

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 17, 2024
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on December 17, 2024.

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

Mayor Clark called for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

ANNOUNCEMENTS

Mecklenburg County Commissioner Elaine Powell will host a “North Meck Priorities Meeting” on Thursday, January 23, 2025.

Mecklenburg County is launching their 5-year Consolidated Planning process as required by the HUD CDBG program and will hold two Community Visioning Workshops in January.

Huntersville Police Department and Huntersville Fire Department took groups of children shopping at Target and Walmart as part of the Shop with Heroes program.

Announced dates Town Offices will be closed for the holidays.

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

PUBLIC COMMENTS

Ethan Smith, Communications Manager, recognized Huntersville 101 Graduates.

Vickie Miller, Director of Learning and Development, North Carolina League of Municipalities, congratulated the Huntersville Town Board for completing steps to receive the Commit to Civility designation.

Mayor Clark called for public comments.

Harold Hudson (Jill Vanzandt and Jane Guzaukas deferred their time) said I'm an owner and resident at 10019 Ansonborough Square in Huntersville for 17 years. I've been a resident of Huntersville since 1986. I want to come and speak as HOA co-president of our board. I've served there for a number of years, most actively since I retired in 2017. I've been given nine minutes to speak. It's a little bit dangerous because I'm a retired preacher.

I retired in 2017 as a clergyperson after 37 years. Twenty-five of the last years I served as a healthcare chaplain with Hospice and Palliative Care Charlotte Region and my last assignment was over at LDHH in The Park. I want to offer my remarks in the spirit of the season with the hopes that I'm encouraging us to be good neighbors as we deliberate on the approval or denial of the applicant's request.

The Golden Rule as I think everybody knows is a fairly universal concept applicable to the ethics and moral challenges of being good neighbors. Prior to tonight's decision I want to ask us all to consider how each of the parties involved can be involved as good neighbors – the Town of Huntersville, the developer and our residents at Meeting Street Townhomes at Rosedale.

I remember in my seminary training 40 years ago that the Golden Rule is pretty tough to put into practice and to understand and everybody looks at it different ways and it's subject to some fairly humorous interpretations like do to someone else before they do it to you, or those with the gold make the rules. We hope that's not the case. It's in that spirit of trying to figure out how to be neighborly that I want to begin by saying that I believe that the developer most certainly has the right to build the townhomes as he wishes on Lot 35. He's a great builder, everybody knows his work in the community. I also want to say that the right to build implies obligations and involves limitations and responsibility not only to Mr. Roy's business, but to the town and to those of us who live in the community.

While I approve of this, I'm going to get a different spirit in the room and that is the one of Festivus and you know Festivus for the rest of us.....so part of Festivus, it's a little early for Festivus, is the airing of grievances. I hope I do this in a kind way, but I'm going to list my grievances, five of them. I believe I pretty much reflect the feeling of our community in doing so.

We really would need some assurance that the potential water issues will be remedied. We've had flooding in the backs of our units due to inadequate drainage. One of our units as originally built was missing a drain. We want to be sure that the impenetrable surface water will be properly drained. That's number one.

Number two is we're concerned for privacy and safety. We would like the builder to put up fencing around the back of his units. Good fences make good neighbors is another bit of wisdom. We would prefer not to have to look from the back when we come in at garbage receptacles, lawn furniture, toys, grills, etc.

Number three is we would hope for, although probably not going to happen, that the construction materials will enhance the aesthetics and the value of our property. We obviously would prefer brick to Hardie plank, but I understand that's going to cost more.

Number four, accessibility to our back alley. I think a previous statement has been made that we will not have access to the back alley, our private alley, where our mailboxes are. It's not just about the mailboxes. If we have access to Rosewood Meadow Lane, we have access to the shopping area behind, we have a shorter walk down to the sidewalk where we can go down to the really wonderful new dog park and kiddy park. I like to take my granddaughter down there sometimes. It would really shorten the way to walk down there, so it's not just about the mailboxes. We would really like to have access to that back area.

Number five, more of a grievance, I suppose, but we want to feel like we can have a better trust with the builders. Making the assumption that this new community would like to be in the future possibly joining our HOA, we would like to have some history before that decision is made that this current project will exceed the quality of the current buildings that we live in due to history of structural and drainage issues, poor landscaping. We need and would hope for responsible transparent communication in planning this, especially regarding the future of Lot 34, which I don't know about that, but Mr. Roy owns Lots 34 and 35.

There are fences that need to be built we believe and there are fences that need to be mended. Many of our residents, myself included, have taken a little bit of offense at the fact that Mr. Roy's two properties, his two Lots 34 and 35, have been taken care of by us at absolutely no expense to him for more than 20 years. We've had some beautiful trees in that center section. We've had to have them pruned. We have a contract with a mowing company and there's quite frankly some resentment there. I would not be truthful if I didn't say that.

There's a Rosedale Masters Association that includes a billing that we think is improperly billed because of its relationship to ownership of acreage which Lots 34 and 35 have been factored into that. Again, we've been taxed you might say on property that we don't own. I have spent years trying to get this straightened out. We would really appreciate our new neighbor helping us with that. We need to resolve this issue with the builder and for the sake of our community and as I say, being a good neighbor.

Amy Hallman said any general TC rezoning is bad for downtown. It doesn't speak to the incremental plan of the 2040 nor the Downtown Master Plan and we can't assume these petitioners will be the actual developers and we can't assume their ideas will come to light. We just don't know. Please don't make a decision based on emotion for a petitioner when such a decision goes way beyond that. TC rezoning general is forever. With no submitted plans nothing keeps the property owner from pulling up stakes and selling with a stepped up property value and general rezoning allows the next and the next owner of in perpetuity to do whatever they want whether or not it aligns with the town goals, the neighbors or the elementary school less than a hop, skip or jump away.

No application expressed a desire to change use to a restaurant and 117 already is. No application expressed to change to any business possibility at all. One says to single-family home and the other says to permitted TC uses.

While these two properties are in complete different conditions structurally and physically and have both remained vacant since the applicants purchased them in June 2022 and December 2022, both have worked with the plan designer and the Town staff dating back to at least early 2023. Where are those plans?

The two recent pulling out of the petition nor any of the emotional stories tonight change the material fact that the petition should not have been brought forward. Each parcel should be individual and conditional. The Town of Huntersville has no precedent for citizen led non-contiguous multiple parcel general rezoning, much less in our downtown. From the town's perspective nothing stands in the way of either of these properties from being a restaurant right now in NR zoning. Please let them provide proof of concept on these key parcels within the view of a school. Allow them to come back with a conditional TC request with a business plan and conditions that show good faith with our downtown community in Huntersville.

They encourage small business opportunities here with grants and less costly ways for small business owners to apply for conditional zoning, but the general rezoning is not it. A yes vote to this petition as is a yes vote to bringing unknown businesses without parameters, including business hours, and says to residents if the music is too loud and the quality of life declines, call the police. We hope the intrusion is still going on when they arrive. The onus should not be on the residents. The nuisance ordinances were removed from the zoning ordinances this year. Why?

The Planning Board overwhelmingly favored conditional rezoning 7-1. Board member Michael Pollard said there is value in general rezoning when you know the probability of the outcome is very high you know the likely type of structures and development that will occur, but when you have a central district which is core to your downtown which is historic, I think we need to look at it through a much tighter lens. It's knowing we could afford to make mistakes on. You can make a mistake in an industrial park but not in your historic downtown.

Jeff Sny, Huntersville Planning Board Chair, said I'm here before you this evening just to speak from a Planning Board perspective regarding R24-09. I don't normally come up after we've already had our meeting to discuss something, but given the changes to the rezoning, specifically two of the applicants dropping out, while I won't speak for the rest of my board, I can tell you that my vote would have been different. I'll clarify on that. The first motion that was made that evening was a motion to approve. I did not vote for that for particular reasons. The second motion we had was a motion to deny. I didn't agree with the parameters that were put around that, so I also didn't vote for that, so I know that looks a little odd that I went against both of them. I did have my reasons, but what I would say is now as it is before you with these two specific parcels, I would not have had any problem supporting it at the time.

I would certainly caution as well looking at how our vote went because what we voted on was different. As you will hear during the presentation of that, that has been discussed the difference with Legal and Planning staff and it was determined to be right that it's in front of you this evening, even though two applicants have dropped out. I just wanted to share some of my rationale for why I'd be okay with it.....it has to do with the parcel size, the side of the street it's on believe it or not because that side is all in the PA2 which places additional limitations on the parcels themselves. With that, you can only end up with so much and that is our downtown that is directly adjacent to Town Center and we know both when we did the 2040 Plan and as we've been doing this for a while, we know what our downtown is doing, we know what the growth of our town is doing, so it does make sense to have that in there, but again that is just how I would have voted at the Planning Board meeting that night, not the rest of my board.

AGENDA CHANGES

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

CONSENT AGENDA

Approval of Minutes – November 19, 2024. Commissioner Rivers made a motion to approve the minutes of the November 19, 2024 Regular Town Board Meeting. Commissioner Walsh seconded the motion. Motion carried unanimously.

Approval of Minutes – December 3, 2024. Commissioner Rivers made a motion to approve the minutes of the December 3, 2024 Regular Town Board Meeting. Commissioner Walsh seconded the motion. Motion carried unanimously.

Amended Agreement for Solid Waste Collection. Commissioner Rivers made a motion to approve the First Amended and Restated Agreement for Solid Waste Collection. Commissioner Walsh seconded the motion. Motion carried unanimously.

First Amended and Restated Agreement for Solid Waste Collection attached hereto as Exhibit No. 1.

Budget Amendment – Scoreboard at HAP Baseball Field No. 4. Commissioner Rivers made a motion to approve budget amendment appropriating Capital Reserve Revenue in the amount of \$20,000 and Sponsorship Revenue in the amount of \$15,000 to Capital Outlay for a new scoreboard at Huntersville Athletic Park Baseball Field No. 4. Commissioner Walsh seconded the motion. Motion carried unanimously.

Budget Amendment – Park Bench at Rosedale Nature Park. Commissioner Rivers made a motion to approve budget amendment appropriating Sponsorship Revenue in the amount of \$2,500 to Non-Capitalized Expense for a sponsored park bench at the greenway connection to Rosedale Nature Park. Commissioner Walsh seconded the motion. Motion carried unanimously.

Budget Amendment – Plant Trees at Barry Park and Waymer Park. Commissioner Rivers made a motion to approve budget amendment appropriating Tree Fund Bank Reserve in the amount of \$3,400 to Tree Fund Bank Expense to plant trees at Richard Barry Park and Waymer Park. Commissioner Walsh seconded the motion. Motion carried unanimously.

Amended Capital Project Ordinance – Gilead Road West. Commissioner Rivers made a motion to adopt Fifth Amendment to the Capital Project Ordinance for the Gilead Road West Project to incorporate the remaining Direct Attributable grant funds of \$3,086,250. Commissioner Walsh seconded the motion. Motion carried unanimously.

Amended Capital Project Ordinance attached hereto as Exhibit No. 2.

Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan Report. Commissioner Rivers made a motion to receive 2024 Progress Report on Implementation of the Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan for the Town of Huntersville. Commissioner Walsh seconded the motion. Motion carried unanimously.

Progress Report attached hereto as Exhibit No. 3.

PUBLIC HEARINGS

None

OTHER BUSINESS

Medic Contract. Chief Dotoli gave an overview of the Medic contract and what's been going on with Medic. *Refer to PowerPoint attached hereto as Exhibit No. 4.*

Commissioner Walsh said I'm sure the Board has a number of questions. Again, the issues are patient care, response times and canceling the contract. At this point we are going to look in the future at patient care and response times, but what we're trying to do tonight is get everybody to agree to cancel the contract so we can start to enter into negotiations.

Commissioner Dumas said if we do move forward with canceling the contract, what happens to our response times, because we've heard horror stories from this dais. It's really important to get Medic to a resident in an emergency and we're having terrible response times as you said, so if we cancel, then what.

Chief Dotoli said once you cancel the contract, in which I hope we do, we sit down with Medic and we take what they call the Medic holds off of these contracts. That's what they're holding against us. They hold the call. They wait to see if a fireman thinks that Ms. Clark needs to go to the hospital and that's what's causing the long delays. A police officer calls for Medic – they hold the call. It's called a Medic hold and that's wrong. If you dialed 911 right now they are going to say police, fire or medic, you should get one of those services. You're a tax paying citizen. You don't send something that's not needed, so you'll never see a delay in service from those apparatus out there.

Commissioner Dumas said your fire trucks will go?

Chief Dotoli said we're going to go – whether contract/no contract, we're going to go. If they dispatch us, we're going but we need to change the contract to make the service better.

Commissioner Dumas said are there other competitors that we can go to for this?

Chief Dotoli said no. The county runs the ambulance service, so everything is underneath the county and the hospitals. Davidson has had such hard times that they wait 30-40 minutes. Davidson's probably got the worst, that they sometimes will get an ambulance from Iredell County.

Commissioner Dumas said do you think our renegotiation with this contract could potentially put more pressure on them and help with service times in the future?

Chief Dotoli said yes, it has to help, because once we get rid of the Medic holds that means they're coming when we're going. They're not just sitting around waiting for the fire truck to get there and say yes, Ms. Clark needs to go to the hospital, now that they're coming with us. I think the contract needs to be in the Town's name. We're a municipal fire department now. That contract whether it's voided or we just need a new one, so when we need a new one this is the time to make the changes that are needed.

Commissioner Bergsman said the way that Medic is currently structured and Mecklenburg County, is there any similarities with other counties in North Carolina?

Chief Dotoli said us being the biggest it's hard to compare us to anything else. It's kind of like comparing the Charlotte Fire Department to other fire departments. They do what is called priority dispatching. You tell them your foot hurts, they'll start sending a Medic unit to your foot pain at your house but if another call comes in and it's a higher priority, that ambulance that was coming to you drops off and goes to the higher priority. That's where the fire truck is sitting now with you for 20, 30, 40 minutes while the next ambulance comes up there. The only way we can really change things, the way they dispatch or the way we're sent on those calls, is that we can't deal with the contract anymore and we have to give them some notice.

Commissioner Bergsman said with supplies, whatever you need to carry medic related on fire trucks, how does the reimbursement work for that?

Chief Dotoli said every call that we go on they send us \$20.50 medical-wise. There's also \$1,000 fee added to that for the month. The crazy part about this was that's for the whole town. Remember when we had the Gilead Fire Department and North Meck Rescue, they were receiving \$1,000 a month plus those subsidies. Gilead Fire Department was receiving that. When we merged all into one thinking we're doing the right thing, those subsidies went away, so now you expect us to run a Town department with \$1,000. Some of the costs of medical supplies is outrageous and that's why you see that we're only making \$100,000 when it's really about \$1.6 million that it's costing. Now we're looking at the people that are on those fire trucks, we're looking at the cost of diesel fuel, we're looking at the cost of supplies and we're also looking at the cost of maintenance. When a good amount of your calls might be medical, we're looking at all that. We didn't want to give Mr. Walsh some numbers.....like this is crazy. We didn't even include the fire part. This is just for medical calls.

Commissioner Walsh said this town has made a strong commitment to public safety over the past year. We authorized the funding and creation of a full-time fire department for our town. We also added ten new sworn police officer positions to our Police Department. Our work is not done. Tonight we are starting to make changes on the third leg of our first responders which is Medic. This is not a service directly controlled by the town. While no system is perfect, we believe there's some improvements that are needed. We will continue to work with our county partners looking for ways to improve patient care and response times.

Commissioner Walsh made a motion to cancel the contract for first response services with Mecklenburg Emergency Medical Services Agency as amended June 30, 2018.

Commissioner Quarles seconded the motion.

Commissioner Bergsman said I have a spouse who works in the healthcare field, so this is an area that we've been very familiar with. I have personal experience of delays with Medic, so I just want to say I support canceling this contract, that we have to prioritize reliable emergency services and ensure our Fire Department's resources are respected and reimbursed appropriately. I believe it's a good first step towards that goal.

Mayor Clark called for the vote to cancel the contract with Mecklenburg Emergency Medical Services Agency.

Motion carried unanimously.

Petition #R24-06, Rosedale Infill. Petition #R24-06 Rosedale Infill is a request by Antiquity Woods LLC - Joe Roy to rezone approximately 0.186 acres of land located at 9923 Ansonborough Square from NR (TND-O) to NR (TND-O) (CD) to develop four townhome units.

Brian Richards, Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 5.*

Just a quick recap. This is the location located in Rosedale. Currently this parcel is vacant as you can see here in the aerial. The applicant is proposing four townhomes as you can see here with frontage upon an urban open space. They are asking for a modification to front upon that urban open space.

The Planning Board did recommend approval on November 20. Staff would also recommend approval with a conditional note stating that the urban open space is designed and kept to the standards as shown in the drawings and in their conditional rezoning application.

Commissioner Rivers said I see where in the report that you are looking at possibly or it was introduced as one of the units being an affordable housing unit. Do you mind expounding on that a little bit.

Joe Roy said the plan, if you're looking at it there, we believe it's going to be Unit 2 that we would designate as the affordable unit. It's either 2 or 3 or one of the interior units and when I really got serious about planning these townhomes at this location, I've been trying to do affordable through our company.....been in business 27 years now for at least probably 17, 18 years and I'm not kidding you, there's so many roadblocks to being able to pull it off. It's been very frustrating. Mostly what I've encountered has been zoning issues. UDO's that just did not make it financially feasible and even physically feasible. I saw this as an opportunity to do it, to test it. There's a big push, especially in north Mecklenburg, for affordable housing right now and we've almost got a little momentum, a little bit of energy, so I proposed it here and then thought before I actually filed a rezoning petition with staff.....I mean I went back and forth, do I tell them right now or do I hold it. I didn't know how the neighbors were going to respond and I'm like, when's the best time for me to tell you all that I'd like to do affordable. I believe I spoke to the Mayor and Mayor Pro Tem early on about my interest in doing it. I do intend to follow through with that.

Commissioner Hunt said a follow-up question about the affordable unit. What would the process be if someone wanted to apply for it?

Mr. Roy said I don't know all of that very well right now. I honestly don't. I've got an individual out of Mooresville that has kind of helped a little bit. I met with her about a year ago and then just recently kind of ran some financial scenarios through her, which were very frustrating because when you're trying to do affordable you think it's going to work. You think the dollar amount is.....right now we think the value of that unit is \$250,000 to me and I believe every individual in here would say that's affordable. But when you put interest rates, just some of the things that you have to responsibly have to put on top of them, it's not so affordable. But I got encouraged today from talking to another developer that does some affordable housing. He gave me some valuable information that I think puts us in a position to make this happen and candidly not for it to come out of my pocket too much further than I'm already willing to do. I feel like I'm making a strong gesture here and that was what was going to be a little disappointing for me, but I'm encouraged and I could share more with you on that later but as far as qualifying, I don't know just yet.

Commissioner Hunt said I know there's some intention for the new units to join the HOA. Would the attainable unit have a subsidized HOA fee?

Mr. Roy said no. They would be paying a full HOA fee.

Commissioner Hunt said can I ask what that is.

Mr. Roy said I believe it's under \$200 monthly. It sounds like a lot, but I don't know what Rosedale's current HOA dues are right now. That is if we are kind of stand alone. I'm hoping that theirs is a little lower and that we can sit down and join and help them. Those HOA expenses are mostly responsible reserves that most homeowners don't set aside for roofing, painting and then there's lawncare and some other insurance.

Commissioner Hunt said the resident who came up here and spoke, he asked about the fences. Are you going to be able to install the fences for privacy?

Mr. Roy said we do have a plan for fences. I don't know if we have it on our plan, but we do have a plan to do that.

Commissioner Quarles said when you mentioned lawncare, the resident mentioned maintaining and taking care of the open space for quite some time. Do you plan on conveying that open space to the homeowners association?

Mr. Roy said I'm fine doing that.

Commissioner Dumas said you own these two lots with the Ansonborough Square lot and it's been confirmed that for at least a number of years the HOA has been covering the cost of that maintenance. It also looks like there was some tax delinquency. Is that all taken care of at this point?

Mr. Roy said no.

Commissioner Dumas said so what does that mean if that property gets transferred, what happens then?

Mr. Roy said I believe the tax debt would stay with the entity that it goes to.

Commissioner Dumas said that makes it a little convenient for you. I guess this is a question for our lawyer potentially. Can we look at a rezone on property that hasn't been paid up-to-date.....

Mr. Roy said this property is paid.

Commissioner Dumas said but the center lot isn't?

Mr. Roy said the center lot is not.

Commissioner Dumas said so we can do business with a corporation that is not up-to-date on taxes on 100 percent of their properties?

Emily Sloop, Town Attorney, said if I'm hearing him correctly, the property that is subject to this rezoning request is not delinquent on taxes.

Commissioner Dumas said correct, but others of the same company are.

Ms. Sloop said the taxes on other properties are irrelevant to this rezoning request.

Commissioner Dumas said there is currently a fence on that corner property that is in question at this moment that the HOA put up because they thought that they owned the land, correct?

Mr. Roy said I do not know the answer to that. I'm not trying to be vague.....that they put the fence up or that they didn't know that they owned the property?

Commissioner Dumas said in the discussion from the other meetings there was some conversation about the walkway to the mailboxes and whether or not we can do that and in one of the meetings the comment was well the HOA put up this fence so that it would prevent people from walking through this property. My concern is if the HOA hadn't been maintaining this property what it would look like today and I have concern over the fact that other properties of yours are delinquent. That can't be considered in this case, I understand that now. Would you consider putting in a walkway to the mailboxes?

Mr. Roy said I've expressed this before, I am fine doing it, I just did not believe that it was really in everybody's best interest to put a walkway.

Commissioner Dumas said how would they get to their mailboxes without a walkway?

Mr. Roy said this is the way I believe they go right now. If there is a fence there, then I don't know.....we don't see a trail going through the property right now. I'll put stepping stones.....I just think that you're going to have more people coming from the service alley into the community and if you all want it and they want it, I'll do it. I just didn't think it was really.....I thought it was one of those things that if you did that you might regret because it is a service alley and I've heard negative comments about what goes on in that alley. I think that you'll have more people coming in versus walking out to the mailbox. It's not that I'm being rigid. Every time I've brought this back up I don't get a consensus on what I should do.

Commissioner Dumas said I feel like the residents have been fairly clear that they are looking for a walkway, but I'll move on. Can you show me where the mailboxes are on here. I've driven around. I've seen pictures. Can you just circle that for me just for my information. Is that for the other buildings on the other side, too or is that just for the buildings next to the mailboxes?

Mr. Roy said I'm not sure if that's all 32 or 33 mailboxes.....it's for everybody.

Commissioner Dumas said is it in the plan for adding a fence for privacy?

Mr. Richards said it is not on the plan, but that's something that's easily added.

Commissioner Dumas said there was a question on whether or not you would be doing Hardie plank or brick and that's gone back and forth and the last I saw was Hardie plank. That is it at the moment?

Mr. Roy said it's Hardie plank.

Commissioner Bergsman said this tax delinquency thing is brand new to me. Does anyone want to provide a little bit of explanation of why this is being talked about and what it entails.

Commissioner Dumas said I personally wanted to know because I thought it might impact.....I wasn't aware it was just the one property. I thought it was both and I was wondering how and why we were able to discuss this if it was delinquency in taxes.

Commissioner Bergsman said is it on the urban open space?

Mr. Roy said yes.

Commissioner Bergsman said on that topic, I am curious if we would have a motion, if there's a condition to pass that land to the HOA. Did I hear correctly that the debt or the tax would also pass to the HOA.

Ms. Sloop said this is the first that I'm hearing about any of the tax delinquencies. I do not know the details. I don't necessarily feel comfortable giving you a definitive answer when I do not know any information about this. If the property has delinquent taxes and it's foreclosed on, then obviously a foreclosure is going to dispel any tax debt.

Commissioner Bergsman said what is your plan to help resolve that situation?

Mr. Roy said let me explain. When I developed the community 20+ years ago, our engineer of record for the community suggested that we had impervious credits. We had exceedingly more open space on this project than was required in what we could possibly sell those credits to another developer in Rosedale if they ever needed those credits. We never got a phone call for those credits. And quite honestly, we kind of forgot about it, had moved office location several times and the entity that owned it, we had shut that entity down 15 years ago. It wasn't bankrupt or anything, it's just a process of when you are no longer using an entity, you close it out. At some point and I can't tell you when, but it was like we do have a tax debt there. I reached out to Mecklenburg County Real Estate and to Jack Simoneau at one time because Mecklenburg County kept acting like it had a value. And I'm like it has no value. I have no entitlements, I have no development rights, it should have a zero value. I had Jack Simoneau write a letter to Mecklenburg County saying it had no entitlement rights. It didn't matter to Mecklenburg County, they said you still owe real estate taxes on it. I just basically went into quiet dispute with them. And that is honestly where it is still today. How can I fix it? I do not want to pay the delinquent tax, certainly don't. I'm more than happy to deed the property over. I have asked at least probably two real estate attorneys if I deeded it over does the debt stay with me or this entity that I owned. I believe, we just don't have a way to prove it, I believe that Mecklenburg County probably leaves it alone, I mean washes it. They certainly couldn't put.....I'm not an attorney, but they certainly couldn't put the debt onto the new buyer or the new owner. I don't believe that.

Commissioner Bergsman said I appreciate the transparency. I get things happen. I do want to move on to my other questions and this one is probably more for staff. One of the other topics that came up in public comments has been about issues with storm water and flooding. Is that something that has been brought to the Town's attention before?

Mr. Richards said Kevin just stepped out, but not to our knowledge that I'm aware of.

Commissioner Bergsman said is that something that you are aware of or will anything that's done utility-wise with this project would help fix.....

Mr. Roy said I suspect it's a maintenance issue – pine needles clog the drains and if it's not literally roto-rootered occasionally....I genuinely believe that's what it is. These courtyards on these townhomes, they are totally enclosed and that does happen. For our four units there is substantial storm water drainage that we will have to construct for these four units.

Mr. Richards said if the residents did reach out to myself or Mr. Fox, we would be more than happy to go investigate after the next rain event.

Commissioner Bergsman said I kind of just want to echo what Commissioner Dumas said. I feel and kind of based on facial expressions in the audience that the walkway is something that residents definitely want, so I'm just in agreement on having that be a condition as well.

Commissioner Walsh said I just want to say specific to the attainable units that I appreciate you doing that. The Town Board as you know has been working on several initiatives for attainable housing, but you're right, getting across the finish line is a lot harder than it seems and I just want to thank you. I appreciate your frustration and this may be the first one we've done in Huntersville.

Mr. Roy said I really have asked for some encouragement on that. I think it's more than we all understand it to be.

Commissioner Walsh said yes, no good deed goes unpunished.

Commissioner Dumas said regarding the affordable unit, I do have some worries about the HOA fees. I have thought that the plot of land.....it makes sense for it to be developed. We have the green space there. I do believe that property owner rights you have the right to develop that piece and I think it makes sense where it is. I worry about four units in that spot and I worry about \$200 a month on top of a mortgage. That's four times as much as my HOA. I don't know if that's feasible as an attainable or affordable housing approach. I think four units is a lot for that corner lot. I don't know what that means. I'm curious what other people think about that.

Commissioner Walsh said I don't know the specific numbers, but I think sometimes in cases like this like it's more expensive, now I have a single-family home but I'm sure they're covering insurance. We purchased a townhouse at one point, covered maintenance, insurance, landscaping, etc., so a lot of the extra fees if you want to call it that. When they needed to be painted, new gutters, they just did it, but it was part of your HOA fees, so it's a little different than just a standard single-family home.

Ms. Sloop said just as a point of clarification I just wanted to go back to the question about the open space. It sounds like there's been a little bit of back and forth about the tax delinquency question and again I want to preface this by saying I do not have the history. I do not know if there are any existing tax liens on the property, but a tax lien does run with the property and if the county did so choose to foreclose on it, it could go through the foreclosure process and a new owner would then own that property and the tax delinquency would be dispelled by that foreclosure process. I just wanted to make that clear so as far as any condition that were to attempt to transfer ownership of the property or request that it be transferred should be taken into consideration.

Commissioner Quarles made a motion to approve Petition #R24-06, a request by Antiquity Woods LLC to rezone approximately 0.186 acres located at 9923 Ansonborough Square from Neighborhood Residential and Traditional Neighborhood Development to Neighborhood Residential and Traditional Neighborhood Development Conditional District subject to the following conditions: (1) the modification request to Article 4.11 is approved to allow orientation of the proposed homes towards Ansonborough; (2) one of the units shall be made available for sale or lease as an affordable housing unit for persons earning no more than 120 percent of the local area median income and published by HUD for the Charlotte, Concord, Gastonia, North Carolina, South Carolina HUD Metro FMR area for 15 years; (3) all other staff comments and redlines be addressed by the petitioner. The request is consistent with Policies LU-2.1, 5.1, 7.1, 9.1 and 11.2 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to approve the petition because it is consistent with existing development patterns in the surrounding area.

Commissioner Bergsman seconded the motion.

Ms. Sloop said I wanted to ask as a point of clarification as there was discussion during the deliberations, did you want to add as a condition of the approval that a fencing plan be submitted to Planning.

Commissioner Quarles said I also add that the fencing be added to the plan.

Ms. Sloop said that a fencing plan be submitted to Planning as a condition of the approval.

Commissioner Quarles said that a fencing plan be submitted as a condition.

Mr. Richards said did you also want to add the walkway as a condition.

Commissioner Bergsman said yes, can the walkway be added as a condition?

Commissioner Quarles said and as a condition the walkway would be added to the plan.

Commissioner Hunt said I'm also pleased that there is going to be an attainable unit here. I kind of wish some of the answers had been a little clearer but I'm glad that it's in the motion. It seems that you are willing to do the things that the neighbors shared as concerns – the fencing, accessibility, the walkway, etc. And I'm also a fan of infill projects so that we're not spreading out and doing some more suburban sprawl, so I just wanted to share that clarification.

Ms. Sloop said I apologize because this is being added last minute, we just want to make sure that the motion has sufficient clarity for Planning staff to be able to carry it out. For clarification sake, are pavers for a paved, not paved as in concrete, but paver stepping stones okay for the walkway and is the exact location okay to be determined by Planning staff.

Commissioner Quarles said add paving steps.

Ms. Sloop said to clarify the motion that walkway that is to be added will be composed of pavers.

Commissioner Quarles said pavers versus paved and the location be determined by Planning staff.

Commissioner Bergsman said there are no conditions in regards, and I know there had been some discussions with the applicant about deeding that space over. At this point I don't think it's a good idea

to include as a condition because of all the questions that are out there, and I would hate to do something that would put the current homeowners and the other properties and with the HOA responsible for a lien. Do you commit to resolving that situation?

Mr. Roy said we commit to trying to work it out with them. We could never get an answer from Mecklenburg County Real Estate.

Anthony Roberts, Town Manager, said we've looked at the taxes. It shows that there's none due right now, so they'll forgive taxes after so many years that haven't been paid, so there may be an opportunity for them to work it out and actually not be any taxes, so I guess what I think I'm hearing from the Board, Joe if you are willing to work with the neighborhood to see if we could possibly work it out and you could deed it over and there's zero cost to them, maybe a win-win situation.

Mayor Clark said it's not a condition currently.

Commissioner Bergsman said even if we put in something only if it would be a zero cost, we still couldn't do it.

Ms. Sloop said he's expressed his intent at this point.

Mr. Roberts said I'll work with you to see if I can help on the county side.

Commissioner Dumas said I think it's clear that I had some concerns about this. I've gone back and forth just sitting in this seat on whether or not I support this, so I agree that the location makes sense and I'm glad that there's an affordable unit. I will be voting in favor.

Mayor Clark called for the vote to approve Petition #R24-06.

Motion carried 5 to 1 (Commissioners Dumas, Quarles, Rivers and Walsh in favor; Commissioner Bergsman opposed).

Petition #R24-09, Town Center General Rezoning. Petition #R24-09 Town Center General Rezoning is a request by Derong Huang and Franklin Lowry to rezone +/- 1.089 acres located at 115 and 117 Gilead Road from Neighborhood Residential District to Town Center District.

Brian Richards, Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

Originally submitted it included four parcels along Gilead Road. As we heard earlier this evening two of the owners have withdrawn from the petition, so it remains the two adjacent properties to the existing North State development on the south side of Gilead Road. We are asking for an approval of rezoning from Neighborhood Residential to Town Center General at just over one acre.

You can see along the Gilead Road corridor to the south you've got a mixture of non-residential uses and some mixed-use as well. You can see the properties outlined in red on the south side of Gilead Road. Staff believes the 2040 Plan does support the general rezoning in this area as well as the Downtown Master Plan.

During the Planning Board meeting we went through a number of uses and we showed some of the overlapping uses in green as well as some unique uses that would be permitted in the Town Center. Some of those are by-right and some of those are with conditions. The Planning Board did recommend denial. Staff is in a position of support for this.

Commissioner Bergsman said there was something mentioned during the Planning Board meeting on this and I kind of wanted to get staff feedback on it. In the 2040 Plan in the Implementation chapter, at the very beginning of that it kind of talks about, a phrase that was used called “preemptively up-zoned” and I’ll read for the audience what I’m actually looking at where it says “.....properties should be preemptively up-zoned based on the Future Land Use Map until other areas have filled in or the proper infrastructure.....is in place. Some decisions are complex, and it will be up to the town leadership to take a balanced look at both the intent of this plan and the specifics of any site and/or proposal before them.” I’m just curious, that phrase “preemptively.”

Mr. Richards said that’s typically used when a town goes out into an area and changes the zoning. When I first came on board with the staff 20 years ago we did just that down in several areas. We up-zoned approximately 1,000 acres from Neighborhood Residential to Corporate Business for the intent of those to develop as Corporate Business over time. Today you’ve got the area south of Mt. Holly-Huntersville adjacent to Mt. Holly-Huntersville and Hambright Road. Those are all turning into the larger flex spaces as well as the business park that the Town participates in off of 115. I would not consider this a preemptive up-zoning.

Commissioner Bergsman said another thing that was discussed during the Planning Board was what constitutes a substantive change.

Mr. Richards said I’ll defer to our attorney on this.

Emily Sloop, Town Attorney, said in this particular instance we are not adding property to the petition as far as the boundaries go. We are not intensifying the development. We are not adding uses to be considered. We are not adding additional units, etc. Those are examples of things that are typically considered substantial changes that would need to have, depending on if it’s an intensification or not, possibly another public hearing and another recommendation by the Planning Board. When it’s not considered an intensification but still a substantial change along those lines, the ordinance does require a deferral of 30 days. However, in this instance the petition itself is for the same request and that request is for a very specific zoning classification to be considered. Nothing has changed in that regard.

Commissioner Bergsman said if we do have the opportunity to ask a question of one of the applicants....

Derong Huang, applicant, said I really think we’re here to contribute the health growth here towards the town. I have been speaking at a Town Board meeting, so I’m going to have my Dumpling Girls here, even though I’m not able to use all at the beginning because I don’t want us to be like a big restaurant here started. I want to grow. I don’t want to lose a lot of money.

Commissioner Bergsman said is it okay if I ask my question. I was just wondering why you were choosing to do the general rezoning process instead of a conditional.

Ms. Huang said before I purchased this property I was looking from Mooresville, Davidson, Cornelius and Huntersville. Even Huntersville we were looking for a few parcels here and I chose that one because I really liked that location. I went to the Planning Department talking to the staff a few times. I got the

answer this is wrong in Town Center, so I was able to do application to change the zoning. It's already Town Center so that's going to be easy. It only cost me about \$1,000. I'll say okay that may be affordable but I didn't know.....so that's the information I got. This said what uses do you have to do....follow the commercial building code bring to change of use. That's what I got the information before I purchased the property and the property was in really bad situation if anybody familiar with it.

Commissioner Rivers said is the space that you have purchased considered operable? Have you had work done?

Ms. Huang said I have tried. Roof is leaking so I tried and also the back there. The floor has issues. It's really bad. I don't think it's livable. In the front used to have two huge overgrown trees and with the last storm the trees almost fall over on the corner of the house. I had to do an emergency removal of the trees and also the back was overgrown with bamboo and big trees and I was able to remove all the bamboo and the big trees last winter. I am doing a little bit at a time. And the bamboo came back. It's very hard and very costly.

Commissioner Dumas said I love Dumpling Girls and I love the idea of a bookstore, so I don't have an issue with the ideas behind this request. I don't believe that general rezoning is the right move for this. I have some significant concerns with this approach and the approval when we don't have the guarantee of plans in place and I want Dumpling Girls here, I really do, but what if it doesn't work out. What if the cost to the house is too much and you end up selling and we've approved it as Town Center and we don't know what comes back. There's so many what-ifs on this that I have significant concerns, and I guess like because of the vagueness of general rezoning I have struggled with coming up a motion for denial and I feel like I need more information on that. I asked the lawyer this morning about the approach on that and I've really struggled today with how.....I don't believe this is the right move but I feel like my hands are a little tied and I would like to defer so I can get more answers to what we can do and get more answers on what general rezoning looks like if we want to deny the petition.

Ms. Huang said so you are concerned it's not going to work out and then it's going to be sold. I'm not going to sell this property because it's my dream to have my own restaurant. You don't know me. If I'm doing something, I'm doing it. I have to work until it's successful. I'm not going to quit. That's not me. I was just even thinking about it, sell my primary home to fund this one and I can move on the top. Restaurant here, gym here, I live on the top. Work in the restaurant open at 11 a.m., close at 7:30 p.m. or 8 p.m. and rest on the top. Why are we having so much fear here. I feel like it's very negative spirit here. I really wanted to say we have some positive energy here. I really encourage you, we all have some positive energy here. The reason I chose here I saw Huntersville is changing. I have seen a lot of changes happening. I was very surprised at the last Board meeting. I was here and had a little speech. I was really excited, but I feel really negative here.

Commissioner Rivers said I don't want you feel as if we have a negative spirit or that's what it is, I think it's just a genuine concern.

Ms. Huang said I respect that.

Commissioner Rivers said I think we just want to ensure that we want to revitalize downtown, we want to make sure that we're doing it right. I think that's just where it is and again we definitely are.....I like Dumpling Girls, too. I understand about having a goal and a dream in mind, but we just want to make sure that how we're doing this is proper and decent and in order for everyone. I definitely don't want you to feel like it's a negative spirit.

Ms. Huang said small businesses already have a lot of financial burdens. We are really trying very hard and I'm asking for all of you here to support this.

Commissioner Hunt said can you elaborate on the cost between general rezoning and conditional rezoning, like the price difference.

Mr. Richards said for a general rezoning it's a map that the staff can generate and a \$300 fee that covers our legal cost for advertising. Conditional rezonings, I've consulted with some local engineers, and they said they pretty much start around \$30,000 and go up from there.

Commissioner Hunt said just to clarify, does general rezoning require site plans?

Mr. Richards said it does not.

Commissioner Hunt said can you talk about noise and light ordinances that essentially prevent some of the concerns that we've heard, whether it's noise or lights or whatever.

Mr. Richards said we do have noise and light ordinances in place in the Zoning Ordinance. Article 8.26 covers lights and light trespass. It does not restrict hours of operation except for there's another section that deals with sports lighting and those do need to be terminated by midnight, but again when it comes to lighting, light will be focused downwards. We don't allow uplighting or outlighting, so everything has to be down and contained on each individual property. Regarding the noise ordinance, sound amplification equipment and the use of sound amplification equipment on public streets or on private properties which produces a sound which is cast upon the public streets, sidewalks or for the purpose of commercial advertising or attracting attention to the public to any sound or structure is prohibited. So again, if that's occurring, we would reach out to the Police Department and they can come address the situation.

Commissioner Quarles said as a retired small business owner and entrepreneur I am pro small business, but in my opinion I think general rezoning does not give us a balanced approach. I don't think it's smart growth. I believe that as we revitalize our downtown, the town should have more say with conditions in what we should have downtown. I am pro small business, but I couldn't support general rezoning today.

Commissioner Bergsman said general rezonings as we said don't require site plans, so that cannot be a reason for denying. Is that correct?

Ms. Sloop said correct. Our ordinance does not require a site plan for a general rezoning so that would be an inappropriate reason for denial.

Commissioner Bergsman said there's a lot of very valid questions about why is this not a conditional rezoning, but that is also something that we cannot use, like if we had a desire for this to have been a conditional rezoning instead, that's not a reason that can be used in this type of situation.

Ms. Sloop said our ordinance allows for a request for general rezoning or conditional rezoning.

Commissioner Walsh said as we continue to look for opportunities to revitalize our downtown, I think it's important to examine the impediments for those looking to start a new business in Huntersville. This is especially true for our small business community. What does it really look like from their end.

When the cost of entry is a \$30,000 conditional district rezoning process which takes months to go through with no sense of whether this board will approve, what's the message to our small start-up businesses. This Town Board should be encouraging small businesses to open up here, providing them with a predictable path towards our goal. I will be in support of these two small business owners and would like to see them make our downtown their home.

Commissioner Dumas said we heard in public comments, you know there was the storage unit that neighbors and residents weren't in favor of, but we were able to negotiate an opportunity because it was conditional rezoning to make everybody happy. We have long-time residents in downtown that I believe.....I believe every property in Town Center should be Town Center zoned. I believe these two properties should be Town Center zoned, but those long-time residents, those residents that have been here for forever, they should have an ability to say I want a fence or I want a bigger buffer or I want the lights to be lower and I feel like that's only fair. I do have a question, though. Why if we have a general rezoning option and a conditional rezoning, why would anybody go with conditional rezoning if it cost that much difference.

Mr. Richards said it's a business choice for them.

Commissioner Dumas said but general rezoning is so much cheaper and very vague and it gives us very little to compare to our policies and decide whether or not it's a fit. So how does that benefit us?

Ms. Sloop said a question is why would someone opt for a conditional rezoning versus a general rezoning. Keep in mind that with a general rezoning the applicant cannot receive any modifications to ordinance requirements, meaning that every ordinance requirement has to be satisfied and met with a general rezoning, whereas with a conditional rezoning individualized conditions can be added to the site plan, giving them modifications and relief from certain ordinance requirements which is why there is an incentive in certain instances depending on the property to be rezoned to seek a conditional rezoning, so that modifications to ordinance requirements can be applied. Ultimately no ordinance modification can be applied in a general rezoning.

Commissioner Bergsman said I was just going to ask Mayor Clark, I have a motion that I am prepared to make. It sounds like we're kind of having a line between discussion and questions, so just kind of looking at the Board to see if we're ready to hear a motion and discussion.

Mayor Clark said I will allow the Board to continue to ask questions until we're ready for a motion.

Commissioner Dumas said I would like to defer. I would like to have more time to review the opportunity.....I am still unclear and unsure how to make a motion to deny this petition and I'm not in favor and so I would like time to review that in greater detail. I would like to defer.

Mayor Clark said would you like to make a motion to defer this to a date certain which could be January 7.

Commissioner Dumas made a motion to defer this to January 7.

Ms. Sloop said can you include the time and location, please.

Commissioner Dumas said 6 p.m. at Town Hall.

Commissioner Quarles seconded the motion.

Commissioner Bergsman said just because I didn't get an opportunity to actually say my statement, I will say it now because this was my item. And this is a really tough one. That's why I want to make sure I get the opportunity to say this before we vote on a deferral. Downtown revitalization has been a stated priority. The two properties in the application are not isolated. They sit in an area already identified by the 2040 Plan and Downtown Master Plan for growth and activity to promote small businesses in a vibrant walkable downtown. On the other hand, it is our job to take a balanced look at both the costs and gains of both sides. It is our responsibility that whichever way this vote goes, or a deferral, we work both now and in the future to mitigate the cost of the decision. If this is approved, what are the costs. I believe there are two main categories of concern. The first is potential disruptions to residents. The second is unknown or unintended future uses. Can these be mitigated? TC zoning allows businesses to operate later into the night. The Town has a noise ordinance and there is also an existing biergarten that is open until 10 p.m. across the street. I would like to have a discussion at one of our meetings in January to explore possible text amendments to tighten up the zoning district because these concerns can be addressed through legislative tools that would help with some of these issues without halting progress and revitalization. The other main concern is unknown future uses. What I know is that both applicants currently own the properties in question and plan to open small businesses. We don't have official site plans but that is not a requirement of general rezonings. One owner plans to expand their successful and popular food truck business into a brick and mortar restaurant. The other one wants to open a book store café and serve both alcoholic and non-alcoholic drinks. I'll be honest, when it was four properties, I absolutely did not support this application and I agreed with the Planning Board's recommendation at that time. Now that it has been narrowed down to two applicants, I'm more comfortable with the oversight that already exists through our permitting process, administrative reviews and ordinances even if the identified use and owner changes at a future point in time. Those are some of the costs for voting for the rezoning, but there are also costs to denying it. A denial could further delay or halt efforts to breathe new economic vitality into downtown Huntersville. It could reduce the Town's ability to track the businesses we want in our Town Core. We could lose momentum on efforts to increase community gathering spaces in the heart of Huntersville, those third places like bookstores, cafes, bakeries, co-working spaces and restaurants where people can gather, connect and build relationships. And finally, a denial would reinforce the perception that Huntersville is unfriendly to entrepreneurship and locally owned small business initiatives. That's where I will stop.

Commissioner Hunt said I'm just going to reiterate something Commissioner Bergsman was saying, conditional rezoning is expensive as we heard Mr. Richards share, and it can be really cost prohibitive for small business owners. Part of the 2040 Plan and Downtown Plan is to attract new businesses and asking for a conditional rezoning can effectively filter out some small business owners through that conditional rezoning process and they wouldn't even have the guaranteed approval. I think it's also important to point out there are market limitations to what can go on these parcels, meaning that there are things that simply wouldn't be supported in those locations. Additionally, as we've heard, there are protections in place for neighbors, including light and sound ordinances, buffers, setbacks, etc. I would be in favor.

Commissioner Rivers said this process has been difficult. I do want to ensure that what we decide to do with downtown Huntersville is in the best interest for the Town of Huntersville and everyone. I just feel like with the general rezoning it's very vague. I feel as if we're left to question what projects are being placed there and without having site plans or just being unaware of what we're getting, that is the reason why I would have not been in favor of this at all. Whether it was four or two, I'm still not in favor of this general rezoning at this time.

Mayor Clark called for the vote to defer decision on Petition #R24-09 to January 7.

Commissioner Bergsman said I'm just curious because it does sound like there's some on the Board that definitely don't support this application, so can I just have some clarity from other commissioners, like what is the purpose of the deferral.

Commissioner Dumas said I worked on a decline motion and feel like I need to ask more questions and have more clarity as to where we are able to make that motion for general rezoning. I feel like what I learned today was that there's very little because the general rezoning application is super vague that when compared to our policies there's not a lot for me to say in comparison to and to put into the motion. Today I would make a motion to deny, but I don't feel like I'm able to do that.

Commissioner Bergsman said before we voted I kind of wanted to hear a little further explanation from others for the reason for the deferral. I'm okay with that then.

Mayor Clark called for the vote to defer decision on Petition #24-09 to January 7.

Motion carried 4 to 2 (Commissioners Bergsman, Dumas, Quarles and Rivers in favor; Commissioners Walsh and Hunt opposed).

Petition #R24-05, Hillco Skilled Nursing Facility. Petition #R24-05 Hillco Skilled Nursing Facility is a request by Novant Health Inc. to rezone approximately 13.9 acres of land from Corporate Business to Campus Institutional Conditional District to develop a Skilled Nursing Facility. The property is located at 13600 Reese Boulevard East in the Huntersville Business Park.

Brad Priest, Assistant Planning Director, said I just want to go through and do a quick refresher of R24-05. This is a conditional district rezoning located in the Huntersville Business Park to be modified from the Corporate Business zoning district to Campus Institutional conditional district. It's for a skilled nursing facility or a congregate care facility. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 7.*

Here's the site plan that was displayed and discussed at the public hearing the last time it was before the Board. Just some updates since the public hearing. The applicant has clarified several of the notes that staff was working with them on, one of which was to confirm and make a commitment to build the open space, the alternative frontage, that they are proposing to build and is shown on the plan. Just a footnote on there that they have started talking to the adjacent property owner. There is some good results on that. Nothing formal has been submitted to staff, but it's moving in the right direction it sounds like.

Also, the applicant has agreed to build a portion of the greenway along their frontage when the actual greenway is constructed and the project is underway. They have agreed to build the conceptual elevations and restrict the uses to only permit health institution and congregate care facilities as staff recommended.

Staff recommends approval with conditions that the minor site plan comments are addressed from staff. The Planning Board also met in their regular November meeting and unanimously recommended approval as well.

Commissioner Hunt made a motion to approve Petition #R24-05 Hillco Skilled Nursing Facility, a request by Novant Health Inc. to rezone approximately 13.9 acres from Corporate Business to Campus Institutional Conditional District. The request is consistent with Policies LU-1.1, LU-5, LU-6.1, EOS-3.1 and LU-8.2 of the Huntersville 2040 Community Plan. The petition is approved with the following conditions: (1) the requested modifications are approved and (2) the developer shall address all staff comments and redlines. It is reasonable and in the public interest to approve the rezoning petition because it further diversifies the uses in the Huntersville Business Park, focuses development in a location that can support growth, adds approximately 160 high-paying medical jobs to the community, preserves 84 percent of the specimen trees on site, adds significantly to the tax base and adds to the public good for the Town by participating in construction of a town greenway.

Commissioner Bergsman seconded the motion.

Mayor Clark called for the vote to approve Petition #R24-05.

Motion carried unanimously.

Petition #R24-08, Stephen McLane. Brad Priest, Assistant Planning Director, said R24-08 is another general rezoning that is requested. The property in question is currently zoned Corporate Business proposed to be rezoned to Neighborhood Residential, so from Commercial to Residential and the location here just north of the Verhoeff Drive Extension north of Commerce Station there, right behind a small commercial building that's zoned NC as you are going down south on Highway 115. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 8.*

Again, there's the property in question highlighted for you. It's immediately next door to other residential homes so the applicant has worked with the town and actually purchased the property from the town. The property that's labeled CB there is actually right-of-way for the Verhoeff Extension. The parcel you see highlighted was additional land that was reserved for that right-of-way but was not needed and they purchased that parcel from the town, so they would like to use that property as a residential use.

The 2040 Plan does again show that specific parcel to be Employment Center, so technically it's not consistent with the 2040 Plan and the Future Land Character Area that's shown there, however with everything on that side to the north of Verhoeff Drive Extension being residential, it more matches the character of the area, so staff therefore supports the rezoning, recommends approval of the rezoning and also recommends approval of a change from Employment Center from the 2040 Plan Character Area to Moderate Density Residential so it matches everything north of Verhoeff Drive.

The Planning Board in November recommended unanimous approval of this rezoning as well. Staff recommends approval with that modification from Employment Center to Moderate Density.

Commissioner Quarles made a motion to approve Petition #R24-08, a request by Stephen A. McLane to rezone approximately 0.591 acres from Corporate Business to Neighborhood Residential. The request is consistent with Policy LU-2.1 of the 2040 Huntersville Community Plan. It is reasonable and in the public interest to approve the petition because it is consistent with the character and uses adjacent to the subject property and the entire property will be classified as Neighborhood Residential.

Commissioner Rivers seconded the motion.

Mr. Priest said can I get just a point of clarification. Would the Town Board be willing to recommend also making the change from the 2040 Plan Employment Center to Moderate Density Residential to make that consistent.

Commissioner Quarles said I add to my motion what Brad just said.

Commissioner Rivers seconded the motion.

Mayor Clark called for the vote to approve Petition #R24-08.

Motion carried unanimously.

Huntersville Firefighters' Relief Fund Appointments. Jackie Huffman, Deputy Town Manager, said what you have before you tonight is a request to appoint a couple of Town employees to the Firefighters' Relief Fund. Because there are several appointments on your agenda, we wanted to take a minute to distinguish for you what's different about these appointments to a Board of Trustees versus the advisory boards that are the next items.

The Fire Relief Fund represents tax distributions that go to the Fire Relief Fund. The funds must be overseen by a local board. The statute that created this fund says that we are required to have five members of the Board of Trustees, two of those members of the Board of Trustees are required to be appointed by the Town Board. Once those five members are seated, they have to choose a treasurer among those five people and they have to make certain certifications of how they are spending those funds to the state. Those funds can only be spent for purposes as outlined in the specific statute. There are about five purposes that they can be used for and no others. Those are not Town funds. They are not required to be approved in our budget because they're not our funds. They don't go into our General Fund. The treasurer must submit that annual report to the state. We are requesting that you appoint two Town employees, so these two names are our current Safety and Risk Manager and one of our firefighters. These two gentlemen have more than 60 years of firefighting service locally here in Mecklenburg County. They are both Town employees. Ideally one of the two of them would be chosen to serve as treasurer who would have access to the Finance Department who would help with that reporting requirement.

Commissioner Walsh nominated David Moore and Mark Auten.

Commissioner Rivers nominated David Moore and Mark Auten.

Commissioner Dumas nominated David Moore and Mark Auten.

Commissioner Hunt nominated David Moore and Mark Auten.

Commissioner Quarles nominated David Moore and Mark Auten.

Commissioner Bergsman nominated David Moore and Mark Auten.

Commissioner Walsh made a motion to appoint David Moore and Mark Auten to the Local Firefighters' Relief Fund Board of Trustees called the Huntersville Firefighters' Relief Fund Board of Trustees.

Commissioner Dumas seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Greenway, Trail & Bikeway Commission Appointments. Michael Jaycocks, Parks and Recreation Director, said we have three 3-year terms to fill. We received 13 applicants and two members have reapplied for new terms.

Commissioner Rivers nominated Michael Griffin, Ken Stuart and Leif Stormo.

Commissioner Walsh nominated the same three.

Commissioner Dumas nominated the same three.

Commissioner Hunt nominated the same three.

Commissioner Quarles nominated the same three.

Commissioner Bergsman nominated the same three.

Commissioner Bergsman made a motion to appoint Ken Stuart, Michael Griffin and Leif Stormo to the Greenway, Trail & Bikeway Commission.

Commissioner Hunt seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Parks and Recreation Commission Appointments. Michael Jaycocks, Parks and Recreation Director, said we have three 3-year terms to fill. All three members have reapplied for their expired terms.

Commissioner Rivers nominated Kent Curran, Arun Nair and Patty Reich.

Commissioner Walsh nominated the same three.

Commissioner Dumas nominated the same three.

Commissioner Hunt nominated the same three.

Commissioner Quarles nominated the same three.

Commissioner Bergsman nominated the same three.

Commissioner Rivers made a motion to appoint Ken Curran, Arun Nair and Patty Reich to the Parks and Recreation Commission.

Commissioner Walsh seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Public Arts Commission Appointments. Michael Jaycocks, Parks and Recreation Director, said we have three 3-year terms to fill with two reapplying for their terms.

Commissioner Rivers nominated Ed Esinhart, Leonard King and Nathaniel Culp.

Commissioner Walsh nominated the same three.

Commissioner Dumas nominated the same three.

Commissioner Hunt nominated the same three.

Commissioner Quarles nominated the same three.

Commissioner Bergsman nominated the same three.

Commissioner Dumas made a motion to appoint Ed Esinhart, Leonard King and Nathaniel Culp to the Public Arts Commission.

Commissioner Rivers seconded the motion.

Mayor Clark called for the vote.

Motion carried unanimously.

CLOSING COMMENTS

Commissioner Rivers wished everyone happy holidays.

Mayor Clark wished everyone happy holidays and expressed appreciation to the volunteers who committed to the various commissions and committees.

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

Approved this the 21st day of January 2025.