

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**August 1, 2016  
6:30 p.m. – Huntersville Town Hall**

**PRE-MEETING**

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 5:30 p.m. on August 1, 2016.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Charles Guignard, and Rob Kidwell. Commissioner Danny Phillips was not present.

**Animal Tethering Ordinance.** Holly Davis presented PowerPoint presentation to the Board requesting proposed changes to the dog tethering ordinance. *PowerPoint attached hereto as Exhibit No. 1.*

**Comprehensive Transportation Plan Update.** Bill Coxe, Transportation Planner, updated the Board on the Comprehensive Transportation Plan. *PowerPoint presentation attached hereto as Exhibit No. 2.*

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**REGULAR MEETING  
TOWN OF HUNTERSVILLE  
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on August 1, 2016.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Charles Guignard, and Rob Kidwell. Commissioner Danny Phillips was not present.

Mayor Aneralla called the meeting to order.

Commissioner Guignard provided the invocation.

**MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS**

Mayor Aneralla – No Report.

Commissioner Bales

- The Lake Norman Economic Development Commission held a legislative update in concert with the Lake Norman Chamber of Commerce this past Friday. State Senator Jeff Tarte came and shared with us the short session and some of the obstacles and challenges that the general legislature has been facing.

- Encouraged businesses and community leaders to consider partnering with the Chamber of Commerce and the Lake Norman Education Collaborative as we look to partner with our area schools.

#### Commissioner Boone

- The next meeting of the Land Development Ordinances Advisory Board is August 4.
- The plans for the new fire station are almost complete and the construction bid should be going out next month. We are still looking at a construction time of 10 months.
- Tomorrow is National Night Out at two locations. If you are interested in a career in law enforcement, the Huntersville Police Department will have two recruiters at each location.
- The Huntersville Police Department and the Fire Department are teaming together to host a child safety seat checking station.
- Encouraged people to lock their cars and take the valuables out of them due to increase in larcenies from autos.

#### Commissioner Gibbons

- The next meeting of the NC 73 Council of Planning is this fall.
- The next meeting of the Mecklenburg Veterans Council is tomorrow. On Thursday at the Levine Center in Matthews there will be a canteen in the morning for Veterans and there will also be a presentation based on social security and how that goes with either your military retirement or how you can use that in the future.
- National Night Out is tomorrow night.

#### Commissioner Guignard

- A new committee has been formed for the re-build of the Waymer Center. It was a well attended meeting. I look forward to working with this group to see what can be done with the Waymer Center as we continue the process of rebuilding that building.
- The next meeting of the Centralina Council of Governments is August 10.
- The next meeting of the Planning Coordinating Committee is in September.

#### Commissioner Kidwell

- Helping Others Help Themselves (H.O.H.T.) will hold a business mixer on August 4.
- The next meeting of the Olde Huntersville Historic Society August 3.
- At the last meeting of the Charlotte Regional Transportation Planning Organization we approved some 20 plus million dollars in direct attributable funds to multiple projects throughout the Charlotte region. Huntersville at this point had no projects on that list, but this fall I can assure you that we are going to have several projects to go to that board and we are going to try to do our best to get as many on there as possible with the help of Mr. Coxe.

Commissioner Boone announced upcoming Lake Norman Chamber of Commerce events.

Commissioner Kidwell requested update on Veterans Park.

Michael Jaycocks, Parks & Recreation Director said there is a meeting scheduled tomorrow to review the plans before they are submitted. Some of the property owners for the drainage easements and right-of-way have been contacted. Norfolk Southern has responded to our storm drain that goes under the railroad tracks, which one of the comments was kind of odd that came back, they talked about

upgrading the crossing at Huntersville-Concord Road which our project has nothing to do with, so we are going to have to talk through that. Our goal is try to break ground on Veterans Day.

Commissioner Bales requested update on Waymer Center.

Mr. Jaycocks said the people at the meeting were able to give input so the county could get an idea of what the interior of the facility should be renovated to so that it's matching what the people want offered in the facility for programs. That's about a 3 month process of them getting back and meeting again and bringing some ideas back to the community, but we don't have any future dates set at this point.

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

Mayor Aneralla proclaimed August 2, 2016 as Huntersville Night Out.

#### Town of Huntersville Proclamation

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a nationwide crime, drug and violence prevention program on August 2, 2016 entitled "National Night Out"; and

WHEREAS, National Night Out has become an annual event in the Town of Huntersville these past twelve years and provides a unique opportunity for the Town of Huntersville to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Huntersville Police Department takes an active role in Crime Prevention activities; and

WHEREAS, it is essential all residents of the Town of Huntersville be aware of crime prevention programs and recognize the impact their participation can have on reducing crime, drugs and violence in the Town of Huntersville; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" Program.

NOW, THEREFORE, I, John Aneralla, Mayor of the Town of Huntersville, do hereby proclaim August 2, 2016 as "**Huntersville Night Out**" and call upon all residents of Huntersville to participate in our 12<sup>th</sup> Annual National Night event on August 2, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Huntersville to be affixed this the 1<sup>st</sup> day of August, 2016.

Bill Russell, 9449 Mt. Holly-Huntersville Road, on August 11 we are having a community forum with CPCC where we are going to have members of law enforcement that are going to talk about working together.

Kathy Jones, 104 Walters Street, President of Olde Huntersville Historic Society, said I'm here to represent the Olde Huntersville Historic Society in regards to the sale of the caboos that currently sits at Main and Maxwell. Earlier last week you received a packet that our group put together and it also included petition with signatures for over 600 residents local and 5,100 total nationwide. As a historic society we understand the relevance of items like the caboos, the old jail, the ice house and other landmarks that helped leave a picture of Huntersville and how the town has developed over the years. As a lifelong resident I and others can see the many changes that have taken place in what was once a small textile, rail and farming community – some good, some not so good. Our group feels that the caboos is one of the good things the town should preserve and incorporate into the new, much anticipated downtown revitalization efforts. We have lost most of our old downtown and what remains is in desperate need of repair. It is our hope that the town realizes that not everything needs to be shiny and new to have value. Old and new can live together to enrich a community. Historic structures serve

a purpose by reminding natives of their town's yesteryears while drawing new families to the area because of the quaintness they represent. The suggestion made to our group is that the town sale our caboose and at a later date when another location has been secured, purchase another one. As you saw in the report, caboose supply is very small and very expensive. And most of those that are available for sale have either been gutted and they're in horrible shape, if you can even find one at all. And the price ranges from \$11,000 to \$29,000 and they are in nowhere near as good a condition as the caboose we currently have. The caboose we currently have has all the original interior, instrumentation. It is one of 20 left in existence. It's considered to be in excellent condition. Also included in the packet you received was an article from May of this year where one town looked for 12 years to find a caboose. Once they found a caboose they ended up paying around \$23,000 for the caboose and transportation. That didn't include any of the restoration they were going to have to do and it wasn't in anywhere near of good of condition as our caboose is that we have now. That town in Virginia looked at that as a worthwhile investment because they consider that tourism. If the town were to sell our caboose now it would be nearly impossible to find another one, especially in the condition of the one that we currently have and we estimate it would cost around \$40,000 to purchase a caboose, move it here and restore it. Our group would like to request that the caboose be incorporated into the new Veterans Memorial Park. But if that isn't possible, the town could store the caboose offsite at their McCord Road storage area until a suitable home could be found, possibly the park or greenway area in the Anchor Mil project. This would be an awesome home for the caboose, close to both the railroad and the old mill site. Our group wholeheartedly offers our assistance in any way possible to help keep, restore, and prominently display the railroad caboose. Several local businesses have also expressed interest in helping and being involved in the project. We respectfully request that this discussion not be entered into lightly but with great consideration for our town's history. Some decisions should not be based solely on fiscal concerns but based also on the quality of life they provide and the hearts they represent.

Nathan Barron, 102 Baucom Lane, unlike many people who live in this town currently, I was born and raised here. It's hard to drive through the Old Statesville intersection and not get sentimental in some way or another. On every street corner we have ties of emotion and connections running deep through this community. But for all the experiences and memories I've made here nothing comes to mind faster when thinking about this town than the caboose sitting on Main Street. As a child my mother would take me to play on the caboose when we were only a town of 4,000 and to me it was a place for you to go and let your imagination run wild. As I grew older my grandfather would take me to the Farmers Market early Saturday mornings before he passed. The first person to see the train when we were driving up was always the winner. And that would be a game I'd like to play with my child some day. In high school at North Mecklenburg the train was a part of everyday life. It was a convenient place to meet up before a cook-out or high school football game. It was a convenient place to take your date afterwards. I'd be lying if I didn't say my first kiss was in the train over there on Main Street. But I'm not the only person that has witnessed this train over the years as they grow. Dante Y. of Huntersville wrote this caboose was a large part of my childhood and I want this train to stay as a step forward on the path of historical preservation. Teresa H. says I have lived outside of Huntersville for 46 years and consider it a home. Keep history alive by keeping this caboose. Or Sierra H. wrote me and my dad when I was younger would act like we were running away from the town and sit on the train and laugh for hours. In the short 20 years that this train has been here in Huntersville, it has become an engrained and cherished part of the local community from being a backdrop to family photos, a landmark for directions or the gleam in a child's eye when seeing it for the first time. The value of that train to Huntersville is priceless. And though I understand progress cannot be stopped, it should not come at the price of forsaking our past. The old should be incorporated into the new if not for a reminder from where we come from, but how far we have come. This decision will be made by the Board of Commissioners today and as a long-time Huntersville resident and someone who has never asked anything, please hear my

solemn request – do not make this decision lightly. A few thousand dollars is a small fee to pay for not only my past but the Town of Huntersville’s past.

Dan Cedrone, 14330 Ramah Church Road, said I’ve been a resident of Huntersville for about 24 years. I own several companies here in town. I employ about 50 people total, starting from just myself in a 10’x10’ room all the way up to where we are today where we make life-saving devices on Statesville Road. For the veterans who are here tonight, I say thank you very much and for the veterans who are still out there protecting us so that we can be here this evening, I thank them as well. So who is Dan Cedrone. Dan Cedrone is the guy who wants to restore the caboose and put it on our farm, half of which has been donated to conservancy. My intention is to restore it, put it on the farm and allow people to come visit it by invitation. It will still be here in Huntersville and that may not have been communicated by the folks who are opposed to its movement. I would just ask the commissioners and those who are making the decision to allow us to do this because I don’t want to see it moved outside of Huntersville either. It’s one of the reasons why every time I pass by it I called and asked what the intention was with the Veterans Park and they said that it didn’t quite fit the new image of the park and that’s what prompted our idea to restore it and keep it here in town. Whatever decision that you would make, I’ll appreciate and whatever donation that requires maybe even a donation towards the next one if you decide to let us restore it, that would be fine as well.

#### **AGENDA CHANGES**

Commissioner Guignard made a motion to move Item D under the Consent Agenda (Approve Resolution Authorizing the Issuance of \$865,000 General Obligation Bonds, Series 2016A; Not to Exceed \$3,750,000 General Obligation Refunding Bonds, Series 2016B and \$7,810,000 General Obligation Bonds, Series 2016C) to Item G under Other Business and add Item G under the Consent Agenda – Approve SL362 Property Tax Refunds Nos. 65, 66 and 67.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

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

Commissioner Boone seconded motion.

Motion carried unanimously.

#### **PUBLIC HEARINGS**

**Petition #R16-06.** Mayor Aneralla called to order public hearing on Petition #R16-06, a request by Greenway Waste Solutions LLC and William Hammill to conditionally rezone 135 acres (parcels 01910102, 01910109, and portions of 01918135, 01918162, and 01934118) from Transitional Residential and Neighborhood Residential to Special Purpose Conditional District.

Brad Priest, Senior Planner, entered the Staff Report into the record. The application before us tonight is strictly a rezoning application for the properties you see in front of you here. It’s for the Greenway Waste Solutions LLC, the landfill at the very end of Holbrooks Road. Why does the landfill need the rezoning. The answer is under Article 9.23 of the ordinance, the existing landfills that have an existing Special Use Permit issued can operate indefinitely and you will notice the zoning within the site is

Neighborhood Residential and Transitional Residential, so essentially the allowance of a landfill to continue operation is within its current boundaries. The ordinance says when there's any kind of expansion then that new expansion area has to be Special Purpose, which is our commercial industrial type zone and more appropriate for that type of use. If you see in the areas right near Holbrooks Road there's a small area with a purple line that indicates the current boundary of the site and the black line kind of indicates and shows where a new parcel is proposed. The same to the southeast of the site, you see the black line that extends pretty much to the creek and then you see that purple line back a bit. In between those two lines you see the expanse of new properties that are being added to the landfill. Then per the ordinance you need a Special Purpose zoning in order to expand past those boundaries and that's why the rezoning is before us tonight.

The landfill has been in operation since 1993 and that actually pre-dates the current Huntersville Zoning Ordinance which was approved in 1996. Back in 1993 the ordinance kind of allowed the use as a legal non-conforming use with no expansions at all really allowed. So what the applicant did in 2000 was come back and request that the text for Article 9.23 be amended and changed to allow one expansion and in 2000 that text amendment was approved and ultimately you see here the expansion area that was approved then. That first expansion was approved with a maximum of 5 years of operation that was attached in that text in Article 9.23. In 2005, you see the expansion area No. 2, the text for Article 9.23 again were changed to allow not one, but two expansions for existing landfills. But it was given so with the approval of a Special Use Permit, that was unique between No. 1 and No. 2. They could expand, but they needed a Special Use Permit. In 2005 that Special Use Permit was approved to show those two expansion areas. Then in 2009, Article 9.23 was significantly changed and then again the allowance for existing landfills it allowed existing landfills to continue as long as there was no expiration date of the Special Use Permit. So what happened back in 2009, the applicants came back and amended their Special Use Permit with the graphic shown on the right that shows the expansion in between the first two expansions. They filled in those two expansion areas and built on top of it and so that Special Use Permit was approved in 2009 with no expiration date. At the time of the 2009 expansion, with that approval, the lifespan of the landfill was estimated to be about 25 years. That was the last approval that was given by the Town for the landfill.

The application today, there's a creek that's running through the center of the landfill. They would like to rezone the property and apply for a Special Use Permit later in order to pipe the creek and have another expansion that would go on top of the creek and also a part of this application you will see to the north near Holbrooks Road is the potential for a recycling facility that would assist in recycling the goods that come into the landfill, separating the pieces that are valuable, reselling that material and then putting less material into the dirt in the mound behind. That application is proposed to be the expansion and again a Special Use Permit will be required in order to allow that. Also, in regard to requirements, in order to pipe the stream three variances from the Zoning Board of Adjustment are needed, one of which is in regard to the SWIM buffer requirements. Usually there's a buffer required adjacent to the stream and so obviously piping the creek and filling on top of it eliminates that buffer, so the ordinance would require a variance in order to make that happen. Also, our Floodplain Ordinance specifically prohibits floodplains from being filled upon with landfills unless there's a variance granted. There's language that dictates that it can happen, but a variance is needed. And then Article 9.23 prohibits the fill within a stream within a floodplain and a hazard area and then also a wetland. So those three sections of the ordinance are currently being reviewed by the Board of Adjustment in regard to their variance request. This application certainly would be contingent upon those variance requests being approved.

There's a few site issues that we are currently working through with the applicant and kind of bringing the site into conformance. There's a few issues that we're looking at in regard to the 80' buffer. One of the issues that's being worked through specifically is that right through the creek there's actually a proposed greenway on the Huntersville Bikeway and Greenway Master Plan that is going through there. Obviously if the applicants fill the creek and put a mound on top of it, that would not be conducive for a nice greenway running through there. So as it currently sits, the application is not conforming to that plan. However, as mentioned in your Staff Report there is a plan to bring a sewer line and a sewer line easement to the south adjacent to the south of the property here that would connect from west to east down to Cane Creek and the applicant has stated that they would be willing to put an easement along their southern property line in order to accommodate that sewer line and that greenway easement. Last Tuesday the Bikeway, Greenway Trail Committee met and did recommend that if the Town Board sees that there is value in the rezoning and rezones the property, then they would recommend that the greenway move to that location shown on the southern property line. But ultimately that would be a Town Board decision and so if the rezoning is done, staff would recommend that the Town Board also take action to amend the Greenway Plan to show that modification. But as it exists right now the plan does not have the accommodation for a modified greenway trail.

A few other of the issues that we are looking at is in regard to Holbrooks Road the ordinance says in Article 9.23 that landfills over 10 acres should have frontage on a commercial street or a thoroughfare. Obviously this is an existing landfill and so the only access that the landfill has is through Holbrooks Road, which is not designed as a commercial thoroughfare or for commercial traffic and so that's an issue. But the ordinance does say the Town Board can approve a Special Use Permit for landfills that don't have frontage on a thoroughfare as long as it says that the access would not likely cause any injurious effect on the property adjacent to the access. Also in your Staff Report was included some e-mails from NCDOT. They did have a concern about the durability of Holbrooks Road. Back in 2009 the issue came up and the issue was the durability. And in 2013 as a condition of the SUP staff went out and re-looked at Holbrooks Road and evidently NCDOT had just finished putting down 4" of asphalt along the entire length of Holbrooks Road. But now the situation is the same with the substructure of the road not designed for heavy trucks, will it hold up. And so that's the concern. That issue we're still working out with the applicant. Tree save – a tree survey has not yet been submitted to show what trees would be removed and whether or not conformance to the ordinance could be shown in regard to tree save. But again it's a work in progress and we did receive an updated plan on July 21 and there were some changes to the plan that included a new paved driveway, added parking area and the new Asbury Chapel alignment. Everything really is in a state of flux right now and we are hoping to work with the applicant to get a new plan submitted prior to the Planning Board meeting that addresses all the staff comments.

Staff recommendation – considering the transportation issues, the variances and the site issues, we don't have a recommendation for or against at this point, so we have to see how that shakes out. What we do recommend is that the lifespan of the site not be extended indefinitely with access to Holbrooks Road. As mentioned the durability issues, but there's also the issue of compatibility through a residential neighborhood on Holbrooks Road and the commercial traffic through there. Back in 2009, as mentioned in the Staff Report, the Special Use Permit was approved with an indefinite expiration date. There was no expiration date but at that time with the fill capacity that they had the lifespan was an estimated 25 years. So that essentially brought the ability of the landfill to use Holbrooks up to 2034 and that's currently where we are now. Staff recommends that there be a condition on the plan or stipulated on the Special Use Permit eventually that the access be changed to the south no later than 2034. At the red line going through here you'll see the green line to the south, that's the future proposed area of Verhoeff Extension. The little subdivision lots that you see is the Commerce Station

business park. The intent and the hope is through the county and the applicant's assistance and through the town we can get Verhoeff built and a connection to the landfill sooner rather than later. That's the intent. That's the hope that prior to 2034 this connection happens and it brings relief not only for the neighbors at Holbrooks Road but also for the applicant in being able to have a nice thoroughfare and have traffic that's where it should be.

Betty Caldwell said in 1986 I was 40. In 2016, I am now 70. In 15 years, I'll be 85. Twenty-five years later, I'll be 110. Now that is a very long time for me to live should I do that. But that would be awfully long for a landfill to operate. All I know is that this cash coffee has been around for decades. The owner, his family and yet unborn descendants and others who benefitted from the landfill leave a successful legacy of having enjoyed that cash coffee. But to those in Pottstown, other than those living on Holbrooks Road, all we get are the coffee grounds. Our concern is whether or not any studies have been conducted as to the impact of the landfill and the recycling center will have on our lives and those of our new Vermillion neighbors. Now in 2000 we were beat bad. The community came together and we tried our best to come up against the landfill. And since that time no one in the community has the guts to come out against such a powerful force. But in June 2016 when the Christmas in the Summer checks were disseminated the owner of the landfill sponsored a breakfast and invited the Holbrooks Road residents, town staff and elected officials. One item on the agenda was for them to request all of these hardship variances. Now I know that it's going to be a hardship for the town, the county and all kind of people if they don't get this landfill where they can put the debris, but all I want you to know is that if you've been drinking coffee grounds as long as I have you are ready for a change.

Mike Tinsley, said I too have grown old here with some of you on the Town Board and some of you on the staff as the various zoning petitions have come through extending the life of this landfill. I live on one of the residential lots south of the proposed change. I'm a little disappointed actually to hear from town staff that there's not a position at this point. I can't imagine a better case and I'm not going to try to make one than what they outlined for not allowing something like this to happen. I don't know what else we would need to hear to understand this is not a good idea. It's not a good idea to put that much creek in a pipe, to bury the storm water quality benefits that you might gain from that. It's not a good idea to lose a greenway access. As Ms. Caldwell was speaking to, there's been a lot of folks impacted by this landfill for a long time and quite honestly every time that they've wanted to continue to operate, they have come to the town, they modified the Zoning Ordinance and the town board much like yourselves has said okay, since you are only asking for another 5 years, another 10 years, another 15 years. I really believe the better thing to do if that's the way it's going to continue to go is just say they are going to operate indefinitely and they're going to operate by whatever rules they choose to operate by. That just seems to be the way it goes. I don't know what is coming in the presentation. There's a couple of things that I think as a matter of fact that I'd like to state just in case they don't come up. North Carolina Department of Environmental and Natural Resources has issued several violation notices against the landfill, including groundwater contamination on and off their property, including methane gas contamination which is in remediation process at the landfill, including storage of landfill materials outside the boundaries of the landfill which is actually the reason for some of the property expansion requests. I believe that staff is aware of these violations and has been in contact with DENR. The road access speaks for itself and to me that's a transportation issue. I believe it's an unfair burden on the Holbrooks Road community and wouldn't happen if those people weren't quite as dependent as they are on the pay-off. There are also properties shown on the expansion as though they are within the boundary of the landfill that are properties that have been removed from a recorded subdivision without proper approval.

Bill Hammill, 11745 Trails End Lane, said my wife and I own one of the properties that is currently in the southwestern corner that needs to be rezoned. My name is on the petition. I respectfully cannot move forward with Mr. Griffin and the landfill acquiring our property until Mr. Griffin and Greenway and company come to an agreement with us and have not yet been able to reach that agreement. Unfortunately, while I'm not sure why I am a part of any of the other rezonings, I do own one of the pieces of the property that he's requesting to come into the landfill. Respectfully until that is worked out I have no ability whatsoever to allow that property to leave our possession.

Demetrius Hampton, 14631 Holbrooks Road, said I also own property at 14701 Holbrooks. I have a letter from the Holbrooks Road Association. I'm going to read that real quickly and then I'll say a few things. It says over the past 16 years HRA (Holbrooks Road Association) and GSW have developed a strong relationship. GSW has supported the association in many ways. In addition to financial support, GSW has acted as a good neighbor. GSW has hosted community events, helped with yard work. In fact anyone who is disabled gets their yard cut and groomed for free of charge. They have kept the road clean and addressed our concerns. Through this partnership we have developed a strong channel of community with GSW staff and with Mike Griffin in particular. In fact, Mike is available whenever he is needed even though he has a busy work schedule. Each year Mike sends a letter discussing GSW's desire for another road option and anything we don't understand he is willing to meet with us and discuss it. We feel we are in agreement with GSW that this would be the best long-term option for HRA and GSW in the absence of a feasible alternative. We are happy with our relationship and appreciate GSW looking for ways to improve. Their desire to put a recycling center has been discussed with us on several occasions and they have answered our concerns. A recycling center will certainly be good for the environment in our community. That was from the Holbrooks Road Association. Me as a homeowner owning two properties right on Holbrooks Road, the trucks come by, yeah they are little noisy but it never really causes a problem. It's not so much traffic that it's a huge issue and if we ever have a problem with them speeding or anything like that, we call right down there and Greenway takes care of it. As far as positive benefits, of course a recycling center is going to be a lot better. There's going to be construction garbage that has to go somewhere, so if they are recycling that's much better. As it is we don't get any smell or anything from the garbage dump as far as that goes and I've been living there for seven years right on that road. I think somebody up here said that the Holbrooks Road Association is dependent on the money from it. That's not why I am here. We get \$1,000 a year. I have a \$400,000 house, what is \$1,000 a year going to do. Not much. My parents own a home at 14703 Holbrooks. They are disabled. They cut their yard and help look after them and so I think they have been very good for our community and they help us out in many ways so I think that the recycle center should be allowed.

Mike Griffin, 19109 West Catawba Avenue, Cornelius, presented PowerPoint presentation outlining their request.

Commissioner Kidwell requested the Board be provided a copy of the presentation.

Commissioner Gibbons said am I understanding correctly that the rezoning that is being asked for would have to happen prior to these other things happening.

Mr. Priest said I'm not sure exactly the order in regard to the specific permits that are going to need to get done first and whether or not the zoning is appropriate for those permits to take place. Some of them probably will be needed in order to check off the box is zoning okay – yes, in order to get those permits.

Commissioner Gibbons said because it's going to be put in front of us first as a rezoning, what are we actually saying and is that needed to move forward. These variances they sound like will not some larger state or federal agency get involved when we start talking about this wetland.

Mr. Priest said yes.

Commissioner Gibbons said so the variance that the Board of Adjustment may have to give may be overruled. True or not true?

Mr. Priest said any variance that's approved is going to just like the rezoning I think it was mentioned in the presentation the conditions of those approvals would be that the applicant obtain x, y and z permits. So that would have to be stipulated on both the rezoning plan and on the Special Use Permit plan and on the variance approvals that it's conditioned upon that. Conceptually the other part of the coin is not only are those permits going to have to get done but from the applicant's perspective it's very costly to produce the plans and the engineering and all that, so if they went and spent all that money and did that first then came back and the town said no the zoning's not good, then they wasted a lot of money. So conceptually from the big picture scenario we are trying to understand if the zoning works or not and if it does then the applicant has some competence level to go and say okay let's go try to get these permits.

Joe Sailers said just for my information when you are coming before the Planning Board, looking at your plan and measuring right now I'm visualizing roughly 120,000 sq. ft. of proposed storm water management area. If you would by the time you get to the Planning Board give me an exact measurement of water containment volume on that area so we can make sure relative to the flood plain processes that it's going to hold the 100 year flood plain.

Mr. Griffin said what we would hope and expect the Planning as well as Town and Board of Adjustment that you would give us approval contingent on making sure we provide the proper amount. I guess my answer is we won't know the exact square footage because those years of work that it's going to take with our engineers working with those other.....that will dictate. We'll get our engineering company to give us the estimated amount. But they will have to do a lot of studies about how much water, what type floods in order to get exact.

Mr. Sailers said having been on the Planning Board for a few years I remember them coming back approximately 3 years ago and in your listing of timeframes you said the last time they'd been here was 2009, but I think Mike will concur with me, you guys were here maybe four years ago for a zoning change through the Planning Board. And that's been since 2009. It was probably around 2012-2013.

Mr. Priest said I do not have a recollection of that one.

Jack Simoneau, Planning Director, said I don't recall anything. There was an annexation.

Mayor Aneralla said can we just check into that.

Mr. Griffin said and sometimes time flies. I think it was 2009 and the approval was January 2010. I think that's the last time we've been in front of the Board.

Commissioner Guignard said one of the things that Mr. Griffin showed us was where the other landfills are. If this landfill didn't exist and we have more trucks on the road right now than any of us want to say

grace over especially when we're on that wonderful I-77 out there, I don't think that we can even quantify what happens when you put another 150 trucks going either to Highway 16 or to Harrisburg. And one of the things that has not been quantified and I'm not asking anybody to do it and I'm certainly not going to do it is the cost that this adds to the cost of any structure if you've got to add the cost of trucking to these other locations. So those are just other things that I think we need to put into our thinking caps as we consider this whole situation....all those many trucks going to Harrisburg or these other locations. It's just another safety issue to me. This is close and convenient, not perfect but the only way for it to be perfect is to build a structure and not have anything left over and I haven't found that contractor yet.

Hal Bankirer expressed concern that there is a drop dead date of September for the resolution of property ownership.

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

### **OTHER BUSINESS**

**Asbury Chapel NVR Subdivision Sketch Plan.** Mayor Aneralla pointed out this item will be heard as quasi-judicial.

Mayor Aneralla swore in Jack Simoneau, Stephen Trott, Devona Allgood, Randy Poindexter, Mallie Colavita.

Jack Simoneau, Planning Director, said this request is to approve an application for a 110 lot single-family subdivision on Asbury Chapel Road. The site in question is right by Asbury United Methodist Church. This is back of Olmstead and the site in question is right here. It represents just over 76 acres and as you can see it's just north of Eastfield Road.

I mentioned about the units and the number of acres in there that represents 1.44 units an acre. They are allowed a maximum of 1.5, so they are under that. They are providing over 44 percent open space. They need to provide 39 percent, so they meet that. Thirty-six percent of the tree canopy saved and 53 percent of specimen trees are saved, they have to preserve 35 percent of each.

There's a cemetery the corner of which actually is on this property but a majority of which is on the adjoining property. What the applicants are proposing to do is to provide an access easement to there. The lots in question will be angled to stay away from that and then there will be a fence that will be constructed around there and the members of the Asbury United Methodist Church will be maintaining that.

In addition to that the traffic impact analysis did not require, although the Town Engineering Department did recommend, two left-turn lanes be installed at each of the two entrances, so again you have the Asbury United Methodist Church here and as you are coming towards Eastfield Road a left-turn lane into the development. You go around Asbury Chapel and you make the 90 degree bend and you come down and there will be a second entrance in there, so again a second left-turn. The applicants have agreed to do that. NCDOT has agreed with the Town Engineering staff to install that as well.

All of this is in the Staff Report which I enter into the record. *Staff Report attached hereto as Exhibit No. 3.* There are two waivers of block lengths that exceed the standards and the Town regulations. One is 1,150' before they have an intersection and another one is 1,645' again before there's an intersection

and given the environmental constraints with the topography and the SWIM buffers, Staff would recommend approval of that.

This entrance right here was a significant discussion at the Planning Board stage and in particular the Town Engineering Department and NCDOT want to make sure that that driveway or the road access into this development line up with this private access that services five lots. And so that's why that driveway was up there. There was significant concern about the impact on the Poindexter property which is to the north and the driveway that the Poindexter property has in relation to that street. That was a significant amount of discussion. And also a big part of Staff review is to make sure that there's some connectivity and so what's going to happen is the right-of-way is going to be 70' wide so that if and when the Poindexter's ever decide to provide a development then they could make a connection at the point that makes the most sense to them.

In addition to that there's a 26' area here which is reserved for the buffer. Again a significant discussion at the Planning Board stage. The applicants and the Poindexter family have come to an agreement on the type of buffer, so there's going to be some Leyland Cypress lined up along in here and then in between that will be some trees and shrubs in that buffer and that's represented in this drawing.

This just simply shows a kind of a view when you have the Leyland Cypress this wall that would be happening and so the other issue was this driveway right in here. Again this road and the driveway proximity so as part of this project this driveway to the Poindexter property will be moved to improve safety and separation between those.

Staff recommendation – the application is complete, supports the authorizing of greater block lengths for the two areas that we showed. The application does comply with the ordinance per the Staff Report and recommend approval upon those issues being addressed. The Planning Board 8-0 recommended approval. Basically the plan was complete. The Planning Board identified all the goals that were consistent with this project in the Huntersville 2030 Community Plan as well as indicating it was consistent with the Eastfield Road Small Area Plan. They did recommend the two block length waivers. They indicated that the application does comply with the Zoning Ordinance and future plans and there were some significant things to add in there and that's NCDOT's chosen to agree and require the road improvements as suggested by the Town, so that is part of the record. There's exclusive left-turn lanes on Asbury Chapel Road which is part of this project. The trees are planted along Asbury Chapel Road and will need to be 5' from the back of the ditch, they've agreed to that. Internal site triangles will need to be revised. That will occur. Proposed storm water lines may not have more than 50' of pipe under pavement. They will agree to that. And that these items be noted on the sketch plan. Ultimately if it's noted on the sketch plan as approved with these conditions then the next plan they turn in which is Staff approval is the construction drawing known as the preliminary plan and we'll make sure that those things are in there.

Next is including the easements to the cemetery be documented and included in the Homeowners Association documents and who is to cover the maintenance of the easement and that a fence for the corner of the cemetery property intruding into the subdivision be included in the sketch plan and that has been done. And that the meeting with Mr. Poindexter to determine the vegetation be planted in the buffer along his property line be agreed upon with the applicant. Since the Planning Board, that has occurred.

The Board will have to have a decision statement – application complete, compliance with regulations, need you to say something about the block lengths and recommendation of approval or denial.

Randy Poindexter, 1132 Asbury Chapel Road, said we've been living at this residence for over 26 years. When I first moved to Huntersville there were only 2,000 people or actually there were less than 2,000 people. This development certainly is going to have a direct impact on our family and our property from some of the maps that Jack showed you. I'm really here tonight to support this surprisingly. I would say a couple of months ago I wasn't really there. Having an entrance directly beside our driveway is very disturbing. I attended one Planning Board meeting which led to a second Planning Board meeting and got some great direction and comments from the Planning Board. Since then I've had multiple e-mails, multiple meetings and multiple phone calls with Planning Staff who have been outstanding and very sensitive to the line of sight impact that this new entrance road is going to have on our family. And then the adding of the buffer, because when I saw the site plan the very first time there wasn't even the buffer, so the Planning Staff and Ryan Homes have really gone out of their way to try to alleviate some of my concerns. Those are some of the very positive things that came from this. I have had several phone calls, e-mails and meetings with Mallie from Ryan Homes. He, too, on a very personal level is very sensitive to the impact that this is going to have on our family and I think that Ryan Homes along with Planning Staff have really done a great job trying to provide the maximum amount of buffer to buffer my home. The thing that sealed the deal for me was agreeing to relocate my driveway because you can see from one of those photos that the driveway actually touches the entrance road and I was laughing and envisioning that I was going to have to drive across a sidewalk which is what is shown there in that drawing. So relocating my driveway, it puts me up a little bit higher up on the hill and I think it will even give me a safer view of the curve and the traffic coming around the curve. With that being said, I'm appreciative of Planning Staff, Ryan Homes and my family will support this subdivision sketch plan.

Commissioner Boone said what type of fence is going to be around the cemetery and is it going to circle the entire cemetery.

Mr. Simoneau said I'll let the applicant answer that. It is intended to be just on the applicant's property which they control.

Mallie Colavita said that's correct, we are only impacting the portion of the cemetery that encroaches on our property at this time, so there will be a fence that surrounds the portion that is encroaching but not the portion that is impacting the adjacent parcel.

Commissioner Boone said and what type of fence will that be.

Mr. Colavita said staff recommendation. We are certainly open to whatever consideration the town would like to see.

Commissioner Boone said is there any wooden bridges or walkways throughout this development.

Mr. Simoneau said if you look at the site plan there are some existing bridges on the property. Those are going to be removed. There's going to be a walkway for residents to go that kind of gets you over here and crosses creek, so these bridges will be wherever you see the walking path crossing the stream buffer. I don't have the slide that shows the specific.

Commissioner Boone said and the HOA will maintain those bridges.

Mr. Simoneau said the HOA will maintain not just the bridges but the pathways as well in all the recreation spaces.

Commissioner Guignard said there's been neighbors that have questioned sight distances, etc. and I am not doubting anything that DOT said although we have reasons to doubt some of their decisions. You have agreed to turn lanes. What are the lengths of the storage lanes in the turn lanes.

Stephen Trott, Traffic Engineer, said the Town's recommendation was for 100' of storage at each entrance. And NCDOT's recommendation was that they concurred with that length.

Commissioner Guignard said at the Planning Board meeting y'all discussed the potential of longer storage lanes. Is there either one of those that remotely needs any longer storage lanes. The question arose at the Planning Board meeting by several folks and was discussed having more storage lane length.

Mr. Trott said our recommendation was for 100' and DOT's review of that also they concurred with 100' of storage.

Commissioner Guignard said I see a lot of open space. I see an amenity area. I'm going to assume that there will eventually be a structure there of some type of nature. Are we requiring all this open space as a matter of record.

Mr. Simoneau said 39 percent. They are providing 44 percent.

Commissioner Guignard said so there's 5 percent that we are not requiring.

Mr. Simoneau said correct.

Commissioner Guignard said is the HOA going to own all 44 percent of that.

Mr. Simoneau said yes.

Commissioner Guignard said just as a matter of information none of that will be taxed and the town will not receive a dime of taxation of the 5 percent that they're not requiring to do. I just want that to be known to my fellow commissioners.

Mr. Simoneau said having spent years in the profession, let me say I've had this discussion many times with the tax assessor's office. When you have subdivisions that back up or front to substantial amount of open space such as the back of a golf course, they are valued at more. So the value of the homes go up where you have more open space. I do understand that. I have had that discussion many times but I will say in my experience in my talking with the tax assessors the values of the home.....Olmstead development just adjacent to this project actually has the same amount, maybe a little bit more, open space – closer to 50 percent and again if you look at those values of the homes, that is taken into consideration.

Commissioner Guignard said I didn't say you couldn't quantify that all night long. I'm just saying that they are not going to pay taxes on the open space. Olmstead got away with murder with one of the places that the owner didn't pay taxes on and evaded about \$6,000-7,000 worth, gave it to the HOA and never did pay that money.

Commissioner Kidwell said this does not connect to Olmstead in any way.

Mr. Simoneau said that is correct. Here's Olmstead and the street system in here and this creek.....when Olmstead was approved these are steep slopes and so they are kind of riding the ridge so when Olmstead was established we determined that connection didn't make sense in that area, so they are not connected.

Commissioner Kidwell said I received an e-mail from a concerned resident out there. I think the speed limit out there is 45 mph. Is there a way to reduce that speed limit to 35 mph. And I'm just asking because it was asked of me. I don't know the answer.

Mr. Trott said there would be a process where the Town could request the DOT to consider reducing that.

Commissioner Kidwell said is that something we could do or does it have to be in the motion for approval.

Mr. Trott said that could be something totally separate.

Commissioner Bales said the Huntersville Town Board finds the application complete. The plan presented is consistent with Huntersville's 2030 Community Plan under Policies H-1, E-1, E-2, E-3, T-6, T-8 and PF-2 as well as the Eastfield Road Small Area Plan. Motion to approve the rezoning with the waiver to allow the developer to utilize two block lengths due to large creek crossings. These block lengths across the creeks are 1,645 and 1,150 linear feet as well as the following minor plan corrections which are: (1) that NCDOT has chosen to agree with and require the road improvements suggested by the Town, therefore the developer will be required to construct two exclusive left-turn lanes on Asbury Chapel Road and the developer has agreed to the recommendations of the length of the lanes; (2) Trees planted along Asbury Chapel Road will need to be 5' from the back of the ditch; (3) Internal site triangles will need to be revised; (4) Proposed storm lines may not have more than 50' of pipe under the pavement; and (5) That these items be noted on the sketch plan including that the easement to the cemetery be documented and included in HOA documentation for who is to cover the maintenance of the easement and that a fence for the corner of the cemetery property intruding into the subdivision be included in the sketch plan and that a meeting with Mr. Poindexter which I believe has occurred to determine the vegetation to be planted in the buffer along his property line be agreed upon with the applicant.

Commissioner Boone seconded motion.

Motion carried 5-0. Commissioner Guignard abstained which was recorded as a vote in favor.

**Board of Adjustment Appointment.** Commissioner Boone nominated Nick Walsh.

Commissioner Gibbons nominated Jeff Pugliese.

Commissioner Bales nominated Mr. Nixon.

Vote for Nick Walsh: Commissioners Boone and Kidwell.

Vote for Jeff Pugliese: Commissioner Gibbons and Guignard.

Vote for Nixon: Commissioner Bales.

Nick Walsh and Jeff Pugliese were tied with two votes each.

Vote for Walsh: Commissioners Boone and Kidwell.

Vote for Pugliese: Commissioners Gibbons, Guignard and Bales.

Jeff Pugliese appointed to the Board of Adjustment.

**Littering Ordinance.** Commissioner Kidwell made a motion to adopt an Ordinance to modify regulations to Title IX, General Regulations Chapter 93: Littering.

Commissioner Boone seconded motion.

Motion carried unanimously.

*Ordinance attached hereto as Exhibit No. 4.*

**Solicitation/Panhandling Ordinance.** Commissioner Kidwell made a motion to adopt an Ordinance to add regulations to Title IX, General Regulations Chapter 95: Solicitation, Panhandling and Begging.

Commissioner Gibbons seconded motion.

Motion carried 4 to 1, with Commissioner Guignard opposed.

*Ordinance attached hereto as Exhibit No. 5.*

**Solicitation/Pedestrian Solicitation Ordinance.** Bob Blythe, Town Attorney, explained the authority for this particular ordinance for state maintained roads comes under the old motor vehicles act and that particular act also defines the authority to local government to adopt it for the city streets for it's very specific as to what has to be included in the ordinance so this one pretty much reflects what the statute is.

Commissioner Guignard said somebody wants to do a lemonade stand, have they got to have a permit for \$25 to do that.

Mr. Blythe said I think that's a different question there as opposed to solicitation.

Commissioner Guignard said you're soliciting somebody to buy your lemonade. If they are standing on a sidewalk in a neighborhood and it's in the right-of-way by somebody's definition, can a child/children on a Saturday morning set up to sell lemonade and not have to have a permit and take three weeks to get an application signed to have a permit to go do that.

Greg Ferguson, Town Manager, said I would just add no permit would be required to sell lemonade.

Commissioner Boone said what if a lady that's from the VFW is going around selling poppies during Veterans Day and saying would you like to buy and proceeds go to veterans how is that going to work out.

Mr. Blythe said I think something like that does come under solicitation if they are doing it in the rights-of-way.

Commissioner Kidwell said so if it's at a park or if it's in the middle of a venue, it's not right-of-way.

Commissioner Gibbons made a motion to approve the ordinance as written.

Commissioner Kidwell seconded motion.

Motion failed 2 to 3 – Commissioners Gibbons and Kidwell in favor; Commissioners Bales, Boone and Guignard opposed.

Commissioner Bales said I think that maybe we need to have a little bit more discussion on this one.

**Caboose.** Mayor Aneralla said the Town was approached by Mr. Cedrone and had some discussions about moving the caboose to his property as he stated. Subsequent to that there's been some media and we've had some other solicitations for purchasing the caboose. In addition, the Olde Huntersville Historic Society has come up with a nice presentation to the rarity of the caboose and whether we can find another caboose and so forth. There's a few moving parts because we've talked to Mr. Bowman who is developing the Anchor Mill property about potentially finding some place on his property or soon to be his property for the current caboose or another caboose. The question before you is what to do with the caboose.

Commissioner Kidwell said I happened to be looking on the Town site for the Veterans Park and that's placed neatly behind the stage in the front on the backside of the Veterans Memorial. Has that changed.

Michael Jaycocks, Parks & Recreation Director, said the caboose is still located behind the stage between the memorial.

Commissioner Kidwell said do we have a cost on moving it behind the stage.

Greg Ferguson, Town Manager, said I think \$6,000 roughly is the cost of a crane regardless of whether you move it 200' or 2000'.

Mr. Jaycocks pointed out where the caboose would be on the site plan for the park. It would be better to have a decision soon so the plans could be revised if the caboose is sold or taken off-site.

Commissioner Kidwell said I'm sure this is all wrapped up into the entire monies we are spending on the park but repainting or resurfacing a caboose, has that been brought into consideration.

Mr. Jaycocks said about \$8,000 to \$10,000.

Mr. Ferguson said if it remains a part of a park it's going to have to be secured so that the stairway cannot be climbed because we have had an increase in children being up on top of it.

Mayor Aneralla said there have been two e-mails of offers between \$10,000 and \$15,000 including moving the caboose at whoever it is own expense.

Mr. Ferguson said there's really kind of two questions one is there a desire to designate the property as surplus and sell it and the second is if it is not sold should it remain in the current design location or

should staff look for another location on town owned property or common area somewhere where it would be very visible and would have some tie to the railroad or to the downtown.

Commissioner Gibbons said I guess the comment I would make is we could make a decision tonight and based on what goes down in the future with some other development there could be things that would possibly have impacted the way people think tonight but as of right now except for talking about this plan whether the caboose is going to be behind the stage or not I think we have time still to discuss because there is obviously a lot more information that came forward in the last week or 10 days. There's a lot more opinions that are out there and we had another offer too from someone if we did decide to go the route of selling the property. Unless there's a need to push it for tonight, we had this discussion earlier in a meeting today about whether this needed to be decided tonight. I don't think my decision will necessarily change, but I think looking at all the information is definitely worthwhile.

Mr. Jaycocks said for us to submit for permitting, not knowing what we are going to do with these situations, I'm not sure if that holds us up or not.

Mr. Ferguson said one recommendation might be to just go ahead and let them submit as they are drawn today and if there's a change we would have to acknowledge that through a change order and find another location if that was the Board's desire.

Commissioner Boone made a motion to postpone this for 30 days until we have more information from Nate Bowman, the other offers, possible other locations and what the architect says on both of his drawings.

Commissioner Guignard said point of clarification. If we sell this, do we not have to put this on the open market and bid it out.

Mr. Ferguson said our recommendation would be at this point in the process since you have multiple bids that there would need to be some process designed and property would have to be voted by the Board as surplus. Staff has the ability to designate up to \$5,000 but the two offers that are in hand both acknowledge that it's worth at least \$10,000 so the Board would have to vote to declare it surplus and then we would have some type of sell of surplus property. You would probably have a sealed bid process and then you'd also have some stipulations as to when it would be removed and things like that that a bidder would have to comply with.

Commissioner Gibbons seconded motion.

Commissioner Kidwell made a substitute motion that we leave the caboose where it's at.

Commissioner Bales seconded motion.

Commissioner Guignard said I am the only one in this town that can say this – that box out there is my fault. But I'm glad it's there. It didn't cost us anything to get it. It did cost \$2,500 to bring it 6 miles up 115 and I've seen at least a dozen different photo ops where people either do their engagement pictures, their wedding pictures and gosh only knows how many other pictures have been taken there. Sadly, we haven't spent a whole lot of money inside the thing and done much with it. And yes it probably can be construed as a safety issue. It was donated by a company down 115 about 18 years ago and the tracks still sit where it left. I've known the Cedrone family for probably about that same amount of time. Mr. Cedrone's brother was sitting on the Board when we brought that thing here. I really don't

have any problem with somebody else owning it except that there's not any more available and CSX is not the rail company that runs up and down this track. We don't win in this situation because yeah we could make some money off this thing, we could not have to have the upkeep of this thing for the next 130 years. I appreciated the community's involvement with this. I appreciated the Olde Huntersville Historic Society's involvement with this. I'm going to vote in favor of the substitute motion, not to vote against anybody else that might come in here and do something with it and save us a dime and a quarter and fifty cents down the road. Hopefully we can leave it right where it is and before we spend \$6,000, I'll make a phone call.

Commissioner Gibbons said I appreciate what everybody's done on this as well. Maybe it's because I haven't been here long enough but some of the comments as far as like the town has not looked out for other historical things that went before this i.e. the ice house and the jail.....those are things that were Huntersville forever and I agree that's sad that we didn't have foresight for whatever reason to look at and keep those things that really were a historical thing for the town 20 years ago. With Mr. Guignard's negotiating we got this caboose that has been a part of Huntersville to those that live in Huntersville for that time period and I understand that and I've had the conversation with Commissioner Bales about her kids playing on it as well, but I look at it and say okay I'm a vet and I see this veterans park that I hope turns out to be something very beautiful and I just don't see the bandstand, the caboose in the back of Veterans Park all working together. This was a plan that was made before my time and I don't want to take anything away from those folks either. I'm happy there is a plan. I'm just going to say that I see it differently and I worry tremendously that for some reason whether it's lack of will on the board or lack of what has been said will be done by private people, historical society, etc. that we don't maintain that caboose and it becomes an eyesore as it's not a good looking caboose right now and it needs to be a good looking caboose that's going to be a part of this park in Huntersville. I know there's the determination and I hope that would follow through, but I will have to vote for fiscal reasons and those concerns of mine, I will not be voting for that motion.

Commissioner Boone said I've asked myself the following questions – is the caboose historic and the answer is no. Did the caboose serve Huntersville and the answer is no. Do I think the caboose should go next to the Veterans memorial – no. If I have to choose between the caboose and Veterans the Veterans will win every time. Is the caboose a landmark in Huntersville and the answer to that is yes. An object that is easily seen and recognizable from a distance and enables someone to establish their location. I don't want to see this caboose end up like a rock store, the ice house or the old jail. I'm going to support the motion to save the caboose.

Commissioner Boone withdrew his original motion.

Mayor Aneralla called for the vote on the motion to do nothing and leave the caboose as is and not entertain any offers to move it or buy it.

Commissioner Gibbons said even though I'm not going to be voting for that motion, I think for the record it should be said it's not really a decision to do nothing. It is a decision to move forward with the plan of the Veterans Memorial Park.

Motion carried 4 to 1, with Commissioner Gibbons opposed.

**Resolution – Bonds.** Commissioner Bales made a motion to recuse Commissioner Guignard.

Commissioner Gibbons seconded motion.

Motion carried 3 to 1, with Commissioner Kidwell opposed.

Commissioner Boone made a motion to adopt Resolution authorizing the issuance of \$865,000 General Obligation Bonds, Series 2016A; not to exceed \$3,750,000 General Obligation Refunding Bonds, Series 2016B and \$7,810,000 General Obligation Bonds, Series 2016C.

Commissioner Bales seconded motion.

Motion carried with four (4) yes votes.

*Resolution attached hereto as Exhibit No. 6.*

Commissioner Bales made a motion to bring Commissioner Guignard back. Commissioner Gibbons seconded motion. Motion carried 3 to 1, with Commissioner Kidwell opposed.

### **CONSENT AGENDA**

**Tax Collector's Settlement.** Commissioner Guignard made a motion to receive Tax Collector's Settlement for Fiscal Year 2016. Commissioner Gibbons seconded motion. Motion carried unanimously.

*Tax Collector's Settlement attached hereto as Exhibit No. 7.*

**Ordinance – Veterans Day Parade Road Closure.** Commissioner Guignard made a motion to adopt Ordinance to temporarily close certain state-maintained roads for the Huntersville Veterans Day Parade and Event. Commissioner Gibbons seconded motion. Motion carried unanimously.

**Ordinance – Huntersville Christmas Road Closure.** Commissioner Guignard made a motion to adopt Ordinance to temporarily close certain state-maintained roads for the Huntersville Christmas event. Commissioner Gibbons seconded motion. Motion carried unanimously.

**Reschedule Meeting.** Commissioner Guignard made a motion to reschedule the Monday, September 5, 2016 Regular Town Board Meeting to Tuesday, September 6, 2016 due to the Labor Day holiday. Commissioner Gibbons seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R16-05.** Commissioner Guignard made a motion to call a public hearing for Tuesday, September 6, 2016 at 6:30 p.m. at Huntersville Town Hall on Petition #R16-05, a request by Crescent Communities to rezone approximately 224 acres located northeast of Ervin Cook Road and Gilead Road from Transitional Residential to Neighborhood Residential – Conditional District. Commissioner Gibbons seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA16-04.** Commissioner Guignard made a motion to call a public hearing for Tuesday, September 6, 2016 at 6:30 p.m. at Huntersville Town Hall on Petition #TA16-04, a request by Godley Group of Charlotte LLC (Frankie's Fun Park – Bryton) to amend Article 8.26 Site

Lighting as it relates to “outdoor amusement facilities” in the Special Purpose Zoning District. Commissioner Gibbons seconded motion. Motion carried unanimously.

**Property Tax Refunds.** Commissioner Guignard made a motion to approve SL362 Property Tax Refund Reports Nos. 65, 66 and 67. Commissioner Gibbons seconded motion. Motion carried unanimously.

*Property Tax Refund Reports attached hereto as Exhibit No. 8.*

**CLOSING COMMENTS**

None

There being no further business, the meeting was adjourned.

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

DRAFT