

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**March 18, 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 March 18, 2024.

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

FY25 Revenue Budget. Jackie Huffman, Deputy Town Manager, reviewed the FY25 Revenue Budget. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

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

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on March 18, 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 for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

ANNOUNCEMENTS

Town Office are closed Good Friday, March 29.

Registration is underway for the Mayor's Fitness Challenge.

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

Mayor Clark said just a reminder that Huntersville won the Mayor's Fitness Challenge last time around, so we want to win again, so everybody join me in making us successful this time around.

PUBLIC COMMENTS

Ashley Wiley said I'm here tonight to talk to you just a little bit about gutting HOAB, the way that was done. Gutting HOAB in that manner takes an element of transparency away from the community. It also takes fresh set of eyes that have done a lot for this town. It's taking away the ability to really ensure that Huntersville is going to remain the best that it can be for all of us for a very long time to come. And it's also feeling at this point a little bit more personal than it is political and/or professional just because of the things that have been said and because of who is actually on that board. I urge you to please not gut HOAB. It's going to take away a lot and I don't think that's the appropriate thing to do.

Hope Wiley said I would like to talk about the eminent domain and.....

Ashley Wiley said she wanted to talk about eminent domain and about how it was wrong to come in and take somebody's property even if they didn't want to sell it, because we always tell our children if something is not yours, don't take it. She was kind of thinking that was the same thing as taking something that doesn't belong to you even though they don't want to sell it. She was wondering what kind of an example that was providing to our children. And that's pretty much what she was going to say without the giggles.

Mark Nelson, (Cheryl Nelson ceded her three minutes), said I've been here in the past to speak. I was asked by Leo Brett why I supported this project. I'd like to take this time to answer him.

First of all, Jon and Katie invited me to a public meeting to hear a proposal. They said if you like the proposal, would you please support us. That's the first reason. Second reason is the amount of misinformation or lies, whatever you want to call them, in this whole process.

There's a neighbor that claims 98 percent from Long Creek community support their petition. You can stand in that neighbor's driveway and count five or six houses that were never approached, never asked to sign a petition one way or another. I'm not a mathematician, but I find it hard to believe if you leave that many out that you are going to get to 98 percent.

Also, at some point a Facebook group called Huntersville Unmasked joined the fight. Some of the claims on there were that a lifelong resident moved away because this was a done deal. The lifelong resident moved into that house and lived here in 2021. Maybe if 98 percent and lifelong.....I don't know, but three years doesn't sound lifelong to me.

I was accused of being a financial backer of the whole family entertainment center. Trust me, I'm not. I have better things to do with what little bit of money I do have. I was also on there that the commissioners that went by to see the site in person were there to collect their take money. They claimed that big developers were buying the whole project. There were numerous pictures posted of areas that weren't even there and some that were across the street of a mulch parking lot that was nothing but a mud pit. It wasn't even on the property in question. It was called the stupid ninja turtle bar and was going to ruin all the livelihoods of the neighbors nearby. I live nearby. I don't think it's going to ruin my livelihood.

I asked a few questions, pointed out a few concerns and was kicked off their page. I contacted the admin and asked why I was kicked off. I was told I was bullying someone. I said, well as the admin you're able to see everything I post. Could you tell me what I did or what I said that bullied anyone. Then I was told by the admin that they didn't really want any drama, that I could sign back up if I wanted

to, but she really didn't have a dog in the fight. She didn't even know where the property was at. I declined signing back up.

Other public meeting statements that were made, Leo Brett claimed that youth female sports would bring pedophiles to the neighborhood. It's kind of disturbing to me, and it's very sad, that would be a thought. He also said this is no place for a business, yet he's been running a business out of his garage on his property in that very same neighborhood. He also claimed there's been no updates to the house and he had concerns of lead paint and asbestos the last time he stood up here. I asked Jon and Katie when was Leo in the house to see if there were any updates.....never, not as long as they have owned it. You might ask them if they've had any updates. You might be surprised.

Jon and Katie from the very beginning have answered any questions or concerns I had. They offered that to everybody in this room and I believe if you ask them out of the list of people that are on the opposed side, not one person has approached them to ask them any questions or have any concerns. I know there's going to be a vote and not everybody is going to be happy with the results. There's two sides to everything and some will be happy, some won't. Either way, I just hope you take into consideration the willingness of Jon and Katie to answer questions, address concerns, even make changes to their plans versus the lies that were told to gain support to try to shoot this project down. I hope you take those things into consideration when you vote.

Jeff McElroy said I was here one time before to talk to you in large part because I've known Jon and Katie for a long time. I actually had the pleasure of knowing them individually before they even knew each other – Katie from CrossFit Cornelius and Jon from playing volleyball.

If you were in the programming world like me, a nerd, back in the late 80's you know what WYSIWYG means. It means what you see is what you get and for me that's Jon and Katie. They are frugal, hard working, sensible people. They're not hasty. They put an awful lot of time and thought into this to try to bring something to the community that would be beneficial to a wide variety of people.

I don't begrudge the neighbors, they're opportunity to speak and be disgruntled about that maybe, but I think certainly as the last speaker pointed out, there's been some mischaracterizations of what that property is actually trying to be. I think there's a new development there, there's going to be like 400 or 500 new people in the community and they're going to want somewhere to go. I think it'd be great if they stayed in Huntersville. I also have a daughter. I think you guys had the Carolina Diving Academy guy here speaking which was kind of talking a little bit about not just women's sports, but in this case I have a daughter that plays D1 beach volleyball for the University of Arizona. The training that was necessary to get her to that point was immense and we were going to Atlanta for it, we were going to Raleigh for it – sometimes once or twice a week. We did train a couple of places here – Blythe Landing and others, but the opportunity to have people like Rachel and Matt Noreika to run an academy that would offer that kind of training and that kind of opportunity, not to mention just the recreation for the adults, I would love for you guys to support the project.

Bill McElroy said I hope you decide not to accept this petition. If not, this will be a blow to our neighborhood. Traffic, lights and noise. We have a place for beer, wine and mixed drinks and that's Lancaster's BBQ. We also have a place where you can play volleyball, badminton, so forth, and those places are Latta Plantation Park up the road and Hornet's Nest Park down the road. I just hope and pray you will say no this petition.

Scott Brett said I've got to address something right off the bat. Since we've started this, didn't agree with this petition, we've been under personal attack to our family, my son, and these accusations that have been going on since the day we started this last spring.....it's been personal attacks against our family and I'm tired of it. It's been going on and on and if you want to attack me, that's fine, but don't attack my son and he's not even here to defend himself.

These personal attacks have been going on, like I said, continuously because we don't accept their project and we don't even have a fair chance and it is 98 percent of the community because if you knew the community, it goes deep back in there for at least two miles and there's 30 some people that signed that petition which is 98 percent, if you know your math. But all we do is get attacked constantly by.....we're lying. We've never lied. Whatever we've said is the truth. Like I said, I'm tired of these accusations against us and against my family. I wasn't planning on saying that, but I'm going to defend what I have to stand for.

I ask you to deny this Petition R23-06. If it is passes, this will violate the 2040 Plan and the small area plan. This will create 13 new commercial properties for more reckless growth in Huntersville. This vote will show the direction of Huntersville's future either to control growth or to continue with destructive growth which will continue to destroy communities and the history of Huntersville. This rezoning has been lacking in fairness, clarity for the residents of Long Creek community and Huntersville. Do what is right and deny this petition.

Mary Brett said I am lifelong resident of the Long Creek community in Huntersville. The applicants are wanting to rezone 9339 Beattie Ford Road, Petition R23-06, from Residential to Highway Commercial. This property should remain residential with the watershed restrictions put in place by Mecklenburg County.

I forwarded each of you an email I received from the Water Quality Program Manager with Mecklenburg County Storm Water Services. As the Quality Program Manager quoted, rezoning application indicates that three parcels will be combined and that impervious will be added. These properties are located in the Gar Creek watershed immediately upstream of our drinking water intake on Mountain Island Lake, which is the most sensitive water quality protection area in the county. Any change of use that would result in an increase in impervious area should be denied because even the slightest increase will result in increased nonpoint source pollution which is always a bad thing in such a sensitive area.

I also sent an email to each of you with an attachment with the spot zoning law in North Carolina. This document states eight different categories that are a match for the property located at 9339 Beatties Ford Road to be rezoned to Commercial. An example would be allowing one parcel to be rezoned as light industrial when all the surrounding parcels are zoned as single-family residential. In North Carolina spot zoning is invalid under all circumstances. Please do the right thing and deny this petition.

Cory Neal said I am here tonight to express my support for the Long Creek Family Entertainment rezoning proposal. My wife Kelly and I live a few minutes down the road from the rezoning and I can't tell you how excited we are about the possibility of a business like this on our side of town.

Like many people my wife and I began working from home during the pandemic and once life opened back up, we remained as remote workers. We are lucky enough to have an office in our home, but as both husband and wife both work from the house, I'll let you guess who gets the formal office and who works from whatever counterspace he can find. We are proud parents of a 2 year old. We are

expecting our second child this summer and we are doggie parents to Leonard, our cute but remarkably vocal Dotson.

I work for the US Department of Education and most days my job consists of meeting with various colleges, universities across the country. You can imagine the challenges that come with presenting to professors, provosts and presidents with a 2 year old toddler roughhousing with his yappy doggie bestie in the background of my Zoom calls, wherever those might be, kitchen or otherwise. The easiest solution to this challenge is a coworking facility. Unfortunately, there are limited options for this need in Huntersville. I believe I mentioned the last time I was here, but a quick Google search will show you that other possibilities for such meeting spaces are conference rooms in hotels that are either too large or too expensive or facilities that offer monthly rentals. The only other alternative is Main Street Coffee and Coworking located on the other side of town.

Remote work is on the rise. Forbes published an article in June 2023 presenting research anticipating that remote work will continue its upward trend and that approximately 32.6 million Americans will work remotely by 2025. As more companies adapt to remote employment, the demand for coworking facilities such as this one will rise as well.

The west side of Huntersville is very much in need of a space like the one Katie and Jon are proposing – a communal, affordable, and convenient space. I ask that you please support the Long Creek Family Entertainment project by voting yes to this rezoning. I'd also like to come off my handy notes here and just mention that this rezoning is for a small business, a family business. It's not for another CVS or Walmart. These are family-oriented people. These are good people. I think it speaks volumes the folks that show up like myself week after week to speak on their behalf.

Eric Willoughby said for those of you who do not know me, I am 17 and a student at Hough High School. I'm also a proud resident of Huntersville. I know it's not the cool or in fashion thing for any teenager to come to a Board of Commissioners meeting, but here I am.

I have a message from young people. That message is we need to chill out. Huntersville is a town full of faith, love, and community spirit, not a massive cabal of shadow faced operatives needing to be unmasked. The reality is simple – people, all people, but especially young people like me, are sick and tired of the constant mudslinging whether that be national or local. It seems that some groups and people only seek to stoke division and drive speculation. It is ridiculous. Let me tell y'all, I get enough of my daily dose of drama from school.

It shouldn't be too much to ask for certain people to turn down the temperature and knock it off with the absurd smears of certain community members or those on this Board. I'm not going to sit here and tell you that the folks up here, myself, or anyone in this room are perfect or wear capes and have superpowers, but here on this Board, these folks have a resounding mandate to lead and an attitude to move Huntersville forward that is contagious. In the past three months this Board has cast the tough votes the prior board should have cast but didn't do, and tonight they will hopefully add to that list of tough votes by supporting the Long Creek community plan. People in our town certainly recognize this Board's willingness to do what is right and move our town into the future and I am really sincerely grateful for that.

Alyssa Shepherd said I live on the corner of Beatties Ford and Midas Springs. I'm two doors down from Katie and Jon, and we're actually on the only corner of those four corners that is not like a business or a

school or who knows what it's going to be now, or the restaurant across the way. For us, we've lived at our property 16 years. We're raising two small children.

Obviously, we've seen a lot of change over the last 16 years that we've been there. I think it was shortly after we moved in that we discovered the Small Area Plan, so at that point we were already permanently there, clearly. For some reason our property, like I said we're literally 20' across from the old school, 40' across from the restaurant and we're not included in the plan at all. We understand that the approval of the Long Creek Family Entertainment project means our property would be moved into the Activity Center and we welcome this.

The Beatties Ford Small Area Plan was created and adopted about 20 years ago and it's amendable for a reason. A lot has happened in our area in 20 years. There's been immense improvements. There's also just things coming down the pike that are happening constantly and we would like to be a part of that as well at our place.

As of right now with the sidewalk that will be going through our front yard, I mean that's like maybe 30' from where my kids sleep every night, so there's obviously going to be a lot of increased foot traffic and everything there. One of the things, and it's been echoed by others up here, is that Katie and Jon have done a really good job of going the extra mile to reach out to everybody. They've been an open book.

There's people who have said they didn't agree with something or they wanted something slightly changed, they've altered their plans multiple times to include all of our neighbors and all the people that the project would affect. They've learned all the Municipal Codes, Zoning Ordinances. They filed applications. They've just gone about everything the correct way in my opinion. A lot of the people that are against this project seem to pass judgment instantaneously without any kind of conversation with Katie and Jon. This process was made for the people, and I think we fully support it where we're coming from, and I'd like you to consider it as well.

AGENDA CHANGES

Commissioner Dumas made a motion to adopt the agenda.

Commissioner Walsh seconded the motion.

Motion carried unanimously.

CONSENT AGENDA

Commissioner Quarles made a motion to adopt the Consent Agenda.

Commissioner Walsh seconded the motion.

Commissioner Dumas said in lieu of making changes to the agenda, I do have some questions about 8.C that I would like to ask about. I just wanted a little bit of background on the actual parcel of land and the project in general.

Stephen Trott, Director of Engineering, said this is the last parcel for this particular project. The parcel we're trying to acquire is about 450 sq. ft. of area. The parcel itself is roughly 20 acres, so I think it's 0.01 acres is what we are trying to acquire for permanent and then 0.01 acres for temporary acquisition

on this parcel for this project. This is the last parcel that's needed for the project and the improvements along the frontage there are related to drainage improvements needed for the project.

Commissioner Dumas said how long have we been working on trying to get these properties for this project?

Mr. Trott said our agent first started contacting property owners back in July 2022.

Commissioner Dumas said do you have the number of how much money we have spent on this project so far and we couldn't continue if we don't have this parcel, correct?

Mr. Trott said the parcel is needed for the project and as of the end of February we had spent approximately \$370,000 on this project.

Commissioner Dumas said my understanding of the process is that we used an independent appraisal process. Do we always use an independent appraiser?

Mr. Trott said we've used on every project so far I've been a part of is a separate independent appraiser to determine the value on the property. We just provide the information on which parcel and what the impacted area is and then we pay them the same regardless of whatever they determine the value is.

Commissioner Dumas said the process moving forward, there's a 30-day notice letter that will go to the property owner.

Mr. Trott said for eminent domain the first step is to have to file a letter and then.....

Emily Sloop, Town Attorney, said I'll just jump in. That's correct, prior to filing a condemnation action we do have to provide a 30-days' written notice before we can even file the complaint and then once that time has expired, we would have to file the complaint and also a Memorandum of Action with the Register of Deeds and also put in an estimate of what we consider to be just compensation as a deposit with the court and there is 120 days for the property owner to respond to the complaint with an answer.

Commissioner Dumas said but there's still opportunity for negotiation.

Ms. Sloop said correct and even after the complaint is filed the typical process would include a mediation with a neutral arbitrator and at that point in time the Town and the property owner can negotiate a settlement without going to jury trial and typically that is what happens is that there is not a trial, that we actually settle through mediation.

Commissioner Dumas said so just to be clear, we're not taking anyone's house or even any like sheds or anything. We're just talking about a sliver of land that is needed for this project.

Mr. Trott said in this particular case, it's just property. I believe there's some woods or vegetation there that would be impacted, but there's not a structure.

Commissioner Hunt said just to clarify, we're not taking land – people are being fairly compensated for their property.

Ms. Sloop said correct, we have to pay just compensation for any property that we acquire through the eminent domain process.

Commissioner Hunt said and it's a last resort kind of measure, correct?

Ms. Sloop said the Town always tries to negotiate and purchase the property outright prior to filing a condemnation complaint and that's because we would rather negotiate with the property owners and not have the added cost for either the property owner or the Town by going to court.

Commissioner Dumas said it's about a different Consent Agenda item. While we are discussing Consent, I did receive a few questions this week about the change in our meeting time, so I just wanted to mention that. We voted on our meeting time back in December when we were first appointed and sworn in. Since then, I personally and I think several other members, I can't speak for them, have seen that our Town employees are working long days on the Mondays that we have these meetings, because the agenda comes out on Friday and they are working all weekend in a lot of cases to answer those questions and prepare us for this meeting. Tuesday, the reason I support it is that it gives us extra time, gives them extra time to prepare, so it's for the betterment of our Town employees.

Mayor Clark called for the vote.

Motion carried unanimously.

The following Consent Agenda items were approved:

1. Revised Meeting Schedule for the Huntersville Board of Commissioners reflecting the meeting day change from Monday to Tuesday, starting July 1, 2024. *Revised Meeting Schedule attached hereto as Exhibit No. 2.*
2. Property Tax Refund Report from Mecklenburg County totaling \$558.14 which includes \$22.75 in interest. *Property Tax Refund Report attached hereto as Exhibit No. 3.*
3. Resolution to acquire property necessary for the construction of the Beatties Ford Road at Hambright Road project. *Resolution attached hereto as Exhibit No. 4.*
4. Budget amendment appropriating General Fund Balance of \$425,000 to the Stumptown Road project for the design survey contract.
5. Resolution to accept Stumptown Road Extension Contract Addendum. *Resolution attached hereto as Exhibit No. 5.*

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #R23-06, Beatties Ford Family Entertainment. Nathan Farber, Planner II, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

Just a quick background, this rezoning was originally submitted in June 2023. In September of last year, the Town Board made a motion to approve. The motion failed and then no further motion was made and then December of last year the Town Board directed staff to call for and readvertise this public hearing for this rezoning.

The applicants Jonathan Eury and Katie Carpenter are proposing to rezone 2.5 acres of land from Rural to Highway Commercial with conditions in order to allow office and meeting space and outdoor recreation.

This is an aerial overview of the site, and this is the rezoning site plan. The applicants have requested two modifications in this rezoning. One is to allow an existing shed to encroach into the required 30' buffer on the south portion of the property. Town staff is in support of this modification. The second modification is to allow mulch within the parking spots. Staff is not in support of this modification.

The Planning Board made a recommendation to approve 7 to 1. In considering the proposed rezoning application R23-06, the Planning Department recommends denial based on the plan being inconsistent with the Huntersville 2040 Community Plan Policies LU-6.1, 6.2, 6.3, EOS-10.2 and with the Beatties Ford Road Corridor Small Area Plan and the Beatties Ford Road/Mt. Holly-Huntersville Road Small Area Plan. It is reasonable and in the public interest to not approve the rezoning plan because it is not consistent with the envisioned uses and development patterns set forth within the 2040 Plan and all the small area plans previously touched on. Modification 1 is not in keeping with the spirit of the ordinance and therefore cannot be supported. Staff does have a recommendation that if the Board approves this rezoning, the Activity Center be moved north to encompass this property.

Commissioner Hunt said can you explain if this rezoning would qualify as spot zoning.

Emily Sloop, Town Attorney, said the General Assembly in North Carolina has provided statutory authority for jurisdictions to conditionally rezone properties. And what that means is that the property can have an individualized site plan with individualized conditions, so that is akin to spot zoning in and of itself, but it's not illegal spot zoning. The statutes also require that a rezoning, whether it's a conditional rezoning or a general rezoning, it must be reasonable meaning that it cannot be arbitrary and capricious and that's why the Board when making a motion to approve a rezoning has to rationalize why they feel it is reasonable and when the rezoning is reasonable then it is not going to be subject to a successful spot zoning challenge.

Commissioner Dumas said we know this property is allowed based on the impervious laws, but we have received an email about the water quality issues. Can anyone speak on that? Do we have anybody that's able to answer questions about how this impacts the water quality?

Mr. Farber said in terms of the Zoning Ordinance and water quality standards, the rezoning is going to be in good standing with those. It'll actually be under the required 6 percent limit. The critical area watershed has a 6 percent impervious limit and they'll actually be under that, so there will not be any negative effects from this property.

Brian Richards, Planning Director, said the use that's being applied for does not carry any inherent noxious things such as a gas station, oil change, chemical plant, none of those things are applied here. Really the only source of pollutants would be automobiles coming to and from the property, so in that regards there's not heavy point source of pollutants from this type of use.

Commissioner Dumas said we talked about this in the last meeting, but I just want to confirm, several of the parts of this project don't require a rezoning if I remember correctly. Can we get a little bit more understanding about what specifically could be moved forward if we declined this project, what could they do moving forward with the decline.

Mr. Farber said the outdoor recreation portion is a by-right use, so without this rezoning they could come back and do just outdoor recreation without having to come in front of the Board.

Commissioner Dumas said how does that impact the restrictions in our conditional rezoning, like the hours of operation, sound ordinances and stuff?

Mr. Farber said because this is a conditional rezoning I do believe, unless Emily corrects me, you guys can come up with different hours of operation specifically for this rezoning site.

Commissioner Dumas said so approving this project actually puts additional restrictions.

Ms. Sloop said if included in the motion. If the motion includes stricter hours of operation as a condition of this conditional rezoning site plan, then yes it can be a stricter hours of operation requirement than what is in our ordinance.

Commissioner Quarles said just in elementary terms, if they want to do whatever that is requested in the proposal for outdoors, can they do that without the Board's approval?

Mr. Farber said yes.

Commissioner Bergsman said I'm curious, in past rezoning applications when thinking of the 2040 Plan, are there ever situations where one specific policy like you know LU-6 or one of the others, could be considered both supporting and not supporting.

Mr. Richards said we are all humans and we can all read things differently, so yes you may have an opinion and we may have a disagreement, and that's fine, that's why we are here.

Commissioner Bergsman said has that happened before?

Mr. Richards said absolutely.

Commissioner Bergsman said this is for the applicant. With the modification that involves the mulch, are you open to something like pavers instead? I definitely feel that.....staff has pretty strongly shown the reasons why mulch is not a great option for that, so are you willing to consider other options?

Katie Carpenter said absolutely, we're open to options.

Commissioner Bergsman said the only other question I had for you was in regards to the hours. I know you stated I think it was during a public hearing and I saw it on your website as well, those hours, you're okay with if something like that would be part of the conditional rezoning to keeping to those hours?

Ms. Carpenter said correct.

Commissioner Bergsman said in considering the proposed Rezoning Application R23-06, I make a motion to approve the Beatties Ford Family Entertainment to rezone approximately 2.513 acres from Rural to Highway Commercial – Conditional District. The rezoning is consistent with the Huntersville 2040 Plan Policy LU-1 to encourage a development pattern that follows the future land use map in that the development is located within the Long Creek Village Activity Center and provides a low density

commercial and recreational component of support for said Activity Center. The rezoning is also consistent with and supported by Huntersville 2040 Plan Policies LU-6, LU-6.1, LU-7.1, LU-8.1, EV-2, EV-2.1, LU-4, EOS-3, and EOS-8. In addition, the rezoning is supported by the 2040 Community Plan economic development goal of balancing the tax base and encouraging entrepreneurship. The amendment is further supported by the Beatties Ford Road Corridor Small Area Plan, which identified a Long Creek Hamlet as Urban Hamlet or Urban Village Mixed-use Center generally located between McCoy Road and Mt. Holly-Huntersville Roads. The Urban Hamlet development pattern is defined in the comprehensive plan as a pattern that fosters residential, institutional, or recreational activities adjacent to Long Creek Elementary School and retail/commercial in the vicinity of the intersection and for some reason iPad cut out there, so bear with me for one second while I pull up the rest. We've been having some issues with Civic today. I may repeat myself for this one section just to make sure I've covered it all. The amendment is further supported by the Beatties Ford Road Corridor Small Area Plan, which identified a Long Creek Hamlet as Urban Hamlet or Urban Village Mixed-use Center generally located between McCoy Road and Mt. Holly-Huntersville Roads. The Urban Hamlet development pattern is defined in the comprehensive plan as a pattern that fosters residential, institutional, or recreational activities adjacent to Long Creek Elementary School and retail/commercial in the vicinity of the intersection of Beatties Ford and Mt. Holly-Huntersville Roads. The amendment is also supported by the Beatties Ford Road and Mt. Holly-Huntersville Small Area Plan for the reasons previously stated. The Town Board recommends that the following modification be approved: The request to allow an existing storage shed to encroach into the required 30' buffer on the south side of the property.

The recommendation for approval is contingent upon:

1. All redline comments being addressed with staff.
2. All driveways shall be paved with preferably brick pavers or with asphalt or concrete.
3. That the hours shall remain as stated by the applicants during the hearing as.....does anybody have that out, it completely cut out on mine.....your hours are Sunday through Thursday 8 a.m. to 9 p.m., Friday and Saturday 10 a.m. to 10 p.m., is that correct. I just want to make sure we get the hours correct.

Katie Carpenter said I'll pull up our website.

Commissioner Bergsman said are the hours Sunday through Thursday 8 a.m. to 9 p.m.?

Ms. Carpenter said Monday through Thursday, 8 a.m. to 9 p.m., Friday 8 a.m. to 10 p.m., Saturday 10 a.m. to 10 p.m. and then Sunday 10 a.m. to 9 p.m.

Emily, do I need to repeat those.

Ms. Sloop said you're incorporating those into your motion, correct?

Commissioner Bergsman said yes.

This rezoning approval shall further serve to amend the 2040 Community Plan to shift the Long Creek Village Activity Center northward to include the property subject to this rezoning. It is reasonable and in the public interest to approve the rezoning because it is consistent with the Huntersville 2040 Community Plan Future Land Use Activity Center Character Area, the Beatties Ford Road Corridor Small Area Plan, and the Beatties Ford and Mt. Holly-Huntersville Road Small Area Plan.

Ms. Sloop said just for clarification purposes I want to make sure that we had the second condition clearly stated. You stated all commercial driveway and parking areas shall be paved with asphalt, concrete, or brick pavers with a preference for pavers. Is that correct?

Commissioner Bergsman said yes, all driveway and parking areas shall be paved with brick pavers, asphalt or concrete, with a preference for brick pavers.

Commissioner Hunt seconded the motion.

Commissioner Hunt said I recognize that this feels like a big change to some people, and I know there are passionate people on both sides, so give me some latitude here to share my thinking. Our ordinances currently allow recreation in Rural zoned areas. This means to reiterate that the applicants could do the volleyball court and other outdoor games administratively by getting a permit. The rezoning is to allow for the coworking space and retail. None of the objections raised about this project were about the coworking or retail elements of this project. Again, the objections were raised about something that the applicants could do administratively. Additionally, the applicants made a number of changes to accommodate the objections raised. They're installing a privacy fence if memory serves, they're saving 85 percent of the trees on the site and planting additional trees for a hardier buffer. They're hours reflect those of Lancaster's BBQ right across the street. Some will say that this is against the 2040 Plan. We've heard that repeatedly and should be denied. You'll notice that when the Planning Board made the recommendation and when Commissioner Bergsman just made the motion, there were various examples of how the 2040 Plan does support the project. It is not an infallible document and we have to weigh the various elements against each other for each individual project or proposal. Any additional homes that would like to become commercial would need to come before us for rezoning and this does not happen automatically. The project will still retain much of its rural character through outdoor recreation, pollinator habitat, tree save and a turtle sanctuary. To me this is the epitome of rural character. One of the concerns raised about this project was including additional impervious space in the watershed. This was a concern for me as well. I also spoke to the Mecklenburg County Water Quality Program Manager and asked him to explain the impact on the watershed. As we discussed, our ordinance currently allows for impervious transfer on properties as long as it does not exceed 6 percent and this project will be under that. The applicant stated in a previous meeting that they would be amenable to these changes as they reiterated tonight. As long as our ordinances allow impervious surface transfer on properties in the watershed as opposed to denying any additional impervious surfaces it doesn't seem reasonable to deny the project for this reason.

Another concern raised was increased traffic. On a road that has over 10,000 drivers daily, I'd argue the traffic is already there. Previous boards approved additional single-family homes in that area which will undoubtedly mean more drivers on the road. For a project that may have only up to 40 to 50 people on the property at one time, I do not believe that traffic will change considerably. Lastly, in Huntersville our tax base is predominantly residential, roughly 75 percent to 25 percent commercial. In order to alleviate the burden from residents we need to encourage entrepreneurship, so for all those reasons I support the rezoning of this project.

Commissioner Quarles said this proposed project has brought a lot of chatter. This low density project that we know should have been voted on long before. As Commissioner Bergsman just read in the motion and Mayor Pro Tem just noted in her comment, it fits the 2040 Plan as well as the Small Area Plan and the Planning Board first voted for this 8 to 0 in favor. We must not make decisions because we like or dislike a person, project or plan. Sheriff Carmichael came to speak before us and I agree with Sheriff Carmichael when he said this project will enhance the community. This project is unique and so

is Huntersville. This project makes Huntersville who we are. Maybe this will bring more continuity and community venues in our area.....places where families can go to bond. I'd like to see more of them in our area. I will be voting in favor.

Commissioner Bergsman said before I made my decision on this application, and I feel like our Board as a whole we worked really hard to listen and address resident concerns. In regards to the possible noise and light pollution, former Commissioner Munger had asked the applicants last fall to install a 6' solid privacy fence and that is now part of the design plan that's in front of us, along with no amplified sound. The opening hours were initially 10 or 11 p.m. and as early as 7 a.m. The applicant has modified those hours after taking in feedback from the community. Traffic, Mayor Pro Tem Hunt has already spoken on this briefly, but we've heard from several people during the public comments that this was a concern, but we also heard from some individuals who look forward to the ability to walk to this business and to patronize it by using pedestrian sidewalks and pathways. I also, keeping in mind that the current traffic flow in the area I believe was said during the hearing is 10,500 cars, and in my opinion it's highly unlikely that a business of this size would greatly impact the traffic flow and on a street and in an area already seeing those numbers. One of the biggest questions I heard is you know a legitimate fear that this would open the door to another larger commercial entity. I fully understand and I empathize with that. While I have no problems if this specific project were to be located in my backyard, I would not be okay with a larger commercial property like a CVS or a McDonalds or something along those lines, but that's the great thing about conditional rezoning is that it allows for the exact type of business like this that's on the application, but anything different would have to come back to the board and would have to go through this process again. I do want to make it clear, I'd prefer and I likely would never support a larger chain commercial presence at a property location like that, but the home this project looking at the fact that what is it I believe 83 percent or 80 percent of trees and the natural features of the property are maintained and you know I'm glad that they are going to stay that way. In addition to the above we've also had a lot of questions about any potential impact to the critical watershed. I spoke to multiple environmental experts and our Planning staff and I was informed that this business does not pose a detriment or contamination to concern to our watershed, which was also important to me as well. When I see businesses and amenities in the critical watershed like Rural Hill and Latta Nature Preserve, which are two destinations I love, but which also bring tens of thousands of vehicles and cars to the critical watershed each year, it was hard pressed for me to see how this business could be worse than that. The fact is almost all components of this application are allowed via an administrative by-right permit, so I commend the applicants for going about the process in the right way and making some changes to the original plan that are not required by the ordinances if this was done by-right.

Commissioner Dumas said I'm voting yes for this project because I believe it's in the best interest of everyone involved on both sides. I believe the conditional rezoning allows for that.....that the applicants involved have addressed resident concerns like hours, lights, amplified music, the things that have already been discussed so I'm not going to go into great detail but the applicants addressed those and have made these restrictions that are based in this conditional rezoning and I believe that's best for everyone that lives in the area, so that's why I support this.

Commissioner Walsh said I have to admit I struggled with this one immensely over the last month or so but ultimately at the end of the day they could have done just about anything by right other than the coworking space. I think the additional restrictions we put on the outdoor and other concessions they made help make this a little bit more palatable for me so I will be supporting it.

Commissioner Rivers said I am in favor of this project. The reason being is because of the sense of community that it brings and it provides. The community garden was a great aspect that was added into

this but the fact that the couple went back at the beginning when they were denied and they went back and they did their due diligence and they came back and they were able to answer every question that was asked, not from just the Board but the staff as well, so I will be supporting this. I like to agritourism aspect of it with the tortoise museum as well as the pollination I think that is unique concept and it again adds charm to this project.

Mayor Clark called for the vote.

Motion carried unanimously.

Petition #TA23-08. Nathan Farber entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 7.*

Staff proposes removing Regulation of Nuisances from Article 8.13 in order to clarify and remove redundancies between the Zoning Ordinance and the Code of Ordinances.

On December 7, 2023 the HOAB unanimously recommended approval 8 to 0 and the Planning Board of February 27 also unanimously recommended approval 8 to 0. In considering the proposed amendment TA23-08, Planning staff recommends approval based on consistency with all policies of the Huntersville 2040 Community Plan in compliance with state statutes is reasonable and in the public interest to amend the Zoning Ordinance because it complies with the Huntersville 2040 Community Plan and state statutes.

Commissioner Walsh made a motion to approve Petition #TA23-08. In considering the proposed amendment TA23-08, the Town Board approves the petition based on consistencies with all policies of the Huntersville 2040 Community Plan and compliance with state statutes. It is reasonable and in the public interest to amend the Zoning Ordinance because it complies with the Huntersville 2040 Community Plan and state statutes.

Commissioner Rivers seconded the motion.

Motion carried unanimously.

Parks & Recreation Commission Appointment. This term ends December 31, 2025. There's seven applications in your packet to choose from.

Commissioner Hunt nominated Selene Cypress-McNairy.

Commissioner Bergsman supported the nomination.

Commissioner Quarles supported the nomination.

Commissioner Rivers supported the nomination.

Commissioner Walsh supported the nomination.

Commissioner Dumas supported the nomination.

Commissioner Hunt made a motion to appoint Selene Cypress-McNairy to the Parks & Recreation Commission.

Commissioner Quarles seconded the motion.

Motion carried unanimously.

CLOSING COMMENTS

Commissioner Hunt said as a former English teacher I want to share something from a book that I really enjoyed and I think speaks to some of the comments that we heard earlier today. We have the tendency to make assumptions about everything. The problem with making assumptions is that we believe they are the truth. We make assumptions what others are doing or thinking and we take it personally and then we blame them and react by sending emotional poison with our word. This is why whenever we make assumptions we're asking for problems. Because we are afraid to ask for clarification we make assumptions and we believe we are right about the assumptions and we defend our assumptions and try to make someone else wrong. It is always better to ask questions than to make an assumption because assumptions set us up for suffering. In the future I hope that if residents have questions they will have the courage to reach out to us in good faith.

Commissioner Quarles said my closing comments comes out of love. This past Friday the cowardly person who hides behind an Instagram social media account put a couple of very racist posts of the seven of us that they thought were meant to harm. What it did was it showed the ignorance of the individual and proof that they must remain hidden. Huntersville is blessed to have two African Americans to sit on this Board. To add to Huntersville's blessings are the other five elected officials who sit here. I thank each of you for not allowing racism to move your needle. I love how each of you continue to overlook ignorance, misleading rhetoric and other shenanigans that are designed to make you lose your focus. You're doing exactly what you promised this town you would do. Huntersville is changing for the better in such a very short time because of you. Indecisions of the past have us with responsibilities to make very tough decisions in order to turn things in a forward direction versus a neutral position. Board members, continue to be humored by ignorance and lies. Serving honorably in the United States Air Force taught me how to be mentally tough and professional. I recognize those two traits very well. Mayor and Commissioners, each of you have an open door policy and you have met with many people when they have asked you to meet. Neither of you have shied away from the tough questions. That's being the leaders that you were elected to be. You are tough and professional and that's irritating a very small number of 65,000 like a rash. You care and you want the very best for everyone in this great town. You take your charge very seriously. We don't always agree. You study the many things that come before you prior to meetings. You ask and you challenge staff so you can make the best decisions. You visit sites and you've told some developers no. There are some things that you've prevented from getting on the agenda because you stood your ground. You're not fragile and definitely not a coward. You don't hide. You're what this town needs for a brighter future for our children and children's children. For the racist person, you missed your target, but most importantly I pray for you.

Commissioner Rivers said well initially I was going to give the origin of the post that was posted on social media on Friday, but after hearing Commissioner Quarles' speech, here's what I will say. As we sit up here, it's not easy. It's trying every day, but what this Board has decided is to work together cohesively and together to show unity, diversity and community, as well as love, because what I will say is that during the time that those ignorant posts were posted by colleagues reached out to ensure that I was okay, that Commissioner Quarles was okay. Whether or not people are accepting of it, we are a family. We are a team and together each accomplishes more.

Mayor Clark said I just want to call attention to one thing before we close, which is all the women commissioners are wearing white today and that is to commemorate Women's History Month. The suffragists used to wear white when they were activating and trying to get the vote for women and so tonight we chose to honor them by wearing white as well.

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

Approved this the 1st day of April 2024.