

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**August 7, 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 5:30 p.m. on August 7, 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.

Public Records and Social Media Policy. Emily Sloop, Town Attorney, reviewed public records and social media policy. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

**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 August 7, 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

Commissioner Munger requested update on hiring for the victim advocate positions.

Police Chief Barry Graham reported that one started today and interviews for the next three will begin within the next couple of weeks.

Commissioner Kovacs noted a resident reached out to her about a situation where something happened to their car on Mt. Holly-Huntersville Road where you are going from Huntersville to Charlotte and was shocked there were not cameras at that intersection.

Chief Graham confirmed there are not cameras at that intersection. The issue is getting permission from utility companies to put things on their poles. The police department has purchased some poles in order to start putting cameras up.

Commissioner Boone commended the Police Department for a traffic stop that took 19 lbs. of marijuana, a stolen gun and a stolen car off the streets. Congratulated the Finance Director for receiving a Certificate of Achievement for Excellence in Finance Reporting.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Charles Guignard, 407 Sherwood Drive, said I wanted to thank the staff, especially the Public Works and Engineering Department, for what they have done over the last several months, maybe last year, concerning an item that's on your agenda for later this evening, the Mt. Holly-Huntersville Road that was actually First Street when it was first built and divided a lot down there long before I bought it. I just appreciate your diligence over the last year or so concerning this situation, I reckon it's called condemnation. I appreciate your vote to allow that to happen. I don't think the road is of any value the way it sits right now for anyone. The roundabout is working well for what it's intended to do, so I appreciate your allowing that to happen. And again, I want to say thank you to Engineering and Public Works and Electricities. There are still poles on the property down there that will stay active until something else happens.

AGENDA CHANGES

Commissioner Phillips made a motion to adopt the agenda.

Commissioner Partee seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Ordinance – Close Roads for Veterans Day Parade and Event. Commissioner Phillips made a motion to adopt Ordinance to temporarily close certain state-maintained roads for the Veterans Day Parade and Event. Commissioner Kovacs seconded motion. Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 2.

Tax Collector's Settlement/Order of Collection. Commissioner Phillips made a motion to approve Tax Collector's Settlement for Fiscal Year 2023 (Tax Year 2022) and adopt Order of Collection for Fiscal Year 2024 (Tax Year 2023). Commissioner Kovacs seconded motion. Motion carried unanimously.

Tax Collector's Settlement and Order of Collection attached hereto as Exhibit No. 3.

Budget Amendment – Parks & Recreation. Commissioner Phillips made a motion to approve budget amendment recognizing grant revenue received from the North Carolina Recreation and Park

Association in the amount of \$2,856 and appropriate to Parks & Recreation Training to provide for four Parks & Recreation employees to complete a Diversity, Equity & Inclusion Certification through UNC-Charlotte. Commissioner Kovacs seconded motion. Motion carried unanimously.

Town Manager Merit/Bonus. Commissioner Phillips made a motion to ratify previous action of the Town Board taken in Closed Session allowed under the North Carolina Open Meetings law to award a 2 percent merit increase effective August 1, 2023 and a \$10,000 bonus for the Town Manager based on market analysis and performance evaluation. Commissioner Kovacs seconded motion. Motion carried unanimously.

Contract – Underground and Directional Boring Services. Commissioner Phillips made a motion to award contract for underground and directional boring services for FY24 to Lamberts Cable Splicing, LLC. Commissioner Kovacs seconded motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 4.

Contract – Huntersville Police Dispatch Services. Commissioner Phillips made a motion to approve Huntersville Police Dispatch contract with Charlotte-Mecklenburg Police Department. Commissioner Kovacs seconded motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 5.

Call for Public Hearing – Petition #R23-08. Commissioner Phillips made a motion to call a public hearing for Tuesday September 5, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC, on Petition #R23-08, Dearness Gardens, a request by Ken Forster, to rezone six parcels totaling +/- 10.07 acres generally located at 13501 Old Statesville Road from existing Highway Commercial - Conditional District and Neighborhood Residential to Highway Commercial - Conditional District and Neighborhood Residential for boundary and site amendments.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Call for Public Hearing – Petition #R23-09. Commissioner Phillips made a motion to call a public hearing for Tuesday, September 5, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC, on Petition #R23-09, Golden Cow, a request by H2H Holdings, LLC to rezone from the existing Town Center to Town Center - Conditional District for a one-story retail development.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Call for Public Hearing – Traffic Calming on Swansboro Lane. Commissioner Phillips made a motion to call a public hearing for Tuesday, September 5, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 to receive public input on traffic calming measures on Swansboro Lane.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Petition #R23-01 – Beatties Ford Family Entertainment. Mayor Bales called to order public hearing on Petition #R23-01, Beatties Ford Family Entertainment, a request by Jonathan Eury to rezone +/-2.513 acres generally located at the intersection of Beatties Ford Road and Broadway Street from Rural to Highway Commercial - Conditional District for indoor and outdoor recreation and commercial uses.

Nathan Farber, Planner II, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

The applicants are proposing to rezone the property from Rural to Highway Commercial with conditions. The proposed uses include indoor and outdoor recreation, office and meeting space, commercial uses and more specifically an open-air area for a farmer's market and outdoor movies. The existing single-family structure would remain on the property.

The rezoning site is located within the Mountain Island Lake Critical Watershed Area 1, which does have a 5 percent impervious restriction. In order for the site to work, if approved the applicant has proposed a 7,000 sq. ft. impervious transfer from the neighboring property.

The Highway Commercial zoning district requires a 30 percent specimen tree save. The applicant is proposing to keep all but one specimen tree, so they would exceed that requirement and a 30' vegetated buffer that is required will be placed on the southern property line and that will be made up of existing and required vegetation.

Modification 1 is a request to place the parking lot in the front side of the property abutting an intersection. The applicant has told staff that they are going to push the parking lot back in order to comply with that, so they will no longer need this modification.

Modification 2 is a request to use mulch within the parking stalls. The center drive aisle would remain asphalt. Staff does not support this request as it's not consistent with the intent of the Zoning Ordinance.

Modification 3 is a request to not provide sidewalk along Broadway Street. Staff does not support this request as it's not consistent with the Beatties Ford Road Corridor Small Area Plan and the Zoning Ordinance.

The last modification is a request to allow the existing storage shed to encroach within the required 30' buffer on the south side of the property. Staff does support this modification as it is an existing conforming accessory structure and the required buffer would shield the shed from view.

The rezoning site is located within the Rural Conservation and the Critical Watershed districts within the 2040 Community Plan Future Land Use Map.

The 2040 Community Plan does not support this rezoning through Policies LU-6.1, LU-6.2, LU-6.3 and EOS-10.2. The Beatties Ford Road Corridor Small Area Plan also does not support this rezoning as the rezoning is located outside of the designated commercial higher-intensity areas as shown on that plan.

The Beatties Ford Road/Mt. Holly-Huntersville Road Small Area Plan calls for higher intensity commercial development to be focused closer to Hambright Road and then decrease intensity the farther you travel north on Beatties Ford Road. The rezoning site does not fall into the plans, commercial or residential zones for development.

The site does not require a Town TIA and there is also an intersection improvement project that is currently underway at the intersection abutting this rezoning site. Any questions regarding that I can refer that to the Engineering Department.

In considering the proposed rezoning application R23-06, Beatties Ford Family Entertainment, the Planning Department recommends denial based on the plan being inconsistent with the Huntersville 2040 Community Plan Policies LU-6.1, 6.2 and 6.3, as well as EOS-10.2 and with the Beatties Ford Road Corridor Small Area Plan and Beatties Ford Road/Mt. Holly-Huntersville Road Small Area Plan.

Commissioner Kidwell said how are they getting into the site, is that off of Beatties Ford?

Mr. Farber said it would be off of Broadway Street on the north side of the property.

Commissioner Kidwell said this other entrance here, that's.....

Mr. Farber said that is a driveway that is currently there, but it's being removed.

Commissioner Kidwell said regarding the parking stalls and their request for mulch. Besides asphalt, and since this is in a watershed area type thing, what materials are they allowed to use?

Mr. Farber said they are allowed to use pavement, concrete and pavers.

Commissioner Kidwell said are there any other sidewalks?

Mr. Farber said there is a 10' side path along Beatties Ford Road.

Commissioner Kidwell said I know, but are there any other sidewalks where this sidewalk would connect to?

Mr. Farber said not currently.

Commissioner Kovacs said I went to the community meeting and I know that they were talking about having some larger groups come. Can you point out on the map where overflow parking would be.

Mr. Farber said it's not shown on this map, though the applicant has stated that they are looking to add an area on the site for overflow parking.

Commissioner Munger said why was the TIA not required for this development?

Stephen Trott, Director of Engineering, said the short answer is it was below the Town's threshold to require a TIA based on the use and intensities proposed.

Commissioner Munger said do we have any approximate timeline on when a traffic signal will be installed at the Beatties Ford/McCoy intersection?

Mr. Trott said the presentation showed a capture of the plan layout for the intersection improvement project. The general schedule right now, assuming funding is available to do the project and things go well with property acquisition and utility relocation, it would be early 2025.

Commissioner Boone said when the traffic improvement starts, will the applicant lose any property to right-of-way?

Mr. Trott said we haven't finished the right-of-way acquisition needs yet on this project. We are still waiting on utility companies to finalize what they need for utility relocations.

Commissioner Boone said do you think they are going to be losing property?

Mr. Trott said if you are asking will right-of-way need to be acquired, I don't know that specific answer on these specific properties at this time.

Commissioner Boone said I guess this is a legal question. If somebody is in lieu of or donates that property, would the people doing the project be able to do the sidewalk part of this project?

Mr. Trott said this is a Town project. This is not a state project.

Commissioner Boone said would the Town entertain that? Instead of the Town purchasing the right-of-way, he would donate that land if the Town would build the sidewalk.

Emily Sloop, Town Attorney, said a citizen could always choose to donate property to the Town if that's the question.

Commissioner Boone said I guess it's not really donate it. Could they in lieu of let's say swap to that property and use those funds for building the sidewalk that the Planning Department is suggesting.

Ms. Sloop said so you are asking if a developer that was required to purchase right-of-way for an improvement, instead of doing a required improvement would be able to pay for sidewalks.

Commissioner Boone said whatever the easement is, where the utilities have to go, if the Town is going to have to purchase that property, if the applicant donates or in lieu of monetary for that property, can they go ahead and use those funds for the Town to build the sidewalk.

Anthony Roberts, Town Manager, said I think what Mr. Boone is saying is if there's right-of-way and/or utility easements or construction easements that are required for this roadway, if the applicant wanted to donate those easements, property, right-of-way, etc., instead of us paying for it as part of our project, could we use those funds to potentially pay for the sidewalk.

Ms. Sloop said if we no longer needed to purchase the right-of-way, the funds that we had set aside for purchasing right-of-way could be reallocated, yes.

Commissioner Partee said I attended the public hearing that the applicants had for the community because I live on Beatties Ford Road. Their plan is very innovative, especially for that area. I like their plan. The rezoning is not consistent with the existing development patterns. Is there any way the Planning Department can work with the applicant to make or allow that to fit into this zoning possibly.

Mr. Farber said with the current uses being proposed, we couldn't support it.

Commissioner Partee said is there any other zoning it might fit into?

Mr. Farber not that.....

Mayor Bales recognized Planning Board members present: Frank Gammon and Lee Hallman.

Frank Gammon, Vice Chair Planning Board, said I've heard discussion on the sidewalk, what is that Broadway. If this were approved, when is the applicant required to put the sidewalk in?

Brian Richards, Assistant Planning Director, said at the time of the certificate of occupancy.

Mr. Gammon said will this improvement to this roadway be done before he has to build a sidewalk and will this road construction go in and tear up the sidewalk? We are asking the applicant to build a sidewalk at occupancy, but at occupancy the improvements to the intersection will not be done, so when you do those, we'll come back in and tear sidewalks up.

Mr. Roberts said could they escrow the sidewalk instead of putting it in?

Ms. Sloop said we do not have legal authority to take fees in lieu for sidewalks. It's only for street improvement projects. If the sidewalk is already installed and in place, for at least state projects, then the state would have to reinstall it.

Mr. Trott said if it were a state project, then there would be no cost to the town. If the applicant puts the sidewalk in the same spot, correct elevation, then that would be less cost that the town would have to go put that in.

Mr. Roberts said maybe I used the wrong term. Could they bond it?

Ms. Sloop said we don't have legal authority to take fees in lieu for sidewalks.

Mayor Bales called on the applicant.

Catherine Carpenter and Jon Eury, 9339 Beatties Ford Road addressed the Board.

Mr. Eury said we do have quite a few supporters in the crowd. We appreciate you guys considering this project. We are excited about it. This is a dream to both of us that we've shared for a long time.

Ms. Carpenter said I know that the Town is saying that staff is not proposing or our plan is not in the 2040 Plan, but as you guys can see here, we are just slightly outside of it. We are asking for Highway Commercial Conditional District because it's the only zoning that allows for what we want to do which is to provide this club space, this indoor and outdoor recreation space for the community. As you go up and down Beatties Ford corridor, the 2040 Plan is all about rural. It's all about outdoor. It's all about bringing communities together and that's what our intent and our plan is. Across the street from us a big development is coming. You guys are all familiar with the D. R. Horton development. They are going to have nowhere but a small little place to bring their families together and they would be able to do that across the street at our place.

Mr. Eury said there are no pools, no clubhouse.

Ms. Carpenter said I know there's another developer here today to speak as well about a place that they want to put up on Beatties Ford. Another great group of people, love your idea as well.....another great group of people in the community that's going to need some more space to bring people together. We are proposing to have volleyball in the backyard. We are proposing to have yard games. A place where children, people of our age, as well as parents, grandparents, everybody just coming together and hanging out and being outside which is true to what both of us want to do, as well as allow us the freedom and flexibility to spend a lot more time in our community and not in our corporate jobs that we are currently living right now. I know it's not consistent, but at the same time you guys just saw the big intersection that's about to come in and when I think about where would somebody want to live and raise a family, it's not where the house currently is on that intersection. We also have plans.....you guys know that we have the other piece of property as well and our plans are to build a home on that side up on the northwest corner. We've already been working with a developer to figure out plans for building a small home there for us since we won't be able to live in this house since it will be Highway Commercial zoned. We plan to be right here in this neighborhood and this means so much to us.

Mr. Eury said keeping the rural feel, as you go up Beatties Ford, as you guys know there's plenty of other businesses that are rural and the outdoor feel that are already existing. Between Latta, Rural Hill, Sweetwater, and all the way up to the rock store at the end of the road that gives you that old school country feel. That's what Huntersville was, that's what Huntersville is and all we are proposing to do is put a parking lot out there and let people play in the backyard. If that doesn't fit a 2040 Plan then I'd like to be a part of the 2080 Plan, if that's a thing. I'm not sure if it goes in 40 year increments, but I would like to be a part of it.

Commissioner Kovacs said other than the house that you will be building on the northwest of this on that other property, you will not be building anything else on that property, but you own.....how big is that?

Ms. Carpenter said 4.5 acres.

Mr. Eury said we are transferring the impervious rights from that because right now that property does not perk, so we are working with our developers on how to come up with alternate septic systems, things like that, so we can be there. The rest of that land will be used for 2.0 which I'm sure we'll be up here at some point to talk about another rezoning that has to do with large tortoise rescues and all that kind of fun stuff.

Commissioner Kovacs said are you planning on building any structures on the current property?

Mr. Eury said there's only one place that we are proposing that we do any additions to the actual house or to build on it, but to be over top of the existing driveway where that food truck is, we would like to extend a little bit.....almost like another carport, because that's a three bay carport that's underneath the house there. We would probably just put like a little simple outdoor seating cover out there.

Commissioner Kovacs said it's interesting that usually when we are getting requests to go from Rural to something more intense, we see we're going from having one house on a big piece of property to having apartments or all these different things, but we're going from Rural and we're going to keep the footprint the same, we're just going to change what we use it for. I think that's why you might not fit

into that 2040 Plan because you are living in 2080. I think it's really innovative and it's a neat idea in the grand scheme of things.

Ms. Carpenter said we had worked with these gentlemen here to say as you guys asked earlier what other.....I mean we didn't necessarily want Highway Commercial zoning. We just wanted to be able to bring this idea to life and because we have the outdoor recreation, we didn't fit in any of the other buckets.

Commissioner Kovacs said do you have an answer for my question about overflow parking?

Mr. Eury said the overflow parking would be to the left of the parking lot.

Mayor Bales said while you've got recreational amenities going on, what's happening inside the space? What are you doing in there?

Mr. Eury said with Covid, a lot of people are now working from home, home-based businesses, small businesses. We are proposing that we use the inside of the house as rentable meeting spaces. A place where you can come in, sit down. If you work from home and need to entertain guests from out of town, you need a place to sit down to do a presentation, come in, we'll have projectors, we'll have the internet, we'll have things of that nature so you as a home-based business will have a spot. If you have kids at home, if you didn't want to clean that day, come use our spot. More of a co-working space.

Mayor Bales said are you going to be offering food, selling food, anything like that?

Mr. Eury said yes. We are not putting in a commercial kitchen, we are going to rely on food trucks and things like that, other small businesses that would like to serve. But we will have a concession stand.

Commissioner Munger said I just wanted to follow up on the thought process behind serving food. Will any alcohol be served there?

Mr. Eury said yes, we will have alcohol along with other things on our menu. We plan on doing coffee, milkshakes, smoothies, things along that line.

Commissioner Munger said in regards to the parking situation, is there any specific reason why you want to do mulch rather than so something like pavers?

Mr. Eury said we are in Critical Watershed 1 which allows for 6 percent. We are requesting to transfer over 70,000 sq. ft. to cover that. We do have additional, but we would like to not impact it. We really want to keep the rural look, the rural feel.

Commissioner Munger said I guess one of my concerns with mulch in general and I can say this for my own backyard, is those weeds come up everywhere in mulch as opposed to a more permanent surface. That may be one of the reasons why the Town staff is driving in that direction. Would you be open to considering possibly pavers?

Mr. Eury said absolutely, we could consider those. There are pervious type pavers and things like that. Budgetary it hurts a little bit, but there are other options we could consider, but we would like to request something a little bit of maintenance, I know weeds are a problem.

Commissioner Munger said hopefully I'm not stealing any thunder from Dan. I will credit Dan with the thought process on this, but I know the sidewalk situation seems impractical for you to actually build it because we are going to tear it down. Would you be willing to commit to ceding that land to the Town, at our own cost because I can't charge a fee in lieu, so that at an appropriate time we could build the sidewalk there.

Mr. Eury said 100 percent. I want to work with you guys. What we're trying to do, this just makes sense. I know there's the back and forth of can we put it in, can we not, can you bond it. We'll work with you 100 percent on getting this done. I don't think a sidewalk.....if you want a 10' wide sidewalk across the front of my yard, that's fine, but we're going to be out back.

Commissioner Munger said what most likely would happen if and when a motion came at an appropriate time, we would ask to put that in the motion. I just wanted to make sure you would be comfortable with us saying that.

Mr. Eury said right, I guess that's something that's further down, let's talk about the language and how that works, explain it to me because this is still new to us, but we would absolutely work the Town.

Mayor Bales said I have a question for you Commissioner Munger. Are you referencing the sidewalk that goes down Beatties Ford or are you referencing the sidewalk on Broadway.

Commissioner Munger said on Modification 3, applicant is requesting not to have to install sidewalks along Broadway Street. This is specifically the portion I am referencing because it was something that the Town said, and I think if we find a middle ground.

Mr. Eury said then we are talking about two different things. I misunderstood. The front yard, by all means, yes. If we need to do something, if there's going to be a sticking point to where if you guys feel like that needs to happen, would we work with the state. Absolutely, of course, the Town, whoever it would be if we needed to donate that land so the improvements could be made to fit, absolutely.

Mayor Bales said but to be clear, you're not interested in the sidewalk down Broadway.

Mr. Eury said we are requesting to not put the sidewalk down Broadway because that would be a sidewalk to nowhere and take up additional impervious surfaces and things like that. Broadway is a very slow road. I think that there's four houses that it serves on the back side of that.

Mayor Bales said I was just thinking as a walking path from your overflow parking up into the space your customers would be able to access it a little easier than walking through the yard. It's just a question that I wanted clarification to make sure I understood what they were asking. I have a question for Mr. Farber. If this is approved and this venture is unsuccessful, does the Highway Commercial – Conditional zoning still apply moving forward.

Mr. Farber said yes.

Mayor Bales said what would be allowed in Highway Commercial – Conditional District. I want you all to be successful. If this moves forward, I really want that tremendously. I think it's a great idea, but I do think the Board has to understand what that looks like.

Mr. Farber said whatever uses are approved as a part of this with the conditions, that would be what is allowed on the property going forward.

Mayor Bales said could you give us some examples.

Mr. Farber said indoor and outdoor recreation, office, and commercial uses.

Commissioner Partee said right on the same side of the street not far we have Hornets Nest and Trillium Springs school structures. Is that a commercial zoning area on that side or does school get special exemption because we have that structure and they want to build not a structure, but they want to put in a commercial establishment and we have restrictions. Explain the difference.

Mr. Farber said that area just happens to be zoned Rural currently. Because of that and where it's located within the critical watershed that's why staff is recommending not approving because commercial is not allowed in the Rural zoning district. Schools are allowed within the Rural zoning district.

Commissioner Kidwell said I'm going to piggyback off of Commissioner Partee's question. In communication with Commissioner Kovacs up here, right across the street 540' away from their property as the crow flies as I like to say, is Lancaster's BBQ, Highway Commercial. This in a sense does fit the area.

Mr. Farber said it is close. The small area plans do happen to have that as the edge of that commercial use and then beyond staying low intensity residential uses, but it is near it.

Mr. Eury said 200' away is a gun range and a martial arts place as well, so there's other businesses that are closer.

Ms. Carpenter said I just wanted to reference the 2040 Plan as well. There's a portion in there that says the development plan allows for the southern end of Huntersville to primarily foster residential, industrial and recreational activities. I just wanted to cite that and also EOS-6 said preserve elements of the rural character in this area and I believe our project is planning on doing both of things. Again, I realize it's Highway Commercial that we are asking for, but that's to allow for the recreational activities that we want to do.

Mayor Bales called for public comments.

Brittany Richert, 7845 Ballentrae Place, Stanley, NC, said I have been a resident in North Carolina for five years now. I moved down here with an opportunity to advance my career, but I was leaving behind all my family and friends. From day one the local volleyball community took me in and opened up their doors and their hearts to me, and now I consider them part of my North Carolina family. They provided me with a safe, fun, and welcoming environment. That is what they are looking to build here and expand on with this property. They want to have a safe, fun community open for clubs for a place to be able to meet and create a home environment for those clubs. Volleyball is what brought us together, but it's so much more that keeps us together. One passion of mine is gardening. That's something I'm really into. I grew up on a small hobby farm, had a big garden, and as you know with a lot of subdivision properties nowadays, they are pretty small and some HOA's don't even allow for gardening. There's an opportunity here for us to have a garden club where we can exchange plants and seeds, be able to exchange what we're able to grow in our gardens where we could pick and choose. Recently I joined a

local UCER club with over 400 members. Currently they meet in areas like Fort Mill, Denver, and Matthews. This would be a great alternative location kind of in the middle that kind of opens up to a lot of different people that may not be able to make those commutes to those locations. I just wanted to say that I'm in full support of this family-friendly community space.

Richard Jacob Wnuk, 9401 Broadway Street, said I live directly across the street from the property in question. My primary concern is traffic. The parking lot actually would go down a residential road where the rest of our homes are and it also would directly compete with school traffic. There are two schools in the area and the traffic will consistently back-up from the beginning of Broadway all the way down to Overhill and sometimes even overflowing into Beatties Ford. The primary concern there would be over time the congestion might be an ongoing problem and we already have problems getting into our driveway sometimes with traffic. School start in the morning and they start after school and you know it's kind of just a continuous need of the community. In addition to that, as everyone has mentioned, the new neighborhoods are being built nearby further increasing congestion and maybe even driving more traffic into the school area. That intersection is just as everyone kind of understands not quite safe. Those are the primary concerns, and the secondary concern would be the longevity of the community. As people have mentioned when the lot is rezoned, if the venture were to change to something else over time, anything that the rezoning allowed for could then be built on that property if it was sold. At the current time I really like the plan, I really like the idea, but as a homeowner, as someone who is trying to start a family in the area, as someone who selected a house because it's near a school and we feel safe there, it's a really big concern for us that maybe one day we could be living across from office spaces. They plan to sell alcohol at this facility. Maybe it could be a bar one day. We had spoken at the neighborhood meeting about things like noise ordinances. It didn't really sound like for us as community members there was really a lot we could do about stuff like that and so that would be kind of my primary concern that this could be a really great proposition but over time the proposal versus the actual implementation could shift and as a homeowner that's concerning.

Rachel Noreika, 20906 Rio Oro Drive, Cornelius, said I am one owner of Charlotte Beach. My partner, Lindsey, couldn't be here tonight. We are a beach volleyball academy that trains middle and high school girls. We've been around for about 10 years. We've been desperately looking for a home location for us, which has been really difficult. Beach volleyball is the fastest growing collegiate sport and there's just not a lot of opportunities for young girls to get into this sport without having to travel or pay an exorbitant amount of money. For me and my partner it's been really important to us to provide opportunities for everyone who wants to pursue this sport, but we've had to do so in parks that don't have lights or bathroom facilities or covered area in case we get stuck in a storm. And when those don't work, there are other options that are sparse [inaudible] which for me as a woman, and we are a female led club focusing mostly on like I said middle and high school girls, it's not the best environment that we are trying to put our athletes in and so when I met Jon and Katie a few years ago, it just seemed like this is exactly what we were looking for, somewhere where I could bring my 5-year olds because they go with me everywhere to practice and not have to worry. Right now, that's not the case. I have to, like all of our coaches, we have to arrange for someone to watch them or sit them because the beach volleyball community in general there's not a lot of space for us and we've been relegated to bars and it's just not safe. We have expanded our offerings to Little Volley Tots, so we now have clinics and camps for 6-11 year olds and we really need just a safer, more family friendly place for our club. We are looking to just provide a safe outlet for our athletes. All of us have played at various levels and have learned so much from sports and from the community and it's just really important to us to make sure that is available to everyone, not just the kids who have a ton of money and can drive to Winston Salem or can drive to south Charlotte to play for an expensive club. That's not what beach volleyball is about. That's not what our club is about and so a place like this, a location that would be easy for people all over Charlotte. I

live in Cornelius. Right now we have to drive all the way to Fort Mill for our practices and it's really not sustainable for me and my family, but somewhere like this that would be easy access for kids all over. We have players from Statesville and Huntersville and Concord and Fort Mill and this would be like a central location.

Mark Nelson, 9407 McCoy Road, said my property is basically caddy corner from Jon. I came on behalf of Jon and Katie as a neighbor. I live across the street. I've seen groups of people over there and I've often wondered what's going on over there. He's a pretty popular guy, he's having a party on a Monday night. Then he invited me over and I've gone over and seen what they have done and it's just really nice to be able to walk across the street, sit and talk, if you want to participate you participate, if you don't you watch other people do what they are doing and after talking to him and seeing some of the other things that they want to bring along with this project, it just seems like a no brainer for the community to have things to do, a release, an outlet. I just don't see any downsides to it because traffic can't get any worse. The light is great and just so everybody knows they'll say you live in the house that the fence is always run into. The light, I'm all in favor of that. During school, yeah there's traffic. There's no doubt there's traffic there, but I don't see how this would increase it by that much. I don't think you would notice it. I just think it's a great opportunity for people that live around there to participate.

Kirk Bailey, 1604 Mariposo Road, Stanley, said I'm here to speak a little bit for myself but also for somebody that's not here. I'm going to read what he wrote.

My name is Mike Davis and I live at 15322 Carrington Ridge Drive in Huntersville. I intended to be present at today's meeting, however I was unable to secure childcare arrangements. I'm writing in support of Jon and Katie's business plan for their property. I organize and run Queen City Kubb. We were established in 2014 and play at various parks when we can. Kubb, for those of you that don't know, is a Swedish lawn game where the objective is to throw these wooden blocks and knock over the other batons. I've met some of the best friends through this sport and love bringing it to others in the community. The demographics that seem to be most attracted to this game are both men and women in the age 35 and above. We've even had people in their 70's and 80's. I met Jon and Katie in the Spring of 2021 when they attended and practiced in an annual Kubb tournament. They have introduced many of their friends to me as well and their families have grown together over the years. We have been looking for a place for club activities to call home and this seems like this would be a beneficial spot to bring the community together and help benefit everybody.

That was for him. Real quick, like I said my name is Kirk Bailey. I'm a fellow small business owner. I own Lake Norman Paintball and Airsoft. We do things with Huntersville Parks & Rec all the time. We used to have our ax throwing trailer coming out there and now the club comes down and plays paint ball with us during the summer. We've had them out there several times this summer. I just wanted to say how much I support this. I'm a fellow volleyball player. When I had to go through this meeting I was just as nervous as I am right now, but a lot of the community had questions because I back up to neighborhoods about how am I going to stop kids from just shooting at their houses, stuff like that. Small business owners care more than corporate. As you see the development going on around the area there's a lot of big corporate developments and what not. I know Jon and Katie as small business owners will strive to make sure that everybody is happy including their neighbors and it's a fun, safe environment for everybody of all ages.

Scott Brett, 9331 Broadway Street, said I live adjacent to the property. We have lived there for 28 years. My son lives behind us. Across the street from us there's like three generations that have lived there. My wife grew up in Huntersville and her mother graduated from Long Creek Elementary School, so we've seen a lot of generations and we've seen a lot of changes in the area which has not been good for the area.....too much growth too fast and not enough thought put into the growth. This is an old established residential community of Long Creek and to put commercial randomly in with the residential I think would be very harmful and negative to the community for reasons of crime, traffic. The traffic

issue is really an issue with Long Creek Elementary School. Like our neighbor was saying, the traffic will back up from the school all the way to Beatties Ford Road. If we have any overflow parking on the street, the road will become impassable for us, emergency vehicles, anybody. We have that issue now and I've got to constantly go up to the school and talk to them so we can just access our driveway. The rezoning really I think needs to be thought out to keep commercial in the commercial. The barbeque place, that was Ronnie Puckett's store from the 40's, so that's been commercial since the 1940's. That's the only commercial in the area, so to keep pushing it down and just randomly throwing it into these residential areas, I think you are just destroying communities. I feel it would be beneficial to really think out the growth. I'm not against growth if it's in the proper location, which I feel this location belongs in a commercial setting, because when you serve alcohol and then the amount of people, the noise, the traffic, it's just not a good fit for it in an old residential community.

Mary Brett, 9331 Broadway Street, said my property is located behind 9339 Beatties Ford Road. I am speaking today in hopes that you will not approve the rezoning at 9339 Beatties Ford Road from Residential to Commercial. My family and I have lived at our address for 28 years. I am a native of the Long Creek Community and of Huntersville. This is a residential area and it's located beside Long Creek Elementary School. Jon Eury has lived here 8 months and is wanting to rezone his property to commercial for his business venture. During his neighborhood meeting he is wanting to start an outdoor entertainment center which would be open 7 days a week, all hours of the day and night, serving alcohol, which would create a lot of noise, bring in all types of people and crime. This would be devastating to our neighborhood and ruin everyone's quality of life. As quoted Jon said there will be 16 parking spaces for his business. He indicated that there could be 40 to 80 people that would be in attendance and possibly more. He said that he would use Broadway Street for the overflow parking. This would not allow room for emergency vehicles if there is a need for help. In addition, Long Creek Elementary School uses Broadway Street for their parents to drop their kids off in the morning and pick up their kids in the afternoon. This creates a lot of heavy traffic. It is a parking lot down our street and it goes all the way to Beatties Ford Road and it's a parking lot on Beatties Ford Road. You cannot access it at all. Please take all my concerns into consideration to not approve this project.

Cory Neal, 6305 Stephens Grove Lane, said I'm here to voice my support for Jon and Katie's proposal. When I first moved to Huntersville about 4 years ago, I was blown away by the amount of folks who seek an active lifestyle and especially by the volleyball culture. I immediately sought out volleyball league play, but as you have heard from others before a lot of the volleyball leagues and groups are either too far away or they are at bars. The ability to have something like what Jon and Katie are proposing allows parents like myself to continue playing sports and therefore set a healthy example for our children while also providing a safe and family friendly venue to do so. It also would serve as the only venue of this type in the Lake Norman area, which I think is very unique. Another wonderful feature of this proposal is that it caters to people of all athletic abilities or interests. Lastly, my wife and I are lucky to have jobs in which we work from home, but that luck does run out when our 2-year old son wants to see his mommy or daddy when they are trying to conduct a virtual meeting, so it would be very nice to have a quiet, local business coffee shop meeting space for us to entertain our clients or meet with our clients or just have some quiet work time. In summary, this is a unique small business that is health oriented, inclusive and family friendly and I am one of many in support.

Jeff McElroy, 9145 Glenashley Drive, Cornelius, said my family actually is from Long Creek. My paternal grandparents and brothers and all are buried at Hopewell Church. I don't live in Huntersville now, but I've been in that area when I first moved to the lake 25 or 30 years ago, been in Charlotte for about 50 years. The last 10 of that at least has been playing beach volleyball with a lot of my buddies and friends up in that area like Jon. Now I have a daughter that's about to go play beach volleyball in college in a

week. I can tell you firsthand how difficult it is to find that training that Rachel Noreika spoke of. We drove to Raleigh to find proper training for her or we go to Fort Mill. There are some pockets in this big city of beach volleyball, but they are not here. The only other option, we play there and I like it, Saeed's a nice guy, but Saeed's Bar is the only place to go and it's definitely not family friendly. I feel like the idea itself is unique and the fact that they are going to make it about so much more than volleyball matters to me. It's a gathering place for business people. It's a gathering place for the community. I feel like there are plenty of people in that community that will actually enjoy that property quite a bit, although I certainly understand the reservations of the folks that live there. I also know Jon and Katie very well. I've known them individually separately before they met each other, 5 to 10 years each. I can speak to their pragmatism and good business people, good community-minded folks, so I understand the risk of rezoning and what that might mean if that becomes a different property down the road. I would say as you check that list of mitigating factors that there's a lot less risk with these two than there would be with some other group. I appreciate you hearing me out and I do support the project.

Zachary Jakus, 15331 MacWood Road, Huntersville, said I am here to read a proxy from the 44th sheriff of Mecklenburg County and then also my own thing afterwards.

Dear Huntersville Township Mayor and Commissioners,

My name is Irwin Carmichael and I am writing in support of Jon Eury and Katie Carpenter's business plans for the property located at 9339 Beatties Ford Road in Huntersville. I'm the owner/operator of a small business, Martial Arts Training Institute, located at 9306 Beatties Ford Road. I was born and raised in the Long Creek community of Huntersville and my family still owns the property at 9420 McCoy Road. Both the family property and my business are only a few hundred feet away from Jon and Katie's property. I've met with Jon on more than one occasion over the last year to discuss the rezoning and development of their property. It is my opinion that his family-focused concept is perfect for Huntersville, especially Long Creek, an established neighborhood with strong family values. Home-based businesses and remote working are a fast-growing trend that will benefit greatly from this concept. Community-based social clubs will also benefit by having an established location they can call home. I am personally excited about the gardening club and the community garden that will be a part of this venture to have a place where all ages can gather for their social commitments. Huntersville has always prioritized social engagement, outdoor living, health, fitness and small business ownership. What Jon and Katie are proposing will fully encompass these goals and I will give them my endorsement. They do have a passion for this project and this town and it's absolutely contagious. I hope the council votes in favor of this proposal so we can all benefit from the spirit of these two entrepreneurs.

All the best,
Irwin Carmichael
44th Sheriff of Mecklenburg County

And me personally, I can piggyback on what everyone else said. I moved down here 8 years ago and met Jon playing volleyball way before I had kids. We played everywhere. I had three kids all within 15 months of each other, so I personally can't go play at bars and take my kids there a lot. Me and my wife work separate shifts, so I bring my kids with me a lot and this is a type of place where I'm comfortable. I can go play and let them watch my kids while I'm playing. They are so into turtles, the guy that ran the Kubb game was playing with my kids, just met them that day. If you know Jon and Katie, you know they're not bringing people around that aren't the type of people you can trust around your family. Just yesterday we were at the pool with a lot of people that are here and I have to take my kids to the bathroom, I'm like hey you got my kid in the pool watching them, fully comfortable. This is definitely an endorsement because I'm the demographic that needs it. Everyone else here, they don't have young kids like I do. I need a place where I can go get away from life and still have my family around and feel comfortable being there. Traffic sucks, I know. It always does. You live in Huntersville, you're not going to change that. Since I've known Jon, he's been talking about this project for 6 years.

Commissioner Kidwell said for the applicant, what will be your operating hours?

Mr. Eury said we plan to open earlier in the morning, probably around the 7:30 range.....8:00 for sure. Opening until probably 11:00 because I have to get up the next morning for the 7:30 range.

Commissioner Kidwell said will there be outside lighting?

Mr. Eury said we have proposed at the time when we go to install, yes there will be outdoor lighting around the athletic area.

Commissioner Kidwell said do you already have a beach volleyball court on the property?

Mr. Eury said I have two grass courts. We just set them up.

Commissioner Kidwell said I know you said you're going to be serving beverages and food trucks. Is alcohol part of that?

Mr. Eury said yes, sir, alcohol will be on the menu but for the most part throughout the day it's going to be your coffee, milkshakes, smoothies.

Commissioner Kidwell said will you have a full bar or just beers and seltzers?

Mr. Eury said probably just the beer and the wine to start. If liquor is something that is requested and we feel like it may be something that would benefit, then we would entertain that option.

Commissioner Phillips said I was going to lay down some native knowledge really quick for everybody. Where the taekwondo place is, that's been a business since the early 90's. That's where I took ballet in the first grade. There was Puckett's and then Puckett's turned into Lancaster's. Lancaster's does carry alcohol and sell alcohol. Where the storage units are, once upon a time in the early 90's was actually a restaurant and then you have the dog grooming place and then right across the street is Charlotte where there's a lot of commercial development that has happened. I point all this out because that area has had things happening over the years for over 30 years and longer than that. So, they are in an interesting spot but there is a history to that spot where things have happened and small businesses have been there. I just wanted to kind of point that out that they're not coming in and like changing the wheel or being a wrecking ball.

Mr. Eury said Huntersville is my home. I've lived in this house for 8 months. I bought it 2 years ago. I've been in the middle of flipping it. It was a 40's style home, it takes a while. I'm a third generation Lake Norman person. My mom and dad were born and raised in Cornelius and Davidson. I was raised in Oakdale, just around the corner, but I played basketball right there at Long Creek Elementary School, so I'm not new to this neighborhood. I've been here for a long time.

Mayor Bales said can you give us some insight into the carpool traffic, because my understanding is the school does utilize Broadway to line up the carpool line.

Mr. Trott said that's what I understand, that Broadway Street is the way that they use to come in to queue up since they don't have a whole lot of onsite queuing space.

Mayor Bales said is Broadway similar in use to Sherwood? Does it stack like that?

Mr. Trott said I haven't been out there recently to observe what it looks like, but from what I understand school traffic does use Broadway Street to queue up and stack.

Mayor Bales said with the improvements in the intersection with the light, are there going to be crosswalks?

Mr. Trott said I believe there will be a crosswalk on the south side but not all the way around. The project is proposing to add sidewalks on both sides of the road from there down to Carver, which is the next street down, so there would be sidewalks again as part of the project on both sides of the road in that area and then there is other development that will be adding sidewalk in that area as well. It won't just be by itself.

Mayor Bales said there would not be crosswalks to the north side of the intersection, is that correct?

Mr. Trott said I believe it's just on the south side of the proposed intersection, which is proposed to have a traffic signal.

Mayor Bales said you said that the hours of operation would be like 8 a.m. to 11 p.m. And how many days a week?

Mr. Eury said we are first-time business owners. We'll probably start with having a couple of days off. We haven't ironed out all those details. Could it be 7 days a week, eventually that would probably be the plan. Will those dates, times, stay the same? We'll feel the crowd, the drive, the need. Sunday mornings I've got a feeling are going to be a little more sleepy than Friday night.

Commissioner Kovacs said I know that traffic is stacking up on that street, but with the closing of Trillium Springs still happening, I did wonder if that will be less traffic, but also I wondered if they would be able to utilize some of the space in front of Trillium where they were doing their car rider lines to be able to use that for stacking to help with the streets. I wrote a note to myself to email our school board member and see if she could answer that.

Commissioner Munger said is there anything specific that you intend to do to kind of control the volume and the lights in order to kind of keep the peace within the neighborhood? On the front side, you're definitely facing Beatties Ford and it makes sense there. On the back side you are facing residential. What plans do you have around trying to make sure that you don't disrupt the sanity of that neighborhood?

Mr. Eury said I guess as far as lights go, we are going to abide by whatever Huntersville's light ordinance is. We would position them to impact as little as we can against the neighbors.

Commissioner Munger said there also would be a noise factor I would imagine and possible traffic flow and just kind of.....recognize you are right on the border, front side commercial, backside residential, so you have to kind of figure that out. I'm just trying to understand if you have a plan to kind of address if there are noise issues, if there are light issues, if there are traffic issues.

Mr. Eury said there were a few questions about noise at the community meeting and as small business owners we do have an obligation to keep the peace, to keep things happy around there. I want people to be there. I don't want neighbors to be upset with what we are doing. As a matter of fact, I'm going to be a neighbor. I'm going to live right there across the street, so we don't want the noise. As a matter

of fact, the house that we're looking to build is Katie's parents. Her parents are aging and looking to move down here, so we will be living there with them. We'll keep the noise down as much as we can because we're not late night people. You're lucky if I can get her up past 9:30. She's early to bed. That's just the kind of folks we are. I don't know what I can tell you here to say yes there will never be a noise complaint, but if there are noise complaints, we're going to be owner/operators, we'll be onsite. Our phones will be in our pockets. We're not going anywhere, so we will be easy to access to address issues as they arise. And if they don't, then I've got to deal with Planning, I've got to deal with you guys, I've got to deal with the police, I don't want to deal with this. There's a lot of people now in this volleyball community that we've met along the way at these bars that have asked to be a part.....on Monday nights we've got friends to come over to play volleyball. A social gathering in the backyard. There's been a number of people that are not allowed to come. I'll go ahead and draw that line in the sand. I have lost friends because I don't play. I don't know if that's very professional language, but I don't play.

Mayor Bales said I think that lends to the question that I have in regards to music. Do you have plans to have music onsite outside?

Mr. Eury said that would be very nice that we would like to entertain, but it's not going to be anything, I don't plan on having four piece/five piece bands out there playing. I would like to have some acoustic music playing, something simple, something light and easy. We're not Boatyard Eats people. I've been once and I've never been back. That's not our scene, that's not our people and that's not the kind of atmosphere that we plan on bringing to the backyard.

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

Petition #R23-07, EPCON – Beatties Ford Road. Mayor Bales called to order public hearing 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 and Beatties Ford Road intersection) from existing Rural to Transitional Residential - Conditional District zoning district for a 118-lot, single-family home subdivision.

Commissioner Phillips requested to be recused because her parents own property that is adjoining this proposed project.

Commissioner Kovacs made a motion to recuse Commissioner Phillips.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

David Peete, Principal Planner, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.*

This is a request to rezone 78.7 acres. It is only accessed via Beatties Ford Road at this point, although it does have frontage on Hubbard Road. This is approximately where Gilead Road comes into Beatties Ford just south of 73. The property is 100 percent zoned Rural. It is very much treed except for the powerline easement in the northern portion of the property. There is a connection that's going to be to the south to Riverdale Phase 2. They are requesting to go to Transitional Residential Conditional District. This is for age restricted 55+ single-family homes. They are proposing 118, so that equates to a

1-1/2 unit per acre density and that is due to the fact that they are providing the minimum of 40 percent open space to get to that density.

The 2040 Plan does call for this particular area and that's the large image on the right, the green represents Rural Conservation, which is very similar or rather it is facilitated via the Rural zoning that it already is. You can see the yellow. That is Residential Edge and that would mimic essentially what the TR would be similarly, maxing out at somewhere around 1 to 3 units per acre. You can see that there is a bit of the entry parcels on the right-hand side of the entry drive that would fall within the Activity Center. An Activity Center looks to have purposeful mixed-use at the intersection of two thoroughfares and then that intensity and those uses would step down as you move toward the edges. The circle is not specific to parcel boundaries. It is clear that as you get toward the edges of however that's defined you would have the lowest possible densities of the uses that would be within that center. And, of course, just to remind all of you, currently in that Activity Center at the intersections you have gas station, market, car wash, storage facilities, etc., so there's a couple of other things there, but there are a few things happening.

This is a very rough outline just kind of showing you and again the stopping point of this was really just midway, but you can see the Beatties Ford Road corridor as it moves down. Both sides of the corridor are zoned Rural. They are designated as Rural Conservation in the 2040 Plan. I will also mention in the Staff Report there is a reference to the Beatties Ford Road Corridor Plan. It's a small area plan. It does not have much to say with regard to this property other than that it is definitely to be Residential, and it is also to embrace the equestrian corridor which is a policy goal to try to network together the equestrian aspects that are found within this particular area.

The TR that is requested is there in the dark brown on the right, but again it does not get to Beatties Ford except at the very bottom there you can see and then as you move all the way down up until the small area that we were just referring to in the previous agenda item.

You can see that there are a number of policies that this request would be consistent with. I'm happy to touch on any of those, but it certainly looks at preserving open space and some of the rural character, having a 10' side path on that particular site, etc.

On the bottom you can see that there are a number of policies that do not support it. Primarily I would just point out the first two. Number one I've already gone over which is the inconsistency with the Future Land Use Map. And then LU-3 is talking about the growth pattern in the extreme eastern and western part of Huntersville. Again, I just want to state that in the 2040 Plan the number one comment that was made was concern over density in the eastern and westernmost portions of our community. I just wanted to make sure that everyone was aware of that from the 2040 Plan.

This particular project did not trigger a Town TIA. However, DOT did come back with comments and you can see them there. That is a left-turn and a right-turn at the entry off of Beatties Ford with minimum amounts of storage that are dictated there. And then also the entry drive that is proposed at Beatties Ford is at a width that we would not suggest. There used to be a landscape median or I think they may have been entertaining the landscape median at the front and maybe they just didn't reduce it down, I'll let the applicant speak to that more, but it exceeds the width and the generic redlining that may need to be addressed if this project were to go forward.

There are five ordinance modifications that are requested and I'm going to take them just slightly out of order just for graphic reasons. The first one is Modification A and that is the entry median that I just

mentioned. They would like to do away with that and that is an aesthetic element if nothing else and in keeping with the rural character that the small area plan that I mentioned wants to do, as well as the 2040 Plan, that type of landscape median is not what you would see in a type of Rural corridor, so we would be in support of that modification if the Board was so inclined.

Modification C is the cul-de-sac length. Again, you can see that it crosses a gas line and so if you sort of remove that gas line, it still exceeds our maximum for a cul-de-sac and so staff has no issue extending that as well. There is a request to widen all of the driveways to 18' for the lots that are under 60' in width and that is inconsistent with what we have done in our subdivisions throughout town. The standard under 60' is 14' and then if you are over 60', there is a provision for that at I believe it's 20'.

These are just two examples of two subdivisions that we've done recently. There's no other parallel that I'm trying to draw other than you can see for instance in this particular neighborhood, the Whitaker Point, you've got some 20's and 14's right next to each other and again depending on lot size, so just bringing that up as something that staff would not support.

The next Modification D is the external buffer and there is a particular area that is shown along this edge and they would like to have the first 20'. When I say first, I mean the outermost 20', to remain undisturbed and then they would like the internal 20' to be replanted.

In March we amended our ordinance to compel if you are adjacent to a density that is....in other words if you yourself are more than twice the existing, then it needs to be 40' undisturbed as the beginning of your buffer and then of course it may be larger if that's something that's appropriate.

There are just a couple of areas where this is or since they've made adjustments this might be the only area that it is, but we would find that inconsistent with the purpose of that element of the ordinance and staff does not support that adjustment.

The last one is Modification E and this has to do with a request for a wet pond. Not going to play stormwater engineer here, but if you look at the bullet list there, essentially there is a provision if certain standards can be met where a different technique can be utilized and then it has to perform in a very specific way. With that and with the conditions that you see here, staff would be okay with the wet pond. Beyond that we would just default to the regular if it were to not pass all the tests that you see right there. Should you have any more specific questions or want any more of an elaboration on that answer, I may have to get back with you at the next meeting or I can email that to you.

This is just a reference to the site plan again that I can refer to, but just want to summarize the staff recommendation and that is due to the inconsistencies with the Future Land Use Plan, due to the fact that there is no other zone other than Rural on the west side of Beatties Ford Road and the introduction of that zone will certainly have a precedent setting situation, this property also extends all the way to Hubbard, not just Beatties Ford, you can see the inconsistencies there as well as the ones that do match up.

I've just outlined the next five bullets as to where staff is and is not in support of the modifications. The third from the bottom bullet indicates that they have a cross-section with lots that are under 60' that does not provide the on-street parking cross-section, so that is going to be required, so we need to have the site plan amended to do that. We've already gone over the width of the entry and the redlines. And then there is just a last recommendation as again mentioned at the top, this is a 55+ age restricted community and there's some great opportunities to have kind of a walking trail through this community.

That is not provided. That is purely a recommendation. That is not part of the ordinance. Of course, there will be sidewalks on both sides of the street, so there's certainly a way to move around.

Commissioner Kovacs said why do we want smaller driveways?

Mr. Peete said it has to do with the functionality of all of the elements that need to happen on the street – rolling out trash, the streetscape aesthetic, you have street trees. The wider the driveway, the more that you have a conflict point with a pedestrian and we would think that this population is definitely going to be utilizing the pedestrian facilities in their community. In other words, the wider you have on that area there's a tendency for property owners to drift their cars backward into the driveway and park on the sidewalk, which is not allowed but it does happen, and so it becomes an enforcement issue. You have impervious limitations as well on the west side. This is not the most restrictive zone on the west side, but it is certainly in the overall restricted area as a protected area.

Commissioner Kovacs said in my mind I'm like more room to park so there's less cars on the street.

Mr. Peete said it doesn't get to depth and 14' to 20' is not going to be another vehicle. The limitation is at the right-of-way. The driveways can flare out once you get onto the property. Garage doors are a standard 16', so you are not coming out of the garage any wider. This was a text amendment that we spent a lot of time on some 6 to 7 years ago.

Commissioner Kovacs said the property to the north of it is in that area where it's expected to be higher density, correct, or portions of this property and then the property above it is expected to be higher density on our plans.

Mr. Peete said again, you look at the Activity Center as an opportunity. There is definitely support for additional intensity. It is not a requirement.

Commissioner Kovacs said if the property just to the north of that was coming with this same plan, this would fall into that activity?

Mr. Peete said there would be more support for two reasons. The main reason would be that you are moving more toward the middle of the center of mass of the Activity Center. Now you are looking at a higher density number, perhaps you get into attached or something multi, that kind of thing, so again you are sort of wanting to centralize and cluster your non-residential right at the intersection and then as it moves away.....you could as the Board say well we would like to see the right side of the center be more commercialized and then the left side be more residential or some other aspect, but again balance is what you are trying to achieve through that Activity Center.

Commissioner Kovacs said but with what we know with that property from reading a newspaper article, the property to the north is going to stay Rural.

Mr. Peete said we've certainly heard many things over the years and not discounting any of that, we don't have anything in hand, so we are reacting to the way that it is with the existing pattern.

Commissioner Kovacs said if something was done there like we've heard and that stays Rural, does that make you more in support of this project or does it not change it from a planning standpoint.

Mr. Peete said it doesn't change the aspect. However, you define the outer edge you are looking to be the least intense that you can be based on how much you've intensified it.

Commissioner Kovacs said it's just funny that it might end up being swapped.

Mr. Peete said I will also say, too, if you look at the property lines. The circle is a ¼ mile walk, so that's what it is based on, but the fact that it kind of comes down.....there's two properties that touch Beatties Ford Road. There's really almost a flag lot situation where it extends out and that's the part that's excluded and then when you get to the other part.....but again it's more based on the walkability scale not property lines.

Commissioner Munger said is there currently or will there be a greenway that goes by this proposed development?

Mr. Peete said this one does not. I have an image here from our plan – green line there, there is a very large power line easement further to the south that is that green line that's running this direction here. In this particular property there is not. There's the same type of power line easement and it could be utilized in some fashion, but on our plan which dates back well over a decade, there's not been one on this particular area.

Commissioner Munger said in a certain subdivision that we may both live in I've seen that driveway expanded all over the place. I recognize that you are absolutely enforcing the ordinance as it is on the books. I would suggest that this is something that might be open for interpretation because one of the things that absolutely drove me nuts about backing out my driveway is inevitably I'm driving over grass. Give me 2' more. I would propose possibly we look at thinking that one through a little bit more.

Commissioner Partee said LU-3.1 managing residential growth in the eastern and western parts of Huntersville planning jurisdiction. I live in the eastern part of Huntersville off Beatties Ford Road and LU-3.1 states "Discourage rezonings to higher intensity residential districts in the Residential Edge and Rural Conservation future land use character areas. There is constant pressure to rezone to higher density districts on the edges of town. Growth management was the No. 1 priority for survey responses. There needs to be a concerted effort to uphold previous policy decisions to limit density and increase open space preservation in the more undeveloped areas outside the Town Core." Constant pressure to rezone these to higher density. Is that coming from developers looking at this virgin land to encroach within that zoning?

Mr. Peete said absolutely.

Commissioner Partee said for us to approve the zoning we are sort of giving the appearance that there's going to be snowball effect. A developer is going to come back and say look this was approved so let's further encroach into that density area. The 2040 Plan is what I like to make my decision on moving forward but I just feel, well I shouldn't say feel, I like to go by the 2040 Plan and this LU-3.1 really concerns me because that whole area is pristine, it's part of the Town's appearance of having open space, green, so we'll see where this falls moving forward.

Commissioner Kidwell said you said they want to keep the original 20' buffer, they want to take out the other 20' and then replant it, so it's still going to be a 40' buffer.

Mr. Peete said at the end, yes.

Commissioner Kidwell said do we know what that buffer is? Are they just trying to take out some crappy trees and bushes and put something that looks a little bit more....

Mr. Peete said the applicants can certainly speak to that when they come up, but I will say it more than likely has to do with the grading because the lots are very close.

Commissioner Kidwell said this other neighborhood, Riverdale, can you pull that up. When was that approved?

Mr. Peete said that was in the late 90's early 2000's.

Jack Simoneau, Planning Director, said that was back in 2003. The zoning at that time was OPS zone which allowed 2.5 units an acre with 15 percent open space. Just after that development got approved there was a new code that turned it into Rural and Transitional, so that was one of the last subdivisions to get approved.

Commissioner Kidwell said I think Commissioner Munger hit the nail on the head how I'm thinking with the driveways and the widths. Connecting to Hubbard Road, is there an entrance or an exit at Hubbard – what are we doing there, stubbing out?

Mr. Peete said there's nothing there, it is just open space. There is a triangular piece of land that you can see through mostly the power line easement that is actually outside of town. They have offered that for annexation.

Commissioner Kidwell said one thing about this type of community EPCON, age restricted, it doesn't overcrowd our schools. It doesn't add children to our schools which you've heard me up here saying that we need to be careful about overcrowding our schools. I've talked about traffic. Typically, the EPCON or the age restricted communities don't add a tremendous amount of traffic to our roads. They operate at a different time of day than the rest of us. And definitely LU-3.1, I agree with Commissioner Partee on that, but time and time again this Board this past year has approved massive projects. We just approved the Joey Logano project, 742 units, 5 to 1, that's going to add at least 1,300 cars for traffic on the border of our town, whether it's east to west, north to south, we are kind of violating that policy. We can't pick and choose when we are going to follow policy. One thing I know is not overcrowding our schools, not adding a lot of traffic, those are positive things that we not only hear from people running for office, but we hear from the public. They are out there saying stop overcrowding our schools, stop adding cars. When we talk about smart development, that's what they are bringing us right now, smart development.

Frank Gammon, Vice Chair, Planning Board, said to follow-up on Commissioner Kidwell's questions about Riverdale and Commissioner Kovacs' question about the driveways. If you don't know now, but for the Planning Board, what's the density of Riverdale?

Mr. Peete said the entirety or the phase that's under construction?

Mr. Gammon said both.

Mr. Peete said we will let you know at the Planning Board.

Mr. Gammon said this may be an applicant question. Just out of curiosity why does the applicant want an 18' wide driveway? I'll save that for the applicant.

Mayor Bales called on the applicant.

Whitney Hodges, said my role in this is to help EPCON through their process and to make sure that we have the right people to answer all of your questions tonight. With that, what we are going to do is kind of explain who we are as a company and then we'll kind of answer anything that you need. I'd like to introduce Nick Gonzalez who is going to talk about what EPCON is and what this is going to look like.

Nick Gonzalez, 133 Yellowbell Road, Mooresville, said my intent is to just educate you a little bit on the product that we hope to bring to Courtyards at Walters Farm. *PowerPoint attached hereto as Exhibit No. 8.*

I just want to run through some of the characteristics of EPCON homes and communities. I want to talk about them in relation to within the community, for the homeowners themselves and then what this type of development brings to those outside the community. We build a luxury ranch. Active adult is our target market, so single-story living, universal design, these are going to be features of all of our homes.

Low maintenance living is something that's very important to our demographic. That typically entails manicured yards, sprinkler systems, overall low maintenance in terms of a lock and leave lifestyle for our homeowners.

Private courtyards is probably the thing that people get the most confused about and is probably the most important aspect to the design of our individual homes, so I'll speak to that as well. I'll just touch on active lifestyle and then of course the reason we're here is location. We want to get our communities into the locations that we can serve the demographic appropriately and Huntersville is one of these.

Luxury ranch, just a quick idea of what we build. We have done over \$2 million in research and development in our floor plans to make sure that the product that we are bringing for active adult is exactly what they are needing. If you were to deconstruct our product based on what those needs are, based on numbers of surveys, you'll find that we hit the nail on the head. This is an example of some of the quality that you will see in our homes. Low maintenance/high quality landscaping, this picture right here is out at Lawyers Road, it's a project that we are just finishing up right now down in Stallings. But this is very consistent with how we landscape. This is fescue grass. Everything is on sprinkler system. We had conversation about driveway widths earlier. Sprinkler heads are part of that conversation. Backing out and not running into the grass as we stated can be an issue.

One of the things very cool about our product is the day we close out a community it's arguably the worst it's ever going to look. It gets better over time. There's not many builders that can come up here and say that. That is a function of the landscaping that we put into the communities and also the quality of materials we use in the homes.

Another just streetscape that we talked about gives you a good idea of what these communities start to look like. Private courtyards is something that I mentioned is a part that is hard for many people to conceptualize because we give a very private outdoor feel on a very small lot. It's about being deliberate with your square footage out there. We get rid of the idea of a backyard. Many single-family

homes you are going to picture the backyard as your outdoor space. We bring that to the side of the home. You can see it towards the back of the structures there and bring that outdoor space to the side, we wrap the house around it.

A feature on all of our homes is we fence in the front and the back to close it off and we seal it off with a windowless wall of your next door neighbor. This gives our homeowners complete privacy on a much smaller lot than you would expect by being deliberate. It also eliminates the, I have kids so I'm not totally against them, but the swing sets, the trampolines, the toys in the backyard. This is not consistent of what we do in our communities because that outdoor space to enjoy is private.

This gives an aerial view of homes that we built. The last one was a rendering. This is how they actually begin to look. I'm always impressed with what our homeowners are able to do in that small space, but these are some examples of courtyards that folks will find in their homes.

Amenity areas are always going to be important to us. We do promote an active lifestyle. I know we have a pond proposed in this community. I believe sand filters are a feature that Huntersville likes. We are proposing a pond. You can see this is in Wesley Chapel I believe. This is an aerial of our pond, walking trails, pickleball court, saltwater pool and clubhouse that you see to the top of the picture. I can understand why some people get hesitant with a wet pond, however we make sure that ours are visually appealing to the homeowners and to the community. Another picture of some amenities. This is a pavilion and outdoor space in another community that we built. Common area, if we don't have the natural land that we need per ordinance and that will help the community look good, we are going to make sure to manicure what's left. It's a very appealing place for the homeowners.

A couple of the benefits that we talk about and actually they were brought up by questions by some commissioners and just some comments, but we actually bring less traffic as an active adult community – 50 percent fewer daily trips than a traditional single-family home. Our homes last year averaged above the \$600,000 mark and that's a feature function of the market. They will likely continue in that space and possibly higher. That's going to bring your tax revenues. We are not going to impact your services the way that a single-family.....I have three kids myself. Many of our homeowners do not have children in the home being active adult. It is not restricted that says no kids can live in the community, however, it is a much smaller percentage, so there's low school impacts. It's noted in the 2040 Plan that the active adult 55+ is underserved going forward so we hit that need as well – 22.7 percent or 14,683 people in Huntersville are 55 years or older. These houses/homes and community are for them and local community involvement.

I'm going to just quickly touch on what you will see if you don't live in the community driving down the street. This is two of our most recent Huntersville projects – Courtyards at Eastfield Farms, our monuments, fence and clubhouse are on the street there. And Kinnamon Park right down the street off of Gilead Road, a nice big fountain on the way in. Even if you never set foot in one of our communities, you will benefit from what we hope to bring to Courtyards at Walters Pond.

Ms. Hodges said this is our site plan of where we plan to put some things. I want to go over some of the modifications kind of quickly, especially the ones that may have some questions involved. The top three as far as the things that staff can support, I don't know if there's any questions on those, but we can certainly answer those.

When it comes to the buffer disturbance, that's really a function of timing and how we engineered this site. When we met with staff in January that was our first initial meeting. The ordinance wasn't in place

yet and so as that ordinance evolved I guess our plans did not evolve with that. In the area that we're looking for that is this area, so what we want to do is keep those large trees that are adjacent to the property, keep those and anything in that first 20'. When we do disturb in that next 20' this is closer to our side. What we would like to do is to be able to plant back so that you have a more opaque buffer than just a non-disturbance buffer. If that modification isn't allowed, you will see a retaining wall and that's not really the aesthetic that I think that the ordinance is intending, so with the driveways of 18' that is actually a modification we asked for at the Eastfield project, but in our communities it's an older population so backing out of the driveway in a straight line is seen as preferred.

The right-of-way width at 51' was a comment that staff made about needing on-street parking. That would be something we would like to keep at 51' mostly because of the nature of our project. Our population does park in their garages and use their driveways. If you were to visit the sites in Huntersville, you will find very limited on-street parking as it is. Kinnamon I do know has some striped parking in their project. That's something we either want to continue having discussion with the staff because Huntersville has context sensitive design and one of the things that we think about with context is the actual usage, so this is a little bit of a different user than just a traditional subdivision.

Let's talk about that Land Use Policy a little bit and maybe why we feel as though that TR may be appropriate here. We are asking for a conditional district. It's not that we are asking for TR in general, because we would like to put an age restrictive community.

EPCON has done the numbers on this and their people per household is less than what an average traditional subdivision would be. In that regard we will have come out to about 189 people that would be here. If you were to do Rural and it be a traditional subdivision, the census puts that at about 2.5 people per house and that comes out to about 182 people. We're essentially the same as far as intensity and I just really want to make that point as far as it makes it a little bit different. I realize that you're changing the color of the map on the other side of the road, but what you are doing is matching up some of that development pattern from Riverdale and what can potentially be at the nodes, so this kind of site feathers in that and that's where I would like to stop at the moment and have our team answer any questions that you have.

Commissioner Boone said I believe there's four EPCON communities in Huntersville.

Ms. Hodges said there are three. This would be the fourth.

Commissioner Boone said most of them are HOA's or COA's?

Ms. Hodges said two of them are COA's and the last one is an HOA. We've done some lesson learning.

Commissioner Boone said would you like to share that lesson?

Ms. Hodges said I will not share that lesson, but I believe Andy Given from our team can share that lesson or Russ Graham. He's the project manager or has been the project manager on both of those.

Russ Graham, 1123 Hillston Road, Mooresville, said Huntersville and Kinnamon were COA's. We learned our lessons. I wasn't involved in the early days, so I don't know why per say, but I believe it was agreements with Huntersville that made that work. We have since moved to the HOA's with Eastfield and we feel that would be the better direction for this community as well.

Commissioner Boone said the Kinnamon Place project shares their wet pond with additional properties. Will this wet pond share any responsibilities?

Chris Todd, Timmons Group, 610 East Morehead Street, Charlotte, said this BMP will only serve this project.

Commissioner Boone said and the HOA will take over this project 10 years after build-out?

Mr. Todd said whenever that time is, right, the HOA would maintain the pond going forward.

Commissioner Boone said I'm pretty familiar with Kinnamon Place and the additional on-street parking. I think that's going to be important for a few reasons. One, if you go down to where they have their neighborhood garden, their kiosk mailboxes, their pool and then the clubhouse, the clubhouse parking doesn't fulfill the entire needs and a lot of people are parking on the street and I think it's something that you need to look at.

Commissioner Kidwell said where you're stubbing out here on the north side, is that into the Presby church property?

Ms. Hodges it would be, yes.

Commissioner Kidwell said I'm going to point out the obvious, there's a church and a cemetery there, why are they putting a road.

Mr. Peete said the connectivity ordinance certainly is well known to the Board. That particular stub, and we scrutinized it a lot, it can move to a different direction further to the west, but where it's shown it does not impact the church property, the cemetery, or anything that they are currently utilizing. They were notified of the community meeting. I'm not in any way insinuating how they feel about it, but we have not heard anything from them.

Commissioner Kidwell said I appreciate that, but I'll point out the obvious again – graveyard, church. I don't know.....we're going to be putting a road traveling from Beatties Ford to get around. I just don't know if it's needed. I appreciate the connectivity. I like the connectivity. Not everybody agrees with me on that. It's kind of like it will never be built unless someone's planning on moving a bunch of graves. It just doesn't make sense to me.

Mr. Peete said I understand completely. We've had a couple of scenarios of developments on the Phillips' property and they of course abutted on the other side and those properties in general have also stubbed in a southern direction. That linkage potential is there. Again, it doesn't preclude the church from subdividing, cutting off the back half, but we certainly don't want to play games with what the intentions are. We're just following our generalized guidelines, looking at the opportunities. There were several other places where we could look at doing that, but they had their own unique challenges. Again, that stub can slide further to the west and potentially get off of the church property with further scrutiny.

Commissioner Partee said the Stallings off of Lawyers Road, what is the price point per unit and the number of homes per acre?

Mr. Gonzalez said the one I referenced down in Stallings, Courtyards at Lawyers Road, we do have a couple in the Town of Stallings. Price points are mid 6's at this point. I can't give you an exact number. I don't have them off the top of my head, but their starting prices are going to be in the low 5's and by the time our homeowners go through design and utilize different features of the home, they are going to be in the 6's and 7's.

Commissioner Partee said the proposed units per acre here is 1.5?

Ms. Hodges said the maximum allowed would be 1.5.

Commissioner Partee said 1.5 at \$600,000.

Ms. Hodges said yes.

Commissioner Munger said I'm just going to have you walk through one more thing on that buffer. You will leave 20' undisturbed. You'll do whatever you are going to do and then you are going to add the 20' on so in the end there will be a 40' buffer that will be opaque in nature.

Ms. Hodges said correct.

Commissioner Munger said I like that. Street width and this is where it's kind of interesting to me and I'm just trying to make sure I understand this. Typically, Town streets are 51' wide if there is no on-street parking, 57' wide if there is on-street parking. You are proposing 50' and 55.5'.

Ms. Hodges said to meet the 50'.....we would come up to meet the 51' is where we would like to be.

Commissioner Munger said would you do the 57' so you have on-street parking instead of the 55.5' as you have here.

Ms. Hodges said I'm willing to have that conversation with staff.

Commissioner Munger said I would recommend you have that conversation with staff. That one seems like a fairly reasonable request for 1.5' extra. The berm as proposed within 100' along Beatties Ford Road, do you know what we are talking about on that one and has it been addressed?

Ms. Hodges said we are in the process of addressing that because that does need to be approved by the Planning Board and we want to make sure that we give them all the information that they need for that, so we may end up having to come back another meeting to make sure that we have all the engineering work because it's not just as simple here's a line where the berm goes because there are specifications in the ordinance for that.

Commissioner Munger said in addition the Town finds the entry road width at Beatties Ford Road unacceptable and needs to be limited to 26' maximum. Has this been addressed?

Ms. Hodges said I'm going to have the engineer answer that question.

Mr. Todd said it has been. When the plan was resubmitted, it was drawn as though it had a median in it.

Commissioner Munger said staff recommends adding a walking trail throughout the subdivision. Is this something that you are willing to implement?

Ms. Hodges said that one is a little trickier mostly because being in universal design and the grades where we would put the walking trail are a little problematic. Where we would like to focus is getting people where they can walk easier. I know it's a big area up there, that you've got two streams, a power line and then land that we will not access Hubbard Road off of. What we would prefer is to utilize some of the flatter areas for that and then also make sure that our sidewalks are connected to Riverdale so that you can get to the proposed county greenway system.

Commissioner Munger said just kind of looking at the map, just some quick thoughts, if you had some sort of walking trail along under the powerline or something that went around that water, that might be interesting.

Ms. Hodges said we can take a look at that.

Commissioner Munger said do you have any units allotted as affordable housing.

Ms. Hodges said no, we do not.

Commissioner Munger said would you consider doing that.

Andy Given, 416 Poplar Springs Church Road, Shelby, said EPCON has not done that. It doesn't fit with our philosophy on how we design our subdivisions to break out a separate section for affordable housing.

Commissioner Munger said I would suggest that you wouldn't have to break anything out. It could be the exact same units, just allot some specifically to people who have lesser mean. Overall staff is recommending denial of the project based on it being inconsistent with LU-1, LU-3, LU-7 and LU-11 of the 2040 Community Plan. Do you care to comment on that in general?

Ms. Hodges said I believe that I tried to kind of comment on that earlier with how we see that this is a development pattern that has been established through older zoning districts. To make the zoning change which is a legislative decision that can be specific to one particular site, one of the things that you can also look at are some limitations that may put some constraints about the spread and so you've got large powerline easements, a gas line easement and significant creeks that would kind of lend itself to be a container for that of where that could go. The stub street to the north does provide an opportunity for this neighborhood to interact with the Activity Center that is planned without being on Beatties Ford Road if that were to become available.

Commissioner Partee said I have a question for Mr. Peete. This just crossed my mind, but why in the plans do we not have a fire department report regarding accessibility to a lot of these communities. In specific we have a 55 and over community which we might have the propensity of having a lot more 911 calls and as far as water accessibility, fire hydrants and where they'll be located.

Mr. Peete said the fire marshal's office at the county is part of our review team through our electronic plan review. They do not issue a specific report, but they make their comments directly on the plan. So the fire marshal has looked and they cannot exceed 100 units until they have the second entrance available, so they are somewhat to the mercy of the adjoining property for that first 100 if they were to

have any type of approval, if density were to be affected by anything else through this review so be it, but the fire marshal has looked at it, will absolutely for this number need two entrances. They would love to have additional, but they are following their own policies, too.

Commissioner Munger said so we should consider that in our decision making. We should have that report stating that it's within their required safety standards.

Mr. Peete said we could look into formalizing that if that's what you are looking for, but usually by silence there's acceptance.

Mayor Bales said I do have one quick question and it was in regards to the active lifestyle amenities. I don't know who would like to answer that question, but can you describe what that means for EPCON and this particular project, especially since I know staff is recommending a walking trail through the subdivision. What other amenities then are there?

Mr. Gonzalez said active lifestyle one of the things that we'll do, it actually touches the walking trail and active lifestyle is we always do sidewalks on both sides of the street throughout the whole community. These are homes in communities that folks walk quite a bit. This will have clubhouse. That clubhouse always includes a fitness center for our homeowners. We finish it, very high-end finishes, almost like the neighborhood living room is kind of how we describe it, saltwater pool and I believe we have a pickleball court included in this plan. A function of the number of homes in our communities is how we determine what amenity package we put in there. You don't want to put too much constraints on the HOA with the cost to keep that up and we want to give what is traditionally used, so you can count on sidewalks on both sides of the street, saltwater pool, fitness center, clubhouse and pickleball court in Walters Farm.

Mayor Bales said I appreciate the sidewalks on both sides of the street. I think that would be a requirement from our Town anyway. I don't disagree with Commissioner Munger if there is a way to look for a site for a walking path and more of a natural type path, I would encourage you to do so.

Commissioner Boone said question for the staff. Has Mecklenburg County indicated to you what they are going to use that property for that they just purchased?

Mr. Peete said no.

Commissioner Boone said so what could that be?

Mr. Peete said you have several zoning districts that will allow different things, so again depending on scale you may have to bring them together and look at changing what there is, but you've got Rural, you've got Highway Commercial and that's a conditional district if I'm not mistaken, then they wouldn't have to undo that specifically, but there would be so many things that they could put into that, so it's hard to answer the question without seeing what their plan is.

Commissioner Boone said you haven't seen any plans?

Mr. Peete said no, they often will purchase and then come talk to us.

Jim Walters, 8093 Denver NC, property owner, said I'm a member of Paul and Ruth Walters Family LLC. I grew up and was raised in Huntersville. Graduated Huntersville Elementary, Alexander and then class of

81 at North Meck, so I've been here for a long time. I live 12 miles away now, but I have an engineering business here in Huntersville up at Birkdale Business Park. I've been there for 20 years. My father, Paul Walters, has lived here now for 86 years. A lot of you guys might know him. For him to decide to sell his farm, it took something that he wanted to see, that it become something nice. Actually, I've been through their subdivisions and I see how nice it is. Active community, people walking, enjoying it and stuff like that, so he wouldn't want to put his name on a project unless he fully backed it. We're all for it and hope you vote for it.

Commissioner Boone said can you tell me how long the property has been in your family.

Mr. Walters said we bought it in 1984, so it's going on 40 years.

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

Commissioner Munger made a motion to bring Commissioner Phillips back to the dais.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

OTHER BUSINESS

Resolution – Abandon and Close Portion of Mt. Holly-Huntersville Road. Commissioner Kidwell made a motion to accept the Resolution to abandon and close a portion of Mt. Holly-Huntersville Road.

Commissioner Boone seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 9.

Purchase Agreement – Electric Distribution Substation Property. David Lucore, Electric Systems Manager, ElectricCities, said if you recall last June I was here before you with this same piece of property and we were discussing the purchase then and at that time you moved to proceed with condemnation of the property because of the price. In the time between the last time I was here and now there have been several changes that have prompted me to request that we go ahead and purchase this property. Part of what we've been doing since last June is getting the survey of the parcel whittled down so that we made the least impact for the condemnation. The owner of the parcel also has condemnation rights which puts it in a different arena. It would take a court order for us to proceed with the substation and we are looking at anywhere from 18 months or more from now before that may be granted with no guarantees that it would be granted.

The existing substations are nearing their capacity and we are at a point that we need to move toward building a new substation if we want to continue to serve the customers in our service territory. We're just basically out of time. We have looked at numerous other properties. We have found nothing suitable at a lower cost that we could purchase. This is the best alternative of a parcel for us and I'm coming to you to request that we do purchase this parcel so that we can get started on building a substation.

Mayor Bales said you said if we stayed the course in what this Board had recommended previously that it would be a good 18 months to 2 years before there was a decision that would be made. Correct?

Mr. Lucore said that's our best guess.

Mayor Bales said and then you still have to build it.

Mr. Lucore said correct.

Mayor Bales said if the Board approves the purchase agreement tonight, how long will it take us to get started on that substation?

Mr. Lucore said to actually get started with construction would probably be the first of the year. In between now and then we'll have to get the permitting process done, we'll have to do the engineering and get all the things in place to start the actual construction. The estimate on completion of that project is about 18 months.

Commissioner Boone made a motion to purchase the land for ElectriCities electric distribution substation. Duke has offered to sell the Town 1.13 acres of a 3.60 acre tract for \$466,125.

Commissioner Partee seconded motion.

Commissioner Kidwell said I don't think Duke is offering to sell us at \$466,000. I think they are kind of shoving it down our throats when the property is worth less than \$100,000. Let's talk about Duke Energy for a second. A \$69 billion company. Billion with a B. Over the next two years we're going to have rate increases at 18.7 percent that are going to impact our residents, and they are not backing down off of charging us four times what a property is worth. Now I'm going to go into my other questions. That's what I'm going to say about Duke right now. They're flat out thieves right now and they are extorting this town to provide electricity to the people in this area. We are currently in condemnation.

Mr. Lucore said I'll defer to our attorney for that.

Emily Sloop, Town Attorney, said the process has been started. The notices have been sent. We have engaged with Keith Merritt, the Town's condemnation attorney to work on that, so yes the process has been started.

Commissioner Kidwell said when did we start the process.

Ms. Sloop said the process was initially started by myself and Jacob Glass who is the staff attorney. That process was started I want to say at least over a year ago when the Town Board decided to move forward with condemnation. Because this is a complex case given that the other entity has condemnation authority as well and it would have to go to trial, that's when we started working with Keith. There were some changes that were needed to the survey due to some overhead electrical lines, as well as an issue with the survey that came back dealing with NCDOT right-of-way, so it took several months to get those updates made, but overall I'd say over a year ago it was initiated. There have been some changes since then.

Commissioner Kidwell said I know the gentleman here said 18 more months.

Ms. Sloop said this is information that I believe Mr. Lucore obtained from Duke in terms of an estimate based on a previous similar condemnation. I'm not sure where they came up with that estimate.

Commissioner Kidwell said would Commissioner Boone modify his motion to say extort from the Town of Huntersville instead of offer to purchase.

Commissioner Boone said I would not.

Commissioner Kovacs said if we were to continue with condemnation and it were to take the 18 months, would the cost equal the difference of what we should pay at fair market value compared to what they are requesting?

Ms. Sloop said overall I think as I had explained in my previous email the overall cost would likely be lower than what they are asking, however as also noted in the previous discussions, there is no guarantee if we were to go to court that a judge would find in the Town's favor, so there are some risks associated with that. You could continue to pursue condemnation and potentially save the Town some money. That is not something that I could tell you exactly how much money would be saved because I don't know how much the ultimate legal fees would end up being, but I do think in my professional opinion that it would be lower than the requested price from Duke. However, Mr. Lucore has indicated that if we were to wait and not be successful, at that point in time we would likely have to cede some of our customers over to other providers because we would not have the load capacity to continue to serve them and once those customers are ceded we would not be able to get them back unless they were voluntarily returned to us, which is unlikely.

Mr. Lucore said that is correct.

Commissioner Munger said I also did a little bit of homework on Duke. I took time out of my day to do some market research and I just want to share some of my findings. As Commissioner Kidwell pointed out, Duke has a market capitalization of approximately \$69 billion and an enterprise capitalization of nearly \$150 billion. Last week Duke issued a press release indicating that they gave away \$1,000,000 of the money they are taking away from the Town of Huntersville in grants to 39 non-profits across the state. Yet I see no mention of our generous contribution to this cause. Hopefully they can correct that issue. But in all seriousness, the corporation should be embarrassed of their behavior in holding our town, which is a direct neighbor of where their corporate headquarters is located, hostage. I would like to openly call on CEO Lynn J. Good who made a smidge over \$21 million last year and the Board of Directors for Duke Energy – Derrick Burks, Annette K. Clayton, Theodore F. Craver, Jr., Robert M. Davis, Caroline Dorsa, W. Roy Dunbar, Nicholas C. Fanandakis, John T. Herron, Idalene F. Kesner, E. Marie McKee, Michael J. Pacilio, Thomas E. Skains, William E. Webster, Jr., you need to step up and do the right thing here. We don't need to be adversaries, we need to be allies in doing what is best for the people we both serve, not just your shareholders.

Mayor Bales said if we stay to the course and the potential to cede our customers, who would they go to?

Mr. Lucore said either Duke Energy or Energy United, depending on where those customers were located.

Commissioner Kovacs said this is legal?

Ms. Sloop said it is and I mentioned previously I do think that the Town has a good chance of being successful on the condemnation case because of the fact that Duke tried to sell us the property suggesting they don't need it prior to us initiating condemnation. However, again I cannot 100 percent tell you what a judge would find in a court of law.

Mayor Bales said that leads me to another question then. Looking at the projections without this substation how many houses, how many customers would be impacted?

Mr. Lucore said I would say potentially thousands, based on the amount of growth we're seeing in the northern part of town.

Anthony Roberts, Town Manager, said I would say the issue is the 1 acre is zoned residential. It is right beside CVS and all that that's zoned commercial, so the appraisal was at a residential rate. I doubt any of us would probably build a house there, so one of the worries here is that yes, it's zoned residential and that's the way it was appraised \$100,000 however long ago. The appraisal has probably gone up. The issue here is the time we're dealing with. We've got roughly 1,000 customers already in that area, another 900 in the pipeline already, and the substation is getting to capacity so we need a substation. The closer you are to that line, the cheaper it is to run – you basically run the lines up instead of across to get to it. I don't like it anymore than you do, but with all the various factors and the timing on whether we can get it through condemnation you could be upwards to get it and actually build it closer to 3-1/2 to 4 years. We can't wait that long.

Commissioner Munger said to be clear, I am very upset at Duke Energy, but understanding the circumstances and what the impact could be to our town and our citizens, I would encourage this Board to vote for it. It's unfortunately the pill I don't want to swallow but I'm going to.

Commissioner Phillips said so you just made me go from being a second to talking me out of supporting this. We can very rarely ever take a moral stance up here. Usually our hands are bound by NCGA stuff and you literally just talked me out of my vote. Actions have consequences and I'm one of them.

Commissioner Kovacs said I'm frustrated because we are supposed to be good stewards of our residents' money and here we are yeah we should pay substantially more for property that we know is not worth \$400,000 but then in turn we risk.....and so my stance is I'm same with Commissioner Phillips, I was like yeah get them Commissioner Munger. But then also hearing 1,000 residents plus "x" amount could be affected makes me want to vomit, so I think it's absolutely terrible that we risk spending almost four times as much or we lose customers to the same villain.

Mayor Bales called for the vote to approve.

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

Mr. Lucore said we're at the point we don't have any other viable properties, which also should weigh into your vote. We have left no stone unturned. We have looked for another property. All the other properties that are close to the transmission line that we need to connect to are either unwilling to give up their land or have as high or higher price. We're down to we need this piece of property.

Mayor Bales said are we at or close to capacity with the existing substation.

Mr. Lucore said yes ma'am. We have done some strategic things between last summer and this summer because last summer we actually exceeded the limits of our contract on the existing substation. So we've put in additional lines and we have moved load to another substation. We have brought ourselves some time by trying to balance the system so that we did have some more time to get this station built. We have done all that we can do and once we reach capacity now without this other substation we won't have any other option than to give up customers.

Mayor Bales said the idea of giving up our customers and not providing what we've said we could provide, I'm not okay with. So while I hear the fellow board members and their frustration, I think all six are frustrated with the situation we find ourselves in, but I will break this tie to move forward with the purchase agreement. I just don't see how we don't.

Downtown Social District Discussion. Commissioner Boone said the Town of Huntersville has one social district right now in Birkdale Village. And I think that we need to start looking towards the future of having a downtown social district. The definition of a social district is an outdoor area in which a person may consume alcohol beverages sold by permitted establishments in designated containers. I'm tacking the town of Salisbury, they are participating in a social district in their downtown area and it seems at this time to be working very well. they do need to tweak a little bit on what they put on their designated containers. The Town of Kannapolis has said that it has boosted their local businesses and social districting when weather permits.

Commissioner Kovacs said I've heard from residents all the time, especially with the timing of the opening of the new brewery right here and how at no fault of their own food trucks would sell out very quickly so then Slice House was very lucky because they were like come on in but a lot of people just having the situation where they're like oh I have to leave half the people there or go by myself because I can't take my drink with me and then go get good and then come back and whatever, so the conversation has come up when I've been present there and doing some research as well it seems as though businesses find it to be very helpful in other towns where they have social districts because people are able to stay longer, they don't just go to one place. I'm a parent and the idea of going to one place is a lot easier than stopping what I'm doing and going to another place, packing up. So I Commissioner Boone and I thought it was very important to bring it to the Board to see if they were interested in it. I know we did do it in Birkdale. I wanted to ask Chief Graham have there been any expedient situations where it appears that having that social district has had a negative impact.

Chief Graham said we have not had any major issues at all up in that area. They are very good about policing their self. They understand that is they break the rules their ABC license is in danger. Most of the businesses are very cognizant of what's going on. We haven't had any complaints quite honestly.

Commissioner Kovacs said I know we would have to do a little bit, we've talked about how we would have to be a lot more in-depth because we are not in an enclosed area like that. We would also have to look at what kind of containers we would require if they could be reusable so that way people don't just fill trash cans full of plastic cups, stuff like that, but just something for the Board to think about if we want to continue to boost downtown and the building of downtown.

Mayor Bales said Commissioner Kovacs have you and Commissioner Boone discussed the space itself. Are you considering something as far down as Hunter House to Crafty.....do we know kind of the scope. Is it going to be more contained into kind of this quadrant here.

Commissioner Boone said we've haven't gotten that specific as far as a geographic area and the breweries and the restaurants and establishments they have to decide whether they want to be part of this program and in the case of Salisbury they have a sign out front that says social districting and that means that if you have a cup of alcoholic beverages it has to have date, what's in it, etc. and you can carry that into a retail store if that retail store wants you to have that in there. They could have another sign that says no we're not part of this – there's no food or drinks allowed in here. And that's fine but to answer your specific questions, we think that with the development that's coming across the street and the breweries that are walkable now along with Slice House, I think it's something we need to be proactive.

Commissioner Kovacs said obviously the distance of what's included should definitely be a Board decision, not coming in with any predetermined things, but I do know that when the downtown plan steering committee they defined what downtown was. They used a specific measurement. Whether or not we want to go with that ¼ mile that they did, ½ mile, whatever in the circumference we could do that. That's a little bit of a guide if we wanted to look at it.

Mayor Bales said I just know with Birkdale because they are so enclosed I don't know that that's ½ mile.

Commissioner Kidwell said I appreciate you guys bringing this. Obviously it's very early discussions. There wasn't any attachments or anything, but some things to consider who purchases the containers. Birkdale can tell their businesses what containers that area. The difference is Birkdale is building lot, so they've got a little bit more control over that.....to say work with Chief Graham to see how we are going to enforce that. I know you brought up usable cups but litter. Litter is a thing that half a mind as someone is drinking they drop their cup and they just walk off whatever. Where is a little kid's got a cup of water they just throw it out. I think the biggest thing is I'd love to know how the local businesses in this area feel about that. Maybe do a survey with the establishments that are here right now and say what are your thoughts on a social district for downtown Huntersville and how that would impact. Crafty Guys probably cool – bring a food truck, they pour beers. The brewery right next door here, but like for places that serve food and beverage do they want someone else bringing beverages in their place when they could have that sale. That's things to consider. We've got the café, then we've got the bar down the street. I think having and the Italian place.....I think having them at the table and getting their input would be very valuable.

Commissioner Kovacs said I wish for this instance that the Downtown Plan Steering Committee was still active right now because that would a good discussion for them.

Commissioner Phillips said I'm coming in with all the boring stuff here. I would need to be defined beer/wine versus liquor because it's different ABC permitting stuff. How are we going to handle Veterans Park in that square mile because then you get into loitering and public intoxication on town property. The hours that it would operate – would it operate when school is in session, when DPK is open, alcohol in an elementary school area could be a concern for parents, teachers, whomever and then also I was curious if we could look into if any of these social districts are on NCDOT maintained roads because Birkdale is contained. Those are town roads. That's a whole different bear versus putting people at one of the busiest intersections in our town with alcohol, so I'm coming at it from.....well working with events that have alcohol and having to do the ABC permits and running that kind of stuff. I'm coming from it like okay I carry \$1 million insurance policy on these things so I'm going to make sure the town is not putting the cart before the horse and we do all the boring stuff before we can have fun.

Commissioner Munger said Commissioner Phillips stole a couple of my questions but proximity to schools is a concern, proximity within Veterans Park, Holbrook Park might be part of that equation as well and do we have any general concerns that the Town Hall and Fire Station might be in that social district as well. Just thoughts. And then a lot of questions about where it extends because if we are doing 115, should we be doing Main Street, that should be part of it in my opinion.

Commissioner Partee said in my years of experience in social districting and being in New Orleans, going to school there, the biggest issue we have to look into is urination, where are people going to go to urinate. Not on my lawn. Not in the bushes, so we have to think about possibly bringing in some type of porta-potties or whatever, but we have to think about that and will they have access to a lot of businesses, will they let them in to use their bathrooms.

Commissioner Boone said well, we started. This is the discussion that we were hoping we would have and I think Mr. Roberts if you could give us some direction, we'll get with you and kind of put something together and I don't know if you and I will go down and visit the businesses.

Commissioner Kovacs said happily.

Commissioner Boone said happily, well there you go we've got two people that wouldn't mind visiting the local establishments.

Mayor Bales said would it be beneficial to have someone from Kannapolis or someone from Salisbury and speak with this Board, maybe at a pre-meeting to give a sense of what they are doing or no. Or y'all can do the work behind the scenes and then bring it back to us.

Commissioner Kovacs said do you know how far Cornelius is.

Mr. Roberts said you have to remember some of these areas you are talking about a much more established – Salisbury, Kannapolis – hundreds of millions downtown so I'd probably start more like you said Cornelius who is sort of in the same boat we are trying to reestablish. Davidson has a fairly established downtown too, not big but fairly established. I'd probably start in those areas there to give us some guidance because they have recently done one downtown in Cornelius, smaller scale. That's probably where I would start and then maybe whatever board direction give me either I can work with two commissioners that brought this up or some small committee but there are a lot of details to work out for sure.

Mayor Bales said I would think if the Board is fine with it I would like to see Commissioners Boone and Kovacs run with this and work with staff to bring something back to the Board, if everyone else is good with that.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Phillips

- No Report

Commissioner Boone

- No Report

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

Commissioner Kidwell

- No Report

Commissioner Partee

- Provided safety tips for walking area greenways.
- Advocate for gun safety. Huntersville Police Department has free gun safety locks.
- Consider giving to your non-profits.

Commissioner Munger

- The Huntersville Ordinances Advisory Board meeting and the Public Arts Commission meeting were canceled this month.
- Next meeting of the Municipal Education Advisory Committee (MEAC) is August 17.
- Consider supporting local non-profits.

Mayor Bales

- Lake Norman Economic Development Corporation is working a total of 38 projects. They have submitted a Truist grant application for the Boots on the Ground Scholarship.
- Next Metropolitan Transit Commission Working Group meeting is tomorrow.
- Commended the 150th Committee for their work.
- Expressed appreciation to the Town Board for their work.

There being no further business, the meeting was adjourned.

Approved this the 5th day of September 2023.