

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**September 17, 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 September 17, 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

ElectriCities Updates

- ElectriCities is switching to a new billing system for Huntersville customers. The new billing system goes live the week of September 23.
- Widespread outage over the weekend caused by a fallen tree that downed four power poles. Accessibility issues led to longer repair times.

Red Line Public Meetings

- CATS is holding public meetings on the updated design of the Red Line.

Huntersville Police Department Updates

- National Night Out will be held October 1 at Huntersville Athletic Park.

Grant Award

- The Town of Huntersville has been awarded \$240,000 through the U.S. Department of Transportation Safe Streets and Roads for All Discretionary Grant program. Huntersville's Planning Department will use the federal funding to develop a Safe Roads Action Plan.

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

PUBLIC COMMENTS, REQUESTS OR PRESENTATIONS

Constitution Week Proclamation. Mayor Clark proclaimed September 17-23, 2024 as Constitution Week.

A PROCLAMATION FOR CONSTITUTION WEEK

WHEREAS, September 17, 2024 marks the two hundred and thirty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

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

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

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

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

NOW, THEREFORE, I, Christy Clark, Mayor of Huntersville, do hereby proclaim September 17 through 23 as “**CONSTITUTION WEEK**” 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 17th day of September, 2024.

World Peace Day Proclamation. Mayor Clark proclaimed September 21, 2024 as World Peace Day.

A PROCLAMATION FOR WORLD PEACE DAY

WHEREAS, Rotary as a humanitarian organization, peace is a cornerstone of our mission. We believe when people work to create peace in their communities, that change can have a global effect; and

WHEREAS, Rotary creates environments of peace by carrying out service projects and supporting peace fellowships and scholarships, our members take action to address the underlying causes of conflict, including poverty, discrimination, ethnic tension, lack of access to education, and unequal distribution of resources; and

WHEREAS, the issue of peace embraces the deepest hopes of all peoples and remains humanity's guiding inspiration; and

WHEREAS, in 1981 the United Nations proclaimed the International Day of Peace be "devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples"; and

WHEREAS, the United Nations expanded the observance of the International Day of Peace in 2001 to include the call for a day of global ceasefire and non-violence, and invited all nations and people to honor a cessation of hostilities for the duration of the Day; and

WHEREAS, there is growing support within our nation for the observance of the International Day of Peace, which affirms a vision of our world at peace, and fosters cooperation between individuals, organizations and nations; and

WHEREAS, global crises impel all citizens to work toward converting humanity's noblest aspirations for world peace into a practical reality for future generations; and

WHEREAS, the Rotary Club of Lake Norman-Huntersville, is one of over 60+ Rotary and Rotaract clubs throughout our Rotary District 7680 with over 2,300 members sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities, and abroad.

NOW, THEREFORE, I, Christy Clark, Mayor of Huntersville, do hereby proclaim September 21 as “**WORLD PEACE DAY**” in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 17th day of September, 2024.

AGENDA CHANGES

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

CONSENT AGENDA

Approval of Minutes. Commissioner Bergsman made a motion to approve the minutes of the September 3, 2024 Regular Town Board Meeting. Commissioner Hunt seconded the motion. Motion carried unanimously.

Budget Amendment – USTA Grant. Commissioner Bergsman made a motion to approve budget amendment appropriating USTA Grant revenue in the amount of \$23,000 for the resurfacing of the tennis courts at North Mecklenburg Park. Commissioner Hunt seconded the motion. Motion carried unanimously.

Resolution – Electronic Public Auction of Surplus Fire Vehicles. Commissioner Bergsman made a motion to adopt Resolution authorizing the electronic public auction of surplus fire vehicles. Commissioner Hunt seconded the motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 1.

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #TA24-06, Farmhouse Cluster Changes. Nathan Farber, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 2.*

For Farmhouse Clusters staff is proposing to require an 80' landscape buffer along the street frontage of the subdivisions. The buffer must keep existing vegetation. If no vegetation exists, staff proposes to add some flexibility to these buffers by giving an option of either providing a required planting or to use existing field or meadow with a mixture of hardscape and softscape. Staff is also proposing to remove the ability to add open space and tree save within private buildable lots.

On May 2, 2024, the Huntersville Ordinances Advisory Board recommended approval by a vote of 7-1.

On August 27, 2024, the Planning Board recommended approval by a vote of 7-1.

Staff recommends approval of the proposed Text Amendment TA24-06 based on consistency with Policies LU-9.2, EOS-3.1 and EOS-6.1 of the Huntersville 2040 Community Plan. It's reasonable and in the public interest to amend the Zoning Ordinance because it provides higher quality open space while ensuring the preservation of rural character which complies with the Huntersville 2040 Community Plan.

Commissioner Dumas said can you clarify what hardscape and softscape is for people watching?

Mr. Farber said softscape would be anything that's primarily vegetation, so in this case it would be the existing fields and meadows or trees and shrubs or any other vegetation that they wanted to add, and hardscapes would be fences, walls, water features, or anything substantial that they would also add into that buffer.

Commissioner Rivers made a motion that we accept Petition TA24-06, Farmhouse Cluster Changes, a text amendment request by the Town of Huntersville Planning Department, to amend Article 3.2.1(e), 3.2.2(e), 3.2.1(d)3(c), 3.2.2(d)3(c) and 12.2.1 "Open Space" of the Huntersville Zoning Ordinance to make changes to Farmhouse Clusters and Open Space.

Emily Sloop, Town Attorney, said can you please add a consistency statement to the motion.

Commissioner Rivers said with the consistency statement, I apologize, it's consistent with Policies LU-9.2, EOS-3.1 and EOS-6.1 of the Huntersville 2040 Community Plan.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote to approve Petition #TA24-06.

Motion carried unanimously.

Petition #TA24-07, Accessory Dwelling Units in GR. Patrick Patterson, Planner II, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 3.*

Accessory Dwelling Units (ADUs) are conditionally permitted in every residential district of the Town of Huntersville. In the General Residential zoning district, ADUs are currently restricted for use exclusively by a related person. This restriction does not apply to other residential districts. Planning staff recommends eliminating the family-only occupancy requirement from the GR district regulations to achieve consistency with the rules governing ADUs in other residential zones.

On March 7, 2024, the Huntersville Ordinances Advisory Board recommended approval by a vote of 7-1.

On August 27, 2024, the Planning Board recommended approval by a vote of 4-3-1.

Commissioner Dumas said there are ADUs in GR already. Do we currently require registration?

Mr. Patterson said we do have that in the ordinance. We traditionally have not registered them, but we are going to start registering them going forward.

Commissioner Hunt said can you address any issues of parking that there might be with ADUs?

Mr. Patterson said that is not necessarily addressed within our conditions for accessory dwelling units. We do have stipulations with the principal structure of the home that your driveway has to be a certain length in order to have that stacking, it's 20', so that would be how we would address it. You're not allowed to have a separate driveway for your accessory dwelling unit. You can if it's rear alley accessed. In the past I have seen ADUs where there is maybe a separate drive to that. If you have a detached garage with an ADU on top, the garage can provide some parking as well.

Commissioner Hunt said do you foresee there being any issues with emergency vehicles needing to get to an ADU?

Mr. Patterson said I do not, no.

Commissioner Hunt said how many permits for ADUs have we seen in the last few years?

Mr. Patterson said I spoke about it a little bit at Planning Board, when ADUs come in they don't always come in strictly as an ADU. Occasionally they might come in as a detached garage or maybe even a pool house. It's then the determination of us and hopefully the applicant will disclose that it is an ADU, so when going back looking at permits, it's roughly about 20 within the past 5 years that we can track.

Commissioner Hunt said I believe, Ms. Sloop, you have some information to share.

Emily Sloop, Town Attorney, said we had received some questions about accessory dwelling units and so this is really for clarification. A local government here in North Carolina can use development regulations such as a Zoning Ordinance and Subdivision Ordinance to regulate the use and the division of land, however we cannot use development regulations to regulate the ownership of land in North Carolina per North Carolina case law.

Specifically, the requirement for owner-occupancy of a principal residence or an accessory dwelling in order for a residential property to have an accessory dwelling unit on a specific parcel of property has been ruled unconstitutional and beyond the scope of delegated zoning authority by the North Carolina Court of Appeals.

There are two pending bills that are before the General Assembly. Those would be HB 409 and SB 374. If those were to move forward and be enacted, they would enact a new section of Chapter 160D, specifically 160D-917. What that section would do is it would require local governments to allow at least one accessory dwelling unit or ADU for each detached single-family dwelling, where allowed, in zoning districts for residential use. Subsection (b) of that section would prohibit a local government from requiring owner-occupancy of any dwelling unit, including an accessory dwelling unit.

The proposed bill, both the version that's before the House and the Senate, do not provide direct authority for regulating who the ADU is rented to, nor is there a specific grant of authority in existing Chapter 160D for doing so via a development regulation.

Commissioner Bergsman said Article 9.1, restrictions that would limit an ADU to one per lot, so that's going to remain the same, that doesn't change under this.

Mr. Patterson said we're not changing that.

Commissioner Bergsman said what are the height restrictions for ADUs?

Mr. Patterson said 20' for an accessory structure, but the way we measure height in Huntersville is from the highest grade relative to the street frontage up to the roof eaves, so we don't necessarily look at the pitch of your roof. It's essentially that vertical wall that we are measuring.

Commissioner Bergsman said could any ADUs possibly be higher than the primary home?

Mr. Patterson said possibly if you had a ranch home, a single-story home. Part of the catch as well is that accessory structures have to be clearly subordinate to principal structures, so you wouldn't be able to have a massive accessory structure that's larger than your principal.

Commissioner Bergsman said I wanted to confirm that the ordinances also provide that you cannot have an ADU in a side yard, that they are for rear yards only.

Mr. Patterson said correct.

Commissioner Dumas said ADUs have been allowed without restrictions in other zoning districts. Have there been any reported issues with this change in those areas?

Mr. Patterson said what we are looking at right now are the conditions for an ADU. The only thing that's different in all of our residential districts and what's different in GR is that a family member has to live there. In GR you have to comply with all of these rules, and it has to be occupied by a family member and since I've been here, we've had no complaints about ADUs.

Commissioner Hunt made a motion to approve TA24-07, a request by the Planning Department to amend Article 3.2.3(c) of the Zoning Ordinance to remove the related person requirement for accessory dwelling units from the General Residential zoning district. Section 9.1 of the Zoning Ordinance allows one accessory dwelling per deeded lot in conjunction with the principal dwelling unit. The amendment is consistent with Section LU-10.1 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it will increase diverse housing options for Huntersville residents.

Commissioner Rivers seconded the motion.

Commissioner Hunt said as a Board we asked staff to look for ways to create affordable housing opportunities and this was one way to create additional options. As we noted already, ADUs are already allowed in residential zoning districts with the familial exception and so by simply removing that exclusion, folks maybe are using it for guests or storage or an office and now they could potentially rent it to another individual. They should be able to make that choice for themselves. While there is no silver bullet to address affordable housing, cleaning up this ordinance to allow another housing opportunity is beneficial, it's a prime example of missing middle housing. It can create opportunities for folks who want to downsize, folks who don't want to purchase a single-family home, can't afford to, etc., a great option for folks entering the housing market, as well as the aging population who these homes typically don't have stairs or steps. They are also good for the environment because they use less resources and less energy. They do not contribute to suburban sprawl, which we see a lot of in town, and they've just been lauded as a step toward addressing affordable housing in other parts of the country where there's very limited housing stock, so I very much support this.

Commissioner Bergsman said some of the conversation around this has been in regards to corporate landlords and I did want to mention that before we vote, because I do feel across the country that is something that a lot of communities are struggling with and with especially the larger corporate landlords taking away from what's available, particularly in regards to naturally occurring affordable housing. I kind of did a bit of a deep dive and I wanted to bring up one thing which is I didn't think I would be mentioning this, but the AARP has a lot of information on their website and it includes guidance for local, state and federal governments in regards to ADUs and I found it striking that they are one of the biggest supporters of increasing opportunities for ADUs and they've included as part of a

larger strategy to address the senior housing crisis and I just want to encourage for those who are paying attention and listening and are interested in this topic that that is an interesting source of information worth checking out.

Commissioner Dumas said I went a little bit back and forth on this ordinance change. I will be voting yes. I do believe this is one more option for affordable housing in town when we are trying our best to find all the options. I did have concern in regards to what Commissioner Bergsman talked about with the corporations, but that's beyond our control unfortunately. I'm happy to see that at least our legislators are discussing that and as a civilian will be lobbying and working towards making that happen.

Mayor Clark called for the vote to approve Petition #TA24-07.

Motion carried unanimously.

Petition #TA24-08, Family Care Home. Patrick Patterson, Planner II, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 4.*

Planning staff proposes to update the definition of Family Care Homes to specify where a Family Care Home's one-half mile radius distance is measured from.

Staff recommends approval of the proposed Text Amendment TA24-08 as it specifies where a Family Care Home's one-half mile radius distance is measured from.

On March 7, 2024, the Huntersville Ordinances Advisory Board recommended approval by a vote of 8-0.

On August 27, 2024, the Planning Board recommended approval by a vote of 8-0.

Commissioner Bergsman said before I make the motion, during the public hearing and afterwards I had asked about the possibility of reducing the radius from a half mile to a quarter mile and I actually was prepared to have a motion to that effect until I realized that would require a second public hearing. The motion I have is as written, but I just wanted to make sure there's an opportunity with the rest of the Board is fine with that.

Commissioner Bergsman made a motion to approve Amendment TA24-08 based on the amendment being consistent with the policies of the Huntersville 2040 Community Plan and its compliance with state statute. It is reasonable and in the public interest to amend the Zoning Ordinance because it will provide further clarification to the language.

Commissioner Dumas seconded the motion.

Mayor Clark called for the vote to approve Petition #TA24-08.

Motion carried unanimously.

Petition #TA24-09, Building Separation. Patrick Patterson, Planner II, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 5.*

Article 8.10 of the Huntersville Zoning Ordinance contains requirements regarding building separation for principal and accessory structures. Staff is seeking to change building separation standards stated in

the Huntersville Zoning Ordinance to reflect the North Carolina State Building Codes or North Carolina Residential Codes for building separation. This will simplify the Zoning Ordinance by referring to building code requirements for building separation and ensures that Huntersville won't need to amend the ordinance whenever building code standards are updated.

Additionally, the text amendment adds the definition of "Fire Separation Distance" into the ordinance and replaces all instances of "Building Separation" with "Fire Separation Distance." This adjustment is necessary because the North Carolina State Building Code and North Carolina Residential Code do not explicitly define building separation and instead define it as "Fire Separation Distance." This proposed language is not going to remove any sort of setbacks for homes or setbacks for accessory structures or any sort of other zoning requirements and Mecklenburg County will still review and inspect all structures for applicable fire separation distance during the construction process.

Staff recommends approval of the proposed text amendment as it simplifies the Zoning Ordinance by deferring to North Carolina State Building Code Standards.

The Huntersville Ordinances Advisory Board recommended approval by a vote of 8-0.

The Planning Board recommended approval by a vote of 8-0.

Commissioner Walsh made a motion to approve Petition TA24-09, Building Separation, a text amendment request by the Town of Huntersville Planning Department to amend Article 8.10 and Article 12.2.1 of the Huntersville Zoning Ordinance to closer align the Town's rules regarding building separation to the North Carolina Building Code and the North Carolina Residential Code Standards. The text amendment is consistent with Section LU-10.1 of the Huntersville 2040 Community Plan.

Commissioner Quarles seconded the motion.

Mayor Clark called for the vote to approve Petition #TA24-09.

Motion carried unanimously.

Petition #TA24-12, Special Use Permit Amendments. Brad Priest, Assistant Planning Director, explained staff is recommending transferring some special use permit processes to conditional use rezoning processes to eliminate the quasi-judicial nature of the applications. *Staff Report attached hereto as Exhibit No. 6.*

On August 27, 2024, the Planning Department recommended approval of the petition by a unanimous vote.

Commissioner Quarles made a motion to approve Petition TA24-12, a request by the Planning Department to amend Articles 3 and 9 of the Zoning Ordinance to modify the uses requiring a special use permit. The text amendment is consistent with Section LU-8 of the Huntersville 2040 Community Plan.

Commissioner Rivers seconded the motion.

Commissioner Dumas said I'm very much in favor, I just want to make a comment that in my experience, as limited as it might be, the process for special use permit leans heavily in favor of the applicant and not the residents that are impacted, so I'm very excited that we're making this change.

Commissioner Bergsman said mostly it's just an echo of what Commissioner Dumas said that I feel this is going to be more beneficial for our residents, so I appreciate the work that staff has done on this.

Mayor Clark called for the vote to approve Petition TA24-12.

Motion carried unanimously.

Resolution Authorizing Issuance of GO Bonds Series 2024. Pattie McGinnis, Finance Director, said what you have before you is the Resolution to authorize the issuance of General Obligation bonds. The voters approved \$58 million of GO bonds in November 2023. This gives us permission to sell the bonds. We plan on selling \$29 million on October 8. That's our date with the LGC and this will be the last action you'll need to take before we sell the bonds. We are AAA rated with S&P and with Moody's.

Commissioner Dumas made a motion to adopt Resolution authorizing the issuance of General Obligation bonds Series 2024.

Commissioner Bergsman seconded the motion.

Mayor Clark called for the vote to adopt Resolution.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 7.

Capital Project Ordinance. Pattie McGinnis, Finance Director, said this is how we will fund the projects. We've got \$25 million in Transportation projects and \$4 million in Parks and Recreation. This just lists the different projects that we plan to work on.

Commissioner Quarles made a motion to adopt the Capital Project Ordinance for the 2024 Transportation General Obligation Bond of \$25 million and the 2024 Parks and Recreation General Obligation Bond for \$4 million issue.

Commissioner Bergsman seconded the motion.

Mayor Clark said I just want to say thank you to the voters who voted for these bonds last year. They will do great things for Huntersville and I'm looking forward to all of the great things that come out of these bonds that voters put their trust and faith in the Town of Huntersville to do and can't wait to see all the good things that come.

Mayor Clark called for the vote to adopt Capital Project Ordinance.

Motion carried unanimously.

Capital Project Ordinance attached hereto as Exhibit No. 8.

AT&T Letter of Agreement Overhead to Underground Conversion – Gilead Road. David Lucore, Electric System Manager, said this work is in conjunction with the conversion of overhead lines on Gilead Road between the Post Office and the elementary school. AT&T has lines on our poles and they would need to convert theirs to underground as well. We have contacted them and they have given us a price to do that work and we would appreciate your consideration and approval to allow that work to move forward so that we can complete this project.

Commissioner Walsh made a motion to approve the Letter of Agreement with AT&T for the conversion of overhead utility lines to underground on Gilead Road.

Commissioner Dumas seconded the motion.

Mayor Clark called for the vote to approve Letter of Agreement.

Motion carried unanimously.

Letter of Agreement attached hereto as Exhibit No. 9.

Budget Amendment – Electric Budget. David Lucore, Electric System Manager, said the original scope of this underground project did not include this section or the expense of burying AT&T's lines, so we are requesting a budget amendment to fund the construction to put these lines underground.

Commissioner Rivers said do we happen to know how long this project will take once it has been approved or if approved?

Mr. Lucore said we have asked that question and have not received an answer from AT&T. Our goal at this time is to complete this work by Christmas or the end of the year.

Commissioner Rivers made a motion to consider approving the budget amendment appropriating Electric fund balance in the amount of \$450,000 for the contract to remove AT&T aerial cables from Gilead Road.

Commissioner Quarles seconded the motion.

Motion carried unanimously.

CLOSING COMMENTS

None

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

Approved this the 1st day of October 2024.