

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

**November 7, 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 November 7, 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

- Paul Morris presented where we are now and moving forward with the Red Line philosophy last week. The very fact that we are now adding the freight aspect of it and looking at economic development I think is a huge switch to what we have done in the past.
- No report from ASC or the EDC Management Team.
- There is a dedication ceremony for the Veterans Monument in Cornelius on Veterans Day.
- Presbyterian Hospital and I have submitted with the United States Conference of Mayors a grant application for childhood obesity for the Town of Huntersville.
- Due to the holidays, Huntersville Connection will not meet in November. Their December meeting will be held on December 6 at Fox & Hound.

Commissioner Caulfield – No report.

Commissioner Jeter

- The next LNTC meeting is this Wednesday.
- I would also remind everyone here tonight and to all your friends and neighbors and family members back home that tomorrow is an election day. Regardless of whom you vote for, you should vote. There have only been 763 votes cast in Huntersville for a town of about 47,000, which you can assume probably there's about 30 some odd thousand registered voters. The decisions that are made by this Board have a more dramatic impact on your daily life than pretty much anything that happens in Washington, D.C. Unless you want to let 8 percent or 6 percent of the populous choose who sets your tax rate and who says what can be built where or where we are going to build a road, I would encourage you to encourage whomever you know to go vote, regardless of who you vote for. I would also like to say that it has been a privilege to serve with my colleagues up here for the past two years and as we are all running for an election tomorrow, I wish all of us good luck. I will also say that Huntersville is a unique situation. We have eleven candidates for commissioner and two candidates for mayor, all of which would have the ability to serve this town admirably and we are a fortunate community to have that at

our disposal and we should be blessed because there's a lot of communities that don't have the riches of leadership that we do.

Commissioner Julian

- The next EDC meeting is November 17.
- The next Lake Norman Chamber meeting is November 28.
- The next School Advisory Committee meeting is November 16. There has been some discussion about the School Advisory Committee and the direction it takes – does it need to continue, do they need to focus just on Huntersville's needs for schools. A lot of that conversation is going to happen at that meeting.

Commissioner McAulay

- The Planning Coordinating Committee met October 21. That's made up of the Planning Director, Planning Chairman and one elected official from each of the governing bodies in Mecklenburg County. It seems that most of the discussion was around whether or not we should continue to have this. This committee only meets twice a year.
- The next MPO meeting is November 16.
- The next NC 73 Council of Planning meeting is November 10.
- The Visit Lake Norman Board meeting has been rescheduled for November 17.

Mayor Swain said I neglected to mention that Hopewell High School has started an Academy of Hospitality and Tourism. They are looking for people who might want to be involved with that. The next meeting for this group is at Hopewell High School at 8 a.m. on Wednesday morning.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Sonny Williams, 423 Hunting Creek Road, Weddington, said my purpose for being here is to let you know a little bit about something that is going on in your community that you may not be familiar with. I'm a member of the Metrolina Control Line Society and recently we partnered with Visit Lake Norman in hosting the time trials for the world championship in model aviation racing. The top three teams will go on to represent the United States in Bulgaria in 2012. Then last month again we partnered with Visit Lake Norman in hosting our annual precision aerobatic contest called the Carolina Criterium and in that contest we had over 80 contestants fly in the competition from 17 states. Those contestants, many of them with their spouses and their children, took advantage of the hospitality in your local hotels and restaurants. We simply invite you to come out and see what we do. Better yet, come join us, we would love to have you. We fly at Waymer Flying Field.

Commissioner Julian said for our audience, the flying field is a county park on Holbrooks Road right across from the Griffin Brothers waste facility. There's two control line flying circles plus there's a radio control field also.

Mr. Williams said when we have our competitions we utilize six circles – the two paved and four grass circles, so they are fairly sizable events.

Recognize Carroll Gray. Mayor Swain said four years ago when I had the opportunity to come onto the Board in the mayoral position I was lucky enough to work with other mayors in the area who really firmly believed in regionalism and believed in transportation. So Mayor Woods, Mayor Thunberg at the time and Mayor Tarte and I started something that we called the Mayors Transportation Task Force because we firmly believed that all of our transportation issues were interconnected. If the traffic jam

happens on 115 it inevitably is going to affect what happens in Mooresville and now we've also branched out to understanding that it affects Charlotte, it could affect Concord, it could affect the entire area. But what happened out of that were a lot of very good things and we have now got the Lake Norman Transportation Commission as a result of that. And probably the best thing that happened for the Lake Norman Transportation Commission was that we as a group of communities had the opportunity to have Carroll Gray work as our Executive Director. We are very saddened by the fact that Carroll has, and probably rightly so, opted to retire from this position. But I wanted to say that Carroll Gray has been phenomenal in making the Lake Norman Transportation Commission a really well-known appreciated sought out group, not only regionally but by our Secretary of Transportation and his staff. Carroll has helped make a name for it, has helped make us really the ideal group of regional efforts and his efforts, his dogged pursuit of what is beneficial on behalf of the regional effort, has not gone unnoticed nor unappreciated by all of us. We wanted to bring you here this evening to tell you thank you ourselves and I'm going to go down the dais because I think we all have something to say to you.

Commissioner McAulay said thank you so much for your service. I know for years you were a lightning rod in Charlotte community business and chamber business and perhaps you've lived in the area and we just didn't realize it. There are a lot of people that hide over on Lake Norman and other places. We do thank you for your efforts and for liking this region. I hope you are staying in it. And I don't know who is going to have the benefit of your expertise and your knowledge and your energy and drive, but I know that they will be just as appreciative as we are. Thank you very much.

Commissioner Caulfield said I would just like to say thank you for taking out the shovel and going to work. Starting a project is always the hardest part and you did that for us and we are so grateful that you did. You rolled up your sleeves, went to work and did the hard work for us and so now we can pass the baton to someone else, who I'm not going to say it's going to be easy for them, but you definitely laid the ground work for them and dug it out for us, so thank you so much for all your service to not just Huntersville, but to the whole region.

Commissioner Jeter said I think the four mayors deserve a great deal of credit – Thunberg, Woods, Tarte and Swain for putting together the Mayors Transportation Task Force of which I was a Huntersville representative. Carroll Gray was on that group with me. We met for 1-1/2 to 2 hours every Wednesday for 13 weeks up on the second floor of Cornelius Town Hall. From that organization we created the Lake Norman Transportation Commission. When the Lake Norman Transportation Commission first came to Huntersville for approval, we voted it down 5 to 0. The next day I got a call from Carroll Gray and he said I want you to come talk to me and Andrew Grant. I said I would be happy to. And after listening to them and talking to my colleagues, two weeks later the Huntersville Board changed course and unanimously approved membership in the Lake Norman Transportation Commission. And going to what Commissioner Caulfield said about he put the shovel in the mud, Huntersville doesn't participate unless Carroll had brought us to the trough and made us drink the water. The work that he and Brian Jenest have done over the past three years is nothing short of miraculous. The value that he as an individual has brought to this community and the level of public service that Mr. Gray has brought is not something you see every day. And not only are we grateful but more importantly our children are going to be grateful because of the actions that you undertook these past three years, because you have set the foundation for generations. I don't think any accolades could tell you how important that is and I truly appreciate it.

Commissioner Julian said I think a lot has been said, but from my heart I appreciate everything that you have brought to the LNTC – your professionalism, your dedication, your expertise. I can't say thank you enough. I've seen the LNTC start out as a very controversial mode between three towns and you've

been able to bring us together, instill that vision so that we can look to the future to see what LNTC can be. Thank you again.

Mayor Swain said I have to say a couple of things and that is you don't know how many times I have been to Raleigh or to Washington carrying this big map that is the first regional map of the transportation network that has been done in North Carolina. It was from the transportation task force and LNTC that we are able to really be the pilot program and the showcase for the area. That has been fantastic. I have to say that we tried to think of an appropriate gift to give you and we think that this is probably the best. What this is, this is the cover of the Urban Land Institute report that Carroll championed. This is the picture of the report. What is really significant about this is that you are looking from Mooresville all the way to Charlotte. This is what Carroll did. He embraced the concept of regional transportation from Mooresville all the way to Charlotte and really gave us a name and gave us an incredible reputation and we thought this was the appropriate thing to give to you.

Carroll Gray said this is overwhelming. This is a great photograph which actually was taken on a January day, clear day, by a Huntersville business, so that's very appropriate. The thing that I appreciate most are the comments that all of you made tonight. I think Josh asked me one time, he said in the past three years what have you done that you think is most significant. I said well I think we've proven we can work together as four towns. We've got a few other things that we've got going, but that's very important and I want to congratulate this commission and Greg Ferguson on a first class staff. It's been a lot of fun. We've got momentum. Some good things are going to happen in 2012.

AGENDA CHANGES

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

PUBLIC HEARINGS

Petition #S11-02. Mayor Swain called to order public hearing on Petition #S11-02, a request by Glenwood Development Co., LLC to revise the Special Sign District Overlay for the Shoppes at Birkdale Crossing shopping center.

Brian Richards, GIS Administrator, entered the staff report into record. *Refer to Attachment No. 1.* Back in 2007 Glenwood Development came on board with their shopping center on the south side of Sam Furr Road, just about a mile west of the interstate. At that time they needed some adjustments outside of our traditional code for the sign program. We went through that process and everything was approved with staff's support. Simply what we are having here is as the nature of the economy has changed, we have some shop owners in the rear of the project that are having a little bit difficult time and they are trying to get some more exposure up on the highway. What we have come up with is a small expansion of their existing monument sign out front. They are asking for an additional 24 sq. ft., which would be in line with our sign flexibility program to take the overall capacity to 120 sq. ft. and staff would be in support of this revision.

Commissioner Jeter said you are talking about basically an addendum off to the side of the existing physical structure. You've shown two separate visuals if you will. I guess they are slightly different in size.

Mr. Richards said no, the square footage is the same. It's just showing some opportunity to do it different ways depending on tenant rosters. They are both 24 sq. ft.

Commissioner Jeter asked how frequently can they be changed?

Mr. Richards said as often as needed as the tenants change inside the shopping center.

Commissioner Jeter said but there's no prohibition to changing it every day if they wanted to for example.

Mr. Richards said no there isn't. It's pretty expensive. I don't think they will be changing them every day, but there's nothing prohibiting that.

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

Commissioner Caulfield said I just wanted to say thank you to our staff. We have a great staff and this was just another example of how they got on something. The owners of the Nook had contacted me about the issues with the signage and about how they were having trouble getting customers in there, so I talked to Mr. Simoneau about what we could do and he got right on it with the staff and contacted Mr. Schutrum and worked out a plan to help all the people in the back there that were having trouble getting customers in, so I really appreciate what you guys do.

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

Acquisition of Property and Land for Police Station. Mayor Swain called to order public hearing concerning the approval of the execution, delivery and performance of the Contract and the Deed of Trust and the acquisition of property located at 9630 Julian Clark Avenue and land at 13245 Lindley Drive to be financed.

Greg Ferguson, Town Manager, said you have in your packet tonight a contract for installment purchase financing of building and land for a new proposed police station. I'm going to highlight briefly the main points of the contract. There were four banks that submitted bids under the Request for Proposal. The bank with the lowest interest rate was First Community Bank, a bank that has a branch here in the community. The rate is 2.95 percent for a 20-year term, which is an outstanding rate. The contract also authorizes a Deed of Trust for the property. It also contains no pre-payment penalty, so the Town would have the option to pre-pay the loan off during the term of the loan. The amount to be financed, although your previous resolutions have called for up to \$6 million, our recommendation is that the project be brought in at \$5.8 million, so we would not use the full financing amount but you still would have that option down the road if the Board so desired to do so. We are targeting December 15 as our closing date and the LGC has on its agenda the approval for the first Tuesday in December, so everything is lined up and ready to go.

Mayor Swain said the fact that our staff has moved so quickly and gotten such incredible results in a short amount of time and that we will have a closing date by December 15 is phenomenal. We said this earlier to you in our pre-meeting, there's not one of us who does not appreciate all of the efforts of you and your staff, so thank you very much.

Janet Spain, 17607 Cambridge Grove Drive, said I want to go on record with our Town Staff and this Town Board to let you know that I fully support your actions to acquire the foreclosed property in The Park – Huntersville as our new police station campus. The location is ideal, with the necessary infrastructure in place and a very central location with good access to all points in town. The timing is outstanding as it will get our safety personnel into their new facilities by summer of 2012, and the price of approximately \$5.5 million is most attractive. Compare this proposal to the former site that was considered at the Anchor Mill property – basically in a residential area – which is more remote with none of the required infrastructure in place and an occupancy time several years distant for our seriously cramped police department. Those are all negatives before you even get to the projected price of approximately \$20 million for building from scratch at the Anchor Mill site. The location in The Park – Huntersville is definitely the more reasonable and I'm sure our outstanding Town Manager, Greg Ferguson, and his diligent staff, including our Finance Director, Janet Stoner (who was just named regional CFO of the year for government by Charlotte Business Journal) reviewed every detail with a magnifying glass before presenting the proposal to our Town Commissioners. And I'm just as sure that each of them examined the details closely before voting unanimously to approve this proposal for our Town. As a P.S., I'm an election official, so I'm reminding you to vote tomorrow, if you haven't already. Remember, on Election Day you must vote in your own precinct, not at an early voting location.

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

OTHER BUSINESS

Resolution – Installment Financing – Police Station. Upon the roll being called by Mayor Swain, the following members of the Board answered present: Commissioners Danae Caulfield, Charles Jeter, Ron Julian and Sarah McAulay. The following members of the Board were absent: None.

Commissioner Julian introduced Resolution of the Board of Commissioners of the Town of Huntersville, North Carolina, Approving an Installment Financing Contract and a Deed of Trust with Respect Thereto and Delivery Thereof and Providing for Certain Other Related Matters.

Commissioner Julian made a motion to adopt Resolution of the Board of Commissioners of the Town of Huntersville, North Carolina, Approving an Installment Financing Contract and a Deed of Trust with Respect Thereto and Delivery Thereof and Providing for Certain Other Related Matters.

Commissioner McAulay seconded motion.

Motion carried unanimously.

Resolution attached hereto as Attachment No. 2.

Resolution – Reimbursement – Police Station. Upon the roll being called by Mayor Swain, the following members of the Board answered present: Commissioners Danae Caulfield, Charles Jeter, Ron Julian and Sarah McAulay. The following members of the Board were absent: None.

Commissioner Jeter introduced Resolution Declaring the Intent of the Town of Huntersville, North Carolina to Reimburse Itself for Capital Expenditures Incurred in Connection with the Acquisition, Construction, Equipping and Furnishing of a Public Safety Facility and the Acquisition of an Adjacent Parcel of Real Property from the Proceeds of Certain Tax-exempt Obligations to be Executed and Delivered During Fiscal Year 2012.

Commissioner Jeter made a motion to adopt Resolution Declaring the Intent of the Town of Huntersville, North Carolina to Reimburse Itself for Capital Expenditures Incurred in Connection with the Acquisition, Construction, Equipping and Furnishing of a Public Safety Facility and the Acquisition of an Adjacent Parcel of Real Property from the Proceeds of Certain Tax-exempt Obligations to be Executed and Delivered During Fiscal Year 2012.

Commissioner Julian seconded motion.

Motion carried unanimously.

Resolution Attached hereto as Attachment No. 3.

Capital Project Ordinance – Police Station. Upon the roll being called by Mayor Swain, the following members of the Board answered present: Commissioners Danae Caulfield, Charles Jeter, Ron Julian and Sarah McAulay. The following members of the Board were absent: None.

Commissioner McAulay made a motion to adopt Capital Project Ordinance in the amount of \$5,800,000 for the acquisition, construction, furnishing and equipping of a new public safety center and the acquisition of a parcel of land adjacent to the facility.

Commissioner Julian seconded motion.

Motion carried unanimously.

Ordinance attached hereto as Attachment No. 4.

Petition #TA10-04. Petition #TA10-04 is 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 all commercial rooftop solar energy facilities to be defined as minor facilities and permit them by right in any zoning district.

Lisa McCarter, Planner, entered staff report into record. *Refer to Attachment No. 5.* When staff first brought this at the public hearing we didn't differentiate between flat roofs and sloped roofs, but we were just proposing that all non-residential rooftop facilities be permitted by right and not require a special use permit. At the public hearing it was mentioned maybe we could make it consistent with the way that we did residential and have the front roof slope require a special use permit. We took alternate language to the Planning Board and the Planning Board recommended language that it would require a special use permit if it was on the front roof slope that was less than 100' from the street right-of-way to the base of the structure, but if it was 100' or greater then it would be permitted by right.

Commissioner Jeter said 100' isn't far. If you are going to allow it at 100' you do not accomplish the goal of what I expressed at our last meeting.....100' is not acceptable to me and I will not vote for any motion with that language. To me if it's going to be on a front slope it needs to be a special use permit barring some great distance away, which 100' is not sufficient in my mind.

Commissioner Julian said just for clarification on the Planning Board recommendation, they are now making solar panels that are architecturally pleasingthey are built into the material. Is this for all solar panels or just the architecturally pleasing panels?

Ms. McCarter said it would be for all of them, but I do have photo examples of ones that are architecturally integrated that you can't tell if you would be interested in looking at them.

Commissioner Julian said I'm going to agree with Commissioner Jeter. On the front slope I don't mind having solar panels, but they need to be the architecturally pleasing panels, so however you want to put that.

Commissioner Jeter said make them come back with a special use permit. She can show us the pretty pictures, but at the end of the day currently as it is suggested and written there is no separation between the pretty stuff you can't see and the ugly stuff you clearly can. Unless you make it a special use permit, there's no way to prevent against that.

Commissioner Julian said I think we can go by right and let the staff determine what architecturally pleasing is.

Commissioner Jeter asked what is your recommendation then?

Commissioner Julian said if it's on the front slope that an architecturally pleasing product be used. In other words, not your standard solar panels.

Mayor Swain said let's see some pictures.

Ms. McCarter said all those roofs on the residential buildings are solar panels and solar tiles.

Commissioner Caulfield asked do you have any pictures of ones that are not so aesthetically pleasing?

Ms. McCarter said not in this presentation.

Commissioner McAulay said I was ready to go with it. I'm trying to think do we even permit something to be 100' off of the road now. And that was the argument I was having with myself. The ones that have applied for it are Bradford Store which is more than 100' off Highway 73 and ABB has expressed an interest of having it at Commerce Station and it would be off of the main publicly traveled road being Highway 115. The rail line would also be there and people could ride the train and see what a nice building they have with solar panels. I thought we were ready to go with it. They had made the changes that had been requested.

Commissioner Jeter said I have no doubt that given enough money, time and effort you can make solar panels look like the four pictures here. If this was what was presented and this is what it was limited to, I would be fully in favor of this. However, as the code is written we don't require them to build it so it is in essence non-invasive or non-distinctive from the rest of the frontal architecture of the building as this clearly is. There's nothing that would prohibit someone from putting the traditional old rectangular type solar panels on the front of their residence or building 100' from the road. That to me is not acceptable without a special use permit. There are occasions in town where it might make sense, but as a rule of thumb I do not believe we should do it. To me it goes against the 2030 Community Plan that we just approved that said we were going to try to keep the rural and aesthetic pleasure of this town. Allowing people to put rectangular things without Board permission I think violates something that we passed this year. I will not support it if that's the motion.

Mayor Swain said what if you stipulated that the solar panels had to be created or invented after a certain year, because I don't think that people are going to go for those big things anymore unless they can get them cheap on e-bay.

Commissioner Jeter said the purpose of special use permits is for this exact situation where we have a situation where we all believe that it probably makes sense in some cases, but it does not make sense in all cases. That's the purpose of the special use permit under our code. If there's ever been a case where we should use the SUP, it's here and now.

Commissioner Caulfield said I understand the concern of making it a special use permit because if someone is trying to move along in building they don't want to be tied up for a couple of months waiting to do their roof.....they would have to make a decision. I understand that. I also understand the other side of it is we don't want to give just this blanket allowance of any type. Do we have any research that shows what the panels look like nowadays? Have they gone completely out of the old style that are raised and big and bulky?

Ms. McCarter said from what I've read those big bulky ones are more expensive and they've got new technologies that are cheaper and thinner and more aesthetically pleasing, so it would be kind of I guess like the Mayor said, unless you see them cheap on e-bay.

Commissioner Caulfield asked is there any way we could word this better?

Jack Simoneau, Planning Director, said the reality of it is you could have your typical solar panels on the roof, too. Is there a way you could re-word it, yeah. You could say something to the effect that unless the solar panel is integrated into the roof and is not visible from the street or discernable from the street, then it shall get a special use permit.

Commissioner Caulfield said I would be good with that.

Commissioner Julian said I like that.

Commissioner Jeter said that's fine with me. If they can make it look invisible, build it. If they can't, special use permit.

Commissioner Jeter made a motion to approve based on Mr. Simoneau's language.

Commissioner Caulfield seconded motion.

Commissioner Julian said it would be built into the roof, it wouldn't be panels just inlaid into the roof.

Mr. Simoneau said correct. When we are saying integrated into the building that's not visible from the street, then we know what that means and if somebody doesn't meet that then we will send them through the special use permit process.

Mayor Swain called for the vote.

Motion carried unanimously.

Commissioner Jeter made a motion for the consistency statement – in considering the proposed amendment to the Zoning Ordinance, Article 9.54, Article 3 and Article 12, 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 because it will increase fuel energy efficiency in our town while not diminishing our aesthetically pleasing community.

Commissioner Caulfield seconded motion.

Motion carried unanimously.

NC 73/Poplar Tent Road Small Area Plan. Zac Gordon, Project Manager, said I'm going to give you a very quick overview. The Town participated back in 2005 in a small area plan at the intersection of NC 73 and Poplar Tent. It encompassed a fairly large area, some 1,800 acres which you see outlined in red. As part of the community plan process one of the things that we said in the plan as an objective was to review small area plans on a regular basis so they don't get stale. This plan is going into its seventh year and the small area plan said that we would review them on a seven year basis at least and so we are going to begin a small area plan. Actually we've already begun the background work and the existing conditions and some other analysis to look really at the area which is shown. *Refer to map attached hereto as Attachment No. 6.* Huntersville's jurisdiction is about 430 acres. We are going to be focusing on just our piece of that small area plan because frankly that's in our jurisdiction and we need to address some issues in that area. We begin in November and we end up in March. In between we have a lot of work to do but the point is what we want to come up with and we want to be able to put together is an integrated land use transportation plan which addresses the realities of today and looks at a 5 to 7 year timeframe rather than a 15 to 30 which was the previous plan and frankly things are just happening too quickly and we need to look at this a little bit tighter.

Commissioner Jeter said isn't a lot of that land where the Renaissance Festival is part of the Catawba Lands Conservancy – deed restrictions now or was that never done.

Mr. Gordon said there are probably five property owners within this study area. One of the largest is Mr. Porter Byrum who owns approximately 300 acres, so at least 130 acres along the frontage and then some down the west side and on the lower southeast side. To my knowledge I don't think that there's been any finalized conservation of that area. We are going to get into all that. We are going to meet with everybody. That's the first thing we are going to do is meet with all the property owners, stake holders, CMUD, Lake Norman Regional Economic Development. We are going to look at this from a very comprehensive standpoint and come up with some recommendations.

Mayor Swain said and Mr. Byrum will be a part of that.

Mr. Gordon said yes, he certainly will. And I also wanted to say that we presented this to the Planning Board at their October 25 meeting and the recommendation from staff was that if we could have a small steering committee to guide this plan development as we have in the past, it's been a few years since we've had a small area plan, but it's really been helpful in the past and we have three Planning Board members – Joanne Miller, Hal Bankirer and Jeff Neely who are on that committee. If someone from this Board would like to participate that would be fine and then we would probably look to have a couple of citizen reps so that we could really keep this moving along because we have a fairly tight timeframe to get it done by March.

Mayor Swain said one of us will let you know.

Board of Adjustment Appointment. There has been a vacancy created by the recent resignation of John Gerring, Jr. who filled the Alternate 1 (Town) seat. The term expiration for this seat is June 30, 2013.

There continues to be a vacancy as a Regular Member for the ETJ (Seat 1) that has a term expiration of June 30, 2012.

The Planning Department immediately issued a Press Release on October 31, 2011 for interested applicants, and has advertised on the Town website.

Applications for the Alternate 1 (Town) seat are as follows: Dennis Brewer, Chris Price and Joe Sailors.

There are no applications that qualify for the Regular Member ETJ Seat 1, as vacated on December 17, 2010, and therefore the position will remain vacant until further notice. Once the Town Board recommends an ETJ member, the request will be sent to the Board of County Commissioners for appointment for a term ending on June 30, 2012.

Commissioner Caulfield nominated Chris Price.

Commissioner Jeter – No Nomination

Commissioner Julian nominated Chris Price.

Commissioner McAulay nominated Chris Price.

Commissioner Jeter made a motion to appoint Chris Price to the Board of Adjustment Alternate 1 (Town) seat.

Commissioner Caulfield seconded motion.

Motion carried unanimously.

Commissioner Jeter said while we are still on the subject, as you all know we still have not filled an ETJ seat. If anyone who lives in the ETJ is interested or knows someone who is interested, it's always better to have a full sitting group and so from that perspective if you live in the ETJ and have any interest please contact Jack Simoneau in the Planning Department so we can get this very important organization filled up.

Commissioner Julian said since we are on this, Chris Price is in the audience. Thank you for your application. Chris participated in our Huntersville 101 class. He's an excellent young man. He's ready to do service.

Commissioner McAulay said I would like to ask, do we have to have an ETJ seat and could we switch that to a Town seat since we have gone a lengthy time without any applications.

Mr. Simoneau said no. The ETJ representative has to be proportionate, so we need at least one regular member from the ETJ.

Commissioner Julian asked is that by state law?

Mr. Simoneau said yes.

Commissioner Julian asked is there a way to create another alternate position? I know we sometimes have trouble getting a quorum and that's what I'm looking – how we can better serve that committee.

Mr. Simoneau said thankfully we have an alternate ETJ member in Joanne who also serves on our Planning Board, so we have an ETJ representative. The way the Board of Adjustment is set up, there's seven regular members and three alternates and so the three alternates will step in, so to answer your question we already have three alternates. If you are suggesting we have more than three, I don't know that would help. I think just filling this one position is a big help for us to get a full board sitting at those meetings. If you want us to do some investigation, we could do some investigation.

Commissioner Julian said we have trouble getting a full quorum at that board meeting – if we could investigate whether we increase from seven to eight or something.

Mr. Simoneau said we'll do some searching of other ways to have the board made up and we'll give the Town Board some recommendations. I personally feel pretty comfortable with what we have now but it's worth looking at and see if there's other ways to go about it. We'll report back probably first part of the year.

2020 Parks & Recreation Master Plan. Michael Jaycocks, Parks & Recreation Director, said in front of you tonight is the 2020 Parks & Recreation Master Plan. It's an update from the last plan back in 2004 that the Town Board approved. I just want to recognize a couple of Parks & Recreation Commissioners that are here that helped us through this process – Cindi Hovis, Henry Stiene and Shawn Rogers. We began this process back in 2010. The recommendations are the same as what was presented back in late August to the Board. It kind of gives us a framework for the next 10 years, looking at what our needs are based on the public input that we have and also about current level of service and the current needs that we see with the growth that we have had since 2004 and what has changed.

Commissioner Julian made a motion to approve.

Commissioner McAulay seconded motion.

Commissioner Jeter said I was reading through this this weekend and a couple of things struck me as....you said you mailed the statistically valid survey. I'm not really sure how you get a statistically valid survey prior to getting results back. Going on that same page, you say that trails and greenways were ranked highest as most important amenities to the community from 500 people that responded out of the over 16,000 homes we have, that's a fairly small pool. I just have a concern that the 2020 Plan as I read it, maybe I'm reading it wrong, is putting greenways as a more important amenity than parks and field space which is what I as a commissioner hear the most complaints about.

Mr. Jaycocks said the statistically valid comes from.....Brian actually helped us randomly select the addresses that are in Huntersville. And there's a formula that's used. The margin of error is approximately +/- 5 percentage points with a 95 percent confidence rate. We just didn't have people come and fill out the survey online. It was actually mailed out across town so that's why it's more statistically valid than it is if people just came in to talk to you. You might have a specific group that has a specific interest. This actually got a good overall picture. People might not have interest in ball fields

but they have other interests such as trails and so forth. It's pretty typical, in most master plans you see any type of trail is usually in the top two or three. It doesn't mean that there's not needs for other things, but overall those people had the choices and that was chosen the most.

Commissioner Jeter asked is it the position of the 2020 Plan that trails and greenways are more important than parks and field space?

Mr. Jaycocks said according to the residents. The plan actually looked at all of the recommendations, so we are showing there are needs for everything, not just greenways. Being a more diverse park system you don't want to just concentrate on one thing because you know there's other needs.

Commissioner Jeter said you received 504 responses which means your margin of error is +/- 5 percentage points which by histogram definition means it's not statistically significant. It's outside the margin of error. Secondly, you're referencing the fact that the greenways are more important than parks and field space. I'm not here to tell you that greenways aren't important. I think they are a vital part of our community and in my six years on this Board we spent a great time coming up with the greenway master list and we even partnered it up with the other communities much like we have our transportation plan. I just can't see how as I read this document, and I assume it's right since I haven't been corrected yet, it still seems to me that we are saying that trails and greenways are the most important whereas I still think, and according to 86 percent of the respondents of this thing, fields and parks are the most important to continue to develop.

Mayor Swain said what you are looking at here is the survey summary. Those are the responses that the survey got. That does not say that was their recommendation. If you look at these recommendations, the Parks & Rec Commission is still saying we are moving forward and we are saying that these are.....

Commissioner Jeter said I understand that. I asked him the question and his response was he made the comment that he's never seen a master plan that it wasn't one of the most important projects.

Mr. Jaycocks said that's just the survey findings. Those are the recommendations of the public when they chose, but if you look at the recommendations for the actual Park Master Plan it talks about land, it talks about new facilities, what land is out there now that hasn't been developed, what type of amenities and so forth. It's not just saying greenways is the No. 1 thing.

Commissioner Jeter said you are not saying then that the town in this 2020 plan is going to use the survey highlights stating that trails and greenways are the most important new amenity to the community.

Mr. Jaycocks said I think when you go to develop a park that's when you start looking at those amenities, what should it have – trails, ball fields, tennis courts, natural areas, so we would look at what the survey findings are, but we don't want to just look at one amenity and not anything else.

Commissioner Caulfield said there's a couple of recommendations on here I just want to ask a couple of questions. The downtown park land you suggested we acquire land in the downtown area and then down at Cook and Pennington park land. Could you explain the history of that 191 acres.

Mr. Jaycocks said the Cook and Pennington property which is south of the water treatment plant the county purchased for the town to develop a future park. We haven't master planned the park to kind of see what the residents in that area would like to see in that park. It's two separate parcels. The Cook

property when the county purchased it had the right to continue farming it until 2015. After that the county can look to develop the park or the town can say we are going to look to develop the park or you can extend their farming rights to it. There are no restrictions on the Pennington property.

Commissioner Caulfield said when is this all supposed to be done by, your projections, how many years out.

Mr. Jaycocks said we don't see us doing all this in 10 years, but we want to list all the things that we should start looking at. I don't see us doing all this in the next 10 years. We can work with the county and go after grants. Since 2004 if you look at the number of dollars that were actually invested in Parks & Rec facilities or school facilities, it might have been \$15 million of worth but the town only put \$5 million towards that because some were built by the schools, some built by the county, the land was purchased by county, so it all depends on our partners as well. We know we can't do all this ourselves.

Commissioner Caulfield said so this is your vision for the town and anything that is on here still has to come back.

Mr. Jaycocks said if funds became available. We have \$500,000 left in park bonds if the Board decided to sell those, the Parks & Rec Commission would have to sit back down and see what items they want to go after and that would come back to you.

Greg Ferguson, Town Manager, said the important thing to note is that the county looks for an updated town master plan so that when they make decisions about what they invest county dollars in that they are tagging along with the town investment. I think it's very important whether it be trails or active parks and recreation or passive parks and recreation that you have an updated plan. I think what Michael's done here is given you a menu of different park amenities that could be constructed. The public simply weighed in and the people who responded said they liked a particular one, that doesn't mean that we wouldn't necessarily recommend that you still fund active recreation or more importantly use county dollars to acquire land or construct trails. To this point most of the greenways have been constructed by the county, so we would use that to say to the county that this is a high priority or in an area where a lot of greenways come together you might want to actually purchase the property.

Mr. Jaycocks said another point is one of the biggest grant providers in the state is a Parks & Recreation Trust Fund and we had over \$750,000 in grants from them since 2004. One of the No. 1 priorities is for you to have an updated master plan that's at least less than 5 years old because they want to make sure that you are getting public input and updating your plan. If it's older than 5 years old you lose points automatically. And now with the economy, the funds in that grant are about 1/3 of what it used to be and the requests are twice as much so it's even more competitive so any kind of leverage you can get is important.

Mayor Swain called for the vote.

Motion carried unanimously.

2020 Parks & Recreation Master Plan attached hereto as Attachment No. 7.

Speed Calming Devices – Glens. Commissioner Julian said over the last two years I have made multiple trips out to the Glens retirement community. It's a retirement community that has 55 and over age people living there. The Glens was developed solely for that purpose and so as you can see a lot of

these are duplexes and triplexes around Ashby Glen Drive and Sullivan Glen Way and so we have residents that are walking the area and mainly going to the clubhouse. As they try to work their way around the neighborhood they have to cross the road and they are not very fast at it. And so our speed calming policy that staff developed is a great policy and meets the normal neighborhood or needed requirements. This is kind of outside of the box and so I'm bringing this up to the Board tonight with a recommendation of adding five speed calming cushions there. The speed calming policy addresses cushions as one device, but also chokers and islands and other things. Again our policy does a majority of the time address every situation but this is one situation that's just outside of the box.

Commissioner Julian made a motion to approve the installation of speed cushions in five locations – two on Sullivan Glen Way, two on Ashby Glen Drive and one on Bayberry Way. These cushions will be purchased and installed by the town. The town will be reimbursed for the cost of the cushions from the Glens. Mike and Jay Young are the owners/developers of the Glens and are here. They have agreed to pay for the cost of the cushions. Since it does not fit in that speed calming policy, I tried to think of what is fair here, but they had offered this up.

Commissioner McAulay seconded motion.

Commissioner Jeter said a couple of questions for you and then I have a statement. Do we want them to once we figure out the cost to prepay the cost versus reimburse us for the cost and if not are you going to set a timeframe for which the reimbursement must be received from them.

Commissioner Julian said let's have them prepay the cost of the cushions.

Commissioner Jeter once instructed the cost by town. Is that agreeable to Mike and Jay? They are nodding in approval from the audience. My statement, I actually think our street calming policy works pretty well. The dilemma I have here is simply this, we've got connectivity the goal being that the more ways you can get to the same place the better traffic flows to put it simply. For a while there we decided to build neighborhoods that way. Basically saying if you are building a neighborhood we are going to make it so you can get out of there 15 different ways. When this development was approved, and we knew it was going to be an over 55 living facility with a circular type facility and the way it was going to be structured, this should have never been approved however many years ago with the concept that this was ever going to be part of connectivity. It was a fault in the way it was approved by some board in the past and what I would encourage our town staff to do hopefully with Board support is that any time an over 55 community is presented for approval whether it be an independent entity or whether it be part of a larger complex as I believe this really was, that we make those considerations before we have to come back and fix a problem. I actually agree with Commissioner Julian, this does not fit within the projections or anywhere close to our speed calming devices, doesn't meet any of the warrants, but it does pass the sniff test for me but I would like us after hopefully we approve this tonight that we make a provision or some kind of codicil that would affect this so we don't continue to run into this problem. This is unique to a 55 and older facility that is developed in a circular pattern connected to a larger neighborhood. The reason I say that is this does not mean if you don't meet warrants somewhere else in town you automatically qualify. This is in my opinion a unique situation that bears consideration.

Commissioner Caulfield said I echo that. I've said it before that if we are going to do connectivity it has to make sense and to me this does not make sense and I also would like to ask our staff to go back and look at our ordinance that deals with this and see if we can come up with something that maybe could be brought back to the Board that we could look at so that it's written in that when these types of

developments are there that we have the flexibility right up front to not allow the connectivity in this type of neighborhood. I agree it doesn't go along with what we have written, but to me it makes sense. We are coming in behind something to fix it. I went out there, Commissioner Julian was kind enough to let me go out with him as he was working on this and saw the site and watched as people sped through this neighborhood and we have to take care of our seniors, so I am going to be in favor of this.

Commissioner Caulfield asked that Commissioner Julian repeat the motion.

Commissioner Julian restated his motion is to approve the installation of speed cushions in five locations – two on Sullivan Glen Way, two on Ashby Glen Drive and one on Bayberry Way. These cushions will be purchased and installed by the town. The town will be prepaid by the Glens before cushions are bought and installed.

Commissioner McAulay seconded motion.

Motion carried unanimously

CONSENT AGENDA

Approval of Minutes. Commissioner Jeter made a motion to approve the minutes of the October 17, 2011 Regular Town Board Meeting. Commissioner Julian seconded motion. Motion carried unanimously.

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the 21st day of November, 2011.