

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**May 17, 2021
6:00 p.m. – Huntersville Recreation Center**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting on May 17, 2021 at 5:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive.

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

Dave Hill, Senior Planner, provided update on the Downtown Plan and Mobility Plan. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

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

The Regular Meeting of the Huntersville Board of Commissioners was held on May 17, 2021 at 6:00 p.m. at the Huntersville Recreation Center, 11836 Verhoeff Drive.

GOVERNING BODY MEMBERS PRESENT: Mayor 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

- Will have Colonial Pipeline give an update at a future meeting.
- Next Mayor's Luncheon is tomorrow.
- Provided update on American Rescue Plan Act funding.

Commissioner Boone

- Provided update on Lake Norman Chamber of Commerce events.
- Provided update from Huntersville Fire Department on fire truck replacement.
- Provided update from Huntersville Police Department.

Commissioner Hines

- Next Charlotte Regional Transportation Planning Organization meeting is this week.

Commissioner Walsh

- Provided update on Parks & Recreation meetings/events.

Commissioner Bales

- Lake Norman Economic Development Corporation is currently working 31 projects, 19 of which are in Huntersville.
- This week is National EMT week. Expressed appreciation to EMT providers.

Commissioner Phillips

- Provided update on Rural Hill events.

Commissioner Munger

- Attended Huntersville Ordinances Advisory Board meeting on May 6.
- Commissioner Hines and I were able to suit-up and go inside a burning building with Huntersville Fire during a Huntersville Fire training exercise.
- Consider supporting local non-profits.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Diane McLaine, Chair of the Greenway, Trails and Bikeway Commission, updated Board on the GTBC. *PowerPoint attached hereto as Exhibit No. 2.*

Scott McConnell, Street Access for Everybody (SAFE), asked the Board to support safety for bicyclists initiative.

Mayor Aneralla presented National Public Works Week Proclamation to Kevin Fox.

Town of Huntersville Proclamation

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Huntersville; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Huntersville to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, I, Mayor John Aneralla, Mayor of the Town of Huntersville, do hereby proclaim May 16 – 22, 2021 as **“National Public Works Week”** in Huntersville and urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 17th day of May 2021.

Mayor Aneralla presented Small Business Week Proclamation to Bill Russell of the Lake Norman Chamber of Commerce.

*Town of Huntersville
Proclamation*

WHEREAS, the Town of Huntersville, North Carolina recognizes and values the dedication and entrepreneurial spirit of small businesses that keep the State and American economy growing stronger; and

WHEREAS, there are over 930,000 small businesses with employees in North Carolina alone representing a majority of the total number of businesses with employees in this state; and

WHEREAS, the income of North Carolina's small business owners totals over \$20 billion, and these businesses employ 1.7 million North Carolinians or 45.3% of the State's non-farm private workforce; and

WHEREAS, there are over 28,500 small businesses with employees in Mecklenburg County and over 69,000 sole proprietors, representing a majority of the total number of businesses in the County; and

WHEREAS, it is the collaborative mission of the town working with the Lake Norman Chamber of Commerce, Lake Norman Economic Development Corporation, Visit Lake Norman, and the Small Business Administration to help our businesses grow and create new jobs in the community and Lake Norman region by providing exemplary workforce training, financial assistance programs, and research and technical assistance; and

WHEREAS, the Town of Huntersville appreciates the support of our small business community by the Lake Norman Chamber of Commerce, Central Piedmont Community College, Small Business Technology Development Center, and our SCORE volunteers; and

WHEREAS, during the week of May 24 through May 28, 2021, the Lake Norman Chamber of Commerce is celebrating Small Business Week.

NOW, THEREFORE, I, John Aneralla, Mayor of the Town of Huntersville, do hereby proclaim May 24 through May 28, 2021 as "**Small Business Week**" in Huntersville and urge all citizens to acknowledge and celebrate the achievements made by small businesses both locally and nationally, and to further support your local businesses by "Shopping and Buying Local!"

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 17th day of May 2021.

Patrick Thomas, said I live in the Mirabella development. I wanted to talk about the Colonial Pipeline gas spill. The spill happened less than a mile from my home and a large section of that pipeline runs through the Mirabella development where I live. To date, I have not seen anyone from Colonial provide any reassurances to the people of Huntersville as to the long-term environmental impacts of the spill. And that living near the largest gas spill in the United States this century isn't cause for alarm or concern. My understanding is that Colonial has been asked to come here, but they either rejected or ignored that request. I urge you to force representatives from Colonial to hold Q&A sessions with the Board or directly with those who live near the spill. I don't know if that means you have to revoke permits to get them here or involve state senators and congressmen and if you can get them here, I would hope you would ask them these questions. How antiquated is the pipeline that it took two guys on dirt bikes in the woods to alert them of the leak. What measures have been taken to ensure this never happens again. Will an escrow account be created to compensate any of the homeowners who experience health issues or need to move because of the spill. And lastly, will any of Colonial Pipeline's

representatives be willing to drink well water from within ½ mile of the spill in front of the entire Town to prove it's safe.

Bill Russell, 9449 Mt. Holly-Huntersville Road, President of the Lake Norman Chamber of Commerce, said as Melinda Bales just pointed out a little while ago in the EDC report, corporations and businesses and new residents are finding Huntersville and the surrounding area simply a great place to live and work. Many of the factors that determine that, number one is healthcare – making sure we have the healthcare resources that take care of their families and their employees, but also education is central to that decision. With the growth of Huntersville, so grows the demand for high quality childcare. Huntersville Community Pre-school is modeled after the Goddard School, which is right down below the Chamber of Commerce, so I've been able to watch that school for several years. Located on Sam Furr, this school with daycare traffic is less oriented to peak hours and is more disbursed throughout the day since parents arrive at different times. A childcare center is supported by the Town's 2040 Plan that we heard about a little while ago. With this property in the area will be a great resource for existing and new families in Huntersville and surrounding Lake Norman region. From a commerce perspective, the school will create an annual payroll of \$1.44 million and the vast majority of those employed living here in Huntersville and the surrounding area will be employed there. From the Lake Norman Chamber of Commerce, we encourage you to support this rezoning request.

Mike Russell, 17443 Glassfield Drive, said my wife and I moved to our house in February 1999. The last time I presented before the Board it was in the capacity as the Town's representative to the Governor's I-77 Advisory Committee. I am not here tonight to talk about I-77. I am here to talk about the rezoning of that piece of property on Sam Furr. You've heard from my friends, my neighbors, your constituents in opposition to this rezoning. I could not be more against this rezoning and agree with my friends and neighbors. This is the wrong project in the wrong space. What's the correct project for that, I have no idea. I do know that this is the wrong one. The developer talks about creating 50 jobs and serving over 150 students. That will create over 300 unique car trips per day and those trips will happen during the peak hours on 73 between 7 and 9 in the morning and 4 and 6 in the afternoon, Monday through Friday. I could go on about the traffic impact but I'm sure that my friends and neighbors will talk about that later. What I ask you as commissioners, do not make the same mistake that your colleagues did in Cornelius when they ignored the will of seven neighborhoods and by a simple majority approved the construction of a 500' cell tower. You are hearing from over 500 residents as represented by the HOA and friends and neighbors here in opposition to this. I ask you again, listen to my friends, my neighbors, your constituents. Do not approve the rezoning of that property.

Shelly Quinn, said I live in Denver but I was a resident of Hampton Ridge for 9 years from 1999 to 2008. I currently have an office off 73 in Birkdale. I was a member of the NC Highway 73/Sam Furr Road/US 21 Transportation and Land Use Vision Small Area Plan Steering Committee. I am here today to urge you to vote against Petition 21-01 to rezone 10205 Sam Furr Road from GR residential to HC commercial and here's why. The small area plan that exists today originated from a need to develop area specific plans to accompany the NCDOT NC 73 Transportation Land Use Corridor Plan. This bigger plan needed more area specific details to match the needs of the communities along the corridor because they recognized that one size does not fit all and the corridor plan needed to reflect that. This plan was a massive planning project that encompassed stakeholders from a coordinated multi-jurisdictional region, including three counties, five municipalities, three chambers of commerce, two metropolitan planning organizations, one rural planning organization and NCDOT. It was a huge undertaking and it was well facilitated. It was an excellent plan because it not only included transportation needs, but it also included land use along the corridor. It recognized there is an essential link between the land use and

the transportation that still exist. What this planning process accomplished was to take what the community said they needed and weave it into the final product. This small area plan may have been adopted in 2006, but the vision still exists. Connectivity, relief to traffic congestion, open space, individual identities and character were important then and they are still important now. I urge you to listen to these communities and act accordingly.

John Bryan, 16813 Hampton Crossing Drive. Tim O'Rorke, 10317 Grosson Court and Jeff Thousand yielded their time to Mr. Bryan. I want to take a little time here to extend gratitude to my neighbors. Almost 80 percent of you let us know that you do not want this property to be rezoned to commercial highway. I never thought so many people in our community would network, immobilize, and contribute to this process. This group entailed engineers, landscape architects, entrepreneurs, stay-at-home mothers and fathers, HOA board members, public servants, retired military, bankers, teachers, attorneys, and we've even got a retire New Jersey plumber on our team as well. People reached out to me from all over the community – folks on Knoxwood Drive, Highway 73, Old and New Statesville Road, the Hamptons, Cambridge Grove, Hampton Ridge and Caldwell Station. It's been tough just walking my dogs without being stopped now without this project getting into the conversation mix. What a body of engaged citizenry I've grown to discover. I know we will continue to work together in our community to help shape it and the mold we, the people, want it to be. I also want to thank the Huntersville Planning Board, who by majority voted to reject the endorsement of rezoning to commercial highway for purpose of R21-01. You are the subject matter experts who reviewed this and ultimately decided commercial highway and this project does not work for this land, so we thank you. I represent our community concerns regarding storm water. I think I've demonstrated enough flawed design info, property damage imagery and maintenance concerns of sample sites to explain why a project like this gives our community pause. Any reasonable person who saw what was in those photos would be concerned. In addition, we contend different uses of this property, residential versus commercial, may have congruent storm ordinance requirements, but it certainly does not mean storm water solution types must be congruent. If medium density residential were built on that property as preceding small area plan Highway 73/US 21 plan reads, Page 21 to be exact, we envision something like sidewalks, drains, underground water pipes, etc. The final point I on water, any large commercial project reducing permeability is going to send more water to our neighbors on McDowell Creek. The flow of water can be controlled, but more water will be sent downhill as a result of this project full-stop. It's unsettling the town decides what's built here but we must go to Mecklenburg County as I understand it to resolve these issues after two years when the bond is released. It's additionally unsettling that the Town planning report states in a single sentence this project does not pose any negative impact to our environment among other things, yet cites no report, no environmental study from town or state or federal bodies, nothing to support this very broad claim. Let me switch gears a bit to address some general ideas circulating that are miscellaneous that I wanted to address. First, the idea that we should accept project R21-01 because it could be something worse in its place. While on the surface R21-01 concept may seem like a good idea, when you look deeper you would be challenged to think of another business concept that would blast hundreds of cars in the morning and afternoon peak traffic times other than this concept. What concept would be worse in this regard. Catherine Graffy on the Planning Board hit the nail on the head when she said we cannot approve this because there could be something else worse down the line. We are voting on this project R21-01 tonight, not what we fear might be. There seems to be a notion that since our neighborhood is along a NCDOT superhighway concept and adjacent to AAA Auto on the west side, we should just accept this rezoning. It's an inconsistent line of thinking if we do not agree to more commercial. I've lived here almost 20 years. There was no superhighway when I moved here. There was an abandoned home on that property. It's still there. I believe it existed circa the 60's, that's my guess. Even when I moved there, that was a two-lane country

road and there was nothing commercial adjacent to Cambridge Grove. It may have been commercial property, but not commercial structure. I just want to let people know who have been there a long time, I can assure you many folks bought property with none of these items in mind. We accept the risk of General Residential and all it entails, just as the applicant must accept the risk that they bought this property zoned as General Residential and all that entails. Last, the number one Planning report action item on their punch list in order for that body to endorse, which they did not endorse was that the small area plan Highway 73/US 21 be amended if this project is voted through. The number one item on their punch list. I want to quote the only Planning Board member who was strongly for R21-01, Greg Baber, as it relates to this, "I did put this in the request, I mean that changing that small area plan again may not be something that someone is comfortable with, but I did put that in the request that if this is approved that the small area plan would be updated for Sam Furr/Highway 21, so if it's updated, it wouldn't be violating it." We contend that this plan gives us standing, that this is wrong and we further contend that the rules cannot be changed while the game is being played or even after in this special case since it's documented in the planning report action items and public domain that it's being called to amend the small area plan in response to this commercial highway rezoning. That could be challenged. You were chosen elected leaders of our community. All executives managing businesses, professions and hundreds of projects like ours at a 30,000' level. It could not possibly be expected that you know all the details of the town documents and the nuances of every street, every corner, every bus stop. We wouldn't expect you to. This is what this public process is for. It's to vet the details so you can make the right decision. Let this process work. It's never too late to make the right goal. Your Planning Department and the public are both telling you this rezoning is not right for this property. We are asking for your vote. We hope you follow the recommendation of these bodies and vote no.

Beryl Jackson, 10422 Friarsgate Road. Andrea Pernstich, 10316 Glencrest Drive and Scott Sanders, 16730 Hampton Crossing, yielded their time to Ms. Jackson. I want to express to you that our communities did not immediately jump to conclusions when we heard about this project. We surveyed our residents to determine how our neighbors felt. Once we determined there was a majority that opposed the rezoning by over 80 percent, we formed a task force to research what the community cared about the most and how we should position ourselves to respectfully make our position known to our appointed and elected representatives. Our homeowners fear impacts on their property values due to the change in zoning in our community. They invested in their properties with an expectation that it was all going to be residential. Scott Hensley very eloquently stated this in his motion. This expectation is supported in Land Use Policy Statement 11 that references protecting existing housing stock. I also urge you to read this motion that Mr. Hensley gave during the Planning Board meeting on Page 11 of your Staff Report. If you are looking forward while thinking back as the 2040 Plan suggests, think about when our neighborhood was built. Common open spaces were all the buzz and still is in the environment and open space policy section of the 2040 Plan. Now it is suggested that we once again erode the common spaces by allowing easements to pave the way for this massive project. We are conflicted about what the Town really wants. We have very proudly owned and maintained both our personal property and the common open space for 24 years. Some of us are original owners and while it appears this would be an ideal community for this project, take a look at the age of the community. Many of us are retired and our children are grown and gone. We are likely to help the Town to reach the goal of the most livable community in North Carolina by 2040. We the Town Core take pride in our homes, our properties and our community. Our vision of our community mirrors Page 34 of the Small Area Plan for our region. We have a vision of well connected pedestrian-friendly and publicly inviting streets and open space. We represent a large part of the residential source of income for the Town, so why do we need to fill every crack of available land with commercial to the displeasure of your bedrock source of income. At the public hearings you heard testimony from some of our younger property

owners that they cannot afford this facility and in subsequent public meetings, Town officials wanted to know why our HOA voted no to grant an easement through our common open spaces. Our community surveys laid the foundation for our votes. We surveyed our communities and we surveyed and found what they fear, the loss of property value due to the commercial zoning and that is not an unfounded fear. Potential flooding of multiple properties in two communities adjacent to the proposed site and most of all more traffic on top of an already challenging segment of 73. A large commercial building footprint and paved parking lot is not in character with the surrounding single-family properties. It is inconsistent with the zoning amendment process Article 11.4.7(e1). You should also know that the bond secured at construction to assure owners maintain the storm water control measure is released in two years for good behavior, then what. You have pictures of what could happen. In consideration of the 2040 Plan, Land Use Policy Statement 6.3, Page 63, we urge that this is not a small-scale neighborhood serving project because it's not small scale. Due to the close proximity of the entrances of two very large adjoining neighborhoods, rezoning to commercial would be detrimental to the health, safety and well-being of the 870 homes that surround the property and anyone who travels in that 0.2 mile stretch of 73. We are not willing to provide easements through our common open space and erode our quality of life or the environmental integrity of this required space that we have worked so hard to maintain over the years nor are we willing to disrupt highly utilized public sidewalks that connect to our communities. This space is located in the McDowell Creek watershed. The county has spent considerable dollars to protect this watershed and creek that are both in our communities. Please reference these six 2040 Plan land use policy statements – LU 4, Page 63, limit the scale of non-residential development and critical watershed; L 5.3, support infill housing near services and shopping. In fact we rather like the idea of possibly partnering this policy with the senior and restricted housing options such as patio homes, Land Use Policy Statement 11, we've already mentioned that which indicates that you will protect existing housing stock and you will protect it from negative impacts of development. In Transportation, Policy Statement 1, Page 91, you talk about linking land use with transportation which is the corridor plan and why Ms. Quinn came today to talk to you about that small area plan and how it is specific to that region and it linked land use and transportation. Transportation Statement 3.2, Page 100, improve multi-modal connectivity and support enhanced pedestrian connection. Environmental and open space Policy Statement 1, Page 82, support preservation and enhancement of the natural environment. Please vote no for this parcel to be rezoned from General Residential to Highway Commercial. Think about this petition is reasonable and in the public interest.

Randy Peacock, 17209 Cambridge Grove Drive. Donna Thousand, 16807 Hampton Crossing and Dacian Mate yielded their time to Mr. Peacock. I'm also hear tonight representing the Cambridge Grove HOA and we have many of our neighbors with us tonight and we appreciate their support. In addition to the residential street, Cambridge Grove serves as two additional and distinct traffic control objectives, which unfortunately are often in conflict with one another. We come before you today to ask that you please not rezone the R21-01 property from the commercial development with peak demand during rush hour. This would make an almost intolerable situation significantly worse and increase congestion as well as the probability of an accident. In summary, the first objective is that of a major neighborhood connector where Cambridge Grove Drive also serves the balance of Cambridge Grove as well as much of Hampton Ridge and Caldwell Station. Unfortunately, later on when Highway 73 was widened, the introduced the concept of a restrictive conflict intersection RCI or some people call it superhighway where people on Highway 73 who are eastbound can make a u-turn and go westbound. Unlike the sister intersection at the reverse at Rich Hatchet, there's a light and frankly I've used that. The light makes a big difference in being able to make a u-turn there. Those at Cambridge Grove do not have a light, so it's much riskier for them. Mary Colven sent out an e-mail with a video that showed what it's like for someone trying to make that u-turn in the morning. I'll be honest with you, I thought we had a problem trying to make a

right turn, those that are making u-turns have it much worse. To me those people have nerves of steel to put up with that each morning. As a community we worked hard to make these dual objectives work, it's not an ideal situation but in the spirit of cooperation with the Town and the DOT we're trying to do everything we can but unfortunately if the property is rezoned, this is going to make the situation much worse and so we ask instead that we come together as a community on the same side of table to help solve this problem together and not make a mistake that we will live to regret later on.

Richard Kirkman, 16509 Sutters Run Lane. Dana Bryan, 16813 Hampton Crossing Drive, yielded her time to Mr. Kirkman. I have lived in the Hamptons community for 20 years. I'm a registered engineer and I've spent the last 30 years building roads and bridges in North Carolina. My company will soon be kicking off the much-needed Gilead Road interchange project in just a few weeks. I'm here to request that you recommend no to the commercial zoning of this property R21-01. I've studied the rezoning application, associated traffic impact analysis. I've been in contact with Stephen Trott and my colleagues with Division 10 of the NCDOT regarding several issues with both the Traffic Impact Analysis and the rezoning application in general. These issues have been discussed with the Planning Board, Stephen Trott, Bradley Priest over the past few weeks. I'm just going to list these issues out: (1) reduction of the storage length for the right-turn into the daycare. As indicated in the TIA by the Traffic Engineer, the NCDOT turn-lane warrant threshold indicates a minimum of 125' storage based on facility specifics and design. It's clear it would be a conflict with the entrance of Hampton Ridge, so it appears NCDOT and the Town have allowed a reduction of this required taper to squeeze in the daycare driveway. Considering the location and existing and proposed safety issues such as the shared right-turn lane, traffic exiting Hampton Ridge, limited sight distance to the existing vertical curve, u-turning traffic, we feel the squeezing in of this driveway is dangerous and deserves more review. Issue number 2 – shared turn-lane. The developer is proposing an extension of the right-turn lane for Cambridge Grove Drive to accommodate right-turn movements into both the daycare and Cambridge Grove. This coveragenumerous unsafe vehicle movements for rush hour vehicles trying to both enter and exit the daycare and enter the Cambridge Grove neighborhood during the same timeframe, compounding other issues like site distance, remembering there's only one entrance and exit proposed. Site distance review from a review of the sight distance profile included in the rezoning package, it appears the profile grades were generated by using GIS data versus an onsite survey, using established vertical control. In my experience having done this a long time, GIS data lacks the accuracy needed to perform a survey of this scope considering if you look at the package and the plans the GIS topo indicates the sight distance is just a few inches from being non-compliant. It's also important to note that if the proposed driveway is shifted west which we have heard mentioned this would negatively impact the sight line. The TIA traffic count did not follow the Town's own TIA manual by collecting data at reduced morning and afternoon timeframes. We are concerned about reducing the morning data collection window. The TIA fails to capture the trips generated and counts for those vehicles and buses traveling to local schools every morning between 6:15 a.m. and 7:00 a.m. School starts early in this area as you guys know and thousands of students on buses and in personal vehicles are traveling east on Sam Furr and attempting to turn left onto NC 115 every morning. Number 5 issue, the TIA doesn't address the real possibility of cut-through traffic backing up on Hampton Crossing each morning. I do want to close with the following kind of comments and question. Question No. 1, why did the Town consider an incomplete traffic impact analysis that does not comply with the Town's own rules for one of the busiest roads in the city. Question 2 – if this is approved, how will the developer address the sight distance issue that exists during the driveway permit phase with NCDOT. I'm well aware of those rules and what the DOT requires and it's extensive and they are going to require a proper sight line done. Is the developer prepared to spend their money, all the money that it will take to correct this sight distance issue.

Mary Colven, 16509 Rudyard Lane, said last week I sent all of you a short video of what traffic was like at 7:55 a.m. on a random weekday last week. Our 870 families in our three neighborhoods deal with this particular section of road multiple times on a daily basis. Thank you to Mayor Aneralla, Mayor Pro Tem Bales and Commissioner Walsh for letting me know that you received it and had a chance to watch the video. If you did not or if you did not have a chance to travel this section of road, you will see in that video 45 mph plus traffic racing over a blind spot as workers, commuters and others are rushing to get to I-77. You also saw how much blind faith it takes to turn into that oncoming traffic and accelerate into a u-turn from a dead stop while watching for our neighbors like Randy Peacock existing Cambridge Grove facing a similar challenging situation. Add to this 700 daily trips according to the TIA generated by the daycare center and 58 school bus runs between the hours of 6:15 a.m. and 8:50 a.m. and it becomes a tragedy waiting to happen. Is this a situation of square peg in a round hole. At quick glance and viewed from much further away, it might just fit. This daycare center might just fit in the middle of these two neighborhoods, what's not to like. However, when examined more closely and carefully, you begin to see it cannot fit. Why? Look at your own Town plans, Section 11.4.7(e). Look at safety concerns we have brought to your attention, traffic – 780 daily trips from that new property, flooding concerns, etc. The only way to make this square peg fit is to grant exception after exception after exception. Our neighborhood coalition, your own Planning Board and staff engineers have shown why it is not a good fit, even granting numerous exceptions or making the whole square to accommodate the peg does not make it a good fit. We are asking you to make your decision based on the request in front of you, not what might be or what might be implied could be on that site. Even Planning Board member Catherine Graffy said make a decision on the application in front of you. That is the process. It is not a decision of is square peg better than a star shaped peg. It is only a decision about this specific request. This site for this particular daycare center is not in the best interest of Huntersville citizens. Please deny this rezoning request.

AGENDA CHANGES

Commissioner Bales removed Item 9.E (Consider approving LKN Kiwanis Mural and agreement between the Town and LKN Kiwanis) from the agenda and place it on the June 7, 2021 agenda.

Commissioner Boone made a motion to adopt the agenda, as amended. Commissioner Walsh seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

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

Budget for FY 22. Mayor Aneralla called to order public hearing to receive comments on the proposed budget for Fiscal Year 2021-2022.

Anthony Roberts, Town Manager, reviewed the Manager's Recommended Budget. *PowerPoint attached hereto as Exhibit No. 3.*

Mayor Aneralla said COLA, you know I've been a merit guy, looking at PPI and CPI this year, last week it was the highest in decades, so you might want to revisit that. I think merit is the way to go.

Commissioner Phillips said something I've been talking with Anthony about is the last time the Board had a raise, which was 2013 and we have had the benefit of Jackie and Anthony looking into things and

Huntersville compared to other municipalities at our size, population-wise, our boards don't get paid equitably and I say that because I get paid by the hour. I sit here and as I sit here I lose a day's worth of work and then I have these conversations with regular citizens who say I would love to do that but I can't afford it. I talked to moms who would love to do this and they say well the childcare can't even be covered by what you guys make a year, so I would like to maybe entertain some form of bumping the pay up for the board especially since it is an election year so we can open it up for more types of people to be able to afford to do this job, because I think it's ridiculous that people who want to serve this community literally can't afford to and we are missing out on some really great potential commissioners. I think it's a conversation worth having. Gastonia makes \$17,000 a year, which I think is wild but \$8,000 to do this annually is not how you have regular working class people sitting on this dais. I would like to entertain that as a possible budget item.

Commissioner Boone said the 2 percent adjustment where the police officers that are under the mid-range. How did you settle on 2 percent, not 5 percent or 1 percent. Where did that percentage come from.

Mr. Roberts said we looked at multiple things. Obviously, we looked at what other agencies are doing and looked at turnover. We looked at Charlotte, obviously we compete with Charlotte. One thing we wanted to do is get the entry level up and that's why you saw the \$46,500 to get that entry level up to really compete with Charlotte and be above the other agencies so we can attract more folks. Once you raise that entry level up to that \$46,500, also where you typically lose your officers in those early years, I say that one to five years, so the officers that we already have there we need to also make some adjustments there and one of the things we want to try to do is continue to move them up to the median, the 2 percent, 3 percent. There was no rhyme or reason, we were just taking all of those various variables together to look to see where we need to be. What three the right number, four the right number, five.....we looked at all the various entities out there and agencies, 2 percent adjustment up to median seemed to be the right mix.

Commissioner Boone said where did you come up with the 2.5 for the merit increase. What is the 2.5 going to cost us and if we went to 3.5, what would the cost there be.

Mr. Roberts said we looked at the various towns around us and in speaking to the various city managers, and the average Merit/COLA is in the 3.5 range. Some a lot higher, some a little bit lower. The Board previously directed me last fiscal year to move to COLA/merit, so that's why you see COLA/merit split. That was the direction you had given me last fiscal year. COLA, as we continue to look at that, I think it was 1.2 when we looked at it and we rounded it to 1 and then the merit 2.5 to get the two together 3.5 would be in line with other municipalities that surround us.

Commissioner Boone said just looking at the Police Department, we are understaffed. We've had two female officers assaulted in the last month. We've had an officer smacked in the face and people aren't lining up to work this type of job. If we want a quality person, we are going to have to pay for it.

Mr. Roberts said I think that's part of the reason why we are doing that bump and also that market adjustment for that to make sure that we get at some of those concerns to we've got to fill some seats.

Commissioner Walsh said I was going to echo some of Commissioner Phillips' comments. I'm retired and \$8,000 a year isn't moving the needle for me, so I probably don't have the same needs as others, but in order to attract a more diverse board, it would seem that a discussion around the compensation

is warranted. It's probably long overdue. I think we should at least bring it up as a discussion. And I don't know what the magic number is, I haven't thought it out. It probably would be helpful for attracting other candidates who aren't either retired, independently wealthy or have some other form of compensation.

Mr. Roberts said I had a sheet I was going to show you tonight, but evidently we are having some technical difficulties, but I did look at the population. The League puts out what they call a salary survey for all the towns. That's where we get a lot of our information. It also the Mayor pay, Mayor Pro tem and the board pay as part of that salary survey that the staff sends back into that analysis and on that 25,000 to 99,000 population range of those towns, the average salary for the mayor, assuming they put in the numbers right, is \$14,500. And for the Mayor Pro tem pay, it's \$10,500. And Board member pay is \$9,569. Just in comparison for Huntersville, obviously we are one of the top sort of population in that range – we're like number 6 or 7 in that range, our board pay is \$8,000, the average is \$9,600. Mayor Pro Tem ours is \$8,500, the average is \$10,500 and Mayor pay ours is \$14,000, the average is \$14,500.

Commissioner Munger said I just wanted to follow-up on Commissioner Boone's comments. It came to my attention we have five officers who are retiring in the next year from the Police Department.

Jackie Huffman, Assistant Town Manager, said we have five officers that retired in 2021. We have to pay that separation allowance once they qualify for retirement.

Commissioner Munger said I had a question about a specific line item and I wasn't aware that we actually had five officers retiring and I mean we are already below staff, we have more people retiring, we have the normal attrition. This is becoming in my mind a real dire situation that we need to do absolutely whatever we can to get more officers in and we also need to look at the possibility I've said it before of bringing in social workers to address non-lethal situations where they can assist and allow officers to actually do the job that they need to do rather than deal with mental health care situations. I'm just a big proponent, whatever we can do to give them the resources they need I absolutely hope we push that.

Mr. Roberts said we are trying to coordinate some dates for a budget workshop.

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

Petition #ANNEX21-02. Mayor Aneralla called to order public hearing on Petition #ANNEX21-02, a request by Skybrook West LLC to annex 21.04-acres (Billings Property) into the Town of Huntersville.

David Peete, Principal Planner, reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.* This is located on the extreme eastern side of the jurisdiction of Huntersville along Eastfield Road. It is sandwiched between existing Skybrook and the Cabarrus County line. There is a portion of the three parcels pursuing annexation that reside in Cabarrus County. All of the statutory requirements for this process have been satisfied. There are specific requirements for when a property is closer to another jurisdiction than yours when you are doing a non-contiguous annexation and the analysis of those particular tests are shown in the Staff Report.

Emily Sloop, Town Attorney, clarified that Item (b)(5) in that section does not apply to Huntersville.

Mr. Peete said the property is closer to Concord than it is to Huntersville. There is a provision in the State law for that and we contacted the City of Concord, their staff as well as their board, to ask their interest in the property and if they would be willing to waive that interest and so you can see before you that this is a copy that on April 8 they passed a resolution stating that they would waive their interest in this property. It is eligible for annexation by the Town of Huntersville. We have satisfied all of the other requirements regarding public notice, etc.

Commissioner Hines said with this currently not being subdivided if someone were to come for a subdivision plat in the future, would the entire parcel being annexed into the Town of Huntersville be this Board's discretion on whether to approve or not approve it. Would they have to go to Concord for anything.

Mr. Peete said by coming into the Town of Huntersville it would be completely under Huntersville's jurisdiction and our regulations.

Commissioner Hines said any new residents would be Town of Huntersville/Cabarrus County.

Mr. Peete said they would be Town of Huntersville residents.

Commissioner Hines said not in Mecklenburg County.....they would still be Cabarrus County, but Town of Huntersville.

Commissioner Munger said we've done annexations, but we've never done an annexation into a separate county.

Mr. Peete said I don't believe there's one in Huntersville. There are locally, though.

Commissioner Munger said do we feel like we've gone all the legal procedures, we followed the letter of the law and we shouldn't have any issues even though we are annexing into a separate county.

Ms. Sloop said yes, those five factors minus the last one that David went over are the requirements for a non-contiguous annexation under 160A-58.1 and we have verified that we are in compliance and as David mentioned we did get separate board action from Concord pursuant to our non-annexation agreement with them. We have followed all of the requirements.

Commissioner Bales said once this property is annexed and then developed it is still not in Mecklenburg County.

Ms. Sloop said the boundary lines will change. Huntersville's corporate limits, because this will be part of our satellite corporate limits, will be changed, so yes they will then become part of Huntersville and subject to our jurisdictional requirements. As to looking at the boundary line of the counties, it's still going to show that it's within as far as if you look at the map boundary line there has typically shown it would appear as if it were in Cabarrus County, but it is going to be within Huntersville's corporate limits.

Commissioner Bales said that would be similar to like Davidson and Iredell County.

Mr. Peete said Ingersoll Rand is in Iredell, but they are part of Davidson.

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

OTHER BUSINESS

Petition #ANNEX21-02. Petition #ANNEX21-02 is a request by Skybrook West LLC to annex 21.04-acres (Billings Property) into the Town of Huntersville.

Commissioner Munger made a motion to approve an Ordinance to annex certain non-contiguous areas to the Town of Huntersville, North Carolina.

Commissioner Boone seconded motion.

Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 5.

Petition #R21-01. Petition #R21-01 is a request by Tietz Land Ventures LLC to rezone 10205 Sam Furr Road (Tax ID 00531101) from General Residential to Highway Commercial Conditional District to develop a daycare center.

Mayor Aneralla noted that Beryl Jackson and Sandy Dinzeo did send in emails for the public record prior to 3:00 p.m. today.

Brad Priest, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.* I just wanted to do a quick update. This is the property on NC 73 going from General Residential to Highway Commercial Conditional District. I just want to update everyone on what has transpired since the public hearing since the application was before the Town Board at the beginning of April.

The applicant has modified their site plan to put in the full required 30' buffers. It was at 10' but they have modified it to 30' in both locations. To the west, there was a modification in the building configuration in the grading to give the room needed to make the 30' and along 73 NCDOT approved a small shift of the driveway to the west to allow the 30' buffer to be established along the small outparcel there that was also zoned Residential. The 30' has been updated. In the Staff Report it brought out that traffic counts were requested for the left-overs going into Knoxwood Drive and Cambridge Grove Road and staff received those, Transportation staff reviewed them and stated that with the numbers indicated that there were no indicators or red flags to say that the turn lanes would not be able to function with the addition of the new daycare use. The applicant submitted a letter as a record and we forwarded that in the package as well, noting as part of their enrollment they would request and urge that the parents formalize as part of the enrollment process that parents not come on 73 and go through the residential property but to only use the infrastructure on 73 to access the property. That was received and again as you have heard and has been testified by the adjacent property owners, the HOA's have given a denial to the applicant for easements – one on Cambridge Grove Road for access and then also along 73 on the property there for the sidewalk. That is information that we have received since the public hearing. This is just information about how they changed the building. The building size has not changed, it's still 16,000 sq. ft., but it was modified/shifted at the pinch point so to speak to allow the 30' buffer to be accommodated for.

The Planning Board met to consider the application on April 27. The recommendation was to deny by a 5 to 4 vote. The Planning Board noted inconsistencies with Land Use 11.1 policy in the 2040 Plan and made mention that it was not in character with existing surrounding development and not consistent with the 73/21 Small Area Plan. The motion and the full description was in your Staff Report.

Staff Recommendation still acknowledges that the GR existing zoning is appropriate based on the 2040 Plan Policy LU 5.3, but also acknowledges the flexibility built-in to the 2040 Plan and LU 6.2 and LU 6.3 specifically encourages that mixed-use nature in certain conditions. Therefore, staff can support the application with the conditions outlined there one through four.

Commissioner Munger said earlier tonight there was a comment made about whether or not the TIA was complete. Can you comment on that, whether it actually was complete.

Mr. Priest said the Traffic Impact Analysis was complete and has been complete for some time. It was accepted by our Engineering staff and the mitigation that was proposed in the TIA, so yes it has been complete.

Commissioner Munger said there was a concern about the sight line issues at that particular entrance.

Mr. Priest said the sight line issues are going to have to be addressed when the applicant comes and constructs the daycare, assuming it is approved, that they come in when they pull the driveway permit they will have to deal with the sight line and construction and the constructability at that time. All the requirements of NCDOT would be enforced by NCDOT and would need to be met by the applicant at that time.

Commissioner Hines said can you go back to the slide about the easement for the sidewalk along Highway 73. I believe I understand the one on Cambridge Grove Drive. Can you point out where it is on the map on Highway 73 and what is the distance of that as well.

Mr. Priest said you see on the very bottom on Sam Furr Road, underneath the red arrow there is a sidewalk that kind of meanders around some infrastructure there and that sidewalk is going on to reconnect because once they put the right-turn lane in that's required from the TIA, once they put that in they are going to be widening the sidewalk and pushing it out of existing right-of-way onto private property, onto the Town of Huntersville's property and then onto the homeowners association property from Hampton Ridge. That little wedge is conceptually shown to be on private property and the HOA determined that they did not want to give an easement for that sidewalk on private property at this time.

Commissioner Hines said if this project were approved and built, we would have a sidewalk that is broken up in this section.

Mr. Priest said it would be broken up as conceptually shown. The hope that staff would have would be able to go through and work with the applicant to reconstruct work with NCDOT to try to fit it inside existing right-of-way. If that was not possible, then we would have to come up with some other way to try to make that happen, but at this time, the situation is that plan shown right there, if there's not an easement then we would have to come up with some other way to make that work.

Commissioner Hines said follow-up to the question about the TIA, you said it was complete. A question came up did it follow the Town's policies. Did it follow all the checkboxes in regards to the TIA.

Mr. Priest said I would refer that question to Stephen Trott on that.

Stephen Trott, Director of Engineering, said the question was did the TIA follow every single Town policy in the manual. The answer would be no. The traffic counts were short of an hour of time I believe both in the morning and in the afternoon, however due to the pandemic if you try to go out and count traffic now it's going to be different than what it is. I was allowed to use traffic counts that were already available. It did count two hours of time instead of the normal three hours, so it wasn't like they just counted a few minutes and then used it, it was just a shorter period for that traffic count to find the one hour of time that's studied.

Commissioner Hines said knowing all of that with the pandemic, you accepted the TIA.

Mr. Trott said I accepted the reduced count times.

Commissioner Hines said one other question that came up about reduction in the taper, the decel lane into the site. Is that Huntersville's call or is that NCDOT.

Mr. Trott said that would be NCDOT.

Commissioner Hines said NCDOT has basically approved this curb cut????

Mr. Trott said as far as I know they found it acceptable.

Commissioner Bales said a quick question in regards to the storm water process. It was brought up earlier in regards to the bond secured and once the BMP pond is created then there's kind of the 2 years for the bond. What was the next process after that. How do we make sure that storm water continues to work.

Mr. Priest said after the 2 years then it will continue on a yearly basis being inspected by Mecklenburg County for continued operation and make sure it's still working and functioning properly.

Commissioner Boone said a couple of Saturdays ago I took my truck and parked out there in front of where this daycare is going to go and got out and walked the sidewalk to just kind of get a feel for the traffic in the neighborhood. While I was out there a lady was walking on the sidewalk and I stopped her and introduced myself and I said can I ask you a few questions and she didn't have anything prepared, but she was very candid. I told her about the daycare center, she was very familiar with that. I said if you could do one thing to improve the traffic flow here, what would you do. She didn't even hesitate one second. She pointed across the street where you leave this area you are going west, you make a u-turn going back east. I'm sure you know what I'm talking about. She said if you just trim those plants back about 18" you could take the line of sight and improve it by 200'. The Town Manager and the Assistant Town Manager and I went out there a couple of Fridays ago and she was exactly right. Those have been trimmed back and the line of sight has improved. I just want you to know that we are out there looking at that property and trying to figure out how we can make this work.

Commissioner Bales said in the middle of doing all of my research for this project I've gone down I've looked at the other examples, especially the one in Ballantyne/Pineville area. That's a 16,000 sq. ft. facility, while there are some similarities with this project it sits in the middle of residential surrounding it. There were some things that I noticed that were different, a lot of things that were different. One that site down there sits on 2-1/2 acres and there's very little in the way of buffer. There is a fence and a row of bushes and backyards. That's something that jumped out at me that I know that particular style of project would not fly here in this community. But then I started questioning are there other locations closer to home that were similar and the one that I came across actually sits on 73. It is to the west and it sits in Birkdale and it's called Guidepost Montessori. Guidepost Montessori fronts 73. It's roughly 18,000 sq. ft. It sits on 4.39 acres surrounded by residential and on their website it said infancy to 14 years of age. It's labeled as a school. It sits in General Residential zoning. They have a 3-day a week program, a 5-day a week program, a half day program, a full-day program and summer camps. They are open from 7 a.m. to 6:30 p.m. Monday through Friday. I say all of this to get to this question and I'm not trying to get anybody in trouble. But Guidepost Montessori is labeled as a school sitting in General Residential zoning. Mr. Priest, on April 8 you sent us an email and it says in the fourth paragraph, it says it was noted by the state supervisor that if a program received accreditation for the 3-year to 5-year age group that also offered supervisory care for infants, a Child Care License would still be required. But we have another school that starts at 10-months old and goes to 14 years of age but they are labeled a school and I'm trying to understand the difference, because each entity is so similar. Actually, Guidepost Montessori is actually larger than this facility and sits on a smaller lot so I guess my question is, is there some inconsistency there that I've missed.

Mr. Priest said on the first aspect I am not familiar with the location, so I can't speak to it directly.

Commissioner Bales said 73 and Norman View.

Mr. Priest said I am not familiar with it. It has not come through to be permitted here in the last 15 years.

Mayor Aneralla said it's been there for at least 20 something years.

Commissioner Phillips said it was built in 2001 and the neighborhood started getting built in 1999.

Jack Simoneau, Planning Director, said we will investigate it. It was not known to us, that age group, it was actually permitted before any of the staff was here, but we will check on it and we will expect consistency as I know the Board will.

Commissioner Phillips said it was a different daycare program before it was Guidepost and it was approved as a daycare.

Commissioner Bales said actually it was Chesterbrook Academy.

Mr. Simoneau said we will check that.

Commissioner Bales said the only reason that I bring it up is because there was some conversation when I watched the Planning Board meeting about property values and so when I start looking at the residents around Guidepost Montessori, I'm not seeing the negative impact in regards to the property values over around that particular site.

Mr. Priest said it was permitted as a Chesterbrook Academy. I think I am familiar with that location.

Commissioner Bales said I don't know how long it's been a Guidepost Montessori.

Mr. Priest said in regard to how it was permitted, I do not know. As Jack said, we can look into that. If it changed the use, I don't know. What I will say is from the discussion with the state that even though if they are a school, if they are a Montessori school and they are accredited as a school, usually a lot of Montessori schools are actual schools, if you do handle infants you are still required to get a daycare license. They could still be a school and also be required by the state to get a daycare license or a childcare license from the state of North Carolina, so they could be both. I don't know what the situation is with that specific location. But from the state they could be absolutely fine. How would they be viewed now if they went from a school to a daycare or back, I just don't know at this time.

Mayor Aneralla said the one difference between the two that I think is interesting is in order to attend that school, you have to drive into Birkdale. There's no other way. You have to make a left or a right or go down Birkdale Commons or go Devonshire, you have to go through the community.

Commissioner Walsh made a motion in considering the proposed Rezoning Petition #R21-01, the Huntersville Community Day Care, the Town Board approves based on the amendment being consistent with the Huntersville 2040 Community Plan including Policy LU 5.1 allow more intense development only where transportation infrastructure and utilities already exist; Policy LU 6.2 Commercial uses are encouraged in the Town Core and as specified in adopted Small Area Plans; Policy LU 6.3 Small scale neighborhood-serving commercial and office uses may be allowed in Town Core and moderate density areas specified on the Future Land Use map at key locations if designed in a context sensitive manner. This rezoning is approved with the following conditions: (1) The Highway 21/Sam Furr Small Area Plan is hereby amended by the Town Board to include this property as commercial as a result of this rezoning; (2) Cut-through traffic in the neighborhood is discouraged by the applicant to the extent possible, therefore the letter submitted by the applicant in regard to enrollment commitments is added to the record and approved as a condition of the rezoning; (3) The applicant commits to work with the Town and NCDOT to reestablish the Sam Furr sidewalk connection to the extent possible; and (4) Minor comments from Town Staff be updated on the final rezoning plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the site is in the Town Core, the subject site is appropriately located near commercial facilities on Sam Furr Road. Sam Furr Road is a major transportation corridor. The property in question would be a suitable candidate for medium density infill commercial development and the property is surrounded by single-family residential development which use services like daycare and schools.

Commissioner Hines seconded motion.

Commissioner Munger said I had the opportunity to visit both the Ballantyne and Steele Creek locations of this type of structure and came away with two very different impressions. The Steele Creek location was a good fit with a school across the street and other nearby commercial buildings. The Ballantyne location was the exact opposite. It looked like it was wedged into a residential area with houses surrounding it on all sides and it just didn't make sense to me. Based on there this is intended to be built I think our situation more closely emulates the Ballantyne location and as a result, for me it just doesn't make sense. I know that much has been made of the idea that if we don't approve this, the applicant will simply turn it into a charter school which can be built by-right. One might feel as though

they need to pick the lesser of two evils, but for me I am choosing to focus on the plan that has been presented to us and nothing else and as a result I will not be supporting this.

Commissioner Hines said I've lived in the Hamptons and I lived on Hampton Trace Road for 4 years. Back at that time it was a 2-lane road and traffic backed up every race weekend and we had a commissioner that actually lived in Cambridge Grove at the time and when the Town Board at the time was working with NCDOT on the design, I think one of the reasons the Town owns that little small sliver piece right there by Hampton Ridge is because we were trying to figure out if we could put a stoplight right across from the daycare site and the Hamptons entrance because we didn't know it was going to be a superstreet, we weren't really aware of what the street design was at the time. When I lived in Hampton Trace I had two very small young kids and I always thought it would be a great like TK program because there were so many families that had young children out there and it was so convenient and I thought that for 18 years. I think this is the right fit. I know it's not popular but I do think that this is accommodated to the area.....Highway 73 is a major corridor, so basically a regional highway. I think the buffers protect the residents from what other things could be built there. I thought this site was a good site for this use for many years. That's why I will be voting in favor of it.

Commissioner Bales said I would like to go back to my research, like Commissioner Hines I used to live in Hampton Ridge. I built my first home here in Huntersville in Hampton Ridge and was there for about 5 years. Since the public hearing I have driven down and looked at all three other sites, located the Montessori school right down the road at 73, took a look at it, walked the 5-acre site, drove countless times doing the u-turns, coming through the neighborhood, what does the sight distance look like, just in and out, and really trying to put myself in your shoes. One of the things that I find very important on this Board is that we work to be as impartial with these things that we can be because we also know that there's two sides to the issue. I will say after stumbling across Guidepost Montessori where it sits on 73 very similar in design, it has put me in a position where I do feel like this is the right fit for this site. The 30' buffer is completely different. You cannot compare Ballantyne's site to this one. It has barely any buffer. It sits on half the acreage. It sits on a very small 2-lane highway. This is a 4-lane divided highway and I agree with Commissioner Hines this is not a popular vote and it's one that has weighed on me tremendously over the last few months, but I do feel like it is the right fit along this corridor and for this particular piece of property. I know that we don't want to look to what it could be. At the same time, I think we would be doing an injustice to the community if we didn't. And a school which I heard the petitioner say during the public hearing if this facility would not be approved they would continue to build a school. I frankly think a staggered time entrance and exit strategy for families makes a whole lot more sense than a hard start and a hard stop. Coming for Torrence Creek Elementary where we had events after events where I envisioned parents parking along Cambridge Grove walking over the berm and participating in their students' celebrations and graduations at the end of the year and holiday parties, etc. I see that and I just do not believe that is in the best interest of the community. A community that I truly love and do love so I will be supporting this rezoning tonight.

Mayor Aneralla called for the vote to approve Petition #R21-01.

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

Petition #R21-05. Petition #R21-05 is 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).

Brian Richards, Assistant Planning Director, entered the Staff Report into the record. *Staff Report and Staff Analysis attached hereto as Exhibit No. 7.* The Planning Board recommended unanimous approval to support this revision to the elevations.

Commissioner Munger made a motion in considering the proposed Rezoning Application #R21-05, Symphony Park Sales Center, the Town Board recommends approval based on the plan being 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. The revised building elevations are in keeping with other developments within the area.

Commissioner Walsh seconded motion.

Mayor Aneralla called for the vote to approve Petition #R21-05.

Motion carried unanimously.

Petition #TA21-04. Petition #TA21-04 is a request by the Huntersville Town Board to amend Article 7.4.2F of the Huntersville Zoning Ordinance to create an administrative staff review for tree mitigation plans.

Commissioner Boone made a motion the Town Board approves the Text Amendment #21-04 to amend Article 7.4.2F to make tree save mitigation an administrative process. The approval is based upon the amendment being consistent with Policies EOS 4.2 and EV 1.4 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it allows staff to effectively and efficiently review and enforce tree save standards without delaying the review process for businesses and developers. However, with the removal of the tree mitigation from the Planning Board, direct public involvement is also removed. To maintain public visibility, the Town Board requests that the administrative tree mitigation process and results be hosted and maintained on the Planning Department's website in such a manner that the information may be easily located by the public for review.

Commissioner Bales seconded motion.

Commissioner Munger said we received an email from former Planning Board member Harold Bankirer mentioning that in the past the Planning Board has been able to negotiate with applicants to increase the number or size of trees planted in mitigation. Is Planning staff currently in a position to take on this additional duty and work in the best interest of the Town. In other words, do you feel like your department will be able to push for mitigation beyond the minimal standards written in the ordinance.

Mr. Priest said no. That is something where it is an objective requirement that the requirements are spelled out and so currently the Planning Board nor staff has the ability to try to negotiate more or less requirement. If the applicant meets the requirement, it's going to be accepted. We are going to approve it based on what the Ordinance dictates.

Mayor Aneralla called for the vote to approve Petition #TA21-04.

Motion carried 5 to 1, with Commissioner Munger opposed.

First Amendment to Contract for Services – Swim Club Management. Commissioner Boone made a motion to approve an additional year to the Swim Club Management contract. The contract, with the additional year, will end June 30, 2024.

Commissioner Phillips seconded motion.

Commissioner Walsh said I will not be voting for the contract extension. The contract is up in 2 years, but the contract goes on a year-to-year after that assuming that we don't make a longer contract, so I don't see any justification for adding another year at this point.

Mayor Aneralla called for the vote to approve an additional year to the Swim Club Management contract.

Motion carried 5 to 1, with Commissioner Walsh opposed.

Resolution – Preliminary Services Agreement with Edifice LLC. Emily Sloop, Town Attorney, said you have before you a Preliminary Services Agreement. Essentially this is for the first phase of the Town Hall that is being proposed. This would cover schematic design documents and also any other design documents that are agreed upon between the parties. At the end of the contract Edifice, the design-build team, would come back to the Town with a proposal as far as the next phase. That next phase would cover the actual construction. Included in the contract before you, you have a scope of services, that's Exhibit C, which details a little bit more with specificity regarding the proposed total cost of the project, as well as giving you almost a line item breakdown of the \$960,000 that would be tied to this preliminary services agreement. Edifice is here. They have some of their members of that design-build team here available for questioning if you do have specific questions.

Mike Carlisto (Project Executive, Edifice), Brent Green (Lead Designer, Creech & Associates), and Tim Bender (Senior Project Manager, Edifice) presented PowerPoint on the New Town Hall Project. *PowerPoint attached hereto as Exhibit No. 8.*

Commissioner Bales said at what point in this process are we doing the charrettes and gathering information from our residents and those that want to participate.

Mr. Green said that could be done in a variety of ways. Often it's done in a number of engagements where we ask different questions when we are at different points in the process. We may ask some big picture questions in the very beginning phase and that advanced planning that very first phase that we talked about a moment ago what do you want to see, what are your priorities, what are your interests, how large should the chamber be, all those types of functional questions that we could ask and then we may come back at another round where we've done a little bit more work and we have some things to share and we could ask some more focused questions. I think that process can be customized depending on the number of engagements that you all want. Typically, it's done in three but that will be our starting point, but we are open to making that work for how you feel the level of engagement should be.

Commissioner Munger said it was great presentation. You had mentioned that you had past experience with the Town of Huntersville. Can you elaborate on that.

Mr. Green said we were fortunate enough to work with the Town on the design of Discovery Place Kids in the current Huntersville Town Center. David Creech, our firm founder, was actually the designer of the original Town Hall when he worked for a previous firm. That project number has a 2003 number on our server so we've been working on that site for about 17 or 18 years, so it is really exciting to see the entire process come to a culmination with the development of that parcel.

Mayor Aneralla said how about budget. Just for clarification, the process of design-build versus the other way which is contract and hopefully it stays within budget.

Mr. Carlisto said the best part of the design-build process is a collaborative process where we are all a part of it from the beginning. From the programming and concept, we are teaming together, we are pricing it, each one of those stages of design so you know what the price is. Your goal is obviously to maintain the budget and stay within it. This biggest thing that we see here is does the Town need 40,000 sq. ft. or 50,000 sq. ft right from the start. You may not, you may only need 25,000 sq. ft. We will have the options to shell some space in the building for future purposes, but we want to help best you prepare for down the road as you grow. That's going to help the budget. The market is pretty volatile right now. I'll be very open with you about that, so we won't be bidding or pricing until next year. I'm hoping everything kind of calms down by this time. I'm praying that it calms down because it is volatile right now.

Mayor Aneralla said steel is cheaper than lumber right now.

Commissioner Boone said this is the only site that you have studied right there in front of Discovery Place Kids.

Mr. Carlisto said that's what we were instructed to program for.

Commissioner Boone said my second question is for the Senior Project Manager that lives in Huntersville. If you were going to build a town hall, where would you build it.

Mr. Bender said that's a loaded question, so that site has opportunity to really develop that downtown to what you want it to be and being your project and it can be the beacon of Huntersville if done correctly and I think that site can accept a building and be a town hall there and I think if you work on the sidewalks and keep it open for the people to kind of flow in and out and have a corner where the Christmas tree can still be there. It can be a meeting space and gathering space for Discovery Place Kids coming in. I think that site is a perfect spot.

Commissioner Boone said most downtowns have like a little green space. In Huntersville that's our last little piece of green in downtown.

Mr. Bender said the new park.....Veterans Park.

Commissioner Walsh made a motion to approve the Resolution to approve preliminary services agreement with Edifice LLC for pre-construction and design services for the new town hall project.

Commissioner Munger seconded motion.

Commissioner Phillips said I'm going to vote against this and it's nothing against y'all, I just have a lot of heartache about the new town hall.

Mayor Aneralla called for the vote.

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

Resolution attached hereto as Exhibit No. 9.

Mayor Aneralla said as somebody who will look forward to this process been talking about it for a number of years, I would like to reiterate the fact that we've sold some parcels or are in the process of selling some parcels, have sold some parcels downtown, are consolidating our assets into one terrific building and I think it was the right plan and we look forward to seeing the results.

Filing Fees for 2021 Election. Commissioner Bales made a motion to adopt the filing fees for Mayor and Town Commissioners as determined by this Governing Board – filing fees for Huntersville would be Mayor \$10 and Board of Commissioners \$5.

Commissioner Walsh seconded motion.

Commissioner Hines said I think every year we have 10 to 12, 13. There's always somebody that really doesn't participate but they just threw \$5 in the pot and their name is on the list and I think as we are growing as a community I think that maybe we should reconsider increasing the filing fee, it's not a revenue generator per say but my question is would it help the quality of candidates and get people who are more serious about this. I think \$5 is too low. I think \$10 for Mayor is too low, but I don't know what that number is.

Commissioner Walsh said it might be interesting to see what other communities around us do. I don't disagree with your comments.

Mayor Aneralla said the state does 1 percent and the federal government does 1 percent of the salary.

Motion carried 5 to 1 with Commissioner Hines opposed.

CONSENT AGENDA

Approval of Minutes. Commissioner Bales made a motion to approve the minutes of the October 19, 2020 Regular Town Board Meeting. Commissioner Hines seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Resolution – Mutual Aid Assistance. Commissioner Bales made a motion to adopt Resolution adopting a policy for mutual aid assistance with other law enforcement agencies. Commissioner Hines seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Resolution attached hereto as Exhibit No. 10.

Reimbursement Resolution – New Town Hall Project. Commissioner Bales made a motion to adopt Reimbursement Resolution regarding the intent of the Town of Huntersville to reimburse itself for capital expenditures incurred in connection with the land, design, engineering and construction of the New Town Hall Project from the proceeds of installment financing. Commissioner Hines seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Resolution attached hereto as Exhibit No. 11.

Bylaws – Advisory Boards. Commissioner Bales made a motion to approve changes to the advisory board bylaws for the Parks & Recreation Commission, Public Art Commission and the Greenway, Trails, and Bikeway Commission to reflect the Town Board’s changes to advisory board term limits and to provide consistency between all three advisory board bylaws. Commissioner Hines seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Bylaws attached hereto as Exhibit No. 12.

Resolution – Huntersville/ElectriCities Operations Center Lease Agreement. Commissioner Bales made a motion to adopt a Resolution to amend and restate the Huntersville/ElectriCities Operations Center Lease Agreement. Commissioner Hines seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Resolution attached hereto as Exhibit No. 13.

Resolution – Intent to Abandon and Close ROW – Vermillion Front. Commissioner Bales made a motion to adopt Resolution of Intent to abandon and close an unopened right-of-way within the Vermillion Front Development. Commissioner Hines seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Resolution attached hereto as Exhibit No. 14.

Resolution – Intent to Abandon and Close ROW – Huntersville Market. Commissioner Bales made a motion to adopt Resolution of Intent to abandon and close right-of-way for a portion of unopened street (Oyster Lane) within the Huntersville Market Development. Commissioner Hines seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Resolution attached hereto as Exhibit No. 15.

Resolution – Intent to Abandon and Close ROW – Town Center. Commissioner Bales made a motion to adopt Resolution of Intent to abandon and close an unopened right-of-way for a portion of two unopened streets (Holbrook Street and unnamed street) within the Huntersville Town Center Development. Commissioner Hines seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Resolution attached hereto as Exhibit No. 16.

CLOSING COMMENTS

None

There being no further business the meeting was adjourned.

Approved this the 19th day of July 2021.