

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

July 16, 2024

**6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on July 16, 2024.

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

Mayor Clark called for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

ANNOUNCEMENTS

- First Responder Weekend at HFFA - July 19-21.
- Coffee with a Cop – July 19 and July 22.
- Mayor’s Coffee Mixer – July 24.
- Ways to connect with us – website, social media pages, Town of Huntersville app.

PUBLIC COMMENTS

Communicator Awards. Ethan Smith, Public Information Officer, announced the Town of Huntersville was awarded two Communicator Awards – an Award of Excellence for the 150th anniversary videos celebrating the Town’s sesquicentennial and an Award of Distinction for the website redesign.

Mr. Smith recognized members of the 150th Committee and expressed appreciation to the individuals that appeared in the videos. Mr. Smith also recognized employees who worked on the website redesign.

Parks and Recreation Month Proclamation. Mayor Clark proclaimed July 2024 as “Parks and Recreation Month” in the Town of Huntersville.

A PROCLAMATION FOR PARKS AND RECREATION MONTH

WHEREAS, parks and recreation is an integral part of communities throughout this country, including the state of North Carolina and the Town of Huntersville; and

WHEREAS, parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

WHEREAS, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, natural areas and many other activities designed to promote active lifestyles; and

WHEREAS, parks and recreation programming, events, and educational activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

WHEREAS, parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, the Huntersville Parks and Recreation Department was created in 1995 and now serves more than 2 million visitors per year to its local parks; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our state and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, Huntersville recognizes the benefits derived from parks and recreation resources.

NOW, THEREFORE, I, Christy Clark, Mayor of Huntersville, do hereby proclaim July as "**PARKS AND RECREATION 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 16th day of July 2024.

Requests from External Agencies. Debbie O'Handley, Executive Director, Hope House Foundation, requested the Town consider supporting the Hope House Foundation. *Detailed funding request attached hereto as Exhibit No. 1.*

Mayor Clark called for any questions from the Board.

Commissioner Dumas said after our last meeting there were some questions regarding the terminology of "purchase agreement" in regards to the way we used that for the item on the agenda for Cashion's. There was some confusion and some folks reached out because they had been nervous about that term "purchase agreement" because we hadn't had the opportunity to talk about it on the dais yet. Now we know that's part of the process, or at least we explained that in the last meeting. I just wanted some clarification. I don't know if we could talk a little bit why we used that terminology.

Emily Sloop, Town Attorney, said the document that was added for Cashion's was called a "purchase agreement" because the intent is ultimately to purchase the property. That's not to say that we could not back out of that transaction. There is a due diligence period included in purchase agreements for land acquisitions, so if the Town were to do their due diligence – title search, surveys, etc., and came upon something that we wanted more information for or that warranted further investigation, we could do so. We could also extend the closing date. Most of the terms are not set in stone, but the ultimate goal is to purchase the property, hence the name purchase agreement.

Mayor Clark called for public comments.

Clarence Leverette introduced his wife, Lelia. We are here to share my experience with Veteran Affairs. I think I'm going to allow her to take the rest of my time.

Lelia Leverette said we want to share with you our experience in Clarence getting approved for health benefits with VA. We didn't know at the time that he could even qualify, and we waited and waited. In the meantime, we had family members saying why haven't you applied. We finally applied and when we got to VA, they saw his DD214 and it had Camp Lejeune. They said go over and apply for health benefits, so we did. We applied August 1, 2023. We waited and we waited, because now they have to do exams. Nothing happened until December 2023. In December 2023, Clarence was scheduled for one exam and he had two scheduled for January 2024. When he went to the one in 2023 in December, right after that he was diagnosed with Covid. We called to say he can't go to that, we need to reschedule. They had to send everything back to VA. VA put us back in the queue and then we waited. This is January, we waited February, we waited March, April, May, so then I said this is just totally ridiculous. In the meantime, he was calling VA to ask the status and every time they would say we got your message.....you call, you call, you call. I said this is insane. This was May 2024.

I remembered when we voted we met Commissioner Quarles. He was running for commissioner. We told him Clarence's experience and he said if you need any help, let me know, I have experience in that area. This was back in November, so in May I remembered the conversation. I hunted him down. I literally hunted him down. I didn't know where to find him. There was this newspaper that had put an article on you guys who were running. I called the newspaper, and I said I need to get in touch with Commissioner Quarles, how can I. He said go to their website. It even had his cell phone number there. I called him. He called me back in 10 minutes and I told him what was happening. He said, you know what, this is great because I'm meeting with the director, Edison Platt, over VA and I want you guys to come on Friday to my office here and we can talk and you can tell him your story.

We met him on May 31, told Director Platt everything, and then he took my package with him. The 6th of June, he sent me an email and said I just got back off of leave from the time that we met, I'm going to be on it. The 22nd of June Clarence gets an email from VA scheduling his appointments and ever since then we've been getting appointments and he's been rated. I say all that to say I want to give accolades to Commissioner Quarles. Had it not been for him inviting us to come here to tell our story, we would have still been beating our heads with VA trying to decide what's next. I want to thank you and I want you all to know, use your commissioners. That's what I did. Hunt them down. That's what I did. They are here to serve you, that's what they were told when we voted for them, right, so use them. Commissioner Quarles has helped us and I want you all to know if you need any help, I don't know if all of them can help you, but I know Commissioner Quarles can help you when it comes to VA and I thank God for everything. I thank God for my husband. He's been rated and we're not going to stop until we get whatever the highest rating is, we're going to get it, because my husband now has Parkinson's as a result of the Camp Lejeune thing. I just want to thank you all for listening to me. Thank you, Mayor, for letting us tell our story. Thank you, Commissioner Quarles, for being there for us and we're not done with you. You're going to hear from us again.

Mr. Leverette said I'd just like to say if you are a Veteran or know a Veteran that may have had less than a great relationship with the VA, then refer them to Commissioner Quarles.

Janelle Harris said I'm a member of the Pottstown Leaders Group. Pottstown Leaders Group originated as a unique opportunity for passionate neighbors to have a voice in Mecklenburg County's implementation of several elements of our long-underrepresented portion of Huntersville. A facilitator named Rosalyn Jacobs was hired by Mecklenburg County to consult and engage with us and has been

doing so for over a year. We've been broken down into committees of the 31-acres committee for the investment that they made with the \$1.7 million – the Affordable Housing Committee, the Safety Infrastructure Committee, and the Legacy and Branding Committee.

To date, the only committee that has conclusiveness is the Legacy and Branding Committee. A survey was compiled on behalf of the Pottstown Leaders Group and along with the residents to determine our desires for the Torrence Lytle School. The county has yet to engage us on our stance for the future of their 31-acre purchase and we have plans to present to the community and county in the fall.

I had the honor of meeting with the bidders for the Pottstown Preservation Plan and both were wonderful. They did use a fraction of the work that we are doing as a basis of their work scope, and I think it'll benefit the bidders to have the complete request of the community come to fruition before trying to have community and stakeholder engagements. Our ability to convene in this way as residents is unprecedented and it gives us a chance to create our own legacy, so please respect the work that we are putting forward and ask your consideration to allow the County of Mecklenburg to conclude its work with us, the Pottstown Leaders Group, before deciding to engage in the preservation plan.

BeeJay Caldwell said Pottstown and East Huntersville residents have been in the crosshairs of gentrification guns since 2008 when streets in the colored part of town, Holbrooks Road, Dellwood Drive, Gibson Park Drive and Central Avenue and Church Street, were the main arteries to the expensive homes in Vermillion. Worlds collide when gentrification pits individuals of differences in income, education and governmental investment and protection. The reason for my correspondence tonight is to ask the Town government to create a task force of diverse residents to have a conversation on race relationships, equality and justice. It's important that every town have a group in place if and when issues come up that will need to have relationships with different people in different parts of town. And now that was that one. And here's another one. In the event that happened on my birthday, July 13, the assassination attempt of former President Trump, this summer of 2024 is a hot button for potential incidents to occur. I have lived through several assassinations and assassination attempts and I decided to list them all:

- 1865 – Abraham Lincoln
- 1881 – James Garfield
- 1901 – Wilson McKinley
- 1912 – Theodore Roosevelt (attempt)
- 1933 – Franklin Roosevelt (attempt)
- 1963 – John F. Kennedy
- 1968 – Dr. Martin Luther King
- 1968 – Bobby Kennedy
- 1972 – George Wallace (attempt)
- 1975 – Gerald Ford (attempt)
- 1981 – Ronald Reagan (attempt)
- Between 1990 & 2007 – Both Bush presidents had attempts
- July 2024 – Former President Donald Trump

Emotions are running high in citizens. Americans love their guns and don't shy away from using them and hopefully we can decide to settle our differences without using gun violence.

Written comments attached hereto as Exhibit No. 2.

Wasim Al-Abed said thank you for the opportunity to speak to you today. As a member of the Stratford Forest community in Cornelius, I believe you met some of my neighbors last time, but I'll ask them to stand up for a few seconds and I'm asking them to stand up to communicate our continued opposition to the proposed hotel, the Northpointe hotel development, adjoining our neighborhood and across the street from The Landings at Northcross. While a development can meet the technical requirements for rezoning or a special use permit, we ask you to look beyond the technicalities and consider the real human impacts that this project will have on the faces you see here today. For clarity, we do not oppose development. Let me just say that one more time. For clarity, we do not oppose development, we oppose a hotel development.

Our primary concerns are many, but really revolve probably around three that I can probably summarize. Crime and safety of our children, the proximity of the development to our neighborhood and the property values. First and foremost, Stratford Forest is a family-oriented community with many children. You've heard many of them back here. Hotel construction will bring an influx of strangers raising safety concerns and many different transient nature folks. For instance, the school bus pick-up at the nearby apartment complex that I mentioned earlier, The Landings at Northcross, is right across from the hotel entrance, increasing potential risks.

Secondly, the proximity of the hotel to our homes is quite alarming. The noise, light pollution and constant activity would disrupt our peaceful environment and threaten the harmony of our community.

Thirdly, this development could negatively impact the property values. The presence of a hotel so close to the residential properties can deter potential homebuyers who may be concerned with the increased traffic, the noise and/or transient nature of the hotel guests. This obviously could lead to decrease in home values, affecting the financial stability of the community members. Moreover, based on our estimates, the annual tax revenue from this development is only between \$10,000 and \$14,000 a year. It's not a lot of money for the amount of pain that it is going to cause all these people that you see in this room that have shown up three different times. Thank you for your time. We urge you to vote against it.

Hannah Sellers said I live in Stratford Forest in Cornelius and I am opposed to having a hotel because I feel like that land could be used for something else such as a park or something more ecofriendly than a big hotel next to our neighborhood.

Luis Borges said I live very close to where the hotel is going to be built, less than 200' or something like that. I'm going to talk through a few points. The first one, because I've heard in the past, is that there's a buffer that's going to block the view. That's not possible as it is right now. There's a two-story business park there and they want to build a three-story and I can see the two-story from my house in the winter when the trees lose their leaves, so that's just not possible. And a little plastic 6' fence is not going to block it. That's just whatever you hear, otherwise it's just not factually true.

The second one, you're probably going to hear from them that this is a mid-tier hotel. I don't know if you guys have been to a Fairfield Inn. Fairfield Inn is probably the lowest, I'm not saying it's like a bad hotel, but it's the lowest of Marriott. It's not a Ritz Carlton and no Super 8 started as a Super 8. It started as Fairfield Inn or something like that. Just keep that in the back of your mind. There's plenty of Fairfield Inns I think in northern Charlotte. There's a Fairfield Inn that looks so-so. It looks like it's on its way to Super 8. In our area there's already some other hotels that are looking like that because they started as a Fairfield Inn category.

Another point that I want to bring up is that this hotel is going to cannibalize the sales of the existing hotels and it might even drive some of those hotels into bankruptcy or even lost sales, so you might not even overall make any money from this hotel because it's targeting the same clientele pretty much. It's not a high-end hotel, which would target over somebody else.

The other point is that our neighborhood is currently one of the safest, if not the safest subdivision in Cornelius, so by fact that you're adding this hotel here, you're going to make it less safe. It's not possible to control the population. The trends in population where no background happens of a hotel, it's just not happening, that's just impossible, so the crime is going to go up. How much? I don't know. nobody knows, but it will go up.

The other point is that the city of Huntersville is growing very fast and you guys, there's building left and right everywhere here. You might want to consider, and I ask you to consider for your benefit, to leave that place as a business. Maybe now the economy is not so good and nobody wants that place for a business building, but in the future if you put a hotel there, you won't have the ability to have those high paying jobs that the business building has and then the people can buy more and sales tax and so on. And just keep that in mind. Also, we were unable to get an appraisal because nobody wants to work with us, I think because they are kind of related to the developer. It's obvious by the opposition that you see here that it's going to affect property values because we have better things to do in our life than coming here to a meeting and waste our time, so it will affect our property values. It's obvious to anybody that a hotel next to your house is going to deter a lot of people.

The last thing I want to say is that there is a 100 percent probability, this is not my opinion, it's a fact, that you're going to have a sexual predator at some point in a hotel. Not every day, but at some point. And you're going to expose me and my kids to that.

Diana Borges said I am a mother with four children 6 and under. One of them is a newborn, one of them is a 2 year old you keep hearing talking. We live in the cul-de-sac that is right next to the hotel. When we first purchased this house there was three things that really attracted me to this house that I really cared about. One was that it was in a cul-de-sac, which meant it would be safe for my kids to play, safer than just a regular street. I loved that. Being in a cul-de-sac was great.

Two, is there's a field in our backyard that is surrounded by other houses in our neighborhood, and I love that. I envisioned my kids going back there playing soccer, football with the other kids. I just thought that was a great opportunity for my kids. And three is the proximity to the Express Bus that I can walk to the Express Bus because I work in uptown Charlotte and I walk to that bus stop whenever I go in the office, catch that bus and go to uptown Charlotte for work. Currently in the wintertime it gets dark a lot at 5 p.m. or whatever. I come home at 6 p.m., I'm walking alone in the dark from that bus stop to my house. I currently feel very safe doing this because our neighborhood is a very nice quiet neighborhood and I have no problems with it. If this hotel was built this close to my house, I would not feel safe walking alone at nighttime from this bus stop to my house and this means that I would probably have to come up with some other commuting option and it would really disrupt my life, so that would be really hard.

For anyone to say that this is not going to affect the property values of the house, I want you to think about this, those three things are all hurt by this hotel. My kids will not be able to safely play in that cul-de-sac or in that field in the back. I will not feel safe walking home from work and I'll have to come up with a whole new commuting plan. So, for someone to say this doesn't affect property values anyone who comes to look at this house, I would have not probably purchased the house if there was a hotel

back there because all three of those things would not be relevant anymore. The three bonuses, the three things that attracted me to the house, no longer would be relevant, so someone else looking at a house in our neighborhood would probably have the same thing, that's great look how close this is to the bus station, oh but I can't walk there, there's a hotel there, it's unsafe.

I am also one of the event planners in our neighborhood and I can tell you that in our last few events we have averaged 45 kids at our events, so I would say there's probably about 75 kids or so in our neighborhood, at least. We have 126 houses in our neighborhood, so that tells you how many kids there are in our neighborhood....75 kids in a neighborhood of 126 houses. We are a very family friendly neighborhood. This is mostly due I'm sure to us being one of the safest communities in Cornelius. But if this hotel is built, that would no longer be the case and we will no longer be a destination neighborhood for families with kids. We literally have a sign when you come in our neighborhood that says welcome to Stratford Forest, a Family Friendly Neighborhood. That would again affect the property values because we would no longer be attracting families with kids.

The last thing I want to mention is as a working mother with a newborn we all know how important it is to get quality sleep. In conclusion, please think about our families.

Tommy Mann said thank you for hearing us tonight. After researching about zoning changes, it became apparent that we needed an impact appraisal done on our neighborhood. I was referred to Integra Realty Resources and spoke with John Scott there, the Senior Managing Director of the company. I told him about our situation with the rezoning and he wanted to help me and after discussing with his team, found that there was conflict of interest, so he was not able to represent us. He referred me to two other firms, both of which had the same issue. They had a conflict of interest. It kind of made me think is there something nefarious going on or these places they were I'm assuming bought out.

It was suggested next that I try to go to a residential appraiser. After speaking with several different residential appraisers, they told me that there was no way that they could predict future values of our home. It's basically impossible. After all the dead ends that happened, I even realized myself that there's no way for anybody to be able to predict future values of a home before a hotel is being built behind their house. I believe that even a trained professional from past transactions with similar scope that there is no way to know the true effects of future events. After we were blocked from several different reputable firms, it made me wonder why Hotel Ventures of Lake Norman decided to go with Hotel and Club, an appraiser in Greensboro. The appraisal and consulting service deals exclusively with hotels and golf courses, so do you think they're biased towards these developers.

In his report, Mr. Spurgeon has several holes in facts. At the beginning of his report, he states that this is his professional opinion. It's just that, it's an opinion. And for him to suggest the idea that this hotel could be harmonious with the surroundings, depends on which side of the fence you're standing on.

Looking through his appraisal at first comparison to the Best Western on Statesville Road, the property at 405 Hillcrest, he stated that it had been sold June 6, 2022. After we did some research, we found that the home had been sold again in August 2023. Why didn't he disclose this information. Don't know. Also, each time the property was sold, it was sold for significantly less than the original listing of the house. It didn't seem like he did his due diligence. We also discovered that most of these properties by the Best Western are rentals.

One of our neighbors in Stratford Forest adjacent to the business park recently sold their home on April 29, 2024. I talked with them about the sale and they said that they did two open houses. Their realtor

did surveys on each of the open houses. Two of the surveys stated that they would not make an offer on the home because they did not like the idea that a hotel could be built in their backyard.

Thomas Cooley said I'm a resident of Stratford Forest. During the day I'm a financial planner and during the evening I'm a husband and a father of two. I put my sports jacket back on for this event right now. Fear and greed is what drives human behavior. This hotel is a perfect example of greed. Hotels rank profit over environmental and community concerns. My neighbors and I are here today because of fear. Fear for the safety of our children, privacy, crime and our property values, which you have heard about. But this evening I will address the potential decline in our property values. The proximity of this hotel to a predominantly residential neighborhood can have negative impacts on property values. Let me name a few for you.

Every four years our homes are reassessed to determine their current market value. These assessments determine our property taxes. When the market value of our homes decrease, the property taxes we pay decrease and vice versa. When the value of our homes increase, our property taxes increase and we pay more taxes to our local government. The last assessment was in 2023 and my neighbors and I saw a nice tax increase in 2024. The next assessment will be 2027.

Let's use some simple math here. The average current market value of a Stratford Forest home is just north of \$600,000. A 1 percent decrease in property value is \$6,000 per home. There are 125 homes in our neighborhood, which means a 1 percent decrease in property value would equal \$750,000 that our entire neighborhood is not paying property taxes to local government.

Lastly, it's crucial to consider the financial ecosystem of our community. Stable property values and predictable tax revenues allow our local government to plan and budget for public services and community projects. Introducing a low-level hotel can disrupt this balance leading to shortfalls in funding and a decline in the quality of service we all rely on as a community. For these reasons I urge you to oppose the rezoning of this hotel and to protect the value of our homes and maintain predictable property tax values for the well-being of our entire community, Huntersville and Cornelius.

Morgan Cooley said I'm a resident of Stratford Forest as well. I want to voice my concerns how this hotel puts our neighborhood safety in jeopardy. The applicant will be presenting a report regarding crime statistics with hotels in the area, but I need to bring to your attention how often crime is not reported regarding hotels and how much we're really at risk.

I pulled reviews here from other hotels that are owned by the applicant. Besides constant noise complaints in the parking lot, which will affect us, there are reports of vandalism and theft which goes unreported. One such review states 10 cars were broken into in one overnight. Hotel staff did nothing, including reporting it. The customer called Marriott corporate and were told that they are not responsible for what happens in their parking lots. I called as well and received the same answer, so any crime or nuisance in the parking lot that face our community will be our problem, not theirs.

Hotels attract criminal activity. The privacy they provide create opportunities for exploitation. Besides the lawsuit Marriott, the hotel being presented, faced for its involvement in human trafficking, Charlotte hotels have been facing heinous crimes. Pulling up news reports from this year alone, which we're only 6 months into, multiple people arrested at hotels after hiding for crimes they committed including robbery and murder, reports of people tied up, sexually assaulted or raped at local hotels, and people being murdered at the hotels themselves. The City of Charlotte had to just spend \$4.2 million buying a motel in Charlotte because it became a hot spot for crime. I overheard the applicant saying they also

may ask local police to patrol the area. First of all, we are Cornelius. They are Huntersville, so we have a conflict of jurisdiction, so their police patrol won't be checking our neighborhood. But I learned from an attorney when hotels choose to use police as security, they are letting taxpayers pay for their security and take away resources from the community. How does that keep us safe. Hotels near interstates like 77 are a massive concern for human trafficking as well. According to Polaris, the leading status on human trafficking, 80 percent of commercial sex occurs at hotels. Ninety-four percent of victims reported they did not receive assistance, concern or identification check from hotel staff. In Charlotte alone there was a 77 percent increase in human trafficking in 2022 and 2023.

There is no way to monitor who stays at these hotels. This hotel offers extended stay. Guests will be 50' from some of our residences. We have many children in our community. They can watch us, monitor our children, learn our routines for weeks or months on end and they can snatch our kids and take off down the interstate. The hotel entrance is directly across the street from a school bus pick-up. The window of the hotel faces directly in my backyard. These people can watch my children play, they can see into my kitchen. I fear the opportunity this is being created. We have no problem with a business here, but a hotel puts our community at risk. Again, Marriott stated they are not responsible, so who will be. I urge you against this rezoning.

Kara Matuszto (Bill Duncan yielded his 3 minutes), said I just want to say thank you for allowing us to have this time to express our concerns. I have been a resident of Stratford Forest for 11 years. My husband and I bought a home in this neighborhood because of the location, the school quality and the overall safety of the neighborhood. I am a working mom and I have three children that are 9, 7 and 5 years old. My primary concerns are the safety of my children and the increase in crime.

My first concern is the safety of my children. Our Stratford Forest neighborhood currently provides a sense of security and comfort for our family. The idea of a hotel being built nearby is causing concern about that feeling being disrupted. My children love the outdoors. They are constantly outside playing whether it be at our house or at a friend's house in the neighborhood. Stratford Forest is truly a safe haven for our kids. It is a nurturing environment to grow and play and it provides a peace of mind for parents and fosters a sense of freedom and adventure for our kids. We will lose the safe haven and feel with a hotel so close to our neighborhood.

With a hotel there is uncertainty of hotel guests as hotels typically do not restrict who can check in and it can lead to a transient population. The presence of hotel guests and the possibility of people wandering around the neighborhood could pose safety risks. I have concerns about human trafficking as we just heard, especially given the proximity to major highways like I-85 and I-77. The impact of the hotel on local crime rates in the time it takes for emergency services to respond, given that calls may be rerouted between Cornelius and Huntersville. The lack of a pool or a large conference room in the hotel might mean fewer amenities that could attract a stable family-oriented or business clientele. Additionally, there are multiple school bus stops near the proximity of the proposed hotel with kids ranging from elementary to high school ages as you see. I see these children standing waiting for the bus every day on Northcross Drive and the potential for strangers to observe or approach the children is understandably unsettling for any parent or community member. You never know who is watching the children get on or off the bus and what intentions could lead to. This is a very scary thought, especially if there is that one day one of the kids does not get off the bus when they are supposed to.

My second concern is crime. Having a hotel so close will increase the crime in the area. Not only are we concerned with crime at the hotels, but also with crime around the hotel. We did receive police reports from the Huntersville and Cornelius police departments and these reports are showing crimes that occur

at hotels only. The Huntersville report is showing 225 incidents reported at hotels for the past 3 years. These mostly are crimes that involve theft from motor vehicles, assault, vandalism, drug violations, kidnapping, which is terrifying. The Cornelius crime report shows an influx of suspicious people, vehicles and disturbance calls. We also don't want to forget about the recent March incident on the greenway, which is very close to where the proposed hotel would go. The Cornelius police arrested a suspect for indecent exposure.

Additionally, we're hearing about more and more murders in the news that occur at or near hotels in Charlotte. I'll give you a few examples, but not all. And I did email you a list earlier today. July 9, a death investigation is taking place outside the Wyndham Garden Hotel in South Charlotte, which involved a quadruple shooting and one man was killed in the shooting and the three other victims, including a 17-year-old, has sustained injuries. April 19, a man was shot to death at the Embassy Suites Hotel located in Southwest Charlotte. December 24, victim shot and killed at the Marriott Hotel in Charlotte. April 30, a man was shot and killed behind a South Charlotte Hotel Courtyard Marriott.

Again, our community is open to development in that area. The idea of a business building could offer a more controlled environment with regular working hours and background checks for employees, which would align better with our community values, community safety, culture and overall well-being.

Look at all these sweet faces out there. When does children's safety become a priority over money? Again, thank you for your time and please consider voting against the rezoning SUP.

Juliebeth Jarvis (John Dunn and Amanda Sellers yielded their time) said thank you all for giving me the opportunity once again to speak this evening and I'm glad you all are changing the SUP because it's really hard to sit there.....and then you're listening to people talk, so I really am glad that you're doing that for the future. It would be much easier.

I have emailed you all several different, and I will give this to you for the record, different documents. *Refer to Exhibit No. 3.* One of the ones I have sent you provided you with a breakdown of the hotel rooms in Huntersville. What I've done is I also divided it into Exit 25, Exit 23. There's 588 hotel rooms at Exit 25 right now. Exit 23, 528. This does not include the Airbnb's, VRBO's, which is 141.

There is a Hilton Garden Inn coming to Exit 25. That's going to add 140 rooms already to Exit 25. So you've got all these hotels that are around 60-63 percent capacity, divide that out. And I mean, of course, the Hilton Garden Inn is over there in the little place across from Birkdale, so I think you'll get a little bit more from that. It's a little bit more upscale. It's got food and a bar and things that people like to, they might eat, but then they come back and they want to be close to the room. I think that's an important number to really look at when we're considering this because do we really want another one? Is it going to fill? Because the fact of the matter is when hotels don't fill, when they're not bringing the money in, they stop putting money back into it. That's when you see these really nice hotels that suddenly go downhill and in Charlotte they're having to tear them down. They used to be nice, the Days Inn and all that, they used to be brand new at one point, but when money's not being spent, they can't fix it. And that just brings a whole different problem that will come to our wonderful area here.

The other thing is the rates. The rates drive this. I've provided you all with the rates from Sunday and Monday. I just did the most current. It is summer, people are traveling, so it should be high, right? Let's see, Sunday night, the Courtyard was \$102, the Candlewood was \$94, Four Points was \$97, Comfort Inn was \$96, Quality Inn \$74, and then the Country Inn and Suites tends to be a little bit more because it's a

suite, so that was like \$121. You also see the same the next day. It's \$8 more at the Courtyard, it's up to \$110.

What the police have told me up in Cornelius is you don't want to stay anywhere that the price is under like \$125, because \$100 anybody can do that off of the street, so run is what they told me.

Hopefully, you all got a chance to look at it. And again, I do want to enter this into the record and you're welcome if you didn't get to see it to take a look. Especially with the interstate, that's the kind of thing you get with the lower priced hotels that people just want to stop.

Another thing that I wanted to point out, in the beginning the letter that we got about the hotel stated that this was going to be a Fairfield Inn and Home Place Suites. Suddenly those disappeared. It used to be on the side of the building. It used to be in all of their presentations that they gave. And then when we got up and said, hey, this is the low-end Marriott, and again, I also sent this to you all, which was the placemat of the Marriott and you'll see how they're listed. When we pointed that out, suddenly that came off of everything. You never heard it. It's Marriott, it's a Marriott brand, it's a Marriott brand, what type of Marriott brand. So that disappeared. And I believe it's because that we did talk about that, but one of the ways you know that it's still that.....no restaurant, no bar, no conference rooms, there might be a little like eight person little room for somebody to be in, but that's how you know it's a Fairfield, and a free breakfast, that's part of that, too. So that's how you, even without saying it, you do know that.

Why do we need another hotel here at that level? We have all that covered with what we have. We really do. Birkdale has done a \$20 million renovation. That's a lot of money. Is that the standard that.....no. The office park has done millions of dollars of renovations. So now you're seeing where I'm going with this. It doesn't really fit that. Then you've got the Hampton Garden Inn going in over at the new Birkdale Place, so that's another little more upscale area there. It just doesn't fit into where we're going with what we're doing. It doesn't fit into the scheme of things of what we're wanting to do. My neighbors have talked about crime and things like that. I'm not going to go over that. I think they've told you all quite a bit about that. But as you can see, we want something that fits in with where we're going and that's a big part of it.

Another thing that I want to talk about is the land is already zoned for an office building, so it's done. You don't have to do what you're doing today. You don't have to sit here for months and months and listen to all of us talk about rezoning or bring something again. It's done. There's not a lot of that here in Huntersville, so when you go out and you're pitching Huntersville, which is just getting better and better, you've got that. Yeah, we can build to suit, and you know what, you can start really quick. It's not going to take us a year to rezone. That's one of the things that you need to kind of think about that let's get some more business in here. And the office building will bring many, many more jobs, higher paying jobs may I say. And we also talk a lot about the mixed-use. The 2040 Plan says mixed-use, but it doesn't say a hotel. Mixed-use does not necessarily mean that. And that type of business park, those folks that are there, they either live here or the people that come in are going to want to stay at a little bit nicer place. That's honestly transit. That is more of a transit hotel.

The other thing is the Patels, they get franchises, build hotels, and then they sell them. They don't contribute to the community the way offices do and everything like offices, you do volunteer work, you go to Birkdale, spend money, lunch, shop, after work drinks and their salaries are not as high. It starts at about \$45,000 is their highest. As you can see, it would bring a lot more to us with something like that and it could be used for an office building and add like an onsite thing for somebody. It doesn't have to

be all office space and that would be great. So let me talk about myself. I've lived here for, since August 17, 2001.

Mayor Clark said that's your time, Ms. Jarvis. We appreciate you. Thank you.

AGENDA CHANGES

Commissioner Hunt said I'd like to remove Items 9.A, 9.B, 9.C and 9.D. They will be added to a future agenda once the applicable statutory notice requirements have been satisfied. I'd also like to add for consideration Item 10 G, a Resolution approving the execution of a contract for replastering the 50-meter pool at HFFA with Edgewater Pools LLC.

Commissioner Hunt made a motion to approve the agenda as revised.

Commissioner Quarles seconded the motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Rivers made a motion to approve the minutes of the June 17, 2024 Regular Town Board Meeting. Commissioner Dumas seconded the motion. Motion carried unanimously.

Resolution – Fire Protection Services Interlocal Cooperation Agreement. Commissioner Rivers made a motion to adopt Resolution approving Interlocal Cooperation Agreement for Fire Protection Services. Commissioner Dumas seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

Resolution – Acquire Property for CMS – NC HWY 115 Sidewalk Project. Commissioner Rivers made a motion to acquire right-of-way and/or easements necessary for the construction of the CMS – NC HWY 115 Sidewalk Project. Commissioner Dumas seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 5.

Resolution – Award of Service Firearm. Commissioner Rivers made a motion to approve the awarding of a Service Firearm to a retiring law enforcement member. Commissioner Dumas seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 6.

Budget Amendment – Parks & Recreation. Commissioner Rivers made a motion to approve budget amendment appropriating Signage Revenue in the amount of \$2,500 to Non-capitalized Equipment for an aquatic wheelchair for the new Splash Pad at North Mecklenburg Park. Commissioner Dumas seconded the motion. Motion carried unanimously.

Budget Amendment – Parks & Recreation. Commissioner Rivers made a motion to approve budget amendment appropriating Signage Revenue in the amount of \$5,000 to Non-capitalized Equipment for

AED's at Veterans Park and Rosedale Nature Park. Commissioner Dumas seconded the motion. Motion carried unanimously.

Purchase Agreement – Portion of 12928 S. Church Street. Steve McLane has offered to purchase a portion of 12928 S. Church Street, Huntersville, NC 28078. The Town authorized the upset bid process to sell this property on June 17, 2024. The notice of upset bid was advertised on June 20, 2024. No upset bids were received. The Town may now award the bid to the highest overall bidder or reject all bids.

Commissioner Rivers made a motion to approve the Purchase Agreement for a portion of 12928 S. Church Street, Huntersville, NC 28078. Commissioner Dumas seconded the motion. Motion carried unanimously.

Purchase Agreement attached hereto as Exhibit No. 7.

Contract for Goods for Hwy 21 Feeder Project from Border States. Bids for materials for the Hwy 21 Feeder Project were solicited. Border States was the successful bidder for Schedule I - Pad Mount Switchgears; Schedule II - Conductors; Schedule III - Connectors and Terminators; and Schedule IV - Pads, Pedestals and Boxes. These materials are needed to complete an electric feeder along Hwy 21 to alleviate an overload condition on Delivery 1 and provide redundancy between Delivery 1 and Delivery 2.

Commissioner Rivers made a motion to approve contract for Goods for the Hwy 21 Feeder Project from Border States. Commissioner Dumas seconded the motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 8.

Contract for Goods for Hwy 21 Feeder Project from WESCO. Bids for materials for the Hwy 21 Feeder Project were solicited. WESCO was the successful bidder for Schedule V - Pad Mounted Transformers; and Schedule VI - Miscellaneous Items. These materials are needed to complete an electric feeder along Hwy 21 to alleviate an overload condition on Delivery 1 and provide redundancy between Delivery 1 and Delivery 2.

Commissioner Rivers made a motion to approve contract for Goods for the Hwy 21 Feeder Project from WESCO. Commissioner Dumas seconded the motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 9.

Contract for Goods for New Substation Materials. The structural steel for the new substation was formally bid and MD Henry was the successful bidder at \$443,815.49.

Commissioner Rivers made a motion to approve contract for Goods with MD Henry for new substation materials. Commissioner Dumas seconded the motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 10.

Contract for Goods for New Substation Materials with VFP, Inc. The Substation Control Building for the new substation was formally bid and VFP, Inc. was the successful bidder at \$130,110. The new electrical substation requires a control building to house the protective equipment.

Commissioner Rivers made a motion to approve contract for Goods with VFP, Inc. for a control building for the new electrical substation. Commissioner Dumas seconded the motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 11.

Call for Public Hearing – Petition #R24-03. Commissioner Rivers made a motion to call a public hearing for Tuesday, August 6, 2024 at 6:00 p.m. at Huntersville Town Hall on petition #R24-03, Long Creek Retail, a request by Saleh Moflehi on behalf of TA&S Enterprises of NC INC. to rezone +/- 4.39 acres located at the intersection of Mt. Holly-Huntersville Road and Beatties Ford Road for Parcels 01526434 and 01526435 from Highway Commercial - Conditional District to Highway Commercial - Conditional District for an amendment to rezoning #R08-01 for a convenience store and retail development.

Commissioner Dumas seconded the motion.

Motion carried unanimously.

Call for Public Hearing – Petition #R24-04. Commissioner Rivers made a motion to call a public hearing for Tuesday, August 6, 2024, at 6:00 p.m. at Huntersville Town Hall on Petition #R24-04, Northbrook Storage, a request by Jake Palillo on behalf of Bi-Part Development LLC to rezone +/- 21.936 acres located on Sam Furr Road for Parcels 01122117, 01122116, 01122115, and 01122114 from Corporate Business to Special Purpose - Conditional District for a storage facility and other commercial uses.

Commissioner Dumas seconded the motion.

Motion carried unanimously.

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #TA24-04. Petition #TA24-04 is 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 attached hereto as Exhibit No. 12.*

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 Ordinances to match those updated bylaws.

The first amendment is to Article 11.4.3(a) of the Zoning Ordinance where the Huntersville Ordinances Advisory Board will be removed from that section. In article 5 of the Subdivision Ordinance, Huntersville Ordinances Advisory Board will also be removed from that as well.

Staff recommends approval of the proposed text amendment to stay compliant with the recently updated bylaws. On March 7, 2024, the Huntersville Ordinances Advisory Board recommended denial with a vote of 5 to deny, 0 to approve and 1 to abstain. On June 25, 2024, the Planning Board voted to approve TA24-04 with a vote of 6 to approve and 1 to abstain.

Commissioner Bergsman made a motion to approve Text Amendment 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 based on consistency with the recently updated Huntersville Ordinances Advisory Board bylaws. It is reasonable and in the public interest to amend the Zoning Ordinance because it will provide further clarification to the language.

Commissioner Rivers seconded the motion.

Commissioner Bergsman said I just want to mention my vote against the bylaw updates a few months ago was not due to disagreement with the changes. My primary concern at that time was the failure to engage or inform HOAB committee members prior to the vote. I still firmly believe that a collaborative discussion involving input from current HOAB members is essential for determining the future of the committee. It is worth noting that Cornelius recently disbanded a similar committee, making Huntersville the only municipality in the state with an ordinance advisory committee. Is HOAB duplicative of the Planning Board? That was a primary factor in Cornelius's decision to disband their committee in May. Advisory committees do not necessarily need to continue in perpetuity. A committee's disbandment can be a testament to our staff and committee members' excellent work indicating that they have successfully addressed the needs for which the committee was initially established. That's not what is happening tonight. This is a vote to align our Zoning and Subdivision Ordinances with the recent bylaw changes, but where we go from here is a public conversation that I think needs to be held.

The last thing I want to address is some public comments in recent months that have attacked either members of our staff or volunteers who serve on an advisory committee. Sometimes this has happened to both at the same time. You're welcome to attack me all you want. I ran for election, I sit here, that's what I'm here for, if that's your choice. But I do not tolerate personal attacks on our staff or volunteers, and I just wanted to make that clear.

Commissioner Dumas said I wanted to also mention, Commissioner Bergsman did a nice background on the HOAB, and I wanted to confirm that my yes vote for these changes back in March was in no way to put down the work that our volunteers do that serve for our town. The folks who serve on that board and all boards have volunteered their time because they love our town, because they want what's best for our town. My yes vote was never meant to say anything otherwise and I thank those who currently serve and who've served in the past.

Mayor Clark called for the vote to approve Petition #TA24-04.

Motion carried unanimously.

SUP#24-01, Northpointe Hotel. Mayor Clark said I have extensive instructions that I'm going to read. Please follow along on the slides that will tell us how this process is going to work.

This hearing is a quasi-judicial hearing on the application submitted for Northpointe Hotel, a request by Hotel Ventures, Inc. of Lake Norman. Quasi-judicial hearings are evidentiary in nature. Only parties with

standing including the applicant, property owner, local government and individuals who can show they will suffer special damages, have the right to participate fully in the hearing. Special damages must be particularized, separate and distinct from the damages to the public at large. Special damages are a fact specific inquiry. While proximity may bear weight in the determination of special damages, proximity in and of itself is insufficient to grant standing.

Parties may present evidence, call witnesses and make legal arguments. Other individuals may, but are not required, to be allowed to speak as a witness. However, they will not be allowed to participate fully as a party such as by questioning other witnesses or by calling other persons to testify.

Witnesses must swear or affirm their testimony. General witness testimony is limited to facts, not personal preferences or opinions. Certain topics require expert witnesses including projections about impacts on property values and traffic impacts. Individuals providing expert opinion testimony must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Mere conclusory testimony lacking the foundation of an expert's opinion is insufficient to establish the existence or non-existence of a fact or conclusion.

The Board must base quasi-judicial decisions upon competent, material and substantial evidence in the record. Competent evidence is evidence that is sufficiently trustworthy and reliable and that is legally fit and acceptable for consideration by the Board. Speculative, irrelevant and/or vague evidence, non-expert opinions as to something that requires an expert, and non-accepted hearsay evidence will not likely be competent evidence.

Material evidence is evidence that shows the standards will or will not be met. Evidence is substantial if it is relevant and regarded by a reasonable person as sufficient to support a specific conclusion. Speculation, unsubstantiated fears of the community, or vague assertions do not constitute substantial evidence.

Quasi-judicial hearings are constrained by the standards in the ordinance and the facts presented. Even though the Board may hear other evidence, if it is not objected to, the Board should rely on competent, material and substantial evidence in making its decision.

The Board will recognize the applicant as a party, as well as the property owners if different than the applicant. Other persons who believe they have standing to participate as a party may come forward at this time and briefly explain why they have standing to participate so that a standing determination can be made. However, if you do not wish to participate as a party, please wait to come forward until after we have identified parties with standing.

Do we have any parties other than the applicant who feel they want to come forward with standing? Mr. Borges, please come to the podium and if you could just state to us why you believe you have standing.

Luis Borges said I'm a board member, so I know their bylaws and I have a concern about the fence because it's against our laws currently. We don't allow vinyl.

Mayor Clark said because the HOA covenants apply exclusively to your neighborhood and do not apply to the Northpointe properties, that would not be considered standing, so you will not have standing under that circumstance.

Susanne Todd said I'm the attorney on behalf of the applicant. I have with me tonight Tess Fallova. She is a landscape architect who prepared the site plan for our project, and I believe she's qualified as an expert in that field. I also have Hitesh Patel who is the applicant, as well as Jack Spurgeon who is an MAI appraiser who will be testifying on property valuation, as well as Rakesh Patel, also with the applicant. And then last Kyle Winters who is also an MAI appraiser with Integra who will be speaking with regards to whether or not the proposed use substantially injures property values of abutting properties.

Mayor Clark said do we have any other parties who feel they have standing?

Juliebeth Jarvis said my property is adjacent to it.

Mayor Clark said unfortunately proximity is not exclusively a requirement for standing. Do you have other expert witnesses or testimony to provide that can show direct impact or damages to you specifically?

Ms. Jarvis said my line of sight from where I am, which I thought was considered.....

Emily Sloop said as the Mayor stated, proximity alone bears some weight, but on its own it does not establish standing. There's North Carolina case law that has established that point.

Mayor Clark said so you'll not have standing. Thank you.

Tommy Mann said I also live in proximity to the neighborhood. During my public comments I was not able to present some documentation that may be relevant to values of the property.

Mayor Clark said is that documentation that has been provided by an expert witness or certified appraiser?

Mr. Mann said it's from a reputable website.

Mayor Clark said unfortunately a website does not qualify as a witness or expert testimony in this circumstance and proximity does not automatically apply to give you standing, so you'll not have standing tonight. Thank you. Are there any witnesses that you intend to call, Ms. Todd?

Ms. Sloop said she's introduced them, I believe.

Mayor Clark administered oath to Nathan Farber, Brian Richards, Stephen Trott, Kevin Fox, Susanne Todd, Hitesh Patel, Tess Fallova, Kyle Winters and Zachary Spurgeon.

Mayor Clark said the parties in this case are entitled to an impartial Board. A Board member may not participate in this hearing if he or she has a fixed opinion about the matter, a financial interest in the outcome of the matter, or a close relationship with an affected person. Does any Board member have conflicts of interest to offer at tonight's meeting?

There are no conflicts of interest.

The parties in this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the case outside of the hearing that may be email

communications, as well as conversations with parties, staff or the general public. Does any Board member have any ex parte communications to disclose?

Commissioner Dumas said I have received several emails with information, but have not had discussions or back and forth and I don't believe it'll impact my ability to vote on this matter.

Commissioner Bergsman said I attended the community meeting on March 6. I've also received some emails, but did not reply to those emails in the past week and I did visit this site and at that time spoke to a few of the neighbors.

Mayor Clark said are you able to remain fair and impartial throughout this process?

Commissioner Bergsman said yes.

Commissioner Walsh said I, too, have received several emails going back about a month. The ones recently I haven't really looked at, but it won't affect my decision.

Commissioner Rivers said I also have received several emails, as well as I went out to the property site and spoke with a few residents, but that will not determine my decision.

Commissioner Quarles said I, too, have received several emails and I also drove through the site. I have not spoken with anyone and the emails will not deter my determination or decision.

Commissioner Hunt said like the others, I have received emails, but I have not responded to them. I have looked at the site, but I have not spoken to any of the residents and it will not impact my decision.

Mayor Clark said the same is true for me as well, as I've received several emails, but I have not engaged with residents and if I'm called on to vote, it will not impact my decision.

Based on the disclosures we've heard from the Board concerning partiality and ex parte communications, does any member of the Board or any party to this matter have an objection to Board members' participation in this hearing?

There were no objections.

Mayor Clark said we'll move forward. Now we'll call our Planning staff for the presentation of their Staff Report.

Jesse James, Senior Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 13.* I won't go over this slide. I think it has been thoroughly gone over as far as the rules and regulations behind the special use permit and quasi-judicial hearing. Let's move to this actual case.

Why is a special permit needed for Northpointe Hotel? In Highway Commercial zoning district, hotels are allowed with conditions and one of those conditions would be a special use permit is needed if the hotel property is directly adjacent to single-family residential properties. That is explained in Article 9.45 Hotels and Motels Use. That explains simply in Items 1 and 2(b) that this hotel is actually in proximity to the 250' mark, actually it is completely adjacent to it, so it does require a special use permit.

On the screen you see a context map of the surrounding areas. In the red outline is the approximate property for the Northpointe Hotel. You've got the single-family residence to the north, apartments to the east, the Northpointe Executive Park office park there in the close proximity to this parcel and then Birkdale Village there to the west.

Looking at the growth pattern of the area, just kind of important to note, Stratford Forest single-family neighborhood was established circa 1997 or at least these aerials show that the neighborhood is established at this point and you can see to the south the office park is not there yet. It was approved around '99 I believe, and then in 2002 you can see some improvements to that property were made.

Looking at the site plan for the proposed hotel, you can see how the hotel fronts on Northpointe Executive Park Drive. There is a requirement in the ordinance for minimum separation from the actual structure to the adjacent property, which is the single-family neighborhood. There is a maximum height allowed for Highway Commercial or Urban Workplace building type which is 45'. On the proposed plans, for an example, they show 36' and what you do is you times the height of that building times 3 and that's the minimum height. In that case at 36' it'd be 108' minimum separation. With 45' it would be 135' minimum separation, in which the applicant has proposed to separate it by 200'.

You can see on the site plan the buffer against the single-family neighborhood. There is a 30' existing buffer. There are some sparse vegetation areas in there. The important note on this buffer is there is a 100' Energy United right-of-way that starts at the property line adjacent to the single-family neighborhoods and actually goes into the site. You can see on the screen it goes partially into the parking lot of the proposed hotel. They have proposed an alternative buffer inside of the parking lot, while they have agreed to also keep the existing vegetation, add a vinyl fence and do parking lot screening for that buffer screening.

On the screen you see the proposed elevations that we've worked through with the applicant. These show the height of three stories. The original height I believe was four stories. They've brought that down to three and this kind of just shows how it sits on the site. Of note, the rear elevation does have windows on that top floor which we worked with the applicant to try and figure out a different architectural design where those windows would not face the single-family homes. They are still present.

Part of a SUP, big portion of it, is the applicant burden evidence application. These go into the five criteria required to prove that the special use permit is met. Those are (1) the proposed special use permit will not materially endanger the public health or safety; (2) the proposed special use will not substantially injure the value of abutting property or constitutes a public necessity; (3) the proposed special use will be in harmony with the area in which it is located and in general conformity with the comprehensive plan and any applicable small area plan; (4) the proposed special use will comply with all of the lot size yard and other standards which this ordinance applies to all uses in the zoning district in which the property is located; and (5) the proposed special use will comply with all general and specific standards required by the appropriate section of the ordinance for the issuance of the special use permit for this use.

The staff findings with those five requirements. For No. 1, staff finds that there is no reason to believe that the project would endanger the public health or safety. All applicable fire and safety codes will be met if approved. No. 2, the applicant has presented evidence from a qualified appraiser that the proposal will not substantially injure the value of abutting properties. No. 3, the proposal is consistent

with Huntersville 2040 community Plan LU.6, 6.1, 6.2. Furthermore, hotels are a common use within business parks and can be complimentary in use or existing uses. Ultimately, the Town Board will determine if the separation of the proposed hotel to the single-family residential neighborhood is appropriate given the information provided by the applicant. No. 4, the proposal complies with all applicable standards and ordinances with exception of one modification requested which is for the alternative buffer. That was the case where the buffer is within the parking lot area. However, they are also keeping the existing buffer in place within that 100' right-of-way. Staff recommends approval of the modification request. We support it as keeping with the spirit of the ordinance. And then No. 5, all standards will be met and the proposed plan meets these standards.

Moving to staff recommendations for the special use permit and a reminder that the special use permit and the rezoning that is next go hand-in-hand. You can't have one and not the other for it to be approved. For the SUP, the staff recommendation, we find that special use permit application meets the requirements for the proposed hotel use based on findings of fact. Staff recommends approval if the Board finds that the applicant has presented competent, material and substantial evidence that proves the criteria for a special use permit is met. And with that, the applicants do have a presentation, but if there are questions before that, please let me know.

Mayor Clark said Board, do we have any questions before the applicant presents?

Commissioner Bergsman said I just have one question for you. For requirement No. 3....harmony, is there objective criteria that's used in deciding what constitutes harmony within that area?

Mr. James said what we look at is really what the 2040 Plan sets out and explains and that 2040 Plan is talking about a mix of uses in that area. That's all staff can go by. In that 2040 plan it calls for mixed-use or a mix of uses in that area, so that's where we came up with the complimentary use of a hotel with office park. In that case, that's what we were held to use was the 2040 Plan in that case.

Ms. Sloop said also, just as a point of clarification, the fact that a land use is included as a potential special use within a particular zoning district is a finding that it is at least in general harmony with the other permitted uses in that zoning district. That's from a North Carolina case.

Mayor Clark said now I'll call the applicant forward. Do you want to speak or testify or call your first witness? Before you begin, will you state your name, address and relation to the case again.

Susanne Todd said I'm a land use attorney with Johnston Allison Hord in Charlotte here on behalf of the applicant, Hotel Ventures of Lake Norman Inc. Before we get started, I wanted to pass out some binders that include our evidence. *Refer to Exhibit No. 14.*

Again, I'm a zoning attorney here on behalf of the applicant in this request for a special use permit to allow for development of approximately 10.3 acres for use as a hotel.

With me tonight as you previously met are Hitesh Patel and Rakesh Patel on behalf of the applicant, as well as Tess Fallova with W & A Engineering civil engineering firm. We also have Zach Spurgeon who is an MAI appraiser, as well as Kyle Winters, also an MAI appraiser here to testify.

Again, Hotel Ventures is proposing to make an \$18 million investment within the town of Huntersville and that is through the development of this new hotel. This property has set vacant for over 20 years. Hotel use would be a great use given the fact that it's in an office park and in close proximity to I-77.

Again, this site is located in the Birkdale Point office park and as Mr. James mentioned that park was initially developed in the late nineties and recently renovated. The property is currently zoned Highway Commercial Conditional and hotel use is allowed in Highway Commercial zoning districts. However, the site is tied to a site plan that allows for a three-story office building with about twice as much parking as this project proposes and therefore the applicant is seeking both the rezoning to allow for hotel use, as well as the special use permit because the northern boundary of this property abuts residential. Again, we are here tonight seeking your approval of both the special use permit and a conditional rezoning.

Special use permits are required in situations where a use is allowed but may have substantial impacts on surrounding properties. In these instances, the ordinance imposes additional requirements on the proposed use to ensure that these impacts will be eliminated or mitigated. And this isn't just things that are made up, this is Planning staff educated, making decisions about what will mitigate these impacts and putting those requirements into the ordinance, and those are things that we have to comply with.

Again, the quasi-judicial process, the applicant does have the burden of demonstrating that we meet certain standards through material, substantial and competent evidence that tends to show that these standards are met. The legal standard is not that we have to prove it, the legal standard is that the evidence we present tends to show that we've met these standards. At that point the applicant is entitled to, once he makes his prima facie case, is entitled to the permit absent any evidence to the contrary.

While we're discussing these legal matters, I did want to point out that with regards to meeting certain standards such as safety and harmony, case law does provide there is a presumption that the use is safe if it complies with the required regulations. For example, it meets ordinance and building code life safety requirements. Case law, as Ms. Sloop also pointed out, also provides there's a presumption that a use is in harmony with the surrounding area if it is actually allowed in the zoning jurisdiction or district. We have provided our evidence that we are presenting tonight in the form of a notebook, and I just wanted to walk through each exhibit with you very quickly.

Exhibit 1 is of course our site plan.

Exhibit 2 addresses special use permit hotel requirements and these are requirements that the ordinance requires to mitigate the impacts from hotel use.

Exhibit 3 shows the separation that we are proposing against that which is required. We are proposing 200' of separation as shown in that Exhibit 3, and we are required under the SUP to provide 135'.

Under Exhibit 4 you've got the Northpointe Executive Park Drive. It is currently a private street but once it meets Town maintenance requirements and is accepted for public maintenance, then it will become a future collector and that is a requirement as well, but that is a condition that we've put in our site plan that we will improve and bring Northpointe Executive Drive up to Town standards.

Exhibit 5 is the Staff Report with findings. I would note that as detailed in our site plan, it's set out in our site plan, the applicant has always requested maximum 45' foot building height because we are complying with the Urban Workplace building type and a diagram of that is also shown in our site plan under Tab 1 that shows the maximum height of that is 45'. That is why there's a bit of a discrepancy. Planning staff is saying that we need to have 108' of separation, but we are saying no we need 135' because we are asking for a maximum building height of 45' in accordance with this Urban Workplace building plan or building type.

The 36' I believe comes from elevations that we have provided and they're shown right here which showed the height of the building at this time. These were illustration elevations that we provided to show the exterior materials. In fact, it's about 91 percent brick at this time. It does show the building at 36', however as Mr. Patel can explain, we may need to raise the building, the ceiling, not the ceiling but the cavity between the ceiling and the roof of the building so that we can include a recirculation system that Marriott is requiring. We wanted some flexibility in our height, which is why we went with the 45' in accordance with the building type that we're proposing.

Under Tab 6, we've got our special use applicant burden form, which we submitted when we filed the rezoning.

Behind Tab 8 is the affidavit of Zach Spurgeon, who is a partner at Hotel and Clubs, Inc., it's a real estate appraisal consulting company and he is a designated MAI appraiser. Behind his affidavit, also in Tab 8, is an Exhibit A to his affidavit, which is his special use permit supplemental information....it's his impact study.

Behind Tab 8 is the affidavit of Kyle Winters. Mr. Winters is a director with Integra Realty Resources and he is also a licensed general appraiser as well as holding the MAI designation. He's also an accredited senior appraiser and carries that designation from the American Society of Appraisers. Behind his affidavit is an Exhibit A, which includes his impact study.

No. 9 is the affidavit of Tess Fallova. She is a landscape architect with W & A Engineering and is the architect of our site plan and she in her affidavit testifies that it is her professional opinion that this site plan meets and complies with all the lot size yard, other standards that the ordinance applies to all uses permitted in the zoning district, as well as it's her professional opinion that the proposed special use will comply with all general and specific standards required for this particular use.

If I failed to mention it, I'm sure you know that both Mr. Spurgeon, as well as Mr. Winters, conducted an analysis based on match pair sales comparing sales of houses that abut hotels with other sales of houses that in the immediate neighborhood to both of them reaching independent conclusions that no substantial injury comes to abutting property values as a result of being next to a hotel.

Under Tab 10 we have the affidavit of Hitesh Patel. We are not saying that Mr. Patel is testifying as an expert here. He is just giving some facts with regards to the proposed hotel such as the fact that it will be manned 24/7 and that it's going to be built in accordance with the standards of an upper midscale hotel such as a Marriott, Fairfield Inn, Towneplace Suites or a Hilton. What would be a comparable?

Hitesh Patel said a Hilton Hampton, Home2 Suites.

Ms. Todd said he also put together as an Exhibit A to his affidavit an estimated tax generation or taxes generated as a result of this hotel use and this would be on an annual basis. I think he surprised himself that the sales occupancy property taxes collectively are exceeding \$500,000.

Finally, Mr. Patel, under Tab 11 also because there was a question, we are providing actually in essence two buffers for this site. One, there is an existing buffer and you can see our property is outlined in red. There's an existing landscape buffer along that northern edge that has been growing for 20 something years. It is within Energy United right-of-way and therefore subject to removal and that is why the staff has asked us to provide an additional buffer. However, Mr. Patel did receive and secured a letter

agreement from Energy United, and this is a rarity, wherein they acknowledged that they would only remove those trees, one or more of those trees, if in fact it was dead or dying and somehow either potentially injuring, would potentially injure their facilities, or somehow impede their ability to maintain their facilities within that 100' right-of-way. I think that's important because I think that they also approved the proposed project underneath their lines and within their easement area. And I think all that is important to show that Energy United is on board with this and that it's very unlikely that existing buffer will ever be cut.

No. 12 is a true and accurate copy of the May 6, 2024, meeting minutes for the public hearing for the rezoning and I have tabbed Police Chief Barry Graham's statement with regards to and in response to neighborhood concerns about prostitution and sex trafficking bringing crimes into the neighborhood and that has simply been provided to reiterate and remind the commissioners about that statement.

No. 13, we are proposing certain findings of fact. This is the decision statement, and we would ask that if the Board determines that we have met our burden, that it grant this SUP and incorporate staff's findings of fact Nos. 1, 2b, 2c, i, ii, iii, iv, and v, and that we modify staff's findings of fact Nos. 2a and 3 and replace those with the findings of fact that are set out in the middle of the page as 2a and 3. The difference between the two is that the staff's findings of fact refer to a building height of 36', whereas we are referring to the building height as shown on our site plan for a maximum of 45'. Again, this is still a three-story building.

We've also provided additional findings of fact based on the various evidence that we've presented in affidavit and the reports.

No. 14 is simply a copy of our special use permit presentation.

I think Mr. James has done a great job. I don't think I need to go through this entire presentation here, but I would like to, I'll be happy to either kind of run through a summary of each of the affidavits and the information in each one of those as far as what the various appraisers have set forth in their studies or we can simply be available to answer any questions you might have.

Mayor Clark said please proceed with the affidavits, cover the information that's provided in those affidavits for us.

Ms. Todd said as far as the SUP standards that we will not materially endanger public health and safety, the information that we have to that effect is the affidavit of Hitesh Patel that the hotel will be built in accordance with applicable building standards and all fire/life safety standards. We also have that reiterated by Tess Fallova's affidavit, her statement that in fact this meets all ordinance requirements. The proposed use, if built in accordance with the site plan, will meet all standards of the ordinance and comply with the applicable regulations.

We also have the statement from Chief Barry Graham who reiterates that out of the calls made, hotel is not a priority as far as any kind of criminal element or activity. And again, there is a presumption that if a particular use is built in accordance and complies with ordinance requirements that it is deemed safe.

As far as the proposed special use will not substantially injure the value of abutting property, we do have the affidavit and impact study of the appraiser, Zach Spurgeon. We asked Mr. Spurgeon to address health and safety, property values, and harmony conformity standards. Again, Mr. Spurgeon is a partner with Hotels and Clubs Associates. He has been an appraiser for over 16 years. He is a member

of the Appraisal Institute and carries the MAI designation and this is a special designation for candidates meeting rigorous standards, training and experience and knowledge. He does carry a certificate in Hotel Real Estate Investment and Asset Management from Cornell University. Based on his extensive knowledge, training and experience in real estate appraising in the hotel industry, especially hotel development and investment and valuation, we would tender Mr. Spurgeon as an expert in hotel industry management and real estate valuation.

As far as impact on adjacent property values, in his affidavit Mr. Spurgeon does give his professional opinion that the proposed hotel will not substantially injure abutting property values. His opinion is based on his research and his analysis as set forth in his report, which is attached as an exhibit to the affidavit. He used a paired sales analysis. He compared sales prices of houses abutting hotel use with sales prices of homes elsewhere, but not abutting, to see whether the adjacent hotel use had any impact on these residential property values. Specifically, he looked at sales of homes adjacent to a Best Western, a Residence Inn, an extended stay and a La Quinta and compared them with sales of similar houses in the neighborhood. After adjusting for any differences between the homes, he concluded that hotel use does not adversely impact abutting residential property values. And again, the criteria is that the hotel use will not substantially injure abutting property values.

The buffers between the hotel and abutting homes in Mr. Spurgeon's report are considerably smaller than the 30' plus 30' plus fence and 200' of separation that is being proposed for this hotel. What he has in his report, the abutting, the buffers include an 80' wooded buffer, a 10' brick wall and a 10' fence with vegetation.

His conclusion is because the buffers proposed are considerably larger and the separation is considerably larger than the buffer separating hotels from houses in the report, it is reasonable to conclude that the proposed hotel use will not adversely impact adjacent abutting residential property values.

With regards to public health and safety, in his affidavit Mr. Spurgeon also opines that the proposed hotel will not materially injure public health and safety. Again, like all commercial structures, this hotel has got to meet all applicable building standards and code requirements, including life safety regulations such as sprinklers and exit requirements. Prior to construction this project is going to be required to secure all necessary approvals and permits such as DOT driveway permits and soil erosion permits. Mr. Spurgeon's opinion is also supported by staff's findings of fact in its report that it sees no reason why this particular use would endanger public health and safety. This is proposed to be a franchised hotel and they are required to meet higher, more intensive maintenance standards.

With regards to harmony with the area and general conformity with the applicable land use plans, in his affidavit Mr. Spurgeon also gives his professional opinion that the proposed hotel will be in harmony with the area and general conformity with the applicable land use plans. For this he conducted research, looked at the area around the proposed hotel, looked at the Huntersville 2040 Community Plan, as well as the site plan elevations. In light of the hotel's proximity to other commercial uses and I-77, its current zoning, compliance related to massing, size, buffer and separation requirements, location in the Mixed-use Center, and Town Core areas that call for a variety of mixed uses, he concluded that the proposed hotel will be in harmony.

I think it bears showing that the hotel, this used to be the Northpointe Executive Park. It's been rebranded to Birkdale Point. You can see that the buildings themselves are primarily brick and have been painted white and our hotel, this is a day view, our hotel fits right in from aesthetic and

harmonious standpoint. We also are providing not just one buffer, not just the existing buffer, but another buffer within the parking lot, as well as a vinyl fence and 200' of separation. That 200' of separation is the closest point that the hotel is from the adjacent property line. Other parts of the hotel are actually at least 250' away.

We also asked appraiser Kyle Winters to do some research and address property values and whether hotel use substantially injures abutting home values. As far as qualifications for Mr. Winters, he is a graduate of Virginia Tech, has a Bachelor of Science in finance. He's an accredited senior appraiser. Obviously, a licensed appraiser in North and South Carolina, as well as carries the MAI designation. He has extensive knowledge, training, experience in commercial real estate appraising and valuation. Based on that, we would tender Mr. Winters as an expert in property valuation as well.

In his affidavit Mr. Winters gives his professional opinion that the proposed hotel use will not substantially injure adjacent property values. His opinion, again, is based on his research and analysis as set forth in his report attached as an exhibit to his affidavit. He also used paired sales, compared sales prices of houses abutting hotel use with sales prices of houses elsewhere and even some not abutting, but maybe just right adjacent or across the street, to see whether the adjacent abutting hotel use had an impact on property values. Specifically, he looked at sales of homes adjacent to a Hampton Inn, an Extended Stay America and a Hilton Garden and Homewood Suites located in Southpark area and they literally abut it's a six-story hotel with parking deck that literally abuts these homes at Southpark area, as well as a Tru and Aloft, both hotels side by side, that are directly across the street from a single-family townhome project.

After adjusting for any differences between these homes he also concluded that hotel use does not adversely impact abutting residential property values. Again, the conclusion is that the proposed use will not substantially injure adjacent property values.

We also have Tess Fallova as a witness. She's a West Virginia University grad, licensed professional landscape architect. She's been in the business for over five years and she prepared the site plan for the proposed hotel. She's a project manager with W & A Engineering. Again, we would tender Ms. Fallova as an expert in development and land planning architect design.

We asked Ms. Fallova to render an opinion as to whether the proposed hotel will or will not comply with general specific ordinance requirements for the proposed use. Her research included review of the Huntersville Zoning Ordinance, Highway Commercial zoning, the building types allowed in HC zoning, special hotel use requirements, the site plan that she developed, as well as the property history. She also prepared a cross section which is attached to her affidavit that graphically illustrates how the proposed hotel meets or exceeds ordinance requirements.

Ms. Fallova determined that the site plan meets and exceeds ordinance requirements including those intended to mitigate any impacts from the proposed use on adjacent and abutting properties to the hotel. In her affidavit Ms. Fallova renders her professional opinion that if built in accordance with the site plan, the proposed hotel use will comply with all general and specific ordinance requirements for the hotel use.

Finally, we do have Mr. Patel's affidavit and as previously mentioned, Mr. Patel is, well you may not know this, but he's vice president of a family-owned business that in fact owns and operates over 20 hotels across the southeast. He's not rendering an expert opinion, but he's certainly an expert in hotel

development, ownership and management. He has been sworn in and available to answer any questions.

So with that, all these folks are here and available to answer any questions you might have. I thought this was an easier way than making everybody stand up here and testify. I thought it was a little faster, but everyone's here and more than happy to speak.

Mayor Clark said Board, do we have any questions for Ms. Todd or any other witness?

Commissioner Dumas said I have a few for the appraisers.

Mayor Clark said could you just state your name and address and your relation to the case just for the record please.

Zach Spurgeon, 130 Pearson Drive, said I was hired by the client to provide an independent opinion on whether the hotel will be injurious to the other residential property values.

Kyle Winters, Integra Realty Resources, 214 West Tremont Avenue, Suite 200, Charlotte, said I was also hired by the applicant to determine an independent study of whether a proposed hotel would have an impact on abutting homes.

Commissioner Dumas said in one of the reports there was a descriptor used of upper midscale and it referenced Marriott and Hiltons and I've stayed in Marriotts and Hiltons, I've stayed in Fairfield Suites and everything, so to me they're very different. When you're talking about upper midscale, are you talking about the brand or are you talking about the.....is that in reference to the Residence Inn or Home2 Suites?

Mr. Spurgeon said it's a class descriptor within the hotel industry. Certain hotel brands will fall into the upper midscale category. Certain brands will fall into the midscale category, upscale, there's various categories.

Commissioner Dumas said by brand, you're meaning Marriott?

Mr. Spurgeon said Yes, and Marriott has different brands and they have brands that fall into various categories.

Commissioner Dumas said so wait, now I'm confused, so the upper midscale, does that reference the category?

Mr. Spurgeon said upper midscale, maybe this will help, brands within that category would include Fairfield Inn by Marriott, Hampton Inn by Hilton, TownePlace Suites by Marriott.

Commissioner Dumas said I've heard that we're considering Fairfield, Spring Hill, Home2 Suites, but we don't really know yet. Is that accurate? I guess that's a Patel question.

Ms. Todd said may Mr. Patel address that?

Commissioner Dumas said yes, sure.

Hitesh Patel, Augusta, GA, said yes, we are looking at a Marriott brand within the upper midscale, so Fairfield Inn, TownePlace Suites.

Commissioner Dumas said this is back to the appraisers. With these comparisons, you looked at the Best Western, Residence Inn, La Quinta. When you compared these hotels, did elevation play a role when you looked at the buffer and the homes and the hotel, did you consider elevation? Because I know with this specific lot there's significant elevation towards the back where the buffer is like on the top of a hill and so they're looking through the tree trunks really. Did you look at elevation with the other properties?

Mr. Winters said I would say as part of mine what I looked at was I took GIS and I did GIS measurements just to see what the distance was from the edge of say the hotel building or structure to the residential property boundary. I think mine ranged from 50' of distance to maybe 200' of distance, so it's relatively similar distances relative to the proposed project. And then I also considered hotels that were at least the same height, meaning three stories or higher. A couple of mine were six stories in height. Even with topographic elevation changes, if you have a six-story building adjacent to a house, that's really this versus this.

Commissioner Dumas said most, if not all, of the comparisons had the parking lots on the other side of the hotel, with the hotel blocking the cars coming in and out. Do you think that makes a difference?

Mr. Winters said I know on some of mine the hotels, it was a mix of the hotels were towards the houses, or sorry, the parking lot was towards the houses versus some the parking lot was on the opposite side of the hotel. I would opine that a parking lot as a buffer gives you additional space relative to a hotel being a three to six-story hotel being packed up against the house would be a worse scenario just from an elevation view standpoint. Parking lots, it depends on if they have fencing or privacy walls. A lot of these hotels don't. They might just have an aluminum fence or no fence at all, so headlights theoretically could shine through that. Some would have privacy fences or walls, which headlights on a car are about 3' high, 4' high, so it would block those headlights.

Commissioner Dumas said I was a little confused earlier about the buffer that is proposed. The 30' buffer is at the, this might be a Town question, but the 30' buffer, is that at the back of the lot or are we including the middle of the lot buffer in that 30'?

Ms. Todd said no ma'am. It is, let me see. The 30' buffer, if you can see the property, the site is outlined in red and that 30' buffer is the vegetation that is between the red property line and the fence, which is delineated. It looks like a solid line almost. It's kind of a brown color and it goes down the length of the rear of the properties and then cuts, makes the dogleg left down closer to the detention pond to act as sort of a natural kind of buffer that nobody can really walk through there. That is the existing buffer that's been there for over 20 years. It's part of the office park. It was required for the office park, a 30' buffer between the properties to mitigate impacts from the office. And that same 30' buffer is required for hotel use as well. However, because it is in a utility easement and under some rare circumstances, some of the trees could be removed as set forth in that Energy United letter we provided, we were asked to provide another buffer, which is why we provided both the 6' vinyl fence as well as the 30' interior buffer that's in the parking lot and that will have a mix of vegetation in it to provide additional screening. And then on top of that you've got the perimeter parking vegetation, which is required of course around the parking lot itself. As you did notice, and you pointed out, you're correct that actually that existing vegetative buffer, you can see the house on the cross-section as you move over, it actually is up kind of higher up on a berm just by natural geography.

Commissioner Dumas said I'm glad you pulled this up. My question was also kind of about this section. In the comparisons that you looked at in the appraisal there was an 80' wooded buffer and I think that's fairly different than a 30' sparsely wooded. I've seen it, but you guys do plan to fill in some vegetation I believe. I guess in your comparisons they looked very different to me, 30' versus 80'. I guess I just wonder if that would impact.

Mr. Winters said the Southpark one that she mentioned, for example, it has a 50' buffer of which the hotel property itself has almost no buffer on the hotel property. They do have a privacy wall, but very few sparse trees. The majority of the existing buffer is actually the homeowners' adjacent buffer of just trees that have grown over 20 years. The Southpark one is a good example just because it's only 50' and the hotel itself doesn't really have anything other than a privacy fence. And then in mine as well, there's Waterfront at Langtree in Mooresville, there's a Tru by Hilton and Aloft that has almost no screening with literally houses directly across the street from it and no privacy fence.

Mr. Spurgeon said I'll add that one of my examples did have the 80' wooded buffer. That was the one here in Huntersville. There was an example in Pineville that was an Extended Stay America that had a wooded buffer and it ranged from about 25' to 40' depending on the homes. It kind of didn't go at a straight line. And then there was one other example that just had a 10' fence separating the residential homes from hotel.

Ms. Todd said I would also like to point out that I think this came in after the public hearing that the applicant has agreed to the extent that there are any holes in the existing buffer that it will fill in as necessary to provide screening.

Commissioner Hunt said my questions are for the appraisers, too. What are some things that could impact property values for homes near hotels, and could any of those factors apply in the future in the case of this development?

Mr. Winters said yeah, I want to answer it, but it is a little speculative just because of the research that I conducted and I looked at as many as I could find that had recent abutting home sales and none of them indicated any sort of negative impact to the sale prices, so I don't know necessarily what might, from a hotel standpoint, negatively from a pure speculating like roadside motel maybe, but that's not what this is or would ever be.

Commissioner Hunt said just as a person who doesn't have the same education that you do, I guess I was just curious if there was like certain parameters or things that you look at, so this is really more educational.

Mr. Winters said you have franchise hotels, which are, you franchise them with a national chain, which is like with Marriott or Hilton. And so when you franchise with them, they have pretty strict requirements and they actually send out people on a regular basis that inspect the hotels and make sure that the owners and managers are keeping all of the quality up to code, that there aren't guests complaints. I'm not a hotel manager or operator, so it's probably a better question for Mr. Patel about that. But I mean they're required to maintain a certain level of operational standards and quality.

Commissioner Hunt said understood. Thank you.

Mayor Clark said any other questions? Commissioner Bergsman.

Commissioner Bergsman said I think my first question is for Mr. Patel because it's a hotel question, and this is related to one thing that Commissioner Dumas asked earlier. You talked about the different tiers, but I'm just a little bit confused by that because I've stayed at a lot of Marriotts or Marriott owned properties from Ritz to the Fairfield and Spring Hill and Protea in South Africa. I've been at almost all of them. I thought there were different classification categories and on the website I was looking it up, it has a select premium and luxury with Fairfield and SpringHill within that select category. I'm just a little bit confused by what you said earlier versus what I've seen for the Marriott brand before and how it categorizes its hotels.

Mr. Patel said Marriott, years back, they acquired Starwood hotels, so they grew their portfolio of brands to I think today more than 30 brands. To kind of distinguish them a little bit, they came up with these classifications. That's how they came up with midscale, upper midscale, luxury and premium luxury, which are like your Ritz Carlton and so forth. Essentially, they just separated those from a service level, the type of service you would receive at each one of those. You receive the same quality, great service, customer care service, but the amenities may change based on the different tiers.

Commissioner Bergsman said which of the hotel brands would be in the next category below?

Mr. Patel said I think the Sheraton Four Points, those types would go down in the next category below.

Commissioner Bergsman said I only have one more question, but I think it's more for our attorney, Emily, because I know some comments or some remarks from our Police Chief during the public hearing have been mentioned a couple times and I just wanted to make sure if that's something that should be disregarded or if that is allowed to be part of this evidence.

Ms. Sloop said the information that was included in the binder is a public record, so that was information that was and did occur at the public hearing for the rezoning. This information, though, is still being included and presented as a public record document in the binder as evidence, so because it is included in the binder as a public record document, which is typically admissible, then it can be considered.

Mayor Clark said any other questions? Do you have any other witnesses you'd like to call, Ms. Todd?

Ms. Todd said no, thank you.

Mayor Clark said would you like to make a closing argument?

Ms. Todd said no further.

Mayor Clark said if there are no other questions for the witnesses, we are going to move into deliberation.

Hearing no additional questions or presentation of relevant facts, the Board will now begin deliberation. The evidentiary hearing remains open so the Board may ask clarifying questions if needed. As a reminder, this Board is tasked with deciding if based on competent, material, substantial evidence presented at the hearing before this Board, this proposal meets the applicable standards. If the applicant meets their burden of producing competent, material and substantial evidence that the standards in the ordinance will be met, the burden shifts to the other party opposing the application to

show competent, material and substantial evidence that the standards in the ordinance will not be met. If conflicting evidence as the standard is presented, the Board will weigh the evidence and determine which side's evidence is more credible and reliable. If the applicant does not meet their burden by producing competent, material and substantial evidence that the standards in the ordinance will be met, the Board must deny the application. The application as originally submitted, was considered by the Planning Board and the Planning Board made a recommendation. Nothing that occurred at the Planning Board level, including the Planning Board's recommendation is considered evidence that you can use to base your decision on. However, the Planning Board's recommendation may be useful in identifying issues that this Board may want to consider and evaluate based upon the evidence that was presented at the hearing before this Board.

Do we have any additional questions or deliberation?

Mr. James said I would just like to clarify that some of the evidence in the affidavit based on the height of the building and the separations are correct.

Ms. Sloop said just for clarification, does staff want to amend its findings of fact included in the Staff Report to incorporate the proposed amended to findings of fact from the applicant?

Mr. James said yes.

Mayor Clark said do we have a motion regarding this request?

Commissioner Quarles made a motion to approve Special Use Permit SUP24-01, Northpointe Hotel. In considering the application, the Town Board finds that the request meets all of the general and specific ordinance requirements for granting a special use permit. It's outlined in articles 9.45 and 11.4.10 of the Zoning Ordinance and incorporates staff findings of fact in support of the decision to grant the application.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote to approve SUP24-01.

Motion carried 5 to 1, with Commissioner Dumas opposed.

Petition #R24-01, Northpointe Hotel. Petition #R24-01 is 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 3-story hotel development.

Jesse James, Senior Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 15.*

We won't get into the site specific items. We've already gone over those in previous meetings and in the SUP case. However, I would like to put into the record some updates since the public hearing.

Since the public hearing staff did request that the applicants meet the adopted Bikeway Plan on Northcross Drive. The applicants have agreed to that to the extent practical with the Energy United Regulator Station there to the right of the site in that square area. There is some restraint, but they will

meet that to the extent practical. They have also agreed to make improvements on Northpointe Executive Park Drive for that road to be a public road, meaning the improvements are up to Public Works and Engineering standards and they also revised the elevations since the public hearing. The previous elevations were four stories in height. There was a lot of concerns from the community meetings, as well as staff driven concerns. The applicants did agree to lower the height to three stories where they show 36' and up to 45' allowable height to the roof line under Urban Workplace building type. They also added more windows on the front that helps meet the environment of the pedestrian along that sidewalk, and they also added a considerable amount of brick as you saw in previous elevations, around 92 percent brick, as opposed to the previous rendition that was mostly 100 percent efface.

Here is a look at the newer updated proposed fronting elevation as described before, and you can see the elevations from the existing office park. Those are now painted white and those do also go up to three stories in height. Here's just another view and as mentioned previously, we did ask the applicants to meet excellence in design. They did that in some portions. We feel that some of the third-floor height looking into the single-family homes on that adjacent side did not meet excellence in design. However, other parts of the building did.

As far as what is met on the 2040 Community Plan, this proposal does support a mix of land uses, especially in a business park, office park is a complimentary use for that proposal and like I previously said, it does not meet some elements of the excellence in design when looking at the element on the third-floor window facing the single-family adjacent neighborhood.

Moving to the Planning Board recommendation. The Planning Board did vote unanimously 6-0 in favor of the proposal. They had three conditions that were similar to staff's three conditions, one of those being that they do recommend the 30' alternative buffer inside the parking lot. Also, to allow that buffer to be within the parking lot and for the applicants to work with staff to supplement the existing vegetation on the existing 30' buffer. Those recommendations are contingent upon the improvements made to Northpointe Executive Park Drive, notes and conditions from the previous rezonings that encompass this site to then carry over as far as dedicating right-of-way to the Tally Road Birkdale Village vehicular Bridge. The applicants have already submitted the Energy United letter, and also that the approval of this SUP24-01 by the Town Board is met or approved and then any other minor staff comments to address. They said it is reasonable to approve the rezoning because the rezoning is consistent with the envisioned use and development pattern set forth in the 2040 Community Plan.

Staff also does recommend approval of the hotel as it complies with LU-6.1 and LU-6.2 and we do recommend the approval of the modification for the buffer and the other conditions that the Planning Board has recommended as well.

Commissioner Dumas said in the Community Meeting notes, there's an answer regarding car lights that states that there's going to be a screen around the parking lot and I just haven't seen that reference anywhere else and I'm curious what that means.

Tess Fallova said we're required by the Town to have a parking lot perimeter screen, which we do have shown on our plans. In addition to that, we also have the 6' vinyl fence.

Commissioner Dumas said what does a screen mean?

Ms. Fallova said the plantings.

Commissioner Hunt said in some of the notes there were some questions from residents and they asked if the applicants were getting security cameras capable of reading license plates.

Hitesh Patel said we do put security cameras both inside and outside by the parking areas. We haven't really looked into reading license plates. That's something we'll have to consult with our attorneys just for certain privacy reasons and so forth.

Commissioner Hunt said I have a question for staff. Can you remind us about the ordinance with our lights. Will there be light pollution from the lights in the parking lot?

Mr. James said the applicants, if this was to get approved, would go to construction plans and at that point we would require them to meet the lighting ordinance, and in that case you can't have lighting spillover of over a one foot candle to the property line and all lights would be focused down. They couldn't be focused out, so they'd have to be full cutoff, meaning there's no lens under a screening, if you will, of the light fixture, so they would not be allowed to create any light spillover onto the adjacent properties.

Commissioner Hunt said if there are ever noise violations, what should people do?

Mr. James said they would go with any other site in town. I think it's, I'm not sure of the decibel level. I mean they would contact the Police Department and it would go just like any other use in town.

Commissioner Bergsman said it's been mentioned that there's going to be additional vegetation planted back towards the rear of the property. Can you tell me a bit more, like an idea of what that's going to look like? Is it going to be evergreens? Are evergreens even allowed in that section?

Mr. James said what we would do is work with the applicants on looking at what's existing now, whether it's deciduous or evergreen, and if there was too much deciduous in one area, we could supplement evergreen, but the applicants can speak more to that with their ideas.

Ms. Todd said we've committed to evergreen plantings.

Commissioner Bergsman said that's allowed in that part of the right-of-way?

Ms. Todd said yes. It would be specific to what's allowed under Energy United's species list.

Commissioner Bergsman said one of the things I wasn't sure of looking at the site plans is where the overhead lines are in relation to the fence, so that's what I was trying to find out. That's a space that's not in conflict with the lines.

Ms. Todd said right. Those would be smaller perimeter parking plantings that would be under the power lines, I believe. Those are on the list as far as how high they can go, but that's a list provided by Energy United and as we mentioned in that Energy United letter, Mr. Patel actually sent Energy United our plan and said will you approve this, so they've looked at it and they're okay with it.

Commissioner Bergsman said also on the cameras, can you guarantee that you'll have cameras on the back part of the parking lot on the other side of that internal buffer?

Ms. Todd said no, I think the cameras are intended to just get the parking lot.

Mr. Patel said they're looking down at the parking lot.

Commissioner Bergsman said you have that kind of internal buffer modification and then you have more parking lot. Is that second.....

Mr. Patel said yes, we can get cameras there aiming strictly towards the parking lot and back towards the building.

Commissioner Bergsman said that's what I mean, so you will have cameras in that area? What about that section where the fence ends over by the retention pond?

Mr. Patel said typically we don't shine a camera outside of the development area.

Commissioner Bergsman said I would prefer to see that, I don't know about anybody else.

Mr. Patel said I mean, we can.....

Commissioner Bergsman said a camera that would be directed so if someone would be coming from the property side.

Mr. Patel said we can do it so that it aims towards the building and bleeds over towards the detention pond.

Commissioner Rivers said this may be for the applicants, I'm sorry, excuse me, I'm losing my voice tonight a little bit, but just bear with me. I know you referenced Energy United and the letter that you received from Energy United. Reading over it, in regards to the buffer, Energy United stated that they will not cut, clear or otherwise remove the trees, so who's going to be responsible for the upkeep of making sure that that is cleared out or if vegetation grows up, who is responsible for that. Is that something that the hotel is responsible for the upkeep or is there an agreement with you and Energy United, because they stated here that they will not cut, clear or otherwise remove the trees and landscaping.

Mr. Patel said I think, and I may be wrong, but staff can help here, I think we're supposed to cut or trim.

Mr. James said they have the right to trim any trees that are in conflict with their lines, but stated in the letter they won't clear any trees for buffering unless they're in conflict and if they do clear trees for any given reason, the applicants have requested that they would plant any supplemental plants back.

Commissioner Walsh made a motion to approve Petition R24-01. In considering the proposed rezoning Petition R24-01, Northpointe Hotel, the Town Board finds the proposal as generally compliant with the Town of Huntersville's site design and architectural standards and consistent with Huntersville's 2040 Community Plan including Policies LU-6, LU-6.1, and LU-6.2. The Town Board finds that the zoning is consistent with the character of the surrounding rezonings, and given the distance of separation and proposed buffer to the adjacent single-family properties, the Town Board believes this plan is consistent with the spirit of the Zoning Ordinance. The Zoning Ordinance is approved with the following conditions: (1) the applicant's request to modify the required 30' buffer along the residential property line with an alternate buffer built within the parking lot is approved; (2) the applicant's request for

modification to allow a portion of the proposed parking lot to be outside of the proposed alternative buffer is approved; (3) the applicant shall work with staff to supplement the vegetation in the 30' buffer along the residential property lines; (4) the applicant shall make improvements necessary along Northpointe Executive Drive such that the street may be accepted as a public right-of-way prior to issuance of a certificate of occupancy; (5) the developer shall acknowledge on their conditional rezoning plan that the following was agreed to in Rezoning R98-10 and R07-17: Townley Road is currently constructed to the eastern terminus on Lot 1 as described on map entitled "Final Plat of Birkdale Village," Map 1, Recorded in Map Book 33, Page 319, Mecklenburg County Public Registry identified as the current Townley terminus. At such time as construction is commenced and proceeding on the bridge identified as Townley Bridge that will extend Townley Road from the current Townley terminus over McDowell Creek Greenway and McDowell Creek to the edge of parking lot currently located on Tract 1, identified as Tract 1, as described in the map entitled "Recombination Plat of the Huntersville Office Owners, LP property," recorded in Map Book 72, Page 832, Mecklenburg County Public Registry, identified as the recombination plat, the owner of Tract 1 or its successors in ownership of Tract 1 as applicable, shall commence construction of the proposed future road identified currently as "proposed future road" to be dedicated as a 35' public right-of-way from the western edge of the parking lot on Tract 1 along the northern boundary of Tract 1 to the Northpointe Executive Park Drive, constructed or to be constructed, in the approximate area within the parking lot as shown on the recombination plat. The owner of Tract 1 shall use commercially reasonable efforts to complete construction of the proposed road to coincide with the completion and opening to the public of the Townley Road bridge and upon completion shall dedicate the proposed road to the public; (6) address all other staff comments that are remaining.

Ms. Sloop said as a point of clarification, do you also want to include as a condition the cameras as requested and agreed to based on Commissioner Bergsman's questioning.

Commissioner Walsh said yes. It is reasonable and in the public interest to approve the rezoning plan because it is consistent with the envisioned uses and development patterns set forth in the 2040 Community Plan.

Commissioner Quarles seconded the motion.

Commissioner Dumas said Huntersville land is a limited resource and I believe we should be picking projects that are a value add to our town. We can afford to be picky. I don't see this as a needed or valuable add and I'm completely okay with the land sitting unused until we find the right value add. If I remember correctly from the hearing, there are 16 extended stay hotels in Huntersville with a couple more approved and not yet built, most of which are at 60 percent capacity. We don't need to approve one that's closer to the residents than need be that has windows facing into the homes of residents that can't guarantee an undisturbed buffer, that can't guarantee that the privacy fence won't be in an emergency right-of-way. I'm not opposed to hotels. I think we desperately need one that has really beautiful space for us to host events here in Huntersville. They're great for tax revenue taking the burden off of our residents. I just think that this isn't the right one for us right now. My vote will be a no.

Commissioner Quarles said hotels are subject to a sales tax and I understand that we participate in all sales tax generated in the county, whether it's a Huntersville hotel, Charlotte or etc. In FY24, and these percentages are subject to change annually, we receive approximately 1.35 percent in sales tax generated in the county. Then there's an occupancy tax. We receive approximately 56 percent of hotel tax generated in Huntersville. Of that, 28 percent is guaranteed to fund Visit Lake Norman. With that

said, we use about 40 percent of our hotel sales tax generated in Huntersville. In dollars we generated \$786,385 occupancy tax thus far in FY2024. Twelve months 12 months in the previous fiscal year, we generated \$797,195.

We received quite a bit of comments from the residents from the community who's opposing this proposal. Comments such as human trafficking, pedophiles peeping into your yard or windows, or criminals coming to your yard, as well as noise from the hotel parking lot. In gathering information for a decision concerning this proposal, I learned that we do not have an issue with partying and/or noise at our hotels or incidents or arrests relating to human trafficking.

I visited the site. I also drove through the neighborhoods. Some of the people who reached out to us do not live on the street near the proposed hotel. I also saw that some of the homes have evergreen trees as a border. In collaboration I think a win-win for all parties will be to have the applicant to plant green giant arborvitae, which is a fast-growing evergreen. The average height of a two-story house is approximately 40' and that's from the floor to the top of the roof and that is if the home is built on a slab. These trees mature at a height of 50' to 60' and they spread as wide as 12' to 20' wide. They are used for screening. In addition to this collaboration, I believe the concerned residents could possibly give easement to the Town of Cornelius and their town commissioners could build them a privacy wall that would block the view as well as any opportunity for someone to climb over it. In doing this, I think it could satisfy all parties. With that said, the argument about peeping toms and the people going into the yards could be and will be null and void.

We did the right thing concerning taxes because this current board knew that we need to pay for the road and infrastructure projects that we are currently moving up and for our Police and Fire heroes and for our Town staff. I once had a client who was from South Africa and he said something that stuck with me about 15 years ago. He said in South Africa if you go to the movie theater and let's say the movie theater costs \$15 for entry. The movie may have already started. Let's say it's 15 minutes into the movie. You walk up to the ticket agent and you say, hey, would you accept \$1 for entry? More likely than not, that person would accept that offer. Here if we go to the movies, and it was already started, the theaters are still going to want full ticket price. In business every dollar counts. I believe that \$1 has more value than zero.

Managing a town is like running a business. Some have said we don't need any more hotels, we already have enough. Then some have said to me, it's okay to approve the hotel, but not there. I ask how many hotels have gone under and locked their doors in our area. I also said we have plenty of pizza restaurants and breweries and they definitely get my business. So should we set the precedence that we're not approving any more pizza restaurants or breweries. We must be very careful with that. I am not willing to turn down sales tax as well as occupancy tax this hotel could possibly bring to Huntersville. There's a lot we can do with it. As we bring in more businesses, it will someday bring a calm concerning our residents personal property tax because even though we know personal property tax help, we know that it is not the answer to pay our Town bills.

We've been asked to follow our professional staff, as well as the 2040 Plan. Staff noted that the proposed hotel is within a mixed-use center, mixes land uses with the office park and it's in the Town Core. Hotels are a common use within an office park where these uses can be complimentary to each other. In considering the proposed rezoning Petition R24-01 Northpointe hotel, staff recommends approval as they find the proposal as generally compliant with the Town of Huntersville site design and architecture standards and its consistency with the Huntersville Community Plan Policies, LU-6, 6.1 and 6.2. Given the distance of separation and proposed buffering to adjacent single-family properties, staff

believes this plan is consistent with the spirit of the Zoning Ordinance. With that said, of the emails received, and I humbly and sincerely thank each person who emailed me, no concerned resident presented to me any factual evidence, so evidence from the hearing, potential revenue from taxes, notes from staff, and comments, I respectfully say my decision will be solely based on what I believe is the right thing to do. I will be voting in favor of this proposal and hope that my colleagues will do the same. Set any personal feelings aside. Vote based on factual evidence and put the residents of Huntersville first.

Commissioner Bergsman said I feel like you have made a lot of improvements to the initial application, especially you came in and I really appreciate the work that is done by staff and by the applicants, particularly in regards to the buffer in some of the other areas. The one thing that I can't get past is, and I know that this had been talked about in discussions, is the orientation of the windows. I know the land itself presents challenges, but at the end of the day I feel strongly that the window orientation in the back should not be facing the residents, so I'm going to keep this short and I'm going to be voting no.

Commissioner Walsh said obviously, I'll be voting in support of this. This is a plan that is supported by our Planning staff. It was a unanimous vote by our Planning Board in support. At the end of the day a business park and whether there's a three-story hotel or a three-story office building, this is a compatible use in a business park just like we see in The Park Huntersville. In fact, in The Park Huntersville we not only have businesses, hotels, but we have single-family homes and multi-family homes. Anyway, this is a great commercial investment for Huntersville. It'll bring tax revenue to Huntersville, which helps reduce the residential tax burden and also just provides a place to stay for folks who visit Huntersville.

Commissioner Rivers said first of all, I want to say thank you to the staff for your hard work, and Northpointe thank you for listening to the recommendations that was requested by staff. I will not be voting in favor of this project. I am going to keep it short. I think initially Northpointe was approved for another location and when asked previously why this project moved to this specific location, it was stated based on proximity to the highway. However, based on where you were initially approved, you could be seen from the highway, so I still think that there will still be recognition there in that specific location, so I cannot vote in favor of this project. Also, there were some concerns in regards to the land being undevelopable. A majority of that land, I think it was 10 acres, you said was floodplain area. So therefore, for me, I just do not feel comfortable voting in favor of this project.

Commissioner Hunt said first of all, I want to thank the Cornelius residents for exercising their civic duty and everyone was really kind and respectful and I feel confident saying that we all appreciate the way that you chose to engage with us, so thank you for that. My job though is to do what I think is best for Huntersville residents and weigh out the facts presented from the testimony tonight as well as the recommendations of Town staff and the Planning Board.

Our tax base skews heavily toward our residents and they shoulder most of the burden of our taxes. One thing we aim to do is to diversify our tax base, and this is an opportunity for us to do that. Based on the evidence we've heard and the research I've done, there are numerous benefits to our residents and elements that help me make my decision.

First, this does create jobs. In fact, one in twenty-five jobs are in leisure and hospitality. We do need diverse job types to help create opportunities for all Huntersville residents regardless of their education level. Roughly two acres will be developed and the additional eight will be undisturbed. Based on the testimony of the two appraisers, the home property values will not be negatively impacted. The average

hotel occupancy rate in the US is 63.8 percent, and in North Carolina it's 62.8 percent, according to the American Hotel and Lodging Association, so our occupancy rate averaging at 63 percent capacity is performing as well as expected. Occupancy taxes and travel and tourism dollars allow us to do a lot of projects in Huntersville like the Barry Park parking lot expansion, updates to HFFA, upcoming projects like the Lake Norman Charter Tennis Complex and Park and others. These dollars directly benefit Huntersville residents and the facilities they use daily, so as a result I do support this.

Mayor Clark called for the vote to approve Petition #R24-01.

Motion was tied – Commissioners Walsh, Quarles and Hunt in favor; Commissioners Bergsman, Dumas and Rivers opposed.

Mayor Clark said I, too, appreciate the residents from Cornelius coming and expressing your heartfelt concerns. They do not fall on deaf ears by any means. I have done a thorough review of the recommendations by staff, by the Planning Board and discussions about plans for the Town of Huntersville and one of the priorities that I have always raised is that we would shift the burden on our taxes from our residents to commercial, so as a result of that, I will be voting in favor of this project.

Resolution – Kroger Opioid Settlement. Emily Sloop, Town Attorney, reviewed request. In 2023, Attorney General Josh Stein and other attorneys general reached an agreement in principle with Kroger that would require the grocery chain to pay \$1.37 billion to participating state and local governments for its role in the opioid crisis. The settlement covers North Carolina and other states where Kroger operates under its own name or the name of a subsidiary (such as Harris Teeter here in North Carolina). A maximum of just over \$40 million may be coming to North Carolina state and local governments between 2024 and 2034 to address the opioid crisis if all relevant local governments join the settlement.

After North Carolina and other states approved the settlement in the Spring of 2024, Kroger agreed to move to the next stage of the settlement process, in which local governments in North Carolina and other participating states are invited to join the settlement. To maximize the funds available to North Carolina state and local governments under the settlement, all 100 counties and all municipalities with a population of 30,000 or over must join the settlement by August 12, 2024.

In addition to joining the settlement itself, local governments are asked to sign onto the Second Supplemental Agreement for Additional Funds (SAAF-2), which governs the allocation, use, and reporting of funds from the Kroger settlement. To join the settlement, the Board must pass a new resolution authorizing the Town Manager to sign onto the Kroger Settlement and SAAF-2.

Commissioner Bergsman made a motion to adopt Resolution authorizing execution of the Kroger opioid settlement and approving the Second Supplemental Agreement for additional funds.

Commissioner Hunt seconded the motion.

Commissioner Bergsman said I kind of wish this would've been earlier on the agenda, so there were still folks here, but that's okay. Bear with me. Before we vote, I'd like to draw attention to the first sentence in this resolution and that reads ".....the opioid overdose epidemic has taken the lives of more than 37,000 North Carolinians since 2000....." The settlement is one of several nationwide and is part of an effort by Attorney Generals across the country, including our own North Carolina Attorney General Josh Stein, to recoup the tax dollars spent on dealing with the disastrous impacts of the opiate epidemic.

Josh Stein has been a key leader in that effort, and I'd like to share a quote from him about this specific settlement.

He has said we are going to keep holding accountable the companies that created and fuel the opioid epidemic. These dollars will help save lives and we'll make sure that these companies can't repeat their mistakes. No amount of money can bring back hundreds of thousands of people who have died from opiate overdoses. One of those was my birth mother, Diane. Diane had a complicated history and for much of her life struggled with substance use disorder and untreated mental health conditions. In the 2000's she was in a period of recovery and had stable employment when she suffered a workplace back injury. She was prescribed and then over-prescribed Oxycontin. She died from a prescription opiate overdose on May 31, 2009. Sometimes the voices of those most impacted are lost in the discussion. We should never forget that real people are behind the statistics and each of them have their own stories and loved ones who miss them.

Mayor Clark called for the vote.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 16.

Lake Norman Regional Transportation Interlocal Agreement. Mayor Clark said what this agreement will do is allow the towns of Statesville, Huntersville, Cornelius, and Davidson to work together on transportation issues. This will be basically a North Meck version of the Metropolitan Transportation Commission and will help focus the efforts for transportation up here, especially as we consider having the red line move forward. This will be a way for those towns to align themselves as a unified group and the mayors of Cornelius and Davidson have requested that the Town of Huntersville join them in this group to kind of solidify our transportation position in North Meck.

Commissioner Bergsman said is it a one year or multi-year agreement?

Emily Sloop, Town Attorney, said it's multi-year.

Commissioner Bergsman said I was just wondering if there's going to be any kind of mid-year, end of year reports that will come back to the boards of the municipalities.

Mayor Clark said there isn't a formalized process for reporting, but as we communicate as a Board, I can always bring back to the Board what progresses with this organization. I'm happy to do that and happy to plan that as part of our Board communications.

Commissioner Bergsman said I support this. I really strongly value regional collaboration. I think this is important to rejoin. I think it's also important to have some kind of clear, measurable goals and results that can come back to us as well, so I will be keeping an eye on that as it moves forward.

Commissioner Quarles made a motion to approve the Lake Norman Regional Transportation Commission Interlocal Agreement.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote to approve the Lake Norman Regional Transportation Commission Interlocal Agreement.

Motion carried unanimously.

Agreement attached hereto as Exhibit No. 17.

Budget Amendment – LNRTC. Jackie Huffman, Deputy Town Manager, said this budget amendment will provide the initial year funding for our participation in the Lake Norman Regional Transportation Commission at \$17,442 and some change.

Commissioner Walsh made a motion to appropriate \$17,447.42 in the Governing Body budget for the LNRTC Interlocal Agreement. The funding source for this agreement is General Fund Balance.

Commissioner Quarles seconded the motion.

Mayor Clark called for the vote to approve budget amendment.

Motion carried unanimously.

HFFA. Zach Brown, HFFA Director, said you may recall during the budget process for the FY25 budget that there was some discussion around the 50 meter pool inside of HFFA. There was a budget approved that allocated some funds for this project. Therefore, we went forward with the bid process. It was a public bid. It was a publicly opened bid. There were five different firms that came out to evaluate the space. Officially, there were two firms that not only put in a bid, but both were responsive to the bid overall. The lowest responsive responsible bidder is Edgewater Pools, so this process is essentially to review that.

As part of the bid process if any firm was going to use a subcontractor to perform the work, they had to make it publicly aware that there would be a subcontractor involved. Edgewater did make us aware that they were intending to use a subcontractor. Swim Club said that they would not be utilizing a subcontractor.

Emily Sloop, Town Attorney, said I would note that the contract is on the Town's pre-approved contract template and they have not requested any edits to our contract template.

Commissioner Hunt made a motion to approve the pool replastering contract at HFFA with Edgewater Pools, LLC.

Commissioner Quarles seconded the motion.

Mayor Clark called for the vote to approve contract for replastering the 50-meter pool at HFFA.

Motion carried unanimously.

Contract attached hereto as Exhibit No. 18.

CLOSING COMMENTS

None

CLOSED SESSION

Commissioner Rivers made a motion to go into closed session pursuant to NCGS 143-318.11(a)(5)-(a)(6) to consider the qualifications, competence, and performance of an employee.

Commissioner Hunt seconded the motion.

Motion carried unanimously.

Upon return from closed session, there being no further business, Commissioner Dumas made a motion to adjourn. Commissioner Walsh seconded the motion. Motion carried unanimously.

Approved this the 20th day of August 2024.