

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

May 6, 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 May 6, 2024.

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

Classification and Compensation Study. Rob Williamson, Evergreen Solutions, LLC presented results of Classification and Compensation Study. *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 May 6, 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

Budget Engagement Sessions

- Brew on the Budget May 8 and 15; Budget in the Board Room May 22

Next Mayor's Coffee Mixer – May 22

Mayor's Fitness Challenge Wrapping Up

Free Workout with Commissioner Dumas and Teal Fitness rescheduled for May 18

Subscribe to the Town's Newsletter

Police Department Updates

- Thirteen people completed the Huntersville Citizens Police Academy; next academy will begin in September
- Three new officers completed training and are starting regular patrols this month
- HPD would like to thank St. Mark's Church for hosting a law enforcement luncheon this past week
- National Police Week is May 12-18

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

PUBLIC COMMENTS

Bill Fountain said as a former high school economics teacher, I learned to appreciate the wisdom of Thomas Sowell who is a famous black economist and social philosopher. He said that the problem is Johnny doesn't know what thinking is. He confuses it with feelings. Over the years thanks to our leftist CMS school board members, our public schools use social emotional learning, that's called SEL, to indoctrinate our youth to follow their feelings or passions while trashing moral values. These progressive views are to focus less on academic content and more onto what the student attitudes, mindsets and behaviors are. And we've all witnessed what the decaying academic results have been, so the question is how can a child learn to read, write and do math if without reasoning. A recent behavior research and therapy study found that after completing an SEL program students were more anxious, they had more anxiety, they reported more difficulty managing their problems or emotions and they reported worse relationship with their parents. These results are not surprising because SEL is really about cultivating victimhood and thus we're going to have unhappiness. Some teachers say, by the way, that they want to teach from the beginning of the class until the end of class, but under SEL they can't do that because what they describe is they have to play some SEL games. It's time for CMS to get rid of the SEL and go back to reforming and refocusing back on academics and Godly virtues.

Ashley Wiley said I come to you tonight because I found our local public schools' COO deleting financial documents and also redirecting funds. This is important to us at a municipal level because all of the maintenance that should have been done that wasn't, this is why. The teachers that we've been begging for, the certified staff, the bonuses, the raises for our teachers, just the overall well-being for our children, without having Huntersville Elementary raining from the ceiling every time it rains, the mold in there is just ungodly. It would also be very nice for us to have the schools built that were promised. They were redirecting funds meant to go to teachers and to school level staff and it was going to executive staff. Also, in the most recent budget meeting that was done, CMS COO Brian Schultz deleted financial oversight documents. Those financial oversight documents are very important to us because we need to know why that was done. We need to know what was not done and we also need to have the accurate and factual information, as we just passed a bond that does make additional monetary consequence to every taxpayer here. Having original documents is a must. When COO's and CFO's aren't accountable, do we really have any sort of an open honest public government or any transparency. We need oversight and we need accountability and it would be very nice if you were to please help the county commissioners in obtaining that.

Affordable Housing Awareness Month Proclamation. Mayor Clark proclaimed May 2024 as Affordable Housing Awareness Month.

A Proclamation For Affordable Housing Awareness Month

WHEREAS, Affordable Housing Awareness Month is a dedicated time to assess the current needs, act, and celebrate our success in building, maintaining, and preserving affordable housing; and

WHEREAS, according to the University of North Carolina Charlotte Urban Institute's 2023 *North Mecklenburg Housing Needs Assessment*, the median home value in Mecklenburg County is \$375,571, which is \$100,000 less than the median home value in northern Mecklenburg County of \$477,328; and

WHEREAS, according to the 2023 *North Mecklenburg Demographic and Housing Assessment*, the workforce and low to middle income seniors are the most impacted by northern Mecklenburg County's rapid population growth and increase in the cost of housing; and

WHEREAS, lack of affordable housing increases homelessness, tax revenue loss, healthcare costs, contributes to a less diverse workforce, places a more significant burden on public services and stunts economic growth. The affordable housing crisis in Charlotte-Mecklenburg is everyone's problem; and

WHEREAS, we must all come together to address this issue through partnerships with government at every level (local, state, federal), as well as corporate, philanthropic, community and other stakeholders who are critical to help in building new affordable units, maintaining affordable housing through critical home repair and regular maintenance and preserving affordable housing through legislation and community engagement.

NOW, THEREFORE, I, Christy Clark, Mayor of the Town of Huntersville, do hereby proclaim May as "**AFFORDABLE HOUSING AWARENESS MONTH**" in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 6 day of May, 2024.

Kids to Parks Day Proclamation. Mayor Clark proclaimed May 18, 2024 as Kids to Parks Day.

A Proclamation For Kids to Parks Day

WHEREAS, May 18, 2024, is the fourteenth Kids to Parks Day organized and launched by the National Park Trust held annually on the third Saturday of May; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit local parks, public lands, and waters; and

WHEREAS, We should encourage children to lead a more active lifestyle to combat issues of childhood obesity, diabetes, hypertension, and hypercholesterolemia; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and the outdoors; and

WHEREAS, Kids to Parks Day will recognize the importance of recreating responsibly while enjoying the benefits of the outdoors.

NOW, THEREFORE, I, Christy Clark, Mayor of Huntersville, do hereby proclaim May 18, 2024 as "**KIDS TO PARK DAY**" in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 6 day of May, 2024.

North Meck High Boys' Basketball Team. Mayor Clark recognized the North Mecklenburg High School Boys' Basketball team for winning the 2024 State Championship.

Manager's Recommended Budget. Anthony Roberts, Town Manager and Jackie Huffman, Deputy Town Manager, presented the Manager's Recommended Budget for FY25. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

Mr. Roberts said a lot of these slides y'all have seen before, so I'll probably cruise through these pretty quick because we've got a pretty large crowd and I know the kids don't want to hear all these high numbers.

On the budget numbers, I'm going to hit highlights, not read the numbers out. But obviously this is a balanced budget. General fund is roughly \$75 million, which is a small increase from our previous year. There are several enterprise funds – there's an Electric enterprise fund and HFFA. HFFA is fairly flat at

\$3.8 million. Electric fund is decreasing, that's \$28.5 million roughly. There are several special revenue funds which includes the Transportation Reserve, Commerce Station and the Land Development. Those total about \$2.8 million. Then our total budget fund is \$110 million which is slightly up from the previous year of \$109.6 million.

Looking at assessed value, what is our assessed value in FY25. It's roughly \$16.3 billion. That's estimated growth of approximately \$500 million. Huntersville has the highest growth in the county at 3.2 percent and then what does one penny generate on tax rate – roughly \$1.6 million and then obviously property tax collection is our largest source of general fund revenues.

Last year's budget or FY24 which we are in now the Manager, myself, recommended 19 cents. The previous board said let's go revenue neutral at 17.6 cents, so we are setting this up what am I recommending. Obviously at the bottom we're recommending 22.75 cents per \$100 assessed value. How do you get there? Why are we recommending increasing the tax rate? If you recall, we had a financial advisor, Davenport, come in and do a study and looked at if we're going to do Town Hall debt at \$30 million and we're looking at \$58 million in the bond package that the voters approved of \$58 million, we would need a 2.8 cent tax increase, so obviously add that to the 17.6 cents and then we brought in the HFD, Inc. under our umbrella and had to go full-time because obviously we couldn't find firemen and firewomen to fill the seats, and then we also brought in the part-time firefighters and incorporated those as Town employees, so that's roughly a 1.2 cent tax increase. Then we are hiring 10 police officers that are an estimated impact of 1.15 cents, so you add 1.15, the 1.2 and 2.8 to the 17.6, that gets you the Manager's recommended tax increase 22.75 cents per \$100.

This additional 5.5 cent tax increase represents roughly a \$20 a month cost for an average home of \$460,000 value. The changes in fees – the solid waste fees will stay the same at \$154, vehicle fee at \$20 and storm water fee will stay the same.

What are the new positions in this budget from the personnel side of things. There's 14 new positions. Eight are for full year, six are for starting in January for a partial year. Those eight full-time include five sworn police officers. Obviously, we couldn't hire ten July 1 even if I wanted to because of the process you have to go through. So five sworn officers, a communications specialist, park repair tech and an IT position. And then the half year we would look to hire the other five police officers and a Planner II for the Planning Department.

You heard a little bit at the pre-meeting about the pay study and what's going on with the pay study and trying to get to market, etc. You heard him talk you don't want to continue to do a three year study, you need to be adjusting your ranges as you go along on a yearly basis. We do a COLA here. The COLA this year is not Jackie making it up and pulling it out of the air, it's based on the 2023 Consumer Price Index. There's a 4.1 percent COLA is what we are recommending. The previous year COLA was 8 percent. You kind of heard him talk about obviously a lot of places even though the COLA was 8 percent they probably didn't do the full adjustment. The previous board did a 4 percent COLA adjustment last year. We are looking at an average 2 percent merit pool also and then just what does 1 percent cost. Each 1 percent costs roughly \$277,000. The consultant that was here at the premeeting talked about their total package of what it would cost to implement all these things from the pay range adjustments to the bringing folks up to market etc. Remember that was like a \$1.1 million or so number. If you do the COLA, the 4.1 percent, you do the merit, that's 6.1 and then the rest of the adjustments are the \$450,000, so if you do not do the merit, you do not do the COLA, that \$450,000 rises back up to the \$1.1, 1.2 million, whatever it was. And then the other cost associated with the retirement system is increasing funding of approximately \$320,000.

The operating expenditures – I just talked about converting the HFD, Inc. over to actual Town full-time employees. Solid waste continues to go up even though we are going to leave the fees the same as we take on more houses, and also the CPI adjustment on the contract, that's roughly \$275,000. We are going to look at doing the external agency funding June 17. The external agencies will come here and do a presentation at the premeeting and then the Board will consider what we do with the non-profit external agencies and we'll do a budget amendment at that time as needed.

The sidewalk repairs as neighborhoods continue to grow, trees grow, more sidewalks damage. We are increasing the sidewalk repairs to \$800,000 versus \$500,000 from previous year and then we have some funds in the budget – the \$150,000 to look at adjusting attainable housing efforts also.

Debt expenditures, payments on existing outstanding debt cost increases roughly \$81,000. We talked about Town Hall at \$30 million. Those LOBS or debt service payment is roughly \$2.9 million. And then associated with the Transportation/Park bonds that are \$58 million, we would anticipate issuing \$32 million of the \$58 million approximately October, so if you were to do that there's one debt service payment. The's two a year typically, but by the time we would issue those it would be \$1.5 million in June and then the following year you would take on a full \$3 million.

I'm not going to read all these CIP funded projects. Remember these are not the full costs of these projects. Some of these projects are in various stages – Ferrelltown Parkway we've already been working on. Take for instance Reese Boulevard. We haven't even started on Reese Boulevard/Vanstory turning lane.....to Lake Norman Charter Tennis and Park Complex where we would be partnering with Lake Norman Charter to do a project out there, to the Highway 73 greenway bridge, which 73 hasn't even started widening yet. Some of these are various stages, some of these are partnerships with transportation dollars with CRTPO, to partnerships with state to federal government etc. I won't read all these. You've probably seen these at least three times and you'll probably see them at least three more times before you get to a point where you adopt the budget.

From operating capital funding side of things, these are typically smaller projects. We're replastering the 50 meter pool at HFFA, various police vehicles that we are purchasing, to looking at funds to partner to try to go after more grants on these road projects or the two CRTPO funds to replacing roofing at various park buildings to various trucks and equipment throughout our departments.

From transportation reserve fund, you remember I talked a little while ago this vehicle fee generates roughly \$1 million annually. What are we using those funds on. We'll use those on smaller projects because if it only generates roughly \$1 million a year, we are doing smaller projects, maybe turning lane projects, maybe a small connection, maybe finishing off a project like Gibson Park Phase II to a turning lane project, Reese Boulevard and Vanstory.

Other funds – we have tourism funds, Commerce Station, Powell Bill, Storm Water and Land Development. Tourism funds are budgeted to go up about 8 percent. The Commerce Station is fairly flat. Commerce Station is a joint business park that we have with Huntersville, Cornelius and Davidson and we are using those funds to continue to fund Lake Norman EDC. Powell Bill funds are used to pave roads. Our revenue is up about 12 percent, but we'll continue to use those funds to do paving roads. Storm water there are no proposed changes for FY25 and Land Development is pretty flat.

Electric Fund revenues are fairly flat. ElectriCities, there are no changes to the residential customer rates or commercial rates. We are looking at some renewable energy riders and also we're going to be bringing back a solar policy to discuss some rate changes to finally get into the new world of solar. We're a little behind on that and then expenses. Purchase power budget will decrease by roughly \$1.5 million. We are going to continue to invest in capital.

HFFA as I said earlier is pretty flat. Their budget is \$3.8 million, not a lot of increase there. We're working on the air filtration system. We replaced some units there. That was about \$2.2 million for that replacement. That should be up and running this week. Hopefully everything is looking good there. We have some more smaller capital improvements at HFFA we'll be doing and then as I said earlier we'll be replastering the 50m pool.

Budget documents roughly 200 pages. If you decide to read that you're probably crazier than I am. I would tell you to focus on the manager's message which is roughly 8 pages. All of this stuff is posted on the website.

AGENDA CHANGES

Commissioner Dumas made a motion to adopt the agenda. Commissioner Bergsman seconded the motion. Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Quarles made a motion to approve the minutes of the April 15, 2024 Regular Town Board Meeting. Commissioner Rivers seconded the motion. Motion carried unanimously.

Property Tax Refund Report. Commissioner Quarles made a motion to approve Property Tax Refund Report from Mecklenburg County. Commissioner Rivers seconded the motion. Motion carried unanimously.

Property Tax Refund Report attached hereto as Exhibit No. 3.

Capital Project Ordinance – New Town Hall. Commissioner Quarles made a motion to adopt Capital Project Ordinance for New Town Hall. Commissioner Rivers seconded the motion. Motion carried unanimously.

Capital Project Ordinance attached hereto as Exhibit No. 4.

Budget Amendment – Parks & Recreation. Commissioner Quarles made a motion to approve budget amendment appropriating Parks & Recreation Sponsorship Revenue in the amount of \$4,600 to Ballfield Sponsorship (\$1,300), Memorial Tree (\$300), and Wine on the Vine Sponsorship (\$3,000). Commissioner Rivers seconded the motion. Motion carried unanimously.

Budget Amendment – Fire Department. Commissioner Quarles made a motion to approve budget amendment converting payments to the non-profit fire department and transferring the remaining budget of \$1,850,171.81 to pay expenses directly by the Town Fire Department. Commissioner Rivers seconded the motion. Motion carried unanimously.

Accept Streets for Town Maintenance – Phase 5 Centennial. Commissioner Quarles made a motion to accept streets for Town Maintenance in Phase 5 of the Centennial subdivision. Commissioner Rivers seconded the motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Heritage Vista Drive	200-ft east of Liberty Ridge Ln	End of Road	870-ft
Liberty Ridge Lane	Heritage Vista Drive	165-ft North of Provincial Ct	1025-ft
Capitol Corners Drive	Heritage Vista Drive	145-ft West of Colonial Park Dr	425-ft
Stella Belle Drive	Heritage Vista Drive	Liberty Ridge Lane	465-ft

Accept Streets for Town Maintenance – Northbrook. Commissioner Quarles made a motion to accept streets for Town Maintenance in the Northbrook subdivision. Commissioner Rivers seconded the motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Maple Branch Drive	Birdmeadow Drive	Sam Furr Road (Hwy 73)	1290-ft
Birdmeadow Drive	River Race Drive	Retreat Drive	2420-ft
River Race Drive	Bank Fire Lane	One Square Way	1845-ft
Bank Fire Lane	Birdmeadow Drive	Maple Branch Drive	1040-ft
Retreat Drive	Maple Branch Drive	McCord Road	790-ft
Westwick Lane	Retreat Drive	End of Road	415-ft
Finworthy Lane	Bank Fire Lane	Birdmeadow Drive	575-ft
Rocky Bottom Lane	River Race Drive	Birdmeadow Drive	335-ft
Four Points Way	Birdmeadow Drive	End of Road	80-ft
One Square Way	River Race Drive	200-ft SE of River Race Dr	200-ft

Resolution – Call for Public Hearing. Commissioner Quarles made a motion to adopt Resolution to call a public hearing for Monday, May 20, 2024 at Huntersville Town Hall, Huntersville, NC 28078, on Petition #ANNEX24-01, a request by Shea Homes Carolina, LLC to annex 59.462 acres into the Town of Huntersville. Commissioner Rivers seconded the motion. Motion carried unanimously.

Call for Public Hearing – Proposed FY 25 Budget. Commissioner Quarles made a motion to call a public hearing for Monday, May 20, 2024, at 6:00 pm. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078, to receive comments on the proposed budget for FY25. Commissioner Rivers seconded the motion. Motion carried unanimously.

PUBLIC HEARINGS

Petition #R24-01. Mayor Clark called to order public hearing on Petition #R24-01, a request by Hotel Ventures of Lake Norman Inc. to rezone +/- 10.328 acres located at 8830 Northpointe Executive Park Drive from Highway Commercial - Conditional District to Highway Commercial - Conditional District for a three-story hotel development.

Jesse James, Senior Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

The slide you see in front of you is the zoning in that area, which you see a lot of the HC which is the purple area. That is highway commercial and then you see the site dashed, that's the subject parcel.

They are going from Highway Commercial Conditional District to Highway Commercial Conditional District, which is a little confusing, but the conditional district portion of that enters a different site plan into that zoning and this proposal is for a three-story 121 room hotel.

On the screen what you see here is the existing conditions, the different developments around the area. To the north you have a single-family residential neighborhood that is actually in Cornelius. To the south you've got Northpointe Executive Park subdivision and business park. To the west you've got Birkdale and to the east you've got a multi-family residential subdivision. That area highlighted in red is the proposed approximate parcel of the Northpointe hotel proposal.

The important part of this slide here is what we started from at this site was R98-10 which was a conditional rezoning and a subdivision for a business park, so all office use. All the buildings within that park were approved for office use and the original 98-10 was for a two-story building. It was amended in 2007 to add an additional floor for a three-story office building, so both of those and the rest of the office park was for the office use.

This rezoning request, again it is for a 121-room hotel, three stories, the same as the approved rezoning for the office building, approximately 45' in height and a requirement in the ordinance is you take the height of the building times that by three, that's the minimum distance that the building can be to the residential property line for a single-family residential adjacent property.

The proposed distance from the building of the hotel to the closest property line with a single-family use is actually 200' and approximately 240' to the closest residential home. Another important item to note is this proposal does require a special use permit as well, which we will go over more at a later meeting, but that tentative meeting for the evidentiary hearing is for July 16, 2024. The plan does meet the required specimen tree save requirement for our Town's tree save. They have 24 specimen trees on site and they are proposing to save all 24 of those.

Moving on to items that don't meet the ordinance, but we do have one modification request for buffering and I'll go into that in a little bit. We've got some comments and some concerns about the architecture of the building and we have some infrastructure concerns as well that I'll go into.

The first item, which is a modification request, is the buffer requirements. On the left you see a 30' undisturbed buffer on the site. The ordinance requires when you've got a hotel use adjacent to a single-family residential neighborhood, there's a 30' minimum buffer requirement. This site has a peculiar circumstance on it in that there's a 100' Energy United right-of-way for power lines that goes from the property line of the northern property line and extends 100' south, so the 30' undisturbed buffer does have the ability for the energy company to clear that.

One of the issues that the applicant was having was how do we get a full 30' buffer with large trees and all of the required vegetation when there is an ability for the energy company to clear that. What they have provided was an alternative buffer, which you see highlighted in the site plan to the right which internalizes that buffer within the parking lot. They have proposed to keep the existing vegetation against the property line as well and there is a 60' separation from the parking lot to the property line. All that together plus a 6' high vinyl fence proposal is their buffer proposal.

The modification to that is for an alternative buffer to count within the confines of the ordinance the entire development must be on the other side of the buffer. In this case you still do have parking to the

north of the alternative buffer but there is the parking lot screening on the outside of that plus the 60' separation and the undisturbed section of that buffer.

One of staff's concerns is with the elevations that were presented in the last plan review. What you see on the screen is the proposed front elevation of the Northpointe hotel and to the right of that you see the materials that they are proposing, which are basically an efface material for the exterior. Then below you see what pretty much all the buildings within Northpointe Executive Business Park currently look like. I think now they are all painted white if I'm not mistaken, but they are all brick which the business park development guidelines calls out brick materials for the exterior. Staff has concerns that the current elevations are compatible and have a human scale pedestrian environment on the frontage. We also have some questions about the rear elevation third story windows – can it be designed so there's no windows on that top floor that look out into the adjacent property line.

We have some infrastructure concerns as well. In the Huntersville ordinance one of our major principles is every building must front a public street and that's Article 8.1. Currently Northpointe Executive Park Drive is not a public street. I think it was built to be a public street, but this parcel is the last developing parcel within that subdivision, so in this case we would ask that any improvements be done and then brought up to Town standards. Currently there are some improvements that need to be made on Northpointe Executive Park Drive. The applicant in their plan was willing to improve and dedicate their frontage to the Town to our standards. Staff recommends denial unless the full dedication and improvements are agreed upon. They have expressed verbally that they could and would bring those up to standard and agree to make the improvements for the Town to maintain the public street. One of our other infrastructure concerns is the old subdivision 98-10 and 07-17 rezonings called out a 5' concrete sidewalk along Northcross Drive. Those are old standards and in the Town Bikeway Plan we do call out a 10' side path, so staff would recommend a 10' side path along Northcross Drive.

Moving to the 2040 Community Plan, you see the map to the left that shows the red highlighted area is the proposed hotel on the parcel highlighted in red. That is within a mixed-use center. That's the dotted line around that area and then all of that is within the Town Core. Some items within the 2040 Community Plan that the proposal does support is it does mix land uses in key locations which that is in the Town Core.

Hotels can be a complimentary use to a business park and to any existing uses in there. The proposal does match and support that part of the 2040 Plan. The area that it does not support is the 2040 Plan does specifically call out rezonings as being excellence in design. As previously noted, we have some issues with the design of the building, the pedestrian look along the front, emphasizing the front door, having pedestrian scale along the sidewalk, the building materials compatible with the rest of the park and then how can we design the building so that it is more complimentary to the use to the rear, can we design so the windows on the third floor are not looking into single-family neighborhood. Specifically, what the community plan calls out for is going above and beyond for a rezoning. How can we get an elevated design.

On the screen this is an example of a full brick hotel building that emphasizes pedestrian scale architecture. The awning on the front in this example could be a little more permanent looking but this does and would meet the Park building guidelines and it also would be a little more compatible with the Town of Huntersville and that business park.

Moving forward to the staff recommendation, in considering Petition 24-01 NorthPointe Hotel, staff can recommend approval if the three recommendations can be revised. One would be revising the

elevations to meet the business park building guidelines and the 2040 Plan and calling out excellence in design. Two would be to upgrade the 5' sidewalk callout to a 10' side path along that approved bikeway area on the minor thoroughfare. Three would be to revise the note on the proposal that the entire Northpointe Executive Park Drive be brought up to the minimum standards of the Town of Huntersville, make those improvements for us to be able to accept the road as a public street and meet our minimum guidelines. Staff believes by implementing these recommendations, the plan would be consistent with LU-6, 6.1, 6.2 and 8.2 as previously mentioned.

Worth noting on the mail outs, the dates were previously for the Planning Board May 28 and the Town Board June 17. Those have been asked to be pushed back to the June 25 and July 16 for revisions to be made. The applicants are here and they do have a presentation.

Susanne Todd, said I'm an attorney in Charlotte. With me tonight is Hitesh Patel, Vice President of the applicant, Hotel Ventures of Lake Norman. Also, Rakesh Patel who is the Secretary of Hotel Ventures. I also have Matheis Young who is an attorney in our office. Mr. James did an excellent presentation, so we are going to hit the highlights and appreciate your time. *Refer to PowerPoint attached hereto as Exhibit No. 6.* Hotel Ventures of Lake Norman is a family-owned business and it began in 1984 with the development of its first hotel in Georgia. It has since acquired over 20 hotels in the Carolinas, Georgia, Texas and Oklahoma. It franchises with well respected partners such as Marriott and Hilton.

Let's talk about the property. It is located off of Northcross Drive. It is a little over 10 acres located in the Northpointe Executive Business Park. You can see here's the site, the 10 acres. Here is Stratford Forest neighborhood. There is a 100' utility easement right here that serves a substation right there. The business park has been developed with four offices and this is the remaining site.

I do think worth noting this site does have its challenges. Out of the 10 acres, only maybe a little over two acres is actually developable, so the remaining is in a floodplain or has other challenges such that at least eight acres will remain undisturbed and vacant.

I think Jesse showed you this but just a little bit of history on this, this lot was originally part of the business park. It still is. This was originally rezoned Highway Commercial CD as part of that overall business park plan for two-story building. You can see it orients right there on Northpointe Executive Park Drive. In 2008 only this lot was rezoned to allow for an increase to a three-story building. And you can see again the building is orienting with parking in the rear and it's orienting on Northcross.

Our initial submittal to staff back in February was this one right here. It was a four-story hotel concept, again like the other offices or other office buildings in this park fronting on Northpointe Executive with the parking in the rear. After feedback from staff, we revised our plan and you can see the 2020 for the lower sketch there. Again, four-story hotel but it has been significantly pulled away from the adjacent neighborhood.

We had two community meetings, one on March 6 and one on March 20. Out of those along with comments from staff we made a lot of changes. Number one, we changed the orientation and location of the building on the property. And we also adjusted the massing by reducing the four-story request to three stories and that cut the parking significantly down to 121 parking spaces. We added that interior buffer, as well as per the neighborhood's request added a 6' privacy fence that will run right outside of that existing 30' vegetated buffer.

Here's our site plan. This is what it currently looks like. You can see the neighborhood at the top. You can see the buffering that is part of the original business park, that 30' vegetated buffer, and see that it is within this 100' utility easement. You can see that we've added this buffer here in the middle of the parking lot. There's also perimeter parking buffer or plantings and then our building is here and the building structure is 208' away from the residential property line. The parking is 60' away from the residential property line.

We also added a 6' vinyl fence. The vinyl fence would run on the outside of the existing vegetated easement and we also in response to the second meeting will be extending it down towards the detention pond to provide not only privacy, but also it will be difficult re-using this detention pond as kind of a natural deterrent to keep people from walking, so between the fence and having to walk through water as a deterrent to anybody who might think to walk up through the neighborhood.

Here you can see a cross-section. If you start to your right you can see the house, the elevation of the house and then it's looking through that existing vegetation and then the perimeter parking, landscaping, the internal buffer and then to the structure.

Looking at what is currently approved for this site versus what we are proposing, the existing plan calls for a three-story office building. This would call for a three-story hotel. The existing building plan is a footprint of 26,000 and some change square feet versus 24,000. There are 237 parking spaces allowed under the existing plan versus 121 spaces. The existing plan has a structure 110' from the residential versus 208' from the residential. Total impervious area is almost three acres.....a little over 2-1/2 acres on the existing plan versus right at two acres on the proposed plan. And then the existing plan that's approved for this site, parking is 30' away from the residential. The proposed plan is 60' away from residential.

Looking at the Huntersville 2040 Community Plan, this site is located in both Mixed-use Center and Town Core and we think it's entirely consistent with both of these character areas. Hotel does create mixed-uses in the commercial subdivision of the business park, so now you have office and hotel. Commercial uses are encouraged in the Town Core and the hotel use is common within business parks and compliments existing office uses. Hotel use will bring in revenue with minimum impact to your infrastructure and no impact to your schools. It's reasonable and consistent and that concludes our presentation.

Commissioner Walsh said I just wanted to focus on three things from staff. I'll take the easiest one first. They talked about a 10' side path versus a 5' sidewalk. Are you in agreement with that?

Ms. Todd said what we have agreed to in writing is that we will provide the widest sidewalk that we can within the existing right-of-way. The property that's on Northcross is not our property frontage. It belongs to Energy United. We don't have condemnation authority as a private developer. We think we've got 7' to 8' in there and we will provide the widest path we can. If additional right-of-way is somehow acquired, then we would make that wider.

Commissioner Walsh said the second one deals with the street improvements. It's my understanding they don't want to issue a CO until the entire street is done. Is that something you guys are going to do and have concurrence from whomever you need for those road improvements and will do those prior?

Ms. Todd said the property currently there are four office buildings on I guess a private drive. We are working with the owner of the business park to ensure that Northpointe Executive Park Drive will be brought up to Town standards and then dedicated.

Commissioner Walsh said the final would be reference to LU-8.2 elevation excellence in design, the idea of efface versus brick. Are you working with staff to get past those at this point?

Ms. Todd said we are. This is a modern looking building, however we recognize that staff would like to see some brick and some other things to make it more consistent with the older business park. That being said, that's why we requested an extension or a delay on the Planning Board so we would have enough time to work with our architect to get something that we can all agree on.

Commissioner Walsh said I encourage you to do that. Which Marriott property is it? Aren't there like two different kinds – Fairfield and.....I know it's a Marriott property.

Ms. Todd said we think it will be a Marriott product. It will be Fairfield and TownePlace.

Commissioner Rivers said I know you said this area is roughly 10 acres and you said a majority of that is undevelopable.

Ms. Todd said yes, it's in a floodplain.

Commissioner Rivers said why is this location the location of choice based on those facts?

Ms. Todd said given its proximity to the highways, given that it is in a business park where they compliment each other, it's just a really good location for a hotel.

Commissioner Hunt said in your market research did you discover what the occupancy rates are like at the other neighboring hotels?

Ms. Todd said Mr. Patel has been in the business a long time as well as Marriott has been in the business a long time, but maybe you can address that a little better than I can.

Hitesh Patel, Augusta, GA, said we currently own a hotel in Huntersville, the Springhill Suites. It's been open for roughly three years and it's performing absolutely well. There's a tremendous need. If I could add more rooms to that hotel, I would do it, but obviously we can't. We have inside information, obviously, since we own it.

Commissioner Hunt said do you happen to know about the occupancy rates in the hotels in that area, though.

Mr. Patel said most of them are probably in 77-78 percent year-round occupancy.

Commissioner Hunt said this question is for staff. Can you talk about the tax benefits from hotels and motels?

Jackie Huffman, Deputy Town Manager, said the hotel will be subject to property tax, just like the other properties in town. There is sales tax that applies to room occupancy. In addition to sales tax there is an occupancy tax that applies in all hotels in Mecklenburg County, this one would be included. That

occupancy tax rate is 8 percent, requires monthly reporting to Mecklenburg County. Mecklenburg County receives that information. We receive a portion of that tax. I'm happy to get into the details at whatever level you would like to hear about it. The occupancy tax receipts that we receive by statute, there is a portion that we receive that must be remitted over to Visit Lake Norman and so the amount of occupancy tax that Huntersville has direct control over is less than 50 percent.

Commissioner Rivers said I have another question for staff. Do we know about how many hotels are already in that area specifically?

Mr. James said in Huntersville there's 13. There's three that have been approved that have not been built.

Commissioner Rivers said specifically at Exit 25 in that specific area, how many would we say.

Mr. James said there's six currently off that exit and one has not been built yet.

Commissioner Bergsman said I'm going to save some of my questions until after public comments, but I did have a few both for the applicant and staff. I'm going to start with the applicant. I'm wondering, your hotel Springhill Suites, do you have an idea of what the typical client is. Is it families coming into Huntersville for athletic events, is it business clientele. What is the demographic that visits Springhill Suites.

Ms. Todd said Springhill Suites is a different product and Mr. Patel can talk more about that than what's currently proposed for this one.

Mr. Patel said we're about 85 percent business clientele at the Springhill Suites.

Commissioner Bergsman said what do you foresee for this hotel.

Mr. Patel said it's going to be very similar.

Commissioner Bergsman said I kind of just want to back up what Commissioner Walsh asked about with the elevation design and focusing on bringing brick and a variety of materials into that. Do you have any kind of timeframe of when like if you are going to make any changes to what you currently propose of when we will see that.

Mr. Patel said we have already started working on it with the architect. Obviously changing a lot of material, trying to figure out where to add the bricks and so forth takes a little time because we still want to create a variation of colors with the bricks, so it's not just one solid color building. It will take a little time. We hope to have something by the end of this month to present to staff.

Commissioner Bergsman said do you think it will be before it gets to the Planning Board?

Mr. Patel said yes.

Commissioner Bergsman said will this hotel have meeting rooms or other facilities geared towards corporate events?

Mr. Patel said no meeting rooms at all. It might have a board room that seats 10-12 people. No pool. No event space.

Commissioner Bergsman said can you talk a little bit more about in the buffer, that 30' – the parking lot one, about the types of landscaping, the types of trees and what the mixture is going to look like.

Ms. Todd said that will be a mix of deciduous and evergreen – short, tall, to create that buffer. You don't want a bunch of evergreens and you can see right through them, so you want that nice mix of deciduous and evergreen and then the smaller shrubs and larger trees.

Commissioner Bergsman said what about the rear of the property the plantings behind the parking lot. Is that going to be mostly evergreen. The ones at that back part.

Ms. Todd said that will be per ordinance. I believe we are saying small evergreens.

Mr. James said it will be small trees and then evergreen shrubs are the requirement. And there's a variety of different vegetation they can choose from and if this were to be approved, we would work with them on making a landscape plan that meets different types of conditions.....heat, screening, with it provides appropriate screening deciduous evergreen.

Commissioner Bergsman said do you consider it to be an opaque screening.

Mr. James said the parking lot screening wouldn't necessarily be opaque. The 6' vinyl fence plus the existing vegetation and the screening would make it opaque.

Commissioner Bergsman said the last question I have for the applicant right now is actually in regards to EV charging stations. I'm just curious because I do stay at Marriotts fairly often and that's becoming more common as an amenity to guests. Are you considering having an EV charging station on your property.

Mr. Patel said we haven't really thought that far ahead, but I'm sure everybody's putting them in these days, so we probably will have a couple of them.

Commissioner Bergsman said it would be something nice to consider. I know at Exit 25 we don't have that amenity in very many spots.

Commissioner Bergsman said I have a few questions for staff. One of the things and I kind of want to make sure everybody here understands because in the Staff Report you know we are talking about holding the Certificate of Occupancy as a possibility until some of those improvements are made on the Northpointe Executive Park Drive. What does that mean exactly?

Mr. James said as previously stated that in order to build a building in Huntersville you have to be on a public street. Currently the entirety of this street has not been handed over for acceptance for maintenance for the Town, so it's not a public street. What we would do is there's a punch list of improvement items that Engineering/Public Works has put together for the applicant and other owners of the business park. So collectively what we would need is for those improvements to be made in order for the CO, which is the construction occupancy for this building and so in order to be occupied that street would need to come up to standards for improvements.

Commissioner Quarles said Commissioner Bergsman asked the clientele question, so I will direct this to Chief Graham. In reading our notes, there are concerns from nearby residents that the hotel would draw crimes including prostitution and sex trafficking to the neighborhood. Could you share any information as it relates to crimes at our local hotels and neighborhoods.

Police Chief Barry Graham said we currently have 12 hotels in town. We average about 70 calls per year out of those 12 hotels. The vast majority of the crimes are going to be property crimes, breaking into cars, larcenies, things like that. We do have some simple assaults. We have very few serious crimes against persons, things like that. We spend a lot of time at the hotels, but not for taking calls. Generally, they're the folks that are open in the middle of the night and our officers are going in and visiting with them and checking parking lots and things like that. I would say currently our hotels in town are not one of our top priorities that we have issues with.

Mayor Clark said we have several public comments. I just want to before we proceed into that to remind everybody that you have three minutes to speak. Please state your name. You do not need to state your address. The folks in the gallery please refrain from clapping or cheering or jeering. If you are speaking, please direct your comments to us. Please keep them civil and maintain some level of decorum.

Edward Spanski said I live in that development called Stratford Forest. I've been there for 20 years. We're a peaceful community, about 124 homes. We pride ourselves on improvement and it's a highly desirable neighborhood to live in. I just rejected an offer for \$600,000 for my home. I paid only \$200,000 for it. We want to preserve our property values. I went to both of the meetings they had. Interestingly enough, I never got a letter that was supposed to be sent to me informing me of that meeting. A lot of the people in the development were not. We went over all our concerns with them and we have circulated as a board, I'm a member of the board of HOA, we contacted almost everybody in our neighborhood, I would say about 98 percent is against the hotel. Why. Number one, safety. The thing is most of the other hotels in our area are in business parks or in business areas. This is impinging on our property. If you notice on the top of that thing, one of the homes is only 100' from the parking lot. The thing is also those homes that are on the side over there, and I'm not one of those, is substantially higher than the hotel and people on the third floor can view into the people's homes. I'd like to point out that the earlier development of Northcross Executive Park that was supposed to be on that road was by the same company and denied because people said in Birkdale that they did not want a hotel. I was told by them it was because of a deed adjustment. Interesting contradiction. We are very concerned with this because of safety. We don't think we need another hotel. I also called Marriott Corporation and found out the occupancy rate for this type of hotel, which is franchise, is less than 60 percent, including the ones in this area. The hotels that are planned here should be in business area and I think this being next to Birkdale may even be more of a safety problem. There are six hotels across the street, so there's no need for another hotel. We're pretty much as a group we don't care about concessions.

Alexis Lopez said I live in the Landings apartment community across the street from the proposed hotel. I'd like to express my strong opposition to the zoning of this property for a hotel. As a nearly lifelong resident of Huntersville, I have deep roots here and I'm concerned about the potential impact of this project on my neighborhood. Having lived, worked and built a life here, it is important to me that we preserve the charm of our area. The construction of a hotel would lead to increased traffic, noise pollution and undoubtedly change the character of our neighborhood. Additionally, I worry about the safety implications of having a hotel in such close proximity to where I live. The influx of visitors could compromise the security of myself and my neighbors. I urge you to consider the consequences of this

decision and the effect it will have on people like me. Please prioritize the needs and concerns of long-time Huntersville residents by rejecting this proposal.

Morgan Cooley said I'm here to discuss the proposal of the Marriott being built next to our neighborhood. We are fairly new to the neighborhood as we moved here from California. Having a parking lot and a business outside our home is unfortunately something that I know too well. It begins just with loitering and noise, but it turns into people trespassing on the property. One night a group had been hanging out outside in their car and they threw a 3 lb. weight through the window hitting my child's play area and it could have killed him. This parking lot was a business that closed at 10 p.m. This will be a 24 hour hotel, a constant opportunity for our neighborhood to be subject to this. Hotels, including Marriott, can attract criminal activity. The privacy they provide creates opportunities for exploitation and endanger the safety of our community. Marriott was just part of a lawsuit with 12 other hotels for its involvement with child sex trafficking last year alone. And just two months ago it was announced a man was suing Marriott after he was sexually assaulted and robbed at the Charlotte Marriott City Center in our own city. This happened here. The Marriott that they want to build, they will overlook my backyard. The people staying there can watch my children play, they can watch our routine, take pictures and just walk across the parking lot into our neighborhood and snatch my children. Allowing this hotel to be built will offer this opportunity. The owners have told us that there's a need for a hotel here. There is not. There are nine hotels in a one mile radius, one being currently built. I called each of these hotels and I was told initially that they are never at capacity. The owners told us that this hotel would be mostly business people staying here. They have no idea who's going to be staying here. They have no way of monitoring that. I personally have a close relative who is a long-term guest at a Marriott extended stay in another state. They are unemployed, drug addict and dealer. Their parents are paying for the hotel. As far as the hotel is concerned the resident is an upstanding business owner. There is no way to monitor these guests. The hotel will also have direct access to Birkdale Village. We have seen a major uptick in crime in Birkdale Village in this last year that now has the possibility of making its way over to our neighborhood. Just to emphasize how close we are, my son wakes up scared at the banging of the trucks unloading behind the movie theatre. I've explained to him it's safe, but he can hear that noise. So if we hear that, imagine the nuisance of the hotel. After constant noise of construction of what's being built, followed by 24 hours of constant business, there will be no break, no rest. Our homes are where we are supposed to escape the world. They will take that from us. We have no problem with businesses being built. We know that our cities grow and change. It's inevitable, but I urge you to think that if this was you, would your privacy, your safety and your sense of home be worth the cost.

Elizabeth Lopez said I live in Stratford Forest and I would like to express my strong opposition to the proposed hotel that would be next to our neighborhood. I am a guardian ad litem for Mecklenburg County, so that means that I am a judge appointed child advocate and child representative for kids in foster care, so I get to visit parents of these kids in hotels, predominantly extended stay hotels and I have serious concerns about potentially living right next door to one. I have seen firsthand how hotels can become hubs for criminal activity, including drug trafficking and prostitution. These businesses do not attract people that are invested in the well-being of our area, especially right next to the highway across the street from a park and ride bus stop. The transient nature of the hotels clientele would make it challenging for law enforcement to effectively monitor and address illegal activities. The increased foot traffic and loitering would definitely lead to a rise in petty crimes like theft and vandalism and car break-ins. I've never seen one beside a neighborhood, but I do often see cars that are parked at the back of the parking lots completely full of belongings, making it clear that individuals live out of their vehicles. As someone who has dedicated my life to keeping the children in our community safe, I'm deeply troubled by the prospect of this hotel. I am asking you to consider the long-term consequences.

I request that you give my family and all of our neighbors the same consideration that you would want given to your family and all of your neighbors. Please reject this proposal to rezone.

Louis Borjes said I am the father of the three kids that you saw there. They were acting up so we had to take them out. You can see how young they were. I selected this neighborhood because it's a very family friendly neighborhood. You can see out there, there's a bunch of kids. The neighborhood has the most amount of kids of any neighborhood I've ever seen. Literally, it's loaded with little kids, meaning that it is very dangerous to put a hotel where you cannot vet who comes in, who goes out. It's impossible because I've been to hotels, they don't do background checks. It's not like an office business park where they know who works there and they did a background check. We could have any kind of criminal and it only takes one criminal to do anything and you can see the proximity of all those houses and there's no way a 6' fence is going to block anybody. That's nothing to prevent anyone from going in if they want to go in, especially where they can observe you from the third story. I also want to mention that the tree buffer, especially if it's deciduous trees, is not going to do anything in the winter. As you know the leaves will fall and will let people see through because all those trees, look how beautiful it looks, it looks so that you cannot see anything. If you go in the winter, you can see clearly from my house, which is on the other side of the cul-de-sac, into the business park. If I can see into the business park now, they can definitely see with a three-story building which is higher than there is now. I've never seen a hotel.....I've seen hotels where there's like a massive creek or some kind of creek, but not like 100'. We're talking about the kind of distance like from here to the road kind of thing to people's properties from the back of the parking lot. That's how close we are talking about here. I'm in favor of progress. If you put a business park here, I would never come here to protest that or whatever business building, just keep it business what it is, not a hotel.

Julie Bathaj Jarvis said I live in Stratford Forest as well. I emailed two documents to the Mayor and Council and I wanted to make sure these are in record. *Refer to Exhibit No. 7.* I am the house that is right there by it. I am the house that is 90' from that parking lot and I do not have trees behind my house. I love to watch the sunset from my deck. It's a gorgeous view and I don't have those big pine trees blocking my view. I have lived here since August 2001 and when I moved in I knew that a business park was going to be here. It wasn't there, but I knew it was coming and I watched it be built. I knew there was supposed to be a fifth building right beside my house. That was fine. I was fine with that. These people – it's 9 to 5, they're businesses, you know who's going to live there. I was happy with that. I was shocked when I found out a hotel was going to be right beside of my house. This is a 365 day, 24 hours a day – people coming at night all the time with horns and car alarms and slamming doors and parties. It's a Fairfield Inn, it is the lowest end Marriott. I mean there's nothing wrong with Marriott, but this is the low end. How long is the longevity of these type of hotels. That is very scary to me. The vinyl fence – they fall down. We're not allowed to have those in our neighborhood because they deteriorate. We love to sit on the deck and listen to the music at Birkdale. What am I going to hear from the parking lot. I just ask you, would you want to live beside of a hotel. Would you want that as your neighbor. The business offices, they're not going to stay there. Most of the people work here. If they have people come in, they are going to be at that nice, new hotel in Birkdale or one of the others.

Tommy Mann said thank you for hearing our concerns. I'm happy that you all are here to hear about our concerns about the rezoning of the business park. I would like to recognize the excellent job that the Town of Huntersville does for the safety and well-being of the community. My comments will be brief. First, I would like to say that we are not against an office building being built on the adjacent property next to our neighborhood. We have no issues with the business park. The hours of operation are mainly 8 a.m. to 5 p.m. Monday through Friday, not 24 hours a day, 365 days a year. An operation that would be very stressful and a nuisance to our neighborhood. Next, I feel that if the developers

were building in an area that was zoned for hotels, they obviously would not have to go through this process and this location would not have to be rezoned and they would probably already be building their hotel.

Commissioner Bergsman said Chief Graham are you still here. Noise is one thing that's been brought up, I am not familiar if our noise ordinance in Huntersville is different from Cornelius and I'm also just wondering with a residential neighborhood in Cornelius and a potential property in Huntersville, if there is a noise complaint and there's different ordinances, how does that work.

Chief Graham said if there's a noise complaint, they're not exempt from the noise ordinance no matter where it is in town. If there's a loud party or cars or whatever it happens to be, it's the same thing if you were out in your neighborhood. There's no difference. Cornelius is very similar to ours. They've got a few small things that are tweaked, but there's no exception for anything like this.

Commissioner Bergsman said can you just let them know what the Huntersville noise ordinance is.

Chief Graham said off the top of my head it can't be heard within 50' of the property line for things like that. It's basically anything that is a nuisance. We don't have a particular time attached to that. We don't have a decibel attached to that. It's very open and it's not always easy to make a decision on things like that. We don't get a lot of noise complaints. Most of the time it's barking dogs and things like that, but we do have a few issues every once in a while. It's very ambiguous.

Ms. Todd said I want to be clear that this is not an extended stay in the sense that this is like a monthly rate. This is a daily rate hotel. It doesn't change. It's the same every day. The guests all receive the free breakfast and the same amenities. There's no difference between TownPlace suites or the Fairfield Inn aspect of it. I just wanted to make that clear. I believe it was staff who actually also suggested vinyl fence versus wooden fence. They last longer and the only requirement was please don't make it white, which we understand. It would be some sort of earthtone fencing product. Also, I want to point out that the hotel use is off peak hours as far as if you have office workers coming in and out, that's peak and adds additional traffic at peak times. The people coming and going in the mornings and the evenings from the hotel, they might go have dinner, come back, but those are off peak. They're leaving maybe a little earlier or a little later and they are coming back at different times. That helps with any traffic. I think at the end of the day the petitioner and the neighbors want the same thing. They want to be safe and they want to get a good night's sleep.

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

Petition #TA24-04. Mayor Clark called to order public hearing on Petition #TA24-04, a request by the Huntersville Planning Department to amend Article 11, Section 11.4.3(a) of the Huntersville Zoning Ordinance and Article 5.000 of the Huntersville Subdivision Ordinance in response to the Huntersville Ordinance Advisory Board bylaw updates.

Patrick Patterson, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 8.*

The Huntersville Town Board on March 4, 2024, voted to approve amendments to the Huntersville Ordinances Advisory Board Bylaws. Staff is now updating the language in the Huntersville Zoning and Subdivision Ordinance to match those updated bylaws. Article 11.4.3(a) of the Zoning Ordinance is going to be updated by striking the Huntersville Ordinances Advisory Board from that section and Article

5.0 of the Subdivision Ordinance is also going to include Huntersville Ordinances Advisory Board to be struck from that portion.

Commissioner Bergsman said when this was last on our agenda, I feel like I wasn't clear in expressing myself and I just want to make it 100 percent clear this time that my no vote previously was based on the opinion that HOAB should have been notified of the proposed changes ahead of it being added to our agenda for the vote. I don't disagree with any of the Bylaw updates. I agree with all of this and just wanted to make that clear.

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

Petition #ANNEX24-02. Mayor Clark called to order public hearing on Petition #ANNEX24-02, a request by Magnolia Huntersville II, LLC, to annex 82.928 acres into the Town of Huntersville.

Patrick Patterson, Planner I, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 9.*

This is a non-contiguous voluntary annexation into the Town of Huntersville by the applicant, Magnolia Huntersville LLC. Here is a map showing where the annexation area is. It currently consists of around 82 acres and three parcels located south of NC 73. Staff recommends approval since all the statutory requirements were met.

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

OTHER BUSINESS

Petition #ANNEX24-02. Petition #ANNEX24-02 is a request by Magnolia Huntersville II, LLC, to annex 82.928 acres into the Town of Huntersville.

Commissioner Rivers made a motion to approve ANNEX24-02, a request by Magnolia Huntersville 2, LLC to annex 82.928 acres into the Town of Huntersville.

Commissioner Dumas seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Petition #TA24-03. Petition #TA24-03 is a request by the Huntersville Planning Department to amend the Zoning Ordinance to clarify the intent of conditional rezoning districts, and to update the process through which code modifications are considered.

Brad Priest, Assistant Planning Director, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 10.*

The application has not changed since the public hearing. This application is a requested change based on the 2040 Plan to add flexibility in the CD rezoning process. Staff is working at removing the spirit of the ordinance to allow the Town Board to have more flexibility in what they approve, but then also communicating what the 2040 Plan is looking to put into the ordinance, encouraging applicants to have

excellence in design. We kind of heard that in the rezoning application tonight in the hotel. Staff is looking for that. We want to put that in the verbiage of the ordinance to emphasize that. We would strike out the section that says the spirit of the ordinance to allow more flexibility and then communicate in the intent of the CD rezoning district what we are looking for in the projects. The Planning Board did unanimously recommend approval 7 to 0 last month, so staff recommends approval.

Commissioner Quarles said it's great that the Planning Board voted unanimously on the proposed change. Can you give us an idea of one example of a unique or creative development.

Mr. Priest said a unique and creative development, well it would be ones that are really looking to hit those goals and those marks in the 2040 Plan, so you think of one that might have affordable housing. You think of one that would have creative ways to have transportation solutions. Ones that are going to put in some infrastructure to really accommodate for the impacts that they may have. On a smaller scale, looking at things like buffers, how do you take an issue with land development and create a solution, rather than coming in saying well this is our product, this is something that we're going to do that's really unique, but it's going to check the boxes and so that's something that would be a little bit out of the box and again, maybe going above and beyond the minimums and saying we're going to raise the standard level of design.

Commissioner Hunt made a motion to approve Petition #TA24-03 to amend the Zoning Ordinance to clarify the intent of conditional rezoning districts based on consistency with Policies LU-8, LU-8.2, LU-10.4 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it would provide greater flexibility to developments through the conditional rezoning process while at the same time encouraging extraordinary design with exceptional public benefit.

Commissioner Bergsman seconded the motion.

Commissioner Bergsman said hopefully that was my one and only meeting that I have not made this year. Job well done. I think this is excellent. I like the idea that it's going to give more flexibility to hopefully come up with some better design plans and also can prioritize things like attainable housing, conservation protection of natural resources as part of a project. One thing that I did want to point out is that in the Staff Report it said that during the 2020 public input, 59 percent of surveyed participants supported providing flexibility in site design to protect natural resources. To me that's an indication that this is also supported by the community.

Mayor Clark called for the vote.

Motion carried unanimously.

Purchase of Police Radios. Chief Graham said we are requesting the purchase of 100 handheld radios. Our current radios were bought probably 15 years ago. Five years ago Motorola quit producing this radio. This past year they've quit producing parts for this radio, so it is basically obsolete and it's going to become very difficult to get parts for it pretty soon, as well as it is not upgradable. We have over 100 right now that are the same model, but a different version. We have a Model A which are not upgradable. We have a Model B which are, and we happen to have 15 that are upgradable and the other 100 and something are not. We are in the process of trying to get these replaced as soon as possible. We are also requesting to use our asset forfeiture funds to pay for this, so it will not be any

more impact on our citizens or taxes or anything like that. I think this is a good use for that money. The last time we bought radios we used our asset forfeiture money for that as well.

Commissioner Walsh said what will you do with the old radios.

Chief Graham said there's actually a couple of organizations that will come look at them, what shape they are in, things like that and they'll give us some money back for that. They generally go overseas and places like that they can use them where their communications are a few versions behind us and they work actually quite well, so we will get something back, probably not a lot.

Commissioner Walsh made a motion to approve the contract with Motorola to purchase 100 handheld police radios. The majority of the purchase will be paid for using equitable sharing funds and the remainder will be paid for using existing budgetary funds.

Commissioner Quarles seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Contract attached hereto as Exhibit No. 11.

Budget Amendment – Police. Pattie McGinnis, Finance Director, said based on what Chief Graham said, we're going to use three sources of funding. One source is the DOJ equitable sharing which has \$219,467.98 in it. We have a Treasury Equitable Revenue which has \$503,051.72. That totals \$722,519.70 and the difference between the contract and those two buckets of money is \$43,675.30 and that will just come out of the Police normal operating budget.

Commissioner Bergsman said if this passes, all the asset forfeiture funds in the future are going to be tracked and recorded and we'll have more information.

Chief Graham said yes, we'll start with zero. When I get asked where's this money come from, I'll be able to tell you.

Commissioner Walsh made a motion to approve the budget amendment to purchase 100 handheld police radios from Motorola.

Commissioner Quarles seconded the motion.

Motion carried unanimously.

CLOSING COMMENTS

Commissioner Quarles commended Parks & Recreation for the Hello Huntersville event.

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

Approved this the 3rd day of June, 2024.