

Mayor
John Aneralla

Mayor Pro-Tem
Danny Phillips

Commissioners
Melinda Bales
Dan Boone
Mark Gibbons
Charles Guignard
Rob Kidwell

Town Manager
Gerry Vincent



Department Heads
Vickie Brock, HR Director
Max Buchanan, Public Works
Jackie Huffman, Finance
Michael Jaycocks, Parks&Rec
Jack Simoneau, Planning
Cleveland Spruill, Police Chief

Town Clerk
Janet Pierson

Town Attorney
Bob Blythe

AGENDA
Regular Town Board Meeting
November 20, 2017 - 6:30 PM
TOWN HALL (101 Huntersville-Concord Road)

- I. Pre-meeting**
 - A. Closed Session - Property Acquisition and Consultation with Attorney. (5:30 p.m.)
- II. Call to Order**
- III. Invocation - Moment of Silence**
- IV. Pledge of Allegiance**
- V. Mayor and Commissioner Reports-Staff Questions**
 - A. Mayor Aneralla (Metropolitan Transit Commission, Commerce Station Management Team, North Meck Alliance)
 - B. Commissioner Bales (Lake Norman EDC, Lake Norman Education Collaborative)
 - C. Commissioner Boone (Public Safety Liaison, Huntersville Ordinances Advisory Board)
 - D. Commissioner Gibbons (NC 73 Council of Planning, Veterans Liaison)
 - E. Commissioner Guignard (Centralina Council of Governments, Planning Coordinating Committee)
 - F. Commissioner Kidwell (Charlotte Regional Transportation Planning Organization, Olde Huntersville Historic Society)
 - G. Commissioner Phillips (Lake Norman Chamber Board, Visit Lake Norman Board)
- VI. Public Comments, Requests, or Presentations**
 - A. FY 2017 Financial Statement Presentation.
- VII. Agenda Changes**
 - A. Agenda changes, if any.
 - B. Adoption of Agenda.

VIII. Public Hearings

IX. Other Business

- A. Consider decision on Petition #ANNEX17-01, a request by Blackwood Knoll, LLC to annex 37.81 non-contiguous acres, PIN 01124111, into the Town of Huntersville. (*Alison Adams*)
- B. Authorize the Town Manager to sign lease agreement with Foster's Frame. (*Gerry Vincent*)
- C. Approve budget amendment allocating \$177,835 from general fund balance to the Police Department's budget to purchase police vehicles. (*Jackie Huffman/Chief Spruill*)

X. Consent Agenda

- A. Approve the minutes of the November 6, 2017 Regular Town Board Meeting. (*Janet Pierson*)
- B. Approve Tax Refund Report No. 74. (*Jackie Huffman/Gerry Vincent*)
- C. Approve budget amendment appropriating Sponsorship revenue in the amount of \$27,442.75 to the Downtown festival account related to Huntersville Christmas and the tree lighting events. (*Jackie Huffman/Michael Jaycocks*)
- D. Approve budget amendment recognizing additional interest earnings on the Fire Station bonds in the amount of \$35,000 and allocating to the Fire Station #4 project for furniture and equipment. (*Jackie Huffman/Gerry Vincent*)

XI. Closing Comments

XII. Adjourn

To speak concerning an item on the Agenda, please print your name and address on the sign-up sheet on the table outside the Board Room prior to the meeting. If you wish to speak concerning an item that is added to the Agenda during the meeting, please raise your hand during that item. Each speaker will be limited to no more than 3 minutes. The Mayor, as the presiding officer may, at his discretion, shorten the time limit for speakers when an unusually large number of persons have signed up to speak.

**AS A COURTESY, PLEASE TURN CELL PHONES
OFF WHILE MEETING IS IN PROGRESS**

Town of Huntersville
REQUEST FOR BOARD ACTION
11/20/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Alison Adams, Senior Planner
Subject: Annexation Petition 17-01 Blackwood Knoll

Annexation:

Provide a decision for Annexation Petition 17-01 Blackwood Knoll to annex 37.81 non-contiguous acres, PIN 01124111, into the Town of Huntersville.

ACTION RECOMMENDED:

Provide a decision

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
▣ Annex 17-01 Blackwood Knoll Staff Report	Staff Report
▣ Exhibit 1: Annex 17-01	Exhibit
▣ Exhibit 2: Annex 17-01	Exhibit
▣ Exhibit 3 Annex 17-01	Exhibit
▣ Exhibit 4 Annex 17-01	Exhibit
▣ Exhibit 5: Annex 17-01	Exhibit

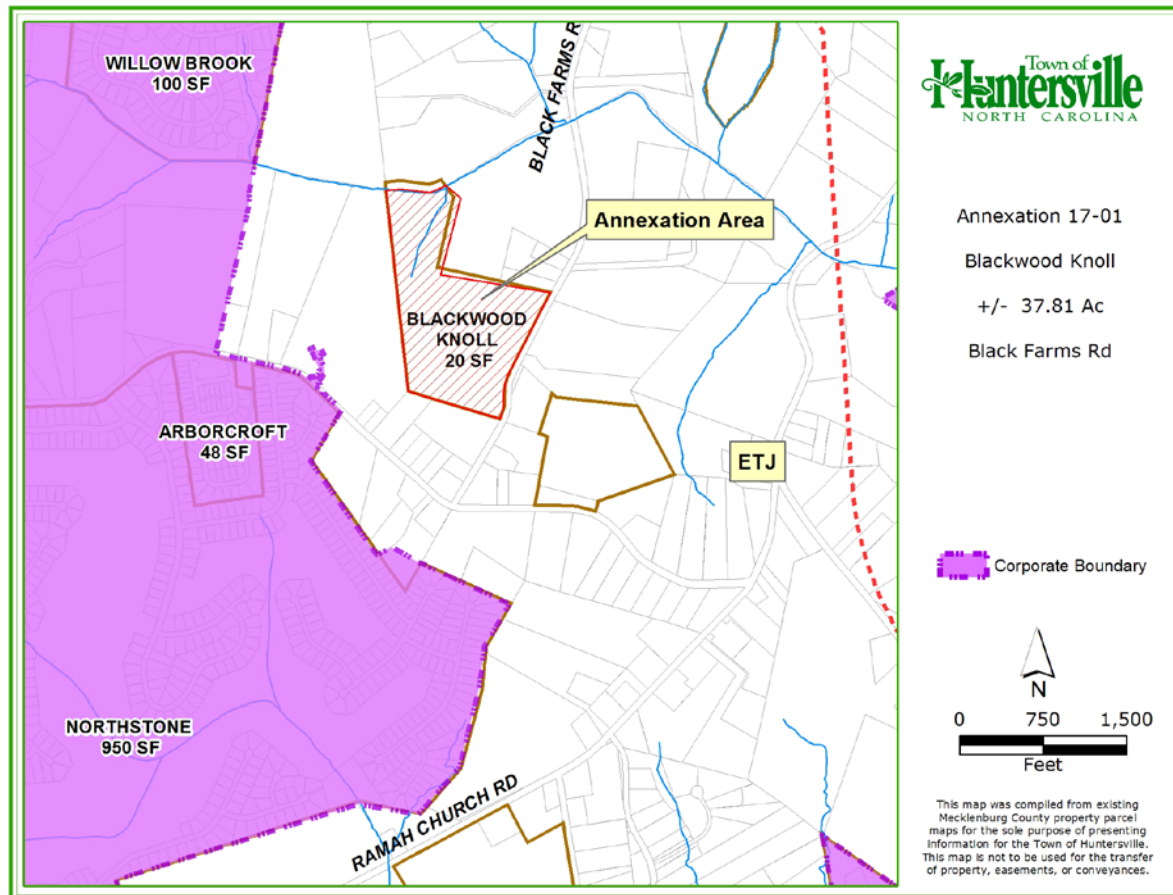
Non-Contiguous Annexation Petition # 17-01

Blackwood Knoll

EXPLANATION OF THE REQUEST

Petition Annex #17-01 for non-contiguous annexation into the Town of Huntersville of 37.81 acres consisting of parcel 01124111 (see Exhibit 1).

LOCATION



BACKGROUND

The property owner Blackwood Knoll, LLC has filed a petition to consider voluntary non-contiguous annexation (see Exhibit 1) pursuant to North Carolina General Statutes Section 160A-31.

All statutory requirements for annexation have been met:

- A petition requesting annexation was received on July 6, 2017 (see Exhibit 1).
- The Town Clerk certified the sufficiency of the petition on October 24, 2017 (see Exhibit 2).
- On October 16, 2017, the Board of Commissioners set the date for the public hearing to be held on November 6, 2017.
- Notice of the public hearing was placed in a newspaper of general circulation. The notice appeared in the Charlotte Observer on October 22, 2017 (see Exhibit 3).

STAFF RECOMMENDATION

Since all statutory requirements have been met in full, staff recommends that the Board of Commissioners approve the petition with Mayor's signature on the associated ordinance. The public hearing occurred on November 6, 2017. The final action of this voluntary non-contiguous annexation is requested to take place on November 20, 2017; therefore if approved the above referenced parcel will be in the Town of Huntersville.

ATTACHMENTS

Exhibit 1 – Non- Contiguous Annexation Petition
Exhibit 2 - Certificate of Sufficiency
Exhibit 3 - Public Hearing Ad
Exhibit 4 – Signed Site Plat Map
Exhibit 5 – Non-Contiguous Annexation Ordinance

PETITION REQUESTING ANNEXATION

To the Board of Commissioners of the Town of Huntersville:

1. We, the undersigned owners of all or a part of the real property described on the metes and bounds description attached hereto, request that the described area be annexed to the Town of Huntersville.
2. The area to be annexed is (contiguous) (non-contiguous) [circle one] to the primary corporate limits of the Town of Huntersville. The petitioner attaches hereto and submits as part of the petition:

(a) a metes and bounds description of the parcel(s) identified in paragraph 1, and

(b) a plat, suitable for recordation in the office of the Mecklenburg County Register of Deeds, showing the area proposed for annexation with relation to the primary corporate limits of the Town of Huntersville.

3. The petitioner (does) (does not) [circle one] claim vested rights in the property pursuant to N.C.G.S. 153A-344.1 or 160A-385.1. The basis of this claim of vested rights is as follows:

SKETCH PLAN APPROVAL ON 6/6/16

4. This petition may be one of multiple petitions of all owners within the described area and, if so, shall be considered as a single petition. If petitioner is the owner of a portion of described area, a brief description of that portion (for example, lot number on a recorded plat or tax parcel number), as of the date of this petition, is as follows:

TAX PARCEL NUMBER 01124111

BLACKWOOD KNOLL LLC

Property Owner(s)

141 Hobbs Lane, Mooresville, NC 28115

Address of Property Owner(s)

980-253-2078

Telephone Number

dequickster@gmail.com

E-mail address

David J. DeQuick

Signature of Property Owner

7/6/17


Date

CERTIFICATE OF SUFFICIENCY

To: The Board of Commissioners of the Town of Huntersville, North Carolina

I, Janet Pierson, Town Clerk, do hereby certify that I have investigated the Petitions of Blackwood Knoll for non-contiguous annexation of certain property, and have found as a fact that said Petitions are signed by all the owners of real property lying in the area described therein in accordance with North Carolina General Statutes §160A-31, *et seq.* The undersigned therefore certifies that the Petition is sufficient for the voluntary annexation of a contiguous area pursuant to NCGS §160A-31.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Huntersville this 04th day of October, 2017.



Janet Pierson, Town Clerk

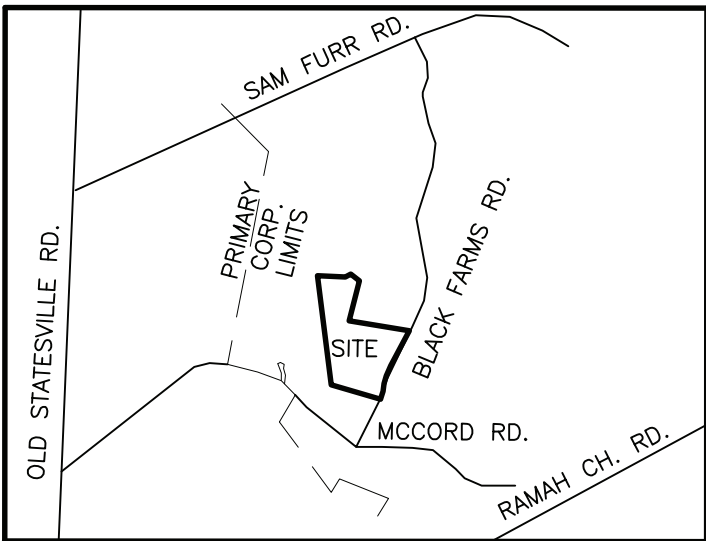
(TOWN SEAL)

NOTICE OF PUBLIC HEARING ON REQUEST FOR ANNEXATION

Take notice that the Board of Commissioners of the Town of Huntersville has called a public hearing at 6:30 p.m. on November 6, 2017, at the Town Hall, on the question of annexing the following described territory, requested by petition filed pursuant to NCGS 160A-31, as amended, to annex to the Town of Huntersville certain non-contiguous property. The property subject to the Petition consists of approximately 37.81 acres, known as Blackwood Knoll 17-01, PIN 01124111 and described as follows. Documents are on file in the Huntersville Planning Dept. Attached metes and bounds description:

LEGAL DESCRIPTION (ANNEX 17-01)

LYING AND BEING IN THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY,
NORTH CAROLINA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A EXISTING 1" PIPE DISTURBED AND RUNNING THENCE FROM THE
POINT OF BEGINNING N73° 20' 28"W 866.80 FEET TO A EXISTING 1" PIPE AT THE
BASE OF A OAK TREE; THENCE RUNNING WITH THE PROPERTY OF SAISBURY
LAND HOLDINGS LLC RECORDED AT DEED BOOK 24609 PAGE 862 THE FOLLOWING
COURSES AND DISTANCES;
1. N06° 03' 39"W 1121.13 FEET TO A EXISTING 1" PIPE;
2. N06° 05' 17"W 693.93 FEET TO A POINT IN THE LINE OF THE FAMILY LP WEST
MORELAND RECORDED AT DEED BOOK 10160 PAGE 527: THENCE WITH THE
PROPERTY OF STEWART T. AND MICHELLE M. HEATH RECORDED AT DEED BOOK
20376 PAGE 216 THE FOLLOWING COURSES AND DISTANCES;
1. N85° 10' 40"E 136.62 FEET TO A POINT;
2. S83° 46' 29"E 260.04 FEET TO A POINT;
3. N68° 02' 30"E 113.39 FEET TO A POINT;
4. N61° 36' 54"E 38.93 FEET TO A POINT;
THENCE WITH THE PROPERTY OF HINDS FEET FARM INC. RECORDED AT DEED
BOOK 11821 PAGE 465 THE FOLLOWING COURSES AND DISTANCES;
1. S50° 22' 25"E 176.75 FEET TO AN EXISTING #4 REBAR;
2. S14° 47' 18"W 712.54 FEET TO AN EXISTING #4 REBAR;
3. S80° 45' 46"E 163.91 FEET TO AN EXISTING #4 REBAR;
4. S80° 45' 46"E 369.81 FEET TO AN EXISTING #4 REBAR;
THENCE WITH THE PROPERTY OF HINDS FEET FARM INC. RECORDED AT DEED
BOOK 27945 PAGE 622 S80° 43' 30"E 468.57 FEET TO A EXISTING 2" PIPE WITH A NAIL
ON THE RIGHT OF WAY OF BLACK FARMS ROAD AND THENCE WITH THE RIGHT
OP WAY BLACK FARMS ROAD, THE FOLLOWING COURSES AND DISTANCES;
1. S28° 01' 52"W 252.53 FEET TO A POINT;
2. S26° 52' 18"W 248.61 FEET TO A POINT;
3. S27° 13' 48"W 312.42 FEET TO A POINT;
4. A CURVE TO THE LEFT HAVING A RADIUS OF 464.63 FEET AND ARC LENGTH OF
217.75 FEET AND CHORD BEARING
S13° 18' 18"W CHORD DISTACE 215.76 FEET TO A POINT;
5. S00° 07' 14"E 48.86 FEET TO A POINT;
6. A CURVE TO THE RIGHT HAVING A RADIUS OF 469.60 FEET AND ARC LENGTH OF
157.37 FEET AND CHORD BEARING
S11° 38' 53"W CHORD DISTACE 156.63 FEET TO THE POINT OF BEGINNING
CONTAINING 37.81 ACRES.



NOTES:
1. TRAVERSE ADJUSTED BY COMPASS RULE.
2. AREAS DETERMINED BY COORDINATE COMPUTATIONS.
3. ALL DISTANCE ARE HORIZONTAL GROUND DISTANCE.

REFERENCES:
1.DEEDS AND TAX MAPS SHOWN HEREON.

VICINITY MAP (N.T.S.)

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	217.75	464.63	215.76	S13°18'18"W
C2	157.37	469.60	156.63	S11°38'53"W

THIS PLAT REPRESENTS ONE AREA ANNEXED TO THE TOWN OF HUNTERSVILLE, NORTH CAROLINA PURSUANT TO NCGS 160A-58.1, BY ORDINANCE DULY ADOPTED (ANNEXATION ORDINANCE, ANNEX 16- 03) AND IS NOT SUBJECT TO REVIEW OR APPROVAL BY THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

THIS _____ DAY OF _____ 20__

JOHN ANERALLA, MAYOR
TOWN OF HUNTERSVILLE

ATTEST: JANET PIERSON
TOWN CLERK

BASIS OF BEARING
DB:30645 PG:949

N/F
SALISBURY LAND HOLDING LLC
PARCEL ID# 01124104
DB:24069 PG:862

37.81 ACRES TO BE ANNEXED

N/F
BLACKWOOD KNOLL LLC
PARCEL ID# 01124111
DB:30645 PG:949
DB:31483 PG:973
MB:60 PG:510

EXISTING WELL

N/F
VIGNESWARAN & ANUSHYA VELAYUTHAN
PARCEL ID# 01124107
DB:28644 PG:956

N/F
JOSEPH WYATT HENRY
PARCEL ID# 01124110
DB:4854 PG:144

N/F
JUDITH G. WALLACE
PARCEL ID# 0115122
DB:10537 PG:662
MB:35 PG:473
LOT# 2

N/F
PHILLIP L. BLACK
PARCEL ID# 0115103
DB:5062 PG:986

N/F
KBR PROPERTIES LLC
PARCEL ID# 0115104
DB:19976 PG:425
MB:31 PG:425
LOT# 1

BLACK FARMS ROAD
SR 2428
60' PUBLIC R/W
(DB:2298 PG:318)
(DB:2298 PG:304)

N/F
ROBERT W. II GORDON
PARCEL ID# 0115102
DB:24311 PG:490

N/F
JOSHUA & GAIL SARETT
PARCEL ID# 0115120
DB:20142 PG:548

LEGEND

- PROPOSED CORPORATE LIMIT
- TIE LINE
- SET BACK
- RIGHT-OF-WAY
- TOWN OF HUNTERSVILLE
- PRIMARY CORPORATE LIMITS
- EXISTING IRON
- MONUMENT
- NPS NO POINTS SET

PROPOSED ANNEXATION:
ANNEXATION ORDINANCE:00-00
PROPERTY OWNERS:BLACKWOOD KNOLL LLC

LOCATED IN THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY NC

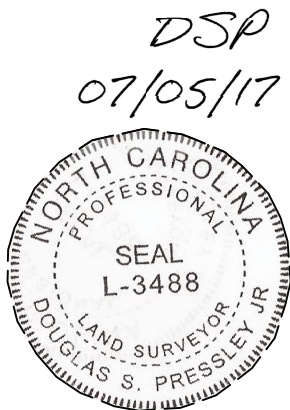
CURRENT OWNERSHIP: BLACKWOOD KNOLL LLC
PARCEL ID# 01124111
DB:30645 PG:949
DB:31483 PG:973
MB:60 PG:510

SITE ADDRESS
14301 BLACK FARMS ROAD
HUNTERSVILLE N.C. 28078

PREPARED BY:
SOUTH POINT SURVEYING PLLC
2016 SILVER ROAD OAKBORO, NC 28129
(704) 622-3626
DATE: JULY 5th, 2017
SCALE: 1"=200'

I, DOUGLAS S. PRESSLEY JR. CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY DONE BY ME ON JULY 5th 2017 FROM INFORMATION FOUND IN DEEDS AS REFERENCED ON THIS PLAT AND IS IN ALL RESPECTS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE RATIO OF PRECISION IS 1:10,000+ THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND OFFICIAL STAMP OR SEAL THIS THE 5TH DAY OF JULY 2017.

DOUGLAS S. PRESSLEY JR. 07/05/17
SURVEYOR DATE
PLS-3488



AN ORDINANCE TO ANNEX CERTAIN NON-CONTIGUOUS AREAS
TO THE TOWN OF HUNTERSVILLE, NORTH CAROLINA

ANNEXATION ORDINANCE 2017-01
(Blackwood Knoll Subdivision)

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Huntersville Town Hall at 6:30 p.m. on the 6th day of November 2017, after due notice by publication in The Charlotte Observer in the October 22, 2017 issue; and

WHEREAS, the Board of Commissioners does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended, namely (i) the area described herein meets all of the standards set out in G.S. 160A-31; (ii) the petition bears the signatures of all of the owners of real property within the area proposed for annexation; (iii) the petition is otherwise valid; (iv) the public health, safety, and welfare of the inhabitants of the city and of the area proposed for annexation will be best served by the annexation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina;

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and made part of the Town of Huntersville as of the 6th day of November, 2017:

See Exhibit A attached hereto for a metes and bounds description of the subject tract

Section 2. Upon the effective date, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Huntersville and shall be entitled to the same privileges and benefits as other parts of the Town of Huntersville. Said territory shall be subject to municipal taxes according to G.S. 160A-31(e).

Section 3. The Mayor of the Town of Huntersville shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 6th of November 2017.

Mayor: _____

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

Exhibit A:

LEGAL DESCRIPTION (ANNEX 17-01)

LYING AND BEING IN THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A EXISTING 1" PIPE DISTURBED AND RUNNING THENCE FROM THE POINT OF BEGINNING N73° 20' 28"W 866.80 FEET TO AN EXISTING 1" PIPE AT THE BASE OF AN OAK TREE; THENCE RUNNING WITH THE PROPERTY OF SAISBURY LAND HOLDINGS LLC RECORDED AT DEED BOOK 24609 PAGE 862 THE FOLLOWING COURSES AND DISTANCES;

1. N06° 03' 39"W 1121.13 FEET TO AN EXISTING 1" PIPE;
2. N06° 05' 17"W 693.93 FEET TO A POINT IN THE LINE OF THE FAMILY LP WEST MORELAND RECORDED AT DEED BOOK 10160 PAGE 527; THENCE WITH THE PROPERTY OF STEWART T. AND MICHELLE M. HEATH RECORDED AT DEED BOOK 20376 PAGE 216 THE FOLLOWING COURSES AND DISTANCES;

1. N85° 10' 40"E 136.62 FEET TO A POINT;
2. S83° 46' 29"E 260.04 FEET TO A POINT;
3. N68° 02' 30"E 113.39 FEET TO A POINT;
4. N61° 36' 54"E 38.93 FEET TO A POINT;

THENCE WITH THE PROPERTY OF HINDS FEET FARM INC. RECORDED AT DEED BOOK 11821 PAGE 465 THE FOLLOWING COURSES AND DISTANCES;

1. S50° 22' 25"E 176.75 FEET TO AN EXISTING #4 REBAR;
2. S14° 47' 18"W 712.54 FEET TO AN EXISTING #4 REBAR;
3. S80° 45' 46"E 163.91 FEET TO AN EXISTING #4 REBAR;
4. S80° 45' 46"E 369.81 FEET TO AN EXISTING #4 REBAR;

THENCE WITH THE PROPERTY OF HINDS FEET FARM INC. RECORDED AT DEED BOOK 27945 PAGE 622 S80° 43' 30"E 468.57 FEET TO A EXISTING 2" PIPE WITH A NAIL ON THE RIGHT OF WAY OF BLACK FARMS ROAD AND THENCE WITH THE RIGHT OF WAY BLACK FARMS ROAD, THE FOLLOWING COURSES AND DISTANCES;

1. S28° 01' 52"W 252.53 FEET TO A POINT;
2. S26° 52' 18"W 248.61 FEET TO A POINT;
3. S27° 13' 48"W 312.42 FEET TO A POINT;
4. A CURVE TO THE LEFT HAVING A RADIUS OF 464.63 FEET AND ARC LENGTH OF 217.75 FEET AND CHORD BEARING

S13° 18' 18"W CHORD DISTANCE 215.76 FEET TO A POINT;

5. S00° 07' 14"E 48.86 FEET TO A POINT;

6. A CURVE TO THE RIGHT HAVING A RADIUS OF 469.60 FEET AND ARC LENGTH OF 157.37 FEET AND CHORD BEARING

S11° 38' 53"W CHORD DISTANCE 156.63 FEET TO THE POINT OF BEGINNING CONTAINING 37.81 ACRES.

Town of Huntersville
REQUEST FOR BOARD ACTION
11/20/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Gerald D. Vincent, Town Manager
Subject: Foster's Frame Lease Agreement

The Town leases space to Foster's Frame at 102 N. Old Statesville Road on an annual basis at \$1,300/month for 1,600 sq. ft. of space. The tenant is responsible for all utilities pertaining to leased space as per the attached diagram.

ACTION RECOMMENDED:

Authorize the Town Manager to sign lease agreement.

FINANCIAL IMPLICATIONS:

Town receives \$1,300/month in revenue.

ATTACHMENTS:

Description	Type
▢ Lease Agreement	Backup Material

RENTAL AGREEMENT

This **Rental Agreement** ("Agreement") is made as of this ____ day of _____ 2017, by and between the **TOWN OF HUNTERSVILLE**, a North Carolina Municipal Corporation, (hereafter, "Town") and **FOSTER'S FRAME DESIGN AND GALLERY, INC.**, a North Carolina corporation (Tenant).

WITNESSETH

WHEREAS, Town is the owner of a commercial building located at 102 N. Old Statesville Road, Huntersville, North Carolina, and is willing to lease to Tenant a portion of the property on the terms and conditions hereinafter set forth; and

WHEREAS, Town finds that Tenant's proposed use would be appropriate for a portion of the property; and

AGREEMENT

NOW, THEREFORE, Town leases to Tenant, and Tenant leases from Town a portion of the property at 102 N. Old Statesville Road, Huntersville, NC 28078, on the following terms and conditions:

1. **PREMISES.** The property is located at 102 N. Old Statesville Road, Huntersville North Carolina, a portion of which contains retail space consisting of 1,600 square feet located in the front of the building ("Premises"), as depicted on Exhibit A entitled "retail area", which is attached hereto and incorporated herein by reference. Tenant shall have access to the restrooms in the common area of the Premises, which is outside of the 1,600 square foot retail area.
2. **RENTAL.** Tenant shall pay to Town as rental the sum of One Thousand Three Hundred Dollars (\$1,300.00), per month, throughout the term of this Agreement. The rent shall be paid on the first (1st) day of each month, but no later than the tenth (10th) day of each month, beginning January 1, 2018 for the term of the lease.
3. **SECURITY DEPOSIT.** Tenant does hereby assign to Town its interest the security deposit presently held by the Town in the amount of Five Hundred Dollars (\$500.00), to be held in a separate account for the assurance of compliance with the terms of this Agreement. If Tenant is in compliance with this Agreement at the end of the term, Town shall refund the deposit to, or as directed by, Tenant.
4. **TERM, OPTIONS.** The term of this Agreement shall begin on the 1st day of January 2018, and end on the 31st day of December 2018. At the end of the term of this Agreement, Tenant shall remove its personal property and inventory from the Premises. Any such property which remains after thirty (30) days from the end of the lease without the consent of Town shall become property of the Town.

5. **USE OF PREMISES.** Tenant shall use the Premises solely as a commercial retail space. Any use other than that described without the express written consent of Town (which shall not be reasonably withheld) shall be deemed a default in this Agreement and entitle Town to pursue all remedies it has in the event of default.
6. **RIGHT OF ENTRY:** Town hereby reserves the right to enter the Premises during reasonable hours for the purpose of inspecting the Premises, and/or making major repairs as the Town may deem appropriate. Tenant acknowledges and understands that in the case of an emergency, the Town may need to enter the Premises at any hour to cause repairs to be made to preserve or prevent further damage from occurring to the Premises, and the Tenant agrees to cooperate reasonably with the Town in the event of any such emergency.
7. **INSURANCE.** Personal property placed by Tenant in the Premises shall at all times be the personal property of Tenant, and Tenant shall provide its own insurance coverage for same in such conditions as Tenant may desire for its own benefit and protection, and at its own expense. Tenant shall carry premises liability insurance in an amount of at least One Million (\$1,000,000.00) Dollars, naming Town as an additional insured and insuring against the acts of itself, its employees, invitees and participants. Town agrees that it shall be responsible for maintaining insurance on the property at all times during the terms of this Agreement.
8. **DAMAGE, DESTRUCTION.** In the event of damage or destruction of the Premises so that Tenant cannot continue occupancy, Town may terminate this Agreement as of the date of the damage or destruction and any pre-paid rent for the period after termination shall be returned to Tenant. In no event shall Town be required to rebuild or repair the damage.
9. **UTILITIES.** Tenant shall be responsible for and pay utilities charges for the entire building, specifically for water and sewer, gas and electric. If Tenant wishes to have telephone, internet, or cable service, Tenant shall be responsible for installation and payment of such service. Tenant may elect to install a security system for the entire commercial building, and Town will consider participating with Tenant in the cost of installation and maintenance to the system. Tenant shall assure that all utility or similar payments for which it is responsible are promptly paid and not permit any delinquent payments to become a lien on the Premises.
10. **CONDITION OF PREMISES.** Tenant acknowledges it has examined the Premises and accepts them in the condition as of the date of this Agreement.
11. **MAINTENANCE, ALTERATIONS, MODIFICATIONS.** Town shall be responsible for repairing the roof, and maintaining the partition wall between the 1600 square feet of leased space (the Premises), and the remaining portion of the building that is occupied by Town. Town shall be responsible for the lawn and grounds maintenance for the Premises, and shall determine its frequency. Tenant shall be responsible for, at its expense, general interior maintenance and care of the Premises, including any upfitting

for the Tenant's retail use, and minor HVAC system maintenance. Town shall be responsible for major HVAC maintenance and repair which is not a result of Tenant's negligence. Tenant shall not make any alterations or modifications to the Premises, either interior or exterior, without the prior written consent of Town. All such alterations or modifications, whether interior or exterior, shall be at the sole expense of Tenant which shall not permit any lien for labor and materials to attach to the Premises.

12. **PARKING.** Tenant shall share the parking lot with the Town as depicted in Exhibit B, which is attached hereto and incorporated herein by reference. Parking shall be for Tenant, its clients and customers, and the Town. The Town may assign spaces for Tenant's customers. All other spaces shall be jointly used by Tenant and Town, excluding the area indicated on Exhibit B as No Parking, which shall be strictly adhered to.
13. **SIGNAGE.** Any exterior signs erected by Tenant shall be pre-approved by the Town and be in compliance with the Town of Huntersville Sign Ordinance. The installation of any approved signage shall be at the expense of Tenant.
14. **INDEMNITY.** Tenant will indemnify and hold harmless the Town for any loss, claim, suit, or damages (including reasonable attorney fees) proximately caused by the negligent or willful conduct of its Officers, employees, and invitees.
15. **ASSIGNMENT, SUBLETTING.** Tenant shall not assign this Agreement or sublet the Premises.
16. **EVENT OF DEFAULT.** The happening of any of the following shall constitute and Event of Default on the part of Tenant during the term of this Agreement: (a) failure to pay the rental payments when due; (b) any non-monetary violation of this Agreement after thirty (30) day notice to Tenant. Upon the occurrence of an Event of Default which remains uncured, Town shall have all remedies available to it, including terminating this Agreement, regaining full possession of the Premises, and maintaining an action to recover unpaid rent or other amounts due it. Tenant shall not be held in default for vacating the Premises before the end of the term under this Agreement, and rents paid will be prorated for the month in which the Tenant vacates the premises. Town shall not be held in default for requesting the vacating of the Premises by Tenant before the end of the term under this Agreement, and rents paid will be prorated for the month in which the Tenant vacates the premises.
17. **NOTICES.** All notices required or permitted under this Agreement shall be in writing and shall be personally delivered (with acknowledgement of receipt) or sent by U.S. certified mail, return receipt requested, or by a nationally recognized overnight delivery service (Fed Ex, UPS, etc.) to the following addresses (provided that such notice addresses may be changed by written notice to the other):

If to Tenant: Foster's Frame Design and Gallery, Inc.
102 N. Old Statesville Road
Huntersville, NC 28078

If to Town: Town Manager
Town of Huntersville
Post Office Box 664
Huntersville, NC 28070

18. RETURN OF PREMISES UPON TERMINATION. Upon termination of this Agreement, whether at end of term or otherwise, Tenant shall return the Premises to Town in a similar condition as at the inception, reasonable wear and tear excepted. The Premises shall be in a clean, vacant condition and all property of Tenant shall have been removed, and keys returned.

19. CONTROLLING LAW, FORUM. This Agreement shall be controlled and interpreted by the laws of the State of North Carolina. The sole venue for the resolution of any dispute hereunder shall be a State or Federal court sitting in Mecklenburg County, North Carolina.

IN WITNESS THEREOF, the parties have executed this Agreement by authority duly given as of the date first above written.

**FOSTER'S FRAME DESIGN AND
GALLERY, INC.**

By: _____
John E. Foster, Treasurer

TOWN OF HUNTERSVILLE

By: _____
Gerald D. Vincent, Town Manager

EXHIBIT A

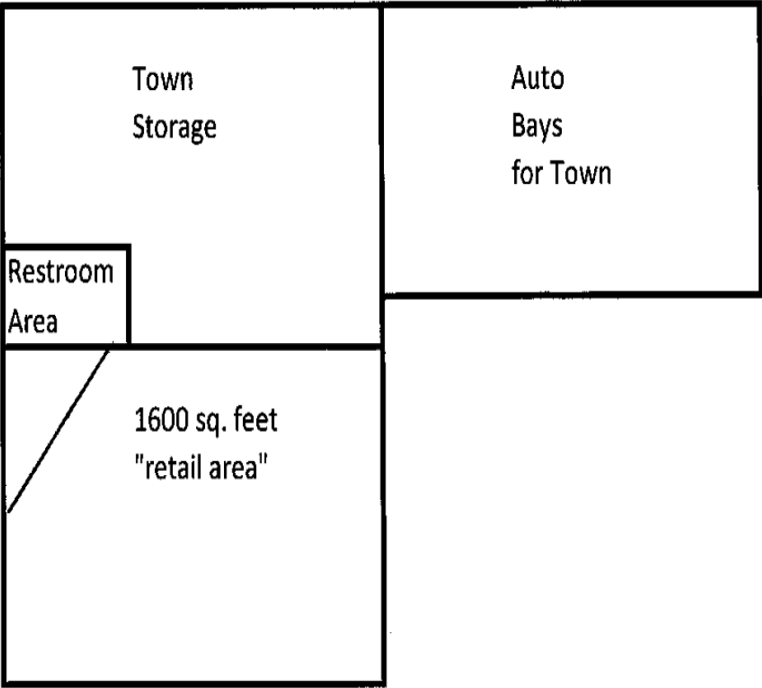


EXHIBIT B



Town of Huntersville
REQUEST FOR BOARD ACTION
11/20/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman / Chief Cleveland Spruill
Subject: Approve a Budget Amendment funding police cars

The original FY 2018 operating budget was adopted planning to lease 11 new police cars. The Police Department pursued their broker and obtained a proposal to lease the cars at 3.32% which would incur a total of \$9,059 interest in FYs 2018 - 2020.

This item would approve adding \$177,835 to the Police department budget to purchase the vehicles outright, eliminating the lease financing and saving \$9,059 interest. This is accomplished by allocating \$177,835 from general fund balance.

ACTION RECOMMENDED:

Approve budget amendment.

FINANCIAL IMPLICATIONS:

Increase Police budget by \$177,835 using General Fund Balance.

Town of Huntersville
REQUEST FOR BOARD ACTION
11/20/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Janet Pierson, Town Clerk
Subject: Approval of Minutes

Consider approving the minutes of the November 6, 2017 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

Description	Type
□ Draft Minutes	Backup Material

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**November 6, 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 November 6, 2017.

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

Gerry Vincent, Town Manager, explained that the purpose of the pre-meeting is to get a consensus of what direction to proceed in with legal services – contract with a firm or hire a staff attorney. It is the Town Manager's recommendation that the Board interview three of the four law firms, contract for one year and then review and assess the firm's abilities over a period of time.

Following discussion, it was the general consensus of the Board to re-advertise for a staff attorney to see if there is any additional interest in the position.

Mayor Aneralla pointed out that he disagreed with the Board and felt the Town should consider contracting legal services.

There being no further business, the pre-meeting was adjourned.

**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 November 6, 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

- The next meeting of the North Meck Alliance is November 9.
- The Metropolitan Transit Commission met last month and talked about the Blue Line Extension and the Red Line Study. There is a survey on the transit system that will be posted to the Town's website. The MTC would like to lead a regional transportation summit in the spring.

Commissioner Bales

- Lake Norman Economic Development has a total of 25 active projects – 12 in Cornelius, 1 in Davidson and 20 in Huntersville. The EDC's new website went live in October. The EDC Board had their retreat two weeks ago. The EDC hosted a CMS work force development meeting with local companies. There are a couple of projects in Huntersville that are looking to develop the Patterson Road area. Commerce Station Road is set to be completed in December.
- Encouraged everyone to vote tomorrow.

Commissioner Boone

- On October 19 the Lake Norman Chamber of Commerce recognized Huntersville Firefighter of the Year – John Schuler and Huntersville Outstanding Police Officers of the Year – Officers Ben McCormack, Breanne Williams, Jeff Guertin and Sgt. John Allen.
- Huntersville Police Department reports that 2017 Part 1 crimes are down by 6.1 percent from 2016.

Commissioner Gibbons

- Reminded everyone of Veterans Day parade and celebration on Saturday.

Commissioner Guignard

- The next Planning Coordinating Committee meeting is in December.

Commissioner Kidwell

- Recognized former commissioner Sarah McAulay who was present at the meeting.
- Expressed appreciation to the candidates running for office.

Commissioner Phillips

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

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Dr. Michael Brennan updated the Board on the uveal melanoma assessment. Expects geospatial and genetics testing to be completed by the end of the year.

Sue Colbert, whose daughter Keenan passed away from ocular melanoma, expressed appreciation to the Town of Huntersville for their efforts in obtaining grant for research of this disease.

Karen Falls, Assistant Principal at Torrence Creek Elementary School, addressed the Board in support of pedestrian accommodations from the Cobblestone Manor entrance to Torrence Creek Elementary School.

Heather Culm, 15328 Rush Lake Lane, addressed the Board in support of pedestrian accommodations from the Cobblestone Manor entrance to Torrence Creek Elementary.

Julian and Darin Booth, 9223, Hightower Oak Street, addressed the Board in support of pedestrian accommodations from the Cobblestone Manor entrance to Torrence Creek Elementary.

Bryan Southwick, 9215 Hightower Oak Street, addressed the Board in support of pedestrian accommodations from the Cobblestone Manor entrance to Torrence Creek Elementary.

Rick Himsel, 9417 Hightower Oak Street, addressed the Board in support of pedestrian accommodations from the Cobblestone Manor entrance to Torrence Creek Elementary.

Monica Museler, 8919 Scottsboro Drive, addressed the Board in support of pedestrian accommodations from the Cobblestone Manor entrance to Torrence Creek Elementary.

Tom Grimes, 8920 Bur Lane, addressed the Board in support of pedestrian accommodations from the Cobblestone Manor entrance to Torrence Creek Elementary.

Nancy Cecil, 16435 Cobbleview Lane, expressed her support for Melinda Bales, Nick Walsh, Joe Sailers and Lance Munger in the upcoming election.

Kim Aichele, 9511 Cennetta Court, expressed concern about the most recent appointee to the Board of Adjustment that was appointed on October 16.

Lance Munger, 11708 Warfield Avenue, expressed appreciation to fellow candidates for Huntersville commissioner and encouraged everyone to vote.

Brian Sheehan, Swim Club Management Group, provided 60-day update on management of HFFA.

- Website has been updated.
- HFFA Strong classes begin November 13.
- Uncollected fees have been collected.
- Reduced the amount of NSF charges by approximately \$15,000 a year.
- Even though staff has been added in certain areas, payroll is about \$100,000 under what was budgeted on an annualized basis.
- Management fee is trending about \$100,000 less than what was budgeted.

AGENDA CHANGES

Commissioner Kidwell made a motion to adopt the agenda.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

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

Petition #S17-01. Mayor Aneralla called to order public hearing on Petition #S17-01, a request by Doug Godly to revise the Bryton Special Sign District for Frankie's Fun Park at 10621 Bryton Corporate Center Drive.

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

Staff supports the requested increased allowance of sign areas and do not feel that there's any disturbance to the neighboring properties outside of the property development.

Commissioner Guignard said we may consider it a sign because by definition you can do that, but in my personal opinion we should have no problem with this unless they light that and start putting letters in the middle of those. I for one have no problem with what they are trying to accomplish here. It is going to be an unusual park, a nice amenity.

Commissioner Bales said these fin signs, are these typical for the Frankie's fun park franchise.

Mr. Richards said no, this is a whole new branding scheme from what we have seen in the past.

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

Petition #ANNEX17-01. Mayor Aneralla called to order public hearing on Annexation Petition #ANNEX17-01, a request by Blackwood Knoll, LLC to annex 37.81 non-contiguous acres, PIN 01124111, into the Town of Huntersville.

Alison Adams, Senior Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 2.* This is a non-contiguous annexation request by Blackwood Knoll, LLC. It is approximately 37.81 acres. All legal requirements have been met. The applicant is asking if there is a vote of approval that the action to actually annex be taken tonight and put it into the town limits.

Mayor Aneralla pointed out that action on this item was not on the agenda, so a decision will have to be considered on November 20.

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

Economic Development Incentive – Daumar. Mayor Aneralla called to order continuation of public hearing on proposed economic development incentives to Daumar Corporation relating to their establishment of new manufacturing facilities in Huntersville.

Gerry Vincent, Town Manager, reviewed details of the project.

- Manufactures knitted net and printed film for North, Central and South American Markets
- Company based in Barcelona, started in 1950's by two brothers
- \$5.6 million in Real Property
- \$6.6 million of Personal Property
- 36 new jobs by 2022
- 94 new jobs by 2028
- Average Salary of \$39,480 (2022)
- Total Projected Project Investment of over \$24 million

- Site in in Park – Huntersville
- 3 year 50% tax grant
 - o \$155,338 Taxes Paid (5 year)
 - o \$44,886 Grant to Company (3 year)
 - o \$110,452 Net to Town (5 year)

Commissioner Kidwell pointed out that the company will pay 100 percent of their taxes, then be reimbursed 50 percent once they have met obligations of the grant.

There being on further comments, Mayor Aneralla closed the public hearing.

OTHER BUSINESS

Economic Development Incentive – Daumar. Commissioner Kidwell made a motion to adopt resolution authorizing the execution of a Business Investment Program Agreement with Daumar Corporation.

Commissioner Bales seconded motion.

Commissioner Boone said the 94 new jobs by 2028, how long do those new jobs have to stay into effect – like as soon as they hit the 94 jobs can they start letting people go or how long do they have to keep those people employed.

Ryan McDaniels, Lake Norman EDC Director, said I think you are referring to the total job employment. That would be in year 2028, so the incentives if approved tonight would have expired many years ago in that case.

Commissioner Phillips said in your project details you've got \$5.6 million in real property, \$6.62 million in personal property then as you come on down you've got total project investment over \$24 million. Well mine is \$12.2 million, so how do we go from there to there. And there's a lot of companies that come to Huntersville that don't get a dime and still come. So why would we put this on the table for this little bit of money.

Mr. McDaniels said they have a phased plan for expansion, so the three year period that the grant would be based on is based on the investment in those first three years. This company continues to plan additional investment in the community that is not being offered a grant for. So that \$24 million, 100 percent of those tax revenues would come back to the town without the incentive.

Commissioner Kidwell said Mr. Phillips asked why would we offer a grant – 36 jobs by 2022, 94 new jobs by 2028. This is a printing business. I just recently left a printing business where I had people willing to drive from Gastonia, Lincolnton, and further to south Charlotte off of Westinghouse Boulevard to run a machine. I used to have people in Cornelius that would drive from Cornelius to work down in Charlotte. Here's an opportunity that we have people within our own community working in our own community. I say this because I know that Commissioner Bales is working on expanding the Lake Norman Education Collaborative to include on the job training. We need our local high schoolers to understand that there's something else besides college. I'm not knocking college, I have two degrees, I say go out and get a degree. But an opportunity for a company like this that is going to be well paid, average salary is \$39,000, you are not going to be a millionaire but you are going to be able to provide for your family. I think it's an opportunity for a company like this or we may have other companies come in and they may not ask for anything. And I applaud that. But they are not coming from Spain and they are not investing

\$12 million off the bat to get a company off the ground in the states and that's more product that's made in the USA.

Mayor Aneralla called for the vote to adopt resolution authorizing the execution of a Business Investment Program Agreement with Daumar Corporation

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

**TOWN OF HUNTERSVILLE
RESOLUTION AUTHORIZING THE EXECUTION
OF A BUSINESS INVESTMENT PROGRAM AGREEMENT**

The Board of Commissioners of the Town of Huntersville, having opened a public hearing on October 16, 2017, and continued to November 6, 2017, at the Town Hall in Huntersville, North Carolina, on the consideration of a grant of certain economic incentives to Daumar Corporation, or its affiliates, as described in its Business Investment Program Grant Application to the Town (the "BIP"), and having considered the economic benefits to be derived from the agreement, does hereby find and determine:

1. That the grant will be for a period of three (3) years and in an amount equal to up to 50% of new *ad valorem* tax revenue; and
2. That the incentives granted in the BIP will help stimulate the local economy, promote business, and result in the creation of approximately 35 new jobs within three (3) years; and
3. That the public will benefit from the additional tax base for the Town.

Therefore, it is hereby RESOLVED by the Board of Commissioners of the Town of Huntersville that the Town enter into a Business Investment Program Agreement with Daumar Corporation, and the Town Manager is authorized and directed to execute and deliver such documents as are necessary to carry out the intent of this Resolution.

Adopted by the Board of Commissioners at its regular meeting on the 6th day of November, 2017.

Bryton Corporate Center Sketch Plan. Mayor Aneralla pointed out this item will be heard as quasi-judicial.

Mayor Aneralla swore in David Peete, Jack Simoneau, and Max Buchanan.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 3.* I want to give you a quick update. This is a subdivision sketch plan brought to you by the Foundry Commercial Group. It is owned by American Asset Corporation and Bryton. You can see the area in the black hatching that's between Everett Keith Road, Bryton Corporate Center Drive, Hambright Road to the north and then the rail down to the bottom. It is almost 36 acres and it's zoned Special Purpose Conditional District, which is the Bryton Overlay. And what they want to do or what this request is all about is this area, there is one lot located here that is existing and then Savoy Drive is existing as well. They would like to take the area between Savoy all the way up to Hambright and subdivide into five new parcels, 2 through 6, and then there would be in a future phase the area in blue right here, which would be a new public street. This is all in keeping with the original conceptual plan for Bryton. The Staff Report has a lot more detail and I'm happy to elaborate on any of it that you would like.

Staff's recommendation to the Planning Board was that the application was complete and that it did satisfy the ordinance with the exceptions that are listed. I've got those summarized in the first box and that is that they incorporate the alternate buffer plan option which they are choosing to utilize that's allowed through the Zoning Ordinance; that a block length waiver would be granted for the distance

between Savoy Drive and the new proposed road that they have; that they would add the section of a greenway along the railroad that they are choosing to utilize for their urban open space; they would produce a willingness to serve letter from Charlotte Water; and then all of their miscellaneous corrections would be made. That was the recommendation of the Planning Board. The Planning Board recommended unanimously to support staff's recommendation and that is what is offered to you tonight.

Commissioner Phillips said this goes into the transportation issues of the traffic impact analysis. The TIA was prepared by Kimley Horn and it was done in 2006. Here we are 11 years later and I think every one of these buildings are well over 100,000 sq. ft. and so how would this not trigger a new TIA.

Mr. Peete said the TIA that was done in 2005 presupposed that Bryton at build-out would have over a million square feet of commercial, over a million square feet of industrial, as well as several thousand homes, so projects that have come in, be it Walmart, be it apartments, etc., they are all just ticking away at that cap number that was originally part of the TIA, so the roads that have been built in the Bryton area are there to serve that level of development. And this project, while it is a large amount of square footage, it is well under the allowable industrial square footage number.

Commissioner Phillips said so in other words if this is over on the master plan your TIA never goes bad.

Mr. Peete said I'm going to actually say that our Engineering Department would have the ability to indicate that something was wildly not in keeping with that original approval but in the 2005 approval of Bryton and the TIA that was done at that time and of course all the road work that was done through the certificates of participation tax funding through the county, this level of development was contemplated, so if they were to propose let's say 2 million square feet of industrial that would not be in keeping with that TIA and then we would have to be looking at it from a different angle.

Commissioner Phillips said so is it keeping in precedent with other rezonings.

Mr. Peete said Bryton is unique in that it has a 30 year life span and they were anticipating these numbers. No one had come in and in one swoop taken up all the capacity if you will, so I understand your question but I would dare say that we don't really have a lot of examples like Bryton throughout town that have had such future forecasting of what they would do.

Commissioner Kidwell said you said a million.....can you go back and say that again.

Mr. Peete said there's over a million square feet of industrial, there's a million square feet of commercial and then I think it's I want to say north of 3,000 residential units.

Commissioner Kidwell said this build-out alone is around 600,000 sq. ft.

Mr. Peete said that sounds right, closer to 700,000 maybe.

Commissioner Kidwell said there's no other light industrial over that way right now.

Mr. Peete said no, this would be the first. AAC is looking to sell this to the applicants and I think they are well aware of what their capacity is or what this may do to their future offerings. I will add to that that very quickly if you look the gray area that you see there is the Special Purpose or what we would say would be the light industrial holdings. If you discount Walmart and you discount Frankie's and then you

take this 700,000 or maybe under 700,000 into account you are only left with this area and it's geographically challenged. So they may be challenged to even reach the million that they are allowed, but I'm speculating.

Commissioner Guignard said I don't have any problem with the connectivity between Everett Keith and Bryton Corporate Center Drive with the new road there but I do have just a big picture question. Why is it so close to Hambright Road Extension as opposed to being in the middle of between there and Savoy Drive. Is there a reason for that? It would appear to me that you might want it more centrally located or maybe there's an engineering reason for that. Maybe that's something for someone else, but it just seems a little bit ironical to me that it's that close to Hambright, there must be a simple reason.

Mr. Peete said I will not speak for the Engineering Department but I think that in the discussion with the Technical group we always look at things in a larger perspective and I think that a lot of the thinking was that connectivity which is very important to the Town of Huntersville and Bryton is no exception. Savoy Drive offers up a connection point here and of course Hambright does and it would be a thoroughfare that would go well to the east, so it is anticipated that over time this area here will redevelop and when that happens this new road that they are proposing there is offering something up. Now could they move it more to center, that's what the illustrative plan had but it's not a requirement, it's not a necessity and if it were to go further to the west it worked the way that they are proposing it and if it was for their own design our staff did not have a problem with that.

Commissioner Guignard said I'm not saying there's a problem, I'm just asking is there a reason that it's that close to Hambright as opposed to back towards the middle of the property. Is there someone that can answer that.

Jack Simoneau, Planning Director, said I'm going to attempt to answer it. When Bryton was originally approved in 2006 it was contemplated there would be a road kind of somewhere over here and over here and then it was a dotted line in here as possibly a road in this particular area. That was what was shown on the plan. When this product was being proposed and laid out, this part of the road here did not work correctly with the type of layout that they wanted to do and so the question was do you move the road to the south or do you move it to the north and the Engineering response to that is you move it to the north because that way as cars are turning left there won't be left turn lock-up. In other words you don't want cars turning left opposite one another. That doesn't leave enough stacking lane. That way if you have cars that are going up and they are going to go on this potential new street, they are going this way and cars that are turning are going this way and there is no left-turn lock up. If the road was further south these cars would be turning here, these cars would be turning here and you would have this jammed up section. Max Buchanan is here to go in much more detail if you need to but in essence they did not want left-turn lock up and therefore that necessitated the road to go a little bit further north to Hambright Road.

Commissioner Guignard said I have lived on Sherwood Drive for 38 years and know what it does with Hillcrest especially with school, so I understand now what you are saying.

Commissioner Bales said I have a question for Mr. McDaniels.

Mayor Aneralla swore in Ryan McDaniels.

Commissioner Bales said my question for you tonight is how important is this project to economic development in Huntersville.

Ryan McDaniels, Lake Norman EDC Director, said of the highest importance in our view. We lack this product, especially of this scale and this quality. If you have seen the building renderings, if you have had a chance to look at them it's a very high quality product, lots of glass. We actually have a Huntersville company that is looking to grow and I provided them the information earlier this week that the Board would be addressing this. Potentially we could have buildings coming out of the ground fairly soon. They actually responded during this meeting that they have provided that information to their president. So it's very important for us. I know there's active clients in the que who are interested in this product as well. If you look at our competing cities – Concord in particular around the airport area, you've seen a tremendous amount of growth of this type of product, but this is on a higher scale. It's a little up market. I think it fits our community very well and it will provide opportunities for smaller companies that would use 25,000-40,000 sq. ft. or large users that could need 100,000 sq. ft. build to suit options.

Commissioner Bales said do we have anything currently in Huntersville like this on the market.

Mr. McDaniels said we have one building of this scale. It's an industrial condo that's actually in a larger building, so it's a little unique. It's not a standalone building and it does not have the modern features that these buildings would.

Commissioner Kidwell said Bryton began back in 2005-2006 and we approved the zoning even though there's a thoroughfare road planned here. So that happened. It's got a tree save on it, which is 41 specimen trees, so it won't be clear cut. So it looks like a positive thing here, especially hearing from Ryan that we have limited space like this for light industrial.

Commissioner Boone made a motion to approve the Bryton – Corporate Center Subdivision Sketch Plan. The application for the subdivision sketch plan is complete. It complies with all the support documentation and addresses the items in Part 5 of the Staff Report.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Naming Playground. The Huntersville Parks & Recreation Commission and Parks & Recreation Staff have recommended naming the Holbrook Playground "The Scott Treon Playground." Scott served as the department's Assistant Director for almost 9 years before passing away from a brain tumor. Scott was not only a town employee, but was very active in the community through his work volunteering at his church and as a volunteer coach in numerous organizations in Huntersville. Scott had a passion for bringing the community together for many community projects. Scott's strength and faith during his fight with cancer has left a lasting impression on the Huntersville community.

The Parks & Recreation Commission and the Parks & Recreation Staff thought it would be appropriate to name the playground after Scott due to his leadership role in making this playground possible through acquiring a grant. This playground was the first community build playground in the town's park system and it was due to Scott's knowledge of installing playgrounds as well as Scott's ability to encourage members of the community to support the community building process for the playground. Scott's church was the main participant in the community build activities that took place.

Commissioner Phillips made a motion to approve naming the Holbrook Park Playground “The Scott Treon Playground.”

Commissioner Guignard seconded motion.

Commissioner Guignard pointed out that this is not changing the name of the park, it is only naming the playground.

Motion carried unanimously.

Pedestrian Accommodations. Numerous requests have been received by the Engineering & Public Works Department, as well as by Town Board officials, requesting pedestrian accommodations (crosswalk) from the Cobblestone Manor entrance to the existing sidewalk on the east side of Ranson Road.

Max Buchanan, Public Works Director/Town Engineer, reviewed alternatives to provide pedestrian accommodations from the Cobblestone Manor entrance to the east side of Ranson Road.

- RRFB (Rapid Repeating Flashing Beacon) – construction estimate \$25,000 – 30,000, with an approximate 45-60 days delivery.
- Larger scale project to include HAWK Signal – construction estimate \$175,000, with an approximate 12 month delivery.

Staff recommends consideration be given to the installation of the RRFB solution on the north side of the Cobblestone Manor entrance.

Following discussion of the alternatives, Commissioner Kidwell made a motion to approve the HAWK signal alternative.

Commissioner Phillips seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Gibbons made a motion to approve the minutes of the October 16, 2017 Regular Town Board Meeting Minutes. Commissioner Guignard seconded motion. Motion carried unanimously.

Budget Amendment – Police Department. Commissioner Gibbons made a motion to approve budget amendment recognizing insurance revenue in the amount of \$33,706.15 and appropriate to the Police Department’s auto insurance account. Commissioner Guignard seconded motion. Motion carried unanimously.

Budget Amendment – Parks & Recreation. Commissioner Gibbons made a motion to approve budget amendment recognizing insurance revenue in the amount of \$4,468.50 and appropriate to the Parks & Recreation auto insurance account. Commissioner Guignard seconded motion. Motion carried unanimously.

Budget Amendment – Parks & Recreation. Commissioner Gibbons made a motion to approve budget amendment appropriating sponsorship revenue in the amount of \$22,000 to Non-capitalized equipment for bleachers and signage for the Huntersville Recreation Center from Novant Health sponsorship agreement. Commissioner Guignard seconded motion. Motion carried unanimously.

Resolution – Finance Director/Deputy Finance Director. Commissioner Gibbons made a motion to adopt resolution appointing Finance Director and Deputy Finance Director and ratifying their prior actions. Commissioner Guignard seconded motion. Motion carried unanimously.

**TOWN OF HUNTERSVILLE
RESOLUTION APPOINTING FINANCE DIRECTOR AND
DEPUTY FINANCE DIRECTOR AND RATIFYING THEIR PRIOR ACTIONS**

WHEREAS, certain public officials are required by GS 159-27 and 159-28 to be appointed by the Town Board; and

WHEREAS, external officials such as financial institutions frequently require documentation in Town Board minutes of signature authority granted by the Board to act on behalf of the Town; and

WHEREAS, effective internal controls necessitate cross training and duties statutorily be performed by finance officials specifically designated by the Town Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Huntersville that the following public officials are hereby appointed: Jackie Huffman appointed Finance Director to the date of her Huntersville employment April 1, 2016; Pattie Ellis appointed as a properly designated Deputy Finance Director effective October 23, 2017.

BE IT FURTHER RESOLVED that all prior actions lawfully taken within the course and scope of employment by the above appointed public officials are hereby ratified and affirmed by the Town Board as if said officials had been appointed at the time of such actions.

Adopted this 6th day of November, 2017.

Write-off Electric Fund Uncollected Final Accounts. Commissioner Gibbons made a motion to approve the write-off of electric fund uncollected final accounts in the amount of \$31,019.75. Commissioner Guignard seconded motion. Motion carried unanimously.

Transmission Connection – Commerce Station Substation. Commissioner Gibbons made a motion to authorize awarding bid for construction of the transmission connection at Commerce Station Substation to Davis H. Elliot in the amount of \$284,955. Commissioner Guignard seconded motion. Motion carried unanimously.

Bid Tabulation attached hereto as Exhibit No. 4.

Call for Public Hearing – Petition #R17-10. Commissioner Gibbons made a motion to call a public hearing for Monday, December 4, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-10, a request by the Town of Huntersville to rezone 2.25 acres from Town Center Conditional District to Town Center on Gilead Road (PIN 01711619, 01711618, 01711643, 01711617, 01711616, 01711615 (a portion of)). Commissioner Guignard seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R17-11. Commissioner Gibbons made a motion to call a public hearing for Monday, December 4, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-11, a request by Skybrook, LLC to revise the existing Oaks at Skybrook North Conditional District rezoning plan

to remove a note regarding garage placement. Commissioner Guignard seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R17-12. Commissioner Gibbons made a motion to call a public hearing for Monday, December 4, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-12, a request by Laureldale, LLC to revise the existing Villages at Skybrook North Conditional District rezoning plan to remove notes regarding garage placement and driveway access. Commissioner Guignard seconded motion. Motion carried unanimously.

CLOSING COMMENTS

Commissioner Kidwell recognized Mecklenburg County Commissioner Jim Puckett. For those running for office there is a definite difference between campaigning and governing. And after tomorrow night's results I would hope that no matter who is up on this board you work together for the benefit of Huntersville, so you are going to have to put everything aside from campaigning, swallow your pride and check your ego at the door because it's not about you, it's about the town.

Commissioner Guignard asked the Finance Director if she saw any material errors in what Brian Sheehan presented earlier.

Jackie Huffman, Finance Director, said I didn't see any. He quoted you an annualized figure and we've only had 60 days, but as long as that trend continues, I would agree.

There being no further comments, the meeting was adjourned.

**Town of Huntersville
REQUEST FOR BOARD ACTION
11/20/2017**

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman / Gerry Vincent
Subject: Approve Tax Refund Report No 74

Attached is Report #74 of Mecklenburg County Assessor's Office Refunds. The report contains one refund totaling \$3,514.19, which includes \$445.48 interest. With this report to date the Town of Huntersville has processed 10,560 refunds totaling \$485,615.71 of which \$439,767.97 is tax and \$48,844.41 is interest.

ACTION RECOMMENDED:

Approve refund report

FINANCIAL IMPLICATIONS:

Decrease revenue by \$3,514.19

ATTACHMENTS:

Description	Type
□ Report #74	Cover Memo

Parcel #	Source Type	Adj. Reason	Recipient Name	Address Line 1	Address Line 2	Total Refund (\$)	Total Interest to Pay if mailed on or before 12/1/2017 (\$)
00914117	REI	BER SL362 Decision	ROMSPEN BIRKDALE LLC	162 CUMBERLAND ST	SUITE 300, TORONTO ON M5R 3	3,068.61	445.58
						3,068.61	445.58

Town of Huntersville
REQUEST FOR BOARD ACTION
11/20/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman/Michael Jaycocks
Subject: Budget Amendment

Appropriate Sponsorship revenue (103505.9999) in the amount of \$27,442.75 to the Downtown festival account related to Huntersville Christmas and the tree lighting events (106200.0632).

ACTION RECOMMENDED:

Approve Budget Amendment.

FINANCIAL IMPLICATIONS:

Additional revenue and related expense in the amount of \$27,442.75.

Town of Huntersville
REQUEST FOR BOARD ACTION
11/20/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman / Gerry Vincent
Subject: Approve a Budget Amendment for Fire Station #4 Capital Project Ordinance

The Town issued \$3,575,000 bonds on September 22, 2016 and budgeted \$300 interest earnings on those bonds during the Fire Station construction period. Due to rising interest rates and new investment options, the Town has earned additional interest earnings on the Fire Station bonds. This amendment recognizes the additional \$35,000 interest revenue and allocates, in accordance with bond covenants, additional \$35,000 to the project for furniture and equipment.

ACTION RECOMMENDED:

Approve budget amendment.

FINANCIAL IMPLICATIONS:

Neutral to fund balance; approve budget allocating the \$35,000 revenue and expense.