

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

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

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

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Charles Guignard, Rob Kidwell and Danny Phillips.

Mayor Aneralla called the meeting to order.

Mayor Aneralla announced that Scott Treon who served as the Town's Assistant Parks & Recreation Director, passed away. Mayor Aneralla called for a moment of silence and asked everyone to keep Scott's family in their thoughts.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- Was not able to attend the Metropolitan Transit Commission meeting last week.
- The Town Manager has report from the Commerce Station Management Team. Greg Ferguson, Town Manager, announced that the Management Team is moving forward with the southern road project and a contract will be brought to the Board in the near future.
- Apologized to Commissioner Bales for being a little overzealous in the interpretation of the rules at the last meeting and incorrectly cutting her off when she tried to make substitute motion.

Commissioner Bales

- Expressed appreciation to the Mayor for his apology.
- School is back in session, so watch out for additional traffic and students.
- The Lake Norman Education Collaborative is continuing the tennis ball drive.
- Congratulated PowerPlay, Inc. of Huntersville who just purchased PlayWorld.
- The EDC has 14 active projects going on right now. Nine of those projects are new businesses and the other five are businesses currently in Huntersville that are expanding.

Commissioner Boone

- In the past six months the Land Development Ordinances Advisory Board has covered home occupation, SWIM buffers, Adequate Public Facilities Ordinance, protest petitions, water quality in downtown, breweries and distilleries, parking lot landscaping and amusement park lighting. The next meeting is October 6.
- The North Mecklenburg Rescue Squad total calls for service through August 31 is 1,865. That is an increase of 19 percent over the previous year. A Huntersville Volunteer Firefighter responded to a call for medical assistance on Sunday and delivered his first healthy baby girl.

The Huntersville motorcycle police officer that was involved in an accident a few weeks ago was treated and released and has returned to duty.

- The next Child Safety Seat Installation Check is September 13 at Huntersville Fire Station No. 1.
- Captain Kevin Johnston completed the Senior Management Institution for Police.
- Met with District Attorney Andrew Murray on how our town and his office could reduce the number of car break-ins in our area.
- As the anniversary of 9-11 is coming up, asked everyone to take a moment and say thank you to a first responder.

Commissioner Gibbons

- The Mecklenburg Veterans Council met today. They are still looking to get a Veterans Service Officer an office somewhere between Mooresville and Charlotte. The Concerned Veterans for America will have a dinner on September 10.

Commissioner Guignard

- The next Planning Coordinating Meeting is at the end of this month.

Commissioner Kidwell – No Report

Commissioner Phillips

- The application deadline for Leadership Lake Norman is this Friday. Announced upcoming Lake Norman Chamber of Commerce events.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Shannon Stein, 12119 Canal Drive, Superintendent of Lake Norman Charter School, said I'm just here to say thank you first and foremost to the Huntersville Police Department. I think sometimes in a board position or even in my position as a superintendent I don't always know all the things that happen in an organization and I'm always pleased and happy when I hear about some of those things, so I think for the Board to understand how much HPD has done to serve not only Lake Norman Charter well, but all the public schools in this area. They do an exceptional job of servicing us through DARE, they've come and done drug awareness presentations for our students and our parents, they've come and talked about cyberbullying, and have just been very responsive anytime we wanted to ask them questions, even about our traffic, which I think we are moving in the right direction there. I'm very grateful for that partnership and for having an organization that is so responsive. As the commissioners are aware, we have the opportunity moving forward to possibly get a School Resource Officer. A portion of a reoccurring grant through the state has come available. That was a grant that was put out three years ago and we did not get the grant originally, we didn't actually apply at that point, but realized that we would like to pursue one because as we grow larger and as we have students from all demographics and backgrounds, having a resource officer to be there to meet with our students, to get to know them and to offer those services without tapping into the normal day-to-day operations of the busy police force, it seems like a good opportunity, especially in light of every high school and every middle school currently in the Huntersville area has an SRO, so that's something that we do not have. Plus it would give us a dedicated traffic officer who would understand the unique flow that is at Lake Norman Charter. The school would put in a portion but we recognize that also means that the Town is continuing to partner with us. I know that's a difficult decision. In the wake of Columbine, New Town and Sandy Hook, it is something that we take very seriously the safety and I know you do as well and appreciate you even giving some consideration to that position. But first and foremost just a thank you for all they have done.

BeeJay Caldwell, 14521 New Haven Drive, said I'm a neighbor of the landfill. I'm addressing the Board as governing body with power, I implore you to require more than the owner's word that 40 years more will not result in harm to those living near the landfill. Negative environmental issues affect every person, animal, community on the planet. At a C&D landfill there are natural occurring iron and arsenic from the native soil and right now it can seep into the water. The water may not be the source of the arsenic but the geochemical conditions created by the discharge from the waste to the environment is a result. Everyday new tests are standard and they are found that you have to have a higher passing grade in order to keep yourself in existence. Therefore I urge this body to have an outside entity brought in and do an inspection and to verify the findings of the landfill's owner. This data would be beneficial to us in 2016 and definitely in 40 years from now and using a method that the U.S. government instituted we do know that limestone can be removed from the iron ore but not the arsenic.

AGENDA CHANGES

Commissioner Gibbons made a motion to add Item D to Other Business – Consider authorizing the Police Chief to increase the department's authorized strength by one additional sworn police officer to be used to fill a school resource officer position at Lake Norman Charter School.

Commissioner Phillips seconded motion.

Motion carried unanimously.

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

Commissioner Phillips seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Hal Bankirer, Stephen Swanick, Catherine Graffy and Joanne Miller.

Petition #R16-05. Mayor Aneralla called to order public hearing 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.

David Peete, Principal Planner, reviewed the Staff Report. *Staff Report and PowerPoint presentation attached hereto as Exhibit No. 1.*

Commissioner Guignard said looking at the map that you've got there now and then you drew the red circles around a little bit earlier, along their property line there on the east they are dedicating property down through there for the greenway. Their property line backs up to I'm going to assume that's a buffer between them and Wynfield's homes there on the western part. That would not be a part of the greenway what's behind the Wynfield homes, it would only be what's a part of the property that they are purchasing.

Mr. Peete said they're only going to look to dedicate what they would own and control. How the county has worked with Wynfield to perhaps acquire what they are working with now for the greenway, I can't answer that definitively.

Commissioner Guignard said so that's not impossible that gets incorporated, back up at the homes at the back of Wynfield.

Mr. Peete said I would have to say I don't know how to answer that but I guess if the county were to take all of that area behind Wynfield then maybe. And I can try to find that answer if you would like.

Commissioner Phillips said the way that the line breaks as far as the marking of our density levels and that, they actually could ask for a lot more density than what they are doing.

Mr. Peete said they could ask for any level of density. To be consistent with what's in the area, they are not pushing the outer boundaries of that if that is your question.

Commissioner Phillips said on the greenway they're just basically giving us the property, they are not building the trail itself.

Mr. Peete said they are not proposing to build any of that to my knowledge, but they would look to dedicate the land and they would look to do private connections to the greenway.

Commissioner Phillips said on the APFO, the gym and park acreage deficiency, how are they planning on meeting that or how much are we deficient.

Mr. Peete said as you know any given moment we take a snapshot of how the town is doing based on developments that are coming in or not coming in and most of the time as you know we are in a good place. At the moment that they walked in the door we were deficient. However, there have been other projects that are coming online. For instance, the gym facility on Verhoeff, other greenway facilities that other neighborhoods are offering to build which are in different levels of approvals right now. There might be some deficiency where APF or the park issue has dropped a little bit by maybe the closure of something. It's not a static number that we have to deal with, so we need to make sure that we understand accurately where things are based on these new developments and then we need to talk to the applicants about how they want to work through phasing or adjusting what they want to do. I can't give you a specific number at this moment, but it is something that we are working through literally as of today and continuing on.

Commissioner Boone said once the dam is broken or drain that lake what's going to happen to that piece of the property.

Mr. Peete said they are proposing for it to be basically a park. They can get into the details, but the pond was kind of never substantiated or inspected when it was begun and so therefore it has to be removed. I think the applicants would agree that they would prefer not to have to get rid of it to make it an asset, but I don't think they have a choice.

Stephen Trott, Town Transportation Engineer, reviewed findings from the Traffic Impact Analysis. They have submitted a traffic study for the proposed development. It has been reviewed and comments have been returned. A revised TIA has not been resubmitted to the Town for review. I don't have a timeline

from the applicant on when that would be resubmitted. In the TIA as far as the scoping 10 off-site intersections were identified as what would need to be studied under the Town's ordinance.

Based on the results of the draft TIA that was submitted, several of those intersections would need improvements. These don't include intersections that the site would have to Ervin Cook Road. These are what I would consider off-site intersections that would warrant improvements based on the ordinance. Since there were significant comments in the TIA, I can't speak specifically as to what improvements would be required as there were some deficiencies in the TIA as submitted. Out of the site into Gilead Road is one intersection that would need improvements. As you go east from the site, that next intersection is Bradford Hill. The next intersection to the east is Wynfield Creek Parkway, the next one to the east of that is Ranson Road and then the next traffic signal to the east of that is McCoy Road. The current TIA was presented in three separate phases, basically a third of the development at a time.

Commissioner Phillips said have we done this before where we let them phase them in because as I understand it this development won't be built all at one time.

Mr. Trott said that is something that's been done in the past. One that I can remember recently is the Walden subdivision where multiple phases were completed for the TIA and so certain improvements were required at first phase, second phase, third phase in that development.

Commissioner Phillips said can we mitigate like where some of these improvements are called for. We know like at Ranson Road and Wynfield Creek Parkway there's really not much benefit for the monies that we spend or is there a better solution for the traffic along Gilead Road that we may be able to mitigate and partner to help out in that general area.

Mr. Trott said at the intersections of Wynfield Creek Parkway and also at Ranson Road there's turn lanes already at those intersections. Really the only improvement that could be done to make the intersection better is add a through lane in either direction. The draft TIA proposed short added through lanes maybe in one direction. Ultimately Gilead Road in this area will be a four lane divided facility so as far as what improvements will be used to meet that ultimate condition, it would depend on how the developer configured those improvements.

Commissioner Kidwell said it says required to study 13 intersections and it named 13 intersections. On your slide earlier you mentioned 10.

Mr. Trott said these are the intersections that were required to be studied for the TIA. Some additional intersections were evaluated as part of the scoping process to see if they needed to be studied or not and so they may have looked at several other ones but they didn't fall in the criteria the ordinance calls for to be studied.

Commissioner Kidwell said the intersections all seem to fall going east, nothing going west.

Commissioner Gibbons said the intersection coming onto Gilead Road from the development, that will be the only place the development feeds out to Gilead Road. They can't really go anywhere else to the north.

Mr. Trott said as it is currently Ervin Cook Road as far as that public road stops just to the north either past the site or very close to it. Until Ervin Cook Road extends to go somewhere and/or the Hugh

Torance Parkway is completed between Wynfield and Gilead Ridge to the south on Ervin Cook Road will be that only point that anybody can get to this neighborhood.

Commissioner Gibbons said what discussion has that prompted. That looks like 382 times 2 cars a day are going to go in and out of there, probably more than that.

Mr. Trott said as far as making a Hugh Torance Parkway to Ervin Cook connection, I've heard of that as a topic being thrown out there, some specific discussion about what that would look like or what would need to happen to make that happen has not been discussed. That would provide a second connection or a way in and out of the neighborhood so people could use that to get to here but I would also expect that other people that don't live here would use that to go to and from places as well, so it wouldn't just be a neighborhood connection.

James Martin, Crescent Communities, distributed a hard copy of a PowerPoint presentation to the Board. *PowerPoint Presentation attached hereto as Exhibit No. 2.* To save time I'm not going to go through each page of that. If you would go to Page 9. David had put this slide up earlier and I think it's very important that this show that our density that we are asking for while it's an increase over what the by-right density would allow, it's in line with the surrounding areas. And I say on the lower end of what's the surrounding areas. We think the density is consistent.

If you could turn to Page 10, this shows you a site plan and how it relates to the site and how if you see the tree flaring that's already existing in the farmland there, that's where we propose the development to be, so that's a good process we feel of working with the land.

On Page 12, on the greenway easement, originally the greenway was proposed to be on the east side of McDowell Creek. Mecklenburg County approached us and the property owners and us donating that land for that greenway allows the greenway to be built sooner and at a much greater cost savings to go from Torrence Creek Greenway all the way to the northern end of our site at a savings for that run of over \$1 million.

And then on Page 13, we feel strongly about placing in some voluntary architectural restrictions and commitments to the site. Some things I'll point out about having raised foundations at least 16" off of grade, 12" overhangs, roof overhangs, 30 year architectural shingles, no vinyl siding, soffit or fascia material on any of the homes and we also want to make sure that we have minimum landscape requirements as well. All that is an effort to have a much better look in the community than what may or may not be required.

Jason Gorrie, WSP Parsons Brinckerhoff, said I'm here to speak to the traffic analysis that was conducted for the site. At the beginning we started with the scoping process and we worked with the town to develop the criteria and how we would develop the study. We initially examined 13 intersections. I'd like to point out in all the years that I've been doing traffic studies, this is the largest study area that I've ever looked at for a development this size. Going back to the scoping process, in developing how we would study these intersections, we were asked to look at eight adjacent approved developments. So those are eight other developments that are either approved, being constructed or already in the ground that are not captured in the traffic counts that we collect. To speak to that, I would like to point out that the combined traffic from those off-site developments, when you combine them, is almost double of the amount of traffic that goes onto Gilead Road and those developments proposed no mitigation along Gilead. So that means that this development is now burdened with having to address all of the capacity issues from those eight approved developments. Now it's not to say that each one of

those were required to do that, they may have been small enough to where the mitigation wasn't required individually but when you combine them they're almost double the amount of traffic that our proposed development is going to put on Gilead Road.

We initially examined 13 intersections. We completed the traffic study and submitted it to the Town and NCDOT. We received comments from both. Now the Town staff is indicating that we are not proposing sufficient mitigation to address the capacity issues along Gilead. I would like to point out that we did receive comments from the state and they are in essence agreeing with the level that we propose, meaning that they feel that the level of mitigation that we did propose is sufficient for the size of the development.

The improvements that you see now all address the comments that we did receive from NCDOT. The comments received from the Town, we have addressed those to the point where we feel appropriate given the size of the development, with the exception of the four intersections that Stephen mentioned before – basically Bradford, Wynfield, Ranson and McCoy, so as I said the improvements that you see before you now and the ones that I will speak to have all taken into account and have addressed comments from NCDOT.

At McCoy we proposed an additional through lane that would develop just east of the intersection and an additional westbound through lane that would continue through the intersection and then drop as a right-turn lane at Binnaway Drive. In the AM is where we ran into some trouble. The ordinance currently requires providing mitigation whenever you go above the 3 percent threshold. In this instance, we are 0.6 above that threshold, so as Stephen mentioned really the only thing we can do is add another through lane. Because of being 0.6 above the threshold, we did not feel it was appropriate for the developer to be burdened with having to include an additional through lane for being so close to that threshold. The state was in agreement and they did not require any additional mitigation at that point. The one thing they did say was that they would look to see if an opportunity existed to extend that through lane up to Ranson if three lanes could be installed over the greenway bridge. We investigated and found that three lanes could not fit over the existing bridge and we felt that the intent of the state in that regard was that if you can't make it fit then we are not going to force the issue, but if you could we would want you to investigate that.

At Ranson and Gilead there is a choke point meaning that you can only fit two lanes and so in this instance we proposed an additional westbound through lane that would open up as soon as you cross the culvert, extend through Ranson, and continue as a through lane and drop at Wynfield Creek Parkway. In the eastbound direction, we propose an additional through lane that would develop just east of Wynfield Creek Parkway, carry through the Wynfield intersection and then drop as a left-turn at Ranson. The intersection at Ranson is improved in the PM and in the AM we had some difficulty in providing mitigation that met that threshold. In this instance we were 3.6 percent above that threshold and the reason we did not propose mitigation was because the only thing that would bring you within that ordinance boundary would be an additional through lane in the eastbound direction, which cannot be accomplished because of the culvert.

At Wynfield Creek Parkway we proposed adding an additional lane in the eastbound direction that improved the AM scenario, but because we are not proposing an additional lane in the westbound direction we did not reach the threshold requirement for the PM, so we were 5.7 percent. We weren't trying to just get out of doing nothing. We were looking for things that were financially feasible for the project.

At Bradford Hill and Gilead, we proposed an eastbound right-turn lane at Bradford Hill. We were not able to meet the threshold requirements, we were a little bit over. I would like to point out that this is an unsignalized intersection. It's not uncommon for vehicles to have longer delay times to the Bradford Hill approach which is unsignalized because there's so much volume on the Gilead Road approach.

At the Ervin Cook Road intersection we proposed left and right turn lanes into the site and then on the Ervin Cook approaching intersections we provided a left and a right turn lane on Ervin Cook coming out of the site. In this instance we were under threshold. We were meeting requirements in the PM direction and the AM direction we were not. In this instance and also at Bradford Hill there was an issue with a bridge over McDowell Creek. In that instance if we were to provide the mitigation that met the ordinance, we would be looking at having to widen that bridge and again this was an instance where we did not feel that level of mitigation was conducive to a development of this size, so we did not propose that.

I think the big take away is yes, we do not meet the letter of the law in every instance, however given the size of the development and the tax base that this development would generate, we feel that the mitigation proposed is adequate for a development of this size and to further that point, the state does agree with those recommendations.

Commissioner Kidwell said you mentioned the state several times. Gilead Road is a state road. Did they mention anytime that they plan on widening that road?

Mr. Gorrie said no, sir.

Commissioner Kidwell said the state does that – okays things without really digging into it and knowing how it's going to affect the area. While 384 homes would be a great tax incentive, that's 700 people that are going to be asking us why we didn't do anything about the roads if we don't do anything with the TIA, just as a point of reference.

Mayor Aneralla said can you give me an estimate of the dollar amounts we are talking about in terms of mitigation.

Mr. Gorrie said as a rough order of magnitude including the improvements along Ervin Cook, we are looking at about \$1.5 million of improvements. One of the opportunities that we would like to at least have a dialogue with staff about is rather than coming out here and constructing improvements that provide inadequate capacity, take the money that is representative of what would be required for a development of this size and apply those funds to an improvement that you feel is appropriate for the town. So rather than us constructing all of the improvements, take the estimate that would be required and take those funds and apply those at your will.

Commissioner Guignard said I know you don't like history at this dais, but I have to say this. I remember sitting here about the time this building opened and asking more than once is the culvert over the greenway wide enough. It's not even wide enough for 20 years. I personally don't know how to deal with this except to say I would rather have two or three of these intersections done extraordinarily right than band-aids.

E. H. Cook, 15032 Ervin Cook Road, said I live at the end of Ervin Cook Road. My family has been there since 1949 and farmed the land. I have no objections to my neighbors selling their property. I would just ask the Board to be very considerate. It's been spoken the band-aids we are putting on some of the

roads and stuff and James one of my neighbors that had to leave that spoke out of turn, his concern was the amount of traffic going onto Ervin Cook Road with no stoplights or nothing. I still farm. You had a meeting the other night on proposal to widen 77 and 21, which is going to throw a tremendous burden for traffic getting out and it has to be done, I understand that, so I just ask you all's wisdom to make the best decision that you can and if you can go ahead and partner if they do do this and make some improvements right and do what you can but it's going to be a challenge any way you do it for the traffic coming out from there because now traffic already backs up from Wynfield back to almost to McDowell Creek in the mornings and that's without anything coming on. You all have a job before you. You have my sympathy and best wishes.

Mark Swanik, 14701 Stonegreen Lane, said I've had the privilege for the last 12 years to live in Huntersville and in the Wynfield subdivision. The previous planning committee worked so diligently 10 to 15 years ago that gave the long and detailed thought to the town's master plan. It was analyzed, it was discussed and after months and months of thoughtful consideration was put together. I stood before you roughly four years ago on a similar request from MI Homes. The same reasons apply today as did four years ago, that the town had to continue its thoughtful decisions on how to expand the town. The problem that we have here on this property just as we did with MI Homes is that we don't have the infrastructure on Gilead Road from Ranson Road west for more homes. That not only includes roads, but it also includes schools, police needs and fire needs. Therefore I ask this Board and the Planning Board to please reevaluate this and to change the density so those infrastructures are thoughtfully considered.

Commissioner Guignard said this is the same thing we did 20 years ago at Wynfield. We put 950 homes and this is only 380, to the one connection and we waited decades for them to have their out around the roundabout. My brain says are we better off to put all the funds getting a second connection.

Commissioner Bales said regarding the TIA it was brought up that the other developments around were not required to do TIA's. Is there a reason for that.

Mr. Trott said other developments around there were required to do TIA's. They didn't have to do mitigation at these intersections. A recent TIA out here was the Barnette tract. Their TIA had improvements at their entrances but also had an improvement at this intersection. For that development since the Vance Road Extension was a Town identified CIP project upcoming at that intersection either next year or maybe the year after, the Town worked with the developer to escrow funds for that right-turn lane to be placed at Vance Road rather than have them put that in the Gilead/Bud Henderson intersection and then it not be used a short time after that.

Commissioner Bales said regarding the culvert. I believe there's the greenway culvert, then we have two smaller culverts as well as the bridge. Is that correct?

Mr. Trott said there's probably another culvert or two in there as well in this old section.

Commissioner Bales said what dollar estimate would you give to replace the greenway culvert as well as the bridge.

Max Buchanan, Public Works Director/Town Engineer, said I've been asked to do an estimate on that greenway culvert extension. You are probably talking about \$1 million.

Commissioner Bales said what about the bridge?

Mr. Buchanan said it would probably be about \$800,000 to \$1 million.

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

Petition #TA16-04. Mayor Aneralla called to order public hearing 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 related to "outdoor amusement facilities" in the Special Purpose Zoning District.

David Peete, Principal Planner, reviewed the Staff Report. *PowerPoint Presentation and Staff Report attached hereto as Exhibit No. 3.*

The applicants submitted an application to amend the different elements that they needed changed to allow what they wanted to do. After doing research, staff would suggest to not take the individual limits of the ordinance but basically provide an outlet option that if you are zoned Special Purpose and if you are an outdoor amusement facility then you would be eligible to pursue a special use permit. If necessary, you could add additional conditions to make it palatable to the context at hand. Staff's recommendation tonight during this hearing is that instead of the proposed language that the applicant would like to go with, we would suggest to scrap all that and just add the special use provision to the Special Purpose zone, outdoor amusement facilities only, and take them case by case. Staff has gone over the alternate track of this text amendment with the applicant's representative and he understands exactly what we are getting at and it does seem to achieve what they are looking for, so I think that they are comfortable with what this is proposing. The Land Development Ordinances Advisory Board reviewed the request and reviewed Staff's alternate proposal and recommended unanimous approval as Staff presented it.

Commissioner Guignard said is there going to be height limits to these things.

Mr. Peete said we would certainly have the overriding height limit restrictions in whatever zone they are located in and in this case it would only be in SP. The limit is currently 40'.

Commissioner Phillips said what other zones do we allow outdoor amusement. Why would we just limit it to a Special Purpose district.

Mr. Peete said getting to the second part of your question, the Special Purpose Zoning District is by name for those unique special things that you'd rather collect at certain places as opposed to having them spread out throughout town.

Jack Simoneau, Planning Director, said you asked about outdoor amusement being allowed in other zoning districts. Indoor amusement is permitted by right in Highway Commercial District. And then outdoor amusement facilities are only allowed for par 3 golf courses, driving range and archery range. So this type of activity where there's go-carts, amusement rides, putt-putt. The putt-putt probably would be okay but not the go-karts and so forth. To answer your question this type of amusement facility could only be in the Special Purpose zone.

Commissioner Gibbons said one of the things that I have looked at ever since they showed where the location was is it's behind Wal-Mart and it's kind of down in there and it's all treed area right now. It would probably be able to be viewed by the apartments and the condos off of Hambright Road at Bryton and then this is all treed in and so these folks over here would possibly see it if things were up

above a tree line, but if they're not then that would block a lot of it. That seemed to be the biggest concern and I don't know what other concerns the Planning Board will bring up. Some of those members have also been in on the discussions but I think as a board and as a staff I'd say if we are going to have problems with this I think we need to be upfront because the applicants want to bring an amusement park to Huntersville and to get people to come to an amusement park it's got to look and sound like an amusement park. If that's something we are worried about we need to probably voice that.

Mr. Peete said the point I would want you guys all to focus on through my presentation is exactly what Commissioner Gibbons was saying, is every project, every location, every piece of property is not the same. And so this one sits on a rail line with a Wal-Mart. The trees are deceiving because as development happens they will not be the same. But when you get over to Everett Keith Road you have residential and that's not a very far distance, but you still have an area that is designed for flex space, large multi-use buildings. You are going to have all kinds of commercial facilities, office facilities, but also north of Hambright, the LStar Development group is putting in a lot of all types of residential. And so rather than try to create a solution that fits every problem a special use permit will allow you to tailor it for the issue at hand.

Commissioner Bales said is this amusement park similar to what you might see at Concord Mills with NASCAR Speed Park.

Mr. Peete said if you are familiar with the NASCAR Speed Park at Concord Mills or Myrtle Beach, they are very kind of confined tracks that fall back on themselves. They have two to three to four different types of cars, road courses, slick tracks, little kids, so they've got a little zip on the engine and the squeal of the wheels, so when two or three tracks are running together, it can make some noise.

Commissioner Bales said my point being is there are apartments around that area in Concord Mills so it should give us a similar flavor for what might occur here.

Mr. Peete said I understand the concern that you may be heading towards but I just want to do remind that the use of the carts is by right.

Commissioner Bales said I have no concern.

Mr. Peete said the focus is on the lighting. Our noise ordinance is in play and has not been asked to be forgiven.

Commissioner Boone said could you speak to the two type of amusements – you have one outdoors and two indoors. And the hours of the indoor amusement start at what time and what time do they close. And does the outdoor amusement close at the same time.

Mr. Peete said my understanding is the whole facility runs from about 10 in the morning until midnight.

Commissioner Boone said and inside the indoor amusement would you say they have an adult beverage section.

Mr. Peete said I can't speak to that.

Austin Watt, Kimley Horn, I represent the applicant. To address your question, you can go to Frankie's website. He's got detailed photos of all his other attractions in other locations. He prides himself on being the high end version of kind of in line what was presented or mentioned at Concord. If you look at the rides, the attractions, the upkeep, it's very high end. When you look at this landscaping it's very Disneyesque. Inside the restaurant he's got a chef that actually prepares some of the meals and then I believe there are adult beverages that available for purchase depending on what part of the arcade building you're in.

Mayor Aneralla said this particular plan, is it a cookie cutter. If I go to anyone of these around will it be the same or is it going to be different.

Mr. Watt said they'll be similar. All of them are different based on the land he was able to purchase based on the topography and just based on the shape of the site. The rides are somewhat cookie cutter or I'm sorry the tracks themselves.....they'll look very similar between each of the parks.

Commissioner Boone said any amusement park from Frankie's ever closed.

Mr. Watt not to my knowledge.

Commissioner Guignard said the Police Chief has been very gracious and given us some updated information about police calls in town. I think we still see that the Wal-Mart gets the most calls. Can you find information for us as far as attention that police have to give to this type of facility. I don't want this over from Wal-Mart and this to be something that we have to continue to contend with. I am not accusing, I'm asking.

Mr. Watt said offhand I do not have any information related to crime statistics for it. I'm not sure it exist but we could ask police departments at other jurisdictions if they have had any issues.

Commissioner Guignard said that would be great if we could get that. We are spending a minor fortune policing an entity that probably 90 percent of their clientele are not from this town.

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

OTHER BUSINESS

Petition #R16-06. Petition #R16-06 is a request by Greenway Waste Solutions, LLC and William Hammill to conditionally rezone 135 acres (Parcels 01910102, 01910109 and portions of 01918162 and 01934118) from Transitional Residential and Neighborhood Residential to Special Purpose Conditional District.

On August 23, 2016, per the applicant's request, the Planning Board continued the review of this application until their September 27, 2016 meeting.

Commissioner Guignard made a motion to defer decision on Petition #R16-06 to October 3, 2016.

Commissioner Boone seconded motion.

Motion carried unanimously.

Petition #SUP16-01. Petition #SUP16-01 is a request by Greenway Waste Solutions, LLC and William Hammill for a Special Use Permit allowing the 135 acre landfill located at 15300 Holbrooks Road to expand its boundaries, add another fill area in the existing site (Parcels 01910102, 01910109 and portions of 01918162 and 01934118), and construct a recycling facility onsite.

On August 23, 2016, per the applicant's request, the Planning Board continued their review of the application until their September 27, 2016 meeting.

Commissioner Guignard made a motion to continue hearing for Petition #SUP16-01 to October 3, 2016.

Commissioner Boone seconded motion.

Motion carried unanimously.

Resolution – North Meck Recreation Center. This resolution is to show Mecklenburg County that the three northern towns support the Northern Regional Recreation Center as approved by the voters in 2008 and request that the Mecklenburg County Board of Commissioners include \$1 million in the FY 18 budget to start the design and planning process for this facility. The Huntersville Parks & Recreation Commission approved a similar resolution in July.

Commissioner Phillips made a motion to adopt Resolution supporting the Northern Regional Recreation Center.

Commissioner Guignard seconded motion.

Motion carried unanimously.

TOWN OF HUNTERSVILLE RESOLUTION OF SUPPORT
FOR THE PROVISION OF
NORTH MECKLENBURG REGIONAL RECREATION CENTER

WHEREAS, voters approved the 2008 Mecklenburg County General Obligation Park Bond Referendum, which included the construction of the North Mecklenburg Regional Recreation Center, and with the understanding that the North Mecklenburg Regional Recreation Center would be the first regional recreation center constructed; and

WHEREAS, although lakefront and greenway initiatives are in progress, County citizens have ranked the need for a new recreation center as a top priority based upon a recent survey; and

WHEREAS, Mecklenburg County has not built any recreation centers or indoor aquatic facilities anywhere north of I-485; and

WHEREAS, the Towns of Cornelius, Davidson and Huntersville support active and passive recreation and healthy living; and

WHEREAS, the northern end of Mecklenburg County has experienced explosive growth in population since 2000, with the 2014 population of Town of Cornelius up by 129.6%, Town of Davidson up by 67.8%, and Town of Huntersville up by 106.6% ; and

WHEREAS, growth in indoor athletic and recreation participation has pushed demand for existing venues beyond capacity and future delays will result in many more Mecklenburg County residents not being served; and

WHEREAS, the Town of Huntersville cannot continue to carry the responsibility to provide for the needs in our budget as well as grow our Parks and Recreation Department, in order to handle the demand resulting from our explosive growth; and

WHEREAS, Mecklenburg County has established the North Mecklenburg Regional Recreation Center as a top priority since 2008; and

WHEREAS, in a news release in October 2008, Charlotte and Mecklenburg County Mayors pledged support for the General Obligation Park Bond to construct a North Mecklenburg Regional Recreation Center; and

WHEREAS, at a joint meeting of the Mecklenburg County North Park Region Advisory Council, Mecklenburg County Park and Recreation officials, the Town of Cornelius Parks, Arts, Recreation and Culture Commission, the Town of Davidson Livability Board, and the Town of Huntersville Parks and Recreation Commission held on February 7, 2013, the North Mecklenburg Regional Recreation Center was named as a top priority; and

WHEREAS, Mecklenburg County, in collaboration with the Towns of Cornelius, Davidson, and Huntersville, acquired land in 2013 for the North Mecklenburg Regional Recreation Center at 18121 Statesville Road in Cornelius; and

WHEREAS, the FY 2015 Mecklenburg County Five-Year Capital Improvement Plan documents a \$28M (later \$40M) allocation for a North Mecklenburg Regional Recreation Center; and

WHEREAS, the Mecklenburg County Park and Recreation Commission affirmed their Park and Recreation Department's capital prioritization process at its March 8, 2016 meeting by a vote of 11-1; and

WHEREAS, the Town of Cornelius Parks, Arts, Recreation and Culture Commission, the Town of Davidson Livability Board, and the Town of Huntersville Parks and Recreation Commission have separately and jointly agreed that the North Mecklenburg Regional Recreation Center is a top priority for northern Mecklenburg County.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Huntersville Board of Commissioners agrees that the North Mecklenburg Regional Recreation Center is a top priority for northern Mecklenburg County and supports Mecklenburg County in the development of a regional recreation center as approved by voters in the 2008 general obligation park bond referendum and as identified in the FY 2015 Mecklenburg County capital improvement plan.

FURTHERMORE, the Town of Huntersville Board of Commissioners respectfully requests Mecklenburg County appropriate \$1,000,000 (one million dollars) in funds to initiate the planning and design process for the North Mecklenburg Regional Recreation Center as part of their FY18 budget.

School Resource Officer – LNCS. The Police Department is seeking partial funding to hire one additional officer to fill a School Resource Officer position at Lake Norman Charter School. The position will be partially funded through a state grant obtained by Lake Norman Charter School and from additional funds allocated from Lake Norman Charter School's budget. This request is for the allocation of Town funds for the balance of the funds needed to hire one new police officer position. The fiscal impact to the Town obligation is \$31,957 a year.

Commissioner Bales made a motion to authorize the Police Chief to increase the Department's authorized strength by one additional sworn officer to be used to fill a SRO position at Lake Norman Charter School.

Commissioner Boone seconded motion.

Commissioner Gibbons said I fully support us giving an SRO to LNCS. With that said, I think the discussion in my mind is only about how we do this from a budgetary standpoint. I'd like to see us go ahead and fill this position with an existing billet and when you have the two officers that are conditional offers, if that works out, then we are going to have two billets for new officers come January 1 and as I've said before I'd like to see us fill billets and then if the Chief needs more, come back to us and say we filled billets and we still need people and let's discuss it then. I'm going to say in the long term the reason I say that and it's nothing critical of anyone but what it does is if you approve one more officer right now, that officer is on the budget in Huntersville forever. No one here and nobody on a future board is going to come and cut a police officer. I'm saying this gives us some budgetary restraint and allows us to make a decision when the Chief and his department come back and say we have filled every billet you gave us for the year and we need more and I think we are a reasonable bunch and we would discuss that and go at it. But if we just approve an extra one and the end of the year comes and for whatever reason we haven't filled the billets that we budgeted then that's on for 2017, 18 up to the day I die and that's a consideration that bothers me.

Commissioner Gibbons made a substitute motion to have this Board approve an SRO position out of the current officer billets that we have and we will entertain the need for more officer billets as that becomes necessary.

Commissioner Phillips second motion.

Chief Spruill said the rules that govern grants won't allow that to happen. That would be called supplanting. You can't use existing positions to fill a grant funded position. You have to increase the authorized strength of the Police Department by one position. You couldn't take one of the already existing positions and shift them over into that position and there's audits that go on and they look at what your authorized staffing is, what your budget is, to make sure that you're not doing what you are suggesting. It sounds like a good idea, but it's just not allowed by rules.

Commissioner Guignard said when we approved the budget, there were funds set aside to match the potential grant that was not received. Those funds are still not spent, so could those funds be used at this point to spend on this 30 whatever thousand dollars a year situation.

Chief Spruill said yes, that's what I suggested at the mini-retreat. What I proposed is that funding from the \$65,000 that's left over that we did not get the traffic safety grant, use a portion of that to fund the Lake Norman Charter School SRO.

Commissioner Gibbons said I want to make sure that we are all on the same sheet of music because what I just heard Commissioner Guignard is not.....I think you are mixing the dollars and the billet. Chief talked about adding a billet but paying for it with the monies from the grant. So we're adding a billet which will be there forever. And we are paying for it with money that's in the budget. If that's what you understood I apologize but I think we were apples and oranges. My question, I understood the supplanting rule when we were applying for the grant but are we supplanting when we haven't even hired the officers yet.

Chief Spruill said if we are authorized 91 officers and we added a grant funded position, they would look to see that you added a 92nd position. You would have to have 92. If we don't fill the position for a while and we didn't spend the money, it wouldn't make that big of a deal, but they are looking to see whether you added one additional position on top of what you were authorized during the original budget.

Commissioner Boone said Commissioner Gibbons you are right that if we fund this person it will be this year and next year and the year after and like you said until you die. My question is that's absolutely true if you don't have any growth and if you don't have any additional needs. So I think no matter if it's now or two years from now we are going to need additional officers, whether it's right now and taking advantage of the grant for Lake Norman Charter I think it would be a good move on the Town's part.

Commissioner Kidwell said I had asked how many school resource officers where in the schools. We've got one at North Meck High, one at Hopewell High, one at Alexander Middle and one at Bradley Middle. Lake Norman Charter is a middle and high school – are we looking at one officer for the two schools.

Chief Spruill said it would be one officer at the high school, but he would be available to go to the other school if needed.

Mayor Aneralla called for the vote on the substitute motion.

Motion failed 0 to 6 – Commissioners Bales, Boone, Gibbons, Guignard, Kidwell, and Phillips opposed.

Commissioner Guignard said can you tell us what the school is paying now for traffic control.

Chief Spruill said it's \$40,000.

Commissioner Phillips said how many officers are we allowed to have right now by the budget.

Chief Spruill said we are allowed to have 89 officers until January and then in January there will be 91.

Mayor Aneralla called for the vote on the original motion.

Motion carried unanimously. Commissioner Guignard abstained, which was recorded as a vote in favor.

CONSENT AGENDA

Approval of Minutes – August 1. Commissioner Bales made a motion to approve the minutes of the August 1, 2016 Regular Town Board Meeting. Commissioner Gibbons seconded motion. Motion carried unanimously.

Approval of Minutes – August 15. Commissioner Bales made a motion to approve the minutes of the August 15, 2016 Regular Town Board Meeting. Commissioner Gibbons seconded motion. Motion carried unanimously.

Budget Amendment – Public Works. Commissioner Bales made a motion to approve budget amendment recognizing insurance revenue in the amount of \$1,555.21 and appropriate to the Public Works Department's insurance account. Commissioner Gibbons seconded motion. Motion carried unanimously.

Budget Amendment – Police Department. Commissioner Bales made a motion to approve budget amendment recognizing insurance revenue in the amount of \$691.58 and appropriate to the Police Department's insurance account. Commissioner Gibbons seconded motion. Motion carried unanimously.

Property Tax Refund Report No. 68. Commissioner Bales made a motion to approve SL362 Property Tax Refund Report No. 68. Commissioner Gibbons seconded motion. Motion carried unanimously.

Property Tax Refund Report No. 69. Commissioner Bales made a motion to approve SL362 Property Tax Refund Report No. 69. Commissioner Gibbons seconded motion. Motion carried unanimously.

CLOSING COMMENTS

The Mayor reminded everyone that the North Meck Transportation meeting is on Thursday.

There being no further business, the meeting was adjourned.

Approved this the _____ day of _____, 2016.