

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**July 17, 2017
6:30 p.m. – Huntersville Town Hall**

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 5:45 p.m. on July 17, 2017.

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

Parks & Recreation Sponsorships. Michael Jaycocks, Parks & Recreation Director, presented PowerPoint presentation on sponsorships for the new Recreation center. *PowerPoint attached hereto as Exhibit No. 1.*

Huntersville Fire Department Contract. The time is getting close to renew the contract with Huntersville Fire Department. There are some areas of the contract that will need to be revised. Gerry Vincent, Interim Town Manager, encouraged Board to send any suggested changes for the new contract to him.

**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 July 17, 2017.

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 called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- Committees did not meet in July. No Mayor's Luncheon tomorrow.

Commissioner Bales

- The Lake Norman Economic Development Corporation currently has 19 active projects – 6 are in first contact, 7 are in the visit category and 6 we are a finalist for. The EDC is in the process of redesigning their website. The new website will feature a Job Board for open positions in the area.

Commissioner Boone

- The Huntersville Ordinances Advisory Board met July 14 to discuss beehives, green landfills, storm water and rural open spaces.
- Huntersville Police Department is reporting an increase of 8 percent in crime over the prior year. This increase is due to larceny from autos.
- National Night Out is August 1.

Commissioner Gibbons – No Report.

Commissioner Guignard

- Committees did not meet in July. The Centralina Council of Governments will meet in August.
- The Planning Coordinating Meeting is December 1.

Commissioner Kidwell

- The next meeting of the Charlotte Regional Transportation Planning Organization is July 19. Things of interest that will be discussed and/or voted on include update on the I-77 Expressway Lane contract from the Mercator Advisors, resolution supporting a designation of a Catawba Crossing which I have asked my fellow committee members at CRTPO to vote against that. I think it will damage the opportunity for road improvements in our area long-term if that happens. The CRTPO will also be asked to approve the TIP for public comment.

Commissioner Phillips

- Updated the Board on Visit Lake Norman and Lake Norman Chamber of Commerce events.

Commissioner Bales asked Bill Coxe to elaborate on the Catawba Crossing that will be discussed at CRTPO.

Bill Coxe, Transportation Planner, explained that the Catawba Crossing is a road across the Catawba River south of Wilkinson Boulevard basically following the alignment of the Old Garden parkway, which was a toll road that was proposed from 485 around the south side of Gaston County and coming back into 85 west of Gastonia, crossing 321 in the process. Gaston County would like to get a state route number assigned to it so they could then ask for the project to be evaluated as a regional project.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Dr. Michael Brennan updated the Board on the Uveal Melanoma Assessment. Below is written report provided to the Town Board.

Huntersville Town Council Report---Uveal Melanoma Assessment---JUK 2017

PREFACE:

General community awareness thru word of mouth, social media and press/television reporting have surfaced a number of potential inclusions. Without specifying a number, the “inclusive philosophy” recommendation from many physician professionals (and patients) has led us to a total almost twice that when the assessment initiated. Using the generous fifteen mile radius does mean that this geography is now well

beyond "Town of Huntersville" and the issue encompasses a regional population—Mooreville, Lincolnton, Mt Holly, Concord as examples---and this fact goes back to the original eight studied by the NC DHHS.

Establishing the definitive Timeframe for the study can also be contentious in that date of diagnosis as a principal criterion means essentially that a single patient could set the stage for all??

**The unique quality of the entire population is the youthfulness and the dominant female gender of the initial patients---this fact is emphasized by Ms Sara Lovett, epidemiologist, Mecklenburg Co Health Department—a valuable ally in the investigation.

Environmental:

---Hart and Hickman expect to await conclusion of (and collaboration with) the Geospatial Assessment to determine if field testing is recommended and justified. Potentially their fraction of the grant may not be expended

---Geodesy, Inc (Mr John Cassels) continues to assemble Life Stories of the included melanoma population and approximately half of the population has responded sufficiently. Recent additions will mean that this study will not likely conclude until mid to late AUG. Collaboration continues with NC DHHS, UNC Public Health and the aforementioned Mecklenburg Co epidemiologist, Ms Lovett.

**With the population near doubled from the time of his contract, it is recommended that the Geodesy, Inc compensation "allowance" be doubled.

Genetics:

---Face to Face counseling with a Levine Cancer Center professional continues. 1/3 have counseled; 1/3 are scheduled and the new inclusions are seeking appointments. Carolinas Health Care/Levine Cancer Center counseling specialist have been exceptional and blood is drawn at time of counseling.

---Invitae Laboratories in Charlotte conducts the serum analysis based on the counselor's recommendations and forwards results to all involved physicians and the patient.

**Population increase will double the budgeted amount

---Tumor Tissue testing has not commenced due to need for a special Institutional Review action at Columbia University. Once established "select" patients (families) will agree to release of tissue from their respective hospitals. The expected conclusion of this study is "end- 2017." The budgeted cost is essentially understood with the principal investigator to be "what the grant can afford."

Jim Dotoli, Huntersville Fire Chief, updated the Board on fire services since taking over medical calls in area they did not previously cover. Although call volume has increased, their response time has been within 6 minutes.

Hal Bankirer, 17206 Linksview Lane, urged the Board to approve Petition #TA17-03 that would impose term limits on Planning Board members. I announce now that approved or not my recent reappointment taking me to slightly over 10 years will be my last. Mr. Bankirer also urged the Board to approve Petition #TA17-03, Section 2, to allow the Planning Board an additional deferral.

Pat Jakeway, 118 Pineridge Drive, addressed the Board concerning the location of beehives on property. The topic was discussed at the Huntersville Ordinances Advisory Board meeting. Mr. Jakeway suggested a neutral expert be brought in to help devise a new location for their neighbor's beehives and they would refrain from their request for an ordinance, but in the meantime requested Board consider looking at ordinance for location of beehives on property.

Commissioner Boone said I'd like to make a comment on the advisory board meeting that we had. We're working on this situation and when we left we were going to give this 30 days to study it to see what we can do about moving these beehives. I have reached out and tried to get an independent beekeeper to go over to your neighbor's house and look into the situation. But before I do that I want to be sure that everybody knows that we are coming.

AGENDA CHANGES

Commissioner Gibbons added Item L under Other Business – Consider decision on terminating the Management Services Agreement dated and entered into as of July 1, 2016, between Health Works, Inc. and the Town, pursuant to Paragraph 8.c of said Agreement, and authorize the Town Manager to provide Notice to Health Works, Inc. pursuant to said Agreement, which shall be effective 90 days, plus two days following the date of notice given as provided in Paragraph 12.

Commissioner Kidwell added Item F to the Consent Agenda – Call a public hearing for Monday, August 7, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #TA17-05, a request by Piedmont Wrecking and Grading Company, Inc. to amend Article 9.23.9 of the Huntersville Zoning Ordinance to modify the compliance standards for existing LCID landfills.

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

Commissioner Phillips seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Petition #R17-03. Mayor Aneralla called to order public hearing on Petition #R17-03, a request by Donald and Vicki Shew to rezone 12.66 acres from Corporate Business to Special Purpose at 15746 Old Statesville Road (Parcel #01101235).

Brad Priest, Senior Planner, reviewed the request. *Refer to Staff Report attached hereto as Exhibit No. 2.*

Staff recommends approval of the rezoning application as the SP district is consistent with adjacent development and will allow the existing Storage Central business to bring their site up to current zoning code.

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

OTHER BUSINESS

Appoint Town Manager. Commissioner Kidwell made a motion to appoint Gerald D. Vincent as Town Manager.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Petition #R17-01. Petition #R17-01 is a request by Nate Bowman to rezone Parcels 01920320, 01920313, and 01937101 from Neighborhood Residential and Transitional Residential to Neighborhood Residential Conditional District.

Alison Adams, Senior Planner, reviewed Staff Report. *Staff Report attached hereto as Exhibit No. 3.*

The Planning Board reviewed the petition on June 27, 2017. The following motion was made: The Planning Board recommends approval based on staff recommendation that all required TIA and NCDOT requirements be approved and in place before Town Board recommendations and that the buffer and block length waivers be approved as suggested by staff. The plan is consistent with the 2030 Community Plan. It is in the interest of the public and reasonable and should be approved because it meets the 2030 Plan, zoning requirements and all necessary TIA and DOT requirements.

Commissioner Bales pointed out that as the Town continues to grow, Charlotte-Mecklenburg Schools needs to be aware of the number of homes being approved.

Commissioner Boone made a motion in considering the proposed Rezoning Application #R17-01, Sherrill Subdivision Conditional District, the Town Board recommends approval based on the application being complete. It meets all necessary requirements. It is consistent with the TIA requirements, the DOT requirements, both with the waiver of the buffers and the block length being approved. It is in the best interest of the community and it meets the 2030 Community Plan recommendations.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Sherrill Subdivision Sketch Plan. Mayor Aneralla pointed out this item is quasi-judicial.

Mayor Aneralla swore in Alison Adams, Max Buchanan and Nate Bowman.

Alison Adams, Senior Planner, said this is the subdivision portion of the same request, but subdivision portion, the sketch plan. It is quasi-judicial. *Staff Report Attached hereto as Exhibit No. 4.*

Again, this is 37 acres, 77 single-family homes. The applicant is Bowman Development. The block length waiver is in red and then the buffer request is in yellow. All aspects of the Subdivision and Zoning Ordinance are being met. It does comply with the NR district. The open space is being met, tree save, etc.

With that being said, Community Plan, East Huntersville Plan, it is consistent with both of those and if you have any questions, I'll be happy to answer those.

Mayor Aneralla said sidewalks on Holbrooks.

Ms. Adams said the applicant is required to install sidewalk along Holbrooks Road. The sidewalk is a 5' sidewalk. There is a green zone. Holbrooks Road is a ditch cross-section so you would have the ditch and then the green zone and then the sidewalk. The green zone would have trees as required per our ordinance and the same style buffer would be along Asbury Chapel Road as well.

Commissioner Boone said there's no bike path on Holbrooks Road.

Ms. Adams said there's no bike lanes.

Commissioner Bales said just a quick question regarding the homes that are along the future Asbury Chapel. I'm just confirming that those homes, their fronts are in the development and not facing Asbury Chapel Road.

Ms. Adams said you're correct.

Commissioner Boone made a motion to approve the Sherrill Subdivision Sketch Plan which will include Parcels 01920320, 01920313 and 01937101. The application is complete. The request is in keeping with the spirit and intent of the Town's future land use plans. It is consistent with the TIA and NCDOT requirements, both the waivers of the buffers and the block lengths being approved. It is in the best interest of the community and meets the 2030 Community Plan.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Bryton – Lot 2 Outparcels Sketch Plan. Mayor Aneralla pointed out this item is quasi-judicial.

Mayor Aneralla swore in Jack Simoneau.

Jack Simoneau, Planning Director, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 5.*

Mr. Simoneau said I'm going to be really brief on this. This is an outparcel that is near the Walmart and Bryton subdivision. It's located in the hatched area right here. The map on the left is a map that was approved in 2011 that created the street system around Walmart and you will see that yellow line. That line kind of represented a lot north of Walmart. Now the applicant wants to actually subdivide that tract into six more lots, so that makes it a major subdivision whenever you create those lots and that's why we are coming back before you. All the infrastructure installed. All the Town requirements have been met. The applicant has modified the plan. We have reviewed the plan. Everything is in compliance with the ordinance. Staff has recommended approval. The application was complete. All the information that was requested such as willingness to serve letter and fixing up the site plan have been addressed.

The Planning Board recommended unanimously to approve this at their meeting and we're happy to answer any questions the Board might have.

Commissioner Phillips said maybe you can explain this one to me and I'm going to pull your chain a little bit. Your general application is not filled out on the front page. Why is that?

Mr. Simoneau said frankly I'm filling in for David Peete, so I don't have that information that you are talking about. The general application, what is it you are concerned with.

Mr. Phillips said it's not filled out.

Mr. Simoneau said mine is typed in.

Commissioner Guignard said evidently the computer reports are filled out and the printed reports are not.

Mr. Simoneau we'll try to figure out what that glitch is. Ours is filled out.

Commissioner Phillips said I just couldn't figure out why everybody else fills one out but these gentlemen didn't.

Mr. Simoneau said I don't know what the technical glitch is there, but the application that we have is all filled out.

Commissioner Phillips said this project was approved or the original sketch was like 2006 and if I understood this Traffic Impact Analysis was done in 2006 and there's no additional road improvements.

Mr. Simoneau said that is correct. Do bear in mind when this project was approved what you see out there, the bridge at Hambright.....Hambright Road being built, the widening of 115, Alexandriana improvements, all that was a function of Bryton back when it was originally approved. So there's probably over \$30 million worth of road improvements that were done as a result of this approval, including moving the railroad track over, because that was the big deal. The railroad track used to be right up against 115 and if we had to widen 115 we would be eating into the school property. So the big deal was moving that railroad into the center of Bryton and then doing the road improvements. To answer your question, yes, but I don't want anybody to think that they are not meeting the standards because all the infrastructure you see out there is as a result of Bryton.

Commissioner Guignard said they did get quite a few TIF's for that, am I correct.

Mr. Simoneau said there was a synthetic TIF, that is correct.

Commissioner Phillips said basically you're saying this was approved back in 2006 and that's what I'm trying to do is make sure that people don't come back and say oh, because I would be a good example of that.

Mr. Simoneau said to answer your question the rezoning was approved in 2006 and they have met the conditions that were required of them.

Commissioner Phillips said even though these here will create additional trips.

Mr. Simoneau said yes, again the infrastructure has already been installed.

Commissioner Kidwell made a motion in considering the application on Bryton – Lot 2 Outparcels Subdivision Sketch Plan, the Town Board finds the application is complete and complies with all applicable requirements pending addressing intersections for Lots 2D and 2E in regards to the intersections, also pending a willingness-to-serve letter provided by Charlotte Water. It is in the public interest in regards to helping Bryton fulfill its complete and full potential.

Commissioner Boone seconded motion.

Commissioner Bales said I encourage Commissioner Kidwell to also add the minor comments to the notes of the site plan.

Commissioner Kidwell said absolutely.

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

Petition #SUP17-02. Petition #SUP17-02 is a request by Godley Group of Charlotte, LLC for the issuance of a special use permit for Frankie's Fun Park to allow lighting that exceeds some standards of Article 8.26 of the Zoning Ordinance per Article 8.26.1(M).

Mayor Aneralla pointed out this item is quasi-judicial.

Mayor Aneralla swore in Jack Simoneau and Brad Priest.

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 6.* This Special Use Permit application is to allow a lighting standard that exceeds the ordinance requirements for lights and so here's an aerial photograph of the Bryton development on Eastfield Road/115. You can see the color rendering there is the Frankie's facility to the rear back on Bryton Corporate Center Drive. That's the location of the property.

Back last year there was a text amendment that was done for the Frankie's facility. Frankie's was going to come in and they were going to have some ride lights and they were going to have lighting for the facility that they knew was going to go over Article 8.26, which is the requirements for standard commercial lighting. They went through this application to change the text to basically say if you go through the Special Use Permit process and you meet the ordinance criteria to the extent practical, it can be approved. That's what that text amendment did because again they knew that they were going to have lights that were above and beyond what we normally require for a drug store or any type of commercial use.

With that in place what we are doing now is just the follow-up exercise of that text amendment from last year, the special use permit where we look at the actual lighting plan, we look at the lights and we see is this meeting the ordinance to the extent practical.

Here's the lighting plan and again this is all in your Staff Report. I'm not going to belabor or try to go through individual readings. There were a few different areas that we wanted to highlight that were above the ordinance requirements and just briefly discuss.

The first one was the mini-golf facility. Again, the ordinance requires in 8.26 a maximum of 10 footcandles (FC), but when you look at the IES (the Illumination Engineering Society), they recommend a maintained 10 FC. So for the mini-golf area they are proposing an average close to 10 FC and a maximum 16.2 FC. Looking at that portion of the site and looking how it operates and knowing that you do want to see where you are going and there are trip hazards. If you've ever been to a putt-putt facility, you are stepping over things and around things. There's uneven terrain so you want to have some light for safety. Staff thought that was close enough essentially to the requirement. It meets the ordinance to the extent practical.

Going to the go-kart tracks. Of course go-kart tracks you want to have again safety lighting. You want to see where you are driving. So the track designer submitted a letter as evidence to say that I recommend you have at least 20 FC max. And then you have a 10 FC minimum. They are proposing close to 20 FC.....19.9 FC and 14 FC average. Again, looking at that, looking at the safety concerns that you have with this type of facility, staff's recommendation is that's close enough to the extent practical.

The go-kart canopies where you are waiting to get in line to go to the facility to get in and go ride the karts, the track designer recommended 20 FC average or higher. The proposed is 28.9 FC, the average was 22 FC average. Now staff did a little bit of research and looked at the Planning Advisory Service and

there are some studies in regard to canopy lighting and after a certain amount of lighting it becomes more of an advertisement in itself with the lighting because of the brightness and it loses the effect of safety and all that good stuff.

With that recommendation and that description, staff recommended that we get down just a tad to the 20 FC average, which met both requirements or both recommendations I should say of the Planning Advisory Service and the track designer. The applicant actually has agreed to do that, come down just a little bit. They submitted a new plan today where I think the average is down to like 16.9 FC, something around that range for the go-kart canopies. We're good there as well. The applicant has lowered that.

The one more issue is the amusement rides. So 8.26 says that prohibited lighting is flashing or any kind of lighting that's obtrusive or could be a nuisance. So in this red circle you will see where the amusements are proposed in the back. And so here's just a slide that kind of shows each of the rides, what kind of lighting you will see. They are essentially carnival looking rides and so there will be four of them out there.

Looking at the lighting, looking at what the rides will look like, the applicant has submitted viewpoints, perspectives to try to help the Board understand what the site would look like after a period of years. On the right-hand side you see what the view would look like from Point 1. Here in the bottom right-hand of the map, you've got a birdseye view and on the very right-hand of the slide you see what the perspectives are.....one at landscaping installation at the top and then at 5 years growth of the landscaping and then at full maturity of the landscaping. And that's a consistent theme as we go through these slides – installation, 5 years and then at maturity. So that's View 1. View 2 is right there on Bryton Corporate Center Drive as well, but at street level and the property just to the north of this is fully wooded, so you see on the right-hand side there's lots of trees there. From that vantage point you don't see much at all because of the wooded lot to the north.

Now View 3 is over across the street, across the rail line down near the Walmart entrance on Bryton Town Center Drive. So your left-hand side again you have the installation, 5-year growth and at mature growth. And you notice from this offsite location even at mature growth of the landscaping the tops of those rides are still visible from what was submitted.

View 4 is similar, just scooted down the street just a little bit, looking back at not necessarily the rides per say but looking at go-kart tracks and the putt-putt facility there's some leftover mature landscaping that screens a lot of that. But to give a little bit better perspective here are some pictures that staff took right at the driveway to Walmart. You see on the left-hand side or the left-hand picture there's those mature trees. There's some there, but not many to make really an opaque visual buffer. And then a little bit to the right it's completely wide open. There's no existing trees there.

Here's the landscaping plan. In effect, the landscaping plan shows on the right-hand side, it's bubbled in red, what the proposal is is to plant Savannah Hollies initial installation at 20' high to try to help screen. So that's a very tall, very narrow, evergreen tree that could make a hedge after several years. They are planting them 8' on center so that will make a nice hedge barrier for the lower lying lights and block them out and stop them from being a nuisance. Height at maturity of the trees is 40'. Now the concern staff has is that the lights on that swinging one, you notice if you go back, but the swinging ride here in the upper left has a pendulum that goes around and it gets up to I think the height was 53'. So it's going to be high. And there's lights on that pendulum at the top. So at a 40' height there's just going to be some visibility of the lights as the rides go round and round.

In totality the Planning Board reviewed the application on June 27. They recommended approval of the application with some conditions. And those five conditions are listed here. Essentially to make sure the landscaping screening as it's shown, the Savannah Hollies, the tall evergreen trees, are continually maintained. The applicant has to resubmit a Special Use Permit if future rides are proposed higher than the existing ride heights. So they've got the four rides now, but if they come in with a different one at 60' high then we have to look at the process over again. That was a recommended condition from the Planning Board. The lighting on the go-kart track canopies is reduced to the average 20 and they've already done that, so we are on the same page with No. 3. No ride other than the two swinging rides, the Midi Discovery and the Mega Disk, may exceed 40' in height. That's the pendulum one, the Midi Discovery, and then the Mega Disk was the disk that goes back and forth, looks like a big "U" that we saw in the pictures. So that goes over 40'. The Planning Board recommended that you just have the two rides. Don't switch out the teacups, switch out the swings to have the taller rides, so you have more than the two with the obtrusive lights. And then No. 5, a third party lighting engineer paid by the applicant submit a report just making sure the that the lighting plan as proposed and reviewed by staff is installed as it was planned. That was the Planning Board recommendation.

The Planning Staff still has the recommendation that over 40' the lights be restricted and that could reduce the obtrusive lighting a little bit better because the trees only go so tall so anything above that could be obtrusive especially if it's continually going around and around. That's staff's recommendations.

Commissioner Gibbons said can you go back to a picture that shows the whole area and then I want to ask a question about where.....we're worried about the lights, you've got the canopy circled right now, and then we are worried about the lights on the race track and we think we've got that.....staff is satisfied that that's conformed. We were worried about the ride heights and the lights on them. But on this, can you just point where presently there's residential and where the possible residential is going to be – the apartments that are mentioned in here, just so we can get kind of a distance.

Mr. Priest said the top right of this map where you see it zoned TODR. You see the site hatched in. Directly to the west you see the brown, the TODR, so right across that stream is zoned essentially for apartments, so it could be right across the stream there from residential development.

Commissioner Bales said and elevation-wise the hatched site sits lower than that, is that correct.

Mr. Priest said it does sit higher. It will sit higher. The TODR once you get past the.....actually the Frankie's site is putting in a huge retaining wall, probably 15' above, so it's going to be higher. But it's important to note too in TODR they can have 4-story buildings and they can raise up, so it would make up that difference very quickly. To answer your question right across the stream.

Commissioner Boone said I did miss the Planning Board meeting that night and it must have been a long meeting. I do have a question because in the minutes from the Planning Board there was some misinformation. It says the park closes at 9 p.m. Is that true or false.

Mr. Priest said I don't know if that was an offered condition but I think it's going to close later than that.

Commissioner Boone said the park and the amusement center, the indoor amusement center, does that have any lights.

Mr. Priest said the applicant is here. I'm not sure.

Commissioner Boone said if this 50' ride that's going to go above 40', how many times does that make a cycle in an hour.

Mr. Priest said I'm not sure. I'd be happy to get the applicant to come up to answer those.

Austin Watts, Kimley-Horn, said if you will indulge me, let me step back a little bit and give a brief 2 minute presentation, I think it will encompass a lot of the questions that you've got and perhaps answer some of the ones that have already been answered.

I just want to take a moment to thank staff because we've been going back and forth trying to make this plan as good as possible over the last 6 or 7 months, since we came in November of last year in order to institute the special use permit. The original intent was to do a text amendment and it just became kind of a bear. Staff had the idea of let's just institute a special use permit where we can go through each of these and look at them on a case-by-case basis so if there are other developments in the future it's not just related to fun parks, it's related to other things.

Whenever we first started out the original site was located across the street. In working with David Jarrett with AAC and staff it was determined that in order to provide a better buffer between the residential it was more appropriate for us to be across the street. Mr. Godley who is the client, he's here tonight, agreed that we would move over here and situate ourselves in this corner. As part of that we looked at how we were going to arrange the site in order to fit all the pieces in there and to maximize the area so that we weren't taking up more area than we needed to allow AAC to have additional land that they could sell off to other folks. We also wanted to make sure that we were putting the rides in the appropriate spot. So on the south side to where we've got more commercial uses, we put in the mini-golf. And if you have seen any of Mr. Godley's other parks, whenever they talk about Disney level landscaping, I heard the architect throw that out when I first started and I just thought that was kind of over the top expression, then you start looking at what he installs and it is Disney level landscaping. We put that on the south side, wrapped the side of it with the go-kart tracks and then we put the rides in the middle. What that does is it allows some of the structures on site as well as the immense amount of landscaping that's being installed to help screen those rides.

Additionally, in working with staff we had a safety fence around the outside. We upgraded that to black aluminum architectural grade fence around the entire property and at the client's own volition he doesn't want to go in and plant code minimum landscaping. He's not putting any 2" caliper sickly little Charlie Brown Christmas trees that you might see some people do. He's putting in large semi-mature landscaping at the time of installation. One of things that Brad mentioned a moment ago is that we upsized the trees along this western property line from a 12' install to a 20' install, which is just a huge tree to go in to start with that will eventually get up to 40'.

After that the client met with the ride vendor. These rides are made in Italy. He brushed up on his Italian and got across to them the fact that we need to reduce the amount of lights that are visible out there. One of the things that they did was he chose the LED package instead of the incandescent package, lower wattage bulbs. And then he got with the ride manufacturer and said what can we do to help minimize the amount of glare that's going to go off our western property line. If you look at these pictures here, for example on the discovery, this side here that's got this crescent moon, that was simply removed. It's got this wheel here that lights up. The lights were taken off of that. It's got lights on the legs and so on the western facing elevation of those legs, those lights were taken off. And then on the Mega Disk, the entire side that faces to the west, the lights were taken off of that. That combined with

the 40' maturity screening that we are planning along there were some of the things that we did in order to mitigate some of the lighting.

One of the questions was how often are these things going to peak above the trees. My associates and I were looking at some of the videos of it, give or take it's five to six rides an hour, maybe a peak at ten, but by and large five to six rides an hour. The ride lasts about 90 seconds. We looked at the video of these things moving and we were trying to be conservative and so based on that about half the time we allocated to it being above 40'. I think it's less, but we wanted to be conservative. So 45 seconds, five times an hour. These things they are obviously outdoor rides so in the winter time these are not very popular and so these things are not running whenever it's freezing outside because nobody wants to strap onto this in 20 degree wind and 20 degree weather and spin around. So we are talking about the summer months. And peak is kind of April through September. In those months the daylight last quite a long time. So you know right now it's not getting dark until 8:30 p.m. or 9:00 p.m. and then these rides close at midnight. So we are looking at about three hours a day during the summer months. And so based on the amount of time that they would be running above the tree canopy, we're talking about 15 minutes a day is kind of how the math works out.

Additionally, with the location of this we also make use of the existing SWIM buffer that's between us and the remainder of Mr. Jarrett's property. David has been very aware of the plans. We've kept him in the loop as far as what's going on and we've discussed if you put apartments down here what's that going to be like. Well for one this is a very large retaining wall. We're about 35' on our western property line. So we've looked at doing mass grading for David on the other side and so we would be in the 40' range or so above the TOD on the property that's to our west. And then additionally it was brought up at the Planning Board you know we're not moving next door to a million dollar house, we're going in first and then any development that comes in around us will take us into account and people know going in what they are developing, what they are buying, things like that. We would be very up front with any future neighbors.

Additionally, regarding lighting, Mr. Godley has worked with the ride manufacturer so any lights that flash, because these things can do all kinds of crazy stunts, he's agreed to turn off the flasher, so we are not dealing with flashing lights out there as well.

All in all we believe that we've done a good job mitigating in trying to get our use to fit into the community and to the ordinance to extent practical.

Commissioner Guignard said just a question from somebody that was raised on the west side of town. Are these Godley's related to the Godley's from the farm equipment people off of Hovis Road.

Mr. Watts said yes.

Commissioner Guignard said what happens when this is very successful and they want to add space to this. Is David ready to add more space?

David Jarrett, American Asset Corporation, said right now there's no intent to add more property. I think Mr. Godley has purchased what he feels comfortable with at this point. If the remaining acres are there in 5 or 10 years when this is that successful and he wants to buy more, certainly we would consider that. But I think at this point there's no indication that he's looking for an expansion.

Commissioner Guignard said on a real serious note I remember sitting at this dais and we discussed Birkdale before they even graded the first spade of land over there and we tried to say that place is going to be much more successful than anybody ever said it would be. I'm not so sure that.....y'all tell me there's nothing like this until you get around to Carowinds and I'm not comparing this to Carowinds but there's nothing of this nature on 485 going east, west, north or south.

Mr. Jarrett said that's correct.

Commissioner Guignard said I don't think we understand what's getting ready to happen when you open this. I am not against what you are doing. We don't understand what's getting ready to happen when you open this.

Commissioner Gibbons made a motion in considering the Special Use Permit #SUP17-02, Frankie's Fun Park Lighting, we the Town Board find that the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on adjoining properties and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. This decision is supported by the fact that the mature landscaping coverage will cover the lights and that the lighting selected is adequate for the safety of the public. The following are required as part of the approval and these are as per the Planning Board's recommendation: (1) The landscaping screening on the perimeter of the property is continually maintained; (2) the applicant must resubmit a special use permit amendment application if any future rides are proposed higher than the existing ride heights; No. (3) is covered; (4) no rides other than the two swinging rides (Midi Discovery and Mega Disc) may exceed 40' in height; and (5) a third party lighting engineer paid for by the applicant will submit a report following the installation showing conformance to the approved lighting plan.

Commissioner Phillips seconded motion.

Commissioner Guignard said I do have a question. There are times when bigger parks have a limit and they stop admitting people. Is there a maximum number of people that y'all think this park can hold.

Mr. Watts said I believe that the answer would be as directed by fire code as far as the number of maximum occupants and that's typically part of the building permit and there's typically a placard inside the building that says Max Occupancy.

Commissioner Guignard said that's for the building, I'm talking about for the park. How many parking spaces are there.

Mr. Watts said 450.

Commissioner Guignard said so 2,000 people.

Commissioner Boone said you said that the rides close at 12. What happens on New Year's Eve, do you keep them open after that.

Mr. Watts said Mr. Godley mentioned that's winter time, so the park is a lot slower in the winter months than it is in the summer months, so the outside park it wouldn't change.

Mayor Aneralla called for the vote to approve Petition #SUP17-02.

Motion carried unanimously.

Petition #TA17-03, Section 1. Petition #TA17-03, Section 1, is a request by the Huntersville Planning Department to amend Article 11.4.2(b).1 to modify the term limits for members from within the Town Limits.

Meredith Nesbitt, Planner I, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 7.* If approved this will affect the members from within the Town Limits. It will not affect members representing the ETJ.

Staff recommends approval. The Planning Board recommended approval by a 5-3 vote. Some Planning Board members felt it would be limiting someone's ability to volunteer multiple times. The Huntersville Ordinances Advisory Board also heard this request and recommended approval.

Commissioner Guignard requested to hear from any of the three dissenting votes on the Planning Board.

Jennifer Davis, 7530 McIlwaine Road, explained the reason she voted against term limits was she has confidence in the Town Board to remove Planning Board members who are not doing their job. If someone wants to continue to serve it would limit their ability to sit on a board and do a good job.

Commissioner Boone made motion in considering the proposed amendment #TA17-03, Section 1, to amend Article 11.4.2(b).1 of the Zoning Ordinance, the Town Board approves the request based on the amendment being consistent with Policy ED-14 of the 2030 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because periodic changes in the Planning Board members allows a balance of needs of experienced membership, fresh ideas, and brings the Town of Huntersville Planning Board in line with the policies of other municipalities.

Commissioner Phillips seconded motion.

The Board discussed pros and cons of term limits. Some commissioners noted they would not support the motion because they believe the decision should be made by the Town Board whether or not individuals are going to continue to serve. If they do not want to continue to volunteer they can resign from the board or not apply for reappointment. Arguments in favor of supporting decision included term limits would give people that want to serve an opportunity.

Mayor Aneralla called for the vote to approve Petition #TA17-03, Section 1.

Motion failed 2 to 4 – Commissioners Boone and Phillips in favor; Commissioners Bales, Gibbons, Guignard and Kidwell opposed.

Petition #TA17-03, Section 2. Petition #TA17-03, Section 2 is a request by the Town of Huntersville Planning Board to amend Article 22.4.7(b) to modify the number of times the Planning Board may defer action on a request.

Meredith Nesbitt, Planner I, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 8.*

This text amendment was initiated by the Planning Board to allow them to defer action on an item that comes to the Planning Board two times rather than just one time. Planning staff recommends approval of this text amendment request. The Planning Board recommends unanimous approval and the Huntersville Ordinances Advisory Board also recommends approval of this text amendment request.

The Board discussed pros and cons of increasing the number of times the Planning Board may defer action on a request from one to two. Some commissioners felt applicants are given enough time to have their case prepared. It was pointed out that sometimes an applicant may not get input from the North Carolina Department of Transportation in a timely manner which would cause a delay.

Commissioner Boone made a motion in considering the proposed amendment #TA17-03, Section 2, to amend Article 11.4.7(b) of the Zoning Ordinance, the Town Board approves the request based on the amendment being consistent with Policy ED-14 of the 2030 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because it improves the efficiency and responsiveness of the development review process for development proposals.

Commissioner Phillips seconded motion.

Motion carried 4 to 2, with Commissioners Kidwell and Bales opposed.

Petition TA17-03, Section 3. Petition #TA17-03, Section 3, is a request by the Town of Huntersville to amend Article 4: Lot and Building Type for Detached House to modify a reference to Transitional Residential sideyard setback, which was changed on February 6, 2017.

Meredith Nesbitt, Planner I, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 9.*

Town staff recommends approval of the text amendment as presented. The Planning Board and the Huntersville Ordinances Advisory Board both recommended unanimous approval of the text amendment.

Commissioner Kidwell made a motion in considering the proposed amendment #TA17-03, Section 3, to amend Article 4 of the Zoning Ordinance, the Town Board approves the request based on the amendment being consistent with policies of the 2030 Community Plan and Article 4 Lot and Building Type for Detached House.

Commissioner Gibbons seconded.

Motion carried unanimously.

Petition #TA17-04. Petition #TA17-04 is a request by the Town of Huntersville to amend Article 3.3.2.2(b) and Article 3.3.3.2(b) of the Huntersville Zoning Ordinance to modify the exceptions to applicability section of the Mountain Island Lake and Lake Norman Watershed regulations.

Meredith Nesbitt, Planner I, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 10.*

Town staff recommends approval of the text amendment request as presented. Both the Planning Board and the Huntersville Ordinances Advisory Board recommended unanimous approval.

Commissioner Kidwell made a motion in considering the proposed amendment #TA17-04 to amend Article 3.3.2.2(b) and 3.3.3.2(b) of the Zoning Ordinance the Town Board approves the request based on the amendment being consistent with the 2030 Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because Policy H-10 supports redevelopment of older established residential areas and Policy ED-14 which supports efforts to improve efficiency and responsiveness of development review process.

Commissioner Bales seconded motion.

Motion carried unanimously.

Call for Public Hearing – Petition #R17-07. Commissioner Guignard requested to be recused.

Commissioner Gibbons made a motion to recuse Commissioner Guignard.

Commissioner Bales seconded motion.

Motion carried with five (5) yes votes.

Commissioner Kidwell made a motion to call a public hearing for Monday, August 7, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-07, a request by Charles Guignard to rezone 0.33 acres located at 503 S. Old Statesville Road (south of Mt. Holly-Huntersville Road) from Neighborhood Residential Conditional District to Neighborhood Residential to remove an existing multi-family overlay.

Commissioner Boone seconded motion.

Motion carried with five (5) yes votes.

Commissioner Bales made a motion to bring Commissioner Guignard back.

Commissioner Kidwell seconded motion.

Motion carried with five (5) yes votes.

Planning Board Appointment. Consider appointing a new member to the Planning Board to fill a vacant seat due to the resignation of Adam Planty effective June 30, 2017.

Mayor Aneralla called for nominations.

Commissioner Boone nominated John McClelland.

Commissioner Kidwell nominated Erin Gillespie.

Commissioner Guignard nominated Bob Lemon.

Vote for John McClelland: Commissioners Boone, Gibbons and Phillips.

Vote for Erin Gillespie: Commissioners Bales and Kidwell.

Vote for Bob Lemon: Commissioner Guignard.

John McClelland was appointed to the Planning Board to fill vacant seat due to the resignation of Adam Planty.

Terminating Agreement. Commissioner Phillips made a motion to terminate the Management Services Agreement dated and entered into as of July 1, 2016, between Health Works, Inc. and the Town, pursuant to Paragraph 8.c of said Agreement, and authorize the Town Manager to provide Notice to Health Works, Inc. pursuant to said Agreement, which shall be effective 90 days, plus two days following the date of notice given as provided in Paragraph 12.

Commissioner Guignard seconded motion.

Commissioner Gibbons said I guess as far as when we are going to terminate the agreement, I guess it would be subject to the terms of the contract.

Bob Blythe, Town Attorney, said you need to set the effective date of termination.

Commissioner Guignard said I would like to ask if the Manager has had any conversation with either the outgoing party or the incoming party and would suggest a date that might be appropriate for the Board to consider.

Gerry Vincent, Town Manager, said my approach is in order to set a date I need to know the terms of the contract, so there is no set date. So in talking with the new contract that we are negotiating I would say September 4 would be HSW's last day and the new company could start on September 5. There was a discussion with Swim Club also that there was a closer date of August 21, so I do have two dates – August 21 and September 4.

Mayor Aneralla said so no later than September 4.

Mr. Vincent said no later than September 4.

Commissioner Guignard said Mr. Blythe, can we put that like that in the motion, no later than.

Mr. Blythe said I would prefer to just say September 4, but if the parties in the meantime wish to change that.....

Mr. Vincent said I would suggest we could have those conversations tomorrow to set that exact date.

Mayor Aneralla said so what you are voting on right now is to terminate the contract no later than September 4.

Commissioner Kidwell made a substitute motion since we again seem not to have all the information gathered here for this I think we should be deferring this until our next meeting to allow the Town Manager and the Town Attorney to work with both groups to come up with a reasonable date instead of just putting a date on things and rushing it through.

Commissioner Bales seconded motion.

Mayor Aneralla said do you want to clarify where you are with everything.

Mr. Vincent said no later than September 4 would be clarification for termination and beginning for the new contract for September 5. That would work well with us instead of putting us on another agenda.

Mayor Aneralla said so you've already had discussions with both parties.

Mr. Vincent said not with both parties. I have not had it with HSW. My conversations with that contract is what is the term of the contract, so what do I have to allow that term, so there is none, so that the conversation I've had with the new club is what would those dates be. If you say September 4 would be HSW's last day, then that would work with staff.

Commissioner Gibbons said there was nothing in the contract as far as a minimum time or maximum and that we know that it can happen by September 4 and I don't think that we need to defer because all that does is push back.....it makes the uncertainty for one group increased and the other group is ready.....I don't think this is really fair to anybody to defer it.

Commissioner Kidwell said I think it gives the opportunity for both parties to deal with their staff effectively and efficiently and communicate with them what's going on. Right now, we throw out a September 4 date but then they've got to go back and whatever timeline they had in mind is now either accelerated or deaccelerated. It makes sense. Is two weeks going to change what this Board voted on. I doubt it.

Commissioner Guignard said just a point of information it would be three weeks.

Mayor Aneralla called for the vote on the motion to defer a decision until August 7.

Motion failed 2 to 4 – Commissioners Kidwell and Bales in favor; Commissioners Boone, Gibbons, Guignard and Phillips opposed.

Mayor Aneralla called for the vote on the original motion which is to terminate agreement, with termination date of not later than September 4.

Motion carried 4 to 2 – Commissioners Boone, Gibbons, Guignard and Phillips in favor; Commissioners Kidwell and Bales opposed.

CONSENT AGENDA

Approval of Minutes. Commissioner Guignard made a motion to approve the minutes of the June 19, 2017 Regular Town Board Meeting. Commissioner Boone seconded motion. Motion carried unanimously.

Contracts – Commerce Station Duct Bank. Commissioner Guignard made a motion to authorize the Town Manager to execute contracts based on material bid recommendations for Commerce Station Duct Bank Materials. Commissioner Boone seconded motion. Motion carried unanimously.

Bid tabulations attached hereto as Exhibit No. 11.

Budget Amendment – HFFA. HFFA will be hosting the USA Zone Diving Championships July 22-28, 2017. These hosting duties include purchase of medals, hospitality meals, athlete/team recognition prizes, credentialing, advertising and support staff. This amendment provides \$11,850 for those expenses and amends HFFA's expected FY 2018 revenue by the same amount. While additional revenue up to

\$44,200 is likely to be received (in registration fees, ticket sales and sponsorships), no additional expenses are expected, and therefore only \$11,850 budget is requested.

Commissioner Guignard made a motion to approve budget amendment recognizing future revenue and expenses associated with hosting the USA Zone Diving Championships. Commissioner Boone seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R17-04. Commissioner Guignard made a motion to call a public hearing for Monday, August 7, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-04, a request by Nickel Development Group, LLC to rezone 2.024 acres located along Sam Furr Road west of Birkdale Village from Highway Commercial Conditional District to Highway Commercial Conditional District to create a 78 unit age restricted apartment building. Commissioner Boone seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA17-06. Commissioner Guignard made a motion to call a public hearing for Monday, August 21, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #TA17-06, a request by the Town of Huntersville to amend Article 3.2.1 Rural, Article 3.2.2 Transitional Residential, Article 3.2.4 Neighborhood Residential, Article 3.2.5 Neighborhood Center, Article 3.2.6 Town Center, Article 3.2.7 Highway Commercial, Article 3.2.8 Campus Institutional, Article 3.2.9 Corporate Business, Article 3.2.11 Transitional Neighborhood Development Districts, Article 3.2.12 Passenger Vehicle Sales, Article 3.2.13 Transit Oriented Development – Residential, Article 3.2.14 Transit Oriented Development – Employment, Article 7 Part B Open Space, Article 8.1.4 and Article 12.2.1 General Definitions of the Huntersville Zoning Ordinance to modify Open Space criteria and associated definitions. Commissioner Boone seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA17-05. Commissioner Guignard made a motion to call a public hearing for Monday, August 7, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #TA17-05, a request by Piedmont Wrecking and Grading Company, Inc. to amend Article 9.23.9 of the Huntersville Zoning Ordinance to modify the compliance standards for existing LCID landfills. Commissioner Boone seconded motion. Motion carried unanimously.

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2017.