TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES

April 19, 2021
6:00 p.m. – Huntersville Recreation Center

PRE-MEETING

The Pre-meeting of the Huntersville Board of Commissioners was held at the Huntersville Recreation Center, 11836 Verhoeff Drive, at 4:30 p.m. on April 19, 2021.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh.

Anthony Roberts, Town Manager, reviewed Capital Improvement Projects. *Refer to Exhibit No. 1.*

Mr. Roberts reviewed proposed FY 22 budget items that he may need direction from the Board. *PowerPoint attached hereto as Exhibit No. 2.*

Vehicle Fee – it was the general consensus of the Board to not increase the Vehicle Fee.
Land Development Fees as outlined in PowerPoint – general consensus of the Board agreed with fees.
Electric Rates – general consensus of the Board agreed with proposed electric rates.
Solid Waste Fees – the Board agreed the annual solid waste fee should be increased, but there was not a consensus on the amount. Mr. Roberts will bring back the Manager's Recommended Budget with a $25 increase.

The Board will reconvene the Pre-meeting following the Regular Meeting.

REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Recreation Center, 11836 Verhoeff Drive, at 6:00 p.m. on April 19, 2021.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Aneralla

- Next Mayor's Luncheon is tomorrow.
- Next Metropolitan Transit Commission meeting is April 28.
- Colonial Pipeline issued a Press Release Friday reporting they found product in a deeper part of the earth, which will increase the amount of product that leaked in their projections.

Commissioner Walsh

- Next meeting of the Greenway, Trails and Bikeway Commission is tomorrow.
- Next meeting of the Parks & Recreation commission is this Wednesday.
- Provided update on Huntersville Regional Chamber of Commerce events.
- Provided update from Visit Lake Norman.
- Recognized the new management of Birkdale for improvements and adding new events.

Commissioner Phillips

- A COVID vaccine clinic was held at the Waymer Center on April 7. Participants will be able to get the second dose at the same location on April 28.
- Danny Phillips (Commissioner Phillips' father) had his hair cut on Facebook Live by Kristin Hampton who does the Good News to raise money for Angels and Sparrows Soup Kitchen. Currently, they are $100 away from raising $38,000.

Commissioner Munger

- Met with members of Sustain Charlotte last Thursday to discuss transportation issues for Huntersville, including working to expand CATS service.
- Consider donating to local non-profits.

Commissioner Hines

- Next meeting of the Charlotte Regional Transportation Planning Organization is this Wednesday.

Commissioner Boone

- Provided update on Lake Norman Chamber of Commerce events.
- Huntersville Fire Department has inspected every inch of fire hose and they are back on track of getting their annual medical physicals and job-related physical agility test.
- Huntersville Police Department has had community police officers out in the community. They have collected food and provided clothing for a family in need, paid utility bills for some families in need in the Huntington Green community, met with Boy Scouts and provided a community awareness event for Tanners Creek. A clean-up day will take place in Huntington Green in June. Congratulated Officer John Hicks on his upcoming retirement.

Commissioner Bales

- Lake Norman Economic Development Corporation is currently working 37 projects, 26 of which are in Huntersville. Some new businesses will be moving into Birkdale. LNEDC is currently working with local schools in making plans for the next school year in regards to work force development.
- Participated in the Huntersville 101 class held last week at the Huntersville Recreation Center.

Mayor Aneralla requested the Town Manager provide update on staff's meeting with Huntersville Elementary School.

Anthony Roberts, Town Manager, reviewed the changes Huntersville Elementary School has made in the traffic pattern to help improve the issues caused by the car rider line.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

None

AGENDA CHANGES

Commissioner Boone made a motion to adopt the agenda.

Commissioner Munger seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Petition #R08-12. Mayor Aneralla called to order public hearing on Petition #R21-05, a request by Palillo Holdings, LLC to amend Petition #R08-12, approximately +/- 0.559 acres at the southeast corner of Statesville Road and Rich Hatchet Road from Neighborhood Center Conditional District to Neighborhood Center Conditional District for the purpose of revising building elevations (Parcel: 00927309).

Commissioner Phillips disclosed that the applicant donated to my campaign, but it will not impact my views on this project.

Brian Richards, Assistant Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.* This request is to amend the commercial site plan for building elevations. In 2008 under #R08-12, Spectrum Hearing came in for a commercial building for the use of office. That was rezoned from Neighborhood Residential to Neighborhood Center Conditional District.

The site plans are almost identical. The building footprints are slightly different because the building has changed. The zoning will stay the same and uses will stay the same.

We feel that the proposed building elevations are in keeping of the neighborhood and the area and staff would support the change in elevations, just note that the building is slightly smaller in the newer revision. The original was just over 4,500 sq. ft. and this is just over 4,000 sq. ft. The 2040 Community Plan supports this per Land Use Policies LU 6.2, as well as EV 2.1. In the Town Core a mixture of uses is encouraged, including businesses in residential areas in this core right along Highway 21.

In considering the proposed Rezoning Petition #R21-05, Symphony Park Sales Center, staff recommends approval. The amendment is consistent with the Huntersville 2040 Community Plan, specifically Policies LU 6.2 and EV 2.1. It is reasonable and in the public interest to amend the Zoning Ordinance because the rezoning is consistent with the existing development patterns in the area and the revised building elevations are in keeping with the other developments in the same area.

Commissioner Bales said if this is a sales center, do you know how long the anticipated use will be for a sales center.

Jake Palillo, said it will be a sales and leasing office and then it will convert over to a real estate leasing office.

There being no further comments, Mayor Aneralla closed the public hearing.

Nutec Economic Development Agreement. Mayor Aneralla called to order public hearing concerning the Economic Development Agreement between the Town of Huntersville and Nutec, Inc. and the granting of incentive payments.

This public hearing concerns the Economic Development Agreement between the Town of Huntersville and Nutec, Inc., and the granting of an incentive payment in the amount of $11,621.27 based on the creation of 46 jobs paying the yearly average amount of $54,819.20 per job. The Town believes this incentive payment will help stimulate the local economy, result in new taxable capital investments in real and personal property, and the creation by the company of a substantial number of new, permanent jobs in the Town.

Commissioner Munger said what is the average income for Huntersville.

Jackie Huffman, Assistant Town Manager, said the U.S. Bureau of Labor Statistics says it's $48,923 in the most recent year available, which would be 2019.

There being no further comments, Mayor Aneralla closed the public hearing.

OTHER BUSINESS

Resolution – Nutec Incentive Agreement. Commissioner Boone made a motion to adopt a resolution approving the incentive agreement between Nutec and the Town of Huntersville.

Commissioner Bales seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

Budget Amendment – Nutec. Commissioner Boone made a motion to approve budget amendment for the reimbursement to Nutec in the amount of $11,621.27 per the Incentive Agreement with the use of General Fund Balance.

Commissioner Bales seconded motion.

Motion carried unanimously.

Evidentiary Hearing – Trails End Subdivision Sketch Plan. Mayor Aneralla said this hearing is a quasi-judicial hearing on the application submitted for Trails End Subdivision Sketch Plan. Quasi-judicial hearings are evidentiary in nature. The Board must base quasi-judicial decisions on competent, relevant, and substantial evidence in the record. Material evidence is evidence that shows that the standards will or will not be met. Speculative, irrelevant or vague evidence, non-expert opinion as to something that requires an expert and non-excepted hearsay evidence will likely not be competent evidence.

Quasi-judicial hearings are constrained by the standards in the ordinance and the facts presented.

Only parties with standing including the applicant, local government, and individuals who can show they will suffer special damages have the right to participate fully in the hearing. Parties may present evidence, call witnesses, and make legal arguments. 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. Even though the Board may rely on other evidence, if it is not objected to, the Board should rely on competent, reliable evidence in making its decision.

The Board will recognize the applicant as a party. Are there any other persons who believe they have standing to participate fully as a party? I think Mr. Levkvaskey, please come up. Usually adjacent property owners will have standing. Will each party tell me if they have any witnesses they intend to call.

Each party indicated they had no witnesses to call.

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

I see none.

The parties to 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 e-mail communications, as well as conversations with parties, staff, or the general public. Does any Board member have any ex parte communications to disclose about this case?

I see none.

Based on the fact no 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 any objection to the Board's participation in this hearing?

There were no objections.

Mayor Aneralla said Mr. Levkvaskey, please state your name and address for us.

Mike Levkvaskey said 11600 Trails End Lane.

Nate Bowman said Nate Bowman, 205 South Church Street, Huntersville.

Brian Richards, Assistant Planning Director, said Brian Richards with the Huntersville Planning Staff, 105 Gilead Road.

Mayor Aneralla swore in Mike Levkvaskey, Nate Bowman and Brian Richards.

Mayor Aneralla said present your evidence.

Brian Richards, Assistant Planning Director, said at this time I would like to enter my Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

We have before you this evening the Trails End residential community. It's an 81 single-family home subdivision presented at the intersections of Asbury Chapel and Trails End. The property is currently zoned Transitional Residential. All the property surrounding it is zoned Transitional Residential. Here's an aerial. It's primarily wooded. You have two small buildings on the property.

The current use is single-family and vacant. The proposed density is 1.37 units per acre. As we know, the Transitional District allows for up to 1.5 units per acre. The development is proposing 43.7 percent open space. The requirement is 38 percent. The urban open space being provided would be a pocket park and then just next to that starred area across the street as well as a private greenway along the bottom. Mr. Bowman is also going to reserve the area along the SWIM buffer to the south of the property….in this picture it's south which would be the west of the project, for the county public greenway at some point in time.

The existing tree canopy is 57 acres, which is about 96 percent of the property. They are proposing to save 22.76 acres, which is roughly just under 40 percent of the property. Thirty-five percent is required. There are no heritage trees on site. The developer is proposing to save 60 specimen trees which is just almost 60 percent. The requirement is 35 percent. The overall open space for this subdivision will be 25.77 acres.

This property is topographically challenged. You can see the compact design. Due to that challenging topography, the applicant is requesting three block length modifications – two for roadway block lengths, one on Block 4 which is 817', the other on the southern part of Block 4 which is 1,743'. Additionally, Road C is a cul-de-sac. Typically, those are roughly around 350' in length. They are asking for 517'. Due to the topography and the rough terrain out there, staff is in support of all three of these modifications.

Interestingly enough we typically don't get into this, there is a protected sunflower across the street from this proposed subdivision, the Schweinitz's sunflower, and the National Heritage GIS overlay indicates that area which is the large pink area across the street. Mr. Bowman has provided letters from a private environmental service, as well as the U.S. Fish and Wildlife Service, that have indicated that this subdivision will have no impact on this. You can see the area indicated on the right-hand side is where the Schweinitz's sunflower exists today. That was protected. Recently Mecklenburg County has purchased the land to the east of this property, so that will be protected in perpetuity. Any roadway

improvements needed for Trails End we'll work with DOT to keep those sunflowers in good shape and we'll take whatever measures are needed for that.

The project is located in the 2040 Plan in what's identified as the Residential Edge, which recommends projects under 1.5 units per acre. At 1.37, we're consistent with that. I will bear everybody the brunt of not reading all the policies that this is consistent with. They are listed on the screen, as well as my Staff Report. The Eastfield Road Small Area Plan, this is located in Area 1, Subsection C. It states that until Hambright Road is widened that we should stay consistent with the TR district and 1.5 units per acre, so we are consistent with the Small Area Plan as well.

Surrounding developments – Olmstead is at 0.95 units per acre, Chapel Grove to the south is 1.4, so we are consistent at 1.37.

Staff recommendations. We find that the application is complete. The request is in keeping with the spirit and intent of the Town's future land use plans as mentioned above. The Trails End Subdivision Sketch Plan can be supported by staff subject to the following:

- The two block length modifications.
- The cul-de-sac length modification.
- We had an urban open space design discrepancy. Mr. Bowman has provided that design for us. We are satisfied with that. It was in your Staff Report, so we are taking that point out.
- We still have not heard from NCDOT on the final requirements and the upgrades to Trails End. We will work with the applicant and NCDOT to ensure that those are done.
- All transportation comments are addressed.
- Verification Road B can legally connect to Asbury Chapel when the future thoroughfare is built. That will be sometime in the future.
- All other plan comments are addressed.

This subdivision is consistent and complies with all applicable requirements once the conditions above are satisfied. Staff recommends approval of the proposed subdivision sketch plan subject to the block length modifications are approved, Urban Open Space designs have been submitted, Road C meets the Subdivision Ordinance, NCDOT and staff transportation comments are addressed, and all other plan comments are addressed.

At the Planning Board hearing on March 23, the Planning Board recommended unanimous approval with the following conditions (conditions outlined in PowerPoint).

I'm here to answer any questions, as well as Mr. Bowman.

Commissioner Hines said if Road B is not approved to connect to Asbury Chapel at its current location, would the applicant need to come back before this Board.

Mr. Richards said he would. What they have decided to do is they have offered to dedicate the right-of-way out to there. Due to the fact that we don't know where the thoroughfare is actually going to be aligned to this area due to the sharp curve at Asbury Chapel Road, the applicant has been generous in giving us a large swath of right-of-way which is atypical, but as you can see there's no development in that area, so we are still trying to communicate to NCDOT what future intersection design might happen

there so we can tighten that up when we get to preliminary plans, but at this time he's giving us a very generous right-of-way dedication in that area.

Commissioner Munger said I see that no TIA was required for this development because it was below the Town's threshold for requiring a TIA.

Mr. Richards said that is correct.

Commissioner Munger said can you tell me what the trip generation numbers were for this development and what the Town's threshold is.

Mayor Aneralla said Commissioner Munger, remember this is quasi-judicial, so we have to focus on the issues of block length waiver basically.

Mr. Richards said I don't know where Mr. Trott is. He did the analysis for this, but it did not give the initial trip generation.

Commissioner Bales said just a quick question in regards to the Lowry's Environmental & Ecological Services report. In regards to the sunflower, is that swath right there along Trails End the only place it's located.

Mr. Richards said to my knowledge. I've looked on the GIS layer of the town and that is the only area in town that I'm aware of. Others have spoken of knowing where it is, but that's the only recognized area that I'm aware of in town.

Commissioner Bales said the report says that the development may affect, but not likely to adversely affect and thus, is that the reason for the protection once Trails End is addressed.

Mr. Richards said yes, they do not think the development of this project would affect that. We will just make sure there's extra measures in place so there won't be any damage to those sunflowers.

Commissioner Bales said in regards to the Carolina heelsplitter, too.

Mr. Richards said it is my understanding from speaking with the applicant as well as the environmental service, the development of this will not adversely affect the heelsplitter.

Commissioner Bales said is there any steps being taken to protect these species that are on that site.

Mr. Richards said I don't know the specifics but that will come along when we get into the preliminary plan design. Typically, silt fencing and those types of things we put in place to make sure there's no run-off that would affect the heelsplitter.

Commissioner Bales said I guess that would also go with the sumac as well. I think those are the three, if memory serves now, those are the three species that may have some issues, so we need to take care of them. As we get through the process and get into environmental, we'll take care of that.

Mr. Richards said that's correct.

Commissioner Boone said two questions, the water quality concept plan, you have not received that yet.

Mr. Richards said the PCO-19.

Commissioner Boone said I don't know what that's called. It's Page 2 of 10 of the agenda packet, Item 7, Water Quality Concept Plan is being reviewed by the Town but has not been approved as of the date of this report.

Mr. Richards said that's correct. We have gone through initial review. That hasn't been tightened up. That would fall under the other Staff Comments. We believe the concept is good in principle, it's just getting some numbers correct for our engineers.

Commissioner Boone said then this might be the same answer to my second question – the urban open space meeting the intent of the ordinance, you are not real happy with that according to your statement. Can you tell me why.

Mr. Richards said we got the design while I was on vacation, so I hadn't had a chance to review it. Previous staff member Sierra Saumenig was able to review that. She said it was in keeping with the ordinance, that's why on my list I was able to scratch that out. We're in good shape.

Mayor Aneralla said any other questions of staff or the applicant.

There being none, Mayor Aneralla called Mr. Levkvaskey to speak.

Mike Levkvaskey, 11600 Trails End Lane, said my wife and I bought three acres right across the street from where the entrance is 21 years ago. When we bought that there was a bunch of trees there. Hurricane Hugo knocked a bunch of trees down and things like that. We cleared all the trees, everything by the road, so it's been a soccer field, baseball field, football field in our yard for 20 years. Recently we saw the subdivision plans and saw that the entrance was going to be right across from our house. We were hoping that it would be on Asbury Chapel, but because the sharp curve and all that, there wasn't quite room there. But from prior zoom calls that we had from Mr. Bowman, we did see that they kind of took some of the recommendations or concerns that the Trails End neighbors had, especially a road condition. This is not an asphalt or paved road. It's a rock and tar type of road. We had concerns about this with traffic. It used to be a gravel road when we first moved here, all the potholes and things like that, so it appears that they are working with the DOT to upgrade the road, so we're thankful about that. My wife and I are not opposed to this subdivision at all. However, the traffic and exiting car lights do pose a concern because it is right across from our house. We have about 300' of road frontage and the exit is just almost right across from the house. I met with Mr. Bowman a couple of weeks ago to see if he could move the entrance maybe up the road a little bit, across from our garden area, to see if they can do that for the entrance because our desire is to not have a berm or trees or shrubs or a fence as part of our yard because we cleared all that to have an open yard was our intent. I just wanted to voice that concern. We're just hoping to see if they can move it just a little bit up the road. I'm not opposed to it. They have been very willing to work with us. We're just hoping to shift the entrance somewhat up the road instead of straight across from our house.

Commissioner Munger said hopefully you can answer this. Can you just tell me what the average home price will be in this development.

Mr. Bowman said I would imagine $350,000 to $450,000.

Mayor Aneralla said it's not relevant.

Mayor Aneralla said Mr. Bowman, can you address that.

Mr. Bowman said we have staked that, but Drew's two kids had COVID and so my office has been kind of in lockdown for almost 10 days. We know we have it staked, so I can go meet him. I'm not quite sure if we can move it, that's why we came up with the suggestion of planting landscaping across the street, but we are going to go out and look at it this week.

Mayor Aneralla said coming out, do you believe that the headlights will be straight into your house.

Mr. Levkvaskey said it's going to literally come and at the curvature right into the house, yes.

Mayor Aneralla said any other questions.

Commissioner Bales said Mr. Bowman, I think I heard you correctly, you're not sure if there's an ability to shift it slightly.

Mr. Bowman said right. We had to get it staked and it has been staked. We haven't gone out to look at it because everybody had to stay at home except me to kind of keep separated. I believe his house is probably at least 100' off the road. It's off the road that's why we were hoping that we could do it with landscaping, but I've got to see where the cars exit and we'll look at that this week. I'm not sure if we can move it, but we'll try to do whatever we can to alleviate the problem.

Commissioner Bales said understanding that, I guess the question that I have is how do we proceed, Mr. Richards. For me, I would very much like the applicant to be able to address this. This area has been wide open for a very long time. It would be good to be a great neighbor if you didn't have those lights shining into your neighbor's yard if at all possible. I understand that sometimes that can't happen, but if at all possible, how do you proceed with this.

Mr. Richards said staff is allowed to administratively have minor shifts in road alignments, so if it's minor in nature, we can look at doing that administratively. If it becomes major, a total relocation to the next neighbor's property, then we can just bring a quick amendment back to the Board.

Mr. Bowman said I'm going to look and see, usually you have to meet the road at a 90 degree angle.

Mayor Aneralla said Mr. Bowman, do you want to call Mr. Trott as a witness.

Mr. Bowman said can you answer that question, Stephen……just to see if we can angle the road a little bit instead of atypical 45.

Mayor Aneralla swore in Stephen Trott, Director of Engineering.

Mayor Aneralla said I believe the Board would deem Mr. Trott as a witness and an expert.

Mr. Bowman said on the exit side, we are going to see where the lights hit once we get out there. We can take a car out there and pull it up into the woods and see if there's any ability to make it not a 90 degree angle, to shift it just a little bit.

Stephen Trott, Director of Engineering, said yes, that's possible. There is some room within the Design Manual regarding the angle. Ideally, it's 90 degrees, but anything 75 to 90 would be acceptable to the Town. Trails End Road is a state-maintained road, so they would also have to concur.

Commissioner Bales said my last question is, is Trails End Road a NCDOT Road. What improvements would need to be made on that road for this development.

Mr. Bowman said at this point we feel pretty sure that we are going to do core samples of the road to see what's there, because they have no idea what's underneath. Once you do the core samples, we're going to be either milling or overlaying. It's going to be up to NCDOT the entire length of the frontage from Asbury Chapel where we start to where our property ends……not the whole road, but in front of our property, it's to be determined because they can't tell us what that surface is without coring it. But it will be a new surface to the edge of our property.

Commissioner Bales said I would imagine that would also include the widening.

Mr. Bowman said I would definitely not hope to widen that road because if you widen, you increase speed.

Commissioner Bales said this is true, but as long as two cars can pass.

Mr. Bowman said it's big enough for two cars to pass easily.

Commissioner Bales said it's been a while since I've been out there, so that's why I am asking.

Mr. Bowman said it is a dead-end road.

Mayor Aneralla said any other questions.

Mayor Aneralla said the parties with standing have an opportunity to offer rebuttal or closing argument. As a reminder, please focus your response on legal arguments and new or clarifying evidence. Please avoid mere repetition of the evidence we already heard.

Does the Board have any more questions for the parties or witnesses before we move into deliberation.

Hearing no additional questions or presentation of relevant facts, the Board may now begin deliberation. The evidentiary hearing remains open so that the Board may ask clarifying questions, if needed. As a reminder, this Board is tasked with deciding if, based on the 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 parties opposing the application to show by competent material and substantial evidence that the standards in the ordinance will not be

met. If conflicting evidence as to the standard is presented, the Board will weigh the evidence and determine which side's evidence is correct.

The application as originally submitted was considered by the Planning Board and the Planning Board made a recommendation. Nothing that occurred on the Planning Board level, including the Planning Board's recommendation, is considered evidence that you can base your decision on. However, the Planning Board's recommendation may be useful to the Board 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. Board members are encouraged to reference the applicable standards and specific evidence in their deliberation so that the staff and I will have enough information to prepare the written decision for the Board. Is there a motion regarding this request.

Commissioner Walsh made a motion in considering the evidence presented regarding Trails End Subdivision Sketch Plan, the Town Board finds the application is complete. The sketch plan complies with all applicable requirements and there is consistency with adopted public plans and policies of the 2040 Community Plan including Policies LU 2.2, 5.2, 7.1, 10.2, EOS 2.1, 4.3, 8.2, 8.3, 10.1, PS 8.1, T 3.1, 3.2 and 5.3. These decisions are supported by the findings of fact set forth by the staff in the Staff Report. The Town approves with the following:

- The two block length modification requests are approved.
- The cul-de-sac length modification of 517' is approved.
- NCDOT's requirements for upgrades to Trails End Lane are finalized and shown on the plans.
- Transportation issues are addressed.
- Indication that road improvements on Trails End could occur in light of the proximity Schweinitz's sunflower.
- Verification from DOT, as needed, that the alignment of Road B where it intersects with Asbury Chapel Road is in the correct location when Asbury Chapel Thoroughfare is built.
- Verification Road B can legally connect with Asbury Chapel Road when the future thoroughfare is built without further approval from anyone with interest in that right-of-way.

The Town Board approves the subdivision sketch plan contingent on all other plan comments are addressed per staff's recommendation.

Mayor Aneralla said is there a second.

Commissioner Hines seconded motion.

Mayor Aneralla called for the vote.

Motion carried unanimously.

Mayor Aneralla said staff will draft and I will sign a final written decision to reflect the vote and the reasoning for this decision. The written decision will be provided to the applicant and other parties with right to such notice. Thank you all for attending.

Phasing of TIA Improvements – Petition #R20-04. Petition #R20-04 is a request by Palillo Holdings, LLC for the Statesville Mixed-Use Rezoning regarding phasing of TIA related improvements.

Stephen Trott, Director of Engineering, entered the TIA Phasing Request into the record. *TIA Phasing Request and Staff PowerPoint attached hereto as Exhibit No. 6.* This is a TIA phasing request for a rezoning request that was approved earlier this year. There was a main site plan and a subsequent alternate plan that was approved. They did a TIA for the entire development. There is now a request to phase the TIA and use surplus capacity in that phasing.

Phase 1 of the development is everything except the convenience store and gas station at the corner of Hambright and US 21. They submitted a phased TIA and what they are asking for consideration is under 14.4.2 of the Zoning Ordinance which states "A modification to the required mitigation, which may be considered by the Town Board as meeting the intent of the Ordinance, is where proposed mitigation at an impacted intersection provides measurable and beneficial surplus capacity (above and beyond that required to meet the minimum requirements) such that the surplus capacity may be counted toward credit in the mitigation of other impacted intersections." There's two intersections that are impacted under their Phase 1 which are Statesville at Hambright and Statesville at Hunstad. As part of the Statesville at Hambright improvements, they are going to create surplus capacity they want to apply to the other intersection. What they are proposing is a list of improvements to address driveway needs and also create that surplus capacity.

Commissioner Walsh made a motion to approve the phasing of the TIA related improvements for Palillo Holdings LLC for the Statesville Road mixed-use rezoning R20-04.

Commissioner Bales seconded motion.

Motion carried unanimously.

Revisions to Rules of Procedure. Emily Sloop, Town Attorney, explained that some of the 160A references in the Rules of Procedure for the Town Board need to be replaced with the new 160D references.

Commissioner Bales made a motion to approve the revisions to the Rules of Procedure for the Town Board.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Rules of Procedure attached hereto as Exhibit No. 7.

Public Comment and Public Hearing Policy. Commissioner Munger made a motion to approve Town of Huntersville Board of Commissioners Public Comment and Public Hearing Policy.

Commissioner Hines seconded motion.

Motion carried unanimously.

Public Comment and Public Hearing Policy attached hereto as Exhibit No. 8.

Appointment to Public Art Commission. The Public Art Commission has one position that needs to be filled due to the resignation of Melissa Jackson. This term will end on December 31, 2021. Staff recommends the Board appoint one new member to carry out the term.

Commissioner Walsh nominated Lance Phillips.
Commissioner Phillips nominated Lance Phillips.
Commissioner Munger nominated Alexandra Capecci.
Commissioner Hines nominated Lance Phillips.
Commissioner Boone nominated Brandy Reese.
Commissioner Bales nominated Lance Phillips.

Commissioner Bales made a motion to appoint Lance Phillips to the Public Art Commission.

Commissioner Hines seconded motion.

Motion carried unanimously.

LKN Kiwanis Mural – Veterans Park Restroom. Mayor Aneralla explained that the Kiwanis Club, of which he is a member, approached the Town with a grant of $1,500 for an art or beautification project. After looking at different buildings, they would like to do a mural on the Veterans Park Restroom.

April Dunn, Public Art Commission, reviewed the mural design. *Design attached hereto as Exhibit No. 9.*

Ms. Dunn introduced Julia Anna Kaufman who is the artist.

Ms. Kaufman reviewed her history with the Kiwanis and her art background.

The Board discussed concerns raised by some of the commissioners about the prominence of the Kiwanis in the mural and the potential for other organizations wanting to donate a mural that maybe our community does not support. It was suggested that the Board may need to have a conversation addressing the donation of murals on Town maintained property.

Commissioner Walsh made a motion to defer the decision to May 3.

Commissioner Bales seconded motion.

It was pointed out that if the Board wants to see another rendering, the Public Art Commission will need to have a meeting.

Commissioner Walsh amended his motion to defer decision to May 17.

Commissioner Bales seconded amended motion.

Motion carried 4 to 2, with Commissioners Boone and Phillips opposed.

Resolution – Accept Main Street Upgrades Construction Contract. Kevin Fox, Director of Public works, reported that bids were received on March 26. The lowest responsible bidder was Blythe Construction at just over $15,100,000.

Commissioner Munger made a motion to adopt resolution to accept NCDOT TIP #U-5908 Main Street upgrades Construction Contract.

Commissioner Boone seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 10.

Budget Amendment – Main Street Project. The Town has opened general contractor bids on the Main Street Project. Our cost associated with the general contractor bid for construction and inspection cost exceeds available bond and grant funds by $3,892,932. In addition, the estimated cost of the water and sewer is $4,300,000 which is budgeted to be reimbursed by Charlotte Water. Therefore, this amendment increases the price associated for the Main Street Project by $8,192,932, using $3,892,932 of General Fund Balance and $4,300,000 from Charlotte Water.

Commissioner Munger made a motion to approve budget amendment increasing the price associated for the Main Street Project by $8,192,932, using $3,892,932 of General Fund Balance and $4,300,000 from Charlotte Water.

Commissioner Walsh seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Hines made a motion to approve the minutes of the March 1, 2021 Regular Town Board Meeting. Commissioner Bales seconded motion. Motion carried unanimously.

Resolution – Rosedale Nature Park Signage Project. Commissioner Hines made a motion to adopt Resolution to award the proposal for the Rosedale Nature Park Signage Project and approve the construction contract. Commissioner Bales seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 11.

Approve Tax Refund Report. Commissioner Hines made a motion to approve Tax Refund Reports from Mecklenburg County. Commissioner Bales seconded motion. Motion carried unanimously.

Tax Refund Reports attached hereto as Exhibit No. 12.

Resolution – Animal Control Services Interlocal. Commissioner Hines made a motion to adopt Resolution authorizing Interlocal Agreement pertaining to the provision of Animal Control Services by the City of Charlotte to the Town of Huntersville. Commissioner Bales seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 13.

Call for Public Hearing – North Point Road Traffic Calming. Commissioner Hines made a motion to call a public hearing for Monday, May 3, 2021, at 6:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive, on North Point Road traffic calming request. Commissioner Bales seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #ANNEX21-02. Commissioner Hines made a motion to call a public hearing for Monday, May 17, 2021, at 6:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive, on Petition #ANNEX21-02, a request by Skybrook West LLC to annex 21.04-acres (Billings Property) into the Town of Huntersville. Commissioner Bales seconded motion. Motion carried unanimously.

Call for Public Hearing – FY 2021-2022 Budget. Commissioner Hines made a motion to call a public hearing for Monday, May 17, 2021, at 6:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive, to receive comments on the proposed budget for Fiscal Year 2021-2022. Commissioner Bales seconded motion. Motion carried unanimously.

CLOSING COMMENTS

Commissioner Munger said during the quasi-judicial hearing I wasn't really allowed to ask some questions. I had something I ran across and I apologize for asking the question about the average home price during that. One of the things I try to do is try and figure out…….I always point in our packet to a CMS one-pager. When we have a new development that comes in front of us, CMS gives us this sheet with the number of new students that a development will add to the school system. In this case it's 41 students, 31 of which will go to two schools that are already over capacity. CMS said total estimated capital costs providing additional school capacity for these new developments is $1.204 million. What I try to do is I try to understand we have 81 houses coming into this development, how long will it take for those property taxes to generate that $1.204 million. What I did is I took a valuation of $500,000 per house and let's just assume it maintains a constant value of $500,000 – 81 houses, $500,000 per house gives us $40.5 million. Mecklenburg County taxes is $0.6169 per $100. If I multiply that out, $40.5 million times that number, I get $249,844.50. Of that, percent of Mecklenburg County tax total ($1.9 billion) that they allocate to CMS ($529.9 million) divide that out and I end up with a percentage of 27.88947 and so on. If I take that total tax collected and multiply it by the percent that goes to CMS - $249,844.59 times the 27.889 I end up with $69,680.32.

Finally, if I take the original capital cost ($1.2 million) and divide it by this number ($69,680) I end up with 17.28, meaning it will take 17.28 years for this development to pay for the capital costs required to support only the students that are brought to CMS by this development. This is why I stress this one-sheeter. I don't think people fully understand that yes, eventually the property taxes generated by those houses will pay for the new schools that they need……we're talking about 17.28 years. That essentially means someone who moves into one of those houses with a newborn might be lucky to get a

new school for that student by the time they are a senior in high school. We need to fund our schools better.

There being no further business, the meeting was adjourned.

PRE-MEETING (CONTINUED)

Jackie Huffman, Assistant Town Manager, continued with the PowerPoint presentation from the pre-meeting, starting with the Personnel – New Positions slide.

Commissioner Hines suggested asking every department head again what they need and how we can help them.

Ms. Huffman reviewed COLA/Merit proposal and police pay proposal.

Anthony Roberts, Town Manager, reviewed funding requests from external agencies. It's being researched if some of these agencies could be funded with American Rescue Plan Act funds. There were some concerns about funding the Arts & Science Council.

It was the general consensus of the Board to wait to commit to any funding of external agencies until American Rescue Plan Act funds are received.

Contract Delegation. Emily Sloop, Town Attorney, explained that the Town needs a contract delegation in place to delegate authority for the Town Manager to be able to delegate contracts below whatever threshold amount the Board decides to set. If a delegation is not in place, then technically every contract needs to come to the Board regardless of the dollar amount. *Draft Resolution attached hereto as Exhibit No. 14.*

The Board discussed what that threshold should be. It was the general consensus of the Board that the threshold be $300,000.

Ms. Sloop will send an updated draft resolution to the Board for their review.

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

Approved this the 19th day of July 2021.