

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

June 5, 2023

**6:00 p.m. – Huntersville Recreation Center
11836 Verhoeff Drive**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Recreation Center, 11836 Verhoeff Drive, at 6:00 p.m. on June 5, 2023.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

Mayor Bales recognized former elected officials present: Former commissioners Ron Julian and Brian Sisson, Former Cornelius Mayor Gary Knox.

STAFF QUESTIONS

Commissioner Boone requested update on when left-hand turn onto Ramah Church Road from Old Statesville Road would be open.

Kevin Fox, Director of Public Works, indicated the left-hand turn should be open in approximately 1-1/2 to 2 weeks.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

None

AGENDA CHANGES

Commissioner Phillips made a motion to adopt the agenda. Commissioner Kidwell seconded motion. Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes – May 1, 2023. Commissioner Phillips made a motion to approve the minutes of the May 1, 2023 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

Approval of Minutes – May 15, 2023. Commissioner Phillips made a motion to approve the minutes of the May 15, 2023 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

Approval of Minutes – May 23, 2023. Commissioner Phillips made a motion to approve the minutes of the May 23, 2023 Special Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

Property Tax Refunds. Commissioner Phillips made a motion to approve property tax refunds from Mecklenburg County. Commissioner Munger seconded motion. Motion carried unanimously.

Property Tax Refunds attached hereto as Exhibit No. 1.

Capital Project Budget Amendments – Main Street Project. In an effort to close out the 2016 GO Bonds, interest income and the remaining bond premium needs to be appropriated. This Board action appropriates \$213,678.08 to Interest Income, and \$119,922.21 in Bond Premium to the Main Street Project.

In addition, there have been numerous unexpected capital expenses related to the water and sewer project associated with Main Street. Based on the Town's agreement with Charlotte Water, any additional cost increases will be reimbursed by Charlotte Water at 100 percent. This action also appropriates Charlotte Water – Contribution revenue in the amount of \$550,000 to the Water and Sewer Main Street expense account.

Commissioner Phillips made a motion to approve Capital Project budget amendments appropriating additional revenue and expenses for the Main Street Project. Commissioner Munger seconded motion. Motion carried unanimously.

Fourth Amendment to Main Street Upgrade Capital Project Ordinance attached hereto as Exhibit No. 2.

Resolution – Intent to Abandon/Close Portion of Mt. Holly-Huntersville Road. Commissioner Phillips made a motion to adopt Resolution declaring intent to abandon and close a portion of Mt. Holly-Huntersville Road. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 3.

Resolution – Right-of-way for Harvest Point Sidewalk Project. Commissioner Phillips made a motion to adopt Resolution to acquire right-of-way and/or easements for the Harvest Point Sidewalk Project. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

Accept Streets for Town Maintenance – Chapel Grove Subdivision. Commissioner Phillips made a motion to accept streets in the Chapel Grove Subdivision for Town maintenance. Commissioner Munger seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Hollow Bend Drive	Asbury Chapel Road	Sable Creek Drive	1640
Stable Creek Drive	Approx 225' S of Hollow Bend Dr	Chapel Grove Crossing	1000
Chapel Grove Crossing	Eagles Nest Lane	Approx 470-ft E of Lytle Blvd	2200
Eagles Nest Lane	Everwood Ave	Cul-de-sac	1100
Lonesome Pine Road	Eagles Nest Lane	Everwood Ave	340
Everwood Ave	Chapel Grove Crossing	Cul-de-sac	1550
Lytle Blvd	Asbury Chapel Road	Chapel Grove Crossing	280

Call for Public Hearing – Petition #TA23-01. Commissioner Phillips made a motion to call a public hearing for Monday, July 17, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #TA23-01, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 5 and Article 7 to provide options to ensure the goals of the Zoning Ordinance and Comprehensive Plan are met and address concerns regarding the impact of street trees. Commissioner Munger seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA22-15. Commissioner Phillips made a motion to call a public hearing for Monday, July 17, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #TA22-15, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 7 to amend the penalties for the removal and/or disturbance of required vegetation. Commissioner Munger seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #23-05 – Lagoon Bay Beach Club. Mayor Bales called to order public hearing on Petition #23-05, Lagoon Bay Beach Club, a request by Bi-Part Development, LLC to rezone +/- 263.01-acres generally located north and south of NC 73, south of Mayes Road, east of Westmoreland Road, north of McCord Road and west of Black Farms Road from existing Rural and Transitional Residential to Traditional Neighborhood Development - Conditional District, Neighborhood Residential - Conditional District and Highway Commercial - Conditional District for a mixed-use development consisting of approximately 1,183 residential units (250 single-family homes, 201 townhomes, 432 apartment units and 300 condominium units), 210,000 sq. ft. of retail, 200 hotel rooms, 36,000 sq. ft. of convention center space and a 41.16-acre commercial lagoon (Parcel Nos. 01106218, 01125102, 01125109, 01125103, 01125108, 01104101, 01105105, 01106217, 01106226, 01106219, 01125101, 01125104, 01124123, 01105104 and 01124102).

David Peete, Principal Planner, entered the Staff Report, Staff PowerPoint, as well as the applicant's PowerPoint into the record. *Refer to Exhibit No. 5.*

Rezoning #23-05, Lagoon Bay Beach Club mixed-use conditional rezoning, is located where you see the red star on the screen. It is on the east side of town along the NC 73 corridor. I'm going to give a brief outline of the request and show you how it lines up through some of our policies and plans, try to

answer any questions you may have, and then we'll go from there. The applicant and their representatives are here as well.

The current zoning districts for this property you see in the red boundary. There's 263 acres that are being pursued to be rezoned – 173 of those acres are zoned Transitional Residential and they would support 259 single-family homes as they are.

The Rural district, which is there in the light green, represents 90 acres and a density of 81 single-family units would be possible.

You see a summary in the upper left – 340 single-family dwelling units by right with current zoning. Of course, you would have to maximize at least 40 percent or more of open space to get to that total.

The proposed Lagoon Bay Beach Club you can see shown here. The concentric circles that you see are the ¼ mile and ½ mile walking distance. This proposal is for a mixed-use walkable community, so you can see the ¼ mile is the benchmark that our ordinance uses. The ½ mile can be appropriate in other context.

I want to show you the townhome section at the top contemplates 180 townhome units. There's apartments on the north side of 73 as well, 320 proposed there. South of 73 to the east of the lagoon is 112 apartments, 200-room hotel, 36,000 sq. ft. of convention center space and 210,000 sq. ft. of retail.

The lagoon is 41 acres of the parcel itself or the recreational element, if you will. That is not the surface of the water, etc. There are a myriad of things in there – sports fields, food halls, cabanas, a larger clubhouse, as well as parking and such. There's a trail system that goes around the lagoon as well.

You can see at the bottom there's 250 single-family dwelling units that are proposed. Over on the left you can see that's a total of 1,162, 200-room hotel, I don't need to repeat all of that, but that is the totality of the request from the 263 and the 340 single-family that existing would permit.

The proposed R23-05 zoning, if approved, would set the zoning pattern as you see there. The Traditional Neighborhood Development (TND) would be above 73 and then underneath you would have along 73 Highway Commercial and then you can see in the oddly shaped bright yellow around Willow Brook, you would have Neighborhood Residential.

Moving to our Community Plan, I just want to remind everyone that the purpose of any community plan is it's a policy document and it helps guide zoning and development decisions. It is not law specifically, but is a guiding document. State law does require that a comprehensive plan is necessary for the Town to retain its authority to enforce zoning and development regulations and it needs to be reasonably maintained over time. In other words, it's not static, it is updated on a regular basis.

State Statute Chapter 160D speaks to local planning and it says that the planning process shall include opportunities for citizen engagement in plan preparation and adoption, so it is very much a collective agreement, if you will.

Extending the 160D-605 Section, Plan Consistency, when you are adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive or land use plan. This is a summary item

that the Town has always done when they are looking to do their rezonings at the end of the reports and in motions, so there's a consistency with that.

Another thing to remind you of is if a zoning map amendment is adopted, that action replaces or lays into place how the Community Plan will now address that property. It doesn't require a separate community plan amendment, it is done at that same time, so you are doing two things if you were to rezone this particular property.

I wanted to show you the Future Land Use Map from the Community Plan. This is the jurisdiction in the colored areas and then the kind of dark brown circled areas with the stipple pattern, those represent activity centers. Those are very specifically identified areas where at least two thoroughfares are coming together and there's an intensification that's encouraged and desired and the most recent example would be the North Creek, some of you may remember it began as the Huntersville East project, and that's located where Davidson-Concord Highway comes into 73. That was a situation where that was identified for intensity and we worked through that and the Board ultimately did adopt a project that would fit into that.

This project is located between an Activity Center located that I just described and then to the west where 115 and 73 come together, there's another one that's been identified in the 2040 Plan.

Here is the boundary of the project. The three future land use classifications that would apply to this would be Moderate Density, which is the yellow with the orange striping. Residential Edge, which is just the yellow in the middle. And then Rural Conservation, which is the light green on the eastern edge.

That is what the 2040 Plan is looking to do. As a reminder, these are not parcel specific, but they are general lines that are drawn in there based upon where transitions are happening naturally.

You can see here we've overlaid the site plan onto those, so you can see a little bit more specifically where that Moderate Density, Residential Edge and Rural Conservation would line up and then it's proximity to that Activity Center to the east.

A little more information here is with the Moderate Density, Residential Edge and Rural Conservation, you can see that some of the other elements that would apply.....of course the Town Core is the brown area in the middle straddling I-77. The Mixed-use Centers are the larger circles that are along 77 that contemplate certainly a lot of density and mixing, and then you have Open Space which would be the green that runs through in this particular case for this request, there's a creek that runs through the lower third of the project.

This is showing the Mixed-use Center if it were to be adopted on the 2040 Plan Map. You can see there that there would be a Mixed-use Center would be identified and then Moderate Density, which would be adding or extending that striping, the yellow area where the striping is, would be moved to the east. This is sort of a visual of what that 2040 Plan would look like if this request is to be adopted in some form.

One of the major considerations here is the impact to adjoining properties. With the Community Plan intensifying in a manner similar to this, now you have a lot of properties that are abutting or adjacent or nearby that are not looking at the same pattern that they were in the current plan, but now you've got the added impact of what everything else in that area may be able to do or a request that they may be able to bring. That's something to keep in mind.

If the 2040 Plan were to be amended to allow an intensification above what is currently there, Moderate Density and Residential Edge is something that would make a transitional sense. In other words, increasing from what it is but allowing the densities that you see described there in the lower left and those would still be in that 1 to 3 units an acre, that would be a transition from what is around it. It does not get to what the proposed plan would like to do and then you would also have things like the photo in the bottom right. That is an image of a large buffer along 73. Those would be the types of things that the Community Plan would look for. That would definitely be consistent with what DOT is looking for in some of their plans and then 73 Corridor Plan as well, which I'll get to in just a few minutes.

Here is what 73 currently does running from Lincolnton to Concord. I just kind of wanted to show you in the 73 Corridor Plan it's a little bit difficult to make out, but in the middle.....if you look at the red arrow, underneath that you will see 73 and it calls for it to be Transitional and it calls for a very large buffer on both sides of 73 on the north and the south side, so making sure that 73 has the room to make the improvements that it's going to have.

Density.....I wanted to give you a quick snapshot of the proposed density. The entire project spread out over everything would be 4.4 units an acre, but you can see as you drill down to the specific little sub areas on the north side of 73 where the townhomes are, it's 5.3. The apartments are 13.1. The mixed-use area to the east of the lagoon would be 6.5 and then the residential spreads out to 2.5. You can see the densities of the specifically approved developments surrounding. For instance and I'll just grab a couple, 1.59 in Willow Brook. You can see the Stonegate Estates is 0.3, Northbrook 1.65 and you can go around the rest. Again, if you look at the North Creek example on the far east there in the circle, you can see that the intensification, the 17 units an acre where they are doing apartments, is there in that intensification Activity Center and then as you move toward the Rural that abuts that project, the density stepped down to 1.7 and 1.5. It never really got above 2-1/2 as it moved to try to be compatible.

I wanted to remind the Board that right-of-way acquisition is currently underway for 73 and construction per the DOT plans is still set to start in 26 or 27, so those upgrades and those improvements along 73 are going to begin and then of course the timeframe that it will take is certainly not completely known.

The transportation element for our TIA's, there are four steps that we follow. You are going to determine the study area, which we call the scoping. That has been completed. Then the TIA would normally be prepared, reviewed by the reviewing agency. In this case I want to make sure that everybody understands that the Town itself is not doing the TIA review. That was deferred to DOT. The reasoning for that is that all of the roads that are being impacted and the intersections are state roads – Westmoreland, Black Farms, 73, McCord, they would all be under NCDOT's control. The last thing would be that the TIA would be brought before you and the findings of it after it's been reviewed.

I do want to point out that at this point the applicant has indicated that they are not going to provide that TIA prior to rezoning. They would like to have a note on the plan that they will look to do what DOT asks of them at the construction stage. We can come back to that later on if you would like to.

This is just a quick snapshot of some of the development in the area. It does include some development in the Cornelius area, as well as Davidson, but you can see from Northbrook over to the park, I mentioned North Creek and there's some residential developments along McCord, so just giving you again a little more of the larger setting.

The criteria for the Zoning Ordinance, number one the question that the Board asks is whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property. Number two, is the adequacy of public facilities and services intended to serve the subject property, including but not limited to roads, transit, parks, recreational, police, fire, hospitals, medical, schools, storm water drainage, water supplies and wastewater. And then three is whether the proposed reclassification will adversely affect any known archaeological, environmental, historical, or cultural resource.

Very quickly I will just add that there is a home along Black Farms Road that is in the proposed buffer for this development. It does not have historic protection or designation. It does line up as one that would fall under a very large net of potential and in speaking with the Historic Landmarks Commission for Mecklenburg County, they think that its value is marginal and I hope that I'm not putting strong words in their mouth. I think the applicant, if I'm speaking for him, and I'll let him speak for himself, is possibly indifferent about the property. But again, if the Board was interested in looking into that, we could bring you more information, but just wanted to express there does not seem to be an overwhelming need to look at it from a historic perspective. It's an example of just a residential property on a farm. It is not the architecture of the home or the farm itself, but it is just a kind of an example of a certain time setting.

I mentioned in the second part of that criteria that I just went over just a couple of highlighted items in terms of infrastructure. We did have a report from Charlotte Water speaking to capacity, kind of the accommodations that are being made for the current situation that Charlotte Water is sort of digging their way out and then what they have projected for the future line of 2050 and I think you all received this in the packet so you can see what that says. And then on the right is a report from Charlotte-Mecklenburg Schools and in the far right you can see in the gray boxes their capacity numbers projected based upon this particular project. Obviously, as units come and go those numbers would potentially be adjusted.

The staff recommendation is that there is not support for this particular proposal as it appears before you. The red highlight there states that if you look in Parts 2 through 4 of the Staff Report you will see a very large number of items from not only the 2040 Plan and the 73 Corridor Plan, but the Subdivision Ordinance and the Zoning Ordinance, that the three zones that have been requested by the applicant, that this plan is not satisfying the requirements of that.

There may be a number of modifications that the applicant might be asking for, but to date they are not on the plan, so we could not evaluate those. We've identified in the report some of the elements that might be eligible for modification. There are a lot of miscellaneous as we like to say items that also need to be addressed as well. But it's a fairly exhaustive list. If you have any specific questions, we can try to explain or elaborate on any of those.

That concludes the majority of the presentation. I wanted to make sure that you understood the request. I wanted to make sure you understood the context of the long-range plans and then the nature of the site plan is where the great number of details come into place.

Mayor Bales recognized Planning Board members present: Jodi Wright, Jay Henson, Chris Boyd, Frank Gammon and Jeff Sny.

Mayor Bales called for staff questions from the Board.

Commissioner Munger said one of the things that I noticed in the packet was that there were public hearing signs placed in 10 different locations adjacent to the site. Can you give me an idea approximately where those signs were placed?

Mr. Peete displayed slide in the Staff PowerPoint showing location of signs.

Commissioner Munger said I just wanted to make sure we covered everywhere that we possibly could to let as many people know.

Mr. Peete said we did. Nothing really to elaborate. The state law requires that the property be signed and so we did our best to hit every state road with the most exposure. We ended up adding two additional signs in the Willow Brook community at their request, so 10 signs in total.

Commissioner Munger said you had mentioned in regards to the TIA and not hearing anything back from NCDOT simply because the applicant at this point has not started the process of the TIA and it is the intent that the TIA will not be completed prior to seeking an actual approval from this Board. Is that normal? Have we ever set that precedent before?

Mr. Peete said not to my knowledge. We have certainly had TIA's that maybe have lagged in terms of their acceptance or adoption to present before you before final action. The ordinance requires the TIA is presented to you, but as it is part of the ordinance, the applicant is asking to modify that and I'll let them elaborate on that. And then of course, Stephen Trott, our Engineering Director is here if you have a little more specific question about that. In summary, no that is not a normal thing that we hear.

Commissioner Partee said a question regarding the 62 issues on the application. Is it common practice for a developer to submit an application with these many issues, 62. I can see 10 or 11, but 62 issues and why as a Planning Department we would accept the application with so many issues and not delay it or defer it until these issues are addressed.

Mr. Peete said all I can say with the first part of your question is we certainly have not seen this many at this stage. Again, as you move through or review, you generally come to some compromise or work through the issues. That doesn't mean that we've not had some fairly lengthy lists as you move through the process. But this is by far the most to date and then the second part of your question is the applicant has the right to ask for these modifications, with or without support from staff. As we've identified them, made them clear, they have not made any adjustments to that, so we had to make sure that we were exhaustive in our inventory of issues that needed to be addressed either through alignment with the ordinance or through granting of modification by the Board. We didn't have the ability not to bring it to the hearing.

Commissioner Kidwell said no questions at this time.

Commissioner Kovacs said I have some, but I'll ask them later.

Commissioner Boone said I'm going to wait until we hear from the applicant.

Commissioner Phillips said I would like to see what the Historic Landmarks Commission had to say, could you send that to us, please?

Mr. Peete said absolutely.

Mayor Bales said Planning Board members, do you have any questions for staff at this point?

Mr. Gammon said no ma'am.

Mayor Bales called for the applicant to make his presentation.

Jake Palillo, 17532 Sail View Drive, Cornelius, said I want to explain this exciting project that I believe is good for the town and is needed. I want to work with the town and properly develop this last large tract of land in Huntersville along a major corridor.

Charlotte was just ranked 8th best place to live in the US and Huntersville Planning has anticipated the population to grow to 100,000 people over the next 20 years, so it's important to develop this property the right way.

The proposed project is 270 acres located on Sam Furr Road between Westmoreland and Black Farms Road. It's the last tract of land along the 73 major highway corridor. You will hear me say that several times tonight because it truly is the last parcel this large.

The development is made up of four different parts. We have townhouses up at the top. We have multi-family in this area. We have 250 single-family detached custom homes ranging in price from \$900,000 to over \$1 million. The town doesn't currently have a lot of housing stock valued over \$1 million. It's good for a town to have homes in that price range. It helps your tax base. For example, 10 percent of Cornelius's houses pay 33 percent of their tax base.

Huntersville's median home price is \$495,000. It's up 47 percent over the last three years. All of Lagoon Bay's housing types for sale are all above the median home price. Two hundred fifty (250) custom homes will pay double the property tax of a median home price. Also note that townhomes, apartments and condominiums have the lowest amount of occupancy per unit and they also produce the fewest amount of students to the school system.

We have our mixed-use area right there. This map here explains why Huntersville is in demand and growing so fast. You have 485 to the south, you have 73 to the north. NC 73 is 38 miles long and connects seven of the fastest growing towns in the area. It also has access to three major north-south connectors – Highway 16, 77 and 85. Highway 73 is the major commercial business district for all seven towns. Huntersville has 10 miles along this corridor with very little vacant land remaining.

This slide here shows all of the proposed road projects whether performed by the Town or NCDOT. It's \$1.2 billion of road improvements that NCDOT has planned. There's another \$50 million in road projects that the Town has planned. This is all over the next four years.

This right here is a great slide. This shows the whole region between Cornelius, Davidson and Huntersville. Combined population is 130,000 people and it's growing. If this project was approved today by the time it went through permitting and construction, the population will grow by over 10,000 people. Cornelius and Davidson residents come to Huntersville to shop and dine. There's only one major place in the entire region to gather, shop and dine, and that's Birkdale Village. Birkdale is the pride and joy of Huntersville.

Lagoona Village is four miles away from Birkdale and it would split the region in half allowing half the people to go to Lagoona Village and the other half to go to Birkdale. With the town's population continuing to grow we need more places for people to go out and dine and shop and entertain.

This slide shows everyone the travel distance between the two locations. Notice all the highlighted ones are closer to the Lagoona Village proposed project. If you look at smart growth manuals, it tells you bringing goods and services closer to the people reduces traffic, less travel distance, less time on the road, less traffic.

This slide is important to show what little land it left along the 73 corridor. The highlighted line is 73. The Lagoona Bay site is the last large parcel along this corridor. The west side of 73 from Beatties Ford to Catawba has the lake to the north. From Catawba and 73 to Mayes the Town controls both sides of 73. There's very few vacant parcels along this stretch of road left to develop.

Over the past three or four years there's been scattered infill projects within one mile of Lagoona Bay. Eleven infills with over 1,867 dwelling units, almost twice what Lagoona Bay is proposing. With the exception of the multi-family, none of these developments have added amenities like pools or clubhouses. Where are these people going to go to swim and gather? More importantly, where are they going to go to shop and dine? Birkdale. You can't stop this kind of infill, but you can see the difference between a masterplan development with amenities versus infill. Without developing more places to gather and dine, where are the people to go and how will the quality of life in Cornelius end up.

Lagoona Village is what I consider a happy place. It's a place where people go live, work, shop, gather and entertain. It's not a bad place that will hurt the town. It won't hurt morning traffic or school buses, lunch traffic will be light, but at the end of the day it's a place to bring your family to meet friends and eat and enjoy time together. It's a good place. More and more people are working from home today. If you noticed in the paper this past weekend in the Charlotte Business Journal half of the major high-rises in Charlotte have 50 percent or more vacancy, meaning more people are working from home. At the end of the day people that work at home they want to get out of the house, they want to get a hold of friends and family, and they want to go out and shop and dine and have a drink. People that work get out and they call their families and they want to again find a place to go and eat. Weekends people wake up and the first thing that comes to mind is where are we going to go today, what are we going to do. If we don't have places like Lagoona Village, where are people going to go.

The village is three and four story buildings with ample parking. The two major buildings are four stories with the first floor retail/restaurants, with three stories of luxury condos above. The first floor retail and restaurant open on to large plazas and squares. This is similar to relaxed European concept where people love to gather, visit, dine and be entertained outdoors and enjoy life. This is a modern place for the community to gather called the third place of being. This large square will host events, festivals, an amazing Christmas market, sidewalk musicians and activities. People enjoy the park-like setting of the square overlooking the two man-made lakes and the amazing crystal lagoon. This will be an amazing loved by people, not hated.

The village dining will have a large food hall. This is the newest concept in food where small entrepreneur chefs can open a business for a reasonable amount of money and showcase their talent. This also gives people a variety of food options at reasonable prices. This is something for everybody.

Other areas will have large full-service restaurants all open to outdoors. The village would be a food paradise with a variety of food and beverages from all around, plus smaller specialty shops, coffee, brews and sweets. The village has something for everyone and everyone is welcome.

The village also has proposed a 200-room full-service luxury hotel with a resort-style pool, rooftop restaurant, banquet room and spa. Guests will have access to a special area at the Lagoon with the purchase of a day pass. Only registered guests will have that access. There's no other full-service hotel in the area. Everyone has to go to Charlotte. This area is in need of this type of hotel. It's a valuable asset to attract business to our area. If it's not here in this location, there is no other place for this type of resort in Huntersville.

The convention civic center is another needed asset in the area. There is nowhere in the area to host an event that will hold 300 to 500 people. We have several great Huntersville-based charities that don't have a place large enough to host a gala event. Here it is if the Town wants it.

We have also agreed as a part of our plan to allow the staff to get involved and take out certain parts of the project. We've also said that we wouldn't start the village until construction on Highway 73 began, which is about two years from the now, so if the Town didn't like the density and they wanted to take out the hotel or the convention center, or reduce the amount of retail space, we are open to that. You can eliminate all three or any one part, or any part of there, and we're in agreeance to doing this.

The beach club is the centerpiece of this project. Today there are over 260 lagoon projects in some stage of development around the US. I want to bring you the first to Huntersville and North Carolina.

The beach club is similar to a golf country club, with the golf course being replaced with a crystal lagoon. The 40-acre resort is an amazing lifestyle for the entire family. It has a large clubhouse with restaurant, several buildings with food hall, waterside dining, swim up bar, beach service, 30,000 sq. ft. fitness center with state-of-the-art equipment and classes. No other country club has this amount of amenities – full spa, six pickleball courts, six tennis courts with a pro, large green for sports and events, beach volleyball, kids camp, crafts, classes, study hall and babysitting, every kind of water sport, a remote shared work studio for people to work from home. It's truly a year-round resort country club like none other. It's membership only and not open for daily passes.

The modern lagoon concept is like bringing the beach to the people. Our beaches are over four hours away. Now people can enjoy something similar, only minutes away. The community pool or backyard pool is no comparison to the lagoon and the sandy beach. This isn't a gimmick. Look at the amazing crystal clear water surrounded by sand and all the amenities. It's like being at a tropical resort.

The beach club is a community where people create friendships and families enjoy time together. During the peak season like now when kids are out of school, you will never be able to pull your kids away. What is better for kids today than to be out swimming, playing, enjoying childhood versus playing games on some device at home. This is a life of paradise right down the street. There's a similar community pool that you see a lot of your community clubhouse. This here is life at Lagoona Bay. This is actual one of the pictures from one of the bays walking through the sand, kids playing.

These next slides here will show you all of the activities that are at the Lagoona Bay Beach Club – swim-up bar, water aerobics, beach volleyball, yoga, snorkeling, all sorts of dining, kids camp, tennis, kayaking, study hall, pickleball, working remote, all sorts of events, event space, fitness center.

What our plan is, too, is also to have a trolley that will travel within a 3-mile distance to different communities to pick-up people.

Let's talk about the value this project brings to Huntersville. The town currently has close to 70,000 residents and projected to be over 100,000 over the next 20 years. This is a business decision for what is best for this land for the town. It's not up to 200 or 300 people objecting, half don't even live in the town. If the Town turns down this opportunity today, it's gone forever. There is no other parcel of land within the town to do something like this in the future. National tract builders are waiting for this project to be turned down and they will come in and build 400 to 600 homes. They don't care about the town. They will look at this as another property to build and go. Building just homes is a waste of this valuable land.

The project checks all the boxes and the town's needs. It adds another place like Birkdale that we desperately need. It adds a full-service hotel we need as well. It adds a 35,000 sq. ft. civic and convention center that doesn't exist in this whole entire region.

The Lake Norman Chamber has endorsed this project as an exciting project the community needs. The beach club unique lifestyle first to come to North Carolina. If the Town passes on this project, there is nowhere in Huntersville left to do it in the future. This opportunity is gone forever. The project generates \$16 million in tax revenue. About \$8 million of that is in property taxes. Another \$8 million is produced in sales tax, prepared food and hotel tax. Putting 500 homes on this property will produce about 20 percent of that. There is something here for everyone in this community. A well thought-out masterplan development is an asset. It will be the pride of Huntersville versus scattered infill projects.

This project will create hundreds of jobs. We are proposing 20 affordable housing units in the community which we will give full access of no charge of membership and dues. Four different types of housing projects, three of them will pay property tax above the median house income. Three of those have lower occupancies and put less impact on the schools and 250 homes would pay double the median home price and property taxes.

Mayor Bales said you have reached your 15 minutes. Let's go ahead and see if there are any questions at this point from the Board.

Commissioner Phillips said I'll skip for now.

Commissioner Munger said do we want to hear from the public first before we ask questions.

Mayor Bales said would you rather hear from the public first?

Commissioner Munger said I feel like that probably flows a little bit better.

Mayor Bales said I want to take a moment to walk through our Rules of Procedure with Public Comments and Public Hearings. The rules that we have established are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally to each speaker. Because we have more than 20 folks that have signed up to speak this evening, everyone will get two minutes. You also have the opportunity to pool your speaking time up to 9 minutes. If you have designated someone to speak and I see that I have several here who have given their time, designated or time deferred, I've got a few here already, but we are going to go through this, kind of our rules very quickly.

Our speakers shall be civil and courteous in their language and presentation. Insults, personal attacks, accusations, profanity, vulgar language, inappropriate gestures or other inappropriate behavior will not be tolerated. In order to provide for the maintenance of order and decorum in the conduct of the meeting, the Mayor may declare out-of-order any person who fails to comply with this policy. The Mayor shall caution any such person to abide by the provisions of the policy and refusal to do so shall be grounds for removal of the speaker from the meeting.

These rules are in order for us to conduct public business in an efficient and productive manner and speakers are encouraged to avoid duplicative and repetitive comments.

I'm going to call the first handful of folks up and we'll just line up and hopefully we will do this in an efficient manner.

Linda Lucas, 16500 Redcliff Drive, Apt. E, said I'm a resident of Huntersville. I have lived here for close to 20 years. I was living in a home in Birkdale Village, but now I'm living in an apartment at 16500 Redcliff Drive. First of all I would like to thank Mr. Palillo because now I can save money on a trip to Disneyland. It seems like we are going to have one right here in Huntersville. I'm here primarily to represent the senior citizens of this area and those who might be affected by the environmental implications of the project. I am currently a representative. I sell Medicare insurance. I meet with a lot of the senior citizens in this area. A large majority of the senior citizens have respiratory and allergy issues. I've looked at some information from the American Lung Association. There is a report made in April of 2023 from the American Lung Association that Charlotte area counties have failing grades in ozone pollution. Mecklenburg County has scored an F in our ozone quality. They say one day of poor air is one day too many for the residents of Huntersville, especially seniors, children, pregnant women and those with chronic illnesses. Thankfully you are studying the traffic patterns and how that will affect the area and I noticed that there was a small line about environmental, how it will affect the environment. I don't know if that's going to include the air quality, but I would like for you to take a look at the air quality as well and see how that would affect the health of our community.

Marsha Bradford, 15901 Hollingbourne Road, (Bradley Heinrick, 15901 Hollingbourne Road deferred his time), said before I begin I cannot argue zoning or planning. It's not my background and this is the first time I've ever had the interest in actually attending a zoning meeting inside my community. I've been neutral about the project for the most part focusing on facts and I'm so proud to see so many people here who do not normally take part actually have an opinion, even dear friends and even if we disagree. I really wanted to be against this. My first public response against it was part of the Mom pages on Facebook and like everyone else where was the affordable housing, what about the expenses, does Huntersville really need this and a beach. After having met with Mr. Palillo and the time that he spent with me, I really appreciate many conversations with one of his team members, I learned why I am for it. I'm for the additional tax revenue that this will create, mainly because I've never looked at Huntersville budgets before. I have lived here for seven years, never paid attention. Looking through it there is so much that that tax revenue can do. I guess apparently we actually have a tourism budget. I didn't know there was anything in Huntersville to have tourism for, but this drastically would increase that. I'm for how a luxury hotel and convention center will definitely affect that and I want to reiterate something that Mr. Palillo said is that the only access the hotel guests have to the lagoon is a specially designed designated cove area for them exclusively. I'm for being able to fund new and existing projects within the community that have been cut from the budget. These are all things that can help Huntersville. I'm for the growth and development that brings more jobs to Huntersville. If we are going to have more population, we need more jobs to support that. Staffing for retail, commercial, restaurants, maintenance, security, technology, administrative, real estate, construction, weddings, event planning,

live music, co-working spaces, childcare, sports, etc. would all be coming to our area and add to it. I am for the additional traffic because the road projects are already there. We have so much coming to the town before these road projects are done, before the three new schools are built to meet the capacity that we need because project delays enough to where some of those things can catch up with capacity. Speaking with so many different friends, it's a lifestyle center. We can have more dining, more shopping, public park like spaces, live music venues, rooftop dining, basically everything that we love about Birkdale, all of the enhancements that we had at Birkdale, that isn't big enough. There's not enough space there for how many people want to go there. It's not just Huntersville that feeds into Birkdale. Being able to spread it out in one location would be great. I ask that you guys approve this project because I'm really tired of giving my money to Southpark. I want to give it to Huntersville.

Suzanne Villar, 17130 Bridgeton Lane, said as a resident I'm concerned about the consequences the massive Lagoona Bay development will have on the town's already overtaxed infrastructure. The impact of traffic and quality of life issues stemming from new developments in general is no longer a single neighborhood concern. When construction and subsequent occupant traffic from a new project overwhelms any major thoroughfare like Sam Furr, the impact is felt throughout the town and gridlock often spreads to encompass Old Statesville, Statesville, as well as I-77. But the impact is not just felt on roadways, it's just more apparent there. No matter where they live residents are concerned about the drain new developments will put on town resources already stretched thin including emergency response, schools, equipment and facilities, sewer, water, etc. Just because a new development is built does not mean that the town is suddenly funded and equipped to address all the additional burdens that are created by the development. More is not necessarily better if it can't be supported and sustained. Please do not let the hunger for growth diminish the quality of life that Huntersville has become famous for. Strive now and in the future for quality, not quantity. It's not the commission's job to assure that every project that's ever conceived gets built. The objective should never be the number of new projects underway in the town at one time or the financial impact on a particular developer. The objective of our boards and commissions should be identifying the right projects for Huntersville that will preserve and enhance our quality of life and toward that end I'm asking you to adopt the Planning Staff's recommendation to deny approval of the Lagoona Bay project.

Mayor Bales said I am sorry but that is not decorum, we do not cheer when people come up to speak. We won't do that.

Violet Clark, 13423 Willow Breeze Lane, said I have lived in Huntersville for over 17 years and when I found out about this project I'm the one that started going door-to-door to raise awareness because I was horrified that most people didn't know anything about it and it was going to impact especially my community so greatly because we are adjacent to it. The petitioner mentioned earlier that there's a few hundred people that are opposed to it and most of them do not live here. That is false because as of today there are over 5,000 signatures and most of them do live here and will be greatly affected by this and are very opposed to this as you can see by the turnout today and as you probably saw by the turnout that was at the community meeting in April. Also, the petitioner is suing me for speaking out and starting the petition and sharing information about his communities that others have shared on my petition which is public record. Last week we had a meeting in our community of Willow Brook. We had a small little town meeting and actually they said it was one of the biggest turn-outs they have ever seen and it was about this development. At that meeting it was discussed that one of our residents had a meeting, a private meeting, with the petitioner and he had promised our neighborhood that if we get everyone on board to approve this that we will get from him, he will give us a new pool, a new clubhouse, new patio that is shaded, firepits, playground, pickleball courts, etc., essentially wanting us to approve this by giving us promises that I highly doubt will ever materialize.

Pam Deal, 13604 Brook Line Lane, said I've lived in Huntersville for 35 years and in Willow Brook for 26 years. When we were looking for a place to move my mother and sister closer to us, we chose a lot also in Willow Brook and my brother built their home 22 years ago. There are six homes in Willow Brook that border the Westmoreland farm. My husband and I and my sister own two of them. My family loves our home. We love Huntersville. We do not resent the Westmoreland family for selling their land. We always knew that it would happen one day, but we expected a neighborhood similar to Willow Brook to take the farm's place, not a hotel and conference center and certainly not a lagoon. I've read through the Huntersville Planning Department's recent analysis of the Lagoon Bay development. It reinforces my feelings that this development is out of place and doesn't meet the requirements of the Town's 2040 Plan or the 73 Corridor Plan. I could mention my concerns about the traffic through our neighborhood and also on 73 and my concerns about the noise, lights, crime, the sewer system, impact on the environment, the density of the homes and the quality of life in our area, but I know you have heard and will continue to hear about all of those concerns until this decision is made. The 2040 Community Plan is meant to establish a framework for growth and development while maintaining the character and livability of the town that Huntersville residents hold so dear. That statement comes straight from the 2040 Plan document. Please honor your commitment to the 2040 Plan and the citizens of Huntersville. Don't amend the 2040 Plan to appease one developer. That will only encourage more developers to ask for concessions. Please listen to the recommendation of your own Planning Department and deny this request for rezoning.

Noelle Burton, 12940 Cadwith Cove Drive, (Ray Angele, 18612 River Falls Drive, Davidson deferred time), said I always knew my mouth would one day get me into trouble, but that's okay because I know speaking out against this monstrosity is the right thing to do, even though certain people have tried to intimidate me into not speaking out and now I'm getting sued. I will fight for everyone in Huntersville who is against this. I'm all in at this point, probably deeper than I wanted to be, but here I am. I'm beyond thrilled that the Planning Board made the right decision to deny this waterpark community. It does not comply with the 2040 Plan even though certain people are claiming that this isn't true. The nightmarish traffic we deal with on a daily basis will become so much worse than anything we can ever imagine. The infrastructure is not made to handle this nonsense and don't believe anything you hear about roads being built anytime soon, whether it's their professional opinion or not. I'm asking all of my Huntersville friends and neighbors to do the research on all the issues such as the tree canopies, the sewage, traffic, the list goes on. We need to be vigilant and stay on top of every single change that occurs moving forward. Every person involved in trying to push this waterpark through needs to be held accountable for their actions. We will fact check all of their data.

Patrick Farrell, 13212 Willow Breeze Lane, said I just want to thank the Mayor and the Commissioners. I don't know how this is going to turn out, but I thank you for your service. One of the things that really attracted my wife and I to Huntersville when we moved here 25 years ago was the quality of life. It was beautiful rolling hills, nice developments, yes Birkdale was a nice attraction afterwards, but now the town is losing a lot of that attraction and I'm afraid that the last great developable piece of property on Highway 73 is going to make us lose even more of that. The other thing is, traffic is a huge issue for anyone who lives in Willow Brook. For us to get out of our development and go west on 73, sometimes and this can be any time of the day, sometimes can take three to five minutes and no exaggeration some of you know the song Bohemian Rhapsody. I have heard the entire song while I waited to turn left. I have heard In-A-Gadda-Da-Vida the entire song while I waited to turn left. This, by my reckoning, we are talking about 1,160 homes, 2.7 people per home. Let's just say that equates to about 2,200 cars. Persons per household is 2,970. The hotel is going to be maybe 100 cars a day. The convention center, who knows, maybe 1,000, maybe 2,000 cars. This doesn't concern the Lagoon Bay because the 1,500

memberships, who knows who is going to be there and we know it's probably going to be used for four months and that's it. But let's just say 20 percent usage, there's 300 more cars. Basically you are talking 4,000 additional cars that are going to just make our traffic situation worse.

Mary Ann Turetsky, 16977 Bridgeton Lane, (George Burton, 12940 Cadgwith Cove Drive and Michelle Mills, 12615 Kane Alexander Drive deferred their time), said the developer suing and threatening us will not stop the 5,000 people who have signed a petition against this project. A project has to follow and comply with the 2040 Plan. It does not. The Town Planning staff already denied the rezoning. Our hope is that the Planning Board and eventually the Commissioners will follow suit. A few of us met with Commissioner Boone and Frank Gammon to discuss our concerns about this project. A day later, the developer was bragging how one of the commissioners had told him about the meeting. I thought this was going to be confidential. Obviously, I was wrong. He said we were slandering him, which we were not. We were talking about the water issues, the sewer issues for his cement pond. We were concerned about displacing wildlife and crime. We did not waste our time bashing the developer like he does night after night as he sits behind his keyboard. There is nothing in this plan that is good for our community. He keeps insisting that Noelle and Violet are.....

Mayor Bales said we are not doing personal attacks this evening. Are you sticking with the facts as your concerns.....

Ms. Turetsky said these are facts and concerns.

Mayor Bales said and your opinions.

Ms. Turetsky said they are facts. It's been on Facebook. He puts it on Facebook that Noelle is an influencer and she's going to bring his plan.....

Mayor Bales said we are not going to do that.

Ms. Turetsky said they also told us that you were going to do this to us and not let us speak our truth.

Mayor Bales said no, that is not going to happen.

Ms. Turetsky said that was on Facebook.

Mayor Bales said we are not going to have a back and forth, I just want to stick with our comments, please.

Ms. Turetsky said I think I have freedom of speech in this meeting.

Mayor Bales said Commissioner Phillips, would you please give her another minute.

Ms. Turetsky said I guess I'll have to skip half of it, but I have one hope for Huntersville and the people, that we don't end up paying for his cement pond.....our town doesn't need a failed upscale development. Everybody should check out the Balmoral Lagoon in Texas and see what our Huntersville will be. It's very sad.

Scott Sittler, 15829 Lavenham Road, said I'm not going to repeat everything that everyone has said, but I can tell you as a 25-year resident of Huntersville this is the first time I've attended a meeting like this

and a lot of my neighbors and other citizens will surely be watching how you all vote as a result of the Planning Board's recommendation.

Jamie Wideman, 17008 Knoxwood Drive, said for anyone who is not familiar with the area, as you head east on 73 and cross Highway 115 into Huntersville, Knoxwood is the very first right you make. We currently have a large apartment complex being built behind us. They are finishing it. There is a daycare down the street that they are finishing. There is another apartment complex across the street on 73 that I believe there's a rezoning request up for that now. There is another one that is approved behind us. The farm that is behind us is currently under contract with a developer who is trying to put more apartments in. They've had an impact plan done, I don't know if you guys have seen it but we have. There is more mixed-use down 115. All of this is within ½ mile of where we live. For those of us who have to travel and commute in the area, the infrastructure is a huge deal. My children go to Hough. By the time this development is finished they'll be out of school, that won't be an issue for me anymore, but it will be an issue for plenty of people around us. The developer has made comments that they don't anticipate a large number of people with children, this is not going to impact our schools, however in his presentation he also pointed out they are going to have a daycare and splash pads and all of these things in the Lagoon project that cater to families with children. I just want to point that out to the commissioners that there's a little bit of contradicting information being provided. I can't say a whole lot that hasn't already been said. I thank Mr. Peete and his comments on what the Planning Board's recommendation is. It says pretty much everything you can say. I am a lifelong resident of the area. I have lived here my whole life. I have traveled 73 from the time I got my driver's license until today. It's very sad to see that we are losing our [inaudible].

Melanie Griffin, 12900 Westmoreland Road, said that's the northern section of Westmoreland Road in between Sam Furr and Mayes. My husband and I built our home there in 2004. We have raised three daughters there. The oldest just graduated college and the youngest is 9. Bailey and Hough have both been built since we moved there, so the traffic on our road has changed a lot in the time that we have been there, but we haven't complained because the schools are great and we are happy to have them, so I'm not by nature a complainer. Also, just to note, our oldest was in the first kindergarten class at J. V. Washam and by the time that school was built it already had mobile classrooms outside. So, if you act like we are going to get ahead of the school issue in time for this community to be built is not realistic. I did watch the video that the developer has released entitled "Facts about Lagoon Bay." However, I have not been reassured by his promises. It is a promo video with stock videos. I don't want the best reason for this project to be that it's better than tract housing, because is it? Since I did not feel that I've learned any facts about the project from that video, I've been trying to find them out on my own. Per the Crystal Lagoon website, these are marketed as public access lagoons. The website touts endless ways to monetize from entrance and membership fees to water sports and cabana rentals. On their website there's no direct link to individual lagoons, so through Google I've been able to find three in Florida and three in Texas. Four of them are open to the public, one isn't open yet, and one in Texas is indeed a private club only for residents. It's a 2,000 acre exclusive development. Greenspace occupies 600 acres and the lagoon takes up 5. It doesn't seem to have a hotel or convention center. If the Florida and Texas weather cannot support a lagoon unless it's public, I'm not sure how ours can.

Darryl Wood, 12720 Willingdon Road, said I was a little surprised a traffic study has not been done, so I've run some numbers myself. I've been digging into some DOT formulas and so forth. Just the residences in this development would put 2,600 cars on the road. That's not mentioning the hotel, the convention center, people visiting retail and if it goes the same direction as the Texas and Florida resorts went, it will be open to the public which could add more, so we're probably talking over 3,000. I know one individual mentioned 4,000. But I went back and that's all because of the density. I went back and

looked at it. If only single-family homes were developed as it may well be, that would be about 1,600 cars on the road. We are probably putting an additional 1,400 that would not be on the road had we just stayed with the current zoning. Why would we change the zoning and the 2040 Plan to put this many more cars on the road when our traffic problems are already bad enough. Yes, 73 is planned to be widened. If you look at the website it says start Summer 2026, completion TBD. We've contacted Kevin Moore, the PM with DOT to find a completion date and no answer returned whatsoever. We went back and looked at the history of this project. They first announced it in 2019. That's when they had community meetings. There hasn't been a press release or anything since 2020. At that point they were planning the start date to be this year, 2023, so it's already slid three years. Who knows when this is going to be built with the lack of speed the DOT works in. I'm from Atlanta.....we're putting the cart ahead of the horse here. Why can't we wait until that road is widened and then think about developments like this. We are putting the cart ahead of the horse. Atlanta did the same thing, that's why everybody from Atlanta says it's a traffic nightmare.

Keith Westmoreland, 13420 Westmoreland Road, (Robin Westmoreland, 13420 Westmoreland Road and Wayne Westmoreland, 13434 Westmoreland Road deferred their time), said between myself and my two brothers and our families we are the majority owners of the property for this site. Just a brief history of the farm. My grandparents purchased the first tract in 1913 and it was a cotton farm. They raised eggs and hams and chickens and they would take a mule and wagon to Trade and Tryon on Saturday to sell their goods to support themselves. My father started milking cows in 1952. We continued with the dairy until 2011. Wayne and myself have farmed there our entire lives. We have lived here our entire lives. My father and all his siblings were born in the house that my grandparents built. That house is still there with additions and add-ons. It is the heart of the house that me and my brothers grew up in. We farmed, we raised crops. At one time we had 650 acres of farmland to farm. We used to farm what is now Northstone, River Run and also Willow Brook. I hear the thing about change. What most of the people here don't realize is Sam Furr was not always Sam Furr as it is now. It did not exist from Davidson-Concord Road to 115 at all. We lived at the end of a mile long dirt road that went all the way to Mayes Road. Without change, most of these people here would not be living in a house in Huntersville. I just wanted to give you a brief background. With all the development we have been farming only 200 acres of crop land now versus 650 acres 18 years ago. With that being said, y'all can vote on our property what we can or cannot do with it, but my beef is I can't vote for either one of y'all.

Mark Towne, 15909 Northstone Drive, said first of all I want to thank the Board and the staff that did the assessment and put it out on the website. As someone who knew nothing about this project, that was actually very good data to understand what's going on, you know try to take emotion out of it. There are four things that I pulled out of that assessment that I think is germane and you've heard a lot about that. The importance of the 2040 Community Plan and NC 73 Corridor Plan. Our expectation as citizens of Huntersville is the developer should propose plans that are consistent with whatever the plans you as elected officials have deliberated on and approved. Their expectations should not be that the tail wags the dog. The plan should be changed because of some great idea that they've got. It may be a good idea, but there's a deliberative process that must be gone through that why is it good for the long-term not just the short-term of the community. The second point is the lack of the North Carolina DOT transportation infrastructure assessment. There's a lot of visibility on 73. I'm also concerned about McCord Road and all the other flashpoints around the development. It's kind of like jumping into an LZ without a parachute and not understanding any intel. You are going to go and ask for approval on something and don't know what's on the other end. If this is approved and then all of a sudden it comes back you've got not only volume issues but safety problems that could come out of the assessment. Third, sewer and water capacity. The letter was really good about the water capacity, but what it also

gives a warning to is that the 11 percent of the entire 3 million gallons per day that was recently purchased to expand capacity, what's the impact on not just Huntersville but the other members of that particular piece. School impact is clear. I know my time is up, but I want to thank you again.

Amanda Shuford, 13503 Willow Breeze Lane, said I'm here on behalf of the Willow Brook HOA. I'm here tonight as a spokesperson for our neighborhood to address several of the concerns and questions we have that we would like you to address. Clearly, this development plan and zoning change will have direct impact on our community. Our community was developed over 20 years ago. We have one entrance. Our children play in the streets. We have no lights and very little crime. It's a desirable quiet country-style community and as a result our homes sell quickly. The current development plan directly connects to Willow Grove Way within our neighborhood and we understand for safety reasons the Town will require this connection. Based on the Huntersville 2040 Community Plan connectivity is required for residential developments. Part of this development is proposed for commercial use. We want to know if the connectivity is a straight road in our neighborhood what will the Town's plan be to protect our neighborhood from becoming the GPS shortcut when Highway 73 backs up. Will this development plan be required to restrict construction traffic to other entrances. Will the Town install speed bumps within our community. Are there options for emergency vehicles only gate at the connection between our Willow Grove Way and this development. Our next concern is the sewer. Does the sewer system have the capacity for this development of residential and commercial use. The 2040 Plan states in PS-9 that Charlotte Water provides water and wastewater services for the Town of Huntersville. Our neighborhood remains on Aqua and has a private sewer. The sewer lines for the Town are about 250' behind several properties within our neighborhood. Will the Town provide this connection to the sewer when these new connections are made for this development. Our third concern is the impact this will have on the infrastructure of the town of Huntersville. There are obvious concerns – the roads, emergency services, water, electricity and school capacities. Our neighborhood was part of Duke Energy's roaming blackout this past year. Can Duke keep up with this new capacity and new demand. In closing, we are realistic and understand that the rural farm will not always be that. Our community is not saying we are against this development. We are expressing our concerns that our elected officials and Planning Board will meet our needs as a community.

Dr. Ken Reische, 13200 White Birch Terrace in Pages Pond, said I don't have a lot to add specifically but I know that growth happens. The question is what kind of growth we want. We had a California farm we had to sell, so I understand selling land. Mr. Palillo wants to change this community. He wants it to be what he thinks is good for us. He wants us to be more entertained. Apparently he's bored by our quiet community. Where I grew up in Connecticut I go back.....we left in '72. I go back, it's the same. There are major highways, I-95, there's Merritt Parkway and when you go down there when you are more than ½ mile away then you are back in the community where there's low crime, etc. For entertainment here, I love going to Charlotte. I love seeing the city. We used to go to New York City for that, but then we could come home where there is low crime. There's low traffic. We had a place that we could come to as home. A couple of bullet points. On his video he mentioned that the sq. ft. value in these developments in Northcross and Birkdale go up because of this development. What about the adjacent property. We are right next to that. What about the noise pollution, the light pollution. What's that going to do to our property value when we're not within that community. Yes, the sq. ft. value goes up within the community, but what about adjacent. And, of course, they mentioned the water supply, that's Catawba River Valley basin and South Carolina is suffering even at this point.

Danielle Peterson – not present.

Bob Baer, 15802 Lavenham, said I'm a 20 plus year resident. I won't waste anybody's time by talking about a long time ago when it was so nice and quiet in Huntersville because we know it's all changing, but this is simply too much. We were almost late for this meeting because it took us almost 30 minutes to go 5.8 miles from Northstone to this place right here. NC 115 is a parking lot. US 21 is a parking lot. NC 73 is a parking lot. The roads, the schools, everyone has already addressed that. I'm not sure I've ever seen a development that got turned down in Huntersville. They are totally clearcutting Ramah Church Road. We had a dead deer on the corner of McCord and 115 because they simply have nowhere else to go. There's been four subdivisions being built on McCord, little teeny McCord Road, as we speak right now and I'm assuming from that plan that there's an ingress/egress from this development at that southern end on McCord Road. What kind of plans are there to increase the capacity of that road. Why don't we just clear-cut entire Huntersville from Beatties Ford to Poplar Tent and cover it with apartment buildings and developments. This is ridiculous. I'm not a zoning expert. I don't know if you folks are zoning experts, but these people are zoning experts. That's why we pay them. They are already saying that this zoning change should not happen and you should agree with them as elected officials of our town. To conclude, I've been told and I don't know if this is true or not, but I've been told that our mayor and three of our council people are not running for reelection next year. Please don't let your last official act to sell us out to this developer. Please don't.

Brian Sisson, 18222 Delray Drive, said I'm the owner of The Range at Lake Norman in Cornelius. Over 25 years ago a developer came into Huntersville to build a project on Sam Furr Road. The project would be mixed-use and over 45 acres with surrounding homes that would take up another 200+ acres with a golf course and would add a new Exit 25. Many in the community did not want this project and voiced their concerns, like the project would destroy the rural feel of Huntersville. The project was ultimately approved despite opposition and a couple of years later after the project was built and running, the Town of Huntersville gained nationwide prominence for this project. The project was called Birkdale Village. This one project arguably was the catalyst for the positive growth that has been seen in Huntersville over the past 20 years and caused this. With this growth we have seen a significant increase in traffic and stress to the infrastructure. However, we have also seen major improvements to the infrastructure as a result of the growth, and even today many of the major arteries in the Lake Norman region either have orange barrels or will soon have orange barrels. The Lagoon Bay project is another watershed moment of the development in Huntersville and the Lake Norman region. The project brings a new highly desirable amenity to the region, the likes of which we have not seen. There are always a lot of complaints about roads and the need for more wider, bigger roads, and don't get me wrong, we need them. The last significant road project in Huntersville prior to current construction was the widening of Sam Furr Road. More needs to be done and more is coming, however the lack of current road capacity should not be a reason to deny the rezoning and approval of this project. NCDOT is planning numerous road projects in the area with associated funding. From the 2040 Community Plan, I paraphrase, by 2040 Huntersville will be a vibrant community rooted in the past while looking towards the future. It provides attractive options for its residents to live, work, play and grow. This project would be a great addition to Huntersville and the Lake Norman region. I'm a small business owner and we look forward to having rooftops that can support all of our small businesses in the area. The Lake Norman Chamber supported this and as a member of the Lake Norman Chamber Board I ask you to support it.

Ashley Wiley, 12435 Treasure Cove, said I'm here tonight because honestly all of this has gotten entirely out of hand. You have people saying things online such as "are you a graduate of Bully 101 at Palillo University" to a reply of "Palillo U, the place for people to go with a fourth grade education." Statements such as they (referring to the commissioners) need to do the right thing.....I'm just saying. Comments suggesting that campaign donations were buying the silence of commissioners who are vocal

about the development of downtown Huntersville, to further comments of stating that the family has been harsh to people who speak out against this project. However, the only thing that the family has asked was to disagree with the development, not attack the person. Disagree with the density if you wish, but do not share their private addresses.....to be concerned about the impact on schools, but not share the information to where their children attend school online. To disagree with the development and the developer's proposed business venture is one thing, but to attack the person when you don't even know them is entirely different. He's been called greedy, uneducated, cruel and he has spoken to a room of people yelling and interrupting him. He's had to defend his character and his children. He's had to defend his children's children, so his grandchildren and his family. His family has been doxed, which is not okay, and there's been comments to expose him. Expose him for the greedy person he is. I don't know him well, but let's expose him. I know he cares about our town. He cares so much that he doesn't need his name attached to donations or good deeds. He made a marching band's dreams come true when he matched what we all did and was the reason why they got to go to Georgia to the Peach Bowl. He made children cry thinking this only happens in real life.

Missy Maylott, 13515 Scanlan Way, Davidson, said I'm on the corner of Huntersville. I apologize for not being prepared to speak. I just recently found out, but I can't sit here and listen to all the negativity without letting you guys know that a lot of times when people are for something they are not as noisy. When they are against something, they are very loud. I hope your decision is not clouded by some of that being so loud. I grew up in Canada. I'm not new to this area, but I did grow up in Canada. I grew up around water, a lot of it. Jake said something about it being a happy place. I look at this as a happy place, something that my children will be able to enjoy. Something that is safe, clean. You get a pool, but no beach, or you get a beach but you might get dirty water. This is pretty incredible. I've seen what he builds. I know it's going to be good. I know he's going to do the right thing. I can't speak on environmental factors or zoning. Other people are much smarter than me and they can do that, but I know that he's going to build the right thing. He's going to do it the right way and I think this is really good for the community. I am for this.

David Hudak, 361 Brook Glen Drive, Mooresville, said I don't have a dog in this hunt because I live in Mooresville, but the reason I came is because I saw this petition online and I saw some people in Mooresville that I was familiar with that were kind of interested in it and everything, so I picked up the phone and called them and said what are you doing signing this petition, because I didn't know until then that I knew the developer. When I was reading some of this stuff and saw what they were saying, I was like out of my mind mad, because I've known them people for a long time. Everybody realizes here they live here and they've lived here for like 30 years or close to it and they are going to be living right up against the property, so how scary could it be. A couple of things, I've been here 30 years. I started in south Charlotte. I moved out Brawley School Road. Did anybody live out Brawley School Road before they widened it. It was 8 minutes from my house to the interstate. That was when there was no traffic. In the morning and in the evening it was 45 minutes when there was traffic. Somebody couldn't get here tonight. The meeting was at 6 p.m. Of course you can't get here tonight. Anyhow, when I came here 30 years ago, greater Charlotte had maybe 400,000 people. I know we're scaring 3 million right now. A lot of stuff was built. A lot of stuff was developed and nobody built the roads first because you don't build roads that go nowhere. Somebody said this is out of place. It's out of place anywhere you build it because it's different, it's innovative, it's new, it's exciting. What in the world. When I first found out about this project I didn't know that Jake had anything to do with it and then as I got into it I found that out. At first when I saw it I thought what is this. I had to read about it. Traffic, you are never going to get roads built or widened or whatever before something comes along. The other thing is something is going to be built there. It sounds like it's pretty good use of tax revenue coming in on that

amount of space. If that's the last piece of property that you all got your hands on I think you ought to take advantage of all the money you can get.

Mayor Bales said your time is up.

Mr. Hudak said can I say one more thing on a personal.....hold up I'm a car salesman. On a personal level.

Mayor Bales said your time is up. Folks we are going to respect one another. We are going to give everyone common courtesy but when your time is up, your time is up.

Robun Hahn, 119.....that's my old address 11930 Sam Furr Road, which is 14121 Pinoli Pine Circle because we were overtaken by the Oak Farm development. I know all about this development. Our family has lived at this location for over 30 years and in that time many people have moved here from all over the country and we've asked why are people coming to Huntersville, North Carolina. And I did ask why Huntersville. I'm glad you are here, but why. The most common answer is they wanted to move to the country and leave the big city behind. They wanted to see countryside, trees and wildlife. Huntersville is a rapidly growing town, yet it still retains its hometown feel. The town and developers promote this idea across the country to everyone to entice them to come here. The Lagoon Bay project is a grand idea, but it doesn't fit into our community. This development would destroy the country feel of our community. We would be sandwiched between Birkdale and Lagoon Bay. Retail space, a hotel, apartments, a convention center, would each bring in transient people. People who would not have a long-term investment in keeping our community safe and family oriented. When the neighborhood came together for the last meeting, Mr. Palillo stated that the development was not being put in for us, the baby boomers, yet we are the people that live here. We are the people that are being asked to sacrifice our lifestyle and the happiness for this development. You asked us to give up what we love over our lifetime. I believe that in the not so distant future the project will go in the same direction as Eastland Mall and Northlake Mall, each of these were great.

Briana Strassburg, 12719 Sulgrave Drive, said I just want to say that there is literally nothing in this area that is like this development. Yes we have Birkdale. Yes, we have Lake Norman, but it does not provide the amenities that this project will provide. It will provide so many jobs, so many new opportunities and I just want to make people aware of that. Sometimes people are too quick to judge, too quick to look at all the negatives. There are so many positives in this project and I just want to make that known.

Sean Bachman, 12719 Sulgrave Drive, said I've heard a lot of negatives about the project, and I personally just want to express my support. I feel like when you hear a lot about something it's more so the negative side, you don't really hear the positives. All I'm really gathering from it is that people seem to be afraid to change in this area and I just want to see a lot more growth and change.

Kimberle Burton, 15555 Huntersville-Concord Road, said I want to thank you for the opportunity to voice my opposition to the Lagoon Bay project. I need to re-do my whole speech because so many good points were already put out there I don't need to repeat all of them, but mainly the scope and the design of the project completely changes the Huntersville 2040 Community Plan and it doesn't fit the NC 73 Corridor Plan. The Plan says the land in question is zoned Rural and Transitional Rural, that means low density. I would argue that the words high density are not strong enough to describe this project – 1,100 residential units, a hotel, convention center, commercial use and a lagoon which is only going to be accessible if you are one of the residents or if you pay \$10,000 to be a member. All of this jammed into 270 acres in what the middle of what the people of the town deem should remain rural via the plan.

My family is one of the thousands of people who chose to make a large investment in the community based on reasonable assumption that this plan would be honored. Our voices should count, too. We do not want to make Huntersville Charlotte. The increase in the amount of traffic to the area will be huge. A convention center and hotel alone could bring so much congestion, let alone the residential traffic and we just learned there is no traffic survey to be done. Mr. Palillo in a CorneliusToday.com article dated January 12, 2021, stated that traffic is a way of life, get used to it. No, I don't want to get used to it. I moved to Huntersville for its charm and there are already enough areas deemed high density. According to a change.org petition at least 5,000 people don't want to get used to it either. If you allow this project to be approved, what's next. Zoning is in place to make sure the community is properly balanced and that people know where they are making an investment.

Stewart Heath, 14801 Black Farms Road, said my property abuts Keith's family farm, the Westmorelands, Hines Feet Farm and I'm some of the Virginia farm owner. I moved to Huntersville because I didn't want to farm. I know I'm not in rural Virginia, but we moved in '94 to Sam Furr. We left Sam Furr because we were concerned about the safety of our children. The project you approved when we opposed it for the Publix that got extended to have extension to Black Farms Road, that came in after it failed the Town Planning Commission prior to you being a mayor. I think you were the assistant at the time. We moved there on Black Farms to have a better traffic pattern for our children. You can't teach your children to drive aggressively and drive defensively when people run redlights and you all know that if you live in our town. It's happening everywhere, so we moved to Black Farms Road. The Westmorelands have been wonderful neighbors. We enjoyed having the Blacks across the road from us. I was fortunate enough with my wife to buy 18 acres. We did that because the market on Black Farms allowed for that. The Town's 2040 Plan said we are going to honor that. I ask that you simply honor what you paid millions to do from the charrettes that you held. I was a commercial banker for years in this area, I know the market. You paid millions of dollars for that. Adhere to the plan that allows for you to have less density. I believe it was 340 homes versus over 800, plus all the other square footage of development. As we live near Black Farms Road and the bridge, I can tell you that any removal of significant nature of the watershed has a negative impact on the bridge that hasn't been improved.

Dawn Snow, 8132 Evanston Falls Road, said I'm here today to ask that you please deny the Lagoon Bay rezoning for the following reasons. First and foremost, the Planning staff has recommended denial for the long list of reasons including the following. It's not consistent with the 2040 Plan or the NC Highway 73 Corridor Plan and it doesn't meet the density requirements to preserve the rural character and low density development consistent with the surrounding neighborhoods. The TIA requirements have not been met. Per CMS it will likely result in overcrowding of schools. It will utilize 11 percent of the water capacity until 2050. There is no tree survey to mitigate tree loss and meet the minimum requirements to preserve trees. Parking lot, landscape, buffer and building plans are not detailed and do not meet the minimum requirements as described in the Planning staff report. Should these requirements be amended for a single developer? Secondly, the infrastructure along Highway 73 does not support this kind of density and traffic. As we all know on Highway 73 it's already a huge bottleneck. Thirdly, how do we know that Lagoon Bay will remain private. Given the high cost of membership, what marketing survey and studies have been done to make sure it remains private. What guarantee will be in place to ensure it will remain private. The reason I mention this is that the Balmora Crystal Lagoon in Texas was supposed to be private just like this one, however after residents invested their money into it, the Lagoon started offering public access resulting in a host of problems. And lastly, most people in this area feel it's a bad project for our town that is quickly losing any semblance of being a town. Approximately 5,000 residents have signed this petition. There are just too many issues with this project, so I respectfully ask that you vote against the Lagoon Bay Beach Club.

Katie Dandrea, 15525 Davidson East Drive, said I am a resident of Davidson, and it is in the spirit of a neighbor that I come before the Town Board to ask you to deny and concur with your Town Planning committee to deny this project in total. I moved to Charlotte in 2018. I grew up in a small bedroom community outside of Cleveland and spent 10 years in Chicago living in the Museum Campus area. If you are familiar with it, it's right near Grant Park, extremely dense. So I am no stranger to dense projects, insane projects trying to fit in a small space. But in that time I was able to take advantage of public transit and walking. If I was unhappy that Lollapalooza was going on nearby, I could go elsewhere within the town. When we moved to Charlotte in 2018 and when we finally decided to reside in Davidson, I realized I was one of the few millennials that was lucky enough to actually purchase a home and probably even fewer to actually purchase a home in one of these communities off of Lake Norman and I feel incredibly fortunate because everyday I get to walk outside my house and I get to see a plethora of wildlife and old growth trees and I just have to drive down east going five minutes to see the Cabarrus reservoir and how gorgeous it is. When I think about what is going in there, how odd it is, how confusing it is, that it just does not fit in this community. It seems like a wonderful development. It looks like it will be like a lot of fun, but as a private community, and I won't rehash what others have said, I am concerned for the actual sustainability of this business. These private businesses are built on private equity investment. They are successful because of that and because of that there's an expectation for persistent growth and so if that profitability does not grow, what happens. What has to come in to sustain that. Does concert venues, music halls, large convention centers.....

Mayor Bales said your time is up.

Gary Knox, 19725 Oak Street, Cornelius, said while I have served your community in a host of different ways, I've been to hundreds and hundreds of meetings like this over 36 years as a professional, as a citizen and as a neighbor. If I ever stopped after the first meeting, I wouldn't have been doing my job as a good citizen in being engaged because I know there is change, constant change. If you were sitting here and this was a quasi-judicial hearing, you would only be hearing testimony from registered experts. I have to say there is a lot of emotion here. I appreciate it. I think it's great to have this many people engaged, but as Town Board members you also have a charge to diversify your tax base as best you can. The more you diversify it, the less burden you have on every individual in here who is paying property tax. Do your business and run the financials on a project of this nature because when you start talking about additional hotel/motel tax, prepared food tax, beer and wine sales tax, etc., a lot of that revenue comes from payors, not taxpayers. People who come in to spend their money here and then they leave. I do have confidence that Highway 73 will be widened. It is funded. And it's only because that was known to be coming that a project like this gets consideration. In closing, I think the 2040 Plan is a guiding plan. One of the things that you will notice on the very slides that Mr. Peete showed earlier is a big activity center at the county line. That can't happen anymore because 500 acres has moved into other hands and it won't be the employment center you thought it would be.

Brad Cleary, 18605 Boulder Rock Loop, Davidson, said it's across the street from where the project is proposed. I've lived in Cornelius/Davidson area since 2013. Three years ago my family moved to the outskirts of town to escape the busy roads and noise levels as we have a five year old daughter with auditory sensory issues. During high traffic people start getting routed by our house as a cut-through and the cars come in droves and many ignore the speed bumps and stop signs, even though we have small children in our neighborhood. This project will increase that if approved due to high density housing. We feel like we are being pushed out of our home and so do many of our other neighbors in surrounding neighborhoods. Tonight the Board of Commissioners needs to decide how they want to be remembered for this project. Do you want to approve something that will cause unnecessary strain on not only the people of Huntersville, but Davidson and Cornelius also. The Planning Board has already

cited infrastructure limits that will tap the remaining 11 percent of water supply until 2050, which would be irresponsible. When you pass the baton to the next board members, remember you are also passing that baton's implications to everyone in the community for years to come. The town should leverage this land and give something back to the people like a state-of-the-art park that alleviates the business of other parks like Bradford and Bailey and provides a peaceful place for us all to visit versus another cow field turned into a hustling, bustling traffic stop.

Mayor Bales said before we move on, Danielle Petersen, I just wanted to see if maybe she was still here. Danielle Petersen did not come forward. That is the last of the public comments for this evening.

Mayor Bales called for a 5-minute recess.

The Board reconvened.

Mayor Bales said we are still in the middle of the public hearing for Petition #R23-05. We have finished up with public comments and now we are going to move into questions.

Commissioner Phillips said the external buffer, it says landscaped instead of not disturbing. Why are you doing that? Is it because it's not a good buffer, you want it to be more dense. Could you explain that, please.

Mr. Palillo said a lot of the conditions on there we are working with staff to whittle all those down. One of the things that we like to do with all of the buffers and we've done it at Bailey's Glenn, is we like to totally rebuild them. When you do an undisturbed buffer a lot of times you have dead vegetation, dead trees and it's all scrub. So we like to go in, clean it up, create a berm, and build these really nice buffers that are well landscaped and attractive.

Commissioner Phillips asked do you have any examples you could send to the Board to review?

Mr. Palillo said I could. If you go right along Bailey Road, right where we did Bailey's Glenn. But I'll be happy to take pictures and show you exactly the quality of buffer we build.

Commissioner Phillips said could you send us what you already have because I would like to see what you are dealing with, because sometimes in our heads we think disturbed and really it's dead trees and bushes. Could you state on the record that this will remain private?

Mr. Palillo said yes, I will. Absolutely. Once you sell memberships and get members into it, you would have to buy all of them out. It's like going to the Peninsula Club or River Run or any of these clubs. Once you have taken memberships, you can't then open it up to the public. A good example, these things they've been starting to develop, they've tested a lot of stuff. A good example is the Beach Walk in Jacksonville. The Beach Walk in Jacksonville they sell memberships for \$5,000. It's not as elaborate as the one we are building, but that model is where it stays private. But yes, it's going to stay private. I don't mind adding that as a condition onto the plan that it must stay private.

Commissioner Phillips asked would you be willing to kill the Willow Brook connection? Does that hurt your project? Does it help it?

Mr. Palillo said no, I actually like that. I like the idea of putting an emergency exit there, fence it across. Some of the residents have said it could be beneficial, so my position was if the Board will allow us to do

it as an emergency access only, we would love to do that and then if the residents want to come back and petition the Board to say we think it would be beneficial to open it, then it will be their decision to do that, but I'm a big fan of keeping quaint little communities without a lot of access. I'm not a big fan of all this connectivity. Once you do that you open the door the cut-throughs and it really hurts the community. But yes, absolutely.

Commissioner Phillips said you don't have to answer this tonight. Would you consider going to three-story apartments instead of four? You don't have to answer it, just keep that on the back of your mind.

Commissioner Boone said I've got several emails from probably many of the people in this room. I've got them on a spreadsheet to kind of keep them straight in my mind – the date it was sent, the person's first and last name if it was available, the town they said they were from, and if they were for or against it. And then I had issues that they had so I can kind of keep the issues straight. The majority of the emails that I have gotten mention traffic. Can you address the traffic situation, how you think this lagoon project is going to be solved and how you are going to make this traffic move better in Huntersville.

Mr. Palillo said I think if I can make traffic better, I would be a gazillionaire. When you really look at the areas here and why we've been delayed on getting dollars for 20 years, all these roads are done on a scoring basis. So we haven't really scored high enough. What people here feel is traffic, the state looks at other traffic around the area and feel that they are more important, they've gotten their dollars. NC 73 I've stressed several times is a major corridor. It's going to be one of the most active east/west corridors. It's now finally going to be widened. I feel it needs to be widened for the village section to take construction. We want to make a condition that we won't start that phase if the Board approves the plan until construction begins. Once that road is widened out, we've got a peak rush hour in the morning. We've got another peak rush hour around 4 p.m. to 6 p.m. and then throughout the rest of the day.....we're at Symphony park five to six times day. Yes, there is traffic, but it's in those heavy times. And once you get past like 6:30 p.m., traffic opens up. We need to widen the road in order to solve the traffic issue.

Commissioner Boone said you said you weren't going to be able to have the traffic impact analysis done by the time this goes to the Board to be voted on.

Mr. Palillo said how that took place is that the Town's Traffic Engineer said he was deferring all of the stuff to NCDOT. So we have to follow everything that NCDOT says. The traffic study is \$80,000. We've got about \$850,000 already invested in this project. So what I came back to the Town and said hey listen, because we've got all of this.....I never thought we would face this type of opposition on something that I feel is just amazing.....I said I'm more than happy to do it and since the Town has deferred everything to NCDOT, put a condition in there that everything that NCDOT says we have to do, we'll do. We'll do the traffic study if the plan is approved and I'm happy to bring the traffic study back to the Board. But at a point here I'm going to be \$1 million to \$1.2 million into this thing with all these studies and we've got some opposition. We've kind of done some due diligence in the beginning to see if this was something the town liked, so that's really why. But we will meet every condition that NCDOT tells us they want. We've already done the scoping session, so we already know the scope of the intersections, everything that needs to be done. I'm happy to give you a copy of that. I'm happy to give you a copy of the invoice for \$80,000 to do the study as well. But we will meet every condition on NCDOT, whatever they require us to do.

Commissioner Boone said in the Town of Huntersville, can you tell me some of the specific projects you've completed in the town.

Mr. Palillo said one that is really our pride and joy is Symphony Park. It's one of the premiere independent living facilities. We went around the country, we researched, and then we brought what we feel is one of the best here. It's already won two design awards and it's not even open. Baileys Glenn is another one that we went over and above. We added more amenities, great quality of life for seniors. We are doing senior living right next to Birkdale, the white building should be done in about 60 days. I did the little leasing center on Rich Hatchett. I also did apartments across from St. Marks Church on Stumptown Road. I live here. I would challenge anyone, elected officials or not, to say that they care more about this community than I do. I live here. My kids live here. My nine grandchildren live here. I'm going to be able to walk through the community hopefully someday and people are going to be yelling and screaming at me, they are going to enjoy the projects we bring here.

Commissioner Kovacs said the first question is for Mr. Palillo. Hotel guests will get day passes to the whole lagoon or to a specific area?

Mr. Palillo said a small portion just over in that little area there. They can access just that one little cove.

Commissioner Kovacs asked can they do any of the amenities like the kayaks or tennis?

Mr. Palillo said no, they can't use the facility. They can go down to the sports dock and rent like a kayak or that, but that's the extent there. They are going to be cordoned off, they have a certain wristband.

Commissioner Kovacs asked what is the actual cost for a membership?

Mr. Palillo said we are projecting between \$5,000 and \$10,000. I always like to tell people \$10,000 so it's worst case scenario. It's comparable though to where you look like social memberships and stuff like River Run, the Peninsula Club. It offers a lot more than a lot of these clubs. The only difference here is we've taken the golf course out and put a lagoon in. That lagoon is \$20 million just for the lagoon. You can develop a golf course for about \$7.5 million to \$8 million for the golf course plus the amenities. So that whole resort is about \$50 million to put together.

Commissioner Kovacs said so it will be \$5,000 to \$10,000 for the membership and then a monthly fee.

Mr. Palillo said there will be a monthly fee. We are projecting \$200 for a single, which is about \$6.50 a day, \$300 for a couple, which is about \$10 a day, and \$500 for a family of four, which breaks out to about \$16.50 a day. When you compare it to traveling somewhere, it's a lot better value. Even Northstone Country Club is \$5,500 a year for a golf membership, so it's not out of line. And once they see the value I think it's going to be in high demand.

Commissioner Kovacs asked will you have security on staff?

Mr. Palillo said absolutely.

Commissioner Kovacs asked in just the lagoon or what about the retail?

Mr. Palillo said no, the whole retail. The retail component today has to be built with in-house security. Any type of development today they are factoring security into their cam feeds and everything else.

You've got to police your own. I also live right directly next to the parking lot there, so my family, five of my children and brother live right there, so I'm putting this right next to where we live. I made a major investment in homes there, so again I wouldn't bring this here and put next to my kids if I didn't think it was proper.

Commissioner Kovacs asked will you have any medical personnel on staff – nurse, medic, anything like that?

Mr. Palillo said the lagoon will. The lagoon will have lifeguards, medical people. I don't know that we will have an EMT at the Village itself, but we will have security there. But yes, the lagoon when it's up and operational, we'll have lifeguards, EMT there, someone who is trained.

Commissioner Kovacs said it's kind of a two-parter. I know that it said that there would be social events and then we also heard from some people having concerns about events like concerts and gatherings and stuff. How large would your social events be for members?

Mr. Palillo said a social event at the club is basically like a 4th of July picnic or a barbecue or a Labor Day event or a Memorial Day event. It's not a rock concert. Nobody wants to be in that. It's more community gathering. So what the club is, you know your members, you become friends with your members and you will have those type of social events. We might do like movies on the green, where at night time we'll have a big movie screen and they will come out there. Or like a flick and float where we put one up close to the lagoon. Those are the type of family community events that we're going to have there. On the Village side, the events we'll have there will really be on the square. One of the things that I've always enjoyed is like sidewalk entertainers, so we'll have certain designated areas where if someone is a soloist guitar where they open up the guitar case or different events like that. We have this big square where people can come and gather and hang out. When you go to Europe or Paris and stuff, when you are walking through all the plazas and the squares, it's that environment and that feel. You are not just going there to eat. You can go through a drive-through and eat. You are going there to spend time and enjoy.

Commissioner Kovacs said my next questions are more so for staff. I guess the first ones are for you, Ms. Sloop. Kind of based off what Commissioner Phillips said, if Mr. Palillo has stated that this would be a membership only, if this were to be approved, can that be part of a condition that it will remain an annual membership only?

Ms. Sloop said if he's willing to agree to that, then yes, as part of the conditional district rezoning that can be included in the notes as a condition.

Commissioner Kovacs said what about somehow avoiding the use of people who purchase the properties to avoid using Airbnb or products like that.

Mr. Palillo said that's already done. That will be in the HOA documents and I'll put that as a condition. We don't want that.

Mayor Bales said will you say that into the microphone.

Mr. Palillo said that's already a given. We don't want Airbnb's. We don't want short-term rentals. That will be a condition under the HOA documents and I'm more than happy to incorporate that into any approval that there is no Airbnb's.

Commissioner Kovacs said to clarify, the CMS report does not include anything that is currently being built. That is only seats at a desk right now, correct?

Mr. Peete said correct. They are identifying the three levels of school, their current capacity and then they project it based on the unit numbers.

Commissioner Kovacs said we have I think I heard quite a few projects open that feed into those area schools that are not being accounted for. There's a few projects that are currently going on right now, so those project numbers are not being put into account in this report we have.

Mr. Peete said do you mean private development or school projects?

Commissioner Kovacs said private.

Mr. Peete said they have a regular tally of where their school systems are. I don't know the date.....in fact I take that back, it's in the report. It says as of "x" date and then from that point whatever has been approved and we send them any of the rezonings that we do, that would be in that account, but would there be something perhaps not on there, no.

Mayor Bales said I'm not sure about that.

Mr. Palillo said I don't think that CMS.....so there's 11 projects around where we are developing, so I think when they do the report, they take our project and they say what kind of impact our project will have on it. I don't think they keep a score card saying well, there's these 11 projects so if we add those and this and this is what it'll do. I think they give it to you based on a project-by-project.

Mayor Bales said if you read the report it says the following data is as of the 20th day of 2022-2023 school year. My understanding has always been of those reports is that's what's existing as of the 20th day of that year, kind of students and seats.

Mr. Peete said that's what I was trying to explain. In other words, anything that is circling around that date, it's probably not in there.

Mayor Bales said but we could have a project that's on the books that's been approved that could be sitting there for three years and that's not included in these numbers.

Commissioner Kovacs said to clarify, you said NCDOT is starting on right-of-way acquisition for the road project.

Mr. Peete said yes, that's our understanding – 2023/2024 and then beginning in 2026/2027.

Commissioner Kovacs asked will there have to be any improvements on Black Farms Road?

Mr. Palillo said yes.

Commissioner Kovacs said I am done for now.

Mr. Palillo said just one note, I own a piece of property on Sam Furr Road and NCDOT has already sent me a right-of-way and they are buying the right-of-way from me, so it's already in the works.

Commissioner Kidwell said I've seen a lot of your projects and they've been good projects and I do want to applaud you. This is an out-of-the-box project. This is not something anybody else has thought about in the area. I like out-of-the-box thinkers. My concern is not on how you are going to run the business. That's you. You know the business. My concerns are really out of your control – the Charlotte Water, the letter here, about 13 percent of the capacity. We talk about traffic. A lot of numbers were thrown around today. The average household has 1.79 cars according to the United States government, so we are looking at roughly around 2,100 added vehicles if all this is approved. Six years down the line potentially and NCDOT is starting to buy right-of-way, but they are way behind. We had a meeting with NCDOT just a couple of weeks ago and what they are presenting, the superstreet concept, is going to require a lot of land on both sides of 73 and it's going to be a lot of u-turns involved. Keep that in mind. I know you are talking about having a trolley cross 73. The one thing, and I'm just going to suggest this and Commissioner Partee brought it up, 62 issues were brought forth in this report. Of them, the Town had recommendations for somewhere around 21. I would say between now and to the Planning Board and then back to us, work with the Town to see if we can narrow those down.

Mr. Palillo said we've already got meetings scheduled and a lot of those were a lot of notations that notes were missing on the plan, so there's about 12 different modifications that we are going to request, so yes we will get that totally under control.

Commissioner Kidwell said I will say I do like connectivity and this Board a while back voted against connecting a neighborhood to a for-rental neighborhood and I thought that was a mistake. I understand you have to move forward. If this Willow Brook subdivision doesn't want it connected, precedent has been set. I appreciate you willing to work with them. My fellow commissioners have asked some other questions, but I'm going to point out a couple of things. This is not a dig at you or anybody else. I've never heard the Chamber not endorse anything that's going to bring money to them. So that's like asking a kid do you want ice cream first or dinner, they are going to say oh yeah. We received an email awhile back that the Chamber endorsed it. I appreciate the Chamber weighing in, but I'd also appreciate them waiting until this Board has time to hear the presentation and review it before weighing in. In terms of the potential \$16 million in tax revenue, when I do the math roughly after we pay Visit Lake Norman, the county, the \$16 million gets dwindled down for the Town of Huntersville to about \$5 million. It's just how taxes work. Again, not your fault. That's just because Mecklenburg County takes the bulk of it and Visit Lake Norman takes 28 percent of it. That's the state statute on that. Schools, to be clear, and I think we've clarified that they don't base numbers until they have the CO. Until that Certificate of Occupancy is in their hand, they don't base the numbers. That is the state's fault because the state won't change the way schools project. If the state would do their job and allow schools to use projections, I am sure CMS would want to build more schools up here to alleviate the overcrowding. That's all I have to really say right now. I'm looking forward to hearing the rest of my commissioners reviewing all the notes I've taken tonight. Thank you for the presentation. I thank staff for the presentation. And I want to thank each individual that came out tonight to voice their opinion. Good or bad is neither relevant to me. It's that you came here and you actively participated within a government body.

Commissioner Partee said to date the Lagoon project as per our Planning Department does not comply with the Zoning Ordinances and there are 62 issues that have to be addressed. The timeline that you have now between this hearing and the Planning Board is a very short window. What issues can you

address and correct now and before it comes before the Planning Board, because as you know our Planning Department has recommended that your petition be denied.

Mr. Palillo said yes, I understand that. I think we can address all of them with the exception of the modifications that we'll come back and ask for. So out of the 62, I think we can address all of those and then we are going to have a list of modifications. The reason for asking for the modifications is this is a unique project so it doesn't kind of fit in the box of a lot of your traditional zoning things. So we will ask for them, but it won't be 62. Quite a few of them are just a lot of notations like parking lot buffers, trees in the parking areas, so my engineers are here. They've already been talking with Planning staff. I think we are going to meet Thursday and kind of go through that entire list so we can get everything back to the Planning Board prior to doing that. The other thing I would like to comment on is kind of staff's position. In all these projects that we've done, they don't really have the ability to say hey I love this project. In other words, they have to make a recommendation based on the rules that are in that book. When you don't meet all of those rules, they can't come in and say well, you don't meet 62 requirements, but we support this. They are saying they can't support it because it doesn't meet the requirements but it's up to the Board to do that. That was the same situation with Symphony Park. Symphony Park didn't fit all the rules. We asked for modifications. We're not really going to be asking for any modifications that are so bizarre or unique that would harm anything in the town, but we will have that addressed.

Commissioner Munger said if at any point anyone wants me to stop, just let me know. Jake, I have 59 questions.

Mr. Palillo said I'm ready.

Commissioner Munger said first and foremost I just want to make a general statement about the highways in this town. We all hate them. We absolutely despise them. What I would suggest to you is pick up the phone and call your state senator, call your state representative, and tell them to start funding our roads in a more adequate manner. Essentially what happens is NCDOT will not improve any road in the entire state until it reaches a D level of service, which means it's crap already. That's why you have all these roads that end up getting fixed at the same time because an area like Huntersville has explosive growth suddenly they realize all the roads are inadequate so they decide that they should fix them all at once. I do feel your pain. I've been on the roads. I get stuck in the traffic. It sucks. Do any of the housing units qualify as workforce housing units?

Mr. Palillo said I'm going to allocate 20 of the townhomes and we're going to meet and then we are going to put that in the plan and we're going to keep those to meet the workforce requirements, I believe which is 30 percent of your income, and we're also giving those residents a free membership and waiving the monthly dues. We are going to incorporate affordable housing and we are going to do that on a couple of our other projects as well.

Commissioner Munger said the area proposed for this development is outside of our medium and density centers in the Huntersville 2040 Community Plan. What makes you believe that an exception should be made for this development?

Mr. Palillo said I believe that Highway 73 is a major business corridor. I believe that the 2040 Plan made a mistake. As you continue to grow and you see these numbers where even the town projects 100,000 people, Highway 73 is an east/west connector connecting seven towns. It's not a rural area. All of the towns, look at Kannapolis Parkway, they've got 229 acres in one corner. The opposite corner has more

growth. So all of the towns are using 73 as its main highway. It's going to be like 150 or it's going to be like Harris Boulevard. To take this section of great land for the town and call it rural and go down to like one house per acre or one house per three acres I think does a disservice to the town. You have very few pieces of property left along the 73 corridor. You have even fewer left along the 21 corridor. So as your town continues to grow and you need locations for commercial and goods and services, where are you going to put them. You can put rural housing off the corridor, but you can't put business off the corridor because it will fail.

Commissioner Munger said the single-family homes in this development offer lot widths of either 40' or 50'. Why so narrow and why so few options given that these homes are in your words I believe \$900,000 to \$1.2 million?

Mr. Palillo said that's the kind of model. We are modeling this after a place called Rosemary Beach or Seaside down in Destin, Florida. The model today is that people want smaller yards. The urban sprawl with the big yards and lawn maintenance have gone by the wayside. People want minimal amount of maintenance and they want to enjoy life, so the younger generation of people, even us older guys, we don't want to mow grass. We want small areas and we are more focused on quality of life – come home, little to do, little work, no honey-do list. We want to change our clothes, we want to go out and hang out in the social environments. That's why the smaller lots. And they are all going to be alley fed so we are going to create a really nice streetscape, porches in the front, 10' multi-purpose path on one side of the street, large treed areas, so we want a really nice, charming streetscape coming through the community, garages and stuff off the back so you don't see all these cars in the front. One side of the street will have parking on it. It's well thought out and there's more than adequate space on that lot to build a house between 3,000 and 4,500 sq. ft.

Commissioner Munger said what have you done to coordinate with Charlotte Water to ensure water and sewer provisioning for this development?

Mr. Palillo said I talk to Charlotte Water more than I talk to my wife. I've got several projects that are being held up. We've been working with Charlotte Water on the Michael Jordan/Denny Hamlin project. We are bringing that trunkline in, we're just getting ready to bring that in. Again, with Symphony Park we only had two of the buildings approved. We're getting the third building released. In talking with Carrie and Charlotte Water what they said is they have a 30-year plan they put out and they put it out based on what your zoning requirements are. Our plan will eat up 11 percent of that plan, but what she's saying is that doesn't make any difference, we just remodify our engineering and we have to plan for future growth faster. There's no impact. They've met with the Lagoona Bay people with the amount of water it takes and they are very comfortable. There's no issues with Charlotte Water. They've got an expansion at WSACC and they also have a lift station that they are working on to take some of the capacity over to Charlotte, so there's plenty of capacity.

Commissioner Munger said a couple of people have mentioned the effects on CMS. This development will bring 272 new students to the area. Have you taken an opportunity to discuss this with CMS to see if any remedy could be found to assist with these already overcrowded schools?

Mr. Palillo said I've dialed that phone number on the CMS form about 500 times, no one picks it up. I've tried to get more information. I'd be happy if anyone can coordinate a meeting to sit with them, but I can't get anyone to pick up the phone.

Commissioner Munger said we can reach out to our CMS commissioner. This was kind of touched on. You are currently indicating that 1,500 memberships to the country club will be sold. Under what circumstances could that number change?

Mr. Palillo said the model says we can have about 2,000 memberships, but what we want to do is go with 1,500 to see what the capacity is. One thing you don't want to do is sell someone a membership and then it's too crowded where they can't enjoy the time, then they get upset with you. If anyone is familiar with Lifetime Fitness, Lifetime Fitness is now in the market from Ballantyne. They've been looking for a location up here. They are about a 80,000 to 100,000 sq. ft. facility. They charge \$219 for a single membership. So we know that our cost model works and the thing is, what will the market bear. Is it 5,000 memberships, is it 10,000 memberships. That's what we really need to see. But we don't want to oversell it, we want to be able to go to 1,500. If the capacity and the community is comfortable and flowing, we'll add some memberships. If not, our model works at 1,500 memberships.

Commissioner Munger said if an individual lived in this development, would they automatically be given a membership?

Mr. Palillo said no. It's like any other community, you'd have to buy a membership, similar to a country club.

Commissioner Munger said how do you enforce not allowing someone who might live on the edge of the lagoon to not enter that area?

Mr. Palillo said everything will be fenced off. The perimeter of the lagoon will have a well landscaped 6' high iron fence. It will have cameras. It will have all sorts of security. It's not open where you can just walk into it. It will all be cordoned off.

Commissioner Munger said how much will this total project be valued at?

Mr. Palillo said when we run the numbers about \$860 million, the way we have run it. We are looking at about \$250 million on single-family homes. We're looking at the apartment project to be about \$90 million. We're looking at the townhouses to be around \$120 million. The hotel itself will be \$100 million. Convention Center is going to be about \$10 million. And that mixed-use component is going to be somewhere around \$150 million. We also have our model base in how we are projecting sales tax revenue, hotel revenue. Those numbers are on the conservative side. When we really run models it's about \$17.6 million of taxable income.

Commissioner Munger said one of the things with that valuation, I struggle to understand the hesitancy to spend \$80,000 on a TIA. With the TIA it gives a better understanding of exactly what that impact is. It gives the Planning Board the proper guidance to understand what that overall impact is. It gives this Board the overall understanding for what that impact is going to do, so I would urge you to rethink the process on spending that \$80,000. I know it's a fair amount of money, but this is a monster project and it's going to be a significant impact. We need to have all of the possible details to understand to make a good conscious choice.

Mr. Palillo said I'm in about \$860,000 right now, non-refundable money. I don't have any problem doing that and I don't even have any problem if it's approved with a condition to bring that study back and then you can rule on that if you want. If NCDOT says to do "x" and you feel you want me to do "y," I'm willing to do "y." But because the size of this.....normally a traffic study is about \$12,000 or \$15,000,

but because of the size of this project everything is in the hundreds of thousands and if we didn't have all the opposition, if we felt good about bringing this, I never thought that we would have the type of media fanfare and stuff that we have because truly we believe it is outside the box but that's the beauty of it. Birkdale was outside the box when it came here. And then you became the model for the country. Developers around the whole country came here to view Birkdale to duplicate that model. We've looked at the lagoon model and we've created our own concept that we're going to incorporate and we just think this is something that's going to be a valuable piece. I believe you are going to be as proud of this project as you are of Birkdale.

Commissioner Munger said just understand it's part of our process and that is what we try and follow is a process and with a step missing from the process, it makes our decisions more difficult.

Mr. Palillo said I understand that.

Commissioner Munger said urban space does not meet requirements, what revisions are being made to address this issue?

Mr. Palillo said I think that some of the areas that we're counting as urban open space, like some of it in the rear of it, they are saying it doesn't meet that, so we are working with the town.

Paul Pennell, Urban Design Partners, said we are working through a lot of the code minimum required items that are within the Zoning Ordinance. Up to this point we have been focused on a lot of the items that we need to incorporate into the development set to make sure that we have arrived at what will be a successful project.

Commissioner Munger said can I cut you off real quick. I have 50 more questions. I'm going to ask each one, so let's take them one by one.

Mr. Pennell said we are addressing each individual one including urban open space.

Commissioner Munger said urban open space does not meet requirements. What revisions are being made to address this issue?

Mr. Pennell said they will meet requirements when we are done.

Commissioner Munger said the TND-U area requires 30 percent specimen tree preservation. Currently, you are proposing 15 percent specimen tree preservation. What are you doing to address this issue?

Mr. Pennell said we have a tree survey. We are going through the items that are located within the buffer areas on site. We'll meet as much tree save area as we can within the development parameters.

Commissioner Munger said the Highway Commercial area requires 30 percent specimen tree preservation. Currently you are proposing 26 percent. Similar?

Mr. Pennell said same answer.

Commissioner Munger said external property buffers are to be 20' wide and should be labeled as undisturbed. There's at least one instance where this is not the case. What are you doing to address this issue?

Mr. Pennell said all required buffers are shown. We would like to have some areas where they can be disturbed for previously discussed reasons to go in and clear.

Commissioner Munger said all blocks within TND-U must demonstrate a perimeter block length not to exceed 1,350'. Will you be requesting a modification or modifying your proposal.

Mr. Pennell said it will be a modification. We are breaking up block lengths with alleys and pedestrian thoroughfares.

Commissioner Munger said the maximum height for apartments is three stories. You are proposing four stories. Will you be requesting a modification or modifying the proposal.

Mr. Pennell said right now the plan is to request a modification for four stories.

Mr. Palillo said the reason we are doing that is just along 73 so that those additional stories get that beautiful view across 73 looking at the lagoon.

Commissioner Munger said the apartment clubhouse and small buildings in apartment parking lot must face a public street or urban open space. Your plan does not feature this. Will you be requesting a modification or modifying your proposal?

Mr. Pennell said we will be requesting a modification and there is language within the Zoning Ordinance to allow this request.

Commissioner Munger said multiple parking lots do not comply with regulations, parking rooms and pedestrian corridors need to be added. Will you be requesting a modification or modifying your proposal.

Mr. Pennell said modification.

Commissioner Munger said the clubhouse parking is located between the building and the street, which is not permitted. Will you be requesting a modification or modifying your proposal?

Mr. Pennell said modification. There is language within the highway corridor to allow this.

Commissioner Munger said all sidewalks must be a minimum 7' wide. Will you be requesting a modification or modifying your proposal?

Mr. Pennell said modification.

Commissioner Munger said the townhomes on the plan have zero setback. This should be 10' to 25'. Will you be requesting a modification or modifying your proposal?

Mr. Pennell said modification.

Commissioner Munger said will you be adding the 10' wide path along the east side of Westmoreland?

Mr. Pennell said the intent is to add the sidewalk.

Commissioner Munger said will you be adding pedestrian connections from buildings to frontage (public street or urban open space)?

Mr. Pennell said yes.

Commissioner Munger said Road 9 and Blocks 10 and 11 of Road 6 exceed block length limit of 500' for TND-U and lack traffic calming measures. Will you be requesting a modification or modifying your proposal?

Mr. Pennell said we're breaking up block lengths with alleys and vehicle tables, so it will be a combination of a modification but also utilizing the plan development to break up those block lengths along those public roads.

Commissioner Munger said similar, cul-de-sac exceeds length limit of 350' for major subdivisions. Will you be requesting a modification or modifying your proposal?

Mr. Pennell said we're breaking that block length up with an existing alley that we are showing within the plan set, so combination.

Commissioner Munger said there is an urban open space referred to as "Two Greens" along Westmoreland Road that has not been designed at sketch plan. What are you doing to address this issue?

Mr. Pennell said they will be designed.

Commissioner Munger said what will the frontage area along the north side of NC 73 be once the construction easements for road widening are no longer needed?

Mr. Pennell said planted and bermed, and we will provide a cross-section in our next submittal to demonstrate this.

Commissioner Munger said what is the overall plan for tree canopy save percentage?

Mr. Pennell said we are showing zero percent which is the code minimum requirement. On our next submittal we'll actually be showing what tree save we are actually showing on the plan set. We were just showing code minimum.

Commissioner Munger said zero percent for the entire area.

Mr. Pennell said let me provide some clarification. We were illustrating and noting on the plan set what code minimum was required within those zoning areas. Zero percent is what code minimum is. When we resubmit we'll be showing a greater percentage of the actual tree save area that we are incorporating into the plan set.

Commissioner Munger said the part that confuses me is I probably understand that for the Highway Commercial. I believe that is zero percent and I'm looking for a nod from Mr. Peete and the area that would be in question would be the area across Sam Furr that would be your apartments and your

condos and the single-family homes, which I believe would fall into a different zoning classification and that zero is no longer the case.

Mr. Pennell said that would be the TND-U.

Commissioner Munger said so the TND-U, you are looking to meet the minimum.

Mr. Pennell said that is correct.

Commissioner Munger said staff is recommending a 40' buffer along external borders to appropriately transition from abutting large lot single-family to this project. Is this something that you are willing to do?

Mr. Pennell said we will be providing the code minimum, which is 20'. We'll be providing what's required within the ordinance.

Commissioner Munger said staff is recommending adding a stub to northwest adjacent property as an extension of cul-de-sac. Is this something that you are willing to do?

Mr. Pennell said no, we will not be doing that.

Commissioner Munger said staff is recommending providing on-street parking on both sides of the street abutting townhomes. Is this something that you are willing to do?

Mr. Pennell said we will be doing parking on one side of the street.

Commissioner Munger said so no.

Mr. Pennell said no.

Mr. Palillo said one point on that is the townhouses are designed to have a two-car garage and two parking spaces off the alley, so there's more than adequate parking. That's one of the pet peeves I have is I don't like to count the inside of the garage as a parking space, so the setback allows two parking spaces on the paved area, plus you can fit two in the garage, plus we have on-street parking on one side.

Commissioner Munger said all buildings must front either a public street or an urban open space. The lagoon and its accessory buildings are amenities that are not urban open space. Will you be requesting a modification or modifying your proposal?

Mr. Pennell said it will be a modification but we believe that the lagoon is urban open space. It will be designed as urban open space. It will be a modification. We'll work with staff on that.

Commissioner Munger said a berm has been discussed along NC 73 and Westmoreland Road but does not appear on the plans. Will you be implementing this in your plans?

Mr. Pennell said yes.

Commissioner Munger said staff is recommending a buffer along Westmoreland Road and Road 9 where the sports fields are located. Is this something that you are willing to commit to?

Mr. Pennell said yes.

Commissioner Munger said your plan indicates 140,000 sq. ft. of retail. Do you have a breakdown of how that will be allocated?

Mr. Palillo said we'll come up with a formula on that on the first floor of those buildings. We'll come up with some idea. The four-story buildings as part of the Village have the retail on the first floor and then those red buildings have first floor retail and then the second and third floors are condos. We'll get you a breakdown.

Commissioner Munger said 100 percent attached residential units are only permitted in the Highway Commercial zone with special conditions. What are your special conditions to comply with this requirement or do you intend to request a modification?

Mr. Pennell said modification.

Commissioner Munger said the retail/apartment buildings and condo buildings have large setbacks from the public right-of-way. What type of streetscape is proposed for this area?

Mr. Pennell said we will be following code minimum Zoning Ordinance requirements.

Commissioner Munger said why are the setbacks so large?

Mr. Palillo said the buildings along Black Farms Road are setback, so that's going to be like a park-like setting, so we've got big green spaces off Black Farms and the reason is we want you to feel like you are kind of coming into a nice shopping center, well landscaped. We don't want it to be all open. Those will be bermed and well landscaped coming off of there. And the reason we pushed it back was to get it closer to the view of the lagoon and we have two manmade lakes right in front of that that will act as detention as well.

Commissioner Munger the hotel and convention center does not show loading areas for deliveries and large vehicles. How do you plan to address this?

Mr. Pennell said we will illustrate loading.

Commissioner Munger said do you anticipate holding large events at this location....conventions?

Mr. Palillo said it's only 35,000 sq. ft. so we are going to have medium size conventions, gatherings.

Commissioner Munger said give me a number.

Mr. Palillo said on how big of a convention?

Commissioner Munger said how many people.

Mr. Palillo said probably no more than about 500 to 600 is all that it will occupy, because it will have several different meeting rooms. It's not like the Charlotte Convention Center which is about 100,000

sq. ft. This is about 1/3 of that and then we break it up to meeting spaces and offices, it will accommodate a nice banquet of about 500 or 600 max.

Commissioner Munger said relating to that, how will event set-up be accommodated?

Mr. Palillo said event set-up for like banquets and stuff?

Commissioner Munger said for these 500 to 600 person conventions.

Mr. Palillo said we'll have it set up to where we have storage rooms in there so we can bring tables out and a lot of the catering will be taken care of through the hotel restaurant.

Commissioner Munger said at what point do you believe that you will have a complete sketch plan. It sounds like we are missing two plazas between the condos.

Mr. Palillo said I'm sorry when you say a complete sketch plan for.....

Commissioner Munger said from what I'm understanding you were missing two plazas between the condos. The specific question is all urban open spaces must be designed at sketch plan. Two plazas between the condos must be generally designed to illustrate ordinance compliance and for possible merit of ordinance modifications.

Mr. Palillo said so those are the open courtyards and stuff I think we have.

Mr. Pennell said we'll be designing those to meet ordinance guidelines.

Commissioner Munger said so no modification.

Mr. Pennell said no modifications, we'll just be designing them in our next submittal.

Commissioner Munger said a six-story hotel is proposed in the Highway Commercial. This requires a SUP. Will you be pursuing this as a SUP process or do you have an alternative plan?

Mr. Palillo said it would be special use permit. Those are components that if the Board wishes to pull those, we are open to that. There will be five stories of rooms. The sixth floor will be rooftop bar and restaurant and a banquet facility overlooking the lakes and the lagoon.

Commissioner Munger said a portion of the block for Westmoreland Road Road 14 and Road 19 exceed block length limit of 800' for major subdivisions. Will you be requesting a modification or modifying your proposal?

Mr. Pennell said modification.

Commissioner Munger said staff recommends shifting the connection south to align with the Heath parcel, as there is greater future redevelopment potential based on parcel size and frontage along Black Farms Road. Is this something that you are willing to commit to?

Mr. Pennell said we'll study, but as of right now we do not plan on shifting.

Commissioner Munger said there are a large number of lots in the center of the Neighborhood Residential area with a break as the lots run north to south. Adding a walkway would break up the block repetition, but also provide pedestrian access from east to west. Is this something you are willing to commit to?

Mr. Pennell said we can study it, but we are not willing to commit to it at this time.

Commissioner Munger said staff is recommending a redesign of Westmoreland Road with a traffic circle. Is this something you are willing to commit to?

Mr. Pennell said no.

Commissioner Munger said staff is recommending a redesign of the stub to Willow Grove Way in Willow Brook. Is this something that you are willing to commit to?

Mr. Pennell said I think that needs to be studied based on feedback that we have received tonight.

Commissioner Munger said staff is recommending eliminating on-street parking on both sides of Road 9 as parking on only one side of the street may be more appropriate. Is this something that you are willing to commit to?

Mr. Pennell said we could probably study that, yes.

Commissioner Munger said the cross-section for McCord Road shows 4' bike lanes, which NCDOT no longer allows. This should show a 10' side path. Will you be requesting a modification or modifying your proposal?

Mr. Pennell said I think we can modify the proposal for the 10' path.

Commissioner Munger said staff is recommending a future street stub along the western edge south of Ramah Creek. Is this something that you are willing to commit?

Mr. Pennell said is that the one through the cul-de-sac that you are referring to on the bottom of the plan?

Commissioner Munger said recommending a future street stub along the western edge south of Ramah Creek.

Mr. Pennell said no, we will not be stubbing.

Commissioner Munger said staff is recommending a walkway to the rear alley, a mini-park or street stub to the west to break up the block along Road 14. Is this something that you are willing to commit to?

Mr. Pennell said we can study that.

Commissioner Munger said staff is recommending an 80' buffer along the frontage of McCord Road to be consistent with other developments along this corridor. Is this something you are willing to commit to?

Mr. Pennell said at this time I can't speak to that. We will have to study it.

Commissioner Munger said staff is recommending the largest lots proposed be placed along the external edge of the development to address transitional lot size. Is this something you are willing to commit to?

Mr. Pennell said not at this time.

Commissioner Munger said staff has requested floorplans for the apartments over commercial and condos to understand how these units will function and satisfy the requirements of the ordinance. When will you provide these items to staff?

Mr. Pennell said is that a recommendation?

Commissioner Munger said it is a question within the staff notes.

Mr. Pennell said they are asking for floor plans for all the apartments and townhomes.

Mr. Palillo said we don't have those. We'll provide those in construction.

Mr. Peete said just a quick clarification. It's the ground level. The recommendation is for the ground level.....it's the easiest way to satisfy some of the requirements.

Commissioner Munger said my impression was it was whatever is over the commercial.

Brian Richards, Assistant Planning Director, said that is a requirement. If they do not want to do it they would need to ask for a modification.

Mr. Palillo said what are you asking us to do.

Mr. Richards said give us the floorplan of the first floor of the apartments.

Mr. Palillo said we'll put something together on that.

Commissioner Munger said you'll get it? When?

Mr. Palillo said we'll get it within the next 10 days. That's just on the apartment section, correct?

Commissioner Munger said apartments and condos is what I'm reading.

Mr. Palillo said so then you need the retail layout for the commercial buildings.

Commissioner Munger said sounds like it.

Mr. Palillo said that one is not going to be possible to get, but we can put a condition on there that we bring that back before the Board to approve before we start construction.

Commissioner Munger said so you would be open to us placing a condition on the actual layout of that building prior to any construction of that building?

Mr. Palillo said right. Once we have it, we'll bring it back.

Commissioner Munger said staff has requested a phasing plan for this project. Will you be able to provide this to staff?

Mr. Pennell said yes.

Commissioner Munger said staff has requested the location of mail kiosks. When will you be able to provide this to staff?

Mr. Pennell said prior to our next submittal.

Commissioner Munger said staff has requested the garbage collection locations for the hotel/convention center, apartment and condo locations. When will you be able to provide this to staff?

Mr. Pennell said prior to our next submittal.

Commissioner Munger said what percentage of the impervious coverage do you have proposed?

Mr. Pennell said I do not know at this time the exact percentage of the impervious coverage, but I do know that we have done engineering calculations on the impervious coverage that we are proposing which has dictated the size of the ponds that we are showing on the plan. We are close to where we need to be.

Commissioner Munger said have you taken into consideration the upcoming improvements to NC 73 when developing the plan for this development?

Mr. Pennell said yes.

Commissioner Munger said is it your intention to have all staff questions and comments addressed prior to the Planning Board meeting on June 27, 2023?

Mr. Pennell said that would be the ideal scenario. While there may be some disagreement on the recommendations, we would like to have everything addressed prior, yes.

Commissioner Munger said I absolutely implore you to have it done prior to the Planning Board because I can tell you right now if the Planning Board looks at this, they have no choice but to say no. We want it to go through a process and every box needs to be checked and we have to do it the right way.

Mr. Pennell said thank you for your guidance.

Mayor Bales said sir, if you wouldn't mind stating your name and address for the record.

Mr. Pennell said Paul Pennell with Urban Design Partners, 1213 West Morehead Street, Suite 450, Charlotte.

Mayor Bales said I had questions myself. Most of them have been answered. One of the questions that I have and it may be for Mr. Peete, as far as permitting through the county, does the county know how they would permit this if it were to be approved?

Mr. Peete said are you talking about the lagoon?

Mayor Bales said yes.

Mr. Peete said they have a process. Their Health Department would look into it. Through the Whitewater Center, some other facilities, they have created paths for this review. I won't say that they have an example of this specifically in the county, but we have reached out to them and they will move it through their process. But please don't misunderstand that, they were not saying that it's okay as is, but that they have a process.

Mayor Bales said Mr. Palillo, can you talk a little bit about how the lagoon filtration system would work. We have a lot of geese, we have a lot of.....how does that work.

Mr. Palillo said the way it's filtered is there's a regular pump house that it filters through and if you see a regular traditional swimming pool where you see that little monster with the hose on it that runs around, well this monster is probably and it's remote controlled, so there's coagulants in the the water that make the particles collect and fall to the bottom and then there's this big robot with a big hose on it that continues to sweep the bottom, so you vacuum the whole entire bottom. It meets all the requirements. North Carolina has approved it. It's approved in all the different states. It's safe. It's safe drinking water. It doesn't have the chlorine content that a regular traditional swimming pool would have in it. If you go on crystallagoon.com they will show you all the different technology, how it uses less chemicals, less energy and it gives you all the technical.....and I'm happy to bring the Crystal Lagoon people in if anyone wants to sit through a presentation of how the technology works.

Mayor Bales said so you are saying it's drinkable water.

Mr. Palillo said yes. It's swimmable, it's chlorinated, it's got chlorine in it. A pool circulates so many times. This circulates fewer times but it meets all the requirements. It's not classified as a swimming pool. It's classified as an access lagoon. But yes, if you drink the water, there's no issues.

Mayor Bales said concerns regarding water run-off.

Mr. Palillo said the way the water run-off is, this loses about three gallons per.....so a certain amount of water evaporates everyday so we have to bring water into it and then there's an area in there to where there's a spill lake. So if you get a heavy rain it's designed so that it will accept "x" amount of rain and then if you had this monsoon rain and there was a spill-off, it has to spill into a holding area, go through a filtration system, and then it go into the stream. But because it has chlorine you can't overflow directly into it. There's a process in how you overflow.

Mayor Bales said where are those overflow ponds shown on the design.

Mr. Palillo said we are designing all that. That will all be designed, but there will be an overflow area for any type of overflow. It's very rare that the lagoon overflows. More water evaporates than will overflow.

Mr. Pennell said we do actually have the pond that we are referring to shown on the plan. In this picture it's immediately to the east of the pond. It's a little triangular feature, so we're accounting for those storage areas in the event of a storm.

Mayor Bales said there was a lot of conversation around our climate. Is this water heated? Is this something that will be used year-round or will it be shut down certain times of the year?

Mr. Palillo said the lagoon itself is open year-round. It's open for water sports – kayaking, canoeing, wakeboarding, stuff like that. Peak season is like anything else, even like our lake and stuff. We use our lake so many months a year and then we winterize our boats and stuff. So no, our climate is not warm enough for you to go out there in your bathing suit, but the lagoon itself will be open. It's open for all the water sports. It will open in April and it will probably close towards the end of October. But the actual clubhouse and fitness and everything around the club will be open year-round and you can do watersports year-round.

Mayor Bales said so the lagoon itself is closed November to March?

Mr. Palillo said the lagoon is open year-round. The swimming to where we allow swimming where we have lifeguards and everybody on would be from April until the end of October. Other than that if you wanted to come and kayak or wakeboard or any one of the water activities....there's all sorts of activities....you can do those activities year-round on the lagoon.

Mayor Bales said are there any other questions? Are you closing this public hearing?

Commissioner Phillips said no. I'd like to keep it open. I don't know what date would work to keep it open to get it to Planning Board.

Mayor Bales said Planning Board is June 27. Is there motion to leave this public hearing open until the next Board meeting.

Commissioner Munger said I would recommend June 20.

Commissioner Phillips made a motion to keep the public hearing open until June 20, 2023.

Mayor Bales said where will we be meeting and at what time.

Commissioner Phillips said where are we meeting. We haven't set the location. Are we going back to Town Hall or are we coming back here.

Mr. Roberts said I don't know if we can come back here. Did we ask about coming back here on the 20th?

Jackie Huffman, Deputy Town Manager, said they'll be having summer camp.

Mr. Roberts said we've got summer camps.

Commissioner Phillips said we'll keep the public hearing open until June 20, 2023 at Huntersville Town Hall, 101 Huntersville-Concord Road at 6:00 p.m.

Commissioner Munger seconded motion.

Mayor Bales said I apologize. I did not give our Planning Board an opportunity to ask questions.

Frank Gammon said this is not really a question. It's a request because this question and answer period was very extensive. I like that, and thorough. We always get copies of the public comments when we get our packets. I'm requesting that a copy of the question/answer period for this petition be included in the Planning Board's packet for this petition.

Mayor Bales said we will provide that.

Mayor Bales said before we move on, does anyone else from the Planning Board have a question or comment at this point.

Mayor Bales called for the vote to continue the public hearing.

Motion carried 5 to 1, with Commissioner Partee opposed.

Petition TA23-03. Mayor Bales called to order public hearing on Petition #TA23-03, a request by the Huntersville Planning Department to amend Article 2 of the Subdivision Ordinance and Article 7.5 of the Zoning Ordinance to limit Minor Subdivisions to five lots or less and to require a 10' buffer for Minor Subdivisions within the Residential and Transitional Residential zoning districts.

Nathan Farber, Planner I, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 6.*

Minor subdivision definition – a minor subdivision is anything that does not qualify as a major subdivision. Importantly, a minor subdivision cannot involve the creation of any new public streets, therefore minor subdivisions involve the creation of new lots along existing streets. In the past this has typically involved the creation of few lots along a public street.

Recently staff has seen a trend of larger tracts of land being subdivided under the minor subdivision provisions resulting in multiple lots created along thoroughfares. The concern is that there will be multiple driveway cuts on thoroughfares with lot layouts based on minimizing development costs versus the creation of a quality subdivision.

Above is an example of an 11.8 acre tract at the northeast corner of Hambright Road and Beatties Ford Road. Along the 950' stretch of this property, there would be 10 driveways.

Staff feels that the lot layouts and the desired best use of land conflict with the 2040 Community Plan policies.

In order to combat these issues, staff recommends the following text to limit minor subdivisions to five lots. With this change farmhouse clusters would still be considered a minor subdivision and would not be affected.

Limiting minor subdivisions to five lots is directly supported by the above 2040 Plan policies. These policies deal directly with ensuring the preservation of rural character, natural resources, scenic

roadways, as well as aligning with becoming a Vision Zero community by improving access management and road conflicts.

Above shows all the other Mecklenburg County towns that currently have limitations on minor subdivisions, ranging from four to ten lots.

Staff is also proposing that any new residential minor subdivision within the Rural and Transitional Residential zoning district be required to provide a 10' buffer. This buffer would require any existing trees and shrubs to remain, while not requiring any new vegetation to be planted to not add any unnecessary burdens to those subdivision.

This buffer shown in red would help ensure that the neighbors are protected from losing any existing visual buffers and further preserve elements of rural character and sensitive environmental areas.

Commissioner Kidwell is this a live project that you are showing.

Mr. Farber said this is an approved by right project.

Commissioner Kidwell said I wanted to thank Jack Simoneau for clarifying this, because when I first read this it was like what's the difference between this and a farmhouse cluster and it was made very clear that farmhouse clusters have a private drive. This is identifying potential homes that are going to be pulled right onto a street.

Mr. Farber said every lot would have to front on a public road.

Commissioner Partee said I live in Latta Springs which is right down the block from this subdivision here that this developer has totally cleared out and stripped the land, so therefore he can build right now his seven homes. I was a little disturbed and then the neighbors within Latta Springs and Tanners Creek have reached out as to what was being built there and the way they just stripped the land was incredibly disturbing, but moving forward I like how we are going to proceed with limiting lots.

Commissioner Munger said was any consideration given to requiring a buffer larger than 10', like maybe 20' to keep it more in line with residential zoning.

Mr. Farber said we did look into it but if the proposed text amendment for limiting minor subdivisions to five lots is approved, we feel that it's an adequate buffer for such a small subdivision.

Commissioner Munger said 10' being adequate?

Mr. Farber said correct, yes.

Commissioner Munger said I disagree, but that's my opinion.

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

Petition #TA23-04. Mayor Bales called to order public hearing on Petition #TA23-04, a request by the Huntersville Planning Staff to amend Article 9.54 Solar Energy Facilities to further clarify the text for simplicity.

Nathan Farber, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.*

Just a quick background, in May of last year the Board here approved changes to Article 9.54 in order to remove Minor Solar SUP requirements and align the text with 160D. Currently, Article 9.54.2 which is the Major Solar Facility portion is split into a residential and non-residential section. We have determined that a Major Solar Facility cannot be located on a residential property because it is a permitted use, not an accessory use unlike a Minor Solar Facility. Staff proposes to make adjustments to simplify this language by removing the residential section. All the previously used general requirements would still apply and this includes the SUP requirements.

This is the text. Previously the HOAB recommended approval with a vote of 8-0 for approval with a recommendation to remove the reference 160D-914(c)(3) within the non-residential portion of the Minor Solar Facilities ordinance. Staff agrees with this recommendation as 160D-914 only applies to residential properties. Staff originally included this reference to keep residential and non-residential solar panel locations the same. Staff proposes to replace the language with "Front yard placement, as depicted by area (1) in the above illustration, is prohibited when the placement would cause the solar facility to be visible by a person on the ground." We have also made a minor change as you can see in the highlighted section at the bottom to change the word "slopes" to "surfaces."

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

Mayor Bales called for a 5-minute recess.

OTHER BUSINESS

FY24 Budget Ordinance. Anthony Roberts, Town Manager, said the budget ordinance that you have in your packet, just to be clear and make sure everyone understands, that is based on our last workshop. I know there's been some discussion since then, but that is based on 18 cents per \$100 assessed valuation, a solid waste fee of \$144 per residential pick-up site, and a total employee raise of 8 percent, all COLA. That is what is in your packet before you. I'm not going to waste a whole lot of time. We've talked all about this. I just need to, as the Town Manager, I need to show you what other folks are doing and then ultimately you make the decision as you see fit and we'll carry that out. But if I didn't do this, then I wouldn't be doing my job. *PowerPoint attached hereto as Exhibit No 8.*

You've seen this before. We took out tax rates and all that, but this is what other towns are proposing right here before you and you'll see what is in the budget packet tonight is in yellow is the 8 percent. The average as you can see for the other places are 7.75 total and I can go on and talk to you all night long and tell you that obviously hopefully we're better than average and you would consider that in your deliberations as we move forward tonight, but I'm not going to sit up here and beat a dead horse. That's the point I would make, look at that screen and make your decision. I do have, if it does go a different way, obviously I've heard that it may, have a print-out of where it may go, and I can hand those out if a motion is made in that direction. If there are various other iterations that come up, I think Jackie and Pattie have access to a printer tonight so that we could make those changes, so I will be quiet.....I'm open for any questions or concerns, etc.

Commissioner Kovacs said we don't know what these towns did last year?

Mr. Roberts said I do have what some of them did last year. The problem is, and I can read you out some of those, some of them did market studies etc. so when you see a town do a market study that kind of throws some of that off just like Matthews on this sheet you have in front of you did a market study even though their numbers are low. They did a market study and they had a \$2.2 million impact on top that, so that's a little different. I'll just give you neighboring towns just to give you an idea of kind of from what I understand last year. Pineville was 5 percent COLA, 3 percent merit. Cornelius was 2.5 percent COLA, 3.25 percent merit and they had a market adjustment. And then I'll just give you ours was 5 and 3.5. You have to remember in the budget we averaged that. I think you all had mentioned 4, when we put that in the budget we plug it in a 3.5, so that's just an example of some. I did not check on Mint Hill and Matthews.

Commissioner Munger said of the top 20 municipalities in terms of population in the entire state of North Carolina, we have the single lowest tax rate. If we went with the proposed number that the Town Manager had suggested. Is that correct?

Jackie Huffman, Deputy Manager, said we have the lowest tax rate in FY23 and if we adopt it 17.6 or 19 or any other number I've heard, we will still be the lowest.

Commissioner Munger said what's the next lowest.

Ms. Huffman said Cary is at ballpark 34 – 34.5 cents.

Commissioner Munger said so a solid 15 cents or more above any number that we've predicted so far.

Ms. Huffman said the numbers we have talked about, that's true. My understanding Wake County, primarily the county Cary is in, though not exclusively, plans a reval effective 1/1/2024 which would be FY25. They can change their tax rate anytime they want to, but it's typically any major changes would be done in a reval year.

Commissioner Munger said it's simply the most convenient time to do it, because we have to adjust it anyway or we have to at least consider going revenue neutral by state law. Is that correct?

Ms. Huffman said by statute we are required to disclose a revenue neutral rate.

Commissioner Munger said everyone has to consider it, so it's obviously the most convenient time to be able to adjust it because odds are you have to adjust it regardless. At one point if memory serves we had \$8 million in uncommitted funds in the General Fund out of the total balance in excess of \$50 million. After paying approximately \$1.5 million for the HFFA improvements, how much do we have in uncommitted funds and what, if any, other commitments have we made with those funds?

Ms. Huffman said my recollection is the air filtration system at HFFA was \$1.350 million and we did a budget amendment for land at Seagle for \$915,000. Those are the only two I remember after the \$3 million pre-fund of town hall bringing the ballpark \$8 million which I think was \$7.6 million to ballpark \$5.4 million.

Commissioner Munger said so we have \$5.4 million out of that \$50 million that's not committed.

Ms. Huffman said \$5.383 million, yes \$5.4 million.

Commissioner Munger said it's also my understanding that we have a potential lead on a piece of land for fire station 5. How much will that cost and would any of those funds come out of the uncommitted funds from General Fund.

Mr. Roberts said we do have a letter of intent and that is roughly \$2.55 million. That does not commit the Board to anything, it's just a letter of intent and we'll see where it goes, but the answer is that would draw that down too, we would pull that out of fund balance. A portion of it would probably come out of some of the county fire tax fund that we have, probably \$1 million of it, so \$1.5 million, probably somewhere around there, would come out of fund balance.

Commissioner Munger said so we are down to about \$4 million uncommitted general fund.

Ms. Huffman said I follow the math, that sounds reasonable.

Commissioner Munger said what's the sales tax rate here in Huntersville.

Ms. Huffman sales tax on food that you buy at the grocery store is different than prepared food tax which is different than of course the occupancy tax, generally speaking ballpark 7.25 cents.

Commissioner Munger said I noticed a lot of people have made comment that we have had a fair amount of inflation – things that obviously eggs, milk, basic things cost more now than they used to. So using kind of similar logic do we try and go revenue neutral on sales tax. Do we reduce our sales tax because people are paying more for those things to negate the increase.

Ms. Huffman said municipalities in North Carolina generally speaking don't have the authority to set the sales tax rate. The state and county do that, so we don't make a recommendation. We don't impact sales tax rates.

Commissioner Munger because similar to the milk, eggs, the things that are perishables that people buy at grocery stores where they pay the sales tax, the services that we need to provide including staff, cost more money as well. Inflation has that affect, so while sales tax revenues increase it is commensurate with our increased cost as well and that's probably why we don't ever try and go revenue neutral on something like that.

Ms. Huffman said it takes me out of my comfort zone to talk about the tax rate on groceries because of the state portion of sales tax doesn't apply to it, so a PC or yes, I agree.

Commissioner Munger said if memory serves our Powell Bill funds are nearing the point where they are no longer covering our town's need. How close are we actually to pulling from general fund to cover these specific costs.

Ms. Huffman said because of the funds we've committed and spent in FY23, we'll have less than \$1 million worth of Powell Bill fund balance at the end of this fiscal year.

Commissioner Munger said and it's very likely in the future fiscal years we'll actually have to pull from general fund to pay for what normally Powell funds would have covered.

Ms. Huffman said historically in the last seven years it's not been unusual for us to carry a Powell Bill fund balance of \$3 million, \$3.5 million, and we are spending at a rate that that less than \$1 million fund

balance will be gone soon and yes, sir, I will always advocate that we maintain the roads and I think you will, too, as board members and therefore if there is a pothole we need to fill and we don't have Powell Bill fund balance to do it with, I will recommend you do it with the general fund and the other things that we do to maintain roads.

Commissioner Munger said our new solid waste contract. I apologize, I only have about five more questions. Our new solid waste contract will result in increased costs of \$703,300. Is that correct?

Ms. Huffman said yes. We estimate that based on number of households in next fiscal year.

Commissioner Munger said I did some quick math. How much would that cost per resident to offset that increase. The number I came up with was \$32.18 per home in the town of Huntersville.

Ms. Huffman said I bet that as well based on the number of residential units we estimate we'll be picking up at in July which is the month when the county generates the solid waste fee on the tax bill. I come up with the same amount \$703,300 divided by the 21,857 gives me \$32.18.

Commissioner Munger said one of the things that's been mentioned is adding an additional \$2 per hour to our fire department personnel cost. That resulting cost is \$572,650, is that correct?

Ms. Huffman said yes, and that's in the budget ordinance as in the packet tonight.

Commissioner Munger said and in future years that would carry out similarly.....there would be an additional cost of the \$572,000 for every year thereafter.

Ms. Huffman said once we change the hourly rate we generally speaking don't go back the next year and reduce it and so yes, that would be in their budget every year as long as we continue to fund part-time salaries.

Commissioner Munger said so it's a repetitive charge against our general fund. As mentioned previously by our Police Chief, currently the town has 106 sworn positions of which and I'm really guessing at this number, I believe approximately 100 are filled. But he had mentioned and this again was our former chief, but I believe our current chief would concur with it. Actually, I think it was our current chief that mentioned it. A town of our size that staffing should be 140 is that correct.

Ms. Huffman said we keep on our website a copy of the presentation that Chief Hoyle made at the previous workshop and that's consistent with the numbers he gave based on current population, yes.

Mayor Bales said Commissioner Munger said you have hit your 10-minute mark and I would like to go ahead and flow through everyone else. I will circle back to you. But I did want to give everyone an else opportunity.

Commissioner Partee said our general fund balance is \$52 million?

Ms. Huffman said \$58 million and change, it's not quite \$59 million, at the end of our FY22 audited statements.

Commissioner Partee said to remain revenue neutral, will we be able to fully staff, stay competitive with our public service, with our police and fire, moving forward into next year, can we stay competitive with our neighbors, CMPD who just went up to \$57,000 to start. Stallings, Matthews, Mooresville and Gastonia, I would like to stay if not above, close to CMPD as we are on the cusp of the city and it has been brought to my attention today that we've had a murder. I'm more concerned with our fire department, which we are speaking about and planning to go full-time with a fire department, and we have to stay competitive. Those are two of my concerns and what the advent of us voting to, well not myself and Munger, to vote to build a \$30 million plus town hall. How will that affect us being revenue neutral. Will we have to pull from the general fund to finance a town hall in that particular I would say million dollars, \$30 million, area instead of having a \$19 million town hall. I know that's a lot of questions but I'm more concerned as keeping the competitive, making sure our administrative staff, our employees are well compensated for the job that they do to maintain the quality of life here in Huntersville.

Mr. Roberts said for the town hall, obviously we can handle a town hall in the revenue neutral. What I think Jackie and myself have told you with town hall and all the other debt that we have coming forward, we will definitely have to look at tax increases in future years. I think that's sort of the message we told you when we have heard about possibly going revenue neutral. Could we do it this year? Sure, the Board can do it, but future years we have to look at.....you can't not because you can't take on all the debt that we are going to be taking on and not pay for it and keeping the tax rate the same is not going to do that in future years. We are going to have to do that, so that would be my answer to that question. What I would say on competitive with staff, tax rate would be irrelevant for me on that. Ultimately what we would be dealing with on staff and being competitive is merit/COLA. The reason I was pushing more for COLA was to....whatever number you come up with and the reason I was going 8, I mean I think you can look at the sheet and kind of tell you why I was going for that. But the way our system is set up is that we want to be able with the COLA is to raise the ranges. With the ranges we raise the entry level salaries. Whether you do 6 and 2, or 8, or whatever, 6 plus 2 is 8, so I'll pick on Jackie because she's the first one I see. Six and 2 is 8 and if Jackie is a good employee, which she is, she would probably get 8. If it was a COLA 8, it's still 8, but the difference is the range is going to be able to move up higher with COLA. If you are trying to compete with the other towns as you can see the higher we can get that sort of entry level, the better chance we have to compete with them. And I'm just picking on police because that's what you said, but that applies to everything. That's why I'm pushing for the COLA. And the COLA, I didn't make that up. That was based off CPI. That's ultimately why you see what's before you.

Commissioner Partee said I'd just like to keep our fire and police departments fully funded so they can protect our community.

Commissioner Kidwell said if we go revenue neutral, we're still funding our police and fire, correct?

Mr. Roberts said correct, unless you tell me otherwise.

Commissioner Kidwell said wouldn't want to do that.

Commissioner Kovacs said I said so much at the board retreat. We have to get something passed and we have to get something passed that is good for residents and for our staff as well. When looking at employee raises, merit/COLA, all of that we have to remember it's more than just two departments, but it's the entire town, but I just want to be able to get something passed so we can continue to fund the things that we need to fund and if we are to go revenue neutral, I want to say the only email we have

received about this has been to stay at revenue neutral. I think I've received personally one email to stay revenue neutral and none otherwise. I did receive one text asking to go above. If we stay revenue neutral, I do predict that in the future we will have to go up and so I just hope that whoever is sitting up here is willing to raise taxes at that point and if this is a starting point for people to be able to handle the leveling out of revals, then the same people making a decision have to be prepared to raise taxes later.

Commissioner Boone said no questions at this time.

Commissioner Phillips said the budget can always be amended after it's passed, correct?

Ms. Huffman said the only thing that cannot be changed about the budget ordinance once it's adopted is the tax rate.

Mayor Bales said I want to weigh in a little bit on what Mr. Roberts was talking about regarding the COLA and the importance of that number and raising entry level. But it doesn't just raise only entry level. It raises everything to ensure that there's not compression, correct?

Mr. Roberts said that's right.

Mayor Bales said I would just say that I've sat up here where we've thrown money at entry level positions for several years and found ourselves in dire straits in regards to compression, where it took us a couple of years to dig out if my memory serves, is that correct?

Mr. Roberts said when I first got here, we had to do some adjustments, so I guess we call them market adjustments because there was a lot of compression for various reasons. It could have been things that we implemented in past years, you know whether it was and I'm going to pick on Police, there's always various incentives that police departments do. Sometimes they stay, sometimes they go. In-town, out of town, all those kind of things come and go and that causes all sorts of issues, so we were trying to fix that problem at that time. If you go and come back later on and say we'll let's just.....everybody who makes under \$50,000 we want to give whatever raise to. You just have to be cognizant of how close do you push those up to other folks, that's where you get compression, so be careful and if you're thinking about doing that, that's awesome that you are thinking about those type things, but remember we want to try to avoid compression so we are not right back here again next year if we do a market study.....we are planning on doing a market study for the following year etc. and we have to come back and say well, hey folks, we've really compressed things, we've got to fix that.

Mayor Bales said I just wanted to make that point, because we had lots of meetings around compression and trying to figure out how to dig out of compression. It's not something that I would want to pawn off on any board in the future.

Mr. Roberts said I know there was some talk about doing something different. I have that in front of you to pass out if that's what the Board so chooses to do. And that packet in front of you is a revenue neutral, 17.6.....I don't know.....like I said I've heard that there may be the votes for it, but 17.6 revenue neutral, garbage going from \$144 to \$154, and it was a 4 percent COLA and 2 percent merit. I think that's what's in front of you if someone makes that motion and they move down that path to hand that out.

Commissioner Munger said correct me if I'm wrong, the CPI for last year was 8 percent and that's why we are looking at COLA of 8 percent and that's the national standard.

Ms. Huffman said that was CPI in calendar 22, yes sir.

Commissioner Munger said just to understand in layman's terms what a CPI of 8 percent means essentially in the prior year if I had \$1, I would need the equivalent of \$1.08 this year to have the exact same spending power that the dollar did last year.

Ms. Huffman said exactly. I call it purchasing power, but yes.

Commissioner Munger said even more layman's terms, if I'm making \$50,000 last year, I should make \$54,000 and that \$4,000 increase in pay would net me nothing new in terms of spending power. I would have the exact same spending power I had the previous year at \$50,000 if I was given an 8 percent raise, I would get no additional benefits, I would just be able to buy the exact same level of life comfort I did the prior year.

Ms. Huffman said I agree with that. It's a generic basket of goods, so to the extent you participate in the same basket of goods, that's correct, your purchasing power would have gone down if you did not get CPI.

Commissioner Munger said to that point if we say I'm going to do a 4 percent and I made \$50,000 last year and I make \$52,000 this year, effectively in terms of my spending power what I'm able to purchase with said funds I will have to find a way to make up for a \$2,000 loss in income.

Ms. Huffman said yes, \$2,000 as a percentage of 50.....help me with the math but generally.....

Commissioner Munger said I'm sticking with \$50,000 because if I say \$100,000 people are going to say they're fine, but they wouldn't be. Wrap your heads around that, really. And the other thing that we have to constantly keep cognizant of I know unemployment went up. It shot all the way up to 3.8.

Ms. Huffman said didn't it go to 3.7. Didn't it go from 3.4 to 3.7, in the most recent month.

Commissioner Munger said it crazily shot up to 3.8 percent and I repeatedly say this from an economic standpoint, if you really follow economics and you really just look at it, 4 to 5 percent unemployment is in fact full employment. Anyone that wants to get a job that has skills, can get a job and I still bring my own life experiences to it. Literally I had a discussion with my boss today about two positions I'm trying to fill. A senior data engineer and a data engineer. It's been open for two years. Two years I've been looking for a senior.....my company has been looking for a senior data engineer. In fairness I've only been there for 7 months. Seven months I've been looking to fill this position. That job pays \$140,000. We're not paying dog meat for that. We are paying good money. I can't fill that position. There will come a time when we fail to act here where we won't be able to fill a lot more police positions, IT people, planning people, human resources people, all of our departments will suffer.....city manager. The indispensable Jackie.....could you imagine the scenario where we lost Jackie.

Ms. Huffman said so unemployment, I don't like thinking about it, I keep turning around and looking at staff and when I look at Lara I'm reminded of our employees who participate in dependent care health insurance and our average increase for the last two years is going up 12 percent in each of the last two years and when you talk about that as an offset to the raise, if you participate in dependent care, that's why I talked about basket of goods, so you need something to have gone down to help offset your increase price of your health insurance, so thank you.

Commissioner Munger said one other thing I just want to draw attention to that bothers me greatly, there's been a general conception that government workers are overpaid, are lazy and shouldn't be respected in any manner. That is a travesty. I know the people in this room. I know the people that work. I have an entire list of everyone who works for this town, and I want to look those people in the face and say we are doing the right thing for you, and you should put a face to everything that we are doing. It's not just random people, it's not just that it's the police officers, well they're only half the team and maybe we could do something special for them. Everyone in this town matters. Everyone in this town is excelling at their job doing the absolute best they can. We are completely understaffed in so many different ways and if we fail to keep up with the market, it's just going to get worse. I can't stress it enough we have to do the right thing not just for the Town employees but for the town as a whole. These development projects keep coming and we continue to have demand. We mentioned it earlier, we had a murder tonight. The police department has to be staffed. We have to have the right type of personnel. We have Mecklenburg County who won't give us an increase of funds to have our police people take care of the ETJ. We have to work with CMS to be able to get personnel so that we have officers in our schools. We have to do the right thing. We have to plan for the future and not just tomorrow the future, the distant future. We have to think about what is best for this town and what's best for this town is to have a good core group of employees who are excelling at their job giving everything they can, but I guarantee you at some point they are going to say they don't care. Our board doesn't care, why the hell am I still here.

Mayor Bales said Commissioner Munger, do you have a motion.

Commissioner Munger said no, but I'm open to listening to others.

Commissioner Boone made a motion to approve the budget ordinance as presented with the following modifications: (1) in Section 1C change the tax rate from 18 cents per \$100 valuation to 17.6 cents per \$100 valuation which is revenue neutral; (2) in Section 1.D change the solid waste fee from \$144 to \$154; (3) change the employee compensation to include a 4 percent COLA and a 2 percent merit raise; and (4) modify the numerical values contained in the budget ordinance to reflect these modifications while maintaining a balanced budget.

Commissioner Phillips seconded motion.

Commissioner Munger made a substitute motion to approve the budget ordinance as presented with the following modifications: (1) in section 1C change the tax rate from 18 cents per \$100 valuation to 19 cents per \$100 and update the numerical values contained in the budget ordinance to reflect this modification while maintaining a balanced budget; (2) modify numerical values contained in the budget ordinance to reflect a 7 percent COLA increase and a 2 percent merit increase to employee compensation while maintaining a balanced budget.

Commissioner Partee seconded motion.

Mayor Bales said I would like clarification – 19 cents, 7 percent cost of living, 2 percent merit.

Commissioner Munger said that is correct.

Mayor Bales called for the vote on the substitute motion.

Motion failed 2 to 4. Commissioners Munger and Partee in favor; Commissioners Boone, Kidwell, Kovacs and Phillips opposed.

Mayor Bales called for discussion.

Commissioner Boone said I have nothing to add to my motion.

Mayor Bales said any comment or discussion points?

Commissioner Boone said nope.

Commissioner Munger said one of the points that was brought up we're shifting the trash rate from \$144 to \$154. We are increasing that rate by \$10. That is essentially \$10 to every single person. It is not weighted by property value. We have a number of commissioners who on various occasions have said that we don't want to burden our fixed income residents. I find that ironic that if you raise the tax rate by a penny, if someone had a \$300,000 house, it would cost them \$2.50 per month. If they had a \$600,000 house, it cost them \$5.00 per month. A \$900,000 home, it would cost them \$7.50 per month and a \$1.2 million home, it would cost them \$10 per month. Whereas you just said well, we're just going to say \$10 for everyone. Everyone has to pay the exact same thing. It defies the logic of your whole argument that we are going to try to do the best thing for fixed income people. You're applying it blanket across everyone, whereas the tax rate specifically weights out that burden based on income level. Similarly, do you know exactly how much you would have to raise the tax rate to generate one penny of property tax. The number is \$69.....\$10 is nothing. It does nothing to address the problem. Similarly, I mentioned it earlier the new trash service - \$703,000 would require a \$32 increase in trash fee. You are not even beginning to touch it. I also heard a comment specifically someone saying that we'll wait until next year.....someone next year can do it. That is so cowardly. You are basically kicking it down the bucket because you are counting votes at this point and not even caring about the town. I don't want to do it because it's an election year and it might cost me votes. I can't believe you can't even say anything to defend what you are doing. You're just sitting there in silence and you're going to vote for it because you think it will win you votes. This is pathetic. I'm disgusted. I'm done.

Commissioner Kidwell said it's easy to sit down there and rant and rave and pound your fist, bottom-line is the budget will work with this. We'll be fine. We'll still be functioning tomorrow. I hear a lot of path to yes. I found a path to yes. It might not be your path, it might not be the path that you wanted to go down, but there's a path to yes. I know I've sat on this board for a while and I have not been on the side of the path to yes. But one thing I do is not throw a tantrum. I respect how the other side votes and walk away. I believe a motion has been called.

Mayor Bales called for the vote on the original motion.

Motion carried 4 to 2 – Commissioners Boone, Kidwell, Kovacs and Phillips in favor; Commissioners Munger and Partee opposed.

Resolution Opposition of CRTPO Weighted Voting Structure. Commissioner Kidwell said I sent the Board an email with this resolution a couple of weeks ago. I want to thank Commissioner Partee for providing substantive information from an interview with Mayor Knox from Davidson regarding how Charlotte is controlling the weighted vote for transportation for the entire region. Currently under the redesignation period we have the opportunity to change that from a weighted vote to a fair and equitable vote as the most important word in CRTPO is not Charlotte, it is Regional. I sit on this

committee with CRTPO. They are looking at numbers financially speaking and saying well we give the most, so we have the most vote, but what they are not looking at is, as it has been pointed out during the public hearing tonight, that we are a data driven group. We go by data and the politics get taken out, so having a fair and equitable vote for data driven projects make sense. We are also one of three major cities in the United States that have a weighted vote and we are the only one in the Carolinas, if I recall the diagram that I sent to everyone. I would ask for your support tonight on this.

Commissioner Kidwell made a motion to support the resolution of the Town of Huntersville to oppose CRTPO's current weighted voting structure.

Commissioner Phillips seconded motion.

Commissioner Phillips said I would like to say this is something I am so excited to see. It's something that has been asked for by the citizens like when the tolls started and to finally see Huntersville take a stand is just really refreshing.

Commissioner Partee said I also want to give credit to Mayor Knox of Davidson who came forward with the idea of succession. I think he deserves a lot of credit on that because he came out first and pulled all the other communities together.

Mayor Bales said I will say Mayor Knox, Mayor Washam and I have been working diligently together to build relationships within the region. I do give immense credit to Mayor Knox. He's a great partner in what we're doing within the region and with Connect Beyond.

Mayor Bales called for the vote.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 9.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Phillips

- No Report

Commissioner Boone

- The Mecklenburg County Fire Marshal's office ruled the fire in Huntersville a few weeks ago as undetermined.

Commissioner Kovacs

- No Report.

Commissioner Kidwell

- The Redesignation Committee meets tomorrow at 10 a.m.

Commissioner Partee

- No report.

Commissioner Munger

- Peace Pole unveiling ceremony is scheduled for June 15 at North Mecklenburg Park.
- Charlotte-Mecklenburg Schools will announce the new superintendent tomorrow.
- Consider supporting local non-profits.

Mayor Bales

- Lake Norman Economic Development Corporation is currently working 28 projects. Interviews for Pivot Program Internship were held.
- Noted that on June 4, 1919 Congress passed the 19th amendment to the constitution allowing women the right to vote and it was ratified on August 20 1920.
- Will be sending letter to House Speaker Kevin McCarthy in support of the Helper Act.

Commissioner Kidwell wished the Mayor a happy birthday.

There being no further business, the meeting was adjourned.

Approved this the 17th day of July 2023.