

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**August 7, 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 August 7, 2017.

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

Chief Spruill updated the Board on police communications and dispatch services. *Refer to*

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

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on August 7, 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.

Jack Suthard, Boy Scout Troop 42, led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- The next meeting of the North Meck Alliance is August 10.
- Congresswoman Alma Adams is having a Transportation Summit on August 10.
- The next meeting of the Metropolitan Transit Commission is August 23.

Commissioner Bales

- Huntersville has 19 active economic development projects. There was a project visit today.

Commissioner Boone

- The Huntersville Fire Department just completed the first full month of having fire and EMS under one department. They ran a total of 469 calls during the month of July.
- National Night Out was a success. Expressed appreciation to the Police Department and Parks & Recreation Department for their efforts.

- Part 1 crimes have significantly decreased since the beginning of the year.
- Wished Wesley Mecimore of the Police Department the best in his new endeavor and announced Officer Tom Slymon will retire August 18.

Commissioner Gibbons

- The Veterans Patriot Guard will have a breakfast on August 16.
- Attended the Charlotte Regional Transportation Planning Organization meeting last month. The Metropolitan Transportation Plan for 2045 is being put out, the draft Transportation Improvement Projects from the state came back with some changes which benefit the North Mecklenburg area, and after discussion the Catawba River crossing project was tabled until the next CRTPO meeting.

Commissioner Guignard

- The next Centralina Council of Governments meeting is August 9.
- Reminded everyone that school will be starting in the next couple of weeks which will mean increased traffic, especially with the Hambright Road bridge closed.

Commissioner Kidwell

- Received a communication from a gentleman in Cornelius that said I was an obstacle in firing a staff member for the town. Pointed out that the Board cannot hire/fire a staff member. Provided information to the Board from the League of Municipalities on how North Carolina municipalities work and the state statute that cites what power the Town Manager has in case they are contacted.

Commissioner Phillips

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

Commissioner Bales requested update on Veterans Park.

Michael Jaycocks, Parks & Recreation Director, explained that during construction they found a water line that was not identified by any locating company. A request was submitted to Charlotte Water for them to relocate that line and they are in the process of reviewing that request.

Mr. Jaycocks announced as part of the Mecklenburg County's 5-year CIP, about \$6 million will go towards greenways in Huntersville.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

None

AGENDA CHANGES

Commissioner Kidwell made a motion to make the following agenda changes:

- Move Item I under the Consent Agenda (Authorize the Town Manager to execute Rental Agreement between the Town of Huntersville and Huntersville Music Academy, LLC for the Annex Building at 104 Gilead Road) to Item G under Other Business.
- Move Item J under the Consent Agenda (Consider authorizing the Town Manager to execute Operating and Services Agreement for Fire Protection Services) to Item H under Other Business.

- Add Item I to the Consent Agenda – Call a public hearing for Tuesday, September 5, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-08, a request by Central Piedmont Community College to generally rezone 9.3 acres from Campus Institutional, Highway Commercial and Neighborhood Residential to all Campus Institutional, located at 12332 Statesville Road.

Commissioner Boone seconded motion.

Motion carried unanimously.

Commissioner Kidwell made a motion to adopt the agenda as amended.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Hal Bankirer, Jennifer Davis, Joe Sailers, Ron Smith and Joanne Miller.

Petition #R17-04. Mayor Aneralla called to order public hearing 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.

Brian Richards, GIS Administrator, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 1.*

Commissioner Guignard said at what point does the fire department and those type of people see this.

Mr. Richards said we have already had multiple discussions with the fire department in regards to the height of the building, the setbacks, and the ability to service this project. They are very comfortable with this being able to be built as proposed.

Commissioner Kidwell said are there any paths or walkways towards the Birkdale Village shopping besides the sidewalk.

Mr. Richards said the developer is in negotiation with Birkdale Village to have a pathway over towards the Fifth Third bank, so there will be a pedestrian path near the newly installed gas facility.

Commissioner Bales said in the community meeting report it says in the end that the petitioner and petitioner's agent are reviewing comments and questions generated during that community meeting. Has any discussion happened with that since the meeting.

Mr. Richards said no that hasn't occurred.

Mike Kopczynski, 16870 Bridgeton Lane, said I would like to start by thanking the Nickel Development Group for the time they have put into this proposal. It's obviously very comprehensive. I think with some common sense modifications I could fully support the development of the senior living complex. There are a few aspects of the plan that obviously need to be modified. The first is the height of the

building. This is consistent with the staff report just heard. The five-story building with a high pitched roof is simply too tall for the surrounding area. There's no way for it to harmonize with the surrounding neighborhoods. However in the Staff Report we did not hear the height of the four-story building. A four-story with a high pitched roof is significantly higher than a four-story with a flat roof. If you look at the Birkdale apartments that were shown those are either four stories with a flat roof or four stories with a high pitched roof. I would like to see some clarification on what we mean by four stories. The second issue to be addressed is the aesthetics of the senior living complex. It's shown as a whitewashed, Grand Floridian style that's not consistent with the neighborhoods in the area. I think with some aesthetic modifications, not having that bright red roof, it could fit in much better and serve the community much better.

Tyce Hart, 16814 Bridgeton Lane, said I agree with all of the points that he made. We are in support of this development and we are happy to have this type development in Huntersville. The only additional point that I would add to the points that he made was Birkdale Village is an interesting community in terms of it brings an opportunity to Huntersville that I have seen duplicated in other cities. Avalon in Atlanta, Asheville the mixed-use community there, where it's an opportunity to bring other types of economic development to this area. I would hope that you guys would consider that in what you are considering to approve in terms of the pitched roof, in terms of aesthetics and that type of thing. Any type of development that we have there we want to make sure that it contributes to what we've already built in Birkdale Village. Sometimes I think you can have developments that bring tax dollars.....but what that subsequently then does to the community is detrimental in terms of we have an opportunity to make this an economic hub so we need to make sure the decisions that we make for the development around that contribute to that, not take away from that.

Bruce Hardy, 17021 Carlton Way Road, Cornelius, said I'm on the board for the Greens. The Greens is the single-family community adjacent to the townhomes. I'm actually the chairman of the board. I would like to request that we be given further information regarding the possible run-off that will be piped I assume into a pond for which our community is responsible for. I don't know if you received any information regarding that – how it will be done, what the potential affect will be on that pond. I think we are due that before you approve this. Now not speaking as a board member, but on a personal basis, I wish to at least confirm that the members of the board did sign the petition requesting denial for the variances. Of particular concern is the height as has been spoken to. The proposal is for a five-story building with a gable roof which is essentially is a six-story building compared to other buildings in the area which are four-story with a flat roof.

Jake Palillo, 17532 Sailview Drive, Cornelius, said we're the developer of the project. I first want to start out by thanking Mr. Richards and Mr. Simoneau through this whole process. I've been somewhat critical of the Planning staff. It's probably been one of the most enjoyable processes through a project that we've dealt with. They've been very helpful.

When we started this project we went to Mr. Simoneau and Mr. Richards and asked them what they would like to have at this property. Hotel was one of the options. Restaurant was another one. Office building was another one. They actually brought up the senior housing project, that there was a need. And so we have worked hand-in-hand with them to come up with this project.

The idea of the five-story building seems to be the biggest stumbling block on it. We're not opposed to going to four stories. Quite honestly during our conversation we were asked to carry forward a text amendment to go to five stories. The reason being is Huntersville has one of the most unique areas and if you get higher up you can see the view of the lake. It seems that all of the development in Huntersville is three stories, four stories and so you lose the advantage of all of the scenes that you

could get. There's parts of Huntersville that should go to ten or twelve stories. But when we originally started out the staff was in favor of five stories. We got some pushbacks so they wanted us to cut it back to four. I'm not opposed of going to four but the value of a five-story building is not out of content for what's going in there. Adding one story adds about the height to that clock, so you are talking about 10'. The land itself is down in a hole.

Huntersville is a fast growing suburb of Charlotte and it should have more mid-rise buildings instead of being stuck in this little town feel where you set everything at three stories. There's a lot of value that goes up, there's higher rents. If you get high enough you can see the view across at the golf course. You've got two lakes to both sides of the building. We've tried to work with the Birkdale people. We offered to put over \$100,000 worth of landscaping to give them buffers. We offered to put a sprayer in the one pond to add value. We offered to build a gazebo there for the community. So we have reached out and done a lot of things to try to please the adjoining properties.

Our residents are going to typically be 70 plus. Most of them are going to be widows or widowers or single people so as they start to age they'll go into different steps. From this phase here they'll go from here typically into assisted living or nursing. Typically they only have one car because there's only one person living in the unit, so there's not an overburdening of parking. There's not an overburdening of traffic because they travel at off-peak hours. It's great because it's ideally located right next to Birkdale.

In our process of giving the gas line an easement to do that blow off we negotiated to heavily landscape that and put a pedestrian path through their gas line over to Birkdale. That was part of our negotiation to giving them the easement to use our driveway. So again the five stories to me is a given. The town needs to start to raise the height to start to go up, even your office buildings and stuff. There's great views the higher you go up and it's unfortunate we can't get up higher to take advantage of seeing the lake because you have a real jewel there with the lake but the only people that can see it are the ones that live right next to it.

You can see there's apartments to one side, multi-family with the townhouses to rear. We are directly adjacent to the entryway into Birkdale for the residents of the townhomes who have the strongest objection is right through a live-work-play area. There's corporate housing behind that, across the street there's a proposed grocery store coming, so there's a lot of retail in there so it's not a project that just doesn't fit in there. It fits in there because there's multi-family around it.

You can see here that's there two lakes. The one at the apartments does have a sprayer in it. The one that's the Birkdale owned one does not. We've offered to pay for that and put that in. We've offered additional landscaping for the townhomes in the back. One of the big concerns of the townhomes is parking which is within their own community. We don't have any effect on that parking. Directly across the street you've got the Birkdale golf course. The people from the fifth floor could actually see across there.

Building with the red roof is one of the most attractive architectural buildings in the US today. That's similar to what we are going to build – all white with the red roof. There's another one in California. If you look at all of the buildings in Birkdale 75 percent of them are white buildings, so they do have some variation in color but as you drive through Birkdale they are all white front buildings. The apartments all have the white façade to them.

Commissioner Phillips said I heard some people talking about the colors. Have you sat down and tried to work with them and listen to them as far as the façade and the fascia.

Mr. Palillo said we extended an invitation to both homeowner associations and no one reached out to contact us. One of the things about buildings and architecture is the uniqueness of every building. When everything always blends together then there's no character. It adds character. Prime example Aquesta Bank, the town fought and fought and said that building is going to look like a sail and everything. The Aquesta Bank is one of the most attractive buildings in Cornelius. We could build a lot less attractive building. We can build a building cheaper but it's really all about the architecture. We like to have a property that has character to it and is a focal point and stands out. It blends but it still has its own unique character.

Commissioner Phillips said the elevation of your property, how low is that.

Mr. Palillo said if you look at the elevation here it's about 1-1/2 stories below. And you've got tall trees there that aren't going to be disturbed so really you have to be in front of the building to look straight up to even see the roof.

Commissioner Guignard said I just want to say thank you for getting us to this point. There needs to be more and more living quarters in this Huntersville area for the folks over 70 and wherever we get to with this project hopefully it's something that we can compromise because there's no doubt that in that area there's probably plenty of people that their aging parents would like to live close to them but not with them. I appreciate the fact that staff has worked diligently with the developer on this because we are an aging area with youngsters coming in all the time with aging parents that might want to move down here or over here to be near to their children and grandchildren.

Commissioner Bales said I would like to echo Commissioner Guignard. When I heard this project was being looked at I thought what a great place frankly to be able to retire and still be able to enjoy Birkdale Village. It's one of our little jewels here in Huntersville. I do hope that we can work through the issues and make sure that it works well for everyone in that community.

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

Commissioner Guignard requested to be recused from public hearing on Petition #R17-07.

Commissioner Gibbons made a motion to recuse Commissioner Guignard.

Commissioner Bales seconded motion.

Motion carried with five (5) yes votes.

Petition #R17-07. Mayor Aneralla called to order public hearing 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.

Brian Richards, GIS Administrator, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 2.*

Commissioner Boone said will this affect the value of any of the properties around this parcel.

Mr. Richards said not that we are aware of.

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

Commissioner Gibbons made a motion to bring Commissioner Guignard back.

Commissioner Bales seconded motion.

Motion carried with five (5) yes votes.

Petition #TA17-05. Mayor Aneralla called to order public hearing 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 extend the closure deadline for existing LCID landfills.

Brad Priest, Senior Planner, reviewed the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 3.*

Commissioner Kidwell said just to be clear here, land clearing and inert debris, LCID landfill, we are talking dirt, trees, stumps.....basically it's moving earth from one area to another.

Mr. Priest said that's correct.

Commissioner Kidwell said this is the only one in Huntersville.

Mr. Priest said correct, that I'm aware of.

Commissioner Kidwell said is there any others in Mecklenburg County.

Mr. Priest said I believe there are some more in Mecklenburg County. I think the applicant is prepared to discuss those specifics as well.

Scott Munday, LStar Ventures, developer in Bryton, said I'm here tonight in opposition to the continued use of the landfill. Bryton will soon be home to residences on both sides of Hambright and the continued use of the landfill will in effect run all the truck traffic as it exists now right through Hambright, right through the heart of this residential community and turn Hambright essentially into an industrial thoroughfare. This industrial traffic would create a nuisance for this residential community and more importantly a significant safety concern, so for these reasons we hope the Board will find that this continued use of the landfill is not in the public interest of Huntersville.....in an industrial area, yes with the truck traffic but through a residential community and a dense residential community and home to some 1,500 plus homes, no.

Susan Irvin, representing Piedmont Grading Land Clearing and Inert Debris, presented PowerPoint presentation. *PowerPoint attached hereto as Exhibit No. 4.*

I want to thank the Advisory Committee because they have now met on this I believe three times. We appreciate your patience with this and also with Brad and Jack who we've gone through several versions of this text amendment with them as well.

I'm not going to repeat information that you've been given. Just generally, this has operated for 32 years since 1985 and in answer to Commissioner Kidwell's questions these are all of the items that are allowed to be accepted by the LCID. And as you pointed out it is basically moving land from one part of the town or county to another.

These are the materials that are not acceptable. Pretty much anything that has chemicals or is artificial. We're really looking at only natural materials going into the LCID. I wanted to give you some information about Piedmont Grading LCID. According to the permit application it accepts about 75,000 tons a year and approximately one-half of those right now are recyclable. We are looking into some permitting that would allow us additional recycling.

This is kind of a breakdown of who uses the LCID. We have 20 percent homeowners, 40 percent builders and developers. I did want to point out that I had asked for some examples of developers who had used the Piedmont Grading LCID and to give you some numbers in November of last year Bryton actually deposited 16,980 tons into the Piedmont LCID and in December 20,820 tons. So that gives you an idea of the amount of disposal that is benefitting local builders and developers. We also have landscaping, grading contractors and the government. The Town of Huntersville just in 2017 has deposited 160 tons in the LCID and NCDOT we are estimating about 1,058 tons.

This gives you an idea of what the competition is in Mecklenburg County. I have listed over on the right the various LCID's. We have looked these up and called them. Some of them have very limited materials that they accept, they were smaller and they have limited hours. But that gives you an idea of where all of them are and Piedmont is really the only one that is north of 485 but I just wanted you to know what's available. Certainly, it's the only one in Huntersville.

I'm not going to go into great detail about this and I do want to say that Brad and Jack and I have a difference of opinion on what would be required for the SUP process in terms of time and money. I'm probably looking at it much more from the applicant side. But these are all the things that are required to be submitted if you were to go through the Special Use permit process. It's a quasi-judicial hearing before this Board and it's an evidentiary hearing and you are required to show compliance with those current ordinance standards I just showed you as well as additional conditions for the C&D landfills now and I guess new LCID landfills.

I think you have to either go through a rezoning to Special Purpose because it's not zoned for that right now or you would have to do another text amendment in addition to going through the SUP. I've given you some numbers here and I will respectfully disagree with Brad and Jack. We've had some conversations about this. I called around and I asked a couple of land use surveying firms what they would estimate the site plan cost to be. Now Piedmont has done a permit application and that was done by SM&E and that actually does include some of the information that would be submitted as part of the site plan. I called them today because I wanted to find out if that could just be used again. The person who worked on the permit before isn't with the company anymore but I talked with someone else in the department and they said that they would have to go out and resurvey, so I'm sure there would be some savings with historical information but it's just really hard to say. Brad tells me that there would be no TIA required and that the staff would look at not the commercial street standards but some lower version of that. Still it's hard to say by looking at the requirements you know to put a 200' buffer from the adjacent property to the fill area I think that would be virtually impossible, because you start the landfill out at the beginning at a certain point and then you go in from there and you really can't move the landfill once you are done. So there's probably not 200'. You also have to have no activities within 100' of the exterior property line. I don't think that that could be met. There is a requirement for a buffer in these additional conditions.

Again, we could get into a discussion about how much all of those things cost and what would be required. You'd have to pay consultant fees. The consultants that gave me the estimate of \$40,000 said

that did not include their time to attend meetings and to go to public meetings. In addition to that you would have legal fees because you would be going through two processes.

Brad really already covered this. The current text exempts the pre-1990 LCID's and that's really only Piedmont. It gives you some description of what you have to do and it meets all of those requirements. It was required to be closed in 2016. It was extended by to 2018. And so this is just a summary.

I do want to point out that under the state permit the regular inspections by the State of North Carolina and Mecklenburg County, there's site security, there's really cameras all over the area. There are hours of operation and signs posted. The permit renewal process is required every 5 years through the state. They have a closure plan. So all of these things are really monitored under their state application by the state and the county.

Here's our proposal. I think Brad really covered it in his Staff Analysis. We are proposing to extend the termination for this LCID for 10 years and to include these conditions. I would like to talk with Brad and Jack about the 100' and some other issues about the entering driveway. When we looked at that entering driveway and paving it we realized that originally they had asked for a driveway permit for that southern driveway, Piedmont did. And because the site distance for exiting vehicles was too close to the curve, NCDOT had not granted a driveway permit for that southern driveway. And so what Piedmont did was they used the northern driveway for exiting and one of the neighbors who has horse trailers to the north had asked them to reopen that southern driveway just for entrance so there was no site distance issue. I want to go back and talk with staff about that and about what we need to do to get that southern driveway permitted or maybe move that driveway between the entering and exit one, put it in the middle and try to accommodate some of the concerns that staff has expressed. I would like to do that between now and next month.

This just shows you a comparison. This pretty much sums up the points I'd like to make about the Piedmont LCID. And I think the 10-year extension does a lot of good things. One thing I haven't really mentioned too much other than to say that one-half of these materials are recycled is to say that by extending the termination you really are encouraging this recycling. And just to ask for fairness. This has been open for 32 years serving Huntersville. It was permitted when it was opened and to require it to go through a very complicated and long and expensive process I'm just asking for the Board to consider this and the benefits of the 10-year extension.

Commissioner Guignard said I want to note that it just hasn't been serving Huntersville, it's been serving North Mecklenburg and probably north Charlotte. I'm not sure if I have done my math right. Moving this freight is sort of near and dear to my heart. If you are talking about 75,000 tons a year and Commissioner Bales was quick to point out to me that an estimated 160 tons in 2017 somebody tell me I would assume that these trucks are hauling at least 15,000 to 20,000 lbs. a load, they're not just hauling 3,000 for 4,000 lbs. Just guesstimating if I've done it right, we're talking about 15 to 20 trucks a week. Now I can be wrong. And if I'm wrong I will still tell you I'm only wrong by one digit. The Town was quick and I'm not disagreeing with what they did, but the Town was quick to build and promote the commercial development down here where ABB, Southern Wire, whatever they are called today and Pactiv whatever they are called today and I would guarantee you that they run that many trucks an hour 7' from this building up and down 115 to the storage facilities up here off of Sam Furr Road. So with the most due respect to the people of Bryton I thoroughly understand trucks being close but I bet you Hambright's got a whole lot more buffer than this Town building is between here and 115. The other thing is if we don't allow things of this nature to be where they have been for 30 years, nobody else is going to want them in their backyard. However, everybody wants to build something. We just had a nice presentation about something up here off of Sam Furr Road. The stuff that comes off that property

has got to go somewhere and the trucks are not drones they can't get up off the highways and go somewhere else. That might be seen in somebody's lifetime but it ain't going to be seen in mine. The trucks have got to travel. Stuff has got to be moved. Stuff has got to be dealt with. In my 8 years sitting at this dais there's probably been more heartache over different types of landfills than any other one particular thing but we certainly don't want the stuff to pile up in our own backyards. We don't want the stumps to be there. And I think one of the most important things is the third line down approximately half is recycled. It's not just left there. I personally applaud the folks that have run this for over 30 years and their efforts to continue to recycle this product and will want to do whatever I can to help this to continue to stay where it is because nobody else is going to want it anywhere else and it's already near and dear.....I'd almost ask Ms. Irvin to re-read how much Bryton has put there and how much the Town has put there and how much the county has put there, but y'all heard those numbers as well as I did.

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

OTHER BUSINESS

Petition #R17-03. Petition #R17-03 is 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, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 5.*

The Planning Board reviewed the application at their July 25, 2017 meeting and recommended approval by a 7-2 vote.

Commissioner Kidwell made a motion in considering the proposed rezoning of Petition #R17-03 Storage Central General Rezoning, the Town Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long-range plans. The Town Board recommends rezoning the property from Corporate Business to Special Purpose. It is reasonable and in the public interest to rezone this property because it is consistent with the existing businesses in the same area.

Commissioner Bales seconded motion.

Motion carried unanimously.

Ranson Road Residential Subdivision Sketch Plan. Mayor Aneralla pointed out this item is quasi-judicial.

Commissioner Bales requested to be recused since her property sits about 70' from this new development.

Commissioner Gibbons made a motion to recuse Commissioner Bales.

Commissioner Guignard seconded motion.

Motion carried with five (5) yes votes.

Mayor Aneralla swore in Alison Adams, Jack Simoneau, Max Buchanan, Stephen Trott, Paula Thompson, Lisa Ballard, Soha Ashour and Sherif Abdelrazek.

Alison Adams, Senior Planner, said I'd first like to enter the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 6.* This is a request for a subdivision sketch plan known as Ranson Road Residential. The applicant is Classica Homes. They are requesting 94 single-family homes on approximately 38 acres. As you can see the site is located off Ranson Road surrounded by NR zoned property.

The neighborhood meeting was held on June 20 and it was well attended by many of the residents that live in Stone Hollow. They had quite a few concerns. The traffic on Ranson Road in general, just the general traffic based on all the homes that are there, the cut-through traffic as well as when school is in session that becomes a concern. The other is actual cut-through traffic of people trying to skip the light at Stumptown and Ranson Road, cutting through their subdivision and then coming out the other side of Stumptown Road. Also, the noise that's being created. Obviously there's construction on 77 as well as there are some surrounding neighborhoods that are being introduced into the area, a lot of construction sites. So all those concerns. There were a few more but those were the primary concerns of the citizens.

The application for adequate public facilities has been satisfied and the traffic impact analysis has been completed. No improvements are actually being required here. One intersection was studied and it was the intersection of Gilead and Ranson and then that proved to not create enough impact to warrant improvements. With that being said, as part of the driveway permit for this subdivision it will be a requirement because Ranson Road is a Town road that a southbound left-turn lane be installed by the developer on Ranson.

This is actually the site plan that's being proposed. I'll go over different areas of the plan. I'll start off by saying that the primary entrance of the subdivision obviously is Ranson Road. There are two existing stubs here and here. Stone Hollow is over here. And this direction would be north. There is a proposed connection here for future development, as well as here, to hopefully tie-in eventually here if these parcels ever become developed.

The applicant is also meeting the block length requirements except for two of the streets which are here and here. The applicant is also providing greenway connectivity through the site from here.....they are actually dedicating all this land to Mecklenburg County to help assemble that area that's needed. It's like the last piece in the puzzle for the greenway to go through and the connection to happen under 77. So that's a huge dedication piece. The other requirement of the ordinance is for the developer to provide urban open space. They are providing three points of urban open space which are forecourts. There's one here where I believe a mail kiosk will go here. There's one here and then in this area here.

This is the landscape plan. The requirements for the landscaping is of course the 20' undisturbed buffer that goes through here. If that 20' buffer does not meet threshold of the ordinance then it will be supplemented with plantings. They are also providing a buffer here, street trees along their frontage of Ranson Road, a bike lane and sidewalks. And then the cross-section for the actual subdivision is a curb and gutter cross-section with sidewalks and street trees on both sides. They are meeting the specimen tree requirement as well as the tree canopy requirement.

This request is in keeping with our 2030 Community Plan. It is located within that higher intensity area.....the area surrounding the property as well as the property is NR zoned. So in your Staff Report there are numerous points within the 2030 Plan that this is in keeping with.

The Planning Department is recommending approval for this, along with the approval of the block length waiver. And then the Planning Board made the recommendation on July 25 unanimously to recommend approval. They did highly recommend that the applicant look at staff's recommendations to install a mini-circle as well as on-street parking on both sides of the street and a new plan came in but we haven't had a chance to review it. I did take a quick peak at it and some of the comments that the developer wrote back. They are looking to hopefully address those concerns and do more engineering work on that during the prelim to determine if that's something that they would like to do as a feasible option. The Planning Board even though they recommended approval they had concerns that there was a problem with traffic on Ranson Road and especially the traffic light where Ranson and Stumptown are located and they recommended the Town Board try to work on a solution to improve the traffic situation within that intersection as well as on Ranson Road itself.

With that being said I'll answer any questions. The applicant is here as well.

Commissioner Kidwell said can you go back to the sketch plan. The private drive right here, how far does that private drive go. Is that private drive all the way back through Rosedale or does that stub off.

Ms. Adams said they have their own easement that comes in here to this lot. And as part of the agreement and the stub, they are stubbing here but they will actually let him have access to his property.

Commissioner Boone said on July 25 the Planning Board recommended the Town work for a solution for the traffic on Ranson Road where it meets Stumptown. Have you had any conversations started with that process of improving that and if you have what is that progress.

Ms. Adams said prior to the Planning Board actually staff got together at the Technical Review Committee and we discussed different options. One being could we extend the length of the light. The other could we install a turn-lane. Obviously the turn-lane takes more money to be able to do. But we are still looking over our options and so we will continue to work toward hopefully a solution. There is not necessarily that intersection but the intersection at Gilead and Ranson we did get grant money awarded and so that intersection itself will be looked at for improvements, so that will take hopefully some stress off of that intersection and then obviously it would help some of Ranson Road.

Commissioner Guignard said I was here the night that the neighborhood meeting was run and most of your colleagues were up trying to deal with bigger issues but I think that you ran the meeting real well that night. Can you point out to us the land that is being reserved by one of the owners and where that land is and is there any connectivity so that if that land is eventually developed is there going to be connectivity to that.

Ms. Adams said there is not a connection point to this parcel here, but the same gentleman owns this and this and so the stub here hopefully provides some type of road connectivity that would go through here if that was to be developed in the future. This is the low point here and in engineering.....obviously that's why the BMP is located here so the thought was is that this provided an adequate connection as well.

Commissioner Guignard said also the second subject that we hear a lot about and I respect it greatly, many years ago we were petitioned by the homeowners up and down Ranson Road before all of this happened or a lot of this happened, and some people in the room will probably remember when there were actually speed humps on Ranson Road. I am not suggesting the speed humps go back. But we can't win for losing. We don't like cut-through traffic. We do something about cut-through traffic. We

take away the speed humps. And cut-through traffic is still there. I just say all of that to say that Ranson Road is where Ranson Road is and there's schools on Ranson Road, there's churches on Ranson Road, there's churches with schools on Ranson Road and there's empty land. We are going to do something here, hopefully we can come to the best solution. It looks like we've done pretty well with it.

Commissioner Kidwell said the dedication to the greenway. Is there any connection to Rosedale or will they be able to get Rosedale.

Ms. Adams said from what I understand through conversation, the hope is to have an actual connection up here. With the lack of dedication up there the trail will actually run down I believe this side here. There will be.....and we are looking at different solutions to this, but the developer is actually going to install a trail down to this point here and then hopefully Mecklenburg County with hopefully the help of the Town can run a linear trail here and then we will have a crossing. So there will be actually a crossing through Stone Hollow. Rosedale is over here and there will be a connection point down off your screen to the south. So yes, it will all connect together.

Paula Thompson, 15459 Stone Hollow Drive, said I'm here this evening to address some issues, evidence, facts, that I think the Planning Board needs to reconsider to at least delay and look at what we have at issue at hand. One general requirements.....the following statements provide general requirements and for policies to be used in design review and approval of any subdivision under the jurisdiction of this ordinance. This is Conformity No. 2 - all proposed subdivisions shall be planned as to facilitate the most advantageous development of the entire neighboring area, which includes Stone Hollow I, Stone Hollow II, Rosedale, the assisted living, all of our neighbors on Ranson Road, Torrence Creek, etc. With that being said the developer did not contact us, Stone Hollow I, as needed and as required in the Planning Board recommendations and policies. We were not informed. And I have a statement from our manager stating that we were not contacted. I refer back to Letter F under Conformity – contact person for each neighborhood association, property owner association and homeowner association registered with the Town Planning Department that has jurisdiction over property within 2,000' of any portion of the subdivision site (distance scaled on a Town of Huntersville or Mecklenburg County official map). Stone Hollow I was not contacted. Our homeowners association was not contacted. We will bear the burden of this new subdivision with those two abatements coming out onto Shiella Caruth, Heather Leanne, and driving down Stone Hollow Drive we will become a high volume, high speed neighborhood with through traffic which will have detrimental effects on our community, our children. And speaking of the children, with the town impact from the proposed development which the statistics were taken on the 20th day of the 2016-2017 school year, this report does not take into account the fact that CMS has re-done boundaries, so students from Blythe are going to be coming over to Torrence Creek and students from Hough High are going to be going over to Hopewell. So with the utilization as a result of this development according to this plan without mobiles the developer is saying that Torrence Creek is only going to be 92 percent utilized. But when you take in Ranson Road development, the proposal, and you take in Cobblestone, this will bring up utilization by 25 percent which brings it to 117 percent.

Lisa Ballard, 15439 Stone Hollow Drive, said I will yield my time to Sherif Abdelrazek.

Sherif Abdelrazek, 13717 Shiella Caruth Drive, said as you heard from the Town Planning Board a traffic impact analysis was requested from the developer and we had a neighborhood meeting last June 20 where it was expressed by the residents that there are extreme concerns of the intersection of Shiella Caruth and Ranson, Ranson and Stumptown, Ranson and Gilead, and also Stumptown and Stone Hollow Drive, not just Ranson and Gilead. So all these other intersections are of extreme concern for the residents. In that neighborhood meeting we expressed our concern that the traffic impact analysis is

conducted by the developer himself. We expressed concern that represents a conflict of interest since the developer would obviously want the impact analysis to be minimal and would not recommend something or conduct a study that would recommend them not building this development. The Town mentioned that's the rules so following that with the North Carolina Freedom of Information law under Chapter 132 of North Carolina General Statutes in mind we requested this traffic impact analysis from the Planning Board. And we were sent an e-mail by the Transportation Engineer for the Town including the link to the traffic impact analysis. The traffic impact analysis link does not contain the traffic impact analysis so the residents of this town do not have access to that information that we view as can have some conflict of interest. Looking at Article 14, Section 14.5.2 of the Zoning Ordinance the traffic impact analysis shall take into account the following demand factors: (1) existing traffic volumes; (2) background traffic including historical growth traffic and projected trips associated with approved but unbuilt developments; and (3) the trips to be generated by the proposed development. Not having access to such information that should be public will prevent us from knowing what the intersection capacity utilization is for the intersections that we just mentioned that are Ranson and Shiella Caruth, Ranson and Stumptown, Ranson and Gilead, Stumptown and Stone Hollow Drive so we can't know if Article 14 Section 14.5.2 has been addressed since we don't have access to that information.

Larry Burton, Classica Homes, these homes will be built and will be in the approximately \$500,000 to \$750,000 range. We have two different product lines. About half of these homes will be for empty nesters and then rest of the homes will be for traditional buyers. In regards to the traffic study we do a traffic study under the guidance of Huntersville DOT. We send the draft analysis to Huntersville DOT and get comments back. We do have our TIA consultant here if you do have detailed questions. In regards to the town meeting, it was very well attended. Notice was sent out to all the people Huntersville staff required that we send it to. We sent our draft list to the Town of Huntersville. They reviewed that list and said yes this is in compliance and so we sent the letters out to all the different people in that requirement.

Commissioner Kidwell said Ms. Thompson said that Stone Hollow I was not contacted.

Ms. Adams said if you look in your Staff Report towards the back there's maps in there. The two closest HOA's based on the property boundaries are Stone Hollow II and Rosedale. And that meets the requirement. They also have to notify everybody within 250' which they did per the list. We double check it. I send the information received from the applicant to our GIS tech and they verify. Whatever is listed under the tax record is where we send the notifications. I do see one property owner in here that does not say Stone Hollow II. I don't know it to be Stone Hollow I. Stone Hollow homeowners association that still could be correlated to II, but we never received a return mailing back and so therefore we have reason to believe if it was Stone Hollow I then it got delivered. If it's not then they had met the requirement.

Commissioner Kidwell said does this Cam, do they manage I and II or just I.

Ms. Thompson said Cam manages Stone Hollow I and Superior Association Management manages II. When you go into the mailing list it says Stone Hollow II, Westport Road and that is Eastwood Development Corporation, not Superior. Stone Hollow I is not listed anywhere. If you are going to use an abatement that's going to lead out from Shiella Caruth, Heather Leanne or Stone Hollow Drive to get out onto Stumptown we should have been notified as well. When you look at that, it's all Stone Hollow.

Mr. Abdelrazek said property management for neither 1 nor 2 were notified.

Ms. Adams said we use the tax records and if it's not correct through the tax records of the property ownership that's something that needs to be corrected, but we don't have any way to know whether somebody has the correct property address or not on their listing. It's all gathered through the tax records.

Commissioner Boone said in your Staff Report and it comes from the Planning Board, even though the Planning Board does not have the ability to recommend denial since the plan meets all the ordinance, it means exactly what it says, so they could not deny this development.

Ms. Adams said correct. It is a by-right development that meets the merits of the ordinance.

Mayor Aneralla said I have two questions. One, Mr. Buchanan or Mr. Trott can speak to the TIA and can go through that. And then the other one is there a way of getting to Torrence Creek Elementary for people to walk.

Ms. Adams said the greenway.

Mayor Aneralla said on the TIA there was an issue with the link.

Mr. Trott said I did receive a request. I don't have the person's name memorized but I did receive a request and replied to their e-mail with a link to the Town website where the TIA was loaded. I didn't hear anything back from anyone saying that the link did or didn't work so my assumption was that it did work. If it didn't work I didn't know.

Mayor Aneralla said in terms of in your analysis of reviewing the TIA, 94 homes.....

Mr. Trott said the study area per the ordinance was pretty small. Only two intersections were required to be studied, one of those being the site entrance onto Ranson Road and the other being Gilead at Ranson Road. There's only 94 homes so not a whole lot of traffic that would meet at intersections over the threshold of 30 for an approach or 50 for an intersection.

Mr. Burton said you had asked a question about kids walking to school. As most kids do as I did when I was a young child, I picked the path of least resistance to walk to school or ride my bicycle. Whether this is allowed to happen I can guarantee this is what's going to happen. The easement that is at the very back end of the property goes right by the elementary school and that's where most of the kids will probably end up walking down that gravel road to the elementary school.

Commissioner Gibbons made a motion in considering the application for the Ranson Road Residential Sketch Plan we the Town Board recommend approval because the application is complete. The request meets the 2030 Community Plan with some minor comments addressed as stated in the Staff Report. Furthermore we recommend the approval of the block waiver request and additionally the applicant will comply with the Town's request to install a left-turn lane (southbound) on Ranson Road.

Commissioner Phillips seconded motion.

Commissioner Boone said I would like to know if we could add 100' stacking lane, be specific on that motion.

Commissioner Gibbons said I would like to add that we have a minimum of 100' of storage in that left-turn lane.

Commissioner Kidwell said I know Kirk over at the Carolina Management. They used to manage our properties. I'm going to just to put it out there, I'm going to contact him and have him update the records for the HOA. I don't think it does justice to the HOA.

Commissioner Gibbons said I was at the neighborhood meeting that night as well and I would like to echo what Commissioner Guignard said. A lot of people are upset around here about what's going on with traffic. Everywhere you look around here and all I can say is that if you were here at the beginning of the meeting when I talked we've got lots of projects coming up. We've got this Board is going to be doing work on Gilead Road that's going to help that southern end of Ranson Road. Highway 21 is going to be improved and it will help that on the top end where Ranson Road is running into Stumptown Road. We are behind in infrastructure but the way the state puts out money for it is you have to have the congestion first. Congestion is what gives you the highest score when you get a road project put in. We can all sit here as commonsense people and say well this is going to add congestion. And yes it is and that's what's going to make what we do in the future score higher so we get the state funds to fix it. I wish the cart wasn't before the horse but it's kind of the way the world works. If I could be king for a day we would change it. It complies, it is a by-right project.

Mayor Aneralla called for the vote to approve the Ranson Road Residential Subdivision Sketch Plan.

Motion carried with five (5) yes votes.

Commissioner Guignard made a motion to bring Commissioner Bales back.

Commissioner Gibbons seconded motion.

Motion carried with five (5) yes votes.

Belleterre 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. *Staff Report attached hereto as Exhibit No. 7.* This request is made by Bowman Development. Mr. Bowman is here. The name of the request is Belleterre. It's a residential subdivision located in the Rural zoning district for 18 single-family homes on approximately 20 acres. As you can see where the site is located it should also include this parcel here because obviously you have to enter the site somehow. It is surrounded by Rural zoning.

A neighborhood meeting was held on June 24. It was attended by several residents within the area. The biggest concern obviously they wanted to talk about traffic on McCord Road and Black Farm Road. But primarily the lady that lives to the north of this property so along this property line right here was concerned about the buffer and what type of buffer because she was closest in proximity. Since then Mr. Bowman and the property owner have communicated and they've come to an agreement that an increased buffer will be planted and also certain types of species will be planted. They've worked together from the neighborhood meeting on that issue.

The traffic impact analysis doesn't hit the threshold, therefore it was not a requirement. The adequate public facilities ordinance has been satisfied and again this is not a conditional rezoning, it is a sketch plan so it is a sketch plan by right as long as they meet the merits of the ordinance.

This is a Rural development so therefore you have an 80' buffer from here to McCord Road and typical Bowman Development they put a meandering sidewalk through this 80' buffer. The buffer will be planted if it doesn't already have existing vegetation. There will be a 20' undisturbed buffer again around the perimeter of the project and a majority of what you see on the screen, the natural open space is the area in which the tree save exist. So they are meeting the requirements of the ordinance for the Rural zone for tree save which is 50 percent. They are actually providing 51 percent and then the specimen tree requirement, they require to keep 50 percent and they are keeping 76 percent.

Water quality, they are not in a watershed however they went over the 12 percent. That's why they are having to install these BMP's. As you can see there's a sand filter here and here. They've stubbed to the adjoining property here and the typical rural subdivision they are providing a cross-section that is a ditch cross-section with sidewalk on one side of the road. It's a pretty straightforward subdivision. They are meeting all the requirements of the ordinance. In fact on the plan there's no outstanding comments left.

One thing I believe I forgot to tell you is there is a bike lane on McCord Road that will be accommodated with the improvements along McCord. They are consistent with the 2030 Community Plan and those statements are in your Staff Report so if you have any questions I'll be happy to answer them or the applicant is here.

Commissioner Bales made a motion in considering the Belleterre Subdivision the Town Board finds that the application is complete and that it complies with all requirements, meets the Subdivision Ordinance and complies with the 2030 Plan and I make a motion that we approve this.

Commissioner Guignard seconded motion.

Commissioner Boone said I would like to know if you would add to your motion that all outstanding comments will be addressed.

Commissioner Bales said yes. They have already addressed those, correct.

Ms. Adams said yes.

Mayor Aneralla called for the vote to approve the Belleterre Subdivision Sketch Plan.

Motion carried unanimously.

Sponsorship Agreement – Novant Health. The proposed Facility Sponsorship with Novant Health at the new Recreation Center will be for five years. Novant Health will pay the Town \$150,000 over this five year period in equal payments of \$30,000 per year.

Below are the bullet points of the agreement:

- Signage at the Main Entrance into the Recreation Center
- Signage on the Facility Sign at the Driveway
- Ballfield Sign in Huntersville Athletic Park
- One company logo on each main basketball court
- Logo recognition on publications, receipts and social media related to the Recreation Center
- Bulletin Board within the facility
- No other healthcare provider can be a competing sponsor at the Facility

- Right of first refusal for contract renewal or for future sponsorships at HAP
- Opportunity for on-site promotions
- Access to the multi-purpose room and courts at a 25% discounted rate based on availability.
- Right of first refusal for ATC coverage for the Recreation Center
- Primary advertising for performance training, but will not take away from existing relationships
- One free facility rental per quarter for employee benefits or promotions
- On-site storage up to 25 sq. ft.

Commissioner Guignard made a motion to approve Agreement for Recreation Center Facility Sponsorship with Novant Health.

Commissioner Bales seconded motion.

Motion carried unanimously.

Agreement attached hereto as Attachment No. 8.

Sponsorship and Sales Agreement – Pepsi. This Sponsorship and Sales Agreement will be for five years and includes the new Recreation Center, Town Center, Town Hall, Police Department and Parks. During this five year period the Town would have to purchase a minimum of 7,550 cases. If this number is not reached after five years, then the agreement will continue until that number of cases are purchased. The Town will receive a \$2 rebate on every case purchased and 40 percent on vending machine purchases. As part of this agreement Pepsi will provide the Town two new scoreboards for the new Recreation Center valued at \$12,000. At the end of the agreement the scoreboards will become the property of the Town. These scoreboards will have three slots each that the town can use to sell to other sponsors.

Commissioner Guignard made a motion to approve Sponsorship and Sales Agreement with Pepsi.

Commissioner Bales seconded motion.

Motion carried unanimously.

Agreement attached hereto as Exhibit No. 9.

Resolution – Governor’s Highway Safety Program Grant. The Huntersville Police Department has been awarded a Governor’s Highway Safety Program (GHSP) grant for two officers to increase the size of its Traffic Unit and needs Board approval of the Local Government Resolution to accept the Grant.

The breakdown of matching percentage obligation over the life of the grant is as follows.

Year 1 – 85% GHSP - 15% Huntersville
 Year 2 – 70% GHSP - 30% Huntersville
 Year 3 – 50% GHSP - 50% Huntersville
 Year 4 – 0% GHSP - 100% Huntersville

The grant costs are as follows:

Budget Year	Total Cost	GHSP Grant	Huntersville Match
FY-2018 *	\$232,676	\$197,775	\$34,901
FY-2019 **	\$109,675	\$76,773	\$32,903
FY-2020	\$109,675	\$54,838	\$54,837
FY-2021	\$109,675	\$0	\$109,675

*includes cost of 2 officers plus vehicles, uniforms and equipment

** Includes only cost of 2 officers

Commissioner Guignard made a motion to adopt resolution to accept the Governor's Highway Safety Program Grant for two Traffic Unit officers.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 10.

Rental Agreement – Huntersville Music Academy. Commissioner Guignard requested to be recused because it is his former tenant.

Commissioner Kidwell made a motion to recuse Commissioner Guignard.

Commissioner Gibbons seconded motion.

Motion carried with five (5) yes votes.

Gerry Vincent, Town Manager, said this rental has come up due in July, however there was some information that a gentleman may want to purchase the building so I gave that gentleman an additional month to vet out the process. He has indicated a week or ten days ago that he is not interested in the property. The rent remained the same for August for the existing tenant but the new rental agreement is before you starting for September 1. The amount is \$5.32 per sq. ft. A number of Board members have indicated that amount is low. I did since contact a commercial real estate professional and we kind of vetted out the process. The indication from the realtor was basically at some point in time the rental really needs to get to \$10 per sq. ft. We are at \$5.00 - \$5.50. So his suggestion was not to try to get these funds through this process for the first year but incrementally add to your rental to your lease. So we have done so. It's gone from the \$5.32 per sq. ft. to \$7.32 per sq. ft. So instead of \$900 a month we are looking at closer to \$1,200 which is in the rental agreement.

Commissioner Kidwell said a while back I made the comment that I think the Town should get out of the rental business. I'm staying consistent with that train of thought. Also because I know of other people renting in the area, not so much right here but down 115, and they are paying \$2,000 plus for the same type of square footage. I think we are undermining current business owners who have commercial real estate for rent and just my personal feeling as a commissioner that we should be supporting our business partners of the community not undercutting. I will not be supporting it and that's why I wanted it off the Consent Agenda.

Commissioner Phillips said not too long ago we made an agreement with the gentleman right behind us. And that's Town-owned property. And I feel like what we should be doing is being fair to everyone. And I think the rent rate should be the same for all buildings that the Town of Huntersville owns. We

shouldn't be competing with private industry. In fairness I think we need to go on up to the current market rate where it should be and let the cards fall where they may.

Mayor Aneralla said was that a motion.

Commissioner Phillips said I'll put that in the form of a motion. The motion is that we go up to the current market rate as we have with Foster's Frame.

Mayor Aneralla said Foster's Frame is paying \$9.75 per sq. ft.

Commissioner Phillips said then it should be the same. It should be at the current value.

Commissioner Kidwell seconded motion.

Commissioner Boone said why was the \$5.32 sq. ft. rate so low. Is there any history on that. Why they started there. Is there something wrong with the building.

Mr. Vincent said I do not know the history on it. I was not involved in that rental process.

Commissioner Bales said I think the only concern I have with this and I don't disagree that we need.....if we are going to rent property we need to be renting it at a fair market price. My only concern really to the Huntersville Music Academy that's currently renting from us to almost double their rent, that concerns me in one fatal swoop. I don't necessarily have a problem with the contract as is written leaving it at the \$7.32 and then moving it up to the \$9.75 the following year, but I think to do that to a business while obviously the \$5.32 wasn't right but I think to double their rent in one fatal swoop isn't right either.

Commissioner Phillips said the only thing I'm trying to do is trying to be fair and when we have other properties within a rock's throw of each other basically the same type....now some people would argue that. But there's no doubt that the rate was way undervalued and I hate it for the people that's in there but it's all a matter of being fair. What do we do if Mr. Foster comes back and says okay you give them a discount, why don't you give me a discount. And so moving forward it's just a policy if we are going to be in the rental business which we should have never been in to start with we should be fair and equitable to all not just pick and choose.

Commissioner Bales said I don't disagree but then if we're not going to have a little bit of grace and incrementally increase to where it's the right number, that \$9.75, then maybe Commissioner Kidwell is right and we just bulldoze it, which was the plan to begin with.

Mayor Aneralla called for the vote to renew the contract at the \$9.75 per sq. ft. rate.

Motion carried 3 to 2, with Commissioners Bales and Kidwell opposed.

Lease Agreement attached hereto as Exhibit No. 11.

Mayor Aneralla said we are going to be looking at all the properties the Town owns and what we should or shouldn't be doing with them short and long term.....renting or selling or bulldozing.

Commissioner Kidwell made a motion to bring Commissioner Guignard back.

Commissioner Phillips seconded motion.

Motion carried with five (5) yes votes.

Fire Protection Services Agreement. Gerry Vincent, Town Manager, said the previous agreement was a five year agreement. It becomes effective October 15, 2017. You see some proposed changes within the agreement that you have before you. There have been some comments as far as some areas of interest so I believe that's why it was taken off the Consent Agenda.

Commissioner Phillips said I'd like to basically get another bite at the apple. I'm going to suggest that there's some changes I would like to make or at least to discuss as far as transparency since the Town funds the fire department over 95 percent, there's some minor changes in here and again it's a matter of setting policy moving forward. I think this contract is a little bit weak. I have some concerns and so I would like to leave this open for more discussion for a couple more weeks, and so I would like to make a motion that we go ahead and notify the fire department that the contract will be rewritten, there will be a new contract. I think we have to do that now to stay within the timeframe and defer this for two more weeks.

Commissioner Gibbons seconded motion.

Mr. Blythe said what you are getting at, all we need to do is to notify them that we do not want renewal of the existing contract and we will negotiate a new one. I think the only notification necessary is non-renewal of existing contract.

Commissioner Phillips said we are supposed to notify them in writing and so we had to do it by this deadline and I would like to amend my motion to Mr. Blythe's recommendation.

Commissioner Gibbons seconded amended motion.

Commissioner Boone said just to be clear we're just voting tonight whether we are going to extend this for two weeks but we are going to approve it, is that right.

Mayor Aneralla said we have to see if there's new wording to it and you would have to review that.

Commissioner Kidwell made a substitute motion to approve the contract as is. We've added releasing the tax records, we've got an explanation of ownership of property and we received a list of property that is currently being used by the fire department that the Town has ownership to. This is an extension of a contract with some added changes. I think our Huntersville Fire Department does an excellent job at servicing our community. We have the added benefit of Charlotte being responsible for all the training. That takes a huge burden off this town. We have the added benefit of a lot of these men and women live in the Town of Huntersville, which is also a positive.

Commissioner Bales seconded motion.

Commissioner Boone said I don't see anybody from the fire department here tonight, but Mr. Vincent maybe I could ask you these questions. Basically Paragraph 9, the Vehicles and Equipment, Paragraph 11, if the fire department ever merges and then we come back to the equipment again in Paragraph 16 the taxpayers of Huntersville have purchased this equipment that the firefighters have and that's approximately 95 percent of everything they own the Town has purchased.

Mr. Vincent said yes, sir. We fund the fire department 94 percent and if you look at the list of assets that I sent you guys over the weekend with the exception of a 1963 vehicle, a 1968 vehicle, and 1974 pumper, we own 98 percent of the equipment and vehicles that are run in the fire department.

Commissioner Guignard said when you say we own are you saying the titles are in our name.

Mr. Vincent said the titles are not in our name. The titles under one of these sections indicates that it has to be in the fire department's name and my understanding from history is that it saves us from the liability.

Commissioner Guignard said when you say we own and if the titles aren't in our name will you kindly explain to me what you are saying by that.

Mr. Vincent said I'm saying that the Town has contributed to the purchase or the financing of 98 percent of the vehicles that we have.

Commissioner Boone said let's say Huntersville merges with another fire department and the Town has the first right of refusal, if we pay \$100,000 for a piece of equipment and we own 95 percent of that equipment, the only part we would be bidding on would be 5 percent of the cost or the value of it.

Mr. Vincent said that's correct. There's a section in here that indicates basically we have the first right of refusal other than items that we have purchased previously.

Commissioner Boone said I have met with the Chief Dotoli and some of his other chiefs and I'm going to support Mr. Kidwell's motion.

Commissioner Phillips said I'm asking for two weeks to basically clean up an old contract and basically give a little bit oversight. Just like one of the things that I feel like is pretty strong Paragraph 4 Fire Department Standards – Throughout the term of this Agreement, Fire Department will remain a fully qualified, equipped and staffed fire department, meeting all state and local standards for volunteer fire department serving a suburban area. Without limiting the foregoing generality, Fire Department will meet all of the standards of performance required by the County Agreement, which standards are incorporated herein by reference. So what standards. Is the volunteer standard a less standard. Who knows. But we need to clean that language up. The part in No. 9 – Upon termination or cancellation of this Agreement for any reason, other than dissolution or merger as described in Paragraphs 10 and 11....that simple paragraph could be struck. There's dissolution simply by adding the word town, should fire department go away where it's in Paragraph 10 Dissolution of Fire Department – Fire Department is a non-profit corporation whose charter provides that upon dissolution the assets must be distributed to a qualified tax exempt organization or to a federal, state or local government. Why wouldn't we just insert town, because we've already paid for this equipment one time. It's not that I'm picking on these boys, it's just all I'm saying is to take another couple of weeks to look this over. We need to add some I feel like some language for transparency by us funding this organization I dare say there's any other department that we don't have some form of recourse other than them. We send them money over there, they do as they please. Again Paragraph 13, that's where it just needs a little bit of cleaning up.

Mayor Aneralla said I appreciate where the Board is coming from. We just closed down the North Meck Rescue Squad after having no agreement with them for the last 40 or 50 years that anybody can find and I did a little research on that and the Town contributed over the last 12 years about \$4 million to the North Meck Rescue Squad which ended up being about 80 to 90 percent of what they spent each year and yet we had no recourse over their assets other than their benevolence which to this date is zero.

And I think that's where this Board is coming from. However I feel comfortable that we do have recourse, first right of refusal on these particular assets, and we have an agreement. We didn't have an agreement. It's really I think something that's been really bothering a lot of people on this Board over the last few months that the North Meck Rescue Squad would not fulfill the obligation to the Town. The fire department had to buy two new trucks. They could have had one of the trucks from North Meck Rescue. Michael Jaycocks and the Parks & Rec had to buy a gator. North Meck Rescue had a gator. So this is why we are having this discussion.

Mayor Aneralla called for the vote to approve the Operating and Services Agreement for Fire Protection Services as it is in your packet.

Motion carried 4 to 2, with Commissioners Gibbons and Phillips opposed.

Agreement attached hereto as Exhibit No. 12.

CONSENT AGENDA

Approval of Minutes – July 11. Commissioner Guignard made a motion to approve the minutes of the July 11, 2017 Special Town Board Meeting Minutes. Commissioner Bales seconded motion. Motion carried unanimously.

Approval of Minutes – July 17. Commissioner Guignard made a motion to approve the minutes of the July 17, 2017 Regular Town Board Meeting Minutes. Commissioner Bales seconded motion. Motion carried unanimously.

Reschedule Meeting. Commissioner Guignard made a motion to reschedule the Monday, September 4, 2017 Regular Town Board Meeting to Tuesday, September 5, 2017 at 6:30 p.m. due to the Labor Day holiday. Commissioner Bales seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA17-07. Commissioner Guignard made a motion to call a public hearing for Tuesday, September 5, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #TA17-07 providing additional options to meet water quality standards for lots less than 1 acre and redevelopment in the Town Center zoning district. Commissioner Bales seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R17-06. Call a public hearing for Tuesday, September 5, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-06, a request by the Phoenix Montessori Academy to rezone 6.8 acres from Corporate Business to Campus Institutional Conditional District located at 12340 Mt. Holly-Huntersville Road (Tax Parcel 01720205) to allow for the expansion of the school. Commissioner Bales seconded motion. Motion carried unanimously.

Budget Amendment – Rec Center. Commissioner Guignard made a motion to approve budget amendment appropriating \$250,000 from General Fund Balance to provide for improvements to Highway 21 as required by the TIA for the Recreation Center project. Commissioner Bales seconded motion. Motion carried unanimously.

Annual Settlement of Tax Collector and Order of Collection. Commissioner Guignard made a motion to approve Annual Settlement of Tax Collector and Order of Collection. Commissioner Bales seconded motion. Motion carried unanimously.

Annual Settlement of Tax Collector and Order of Collection attached hereto as Exhibit No. 13.

Budget Amendment – Police. Commissioner Guignard made a motion to approve budget amendment in the amount of \$197,775 to provide for the grant funded revenue and expenses for the two grant funded police officers. Commissioner Bales seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R17-08. Commissioner Guignard made a motion to call a public hearing for Petition #R17-08, a request by Central Piedmont Community College to generally rezone 9.3 acres from Campus Institutional, Highway Commercial, and Neighborhood Residential to all Campus Institutional, located at 12332 Statesville Road. Commissioner Bales seconded motion. Motion carried unanimously.

CLOSING COMMENTS

Commissioner Kidwell congratulated Lee Sullivan on being appointed editor of the Lake Norman Citizen.

Commissioner Guignard reported that all the marking that is being done by surveyors for NCDOT in the downtown area is for future road improvements.

Mayor Aneralla announced that the Mayor's luncheon is on August 15.

There being no further business, the meeting was adjourned.

Approved this the _____ day of _____, 2017.