

**TOWN OF HUNTERSVILLE
REGULAR TOWN BOARD MEETING
MINUTES**

**September 6, 2011
6:30 p.m. – Town Hall**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on September 6, 2011.

GOVERNING BODY MEMBERS PRESENT: Mayor Jill Swain; Commissioners Danae Caulfield, Charles Jeter, Ron Julian, and Sarah McAulay.

Mayor Swain called for a moment of silence.

Mayor Swain led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Swain

- The MTC met last week/two weeks ago and we had a Red Line Task Force meeting. Things are progressing as I have been saying on the Red Line Task Force. We did vote as a group to allow the consultant to move forward based on several premises with his report. We are very lucky that the consultant that Secretary of Transportation Gene Conti had lent or provided to us to do this report, he has now become the Deputy Assistant Secretary of Transportation. But as I have said in the past, he will be finishing that report for us.
- Arts & Science Council – no report.
- Lake Norman EDC – no report.

Commissioner Caulfield – No report

Commissioner Jeter

- The next LNTC meeting is September 14.

Commissioner Julian

- The next EDC meeting is September 15. Lime Energy just announced relocation of its headquarters to the Huntersville area. The company plans to add an additional 50-75 new jobs and the EDC is staying busy and hopefully still more jobs coming to Huntersville. Of course, ABB tower had the topping out. They are continuing to finish construction.
- From the Lake Norman Chamber – the interim Superintendent of Charlotte-Mecklenburg Schools, Hugh Hattabaugh, will be the guest speaker at a luncheon hosted by the Chamber on September 15.
- I did receive one e-mail today from Bill Russell, the President at the Chamber that asked if the Board had any legislative issues. They are planning a trip to meet with the legislators in Washington, D.C. and so I did want to open that up to the Board and see what their thoughts were.

Commissioner Jeter said while I appreciate the Chamber's offer, this town has retained a lobbyist that represents us in Washington, D.C. and I always think it gets a little bit cloudy if you have different voices sharing opinions. My position was we have Bradley Arant who has been with the town for about 3 or 4 years now. I think George Harris and his group do a great job representing the town. I'm not sure I would want to pass any specific information to the Chamber that would potentially have some conflicting or differing opinion from what we've worked hard over the past 3 or 4 years to establish there in Washington.

Commissioner McAulay said I agree with you, plus we have our own individual contacts with our elected officials in Washington.

Mayor Swain said we will have our lobbyist speak for us.

Commissioner Julian said I do have one other thing – the Huntersville Police Department's 13th annual golf tournament will be held Tuesday, October 4. Again, this is to benefit the Special Olympics, so anybody interested in playing see the HPD or go to their website.

Commissioner McAulay

- The next meeting of the Mecklenburg-Union MPO is September 21.
- The Visit Lake Norman Board Meeting has been changed to Monday, September 26.

Commissioner Caulfield asked how is our website coming?

Bobby Williams, Management Assistant, said we are very close.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Swain read proclamation for a National Moment of Remembrance of the 10th Anniversary of September 11.

PROCLAMATION

Town of Huntersville Joining the National Moment of Remembrance of the 10th Anniversary of September 11th

WHEREAS, the Town of Huntersville expresses their support of the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States; and

WHEREAS, the Town of Huntersville:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Huntersville, North Carolina, I do hereby encourage the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable, ceasing all work or other activity and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Tammy Rojas, 13737 Dutch Fork Drive, said I am a local Huntersville business owner and I'm here to report on the Fall into Huntersville kick-off that we had this last Saturday. Fall into Huntersville is a subcommittee of Huntersville Connection, which is a business group that was devised of business owners to develop as a free, local forum providing networking, marketing and opportunities for businesses to connect and to work together. We have meetings every third Tuesday at 8 a.m. We rotate between different businesses in Huntersville so that everybody can showcase their business. The Fall into Huntersville kick-off event was a great success. We held it at Discovery Place Kids over in the green area on the side of it on Saturday. We had over 50 vendors that came and set up at the event, which was great and we had close to 700 people that attended, which was wonderful. We consider that a big success for a first-time event. We plan to hold more of those. We plan to do one next year and possibly some others during the year. The next Huntersville Connection meeting is going to be September 20 at Rural Hill if anyone is interested in attending. We have a website – huntersvilleconnection.com if anybody is interested.

Charles Shallish, 13845 Hastings Farm Road, said Mayor Swain, Commissioners, Staff, Mr. Coxe and the Planning Board, I would like to thank you all for your due diligence on this one subject and the length of time you have spent on it and the amount of work you put into it. It's been very helpful to see public servants at work for the citizens. Thank you all very much for that. I'm here to ask you to please vote favorably for Option 3 for a couple of quick reasons. Number one, it will preserve our property value of the people in that area and also is a safety factor for the residents of that area as well as the 800 and some odd students at Southlake Christian Academy. It also has been supported by the majority of the citizens in the public hearing. We would just request that you would vote favorably for that option and I thank you for your time.

Mike Harvey, 14026 Clarendon Pointe Court, said first of all I am delighted that the lengthy debate over Option 3 is finally coming to closure. After many, many meetings I understand tonight's vote will reflect the multiple studies, meetings and debates and the diligent work by Bill Coxe and by the Planning Board under Bruce Andersen. I understand that the Planning Board has studied the environmental, the social, the economic and the logistical factors going into this decision and it recently voted unanimously, with one abstention, to support Option 3. That's great news. I think it's important for us briefly to understand though what Option 3 is and is not. Option 3 is a drawn line on the town map. It's a line that expresses where the Town intends to have the Route 73 expansion go and it is an extremely important line. It also recognizes that there will be details and issues that have yet to be studied and resolved before the road is actually begun in 15-20 years from now, but nevertheless it's a critically important line as a guideline for realtors, businesses and homeowners as to what the Town's intent and objective is for the Route 73 expansion. I think I can speak for dozens of homeowners in saying we are very grateful for the work that has gone on so far and we look forward to the encouragement and to the support of the Option 3 alternative.

Lex Moore, 16011 Henry Lane, said actually it's Lawrence Alexander Moore. I am actually speaking in opposition to Option 3. I got one of these pink fliers and that's the first time I had heard about the decision that was being made and being personally affected living right off of 73 I would like to propose first one of these none of the above options, although I would prefer to see Route 73 from Catawba

Avenue clear to the dam increased to three lanes on either side with a divider in the middle and appropriate stoplights, etc. I haven't seen anything about those details. Number two, as far as this pink flier is concerned, preserve property values – Option 3.....I don't think so. I'm an ex-realtor and, I'm sorry, anything you do that's going to interrupt traffic albeit going around or going through the area is going to affect property values. It says supported by majority of citizens. I'm not one of them and nobody polled me on this stuff that's on this flier. By the way, if any of you all would like copies of this they will be available as you exit the room. I'm questioning this recommended by Planning Board. No to Option 3 and thank you all for your time, especially you, Mayor.

Stacy Phillips, 14705 Highway 73, said I live at 14705 Highway 73, previously 14720 Brown Mill Road. I am here on behalf of myself even though my parents are involved because if this Option 3 passes I am the one who is potentially going to inherit this nightmare. I would just like to say that this study has been going on for half a decade, meaning that I went from high school to college through this. And now I'm out of college. Now all of a sudden this has been placed on the agenda without many of the rural landowners being aware, as those from Hubbard Road and the Beard family. I find it very ironic that the only way I found out was through Lex who got information from Option 3. Personally I feel like this should not be addressed or decided on until there is a full Board because there is a voice that's not being heard because there is a silent seat who is quite conservative and I feel like that's being overshadowed. I also want to mention that Duke Power has not committed to this. They have not picked an option, meaning that there could be lawsuits from stockholders. The Nuclear Regulatory Commission has not gotten involved yet, which could bring a world of trouble to the town. I would also like to mention that Hubbard Road is very deed restricted towards commercial building property and I would like to mention that if you move on a state highway, you take the risk of potentially losing your land and I don't think it's fair at all that these wonderful people who live in a rural community such as Hubbard Road are going to lose their land and their property because a few beautiful homes for aesthetic purposes on 73 are going to win Option 3 when those poor people moved on Hubbard Road wanting nothing more than to live in a rural community and that's going to be taken from them. I'm doing this on selfish behalf. My parents aren't here. My brother came for them. I just feel like there's.....why not an Option 10 that makes everyone happy instead of us versus them.

Ken Holtje, 14535 Highway 73, said 3-1/2 years ago you came and asked for our input on Alternatives A and B to modify the NC 73 Corridor Plan. We told you at that time that they had significant environmental and aesthetics problems. You came back to us in October of that year and asked for our opinions on Alternatives 1, 2 and 3. We gave those to you. The majority of the public, according to the Town records, supported Option 3. In December the Planning Board evaluated all three of those options. They ranked Option 3 the highest. In January two since departed commissioners thought they had a better idea and proposed Option 4. Last May you came back to us again and asked for our input and we gave it to you. A majority of the citizens supported.....80 percent supported Option 3. A month ago the Planning Board ranked the options and recommended unanimously with one abstention Option 3. One week ago the Mecklenburg Metropolitan Planning Organization's Technical Coordinating Committee chaired by Mr. Coxe unanimously supported and recommended the concept of Option 3 to the Town Board. We the people think we have done our job and now you get to do yours.

Susan Holtje, 14535 Highway 73, said I would like tonight to talk about opportunities. When you look it up in the dictionary you find that it is a set of circumstances that makes it possible to do something. First of all I would like to thank you for the opportunity to speak and to allow the public to speak. I really appreciate the Town of Huntersville doing that. I think that Option 3 provides opportunities. And I represent a number of people that agree with me. Their property values have been brought up. We've done detailed research and spent many, many hours checking all the tax records and seeing where our

property values stand now. We consulted with the real estate agents on how much property loss could happen because of Option 1 being put in or Option 4 or no option. As it stands now property values right now are plummeting not just because of the economy but because of the threat of a widening of 73 - \$12 million loss.....that could be what could be lost in that area and it's starting already. So we think it's an opportunity for Option 3 to protect from that loss. We also think it protects the lake and the aesthetics of the lake. Instead of having an overhead bypass with six lanes of cars going on it 400' from the lake where boaters and recreational swimmers and people are out on the lake, it won't have an overpass because Option 3 provides an opportunity to run that whole road south of the lake. The third thing is it provides an opportunity for future planning which maybe hasn't been thought about. Bill Coxe recommended this. I think it's a great idea. We could have a vision for the western end of the entrance into the Town of Huntersville.....a park/natural area.....something to think about. I leave you with this thought, opportunity knocks and Option 3 answers.

Troy Purvis, 15928 Bayshore Drive, said pretty much you know the pros and the cons of what we have spoken about. One thing I did want to mention, I have two new neighbors in my neighborhood. A number of people here sort of have spokespersons for their neighborhood. They go to them to say what's going on. You know the folks that we are talking about. In my neighborhood the latest two people who have moved in, there's one man who is renting. He's waiting to find out what this vote is. If Option 3 is approved, he's going to buy that home. If it is not, he's not going to buy the home. These are his words to me. He has children. The other individual is sort of on the other end. She just purchased the home. I spoke to her on Sunday. She had just moved in. She was thrilled. She got a great deal on this home because she said they kept telling her you don't want to buy here because this road is going to be expanded and the price kept dropping and she got it for half. She was thrilled that this was drawn out for her benefit and that it took this long. She got a great deal on a home. Those are two specific instances I wanted you to know about.

Russ Pierce, 15800 Henry Lane, said we face Highway 73 at the corner of Henry Lane, a block from Beatties Ford Road. We are here to support Option 3. We think that anything else would be irresponsible and damage the neighborhood. Our concern today is to protect the neighborhood. We've talked about the up to 40 percent reduction in property values and \$12 million in lost revenue. That's huge. Lake water quality and the access to Duke Power would be poor according to the study. But I want to add one thing in a little bit detail. The selection of Option 3 would have a higher capability of expansion and I think this is key. This would be very important as we have seen the traffic increase exponentially in front of our home and according to the HUBCAP study from an estimated 8,400 vehicles per day in 1992 to 23,000 vehicles per day in 2004 to probably well over 50,000 vehicles per day today as we believe the cross county business, residential and school traffic have visually more than doubled on Highway 73 in the past 7 years since 2004. What will the traffic on existing Highway 73 be like in two decades. A good example is the planning and construction costs of I-485 between I-77 and Rea Road, which has been gridlocked since the first week it was opened. We understand that this construction may not happen for decades but with the growth who knows what capital road projects will require escalation based on changes in demographics and political landscape. We believe that it is critical to have the Option 3 selection publicly documented to review the future of the state DOT, Huntersville, county and State of North Carolina elected officials. We request that you consider the irresponsibility and damage to the neighborhood and approve Option 3.

Ken Inch, 15808 Henry Lane, said I'm the second house in, next to Russ Pierce. I don't live in a big house. It took me 12 years to afford that house. I wasn't given anything, I didn't inherit anything, but I worked hard for it. If Option 1 goes through, basically I'm going to come out from my mailbox and have to move my mailbox back because trucks are going to be coming right there. I strongly vote for Option 3. I agree with what Russ Pierce said.

Joe Kluttz, 15015 Highway 73, said I live adjacent to Ken and Russ and the people that just spoke briefly. I would like to thank Mayor Swain and the Huntersville Board for giving me this opportunity. On November 11 the Huntersville Transportation Advisory Committee reviewed the three proposed Huntersville transportation options at the time. That committee unanimously recommended Option 3. That was November 2008. On August 23, 2011 the Huntersville Planning Board reviewed the results of evaluations of Options 1, 3 and 4 under the decision analyst model. That process identified Option 3 as the superior choice – preferred option 2008, superior choice 2011. As an advocate for the health and protection of the project and recreational use of Lake Norman and the Catawba River watershed, Option 3 limits the environmental impacts to the designated riparian buffers and associated areas of environmental concern. The Planning Board voted 8-0 to accept the validity of the decision analysis process and recommended these results to the Town Board. I strongly support Option 3 as the most viable option presented to date and I ask that you support the recommendation of the Huntersville Planning Board and recommend Option 3 to the Mecklenburg-Union MPO.

Denise Housler, 13804 Hastings Farm Road, said I'm here to support Option 3 and would just ask that you do the same.

Tom Housler, 13804 Hastings Farm Road, agreed with previous comment – supports Option 3.

Charles Rapp, 15834 Pineknoll Lane, said for these three reasons.....the safety of our children and our community, the ability to streamline the traffic in our Huntersville community for the future, the preservation of our community, suburbs and the growing town of Huntersville, I ask for your consideration for Option 3.

Johnathan Phillips, 14720 Brown Mill Road, said I am here on behalf of my parents, Danny and Madeline Phillips, and myself. We believe that all options are bad, but if we had to choose one, Option 1 is the lesser of the evil. More importantly we believe that this shouldn't even be voted on until after the election because the empty seat isn't represented. I would also like to mention that until I contacted the Beards and the people that live on Hubbard Road, they didn't know nothing about it. I had to actually get the message from Lex, the fellow that left. We are just wanting to say please support Option 1.

David Beard, 6121 Gilead Road, said it's true that I only heard about the vote yesterday when Johnathan got the message to us. I'm here speaking for the Beard family, which has nine family units on the property. All I want to say is we are probably the most affected, if not the Phillips, about the coverage because the road coverage – probably upwards of a mile of road that's going to be surrounding us. The only comment that I have is this.....if you truly vote tonight I hope your mind was made up before tonight based on research that you all did, not based on public comments that were made just tonight because as we know every meeting there will be another group that's going to do that. If the vote is tonight I hope it is truly based on research, not based on getting out of the room.

AGENDA CHANGES

Commissioner Jeter made a motion to add Item E under the Consent Agenda – Approve AT&T Easement Agreement as presented to the Board by Mr. Vincent. Commissioner McAulay seconded motion. Motion carried unanimously.

Commissioner Jeter made a motion to move Item VIII-I (Consider decision on Cooperative Agreement with United Family Services and the Towns of Cornelius and Davidson) to Item VIII-B. Commissioner Caulfield seconded motion. Motion carried 3 to 1, with Commissioner McAulay opposed.

Commissioner Jeter made a motion to adopt the agenda, as amended. Commissioner Julian seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Mayor Swain recognized Planning Board members present: Bruce Andersen, Lenny Cook, Barry Hester, Jeff Neely, Hal Bankirer, Robert Cameron, Art Van Wingerden, Joanne Miller.

Petition #TA11-08. Mayor Swain called to order public hearing on Petition #TA11-08, a request by Raymer-Kepner Funeral Home and Cremation Services to amend Article 3.2.7 (a) and Article 9 of the Huntersville Zoning Ordinance text in order to allow on-site crematorium services in the Highway Commercial district as an accessory use to a funeral home or cemetery.

Brad Priest, Senior Planner, entered the Staff Analysis into the record. *Refer to Attachment No. 1.* The Raymer-Kepner Funeral Home came to staff and inquired about adding a crematorium onsite service to their existing location at the corner of Sam Furr and Old Statesville Road on the northwest corner. To our knowledge, there are not any crematoriums currently operating in Huntersville and this was our first request for one. In going through the ordinance there was not an actual definition or category for crematoriums to currently operate, so staff went through and made the determination after looking at how other ordinances treat crematoriums and after looking at specifically how North Carolina Department of Environment and Natural Resources Division of Air Quality, since they require an air quality permit to be issued at a certain amount of cases or burns per year. It turned out that it seemed that the best category in our ordinance to assign crematoriums was per Article 9.24 Environmentally Sensitive Uses not Expressly Permitted. It seemed to work because it seemed like there was an environmental aspect to the use and crematoriums weren't expressly permitted. With that being the case, crematoriums now would be allowed under the Special Purpose District with the issuance of a Special Use Permit, however the Raymer-Kepner Funeral Home is on the corner of 115 and 73, thus it is zoned Highway Commercial. Therefore, their application is to allow crematoriums in Highway Commercial as an accessory use. This is what the proposal would be from the applicant. We had discussion with the applicant a few times, had a few meetings, discussed certain conditions and parameters and of course because of the special environmental constraint staff thought it would be best if there was some type of special review by way of a special use permit. That carried over from the Special Purpose District and we thought it was appropriate here. And then 1 through 7 are the conditions.....accessory to a funeral home or cemetery. A general statement not to endanger the public health. And then we go down to specific circumstances that the proposed use will limit the number of cremations to under 250 cases within one calendar year. I thought that would be good. If there is an air quality control permit required at 533, then an accessory use would probably do a lot less than something at 533. So we thought that made sense. And then all the activity had to be enclosed within the principal building, not in some accessory building closer to a property line and that a setback

would be 100' from any exterior property line. A little background on the other ordinances that we looked at. Twenty-two ordinances based on the Planning Advisory Service, they referenced many ordinances to us and we also called individually different towns just to see what they did, how they treated it. Eighteen of the twenty-two we contacted allowed crematoriums really as a general business. Many of them didn't have any conditions. Some did, but they would be allowed in for instance the Town Center or they would be allowed in the Highway Commercial district, just a general business. Others though in that eighteen category there, they allowed them as a general business, but they had caveats. Sometimes you would have to have special use permit if it was in residential or it had to be an accessory use to a funeral home. So the conditions and requirements varied based on different towns. There were a few that did say well, it's a burning use, there's potential arsenic contamination for air quality so that's an industrial use and it has to be in the industrial zone. Therefore what the applicant submitted, those conditions were added and we thought that was acceptable and reasonable to allow in the Highway Commercial District, especially considering there were other ordinances that routinely did the same thing with much fewer conditions.

Commissioner Jeter said I have four questions initially. One, if I understood you correctly you said that if they had over 533 actions in one calendar year they are required to get a permit from the North Carolina Department of Air Quality. Can then I safely assume that if they only do 250 that they will not be required to get that permit.

Mr. Priest said correct. They are licensed by the State of North Carolina anyway if they do one or two, but they won't have to get the air quality control permit unless they do 533.

Commissioner Jeter said this strikes me eerily similar of building a 199' cell tower because you know the rules change at 200'. The second question I have is 100'.....they are going to keep this 100' away from the property line. One hundred feet from the property line is from me to somewhere between those double doors behind Mr. Purvis and before you get to the double doors outside. If I happen to live next door as some of the residents on Knoxwood Drive, that's a little bit closer than I'm comfortable with. For me, it's too close. What was the thought about not making it 200' – 250'.

Mr. Priest said I think the mainstay of it was that so many different ordinances treated them so many different ways. Many towns in North Carolina didn't even have a setback for them at all. The standard setback for a grocery store was the same as for a crematorium. With that wide variety it didn't seem like a very large setback would be in keeping with the consensus of what other towns in North Carolina are doing.

Commissioner Jeter said I'm not sure we want to make an ordinance that's just marginally better than all the other bad ordinances. If I lived 100' away I'm probably not going to be real thrilled.

Mr. Priest said I would throw out before we go on is that this is from the applicant as well. This is just something that we are comfortable with.

Commissioner Jeter said my third question regards the.....let's go with the Wallace Farm analogy. What is the potential aroma issue? There has been no mention of that in any way, shape or form and there's nothing in here that says that if they violate some premise.....we have noise ordinances, we have all kinds of things. I'll be candid, I don't know anything about this business thankfully. I understand the need for these types of services, but you are talking about a highly trafficked road path

that is only going to increase in traffic and increase in use. You've got a facility directly south across 73 that has the ability to expand beyond the existing CVS into other commercial uses there in the future. Has there been any consideration as to any aroma issues?

Mr. Priest said the research that we did there wasn't any mention of that being an issue. The main concern is arsenic and mercury that potentially could be released into the air. Odor and smell was not one of the issues that we found.

Commissioner Jeter said I grant you that arsenic and mercury in the air is worse, which gets back to my first question which is why I am concerned that if we allowed it at 250 then they don't have to meet air quality standards by North Carolina which is concerning. My fourth question is a procedural issue. As I read the amendment in question, we are actually requesting a text amendment change or a zoning change to our rules and regulations and procedures of our zoning code. If we get to the point where this passes this Board, would any funeral home including the Raymer-Kepner Funeral Home have to come back again and actually ask for specific permission.

Mr. Priest said yes, sir. Yes, they would. They would have to come to get the special use permit.

Commissioner Caulfield said Commissioner Jeter covered most of my questions, but I'll just go over a couple of them again. The air quality was a concern to me and is there any way that we could add the addition of what the State required for the air quality. Is that something that could possibly be added later that we add that to.....

Mr. Priest said can you clarify the question.

Commissioner Caulfield said you are saying that the State requires that there be some type of testing. I'm assuming it's quarterly, annually, something like that.

Mr. Priest said right. We are looking into the specifics of what would be required on that permit and what the State is going to get involved in doing, but yes one of the things is they have to report to the State.

Commissioner Caulfield said is that something that we could require within our.....

Mr. Priest said I think one of the requirements is that they.....that the proposed use will be constructed and operated in compliance with all applicable environmental regulations. So we thought that would cover it – that they had to meet all the guidelines.

Commissioner Caulfield said that's not what I'm asking. I know the State requires it at 530. If we allow this to be 250 or less, can we put that stipulation in our ordinance as well to do some type of air quality testing.

Mr. Priest said we certainly could.

Commissioner Caulfield said my second question was No. 2 it says the proposed use will not endanger the public health and safety nor substantially reduce the value of nearby property. What is the metrics that you are going to use to see if that reduces the property value.

Mr. Priest said that is a standard statement that's involved in many uses in the ordinances and when you go through a special use permit process a lot of times you have people to come up and give testimony on findings of fact and when that is given it's not out of the realm of possibility for some type of a surveyor or some type of expert in something field to come give testimony based on how this use or how this location is going to have an effect on adjacent property. With that involved, if there were some certified engineer or some noteworthy expert who comes and gives testimony during the special use permit and it's clear that this location would not meet that test, then the Board could then say well it doesn't meet that test, No. 2, and then therefore not approve it. It's not really a metric system but testimony given at the special use permit stage.

Commissioner Caulfield said is there any way on this one you say that 100' and Commissioner Jeter made a good point about if your home is located next to the property, you probably wouldn't be very happy about it. Is there any way that we could stipulate if this one is next to a commercial property it is 100' from property line but if it's next to a residential area it actually has to be 250'.

Mr. Priest said that is possible. There weren't many ordinances who added specific setbacks for crematoriums, but a few did say 200' or so for residential and 100' for other property lines.

Commissioner Julian said my wife and I were just at a crematorium less than a month ago. I would like to see more data. I know Charlotte has some crematoriums that are in residential settings, with little or no setbacks. I would like to see what Charlotte's code is for comparison there. We understand that crematoriums run at about 1800 degrees and basically incinerates the remains.....the air quality control permit that you have to have from the state for over so many burns, what actual checks are they doing. Is it just a permit basically or is some engineering data being sampled from that burn unit.

Mr. Priest said I would let the applicant answer that. I'm not exactly sure what the process is for the State licensing and procedures.

Commissioner Julian said and then just more data on what is out there. I know per Bullet Point No. 1 it's accessory to an established funeral home and cemetery so those are the only two locations.....in other words we are not allowing for a standalone crematorium.

Mr. Priest said correct. If it was standalone it would still have to be in the Special Purpose district.

John Kepner said we bought the Raymer Funeral Home about 5 months ago and just as a side note we love Huntersville. It's interesting that the cremation services are about 50 percent of our business now and currently we are driving about 25 to 30 miles and we feel this would be really an added venue for our families that we could do everything in-house. I think Brad has helped us a lot with this. Currently there's about 6,000 crematoriums in the US. There's about 100 in North Carolina and out of those crematoriums, 92 percent are housed in funeral homes and in cemeteries. I think just to add to what Brad said, I do have some EPA reports I would like to leave with you all, because I know this is a long process. *Refer to Attachment No. 2.* I'm from downtown Wheeling, WV and we have a crematorium right downtown. It's odorless. The EPA standards are very low, the emissions are very low, but I think for you all to be able to see this and continue this pursuit it's an advantage for our families. We are driving 25-30 miles away. It's uncomfortable. It's a facility other than ours and we would like to have complete control of what we are doing in the funeral service industry. As far as being 100' away, 200' away, it's a concern and you know where our location is. Residentially, there's not a whole lot there now but there is a spot right next to us where someone could build and there's a CVS right across the street, but that is pretty much out of our territory.

Janet Spain, 17607 Cambridge Grove Drive, said Cambridge Grove is less than ½ mile from the Raymer-Kepner Funeral Home. Caldwell Station is less than ½ mile north of the funeral home and in the area we also have Hampton Ridge which is between Cambridge Grove and the funeral home, as well as the entire Hamptons which is just about the same distance on the south side of Sam Furr Road.

Furthermore, there is a North Mecklenburg Park just on the other side of CVS on the south side of Sam Furr Road. I'm concerned about the emissions. Arsenic and mercury are both not good things to be ingesting. We don't know yet what level really is safe. Many diseases are triggered by environmental things, including Parkinson's, which my husband has. He worked for General Electric in the lighting division and the glass division with both arsenic and mercury for a number of years. Now is this what triggered his Parkinson's, we don't know. We really don't know. But Duke University has proven that environmental elements set off diseases such as Parkinson's if you have the gene for it. That aside, how much is safe. How much is going to be coming towards our neighborhoods. Maybe if you move in or out in a couple of years it's not really an issue, but if you plan to stay there quite a while, perhaps it is. The other issue is as Commissioner Jeter brought up, the odor. And we are west of this facility and so probably we would not get prevailing winds but you never know. I would want to know that first of all the emissions are totally 100 percent safe for our community and secondly that we are not going to smell it. My husband plans to be cremated. I haven't decided yet, so we would be using the services, but where do we want it put.

Sam James, 13415 Hiawasse Road, said I am absolutely for this text amendment and Raymer-Kepner's ability to have an on-site crematorium. As most of you know, I'm building a funeral home just down the road in Huntersville and while I have no current plans of putting in a crematorium, I do want to be perspicacious in this matter. This amendment will affect only a small number of businesses, seeing that there are only two funeral homes in Huntersville. What I would like to see is the 100' setback from the property line item removed. I believe that these measures can be taken in a different way and that the difference between a 50' setback and a 100' setback are negligible and I would like to read a letter that I got from an engineer with Matthews Cremation Division. They are the No. 1 provider of crematories. And it says: To whom it may concern – The purpose of this letter is to provide clarification about crematory emissions dispersion modeling as it relates to setback requirements. Dispersion modeling uses a number of variable factors such as prevailing winds, nearest structures, stack height, rural urban settings and calculates the downfall of the concentration of particulate matter in regards to the distance from the exhaust stack that results from the crematory process. Because of the number of factors it may be more advantageous to examine each crematory position on a case-by-case basis. Generally, the purpose of a setback requirement is to minimize the concentration of emissions with a certain radius from the stack. However, the same result can be achieved by manipulating other variables that affect concentration levels such as stack height without requiring a fixed setback, a requirement for the installation. Feel free to contact Matthews Engineering and it is signed by the engineer. And I have copies if you would like to see that. I'm not arguing that I should have a crematory but that I should have the ability to come in to show you whatever dispersion model that Matthews would design for me, have a neighborhood meeting, on and on and on. If it's a bad fit we don't have a crematory. But the 100' setback is arbitrary and rare for these reasons. I am absolutely for this, but would like to see that 100' portion Item #6 removed. I'll tell you just as somebody who works in a funeral home and John will tell you that there's absolutely zero odor. There's zero smoke. You are not going to go by and see the funeral home smoking one day. You aren't going to go by and go whoa they are cremating today. Whether you are 5' from this crematory, outside of the building or whether you are 105' you will not know that a cremation is happening inside. He could be cremating somebody right now with 10 people

standing outside and you would never know it. Living next door to a crematory is not a bad thing. They told me actually when I called to talk about this with Matthews that 90 percent are in residential areas. I'm for it. I would like to see Item 6 go away.

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

OTHER BUSINESS

NW Huntersville Transportation Study. *PowerPoint attached hereto as Attachment No. 3.* Bill Coxe, Transportation Director, said I happen to live in a neighborhood that has a crematorium in it and so now it is true to say that I no longer have to leave my neighborhood for anything. We are going to talk about one component of the Northwest Huntersville Transportation Study. We are going to talk about the component of this which talks about how Vance Road intersects with NC Highway 73 and what happens with NC Highway 73 west from that point to the Catawba River. I always show this slide when I'm talking about 73 because I want to remind people of its strategic purpose in our region. You will hear me preach that as long as you have to listen to me.

The current thoroughfare plan that we have that we abide by today actually inaccurately shows how Vance Road Extension would tie into NC Highway 73. That was actually resolved in 2007 and it looks different than what's portrayed on the official map today. Some of the other roads that are under study that are near David Beard's house would be roads such as the Hugh Torance Parkway, Birkdale Commons Parkway, Ervin Cook Road, that whole sort of subsystem within that area. Vance Road's purpose is primarily on the thoroughfare plan to avoid needing to widen Beatties Ford Road to a multiple lane roadway. Vance Road when it is built will help disperse the traffic amongst a system between 77 and Beatties Ford Road.

In 2004 we did a corridor study from Kannapolis to Lincolnton mutually amongst all the affected jurisdictions and three chambers of commerce and multiple MPO's and the NCDOT and we set a future for Highway 73 which talked about land use and transportation. I show this only to show you that box right there which indicates that where Vance Road hits Highway 73 that intersection is going to have a lot of pressure on it and needs to be special in some fashion. You will see a similar box up at Catawba Avenue and Sam Furr Road. If you can see the map over at Prosperity Church and 73 you see a similar box there.

This is a resolution. It started as a resolution of that issue and the other thoroughfares and that issue actually came about as a part of the Beatties Ford Road Corridor Small Area Plan, which recommended in 2007 that we revisit the issue of these thoroughfares in this area and in particular the one that we are talking about this evening showed Vance Road following the alignment of Gilead Road to Beatties Ford Road and then basically going on a new alignment up to intersect with Highway 73 west of Beatties Ford Road's current intersection, so west of where it was approved in 2004. As has been pointed out we've had four public workshops, we've had a lot of other opportunities for public input. Most recently I spoke to you all in May just in advance of that May workshop and gave you a very brief overview. This is a little bit more detail. I'm going to show you the three options which are still under consideration. Option 2 has been dropped from further consideration.

This is Option 1. For orientation purposes, there's Beatties Ford and Highway 73 right there. This is Brown Mill Road, which I understand was the original alignment for Highway 73 back when. There's Beatties Ford coming down and this is the intersection of Gilead Road and Beatties Ford Road today. The old alignment for Vance Road Extension came up....the new alignment sort of touched Beatties Ford

there and came up and aligned with Henry Lane. What this shows is that it follows Gilead Road and goes due west and then curves north and has actually an interchange with NC Highway 73. Let me focus on one issue here. This shows 73 as four lanes to that point. Vance Road has four lanes to that point and west of there to the river would need to be six lanes based on projections of traffic for the year 2030. You see an interchange shown there simply to accommodate all that traffic merging – two four-lane roads merging and most all that traffic wanting to go on to the west or coming from the west. That's Option 1. It shows a supplemental road north and south between the new alignment and Highway 73. That is the horse farm/horse stable operation. There was a shopping center proposal that was approved in this location. A sketch plan has been approved for that.

This is Option 3. Option 2 is no longer in consideration, so I won't even talk about it. Option 3 I'll call, for the lack of a better description, the bypass option. It basically swings NC Highway 73 off of its current route just before you get to the eastern terminus of Brown Mill and 73, swings south to Gilead and Beatties Ford Road, goes due west from that point.....again, four-lane road, four-lane road, west of there six-lane road. That is an at-grade intersection and you will see me talk later about triple left-turn lanes necessary to handle the traffic if you don't have an interchange there. So it goes west, it crosses Hubbard Road here and it finally rejoins existing 73 basically opposite the entrance to McGuire. This shows old 73 tying into the McGuire entrance before you come down to the new alignment here. On the east end Old 73 would tie-in virtually where Brown Mill eastern intersection in. That's sort of the bypass option.

And then finally this is the option that came up in actually winter of 2009 that shows a four-lane Highway 73 all the way to that point, a four-lane Vance Road crossing Beatties Ford all the way to that point. That's one of the cooling lakes for McGuire. There's the McGuire entrance. So we are west of the McGuire entrance where those two join together and six lanes west from there. And again that's an interchange shown there.

Those are the three options. You have basically Option 1, which puts the two roads closest to the intersection of Beatties Ford when they join six lanes west of there. Option 3, which is the bypass option. And then Option 4 which is two four-lane roads.

Traditionally what we do in helping us reach decisions like this is we count things. We count the number of homes and businesses that are taken, we count the costs, we count whether or not historic sites are impacted, cemeteries, schools, parks, whatever. And we sum those up. There is no weight given to each of these factors. In other words, each of them stands on its own and the decision makers weigh that in their own way of doing business when they reach a recommendation. And I use the term reach a recommendation because what you all are going to do whenever you choose to do so, is recommend an option which goes to the Metropolitan Planning Organization. They are the final decision making body in this matter. This is the traditional measure. A couple of things to pay attention to is the number of homes or businesses taken. There's seven homes, two businesses under Option 1. Six homes, no businesses under Option 3. And seven homes, two businesses under Option 4. So pretty comparable through there. You see a real difference between Option 1 and 4 and Option 3 in the proximity issue. We've arbitrarily chosen a distance of 100' from the outer limits of the right-of-way of whichever option is chosen to the structure that's near that. It's a very arbitrary number. You could have picked 200', you could have picked 50', whatever. We picked 100'. So what that shows you is that Option 3 basically goes off a new alignment where there aren't many people. Construction costs are very similar between 1 and 3, with Option 4 coming in somewhat higher. These are comparable. In other words they go all the way from the river at the west end in all options to wherever they all come together on the east

end, so we tried to finally work through so we've got apples to apples comparisons for costs. Don't think that that's the real cost when it comes time to build it. Just think of that as a relative factor amongst the three options, so as you are choosing one versus the other.

When we got to the Planning Board with this in October 2008, several of the members said we don't like the idea that there is no weight assigned to any of these and by virtue of not having assigned a weight defacto you have assigned a weight of equal value to each of these issues. There are a couple of the members that are very familiar with the decision analysis model. You may have heard something about that over the last couple of months. I'm going to paraphrase. Lenny Cook and Bruce are here and can certainly go into far more detail if you want, but what it essentially does is it comes out of the Harvard and Stanford background in the 60's. It is a business model for the most part, although it has been used in the government sector for some large-scale decisions. It is crafted so that it tries to lessen the bias in any decision making and it tries to make that bias more transparent for lack of a better.....this is me as a layperson paraphrasing what it does. It talks about how you set a value of the options and the value of that can be determined by the degree to which each of those options that you are choosing amongst contributes to the achievement of all the objectives that you've identified for the project. You can identify those objectives and you can assess how well each of the projects deal with those objectives. That's sort of the barebones minimum of the decision analysis model....a component of which is the objectives hierarchy. What you see here is that the central objective in this model was to create the maximum benefit for the Huntersville citizens. The issue of complying with regulatory and legal issues is sort of outside that, although I will be honest with you, in my memo to you folks last Thursday said it colored some of the staff discussion in this matter. Seven different issues and this comes from the objectives hierarchy that have been established in other circumstances, so seven issues can kind of be broken down or maximized into financial success, health and safety, protecting the natural environment, maximizing the communities socioeconomic quality, perception placeholder, satisfying the demand for the infrastructure and then building a platform for future success. What you see under each of these objectives are components which allow you to assess how each of the options address that particular objective. It evolved this way. The Planning Board worked through that objectives hierarchy model – those seven objectives. The individual components underneath that.....staff gave them some feedback on that. That modified some of that and when you see the detailed chart, you can see how it did get modified.

The Planning Board then assigned weights to each of those seven objectives. They assigned a weight to each of those categories. They did it through first prioritizing them in importance and then going through a factoring component which assigned it a weight. The staff then within each of those components under each objective, if you remember that stack....the staff said there's a relative scale to which each of those components addresses that objective and we set a value for that. We then set values for each of those individual components. There are three options here or three manners in which bias, prejudice, whatever you want to call it can enter into this. One is in the establishment of the weight for the objectives. Actually there can be four, because one of them is what you are measuring to begin with. So if you didn't choose to measure something, it got left out. But it is at least more transparent and it has the weight of the Planning Board's evaluation for the weights. Math takes over and then total scores are displayed for you to use in the decision-making process and that is the spreadsheet. It is fairly complicated. It is available online for those of you who want to look at it and I believe that you folks have actually received a spreadsheet which is still in Excel form and can be tinkered with, if you so choose. What it shows you at the bottom-line are the relative scores after you have been through the scalings, the normalizations, factorings and the calculations. And those can then be displayed in bar charts. And this is the bar chart representing the output of that particular spreadsheet under those assumptions. Option 1 comes in second to Option 3. Option 3 is shown as

being the preferred option. Option 4 is lesser than 1 and 3. When we got to the Planning Board they voted as has been mentioned tonight 8-0 with one abstention to recommend to you folks the validity of using this tool to reach a decision in this matter. By default what that recommends to you is Option 3, but they deliberately didn't vote on Option 3. They deliberately voted and wanted to stress to you the importance of the decision making tool and their view of its validity.

There are some remaining issues to Option 3. One of which is the western terminus out there at the McGuire entrance. This is a blow-up of it. When you see a box and a LOS level of service – B in the morning, B in the afternoon. The afternoon is in parentheses. That's how well that intersection would operate from a delay standpoint at a traffic signal. In the year 2030 with the estimated traffic volumes, this one is wrong. Because it didn't include as many people working at McGuire as we now know or as we learned later will be working at McGuire during what they call their outages. When it got recalculated using accurate data, what we found was we were going to need to maintain a good level of service at this intersection. We were going to need to have two right-turn lanes and two left-turn lanes coming out of that site. What that means is that old Highway 73 can't tie in at that point because you are in the middle of turn lanes in that area and it just would not function properly in the future.

There are a number of ways to deal with that. You could turn old 73 down and tie it in somewhere along this area. When we got to the Technical Coordinating Committee meeting last week there was a suggestion made of tying it in down here somewhere. That is by the way Hagers Ferry Road right there and that is Southlake Christian School and the church. That's an issue that still has to be resolved. How do you make this connection of the old road to the new road. For reference points that's Gilead and Beatties Ford right there, so you see the triple lefts there and what you have a hard time seeing here is that blue line underlying much of the shaded area here – that's a stream. And this shows the road on top of the stream which is never a good idea if you want to pass muster with the Natural Resources agencies. The problem is that this area is chopped up with power lines and with the Transcontinental underground natural gas pipeline. That has to be crossed at a particular angle. There are angles at which we have to deal with the power lines and that resulted in something that's probably going to be difficult to permit. What I believe you can do is to shift this southwards slightly. You are going to have to then reconstruct how the Transcontinental pipeline crosses the new road and that has been done in other locations and you can get it off of that stream. That has not been drawn and engineered and it has not been shown to the public yet. So that's a second issue that's sort of technical in nature.

Then to show you the rest of the issues just in verbiage, one is and this is going to be something that we deal with on any road but in particular any new road on new alignment.....how do you save it from what I would call death by a thousand cuts, or each access point that you create along a roadway degrades its operation and its ability to carry traffic. And normally that's a balancing act, but in the case of a regional highway you need to err on the side of protecting its ability to carry traffic. So if you do a new alignment what guarantees can we put into place to keep it from getting degraded by access the same way that the existing road has been for lack of a better way to put it. How do you protect a greater right-of-way than what our ordinances now currently allow us to protect. A six-lane road is going to need 150' of right-of-way and this is reflective of Option 1 as well. Our ordinances are a little bit of a stretch to say to someone that you've got to preserve 150', so we have to wrestle with that issue. It's a little bit more difficult perhaps on a new road on new alignment when it's a 150' wide swath through somebody on existing Highway 73. We have 100' of right-of-way today and so you would be asking to protect 25 more feet on each side. It's a little bit different for a new road on a new alignment.

A big sticking point that wasn't very well addressed in the decision analysis model is creating in environmental document terms a purpose and needs statement, in some other terms a problem statement for the new road and new alignment. When it comes time to actually build something, and keep in mind that's 15-20-25 years into the future, before that time actually occurs we'll be going back through this process all over again. So for those of you who have put up with a 4-year process, welcome to the next 20-something years of process because it's that long before we build something. You will study it at that time under whatever the rules are that prevail at that time and that's going to be for somebody else. I'm not going to participate in that one. But creating a problem statement today as we know them today under the rules, now it's always easier to justify widening an existing road than to go off on a new alignment. And we are experiencing that with the Monroe Parkway as a good example in Union County today. If you go on new alignment then we believe very strongly that you need to create a vision for the future of that area of our community and that's for the transportation and the land use network. The CTP term here is a comprehensive transportation plan. It's going to be taking the place of the thoroughfare plan and the way which we deal with our future transportation system. So what do you do about the old road bed if you go off a new alignment with Option 3. Those are sort of the issues remaining on Option 3.

Last Thursday when we went to the Technical Coordinating Committee which is the body that advises the MPO and I asked them for their opinion on these matters and this is what they said.....they could live with Option 3. They endorsed it in concept with those two issues – the western terminus at McGuire and that issue of the stream needing to be resolved. So those two technical issues still need to be resolved. They said if you choose Option 3 the section of old roadbed which is no longer going to be Highway 73 continue to be designated as a major thoroughfare now for the time being. It's designated as a major thoroughfare now. That's how it functions and until you build the new road or new alignment that's how it will function and so you might as well call it that. It gives you some additional benefit in protecting from further degradation from access. They charged the committee of the Technical Coordinating Committee that's dealing with this comprehensive transportation plan with wrestling with those issues of right-of-way protection and access management because again they are going to have to wrestle with those on a multitude of roads throughout our future roadway network. So they viewed that as being the best place to start that technical conversation. They said very strongly to you that you need to do a land use plan for that area for two reasons. One is that you've got to start developing the concept of why is it in the public's best interest to move the road. That purpose and needs statement that I mentioned earlier, as well as help you and future boards manage the development pressures that will occur if you designate a new road on a new alignment. We know that there are magnets for development proposals.

In the discussion, although this wasn't part of their formal action, they said that you need to include details on how we address bicycling. In this area there are three designated bicycle routes that are in this immediate area and finally I got a very strong push back from a couple of the members which kind of surprised me a little bit, but they just said that a triple left turn lane which is the way in which Vance Road would tie into the new road is not a good idea. They said just look for some other option, please. That's what the TCC said to you. I'll stop there and attempt to answer any questions you may have.

Mayor Swain said I do want to point out and almost everyone in this room probably knows this, this has been a process that's gone on for close to four years or longer. What Mr. Coxe showed, he had 24 slides I believe. This was not the full presentation. In the past four years, this Board and previous boards have been given an inordinate amount of information, so please understand that the decision that this Board will be making is not based on necessarily the slides that were here, but the cumulative of everything that they have heard over the past several years. I thought it was important to stress that because this

has been an education process for every single person at this dais and even though you were very thorough, there's no possible way to express to this audience how much more information the Board members have participated in and absorbed. It was very important that I tell you that.

Commissioner McAulay made a motion that the Town of Huntersville Board of Commissioners recommend adding to the thoroughfare plan the concept of Option 3 of the Northwest Huntersville Transportation Study of 2011 with the future modifications as addressed by the Mecklenburg-Union MPO Technical Coordinating Committee August 2011 issues.

Commissioner Julian seconded motion.

Commissioner Caulfield said I have not been on the Board the entire time that this issue has been discussed so the members that are up here have been privy to this for a lot longer than I have. I have a couple of concerns about all of the options. And I'm going to say this off the bat. I was prepared to make a motion that we recommend to MUMPO that we deny Option 1 and Option 4 for the following reasons.....if Option 1 didn't even have homes near it I would still recommend that we deny it. The reason is we have one beautiful asset in our community and that is the lake. And I've done a lot of traveling in my time and it never ceases to amaze me when I go into a town that has something beautiful like a lake or a gorgeous mountain, how towns have ruined it or states have ruined it by allowing certain things to go there and they haven't planned ahead of time, so for me I would like to see that area of Highway 73 continue to be a country road with a country feel to it. I think it adds to our town's value and now you put into the mix you have a lot of properties in that area. As a real estate agent I know very well that as soon as we started talking about this issue back in 2004, whenever it was, that we started to affect property values in that area, so as this lingers I know that it continues to affect property values for everyone, not just those by Highway 73 but those that could be affected by Option 3 as well. And so I have to consider that as well. What am I doing to the property values of the people around there. We can draw a line on a map and I understand the reasoning for it. I understand that we have to do projected planning, but for me personally because I've only been involved in this for a short time, I don't feel that I have enough information, enough facts to make an informed decision personally on any of these options. Last year it came up actually at our public workshop or information session one of the residents asked if we could have a meeting where we could all actually have more interaction and we had discussed doing that and I will take credit for not following up with that and apologize. I should have followed up and asked for that to happen because I feel like there should have been more back and forth. I understand our Planning Director, our Transportation Director, our staff have put a lot of time into this as well as the Planning Board, but I don't know all that information. I know that they have a lot of that information, but I have to make the decision. I got an e-mail last week that said the Planning Board had approved this metrics which is probably fantastic, then I got an e-mail saying if you would like to sit down send an e-mail and we can meet with you today. And so I sent an e-mail and said I definitely want to sit down but I didn't hear back. I'm not pointing blame to anybody. I'm just saying that didn't happen. I personally don't feel I have enough information to make an informed decision that's going to affect a lot of people once we make this decision.

Commissioner Caulfield made a substitute motion and ask that we first of all before we decide on Option 3 that we recommend to MUMPO that we do not approve of Option 1 or Option 4.

Substitute motion died due to lack of a second.

Commissioner Jeter said I'm not going to get into the technical aspects of this or even the decision making process because I have been on this board for almost six years now and I have been privy to all this data. I want to commend Bill Coxe, Jack Simoneau and their staffs, Bruce Andersen and the Planning Board, Dr. Holtje, Troy Purvis, the Phillips, the Beards, Jim Yon and the rest, because this has been a process that has not been easy for anybody. The hardest thing we do as commissioners is make a vote that affects someone's property value. It's harder than voting on taxes, which you can argue is well you are sharing the wealth or you are sharing the pain or however we want to argue it, whether you are reducing them or raising them or whatever the case may be. I have struggled with this vote more than any vote I have made on this Board since the DPK vote, which are three letters I promised never to say to myself again. And I sit here tonight still not sure what the right thing to do is. It's not from a lack of information, because we have all the information except for one thing and personally I don't know the right thing to do and I probably shouldn't admit that right before a vote. But that's where I'm at. I spent 4-1/2 hours yesterday with Bruce Andersen and Lenny Cook, much to their chagrin. I spent time with Bill Coxe today. I spoke to every one of my colleagues today. And I still don't know the right thing to do. I'm going to make a vote here shortly and once again I don't want to get into the issues of what the right thing to do or the wrong is, I just wanted y'all to understand this process because I sit up here with four individuals who take this very seriously. And I spoke to each one of them today. I called Commissioner McAulay and asked for wisdom and guidance, which she graciously provided. I called Ron Julian. He called me back and he told me to follow my heart. He didn't tell me what to do. He told me to follow my heart. I had Danae Caulfield come to my office today. I asked her and she was nice enough to come. And we talked. The Mayor and I spoke and then she told me she would rather go to the dentist than speak to me anymore so she hung up. That's actually a true story. We did talk. We've got four people up here that are getting ready to make a very difficult decision that is going to impact probably 80 percent of this room. And the downside of that is no matter what is decided here today somebody is going to walk out of this room unhappy and that's unfortunate. These people at this dais and those people over in the corner and Mr. Coxe at the lectern, has spent thousands of hours working on this. And sometimes rational people look at the exact same information and come to different conclusions. That does not make a conclusion right or wrong and I give my colleagues up here.....we like to give staff a lot of credit, but give our colleagues and the board up here.....these four people that I sit between because they care deeply about making the right decision. Not one of them in my time of need today told me what to do. In fact not one of them even offered how I should vote. And I think that speaks volumes to the character of the people that we sit up here with. Regardless of the outcome of this vote momentarily, I will sleep very well tonight, although I may sleep with less votes, but I will sleep very well tonight knowing that I sit up here with people who care more about doing the right thing than anything else and we as a community should all be grateful.

Mayor Swain said I did tell him to vote for Option 2, because there is not one.

Commissioner Caulfield said the reason I made a motion to recommend that we did not approve Option 1 or Option 4, when I met with certain residents one of the things.....what I had told them was I was considering not voting for any option because I didn't think we had the right one available and that it was going to affect people as soon as we drew that line and one of the comments that they made to me was as this drags out that their property values are being affected and I went home and I thought about that and that statement was true that as this continues to drag out as a real estate agent you have to disclose the possibility that Highway 73 may be widened or Option 3, you have to disclose that a road may go there. So I went home and I thought about that and so the reason that I made the motion for Option 1 and Option 4 to be taken off the table is because I wanted to resolve that issue once and for all.

I don't know how the vote is going to go tonight, but I wanted that issue to be resolved once and for all so that as people are trying to sell their homes, that would be off the table. I just wanted to explain why I did that.

Mayor Swain called for the vote.

Motion was tied 2 to 2 – Commissioners McAulay and Julian in favor; Commissioners Caulfield and Jeter opposed.

Mayor Swain broke the tie by voting in favor of the motion.

United Family Services Agreement. Commissioner Caulfield made a motion to approve Cooperative Agreement with United Family Services and the Towns of Cornelius and Davidson.

Commissioner Jeter seconded motion.

Commissioner Jeter said I would like to make one quick clarifying point. The language of the agreement at the very beginning in No. 1 it says "However, no liability or cause of action shall arise from the failure of the CPD, DPD, or HPD and/or its members to ensure that victims receive such services or from the failure of victims to receive such services." The reason I want to point this out is for clarification purposes. I don't believe it was the intent of the wording, but just so you know by no stretch of the imagination in my approval and I'm guessing my Board's approval are we acknowledging or accepting that we are somehow failing to provide services at the HPD level. This is an added service that is needed, wanted and we are glad to participate with UFS. I didn't necessarily like the language which I thought was a little bit too negative in fashion. Overall, it wasn't worth making an issue of but I did want to put that on the record by no means do I want anyone in the future to be able to say the Board didn't think Huntersville PD was doing its business.

Bob Blythe, Town Attorney, I reviewed that. I'm sure the intent of that is to keep down a potential cause of action by somebody who said they didn't get the services or something like that.

Motion carried unanimously.

Agreement attached hereto as Attachment No. 4.

Petition #R11-03. Petition #R11-03 is a request by Pegasus Tower, LLC to rezone approximately 1.52 acres of a 19.52 acre parcel located at 9845 Mt. Holly-Huntersville Road from Rural to Special Purpose – Conditional District in order to construct a 199' tall cell tower.

Commissioner Jeter made a motion to defer this per the Planning Board's recommendation so that we can comply with the petitioner's request and staff's request to effectively put in procedures that will allow this type of needed infrastructure.

Commissioner Julian seconded motion.

Commissioner Jeter said what date would you like me to defer this to?

Whitney Hodges, Senior Planner, said the public hearing will be scheduled on November 7, so it would be the first meeting in December.

Commissioner Jeter said my concern with doing it at the first meeting in December is depending upon when in the meeting you do it, you are either going to deal with this board or the other board. If we can ensure that we do it prior to swearing in the new members at that December meeting, if that could be part of my motion.

Ms. Hodges said it is a conditional district rezoning, the new board would have to vote on any conditional district.

Commissioner Jeter said in which case I don't think that date would be sufficient. For the purpose of doing this correctly I would suggest we wait until our first meeting in January giving the new board apt time to make a decision.

Commissioner Jeter amended his motion to include that it be deferred to the first meeting in January.

Commissioner McAulay seconded amended motion.

Motion carried unanimously.

Petition #TA11-09. Petition #TA11-09 is a request by Planning Staff to amend Article 8.26 of the Huntersville Zoning Ordinance text in order to raise the maximum light height and allow floodlights in the loading areas of light and heavy manufacturing uses.

Brad Priest, Senior Planner, entered the Staff Analysis into the record. *Refer to Attachment No. 5.* Just to quickly address some of the items that were talked about at the public hearing, there was some discussion about the appropriateness of the proposed language in regard to other locations other than ABB. I wanted to show you this picture to kind of talk about that and a few other points. The main thing is the ordinance that's in there now, as it is written essentially says you cannot have this here. Here is a commercial development in Charlotte that has floodlights and as you can see the light from where the picture is being taken, the actual physical light, is not reaching there where we took the picture but that glare, that sensation, that brightness is. So what the ordinance simply says is you can have floodlights. They need to be shielded, etc. but that last statement simply says you cannot have glare. We just wanted to let the Board know that we think this is appropriate language and it covers all the bases per say to make sure it's appropriate for other applications, not just the ABB one. Another issue that was brought up at the public hearing was a concern about wanting to try to quantify that glare. And this picture again shows the point that really you can't quantify the glare because really there's no physical light reaching that picture point. There's nothing there, but you can see it. And so that brightness, we actually define it, and it's an uncomfortable level of distraction or discomfort, so you can't really measure it but that statement in there saying you can't have it is very consistent with other ordinances.....many lighting ordinances throughout the country. So again, we feel that language addresses that. The Planning Board met and discussed the application. The Planning Board got into the review process on how are we actually going to stop the glare from taking place. What does staff do to make sure it doesn't happen. We got into the effort of requiring a sight line submittal showing the fixture, showing a person on the road, a scaled drawing to see can you see that fixture, can you see light coming off of the property. We went through that exercise and the language says if you have landscaping, if you have a building or if you have topography that blocks it, then you are okay. If you can see that bright light, you are not okay. The Planning Board recommended that we get more specific on

what to submit to make sure that glare doesn't take place and they recommended that change be made and that's in your analysis there of what change was made. We went ahead and put that in there, because staff did not have a problem with it.

Commissioner Jeter said just to clarify, this could not occur in a non-residential zoning area.

Mr. Priest said this could not occur in a non-residential.....

Commissioner Jeter said I mean, excuse me, this could not occur in a residential zoned area.

Mr. Priest said yes sir, correct. This would have to be in a light or heavy manufacturing use, which is CB-SP.

Commissioner Jeter said if I was going to take a random facility, let's say AAA Car Center, they couldn't put 40' lights up?

Mr. Priest said raising the height limitation is for everybody. They can put the 40' height pole lights up but they cannot have flood lights.

Commissioner Caulfield asked what do they currently have? What are they currently allowed?

Mr. Priest said 30'.

Commissioner Caulfield said so this would open it up to everybody to have 40'.

Mr. Priest said correct. And the reason again for that was it allows various flexibility and when you have full cut-off lights if you raised it to 40' you're still not going to have a lot of glare because of the full cut-off and if you restrict the lighting recommendation from Dark Sky.....if you do restrict the lights to be too low then you are going to require more fixtures. Essentially when you lower the lights, the recommendation was it's going to require more fixtures to get the same amount of light on the ground, so raising it is not necessarily a bad thing per the recommendation so staff did not oppose that.

Commissioner McAulay made a motion in considering the proposed amendment to the Zoning Ordinance Article 8.26 Site Lighting, in regard to raising the maximum light height and the allowance of floodlights, the Town Board finds the amendment is consistent with the Town of Huntersville Community Plan and other applicable long-range plans. We recommend amending the Zoning Ordinance. It is reasonable and in the public interest to amend the ordinance because allowing higher light heights increases the efficiency of the fixtures and reduces cost to the owner. And allowing floodlights increases the flexibility of site design while the proposed conditions maintains the spirit of the ordinance by ensuring that glare and off-site light trespass is eliminated.

Commissioner Julian seconded motion.

Commissioner Caulfield said if we approve it this way, what we have done is we have allowed anybody just to come in and have the 40' lights and as Commissioner Jeter pointed out the AAA auto repair shop....in an instance like this, why wouldn't we put this through our Board of Adjustment for a variance.

Mr. Priest said because when we went through the other ordinances and the lighting recommendations, 40' was pretty standard and it was pretty equal 30'-40'. Some allowed 30'. Some allowed 40'. It wasn't out of the ordinary to allow the 40'. And the Dark Sky Outdoor Lighting Handbook actually recommended to not limit the height to 30'. They recommended 40'-45' height. With that flexibility in other ordinances around the country, staff thought that a 40' height requirement was not extraordinary.

Commissioner Caulfield said if we approve this tonight, could AAA auto repair go out there tonight and put a 40' light pole up.

Mr. Priest said they could put a 40' light pole out there, but we would have to get an updated lighting plan to make sure the overall lighting of the facility is not going to be adversely affected. They would have to submit an ISOLUX plan to make sure light is not going to spill over adjacent property. They are going to have what's called a uniformity ratio where there has to be equal light throughout the property. So yes they could raise it up, but they would still have to have full cut-off fixtures, meaning the lighting element is completely enclosed in that shoebox and going straight down.....they would still have to have that and they would have to make sure all the other ordinance requirements are adhered to as well.

Commissioner Caulfield said I have a concern about approving it. I am not opposed at all to approving ABB having 40' light poles at all, but for me to just do a blanket statement to open it up, I'm concerned because of how close some of our commercial properties are to our residential neighborhoods. We know the complaints we have had with AAA being so close to that neighborhood already. I'm just concerned, so I don't know that I'm going to approve it just as a blanket statement.

Commissioner McAulay said by not approving it, I take what you are saying is that you would do selective approval.

Commissioner Caulfield said just like we do special use.

Commissioner McAulay said that you would approve the ones you liked and the ones you didn't you would not vote for it.

Commissioner Caulfield said isn't that what a special use permit is.

Commissioner McAulay said no.

Commissioner Caulfield said what is a special use permit.

Mr. Priest said the special use permit if that process went through, you would have to outline certain conditions and someone would have to come to the Board to get an approval for each case by case scenario.

Commissioner Caulfield said and that would be a special use permit. Could we utilize that for this situation.

Mr. Priest said we could. I don't think planning staff recommends that because this is something that the current lighting.....they recommend 30'-45' in that range. They don't recommend the restriction per say.

Commissioner Caulfield said we are at 30' now.

Mr. Priest said correct.

Commissioner Caulfield so you are saying it's anywhere from 30' to 40' or 45', so it's not from 40' to 45', it's from 30' to.....

Mr. Priest said it wouldn't be an extraordinary restriction to keep it at 30'. There's a range there. Along with your point, truthfully most applications that come through the door are 30'. I don't remember seeing too many 40'. Whenever a plan comes in it's always 30', so 40' is probably going to be the exception and not the norm, but at the same time that 40' as we talked about it's that flexibility when you shorten the lights that's going to require more lights and more costs, so staff really thought it was beneficial for especially the businesses to save money if they can and allow flexibility if the adjacent property owners are protected.

Commissioner McAulay said I think there's one thing in the ordinance about floodlights in the loading area.....I don't believe that all the other places you are talking about actually have a designated loading area. It would have to be an industry or business that has a designated loading area.

Mr. Priest said let me correct that real quick. That would be for the floodlights. The floodlights are limited to manufacturing uses. The floodlights are. So in Article 8.26.1 is a general requirement. That change going from 30' to 40' would apply to everybody, but for full cut off fixtures. If you raise the height anywhere else, they are going to have to be full cut off fixtures. 8.26.3 that deals with the floodlights and those floodlights are only allowed in those specific areas.

Commissioner Julian said the ordinance right now that we are looking at is going to 40'. Is there other towns or areas or cities around that have 40' or even higher. I don't have an objection to the height because I think it reduces the number of poles or structures you need as long as it is in scaling with the aesthetics of the business. Like Charlotte, what is their height?

Mr. Priest said I would have to go back and look.....40' was an allowed height by at least three or four ordinances that we looked at out of about probably the 15 that we saw. Thirty is pretty standard, but 40' was not out of the question. It wasn't unusual.

Commissioner Julian said was the protection built into the ordinance, in other words the glare and then as far as the light being contained to the property that its on.....even 40' or 50', as long as it aesthetically goes with the scaling of the project, I don't have a problem with it.

Commissioner Caulfield said another follow-up question, would it be possible to leave under 8.26.1(b) where you've changed it shall be instead of 30', 40'.....would it be possible to leave that at 30' and then going down to the next section .3 where you talk about floodlights in loading areas, change that to 40'. In other words just keep the general light poles at 30', but then when you get into the loading areas that are more specific, change that to 40'.

Mr. Priest said if you wanted to go specific what I would do is probably go to 8.26.1 and get specific there just to clarify what you are talking about, because you are allowing 40' in all locations or you're not.....40' only for whatever you would like to allow it for.

Commissioner Caulfield said I would be more comfortable with that. I don't know how the rest of the Board feels. I'd be more comfortable leaving it at 30' and then having the exception for 40' in loading areas.

Mr. Priest said 8.26.1 addresses the height. So if you want to address height, that's probably the place where you want to do it.

Commissioner McAulay said I'm in favor of the ordinance as it has been presented to us.

Commissioner Jeter said under the current ordinance, we have not had a floodlight issue because if we are talking about loading zones I think.....I don't have a problem with floodlights in loading zones because they are going to point it at the loading zone, they are not going to point it away from the facility and you've already addressed the directional issue from floodlights anyway. My neighbors probably have a problem with my floodlights but they can take that up with my wife. My question to you is under our current ordinance of 30' are there any shielding requirements under the current ordinance.

Mr. Priest said not for standard commercial lighting.

Commissioner Jeter said then what you are telling me or what I think you are telling me is right now we allow 30' but we don't really limit the shielding and that type of stuff.

Mr. Priest said let me retract that. We don't require additional shielding to the fixture but we require full cut-off fixtures. The full cut-off fixture is a shield in and of itself because the element is again completely encompassed into that shoebox and so the light cannot get out at the 90 degree angle, it's going straight down.

Commissioner Jeter said so we're really not making any additional light capture changes from 30' to 40' with this ordinance, because our current ordinance has the effect of saying light capture.

Mr. Priest said correct. We feel so.

Commissioner Jeter said Commissioner McAulay made the motion. Could I ask her a qualifying question? Under the Planning Board recommendation of 8-23 they inserted a sight line submittal requirement prohibiting floodlights from being aimed at adjoining residential development. Is your motion inclusive?

Commissioner McAulay said sure it is. He talked about having the sight plan and all, of course it was.

Mayor Swain called for the vote.

Motion carried 3 to 1, with Commissioner Caulfield opposed.

Petition #TA11-10. Petition #TA11-10 is a request by the Town of Huntersville to modify the Zoning Ordinance, Article 11.4.3.d) 5) and Subdivision Ordinance, Section 6.320 in order to increase the notification boundary for neighborhood meetings and adjoining property owner letters from 100' to 250'.

Staff Analysis attached hereto as Attachment No. 6.

Commissioner McAulay made a motion in considering the proposed amendment to the Zoning Ordinance, Article 11.4.3.d) 5) and Subdivision Ordinance, Section 6.320, generally, the Town Board finds the amendment is consistent with the Town of Huntersville Community Plan and other applicable long-range plans. We recommend amending the Zoning Ordinance. It is reasonable and in the public interest to amend the ordinance to provide additional comment and input to the public for their consideration.

Commissioner Julian seconded motion.

Motion carried unanimously.

Petition #S11-01. Petition #S11-01 is a request by AAC for a Special Sign District for the Bryton Development.

Staff Analysis attached hereto as Attachment No. 7.

Commissioner Jeter made a motion in considering the proposed Special Sign District Overlay for the Bryton development the Town Board of Commissioners finds that it is consistent with the Town of Huntersville Zoning Ordinance and Community Plan. We recommend approving the Special Sign District, Petition #S11-01, as presented. It is reasonable and in the public interest to approve the Special Sign District plan because it will more aptly drive traffic and pedestrians to the appropriate part of the store which will make it safer for using by our residents.

Commissioner Julian seconded motion.

Motion carried unanimously.

Ramah Church Road Roundabout. The Town of Huntersville Engineering & Public Works Department is in receipt of a request from Roundabout LLC for additional compensation to cover cost overruns associated with the construction of the Ramah Church Road roundabout and Stumptown Road extension.

The original agreement provides that the Town of Huntersville share in the construction cost of both the roundabout and extension in the amount of \$363,331 which equates to 57.1 percent of the total cost originally estimated.

Roundabout LLC has indicated an overrun of \$172,104 has been realized and is requesting additional compensation in the amount of \$98,271 or 57.1 percent of the \$172,104 overrun.

Commissioner Caulfield made a motion to approve additional compensation to cover cost overruns associated with the construction of the Ramah Church Road roundabout and Stumptown Road extension.

Commissioner Julian seconded motion.

Commissioner Jeter asked where is the money coming from?

Greg Ferguson, Town Manager, said unless you modify the motion we'll bring back a consensus item for the next meeting.

Janet Stoner, Finance Director, said it should come from Transportation Reserve Fund Balance.

Commissioner Caulfield amended her motion to include that funding come from the Transportation Reserve Fund Balance.

Commissioner Julian seconded amended motion.

Commissioner McAulay said I want to know if there's a possibility of looking into some of this money coming from the Storm Water.

Mr. Ferguson said Commissioner McAulay and I did have that conversation last week and we will evaluate it to see if a portion of it is storm water eligible.

Commissioner Caulfield said I will add an amendment to my motion.....

Mayor Swain said I don't know that you need to. If we find that it is, they can bring it back up.

Mr. Ferguson said we could bring it back to you.

Commissioner Caulfield said why don't I just include it.....and as appropriate if funding is found to be available through our storm water....eligible portions of funding come from that as well or a mixed use of both.

Mayor Swain said if you are going to find a specific amount of money that comes from storm water you have to bring it back and change the way the funding is going to be handled.

Mr. Ferguson said I'm going to recommend that you go ahead and approve it tonight as you stated. We will look at it and if there is a significant amount that is eligible we'll bring it back to you.

Commissioner Caulfield said so my motion is back to the second one with the Transportation Reserve Fund Balance.

Commissioner McAulay said we could always refund the reserve fund.

Motion carried unanimously.

Visit Lake Norman Interlocal Agreement. Commissioner Jeter made a motion to approve the Visit Lake Norman Interlocal Agreement. Commissioner Caulfield seconded motion.

Commissioner McAulay said I think we should stipulate that we authorize the Town Manager to sign it when all the documents have been filed and approved by Cornelius and Davidson.

Bob Blythe, Town Attorney, said there is some language in here.....the approval portion of it by the Chamber still uses the language the Board of Directors of North Mecklenburg Chamber of Commerce. It had been recited in there about the North Mecklenburg Chamber of Commerce dba the Lake Norman

Chamber of Commerce. There's been an actual name change, so it's really the Lake Norman Chamber of Commerce formerly known as the North Mecklenburg Chamber of Commerce.

Commissioner Caulfield said so we do need to change some of the language.

Commissioner Jeter asked is that the only language change you know of?

Mr. Blythe said there may be something similar to that in there.

Commissioner Jeter withdrew his motion.

Commissioner Jeter made a motion to authorize Mr. Ferguson to enact this document based on the premises, guidelines and understanding that the material items in this contract not be altered.

Commissioner Caulfield seconded motion.

Motion carried unanimously.

Agreement attached hereto as Attachment No. 8.

Sphere of Influence Agreement – Davidson. Commissioner Jeter made a motion to approve Sphere of Influence Agreement with the Town of Davidson.

Commissioner Julian seconded motion.

Commissioner McAulay asked when is Davidson going to act on this?

Greg Ferguson, Town Manager, said next week.

Commissioner Julian said one of my questions to the Town Manager was the other two towns and agreements and when they are coming up. Cornelius and the City of Charlotte we have agreements with that are expiring in 2014.

Commissioner Jeter said we also have one with Concord and Kannapolis.

Bob Blythe, Town Attorney, said just Concord.

Commissioner Caulfield said will you just clarify that the lines are staying the same.

Mr. Ferguson said they are staying the same.

Motion carried unanimously.

Agreement attached hereto as Attachment No. 9.

CONSENT AGENDA

Approval of Minutes. Commissioner Jeter made a motion to approve the minutes of the August 15, 2011 Regular Town Board Meeting. Commissioner Julian seconded motion. Motion carried unanimously. Commissioner Caulfield abstained, which was recorded as a vote in favor.

Budget Amendment – Parks & Recreation. Commissioner Jeter made a motion to approve budget amendment appropriating signage and sponsorship revenue in the amount of \$544 for sponsorship signs on the fields at Bradford Park and Huntersville Athletic Park. Commissioner Julian seconded motion. Motion carried unanimously. Commissioner Caulfield abstained, which was recorded as a vote in favor.

Budget Amendment – Police. Commissioner Jeter made a motion to approve budget amendment recognizing National Night Out revenue in the amount of \$2,500 and appropriate to the Police Department's Crime Prevention account. Commissioner Julian seconded motion. Motion carried unanimously. Commissioner Caulfield abstained, which was recorded as a vote in favor.

Call for Public Hearing – Petition #TA10-04. Commissioner Jeter made a motion to call a public hearing for Monday, October 3, 2011 at 6:30 p.m. at Huntersville Town Hall on Petition #TA10-04, a request by Planning Staff to amend Article 9.54, Article 3 and Article 12 of the Huntersville Zoning Ordinance text in order to allow commercial rooftop solar energy facilities to be defined as minor facilities which would be permitted by right in any zoning district and not require a Special Use Permit. Commissioner Julian seconded motion. Motion carried unanimously. Commissioner Caulfield abstained, which was recorded as a vote in favor.

AT&T Easement Agreement. During the construction phase of Town Center and the streetscape project, the Town assisted with the location of underground utilities from Gilead Road through the Town Center property to the AT&T main hub location (behind the Huntersville Fire Department). The easement location was a joint effort to provide efficiency and cost effective measures for both parties. Commissioner Jeter made a motion to approve AT&T Easement Agreement. Commissioner Caulfield seconded motion. Motion carried unanimously. Commissioner Caulfield abstained, which was recorded as a vote in favor. *Agreement attached hereto as Attachment No. 10.*

There being no further business, the meeting was adjourned.

Approved this the 19th day of September, 2011.