

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

**July 20, 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 July 20, 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

- The next meeting of Huntersville Connection is tomorrow.
- MTC will not meet this month.
- Commended Parks & Recreation for 20th Anniversary Celebration.

Commissioner Bales

- Commended Parks & Recreation for 20th Anniversary Celebration.
- The Lake Norman Transportation Commission did not meet in July.
- The Lake Norman Education Collaborative is kicking off a new Partners in Education program, partnering businesses with local schools.

Mayor Swain said we have a Huntersville child who needs a bone marrow match. You're involvement with the businesses and kids reminded me and so I'm going to try to set up a Be the Match locally and bring them here.

Commissioner Julian

- The economic development plan is going great. There was another major announcement last week – Nutec is going to build a new manufacturing plant on Mt. Holly-Huntersville Road.

Commissioner Kidwell

- The next meeting of the Olde Huntersville Historic Society is August 5. This month Virginia Cornue will be the guest speaker.

Commissioner McAulay

- The Charlotte Regional Transportation Planning Organization met last Wednesday. We are still in the 30-day comment period on the 2015-2025 Transportation Improvement Program. There were about 19 citizens, elected officials and interested parties that came down and gave their verbal comments at the meeting, mostly against the managed lanes and made alternate

suggestions. More than 250 e-mails have been received during the comment period and those comments are being analyzed. The comment period is still open.

Commissioner Neely

- The Lake Norman Chamber of Commerce will host its August Power Luncheon at the River Run Country Club in Davidson on August 20. On September 17, the Lake Norman Chamber will host its Diversity Luncheon.
- The Visit Lake Norman Board of Directors, I was on the Budget Committee last Tuesday as we looked at the budget that's going to be presented and voted on at the next meeting. There was discussion on the future of Visit Lake Norman and how advertising and marketing has changed over the years and is dramatically changing from hand-outs at grocery stores and having a reception center where you look at a wall of all kinds of hand-outs to having over a million hits on the website last year and so our conversation centered on how are we going to change and budget ourselves in the years to come in spending more money on social media and spending a lot more money in reaching out to people visiting the Lake Norman area through social media and through the website and follow-up. The big group that really benefits from any printed material surprisingly is realtors as they are trying to draw people into the area to buy, so they will continue to have an emphasis on that, but social media will really drive Visit Lake Norman in the future. July 17-19 Visit Lake Norman hosted the USTA North Carolina Junior Tennis State Championships. It was the largest Junior Tennis Tournament in USTA's North Carolina history. Originally they were planning on about 400 participants. The number exceeded over 800 participants. The nice thing for us they competed at six different venues but more importantly there were four hotels that were designated as hotels that you should stay at if you were attending these tournaments. Three of the four were hotels in Huntersville. All four of the hotels were sold out. Visit Lake Norman will host Top Gun Baseball Summer National Championships July 24-26. Seventy-nine youth baseball teams from five states have registered. Bradford Park will host those groups. Top Gun Softball Summer World Series was held on July 10-12. Forty-four youth softball teams from five states competed in all of our athletic complexes around.

Commissioner Phillips

- Encouraged people to shop local.
- The Town of Huntersville received a grant from the Arts & Science Council for the Hello Huntersville festival.
- Encouraged people to attend National Night Out at Northcross Shopping Center on August 4.

Mayor Swain said the Pan American games are happening in Toronto right now. We have Emily Schild who is a gymnast who lives in Wynfield who is participating. We also have Ryan Hawkins and Nick Thoman who train at HFFA participating.

Commissioner Neely said traveling through the business park last Saturday and then again traveling through the business park again today, I wondered if you could enlighten us, are there any plans for any studies on putting a traffic light at the back of the business park on Mt. Holly-Huntersville Road. My biggest concern is as more and more businesses moving in, apartments moving in, we have more businesses coming in, and at some point in the near future we will be doing work on Gilead and US 21, so I think it's appropriate that we look at is a light going to be there and where are we in that process.

Max Buchanan, Public Works Director/Town Engineer, said as we all know the traffic signal has a warranting process. I'll remind the Board that you need to meet the volume 8 hours out of the day and I think the last volumes that we counted in 2014 were about 5 hours. There's three locations that we are kind of keeping an eye on and that's one of them and actually both ends of Verhoeff.

Commissioner Phillips said Gilead Road where the pipe was replaced – is that going to be restriped.

Mr. Buchanan said we have forwarded that to NCDOT. We will follow-up with them.

Commissioner Phillips said I'm starting to have a lot of people complaining about the lack of tree trimming. Is there some way we could publish our policy on it, because I think a lot of them now it's the planting strip in between the sidewalk and the street and it seems to be confusion of who is responsible.

Mr. Buchanan said I think that's clearly defined in our ordinances that the maintenance of those trees is the responsibility of the adjacent property owner or the HOA, depending on the covenants. I think we have detail on our website for that minimum tree trimming for those trees. A lot of times that trimming doesn't accommodate the canopy over the street for garbage truck conflict and those types of things. In those cases we'll typically let a clearing contract in the fall of the year to maybe go above and beyond the minimum. I think our ordinance addresses the responsibility. We do have a clearing or a pruning detail on our Town of Huntersville Engineering/Public Works website.

Commissioner Kidwell expressed appreciation to the Public Works Department for the sidewalk being installed on Stumptown/US 21.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Michael Jaycocks recognized SABIC for their volunteer work at North Mecklenburg Park.

AGENDA CHANGES

Commissioner McAulay made a motion to add the following items to the Consent Agenda:

Item K – Approve purchase order for purchase of replacement Dectron units for HFFA with standard terms subject to modifications by the Town Attorney.

Item L – Adopt Annexation Ordinance #ANNEX15-01 to annex Centennial Phase 5 (14.80 acres) into the Town of Huntersville.

Item M – Adopt Annexation Ordinance #ANNEX15-02 to annex Centennial Phase 6 (1.71 acres) into the Town of Huntersville.

Item N – Adopt resolution approving interlocal cooperation agreement with Mecklenburg County for fire protection services.

Commissioner Neely 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: Bill Walsh, Dan Boone, Joe Sailors, Susan Thomas and Joanne Miller.

Petition #R15-01. Mayor Swain called to order public hearing on Petition #R15-01, a request by Ernie and Roberta Lee to rezone 0.53 acres at 15412 Old Statesville Road from Highway Commercial to Special Purpose – Conditional District allowing most SP uses, including a wood cutting operation.

Jack Simoneau, Planning Director, entered the Staff Analysis into the record. *Staff Analysis attached hereto as Attachment No. 1.* This property is on Highway 115. The total tract is over 1 acre, but in actuality they are just wanting to rezone this piece of the property here from Highway Commercial to SP. SP actually goes across the railroad track and touches this property. The rezoning area is 0.53 acres. This shows the site in its entirety. The Lee Woodcutting is right in this area here and this is the section that they want to rezone. The woodcutting operation is operating out there today and as Highway Commercial zoning it's allowed out there but because it's Highway Commercial they can have a very small storage area. It's a little over 1,400 sq. ft. In essence the outdoor storage is 1,400 sq. ft. under Highway Commercial. When we talked to the Lee's about what the options were to correct this and could they shrink it, the answer was no, not to make reasonable use of that property and shrink it and so they did have Special Purpose zoning right behind them, so they asked for it to be rezoned as Special Purpose Conditional District and that would eliminate the maximum square footage of the outdoor storage and so that's why this request is coming before you tonight.

This map shows the initial map that was in the agenda packet. At that time the intention was to have the existing trees that are out there on 115 remaining out there. They would have Leyland Cypress and then a 5' tall fence in this area here. This is 115. The Lee's actually own the property immediately to the south and that in fact is where the office is where you pay for the wood. They own the property and actually the property to the north is on the same lot, so that's being rented by the Lee's for single-family and there also is another tract up here with a house also controlled by the Lee's. You have some single-family homes across the street and behind them is a storage facility.

They have asked for the map to be modified and so this shows the new map. What they would like to do is to have the fence extend to this area here with the evergreen shrubs, also all along the front and then also back up into this area here. They do not want to buffer between their existing properties and they also would like to not buffer along that rear property line. Staff is not opposed to that request. Behind them as I mentioned is an outdoor storage facility and the outdoor storage facility's property line goes across the railroad track and actually goes and touches with the Lee property. There is some wood piles back in this area here. We have received word from the property owner who controls that storage facility that they would like that wood pile moved off of their property, but they did not have a problem if there was no buffer in this particular area here. I went out to the site and met with them. As you can see there's already existing storage, there already is a buffer along there, they would just like the wood pile moved off of their property and that is going to be worked out between the Lee's and the storage facility. This is the existing trees that would remain and again there would be a fence extended across

here and there would be evergreen shrubs planted as well. This is the new site plan that reflects the request.

Commissioner Kidwell said I just want to be sure that everybody knows I had walked this property with Commissioner Bales a few months ago. I just wanted to put that on the table.

Commissioner Julian said I was just going to say I go to church with the Lee's. The Lee's have been around this community for a long time. I do go to church with them, not that it's going to impact my decision, but I do want to disclose that.

Commissioner Phillips said I have met with the Lee's and Town staff. I talked to Bob earlier today and he said I didn't have to disclose it. The Lee's have actually done everything we've asked them, haven't they.

Mr. Simoneau said correct. Once we found there was a violation they were right there to help find a solution to it.

Commissioner Phillips said so it's just the right thing to do.

Mayor Swain said do we have a height limit.

Mr. Simoneau said there isn't a height limit. That question did come up at the Neighborhood Meeting, which is included in your agenda packet. Mr. Lee did check the conveyor belt as 12' high, so 12' is about the height of the wood pile.

Joe Sailers said if it goes to a SP zoning that will allow almost anything on the property. Is there anything included on application that if this applicant leaves it reverts back to Highway Commercial.

Mr. Simoneau said the answer to that question, there's a lot of overlap between Highway Commercial and Special Purpose in terms of the land uses. What the application does, you can't see it here, but the most obnoxious things, the heavy manufacturing, all of these uses, their Special Use Permit is we are excluding all these uses, so when you get your site plan you will see all of the uses that they will be not putting in that property and so staff has reviewed that. We are comfortable with the language that they have there.

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

Petition #R15-02. Mayor Swain called to order public hearing on Petition #R15-02, a request by Chick-fil-A LLC to update and amend Article 7.4 of the Zoning Ordinance in regard to calculating specimen tree save mitigation requirements.

Jack Simoneau, Planning Director, entered the Staff Analysis into the record. *Staff Analysis attached hereto as Attachment No. 2.* This is a request to rezone Chick-fil-A to Highway Commercial so they fall under today's standards. And I'll explain why they are doing that through this process. The rezoning is a conditional zoning that involves 1.33 acres. What's happened is Northcross was approved as a large rezoning and that rezoning was approved decades ago and they are subject to the 1991 Huntersville Ordinance. This is actually the site where Chick-fil-A is. They are asking to modify the zoning so they can fall under today's standards because today's standards are more relaxed with respect to off-street parking standards. What they would like to do is add another drive-through so that they can process

more traffic there. It's a traffic problem on the property. Right now, the 1991 Ordinance that they are subject to requires 15 parking spaces per 1,000 sq. ft. They want to put a little addition on to that for a cooler and some offices. The total building square footage would be 4,297 sq. ft. If they were subject to the 1991 Ordinance they would be required to have 65 parking spaces. Currently today they have 58 and so putting in that drive-through and doing some changes that they want to do wouldn't work. What they are asking is to fall under today's standards that requires one space per 500 sq. ft. For this size building you would only need nine spaces. No business is going to do.....in other words what the ordinance does is it lets the market decide. They are not going to provide 9 spaces. They are actually going to provide 49 spaces.

With that, here's the things that they want to do to bring this site up to standards. Most important I think is that they are going to now start to treat storm water that comes off of that property. Today there is no storm water treatment on that property. And falling under today's regulations, they will now capture that storm water and treat the storm water in these particular areas here. They also will bring their site up to compliance with signage standards. They will provide a walkway across the drive-through to get into the building. They are proposing, there's at times parking on Caldwell Creek Drive, what they are proposing to do is to come back here and anybody that parks back here give them an opportunity to come back up.....you've got a hotel right across the street so anybody that wants to go from the hotel over to Chick-fil-A, they will be able to have a walkway back in that particular area.

I will mention the interchange modification study for Exit 25/Sam Furr Road. As you are aware there is change occurring at that interchange and so one of the solutions is to have another bridge crossing for local traffic in this particular area. It's going to come in very close proximity to this. It will actually be between the McDonald's and the Chick-fil-A. None of this has been designed at this point in time. We have let the applicant know what may be coming down the pike. It still has to be studied but we have disclosed what potentially could happen in that particular area.

Commissioner Julian said go back to the interchange modification study. Is that in any of the Transportation Improvement Plans and if so how far out are we talking.

Bill Coxe, Transportation Planner, said right-of-way acquisition in fiscal year 2019, construction in fiscal year 2021. The planning is underway now.

Commissioner Bales said how long do you estimate it to be before a decision is made on this modification.

Mr. Coxe said probably a year and a half from now. We'll have a pretty good idea in about a year, but decision you are probably looking at year and a half.

Commissioner Phillips said I want to let everybody know that I know the owner Joe. He is a customer of mine at the store. I think everything on tonight I know everybody. I'd like to disclose that. Getting back to the new interchange, the bridge over I-77, is that a part of the managed lanes?

Mr. Coxe said no, sir.

Commissioner Phillips said how could it come on in 2019 or 2021.

Mr. Coxe said because it's in the State's TIP in the statewide program and that was the schedule established for it.

Commissioner Phillips said but it's not a part of the managed lanes.

Mr. Coxe said no, sir. It's coming out of the regular STI development process.

Commissioner Julian said if that bridge is built across there, whether they enhance Chick-fil-A or not, there's no way that a road could go between the two now without taking one or the other. Is that a correct statement.

Mr. Coxe said in my opinion it would be very difficult to squeeze a road between those two fast foods and not adversely affect their operations to the point where one of them has to leave.

Commissioner Kidwell said isn't there a road there now.

Mr. Coxe said there's a driveway there now.

Commissioner Kidwell said and that allows you to get back over there on 21, right.

Mr. Coxe said correct. To accomplish this there will be significant operational difficulties and so it's going to take a lot of work to make this work.

Mayor Swain said it wasn't that long ago when NCDOT made traffic changes at 25 that the prognosis was that they would not do well in business.

Mr. Coxe said apparently people have found a way to use the system that we have given them.

Mr. Kidwell said on the bridge here, just to be clear, a year and a half out before the decision is made, construction we are looking at another 5 years, correct.

Mr. Coxe said correct.

Dan Boone, Planning Board, said it was suggested at the Neighborhood Meeting to stripe the road behind it for four or five parking spaces for employees that get there early.

Max Buchanan, Public Works Director/Town Engineer, said we've had some discussions about a center line for that section. You have to be careful with on-street parking due to conflicts with driveway access. You have to be able to ensure sight distance and all. We haven't put out a concept but it's something that we are considering. What we wouldn't want to do is put in a crosswalk that's not at a signalized intersection. We don't feel safe or comfortable with that due to safety concerns, but we think maybe a center line stripe and maybe to try to accommodate some on-street parking we're going to probably put a concept out there for consideration with our Planning Department and our Transportation Planners.

Commissioner McAulay said in the Staff Recommendation, you recommended rezoning approval with some remaining comments from staff to be addressed. Have those been addressed.

Mr. Simoneau said yes, they have.

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

Petition #TA15-04. Mayor Swain called to order public hearing 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.

Jack Simoneau, Planning Director, said we would like to continue this public hearing because we have such a big agenda tonight with many things to get to and two of the key people involved with this are not here tonight. Our recommendation would be to continue public hearing to August 3.

Commissioner McAulay made a motion to continue public hearing on Petition #TA15-04 to August 3, 2015 at 6:30 p.m. at Huntersville Town Hall.

Commissioner Neely seconded motion.

Motion carried unanimously.

Petition #ANNEX15-01. Mayor Swain called to order public hearing on Petition #ANNEX15-01, a request by Guardian Rentals LLC, KJB LLC and Centennial Phase 5 LLC to annex Centennial Phase 5 (14.80 acres) into the Town of Huntersville.

Alison Adams, Senior Planner, entered the Staff Analysis into the record. *Staff Analysis attached hereto as Attachment No. 3.* This annexation is an annexation of 14.80 acres and it is just south of Ramah Church Road. All the legal requirements have been met, therefore staff recommends the annexation.

Commissioner Phillips said there's another little piece of property that everything else is in the town but that one little piece. Why would we not go ahead and take it in now while we are in this process.

Ms. Adams said annexation is voluntary only by general statute.

Commissioner Phillips said has anybody contacted them and asked them.

Ms. Adams said I'm not aware if they have or not. Nate Bowman, obviously he's the developer of Centennial, so this is his project and I'm not sure if Mr. Bowman has actually contacted that property owner.

Jack Simoneau, Planning Director, said this is the property that you are talking about. We have not reached out to the property owner that I'm aware of, but we will this week reach out to them just to see if they voluntarily want to annex into the Town limits.

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

Petition #ANNEX15-02. Mayor Swain called to order public hearing on Petition #TA15-02, a request by Centennial Phase 5 LLC to annex Centennial Phase 6 (1.71 acres) into the Town of Huntersville.

Alison Adams, Senior Planner, entered the Staff Analysis into the record. *Staff Analysis attached hereto as Attachment No. 4.* The property is 1.71 acres. The same developer is making the request. This property is at the corner of Fred Brown Road and Heritage Vista Drive. All legal requirements have been met, therefore staff recommends annexation.

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

Mayor Swain said there were people here to speak on the Lee property rezoning.

Bob Blythe, Town Attorney, said I would suggest you reopen that hearing to give them an opportunity to speak.

Mayor Swain said Bobby, they are on the front porch. Would you let them know I'm going to let them speak.

Commissioner Julian said this is a question for the Town Attorney. If the person that signed up has already left due to we forgot to call them forward, since the public hearing is open can we notify them.

Commissioner Phillips said it's closed.

Mayor Swain said I'm going to open it again.

Mr. Blythe said you can re-open the public hearing and continue it to the next meeting.

Commissioner McAulay made a motion to re-open public hearing on Petition #R15-01, a request by Ernie and Roberta Lee to rezone 0.53 acres at 15412 Old Statesville Road from Highway Commercial to Special Purpose – Conditional District allowing most SP uses, including a wood cutting operation.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Scott Williams, 15401 Old Statesville Road, said I'm a 42 year member of Huntersville. I'm very proud of that. The property across the street causes me no harm. I actually enjoy seeing the wood go up every year. I think some people have a problem with it being an eyesore. I don't. And also the noise, I don't hear any really.....no more than I hear from the auto places on 115 with their compressors and their wrenches and stuff like that. It's pretty much a commercial area and I happen to have a house there. I just wanted to say I have no problem with the Lee's property.

Mayor Swain said Bobby went out and the others that had signed up to speak didn't want to come back in.

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

OTHER BUSINESS

Petition #SUP15-02. Mayor Swain called to order quasi-judicial hearing on Petition #SUP15-02, a request by Ron Randle on behalf of the property owners for a special use permit to develop a banquet facility (Harper Grove) in the Rural zoning district located at 14532 and 14520 Beatties Ford Road.

Commissioner Phillips said I would like to disclose that I live out in this area and I have had citizens come by and talk to me at the stand.

Mayor Swain said that's your job as a commissioner.

Commissioner Phillips said I know the area and the people involved, but I wanted to disclose that. I don't think it will impair my judgment one way or the other, but I still wanted to disclose it.

Mayor Swain said are you getting any financial anything from this.

Commissioner Phillips said no.

Mayor Swain swore in Jack Simoneau, Stephen Trott, Max Buchanan, Ron Randle, Peter Brengel, Jerry Broadway, Nancy Finizio, Barbara Mariano, Paul Mariano, Briana Randle, Keren Chevere, Rebecca Lee-Bryk, Nathan Sipp, Trey Barnette, Julie Barnette, John Binnie, Erin Padgett, Brandy Childs, Bill Walsh, Dan Boone, Joe Sailors, Susan Thomas and Joanne Miller.

Mayor Swain said we will give everybody an opportunity to speak and when you do that you will have to state your name and your address for the record and you will be given three minutes.

Jack Simoneau, Planning Director, entered the Staff Report into the record. *Staff Report attached hereto as Attachment No. 5.* This is a Special Use Permit application to establish a banquet facility at properties at 14532 and 14520 Beatties Ford Road. The information is in your Staff Report. They are asking for this Special Use Permit. We have highlighted the properties in question. You can see this light green area. This is zoned Rural. What the Town Board has done is to allow banquet facilities to locate in a Rural district as long as a Special Use Permit is issued and subject to the criteria that is established in the ordinance. That is what they are asking for.

This shows the site in particular where the improvements would be. There's an existing house here and some farm buildings and a silo and you can see the properties across the street, residential subdivisions, residential homes, farmland just to the north of this property and also farmland and houses to the south of this property.

This is the site plan that's included in your agenda packet. It has a number of the criteria that's in the ordinance and then the applicant addresses how they feel they have met those standards in this section of the Special Use Permit application. In essence what is happening is there will be an entrance on Beatties Ford Road right in this particular area here leading to a parking lot. There will be some overflow parking in this particular area here. The banquet facility would be built in this particular area. This would be the outdoor seating area. They also are going to buffer per the Town's ordinance along the property lines where they adjoin residential zoning.

This is the building that they propose to build in this particular area here, so they will utilize one of the farm buildings here and keep the silo here, tear down the sheds, but they will be building this facility right in here. It is two stories. The square footage is all in the Staff Analysis. Some key notes that are on this application that we want to point you to and some of these address some of the concerns the Planning Board had:

- Harper Grove agrees to host only one wedding per day.
- Maximum guest capacity for any singular event at Harper Grove will not exceed 240 guests.
- Harper Grove may host more than one non-wedding event per day such as training sessions, meetings, luncheons or other non-wedding events.
- In the situation where more than one event occurs per day, Harper Grove agrees to require a 3-hour minimum timeframe between the end of the first event and the beginning of the second event.

- All events in which alcohol is served will require two off-duty police officers on site from the commencement of reception until guest departure.

I do want to point this out, this is a quasi-judicial hearing. This is a Special Use Permit, so these conditions that are put on there, these are what the applicant said they would do and so they are enforceable. If somebody were to violate those, if we were to find out about it, we can go back through the process for revocation of that Special Use Permit.

- Harper Grove does not categorize trips associated with site visits by potential customers or vendors as an event, so it's actually the guests that are coming is how they worked with our Town Engineering to figure out the traffic generation figures.
- Amplified music such as provided during a wedding reception via a DJ or live band will be limited to indoor spaces with the exception of acoustic ceremony music and/or the wedding officiate which may be nominally enhanced with modest amplification for guest clarity.

I won't read all the details on that, but in essence it has the decibels that they would be establishing at 70dB and in order to ensure adherence to the Huntersville Noise Ordinance, Harper Groves agrees to submitting to Planning a sound level reading at each event where amplified music is provided via DJ or live band. Sound level readings will be gathered at closest property line where music is played and submitted to the Town Planning Department.

When the Planning Board heard this, the Planning Board had some concerns about what kind of events would happen. These are some additional notes that were included. As mentioned before, there will be one wedding event per day. The use is to be limited to wedding, banquets and meetings. They will exclude motorcycle rallies, car shows and non-invitation events open to the general public, so music festivals and things of that nature would not be included in this. And then commercial fireworks and other illegal fireworks would be prohibited from use.

There are a number of items that are in the Staff Analysis, an update of everything that has happened up to this date. Planning Staff was not opposed to this request and recommends approval based on the findings of fact that were outlined in the Staff Analysis. Any decision that is made has to be based on sworn testimony facts that are presented to you. We would ask that the guests for each event be reported to the Planning Department quarterly along with the decibel levels and there's just some clarity that these uses that would be excluded would be just clarified so that it clearly excludes motorcycle rallies, car shows and these non-invitation events.

The Planning Board heard this request at their last meeting. They did recommend approval 6 to 2 based on the findings of fact that the Staff presented and the conditions added addressing fireworks and limited uses, which we just went over. The case is before the Town Board. The Town Board needs to decide whether to approve or deny or even continue and so you have to determine whether they meet these criteria in Section 9.59 and then also what are the facts that support the decision either for approval or denial.

With that I will be able to answer any questions and then the applicant can also address anything specific. I think the applicant has a very specific PowerPoint that they want to present to you as well.

Commissioner McAulay said are outdoor events permitted.

Mr. Simoneau said you could have a wedding outdoors. You could have a function outdoors, yes.

Commissioner McAulay said could you have a music festival outside.

Mr. Simoneau said no. That is one of the things that the Planning Board and the residents had actually raised concern about that. In the prohibited uses, they are going to exclude non-invitation events open to the general public, so these music festivals would not be included in that.

Commissioner McAulay said on the property I know that a new residence is going to be built on the site. Does that mean there are going to be two residential units on the site.

Mr. Simoneau said no. There's an existing residence right in this area here. That will be removed. This is the site of the proposed residential property and this will be the event building. There won't be a residence in that building.

Commissioner Julian said we've got noise protection by 70 dB. How about lights shining. What's our ordinance.

Mr. Simoneau said there's a lighting ordinance. You can't have light spillover at the adjoining property, so there is a light ordinance that applies. If this Special Use Permit is approved then they will be going through the normal process to get a building permit, site plan permit and that's at the point where we would check to make sure all the lighting meets the standard setbacks etc.

Commissioner Julian said do you have either a GIS or Google satellite view. What's right next to this property line on each side of it.

Mr. Simoneau said this is an angle view.....this is Beatties Ford Road. This is the site right here. Immediately to the north is farmland, single-family residential; to the south residential, farmhouse clusters; directly across the street residential subdivisions, single-family homes.

Commissioner Phillips said how are we going to regulate this noise....this 70 dB when we don't have the equipment to do so.

Mr. Simoneau said this is in the Town limits, so the Town's Noise Ordinance does still apply out here. The Police Department does enforce noise regulations. With respect to the decibel levels, we would work with the property owner. We do not have a decibel device. We could get a decibel device and we would monitor it if we found that there were problems. The Police Department does have to enforce the Noise Ordinance and the Planning Staff would also be responsible for holding them to whatever conditions that are put on that site plan, including that decibel limit.

Commissioner Phillips said does the applicant know that there's a shooting range in proximity.

Mayor Swain said the applicant will be up in just a minute and can answer that question.

Commissioner Phillips said they are saying no on-street parking. Would the applicants be willing to put up No Parking signs on Beatties Ford Road.

Mr. Simoneau said that's a State road. It is prohibited from parking on there and so I don't see a need frankly to put a No Parking zone.....Max is giving me the thumbs up that I said the right thing. He'll be happy to come up here if you need further clarification.

Mayor Swain said perhaps the applicant will discuss that when he's up here.

Mr. Simoneau said there is some overflow parking on this site. The intention is to have everything on the site, nothing out on Beatties Ford Road.

Commissioner Phillips said they have in here a stipulation that if alcohol is served they were going to put Huntersville police officers there, but how about when alcohol isn't served, as far as the traffic.

Mr. Simoneau said there's no commitment to have a police officer there on their site plan. You can ask the applicant that when they come up.

Commissioner Bales said just to go back to the decibel readings. Looking on your notes it says that the petitioner would take the readings during an event. I'm okay with that, but they would have to have the equipment to do that as well, so they are good with that.

Mr. Simoneau said correct. And the applicant will be here. I think that's part of what their presentation is going to be about.

Commissioner Neely said could you clarify again how we've solved the problem of no music festival.

Mr. Simoneau said the applicant has said that they would prohibit uses that would be open to the general public. If you feel like that language is not strong enough then I'm sure the applicant would be willing to talk to you if you think that language needs to be worded differently. We were comfortable with the language they had presented to us.

Commissioner Neely said my concern is I understand open to the general public, but if I wanted to invite 240 of my closest friends to a music festival, then I had an invitation and it's not open to the general public, is that not a music festival.

Mr. Simoneau said the applicant will be here to explain what conditions they would be willing to put on that.

Commissioner Julian said I was just going to make a comment to the Board. In the past we've approved many uses where we were worried about noise and the Chief nor Planning do not have decibel meters. So one of the things I think is this Board should take up that issue, not right now but at the earliest convenience, to make sure that they have the proper equipment not just for this but ordinances everywhere if somebody calls with a noise problem.

Commissioner Bales said I was out on this site earlier today and when you pull up and you kind of come up an incline and then it looks like it drops off somewhat. Is there the intention to leave that drop so that the new buildings would sit down into that dip. The reason I'm asking this is I would think noise would bounce off of that versus spread but if you are grading it and leveling it out then I think the noise would travel faster.

Mr. Simoneau said the building is going to be back going down to that drop back in this particular area, but that doesn't affect this property on either side. The applicant will talk more about that. But the intention is the building would be located as the land is dropping back.

Ron Randle, 9901 Duane Court, Huntersville, presented PowerPoint presentation to the Board. *PowerPoint attached hereto as Attachment No. 6.* I would like to thank the Mayor and Board of Commissioners for allowing us the opportunity to talk tonight about our dream. I'd also like to thank Jack Simoneau, Brad Priest, Stephen Trott and the entire Planning staff for working with us so far to get to this point.

For over 19 years my family and I have loved calling Huntersville home. We are active in our church and community. I'm an active member of the Lake Norman Chamber of Commerce. I participate in the Huntersville Connection networking group. My wife and I, mostly my wife, have raised our three children in this amazing town. And while not exactly native to Huntersville, we can't imagine living anywhere else. Huntersville has also been a great place for us to operate a small business. Five and a half years ago my youngest daughter Briana and I opened Love Shutter Photography, a studio specializing in wedding and family portrait photography. In the last 5 years we have been blessed to be a part of many, many weddings and we have visited banquet facilities all over North and South Carolina. And while there are many wonderful venues, we've noticed two things. There aren't very many facilities that have been designed from the ground up to provide the perfect backdrop for a dream wedding and there aren't many banquet facilities focused on serving the North Mecklenburg market.

Two years ago my family and I began implementing a plan to create a purpose built banquet facility that would be located in Huntersville and be an economic and civic benefit to the Town we love. We are calling it Harper Grove. Nestled on 30 acres of pasture and forest in west Huntersville, Harper Grove was created from the ground up to deliver a personalized wedding and banquet experience to clientele seeking a premiere event venue in the Huntersville/Lake Norman area. We believe Harper Grove will not only attract premium clientele to Huntersville, but also provide an economic boost to our region. In addition to the hotels, restaurants and tourist revenue that will be generated by out of town guests, our preferred vendor list boasts a wealth of Huntersville and local businesses that will benefit as well including Bouk Catering, Family Catering, Savory Moments Catering, Willow Floral Boutique, Erin Padgett Events, Cooke Rental, Lily Rose Boutique, B.childs Weddings, Classic Bridal, Sweet Cakes, Nothing Bundt Cakes and Maddy's Fatty's just to name a few. Harper Grove will eventually realize an economic impact to local businesses in excess of \$2.9 million annually. And that doesn't include labor, maintenance, landscaping, cleaning, security and a host of other businesses that will also provide an economic benefit to Huntersville.

During the last 2 years while searching for a suitable parcel of land to accommodate Harper Grove, I have worked closely with Huntersville Planning staff members to ensure our project was in alignment with the Special Use text amendment and that the parcels we were considering would be appropriate for our intended use. Throughout this process including two public hearings we have vigorously addressed each of the comments that were discussed by Planning and the residents including traffic, parking, limitation of event types, guest capacity, noise and outdoor amplification restrictions, security and the maintenance of the rural character. I believe the most recent site plan that you have in front of you has addressed all of the comments in totality. We have voluntarily limited our guest attendance. We have imposed restrictions on sound amplification and the types of events we will host. We've increased our parking lot capacity, reduced the size of our signage and we've added security for events serving alcohol. As was pointed out by one of the Planning Board members at the last Planning Board meeting, Planning staff, the Board and the community have asked for changes and the applicant has complied with virtually everything asked.

Tonight you may hear some residents talk about traffic, noise, maintenance of rural character and rather than speculate about what may or may not happen, I would like to talk factually about those issues and

our approach at mitigating those concerns and how Harper Grove meets and exceeds the objective criteria for the Special Use Permit.

I understand that a banquet facility may be an atypical use of a rural parcel and I completely understand how change can be unsettling. When my family and I first moved to Huntersville in 1996, there was nothing between Exit 23 and Exit 28 on Statesville Road other than a Burger King and a Target. Virtually everything that you now see on the 5-mile stretch of road has been built over the last 20 years. And while I may not love all of the changes that have occurred, including the 19-acre medical office park currently being built across the street from my subdivision, I appreciate that Huntersville is growing in every direction and that includes the west side of Huntersville and the Beatties Ford Road corridor.

With the approval of the Arbormere subdivision and the Cook Family subdivision, development is coming to the area and it will literally be 500' from Beatties Ford Road. When it comes to preserving the rural character of Beatties Ford Road, no one is more dedicated to preserving the rustic nature of the area than Harper Grove. Our premise and in fact our entire approach to this banquet facility is based on preserving the beauty, openness and natural condition of the land. On our 30-acre parcel we are developing a total of 3 acres, which includes parking, our building, one residence, that's it. Ninety percent of our property will not have a building, road, driveway or other impediment to the natural beauty that is already there. In keeping with the Beatties Ford Road Small Corridor Plan, Harper Grove will help maintain the rural character by continuing to preserve 90 percent of our open space. Compared to the Arbormere and the Cook Farm developments which will cover over 50 percent of their development with houses, garages, driveways and roads, the evidence and the facts are clear that Harper Grove will clearly maintain and preserve the rural character.

One of the Planning Board members at the last meeting commented that he was aware development was coming to Beatties Ford Road and felt that when it came to preserving the rural character of the area Harper Grove versus a residential development is clearly the preferred option. Harper Grove has from the very beginning been diligent about minimizing any impact from sound. Our building site was carefully chosen to use existing topography to reduce any possible noise impact. We have voluntarily offered to restrict the use of live music and DJ amplification to the interior of the building and to limit modestly amplified music during the acoustic ceremony and cocktail hour to 70 dB.

To provide an objective perspective of sound levels, we thought we would share some information with you. We recorded decibel readings at five different banquet facilities as well as multiple locations within Cashion Woods. Each visual reading that you are going to see is paired with a photo of the exact location of where the reading was taken. The evidence and the facts are clear and it indicates decibel readings with a band or DJ while they are playing inside is lower than the ambient noise level recorded at Beatties Ford Road and comparable to the ambient sound level within Cashion Woods. These are the numbers at Brakefield at Riverwalk in South Carolina. A DJ was playing and we have an exterior average 61 dB. This is Daniel Stowe Botanical Garden. There was a DJ playing inside. The exterior average was 62 dB. Daniel Stowe Botanical Garden with a string quartet playing was 71 dB at 6'. This is the Arbors. They are playing with a live band which you may not be able to see from here, but the doors are actually open here and even with a live band playing with the doors open and measurement taken at 15' we still only saw 79 dB. Morning Glory Farms with a DJ in an open air tent, no sides on it, was about 68 dB. One of our local neighbors here, Beaver Dam Historic House has no facility for containing music inside at all. It's an open air tent and we were seeing 60 dB taken at Swaney Lane, which happens to be directly adjacent to the two houses directly behind Beaver Dam. And this is on the property of Beaver Dam. We are about 170' from the actual tent and we saw readings at 70 dB. This is the location of the tent on Beaver Dam Historic House and if you look you can see the houses are super close.....we are talking

223', and we still even then only got readings in the high 60's and low 70's. You look at Cashion Woods.....Savannah Grace Lane and Rhiannon our average ambient reading was 74 dB. At 14415 Rhiannon we were seeing 68 dB. At Rhiannon and Marion Lavern we were seeing 66 dB.

While this evidence indicates sound levels will be low, we went one step further and asked the owners of the two houses closest to Beaver Dam Historic House how the sound affected them. Mary Gallagher said she's lived in the house since it was built in 2011 and stated she barely notices the sound and would have no hesitation purchasing her same house in the exact same location again. Jennifer Stewart said Beaver Dam Historic House has zero impact on her family and described Beaver Dam as background noise barely noticeable and said she has heard louder noise from cars passing by with loud stereos. Please remember Beaver Dam is an open air venue with no building to contain a reception or any live music or DJ music for that matter. All DJ and live music at Harper Grove will be contained indoors. In addition our sound readings taken at Beaver Dam were recorded approximately 140' from the open air tent. Harper Grove's closest neighbor is over 500' away from the main building. The next neighbor after that is more than 700' away and our neighbors across the street at Beatties Ford Road and Cashion Woods are almost 900' away, three football fields away from the main building. We have also voluntarily agreed to submit quarterly sound level readings from each event to Planning for enforcement.

To address concerns about adequate parking we have increased our parking capacity to 142 paved spaces and 32 overflow spaces providing a total of 174 spaces. It's important to remember that 240 guests do not equal 240 cars. We've done traffic studies and Stephen Trott can validate this information, we see about 0.6 cars per person, so we see significantly less cars than the actual guest attendees. With 90 percent of our property undeveloped however there are multiple areas that could serve as additional overflow should that need ever arise. We are highly sensitive to the concerns raised regarding traffic and as part of our discussions with Transportation, we enlisted a Huntersville approved transportation engineering firm, WSP, to collect and evaluate trip data at local banquet facilities. As recorded the highest average peak hour trip count was 38 cars occurring at 10 p.m. With the a.m. peak hour occurring between 10:00 a.m. and 11:00 a.m., the peak hour trip generation from Harper Grove simply does not coincide with morning or evening rush hour traffic. The collected data from WSP confirms Harper Grove's impact on traffic in general and rush hour specifically will be negligible and significantly less than a subdivision would generate. At the June Planning Board meeting one of the Planning members observed that if our land were to be developed residentially, we could expect over 400,000 trips per year versus the 30,000 trips that Harper Grove may generate. There's no question that Harper Grove will have less impact on the roadways and produce less traffic than a subdivision and there simply is no evidence to the contrary.

Finally, it should be reiterated that Harper Grove is a banquet facility, not a restaurant or an outdoor concert venue. The food served at Harper Grove is associated with a specific event and since we are limiting our capacity to 240 guests at non-public events, large gatherings such as those that occur at Rural Hill would not be feasible or allowed at Harper Grove. Our main focus is providing an exceptional location for weddings, meetings, banquets and corporate events. As stated in our application, our facility will cease operation before 11 p.m. with staff and vendors exiting the property by midnight. I would like to leave you with one last observation. The Special Use text amendment as approved in 2012 for banquet facilities in the Rural district recognized the need for preservation and enhancement to the natural environment and its scenic assets, increased economic diversity, hospitality and tourism initiatives and maintaining high design standards for architecture and place making. We feel that Harper Grove not only meets and exceeds the objective criteria presented in the text amendment, but is also consistent with numerous policies in the Huntersville Community Plan and we respectfully ask the

Mayor and the Board to carefully review the factual information as presented and recommend approval for our application.

Commissioner Phillips said are you aware that there's a shooting range behind this property and most of the guys shoot on Saturdays and I would figure that's when most of your weddings is going to be.

Mr. Randle said we have been out there a number of times. We've heard it occasionally but it hasn't seemed to be anything significant. I will tell you one of the things that is beneficial is sound decreases the further you are away from the source and we are about 1,300' away from that shooting range. You can hear it, but it's not like you are at a shooting range.

Commissioner Phillips said like I said, maybe the parking problem on Beatties Ford Road. Would you be willing to pay to put signs up.

Mr. Randle said I can assure you that if that was a concern and it was okay with NCDOT, I don't see any issue with that. I can tell you that the guests simply don't want to leave.....parking on Beatties Ford Road or in Cashion Woods is an inconvenience. And I think it's important to note that it's actually not very close to where the building itself is. The building is, as Jack Simoneau pointed out, way into the property itself and we have oriented the building and the parking lot to be close to each other, so parking on Beatties Ford Road itself simply is not practical. We have 30 acres here. We're putting in a gravel parking lot for 174 spaces with overflow. Every single person would have to drive to an event to use every single space.

Commissioner Kidwell said you talked about the catering services. Are you going to have an onsite kitchen or is everything going to be outsourced.

Mr. Randle said it will have a catering kitchen, so everything will have to be brought in.

Commissioner Kidwell said you'll have the kitchen, but.....

Mr. Randle said but someone else will bring the prepared food in.

Commissioner Kidwell said in terms of traffic, will there be a turn-lane into this site.

Mr. Simoneau said there are turn-lanes that are into the residential subdivisions and this would have to be striped for a left-turn lane.

Commissioner Kidwell said thank you Commissioner Julian for bringing up the lighting and discussing that. And you say we currently don't have any.....do we not have an ordinance with decibel.

Mr. Simoneau said we have a Noise Ordinance. It does not have a specific decibel standard.

Commissioner Kidwell said what's the fine on that.

Mr. Simoneau said I have the Noise Ordinance here {inaudible}. This map right here shows the turn-lanes that are into the residential subdivisions and what would happen is this area would have to be striped for left-turn lanes into the property.

Commissioner Neely said I applaud you for all of the detail that you put into this submission and the amount of work that's gone behind it. Could you define cocktail hour. In your write-up is that from 10 to 11 or is that from 3 to 4.

Mr. Randle said that's a wedding industry term for the time between the end of a ceremony and when the reception begins. That's typically when family photos are taken. The ceremony is over and they have a cocktail hour which is typically light hors d'oeuvres and usually light acoustic music and it's a time for everyone to leave the ceremony area and start making their way towards the reception. If you have a 5 p.m. ceremony, that's from 5:30 p.m. until 6:30 p.m. typically.

Commissioner Bales said just for clarification for my piece of mind, the topography will not change.

Mr. Randle said I'm so glad to hear you ask that question. If you look at the plan right now, the parking lot is the very highest location of the property and it all goes downhill from there. Our intent and our siting of the building has always been intentional to take advantage of the topography. Earth is the best natural dampener for sound and we want to use that to our advantage, so you will see that the building is actually slightly off center and it's also aiming towards the deepest part of the ravine. If you look at that curved area just behind the outdoor reception area, it plunges about 30' down a ravine there and we have located the entire facility aiming towards that back area where there's nothing back there at all.

Peter Brengel, 5923 McDowell Run Drive, Huntersville, said that's in the Riverdale subdivision. There actually isn't a turning lane into my subdivision. It's a partial one. It kind of disappears as you enter. There's enough room for a police car to park at the right-of-way but as you enter my subdivision the lane disappears so we actually have to merge back into the lane, but that's neither here nor there. The issue that I would like to raise, the consumption of the alcohol and how that's going to be controlled late at night. I'm a nurse. My wife is a nurse and my daughter is a nurse. My wife and daughter do shift work and they frequently drive down Beatties Ford Road since it's been here before Huntersville was even incorporated. It's a two-lane farm to market road with shoulders approximately 6" wide and there's many areas, I know they go around every year and put some sand in, but if people swerve off the road slightly.....actually on Gilead Road a couple of months ago I saw a police car that was in a horizontal position on the side of the road off Gilead Road. I just want to know how public safety is going to be protected when 240 people are leaving. Weddings are notorious for people becoming inebriated and maybe just one or two and I want to know if Huntersville is going to have the liability. In their plan they say they are going to have two off-duty police officers at the event. I think that's a good idea for the police officers to have part-time work since I think they are underpaid, but I just wonder if there's a conflict of interest there and also I'm just worried when people are leaving at 11 p.m. and they are driving down the road, there might be one or two intoxicated people that might cross the yellow line and kill another resident of Huntersville. I've been a registered nurse for 30 years and I've taken care of many people that have been in serious car accidents, so I think that's an issue. I also question if you have 157 parking spaces and only 240 people, why do you even need overflow parking and how are they going to prevent people that are slightly inebriated from wandering into Cashion Woods and ambling down our streets late at night and maybe going on our property to do things that inebriated people do, which I wouldn't appreciate. I think that has to be considered. As Commissioner Julian pointed out, positive contributions of corporations that don't require any services.....well I think this is a type of entity that's going to require a lot of services late at night – phone calls.....how are you going to keep people from yelling, horns honking late at night and things like that. I just would like those things to be considered and also the liability of inebriated people driving down the road. I wouldn't want somebody to sue the Town of Huntersville since they approved it.

Jerry Broadway, 6420 Savannah Grace Lane, Huntersville, said I would like to thank you for giving me this opportunity to talk to you this evening about a matter of utmost importance. You will hear many speakers tonight talk about a lot of different issues related to this proposed banquet facility. I'm going to tell you that I agree with all of those concerns, but I will focus my comments on one aspect of this issue. The main overriding factor that you need to carefully consider as you vote on this issue is the Beatties Ford Road Corridor Small Area Plan. This plan was adopted by this Town Board on September 19, 2007 and it calls for three "mixed-use hamlet centers" along Beatties Ford Road all of which are located at major intersections. And you see those on the drawing that's on the screen and on your individual screens. These centers are located in the south at Mt. Holly-Huntersville Road, in the middle at Hambright Road and at the north at NC 73. The site of this proposed commercial banquet facility is not located in or near any of these designated commercial mixed-use areas and is contrary to the recommendations of the Beatties Ford Road Corridor Small Area Plan. Two of the primary goals stated in that plan are to establish a long-term preservation vision for the corridor and to influence the form and design of future commercial development. And I would like to quote from this study when it comes to land use it says the study area will continue to develop as a low density, predominantly residential district. Commercial development within the study area will be focused at NC 73 and the Mt. Holly-Huntersville Road areas with the third being at Hambright Road. It goes on to say "Future commercial development, new mixed-used retail and office centers should be located at the north NC 73 and south Mt. Holly-Huntersville Road ends of the corridor." Let me be clear, commercial development does not preserve the rural character of this corridor nor does it adhere to the concentration of commercial development within those nodes identified by that plan. The proposed facility is clearly not in keeping with the above stated goals of the small area plan and should not be approved at this location. Other more suitable locations exist along Beatties Ford Road and are available within the designated mixed-use hamlet centers. Throughout this Beatties Ford Road Plan reference is made to preservation of the historic rural character of the corridor focusing commercial development at the north and south ends of the corridor. For preservation of the historic rural heritage of the corridor this proposed development is contrary to these goals. In closing I would like to just say that one of the things that attracted me and my wife Linda to this part of Huntersville was the quiet rural character that we have there – horse farms, green fields, quiet rural residential areas attracted us to there. This proposed facility, if approved, would change forever the unique character of this area. The proposed facility is not in keeping with this rural residential development of Beatties Ford and I urge you to vote to deny it.

Nancy Finizio, 14306 Rhiannon Lane, Huntersville, said with regards to the Special Use Permit application I would like to first look towards the future and the Town of Huntersville's Small Area Plan for Beatties Ford Road, which is on the screen. Per the plan as Mr. Broadway had mentioned also there were three areas designated for mixed-use type development on the Beatties Ford Road Corridor, one at the northern end with the junction of NC 73 where a gas station and other businesses already operate. The second area per the Plan is 4.3 miles south on Beatties Ford Road at the intersection of Hambright. It has not been developed yet. The third is further south in the Long Creek and Mt. Holly-Huntersville Road section of Beatties Ford Road which has mixed-use development already. The land which we are discussing tonight that the Special Use Permit is being applied for is not in one of the three areas for mixed-use type development per Huntersville's Small Area Plan. Approving this application would go against the plan which the Town has put in place for the Beatties Ford Road Corridor. Secondly, the abutters to this land are active long-time family farms whose families' livelihood and animals would be negatively affected by a banquet facility next door as would the residential areas nearby. Some of the concerns are traffic, noise, alcohol use, hours of operation, activities which do not mesh well with farm activities and the fact that the Town does not have resources currently to enforce the conditions of the permit on a regular basis. Thirdly, if this permit were to be approved the permit

remains with the land so in the future currently unknown owners would be the custodians of this land and its use. Due to the intentions of the Small Area Plan to not locate mixed-use type development on this land, the location next to family farms and residential areas with the concerns of the commercial aspects of a seven day a week banquet facility with parking for over 140 cars and up to 240 guests per event and the fact that the permit would remain with the land, I respectfully ask that the Town Board deny this application.

Barbara Mariano, 14415 Rhiannon Lane, Huntersville, said we are the first house in Cashion Woods. We bought our home nine years ago after we fully investigated the area to be zoned Rural with no commercial sites in the area. On June 23 six members of the Planning Board voted to allow a large commercial banquet facility to be built right between a beautiful horse ranch and a large farm on the other side with a quiet neighborhood across the street with 120 families. I ask you to reconsider our objections on noise, lighting, traffic, alcohol consumption and the long operating hours of 8 a.m. to midnight and please reject the variance permit to keep our area Rural as originally zoned.

Paul Mariano, 14415 Rhiannon Lane, Huntersville, said I wasn't going to talk about sound level tonight, I was going to talk about something else, but a lot of figures were thrown around about dB levels. Sound does not travel in a direct line, it bounces. Running around with a Radio Shack sound meter is not a sound analysis. The questions you have to ask are who built the equipment, what is its percentage of accuracy, who used it, was it calibrated, was it calibrated by a standards lab, what were the temperatures, humidity, wind direction, all sorts of atmospheric conditions can affect sound. Until all of those factors are put into this analysis, running around with a meter saying 61 dB has no meaning. As previously noted the 70 dB level is a self-imposed because your ordinance does not specify a level. The other thing I want to talk about, it seems like the Planning Board and staff was answering the question why shouldn't this be built. The question is why is it being built. What good does it do. Why is it being built and interjected in between some nice farms across from a residential area and alongside a rural road. Please when you look at this and you consider it, don't say well why not, why shouldn't I allow it....look at it and say why am I allowing it.

Briana Randle, 1959 Abbott Street, Charlotte, said I am here to support Harper Grove. I am a co-founder and owner of Love Shutter Photography, a portrait photography studio that was started 5-1/2 years ago right here in Huntersville. I went to school here. I'm active in my church and I am one of the charter members of the Lake Norman Wedding Professionals Group. I am a wedding industry expert. Wedding photography is how I make my living and keep food on the table. Having photographed over 80 weddings, I was really surprised at the June 23 meeting to hear such wild speculations in conjuncture about how a wedding day unfolds and how a wedding might impact the neighbors, specifically the traffic, noise and safety. I don't know what kind of weddings you have been to in the past but every wedding that I've been part of and photographed has been one of the most joyous and respectful occasions. I know TV shows like Bridezilla and My Gypsy Wedding make weddings out to be some sort of out of control frat party meets the Jerry Springer Show, but I'm here to tell you from my personal firsthand experience that is just not the case. I'd like everyone here just to remember and think back to the last wedding that they attended. Were the police ever called to break up a fight. My guess is that your answer is going to be no. I can honestly say that in all the weddings I've ever photographed there has never been a single issue where the police were called because of safety concerns – never, not one. There's also been a significant amount of conjuncture regarding all day weddings. Hopefully I can shine a little bit of light on that situation. Based on my 5-1/2 years' experience as a professional wedding photographer this is what an average wedding would look like of 150 guests with a ceremony time starting at 5 p.m.

8 a.m. Harper Grove Venue Coordinator arrives.
11:00 a.m. – 3:15 p.m. Bridal party gets ready.
3:15 p.m. – 4:30 p.m. Bridal Party and family portraits are taken.
4:45 p.m. The string quartet will begin as guests arrive and are seated. Keep in mind at this point the bride, groom, bridesmaids, immediate family members, grandparents, the flower girl, the ring bearer, their parents, the ushers and all the vendors are already there at the wedding venue. The average peak hour trip count is 38 cars.
5:00 p.m. The ceremony begins.
5:30 p.m. – 6:30 p.m. Cocktail Hour and newlywed portraits.
6:30 p.m. The wedding party is announced into the reception and from here on out, everything is indoors.
7 p.m. – 8 p.m. Dinner served.
8:10 p.m. – 8:30 p.m. Cake cutting and toast.
8:30 p.m. Dance floor opens.
10:00 p.m. Last call for alcohol.
10:45 p.m. The last dance.
10:50 p.m. The newlyweds exit.
11:00 p.m. Vendor breakdown.

As you can see it's clearly not an all-day event. I stand in complete support of Harper Grove and I ask the Mayor and the Town Board of Commissioners to weigh the facts and to vote in favor of Harper Grove.

Keren Chevere, 1959 Abbott Street, Charlotte, said I am here to say that I'm in favor of Harper Grove. There has been a lot of speculation about what it's like to live next to a banquet facility and I'm here to state the facts of what it's really like. I live down the street from one of Charlotte's busiest banquet facilities, Byron's South End. If you were to Google my address you would see just how close I live to Byron's wedding venue. To be precise, it is 570'. Harper Grove would be 751' away from its neighbors to the south and 531' away from the neighbors to the north. If you were to walk out onto my balcony you can clearly see Byron's South End because there is nothing between Byron's venue and my balcony other than an open air parking lot – no trees, no busy streets, no tall buildings, nothing. Nothing to block any sound that you may hear. As a matter of fact, my bedroom window overlooks the venue and in my year of living at this location I've never had any issues with the noise or with the venue. Similar to Harper Grove, Byron's South End is an indoor banquet facility that holds up to 330 people and they have wedding ceremonies, events, cocktail hours in an outdoor courtyard with amplified and acoustic music. I have never been affected by the sound or the traffic and I don't question my safety with it being less than 600' away from my house. I am easily able to relax after a long day of work. Byron's South End has had no impact on my quality of life and I am sure that the Town of Huntersville will not have any problems with having Harper Grove as their neighbor.

Rebecca Lee-Bryk, 6612 Marion Lavern Road, Huntersville, said I'd just like to say a few things since we didn't get the opportunity at the Planning Board meeting to rebut anything that Mr. Randle or staff had to say. First I'd like to make it clear that I have nothing against weddings or change. That being said, Mr. Randle assures us he will follow to the letter the guidelines indicated for a Special Use Permit including controlling noise levels, no overtime, clearing out all guests at the prescribed time, his words in half an hour, and ensuring no one will drive under the influence. My husband of 31 years and I have five weddings between the two of us and in all my experience not once have I seen a DJ or band lower the volume on the music or refuse to accept extra money to play longer. I haven't been to a wedding where no one was under the influence or for that matter clear out of a wedding hall with the max of possibly

240 guests in an hour. These are concerns of everyone here with no guarantees by the Town that the Special Use Permit will be revoked if there are complaints that are bounded in fact. At the Planning Board meeting it was indicated the Town would have to monitor the parameters of the permit. How much will that cost and why should I or anyone else as a taxpayer have to pay for that. How much tax revenue will be generated by this banquet hall to warrant the alienation of your constituents. The subject of change was brought up.....that time doesn't stand still, that we need to accept change to the rural and residential feel of the Beatties Ford corridor. Change is good as long as it benefits everyone, not just one person. I welcome change as long as there is a benefit. Ten years ago my husband and I moved from New York for work. We worked in Manhattan for many years, enjoyed a three hour commute every day and wanted a change. We specifically picked out the Cashion Woods subdivision for the rural feel.....the road less traveled, so to speak. That feeling of tranquility will change with a commercial property directly across the street. What is the benefit, the pay-out. What do we get – more traffic, more noise, more people cutting through the development. No one has shared the benefits with us, just what Mr. Randle will gain. If someone can show me a tangible benefit to the Cashion Woods subdivision, I would consider rethinking my stance.

Nathan Sipp, 13621 Hagers Ferry Road, Huntersville, said I am the owner of the southernmost subject property. I just sort of want to offer some insight. Interestingly enough if it matters or not, I've tried to somewhat responsibly sell the property, if that matters. In fact I have taken significantly less money than other offers from developers in order to have Mr. Randle as the buyer. So far the interested parties include a charter school, two big name developers that work in conjunction with big name homebuilders, one interested private party and then there are two developers in line now as well. I just want to sort of make that be known such that I don't know that would change anything that the Board is going to consider, but unfortunately I have to sell the property and so I need to sell it to someone. Ironically I selected Mr. Randle as probably the path of least resistance that would be the best neighbor that would be maybe the best use and in using 3 of the 30 acres preserving some of what is there. Fortunately for us our town is changing. There's a lot of development coming with the approval of the huge subdivision behind it. It's going to change the landscape anyway. I thought in my opinion that their use was a pretty darn good thing to look at and the Randle family I found to be doing what they say they are going to do thus far and I am in support of it, but I understand all of your concerns.

Julie Barnette, 14700 Beatties Ford Road, Huntersville, said I'm directly next door to the proposed business. Mr. Randle's business could be bringing in 400 strangers every weekend that never knew these neighborhoods or our farm existed. There are zoning ordinances to protect against this very thing. The Town's own philosophy states that it isn't allowed. It was previously mentioned at a Planning meeting and this meeting that two off-duty security guards were going to be at every event. Dan Boone asked if they were for traffic control or for security and Brad Priest replied and I quote "Staff did not foresee them as traffic control but for security purposes." This means that they acknowledge that security is an issue. We are concerned about noise, traffic and lights, but my main concern is my family's privacy and safety. I have three children and an elderly mother and multiple animals living directly next door. It looks far away from the photos, but I promise you it is not in person. From my porch you can see the building. From the upstairs windows you can see the entire area. I have children swimming and playing in the backyard, all three teenagers and it will take up to 15 years for the trees they plant to provide any adequate privacy. Once this is in place no longer will you see trees, you will see a parking lot from my front porch. And keep in mind my horses are not 520' away. How will two people be able to patrol 30 acres and keep people from crossing over to our property trying to pet, maybe feed our animals or exploring the farm. If someone calls to book the venue, there are no background checks being done and just because some of the events might be weddings it is still strangers drinking next door until midnight. I'm now quoting from the minutes from the Planning

meeting. Dan Boone commented that Mr. Sipp will sell his property either to Mr. Randle or someone for 25 percent more money. Mr. Boone felt that the rural aspect is wanted to be kept, but also that development is coming and the wedding venue is probably the lesser of the two evils. First thing, this isn't only a wedding venue. Second thing, Mr. Sipp's property is not the one housing the venue, not the majority of the venue, it's Mr. Berk's 10 acres. Those 10 acres are directly beside us. It was told to my husband that Mr. Berk was going to rebuild it for his new family, never intended on selling until developers aggressively continuously contacted him. It is bottomland and there's not much use for it other than something like this. When you have a neighborhood, you have neighbors. You have accountability. If one of my neighbors throws a beer can on my property or tries to get my horses to drink beer, they will be accountable. With strangers next door every week then you don't have that accountability, so to me strangers are the more evil. Isn't the fear of strangers what prompts neighborhood watches anyway, so therefore respectfully I disagree with Mr. Boone. There already have been numerous restrictions placed on the permit – traffic, noise, light concerns, vendor concerns, fireworks concerns and trust me grocery store fireworks scare animals to death too. So, for all these restrictions placed on the permit it seems like already it's too much to ensure our safety. It should not be passed because the best intentions go wayside when there are bills to be paid. There are multiple more appropriate rural sites for sale all over for such a business where the neighborhood will not be affected and we wish developers luck on adding to their already flourishing photography business and what not, but please not at our expense. We wouldn't also want to steal from Rural Hill which is right up the hill and that would be not beneficial to our taxpayers. Please I respectfully ask you to consider my family's safety and deny it.

Trey Barnette, 14700 Beatties Ford Road, Huntersville, said this is a quasi-judicial meeting so I'm just going to get to the point. First of all, this is the application for a Special Use Permit for a banquet facility. This is probably an appropriate use for rural farmland in a countryside setting away from the suburban areas, but this is Beatties Ford. Beatties Ford now is a very established community with homes all around. There is some farmland around, but here's an issue that I have with this. There's some issues with this application that's been presented that's been publicly put before us. First of all the property owner that has signed this application owns less than the 10 acres that are needed to meet the application requirements. Secondly, the owner of the other property shown on the application did not even sign the Special Use Permit. Thirdly, on the permit provided one of the parcels listed on the application is not even a valid parcel number. This is public information and for these reasons I think this should be omitted from this Board and done away with. In regards to this business, this is impeding on us. This is a safety issue. Like Mr. Randle's daughter said, she said that she's been to lots of weddings where there were not police officers needed but even with their business plan they need two officers just to open the doors. There's a problem with that. We've become great friends with the people and the neighbors across the street. Like Julie said I would rather have neighbors that are accountable instead of having 250 guests here on the property every weekend.

John Binnie, 14412 Beatties Ford Road, Huntersville, said I concur with a lot of the comments that are being made tonight. One of the biggest issues that I have, I own the property that is immediately to the south of this proposed development area and we keep a number of animals on there including horses, cows, goats and it's fenced in, but it's human nature that people are going to want to go and look at the fence and look at the animals and sometimes it's because it's human nature they are going to want to pet them. Not all animals are pettable. Not all animals are able to be fed. People are going to climb fences and quite frankly I'm just concerned about the safety of my animals. The second thing is that this is a commercial operation. If you approve it you are now going to surround me with three commercials – this one, the shooting range that was referred to before behind me which incidentally exceeds the 70 dB level according to my meter regardless of the humidity and temperature especially when automatic

weapons are fired, sometimes by the Huntersville Police Department. Thirdly, I have a commercial operation of dog breeding on the other side where there's sometimes as many as 40 or 60 dogs at one time. If you approve this you might as well approve the whole Beatties Ford Road as one piece of commercial development.

Erin Padgett, 12406 Kemerton Lane, Huntersville, said I'm here in support of Ron Randle and Harper Grove. I have been a Huntersville resident for about 7 years now and I am a full-time wedding planner. That is my job. It is not a hobby that I do on the side. It is something that I do day in and day out seven days a week. I can speak highly about a wedding venue and what happens there. I've been in the industry as a wedding planner in different capacities for almost 6 years now and in that time I've done well over 100 weddings and never at a single one of them has the police been called out for any situations with noise, any situations with alcohol. What you have to remember, and again you put yourself in the position of being at a wedding, you like to have a good time and the guests want to have a great time but they also want to be respectful of the bride and groom and they don't want to be that person that creates a problem with alcohol. So as Briana Randle was saying I think the media and people get a bad rap for what weddings are. They are actually really nice affairs. The typical wedding reception is four hours. I think that even though the facility itself would have 8 a.m. until midnight as hours, the actual time that people will be on the property is much less. The vendors may be there ahead of time but that's not causing any trouble with noise or traffic. That's indoor situations and they all come over a span of about three hours. And then you have, just as Briana was giving you, a four hour reception. You have a ceremony that's usually 30 minutes, a short cocktail hour and then four hours and then everyone is out the door. The reason for a send-off at the end of the evening is so that everyone leaves at the same time, so you don't have that issue of trying to get people to leave over the course of an hour. They all leave the same and again it's been noted that 38 cars is kind of the standard here or the average. The other thing people were talking about was parking and you may or may not know this but 60 to 70 percent of all weddings use shuttles because they want to provide that transportation for their guests so that they can get as many guests as they can from one location to the other be it from a hotel or a home that they are staying at to the venue and then again at the end of the night ensuring the safety of all their guests to get home if they've had too much to drink or even if they've had a little bit to drink it allows them to go. That also cuts down on the number of cars that will be at the actual venue. Typically for me there's at least two shuttles at seven out of ten weddings of mine. So the situation of traffic or parking issues I don't foresee being any issue. The economic development that weddings bring to the town of Huntersville is much larger than I think people think. Not only yes it's bringing money into my pocket, I'm not going to lie I'm a wedding planner, and it brings money to Ron Randle for this property, but it brings it to the local hotels, the restaurants, the small businesses in the area. If you own a doughnut shop or a bicycle shop or an ice cream shop, the guests that are coming from out of town every weekend are going to be spending money in those businesses so it's highly encouraged that you would have this facility and bring people here and get them to be aware of Lake Norman and spend money in the small businesses. The other thing that I think is really interesting about Harper Grove that no one has touched on is that not only is Ron Randle wanting it for weddings and banquets, it's also for non-profits or charitable activities so it is better for the community than just for weddings.

Brandy Childs, 13232 Kennerly Drive, Huntersville, I have lived in Huntersville for about 7 years now. I'm actually off of Beatties Ford on Jim Kidd Road. I'm about a mile from where Harper Grove is going to be. I kind of just want to tell you a little bit about my background. I recently left a venue that I worked at for about 2 years in Rowan County.....amazing facility there. I wanted to kind of share with you my experience and I think one thing that no one has really touched on yet is the contract. Every client is going to sign a contract with Mr. Randle. In that contract Mr. Randle can kind of dictate what he wants

to allow or not allow. At the venue that I worked at a lot of that was dictated by the noise ordinance in the county that we were in. We had a stop time of 10:30 p.m. I think Mr. Randle has said that it would be 11 p.m. That will be dictated in that contract. One thing with contracts is that it's not just a 20-something bride and groom that are coming to sign that contract. A lot of times mom and dad are there for that decision too, so it's really a family affair and they are all there to be part of making this commitment, having a little skin in the game, for their wedding planning process and just want to point out that with those contracts along with that comes not only your deposit for the venue but also comes a damage deposit. Mom and dad want to get that damage deposit back. They've spent a lot of money for this wedding and if they could recoup some of that money when everything is said and done then they will do it. Our damage deposit at the venue I worked for was about \$1,000, so if that's something they can recoup they want to do it. If they don't adhere to what's listed in that contract, then they will lose that damage deposit. I just want to point out that Ron can dictate what he wants in that contract and if the client doesn't adhere by that then they may lose out on getting their damage deposit back or possibly having their rental canceled. That's just a point I wanted to bring up. Also reiterating what Erin had said, it's not a frat party. This is a classy event. There's more than I would say 60 percent of the guests that are coming are going to be family members. I think a lot of people have the perception that it's all 20 to 30 year olds that are just going to throw down and have a great big party. Most weddings, I would say 60 percent or more is family members. So it's people who are a little bit older, they might have a drink or two but they are surely not going to be throwing beer cans on the neighbors' property afterwards. Again that could result in losing that damage deposit.

Commissioner Julian said first of all we sit up here and we have two sides looking at this property. First of all I'm going to make a couple of statements. The Beatties Ford Road area is a great area. It's rural, but it's changing. We've approved.....not really approved, they are almost by default many residential home subdivisions down there. There's two or three going right now. So the rural character of Beatties Ford is going to change. I can't stop it. I legally can't stop it. It's going to change. Landowners have rights, too. With saying that, I sit here and look back and listen and read. What would be the best development on this property. My decision is yes, this banquet facility. Do I want 40 low end homes there. Do I want a charter school. If I lived beside it, I wouldn't. I'll right up front tell you I don't know Mr. Randle. I haven't met with him.....never met with him at all. I've been here in Huntersville since 1979. When we moved here there were 800 people. Now it's 52,000 people here in Huntersville. It's changing. It's going to change. There's no stopping it. The plan that the property owner or Mr. Randle, I don't know who came up with the plan, put forward does meet the rural aspect of what I think you guys would want down there. I think that as far as two police officers I think that's a little much and let me tell you Huntersville is not paying for these police officers. He'll have to hire them off-duty. We don't provide that. He's committing to hire them. I would like to see the Board change it to one per 100 rather than up to two max because you are putting un-do financial burden on him. Land rights.....Mr. Phillips owns 34 acres down there on the corner of where he sits and politics and he wants to develop that. Is that his right to develop it. Yes. He has rights, as long as he don't infringe on his neighbors. I heard what is this going to do for me. That's one of the words I heard out there. What you should be asking is does it infringe on my rights. And the answer is no. I want to recommend approval of this. I think if you look and he's going to sell it, plus the property beside you is going to get sold. That farm is going to get sold. Things are going to change. I wish I could stop it. I can't. I'm going to recommend approval on this.

Mayor Swain said is that a motion.

Commissioner Julian said yes, I will make the motion – Petition #SUP15-02 is a request by Ron Randle for a Special Use Permit to develop a banquet facility, Harper Grove, in the Rural zoning district. The

location of this property is 14532 and 14520 Beatties Ford Road. I recommend approval because in my view it meets the rural characteristics of the Beatties Ford Road area.

Commissioner Kidwell seconded motion.

Mr. Simoneau said the motion needs to also have findings of fact behind it.

Commissioner Julian said the findings of facts are that the facility meets the rural characteristics that are specified in the Beatties Ford Road Small Area Plan.

Mr. Simoneau said there's certain criteria that the applicant has to meet.

Commissioner Julian said what you are asking about if you will put that back up I will add that to my motion. What he's asking about involves the noise containing to 70 dB.....

Mr. Simoneau said the findings of fact if you look in your agenda packet you will see criteria and then findings. When the Planning Board made their recommendation of approval and it was a split vote, it was the facts.

Commissioner Julian said findings of fact include set up and break down from 8 a.m. until midnight, the event must comply with noise restrictions identified in the Town of Huntersville Noise Ordinance whether or not the property is located within the Town corporate limits, that the use will be located on a lot of at least 10 acres in size with a minimum of 30' of frontage, and I will include the rest of the findings.

Mr. Simoneau said so as the staff had put in the Staff Analysis those facts are the facts that you are suggesting support making a recommendation of approval.

Commissioner Julian said yes.

Commissioner Kidwell seconded motion.

Commissioner Kidwell said thank you to the 14 people that came in here and for your presentation. I read over this time and time again since we received the packet and as far as the business aspect I do have several years of service industry on my resume. A lot of what you voluntarily have agreed to I'm just going to say this, I wish you the best because that puts a lot of restrictions on you, but you did that to work with your neighbors. Things that they are saying about weddings.....I recently was at a wedding out of state, similar venue to this, it was in a rural area. There were about 180 people there. Most of them were shuttled in. There were probably about 60 cars. I think this type of venue in the area will help and as Commissioner Julian said, maintaining the rural aspect it's going to give us.....I'm not looking at the economicbut it's going to give us a break up from subdivision to subdivision to subdivision which is potentially going to happen down Beatties Ford Road with the already high traffic counts that we have and this could help break that up. You talk aboutrights and they want to sell their land. We have one person that is a part of this process who is looking at the type of people who want to buy his land. I lived in Atlanta for a number of years and people would sell land to the highest bidder. They did not care what went in there. I saw apartments go up, I saw 100 homes with lots the size of the foyer out here. We have someone who is still looking for the character of the land. It will be upon the landowner or the business owner to control whether it's two police officers out there. If the music does get loud I'm sure that the Huntersville Police Department will go out there. They need to be

a good neighbor, especially with folks who have animals. Someone mentioned fireworks. I know we've addressed fireworks in this, but loud noises – that thunder that we heard earlier sends one of my dogs into a closet. That happens. I would encourage you to definitely work with your neighbors.

Commissioner Neely said this is a tough one. I've read through this several times and listened to everybody tonight and I thank everyone who took time to come out tonight and express your opinions. Change is never easy. And unfortunately not everyone will always be happy. What makes this more difficult for me is the concern over animals because I like everybody in the room is an animal lover. I'm concerned and I listened to your concerns. After reading through once more and listening to your concerns I've decided that I will support this measure because I believe it's the best possible outcome versus additional subdivisions or a charter school. And again I thank everyone for coming tonight. I appreciate your comments.

Commissioner Phillips said I've tussled with this one real hard. My biggest thing is this is under quasi-judicial. We are a judge. Essentially you are looking at the judges up here. We have to listen to the facts and weigh them to what the intent of the ordinance is. That's why I am going to make my decision in favor. I think it gets into the property rights side of it but the applicant has met all the qualifications. In the spirit of what the ordinance is, they've met it and overwhelmingly. I feel compelled for you, but at the end of the night the facts are the facts.

Mayor Swain said Commissioner McAulay, I'm going to let you speak in just a minute but I received a text and I don't generally look at them but I wanted you to know something based on that exit. The storm that we heard earlier, I'm understanding that it hit pretty hard. So I'm asking you all when you leave to please be very careful. We have trees, power lines that are down. It looks like McCoy is closed between Hambright and Beatties Ford. There have been several fire alarms, too. So I am asking you, no matter how anything falls out for you in this, we look out for each other, so please be careful.

Commissioner McAulay said I would like to ask Mr. Simoneau a question. It was brought up that the application is probably invalid or they didn't use the word invalid but they said that the property ID was misidentified. It looks like that there was a correction in pencil. Are you familiar with what I'm talking about.

Mr. Simoneau said we actually have two applications, so the only application we put on there was just the one property owner. We actually have both property owners.

Commissioner McAulay said but they identified where it says Parcel ID number. I feel sure that this was checked out, I just want to verify that the change apparently on the last that 01541006 was changed to a 5. And that's the correct. These are the two correct parcels.

Mr. Simoneau said yes.

Commissioner McAulay said and then the comment was made that it was only signed by a partial land owner. Apparently this property is owned by several individuals. My guess is that it comes from an estate.

Mr. Simoneau said there are actually two applications for two properties. You can kind of see one property here and another one here and so we actually have an application for two properties. I believe what the person is talking about is when you go online I believe just one was scanned, not both of them but we do have both applications.

Commissioner McAulay said and one was signed representing the family. I just wanted to clarify before we vote. I do plan on supporting it. It seems to have met all of our zoning requirements with the idea that they have developed along the adjoining property lines and have an application that's approved through the various sections of our development ordinance. I would like to address the rural aspect. Some of you that have moved here, that's rural. That is not rural to me. I have lived here my whole life and you may not know but in the 40's and 50's actually Beatties Ford Road has always been a major traveled transportation to and from Charlotte and there was a bus line that took people into Charlotte to jobs....the Blue Goose was the name of it. I understand people wanting nothing to develop around your home. I also was in a protest petition a long, long time ago but I do think the property owners have a right to sell their land, a buyer has the right to develop it according to our zoning ordinance and our development ordinance.

Mayor Swain called for the vote to approve Petition #SUP15-02.

Motion carried unanimously.

Petition #TA15-01. Petition #TA15-01 is 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.

Commissioner Julian made a motion in considering the proposed amendment TA15-01 to amend Article 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 and it is reasonable and in the public interest to amend the Zoning Ordinance because it is consistent with the policies of the Huntersville Community Plan and it's consistent with the Bryton Design Guidelines.

Commissioner Neely seconded motion.

Motion carried unanimously.

Petition #TA15-02. Petition #TA15-02 is 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.

Commissioner Julian made a motion in considering the proposed amendment TA15-02 to amend Article 4 (Attached House Rear Yard) of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with the policies of the Huntersville Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it provides the development community multiple options for achieving higher densities and lot size choices that are key to creating vibrant, Transit-Oriented developments with different housing options.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Petition #TA15-03. Petition #TA15-03 is a request by the Town of Huntersville to amend Article 7.7.3(a) of the Zoning Ordinance to modify the residential lot tree requirements within the Transit-Oriented Development – Residential (TOD-R) zoning district.

Commissioner Kidwell made a motion in considering the proposed amendment TA15-03 to amend Article 7.7.3(a) (Residential Lot Trees) of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with the policies of the Huntersville Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment provides a greater development option to achieve the goals of the Transit-Oriented Development zoning districts.

Commissioner Neely seconded motion.

Motion carried unanimously.

Service Contract. The Main Street upgrades project is intended to provide additional capacity and an alternate route to NC 115 (Old Statesville Road) through Downtown Huntersville by upgrading Main Street and providing connections to NC 115 at Mt. Holly-Huntersville and 4th Street.

After discussions with Parsons Brinckerhoff, whom previously worked on the Main Street Improvements Project, a contract for the Environmental Permitting and Engineering Services was received by Engineering & Public Works for the Main Street Improvements (two-way pair) Project. Parsons Brinckerhoff, Inc. has previously worked on this project with the Town and is familiar with the permitting process required to secure the required environmental permit.

It is Staff's recommendation that the Agreement be accepted and a service contract executed so that the environmental permitting phase of the project can begin.

It is projected that the total cost for the project is \$280,346.53 with an anticipated completion date of 12 months from notice to proceed.

Commissioner Julian made a motion to authorize award of Project Development, Environmental and Engineering Services Contract for the Main Street Improvements (two-way pair) Project to Parsons Brinckerhoff, Inc.

Commissioner Neely seconded motion.

Commissioner Julian said this is one of the most very important decisions we are making tonight because this starts the implementation if you want to call it or at least the planning for the two-way pair. I'm excited about it.

Commissioner Phillips said this has been an ongoing conversation with me and Max and even the Town Attorney earlier over ownership of documents and I will not support this until that's changed.....Article 14 in this.

Commissioner Julian said Commissioner Phillips said would you accept a friendly amendment that will state that.....Max, can we have that change.

Max Buchanan, Public Works Director/Town Engineer, said I've got a change I can hand out. What I did is I printed the amendment. It's still ownership of document which is typical in the professional engineering industry. You are not really paying for a product, you are paying for their experience, their knowledge, their time in putting together those services. In other words all the documents and drawings are their intellectual property. This provision is typical in professional engineering. It's

actually professional conduct. It would be unethical for me to take their design and apply that to something else. As a registered licensed professional engineer I would not do that. I've got a provision that was included in the US 21/Gilead for STV. The language is a little bit different. It elaborates a little more. I think Bob is okay with either. We talked to PB and they looked at the modified language and they are okay with that. I don't know if it's going to make a difference for any of you but I'll be happy to pass it out and let you look at it.

Commissioner McAulay said so this is a modification to Item 14.

Mr. Buchanan said yes, it's Article 14. It doesn't eliminate the ownership of documentation, it verbatim matches the 21/Gilead language. It just substitutes PB the engineering firm with STV which is the US 21 Gielad with PB which is what we are considering.

Commissioner Phillips said we are paying \$280,000 for this and. When I built my house I bought the architect drawings. They are mine. I can use them over and over and over again. This here we are basically letting Parsons Brinckerhoff.....we can use copies of this intellectual property that we are paying for and they get to use it and continue to bill us for it. What if we do the Red Line down the road. What number of projects where roads are going to connect to the two-way pair are we going to pay Parsons Brinckerhoff again. So the intellectual property just because you say it's an industry standard, that don't mean it's right.

Mr. Buchanan said I think it's stood the test of time.....engineering is not a new profession. Again as a licensed professional I would not want to go to the effort and put forth and provide to an owner a design with my name and my seal on it that I am held responsible for, for the owner to then take that and give it to someone else to do something else with that I have no control over. I would say that we are not buying documents, we are paying \$280,000 for 320 man days of service. That's what we are paying for. We are paying them to invest time and effort and knowledge to put together this service.

Commissioner Julian said Commissioner Phillips I think and Max maybe you can help out here.....it's just like when you buy your house drawings from your architect or actually buy them online. You can buy your house drawings online. I can't take those drawings and replicate them and then resell them online. It's against the law. Is that somewhat what we are talking about. Can we write an agreement with them that says we can use them.

Mr. Buchanan said I think it's inferred. Again I think the language is to address the professional design aspect of it. The traffic data that we are giving them to incorporate into the design that we have accumulated we can use all that non-professional design data but if the data goes into a sealed drawing and standard drawings, calculations, that is their property.

Commissioner McAulay said I think when you buy a house plan you can easily take that house plan and put it somewhere else. I can understand you owning that. On a transportation plan, a plan for a road like Main Street here in Huntersville, that is specific. It has a specific width, all technical designs to it. The qualifications that really cannot be picked up in my opinion and put over across the railroad onto Church Street. There is a different grading, a different width, different measurements and you can't take some like Max said where it has been stamped for approval with a professional licensed engineer and design firm and put it across the railroad on Church Street and change the names of it and redesign it in Huntersville and use their same stamps

Commissioner Phillips said I'm not saying pick their plan up and move it somewhere else. I'm saying this Board has continuously talked about revitalization of downtown Huntersville and as this project moves forward as the two-way pair a lot of stuff is going to be put in motion where connector streets and side streets, building, the way they are going to set up, we may have to come back and use these same documents over and over again. If the rail line should miraculously ever come these same documents would be perfect to that so we are going to pay Parsons Brinckerhoff again and again and again for the same information.

Commissioner McAulay said no because we are going to have a different project.

Commissioner Neely said Mr. Buchanan I understand this is standard operating procedure for any reputable big design firm.

Mr. Buchanan said architectural from the AIA associations, from the American Society of Civil Engineers, DOT and all their negotiations with engineering firms.

Commissioner Neely said we've waited long enough to work on the downtown redevelopment I'm not going to try to reinvent the wheel on standard industry processes to prove a point.

Mayor Swain called for the vote to authorize award of Project Development, Environmental and Engineering Services Contract for the Main Street Improvements (two-way pair) Project to Parsons Brinckerhoff, Inc.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Contract attached hereto as Attachment No. 7.

CONSENT AGENDA

Approval of Minutes – June 15 Pre-meeting. Commissioner McAulay made a motion to approve the minutes of the June 15, 2015 Town Board Pre-meeting. Commissioner Neely seconded motion. Motion carried unanimously.

Approval of Minutes – June 15 Regular Meeting. Commissioner McAulay made a motion to approve the minutes of the June 15, 2015 Regular Town Board Meeting. Commissioner Neely seconded motion. Motion carried unanimously.

Budget Amendment – Police. Commissioner McAulay made a motion to approve budget amendment recognizing insurance revenue in the amount of \$672.60 and appropriate to the Police Department's insurance account. Commissioner Neely seconded motion. Motion carried unanimously.

Budget Amendment – Police. Commissioner McAulay made a motion to approve budget amendment recognizing insurance revenue in the amount of \$508.80 and appropriate to the Police Department's insurance account. Commissioner Neely seconded motion. Motion carried unanimously.

Budget Amendment – Police. Commissioner McAulay made a motion to approve budget amendment recognizing insurance revenue in the amount of \$500 and appropriate to the Police Department's insurance account. Commissioner Neely seconded motion. Motion carried unanimously.

Budget Amendment – Police. Commissioner McAulay made a motion to approve budget amendment appropriating funds received in the amount of \$7,639.61 from Lake Norman Charter School for the months of February 2015 and March 2015 to the Police Department's budget for overtime, benefits and vehicle cost. Commissioner Neely seconded motion. Motion carried unanimously.

Budget Amendment – Police. Commissioner McAulay made a motion to approve budget amendment appropriating funds in the amount of \$8,545.88 from Lake Norman Charter School for the months of April, May and June 2015 to the Police Department's budget for overtime, benefits and vehicle cost. Commissioner Neely seconded motion. Motion carried unanimously.

Budget Amendment – Admin/Finance. Commissioner McAulay made a motion to approve budget amendment recognizing insurance revenue in the amount of \$1,752.63 and appropriate to the Administrative/Finance Department's insurance account. Commissioner Neely seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #CODE15-01. Commissioner McAulay made a motion to call a public hearing for Monday, August 3, 2015 at 6:30 p.m. at Huntersville Town Hall on Petition #CODE15-01, a request by the Town of Huntersville to amend the Code of Ordinances Chapter 151: Flood Damage Prevention, for consistency with Federal Emergency Management Agency (FEMA) regulations. Commissioner Neely seconded motion. Motion carried unanimously.

Grant Agreement. Commissioner McAulay made a motion to authorize the Town Manager to execute Grant Agreement with Mecklenburg County and appropriate \$1,575,000 for the replacement and repair of the heating and air-conditioning equipment and system at HFFA. Commissioner Neely seconded motion. Motion carried unanimously.

Dectron Units – HFFA. Commissioner McAulay made a motion to approve purchase order for purchase of replacement Dectron units for HFFA with standard terms subject to modifications approved by the Town Attorney. Commissioner Neely seconded motion. Motion carried unanimously.

Petition #ANNEX15-01. Commissioner McAulay made a motion to adopt Annexation Ordinance #ANNEX15-01 to annex Centennial Phase 5 (14.80 acres) into the Town of Huntersville. Commissioner Neely seconded motion. Motion carried unanimously.

Ordinance attached hereto as Attachment No. 8.

Petition #ANNEX15-02. Commissioner McAulay made a motion to adopt Annexation Ordinance #ANNEX15-02 to annex Centennial Phase 6 (1.71 acres) into the Town of Huntersville. Commissioner Neely seconded motion. Motion carried unanimously.

Ordinance attached hereto as Attachment No. 9.

Interlocal Agreement – Fire Protection Services. Commissioner McAulay made a motion to adopt resolution approving Interlocal Cooperation Agreement with Mecklenburg County for fire protection services. Commissioner Neely seconded motion. Motion carried unanimously.

Resolution attached hereto as Attachment No. 10.

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

DRAFT