

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

**July 18, 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 July 18, 2011.

GOVERNING BODY MEMBERS PRESENT: Mayor Jill Swain; Commissioners Danae Caulfield, Ron Julian, and Sarah McAulay. Commissioner Charles Jeter was not present.

Mayor Swain called for a moment of silence.

Mayor Swain led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Swain

- To everyone who has signed up as a candidate for this election, I will tell you that the staff will be, as they have every election year, extending an offer to you to help you with any kind of information you might need and they are always accessible. If you need to ask any of our staff members about anything, they are the objective resources and they are all highly qualified professionals and I would advocate contacting them if you have any questions at all. Congratulations to those who have signed up. Thank you for being involved.
- I did want to remind everyone that tomorrow is the Huntersville Connection meeting at 8 a.m. at Salsaritas. The August meeting will be at Midas Spring Water. There are now over 140 e-mail addresses on the list for Huntersville Connection. There is a Huntersville Connection Facebook page, so businesses are really sharing with each other what is going on in the community.
- The next Red Line Task Force meeting is next Wednesday in Huntersville.
- The Farmers Market here in Huntersville on Saturdays is hopping. The tomatoes are looking good – a lot of fresh vegetables. I got blackberries this weekend. Please go to the farmers market. Look at all there is to offer. We have a gem here in the center of town.
- Today I had the opportunity to wish well members of our Carolina Diving Academy. These students are on their way to California and Tennessee for the national championship. They are really nice kids and they are extremely talented and I think we have some very good hopefuls.
- The fourth of July parade at Birkdale had a tremendous response. Thank you to Birkdale and our Parks & Recreation Department.
- It is my understanding Visit Charlotte had been working with the International Wheelchair group trying to have the International Wheelchair championships in Charlotte and they could not do that. For some reason they could not find gym space. Visit Charlotte got on the phone, called Visit Lake Norman, and Visit Lake Norman said we will look for you. They contacted a bunch of our area entities, including our own Josh Brock here, who has helped find a number of the gyms for them to have gym space. Mr. Dick Bryant who is the president of the International Wheelchair Association came to a Huntersville Connection meeting and spoke to a number of our local vendors who have taken this charge on as well and helped find additional gym space. Dee Jetton at HFFA found massage therapists who have volunteered to give massages and has

helped, I hope, with buses because they need some help with the transportation. Our hotels have rallied on this. Presbyterian Hospital has rallied. Birkdale has rallied. I am making the effort to tell you all this because I want you all to pass the word along that this is what community is supposed to be. It has been an extremely wonderful effort on everyone's part. Dee, our Parks & Recreation Department, Josh, everyone has really rallied for this. We still need food for the event. It will be August 7 – 14 at our various gyms.

- Earth Fare grand opening will be August 3.

Commissioner Caulfield

- The next Police Dispatch Meeting is August 5.

Commissioner Julian

- The next EDC Board Meeting is August 18. Jerry Broadway from the EDC just sent an announcement that Positec, which is a Chinese power tool manufacturer, is locating 30 new jobs to Huntersville. They are in the process of leasing approximately 120,000 sq. ft. at The Park.
- The next Chamber meeting is July 25. Charlotte Mayor Anthony Foxx will speak Thursday, July 21 at a Chamber Luncheon on the 2012 Democratic National Convention and the impact it's going to have for our whole city, including Huntersville. The Chamber Leadership Lake Norman alumni have created a junior league. Plans are underway to host Hugh Hattabaugh, interim superintendent of Charlotte-Mecklenburg Schools, at September 15 Power Luncheon.
- The next School Advisory Committee meeting is July 21. Part of what the committee is looking at is how Huntersville can welcome the Davidson IB students who are now going to be coming up to Alexander. Also, on the School Advisory Committee, an update on the Stumptown Elementary school, County Commissioner Karen Bentley hosted a town hall type meeting and with her commitment, and along with Jennifer Roberts and other Mecklenburg County commissioners, she assures us that school will open 2013, so I think we've got assurance. We will keep you updated. There are some of you on that e-mail chain out there you see it as it comes but I think Karen went out on a limb and actually said I will put my next election in jeopardy here that school will be here in 2013. It is very important as relief for Torrence Creek, which is pretty near double capacity right now.

Commissioner McAulay

- The next MUMPO meeting is July 20.
- The next Highway 73 Corridor meeting is Thursday.
- The date for the fall meeting of the Planning Coordinating Committee has not been confirmed yet.
- I attended the Visit Lake Norman board meeting today and you have some outlines of their achievements in your packets.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

John Mackay, Discovery Place, said we have a couple of purposes tonight. One is mainly to thank you for this incredible partnership that we have enjoyed together for quite a number of years now, but it certainly all came together on October 23, 2010. It's all about Discovery Place Kids and you all were the first in the state of North Carolina to join in a partnership with Discovery Place. You had the courage. You had the vision.

As of June 30, 2011 we had seen 148,262 people. Since that date we've seen as of today 161,300 visitors to Discovery Place Kids Huntersville. I think that is a fabulous achievement. It gets even better, because we also have had the experience of tremendous increase in memberships. People have responded. We thought that perhaps there would be a number of families who would see the benefit of joining so that they could come every day if they wished and we've had over 4,215 member households, most of which are in the immediate North Mecklenburg area. It's been absolutely amazing. We have 15 staff members, some of whom are here tonight. We have had visitors from Huntersville, Belmont, Charlotte, Cornelius, Davidson, Gastonia, Hickory, Iron Station, Mooresville, Denver, Mint Hill, Monroe, Mt. Holly, Statesville, Waxhaw, Matthews, Fort Mill, Kannapolis – the list goes on. And from far we've had visitors from every state in the union except Nebraska. And we are working on Nebraska. We thank you. And those thanks extend to many people. Obviously the Town Commission, all of the board members starting with Mayor Jill Swain, Mayor Pro-tem Sarah McAulay, Commissioner Ron Julian, Commissioner Danae Caulfield and of course Commissioner Jeter and also members of the previous Town Board I think also deserve a lot of thanks for getting us all started with Mayor Kim Phillips. The town staff has just been marvelous to work with under Greg Ferguson's leadership. Bob Blythe has played a role in this, too, and many others and it's taken also the support of the citizens of this community. We look to the community often and say thank you because you are the ones that really supported this with your votes and with your encouragement. Many times we had meetings in this very room where there were a lot of questions raised and many people stood strong and helped move us through that particular period even when there were maybe some doubts. The going got tough, but because of people like you and because of the contributors, the many people who gave tens of thousands – one contributor a million dollars to this project, so a lot of people have stepped up to the plate and made it happen. I think we can all now safely say it was a good investment. It certainly has made a big difference.

We had some wonderful leaders at Discovery Place. Many of you will remember a woman who came to almost every town meeting – Debby Curry. She was supported by Jennifer Nichols. Those folks were in here almost every meeting. They didn't always say anything unless they were called on, but they were always here to support what was going on in Huntersville. They have moved on, but I'm pleased to say we have some wonderful people that have stepped into those roles of leadership and are leading us forward. I would like tonight to introduce our director, Barrett Long. Barrett is the Director of Discovery Place Kids in Huntersville. He's our go to guy here and your go to guy too. Obviously Barrett is here to answer questions about ongoing daily operations and I'm sure he'll want to come to meetings and answer questions as we move forward with this great success story. He has a great staff. Before becoming our Discovery Place Kids Director he was the director of our transition team when we did the renovation at Discovery Place. I don't know if all of you were aware of this, but in the months preceding the opening of Discovery Place Kids in Huntersville, we were also faced with completely renovating and taking out all the exhibits at Discovery Place and changing that facility as well. We had a really big year and I'm pleased to say that was a big success, too, primarily because this man right here got us through that along with other team members and then stepped into this role immediately thereafter and as Debbie was winding down, Barrett took her place and it's really been I think a very good exchange. Debbie has moved on. Jennifer has moved on, but they still keep in touch. They are still very interested in this community. Of course Debbie is a member of the community here as well. If it's okay, I'm just going to let Barrett make a few remarks.

Mr. Long said I appreciate the kind words. I can't begin to tell all of you how lucky I feel right now to be standing before you and to know that Discovery Place is part of the great town of Huntersville. Thus far our experience here has been absolutely wonderful. All the Town representatives that I have personally

had the opportunity to work with – Greg Ferguson, Gerry Vincent, Max Buchanan and everyone else have all been fantastic and very supportive partners. We cannot do what we do without your support and for that we thank you. As John showed with some of the numbers, we've had a very successful start and I expect big things to come in the future.

I have had an opportunity to go around to some of the local businesses and speak with them and I'm happy to say that many of them said that they did see an increase in business since we opened and that's very promising. Hopefully Discovery Place Kids will continue to be a positive economic impact for the town of Huntersville and that guests will see us as an ongoing educational benefit to the children of Huntersville, the surrounding communities and those who visit us from afar. Guests have been very complimentary of the new facility and we've already developed quite a few new stories.

Whenever John and I discussed what we would talk about at this meeting, he said you know maybe you ought to just share a story or two. There is one story that kind of stood out above all. Gwen Iverson who has been an integral part to the success of Discovery Place shared this story with me and I thought I would share it with you. There was a little girl here in Huntersville who had a brain tumor and she had surgery. After surgery she was in a wheelchair. Part of her therapy was to come to Discovery Place Kids. I'm sure most of the therapy was related to the physical activity that any child would get from visiting Discovery Place Kids, but I'm sure there's some therapeutic benefits of a kid just being able to be a kid and playing. One day she came in with a walker, no wheelchair, and progress was clearly made. Her mom actually went around the museum and thanked various staff members and was very appreciative of the difference that apparently they made in her and her child's life. Our job is to affect lives positively and the way we truly measure our success is not in dollars and cents, it's in stories like that. I hope that all of you feel the pride in hearing that story that I did and you should because you helped make that happen. Discovery Place Kids would like to thank the Town of Huntersville for its continued support in allowing us to positively affect the lives of children. Tonight we have another individual who would like to express thanks to the Town of Huntersville. This is our mascot Can Can.

Mr. Mackay said we would also like to leave behind something that hopefully it will hang in town hall for a long time. I'm going to let Can Can come up and help make this presentation and Barrett. On behalf of Discovery Place we present you with something that commemorates this evening.

Commissioner Julian said I was just going to thank John for his presentation. Walking in and out of the offices over there I have talked to many moms and they rave about Discovery Place Kids except for one problem and it's a great problem to have, they say it's so busy we have to come on off days. I commend your staff and we thank you for what you are doing over there.

Kathryn Sellers, United Family Services, said I want to start by just thanking you for your support. You have entered into a very innovative multi-party collaboration with the other towns and Mecklenburg County and with us to serve Lake Norman residents and kind of the beauty of the way this is being funded is that we are really able to meet the needs of the community so whereas other victim advocates might work exclusively with domestic violence or exclusively with sexual assault, we really will have the ability to work with domestic violence, sexual assault and child maltreatment and just a whole range of other felony crimes because of the flexibility you have given us with this funding and so we are quite grateful.

My understanding is that I am to talk to you tonight about how to meet your very understandable need to ensure that the community's tax dollars are well spent. How do you want to hold us accountable for that money. To that end, I just want to spend a few minutes outlining the reports we are prepared to

generate to demonstrate how the towns' and the county's funds are being spent. We have developed this reporting structure in conversation with Chiefs Potter, Hoyle and Miller and with the Mecklenburg County representative. The first thing we propose doing is generating a statistical report that would outline the number of individuals served and the type of services provided to each of those individuals. The report will be broken down by zip code, which will allow each town to see the client volume for their particular constituency. The other thing we are making sure the report will do is break down by type of service provided – so whether it's information and referral or individual advocacy or crisis intervention and what that is going to allow us to do is make sure we can provide a specific count of all court related services so any time we make a referral for a temporary restraining order, any time a restraining order is filed, any time we do court accompaniment, any time we do emergency legal advocacy, that will count as a separate service and so what we could begin to do is begin to document what possible volume a magistrate who would work in this area would have. That would be kind of our part of helping you all make the case for why a magistrate would be necessary in this area. The same report would count duration of service contacts so you could also see how intensively we worked with a client. We are proposing to provide these reports on a semi-annual basis so we would do them in January and July. That's obviously negotiable, but that's what we were going to set out there. The other thing that we will do is provide a report assessing the impact of our services on victims and their family members, including an assessment of an increase in the client's personal safety and those are what we call our outcome measures. Those same outcome measures we are trying to generate the impact of our services on your police departments and so we've got some questions in there that relate to really your return on investment for your police department – are we letting them get back to their work more efficiently and more effectively when they can hand off a victim to us. And again we are proposing to provide that on a semi-annual basis. The third thing we have done is entered each town and Mecklenburg County into our payroll system as of July 1 and everyone has a unique code and so that upon request we can generate a report that will show you exactly how your funds have been applied to pay staff time and it would all go to the victim advocate and to those who are managing the victim advocate and we can generate those upon request or do it on the same 6 month and 12 month basis. That's really your call on how you want to see those, but certainly any time you want us to make our books open to you, we would do that.

Finally, we are working toward completion of a cooperative agreement to be signed by United Family Services and each of the towns outlining the scope and the nature of our commitment to you and how exactly we will work together with the police departments. It's my understanding that agreement has been drafted and is under review by each town attorney, as it is under review by us as well. As soon as that cooperative agreement is finalized and signed, that will be the final piece of the reporting structure and that can be reviewed and updated each year.

Commissioner Caulfield said I would just like to thank you for coming in and the work that you have done on behalf of people in our area that will unfortunately suffer through these types of issues. I really appreciate what you have done.

Paul Buckland, 17212 Linksvie Lane, said tonight I would like to speak to you on the subject of the cost of electricity for street lighting. I would like to begin by saying it is fundamentally wrong that anyone should have to pay more than once for the same service irrespective of the nature of that service. As the representatives are certainly aware, we are together with many others paying twice for our street electricity. In the case of our street lighting I would argue that its provision is a safety issue and therefore a necessary essential service. Also, the town should not use ownership or lack thereof as a reason for not paying for the cost of the street light electricity because they have already assumed this payment on lands which they do not own. Furthermore, I am asking my representatives to act on the

following. Because the cost of the electricity for street lighting is independent of any other development issues such as the level of occupancy or maintenance of the lights, it should be completely decoupled from these other issues. Further to the above point, this cost should be paid for by the town irrespective of the number of the street lights in a development and additional money made available as the number of lights increases. Finally, if current town revenues are insufficient to cover the cost of an essential service such as street lighting then clearly the money to pay for it has to be raised by, for example, cuts to non-essential services and/or the raising of taxes.

Bruce Andersen, 16125 Weatherly Way, said I had occasion to witness the Cornelius Police boat in action recently. I would like to encourage you to do whatever is necessary to work together with Cornelius to let them service the Huntersville area on the lake, small as it may be relative to Cornelius, and offer that protection to the Huntersville residents. They were working in the Blythe Landing area when I spotted them. One side of the cove is Cornelius, the other side is Huntersville where I live. It would be nice if we could rely on their protection. I understand they are looking to get approval to enforce noise ordinances on the lake. For those of us who can hear the raging something or other that operates on the lake from 3 miles away at 1 o'clock in the morning playing music, with the windows closed, we would appreciate the noise ordinance being enforced.

George Harris, said there are a couple of things I just want to bring to your attention tonight. It's no secret that the level of infighting in Washington has reached a fevered pitch. In that environment in the past couple of weeks we have had a House version of a transportation authorization bill be floated by Chairman Mica from Florida that does not seem to be making anyone particularly happy. The bill is for \$230 billion over a 6 year period of time, which is at best level funding and in some cases a cut in funding for transportation nationwide. That's sort of the general comment, but within that bill itself there are concerns about changes in the way they have funded in the past so, for example, they are toying with the definition of metropolitan planning organization, how those monies are formula driven, and we are trying to change some of that because we have concerns that it would affect communities that are at the 50,000 to 200,000 population level. We have been working with the League of Cities, county commissioner organizations as well as our delegations on that issue. I think that's likely to get resolved, but that is something that I just want to bring to your attention. The US Chamber has come out in opposition to the authorization bill primarily advocating an increase in gasoline taxes to help cover this. This last time we had an increase in gas taxes at the federal level was in the early 90's and so we have about 1/3 less buying power from what was available at that period in time. Of course it's not a very good time to be talking about raising taxes in any way, but particularly on gasoline. That issue is ongoing. I don't expect that they are likely to address that issue until sometime this fall with transportation. That's on the House side.

Secondly, there is an issue that is potentially affecting communities the size of Huntersville from the FCC that I want to bring to your attention. There is a proposal that would limit the amount of money that communities could be able to charge for access fees for cable and wireless communication. Some communities currently have a franchise fee, some do not. But the FCC is proposing to limit that significantly, the goal being trying to provide an opportunity for development in communities nationwide. The fallacy in the argument from our perspective is that over half of the country doesn't provide any fees whatsoever on those and secondly it doesn't seem to be withholding development in other areas, but it could end up cutting back the fees that communities are able to charge. We wanted you to be aware of that.

We have been working with Greg really since last fall trying to find some alternative funding sources for transportation projects in the area, particularly rail. We have been exploring with North Carolina's

delegation in Washington how they would respond to private equity sources for these projects and they have been developing that and with me tomorrow is a consultant we have been working with to assist in trying to find some of those funding sources that we think could be available for projects in North Carolina. That seems to be progressing nicely. I think there are some opportunities there. We are cautiously optimistic that we may be able to offer proposals to the state to help them to meet a gap in funding for projects like the rail project that could be helpful to the community.

AGENDA CHANGES

Commissioner Caulfield made a motion to add a closed session after a short 5 minute recess at the end of our meeting tonight.

Commissioner Julian seconded motion.

Greg Ferguson, Town Manager, said there's probably a need for two separate closed sessions, so I'm not sure which motion that would apply to. I think there's one for consultation with attorney possibly on an agenda item and then there's possibly another closed session for acquisition of property that motion might not have applied to.

Commissioner Caulfield said that one I did not know about.

Mr. Ferguson said the request is for Other Business B – you probably want to have that prior to that item. The property item could certainly be at the end.

Commissioner McAulay said I would like to recommend that we take Item B off of the agenda since evidently there were some changes and Commissioner Jeter is not here, and we have that on August 1 or we call a special meeting. That's a motion.

Commissioner Julian seconded motion.

Commissioner Caulfield said I had a motion and we had a second already.

Mayor Swain said we had clarification from Greg on the closed session that he wanted to have.

Commissioner Caulfield said let me withdraw mine and just make a discussion point. I would prefer to go into closed session before we remove it just so that we would have an opportunity to know. I don't even know what it is that we need to discuss. I know it's contractual obligations, but that's all. I would like to discuss it first.

Commissioner McAulay withdrew her motion.

Commissioner Caulfield made a motion to add a closed session before Other Business for consultation with attorney.

Commissioner McAulay seconded motion.

Motion carried with three (3) yes votes.

Commissioner McAulay made a motion to add a closed session at the end of the meeting for property acquisition.

Commissioner Caulfield seconded motion.

Motion carried with three (3) yes votes.

Commissioner McAulay made a motion to adopt the agenda, as revised.

Commissioner Julian seconded motion.

Motion carried with three (3) yes votes.

PUBLIC HEARINGS

Mayor Swain recognized Planning Board members present: Joanne Miller, Robert Cameron, Barry Hester, Joe Sailors, Hal Bankirer, Jeff Neely and Bruce Andersen.

Petition #R11-03. Mayor Swain called to order continuation of public hearing on Petition #R11-03, 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.

Whitney Hodges, Senior Planner, entered staff report into record. *Refer to Attachment No. 1.* What I would really like to do is just go over a few brief things from the staff report. This picture here is essentially what property it's located on and the portion that would be involved in the Special Purpose Conditional District. They are requesting a cell phone tower. The tower itself is a stealth tower and it will be 195' with a 4' lightning rod on top. Just to kind of give you an idea of densities and what's surrounding this area in Huntersville, it's predominantly farmland or similar uses. On the opposite side of Mt. Holly-Huntersville Road is Charlotte and that is actually a lot more dense residential uses. There are many site requirements and conditional requirements for a communication tower and just to highlight a few, essentially from the last public hearing when it was opened and in your last staff report the applicant has provided a letter of intent to colocate. I think there will be three people that will be on this tower as of right now. They have stated in writing why this is the best technology and that was part of your package. We didn't really get a chance to talk about these, but these are the coverage maps that they had included with their request. Essentially these are negative numbers, so the higher the number the worst the service and where the arrow points to is where the tower would be located and it is in a blue area. With the tower it becomes a green area which is the best signal service. The map really does not describe what that actually means – is it dropped calls, is it going from 3g to 4g, are you going to get two more bars, it doesn't really say that but it does say that it is better coverage. They'll be meeting the request to divide the land. They provided that note so that will be fine. Just to kind of give you an idea of what this tower looks like, the stealth tower pole is really just a monopole. This is not in Huntersville. It's just some pictures that they provided. The property where this is located on Mt. Holly-Huntersville is here and the arrow shows kind of where that tower would be, but by all means is not to scale. Lastly, in your packet you received a site plan. The site plan has been on the website. Very similar from the last site plan, they really didn't make any site plan changes other than notations. I just wanted to bring this to point out that there will be an 80' buffer required for adjoining property owners, and it still sits 200 and some odd feet but they are meeting the requirements that they needed to with that part. Finally, the issue with this request is it is a relatively small parcel to basically

rezone to Special Purpose and it could be considered spot zoning. Just to point out, the closest area of Special Purpose is 7,500'. The closest Corporate Business which also would allow a cell phone tower is approximately 2,700'. The attorney for the applicant is probably the better person to ask for technical questions about how the cell phone structure works and those different types of agreements. Staff recommendation is not to approve it because of the spot zoning issue.

Jonathan Yates, on behalf of the applicant, said it has been a long process but we are glad to be this far along in the process. I've done a total of almost 1,500-1,600 cell towers and one thing you rarely see in a cell tower application like this is you typically only have one carrier interested at the pre-zoning phase. At this point there are three carriers showing interest and the reason is all they simply want to do.....and one thing about the cell industry our customers and your clients, your citizens, they are one in the same people. The desire here is to provide this part of Huntersville with adequate voice and advanced broadband coverage. We are simply providing wireless infrastructure. In this case the property was selected – this is a piece of property that is owned by Mr. Thad Reames. He not only owns this property, he owns the property just to the north of it and a little property where you see that notch, so Mr. Reames has all that property around there. His family has had the property since 1977. Presently there is a house on the property and he has a farming operation consisting of a pasture and a nursery operation there. What attracted us to this property it was exactly.....and the problem we have as you saw from those coverage maps, you saw those weird colors, let me talk to you about that. The best coverage is in residential building coverage. In the industry I represent we are trying to do the toughest part of our job, the final part of our job is bringing coverage into where people live. We've particularly seen over the past 36 months in this country with the economic turmoil a lot of folks are doing what we call cutting the cord. While I realize Huntersville is a more affluent community, we are seeing it in almost every community where folks are taking a look at the family budget and deciding what can I cut. One of the things that some people are cutting if they can is the wire line phone. If they have a wireless phone that works inside the house, they can use that. So what we are trying to do here is if you look at those colors you see we're surrounded by sites, so the placement here is very careful. This is sort of that final piece of the jigsaw puzzle where we are trying to bring to this area not just the yellow which is some guy outside of his car on the street. That is coverage, but it is marginal coverage and the red is even worse than that. The blue coverage you see would be in vehicle – that someone in a car they can get a signal. What we are trying to provide is the green coverage which is actually in building coverage and to connect to all those existing sites. What attracted us to Thad's property was the size. We were able to position the facility....it could still make the hand-off, but we could bring the facility back almost 1,000' off Mt. Holly-Huntersville Road. We would bring it to the back of the property and still have 900' to the rear of the property, so having 19.52 acres gave us a lot to work with. In addition it was wide enough so we could meet all the setbacks. Your provisions for cell towers are found in Article 9.9 and the proposal as it is meets all those criteria. The problem we had was finding a piece of property zoned correctly. This was a dilemma that every town really in the country is going through right now. When we first did the cell tower ordinance back in the 1990's towns like Huntersville and towns all over the country said you can bring this technology in and back then what was the technology – it was mainly for businessmen, rich people, it was an expensive technology. You can bring it in, you can cover the commercial areas and you can cover the roadways. We are going to give you those districts. What most towns said is we are not too sure about giving you residential. We don't know about that and people were not. These were car phones. They were built into the car, huge batteries. It has evolved now to a device this size that people carry everywhere that they can power up off their computer or out of a wall socket, so the dilemma the industry is facing how do we get to our customers, your citizens, in view of ordinances that we don't have the districts available to do it. That's why quite simply we are requesting a rezoning. We are not requesting the rezoning of the entire Reames' property. It's a 19.52 acre property. We are only going to rezone 1.52 acres. We are going to use about 3,600 sq. ft. of that for the

compound where all the carriers can have their equipment, but then as Whitney showed you we are going to put an 80' area around the compound of a landscape buffer. Reading the numbers on this I've never dealt with an 80' landscape buffer until this one and the numbers stagger me, but the numbers are as follows. We are going to bring in 222 Virginia Pines, 259 Glossy Abelias, 259 Burford Holly's and 74 Acusa Dogwoods, so if you are going to be able to see that equipment compound, you are going to have to be a pretty good trespasser and weave your way through all the foliage. In addition as a further shield we are going to do a typical fence as required by your ordinance but we are going to put the earth tone privacy slats through it so you really can't see it. The desire of this was to bring it far enough off the road so we had the distance from the road, bring it back from the adjacent property owner and meet all the regs. And again our property owner to the north is our property owner.....again, Mr. Reames owns that property. That is our proposal at present. We have interest from three separate carriers. The proposal as it stands now is for the stealth pole where all the equipment is shoehorned in. It will not have lights. It's 195' so it's under the magic number. For cell towers at 200' and above the FAA will require air navigation lighting. This is under that limit, so it will not have the lights. We found an excellent piece of property that will make all the hand-offs and it's clearly a needed facility by the interest that's already shown. Usually we do not get interest until we are through zoning. With the interest we are seeing pre-zoning it clearly has a lot of interest in it where people want to cover those folks. But we were left with no ability. The two properties that Whitney showed you were not available to us to make the hand-off. When you are fitting the final piece of the jigsaw puzzle you don't really have a lot of movement. Really we needed to be within about 800' or 900' of that property to make the hand-off.

Commissioner McAulay said you were talking about the trees that you were going to plant.....you are not going to fence in the whole 19 acres?

Mr. Yates said no ma'am. We are only going to fence 56'x56' and then going out from there we put in that 80' landscape buffer.

Commissioner Julian said I see the new tower placement. The other towers there, are they not your towers or your carriers there?

Mr. Yates said as you can see from the proximity, some of these folks might already be on them. The last thing a carrier wants to do is wait on a new tower if there's an existing facility out there and if there is an existing facility that has the height and the structural capacity, they will go on it. The carriers have made it clear they don't want to be in the tower business, they want to be in the communication business.

Commissioner Julian said I was just questioning your color codes there. The green signal extends right over into other towers.

Mr. Yates said the signals will do what we call a hand-off and as you can see they'll start to merge on different levels of coverage. The best coverage would be your in-building coverage, so anything that you see colored in green that would provide in-building coverage – you could use the phone inside the house hopefully without having to go up to the front porch or out in the backyard to keep the call going. The blue you will have coverage, but it will be more in-vehicle.

Commissioner Julian said I've got other towers in the green, though. Why would that not be the best signal if I stood right beside one of the towers? Why is it not shaded red?

Mr. Yates said where you have the arrow, that's the proposed tower.

Joe Sailors, 9332 Westminister Drive, said I am separate from the Planning Board. I actually live.....if the tower falls over it won't hit my house, but I live fairly close to it. And if you leave Beatties Ford Road today from where McCoy comes into Beatties Ford Road just north of that, you lose service if you are in your car and you don't pick service up again until you get up to the new elementary school – Barnette Elementary. This tower would do that. My only comment would be they are going stealth which makes it aesthetically pleasing if you had your choice, but you get less ability to move the actual antennas because all the antennas will be inside the stealth pole. You are not able to angle them to get best reception. My only point would be why not go with a standard tower instead of the stealth tower and I said that to him earlier and the only reason he gave me for going with the stealth tower was because he was having to go through the rezoning process.

Bruce Andersen said Mr. Yates, your business created this map?

Mr. Yates said yes, sir.

Mr. Andersen asked do you know the cell tower is not located on Mr. Reames' property?

Mr. Yates said these are actually showing the closest cell towers in this case that AT&T is on.

Mr. Andersen said no, the proposed communication tower – the one there on the map.

Mr. Yates said yes, sir.

Mr. Andersen said that's not his property.

Mr. Yates said it's Mr. Reames' property.

Mr. Andersen said no, it's not Mr. Reames' property. Mr. Reames' property on that map would be located about that far away.

Mr. Yates said we'll go back to our mapping people.

Mr. Andersen said do you see where the road crosses through the arrow. That's Mt. Holly-Huntersville Road and you are south of it.

Mr. Yates said yes, we are south of it.

Mr. Andersen said Mr. Reames' property is north of it.

Mayor Swain said I don't think the discussion is whether or not it's on his property, but maybe it's not mapped correctly.

Ms. Hodges said Brian explained it to me that the level of detail for the maps for this level does not get to property specific level like we are used to – that this is probably from their mapping department the best that we would get as far as location.

Mayor Swain said so understand that. If Mr. Yates is telling you it's on Mr. Reames' property, that's with whom he is negotiating.

Mr. Andersen said my point is if they can't get it right on the map, I'm not sure their engineers can properly measure the service area.

Commissioner Caulfield said I think Mr. Andersen has a good point. If we are looking at this and trying to determine if there's a need because of the green and the blue, but yet the dot is not in the proper place, is that dot really supposed to be up in one of the green locations.

Mr. Andersen said no, it is in a green location. Actually the little green next to the arrow would be about where it should have been.

Mayor Swain said everything would be a little bit off.

Mr. Andersen asked what alternatives to this location were considered? I take it you mentioned two – the ones that staff mentioned. Were other alternatives considered?

Mr. Yates said everything was looked at that was a possible alternative to make the hand-offs.

Mr. Andersen asked was distributed antennas considered?

Mr. Yates said no sir, they would not work in this case. What you are referring to is DAS. DAS is what some people call a silver bullet that isn't one. DAS is an alternate technology and quite simply it does not replace.....it's good in a stadium setting or a shopping mall but it doesn't replace typical wireless infrastructure and further this has been reviewed by federal court in the Clarksdown Case and the FCC has preempted the field and alternate technologies cannot be requested by a jurisdiction.

Mr. Andersen said in other words DAS can't be requested by a town.

Mr. Yates said it could be used and DAS again would be more appropriate in a stadium setting, mall setting, but to provide traditional wireless backbone which is what this is to cover a larger group, DAS would be ineffective and would not work.

Mr. Andersen asked is AT&T one of your interested carriers?

Mr. Yates said yes, sir.

Mr. Andersen said you may be aware or you may not be that AT&T has put DAS up Beatties Ford Road where Mr. Sailors got the better signal and all across Highway 73, so it is an effective.....I'm arguing here with an expert, but that's what's happening on 73 and Beatties Ford Road. The only reason it hasn't come south where Mr. Sailors would like to have the signal is Duke Power owns those poles and they don't allow distributive antennas on their poles. Huntersville's electric company does however. How much shorter would that antenna be if only two carriers were on it?

Mr. Yates said the carriers take about 10' a piece and it is designed for four carriers, so 20'. Presently you have interest by three carriers.

Mr. Andersen said stealth is an interesting terminology. It's not quite hidden. Are there trees on Mr. Reames' property that would allow you to put it in the trees.

Mr. Yates said not really. There's perimeter tree cover.....where we are placed we have to meet the setbacks 200' to each property line. In this case we are 230' from Mr. Reames' property to the north, 238' to the property to the south, so we are going to bring in the heavy landscaping. Stealth does not mean invisible. Stealth just means you do not see the antenna. What Mr. Sailors was pointing out correctly, the coverage objectives would be better met if you can spread the array versus shoehorning it in a pole.

Mr. Andersen said I've designed a few antennas myself. Duke Power transmission towers – did you look at those locations?

Mayor Swain said Bruce, this is a public hearing where you ask questions of the petitioner or of the staff.

Mr. Andersen said okay, I'll point out that it's hard to see cell towers on a transmission tower except if you are a Duke Power employee. Have you looked at transmission towers in the area as points where we wouldn't notice them.

Mr. Yates said those are always looked at depending on the height of the tower and the availability. In this case my understanding is the best way to provide the coverage is the proposed facility. And again this facility meets all the provisions of your Article 9.9.

Mr. Andersen said last but not least, please don't take this that I'm recommending it, but did you look at a fake pine tree as an option.

Mr. Yates said that's what we call the monopine. I've done monopines up in Montreat, NC. The key with the monopine is you have to be in a stand of trees already that have similar heights or you have some elevation going back. They work very well in the mountains where you have a monopine then a whole sea of trees behind it and it gets lost in there. Otherwise it's the old story of when you tell a lie you have to tell seven more. If you had a monopine in the middle of that field at 190' it would be more visible and I think it would be less desirable. Do they have good application? Yes, sir. In the western North Carolina mountains we have the elevation going up behind them and they blend in with that sea of green behind them. On this kind of elevation it would probably bring more outcry than the pole.

Ms. Hodges said although they are meeting all of Article 9.9 one of the things that staff has said, and it's in the staff report, is that it's hard with the zoning district that needs to go in this typical rural area to meet that character intent that's out of Article 11 of kind of blending in, making that zoning district a part of the character of that area.

Mr. Yates said based on Mr. Sailors' recommendation what we would like to do if it pleases the commission is we would like to provide elevations and show what a standard monopole would do there and show also the propagation studies, so with your permission we would like to augment our application and ask if we could come before, not next week, but for the Planning Commission.....but come for their August deadline to get us to augment and show that the Planning Commission can look at it either/or and report back to you more correctly.

Ms. Hodges said there isn't anything in the ordinance precluding it, but they would just have to have everything by tomorrow morning in order to get to the Planning Board.

Jack Simoneau, Planning Director, said the Planning Board is scheduled to hear this a week from tomorrow. What I'm hearing is the applicant is requesting one continuance to provide some additional information. The rules allow the Planning Board one continuation for collection of additional information, so that would be a decision of the Planning Board next Tuesday night as to whether or not to grant that, but it would be scheduled on a regular Planning Board.....unless you want to continue the public hearing.

Mayor Swain asked have we moved this one?

Commissioner Caulfield said we moved this before already, so it's already been moved one time.

Mayor Swain said our attorney is saying it's this hearing, not the Planning Board meeting.

Commissioner Caulfield said the Planning Board wasn't changed, it stayed the same.

Mr. Yates said Mr. Sailors brought up a good point. We would like to submit back at the time to submit to show the two alternatives, the stealth pole or the standard pole and show how the propagation studies might change also. I can't do it by tomorrow morning, but we could have it all in a week or so if we could appear before the Planning Board in August.

Ms. Hodges said you can continue the public hearing or keep the public hearing open, that's also an option.

Commissioner Julian said we worked with the stealth technology in Northstone and other developments. Most of it went pretty well. Some of it didn't. I realize that cell phone coverage is a need of this community and will continue to be a need in the future. Have you looked at churches, other ways to get that signal in that area, because if I'm sitting here looking if every one of those are cell towers just in this area here, it's going to multiply as areas are developed and goes further.

Mr. Yates said that is one of the goals of non-stealth. One of the problems when you do a stealth like a church steeple, if you think about it your average church steeple is maybe 40' to 60' high depending on how big the sanctuary is, so you really are not getting the coverage. Also it's tricky to get the multiple carriers in there where you have the space for 50' on top of a steeple because there's 10' separation. The problem is you don't have many churches that are 180' tall with the steeple.

Commissioner Julian said I understand it would take multiple applications at multiple places. Have you looked into that?

Mr. Yates said yes, it's something that you always look at, but from a practicality standpoint it really doesn't work to get the signal where we need it to be. But certainly have we done steeples in the past, yes we have done steeples, but to try to cover a certain area you have to go to the traditional backbone. If you look in an area like this you will have power lines, telephone lines, water, sewer lines that have to run every linear foot to connect up to the citizens. If we get to put our infrastructure in from a certain couple vantage points, we can cover a 2 to 3 mile area.....we're infrastructure, but we don't have franchise agreements. We have to come in through the zoning process, but again the beauty of our infrastructure we do not, whether it's above ground or below ground, have to travel every linear foot to get to a residence.

Commissioner Julian said the difference in going stealth with this and having the external per Mr. Sailers' comment, what kind of different range does that open up. Are we talking it doubles your range?

Mr. Yates said depending on the carrier and depending on the technology they are running, but it could be 28 to 30 percent, so it could be increased. The difference being with the stealth the antennas are pushed down together and with the standard infrastructure they are able to spread the array so you get a spread and the equipment works better. That was my request if we could possibly say leave this hearing open, I would like to come back and show you the difference between stealth and standard and also show you the coverage.

Ms. Hodges said there are two options here – you can continue it on to the Planning Board meeting and then ask for a deferral or keep the public hearing open, hold it on the first and have an opportunity for the public to look at these options as well.

Bob Blythe, Town Attorney, said I would think since you have a public hearing already started you would want to continue with anyone here that wants to make comments at this time and then if you want to continue it for additional information, you could do so without closing the public hearing.

Mr. Sailers said if he does his presentation at the Planning Board meeting then he could bring it in to your August 1 meeting for continuation.

Commissioner McAulay made a motion to continue public hearing to August 1.

Commissioner Julian seconded motion.

Mr. Simoneau said I just wanted to be clear the applicant is asking not to go to the Planning Board next week because they will not have collected that information, so I want to be clear that he is asking for or willing to accept a continuation of the public hearing until August 1 and then it will be sent to the Planning Board at their meeting in August.

Mr. Yates said this is important to us so whatever time it takes we want to make it work.

Motion carried with three (3) yes votes.

OTHER BUSINESS

Commissioner McAulay made a motion to go into closed session for consultation with attorney.

Commissioner Caulfield seconded motion.

Motion carried with three (3) yes votes.

Commissioner McAulay made a motion to come out of closed session

Commissioner Julian seconded motion.

Motion carried with three (3) yes votes.

Municipal Agreement – Bridge Inspection. The Town of Huntersville has requested that the North Carolina Department of Transportation (NCDOT) or a Consultant retained by the Department inspect and analyze all public bridges located on the Town of Huntersville Street System in compliance with the National Bridge Inspections Standards.

The Highway Bridge Replacement and Rehabilitation Program requires that all structures defined as bridges located on public roads must be inspected on a cycle, not to exceed two years in accordance with National Bridge Inspections Standards.

The Town of Huntersville and the NCDOT are authorized to enter into an agreement for such work under the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1.

Staff recommends the agreement be executed for subsequent placement onto the NCDOT Board Agenda.

Commissioner Julian made a motion to authorize the Mayor to execute Municipal Agreement with NCDOT for inspection of bridges on the Town of Huntersville street system.

Commissioner Caulfield seconded motion.

Motion carried with three (3) yes votes.

Agreement attached hereto as Attachment No. 2.

Interlocal Agreement – Visit Lake Norman. Greg Ferguson, Town Manager, said in light that there was a change proposed this afternoon at 4 p.m., I would recommend you defer that to a point in the future.

Commissioner McAulay made a motion to defer consideration of interlocal agreement for funding of Visit Lake Norman until the Town Manager has an agreement to bring back to us.

Commissioner Julian seconded motion.

Motion carried with (3) yes votes.

CTAG Appointment. The Citizens Transit Advisory Group (CTAG) is a strategic advisory body that advises the Metropolitan Transit Commission (MTC). The CTAG members are appointed by local elected boards and serve staggered two year terms. The number of terms of any member is at the discretion of the appointing board. An overview of the CTAG follows:

The Citizens Transit Advisory Group is an advisory committee that reviews the long-range transit system planning and proposed operating and capital programs from the community's perspective, and makes recommendations to the MTC. While it is not a policy-making body, its recommendations to the MTC fulfill the requirement levied by the Interlocal Agreement that the MTC ensures public involvement in transit planning. The CTAG is made up of members of the community appointed by the Mecklenburg County Board of Commissioners, the Charlotte City Council, each of the six Towns in Mecklenburg County, and the Charlotte-Mecklenburg Board of Education. Members may not be an elected official and members serve staggered two-year terms.

CTAG meetings usually occur every month from 7:30 a.m. to 9:00 a.m. in the Charlotte-Mecklenburg Government Center (CMGC), 600 E. 4th Street, in Room CH-14. These meetings are open to the public.

In the summer of 2009, Todd Steiss was appointed by the Town to complete a term that had become vacant due to the resignation of our representative. Although his term technically expired in June 2010, no one realized that the appointment needed to be addressed. He has continued to serve since that date and has been an active and valued member of the committee. His service and votes are valid due to NC statutes that generally indicate appointees serve until the position is properly filled regardless of technical term limits. Due to his service "without portfolio" for the last year and given the limited time for the remainder of the term, staff recommends that Todd be reappointed to complete this term, expiring June 2012. In advance of the June 2012 term end date, we can advertise the position in our normal fashion.

Commissioner Julian made a motion to appoint Todd Steiss as the Town's representative to the Citizens Transit Advisory Group to complete the term expiring in June 2012.

Commissioner Caulfield seconded motion.

Commissioner Caulfield said I know firsthand that Mr. Steiss is doing a phenomenal job. I was very impressed with some of the work that I have seen him do. The only thing I would like to request is I have had several comments from different committees and people that are sitting on those as far as what the communication is back to us as a board, and I see on here that he makes decisions and votes and the only thing I would like to see is that we have some type of set reporting back to us so that we know what's going on so there's better communication so that he's informing us of what those votes are and what is taking place.

Motion carried with three (3) yes votes.

Commissioner Julian said I just wanted to thank Todd. He's been very active on multiple committees. He is a resident that really steps out for the Town of Huntersville. I commend him and again, thank you.

Streetlight Policy/Street Acceptance Policy. Max Buchanan, Public Works Director/Town Engineer, said at the June 20, 2011 Board meeting we had a presentation on a request from residents at the Parkside at Skybrook North to add streetlights to our Town system. The discussion centered on the Streetlight Addition Policy and the Street Acceptance Policy. We were tasked with going back and putting together our ideas and thoughts on the total impact of what that might create throughout Huntersville. Parkside at Skybrook North is at the corner of Huntersville-Concord and Poplar Tent. I think they are close to about 50 or 60 percent build out. We received a request to add the streetlights to our Town system. Our typical response is we don't generally entertain those requests until the roads are added to our Town system. The roads are typically not added to our Town system until we've reached a minimum build out, which I think is about 75 percent. We have not achieved that in this development. They are close and they are achieving that quicker than some. I have a slide here that shows several of the developments. We've listed 10 and only 10. We probably could have kept going. Those are several subdivisions or developments that have in some stage of development where we've accepted either parts of streets or none of the streets. For example, Riverdale off of Beatties Ford near Cashions Woods, that's a development that began in 2004. There's no homes built in Phase 2 of that. We've not taken any of those streets. Skybrook is represented up there. Caldwell Station, there's three or four stages there that began in 1999. Streets have been built, but they've not been able to achieve the build out for us to consider adding the roads to our system. Several of those – Beckett, Olmstead, Mirabella, high

end developments that roads are built, no homes or at least very few homes have been built. To consider changing the road addition policy, you're more than impacting the Parkside at Skybrook North, you're impacting those that have been on the waiting list for quite a while. I wouldn't recommend changing our road addition policy at this time. Again, the streetlight addition question that came up, I'm of the opinion that we don't need to add the streetlights.....and when I say streetlights, I want to clear this up. We call them streetlights, but they are really pedestrian or safety security lights. If they were to be designed as streetlights, in other words provide a benefit to the motoring public, the cars, you would have a street light every 20' on both sides of the road. So it's not providing a benefit to the vehicles, it's providing perceived safety to the pedestrians or to the homeowners. I'm not sure if Captain Kee can speak to the benefits of these security lights or not, but very few of the streetlights we have in Huntersville are actually true streetlights, so we are speaking mostly from security lights. There are several communities throughout the nation that have had to turn off their streetlights due to budgetary issues. We've had several and Craig may be able to speak to this, I'm not sure if Electricities has had to, but I know Energy United had request from HOA's either through non-payment or through an actual request to turn off the streetlights because they couldn't pay them or chose not to pay them.

Commissioner Julian said this list right here, I can't read the top of it. It says completed and accepted – like Riverdale.....has the entire been completed or entire been accepted.

Mr. Buchanan said that's the entire community of Riverdale has had their streets built but it does not qualify due to the build out percentage – it's yet to be completed or accepted – the entire development.

Commissioner Julian said so Skybrook also.....

Mr. Buchanan said Skybrook has portions that we have accepted streets. We have portions of Skybrook, Parkside being one that the roads have been built, but the homes have not achieved build out.

Commissioner Julian said for clarification, it's because it's different phases of Skybrook.

Mr. Buchanan said it's different phases of Skybrook. Again, this is according to the policy that we would consider adding the roads once the minimum build out is achieved.

Commissioner Julian said Monteith Place, was that the one they actually had no streetlights – the power got turned off.

Mr. Buchanan said I believe that is correct.

Commissioner Caulfield said the list I have of the ones that made it to the waiting list, the 17 that we went over last time that have been waiting for several years, the total came to just about \$40,000.

Mr. Buchanan said yes, that is currently our waiting list. We requested as part of the budget approximately \$39,900 to bring on those currently on our waiting list and those streetlights on our waiting list are on streets that have been accepted.

Commissioner Caulfield said so the \$40,000 was approved in our budget already. Nothing else has been approved past that. One of the questions I had to you last time and I apologize, I did try to call you today to give you a heads up on this, but there was a problem with the phones. What would the cost be to the town if we looked at all the neighborhoods like Skybrook that came to us and requested this that hadn't met the street policy and that we just went ahead because if we had said yes to them then we

would have to do it to everyone, what would that cost be to the town. Did you guys get a chance to look at that?

Mr. Buchanan said you would have to quantify the lights and I'm sorry I didn't grasp that, but it would be significant.

Commissioner Caulfield said so it would be even more than the \$40,000.

Mr. Buchanan said yes ma'am, I would say we're in the order of \$100,000 to add the lights that are on what would be called private streets or under development or not part of the town system, if we were to add all those lights to our general fund budget for street lights.

Commissioner McAulay said I think there's a lot of further studying that needs to be put into this and some recommendations because I think you just added to.....maybe they were on your list you said that there were ones that had been turned off. I think if we made any changes to it they would certainly want to have theirs turned back on.

Mr. Buchanan said this is fairly current. We have not received a lot of requests due to the downturn in the economy. This is a fairly current streetlight addition request list here. Now what I don't have is all those developments and again I only listed 10 on that earlier table. I would have to go look at the plans and really go out in the field to count the number of lights in each of those developments. The impact to add these to get caught up for street lighting requests is \$40,000, but to add those lights that the streets have yet been added, I'm thinking you are probably talking about at least double, maybe triple.

Commissioner Caulfield said we're not just talking about spot turning on lights, it would have to be a policy that allowed all of them.....we don't have it in our budget. We've already approved our budget so it wouldn't be anything that we could really do this year.

Mayor Swain said in answering your question one of the things you just said is you would have to go out in the field and count them. How much time of yours to do that?

Mr. Buchanan said well of mine, none. You are probably talking a couple to three days to go and tally and locate those and figure out who the provider is and then the issue becomes our streetlight addition policy requires the buy down. The developer or the homeowners have to pay for the decorative component to the light. When we take it we are just paying for the electricity, we are not paying for the decorative lamp and the globe and the pole, so if you are going to start adding those then somebody is going to have to satisfy the provider – Electricities, Energy United or Duke Energy that somebody has bought the light down or paid for the decorative component. I'm pretty sure that the town doesn't want to do that but maybe I'm wrong.

Mayor Swain said to your point we have just approved our budget process so maybe this is a longer term issue.

Commissioner Julian said I think this is a longer term issue. I think that streetlights are a quality of life and safety issue. I really do believe that. But again right now I think your budget line item for that is about \$1 million.

Mr. Buchanan said the general fund street light prior to this current budget I think it was \$316,000 annually.....add the \$40,000 so you are talking about \$350,000.

Commissioner Julian said I think that it's something in the future we need to look at – how many developments are out there, where are they at in their build out and maybe come up with some formula that at different percentages you wait so many more years or something that is fair to the taxpayer, but I think it's something that needs to be studied. I think they do provide security and safety.

Commissioner Caulfield said just one more comment along that line, I do agree that streetlights are a safety issue. We can't just approve this because it would affect our bottomline and we don't have the money in our budget. One of the things that I think of is if I move into a neighborhood and I just happen to be so lucky that it's only 10 homes in there built I get streetlights, but if I moved into a neighborhood that has 100 homes projected and only 50 got built I don't get streetlights so if there is maybe some way we could look at tweaking that. Just because I happen to move into a neighborhood that got built.....it is a bad economy and I do hear the point that he is making that they are paying taxes and it is something that people come to expect and I understand that there have been people on the waiting list for years so we can't bump others above that, but maybe we could just look at how we could have a work session or something.

Mr. Buchanan said I'm really concerned. We've got older developments that have the old wooden poles and the cobra head lights just at intersections. You've got some developments that have streetlights every 200'. If a lot is 100', you've got a streetlight every second home. There are developments that have lights every four homes. I'm not sure if you are going to be able to ever capture that consistency or fairness for all the citizens.

Commissioner McAulay said I think we need to give some more consideration to this along the lines of safety.....that its safety lights at major intersections rather than the whole what the developer has put in there and homeowners have bought into. I think also maybe we should take the opportunity to look at these areas that want streetlights or don't have them such as Parkside and is there a higher instance of crime in those areas. And I know on sidewalks, you have all kinds of ratings on those.

Mr. Buchanan said we do have ratings on sidewalks.

Commissioner McAulay said I think we could probably come up with some kind of rating for streetlights.....that we should take the opportunity to look at that rather than whether taken over and see if we can come up with an item that can serve those citizens that have the most need for it right now. I would recommend that we continue this and take the opportunity to discuss this with various staff members.

Mr. Buchanan said I would request maybe large involvement from the police department.

Mayor Swain said I'd have to say Planning as well, because to your point about the major intersections, there are some developments that have really long roads and I'm thinking about Devonshire, that you don't have a lot of major intersections, so I think there are going to have to be some points in that too.

Commissioner McAulay said I don't mean to defer this into never neverland, but I don't want to put a date on it – maybe come back in a couple of months.

Commissioner Julian said I think a work session.

Mayor Swain said I was going to ask our Town Manager if he would schedule a work session.

Mr. Buchanan said I'm not sure if an official response needs to be made to the request. Mr. Buckland kind of has represented the interest, and Mr. Moore, of the Skybrook community about the request to add the lights in Parkside Skybrook North. Do we need an official response to that?

Commissioner Caulfield said we are going to have a work session.

Mayor Swain said we will absolutely publicize the information and we will have the work session. You can check our website, you can also call the Manager's office or e-mail any of the commissioners and we will let anybody and everybody know when that meeting is going to be. I can tell you we probably will not know within the next month, but we will know shortly thereafter. We have to allow some planning time for this so staff can get the information.

CONSENT AGENDA

Approval of Minutes – June 13 Special Meeting. Commissioner McAulay made a motion to approve the minutes of the June 13, 2011 Special Meeting. Commissioner Julian seconded motion. Motion carried with three (3) yes votes.

Approval of Minutes – June 20 Regular Meeting. Commissioner McAulay made a motion to approve the minutes of the June 20, 2011 Regular Town Board Meeting. Commissioner Julian seconded motion. Motion carried with three (3) yes votes.

Call for Public Hearing – TA11-09. Commissioner McAulay made a motion to call a public hearing for Monday, August 1, 2011 at 6:30 p.m. at Huntersville Town Hall on Petition #TA11-09, a request by Planning Staff to amend Article 8.26 of the Huntersville Zoning Ordinance text in order to raise the maximum light pole height and allow floodlights in the loading areas of light and heavy manufacturing uses. Commissioner Julian seconded motion. Motion carried with three (3) yes votes.

Call for Public Hearing – Petition TA11-10. Commissioner McAulay made a motion to call a public hearing for Monday, August 1, 2011 at 6:30 p.m. at Huntersville Town Hall on Petition #TA11-10, 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'. Commissioner Julian seconded motion. Motion carried with three (3) yes votes.

Call for Public Hearing – Petition #S11-01. Commissioner McAulay made a motion to call a public hearing for Monday, August 1, 2011 at 6:30 p.m. at Huntersville Town Hall on Petition #S11-01, a request by AAC for a Special Sign District for the Bryton Development. Commissioner Julian seconded motion. Motion carried with three (3) yes votes.

Budget Amendment – Police. Commissioner McAulay made a motion to approve budget amendment for FY2010-2011 recognizing insurance revenue in the amount of \$500 and appropriate to the Police Department's insurance account. Commissioner Julian seconded motion. Motion carried with three (3) yes votes.

Budget Amendment – Police Dare/Safety Town. Commissioner McAulay made a motion to approve budget amendment for FY2010-2011 appropriating revenue received for Dare Camp in the amount of \$900 and Safety Town in the amount of \$650 for Summer Youth Program expense. Commissioner Julian seconded motion. Motion carried with three (3) yes votes.

Budget Amendment – Police (Insurance). Commissioner McAulay made a motion to approve budget amendment for FY2010-2011 recognizing insurance revenue in the amount of \$2,048.51 and appropriate to the Police Department’s insurance account. Commissioner Julian seconded motion. Motion carried with three (3) yes votes.

CLOSING COMMENTS

None

CLOSED SESSION

Commissioner McAulay made a motion to go into closed session for property acquisition. Commissioner Caulfield seconded motion. Motion carried with three (3) yes votes.

Commissioner McAulay made a motion to come out of closed session. Commissioner Julian seconded motion. Motion carried with three (3) yes votes.

There being no further business, the meeting was adjourned.

Approved this the 15th day of August, 2011.