

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING (VIRTUAL)
MINUTES**

**January 18, 2022 – 6:00 PM
HOSTED FROM TOWN HALL (101 Huntersville-Concord Road)**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting (Virtual) hosted at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:00 p.m. on January 18, 2022.

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

Mayor Bales called the pre-meeting to order.

Update and Discussion – Quasi-judicial Process. Jack Simoneau, Planning Director, presented PowerPoint presentation on reducing quasi-judicial decisions. *PowerPoint attached hereto as Exhibit No. 1.* If the Board wants to do the text amendment, it is already drafted.

Mayor Bales said is one of the reasons that you are recommending it just go to staff approval is because it's kind of black and white, it either meets the criteria or it doesn't.

Mr. Simoneau said that's correct, and that's consistent with what the School of Government recommends, but in the statutes it does say in 160D-803, the final decision of a subdivision plat is administrative, but the decision may be assigned.

Mayor Bales said if we were to leave it where the decision was made by the Town Board, it would be just a regular decision, it would no longer be quasi-judicial, correct?

Mr. Simoneau said correct.

Mayor Bales said is there still the opportunity to have any conversation about modifications at that point?

Mr. Simoneau said all the requirements would be black and white.

Commissioner Boone said if you will go to the slide that says Sample. Number 2, the second sentence, "the entire neighboring area." What does that exactly mean? Who's measuring that area?

Mr. Simoneau said it's not specific. In this particular case of this example, we didn't just say just the adjoining property owner, we were kind of looking at this whole area. Anybody around in here doesn't have to be immediately adjacent, so that's how I would answer your question. It doesn't have to be adjacent, but it has to be in proximity to it and that's part of that subjectivity standards that the state says when you've got something like that you need to go into the quasi-judicial process.

Commissioner Boone said my second question is if somebody wants a block length waiver, staff makes that decision now?

Mr. Simoneau said the answer would be no. What we would do is we would recommend that the Town Board still maintain the power for modification of the traffic impact or if somebody wants a modification of a block length. Today we'd just call it a modification of the block length and the Town Board specifically authorized what we would probably do is say if you don't meet the block length, you've got to get a variance through the Town Board. That could be up for discussion, but that would be our recommendation. If somebody doesn't meet the black and white standards, we would recommend coming through this process to the Town Board.

Commissioner Boone said my final question is concerning the neighborhood meetings. Could a commissioner be involved in that and talk to the residents and citizens and developers?

Mr. Simoneau said absolutely. If the Town Board makes a decision on it, it's administrative. When you go to a neighborhood meeting, if we go to all objective standards and the Town Board is the final decision maker, the Town Board can speak with anyone at any time. There is absolutely no prohibition of talking to anybody about anything, if we do the all objective standards.

Commissioner Kidwell said some things you did answer. I was concerned who gave direction on this goal. You told me it was the previous board. I think that puts the newest board members at a disadvantage. None of this information was in our packet. When I emailed the Town Clerk about it, she said none of this information was given in the packet and the fact that we've been, as a Town, working on this for over a year and no information was disseminated to us to review prior to this pre-meeting is a disadvantage. This is the second meeting in a row where we've had stuff not out with our packets and it's not right. We cannot be expected to have good communication without having all the information presented to us prior to our review over the weekend. You have some things that you brought up here that I can't get behind. The words recommend, may, should, optional, I think this is putting more power into staff's hands, taking more out of the Town Board's hands. We were elected to make these decisions. We were elected to listen to the citizens, and I think this started last year by a different board who may or may not have had the intention of getting the heat off their shoulders for neighborhoods and for any type of adjustments to a neighborhood, but I cannot get behind this. What does this do to the Board of Adjustment because they handle most of the quasi-judicial? Is this eliminating them? Is this kicking them out?

Mr. Simoneau said this does in no way, shape or form affect the Board of Adjustment. In Huntersville, the Board of Adjustment still hears appeals, interpretations, and variances from the Zoning Ordinance in a quasi-judicial setting. In the Town of Huntersville for subdivisions, the Town Board stands in quasi-judicial hearing for any subdivision approval and also any appeals, variances, interpretations with the Subdivision Ordinance. If this change occurred, our Board of Adjustment would not be affected in any way, shape or form. They will still have the duties that they have always had. With respect to the information not getting it ahead of the meeting, I absolutely concur. There's a lot of information here and so it would be my hope that we could possibly talk about this at the retreat and I believe somebody did put this in there so we could provide you with this PowerPoint, as well as the entire proposed subdivision text amendment for discussion. This is a lot of information and you haven't even seen the text amendments and the language that's being proposed, so I concur with that. I think, and I'll let the other existing Board members that have been previous Board members, speak in terms of why this was a priority. I think that there was frustration that no Board member can talk to a citizen, staff or an applicant about subdivisions unless it was under sworn testimony, even though people want to talk to

you, and I think that was part of the frustration. I think that the Board members that are sitting Board members might be surprised that the text amendment, being administrative in nature, is being proposed to just be staff approval, because I don't believe they were trying to not have ultimate decision making, but I will say that they have expressed frustration for a number of years of not being able to talk to people about these projects.

Mayor Bales said I would also say, I don't necessarily see our new Board members at a disadvantage. This is the first time any of us are seeing it. That being said, I think this is the first step in wading through and seeing what changes do we want to make or do we not. Do we want to leave it alone? I do believe that Mr. Simoneau is correct, there has been a lot of frustration on behalf of the boards for a number of years over not being able to talk with anyone in regards to a quasi-judicial matter that's coming before the Board, but we can't have any dialogue amongst each other, can't have dialogue with any staff, any member of the community until members are sworn in and so I think that was kind of the lay of the land in what has brought us to this point. I don't necessarily see anyone at a disadvantage because we are all kind of getting this information together at the same time.

Commissioner Kovacs said I just kind of need more time with all of this information and while I love the idea of being able to speak to residents, I also don't want to lose the ability to vote on it to be able to so. I just want to be able to look at this more and have more time. I like the idea of talking about it at retreat.

Mayor Bales said I agree with you as well. I think that this is going to be an item that we do need to spend some time on at retreat.

Commissioner Munger said do developers have a preference on a sketch plan versus a preliminary plan? I know sometimes the feedback we get takes a long time to get things done, so they may be in favor of preliminary plan. I'm just curious if they had any feedback specific.

Mr. Simoneau said I'm not a developer, but I'm going to tell you, I suspect if you asked 100 developers would you want to do a sketch plan then preliminary or just go right to preliminary, they'd prefer to go to preliminary because it alleviates a step. As I say in the advantages and disadvantages, and I've worked in a community where we went right to preliminary plat, and when the staff is handed a stack of plans that are fully engineered and something doesn't meet something, to un-do that I have found it to be quite contentious because it cost a lot of money to go through that process, so that's when you saw these other communities that even though it's an administrative approval, they still have the developer go through a subdivision sketch plan process with the exception of Charlotte that recommends it and Concord that just lets somebody go right to preliminary.

Commissioner Munger said on the preliminary plan, the expense is on the developer, it's not on staff or the Town in any way. Is that correct?

Mr. Simoneau said that's correct.

Commissioner Munger said you had mentioned no room for quality choices or discretion, and I believe you kind of clarified that. Does it meet the standard yes or no? If it's yes, we must vote yes. Is that pretty much what you are saying there?

Mr. Simoneau said yes, that's correct.

Commissioner Munger said one of the issues I always have with quasi-judicial is a lot of times, and I'll use the block length waiver specifically, when we have a quasi-judicial on a block length waiver there are a variety of things going on and everyone has an opinion about this aspect or that aspect of the development. The only thing we get to decide is whether or not there will be a block length waiver and that is my source of frustration. I can't look at anything else that anyone wants to talk about. It's block length waiver or not, yes or no, and that's the nature of quasi-judicial that frustrates me.

Commissioner Partee said as you know I previously sat on the Planning Board and I sometimes wondered why certain sketch plans that have been fully engineered or fully examined by your staff, of course you are the engineers that we hire to monitor and also to look over these plans that come before us. Why does the Planning Board have to sort of check your work? I think in the interest of trying to speed up the process, there are certain plans that can just go directly to the Town Board and not through the Planning Board, but here again I'm looking forward to discussing more and learning more as we go into our retreat.

Commissioner Phillips said the reason that this was a thing is quasi-judicial has been a massive pain over the last two years for me. There was around this time last year a situation where a mother tried to speak and she was told that she was not an expert on her children's safety, which I thought was ridiculous. Another situation that bothered me was over Hope House. I recused myself because I have preconceived feelings, ideas and notions about homelessness, however the time went on and then it hit me, I was like if somebody has donated to a cause about homelessness, technically they too have a perceived feeling about the situation. There are other places and ones that just felt really ridiculous because who are we to tell someone in quasi-judicial that how they feel about something isn't actually a valid concern, so that was kind of the process and the starting. I think everybody on the previous board, we all had our own opinions and feelings about it, and how we got there it all kind of came to quasi-judicial is not really the right path, however I don't think any of us should be making decisions until we read the 50 plus pages, because there may be things in there that sneak up and concern each individual and I think all of our valid concerns should be taken into account while doing this, even if it is extra homework, that's what we are here to do. My two questions are how expensive are the changes for preliminary plans?

Mr. Simoneau said it just depends. When we get a preliminary plan drawing where a sketch plan might be 7 or 8 pages long, a preliminary plan can be 50-60 pages long with detailed designs on where the road is going and the steepness of the road and the construction of the road and the drainage of the road. If there's adjustments that have to be made, then basically all the work that's gone to show the slope and the construction etc. has to be put by the side and reengineered, so unfortunately I can't just say it's 10 percent or 50 percent of the cost or 12 percent of the cost. I was sharing with you an experience that I had when I worked in Greenville NC when there was a developer that goes through just preliminary plans and we saw it and it didn't meet standards, it was very difficult to get them to make changes because they had spent the money on the engineering work to be done and so they tried to look for ways to get around that and so unfortunately I'm not able to answer your question directly, but again it's just a function of what has to change to comply with the rules and it gets expensive when you make changes. If you look at the other communities, you will see that most of the other communities do the sketch plan and it's a great way to try to flush out any of the issues.

Commissioner Phillips said my second question is have we shared the 50 plus pages with any of the developers who have done projects like that in the last five years? I wonder if there is room to share this with them to get their input, especially people who have done projects in multiple towns in our area so that way we kind of learn the best practices for everybody involved, not just for the Board.

Mr. Simoneau said to answer your question, no, the amendment has not gone out to anybody. The first people that will get it will be the Town Board. It will be public record and it makes total sense to talk to the development community. They have to be involved. We will have to have a public hearing. It is a 3-1/2 month process to do amendments, but I concur with you there needs to be a lot of communication with the development community about the changes that are happening because they are the ones that are affected by that.

Commissioner Phillips said yes, and I don't know if this is even possible, but could we include people who may have wanted to come to Huntersville for a project and then said the heck with you guys, I'm out, and went somewhere else, because I think learning from our mistakes is critical in this situation as well.

Mr. Simoneau said I haven't come across many that have just walked away, but I'm game for anything to share with whoever and you can learn from folks whether they have developed here or not developed here, they might have worked in other places that they have a great idea and so it needs to be open to everybody. I don't have a list of folks who have walked away, but I would certainly ask anybody that I know through the development community if there have been folks like that.

Mayor Bales said as we continue this conversation and we are talking sketch plan versus preliminary plan, I heard very loud and clear that the disadvantage is if a developer comes in and provides a preliminary plan and then this Board wants to go and negotiate with them to get something better, we may not have that option as a negotiating tool because they have spent the money. That's what I heard and you tell me if I'm off base.

Mr. Simoneau said I want to be clear on this, when you have objective standards, they will have to meet those standards. If we go right to a preliminary plan and not have a sketch plan, if it's not compliant, they would have to fix it and it will be their cost, so they have to comply with the rules. Why I put this up here was I wanted to share with you other communities. It would have been not correct for me to say you have to do a sketch plan because we've always done it, because if you look, most other communities are doing sketch plans, but you will notice in Charlotte they don't require it, but they recommend it, and in Concord they don't require it, and then again Cornelius is doing conditional rezonings, so it's a different process. I just want to be clear when we talk about go right to a preliminary plan and not have the sketch plan, they will have to comply, it will be the cost of the developer to make the change, but you don't have the ability to negotiate, because if they meet the black and white standards, they meet the black and white standards.

Mayor Bales said are there any other questions because if not, we do have another item on the agenda. We have about 15 minutes. I want to see if we could take a quick pause – do we want to go into closed session or if there's any other questions regarding this first. Let's wrap this one up first.

Commissioner Boone said I have some additional questions, but I can hold them until retreat because going back on my Planning Board experience, a sketch plan comes in by a developer and Town staff ends up doing the work for them and that's a whole different end to this conversation.

Mayor Bales said Mr. Roberts, 15 minutes, do we have enough time to cover our closed session or no.

Mr. Roberts said that may be tough and the only reason I say that is because we have to get off this, send you an email to log back in again and I don't know if Stephen is up and ready and we could get it done in literally 10 minutes because then we've got to get you back off and get back on the other call.

Mayor Bales said with that, Commissioner Phillips I think you can take care of making the changes to the agenda so that we can still have closed session at the end of the meeting.

Commissioner Phillips said I have the motion ready.

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

**REGULAR MEETING (VIRTUAL)
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners (Virtual) was hosted at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on January 18, 2022.

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

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Bales

- Expressed appreciation to Town staff for their work during the snowstorm.
- Next Metropolitan Transit Commission meeting is January 26.
- Shared quotes from Martin Luther King, Jr.

Commissioner Boone

- Expressed appreciation to Town staff for their work during the snowstorm.

Commissioner Kidwell

- Next Charlotte Regional Transportation Planning Organization meeting is January 26. CRTPO opened public comment period for the Draft 2050 Metropolitan Transportation Plan, Revised 2020-2029 Transportation Improvement Program, 2045 MTP Amendments, and Draft Air Quality Conformity Determination Report.
- Communication Meeting is scheduled for January 24.
- Attended Huntersville Family Fitness & Aquatics meeting.

Commissioner Kovacs

- Provided update from the Lake Norman Chamber of Commerce.

- Provided update from the Huntersville Regional Chamber of Commerce.

Commissioner Munger

- Read yesterday that Martin Luther King, Jr. had an approval rating of 25 percent at the time of his passing. What that should tell us is that doing the right thing is not a popularity contest, but over time if you stay true to your principles, history will look favorably upon you.
- Next Huntersville Ordinances Advisory Board is January 26.
- Provided update from January 12 Public Arts Commission meeting.
- Provided information on where citizens can order at-home Covid testing kits.
- Consider supporting local non-profits.

Commissioner Partee

- Shared his experience seeing Martin Luther King, Jr.
- Next meeting of the Greenway, Trail and Bikeway Commission is January 19.
- Next meeting of the Parks & Recreation Commission is January 19.
- Expressed importance of gun safety. Huntersville Police Department has free child safety locks available.
- Consider supporting Cool Kids Clubhouse.

Commissioner Phillips

- Provided update from Ada Jenkins.
- Provided update from Visit Lake Norman.
- Charlotte Animal Care and Control is getting to critical level and are asking people to adopt or provide a staycation.
- Expressed appreciation to Town staff for their work during the snowstorm.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Tim Sandborn and Maria Reese provided update from the Greenway, Trails and Bikeway Commission. Refer to PowerPoint attached hereto as Exhibit No. 2.

Mayor Bales proclaimed February 2022 as Black History Month.

Town of Huntersville Proclamation

WHEREAS, Black History Month has been officially celebrated in the United States since the 1976 bicentennial with the objective to promote the many cultural, economic, political, and social contributions made by African Americans that helped to build this great nation; and

WHEREAS, Black History Month also serves as an opportunity to celebrate the positive and lasting difference, as well as the legacy African Americans have made on behalf of our nation's cultural and political life; and

WHEREAS, this observance acknowledges both past and present African and African American icons whose inspiring courage, sacrifices, and relentless efforts have sought to improve the quality of life for all in the name of justice, honor, and freedom for all; and

WHEREAS, the Town of Huntersville, North Carolina takes great pride in the members of our Black community and honors organizations, families, and individuals of African American descent in appreciation of their invaluable contributions in many professions and fields, including education, law, government, business, science, sports, the arts, and brave service in the United States Armed Forces that continue to enrich the history and culture of our Town while continuing to unite and sustain us as a community; and

WHEREAS, the Town of Huntersville recognizes the national theme for 2022 - "Black Health and Wellness" as we acknowledge the legacy of not only Black scholars and medical practitioners in medicine, but also others like birthworkers, doulas, midwives, naturopaths, healers, etc.

NOW, THEREFORE, I, Melinda Bales, Mayor of the Town of Huntersville, on behalf of the citizens, do hereby proclaim the month of February 2022 as "**Black History Month**."

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 18th day of January 2022.

Lee Hallman, 119 Gilead Road, said thank you for allowing me to speak tonight. I see that Other Business includes a discussion on the Transit Oriented Development district, something I believe I can add to, especially as it relates to downtown where I live.

Some time back, during the fervor over the remote possibility of rail transit on the O-line in Huntersville, the then board adopted a resolution that defined where those rail stations would be, one of which was on the corner of Gilead and Main Street. A text amendment was inserted into the Zoning Ordinance for each district that reads "Notwithstanding above, in any portion of major subdivision located within ¼ mile of the designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville." With no rail transit possibility in the distant future, as confirmed by Norfolk Southern and accepted by CATS and STIP, we now have a flawed assumption built into our ordinances that exposes our most precious resource, property within ¼ mile radius of the Town core, exposes it to misuse. I would like to thank Commissioners Kidwell and Kovacs for bringing this to the forefront now rather than defer to a retreat for further delays. The train isn't coming, but the barndoor is wide open. An example, a developer could buy the property for sale behind the Town Hall tomorrow and, by right, submit plans for a four-story apartment complex of up to 200 units. Property that we should be considering for civic purposes, by the way. There are those that agree that the train isn't coming, but that high density housing is right for downtown. I would refer those to Page 41 of the 2040 Community Plan where only 4 percent of those surveyed chose apartments as a good fit for downtown.

Also remember this unlimited density resolution was tied to having an alternate transportation solution to the car, a train. With no alternative we are putting more cars in downtown making it less walkable and less safe for pedestrians. And to those that still believe in the train, let's just say Norfolk Southern agrees to talk tomorrow, we are still 25 to 30 years away from a passenger train ever pulling into downtown. What's Bryton going to look like in 30 years. What's the transportation going to look like in 30 years. Is Huntersville still a bedroom community for Charlotte then. Do people still commute. I do not argue that density allowed in the General Requirements for the Town Center. Those higher densities have been satisfied as it relates to the area within ¼ mile of the Town Core. North State's Town Center project has 134 apartments and Vermillion Village will add another 292.

I ask you to look very closely at what properties this would adversely affect. Look at the properties within ¼ mile radius of the Town Core. We are currently looking for a location for a new town hall. One day we will be looking for a location for a police department, or HVFD Station 1, possibly a courthouse or a magistrate's office or civic auditorium or art center. Beyond all these considerations, it's simply an embarrassment for the town to have such an unlikely futuristic idea into our governance, you may as well address hovercraft and parking in rooftop amenities. The earth isn't flat. The moon landing wasn't staged. Science is real. The election wasn't stolen. The train is not coming.

Written copy of comments attached hereto as Exhibit No. 3.

AGENDA CHANGES

Commissioner Phillips made a motion to move closed session pursuant to NCGS 143-318.11(a)(5) to after the Consent Agenda and before Closing Comments.

Commissioner Munger seconded motion.

Commissioner Boone said I believe we have to have a reason to go into closed session.

Mayor Bales said Commissioner Phillips, if you would I guess read the pursuant to.

Commissioner Boone said if you could add property acquisition, that would probably make it a little clearer.

Commissioner Phillips said closed session pursuant to NCGS 143-318.11(a)(5) for property acquisition.

Commissioner Munger seconded amended motion.

Commissioner Kidwell said will this closed session impact anything that's on the agenda down the line before we get to it.

Mayor Bales said it's not my understanding.

Mayor Bales called for the roll call vote.

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

Motion carried unanimously.

Commissioner Munger made a motion to move Item 9.J. (Adopt Resolution accepting dedication of public right-of-way for the Tannin Street connection) to the Consent Agenda as Item 10.B.

Commissioner Boone said I'm going to second this to get this discussion going. We've gone through this the last couple of meetings, and we need to hash this out. I'd like to hear Commissioner Munger's motion.

Commissioner Kidwell said I moved this up from Consent Agenda because I believe in being more transparent. Last meeting when I wasn't there because I was in the hospital, this Board just chose to move everything back to the Consent Agenda that I had moved up. I find that very childish since I wasn't there to defend it. I do thank Commissioner Kovacs for supporting not doing that last time. Is your purpose of moving it to the Consent Agenda so you don't have to let the public know what we are voting on, what's going on here.

Commissioner Munger said on this particular one, and similar to the ones during the last meeting, I find it childish for putting it on Other Business because for this particular one, and I did ask our Town Attorney whether or not we could actually vote no against this, and we technically can, but we really shouldn't. This is simply something we put on Consent Agenda so that people are aware that these things are happening and they can look at it from that standpoint. It's not to try and hide it or make it mysteriously disappear or anything like that. There is no good reason why this should be on the regular agenda. One of the things that I know staff is working very hard to do, and I appreciate the fact that they do it every day, is they are trying to make us more efficient because the common refrain I hear from people in general is that government is highly inefficient and to that end what I'm trying to do is move things to the Consent Agenda to make us that much more efficient. I'm trying to lead by example. That's why I'm trying to move it to Consent.

Commissioner Kidwell said I find the example to be poor, because you are definitely skirting the issue here. You are putting things so you can bury them. For instance, we have this whole Social Media Policy that was on the Consent Agenda that we were just going to vote right in and not even talk about it. I'm not going to support the motion. I hope my fellow commissioners don't in the point of being transparent and actually having discussions about things.

Mayor Bales said I have a motion and I have a second. We are going to do a roll call vote. The motion, just to be clear, is to move Item 9.J. to Item 10.B. under Consent Agenda.

Commissioner Boone – Oppose

Commissioner Kidwell – Oppose

Commissioner Kovacs – Oppose

Commissioner Munger – Approve

Commissioner Partee – Approve

Commissioner Phillips – I'm going to abstain. I'm not getting into that pettiness. (An abstention is recorded as an affirmative vote).

Mayor Bales said I was going to ask the Town Attorney, an abstention is a vote in the affirmative, correct.

Emily Sloop, Town Attorney, said correct in this instance.

Mayor Bales said so that would be a 3 to 3 split, correct.

Ms. Sloop said correct, and you would need to vote to break the tie.

Mayor Bales said Item 9.J. is to adopt a Resolution accepting dedication of a public right-of-way for Tannin Street Connection. In the 10 years that I have been on the Board, these types of resolutions have always been on Consent for the sheer fact that there's no reason for anyone to ever vote no to something like this on the Consent Agenda. While I applaud Commissioner Kidwell wanting to make sure that we are being as transparent as possible with the citizens of our community, we are doing previews and my understanding is that the preview did go out last week getting the information out. We send the agenda out to I'm not even sure how many hundreds, if not thousands, of citizens each Board meeting. To adopt a resolution accepting dedication of a public right-of-way is not controversial in any way, shape or form. With that said, I cannot believe I'm doing this, but I am going to vote in the affirmative, yes, to put this on Consent. There is no reason that this should be taking up additional time

and yet we've just taken up a lot of time discussing it this evening. I'm going to challenge this Board moving forward, we've got to figure out how we are going to work together because three/three like this, especially on something that is not controversial, we shouldn't be discussing. This should not be happening, so we are going to have to continue to work on that. With that, mine is a yes and we will move Item 9.J. to 10.B.

Commissioner Partee said it's not an agenda change, I just have a question about the minutes from January 3, hasn't been approved or do we get minutes for January 3.....

Mayor Bales said those have not been presented to us as of yet. They will be put on the agenda when they are ready.

Mayor Bales said do I have a motion to adopt the agenda as amended.

Commissioner Boone made a motion to adopt the agenda as amended.

Commissioner Partee seconded motion.

Mayor Bales called for the roll call vote.

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

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Mayor Bales called for a 5-minute recess.

The Board reconvened following 5-minute recess.

PUBLIC HEARINGS

Right-of-way Abandonments. Mayor Bales called to order continuation of public hearing on three (3) street right-of-way abandonments along Birkdale Commons Parkway within the Birkdale development.

Mayor Bales requested Kim Strickland, Public Information Officer, read public comment received via email into the record.

Anthony Roberts, Town Manager, said maybe Bobby can read it, I don't see Kim online.

Mayor Bales said Stephen, why don't we go ahead and you start and then we will give them time to log back in.

Stephen Trott, Director of Engineering, said I'm here to talk to you about a right-of-way abandonment for Birkdale Commons Parkway within the Birkdale Village redevelopment. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 4.*

The petitioner, DDRTC Birkdale Village, LLC, has requested the Town to abandon three areas along Birkdale Commons Parkway, more specifically between Townley Road and Lindholm Drive, as generally shown on the image on the screen. There's three separate areas there that are non-contiguous that they are requesting abandonment. This abandonment is related to the rezoning that was approved back on October 18 of last year for redevelopment of a portion of the Birkdale Village development. As you can see, here's the sketch plan that was approved. The same sketch plan, but zoomed down a little bit, again showing those three areas that are requested to be abandoned.

Mayor Bales said maybe we have someone on staff who can read the comment we received into record.

Kim Strickland, PIO, said we received this comment today.

Good evening, first a big thank you to the public works department and the amazing work they have done to keep our town safe, especially roads that the state holds responsibility of conducting. I live in the Birkglenn portion of Birkdale, 15682 Birkdale Commons Parkway, Huntersville, NC. Birkdale has come a long way since ground was broken in 2000 for Birkdale Village. And then 20 years later for Birkdale Landing. However, one thing that has not changed is access. Highway 73 going from Birkdale leading west into Lincoln County has not been touched. The infrastructure only holds one way, each way, and it's been that way before Birkdale Village was built. Now we got to hear the word connectivity. I am all for that but however only when the one issue of expanding Highway 73 is resolved. I watched the portion of Birkdale Commons Parkway get extended to Babe Stilwell Farm Road and it brings people speeding down that road, refusal to lower speed limits or put speed bumps, and no one conducting speed checks. Now the current plan will only alter a community by bringing more traffic related nightmares. I don't think people bought into a community to have Highway 73 come through their front lawn just because you want to move traffic to a business district. How about we consider the residents that live in Birkdale and put those traffic altercation plans in a box, put a bow on it and send it to the incompetent NCDOT and Governor and tell them to get to work on Highway 73. Millions choose North Carolina as home each year. That brings tax dollars. They have the money in Raleigh to fix 73. You can do your own homework on how the state failed with politicizing infrastructure construction. All I ask is quit doing the state's bidding and picking up the slack which is what this plan does and does not solve any problems. Thank you and have a great evening. Dominick Cianchetti Jr.

Refer to written comment attached hereto as Exhibit No. 5.

Mayor Bales said we have now read the public comment into the record.

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

OTHER BUSINESS

Abandon and Close Portion of Birkdale Commons Parkway. Right-of-way Abandonment Petition: Birkdale Commons Parkway is a request by DDRTC Birkdale Village, LLC to abandon public right-of-way within Birkdale Village (approved sketch plan). The requested abandonment includes three areas.

NCGS 160A-299 gives the Town Board the authority to abandon street right-of-way within the Town Limits following a public hearing and a determination that the abandonment is not detrimental to the public interest or the property rights of any individual; does not deprive any individual that owns property nearby of reasonable means of ingress and egress to their property; and is not contrary to the adopted policy to preserve existing right-of-way for connectivity.

Stephen Trott, Director of Engineering, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 6.*

Commissioner Kovacs made a motion to approve to abandon and close a portion of Birkdale Commons Parkway.

Commissioner Boone seconded motion.

Mayor Bales called for the roll call vote.

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

Motion carried unanimously.

Right-of way Abandonment attached hereto as Exhibit No. 7.

Petition #R21-10. Petition #R21-10 is a request by ADE 883, LLC to rezone 10401 Hambright Road (Parcel 01740103) from Corporate Business to Corporate Business Conditional District. The purpose of the rezoning is to reduce the planting requirements of the 40' CB buffer. The property is located east of the intersection of Patterson Road and Hambright Road.

Brad Priest, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 8.*

This is the location here on Hambright Road, near the corner of Mt. Holly-Huntersville and Hambright. The property is currently zoned Corporate Business and the proposed rezoning would stay Corporate Business.

The application is to just modify the buffer standards of the ordinance. The use is permitted, so there is no intensification of the use, only a modification of the landscaping. Currently the ordinance requires that buffers along the street be completely opaque, meaning you can't see through them, and simply the applicant, because of the architecture of their building and the higher quality aesthetic value that they have in the building, they want to have visibility from Hambright Road, so they are looking to put view corridors into that buffer. That's the application.

Last month the Planning Board did consider the application. With a 5 to 3 vote, they recommended to approve the application with conditions and the conditions were that the architecture of the building was generally kept and that screening of the parking area be achieved with planting shrubs in the front that would eventually reach 7' in height within three years.

Staff does not recommend approval of the application at this time because of the intent of the buffer ordinance and also the existing surrounding property to the south is rural low intensity, critical area of the watershed, that will most likely for perpetuity stay low intensity. Therefore, a full opaque buffer makes a very nice fitting separation between commercial use and low intensity residential use, so therefore that is Staff's recommendation.

Tracy White, McDonald Development and Collin Brown, Alexander Ricks Law Firm, addressed the Board. *Refer to PowerPoint attached hereto as Exhibit No. 9.*

Mr. Brown said I appreciate that overview from Brad. He hit the key points. As you will recall from the public hearing, this zoning is about nothing but the plantings between the building and the street and so we are pleased to report that the Planning Board recommended approval. I know that staff is not supportive. I think they are a little bit hamstrung by the ordinance, so we understand their position.

The ordinance specifically says that the buffer should be opaque, so that you do not see a building. The struggle here and what the Planning Board recognized is that this is an attractive building. This is not a typical industrial building that you are trying to hide. I think that they felt that this was reasonable and in the public interest.

They asked the McDonald team to go back and consider some modifications to the plantings, so that when you are viewing this from the street, the real concern that we were hearing, and I'll remind you, if we did not have any parking between the building and the street, we would be not required to have this buffer, so we do have parking and the goal of the plantings that the Planning Board asked us to agree to was to make sure that is screened and so we have enhanced those plantings, committed to some different species to make sure they are getting as high as possible within three years so that is screened, but there was from the Planning Board an appreciation for this building and some comments on the positives of it and the best direction we would like to go. I know that you guys are looking at the corridor, you are concerned about setting precedence, but again we feel like this is reasonable and in the public interest and because of the architectural commitment that had been made by the development team, this is reasonable, and so we hope you will support it.

Mr. White said we appreciate Brad's presentation of staff's position. We are eager to get started developing the seven buildings that we have planned for NorthChase at the Park – six buildings on Patterson and this one building on Hambright. We are looking forward to developing several multi-million dollar buildings in Huntersville and we would appreciate your consideration on this request.

Commissioner Munger said I know that on this particular development we have not received a TIA and there was some back and forth whether or not we actually need to receive a TIA at this time. Can you just kind of clarify on that?

Mr. Priest said basically the rezoning process is going through here. The rezoning itself is, as mentioned, completely in regard to landscaping, so we've been just focusing on that, focusing on the design, focusing on what's going on, so the traffic impact analysis is going to have to be done when they come in through the permitting process, so that would come in after this rezoning. Whatever landscaping is approved, they will have to come in for the land development portion of the process and they would go through the traffic impact analysis process administratively with staff.

Commissioner Munger said the Planning Board voted one way, Planning staff is leaning another way, and it's kind of an intention of trying to figure out what makes sense. To me, the Zoning Ordinance intent is for an opaque buffer. That is the ordinance. There might be situations where it makes sense to move that back and forth a little bit depending on what's your surroundings. What I look at on this particular property is it's Rural to the south. It's basically going to be very low density housing and due to the fact of being in a critical watershed, it most likely will stay that way. I'm leaning towards not approving this simply because I understand what they are talking about beauty and the old saying beauty is in the eye of the beholder. People driving by, people in commercial, that are used to more higher density or commercial are like yeah, it's a beautiful building. People who have a farm or a house sitting on an acre or multiple acres might look across that street and say that's not beautiful. For me,

I'm leaning towards making the stand on the Zoning Ordinance intent is for opaque buffer and we should stick to that.

Commissioner Boone said I think everybody needs to take a look at Patterson Road. That's where we want all our light industrial to be at and this building, I hope that everybody looked at the drawings, this is a nice-looking building and the design of it is angle view from the road. The only time you are going to see this building is when you look at an angle from the road. If you are from across the street, three years once the trees are mature, you won't see this building from across the street. This project is so important to Huntersville. This is the front door to Patterson Road. I'm going to wait to hear the motion and I will be supporting this.

Commissioner Partee made a motion in considering the proposed Rezoning Petition #R21-10, North Chase at the Park, the Town Board recommends approval of the amendment but finds the request inconsistent with the following policies in the Huntersville 2040 Community Plan: Policy LU 11.1 and LU 11.2, Buffer Requirements, and recommends that the Zoning Ordinance give consideration to buffer height requirements for the building type with employee and customer parking in the front and requirements for rear loading docks. The Town Board considers a condition of approval requires 100 percent screening of all automobiles on the street side by shrubs and trees with a minimum of 7' to 8' in height that mature in a period of 3 years or less to meet the intent of cars not being visible from the street. It is reasonable and in the public interest to make these changes so that we can find an adequate compromise between tree save requirements and aesthetic improvements of this building and in keeping the purpose of the ordinance regarding what should and should not be visible. Also, that all recommendations are contingent upon the increased architectural standards as modeled on the rendering provided will be met with the subjective opinion of the staff as to the reason for granting the exception.

I also want to just add that as the Town of Huntersville grows, we are going to need an increasing commercial tax and business tax revenue to offset raising taxes on Huntersville homeowners. This Board will eventually need to evaluate how to pay for salaries of Town employees, Fire, Police personnel. This Town Board previously discussed raising commissioner and mayor salaries. The cost of equipment and utilities to provide services has increased. The US inflation rate increased 6.8 percent in 2021. The food inflation rate increased 6.3 percent. The US Department of Agriculture Economic Research Services Food Outlook for 2021 posted in the CPI, which is the Consumer Price Index, the following increases: beef and veal prices increased 0.6 percent, pork prices increased 0.6 percent, fish and seafood prices increased 1.0 percent, poultry prices increased 0.8 percent. I believe it is within our duty to set the bar and to have the foresight to keep increasing revenues to pay for our services which will come from commercial and business taxes that we can generate. That's my reasoning for supporting this amendment.

Commissioner Boone said I'm going to second the motion, but I just don't know when the motion stopped. Is it the last part where the staff's final.....

Commissioner Partee said granting the exception.

Commissioner Boone said this is a great example of the applicant not getting everything they want, the Town is not getting everything they want, but in the spirit of the ordinance this thing is going to work. I'm asking my fellow commissioners to support this. I think this is going to be good for the Town of Huntersville.

Mayor Bales called for the roll call vote to approve Petition #R21-10.

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

Motion failed by 2 to 4 vote (Commissioners Boone and Partee in favor; Commissioners Kidwell, Kovacs, Munger and Phillips opposed).

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

Kayleigh Mielenz, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 10.*

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

The second item is an amendment to the Zoning Ordinance regarding the definition of major and minor watershed variances and the findings of fact required for watershed variances. The amendment is to comply with updates to the NC Administrative Code. Sections 17 through 19 of the ordinance for adoption pertain to the watershed variance item.

The Huntersville Ordinances Advisory Board and the Planning Board recommended approval of the proposed text amendment. Planning staff recommends approval of the proposed text amendment as well.

Commissioner Boone made a motion to approve TA21-11 to amend Article 11.4.10(e): Amendment Process, Special Use Permit, Hearing Requirements for Special Use Permits; Articles 9.4, 9.15, 9.17, 9.23, 9.24, 9.31, 9.32, 9.34, 9.36, 9.41, 9.45, 9.56, 9.61: Conditions for Certain Uses; Article 3.3.2-C: Appeals and Variances in MIL-O District; and Article 3.3.3-B: Appeals and Variances in LN-O District of the Huntersville Zoning Ordinance to (1) standardize existing requirements for Special Use Permits and delete repetition standards and (2) amend definitions of major and minor variances from the watershed regulations to be consistent with the North Carolina Administrative Code, the Town Board recommends approval based on the amendment being consistent with Policies EV1.4, LU-4, EOS-4 and EOS-5 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it improves efficiency of land development reviews, supports protection of water

quality and drinking quality watersheds and establishes a greater consistency with North Carolina Administrative Code.

Commissioner Kovacs seconded motion.

Mayor Bales called for the roll call vote to approve Petition #TA21-11.

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

Motion carried unanimously.

Petition #TA21-16. Petition #TA21-16 is a request by Town of Huntersville Planning Department to amend various provisions of the Town of Huntersville Zoning Ordinance, Subdivision Ordinance, and Code of Ordinances to comply with NC SB 300 to decriminalize certain ordinances adopted under Article 18 of G.S. 153A (Planning and Regulation of Development) or 160D of the General Statutes and to comply with NC HB 218 to allow an applicant to exceed the allowable built-upon area (density) under the water supply watershed rules if all statutory requirements are met.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 11.*

This text amendment addresses two State legislature bills. Senate Bill 300 requires the removal of criminal penalty from ordinances adopted under Article 18 of GS 153A or 160D, except those ordinances related to unsafe buildings. Sections 1 through 17 of the ordinance for adoption pertain to Senate Bill 300.

House Bill 218 clarifies stormwater run-off requirements applicable to pre-existing development in water supply watersheds. This allows an applicant to exceed the allowable density under the water supply watershed rules if all statutory requirements are met. Sections 17 through 23 of the ordinance for adoption pertain to House Bill 218.

The Huntersville Ordinances Advisory Board and Planning Board recommended approval of the proposed text amendment. Planning staff also recommends approval of the proposed text amendment.

Commissioner Kidwell said reading through this in our packet, I noticed that the Huntersville Ordinances Advisory Board on SB 300, it was a 5 to 4 vote. Four members had expressed concern that they had not had enough time to review this. I think it's proper to give that board due diligence to go back through and read this and make sure it's the right thing. The way it's presented to us is that we see that the Planning Board voted 8-0, but we don't see anything about the Huntersville Ordinances Advisory Board on this, but it was a 5-4 vote. It says 8-0 here. I think it was on one of the text amendments, but not on both. Commissioner Munger was at the meeting. He made the motion for approval at the Huntersville Ordinances Advisory Board meeting. Maybe he can weigh in on that a little bit.

Ms. Mielenz said I would also just like to say that SB 300 was a last minute add on to the October HOAB agenda and so they did receive the documents maybe a day or two before the meeting and you are correct, some of the members did express that they did not feel like they had enough time to review it and that's why they did not vote in favor. I did try to include, I can't speak to past ones because I don't have them in front of me right now, but at least in this Staff Report, the votes of both of them which are shown right here 5 to 4 and 8 to 0.

Commissioner Munger said I can't add much more to it than that. It was definitely something that came in last minute and we had a day or two to look it over. I do believe I did my due diligence to read it over. Some of the members expressed that they didn't feel they had enough time to fully vet what was put in front of them.

Commissioner Boone made a motion in considering the proposed amendment TA21-16, the Town Board recommends approval based on the amendment complying with the State Legislature Senate Bill 300 and House Bill 218 as stated in Part 1 of the Staff Report. The amendment is consistent with all policies of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it is necessary to coordinate the Huntersville Zoning, Subdivision and Town Code of Ordinances to comply with the NC General Statutes and Regulatory Policies.

Commissioner Partee seconded motion.

Mayor Bales called for the roll call vote to approve Petition #TA21-16.

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

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Resolution – ROW Beatties Ford/Hambright Project. Staff requests the Board consider adopting a Resolution to acquire right-of-way and easements necessary for the construction of the adopted and funded Beatties Ford at Hambright project.

Stephen Trott, Director of Engineering, said the resolution before you this evening is to acquire property, as needed, for the Beatties Ford at Hambright project. There are seven (7) parcels that are on the list to have partial acquisitions.

Commissioner Boone said did you put your Staff Report into the record?

Mr. Trott said I only have a resolution, I do not have a Staff Report.

Commissioner Boone said does it need to go into the minutes?

Mr. Trott you can certainly add this image into the record. *Resolution attached hereto as Exhibit No. 12.*

Commissioner Kidwell said I've got no questions, just a comment. In reading over the resolution to acquire the right-of-way, the one thing that jumps out at me that I'm not comfortable with for anybody making a motion, that's Item No. 2 to begin the eminent domain process, if resolution for Item No. 1 does not pan out. I think it would be advisable for the Board to have it to come back to them for further discussion if the initial negotiations are not able to be met.

Commissioner Kovacs said I echo the same sentiment. I would like for it to come back to us if it were something that we were going to have to invoke eminent domain.

Commissioner Munger made a motion to approve a Resolution of the Town of Huntersville Board of Commissioners to acquire right-of-way and easements necessary for the construction of the adopted and funded Beatties Ford at Hambright Project, with the understanding that if a need for eminent domain is needed, that it come back to the Board and I am open to having that altered in whatever way necessary.

Commissioner Phillips seconded motion.

Mayor Bales said Ms. Sloop, do you have any advice there in regards to that motion and wordsmithing.

Emily Sloop, Town Attorney, said I would just note that this item, as well as the two items following, are going to be the subject of the closed session with regards to providing instructions to staff on how to negotiate the acquisition of real property. What this resolution is essentially doing is saying that if the negotiations fail as instructed and provided by you all tonight in the closed session, that's when we would move to eminent domain authority and not until those negotiations have failed.

Mayor Bales said I was under the understanding that there was nothing on the agenda that correlated with the closed session. Now I'm finding that there potentially is.

Ms. Sloop said the closed session is only to provide instructions on the negotiation if we are to purchase the property outright, therefore the order of the closed session coming before or after does not affect the approval or disapproval of the resolution.

Commissioner Munger said can I clarify one thing then. If I just made the regular motion without any additional, then what we decide in closed session would handle the issue at hand. Does that sound fair.

Ms. Sloop said if you make the motion to approve the Resolution as drafted, it would give the Town Manager the authority to attempt to purchase the parcels outright as needed for the project based on instructions provided in closed session. Only if those negotiations fail would we then move towards eminent domain authority. However, as drafted, we would not need to come back before the Board prior to moving forward with eminent domain authority.

Commissioner Munger said I'm going to leave my motion as is then.

Mayor Bales said that motion includes coming back if we get to that point in regards to eminent domain, correct.

Commissioner Munger said that was my intent.

Mayor Bales called for the roll call vote to approve Resolution.

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

Motion carried unanimously.

Resolution – ROW for Gibson Park Drive Phase 2 Project. Staff requests the Board consider adopting a Resolution to acquire right-of-way and easements necessary to the construction of the adopted and funded Gibson Park Drive Phase 2 project.

Stephen Trott, Director of Engineering, said the request is for a Resolution to acquire property as needed for the Gibson Park Drive project. *Resolution attached hereto as Exhibit No. 13.*

Commissioner Kovacs said how much land are we trying to acquire from these properties.

Mr. Trott said it varies. The last one, this one and the next one, it's right-of-way acquisition along the property frontage. No homes are proposed to be acquired as part of this and only the property needed for the project is proposed to be acquired. On several of the parcels, there may only be temporary construction easements that are required.

Commissioner Kidwell said wasn't there a construction recently done down Gibson Park Drive.

Mr. Trott said yes, the Town recently had a project between Main Street and NC 115 for a project. This Gibson Park Drive Phase 2 project goes between S. Church Street and the next street that's on the edge of the map here just to the east. They are completely separate projects and those projects do not overlap.

Commissioner Munger made a motion to approve Resolution of the Town of Huntersville Board of Commissioners to acquire right-of-way and easements necessary for the construction of the adopted and funded Gibson Park Drive Phase 2 Project, with the understanding that if negotiations fail and the need for eminent domain becomes necessary, the matter will return to the Board.

Commissioner Kovacs seconded motion.

Mayor Bales called for the roll call vote to approve Resolution.

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

Motion carried unanimously.

Resolution – ROW for Seagle Street/Fourth Street Project. Staff requests the Board consider adopting a Resolution to acquire right-of-way and easements necessary for the construction of the adopted and funded Seagle Street/Fourth Street Project.

Stephen Trott, Director of Engineering, said the request is the same as the last two. *Resolution attached hereto as Exhibit No. 14.*

Commissioner Munger made a motion to approve Resolution of the Town of Huntersville Board of Commissioners to acquire right-of-way and easements necessary for the construction of the adopted and funded Seagle Street/Fourth Street Project, with the understanding that if negotiations fail and the need for eminent domain is necessary, the matter will return to the Board.

Commissioner Partee seconded motion.

Mayor Bales called for the roll call vote to approve Resolution.

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

Motion carried unanimously.

LNCS Synthetic Turf Agreement at HAP. Michael Jaycocks, Parks & Recreation Director, said in front of you tonight is a Turf and Field Usage Agreement with Lake Norman Charter School. Just a quick overview just to give you a visual of what's currently at Huntersville Athletic Park. *Staff PowerPoint attached hereto as Exhibit No. 15.*

We have four baseball fields. The two fields to the right that have darker looking orange, those are the ones that currently have infield turf, synthetic turf, that have been around for about 13 years. We are in the process of now needing to replace those and then the two larger fields to the left are currently clay and grass that currently is the site for Lake Norman Charter School's home baseball games and practices for both middle school and high school.

Currently we are showing \$750,000 in FY 23 for this project. When we started looking at this project, we looked at who are the predominant users of some of the fields and how we could get them to participate in helping fund this project. Like I mentioned before, the existing two turf infields, the smaller field, are 13 years old, it's time for replacement and then at the same time we thought it would be good to go ahead and add turf to the other two infields, the two larger fields. Like I mentioned before, Lake Norman Charter School currently uses the two larger fields for middle school and high school baseball teams and as part of our joint use agreement with Lake Norman Charter School, we use their three gyms and in exchange they get access to baseball fields and tennis courts.

This new agreement will allow them to host a few playoff games if they make the playoffs and if they are the higher seed then they will be the home team. This happens from time to time and really currently we've been accommodating that pretty much anyway.

There would be very little impact to other user groups. Lake Norman Charter School will pay the Town \$150,000 over 10 years. The Parks & Recreation Commission has approved this agreement unanimously at its December 15 meeting.

We did talk about another agreement with Lake Norman Little League who was going to pay \$350,000 over 10 years. They would get priority usage at all four fields over the other two youth baseball groups. The Parks & Recreation Commission did not approve that agreement. We looked at other opportunities to come up with that additional funding, and we came up with an option to generate the same amount of money over 10 years by raising the fees for those three youth groups to use those fields. All the groups agreed that was a good option, that they would be willing and able to pay the additional fee for more quality fields.

Between the Lake Norman Charter School agreement and the fee adjustment, which you are just voting on the Lake Norman Charter School agreement tonight, \$500,000 of this \$750,000 for the project would be covered by the new user fee, as well as the agreement with Lake Norman Charter School.

Commissioner Kidwell said you told me in an email, I just want to make sure that the rest of the Board heard you say it, turf on our fields – soccer, baseball, whatnot, they last roughly 12 to 13 years.

Mr. Jaycocks said 12 or 13 years is what we are seeing. You might have to do a little bit of patch work like the two fields at HAP right now, we had to do some patchwork last year, but you are only talking about a few thousand dollars, not very much money. Other than that, you will get 12 to 13 years out of it.

Commissioner Kovacs made a motion to approve the Lake Norman Charter School Synthetic Turf Agreement at the Huntersville Athletic Park.

Commissioner Phillips seconded motion.

Mayor Bales called for the roll call vote to approve agreement.

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

Motion carried unanimously.

Agreement attached hereto as Exhibit No. 16.

Social Media Policy. Emily Sloop, Town Attorney, said you have in your agenda packet the updated Social Media Policy that is being proposed for Town maintained social media sites including Facebook Twitter, etc., as well as rules for those Town employees that are posting to our sites.

We had a pretty lengthy discussion about this during the pre-meeting at our last Town Board meeting, so I won't rehash everything that's in the policy, but I'm happy to answer any questions that you might have.

Commissioner Kidwell said who directed or asked that we look into creating this policy for the Town.

Ms. Sloop said this has been an ongoing goal for the Town. It was something that the Mayor had brought up, as well as some discussions that we had with our PIO for keeping our Town-maintained media sites free from things such as obscenities, sexual or pornography being posted on our sites. Pretty much just kind of no-brainers that the UNC School of Government suggest that we adopt as rules of use.

Commissioner Kidwell said has there been an issue with that type of behavior on our sites?

Ms. Sloop said I can't speak to the number of incidents that we've seen as Kim, our PIO, monitors it, but she did feel that there was a need for this policy to be put in place. We are just looking to adopt rules of use across all of our Town-maintained social media platforms and some of them are things that the platforms themselves contain as rules. For example, Facebook will filter out obscene language as part of their own rules of use, so we are just trying to be consistent with those rules as well. Again, this policy has been vetted by the School of Government. They suggested a model rules of use and policy.

Commissioner Kidwell said how does this affect Town employees with their own private and personal Facebooks and social media sites.

Ms. Sloop said it's more aimed at having a set standard for Town employees that are posting on Town-maintained sites, as well as comments that are coming from the public on our Town-maintained sites. We did include some generic language about if you are a Town employee and posting on your own social media platforms or accounts on your own that you should not post out there essentially promoting opinions that are not necessarily the opinions of the Town or the stance of the Town, rather you should make it clear that it's your own personal opinion rather than that you are acting in official capacity for the Town.

Commissioner Kidwell said fellow Board members, I understand these policies go into effect for certain companies and School of Government may recommend things, but the government recommends things all the time and it doesn't mean it's right. I think this is the first step into what could be an overreach into affecting our Town employees' personal freedom of speech on their own sites. I personally know several members of the Town staff and City staff in Charlotte that have purposely had to change their names on their social media sites. Their families have done the same, because of unwarranted attacks by individuals in the community who just felt that they didn't agree with an individual, so they would turn them into not our Town Board, but the County Commission or City Council. I think we have other pressing issues to work on than to start going down that rabbit hole of wondering what Town employees are posting on their own personal page because that language is in there. Furthermore, I appreciate Kim asking for this policy, but working for companies like I have, we entrust individuals to maintain our websites, our social media websites for appearances or influences and we put people in charge who are adults and they know when to handle that and as you said there are opportunities within some social media sites to control the language, control what people post and what people see. I think this is the beginning to a massive big brother oversight overstep and I just cannot get behind it.

Mayor Bales said Commissioner Boone, if you wouldn't mind, I would like to jump in before you do. I personally think this is something that is important that we do adopt. I think that looking at other communities, that was discussed at the last meeting or the last premeeting. I think it keeps us out of hot water. I think it protects our community. It protects our employees and I think this is something

that is just the next step in what has become a social media community and environment. I think that this is something that's going to be very important moving forward for not only our organization, but all organizations as social media continues to permeate every aspect of our lives. I applaud staff for being proactive and forthright. I thank you for working on this. I know this is just one piece to that puzzle. I think that there's a lot of conversation that needs to happen with the other pieces but this one should be a no brainer in my opinion.

Commissioner Boone said I've got one question. Who is going to monitor these websites and who is going to decide if something is right or wrong. Is that one person, two or three people. Can you explain to me how it works.

Ms. Sloop said that is our PIO's primary role. There may be some that are delegated a similar responsibility in other departments, but our PIO does shoulder the brunt of it. Also, as I mentioned before, some of it is done by the platform itself. If the platform has obscenity filters, they are going to filter it out regardless of whether we do or not. But for the most part, it is going to be Kim that's taking a look at it and also I would just also note I failed to mention earlier during the discussion that this policy is really to remind people that when they do post on our sites, that we are a moderated governmental forum rather than an open forum and also that anything that they post there is going to be public record. There is an educational aspect to the policy as well.

Commissioner Boone said so Monday morning the PIO comes in and says we had three or four violations and we need to take what kind of action on this employee. What happens then.

Ms. Sloop said as far as the employee action, that would be for the Town Manager. As far as looking at the comments and determining whether or not someone from the public posted a comment that does not meet our standards, that would be the PIO's function. If it is with regards to any disciplinary action regarding a specific Town employee, that would be taken up with the Town Manager.

Anthony Roberts, Town Manager, said I have a question for Emily. Everybody knows how much I love social media. I don't use it, so it doesn't affect me one bit at all. My question though for Emily is let's say I want to see if this policy addresses this because we have had this come up. If I want to post stuff and I say bad stuff about Dan Boone on the Town website, or people say all sorts of stuff about me, and I'm talking crazy, and we've had this, not on me, can we take that down. The last thing I want to do is someone post pornography or says John Doe is a whatever and all this stuff is false and kids can see this stuff, so I'm just trying to figure out how that works. Do we have to have this policy to do that.

Ms. Sloop said we need to have standards rules of use that indicate that all Town maintained social media platforms are moderated governmental forums and that they are not open forums allowing you to post whatever you choose. If someone were to post something in violation of the rules of use including pornography, discriminatory or defamatory language, things that contain obscenity, then it would be removed.

Mr. Roberts said that's the key. I want to make sure we are able to address that. I don't do social media, so I'm not worried about it, but if there are things out there that people can post, I want to make sure we pull those down if that is false, pornography, whatever it may be. And I don't know how we address that. If this is the policy that does that, then we need to make sure we can do that, because that has occurred before.

Commissioner Phillips said are these the same guidelines online that we use when people speak at public forums. I ask that because what feels like a lifetime ago, somebody took their time during a public meeting and just talked massive trash about me, and I sat there and took it. It was a lot of false claims. However, that's their right and so for me it's frustrating that someone can come to a Board meeting and say one thing, but then if they act a certain way on social media then they get reprimanded and there's like some kind of, I don't know how we fix that, how it works, but I mean, that's people's right to bash us and I don't want to take that away because it's online and it's in writing.

Ms. Sloop said I would just say for clarification, again this is distinct about posting things on our Town maintained sites, so if someone post something on your commissioner page, that's a little bit different. You are correct in that there are certain rules with regards to the language that may refer to a commissioner in general, but I would remind you that last year we did adopt a public comment and public hearing policy with conduct standards for our meetings which was not previously in place and we do prohibit personal attacks during the public comment and public hearings as you may recall from that policy that we adopted which is allowed by NC General Statutes.

Commissioner Partee said to answer the Town Manager's concerns, having worked in government for over 35 years specifically in law enforcement and having major cases which I worked then directly with PIO on all my cases, a lot of departments have filters so their employees cannot sign on.....this is a policy for Town employees. Employees cannot go on certain websites such as pornography. You can block them from YouTube, Twitter and so forth. That would be the way to monitor or just completely filter out employees wandering onto all these sites that are not their purpose. When they come to work, they come to work to provide a service. They go through an ethics course also, knowing that they can only conduct themselves in a certain manner and that applies to social media also.

Commissioner Kovacs said I just wanted to say while I do think that having a Social Media Policy for our Town social media sites does make complete sense, I did notice and I have a little bit of the same concerns as Commissioner Kidwell just when it comes to the personal use of social media by Town employees, which is kind of funny coming from me because I'm a teacher and I have a similar policy, but it doesn't mean that I'm a fan of telling the employees what they can do on their personal sites. I think it's just kind of subjective to what the Town would perceive as if it seems like they are speaking on behalf of the Town or not, or if it sounds like they are saying something against it. I'm not talking about an employee coming out and saying Huntersville is the worst town in the world and the worst employer ever. Obviously, I would like to say that isn't appropriate, but I also think they should be allowed to voice their opinion about things and just because they are employees it shouldn't be taken away, so all the aspects about the Town sites I am completely behind, those are our sites. If we are allowing them access to post on there, I think it's appropriate. But when it comes to their personal usage of their personal pages is where I kind of am uncomfortable.

Ms. Sloop said I would just point out that again really where it comes down to personal use, it is with regards to trying to express an opinion other than their own. I just wanted to make that point of clarification that we did include as a general guideline that no employee using their own social media account should make it a point to say that they are portraying an opinion of the town. There's nothing in the policy that would disallow them to express their own opinion, they just should not attempt to make statements that seem as if they are acting in official capacity on behalf of the Town or expressing the Town's opinion. There's nothing to prohibit them from expressing their own opinion.

Commissioner Kovacs said the section that I personally was referring to is employees should exercise sound judgment and discretion so as not to reflect adversely on the Town when contributing to social

media sites. Just because they work for the Town, they might still live here and might have a differing opinion is where I was coming from.

Mayor Bales said I would think that regardless, I'm curious to know if something similar outside of social media is part of our personnel policy in regards to that, because I certainly know when I worked it was very important, it's always been communicated that you are not necessarily taking stabs at your employer. I wouldn't think that would be a positive in any realm regardless of whether it's social media or not. That's just my thoughts on that.

Commissioner Phillips said I can see that we kind of are not all jiving with this and that's okay. Maybe we can adopt this policy with the removal to revisit the personal use of social media by Town employees and then that way we can revisit that, but this at least helps set boundaries, parameters, whatever needs to be done with the actual day-to-day business of the website and social media, but we can revisit how our employees are treated with this, because how I felt going into this and how I feel coming out of it after listening to Rob, I mean it did open my eyes, so I feel like maybe whatever you guys are comfortable with. I'm just trying to put something out there so we can get some kind of resolution going.

Mayor Bales said Commissioner Phillips, what are you referring to. What are you talking about removing.

Commissioner Phillips said removing to revisit the personal use of social media by Town employees in the printed agenda, it would be Page 3 of Item 9.I., that top portion.

Commissioner Munger said I hear what everyone is saying and I appreciate what Commissioner Phillips is saying. I would like to make a slightly smaller adjustment. What if we just eliminated the passage that Commissioner Kovacs just mentioned, "Employees should exercise sound judgment and discretion so as not to reflect adversely on the Town when contributing to social media sites." I look at the other three bullet points and the one refers specifically to the Town's personnel policy, which all employees have to agree with to be employed, and then the first one is so that they are not speaking on behalf of the Town, which I would argue is absolutely something that we should have in place. The other one has to do with criminal offense as it pertains to civil liability to the Town. Those three bullet points I would argue are very valid and should be in place. I also acknowledge the fact that the third bullet point, I'm probably okay with, but it gets a little fuzzy and it certainly caused some consternation on the Board. If we pull just that, I'd feel like we are acknowledging everyone in the room and knowing that we need to move forward and refine that perhaps a little bit.

Commissioner Boone said it seems like we've got a lot of opinions on this matter. Any chance of us going ahead and not making a motion on this to give us a couple of more weeks to look into this, or were you looking for action tonight.

Mayor Bales said I believe they were looking for action tonight, but I don't know that there would be any consternation to push this off to the next Board meeting. I hear what everyone is saying. I guess if I were hiring employees, I would expect them to use sound judgment. I probably lean toward Commissioner Munger on that one.

Commissioner Kovacs said I was going to say I do appreciate what Commissioner Munger said and that, obviously since I quoted it, is what bothered me the most, so I would be okay with what he was discussing.

Mayor Bales said is there any heartburn in removing that piece. Any legal ease that we need to consider.

Ms. Sloop said we can approve the policy without that bullet.

Commissioner Munger made a motion to approve the Social Media Policy for Town Employees and Town Social Media sites with the exception of under the Personal Use of Social Media by Town Employees, bullet point #3, "Employees should exercise sound judgment and discretion so as to not reflect adversely on the Town when contributing to social media sites" be removed at this time and given further consideration.

Commissioner Kovacs seconded motion.

Mayor Bales called for a roll call vote.

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

Mayor Bales said I firmly believe we need a Social Media Policy. I think that is going to keep us out of trouble, so I will support the motion.

Motion carried 4 to 3 (Commissioners Phillips, Munger, Kovacs and Mayor Bales in favor; Commissioners Partee, Kidwell and Boone opposed).

Transit Oriented Development District. Commissioner Kovacs said I figured my fellow commissioners saw this email, but to better explain to the public for transparency sake, this will kind of help explain where I was coming from.

Commissioner Kidwell discussed and asked how I felt because he knew that I was interested in the removal of Transit Oriented Development and on an email chain we were asked our reasoning and so my following response was:

My first questions that I would like to clarify: Does this need to be a text amendment, since it was a simple Board Resolution that created it?

Could we do an FOIA for the resolution that was signed that allows for density exception within a 1/4 mile of a transit center. Because I can't find it online.

If you want high density in downtown other than transit center or a train, then let's talk about that, but leaving the transit-center density overlay in downtown is reckless.

First, citizens have been talking about this since at least the beginning of the North State project, so the reasons why started then.

I have even heard many of us say we don't want more apartment buildings in downtown than the ones already approved. The only way to stop that is to remove this overlay. It doesn't mean zero additional residential development, it simply stops "unlimited" growth.

The word "unlimited" is in 3.2.6.d.4. of the zoning ordinances. This 3.2.6.d.4 waives the 30% maximum of total number of dwellings within a project.

3.2.6.d.4 reads: "Notwithstanding the limitations of 3), above, in any portion of a major subdivision located within a quarter-mile of the designated rail transit station, the percentage of dwelling units containing attached houses, apartment buildings, and mixed used buildings is not limited. Higher overall density is encouraged within a quarter-mile of a rail transit stations. Rail transit stations are those locations designated by resolution adopted by the board of commissioners of the Town of Huntersville."

3.2.6.d.3 reads: "In major subdivisions and planned developments, aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30% of the total number of dwelling units in a project."

Putting these two into perspective is the North State project, which the previous Board insisted selling the 2-acre parcel which is the only reason NS qualified for this high-density Resolution.

North State is approved now to build 134 apartments, 41 townhouses, and 11 Single Family Homes for a total of 186 units; 175 of the units are apartments and townhouses, making those 94% of their total project. The only reason they can build 94% of their total project as apartments and townhouses is the Board Resolution.

Similarly, Bowman, in Vermillion Village is 100% apartments and townhouses, and Vermillion Front is also 100% bc that's all it is: attached homes and apartments. This unlimited maximum is only going to continue to bring unlimited, unstoppable attached-housing residential construction. By right due to TOD.

Since the latest information is that the transit center is really located at 1-77 with the rapid bus transit, we need to react quickly before any potential developer can come in and take further advantage of a failed assumption the Resolution is based upon. The rail transit center is not coming to our downtown as state by the rail directly.

While this doesn't affect previously approved high-density, leaving the Resolution in place can and will (and, I argue, has) allow developers to develop nothing but to continue to land-grab while this Resolution is still in place.

If the Board wants to discuss additional high density in downtown other than transit center or a train, then let's talk about that, but leaving the transit-center density overlay in downtown is reckless and we owe the residents better. Leaving references to a rail-transit-center in the downtown corridor is embarrassing.

That's kind of where I was coming from in the conversation. I expressed this to some of my fellow Board members and Commissioner Kidwell as well wanted to bring it to you all tonight.

Commissioner Kidwell said well done and well said. It's hard to follow something like that, but I'll try. Actually, I won't, you said everything and with our public comment period, Mr. Lee Hallman, what he said regarding TOD. I think everything has been said and we begin this process. This is not just something that's going to happen overnight, it takes time. It's got to go to the Huntersville Ordinances Advisory Board, the Planning Board, Planning staff, then come back to us, there's a public hearing involved. I think we should move forward with removing the TOD and begin this process.

Mayor Bales said I guess one of my questions is what are you genuinely looking to accomplish. Is it to not have transit at all. Is it to not have high density at all along the rail corridor. I'm genuinely trying to understand kind of where we are so we can figure out where the balance is to things, because I'm always about balance, and so I will tell you a couple of things. First, I know what we have heard about the rail. I will also tell you that behind the scenes I'm having conversations already in regards to the infrastructure plan. I know the Secretary of Transportation was here probably a month ago. They've been talking about rail. I know our fellow neighbors to the north are talking rail right now. I will tell you in the 10 years I've sat on this board, if there's an opportunity for rail to come, it's going to be in the next two years. I would envision that being fast tracked. If it's not, then I don't see it happening in our lifetime.

Commissioner Kovacs said I appreciate that, but I also in my eyes personally feel just as we voted earlier tonight to change text, we can do the same thing if rail does come back, then we can come back and

change our words like we are trying to do right now, but being as someone that three months ago was sitting as a resident watching meetings and watching TOD be cited as reasons to approve things, it frankly was embarrassing to watch because the mayor was saying that transit is not coming and then later in the same meeting or in a following meeting that exact same thing was being cited as reasoning to approve things. As a resident in Greenfield Park, I watched a map and a line be drawn that said this is how close you are to a train station that doesn't exist and this is why we can do this. We are just leaving it open, and I don't even know if anything is even going to be coming down the pipeline, but I don't think it should be something that's sitting there as a placeholder for something that we have no control over. What we do have control over is changing the wording now and if we need to come back and change it later on, we can do that, but it's discomfort in the openness that it's just sitting there and allowing for a precedent that we have already set approving something.

Mayor Bales said I actually agree with you. I do think that there's a way to modify the language because I don't believe that we should be developing anything transit oriented density if the train is not slated to come. There should be a mechanism in the text that says not until, right, that the switch happens when the train is, in my opinion, funded and coming, not just coming. I heard it's coming for 20 some years. I happen to think that it needs to be funded if it's coming. Mr. Roberts did you want to interject.

Anthony Roberts, Town Manager, said I was just going to ask if Commissioner Kovacs.....Jack had some language to pull up if that would be helpful.

Commissioner Kovacs said yes, please.

Mr. Roberts said Jack, can you share that slide. I think it will be helpful for the Board.

Jack Simoneau, Planning Director, said this is the section of the ordinance that Commissioner Kovacs was talking about. The first part of the section says that major subdivisions are limited to no more than 30 percent attached dwelling units and then the next section says in essence if you are within a quarter mile of a designated transit station, you are not limited to that 30 percent, and so this was the general area – here's Huntersville-Concord Road as it comes around the bend and this is the transit station. As Commissioner Kovacs mentioned, that was the rationale for the rezoning and number of attached units that were approved as North State and also the number of attached units approved as Vermillion Village.

Commissioner Kovacs said to me I think the wording that we have written is important because with as many Planning Board meetings as I've watched, I know how intently they go by what we've written for them. When they are approving things based off of the writing, because that's what we have for them, but we have this there knowing that the rail isn't coming at this point in time, then we are basically handing them false information to use to substantiate approvals.

Mayor Bales said there's been a lot of conversation. I'm just curious where the rest of the Board sits with this and if there's some language we can all coalesce around and then the next question is where do we go from here. Let's start with just giving other commissioners an opportunity to jump in.

Commissioner Phillips said I'm going to play my native card here. They've been talking about this since I was in the 7th grade at Bradley Middle School. I'm in my 30's now. That's not cool. Back in March of last year the former board all agreed to not support the sales tax increase and we all acknowledged the rail is not coming. I feel like this has become a wild card, whatever you want to call it, for developers who want to come downtown. I think that what we are doing with having TOD is letting the developers write

how our downtown plan is going to be shaped for the future and not how we shape it for our citizens. I would love to see us put language in that TOD is over and done with until the transit is not only approved, but it's funded. I feel like that allows wiggle room for the future, you know when Amber's kids are in their 30's and maybe sitting up here, to finally approve TOD, but we've got to do something. It's just over and over and I mean that's insanity when you keep doing the same thing over and over and expect different results and we are not doing that for our citizens right now.

Commissioner Boone said I think we've got to tell the steering committee the direction we would like them to go, and I've got a quick question for Anthony Roberts. Mr. Roberts, in the last 2 years how many times has the Town of Huntersville talked to the railroad people.

Mr. Roberts said zero.

Commissioner Boone said zero, so Madam Mayor you said that you would give it two years to get this thing worked out with the railroad. We haven't talked to them in two years. Everybody that I have talked to, whether you have been here all of your life or just moved here, people are telling me that they are tired of all these apartments and we are putting them all downtown. Whether we change the language to we don't do anything until the railroad is funded, I kind of like that, but right now we are just building too many things in such a small area.

Mayor Bales said and to be fair, I asked for two years out and I am probably being optimistic. I do think that based off of what I'm hearing from everything around the infrastructure bills, they want to make that work and I have already stated that you are right, Huntersville hasn't been in the room with Norfolk Southern. Huntersville has not been in the room with anyone and until the other players other than Charlotte are at the table and can actually hear for ourselves the discussion, I think that's an important piece too. I think that's something that we've got to take into account. I do not like throwing the baby out with the bath water. I like finding balance to things. We've talked transit oriented density, but then we also talked apartments. We need to be very careful that we are wording it right and I think that's something we'll need to task staff with and probably create a subcommittee to work on some of this language and to get it through the HOAB etc., but to get it right because whatever we do and we're going to start changing text, we want to always make sure that we're making it better.

Commissioner Partee said I like dealing with absolutes and as we sit here today and I hear a lot about Norfolk Southern, there's nothing in writing and it's not absolute that they will not be coming. As a matter of fact, just two months ago the Secretary of State was in downtown Charlotte talking about sitting down and bringing all parties to the table with Norfolk Southern in reference to the Red Line and then with funding coming in from the infrastructure bill, hopefully that will be used to contribute. Commissioner Kovacs, can you explain to me what the transit center density overlay is and why is it reckless. And right across the tracks, I'm not going to disparage anyone that lives in downtown Huntersville, but right across the tracks you have Pottstown. What do those residents feel about the development. Has anyone spoken or reached out to them at all. If you can just enlighten me as to transit density overlay and how that's reckless and if anybody reached out to the residents of Pottstown to see how they feel about the construction or the development of downtown.

Commissioner Kovacs said the overlay would basically be what you see on the screen, where you see what's available to be approved under this district within that ¼ mile of that star, so that's what I'm saying is reckless because it's a placeholder for something that we currently don't have and the last time I was looking at the City of Charlotte's website, they were discussing that the Red Line wasn't coming. I don't know if that was prior to that meeting that you were discussing or not, so what I'm referencing is

the visual that you are seeing when I say the overlay and what can be approved within that ¼ radius if you were to draw a circle around that. As for the residents of Pottstown, I have spoken to various residents just at different times. I do know one in particular that I spoke to that has a particular interest in the downtown area was discussing how they are not against apartments, but they would like affordable housing, which is not something that is generally discussed when we are looking at the projects that are being approved in these areas. The ones that we have heard and we see on this screen are I think quoted as high-end apartments and we are not talking about affordable housing, which has been brought up when I've heard that apartments downtown aren't a bad idea, but they need to be affordable. Those are just some of the discussions that I've had with some of the residents.

Mayor Bales said thank you for that. I think that's just one of the reasons that we are updating the downtown masterplan now and having that steering committee.

Commissioner Munger said having lived and worked in many places with mass transit, a big fan, I love it. I love being able not to have to drive a car, and trust me my fellow drivers appreciate when I don't drive a car as well. I've come to the conclusion that I'm probably not nearly as optimistic. I don't think the Red Line is coming. I think they kind of bait and switched us. They've been doing it for 15 to 20 years. They've been saying we're going to build this out to you, just pay the taxes and we'll be cool. We've paid a lot of taxes into this and we are not getting anything for it. I'm 100 percent behind removing transit oriented district and put something in place where it can come back. I believe the wording I keep hearing, and I 100 percent agree, is approved and funded. When the Red Line is approved and funded, let's go back to this, but not a second before then. Some concerns I have, what does the zoning revert to. If it's TOD now, in my head some of these are commercial and you are pretty much going to end up with possibly the exact same thing, so we have to think that through of we did away with TOD, what is it now. We also have to acknowledge on the other side, we have people that own this land. They have rights, too. They have to be able to make money from their property so we can't completely say we are going to put you on pause for 2 years, just hold on to your land until we get this all figured out. That's not going to fly either. We really want to think it out, but revisiting this and figuring out the best path forward, 100 percent I'm right there, I want it.

Commissioner Kidwell said we can talk about Red Line, train line, and all of that and from before I was on the board the first time in 2013, I kept hearing of behind the scene conversations about the Red Line. I heard it with the last mayor. I heard it with my first mayor, my second mayor, my third mayor. This isn't just about the Red Line and we need to stay focused. This is about unlimited density. This is about school overcrowding. This is about our infrastructure being burdened by more and more cars. I think the people who are using the bus lines to get down to Charlotte are doing their best, but I work-out right across from that transit station over here in Huntersville for the bus lines and I see a lot of cars there some days, some days I don't see any cars. Again, focusing back on what this is about. This is about unlimited density and we need to control our density. Commissioner Boone, you hit it right on the head, all we are hearing is we keep approving more and more units, but we are not doing anything about anything else. We have the same roads, we have the same schools. My personal opinion is we need to control that density and if the Red Line ever does come up here, if we ever do see transit.....and I lived in upstate New York, so I got to utilize that to go down to the city for work, I've utilized it to travel multiple places, but I don't see that coming. I just see us keep adding more and more units and creating a bigger burden on our infrastructure and schools. CMS owns a lot of property in Huntersville. They own enough property to build three more schools in Huntersville, if not four. But we are still on the naughty list with them, and they are not going to build any more schools here, so we have to look at what we have and utilize what we have and that is controlling the density that's coming to Huntersville.

Mayor Bales said I think that you hit the nail on the head. I felt for a while that we were saying TOD, but I think what we are really saying is that we do not want unlimited, unbridled density. I think that impacts our community as a whole.

Commissioner Partee said we do have a downtown commission that just formed and any changes we make to these resolutions will that put a restraint or handcuffs on how they proceed as far as planning for downtown.

Mayor Bales said I'm sure that it will. Let's wrap up through these questions and then we will turn to staff and see if they have a suggestion on the best route to proceed.

Commissioner Kovacs said I just was going to say sort of what Lance was asking – what does it revert to if we take out #4 on the screen, then it just becomes #3, we don't have #4 so you have not to exceed 30 percent of the total dwellings and then if they want to come to us and request something else, but if we just need to take out that unlimited development.

Mayor Bales said Mr. Simoneau, I think you sat here and you've heard some of our discussion. I think the real crux is unlimited, unbridled density. I agree with Commissioner Boone. We've heard it, it's happening, we talk about managing our growth and we talk about quality growth. How do we get to where we want to go.

Mr. Simoneau said it was our thought to hold off until the downtown committee finishes their recommendation. If a majority of the Board feels like we should strike out #4 or modify #4 to say something to the effect that the transit is funded, that's your choice. I would just say as the committee finishes what they do, they might have something a little bit different. If we do get rid or modify #4, we just need to keep in mind what the committee comes up with. We can start the text amendment process as has been mentioned a couple of times. It is a process, so we could submit the text amendment the first of February, which is the next timeline, and then it's a 3-1/2 month process to go through by the time we get to the Ordinances Advisory Board, Planning Board and legal ads, etc. Again, if directed, we'll go ahead and prepare the text amendment to modify #4, which would be probably deleting it at this point in time or offering an alternative to say the project has to be funded, and we can start that in February.

Mayor Bales said I do think you bring up a valid point. We did create a downtown steering committee for a reason. I guess the question for this Board is do we want to take the reigns back, make some small modifications and then let them continue their work. Or I don't know if we can take a pause. Mr. Simoneau said I don't know if that's an option.

Mr. Simoneau said I think the text needs to be amended if there's not support for this, you can't just say well we are not going to accept any more major subdivisions with 30 percent even if you're within ¼ mile, so if that's the case then you do need to delete that section.

Commissioner Phillips said I am not in favor of throwing this over to the downtown steering committee. We are the ones that were elected to do this and I feel like if we put this on pause and we let them do what they need to do, they can't really accomplish what their goal was because we've left another big elephant in the room just like with the new town hall. I also think that it would be highly problematic without naming names because we do have people sitting on that board that their properties are impacted by this and I feel like it's giving certain people a leverage, intended or not, that we don't need

to be perpetrating in our town. That makes me uncomfortable to the point that it's hard for me to talk about. That just makes us look very shady and I know Huntersville is above that.

Mayor Bales said I actually agree with you Commissioner Phillips. I think that's a very valid point. I would like to see interest from this Board to move forward doing some form of a text amendment. I don't know what it needs to look like. I think we can continue to work through that with staff.

Commissioner Kovacs said I just wanted to say that the downtown steering committee, I'm extremely appreciative of them, and it's not that I don't want to necessarily put this on them, but in attending their meetings and speaking to people, they want direction and they don't want things up in the air. I don't want to waste their time because their time is precious. If we are going to put something on pause, tell them to develop something and then come back and change the wording and they can't accomplish the plans that they create, then what have you say.....about the time that they put in towards making something so I think if it's something that we know we are going to be visiting in the future we need to start something now so that way when they make their plans it can be as accurate as possible rather than representing something that won't be there.

Mayor Bales said I completely agree with you.

Commissioner Partee said I think it's very unfair that Ms. McAulay does not a chance to speak. I see the vice chair spoke and gave his statement to us, but I would like to hear from Ms. McAulay also because she's the chair of the committee and right now I don't want people to feel like we are pushing this through. We are elected by the people, you're right Commissioner Phillips, we're elected officials, but they are the ones that elected us. But they have a say also. Therefore, I feel like we should hear from maybe the chair, and we've heard from the vice chair but the chair also and see how she feels about this because she's head of the committee. She was voted by folks on the committee to represent them.

Mayor Bales said there will be plenty of time for every citizen in Huntersville to weigh in on this as we go through this process of moving forward with the text amendment.

Commissioner Kidwell made a motion to begin the process to remove TOD from the Huntersville zoning district.

Commissioner Boone seconded motion.

Mr. Simoneau said if I can ask a question, just so we're clear, what I'm showing you here is the language that does allow the percentage of attached units to exceed 30 percent if you are within ¼ mile. It's not just the Town Center district, it's the Neighborhood Residential District, the Neighborhood Center District and the Highway Commercial District. I understand the motion it would be to this section here #4 whether in all of those different zones that I mentioned to bring that before the public hearing to delete #4 or to modify #4, I just want to be clear that it's not just what I'm looking at or what you are looking at here, but it's all the districts that have this language in there is I believe that the intent of the Town Board is.

Mayor Bales said does anybody want to weigh in on Mr. Simoneau's clarification.

Commissioner Kovacs said I'd like to remove it from all the zoning districts.

Mayor Bales said I believe I had a motion by Commissioner Kidwell. I believe my second was Commissioner Boone. Is that correct Commissioner Boone?

Mr. Boone said yes.

Mayor Bales called for a roll call vote.

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

Motion carried 5 to 1, with Commissioner Partee opposed. This is to move forward with a text amendment to removeI'm sorry can you restate that it is approval of the motion as amended.

Commissioner Kidwell said yes.

Mayor Bales said we will move forward with this text amendment and Mr. Simoneau your staff will bring it back to us at the appropriate time.

Mr. Simoneau said that's correct. We'll go ahead and follow the February submission timeline and I'll send a follow-up to the Town Board so that everybody has a timeline.

CONSENT AGENDA

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

Mayor Bales called for the roll call vote to approve the Consent Agenda.

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

The following items on the Consent Agenda were approved by 5 to 1 vote, with Commissioner Kidwell opposed.

1. Minutes of the January 3, 2022 Regular Town Board Meeting.
2. Resolution accepting dedication of public right-of-way for the Tannin Street connection.
Resolution attached hereto as Exhibit No. 17.

CLOSED SESSION

Commissioner Phillips made a motion to go into closed session pursuant to NCGS 143-318.11 (a)(5) for the purpose of instructing staff on real property acquisition with the understanding that we will come back for closing comments.

Commissioner Boone seconded motion.

Mayor Bales called for the roll call vote.

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

Motion carried unanimously.

No action was taken upon return from closed session.

CLOSING COMMENTS

Mayor Bales encouraged citizens to stay safe in the inclement weather predicted.

There being no further business, the meeting was adjourned.

Approved this the 7th day of February 2022.