

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

July 17, 2023

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

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:15 p.m. on July 17, 2023.

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

Mayor Bales called the Pre-meeting to order.

Brent Green (Creech and Associates) and Tim Bender (Edifice) presented update on new Town Hall.
PowerPoint attached hereto as Exhibit No. 1.

Mr. Bender explained the prequalification/early procurement process. If that's something the Board would like to pursue, consideration of approval to follow that process would need to be added to the agenda.

There being no further business, the Pre-meeting was adjourned.

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on July 17, 2023.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

None

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales noted that more than 20 people signed up to speak, so comments will be limited to two minutes.

Pam Deal, 13604 Brook Line Lane, (Cindy Harris, 12716 Willow Grove Way, deferred her time), said I am not an angry or unhappy person and I enjoy going places and doing things, but I also enjoy my home and my neighborhood. I want to thank those of you who accepted my invitation or my sister's invitation to visit our homes to see our neighborhood and how our properties connect to the Westmoreland farm. You noticed our quiet neighborhood and commented on the peacefulness. We know we have been blessed for 26 years to enjoy the nature environment that surrounds us. We also knew the farm would be developed some day, but we never expected it to be zoned Highway Commercial with a hotel, conference center, retail and a lagoon, and with a cut-through connection to our small neighborhood. Huntersville's 2040 Plan was developed using taxpayer money and the time and energy of many people. Five of you were on either the Town Board or the Planning Board when it was adopted, and your names are on the plan. It's a good plan with reasonable goals and guidelines. I will paraphrase Mr. Burton who spoke at the June 20 Town meeting. If you have a plan that you don't follow, then you don't really have a plan. The developer recently sent emails asking for your input on how he should revise the plan. Here is your chance to answer him. Tell him to follow the Huntersville 2040 Plan and tell him to work with the Town's Planning Department to come up with a development that follows the rules of density and design and fits the property and is part of Huntersville. Any development on the Westmoreland farm should be representative of Huntersville and the 2040 Plan, and also be an appropriate density in design that will compliment Willow Brook and the surrounding homes. I want to correct an impression left by the developer at a previous meeting. There is not an agreement with Willow Brook for him to repair our pool. Our HOA has not held a vote and I believe they would have a hard time finding 67 homes in Willow Brook to support such an agreement. Your legacy as an elected official will include this moment and this issue. I hope you will remember that as an elected official. Your service is to the citizens of the Town of Huntersville to work for the betterment of the Town and not just for those who voted for you or contributed to your campaign. When the time comes that you are able to make a decision about the proposed development, I hope that you will follow the guidance of the 2040 Plan and the recommendations of the Town's Planning Department and the Planning Board's decision and deny the development. Please vote no for the Lagoona Bay or Waterside development.

Jennifer Connor said I'm not going to give my address. I was told I didn't have to. This development with it's new name Waterside still doesn't fit the 2040 Plan according to the planning committee. Why do we have a planning committee if the commissioners are not going to listen to its committee or to the citizens of Huntersville. We voted you in to represent us. Mr. Kidwell, Mr. Boone, Mr. Munger, you're not even following the basic steps of a traffic impact analysis on one of the busiest roads in Huntersville, Highway 73. That is one of the most important steps of doing any planning study. I and every citizen of Huntersville, right now we've all got red flags. If I had flags to hand out, we'd have a lot of red flags being waved. What's going on behind the scenes? Why are you not following protocol? Why is it not being followed? Everything is being stopped for this developer right here, Jake Palillo. Why? It's not a good look. These shenanigans must stop now. We have one commissioner who spoke out against this and now suspiciously his house was vandalized. Really interesting. It's not a coincidence. You can't say it's a coincidence. It was just his house. We've got two women being sued for sharing their opinions on the development. When does the madness stop? We have a petition with over 5,500 signatures, more than the people that showed up to vote for you all. What more does it take? It's time for the commissioners to do the right thing for the citizens of Huntersville. Vote no to this lagoon. That's what we are asking.

Scott Sittler, 15829 Lavenham Road, said just a couple of things that have disturbed me with the documents that have come out. A quote that the developer has thrown around is that 20 percent of the people love to complain and because of that we are unhappy people, we live unhappy lives. I just really want to put that to bed because I don't think that's accurate. I'm against it, but I hope I'm not that unhappy as a person. The other thing that he stated in a recent message was that a list, I think this is a quote, a list of tract home developers are standing in line behind me waiting for me to pull out and they are happy with 400 homes. I would also be happy with 400 homes in that neighborhood, so I would encourage the Town to consider that. If that's really a fact that there's other developers standing in line behind them, let's take a look at those plans as well.

Bob Baer, 15802 Lavenham Road (Kate Sittler, 15829 Lavenham Road and Anna Rubin, 16214 Hollingbourne Road, deferred their time), said here we are again. After being a resident here for over 20 years, this is the first time I've ever gotten involved in any kind of political stuff, but this project is literally in our backyards. The developer is fond of saying that he's just trying to do what's best for his family. Well, I hope he and you respect the fact that I feel like I'm doing the same thing – doing what's best for my family.

I know it was established at one of the last meetings that it's only a guideline, but let's take a look at a few things from the 2040 Plan, a plan that half of you were pretty deeply involved with. And let's not forget that this isn't some old plan from 5 or 10 years ago, it's only 30 months old. The stated purpose of that 2040 Plan is that it is meant to establish a framework for growth and development while maintaining the character and livability of the town that Huntersville residents hold so dear.

When you all did the community surveys in crafting the 2040 Plan, one of the main questions was what are your top priorities for Huntersville moving forward and by far the largest response at 63 percent was traffic and congestion. Do you think that has changed in 30 months? Do you think this project is going to help with that?

Another question on those surveys was if you were able, willing, and motivated to relocate to Huntersville, what housing options would interest you. The overwhelming answer at 61 percent was a house with a large yard, even if not near shopping and services. Only 4 percent said an apartment or condo complex. That pretty much flies in the face of what the developer has said that people want advocating for little 40', 50' and a couple of 60' lots.

Lastly, there was a question about how should the current adopted land use plan be changed. And again, the overwhelming response at almost 60 percent was to limit growth. Less than 15 percent said to allow more growth. Your constituents have already very clearly told you what they want and it's definitely not a big touristy circus and cement pond in this peaceful little rural area.

One of the things that makes Huntersville unique is the fact that we're not a tourist town or destination. Concord is a tourist town – race tracks, drag strips, big full service hotels, the Great Wolf Lodge, etc. Cornelius seems to try to be touristy with waterfront bars, restaurants and marinas. Mooresville has the race shops, the old historic downtown, race city. Birkdale seems to work as a touristy attraction, but that's because it's right around the corner from Cornelius and let's not forget that the residents of the beautiful Birkdale subdivision don't seem too happy with the development going on over there either. Apparently, his new plan puts all the retail back in. After the smash and grab armed robbery at Fink's Jewelers in Birkdale last week, is there anyone who can't understand why we don't want this right next to our homes.

I've totally stayed away from the personal attacks and I'm not part of some anti-growth mob. I've got nothing against these people. I don't even know them. I've only tried to look at this project objectively. The current zoning calls for 300 some housing units and this plan calls for more than double that number. The developer made the claim in one of the freedom of information act emails that there are plenty of tract home builders happy to put up 400 homes. You know what, that's what the zoning calls for and we're just fine with that – a nice neighborhood, no commercial circus. And I'm sure the new homeowners will love being so close to beautiful Bradford Park.

The developer talks about how much money he has already spent on this project without doing the required traffic impact assessment, by the way. Well, sorry, but that's kind of the nature of land speculation, isn't it. He also says you move to a growing community and you have to put up with the growth. No, we don't. We elected you people to watch out for our town and represent our interests, not just developers. So, 1,500 memberships at \$10,000 – that's \$15 million. Another 225 building lots at even just \$50,000 is another \$11 million plus. It's pretty obvious to see why the developer and his family and anyone else who stands to make a financial gain from this project are so passionate about it.

Beautiful tree lined McCord Road by the old Huntersville Hardwoods looks like a disaster area. Please, we beg you, stop the total deforestation of our beautiful little town. And lastly, I would like to mention all of these freedom of information emails that have been brought to light throughout this whole process. Emails from this developer telling the Planning Board what to do, telling the Town commissioners what to do – not asking, not urging, but telling. You all sitting up here cannot be surprised that after reading all of these emails that there are many residents of this town asking the same question, who really runs this town. Is it our elected officials or is it deep pocket developers?

This project does not align with the current zoning. It does not fit with the 2040 Plan. Over 5,500 petition signatures proves that we are not just an unhappy little group of people who hate everything as this developer alleges. We are long-time citizens who do not want this circus next to our homes. Please vote no.

Suzanne Villar, 17130 Bridgeton Lane, said in 2019 the Town recruited a large group of citizens to update the 2030 Plan. That group worked for two years through Covid and despite their different backgrounds and priorities that committee was able to unanimously recommend the updated 2040 Plan to Town officials who accepted and officially adopted it in December 2021. That's what our citizens thought was right for Huntersville then and the commissioners adopted it. As accepted by the Town Board, the preamble to the 2040 Plan clearly states the plan will serve as official policy for the Town of Huntersville and detail our vision, goals, policies, strategies to manage growth, define and reinforce its identity and character and provide high quality public facilities and services for all residents. This is not an ambiguous statement. This is town policy. Yet over the last couple of years we've heard various developers, their advisors, as well as Huntersville staff and board members, refer to the 2040 Plan in this chamber as a suggestion in an effort to diminish the relevance and applicability of this policy on projects within Huntersville. Forcing the public and Town Board members to fight projects that egregiously disregard the Town's own policy is divisive, a gross waste of time and money for the public and the town and should not be tolerated. It's important that the Huntersville town commission reinforce the 2040 Plan is not a mere suggestion, but is in fact Town policy that applies in all cases to all petitioners equally. Please vote against Waterside.

Edward Cecil, Stonegate Estates off McCord Road, (Teresa Julian, 110 N. Maxwell Avenue and Ron Julian, 110 N. Maxwell Avenue, deferred their time), said I and my wife Nancy have stayed out of this, however since the developer has ignored Stonegate Estates as to the setbacks along with other developments and along with other important issues, we had no choice but to get involved in order to protect our

neighbors in Stonegate on McCord Road and other locations in Huntersville itself. Remember how Nancy led the way and took on Lennar, which is substantially bigger than this developer, as for Northbrook, organized the entire McCord corridor and its residents and took it from NR to TR from 302 homes down to 122.

We are speaking here tonight not just for ourselves but with other people who feel the same way. Quickly, Stonegate Estates is a 23 acre, 6 home, farm cluster of extremely low density – 0.31 homes per acre. We have preserved over 73 percent of our original trees. This developer proposes with his high density homes a minute 20' setback with a rear load for garages practically right up to our property lines. In comparison, the developer of North Creek Village was concerned enough to provide them, we were informed, a 50' to 80' setback. Even Lennar's Northbrook has substantial setbacks up to what appears to be even 100'. We're not the only ones impacted. There are other low density homes all along McCord Road.

This developer stated he will defoliate all but 15 percent of the trees in violation of the ordinance and plant minute trees that will take 20 years to reach maturity. One tree provides enough oxygen to supply a family of four for only 1 year. Trees prevent erosion, cleanse the air, reduce carbon footprint, provide oxygen, as well as many other benefits including providing home for our needed animal life. It is assumed that all of you like to breathe clear air, therefore obviously none of us can survive without the trees. You also must be concerned with the displacement and death of wildlife by the destruction of nearly 270 acres of trees. A prior approved development near us by Lennar Northbrook, by limiting the other trees, increased our deer and animal population. We have a herd of 12 to 14 deer crossing our property along with foxes, raccoons, nutria, rabbits, groundhogs, chipmunks, bats, snakes, birds, insects and other animals adding to ours in order for them to try to escape and to survive. If you keep the tree destruction up, Huntersville will become nothing but a concrete jungle.

You need to believe that our animal population is important and must be preserved and protected. It is admitted there is only so much [inaudible] capacity and that you must know that this massive development would only exasperate the problem. Even with the somewhat reduced size of the lagoon, calculations indicate it will take 20 million gallons of water from Cabarrus reservoir area to fill the lake and an agonizing 25 days to fill it. It is also predicted that it could likely reduce the water pressure for surrounding neighbors and even possibly deprive them the water. You need to take this into consideration and rethink approving so many other developments.

We have been told that the developer thinks out of the box, however with all the change it is more like out of jack in the box. First there will be a large lagoon, then back with a somewhat reduced lagoon. He swore that the lagoon would be private, then he opened it to the public and then he went back to private. There will be a 5-star hotel and convention center, now no hotel/convention center. But how long will it be before he asks for it back. There will be commercial with celebrity chef restaurants, then no commercial, then back to commercial chef restaurants. On and on ad infinitum.

He states he's throwing in two lakes that guests can look out upon. Really? Actually, these are nothing more than required BMP's to collect run-off and rain water and turns out to also harbor mosquitos to go after the guests and frogs making lovely non-stop croaking noise to entertain the guests. He has now changed the name from Lagoon Bay to Waterside Park, presumably to take away the stigma of the lagoon.

The developer does not want to do a traffic study and has stated that we just need to suck it up as to massive traffic back-ups. Even without it, it's a known fact that there will be thousands of in and out vehicles coming onto 73 and McCord Road everyday to clog the roads even more. McCord Road is a

rural road that cannot handle the traffic that's on it now. Where will his development's residents private and/or public lagooners, Watersiders, shoppers, looky lous, hotel guests, restaurant goers be pouring in and out of the development from and onto to get to Northcross, Rosedale, Sam Furr, Denver, Exits 23, 25 to get to 77 north and south, as well as children going to school. Obviously, McCord Road.

Another reason I'm involved in this is because of all the ranker and discourse emanating from both sides that is a result from the developer and his development. It needs to end now. Everyone needs to cease and desist. All threats that are being made to destroy individuals must end. There must be no more attacks and comments to this to and against the Town Board members including the Planning Department. All offers to anyone, any groups, including offers and perks and or financial assistance of any kind, including elections, must cease and not occur again. In other words, everyone must stop and be quiet and end all of this. There should never have been attacks and continued attacks against those who oppose, and then two who opposed development being sued, even if the developer felt that he was personally attacked by them. The lawsuits must be dropped in order for there to be now civil discourse between all parties either for or against the development. The developer only presents facts as to why this development should be approved and those opposing this only present facts as to why it should not be approved. Nothing more. It's been stated through over 5,400 persons who have signed a petition against the developer. It doesn't take nearly that number to vote one into office.

Nancy Cecil, McCord Road, (Noelle Burton, 12940 Cadgwith Cove Drive and Linda Angele, 18612 River Falls Drive, Davidson, deferred their time), said I have not spoken publicly in a long time and I guess it's because nothing new has come before you with such a great importance to all of us who live here until now.

Huntersville has hired trained, experienced, professional and experts in the field of planning in the Planning Department to research codes, ordinances, 2040 Plan to determine what is appropriate.....as to being submitted plans by the developer. An exorbitant amount of money has been spent on these planning studies two times since I've lived here.

The Town Board has also appointed experienced planning individuals to the Planning Board who make a recommendation as to how the plan conforms to our codes, ordinances and 2040 Plan and what's best for the town, not just the developers. These positions for the Planning Board are very important and anyone who applies for an appointment should have the understanding of planning in order to make a recommendation. No one cares whether people like it or don't like it. The merits of the plan and how it conforms to Huntersville, the county and the state are all that matters.

At times some of the Board pays no attention to what the Planning Department and the Planning Board has recommended and refuses and almost always fails to follow the recommendations to deny an improper plan. Why is that? If it's a tie, our mayor even has more responsibility to protect her citizens particularly when the hired and appointed experts say no. If she votes to approve it in breaking a tie, it will appear to be unreasonable especially considering that every taxpayer in Huntersville has to pay for all of these plans to be reviewed and all the research in order for them to make a recommendation that looks forward to the future plans that have been set in place.

As you are all elected by the citizens of Huntersville to the Town Board, you are politicians. Some of you actually do not have the required expertise, that is why you hired appointed planners and boards to make these necessary important recommendations on your behalf. They direct the Town Board. Again, you must not ignore the established ordinances, current zoning and 2040 Plan and you must not ignore the recommendations of the Planning Department and Planning Board not to approve and then you go and vote approval for the developer's plan. Doing so is nothing more than illogical and makes it appear

that you are just supporting developers and friends who may reward you for giving a yay vote. Avoiding the established ordinance and zoning and even doing so by text amendments to help developers skirt them and the intent of the current 2040 Plan is an outrage. Along with other improper decisions this must not occur in Huntersville and you must not void any of the words of your constituents who have spoken and requested the denial.

Voters in Huntersville have voted you in because they have expectations of your responsibilities and duties to them as a town as you promised when you ran for office. Voters have also believed you will do what you say in your platform that you have mailed or advertised in order to secure votes. I have them. I have re-read them, and I see some of you are not keeping with your promises to protect the town in slowing the growth, listening to the people of Huntersville and we have all trusted you to do that. Keep in mind I said some of you and not all seven of you. You must not be concerned about yourself and your political future and developers, but it is the citizens of Huntersville and Huntersville itself you must be concerned with.

About half of you on the Board have made some serious attempts to follow the ordinances, zoning and 2040 Plan. All of you must do so as they are in place for a reason. The Planning Department, Planning Board work hard to help you make the proper decision. Again, there's absolutely no reason to go against their recommendations to deny and for you to approve the developer's project is against all direction and recommendations.

If the Town Board is not going to pay attention and follow recommendations of the Planning Department and Planning Board, then you might as well eliminate both. Further, forget about doing any more plans and scrap the 2040 Plan now. Since you ignore these recommendations, then why have the Planning Board or Planning Department or any future plans. This obviously would save the town a substantial amount of money as well as taxpayers money. Sounds ridiculous, doesn't it. It appears these studies and future plans are done only because they are required by the county and the state of North Carolina as they look into the needs of water, power, roads, sewer, etc. it is important to provide future directions for the infrastructure. I have much more to say but that can wait.

As the elections are around the corner and many more than ever in the history of Huntersville elections will be watching and thinking who will get their vote to lead our town. With six spots I hope all candidates will be true to themselves and all of us who live here, work here, pay taxes and those who care enough to make sensible developments here.

I have just viewed the video of Windsor Ranch and the other lagoons and I am now even more opposed to the lagoon in Huntersville. It may belong somewhere, but not in our backyard. Incidentally, none of you on the board actually live on 73 or the McCord Road corridor, so this lagoon and the racket it brings will not bother you at all. Thank you for listening and please when the time comes deny this application.

Mary Ann Turetsky, 16977 Bridgeton Lane, said the new improved plan called Waterside has substantial changes to the original project. The public has a right to see the changes, not just hear about them. Thousands of us feel it should go back to square one with a public meeting to share its new content, then follow the steps – Town staff, Town Board, and eventually the commissioners. We are all well within our rights to expect this to happen.

The Mayor always tells me and the rest of us do not talk about the man, only talk about the plan. The man is the plan. They are one in the same. You can't separate them. If he follows these steps as he should, then we feel satisfied that our Huntersville, they live in Cornelius, Huntersville will be protected from his bait and switch plans. As former mayor Jill Swain said, we should be a town represented by the

people who care about their town's well-being, not their own well-being. We all need to do research. Everyone, for the sake of our town, please research. Elections are coming up soon. Commissioners, as you make your decision about this project, please let your conscience be your guide.

Just to let the Board know, the safety of my daughter Noelle and her family was compromised this weekend. I guess this is the new way people will try to silence us. We are not going quietly. We are not going to be silenced. Remember that.

Tina Katsanos, 6620 Cashion Road, said I want you guys to know I wouldn't be here if I didn't think it was important. I'm still recovering from hip replacement surgery and I'm in a lot of pain, so this means a lot to me. I'm the chair of the Climate Reality Project Charlotte-Metro Area Chapter. I am the Environmental Justice Committee Chair of the Charlotte-Mecklenburg NAACP, and I'm a member of the Charlotte-Mecklenburg Climate Leaders. I also teach Environmental Justice at UNC-Charlotte.

Tonight, however, I'm reaching out to you as your constituent and a resident in Huntersville and someone who lives very close to the proposed Lagoon Bay project. I do not support the development of Lagoon Bay in an area that is slated, according to the 2040 Plan, to be lower density than this development would manifest.

The traffic is already a nightmare on Sam Furr Road. The idling cars increase the CO2 emission which impacts the climate crisis and people's respiratory health. We have global water issues and I'm concerned about the frivolous misuse water with this project. There are many more environmental impacts that I have not listed and have not been considered. Has an environmental impact analysis report been prepared? I have not seen one. Has a traffic analysis impact report been prepared? I hear that some folks do not think there's a need for such a report and therefore it does not exist.

I understand that Huntersville will continue to grow, but there is such thing as smart and efficient and sustainable growth. This project is not that sort of growth. I do not believe we or anyone truly needs this type of tourist attraction. But let's just say hypothetically it is absolutely necessary for economic growth, then projects like this should begin in undeveloped areas and then people can have choices whether or not they want to move nearby. Please say no to Lagoon and say no tonight.

Errol Genoio, 8537 Camberly Road, said pollinators, the highest priority. Make the protection of pollinators as the highest priority of community land development in Huntersville in order to support two universal truths: (a) pollinators reduce the deadly amount of carbon dioxide that humans breathe and (b) pollinators contribute to the production of food valued at more than \$40 billion annually in the United States. Citation www.whydoweneedbees.org. Our community development of land faces a threat of a continuing crisis because bulldozing for roads, businesses and hundreds of new gas pumps receive a higher priority than the preservation of our oxygen and food supplies. A responsible policy of land development will logically limit population density and seasonal visitation in Huntersville. Take the first step to let the citizens and the pollinators breathe fresh air.

Mildred Paranich, 12824 Westmoreland Road, said for the record I am a happy person, but right now I am a very angry and embarrassed person. I'll come back to that. I am really requesting that this lagoon project not be approved at all.

The previous presentation, and then I saw the other day a revised presentation online, and I'm still saying no. I ask you to deny permission to rezone this beautiful land that we live on because it's going to impact myself and my husband very much so and my family. I will be having to look out the windows and my front door at apartments – ugly, tall apartments and possibly townhouses and good Lord knows

what else. We have been screaming there's a petition as people have said of over 5,500 signatures and just screaming no, we do not want this for our community. I don't know. Deaf ears. We do not have the infrastructure for what is being proposed.

As I recently stated to the Planning Board, I just don't see this being within the plans for this town and I've been here over 20 years. If I had wanted to look at high rise apartments, convention centers, so forth, I could have bought a home right in the City of Charlotte, but my family and I chose not to. I want to thank Commissioner Partee.

Mayor Bales said thank you, that was your two minutes. If you would like to finish your sentence, you are more than welcome.

Ms. Paranich said I just real quick just wanted to thank Mr. Partee for speaking for me on June 20. I could not make it because I was home taking care of my husband who is in Hospice care and that's where I'm leaving to go back to, to take care of my husband. But I want people to take a look at what's going on.....is this a definition of political machine, is it plutocracy and is it oligarchy and if people don't know the definitions of that, it's what's going on in this town, which is an embarrassment.

Robin Hahn, 14121 Pinoli Pine Circle, said we have lived at this location since 1990. Our property borders the proposed development. I have two points I would like to address.

First, I would not like to see this approved. This project is too dense for this area. Apartments and retail will increase traffic flow which is already overwhelming to residents and would further overburden roads which were built as small two-lane country roads. Additionally, apartments bring in transitional people – people who have no vested interest in preserving the safety and integrity of our country community.

My second point is I believe that in the interest of eliminating any doubt of the possibility of a voting conflict in this matter, that commissioners who have accepted political contributions or other contributions from Mr. Palillo or his associates should recuse themselves from this vote. I am not accusing anyone of wrongdoing, as accepting political contributions is entirely within the law, but when there is a possibility that the contributions could have been made to manipulate the outcomes on projects, then that is a basis to be excused from the vote. Mr. Palillo was very proud that he has changed the political face of Huntersville as he stated in previous meetings. At the very least an attorney should render an opinion to the Board on whether these members should be excused from this vote. This process might result in better and more open decision-making thus ensuring more consistent adherence to Town requirements.

Melanie Griffin, 12900 Westmoreland Road, said thank you everyone on the Board of Commissioners for the time that you give to these jobs. Like everyone else that has already spoken I did want to point out that I am a very happy person. I'm not angry. I don't complain about things. In fact, I've always worked in restaurants my entire life, so I certainly don't go into a restaurant and complain either.

I'm not against development. I am against this development. It is also nothing personal. I had no idea who Jake Palillo was before the first community meeting at the church a few months ago. At that meeting he did tell me I was stupid for building a home next to a farm because I could not control the zoning that was there, and everyone has already mentioned the 2040 Plan.

What I feel like no one has mentioned is it's my understanding, and I'm not an expert, but it's my understanding that anytime a change is made in zoning that will go against the 2040 Plan that then

changes the plan moving forward. If none of these things fall in line with the 2040 Plan, I think it's going to negate every single aspect of the 2040 Plan. That has me concerned for Huntersville beyond just across the road from my house. I'm not even sure what exactly the plan is at this point because we have seen several different versions of it mostly through the news or social media.

I think the only other thing that I wanted to mention is that I'm also not really sure if the lagoon is the most important wonderful feature of this project, why now the apartments are going to be built first. I'm also concerned from living on Westmoreland Road that the only thing that will ever get built will be all the apartments across the road from my house.

Nancy Cecil, McCord Road, said I wasn't really prepared to speak on this topic until I understood it a little further, but Item 10.E to require a 10' buffer for Minor Subdivisions in Rural and Transitional Residential zoning. When my husband and I built our house, we had to abide by the 20' setback. It cost us a lot of money to move our house far enough so that we were 20' away from our neighbors. Now our neighbor's property could eventually be sold, it could be developed, and we've also put in a lot of drainage because we get a lot of the saturation from above our house. Our basement has been flooded. We've had the stinky moldy smell down there for a long time. We finally got that eradicated and we finally put in a drainage swell so that it will protect us. How could I possibly be protected if it's only 10' away because that will do nothing for me. We'll be drowned out and so I think it should be 20' and if it's not 20' then maybe it should be 30' because that's the only way to protect low density development and to protect someone who has followed the rules and who has made a lot of effort to take care of our own property. Every single one of our downspouts goes into the ground and goes out into the creek. We don't have any water around our house. It all goes out and away from the house and I would expect if there is any development around us, that to be respected because it will harm us tremendously.

AGENDA CHANGES

Commissioner Boone added Item 8.P to the Consent Agenda – Call a public hearing on Petition #R23-07 for 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville.

Commissioner Kovacs added Item 10.T to Other Business – Consider approving Prequalification Tool and Criteria as required by Purchasing and Contracting Policy and state statute.

Commissioner Phillips made a motion to adopt these amendments.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Commissioner Phillips made a motion to approve the agenda.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes – June 5, 2023. Commissioner Phillips made a motion to approve the minutes of the June 5, 2023 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

Approval of Minutes – June 20, 2023. Commissioner Phillips made a motion to approve the minutes of the June 20, 2023 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution – Richard Barry Park Restroom and Parking Lot Expansion. This project will address two of the biggest issues that we hear from residents and park visitors at Richard Barry Park. The new restroom building at the entrance to the park will address the first issue, which is the long lines at the restrooms during games and tournaments. This building will also provide an attached covered area for family members and park visitors to get out of the heat while still being able to watch games. The additional 98 paved parking spaces will address the second issue, which is the lack of parking during games and tournaments. On many occasions, we have had cars get stuck in the mud when trying to park in the grass overflow areas.

This project was approved in the FY23 budget and the funds are coming from the Tourism Fund. We are requesting to use an additional \$333,000 from the Tourism Fund Balance to complete this project. The Town of Huntersville originally advertised the request for bids on April 28, 2023 and, due to not receiving three bids, readvertised the request for bids on May 25, 2023. J. D. Goodrum Company, Inc. was the lowest responsible bidder. J. D. Goodrum Company, Inc. has done numerous park projects in Huntersville and in the surrounding area. This project will be completed by January 2024, just in time for the busy spring season.

Commissioner Phillips made a motion to adopt Resolution to award the bid for the Richard Barry Park Parking Lot Expansion and New Restroom Building Project and approve the construction contract.

Commissioner Munger seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 2.

Budget Amendment – Barry Park Project. Commissioner Phillips made a motion to approve budget amendment appropriating Tourism Fund Balance in the amount of \$333,000 to the Barry Park Project Account for restroom addition and additional paved parking spaces. Commissioner Munger seconded motion. Motion carried unanimously.

Agreement – Lease of “Joelukeben” Sculpture. Commissioner Phillips made a motion to approve agreement with Bradley Tucker for Town to temporarily lease “Joelukeben” sculpture as part of the Town’s SculpTOUR Exhibition. Commissioner Munger seconded motion. Motion carried unanimously.

Agreement attached hereto as Exhibit No. 3.

Agreement – Lease of “Basin & Range” Sculpture. Commissioner Phillips made a motion to approve agreement with Todd Frahm & Lara Nguyen for Town to temporarily lease "Basin & Range" sculpture as part of the Town's SculpTOUR Exhibition. Commissioner Munger seconded motion. Motion carried unanimously.

Agreement attached hereto as Exhibit No. 4.

Agreement – Lease of “Cube in Motion” Sculpture. Commissioner Phillips made a motion to approve agreement with Hanna Jubran for Town to temporarily lease "Cube in Motion" sculpture as part of the Town's SculpTOUR Exhibition. Commissioner Munger seconded motion. Motion carried unanimously.

Agreement attached hereto as Exhibit No. 5.

Agreement - Lease of "Phoenix" Sculpture. Commissioner Phillips made a motion to approve agreement with Jim Weitzel for Town to temporarily lease "Phoenix" sculpture as part of the Town's SculpTOUR Exhibition. Commissioner Munger seconded motion. Motion carried unanimously.

Agreement attached hereto as Exhibit No. 6.

Agreement – Lease of "Feather" Sculpture. Commissioner Phillips made a motion to approve agreement with Kirk Seese for Town to temporarily lease "Feather" sculpture as part of the Town's SculpTOUR Exhibition.

Agreement attached hereto as Exhibit No. 7.

Agreement - Lease of "Barely Scraping By" Sculpture. Commissioner Phillips made a motion to approve agreement with Drew Coombes for Town to temporarily lease "Barely Scraping By" sculpture as part of the Town's SculpTOUR Exhibition. Commissioner Munger seconded motion. Motion carried unanimously.

Agreement attached hereto as Exhibit No. 8.

Resolution – Fire Protection Services Interlocal. Commissioner Phillips made a motion to adopt Resolution approving Interlocal Cooperation Agreement for Fire Protection Services. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 9.

Resolution – Property for Maintenance of Bud Henderson Sidewalk. Commissioner Phillips made a motion to adopt Resolution to acquire easements necessary for the maintenance of the 7225 Bud Henderson Road Sidewalk Project. Commissioner Munger seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 10.

Acceptance of Streets – Mirabella at Vermillion. Commissioner Phillips made a motion to accept streets located in Mirabella at Vermillion for Town maintenance. Commissioner Munger seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Vermillion Crossing Court	200-ft W of Guthrie Dr	End of Road	1,360'
Venezia Lane	Vermillion Crossing Court	End of Road	1,520'
Rosa Court	Venezia Lane	Venezia Lane	310'

Acceptance of Streets – Asbury Park. Commissioner Phillips made a motion to accept streets located in Asbury Park for Town maintenance. Commissioner Munger seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Little Pine Drive	Asbury Park Road	Ferrelltown Pkwy	900’
Cato Drive	Blanton Drive	Asbury Park Road	625’
Hugh Dixon Way	Ferrelltown Pkwy	End of Road	1,070’
Blanton Drive	Hugh Dixon Way	End of Road	1,730’
Asbury Park Road	Blanton Drive	Hugh Dixon Way	1,705’

Call for Public Hearing – Petition #R23-06. Commissioner Phillips made a motion to call a public hearing for Monday, August 7, 2023, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #R23-06, Beatties Ford Family Entertainment, a request by Jonathan Eury, to rezone three parcels (02305105, 02305106, 02305107) totaling 2.513 acres generally located at 9339 Beatties Ford Road from existing Rural to Highway Commercial - Conditional District for outdoor recreation and commercial uses. Commissioner Munger seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R23-07. Commissioner Phillips made a motion to call a public hearing for Monday, August 7, 2023, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, on Petition #R23-07, EPCON – Beatties Ford Road, a request by EPCON Communities Carolinas, LLC to rezone six parcels totaling 78.7-acres generally located at 15201 Beatties Ford Road (South of NC 73 and east of Gilead Road & Beatties Ford Road intersection) from existing Rural to Transitional Residential - Conditional District zoning district for a 118-lot, single-family home subdivision (PINs 01313125, 01313126, 01313142, 01313143, 01313144 & 01313116). Commissioner Munger seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #R23-01. Mayor Bales called to order public hearing 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.

David Peete, Principal Planner, entered the Staff Report into the record and reviewed the request. *Refer to Staff Report and Staff PowerPoint attached hereto as Exhibit No. 11.*

Petition R23-01 is a request by Foundry Commercial, LLC. This property that you see in the black striping there is located on Everette Keith Road. It is south of Hambright Road. It is to the east of Bryton Commerce Center and this is essentially behind Walmart and Frankie’s for a local reference.

What you see in this particular image is that the property in question is 100 percent zoned Transitional Residential. It abuts Special Purpose which is in the Bryton development and then the red line that we will come back to briefly is the future thoroughfare alignment. Everette Keith is planned to sort of peel away from the current Everette Keith alignment and go down to Eastfield Road at the Independence Hill location that is located in the City of Charlotte.

You can see here the site plan is laid over an aerial and again the purple represents the thoroughfare plan, the Everett Keith project going straight down would be realigned, and you can see the large road at the bottom of the image. Right here is where they would propose to realign that.

I'll go ahead and mention to the Board that there is a process by which an adopted thoroughfare can be modified. The key test there is where you enter and exit a piece of property. If you maintain those, the thoroughfare is allowed to be adjusted within, making sure that of course appropriate geometry and everything else is consistent. This has been reviewed and it has met that test. The new alignment of the thoroughfare is something that the CRTPO, the regional thoroughfare authority, would be behind if the Town were to approve it in such a manner as shown. We can certainly try to answer any of the questions that you have about that as we go forward.

Just very briefly, again I mentioned it's a little over 28 acres in size. I mentioned both of the existing zoning. They are actually requesting Corporate Business Conditional District and the proposed use is 750,000 sq. ft. of light manufacturing, warehousing or office space comprised in two buildings and those would be the large yellow rectangles that you see on the site.

That's just a blow-up of the site plan. You can see that there's parking primarily within the middle storm water retention and kind of a creek facility there and then there would be buffering around the edges, a 40' buffer along the throughfare as it moves down.

Starting with the 2040 Community Plan, the Future Land Use Map, the project is located in what the Community Plan would call for as moderate density or medium density development. That would be about one to three units per acre. To the east of that you can see that's the residential edge and then to the west where Bryton exists you have Employment Center designated in the 2040 Plan. Specifically, this particular request does not align with the 2040 Plan. If the Board were of a mind to expand the Employment Center designation because it is adjacent to that, then that would be a scenario whereby this project could be facilitated. But as it stands, the 2040 Plan is not designating or recommending that this particular land support that type of use.

You can see up in the corner that there are some policies that do support the request. Specifically, LU-5, LU-7, EV-1, T-3 and T-5. I know those probably don't mean anything to you. If you would like me to elaborate on what those refer to, we can certainly do that. And then just below that you can see that LU-1 and LU-11 would be where they are specifically not consistent. I can tell you that LU-1 is consistency with the future land use map. And then LU-11 is protection of housing stock or existing housing stock and so we can talk about that just a few minutes.

Again, here are just brief outlines. I've already sort of gone over this. If you want to read through that you can, but again it's the moderate density that is called for is looking at residential of one to three units an acre and the Employment Center is definitely where this particular proposal would fit and so if there was an expansion of that area, then you would see consistency there.

Again, this is where those policies are listed. We can come back to those if you'd like. These do not show the staff's analysis that is in your report, but we can go over that as well if you would like to come back to that at the end of my presentation.

In addition to the 2040 Community Plan, we also have the Eastfield Road Small Area Plan that specifically looks at this area that is all north of Eastfield Road. If you look at the image in the middle, you will see the blue area where the red circle is located. The red circle represents the project before you and you can see that it is recommended to be a mixed-use area in the Eastfield Road Community

Plan. With a little further detailed analysis, the Eastfield Road area called for that Subarea 1, the area in the red box there, Letter A states that if the project takes care of all of the relevant issues, policies and goals of both the Zoning Ordinance and the community plans, that it could entertain additional uses and you can see that light manufacturing is one of those, or I think they use the term light industrial, office, and that type of thing. Again, you've got the idea that the employment center designation would be an expansion and then to fit into the Eastfield Road plan you would want to make sure that you have followed all of the other site design considerations to make sure it is fitting in and not creating any issues for surrounding land uses.

The transportation, a TIA was done. The findings of the report are outlined here. I don't propose to go over them in great detail, but if you would like to, we can. Our Engineering Department is represented as well. I will show you a quick diagram that goes along with the TIA. The light blue box or gray box to the right represents the site in question. You can see how Everett Keith turns and so you see improvements there at Bryton Corporate Center Drive and Hambright at 21 and Hambright Road and a couple of other intersections there on Alexandriana and Eastfield Road as well. These are called for. I believe the DOT has contacted our Director of Engineering to indicate that they are okay with what they are seeing here. Stephen is here if you have specific questions about that. I'll let the applicant speak to where they stand on the requirements of the TIA when they come up.

The staff recommendation for this particular project is outlined here and I apologize because the first nine items there were some elaboration slides, but there was a list of nine modifications in the proposal. You can see that there are several of them, four in particular, that staff would suggest are not needed and it has to do with a lot of specifics. I can go over those if you would like to, but things like realigning Everett Keith Road. There's a process to do that, but you do not need a modification of the Zoning Ordinance to do that. That is a request that they have asked for. It has been reviewed....or is it allowable and if you adopt the plan with the site plan attached, then you would be adopting that alignment. Again, you do not need a specific modification to it. Again, I'm happy to go over all of those in detail if you would like.

I will jump to the tenth bullet and that is clarification required of how the remnant parcels are to be handled. I just want to point out that is right here. A unique feature of this particular request is the properties involved are outlined in the red and that was the entire black striped box that you saw earlier on the zoning map. The blue represents the area that they actually are looking to rezone. There are a handful of remnant bits of land there to the south that they do not propose to rezone, and they would leave as TR. But some of the questions that we have and that we are continuing to work with the applicants on are what's going to be there, how will it be utilized, specifically because even further south from that property there are existing homes and homeowners who are going to continue to stay there, and so what will they be experiencing there on that border. We have had a meeting since the Staff Report went out with the applicant. They understand the issue and we are continuing to have dialogue about that, but I would dare say tonight that's an unresolved issue here at the hearing.

Going back to the list, the 80' buffer along Everett Keith Road near the cul-de-sac is not complete and should be extended upon the full frontage of the development. The landscape buffer that is along here, you can see where the yellow highlight is where it dips down toward the road where the cul-de-sac is, moves away from the building. And that buffer along the thoroughfare is to remain or the recommendation and the ordinance requirement is that it stay at that width. The applicants do understand that. I think they are looking into that further, so we are continuing our dialogue with them on that.

The next item, there is a nature trail that is shown within the stream buffer and it kind of crisscrosses within that buffer and I feel safe in saying that I don't think that was the intention. I think the applicants will pull that out of that, but that was something that if they were going to do specifically or on purpose, we were going to need to see a lot more detail on how that would be facilitated, but we don't believe that will be the case in the next version of the plan.

Along Everette Keith Road, as that is a thoroughfare, there should be 10' side paths per what DOT would like to see for bicycle and pedestrian accommodation and I believe the applicants are amenable to that.

There are several notes on the note sheet that we are continuing to discuss. They have to do with how variations of the plan may occur, how much disapproval would lock them into certain things, and so it's all fairly straightforward, but there's some language that we need to continue to work through.

Tree save and tree mitigation, there was very little, if any, in their particular plan. Admittedly, if they were to get the zone that they are requesting, it does not have a great amount of tree save however there are some opportunities to do some tree save, particularly within the external buffers as well as perhaps in the middle and so we are continuing to talk with the applicants about those opportunities. Those would be above and beyond what the ordinance would require.

They have a willingness to serve letter, but it has some age on it, so that needs to be updated. Staff does not believe that they will not get that, but we need to see that. We hope to have that by the time you see this again. Obviously, the catchall of the outstanding redline comments would be an expectation that we would go forward.

The last two are recommendations and one of them is about urban open space. They are compliant in that they are offering urban open space. You can see the red square up there at the very top, that is a 2,000 sq. ft. plaza. That meets the minimum definition, but our recommendation is based on the fact that it really does not provide a lot of proximity to all of the facility. Those two large buildings, 750,000 sq. ft. I dare say that the opposite end of those buildings is going to hard-pressed to go utilize that. We've recommended that perhaps there are some other opportunities throughout the site that they could add something else and there's a lot of latitude in our urban open space requirements, so they are looking to satisfy that recommendation.

The last item is a recommendation that among the improvements to the transportation elements.....you can see here the dashed lines in this area where the cul-de-sac would be extended down to Eastfield Road. That is a transportation enhancement that would represent a disbursement of the traffic that this project would generate in a different direction other than just to Hambright or to the rear of Walmart and it would get you down to Eastfield and more specifically down to 485. We would recommend that be explored and the applicants understand what we are requesting and they are looking into it. They may have an update on that tonight. I don't know, but staff continues to talk about that. If you have any questions about that, again Stephen Trott our Director of Engineering is here. We are not necessarily able to say that equals this if you follow what I'm saying there, because the TIA has been done in a very specific way with the connections that are given. If that were to be facilitated, you would need to adjust the TIA, so that's understood as well.

That concludes my formal presentation.

Mayor Bales recognized Planning Board members present: Frank Gammon.

Bill Simerville, 1513 Myers Park Drive, Charlotte, said I'm with Foundry Commercial. *PowerPoint attached hereto as Exhibit No. 12.* I would like the record to show that we do have a traffic study. The word developer has a negative connotation as we all know. At Foundry we, at least Mark and I, are born and raised Charlotteans. You will see we have worked successfully with your Planning staff on the adjacent development here, Bryton Commerce Center. This was a two-phase development. It's also 750,000 sq. ft. It's six buildings as opposed to two buildings. One thing critical to I think Huntersville and the Land Use Plan, what we do is we try and relieve some of the pressures of residential development. We try and generate non-residential tax revenue. We try and create jobs by offering headquarters locations for companies. These are high quality, expensive, but the kind of product that employers and headquarters locations like to call home. We have worked successfully with the Planning staff, Brian and David.

This is going to stay high level. We don't want to dive into that, but the intent is to try and give you a roadmap to how you can accommodate our request without reaching the governing documents and processes that you have in place. These are all what we call shallow bay or light industrial.....in this case we couldn't build anything any larger than 150,000 sq. ft. The other buildings are between 100,000 sq. ft. and 125,000 sq. ft. We received more than 10 requests for space greater than 150,000 sq. ft. from large well-known Fortune 500 type companies that would have liked to have been here at Bryton that liked the interstate access and everything that Huntersville has to offer, and we weren't able to accommodate them.

We began looking at this land next door across Everette Keith when we started on Phase One, as well as that was going and knew that if there was an opportunity down the road given the success, we would try and accommodate some of those large users and keep them from posting up in Mooresville, Cornelius etc. We think we are good partners. We will continue to work through the details with your staff and get there.

We talk about the exceptions to the 2040 Land Use Plan, how this is currently zoned Transitional Residential and is not under those guidelines. There is a path under the land use plan and is, as David mentioned, expansion of the Employment Center. Subset of that is the Eastfield Road Small Area Plan, which you can see in the blue, calls for the possibility of mixed-use which would include the commercial that we propose. Additional detail within that small area plan shows a mix of how some of those uses could be accommodated. What I'd point out here is that the as you can see Hambright Road extended, which is the bright red line just to the south of the big green, that's currently zoned.....the land south of Hambright and north of our parcel is currently zoned Transitional Residential, but again under the small area plan still falls in and calls for the possibility of commercial. Where I'm going is that the larger accommodation if you will, the larger request if you will, is going to be looking for flexibility on the buffers, potentially the setbacks, and trying to give you a pathway to be able to expand the Employment Center past the current Everette Keith boundary further east.

As you can see here, the yellow line is an existing Duke Energy right-of-way. These are the large transmission towers. They run from south of Eastfield all the way up on the east side of the property and then they cut across diagonally to the north over past Hambright. What we didn't do a good job highlighting is everything east of the yellow line is owned by Duke Energy. You can see the substation parallel to the south, what's not highlighted in the green. The tract to the east or the right of the yellow line in the northeast corner of the plan is also Duke Energy, so they own and my understanding is intend to expand that substation with additional capacity to accommodate Huntersville growth. This provides a nice buffer separating potential expansion of the Employment Center to the neighboring Dogwood Estates, which we think is if you've been out there it's quiet and peaceful and homeowners don't want

traffic running through there. And we think that's a good hard line. It's a path to expand the Employment Center without running the risk of creeping further.

Under the Land Use Plan, specifically under the Employment Center section, there is language about incentive and flexibility in making accommodations i.e. buffer reductions and setback reductions and things like that. In order to generate a higher quality product, allow a developer to bring something like this.

This is an example of the current plan. We have not had a chance to get with staff and modify that. We will be able to come up with something other than a wholesale ask of reducing from 80' to 40'. There's a couple of different ideas out there. What we are looking for is general accommodation to work with us on selective reductions to be able to deliver the site plan that we have spent a fair amount of time and energy trying to engineer. That corner there will be very similar to photos, brick and the glass that we showed you from Bryton before the headquarters type appearance.

We talk about tree save. The site is largely vacant right now. It's been farmland. We've looked for critical trees that we could save and we'll do that where possible and we will mitigate as best we can. We will provide enhanced buffers. These are the buffers along Bryton where we were able to ask for a reduced buffer. It was granted and then enhanced landscaping and shrubbery and foliage. Phase one is on the left. That's probably two years old. The picture on the right was just planted in the last 90 days or so. It will probably die because we don't have any water for it. But we would always be willing to address this, amend the composition of the foliage to something that's more dense, more rapidly growing, whatever is required.

Mark Holoman, 864 Linda Lane, Charlotte, said happy to answer any questions you have.

Commissioner Kidwell said if you go back a couple of slides just the overview of the entire project. The parking in the center, is that for tractor trailers?

Mr. Holoman said correct.

Commissioner Kidwell said large companies looking for 750,000 sq. ft. or anything like that tend to run a 24/7 operation in light manufacturing or manufacturing. Is that what you are kind of going for here and did the TIA that you performed plan for a full 24/7 operation.

Joey Racer, Kimley-Horn, said generally when we do these TIA's it's based on am/pm peak traffic. A 24/7 operation I don't think was done at this time.

Mr. Holoman said a 24/7 operation would be very atypical for a development of this size and scale. For an urban infill development such as this, the play here is for a tenant, a job using customer for us, is to capitalize on all of the things that Huntersville has to offer and so in that case that is terrific connectivity and an unbelievable labor force, a very strong labor force. It would not be typical for there to be 24/7 operation on a site like this. That would be seen generally at different locations where heavy manufacturing was allowed.

Commissioner Kidwell said I'll just tell you from experience and I run manufacturing companies.....you can do light industrial 24 hours a day, 5 days a week, 6 days a week. I know currently the company that I work for in a different location, we are looking for a facility. I think it's important and I'll kick this into my next segway here – the other property if you cut it off or you want to keep it Transitional Residential to the south, would it make sense to put it all in one package but keep that to where it's not developed

so it has that buffer for any other residential that's left out there, so if someone does come in, and I hope someone comes in, and says we need all the building for 5 days a week, 24 hours a day, it's great. But it keeps the noise down, that buffer would help.

Mr. Simerville said that's something we hadn't considered. One clarifying point, this 750,000 sq. ft. obviously is broken into two buildings, so it's unlikely that you would have someone that came in and took them both. If that's the case, it probably would be someone that has that kind of intensity which is really not what this is suited for. Our expectation is this is probably one or two tenants. There's a large sector of tenants out there that are between 150,000 sq. ft. and 200,000 sq. ft. or 150,000 sq. ft. and 300,000 sq. ft. right now looking for a home close to 485 access to the interstate. We do have an Amazon that has a full building across the street in Bryton Commerce Center. We did a traffic study there. Of course, those improvements were done with the whole Bryton just with AAC so the infrastructure that is intended to support that which is marginally built out compared to the overall masterplan more than handles what's already there and to some degree this will benefit from that lack of completion over there, the undeveloped land that remains on that otherwise over improved infrastructure. The reason we haven't specifically called out and been able to answer David and Brian's questions about the property to the south is that we are obligated as the developer and per DOT and CRTPO to complete the Everette Keith realignment, the new thoroughfare. We don't own the property south between the edge of what we are going to buy and Eastfield Road or we would absolutely build it because this is essentially going to be a commercial thoroughfare connecting Hambright to Independence Hill, so it becomes a major diversion of truck traffic from the existing 21 interchange to come up Independence Hill, work it's way into Bryton, and then up off to Hambright, back to 77, but we don't own it.

Commissioner Kidwell said can you go back to the overlay where it shows.....where your red line is and I think it was marked out on another slide, but these lots that you are purchasing.....

Mr. Simerville said if we had control and were able to finish that road then that would create a commercial corridor, so the idea, I know that the Doves and the Maxwell property owners are the two large tracts at the bottom right corner. They have had conversations and are expecting because we are going to extend the sewer, we're not going to Rocky River, we're going to Mallard Creek, so we have private sewer easements that come down connecting our property into Eastfield Road and then via manhole over to Mallard Creek. They are excited about granting the sewer easements because it immediately activates their ability to monetize their property. They believe that with the Everette Keith extension being completed that now becomes commercial property fitting in with the small area plan. Our thought was that we leave those zoned as is and then make those available to whoever comes in and does the assemblage of everything on the south side of the new Everette Keith thoroughfare. We are open to leaving them like they are and designating them as.....we would be more than willing to discuss that.

Commissioner Phillips said just for a point of reference for the rest of the Board, Dickson Farm Road is in the ETJ technically, but that land has all been sold to Hendrick and it's now commercial, so just keep that in mind because that's not on here because it's ETJ.

Commissioner Kovacs said I'm looking at Polaris, to the west is already basically what this is going to be, light industrial and then basically all the big parcels to the east are Duke Energy, so no matter what, Duke is separating this from the residential on the other side of Duke.

Mr. Holoman said that's correct and we were not involved in the creation or the adoption of the small area plan although we have been operating under the assumption that that is why the small area plan

called for the Duke Energy easement as the barrier area and thus why a use such as light industrial might be appropriate in this particular case.

Commissioner Kovacs said do we know if anybody is interested in above this project.

Mr. Peete said there is not anyone actively. There have been some folks in the past. It is one large tract where Hambright tees into. Topographically, it's pretty challenging, so that may be why.

Commissioner Munger said will you go back to the one with the red with the blue. If I'm looking at the blue line and that's where what they are looking to rezone where they are going to build. I see it cross the red line. Does it actually cross the red line, because in my head that means we're trying to rezone something that they don't own.

Mr. Peete said there is a land swap that is involved in this.

Mr. Simerville said I'll direct you to the bottom left corner where the parcels are highlighted in blue. We are under contract to acquire everything in red. We are rezoning everything within blue. And then the swap levels out those two corners that poke in there, so believe me my civil engineer, surveyor over here, they have it all tied up that we're.....

Commissioner Munger said I was looking at this it looked like we're rezoning something you don't own and that was problematic for me. Some of the other ones have kind of been covered by staff and I just want some clarification. Nature trail appears to be located within the stream buffer. Will this be constructed in an appropriate manner?

Mr. Holoman said the nature trail will not fall within or cross the stream buffer.

Commissioner Munger said the 80' landscape buffer along Everette Keith Road nearest the cul-de-sac is not consistent across the frontage of the property and must be revised. Has this been rectified?

Mr. Holoman said it has not and we would ask for your consideration of that point. We will continue to work with staff on that issue. The construction and inclusion of the cul-de-sac while important and necessary for flow and circulation, certainly have created some challenges and so we will continue to work along that yellow line to see what can be done to either expand the buffer or make the buffer more palatable to staff.

Commissioner Munger said staff does not support the reduction in buffer from 80' to 40' on the northern boundaries. Is this something you are willing to modify?

Mr. Simerville said that's the global ask is that whether it's through expansion of the Employment Center or under some other form of variance. In the next week or two, pretty quickly we are going to come up with some modification. We won't be able to do 80' on all three sides, so the ask is that you be prepared for whatever we come up with for these guys and the next time we come around it's not going to be exactly what they want, it's going to be as close as we can get with as many concessions and attempts and hail marys as possible and that's why we are here.

Commissioner Munger said one of the things I think that staff is trying to point out with going to an 80' buffer is it can considerably impact that property value of the person who owns that property. They are looking to be able to have a fair boundary between whatever they are trying to develop there and your

facility and so I think that's why staff is asking for the 80', but just keep that in mind. Will you be providing a 10' side path along Everette Keith Road along your frontage?

Mr. Simerville said these are all the small things that we're still working through.

Commissioner Munger said do you foresee any problems in complying with the recommendation stemming from TIA including land acquisition, if any?

Mr. Simerville said no, specifically Stephen and the Town of Huntersville signed off on the scoping agreement. We studied the intersections and interchanges and we ran traffic counts and have agreed to the improvements recommended and that's included in our budget. There's the catchall of other developments that we don't control that we are not responsible for on the other side of 77 and if those don't get built, then we've got to do those. That's a bit of a problem. If that happened and we were nearing completion and those things had not come out of the ground, we would re-run the traffic study and go from there. We are onboard with what's recommended for our project, it's everybody else....

Commissioner Munger said are you actively seeking a willingness to serve letter from Charlotte Water and where are you at in that process?

Mr. Simerville said this project, you guys have probably seen it, turned it down as high-density residential years ago. Many of the sellers are out here and have signed up to speak in a minute. When we were approached about our interest level, obviously we knew of the sewer issue because of Bryton, so we immediately approached Charlotte Water and said if you go the other way down to Mallard Creek, they said yeah we're all over it and gave us the willingness to serve letter. Since then, we designed plans and had surveys and all that kind of stuff done. We've not updated the letter. We are in regular dialogue with them. We just haven't requested it. It's not anticipated to be an issue.

Commissioner Munger said as we talk about the Everette Keith Road and the extension, are you willing to do anything to assist with the completion of Everette Keith Road down to Eastfield? I realize a lot of that is out of your hands in terms of land acquisition, but in any way possible.

Mr. Holoman said we are willing to have the conversation with staff. We've indicated that on a phone call on Friday. That is a very significant ask that is an incredible burden to the project and the risk in my opinion having been a developer in Charlotte for nearly 23 years is that if we do that and it delays our process, there will be a detrimental impact to the people that are here in the room and we don't want to do that and I think you are going to hear from our sellers here in the room. We are very focused on moving forward to the extent that we can accommodate some extension in some reasonable manner that is not detrimental to the development nor the timeline, we are willing to have that conversation and we indicated that to staff on Friday.

Commissioner Munger said there are a multitude of options. It's possible financial assistance towards the actual building of the road and without burdening you with actually going through the process of building it, land acquisition and so forth, could be an option.

Mr. Holoman said that's how you make a developer smile.

Mr. Peete said just one quick clarification on the buffer to the north. I just wanted to make sure it was understood by the Board that was not a recommendation, that is an ordinance element.

Commissioner Munger said correct, understood, and we like to stick as close to that ordinance as possible.

Commissioner Partee said I've been remiss because I usually go before Commissioner Munger because he tends to cover a lot of the issues that I want to talk about, but on the staff recommendation, Item 12, and Commissioner Munger brought up clarifying if the nature trail shown in the stream buffer will be constructed to accommodate the stream be relocated outside the buffer. Is this part of our greenway plan?

Mr. Peete said it is not. This is just an amenity for the site which we have no issue with. It's a great add, but we do need to make sure that they are following permitting procedures.

Commissioner Partee said do we have a greenway going through that area up Eastfield Road into Skybrook?

Mr. Peete said the southern end of Bryton Commerce Center Drive, it goes along the railroad tracks. It does not intersect this property.

Commissioner Boone said could you tell me the time of year that the TIA was done. Was school in session?

Mr. Simerville said counts were done this year before school was out.

Commissioner Boone said it seems like flex space is a big key word here...about 3 or 4 years ago, now we've got plenty of flex space, but it seems like people are wanting more height in their buildings for flex space. Can you tell me the height of these buildings?

Mr. Holoman said I just want to make sure I heard the question – the height of the two buildings that we intend to construct. They are 36' to 40' clear height, finished height.

Commissioner Boone said the projects that you have done so far on Everette Keith I think they are excellent. They really look good.

Mayor Bales said I do have a couple of questions and I believe this would be for Mr. Peete. When you started your presentation, you talked about the two items that did not meet the 2040 Community Plan. Can we go back and talk about the five that did because one of those that said that did not support was protecting existing housing stock. How many houses currently sit on that 59 acres?

Mr. Peete said the ones that would be transformed into the site.

Mayor Bales said the homes that currently exist when we are talking existing housing stock.

Mr. Peete said I don't know the acreage there. You are mentioning the 59.

Mayor Bales said I said 59 because it says the project size is 63.91 acres, only 59.65 acres to be rezoned.

Mr. Peete said the homes that are the existing stock to be protected would be everything south of the red line, so there is no acreage number that we tallied up. I could get that for you.

Mayor Bales said I'd like to see that number.

Mayor Bales said going back to the five that did meet the ordinance, can we go over those very briefly. The first one was LU-5.

Mr. Peete said that's talking about focusing more intense developments the locations that can support that growth. Obviously, you have Bryton immediately to the west. You are aware of the \$30 million infrastructure that the TIF financing package did back in the day, so there's been a lot of investment in the road network and realigning the railroad and all that is there. If you see this as an extension of that, then this is in the core if you go back to the 2030 Community Plan, that terminology that's been carried over. This is not far flung on the east to the west, this is absolutely if you are going to do something intense, this is in that.

Mayor Bales said based off of this because it sits between Duke and its substation and the property that they own and existing Bryton this is why we are saying.....

Mr. Peete said it's the broader sense of everything that's there. The Duke Energy land is a rationale in our recommendation that you wouldn't want to go beyond that. That is substantial and it represents a transition, represents a buffer, and so if you want to reconsider something different to the west of that, but this particular one is really dealing with the infrastructure that currently exists.

The next policy LU-7 is required development to follow design principles reinforce the vision of the Town. You can see the additional bullets there. What that's getting to is that a very simple item that I would lead with is our policy that's been long-standing is you either build to address the streets or you hide behind buffers and they have elected to do the latter and so that's why our comment is well now you need to kind of finish that equation, if you will. But the design principles that are outlined in the ordinance and in the 2040 Plan, they are following them to the extent that 750,000 sq. ft. of two large buildings is able to do, but that would be one of those primary examples.

The third element is EV-1 and that is support a balanced economy through job growth in target industry sectors. I think Commissioner Kidwell kind of alluded to that. If you deem that we need more of this particular use, this could be an opportunity to expand Employment Center. The 2040 Plan is supportive of identifying those sectors and providing for them where they are appropriate.

Mayor Bales said as the representative on the Lake Norman EDC Board, our main focus has been advanced manufacturing, healthcare and IT, so this does fit in the wellhouse in which we've been working for quite some time.

The fourth item is T-3 improve connectivity throughout the study area. Again, they are not only enhancing and sort of rebuilding Everette Keith Road, but they are looking to extend it, whether it goes on Eastfield or not. And then there are other, as you saw on the diagram, intersection improvements and so they are certainly facilitating that. The connectivity to the north and to the east, again that's an item that we're still discussing with the applicants. There are stub streets in the Forest Lake area estates. We want to finish the analysis of that and then the property to the north which is definitely sizeable and could be redeveloped, but you have to take into consideration what could that be, what is it zoned for, etc.

The last item T-5 is facilitate multi-modal transportation and that's simply recognizing that they are looking to do the 10' side path to provide bicycle and pedestrian, as well as the road improvements.

There being no further questions at this time, Mayor Bales called on public speakers.

Patty Jenkins, (Barbara Keith, 11226 Everette Keith Road, deferred her time), this has been something that my whole family has pulled together and we have been together through this whole process even the ones that are choosing not to move, the ones that are staying. If I could say something right quick, this definitely is to me the best-case scenario for those that are there because of the population of like if it was housing that would be on top of them and we've got them across the street, never any problems. I am representing family and neighbors on Everette Keith Road that are in support. All of us are in support of rezoning the 59.66 acres. I have personally been on the property for 70 years. But the property has been family owned since the 1900's. My grandmother and all of her siblings that used to be Russell Road owned both sides of the road and out to the demolition dump. My dad kept his and several of his other siblings of the 100 acres that my grandmother owned. In 2007 family and neighbors listed this property for the first time, so we have been due to economy or whatever trying to get this property sold, we as a family decided that the community was growing in leaps and bounds and we wanted country. That was our purpose to get out where it's more rural area. Our latest contract was signed in 2020 with Integrity Development Group and then Foundry is who we are dealing with as far as the development. The property has been delayed several times due to 1-1/2 units per acre allowance, sewage capacity and possibly this 80' buffer requiring different permit that could take up to 6 months, possibly up to a year is my understanding, if you guys don't offer some leniency on this 40' as opposed to the 80'. Actually, the original plan that we are asking that you would adopt with the 40' buffer and the rezoning is if this was permitted then we would be able to close in 2023, the end of 2023 is our understanding. Without that then it's going to be pushed out even longer. Since 2020 property owners have lost money due to increase in cost of housing, increase in interest rates, possibly property tax increase and cost of insurance coverage due to the increase in property values. In the past three years we have lost four of our immediate family and the latest one has been within the past three weeks, 50 years old. With this being said, my family and the neighbors and all really feel like time is of the essence and that this is made it very much more evident to us and especially I'm the youngest of the seven that is still living. My younger brother died at age 56 and so we need to move on with our life and that's mainly the plea that we're coming before you. We support Foundry 100 percent. They've done nothing but work with us and the development across from us, the warehouses and so forth. They have been nothing but courteous. If there were any complaints as far as people starting to park there or whatever, they have come right to our aid and that's before we were signed up with them, because I think it's the original three was developed way before we got involved with them. We got involved with them I think it was 2021, so this is my thoughts. Tonight I would like to thank you for the opportunity of being able to share this short version of our journey in trying to sell our property and we would ask that you would work with Foundry Commercial by allowing a variance in the 80' buffer and with any other issues that could cause the rezoning any additional delay because this has been going on for a very long time and intense and has caused some health problems in the three of us that have been pulling the group together and working with the developer and so forth. *Additional written comments attached hereto as Exhibit No. 13.*

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

Petition #TA23-01. Mayor Bales called to order public hearing on Petition #TA23-01, Street Trees, a request by the by the Town of Huntersville Planning Department in cooperation with the Engineering and Public Works Departments to amend Articles 7.7, 5.5, and 12 of the Zoning Ordinance to provide options for developers to reduce impacts caused by street trees while meeting the guidelines of the Huntersville 2040 Community Plan and the intent of the Zoning Ordinance.

Lauren Speight, Senior Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 14.*

I'll be reviewing the sections of the Staff Report and Mr. Trott also has some slides to share as well regarding this proposed amendment.

I just want to provide a little background and context for this text amendment. Before 1996 under county development standards, neighborhoods such as Northstone were constructed with a planting strip and sidewalk on one side of the street only. With the adoption of the 1996 ordinance, developments required street trees and a planting strip with sidewalk on both sides of the street as is shown for Monteith Park. In 2003 a very large text amendment included a section that increased the planting strip from a minimum of 5' to 7' to better support healthy tree growth.

Planning staff sees that street trees provide many benefits to property owners and to the broader community. Street trees can also present some challenges. As street trees in Monteith Park and other developments mature, the Town Engineering and Public Works Departments observe damage caused by the street trees. Per the directive of the Board of Commissioners, this proposed text amendment seeks to prevent damage with future developments by providing options for developers to provide an environment that is conducive to healthy tree growth and better insulates infrastructure like sidewalks from the tree growth as well. Staff submitted the text amendment earlier this year and it has gone to the HOAB several times. Staff adopted all except one of the changes included in the HOAB recommendation which I'll go over next. We'd just like to stress the submitted text amendment is for future development and we are working on other options to resolve challenges with existing developments.

I'm not going to read all the language on the sections of the ordinance. I'm just going to go over the summary and some context. After staff was directed to propose the text amendment regarding street trees, we conducted an extensive amount of research of regulations of comparable communities, best practices for the preservation of canopy and street tree planting so we analyze the developments with reported impacts in the Town of Huntersville and we found overwhelmingly that either an inappropriate species was planted near sidewalks or trees were improperly located in the planting strip. What we mean by an improper species is that you have something like a pin oak that's located in a 5' planting strip, it's just not going to be sufficient for a tree of that magnitude. And then when we're talking about trees that are improperly located, we are saying that perhaps a tree is located too closely or within a site distance triangle or close to storm drains and that's not going to be safe or conducive to the sidewalk conditions or for tree growth.

Section 1 of the proposed text amendment aims to reduce the conflict of inappropriate species being located within the planting strip by revising the minimum planting strip widths. Previously the planting strip minimum was 7'. This proposed section will amend this such that only small maturing trees will be permitted in a 7' wide planting strip and then large maturing trees would need to be in a minimum 9' wide planting strip. The additional section of this text amendment includes an alternative to planting strips with street trees. We've included an option for there to be a green zone that does not include a street tree and in lieu of a street tree planted in a planting strip, the development would provide an additional front yard tree for qualifying lots in subdivisions.

Section 2 of this proposed text amendment includes a couple of changes. One is rather minor. Previously the yard tree requirement section title was New Trees and there was a recommendation from HOAB that the term be actually defined in the ordinance and that it be specified and so we've included the term required yard trees and the definition is provided in Section 4 of this text amendment. Additionally, one thing that we've seen overwhelmingly is that we don't see a lot of large lot subdivisions proposed. We see a lot of circumstances where the build to range is rather shallow so you

have approximately 25' build to range or setback and so this section of the text amendment proposes that small maturing trees may be permitted as a front yard tree in lieu of a large maturing tree.

Section 3 are proposed amendments to Article 5.5 of the Zoning Ordinance and this is the first change in Subsection 1 is to be consistent with the proposed changes in Article 7 and then the second change was also a recommendation from HOAB. Currently the ordinance allows for street tree spacing to be field adjusted for driveways utilities and this also further indicates that the street tree spacing may be field adjusted to comply with the Town of Huntersville Engineering Standards and Procedures Manual, so just to kind of further indicate the position can be altered to accommodate infrastructure so if there's storm drains or there are conditions that are not completely captured in the plan review or are altered in construction that the location of the tree can be moved.

As mentioned, Section 4 includes the definition for required yard trees that was added to Article 7. Additional information is included in the Staff Report and the proposed text amendment is consistent with Policies EOS-4.1 and 4.3 of the 2040 Community Plan as preservation of the existing canopy and requiring street trees were identified as priorities of that plan.

Stephen Trott, Director of Engineering, said what I would like to do is I have a few slides. *Refer to PowerPoint attached hereto as Exhibit No. 15.* Kevin Fox is here as well to just talk about some of the things that Engineering and Public Works sees.

Mainly Public Works sees maintenance issues come up throughout the town. As the trees continue to grow and mature there seems to be an increased need for maintenance of the sidewalk and stormwater system that the Town maintains based on that tree growth.

As Lauren mentioned the history, there was no street trees, then there was a 5' planting strip with a street tree, then a 7' and now another change. To me it's showing that there's more room needed for the trees if you're going to have them between the sidewalk and the street.

What Engineering and Public Works would like to see is going back the other way, not to have a street tree between the sidewalk and the curb and gutter, but instead to have that behind the sidewalk. The Town is spending around \$500,000 a year on sidewalk maintenance. A lot of what we're seeing is because of street trees causing some issues.

What Engineering and Public Works would recommend, and this was considered by the HOAB, was have a smaller planting strip, have a narrow right-of-way, have more developable area, and have those trees be in the folks' yards. When you do place trees behind the sidewalk, we are anticipating that those costs will be less to maintain, the stormwater and sidewalk system, then you'll have more area for development, less right-of-way. We also think it will be easier for the property owners to understand they have to maintain those. The trees right now that are in the planting strips, they are in the public right-of-way, that's the property owner's responsibility. That's not the Town's responsibility to maintain those.

Those street trees, if they are not limbed up or maintained properly, can cause some challenges for street resurfacing. Those trees have to be limbed up so the equipment can get under them when street resurfacing happens. Utility providers also run into conflicts. As those trees grow and mature, if they have to get in there to do work and the lines are in that planting strip, they will have a difficult time. They may have to remove trees to be able to service water, natural gas, telecommunications, power, these are all the folks that are in that same area where the street trees are.

As Lauren mentioned there's other conflicts as well – site distance, visibility of streetlights and signs. These are all things that come up on a regular basis. If you drive through neighborhoods where the trees have matured, you see these things.

I have a few other slides just showing you some visual examples. Another issue along thoroughfares is as the trees grow, they need to be pruned to keep away from the utility lines that are there. That's a recurring issue. Just a couple of examples of street signs and site distance. Can you see the stop signs or signs? Can you see the street name signs? If you can't see them, do you know to stop. Is that creating a safety issue? As Lauren mentioned, we try to be cognizant of that in new subdivisions to try to remove trees around intersections. That works well on plans, but you also have to look at those when the builders and developers are going to put those in many years later. That's another challenge to work through.

This is an example of streetlights. It's fine now. When the tree matures, gets some age to it, there will be less light so the Town could be paying for a light there, but there may not be much light available. It may be good light for the tree. It may not provide a lot of light as that tree matures, and in this case poor location for the tree since it's really close to the stormwater infrastructure.

As was alluded earlier there are some subdivisions in town that have no street trees. This is an example here. You still get the shade on the street as the trees mature. At initial planting, there's not going to be shade, but as those trees mature, you do get some shade on the street. You also get great visibility of vehicles and pedestrians. You're going out to get your mail or trying to cross the street, there's not street trees there right next to it, have much better visibility and you are able to see the cars coming down the street because there's not trees right there.

We are thinking about what's the future going to look like. What could streets look like that have mature street trees behind the sidewalks. This is just one example. This is actually from Charlotte, but it shows as those trees mature you're going to get a canopy and you're going to get some coverage but hopefully a reduced cost to maintain the sidewalks and stormwater infrastructure. Example along thoroughfares, same kind of thing. If you plant small trees under the utility lines, they look good to start. They can create some challenges. If they are behind the sidewalk, maybe less, still probably some challenges with limbs or things that can fall on utility lines. Small trees, they may look good, but they can still present some of the same challenges that large trees do in the planting strip. Same kind of example. Do you see the stop sign that's in the picture. Probably not, it's still blocked by the trees because those things are occupying the same visual site line as you drive down the street. Just another quick example of a streetlight. Can you see the streetlight in the example on the left. That's during the winter. During the summer, probably not much light. You want to see some examples in town, you don't have to go very far. There's several subdivisions in town – Northstone, Hampton Crossing are two that don't have the street trees in the planting strip. Hamptons, Wynfield, Melbourne is another neighborhood. There's several in town if you want to go out and take a look and compare different neighborhoods and what they look like or feel like. What Engineering and Public Works would like to throw out there is to not have a street tree.

Commissioner Kidwell said just a comment, I couldn't agree more moving the trees back away from the sidewalks. It's becoming a burden I know for Public Works. I live in Carrington Ridge. You guys have been in our neighborhood probably half a dozen times in the past year and you are still working on a lot of those sidewalks. I like the aspect of putting this off the street, putting it in the front yard. I know that I've had issues with our street trees at both of my houses that I have lived in in Huntersville with species type not being the right fit, weak tree blows over in the wind, or just dies and doesn't do any good. I'm glad you guys are on top of this.

Commissioner Phillips said I was going to point out you guys didn't use the best example ever right now. When you go down Bud Henderson from Gilead heading this way with the new light and those trees, you can't see the light for anything. I don't know if we've had people get in accidents yet, but it's like the inevitable. It's a safety concern beyond just maintenance and money concerns.

Commissioner Munger said I just want to say when we discussed this on HOAB, this was several sessions. I will say in the end I don't know what exactly the right answer is. If you move the sidewalk too close to the street, it makes people frightened to walk along the street, so you have to give them a little bit of gap. If you put the tree in between the street and the sidewalk, that obviously causes issues. Do you shift the sidewalk all the way back up to move the trees all back up, so it was a whole lot of discussion. If I could ask you, because there's still one question that is unclear to me. If you could go back on your slides, there's a slide at the top it says where is the stop sign. This is the question I have that still I can't figure out. You are talking about the trees in the front yard. What about corner lots. Where does that tree go.

Mr. Trott said great question.

Commissioner Munger said because if you put it on the other side of the sidewalk, you are kind of imposing on the homeowner's ability to put in that fence. That's the only unsolved mystery to me. If we just think about that and maybe make it flexible so that they can put in their fence and put the tree in afterwards. This is the only one that doesn't make sense to me.

Jack Simoneau, Planning Director, said let me say we're shocked to hear Engineering and Public Works are now saying we don't want the street trees because frankly from the HOAB to the Planning Board we had this compromise which was 7' planting strip with a small tree, which today could be a large tree and 9' or more can go to a large tree, but bear in mind that that would be the appropriate tree, so even if you have 9' or 7', it's still got to be the appropriate tree. Staff prepared a list of what are the appropriate street trees and then at the HOAB and Planning Board the Engineering and Public Works Department did ask for a third alternative which would be the 5' sidewalk and then the tree into the yard. One of the problems that you have with the yard is most of the setbacks are in the 20' maybe 25' setback. You already have a required yard tree in there. If you start to move two or three more trees in there, it really jams it up, so it doesn't quite work space-wise, so that's how I would answer the presentation that was given to you, it gives you several alternatives to pick and choose from, but we would not recommend no street trees.

Commissioner Munger said definitely no. Ultimately tonight you are just looking for a recommendation of do

Commissioner Partee said when reporting obstructed traffic control signals and signage, what is the procedure. I ask that because when my wife and I worked uniformed patrol, it was the responsibility of the police officer in that sector to send a report into command that there's a stop sign obstructed, there's a stop light obstructed, and then Public Works would go out in our sector and clear that particular intersection or that particular corner, so what's the procedure now.

Kevin Fox, Director of Public Works, said it happens multiple different ways. Citizens can call in and report it. We try to canvas the area, but obviously we can't be in all places at all times, so Public Works and Engineering try to canvas the area to spot it. We get reports from police officers. We get reports from the fire department. Any time anybody sees it, we get the call and then Public Works responds and takes the necessary action.

Ms. Speight said I just want to add that the Planning staff also receives feedback from neighborhoods, usually HOA representatives, about obstructing trees in their neighborhood and things like that. We will go out and walk the entire neighborhood with residents and we send a map back to Engineering staff where we marked every tree that was problematic in that neighborhood and figured out which ones were improperly planted and which ones could be removed that were posing a danger for safety, they were in front of a stop sign or something like that, so there's also that option.

Mayor Bales said once you've done that, who then removes those trees or replants those. Is that the HOA's responsibility.

Ms. Speight said for the neighborhood that I walked, the HOA did that. They worked with their residents to remove the trees that they were allowed to remove.

Commissioner Kovacs said do we require root guards to be put in when trees are planted.

Ms. Speight said they are not required, but they can be allowed. One of the things with this proposed text amendment this is more like forward looking. For the existing issues that people have, that is something else that we are working on so like situations what you are talking about, if someone has a tree that's causing a challenge now, like this species is not working, the roots are spreading everywhere, we want to put in something to restrict that growth, they can do something like that.

Commissioner Kovacs said can't you plant a root guard with the new trees so that way it encourages.....so have we talked about requiring that when trees are planted.

Ms. Speight said we have talked about it.

Commissioner Kovacs said is that not recommended.

Ms. Speight said actually we are in the process of working with an arborist on a contract to get recommendations for proper tree planting, so that's one of the things that we are working on to resolve the existing issues with trees that are planted and for future tree guidelines.

Commissioner Kovacs said if that works out then if we require root guards, then it could also help with this street tree situation in the future.

Ms. Speight said yes.

Mayor Bales said have we compiled an appropriate list of trees that we would like to see utilized in the spaces here, whether it's the planting strip or in the yards.

Ms. Speight said yes, we have, and that list is going to be reviewed by a professional arborist to certify that we have identified things that are most appropriate. So far, they have agreed with what we have picked.

Mayor Bales said for all of us who have chosen to make Huntersville our home, I think that's one of the things that we've all loved, which has been just the tree canopy that we have and I know that even with all the growth we've experienced since the 90's, we haven't lost as much tree canopy.....I think I heard 5 percent. With all the development we've had, we've been very purposeful with tree plantings etc. within yards and along the streetscapes and I think that's what makes Huntersville such a beautiful

place, so I for one if we can find some compromise and some balance to this, I think that it adds value to our properties etc.

Frank Gammon, Vice Chair Planning Board, said I think Jack gave a good summary at the end. One thing you notice with this that we looked at was there are yard trees required now and they were right about if you take a look at the developments today, the front yards are 20' to 25', you don't have that big distance anymore when you are talking about an area like this. HOAB was opposed to increasing the number of yard trees, that's why we came up with the modifications for the smaller trees 7' to 9'. I'll discuss all this when it comes to the Planning Board, but I will want to answer one question, I have a solution for the lights. Don't plant the tree next to it.

Commissioner Kovacs said from what you guys were saying, if you were to take street trees and move them after the sidewalk onto the lawn, would that then put the responsibility on the homeowner.

Mr. Trott said the responsibility is on the homeowner either way right now. If street trees are in the right-of-way or yard trees, that's all the responsibility of either the property owner or if it's written in their CCR's, the HOA today.

Commissioner Kovacs said but we go out and trim them if they are obstructing things.

Mr. Trott said yes. First, we will ask the property owner if they can, but if not, I believe for street resurfacing, you want to share what's done with that.

Mr. Fox said for street resurfacing the asphalt comes in dump trucks and with the trees overhanging, the dump trucks can't raise, so generally in front of resurfacing we'll go out and do some pruning. Obviously for safety issues, sign blockage, things like that, Public Works will go do the pruning, which would be the case if the tree were in the yard and overhanging in the street, we still would have to do that. To Mr. Trott's point, the trees are already the responsibility of the property owner.

Commissioner Phillips said could you guys work on getting us maybe how many staff hours you have going into having to go out and clean up other people's trees.

Mr. Fox said I don't have it broken into that detail, but I can try to research that. By far the largest expense we have is sidewalk remediation which is \$500,000 to \$800,000 every year. As far as man hours, to track that type of pruning and stuff like that, I would have to gather that information.

Commissioner Phillips said would you do that please.

Ms. Speight said one thing to also keep in mind is that the tree plantings in the planting strip and in the yard are used to remediate the removal of the trees when new developments go in. If we are considering not having trees in a planting strip and we also cannot add the trees to the yard, you may want to consider what happens with the canopy save because you won't have those trees replanted, so just something to keep in mind.

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

Close Portion of Mt. Holly-Huntersville Road. Mayor Bales called to order public hearing to close a portion of Mt. Holly-Huntersville Road.

Lora Mastrofrancesco, Transportation Engineer, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 16.*

The Town of Huntersville upgraded and realigned the intersection of NC 115 and Mt. Holly-Huntersville Road to a roundabout with 10' multi-use paths. NCGS §160A-299 gives the Town Board the authority to abandon street right-of-way (within the Town Limits) following a public hearing and a determination that the abandonment: (1) is not detrimental to the public interest, or the property rights of any individual; (2) does not deprive any individual(s) that own property nearby of reasonable means of ingress and egress to their property; and (3) is contrary to the adopted policy to preserve existing right-of-way for connectivity.

The requested abandonment is 0.148 acres and is no longer needed for the Town to keep as public right-of-way. The applicant owns both of the abutting parcels.

Pursuant to NCGS §160A-299 notice of the intent to close this unopened right-of-way was advertised in the newspaper. Copies of the notice were mailed to adjacent property owners, and two signs were posted along the right-of-way. Staff received no comments from adjacent property owners.

Staff reached out to Huntersville Fire and Police chiefs and they both had no objections to the Town abandoning this part of right-of-way.

Planning Staff reviewed this abandonment and had no issues about it. They also did not receive any inquiries during this last four weeks. The Engineering Department did receive two inquiries about this abandonment. One wanted to make sure it wasn't their part of Mt. Holly-Huntersville and the other one was asking if this parcel piece would be for sale.

Commissioner Munger said according to the statute that you referred to, there is no North Carolina General Assembly that has precluded us from being able to sell property like this or put it out for bid to anyone. It has to go to the adjacent landowner, which in this case because the landowner owns both sides, it goes to that person specific.

Ms. Mastrofrancesco said correct. If it was two separate land owners, half would go to each land owner.

Commissioner Munger said one of the subsections of that Part F, a city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city. Do any of those fall into this property?

Emily Sloop, Town Attorney, said in speaking with staff there are no interests that we need to reserve at this time and no improvements in the portion that's being abandoned.

Commissioner Munger said I just find it ironic, again this is North Carolina General Assembly basically taking away the rights of a municipality to be able to conduct proper business. If we need to put in a sidewalk along a street of an existing neighborhood, we have to go to those homeowners individually and say can we buy that property from you to be able to put that sidewalk in, but as we shift a street back to the public, we have absolutely no right to sell that property for any value.

This item will come back at the next meeting for action.

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

Bond Order – Transportation Bonds. Mayor Bales called to order public hearing to receive public comments on Bond Order authorizing the issuance of \$50,000,000 General Obligation Transportation Bonds.

Pattie McGinnis, Finance Director, said I really just have the conduct a public hearing on the \$50,000,000 for Transportation Bonds.

Mayor Bales said this \$50,000,000 is what will go onto the ballot in November.

Ms. McGinnis said correct.

Mayor Bales said just to be clear, we're not spending \$50,000,000 of your money, we are coming to ask you first to spend it on Transportation.

Commissioner Kidwell said those projects will be stated or identified.

Ms. McGinnis said not specifically on the referendum. In the educational, we could, but not on the referendum. It won't be specific by project.

Mayor Bales expressed appreciation to the staff for their work in putting the bond orders together.

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

Bond Order – Parks and Recreation Bonds. Mayor Bales called to order public hearing to receive public comments on Bond Order authorizing \$8,000,000 General Obligation Parks and Recreation Bonds.

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

OTHER BUSINESS

Bond Order – Parks and Recreation Bonds. Commissioner Boone made a motion to adopt the Bond Order authorizing the issuance of \$8,000,000 in General Obligation Parks and Recreation Bonds.

Commissioner Kovacs seconded motion.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Bond Order attached hereto as Exhibit No. 17.

Bond Order – Transportation Bonds. Commissioner Boone made a motion to adopt the Bond Order authorizing the issuance of \$50,000,000 in General Obligation Transportation Bonds.

Commissioner Kidwell seconded motion.

Commissioner Munger said the \$50,000,000 we're putting towards the public roads and so forth is we have I think over \$120 million worth of road projects that we could actually do. I would have wanted a

little bit more, but \$50,000,000 was the compromise that this Board came together with and I was part of that compromise and I'm happy to have been part of that. We hear you. The roads need improvements. The reason we probably didn't do more is if you do too much at one time you can't actually get enough people to do it and all of a sudden the entire town is under construction, so I am in support of this and just wanted to publicly state that.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Bond Order attached hereto as Exhibit No. 18.

Resolution – General Obligation Bonds. Commissioner Boone made a motion to adopt the Bond Resolution directing the Bond Referendum and required notices.

Commissioner Kidwell seconded motion.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Resolution attached hereto as Exhibit No. 19.

Petition #R23-05, Lagoon Bay Beach Club. Petition #23-05, Lagoon Bay Beach Club, is 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 (Parcel Nos. 01106218, 01125102, 01125109, 01125103, 01125108, 01104101, 01105105, 01106217, 01106226, 01106219, 01125101, 01125104, 01124123, 01105104 and 01124102).

David Peete, Principal Planner, said we understand that the applicant has made some changes to the plan and they would like to try to answer any questions you have. We have no presentation. The plan has not been submitted yet.

Commissioner Boone made a motion to defer the final action on Petition #23-05 for 60 days because the proposed amendment to the petition are substantial changes not resulting in an intensification of the petition. This will go back to square one with the advertising, the Planning Board, and go through the plan as we have set forth in the Town.

Emily Sloop, Town Attorney, said as a point of clarification 60 days would not be long enough to call a new public hearing, have the new public hearing, go back to the Planning Board and then set final action.

Brian Richards, Assistant Planning Director, said as you might recall earlier this year, we had this same process for Birkdale Village. If it's the Board's desire, we could send this back to the Planning Board on August 22 and then look for Town Board motion on September 18. That would accommodate the required 30-day delay.

Commissioner Kovacs said but it wouldn't have a public hearing?

Mr. Richards said there would not be a public hearing.

Commissioner Boone said I personally think that this project has changed so much I think we need to have the public input into it in the public hearing, so I'm going to amend my motion to the dates that you recommend.

Commissioner Kovacs said it won't have the public hearing.

Commissioner Boone said we will have a public hearing.

Commissioner Kovacs said with his dates?

Mayor Bales said no, he's saying he's going to remove the 60 days.

Commissioner Boone said right, and I think that it should go back to the public hearing, have their input into it, but I haven't worked those dates out. Do you have those dates?

Mr. Richards said I have not seen those dates yet.

Anthony Roberts, Town Manager, said will 90 days give enough time to get the public hearing and all in? I'm just trying to get a date.

Ms. Sloop said my recommendation would be not to attach a specific date to it, rather in the motion direct staff to call for a new public hearing, that a new public hearing be advertised as required per statute, be held, that the new plans go back to the Planning Board and then afterwards it come back to the Town Board for a recommendation.

Commissioner Boone said I would like to remove my original motion and make a motion to defer the final action on Petition #R23-05 for 90 days because the proposed amendment to the petition are substantial changes not resulting in intensification of the petition.

Mayor Bales said again, I don't think that was what the Town Attorney suggested was 90 days. She was saying remove the dates, let staff facilitate the process and just lay out the process if you want it to be advertised to go back to the public hearing and Planning Board.

Commissioner Boone said I'm going to go on the recommendation of the Town Attorney. Now is the problem the 90 days?

Ms. Sloop said yes. We do need to have sufficient time in order to not only call for the public hearing on one of the Town Board agendas, we also need to publish the required notices that need to go out and there's a very specific time period for doing so and then we would have to also get it back on an agenda for a public hearing, on a Planning Board agenda, and then another Town Board agenda after that.

Commissioner Boone said then I will remove the 90 days out of my original motion.

Mayor Bales said there is a motion to advertise, call the public hearing and follow the process.

Commissioner Munger seconded motion.

Commissioner Kidwell said would you be willing to amend your motion to ask the Town Manager to work with the EDC to provide this Board with an economic analysis of the project.

Commissioner Boone said sure, I can amend my motion.

Commissioner Munger said I will support that.

Mayor Bales called for the vote.

Motion carried unanimously.

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

Nathan Farber, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 20.*

Staff is proposing to limit minor subdivisions to five lots or less to help increase the quality of subdivisions throughout the town. Farmhouse clusters would still be considered a minor subdivision.

We are also proposing that any new residential minor subdivision within the Rural and Transitional Residential zoning districts have a 10' required buffer. Within the buffer we would require any of the existing trees and shrubs to remain, but we would not require any additional new trees or shrubs.

The HOAB met on April 6, 2023, and recommended approval with a vote of 7-1. The Planning Board met on June 27 with a recommended approval with a vote of 8-0.

Commissioner Kidwell said does it matter about the acreage?

Mr. Farber said no, it does not. It would not change the density requirements that are still there within R and TR at least. There are open space requirements that dictate how much. If you want to go to 6, it requires a major subdivision. The 10' is just a number that we felt comfortable recommending given that we are limiting minor subdivisions to five lots. There is no current buffer requirement.

Commissioner Partee made a motion in considering the proposed amendment TA23-03, the Town Board recommends approval based on the amendment being consistent with Policies LU-7.1, LU-9.1, LU-11.1, EOS-1.1, EOS-6.1, T-4.1 and T-4.3 of the Huntersville 2040 Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will result in higher quality development that is safer for the community.

Commissioner Kidwell said with your motion you said LU-9.1. Could you amend that to LU-9.2 as stated in the record. It looks like it's misprinted in the agenda.

Commissioner Munger said what's on the screen says 9.1.

Commissioner Kidwell said here it says 9.2. I take that back.

Commissioner Munger seconded motion.

Commissioner Kidwell said I appreciate the motion. Thanks for the clarification on that. Let's say it goes into a neighborhood that has 20' buffers or 40' buffers, how does that look. Should we be looking at doing a minimum of 15' or 20' or putting in there that each one should be reviewed to blend in with the existing surrounding neighborhoods.

Commissioner Munger said can I ask a clarification question. Are you saying if existing developments adjacent to the five lot property that we are specifically calling out have a pre-existing 20' buffer it should be kept in parallel similar to those.

Commissioner Kidwell said for consistency, yes.

Emily Sloop, Town Attorney, said just for a point of clarification on any administrative approval we can't insert any subjectivity, so we would need a quantifiable number. You can't say, for example, keep in harmony with the surrounding area, because that's subjective versus objective, so we would need a numerical buffer.

Mayor Bales called for the vote.

Motion carried unanimously.

Petition #TA23-04. Petition #TA23-04 is a request by the Huntersville Planning Department to amend Article 9.54 Solar Energy Facilities to further clarify the text for simplicity.

Nathan Farber, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 21.*

Staff proposes to adjust Article 9.54.2 in order to simplify the language by removing the residential section that is currently there. All the previously used general requirements would still apply which include the SUP requirement.

On April 6 the HOAB recommended approval with a vote of 8-0, with a recommendation to remove reference to 160D-914 within the non-residential portion of the minor solar facilities ordinance. We have also been asked to change the word "slopes" to "surfaces," which we have done as well.

The Planning Board met on June 27 and recommended approval with a vote of 8-0.

Commissioner Munger made a motion in considering the proposed amendment TA23-04, the Town Board recommends approval based on the amendment being consistent with Policy EOS-9.1 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will encourage the use of solar and clarify language regarding the use of residential solar panels.

Commissioner Phillips seconded motion.

Mayor Bales called for the vote.

Motion carried unanimously.

Budget Amendment – Ada Jenkins Center. Mayor Bales said this is the Ada Jenkins FY24 budget amendment.

Commissioner Munger said do we want to clarify on this one that a couple of people might need to be recused and also just to give understanding of the amount of votes necessary to pass these various motions.

Anthony Roberts, Town Manager, said I think Pattie is handling these items, so she should be stepping up.

Mayor Bales said in the meantime I would like to turn it over to Ms. Sloop to answer some clarifying questions around these next handful of items that we will be addressing.

Emily Sloop, Town Attorney, said as you may recall there was a change in the statutes, in particular Section 14-234.3 and that would prohibit from any Town Board member that is affiliated with a non-profit per the statute's definition of affiliation to need to recuse themselves when making or administering a contract. There's also language in there about award of money in the form of a grant, loan or other appropriation. This would be an appropriation even though we are handling it outside of the budgetary process. I believe there are a couple of board members that are affiliated per the statutory definition with this particular non-profit. I believe Commissioners Munger and Phillips are on that Board. And also in terms of the question of how many votes are required, typically if it's going to be a budget amendment it does have to be at least four. You have to take into consideration though the recusal, so you all would be recusing yourself meaning that the four remaining would have to vote yes.

Commissioner Kidwell made a motion to recuse Commissioner Phillips and Commissioner Munger because they are on a board that we are about to vote on.

Commissioner Boone seconded motion.

Motion carried unanimously.

Pattie McGinnis, Finance Director, said basically Ada Jenkins has requested \$55,000 for their appropriation. You can vote on \$55,000 or you can change it to another number. That's how these are all kind of going to go.

Ms. Sloop said I'm sorry, I misstated, what he was asking me earlier. It's taking into consideration the recusals, so it's a majority of those not recused.

Anthony Roberts, Town Manager, said all of these are set up so that whatever amount you recommend hopefully in your motion would be what the budget amendment is.

Mayor Bales said in FY23 they requested \$45,000, we gave them \$35,000. This year they are requesting \$55,000.

Commissioner Kovacs said I've kind of said before that I think in the future we need to do a more structured process, something possibly with a leveling system so that way we don't have such different extremes of amounts that people are asking for. Last year we did fund a lot of what was requested of us and it was stated so many times that we were funding so much because we had extra funding that came into the town and we wanted to be able to help the non-profits in our area get back on their feet because they were helping our residents and I one million percent support that, but this year now we're

getting even higher requests and I naively thought we kind of made it clear last year that really large amounts were because we got extra funding, but now the amounts keep going up, so I do want to support our non-profits, but I think for next year and we would have to start the process now, we need to figure out some form of leveling system and rubric so we don't have such differentiating amounts for all these various groups.

Mayor Bales said I agree with you. I almost feel like it would be helpful for us to have some benchmarks for those dollars so that we know exactly what they are utilizing the dollars for within our community instead of it just kind of going into a pot.

Commissioner Kovacs said we do have our application process and I'm actually trying to pull up, I just pulled up our agenda that has the previous applications because I would have liked to be able to see them again since we just had this back in April. But I think some form of rubric that talks about where the majority of people are served, if they are from Huntersville, how many people serve.....but if they serve 20 people and they are asking for \$50,000, you know is that appropriate or is it the people that are serving in a larger capacity that need the larger amounts, some kind of rubric so we can figure out what a good.....so they know what to ask for and so that way we know kind of a structured way to approve them.

Commissioner Kovacs suggested \$30,000 for Ada Jenkins.

Commissioner Kidwell said I'll be the bad guy here. I firmly believe that we have these great agencies within the Town of Huntersville and if you as an individual taxpayer want to go out and donate your time and money to them, you should. My family does. We do it on our own. We don't post it on Facebook. We don't make a big deal of it. We don't put it out there, we just do it. I do not believe it is the Town's responsibility to give taxpayer monies to charities. The reason I say this is the last time I looked I think there's like 1,200 charities or more in the state of North Carolina. There's tons around here. What happens when a charity starts asking for money not everybody agrees with, that's not a good charity. If we start picking and choosing and we can't pick and choose. You guys remember last budget season, not this previous 23 but our first year on here I tried to recuse two commissioners for being on a board and voting on the line items that were in this budget and now we've taken it out because they shouldn't have voted on it in the first place. Now here we are, learn from my mistakes or whatever it is, I'll say it again, it is not our responsibility as a town to start taking the taxpayer dollars, the revenue and say okay you get it, you get it, you don't, you get it, you get it. Let the taxpayers on their own accord support these charities. My family does. We support different ones at different times of the year. That's how I view it. I would encourage the rest of the Board to do so and I'm only going to say it once, so I don't have it repeat it for every charity.

Mayor Bales said in regards to these external agencies asking for funding, all of these agencies provide a service that we could provide ourselves as a community.

Ms. Sloop said yes, the League is actually not part of the contracted process for services, however the remaining non-profits are non-profits that we actually have signed a contract and make sure that they are providing the services that they told us they would in their presentations and they all are a public purpose.

Mayor Bales said I think that's an important caveat to note.

Commissioner Partee said last year when we sat down and negotiated our monetary contribution to non-profits, I spoke about my service in the police department in areas where poverty, people in need,

do not have safety nets. Ada Jenkins provides a safety net. It provides a service. I believe that it is our responsibility as elected officials to ensure that our constituents, whatever economic status they are in, have the means to provide a service for our community. I had put down that I would like to give Ada Jenkins an increase up to \$40,000 because of the service that they provide. Angels and Sparrows, Bags of Hope, Caterpillar Ministries, Hope House, and that's just my opinion because when my wife and I work the streets, we see it firsthand. We don't go into the streets, we don't go into communities that are suffering and with inflation now with the rollback of income, people regardless of what ethnicity they are, what social economic status they are, there's a need for a safety net.

Commissioner Boone suggested \$30,000.

Mayor Bales said we have two numbers.

Commissioner Kovacs said I can clarify because I do agree with Commissioner Partee on why it's important to support, but when I was looking at Ada Jenkins it says last fiscal year 30 percent of the people that were served were from the Town of Huntersville and they spent \$64,635 and 33 percent of that is \$21,000, so I was trying to provide a safety net by overestimating above the \$21,000 because we're only a third of what is being served, but it looks like with the request we would be funding close to 90 percent.

Commissioner Partee said I think Commissioner Kovacs makes a good point, but I don't look at numbers when it comes to help, when it comes to starvation, when it comes to a need. Numbers don't matter to me of who we serve because it's upon us to serve any community that comes in for help, that comes through that door. I'm not going to ask them where are you from. I can see the direction Commissioner Kovacs is going, but that's just my opinion. I don't look at ethnicity, I don't look at where you are from, I just think that there's a need to serve those that are in need.

Commissioner Kovacs made a motion to appropriate \$30,000 to the Ada Jenkins Center.

Commissioner Boone seconded motion.

Motion was tied – Commissioners Kovacs and Boone in favor; Commissioners Kidwell and Partee opposed. Mayor Bales voted to appropriate \$30,000 to Ada Jenkins Center.

Commissioner Kovacs made a motion to bring back Commissioners Munger and Phillips.

Commissioner Boone seconded motion.

Motion carried unanimously.

Budget Amendment – Angels and Sparrows. Mayor Bales said they have requested \$50,000. Last year we gave them \$35,000.

Commissioner Munger suggested \$40,000.

Commissioner Partee suggested \$40,000.

Commissioner Boone suggested \$40,000.

Commissioner Phillips suggested \$40,000.

Commissioner Kovacs suggested \$40,000.

Commissioner Munger made a motion to amend the FY24 budget in the amount of \$40,000 which will be granted to Angels and Sparrows for services provided to Huntersville residents.

Commissioner Phillips seconded motion.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Budget Amendment – Arts & Science Council. Mayor Bales said the Arts & Science Council is requesting \$15,000.

Commissioner Phillips said I would like to be recused from this one because the non-profit I work with is a partner of theirs.

Commissioner Kovacs made a motion to recuse Commissioner Phillips.

Commissioner Munger seconded motion.

Motion carried unanimously.

Mayor Bales said they did request \$15,000. We have not funded Arts & Science Council for quite some time. Is there any discussion around a potential funding in the future.

Commissioner Munger said Arts & Science Council does a number of different projects throughout Huntersville regardless of whether or not we fund them, but any money you put into Arts & Science Council you get back. One of the specific projects that they are working on and being a member on the board of the Public Arts Commission, I see a lot of this.....the tunnel that's going to be developed under I-77, they are providing a significant donation towards this and helping out in a variety of ways. The \$15,000 might be a little bit high, but I'm going to throw out \$10,000 as a very reasonable number that I can almost guarantee we will get back.

Mayor Bales said can I ask a point of clarification in regards to that tunnel, is it not that Arts & Science Council is giving the county the grant funding.

Commissioner Munger said yes, but it's still in Huntersville. It's a fair point.

Mayor Bales said I will just say that one of the reasons we have not funded them for quite some time is that we were giving them money only to get it back. It was kind of like putting those dollars from the right hand to the left and then handing it right back to yourself. There was some logic behind not funding them in the past. If there's a reason for that to have changed then certainly we should be reevaluating that.

Commissioner Partee suggested \$15,000.

Commissioner Kidwell said point of clarification for Commissioner Munger, that I need to know. You said Arts & Science Council donated to the tunnel under I-77. It's weird because I strictly remember way back when on the toll road discussion, that was part of the toll road being built that they were going to build that tunnel.

Mayor Bales said the art inside, the lighting.

Commissioner Kidwell said the art inside the tunnel. I'm just making sure we are talking about the art inside a tunnel.

Commissioner Kovacs said did we choose the light art inside said tunnel.

Mayor Bales said no, we did not. I will say they asked input, but we did not get to choose. It's a county project.

Commissioner Boone suggested \$5,000.

Commissioner Kovacs suggested zero.

Mayor Bales said we have two that are saying zero and then we have three that are \$5,000, \$10,000, \$15,000. If we are going to give Arts & Science Council some funding, then there should be some purpose behind it. I'd like to hear a little bit more or is there a motion.

Commissioner Munger said one of the other things that I'd like to mention is that on your Consent Agenda you passed a number of items that were going to be installed for the SculpTOUR. That is something else that Arts & Science Council is helping with on that. In an effort to kind of move things along and acknowledge that we haven't donated in a long time to Arts & Science Council, I'm amenable to making a motion of \$5,000, so I will do that.

Commissioner Boone seconded motion.

Motion failed 2 to 3 (Commissioners Munger and Boone in favor; Commissioners Kidwell, Kovacs and Partee opposed).

Commissioner Kovacs said I will say, Commissioner Munger, I bounce back and forth with this and part of me feels like I don't know enough about it I guess because Commissioner Partee and I we haven't been a part of funding them with this being our first term and we didn't do it last year, but the reason I said zero is because I echo the same sentiment as Mayor Bales. I do understand they are helping us and I'm very thankful for that, but it feels like we are paying to get help to get our money back, if that makes sense. Not in any bad way or anything like that. I guess in my mind I think they are funded by outside places, not the people that are benefitting from it, because then we would just pay for own installations.

Mayor Bales said if I go back in history and kind of rewind about 8 years or so and one of the things when we stopped funding Arts & Science the concept was that we would just take that money that we were giving them then and just shift it over to Parks & Rec and fund projects like SculpTOUR. I'm not sure that that actually has occurred.

Commissioner Kovacs said I understand that our staff is amazing about asking for grants and funding from places which we beg them to do and they are amazing at doing that, which is how we are getting the funds and then in turn I think you're correct, we are not funding them because they are getting grants, so we still end up in the same strange roundabout.

Commissioner Munger said can we continue discussion in general. I'm trying to find the happy median. It was kind of pointed out the Public Arts Commission is not funded by this Board and that's kind of by design and so one of the things that we try to do is go through the process of grants in working with various businesses throughout the region and one of the places that does provide us grants is obviously the Arts & Science Council. This is one of our main avenues to be able to bring art and those type of

things to Huntersville and it's definitely an uphill battle. Art is very important to me and it's a good reflection of our community and putting forth the right step by giving money to Arts & Science Council in my opinion advertises to artists throughout the region that we are the type of town that does support artists and we look forward to bringing more and more quality art to our community. I'm at a struggle for the number. I'm trying to find that middle ground and in my head maybe \$7,500, I don't know Commissioner Boone if you would go that direction. I don't know Commissioner Partee if you would come down to that number. I'm trying simply to put forth the correct step and give us the right footing to say we support the arts, and we want to take a step in the right direction towards that.

Mayor Bales said why would we not take \$5,000 or \$7,500, and appropriate it to the Huntersville Parks & Rec Public Arts Commission and allow them to utilize those dollars.

Commissioner Munger said that's essentially against the policy which the Public Arts Commission was founded upon, that it would not be funded by Huntersville taxpayer dollars directly and I get that's kind of a catch 22 because we are in turn looking at using public taxpayer dollars to fund Arts & Science Council which will most likely come right back to Huntersville to fund Public Arts Commission. It's a catch 22. I don't have the stigma of funding public arts and having art installations funded by public taxpayer dollars. I think it serves the greater good, but I'm trying very hard to follow the rules which were established when the Public Arts Commission was established. This is my way of being able to fit that into the rules that we've established for that and still say we support arts and I can almost guarantee you no matter what money we give, we get it back. It just puts a nice foot forward to say we do support the arts, we believe in arts, and we think it should be represented in this town.

Commissioner Partee said I agree with everything that Commissioner Munger has said and put forth. Normally when you negotiate contracts and a monetary figure you come in at a high number knowing that there's a median or middle ground. I said \$15,000. I just told Commissioner Munger that I would come down to \$10,000 because I believe in the Arts & Science. I think we would benefit from having the services that they have to offer. They haven't come to us in a couple of years, so I'm willing to come down to \$10,000.

Commissioner Kovacs said how much have we funded any art projects – peace poles, anything from Town money.

Commissioner Munger said I don't have that number off the top of my head. Typically, we get grants.

Commissioner Kovacs said did we as a town fund the Vine?

Mayor Bales said no, we did not.

Commissioner Munger said I don't think we funded that. I don't think we funded SculpTOUR. I don't believe we funded any of the art installations around here.

Commissioner Kovacs said I would be at the \$5,000.

Commissioner Boone said that was the grant money from ElectriCities that did the Vine sculpture.

Commissioner Kovacs said I was going to say if we are going to be onboard with saying okay, then moving forward we are going to make a conscience effort that we are not going to use Town funds to fund art and we're only going to apply for grants, then we are not doing the back and forth thing, then I can go with the \$5,000.

Commissioner Boone said point of order for the Town Attorney. We have voted down \$5,000. Now if we bring that back up, the motion has to come from the opposing side.

Emily Sloop, Town Attorney, said you can reconsider, but you could also change it to \$5,001, \$4,999, it's up to you.

Commissioner Munger made a motion to amend the FY24 budget in the amount of \$5,002, which will be granted to Arts & Science Council for services provided to Huntersville residents.

Commissioner Boone seconded motion.

Motion carried 3 to 2 – Commissioners Boone, Munger and Kovacs in favor; Commissioners Kidwell and Partee opposed.

Commissioner Kovacs made a motion to bring back Commissioner Phillips.

Commissioner Boone seconded motion.

Motion carried unanimously.

Budget Amendment – Bags of Hope. Mayor Bales said Bags of Hope has requested \$26,000. They were appropriated \$20,000 in last year's budget.

Commissioner Munger said my wife spends a lot of time doing some of the work related to Bags of Hope. It's near and dear to my heart. I'm probably comfortable at \$20,000.

Commissioner Partee suggested \$26,000.

Commissioner Kovacs suggested \$15,000.

Commissioner Boone suggested \$10,000.

Commissioner Phillips suggested \$15,000.

Commissioner Kovacs said last year we went up higher because of more so I was trying to go in with a high enough number to help them help our children but also stay true to our word and not fund as much as we did last year.

Commissioner Munger made a motion to amend the FY24 budget in the amount of \$15,000 which will be granted to Bags of Hope for services provided to Huntersville residents.

Commissioner Phillips seconded motion.

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

Budget Amendment – Caterpillar Ministries. Mayor Bales said they have requested an appropriation of \$30,000 for FY24. Mayor Bales said is there anyone that is associated with this organization.

Commissioner Boone said I am associated with the Caterpillar Ministries through donating time and money to the organization several times a year.

Emily Sloop, Town Attorney, said that does not meet the statutory definition.

Commissioner Phillips said I'm going to go to bat for Caterpillar Ministries and let this group know their Executive Director is on the board of the Affordable Housing Task Force. They are currently trying to purchase mobile homes so that they can do in community rentals and money like this is a game changer for them because they do want to be a self-sustaining for our citizens and make sure Huntersville residents get to live in Huntersville regardless of how much money they make, so I'm \$30,000.

Commissioner Boone said I believe the Caterpillar Ministries did not get any ARPA funding at all and I'm going to go ahead and back the \$30,000.

Commissioner Kovacs said I agree and I know this is opposite of what I said, but I remember last year we told them they actually should be asking for more because they are 100 percent in Huntersville and they serve such a large population and especially with some of the situations that they've had there out of their control lately, but still trying to go through and serve our residents even when their own safety was in peril. I think it's very important to help. Like Commissioner Phillips said, we have heard of them trying to purchase mobile homes to be able to have some housing and if we're not at the point yet where we can provide some housing for our residents, this is a way that we can do it until we have something more substantial.

Mayor Bales said I will interject on that because one of the things with Habitat in their critical home repair, because they get federal dollars they cannot tap into those dollars for mobile home units, so Caterpillar Ministries is taking it upon themselves to do this work, so I give them huge props. They have truly taken care of Huntington Green and not only the students over there but the families holistically.

Commissioner Partee suggested \$30,000.

Commissioner Munger suggested \$30,000.

Commissioner Phillips made a motion to award Caterpillar Ministries \$30,000 in the budget amendment.

Commissioner Kovacs seconded motion.

Motion carried 5 to 1 – (Commissioners Boone, Kovacs, Munger, Partee and Phillips in favor; Commissioner Kidwell opposed).

Budget Amendment – Hope House. Mayor Bales said Hope House has requested \$20,000. We funded them at \$20,000 last year as well.

Commissioner Munger suggested \$20,000.

Commissioner Partee suggested \$20,000.

Commissioner Kovacs suggested \$15,000.

Commissioner Boone suggested \$20,000.

Commissioner Phillips suggested \$20,000.

Commissioner Munger made a motion to amend the FY24 budget in the amount of \$20,000 which will be granted to Hope House for services provided to Huntersville residents.

Commissioner Phillips seconded motion.

Motion carried 5 to 1 – Commissioners Boone, Kovacs, Munger, Partee and Phillips in favor; Commissioner Kidwell opposed.

Budget Amendment – North Meck Crime Stoppers. Commissioner Phillips made a motion to recuse Commissioner Boone from this vote.

Commissioner Kovacs seconded motion.

Mayor Bales said the reasoning why?

Commissioner Phillips said he is on their board.

Motion carried unanimously.

Mayor Bales said they have requested \$5,000. We funded them at the \$5,000 level last year as well.

Commissioner Munger suggested \$5,000.

Commissioner Partee suggested \$5,000.

Commissioner Kovacs suggested \$5,000.

Commissioner Phillips suggested \$5,000.

Commissioner Partee made a motion in considering approving the North Mecklenburg Crime Stoppers FY24 budget amendment, I make a motion to amend the FY24 budget in the amount of \$5,000.

Commissioner Phillips seconded motion.

Motion carried 4 to 1 – Commissioners Kovacs, Munger, Partee and Phillips in favor; Commissioner Kidwell opposed.

Commissioner Phillips made a motion to bring back Commissioner Boone.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Budget Amendment – Seasons of Giving. Mayor Bales said this is a request for an appropriation of \$3,000 by Seasons of Giving and this is a new organization. It's the first time that we had heard a presentation back in April from them.

Commissioner Kovacs said I just know what was presented to us and I actually ran into her again at another event and we talked a little bit, and I just thought it was wonderful that she saw a need in the community and took it upon herself to help our community and I really loved seeing the people that it impacted when they came to our meeting. I'm in full support of funding them the full \$3,000.

Commissioner Phillips suggested \$3,000.

Commissioner Boone suggested \$3,000.

Commissioner Partee suggested \$5,000.

Commissioner Munger suggested \$3,000.

Commissioner Kovacs made a motion to amend the FY24 budget to provide \$3,000 to Seasons of Giving for services they provide to our residents.

Commissioner Partee seconded motion.

Motion carried 5 to 1 – Commissioners Kidwell, Kovacs, Munger, Partee and Phillips in favor; Commissioner Kidwell opposed.

Budget Amendment – NC League of Municipalities. Mayor Bales said I would like to clarify with Ms. Sloop based off of the understanding that we have now of the League, even though I serve on that board I do not have to be recused, correct?

Ms. Sloop said correct.

Mayor Bales said the League of Municipalities is our municipal organization. This is our dues. The way I view the League is similar to Centralina Council of Government. It is an organization that supports municipalities, it supports us in a number of ways. But this is not something that we can play around with. We either fund it the \$38,803 or we don't.

Mr. Roberts said that's right and Emily may want to clarify. It has never been on this list before and I think she's got some new information. They send us an invoice for the service they provide and there's also the Southern City which is a small magazine that goes to the Board members, but they provide a service like what I'd say the Institute of Government, Centralina Council of Government, etc. and typically those organizations do not follow under this mix, we typically get an invoice from them and we fund those organizations because either they offer classes to Board members, to staff, we may use their.....they may do research for us, they may help lobby legislative issues etc.

Mayor Bales said the League does a lot of lobbying on behalf of all municipalities. This past term I served as the League's Legislative Policy Committee co-chair and worked with municipalities from across the state to help ensure that we were pushing our legislative agenda with the general assembly and so when the Legislative Policy Committee that this Board has gets together when we are creating our legislative policy, we're also sending that to the League so that they know what our goals are and then they work on behalf of us as well.

Mr. Roberts said they have the debt set-off program that we participate in. We're not participating in the insurance pool right now. We have, I assume, in previous years and we would look when we go out for bids to see what kind of services they can provide and whether they are competitive, but we are not part of that insurance pool right now. If you look in your agenda packet there are other services that they provide.

Commissioner Munger made a motion to amend the FY24 budget in the amount of \$38,803 for the 2023-2024 League of Municipalities Service Fee and Southern City subscriptions.

Commissioner Partee seconded motion.

Commissioner Kidwell said in the package if you read the letter, it says the North Carolina League of Municipalities board takes raising dues very seriously. There has not been an increase in the League's membership service fees in six years. When I look at this presentation in front me I look at FY22 at

\$37,143 and then it went down to \$36,689.....if they haven't raised dues, did they drop dues in 23 for clarification.

Ms. McGinnis said it's based on population.

Mayor Bales called for the vote.

Motion carried unanimously.

Budget Amendment – Hugh Torance House & Store. Mayor Bales said they have requested an amount of \$20,000 for FY24.

Commissioner Kovacs made a motion to recuse Commissioners Phillips and Boone for being on the board.

Commissioner Partee seconded motion.

Motion carried unanimously.

Mayor Bales said last year we funded them \$15,000. This year the request is \$20,000.

Commissioner Munger said originally when I first came on the Board, I was very skeptical of the Hugh Torance House because I didn't think.....we were putting money into something where no one was ever going or anything like that. They have changed direction. They've got a number of people involved and I'm really pleased with the new direction in which it is going, so I do support the \$20,000 at this time.

Commissioner Partee said I also have had the opportunity to use the services and visit Hugh Torance and the historical recounts of how this town has grown and the contribution of all ethnic groups, especially the slaves that were here. Very impressive and I think we need to continue with our history here in Huntersville, so I also will support the full amount of \$20,000.

Mayor Bales said and just to be clear, these dollars will come from Tourism dollars. This is the funding that we get from hospitality and tourism.

Commissioner Kidwell said I couldn't agree more. The new group has done wonders. It's packed every weekend. This is bringing tremendous value to Huntersville and our continued passing on of knowledge of history.

Commissioner Kovacs said I've been to a few of their events and I've met people from out of town, so I do think this falls very well into that tourism group because people love history and they'll travel for it. I'm glad that it has really started to blossom and thankful and support the \$20,000.

Mayor Bales said I have to agree and commend Abigail Jennings and the Hearts group for the work that they've done with Cedar Grove and the Hugh Torance House & Store. It's something to be said for a community that's growing by leaps and bounds where most of us were not born and raised here and yet we have that opportunity to learn our history and pass that along. I feel very blessed that we have that opportunity to support something like the Hugh Torance House & Store that is truly one of a kind in North Carolina.

Commissioner Munger made a motion to amend the FY24 budget in the amount of \$20,000 to be granted to Hugh Torance House for services provided to Huntersville residents.

Mayor Bales said point of clarification, does that need to also state to come out of the Hospitality and Tourism fund.

Ms. McGinnis said that's where they are now.

Mayor Bales said I know I just want to make sure that we are saying the motion correctly.

Ms. Sloop said that's the way it was stated in the agenda packet, but you can include that if you want to.

Commissioner Munger said I will adjust it so that the \$20,000 does come out of the Tourism fund.

Commissioner Kovacs seconded motion.

Motion carried 4 to 0 – Commissioners Kidwell, Kovacs, Munger and Partee in favor; Commissioners Boone and Phillips recused.

Commissioner Kovacs made a motion to bring back Commissioner Boone and Commissioner Phillips.

Commissioner Munger seconded motion.

Motion carried 4 to 0.

Budget Amendment – Rural Hill. Commissioner Kovacs made a motion to recuse Commissioner Phillips due to it being her place of employment.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Mayor Bales said they have requested the same amount that they have requested for the last several budget cycles.

Commissioner Kidwell said what can you say, Rural Hill. There's ton of events going on there all the time. It's open to everybody. Fantastic place. It's under new management and I think it's doing even better.

Commissioner Kovacs said I agree. Those people travel for the Highland games. I was able to attend the Burns dinner this year which was super fun. It was really immersive and really great to be able to experience that in the way that it was supposed to be, and they followed the rules and did the whole thing and it was really great. Suggested \$20,000.

Commissioner Boone suggested \$20,000.

Commissioner Partee suggested \$20,000.

Commissioner Munger suggested \$20,000 and a reminder it does come out of the Tourism fund.

Commissioner Munger made a motion to amend the FY24 budget in the amount of \$20,000 which will be granted to Rural Hill for services provided to Huntersville residents. These funds should come out of the Tourism fund.

Commissioner Partee seconded motion.

Motion carried 5 to 0.

Commissioner Kidwell made a motion to bring back Commissioner Phillips.

Commissioner Munger seconded motion.

Motion carried 5 to 0.

Dellwood/Central Sidewalk Discussion. Stephen Trott, Director of Engineering, presented PowerPoint on status of Dellwood/Central sidewalk and reviewed public input received from parcels affected to see if they would allow general location staking on their property (9 of 34 parcels responded yes; 1 of 34 parcels responded no; 24 of 34 parcels did not respond). *PowerPoint attached hereto as Exhibit No. 22.*

Staff requested direction from the Board on how to proceed.

- Does the Town Board want to move forward with staking on the nine parcels who did respond yes to the request?
- Does the Town Board want to move forward with design of the project?
- Is the Town Board willing to use eminent domain to deliver the project?

Mr. Trott noted to date approximately \$60,000 has been spent on this project. To get through the design part of the project, it would be about another \$140,000.

Commissioner Phillips suggested staff try to make more contacts and the Board revisit this in November. I'm not taking somebody's land when only 9 of 34 are potentially warm to this idea.

Commissioner Kidwell suggested reaching out to the leadership groups in the community to try to get additional feedback.

Anthony Roberts, Town Manager, said we could go to the various agencies that are out there or the groups that are out there that are working with the county etc. and see if we can't pull them together to help us get more feedback and then try that one last time to get those groups together to help us and then we can give you that feedback.

Commissioner Munger said out of curiosity is it possible to stake out the properties without actually going into the design phase.

Mr. Trott said we can do the general staking of where we are guessing the area is and that's what we were trying to do and that was included in the letter that we mailed out. We were just trying to give the people a general idea of where it may be. That was the intent of doing the staking to try to get that initial feedback are people willing to have something like this out there or not.

Commissioner Munger said to that point I would just like to say if you put the stakes out there it becomes a discussion point. People see it and they start to think about maybe I have questions about

what are they doing over there and it initiates that conversation a little bit more so that we get at least maybe 50 percent of the households to participate. I would argue you will not get 100 percent. In any neighborhood you are not going to get 100 percent participation. But if you get 50 percent participation people start talking about it. It seems from my perspective that staff has taken extraordinary measures to try to get the community involved and I could be wrong, but I think that putting the stakes out it becomes very real to people and they need to react to it.

Mayor Bales said we're not going to go on their private property without their permission.

Commissioner Munger said to be clear, only the nine.

Mr. Trott said one other thing to note, we received feedback as you saw on the survey online and at the community meeting, from folks that I'd say vast majority positive, they just don't live on the properties and the sidewalk doesn't just benefit the people where it's placed. It's going to benefit the community area for people that walk along the street either to go places or whatever, it's not just the people that live right there on those immediate properties.

Commissioner Boone said the next time we meet on this, if you could break out the design for each street instead of the whole scope.....maybe if we just concentrated on one specific street and then get the community input, I think what Lance said you've got discussion in the neighborhood that might be positive to moving this forward.

Mr. Trott said we can ask our consultant to break out the fee for design on each street.

Commissioner Partee said we talk about being in the community. I'm always in the community and I hear what they are saying. And what they are telling me is that they want sidewalks, because we can keep pushing this back and forth, kicking the can down, you're never going to get a true consensus of the masses. We have to make a decision and Mr. Trott said we can stake out the nine, but we have to put something in motion because they are tired of being deferred. I'm just saying that from my point of view and from what I see and attend the churches in the community. I'm only one person to speak for the community who is there all the time, but we have to do something than just keep deferring it because they are getting tired of it.

Commissioner Kidwell said I don't think we're deferring it. I think we need community buy-in. We need community input and we're only getting 9 out of 34 parcels to respond. I think it's important that we go back and get them to be a part of that. When new neighborhoods are built, the developer builds the sidewalks. When we add sidewalks to other areas, we go and we talk to the landowners, we talk to the people around there and we get we're going to do this. We need to buy this property, we need to do this. I remember distinctly 2013 I ran for office, sitting over in Pottstown, BeeJay Caldwell said we don't have sidewalks, we want sidewalks and here we are 10 years later, we're finally there but we still need these individuals to say yes, as a community yes, a majority of us want the sidewalks and let's begin that process. I appreciate that Commissioner Partee is over there and attends church with them. And I know Commissioner Kovacs is over there, this is great, but we still need the community to be a part of this process and say yes, let's move forward. I still think reaching out to the leadership and saying can you get us in touch, we have a meeting with all 34 people or as many as possible. And maybe that's only 12, maybe it's 20, maybe it's 30, and have them sit there and say yes, this is going to be good for the area, good for everybody involved.

Mayor Bales said do we break it up and look to have an outreach on Dellwood Street and then turn around and do a separate one for Central and see if we can get the people directly affected to the table.

Mr. Roberts said maybe let us talk to the organizations that are heavily involved in the neighborhood and see what kind of feedback we can get. Obviously, we know which organizations we've been working with and just see what kind of feedback we get from them. Hopefully, they can help us and we'll move in that direction.

Commissioner Kovacs said I want to clarify. I know that sidewalks are requested because the origin of this project was Commissioner Kidwell and I attending meetings and hearing meeting after meeting after meeting people saying we want sidewalks, we want to feel as though we are valued and that our safety is valued, so Commissioner Kidwell and I went and sat down with staff and said look, you need to look at these places to put in sidewalks. We need to get community input. We are not coming in to take people's land. We want to find out what's going to be the best for the residents in that area and what is going to be the fastest way for it to happen. So not trying to defer it, but I'm also not about to get into a situation where we are going to have to take people's land because I'm not doing that, so we can't move to a point where we are going to be put in a position where we have to take 25 people's land, I'm not doing it. We need to get the community involved so we can make sure that this is still something that they want. We are not deferring it, we are making sure we're doing what we were asked to do.

Mayor Bales said so is the direction that we want to give staff to let's do another outreach with the leadership. I see some nods and I see some no's. Commissioner Munger, what's your thought here.

Commissioner Munger said I would personally like to do a multi prong – stake out the properties that need to be staked out and if you coincide that with reaching out to community leadership, you need every possible tool to motivate people to speak. I don't disagree with what people have said, but I want kind of a multi prong we need to give staff the tools to be able to do what we want them to do.

Mayor Bales said I would agree with you Commissioner Munger, even if it's nine parcels, to be able to visually see what that would look like could be helpful to the conversation.

Mr. Roberts said it may be tough because you're going to have on Dellwood you could probably get an idea. But on Central, there may be five parcels you will be putting a stake on and so you may have one here and then one 15 yards down.

Commissioner Kovacs said but it's a conversation starter.

Mr. Roberts said and that's fine, I just want you to understand it may not give a true picture. If I had one every other yard, I can say okay this gives you an idea. I just want to be open. We may have stakes in the yard and people may say what's that stake and then there's 15 yards, not yards as in walking yards, but 15 properties down there may be another stake.

Mayor Bales said would it behoove us if you are thinking Dellwood first, to stake Dellwood, have that community meeting and then turn our attention to Central.

Mr. Trott said if it's the same community members.....

Mayor Bales said but it's not the same property owners.

Mr. Roberts said it's not that many more properties. There's only nine. There's probably four or five on Dellwood and four or five on Central, so there's only nine properties.

Mr. Trott said it looks like about three more on Dellwood would be all the ones over to Central.

Mr. Roberts said I'd just get the whole group together.

Mayor Bales said how about we circle back with the leaders within the community and formulate a new game plan.

Commissioner Partee said how many feet are we talking about as far as the sidewalk and the positioning. Are we talking about taking out somebody's land or are we just thinking about a strip. How many feet are we talking about to lay down a sidewalk.

Mr. Trott said it will vary by property depending on grade. It's not perfectly flat out there and so it's going to vary. Some properties will just be the curb and gutter and the sidewalk, maybe a little bit extra to get the work in. Others there's going to have to be some grading work. We don't have a design yet, so we don't know exactly what we need. That's part of the challenge, too, is this will be an approximate location because we don't have that design yet. This is just to give you an idea of where it could be.

Mayor Bales said what direction does this Board want to do. Is there a recommendation.

Commissioner Munger said stake the nine and meet with community leaders and try and build a consensus as quickly as possible.

Mayor Bales said so that's the direction.

Mr. Trott said we'll go back out to the community again, reach out to the community leaders and organizations and then we'll try to get the surveyor scheduled to be able to stake the nine.

Commissioner Munger said hypothetically you stake the nine and then you meet with some community leaders and they say I'll do that, how quickly can we turn that around and stake the rest, because if we make it kind of a competition and stake, stake, stake, it just happens faster.

Mr. Trott said we'll have to check with the surveyor to see what their availability is. We set up a schedule with them to try to do that actually this week, but we had to get back to them a few weeks ago to let them know, so we'll have to try to get back on their schedule to be able to get the staking done. I don't know exactly when that can happen or how quickly they could be available.

Commissioner Kovacs said there are a lot of rentals. Are we sending the letters to the home or to the owner.

Mr. Trott said yes and yes. We sent them to both and we put one on the house. We wanted to make sure we had coverage, so we did all three.

Purchase Agreement – 13409 Ramah Church Road. Anthony Roberts, Town Manager, noted the property in question is approximately 24.81 acres. Roughly 5 acres could be used for future Fire Station No. 5 and the remaining acreage could be used as parkland.

Commissioner Boone made a motion to approve the Purchase Agreement in the amount of \$2,555,430 for the purchase of 24.81 acres located at 13409 Ramah Church Road in Huntersville to build a new fire station.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Offer to Purchase and Contract attached hereto as Exhibit No. 23.

Prequalification Tool and Criteria – New Town Hall. Commissioner Kovacs made a motion to approve prequalification tool and criteria as required by Purchasing and Contracting Policy and state statute.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Huntersville Town Hall Project Specific Prequalification for First-Tier Subcontractors attached hereto as Exhibit No. 24.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Phillips

- No Report.

Commissioner Partee

- 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 July 19. The MOU Subcommittee has been suspended indefinitely until legal counsel can be procured to review the MOU to decide whether.
- Expressed appreciation to Commissioner Boone, Commissioner Kovacs, Commissioner Partee, Mayor Bales and Planning Board Vice Chair Frank Gammon for attending the ribbon cutting at Rise Café.

Commissioner Partee

- Advocate for gun safety. Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Munger

- Huntersville Ordinance Advisory Board met on July 6.
- Public Arts Commission met on July 12.
- Consider supporting local non-profits.

Mayor Bales

- Next Centralina Economic Development District meeting is July 20.
- Next Metropolitan Transit Commission Meeting is July 26.
- Next Connect Beyond meeting is July 28.
- Provided update from the Lake Norman Economic Development Corporation.

CLOSED SESSION

Commissioner Phillips made a motion to go into closed session pursuant to NCGS 143-318.11(a)(6) to consider the qualifications, competence, and performance of an employee.

Commissioner Munger seconded motion.

Motion carried unanimously.

Upon return from closed session, there being no further business, the meeting was adjourned.

Approved this the 21st day of August 2023.