about the Town Core or Commissioner Boone did, and in the definition of Town Core, just curiosity. It says their design focuses on traditional neighborhood planning. This is considered traditional neighborhood planning even though it's the first of its kind.

Mr. Peete said what you've got is a design based ordinance.....and what the ordinance is looking at is block lengths, pedestrian orientation, significant open space, units that create the public realm along the public streets, transportation options, bike lanes, sidewalks, vehicular, and so that would be the context that is being handled in. The type.....you could draw that conclusion but I think if you were speaking to a revolutionary new material that a home was built by or maybe it was all brick or all stucco that's not necessarily traditional, if you will. So using the vernacular of what Huntersville has traditionally been built on is not what that is saying in my read of it. But it's more about the pieces of the set-up.

Commissioner Kovacs said so the elephant in all of this in the room, the connection to Plum Creek, we cannot avoid having that connection. Because I heard the applicant say they are perfectly fine with it not going through. So, we have no leeway in that?

Mr. Peete said I'm not going to say that's the case. What I'm saying is that based on our policies and practices, based on our ordinance and based on our general history that I'm familiar with, the public streets that have been stubbed from Plum Creek since its inception have been there ready to connect whenever development comes along. And so here is a development that is looking to provide a public street extension to a stub that does exist today and we are recommending based on all of our policies practices and all of our examples that we may have of where we have done that.

Commissioner Kovacs said I'm confused. They are willing to or they are being told they have to.

Mr. Peete said they have never been told they absolutely have to.

Jack Simoneau, Planning Director, said it's a public street so the public street's got to connect. It's what the code calls for. I think what you heard was we are willing to put a chain up for fire access. We would not recommend it and the fire marshal would not recommend it.

Commissioner Kovacs said one of my questions actually you lead to the next question was on one of the projects that you pre me being up here, one of those projects over here by Soil Supply and Hagers Road they had very similar sentiments and they wanted a gate to do there and we did put one there, correct.

Mr. Simoneau said did not. That's an exact example of this. That did not get a gate. We would not recommend it here. I will also point out. I apologize I'm not going to be using the screen, the design of this subdivision was changed such that the homes back in here have to come and the street comes here so if anybody is coming out of this subdivision and they want to go through Plum Creek, they actually have to go backwards to get there. That was a design change through the process to try to make it more circuitous to go through Plum Creek. In addition to that there are turn lanes, so as cars are leaving in the morning or at any point in time, there is a right turn lane and then a left turn lane and then there's an entry lane on both this entrance and this entrance here. So there's stacking ability on that, so my point here is the subdivision design layout was done in such a way to discourage that. I will also point out in this particular area right here, there's a parking court to serve all the homes and this is the street connection into plum creek. One of the iterations of the plan had a parking lot connection right in here and there was concern from the Plum Creek homeowners that if that parking lot was here, drains here, then there would be perhaps a desire to cut through and so the developer cut that off and so there is no longer a connection in here. The reason I'm mentioning this is that the design was intentional to try to minimize any kind of cut-through traffic.

Mayor Bales said any other questions.

Commissioner Boone said I've got several. I'd like to start with the Town Attorney. Before I start my questions. Is everything in the Staff Report considered evidence.

Ms. Sloop said yes.

Commissioner Boone said was a connection to the Lake Norman Charter School ever considered.

Mr. Peete said there is a stub to it.

Commissioner Boone said was it ever considered making it an entrance and exit out of this new development.

Mr. Peete said actually tying in?

Commissioner Boone said right.

Mr. Peete said that was not part of the review that we did with them. The major difference is that there is no public street system through the campus.

Commissioner Boone said so you really didn't look at that as far as even talking to them to see if they wanted to tie in with this new development.

Mr. Peete said other than the notifications that they received along with every other property owner within 250', in the neighborhood meetings that were held, in their own buildings, I can't speak to what they did or did not think about the proposal. But I have not heard any comments from them yay or nay. Again, just to reiterate the premise is connecting public street to public street, not within a parking lot.

Commissioner Boone said so you are just saying that the Lake Norman Charter School doesn't have a public street to tie into.

Mr. Peete said correct.

Commissioner Boone said you mentioned in your Staff Report that there will be a trail going to Huntersville Athletic Park. Could you show me where that trail might be.

Mr. Peete said I can show you where they have and again they have just indicated the willingness.

Commissioner Boone said I think you made my point there. Their willingness. They really don't have to do that.

Mr. Peete said the trail connection over to the west? That's correct.

Commissioner Boone said they don't have to do that. So they are just saying that to be saying we might do this and we might not, but they do not have to do that.

Mr. Peete said if it makes it onto the plan and then it goes to the construction stage and it's shown as noted, then there will be a level of commitment

Commissioner Boone said reading the 2040 Plan EOS 10.1 it says connections to all parks, schools, neighborhoods and major shopping centers should be connected and if you put a stub between the Lake Norman Charter School and the Hamlet, will there be any pedestrian connectivity there.

Mr. Peete said the sidewalks for this particular stub street that is shown right here, they would dead-end at almost the edge of the property and those sidewalks could continue forward, they could become trails instead of sidewalks. And then I believe, I'm not going to speak for the applicant, but I believe that they would be willing to extend that connection note to the west for a trail to the north as well. The anticipation would be that these residents if they were attending Lake Norman could possibly go through there.

Commissioner Boone said that would save them for walking out to 115 and over.

Mr. Peete said correct.

Commissioner Boone said are there any other rental development projects in our Core area in Huntersville or any in the pipeline coming up.

Mr. Peete said when you say rental obviously we have apartments. If you are talking about single-family this would be the first that I'm aware of. We have condo developments that of course they have ownership and there are some townhomes. Again, I don't know if you want me to list some of the apartments that are on the way, but we do have rental on the horizon, but this would be the first of single-family rental that I'm aware of, other than the provision of anyone who has a single-family home can rent on an annual basis in any neighborhood.

Commissioner Boone said this comes down to my three last points I'm trying to make and I want to go back to the Neighborhood Meeting, the first one and the second one, and reading the Staff Report, could you tell me who wrote those minutes up and put them in the Staff Report, who is the author of those.

Mr. Peete said the applicant.

Commissioner Boone said the applicant wrote the minutes up for the Neighborhood Meeting. If you read the minutes from both meetings, the first paragraph is taken up and each one of these individuals is mentioned along with their job description. Your name is even mentioned in there. But there's 40 or 50 neighborhood people who were there and their names weren't listed. It was 40 or 50 people who were neighborhood interest. Why wasn't there a sign-in sheet at either one of these meetings. It's not in my agenda packet. Has anybody else seen any names of the ones that showed up. With that said, I think we come down to those minutes where the applicant really doesn't want to cut through into Plum Creek. Plum Creek folks say they don't want the traffic either. It's the Town that says you are going to have it because of the ordinance and because of first responders but if you look at some of the residents who live in Plum Creek, one of them is a Huntersville sergeant on the police force and the chief of the Fire Department lives there and he doesn't seem to be concerned about having access to it. I feel like this is going to probably pass but whoever makes the motion I would like them to consider putting leaving this stub in and I know Mr. Simoneau is going to come up here now and talk to me about connectivity.

Mr. Peete said I do have the sign-in sheets. They should have been attached, if they were not. They were in the PDF file so I can certainly disseminate them but we do have them.

Commissioner Boone said this is important to a lot of people and when you have all the other people that are sitting on that wall their names and their titles and the neighbors were kind of left out, it's not a good feeling.

Mr. Simoneau said it is not unusual when a new subdivision comes in that a developer who is doing an adjoining property doesn't want to connect and the neighbors don't want to connect. I will tell you that is bad policy. These streets have been stubbed since Plum Creek was originally approved. If we go back to the Plum Creek design they had multiple stubs but because of land acquired by other folks, utility easements, etc. there can be no other connections. This is the lone connection that could happen. It does provide two ways in and out of Plum Creek which is over 170 homes and the fire marshal would like two connections when you exceed 100 homes. If you go down the path of not making this connection, I will tell you, you are altering the trajectory of this town from now forward in a way that is not inconsistent with the policies that we've adopted.

Commissioner Boone said I would like to argue two points there. I'm just going to say that we've used this word Town Core earlier in the meeting starting in 1995.....and we're going to use it in this presentation Core also. I believe Plum Creek was planned or approved in 1994 so they might be grandfathered in there. And you say the alter the transportation of the town going forward. In the late 1990's a stub was put in Sherwood Forest for connectivity into Shepherds Vineyard. Canadice Road and I believe Oakhill Road. That stub is still there 35 years later and as far as the stub should have been removed now it can't because there's been a mother-in-law suite built there so I'm just not feeling it.

Mayor Bales said are there any other questions for staff at this point.

Commissioner Kidwell said through all this talk the one thing that we haven't talked about is the impact on our schools. This development of 265 units is only going to add potentially 140 students to our already overcrowded schools. It takes Blythe up to 105 percent, J. M. Alexander at 98 percent, North Meck at 113 percent. This does not take into account the other developments in the area that may or may not be approved coming down the docket, does it. It only just looks at this particular one.

Mr. Peete said CMS produces these reports based on their criteria. What they are looking at I would have to imagine they are looking at what is approved, vested and then that's their background. But what might be coming, I couldn't say.

Commissioner Kidwell said you and I are both in the dark on what CMS does as far as approving.....

Mayor Bales said what I'm hearing is that none of us are experts in regards to CMS in this point in regard to these numbers. I think the one person that we have not heard from is the person that is a non-party. Mr. Solomon. Keep in mind that Mr. Solomon is not an expert however he is coming to speak on behalf of the HOA.

Mr. Solomon said I did spend 5 years as vice chair of the Planning Board for the Town of Southhole in New York, so I do have a planning background as well as being the HOA treasurer and board of director.

Mayor Bales said are you certified in planning.

Mr. Solomon said no, I am not. I would first like to tell the Board that our community is not opposed to this development. We think it's a needed development. It fits with the 2040 Plan. Our opposition solely is the stub road. I beg to differ with Mr. Simoneau because it's there, it should be built. I've seen over the years many developments that have built things that should have never been built. But you talking about the density of 4.69 I believe of the neighboring development, that's almost 50 percent larger than the density of Plum Creek. It's not the traffic that our neighborhood is concerned with. Our concern is the transient population that will be living in this neighborhood. One and two year leases, turnovers, our community was built in 1999. We lived very quietly and comfortably with no disruption of our community. By opening that road up into our community it will allow thousands of people to come into our community that were never able to come before. People that drive into our community come into our community because they live there, they have work being done by them or there's deliveries being made. That's the extent of the traffic and it's a very quiet development. One of the Planning Board members I think hit it right on the nose, he said why are we making them open the road when neither of them want it. And that to me hits it right on the nose. We've had a comfortable 20 plus years living there with no incidents – no major incidents where the need for fire truck to have double access in and out of our community. If anything it's been a wonderful design and a quiet community which has very little problems with it. As Commissioner Boone said the fire chief and a Huntersville police both live there and I believe their signatures are on the petition that we sent to the Town Board. 125 members of our community signed that petition asking you to consider the fact that we would like to keep the quiet of our community along with have a nice neighbor next door. If you expose the road again changing that the lives of 174 residents in Plum Creek if you open that road.

Mayor Bales said Mr. Solomon I have to stop you there because I think what you are basing your comments on are opinion and you are not an expert in transportation and while it pains me to have to interrupt you and do this, my understanding of quasi-judicial is when you make a statement around transportation and movement of thousands of vehicles etc., you are not an expert in that and that cannot be considered.

Mr. Solomon said how many people will be living in that community. If you had two people in each that doesn't take an expert to know that, that there's going to be over 500 people in that community and again I'm not going to attest to how many cars may be in there, but just the people along are going to be minimally about 500 people plus kids living in that community, so when I say thousands of people will have access to my community, that's a true statement. It's not a transportation statement. That's a true statement. When that road opens those people will be able to walk through and come into our development. If there's no road there, those people will stay on their own property and have their own enjoyment and peace. We have no idea what kind of security that the developer is planning. Whether there's going to be people riding around in cars checking for parking lots and robberies and cars whatever it might be. We have no idea what kind of security would be there, but you are taking a density like I said that's almost 50 percent larger than our community and opening it up to our community and that's our concern. Our concern is that we don't want it and just because the street is there doesn't mean that you have to open it.

Mayor Bales said thank you, Mr. Solomon. Are there any other questions for the applicant or for staff at this time. Parties with standing have an opportunity to offer rebuttal or closing argument. As a reminder, please focus your response on legal arguments and new or clarifying evidence. Please avoid mere repetition of the evidence we have already heard. We will begin with the applicant. Is there anything else you as the applicant would like to address regarding what we have heard this evening and address it to the Board please.

Mr. Farmartino said just on the security just because it was recently brought up we do typically offer discounted rent to local sheriff or police officer that serves a courtesy officer role in our communities, but outside of that I think everything has been discussed. We've been clear with what we would like to do as it relates to various design principles around the site. And I think David covered a lot of the pertinent items with the design itself.

Mr. Pfister said the only evidence that has presented I think is competent evidence shows that we have complied with the requirements.

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

Commissioner Partee said do you have any plans to build any affordable housing within this community.

Mr. Farmartino said we do have an affordable arm that looks for opportunities to do that. There is no affordable housing in this development but we are active in the area and look for opportunities where they are available.

Mayor Bales said any other questions at this time before you deliberate. Hearing no additional questions or presentation of relevant facts, the Board will now begin deliberation. The evidentiary hearing remains open so that the Board may ask clarifying questions if needed. As a reminder this Board is tasked with deciding if based on competent material, substantial evidence presented at the hearing before this Board this proposal meets the applicable standards. If the applicant meets the burden of producing competent material and substantial evidence that the standards of the ordinance will be met, the burden shifts to the other parties opposing the application to show by competent material and substantial evidence that the standards in the ordinance will not be met. If conflicting evidence as to a standard is presented, the Board will weigh the evidence and determine which side's evidence is more credible and more reliable. If the applicant does not meet their burden of producing competent material and substantial evidence that the standards of the ordinance will be met, the board must deny the application. The application as originally submitted was considered by the Planning Board and the Planning Board made a recommendation. Nothing that occurred at the Planning Board level including the Planning Board's recommendation is considered evidence that you can base your decision on. However, the Planning Board's recommendation may be useful to the Board in identifying issues that this Board may want to consider and evaluate based upon the evidence that was presented at the hearing before this Board.

Mayor Bales said is there a motion regarding this request first.

Commissioner Phillips said I'll take a stab at one

Commissioner Phillips said I would like to make a motion to approve Hamlet of Huntersville Subdivision Sketch Plan, a request by Middleburg Communities LLC to subdivide 43.91 acres located along Old Statesville Road immediately north of Plum Creek subdivision at 12349 Old Statesville Road, Parcel No. 017-361-02 and a portion of 017-361-04 for a 265 unit for-rent residential development. The application is complete, complies with all applicable requirements based on the satisfaction of staff comments in Part 5 of the Staff Report, all of which must be addressed by the applicant and is supported by the findings of facts outlined in Parts 2 through 4 with the exception of Part 7 in Section 4 of the Staff Report. That's in the new one here which are incorporated herein with the condition of removing connection into Plum Creek as it is not in the best interest or safety of the Plum Creek community.

Commissioner Kovacs seconded motion.

Mayor Bales said I have a motion. I believe Commissioner Kovacs was a second. We will now open it up for discussion. Any additional discussion?

Commissioner Phillips said Emily if I'm out of line, please tell me so. Like No. 7 in this new thing we got discouraged through traffic. You can try to discourage through traffic all day but we cannot.....it's speculative.

Ms. Sloop said what I would call your attention to is actually Page 6 out of 10, No. 3 access between adjoining properties. I don't know if it's the same page in the new one, but there's a quote there from Section 6.100.3 and it says all streets shall, not should, shall connect to create a comprehensive transportation network which allows free movement of automobiles, bicyclists, and pedestrians. That's where this requirement is coming from. It's a shall, not a should.

Mayor Bales said any additional conversation?

Commissioner Phillips said but if we have on the books another situation where there's not a connection, how's that fair?

Ms. Sloop said in terms of changing this section it would require a text amendment so we need to be following our own ordinance.

Mayor Bales said I would say to this Board that when these issues have come up as I've sat on the Board and sat where you do currently has always been a hard decision to make but we follow the ordinance. I would like to also remind the Board there are example after example within this community that when we have made connections it has been in the best interest. And I can give an example of Wynfield. When Wynfield Creek they only had one entrance in and out when the Town came in and created that second entrance, created the roundabouts, that community could not imagine not having that back entrance any longer. That in and of itself. Folks, this is a conversation for the Board at this time, so please let the Board do the business of the Town. I would greatly appreciate it. I understand that you are very heated and your very passionate about your community. I certainly understand that. But please let me Board have some conversation around this so that they can make a decision.

Any additional conversation that the Board would like to have?

Commissioner Boone said your statement of the Town doing other cut-throughs and opening up, I would just like to remind everybody about David Kenney Farm Road that we postponed that until we saw the improvements to Highway 73. I go back to Sherwood Forest and Shepherds Vineyard. There was supposed to be connectivity there 30 some years ago and there's still a stub, so going from following the ordinance is not 100 percent in the Town of Huntersville. I'm still kind of confused if your motion.....is your motion to keep the....

Commissioner Phillips said keep the stub.

Commissioner Boone said okay, that's what I thought you said.

Commissioner Kovacs said can her motion stand as is?

Ms. Sloop said again, the requirements of the ordinance say shall connect. They do not say should. Should would be permissive.

Mayor Bales said there is a motion on the floor and.....

Commissioner Boone said can you repeat the motion.

Commissioner Phillips said the application is complete, complies with all applicable requirements based on the satisfaction of Staff comments in Part 5 of the Staff Report, all of which must be addressed by the applicant and is supported by the findings of facts outlined in Parts 2 through 4 with the exception of Part 7 of the Staff Report which are incorporated herein with the condition of removing connection into Plum Creek as it is not in the best interest or safety of the Plum Creek community.

Mayor Bales said there is a motion, is there still a second. Yes. We will go ahead and do a vote. All those in favor of the motion. All those opposed.

Motion carried 3 to 2, with Commissioner Partee and Commissioner Kidwell opposed.

Mayor Bales said staff will draft and I will sign a final written decision to reflect the vote and reasoning for this decision. Thank you to everyone attending the hearing regarding the Hamlet. We welcome you to stay for the other items on the agenda. If you are leaving, please do so quietly at this time.

Mayor Bales said let's take a 10 minute recess. We will be back at 8:42 p.m.

Valea Village Subdivision. Mayor Bales said the Huntersville Town Board will come back to order. We will be moving on to Item 10.D. It's a quasi-judicial hearing regarding considering a decision on Valea Subdivision.

Jack Simoneau, Planning Director, said we received an e-mail from Mr. Robert Bowman this morning that indicated I am requesting Valea Village subdivision be continued until the September 19 Board Meeting.

Mayor Bales said the request from the applicant is to defer until September 19.

Mr. Simoneau said that is correct.

Mayor Bales said is there a motion on the floor?

Commissioner Boone said because the applicant has requested a deferral on this, do we have to grant that?

Emily Sloop, Town Attorney, said no, you don't.

Commissioner Boone said can we move forward without the applicant being here?

Ms. Sloop said it would be very difficult because you need his information to make your decision on.

Commissioner Boone said and he's not here tonight?

Mr. Simoneau said that's correct.

Commissioner Boone made a motion to continue the Valea Subdivision hearing to September 19, 2022, at 6:00 p.m. at Huntersville Town Hall, located at 101 Huntersville-Concord Road.

Commissioner Phillips seconded motion.

Commissioner Phillips said is there a limit to how long somebody can postpone these things?

Ms. Sloop said for the quasi-judicial hearings the statute does allow them to be continued. There's no limit specifically set forth, but I would suggest that if we continue to continue it, that we eventually readvertise.

Commissioner Phillips said can we amend your motion to readvertise?

Ms. Sloop said if you would like to readvertise that, you can include that in the motion.

Commissioner Boone said then I will amend my motion to readvertise the September 19, 2022 quasi-judicial hearing.

Commissioner Phillips seconded motion.

Commissioner Boone said I came here last month ready to vote on this and I came here tonight ready to vote on this and it seems like everybody is ready to move forward but the applicant, and I'm going to vote on this on the 19th of September.

Commissioner Kidwell said I think the applicant doesn't want a vote on it because he has emailed people, he's called us Hootersville politics, he knew that three of us would be recusing, he's hearing that from a former mayor. He seems to have a pipeline of information coming from this Board. I think he is just going to keep on deferring it until he gets his way.

Mayor Bales called for the vote to continue the Valea Subdivision hearing to September 19, 2022.

Motion carried 3 to 2, Commissioners Kidwell and Kovacs opposed.

Petition #TA22-05. Petition #TA22-05 is a request by the Huntersville Town Board to amend the Subdivision and Zoning Ordinance by changing subdivision sketch plan decisions from a quasi-judicial process (Planning Board recommendation, Town Board decision) to an administrative process (staff decision) including miscellaneous ordinance clean-up adjustments.

Jack Simoneau, Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 12.*

This is to amend the Zoning and Subdivision Ordinance to change major subdivisions from a quasi-judicial process to a staff approval administrative process, as well as miscellaneous clean-up adjustments. As a reminder, in Huntersville we have three steps for subdivisions – Sketch Plan, Preliminary Plat and Final Plat.

The current process, because our ordinance has some subjective standards, we have to follow the quasi-judicial process so there's a sketch plan application, a required neighborhood meeting, Planning Board recommendation, Town Board quasi-judicial hearing.

The proposed ordinance that you have before you has been through two public hearings and has been endorsed by the Huntersville Ordinances Advisory Board, by a split vote, to change all of our subjective standards to objective standards. We still have the sketch plan application. We still would recommend in the ordinance a neighborhood meeting that at least informs people what's happening around them. It would not go to the Planning Board and as we have prepared the proposed amendment, it would be a staff decision. That is consistent with the North Carolina School of Government's recommendation of staff approval.

You received the entire changes to the Subdivision Ordinance and miscellaneous changes to the Zoning Ordinance. The ordinance today has general requirements and we have things that are subjective in nature such as the language in 2. Conformity. Today it says all subdivisions shall be planned so as to facilitate the most advantageous development. Because that is so subjective for just saying you should do it, it no longer would be a requirement, just something that you should do.

If you look at the second column on the right those are general requirements. Those are the things that you shall do. I will reiterate the Town Board still will maintain, even if we do an administrative staff approval, if a developer wants to modify their traffic impact requirements, they would have to come to the Town Board. That would not be a staff approval. Also, if they want to get some relief from some subdivision standards through a variance or they want to appeal a decision or seek an interpretation from the subdivision ordinance, that too has to come to the Town Board with this text amendment.

Having said that, we also understand that there's been a tremendous amount of discussion on this text amendment, so what we wanted to do is just clarify that there were a number of sections of the ordinance we were doing this clean-up work, which is make sure we have the right citations in there, and so this text amendment we had an Attachment 8 that said these changes are highlighted here, these are sections that are not subject to the quasi-judicial process. This is just the clean-up work and from a staff standpoint if the Town does not go with a change on the quasi-judicial, we would recommend at least doing these clean-up changes.

In your Staff Report staff we did recommend approval. We indicated that this change to go all objective standards is consistent with LU-1, LU-2, LU-3 and LU-4 of the Huntersville 2040 Plan. It's consistent and reasonable and in the public interest to amend it because the Town Board has determined subdivision plans be considered under administrative process. However, the Planning Board did not recommend the quasi-judicial change. What they recommended was approval in considering the proposed amendment TA22-05, the Planning Board recommends approval of TA22-05 for the clean-up language amendments listed in Attachment 8 to the Zoning and Subdivision Ordinance and disapprove changing the subdivision approval process from quasi-judicial administrative as that is not in keeping with Policy LU-11 of the Huntersville 2040 Plan. That's the section that talks about trying to protect neighborhoods. The Planning Board felt like at least with the quasi-judicial process, there's a little bit of opportunity to modify a development standard to benefit the adjoining property. I will give you an example we just did tonight. The Hamlet. The ordinance requires a 20' setback between all subdivisions. Staff and the homeowners have indicated through the neighborhood meeting they were concerned that might not be enough, so the developer ended up putting a 50' buffer up and a solid fence. That was kind of an evolution, if you will, of the plan using that section about facilitate the most advantageous development

of the adjoining property, so the Planning Board felt like at least with the quasi-judicial process there is an opportunity to take in the neighbor concerns. Again, they recommended just Attachment 8 with all the minor clean-up work be adopted.

Commissioner Partee made a motion to defer decision to August 1, 2022, at 6:00 p.m. at Huntersville Town Hall so Commissioner Munger can be present to participate in the vote.

Commissioner Boone seconded motion.

Commissioner Kovacs said while I do like when we are all together to be able to make such an important decision, we did have the minutes from the meeting where this was discussed and I'm comfortable making a motion because I was able to read the minutes and see where at least Commissioner Munger was at one point. I haven't spoken to him to hear any different. I think this is something we need to hurry up and just kind of finally make our decision on because it's been going on for so long. I'm not in support of waiting.

Commissioner Boone said I would like to reply to the Commissioner's comment about the minutes. If you attended the Planning Board or watched it on television or Zoom you'll know that the volume did not work during that meeting and the minutes that we've got in our agenda packet were written by each individual if they remembered it correctly, so I don't have a whole lot of confidence in the minutes that are in our agenda packet.

Commissioner Kovacs said ours – from our meeting.

Commissioner Boone said I'm talking about the Planning Board meeting when they were talking about this.

Commissioner Kovacs said we have minutes that I was referring to. We said we want to change this because Commissioner Munger is not here and we don't know how he feels, but it's actually in 8.A, the last time we discussed it he's in these minutes from our meeting.

Commissioner Boone said but there's also a set of minutes that have come from the Planning Board that was also discussed and they voted on it. Mr. Simoneau made reference to it on the screen here that those minutes were not verbatim because there was no sound during the Planning Board meeting.

Commissioner Kovacs said I get that, that's not going to change by waiting. Are we getting new minutes.

Commissioner Partee said Commissioner Munger was elected as we were to represent the Town of Huntersville and we owe him the courtesy, we owe him professionalism, to allow him to be here when we vote on a particular important agenda, a policy and a process just as quasi-judicial. He has been involved with the Ordinances Advisory Board which he sits on as commissioner, so therefore there is no rush. It's just two weeks from now and we do owe him that. If you were away, we would do the same thing for any other commissioner here to have the opportunity to respond. And we did it for our other commissioners.

Commissioner Boone said we did that for Commissioner Kidwell when he was out once. We deferred.

Commissioner Phillips said that was the birth of a child and he was the one that had his name on the agenda for the item, so that's a lot different. And then you've got on me for doing that.

Commissioner Kidwell said if I may, since my name was brought up, one of the very first meetings I was unable to attend I had asked on the agenda changes that the Consent Agenda items be moved up to regular business for discussion and this Board, Mr. Boone you did not vote for it, voted to put it back on the Consent Agenda, so decisions have been made with members up here not being here before. As far as the birth of my child, I did ask if I could Zoom in and it wasn't staff, and not to throw you under the bus Madam Mayor, but I think you said I couldn't Zoom in because it wasn't an emergency type situation at that point. I do recall that because I thought it was very odd when Commissioner Munger was able to Zoom in on his vacation. In this case Mr. Partee I do understand your point.

Commissioner Partee said Commissioner Partee.

Commissioner Kidwell said what did I say?

Commissioner Partee said you said Mr. Partee.

Commissioner Kidwell said I thought I said commissioner, I'm sorry. Commissioner Partee, I do understand your point by waiting for Commissioner Munger even though in the minutes he says he would.....it would go along with Commissioner Kovacs' motion. I'd like to give Commissioner Munger the opportunity to be here for this.

Mayor Bales said there is a motion to defer to August 1 at 6 p.m. at Town Hall.

Motion carried 3 to 2 with Commissioner Phillips and Kovacs opposed.

Traffic Calming – Greenway Drive. Commissioner Kidwell made a motion to recuse Commissioner Kovacs from this discussion as she is part of the group asking for said speed humps.

Commissioner Phillips seconded motion.

Motion carried 5 to 0.

Lora Mastrofrancesco said I'm here tonight to ask the Board for a decision on the traffic calming measures for the Greenway Drive project. *Refer to Staff PowerPoint attached hereto as Exhibit No. 13.* Per a request at the last meeting, I did have a conversation with Fire Chief Dotoli. Chief Dotoli reviewed their routes in and out of the station and indicated the Fire Department did not have an issue with the proposed locations of the speed humps. Alternate 1 has two speed humps and Alternate 2 has three speed humps.

Staff recommends Alternate 2 with the three speed humps.

Commissioner Phillips made a motion to approve Alternate 2 traffic calming measures on Greenway drive.

Commissioner Kidwell seconded motion.

Mayor Bales called for the vote.

Motion carried 4-0.

Commissioner Phillips made a motion to bring Commissioner Kovacs back.

Commissioner Kidwell seconded motion.

Motion carried 3 to 1, with Commissioner Kidwell opposed.

150th Anniversary Logo. Kim Strickland, Public Information Officer, presented 150th anniversary logo selected by the 150th Celebration Committee. *Refer to PowerPoint attached hereto as Exhibit No. 14.* The slide shows five different ways the same logo can look, depending on how we use it.

Mayor Bales said just to be clear, if adopted all five options would be utilized.

Ms. Strickland said they could be. As you increase in color numbers, it increases in cost, so these were just how it could be utilized. One of the other submissions received I mentioned in an email to the Board, the committee felt like it would be best used as possibly a mural during the celebration.

Commissioner Kovacs said are we able to ask to have something added, possibly the year.

Ms. Strickland said that question has already come up. We could go back and see how that would work and whether it's just the date or the 150 years, instead of celebrating. There are a couple of ways that we could try to incorporate that.

Commissioner Phillips said in the banner ribbons on each side of celebrating 150 years on the left one you extend a bit, left one put our original date. On the next one, put the 150th anniversary.

Ms. Strickland said we can work with the artist on all types of tweaks, as long as we are heading in the right direction for the Board.

Commissioner Boone made a motion to accept the Town of Huntersville Sesquicentennial celebration logo with the addition of the 1873 to 2023 dates in there some place.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Appointment to Greenway, Trail and Bikeway Commission. Mayor Bales explained that one of the members of the Greenway, Trail and Bikeway Commission had to step down. The Town Board will appoint a new member to carry out the term through 2023.

Commissioner Boone nominated No. 4. I would just like to say I don't think we should be voting on things unless we have a name. I would never vote for the president or the governor unless their name was on the application or the ballot.

Commissioner Kovacs nominated No. 5.

Commissioner Kidwell nominated No. 5.

Commissioner Phillips nominated No. 5.

Commissioner Partee nominated No. 6.

Commissioner Phillips made a motion to approve Applicant No. 5 (Applicant No. 5 was Randy Suggs) to the Greenway, Trail and Bikeway Commission.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Next Metropolitan Transit Commission meeting is next week.

Commissioner Partee

- Bring awareness to Cool Kids Clubhouse.

Commissioner Phillips

- No Report.

Commissioner Kidwell

- Next meeting of the Charlotte Regional Transportation Planning Organization is this Wednesday.

Commissioner Kovacs

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

Commissioner Boone

- Next ElectriCities meeting is this week.

There being no further business, the meeting was adjourned.

Approved this the 6th day of September 2022.