

**TOWN OF HUNTERSVILLE  
REGULAR TOWN BOARD MEETING  
MINUTES**

**June 1, 2015  
6:30 p.m. – Town Hall**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on June 1, 2015.

GOVERNING BODY MEMBERS PRESENT: Mayor Jill Swain; Commissioners Melinda Bales, Ron Julian, Rob Kidwell, Sarah McAulay, Jeff Neely and Danny Phillips.

Mayor Swain called for a moment of silence.

Mayor Swain led the Pledge of Allegiance.

**MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS**

Mayor Swain – No Report

Commissioner Bales

- The next meeting of the Lake Norman Transportation Commission is next Wednesday.
- Attended the Lake Norman Economic Development Corporation meeting and received update on Beer Council.
- Congratulations to the Police Department for successful awards picnic.

Commissioner Julian

- Attended the Police Department awards picnic.
- The Sons of the American Legion held a barbecue fund raiser for Veterans Memorial Park.
- The final leg of I-485 will open June 5.

Commissioner Kidwell

- The next Olde Huntersville Historic Society meeting is June 3. Work on the roof of the old jail will begin late this week/early next week.
- Helping Others Help Themselves (H.O.H.T.) has a list of June events on their website.
- Warrior Dash is Saturday at Rural Hill.

Commissioner McAulay

- The Charlotte Regional Transportation Organization met on May 20.
- Latta Plantation had Buffalo Soldiers event last Saturday. This Saturday and Sunday they will have a Civil War reenactment.

Commissioner Neely

- Attended the Police Department awards picnic.
- Visit Lake Norman is preparing map of brewery and wine establishments in the area. Announced upcoming VLN events.

- Lake Norman Chamber Business Expo is June 4.

Commissioner Phillips

- Charlotte Symphony will perform at McGuire on June 19.
- Reminded everyone to shop local.

Mayor Swain expressed appreciation to the Parks & Recreation Department for the Jimmy V All-star Classic tournament held to benefit cancer research and for successful Memorial Day event.

### **PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS**

None

### **AGENDA CHANGES**

Commissioner Kidwell made a motion to add a Closed Session for Property Acquisition following Closing Comments. Commissioner Bales seconded motion. Motion carried unanimously.

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

### **PUBLIC HEARINGS**

Mayor Swain recognized Planning Board members present: Hal Bankirer, Dan Boone, Bill Walsh, Janice Lewis, Chris Price.

**Petition #TA15-01.** Mayor Swain called to order public hearing on Petition #TA15-01, a request by LStar Management LLC to amend Article 7.10 of the Zoning Ordinance to permit Plazas adjacent to residential uses as an urban open space in the TOD-R Zoning District.

David Peete, Principal Planner, reviewed Staff Report.

#### **Description**

Text Amendment TA 15-01 is a request by LStar Management LLC to amend Zoning Ordinance Article 7.10 *Urban Open Space*, to permit Plazas (as defined in Article 7.10.5) adjacent residential uses to fulfill the Urban Open Space requirement within the Transit-Oriented Development – Residential (TOD-R) Zoning District.

#### **Background**

Currently, Article 7.10.5 *Urban Open Space*, stipulates that Plazas, as an Urban Open Space option, are “an open area adjacent to a civic or commercial building”. LStar Management LLC would like to incorporate a plaza between townhomes within their residential development. Plazas are, typically speaking found in urban, dense developments are generally completely paved with little-to-no natural area. The Bryton conceptual plan, approved in 2005, calls for the creation of high-density, mixed-use developments – centered on a commuter rail station. Within high-density, urban types of development, not all Urban Open Space must be natural or large in size. There are appropriate opportunities to create small, developed gathering places for high-density residential homes, such as apartments and townhomes.

#### **Relevant Sections of the Huntersville 2030 Community Plan and Other Applicable Plans**

The following are examples of relevant plans and policies from the 2030 Huntersville Community Plan and other relevant plans (if applicable) which may be incorporated into the Board’s statement of consistency for approval or denial of the request.

#### **Policy CD-3: Commercial Development Principles**

Encourage mixed-use development pattern at key nodes as identified in Small Area Plans, insuring an appropriate mix of residential, commercial and employment uses to maximize land use and transportation efficiencies, while minimizing environmental impacts.

Staff Comment: Allowing Plazas to be built adjacent to residential uses within the TOD-R Zoning District will provide open gathering spaces for high-density populations to recreate in and help facilitate the “work-play-live” goal of a Transit-Oriented Development.

#### **Policy CD-6: Architecture and Place Making**

Consistent with Zoning and Subdivision Ordinances, maintain high design standards for development.

Staff Comment: Plazas offer an opportunity to provide meaningful Urban Open Spaces in high-density developments to break-up long blocks and provide a space for residents to gather and recreate.

#### **Bryton Design Guidelines – October 16, 2006**

Introduction states that “Bryton is conceived as an integrated transit-oriented community designed for both regional and neighborhood uses through the provision of business, retail, residential, and recreational opportunities. Bryton will include (among others): Multi-family Communities, Single-Family Communities, Urban Parks and Plaza”.

#### **Staff Recommendation**

Staff recommends amending Article 7.10 to permit Plazas as an Urban Open Space option adjacent to residential uses ONLY in the Transit-Oriented Development – Residential (TOD-R). The recommendation is based on:

Consistency with policies of the Huntersville Community Plan listed above.

Consistency with Bryton Design Guidelines (Bryton having a high percentage of TOD-R zoning).

#### **Public Hearing**

The Public Hearing will be held on June 1, 2015.

#### **Planning Board Recommendation**

The Planning Board is scheduled to hear this text amendment on June 23, 2015.

#### **Attachments and Enclosures**

N/A

#### **Statement of Consistency**

##### **Planning Department**

**APPROVAL:** In considering the proposed amendment, TA 15-01, to amend Articles 7.10 Urban Open Space of the Zoning Ordinance to permit Plazas adjacent to residential uses as an option in TOD-R Zoning Districts, Planning Staff recommends approval based on the amendment being consistent with policies CD-3, & CD-6 of the Community Plan and the Bryton Design Guidelines.

It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment provides a viable development to fulfill stated goals.

##### **Planning Board**

**APPROVAL:** In considering the proposed amendment, TA 15-01, to amend Articles 7.10 Urban Open Space of the Zoning Ordinance to permit Plazas adjacent to residential uses as an option in TOD-R Zoning Districts, the Planning Board recommends approval based on the amendment being consistent with **(insert applicable plan reference)**

It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)

##### **Board of Commissioners**

**APPROVAL:** In considering the proposed amendment, TA 15-01, to amend Articles 7.10 Urban Open Space of the Zoning Ordinance to permit Plazas adjacent to residential uses as an option in TOD-R Zoning Districts, the Town Board recommends approval based on the amendment being consistent with **(insert applicable plan reference)**

It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)

**DENIAL:** In considering the proposed amendment, TA 15-01, to amend Articles 7.10 Urban Open Space of the Zoning Ordinance to permit Plazas adjacent to residential uses as an option in TOD-R Zoning Districts, the Planning Board recommends denial based on the amendment being (consistent OR inconsistent) with (insert applicable plan reference).

It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)

**DENIAL:** In considering the proposed amendment, TA 15-01, to amend Articles 7.10 Urban Open Space of the Zoning Ordinance to permit Plazas adjacent to residential uses as an option in TOD-R Zoning Districts, the Town Board recommends denial based on the amendment being (consistent OR inconsistent) with (insert applicable plan reference).

It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)

**AN ORDINANCE TO AMEND ARTICLE 7.10 TO PERMIT PLAZAS ADJACENT RESIDENTIAL USES AS AN URBAN OPEN SPACE IN THE TRANSIT-ORIENTED DEVELOPMENT - RESIDENTIAL (TOD-R) ZONING DISTRICT**

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

Under Article 7.10.5:

7.10.5 Urban Open Space types include Squares, Parks, Forecourts, Plazas, Parkways and Greenbelts that are characterized as described below:

Plaza

A Plaza is an open area adjacent to a civic, commercial or residential in TOD-R building.

Section 2. That this ordinance shall become effective upon adoption.

PUBLIC HEARING DATE: June 1, 2015

PLANNING BOARD MEETING:

PLANNING BOARD RECOMMENDATION:

TOWN BOARD DECISION:

Commissioner Phillips asked why this would not be allowed in all zoning districts.

Mr. Peete explained that the applicant has a specific need, however Staff is currently looking at it more broadly to bring back a more cohesive package.

Commissioner Julian requested Planning staff provide the Board with demonstration of what it would look like without a plaza versus with a plaza.

Joe Harris, design engineer/land planner, said we are across the street from a designated CATS bus stop. With the TOD-R it's very unique in the town because you are using such a high density in a mixed-use within a development. We are not proposing not to use other types of open space. Here we've designated an area in the middle of the townhome section to provide shade trees, seating, it's going to be basically pavers and it is designated across from that CATS bus stop. We also have a centralized sidewalk system that carries from the center all the way through to here so any residents would not specifically have to walk along the exterior of the project. We are also proposing a walking trail down to the green space that we are setting aside. We are also proposing another improved open space.

Commissioner Julian disclosed he met with Mr. Harris when original project came in.

Commissioner Kidwell disclosed he sat in on one meeting. Mr. Peete stated the meeting he is referring to didn't have anything to do with this amendment.

Commissioner McAulay asked if this is passed will it apply to existing TOD-R.

Jack Simoneau, Planning Director, stated the only TOD zoning is in Bryton.

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

**Petition #TA15-02.** Mayor Swain called to order public hearing on Petition #TA15-02, a request by LStar Management LLC to amend Article 4 of the Zoning Ordinance to reduce rear yard setback for Attached House Building Types in the TOD-R Zoning District.

David Peete, Principal Planner, reviewed Staff Report.

**Description**

Text Amendment TA 15-02 is a request by LStar Management LLC to amend Zoning Ordinance Article 4, Building Type/Attached House to reduce the required rear yard length from 35 feet to 20 feet with the Transit-Oriented Development-Residential (TOD-R) Zoning Districts.

**Background**

The proposed text amendment is a request to reduce the required rear yard for Attached House Type "B" from 35 feet to 20 feet only within the Transit-Oriented Development-Residential (TOD-R) Zoning Districts. The TOD-R District is "established to support higher density residential communities that include a rich mix of retail, restaurant, service and small employment uses with a pedestrian village format. Land consuming uses, such as large lot housing... are excluded from this district". The TOD-R Zoning District requires a minimum density of 15 units per acre. This amendment will help to achieve that minimum density.

This text amendment would provide enough rear-yard depth for off-street parking, while allowing units to be located on smaller lots.

**Relevant Sections of the Huntersville 2030 Community Plan and Applicable Long Range Plans**

The following are examples of relevant plans and policies from the 2030 Huntersville Community Plan and other relevant plans (if applicable) which may be incorporated into the Board's statement of consistency for approval or denial of the request.

**Policy H-7: Housing Affordability**

Support appropriate mix of housing for all income levels.

**Staff Comment:** While lot size does not determine price point, it can generally be assumed that smaller individual lots will be more affordable than larger lot homes, all other aspects being equal, for any given housing market segment.

**Policy H-9: Future Residential Development**

Higher intensity residential development will be focused generally within two miles of the I-77/NC 115 corridor and future mixed use nodes in the eastern and western areas of Huntersville's zoning jurisdiction.

**Staff Comment:** This amendment would help facilitate higher-density development, as required in the TOD-R District, as less land would be required to provide townhomes or other detached-garage type developments.

**Staff Recommendation**

Staff recommends amending Article 4 Lot Type/Attached House to reduce the required rear yard from 35 feet to 20 feet, as proposed. The recommendation is based on:

Consistency with policies of the Huntersville Community Plan listed above.

It provides the development community multiple options for achieving higher densities and lots size choices that are key to creating vibrant, Transit-Oriented Developments with different housing options.

**Public Hearing**

The Public Hearing will be held on June 1, 2015.

**Planning Board Recommendation**

The Planning Board is scheduled to hear this text amendment on June 23, 2015.

**Attachments and Enclosures**

N/A

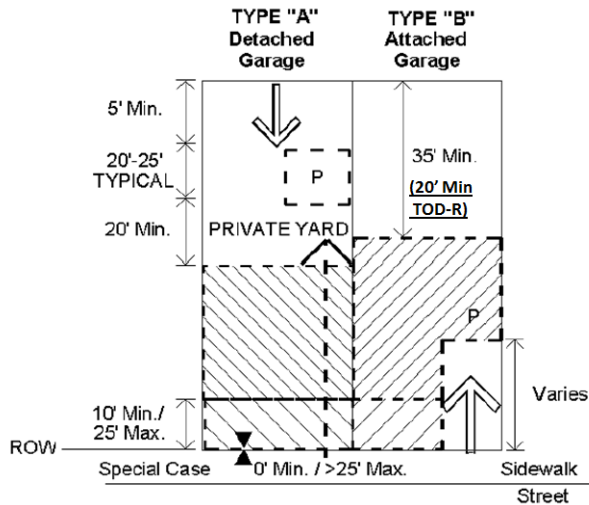
**Statement of Consistency**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment, TA 15-01, to amend Article 4, (Attached House Rear Yard) of the Zoning Ordinance, the Planning Staff recommends approval based on the amendment being consistent with policies H-7 &amp; H-9 of the Community Plan</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment provides a greater development options to achieve the goals of the Transit-Oriented Development Zoning Districts.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 15-01, to amend Article 4, (Attached House Rear Yard) of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 15-01, to amend Article 4, (Attached House Rear Yard) of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>
	<p><b>DENIAL:</b> In considering the proposed amendment, TA 15-01, to amend Article 4, (Attached House Rear Yard) of the Zoning Ordinance, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>	<p><b>DENIAL:</b> In considering the proposed amendment, TA 15-01, to amend Article 4, (Attached House Rear Yard) of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>

**AN ORDINANCE TO AMEND ARTICLE 4 ATTACHED HOUSE "TYPE B" TO REDUCE THE REAR YARD SETBACK FROM 35 FEET TO 20 FEET IN THE TRANSIT-ORIENTED DEVELOPMENT - RESIDENTIAL (TOD-R) ZONING DISTRICT ONLY.**

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

Under Article 4:



Section 2. That this ordinance shall become effective upon adoption.

PUBLIC HEARING DATE: June 1, 2015  
 PLANNING BOARD MEETING:  
 PLANNING BOARD RECOMMENDATION:  
 TOWN BOARD DECISION:

Commissioner Bales requested the Planning Department provide the Board with any examples of this in the area.

Commissioner Phillips asked what the minimum lot size would be.

Mr. Peete explained there is no minimum lot size.

Commissioner Julian stated he would like to see original plan without open space and new plan with open space.

Joe Harris said we never did a plan that actually laid it out at 35'. We've always had it at 20'. This was brought to our attention by Staff. I did a very general offset of where the streets would layout with the additional 15' to give you an idea on the current plan that I have I would lose 10 units out of a proposed 84 units. The product that is being proposed on this, we're getting together architectural for Staff. It is a drive under three story.....it's actually set-up as a basement unit to where the garage is actually below ground as a basement. It's 7-1/2' and then you get to natural ground and you have basically a 2-1/2' exposure of brick and stone to give some depth to it. When we discussed this internally our concern was of course with the 35', you are still paving that 35'. We didn't feel like we were gaining very much by that and again we were losing units to where basically we would not be able to get the densities with townhomes in this zoning district.

Jack Simoneau, Planning Director, said we don't want Bryton to be just simply apartment complexes. We want for sale units in there and this gives flexibility for townhomes. The minimum density of 15 units an acre is average through the whole site, so it's not just each individual product. The product that they are talking about if that footprint is not 15 units an acre, it's actually less than that, but we believe that this amendment will provide the flexibility so we can have for sale houses and we could probably end up with some single-family houses as well in the TOD so that when it's all said and done it will

average out. But we think it would be a mistake just to have 15 units an acre and not provide this flexibility and then all we are going to get is apartment complexes.

Mr. Harris said this does basically go into the typical of a detached garage. The recommendation is to be the 20' to 25' with that detached garage. So realistically it is a very similar situation to what you would have in the town where you have that detached garage and you have that parking area behind it. So visually from the alleyway we are not creating any type of separation that wouldn't be typical to that product that's on the left-hand of the screen up there. We are actually mixing product within this because we think it's very shortsighted for us to put just one specific product in there so we are giving it a variety. One side is basically the drive under, the opposite side of the street is the detached garage. Down the alleyway you will have a very similar separation at that point with having 20 and 20. I've got plans here. I'll be happy to leave them with Planning.

Commissioner Neely said what square footage range are you looking at in this townhouse development.

Mr. Harris said I don't know that off the top of my head.

Mayor Swain said if you have that and you could provide that to Planning to share with all of us that would be great.

Commissioner McAulay said I heard them say 84 units, so of all that area that was shown that was the TOD-R, the red area on the map that Jack showed us, how many more of these could they build.

Mr. Peete said I can't speak for them but the share of their holdings north of Hambright do not have sketch plans and could be additional things like this.

Commissioner McAulay said I assume they've already submitted a plan with this smaller rear lot requirement.

Mr. Peete said yes ma'am they have.

Commissioner McAulay said and they have 84 units on that, so they have it in a small area of what they own. With this change to the ordinance they could expand that out to the whole area.

Mr. Peete said anything that would be TOD-R it would be an option for them.

Commissioner McAulay said so is the rest of that area that they own in red TOD-R.

Mr. Peete said in the red it is, yes.

Mr. Simoneau said right here is Hambright Road and there's an apartment complex that's already got sketch plan approval right in this area here. The townhome area that we are talking about is right in this area here and so you can see a majority of the land is still available out here. South of Hambright Road, this is actually land controlled by American Asset Corporation and they actually envisioned and got a special permit to have commercial, retail and maybe some apartments above if they chose to. In this area right here they had actually increased the height to I believe it was 12 stories eventually for taller office buildings. The property that LStar kind of controls excluding this area here which is AAC they've got these two kind of spaces answered for and they are doing design work for the rest of the project. I can't give you exact answers, but in essence I've pretty much given you a fairly decent idea of the type



of development for the area that they are actually utilizing at this point in time based on the plans that we have that were submitted to us for review and approval.

Commissioner McAulay said there's other land out there for sale adjacent to it. If they bought that could they extend their TOD-R out into that.

Mr. Simoneau said they would have to rezone their property. My understanding is there's some additional land up here that's for sale. It's already zoned Neighborhood Residential. There's been discussion about expanding single-family, but there have been no discussions at this point in time of acquiring new land and rezoning to TOD-R.

Commissioner Bales said you said 84 units. If the reduction was not made you would lose 10 of those units, so from 84 to 74. How many of those units are first floor parking and how many of them would be detached.

Mr. Harris said 33 with detached and 51 with attached. We are topo challenged on this site. We are using that split level to basically eat up a lot of the topo, so we are being a bit greedy there where.....they would have loved to have 50/50 split on those but the topo just would not allow us to do that. Another thing to go back to the previous question I wanted to point out also that we currently have basically three sets of plans. One is for the parkway that goes up to the creek off of Hambright Road. We actually have a pre-con tomorrow to start that project. At the same time there's apartment developer who is on the right side of that parkway that has gotten a preliminary grading permit. They do not have site approval by Staff yet, but that apartment complex is proposed on the right-hand side. They are starting grading tomorrow on that. I don't want anybody to think that we are proposing all townhomes. That just does not make sense. We are currently talking to other builders. We are looking at a high density single-family product that would be like a Charleston.....the style would be detached garage in the rear. We are also looking at possible other high density multi-family on the site and it does not make sense for us to do this all in townhomes. As a matter of fact the contract we have with our current townhome builder restricts us on certain negotiations with other townhome builders.

Hal Bankirer said given the 84 units with 40' of backyard space, what's the width of the driveway.

Mr. Harris said typically on those the garage is 16' on the rear of it.....the requirement of having a minimum of 20' would be ability to park two cars. We also have on-street parking.

Mr. Bankirer said what's the width of the alleyway.

Mr. Harris said 20'.

Mr. Peete said there's no parking in the alleys.

Commissioner Kidwell said when you say 20' for the alleyway, is that curb and gutter alleyway, 20' from one curb to the other.

Mr. Peete said there's a concrete ribbon on the edges to keep it in, but it's inclusive, that's just the paved area of the alley is 20'.

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

## OTHER BUSINESS

**Budget for FY 2015-2016.** Commissioner Neely made a motion to adopt the budget ordinance for fiscal year 2015-2016 as presented by the Town Manager Friday and copies were at our seat tonight.

Commissioner McAulay seconded motion.

Commissioner Kidwell said I just want to say through this process you've got six different points of view, six different outlooks on how taxpayer money should be spent. We had some great discussions. I want to thank everybody up here for their input, for the congeniality that took place during the discussions and that no matter how each individual votes, that says a lot about the Board up here, so thank you.

Commissioner Julian said I was going to really ditto Mr. Kidwell's comments there. I will tell you in my heart I had hoped that we would sit up here and have this budget pass 6-0. I don't think it's going to go like that. I don't know, though. But I think first of all the budget really does take care of our Town employees.....and that's all of them. It takes care of each department from Huntersville Police Department to Parks and Recreation to Public Works and so on....Planning. They are all very important. Huntersville runs on a so-called shoestring as I put it. There's no waste in the budget and I commend these Commissioners for that up here. I want to thank Greg and Town staff for such a great budget and I hope as this Board moves forward with or without me that it can always come to some consensus and understanding and vision to keep this town moving forward.

Commissioner Neely said I just want to echo what's already been said. Having been through a number of these budget sessions, the respect that everyone showed each other, the willingness to listen, the desire to get the best possible product for the town and the citizens was in everybody's heart and no matter what the outcome of the vote I want to thank my fellow Commissioners for allowing it to proceed in that kind of a manner. I want to thank the Town Manager for working with the department heads. I want to thank Janet Stoner and her staff for presenting us a balanced budget as usual and for everyone that was involved in a lot of work in this budget, thank you. And again to my fellow Commissioners and the Mayor, thank you for the way this has worked.

Commissioner Bales said I too would like to thank Ms. Stoner. Your department does a fabulous job and I greatly appreciate when you bring a balanced budget before us and Mr. Ferguson as well. I will say this evening that this Board has been quite respectful of one another and that is greatly appreciated. That being said, my time sitting here on this Board I have never not voted to approve a budget and I will be doing so this evening. I do believe that there was opportunity to do something a little bit different in regards to some equipment. I think that given the opportunity this Board could have sought out funding for the equipment and specifically for the Bearcat for the Police Department and Chief, I greatly commend you for putting forth your first budget. I think you did an excellent job. I do think collectively we could work together to find other funding without it coming and hitting our taxpayers and utilizing that funding for other equipment that I know that you will need going forward in the future. That being said, I will not be supporting this budget this evening and I think that is ashame because I have worked very hard throughout my tenure here on this Board to come to consensus and I feel like that was not achieved at this time.

Mayor Swain said sometimes you have to draw the line on the things that mean something to you. I will say this, I'm certainly not arguing. If there are funding opportunities or grants or whatever, I would hope and I truly believe that the Chief's department, Greg and Janet, if there are opportunities let's

consider your concern a charge to look for those opportunities. I know that's something that you feel strongly about, but do you feel that with many of the other issues on the budget that we have come to compromise.

Commissioner Bales said I do.

Mayor Swain said sometimes when we have budget seasons we have people who feel very strongly about an issue or two and that is why they might not vote for our budget. What we have strived for I think over the years is to have a give and take with people and that's the ultimate so that everybody feels like they're representing everyone in the town in coming up with a compromise in the years that we've done that and I've appreciated your compromises in the past.

Commissioner Bales said I do want to say too to Chief, it's not that I don't think that equipment is deserving. I do, I just think that we could find funding in another avenue.

Mayor Swain called for the vote.

Motion was tied 3-3 – Commissioners Julian, McAulay and Neely in favor; Commissioners Bales, Kidwell and Phillips opposed. Mayor Swain broke the tie by voting in favor.

Mayor Swain said let me explain. I kind of knew that we might be coming to this and I want to state things very clearly. I believe that this budget has addressed public safety. I believe this budget has had compromises. It hasn't been perfect for everybody, but it has had compromises. I believe people have had an opportunity to weigh in and their voice to be heard. We have a vision that is planned out in this budget. For the citizens it's important to know that there is no tax increase. In a time when our economy is improving, we have projects ahead of us, projects that we are just finishing up, we have a staff that has run a very tight budget and we have an incredible ratio of employees per capita, which is phenomenal. We have addressed transportation issues in this budget and especially for Huntersville that is extremely important. And so for that reason as you can tell I am voting for the budget and thanking staff and the commissioners for their work on it.

**Second Amended and Restated Huntersville/ElectriCities Lease Agreement.** ElectriCities has converted 1,533 sq. ft. of warehouse space for ElectriCities Corporate personnel. The amended Lease Agreement reflects this conversion resulting in an annual savings to the Electric Fund as the Lease payment will be divided between the Huntersville Electric Enterprise Fund, the Cornelius Electric Enterprise Fund, North Carolina Municipal Power Agency Number 1 and ElectriCities as outlined in the Lease Agreement.

Commissioner Bales made a motion to authorize the Town Manager to execute Second Amended and Restated Huntersville/ElectriCities Operations Center Lease Agreement.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

*Second Amended and Restated Huntersville/ElectriCities Operations Center Lease Agreement attached hereto as Attachment No. 1.*

**Agreement – Participate in Mecklenburg County CDBG Urban County Entitlement Program.** The Town of Huntersville is required to submit a new agreement to participate in the upcoming program period (October 1, 2016 - September 30, 2018).

At the retreat earlier this year, it was talked about the Town pursuing its own CDBG entitlement status. In speaking with the HUD office, the Town would be eligible for roughly \$175,000 per year as an entitlement community. However, if Huntersville became an entitlement community, our population would be reduced from Mecklenburg County's urban county distinction and cause it to fall below the threshold for eligibility, costing the county and other towns (including Huntersville) some \$600,000 annually. That said, the Town has initiated discussions with Mecklenburg County and other members of the county's CDBG program about a set aside of approximately \$150,000 (roughly our total less administrative costs we'd expect to pay anyway) for the Town of Huntersville on an annual basis as an attempt to achieve the best of both worlds, the Town getting what its eligible for under CDBG without costing the County and the other towns their chance for CDBG funds to serve their communities.

In the FY15-16 round of funding, the Town requested funds in the amount of \$10,000 to conduct an LMI (Low-to-Moderate Income) Assessment to conduct windshield and other surveys to identify low to moderate income areas that may have been underrepresented by the 2010 Census. Once applicable areas are identified, we will work to outline potential uses of CDBG funds and any alignment with the Town's CIP. We also requested and received funds for Our Towns Habitat in the amount of \$68,153 to provide housing repairs to approximately six low-to-moderate income homeowners. We also tentatively approved \$40,000 for FY17 for an additional four homes. Habitat staff are already conducting outreach to identify additional eligible homeowners not already in their pipeline.

Commissioner Bales made a motion to authorize the Town Manager to Execute Cooperative Agreement for Mecklenburg County "Urban County" Community Development Block Grant program for Federal Fiscal Years 2016/2017/2018.

Commissioner Julian seconded motion.

Motion carried unanimously.

*Cooperative Agreement attached hereto as Attachment No. 2.*

**Planning Board Appointments.** Three Planning Board positions will expire on June 30, 2015, two of which are Town Seats: (1) Dan Boone who is the current Vice Chairman is willing to be reappointed; and (2) Jay Kalter who relocated outside the Town of Huntersville jurisdiction resigned (effective May). It is further requested that the member appointed to this Seat be for a 2-year term to equalize the staggering of expirations for a nine member board.

The third position is the ETJ Seat currently held by Joanne Miller who is willing to be reappointed. It will be requested of the Board of County Commissioners to reappoint Ms. Miller for another 3-year term beginning July 1, 2015. There are no other qualified applicants for this position.

Commissioner Neely nominated Dan Boone, Joanne Miller and Stephen Swanick.  
Commissioner Phillips nominated Dan Boone, Jennifer Davis and Jack Richardson.

Mayor Swain pointed out that the Board is voting for two Town seats and one ETJ seat.

Vote for Dan Boone – Commissioners Bales, Julian, Kidwell, McAulay, Neely and Phillips in favor.

Vote for Jack Richardson – Commissioner Phillips in favor.

Vote for Stephen Swanick – Commissioners Julian, McAulay and Neely.

Vote for Joanne Miller – Commissioners Bales, Julian, Kidwell, McAulay, Neely and Phillips in favor.

Vote for Jennifer Davis – Commissioners Bales and Kidwell.

Commissioner McAulay made a motion to appoint Dan Boone to a 3-year term, Stephen Swanick to a 2-year term and Joanne Miller to a 3-year term.

Commissioner Julian seconded motion.

Motion carried unanimously.

**Board of Adjustment Appointments.** There are three positions on the Board of Adjustment that have terms expiring on June 30, 2015, two of which are Regular members: (1) Dennis Brewer, Regular Member, would like to be considered for reappointment; and (2) Joseph Kluttz, Regular Member, would like to be considered for reappointment.

There is an Alternate Member, Bethany Welch, who is newly appointed (January 2015) and would like to be considered for a full 3-year term.

Jack Simoneau, Planning Director, pointed out that Janice Lewis requested her application be withdrawn.

Commissioner Kidwell nominated Bethany Welch to be moved to a regular member, Dennis Brewer as a Regular Member and Edward Cecil to the Alternate position.

Mayor Swain explained that she will take nominations first, then the Board will vote on the Seats and then the Alternate.

Commissioner Bales nominated Bethany Welch, Dennis Brewer and Joseph Kluttz.

Mayor Swain called for the vote for the two Regular Seats.

Vote for Bethany Welch: Commissioners Bales, Kidwell and Phillips in favor.

Vote for Dennis Brewer: Commissioners Bales, Julian, Kidwell, McAulay, Neely and Phillips.

Vote for Edward Cecil: None.

Vote for Joseph Kluttz: Commissioners Julian, McAulay and Neely in favor.

Due to tie, Mayor Swain called for another vote for Bethany Welch and Joseph Kluttz.

Vote for Bethany Welch: Commissioners Bales and Kidwell.

Vote for Joseph Kluttz: Commissioners Julian, McAulay, Neely and Phillips.

Mayor Swain called for the vote for the Alternate Seat.

Vote for Edward Cecil: None.

Vote for Bethany Welch: Commissioners Bales, Julian, Kidwell, McAulay, Neely and Phillips.

Commissioner McAulay made a motion to appoint Dennis Brewer and Joseph Kluttz to Regular Seats and Bethany Welch to the Alternate Seat.

Commissioner Neely seconded motion.

Motion carried unanimously.

### **CONSENT AGENDA**

**Approval of Minutes – May 18 Pre-meeting.** Commissioner McAulay made a motion to approve the minutes of the May 18, 2015 Town Board Pre-meeting. Commissioner Julian seconded motion. Motion carried unanimously.

**Approval of Minutes – May 18 Regular Meeting.** Commissioner McAulay made a motion to approve the minutes of the May 18, 2015 Regular Town Board Meeting. Commissioner Julian seconded motion. Motion carried unanimously.

**SL362 Property Tax Refund Report.** Commissioner McAulay made a motion to approve SL362 Property Tax Refund Report No. 38. Commissioner Julian seconded motion. Motion carried unanimously.

*Property Tax Refund Report attached hereto as Attachment No. 3.*

**Budget Amendment – Police.** Commissioner McAulay made a motion to approve budget amendment appropriating funds received in the amount of \$4,635.93 from Lake Norman Charter School for the month of January 2015 to the Police Department's budget for overtime, benefits and vehicle costs. Commissioner Julian seconded motion. Motion carried unanimously.

**Budget Amendment – Police.** Commissioner McAulay made a motion to approve budget amendment recognizing revenue in the amount of \$9,315.52 and appropriate to the Police Department's insurance account. Commissioner Julian seconded motion. Motion carried unanimously.

**Budget Amendment – Police.** Commissioner McAulay made a motion to approve budget amendment appropriating Police Department revenue in the amount of \$25,957.28 received from Immigration and Customs Enforcement for reimbursement of certain overtime expense. This overtime salary expense is directly related to work performed on a joint operation with Special Agent in Charge (SAC), Atlanta, Georgia. Commissioner Julian seconded motion. Motion carried unanimously.

**Budget Amendment – Police.** Commissioner McAulay made a motion to approve budget amendment recognizing insurance revenue in the amount of \$699.64 and appropriate to the Police Department's insurance account. Commissioner Julian seconded motion. Motion carried unanimously.

**Electric Rate Rider REPS.** Senate Bill 3 was passed by the NC General Assembly in 2007 to promote the development of renewable energy and energy efficiency in the state through the implementation of renewable energy and energy efficiency portfolio standards (REPS).

All electric utilities in NC are required to comply with Senate Bill 3.

North Carolina Municipal Power Agency Number 1 has implemented renewable generation and demand side energy efficiency programs on behalf of its member towns and cities to meet these state-mandated

requirements. The cost of these programs is billed to Huntersville on the monthly wholesale power bill. The REPS Rider is designed to recover the cost of these programs through a monthly charge on retail customer electric bills. This charge would be effective with customer bills in the July 2015 billing cycle. The charge varies by customer classification as follows:

Residential	\$0.56 per month (increased from \$0.54)
Commercial	\$2.69 per month (increased from \$2.61)
Industrial	\$27.75 per month (increased from \$26.94)

These charges enable the Town of Huntersville to meet its REPS compliance obligations for 2015-2016. These charges may change in 2016 and subsequent years.

Commissioner McAulay made a motion to approve Electric Rate Rider REPS. Commissioner Julian seconded motion. Motion carried unanimously.

*Electric Rate Rider REPS attached hereto as Attachment No. 4.*

**Electric Rate Rider RECR-1.** In 2010 the Town of Huntersville adopted Interconnection Standards as recommended by North Carolina Municipal Power Agency Number 1 for interconnecting small renewable and non-renewable energy generators to the electric grid. These standards were based on the North Carolina Utilities Commission's modified version of the Federal Energy Regulatory Commission small generation interconnection procedures, forms and agreements designed to streamline the process of connecting small renewable generator resources.

The Renewable Energy Credit Rider (RECR-1) was approved as part of the Interconnection Standards and is updated annually to reflect the current incentive provided to customers utilizing renewable generation. These credits would be effective with customer bills in the July 2015 billing cycle.

These charges enable the Town of Huntersville to safely interconnect and provide incentive for those customers that wish to install renewable generation. These charges may change in 2016 and subsequent years.

Commissioner McAulay made a motion to approve Electric Rate Rider RECR-1. Commissioner Julian seconded motion. Motion carried unanimously.

*Electric Rate Rider RECR-1 attached hereto as Attachment No. 5.*

**Call for Public Hearing – Petition #R15-01.** Commissioner McAulay made a motion to call a public hearing for Monday, July 20, 2015 at 6:30 p.m. at Huntersville Town Hall on Petition #R15-01, a request by Ernie and Roberta Lee to rezone 1.16 acres at 15412 Old Statesville Road from Highway Commercial to Special Purpose – Conditional District. Commissioner Julian seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R15-02.** Commissioner McAulay made a motion to call a public hearing for Monday, July 20, 2015 at 6:30 p.m. at Huntersville Town Hall on Petition #R15-02, a request by Chick-fil-A LLC to rezone their property at 16915 Statesville Road to Highway Commercial – Conditional District. Commissioner Julian seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA15-04.** Commissioner McAulay made a motion to call a public hearing for Monday, July 20, 2015 at 6:30 p.m. at Huntersville Town Hall on Petition #TA15-04, a request by the Huntersville Planning Board to amend Article 7.4 of the Zoning Ordinance in regard to calculating specimen tree save mitigation requirements. Commissioner Julian seconded motion. Motion carried unanimously.

#### **CLOSING COMMENTS**

None

Commissioner Bales made a motion to go into closed session for property acquisition. Commissioner Julian seconded motion. Motion carried unanimously.

Upon return from closed session, there being no further business, the meeting was adjourned.

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.