

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

May 3, 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 5:00 p.m. on May 3, 2021.

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

Bobby Williams, Assistant to the Manager, provided update on the New Town Hall project. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

Anthony Roberts, Town Manager, provided update on FY 2022 Budget. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

REGULAR TOWN BOARD MEETING

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 May 3, 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 reviewed the new Public Comment and Public Hearing policy.

Mayor Aneralla noted that due to the number of people signed up to speak for the public hearing to receive public input on the North Point Road traffic calming, speaker time will be limited to 2 minutes for each person or 9 minutes for somebody representing three or more people.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Aneralla

- Recognized Huntersville 101 graduates.
- Recognized participants in the Mayor's Fitness Challenge.
- Next Mayor's Luncheon is May 18.

- Attended the Metropolitan Transit Commission meeting last week.

Commissioner Munger

- Attended the Hello Huntersville event.
- Next Huntersville Ordinances Advisory Board meeting is this Thursday.
- Next Centralina Regional Council Board of Delegates meeting is May 12.
- Consider supporting local non-profits.

Commissioner Phillips

- The second COVID vaccine event was held last Wednesday at the Waymer Center.
- Spoke virtually with Unity in Community at their quarterly meeting on April 24.
- Accepted Board position with Rural Hill.

Commissioner Walsh

- Provided update on Parks & Recreation events.

Commissioner Bales

- Lake Norman Economic Development Corporation is currently working 40 projects, 27 of which are in Huntersville.
- Provided update from the Education Collaborative.
- Commended Parks & Recreation for the Hello Huntersville event.
- Elected to serve on the NC League of Municipalities Board of Directors.

Commissioner Boone

- Provided update from the Lake Norman Chamber of Commerce.
- National Night Out is August 3.
- Encouraged people to apply for positions on the Planning Board and Board of Adjustment.
- Hello Huntersville was a successful event.

Commissioner Hines

- Provided update from the Charlotte Regional Transportation Planning Organization.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

The Greater Charlotte Auto Dealers Association presented a check for \$10,000 to the Huntersville Police Department Emergency Needs Fund.

Sarah Coburn signed up to speak by phone, but a connection could not be established.

AGENDA CHANGES

Commissioner Bales moved Item 10.B (Consider approving Rosedale Nature Park Dog Park Rules and Regulations) to Item 9.D.

Commissioner Bales made a motion to adopt the agenda, as amended.

Commissioner Munger seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Frank Gammon and Derek Partee.

North Point Road Traffic Calming. Mayor Aneralla called to order public hearing to receive public input on the North Point Road traffic calming.

Stephen Trott, Town Engineer, reviewed the request and proposed solutions. *Refer to Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

Mayor Aneralla noted that several e-mails had been received and will be included in the minutes. *Refer to Exhibit No. 4.*

Mayor Aneralla noted that Annette Dugan and Judy Beatty yielded their time to Mike Chreitzberg, 16015 North Point Road, so he will have 9 minutes.

Mike Chreitzberg, 16015 North Point Road. Annette Dugan and Judy Beatty yielded their time to Mr. Chreitzberg. I represent the majority of the homeowners in our HOA association. I'm not on the board. When we determined in the last couple of weeks that this was coming before the Town Board we kind of all got together and met in smaller groups and I decided to kind of go around and do a poll in the community of as many people as I could get in touch with. I think I sent you guys a copy of that today. *Refer to Exhibit No. 5.* In the past when we have had issues in our community, whether it be about pool repairs or tennis court repairs or whatever, we've always met as a neighborhood and we've put things like that up to a vote to where everybody has the opportunity to voice their input and to decide whether or not some actions are appropriate for our neighborhood, and then at that point we decide to spend the money, or in this instance here, things can go forward with the Town to get Town input on that. In this instance, that has not happened, and we don't know why. We just had one issue come up about replacing a tennis court and that was put to a vote in the last couple of months, so I don't know why this one really didn't come up as an issue, but I think it's important that everybody in the community at least has input.

I think the speed studies are obvious and I think everybody that had gotten information would say that yes, we have a speeding problem in the neighborhood. Now whether that's all the residents or whether that's the myriad of contractors that are coming into our community to do home renovations, I can't say. I have seen instances of neighbors, their teenagers, speeding on the street. As I went around and talked to these people and got their input, I tried to indicate to those people to please get their kids or to please get themselves to slow down where possible. I think truthfully the majority of the issue at this point in time is really the contractors' trucks that come in early in the morning and they leave in the afternoon – trash trucks, Amazon trucks, all those are difficult, at best, for residents to control other than to try to tell them when possible. Our neighborhood I guess has been blessed over the years in that we have all done renovations to our houses. There's about 50 houses in the neighborhood and I would dare say that just about every house in the neighborhood over the last few years has had significant renovations to it, so there have probably been more contractors in the neighborhood than residents themselves and I think that's indicated on the speed study reports because it shows some 300 vehicles going back and forth on a given day, and there's really only 50 people in the neighborhood, so that's triple the trips that you would assume if somebody was going out in the morning to go to work and coming back at the end of day. This poll here indicates yellow are the ones that voted against the

speed humps and the green are the ones that voted for the speed humps, so there's 36 against and 8 for. What I would like to say is that this does not indicate that those that voted against the speed humps simply want to do nothing, because I think we have a problem, I just simply think that if we had all had the chance to meet as a neighborhood, then perhaps we could have come up with different alternatives for how to solve our problem. I think in the last few weeks there's been a lot of neighborhood awareness of this obviously and I would say that the speeding of the residents has gone significantly down and I can't speak for all the contractors, but I think everybody is now aware, but as to whether that would last for another two or three years if nothing was done, no I can't say, so I think what we all would like to do is give ourselves the opportunity to meet as a neighborhood, discuss this, come up with alternatives and then come back to you guys at some point in time and seek your help with some of these things that could be better installed by the Town versus us.

An alternative that has been discussed over and above speed humps, is to put up digital speed readers on the current stop signs in the community. I have talked to Mr. Trott about that and I would agree with him that sometimes those readers work for a while and sometimes they don't after a while, but I think we would like to have the opportunity to at least consider that as an alternative. Another solution that people have mentioned is putting three-way stop signs at Weatherly and Leeward, which are the two spur roads that come off of North Point. That could be done in lieu of the speed humps and would certainly divide the segments of road into three smaller sections, which I think would slow down traffic as well. There could be several other options in addition to that. The thing that I would say is that from a speed hump issue, if there's a place where we are really needing those, it's not necessarily on North Point, it's on the blind curve there on Terry Lane. There's trees that block that curve and there have been a number of instances I think where people have swung wide as they are going in each direction on that and almost had collisions, so that's a very difficult area at best.

Obviously, we have issues getting out at Terry Lane onto 73, but I don't think that's going to be decided any time in the near future. I understand there's going to be a median put and then they will be restricting left turns, so that's in the years to come, but what I would like to do is try to solve issues for the entire area not just North Point Road, but also for Terry Lane as well because I think that is clearly a dangerous area there and maybe a speed hump on either side of the curve would help there. I think what I'm simply asking for is just give us the opportunity to meet as a neighborhood, come up with alternatives, come up with some discussion, try to come up with some kind of group decision on what to do, realizing that we simply can't do nothing, we've got to do something because the last thing anybody in our neighborhood wants is for children to get hurt and the last few years there have been a number of families that have moved into our neighborhood that do have small kids and I think they are walked from their houses down to the pool into the common area to use that, so the last thing we want to do is to get them hurt. But I think with walking kids on a road like this, there's a certain amount of responsibility that goes along with that. I know when I was a kid growing up in my neighborhood, we all played out in the street and you learned really fast who was the king of the road, it wasn't the public, it was the cars. I think there needs to be some responsibility on the homeowners part when they have kids out in the road that they (1) be supervised; (2) that they be kept in kind of a small group as they are moving back and forth; and (3) that they learn to watch out for cars. That's probably one of the most important things to learn as a kid is to watch out for cars.

Bruce Andersen, 16125 Weatherly Way, said traffic calming is best applied at the time of road construction. The later application of band-aids can fall badly short. Witness the experience of the Town on Ranson Road. Installation of speed bumps resulted in the creation of short drag strips between the bumps and the predictable result, removal of the speed bumps. Note that both sections of North Point Road are about 1,500' long between the intersections. That meets the current Huntersville

standard for street design for large lot subdivisions. The supposed traffic calming devices seem to be centered around the curve, which is also a natural calming design. Most of us in the neighborhood drive at a reasonable speed when the road is clear and slow way down when there's pedestrian traffic and dogs in the road. Of course, as has been pointed out, there are outsiders and a few neighbors who speed. If that justifies a review, the decision should be based on input from the residents, not a small minority. If you want to make our community safer, you should know that the most dangerous time is on garbage pick-up day. Many residents place their bins in the traffic lanes and then of course the bins are dropped in the traffic lanes. That causes drivers to be distracted to drive on the wrong side of the road increasing risks of pedestrians, bicyclists, and other drivers. You alone can reduce this risk to lives by an ordinance requiring bins to be placed off the road. The next most dangerous practice, as the previous speaker mentioned, is parking in the blind curve on Terry Lane. I have heard that a car recently hit one of the trailers there. Your officers were nice, they just asked them to move, but that does not deter the practice.

Andrew James, 16225 Leeward Lane, said I'm here to talk about my firsthand experience and then about some other relevant data that may not be on the page in front of you. My wife and I support traffic calming devices as a matter of safety for our kids. It's nobody's first choice, you are sure going to hear tonight. But after many years, nothing else has worked. We have put out physical signs, we had the radar out, police patrols have been out there. Personally, I would be pleased with three humps instead of four or five, but we are pleased with staff's recommendation.

My family has lived in Lookout Point for over a decade and my wife is on the HOA board. I have three kids, ages 12, 9 and 5. Somebody in our family is out walking or biking North Point almost every single day. I can attest to countless firsthand experiences, shepherding my kids over into somebody's yard when a car comes by and is within 10' of us going 30 mph. It's nerve-wracking wondering every time if the driver sees you. We've heard plenty of challenges on social media to our parenting. It's because of watchful parenting and the grace of God that there hasn't been a catastrophe yet.

Some pertinent facts, look up point of classic pedestrian neighborhood, there's no sidewalks anywhere so everybody uses the road. Every neighborhood amenity – pool, common area, lake front dock, basketball, tennis court, it's all on North Point Road, so it's going to get used. It's not an option not to walk there. Just a quick stat from Mecklenburg's POLARIS, I checked this afternoon, the traffic study that the Town did had two data points – 1804, the worst of the two, within 600' of that traffic point is five households that have a combined 12 kids and 7 dogs that I see out walking regularly. You'll hear from three of those households tonight. I respectfully ask you to approve the proposed speeding devices.

Ray Renshaw, 16023 North Point Road, said I have lived there for 22 years. My wife and I at the time when we bought the house were just engaged and we've had three kids. Two now are in college and one is still at the house.

I live in the middle of where they are proposing these speed bumps. Never once have we had an accident, an incident or anything of that sort – no bike has been hit, no child, no dog, just an occasional squirrel now and then. In raising the kids there never did I feel threatened while I taught them how to ride their bike on the street. Every time a car went by us, they were respectful and moved along and slowed down.

As Mike had mentioned, when no one is on the road, people do tend to speed a little bit. That doesn't mean I didn't witness speeding on the street. I'm a big advocate for slowing down and abiding by the law. I've been out blowing leaves and a car goes whizzing by me, I put my blower down, I walk up to the house wherever the individual is working there or the homeowner and I'll have a discussion with them and say listen, you do not want to kill somebody on this street. I've had a slight altercation with one of the neighbors and since then I see them drive by just about every day at 25 mph. He waves to me, we're friends. Each time that I have witnessed it, I personally made it my point to go speak with them and over the last 22 years it has been improved.

If you listen to the study that was done, there were two sensors put down in February 2019 and two of them in March of this year. The first two sensors, both of them were over the 85th percentile that was discussed. This year only one of them beat the 85th percent, and the other one was over by 2 mph. What does this say. We've made big improvements as a community. Thank goodness for the folks that are making this a conscious effort to present it to all the neighbors and all the contractors that come up through the neighborhood. We've made improvements. I truly believe that if we did another study in six months, neither of those sensors would, because my children who drive, we have sat them down and had serious conversations.

Carrie Roop, 16241 Leeward Lane, said I want to thank you all for letting me come speak to you tonight. Thank you for caring enough about our safety to be here. Thank you for the studies that were conducted in March 2019 and 2021.

As Mike said, we do have a significant issue and these studies reflected it. As a mother of two young children who live at the corner of North Point and Leeward, I'm very much in favor of these speed calming devices, because you can see there are those that oppose these measures. Please consider when making your decision that many of those who oppose these humps and these speed monitoring devices are not routinely affected by the speeding that occurs through our community. Their homes are further off the road, at the back of the neighborhood and do not intercept every single incoming vehicle through our streets.

There are two blind turns, two blind hills, that create visual distractions and visual challenges for pedestrians. We have already had one pedestrian who was fatally killed on Terry Lane and I do not think it prudent that given these results we wait for another incident like this to occur to make a change. I would like to say it's only contractors and drivers and delivery drivers who break the speed limit, but unfortunately that's not the case. I have personally tried to kindly chat with homeowners about their reckless speed habits and I was told that speeding was a bad habit. My colleague, my friend, was actually told by someone who was driving a car that she should wear brighter clothing if she didn't want to get hit.

My family has lived in this neighborhood since 1986 and this has been an ongoing issue on North Point Road, specifically my aunt and late uncle have both had to confront speeders over many years. Clearly taking matters into our own hands is not working. The police have gotten involved and their speed tracking trailers. The reports showed 35 offenses in two months, with a top speed of 76 mph. Things aren't getting better, they are getting worse. I have witnessed neighbors driving past that sign at 42 mph and did not even attempt to brake or slow down.

Many say that this was presented to them in the last few weeks. This is untrue. I have before you a packet that will show the reports, as well as meetings that were held in 2019, to actually address these issues after the first study was conducted. *Refer to Exhibit No. 6.* This argument is being made that the

speed humps would be an eyesore, but I don't know of any other physical viable solution. Every high-end neighborhood around our area has some type of pedestrian vehicle, such as sidewalk, speed hump or a median calming speed device. We do not have those in Lookout Point. We only have our streets. As a mother who is at the end of her rope of options, I beg of you to please make a difference. Please make a change for the better to help protect the integrity and safety of our community. At this point I cannot imagine that doing nothing is a solution. The only thing I can see from doing nothing would be liability and negligence on behalf of our city. Thank you for your efforts to make our community safer and for hosting these studies. I hope you will take into consideration my voice, your own data and the results of these studies as you look towards making a decision on June 7. The fact that five speed humps is being recommended by the city's engineer should tell you something about the significance of this problem and it should not be ignored. In the back of your packet, I also have a suggested middle ground option as well.

Mona Depew, 16216 North Point Road, said I'm here to speak on behalf of not having speed bumps in the neighborhood. I also agree with Mike in the beginning that we should evaluate what is there and what could be a better solution.

I am a grandmother of eight and when I take my grandchildren down the road, I never feel threatened. I always feel that they move over and my little 2-year old grandson walks beside me and when I ask him to move over, he moves over. I sent you a letter to tell you that I was also concerned about first responders and the time that it takes for them to get down the street over five speed bumps when they are in a large fire truck. They have to slow down. Unfortunately, in 2017 my husband passed away of a heart attack and the first responders on a good day, without speed bumps, still took 12 minutes to get to the house. If it took 14 minutes, those 2 minutes could mean a life and so I'm very concerned about that. My son is a firefighter. He is not a fan of speed humps.

Herman Bruno, Leeward Lane, said I'm the HOA president for our neighborhood. I want to thank the homeowners that showed up today and really just focus on the facts, that's what I've been going off of.

The information has been out there. You'll see the packets. There's additional information out there. We have been working with Mr. Trott and the guidance of our HOA management, which is Hawthorne Management and they manage a lot of the communities in the area. I'm the father of two little girls, 4 and 6. We are at Leeward Lane. I've been at every single HOA meeting and part of the problem that we have is in our neighborhood there's not a lot of participation from our homeowners. We're a small community, about 50 something homes, and there's five seats on the board. Usually there's one or two open and there's like one or two HOA members that actually participate in trying to get things done in the community. That's part of the challenge.

I think there were some comments said that the information wasn't put out there. That's not accurate. You'll find that there's a history. We provided information to Mr. Trott and more importantly last year there was a death that occurred out there. A gentleman was run over by a truck and died. He was out for a walk. It was just very unfortunate. I met his wife earlier this week and I just don't want that to ever happen again. I'm out there every morning, every day, exercising or walking with the kids. Our neighborhood is a great neighborhood and we have a lot of great homeowners there. I don't want their families to ever have to go through what Mr. Thomas' family is going through. I think we need to look at the facts and the fact that we have a problem. I vote for some type of speed hump.

Jessica White, 15705 North Point Road, said I'm for the speed bumps and I'll get into that, but I was in agreeance with a lot of what Mike said. I'm the house that he referred to that lives right at the corner of Terry Lane and North Point Road. While we signed up to live in this beautiful community knowing that we were on a corner, we are not a cul-de-sac. We know there's going to be some speeding. I didn't anticipate the facts that while I'm working from home watching people speed on the road. We have witnessed people jogging, people with their dogs, not just my kids and I'll get into that, being almost hit on a weekly basis. My son was actually born in 2017 with a near fatal virus. He will be okay, but he's completely deaf in his left year and 50 percent deaf overall. As some people here have graciously said, you can't just watch your kids or coach them, he can't hear us and so with us being at the corner of that road and people, not necessarily the community members, but it's contractors, it's the people working on lawns, it's the people working on various home projects for the community, they are the ones that do a lot of the speeding. By having an awareness program for the community, it doesn't really matter when you have a child that runs out into the road that can't hear the direction of the car, they can't locate sound, they can't even hear me yelling at them sometimes to stop. It's not about parenting, it's not about watching your kids, it's about the fact that something needs to be done. It is completely unacceptable as adults to have somebody going 73 mph down a road when there's a child with disabilities right there on that corner and we are watching it every single day, so something needs to be done.

Becky Rendulich, 15818 North Point Road, said I have a unique perspective of having my kitchen window face the main strip of North Point, the biggest and longest stretch. I agree with everybody, there are some speeders. There are some things that need to change, but I do notice that I think a lot of it is we all need to have a healthy respect of each other. I'm a runner and a biker and you have to be aware of stuff and cars need to be aware of us. I don't think the speed humps are going to help. I really do think there's more of an issue. If we could do something about Terry Lane. Maybe Terry Lane coming into North Point or maybe something down the road, a couple of stop signs in between places, I think that would help immensely. I do believe that Terry Lane at the corner of North Point is a huge issue and a very dangerous issue for pretty much everybody. There's a lot of trees that cover the signs and it is a blind curve.

Lucinda Chreitzberg, said I had yielded my time to Mike Chreitzberg.

Mitch Bair, 16224 Leeward Lane, said I do serve on the board and it has been an issue that has been brought up from people that live in the neighborhood and also those that live outside of the neighborhood because they are public streets. We do not have sidewalks on Terry Lane or North Point. I think some people have gotten the impression that we were trying to railroad this process. I came in to the board in the middle of the process because it was started back in 2018. This is basically from my standpoint to get some information and proof from the Town of what kind of speeding issues are going on and obviously there are some. I don't think it's anybody's intention to create hostility between those for and against, but to come up with a solution where we can come to compromise and live happily as neighbors.

Perhaps the thing to do as opposed to four to five speed bumps in a 1,600' strip is maybe to sit down with traffic and maybe figure out if there's a hybrid solution. Perhaps maybe we do one or two speed bumps, strategically placed somewhere at this bend in the road where basically North Point is like a roller coaster. You start from the entrance of the neighborhood, you go straight down, and then it goes up North Point. When you are coming down North Point, you are going back down the railroad and back up like a roller coaster again. I know through the Traffic Department they did put out the radar speed signs. I did notice out walking that people once they saw that, they slowed down. But that may

not be 100 percent all the time. I'm just trying to find if there's a solution that we can come together and figure this out effectively without hostilities, because we don't need to have tension and animosity against neighbors for the rest of the occupancy in their homes.

Commissioner Hines said are stop signs effective traffic calming devices.

Mr. Trott said stop signs are not to be used for speed control. You've got speed limit signs out there and people aren't obeying those, so to put more signs up to try to slow people down, is that really going to work.

Commissioner Hines said we heard the last gentleman speak about finding a consensus among the neighborhood. Are there other creative options that you are aware of at this point or do you think these recommendations of the two options are the best at this point.

Mr. Trott said we have had a lot of success with speed humps. When we put in speed humps in other neighborhoods, which we do, we go back out after the fact and do post studies to see what speeds we are getting. What we've found is that the speed has been reduced in those locations. Depending on the neighborhood and depending on intersection spacing, you can look at other options such as maybe mini-circles. Basically, putting a small roundabout in there. Challenges with those are sometimes you need right-of-way or sometimes there may be utility impacts, so there's something that can be done but it will take longer to get those implemented and could affect property owners. I believe the neighborhood, and I think one of the speakers talked about the radar feedback signs, but the studies I have seen with those long-term are short-term. They work well. They make people aware of what's going on. They bring your attention to it's something new. Long-term, those affects are lessened. You get used to it and then unless there's enforcement you are seeing something else over and over every day and you just become accustomed to it.

Commissioner Hines said I've heard Terry Lane a lot. That's the main road coming in. Is Terry Lane a Town road.

Mr. Trott said I would have to double-check. I think it is.

Commissioner Hines said a request comes in from an HOA or someone, in this case on Northpoint that HOA, do we have to get people to look at Terry Lane prior to studying Terry Lane or how does that work. Did we take any of that data into consideration, if we have any of the data.

Mr. Trott said when we get in a request, we ask that the request be endorsed by an HOA if there is one. We look for, is the road in the community. If somebody on Terry Lane asked for a study on a different road in Town, we'd ask for endorsement of a request where the road is located. I would have to look to see if all of Terry Lane is located within the community or not. If it's not, then we ask for I believe it's three or four residents who live along that street to endorse the request for a study.

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

Commissioner Bales said I did have a question.

Mayor Aneralla reopened the public hearing.

Commissioner Bales said I'm looking on POLARIS now, is there a stop sign at Terry Lane and North Point.

Mr. Trott said I would assume that there is a stop sign on North Point at Terry Lane.

Commissioner Phillips said there is one when you come out of North Point and you go out on Terry Lane, but there's nothing straight-shotting Terry Lane. Terry Lane is just a straight shot down.

Commissioner Bales said the reason that I'm asking that is I heard several people say Terry Lane at North Point is an issue. Just making an observation there in asking that question because from POLARIS it looks like it's an interesting angle.

Mr. Trott said we can certainly check to see if there is minimum sight distance at that intersection.

Commissioner Phillips said because Terry Lane doesn't have that many homes directly on it, everything seems to be kind of off shoots. Would Pine need to have their input into potentially doing something on Terry Lane or would it just be Terry Lane, because I'm like trying to think....it's a very small amount of people that live on there.

Mr. Trott said the policy looks for, it's either three or four residents, who live directly on the street if there is no HOA. If there is a street that has an HOA, we look for that HOA endorsement of the request. We are looking for that community to say yes, look at this and go through the process.

Commissioner Hines said I heard from numerous residents they want to get together with the whole community, so is it better at this point for us to continue the public hearing to a period of time in the future.

Mayor Aneralla said what I was going to suggest was if the HOA sets up a meeting between now and whenever the decision is going to be made, I believe staff would be willing to go there and potentially work out some kind of compromise, if there's a compromise to be made. In the meantime, we can close this public hearing and if the HOA comes back to us and says can you look at something else or not do something, then we'll go to a vote in June.

Commissioner Bales said can I ask then that we make sure that we look at that intersection prior to that meeting.

Commissioner Boone said I've been sitting here listening to both sides of this argument and this debate. I think the best thing that has come out of this whole thing is I think you've kind of grown better as a neighborhood in the last 30 minutes and I think the president of the HOA, thank you for your service, if you could get everybody together like the Mayor suggested, the Town would be more than willing to sit down and work this thing out as a neighborhood, not as a town government, but you guys come back and tell us what you would like to see.

Mayor Aneralla said as a point of information if it is on our agenda in June, we always can delay that decision.

Mayor Aneralla closed the public hearing.

Petitioner #R20-05. Mayor Aneralla called to order public hearing on Petition #R20-05, a request by the Vermillion Anchor Mill Village, LLC and Vermillion Village LLC to modify the approved conditional district (R16-12) that includes a mix of 400 units (apartments + townhomes) and 165,000 sq. ft. of non-

residential to Town Center – Conditional District for 292 apartments, 49 townhomes and a minimum of 70,000 sq. ft. of non-residential on 30-acres generally located at 404 N. Church Street.

Commissioner Hines said I want to disclose that I own property on Second Street that I'm currently developing, in very close proximity to this, but it would not affect any of my decisions. I own property right beside Mr. Bowman. We're selling to the same builder. We have no contractual relationship whatsoever and none of that would impact any decision on this.

Jack Simoneau, Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.* The site in question is just under 30 acres right off of Huntersville-Concord Road and actually fronts on North Main.

What's the change. First off, the approved rezoning plan from 2017 is what you see on your screen at this point in time. That plan is already approved and vested for development for 400 multi-family units and that is a combination of apartments and townhomes, but not specified as exactly what that breakdown would be. In addition, it was up to 165,000 sq. ft. of commercial and office-type area.

What is the proposal. This is R20-05. As you may recall in early January there was a request to make a change and at that time the developer proposed 22,000 sq. ft. and about the same number of residential and that was not well received by the public or the Town Board, so the developer modified the plan. This new plan is 292 apartments, with 49 townhomes and a minimum of 70,000 sq. of commercial area. I do want to point out the commercial is the green buildings and it's a combination of one-story and two-story buildings as shown on the screen.

As with every development there's a traffic impact analysis. I know that a lot of emails have been going back and forth about traffic, so I do want to make it clear that every development that comes through the process that exceeds that threshold has to do a traffic impact analysis and if they find they negatively impact an intersection below our accepted level of service by ordinance, that they have to mitigate. In this particular instance, there are three areas that need to be mitigated – the intersection of NC 115 at Gilead Road/Huntersville-Concord Road needs mitigation of a lighting phasing. This is recommendations from our Town Traffic Engineer. Stephen Trott is here to answer any questions you might have specifically. There are two entrances on Huntersville-Concord to the development. One is at Cinnabar and there are three improvements that are proposed there at Driveway 1 and then the second entrance which is Driveway 2, there's several recommended improvements there as well.

This is kind of a blown-up view of the intersection of Huntersville-Concord Road to the new development and how it enters into.....across the street Cinnabar and Hill Street. I will point out that this does show the road improvements that are being talked about, but I also want to point out that there is also just a 10' side-path and why that is important is in December of this year the Town Board adopted the Bikeway, Greenway Plan. The Bikeway, Greenway Plan recommended side-paths, not a wide lane with a bike lane in this section of Huntersville-Concord Road. The developer is accommodating that change with a 10' wide side-path across the entire frontage of Huntersville-Concord Road.

Staff recommendation is we could support this conditional rezoning amendment subject to all traffic impact analysis from the Town and DOT. They are DOT roads and they will have to give approval and that those improvements be provided, that all outstanding transportation comments be addressed and all outstanding redlined comments are addressed and ultimately when this comes up for possible final action, the large building that was in the original plan from 2017 had to get a special use permit because

it exceeded the footprint size, and so that special use permit would have to be withdrawn. That paperwork is in and we just are timing it to follow with this rezoning. The developer is here. I have some slides that they asked to be provided as well. *Refer to Exhibit No. 8.*

Commissioner Walsh said you mentioned the large building that is going to be removed. Do you know about how many square feet that is from the original plan.

Mr. Simoneau said I'm sorry I don't have that square footage. I'm thinking it's between 50,000 sq. ft and 65,000 sq. ft.

Mayor Aneralla said being here when this went through its original rezoning, we had to do the special use permit because it was a larger building. What was this zoned for prior to what this plan is that was approved in 2017.

Mr. Simoneau said Neighborhood Residential.

Mayor Aneralla said the overall plan over the last 20 years, we've seen a lot of plans come and go for this particular area since the Town owned it. Was it mixed-use.

Mr. Simoneau said for the most part, 2005, that's the upper plan, the Downtown Plan, was looking at residential. It talked about mixed-use, but a key component of that was continuing care/retirement community as an option. The 2007 plan that was adopted, the East Huntersville Plan, more of a transit-oriented design, so it was more residential, there could be some commercial in there, but that was the plans that were there.

Commissioner Walsh said this proposal is a reduction of 165,000 sq. ft. of commercial down to roughly 70,000 sq. ft., roughly 400 apartments down to 292. How does our housing mix for our downtown compare to Davidson and Cornelius.

Mr. Simoneau said a few months ago I provided the Town Board some information as to just take an intersection of the town and go ½ mile, what's the housing mix. This map represents that. This is Huntersville and we just picked the intersection of 115 and Gilead Road as being the center from the ½ mile and so in that area you will notice I have some letters in there. VV is Vermillion Village. VF is Vermillion Front and TC is the Town Center mixed-use that went through. If you include those and then change Vermillion Village to reduce the size as they are proposing, there would be 505 single-family houses in that ½ mile, 301 condominium/townhomes and 490 apartments. That's with the proposed request that's before you.

If you look at Cornelius and Davidson, that ½ mile spacing from the key intersection, there's 661 single-family in Cornelius, 478 condo/townhomes. I wrote proposal because there's an ongoing proposal for the downtown in Cornelius and they just amended their Comprehensive Plan to allow more density in their downtown, so that's 528 if that gets approved and then today there's 548 apartments built and approved. With the proposal, that would go up to 946. In Davidson, there's 595 single-family. Of the single-family, Huntersville is the least number of single-family in that ½ mile radius, 81 condos/townhomes, 36 apartments, so they have much fewer condos and much fewer apartments, but they also have Davidson College and that is 1,841 students plus your staff and 95 percent of the students live on campus. Just to give you a sense of where we are to our neighbors, that's not to say one is right or one is wrong, it's just that's answering your question.

Commissioner Munger said for Huntersville, including the approved, does that mean for the Vermillion Village numbers it includes the previously approved plan or is it with this new plan.

Mr. Simoneau said this is the new plan. The number of apartments is 491 and that represents the current plan that they have. Remember, the plan that's approved today is 400, but it's a combination of apartments and townhomes and it's not specified as to what is what.

Nate Bowman, 205 South Church Street, said Jack did a great job explaining most of these changes, which were a result of the public hearing in January. I just want to add a few things. Originally, the original supermarket we had in case we hit a homerun was 76,000 sq. ft. and that's the biggest Harris Teeter or Kroger builds. Of course, we never got that and went down to 46,000 sq. ft. If you total up all what's in red, that's showing about 90,000 sq. ft. of commercial, which is really what we expected to get if we got the grocery store. We did throw in the kitchen sink in that rezoning in case we were wildly successful, but unfortunately we were wildly unsuccessful. In the plan you see here, the major change is the anchor, which was going to be the grocery store, we had to move our commercial out to the road. The whole theory about the anchor and the grocery store in the center was that would pull the traffic in and that would help the retail. With no grocery store, we had to move it to the outside where the traffic count is the heaviest and we did leave the brewery/restaurant site over next to where the water tower is, because that's a perfect place to have an amenity for that restaurant/brewery.

The road system is essentially the same. We are making the same connection points. We did change Church Street a little bit. The roundabout was not needed up near Dellwood, but most of the connections are in the same location providing great access to and from and I think it's five or six different directions. The buildings that we are showing, the one-story buildings are planning to be retail. We are going to try to go after small market. The best one you could probably visualize in our area is Reid's, but we've been searching for some other ones, so about 11,000 sq. ft. market. The two-story buildings will probably be office on the top and retail on the first floor. Again, at 70,000 sq. ft. that's a reach, that's going to be a lot of effort, but Steve Vermillion is obviously still in the deal since we added all this commercial back in, so some of our financial success or failure is still riding on getting tenants in for the commercial and retail space.

I want to remind everybody that we are putting our storm water underground, which is expensive, but also doesn't take up space with a lot of BMP and ponds. We're saving 45 percent of the trees because we have the huge common area to the west and we are actually saving 20 percent of the existing tree canopy and the open space totaling the urban open space and natural open space is almost 20 percent of the site. This site is still well buffered from the existing neighborhoods. It's closest to Vermillion, but we've been able to increase the buffer to the back of the homes on Glendale. The buffer, obviously with the park to the west, is anywhere between 160' and 340'. Our parking is almost double what's required.

We have the elevations. Our apartment developer is out of San Antonio, Texas and builds in a lot of neighborhoods like Huntersville, more suburban locations. This is the latest rendering that we have. We've had this vetted by the Planning staff. These are some examples of what they have done around the country.

Commissioner Hines said with the commercial, do you know if Mr. Vermillion has any prospects or any signed leases at this point.

Mr. Bowman said we're not putting the cart before the horse this time. We tried for 5 years, so once this is approved, it would be a 1 to 1-1/2 years before the pads would even be on the ground. We are taking suggestions from any resident who has been emailing me – anywhere from Mast General Store to General Dollar. We want a little bit more upscale. One of our commissioners even emailed me a store up in Mooresville, so we are actively scouting and following leads, but it's a little bit too early to get anybody who would sign up for something that hasn't been approved yet.

Commissioner Hines said if this project were to be approved and you go in and do your development, do you plan on developing these pads and doing spec buildings at the same time.

Mr. Bowman said we plan on developing the entire neighborhood at once, whether we put up a spec building or not has not been determined yet, but all the pads, all the parking will be in.

Commissioner Walsh said I was just trying to do the math on the grocery store being removed, so if the new number is 70,000 sq. ft., less the grocery store, how much commercial is actually going down. If you do the side-by-side.

Mr. Bowman said essentially what was in red was about 90,000 sq. ft., if we didn't get the large supermarket, which we just put that building in there, more typical would have been that red would have been 48,000 sq. ft. and by the time you add the smaller retail commercial buildings in red, it would have been 90,000 sq. ft.

Commissioner Munger said how long have you been working on trying to develop this particular area.

Mr. Bowman said between 4 and 5 years. Originally, probably 17-18 years. I was selected by another Town Board to do the development and then a subsequent Town Board didn't like the mixed-use new urbanist plan. The mill burned. We were going to rehab the mill, that was going to be space for a new Town Hall/Police Station.

Commissioner Munger said can you provide us with a specific example of a mixed-use development that's been developed by Steve Vermillion in the recent past.

Mr. Bowman said Birkdale Village. He was the lead developer on Birkdale Village.

Commissioner Munger said is there anything more recent than that.

Mr. Bowman said Steve's not available. He's in Wilmington, but I'd be happy to get you a list of his projects. He's done 35 Harris Teeter shopping centers in the southeast alone.

Commissioner Munger said some of those have been within the last 5-10 years.

Mr. Bowman said absolutely. I will get the information from Steve.

Mayor Aneralla said the light at Cinnabar, that was a real big issue. If approved, would you put the light in.

Mr. Bowman said that is not my decision, NCDOT has not weighed in on this. If you remember, it was a big issue for the neighbors who are going to have their road blown up and the entry monuments taken out, so we are going to do what NCDOT and the Town requires. We've heard from the Town. We've

had comments back, our TIA accepted, but we don't have a final ruling from NCDOT. There are other options for pedestrian crossings if a stoplight is not warranted. We're open to seeing what NCDOT says and coming up with a pedestrian solution if the stop light is not warranted for traffic.

Mayor Aneralla said what if they don't require it, but allow it.

Mr. Bowman said I'm not aware they do that.

Mayor Aneralla said they were willing to do it on another.

Mr. Bowman said that would be news to me. We don't plan to voluntarily put in a traffic light that NCDOT doesn't require, simply because they are our gatekeeper.

Mayor Aneralla said if you want people to safely cross from Vermillion.

Mr. Bowman said if NCDOT says you can put in that light, if they would allow me to put in the light without destroying the entrance and uprooting the road and trees in front of existing Vermillion, now that would be a good choice. That would be very interesting to me, because they don't need the storage for a shopping center. That I would be open to, because that would mean that they are looking for other solutions besides blowing up a neighborhood and there's no reason to blow up the neighborhood if the traffic counts aren't such that there's a shopping center across the street of the size that we have. I'd be very interested in that.

Commissioner Boone said I've been looking at this property since I have been on the Board and in 2017 on the left-side of my screen, that proposal answered a lot of questions for the Town. It took the property that the Town had on their books for 25 years, we sold it to a developer, and it answered the community wanting a grocery store. It solved a lot of the traffic issues on Gilead Road. The neighbors wanted it. The Town voted to approve it and then the grocery store fell through and we've seen at least two different proposals until where we are at now. To go from 165,000 sq. ft. to 70,000 sq. ft. that might contain a small grocery store.....you've already said that you're scouting for leads and non-residential can mean office space. You said the first two-story building is probably some type of retail with office or doctors or tax accounts. I don't think that's what the people that live on that side of town are looking for. They are looking for more retail and less apartments.

Mr. Bowman said the sad news is, Steve felt that Harris Teeter had some serious interest, but we have five grocery stores once Lowes opens up within 1-1/2 miles of the property. And that was my dream, too, to get the grocery store over here, but as Lee Sullivan wrote in the paper, the market decided. None of the grocery stores wanted to come and that was before COVID. The fact that we all want something and I wanted it for my Vermillion neighbors, for the people in Centennial, for everybody on this side of town. Wanting it didn't make it happen. It's a financial decision by huge corporations and they basically have said no is the answer. We're trying to come up with the second best solution to solve some of those issues and that's what I think we have this time. We obviously didn't meet your requirements in January, but by moving up from 22,000 sq. to 70,000 sq. ft., putting that goal in front of us, it's going to be a challenge, but we think that's the best solution on this side of town. Again, the traffic counts at Rosedale are in the low 30,000 cars a day and the traffic counts up at Birkdale are 30,000 a day. Where the new Publix is going in on 73, which is 5 miles away, that traffic count is in the low 22,000 – 23,000 a day. We are only at 8,900, so that is your market. That is why they are saying they are not coming, they would rather be near the interstate or on a heavily traveled road.

Commissioner Boone said I'm not going to debate the issue, but Aldi's is coming to Huntersville. Publix, like you mentioned, came out on Highway 73 and your argument that they want to be on the interstate, there's examples all over the state of North Carolina that shows big supermarkets away from the interstates.

Mr. Bowman said this was widely taken to every grocery store possible by Steve Vermillion. I think his ability and his expertise in the industry is well known, you know 4 years, 5 years, \$450,000 in engineering expenses, that was a full blown effort by a really top professional in his field and that's what the marketplace has said. Sooner or later you have to move on.

Commissioner Hines said if the plan was not approved and they had no option of them to develop the property as it was in 2017.....is the 60,000 sq. ft. – 70,000 sq. ft. grocery building, is it conditional. Is the plan approved that that is the only thing that could be in that site or is it open to anything that is zoned commercial.

Mr. Simoneau said anything that would fit that commercial zoning. It was not specified that it has to be a grocery store. Everything up to that point was the square footage and it would be a grocery store. As Mr. Bowman mentioned, they were shooting for the largest footprint that Harris Teeter had at that time, but were expecting something less.

Commissioner Hines said per that plan, it says up to 165,000 sq. ft. Could they have just done the development with 50,000 sq. ft.

Mr. Simoneau said no, and that's kind of what happened. What happened was they wanted to cut back on the commercial substantially and so the initial proposal was 22,000 sq. ft. and so staff, working with the Town Attorney, said is this a substantial change and the answer was yes, because that's much different than what the Town Board thought and much different than what the public thought. We believe that the intent was to build what was approved in 2017 and if it was a grocery store, they always bring in the outparcels. They are the anchor tenant for that reason. That was a viable development without the anchor tenant, grocery store, it changes.

Commissioner Phillips said would you guarantee any percentage of retail instead of just saying commercial.

Mr. Bowman said the first floor of all the buildings, that's what we are going after. The first floor, because retail doesn't want to go up on the second story. We will commit to the retail on the first floor and then if there's a problem, we'll come back to you because we substantially didn't do what we said and if the market says no, that's ridiculous, we'll have to come back and tell you. But that's what we are going after is the first floor of all those buildings.

Commissioner Walsh said I just want to reiterate, there's going to be a restaurant or a brewery on the left-side of this and the three buildings that we see in green and the first floor on the buildings that face Huntersville-Concord Road will be retail.

Mr. Bowman said I'm saying if for some reason the market didn't want to go on the one-story building over on Huntersville-Concord Road, but we had one that wanted to go over near the roundabout where the water tower is.....in other words we want to have flexibility. It's not restaurant/brewery, what retail site could go there. We are going to try to get a nice mix of tenants that will support the neighborhood and we want to do it all on the first floor.

Mayor Aneralla said I do want to acknowledge that we did receive a number of emails – Sara Chambers, Kathy Jones, Steve Trame, Amy Hallman, Anthony and Samantha Maglionico, Ann Nguyen Despeines, Rachel Laffoon, Lynn Bettencourt, Kelly Harrison, Kristy and Zach Bortle, Kristen Hoffield, Bradley Brandt, Cady Faraci, Lindsay Krone, and Eric Krone. I'll ask our Town Clerk to put those in the minutes. You have 24 hours after the close of this hearing to send any emails in. *Refer to Exhibit No. 9.*

BeeJay Caldwell, 14521 New Haven Drive. *Refer to written comments attached hereto as Exhibit No. 10.*

Amy Hallman, 100 Cambridge Road, said for the last 9 months as a very vocal and engaged citizen I have heard each of you stress the importance of buttoning down every detail from the TIA to the Planning Board redlines to the specific number of apartments and concrete number of trees to save to the sidewalks to pour. We are right to be concerned that we cannot get a commitment for either a grocery store anchor or any specific types of retail for Vermillion Village. We are right to be concerned when we hear the term potential office space when thrown around. I believe with the number of rooftops we've committed to add already in our downtown, we need to make sure that the retail is indeed coming and has a place to go. If we continue to approve more residential, particularly in lieu of retail, we are lessening the actual acreage on which to put said retail. With Vermillion Village, Vermillion Front, odds and ins being built around it and North State, we will have at least 260 new homes and apartments and townhomes within ½ mile, all within our downtown, before anyone starts on the current Town Hall corner lot. And since the residential developers bought that adjacent lot too, we can only guess. I have seen a commissioner response say the current plan is actually smaller than the original plan, like that's a plus. But the number of townhouses has increased because the retail has decreased so significantly. The overall footprint isn't our point at this time. When the original plan was presented, the anchor was appealing to masses and like that 2 acre parcel we are all familiar with, the residents were capable of swallowing the parts of the original project that they didn't like in order to progress the downtown and get the parts they do want. But we are here again because the carrot's gone, yanked out from in front of us, pulling that 165,000 sq. ft. of commercial space that we were looking forward to, to certainly make the project smaller, but residents are tired of being told one thing and then learning later that the plan has been switched. This cannot and should not be the acceptable pattern. For 20 years the Anchor Mill property has sat undeveloped. The last 10 years, though, seems to be an exercise wearing you and us down. The Town invested significantly with our tax dollars to grow the downtown to assist this very aspect of downtown development. Was that done for the apartments and townhouses in lieu of potential office space. Also, I believe it's important to consider the residents who currently live there. If you approve this vote at a later date, you are telling these long-time residents they can't stay there unless they want to sell their homes to the developer because they are not even on the plan, but don't worry they can buy back into their own neighborhoods from the developer. I'm not even going to discuss the tax implications because you know.....voting to approve this at the later point signals you are worn down and too tired to help us and our town. Please don't be that vote, please help us out.

Charles Gulsnier, 201 Third Street, said I've discussed before in the past about my issues with the traffic because I live right there on Third Street, which abuts this future project if it happens. If you have a proposed Walters Street connection throughout there, the traffic will be coming for these residents and these apartments, they will be wanting to come off of Huntersville-Concord Road and take a left right there up to Walters instead of driving all the way down to the main entrance and turning left on there. To put this increase on Walters Street Connection, you would have to take the long-time residents that live there and buy right-of-way to expand these roads and thus, then we'll have an issue of people just zipping right through there and then we'll have another discussion up here talking about do we need speed humps again. Basically, even like yesterday, the Hello Huntersville festival, which I walked up

there later and visited that, which was nice, but noticed the traffic was parked all the way to Third Street. You've got all these people that come here that want to go to these festivals and there's no place for these people to park and you add parking all up along Church Street and then you've got about 300-400 people that live in this apartment complex that the traffic is going to be even worse, so really the Town needs to have something about parking. There needs to be spaces for that, but also you're just adding a lot more headache to the residents that live there now when all we are getting is well maybe there's going to be retail, maybe there's going to be a grocery store. We had approved a RFP way back in 2015 to sell this property on the basis of this big plan and we are getting this and I liked there was going to be a grocery store in that approved plan, but we're not getting that and I can't get any guarantees on what the retail is – you're going to get apartments, we know that, retail we don't know yet.

Kathy Jones, 104 Walters Street, said we're here once again to talk about Vermillion Village. The Town held onto this large piece of property for decades waiting for the right opportunity to revitalize this area. Bowman Development Group came in and promised a vision that excited the Town and its residents. He said, "It's really neighborhood goods and services we're after." He told everyone in a 2017 meeting that he was going to create a place for residents where they would be able to get the goods and services they needed without driving long distance, "I think this provides an option close to town that people are going to relish."

Partner, Steve Vermillion, told the Business Journal, "The east side of that interchange will ultimately need this type of product to keep people from having to cross the interstate to do their daily shopping."

Mr. Bowman also told the Lake Norman Citizen in 2017 that this was going to be a walkable project that would keep people from needing to leave the area to run errands or have a meal out. "If you live there you can just walk down to the store and pick up something or you can walk across the parking lot to a restaurant."

This third iteration of site plans, like the last, is drastically different from the original. Although this plan does increase the previous non-residential from 22,000 sq. ft. to 70,000 sq. ft., it doesn't guarantee non-residential will be anything other than offices.

Two new projects have been approved since the Vermillion Village process began. Those projects will add another 109 units across the road from this one. These projects, as well as the by-right minor developments happening in the adjacent neighborhood, with more on the way, could make the number of new units in the immediate area upwards of 500. Five hundred new units on a country road and emptying into neighboring communities, affecting every existing resident on Huntersville-Concord Road. This must factor into your decision-making process. The developments that have and are still being built along Huntersville-Concord Road also play a role in the traffic count. Imagine in 3 years when Vermillion Village, Vermillion Front, Walden and other minor developments are complete. And don't forget the North State apartments, just 3 blocks away, and the land beside Foster's Frame that will more than likely end up being apartments. The Main Street project will be hard pressed to help negate all the new congestion. It will be a nightmare.

In closing, I'm requesting the Town Board reject this revised plan unless the developer can make a commitment that a large part of the non-residential will be retail and a small market or some sort be included. Again, I do not want to stop development. Citizens just want development that takes into account their wants and needs and what best serves everyone. Let's cut to the chase and get the show on the road.

Amber Kovacs, 207 Greenway Street, said I recently reached out and met Mr. Bowman at this office to discuss his plans for the Anchor Mill project because after attending a virtual community meeting I had more questions that I wanted to ask. I expressed that if he was able to have the shops and retail that he discussed in these plans submitted to the Town, it was something that could benefit existing residents as they deserve something for all of their losses. Upon review of the most recent plans, I see that there is intended space for commercial. The term commercial is a broad term that the intention sounds great, but without a commitment to specific kinds of retail in lieu of office space, I cannot get behind this. As a resident on the edge of the project I'd like to see this be developed to [inaudible].....people that are already living there and provide some shops, places to eat, grocers, etc. are things that I believe most residents could see beneficial. Without Bowman's commitment to specific retail but rather commercial with offices being placed in these spaces, we're back to square one with no benefits in the foreseeable future, but loss of land. With so many high-density projects already approved, this project should bring in retail, commercial.....so that it can help bring the Town's vision to fruition. I ask that assurances not be made for.....retail do not approve this project until they can do so. If the developer is not making good on his original project, perhaps you should consider selling this property to a developer with a vision more like the Town, the Town Board, and its residents.

Mayor Aneralla said we just heard what's the difference between retail and commercial. Is there any way that the Town could require something specifically to be built on one or two floors of any development.

Mr. Simoneau said the Town in and of itself could not do that, but an applicant can make commitments to do that through the conditional rezoning and you can agree. I think you heard Mr. Bowman mention that's what he would be willing to do. There is a fair comment about commercial could be anything from A to z, so bottom-line, it will be up to the applicant to put conditions on the plan that more specifically highlights what they would be willing to do.

Mr. Bowman said I need to sit down with Steve and go over retail/commercial definitions and what the categories are. But before it goes to the Planning Board we are going to have a commitment that will be part of the conditional rezoning that it is not just office space over there. We are going to have a retail commitment that will be on the conditional plan. I need Steve to sit down with me and let's map out the different types of uses so you will know what those are and our commitment to that first floor which would total 47,600 sq. ft. on the first floor. There's only 22,000 sq. ft. of office. That's equivalent of a huge grocery store split up amongst a lot of different tenants.

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

Petition #TA21-01. Mayor Aneralla called to order public hearing on Petition #TA21-01, amendments to the Huntersville Zoning and Subdivision Ordinances to comply with State Statute 160D.

Jack Simoneau, Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 11.*

This is an amendment to the entirety of the Zoning Ordinance and the Subdivision Ordinance to comply with 160D and that's the state statutes that have been modified across North Carolina. In essence what they have done, they have taken the county development regulations and the city development regulations, which were in two different sections and somewhat conflicted and somewhat overlapped, and they consolidated them into one unified chapter and that involved renumbering every land

development code, so our Zoning Ordinance and Subdivision Ordinance references specific sections, so we've got to go back and modify that. Changes are mostly technical and procedural in nature and not substantive. It was a commitment to not try to throw anything into the changes from the state statutes that would be controversial, so again it was just to consolidate, clean things up, make sure there are no conflicts and that's in essence what we are doing with the text amendment.

The state did make a big change for some communities, not necessarily for us, but in essence they have said in order for a local government to enforce zoning they have to have a reasonably up-to-date Comprehensive Plan by July 1, 2022 and reasonably up-to-date is anywhere between 5 and 10 years and as you are aware in December we just adopted our plan. That's just a mandate across the state of North Carolina if you are going to have zoning. The deadline for the 160D update to be in the ordinances is July 2021 and we also have cleaned up some conflicts that were in the ordinance, things that didn't seem to make sense, we cleaned it up. I mentioned in here that we tracked the changes, so you received basically this document which is the Zoning Ordinance and Subdivisions Ordinance, hundreds of pages, and any change that we made we struck through the language and we added language and we sometimes put notations as to why we made the changes, so it's all there for everybody to see and at this point I'd be happy to answer questions. I'd be remiss to say that our legal staff Jacob and Emily really took this project on and then presented the changes to staff. Staff reviewed them, we worked together and then we also have taken it to the Huntersville Ordinances Advisory Board. They ultimately will make a recommendation towards the end of this week.

Commissioner Hines said these updates also include the revision to the 2040 Plan, Bike Plan, those things that we have already adopted, they are referenced in this.

Mr. Simoneau said those plans don't change. This is just the....think of it as those plans set our vision. The Zoning Ordinance and Subdivision Ordinance are our tools to achieve the goals in those plans and so the tools are being modified to comply with the state statutes.

Lee Hallman, 100 Cambridge Road, said I would like to thank the Town for helping us get the traffic situation straightened out in Sherwood Forest. The elementary school was generating a lot of traffic onto Sherwood Drive and a few people mentioned it to you and I was out there today and there might have been a dozen cars in the que and they were moving them through pretty quickly. I've just got one more revision. I know this isn't the topic, but I think we are in the edit mode. I'm speaking today to make a plea to remove references to the rail transit station in downtown. I realize this agenda item is to adjust wording to align with the state, but also know that it is well past time to remove this reference. I have spoken to most of you on this topic, as well as Anthony and Jack, and all agree, some reluctantly, there is no rail transit coming to downtown. By leaving the high-density exception for zoning districts with the ¼ mile of the non-existent rail station, we are not energizing our downtown, we are inviting developers to come maximize profits by building apartments at the expense of the public. There are 13 places in the Zoning Ordinance that waives density restrictions based on rail transit. They need to be removed. If high density is your goal for the downtown, then let's put it to a vote. Better yet, refer to the 2040 Community Plan survey where livability was the last thing those surveys wanted in downtown. Developers will do what the ordinance allows, train or no train. This exposure saw 134 apartments approved on the southwest corner of downtown and now another 292 apartments proposed in the northeast quadrant. If this remains, we will likely see the southeast corner go the same way – promise mixed-use, build apartments to maximize profits. With no room left in a ¼ mile radius of downtown, anything that comes in will only be apartments. Please send this text amendment back to the Planning Board. I know there is support for this revision there.

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

OTHER BUSINESS

Presentation of Recommended Budget. Anthony Roberts, Town Manager, reviewed the Manager's Recommended Budget for Fiscal Year 2021-2022. *Refer to PowerPoint attached hereto as Exhibit No. 12.*

Mayor Aneralla asked if PIO is for both Town and Police.

Mr. Roberts explained that Police Chief Bence Hoyle would like Police to have their own PIO.

Mayor Aneralla said in HFFA we've got some debt roll-off, that's why it has gone done \$35,000. Doesn't that give us a little bit more flexibility with the management company.

Jackie Huffman, Assistant Town Manager, said there is still some bonded debt on that building. It is a very small percentage so we have to be very careful about what percentage we might incent them.

Mayor Aneralla said in terms of America Recovery Act Funding are we going to have to set up a separate account.

Ms. Huffman said I am aware of no requirement that it be kept in a separate checking account.

Commissioner Phillips suggested in addition to the public hearing on the budget that staff have something more casual, like a coffee chat, for citizens to come and ask questions about the budget.

Resolution – Acquire ROW for Ranson Road Project. Commissioner Bales requested to be recused since the project is in front of her home.

Commissioner Hines made a motion to recuse Commissioner Bales.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Commissioner Munger made a motion to approve Resolution of the Town of Huntersville to acquire right-of-way and easements necessary for the construction of the adopted and funded Ranson Road Project.

Commissioner Walsh seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 13.

Commissioner Boone made a motion to bring back Commissioner Bales.

Commissioner Hines seconded motion.

Motion carried with five (5) yes votes.

Resolution – Delegate Award of Certain Contracts. Emily Sloop, Town Attorney, explained that this is an updated draft of the Resolution delegating authority to the Town Manager to approve contracts under \$300,000. The projects that would qualify for bidding would still have to be bid out and then there is an exception for anything that is required specifically to be approved by the Board, which would include sole source contracts and also piggyback contracts.

Commissioner Boone made a motion to approve Resolution delegating authority to award contracts of \$250,000 as presented in the agenda packet.

Mayor Aneralla confirmed that Commissioner Boone meant \$250,000, not \$300,000.

Motion died due to lack of second.

Commissioner Boone made a motion to approve Resolution delegating authority to award certain contracts as presented.

Commissioner Walsh seconded motion.

Commissioner Munger questioned how contracts between \$100,000 and \$300,000 on the list provided to the Board were presented to the Board.

Ms. Sloop said it depends on the dollar amount for the contract as to whether or not it would have been presented in a consent or possibly had further discussion, because they were all contracts from the previous two years.

Commissioner Munger made an amendment to the motion to approve Resolution with the dollar amount of \$100,000 instead of \$300,000.

Commissioner Phillips seconded amended motion.

Commissioner Munger said it's a big first step for us and I have absolute faith in Jackie. I have absolute faith in Anthony. I know you will make very good decisions financially. It's about who's next. The people that follow you and making sure they have the same level of integrity and \$300,000 is a really big number to me, and \$100,000 feels like the right first step.

Ms. Sloop requested clarification of if the Board would still want to receive a summary of the contracts if the threshold is lowered to \$100,000.

Commissioner Munger agreed that the requirement for the summary could be removed if the number is \$100,000.

Mayor Aneralla said basically what you are voting on right now is pretty much the same language other than \$100,000 limit and removing requirement to send in the summary of contracts.

Commissioner Walsh said I will not support this. I think the \$300,000 number we discussed is a reasonable number. If we have a future problem with a town manager, we'll deal with it then.

All those in favor of amended motion with threshold of \$100,000.

Motion failed 2 to 4 – Commissioners Munger and Phillips in favor; Commissioners Bales, Boone, Hines and Walsh opposed.

Mayor Aneralla called for the original vote to approve Resolution delegating authority to award certain contracts under less than \$300,000.

Motion carried 4 to 2 – Commissioners Bales, Boone, Hines and Walsh in favor; Commissioners Munger and Phillips opposed.

Resolution attached hereto as Exhibit No. 14.

Rosedale Dog Parks Rules and Regulations. Commissioner Walsh made a motion to defer decision on the Rosedale Nature Park Dog Park Rules and Regulations to May 17.

Commissioner Phillips seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Bales made a motion to approve the minutes of the March 15, 2021 Regular Town Board Meeting. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution – Addendum to Main Street Upgrade Project. Commissioner Bales made a motion to adopt Resolution authorizing Addendum 05 to the Professional Services Agreement with WSP for the Main Street Upgrade Project. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 15.

Property Tax Refunds. Commissioner Bales made a motion to approve property tax refunds from Mecklenburg County. Commissioner Phillips seconded motion. Motion carried unanimously.

Property Tax Refund Report attached hereto as Exhibit No. 16.

Budget Amendment – Grant Revenue. Commissioner Bales made a motion to approve budget amendment recognizing \$39,416 in Grant Revenue and appropriating \$37,457.33 to Part-time Salaries and \$1,958.67 to Supply Expense. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution – Award Service Firearm. Commissioner Bales made a motion to adopt Resolution to approve the awarding of a Service Firearm to retiring law enforcement member Officer John Hicks. Commissioner Phillips seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 17.

CLOSING COMMENTS

Commissioner Phillips announced that someone who was in attendance at the meeting left their purse.

There being no further comments, the meeting was adjourned.

Approved this the 19th day of July 2021.