

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**June 20, 2023
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

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 Town Hall at 6:00 p.m. on June 20, 2023.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a Moment of Silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

None

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Parks and Recreation Month Proclamation. Mayor Bales proclaimed July 2023 as Parks and Recreation Month.

**TOWN OF HUNTERSVILLE
PROCLAMATION**

WHEREAS, parks and recreation is an integral part of communities throughout this country, including Huntersville, North Carolina; and

WHEREAS, parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimers; and

WHEREAS, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, parks and recreation is a leading provider of healthy meals, nutrition services and education; and

WHEREAS, park and recreation programming and education activities, such as out- of-school time programming, youth sports and environmental education, are critical to childhood development; and

WHEREAS, parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation is fundamental to the environmental well-being of our community; and

WHEREAS, parks and recreation is essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, The Huntersville Parks and Recreation Department was created in 1995 and now serves more than 1.8 million visitors per year to its local parks; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, Huntersville recognizes the benefits derived from parks and recreation resources.

NOW, THEREFORE, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim the month of July as **"PARKS AND RECREATION MONTH"** in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 20th of June, 2023.

Big Day at the Lake Proclamation. Mayor Bales proclaimed July 22, 2023 as Big Day at the Lake.

**Town of Huntersville
Proclamation**

WHEREAS, Big Brothers Big Sisters (BBBS) of Greater Charlotte provides one-to-one mentoring relationships that focus on school success, works with families and volunteers to keep children out of delinquency, and supports the family competency; and

WHEREAS, in celebration of its annual accomplishments and, more importantly, in celebration of the youth BBBS of Greater Charlotte serves, the Big Day at the Lake Committee (Committee) will hold its 19th annual "Big Day at the Lake" event on July 22, 2023; and

WHEREAS, the Committee organizes through volunteers a day full of fun activities on Lake Norman for participating BBBS of Greater Charlotte matches; and

WHEREAS, since 2003, the "Big Day at the Lake" events have hosted more than 1,500 BBBS youth, all of whom have treasured this opportunity to laugh, play, mingle, and make new friends; and

WHEREAS, over the past 19 years, the Committee has raised more than \$2,000,000 for BBBS of Greater Charlotte; and

WHEREAS, the Committee encourages volunteers to become BBBS mentors, known as "Bigs," following in the footsteps of past Big Day at the Lake participants who have embraced the opportunity to mentor; and

WHEREAS, the Committee and BBBS of Greater Charlotte, along with many volunteers and sponsors, deserve appreciation and recognition for enhancing the quality of life of the residents in Mecklenburg County and surrounding areas, especially the youth.

NOW, THEREFORE, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim July 22 **"BIG DAY AT THE LAKE"** in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 20th of June, 2023.

Mark Swatek, 14701 Stonegreen Lane, (Tom Dorgan, 9045 Tayside Court deferred his time), said I'm Vice President of the Wynfield HOA. I'm here with my valued neighbors, the president of Wynfield Creek HOA and also the president of Wynfield Forest HOA. Combined we represent over 1,000 homes in this fully developed neighborhood. We're here to discuss the Gilead Road West to the Wynfield Creek Parkway entrance. On the NCDOT proposal we will lose our entire front from the north section of the Gilead Road on the north section by Wynfield Creek Parkway. We'll lose the stone fencing, the mature trees, the irrigation and sidewalks. We accept that. We don't want our neighbors on the south side of Gilead

Road to lose their homes or their additional acreage. However, we request the Town of Huntersville's help in having NCDOT reconsider the need for the expansion of the Wynfield Creek Parkway outgoing lanes from three lanes back down to two, and allow the retention or the reconstruction of our entrance island on the parkway. We have accomplished our own two-day peak traffic review and found that most drivers exited the parkway in a one light cycle, both on the left and right turns out of the subdivision. The Wynfield communities request that all options to preserve the entrances and the safety and the aesthetics for this entrance continue to be considered and evaluated. This community is interested in preserving what we already have presently because once we lose it, we will probably never get it back.

AGENDA CHANGES

Commissioner Boone moved Item 8.K (Approve contract with Waste Connections of the Carolinas for solid waste collection services) under the Consent Agenda to Item 10.H under Other Business.

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

Commissioner Boone seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Budget Amendment – Main Street Project. Commissioner Phillips made a motion to approve budget amendment appropriating the final Interest Income Revenue in the amount of \$5,800 for the 2016 GO bonds to the Main Street Project. Commissioner Kovacs seconded motion. Motion carried unanimously.

Fifth Amendment Main Street Upgrade Capital Project Ordinance attached hereto as Exhibit No. 1.

Budget Amendment – Main Street Project. Commissioner Phillips made a motion to approve budget amendment appropriating the final Interest Income Revenue of \$750 for the 2013 GO bonds to the Main Street Project. Commissioner Kovacs seconded motion. Motion carried unanimously.

Refer to Fifth Amendment Main Street Upgrade Capital Project Ordinance attached hereto as Exhibit No. 1.

Budget Amendment – Community Emergency Needs. Commissioner Phillips made a motion to approve budget amendment appropriating Community Needs contributions in the amount of \$8,495 to the Miscellaneous Expense – Community Emergency Needs expense account. Commissioner Kovacs seconded motion. Motion carried unanimously.

Budget Amendment – Police. The Town received a \$2,500 grant from AAA towards the purchase of four speed feedback signs which are solar powered. These signs use a RADAR to detect and display vehicle speed. They will also be used to collect traffic statistics used to direct enforcement priorities.

Commissioner Phillips made a motion to approve budget amendment appropriating \$2,500 received from AAA Grant from the Police Restrictions Donation account to the Non-capitalized Equipment

account for the purchase of four speed feedback signs. Commissioner Kovacs seconded motion. Commissioner Kovacs seconded motion. Motion carried unanimously.

Budget Amendment – Memorial Tree and Bench. Commissioner Phillips made a motion to approve budget amendment appropriating \$1,500 to the Memorial Tree and Bench account for a memorial bench on the Greenway Trailhead. Commissioner Kovacs seconded motion. Motion carried unanimously.

Budget Amendment – Barry Park. Commissioner Phillips made a motion to approve budget amendment appropriating \$25,000 from the Barry Park Capital Reserve account for athletic lighting repairs at Barry Park. Commissioner Kovacs seconded motion. Motion carried unanimously.

Budget Amendment – Sidewalks. Commissioner Phillips made a motion to approve budget amendment recognizing Contributed Capital from the American Asset Corporation Escrow account in the amount of \$43,216.88 and appropriate to Sidewalk Expense account to construct a sidewalk along Highway 115 near North Mecklenburg High School. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution – HAP Synthetic Turf Project. This project will replace the existing synthetic turf infields on Fields 1 and 2 and add synthetic turf to the infields on Fields 3 and 4. This project was approved in the FY23 budget. This project will improve the quality of the fields and will allow more usage. The Town of Huntersville originally advertised the request for bids on April 9, 2023 and, due to not receiving three bids, readvertised the request for bids on May 11, 2023. The AstroTurf Corporation was the lowest responsible bidder. AstroTurf Corporation installed the original two synthetic turf infields over 13 years ago at Huntersville Athletic Park and also installed the turf on the Bradford Park Soccer fields. This project will be completed by the end of the year.

Commissioner Phillips made a motion to adopt Resolution to award the bid for the Huntersville Athletic Park Synthetic Turf Project and approve the construction contract. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 2.

Call for Public Hearing – Petition #R23-01. 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 #R23-01, Foundry - Everette Keith Road, a request by Foundry Commercial, LLC to rezone +/- 59.66-acres generally located east of Everette Keith Road and south of Hambright Road from existing Transitional Residential to Corporate Business - Conditional District for approximately 750,000 sq. ft. of light industrial space. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution – Safe Streets and Roads for All Discretionary Grant Program. The Safe Streets and Roads for All (SS4A) Grant Program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries in support of the goal of zero roadway deaths. Through the SS4A Planning Grant, the Town of Huntersville will be seeking funding to create a Safety Action Plan to evaluate and develop strategies and project recommendations to address safety risks on our roadways. By creating a Safety Action Plan, the Town will be eligible in subsequent years to reapply for additional funding through the SS4A Grant Program to implement the projects and strategies identified in the Safety Action Plan.

Commissioner Phillips made a motion to adopt Resolution authorizing the application to the Safe Streets and Roads for All Discretionary Grant Program. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 3.

PUBLIC HEARINGS

Petition #R23-05, Lagoon Bay Beach Club. Mayor Bales called to order continuation of public hearing on Petition #R23-05, 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 Farm 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.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

I also want to enter in the email with the attached memo of responses that I believe was sent to all of you as well as the Clerk. I want to make sure that is entered into the minutes for tonight as well. *Refer to Exhibit No. 5.*

Very quickly tonight I just want to give you an update since the public hearing on June 5. Since the meeting on June 5, we've received an updated tree survey. We've received some urban open space plans and then some concepts to go along with that and then the email that I alluded to just a moment ago outlining some responses from the applicant. That was received Friday afternoon. This afternoon we received the next version of the plan was uploaded to EPM. No review has been done of that plan and we don't have anything to elaborate on for this evening. If you have any questions on what was previously discussed, we could certainly go over that. But that is all that we have.

Commissioner Partee said I have some questions regarding the Planning Department's application process. As you know, and this is for my own edifice, not the dais that's up here now, because I want to have some sort of conceptual idea as how this application has moved and the process at which it moved. Just for the record for the public, I just want to let them know that my background as a former federal and state criminal investigator, you know I like to have all my ducks in a row before I make a decision on any case. Approximately how many man hours was logged in pertaining to the application for rezoning from the filing date to present?

Mr. Peete said I'm going to let Brian answer that.

Brian Richards, Assistant Planning Director, said just so you know we don't have a formal tracking system so these are estimates based on our review of times and meeting hours that we logged in our calendars. Right now, between Planning staff, Parks & Rec and Engineering, we have approximately about 190 man hours into this project so far. That does not include external agencies, CMS, fire marshal, landmarks commission, NCDOT. This is just Town staff.

Commissioner Partee said exactly. And that's all taxpayer dollars that goes into this, right?

Mr. Richards said yes.

Commissioner Partee said that's one of my points. And you just gave me how many departments were involved in the process as the application moves forward. Now my question is hypothetical. Hypothetical because I'm one of the new commissioners up here and I've been trying to grasp exactly how decisions are made from the time that the application is processed and I'm going to use a hypothetical situation. Let's say I'm the commissioner on a board for Anytown, USA and Mr. Jones, a developer, submits an application to the Planning Department for a rezoning to build a development. The Planning Department denies the application because it didn't fit its Anytown 2040 Plan. A TIA wasn't done by that particular state. Then it goes to a public hearing in Anytown. They have a public hearing, which we are conducting right now. Then the next step is to go before the Planning Board, am I correct?

Mr. Richards said correct.

Commissioner Partee said and they evaluate exactly what you present during the public hearing and whether you state that you deny the application.....

Mr. Richards said just for clarification, the Planning staff doesn't actually approve or deny, we make our professional recommendations.

Commissioner Partee said your professional recommendation, thank you, that's what I like to hear. And then the last stage after the Planning Board makes their decision, it's sent back to the Anytown Board of Commissioners to make their final determination whether to approve or deny the petition.

Mr. Richards said correct.

Commissioner Partee said my question is and maybe our attorney can clarify, commissioners for whatever reason can approve a developer's petition disregarding the Planning Department's recommendation, and the Planning Board's recommendation also. So hypothetically, this is all hypothetical.....whereas the optics, now I'm concerned with the optics of the petition process, really concerns me. And over the past week after our last Board meeting and to this present Board meeting, there's been a lot of communication, a lot of FOIA dumps on records pertaining to our developer and this Board and it really concerns me. I say that because as a.....and I'm speaking for myself.....as a former law enforcement officer I have to maintain ethical standards. And I'm not accusing anybody or anything. I don't want to accuse anybody of anything, but I just don't like the optics of the fact that there's a sort of, and this is probably in Anytown USA, that a developer could have a cozy relationship with its commissioners. I'm a person who represents the Town of Huntersville as an elected official and I want to protect the Planning Department, the Planning Board, our Town Managers, from any type of charade or any type of fugazi stuff that's going on. I disapprove of it wholeheartedly. I can't enforce it, but I can address it. And I want to just state that I am one of those individuals who's not afraid to address it, because I'm from the hood and I'll get down and dirty with anybody that dislikes what I have to say or make comments on. So, I just want to get a grasp on the process and the fact that we really don't have to be sitting here because if there's any influence, then we are wasting time if this petition is going to get passed because of relationships. I know that as an elected official, I will speak for myself, I want to maintain my dignity, my honesty and my trustworthiness to the constituents of this town. So, therefore,

I appreciate what you guys do, the Planning Department, and the waste of taxpayer dollars is just abominable, I just don't like it. That's my question.

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

There were no questions.

Mayor Bales called on the petitioner.

Jake Palillo, 17532 Sail View Drive, Cornelius, said we've spent the last two weeks going through all of staff's review and reports. I'll go through it pretty quickly. *Refer to PowerPoint attached hereto as Exhibit No. 6.* We had like 59 different issues. We've addressed all those. We have 12 different modifications that we are asking for. It gives you the plan.

This shows you one of the things.....it shows you the different zoning requirements that were required. This shows you the block length, another requirement. This shows you the 10' multi-purpose path throughout the area.

This one here shows the traffic calming areas and stuff, again that staff required.

This one here shows you the berm area. We are going to put the berm along the highway and stuff.

This, I promised I would bring you some pictures. These are the pictures of what we've done along Bailey Road near Bailey's Glenn, so this gives you an indication of how we build our berms and how we buffer areas. That's another section of the berm. After it grows then you barely see what's behind it.

This one here had quite a few issues here, so over here all of these we have sidewalks going to the street. We have loading docks showing off the hotel and convention center. This area here we're asking for a modification because we want a little bigger area up front. We'll show that on another slide. Again, we had a modification for larger courtyards and open space and then we have our trash and stuff down here, so again all those were issues that we answered.

This is the first-floor layout of the building. That's the other building. This gives you some ideas of what our courtyards will be designed like, so they are not just going to be open areas, they are going to have features and stuff in them. These are all precedents of the lifestyle out there on the courtyard. That's all inside that area there. I left packets for everybody with the pictures there so that you can look at it later, a little slower, so you'll have all that information. *Packet attached hereto as Exhibit No. 7.* Again, that's all precedent pictures around the lifestyle and the walking and the people in that mixed-use area.

This is one of those red buildings of free-standing buildings out front. The reason we want the additional sidewalk is because we want this space out here. So, you see how there's chairs here, there's a walkway rather than have the building up close where you don't have any pedestrian traffic.

That's the one condo building. This is a precedent about the hotel. This is five stories. This is the Edwin. It's in Chattanooga. It shows you the rooftop bar, restaurant. That shows you the view off the rooftop. That shows you the banquet facility that will be up there as well.

On the lagoon, another one of the areas that we are asking for one of the modifications, is because these buildings don't face up on the street. These buildings really need to circulate around the lagoon

area. If we pushed them up near the street, they wouldn't work. That's one of the modifications that we are asking for.

Again, that's the berm that will go along the road to buffer the parking area that was a requirement.

This is a 6' high fence that will run around the parameter of the Lagoon Beach Club to keep people out. It will also be landscaped, so it's not just going to be a fence like you see here, it will have landscaping and well dressed up.

This one here was a modification. This is showing the four-story buildings here. We've shown all the different parking requirements. All the buildings are facing greens and this is we moved this to a street. All the concerns around this we've addressed that. That gives you what the four-story building will look like. It's in a beachy theme. That's the three-story building. That's the first floor. Again, all requirements that we were lacking in the last application.

This here shows the urban open spaces that were required and the mailbox kiosks, so we did all that.

Again, this urban open space here, we eliminated two lots. There was an issue here where this was in the buffer. We moved that out of the buffer. There was an issue here about a 10' multi-purpose path. We've moved all this, and we have the 10' multi-purpose path.

Staff will be reviewing all this, but all this stuff, which was a lot, there's 68 pages of designs and drawings that were modified and Urban Design Partners, hats off for working around the clock to get this done.

This gives you an indication, these are precedents of the urban open space. So, it's a requirement to kind of show what they are going to look like.

This here gives you some precedents about what the housing will look like, so it's going after that seaside theme, very beachy, very comfortable, a lot of large porches, all front load so that all the lifestyle comes out to the front. And then we went through all the different development notes in there. The ones that I want to bring to your attention would be the traffic analysis.

If the zoning is approved, the traffic impact analysis shall be conducted according to approved scoping documents. The petitioner agrees to install all the road improvements as required by North Carolina Department of Transportation. The petitioner agrees to submit the final TIA to the Town for review. Staff may recommend additional improvements within a half mile of the project along 73, Westmoreland, Black Farms Road and McCord. The report and staff recommend improvements will be presented to the Planning Board and brought back to the Board for approval, so anything that you think that NCDOT is failing to make us do, and you want to add stuff to it, you have that right to add that after that.

The other one that was in here.....affordable housing. We're going to put 20 affordable housing units in the community. They're going to pay whatever the affordable, I think it's 30 percent of their income and we're going to provide them free membership to the Lagoon Beach Club and we're going to waive the dues, so those 20 families will have the opportunity to enjoy life at the Lagoon Beach Club at no cost. The only thing they'll pay for is their food.

The last one here that one of the commissioners had asked for, access to Lagoon Beach Club will be restricted to members and household family members only. A limited number of guest passes will be

issued to members annually. Registered hotel guests will have limited access to the lagoon in a restricted area, private beach area only. So, again, it's a private beach club. This is a condition that if it's approved, will go into the approval. And if we ever wanted to change, I'd have to come back to the Board to do that. Once you already have all these memberships, it's really hard to change a membership.

These are the list of 12 modifications. Again, most of them are block lengths we're asking for. One was to go to the apartments, which were 48' along Sam Furr. Setbacks at 20'. There's four different block lengths we want to extend. The height of the hotel.....all of this is in the packet I gave you. I sent you an e-mail. But that's what it's down to, 12 different modifications is all we are asking for. And they're really modifications because the plan doesn't fit within the Town's current zoning and I believe staff can tell you that pretty much in every one of your rezonings there's always modifications. We had modifications for Symphony Park.

Before I run out of time what I want to address over here is this. I've been a developer and a resident in the area for 23 years. I've done several different projects here. I've had a salon business here. I developed Symphony Park, Bailey's Glen. I have relationships with all of you. I have relationships with people in Cornelius. I have never ever, and I support a lot of people politically just as a contribution, I don't buy votes. I don't coerce anybody. I've never asked anyone to do me a favor. Every one of the projects I brought to this town I am proud of and every single person who has voted for my projects has to say they're proud as well to be there. So this indication that all of a sudden.....yes, I'm very passionate about this town. Yes, I did fight to take out a former mayor who was in here who hurt my business and I spent my money and I went after them politically and changed the political environment of this town. Yes, I had some issues with Planning staff, but this idea that I'm all of a sudden cozied up to commissioners.....you vote for this project because it's the best thing for this town. And I've never.....the same in Cornelius where I've done all my business.....I could go develop anywhere in the country. I focus in Davidson, Mooresville, Cornelius and Huntersville. I enjoy Huntersville because it's a great place. I built my kids' homes here and I've got nine grandchildren living here. So obviously in a town this size, I'm going to be able to know the people, see the people, but we don't cozy up with people. So that indication that somehow there's this underhanded thing going on here where I'm buying people's votes and stuff is absolute crap.

Commissioner Munger said I'm just going to put it out for the record. Jake has given me a donation of \$2,500 during my last run for commissioner. The first few times I ran, he didn't. I have questions related to what we....the first sheet. Unfortunately, I wasn't able to update with the second one you sent later today. My time is very busy. Your time is very busy. I didn't have time to update everything in there, so you might have already covered some of this, my apologies. The first modification I'm looking at, modification requesting Blocks 10 and 11 exceed 500'. Do you know off the top of your head how far they're extending?

Mr. Palillo said the sheet over here has the modifications and it will tell you in the top corner....right there. That chart right there tells you all the block lengths. I think there's like four or five and it'll tell you the length. All your block lengths are noted there.

Commissioner Munger said and that's included in what we're getting shortly in the packet or what you've already sent to us?

Mr. Palillo said you have the download of the 68 pages and then you have the sheet that tells you what the issue was.

Commissioner Munger said tree save.....the comment was 30 percent tree save requirement will be met with mitigation. What is mitigation and can you explain what exactly you're doing?

Mr. Palillo said I believe we met all the tree save, though, did we not? This is Nolan. He's one of the engineers. He can answer that.

Nolan Groce, Urban Design Partners, 1213 W. Morehead Street, Suite 450, Charlotte, said we are meeting the tree save in each zoning district with mitigation. The NR zoning district to the south we are meeting on its own. The other two zoning districts will require mitigation. The Zoning Ordinance has specific measures that we must take to mitigate the site, which will be met.

Commissioner Munger said what I'm asking is what is mitigation. Can you explain that, so we get it out there.

Mr. Groce said generally, it's replanting a tree per DBH that is removed.

Commissioner Munger said on this particular one you are doing a 15 percent tree save and essentially 15 percent tree mitigation.

Mr. Groce said correct.

Commissioner Munger said the Planning staff has recommended a 40' buffer and in multiple instances you've set it up to be 20', why not 40'?

Mr. Groce said I believe the ordinance was modified after our petition was submitted, so we have permit choice, so we are sticking with the original 20' undisturbed buffer. It meets our plan layout and we believe that we have stepped down development to the edges of the property to keep with the spirit and intent of the ordinance.

Mr. Palillo said mainly what it is when you look along this area here, all of these homes on Mayes Road are over 500' deep. A lot of their homes are placed closer towards Mayes Road, so this is all open space in the back, so it's not like we are up against anyone's house tightly. Same thing here. This is all field. There's one resident here and we've left this space close to her. Along here we've got buffers. Again, here we left a big buffer along this road. And then this area here, this backs up to our property that we own. This here backs up to a vacant lot, so there's not really many areas that we've requested that.

Commissioner Munger said I know, I'm just saying staff has recommended 40' but you went against it and said 20'. Recommend add stub northwest adjacent property the comment was two stubs are included in the northern project edge and the addition of stub would disturb open space.

Mr. Palillo said we moved this stub per the staff.

Mr. Groce said it's to the north.

Mr. Groce said that stub was up here at the cul-de-sac area. They are requesting an additional stub to come this way, so we have shortened our cul-de-sac to be in compliance with the ordinance and that is actually urban open space. We're going to have a dog park in that area. If we extended that stub, it would eliminate our urban open space. We are already providing two stub roads to the north.

Commissioner Munger said one of the reasons that staff typically says we want stubs is because eventually that land will probably likely be developed and to get traffic flow to occur, we ask for stubs in as many places as possible.

Mr. Palillo said I'm not opposed to giving right-of-way there. We'll keep it as urban open space for now and then if you ever want to do that, then it will be up to the staff and town that you can then connect to it. We can dedicate a right-of-way there and in the meantime we'll just maintain it as urban open space.

Commissioner Munger said just to let all of the commissioners know, I have 25 questions. That was question 4. You can stop me at any time.

Commissioner Munger said providing on-street parking on both sides of the street abutting townhomes, you said you will allow parking on one side. Why not both sides?

Mr. Palillo said because we've got detention basins, so we are pinched for space. What we've done for our townhomes, you'll see in the 68-page plan we provide two parking spaces in the driveway and then we provide two parking spaces in the garage, plus we have on-street parking, so we more than overpark it. A lot of times you see double parking on it because they count the garage as an actual parking space. We didn't do that. We have actual driveway space to park two cars, plus the garage, plus on-street parking.

Commissioner Munger said I think you already kind of covered this one, all buildings must front either public street and that was where you had various buildings around the lagoon simply because they....explain that again.

Mr. Palillo said the concept of the lagoon is that the buildings that are around it are part of kind of the beach club, so in other words these restaurants and stuff.....so because the lagoon is a new concept, this could really be called an urban open space where it's all open. But because no one ever developed a lagoon, it's not, so all these buildings are really on this open space. But if we put these buildings along the parking lot, then we lose the effect of waterside dining and stuff.

Commissioner Munger said Road 9 exceeds block length limit of 500' for urban conditions. Can you give me an idea of.....allowing Block 16. I'm not sure I follow.....the question was Road 9 exceeds block length limit of 500' for urban conditions. Road 9 should also incorporate traffic calming measures, and then a modification has been requested allowing Block 16. Is that a typo?

Mr. Palillo said we added all those modifications.....I'm trying to get to that slide.

Mr. Groce said which number are you on?

Commissioner Munger said this would be 34. I can give you the numbers at the beginning, too.

Mr. Palillo said traffic circles we added and then all these yellow things are all modifications to slow....those are all calming. This shows you where they are raised. The reason of a block length, you see how long this is. That exceeds it because we're crossing over top of this stream area. There's nothing in here. That's why this block length is so long.

Mr. Groce said that is actually Road 9 where Jake was just highlighting. The modifications we are requesting are due to existing.....

Commissioner Munger said but did you see where on the response you said Block 16.

Mr. Groce said it's Road 9, but the block and the block [inaudible] is No. 16. That's the confusion, the block lengths are numbered differently than the specific roadways.

Commissioner Munger said retail, apartment buildings and condo buildings have large setbacks from public right-of-way. This is 35. Modification requested for larger setback to allow outdoor dining areas.

Mr. Palillo said these are the retail areas that we want to have more space and we don't want to have them up on top of the road area, so we create this environment around the buildings. We can landscape it and then the building is really kind of set into the landscape.

Commissioner Munger said 37, all urban open spaces must be designed at sketch plan. Two plazas between the condos must generally be designed to illustrate ordinance compliance. Modification being requested allowing the plaza to exceed 30,000 sq. ft. An exhibit showing plaza design will be provided.

Mr. Palillo said we showed those urban open spaces. Here's the urban open spaces that we have done and this is kind of some precedents that are in urban open spaces. We've addressed all of those.

Commissioner Munger said you are asking for a modification on the hotel to go to 78' high, max six stories.

Mr. Palillo said right.

Commissioner Munger said 43, portions of block for Westmoreland Road and Road 9 exceed block length limit of 800'. Modification request to allow Block 20 and 27 to exceed 800' and you're putting in traffic calming.

Mr. Palillo said yeah, we've got traffic calming throughout. We've added all the traffic calming.

Commissioner Munger said what type of traffic calming are you planning on putting in place?

Mr. Palillo said some of them are circles, roundabouts, and other ones are raised areas.....raised walkways. See how this area here kind of raises so it slows the traffic down. It's not a bump, it's just like a raised area.

Commissioner Munger said people would still be able to drive over that?

Mr. Palillo said yeah.

Commissioner Munger said so only at the intersection will there be traffic calming.

Mr. Groce said that's correct.

Commissioner Munger said for block lengths that exceed the block length limit, let's say going into 800', you're going to have an 800' run without any traffic calming at all?

Mr. Groce said the specific roadway that you referenced, Westmoreland Road, we've added two traffic circles and I believe six raised crosswalks along that run.

Mr. Palillo said there's a raised walk, there's a traffic circle, there's a raised walk, raised walk, raised walk, traffic circle, raised walk.

Commissioner Munger said so there is traffic calming beyond just the intersections.

Mr. Palillo said yes, they are all the way down. And those walkways are raised up. You don't fly over it, it's not like a speed bump.

Commissioner Munger said 47, redesign of Westmoreland Road. Roadway will not be redesigned, but traffic calming measures provided will be provided along Westmoreland Road, a mini-circle. Why not redesign?

Mr. Palillo said we added all the traffic calming devices for it. I'm sorry, we did redesign it. We put all these traffic calming and we added the two circles in there.

Commissioner Munger said literally the comment from you is the roadway will not be redesigned.

Mr. Palillo said you mean curving the road more?

Commissioner Munger said redesign of Westmoreland Road even with the traffic circle, Westmoreland Road is too direct a route between NC 73 and McCord Road. This road should be redesigned to create a less direct route between the two thoroughfares. And the comment back is roadway will not be redesigned, but traffic calming measures will be provided along Westmoreland Road. A mini-traffic circle was added at the intersection with Road 13.

Mr. Peete said the comment was about [inaudible] of Westmoreland and not having it go from 73 down to McCord without interruption. His option was to add the traffic calming rather than redesign.

Commissioner Munger said but that's not in line with what staff had recommended, correct.

Mr. Peete said another department made that comment.

Commissioner Munger said 48, redesign of stub to Willow Grove, Willow Brook, the traffic circle at Westmoreland will calm traffic but the stub connection should be a very indirect route between neighborhoods. Stub will not be redesigned. Traffic circle provides calming. So we're going against staff on that one as well?

Mr. Palillo said we have this traffic circle right there, so that's the stub. And we have added that traffic circle. That's where you get into Willow Brook right here, so that traffic circle is right there at that intersection which calms all the traffic.

Commissioner Munger said how long is that block length if we consider the extension into Willow Brook. If I go from that traffic circle to the first intersection inside of Willow Brook.

Mr. Groce said I believe it's around 350'.

Commissioner Munger said so it fits within what we need. Revision of on-street parking on both sides of Road 9. On-street parking will be provided on one side of the street. Ample parking.....so again the parking issue. You just want parking on one side of the street rather than both.

Mr. Palillo said I think because we are putting the 10' multi-purpose path and we're putting the streets fronting it, it looks a lot more appealing to have just cars on one side and then two lanes of pass-through traffic.

Commissioner Munger said block for Road 14 exceeds block length limit. Block 31 to exceed block length limit of 800'. How many roads exceed the block length limit?

Mr. Palillo said four. I think it's only four.

Mr. Groce said we are requesting modifications for six specific blocks.....now, there's less total roads. I believe it is three specific roads – Road 9, Westmoreland Extension and the road to the north of Sam Furr that has the cul-de-sac.

Commissioner Munger said so multiple blocks within the same road.

Commissioner Munger said a number of different places you've already kind of pointed out the 20' buffer versus the 40' staff recommended. Seriously, it's one of the things I hope you reconsider. Fifty-eight, a future street stub along western edge, south of Ramah Creek. Stub street will not be provided in this area because it requires stream crossing and the abutting area is developed.

Mr. Palillo said I think that was they wanted this crossing to go through here.....and it doesn't really go anywhere.

Commissioner Munger said so that land back over there behind that stream is undeveloped at this point?

Mr. Palillo said it's a small little tract of land.

Mr. Groce said this is part of our development. This parcel here is virtually all tree save area. The parcel directly abutting to the west is approximately 8.42 acres, which has one single-family home, but has existing access to this development.

Commissioner Munger said so like a dirt road there.

Mr. Groce said correct.

Commissioner Munger said 60, buffer along frontage of McCord Road 80' deep. You are proposing 70'.

Mr. Palillo said we have a 70' buffer right in there, and we have the 10' path here.

Commissioner Munger said and that was just to make things fit, instead of going the 80' staff recommended.

Mr. Palillo said yeah, we'd lose two more lots. If it's something you want, we could do that.

Commissioner Munger said I skipped over a couple of them, but the last one I have, it still bothers me your lot widths, limiting those to 50' and having very few variations in that number. I would like to see that change. A wider variety would be more appealing in my opinion.

Mr. Palillo said the precedent of the house is it really fits within that, the 5' setback on each side. That's the style of the house that we are going after. Rear-load, all the cars and everything is to the back. Bringing porches up front, creating a 10' multi-purpose path, so it's a really walkable, warm community.

Commissioner Munger said still expressing my opinion. I don't like the fact that they are all 50' or less. I'd like to see it varied up some.

Mr. Palillo said what other sizes would you like to see.

Commissioner Munger said you're the developer, Jake, you know better than I do. A little bit wider. I live in Vermillion and we have a variety of widths within some of our houses. I believe they go anywhere from like 40' to probably up to 75', 80'.....variety, variation, everything looking the same all the way down, not appealing.

Mr. Palillo said what we tried to do was create kind of more or less the pods so that this area here would be more 40'. The area to the top would be more 50'. Then we have townhouses, we have condos and we have the apartments, so we really have five different housing, so these here are 50's.

Commissioner Munger said you see right up there, that road.....this road that goes here, all the way up. Go up along that street. Every single one of those is the exact same width and it looks very cookie cutter.

Mr. Palillo said so you would like to see these a little wider here.

Commissioner Munger said just in general. A variety makes it more interesting, I would think. And it feels like you have more variation happening as opposed to just this house, this house, this house, they all look the same. They're all the same width. You don't have any variety is what I'm seeing on that. Varying that lot width would seem sensible to me. Again, it's my opinion. I'm not a developer. If I was driving down that street I wouldn't want to live there.

Mr. Palillo said we'll take a look at that.

Commissioner Partee said before I ask my question, I just want to address Mr. Palillo's accusations towards me. Number one, I didn't accuse anybody of anything. I just said the optics looks very bad.

Mr. Palillo said I didn't.....

Mr. Partee said I didn't ask you to respond. It's my turn. But if you want me to, I will read emails from you communicating to commissioners on this board and past commissioners putting a bagel on them, so don't ever sit up there and tell me that I accused you of anything. I want to state that for the record. And you don't want me to read these emails, do you. Now my question. Let's go to No. 6, building type issue. Small buildings in apartment parking lots does not front anything. Revised layout, modification requested. Carriage units in apartment area have been revised from front urban open spaces. Is there a certification that this will be done.

Mr. Groce said we have incorporated that into the updated plan set. They now front urban open space. They are actually carriage units, so garages with an upstairs apartment. But we have incorporated clear urban open space as the frontage condition.

Commissioner Partee said No. 57, appropriate land use transitions recommended 40' buffers along external borders to appropriately transition from abutting large lot single-family to the west with density of 0.34 units per acre to proposed subdivision with 40' wide single-family lots with a density of 2.5, 7 times the existing density. External buffers are shown as 20' undisturbed buffers per our ordinance. Does this not meet the recommendations of 40' buffers or will you provide 40' buffers?

Mr. Groce said we are showing a 20' undisturbed buffer, which is the ordinance requirement.

Commissioner Partee said but the recommendation I believe is 40'.

Mr. Groce said correct. The recommendation from staff was 40'.

Mayor Bales said are there any other questions or comments for the developer.

Commissioner Phillips said I don't have a question, but I've done this every time he's been up here. The applicant has donated to my campaign. If you think my soul is worth \$5,000, bless your heart.

Commissioner Kidwell said Jake, what's the development that you just launched – age restricted home.

Mr. Palillo said Symphony Park.

Commissioner Kidwell said correct me if I'm wrong, was everyone who's elected at this dais, did they not come to a function that you had there celebrating that?

Mr. Palillo said yes, they did. I'm sorry, Stacy wasn't there.

Commissioner Kidwell said what's that mean. That means, all right, I will say it, nobody was accused of doing something, but it was implicated up here by one of my fellow commissioners. I've known this man for a long time. I've sat on three boards up here. I have worked with numerous people who I did not get along with and yet when the votes came, I knew that they were doing ethically the right thing. I never questioned it. And for accusations to be thrown out in the air.....it's not acceptable behavior. All of us up here have gone to some sort of function from a developer throughout the years. It does not mean that we have been bought and paid for at all. What it does mean is that we do at some point interact with individuals in this town. I've met with individuals from neighborhoods. I've met with developers. I have met with other people. But how we vote up here has and I believe will always be ethical, regardless if they get a campaign donation, which I've never received. I have received his support. He put my name on a sign back in 2013. Most of you know me, I shoot from the hip. I'll just tell you how it is. I don't have to get along with everybody. There are people that frankly I don't like, but guess what.....that's life. In business you work with people you don't like sometimes but guess what, you work with them and you get along. Tonight crossed a line for me that I am just...please no clapping. This is not the time for outbursts from the public. This is the time that we listen to people and we try to come together to find a resolution and when we make accusations towards each other or outbursts, it's wrong and it needs to stop.

Commissioner Boone said I have received a donation for my campaign from Mr. Palillo, but I've also got one from Dr. Brennan. So, you're asking who's Dr. Brennan. He's the man who's doing pro bono work for ocular melanoma for the Town of Huntersville. The point I'm trying to make is that donations come in from a large scope of the residents of this town and if you think that, like Commissioner Phillips said, if you think I'm worth "x" amount of dollars, you're mistaken. I want to say.....I'll just stop right there.

Mr. Palillo said the one thing I would like to add is I don't go out and donate money to get plaques and get my name out, but I would challenge anybody who's donated more money to charities and communities in this community than I have over the last 20 years. And I don't do it to get my name out there. I give it anonymously and I support all the charities and stuff. So this nonsense that I do it for.....if I was going to do it because I want to get gratitude for it, I'd put my name all over the place. We don't do that. We support people that run for office. We support charities, we support the community, we support the schools, we support everybody. In all of our projects I don't think anyone here can point to a project I've done in Huntersville, Cornelius, or Davidson where you can say that should never have been there and this guy got a favor by getting that rezoned, including the \$100 million independent living facility, which is one of the finest in the southeast that's being built now.

Mayor Bales said if my memory serves, Mr. Palillo I do believe you donated to my mayoral campaign and I will put that out there as well. But as I have told every person who has ever donated to a campaign of mine for the last 12 years, the decisions that I make sitting up here are decisions that are in the best interest of this community and this community as a whole – not an individual, as a whole. And sometimes that means making decisions that actually hurt me personally, because it's in the benefit of the whole. I'll just put that out there on record as well. Personal attacking members up here is unacceptable. We don't do that. We need to get back to doing the people's business and that's simply a hard stop. If there are no other questions for our petitioner this evening, we're going to move to public hearing comments. Before I do, I am going to revisit our Public Hearing Policy. Persons desiring to address the Board during public hearing shall list their full name, address and subject matter to be discussed and that goes to the clerk. The public hearing 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 and that includes clapping. We do not do that here. This is not a football game. If those rules are broken, you will be asked to leave.

Noelle Burton, 12940 Cadgwith Cove Drive, said in the 2040 Plan which was enacted December 2020, the proposed property needs to stay at the current zoning at 1-1/2 units per acre and 40 percent open space. The 2040 Plan, as most of you know, is for guiding the growth for development and overall improvement of the town. How can this proposed plan possibly improve our town. This horrible waterpark project goes against everything the people want that helped to implement the 2040 Plan. I have a lot more to say, but I guess I'll just tell the news directly. And lastly, Mr. Partee, I believe you have just earned yourself a lot of votes with your honesty and integrity. Partee for mayor. Thank you for standing up for us.

Mary Ann Turetsky, 17114 Bridgeton Lane, said there are just so many reasons to deny this project. Other lagoons like Epperson.....has anybody visited Epperson on the Board. They have daily passes. Oh, Amber, you visited Epperson....okay. They just give you a daily pass. Will this one in Huntersville start giving out daily passes? Will it be another waterpark? But more importantly how many gallons of our public water is needed to fill this 11 acre pond? How much sand has to be trucked in over our already compromised roads? And continuing to talk about water, his oasis resort style condos were put on hold due to Charlotte Water capacity. The sign said they'd be ready in 2020. How long would water and

sewer hold ups be for a club the size of the lagoon? How would he ever finish his swan song monstrosity? Some might say the 2040 Plan is outdated, but hopefully we are going to persevere and stick to our plan for the good of all the people of Huntersville, not just the few.

Violet Clarke, 13423 Willow Breeze Lane (George Burton, 12940 Cadgwith Cove Drive, deferred his time), said first of all, thank you Mr. Partee for your comments. We are definitely going to be supporting you for mayor. Secondly, Mr. Kidwell, you said listen to the people. Fifty three hundred (5,300) people have signed my petition – 5,300. That's more than the number of people that come out and vote in a municipal election, so if you are going to be listening to the people, maybe listen to those people. Also, there's a lot of comments from all those people on my petition. I'm happy to share those all with you, but I did share the signatures on the petition and entered them for the record. *Petition attached hereto as Exhibit No. 8.* Ms. Bales, you also said that you are making decisions for the community as a whole and you want to do the people's business. Well, this community does not want Lagoona Bay and neither do the people in the surrounding communities, because many of the signatures are mostly from a lot of everybody in Huntersville, of course, but there's also Cornelius, Davidson, Concord....you know, everybody that's affected, anybody that travels to Exit 25 or uses Sam Furr Road. You know, all those towns are all interconnected. They will all be affected and this is not something that people want and they've spoken loud and clear. And also, how can you approve or even consider this project that completely doesn't fit the 2040 Plan, which was only implemented a couple of years ago and the project is almost a billion dollar project and there's no traffic impact study. That is unprecedented I was told this afternoon when I talked to Mr. Peete and as far as him providing one after it's rezoned, that's definitely backwards and should never happen for a project this size and I'm horrified that you would even consider that and not just throw this out or throw it back to him and say do the traffic impact study. If he can spend what he says \$800,000 so far, he can certainly afford a traffic impact study and the traffic will affect all of us.....everybody in the area. And also, how big of a red flag do we need to shut it down and so these are some of his exact words. Mr. Palillo's words. This is what he said to Brian Richards. He said Brian, you are killing me with this crap. His words – who gives a s*** about the stupid TIA. Stop reading that stupid code book that should have been thrown in the garbage. Stick with me, I'll teach you. I'm fighting this fight for all of you residents because you are all entitled to quiet enjoyment in our homes and neighborhoods and this proposed nightmare will bring nothing but chaos, crime, destruction and turn Sam Furr Road into a parking lot at all hours of the day and immobilize all of us that live nearby. How do you not see how self-serving this is. It doesn't take a genius to figure it out that he's planning this as his last hurrah next door to the 25 acres he bought for himself and his family sitting right here. Of course, he doesn't care about a traffic study, but we will all be sitting in gridlock by this nightmare. Do your jobs everyone of you and throw this out. Thank you.

Shannon Harris, 12807 Levins Hall Road, said I'm originally from Orlando, Florida. I moved to Huntersville almost 30 years ago and graduated from North Meck, so Huntersville is my home. Huntersville is my peace, my greenspace, and is filled with locals who share the same feeling in wanting to keep our town green, quaint and not have it become a tourist destination. I lived in concrete beach life growing up and believe me, it was great, but that was in Florida, where something like this belongs, where it can be used year-round. With the amusement parks and the beaches Florida has to offer, tourism ruined Florida. I've watched it go from farmland and orange groves to the hustle and bustle of crowds overwhelming our infrastructure. When the tourists came to visit, they left behind trash, they destroyed hotel rooms and overcrowd our roads. They were there just to visit, so why did they care about what they left behind. That's one of the main reasons I left Florida. I came to Huntersville for peace, quiet and nature and that's what I found when I moved here. Places like this don't last. From Disney River Country, built, closed, abandoned, you know, it's left to ruins. It's still sitting there in ruins. Watermania. I went to this as a teenager. It's closed down. Within a year, it was abandoned. And right

now there's a Golden Corral and putt-putt sitting on the property. I suggest maybe using this property for something good like Frank Lisk Park with many activities, open greenery, trees are still there. It's quiet. It's not going to disrupt anything. Please vote no as I'm sure this proposed plan will end up like many concrete beaches that have become defunct or filed bankruptcy across the US.

Bob Baer, 15802 Lavenham Road, said I'm a 23 year resident of Lavenham Road in the Northstone subdivision. I know at the last public hearing Mr. Westmoreland got up and spoke about how he sold his land. We really appreciate that. We also appreciate the developers that built Northstone. They built a beautiful community that kept the rural feel of the area and it feels like you are in the country even though it's a 1,000 home subdivision. It also brings up again McCord Road. There's four subdivisions being built on there right now. What is going to be done to make sure that McCord Road doesn't turn into a freeway. The current zoning for this property is Rural and Transitional. Does anybody in there think that 250 \$1 million homes on 40' lots is anything remotely resembling rural. Mr. Palillo presents this project like it's an exclusive members-only community and we're fine with that. If you want to build a beautiful community with a 10-acre cement pond instead of a golf course and it's members only, that's fine with me. But when you open it up to a convention center and a hotel, that is an open invitation for transient people to come in and out of our community within a mile of our peaceful subdivision and these are people that have no ties to our town, it's a hotel, that's a destination. That's a fiasco right in our backyards. I have no empathy for someone who moves right next door to an existing airport and complains about the noise. The airport was there first. We were here first and you're trying to put this down our throats. I thought at the last meeting that someone posed the question would he be willing to give up the hotel and the convention center and I thought he said that he would be willing to look at that. That is my huge issue is bringing thousands and thousands of transient people into our neighborhood to stay at this hotel and be at this convention center. I guess the last thing I'd like to say is there's going to be people coming up here that are going to say that they are for this project. We have to give our addresses where we live to show that we sort of have some skin in this game. I think it's only appropriate that if someone is coming up and they are saying they for this project, that they should also state whether they have anything to gain from this project being built. If they don't have anything to gain, do they plan on spending \$10,000 to be a member of this community with this big cement pond. The last thing I just had a question about was at the last hearing it was presented that the swimming in the lagoon will only be seasonal, but then for the rest of the year people can kayak and wakeboard. If I'm not mistaken wakeboarding takes a boat. Are power boats allowed on this lagoon?

Mayor Bales said there's no communication back and forth with anyone, it's just your opportunity to speak. I think that's a great question and it's one I'm sure one of the commissioners will ask at some point.

Dr. Gary Maves, 13515 Evening Primrose Drive, Davidson, said I'm not a part of Huntersville, but I have seen what this state since I moved down here from Illinois.....I have a Chicago background, and I just realized that this state is about as backward as they come. When you have roads that look like they were old paths that horses, buggies and things like that went down before and now our roads are that way – two lanes going down the road all the time and 73 is one of those roads. Basically, it goes from Concord to Denver and that road has been said to be widened by the state of North Carolina for over 25 years. I have that on record because I've got a friend who's been here 30 years and he says they've been trying to widen this road forever. Now, if they think that because of this Lagoon thing that they are going to widen that section before they widen Denver, before they widen through Huntersville itself and come out and go to Concord with four lanes or five lanes or what.....what they're even thinking three lanes with limited turns and stuff like this. How are we going to get that done in 4 years. I don't know because basically North Carolina, Raleigh, doesn't care about this area. Let's face it, they don't.

They have been building a bridge across Gilead forever right now and they are continuing.....they haven't even started the bridges. How can you have people building things that take years to get done and to say that 73 is going to become a three, four lane road in any short period of time is just ridiculous. Let's face it, Mecklenburg County doesn't care about us either. Have you been on the south side of Mecklenburg County. They've got four lane roads. They've got five lane roads. They've got six lane roads. They've got good roads. They've got curbs on their roads. What do we have up here, two lane roads going everywhere. Have you ever been on Concord. I have come back from Concord one time and I saw traffic from Amazon building on 73 all the way to 115. It wasn't even caused by an accident. There was just that many people going to Concord from our area.

Mayor Bales said thank you Mr. Maves your time is up.

Jennifer Hunt, 12838 Levins Hall Road, said I have several concerns about the Lagoon Bay development and its environmental impacts. Many of these concerns are derived from Lagoon Bay's and Crystal Lagoon's website. First, what is in the proprietary Crystal Lagoon molecular film technology used to prevent evaporation. Is this substance biodegradable. How rigorous has it been tested for long-term affects. Will Lagoon users carry this film home washing it into our sewers and potentially leaching it into our drinking water supply. Second, how can Crystal Lagoon boast about lowering a carbon footprint but cutting down trees which sequester carbon. The development will effectively create more traffic in the area contributing to our emissions. Furthermore, why do we need another additional water recreation area when Lake Norman and Mountain Island Lake are free and accessible to many through public beaches and access points. Third, Lagoon residential homes serve to further gentrify the area with majority unaffordable housing. Lastly, their website claims having an idyllic beach close to home you won't need to take an airplane or travel by car to a distant beach, thereby lowering the carbon footprint. This claim is full of hubris. No manufactured Lagoon can compete with the majesty of our oceans or nature's beauty. Take all these factors into consideration, I'm requesting that this development be denied.

Melanie Griffin, 12900 Westmoreland Road, said thank you for letting me speak again. I spoke at the last meeting. I spoke at the community meeting and I'm very uncomfortable speaking in public, so this has been a lot for me. Everyone keeps talking about the 2040 Plan. I felt like at the last meeting when I was limited to two minutes, I didn't really touch on the fact that I'm not against progress or development or even making changes to the current zoning. However, I own a home where a new road will connect to Westmoreland Road in between 73 and Mayes Road from all of the apartments and I believe townhomes in that section, where I guess you guys are recommending a 40' setback and only a 20' setback is in place, I believe, I feel like that could not be anymore against the 2040 Plan than maybe anything.....well, I mean the whole thing is against the 2040 Plan, but how I can walk out of my house and then see three stories and 700 units worth of cars turning onto my road that's already a cut-through from 73 to all of the schools and everywhere else and I don't see that changing. Also, I think that it has been made pretty clear from a lot of members of the community that the beach concept in and of itself seems a little frightening for us, for lack of a better word. It seems gimmicky. It's disconcerting to see that all of the buildings are going to look like you have landed at the beach. I am nervous that that's not going to take off and then I'm not sure what's going to happen to all of this stuff that has been put in that looks like you have stepped into the beach. The only other thing that I wanted to touch on was that I feel like we still haven't been given a lot of information, like several other people have touched on, and I'm not trying to repeat everyone, but we're not all developers, so when I see that there are 15,000 new residences already approved right in the little section where I live, it doesn't make me think well that's fine to just add this many more. Or when I find out that that's the last large tract of land along 73 within

what is it eight towns. I don't feel like we need to hurry up and develop it. I'm not a developer and I don't think that all of the people here that this will affect think like a developer.

Jeff Burton, 15555 Huntersville-Concord Road, said there's a lot of emotion in this room obviously and I want to thank the Board. I know it's a thankless job that comes with a lot of criticism and you guys do a lot of work that's good for the community....controversial at times, that's the nature of the business. I'm glad we have citizens that care. That's a good thing. I'm glad that we have developers that want to develop in our community. We are fortunate. If not, we don't have restaurants, we don't have hospitals, we don't have the things that we enjoy. I'd like to talk about this process. Everyone knows we live in a developing area and it's developing fast. There's a lot of challenges that come with that. There's a lot of good things that come with that and there's a lot of challenges. You guys have to help manage that. Years ago this town recognized the need for that and they developed a plan to manage and organize that growth. It was really smart to do that. There was a ton of money, time and energy spent developing that plan. It was well thought out with input from the citizens. The citizens gave their ideas of what they liked and didn't like. The 2040 Plan was created. It's my view that it's imperative that this Board recognize and respect that plan in the approval or denial of any request, not just this one, any request. If developers know what this town is going to approve and the landowners know what this town is going to approve, we will end up with a better process and better projects. It's better for all of us. This process of coming in and saying you had developed the plan, I disagree with it, I want to do this. It doesn't yield a result that we deserve. There's no way to manage our growth without having a plan and then the discipline to enact it. I am fortunate far beyond I would ever believe. I built a home in Kiawah Island, South Carolina. If anybody has ever been there, it's beautiful. It's beautiful because they have a plan and the architectural review board and the town enforce the plan. The developers know it, the landowners know it. End of story. And they say no a lot and they don't care. They built a culture of we have a plan and for our community to be what we want it to be, you're going to follow that plan and the architects follow it and it pisses the landowners off. I'm one of them. I want this and they say no. But at the end of the day the result is the result. And if you've ever been there the result speaks for itself. If you approve this plan or any plan that goes against the 2040 Plan, it's open season. You may as well crumble it up and throw it away. We have to have discipline so we have the end result that we work so hard to get.

Mayor Bales said that is everyone who has signed up to speak this evening.

Mayor Bales recognized Planning Board members present: Jeff Sny and Chris Boyd.

Commissioner Boone said when you send your agenda packet over to the Planning Board, will it have all the updated changes that we've been discussing over the last two weeks?

Mr. Peete said due to our process, the Staff Report will be just as you had it tonight. We will send the new plan set and we will make sure that's understood because they will not be in sync and then we will work through the week to update the Staff Report for next Tuesday's meeting.

Commissioner Munger said there was a question brought up about kayaking, jet skiing, various other activities that could be done during the non-swimming months. Can you address that and how that's handled just so it's kind of out there because it was asked.

Mr. Palillo said in off season you can use canoes, the glass bottom canoe, kayaks, paddleboards and there's some different ones where you can paddle. It's a little boat that you can paddle, but that's mainly what can be done in there.

Commissioner Munger said and that's available year-round.

Mr. Palillo said that's year-round.

Mayor Bales said are those engine driven or people driven?

Mr. Palillo said people driven, there's no motorized vehicles on it.

Commissioner Kovacs said we had someone ask, I think it was Ms. Hunt, about the technology and is there anything that's left behind or anything with this specific technology. Do you have answers to the environmental impact?

Mr. Palillo said the technology is proven. The evaporation chemical they put in that is mainly in the high heat like Arizona and overseas. We don't use any of that here. It slows evaporation down. It's drinkable so you could actually drink the water, swallow it. I wouldn't advise drinking it just like you wouldn't drink pool water, but if you get it in your mouth, it's just like pool water, fully treated.

Commissioner Kovacs said you would not be using the additional chemicals.

Mr. Palillo said not the one for evaporation. It has chlorine in it and it has a chemical in it like you put in a pool. Anything that goes in this is similar to what you put in a swimming pool. There's nothing in there that's unique. The only difference is the pool cleaner that you use is usually about this big....it vacuums. The one that goes in the lagoon is probably four of these podiums and it's remote controlled driven to where it drives and it's a big vacuum system that goes in the filtration system.

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

Mayor Bales called for a 5-minute recess.

The Board reconvened.

OTHER BUSINESS

Petition #R22-07, Town 1 Mixed Use Center. Petition # R22-07 is a request by Treenail Development, Inc. to rezone +/- 70.54 acres located at the intersection of Mt. Holly-Huntersville Road and Hambright Road from Corporate Business and Corporate Business Conditional District to Transit Oriented Development Residential Conditional District, Transit Oriented Development Employment Conditional District, Highway Commercial Conditional District, and Special Purpose Conditional District, for a mixed used development.

Jesse James, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 9.*

The staff recommendation is for approval of the rezoning. Staff recommends approval of the modifications as well. There's seven of those. We do recommend any minor staff comments that are left over from the review that has not been completed as a whole be addressed. Those would be very minor in nature. One thing to note at this meeting is the final TIA was sealed and approved by NCDOT as

requested per the Zoning Ordinance Article 14.2.3. The applicants have attested that they will comply with all of those TIA comments on the plan if it moves forward.

The Planning Board voted unanimously 9-0 in favor of this approval, with the seven modifications requested as well.

Commissioner Kidwell said I do not see the CMS report in any of the documents here.

Mr. James said I've got the CMS report on a back-up slide here. It was called out at the public hearing. They have said on their report that the three schools in the area are all at capacity – 124 percent for Torrence Creek, 109 percent for Francis Bradley Middle and 100 percent for Hopewell High. As with any time you are at capacity, their comment was they are concerned about any rezoning to add more capacity.

Commissioner Munger said my question is for the applicant. During your neighborhood meeting someone asked if you would be willing to install a pedestrian crossing on Mt. Holly-Huntersville Road. Do you have any updates on that or thoughts about being able to do that?

Ben Geisler, 20419 Shearer Road, Davidson, said it didn't come up through the balance of the process with staff or DOT. We did put on our plan a pedestrian crossing on Hambright Road across to get access to the CATS station. I think that question came up just earlier today and so I reviewed it with our team and pending NCDOT approval, because that's who would dictate that, we would be open to putting a crosswalk to access the Burkert campus along with RFB beacon there pending DOT approval.

Commissioner Boone made a motion to approve R22-07, Town 1 Mixed-use Center, including modifications and subject to the following conditions. Modification No. 1: Side yard parking. Allow side yard parking on Lots 6, 7, 8, 13, 18 and 19 which is subject to the final staff review and approval. Additional screening shall be provided pursuant to Article 7.6 as shown on the zoning plan. Modification No. 2: I-77 buffer disturbance. Allow up to a 20' buffer disturbance in the I-77 buffer for grading including a portion along Hambright Road, provided an alternate buffer plan is submitted in accordance with 7.5 of the ordinance. Modification No. 3: Buffer reduction along Mt. Holly-Huntersville Road. Allow buffer to be reduced to 70' subject to screening and buffering as shown in submitted plans. Modification Request No. 4: Cul-de-sac distance. The distance between the cul-de-sac location at Public Road A and the right-of-way on Mt. Holly-Huntersville Road may be increased to 380'. Modification No. 5: Massing requirements. Waive massing requirements for the building on Lot 18. Modification No. 6: Vertical parking structure. Vertical parking may serve the TOD-E and TOD-R portions of the project. Parking may be completed prior to the completion of all the improvements such parking is intended to serve. Modification No. 7: Building façade requirements for building W2. No building entrance shall be required to be constructed on and no sidewalk shall be required along the portions of building W2 that does not front on the cul-de-sac and driveway adjoining building W2 subject to staff approval of detailed renderings of the building frontage. All remaining staff comments, conditions, and all TIA comments are addressed. The proposal is consistent with the 2040 Community Plan, specifically policies LU-1.1, 2, 5.1, 6.1, 7.1, 8.1, 8.3, LV-1.3, T1.2, T1.3. It is reasonable and in the public interest to rezone approximately 70.54 acres identified on the submitted plans as it is consistent with the envisioned use and development pattern set forth in the 2040 Community Plan. The location of the proposed development can support the increased density through the proximity of two major thoroughfares, future CATS park and ride facility, and I-77. The proposed rezoning plans meet the intent of the four districts requested, the applicable provisions of the Zoning Ordinance and together as one development plan in a cohesive manner.

Commissioner Phillips seconded motion.

Mayor Bales said I do have a clarification question. Did you say that to allow the buffer to be reduced to 70' or 60'.

Commissioner Boone said subject of Modification No. 3 the buffer reduction allowed on Mt. Holly-Huntersville Road. Allow the buffer to be reduced to 60', subject to screening and buffering as shown in the submitted plans.

Mayor Bales said one last clarification. I know there was discussion regarding a pedestrian crossing on Mt. Holly-Huntersville Road if NCDOT would allow it. Was that a part of your motion or no?

Commissioner Boone said it was not. Ben just mentioned that, that he studied it and we didn't hear anything about it and neither did the Planning Board. If Mr. Munger would like me to add that to it.....

Commissioner Munger said I have full faith in this developer that they will look into it and do what's best. I'll leave it at that.

Commissioner Boone said motion stands.

Commissioner Kidwell said with the TIA request from the state, what level of service does that take the intersection to?

Mr. Geisler said I know that it maintains it at the future level post development, where it will be once we do all of our improvements brings it back to where that future level will be.

Commissioner Kidwell said the current level I think is a D.

Unidentified Speaker said we are talking about just for clarification Mt. Holly-Huntersville and Hambright, correct? One other point of clarification from the public hearing. I know you asked that question and I said C. I believe it was C in today's scenario and then E in the future. But the difference is the future development and growth to get to the build-out year without Town 1 is going to be E, regardless, whether Town 1 comes or not. When Town 1's traffic is added there's of course a little bit of congestion that's added and improvements that are being made more than mitigate that from a delay perspective so it's still Level of Service E as though it would be without Town 1, but the numbers are slightly better from an overall delay versus on a per second per vehicle scenario.

Commissioner Phillips said this isn't a question. This is a comment. I want to thank the applicants for this project and the fact that we didn't have to ask for affordable housing. But especially thank you for focusing on young people that age out of foster care. In the years I spent helping the homeless community the amount of young people and young adults I met that became homeless because they hit an age and didn't have supportive services like you guys are going to change lives and that means so much to me. Seeing somebody do that and just have the heart for that, it's a nice positive spin at this Town Hall for once and you are appreciated.

Mr. Geisler said thank you for the comment and I want to recognize Joey, he's here this evening. That is a big piece of what he brings to the project through his foundation.

Commissioner Kidwell said I'm not going to support this project. I'm just going to be honest with you. It's a seven-story parking deck, seven-story office building, 750 units adding about 1,150 cars to the area and schools which are not in your control. Again, I've said it over and over, CMS and the state need to work out their metrics because it sucks. I always hear people running for office or in office, we don't have control of the schools, we don't have control of the roads. Well, we do. We do by saying no. Just because development wants to come in and do things, we can say no. That's how we get to where we need to be. I will not be supporting this tonight. It's a nice project. I applaud you for the foster care aspect, but this is bigger than that or anything else that this project provides.

Mayor Bales called for the vote.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Petition #R23-03, Ultimate Athlete. Petition #R23-03, Ultimate Athlete, is a request by Jeremy Martin to rezone +/- 1.290 acres located at 15901 Cramur Drive from Neighborhood Center and General Residential to Highway Commercial Conditional District for an indoor/outdoor recreation center.

Jesse James, Principal Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 10.*

The Planning Department recommends approval as it meets several policies in the 2040 Plan.

The Planning Board voted unanimously with one member stepping down with his involvement of this rezoning 8-0.

Commissioner Munger made a motion in considering the proposed Rezoning Application R23-03, Ultimate Athlete, the Town Board recommends approval based on the plan being consistent with the Huntersville 2040 Community Plan Policies LU-6.1 and EV-2.1 which encourages a mix of land uses in Activity Centers and promotes and encourages local/small businesses to locate in Huntersville. It is reasonable and in the public interest to amend the zoning map for this rezoning being that it is consistent with the existing development patterns in the area and supports the goals set forth in the 2040 Community Plan for Activity Centers. Lastly, the requested modification of the buffer yard (buffer yard reduction) is in keeping with the spirit of the Ordinance and therefore supported.

Commissioner Partee seconded motion.

Mayor Bales called for the vote.

Motion carried unanimously.

Board of Adjustment Appointments. Two Town Seats filled by Edward Cecil and Steven Genenbacher have terms expiring June 30, 2023. Alternate Seat 1 filled by John Passarelli also has a term expiring June 30, 2023. Edward Cecil and John Passarelli have confirmed they would like to be considered for reappointment and are eligible for additional terms. Steven Genenbacher is not eligible for an additional term.

Mayor Bales said the process in which we are going to use, you will give me three names in order of the Town Seat that you would like them placed in – Seat 5, then Seat 6 and then Alternate. Each

commissioner will give three names. The first name will be the person you want in Seat 5. The next person will be the person you would like to see in Seat 6 and then the third would be the alternate.

Commissioner Phillips said 5 Cecil, 6 Passarelli, Alternate Russell.

Commissioner Munger said hypothetically because Commissioner Phillips said Russell for Alternate. If I had Russell for 4, does it count as we both nominated Russell. I want to understand 100 percent.

Emily Sloop, Town Attorney, said the seats that are open are Cecil's seat, the Genenbacher seat, and the Alternate seat. Cecil is currently in 5, Genenbacher is in 6 and Passarelli is in Alternate 1. Those will be the seats that these nominations go into.

Mayor Bales said I think the confusion with Commissioner Munger and maybe with others is that typically we take the top three people and then we plug them in.

Commissioner Munger said specifically what Commissioner Phillips said was I forget the names, but someone for 5, someone for 6 and someone for Alternate, as opposed to saying three names and then if we had five people who someone said the same person 5 in theory that person would go into 5, if there was someone that said that person would go to six and kind of like that but if she says specifically what seat and she says Alternate for Russell and I say 4 for Russell does that mean that Russell got two.

Mayor Bales said we can do the two normal seats and then we'll circle back with the alternate.

Mayor Bales said we are going to pick the regular seats first and then we'll turn around go toward for alternate.

Commissioner Boone said does that mean the alternates don't move up.

Commissioner Kidwell said no.

Mayor Bales said which is correct Commissioner Boone, we would not be shifting alternates.

Ms. Sloop said you can also instead of doing the two normal seats first, you can put out a nomination for the alternate first if the Board would prefer to do that.

Mayor Bales said first of all you are going to give me two names.

Commissioner Phillips nominated Edward Cecil and John Passarelli.
Commissioner Boone nominated Mike Russell and Shannan Younger.
Commissioner Kovacs nominated Edward Cecil and John Passarelli.
Commissioner Kidwell nominated Edward Cecil and John Passarelli.
Commissioner Partee nominated Mike Russell and Shannan Younger.
Commissioner Munger nominated Mike Russell and Shannan Younger.

Mayor Bales supported nomination of Mike Russell and Shannan Younger.

Commissioner Boone made a motion appoint Mike Russell to Town Seat 5 and Shannan Younger to Town Seat 6.

Commissioner Munger seconded motion.

Mayor Bales called for the vote.

Motion was tied – Commissioners Boone, Munger, Partee in favor; Commissioners Kidwell, Kovacs and Phillips opposed.

Mayor Bales voted in favor of the appointment of Mike Russell and Shannan Younger.

Mayor Bales called for nominations for the Alternate 1 Seat.

Commissioner Phillips nominated Edward Cecil.

Commissioner Boone nominated Jack Zovistoski.

Commissioner Kovacs nominated Edward Cecil.

Commissioner Kidwell nominated Edward Cecil.

Commissioner Partee nominated Jack Zovistoski.

Commissioner Munger nominated Jack Zovistoski.

Mayor Bales supported nomination for Jack Zovistoski.

Commissioner Partee made a motion to appoint Jack Zovistoski to the Alternate Seat.

Commissioner Boone seconded motion.

Motion was tied – Commissioners Boone, Munger, Partee in favor; Commissioners Kidwell, Kovacs and Phillips opposed.

Mayor Bales voted in favor of the appointment of Jack Zovistoski.

Planning Board Appointments. Three board seats filled by Christopher Boyd, Stephen Swanick and Jodi Wright as regular seated members have terms expiring June 30, 2023. Christopher Boyd and Jodi Wright have confirmed they would like to be considered for reappointment and are eligible for additional terms. Stephen Swanick is not eligible for an additional term.

Mayor Bales called for nominations.

Commissioner Phillips nominated Christopher Boyd, Jodi Wright, Lee Hallman.

Commissioner Boone nominated Christopher Boyd, Jodi Wright, Lee Hallman.

Commissioner Kovacs nominated Christopher Boyd, Jodi Wright, Lee Hallman.

Commissioner Kidwell nominated Jodi Wright, William Haigler, Lee Hallman.

Commissioner Partee nominated Christopher Boyd, Scott Hinson, Jodi Wright.

Commissioner Munger nominated Christopher Boyd, Jodi Wright, Christy Clark.

Commissioner Phillips made a motion to nominate Christopher Boyd, Jodi Wright and Lee Hallman to the Planning Board.

Commissioner Boone seconded motion.

Motion carried unanimously.

Commissioner Munger said I just want to call out the fact that we had actually 30 different applications for these three spots.....so impressive, love the fact that people are turning out. I wish we could appoint more. It's a great statement that 30 people showed up for this board.

Introduction of Bond Order – Transportation Bonds. Jack Huffman, Deputy Town Manager, said based on the size of our CIP we are in need of some funding mechanisms. The previous consensus of the Board was to move forward with a November 2023 Bond Referendum. The next step to do that is Item 10.E which is the introduction of a Transportation Bond order in the amount of \$50,000,000.

Commissioner Partee made a motion to approve Introduction of Bond Order authorizing the issuance of \$50,000,000 general obligation transportation bonds of the Town of Huntersville, North Carolina.

Commissioner Boone seconded motion.

Mayor Bales called for the vote.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Bond Order attached hereto as Exhibit No. 11.

Introduction of Bond Order – Parks and Recreation Bond. Jackie Huffman, Deputy Town Manager, said similar to the previous motion based on the size of our Capital Improvement Program we are in need of funding mechanisms for capital projects related to Parks and Recreation and so the general consensus of previous action of this Board was to move forward with an \$8,000,000 Parks and Recreation Bond for the November referendum.

Commissioner Kidwell made a motion to approve the resolution for parks bond \$8,000,000.

Ms. Sloop said could you restate that to say motion to approve introduction of bond order authorizing the issuance of \$8,000,000 General Obligation Parks and Recreation bonds.

Commissioner Kidwell made a motion to approve introduction of Bond Orders for \$8,000,000 for the November 2023 referendum.

Commissioner Partee seconded motion.

Mayor Bales called for the vote.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Bond Order attached hereto as Exhibit No. 12.

Resolution Authorizing Bond Order and Setting Public Hearing. Jackie Huffman, Deputy Town Manager, said the previous two items introduced bond orders. This item will approve the resolution authorizing those bond orders. It also sets a public hearing for July 17 in this building for the consideration of the referendum.

Commissioner Partee made a motion to approve the authorization of Resolution setting public hearings on July 17 regarding the planned November 2023 Transportation and Parks and Recreation referendum.

Mayor Bales if you would include the dollar amount which would be the \$58,000,000.

Commissioner Partee said \$50,000,000 in Transportation and \$8,000,000 in Parks and Recreation.

Commissioner Kidwell seconded motion.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Resolution attached hereto as Exhibit No. 13.

Solid Waste Contract. Commissioner Boone said I took it off the Consent Agenda because I think the Board should discuss a 7-year contract with a provider to be sure we've got a good contract.

Mayor Bales said so the question is regarding the 7-year contract.

Commissioner Boone said I've got numerous questions. I was just giving the reason why I took it off.

Mayor Bales said if you would like to go ahead and start with your questions.

Commissioner Boone said I talked to Mr. Fox on the phone earlier today and we went over some of these points, but I guess the questions that I think the citizens should know that the new roll-out containers will have the phone number of the provider of the service. How will that phone service work and if I have a broken can or missing can, can you walk us through that.

Kevin Fox, Director of Public Works, that basically is how we operate today. The current cans out there do have the provider's telephone number. We are going to keep going with that in the future. How we anticipate that to happen is we always ask the citizens to call the waste contractor customer service line first. If they fail to get the resolution that they need, then they can reach out to the Town. That is a manned customer service line during normal business hours so they can talk to an actual person and then we make the contractor give us a list of those calls so that we can canvas those as well.

Commissioner Boone said there's been some question or delay in can replacement like they are offshore or someplace in logistic system. Are we going to have any facilities where we can keep some additional roll-out cans on Public Works property along with the provider?

Mr. Fox said I've spoken with the Manager's office and that is a plan external of this contract. The provider is required per contract to deliver these cans. However, the Town plans to purchase a stock of each of the cans to keep at our Public Works facility to make sure that we can get them out in a timely fashion if the contractor fails to do so.

Commissioner Boone said when it comes to yard waste and leaves, it says five additional bags of yard waste on a weekly basis can be set to the curb. Are those regular brown bags or do they have to be clear bags, especially when it comes to leaves?

Mr. Fox said there has been some discussion. Per this contract it's going to be clear plastic or the recycled paper bags is what we are going to accept. Our preference is the paper bags because our

contractor tells us that they can just dump the bag and everything into the recycling bin and grind it up because it's an organic material. We will accept clear plastic or paper.

Commissioner Boone said I have two additional questions. There's a leakage or a hydraulic fuel leak on the streets of Huntersville. Tell me the process of how that's going to be handled.

Mr. Fox said the process is we are going to reach out as soon as we are made aware of it. We reach out to the contractor and advise them if they are not already aware. In your packet if you go to the liquidated damages section, they have a time to respond to that and they will give us a plan of attack. They have to provide us a written plan of how they plan to address that because as we have learned coming out once and cleaning it generally doesn't get it. It's a process, so they have to identify that plan to us and then the liquidated damages section you will see that we are hitting them pretty hard. It's \$1,000 I believe per day. I'll take this opportunity to thank Attorney Sloop for her hard work on getting this contract ready for us.

Commissioner Boone said point of clarification, it's \$1,000 per occurrence, not day.

Mr. Fox said it's \$1,000 per occurrence, but if you will read the failure to clean-up based on their plan, is \$1,000 per day. That hits them in the pocket. If they provide us a plan of how they are going to attack it and then they don't implement that plan, then we can assess them liquidated damages of \$1,000 per day.

Commissioner Boone said can you clarify under valid misses versus area misses.

Mr. Fox said a valid miss per the contract is a missed collection that is basically through contractor negligence or omission. So, it wasn't because it was a non-compliant cart or something like that, it was just they missed it. One hundred of those in one specific area is an area miss. A valid miss, just the guy is daydreaming and drives by a cart and misses it. That's a valid miss. If he does that in an area of 100 or more, then that is an area miss.

Commissioner Kidwell said unfortunately sometimes they've missed my entire block. There's 10 houses on the block, so that would be a \$1,000.....like if they missed each house, is that what you are saying. If they live on a dead-end, they drive by my block, they are missing my can, my neighbor's cans, so it would be \$100 per house.

Ms. Sloop said we have a tier violation for that. For the first 10, it's \$100, for 11-20 it's \$200.

Mayor Bales said I would like to thank Commissioner Boone for bringing these up. The first one is with the phone number on the roll-out can, for the residents who still have Advanced with that telephone number on there, what is our process to get them a new can.

Mr. Fox said that number still works. When they took that contract over from Advanced, they took that number as well, so that number still I believe is a valid number. A lot of those cans are aging. We're working towards getting all the new cans out there and this contract does specify that we will own every single can.

Mayor Bales said the other question that I have is in regards to the natural waste so your leaves and brush, etc. and you said clear plastic or paper bags. Are we putting that on our app to promote that so people know what to use. Are we going to update that?

Mr. Fox said us and the public information office will be working on putting out information, but part of the contract is a community education piece that we are going to require the contractor to do in addition to our internal efforts to inform people.

Mayor Bales said that will be very helpful because I don't think many residents think.....you see a black leaf bag at a Lowes or whatever and that's what you are going to use, so thank you for that.

Commissioner Kidwell said in my neighborhood I've seen it a few times where they put out the clear plastic bags. They've emptied the clear plastic bags and then they've thrown the clear plastic bags on the ground. Are they going to take them this time?

Mr. Fox said no and the reason being is because that's a contaminant with where they are taking the yard waste. Our preference would be for them not to just leave them laying on the ground, but they also can't put it in the yard waste truck because then that becomes a contaminant for the yard waste because they sell that as mulch and they sell other products so that plastic is a contaminant. It also binds up the machinery that grinds so they don't want that and that's why some municipalities around us have gone to only paper and I think probably in the future we'll look that way, but for the time being.....

Mayor Bales said and where do you get paper?

Mr. Fox said Mecklenburg County has a program where they provide them for free and we've held some events here, but we run out. You can buy those at the big box home improvement stores.

Mayor Bales said and that's what we are going to say paper bags preferred on our communications.

Commissioner Boone said I just want to follow-up with the education of the community on what can go in the recycling. In the contract it says they've got to do this every year.

Ms. Sloop said bi-annually actually.

Mr. Fox said they have to do it twice. What they collect is not based on what their preference is. It's the county. So whatever new rules or anything that the county comes out with because we are taking our recyclables to a county MURF. Waste Connections doesn't really care what you can recycle or not, it's based on the requirements of the county and that will be where we get the educational material from.

Mayor Bales said one of the things that I think would be helpful for us and if you would not like to participate that's fine, but I would like to see if we could set up an opportunity to go down to the county's facility so that we can educate ourselves on the machinery and what works and what doesn't so as we communicate to our residents then we have a very clear picture and clear understanding about what can and cannot go through that facility and why.

Mr. Fox said we would be glad to do that, to set that up.

Commissioner Munger said is the wording actually bi-annual or semi annual, because bi-annual in my understanding is once every two years.

Ms. Sloop said do it says in there bi-annual.....it's meant to be twice and we also reiterate in the recycling section that they also have to provide that information on a routine basisanytime there's a change outside of the designated periods for providing that information that they have to immediately update the website.

Commissioner Boone made a motion that the Town of Huntersville award a solid waste service contract to Waste Connections of the Carolinas for a 7-year period.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

MAYOR AND COMMISSIONER REPORTS

Commissioner Phillips

- No Report.

Commissioner Boone

- No Report.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Kidwell

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

Commissioner Partee

- If you have a charity that you want to donate to, please do that.

Commissioner Munger

- Provided update from the Public Arts Commission.
- Consider supporting local non-profits.

Mayor Bales

- Public input meeting at Abernathy Park tomorrow.
- CATS meeting for the month of June has been canceled.
- Next meeting of Charlotte MTC Working Group is June 27.
- Provided update on NCDEQ's decision to grant Colonial Pipeline's application for a permit to install a wastewater treatment plant in Huntersville.
- Hope Juneteenth celebrations where joyful ones.

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the 17th day of July 2023.