

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**April 5, 2021
Huntersville Recreation Center – 6:00 p.m.**

PRE-MEETING

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

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger and Stacy Phillips. Commissioner Nick Walsh was not present.

The Town Board heard requests from representatives of External Agencies requesting funding for FY 2022.

Hugh Torrance House and Store requested \$12,000. *Detailed Request attached hereto as Exhibit No. 1.*

Ada Jenkins Center requested \$20,000. *Detailed Request attached hereto as Exhibit No. 2.*

Angels and Sparrows requested \$5,000. *Detailed Request attached hereto as Exhibit No. 3.*

ASC North requested \$25,000. *Detailed Request attached hereto as Exhibit No. 4.*

Carolina Farm Trust requested \$10,000. *Detailed Request attached hereto as Exhibit No. 5.*

Carolina Raptor Center requested \$25,000. *Detailed Request attached hereto as Exhibit No. 6.*

Caterpillar Ministries requested \$15,000. *Detailed Request attached hereto as Exhibit No. 7.*

Historic Latta Plantation requested \$20,000. *Detailed Request attached hereto as Exhibit No. 8.*

Hope House Foundation requested \$10,000. *Detailed Request attached hereto as Exhibit No. 9.*

Rural Hill requested \$20,000. *Detailed Request attached hereto as Exhibit No. 10.*

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 Recreation Center, 11836 Verhoeff Drive, at 6:00 p.m. on April 5, 2021.

GOVERNING BODY MEMBERS VIRTUALLY PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger and Stacy Phillips. Commissioner Nick Walsh was not present.

Mayor Aneralla stated this meeting is being held in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive and via livestream on our Facebook page. The public has been invited to attend and comment during the public comments or during any of the public hearings (1) in person at the

Huntersville Recreation Center or (2) by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. today. The public may also submit comments by e-mail to the Town Clerk at jpierson@huntersville.org. E-mailed comments received no later than 3 p.m. on April 5, 2021 will be included in the record of this meeting. The Town Clerk can be reached at jpierson@huntersville.org.

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 two weeks ago. There was discussion on the Silver Line and out-of-county bus service.

Commissioner Bales

- Lake Norman Economic Development Corporation currently has 31 projects, 21 of which are in Huntersville.

Commissioner Boone

- Provided update on Lake Norman Chamber of Commerce events.
- Expressed appreciation to the first responders for doing the job that they do for us.
- Reminder that the Duke Energy nuclear siren test will be on April 14.
- On April 2, half of the Huntersville Police Department night shift was made up of female officers for the first time ever.

Commissioner Hines

- Provided update from the Charlotte Regional Transportation Planning Organization meeting. Next meeting is April 21.

Commissioner Munger

- Provided update from the Huntersville Ordinances Advisory Board Meeting. The tree mitigation ordinance, adequate public facilities ordinance and viability of the traffic impact analysis ordinance were discussed.
- Plan to attend meeting on Wednesday with Quality North Carolina representatives from various Mecklenburg County municipalities and the County Board of Commissioners to discuss the best path forward for the non-discrimination ordinance to protect at-risk members of our LGBTQ community.
- Consider supporting local non-profits.

Commissioner Phillips

- There will be a Covid-19 vaccine event at the Waymer Center in historic Pottstown on April 7.
- Congratulated Eric Rowell for winning the Sunshine Award from the North Carolina Open Government Coalition for efforts to increase transparency in local government.
- Consider donating to Watchmen of the Streets, which is an organization that provides supplies and resources to the homeless.

Commissioner Bales requested an update on the Main Street project and the 21 widening/interchange project.

Stephen Trott, Director of Engineering, said for the 21 and Gilead intersection project and interchange project, the latest update I have from NCDOT which was probably last week is they are still indicating the end of April to get started. They are continuing to work relocating utilities. The bid opening was last week for the Main Street Project. It will be probably a June start time.

Commissioner Boone expressed appreciation for the shrubbery being cut back along the sidewalk on NC 115, north from where Dr. Craven's house was. Requested the Town Manager have the current Town Hall power washed.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Amber Kovacs, 207 Greenway Street, said I'm here to speak about Item 9.G, Resolution Opposing the Postponement of the 2021 Huntersville Municipal Election. It's a topic that I'm thankful is being discussed tonight, so thank you Mayor Aneralla and Commissioner Phillips. Within the past year due to the pandemic and large situations arising, there seems to be a significant increase in community involvement in Town functions. There's been a growing interest in knowledge of Town actions and opinions being expressed. Just in my past 6 months of significant involvement, I've seen many people express a desire to learn more because it seems more important than ever. The statement "more important than ever" often comes up because the more information we find out, the more we realize there's a lack of transparency. The current Board was elected and took an oath to serve for two years, not three. The vast majority of constituents' concerns come from the fact that we, the people, don't feel that we are being listened to. On various occasions we've expressed concerns and used facts redundantly according to some and yet those are negated with actions. Our Town elections are not affected by the census, so our election should continue as regularly scheduled and allow people to vote for a Board that they feel they can trust. Waiting a year and having an election for only a one-year term will hurt any candidate who is not independently wealthy or already on the Board and our election should be accessible for all to run.

AGENDA CHANGES

Commissioner Bales moved Item 10.N under Consent Agenda (Accept streets in Mirabella Subdivision for Town maintenance) to Item 9.H under Other Business.

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

Commissioner Hines seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Petition #R21-01. Mayor Aneralla called to order public hearing on Petition #R21-01, a conditional rezoning request by Tietzsort Investments LLLP 1 to rezone 10205 Sam Furr Road (Tax ID 00531101) from General Residential to Highway Commercial Conditional District to develop a day care center.

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

The application before us this evening is a conditional district rezoning. You see the site in front of us here on 73. The parcel is currently zoned General Residential and is proposed to be rezoned to Highway Commercial – Conditional District. As for sake of comparison, the existing Highway Commercial colors on the zoning map are the pink. There's some aerial photography of the area in question to get a better view there again on 73 in between the Cambridge Grove and the Hampton Ridge single-family residential subdivisions. The site is almost completely wooded at this time.

The rezoning plan is shown here. The site is about 5 acres in size. The proposed use is a daycare. A lot of times when we have conditional rezonings there will be a note on the plan that says all the uses allowed in Highway Commercial are being proposed and allowed or permitted. That's not the case with this plan. The note on the plan specifically calls for a daycare use, so if the rezoning was approved, the only use permitted on the site the way it's currently drawn up is for a daycare use.

The building size is 16,000 sq. ft. The proposed number of children as noted on the plan would be 250, which would include 25 afterschool children, with about 50 employees. Here's the architectural elevations also submitted in the Conditional Rezoning Application. They are conceptual at this time, those type of things may shift a little bit, but this is the conceptual elevations that were submitted as part of the application.

Going through some of the items addressed in the Staff Report, the rezoning/site plan issues, one of which the build-to line is proposed to be modified through the Ordinance. The Ordinance allows through the conditional district process, the Town Board can modify certain aspects of the Ordinance if it's in the spirit and intent of what the code is trying to get accomplished. One of the modifications that the applicant is asking is to move the building back from 15' toward Sam Furr Road and move it back to about 200'. The reason for that is the only access that they can get is on 73 at this point and so the driveway has to snake around, go back to the back. With that modification there and the small residential parcel in the front, it's very difficult, if not impossible, to have the building front on 73 in the classical way that you see commercial buildings to the west of the subject property. Staff is in favor of that modification because of the special circumstances that are taking place there.

Secondly, there's also a buffer modification request. You can see those at the red arrows pointing out, the reduction in the buffer from 30' down to 10'. With the Highway Commercial zoning district, any Highway Commercial district adjacent to single-family residential or residential, there's a required 30' and so they are requesting to modify that where the red arrows are pointed to – one on the western side of the site that's adjacent to the Cambridge Grove open space and then two, toward the front you have a small parcel actually owned by the Town of Huntersville there on the west side of that parcel to be able to fit the project on this site. A smaller issue, but one that is just noted for future construction, a TIA was done and one of the recommended requirements and I think NCDOT is also requiring that a right-turn lane be put in from 73 into the facility and that widening is going to push the sidewalks and the required street trees outside of the existing right-of-way, so in order to put those improvements in,

an easement from the Town of Huntersville and Hampton Ridge subdivision HOA would be required and that's just a note and a FYI.

Transportation Issues – as highlighted in the Staff Report just briefly, a TIA was conducted and accepted by Engineering Staff. The mitigation and the outcome of that TIA was (1) a right-turn lane going into the facility from 73 and (2) a second left-turn lane from Old Statesville Road onto Sam Furr Road. The applicants are willing to do that. There's a note on the plan that says they will, but one of the notes is not clear, so staff is recommending that note be modified to clarify the recommendation from the TIA.

Another transportation issue that we wanted to just briefly cover, and this is something that the adjacent property owners have discussed as well, the potential for cut-through traffic at the site. You will see here in the photo on the bottom right, I believe with the red arrows.....you can see the possibility for people, an individual, using this site – it's a right-in/right-out only, so for anybody coming from 77 and coming east on Sam Furr Road, they'll have a few options of how to get to this facility. One, they can go all the way down to 115 and make a u-turn and come down and go to the facility, take a right into the facility. Two, they can go past the facility and go not as far as 115 and go to Knoxwood Road and make a u-turn there and take a right into the facility, or a concern of the residents and a possibility is coming down and taking a leftover at Cambridge Grove, go into the facility. You see it here in the red arrows – going up Cambridge Grove, taking a right at the amenity center, then taking a right on Hampton Grove Road there and then taking another right and then going into the facility. That's a possibility. Those streets are public and so that would be legal to be able to do that, but the any use proposed at this location that is a possibility, so as a fyi that cut-through traffic could happen there.

Another transportation issue we wanted to highlight is the TIA does not cover small intersections in the town. The TIA covers major intersections like 73, Rich Hatchet Road, 115 and studies the capacity of those intersections. The movements that customers will likely use to get to this facility, the leftover at Knoxwood Lane, the leftover at Cambridge Grove Road, was not studied in the Traffic Impact Analysis. What staff is asking to make sure that the increase in traffic would be able to be accommodated for at those places is asking the applicant for traffic counts there. We've been working with the applicant and did ask for a turning template to make sure that a large vehicle could make a u-turn at Knoxwood as you see up on the top photo there and Engineering staff reviewed that and it showed that yes, for a large passenger vehicle, they would be able to make that u-turn movement with the asphalt that's already there. But again, what the traffic is going to be like, and how they accommodate the increase in traffic making these movements, is what we are still wanting to look at a little bit closer.

Looking at these issues, staff did put in the Staff Report an alternate option – not better or worse, but just an alternate option that could be considered in regard to having instead of the driveway being on 73, if the driveway was on Cambridge Grove, the traffic on Cambridge Grove of course would increase, but again there wouldn't be a need for cut-through traffic. That would significantly change the site in regard to buffers and many of those things outlined in the Staff Report. Just another option to discuss, but in order to do that the applicant would need to talk to Cambridge Grove HOA to get an easement through the property on the western side of the tract.

Going through and looking at the land use considerations for rezoning, taking the property from General Residential to Highway Commercial, the Sam Furr Road/Highway 21 Small Area Plan that was completed back in 2005 did have a land use recommendation for this site and the recommendation was residential, as you see in the graphic there highlighted by the arrow. That orange color is single-family residential and then the bottom right you can see that there was a specific idea and concept that the Small Area Plan had in mind. The reason why there is a green line going through the property and a red line going

through the property, it was discussed to have a north/south connector midway in between 21 and 115. At the time the thinking was that would be a good midpoint to be able to cut through and have greenway, bicycle, pedestrian accommodation there at the proposed what would be a traffic signal on Sam Furr Road. The idea was this would be a good location to put a street through there, make all that work, and have connectivity north and south other than having to go to Statesville Road and 115. We talked about that small parcel that was on the corner of Sutters Mill and 73.....I'm sorry I forgot the name of the street.....that small parcel that's there on 73, the reason why the Town owns that is because the Town purchased that property for a potential signal that would go there to have a four-way stop full access and then have pedestrian accommodations going through there. That's the reason the Town owns that small parcel. Since the 21/Sam Furr Road Small Area Plan, NCDOT has again changed the function of 73 into a superstreet, so instead of having full access here and there, it's more of the u-turns, the u-turn bulbs and keeping left-turns restricted. Therefore, the concept that the 21/Sam Furr Road Plan put forward in regard on the bottom right having that pedestrian area connect from north and south would be a lot more difficult. That's something to keep in mind as we go through and we talk about the small area plan recommendation. It is residential. It could be residential, but it wouldn't have that north/south connectivity, or it would be more difficult to do so with the superstreet concept.

The Huntersville 2040 Community Plan, the land use area that's identified for this area – so you've got the Northcross Shopping Center and then of course you've got the commercial area to the east, 115 activity center, 115/73. In between those two commercial areas is what's called the Town Core and so the Town Core recommends different residential units of different kinds – townhomes, single-family homes, apartments are appropriate. But then here highlighted at the bottom you see the description also says it may include non-residential development as specified in small area plans and other sites that meet locational criteria. Right away we see that the Town Core kind of envisions or maintains that commercial could be an option in the appropriate situation.

Going through and looking at some of the policies, what's consistent with the daycare application, the rezoning application to Highway Commercial. The 2040 Plan wants to allow more intensity only where transportation infrastructure and utilities already exist. Sam Furr certainly could handle that intensification that's where you would want it on the Sam Furr Road that could handle that infrastructure there. Policy LU-6 throughout encourages mixed uses in the Town Core, including commercial. Again, from a general perspective, the 2040 Plan essentially supports some commercial in certain applications. However, you go to the righthand side, the righthand column, the devil is in the details so to speak. Policy LU-6.2 recommends commercial uses and they are encouraged as described in the Small Area Plan. We just discussed the Small Area Plan recommends residential. There's an inconsistency there. Policy LU-6.3 recommends small scale neighborhood serving commercial that's designed in a context sensitive manner. Staff looked at that policy and looked at a couple of things. One, the daycare center proposed is somewhat large. It's one of the larger daycare centers currently in Huntersville. Number 2, the applicant is asking for a reduction and modification of the buffer requirements. Having the very large daycare that is asking for a reduction in buffer does not seem, from staff's perspective, to be designed in a context sensitive manner.

Another policy that is applicable is Policy LU-5.3 and that is to support infill housing options near services, shopping, employment and transit stations.....this location being recommended by the Small Area Plan to be residential. Being in a location that is near and within walking distance to services, shopping and employment and being surrounded by single-family residential makes for a very suitable candidate for infill housing along 73. Therefore, looking at those facts, we identify that as a policy that is not quite consistent with the application at this time.

Staff recommendation – looking at the aspects of the ordinance, infill residential would be suitable however the 2040 Plan does mention and talk about commercial in the Town Core. If there were some modifications to the Plan, if there were some modifications that the Town Board deemed that the Small Area Plan needed to be changed to commercial, and the other items in the Staff Recommendation are taken care of, for instance the stacking counts are given to us to show that Cambridge Grove Drive and Knoxwood Drive could handle the additional traffic and then cut-through traffic the applicants says, and they have maintained in the neighborhood meeting, that they would discourage their parents from dropping off and using the neighborhood to get to the facility. If they did as much as they could to do that, then staff could support the application.

Commissioner Hines said current zoning is General Residential. It says we don't use GR since 1996 because it was old Mecklenburg County zoning, but in that as the uses permitted with conditions, it says a school is permitted as a condition. Can you explain the difference of a school and a daycare center. You could have a pre-school there based off of permitted conditions, but a daycare center is the reason we're doing the Highway Commercial zoning, is that correct.

Mr. Priest said that's correct.

Commissioner Hines said what throws it into a school category per our ordinance. Why is daycare not considered a school.

Mr. Priest said there is a complete separation between daycare center and school, but the ordinance doesn't give a definition for a pre-school. Staff has had to go through and do research on the internet to find out what's the difference and how are they different. Going through the research in trying to understand the difference, there's a few things that were highlighted in the Staff Report that just kind of focuses on a few things. One, pre-schools have some type of educational curriculum that they focus on and daycare is more about supervision. Two, and probably the biggest difference, is educational facilities and schools don't operate after business hours in most situations. They release usually around the midafternoon time and the peak hour traffic in the evening is not applicable. In this application the daycare center would be 6:30 a.m. to 6:30 p.m., so that's a supervision type timeline there. The third difference is usually very young children, 6 weeks or so, are not accepted in pre-schools, but in daycares very young infants usually are. Looking at the application and looking at what's before us, staff made the determination that what was being proposed is a daycare center and daycare centers in the ordinance are not allowed in residential and very specific zones are permitted.

Commissioner Hines said so an applicant could come in and put a charter school here.....I know it's five acres, but they could do a two-story charter school, 200 kids – but that would be a use permitted by right.

Mr. Priest said that's correct, under GR.

Commissioner Hines said regarding the 2040 Plan, it talked about infill development. Let's just for a second say that this project goes away. Based off the 2040 Plan, I think you said our plan calls for an infill development – apartments, townhouses, things like that. Is that correct, based off our 2040 plan.

Mr. Priest said under the current zoning, apartments wouldn't be permitted. The residential density would be limited to 20,000 sq. ft. lots so in order to go any denser than that it would need a rezoning.

Commissioner Hines said which would be more likely to TR zoning, Neighborhood Residential zoning, something similar.

Mr. Priest said if it was an apartment complex or one building one lot type of thing, it would be NR.

Commissioner Hines said with that being said that the 2040 Plan encourages infill development, what does that do to buffers in residential upon residential. Will they have any buffers like this project has buffers.

Mr. Priest said if it's not a subdivision, you would not have buffers. If it was a subdivision, they subdivided it, I believe the requirement is 20' buffers along the perimeter.

Commissioner Hines said how did the Town end up with that small piece of property right there on the edge.

Mr. Priest said that was the piece of property that was acquired in expectation of a traffic signal. Before NCDOT went to the superstreet design, it was thought that street there at that location would be able to house a full access intersection and so the lot was purchased to put all the utilities needed for that traffic signal. But after it was purchased, the plan changed.

Commissioner Phillips said who maintains the streets in Cambridge Grove and who owns them.

Mr. Priest said they are Town streets.

Commissioner Bales said it is my understanding and I wish I had my big fat binder sitting here with me today with the Zoning Ordinance, but it's my understanding in regards to General Residential, the verbiage in there states that any new development that's sitting in General Residential must be rezoned. I'm paraphrasing because I don't have it in front of me, but that was effective in 96, so if somebody wanted to come in and develop on General Residential, it's my understanding it would have to be rezoned to bring it up to current standard. If that is true and I can sit back and wait and let staff answer that, but if that is true if this.....the presentation showed infill housing can you describe to me what that infill housing looks like.

Mr. Priest said on the first question, I would have to ask Jack on that because I am not familiar with that stipulation.

Commissioner Bales said I had to highlight it in my book because I stumbled on it.

Mr. Priest said let me skip ahead to the second part. Infill residential could take many forms. In the Staff Report I think the recommendation was medium density. If you've got single-family again context sensitive design, if you've got single-family residential surrounding it, then density that was too high would also not be in character with the existing development. You would have perhaps maybe a small area of townhomes with single-family mix or the 2040 Plan talked a lot about the missing middle, some of those things like duplexes, triplexes, quadruplexes, that are not really done too much anymore and encouraging those type of uses. A mixture of that with some single-family seemed very appropriate as far as infill residential, especially being so close to services and employment and transit as recommended by the 2040 Plan.

Commissioner Bales said if it were to be rezoned Neighborhood Residential, a small apartment building as well.

Mr. Priest said if it was rezoned by right, if we just changed the color to deep yellow, yes. Someone would have the ability to come in and do one apartment building three stories tall.

Commissioner Bales said I only know this because I'm facing that myself in my own little neighborhood and seeing something similar going up. I'm just wanting to make sure that a lot of times when we say Neighborhood Residential, no one thinks apartments. They think single-family homes and that is not necessarily the case.

Mr. Priest said that's correct. It could be a combination thereof with other things as well.

Commissioner Munger said was there anything recommended by the TIA that was not already recommended by NCDOT in terms of changes.

Mr. Priest said Stephen Trott said no.

Commissioner Munger said you had mentioned something about the size of this particular facility. Can you share with us any example of a similar daycare facility within Huntersville.

Mr. Priest said there are several daycare facilities in front of what used to be the Earthfare and those building sizes are around 8,000 to 12,000 sq. ft.

Commissioner Munger said I'm trying to picture it, it's on the side with Earthfare or across the street from Earthfare.

Mr. Priest said it's in front of Earthfare to the right. One is on Boren and two others are on the left.

Commissioner Munger said so kind of in the middle of other commercial facilities.

Mr. Priest said yes – commercial buildings and offices.

Commissioner Munger said the last question I have, do we have any sort of recourse to pursue remedies from developers who left behind the types of storm water drainage issues we have here and we've seen in other locations or is that more something that the individual homeowner would have to pursue.

Emily Sloop, Town Attorney, said Brad and I discussed briefly prior to the meeting the fact that the storm water control regulations have really become more stringent over time. Previously there were not as stringent regulations in which case, let's say there wasn't a regulation in place, we don't necessarily have any recourse because there wouldn't have been an applicable regulation. There is a section of 160D and it's 160D-925 which does allow for a local government to enforce storm water regulations, so what it really boils down to is what we have in our regulations and what was applicable at the time of the development, so we would have to look and see what the conditions were at that specific development period.

Commissioner Hines said do we currently have a storm water project working there or is it approved.

Kevin Fox, Director of Public Works, said there's currently a storm water project in the design phase that would be downstream of this parcel.

Commissioner Hines said so it would not impact this.

Mr. Fox said no, they would be held to the current storm water regulations, so their design would have to meet the current criteria and we would not see any negative impact to the project that we are proposing.

Kyshia Lineberger said I'm the owner of Huntersville Community Pre-school at the proposed site on Sam Furr Road that we are talking about tonight. What we are talking about is a 16,000 sq. ft. building. I owned a Goddard School previously and that site is about 8,500 sq. ft. for Goddard School. Primrose is about 10,000 sq. ft. Kids R Kids are usually around 12,000 sq. ft. and I believe there is a Leaf Spring being built over near Cowboys Restaurant and that's probably about this size.

What makes our school a little bit different is it's an owner onsite concept. I have owned pre-schools and daycares for 20 years and put all of the information that I've learned, years of experience, into this one building design which has actually been built three times already. This is the fourth time this particular building will be built. The reason it is a little bit bigger is we have a sensory tactile room for our pre-toddlers. We have an activity room for older kids. We also have a full-service chef kitchen. A degreed chef works in the kitchen along with the chef assistant. All our meals are homemade fresh everyday onsite. Also, 75 percent of our lead staff are degreed staff and our administrative staff are also degreed staff. It's why I like to call it a pre-school and not a daycare. Truthfully, pre-schools usually are lesser hours, big schools are less hours, but also with big schools there's before school drop-off care and afterschool drop-off care, so a lot of times those hours do shift your typical working parent hours and our school is slated to be 7 a.m. until 6:30 p.m. for those full hours and parents are allowed to drop-off and pick-up anytime within those hours. There is typically somewhat of a morning rush and afternoon rush, but there's no set time for the children and parents to arrive and to depart. Also, a lot of our families are at least two children families, if not three children families. Twenty-five of those children are slated to be after schoolers. Another twenty-five are slated to be half-day pre-k, so all of those bring those numbers down. Of the 50 staff, 35 are slated to be full-time and 15 are slated to be part-time. And those staff also cross each other, so there's never 50 staff on site at the same time. The same with the children. Typically, you also have at least 10 percent of the children that are absent on any given day. Parents pay for full-time, but they use and come whatever hours that work for them.

We do have high quality educational curriculum. All the schools that I have owned in the past have always been 5-star pre-schools, which is the highest level of North Carolina state star standards. I want to thank the neighbors for being here today. I've actually had a really good time getting to know the neighbors. I enjoy them very much. What makes this property very special to me and the reason I have stuck with this property for so long is that it's on Sam Furr – you have wonderful road frontage, but it's nestled in the property with neighborhoods on three sides and truly a pre-school development and what you will see across the nation in successful developments are daycares and pre-schools down in neighborhoods serving the neighborhoods. It's a concept that does work and this property is a nice way to do that. Also, the Huntersville town has my heart. It fits this model of high-quality educational pre-school.

Our demographic is typically a two parent working household, both parents working outside the home, so they pay a little bit more for a higher quality service because they want to know their children are safe, healthy, happy and learning all at the same time. I wouldn't provide anything less than that. While

it's a larger size school model, it's also a successful model. It's a very expensive model. I couldn't see the square footage coming down to support the property purchase and the level of curriculum education and staff that we provide. We do also have our engineer here for site planning.

Commissioner Phillips said I was curious if you guys will be offering scholarship programs potentially, especially for like working parents, single parents, low income parents.

Ms. Lineberger said good to hear you say that. We do have some state subsidized spaces, especially for our teacher staff and that is something else we do is most all of our staff are local moms in the area and of our staff in the past I have always granted their children access to the school for free if they were teachers at the school. It allows them to be with their children. And then I also do allow scholarship opportunities usually for parents of my school that have hardship situations. I have had parents diagnosed with cancer, I have had military families that have attended for free throughout treatment or while they were getting education for military.

Commissioner Phillips said I was wondering what your age group breakdown percentagewise is as far as how the school would be structured.

Ms. Lineberger said there are two infant rooms. Most all of our infants start at 3 months. I prefer not to enroll 6- week old infants because they aren't quite settled in yet, so usually it's 3 months to 12 months is an age group. Then we have a pre-toddler age group, toddler age group, 3-year old age group, 4-5 year old age group. And I don't specialize in afterschool care. The afterschool spaces I have are siblings of children already involved. It's kind of a benefit for the parents to pick up at one place.

Commissioner Phillips said could you give examples of the programs or the curriculum that you do.

Ms. Lineberger said the chef kitchen is a big deal for a lot of our parents. When you look at tiers of food that food industries sell, you have high quality restaurants, regular restaurants, then you have schools and retirement communities are the bottom of the food chain. We do not do any food service. We pick up all our food. We try to get a lot of locally sourced food for our parents, so the chef kitchen is very important. Also, all extracurricular activities are included in the tuition. We don't nickel and dime the parents and another thing that's important for me is that all children in that age group experience whether it's Soccer Shots, Mister Music and Robotics, all the kids in that age group take that class. It's not just "the kids or the parents who pay for that class." And then we do use state approved curriculum planning.

Commissioner Bales said you said there's a tactile room.

Ms. Lineberger said sensory tactile room and that's strictly for pre-toddlers. Infants are really too young to be in there and the toddlers tear it up. But what that is it's a room that the pre-toddlers, which is 12 months to 24 months. They go in that room, there's ball pits, there's things on the wall for them to move, there's lights, there's textures, sensory types of things, so the education starts from the infant room all the way through pre-k and that's what we do special. We work on maintaining and keeping our parents so that we work with those children all the way through the program.

Commissioner Bales said you stated that the curriculum that you do use is state approved.

Ms. Lineberger said it is. In fact, in order to be a North Carolina 5-star pre-school you have to use state approved curriculum.

Commissioner Bales said where would you get that curriculum

Ms. Lineberger said we usually order it through Kaplan. Creative Curriculum is the one that I've used in the past.

Commissioner Bales said I imagine that you looked at our community well and the demographics. I have spoken with a number of parents who have stated how challenging it is to find access to quality daycare. Did you find that to be true here in our community.

Ms. Lineberger said it's funny you say that. I've already had parents call me from the community wanting to go on a list. I don't know how they got my name. I don't know how they got my number, but they have already called me, tracked me down, wanting to get on a list.

Commissioner Bales said I think one of the last questions that I'm going to have for you is to talk a little bit about the buffer, because it looks like a couple of the asks and I don't know if this question is for you.

Ms. Lineberger said this is Jay Henson from Henson Foley, he's our project engineer.

Commissioner Bales said you are asking for the waiver but is there the ability in here to widen that buffer in any way, shape or form.

Jay Henson said we actually looked at a couple of options. You can tell how the site gets wider towards the back. The driveway really put that restriction there so we tried to look at how can we position the building to be the least impactful to some of the neighbors, so one option we could push it back, but it would probably take like 80' to move it back and it puts the parking lot and then the storm water pond, etc. near the back of the site and it didn't seem to make sense to do that. Another option we looked at, can we trim off the building, but then you would have to displace it to the back some and that would shift it back a little bit more. The thought was on Cambridge Grove there's about a 6' or 7' berm that rises up towards the site and it's heavily landscaped and then it drops back down so the building sits down lower. You can see there where we sort of highlighted some of the buffer and took some.....there's some of the street view shots, so the site is going to be buffered with 100' or 140' of vegetation there anyway with that open space, but as far as can we try to add something, can we do a fence, what would make sense there.....we certainly could try to do something. I really would hate to push the building back further though.

Commissioner Bales said I used to live in Hampton Ridge.....built a house in Hampton Ridge 21 years ago. I'm very familiar with this lot and I have to tell you one of the concerns that I've always had with this lot is that someone would want to come in and put some one-story, two or three-story apartment building in there and I don't feel like that's the right use. If there's a way for us to make this work and make sure that the storm water issues are being addressed, I think it has the potential to be a good project for our community.

Mr. Henson said on the storm water note there, just to give you a quick little synopsis of what we did, I've gone out there probably three times. I've met with neighbors. I've looked at from where the site begins down to the existing town culvert. We've talked. We've looked at patterns in the yard to see if there were any erosion problems. We even met with a couple of the adjacent neighbors and they said is

there any way you could shift the pond over to the left if you are looking at the screen to be further away from some of the neighbors and we were able to accommodate that and we also decided to really go above and beyond the ordinance. Our ordinance requires a 10-year storm to be captured and released at that rate, so we've gone up to a 25-year storm which is not typical for a lot of projects like that.

Commissioner Hines said we've received a lot of e-mails, a lot of conversation about traffic. One of the images we showed earlier was potential cut-through going through Cambridge Grove, going through the neighborhood, come back around. On the Staff Report, alternate option showed a connection through Cambridge Grove Drive. Have you all had conversations with the Cambridge Grove HOA regarding that connection.

Mr. Henson said that's correct and we had responded back to staff with the contact. But Matt Montgomery who is associated with the developer and the property owner reached out to see if we could get a driveway off Cambridge Grove. Honestly, that would make a lot of the issues or concerns minimized. It would take that driveway that has to go through the front out and it would be able to come out to the side. It would give that extra point of access, but that's as far as we've taken it.

Commissioner Hines said did Cambridge Grove have a response.

Mr. Henson said at this point the answer was that they were not interested in pursuing that.

Commissioner Hines said kind of like Commissioner Bales I used to live in Hampton Ridge years ago and this property has always been a topic of conversation – what happens with it. And I wish there would be some type of connection, regardless of who the applicant is, through Cambridge Grove. It would alleviate a lot of traffic regardless of what the use is to have some type of connection.

Commissioner Munger said you had mentioned that this particular building had been built three times prior. It sounded like maybe not as big, but can you tell me where.

Ms. Lineberger said it's the exact same building plan built in Tega Cay first, then Steele Creek and over in Ballantyne. It was originally called Tega Cay Children's Academy. I had sold a copy of the business model and they have duplicated that three times. They have since changed the name to Oakcrest Preparatory Academy. You can go online and see the full interior.

Commissioner Munger said just to ease my imagination, there's a piece of land right there that kind of cuts in at the front there. Two things about it – my understanding is that it's owned by the Town of Huntersville and you actually will be gaining access to some of that for the access lane, the right lane, is that correct.

Mr. Henson said you are correct. The TIA recommendation was to extend that right-turn lane so it would encroach into there and we would need an easement through there.

Commissioner Munger said if you had the entire parcel hypothetically, would that change the configuration of anything there.

Mr. Henson said that's a good question. You can see how it sort of narrows down a little bit and that was our goal was to try to get this all the way up to the road, but we couldn't get it. It would help to

have the parcel. I think we could get a little bit closer. It would keep it away from the rear of the project more. The buffer would probably not change much.

Commissioner Boone said you mentioned the traffic and making the u-turns and everything like that for cars. You also mentioned that you will be bringing all your food deliveries and solid waste, how are you going to handle that and about what time do you think that's going to happen.

Ms. Lineberger said the solid waste would be our dumpster disposal, which at my other school which was really about the same size, was once a week and we had that done at off times or evening times, totally non-traffic because it's hard for them to get around the cars and what not. We don't have a food delivery service. Our staff does that and picks that up in their vans.

Commissioner Boone said I guess my concern is if it's 6:30 a.m. and you have a solid waste dumpster guy backing up, those people around there are definitely going to hear it.

Ms. Lineberger said if there are concerns, we can schedule that at our convenience and at the neighbors' convenience. Another key factor is this is an owner onsite school. I am at the school all day every day, this is my job. It's not a corporate daycare, it's not a franchise, so I can work with the neighbors. I can work with the Town and address those concerns personally.

Commissioner Boone said are you at liberty to tell me how much the tuition would be at this facility.

Ms. Lineberger said infants are usually right around \$1,200 to \$1,300 a month and pre-k is \$1,000. It's right around the same as Goddard School, Primrose cost and I think there's a Learning Experience right down the road. It's comparable in the fees.

Tracie Dawson, 17020 Stinson Avenue, said I am a resident of Cambridge Grove. I just heard about this project and I want you to know that I'm very opposed to this rezoning request. First of all, the traffic is the biggest concern that we have. I know that there are going to be plans to try to avoid the design of cutting through Cambridge Grove to allow people to turn east on 73 or to just get back out, but I can promise you no matter what you do, it's going to happen. We have too many kids and families that walk these streets, ride their bikes on it, we have bus stops right there at the corner of Glencrest and Cambridge Grove. It's going to be a problem. We have issues with our own residents blowing through the four-way stop. When you add parents who are going through just to drop-off kids or to turn around or to get into something, it's going to increase. We have a huge concern on that alone. I love the idea of what she has to offer with childcare and everything, but I can tell you based on those rates, living in that neighborhood, I wouldn't be able to afford it. I'm a stay at home mom. I have not worked in 16 years because it's too much money to pay for childcare when you have more than one kid. You basically start paying to work. This is already priced out of my range. Another issue is of course the traffic. We don't know what this is going to do to 73. We have a huge athletic complex that's getting ready to open up off of Old Statesville. We don't know yet what that traffic is going to do to 73, and 73 is already very difficult to get out of on regular hours, just coming right out of Cambridge Grove. If we add this on top of whatever the athletic complex brings, we are going to have more issues. A lot of that is based on this superhighway style that was constructed where there's only right turns and then you have to go down and do u-turns. That is problematic enough. But if you add this business it's going to make it worse. I can promise you that. I love the idea of this childcare center, it just needs to be somewhere else. This was zoned for residential. We would respectfully ask that you keep it as such. I'm sure some of my neighbors are going to speak about the concerns with the storm water management and things like that.

We have people with serious problems that is only going to be exasperated by this project. I just want you to know that we feel very strongly against it.

Beryl Jackson, 10422 Friarsgate Road, said I am a Board member of the HOA. I'm a former Planning Board member and I love Huntersville. I want to speak to you about zoning. Merriam Webster considers spot zoning to be a small parcel of land within the limits of another zone that is illegal when not done in accordance with a comprehensive plan. I am very proud to say that Huntersville has two comprehensive plans. Therefore, it would not bother me any to know that you are going to meet this requirement, however, sometimes even when you have a comprehensive plan, if the zoning is done in an arbitrary way or discriminatory way then that is not always good for the neighbors and sometimes it has been litigated across North Carolina, so I wanted to bring that to your attention that this looks like spot zoning to us. North Carolina also has a statute on spot zoning. It's Statute 160A-383. Again, it talks about making sure that your decision for zoning is in accord with your comprehensive community plan. As the neighbors found out about this project, Cambridge Grove, Hampton Ridge and the Hamptons formed a task force so we could study the plan and study all of the ramifications for all of our neighborhoods and we did surveys of all of our residents as well. An overwhelmingly majority of our neighbors do not want it rezoned. We asked them, we didn't just arbitrarily decide we didn't want it and we were going to stop it. We asked the neighbors and once the neighbors told us what they wanted, then we studied the plan and the issues that they raised when we did our survey. We have with a fine tooth comb gone through the 2030 Plan and the 2040 Plan since they are both in effect right now and the 2040 Plan in particular indicates on Page 68 Land Use Item No. 11 that you will protect existing housing stock by using planning tools that will safeguard them from potentially negative impacts of development and redevelopment. There's a cluster of 872 single-family homes that surround this parcel. Research conducted by our communities say they are not in favor of it not because it's a daycare but because of where it's located. They could enjoy a daycare of this quality in the community, but just not in that location.

Richard Colven, 16509 Rudyard Lane, said I live in the Hamptons community and it's a community that we are trying to preserve the character of. We conducted a survey of the Hamptons residents and 89 percent of them were in opposition to this rezoning. That's a lot of people. Some of them are a little bit more opposed than others and did some legal research and brought it to my attention and I thought I might share it with you about multiple precedent setting litigations across North Carolina where towns have tried to support developers when they go on with projects that really ruin the character of neighborhoods and courts have ruled against, as Beryl said, a scattered pattern of land use designation. One such case I'll tell you about is Blades vs the City of Raleigh. This was just about rezoning a 5-acre plot that was zoned as single-family Hamlet housing into multi-family housing in order to allow for the construction of just 20 townhouses, not even an apartment building. The court found that no reason was offered for treating this property differently and that the character of the existing neighborhood would be greatly harmed as a result. That's my message to you here tonight. The character of our neighborhoods – Cambridge Grove, Hampton Ridge and the Hamptons would be greatly damaged by the location of this fine facility in this location. Think about that case. That was 20 townhomes, maybe 20 or 40 vehicles a day. Now we are going to get into a little more depth on the transportation later, but this project proposes at least 310 car trips per day most of which would be during the peak commuting times in that neighborhood when school buses are coming in, people are trying to get out to get to work and traffic is going down Sam Furr Road as it normally does. I'd ask you is this zoning request really going to preserve or destroy the character of the neighborhood. If you are looking at me saying well how else would you use this project, what else would you have there, given that we have single-family housing at the moment, I would recommend that we put single-family homes there. It's a residential area. We ask you to keep it residential.

Mary Colven, 16509 Rudyard Lane, said we've lived there almost 10 years. I have two concerns to review with you today. One is safety, the other is traffic congestion. With regards to safety, this project has a little bit of a sense of a déjà vu for some of the residents in Cambridge Grove and Hampton Ridge communities who raised bus stop safety concerns over 14 years ago based on their experiences living and driving in these neighborhoods. A child actually died before we could convince the Town and CMS to move the original bus routes from Highway 73 into the neighborhoods. Today we urge do not rezone this property which would introduce more traffic in the immediate vicinity. Not allowing rezoning of this property would support the 2040 Town Plan, Page 100 – zero fatalities and zero serious injuries. A TIA was completed but it did not take into consideration CMS school buses transporting our kids to and from school during peak hours Monday through Friday starting as early at 6:30 in the morning, usually concluding around 9 a.m., again starting in the afternoon as early as 2:15 p.m. and concluding around 4:30 p.m. - 5:00 p.m. According to the CMS Director of Transportation Logistical Runs, he gave me the information that there are 58 bus runs on a daily basis immediately in front of the property we are talking about. Bus runs in the nearby neighborhoods also include 20 in Cambridge Grove interior, 19 in Hampton Crossing, 15 in Knoxwood and 22 in the Hamptons. Additional traffic of 786 trips which were cited in the TIA from the proposed daycare client perhaps in a rush to pick-up or drop-off their children, poses a risk for children waiting at bus stops and could cause delays in buses and school tardiness. This rezoning request decreases the safety of transporting our children to and from school. My second point is traffic congestion. In the first community survey of the Town of Huntersville 2040 Plan, 63 percent of the respondents said traffic and congestion is the top priority for Huntersville moving forward. Along the same lines exactly, our three neighborhood surveys cited traffic as the major concern for this project. There was a Traffic Impact Analysis completed, but as Mr. Priest said earlier it focused only on signaled intersections. It did not include four significant streets intersecting with Highway 73. Keep in mind our three neighborhoods combined have 880 residences. It is hard to grasp the density of the traffic complexities of this short section of road unless you live there and drive it daily or encourage your teenagers to drive it safely every day, especially during peak hours which would coincide with the daycare center. It is only 158 yards, 1-1/2 football fields or 470'. Within that timeframe, that distance, three major neighborhood roads, three u-turn storage lanes and sidewalks would be impacted. I'm now going to turn the next section of our traffic safety analysis that the neighborhood did over to our retired engineer Randolph Peacock who will further address our concerns about the traffic impact analysis.

Randolph Peacock, 17209 Cambridge Grove Drive, said I serve on the Cambridge Grove HOA Board and I'm pleased to say that we have multiple neighbors that are with us tonight showing their support for expressing the concerns that we have. We recently sent a letter to the Town of Huntersville basically summarizing safety concerns that we have and in turn asked that a safety evaluation be performed, a supplemental TIA. Part of our concern is the TIA as we understand it was a capacity study by and large looking at the efficiency of the traffic as opposed to specifically the safety, so there are TIA's that do focus on safety. My background comes from powerplant licensing, so safety is near and dear to my heart and I would recommend that we do the same thing here, just good engineering practice with respect to the safety concerns. We've talked about the cut-through traffic. It is a concern. There are bus stops, neighborhood playground, pools and so forth there and people do speed. They do run the stop signs. We appreciate what Huntersville Police does, but they can't be there all the time. One of the biggest concerns we have is the Hampton Crossing intersection basically limits the right-turn lane that they can have into the day care. DOT recommended that it be 125', but because of Hampton Crossing, it can only be 75', so it is not as safe as what DOT would recommend, so that's a risk. The traffic squeezes in there.....people try to squeeze in while people are trying to turn right out of Hampton Ridge and that's a safety concern. Also, people that are turning out of the daycare, there's limited line of sight. The sight distance profile as I understand it is very close to being out of compliance and

subsequently a question was raised by our Traffic Engineer about whether or not the data that was used was accurate data and he recommended that a survey be performed to ensure that it is the most accurate data because that could be a show stopper with respect to DOT. With that right-turn lane as well as the sight distance profile we would encourage that the DOT go ahead and look at this driveway permit as a condition. If we evaluate this before a rezoning decision is made as opposed to just letting that happen after the fact, it's just too critical to this decision. We also have concerns that the daycare driveway cuts the Cambridge Grove right-turn lane from about 210' down to about 125'. Again, it's the same thing – traffic squeezing in as well as the potential for people leaving the daycare using the Cambridge Grove right-lane as a merge lane which could add a lot of confusion to the area and increase the risk of accidents. There's also the problem with turning right out of Cambridge Grove. Right now, it's a situation where you don't know if someone is going to make a left-turn or a u-turn. We call it kind of the Russian roulette trying to figure out if you can go or not and at rush hour there have been a couple of times with some really close conditions there and so this is only going to get worse and that was one of my original concerns about the daycare.

John Bryan, 16813 Hampton Crossing, referenced pictures he submitted to the Board of the Ballantyne site. *Refer to Exhibit No. 12.* I'm just going to read something since we have three minutes. We were provided locations of three sample sites of other like daycare projects so that we could get a feel for what this project would really look like, so we checked them out. I refer to them as the Tega Cay, Steele Creek and Ballantyne sites. Important note, people associated with this proposed project indicate they are not affiliated with these three sites. Keesha Lineberger indicated she provided the building design only. The sites are owned by various LLC's and we have not confirmed this claim but will take her at her word. On November 12, 2020 we had a good rain going so I rode by the three sites to get a look and oh boy did that get my attention. Observation that day suggested the storm water run-off systems were flooding the neighboring properties at all three sites. Tega Cay and Steele Creek border commercial and undeveloped land so we suspect there's no one who would complain about it. On Steele Creek, even on non-rain days, water in the pond is present and stagnant. It appears that a third party is hired to maintain the basin and it resembles what I'd say a swamp. Last, most resembling our project, was the Ballantyne site, since it's adjacent to residential homes. The rain was heavy and the retention pond was full of water, but not overflowing. I think that's an important thing to point out. It was draining a river of water on neighboring homes to the point of flood. Homes are being damaged, just look at the pictures. I think they speak for themselves. One might argue well this is a once in a lifetime event. This rain day did break a record, but the record preceding was only two years earlier. As a matter of fact, since the project was on our radar, six weather records according to National Weather Service have been set in the past few months during our research in this area. Someone else might say John, go look at some retention ponds in your area, they aren't so bad. Well I did. I checked out retention ponds in a 5-mile radius area of my home. All that I checked were all connected to the storm water drain system, so why are these not. How can we expect a better result with the same design. He proposes to make it better and we do appreciate that, but that wasn't the problem in those photos. The problem was the amount of water it was releasing, the rate of water was releasing. In closing I would say we are not against this daycare project, we just don't think it's appropriate for this particular piece of property just because of its unique attributes regarding traffic and we are on a pretty good hill.

Dacian Mote, 17210 Cambridge Grove, said I have lived in Cambridge Grove for the last 5 years. I'm also a member of the HOA Board. I also have three girls with three different buses going to three different schools. That's the reason I moved there. I know we did the survey in Cambridge Grove and Hampton Ridge when first we heard about it and 80 percent came against rezoning it. The main concern was traffic. Another concern was the buffer, the noise it would bring. There are people in the neighborhood that live close to AAA and all the other commercial properties. Even today they promised a 60' buffer

and we still hear all the noise every morning and they said the property value went down because of that. People living behind this, they have the same fear that the property value is going to go down because of what is going on in their backyard. Another main concern is the traffic. Even the people that go into Caldwell Station and they go on Cambridge Grove, so they are cutting through Cambridge Grove. If you are awake in the morning for the bus with the kids you will see the kids running like 7:00 a.m., 6:30 a.m., 8:00 a.m., doesn't matter because they are different schools. The kids are running wild and the people are rushing through that stop sign in front of the pool. Cambridge Grove does not have any other place where the people can go – green space. The only spot is just behind this daycare. Going from Cambridge Grove, going right on Glencrest, that's the only spot where the kids are playing, riding their bikes, that's where they gather, so when you have increasing that amount of traffic, that's a big concern.

Alice Blanchard, 16904 Taft Court, said I love children, as I know most of us here do. I am here to tell you that the number of school buses that use that intersection at Sam Furr and Cambridge Grove is tremendous. I think you just have to be at the stop sign there about 7:30 a.m. in the morning to realize how many children are pouring out of the homes to get to the school buses in a hurry and they are running and carrying on because they've got business to do. There's just too many children there to think about adding more traffic and cut-throughs and you know parents that are dropping kids off in a hurry. I would just like to mention that in the summertime the children play all over the place and it's a wonderful neighborhood for children. Bicycles, moms pushing strollers, kids playing games, it would just degenerate the quality of the neighborhood that we see every day. I moved here 10 years ago. I like this area. I moved here because of that neighborhood and I'd really like to see that it is maintained. I think a daycare center is a wonderful thing, too. There are better places to choose.

Debbie Starnes, 13724 Batemans Road, was not present when called upon to speak.

James Gwaltney, 10102 Grimbsy Court, said I have children and I am against this development purely because of the location. It's just not right for this particular development. I don't know about you, but I live with commercial real estate in my backyard. The things that I really don't enjoy are the fact that I have loud noises at 6:00 a.m. in the morning and wakes my pregnant wife, it wakes my dogs, it wakes my daughter, my day gets started an hour early. It's not fun. At night we have headlights in our living room. We do not enjoy that while we are watching Game of Thrones, not to mention the fact that cars, these performance cars, they use these parking lots for revving their engines, testing out their tires. They do it in the middle of the night in my backyard. I hear it clearly and it wakes my daughter up. It does not prove to be a very conducive environment for my family. Not to mention the fact that I'm exposed in my backyard because I have commercial real estate. If I were to get robbed, that would be an ideal opportunity. Park the car behind the house, break in the backside, go out the backside. It's not good. Traffic – if you'll look at the picture that's actually on the TV, 100 cars try to u-turn right there in the bottom left-hand corner. If you look at that driveway on the right-hand side, what you don't see is you can't turn left into the Hamptons, so you have to turn around or you have to go through our neighborhood and loop back. We already have all the traffic from 73. All 800 residents in that neighborhood have to make that left-hand turn right there. It's on a hill that you can't see where the Hampton Ridge street is.....there's a peak of a hill right there, so when you turn to go right, you have to look up the hill into the sun. That's not fun either, and then you are going to have kids right there. That's ridiculous. The safety concerns are out of whack, not to mention the fact right behind this facility is all of our HOA. That's our tennis courts, our pool, everything else. How are we going to prevent abuse of that particular street and all of our facilities back there. We have playgrounds, we have stuff that my daughter plays on, it's going to wear it out early because I'm sure that when parents don't arrive on time, they are going to walk right down there and go down to our playground. I'm not against

sharing, but somebody's got to pay for it. Just to be clear, I have children. I would not send them there and I don't think that location is a good idea for this particular community. I think that it's grossly underestimated just how impactful that particular facility is going to be for our neighborhood.

Carolyn Konieczny, 10113 Truitt Court, said I've been in Cambridge Grove for 26 years. I raised three children there. Right where they are talking about doing the little cut-through, that would be on mine. No, I have not met anybody that's doing it, nor have they been to my house, nor did they say anything, nor from Planning commission. As far as the noise goes, when they put AAA over there, we begged you all not to. Oh, we've got it. We've got it in hand. No, you don't. It starts at 5:30 in the morning and when they pick up the garbage and stuff, it's big clangs and everything. That's just the noise. The other thing I noticed was the need. When Sonya Curry developed the daycare and Montessori school, my daughter was going to it and it's on 33 acres. I can tell you I just Googled and there are 15 daycares within three miles of my home. There are 11 Montessori schools in addition to the 15 daycares. In this particular area we already have a lot of daycares. Traffic is a big thing. They built Amazon on the other end and 73 is the only cut-through from 85 to 77. It is only going to get worse. There have not been any studies because of Covid in at least almost 2 years and that's when they built Amazon and everything there. You have the 18 wheelers that come across because there are several trucking firms and delivery firms that are on the other end of that cut through. That is why Ryan died. The child had a name. his name was Ryan. He was my son's best friend. There were over 15 kids at that bus stop the morning that he was crushed by pipes that everybody told us, oh that bus stop is just fine. Please don't do that, you are going to kill a kid. Oh no, we've got this, trust us. We did. Ryan died. He would be 37 years old this year. He didn't make it. He died at 12. I've mentioned the noise.....the buffer area. I would like to know how I can request an increase in the buffer areas for this particular property, because instead of 25' I would like for it to be 30' or 35'. The limited zoning, it doesn't say on there that it is only limited to daycare and that if it changes from daycare then it reverts to residential. I would like for that to be stipulated, because from what I've seen of these, they get it in and it's for the children. Any time a politician tells me anything is for the children, I automatically know I don't trust them. If they are putting this in for the children, I want it in writing so that it doesn't get flipped. In her presentation she's already talking it's a school, it's not an infant care site. It is a school. You are going to have children that are going to slide out of somebody's hand at some point and they are either going to end up in the middle of 73 crushed by a truck or they are going to end up in Cambridge Grove getting in the street or that back area. Our subdivision is already a cut through. That's how it was designed, because anybody coming up has to turn around. They turn around in that little loop right there.

Sandy Dinzeo, 10021 Glencrest Drive, said I am a professional engineer by trade. I began just reviewing the codes tonight. I'd like to say that I'm confident that Huntersville zoning was intentional. It prevents sprawling and spot zoning to ensure property values are maintained and traffic control and traffic calming measures are accomplished. I urge the Board to respect the zoning as it was designed. To start I have a few points I'd like to make. As I was reviewing HC, it states that Highway Commercial District will not only serve the Huntersville community, but interstate travelers as well. Policy LU-6.3 that the engineer brought up this evening, he talked about small scale developments. Those are to be neighborhood serving, not to be interstate travelers serving, so there's a clear conflict there between HC and LU-6.3. As far as storm water management, I'm taking a look at the size of that pond. Think about who's going to maintain that pond when sediment goes into it, who is going to go and make that pond be dug out. Also, I'm not seeing any infiltration. Infiltration is necessary to keep our groundwater table where it needs to be. I don't see best management practices. All I see is a pond there. That is not recommended storm water management, that's a last resort. We need to be more creative. Additionally, the traffic counts that the engineer stated would be done, they must take into consideration Covid. Right now there's many people working at home in that 800 home development so

there's going to be less traffic counts or lower numbers in the traffic counts, so please be aware of this when you call the traffic count, there's got to be an adjustment for that. I respectfully disagree that if the staff encourages people to not cut through, then Mr. Brad can support this development. This is not an engineered solution, having staff at a daycare be expected to tell people don't cut through. It's going to happen. One final thing that I wanted to mention. I know it was stated that we will stipulate that this will always be a daycare. I don't know the legality behind that. As I mentioned, I am a professional engineer. I'm registered in Pennsylvania. I just recently moved into this development and into North Carolina. But what I did see was permitted uses for HC include nightclubs, music clubs, with conditions adult establishments, commercial uses, vehicle and boat repair, halfway houses. There are multiple different things and once you say this is HC, it's going to be harder the next time somebody comes in and says I want to rezone that for a girlie bar. I just want to make you aware that you should be paying attention to those things.

Michaela Powell, 10436 Blackstock Road, said at this point I'm going to reiterate what my fellow neighbors have already said. I am proud to say that in June 2020 I became a first-time homeowner. The primary reason why we chose to buy a home in Hampton Ridge is because of the overall sense of community and how family-oriented and quiet the surrounding neighborhoods are – something that I was never able to witness as a child being raised in New York City. Children, parents and residents walking dogs often frequent the streets which is why I love where I live. I genuinely feel safe. However, unfortunately, with the proposed daycare in place, the community feel will certainly be lessened dramatically through increased cut-through traffic in the neighborhood. Along with the rise in traffic I am concerned about the potential loss of property value by having a commercial daycare so close in proximity along with the heightened noise levels that will be a direct result of having a large 16,000 sq. ft. daycare housing 250 children open until 6:30 p.m. The overall safety character of integrity of our community will be negatively affected by this rezoning and for this reason I am not in favor of it being approved.

Commissioner Hines said connectivity is a big thing. We've always wanted to connect subdivisions to keep cars off major thoroughfares. When I lived on Hampton Trace, there were two barricades at both ends. Caldwell Station was approved, opened up and connected Hampton Ridge, Cambridge Grove to Caldwell Station. One of the concerns I had at the time, I think I may have been on the Planning Board, this is a long time ago, when Caldwell Station was approved, at one point on Bailey Road there was going to be an industrial park or some type of business that Caldwell Station would be connected over to Bailey Road through connectivity. One of the big issues with that is there's a big creek that's called Caldwell Station Creek. Are there any plans whether in Cornelius' TIP to make that connection. We heard tonight a lot of that traffic funnels down through Hampton Ridge, Cambridge Grove. Are there any plans in Cornelius and who's going to put that bridge in to connect Caldwell Station to Bailey Road. For everybody, that would come out about where Eleven Lakes Brewery is.

Mr. Priest said I do not have that information.

Anthony Roberts, Town Manager, said it was eliminated back when I was in Cornelius, probably about 5 years ago. I don't know if they have re-added it back on their CIP. I'm not sure.

Commissioner Hines said it doesn't help our connectivity with our neighbors to the north. Somebody brought up spot zoning. If this were rezoned to this use would this be in your opinion considered spot zoning or not.

Ms. Sloop said this is a conditional rezoning and conditional rezoning technically is spot zoning. It is not illegal in North Carolina, but it still can't be arbitrary and capricious, so when you make your determination regarding a legislative decision you would have to go through a consistency analysis as well as a reasonableness analysis and there are several factors that you would want to consider and one of those factors is what is the difference between what would be allowed in the proposed rezoning versus what is allowed in the current rezoning and one thing that was brought up is that schools are already allowed in the zoning that is in place as it is. Those are some things that you would look at. You would also look at things like the overall consistency with the plan which we have discussed and I think Brad went over what is consistent, what is inconsistent, what changes could be made to make it more consistent. Those are all things that would be considered in that analysis, so you would really have to look at various factors. Overall it's a totality of the circumstances determination and based on what's currently allowed, the school being one of them, the court would likely favor saying that it's not spot zoning because of the consistency in what is allowed versus what is proposed.

Commissioner Hines said I think the applicant made a comment or referenced that they purchased state approved curriculum for daycare. Earlier on our staff's indication is if you have curriculum for a pre-school then we consider you a school. Why would this type of facility not be considered a school if they are purchasing state approved curriculum.

Mr. Priest said as far as curriculum is concerned, in regard to state requirements for education, I don't think that's the same thing. That's the first I have heard of the curriculum being purchased. In the totality of what's being taught for pre-school in regard to again a 3-month old and the supervisory role that daycares have and the hours, in the totality big picture I think staff would still incline that that's a daycare use as opposed to a school, but it's possible that that one checkbox might be met with an education type curriculum for a certain aspect of children and age group of children, but not others.

Commissioner Boone said I would like to ask Ms. Lineberger a question. Have you seen these photographs?

Ms. Lineberger said I have seen those. That is not my site. Topography is completely different on every property. I did see that, and we actually got together the night of that rain that it poured.

Commissioner Boone said there's three different properties and you are saying all three are not yours.

Ms. Lineberger said I sold a copy of the business model and was not a vested owner in any of those three properties.

Commissioner Boone said so you have nothing to do with each property.

Ms. Lineberger said I don't. The property and topography are completely different on every single property, so that property is completely different than the topography of this property, which the water retention and things of that sort are going to be completely unique to every single property.

Mayor Aneralla said I do have one comment. My understanding by count there are at least three HOA members from the Cambridge Grove here tonight. We have a back room over there so if you have time you can chat together, at least talking instead of just e-mailing might be a good idea.

Mr. Roberts said I wanted to give you some clarity on Commissioner Hines' question. It's in Cornelius' future year CIP, so no timeline on that connection.

Commissioner Phillips said how many apartments could fit legally on that piece of land.

Mr. Priest said as it is currently zoned, no apartments would be permitted under General Residential. If hypothetically it was rezoned to Neighborhood Residential, it would vary depending upon if they could get all the requirements of the ordinance in. I couldn't give an exact answer on how many apartments, but if it was rezoned to NR, going through this process that we are going through right now, they could have a three-story apartment building. How many units, I just don't know at this point.

Commissioner Phillips said I was just wondering the daycare/pre-school, what's a school, is there any way we could get a professional to give an opinion on that instead of everybody assuming. We're going more on feelings than facts and I don't feel like that's appropriate in something like this.

Mr. Priest said the ordinance gives the Planning Department that responsibility to make determinations based on information submitted by the applicants and then making a Zoning Administrator determination between different uses. That was the exercise that was done in that matter and so from what information has been submitted to Staff, the determination was made it was a daycare. We would be happy to further consider that information, but again with the information considered and past circumstances and in going through this exercise several times, it would seem that this was a daycare application.

Commissioner Phillips said but the whole saying a daycare isn't a school situation, it's something I'm uncomfortable with that we are proceeding with right now because if there's a curriculum, to me that's more school based than just dropping your kids off for playtime for the day and a babysitter. If we could find like black and white clarification on that and not opinions. I don't know how we go about doing that, but I feel like that would be helpful.

Ms. Lineberger said any North Carolina 5-star daycare/pre-school must have a state approved curriculum. In order for them to even be considered for the 5-star standards, they have to have a state curriculum. Your better schools Primrose, Goddard are probably 5-stars and probably have a 5-star curriculum.

Commissioner Phillips said have we ever done any other pre-school/daycare zonings here in the past and kind of go based off that like as a case study with the educational aspect.

Mr. Priest said I think going back to the aspect discussed a little bit previously, it sounds like there might be a combination of it. There's a scholastic situation in regard to some students and of a certain age group, but then you also have 3-month year old children that are dropped off and picked up that there is no regulated schedule as far as education begins at a certain time and then they are picked up at a certain time. Parents can come and drop-off and pick-up at any time.

Commissioner Phillips said but they can do that at CMS too. We can continue this later and like get more information, but I just would like to have more information.

Mr. Priest said we can look into that and try to contact the state agencies to get some more clarification on that.

Commissioner Phillips said I would appreciate that because this is setting a precedent potentially for the future.

Commissioner Hines said a couple of comments or questions came up about storm water. In your review, is the BMP or the water quality adequately addressed size-wise and those kinds of things based off of what's in front of us today.

Mr. Priest said I am not an engineer, but the ordinance requirement that Huntersville goes by and has been mentioned a little bit by the applicant.....essentially the storm water that's going to fall on the site the ordinance requirement requires that all that water be caught and released slowly so that the flow of water does not go off the site any faster or much faster than it already does today. The requirement is that one 10-year storm that falls is required to be caught. That's a requirement. And the applicant has gone a little bit above and beyond to say that they are willing to upsize their pond, their sand filter, their water quality device, kind of a retention/detention combination there and they are going to go above and beyond to a 25-year storm to catch a higher volume of water, but again release it at a slow velocity to make sure there's no downstream issues. Our ordinance is in place to require the 10-year. They are going 25. The ordinance is in place to make sure if there is a situation downstream, if there's a problem, that it's not made worse by this application. A certain aspect to point out as well if a residential development comes, whether it's what we discussed single-family residential or perhaps there's the missing middle, the duplexes, etc., if there's a similar amount of impervious proposed, it's the same requirements. It's impervious based. To answer your question, my recommendation is our ordinance that we have in place would be what it needs to be to make sure an existing situation offsite is not made worse.

Commissioner Hines said I'm going to phrase this not to be in a question. I'm guessing that when something like this is constructed, it must be yearly maintained, things like that. An applicant just doesn't build it and it's just a hole in the ground for the next 30 years – there's ongoing maintenance.

Mr. Priest said that's correct. Every year once a project is finished and it is occupied, a maintenance bond has to be put in for that BMP and every year we have an erosion control and a BMP inspector who goes out and inspects these facilities and if they are not operating correctly, they are required to fix it and so if the operation is not to code, if there's a bad situation, the Town has the ability to pull that bond and make sure things are fixed in the right way. I've been here for several years and I have not heard of a situation where it's been so bad that there's been flooding and so forth. I can't say for sure that there hasn't been, but I have not heard that situation so I'm confidence in the ordinance requirements and our reviewers.

Commissioner Bales said one thing that I heard tonight was the discussion around playgrounds and the use of playgrounds and whether or not the applicant would be utilizing the HOA's playground. Is there a playground onsite.

Ms. Lineberger said I'm actually glad that you addressed that. If you look at the building, there are actually three playgrounds. You have a large playground which is 3 and 4-year old playground, the medium playground is for the 2-year olds, the small playground is infant and pre-toddlers. Also note that when they use the playground it's staggered on the playground times, the classrooms have different times they go on the playground. There's two hours in the morning, two hours in the afternoon. They don't go out on orange or red days in the summer, with the temperature and we have active play space for them inside, so if it's extra cold, extra hot or rainy they have their active play space inside, not outside. Also, our children would not use the HOA playground for any reason. Our playground set-up is about \$200,000 to \$225,000. If anything, I'm more concerned that neighborhood

kids might want to try to play on the weekends, but we do have a full security camera set up also which would also help with any doughnuts or things like that in the parking lot on the weekend.

Commissioner Bales said do you know where this is located.

Ms. Lineberger said that I believe is the Ballantyne school. It's now called Oakcrest Preparatory Academy. I think it opened up this past month or so and I have not talked to them. I'm not sure what they did to correct that situation.

Commissioner Bales said but this is in Mecklenburg County.

Ms. Lineberger said it's Mecklenburg County. It's right on the line of Mecklenburg and Lancaster.

Mayor Aneralla said I know we have somebody asking questions. This is not a Q&A time for citizens, but you can submit questions to jpierson@huntersville.org for the next 24 hours or comments for that matter.

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

Petition #TA21-04. Mayor Aneralla called to order public hearing on Petition #TA21-04, a request by the Huntersville Town Board to amend Article 7.4.2F of the Huntersville Zoning Ordinance to create an administrative staff review for tree mitigation plans.

Brad Priest, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 13.* October of last year the Town Board approved Petition #TA20-01 which clarified the Tree Save Mitigation requirements. At that meeting, the Town Board requested staff take a question to the Huntersville Ordinances Advisory Board whether or not now that the tree save mitigation requirements were clarified, is it really necessary for those tree mitigation requests to go to the Planning Board, could they not just be done administratively. Staff took the question to the Huntersville Ordinances Advisory Board in November 2020. They recommended that yes, with the clarification done, that staff be the sole responsibility of the entity that reviews and approves tree mitigation plans. We came back to the Town Board and the Town Board said yes, please initiate the text amendment application to make that happen. That's what we are doing here. The current process is if a plan is reviewed and mitigation is required, the applicant has to go to the Planning Board. Staff puts in a request to be on the Planning Board agenda and then has to do a Staff Report to assist the Planning Board in making that decision. The proposed process would eliminate that public board process. Staff would review the plan and if it meets all the requirements of the ordinance, then it would simply be approved.

The draft ordinance, in order to make what needs to change, in Article 7.4.2F, Footnote No. 2, it specifically says that if approval by the Planning Board is granted, then mitigation is permitted. The draft language would go in and strike out that sentence on the Planning Board approval is granted as a requirement, and then a simple sentence at the end of that paragraph that says Planning Staff will be responsible for reviewing and approving all tree mitigation plans consistent with the mitigation standards of this section.

Staff recommends approval. The Huntersville Ordinances Advisory Board met on April 1 and unanimously recommended approval as well.

Commissioner Munger said this really is just a clarification question because it came up in the Huntersville Ordinances Advisory Board. The specific thing that this addresses is just a clean-up allowing taking authority regarding tree mitigation from the Planning Board and giving it to Town staff. None of the rest of the ordinance is changing at all. Everything that needed to be modified was modified in October and passed by this Board, is that correct.

Mr. Priest said that's correct. None of the requirements for tree save are changing, it's strictly process. Instead of going to the Planning Board, it's a staff review process, but the same requirements.

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

Storm Water Service Charge. Mayor Aneralla called to order public hearing on the modification to system cost components of the Storm Water Service Charge and proposed increases to the minor system component of the Storm Water Service Charge to be levied within Huntersville.

Kevin Fox, Director of Public Works, reviewed PowerPoint. *Staff PowerPoint attached hereto as Exhibit No. 14.* We come before you tonight with the public hearing to increase the Town portion of the storm water fees. Currently our residents, even though there's technically a four-tier system, we recognize a two-tier system with Tier I being 0-1,999 sq. ft. and Tier II is 2,000 sq. ft. and above. They currently pay \$1.42 on their water bill every month for Tier I and for Tiers II, III and IV pay \$2.12. Commercial pay about \$36.00 per acre. Once again, this is impervious area – not just the size of your house, but the size of your house, driveway, patio, all that good stuff. We are proposing to increase that. Currently the fee is between 8.4 and 3.1 hundredths of a cent per sq. ft, depending on what tier you are in. We are proposing to take the four-tier approach and actually recognize all four tiers and then commercial, so technically five tiers, and charge a uniform 9/100 of a cent per sq. ft. That's just a lot of information on that slide but that kind of shows where we currently are with other municipalities and unincorporated Mecklenburg County.

Commissioner Hines said when was the last time we raised storm water fees.

Mr. Fox said the Town of Huntersville has never increased the storm water fees since the inception of this program back in 1993.

Commissioner Phillips said when you speak about the imperious area and stuff, does that also apply to bona fide farms.

Mr. Fox said I don't have that information. I do know that there is an exception for folks that live on the lake because their storm water goes right to the lake, so they do have an exception for that. I can get back to you on bona fide farm.

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

OTHER BUSINESS

Storm Water Service Charge. Kevin Fox, Director of Public Works, said I did not speak about it in the last portion of my presentation. If you are interested, this would increase our revenue by about \$200,000 to \$250,000 per year. This is a one-time increase. I know some of the municipalities that are proposing increases this year, they are going to be 4 or 5 years they are going to look to increase theirs. Our Tier I residents, their bill will increase by \$0.10 per month. Our Tier II residents, their bill will increase by \$0.09 per month. Tier III which is 3,000 to 5,000 sq. ft. of impervious will increase by \$1.19 a month and the Tier IV which is 5,000 sq. ft. and above will increase by \$4 per month.

Commissioner Bales said can you explain to those watching this meeting what the revenue is going to be used for.

Mr. Fox said basically we are seeing an increase in maintenance to our infrastructure needs. We have an aging system that we are seeing increase costs. We are also planning to invest in the environment and take on more stream restoration projects and this additional revenue will assist us to do that and also Mecklenburg County actually plans over the next 4 to 5 years to increase the bill that they send us for our streets and the impervious area controlled by the Town, so this increase will also help to negate the additional expenses that will be incurred by the county.

Commissioner Bales said are you saying that the bill coming from the county is going to increase and the revenues that we will raise through raising the fee will cover that cost in addition to our efforts.

Mr. Fox said for the next several years it will. Over the next 5 years the bill that the county sends us is about \$150,000 per year. That is anticipated to increase to over \$400,00 at the end of the 5-year plan, so what we're increasing now will cover the additional county charge and give us some extra revenue to conduct the projects and fix our system. At the end of that time we'll probably have to come to you again just to cover that county portion.

Commissioner Boone made a motion to approve a resolution authorizing modification to the system cost components of the storm water service charge to be levied in Huntersville.

Commissioner Bales seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 15.

Petition #TA21-02. Petition #TA21-02 is a request to consider the repeal of Chapter 13 of the Town Zoning Ordinance, the Adequate Public Facilities Ordinance (APFO) and related references contained in the Zoning and Subdivision Ordinances.

Dave Hill, Senior Planner, said what I'd like to do is kind of just go over some changes that have been made in the PowerPoint presentation compared to the public hearing that you conducted not too long ago. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 16.*

I think the important thing to think of in terms of the Adequate Public Facilities Ordinance is we have been going after this for more than two years. I think the most significant elements here is that in early March the public hearing was held for the text amendment and then the Planning Board recommended unanimous approval of the text amendment on March 23. We went over the fact that there were some basic principles involved in how you correlate proposed development with the impact it would have on

public facilities and how it's calculated. There are a level of service thresholds and if at any point you want me to stop on these slides, let me know, but I'm going to kind of go through them quickly. You've already seen them. The observations.....I think probably the most important one is since the adoption of the ordinance it's never really been triggered, it's never been used. We also I think because of the way that it is designed it really doesn't meet the quality expectations I think that members of the Huntersville Community have come to expect. It's never resulted in denial. I think we gave several different kinds of viewpoints in terms of why it's not working and why it's not needed. But when the ordinance advisory Board reviewed this one of the questions they asked was you've got three affected departments, what do they actually do when it comes to meeting demand for public facilities and so we went back and we talked to the police department, fire department, parks and recreation department, they all have benchmarking, they have citizen surveys, they have national accreditation thresholds, they have state requirements that they follow and you can see them on the slide so if you have any questions, I'll go over them. We also came back and we have a new consistency statement for you in terms of the staff recommendation and the Planning Board recommendation. There are several policies that are consistent with the idea of being able to manage public facilities properly but pointing to the fact I think that we don't need the Adequate Public Facilities Ordinance and I think the big difference is that the 2040 Plan is proactive in the ordinance itself that we have is reactive and we really prefer the proactive approach.

The staff recommendation was to adopt the two draft ordinances that are a part of the text amendment TA21-02, one affects the Zoning Ordinance, the other affects the Subdivision Ordinance and that we did find that there was some consistency with several 2040 Plan policies. The Planning Board provided the actual consistency statement you see on the screen. You have the option of approval or denial but at this point I'll stop and see if you have any questions.

Commissioner Boone made a motion in considering the proposed text amendment TA21-02 repealing Article 13 and amending Article 11 of the Zoning Ordinance and amending Section 6 of the Subdivision Ordinance the Town Board approval is based on the amendment being consistent with the 2040 Plan Policy PS1, PS3, PS4, PS8, POS8.1 and EOS10. It is reasonable and in the public interest to approve TA21-02 because the Town's needs are adequately publicly facilities are met through other government and budgetary process so the APFO is redundant and unnecessary burden on limited resources.

Commissioner Hines seconded motion.

Motion carried unanimously.

Right-of-Way Easements – Ranson Road. Commissioner Bales said I would like to ask the Board to recuse me from this next item 9.C because the road work is being done in front of my home if this passes.

Commissioner Phillips made a motion to recuse Commissioner Bales.

Commissioner Hines seconded motion.

Motion carried unanimously.

Commissioner Boone made a motion to adopt a resolution of the Town of Huntersville to acquire right-of-way and easements necessary for the construction of the Ranson Road Project.

Commissioner Hines seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 17.

Commissioner Hines made a motion to invite Ms. Bales back.

Commissioner Munger seconded motion.

Motion carried unanimously.

Amend Chapter 33 – Emergency Management. Staff requests the Board consider a decision on an Ordinance to Amend Chapter 33 of the Huntersville Code of Ordinances entitled “Emergency Management.”

Commissioner Munger said Section 1C at the end of the sentence it says, “or at the direction of the Board.” Just to clarify, does this mean if a majority of the Board votes to end or not to end a declared state of emergency, that decision is enforceable.

Ms. Sloop said yes.

Commissioner Bales made a motion to approve an ordinance to amend Chapter 33 of the Huntersville Code of Ordinances entitled “Emergency Management.”

Commissioner Phillips seconded motion.

Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 18.

Public Comment/Public Hearing Policy. Commissioner Munger made a motion to defer action on adopting a policy on public comment periods and public hearings until the April 19, 2021 meeting.

Commissioner Phillips seconded motion.

Commissioner Boone said I’d like to ask the commissioner why are we delaying this. Are there some questions or some clarity we need to work out.

Commissioner Munger said in our earlier 3 on 3 meetings I had suggested one amendment and then I put together that amendment and sent it out to Board members. One other commissioner, Commissioner Walsh who is not present tonight asked for a slight modification to that. I started preparing that to submit to our Town Attorney and then I received an e-mail from you indicating another possible change so it felt very much like things were in flux and we hadn’t fully flushed out what that should look like so I would like us to continue that conversation and get it right the first thing.

Commissioner Phillips said I also think with Commissioner Walsh not being here if we are going to make a big decision like this that’s impacting how we speak and the citizens speak, we need to do it as a whole board.

Motion carried unanimously.

Fund Balance Policy. Commissioner Munger made a motion to approve a revised fund balance policy for our general fund balance to maintain an unallocated fund balance to be used for unanticipated emergencies of 40 percent instead of the current 45 percent.

Commissioner Boone seconded motion.

Motion carried unanimously.

Policy attached hereto as Exhibit No. 19.

Postponement of Election. Mayor Aneralla read Resolution Opposing the Postponement of the 2021 Huntersville Municipal Election.

**Resolution Opposing the Postponement of
the 2021 Huntersville Municipal Election**

WHEREAS, the Board of Commissioners of the Town of Huntersville supports keeping with the tradition of a fair election process; and

WHEREAS, the Board of Commissioners of the Town of Huntersville supports holding our municipal election on the scheduled date of November 2, 2021; and

WHEREAS, pursuant to N.C.G.S. § 163-279, "[p]rimaries and elections for offices filled by election of the people in cities, towns, incorporated villages, and special districts shall be held in 1973 and every two or four years thereafter as provided by municipal charter."

WHEREAS, Section 3.1 of the Town of Huntersville Charter requires that "[r]egular municipal elections be held in each odd-numbered year in accordance with the Uniform Municipal Election Laws of North Carolina. Elections shall be conducted and the Mayor and Board Members elected on a nonpartisan basis according to the nonpartisan, plurality method authorized by G.S 163-292."

WHEREAS, Huntersville's municipal government consists of six at-large town commissioner seats and a mayor. Census data will not affect the make-up of our current board. The impending census data impacts only 62 of 550 municipalities in North Carolina. Huntersville is not included in the 62 impacted and it is unjust that a minority of municipalities who rely on census data would dictate the election process for our Town; and

WHEREAS, postponing the Huntersville municipal election by one year is a disservice to our residents. Citizens were guaranteed two years of service by the current Board and then a new election that would be navigated by the will of the people. An additional year to the terms we are currently serving is not adhering to the spirit of a "government of the people, by the people, for the people."

NOW, THEREFORE, BE IT RESOLVED, that the Town of Huntersville Board of Commissioners requests that Huntersville municipal election for commissioners and mayor remain on schedule for November 2, 2021, as it is in the best interest of the Town and our residents.

Commissioner Phillips made a motion to adopt Resolution Opposing the Postponement of the 2021 Huntersville Municipal Election

Commissioner Bales seconded motion.

Motion carried unanimously.

Acceptance of Streets. Commissioner Boone said I think we all saw the e-mail over the weekend from a citizen who lives in this subdivision and he had some concerns with additional development of Phase 3 or 4 of Mirabella and who's going to take over the responsibility of the roads and who will be responsible for the damage during construction.

Kevin Fox, Director of Public Works, said I'll start off by saying this is certainly not anything that's new to Mirabella or new to us in Huntersville. Nearly every subdivision we generally see them grow out from the beginning to the back. Over the years we've tried to tackle it several different ways to make sure we were holding the developer responsible for damages that were done to previous phases by building in the back. All of those have been met by resistance and basically they have found it unlawful for us to include anything on a bond outside of what's exactly on that particular map. In other words, if I have the entrances on a map and then I'm phasing the back, I can't hold anything over the developer's head for something outside of this particular map. We have tried several different avenues as far as getting bonds for entrance routes or stuff like that to no avail so it has been our practice and we find that it actually is in the best interest of the homeowners associations to go ahead and accept those streets when the developers have met the requirements.

Commissioner Bales said if we are taking these streets on, is staff working with the developer on the new phase to make sure that they are not damaging all of these streets in there, that they've got a direct path in and a direct path out so at least we are minimizing the damage.

Mr. Fox said that's correct and we haven't done that with this subdivision, but with previous subdivisions we did go make sure that we designated a specific construction route so that we are localizing that damage instead of being brought throughout the whole subdivision.

Commissioner Boone made a motion to accept the streets in Mirabella subdivision for Town maintenance.

Street Name	From	To	Approx. Length
Loch Raven Rd	Huntersville-Concord Rd	Monocacy Blvd	2085 feet
Guthrie Dr	Loch Raven Rd	Crystal Springs Dr	2180 feet
Crystal Springs Dr	Loch Raven Rd	Guthrie Dr	1600 feet
Hunt Valley Dr	Crystal Springs Rd	Loch Raven Rd	905 feet
Lawther Rd	Hunt Valley Dr	200' N of Loch Raven Rd	870 feet
Vermillion Crossing	140' W of Guthrie Dr	Guthrie Dr	140 feet
Providence Hall Dr	Lawther Rd	Hunt Valley Dr	240 feet
Nicodemus Ln	Hunt Valley Dr	Monocacy Blvd	390 feet
Monocacy Blvd	Nicodemus Ln	Monocacy Blvd	1605 feet
Monocacy Blvd	Nicodemus Ln	Roosevelt Grove Dr	1305 feet

Roosevelt Grove	Monocacy Blvd	215' NE of Monocacy Blvd	215 feet
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Commissioner Bales seconded motion.

Motion carried unanimously.

CONSENT AGENDA

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

Approval of Minutes. Commissioner Munger made a motion to approve the minutes of the February 15, 2021 Regular Town Board Meeting. Commissioner Hines seconded motion. Motion carried unanimously.

Resolution – Veterans Park Stage Lighting. Commissioner Munger made a motion to adopt Resolution to award the bid for the Veterans Park Stage Lighting Project and approve the construction contract. Commissioner Hines seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 20.

Resolution – Janitorial Services at Recreation Center. Commissioner Munger made a motion to adopt Resolution to approve contract with Tate’s Janitorial, Inc. for janitorial services at the Huntersville Recreation Center. Commissioner Hines seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 21.

Resolution – HVAC Services at Town Center. Commissioner Munger made a motion to adopt Resolution to approve contract with Trane USA, Inc. for HVAC services at Town Center. Commissioner Hines seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 22.

Budget Amendment. Commissioner Munger made a motion to approve budget amendment appropriating funds in the amount of \$120,000 from Fund Balance to Land for Church – Holbrooks-Dellwood Property. Commissioner Hines seconded motion. Motion carried unanimously.

Resolution – Engineering & Surveying On-call Services. Commissioner Munger made a motion to adopt Resolution to accept the engineering and surveying on-call services work contract. Commissioner Hines seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 23.

Lease – Segra. Commissioner Munger made a motion to approve lease with Segra to provide a fiber connection to the Police Department. Commissioner Hines seconded motion. Motion carried unanimously.

Lease attached hereto as Exhibit No. 24.

Lease – Technocom. Commissioner Munger made a motion not approve lease with Technocom for ten Multifunction Copiers and one Plotter. Commissioner Hines seconded motion. Motion carried unanimously.

Lease attached hereto as Exhibit No. 25.

Contract – Investigative Software. Commissioner Munger made a motion to approve contract for CLEAR Proflex Investigative Software. Commissioner Hines seconded motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 26.

Resolution – Renewal of Contract. Commissioner Munger made a motion to adopt Resolution approving renewal of Axon Body Worn Camera and Conducted Energy Weapon Contract as a sole source contract. Commissioner Hines seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 27.

Resolution – Award Service Firearm. Commissioner Munger made a motion to adopt Resolution to approve the awarding of a service firearm to a retiring law enforcement member. Commissioner Hines seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 28.

Resolution – Demolition Contract. Commissioner Munger made a motion to adopt Resolution to award contract for the demolition of the house located at 510 Dallas Street. Commissioner Hines seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 29.

CLOSING COMMENTS

Commissioner Boone questioned if code enforcement has been checking noise at AAA Auto Care.

Jack Simoneau, Planning Director, noted they have not received any noise complaints.

Mayor Aneralla announced the Mayor's luncheon is April 20.

CLOSED SESSION

Commissioner Boone made a motion go into closed session to discuss property acquisition pursuant to NCGS 143-318.11(a5). Commissioner Bales seconded motion. Motion carried unanimously.

Upon return from Closed Session, there being no further business, the meeting was adjourned.

Approved this the 7th day of June 2021.