

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**September 5, 2023
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on September 5, 2023.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

Commissioner Munger requested update on lane closures that are happening this weekend on I-77 at Gilead.

Ethan Smith, Public Information Officer, reviewed lane closures scheduled for September 7, 8 and 9.

Commissioner Kidwell questioned if a policy had been set for the use of the new golf cart in the Police Department and if it had been added to the insurance.

Police Chief Barry Graham noted it is registered with the state and has been added to insurance. The use of it will be regulated under the policy for Special Use Vehicles.

Commissioner Kidwell noted he had been receiving complaints from residents of Sherwood Drive about the traffic for Huntersville Elementary blocking driveways.

Chief Graham explained that the Police Department is working with the school and have asked that they allow the cars to come in earlier than they have been to get some of those off the road. They don't want the cars on there until a certain time, so they are telling parents not to get there until 15 minutes

before dismissal. We have asked them to double stack. If a car is moving to get in, they are not violating the law. If they are sitting in the road stopping traffic for an extended period, they are. This is a school issue and we are trying to help them as much as possible.

Commissioner Kovacs noted she got there at 2:20 p.m. the other day and they were stacked up down Sherwood past Mr. Guignard's house.

Chief Graham said last week was the first week of school. The traffic squad is going to start policing that.

Mayor Bales noted that Huntersville Elementary is scheduled for replacement and asked if there have been any conversations with CMS to ensure that stacking at the new school does not happen.

Chief Graham noted CMS has been asked to contact the Police Department when they start to build the school to get our input.

Commissioner Kovacs requested information on School Resource Officers in elementary schools now that Cornelius has funded their SRO's.

Chief Graham explained that Cornelius did fund them. They asked for one to cover two schools and their board approved two SRO's to cover their two elementary schools. Huntersville has six elementary schools. Huntersville could probably start with three for the six elementary schools. There are probably some individuals in the Police Department that would be interested in going to the School Resource Officer program, we would hire three new people to take patrol positions.

Commissioner Boone questioned if additional sergeants would be needed.

Chief Graham noted another sergeant would not be needed.

Commissioner Kovacs questioned if there have been any problems with robberies at grocery stores.

Chief Graham noted he is not aware of anything.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales proclaimed September 17 through 23, 2023 as Constitution Week.

A Proclamation for Constitution Week

WHEREAS, September 17, 2023 marks the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to read, study, and preach the greatest document of human liberty and to protect the freedoms set forth in the Bill Rights; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim September 17 through 23, 2023 as "CONSTITUTION WEEK" in Huntersville, North Carolina and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 5th of September, 2023.

Jeff Locke, 13522 Merry Chase Lane, said I heard a rumor that you guys were considering upping the parking minimums in the Town of Huntersville. If you believe the people that get up here on a regular basis, they tell you it's impossible to find parking in Huntersville, they can never find parking. I'd like to give you a little bit of a different perspective on that. Instead, I'd like to talk about the high costs of having too much parking. It's bad for local businesses. It makes it much harder for them to adapt and to establish themselves. It incentivizes the larger businesses that can afford larger plots of land. Because it's bad for business, it's bad for the town, it decreases the amount of revenue that you can raise by taxes on these businesses. And thirdly, it's bad for traffic. Having all of these businesses far apart and far apart from our homes makes it harder to walk there, to bike there. It makes us have to get in cars and because we all have to get in a car, that's more cars on the road. Huntersville doesn't really have a parking problem. I've never had a problem parking anywhere in Huntersville, not even Birkdale. But I have had problems sitting in a car for half an hour to come here from my job in Davidson. I think upping these parking minimums, I think it's kind of overreach. If anything, we should just abolish parking minimums and let the free market decide what the land is actually worth and it will be better for the town, better for business, better for traffic.

Don Gordon, 208 Canadice Road, said thank you for letting me speak and thank you for letting me address a question that's going to be brought up later tonight regarding the environmental studies committee. I am a grandfather of four, soon to be five by Friday of this week. I am a widower and I have been a Baptist minister for most of my adult life, for 35 years. I made a transition a few years ago because my first grandchild was born and I recognized that this grandchild might well live into the 22nd century and it sort of blew my mind that they would be living in that century. Even though I've been in ministry, I did my undergraduate work in scientific fields, and I believe the more we learn about science, the more we can alter and change based on what we learn and the more I know and learn about God I can alter my understanding of who God is, who I believe is unchanging. I just want to thank those of you who are interested in the environment and what the environment is going to be like in the 22nd century when our grandchildren will be living here and not just my grandchildren. I have a 3-minute limit here and if I had three hours, I would show you pictures of my lovely grandchildren and talk to you a long time about them, but there are grandchildren around the world, not just here in Huntersville. I really want to encourage our community and the town council to find ways to study the environment and our impact on the environment and how we can be better managers and stewards of what God has created and given to us, so thank you for the time.

AGENDA CHANGES

Commissioner Kidwell moved Item 8.E (Approve Lake Norman Chamber Business Expo Facility Usage Agreement) to Item 10.D under Other Business.

Commissioner Kidwell made a motion to approve.

Commissioner Munger seconded motion.

Motion carried unanimously.

Commissioner Phillips made a motion to adopt the agenda as amended.

Commissioner Munger seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes – August 7. Commissioner Phillips made a motion to approve the minutes of the August 7, 2023 Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

Approval of Minutes – August 21. Commissioner Phillips made a motion to approve the minutes of the August 21, 2023 Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution – 2024 Road Resurfacing Project. Commissioner Phillips made a motion to adopt Resolution to award bid for the 2024 Road Resurfacing Project and accept and approve the bid proposal as the contract. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 1.

Property Tax Refund Report. Commissioner Phillips made a motion to approve Property Tax Refund Report from Mecklenburg County. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 2.

Call for Public Hearing – Cambridge Grove Drive Traffic Calming. Commissioner Phillips made a motion to call a public hearing for Monday, October 2, 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 Cambridge Grove Drive. Commissioner Kovacs seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA23-05. Commissioner Phillips made a motion to call a public hearing for Monday, September 18, 2023 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 on Petition #TA23-05, a request by the Town of Huntersville Planning Department to amend Article 9.51 of the Zoning Ordinance to further clarify non-residential outdoor activities allowed within the Neighborhood Residential zoning district within ¼ mile of the Town Center zoning district. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution – Sole Source Purchase of Police Vehicles. The Huntersville Police Department (HPD) would like to purchase eight police pursuit certified vehicles from Lake Norman Dodge. These vehicles are 2023 Black Dodge Chargers and Durango's. They are the same color and specifications that have previously been purchased through the NC state contract and HPD equipment is compatible with these vehicles. HPD has been unable to locate any other dealerships that have these police pursuit certified vehicles in stock and, therefore due to the need for compatible vehicles and the lack of availability from other dealerships, HPD is seeking Board approval for a sole source purchase.

Commissioner Phillips made a motion to adopt Resolution approving a sole source purchase of police vehicles. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 3.

PUBLIC HEARINGS

Traffic Calming Measures – Swansboro Lane. Lora Mastrofrancesco, Transportation Engineer, reviewed the request. *Refer to PowerPoint attached hereto as Exhibit No. 4.*

Swansboro Lane is on the west side of 77, near Hambright Road. It's a small community called Yorkdale and it's a no outlet community, so there's three roads in it with three cul-de-sacs.

In August the representative requested traffic calming. This community does not have an HOA, so there's a different procedure for that. The representative had to get three additional signatures from the community all in favor of a study. That was completed and provided to staff.

Radars were put out in November and the first collection of data said that the 85th percentile was driving at 33 mph. The policy says anything over 30 mph the process can continue. The 30 mph limit is based on the posted speed of the community which is 25 mph and then we add 5 mph.

The neighborhood then completed a neighborhood awareness campaign which was accepted and approved by staff.

Next was Type 1 Solution Implementation, which means Huntersville Police Department was asked to increase their police presence in the area and radar feedback signs were temporarily installed.

The second data collection was completed in May of this year and the 85th percentile speed was 31 mph. It was a reduction from the first collection at 33 mph, but still over the threshold which means we move to physical traffic calming measures.

I spoke with the neighborhood representative and we went through some proposed solutions and they gave me their recommendation based on that. Last month we had the call for public hearing. It was in the newspaper and here we are today with the presentation.

The three proposed solutions include:

1. Two speed humps along Swansboro Lane, just before the two intersections where possibly half the community would be slowing down to make their left.
2. Three speed humps, with the third one further up near the end where there's less population in the community. The community prefers this solution. Staff reached out to Police Chief Barry Graham and Fire Chief Jim Dotoli for their input. Chief Graham prefers the two speed humps option. Chief Dotoli does not like speed humps because every second counts

The Engineering Department came up with a third option of traffic mini-circles placed at the intersections. They are like a roundabout but much smaller. They are 16' in diameter. Staff would recommend two of them. There is a mountable curb around the perimeter. This option would be the

Fire Department's preference, as it allows fire trucks to drive over it. The Police Department does not recommend this option as they receive calls about people not driving them correctly.

The Engineering Department recommends Option 1 (two speed humps). On Swansboro the mini-circle would be in the middle of the intersection, so I've got to the right take a little bit of that land and turn it into road. It's a ditch section, so I need another about 8' ditch then I would have to ask that homeowner for some right-of-way. It's not a lot of right-of-way, but will that homeowner want to give us some of this right-of-way. If they don't, would the Board be willing to exercise eminent domain for a traffic calming measure. Speed humps are always built within the right-of-way. We never ask for right-of-way and they are easy to maintain.

Commissioner Kovacs said is it possible to do the ones that are split so fire trucks can maneuver through those?

Ms. Mastrofrancesco said those are called speed cushions. Most of the time they are made of rubber and you affix it into the ground. According to Public Works they are a maintenance nightmare when they have to do snow removal the one or two times a year. The trucks lift the whole cushion up. The Fire Department seemed fine with those. Even if we made them just out of asphalt instead of getting the rubber kind, Public Works would not recommend that for maintenance reasons.

Commissioner Phillips said what's the cost difference in the three?

Ms. Mastrofrancesco said a speed hump installed is around \$4,000 to \$5,000 per speed hump, so we would do two or three depending on the option. The mini-circles are \$10,000 to \$15,000 each and we would want two.

Commissioner Phillips said how many people are in that section of the neighborhood?

Ms. Mastrofrancesco said I counted 55 parcels in the community.

Commissioner Phillips said and those are home parcels.

Ms. Mastrofrancesco said yes.

Commissioner Phillips said how many people would we have to get land acquisition if we do the circles?

Ms. Mastrofrancesco said if we do the circles, it would be two. It would be the ones directly across from the t-intersections. Land acquisition cost is not included in the price of the mini-circles.

Commissioner Kidwell said what kind of traffic calming device would everybody agree on from Public Works through the Fire Department?

Ms. Mastrofrancesco said the traditional speed humps. The two.

Commissioner Munger said I'm more curious about the process. You said you had one person ask and three other people sign up together, so you had four people out of what you just said was 55. Is it typically a percentage. I know HOA's completely different, we deal with the HOA board, but how is it that four houses can come up out of 55 and make this happen?

Ms. Mastrofrancesco said that's the policy that was in place. It's not a percentage of how many people. That's all she needed to sign to start the process, but she has been talking to the community at large.

Commissioner Munger said just in this particular instance it might make sense, but there might be scenarios where we have 100 houses and four people say I want speed bumps and everyone else is like no, but then we kick that thing down the road and start doing things, so it's an interesting process.

Ms. Mastrofrancesco said even if it was an HOA board and let's say half the community didn't want it and half the community did want it, it's ultimately the board of their HOA's so then half the community would not be happy.

Commissioner Munger said I'd be okay if only half were unhappy, but if it were to a point where 90 percent of the people were unhappy, which is potential in this type of scenario, that's a problem.

Mayor Bales said I would say just remember though it comes back for this Board to make a decision on whether they go in or not.

Commissioner Munger said but to the best of our knowledge we have four people who asked for this out of 55.

Commissioner Kidwell said I would agree with Commissioner Munger. That's one of the reasons we're having a public hearing so hopefully we can get.....I don't know how we get this information to everybody because I don't know who's heading it up and I appreciate the efforts and I don't know them, but we don't know if they're actually hitting everybody or if they are just hitting certain people.

Ms. Mastrofrancesco said when we did the call for public hearing it went into the newspaper for four weeks prior to this meeting.

Commissioner Kidwell said not everybody gets the paper.

Commissioner Partee said when it comes to police and fire there's always that little competition that we always have and maybe we can have like a pickleball competition to find out whose idea.....but I'm more interested in when it comes to response times, life and death, overall in this community how often are we going on calls for emergencies that require life and death situations and also where there is fire calls where the obstruction of either a mini-circle or a calming device will impede that response time.

Chief Graham said just like anywhere else in town you have no idea where these emergencies are going to happen at. If you are asking me if Swansboro has a high percentage of having the life and death situation, probably not. We are down there running traffic, we have domestics things like that, but it's not known for a high crime area, things like that. I'm not necessarily against traffic circles, I just want to make sure everybody uses them correctly.

Commissioner Phillips said can you give an explanation of how these things impact Public Works like in your day-to-day operations.

Kevin Fox, Director of Public Works, said we tried the speed cushions several years ago in a couple of different locations. We ended up coming back and taking those up because the way they affix to the asphalt when the asphalt deteriorates they start peeling up and coming up and we found that it was more challenging to keep them down. We had some that were on Devonshire Drive which is on our

bare pavement snow route and the snowplow just peels them up if you don't know they are there. We found that it was more economical to go back with just traditional speed humps.

Commissioner Phillips said with the circles and you guys having to plow when it snows, is this a street you plow and then what kind of problems do the circles cause in those situations.

Mr. Fox said Swansboro Lane and the side streets on Swansboro would be way down in the tiers of priority. Chances are good that Mother Nature gets those cleared before we do. From a snow plow perspective, a mini-circle wouldn't be an issue on that street.

Crystal Camp, 11800 Swansboro Lane, said I did start the traffic calming process with Lora and we've worked together on this for a very long time. There are 55 parcels there, but there's about 53 that are currently occupied. The neighborhood is an older neighborhood. We've been there since 2003. My dad owned the land prior to that, so I've been in Huntersville a long time, seen a lot of changes. The neighborhood has changed. A lot of the older residents have now moved on and are renting some of those properties out, so some of the people that are currently there don't have a big investment in any changes to the community, which is why I think we see a lot of speeders. There's a lot of kids in the neighborhood and I actually do live at that t-intersection, so I'd be one of the ones that would have to give that right-of-way for the traffic circles. We are not interested in the traffic circles just the way it's going to affect the yard and we have a brick mailbox and that may have to be moved, so it would be a lot of different expense for us probably to do that. We are interested in the traffic humps, which is what a lot of the other neighborhoods in Huntersville have and that's what we would like to see happen. I have 8-year old twins. They can't ride their bicycles on the road. We don't have sidewalks, so we have to pack up, hike it over to the park, go over to Patterson Road which is now getting really busy now that that's been opened up. Previously we could go over there and ride because that was not a busy area. It really affects all the kids in the community. It affects my kids who can't go outside and ride because it's so busy through there and they are speeding. The whole time, if we do that, we're like yelling the whole time, get out of the road, stop, because they are ahead of us riding their bike so the whole time that we are out there with them it's just a headache. Again, a lot of the homeowners are renting their homes out now so they don't have a big investment in the traffic calming, but there's quite a few of us because a lot of them were going to come tonight. My neighbor actually was going to come and then she said I'm sick tonight. If we would have known that we needed to, we could have got a bigger presence here tonight just to show that they do support the traffic calming. We have a Facebook page for the neighborhood. It was advertised there. There was quite a few things that we did in the neighborhood to make sure that everyone was aware of what we were doing and we have a lot of support.

Mayor Bales said I would just tell you that a decision will not be made this evening, so they can certainly come when it's back on the agenda.

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

Petition #R23-08, Dearness Gardens. Mayor Bales called to order public hearing 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.

Jesse James, Principal Planner, entered the Staff Report into the record and reviewed the request. *Refer to Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

This rezoning is to actually in a way swap land from the two southern parcels to a rear parcel that the owner has purchased, and then the other two parcels to the south would go to Neighborhood Residential, which is more of a residential zone similar to the surrounding adjacent properties. The proposed land use would just be to further the existing Dearness Gardens for retail for plants and similar accessory items.

This is a map provided by the applicant that shows kind of what we are doing here. The main genesis of this rezoning is a boundary change from the original Dearness Gardens you see in the dark and light purple or pink, those are the original Dearness Gardens parcels. You've got the two at the north and the two at the south with some easements in the middle. Those were the original Dearness Gardens properties. The newest owner has purchased the parcel to the rear which is the hatched area with that purple tone to it so the new Dearness Gardens would be those three northern parcels where the other two to the south would go to Neighborhood Residential.

The sixth parcel that's on this plan is shown for the access easement that actually goes to 115, so they have a small sliver of property as well. Those would go back to Neighborhood Residential as well.

Moving to the actual site plan seeing what we have proposed here. Like I said it's mainly to redraw the boundary and add one parcel to the west and clean up some non-conformities on site. The original Dearness Gardens plan called for some drainage and some retention of storm water as well as some buffering from adjacent parcels, so this plan would not only change the boundary of Dearness Gardens but also clean-up some of the interior items there within the property.

There is a 3,500 sq. ft. accessory building for retail and storage to the rear. I have asked the applicant to be a little more specific on the accessory use, whether it's just for storage of plant items or if there's a proposal for a future some other kind of retail. That's one question I still have. And then there is some additional plant storage to the far west behind that building and to north, as well as some additional parking. One item to note, the easement to the south, there's actually two easements. One is temporary, one is permanent. The proposal is to continue to have one to the closest to the property as an access easement with offsite buffering as well. That is one of the modification requests.

The first modification request, however, the northern property boundary, you see a 30' required buffer to the back portion of the property which is the added parcel to Dearness Gardens. They have asked for a reduction in the buffer closest to 115. You see there's a smaller buffer there to the north. That would be their first modification request. There are some existing greenhouses within that buffer as well as some area where they store some of the plant material.

The second modification request which is kind of a tricky one, I touched on it before, but they would like to keep their access easement to the south for access to the back lot. They have an existing driveway that they would like to maintain and would like to add instead of a 30' buffer to that south which would now be Neighborhood Residential, they would like to have a 10' off-site evergreen buffer that is within the access easement.

Modification request number three would be to continue to have gravel driveways and parking areas. The Town of Huntersville ordinance requires driveways and parking areas to be paved. This would be a modification request to keep gravel as the existing development has.

The applicant retains 60 percent of the specimen trees on site. There's a 30 percent specimen tree requirement, so they are meeting that and exceeding it.

The main item here is boundary changes to the original Dearness Gardens and some modification requests for buffering as well as gravel. Staff does recommend approval if some of the minor staff comments are addressed during our review cycles. The plan is consistent with Land Use Policy 6.3 and 2.1 which go into items of promoting local businesses and allowing small scale retail in the downtown vicinity in medium density areas to continue to bring in those small businesses to the downtown area. We do recommend approval of the three modifications. Modification No. 1 we recommend on the plan showing how that reduction 20' buffer would look, maybe a cross-section and added landscaping, that way the intent of the ordinance is maintained.

Number two would be for the landscape easement to be added to that access easement, that way 10-20-30 years from now that's captured in the plat that that 10' easement for the landscaping remains on that access easement. That would make us comfortable to allow that.

And then number three for the modification for the gravel within the development, we recommend approving that to maintain the aesthetic of the existing development.

We do have representatives for the applicant here today.

Commissioner Boone said my question is the 3,500 sq. ft. accessory building. What's the height of that building?

Mr. James said an accessory building would need to be one-story so they haven't specified or given elevations for that. It's one of the questions I have in the last round of reviews to be more specific on that actual building, so I don't have that information for you now, but it would need to be accessory to the principal building, which is that house in the front, so it would be at least smaller.

Commissioner Boone said no higher than the house that's in the front.

Ken Forster said I don't live in Huntersville, but that's my business down there. All I would really say is that all I want to do is bring the two lots into conformance and add the back lot to the garden center. And that's all I intend to do. I didn't want to rezone the other two south lots, but I have to. I don't own them and I'm not going to own them. All I want to do is keep Dearness Gardens as a viable entity and make everybody in the community from Mooresville down to Charlotte love that place. I just want to keep it a viable place.

Bob McAuley, 109 Mt. Holly-Huntersville Road, said I also own 107 Mt. Holly-Huntersville Road and two other adjacent properties, so I own about five acres that are on the northern side of Dearness Gardens. I have no concern with the rezoning. My only issue is with Modification 1 with the buffer. If you notice back to the drawing he showed a while ago, the greenhouse is actually in the buffer now and also if you go back to the 93 zoning it's actually completely through the buffer that was there in 93 which speaks to zoning reinforcement. I had my property surveyed back in 2019 when my mother passed away and the surveyor said you realize that they have a decorative fence and bushes all over on your property, so they are all the way through the buffer. My only concern is keeping a reasonable buffer and the greenhouse is right there so I think most of the patrons walk through there, so they are going to be walking through the end of that greenhouse somehow, so I'm exactly sure how you are going to keep hardly any buffer there. That's my main concern.

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

Petition #R23-09. Mayor Bales called to order public hearing on Petition #R23-09, Golden Cow, a request by H2H Holdings, LLC to rezone approximately 0.6 acres at 14516 S. Old Statesville Road from Town Center to Town Center - Conditional District for a one-story retail building.

Jack Simoneau, Planning Director, said I just want to take a moment to acknowledge the hard work of the Downtown Plan Steering Committee. They spent over a year of their time meeting and did a wonderful job of preparing the plan that was ultimately adopted by the Town Board in April of this year. The Downtown Master Plan actually looked outside of the ¼ mile and looked how that downtown will fit in with the properties going all the way to I-77 and east past Vermillion and north and south of the two roundabouts, but specifically the plan concentrated in a ¼ mile and I just highlighted where the block is where the Golden Cow is going to be proposing for rezoning. But this is the area of concentration that the Town Board and the Downtown Plan Steering Committee wanted to look at. They were focused on getting an action-oriented plan. This plan doesn't have a lot of policies like our 2040 Plan does, it's an action-oriented plan and this is the Downtown Master Plan that is part of that report. Again, this is the block in question where Golden Cow would like to place their property. I'm going to just show you, these are some existing parking lot across the street and the deck. There's also parking on Main Street and then if the Town Hall is built there will also be some additional parking in that area. What we have here is this is the very detail of that block in question and what I've highlighted in yellow shows the site in question so you will see it's right on the edge of some existing homes and those homes if you looked at the Staff Report, those are historic homes. These are homes that have quite a number of years on them. And unlike the 2005 plan, the 2023 Plan was recommending preserving those as opposed to taking them down and putting up other structures. With that, again I just want to thank the Downtown Plan Steering Committee. I will also mention that part of that plan had a conceptual vision, so this was just to give folks an idea of how the buildings would sit, so it wasn't these blocks, but actually how buildings might sit on there and where the parking might be and the connections might be and again it is intended to just give a visual idea of how land could develop and it's not going to prescribe people have to do this type of building. And where you see the star, that is actually where the Golden Cow property is located and they would like to rezone. All of this information is in your Staff Report is also I the Downtown Plan and now that I've just kind of given an overview of that I'm going to turn it over to Jesse and he will talk about the rezoning itself.

Mr. James said so the actual rezoning request will go from Town Center to Town Center – Conditional District for a proposed commercial retail site, three to four tenant space on that 0.6 acre site at 14516 Old Statesville Road. The context map on the screen kind of shows its proximity to other notable buildings in town. The new Huntersville Town Center not to be confused with Town Center where DPK and the town offices are as well as Town Hall to the north, this site would be directly across from the fire station.

The rezoning plan, so the main reason we are here today for a conditional district rezoning is the one-story modification request. The code does require two occupiable stories, so this again is a 5,400 sq. ft. retail building with several tenant spaces within. The Town has off-street parking requirements in Town Center and it's the same parking requirements throughout town which is required for one space for every 500 sq. ft. of retail space which in this case would be 11 spaces. They have gone over that by one space with 12. The ordinance requires because of that requirement for on-site parking there is a 10' parking lot screened buffer. Modification No. 2 would be to reduce the 5' to 10' here's a graphic that shows the difference between 5 and 10 and how that would look.

Modification request number 3 would have a dumpster adjacent to residential properties. You see to the east and to the south there are residential properties. The ordinance requires those to be internal to the property.

There is one specimen tree on-site. There is a requirement to save specimen trees, however this one is diseased and not in the best shape, so that is planned for removal.

The one-story modification request, the applicants through the process have shown some renderings to us during reviews for the front elevation and throughout that process we've gone from around 14' to a 25' front elevation on a portion of the building, so a typical first floor elevation on a retail center like this is 14', you see that step down to the south but they have given and you can see on the elevation number 2 the depth of that 25' elevation, so it's not just a faux parapet it actually is open to the inside, so while they are not providing two stories, it does have a perceived second story at 25' on the front.

So more on the elevations. Part of the Downtown Plan as Jack described earlier talked about mobility gathering and sole, so what this plan does and what they have provided as given an active street front. There's 56 percent of that building frontage is windows, so that's more of a welcoming type street frontage for a retail type business. They have created a pedestrian environment with a patio on the front as well as those windows and that adds to the gathering area for pedestrians. As Jack mentioned before and I'll get a little more into that in the next couple of slides, the downtown plan talks about the soul of downtown and respecting historical precedent and keeping it a small-town livable downtown. The applicants have offered an historic type rendering and then stepped down the intensity of the building as they are adjacent to those historic homes.

These elevations are from the sides where you can see there is gathering places on the front and the rear towards the parking lot and the Downtown Plan calls that parking lot an alley, however they have given access to the northern property.

Getting into adjacent properties and the block analysis and how they mold into the Downtown Plan and the 2040 Land Use Plan, the Downtown Plan talks about intentional building frontages that are complimentary to existing buildings and to frame streets and open spaces with transition sensitive between adjacent neighborhoods. The Downtown Plan also talks about stepping down intensity and density near established residential neighborhoods. On the screen what you will see here is commercial buildings in red, the dates they were constructed, residential buildings of the same date and then the proposed Golden Cow and this is a good perspective of when buildings were built, the size of them and the land use within. Golden Cow has provided a street frontage that has that 25' similar to another two-story building two buildings down that was built in 1946 has a similar mass on the front, while it steps down next to adjacent residential historic properties. Here's another vantage point for Golden Cow where it shows kind of that massing as it relates to adjacent properties. And then in 2018 the Charlotte Mecklenburg Historical Society did an architectural survey of Huntersville's downtown and there are several properties in and around, actually on that block that either were notable or merited attention for further investigation for possibilities of being added to Historic Landmarks Commission. You see directly to the east 1923 which is I believe the blue house to the right, that would be backed up to Golden Cow. In 1933 which merits attention to the south and other historic homes around that. The reason we believe this is significant is the building that they have proposed blends in with the architecture of an old town and it steps down its intensity on the rear and the south adjacent to those residential properties, while adding similar massing that we would like to see on the front.

This is a east, southeast view of Golden Cow as it relates to those residential homes, so you can see that step-down.

Getting into a little bit of difficulties with small infill lots as they relate to some of the ordinance provisions and just the nature of a small downtown with small properties, so because there is a requirement for on-site parking, the driveway width at the front is 26'. That's the required driveway width, which it stems down to I believe 23' as it goes to the rear of the property. So that takes up a significant portion of the front while also making it extremely difficult to add the street tree canopy that we need downtown because of the site distance issues. It also because of the parking lot requires screening, buffering, there's a modification for 5' down from the 10' requirement. The parking requirements the Downtown Plan has recommended a parking study be done, that way we can see where existing parking is, proper areas for proposed public parking and where parking sharing currently is and where it could happen. This could allow us to do more studies into either reduction in parking for these type of lots or to take that away all together but it's something that needs to be studied.

Two items that the Downtown Plan and 2040 Plan do recommend is encourage incremental small scale infill development congruent with existing land ownership and parcel geometrics and to attract businesses downtown and encourage new businesses that help downtown meet the 10/10/10 goal of having 10 places to serve food, 10 retail establishments and businesses open after 6 p.m., so we believe this plan would help achieve those two goals.

Talking about parking sharing, so you see the rendering on the screen here shows existing parking lots that have shared access. The areas to the north in the black with the red outline currently have shared parking. The second area has shared parking. The first tinted area is under one ownership, so those lots have shared parking within. This one is a collaborative parking sharing. Golden Cow just south of that would like to gain access and have park sharing through that vehicular area as shown. The applicants can speak more to that but it does have the access easement to the north for a possible one day joint connectivity. The yellow shaded areas are driveways for residential lots. This shows also the amount of driveways along 115 and requiring on-site parking for every lot without parking lot sharing would add that issue of having a parking lot or a parking driveway every so feet and not having the street canopy, tree canopy that we would like to have.

This clip of the plan shows the sidewalk that is provided that gives a more than adequate cross-section for the sidewalk, it also shows the amount of street frontage that the driveway encompasses. A 26' driveway, 10' parking setback, eats up a lot of that building frontage.

To end this, considering the Downtown Plan and Land Use Plan, staff does recommend approval if any minor staff comments are addressed. Staff does believe that this plan improves the pedestrian experience with adding wider sidewalks, a vary building façade of 56 percent windows on the street. It's construction of a building that is sensitive with transitions of existing buildings. It accommodates small infill development, establishes opportunity for shared parking and creates new gather spaces in front and behind the building subject to the three modification requests. We believe it is reasonable and in the public interest to approve the rezoning plan because the site is small. The important part of that is the difficulties of building on a small site and not developing the adjoining properties at the same time makes that difficult and the proposal brings several small businesses to downtown that we desperately need. The proposed building blends with the surrounding development and the proposal enhances visual interest and walkability in downtown. We do have the representatives from Golden Cow here. They have a presentation as well.

Commissioner Phillips said I don't have a question, I just want to say that's like one of the best presentations you've given. It was so in-depth and like bringing in the Downtown Steering Plan. You did a really thorough job and I know we are really critical of you guys sometimes.

Commissioner Partee said in our packet on the first page Item No. 3 neighborhood meeting was held on Monday, July 31, 2023. Questions were asked by the residents and response from the applicants were summarized in the Neighborhood Meeting see attachment D. We don't have Attachment D in our packet.

Mr. James said I heard that earlier today, it is actually attached on there, it's called Community Plan Report.

Mayor Bales said it's not in the paper agenda.

Commissioner Partee said we have the attendance list but I was just curious to see how the community responded to the proposed plan.

Mayor Bales said Mr. James if you would send that to everyone so that everyone has a copy.

Mayor Bales recognized Planning Board Vice Chair Mr. Gammon.

Frank Gammon, Vice Chair, Planning Board, said if this plan is approved when it comes back to the Town Board but the modification for the dumpster is not approved, where will the dumpster go.

Mr. James said that's something the applicant may be able to address. They have in the past said that if it has to be moved, it's possible. The reason for the placement of the dumpster where it is now is it's the most practical for pick-up, so they've added the evergreen required screening. If you put it more onto the interior of the site or against the building it would be more difficult for trash pick-up to navigate one of these small type lots. So I'll let the applicant to speak to that.

Alex Hannah said I'm the property owner and also the owner of Golden Cow Creamery. I live in Charlotte. Thank you all for your time.

Justin Maxwell, 512 Katona Avenue, Charlotte, said I work with DPR Design Landscape Architect. We are working on the site design with Alex. Jesse did a great job presenting the project. The architect is Red Line Design Group the other consultant involved with some of the building design. The picture on the left is Alex and his family.

Mr. Hannah said the project is Golden Cow Creamery but obviously we're not going to take up the 5,500 sq. ft. The idea is to bring a food service establishment – restaurant, taproom, something like that, with us up here. Possibly another tenant as well. It all depends on where the plan ends up. We're a family-owned business. We started in Charlotte 8 years ago. We have three locations in Charlotte. We bought the lot to try and grow our business and make Huntersville a better place and the reason for the zoning change in our opinion is to make the best possible building we can because it's our legacy. We want to make the best thing for the lot and given the constraints of the lot but for Huntersville. We can get into the details of why some of the zoning changes are just due to the lot size and some are due to we want to make a really inviting fun place that going to draw people in.

Mr. Maxwell said we are extremely excited to be part of this infill into downtown Huntersville. Obviously, Jesse already presented where the site is, right across from the fire station and the public parking garage. Quick concept sketch to kind of give you a little bit more color to the black and white site plan. NC 115/Old Statesville is on the left there and showing that outdoor gathering space in the front and the streetscape, the wider sidewalks and then the entry drive is to the south coming in and going back to the parking lot. There's a sidewalk along that drive and then there will be an internal corridor that kind of invites everybody into the back and a large patio space in the back there for tenant space which we are showing an old broken down, well I guess not old broken down, but.....

Mr. Hannah said like an ice cream truck that we will make so the kids can play in it and play around it without getting cut, and then also like a play space for kids in the back with some type of natural element that's not a plastic treehouse or something.

Mr. Maxwell said just bringing the character that Huntersville deserves and giving those gathering spaces for families to come and sit outside, sit inside, just trying to invigorating Huntersville and everything that's going on. Switch to a couple of the conceptual renderings showing that front façade, that's the two stories look and feel and kind of fills in the streetscape there and then stepping down as you go towards the residential lots. You see that outdoor patio in the front and the streetscape won't look exactly like that for one it will be all concrete presenting a big wide sidewalk to match some of the other newer streetscapes around downtown.

Mr. Hannah said just to clarify something with the two-story will be an actual two-story height. I know Jesse mentioned that, but the option for a tenant that takes that space will be to put a mezzanine in there. It is the height for that which is a lean towards one of the requirements of the zoning is that we could have a mezzanine over I believe a third or two-thirds of the building. We can't do that obviously but there might be a chance where the tenant chooses to put a mezzanine. There are functional windows that bring light all the way through. It's not just a parapet.

Mr. Maxwell said and then jumping down to the back patio there showing that gathering space associated with the other tenant in the building or any other tenants or even just public space. That's pretty much it, jumping to the black and white site plan that Jesse presented and the three modifications that we are requesting.

Commissioner Kovacs said where do you generally receive supplies via semi or.....

Mr. Hannah said if we are going to ourselves, we do not, we self-service with a mini transit van. We are tenants in many other places that do not allow semis so we don't take any at any of our retail locations. We can't speak to any future tenants but I have antidotally just spoken to....we do have a warehouse where we do take an 18-wheeler so that we can self-distribute and showed them the plan. They have ways of getting off the streets especially coming into the 26' wide driveway we have.

Commissioner Kovacs said I was terrified thinking about a semi just sitting in the middle of 115.

Mr. Hannah said that's something the operators obviously will have to work with. They have sprinter vans and smaller trailer trucks as well.

Commissioner Kovacs said I am thankful for the investment in downtown. I'm slightly worried about parking because I do see this being very busy. I don't think you know how busy this would probably be. Parking just kind of on a safety standpoint most people are going to end up parking in the parking

garage and walking across where we don't have a crosswalk and so I'm concerned about the safety of that. Do we as the town have a plan for that?

Mr. Simoneau said so the Downtown Plan, the master plan does show a mid-block crossing that leads you from the Town Center site to the middle of the block where we are talking about, almost in front of this building. It is an NCDOT road and so we have to work with NCDOT on that. But the answer to your question is that is part of the plan, part of the vision to have that mid-block crossing.

Commissioner Kovacs are we still looking at Greenway?

Stephen Trott, Director of Engineering, said we are currently working on the crossing at Greenway and 115. We do have that plan approved through DOT and we are currently in the property acquisition stage, but not much luck so far.

Commissioner Kovacs said if we do get the Greenway crosswalk and then the one that Jack just mentioned, is NCDOT likely to let us have another one like in the middle.

Mr. Trott said I don't know. Those are really close together. You also have a crossing up at the traffic signal right outside the building. You do look for some spacing between those, not really close together so we'd have to take a look at that to see if that's something feasible and then ask the state if they would be agreeable.

Commissioner Kovacs said I just know that sometimes people just, they want the fastest route and I'm worried about people being flattened.

Mr. James said sometimes downtowns would typically have way-finding signs to show where public parking is, so that's an idea as well.

Commissioner Kovacs said besides Golden Cow you will have space for at least one more business, potentially two?

Mr. Hannah said potentially two. Right now it's shaping up we're in the background trying to see who would be interested. One tenant that would be food heavy it's as much a restaurant as a tavern, they would be both.

Commissioner Munger said just for clarification, you have how many other locations currently.

Mr. Hannah said we have three.

Commissioner Munger said is there a plan for bigger, better, more everywhere.

Mr. Hannah said sure.....I mean no, not outside of Charlotte in any realm of my.....

Commissioner Munger said I mean really, Charlotte is the only area that you are looking at.

Mr. Hannah said we produce everything in a commercial kitchen that we own and we bring it out, so there's a distance to how far we can bring things.

Commissioner Munger said word has it you can build more than one more commercial kitchen.

Mr. Hannah said sure. We're not a chain. I guess at some point we are because we have three locations.....is to bring like minded people with us, someone else as of right now that's a neighbor in Charlotte, not a direct neighbor.....but that we would still service it out of Charlotte.

Mr. Maxwell said I think part of that is he makes his own ingredients.

Mr. Hannah said everything is from scratch.

Mr. Gammon said some of this we will get to at the Planning Board. I just have some concerns about this being next to residential, potential noise, odor, all that may be explained, but if for some reason the dumpster location did not receive a modification that's on the site plan right now, where else would it be moved.

Mr. Maxwell said obviously we feel like this is the most advantageous location for the tenants and for maintenance. We feel that the wall and everything we are proposing it would be gated and completely enclosed and meet all of the ordinance requirements for screening. It would just be a little bit closer to residents than what is allowed, which we are surrounded by residential units on two sides which obviously limits the location we can put them so I think there is an opportunity to put it elsewhere on the site but we will definitely be sacrificing parking, potentially some gathering space and potentially that connection to the adjacent property. This is the best location we feel like and it sounds like Planning staff also agrees with us, but we do understand that it's a little closer to residents.

Commissioner Kidwell said according to the zoning requirements this requires two occupiable stories to not exceed or shall exceed one-third of the area and then they mentioned a mezzanine. What's that look like. How would a mezzanine go up in that occupiable space.

Mr. Hannah said it would not satisfy the requirements of the Zoning Ordinance. We could have a mezzanine over a third of the building.....just for the appearance.

Commissioner Kidwell said a lot of talk about parking and it's fitting because we are going to talk about parking later, one of the things I saw here was the site plan shows future parking lot connections, northern property line. I know we have the parking deck. It's good to hear that we are making some headway with crossing. We've got a crossing up here, another crossing at Greenway. Not sure a third crossing is warranted at that point if you've got two functional crossings. I will say the question is if it's going to be two to three businesses in here, how many employees of each business are you guys expecting.

Mr. Hannah said just speaking for ourselves two to three. I have no concept of what the other, we can say 10, but that's something we deal with. We're in downtown Charlotte. We're also in a very high density in South End and Southpark. Our employees don't park where our customers are going to park. It's bad for us. It doesn't help. The average time someone spends in an ice cream shop is 15 minutes, so we don't need, outside of what's required by zoning I don't personally feel like an ice cream shop needs a lot of parking and we have zero in uptown. We have zero in South End and there is very difficult parking in Southpark. We can require them to park further away. We can designate a parking lot operationally that says you can park in this lot.

Commissioner Kidwell said I appreciate that and I've ran restaurants and nightclubs and required my employees to park elsewhere as well, so those patrons could use the onsite parking. I'm going to

disagree with you on you're in and out in 15 minutes. I have a 9 year old daughter. She does not eat ice cream in 15 minutes. That is a 45 minute sit down meal with my daughter and I've got an 18 month old son who is just getting into ice cream and that is a lot longer process.

Mr. Hannah said not to counter that but people it is and this is also with the parking and the zoning and what I think what downtown Huntersville wants is it's a grab and go for a lot of people. So it is something that I think a lot of people I would hope come from other adjacent businesses, get ice cream and go to another one. I think in addition to having a small space because we want people to enjoy it outside, it makes our space cleaner and keeps the line moving. Same with the actual building plan in general. It keeps people moving throughout Huntersville and doing other things in the community.

Commissioner Kidwell said how many people were on our downtown steering committee.

Mr. Simoneau said there were 15 members and then we had ex officio members as well.

Commissioner Kidwell said how many ex officio members.

Mr. Simoneau said I believe there were six. It might have been seven.

Commissioner Kidwell said 21-22 people.

Gatewood Campbell, 104 Interlaken Place, said I served on the Town appointed Downtown Planning Steering Committee. I come to you with a wealth of knowledge gained from those 13 months of somewhat intense conversations. But tonight I'm making my own personal statement. Bring on the ice cream. I love that Golden Cow wants to invest in our downtown and sees us not as a risk but a reward to their proven business model. As we build up downtown, we need retail. Rooftops bring retail they say. Rooftops are coming across the street, behind me and over here. If you build it, they will come, so here they come. The Downtown Plan Steering Committee was unanimous in our agreement that we want locally owned businesses, not franchises. This is a small local business with a locally made product and space for other shops for tenants ready to make an empty lot a viable gathering spot in our downtown. I want to see a walkable, livable downtown with places to go and enjoy. This is an opportunity to check boxes in gathering, mobility and soul, three of our core organizing principles in the Downtown Master Plan. I'll remind us the 2040 Plan and the Downtown Master Plan are guides, they are not the law. Will every single project check all the boxes to both of these guides? Probably not. Can we make adjustments and reasonable compromises based on these guides? Absolutely. For these reasons I would love to see the staff recommended project approved.

Sarah McAulay, 300 Gilead Road, said I respectfully request that you deny the Golden Cow rezoning application for these reasons. First of all, I attended the Neighborhood Meeting. There's no comments recorded. There was nobody recording comments and when I asked about it, I was told that we were to send our comments to the petitioners and they would edit them and send them on to the Planning Department. Well, you know how believable I would believe that my comments would get there so I said I would just wait and make mine at the public hearing. So there are no recorded comments from that meeting apparently that you received. That's the reason you didn't receive them. I also have researched the Mecklenburg County Property public information and this lot this was purchased on January 9, 2023. We were just into our downtown study group. I never saw these participants or these petitioners appear at any of our public hearings, which were numerous, or attend any of the meetings or comment at all, so they are bringing their idea to Huntersville, which is very commendable to invest in Huntersville, but they are bringing their idea of what they think would be good for Huntersville rather

than what we've already spent a long time with professional guidance and citizen input in developing our plans. I also looked at the Mecklenburg County tax public records on property. As I said, this was purchased apparently in January this year. There are two comments out there from the county. They are trying to get in touch with these property owners and my guess is the address of it is here on Old Statesville Road and there's no mail delivery there and there's no post office there, so they have a question about the area of the property, the lines of it, and who they are. They can't get in touch with them apparently. I think that the one-story this violates goes against the one-story requested building as a fake two-story that somebody in the future might decide they want to refurbish and build. The downtown.....okay so I think they should go back and regroup to what Huntersville has and I request you deny it.

Commissioner Munger said I'd like to give an opportunity to the applicant to comment on the county's inability to get a hold of you on comments that are made in the public record.

Mr. Hannah said I'm not aware of that. I am not aware of that. I am aware that our property tax bill was sent to the prior owner which we then went online and paid and communicated with that owner just because apparently and I also talked to the county about this, apparently they're just not fast at updating their records since it's close to being the end of year. You would think they would be by July or whenever it comes out so if you go on to Charlotte Mecklenburg's website you will see that our business name H2H Holdings which has an address, paid the property tax bill on it, so I don't know how.....they haven't contacted us but it's the first I've heard of it. There is no mailbox there. I don't think there ever has been, but we do have a mailing address.

Commissioner Munger said I would appreciate it if you would take the opportunity to try and reach out and rectify that situation.

Mr. Hannah said absolutely.

Commissioner Phillips said I don't look at my phone when I'm up here but when our Town Clerk sends an email to the Board I think it's worth peeping. Ms. Pierson let us know that the Community Meeting report was in the online agenda and there was just a mix-up with it being in the printed packet. So that was documented.

Commissioner Kidwell said I just want to go back to what former Commissioner McAulay said. Were we not recording comments at the neighborhood meeting. Were individuals told to send them into the applicant.

Mr. James said the staff doesn't record anything and the only requirement is that a community meeting report be drafted and sent back for us to add to the staff report. I've never been to one where there was an actual recording that may happen sometimes but.....

Commissioner Kidwell said I'm not talking recording, someone writing it down taking notes

Mr. James said they took notes and it was actually in the packet.

Commissioner Kidwell said but we the town did not send – it was the applicant was there taking notes.

Mr. James said I think they were jotting them down by notepad on their phones.

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

OTHER BUSINESS

Town Attorney Merit/Bonus. Commissioner Phillips made a motion to recuse Commissioner Kidwell since he was not in attendance at that meeting.

Commissioner Kovacs seconded the motion.

Motion carried unanimously.

Commissioner Boone made a motion to ratify the 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 July 24, 2023 and a \$6,000 bonus for the Town Attorney based on market analysis and performance evaluation.

Commissioner Munger seconded motion.

Motion carried 5 to 0 (Commissioners Boone, Kovacs, Munger, Partee and Phillips in favor; Commissioner Kidwell recused).

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

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Off-Street Parking Design Discussion. Commissioner Kidwell said contrary to the information that was given to one of our public speakers earlier, this is not to change this tonight. This is a discussion. The point of the whole discussion is to get input and see are we going in the right direction.

I have sent everybody here a hard copy. The Town Clerk has a hard copy to put in the record. *Refer to Exhibit No. 6.* It has nothing to do with the Golden Cow and their parking, it is simply looking at parking generally around the Town of Huntersville. I can tell you that I went to the 760 Brewery to meet some friends and it was completely packed. People were parking everywhere. What I found funny is that we have designated parking for the greenway down there and that was being used for patrons of the brewery. We are not enforcing nor are we following our own guidelines.

I'm just going to address we need parking for businesses. When I, as I mentioned earlier, ran restaurants and nightclubs, if I did not have established parking for my patrons then I would just be like park wherever you want, and someone came and said I'm going to build here, here and here and there was no parking the restaurants and nightclubs gone under pretty quick. I've made my comments and again my comments are not final. It is a discussion. They are in bold. I would be happy to entertain any comments on this. I'm not looking for any type of action tonight. I just want to have that discussion to see where this Board stands because more than likely if anything does get moved forward it will be moved to the next board, whomever that shall be.

Commissioner Kovacs said I would just like to say since we already talked about the Downtown Plan Steering Committee, I don't know if anybody watched those meetings, but parking was a hot topic every

single meeting and the need for parking and that's just downtown. For the six months that we were dealing with the Birkdale situation and the expansion, the number one thing people requested was parking, so Commissioner Kidwell and I talked about how everything we hear about is always parking is the number two complaint. Traffic is first. Parking is second. That's how we ended up requesting to put this on the agenda just to see if there's something we can fix, because once something is built there's nothing we can do and then our hands are tied, so we're trying to be more proactive than reactive.

Commissioner Boone said the recommendations are in bold print here on a one-bedroom dwelling, you are suggesting going from 1 space to 1.5, those are your suggestions?

Commissioner Kidwell said those are just my suggestions. I downloaded this from our website, thank you Mr. Brian Richards for getting it to me so I had the right one, and then also I just used a simple thin crossing out of text so you could see what our current is, my suggestions and by all means I encourage each Board member to read over, look at it, and then redline the heck out of everything, because that's what we are up here to do and it may come back in a couple of weeks and you can say our parking requirements are too strenuous and we need to take them down and like Jeff said remove all parking requirements, I mean that's part of the discussion and that's why we are up here. We're a legislative board, so if we are going to talk about changing something legislatively for the town, let's have that open discussion and see what we all consider is right and things like that. Let me rephrase that, not right, what's good for the town, because there is no right or wrong here.

Commissioner Munger said I absolutely just want to commend you for bringing this to the Board because it's definitely always an ongoing discussion about parking and what not. One of the ones that jumps off the page to me is going to be commercial industrial office space. If you take for example the Golden Cow, if I understand correctly, the current requirement was for them to have 11 spots. If I read this right and do some quick math, that would translate into about 38 spots.

Commissioner Kidwell said yes, roughly. Again, my suggestion and you may come back and say I think 3.5 is way too much how about 1.75.

Commissioner Munger said that would be me. That's way too much.

Commissioner Kidwell said this is why I'm throwing it out there for discussion.

Commissioner Munger said and we're having discussion and I'm trying to participate.....I hear you but this one is going to bother me.

Commissioner Kidwell said I want it to bother you.....

Commissioner Munger saidcompromise in the middle and that's my point of discussion. That's why we are having a discussion. The other one that jumps off the page to me is warehouse. Warehouses tend to be very large and I know 0.5 spaces per 1,000 sq. ft. doesn't seem that large, but some of those warehouses are massive and having to put that much parking spaces ruins the effectiveness of those, my opinion, having discussion. And I'll leave it at that for now.

Mayor Bales said any other comments. I know that you are just now seeing this.

Commissioner Boone said do you want to go into the bicycle parking all in that detail.....where it says all non-residential buildings should include an area for parking bicycles. We had this issue once before in

front of a veterinary clinic where they had to put in a bicycle rack at a cost to them, are you looking for that type of detail.

Commissioner Kidwell said I would encourage this Board to look at every single line and see what jumps out to you that's either not good enough or needs changing. We can have spirited discussion up here and then we get to throw it back at staff, the Ordinances Advisory Board, the Planning Board, the public and get everybody else's input as well.

Mayor Bales said I for one am interested to hear what staff's views are on our existing ordinance as it stands today.

Jack Simoneau, Planning Director, said some general comments, one is parking standards in virtually all ordinances are minimum standards. This is the least you can have. Normally the businesses make determinations on what they need and nowadays what we're seeing is communities are actually reducing their parking standards. The City of Charlotte with their new unified development ordinance actually requires one space per 750 sq. ft. and we are at one space per 500 sq. ft., so they are actually reducing their parking spaces. Raleigh went in a completely different direction and completely did away with minimum parking standards. Raleigh, our state capitol, has no minimum parking standards across the entire city. Most of what we are seeing is communities either having a minimum or a maximum, so for instance in Cornelius they have four spaces per 1,000 maximum. Davidson has five spaces per 1,000 maximum. We don't. We just have one space per 500 sq. ft. minimum. Most developments will provide more parking, but we are happy to look at anything that you would like us to look at. We do pay a lot of attention across the state to what's happening and many communities are just doing away with parking in their downtowns. Mooresville for instance. Concord. There are communities around here where the downtown, because they want it pedestrian friendly, they'll do away with parking and then it's up to the business to determine what do I need to stay in business. Those are some of the trends that we are seeing and I'm happy to provide any kind of information. I will say with bicycle parking, there was a veterinary office that put in a bike rack and it came up when that bike rack was installed and this was out on 21. That bike rack was not required by the Town of Huntersville. That bike rack was actually shown on the first plan submitted, so our department caught heat saying why would you require bicycle parking for a veterinary office. Maybe employees might drive there, but you're not going to be bringing your animals on a bike. Just to be clear I know about that specific situation because right after it opened our office received complaints for requiring it and I personally went back and looked at the original plan that was submitted before we even commented and there was a bike rack in there so that's how the bike rack got in. I think maybe what happened was whoever the designer was probably worked in Charlotte where they started requiring them and they just assumed.

Commissioner Kidwell said I'm going to miss that knowledge.

Commissioner Partee said will you give us a summary.

Mr. Simoneau said I've got a PowerPoint all ready for you, so I'll just email you the PowerPoint.

Commissioner Phillips said the commercial space thing is very concerning to me because what you are doing is making us a big box town. Small businesses can't afford this. It absolutely is a no for me on that. Also, we need to take into consideration older buildings and dwelling spaces that want to be rehabbed into being businesses and making sure that we're not going to price them out of being able to operate in the town, too. So, you're wrong. I just want to say that on the dais for the record.

Commissioner Kidwell said I'm going to repeat myself because there seems to be people hard of hearing up here. I threw out the biggest numbers possible to stoke your imagination and I'm asking for feedback back.

Commissioner Munger said kind of like I do with budget.

Commissioner Kidwell said yeah, Lance wants to raise your taxes ten-fold, we say no. So, I'm doing that. I'm not trying to kill businesses, I'm trying to get us to spark conversation because let's be honest, the past two years up here has been dull with you guys, the conversation so let's make the last few months a little bit fun.

Commissioner Phillips said that's why I love getting to say that you're wrong right now, but I think it's cool too because all of us have different backgrounds and mine is in small business and historic stuff, so you are allowing us to actually have a say in something with our knowledge instead of it being cookie cutter nonsense, so I appreciate it.

Commissioner Kidwell said and mine comes from commercial industrial and office.

Commissioner Phillips said ideally what's your plan – like timeline when you would like to rediscuss this and actually bring materials back.

Commissioner Kidwell said let's say first meeting October.....have it to Jack by first meeting in October. You can email your comments to Jack Simoneau.

Environmental Studies Committee Discussion. Commissioner Munger said I believe everyone up here has had the opportunity to speak to a couple of gentlemen out in the audience and it was brought to us the idea of trying to establish an environmental sustainability committee and I kind of came up with the name of Environmental Studies Committee based on some of the things that I'd seen. My specific point of reference that I've kind of used throughout this process is the Town of Davidson. As a computer programmer the best thing we can do is control-c, control-v, copy and paste. If someone has already done all the work for you, figure out what worked for them and what is the best going forward. Part of what Davidson did is they actually had a sustainability analysis done by UNC-Charlotte. The outcome of this was to focus on major significant areas. The key strategy areas were air, water, land and collaboration. I'm just going to give you some quick bullet points on those.

Air – implement energy efficient standards for construction and renovations, promote public transportation initiatives, install public EV charging stations, and promote the use of EV's within the Town fleet.

Water – use permeable pavement technology, partner with Mecklenburg County on watershed management and encourage rain gardens.

Land – encourage town-wide composting programs, create town gardens, implement further tree save initiatives.

Collaboration – develop a sustainability webpage and establish a community advisory board.

That's kind of the steps that they went through and that's kind of the direction I was hoping to go in. One of the comments I've heard in general is government tends to overregulate. We have a specific

scenario I will point to and people in the crowd this is fascinating to me. I don't know why, but as most of you know a couple of years back we had a little pipeline spring a leak. Tiny leak. Million or so gallons give or take of gasoline into the environment. Do you know how that pipeline checks to see if there are leaks? They fly an airplane over the top of the pipeline and look down and they look for dying trees or pools of gasoline and they say we might have a problem there. Do you know why they do that? Because in the 1980's the EPA standard said that's what they should do. They have not evolved over time. There's a thousand ways they could have done it better and figured out how we can figure out if we have a leak before it becomes a major issue. Can you imagine if they caught that at 50,000 gallons as opposed to a million gallons. It still would have been an environmental travesty, but a million gallons. This is why government needs to be involved in the process and look into things.

We know climate change is real. We know that the best steps to regulate this are for the government to step forward because corporate America is basically saying I will do whatever you tell me to the letter, not a single thing more. We need to do what's best for the environment so that people such as your grandchild, my grandchildren, their grandchildren can enjoy the world and prosper. That's all I want out of this type of thing and it's a good first step. It says that as a town we care about the environment and we're trying to do what's best for our future generations.

Commissioner Boone said Lance and I did sit down and we've talked about this with several people and I was under the impression that we would have an environmental subcommittee under the Planning Board for a year, maybe three years. That's where I am as far as the whole process of this and that's why we're having the discussion. When we talked about this, I think you ran out there and got five or six people on this thing already, but we've got to go through a process of getting applicants and advertising this for 30 days. Just looking at the timeframe I believe this is our fifth meeting until the new Board takes over. I just wonder if there's going to be enough time to put this together, but that's just my opinion.

Commissioner Kovacs said I can just speak from experience on having to pick a committee that a previous board set in motion and that was frustrating, so I'm not necessarily saying I'm against the idea but I do think it would be a good idea if we look into this to have the next board decide because when we got on, well you were an incumbent, but when Commissioner Partee and myself were elected we came on and we had to vote on the people for the Downtown Plan Steering Committee after the previous board had created that committee and then I had heard well that's not really how we wanted that to go and I'm like I don't know you guys created the committee but made us put the people on it. I think it's a little more effective when it's start to finish the same people.

Commissioner Munger said I'd just like to counter that particular point and say look how effective that committee ended up being.

Commissioner Partee said I think it's very important that we do establish an environmental studies committee. I have and presently working with the Town of Davidson, well the North Meck Communities United, Reverend Dora DuBose, and their committee on the asbestos landfill situation there. I have my Masters in Public Administration and Environmental Studies also, so they have asked me to help them out and I think it's very important that we also here in the Town of Huntersville especially with the ocular melanoma situation that we have a studies committee, so I'm all in favor for it.

Commissioner Kidwell said I'm a firm believer if you want to clean house, you start with your own house. I buy into solar power. I don't know if anybody else up here does. I do that to try to negate some of the energy I use, other clean energy called nuclear that Energy United purchases. So, I started with my own

house. I recycle. Recycling is a bit of a scam when you go to the dump and see what they toss versus what's actually allowed to be recycled, so if you are not paying attention.....again, start with your own home, know what you can or cannot throw away and what cannot be recycled. Just because it says recyclable on it, doesn't mean it can actually go into that bin. We primarily only put cardboard in ours. I work in an environment where we're constantly working to create a sustainable environment in the label and pressure sensitive market in manufacturing where we are creating labels that can be put on PE packaging and tossed right into the recycling because right now it can't. Again, I go back, start with yourself. Having another layer of bean dip which I call the government might look great at a party, but it's not effective. You brought up the EPA. We've got politicians up north and they're supposedly pretty darn smart and they haven't updated something since the 1980's. Now I do remember that guy saying yeah we fly over, but they've also introduced robots that go down these pipelines to inspect for cracks. That's not required by the EPA, that's done by them because they are losing a lot of money. And let's face it corporations are about the bottom line, they're about losing money. When they lose 100 million gallons or 200 million gallons whatever, they've lost a ton of cash and that they can never get back. In fact it's impacted them so much where now they've probably spent more money than they would have made on the fuel they would have sold. So there is some reason behind for them to do their own work. The DEQ North Carolina is headed up by Secretary Elizabeth Bizer. Her number 919-707-8622. She's the individual appointed by the governor who sets the standards for environmental quality and justice within the state of North Carolina. I would encourage giving her a call and ask her what she's don't about the state of North Carolina. What is the state of North Carolina doing. Let's worry about what we can do here in our own homes. You take care of your house, I'll take care of my house. If we do that the entire neighborhood will be taken care of. Huntersville would be moving forward. Since you brought up coal ash Commissioner Partee, not coal ash, ocular melanoma, I will tell you we brought in individuals from the state on ocular melanoma, we brought professors, and doctors from all over the country. We haven't had a case lately, but there are still pockets of OM happening all around this country. I firmly believe it's coal ash. I firmly believe that an entity larger than NASCAR in the state of North Carolina helped spread that around in terms of infill and development. There's not one thing that a small town or a large town could have done to stop that, because they're listened to the scientists who said it's safe. I don't support this because it's going to be elected officials appointing people they think will be good at a job and they have no teeth. They can do nothing. They can't come up here and say you're going to do this or we are going to fine you. We're going to ban plastic bags or we're going to fine you. How are you going to do that. We are going to ban plastic forks or we are going to fine you. How are you going to implement that. I'm just saying I think that the town has started with putting in the EV stations. We talked about purchasing.....the golf cart is considered an electric vehicle, so for what it's worth we purchased a golf cart that's an electric vehicle. We've talked about hybrids for some of the town staff which I am a fan of hybrids. I think hybrids are the future. I applaud anybody who's got a hybrid. I think they're great. It does not suit my need otherwise I would buy one. But bottom line is Elizabeth Biser, Secretary of the EDQ for North Carolina 919-707-8622, give her a call. Ask her what the state is doing to help North Carolina.

Commissioner Kovacs said Commissioner Kidwell you brought up fining and I guess I don't know if I'm being naive or what but I was assuming this was more of an advisory type board so Commissioner Munger can you clarify what.....just because that brings up the discussion are you discussing trying to change ordinances that would go for fining and things as such or are we talking about advisory like what the town themselves can do to be more environmentally friendly. What are we looking at.

Commissioner Munger said I apologize for going down the pipeline line because that did give an indication that it might be more of a regulatory. It is meant to be more of an advisory type of situation.

One of the things just to clarify on a comment and I heard public banning plastic bags, plastic forks is against state law. NCJ?? Will not allow us to do that.

Commissioner Kidwell said I know.

Commissioner Munger said your brought it up, I'm addressing it. This is discussion. This is how discussions work. And you want to talk louder than me.

Commissioner Kidwell said can't be louder than me and I don't need a microphone 8:12:08

Commissioner Munger said I like my microphone. We're good friends. I don't know if it makes sense for it to be a standalone committee or to roll up to the Planning Board. To me that's part of the discussion. And part of what I tried to start this with was the points of the air, water, land and collaboration, it's thought processes into what we can do, what we can try and do as a town, what we can try.....I mean I like the idea of a town garden. If you had town gardens a couple of different places throughout town it has that feeling of community, it gets involved and it gets people to interact and it also you know it is environmentally friendly. And I don't have all the answers but the idea for me is if we can put nine people together in a room who are interested in trying to find the right ideas, they can do that. I have no desire to be one of those nine. Let them figure out what's the best course of action. And I think it's purely an advisory capacity, not a regulatory if I'm saying that correctly.

Ms. Sloop said I just wanted to make one minor clarification so in looking at the statutorily set duties of the Planning Board this would not fall within the purview of the Planning Board duties so it would be a stand alone committee such as Downtown Steering Committee, Parks & Recreation Commission, etc., or it could be structured as a subcommittee of the Town Board members. But I just wanted to clarify that if the Board did decide eventually to move forward.

Mayor Bales said I would say that this board has some sustainability initiatives. That's part of our goals. The one thing that jumps out at me is that we don't on the board have anyone really leading the charge. I think that's something you may want to consider.

Commissioner Phillips said this Board has never sent a letter to our state senators, US senators or congress about things that we want to change. So I think it's quite infantile 8:14:31 to jump ahead of the process when we can't even jot our names down on the same sheet of paper advocating for something. And like community garden, why aren't we doing more sustainable and green things under the current departments we already have like we already have greenways and that so put those initiatives because fun fact my background is environmental health and safety compliance and I have sat and filled out thousands of EPA forms and dealt with some of the worst things ever. If we are going to do it right we need to do it right and frankly as someone who went to high school with people who passed away from ocular melanoma, my grandfather being patient 0 in the cancer cluster and dying. I don't want random strangers sitting around thinking about things with this cancer because we have tapped into these experts who don't know why and I think that it's a slap in the face to our families. Like our relatives that have passed, they are not for people to campaign on or theorize on and so.....I'm not speaking for all the families but I am still close with a couple of them and even people.....we have a survivor in the community. We need to be mindful of her and what she's been through so if we are going to do it let's sit down and really hammer out this is what we really want to focus on, what can the community be engaged on and do we want to set aside money to hire experts because for four years I've sat up her and advocated for us to hire experts for ocular melanoma and we keep getting the Dillon rule mother may I stuff so like I get where you're coming from, I respect where you're coming from. I

sat with you and tried to help you get the plastic bag thing to somewhere because I know that is your passion so please know I'm not hating on this I just want to be mindful about everything and we can start at a basic level by sending congress and our federal senators asking for an EPA change. Bare minimum, so you've got me at least there.

Commissioner Kovacs said I was just going to make a comment that I see where you are coming from Commissioner Munger, and advisory is definitely more the route that I was assuming and I'll just explain when you said hey are you down with this and I said yeah, I was envisioning something kind of like the affordable housing task force, more like a task force type thing where the people that were chosen for that have a background in that field and then they could advise us on appropriate ways that we can run campaigns through like our PIO about how to be sustainable throughout the town, how when we are coming into our budget season things that we might be able to tweak or change, things like that. That's what I was just envisioning in my head and then my big brothers got into an argument tonight and so I don't even know where we are headed.

Commissioner Phillips said for reference with the affordable task force, the mayor and I worked really hard behind the scenes on that and we came out with a plan, we involved people like Bobby Williams and other staff so if there is a way to write it out where it's on paper black and white and everybody is in the know and then it comes up here for a vote, then you've got something going.

Commissioner Kovacs said I like that, that's how I was envisioning like a set plan.

Commissioner Phillips said but that was months of work the Mayor and I put into it.

Commissioner Kidwell said I'm glad you brought up Bobby Williams. I want to give Bobby Williams shout out. I reached out to Bobby and put him in touch with Barb Blewise and the soil and water conservation district and together the three of us were able to get something at the Board of County Commissioners that protects over 13,000 acres of farmland in Mecklenburg County. Again, it stated with our own house. It's 13,000 acres that have protection available.

Commissioner Boone said Commissioner Munger it looks like we got the discussion started and just a history lesson, 10 years ago the town did have a community garden that didn't do very well, but where it was successful was the local churches. When the local churches put in community gardens they did very well and thank you for your time putting this together.

Mayor Bales said so, next steps. Are there next steps.

Commissioner Munger said I just want to throw out there that one of the compromises that did resonate with me because honestly my belief is compromise is not a four letter word, we should do it all the time. The task force does make a bit of sense and I'd be open to that. The addressing sending out a letter that we could all jointly sign to our members of congress, our senators, definitely sounds like a step in the right direction but for that I would want us to be able to address specific things that we would want to be addressed in that. We can't just say hey fix.....we need to say this, I want this addressed or different things. To me it feels like an ongoing discussion. I'm a lot more passionate about it, I get that. Not everyone has to be passionate about the same thing. We all care. I'm not trying to throw anyone under the bus. I do appreciate having the discussion, so I would like us to entertain the idea of sending a letter. I would like us to entertain the idea of creating a possible task force specific to it and if there's anything else that anyone would like to add, I'm open to that as well.

Mayor Bales said then moving forward you will get with fellow commissioners to work through a couple of these and see where it leads.

Lake Norman Chamber Expo Usage Agreement. Commissioner Kidwell made a motion to recuse Commissioner Kovacs since she sits on this Board and Commissioner Boone.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Commissioner Phillips made a motion to approve the Lake Norman Chamber Business Expo Facility Usage Agreement.

Commissioner Partee seconded motion.

Commissioner Kidwell said this is for the Chamber event we host every year at the Rec Center. Under the agreement would Commissioner Phillips under the indemnity clause under 7 would you be willing to add the Chamber shall indemnify, defend, and hold harmless.

Commissioner Phillips said I will accept that amendment.

Commissioner Partee said [inaudible].

Mayor Bales said I would ask that question.

Emily Sloop, Town Attorney, similar to the fire services agreement this particular template did not previously have an indemnity clause so when we were updating the template, we added an indemnity clause to further protect the town. Typically, the clauses that we use don't include the word defend because it includes paying for the attorney's fees and that gives the Town the ability to maintain control over any defense in litigation but still get reimbursed for attorney's fees, but if the Town Board would like to add the word defend, that is the Town Board's prerogative. It doesn't take away from anything it just would include them actually defending us in litigation versus just paying for the litigation expenses.

Commissioner Partee seconded amended motion.

Mayor Bales called for the vote.

Motion carried unanimously.

Agreement attached hereto as Exhibit No. 7.

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

Commissioner Kidwell seconded.

Motion carried unanimously.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Commissioner Munger

- No Report.

Commissioner Partee

- Commented on his experiences of September 11, 2001.
- Provided safety tips for using area greenways.
- Advocate for gun safety. Huntersville Police Department has free gun safety locks.
- Consider supporting local non-profits.

Commissioner Kidwell

- No Report.

Commissioner Kovacs

- Provided update from Lake Norman Chamber of Commerce.

Commissioner Boone

- No Report.

Commissioner Phillips

- No Report.

Mayor Bales

- Women's Suffrage National Monument Foundation is working now to create the very first national monument to American Women's History.

Commissioner Kidwell encouraged residents to get their gas fire places, gas heaters, etc. inspected in light of recent house explosions caused by natural gas in Plum Borough, Pittsburgh and Mooresville.

There being no further business, the meeting was adjourned.

Approved this the 2nd day of October 2023.