

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**January 19, 2021 (Virtual)
6:00 p.m. – Hosted from Huntersville Town Hall**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners (Virtual) was hosted from the Huntersville Town Hall at 6:00 p.m. on January 19, 2021.

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

Mayor Aneralla stated this meeting is being held both in person at the Huntersville Recreation Center on Verhoeff Road as well as livestreamed on Facebook Live. The Board of Commissioners are participating remotely. The public has been invited to attend and comment during the public comments (1) in person at the Huntersville Recreation Center or (2) by telephonic communication in accordance with instructions sent to persons who registered with the Town Clerk no later than 3 p.m. today.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Aneralla

- Was disappointed and upset to see the violence that occurred at the US capitol on January 6. Encouraged everybody to demonstrate or protest peacefully.
- Harris Group was the high bidder for the Robert B. Blythe Building, with a bid of \$1.899 million.
- Will be attending the next Charlotte Regional Transportation Planning Organization meeting as the Metropolitan Transit Commission member.
- At the next Metropolitan Transit Commission meeting the big agenda item is going to be the proposed 1 cent transit sales tax.
- The Mayor's Fitness Challenge starts February 1.

Commissioner Bales

- Lake Norman Regional Economic Development Corporation is currently working 47 projects, 25 of which are in Huntersville. The EDC, along with economic development organizations from about 15 other Charlotte area counties, are sponsoring a virtual expo, Stream 2021, in February.

Commissioner Boone

- Provided update on Lake Norman Chamber of Commerce events.
- The Huntersville Police Department has two new K9's. The No. 1 crime in Huntersville last year was larcenies from autos.
- Shared issues he has run into in getting the COVID vaccine. Encouraged everyone if they have the opportunity, to get the vaccine.

Commissioner Hines

- The next Charlotte Regional Transportation Planning Organization meeting is tomorrow night.
- Will sign up for the Mayor's Fitness Challenge and challenged his fellow Board members to do the same.

Commissioner Munger

- Attended the North Carolina Department of Health and Human Services vaccine call-in session.
- Look forward to the smooth transition of power that will occur tomorrow.
- Consider supporting local non-profits.

Commissioner Phillips

- No Update

Commissioner Walsh

- Will sign up for the Mayor's Fitness Challenge by the end of the week.
- The next meeting of the Greenway, Trail and Bikeway Commission is next Tuesday.
- The next meeting of the Parks & Recreation Commission is tomorrow night.
- Public Art Commission received a \$10,000 donation from Level Up Lending Logistics Inc.
- Provided update on Visit Lake Norman events.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Tim Sandborn, Greenway, Trail and Bikeway Commission Co-Chair, presented update from the Greenway, Trail and Bikeway Commission. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

Amber Kovacs, 207 Greenway Street, said from the beginning our group was advised to try and take a motion out of our fight because it was facts that were most powerful and I lived by that. Now that the vote is here, I find myself more emotional than I ever could have expected. It's hard to figure out if I'm sad, angry or an equal mixture of both. I'm so sad to think about all the trees, habitat and wildlife that will be lost and I'm angry that it's not important enough to the Town or to any of you who vote yes to keep them. Jennifer Davis' comment about making furniture or art out of trees is so tone deaf I can't even address that. I'm sad that I had to take a large sum of money from my family income to pay for a lawyer just so we could get our voices heard. But I'm angry that in the end we may have been heard, but not listened to. Had we not hired the attorney, North State wouldn't have postponed the vote because the Board was ready to vote, but North State didn't concede much after the promise anyway. I'm sad to see so much potential for that wonderful area go to waste and angry that people who should

care the most about it seem to only care about developers. You've done nothing to prove otherwise at least. I'm sad that people I like as human beings are not people I can trust to make decisions for our town. And I'm angry that it's allowed to even be that way. I'm sad that greed wins and people's opinions don't matter and I'm just downright angry that we even had to do this. Not all of my emotions surrounding this are bad. Even while moving to a new state during a pandemic, I was blessed enough to meet so many incredible people. I've made lasting relationships with people who love where we live just as much as I do, but it's a hell of a way to make new friends in a new town. Like I said before, I know we should stick to facts but since facts have been completely ignored, I figured you needed a reminder that these are actual people's lives that you are deciding about tonight. You see dollar signs and we see people. People over profit is clearly not the theme for tonight.

AGENDA CHANGES

Commissioner Walsh made a motion to adopt the agenda.

Commissioner Boone seconded motion.

Mayor Aneralla called for a roll call vote.

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

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #R20-03. Petition #R20-03, Huntersville Town Center Mixed-Use, is a request by North State Development, LLC to rezone +/- 9.947-acres located south of Gilead Road (just west of NC 115), north of Greenway Street and east of Hillcrest Drive (Parcel #s 01711616, 017116699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811) from Town Center, Neighborhood Residential and General Residential to Town Center - Conditional District to permit a mixed-use development with 134 apartments, 41 townhomes, 11 detached-homes and 12,000 sq. ft. of non-residential space.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 2.* I just want to bring you up to speed to the changes that have been added to the plan since the Planning Board made their recommendation back in December. You can see there the yellow, that is the apartment building that is remaining at 134 units maximum. And, of course, that number is subject to the provision to park. The orange are the townhomes and they are now at 41 which is a 9-unit reduction. The blue are the detached homes along Greenway and then a couple internal and they are now at 11 which is a 4-unit increase. And then the alleyways are connected

which is servicing the point about trash collection. In summary you can see 134 apartment units, 41 townhomes, 11 detached, that is the maximum density of the project that is proposed before you.

Since the Planning Board meeting, we have heard from DOT. They are asking for a right-turn lane on Gilead with storage going into the site. That is something that will be required by DOT, so staff does not have anything to say about that at this point.

The Staff Recommendation has generally been brought up to speed. There were originally seven modifications, but as you remember two were not necessary. They have been eliminated, so the original five are still there and are still supported by the Staff Recommendation and Planning Board. There were a couple of notes that were added in based upon the Planning Board's recommendation and that is that construction equipment would not utilize Greenway, Holbrook or Hillcrest to access the site and that has been accommodated by the applicant. The only two exceptions to that would be for actual work on one of those roads such as curb and gutter or sidewalk on that street or if there were an emergency. But otherwise your construction traffic would not be allowed to use those. The improvements along Hillcrest Drive would not be installed at this time, but there would be a letter of escrow for that. There was a request about the landscaping on the western side of the development would be installed as early as possible to make sure that the residents along the west side were buffered as quickly as possible and to allow that vegetation to grow. And then of the alleyway issue, that has already been resolved that I mentioned just a minute ago.

I have the full Planning Board recommendation. If you would like me to go through it I can, but the bottom-line is they voted to approve by unanimous vote 8-0. They cited the 2030 Community Plan, the Downtown Master Plan, Small Area Plan and the various elements. They added additional conditions which I have gone over and then of course all the outstanding comments would be reviewed and approved by staff.

I am here to answer any specific questions that you may have and the applicants are also represented by their team led by Susan Irvin and when you are so inclined there's the guide to help with any motions, if you so choose.

Commissioner Walsh made a motion in considering the proposed rezoning application R20-03, Town Center Mixed-Use Conditional District Rezoning, the Town Board approves the rezoning as it is consistent with Implementation Goals Policies H-1 and H-9 Development Pattern, Policy H-3 Mixed-Use Development, Policy H-7 Housing Affordability, Policy H-10 Redevelopment Areas, Policy T-5 Context-sensitive Design of Streets, Policy T-6 Pedestrian Connections, Policy T-8 Street Connectivity, Policy CD-2 Commercial Development Pattern, Policy CD-3 Commercial Development Principles, Policy CD-5 Infrastructure, Policy CD-6 Architecture and Place-making, Policy DT-1 Downtown Development and Policy DT-2 Architectural Design Standards. It is also consistent with the 2040 Community Plan which was recently adopted. Furthermore, the Downtown Master Plan supports this project through the following implementation Strategies:

- Extend existing streets into new developments.
- Encourage sensitive redevelopment/infill that maintains the urbanism of downtown, while permitting new/modern architectural styles.
- Require buildings within 800' of the intersection of Gilead Road and Old Statesville Road (NC 115) to be a minimum of two stories.
- Permit and encourage infill development consistent with the Master Plan.

Approval is conditioned on all provisions outlined in Part 6 of the Staff Report being addressed as indicated and including the following from the site plan:

- Opaque screening on the undisturbed buffer surrounding the BMP.
- Traffic calming improvements on Greenway Street if warranted by a Traffic Calming Study, to be paid for by the developer not to exceed \$8,000. A study is to be done before the project is completed and if calming warrants are not met, then after the project is completed.
- A no right-turn onto Greenway Street.
- A lighted pedestrian pathway at the eastern Holbrook extension to be approved by staff.
- While the developer is not proposing to achieve a 30 percent tree save, they do commit to working with staff to achieve a 15 percent tree save. In all cases, minimum required tree save would be mitigated per the provisions of the Zoning Ordinance as described in Article 7.
- With regards to construction access, the residential streets (Greenway, Holbrook and Hillcrest) shall not be used for construction traffic, with the exception of emergency access to the site or specific construction of improvements directly related to those streets.
- Applicant will build the western buffer as soon as possible to help mitigate negative impact on adjoining property owners.

With those provisions it is reasonable and in the public interest to rezone 9.947-acres (as described in Attachment B of the Staff Report) from TC, NR and GR to Town Center Mixed-use Conditional District Rezoning Plan as provided in our packet and dated January 5, 2021, to permit 12,000 sq. ft. of commercial space which is not to be used for leasing, exercise or other amenities associated with the apartments and with no more than 134 apartments, 41 townhomes and 11 single-family homes, because it is consistent with the 2030 Comprehensive Plan and the Downtown Master Plan (as outlined above) and the applicable provisions of the Zoning Ordinance can be adequately addressed with staff's recommendations in Section 6 of the Staff Report.

In alignment with the Planning Board, the Town Board supports this mixed-use project that has commercial as well as three different residential property types including for rent apartments, for sale townhomes, as well as for sale single-family homes. The transition from higher intensity commercial and apartments to the existing single-family residential is appropriate. Based upon recent resident surveys associated with the 2040 Community Plan, there is overwhelming support for a more vibrant downtown and this project will help the Town achieve that goal.

Commissioner Munger seconded motion.

Commissioner Boone said I've been against this plan from the start. The southern entrance/exit out of that new development onto a substandard street at Greenway will not handle the traffic is unacceptable to me. It's not about the traffic leaving the development, it's the traffic coming to the development. Ask yourself, you live in one of the new apartments and you work in Charlotte, how are you going to get home. What streets will you take. I'll let you plan that in your mind. When a new development comes into our area with existing roads that need to be improved, we as a Board owe it to the citizens to upgrade those substandard roads before we approve a high-density development.....the Greenfield neighborhood whose streets would be Holbrook, Greenway, Watkins, Dallas, Joyce and Hillcrest, just to name a few. I've heard that this new development will increase the value of the homes in Greenfield Park. That might or might not be true, but one thing for sure there will be a decrease in the value and

quality of life that these people have enjoyed for generations. Those days will be gone forever. Let's take a minute and look at the public hearing process. What is wrong with that process. The Town really needs to look into that. A developer can present their plan with slides and video for over an hour, then the public has a chance to speak. How many times have we heard "sorry your three minutes are up." This needs to change where both the parties have the same opportunity to make their presentation. One thing that was missed early on in this process was that you cannot see on a computer screen those citizens' expressions of real heartfelt concerns, worry and the real feeling that they are not being heard. A good example of this is when the applicant played a video of the local businesspeople that support this project. You cannot hear the groans or the shaking of the heads sitting behind a computer screen. But if you had been there, you would have seen this. I have several other comments to make, but I want to wait to hear what the other commissioners have to say.

Commissioner Walsh said this has been a long process. This is a project with lots of community input, which will contribute to the future of our downtown. I've lived here in Huntersville for almost three decades and during that time almost no new development has taken place in our downtown other than a few municipal buildings. The police station was abandoned years ago and the Town Hall houses about a dozen employees. It's too small to hold Board meetings and is falling into disrepair. I have talked with residents all over Huntersville for years and there's one reoccurring question – what are you going to do to revitalize downtown, there's nothing to do there and it's run down. Even folks I spoke to that were against this project privately acknowledged to me the lack of retail and the state of our downtown, including the gas station and the crumbling buildings across from the Town Center building. The North State project is the first real infusion of private development money in our downtown in a long time. The mixed-use project brings much needed retail supported by a variety of housing and becomes the first building blocks to a prosperous future for our downtown. You only have to look to our neighbors to the north including Cornelius, Davidson and Mooresville to see examples of progress they're making towards reinvigorating their downtowns. Just recently in The Citizen there was an article about Mooresville and it says the \$18 million Mill One project creating ground floor retail space and 90 market rate apartments along Church Street is a major piece of downtown Mooresville's rejuvenation. Just look up the road to our neighbor north, Cornelius, and you will see apartments and retail within eyesight of town hall. Here's my point, we are not trying to reinvent the wheel here. We are simply looking around at what works in other communities, tweaking it for ours and making Huntersville a better place to live, work and play.

Commissioner Bales said this project has been one that has been really a long time coming and I do want to take a moment to thank the petitioner, staff, the Planning Board, leaders of the community in Greenfield Park and that neighborhood, as well as Save Downtown Huntersville, on all of their efforts to get the most out of this project. Huntersville has been talking about revitalization of downtown for more than 20 years and you can look back at in 1996, as was stated just a few minutes ago, current Town Hall and the old police station were built. In 2005/2006 Huntersville developed a Downtown Master Plan, then there was the East Huntersville Area Plan and the Gilead Road/21 Transportation Land Use Vision Small Area Plan and then there was another Downtown Huntersville Transportation System Plan. I think that there's been a lot of talk and there's been a lot of planning that has occurred for downtown revitalization and I do believe we are on the cusp with the Main Street improvements. That should start this year coming out of the ground and you'll see a better flow with transportation utilizing Main Street and the roundabouts. I list all of those plans because I think it's important that we all understand and recognize that revitalization in downtown has been talked about for a very long time. Every board talks about how to achieve revitalization and how to achieve rising downtown up. When I was first elected to the Board I went to some municipal training and I heard someone say if your town

isn't growing, it's dying. And I thought that was an interesting perspective and while I have no experience with a town that is dying, I do recognize that a town growing and fettered is not a good scenario either. I believe we have to prepare for the growth and manage it. And while I would love to build a moat around Huntersville, around all of us, that's just simply not an option. Newcomers are here and they are going to continue to come. As far as the North State project is concerned, when I originally saw the proposal, I'll be honest, I wasn't in support. I couldn't envision townhomes on Greenway. I didn't think that was a good fit. I felt the density was too high. Others had concerns as well and I heard them. I heard from the Greenfield community, along with Save Downtown Huntersville. They shared their concerns with me and with us and the petitioner, and the petitioner made some changes to their plan, so I do want to recognize the hard work that they did up to that point and their willingness to work with the petitioner to help inspire positive change to the project. Modifications were still made even after the Planning Board's unanimous support. I think this end product addresses the majority of the concerns that we were hearing so while I understand that even these changes are not going to garner 100 percent support of those who oppose the plan, I do believe the changes in the plan find better balance for downtown revitalization and they do reflect the spirit of the Downtown Master Plan going from Gilead down into the existing neighborhoods. It makes a whole lot more sense. I think it addresses the majority of the concerns for those who currently live in downtown. I'm going to just say this and wrap up. I think with all of these modifications that have been proposed with everyone kind of working together, I will support this project this evening. I think that from where we started I was a no, but where we've landed I think this makes a whole lot more sense for the community as a whole.

Commissioner Phillips said too much has gone on behind the scenes and the public has lost their faith and trust in us and their questions and concerns are still not addressed and they do not feel heard. We are elected to do the will of the people and take an oath saying so. Over 1,600 residents have signed a petition, sent e-mails, or spoken at meetings saying they do not support this plan for various reasons that are valid. We do not have to support this if it is not in the best interest of the public and the public has spoken loud and clear that they do not feel like it is in their best interest. This is gentrification. This is not revitalization. We work for the people, not the developers and in this case I feel like the Board as a whole has lost its way. To the citizens that have spoken up, I have heard you, I respect you, and I'm doing what you entrusted me to do and most of all I'm very sorry.

Commissioner Munger said I just have a couple of questions. Is the applicant going to make a presentation. I don't know if this is the appropriate time to ask questions, but I do have a couple of questions for them.

Mayor Aneralla said you are certainly welcome to ask them any questions, I don't believe there's a formal presentation.

Commissioner Munger said I had a couple of questions about some specific trees and why they couldn't be saved.....T35, T36 and T37 which are located in the BMP, is there a specific reason why those three trees could not be saved.

Susan Irvin said I actually spoke with the engineer and planner at Land Design this afternoon and we talked about those trees and a couple of others. This is a concept plan for the zoning.....the requirement is the submission of a concept plan and the next stage of planning is a full set of engineered drawings including a grading plan and once the engineered drawings are completed and approved and once the site construction begins on the ground, there's more detail about what the topography is on the site, the specific elevations at each location and my understanding from the engineer at Land Design was that

if the grading has a differential of greater than 18" it's unlikely that the tree would be saved and also these three trees specifically at this point, the final design of the BMP hasn't been done because the full engineered drawings haven't been done. Once those are done, they will have a better idea as to whether they can save any of those trees, but to air on the side of caution those were removed from the plan at this point.

Commissioner Munger said the other two would have been T8 and T33.

Ms. Irvin said we talked about that tree also. The elevation on the concept plan for that tree is 790. Again, once they get on the ground it may be higher or lower. The actual elevation for the alleyway for the public trash is shown at 786 at this point. Again, that may change once the engineered drawings are done. But with an elevation differential of 4' the recommendation was to show that as not being saved. Again, once they are on the ground and they are actually doing the work, the elevations may be different.

Commissioner Munger said would the same be true for T8 which is if you go up in the apartment parking lot on the very western border.

Ms. Irvin said yes, that is also correct and just the actual location of the improvements and the grading itself.

Commissioner Munger said the only other comment in general is for staff. I would like to see us do a speed study on Watkins before construction and then after the completion of the project. I think this will help provide our staff with a real-life example of how development of this type might actually affect traffic and give us more information going forward. And then also I would like for us to look at developing a plan to make the parking garage functional prior to the start of construction to ensure that the structure continues to be available for its originally intended purpose.

Mayor Aneralla said I think those would be separate issues.

Commissioner Boone said new development is going to happen in this area. Is this a good project, have they made concessions.....yes. What I would like to do at this time is make a substitute motion. The motion that Commissioner Walsh said, I would like that motion to stand as read, except for Point No. 3 and I could get behind this project if we stub the entrance and exit to the south end of the development, stub it for motorized vehicles and add a portion where people could walk or bike through a path from Greenway Street to the new development. This stub would be kept in place until Greenway Street is widened to 10' lanes in both directions and this might take some property from some of those homeowners. I want to be sure that's in the record and it also might take some right-of-way also. But I'd like to get behind this project if we could stub the entrance into the project.

Motion died due to lack of a second.

Mayor Aneralla called for a roll call vote on the original motion to approve Petition #R20-03.

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

Commissioner Walsh – Approve

Mayor Aneralla said I want to thank everybody for their participation. I know not everybody will be happy with this decision which is generally the case with rezonings. I do believe that the Board has worked diligently, has been open, has met with many people, have made many phone calls and listened to the citizens. I know you can't please everybody all the time, but I do commend the Board, Planning Staff, the Planning Board and the citizens for giving their feedback on this project.

Commissioner Boone made a motion to bring Commissioner Hines back.

Commissioner Walsh seconded motion.

Mayor Aneralla called for a roll call vote.

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

CONSENT AGENDA

Commissioner Munger made a motion to approve the Consent Agenda. Commissioner Walsh seconded motion.

Mayor Aneralla called for a roll call vote.

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

The following items on the Consent Agenda were approved:

- Minutes of the December 21, 2020 Regular Town Board Meeting.
- Resolution Authorizing Professional Engineering Services Contract Amendment for the Beatties Ford at Hambright Project. *Resolution attached hereto as Exhibit No. 3.*

CLOSING COMMENTS

Commissioner Boone expressed appreciation to whomever accomplished getting NC 115 paved in front of Slice House.

There being no further business, the meeting was adjourned.

Approved this the 1st day of March 2021.