

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

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

**PRE-MEETING**

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 6:00 p.m. on June 6, 2016.

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

The Board of Commissioners participated in meet and greet with applicants for vacancies on the Planning Board and Board of Adjustment.

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

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

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

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

**MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS**

Mayor Aneralla

- A call for a public hearing to consider the sale of 9.11 acres in Commerce Station is on the Consent Agenda.

Commissioner Bales

- The next meeting of the Lake Norman Transportation Commission is June 15.
- The Lake Norman Economic Development Corporation has 14 active projects.
- The Lake Norman Education Collaborative participated with the lake Norman Chamber of Commerce at the Chamber Expo.

Commissioner Boone

- The Land Development Ordinances Advisory Board met on June 2 and received a presentation on code enforcement for small businesses. The next meeting is July 7.
- North Mecklenburg Rescue Squad received 914 calls for service during the first quarter. It has been 6 months since ISO rating for fire insurance went down.

#### Commissioner Gibbons

- The NC 73 Council of Planning met last week and passed a resolution asking the CRTPO members to in the Division 10 and 12 of NCDOT to apply maximum points to the NC 73 project between Highway 16 and Vance Road Extension.
- Attended the CRTPO meeting in Commissioner Kidwell's absence. The scoring for the projects that had come back from Raleigh were discussed.
- The next meeting of the Mecklenburg Veterans Council is tomorrow.

#### Commissioner Guignard

- The next meeting of the Planning Coordinating Committee is in September.
- Expressed appreciation to the applicants for the Board of Adjustment and Planning Board.
- During the past two weeks, handed out scholarships on behalf of Angels of 97.

#### Commissioner Kidwell – No Report

#### Commissioner Phillips

- The Lake Norman Chamber of Commerce Business Expo was a success. Announced upcoming Lake Norman Chamber and Visit Lake Norman events.

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

Mark Rondina, 10128 Hambright Road, addressed the Board in opposition to the rezoning. We are not against the school, but are against taking 39 acres out of the Commercial land. Also expressed concerns about the grades of some intersections as indicated in the TIA.

Joanna Shook, 11921 Snapping Turtle Lane, former LNCS teacher and currently a mother in Huntersville, addressed the Board in support of the rezoning. LNCS is a great school and may determine where people live.

Jeff Neely, 10214 Linksland Drive, addressed the Board on behalf of the Huntersville Chamber of Commerce. After a 90 day transition period, the Huntersville Connection officially became the Huntersville Chamber of Commerce on June 1, 2016. Our first Members Only event will be held June 21 at the Huntersville Police Department.

Eric Ferguson, 10020 Hambright Road, addressed the Board in opposition of the rezoning – believes it should remain zoned Commercial.

Janet Swearngan, 10115 Hambright Road, addressed the Board in opposition to the rezoning. We are not against the school, it's just the wrong place. Our concerns with the school are the impact to the 2030 Plan, the precedent of using the commercial land for a non-profit and the loss of the tax dollars that you are going to bring on this property. Other concerns include devaluing of our property, safety, traffic and growth of the school that would result in an increase in students.

Mike Devito, 8414 Shady Vale Lane, addressed the Board in support of funding the requested officers for the Police Department.

Tom Slymon, 13343 Mercer Drive, addressed the Board in support of funding the requested officers for the Police Department.

Valerie Norris, 108 Nitsa Lane, yielded her time to Scott Abel.

Scott Abel, 534 Havenbrook Way, LNCS Director of Facilities, addressed the Board in support of the rezoning and made the following points to the Board.

- Citizens potentially could have access to gyms/fields through partnership with Huntersville Parks & Recreation.
- Elementary school will bring 45 jobs to the community.
- It will help with overcrowding.
- This location seemed most viable out of 22 possible sites that were looked at.
- A TIA was done based on the school's existing zip codes which lead to intersections that would require certain mitigations. LNCS is asking for modifications to those requirements.
- To date we have spent nearly \$200,000 on due diligence, traffic studies, everything required to get where we are today.
- The Planning Board did vote to approve this project based on meeting certain ordinances.
- The ordinance is a living, breathing document and the Board has the option to vote to modify it for the best interest of the citizens
- LNCS vows not to exceed 550 students.
- LNCS is willing to commit to 1,000 linear feet of fence down the western property line to act as a buffer in combination with opaque vegetation buffer.
- LNCS is willing to commit \$500,000 to bring a water main to this project, which would help bring commercial business development to this particular area.

Jane Vizard, 6105 McIlwaine Road, Mr. Abel spoke on my behalf.

Terri Costa, 4712 Deer Cross Trail, Mr. Abel spoke on my behalf.

Elizabeth Padgett, 16639 Spruell Street, Mr. Abel spoke on my behalf.

Michelle Holland, 21320 Blakely Shores, Mr. Abel spoke on my behalf.

Mike Moses, 9316 Gilead Hill Court, founding pastor of Lake Forest Church, addressed the Board in support of the rezoning. Lake Forest Church has partnered with LNCS on different projects to serve various parts of the town and believes LNCS would invest in partnering with community organizations for the betterment of the community.

Patrick McCormick, 13339 Mercer Drive, addressed the Board in support of the Town Manager's recommended budget to give the Police Department their staffing and resources needed to deliver timely and high quality services.

Mike Dow, 6226 Tulip Poplar, addressed the Board in support of the rezoning. LNCS is great school.

Gary Knox, 16740 Birkdale Commons Parkway, real estate broker retained by LNCS. The question has been was every site exhausted – absolutely to the context of what works within the criteria and would be able to accommodate the concerns you have. Going back to the question about whether or not this plan is in keeping with the 2030 Plan, if you read the language of the 2030 Plan you would find that we are absolutely in step as partners as it relates to creating a sustainable community. Good schools is paramount to businesses locating in Huntersville. This site is supported by the EDC as well as your staff. This location is in your Zone 5 of your Economic Development Plan. Zone 5 is considered the least mature because it has several things running against it including the least amount of public utilities. We would be in the economic development business as your partner because not only are we running a water line for the school site, it qualifies as a water transmission line the full run of Hambright so that other parcels zoned Business Campus would have readily available water. As far as where we are with the TIA and site recommendations, that is a byproduct of a 500 page, \$50,000 TIA that's required by the Town through a third party vetted through NCDOT and your staff. We are not comfortable with the recommendations nor can we afford them because the lenders will not collateralize offsite improvements. It's a financial impossibility to put those mitigation conditions on this application. We ask that you vote and approve the application in front of you because that's what's manageable for the school and in closing the other side of that would be that we bring a great deal to the table that we have not collectively gone through an economic analysis. We provide active and passive open space, the collaborative use of recreational facilities, etc.

Robert Tripp, 6119 Downfield Wood Drive, Charlotte, present to answer any questions about the plan.

Joel Helms, 1 Oak Grove Road, Arden, Lake Norman Charter design team, present to answer any questions.

#### **AGENDA CHANGES**

Commissioner Guignard made a motion to add Item F under Other Business – Consider authorizing the Town Manager to execute purchase and installation agreement with Southern Mechanical Services for the remaining RTU's as approved with the 2017 budget.

Commissioner Phillips seconded motion.

Motion carried unanimously.

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

Commissioner Phillips seconded motion.

Motion carried unanimously.

#### **PUBLIC HEARINGS**

Mayor Aneralla recognized Planning Board members present: Jennifer Davis, Janice Lewis, Susan Thomas, Hal Bankirer, Joe Sailers and Joanne Miller.

**Petition #R16-02.** Mayor Aneralla called to order public hearing on Petition #R16-02, a request by Calatlantic Homes to rezone 73.274 acres located along Huntersville-Concord Road (west of Mirabella

subdivision) from Transitional Residential to Neighborhood Residential – Conditional District to create a 98 lot single-family subdivision.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 1.* This property is a grand total of 74 acres located on the east side of town, along Huntersville-Concord Road. The uniqueness of this particular rezoning request is that 45 acres of it is actually looking to be subdivided and that sketch plan will come to you shortly after going to the Planning Board, so that is not before you tonight. The remaining 29 acres is part of this request but it is not part of the conditional district element. It is just a straight rezoning. The request is to go from TR to NR for continuity sake. And then its use will be for tree farming is the proposal.

The 45 acres would be for a 98 home subdivision. The 29 acres would just be vacant. You can see in the Staff Report that the Neighborhood Meeting was held on March 3. Several property owners were in attendance and there was not a lot of comment about the actual development proposed, it was mostly about transportation issues on Huntersville-Concord Road.

The applicants are providing the entire length of right-of-way from Huntersville-Concord Road down to the creek. That is dedication to DOT and then they will be building from this portion back up for their own purposes and that will be built in essentially the ultimate cross-section that it would ultimately be. They are going to provide a 2 acre park in the middle of the development. Their tree preservation for this project is three times the minimum of the ordinance and this portion where the homes will be is also going to be offered up for voluntary annexation. The 29 acres that will not be developed will not be offered up in this particular request.

The Staff Report outlines some elements of the Comprehensive Plan, in other words its consistency with that. The APF, all facilities were adequate for this particular request so there were no outstanding issues that they needed to address. The request was large enough to require a Transportation Impact Analysis to be produced. They have done that and they are agreeable to all of the findings.

The criteria for the rezoning in essence has three large parts to it. The proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property. I also want to point out to you the significance.....this is the black line that is in our 2030 Comprehensive Plan. The vast majority of this property is in an area outlined in the 2030 Comprehensive Plan that is eligible to be considered for intensification. The zone that they are requesting be Neighborhood Residential is even further east than they are, so this would be a bit of an infill development. We are recommending to you that it is consistent.

I've already mentioned the Adequate Public Facilities, I've mentioned the extension of the future Asbury Chapel Road. There will be additional road improvements. There will be an element of a greenway linkage. There is a greenway that's going to be built through the Walden development that will go over through Centennial. This Asbury Chapel Road will have a wide outside sidewalk, 10-12' in width, that will move down here and then there's another greenway that is planned down here and the applicants are willing to provide the easement for that future development as well. That's a nice linkage between two greenways that are on the Parks & Recreation 2014 Plan. The last element was any known archeological, environmental, historical, or cultural resources that might be impacted and we are not aware of any on this particular piece of property.

We are conditionally supportive of this particular rezoning. We are still working with the applicants on some of the minutia and a lot of this detail will come into the sketch plan.

I do want to point out a couple of things that I wanted to clarify from the Staff Report. The fifth bullet that you see there is that the buffers along Huntersville-Concord Road and the Asbury Chapel have not been shown to be adequate in what's presented. The applicants and staff are working with that. They have offered up a proposal that we think will be satisfactory and we will be working through that and that will actually begin at the Planning Board's review, so that will come back to you.

I did want to stress that on the next bullet it talks about the 10' recessed for garages. That is a recommendation that staff has asked of the applicant and it states in this report that they have indicated a willingness to provide and I'd like to say that's not their position. They would like to continue to discuss that. Their attorney Susan Irvin is here to represent the group as well as the rest of their team.

Susan Irvin, Post Office Box 2376, Davidson, said I am the attorney for the applicant. First I just want to thank David and Jack and Stephen for working with us on this plan. We've gone through this for the last 6-7 months, but I think we're at a good spot. I'd also just like to let you know that we have Mr. and Mrs. Cato here, the owners of the property.

I would just like to tell you a little bit about Calatlantic and I'm going to not go over the things that David has gone over. *PowerPoint Presentation attached hereto as Exhibit No. 2.*

This first is just an aerial of what he has already shown you. I think I left out some of the developments, but I think that gives you an idea of kind of where this property sits in relation to the surrounding developments and it gives you kind of the density that is appropriate for this environment. That is the site plan that you see. This is just a history. I like to go through a chronology of where we've been. We started out with the initial staff meeting and had a pre-application meeting in December and here we are at the public hearing on June 6 and we've gone through two staff reviews and comments.

We had a community meeting on March 3. I thought it was a really good turn-out and these are just the list of questions that were discussed and the answers. One of the things that was asked was what's the size of the house and what is the price point and the answer to that is it's probably about 2,000 to 3,000 sq. ft. and purchase price of over \$400,000. Just some questions about the sewer and water main locations and just general questions about the construction.

I wanted to give you a little more detail about the staff conditions. We've got a new requirement for 80' on a buffer. We've got basically a buffer that's 50' to 80' and we're proposing to add a berm. The 10' garage recommendation is very difficult for this because this is an age targeted community. This is going to be marketed as an age targeted neighborhood and so when you start to shift the parts of the building, it's a single story, this demographic is looking for a single-story and for that reason those houses are very long and all on one story and so they can be 85' instead of a typical 50' and when you start moving building parts you really are disrupting the floor plan and this is the floor plan that's specifically designed for this particular buyer and it's been proven in other markets in the country so we really want this to be a success and so that is a bigger issue than it seems.

The house will be 20' setback from the sidewalk and that is in compliance. This recommendation is to set the garage back 10' from the elevation of the house. EPCON recently was approved here in Huntersville and one of the things that was done there was those garages were not set back in that community but the front porches were basically set forward and so one of the things I want to talk with David about in the next few weeks is trying to come to some agreement on how we can basically try to

make everybody happy on this. Everything is engineered on this floor plan so if you are going to move the garage back that would take about half of where that garage is now. You'd move it back and then you'd pretty much have to reengineer the entire design. It makes the kitchen smaller and you have to move everything around.

Those are just the open items I wanted to point out. We've agreed on all of those. Those are some details about the greenways and the buffer and something that we'll talk to David about with the berm and these are pictures of other projects. The exterior elevation has not been determined here. This is a more of a big family type home. But the features and amenities I wanted to just give some details here. You are looking at 2,000 to 3,000 optional bonus room upstairs for an additional 900, 10' ceilings, back porch, granite counters, hardwood floors, molding upgrades and there is an amenity package that they still haven't determined but they definitely will have amenities in that 2 acres.....on-street parking, clubhouse, swimming pool, some sporting courts, and it includes yard maintenance. I also wanted to just show you some interior shots.

Commissioner Kidwell said on the back part of where the tree farming is going to happen, what's the setback on that.

Mr. Peete said the ordinance requires a minimum of 20' and that's all that is being offered.

Joe Sailers said in the proposed NR zoning where the tree farm is, if in 5 years from now they decide to cut all the trees, what can be built.

Mr. Peete said the Neighborhood Residential zone is our most flexible.

Mr. Sailers said so it could be apartments, it could be high rises.

Mr. Peete said there are limitations to apartments in terms of how many percentages that you can have, but single-family homes or something.....essentially yes, future development could occur.

Ms. Irvin said I would like to just state that property is being retained by the Cato family and they are using it for tree farming. That's not something that the developer is acquiring.

Hal Bankirer said there was mention made of a bike lane on Huntersville-Concord. Has there been discussion about putting one on the proposed Asbury Chapel side.

Ms. Irvin said there are bike lanes on that Asbury Chapel realignment.

Commissioner Bales said where's the connectivity inside this neighborhood other than the Asbury Chapel.

Mr. Peete said from a street standpoint, there is a stub here to the west and that will go to the tree farming portion. There is a stub here that aligns with Mr. Garrison's property. This is also where there will be a fire access only that will be just kind of a grass paver situation and then there will be some type of limited landscaping to shield it. So other than those two to the west, there's nothing to the south and then they have these two to the new Asbury they are building to provide connectivity for the future.

Commissioner Bales said is that going to be stubbed out to where traffic cannot get through to the tree farm area.

Mr. Peete said our typical set up is there's a barricade at the end and that will be there.

Commissioner Boone said will the fire access road be used at the time of construction or during construction.

Mr. Peete said we have not gotten to that. If that is something that you would like, we can make note of that and we will discuss it but generally speaking I think you would come in in the kind of the road that you are anticipating to be the main entrance, again we have gotten input from Mr. Garrison all through this process and I can't answer that question specifically because it really hasn't been posed but I can make note of it and we can go over that.

Commissioner Boone said I was just concerned about the neighbors that were right there if it was used as a construction entrance/exit

Ms. Irvin said we had a meeting and I didn't attend that meeting but Cole Jenest attended that meeting with Mr. Garrison after we had gotten some comments from staff to re-do the street alignment and that was one of the things that we met with Mr. Garrison about and my understanding was a representation was made to him that that would not be used for anything other than fire access.

Commissioner Guignard said for a development of this size, will there be any other road improvements required of these folks.

Stephen Trott, Town Transportation Engineer, said a traffic impact study was done for this project. Road improvements listed as part of that development were turn lanes at the development entrance for future Asbury chapel connection at Huntersville-Concord Road, left-turn lanes into the development on the future Asbury Chapel and also to meet the DOT criteria an eastbound right-turn lane on Huntersville-Concord Road at Hiawasse. Their TIA meets Article 14 of our Ordinance.

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

**Petition #TA16-01.** Mayor Aneralla called to order public hearing on Petition #TA16-01, a request by the Town of Huntersville Planning Department to amend Article 11.4.5 and 11.4.7(a) of the Huntersville Zoning Ordinance to reflect the changes made by NCSL 2015-160 by removing protest petitions.

Caroline Sawyer, Planning Technician, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 3.*

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

**Petition #TA16-02.** Mayor Aneralla called to order public hearing on Petition #TA16-02, a request by the Town of Huntersville Planning Department to amend Article 3.2.7 Highway Commercial District, Article 3.2.8 Campus Institutional District, Article 3.2.9 Corporate Business District, and Article 3.2.14 Transit Oriented Development – Employment District to allow for home occupations as a permitted accessory use.

Caroline Sawyer, Planning Technician, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 4.*



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

**Petition #TA16-03.** Mayor Aneralla called to order public hearing on Petition #TA16-03, a request by the Town of Huntersville Planning Department to amend Article 8.25.11, S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances of the Huntersville Zoning Ordinance to reflect the changes made by House Bill 276.

Meredith Nesbitt, Planner I, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 5.*

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

### **OTHER BUSINESS**

**Adoption of Budget.** Greg Ferguson, Town Manager, presented the Board with the proposed budget ordinance for FY 2016-2017. *Budget Ordinance attached hereto as Exhibit No. 6.* It is consistent with the work session agreement that was reached at the last work session. The numbers reflect some reductions in several areas and also reflect the priorities that the Board set in capital planning for this year.

Commissioner Boone made a motion to approve the Town of Huntersville Manager's recommended budget dated June 6, 2016 as stated.

Commissioner Bales seconded motion.

Commissioner Gibbons made a substitute motion with the following changes to the budget as presented: (1) under the consolidated Planning and Transportation Planning Department, I would like to have an \$80,000 reduction in the budget for consolidation purposes; (2) in the Police Department, I would like to amend the reduction in the increase to 6 percent overall for a \$400,000 reduction; and (3) I would like to move the market rate adjustment back to 0 and allow \$345,000 in the market rate adjustment. That is a total reduction in the budget increase of \$532,493 and I would also like to propose a 5/8 cent ad valorem tax reduction.

Commissioner Phillips seconded motion.

Commissioner Gibbons said I know a lot of us have talked a lot over the budget and there's been agreement, there's been great talks, but I've told everybody and nothing has changed as far as my thinking on this is I saw an increase from last year's adopted budget. Without the Enterprise and the Special Revenue funds it was proposed with a 5.68 percent increase in those funds. In speaking with the Finance Officer I was told that there would be somewhere in a 2.25 to 2.50 percent increase in our ad valorem tax projection, and it's a conservative projection, and then there's an increase of somewhere maybe up to 3.5 percent in our next highest revenue source of sales tax and that's 35 percent of the budget. I took those and looked at them and that looks to me like about a 3 percent or maybe even a little less in a total projected revenue increase and we are projecting spending quite a bit higher than that. This reduction that I've come up brings us down to where it's a 4 percent increase in the total budget, but it's a 3 percent in those funds that we can't really have any effect on. That's the overall theory of where this comes from. I think we have a room full of people here and every year we reach out and take money out of their wallet and I think Huntersville overall provides great services to the residents. We have a chance here and we have some future things coming up that I think are going to

free up some of our expenditures in the next few years and I think this half cent sales tax reduction is going to be very doable for our future and I would like to see us do that for the citizens.

Commissioner Boone said thank you for presenting this, but I will have to vote against this. I will not support it just for the fact that you've taken \$400,000 out of the Huntersville Police Department, the people we ask to do a job that we all can't do. The City of Charlotte is hiring 80 police officers. And if they get the 80 police officers, where do you think all the bad guys are going to be heading. They are going to be heading in our neighborhoods and we're going to need what we all agreed to was community policing, where we are going to have the officers out on the street and not going from stop to stop and putting one fire out. We've had an officer come in early this afternoon and say that's all he's doing is going from one call to the next, so I'm definitely not going to support your reduction of the \$400,000 from the Police or the reduction of the ½ cent sales tax.

Commissioner Guignard said if I'm not mistaken when Mr. Gibbons laid this out he said 5/8 cent and I've heard twice sales tax. Just for clarification this is ad valorem tax, this is not a sales tax. This proposal shows a \$400,000 reduction in the Police Department, however what's not being highlighted is that is still a 6 percent increase in their budget, which is 300 percent more than some other departments are getting. While we can discuss that is a \$400,000 reduction, it's still a 6 percent increase in their budget, not counting that this substitute motion has a 3 percent market rate adjustment for all employees, so that is about a 35 percent increase above the proposed budget motion and in my mind a 3 percent increase to the employees of the Police Department as well as to the rest of the employees of the Town is as good as incentive as we can have, especially considering folks like the North Carolina Senate at present are considering a 1.5 percent increase, so this is double what they are suggesting across the board across the state, not counting school teachers. Also, I would remind some folks sitting at the dais that when there was a conversation not too long ago in front of three of the elected officials over the phone that one of the high ranking members of the LGC stated to us that as long as we had a plan, that a 5/8 cent ad valorem reduction was inconsequential to us borrowing funds as we go forward on the bonds, so I am totally in support of giving a 3 percent across the board increase to all the employees and the other changes that have been motioned by my fellow commissioner Mr. Gibbons.

Commissioner Bales said I find it interesting that when we had our budget workshops and we had these discussions and we went department by department, line item by line item, and had these conversations, that there were those sitting at the dais now arguing for a 3 percent increase across the board for a cost of living adjustment that were the same individuals who didn't want to give it a couple of weeks ago and I relented then and I felt like at the last budget workshop every single one of us walked away from that table not happy, but we all walked away not happy. We all had to give. And to me that's compromise and that's working together. That's the budget that our Town Manager has presented before us tonight was our compromise. Now, I sit down at the dais to a new option. We've had banter back and forth and every commissioner knows that I've said I've compromised and I've compromised enough. I'm sticking with what we all agreed to two weeks ago. We already reduced the Police Department budget by \$150,000, to reduce it more is simply outrageous. That's our job is to protect our citizens. It is unacceptable and the question that I have is to Mr. Ferguson. I understand the implications of the decision we made two weeks ago regarding our budget and the cuts that we made. What are the implications of these cuts?

Mr. Ferguson said I don't frankly know because I didn't see that before the meeting.

Commissioner Bales said since we don't know the long-term ramifications I will not be supporting this. I will support what was presented initially and what we all originally agreed to.

Commissioner Kidwell said I appreciate you taking the time going through this and laying this out because we all take the budget very serious. We all have our own let's support this, let's reduce this. You've got six people up here, six different minds throwing things out and as Commissioner Bales said a couple of weeks ago we walked out of here not happy. At that point, she is correct, three of us wanted 3 percent, three of us didn't. It got settled at 2.25 percent increase and that was with a Police reduction of \$150,000. While I agree with reducing Planning and Transportation since they are consolidating, I cannot support a reduction of 6 percent in the Police Department nor can I support the 5/8 cent ad valorem tax reduction. Our former Finance Director, our current Finance Director, and even the group that we contract out with have said what we need to do moving forward and don't play with your tax rate – yo-yoing. We have projects coming forward, we have debt that we have to pay coming up, dropping the tax rate only to raise it even higher down the road is not a smart move. It's the wrong thing to tell the residents, it's the wrong thing to do, so I cannot support the motion currently.

Commissioner Gibbons said I've listened now to the people that disagree with this and I appreciate their comments and their reasoning. As far as the Police budget, it kind of was alluded that if you want to reduce the increase in a budget that you do not support that entity. I want to make it very clear that you can support something even without giving it everything that is asked for. I have nothing but respect and admiration for the job they do and especially in the times that we have now. Everyone alluded to the money being directly to people and I think it was very clear when we spoke at the meeting before that I didn't want to direct how the funds are spent, I don't think that's our job as Board members. I don't run the Police Department, the Chief does. The Chief knows what he has to do for policing. As a matter of fact that's a comment that the Chief even made to me in a meeting was if you are going to change my budget tell me a number, don't tell me how many officers I can have. I thought that was sound. I hope that none of my fellow Board members were surprised at a difference from me. I'm pretty sure that I told you and that I would give you a copy of what I was going to say before I did it and I ran to get into office because I did want to make some changes to how things are done. I'm one that believes that fiscal conservatism is very important – our town budgets, our city budgets, our state budgets grow and look at the problems that we can read about around the country. All I was trying to do was say we are increasing our Town budget more than what we predict our revenues to be and I think that it would be a fiscal move to stay within that.

Mayor Aneralla called for the vote on the substitute motion.

Motion was tied 3-3 – Commissioners Gibbons, Guignard and Phillips in favor; Commissioners Bales, Boone and Kidwell opposed.

Mayor Aneralla said before I vote, I want to say a few words. If my wife was here she would tell you I'm a conservative guy. I don't have any debt and I haven't had any debt for 12 or 13 years now and I think being fiscally conservative is also being fiscally responsible. We must prepare Huntersville for the future – managing our cash, our tax rate and our debt to handle not only our current needs, but our future needs. Based on our current projections of debt there was a plan given to us in February where we would start having to use our debt reserves as early as next year just to pay the interest off. Now that's still acceptable within the Local Government Commission or the AAA rating, but it's really unacceptable to me. I just don't live that way. With staff's efforts, and I appreciate staff, in tweaking basically we have prolonged that for at least another 3 years and that will depend on how much bonds we offer, what assets we sell and so forth and it's my goal over the next year to work with staff to ensure that that's as little as possible, if not zero. I think this improvement will save the taxpayers of Huntersville approximately \$500,000 worth of interest. That initiative was my initiative and I appreciate everybody's

help with that. We need to be flexible and we need to position the town possibly to accelerate some projects as the news occurred a couple of days ago, Huntersville might have to step up and we need to have that flexibility. We reduced the Manager's proposed budget by about \$400,000 so we did scrutinize. We did come to an agreement. I wanted to change the ad valorem tax. We're all taxpayers here. It's the only asset I own in Huntersville, however I think we need about a year to plan how we could cut the tax rate and pay our bills and hopefully sell some assets and so forth. The current bonds being offered that were approved by taxpayers were also approved with the knowledge of a potential 5 cent ad valorem tax increase, so we are not doing that. Basically it would be the easiest thing for me to do right now is to cut the tax rate. I ran on lower taxes. I ran on lower fees. I still believe we can do that. I think we just need another year to work together towards that goal. We have to position this town to be able to handle the growth that we have coming up. It's my goal and I'm going to hold Greg to this and staff, is to work to cut that tax rate over the course of the next year. Therefore, I will not be supporting the substitute motion.

Mayor Aneralla called for the vote on the original motion to approve the Manager's Recommended Budget as presented.

Motion was tied 3 to 3 – Commissioners Bales, Boone and Kidwell in favor; Commissioners Gibbons, Guignard and Phillips opposed.

Mayor Aneralla broke the tie by voting in favor.

*Budget Ordinance attached hereto as Exhibit No. 7.*

**Petition #R16-03.** Petition #R16-03 is a request by JV Bailey Road, LLC to amend the Highway Commercial conditional rezoning plan for the McDonald's restaurant (parcel 01715807).

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 8.* Since the public hearing there hasn't been really any change in the proposed application. It's still a request to modify the conditions of the rezoning to allow the drive-through use only to be open 24 hours. The walk-in restaurant would still be limited to a set timeframe. Staff recommends approval. The Planning Board unanimously recommended approval.

Commissioner Boone made a motion in considering Rezoning Petition #R16-03, the Town Board finds the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long-range plans. We recommend approving the conditional rezoning plan for the Lake Boren Street McDonalds as shown in Rezoning Petition #R16-03. It is reasonable and in the public interest to rezone this property because it is consistent with the 2030 Plan and in the public interest.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

**Petition #R16-04.** Petition #R16-04 is a request by Lake Norman Charter School on behalf of the property owners to conditionally rezone 39 acres (parcels 01723306 and 01723312) from Corporate Business to Campus Institutional Conditional District.

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 9.* Since the public hearing there have been a few updates to the plan. I just wanted to

highlight a couple of the major ones. If you recall we had a discussion about the buffer with this new property being located immediately adjacent to single-family residential property, there would be an 80' buffer per code required. The applicants have altered the plan since the public hearing to propose a 40' buffer landscaped per the ordinance and staff is supportive of that.

In regard to the architectural elevations, there were some items that staff was working with the applicants on to come into conformance with the ordinance and some language that was in the code regarding the street fronting elevation and that has been updated to what you see here and I would just make a specific note because we just received this this week, so I just want to make sure that everyone is knowing that this is a part of the record and therefore a condition of the rezoning in a conceptual form.

Also, as discussed and described in detail in the Staff Report, the Traffic Impact Analysis was resubmitted, amended and accepted by the Town Public Works and Engineering staff. The TIA highlighted several intersections that are required to be mitigated to meet the Huntersville Zoning Ordinance. Here in this table on the left-hand side you will find the intersections that are proposed and the improvements to those intersections that are required to meet the ordinance. On the right-hand side of the table you will see what notes are on the rezoning plan that the applicant is requesting to be responsible for and so you have three intersections here that are in bold and italics that do not meet the requirements of the ordinance and so what the applicants are requesting then is the application of Article 14.3.3 which states that the Town Board can modify the requirements of the mitigation based upon the testimony and the engineering recommendation of our Engineering Department.

Here is just a rough sketch of the movements and the improvements that are required. The red arrows indicate the additional turn-lanes that are required to be put in to meet the requirements of the ordinance and in yellow the requested modifications at the intersection in lieu of what's proposed or required from the ordinance perspective.

Planning Staff recommends approval of the application, with conditions. We believe the application is consistent with specifically Policy CD-2 of the 2030 Community Plan and so we recommend approval with the condition that the remaining minor site plan improvements be addressed, most of the major ones have been already, and then that the applicant commit to meet the zoning requirements in regard to the traffic mitigation as outlined in the left-hand column of the table.

The Planning Board met on May 24 and discussed the application and by a 5-3 vote, they recommended approval of the application, with conditions, that the plan was consistent with the 2030 Community Plan, the Town ordinance and that it was in the best interest of the Town to approve the rezoning. The conditions are outlined in the Staff Report and they repeated the staff recommended option of having all the traffic mitigation required by the ordinance incorporated into the approved plan, the buffer be planted per ordinance requirements, which they already have put a specific note there stating that the buffer will be planted per ordinance requirements. Specific mention was made to the sewer connection as proposed and so the Planning Board felt that was important to make sure that sewer connection is put in for the development. Also, it was discussed in detail how at this point in the review NCDOT has not made specific comment about the project. The plans and the TIA and all the information has been sent up to Raleigh and to NCDOT for comment, but not much has come back yet. All the discussion about the traffic improvements, the intersection modification, all that is all well and good but because these are NCDOT roads NCDOT can later come and say well we need a few more improvements and if that's the case, the Planning Board felt it was important to make sure that the plan be contingent upon

NCDOT's future comments and any improvements that they may require. That was also in the Planning Board recommendation.

Looking back at the site plan briefly, if you will notice there were specific play fields placed adjacent to the single-family residential development, so the discussion there at the Planning Board was being so close to the residents, it probably would not be appropriate to light those fields and produce a potential nuisance, so they requested and the applicant agreed to add a condition on the plan stating that those fields would not be lit. Finally, the Staff comments that remain be addressed.

Commissioner Phillips said any further NCDOT comments to be addressed in the plan.....most of the time they have the comments before we get to this stage, don't we.

Mr. Priest said it depends. The information was sent to NCDOT and the first response that was given was a very generic statement about the application was insufficient. And so that information needed to be resubmitted and my understanding is that it has been resubmitted and we are still awaiting NCDOT comment. It's not too out of the ordinary especially in regard to a school to get comments back a little bit on the late side, especially for the school because the applicant sends those comments to Raleigh and there's a Raleigh branch that's involved in making those comments throughout the state.

Commissioner Phillips said so there's a possibility NCDOT could say they could make less road improvements, not more.

Max Buchanan, Public Works Director/Town Engineer, said the most restrictive would control. NCDOT would not lessen our requirements, but they could add to them.

Commissioner Phillips said how long do you think it would take before it comes back.

Mr. Buchanan said there's two guys doing statewide, they say it could be 60 days.

Stephen Trott, Town Transportation Engineer, said I believe they have 60 days to respond and I'd have to ask the applicant on which day they actually submitted their updated package. Their first package that was submitted was returned saying there was insufficient information, so that clock didn't start. Once they submitted their updated one, if that was deemed complete, then the clock for the 60 day review would start.

Commissioner Boone said where does the 1,000' fence start and end.

Scott Abel, LNCS, said it would start at the westernmost property line all the way up to Hambright Road and proceed all the way down the western property line all the way to where you see the SWIM buffer. Basically where you see the vegetation buffer, that's about the extent of where the fence would be terminating because the elevation as you can tell on the site plan drops off dramatically at that point.

Commissioner Boone said you have no concerns of people going back and forth through that 1,000' on the back of the property.

Mr. Abel said not with the vegetation buffer and chain link fence combined, there's no concern with that. We currently don't have anything like that on our current campus and we don't really have any problems at this point.

Commissioner Guignard said it's been mentioned several times this evening y'all have offered to limit the number of students to 550. At what point do we need to add anything to that if this were to be approved to satisfy folks that would be the limit.

Bob Blythe, Town Attorney, said that should be added as part of the plan. You have a conditional district plan petition and basically that becomes the plan and you are not able yourself to impose any additional conditions on there unless it's with the mutual consent of the petitioner under the state law. So it would appear to me that if you are going to have a hard and fast zoning rule that it has to be in the plan itself.

Mr. Priest said just a point of clarification, the current condition is a maximum of 500 students and that is a note on the plan and that is what was used in the TIA to determine the traffic counts, so a modification to 550 would change that.

Mr. Abel said 500 is fine.

Commissioner Gibbons said both staff and Planning Board said even though they approve, they approve with all TIA mitigation being complied with. Have I not heard tonight that can't happen. And there's a possibility within the next 60 days hearing from NCDOT something more restrictive.

Mr. Abel said we actually have gotten word back from NCDOT. The only inquiry at all was with our stacking plan for carpool drop-off and pick-up. There were no comments from NCDOT at all for any of the offsite improvements.

Commissioner Kidwell said I'm going to kind of harp on the TIA. Going down the list here, we've got a recommendation at Hambright and Mt. Holly-Huntersville and then you've got one at Hambright and Statesville and then at Mt. Holly-Huntersville and NC 115 where a CMS school is currently expanding but a TIA cannot be done because technically they are not adding to their student count.

Mr. Buchanan said the current new Alexander Middle School was considered a relocation of existing trips, so a TIA was not required. Any re-purpose of existing facility would require a TIA.

Commissioner Kidwell said that's a whole other subject because we are building a school to handle current capacity and not future capacity and that to me is an issue with CMS. Then we go to Mt. Holly-Huntersville Road at 21. And that's 3 miles away now. And then of course you've got the lanes turning in and out and yet less than 1 mile in the opposite direction, I guess we aren't going to have any students according to our TIA come from the west side of Huntersville. There's no kids over there, their parents don't want them to go to the charter school, they don't live in Cedarfield or any of those subdivisions over there so we have no impact in that area, yet when I drive home at 3 p.m., 4 p.m., 5 p.m., 6 p.m., I stack up on Kerns. I stack up on Hambright. I stack up on McCoy just to turn to McIlwaine. I feel that the TIA is flawed somehow. It's not looking at the entire area.

Mr. Buchanan said there's probably a couple of people in here that are really qualified to do a TIA and right here is probably one of the most qualified in this area. He's done them and now he's reviewing them. This has been one of the most vetted TIA's that I've had in my 8 or 9 years. I have full confidence in what we have presented is an adequate TIA in accordance to your Article 14 that has been approved. We're not saying that traffic does not go to McCoy and Hambright or McCoy and McIlwaine. We're not saying it's not impacted. What we're saying is it's not impacted enough that the TIA ordinance as it's written requires mitigation.

Commissioner Kidwell said when we look at a neighborhood, when we look at a school and when we look at a business, what is the radius that we look at. What is the determining factor of how far out we look.

Mr. Trott said it's a function of the use and intensity. If it's a small business, their study area will be small. If you had a million square feet of retail space, their study area is going to be really big. Article 14 in the ordinance has different categories for that based on the amount of the traffic that use would generate.

Mr. Buchanan said it could go out by the distance from the development. We define a radius around that, plus we say you have to look at various intersections and if you increase an approached volume in one direction by more than 7 percent of the existing volume, you have to study the intersection. It doesn't mean you have to fix it, you have to look at it. And if you are impacting it to a level as I have been describing then you have to mitigate it.

Jack Simoneau, Planning Director, said your smaller projects will go 1,000' from the intersection. If you have a shopping center say over 100,000 sq. ft. you are studying outward of 2 miles from the property line, so by ordinance the Town has set how far you study.

Mr. Buchanan said there's also the 7 percent increase. You could be out beyond the 2 miles if you are increasing an approached volume at an intersection by more than 7 percent. And I can assure you and I can assure the Planning Board that the TIA policy as it's approved is being accurately administered by Town staff.

Mayor Aneralla said what's the total amount that will be in cash contributed to improvements.

Mr. Buchanan said we haven't finalized an estimate.

Mr. Abel said our proposed mitigation for off-site would total about \$175,000 of improvement. If you combine the on-site improvements which would be right directly in front of the site on Hambright Road, you are probably looking closer to \$375,000 of total road improvements.

Commissioner Phillips said what's that going to cost us.

Mr. Buchanan said I don't know if that's a good number.....\$175,000 is usually maybe a right-turn lane. You maybe could do a right-turn lane for \$125,000. A left-turn lane is going to cost you about \$225,000-250,000. NCDOT is not going to let you have access unless you provide left-turn lanes into your site. But the off-site, you are probably in the order of \$500,000-600,000 I would think for off-site improvements.

Shannon Stein, LNCS, said if we did them all by ordinance the left-hand side what you would be asking us to do is to spend between \$500,000 and \$600,000 to go towards off-site road improvements and that is why we have offered to try to partner and do our part and make these recommendations on the right-hand side.

Mr. Buchanan said I think our language indicates that you as a body have the ability to partner with the applicant. If the applicant has indicated that this is what we can do, this body can make the decision to say okay we hear what you say, we want to accept your proposal. Instead of you going to deliver what you said you'll deliver we want you to partner with us and we'll add some public dollars and we'll go



deliver really what the solution that our TIA ordinance has required. That is an option that this body has.

Mr. Simoneau said what I'm understanding Max to say is in the case of Hambright and Statesville Road these are the improvements that would be required to meet Article 14 of the ordinance. The applicant is proposing to do these things. If I'm correct in understanding, you are saying rather than the applicant actually do these improvements, at the very least we would want the money to be put set aside so that the Town money can be combined and then do the actual improvements.

Mr. Buchanan said that's correct. For example, the signal modifications at Mt. Holly-Huntersville at 21, that mitigation gets the number to 85 percent of capacity at that intersection, which is Level of Service E. That's getting it down from the 89 percent impact. If we do the proposed mitigation that's on the left-side required by Article 14, we could improve the intersection to a 73 percent, so we increase capacity at that intersection if this body wanted to put public money toward a solution.

Mayor Aneralla said in other words you could put the money in escrow until there's an improvement deemed ready to go for the town.

Commissioner Gibbons said these have to be done. You can't not do these and leave the intersections with the traffic not mitigated.

Mr. Buchanan said not and meet Article 14 of the TIA ordinance. I think what the applicant has heard back from Raleigh is the school group and all they do is look at the on-site stacking. That's been a critical element that we've looked at as well. We've learned our lessons from the existing facility and we have increased the on-site stacking capacity. What that group in Raleigh does not do is look at the off-site improvements. That's handled at the local office and that's what we haven't heard back from.

Mayor Aneralla said I just have one other question about the Mt. Holly-Huntersville Road and NC 115. Nothing is proposed, but at one point there was some money that was going to be escrowed for that.

Mr. Buchanan said generally there's a requirement in the ordinance that an applicant can count on, if you will, a project that is being publicly funded and delivered, if that project is delivered within 3 years. That Main Street project is improving that intersection. It may be beyond 3 years, but we figured that's close enough. Precedent has been set as we did with AAC at Northcross Village.....they impacted 73, we were delivering a project, they escrowed \$1 million to apply towards the project. That's what we propose to satisfy the requirements of Article 14 is to estimate the cost of the right-turn lane and escrow that to apply it toward the Main Street project.

Commissioner Gibbons said I make a motion to consider the rezoning application.

Commissioner Guignard seconded motion.

Bob Blythe, Town Attorney, said what exactly was the motion. In other words, was it a motion to approve as presented by the applicant. You were not adding any additional conditions, am I correct on that.

Commissioner Gibbons said correct.

Mr. Blythe said that's fine then.

Mayor Aneralla said so as presented the motion.

Commissioner Kidwell said clarification on the motion.

Commissioner Gibbons said it's the consideration of approval and then discussion.

Mr. Priest said we still need the consistency statement.

Commissioner Gibbons said in considering the proposed rezoning of Petition #R16-04, Lake Norman Charter Elementary School, located on Hambright Road, the Town Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long-range plans and recommend approving the conditional rezoning for the Lake Norman Charter Elementary School as shown in Rezoning Petition #R16-04. It is reasonable and in the public interest to rezone this property because it is consistent with the 2030 Plan and Staff and Planning Board approved with conditions.

Commissioner Guignard said point of clarification. Is that considering their proposals as presented to us on Page 7 about three pages earlier, I highlighted TIA improvements.

Commissioner Gibbons said yes and the conditions on Page 10 as well. Page 7 had the TIA and then Page 10 "After further Board discussion....." and then it's got the six conditions here.

Commissioner Phillips said can you read those off.

Commissioner Gibbons said after further Board discussion, the motion was made to recommend to approve the application with the following conditions: (1) The applicant commit to all the traffic mitigation required by the Huntersville Zoning Ordinance, including the recommended escrow contribution; (2) The note regarding the buffer is amended to add the planting requirements of the Zoning Ordinance; (3) Any future comments from NCDOT are addressed in the applicant's development plan; (4) The sewer connection proposed through the Huntersville Business Park is approved and provided per the zoning plan; (5) No lighting of the ball fields adjacent to the residential development is permitted – lighting of the tennis courts is acceptable per the Huntersville Zoning Ordinance; (6) The remaining site plan comments as indicated by staff are addressed.

Mr. Blythe said now we have run into the problem I think is I'm hearing your motion to approve with the conditions that the Planning Board had applied to it and not just what the applicant has proposed. Am I correct about that?

Commissioner Gibbons said yes.

Mr. Blythe said in which case I don't think you can do it, unless they will mutually agree to those particular changes. If not, it's going to have to go back to the original application for an up or down.

Mayor Aneralla said do you want to withdraw that conditional part?

Commissioner Gibbons said yes.

Commissioner Guignard said I still want clarification on the motion.

Mayor Aneralla said it's as originally presented by the applicant.

Commissioner Guignard said are the changes that are on Page 7 on the far right that were highlighted overhead included, because I don't think I've heard that read into this.

Mayor Aneralla said this is what is as presented by the applicant. We have the ability to change, with their consent.

Commissioner Guignard said I don't think we discussed the three items.

Mayor Aneralla said we can discuss it right now.

Commissioner Guignard said we have to have a motion to get to that.

Commissioner Gibbons said this seems very confusing but yes we need to discuss this and I'm going to say as of right now I'm not comfortable making a motion to accept it as that is.

Commissioner Gibbons withdrew his motion.

Commissioner Bales said this has been a very interesting, challenging, thought provoking item that has been brought before us. And for me personally it is where three things that I care deeply about all collide – education, economic development and transportation. And everyone knows how much I care about education in our town and how important it is for our youngest citizens. And I don't care whether it's private, charter, public, does not matter, a sound education is what each one of our children deserve. And then we bring in economic development and it's something that I care just as deeply about because I believed for a very long time that Huntersville could not continue to be that bedroom community to Charlotte. We have to be able to stand on our own two feet and the percentage and disproportions from residential and commercial is still out of whack, so I'm always looking to encourage new business and new growth in Huntersville. On October 20, 2014 this Board of which I sat on created and supported and adopted the Strategic Economic Development Plan. In here it states in the Conclusions and Recommendations that one of the challenges that this board is going to face, and every board after us, is going to be attaining an optimal balance of residential and non-residential development and that the town should maintain its inventory of land for employment generating uses such as office space and industrial space in order to ensure its economic sustainability into the future. So I read that and I believe that wholeheartedly. Then I look at our roads and transportation and we have to address those and any building that is built in our town if there's going to be an impact especially bringing citizens from outside of Huntersville in, we have to address those. So like I said this issue has been a very difficult one for me. It's been very challenging. It has kept me up at night. I dream about it and I have had to come to a place that I can be okay, because I'm not going to make everybody happy. I'm not even going to make myself happy with this one. But I do not believe that this is the right location for this school. After everything that I've looked at, after all the reading I have done, after all the talking that we have talked, at the end of the day there's a reason in 2007 that this property and the property east was zoned Commercial Business and we have got to preserve it. And my guess is we have maybe 40 years of land out there for economic development. Once it's gone, it's gone. And that's jobs for your kids, my kids, and their grandkids and anyone else who wants to from up north move down here, because they are coming. That's where I have struggled but that is where I am firmly placing my feet because Lake Norman Charter is an excellent school and you do excellent work and I want to encourage you to continue that work because I know the kids that are coming out of that school and

they're brilliant and they're smart and they're engaging and they're going to be great assets to our community. But this location is not right. So that is where I am.

Commissioner Kidwell said I agree with a lot of what Commissioner Bales said – education, economic development, traffic on our roads. I also take into consideration that I believe the current number at Lake Norman Charter is 40 percent Huntersville residents. I would like to see it 60, but I understand. CMS is adding on to a school to meet current capacity. That bond that was passed 2 years ago to add to our schools up in this area was to meet current capacity 2 years ago. So as they continue to get more kids, they're always going to be behind. Charter schools, private schools, they serve as another resource to education our children. I have a 2 year old daughter, so I know right around the corner – we've got pre-school coming up, then kindergarten, then elementary. Most of you have been through that. This is my first rodeo, so it's new to me. But I'm already looking down that road. I toured the one right over here, it's phenomenal. Went in talked to the kids, interacted with their teachers and watched the teachers interact with the kids. They were interacting together. These are bright, smart kids. And I believe that we owe it to the 40 percent, if not more, of Huntersville residents and the other 60 wherever they come from that opportunity to get that education. I've read a lot of articles on charter schools and spoken with some CMS teachers, some CMS staff, not high level or anything, just friends of mine that have been in the system for 15 or 20 years and I asked them about charter schools – what do you know about Lake Norman Charter. They said it's a great place. We'd go there but we've made our 15 years we don't want to give up anything and I understand that. I'm for the school. And we talk about economic development. Absolutely, in 2007 it was set aside. Things change. I think everybody in this room was impacted by the bubble bursting. And I wasn't on this Board in 2007. In fact, I lived in Atlanta, Georgia during that time and they were hit probably the hardest – one of the hardest in the southeast here when it came to the bubble bursting. I still own a house there, so I know. Things change, that's my point. We have all this land over there. We have a neighborhood right there. When I was growing up in Kansas City I worked for a manufacturing company on the weekends and during the summers and right behind that was a 300 home neighborhood and they had to deal with the noise of a three shift operation – trucks coming in and out, compressors outside, cars leaving all times of day. I'm looking at that neighborhood now and I'm like what's a good deal here. We have a school there, some play time on a Saturday or we've got a three shift operation right at their backdoor. I look at the charter school in that particular location and say, that's a great buffer. Then I look at the folks that own the land right next to it and say you still have the opportunity. In fact I think we met with a bunch of them and we talked about the different areas that it could be at and it could not be at. They don't want it right behind their houses and I completely agreed with that. Further down the road, I think we're at a win-win, at least in my point of view, maybe not theirs. With economic development we still have a lot of land in Huntersville. It's not just that plot of land over there that's going to be used for economic development. We've still got a lot going east. I don't want to be nearsighted on that and I'm not saying anybody is nearsighted, I just don't want to be nearsighted on that for me. The final thing is roads. Whether you like it or not you've got to pay to play on roads and so many times developers come in and they don't want to pay. They don't want to be a part of it. I'm not saying you guys don't, I'm just saying that's the general consensus. When I look at a TIA for 100 homes and nothing against staff but I went out and talked to several developers and said what's the difference between the school and your community and you getting a TIA. They're always the same we don't have that many road trips, there aren't that many cars. I see a 90 home plan, minimum of 180 cars going out in the morning, coming home in the evening. That's a standard development, I'm not talking about a retirement community or 55 or older. But the traffic is still there whether it's the school or not. I think that's where we are all getting caught up, at least for me it's I'm good with the school. I'm good with the location. It's not me to determine location. We've had economic development committee. They've studied every area in Huntersville. I come back down to the roads. And my question is to Max and to our staff about the TIA.

It doesn't make a whole heck of a lot of sense to me but again I'm not in your shoes. If you came to my work and I showed you something it wouldn't make a whole lot of sense to you and I'd understand that. I see the applicant's engineer paid \$50,000 to have this done. And when I looked at it compared to what the Article 14 is only two are really off. Article 14 is asking for a southbound and their engineer recommended a northbound. Hambright at Statesville, I still think it's too far away. Left-hand lane, westbound lane and they are asking for a permitted signal. I'd like to see a compromise on this. I think if we move forward we should get there to where we need to be and choose these two that were off and one is going to happen and one is not going to happen or something at least if I make the motion. I don't think it's this Board's place to decide to tell someone who wants to open up a charter school or a business it's not the right location. I think this is a good location. I think it's a great buffer. I think that one way or the other these road improvements are going to have to happen for the future of our town, for the future of those parents bringing their kids to school. So that's where I'm at right now. I'm in favor of it but we are in discussion mode so I'm going to relinquish the mic.

Commissioner Phillips said I think there's a way to come up with some solution. Originally I was pretty much opposed and it wasn't necessarily because of where the school is, it's because of the roads and I'm not going to excuse you from that. In order for me to go along with it, you are going to have to fix the roads, what the TIA calls for. I will give approval under those contexts. Down the road other companies and developers will come in wanting special considerations.

Commissioner Guignard said I think the applicant has said categorically that they cannot put in a \$500,000 water line that would serve that entire section of road and do all the road improvements that are asked. They presented their solution to that. I see no need to make a motion to approve something contingent upon them doing something that they have told us if I understood correctly that the funds are not there for. We are not treating this school the same way that other schools right in this same corridor have been treated. I accept my fellow commissioner to my right's comments but there's no sense in making a motion that the school can't abide by.

Mayor Aneralla said that motion would be out of order. What we are really debating here is the application. What you are deciding tonight is this something that this Board will approve.

Commissioner Phillips said my thing is to basically give them the tools to move forward and then it's up to them whether they can raise the money in order to do the improvements, but at least they would have the approval and if they can't put their monies together, then so be it, but at least that gives them the tools.

Mr. Priest said what's before us is a conditional rezoning and the only conditions that can be added to the plan are the conditions that the applicant agrees to do and so what's before the Board this evening is a plan that states we only want to do these improvements, so that's attached to the application. We don't have the legal ability and Bob can back me up on that in regard to approving something with conditions that's something that they didn't approve.

Commissioner Phillips said who speaks for the school and let them answer that.

Ms. Stein said I'll speak for the school. Unfortunately at this point we hold to the proposal that we have put forward that we have looked at from every angle and I'm going to appeal to you one more time to say that the way that we are different than any other business that's going to come in here looking for something special is that we are bringing some things they aren't going to bring. We're bringing green space, we're bringing access for that green space, we're bringing partnership with the Town's Parks &

Rec that has already existed in an area that has a growing population, we're bringing the opportunity to lower classroom sizes. Those are things that go above and beyond what you are going to see from other businesses. We're bringing jobs. All of those things are consistent with 2030 Plan. It said that as a Board you have to be responsive to changes. We're going to bring the water line that will help and it will make sure that the growth that comes to this community is something that will be sustainable. If you want us to set that money aside and as Brad and Max have suggested you decide that later on there are funds for public development, because there's going to be more development, so that you can escalate it to a higher level, we understand that, but when you are asking us to put in the water line, the sewer line and all the road improvements this is the best offer that we can give you. And while I appreciate, Commissioner Phillips, you giving us the opportunity to have flexibility if you were to ask us to do that you are actually putting us in a bad position because right now with the purchase of that land we're already into this process over \$200,000 and we also have a purchase agreement based on zoning. If you ask me to condition the fence, I'll say yes to that and we'll put it on the plan. But as far as the roads, this is what we are willing to do or are capable of doing.

Commissioner Guignard said she mentioned the fence. Is that in your proposal?

Ms. Stein said it's not, but we agree to making that a condition.

Commissioner Guignard made a motion to approve Petition #R16-04, Lake Norman Charter Elementary School. The Town Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long-range plans. We recommend approving the conditional rezoning plan for the Lake Norman Charter Elementary School as shown in Rezoning Petition #R16-04. It is reasonable and in the public interest to rezone this property because it is at this time the best thing for this community and I consider that in that motion that the fence is part of this motion and everything else stands as presented.

Commissioner Kidwell seconded motion.

Mayor Aneralla called for the vote.

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

**Blackwood Knoll Sketch Plan.** Mayor Aneralla pointed out this item will be heard as quasi-judicial.

Mayor Aneralla swore in Brian Richards, Nate Bowman and Stephen Trott.

Brian Richards, GIS Administrator, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 10.* What we have before us this evening is the Blackwood Knoll subdivision located on Black Farms Road. The project is 37.89 acres, zoned Rural. The adjacent properties to the north and to the east are also zoned Rural. To the south and west are zoned Transitional Residential. A neighborhood meeting was held on March 15 and the meeting notes are in your summary. In the Rural zone there is a maximum density allowed of 0.9 units per acre at an open space of 45 percent. What is before you the developer is proposing density of 0.58 units per acre with 56 percent open space. The Rural district has conditions of having 50 percent tree canopy and a 50 percent specimen tree save. The developer is proposing 72 percent tree canopy and 62 percent specimen trees to be saved on site.

In 2008 a very similar version of this plan was approved by the Board. Due to the economic downturn it has lost its vesting. Bowman Development Group is working with the landowner to revive this project. They have added some additional acreage to the north. The reason for that is to eliminate the need for BMP's, ponds and sand filters. There's more open space in the project. They have also added two units. It was originally approved at 20 units. They are asking for 22 units.

Due to the project size, a traffic impact analysis was not necessary. They did meet the requirements for the Adequate Public Facilities Ordinance. We have capacity for the 22 homes.

In considering the Blackwood Knoll subdivision, the staff finds that the application is complete, that the application does comply with the ordinance and the future land use plans, upon minor corrections. Staff also recommends approval of the subdivision once these final comments have been made. At the previous Planning Board meeting, the Planning Board made the recommendation for the approval of the subdivision.

Commissioner Gibbons said there was no TIA required, but will there be an improvement just for the entrance.

Mr. Richards said yes, they will be making improvements to Black Farm Road. They are going to add a bike lane and some additional lighting.

Commissioner Phillips made a motion to approve – the application is complete, complies with all applicable regulations and the Town Board recommends approval. It is consistent with the 2030 Plan and it conforms to everything around in this area.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

**Resolutions – Bonds.** Commissioner Guignard introduced Bond Order authorizing the issuance of \$865,000 General Obligation Street Bonds into the record and made a motion to adopt the following resolutions: (1) Resolution calling a public hearing on bond order, directing publication of a notice of said public hearing and filing of a debt statement; and (2) Resolution making certain statements of fact concerning proposed bond issue.

Commissioner Gibbons seconded motion.

Motion carried 5 to 1, with Commissioner Phillips opposed.

*Bond Order and Resolutions attached hereto as Exhibit No. 11.*

**Agreement for RTU's – HFFA.** Commissioner Boone made a motion to authorize the Town Manager to execute purchase and installation agreement with Southern Mechanical Services for the remaining RTU's as approved with the 2017 budget.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

*Agreement attached hereto as Exhibit No. 12.*

### **CONSENT AGENDA**

**Approval of Minutes – May 10.** Commissioner Bales made a motion to approve the minutes of the May 10, 2016 Special Town Board Meeting. Commissioner Guignard seconded motion. Motion carried unanimously.

**Approval of Minutes – May 16.** Commissioner Bales made a motion to approve the minutes of the May 16, 2016 Regular Town Board Meeting. Commissioner Guignard seconded motion. Motion carried unanimously.

**Budget Amendment – Police.** Commissioner Bales made a motion to approve budget amendment recognizing insurance revenue in the amount of \$5,447.77 and appropriate to the Police Department's insurance account. Commissioner Guignard seconded motion. Motion carried unanimously.

**Budget Amendment – Police.** Commissioner Bales made a motion to approve budget amendment in the amount of \$500.00 and appropriate to the Police Department's insurance account. Commissioner Guignard seconded motion. Motion carried unanimously.

**Property Tax Refund Report.** Commissioner Bales made a motion to approve SL362 Property Tax Refund Report No. 57. Commissioner Guignard seconded motion. Motion carried unanimously.

*Property Tax Refund Report No. 57 attached hereto as Exhibit No. 13.*

**Ordinance – Walters Barbershop Historic Designation.** Commissioner Bales made a motion to adopt ordinance designating the property known as the "Walters Barbershop" (including the interior and exterior of the building and parcel of land associated with Tax Parcel 01904106) located at 114 S. Main Street as a Historic Landmark. Commissioner Guignard seconded motion. Motion carried unanimously.

*Ordinance attached hereto as Exhibit No. 14.*

**Electric Rate Rider REPS.** Senate Bill 3 was passed by the NC General Assembly in 2007 to promote the development of renewable energy and energy efficiency in the state through the implementation of renewable energy and energy efficiency portfolio standards (REPS).

All electric utilities in NC are required to comply with Senate Bill 3.

North Carolina Municipal Power Agency Number 1 has implemented renewable generation and demand side energy efficiency programs on behalf of its member towns and cities to meet these state-mandated requirements. The cost of these programs is billed to Huntersville on the monthly wholesale power bill. The REPS Rider is designed to recover the cost of these programs through a monthly charge on retail customer electric bills. This charge would be effective with customer bills in the July 2016 billing cycle. The charge varies by customer classification as follows:

Residential	\$0.61 per month (increased from \$0.56)
Commercial	\$2.95 per month (increased from \$2.69)
Industrial	\$30.41 per month (increased from \$27.75)



These charges enable the Town of Huntersville to meet its REPS compliance obligations for 2016-2017. These charges may change in 2017 and subsequent years.

Commissioner Bales made a motion to approve Electric Rate Rider REPS. Commissioner Guignard seconded motion. Motion carried unanimously.

*Electric Rate Rider REPS attached hereto as Exhibit No. 15.*

**Electric Rate Rider RECR-1.** In 2010 the Town of Huntersville adopted Interconnection Standards as recommended by North Carolina Municipal Power Agency Number 1 for interconnecting small renewable and non-renewable energy generators to the electric grid. These standards were based on the North Carolina Utilities Commission's modified version of the Federal Energy Regulatory Commission small generation interconnection procedures, forms and agreements designed to streamline the process of connecting small renewable generator resources.

The Renewable Energy Credit Rider (RECR-1) was approved as part of the Interconnection Standards and is updated annually to reflect the current incentive provided to customers utilizing renewable generation. These credits would be effective with customer bills in the July 2016 billing cycle.

These charges enable the Town of Huntersville to safely interconnect and provide incentive for those customers that wish to install renewable generation. These charges may change in 2017 and subsequent years.

Commissioner Bales made a motion to approve Electric Rate Rider RECR-1. Commissioner Guignard seconded motion. Motion carried unanimously.

*Electric Rate Rider RECR-1 attached hereto as Exhibit No. 16.*

**Call for Public Hearing – Commerce Station.** Commissioner Bales made a motion to call a public hearing for Monday, June 20, 2016 at 6:30 p.m. at Huntersville Town Hall to consider the sale of a portion of Tax Parcel No. 019-311-04, containing 9.11 acres, of unimproved land in Commerce Station. Commissioner Guignard seconded motion. Motion carried unanimously.

#### **CLOSING COMMENTS**

The Town Clerk questioned if a consistency statement for the denial of the Lake Norman Elementary School Charter School rezoning petition needed to be entered into the record.

Bob Blythe, Town Attorney, said we've had some debate on that. If you would just go ahead and back that up with a statement as to the reason for denial.

Commissioner Boone said in considering the proposed rezoning for Petition #R16-04, Lake Norman Charter Elementary School located on Hambright Road, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long-range plans. We recommend denial of Rezoning Petition #R16-04. It is not reasonable and not in the public interest to rezone this property because the applicant didn't agree to the TIA suggested by the Planning Board.

There being no further comments, the meeting was adjourned.

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

DRAFT