



AGENDA

Regular Town Board Meeting

January 3, 2022 - 6:00 PM

TOWN HALL (101 Huntersville-Concord Road)

1. Pre-meeting - 5:00 p.m.

1.A. Social Media Policy Discussion. *(Emily Sloop)*

1.B. American Rescue Plan Act Funding Discussion and Priorities. *(Bobby Williams)*

2. Call to Order

3. Invocation - Moment of Silence

4. Pledge of Allegiance

5. Mayor and Commissioner Reports-Staff Questions

6. Public Comments, Requests, or Presentations

7. Agenda Changes

8. Public Hearings

8.A. Conduct public hearing on petition #R21-15, a request by TLO Properties LKN to rezone 14520 Beatties Ford Rd (Tax Parcel # 01540105) to the Rural District. *(Nathan Farber)*

8.B. Conduct public hearing on Petition #TA21-14, an application to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plan Not Required. *(Jack Simoneau)*

9. Other Business

- 9.A. Consider adopting amendment to Resolution No. R-2021-63, changing the Huntersville Chamber of Commerce appointment to the 2022 Downtown Plan Steering Committee. *(David Hill)*
- 9.B. Consider appointments to the Parks & Recreation Commission. *(Michael Jaycocks)*
- 9.C. Consider appointments to the Greenway, Trails, and Bikeway Commission. *(Michael Jaycocks)*
- 9.D. Consider appointments to the Public Art Commission. *(Michael Jaycocks)*
- 9.E. Consider approving budget amendment appropriating Fund Balance in the amount of \$7,000 for facilitation services of the Town Board goals to the Governing Body contract services account. *(Anthony Roberts/Mayor Bales)*
- 9.F. Consider calling a public hearing for Monday, February 7, 2022 at 6:00 p.m. at Huntersville Town Hall on Petition #R21-14, a request by Mecklenburg County to amend the conditional district rezoning plan for their facility at 12300 Statesville Road (tax ID 01720403) to expand the boundaries of the active area of the facility. *(Brad Priest)*
- 9.G. Consider calling a public hearing for Monday, February 7, 2022 at 6:00 p.m. at Huntersville Town Hall on Petition #R21-16, a request by Mosaic Development Group to rezone +/- 9.8 acres at 9102 Beatties Ford Road from Rural District to Neighborhood Residential Conditional District for age restricted multi-family housing. *(Brian Richards)*

10. Consent Agenda

- 10.A. Approve the minutes of the December 6, 2021 Regular Town Board Meeting. *(Janet Pierson)*
- 10.B. Approve the minutes of the December 20, 2021 Regular Town Board Meeting. *(Janet Pierson)*

11. Closing Comments

12. Adjourn

Special Accommodations: Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact the Town Clerk. The Clerk can be reached by phone or fax: 704-875-6541, email: clerk@huntersville.org or at 101 Huntersville-Concord Rd, Huntersville, NC 28078.

We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

The Board reserves the right to deviate from the agenda.

TOWN OF HUNTERSVILLE SOCIAL MEDIA POLICY

Social Media is used by the Town of Huntersville to encourage awareness about Town programs, services, projects, events, activities, and other matters of public interest. Social media enables the Town to reach different demographics to achieve business and communication goals, including the following:

- Transparency in conducting local government business.
- Civic engagement regarding Town projects, programs, and initiatives.
- Disseminating information, especially time-sensitive material during public safety emergencies.
- Promotion of the Town and its services and programs.
- Social media tools supplementing the Town's official website.

This policy applies to all Town employees and includes any type of social media or social media platform, regardless of the modality utilized. Unless specifically noted otherwise herein, this policy shall apply to both official and non-official/personal uses of social media.

Employees authorized to communicate in their official capacity on a social media platform on behalf of the Town will be specifically assigned this as part of his/her duties by a supervisor. The supervisor shall ensure that the employee has obtained all necessary approvals from the Public Information Officer and shall clearly explain the assignment, the tools/platforms to be used, and the purpose of the same.

The Public Information Officer will process and establish the appropriate procedure for archiving social media content.

All sites shall be published using approved Town social networking platforms and tools.

OFFICIAL USE OF SOCIAL MEDIA BY TOWN EMPLOYEES

Employees representing the Town on social media sites shall always conduct themselves as a professional representative of the Town and in accordance with all Town policies. Any employee authorized to post items on any of the Town's social media sites shall ensure that postings shall only reflect the views of the Town and shall not express the personal views or concerns of the employee. Postings to Town social media sites shall not contain any of the following:

- Comments in support of, or opposition to, political campaigns, candidates, or ballot measures.
- Profane language or content.
- Content that promotes, fosters, or perpetrates discrimination in any form.
- Sexual content or links to sexual content.
- Solicitations of commerce.
- Conduct or encouragement of illegal activity.
- Content that violates any copyright, patent, or trademark.

PROHIBITED USES OF SOCIAL MEDIA

The following are always strictly prohibited, regardless of whether an employee is using social media for the Town's official use or for non-official/personal use:

- Disclosure of confidential information to which an employee has obtained because of the employee's role or duties for the Town. Confidential information includes information that an employee knows is confidential or has reason to believe is confidential. Examples of such information are a vendor's proprietary information of which the employee has knowledge due to his/her assignment on a Town project; personal, confidential, or health information about someone; information from an employee's or applicant's personnel file; billing information of customers compiled and maintained by the Town; or any data collected from a person applying for financial or other types of assistance or service including, but not limited to, their income, bank accounts, savings account, or other financial accounts.
- Disclosure of non-public information or legally protected information to which an employee has access or has obtained from the Town such as a person's address, date of birth, driver's license number, social security number, or other personal information.
- Disclosure of non-public records/information related to criminal investigations.

This is a representative list and does not include all prohibitions that might violate Town policies and procedures. Violations of these restrictions may be cause for disciplinary action by the Town, up to and including termination.

PERSONAL USE OF SOCIAL MEDIA BY TOWN EMPLOYEES

When an employee engages in a non-official/personal use of social media, the employee speaks solely for him or herself as an individual and not on behalf of the Town, even if said use is for the purpose of professional networking or the like. As a public employee,

the use of social media is considered an extension of the workplace as it relates to employee conduct.

Employee non-official/personal use of social media is subject to these guidelines:

- Where the use is related to a matter of public concern, it must be conducted in such a manner that a reader would not think the employee is speaking for or on behalf of the Town.
- Employees must comply with Town policies, including but not limited to the Town's Personnel Policy.
- Employees should exercise sound judgment and discretion so as not to reflect adversely on the Town when contributing to social media sites.
- Personal use of social media should not constitute a criminal offense or subject the Town to civil liability.

Inappropriate personal use of social media may be grounds for disciplinary action, up to and including termination.

PUBLIC COMMENTS ON TOWN SITES

Town social media sites that permit public comments or postings shall be subject to the following guidelines:

- Views and opinions expressed are those of the authors and do not reflect those of Town of Huntersville officials and employees.
- People who comment shall have no expectation of privacy. Their comments are public records retained and subject to disclosure in accordance with applicable laws and Town policies.
- Town social media policies are subject to amendment or modification at any time.
- Violation of comment standards may result in a public user's comments or postings being banned from Town social media sites.
- Public users should not use the site for emergency communications or when another form of notification or request is required.

The following Rules of Use shall apply to and be posted on all Town social media sites:

This site is a moderated discussion site and is subject to North Carolina public record and e-discovery laws. The Town of Huntersville ("Town") reserves the right to delete or hide submissions that violate these Rules of Use. All comments on this site must pertain to items within the jurisdictional control or authority of the Town. The following are

examples of unacceptable comments and content. This list is not intended to be all-inclusive:

- Any comments or content that does not relate to the jurisdiction or authority of the Town.
- Profane or obscene language as determined by this social media platform's profanity filters (such posts will be blocked through the platform's profanity filter).
- Content that promotes, fosters, or perpetrates discrimination based on race, color, sex (including pregnancy, gender identity, and sexual orientation), national origin, religion, disability, age (40 or older), genetic information, military or veteran status, or any other classification protected by applicable Federal, State, and local laws.
- Solicitations of commerce and/or content containing gratuitous links (links to other relevant governmental webpages or official government sites are acceptable).
- Promotions or content related to political organizations of any type.
- Advocation of illegal activity, services, or products or those that compromise the safety or security of the public.
- Infringement on intellectual property.
- Confidential or non-public information, including but not limited to, personally identifiable information, and content that violates the legal rights of the owner of said content.
- Information that may: compromise the security of public systems, including uploading files that contain viruses or corrupted files; compromise any criminal/civil investigations; or violate this social media platform's Terms of Use.

All comments that are blocked, hidden, or removed shall be retained as required by North Carolina law.

OVERSIGHT OF SOCIAL MEDIA SITES, POLICIES & USE

The Public Information Officer is responsible for reviewing requests for new social media sites to ensure the tools are implemented effectively and consistently across all Town departments. This includes approval for individual employees to engage in social media as Town employees and as an official part of their duties. As part of this oversight responsibility, the Public Information Officer is also responsible for ensuring that any employee approved to engage in social media activity in an official Town capacity has received additional training or education regarding the Town's social media policies and procedures.

TOWN OF HUNTERSVILLE SOCIAL MEDIA POLICY FOR ELECTED OFFICIALS AND MEMBERS OF APPOINTED BOARDS, COMMITTEES, AND COMMISSIONS

While elected officials and Town Board-appointed board, committee, and commission members may maintain and use personal web pages and websites, blogs, and social networking sites, their status as elected/appointed officials requires that the content of any postings on those sites not violate applicable state and federal laws, including those regarding confidential information, or existing Town policies, directives, rules, or regulations.

If an elected or appointed official conducts any Town business or communication as an official from a personal account, professional account, or an account created for a board/committee/commission, officials should remember that Town-related communications will be considered a public record subject to the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 et seq., as well as applicable portions of the records retention schedule.

If an elected/appointed official is found in violation of the Conduct Standards noted below, they may be subject to censure.

PROFESSIONAL & PERSONAL CONDUCT STANDARDS

- All officials are expected to conduct themselves in a manner consistent with the Town's policies and standards of conduct.
- Information that is considered privileged or confidential under North Carolina General Statutes should not be disclosed and there are specific penalties for inappropriate disclosure. Such information may include but is not limited to certain personnel information, non-public information from criminal investigations, and business trade secrets. Officials must not reveal any confidential or privileged information about the Town, its constituents, its employees, or its contractors.
- Officials should be accurate when posting information or news, and should quickly correct any mistakes, misstatements, and/or factual errors in content upon discovery. Officials should not post or share information known to be false about the Town, its employees, constituents, other public officials, suppliers, vendors, or contractors.
- Officials are prohibited from using personal or professional social media to engage in any activity or conduct that violates federal, state, or local law. Also, officials are

prohibited from using professional social media accounts to circumvent election or campaign requirements.

- Officials are prohibited from deleting posts and related comments regarding any Town-related matters to avoid violating North Carolina Public Records Law.
- Officials should be mindful that posting content regarding Town-related matters could inadvertently result in the violation of the Open Meetings Law if enough other public officials engage in the post. If this occurs, the online conversation should immediately cease, and the Town Clerk should be notified accordingly.
- Officials are prohibited from using social media to engage in any activity that constitutes a conflict of interest.

BEST PRACTICES & GUIDELINES FOR ELECTED AND APPOINTED OFFICIALS

- Public officials are strongly encouraged to separate personal social media accounts from professional social media accounts so that Town-related matters and all public records generated from those posts are easily archived and not intermingled with personal posts not related to Town matters. If a professional social media account is created, the account must be archived. Officials are required to contact the Town Clerk and Public Information Officer to connect the professional account to the archiving service contract.
- Officials should exercise caution concerning comments they post, particularly those concerning the Town and the business of the Town.
- Posts that express favoritism and/or bias for or against any individual or group of individuals (e.g., based upon race, religion, national origin, sex (including sexual orientation, pregnancy, and gender identity), disability, age, political affiliation, etc.), reflect poorly on the public official, as well as the Town and its residents. Further, discriminatory and/or defamatory comments may expose the Town to liability and legal costs.
- Public comments in any forum – including on personal and professional social media accounts – that contain racial slurs, profane language, or acronyms for profane language, are defamatory in nature, or express bigotry toward a group based on race, religion, national origin, sex (including sexual orientation, pregnancy, and gender identity), disability, age, or any other legally protected classification shall be considered conduct unbecoming of elected officials and members of appointed boards, committees, and commissions.
- Officials should avoid social media posts that could be perceived as an endorsement by the Town, its employees, constituents, other public officials, suppliers, vendors, or contractors.

- Officials should refrain from using social media accounts to communicate with Town employees about Town-related matters as this creates a public record on employees' personal accounts.
- Elected and appointed officials should be familiar with the North Carolina Department of Cultural Resources Division of Archives and Records Digital Records Policies and Guidelines.

DRAFT

**Town of Huntersville
Town Board
January 3, 2022**

To: Town Board

From: Nathan Farber

Date: January 3, 2022

Subject: Public Hearing - Petition #R21-15

EXPLAIN REQUEST:

Conduct Public Hearing on petition #R21-15, a request by TLO Properties LKN to rezone 14520 Beatties Ford Rd (Tax Parcel # 01540105) to the Rural District.

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

NA

ATTACHMENTS:

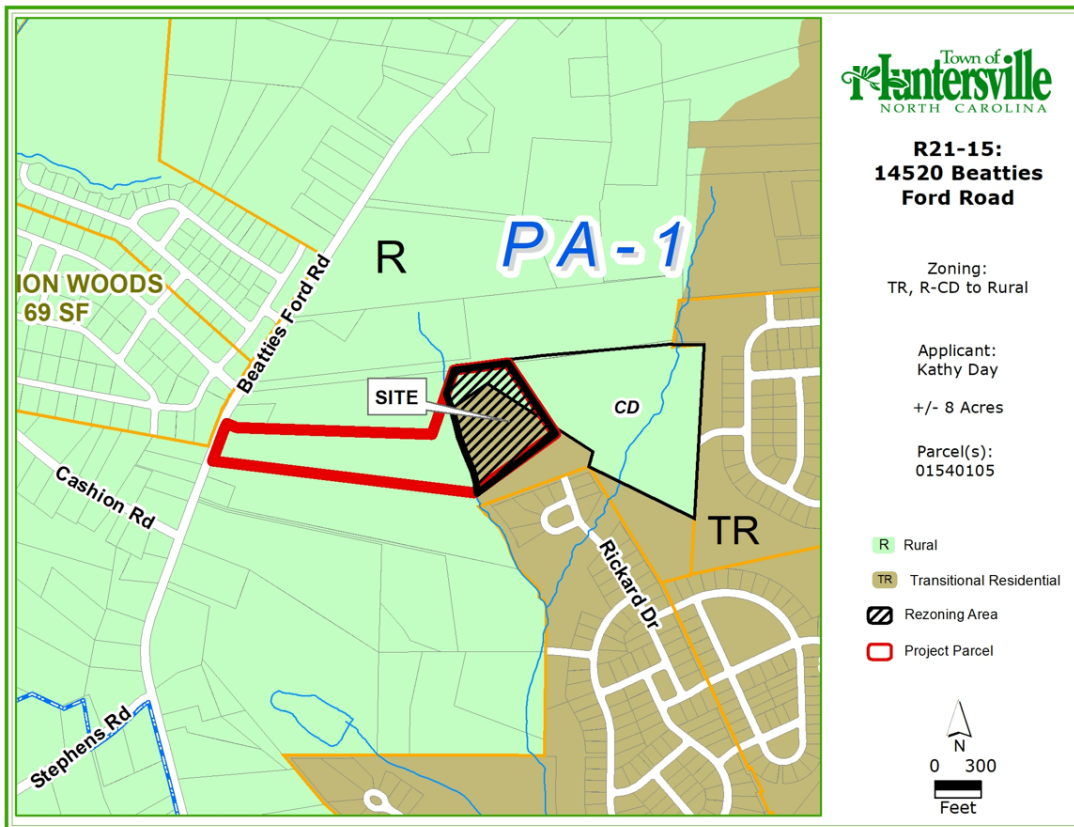
1. R21-015 PH staff report
2. R21-15 Rezoning Map
3. General Zoning Application

Petition R21-15: 14520 Beatties Ford Road General Rezoning

PART 1: PROJECT SUMMARY

Application Summary:

1. Petition #R21-15 is a request by the property owners of Parcel ID 01540105 to rezone the rear portion of the property from Rural-Conditional District and Transitional Residential to Rural.



Applicant: TLO
Properties LKN

Property Owner:
Same

Property Address:
14520 Beatties
Ford Rd

Project Size: 7.9
acres of a total
20.02 acres

Parcel Numbers:
01540105

Existing Zoning:
Rural (R), Rural w/
Conditional
District (R-CD), and
Transitional
Residential (TR)

Proposed Zoning:
Rural (R)

2. Adjoining Zoning and Land Uses

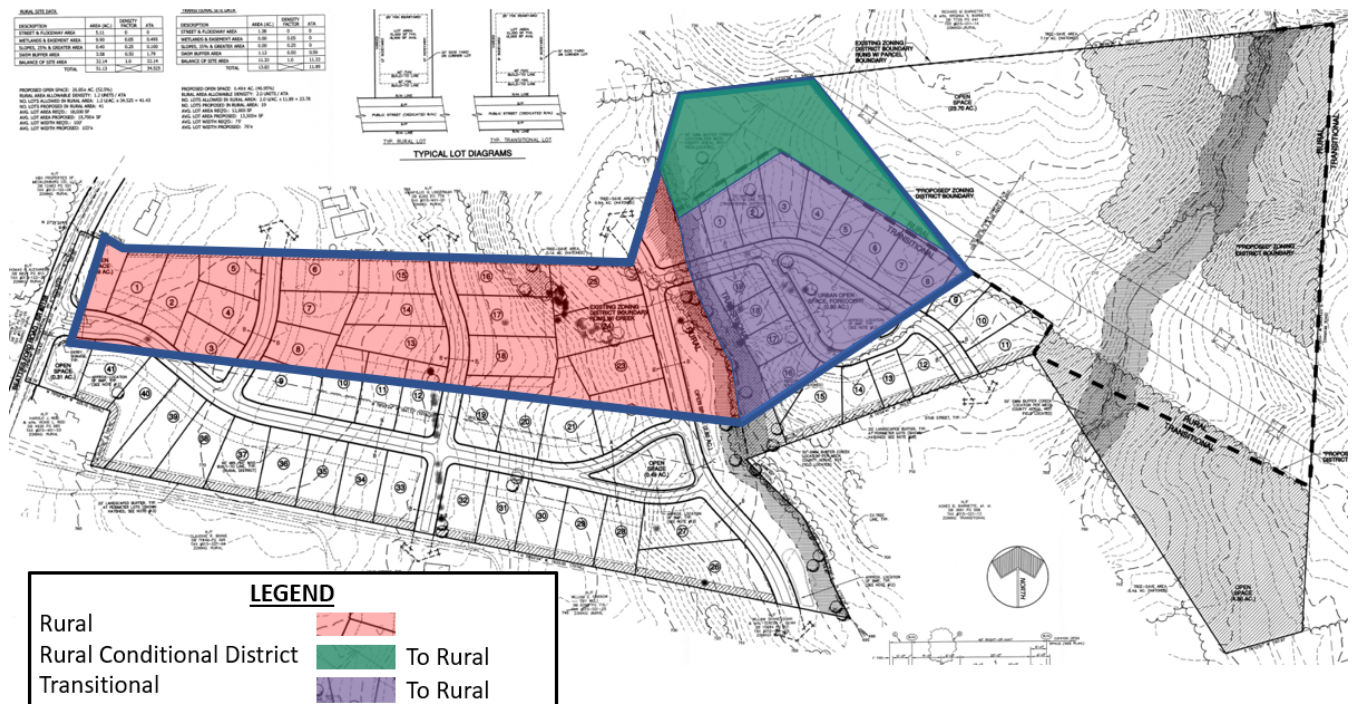
North: Rural (R), Single Family Residential.

South: Rural (R), Single Family Residential Lot (currently vacant).

East: Rural w/ Conditional District (R-CD), Open space as part of the R05-13 Nassar Gordan Conditional rezoning (currently vacant).

West: Beatties Ford Rd, Rural (R), Single Family Residential Lot and Common Open Space

3. The below map shows rezoning R05-13 Nassar-Gordon consisting of a 60-lot residential subdivision on a total of 64 acres. At that time, the entire proposed subdivision consisted of two lots (blue outline is parcel involved in this rezoning; unshaded area is the 2nd parcel). The applicant is proposing a general rezoning to remove Rural Conditional District rezoning (green) and Transitional Residential (purple) associated with the R05-13 Nassar Gordon rezoning so that the entire parcel will be zoned Rural (red). Because this is a General Rezoning, the application does not have a site plan or any conditions associated with the request. If approved, all uses allowed in the Rural (R) district will be permitted as described in the ordinance. (Article 3.2.1)



4. The Planning Staff certifies the required notifications were made for the public hearing. Notice was advertised in the Charlotte Observer, adjacent property owner notice post cards were sent and a sign was installed at the subject property per state statute requirements.

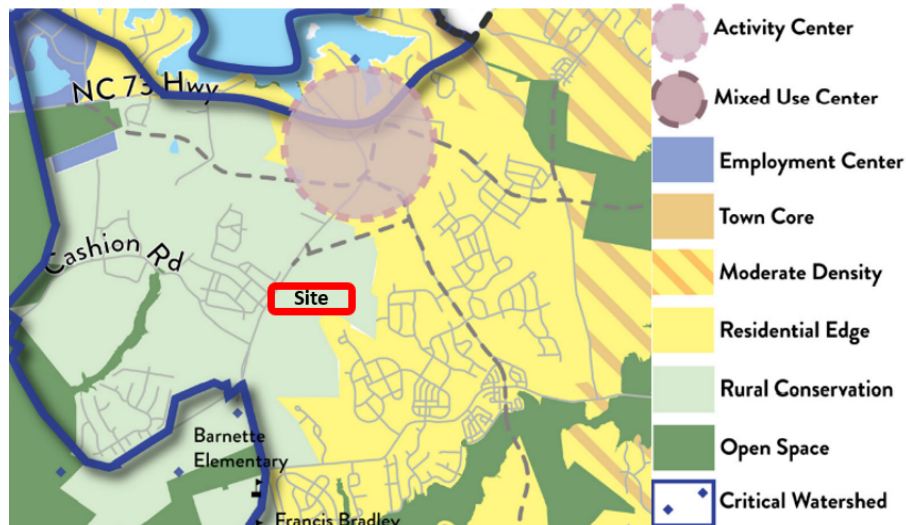
PART 2: REZONING/SITE PLAN ISSUES

- Since this is a general rezoning, there are no site specific issues with this rezoning application as there is no site plan attached to the request. Any proposed future development would have to comply with the Rural zoning district and all applicable requirements of the Zoning and Subdivision Ordinances.
- The Huntersville 2040 Plan shows this property is located within the Rural Conservation designation.



Rural Conservation

These areas preserve elements of rural character. They balance open space conservation and some residential development. Development form is farms and associated structures, Farmhouse Clusters and low density Conservation Subdivisions (if access to utilities exists). New development has a 0.9 unit/acre maximum, and typically 45%+ open space is required.



PART 3: TRANSPORTATION ISSUES

- No Transportation issues.

PART 4: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

STAFF COMMENT – Staff finds the proposed use consistent with the following policies of the 2040 Huntersville Community Plan:

- **Policy LU 2.2 – Lower intensity residential uses are expected within the Residential Edge and Rural Conservation areas identified on the Future Land Use Map. STAFF COMMENT:** The property in questions is located within the Rural Conservation area on the Future Land Use Map.
- **Policy LU 3.1 – Discourage rezonings to higher intensity residential districts in the Residential Edge and Rural Conservation future land use character areas. STAFF COMMENT:** The proposed Rural (R) zoning permits lower intensity residential development consistent with the .

Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

1. **Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.**

STAFF COMMENT:

The overall character of the existing development in the immediate vicinity of the subject property is residential and rural in nature. The uses along Beatties Ford Rd include single family residential lots. The Rural (R) district uses established on the subject property would be consistent with the surrounding development.

2. **The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.**

STAFF COMMENT:

- There are no public facility concerns for a general rezoning application. Any traffic impact or public facility needs will be reviewed during the subsequent site plan review for any proposed development.

3. **Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”**

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental resources.

PART 5: PUBLIC HEARING

The Public Hearing is scheduled for January 3, 2022.

PART 6: STAFF RECOMMENDATION

Staff recommends approval of the rezoning application as the Rural (R) district is consistent with adjacent development.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board meeting is scheduled for January 25, 2022.

ATTACHMENTS:

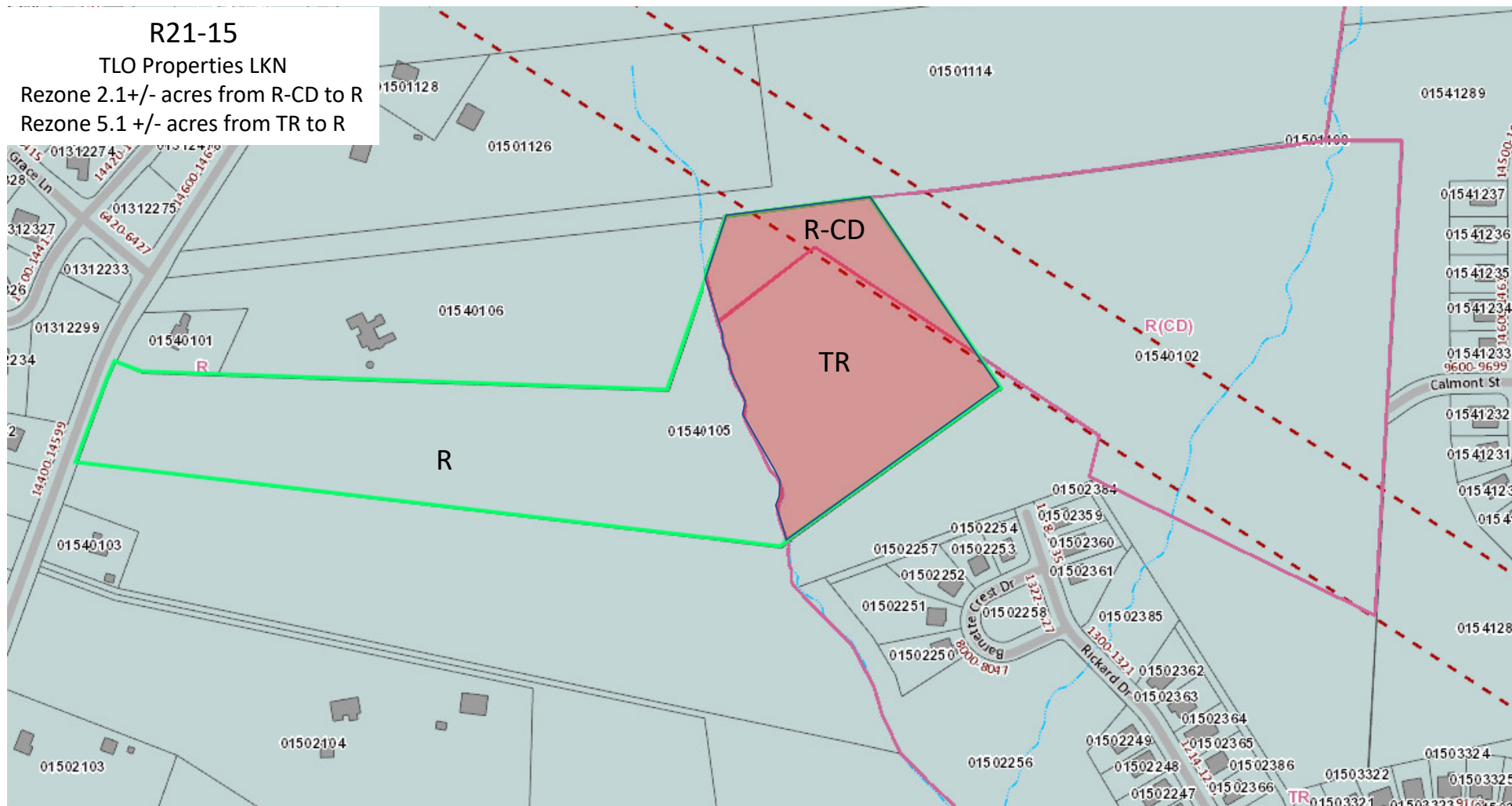
1. Application
2. Rezoning Map

PART 8: CONSISTENCY STATEMENT – R21-15: 14520 Beatties Ford Rd GENERAL REZONING

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning of Petition R21-15, 14520 Beatties Ford Rd, Planning Staff finds that the rezoning is consistent with Policy LU 2.2 and LU 3.1 of the Town of Huntersville 2040 Community Plan. Staff recommends rezoning the property from Rural w/ Conditional District (R-CD), and Transitional Residential (TR) to Rural (R). It is reasonable and in the public interest to rezone this property because the R district will be consistent with the character and uses adjacent to the subject property and the entire property would have one zoning district instead of three.	APPROVAL: In considering the proposed rezoning of Petition R21-15, 14520 Beatties Ford Rd, Planning Board finds that the rezoning is consistent with the Town of Huntersville 2040 Community Plan. The Board recommends rezoning the property from Rural (R), Rural w/ Conditional District (R-CD), and Transitional Residential (TR) to Rural (R). It is reasonable and in the public interest to rezone this property because...(explain)	APPROVAL: In considering the proposed rezoning of Petition R21-15, 14520 Beatties Ford Rd, Town Board finds that the rezoning is consistent with the Town of Huntersville 2040 Community Plan. The Board recommends rezoning the property from Rural (R), Rural w/ Conditional District (R-CD), and Transitional Residential (TR) to Rural (R). It is reasonable and in the public interest to rezone this property because...(explain)
DENIAL: N/A	DENIAL: In considering the proposed rezoning of Petition R21-15, 14520 Beatties Ford Rd, the Planning Board finds that the rezoning is not consistent with the Town of Huntersville 2040 Community Plan and other applicable long-range plans. We recommend denial of Rezoning Petition R21-21. It is not reasonable and not in the public interest to rezone this property because..... (Explain)	DENIAL: In considering the proposed rezoning of Petition R21-15, 14520 Beatties Ford Rd, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2040 Community Plan and other applicable long-range plans. We recommend denial of Rezoning Petition R21-15. It is not reasonable and not in the public interest to rezone this property because..... (Explain)

R21-15
TLO Properties LKN
Rezone 2.1+/- acres from R-CD to R
Rezone 5.1 +/- acres from TR to R

Rezone 2.1+/- acres from R-CD to R
Rezone 5.1 +/- acres from TR to R





General Application

INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED. PLEASE CHECK ALL ITEMS CAREFULLY.

1. Application Type

Please indicate the type of application you are submitting. In addition to the application, the submission process for each application type can be found at <https://www.huntersville.org/528/Permits-Process>

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☐ Conditional Rezoning
- ☒ General Rezoning
- ☐ Master Signage Program
- ☐ Special Use Permit
- ☐ Revision to
Original Project # _____
- ☐ Other _____

- SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
- ☐ Sketch Plan
 - ☐ Preliminary Plan
 - ☐ Final Plat (Includes Minor Subdivision)
 - ☐ Exempt Subdivision
 - ☐ Final Plat Revision
 - ☐ Farmhouse Cluster

2. Project Data

Date of Application 10/26/2021

Name of Project Four Oaks Phase # (if subdivision) _____

Project Address 14520 Beatties Ford Rd, Huntersville 28078

Parcel Identification Number(s) (PIN) 01540105

Current Zoning District R/TR/R-CD Proposed District (for rezoning only) R

Property Size (acres) 20.02 Street Frontage (feet) 275.97

Current Land Use Vacant/Raw

Proposed Land Use(s) Farmhouse Cluster

Is the project within Huntersville's corporate limits?
Yes ☒ No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.

Requesting rezoning so entire property can be zoned uniformly as R

4. Site Plan Submittals

Consult the particular type of Review Process for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name Kathy Day Phone 704-668-9656
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Kathy Day Printed Name: Kathy Day
Title _____ Email tlppropertieslkn@gmail.com
Address of Applicant 8942 Rosalyn Glen Rd, Cornelius NC 28031

7. Property Owner (if different than applicant)

*Printed Name TLO Properties LKN Phone 704-668-9656
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Kathy Day Printed Name Kathy Day
Title Member Email tlppropertieslkn@gmail.com
Address of Property Owner Physical - 14520 Beatties Ford Rd, Huntersville NC
Mailing - 8942 Rosalyn Glen Rd, Cornelius NC

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

8. Development/Design Firm Contact Information

Odom Engineering Larissa Coles 704-692-4952 larissa@odom
Development Firm Name of Contact Phone Email engineering.com

Design Firm Name of Contact Phone Email

Contact Information

Town of Huntersville Phone: 704-875-7000
Planning Department Fax: 704-992-5528
PO Box 664 Physical Address: 105 Gilead Road, Third Floor
Huntersville, NC 28070 Website: <https://www.huntersville.org/228/Planning-Department>

**Town of Huntersville
Town Board
January 3, 2022**

To: Town Board

From: Jack Simoneau

Date: January 3, 2022

Subject: Public hearing on Petition#TA21-14

EXPLAIN REQUEST:

Hold a public hearing on Monday, January 3, 2022 at 6:00 p.m. at the Huntersville Town Hall (101 Huntersville-Concord Road) on Petition #TA21-14. to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plant Not Required. The purpose of the amendment is to 1) remove recordation of street right of way dedication, reservation, and improvements from the definition of a major subdivision; 2) remove the extension of any needed right of way or easement for the water and sewer system operation by Charlotte Mecklenburg Utility Department from the definition of a major subdivision; 3) condense the definition of a minor subdivision; and, 4) specify the requirements for a Farmhouse Cluster Plan.

ACTION RECOMMENDED:

Consider holding a public hearing on Petition#TA21-14

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA21-14 Maj Min FC - PH Staff Report
2. Draft Ordinance for PH
3. Application 09.29.21

TA21-14 – Definitions of Major and Minor Subdivisions, Requirements for Farmhouse Cluster Plan

PART 1: DESCRIPTION

TA21-14 is a text amendment to the Subdivision Ordinance by the Town of Huntersville Planning Department to amend Section 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions, and Section 6.520: Exceptions: When Preliminary Plan Not Required.

The purpose of the amendment is to remove the dedication, reservation, and improvement of existing street right of way from the major subdivision definition; remove the extension of right of way or easements for the water or sewer system operated by Charlotte Mecklenburg Utility Departments from the major subdivision definition; condense the definition of a minor subdivision; and specify the requirements for a Farmhouse Cluster Plan.

PART 2: BACKGROUND

This amendment will provide clarity regarding what is and is not considered a major subdivision. The way the Subdivision Ordinance currently reads, improvement to existing street right-of-way and extension of right-of-way easements for Charlotte -Mecklenburg water and sewer are considered a major subdivision. Major subdivisions require approval by the Town Board which is a 3-month process. It is not advantageous or efficient for plats that expand existing street right-of-way and extend right-of-way easements for Charlotte-Mecklenburg water and sewer to be defined as a major subdivision. With this amendment expansion of existing street right-of-way and CMU water/sewer utility easements will be considered a minor amendment requiring staff approval. The definition of a major subdivision will still include the creation of any new public street.

Staff is also proposing to condense the definition of a minor subdivision. Currently, the minor subdivision definition states that a minor subdivision does not involve the following and then lists the language used to define a major subdivision. Staff is proposing the definition of a minor subdivision to simply state that if a subdivision does not meet the major subdivision definition or the exempt definition then it is a minor subdivision.

The Subdivision Ordinance nor the Zoning Ordinance specifies the requirements for a Farmhouse Cluster Plan. The Zoning Ordinance currently states in Articles 3.2.1 (e)(11) and 3.2.2 (e)(11), "A Farmhouse Cluster requires an approved Farmhouse Cluster subdivision plan, according to the requirements of the Huntersville Subdivision Ordinance including approval by the Town Board and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat." However, the only reference to the Farmhouse Cluster plan in the Subdivision Ordinance is in the definition of a minor subdivision and the language still does not specify the required information for a Farmhouse Cluster plan. Farmhouse Clusters are generally not common submittals; however, in the past year there were three Farmhouse Clusters submitted for review. This brought to Staffs attention that the plan requirements for a Farmhouse Cluster need to be specified in the Subdivision Ordinance.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- **Policy EV1.4:** Review development standards to support business growth. Support efforts to improve efficiency of the development review process for development proposals. Regularly review the market to ensure that standards are in line with current demand.
 - **COMMENT:** Requiring applicants to go through the major subdivision review process for the extension of right of way or easements for water or sewer service or the dedication, reservation, and improvement of right of way for existing streets unnecessarily elongates the review process, approvals,

and openings of commercial development and residential development. The bulk of these reviews is administrative and major residential subdivisions already require approval by the Town Board of Commissioners.

- **Policy LU-10:** Encourage a diversity of housing options.
 - COMMENT: Infill residential development and minor subdivisions are frequently proposed and the current requirement that the extension of any needed right-of-way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department be considered a major subdivision is a deterrent to development that could offer options such as multiplexes and small-scale residential developments.
- **Policy LU-9:** New residential development should follow appropriate housing design principles. LU 9.2: Within lower intensity areas including Moderate Density, Residential Edge, Rural Conservation, and Critical Watershed areas conservation design & farmhouse clusters are encouraged.
 - COMMENT: The Zoning Ordinance allows Farmhouse Clusters in the Rural and Transitional Residential Zoning Districts and states the plan requirements for Farmhouse Clusters are in the Huntersville Subdivision Ordinance. The Subdivision Ordinance does not list the requirements for a farmhouse cluster plan. To ensure consistent requirements for future farmhouse cluster plans, it is beneficial to specify the plan requirements as done with sketch and preliminary plans to ensure the development follows appropriate design principles.

PART 4: STAFF RECOMMENDATION

Planning staff recommends approval of the proposed text amendment application.

Please see the proposed ordinance to amend included in the agenda packet. Removed language is struck out, new language is **bold and underlined**.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) recommended approval of the attached draft of this text amendment during the November 4, 2021 meeting.

PART 6: PUBLIC HEARING

The Public Hearing is scheduled for January 3, 2022.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to consider this text amendment January 25, 2022.

PART 8: ATTACHMENTS AND ENCLOSURES

- Attachment 1 - Draft Language Ordinance
- Attachment 2 - Text Amendment Application

PART 9: STATEMENT OF CONSISTENCY – TA21-14

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance, the Planning Staff recommends approval of the application based on the amendment being consistent with policies EV1.4, LU-10, LU-9, and LU-9.2 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Subdivision Ordinance because it clarifies and improves efficiency of land development reviews, encourages appropriate infill and small-scale residential development, and specifies requirements for farmhouse cluster plans.	APPROVAL: In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
	DENIAL: In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)	DENIAL In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)

AN ORDINANCE TO AMEND SECTIONS 2.100: DEFINITIONS, SECTION 6.300: SKETCH PLAN REQUIRED FOR MAJOR SUBDIVISIONS, SECTION 6.310: SKETCH PLAN NOT REQUIRED FOR MINOR SUBDIVISIONS, SECTION 6.520: EXCEPTIONS: WHEN PRELIMINARY PLAN NOT REQUIRED TO REMOVE RECORDATION OF STREET RIGHT OF WAY OR IMPROVEMENTS FROM MAJOR SUBDIVISION CATEGORY AND CLARIFY REQUIREMENTS FOR FARMHOUSE CLUSTER PLAN

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 2.100: Definitions of the **Subdivision Ordinance** is hereby amended as follows:

Subdivision, Major.

A subdivision not otherwise exempt from these regulations that involves any of the following:

1. The creation of any new public street or street right-of-way, ~~or improvements to an existing street.~~
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. ~~The extension of any needed right-of-way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.~~
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private waste water treatment plant or a private water supply system for more than one lot or building site.

Subdivision, Minor.

A subdivision that is not otherwise exempt from the provisions of this ordinance and that **is not a "Major Subdivision" as that term is defined in this Ordinance.** ~~does not involve any of the following:~~

1. ~~The creation of any new public street or street right-of-way, or improvements to an existing street.~~
2. ~~A future public school, park, greenway, or open space site shown in any adopted plan or policy document.~~
3. ~~The extension of any needed right-of-way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.~~
4. ~~The installation of drainage improvements through one or more lots to serve one or more other lots.~~
5. ~~The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.~~

For purposes of these regulations, Farmhouse Cluster developments are considered a minor subdivision, **except as provided below**, and require Town Board approval. **Farmhouse Cluster**

developments do not require a Sketch Plan, except as specifically set out hereinbelow. A Farmhouse Cluster Plan shall demonstrate compliance with requirements of the Zoning Ordinance and include the following: an "Existing Features (Site Analysis) Plan" as detailed in Section 6.300 (1)(1-14), (2), and (3) of this Ordinance; a Four-Step Process as detailed in Section 6.300 (3) of this Ordinance; and a Preliminary Plan as detailed in Section 6.400 of this Ordinance.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.300: Sketch Plan Required for Major Subdivisions of the **Subdivision Ordinance** is hereby amended as follows:

14. an "Existing Features (Site Analysis) Plan" shall be submitted as part of the sketch plan application **and for Farmhouse Cluster developments** in order to determine significant features to be preserved. It is recommended a pre-application meeting with the administrator be held to review the Existing Features Plan prior to submission of the sketch plan. The Existing Features (Site Analysis) Plan analyzes each site's special features, as they form the basis of the design process for open space lands, building locations, street alignments, and lot lines. Detailed requirements for Existing Features Plans at the minimum must include:

(a) the location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future);

(b) the location of significant features such as woodlands, tree lines, specimen and heritage trees, open fields or meadows, scenic views into or out of the property, watershed divides and drainage ways; existing structures, cemeteries, roads, tracks and trails; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories; and aquifers and their recharge areas;

(c) the location of existing or planned utility easements (above and below ground) to include, but not limited to power/transmission, water, sewer, gas, phone, and cable;

(d) a topographical map showing original contours at intervals of not less than four feet and existing tree lines;

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.310: Sketch Plan Not Required for Minor Subdivisions of the **Subdivision Ordinance** is hereby amended as follows:

6.310 SKETCH PLAN NOT REQUIRED FOR MINOR SUBDIVISIONS

A sketch plan shall not be required for a Minor Subdivision, **except for Section 6.300(1)(14) and Section 6.300(3), which are required for Farmhouse Cluster developments.**

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.520: Exceptions, When Preliminary Plan Not Required of the **Subdivision Ordinance** is hereby amended as follows:

The required preliminary plan may be waived by the Planning Director or Designee for subdivisions defined as Minor Subdivisions or divisions of land qualifying for Expedited Subdivision Review in Section 2.100 of these regulations provided:

1. A plat of the tract being subdivided, accompanied by two (2) applications signed by the owner or his duly authorized agent has been filed with the Planning Director or Designee, and the required fee submitted; and
2. The subdivider, has provided topographic information to determine flood elevations whenever the property proposed to be subdivided, or re-subdivided, is traversed by or adjacent to a known watercourse.

The required preliminary plan may also be waived by the Planning Director for those subdivisions, including Limited Subdivisions, which do not involve the dedication of a new street, ~~improvement to or right of way for an existing street~~, or site designated for a future public facility.

However, a final plat must be prepared and recorded as provided in Section 6.600.

Section 5. That this ordinance shall become effective upon approval by the Town Board of Commissioners.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: November 4, 2021

PUBLIC HEARING DATE: January 3, 2022

PLANNING BOARD MEETING: January 25, 2022

TOWN BOARD DECISION: February 21, 2022



Text Amendment Application

Date of Application 09/29/21

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Subdivision Article(s): _____ Section(s): 2.100, 6.300, 6.310,

see attached 6.520

Current Ordinance

Proposed Text

see attached

Reason for Proposed
Change

see attached

Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name Town of Huntersville Planning Department

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Kmielelenz Date 09/29/21

Title Planner I Email Kmielelenz@huntersville.org

Address of Applicant 105 Gilead Rd, 3rd Floor, Huntersville, NC 28078

Property Owner (if different than applicant)

* Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

Contact Information

**Town of Huntersville
Planning Department**
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: _____

Staff Initials: _____

**Town of Huntersville
Town Board
January 3, 2022**

To: Town Board

From: David Hill

Date: January 3, 2022

Subject: Downtown Plan Steering Committee Appointment Change

EXPLAIN REQUEST:

The Huntersville Chamber of Commerce has requested that it's representative on the 2022 Downtown Plan Steering Committee be changed. The appointment is a non-voting, ex-officio position.

ACTION RECOMMENDED:

Staff recommends approval of the resolution.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the resolution.

ATTACHMENTS:

1. Resolution R-2021-63 Downtown Plan Steering Committee 10042021
2. R-2021-63 Amdended - Downtown Plan Steering Committee Appts 12202021



RESOLUTION TO CREATE THE 2022 DOWNTOWN PLAN STEERING COMMITTEE

WHEREAS, the Huntersville Downtown Plan was adopted in 2006 and needs to be updated, and the Huntersville 2040 Community Plan adopted in 2020 addressed several improvement policies and objectives related to the Downtown; and

WHEREAS, the Town of Huntersville Board of Commissioners has decided to create a 2022 Downtown Plan Steering Committee to serve as an advisory board to the Town of Huntersville Planning Board and Board of Commissioners; and

WHEREAS, during the months of May and June 2021, Town of Huntersville residents, property owners, and business owners were invited to complete an application to be appointed and serve on the 2022 Downtown Plan Steering Committee, and

WHEREAS, upon appointment to the 2022 Downtown Plan Steering Committee, members will be asked to work with Town staff and professional consultants during the development of the 2022 Downtown Plan, including efforts to encourage public participation and engagement during the project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS AS FOLLOWS:

1. There is hereby created the 2022 Downtown Plan Steering Committee.
2. The purpose of creating the 2022 Downtown Plan Steering Committee is to serve as an advisory board to the Town of Huntersville Planning Board and Board of Commissioners until such time as the Plan is adopted by the Board of Commissioners.
3. The 2022 Downtown Plan Steering Committee shall consist of 15 voting members, who are Town of Huntersville residents, property owners, or business owners and appointed by the Town of Huntersville Board of Commissioners. The appointees have been selected from the pool of applicants who volunteered to serve on the Committee, and include the following voting members:
 1. Nate Bowman
 2. Gatewood Campbell
 3. Doug Ferguson
 4. Sean Flynn
 5. John Foster
 6. Don Gest
 7. Charles Guignard
 8. Lee Hallman
 9. Janelle Harris
 10. Elaine Kerns
 11. Bob Lemon
 12. Sarah McAulay
 13. Elizabeth Rodriguez
 14. Cindy Trevisan
 15. Jessika Tucker
4. The 2022 Downtown Plan Steering Committee shall also consist of 8 nonvoting ex-officio members to inform and obtain input from specific Huntersville boards and interested organizations as development of the Plan progresses. The non-voting ex-officio members include the following representatives:
 - 1) Stephen Swanick (Planning Board)
 - 2) Kathy Jones (Ordinances Advisory Board)

- | | |
|---------------------|---|
| 3) Diane McLaine | (Greenway, Trail, and Bikeway Commission) |
| 4) John O'Neill | (Parks and Recreation Committee) |
| 5) April Dunn | (Public Art Committee) |
| 6) Jill Swain | (Huntersville Chamber of Commerce) |
| 7) Mike Russell | (Lake Norman Chamber of Commerce) |
| 8) Barbara Gerhardt | (Olde Huntersville Historic Society) |

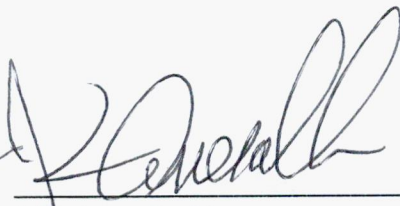
5. The Steering Committee will meet at least eight (8) times during the project, with an anticipated timeframe extending from October 2021 through September 2022, subject to change. The Planning Director shall have the authority to call the meetings of the Committee, which will be called and advertised as a special-called meeting, and to set the agenda for each meeting as part of the special-called meeting notice. Only items of business specified in the special-called meeting notice may be conducted at each meeting.
6. The Steering Committee will elect a Chairperson and Vice-Chairperson from its voting membership. The Chairperson will lead the meetings, manage discussion in a civil and orderly fashion, and coordinate the making of decisions, whether by consensus or by a motion made, seconded, and approved by majority vote.
7. For the Committee to carry out its responsibilities, it is necessary for members to attend the meetings. If a member is absent for two (2) meetings, the Committee may request that the member be replaced by the Town Board of Commissioners.
8. Meetings will be advertised and conducted in accordance with the North Carolina Open Meetings Law. Minutes shall be kept for each meeting.
9. Upon adoption of the Huntersville 2022 Downtown Plan, the Huntersville 2022 Downtown Plan Steering Committee may be dissolved by the Board of Commissioners.
10. The Huntersville Town Board of Commissioners is deeply appreciative of the spirit of volunteerism and community interest shown by the Steering Committee Members, including all the applicants interested in serving on the Committee.

Adopted this the 4th day of October, 2021.

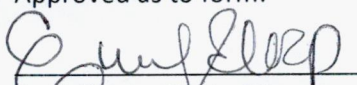
ATTEST:


Janet Pierson, Town Clerk




John Aneralla, Mayor

Approved as to form:


Emily Sloop, Town Attorney



**RESOLUTION TO CHANGE AN APPOINTMENT TO
THE 2022 DOWNTOWN PLAN STEERING COMMITTEE**

WHEREAS, on October 4, 2021, the Town of Huntersville Board of Commissioners approved Resolution No. R-2021-63, creating the 2022 Downtown Plan Steering Committee to serve as an advisory board to the Town of Huntersville Planning Board and Board of Commissioners; and

WHEREAS, the Huntersville Planning Department was notified on November 11, 2021, that the Huntersville Chamber of Commerce wished to change its nonvoting, ex-officio appointment to the Steering Committee;

NOW, THEREFORE, BE IT RESOLVED, that the Huntersville Chamber of Commerce representative to the 2022 Downtown Plan Steering Committee, which is a nonvoting, ex-officio position, shall be changed from Jill Swain to John McClelland.

Adopted this the 3rd day of January 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

**Town of Huntersville
Town Board
January 3, 2022**

To: Town Board

From: Michael Jaycocks

Date: January 3, 2022

Subject: Parks & Recreation Commission Appointments

EXPLAIN REQUEST:

The Parks and Recreation Commission has four openings. We have one unexpired term ending in Dec 2022 and three expired terms ending in Dec 2024. We have received ten applications for the four openings. Kent Curran has re-applied for his expired term. The following openings need to be filled.

- 1- 3 year term ending in 2024
- 1- 3 year term ending in 2024
- 1- 3 year term ending in 2024
- 1- 1 year term ending in 2022

ACTION RECOMMENDED:

Appoint applicants to the following terms:

- 1- 3 year term ending in 2024
- 1- 3 year term ending in 2024
- 1- 3 year term ending in 2024
- 1- 1 year term ending in 2022

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. PRC Applications - 2022 Term
2. PRC Map - 2022 Term

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Tuesday, November 30, 2021 4:09 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Parks and Recreation Commission Application

First Name	Marc
Last Name	Burns
Address	12710 ES Draper Drive
City	Huntersville
State	NC
Zip Code	28078
Phone Number	7042377820
Email Address	thebrit704@gmail.com
Present Occupation	Realtor
Place of Employment	Self
Approximate hours per month for serving on Advisory Board	10-20
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	None.
Education	England, UK - College educated to high standard
Business &/or Civic Experience	Was a Police Constable in England for 9 years. Was a Parish Councilor in England for 3 years (closest is your Town Commissioner status) and 4 years serving my County as a Countryside Warden

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Sunday, November 7, 2021 8:36 AM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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Parks and Recreation Commission Application

First Name	Tige
Last Name	Chiesa
Address	12204 Kane Alexander Dr, Huntersville NC 28078
City	Huntersville
State	NC
Zip Code	28078
Phone Number	17045780974
Email Address	tjc7mgmt@gmail.com
Present Occupation	Business Support Consultant
Place of Employment	Wells Fargo Bank
Approximate hours per month for serving on Advisory Board	As many as required
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	None at this time
Education	BS in Business - Finance
Business &/or Civic Experience	Commissioner of the North Meck Babe Ruth League Board member of the Veterans Connections at Wells Fargo for over 4 years Management team of Officiating services to Youth/Adult sports

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Friday, November 5, 2021 10:35 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Parks and Recreation Commission Application

First Name	Margaret
Last Name	Cook
Address	9417 Rollingwood Dr.
City	Huntersville
State	NC
Zip Code	28078
Phone Number	704-408-4636
Email Address	maggiecook88@gmail.com
Present Occupation	Pre-school Teacher
Place of Employment	Huntersville Presbyterian Church
Approximate hours per month for serving on Advisory Board	15
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	Field not completed.
Education	BS in Recreation and Parks Management
Business &/or Civic Experience	Field not completed.
Areas of Expertise and Interests/Skills	Recreation Therapy Adaptive sports
Electronic Signature Agreement	I agree.
Electronic Signature	Margaret J. Cook

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Wednesday, November 3, 2021 11:00 AM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

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Parks and Recreation Commission Application

First Name	Kent
Last Name	Curran
Address	106 Forest Court
City	Huntersville
State	NC
Zip Code	28078
Phone Number	7048759467
Email Address	kentcurran@icloud.com
Present Occupation	Retired
Place of Employment	UNC Charlotte
Approximate hours per month for serving on Advisory Board	6 or more
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	Parks and Recreation Commission/Expires 12/21
Education	Doctor of Business Administration-LSU; MBA & BSME-Bradley University
Business &/or Civic Experience	Taught business strategy and strategic planning at undergraduate and Masters level. 2 years service on Parks and Recreation Commission
Areas of Expertise and Interests/Skills	Expertise in planning and strategy. Interest in working to plan and develop parks and recreation facilities in

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Wednesday, November 24, 2021 12:23 AM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Parks and Recreation Commission Application

First Name	Selene Magic
Last Name	Cypress-McNairy
Address	14904 Green River Drive
City	HUNTERSVILLE
State	NC
Zip Code	28078
Phone Number	7047273865
Email Address	magic_writer@att.net
Present Occupation	Guest Services
Place of Employment	Carowinds
Approximate hours per month for serving on Advisory Board	8-10
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	<i>Field not completed.</i>
Education	Associates Degree in Theology,
Business &/or Civic Experience	Huntersville Parks and Recreation 3 yrs; Volunteer Charlotte Veterans Clinic
Areas of Expertise and Interests/Skills	Coaching Basketball Boys and Girls, Scheduling training for operations and daily routines of staff. Interested in diverse and functioning community and outreach programs.

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Thursday, November 4, 2021 10:01 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Parks and Recreation Commission Application

First Name	Taylor
Last Name	Hutto
Address	127 HOLBROOK ST
City	HUNTERSVILLE
State	NC
Zip Code	28078
Phone Number	17045575670
Email Address	taylor.brock93@yahoo.com
Present Occupation	Human Resources
Place of Employment	Barings LLC
Approximate hours per month for serving on Advisory Board	As many as needed
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	I am currently not serving on any Town or County Boards/Committees/Commissions and hope to change that in the near future. I believe it is important to give back to my community and feel I have much to offer as far as knowledge and time is concerned.
Education	Some College - UNCC
Business &/or Civic Experience	Regarding civic experience, I most recently served as a volunteer with Camp EDvantage which was an organization that provided virtual learning space, tools, and tutoring services to children in the Lake Norman area who did not have access to the proper resources

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Monday, November 1, 2021 5:09 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Parks and Recreation Commission Application

First Name	Traci
Last Name	Kastner
Address	500 Southland Rd.
City	Huntersville
State	NC
Zip Code	28078
Phone Number	908-456-1442
Email Address	tkastner45@gmail.com
Present Occupation	Client Services Specialist (Admiin)
Place of Employment	PeopleSuite Talent Solutions
Approximate hours per month for serving on Advisory Board	<i>Field not completed.</i>
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	n/a
Education	BS - Therapeutic Recreation
Business &/or Civic Experience	16+ years - Town of Westfield / Program Coordinator, Events Director
Areas of Expertise and Interests/Skills	Events, programs, administrative, municipal
Electronic Signature Agreement	I agree.

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Thursday, November 4, 2021 11:34 AM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Parks and Recreation Commission Application

First Name	Lindsay
Last Name	Martell
Address	15624 Gathering Oaks Drive
City	Huntersville
State	North Carolina
Zip Code	28078
Phone Number	4157131516
Email Address	ljmartell@yahoo.com
Present Occupation	Writer
Place of Employment	Independent Contractor
Approximate hours per month for serving on Advisory Board	Varies
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	Board Member -- Waste Management Advisory Board for Mecklenburg County; My term is up in the Summer of 2022.
Education	BA, English from the University of San Francisco; currently completing coursework for an MFA in Creative Nonfiction at Lindenwood University
Business &/or Civic Experience	I am a member of the Waste Management Advisory Board for Mecklenburg County; I'm also a volunteer with Charlotte-Mecklenburg Schools.

Town of Huntersville NORTH CAROLINA

Advisory Board Application

Applicant must be a Huntersville Resident

Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☒ Park and Recreation Commission

☒ Greenway, Trail and Bikeway Commission

☐ Public Art Commission

Background Information:

Name Theodore Turner Home Phone 858 603 8125

Home Address 8824 Thornbury Lane Zip Code 28078

E-Mail Address ted@turner.org

Present Occupation Cloud Solutions Architect Work Phone 858 603 8125

Place of Employment Kentik

Approximate Hours Available Per Month for Serving On Advisory Board 10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

N/A Expiration Date _____

N/A Expiration Date _____

Education AA Foreign Language (German) Fullerton College

Business and Civic Experience PCTA Trail Crew lead

Marine Corps League Huntersville Detachment 1

30+ years computers/networking/Internet/cloud

Areas of Expertise and Interests/Skills Road bike, MTB, hiking, camping

computers/networking/Internet/cloud

I, undersigned, understand this application will be kept on the active file for a two (2) year period

[Signature] 10/21/2021
(Signature of Applicant) (Date)

Applications may be mailed to:
Huntersville Parks and Recreation Department
P.O. Box 2879
Huntersville, NC 28070

Applications may also be hand delivered to:
Huntersville Parks and Recreation Department
Town Center Building
105 Gilead Road, 3rd Floor
Huntersville, NC 28078

For more information about these advisory board openings, please call 704-766-2228

Parks & Recreation

Post Office Box 2879 • 105 Gilead Road, Third Floor • Huntersville, NC 28070
phone 704.766.2220 • fax 704.992.5528 • www.huntersville.org

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Sunday, November 28, 2021 4:51 PM
To: Parks and Rec
Subject: Online Form Submittal: Parks and Recreation Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Parks and Recreation Commission Application

First Name	Gale
Last Name	Wactor
Address	9116 Rayneridge Drive
City	Huntersville
State	NC
Zip Code	28078
Phone Number	7323220749
Email Address	Gale.wactor@gmail.com
Present Occupation	Retired
Place of Employment	NA
Approximate hours per month for serving on Advisory Board	As needed
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	I am not currently serving on any, but have applied to several.
Education	Some College
Business &/or Civic Experience	I have completed Huntersville 101 course. I am a Guardian ad Litem for Mecklenburg County.
Areas of Expertise and Interests/Skills	I was a project certified manager for the DoD. I have a great interest in understanding local politics, hence taking the Huntersville 101 course which was excellent.

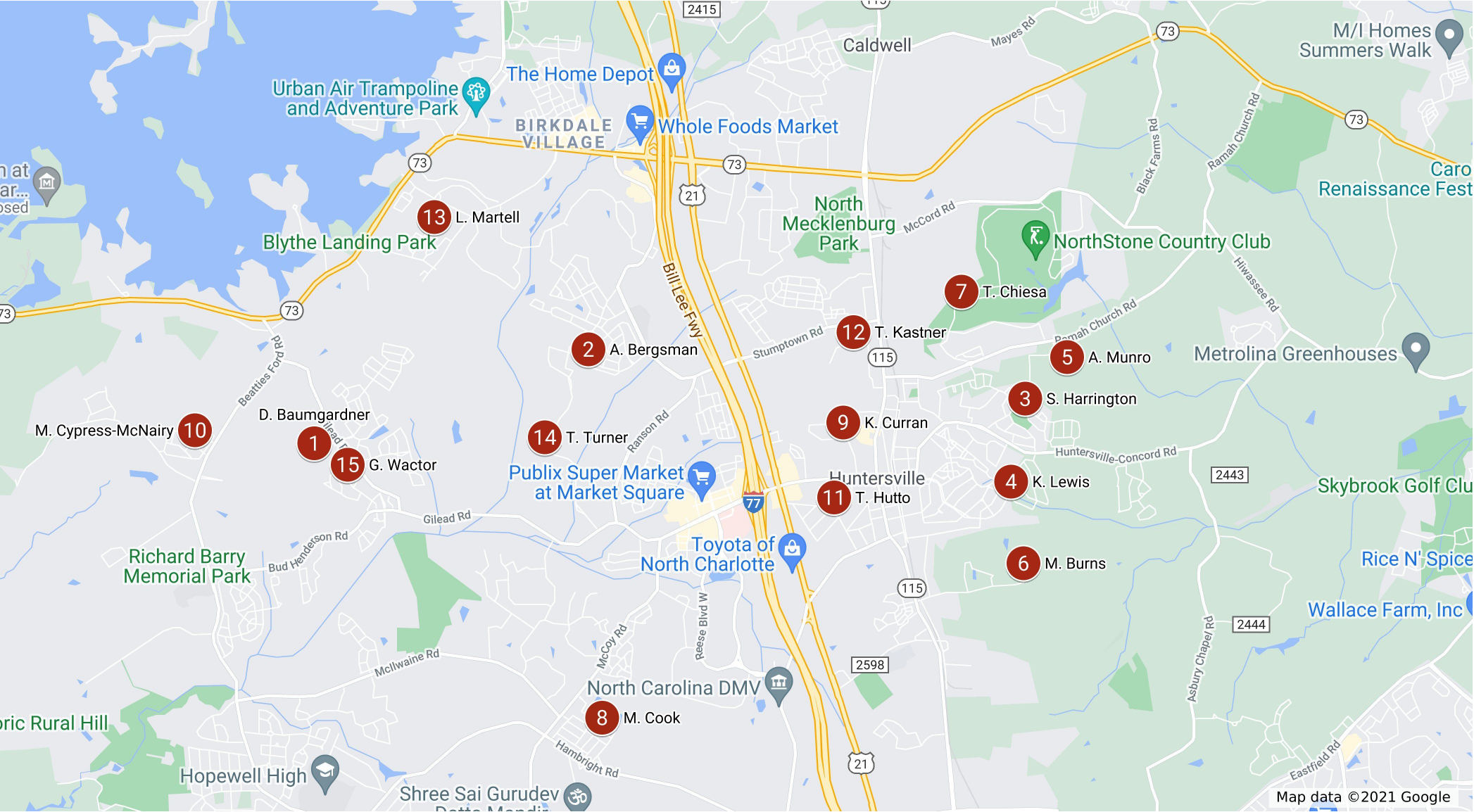
2022 Parks and Recreation Commission & Candidates

Current PRC & Candidates

- 1 Deanna Baumgardner
- 2 Alisia Bergsman
- 3 Scott Harrington
- 4 Kathy Lewis
- 5 Andrew "Ash" Munro
- 6 Marc Burns
- 7 Tige Chiesa
- 8 Margaret Cook
- 9 Kent Curran *
- 10 Magic Cypress-McNairy
- 11 Taylor Hutto
- 12 Traci Kastner
- 13 Lindsay Martell
- 14 Theodore Turner
- 15 Gale Wactor

New Applicants Highlighted in Yellow

*Current PRC Commissioner



**Town of Huntersville
Town Board
January 3, 2022**

To: Town Board

From: Michael Jaycocks

Date: January 3, 2022

Subject: Greenway, Trails, and Bikeway Commission Appointments

EXPLAIN REQUEST:

The Greenway, Trails, and Bikeway Commission has five openings. We have two unexpired terms ending in Dec 2022 and Dec 2023. We also have three expired terms ending in Dec 2024. We have received ten applications for the five openings. Kalyan Chintalapati is re-applying for his expiring term. The following openings need to be filled.

1- 3 year term ending in 2024

1- 3 year term ending in 2024

1- 3 year term ending in 2024

1- 1 year term ending in 2023

1- 1 year term ending in 2022

ACTION RECOMMENDED:

Appoint members to the following terms:

1- 3 year term ending in 2024

1- 3 year term ending in 2024

1- 3 year term ending in 2024

1- 1 year term ending in 2023

1- 1 year term ending in 2022

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. GTBC Applications - 2022 Term
2. GTBC Map - 2022 Term

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Friday, November 12, 2021 9:19 AM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greenway, Trail, & Bikeway Commission Application

First Name	Christianna
Last Name	Beirne
Address	14202 timbergreen dr
City	Huntersville
State	NC
Zip Code	28078
Phone Number	4408222055
Email Address	Beirne@outlook.com
Present Occupation	Virtual Assistant
Place of Employment	Bosun
Approximate hours per month for serving on Advisory Board	6
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	Welcoming committee for Skybrook Neighborhood
Education	Cleveland State University school of arts BA
Business &/or Civic Experience	Assistant manager
Areas of Expertise and Interests/Skills	I got my Gold Award from Girl Scouts which took 90 hours and a lot of supervision to complete. I did a service project at a local church. I have a Bachelors of Criminology. I am a 29 year old mom of 3 small children and I am very excited to be apart

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Tuesday, November 2, 2021 8:42 AM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greenway, Trail, & Bikeway Commission Application

First Name	Kalyan Chandra
Last Name	Chintalapati
Address	11211 Vanguard Parkway
City	Huntersville
State	NC
Zip Code	28078
Phone Number	6315121073
Email Address	kalyan359@gmail.com
Present Occupation	Quantitative Services Manager
Place of Employment	Bank of America
Approximate hours per month for serving on Advisory Board	10
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	I am member of current Huntersville's GTBC board. I was nominated for this position in Feb, 2021 (8 months ago) and would love to continue to serve our community. My current position is set to expire by End of 2021.
Education	Masters in Computer Science
Business &/or Civic Experience	I have experience in collaborating with Mooresville Parks and Rec and generated revenue for War Memorial Recreation center. I am great with Social Media engagements and can support our GTBC by tapping that area

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Monday, November 15, 2021 11:20 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greenway, Trail, & Bikeway Commission Application

First Name	Sharon
Last Name	Correll
Address	15314 Moate Ct.
City	Huntersville
State	North Carolina
Zip Code	28078
Phone Number	6083461464
Email Address	sharonmaly@gmail.com
Present Occupation	Part-time Temporary Guardian Ad Litem Attorney
Place of Employment	Mecklenburg County Guardian Ad Litem Office
Approximate hours per month for serving on Advisory Board	5-10
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	<i>Field not completed.</i>
Education	University of Georgia Bachelors Degree in Political Science and Spanish, University of Wisconsin Law School
Business &/or Civic Experience	8.5 years as an Assistant District Attorney, 2.5 years as a Mecklenburg County Associate Attorney Volunteer with Junior League of Charlotte and former Big Brother Big Sister

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Saturday, November 6, 2021 11:45 AM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greenway, Trail, & Bikeway Commission Application

First Name	Michael
Last Name	Griffin
Address	14213 Bankside Drive
City	Huntersville
State	NC
Zip Code	28078
Phone Number	704-604-8485
Email Address	Mbgriffin212121@hotmail.com
Present Occupation	Global Commodity Manager
Place of Employment	Doosan-Bobcat, NA
Approximate hours per month for serving on Advisory Board	10-15
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	None
Education	BA- Elmira College, Business Admin/Economics
Business &/or Civic Experience	Volunteer coach for the Charlotte Independence Rec Soccer league, Huntersville Elementary Be There Dads, Davidson UMC member/volunteer
Areas of Expertise and Interests/Skills	Project management, contract negotiation, budget management

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Monday, November 1, 2021 5:19 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greenway, Trail, & Bikeway Commission Application

First Name	Lisa
Last Name	Jatulis
Address	8929 Lizzie Lane
City	Huntersville
State	NC
Zip Code	28078
Phone Number	9802536752
Email Address	lisa.jatulis@gmail.com
Present Occupation	Accountant
Place of Employment	Donna Moffett LLC
Approximate hours per month for serving on Advisory Board	5-10
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	<i>Field not completed.</i>
Education	BS Accounting - Virginia Tech
Business &/or Civic Experience	Civic Experience: In addition to Girl Scouts, I was involved with several of the local school PTA's over the past 14 years. I have served on various committees and held leadership roles as VP of Membership and PTA/PTSA Treasurer for several years.

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Thursday, November 25, 2021 7:01 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greenway, Trail, & Bikeway Commission Application

First Name	Luke
Last Name	Santillo
Address	16719 Spruell St
City	Huntersville
State	NC
Zip Code	28078
Phone Number	9803227582
Email Address	luke.santillo@gmail.com
Present Occupation	Director, Healthcare Planning
Place of Employment	DaVita
Approximate hours per month for serving on Advisory Board	5
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	N/A
Education	Undergrad - US Military Academy at West Point; MBA - Wake Forest University
Business &/or Civic Experience	Twenty years of logistics, multi-site P&L management, and regulatory/finance experience between the US Army and two healthcare companies.
Areas of Expertise and Interests/Skills	I have extensive business management experience including budgeting and financial management.

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Wednesday, November 17, 2021 6:36 AM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greenway, Trail, & Bikeway Commission Application

First Name	Katie
Last Name	Spikes
Address	200 Ranson St
City	Huntersville
State	NC
Zip Code	28078-4266
Phone Number	7045779958
Email Address	katie.c.spikes@gmail.com
Present Occupation	Marketing Director
Place of Employment	Custom Ink
Approximate hours per month for serving on Advisory Board	10
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	None
Education	BA in Journalism and Mass Communication, Minor in Spanish, UNC-Chapel Hill
Business &/or Civic Experience	Experienced, creative, and analytical eCommerce leader with 15 years of experience building consensus and leading at all levels through powerful communication and data driven decisions. As a Marketing Director for Custom Ink, I'm responsible for architecting breakthroughs in customer relationships and lifetime

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Monday, November 15, 2021 1:10 PM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greenway, Trail, & Bikeway Commission Application

First Name	Ken
Last Name	Stuart
Address	10816 Drake Hill Dr
City	Huntersville
State	NC
Zip Code	28078
Phone Number	843-309-1082
Email Address	knstuart76@gmail.com
Present Occupation	Retired
Place of Employment	<i>Field not completed.</i>
Approximate hours per month for serving on Advisory Board	As needed 8-10
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	None
Education	BS Forest Resource Management
Business &/or Civic Experience	44 years working in management in the forest products industry, 18 years on the plant leadership team at Domtar's Marlboro Mill. Active in various roles of church leadership at our previous location. Coached youth sports for several years including baseball, basketball, football and soccer.

Town of Huntersville

NORTH CAROLINA

Advisory Board Application

Applicant must be a Huntersville Resident

Please check the boxes next to the Advisory Boards in which you are interested in applying for:

☒ **Park and Recreation Commission**

☒ **Greenway, Trail and Bikeway Commission**

☐ **Public Art Commission**

Background Information:

Name Theodore Turner Home Phone 858 603 8125

Home Address 8824 Thornbury Lane Zip Code 28078

E-Mail Address ted@turner.org

Present Occupation Cloud Solutions Architect Work Phone 858 603 8125

Place of Employment Kentik

Approximate Hours Available Per Month for Serving On Advisory Board 10

Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On:

N/A Expiration Date _____

N/A Expiration Date _____

Education AA Foreign Language (German) Fullerton College

Business and Civic Experience PCTA Trail Crew lead

Marine Corps League Huntersville Detachment

30+ years computers/networking/Internet/cloud

Areas of Expertise and Interests/Skills Road bike, MTR, hiking, camping

computers/networking/Internet/cloud

I, undersigned, understand this application will be kept on the active file for a two (2) year period

[Signature] 10/21/2021
(Signature of Applicant) (Date)

Applications may be mailed to:

Huntersville Parks and Recreation Department
P.O. Box 2879
Huntersville, NC 28070

Applications may also be hand delivered to:

Huntersville Parks and Recreation Department
Town Center Building
105 Gilead Road, 3rd Floor
Huntersville, NC 28078

For more information about these advisory board openings, please call 704-766-2228

Parks & Recreation

Post Office Box 2879 • 105 Gilead Road, Third Floor • Huntersville, NC 28070
phone 704.766.2220 • fax 704.992.5528 • www.huntersville.org

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Monday, November 15, 2021 8:34 AM
To: Parks and Rec
Subject: Online Form Submittal: Greenway, Trail, & Bikeway Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greenway, Trail, & Bikeway Commission Application

First Name	Cory
Last Name	Wilkinson
Address	8429 Sandowne Lane
City	Huntersville
State	NC
Zip Code	28078
Phone Number	7047281002
Email Address	coryjwilkinson@yahoo.com
Present Occupation	Marketing
Place of Employment	Masterbrand Cabinets
Approximate hours per month for serving on Advisory Board	4-8
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	None
Education	BS - Elon University 2001
Business &/or Civic Experience	20 years of experience in large corporations globally, working in marketing, sales, and communication
Areas of Expertise and Interests/Skills	Passionate about improving our greenway, sidewalks, and greenways and making Hville safer for everyone.
Electronic Signature Agreement	I agree.

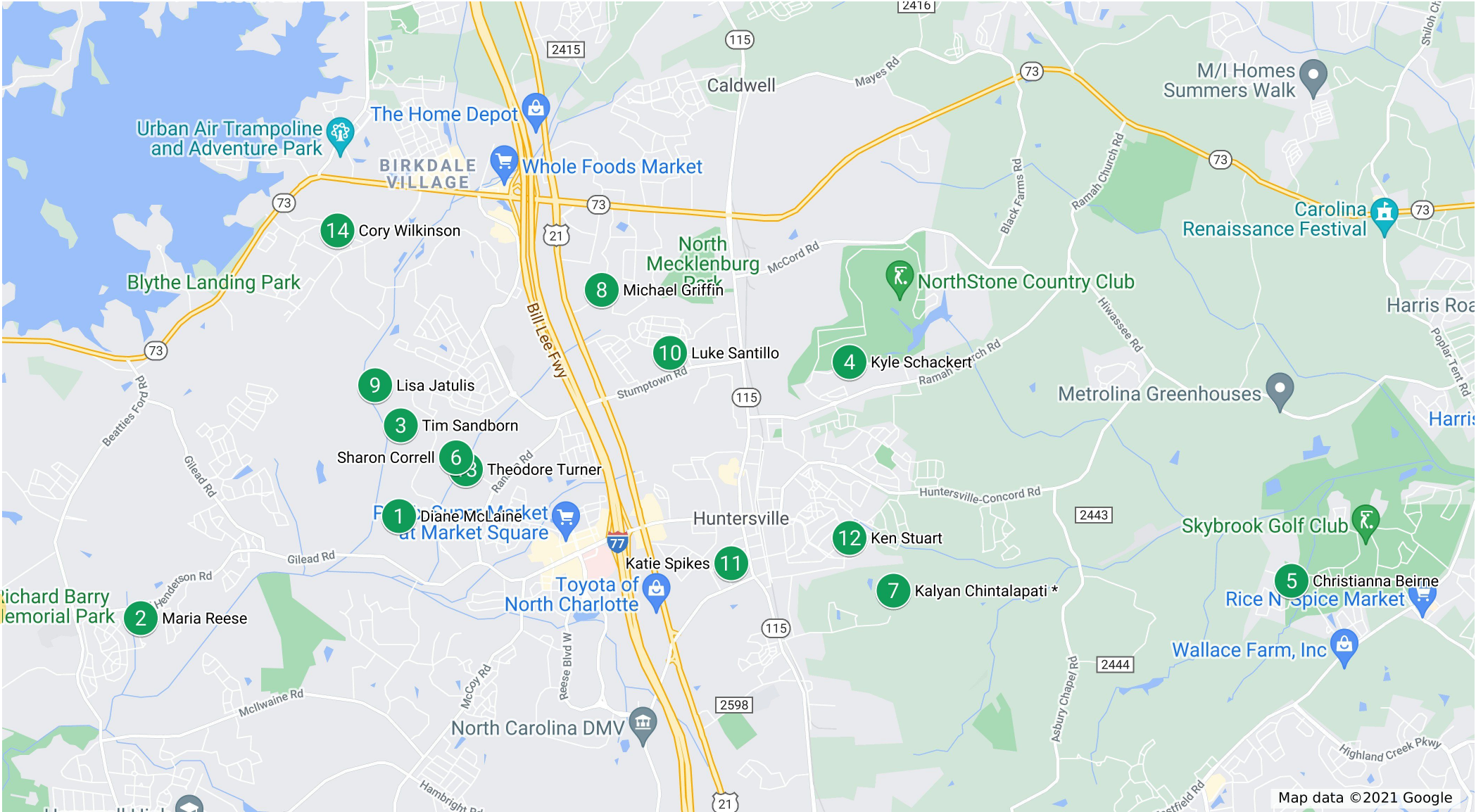
2022 Greenway, Trail and Bikeway Commission & Candidates

GTBC Current Commissioners and Candidates

- 1 Diane McLaine
- 2 Maria Reese
- 3 Tim Sandborn
- 4 Kyle Schackert
- 5 Christianna Beirne
- 6 Sharon Correll
- 7 Kalyan Chintalapati *
- 8 Michael Griffin
- 9 Lisa Jatulis
- 10 Luke Santillo
- 11 Katie Spikes
- 12 Ken Stuart
- 13 Theodore Turner
- 14 Cory Wilkinson

New Candidates Highlighted in Yellow

*Current GTB Commissioner



**Town of Huntersville
Town Board
January 3, 2022**

To: Town Board

From: Michael Jaycocks

Date: January 3, 2022

Subject: Public Art Commission Appointments

EXPLAIN REQUEST:

The Public Art Commission has three openings. We have three expired terms ending in Dec 2024. We have received four applications for the three openings. The following openings need to be filled.

1- 3 year term ending in 2024

1- 3 year term ending in 2024

1- 3 year term ending in 2024

ACTION RECOMMENDED:

Appoint new members to the following openings:

1- 3 year term ending in 2024

1- 3 year term ending in 2024

1- 3 year term ending in 2024

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. PAC Applications - 2022 Term
2. PAC Map - 2022 Term

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Thursday, November 4, 2021 10:33 AM
To: Parks and Rec
Subject: Online Form Submittal: Public Art Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Public Art Commission Application

First Name	Lynn
Last Name	Cavanaugh
Address	9007 Tartan Ridge Dr
City	Huntersville
State	NC
Zip Code	28078
Phone Number	5154479405
Email Address	Lynn.c.cavanaugh@gmail.com
Present Occupation	Manager
Place of Employment	Wells Fargo
Approximate hours per month for serving on Advisory Board	8 although retiring next April
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	None
Education	Univerty of Western Michigan - Finance with minor in Art History
Business &/or Civic Experience	I have worked professionally for 40 years, am a Six Sigma Master Black Belt and have been a business consultant with a big 5 consulting firm - a great deal of experience managing large scale projects, process re-engineering, people

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Monday, November 8, 2021 9:48 PM
To: Parks and Rec
Subject: Online Form Submittal: Public Art Commission Application

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Public Art Commission Application

First Name	Ed
Last Name	Esinhart
Address	8510 Fox Tail Lane
City	Huntersville
State	NC
Zip Code	28078
Phone Number	704-907-2058
Email Address	Edthebreadhead@gmail.com
Present Occupation	Frozen Food Sales
Place of Employment	Bridgford Foods Corporation
Approximate hours per month for serving on Advisory Board	Don't know????
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	None
Education	B.S. Florida State University
Business &/or Civic Experience	Sales experience
Areas of Expertise and Interests/Skills	I do pallet art as a hobby (Carolina Custom Pallet Art on social media) and participate in the pop-up events around Charlotte.
Electronic Signature Agreement	I agree.

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Thursday, November 4, 2021 12:22 PM
To: Parks and Rec
Subject: Online Form Submittal: Public Art Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Public Art Commission Application

First Name	Miko
Last Name	Palmer
Address	PO Box 603 10909 Brandie meadow
City	Huntersville
State	NC
Zip Code	28078
Phone Number	4046040092
Email Address	m404@outlook.com
Present Occupation	Regulatory Analyst
Place of Employment	Duke Energy
Approximate hours per month for serving on Advisory Board	16
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	None
Education	Clark Atlanta University - MBA; Eastern Michigan University - BS
Business &/or Civic Experience	My business and civic experience includes being a member of the Skybrook Neighborhood Welcome Committee and serving on the Leadership Development Network at Duke Energy. I also support civic events in Huntersville and neighboring areas.

Brenda Schrodetzki

From: noreply@civicplus.com
Sent: Monday, November 8, 2021 7:45 AM
To: Parks and Rec
Subject: Online Form Submittal: Public Art Commission Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Public Art Commission Application

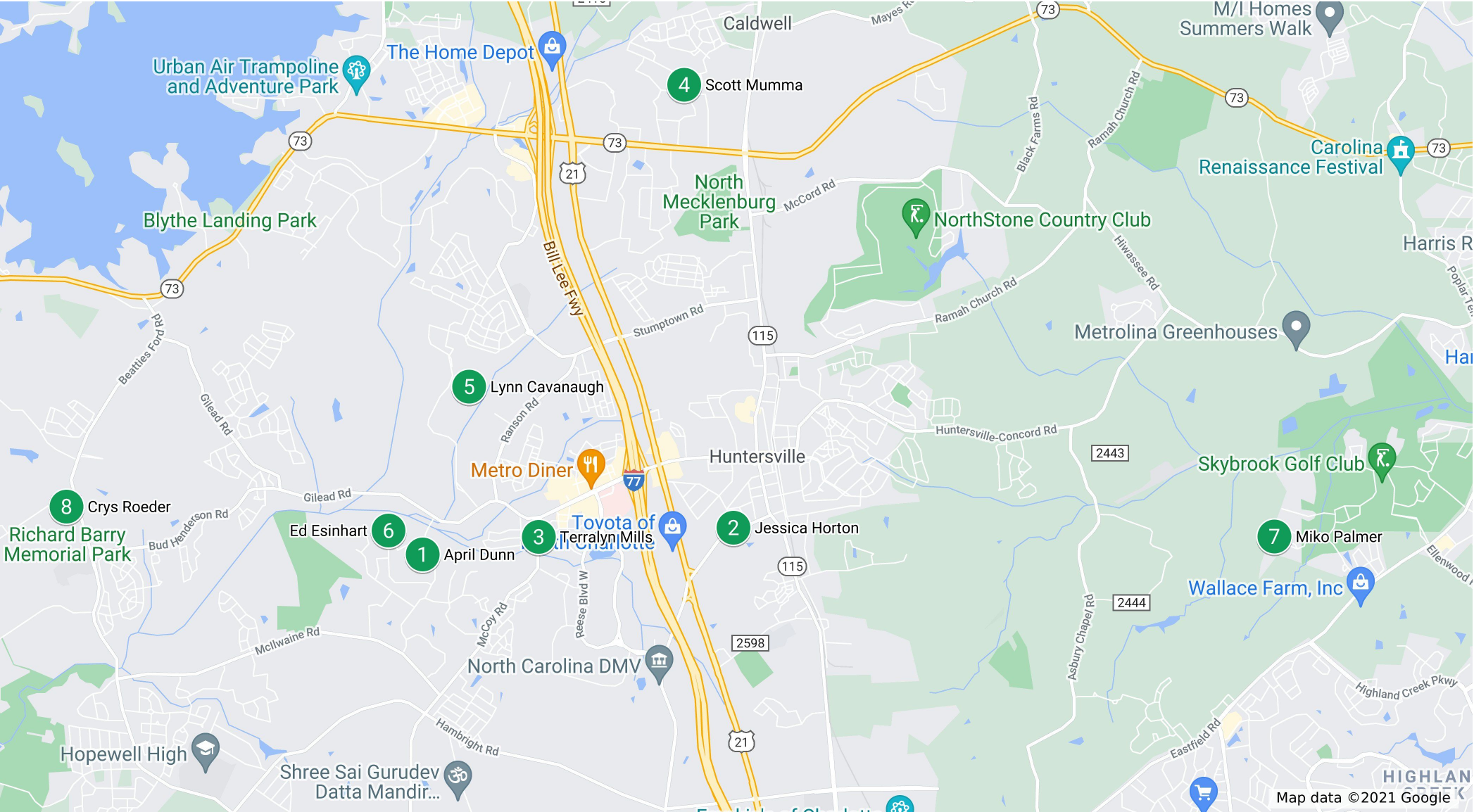
First Name	Crys
Last Name	Roeder
Address	6536 Stephens Rd
City	Huntersville
State	NC
Zip Code	28078-7594
Phone Number	704-641-0455
Email Address	dancingmoonfarmsandapothecary@gmail.com
Present Occupation	Herbalist, Pilates Instructor, Retired Teacher
Place of Employment	Self employeeed
Approximate hours per month for serving on Advisory Board	flexible
Name of Any Town or County Boards/Committees/Commissions You Are Presently Serving On	NA
Education	BSBA Appalachian State University, Herbalist through Sassafrass School, Comprehensive Pilates Instructor through Balanced Body
Business &/or Civic Experience	Small business owner, volunteer art exhibit judge in Hickory, NC.
Areas of Expertise and Interests/Skills	Graphic Designer for 30 years. I taught Drawing, Illustration and Graphic Design classes at CVCC for 20

2022 Public Art Commission

PAC Current Commissioners and Candidates

- 1 April Dunn
- 2 Jessica Horton
- 3 Terralyn Mills
- 4 Scott Mumma
- 5 Lynn Cavanaugh
- 6 Ed Esinhart
- 7 Miko Palmer
- 8 Crys Roeder

New Applicants Highlighted in Yellow



**Town of Huntersville
Town Board
January 3, 2022**

To: Town Board

From: Anthony Roberts

Date: January 3, 2022

Subject: Board Action - Fund Balance

EXPLAIN REQUEST:

Appropriate Fund Balance (103890.9999) in the amount of \$7,000.00 for facilitation services of the Town Board goals in the Governing Body contract services account (104100.0324).

ACTION RECOMMENDED:

Approve Board Action

FINANCIAL IMPLICATIONS:

Decrease in Fund Balance.

ATTACHMENTS:

1. Memo
2. Proposal

434 Fayetteville Street
Suite 1900
Raleigh, NC 27601
919-715-4000
nclm.org

December 20, 2021

Via email: mbales@huntersville.org aroberts@huntersville.org

Melinda Bales, Mayor
Anthony Roberts, Town Manager
Town of Huntersville
101 Huntersville-Concord Rd
Huntersville, NC 28078

Dear Mayor Bales and Mr. Roberts,

This memorandum follows on a conversation you had with my colleagues, Rick Rocchetti and Jennifer Cohen. We understand that you are looking for assistance with goal setting services for your board retreat. We are delighted that you reached out to us, and we can certainly help you with this critical work.

ABOUT THE LEAGUE

The North Carolina League of Municipalities is a member-driven, non-profit organization representing the interests of cities and towns in the state of North Carolina. Created in 1908, the North Carolina League of Municipalities (first known as the Carolina Municipal Association) was created by municipalities for the benefit of municipalities. For the past 110 years, we have helped local governments in a myriad of ways. The League is governed by an active, 35-member Board of Directors, which represents a diverse group of cities and towns of all sizes, and a range of elected and appointed staff. NCLM board members are dedicated to the idea that, working cooperatively together, we can protect local decision-making authority so that residents can pursue their own unique visions of what their towns and cities can and should be. Today we represent more than 540 cities, towns, counties, and local government entities. Our hands-on knowledge and understanding of North Carolina municipal government and, particularly, of elected leaders, is almost unparalleled.

Rick Rocchetti would be person assisting you. He has a master's degree in Organizational Development, a master's in Religious Education, and multiple coaching certifications. Rick has over 30 years working in teambuilding, coaching and leadership development as well as strategic planning, goal-setting and organizational development.

SCOPE OF WORK

Rick will lead a goal-setting session with the Board of Commissioners that works towards the following outcomes:

- Creation of a Mission statement

- Creation of a Vision for Huntersville
- Creation of a list of values that will be used for decision-making
- A list of high-level goals for Huntersville

Rick will use the following process:

- Phase One: Rick will develop and send worksheets to the Commissioners and the Department Heads for completion that will set the basis for Mission/Vision/Values/Goals development. The worksheets will be returned to you and Rick. Rick will collate the responses and present to you for review and discussion.
- Phase Two: Rick will meet with the Commissioners to share responses and get commitment on what will be included in the Mission/Vision/Values/Goals document.

COST

The League's consulting and facilitation rates are based on the economic tier status of the town. As a Tier 3, Huntersville's rate is \$1800 per day, not including any lodging required by the facilitator. The time allocation is as follows:

- 2.5 days for interviewing, collating data, meeting/agenda preparation
- 1 day for the session (February 22nd)
- Follow up with Mayor Bales

TOTAL COST: \$6300. You will arrange lodging directly with Rick and the cost of that is not included in this total charge.

Thank you for reaching out to us. We are excited about this opportunity and stand ready to assist you in achieving your goals.

All the best,



Julie Metz
Assistant Director of Business Development & Membership Services
NCLM
Cell (919) 922-1562
jmetz@nclm.org

PROPOSAL ACCEPTANCE

This Proposal Acceptance ("Agreement"), effective on the date below ("Effective Date"), is made by and between the Town of Huntersville, North Carolina ("Town") and the North Carolina League of Municipalities, 434 Fayetteville Street, Suite 1900, Raleigh, NC 27601. ("League"). The parties agree to be bound by the following terms and conditions in connection with the services as defined herein.

WITNESSETH:

Professional Services Rendered and Compensation

League will provide board retreat/goal setting services agreed to between Town and the League at a mutually agreed upon date in 2022. For such services, Town agrees to pay League the amount of \$6300.

Termination

Either party may terminate this Agreement whenever it determines that said termination is in its best interest. Any termination notice shall be delivered thirty (30) days before the effective date of the termination. If Town terminates this Agreement, Town agrees to pay League for any work already performed in reliance of this Agreement.

E-Verify Compliance

League represents and covenants that it complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (NCGS). Town is relying on this section in entering into this contract.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

By: Rose Williams
Rose Williams, Executive Director

NAME OF MUNICIPALITY: _____

By:

Name and Title

Signature

Date

**Town of Huntersville
Town Board
January 3, 2022**

To: Town Board

From: Brad Priest

Date: January 3, 2022

Subject: Call for Public Hearing - Petition #R21-14 - North Meck Recycling Center Expansion

EXPLAIN REQUEST:

R21-14 is a request by Mecklenburg County to amend the conditional district rezoning plan for their facility at 12300 Statesville Road (tax ID 01720403). The property is zoned Special Purpose Conditional District (SP-CD) and the purpose of the amendment is to expand the boundaries of the active area of the facility.

ACTION RECOMMENDED:

Recommend calling a public hearing on January 3, 2022 for February 7, 2022.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
January 3, 2022**

To: Town Board

From: Brian Richards

Date: January 3, 2022

Subject: Call for Public Hearing - Petition #R21-16 - 9102 Beatties Ford Road

EXPLAIN REQUEST:

Call a public hearing for Monday, February 7, 2022 at 6:00 p.m. at Huntersville Town Hall on Petition #R21-16, a request by Mosaic Development Group to rezone (+/- 9.8 acres) 9102 Beatties Ford Rd from Rural District (R) to Neighborhood Residential Conditional District (NR-CD) for age restricted multifamily housing. (Brian Richards)

ACTION RECOMMENDED:

Call a public hearing for Monday, February 7, 2022 at 6:00 p.m. at Huntersville Town Hall on Petition #R21-16, a request by Mosaic Development Group to rezone (+/- 9.8 acres) 9102 Beatties Ford Rd from Rural District (R) to Neighborhood Residential Conditional District (NR-CD) for age restricted multifamily housing.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

None

**Town of Huntersville
Town Board
January 3, 2022**

To: Town Board

From: Janet Pierson

Date: January 3, 2022

Subject: Approval of Minutes - December 6, 2021

EXPLAIN REQUEST:

Consider approving the minutes of the December 6, 2021 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 6, 2021
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 6, 2021.

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

Mayor Aneralla called the meeting to order

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Aneralla

- The Metropolitan Transit Commission met a few weeks ago and agreed to raise the rates of the three communities outside of Mecklenburg County that taxpayers have been subsidizing their ridership.
- Expressed appreciation to Governor Roy Cooper, Congresswoman Alma Adams, State Representative John Bradford, Speaker Tim Moore, Senate Leadership, and Assistant Town Manager Bobby Williams for their efforts to get the Town's portion of the American Rescue Plan Act funding included in the State Budget.

Commissioner Bales

- Expressed appreciation to the Huntersville Parks & Recreation staff for their work on the tree lighting and Christmas in Huntersville.
- Mecklenburg County's Building Development Commission is in need of applicants.

Commissioner Boone

- Provided update from the Lake Norman Chamber of Commerce.

- The State of North Carolina will be inspecting the Huntersville Fire Department and giving the Town its insurance rating (ISO).
- Huntersville Police Department had 15 openings for sworn officers during the summer. Currently, there are 8 vacancies, with several good candidates in the review process.

Commissioner Hines

- Reviewed what transpired with Charlotte Regional Transportation Planning Organization over the last 2 years due to COVID.

Commissioner Munger

- Apologized for missing the last meeting due to a work-related commitment.
- Congratulated everyone who decided to run for office and take part in the process.
- Provided update from the Huntersville Ordinances Advisory Board meeting held on December 21.
- Charlotte-Mecklenburg School Board will hold a workshop tomorrow on Student Outcomes Focused Governance.
- Consider supporting local non-profits.

Commissioner Phillips

- Expressed appreciation to the outgoing elected officials who have shared their wisdom and knowledge over the years.

Commissioner Walsh

- Public Art Commission will not meet this month.
- Provided update from Visit Lake Norman.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

BeeJay Caldwell, 14521 New Haven Drive, said my vision for the newly elected Huntersville Town Board members at the swearing-in December 6, 2021, as a supporter of democracy, freedom, and justice for all, I am Betty "BeeJay" Caldwell.

It appears that some are not satisfied that democracy is being given to the masses and not just a select few. Allow democracy to work for all, otherwise it will undermine the safety and security of you and some of your neighbors who have endured unrelenting attacks on their person hood and property that has the potential to destabilize their lives.

I have a photo of two bird cages in my mind. Both are symbols of freedom. The door of the first bird cage is open and represents individuals of European descent who because of their color are born into "privilege." The door of the second bird cage is closed and represents limited freedom and oppression to descendants of the enslaved. The door represents the residents of Pottstown and Huntersville who are not given the same freedom and justice as others.

As the new board is given the oath of office, let it be known that the oath is to God, not to man. And may I suggest that the newly elected members make a special effort to envision that both doors of the bird cages are open and remain open at each meeting where equality, freedom and justice can prevail to all.

Written comments attached hereto as Exhibit No. 1.

AGENDA CHANGES (CURRENT BOARD)

Commissioner Hines made a motion to adopt the agenda. Commissioner Munger seconded motion.

Mayor Aneralla called for the roll call vote. *Note: A member of the incoming Board was participating remotely, therefore a roll call vote was required on all actions taken during the meeting.*

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

PUBLIC HEARINGS (CURRENT BOARD)

Mayor Aneralla recognized Planning Board members present: Frank Gammon.

Petition #ANNEX21-03. Mayor Aneralla called to order public hearing on Petition #ANNEX21-03, a request by Bowman Development Group, Inc. and SDH Charlotte, LLC to annex 6.898 contiguous acres (Holbrooks Road Property) into the Town of Huntersville.

Nathan Farber, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 2.* Bowman Development Group and SDH Charlotte, LLC are looking to annex 10 lots into the Town of Huntersville contiguously. That equates to about 6.9 acres.

Commissioner Boone said when I Googled SDH Charlotte LLC, I came up with two companies – one in Midland with a mailing office there and a home office someplace in Texas, and another one in Charlotte, which one.

Mr. Farber said I believe they are from Charlotte.

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

OTHER BUSINESS (CURRENT BOARD)

Petition #ANNEX21-03. Petition #ANNEX21-03 is a request by Bowman Development Group, Inc. and SDH Charlotte, LLC to annex 6.898 contiguous acres (Holbrooks Road Property) into the Town of Huntersville.

Commissioner Walsh made a motion to approve Petition #ANNEX21-03 to annex 6.898 contiguous acres (the Holbrooks Road property) into the Town of Huntersville.

Commissioner Phillips seconded motion.

Mayor Aneralla called for the roll call vote.

Commissioner Bales – Approve

Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Annexation Ordinance attached hereto as Exhibit No. 3.

Artist Selection – Downtown Greenway Trailhead Sculpture. The Public Art Commission has selected to work with David Landis for the Downtown Greenway Trailhead Sculpture. The Public Art Commission sent out a Request for Proposals and received 13 submissions. At the November 10, 2021, Public Art Commission meeting, a motion was made to move forward with David Landis' proposed project for Town Board approval. We are not finalizing the piece now, but moving forward to work with the artist on creating the final piece. The Greenway, Trail, and Bikeway Commission also made a motion at their November 16, 2021, meeting to support the Public Art Commission's decision to move forward with artist David Landis.

The Public Art Commission has received a donation of \$10,000 to go towards the sculpture and has also applied for two \$10,000 grants. The Public Art Commission and the Greenway, Trail, and Bikeway Commission will continue to seek funding for this project.

Commissioner Walsh made a motion to approve the Public Art Commission's selection of David Landis for the Downtown Greenway Trailhead sculpture.

Commissioner Phillips seconded motion.

Mayor Aneralla called for the roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Landis RFP Submission attached hereto as Exhibit No. 4.

Petition #SUP21-03. Mayor Aneralla called to order evidentiary hearing on Petition #SUP21-03, a request by Art Van Wingerden on behalf of Metrolina Greenhouses, Inc. for a Special Use Permit for a dormitory for Bona Fide Farm for 14846, 14568, and 14654 Huntersville-Concord Road (Tax parcel #s 02122102, 02122108, 02122105, and 02122104).

Mayor Aneralla said quasi-judicial hearings are evidentiary in nature. The Board must base quasi-judicial decisions upon competent, relevant, and substantial evidence in the record.

Competent evidence is evidence that is sufficiently trustworthy and reliable, and that is legally fit and acceptable for consideration by the Board. Speculative, irrelevant, or vague evidence; non-expert opinions as to something that requires an expert; and non-expected hearsay evidence will likely not be competent evidence.

Material evidence is evidence that shows that the standards will or will not be met.

Evidence is substantial if it is relevant and regarded by a reasonable person as sufficient to support a specific conclusion. Speculation, unsubstantiated fears of the community, or vague assertions do not constitute substantial evidence.

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

Only parties with standing including the applicant, local government, and individuals who can show they will suffer special damages, have the right to participate fully in the hearing. Parties may present evidence, call witnesses, and make legal arguments. Other individuals may speak as a witness; however, they will not be allowed to participate fully as a party, such as by questioning other witnesses, or by calling other persons to testify.

Witnesses must swear or affirm their testimony. General witness testimony is limited to facts, not personal preferences or opinions.

Certain topics require expert witnesses including projections about impacts on property values and traffic impacts. Individuals providing expert opinion testimony must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Mere conclusory testimony lacking the foundation of the expert's opinion is insufficient to establish the existence or nonexistence of a fact or conclusion.

Even though the Board may rely on other evidence if it is not objected to, the Board should rely on competent, reliable evidence in making their decision.

I would like to recognize the applicant. Are there any other persons who believe they have standing? I believe I have several. I want to call you up one at a time and we'll determine if you have standing or not. Mr. Peter Jacobson.

Peter Jacobson said Peter Jacobson, 12505 McCord Road.

Mayor Aneralla said it's not adjacent to the property. Is there a reason why you think you have standing in this hearing?

Mr. Jacobson said yes, as a taxpayer who will be impacted by the construction of this apartment, high density dwelling. As a resident of Huntersville, I believe everybody who is a resident and pays taxes in Huntersville has standing.

Mayor Aneralla said do you feel you have more standing than anybody else?

Mr. Jacobson said no.

Mayor Aneralla said well, I'm sorry. Thank you. Our next person is Mr. Edward Cecil. Please state your name and address.

Edward Cecil said Edward Cecil, off McCord Road in Huntersville.

Mayor Aneralla said why do you think you have standing?

Mr. Cecil said I'm a citizen of this town. I'm a taxpayer. The situation concerning this property is that I will be burdened by possible additional taxes that can occur. In addition, the police and fire will have to police and regulate this area with the increase of 500 workers in a dormitory.

Mayor Aneralla said Mr. Cecil.....

Mr. Cecil said I'm not done. I don't reside next to it, but standing has nothing to do with proximity.

Mayor Aneralla said do you feel you have more.....are you going to be more impacted than the general citizen in Huntersville?

Mr. Cecil said all general citizens in town have standing in regard to this issue.

Mayor Aneralla said please sit down, thank you.

Mr. Cecil said well, I also can comment as an expert as a police commissioner if we want to discuss another.....

Mayor Aneralla said you are welcome to sit down, thank you.

Mr. Cecil said you're not accepting my standing in regards to being a police commissioner, in regards to the burden of the town in regards to police presence that must be out there. I'm a former police commissioner. That would give me expert testimony.

Mayor Aneralla said you are welcome to sit down, thank you.

Mr. Cecil said thank you.

Mayor Aneralla said our next person is Mrs. Kimberle Burton. Please state your name and address.

Kimberle Burton said Kimberle Burton, 15555 Huntersville-Concord Road.

Mayor Aneralla said you feel you have standing.

Mrs. Burton said yes. I'm directly across the road from that whole Metrolina Greenhouse complex, which is connected to the property that they are talking about putting a dormitory on. It's about a half mile from my house, but the properties are completely connected.....their properties are completely connected. That's why I feel like I have standing.

Mayor Aneralla said you brought Mr. Robert Mugkenfuss as counsel?

Mrs. Burton said yes.

Mayor Aneralla said we'll let you come on over, we'll swear you in and swear Mr. Mugkenfuss in. Who is going to be here for staff? And Mr. Van Wingerden.

Mayor Aneralla swore in Jack Simoneau, Art Van Wingerden, Kimberle Burton and Robert Mugkenfuss.

Mayor Aneralla said are there any disclosures or anything that Board members would like to make? I can tell you that I know both the applicant very well, as well as one of the individuals with standing, but it won't impede my judgment on conducting this hearing.

Commissioner Phillips said Ed Cecil contacted me and said that the people in the community were unhappy, but that is the only bit of conversation I've had around this, so I do not think that it will impact my standing.

Commissioner Walsh said Ed Cecil also reached out to me and wanted to discuss it. He specifically mentioned the Burtons were upset about it and wanted to discuss it and I said well, it's quasi-judicial so I can't discuss it, and he said well I want to talk about the process. I said I can't discuss it and so we ended the phone call, but it won't influence my decision.

Commissioner Bales said I know the applicant. I know him relatively well and I also got a phone call from Ed Cecil wanting to discuss the citizens being upset, specifically Mrs. Burton or the Burtons, but neither will affect my judgment on making this decision this evening.

Commissioner Hines said I've talked to Mr. Van Wingerden on occasions in the past, not regarding this. I've talked to Mr. Cecil and in one of our last conversations this came up. Didn't really talk about it at length. I didn't even know it was quasi-judicial, but none of that is going to affect my decision.

Commissioner Bales said I did want to follow back up just to be very clear. In addition, the applicant has donated to my campaign in the past, so I wanted to also make that public. But again, that has nothing to do with the decision making this evening.

Mayor Aneralla said the parties in this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about this case outside of the hearing. That may be an email communication, as well as conversations with parties, staff, or the general public. Does any Board member have any other ex parte communications to disclose?

There were no disclosures.

Mayor Aneralla said based on disclosures we've heard from the Board concerning partiality and ex parte communications, does any member of the Board or any party to this matter have an objection to a Board member's participation in this hearing?

There were no objections.

Mayor Aneralla said we'll hear from Mr. Simoneau.

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

This is Special Use Permit Request #21-03, Metrolina Greenhouses. Art Van Wingerden submitted the application on behalf of Metrolina Greenhouses, Inc. Just to give you an idea of the property, I'm going to start with a large map.

Metrolina Greenhouses owns about 1,000 acres in the eastern portion of Huntersville. The map that you see in front of you, Huntersville-Concord Road, the greenhouse itself fronts on Huntersville-Concord Road where Huntersville-Concord Road intersects with Hiawasse, turn to the right. They also have property that's highlighted in yellow and the greenhouse. H-2A housing is proposed in this portion of their property. They do own all these acres. This is the 40+ acres that they are planning to locate the housing on. I can refer back to this at any point in time, as well as the folks with standing if they would like to explain using this map.

This is the zoning map of the property in question. It's zoned TR, the brown. Metrolina Greenhouses owned property is zoned TR, it's zoned Special Purpose, it's zoned Rural, so they have all of those different zones under their control. But this particular property is zoned Transitional Residential. I just put this map up here so in case we need to refer to it at some point in time. Again, you have Huntersville-Concord Road serving the property and a driveway will come off of Huntersville-Concord Road and the units will be placed generally in this area here. This is a wooded section, and this is the section of the property that is not wooded, so it's there in case we need to refer to it during this meeting.

This is one of the detailed maps that's been provided, and this shows the access point off of Huntersville-Concord Road and the area that they are removing the trees is around this area right in here. The road will come in, there will be a court here for the buses to come, there will be four buildings that are proposed. This area in question is about 46 acres and again Metrolina Greenhouses owns about 1,000 acres. As I mentioned before, it's zoned Transitional Residential. The asphalt will be crushed asphalt driveway. There are four dormitory buildings that will be 104 beds each. Each building is going to be one story, that would be 10,660 sq. ft. They have indicated that they are going to have buses that bring the workers to Metrolina Greenhouses. The proposed tree line is shown on this detailed plan, and they are proposing to connect to Charlotte Water and Sewer for their utilities.

This shows a site plan of the map that was included in your agenda packet. Again, each of these buildings contain up to 104 beds and accommodate 104 people. In August, Metrolina had a text amendment approved that gave this opportunity to ask for a Special Use Permit. The amendment that was approved basically says that dormitories for bona fide farms are permitted in the Rural, Transitional District if a Special Use Permit is granted. The criteria that's in there is (1) that the use will not endanger the health and safety and does not substantially reduce the value of nearby property; (2) the use does not conflict with long-range plans; (3) the use does not constitute a nuisance to adjoining properties with respect to noise, dust, fumes, odor, traffic; (4) buildings, parking, trash facilities shall be setback at least 100' from any adjoining property line and 500' from any public street right-of-way; (5) use be visually screened year-round from all adjacent adjoining properties and public streets; (6) the driveway and parking area shall, at a minimum, be ground asphalt; (7) the dormitory is located on a bona fide farm of at least 100 contiguous acres and is on the land being farmed by the occupants on a full-time basis; (8) the dormitory cannot exceed two stories in height and 15,000 sq. ft. per building and five buildings total; (9) building and housing will be constructed and maintained to meet H-2A program requirements or similar federal programs at the time. I'm sorry to have to read that into the record, but that's the criteria that we are basing our decision on tonight.

In your agenda packet is the Staff Report. Staff, after reviewing, did recommend approval of this Special Use Permit. There are some conditions that the storm water and storm drainage plans that are required are in the process of being reviewed by the Land Development Engineer and ultimately have to be approved before any building can occur. I want to get that on the record. Also, the grading plan is required. It's related to the storm water drainage plan. That, too, is in the process of being reviewed.

The Special Use Permit is issued that will all be a part of the review for any building permits are issued. The applicant shall, upon receipt of certification that the building meets H-2A program requirements or similar federal program, submit that certification to the Town Planning Department. That was the last criteria that I read off and the site plan has an indication that it serves 444 acres. In reality, the parcels in question are 46 acres, but again it's part of a 1,000 acre total development.

In your agenda packet you have the Planning Board recommendation. The Planning Board did recommend approval 9-0 and with that we'll be happy to answer any questions that the Town Board has. As you are aware, you will have to do a decision statement in making your ultimate decision, but I'm happy to field any questions that there might be.

Commissioner Bales said it says in the Staff Report that a Willingness to Serve letter from Charlotte Water was not requested as part of this Special Use application process. At what point would that occur, do you know?

Mr. Simoneau said they are in the process of getting that Willingness to Serve letter. As we are aware, Charlotte Water does have issues with sewer connections out in that particular area, so I'm not sure even if Charlotte Water is willing to say we are willing to serve you, but it's willing to serve you if we have capacity. And there are capacity issues out there. If that doesn't come to pass, then they are going to have to figure out another way to deal with waste and that might have to be a package treatment plant. I don't even know if a septic system could work for something of that size. I have doubts that could happen. This is a significant issue, but this would be reviewed at the time they apply for the building permit and if they are unable to connect and it affects their site, this could come back to the Board for a re-working of the site plan.

Commissioner Munger said just for clarification purposes, if you'd go back to the Article 9.62 screen, so essentially what we are doing here is we are approving a Special Use Permit as long as it fits all nine of these criteria and that is it. As long as it fits all nine of these criteria and that is it.....as long as it fits all nine of these, we have to approve it.

Mr. Simoneau said correct.

Commissioner Munger said real quick question on the timing of the H-2A approval. Do you have any idea of how quickly and that might be a question for the applicant.

Mr. Simoneau said the applicant is here and can answer that.

Mr. Van Wingerden said just to be sure I answer the question correctly, what was it.

Commissioner Munger said the timing of the H-2A approval, how does that process work and where are you in that process?

Mr. Van Wingerden said this will be our third year into it, so we just finished our second year. The first year we had 150. Last year we did 300. We can have them for up to 10 months. They start the end of January and are usually done by the end of November once poinsettias are gone.....150 of them. We'll get 100 at the end of January, 50 mid-February. They don't leave until the end of November, so they are there for basically the entire time. The other 250 that we'll have will be there from mid-March to mid-June because that's our busy time.

Commissioner Munger said just to clarify, when you are mentioning these numbers, you are referring to workers, correct.

Mr. Van Wingerden said workers, that is correct. We have 400 total workers that we are going to be using this year, so 150 of them are for the 10-month period basically, so 50 of them are 9-1/2 months, but it's close enough to 10 months. The other 250 will be there 90-120 days. Once we are to that, then we will spread everybody out so everybody has plenty more room. We want to keep every building occupied so there's at least people in it.

Commissioner Hines said regarding the sewer issue, have you had additional conversations.....I mean, you may get a Willingness to Serve letter, but they're not even acknowledging those really anymore. Have you looked at alternatives?

Mr. Van Wingerden said we've started talking about alternatives. We have talked to the county about are we going to be able to hook up to the sewer. I can't get to Jack's map, but the sewer tap is about 250' from the building, so that's a pretty easy tap. If you are going down Huntersville-Concord Road there's a fire hydrant about 300' from the driveway, so that will be our water hook-up. If they don't do it, we're going to have to look at can we build some type of system to handle what we have there.

Mayor Aneralla said any other questions of the applicant?

Commissioner Bales said what is your timing?

Mr. Van Wingerden said timing, of course, is of the essence. I actually spoke to our H-2A guy today and he was asking me how we were doing with all this, and I said as typical it's a little slower than we want. They've been in hotels the last two years. We will do that again next year. It will come at a much greater cost to us because hotel rooms when we first started this, the first year we did it was when COVID started, so hotel rooms were pretty cheap and pretty available. Last year they were somewhat available and a little more expensive. This year they are not as available and are way more expensive. Our workers are having to travel ½ hour up to an hour to get to work and then ½ hour to an hour to get back.

Commissioner Bales said in regards to building these, if you receive your Special Use Permit, at what point would you start building?

Mr. Van Wingerden said we'll start on the permit process. We'll do the fast track on the permit we assume, let's call it 30 to 90 days just depending on how quickly that happens. As soon as we get the permit, we'll start building.

Commissioner Bales said in addition to the whole water and sewer thing, I'm just trying to understand at what point do you plan on having workers in the building.

Mr. Van Wingerden said the way H-2A works, there are federal guidelines that you have to follow, so many square feet per person, everything is regulated the way that it works. Once it's done, the Department of Labor has to come in and inspect you. That happens every year, so it's not just one time, you're done, and then you are finished with it. The next year when H-2A comes back, the Department of Labor comes and checks it and it's 30 days before move-in date. If we don't get approved, then we have to fix whatever they deem not to be to specifications or to standards and then the clock starts over the day the inspection is made. With everybody coming the end of January, my inspection would have

to be the end of December. I couldn't have a building by this December so I would say next year we're more likely going to be in hotels the entire season unfortunately, but that's just part of it.

Commissioner Bales said do you anticipate building all four buildings at one time?

Mr. Van Wingerden said yes. We'll probably get four separate permits is what we'll do so each building is on its own, so when we finish one we can have it hooked up and ready to go. They're pretty simple buildings. There's not a lot of walls in them. It's built like a military barrack. We went and inspected several of these around the country to see what we wanted to do and how we wanted to do it and just talked to different townships what they like. Some people build a lot of houses and then they will put two people per bedroom, have 14 people in a house. By the time you start building that many houses, especially for the people that are there 90-120 days, it just doesn't make a lot of sense. Michigan was the main place we went to look at these. They are all over the place in Michigan. Believe it or not Michigan is one of the top 3 states in the country for H-2A workers.

Mayor Aneralla said any other questions? Mrs. Burton.

Kimberle Burton said I want to begin by saying I'm not here to be confrontational. Our family has enjoyed good working relationships with our surrounding neighbors and we want to maintain those relationships. We've had conversations and that doesn't affect the quasi-judicial because we can have those conversations. But I am here because I truly care about our town, the community, and its vision for our future. I have deep concerns about the proposed request for the Special Use Permit that allows for, I thought it was when we spoke five buildings and 500, I see tonight it's four buildings, 400 bed dormitories to house the workers for Metrolina Greenhouse.

The dormitory would be placed very close to my property and it would be built in a rural, low density zone and I'm concerned, if allowed, this high density dormitory may set a precedent for others to request the ability to place more large dormitories such as this on their land. If you allow the density increase with a Special Use Permit, how do I have confidence that you will not vote to allow other high density development such as apartment complexes to be placed in our Rural zoned area. High density means more traffic, the need for more fire, EMS services, which the Town will have to provide. If this happens, the landscape of this part of Huntersville would be completely changed and would not be in keeping with the Town's 2040 Plan.

Mayor Aneralla said Mrs. Burton, can you point out where your property is?

Mrs. Burton said I have 100 acres across from Bradford Drive, so I'm just around the corner from the entrance to this. My farm starts in front of Bradford Drive and goes all the way to that corner right there where that yellow is. I have concern that the dormitory would have a negative effect on the property values for those in close proximity to the project. Where do we get the information regarding the effect the dormitory will have on the property values? I have consulted with a real estate broker who has stated to me there is a chance.....

Mayor Aneralla said is the broker here?

Mrs. Burton said no, he is not.

Mayor Aneralla said I'm not an attorney and I don't play one, but we have to have that person, if they are here, to be sworn in and so forth. If you have something to say, you should have your attorney say it, too.

Mrs. Burton said he will. I want to say something, then he will say something. What I went through is I looked at those criteria and there were three things on that that I want to make sure that we have assurances that these things are adhered to. One is that the density of the property will be changed as far as the density of the amount of people on a single property and that's not within the Town's 2040 Plan; that the Special Use Permit requires the buildings not be visible from the road and as I drive by the site, it's clear unless they are going to add substantial screening, that you are going to see these buildings from the public street. How will it be determined that the requirement of the buildings not be visible from the public street has been met. I've been in attendance to several of these Town Hall meetings and listened to other Huntersville residents who had a decrease in their property value because the Town of Huntersville has not enforced the provisions of sound and light requirements of a neighboring project.

Mayor Aneralla said Mrs. Burton, again, you are supposed to present evidence at this hearing.

Mrs. Burton said I was not allowed to be involved in any of this pre thing.....the preliminary hearing or whatever, so I do feel my property value will be affected and an impact study should be done to say yes or no and I do feel that it may trigger further development and I do feel that it will be visible from the street. Those are things that are on the list that need to be completely addressed and assured that will be adhered to. I feel an impact study should be done to decide whether my property value will drop or not. Him saying it or me saying it, that's just opinions of citizens, but an actual impact study would show that.

Robert Mugkenfuss said I'm a partner with the McGuire Woods Law Firm in Charlotte. I represent Kim and Jeff Burton. I'll briefly address a couple of points. The most important point I want to note is Kim's testimony, which I believe she's competent to testify as to the impact of the value of her property. Being a resident, homeowner, she believes that this development, this construction, will substantially reduce the value of her property which is one of the requirements that the applicant has to overcome. Under North Carolina law the applicant has, as Mr. Mayor you noted, to present competent, substantial, material evidence to satisfy the requirement that it would not substantially reduce the value of nearby property.

As Mr. Mayor you noted, my clients have standing. They do have property which is nearby. When I look at the Staff Findings under 9.62.1, it's noted that the applicant has made a note on his application that it does not substantially reduce the value of nearby property, so it appears from the staff findings that this is a statement by the applicant as far as I have not had the chance to question the applicant, but as far as I know the applicant is not a real estate broker, he's not an expert in real estate value. Under North Carolina law, his statement as to the impact of value would not be competent evidence as to whether it substantially reduces the value of nearby property. On that point alone the applicant has not satisfied the burden to obtain the Special Use Permit and in addition my client has testified that she does believe it will substantially reduce the value of her property. With that opinion from a homeowner who has standing, I would submit that the applicant has not satisfied the burden. There should be additional investigation as to the impact of this construction on nearby property. My client and other nearby property owners would certainly be impacted. It's the prudent thing to do. Hopefully the Town respectfully would want some competent evidence as to the impact of this construction on the value of property. That's what my clients are asking.

Emily Sloop, Town Attorney, said vague, general allegations of decreased property value that are not substantiated by a certified North Carolina appraiser is generally not admissible in quasi-judicial hearings and therefore they are not competent, material, substantial evidence. We haven't necessarily heard anything that would reflect upon the record that Mrs. Burton has standing per the definition in 160D-1402. She's not a person that has property ownership interest, meaning she does not own the property that's subject to the application. She doesn't have an option to purchase the property. She does not necessarily have special damages that she has supported by expert opinion testimony. She also does not belong to a homeowners association with regards to the property. Her property, while in some proximity, is not necessarily abutting the property that is subject to this application. There is case law that says while proximity has some weight, proximity in and of itself is insufficient to grant standing. That is a case from North Carolina out of Raleigh. I would ask for clarification to reflect upon the record how she has special damages that would equate to standing for this matter.

Mr. Mugkenfuss said *Whitman v. Forbes* of the North Carolina Court of Appeals 1982 held that a layperson is competent to testify as to property value of the property they own. I'd share the Complex Commercial Litigation Department at my firm have litigated a lot of property cases and it is absolutely competent for a homeowner to testify as to their property value. That is competent evidence. Someone else, in this case the applicant, has to present evidence to this Board as to his belief that it would not substantially reduce the value of nearby property. As far as I know, there has been no evidence presented to this Board that it would not substantially reduce the value of nearby property.

As to standing, I think the criteria of the Town is that it won't substantially reduce the value of nearby property. It's unquestionable that the Burtons have nearby property. As far as I know, the definition of nearby property is not defined in the ordinance; therefore, and I think Mr. Mayor you acknowledged that they have standing, and I think by virtue of my clients being where they are, Mrs. Burton pointed out on the record where their property is. It's probably as close.....obviously we are out in the country. I live in Charlotte where people are very close to each other. I think it's as close as you could possibly be. It's across the street. I certainly believe that with regard to the criteria of nearby property they have standing and Mrs. Burton can certainly testify as to the value of her property. Again, the case of *Whitman v. Forbes* establishes that, and it is competent evidence. And, again, on the flip side, I am not aware of any competent evidence of the applicant who has the burden to show that it would not substantially reduce the value of nearby property.

Mayor Aneralla said one quick question, sir. The Pavilion Estates, would you say that their proximity is potentially plus or minus.....

Mr. Mugkenfuss said in the upper left?

Mayor Aneralla said would that group of people have more or less standing than the Burtons.

Mr. Mugkenfuss said certainly I'm not the judge or jury, but.....

Mayor Aneralla said they are right across the street from it.

Mr. Mugkenfuss said I think one of the issues, my understanding is that the residents of the Pavilion Estates did not receive actual notice of this hearing. Absolutely, I think again nearby, it's not defined as far as I know in the ordinance, but I would think the people in that community would have standing as would my client.

Mayor Aneralla said any other questions, or the applicant can speak.

Mr. Van Wingerden said Jack pointed out this 46 acres, so we have to make it 100 acres even though it's all contiguous, all 1,000 acres are there. If we have to put two or three other lots into it, we are going to put this one, this one and this one. That's 256 acres right there, just that lot. That's where if we had to say okay what parcel of land if we had to put tax parcels, those are the three parcels we are going to put with it because they are connected to said parcel.

I don't have any evidence that the property value went up or down in Michigan. I didn't know I had to have that. If I knew I had to have that, I would have made sure and gotten that, but obviously I don't. That's the piece of land that we will connect to it to give it the 100 acres that the ordinance says. When we first did it, I just figured the whole 1,000 acres since it's all connected as one property.

Mr. Simoneau said how we viewed it, they own 1,000 acres outlined in yellow. It's all contiguous, so that's how we determined they met the 100 acre threshold.

Mayor Aneralla said Mr. Simoneau, there was a question about screening and seeing it from the street, and density. Can you address those two questions.

Mr. Simoneau said that's one of the reasons why I have this aerial photograph here. This is the site and so you can kind of see the existing woodlands, so this is the area that's going to be cleared. You can see the existing woodlands are going to stay. This area right here is not treed. This happens to be SWIM buffers, so this is all vegetation, so that vegetation is staying. It will be cleared as it comes in and curves around. When they come in for their permit, we will be checking the woodlands that will be preserved and based on the aerial photography that we have and the site area that would be impacted, we have determined they meet that standard. Having said that, if Charlotte Water is unable to provide sewer and there has to be some kind of system built, we will have to reevaluate because we don't know if that impact will change. I would say it's probable that it would be outside of this area, so when it was asked who's going to be checking that, that would be the staff's job. If there's a substantial change in the site as approved by this Town Board, we will bring it back to the Town Board so you can reconsider.

Mayor Aneralla said Commissioner Munger.

Commissioner Munger said this is probably a question for the attorney, but is the burden for property valuation on the applicant or nearby property owner at this point?

Ms. Sloop said as far as proving special damages, they have to be particularized to the property owned by the opponent, in this case Mrs. Burton. While she has stated that she would like or feels that and thinks that a study is necessary, she has not provided any concrete evidence of property value decreasing that would be substantiated by an opinion, or an expert witness opinion I should say, rather if I heard her correctly her damages would be because she could see it from the street which would be not particularized to that particular property, as everyone could see it from the street that is passing by. The burden you asked about as far as who has to prove, an opponent has to because once the applicant has met their burden of providing to a reasonable mind that the elements and requirements of the ordinance have been met, the burden then shifts to the opponent to show why they are not met.

Mr. Mugkenfuss said with all due respect, the burden, and the Mayor actually quoted the burden correctly. Innovative 55, LLC v. Robeson City which is a 2017 Court of Appeals case, set forth the burden

of the applicant, that the applicant has the burden of production. It's not the burden of proof, it's called the burden of production. The applicant has to put forth substantial, competent, material evidence which is what the Mayor stated at the beginning as to each criteria stated in the ordinance, so the applicant would have to put forth substantial, competent, material evidence that it does not substantially reduce the value of nearby property. I think the applicant has admitted here today that he didn't know he had to present any evidence to that issue. In the staff findings, they simply note that he has a note on his application that it would not, so he has not presented any evidence, competent evidence, at all that it would not substantially reduce the value of nearby property. The burden only shifts to the opponent once he satisfies his burden, so my clients have no burden I would contend. They have no burden to rebut that because he has not satisfied his burden in the first instance to provide substantial, competent, material evidence on that point.

Mayor Aneralla said do you have any other comments, Ms. Sloop?

Ms. Sloop said my previous comments stand on their own.

Mayor Aneralla said Mrs. Burton, do you have any other comments? Mr. Van Wingerden? Mr. Simoneau?

Mayor Aneralla said my last question is based on your opinion and expertise. Has the applicant met all nine points of our ordinance?

Mr. Simoneau said yes, as indicated. The Planning Board also did recommend approval.

Commissioner Walsh said it's the math here. We've got 1.5 units per acre that's allowed here. Is that correct?

Mr. Simoneau said correct, TR would be 1.5 – that brown area is 1.5.

Commissioner Walsh said if there are 104 beds, four dormitories, that's 420 people I heard. Here you are showing it as 46 acres. I know the property is over 1,000, but there's commercially built upon there, then you are mentioning the two other properties bring it to 100, so I'm just trying to figure out what's the math here.

Mr. Simoneau said density is units per acre. Dormitory is not quite to units per acre, it's beds. When the text amendment was done there was specific criteria in there saying it has to be at least 100 acres in size, could be no more than five buildings with "x" amount of square feet. That's the parameters that you work on. The way we see it is all 1,000 acres are a part of this whole conglomerate that we would call the Metrolina Greenhouse property and where you see the buildings is basically the purple area, but everything else, as you can see from the aerial photography below, is just scattered buildings here or there.

Commissioner Walsh said so they wouldn't be allowed to build additional buildings on the 100 acres, correct.

Mr. Simoneau said this Special Use Permit is for these four buildings with the numbers that are outlined on that, so that's this Special Use Permit and if things change, including not being able to get a sewer connection and then having to build a packaged treatment plant and take on additional land, that changes the nature of the Special Use Permit, and it has to come back before the Town Board.

Commissioner Walsh said I guess clarification is it says the approximate 46 acres, so it's really 100 acres.

Mr. Simoneau said it's really 1,000 acres. The applicant highlighted this is the area generally that we are going to be disturbing and represents 44 acres, so that's kind of what they said. From our standpoint the way the ordinance reads, is it's got to be a part of a farm of at least 100 contiguous acres. There's 1,000 acres that's contiguous here.

Mayor Aneralla said any other questions?

Mayor Aneralla said hearing no additional questions or presentation of relevant facts, the Board will now begin deliberation. The evidentiary hearing remains open so that the Board may ask clarifying questions.

As a reminder, the Board is tasked with deciding if, based on the evidence presented at the hearing before this Board, the proposal meets the applicable standards.

If the applicant meets the burden of producing competent, material, and substantial evidence that the standards in the ordinance will be met, the burden shifts to the other parties opposing the application to show by competent, material, and substantial evidence that the standards in the ordinance will not be met. If conflicting evidence as to a standard is presented, the Board will weigh the evidence and determine which side's evidence is correct. As an example, the Board may determine that one side's evidence is more credible or more reliable.

If the applicant does not meet their burden of producing competent, material, and substantial evidence that the standards in the ordinance will be met, the Board must deny the application.

The application as originally submitted was considered by the Planning Board and the Planning Board made a recommendation. Nothing that occurred at the Planning Board level, including the Planning Board's recommendation, is considered evidence that you can base your decision on. However, the Planning Board's recommendation may be useful to the Board in identifying issues that the Board may want to consider and evaluate based upon the evidence that was presented at the hearing before this Board.

Is there a motion or any other discussion? It's awfully quiet. Motion? Discussion? Is there a motion? Is there something I'm missing here?

Commissioner Bales said I think you are seeing individuals mulling through what they have just listened to.

Mayor Aneralla said you are allowed to deliberate for a motion, as well.

Commissioner Bales said correct. One of the things that I just want to make sure that I am clear. It really does circle back around to the water connection and making sure that if this were approved and I think we heard this, if this were approved and there was an issue with water and sewer hook-up, that they would have to come back to us regardless of the modifications necessary if it's not as presented. Is that correct?

Mr. Simoneau said yes.

Commissioner Bales said I think the other question that came up is in regard to standing. I know when he said that Mrs. Burton had standing, but then what I heard from 160D.1402 makes me stop to question that. If I'm going to make a decision like this, I would like to hear that again.

Mayor Aneralla said not knowing the statute verbatim, it's typically been tradition to at least allow somebody who is somewhat close to a project to speak. I personally don't like these quasi-judicial hearings because of the formality and then I always have to look like the bad guy. If you think about all our quasi-judicial hearings that we've held, we've given some leeway but then it is ultimately your determination if that person did have standing or not.

Commissioner Bales said the last thing that stands out to me is the burden to show that the property values will not be substantially reduced. I'm not quite sure that's been proven here this evening. These were my takeaways since we were having dead air space, I thought I would throw this out there as everyone is mulling through.

Mayor Aneralla said I think Ms. Sloop can address that one more time.

Commissioner Bales said I think that would be a good idea.

Ms. Sloop said the burden originally lies with the applicant. Once the applicant has provided and met the evidentiary burden, that burden then shifts to any opponents, such as Mrs. Burton, to show why the standard is not met or why they will have the special damages that will affect the property in terms of standing requirements. Just to reiterate, per the statutory definition of standing, one of the ways you can qualify as a person with standing is if you have special damages, but usually special damages may factor in proximity, but typically proximity in and of itself has not been sufficient to provide special damages. Usually special damages are economic in nature showing a specific decrease, not a future hypothetical decrease, in property values. For example, that decrease is typically shown by expert witness opinion coming from a certified appraiser, not the applicant's opponent themselves as to their own opinion of their property decrease or what it may decrease in the future. Other things have been considered such as secondary impacts, however as far as her testimony on what made her, in her opinion, have standing. All I heard was that she could see the building from the road, which is what any person passing by would see.

Commissioner Munger said is it possible to ask the applicant a question.

Mayor Aneralla said yes, it's still open.

Commissioner Munger said it seems to me we are stuck on one issue. How did you arrive at the fact that the property valuation would not be adversely affected by this? What was your process?

Mr. Van Wingerden said I just looked at all the other buildings that we've built there. A lot of times people look at farms and go my property values are going to go down because of farms. We have a 50 year history two years from now of being in Huntersville. When we moved here, land was \$600 an acre, that's what we bought our first acreage for. The last acreage that we bought was \$35,000 an acre. If I buy any more land that's in and around that, I'm going to pay more than \$35,000 an acre. If I buy land today from any of my adjoining neighbors, I'm going to pay more than \$35,000 an acre and we know H-2A housing is on the books to hopefully go there. All the neighbors know that. We've tried to be very upfront with our neighbors. We've had them over to the greenhouse if they wanted to look through

what we are doing. I think the Burtons would tell you I've had them over several times to discuss it. It's not adversarial at all. We've discussed what we are doing, why we need it, why do we need H-2A – we can't get seasonal help. It's very difficult to get seasonal workers.

I started this process in March of 2021. I think it was March I called Jack and said I'm thinking about doing this, so whatever the land value was then, I'll pay more today than I did in March. And we know that H-2A is not something that I just sprung on somebody a week ago. This is something that has been going on for 9 months. That's my opinion because any piece of land I've bought, or Metrolina has bought since we've started, because obviously we didn't start at 1,000 acres, we started with 88 acres. The first land we bought, I-77 wasn't even here yet, so there's a few people that remember that. Every subsequent piece of land we have bought since 1973 has gone up in value. Every one of them and if I buy land in 2022, I will pay more than I paid for this last piece of land that I bought in December of 2019. That's the way I look at it as a resident of Huntersville, as a resident that lives right across from the Greenhouse, as a resident who has bought property personally and as a company. I've paid more for property than I have in years past. Again, if I have to buy land in the future, I'm going to pay more for it.

Commissioner Munger said is that rate of increase comparable to other properties?

Mayor Aneralla said stay on point. Any further discussion, motions? Some of us have a lot longer to go tonight.

Commissioner Hines made a motion in considering the Special Use Permit SUP21-03, Dormitories for a Bona Fide Farm for Metrolina Greenhouses, we the Town Board find the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on adjoining properties and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. This decision is supported by the following findings: (1) the proposed dormitories meet the requirements and are consistent with the Huntersville Zoning Ordinance Articles 9.6 2.1 and 9.6 2.9.

Commissioner Phillips seconded motion.

Mayor Aneralla said any further discussion?

Commissioner Munger said on the motion you mentioned 9.6 2.1 and 2.9. Doesn't it have to meet all of 9 criteria?

Commissioner Hines said I said through.

Commissioner Munger said my apologies. I heard wrong then.

Commissioner Hines said I think I did. If I didn't, I meant to.

Mayor Aneralla said any other points of clarification or discussion?

Commissioner Bales said were there any conditions based off of the staff recommendations?

Commissioner Hines said can I just add other recommendations as requested by the Town Staff.

Commissioner Phillips seconded amended motion.

Commissioner Bales said I just wanted to make sure that each one would not need to be spelled out.

Mayor Aneralla called for the roll call vote.

Commissioner Bales – Approve
Commissioner Boone – Approve
Commissioner Hines – Approve
Commissioner Munger – Approve
Commissioner Phillips – Approve
Commissioner Walsh – Approve

Mayor Aneralla said that passes 6 to 0.

The staff will draft, and I will authorize and sign, a final written decision to reflect the vote and the reasoning for this decision. The written decision will be provided to the applicant and the other parties with the right to such notice.

CONSENT AGENDA (CURRENT BOARD)

Commissioner Phillips made a motion to approve the Consent Agenda. Commissioner Walsh seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve
Commissioner Munger – Approve
Commissioner Hines – Approve
Commissioner Boone – Approve
Commissioner Walsh – Approve
Commissioner Phillips – Approve

The following items on the Consent Agenda were approved:

- Minutes of the November 15, 2021, Regular Town Board Meeting.
- Award the bid for the purchase of two transformers from Virginia Transformer Corporation and authorize the Town Manager to execute contracts associated with the purchases. *Bid award recommendation attached hereto as Exhibit No. 6.*
- Budget amendment appropriating Electric fund balance (353890.9999) of \$1,336,430 for Transformer #3 of \$668,215 in account 358100.0512.35074 and for Transformer #4 of \$668,215 in account 358100.0512.35057.
- Contract with Heartline Fitness Systems for commercial fitness equipment at HFFA. *Contract attached hereto as Exhibit No. 7.*
- Budget amendment appropriating Fund Balance in the amount of \$292,534.72 for fitness equipment at the HFFA facility.
- Resolution authorizing a general fund loan to HFFA for fitness equipment purchase. *Resolution attached hereto as Exhibit No. 8.*

RECOGNITION OF OUTGOING ELECTED OFFICIALS

Commissioner Hines expressed appreciation to the Town staff. One of the things that makes it easy for me to step away from this role is because I know we have such a good team that is going to keep moving Huntersville forward. I've had a great time serving with everyone I served with on the board. The previous board and this board as well. We don't always agree on everything, but what I found is we are always respectful and we always appreciate the differences. Continue to be proactive in moving Huntersville forward and thank you Huntersville for allowing me to serve.

Commissioner Walsh said one of the biggest privileges I've had is to be able to serve the town that I love enough to call my home. The staff is absolutely awesome and make our jobs a lot easier. I hope the new board will work with the staff and continue to make those improvements and continue to make Huntersville a better place. I hope that in my four years I've left it a better place than I found it, so thank you.

Mayor Aneralla said I have enjoyed my time as Mayor and always tell everybody the best part of being mayor was finding out how much good is being done in this community. I think during COVID we saw that exponentially. We had a lot of accomplishments over the last 6 years. I often tell people that we are the best funded community in the state. We are AAA rated and all those things without raising taxes. Huntersville is 65,000 people and one of the reasons why I ran 6 years ago was because I felt like we needed to lead on a lot of the issues instead of follow. And I think we did. We led on transportation issues, taxes, education. We didn't always win, but we were there and we spoke up for you all and I think that's what you asked us to do when you elected some of us six years ago. I've had three different boards, basically 10 different people that I have worked with and that's a lot of different personalities and a lot of different backgrounds. What I'm most proud about is we have six people here and the mayor only votes when there's a tie, and I have only voted twice in two years. Despite our differences and our backgrounds and political parties and everything, somehow we ended up coming together and moving the Town's agenda forward. I also want to thank our staff. They do work hard and they do have the best interest of the community. To the citizens of Huntersville, I want to thank you all. I know we don't agree all the time on everything, but I try to treat you professionally and with respect. And then finally I want to thank my friends and family who supported me over the last six years.

INSTALLATION OF ELECTED OFFICIALS

Judge George C. Bell administered the Oath of Office for Mayor to Melinda Bales.

Judge George C. Bell administered the Oath of Office for Commissioner to Dan Boone, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Judge George C. Bell administered the Oath of Office for Commissioner to Rob Kidwell who was present virtually.

AGENDA CHANGES (NEW BOARD)

Commissioner Boone made a motion to adopt the agenda as presented. Commissioner Partee seconded motion.

Mayor Bales called for a roll call vote to adopt the agenda.

Commissioner Munger – Approve

Commissioner Partee – Approve
Commissioner Phillips – Approve
Commissioner Kovacs – Approve
Commissioner Boone – Approve
Commissioner Kidwell – Approve

NEW BUSINESS (NEW BOARD)

Election of Mayor Pro Tem. Commissioner Kidwell nominated Stacy Phillips as Mayor Pro Tem.

Commissioner Partee seconded motion.

Mayor Bales called for a roll call vote to elect Stacy Phillips as Mayor Pro Tem.

Commissioner Munger – Deny
Commissioner Partee – Approve
Commissioner Phillips – Approve
Commissioner Kovacs – Approve
Commissioner Boone – Approve
Commissioner Kidwell – Approve

2022 Meeting Schedule. Commissioner Phillips made a motion to adopt the Meeting Schedule for the Town Board.

Commissioner Kidwell seconded motion.

Commissioner Boone made a substitute motion to approve the Regular Meeting Schedule except move the June 20, 2022, meeting to June 21, 2022, for the Juneteenth holiday and the December 19, 2022, meeting to December 20, 2022, for the first day of Hanukkah.

Commissioner Munger seconded amended motion.

Mayor Bales called for a roll call vote to approve the Regular Meeting Schedule.

Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve
Commissioner Kovacs – Approve
Commissioner Boone – Approve
Commissioner Kidwell – Approve

Appointments to Various Boards and Committees. Commissioner Phillips made a motion to approve appointments to various boards and committees.

Commissioner Kovacs seconded motion.

Commissioner Boone made a substitute motion to approve appointments as presented except to appoint Derek Partee as the Public Safety Officer for the Town.

Commissioner Partee said I wholeheartedly would like to agree with your selection to have Commissioner Boone as Fire and myself as the Police liaison, but if Commissioner Boone would give me that position, I would not decline it, but I would like to see him as the Fire liaison.

Commissioner Bales said what I hear from you is that you prefer to leave Fire and Police broken up.

Commissioner Munger said I don't know if you could give a little bit of background, some of the history behind this position.

Commissioner Bales said it was established six years ago under Mayor Aneralla and we had one commissioner overseeing Police and Fire. I did feel like with everything that we have it would be easier to break that up and share the load, so that not just one person was having to balance both departments.

Commissioner Bales said we have an amended motion that has been proposed that is on the floor.

The amended motion died due to the lack of a second.

Mayor Bales called for a roll call vote on the original motion to approve the committee assignments as presented.

Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve
Commissioner Kovacs – Approve
Commissioner Boone – Approve
Commissioner Kidwell – Approve

Committee Assignments attached hereto as Exhibit No. 9.

Presentation of FY21 Financial Statements. Beau Hildebran, Senior Accountant for Martin Starnes, presented report on the FY21 Financial Statements. *Refer to PowerPoint attached hereto as Exhibit No. 10.*

Commissioner Boone said how many years has Martin Starnes done the audit.

Pattie McGinnis, Finance Director, said at least 14 years.

PUBLIC HEARINGS (NEW BOARD)

Petition #R21-10. Mayor Bales called to order public hearing on Petition #R21-10, a request by ADE 883, LLC, to rezone 10401 Hambright Road (Parcel 01740103) from Corporate Business to Corporate Business Conditional District to reduce the planting requirements of the 80' CB buffer.

Brad Priest, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 11.*

This application is for Petition #R21-10, North Chase at the Park Building 100. Here's the zoning map to show the location on Hambright Road near the corner just to the west of the intersection of Hambright Road and Mt. Holly-Huntersville Road.

The property is currently zoned Corporate Business and the application would rezone it to Corporate Business Conditional District. To the north of the property you've got the Burkert Industrial Complex and a little bit to the west on Patterson Road you've got the Kurz development, which is also industrial. Down here at the bottom left you see the 2040 Plan calls for this area to be employment center. Corporate Business is consistent with that 2040 Plan land use recommendation.

As mentioned in the Staff Report, this item has been continued a couple of times, so the plan that was submitted prior to the public hearing is the one that has to be presented. I just want to present that and then just update the Board on the new plan that staff has received and discuss that.

The rezoning includes a 203,000 sq. ft. light industrial distribution flex space building. These uses and the building that is proposed is allowed in the Corporate Business district. The intent of the CD rezoning application is to modify the requirements of the 80' buffer planting requirement. That's really the only reason why the rezoning is coming forward, because all aspects of the plan in regard to the setbacks, the use, etc. would be allowed, so the applicants are looking for a modification to the buffer requirements.

The Town approved in September a text amendment that modified and added flexibility to the 80' buffer requirements. There was a pause on the application to see what would come out of that text amendment. That was approved, so the application is now moving forward.

Looking at the top right here, visually you can see the landscaping requirement, so looking at the middle column there, you see the requirements of the ordinance. The middle column we have the requirements of the ordinance, the 40' buffer requirement, and here the submitted plan, so essentially the original plan for the public hearing the shrubs were there, but the requirements for trees were not on the old plan.

With that in mind, I'll move to the updated plan that was submitted and the application changes. Looking at the updated plan, you see the requirement and this is consistent with TA21-10. The updated text amendment no longer is an 80' buffer required, but only a 40' buffer. The width and therefore the planting requirement was cut in half. The application and the planting numbers that you will see here on the top righthand corner of the slide, you see the shrubs still work, but the evergreen trees and the large maturing trees still do not meet the ordinance requirements there.

The applicant would like to put together some view corridors. You see in the bottom righthand side, the landscaping is grouped in clumps and then there's spaces in between. Looking at the configuration, and this is the architectural elevations that are included in the packet and attached to the CD rezoning plan, the building is a really nice aesthetically looking building and when you think about flex commercial buildings and think about industrial buildings, that's not always the case. This has a very nice aesthetic appeal to it, very nice materials in regard to stone, a lot of glass throughout, so what the applicants are looking to do, they are trying to make view corridors or view windows to be able to have visibility on Hambright Road to look through the planting and see the architecturally emphasized portions of the building. That seems to be the configuration of what the landscaping is doing there.

The catch is the full landscaping requirement as required in the buffer is specifically to limit visual permeability and to not have visual windows. Therefore, that's the conflict and that's the reason for the

modification and the application and the rezoning to modify those buffer requirements, not necessarily the width which we have had many applicants come and say we are looking for flexibility on the width, we want to go from 80' to 40' to 35', what have you. That's not the case here. They have the setback, but they want to have less landscaping to increase visibility.

Staff does not support the application at this time because of the intent of the ordinance in the buffer requirements. Article 11.4.7 (K) discusses how during the CB rezoning process the Town Board can modify the ordinance as long as those modifications meet the intent of the ordinance. The ordinance was clear in the intent that it's supposed to be an opaque or a semi-opaque buffer that limits visual separation or has visual separation. We just had Text Amendment TA21-10 that reaffirmed that need to have an opaque buffer. Even though there are modifications, the opaque buffer is still required, so the intent there is outlined.

A couple of tangible items to discuss as well as we go through. You see on the bottom righthand side, there's a development that was just approved for a rezoning outlined in orange and very similar situation. A 40' buffer was required and when they rezoned, they committed to do the required landscaping 100 percent of the 40' buffer. An amendment here would not be consistent with that.

When we look at the outlined area in yellow, very low density Rural residential which is likely to stay that way because south of Hambright Road is critical area of the watershed, so that's not going to become commercial. Most likely it's going to be low density residential and a full opaque buffer would fit in very well to help soften that transition from the high intensity commercial to the residential.

Collin Brown, Alexander Ricks PLLC, said the actual petitioner is McDonald Development Company. Tracy White is here from McDonald. *Refer to Petitioner PowerPoint attached hereto as Exhibit No. 12.* In this photo you can see this site was planted in kind of rows of pine trees and this was important because McDonald has been working with the Town of Huntersville and your staff for almost a year now. When we began this process, your ordinance required that existing trees remain and so that was a real challenge for us because you had kind of these scrub pines that were commercially planted to be harvested that really was not a nice front door for us.

We were working with your staff to see what we could do to make this project successful. Your staff has been working with business owners over the last several months to amend your ordinance to provide some more flexibility in the buffer requirements. I want to adjust the zoning of this to Commercial Business so I can build this warehouse. McDonald could build this use. It's consistent with your plan. The reason we are here is McDonald is trying to figure out how to make it successful.

McDonald does these developments around the southeast. It is important that they have an attractive business part so the tenants can see that and others coming down the corridor can see it. McDonald has designed a good building with nice architecture and they would like to get some visibility. The language in your ordinance says it has to be opaque and opaque means you can't see through it and so that is really the entire reason we're here.

We think we've offered a nice design on this where we are talking about the buffer reduction. We're certainly not talking about having no buffer. Bohler Engineering has done the design. I think they have done a nice job of the plantings. We have prepared a rendering of the proposed buffer to show you how that looks. We are asking for no relief on the shrub planting because when we talked with staff, one of the first things they said when we started this was we really didn't want people looking in from the street and seeing cars and trucks and so we are asking for no lesser requirement on the shrub

plantings. We will have a screen there at the lower level, so you'll see no parking, you'll see no trucks. Where we have asked for some relief mostly is on the evergreen trees. We would like just some visibility to see the main features of the building and so that is our request.

Tracy White, McDonald Development, said the text amendment that was passed in September was necessary and a very good first step in accommodating what developers like McDonald need in the way of balance between the landscaping and having an attractive building that we are going to build be visible to tenants and their visitors. As you can see, we have an attractive building that we are going to spend tens of millions of dollars to build and then lease out to the tenants that we have not yet identified, and those tenants want their employees and their visitors to be able to see their signage as they are driving down Hambright Road. We are very mindful of what the spirit of the ordinance is. We're just asking for some relief in little places to create some view corridors through the trees to be able to see portions of the building.

Mr. Brown said we do understand it's not a bad idea that you have as your baseline the requirement for a fully opaque screen because with a conventionally zoned property, you have no idea what could be built there, so it makes sense in some scenarios you may absolutely want to enforce that opaque screen. That's the reason we are in a conditional zoning so we can come to you and say this is actually what we are trying to build. This is a building we feel like is attractive and we're providing a very detailed planting plan to show we are talking about view corridors.

Commissioner Partee said can you go to that overhead slide of the pine tree line. The pine trees that are there, they're indigenous to this area, is that correct.

Mr. Brown said they are, these were commercially planted.

Commissioner Partee said and this is what we are talking about decreasing to create the buffer in this particular area.

Mr. Brown said the current ordinance would now allow those to be removed, but the requirement would be that it be replanted with a fully opaque buffer.

Commissioner Partee said to remove those trees, does the Town get any relief in regard to mitigation for that.

Mr. Brown said currently your new ordinance has required plantings, so there is the ratio. Typically, the Town would get 183 trees which is very thickly planted, might not see the building. What we are proposing is 109 trees and then we are actually planting more shrubs than required because we really want to screen that lower level from the street.

Commissioner Munger said one of the comments in our packet was you had some concerns on the tree survey and that we didn't have trees between 12" and 24" specified in the tree survey. Has that changed? Do we have any updates on that?

Mr. Priest said no, we haven't had any updates to those comments. The main focus to this point has been along Hambright Road and then what the buffer is looking like, but there's also other site comments that we are working through.

Commissioner Munger said another comment was we don't have a first draft of the TIA, is that still true.

Mr. Priest said that's correct. The applicants are also looking at doing several buildings along to the west on Patterson Road, so what's likely to happen is the TIA is going to combine those buildings with this building and have one comprehensive TIA. That would have to be done prior to the opening of all the improvements. Anything that mitigation is required would have to be done. Staff is comfortable with dealing with that at the construction phase rather than the rezoning since we are only dealing with landscaping at this point.

Commissioner Munger said it was mentioned of contacting the adjacent property owner for permission to extend utilities relating to sanitary and storm sewer. Have you been able to do that?

Mr. McDonald said we have an easement from Burkert that's recorded.

Commissioner Kovacs said you noted that the property at the corner of Mt. Holly-Huntersville and Hambright was conditionally rezoned and they include the required vegetated buffer. Was that automatic?

Mr. Priest said they had a conditional rezoning approved and they had a note in there that they would meet the ordinance requirements.

Commissioner Boone said total trees is 109. Large maturing and small maturing you are just talking about caliper inches here – 48 trees that are 2.5 caliper inches, is that what you are talking about.

Mr. Priest said large maturing trees is going to be based on a species, so a large maturing tree in our ordinance at planting is 2', but a large maturing tree is differentiated by how tall it's going to get, so a large maturing tree is going to get 50' to 60' tall. A small maturing tree is likely to only get about 20' tall. The large evergreen trees are your big buffer trees that are really going to assist, so that's what you really look for when you are looking for a substantial buffer is large maturing and evergreen.

Commissioner Boone said the time that they start to replant this 40' buffer they all will be 2.5.

Mr. Priest said that's correct. Removing existing vegetation and replanting all the trees are going to be probably around 8' to 10' tall maximum at planting.

Commissioner Kidwell said as this public hearing moves forward to other committees, where we started with 80' buffer to a text amendment to the 40' buffer to what they are requesting now is considerably less vegetation than we've had out there and if we've already had another applicant in that area who has agreed to the updated 40' buffer plan we need to make sure everybody takes that into consideration.

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

Petition #TA21-16. Mayor Bales called to order public hearing on Petition #TA21-16, a request by the Town of Huntersville Planning Department to amend various provisions of the Town of Huntersville Zoning Ordinance, Subdivision Ordinance, and Code of Ordinances to comply with NC SB300 to decriminalize certain ordinances adopted under Article 18 of G.S. 153A (Planning and Regulation of Development) or 160D of the General Statutes and to comply with NC HB218 to allow an applicant to exceed the allowable built-upon area (density) under the water supply watershed rules if all statutory requirements are met.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 13.*

This text amendment addresses two state legislature bills. Senate Bill 300 requires the removal of criminal penalty from ordinances adopted under Article 18 of G.S. 153A or 160D of the General Statutes, except those ordinances related to unsafe buildings. Sections 1 through 17 of the Ordinance for Adoption pertain to Senate Bill 300.

House Bill 218 clarifies storm water runoff requirements applicable to pre-existing development in water supply watersheds and allows an applicant to exceed the allowable built-upon area under the water supply watershed rules if all statutory requirements are met. Sections 17 through 23 of the Ordinance for Adoption pertain to House Bill 218.

The Huntersville Ordinances Advisory Board recommended approval of the proposed text amendment for Senate Bill 300 on October 7, 2021. The Huntersville Ordinances Advisory Board recommended approval of the proposed text amendment to comply with House Bill 218 on November 4, 2021.

Planning staff recommends approval of the text amendment application as proposed.

Commissioner Boone said could you tell me what the vote was for the Huntersville Ordinances Advisory Board.

Ms. Mielenz said the vote was 5 to 4 on Senate Bill 300. The reason for the 5 to 4 on that was the members didn't feel like they were given enough time to review the ordinance.

The vote was 8 to 0 on House Bill 218.

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

Petition #TA21-11. Mayor Bales called to order public hearing on Petition #TA21-11, a request by the Town of Huntersville Planning Department to amend Hearing Requirements for Special Use Permits; Conditions For Certain Uses; Appeals and Variances in MIL-O District; and Appeals and Variances in LN-O District. The purpose of the amendment is to standardize existing requirements for Special Use Permits and delete repetitive standards; and amend definitions of major and minor variances from Watershed regulations and findings of fact required for variances from Watershed regulations to be consistent with the North Carolina Administrative Code.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 14.*

This text amendment addresses two items. The first item is an amendment to the Zoning Ordinance regarding Special Use Permit requirements. The purpose of the amendment is to incorporate the general standards found under 15 uses that require SUPs in Article 9 into the comprehensive requirements for all SUPs. It will also delete repetitive standards from uses that require an SUP in Article 9, Sections 1 through 16, of the Ordinance for Adoption.

The second item is an amendment to the Zoning Ordinance regarding the definition of major and minor watershed variances and the findings of fact required for watershed variances. The amendment is to

comply with updates to the North Carolina Administrative Code Sections 17 through 19 of the Ordinance for Adoption.

The Huntersville Ordinances Advisory Board recommended approval of the draft of this text amendment during the October 7, 2021, meeting. Planning Staff recommends approval of the text amendment application as proposed.

Commissioner Boone said what was the HOAB vote.

Ms. Mielenz said I will have to check on that, that was not included in the Staff Report.

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

OTHER BUSINESS (NEW BOARD)

Petition #TA21-14. Commissioner Phillips made a motion to call a public hearing for Monday, January 3, 2022 at 6:00 p.m. at the Huntersville Town Hall (101 Huntersville-Concord Road), on Petition #TA21-14 to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plan Not Required.

Commissioner Partee seconded motion.

Commissioner Munger said typically calls for public hearings fall under the Consent Agenda. What would happen if we decided to vote against this?

Emily Sloop, Town Attorney, said these calls for public hearings (which are not necessarily legally required per the statutes, only if the statute specifically says that the Town Board must set the public hearing date), are typically on Consent because that affords staff the opportunity to make sure that all legal notice requirements are satisfied and coordinate those dates with the newspaper for publication. Because we have in our ordinances a process for applicants to submit applications to amend the zoning maps and the zoning text, as well as the subdivision text, we would be going against our own process and potentially discriminating against an applicant that has filed a valid application for a text amendment. You do have the opportunity once the public hearing comes before you and then it's up for final action to vote on the request. It's not advisable to deny an applicant who has paid the application fee and submitted a valid application the right to a public hearing.

Commissioner Munger said in general we put this on the Consent Agenda for the most part, with the exception of this time, for transparency.

Ms. Sloop said typically it's added to the Consent Agenda, but it's not legally required. It gives you all a heads up of when the item will be coming back before you, as well as the public. It is transparent because the information is provided in the Consent Agenda.

Commissioner Kidwell said I'm the one who pulled this from the Consent Agenda, and I did it specifically because I believe, not that the applicant has done anything wrong or deny it, but to let the general public know that we are looking at what's on the agenda and that we are going to have thoughtful discussion about the items as they come forward. If that's a problem, I'm sorry. I'm going to be doing this on a regular basis, so please prepare yourself.

Mayor Bales called for a roll call vote on calling a public hearing on Petition #TA21-14.

Commissioner Munger – Approve
Commissioner Partee – Approve
Commissioner Phillips – Approve
Commissioner Kovacs – Approve
Commissioner Boone – Approve
Commissioner Kidwell - Approve

CLOSING COMMENTS

Mayor Bales said I'm looking forward to working with you over the next two years. I have been working on providing more opportunities for community engagement.

Commissioner Boone suggested the Board discuss the pros and cons of the 3 on 3 meetings at the retreat.

Commissioner Partee said I'm looking forward to working with my fellow Board members and staff.

Commissioner Kidwell said I want to thank the staff and Mayor for their work in allowing me to participate virtually in the meeting and I look forward to working with my fellow Board members.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2022.

**Town of Huntersville
Town Board
January 3, 2022**

To: Town Board

From: Janet Pierson

Date: January 3, 2022

Subject: Approval of Minutes - December 20, 2021

EXPLAIN REQUEST:

Consider approving the minutes of the December 20, 2021 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 20, 2021
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:00 p.m. on December 20, 2021.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Brent Green, Creech & Associates, presented update on New Town Hall Project. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

The updated estimate for building a new town hall is \$14.55 million, which doesn't include soft costs. Approximately \$275,000 has been spent to date on the project.

The Board discussed whether there is a need for a new town hall. Following the discussion, it was the general consensus of the Board to pause the project and direct the Town Manager to gather information on other options (location, efficiency study, storage options, etc.) and report back at the first meeting in June.

There being no further business, the pre-meeting was adjourned.

**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 20, 2021.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Bales

- Next meeting of the Metropolitan Transit Commission is January 27.
- Toured HAWE Hydraulics, a new company in Huntersville located on Jamesburg Drive.

Commissioner Boone

- Huntersville Fire Department promoted Firefighter John Whitley to Captain.

Commissioner Kidwell

- Next meeting with Huntersville Family Fitness & Aquatics is tomorrow.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.
- Provided update from the Huntersville Regional Chamber of Commerce.

Commissioner Munger

- Wished everyone happy holidays.
- Consider supporting local non-profits.

Commissioner Partee

- Attended a three-day introductory course on government administration with the University of North Carolina School of Government.
- Attended Parks & Recreation Commission meeting on December 15.
- Attended the Christmas toy giveaway at the Huntersville Recreation Center.
- Reminded gun owners to safeguard weapons, especially where children and young adults are present.
- Encouraged everyone to visit website of Cool Kids Clubhouse for information on donating and volunteering.

Commissioner Phillips

- Provided update on Rural Hill events.
- Provided update from Ada Jenkins.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

BeeJay Caldwell, 14215 New Haven Drive, said the white wooden structure located at 508 Dellwood Drive in Huntersville, North Carolina was built as a public school between 1920-1925. It is one of six historically significant remaining Rosenwald Schools for black children in the state that shows evidence of human interaction with the physical environment. The money to build the school came from the Julius Rosenwald Fund, Mecklenburg County and residents who provided labor and/or matching funds. For the past 20 years, this building has been a favorite rental of residents who live in homes surrounding it.

This past summer, the previous governing body approved the selling of the Blythe Building and relocating the early childhood program that was held there to the Rosenwald School Campus. Immediately, the move of this program to the campus put a stop on the site being available as a rental. This was, and still is, a major shock to those who attended it and those who valued it as a rental.

A report was sent to the mayor and commissioners detailing the affect their decision was having on residents. Many said it showed insensitivity towards individuals who have a special love for this historic site and they were requesting them to revisit their decision and perhaps create a rental use compromise of the building.

As of today, one governing official from the town reached out to me. Recommendations were submitted but there has not been a written response. It is my understanding that elected officials are not mandated to respond to every report they receive. But as elected officials, that is what some do.

In the coming year, I will resend a revised edition of the report to the mayor and board members with the anticipation of a written reply from them or town staff to acknowledge their having received it.

Written comments attached hereto as Exhibit No. 2.

AGENDA CHANGES

Commissioner Phillips made a motion to adopt the agenda as presented. Commissioner Partee seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Birkdale Commons Parkway ROW Abandonment. Mayor Bales called to order public hearing on three (3) street right-of-way abandonments along Birkdale Commons Parkway within the Birkdale development. Staff requests public hearing be continued to January 18, 2022, and as a result of continuance, update the Resolution of Intent to reflect the new public hearing date.

Commissioner Munger made a motion to continue public hearing to January 18, 2022 and update the Resolution of Intent to reflect the new public hearing date.

Commissioner Partee seconded motion.

Emily Sloop, Town Attorney, requested the motion include the location of the public hearing.

Commissioner Munger amended his motion to include the public hearing will take place at Huntersville Town Hall.

Commissioner Partee seconded amended motion.

Motion carried unanimously.

Updated Resolution attached hereto as Exhibit No. 3.

OTHER BUSINESS

Petition #SUP21-05. Mayor Bales called to order evidentiary hearing on Petition #SUP21-05, a request by Chris Wilson on behalf of Sharon Kennedy of Parcel ID #01703222, to allow solar panels on the front roof slope of the home.

Mayor Bales said quasi-judicial hearings are evidentiary in nature.

Only parties with standing including the applicant, property owner, local government and individuals who can show they will suffer special damages have the right to participate fully in the hearing. Special damages must be particularized separate and distinct from damages to the public at large. Special damages are a fact specific inquiry. While proximity may bear weight in the determination of special damages, proximity in and of itself is insufficient to grant standing. Parties may present evidence, call witnesses and make legal arguments. Other individuals may, but are not required to be, allowed to speak as a witness; however, they will not be allowed to participate fully as a party, such as by questioning other witnesses, or by calling other persons to testify.

Witnesses must swear or affirm their testimony. General witness testimony is limited to facts, not personal preferences or opinions.

Certain topics require expert witnesses including projections about impacts on property values and traffic impacts. Individuals providing expert opinion testimony must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Mere conclusory testimony lacking the foundation of the expert's opinion is insufficient to establish the existence or nonexistence of a fact or conclusion.

The Board must base quasi-judicial decisions upon competent, material, and substantial evidence in the record.

Competent evidence is evidence that is sufficiently trustworthy and reliable, and that is legally fit and acceptable for consideration by the Board. Speculative, irrelevant, or vague evidence; non-expert opinions as to something that requires an expert; and non-accepted hearsay evidence will likely not be competent evidence.

Material evidence is evidence that shows that the standards will or will not be met.

Evidence is substantial if it is relevant and regarded by a reasonable person as sufficient to support a specific conclusion. Speculation, unsubstantiated fears of the community, or vague assertions do not constitute substantial evidence.

Quasi-judicial hearings are constrained by the standards in the ordinance and the facts presented. Even though the Board may hear other evidence if it is not objected to, the Board should rely on competent, material, and substantial evidence in making its decision.

The Board will recognize the applicant as a party, as well as the property owners if different from an applicant. Are there other persons who believe they have standing to participate fully as a party?

There's no one here with standing or without.

Will each party tell me the witnesses they intend to call. Do you all intend to call any other witnesses.

Jack Simoneau, Planning Director and Jason Farber, Planner I, said no.

Are there other persons who don't qualify to be a party but who would like to testify. The answer is no, there's no one here.

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

We see none.

The parties in this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the case outside of the hearing. That may be email communications, as well as conversations with parties, staff, or the general public. Does any Board member have any ex parte communications to disclose?

Seeing none, I'd like to call on Planning staff for the presentation of their Staff Report.

Mayor Bales swore in Jack Simoneau and Nathan Farber.

Mayor Bales said do we have the applicant here? We do not, do we?

Nathan Farber, Planner I, said I do not see him here. Before we start, I'll submit my Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

Quick background, minor solar energy facilities on a residential property are allowed within the town. In this case any solar panel that is on the front sloping roof requires a Special Use Permit. That is also required if it's on the front façade.

This request is by Chris Wilson on behalf of Sharon Kennedy for the property at 10545 Mt. Holly-Huntersville Road. This is an overview of the area. As you can see, it's off of Mt. Holly-Huntersville Road towards the right of the screen and the property itself is off the common drive. This is an overhead of the property. You can see the property is fairly wooded and secluded from their neighbors. This is the site plan with the location of the solar panels on the roof itself.

Staff recommends approval based on the findings in the Staff Report. The Planning Board motion for approval is on the screen as well.

Commissioner Kidwell said I believe North Carolina General Assembly recently passed a statute that we need to address going forward.

Emily Sloop, Town Attorney, said 160D-914, yes.

Commissioner Kidwell said that's basically saying applicants won't have to come to us in the future for this.

Ms. Sloop said staff is in the process of updating text of this section to comply with 160D-914 and remove this as a quasi-judicial matter.

Commissioner Boone said if the applicant comes in here late, is he going to be sworn and be able to participate or are we just going to move on without him.

Ms. Sloop said if the Board chooses to delay, you can wait to see if he comes or you can move forward without him.

Mayor Bales said just to be clear, the Board can make a decision to move forward, whether it is to approve the Special Use Permit or to deny it.

Commissioner Boone made a motion to approve Special Use Permit #SUP21-05, Solar Panels for 10545 Mt. Holly-Huntersville Road. We, the Town Board, find the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on the adjoining properties and finds the character of the neighborhood or health, safety and general welfare of the community will be minimized. This decision is supported by the following findings: (1) the solar panels are not considered rooftop equipment, thus screening and architectural requirements are not permitted; (2) the roof panels will have an anti-reflective coating and the placement of the solar panels on the front roof slope is not visible for the adjacent property owners; and (3) the applicant and staff have agreed to obtain all applicable permits.

Commissioner Kidwell seconded motion.

Commissioner Munger said on the "solar panels are not considered rooftop equipment thus screening and architectural requirements are not.....," you had said permitted. I believe you meant required.

Commissioner Boone said give me one second as I read. Are not permitted is my motion. That's Point 1 of the finding of facts.

Commissioner Munger said that works.

Mayor Bales called for the vote to approve Petition #SUP21-05.

Motion carried unanimously.

The staff will draft, and I will sign, a final written decision to reflect the vote and reasoning for this decision. Thank you to everyone attending the hearing regarding this special use permit. We welcome you to stay for the other items on the agenda and if you are leaving, please do so quietly at this time.

Sesquicentennial Celebration Planning Committee Appointments. Commissioner Phillips said this started months ago and it has been unfortunate it has taken this long. The new Board members inherited this and I think their valid concerns have been heard. To respect my fellow Board members, I would like to make a motion to amend the Bylaws for the 150th Anniversary Committee to change the eight quadrant members in Section 2 to at-large members. I'm not going to speak for others, but there were concerns that this was setting a precedent that could hinder our town in the future, so I listened and I hope that we can all respectfully agree on this.

Commissioner Kidwell seconded motion.

Mayor Bales called for the vote to amend the Bylaws.

Motion carried unanimously.

Amended Bylaws attached hereto as Exhibit No. 5.

Commissioner Phillips made a motion to temporarily suspend the Rules of Procedure for considering appointments to the Huntersville 150th Anniversary Committee. There has been some general consensus and something that has been discussed previously was voting on these memberships and the reason to suspend the rules is that we are never voting against the citizen, which is something that has been problematic in the past, because we appreciate everybody that has applied and therefore by doing this we are able to vote for people and never against the people who have willingly offered to serve our community.

Commissioner Kovacs seconded motion.

Motion carried unanimously.

Commissioner Phillips said the general consensus was that we would appoint the following members:

At-large Members: Eric Rowles, Samuel Harper, Sarah Banks, Julia Rogers, Shawn Caldwell, William Walter, Taylor Brock Hutto, Beverly Mitzel.

Business Representatives: Carmen Cousin, Cayley Mullen, Sam James, Denise Kasper.

Non-profits: Jessica Bustamante, Kathy Jones, Joseph Reale, Sr., Beatrice King.

Public Safety: Bill Suthard, Amelia Burnette.

Parks & Recreation Commission: Ash Munro.

Public Art Commission: April Dunn.

Non-voting Members: Janet Pierson, Kim Strickland

Commissioner Partee seconded motion.

Commissioner Kidwell said I appreciate the fact that we take a poll of who we are supporting so that we are not voting against any individual from the Town and a lot of people that I have chosen through their willingness to step up to this were named. I'm not going to vote in favor of this. I firmly believe we need to do that at the dais. It might take longer. It might make people feel uncomfortable, but I believe in being open and honest of who we are supporting and why we are supporting them.

Commissioner Munger said I appreciate everyone who went ahead and signed up to be on this committee. There's a number of great applicants. Whoever will end up on this committee will do an exceptional job, I have no doubt. My hesitation or the reason why I will probably vote no is that I had chosen 16 names on the quadrant and business and non-profit. Of those, six of those didn't make the list. I understand we try and come to a consensus, I'm just not in that consensus, so I can't in good conscience vote for this current proposed board.

Mayor Bales called for the vote to appoint members as presented.

Motion was tied – Commissioners Phillips, Partee and Kovacs in favor; Commissioners Boone, Munger and Kidwell opposed.

Mayor Bales voted in support of the motion.

CONSENT AGENDA

None

CLOSING COMMENTS

Commissioner Kidwell wished everyone happy holidays.

Mayor Bales wished everyone happy holidays.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2022.

DRAFT