

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**January 16, 2024
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:15 p.m. on January 16, 2024.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh.

Mayor Clark called the Pre-meeting to order.

Review FY25 Draft Goals. Anthony Roberts, Town Manager and Jackie Huffman, Deputy Town Manager, reviewed the FY25 Draft Goals. *Draft Goals attached hereto as Exhibit No. 1.*

Staff will have the FY25 goals on a future agenda for consideration of adoption.

**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 January 16, 2024.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh.

Mayor Clark called the meeting to order.

Mayor Clark called for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

ANNOUNCEMENTS

Main Street Project is nearing completion.

Website redesign launching January 31, 2024.

The 2024 Parks & Recreation survey is live.

Ways to connect with us – website, social media pages, Town of Huntersville app.

PUBLIC COMMENTS

Joe Sailors, 9332 Westminster Drive (Frank Gammon deferred his time to Mr. Sailors), said I'm actually here speaking about property at 12830 Ramah Church Road. It belongs to Marilyn Ainslie and I did send each one of you pictures of her property. I had requested that those be sent to you last week, but I was told that staff couldn't do that, that I had to do it, so I did it this morning.

We started talking with staff, and when I say staff, originally we talked to Jack and to Melinda, to Brian, to David, to Stephen, to two other people with Engineering staff and two other people with Planning staff. We've been doing this since October of 2022. I am here because Marilyn didn't want to raise her blood pressure.

I have emails and texts that have been sent from December 2022, January, February, April, July, August, September, October, November and December of 2023. And these are emails and texts that have been sent to multiple people on staff and the developer multiple times, as well as in January already of this year.

I have met with staff so many times that they probably hate seeing me come. I've even met four times with Walden staff on property and three times with the state highway people on the property. Part of the problem that Marilyn is having is unfortunately the Walden subdivision is affecting all four sides – her back, her front, her left, her right. All of the property that she has has been affected by this Walden development. We keep being told by staff and by Walden staff, we are going to fix it in the next 30 days. I have been told personally five times since November of last year, within 30 days we'll have everything resolved. Well, guess what, I was told today by staff within 30 days we'll have it resolved. That makes six times that Marilyn has been told we're going to get it fixed, don't worry.

The ditches on both sides of her driveway hold up to or did hold up to 14" of water because when they put in the culvert for the new turn-lane they put it in 14" higher than her property, so she ended up with a pond on both sides of her property. Two of the pictures that you have that I sent to you out of the 20 or 22 show that the pond is still created there on each side of her property and they haven't corrected the problem, although they've said they are going to do it multiple times.

There's supposed to be a 30' buffer. When we stood here at the original rezoning of the property and the approval by Town staff and by the board, we were told that there would be a 30' buffer with a 4' berm on top of it. If you look at those pictures that I sent you, the cut has been made within 1-1/2' of her fence line, down 18' on the lefthand side of her property and down 26' on the back side of her property. There is no 30' buffer there. They told me today that they were going to put the 4' berm in probably about 8' wide and then the cut would fall down the 25' that I talked about earlier, or the 18' on the other side. They stubbed a stub into her supposedly 30' buffer over 14'. I was told four months ago that would be cut back to the culvert and it would be filled in. It ain't happened yet. You'll see that in the pictures that we sent you.

Her side property where they put in the curb and gutter that goes down that side street, and I don't know the name of it, I apologize, but the side street that goes down beside her, the curb and gutter people took out her corner. She had to have it resurveyed because when he put it back in, he put it

back in 3-1/2' into her property, which wasn't right and she knew it wasn't right, because when they put the stake up they said it was inside the telephone pole that's there on that corner, but it ain't. It's actually the width of a cell phone from the back side of the curb to her property corner. They tried to take almost 3' of her property when they had the survey done by the Walden people. The Walden people paid because I told her to send Walden the bill to have it resurveyed and everything put in. Walden did pay for that survey.

Mayor Clark said that's your time, Mr. Sailors. Thank you for the thorough information.....

Mr. Sailors said unfortunately, that's the problem with this. I've been told time and time again we're going to fix it tomorrow and it ain't been fixed yet.

Mayor Clark said thank you for your time. We appreciate your input.

Christine Wolak, 14114 Whitney Hodges Drive – Passed.

Bill Fountain, 20524 Deep Cove Court, Cornelius, said Alexander Hamilton said people get the government they deserve. I guess by our vote or lack of votes we get the school system that we deserve, run by many progressives. About 100 years ago a guy named John Dewey who is considered the father of progressive education, he praised Stalin's communistic education system and set out to transform our schools into socially indoctrination centers. This Godless socialist succeeded in creating social activists that are now bottle fed by DEI which is Diversity Equity and Inclusion and using SEL which is Social Emotional Learning. Dewey rejected the idea of teachers imparting knowledge. He wanted to force socialization. Now we have to look no further than our CMS student performance in reading and math to see some of these results. Portions of our instruction time are now dedicated to social emotional indoctrination which asks teachers to be therapists, and this actually borders on some questionable psychology. My hope is that CMS superintendent Crystal Hill stands firm on her high expectations of the administrators, the teachers, the principals and of course the students. The CMS goals have been set. The state standards are clear and all she needs to do is to clear the pass of this indoctrination and that's talking about such as DEI and SEL and to make our schools really learning centers where we can educate our students for post high school success. Thank you for your attention.

Tom May, 6122 Latta Springs Circle, said I've been hearing an awful lot of back and forth about the amount of building that's going on in Huntersville. When we first moved here five years ago, we loved it because it was a rural environment. There was a lot of open space. Going back to the young man that was up here talking about the website, I went to the website today. I'm sorry that I didn't send you guys anything, but I tried navigating it to find out and be able to download the number of projects that are going on and the numbers seem to be staggering to me for a town of this many people....how many houses are going in. I focused strictly on the Beatties Ford area where I happen to live. I counted 57 projects that have been approved, something to that effect. I'm not quite sure what the number is because I wasn't able to download the actual file. This is kind of what I'm talking about – the green areas are all the approved projects. I think there's somewhere north of 700 and some odd new homes going in in this corridor right here. This is the road improvement project plan, this being Beatties Ford Road. It's two roundabouts and that's it. I know right now that if I try to get up to 73 at 2:00 in the afternoon, I'm sitting in traffic that's almost 1-1/2 miles long, both directions. I'm thinking that a lot of projects are being approved, but I've not seen any environmental impact plans. I've not seen any plans for fire, police, ambulance, hospital. Who's going to service all of these folks that are going to be coming in and buying these homes? I can't tell you. I would think that would be part of the process for all of this, and I would hope to see it and if the new website comes up and it gives you all of that capability to

be able to do that, it would probably answer a lot of the questions that I have. Thank you very much for your time.

Jon Eury, 9339 Beatties Ford Road, said I'm here today to talk about the word rural. National Geographic defines the word "rural" as an open swath of land with few homes, other buildings, and not very many people. If you do a Google image search, you're going to find what looks like Little House on the Prairie.

People that are against the Long Creek Family Entertainment proposal are trying to project this version and they say that we don't belong in a rural neighborhood. If we can't let emotions get in the way, so let's take emotions away for a minute and let's look at some facts about Long Creek.

In 2022 D. R. Horton clear-cut 30 acres so they could build a new neighborhood, ironically called Oak Grove. There's going to be 140 new homes that will virtually double the amount of homes within a half mile radius. In 2023 Huntersville approved 130 apartments to go on a 9-acre tract just past Lancaster's right next to the storage facility. That's 270 new addresses within a half mile, adding between 500 and 600 new residents to Long Creek.

Again, National Geographic says it's an open swath of land with few buildings, few homes, and not very many people. Here's a list of places that are in relation to my property. Directly across the street we've got 140 homes coming in, that's the D. R. Horton. We've got 200' from the martial arts studio and gun training that's been in operation for over 40 years. It's 350' from Long Creek Elementary School, celebrating 100 years. It's 350' from Lancaster's, which is a full-service bar and restaurant that the building has been a commercial building since 1948. There's 600' from a 6-acre storage facility that's been in operation since 1950. We're 1,000' from Grateful Pets which is a pet grooming and a dog boarding facility. I'm 1,200' from the 130 apartments that were approved. I'm roughly 2,500' from a major shopping center that has Food Lion, Family Dollar, CVS, a drive-through coffee house. I'm roughly two blocks from where 485 hits and who knows if Charlotte is ever going to put an exit there at 485 and Beatties Ford. We are under 2 miles from Northlake Mall; 4-1/2 miles from downtown Huntersville; we're 9 miles from downtown Charlotte, the 15th biggest city in the country; we're 15 minutes from the 10th busiest airport in the country.

The NCDOT website has a tool where you can go take a look at the average daily traffic counts – 10,500 cars pass in front of my house every day. That's more than what Gilead has right here across from Huntersville Elementary. That's more than Ramah Church and 115 where there's a stoplight, a 7-Eleven and Advanced Auto Parts, and it's roughly the same amount of traffic that you see at Northcross Drive where there's Outback, Carrabba's and Bob Evans. I know that's my time, so 10,500 cars 75' from my house. Tell me how I'm rural.

Barbara Rojas, 6116 Latta Springs Circle, said I'm actually in opposition to Mr. Eury's plan. You never met me. I'm actually in opposition to your plan. One of the things that you have stated in your very open statistics about what Long Creek has become, you mentioned one very important thing. You said your house.....

Mayor Clark said if you could just address your comments to the Board versus the applicant.

Ms. Rojas said he said his house. What he's asking is the rezoning of a residential property in an area of established residential homes, neighbors on either side. His plan is the wrong plan for that area. The plan itself might be a lovely plan for a different piece of property, but this plan adversely impacts not

only his surrounding neighbors, but could ultimately affect the traffic problems that Mr. May has noted and that Mr. Eury himself has noted. It's also in violation of the 2040 Plan. I'm a relatively new resident to Huntersville. I was quite impressed with how robust and well thought out the 2040 Plan is. This property and this proposition is actually a violation of the 2040 Plan. And my final point is I live just north of this property. I live in the Mountain Island Lake Watershed District CA4, so I know the restrictions that are on my property as a result of that watershed district. These properties are also zoned as a critical area of a watershed district and by that nature are limited in what type of development can happen to those properties. I think it's important that we maintain the residential character of the properties consistent with the 2040 Plan and I think if they wanted to look for another property elsewhere in Huntersville to float their family entertainment center, I could certainly be supportive of it.

Katie Carpenter, 9339 Beatties Ford Road, said I'm here to speak in regards to my rezoning application for Long Creek Family Entertainment. A little background about me. I was a 4 year old little girl who said I want to be a veterinarian and own my own business. Well, I kind of went that route in my life. I hold an Associate's Degree in Veterinary Technology and I'm a registered veterinary technician within the state of North Carolina. I have a Bachelor's in Veterinary Services Management and hold a Master's Degree in Business Administration. For the last 14 years I've been in regional leadership roles within veterinary medicine. I am currently a Regional Operations Director and support leadership teams at 26 veterinary clinics with an annual total revenue of over \$100 million. As you can tell, I've always loved helping animals and people. Last year I founded a non-profit called Unsheltered Tortoise and Turtle. This weekend I'm actually headed to NC State for a wildlife continuing education conference specific to the care and rehab of injured box turtles.

Over the years I've journaled many times about creating a space for everyone for people to connect. I envision a place where you can come to be around others but not have to engage with others if you don't want to. Bring your laptop, your phone, your book, a crafty project and just be near others. Hopefully you'll take the step to break the ice and get to know those around you. I envision a place where we can all take a deep breath, slow down, relax under large old trees or sit inside in a home full of character built in 1947. Living a healthy fulfilling life means surrounding yourself with kind, good people and connecting. Together we can build a community of five-star humans getting to know each other face-to-face, not living behind screens. Huntersville needs more unique places that also retain the character of what was. The Huntersville 2040 Plan states that it's a strategy that is looking forward and thinking back. With our project we are preserving the local history while providing a space for our growing community. If our rezoning is approved, I can't wait for you to come share our home and backyard with us. Thank you.

Vance Carpenter, 9401 Broadway Street, said I recently moved to the area and live right behind the property in the rezoning request Long Creek Family Entertainment. In the interest of full disclosure, Katie Carpenter is one of the applicants and also my daughter. A daughter whose love for her community and the animals of this planet have no bounds. I would like to highlight that I hold a degree in Business Administration and Engineering Management and have 28 years of military service. In those years I participated in many projects developing new organizations and restructuring existing ones. I mention this to provide a context review I conducted of the Long Creek Family Entertainment business proposal and rezoning request. From the business perspective this business will fill a significant need in the community to have a better work/life balance providing a structured recreation area, meeting space, educational opportunities and temporary workspace. The plan calls for no amplified music to ensure neighbors are not impacted. The hours will be the same as a business nearby. To maintain a family-friendly environment there will be no hard liquor served. My professional opinion is this plan is

well thought out and enhances the community and the Town of Huntersville. From an engineering perspective, it allows an existing residential structure to stay a productive member of the community and on the town tax rolls. To clarify this, the property is at the intersection of Beatties Ford Road and McCoy Road. This intersection is being enhanced with sidewalks, turn-lanes and a traffic signal. To build these new turn-lanes and add sidewalks requires a fair amount of the front and side yard of the existing property to be conveyed to the town for the project's use. With the traffic signal about 100' from the existing residences one can visualize how the existing residences may cease to exist. Using the property as a small community-focused business better serves the community ensuring a developed property stays on the tax rolls. I request if approved we'll have conditions on this use of the property precluding any significant changes in use of the property in the future. The conditions placed on this request, if approved, prevent the property from being used for anything else without a new zoning request.

Leo Enwright, 20909 Brinkley Street, Cornelius, said I'm here today speaking in favor of the Long Creek Family Entertainment Center project. I am a single father of two teenagers and close to being an empty nester. I realize how meaningful it is to have a reliable social network and having that around town is a good thing to have. When I was younger my parents and grandparents and other family members had a bunch of clubs and social networks that they were involved in like Lions Club, Shriners, Junior League and those were all household names back in the day. Those things exist, but they're not really as prevalent today, so having a social place that people can go and hang out I think is very important. Even the Flintstones had a social club in that cartoon, which is kind of funny if you think about it today. Times have changed. People have changed. Priorities have changed. We still need people and community centers and the city provides a number of this. We have parks, we have other things like that, we have bars, but it would be good to have like a family center that can serve the community. My kids weren't really involved in sports so we didn't use a lot of those other facilities, but they did do things like church groups and clubs and stuff like that and I think this type of facility will provide a place for us to do that that kind of feels like a home because I believe they are planning on keeping the house as the structure, so I think that would be a nice thing to have. I've always encouraged my kids to be involved in these kind of things but honestly without going.....you know we recently have some rec centers that have been built around here, but this would be another avenue for that. My kids are about to move out. I could see myself going to a place like this to have social gatherings, to have board games and other social clubs or activities that you can't really do at a bar or a place like that. This kind of community center would be a great place to have that. Before my time runs out, I did want to speak to some of the stuff that I've heard recently at the Town Hall meetings speaking against this project that I kind of think is a little bit appalling bringing up pedophilia and that this is going to bring that kind of stuff to the neighborhood is ridiculous. There's a bar across the street already. There's a school less than a block and a half away. If that kind of activity was going to occur in our neighborhood, this place isn't what's going to bring it and that's just appalling to bring that stuff up.

Rachel Noreika, 10906 Rio Oro Drive, Cornelius, said I live with my husband and two children at 20906 Rio Oro Drive. I'm here today to speak in favor of the Long Creek Family Entertainment project. I've played volleyball for over 20 years. I played in college and I played professionally overseas. I still play beach volleyball as often as I can. It's been an incredibly healthy outlet for me both physically and mentally over the years. I met my husband playing volleyball, my best friends playing volleyball. I've traveled the world playing volleyball, so it's only fitting that I would also be a coach. My first coaching job was at Liberty. I've also coached at Sanford and Winthrop. I was also the varsity volleyball coach at Southlake Christian Academy in Huntersville for 7 years before starting my own beach volleyball club almost 10 years ago. I started Charlotte Beach Academy in 2015 with the mission to train and teach young volleyball players the sport of beach volleyball in a positive growth centered environment. We offer college development training for more advanced athletes as well as volley tots afterschool

program for elementary age children. Our college development program trains in pods of four to six athletes per practice and our afterschool programs cap at 10 children per court. We practice three to four times a week typically between the hours of 4 p.m. to 7 p.m. during the school year and mornings in the summer. We would use the Long Creek Family courts as our home location. This family and community center space would be the ideal location for our club where parents could watch comfortably and younger children could play safely. Most of the local sand courts are either poorly maintained with little to no bathroom access, limited seating and shelter, or else in a bar setting that's not family friendly or safe for small children. As I drive between Huntersville and Cornelius on a daily basis, I see older homes and buildings being torn down and vital natural habitats destroyed for huge tract home communities and mixed-use developments. A community center project that intends to preserve the current land and buildings and offer access to garden space, live music, farmers markets and co-working space on an already commercial stretch of road is quite frankly a breath of fresh air. I see the Long Creek Family project as more than a place for volleyball. I see it as a space where people of all ages can enjoy the outdoors, engage, connect and belong. My family and I and my club fully support and look forward to using the Long Creek Family Entertainment project. I hope you guys will vote yes.

AGENDA CHANGES

Commissioner Bergsman made a motion to adopt the agenda.

Commissioner Hunt seconded the motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes – December 18, 2023. Commissioner Dumas made a motion to approve the minutes of the December 18, 2023 Regular Town Board Meeting. Commissioner Quarles seconded the motion. Motion carried unanimously.

Approval of Minutes – January 2, 2024. Commissioner Dumas made a motion to approve the minutes of the January 2, 2024 Regular Town Board Meeting. Commissioner Quarles seconded the motion. Motion carried unanimously.

Property Tax Refund Report. Commissioner Dumas made a motion to approve property tax refund report from Mecklenburg County. Commissioner Quarles seconded the motion. Motion carried unanimously.

Property Tax Refund Report attached hereto as Exhibit No. 2.

Call for Public Hearing – Petition #R23-06. Commissioner Dumas made a motion to call a public hearing for Monday, February 5, 2024 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 on Petition #R23-06, Beatties Ford Family Entertainment, a request by Jonathan Eury and Katie Carpenter to rezone +/- 2.513 acres located at 9349, 9339, and 9331 Beatties Ford Road from the Rural District to Highway Commercial Conditional District to allow Outdoor Recreation and Office use. Commissioner Quarles seconded the motion. Motion carried unanimously.

Call for Public Hearing – Petition #R23-10. Commissioner Dumas made a motion to call a public hearing for Monday, February 5, 2024 at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road,

Huntersville, NC 28078 to discuss the Town's plan to enter into an installment financing contract in connection with the issuance of limited obligation bonds to pay the capital costs of construction, equipping and furnishing of a new Town Hall and renovation, and improvements to the existing Town Hall building, and to pay the cost related to entering into financing. The amount of the financing is not to exceed \$32 million. The \$32 million is estimated to account for the \$30 million building and related issuance costs including potential bond discount. Commissioner Quarles seconded the motion. Motion carried unanimously.

PUBLIC HEARINGS

Mayor Clark called to order public hearing on Petition #R23-10, Commercial Communication Tower, a request by Berkley Group III, LLC to rezone +/-6.00 acres located at 15105 Holbrooks Road from Transitional Residential and Neighborhood Residential District to Special Purpose - Conditional District.

Nathan Farber, Planner II, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

The applicants, Berkley Group and property owners, Greenway Recycling, are proposing to rezone 6 acres of NR and TR to Special Purpose with conditions for a commercial communication tower. If approved, the 6-acre lot will be subdivided from the existing three parcels. The applicants held a community meeting on October 30.

Here you can see the rezoning site. To the north is the Vermillion subdivision. To the east you have the Greenway Waste Landfill. To the south as well you have the landfill and to the west we have vacant and residential properties.

The conditions of the approval will limit the uses allowed on the site to only a commercial communication tower and any related accessory uses. The applicants will access the site via 15' easements through the Greenway Waste Landfill site. All conditions of Article 9.9 will be met including that the tower will be more than 200' from the nearest residential property line and all tree save requirements will be met. The tower will be 195' tall with an additional 4' lightning tower on top. A light will not be located on the tower and the facility will be surrounded by an 8' chain link fence and opaque vegetated screen.

This was a map provided by the applicants showing the current and the proposed coverage. The more green on the site shows the better coverage. The 2040 Community Plan Policies PS-1 and LU-1 both support the commercial communication tower as it considers it a utility that serves as an essential service to the community for use by both the general population and Emergency Services.

The proposed communication tower location fits in with the Holbrooks study area as it would directly border the landfill while also complying with the required 200' separation from the adjacent residential property. This would create a natural buffer between the existing landfill and the neighboring residential properties as suggested by this plan.

Staff recommends approval as this is considered a public utility that helps the communication coverage for both the general population and emergency services.

Commissioner Hunt said in the community meeting the residents asked if the road would be paved and it was said that only if the Town required it to be paved, so can you share if the road will be paved or not.

Mr. Farber said there will not be a paved road. They will be using an easement to access through the existing landfill site, but there will not be a new road or driveway created on this property.

Commissioner Hunt said there's a lot of emergency calls that go through that tower, correct.

Mr. Farber said I believe so, yes.

Commissioner Hunt said if this wasn't rezoned then this could potentially be a safety issue.

Commissioner Walsh said it looks like Verizon is on that tower. Are there other cellular carriers?

Mr. Farber said I will let the applicants answer that. I believe yes. Article 9.9 does require they would be required to co-locate any other future users on the tower as well.

Commissioner Walsh said other than cellular, is there any other communication purposes being used for the tower?

Mr. Farber said I do not know. I'll let the applicant answer that.

Commissioner Dumas said I noticed that there's a note that this will be painted gray to blend in and I'm just curious if it's in a wooded area, why would we paint it gray?

Mr. Farber said gray is a neutral color that blends in with the sky and any vegetation and I believe that's just a color that the applicants use that blends in.

Commissioner Bergsman said I have one or two questions, but I'll wait until after the applicants give their presentation because it's mostly I believe for them.

Bonnie Newell, Berkley Group, said thank you for hearing our proposal and we hope that you'll be able to support it. I am the tower developer. I've been in this industry for nearly 30 years, so hopefully I'll be able to answer any questions you have. We have John Brown who is the property owner. We also have Tim Sutton from AT&T. Verizon actually might show up, but late. We have Robert Irvin who is also our counsel on this project and this of course is Nathan. We have a presentation that I believe is driven by this. *PowerPoint attached hereto as Exhibit No. 4.*

I'm going to try to be brief. I could talk about this for way too long, be relevant but not terribly boring. We do not come to you lightly. We come because the highway if you will, the road that carries traffic through the sky to make your cellphones work, is broken. It is congested. It does not suffice for the population and the density that now exists. As you know you are getting busier. We've worked with John Brown several years, maybe up to three years, I can't recall exactly when we started, to see how we might use a piece of property that fits the science. It is all about science and yet protects the value of what your town is and therefore the site is very carefully selected to meet all your requirements and to meet the very science that this requires.

Two issues in towers when we locate them.....there's either one or two issues. It's either a coverage issue or a capacity issue. In this case it is both, which is somewhat of a double whammy and you will see those in the map. The science based selection again depends on where the other signal is coming from. What is happening is when you get a young community in an area, they just use more of that space on the highway if you will. The topography is very important, the trees and all of those other items are very important in selecting the site.

Cellphones have become a societal essential service – 97 percent of adults, I don't know if that means you're 18 or not, but I think it does, have wireless phones. Even my lovely neighbor at 88 years old has his cellphone in his overalls every day. Less than 27 percent of landlines are used in today's families. Eighty percent of 911 calls come in from mobile devices. The large land area, the sufficient topography, the sensitive siting, along with making sure it's a contiguous coverage, meaning that the science works, is why we are requesting your support in our particular case.

Let's go to AT&T because while this is a 195' tower, AT&T will be located at 190', Verizon will be at 180' and T-Mobile will be at 170'. Could this serve other communication needs? Absolutely, it's meant to do that. It's a very strong tower and it's meant to support communication needs as the need exists. The three major carriers all plan on going on this tower.

Verizon as I said, kind of the same sort of situation, light blue indicates there's no coverage or non-contiguous coverage which is a problem. Then where you see the tower proposed is filling up that void. Those little dark spots around are the macro towers, the towers you already see existing along 77, Black Farm Road, etc., are the surrounding towers that currently provide or try to provide service in this area.

Some of the frequently asked questions are how far from Holbrooks Road is the tower. You know, approximately 1,000'.

Will there be a gate at the entrance? Nothing will change there. Up at the tower site we will have a fenced area. We will also landscape that. I think it's approximately 43 new trees that we'll locate around that fenced in area.

Does it require a lot of activity? It's a very minimal amount. Once we do construction we'll improve the road with crush and run gravel probably is what's specked out, but I always use the term crush and run and then it's really a van that goes up and down just to service.....in the event of a storm they check it out to make sure everything's working. Most of this technology is done remotely via computer.

Is the tower safe? Towers are engineered to meet and exceed all local, state and federal guidelines. I'd tell you that it's safer than the Bank of America tower down on Tryon. We have exceptional soil reports, footings, etc. and it's excessive. It's very strong. It's meant to stay there during any storm that might come by.

Sometimes people ask, which is why we put it here, are there any electrical impacts on this. There's something called an ANSI standard and if you look at this the cell site on the far left, it's just basically anything electric does emit electromagnetic waves. A cell site is exceptionally small, you start getting into wi-fi routers, baby monitors, televisions, microwaves, irons, hair dryers, cordless phones, FM radio transmitters. This is actually below that. It's low power technology.

Again, this is the location. We are far away, however providing service to the very area that is not getting coverage today. At this point we have all the experts in the room. Certainly feel free to ask me any questions, but you might have an AT&T question or a land question.

Commissioner Rivers said in regards to the project completion time if this was approved, how long is the completion time for this project?

Ms. Newell said once approved we have to get a building permit. We think that's going to take approximately 6 months, but you all probably know better than I. We still have that process to go through, but we anticipate 6 months. Once we get that done, we actually only take about 5 to 6 weeks to construct everything. The tower goes up in one day. It's done like that. And then AT&T and Verizon, we put all of their equipment on, they then turn on approximately a month to three months and Tim could address that after it's put up. There's actually a lot to it and they have to go through a big process.

Commissioner Walsh said in the interest of full disclosure, I'm a Verizon customer who lives in Vermillion and I would say reception there, I'll be charitable, is challenging. Again, kind of piggybacking off of the last question, taking permitting aside, you get your permits, how long until signals are flowing through the tower and are all three going to be at the same time.

Ms. Newell said they never do anything at the same time.

Commissioner Walsh said as long as Verizon is first, I don't care.

Ms. Newell said AT&T is here, so I think they are going to be first. AT&T, would you like to comment on what your anticipated on air time is.

Commissioner Walsh said it's more to give the community some kind of.....because they are going to hear a tower is going up and they are going to go yay and we want to be realistic and say hey you are a year out, six months, whatever it might be.

Tim Sutton, AT&T, said I'm local here in Charlotte. Our timeframe once the structure is complete, we usually like to have four to six months to get all the equipment, install it and then bring it online and work through all the alarms and everything, so I'm going to go along with that 6-month timeframe, so we are looking into the early part of next year.

Ms. Newell said we'll have the tower done we anticipate in third quarter, and so then they will go to work.

Commissioner Bergsman said first I wanted to commend you on the minutes from the community meeting. They were very detailed and I personally appreciate that. That helped like with one of the questions that we had earlier about the paved roads. The only real question that I have that you haven't answered already is in regards to the trees on the design that are designated in the light gray and that section of specimen trees, that effort will be made to preserve as much as possible. I was wondering if it does happen that some of those specimen trees would need to be removed, and I believe a lot of them are in a wooded area, if you are willing to plant native tree species in accordance with our Town's ordinances in their place for any that would be removed.

Ms. Newell said I'll tell you from a tower perspective we have literally been onsite, we try to almost hand clear. If we feel like we can save a tree and bring in the fence instead of 60'x60', bring it into 55' or

whatever, we do it. We do it all the time. I don't think that's where you're talking about, but I really also anticipate that you'll be very pleased with how the overall.....we're sensitive to what you're sensitive to, but I don't know from a project wide if you want to comment on that John.

Mr. Farber said just to be clear I don't know if this is answering your question. Any of the trees on the site plan that were labeled as I believe it was green, will be saved and will not be cut down.

Commissioner Bergsman said could we pull up the slide that has the red, the green and the gray.

Mr. Farber said we do have some outstanding comments to clear up, some of the tree save, but from what we have seen the intent of the ordinance has been met.

Commissioner Bergsman said there's another one that has further away from where the tower will be, I think that's the area that I was.....

Mr. Farber said I am not sure if I have that on the PowerPoint.

Commissioner Bergsman said but it was a section, there was a tower, and I know it's an oddly shaped lot so it's kind of hard to you know say specifically, but there was where the tower is and in that area I believe to the north or south that's a chunk of wooded area and there were a lot of specimen trees in that area that were shaded gray. As you know the green is not necessarily able to be preserved, but preserved, I believe the wording in the design was as possible, so it was mainly because that's a wooded area and because you know we always want to maintain our tree canopy and enhance it if we can, that if any construction would cause for some of those that are not identified as green, but gray to be removed, if you are willing to place a tree at the end of construction in its place or not necessarily in the same place, but within the property.

John Brown said the topo just immediately to the north of the site is not really conducive for any type of development. It drops fairly quickly off so on the north side there won't be much done. There's really not a lot of tree removal to the south of the site and so there are no plans at this point for any future development there right around in that area, so it will look much like it is with the exception of the actual site footprint.

Ms. Newell said we will remember your comment. One other thing I wanted to clarify, and I think it's because the way engineers put it, the tower is galvanized gray. It comes across as gray. It isn't actually physically painted. You wouldn't want us to paint it. It's a disaster. I strangely did not....I didn't.....I was looking at other details so while it is gray, it's very gray. It comes that way and gray is the color that is the most neutral utility, people kind of tend to look through gray. When we paint it, it tends to draw the eye versus just leaving it as the utility galvanized steel that doesn't rust or do any of that. I needed to get with Nathan on that, that is my fault.

Frank Gammon, Vice Chair, Planning Board, said after listening to the applicant I do have a question for the Planning Department. When will the tree mitigation be done for this property. Prior to the Planning Board meeting.....if there's any tree mitigation for the removal of the trees.

Mr. Farber said there will not be any mitigation required because they will be meeting the requirements of the tree save.

Mr. Gammon said off of Commissioner Hunt's question, I was trying to get an idea of the road. Is that road gated out there. Is it possible to go out there and take a look at the property.....so you can just drive in. I guess the question I've got is trying to make sure I understand what the road is. The road is a dirt track currently.

Mr. Brown said the road leading to the facility is locked at all times except operating, but certainly you're welcome to schedule an appointment and see it if you want to go see it.

Mr. Gammon said the other part of that question was is that road a dirt track....currently it's not paved.

Mr. Brown said it's paved for some number of feet that I don't have. I can get you the distance if you need it. It transitions to an all-weather surface probably 400 to 500 yards as you approach the actual site, so it'll be an all weather gravel surface for the last 50 percent of accessing the site.

Mr. Gammon said I asked those questions. I didn't get an answer tonight, but those questions will be asked again at the Planning Board meeting so if you could have the information then and I'll go through the Planning Director to ask for access to the property.

Mayor Clark called for public comments.

Christine Wolak, 14114 Whitney Hodges Drive – Passed.

Sylvia Smith, 13718 Berkley Avenue – Passed.

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

OTHER BUSINESS

Board of Adjustment Appointments. The Board of Adjustment is made up of seven regular members and three alternate members. This board only hears quasi-judicial hearings for Zoning Variance and Appeal requests. The following two seats have been vacated due to relocation:

- Jason Loucks, Town Seat 4 - Vacant (expiring 6/30/2024)
- Shannan Younger, Town Seat 6 - Vacant (expiring 6/30/2026)

Please note that it is the recommendation of the Planning Department that Alternate Members who have had the benefit of attending meetings and experiencing quasi-judicial hearings be appointed to regular seats, with any new appointments being made to fill the vacated Alternate Seats. Additionally, please note that terms are applied to the 'seat' and not the person so that there is always a majority of tenured members to the board through the appointment process. This said, it is the recommendation of the Planning Department that:

- Christopher Price (Alternate 2) be considered to complete the term for Jason Loucks, Town Seat 4 (expiring 6/30/2024)
- John Carbonell (Alternate 3) be considered to complete the term for Shannan Younger, Town Seat 6 (expiring 6/30/2026)
- New appointment be considered to complete the term for Christopher Price, Alternate 2 (expiring 6/30/2025)

- New appointment be considered to complete the term for John Carbonell, Alternate 3 (expiring 6/30/2025)

Mayor Clark called for nominations for the Alternates to move to Seat 4 and Seat 6.

Commissioner Dumas nominated Christopher Price for Town Seat 4 and John Carbonell for Town Seat 6.
Commissioner Rivers nominated Christopher Price for Town Seat 4 and John Carbonell for Town Seat 6.
Commissioner Walsh nominated Christopher Price for Town Seat 4 and John Carbonell for Town Seat 6.
Commissioner Hunt nominated Christopher Price for Town Seat 4 and John Carbonell for Town Seat 6.
Commissioner Quarles nominated Christopher Price for Town Seat 4 and John Carbonell for Town Seat 6.
Commissioner Bergsman nominated Christopher Price for Town Seat 4 and John Carbonell for Town Seat 6.

Commissioner Walsh made a motion to appoint Christopher Price to Seat 4 and appoint John Carbonell to Seat 6 of the Board of Adjustment.

Commissioner Dumas seconded the motion.

Motion carried unanimously.

Mayor Clark called for nominations for Alternate Seat 2 of the Board of Adjustment.

Commissioner Bergsman nominated Scott Sittler.
Commissioner Quarles nominated Scott Sittler.
Commissioner Hunt nominated Scott Sittler.
Commissioner Dumas nominated Scott Sittler.
Commissioner Walsh nominated Scott Sittler.
Commissioner Rivers nominated Scott Sittler.

Commissioner Walsh made a motion to appoint Scott Sittler to Alternate 2 of the Board of Adjustment.

Commissioner Bergsman seconded the motion.

Motion carried unanimously.

Mayor Clark called for nominations for Alternate Seat 3 of the Board of Adjustment.

Commissioner Bergsman nominated Donna Osborne.
Commissioner Quarles nominated Donna Osborne.
Commissioner Hunt nominated Donna Osborne.
Commissioner Dumas nominated Jamie Wideman.
Commissioner Walsh nominated Donna Osborne.
Commissioner Rivers nominated Donna Osborne.

Commissioner Walsh made a motion to appoint Donna Osborne to Alternate 3 of the Board of Adjustment.

Commissioner Hunt seconded motion.

Motion carried unanimously.

CLOSING COMMENTS

Commissioner Rivers announced Mecklenburg County will provide an update on Torrence Lytle High School on January 20 at David B. Waymer gym.

Commissioner Bergsman shared a quote from Bernice King as a way to say that we are listening and we are studying and we will continue to listen and study in the hope that the work that we do will help move the needle towards a society where injustice ceases and where we can destroy injustice without destroying each other.

There being no further business, Commissioner Walsh made a motion to adjourn. Commissioner Bergsman seconded the motion. Motion carried unanimously.

Approved this the 5th day of February 2024.