

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

**January 3, 2012
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 January 3, 2012.

GOVERNING BODY MEMBERS PRESENT: Mayor Jill Swain; Commissioners Melinda Bales, Charles Guignard, Charles Jeter, Ron Julian, Sarah McAulay and Danny Phillips.

Mayor Swain called for a moment of silence.

Mayor Swain led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Swain – No Report.

Commissioner Bales – No Report.

Commissioner Guignard – The next LNTC meeting is January 11.

Commissioner Jeter – No Report.

Commissioner McAulay – MUMPO orientation is January 11.

Commissioner Julian – The next EDC meeting is January 19.

Commissioner Phillips – No Report.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

None

AGENDA CHANGES

Commissioner Julian made a motion to defer Item H (Consider appointing three members to the Parks & Recreation Commission) and Item I (Consider appointing three members to the Greenway, Trail and Bikeway Commission) under Other Business to the next meeting. We had our meet and greet tonight and it would be amiss of me to sit here and vote on this without going back and looking at the applications.

Commissioner McAulay seconded motion.

Commissioner Julian clarified the applicants would not be required to attend the next meeting.

Motion carried unanimously.

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

PUBLIC HEARINGS

Mayor Swain recognized Planning Board members present: Joanne Miller, Hal Bankirer, Jeff Neely, Barry Hester, Bruce Andersen and Robert Cameron. Art Van Wingerden entered during the first public hearing.

Petition #R11-06. Mayor Swain called to order public hearing on Petition #R11-06, a request by Charlotte-Mecklenburg Hospital Authority (Carolinas Healthcare Systems) to rezone 17.35 acres located at the NW corner of NC 115 and Verhoeff Drive from Neighborhood Residential to Campus Institutional Conditional District.

Staff report attached hereto as Attachment No. 1.

David Peete, Principal Planner, said I will go through the report for you tonight and then the CMC representatives will be here to elaborate on a few of the issues and then I will be glad to take your questions.

We are talking about the 17.35 acre portion of the parcel located at 115 and Verhoeff. The little cut-out here on Verhoeff is the current Mecklenburg County property and facility and then as you move down you will find the nursing home that is also a CMC facility. And then Huntersville's HFFA is down the street and across the street is Central Piedmont Community College. The current property, which is vacant, is zoned Neighborhood Residential. Across the street, Central Piedmont Community College is Campus Institutional. Another example besides CPCC would be Presbyterian across the interstate would be that type of facility. It is adjacent to an existing Campus Institutional zone and the CD certainly refers to the conditional district, which means if the Town is so inclined there may be conditions placed upon this and they are asking for a few.

Let me start by indicating to you that I'm going to go through and touch on a few issues. Many of these issues have been resolved, but they are modifications. I also would like to let you know ahead of time, and I will refer to this, is that the applicants are asking to hold the hearing open tonight. They do have issues that are still unresolved and they would like to hold it open until the 17th. That will be before you in just a few moments as we conclude our discussion.

A brief overview of the request is that this is a multi-phase project. The use is a behavioral health facility. I will let the applicants elaborate on what that particularly means in terms of the day-to-day activities. It will be a large facility with associated parking, storm water and landscaping.

Commissioner Jeter asked the request to hold this open, is that new?

Mr. Peete said it's always been a part of the report since last week. The first phase of this will be the one-story facility for a total of 66 beds. The second phase which is proposed to be less than 5 years is to add an additional 44 beds as a second story to the existing footprint. Then in an undetermined timeframe, perhaps 10 years or more, there would be a third phase which would be an approximately 30,000 sq. ft. medical office building which would be between this new facility and the existing nursing home. That in its totality is what they are asking for – all three phases and that entitlement. But again what is actually before you in a lot of detail, including the building elevations that you are going to see, will just be Phases One and Two.

A little more orientation to what we are talking about, again what I've drawn in is this is where Verhoeff's new alignment goes to the flyover which is under construction. The existing Verhoeff will still be in use as part of that transportation solution. NC 115 will have some improvements which we will go over in a second. This is the Monteith Place subdivision, which will have relevance to this. Also, for our neighborhood meeting and for our public hearing some of the homes across NC 115 and the railroad tracks were also notified. We received some inquiries as to the nature of the request, but no opposition in that.

Commissioner Guignard asked how old is this picture, Mr. Peete?

Mr. Peete said this came from the pictometry website and since the building is down....it was razed in 2009, so it is less than 3 years old. Other than that I could not tell you specifically. I wanted to mention the hand-out that I just gave you. *Refer to Attachment No. 2.* We did receive one letter of inquiry from a homeowner in Monteith Place that was in your packet and there is a new one this evening that was just handed out. And again some of those questions as well will be answered either this evening or are still in process.

This is the same type of image that shows more of a focus on the 115 side and you can see here some of the existing vegetation that the old building was able to facilitate having. But if you look here in this entrance off of 115, specifically along this common border with Monteith, this is going to come into play in just a few minutes, but I just wanted to kind of give you a ground level view. This is at Bonnerby, which is the stub street located right here, and I am looking westward. These are the homes that are under construction. This is the alleyway. The rail at the end of the street is supposed to be approximately 10' from the property line; it may be a little bit less in this instance. All of Dr. Seay Drive, which is a public road, is on the CMC property. It is probably somewhere right where this power line is. It's not important that you understand specifically where it is, but that this is where the buffer that we are going to elaborate on in a little while would be located. This road here will have to be relocated in almost any scenario that we may go through, so we will come back to that.

I want to touch on a few outstanding issues that are still in the works. The traffic impact analysis, the improvements to 21.....again, I apologize, I don't mean to gloss over.....what I should have said is there are.....the TIA calls for improvements on 115. The TIA calls for improvements on Verhoeff and then what has been determined through the analysis which I'm going to let our Public Works Department elaborate on is that there are some that are needed on 21. The follow-up discussions about that specifically with DOT have not occurred yet, hence some of the reason why we need to hold the hearing open. I do want to essentially elaborate that the improvements on 115 as called for in the TIA the applicant is fully willing and prepared to provide. The improvements on Verhoeff, a little bit different. Through negotiations with the realignment of Verhoeff by the Town and CMC previously, the Town is bearing all of the improvements where Lottingly Drive will come into Verhoeff. What the TIA is calling for to happen here will be the Town's responsibility. And if you would like to get into more elaboration on that, we do again have Public Works here.

Dr. Seay Drive is a public thoroughfare. As part of this process it becomes somewhat redundant when you look at the road through Monteith and then connecting through Lottingly to Verhoeff. Dr. Seay Drive is not of a sufficient cross-section currently and would have to be upgraded if it were to continue to stay a public thoroughfare. It certainly impinges the site in terms of its ability to provide the buffer, provide the facility with the space that it needed. And so through the discussions with the Town, they have asked that we abandon that right-of-way to them for their own use as internal circulation. With the Lottingly Drive connection the staff is very comfortable that the connectivity ordinance is being met and we would recommend that happen subject to the Lottingly connection.

The buffers along Monteith, we are going to come back to that again. And there's a summary of all of the buffer issues in just a second. The Adequate Public Facilities Determination, currently it is officially at no available capacity, specifically for police vehicles. If you would like for me to go over what that means specifically, you know that they have options and those options are very generally is wait until the capacity is there, buy down the capacity or modify to not have that impact. The applicant understands that. If they would like to touch on that they can, but I think that they will address it at the end of their building cycle, so they just have to rectify that at CO.

Sideyard parking percentage.....this is an element of the type of building type that they are going for. They have 40 percent sideyard parking that they need because they have kind of a very long site. And so the provision in that district is 25 percent.....excuse me the building type that they are looking for allows 25 percent. They are looking for modification of 15 percent and due to the set up of the site we are okay with that adjustment.

There's an existing monument sign at the intersection of Verhoeff and 115. It is not tremendously larger than we would allow, but it is somewhat. They would like to move it and reorient it, but keep it. That is a technical modification and we are supportive of it. It's not a significant signage change.

The tree save plan that they have proposed thus far is not completely ordinance compliant. We are working with them. It has to do a lot with the mix. We have evaluated a lot of the existing trees. I do want to be clear there is a tremendous amount of valuable trees that are out there. I think six are diseased or in decline. That has been validated on our side of that equation but in order to build a building of this size they are going to have to remove some of those very large trees. They are staying within the ordinance. If this site plan is approved, many of those trees will be removed. They are saving a large number of them though, I will point that out.

As part of the Conditional District plan they are providing elevations for the facility. Those are in your packet or they have been made available on our website. We continue to work on some of the inconsistencies with the elevations, in other words where they have treated a particular element in a very consistent fashion there may be an aspect or street elevation where they did not do that. We are working with them. They are very agreeable to do that type of thing and so we expect that will be resolved by the 17th.

The storm water concept plan, that is the general concept plan that we always get at the sketch level. It has not officially been approved by the county. We suspect that they will be able to satisfy that because they do have a fairly large site, but we don't have that yet. And the willingness to serve letter from CMUD, again a technicality, we believe that their facility is in place and that they can tie in, we just have not received that letter from them.

This is just a quick summary of the buffers in question. Technically speaking where the Campus Institutional District exists, 80' buffers are required wherever it hits a different zone. To that end they have asked and I'm going to skip over the green for a second, the 115 and the Verhoeff side, there would be an 80' buffer but because of the constrain of the site, because the building has been brought forward and because they are trying to save some of the trees along both the 115 and Verhoeff side, staff is okay with that buffer being eliminated. Along the relationship of their site with the Mecklenburg County site, because the uses are not incompatible they have asked for that buffer to be eliminated. Staff is recommending that is acceptable because they are not incompatible uses and also to mention to you that the Mecklenburg County facility is actually non-conforming. So if they were to do anything new or different or expand, they would need to rezone as well. And that would also eliminate the need for that buffer, so we felt comfortable there. In the orange you will see where the buffer is needed between their new building and the nursing

home. They have asked to eliminate that and we are agreeable to that because they own both parts of the line, so they would be buffering from themselves, so if that is what they would like to request, we were okay with that. Lastly is the buffer between their property and Monteith Place. The portion to the west in this area where it looks fattest, it is. That is the full 80' and it's mostly existing vegetation. There may be some supplementation. But when you get about $\frac{3}{4}$ of the way into it all the way back to 115, the proposal is to reduce it to 40'. Currently the make-up, the performance of that buffer are not satisfactory as is and we are working with the applicant to change that. Obviously there's a variety of techniques they can use. They could increase the width, they can look to provide greater than average plantings. What I mean by that is not put the minimums in at the beginning but put a larger species in, perhaps berms, decorative fencing....there's a number of techniques that they may choose to use. We would evaluate that as it comes back before you on the 17th. But just to be clear, the buffer that they are asking for currently is not anything that we are ready to support, so we will have to come back to that.

Just to sum up, at the end of the report you will see the rezoning criteria. I won't belabor that too much at this point, but I will get it on the record. This will mostly be dealt with when we are ready to take action and again I'm presuming that there will be a continuation. The rezoning criteria would be that you would look to adopted plans. There are several references in the staff report to sections of the 2030 Community Plan. I can touch on those if you would like. The consistency of this project with all of those elements.....the other rezoning criteria would be consistency with the character of the area. If you look at what is occurring along 115 and specifically Verhoeff you will find a nursing home, HFFA, park, CPCC campus, Lake Norman Charter School.....all very consistent with that. Monteith Place, of course, does represent a different use but that's where the buffering is coming into play to try to ease that transition.

The Adequate Public Facilities Ordinance must be addressed, and I've already gone over that. There is a deficiency, but they are understanding of that. And then lastly is that this project would not adversely affect any known archeological sites or natural resources and we are not aware of any on the site.

That concludes the formal part of the presentation. Again, what I'm trying to go over is a lot of progress has been made on negotiation, but there are still some unresolved issues. I would be remiss if I didn't mention that. Of course there are a number of just minor technical red line issues. I think we've probably even corrected those as we last met, but those will need to be addressed as well and they have got those in hand. Essentially I think the three elements that this boils down to would be TIA, buffers and elevations. I think everything else in my estimation would be of the minor nature.

Commissioner Jeter said the first issue I have is with the request for deferral, which Mr. Peete referenced. Some years ago this Board adopted, I think wisely with a lot of effort through Commissioner Julian and Mr. Andersen and Mr. Simoneau and myself, a specific plan on the planning process. Part of that plan was to eliminate the Planning Board members from coming to more than one public hearing meeting per month, since public hearings are technically joint public hearings between the Planning Board and the Town Board. Therefore I think it goes against Town policy and precedent to delay this two weeks. If we want to delay it, delay it to the first meeting in February per the planning calendar. Do not delay it two weeks, which then requires the Planning Board members to come back in contrary to what this Board made a decision on three years ago. Secondly, Mr. Peete, if you could go back to the screen showing the picture with the red box. Where is the intersection that Huntersville has got to pay for?

Mr. Peete said this is not a very good illustration of it, but there is currently a curb cut on the public Dr. Seay Drive that comes into Verhoeff essentially across from CPCC right here and today it goes into their large parking facility and then it moves back this way. It is also the entrance to the nursing facility. Where that

ties into Verhoeff there would be some turn-lane construction and storage and all the associated cross-section.

Commissioner Jeter said if I heard you correctly, you said that Huntersville has got to pay for that.

Max Buchanan, Public Works Director/Town Engineer, said a little bit of history.....the nursing home on the lower part of the page....when they developed they were required to provide a left-turn lane improvement onto Verhoeff at that location that we are referring to at Dr. Seay Drive. The staff recommendation at that time was that we didn't want them to build a turn-lane and the project that is currently underway tear it up, so we asked them to delay that improvement. A couple of years following that we began negotiations with the hospital group for property to build the bridge. And that property was appraised at a value.....we basically negotiated the value of that, deducted the cost of the turn-lane and made that an offer and that was what was settled upon. So we deducted the value of the property that we purchased for right-of-way by \$160,000 and agreed to roll that improvement on Verhoeff at Dr. Seay into the Verhoeff roadway project.

Commissioner Jeter asked at the time the Verhoeff project was completed, or whenever they chose?

Mr. Buchanan said we are currently under design revisions as we speak and hopefully I can roll that into the current active construction project.

Commissioner Jeter asked what happens if you cannot?

Mr. Buchanan said we will jump right on it when we get the design work done.

Commissioner Jeter said if I understand this, history says that the Town under a previous Board's guidance made a decision to swap cost....land value in order to in essence get some land for the Verhoeff bridge and now as a result we are asked to pay for road improvements for a for-profit medical facility.

Mr. Buchanan said it's actually road improvements that were required as part of the existing facility, the nursing home.

Commissioner Jeter asked did the nursing home who was supposed to make the required improvements as I understood you to say, have they contributed any financing to this?

Mr. Buchanan said it's all part of the same hospital group. The nursing home development was required to do it.

Commissioner Jeter said and we told them to hold off, they held off, because the time wasn't right. We then decided we wanted some land for improvements that the same group was required to make. What you are saying is the nursing home people were originally required to make the improvements that we are making today, is that correct?

Mr. Buchanan said yes, sir.

Commissioner Jeter said so we offset that and that value from the nursing home property that is the \$160,000 or whatever that we have offset.....is that the way it worked.

Mr. Buchanan said that's correct.

Commissioner Guignard asked are we getting the same response when we give them Dr. Seay's road? They are asking us to abandon that, that is a road, are we getting the same response back in financial gain.

Mr. Peete said I don't mean to muddy the waters but I just want to make sure and this is the right point to clarify it and I should have done it earlier, the abandonment of course is rolled into something that they would like to have happen to facilitate this. That's technically a separate process and how that happens would be negotiated at that time. But they are asking for I think the direction that it's going to happen, so I just wanted to make sure that was clear.

Commissioner Guignard said Mr. Peete, forgive me for picking on words, but in your conversation about trees you said a lot are going to be gone, which to me implies more than half. And then you said many are going to be saved, which implies more than half. Forgive me, which is it?

Mr. Peete said I would say the connotation of more than half in both instances would not be correct.

Commissioner Guignard said are we saving more than half of the non-diseased trees of the mature trees at the Dr. Seay entrance there.

Mr. Peete said they are saving more than the code requirement of 30 percent. And there were six diseased trees and they are all being removed.

Commissioner Guignard said are the six diseased trees there spread throughout the property or are they part of the large cropping of trees there at the entrance at 115.

Mr. Peete said the latter.

Commissioner Guignard said you mentioned berms. Someone at this table that's been around a while please help me remember, I thought berms were out of the picture years ago.

Jack Simoneau, Planning Director, said in the 2003 code changes the Town did allow berms in certain instances, not along major thoroughfares, but where you're buffering residential from non-residential you can use those berms. There are specific standards on height and width and plantings, but to answer your question, it is in the ordinance that berms can be used as part of the buffering between two uses.

Commissioner Guignard said forgive me fellow Commissioners and Mayor but someone not too long ago in this room tried to point out how far it was from the dais to the double doors. I meant to pace that off earlier, but I dare say that it's 40' or less. That is not a very far distance between this type of facility and children. And I would be willing to gamble that it's pretty close to 40' right there. I just want people to understand no matter how thick stuff is planted, that's not a lot of distance. Not picking on words, but when you started at the 80' where it's green you said about $\frac{3}{4}$ of the way down they went to 40'. I would contend that it's about $\frac{1}{4}$ of the way down that they go to 40' and maintain it at 40'.

Mr. Peete said when I said $\frac{3}{4}$ of the way I was referring to this side. If I said I was starting at this side, that would be incorrect. The majority of that particular berm would be reduced.

Commissioner Julian said I believe they own the property on the other side of Verhoeff there where there's an abandoned house beside the property. I know we negotiated property from them for the Verhoeff bridge entrance into the industrial park. Is there any chance of relocating Verhoeff Drive over so they can incorporate that property into this parcel?

Mr. Buchanan said I think what you would find that the answer is no. You've got such a grade difference between the elevations at Verhoeff and 115 to where Verhoeff ties.....the grade difference between here and here you need that length to get down on a satisfactory grade. If you are looking at doing something different here, is that what you are referring to.

Commissioner Julian said yes.

Mr. Buchanan said I'm not sure you would be able to make that work from an engineering design standpoint.

Commissioner Phillips said when this TIA is complete, is it done for the 133,000 sq. ft., the 78,000 or which one. How is the TIA being handled on this?

Stephen Trott, Transportation Traffic Engineer, said the TIA analyzed the first two phases of development, so the first two stories of the hospital and the 20,000 sq. ft. of medical office, but not the additional 30,000 sq. ft. that's on the west side of Lottingly due to the timeframe that they are anticipating it to be built, which is more than 10 years out.

Mr. Simoneau said going to the comment Commissioner Jeter made about the continuation to the 17th, let me just say when we met with CMC staff right before Christmas and there were these number of issues it was my suggestion to them that they ask for it to be continued to the 17th because there is no written policy of not continuing a meeting to the second meeting. So it was at my suggestion that they keep it open until at least the 17th, because we are not satisfied as a staff that all of the issues have been resolved. I know there was some concern when all this got done to limit the number of meetings for the Planning Board, but one of the things that we did say was it did provide an opportunity for additional information to be submitted at a second hearing of the month and still meet the Planning Board at the end of the month so it didn't cause much of a delay. I just wanted to be clear what happened there.

Commissioner Jeter said it looks like to me that while I think there are some technical issues above the philosophical issues that we've addressed, and I'm guessing we are getting ready to hear some more about it from some residents north of the property, apart from those philosophical or grander issues are you confident that these minor issues can be resolved in that two week time.

Mr. Simoneau said I'm interested to hear what the applicant has to say tonight and where they are at. We met with them a couple of weeks ago on this issue, but we have since had some holidays. What we need to see is plans as soon as possible so that we can review them because by next Tuesday at 9 a.m. we have to have our staff report to the Clerk, so we need revised plans as soon as possible. To answer your question, I'm not 100 percent sure. We are going to hear from the applicant tonight as to exactly where they are at in the process.

Commissioner Jeter said could you make a recommendation prior to our vote tonight whether or not you believe that's sufficient time or not. Here's what I don't want to happen. I don't want to put the public hearing on the 17th only to come to the 17th and we're still not ready and we delay it again. That would be my concern. If you could make a recommendation what you think at the end that would be good.

Mr. Simoneau said I would be happy to do that.

Mr. Peete said I did fail to mention the neighborhood meeting was held. There also has been a lot of engagement with this project and the HOA for Monteith. And I wanted to express that essentially the culmination of that was concern about the buffer, concern about the safety of the operation of the facility, the support for the Lottingly connection and I think that was really the gist of where that was going. There was some concern about the building, being able to hear traffic, look into support areas and that kind of thing. There was small attendance at the neighborhood meeting, but it doesn't mean that was indicative of how everyone felt about it.

Mary Beth Kuzmanovich said I work at Carolinas Healthcare System in our Facilities Management Group and thank you for giving us an opportunity to speak tonight. Hopefully we can address some of the questions that have been raised. For purposes of just orienting to the project that we have I wanted to give a brief overview. *Refer to PowerPoint attached hereto as Attachment No. 3.* The history, I know that many of you who have lived in Huntersville a long time understand that in 1971 CHS started working with the facility and operating it as a hospital. We then converted the use to a nursing home and in 2007, as you saw on the site plans, we built a new facility for the nursing home really reflective of the changes in care for that patient population into a very different kind of design which was opened and is running very successfully. We then demolished the old facility and completed that in 2009 and then as you know we started this process in September of last year. There's our nursing home as it was prior to the demolition.

As David has described to you, we have asked to rezone this to a conditional district for Campus Institutional in the three phases. I want to explain a couple of things from the healthcare delivery perspective of what we are doing and why. The first phase is the 66 beds and from a patient care perspective there are some important ratios between staff and patients for this patient population of the behavioral health patient, so a 22-bed unit is a very compelling design criteria for us to provide the best kind of patient care ratio. When you see the numbers of 66 beds it's because those are three 22-bed units. And when we talk about Phase 2 adding 44 beds, it would be the ability to add two more 22-bed units. But that's where the math comes from and what drives those numbers because it allows the delivery of patient care. The second thing about the phasing is some of the regulations that we face as a healthcare delivery system. As you may know in the state of North Carolina, healthcare services are governed by the state through a Certificate of Need process and that requires a facility to have approval through that state process to add beds. Right now we have approval from the state for 66 beds. We do not have approval for the additional 44, so we are not proposing that nor do we have the authority to do that. But as we worked with the Town planning staff we wanted to be proactive within the ordinance to anticipate that future if it were to come to pass so that we did the Traffic Impact Analysis around a full 110 beds. But from a state perspective we are approved for 66 beds. The third phase was really helping us to anticipate how we would layout the design of the campus. Recognizing that we already have the nursing home use, we wanted to make sure that we laid out that future phase so that we were respectful of both patient care uses, but we do not have a plan for that in the short-term, so that was not included in the Traffic Impact study and was not included in some of the work that we did, but we did want to reflect that for our purposes from a master planning perspective. That gives you a sense of the three phases.

I wanted to talk for a minute about why the site is laid out the way it is and we had some very excellent support and cooperation from the Planning staff in working through the ordinance as to how we laid out the facility, but we also had to do that in cooperation with the patient care delivery. The facility building structure is here and you can see that we have some courtyard areas inside. As I mentioned, there's three nursing units so we have three separate courtyards and these are really again to reflect the way we provide patient care. We want our patients to be able to access the outdoors, but our first priority in this facility is to provide safety and care to our patients, so we want to make sure that they can be outside safely but not be in a situation where they would be able to leave the facility. Their safety and security is our No. 1

priority, so you can see how we oriented the building with the frontage along Verhoeff and 115, but protecting these patient care outdoor spaces as well as laying out the indoor spaces. You will see here that we have a connection to the outpatient medical office building. Again, from a staff perspective, this will allow our staff to be able to care for inpatients and then at times when it is appropriate to go into this outpatient. It's a medical office setting, but it allows us to provide them a safe cover to access away from the elements when they need to go into a different patient care setting.

We worked with the leadership from the Monteith Homeowners Association and we worked to orient certain services to this side of the facility so that our deliveries and our dock area is here, back as far as we could get it from the current Dr. Seay Drive, so that we could move those facilities here, and again keeping our patients safe. Patients would be either arriving at this entrance and admitted into the facility or we also have an entrance here, which is another way for patients who might be brought in by ambulance to be brought to the facility. The patients coming to the behavioral health center will be planned admissions so that we know that they are coming and we want to provide them a respectful and secure way to enter the facility, so this location here is a sallyport where a car can pull up, the doors can close, the patient would be greeted by staff and brought directly into the facility and then that vehicle would leave. So we have two different means for patients to come into the facility. Those are some of the patient care things that helped us orient the site and again we tried as much as we can to protect the trees and really site the location within the campus setting.

I'm going to ask our landscape and civil engineer to assist with some overview of the buffering plans as we currently are working on them, as well as some of the architectural and then we can take any questions that you might have.

Larry Lockhart said I am a Civil Engineer and the Project Manager for this job. I want to back up one slide and mention a couple of things to kind of give you a brief overview of the site and some of the features of the site, David and Mary Beth have done an outstanding job describing pretty much the layout, but there are some specifics I would like to get into. In regards to the buffers, we will discuss that last, but the orientation of the building along Highway 115 and also Verhoeff, you know you will see some slides coming up of the architectural of the buildings and we tried to really pull that building up to the front to give it a nice street presence for the site. As you can see there are two or three entrances to the facility. The two that Mary Beth actually just mentioned for the inpatient facility here and here, and then there's a third one for the outpatient facility, which is not a 24/7 operation, but it would be if you are coming in to see your physician on a routine basis by appointment.

All vehicles entering the site can enter either by what would be now Dr. Seay, but will be the private driveway off of 115 and then there will also be still the connection onto Verhoeff. As the existing site stands now, Dr. Seay which is a public right-of-way, comes in this direction, loops up around as you see and about at this point is where it goes over towards the parcel line with Monteith and it hugs the parcel line within a few feet. There is no vegetation in that area, of course. What Carolinas Healthcare System is proposing to do is to pull that road off, make it private, but also provide a 40' buffer and then in addition one of the comments we received back from Town staff was we need to provide a connection to the Monteith subdivision and so that is what is proposed in this location here. Currently Lottingly Drive in Monteith ends at the parcel line. There is about 12' to 15' of grade differential in here. However, we are planning to make this connection and it will come up and extend and be per the Town standards all the way out to Verhoeff Drive. Carolinas Healthcare's private drive will tie into the Lottingly Road extension and again we are looking for Dr. Seay to be abandoned with the dedication of the Lottingly Drive extension.

Specifics of the site.....David mentioned earlier that we have yet to receive concept plan approval from Mecklenburg County. We are working with Mecklenburg County to work through some comments they had, but I want to touch on where some of the storm water structures will be for the development. Starting on the Verhoeff Road side at 115 and Verhoeff, this will be a bio-retention cell or a rain garden. And then there will be a shallow dry detention basin here for peak flow control. There is another one on this side of the site. Here will be a bio-retention cell and dry detention. These will discharge into the Verhoeff right-of-way. And that is in keeping with the current hydrology for the site. I should mention that pretty much if you look at the existing conditions, it's almost split right down the middle of the site with this portion going to Verhoeff and this portion going back towards the Monteith subdivision.

Moving to the rear of the site, we have a bio-retention cell here that will control about ¼ of the inpatient facility and control the parking lot for water quality treatment. There is another large bio-retention cell here that controls the private drive, the loading dock and another portion of the inpatient facility. There is a bio-retention cell here and one here which will help control the private drive, formerly Dr. Seay. And then storm water detention for peak control will be provided in a dry detention structure here. And then it will discharge underneath Lottingly extension into an existing wetland as it currently does now.

As Mary Beth mentioned earlier, the loading and service area is in this location. We have provided a screen wall for sound barrier between the Monteith subdivision and Carolinas Healthcare System. In addition, the screen wall is approximately 12' in height and we wanted to make sure that no vehicles could be seen. There will be dumpsters, structures like that and we wanted to make sure those were not seen. In addition, the rain garden or the bio-retention cell will in addition help screen the wall plus the loading dock in the area from the subdivision.

I'm going to move to the buffers now. There is a small plan here and you can actually see the buffer views and I'll start in the upper left-hand corner. One of the comments we received from the homeowners association was what will we see on day one. When the facility opens on day one will we see the development. And so what we have provided in these slides is various views – Year One, Day One and then there are some views of Year Five, what it will look like. So starting in the upper left – View One, this is in the spring. We also have winter shots as well. And Year One is actually taken at about this point looking into our site. So it's more of a view from Highway 115 and the driveway intersection. View Two in the lower left-hand corner is if you are standing at the inpatient main entrance in this location looking back in the same direction as 115 and the corner of the Monteith subdivision. We provided that. You can see that the buffer is in the very distant background. And I should mention in these views we have not only the proposed facility, but we also have modeled the Monteith subdivision. There are actually homes that are modeled in these views and you will see that you cannot see through the buffer at these angles. View Three, the top right-hand corner, is taken here if you were driving into the site. We tried to show one side of the road what you would look at if you drove in, would you see Monteith and the buffer.

I would like to point out that we are in the process of revising this buffer based on some Town comments. We are actually increasing the number of plants. Per the ordinance we are actually planting it at 150 percent. In addition, we are looking to do about 50 percent of the trees that are large maturing to bump them up in caliber size from a standard 2" to 2-1/2" up to a 3" and 4" caliber to make it more along the lines of a tree that would be, for instance, three years old to five years old. Those will be other revisions that are forthcoming and that was done to again help break the view.

These are pictures from the Monteith subdivision. If you were standing on Bonnerby.....it's actually a little bit further into the subdivision, but Bonnerby would be kind of here off the photograph. The existing retaining wall holds back a common open space for the Monteith subdivision. That is the alleyway that's

shown. That's an actual photograph and what we have done in these views is on the left-hand side showed the spring and winter versions of Day One, Year One and you can see the difference between the two and we've tried to ensure that we do not see or Monteith does not see the development.

Commissioner Jeter said you've got some surprisingly healthy winter trees.

Mr. Lockhart said keep in mind, and that's a great point, the trees that you see that are healthy as you indicated are actually evergreens, per the ordinance requirements, so things such as magnolias and Nellie Stevens hollies, certain species that will not shed their leaves, that remain very thick. We tried to select plants that were very thick. On Year Five you can see the difference in the growth. I should mention that all proposed plants within the buffers will be irrigated, will be mulched and maintained by Carolinas Healthcare System on a continuous basis, so there's no concerns that the plants will not be watered.

Commissioner McAulay said I do have a concern looking at it that all of the traffic, the parking, the in and out, ingress and egress is on the Monteith side and that you are asking for Dr. Seay to be a private road. That means that no government authority would have authority over that road – the traffic, when the trucks come in and out, that would be up to your organization.

Mr. Lockhart said when you say trucks are you mentioning for instance loading dock or service.

Commissioner McAulay said your service dock. While it is maybe at the back of your building, it is still toward Monteith. I just wonder why you didn't put it toward Verhoeff.

Mr. Lockhart said we did look at variations of this site plan. I can't recall how many we went through, but we twisted the building and the service areas different ways and one of the things that we found is if we would have tried to face Verhoeff, we could not gain access. We couldn't get a driveway there because of the Verhoeff realignment. The other part of that was trying to screen the loading dock from that direction as well, plus get truck access into that area. A truck that would service this area requires a significant amount of space to be able to turn around and we needed our bio-retention cells up front as well to hold the existing hydrology. If you can imagine if we tried to flip the service area towards Verhoeff, it complicates matters greatly. Plus we are pinned in with the County property there as well. You do bring up a valid point about the trucks. The owner does have the ability to schedule their vehicles. So rather than have a vehicle at 3 a.m. delivering laundry or something like that, they do have the ability to schedule those deliveries at different times.

Commissioner McAulay said also the fact that you are phasing in your beds and the ones in Phase Two you do not have a Certificate of Need. That does concern me in that it looks like that if we approve this that we are approving that plan and therefore we are approving the use of the Huntersville name to acquire those beds, and that concerns me.

Commissioner Jeter said I do have a question relative to and this may be more for Mr. Buchanan, the concern I have is that storm water dry detention facility which is at the northwest corner of this, if the water retention in that pond is going to go underneath Lottingly to the west into the underground creek/river basin, what kind of danger do we have as far as.....I know that in some other points in town we've had some problems with that. Are you comfortable with that?

Mr. Buchanan said I'm not concerned. I think as long as you properly define the limits of the basin you will probably convey the water beneath the public street with whatever size drainage structure you would need. It would all have to meet the minimum Town of Huntersville standards.

Commissioner Julian said the Verhoeff Drive connection, is it engineered and in stone. Could it be moved back?

Mr. Buchanan said actually that is an existing access to an existing site. That is not an approved location. There are no accesses allowed on this section into the property. The only two accesses are at this location on Verhoeff and at 115.

Commissioner Jeter said what you are saying then is the only way to access the property going to Commissioner McAulay's original concern and what Commissioner Julian just pointed out, the only way to access this property is from the northern side of the property which is the Monteith side. So all traffic.....

Mr. Buchanan said you have an access here. I'm assuming we will get into the TIA, but the percentages of where the traffic is coming from and where it's going to.....you basically have traffic from 21 and traffic from 115 accessing the site.

Commissioner Jeter said assuming they are not inpatients which they have 66 beds, I'm assuming the majority of their stuff is outpatient facility, maybe it's not, I don't know, I probably should according to some people, but I guess my question would be even if they are coming eastbound from 21 and they take a left there and then they go up here and take a right, they've still got to go.....if they are going to the outpatient facility they've still got to come all the way past all the homes.

Mr. Buchanan said that's a correct statement.

Commissioner Julian said Mr. Buchanan, going to the same direction, what you are saying if you come up Verhoeff Drive to 115 or coming up there, there's no connection at the bridge.....go straight. The straight road there, right.....

Mr. Buchanan said the new alignment from Verhoeff.....all traffic will be either crossing the bridge to the ABB site across 115 and the railroad, but the normal Verhoeff traffic will be required to turn left and go out to 115. The normal through traffic to Verhoeff.....if you are going from 21 to 115 will be required to make this movement to that intersection and turn left.

Commissioner Guignard said are there any road improvements on 115 to now the private entrance.....the Monteith end.

Mr. Buchanan said yes, I think if you want to speak to the TIA, there are improvements to 115 that are required by the TIA.

Commissioner Guignard said when 485 is opened I would meander to say that the majority of the traffic will come up 115 and the trucks are going to go right down the new driveway to get to the loading dock, hence the back lots of the 40' buffer to Monteith. That's going to be the easiest access for the truck drivers to get in there.

Commissioner Jeter said that Verhoeff Road bridge, is that not on a downgrade there.

Mr. Buchanan said yes, Verhoeff crosses 115.....

Commissioner Jeter said then it's downhill, so trucks coming out of that.....so if anybody happens to come and turn left to take a right in there, they are going to be stopping at the bottom of a bridge in front of an 80,000 lb. truck. I guess my point is if for some reason somebody was coming from the south, up 115 and for whatever reason their GPS told them to take a left on Verhoeff because they are going to HFFA and decide you know what, let's go take a right, they are going to be coming down this bridge.

Mr. Buchanan said the traffic coming 115 from 485 going to the aquatic center is going to turn left here, go to this intersection and stop and take a right.

Commissioner Jeter said what if they want to take a right right here.....keep going west.

Mr. Buchanan said they will be allowed to take a right right there.

Commissioner Jeter said is that at the bottom of the hill.

Mr. Buchanan said that's back to existing Verhoeff grade. That's not a steep grade.

Commissioner Jeter said so if a car is slowing down to take a right in front of a truck going down this road coming out of Pactiv.....

Commissioner Julian said what I was saying why not allow them to have their own private drive down and turn in, then you are doing away with that access.

Mr. Buchanan said if I can say that the grade from the bridge down to this location is not an excessively steep grade. You don't have to have a runaway truck ramp or anything at the bottom of it. I can't remember what the grade is. I think from the intersection.....and it's roughly graded today if you wanted to go look at it, but it's downgrade but it's not significantly steep.

Commissioner Julian said right there where the new Verhoeff Drive meets the old Verhoeff Drive, why not allow them a private drive straight and then turn up into their site. From here to there would be their own private drive.

Mr. Buchanan said how would that drive access the existing Verhoeff. We are eliminating.....

Commissioner Julian said they would have a private drive.

Mr. Buchanan said where would you bring it into Verhoeff.

Commissioner Julian said all I'm trying to do is get the 80' buffer back in there.

Mr. Buchanan said you would have to button hook that into the existing alignment.

Mayor Swain said so basically you can tell from these comments that members of the Board do have an issue with that 40' buffer and they are concerned about that.

Mr. Lockhart said I'm just going to briefly touch on these views of the building. What you see in this slide is the top view and the bottom view are representative of Phase One, Day One. This would be the one-story facility and to get your orientation the upper view if you are bird's eye view on the Verhoeff realignment, so you are kind of standing almost at the bottom of the bridge. The bottom view is representative of what you

would see from a bird's eye view on Highway 115. Looking back you can see the courtyards that Mary Beth mentioned earlier, the outpatient entrance for the medical office on 115 and also one of the two entrances for the inpatient facility. The next slide shows a five year window when the second story or the additional 44 beds are added. You can see in the upper view again that is from Verhoeff. The lower view is from Highway 115. These are representative elevations of the building. I cannot read the actual view on there. I'm hoping you all's monitors will describe which view you are looking at, but you can see this is actually Phase One of the project, the one-story building. This again is Phase One.

The transportation is another big piece of this. Steve Blakley with Kimley Horn & Associates is here tonight to answer any questions regarding the TIA. As mentioned earlier by David, a TIA is underway. We do have results for the improvements on 115. In addition, we are all aware now of the improvements on the Verhoeff/Lottingly extension connection. But the TIA was conducted in accordance with NCDOT and Town standards. Kimley Horn did meet with Town staff and NCDOT to get feedback and the results so far, not including anything on Highway 21, are shown above. The blue arrows represent the CHS required improvements. The green arrows and the green dashed line represent what the Town currently has underway with the Verhoeff realignment. As you can see on the 115 side, there is a required left-turn lane if you are traveling north into the site and there is a right-turn lane into the site if you are traveling south on 115.

Commissioner Jeter said Mr. Buchanan, understanding that the easternmost green arrow has been covered, the two arrows right there, is that construction that is already being done.

Mr. Buchanan said yes, that is part of the existing Verhoeff project. I'm not sure the connection at Lottingly is a function of the TIA.

Mr. Trott said it was included in the traffic study.

Commissioner Guignard said it was pointed out earlier that this comes in 22-bed increments. Which side....which road facing.....is not getting the two-story.

Ms. Kuzmanovich said when we do the addition it would be on this side would be two-story and this side. The addition would be on the two major roads. And then you see here the medical office building would go to two stories. One comment earlier was about the volume of traffic and what it is associated with. The medical office building size would ultimately be 10,000 sq. ft. with a second floor of 20,000 sq. ft. The predominant use of the site would be associated with the inpatient beds.

Commissioner Guignard said forgive me for asking this question, but you said earlier that it was going to be engineered so that these two 22-bed facility pods are being constructed so they can be added onto and I think we heard earlier hopefully in 5 years and we recognize that is assuming state approval and I certainly defer to what Commissioner McAulay said it appears that we would be therefore giving our blessing. Is the third 22-bed pod not being added to in these pictures being constructed so 15 years from now it can be added onto?

Ms. Kuzmanovich said no, that's associated with staff services that we would have to have in addition to the patient care units.

Commissioner Guignard asked it's not a 22-bed pod?

Ms. Kuzmanovich said no.

Commissioner Guignard asked then where's the third 22-bed pod?

Ms. Kuzmanovich said we would only be adding two additional 22-bed pods.

Commissioner Guignard said I understood that. But there's 66 beds on the ground floor.

Ms. Kuzmanovich said correct.

Commissioner Guignard said that's three 22-bed pods.

Ms. Kuzmanovich said correct.

Commissioner Guignard said there's two 22-bed pods proposed to go above that.

Ms. Kuzmanovich said correct.

Commissioner Guignard said is the third 22-bed pod not being added onto being constructed so that years from now it can have 22 beds added on top there.

Ms. Kuzmanovich said no.

Scott Garand, Freeman White, said I'm the architect of record. No, the third unit is not structured to take a second floor, just the two along the main roads.

Commissioner Phillips said if you are traveling west, how much storage would that lane off of Verhoeff Drive to turn to make a right turn into the facility have.

Mr. Buchanan said I'm sorry, I lost track there.

Commissioner Phillips said as you are coming down Verhoeff Drive headed toward Lottingly, that right turn into the facility or to Lottingly, how much storage lane do we have there.

Mr. Buchanan said there's not a right-turn at that improvement. It's a left-turn.

Commissioner Phillips said why wouldn't we have one coming down that grade.

Mr. Buchanan said the improvement that is required here is a left-turn only and there's not a right-turn lane.

Commissioner Phillips said so if you are coming in off of Highway 115, as bad as our traffic is on 115 between 4:30 p.m. and 6:30 p.m., you turn off onto Verhoeff Drive, people going into their homes have no turn-lane for a right-hand turn.

Mr. Buchanan said let me just try to quickly summarize. There's a right-turn lane at 115 onto Verhoeff. There would not be a right-turn into this driveway.

Commissioner Phillips said even though that will be a part of the entrance into the housing development.

Mr. Buchanan said the benefits of a right-turn lane is a function of the volume of traffic and the design speed of the facility.

Mayor Swain said Lottingly is not currently the main entrance into Monteith Park, but you are absolutely right, if we are going to create access you don't have the ability to turn in there if you are going north.

Mr. Trott said just to make sure I understand your question or your point, you are asking about traffic that is coming from 115 in either direction that would take the connection over to the new Verhoeff so we travel through here and then make a right onto the new Verhoeff and then come down Verhoeff and then turn right into the site.

Commissioner Phillips said there's no storage, there's nothing, so they are going to back up.

Commissioner Jeter said what they are saying is you can turn right, there's just not a turning lane.

Mr. Trott said that's correct. You can turn right, but there's not a turning lane. I guess you would have to back up the street here, up the street here, and then back out onto 115. That's a pretty long distance to back-up again for a second entrance into Monteith or into this site.

Commissioner Phillips said I think he's got the point of what I'm trying to make is to get people off the road so that the through traffic can go on through so they don't have to slow down for the people turning right. Is there any type of a storage lane or anything?

Mr. Trott said there's not a proposed storage lane on Verhoeff at the proposed Lottingly. Some of their thinking behind that is if you are going to Monteith, if the concern is going to Monteith would you turn left, right, right and then get back into the back portion to Monteith or would you continue up 115, make one left and you are right into Monteith. I'm not saying that everyone will exactly go that way, but you are providing choices which would subsequently spread out the traffic between those two entrances.

Commissioner Phillips said if you've just got a deceleration lane to get those people off so the people on Verhoeff Drive if you are going towards the aquatic center you keep going straight.....instead if you've got two or three people turning, if it gets them off and keep the traffic flowing.

Commissioner Jeter said how many lanes is that road....Verhoeff at that intersection. Is it two lanes or four lanes.

Mr. Trott said one through lane in each direction.

Commissioner Phillips said I really have the same question again for the 115 side entrance. If you've got 80 employees going to be there, then you've got outpatient people coming in, how many trips will be coming into this facility and the same thing applies from 115.

Mr. Trott said there is a proposed I believe required left turn-lane in at the 115 entrance and also a right-turn lane.

Commissioner Phillips said it's only 100' storage, isn't it.

Mr. Trott said for both of those turn lanes, correct.

Commissioner Phillips said if you have five cars stack up, a car is roughly 18'-20', so five cars at 4:30 p.m. going to 115.....does that make common sense or practice sense.

Mr. Trott said in coordination with the traffic consultant, myself and NCDOT, we looked at the estimated trip distribution for this site. Coming from 21 and also 115, based on that agreed upon distribution we looked at splitting traffic. You have choices on 115 and also coming in from 21. We feel that 100' would in most cases be adequate for storage.

Commissioner Jeter asked what was the occupancy for Monteith that you used? There's a thoroughfare that's going to allow these people access to their neighborhood, what number of occupancy of these homes from Monteith did you use in your equation?

Mr. Trott said we took traffic counts at the existing Monteith entrance today. We added additional traffic for full build-out of Monteith, took a portion of that traffic.....

Commissioner Jeter asked what did you add?

Mayor Swain said full build-out.

Mr. Trott said for full build-out based on what's approved on the plan.....split some of that traffic off onto Lottingly and others using that existing entrance to capture that full development.

Commissioner Bales asked on Lottingly coming out that entrance there, is that a left-turn only or can you turn right as well onto Verhoeff?

Mr. Trott said that will be a full movement meaning you can make all movements.

Commissioner Bales said the Lottingly extension, what's the reason to have that connection into Monteith. What's the logic behind that connectivity there? I know we always talk connectivity, but connectivity into a residential area from this particular location.....

Mr. Simoneau said first off, that street stub was in there when that subdivision was approved, so they were anticipating having another way in and out of the subdivision. In addition to that, as the staff and CMC have met with homeowners they have indicated yes, they would like to see that connection made to provide another access to there.

Commissioner McAulay said I would like to get us back on the plans, document and the permitted uses. I have a question. Because I haven't heard the uses of the patient described, how it is used. There's a wording in here, the last thing it says it's talking about the hospital services that sentence.....and it goes on to say and the overnight boarding of patients. To me that says one night they would stay and I thought this was a term stay.

Ms. Kuzmanovich said yes, to clarify it would be more than a single night. The typical patient stay would be 7-8 days, so it would be the overnight stay of patients but the length of stay at this time is usually in that 6-8 day stay length.

Commissioner McAulay said to me that's not what it says.

Ms. Kuzmanovich said we can clarify that.

Commissioner Julian said also on the sketch plan as far as the permitted uses, I think we had talked about inpatient mental health or behavioral health, which is important. But I want to make sure that we are not allowing substance abuse patients, we are not doing inpatient or outpatient substance abuse, we are not running a methadone clinic and I'd like to see as far as the write-up on it that it specify it's not going to be used as the Randolph clinic is.

Ms. Kuzmanovich said we can clarify that. Under our licensure through the state there are restrictions and these beds are licensed for behavioral health. They are not licensed for substance abuse. We can make that clarification, but it is governed under the licensure. To your concern Commissioner McAulay on the Certificate of Need, it is consistent in healthcare planning to allow for the ability to add beds. For example, when Presbyterian developed their facility site plan and went through their conditional zoning, they anticipated the ability to add beds in the future, but absolutely no healthcare facility can do that without the approval of the state. It would not be considered presumptuous for Huntersville and we have done that with other facilities in North Carolina where CHS has applied for zoning approval. I will address one other concern and then stop because I know time is important. You asked about the process related to what our next steps are. We will have our revised site plans with the points addressed by Mr. Peete in the staff write-up complete by the 5th and submitted and ready for staff approval to give them time to make comment before they have to be issued back out to this body on the 10th and we also anticipate meeting with them on the 9th to ensure that we have provided adequate time and response and I feel very confident that we will be able to address the concerns that have been identified. Setting aside the three that we've talked about that require some other activities, we feel very comfortable that we can address the staff points working through the traffic impact study which again we need DOT, the water and Mecklenburg County approval which we are waiting on that, and then certainly listening to the feedback from tonight on the buffers and we will work with the staff on those between now and the 5th and between the 5th and the 9th.

Mayor Swain said just to clarify the 5th is this Thursday, so just as a point of reference.

Ms. Kuzmanovich said we've been working since we met with the staff on the 22nd of December. We took off a little bit of time for Christmas and New Year's, but thank you.

Mayor Swain said Commissioner Phillips did have a question that we need you to answer regarding the requirements.

Commissioner Phillips said the comment was behavioral. Will this facility treat for sexual offenders or predators.....explain behavioral.

Ms. Kuzmanovich said behavioral health is a recognized diagnosis and so there are certain diagnoses associated with that use, but it really doesn't speak to the nature of sexual offenders or sexual predators. It does not speak to that. I'm going to ask Dr. Gettelman who is one of our specialists to respond to that question.

Dr. Tom Gettelman said the direct answer to your question is no. It is not designed to treat sexual offenders either on the inpatient side or the outpatient side. It's a specialized type of treatment that is provided at a very select number of facilities across the country and Carolinas Healthcare System has never ventured into that particular patient population.

Ben Coggins, 12840 Cheverly Drive, said in the interest of time I'll just lay out the questions. The way it has been explained to us is this is a foregone conclusion. This is going to be done. One, can this facility be

turned down. Two, what are the conditions that have to be met for it to be turned down. Are we allowed to talk with you guys about this procedure. A couple of questions that have come up on e-mails today I got from people is why is this being built here, what's wrong with the facility in Charlotte. You've got six schools within a 2-mile radius of a behavioral health facility. If I had a child at Lake Norman Carter or a child in my neighborhood, I wouldn't want this facility right there. One of the comments that was made earlier is the patient safety is the No. 1 priority. As a member of the HOA board, our neighborhood safety is our No. 1 priority. We want to make sure that whatever is built here is done properly. There's an 80' variance in the ordinance and to us if you change it to 40' you are changing the ordinance to 40'. Looking at the things they have asked for – they have asked for a tree variance, parking variance and a buffer variance. To me it's like they are just trying to facilitate what they want and where they want it, so we would ask you to take all those things into consideration.

Kelly Hayes, 13556 Aldenbrook Drive, said thank you very much for having us here tonight. I sent an e-mail to each one of you this morning that outlined my four areas of concern and I'll just be brief with that description one more time. Basically, the north buffer has been discussed at length this evening. I feel that 80' buffer can be obtained with the given acreage that they have onsite. Number two, the best management practices that's outlined on the site plan tonight are more detailed than what was available on the town's website, so I feel more comfortable with what I'm seeing here tonight. However, I do want to stress that our existing BMP's cannot be overloaded with additional run-off and I feel confident that the engineers can work that out. Number three, again Lottingly Drive has been discussed at length tonight. I am for the extension and I would like to recommend that it's construction be part of Phase One, not at a later date, because I'm afraid if it's for a later date that will never happen given the state of the economy and the way things are it's hard to tell what the future may hold. I would strongly recommend that be part of Phase One. Lastly, the traffic study also has been indicated tonight and discussed. I want to just ask again that all the traffic data collection and background information be double-checked. There's a lot of things going on with Highway 115. You have the Bryton development just down the road from us. You have the 485 completion that's going to come online in 1-1/2 years or so. The grade separation project at Verhoeff Drive.....having lived there for almost 8 years now and experiencing the traffic back-up from Lake Norman Charter School in the mornings is trying at sometimes so I hope that all of the background information such as this has been taken into account in the traffic study.

Mayor Swain said I would like to ask Planning Board members if they have questions.

Jeff Neely said the request to increase parking percentage, can you translate that into parking spots....going from what to what.

Mr. Peete said the sideyard increase that they are looking for is really referring to location or orientation of that parking, not raw numbers per say. The civic building type that they are pursuing has zero required parking, so everything they have is over what they need. I think we have looked at it through some of the other building types and there's not a lot. When you look at the size of the building and the existing impervious and the parking that they want to have and then the storm water detention they need, they really can't put too much more unless you get into structure parking. They are not exceeding parking standards and that is not what that increase was referring to. It was basically referring to how much parking is in the sideyard of the building and there's a percentage that is permitted by ordinance and they are asking for an increase in that, so it's due to building location.

Bruce Andersen said down in the lower right-hand corner of that picture there's a triangle. Would there be any development possible in that area?

Mr. Peete said you are referring to down here. I think as Max referenced, I think curb cuts to that site would probably be difficult or problematic.

Mr. Buchanan said I think if you looked at it the right-of-way is significant because of the embankments and it's bi-sected with a permanent drainage easement.

Mr. Andersen said I was hoping that would be the case. Residents across 115 – how many?

Mr. Peete said how many were notified?

Mr. Andersen said no, how many exist since there is no buffer there?

Mr. Peete said you are referring to these homes over here.

Mr. Andersen said I am.

Mayor Swain said Church Street.

Mr. Peete said when you say how many.....

Mr. Andersen said six or eight homes.

Mr. Peete said basically all the ones that front on the railroad right-of-way were notified. There are a good number in totality as they move back in toward that area. I don't have a number there. I know that it can't be more than 12 to 15 that were sent notifications and I heard inquiries from one.

Mayor Swain said explain the relevance to that.

Mr. Andersen said are there any plans for the lawn – croquet, tennis courts, that big open space.

Mr. Peete said that is going to be used for parking in future phases. As this building goes up, this parking will come online.

Commissioner Guignard said back to Lottingly Road, back to turn lanes.....as you go from Verhoeff to Lottingly, actually as you come from Lottingly to Verhoeff, is there a left-turn lane or a right-turn lane or is it just one coming out.

Mr. Buchanan said coming out of Lottingly? I think there is a lane in and a lane out.

Commissioner Guignard said how many people are going to be leaving these facilities, not counting coming out of the parking lot at shift change whether it's 6 or 7 in the morning with all the wonderful traffic going to all these other places. If you want to talk about back-up.....

Mr. Buchanan said to Commissioner Phillips' comment, I don't want to overstate the volumes on Verhoeff currently and project. If they back up into Lottingly to turn left out of here because of high volumes on Verhoeff, that doesn't create concern for us as a Public Works Department as there's not creating a safety.....there's storage back into that. It's not like it's backing up on 115 or NC 73. You are going to find gap space on Verhoeff to turn left and out and turn right out. It's a function of volumes and design speed of the facility. I'm a layman and I've told these guys 100 times not all the cars are coming there at one time. If

everybody leaves at 5:00 p.m., everybody doesn't just run out and get in their car and get in a line. If there's 30 seconds separating them, that car has had time to move out and then all that goes into the calculation.

Commissioner Bales said there's also going to be people coming in from Monteith onto Lottingly to turn left onto Verhoeff.

Mr. Buchanan said there would, but again the volumes that we are talking about, and I'm sure we have the volumes somewhere in the TIA and we would be happy to provide those volumes to you.

Mayor Swain said I think you should at this point.

Commissioner Phillips said I can remember once upon a time the little area of Beatties Ford and Highway 73 that we actually looked forward to seeing cars. Whenever Duke Power was proposed to be built nobody ever thought the traffic would be there like it is now, so that's the reason do we address this now or do we wait 10 years.

Mr. Buchanan said generally speaking.....

Commissioner Phillips said Lottingly probably is not the problem, it's Verhoeff as these kids go to school and as the mommas and daddies and then work traffic from 7 in the morning until 8 or 9....and you have a little bump-up and the short-cut on Verhoeff over to 21.....

Mr. Buchanan said I understand completely. And that's why we are providing a left-turn to get out of.....because to turn left you have to wait on oncoming traffic. To turn right into Lottingly you don't have to wait on anything, you just have to slow down. That's the benefit of a right-turn lane is the deceleration benefit. We did a TIA with projected volumes. We projected that out to normal traffic growth over a 5-year period and what came out the other end was what's shown.

Mayor Swain said what I would suggest is for the comfort level of this Board that you provide them with that information so that they will understand your logic.

Commissioner Jeter said I'm going to make a motion.....I need to ask a procedural question to Mr. Blythe first and foremost. If we hold open the public hearing to what I'm guessing is okay with staff to the 17th, if I understand it correctly since we are holding it open and it is still under a public hearing, going to Mr. Coggins' question the Town Board cannot participate in conversations with anyone because we can't hear information, is that correct.

Bob Blythe, Town Attorney, said that's not entirely correct. It's not something you necessarily would encourage, but it's not the same as if you were holding a quasi-judicial hearing or something of that nature.

Commissioner Jeter asked can we talk to people if we hold it open?

Mr. Blythe said but you can't have an unadvertised public meeting.

Commissioner Jeter made a motion to continue the public hearing to January 17.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Petition #TA11-11. Mayor Swain called to order public hearing on Petition #TA11-11, a request by Jonathan Yates to amend Articles 3.2.1(a) and 9.9 to permit commercial communication towers up to 199' tall with conditions in the Rural Zoning District.

Staff Report attached hereto as Attachment No. 4.

Whitney Hodges, Senior Planner, said this request kind of came from a rezoning request that is up for decision later tonight. The request is R11-03 and the request was to rezone 1.52 acres of a 19.52 tract from Rural to Special Purpose. During those discussions there was talk about there is some need for free-standing cell towers to be in Rural areas.

Just to give you a little more background on kind of all of this, the area in green is the Rural area. Where freestanding communication towers are allowed are any of these gray areas which are Corporate Business or the purple ones which are Special Purpose. That is just for the freestanding towers. Now in any zoning district we allow co-locations. These are the same pictures from your staff report. The co-location is allowed on any type of facility. Examples of co-location are on existing power lines, this shows one on a church spire and as well as an existing structure of water tower. This map the details are not exactly important. It was included with the rezoning packet and with this text amendment.....a little bit differently, but this shows where freestanding towers which there are 10 of them and those are kind of with the pictures where they are located in Huntersville and then the different types of co-locations, which there are about 74 co-locations in Huntersville. This is where we already have existing service. What the request that Mr. Yates is asking for in the Rural District he would like for additional conditions to be applied. If you go to Attachment A of your packet for this particular case, that is the existing ordinance. The regulations 9.9 (1) through (10) would still need to be met. What he would like to do is add this (12) to say that if you are in the R zoning district, you have these six criteria and they are that you cannot exceed 199', pretty much anything above that would require external lighting; that it needs to be on 15 acres or greater; that the setbacks would be 500' from the road right-of-way and 200' from the property line; that it could not require external illumination; but you would be required to have four co-locations for any other type of the providers; and also that you would certify that it would not fall on top of a house, that it would be structurally sound. This was also included in your packet as Enclosure 1, but just looking at acreage alone these are the parcels that would apply. This doesn't take into account setbacks, but just to kind of give you a rough estimate of what would apply and it shows the tower that is proposed in the rezoning right here just to kind of give you an idea. Staff.....we are comfortable with the ordinance with where it stands as far as being able to provide coverage and options for coverage. If the Board chooses to go this route, staff feels as though a Special Use Permit is probably appropriate just because you can take on a case by case basis, evaluate the site and the measures around it. The other thing that staff would probably recommend would be some spacing language. Other ordinances that were looked at had a spacing between towers so anywhere between 2,500' to a mile. I had some discussions with Mr. Yates today about the kind of co-location because part of those requirements is that you have to show that there isn't a space for you to co-locate in order to have adequate coverage. Mr. Yates did kind of speak to that a little bit more to that but just as an overview does anyone have any questions about this thus far of staff and Mr. Yates is also here for questions of the applicant.

Jonathan Yates said quite simply why I am here and why I've been coming over the past year is presently the Town has an ordinance that was designed in the old analog cell days. It was an ordinance that did not envision the future of wireless communication and it certainly didn't envision the future of the data that would go back and forth on the wireless networks. The ordinance as it stands now only provides two zoning districts. What I am trying to do, what my industry is trying to do.....we are providing infrastructure, pure

and simple. We are no different than the power and telco line or a water and sewer line, but we are 21st century infrastructure. We are infrastructure that every community needs and is embracing. In order to deliver our infrastructure we have to have an ability to get into more zones than the SP and the CB.

We talk about co-location opportunities. I have traveled most of the city. There are not a lot of 150' to 180' tall structures in the Rural area where we could co-locate. Quite simply on behalf of my industry if there is a co-location opportunity, we jump on it. Co-location goes quickly. We can apply to the town, co-locate and all my industry wants to do is be on the air to serve their consumers. Interestingly enough, our customers and your clients, the citizens, are one in the same. That is all we are trying to do. When you looked at the map before one thing was noticeable, there were no towers or no infrastructure in the Rural area. We've been able to cover the densely populated areas, the commercial areas of Huntersville, but you are leaving a good part of the town out of coverage. We know that any time there's change, change has to be looked at very carefully and closely. That's why in this request we came to higher standards.

First and foremost, a wireless infrastructure tower in the Rural area has to meet all of the existing criteria to start with. We have to meet the existing criteria and then we gave ourselves six additional criteria. No. 1 very importantly, 199', that is a magic number in that over 200' you have to have air navigation lights. We know if we are going into the Rural area there will be people living around us. They are not going to want to see our nav lights. If I did a tower today in the Rural area at 199' without lights and I drove by it right now, you wouldn't see it, it's dark outside. Next while we are opening up the Rural zoning district, we wanted to limit to the larger properties. Why.....better ways to site the tower. When you have at least 15 acres, we can push it back, maybe enjoy some existing tree cover, get it away from people's houses, so we had a minimum standard that only those Rural properties that have 15 acres would qualify. Again, the thought process it gives us more ways to work with the neighbors. In addition, we put higher standards on ourselves for setbacks. Sometimes people complain when they see our infrastructure close to a road. We are saying bring it back 500'. It's got to be 500' off a road.....200' from any property line. No matter what the zone next door, you've got to be at least 200', so again with this we further limit the number of properties that would work. Why, because we want to come up with a few of the best properties to put the infrastructure in.

Next question.....we wanted to make it clear the standard for the FAA is over 199' you have to have lights. There are instances when because of airport traffic where they can actually require lighting under 199', so I wanted to overemphasize that point by saying not only do you have to be 199', you have to provide that you will not have to be illuminated. The way you provide that is you have the FAA run what they call the determination where the FAA will determine what height lighting would be allowed at or would be required at. What we are saying in the Rural district if FAA says lighting the tower can't happen, it goes away, no lights.

The next thing that we are saying is that towers can be designed for one person or four or five. It depends on how much money you want to put into the steel. If you invest more in the steel you can get more people on. We want the least number of these. We want to get the infrastructure into this part of Huntersville but we want the least numbers, so what we would require is the most expensive towers that would provide space for four separate users.....four competitors would share the infrastructure to provide their own brand of coverage to the citizens and the consumers.

Next, as a safety factor even though we have the setbacks from all the other property lines, we would ask that for a tower sited in the Rural district we must provide a certification from a North Carolina PE that the tower in a catastrophic wind event would not collapse on the single-family residential structure of our landlord, providing extra safety.

So, if you take the requirements presently in the ordinance, we would add these six. What this does is we try to deploy.....as we go out to deploy our infrastructure we will be able to find sites but we wanted to give it a higher criteria and a higher standard. The bigger properties would qualify. Why, because that gives us more setback, more buffer to anyone around us and again the other five criteria, the no lights, and that if we are going to do this infrastructure let's just do it one time in each area. We will not have a sea of towers. We'll design them all before.

If you look, one very important part and I'm going to give Mr. Blythe credit because I'm sure he wrote it initially. In the initial ordinance there's a very important point that says you cannot build a new tower if there's any suitable tower space nearby, so you have to go through a proving process to say technically I cannot go on an existing tower. We are not looking to just open up an area, come rushing through with towers. What we are looking to do is bring the Rural area of Huntersville equivalent to the rest of Huntersville for wireless infrastructure. The infrastructure does not exist there now. It cannot work by co-location. I guess I could go out and build a bunch of 180' silos, but visually those would look a heck of a lot worse than a slight monopole that's 32" on the top. What we want to do is target Huntersville, provide the infrastructure where it's lacking but do it in the most innocuous way – use big properties, use monopoles, don't have lights and provide the infrastructure. It's a simple request. It's a timely request.

Your ordinance has done you well over the test of time but since your ordinance was drafted we moved from a primarily analog cell system, for the most part a voice only cell system, a system that was used mainly in automobiles or in business districts to now we are moved to a situation where for instance 30 percent of all the households in the United States are wireless only. They've cut the cord. They've gotten rid of the land line.

Some of the other features of wireless that you have to keep in mind in the US today, 300,000 calls per day in the US to a 911 service start from a wireless device. In many jurisdictions the 911 dispatcher will tell you that close to 70 percent of their daily calls start from a wireless device. Why....if you are in an accident in your yard, versus running back into your house to call EMS you have a phone on your belt. The future wireless...data, data and more data. The prediction is that by the year 2015 voice will only be about 2 percent of wireless traffic. All we are saying is if you presently live in the Rural section of Huntersville, you don't have the access to this future that other people in Huntersville do. I took a first stab at this. There's a guy named Bruce Andersen behind me who's going to probably work me over, but I did it just as a first stab to really get the discussion going. We need the infrastructure. I wanted to put some tough criteria. There might be other criteria I missed and so really I just wanted a starting point to present to you guys.

Joanne Miller, 13900 Asbury Chapel Road, (speaking as citizen, not Planning Board member) said I feel that Huntersville regulations concerning communication towers need to be brought up to date. Many of the citizens, both in Huntersville and in the ETJ, do not have adequate online or mobile phone service. We rely on our phones to summon help if something happens. If there's an accident and we need help, we use our phones. As more and more people cut the cord with the landline and go to mobile only service, this is a safety issue. If you have an accident certain places on Beatties Ford Road or Huntersville-Concord Road or Asbury Chapel Road, you better be ready to hike until you get that signal on your phone. And just personally I'm getting kind of tired of having to go out under a certain tree in my yard in this kind of weather if I want to make a phone call. That's just personal but I'm not the only one. I do hope the members of the Town Board will think about this and really get serious about it. We need some changes. This looks good to me. If you want to add more to it, fine. I'm not pushing any certain thing. I just want a cell tower. And if they want to put one behind my house 200' away, that's fine. And I don't really care what it looks like at this point.

Commissioner Jeter said on your recommended 12(f) the commercial communication tower must be set back a distance of at least the tower's fall zone, as certified by a North Carolina Professional Engineer, from any single-family residential structure. I assume then based on that reading that any multi-family structure and/or non-residential structure could fall within the fall zone of the tower.

Mr. Yates said we have to look at that in tandem with (c). We will have to be setback 500'.....and if I can explain a fall zone. The fall zone is designed into the steel by the engineer. It is not the height of the tower. Depending on how heavy you design the steel, it will be a height less than tower height. First and foremost in (a) I can only be 199'.....(c) I have to be 200' at least from every property line. So what we are really simply talking about is our landlord. We are talking about our landlord that we would have to be away from his house by fall zone.

Commissioner Jeter said I understand and I can see that point, however if your landlord owns an apartment complex the people within that apartment complex didn't necessarily think that was a brilliant idea.

Mr. Yates said that's why it was a first draft. I would have no problem with adding.....

Commissioner Jeter said that would be my concern and then my secondary concern, I agree with Ms. Miller that we need to find a way to get cell phone towers in the Rural area. My concern is that we actually do it for the Huntersville area residents and not do it for the north Charlotte residents and I think you make a great point, Ms. Miller, is which let's find a way to get it done so we can serve and this is probably a good start.

Commissioner Bales said looking at the location of this tower, how many customers in Huntersville are you going to be serving.

Mr. Yates said that's a separate issue because we have a rezoning request.....

Commissioner Jeter said if you are asking about the specific tower, that is Item A under Other Business.

Commissioner Julian said 200' from the property line.....monolithic tower, so you are 1:1 ratio....my concern is that resident or the next owner of that property and encroachments in their right of having a tower straight up there. I would love to see that increased to a 2:1 ratio especially if we are talking a by-right situation here. I know right now it comes under the special use, but I would just have concern of encroachment on my neighbors.

Mr. Yates said that's a good comment Commissioner Julian. The problem, if I'm 500' from the right-of-way and 400' for each side, it's going to be very few properties that would work. I hadn't done the math but it would be a pretty sizable property. It has to be a minimum of 200' from either property line and as to the encroachment we will design it with a fall zone so if something happened it most probably.....your average fall zone on 199' would be around 50', so it's all contained inside of there.

Commissioner Julian said my concern is making it by-right having a tower and making the neighbor very unhappy. I'm just throwing that out there.

Commissioner Phillips said as most people are aware I live out there on Beatties Ford Road and like Ms. Miller there's so many dead spots, particularly right at McDowell Creek and McIlwaine Road and when you get up to McCoy Road and Beatties Ford Road, right at the elementary school a lot of times right there at the

soccer field it's a tough place to get out of. This is one of the things that really got me interested in running for public office. This is a silly thing, we all have them, we all have to have them and why we drag these decisions out. I think it's a necessary evil. But I think we need to go ahead and make a motion to approve this.

Mayor Swain said right now we are a public hearing stage and when we get to the motion section that will be the next.....that's in other business.

Commissioner McAulay said I was just going to point out that towers don't just serve the residents that live in the vicinity of them because I personally travel Beatties Ford Road a good bit and go even west to Rural Hill and where Rural Hill is located and Latta Plantation, you do have to be at certain places on those facilities to have service and those have visitors and are open to the public and others to visit and I think one of the services that they would want is to use their cell phones or their mobile phones and call their friends and tell them what a good opportunity it is to come on out and visit. Where Joanne was talking about on Asbury Chapel and Huntersville-Concord Road etc., people travel those. Those are heavily traveled roads and it is a safety issue, not just for the residents that live there but for all of us that travel there. I just wanted to point that out.

Mr. Yates said that's an interesting point when you talk about safety. Some of the things we don't think about is for instance an EMS team or an ambulance transporting a patient. For most of the their transport they are trying to relay information via wireless to the emergency room where they can do some initial triage, get some quick diagnosis to the emergency room docs and particularly if you are a heart patient in the golden hour, you don't want the ride in that ambulance to be going through an area where you hit a dead zone, so there's safety from 911 and there's safety from other uses to think about.

Robert Cameron, Planning Board, said you referred to these criteria as a draft.....would you elaborate on how you arrived at this criteria.

Mr. Yates said as embarrassing as it is, it's from the school of hard knocks. I have been in the wireless industry for going on 17 years now. I've been able to see over the years what works, what doesn't work for wireless deployment. If you look at wireless ordinances whether they be North Carolina, South Carolina, the whole country, a lot of them are quite similar in their approach. The one difference that I'm seeing over the past 24 months is I'm receiving requests from communities to come in and assist us with our wireless ordinance, we are not attracting the right amount of infrastructure.

Mr. Andersen said you are absolutely right about the Rural area not being covered very well. Although...some occurring, Commissioner Phillips, in the northern half of Beatties Ford Road with other facilities.....distributive antenna systems on the power poles they are not getting down to McCoy Road in that area. Since it's not much in the Rural area, could we expect that with approval of this ordinance change we would see a tower of this size about every mile throughout the rural area.

Mr. Yates said no, sir. It's a basis of height, topography and tree cover. You have people broadcasting the frequency as assigned or actually purchased from the federal government, the spectrum that they are issued so you have different needs and different requirements for the different carriers. But I would not see with the density you have there.....the couple factors go in – height, tree cover, topography and actual density that it's trying to cover, the number of users it's trying to cover.....I would not see anything close to that. I think you are more looking in the 2 to 2-1/2 mile range.

Mr. Andersen said let me quote from your site, pegasustower.com, the new digital networks that are being built out now typically have to go on a 4 mile interval which is the old school, but high speed data transmissions which you said would be 98 percent, where you can't have any dropped calls or weak signals, you have to have a tower site every mile if not closer.

Mr. Yates said in an urban area I would say that's correct and I will argue with whoever did it on the website. In a highly urbanized area, yes. As you get to a lesser density of population, that is not the case. I will have that corrected.

Mr. Andersen said Whitney, do you know if the DAS system is in service on the northernmost portion of Beatties Ford Road.

Ms. Hodges said I would have to look at the map to see. There are a few on Beatties Ford Road as far as some co-located facilities.

Mr. Andersen asked are they in service?

Ms. Hodges said all I can tell you is that they have been permitted.

Mr. Andersen said to Commissioner Phillips' point he's not getting a signal in some of those areas but he will the moment they go in service. So back to the question to Mr. Yates, those are located on power poles. We also have dozens, approaching 100 facilities on decorative street lamps and things like that in neighborhoods. If you lived in one of our Rural areas and were looking out the window, which would you prefer to see – the decorative street lamp or a 199' tower.

Mr. Yates said it's a very good question, but the answer is quite clear, I would rather see the tower. I would want to see the infrastructure. I want to know that my phone will work and I also know that with the tower I will not spend my life staring at it. I will see it if I'm driving by for a very quick moment as I drive by it. It's a monopole. It's a pylon piece of steel as if you would have in front of a store. You would see it for a couple of seconds, and you would go on your way. I would not be fixated upon it and as I said if I drove by it right now on the way home, I would not see it because it's dark outside. In all total, Mr. Andersen, I've done close to 1,700 towers and years ago there was a lot of uproar until people understood what we were doing with the infrastructure. Quite frankly we don't see the uproar and I've had some tough meetings over the years where people said it's going to change my life, it's going to ruin my life, I'll have to move. We don't see it afterwards. Much like a power or a telco pole that is up as you drive along, you might see it the first day but it becomes part of your peripheral vision. Again, what I'm looking to do is go on a large piece of property, set back 500' from the road, very good setbacks to each side. Will you see it if you look for it, yes sir. Will it dominate the skyline, no sir. Will you see it every minute of your life, no sir.

Commissioner Guignard said I remember sitting at a different seat at this dais about 14 years ago and my friends in Long Creek and Hopewell Church sitting in this same room and we approved a tower, unless I'm wrong, on Beatties Ford Road down across from Long Creek school, somewhere in that area. I say all that to say it's amazing.....and of course everyone in this room that knows me knows I'm not going to be affected by this data transmission stuff but evidently I'm going to keep getting reams of paper. My question is to you and to Mr. Andersen that was employed by Duke Energy for more decades that he wants to recall, are we amiss in the third picture at the bottom of the page here of typical co-location. We do have an advantage and disadvantage in this end of the county of Duke Energy having gosh only knows how many transmission lines running from probably two power plants, probably not just one, and I would dare say that we don't have many co-location towers there and they are already, forgive me, obnoxious looking and we are already

used to them and they are not going anywhere because to get them to relocate would take an act of God. Why are we not looking at that because I don't know where they come across our county, but they come across often and more often.

Mayor Swain said let's remember what we are talking about tonight. The public hearing is on the ordinance itself. I want to make sure that we stay within that. We reminded Commissioner Bales of that, I'll remind everybody else of it. We can talk about the philosophy of towers, but that's not what we are charged with doing tonight.

Commissioner Bales said looking at the ordinance table that we were given, the height requirements in Huntersville for the commercial communications tower, we have no max height requirement, is that correct.

Ms. Hodges said currently, no we do not have a max requirement. It's not written out that there's a max requirement.

Commissioner Bales said and then the only other requirement that we have would be the 200' setback on all property lines.

Ms. Hodges said in that type of sense, yes. There are 10 requirements to our ordinance and that was the first attachment and it further....we don't list specifics like other ordinances, but it further refines what they can and cannot do.

Commissioner Bales said forgive me for not going back and pulling that out, but looking at let's say Charlotte's height requirement where it says up to 150' they must accommodate two providers, is this something that we should be a little more proactive with our ordinance in writing those pieces in.

Ms. Hodges said if you would like to yes.

Commissioner Bales said this is going to come up again and again.

Mr. Simoneau said our ordinance is not specific to that affect but the ordinance today absolutely places a premium on co-location to the point that the ordinance today says to encourage the future shared use of commercial communication tower, the tower owner must demonstrate that the tower will support a specified number of antennas. We didn't say how many, but a specified number of antennas and must file a letter of intent with the Town to lease space to users in good faith. The point would be if somebody....these freestanding towers that you see the pictures of because that's what this represents, the 10 free-standing towers do all accommodate multiple antennas.

Commissioner Bales said and they have to be a certain distance apart. Is that correct?

Mr. Simoneau said if you are talking about between the freestanding towers today in Huntersville, no there is not, so you could have two towers in a Corporate Business zone on adjacent properties. What Whitney had suggested as the staff comment would be if we allow it in the Rural zone our suggestion would be that there be a spacing requirement so they don't happen on properties adjoining one another and so that would be our comment in that regard.

Commissioner Julian said I was just going to make a comment that Pegasus tower is one tower company. The Board should know that there are multiple other tower companies out there that Mr. Yates, I was just letting the Board know this that right now these 199' towers can be located multiple different places under

this ordinance we are looking at passing. Currently it takes a Special Use Permit to locate a tower in Huntersville which comes to us and is reviewed. So I would caution with opening any ordinance that allows it by right.

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

OTHER BUSINESS

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

Staff report attached hereto as Attachment No. 5.

Whitney Hodges, Senior Planner, said the reason that the amendment was pushed to January so that it could track at the same time due to some things that the text amendment.....the text amendment came in January. This would push the text amendment decision to February and they would like to track those at the same time if possible, so they would like to move this decision until February.

Commissioner McAulay made a motion to defer to the first meeting in February

Commissioner Guignard seconded motion.

Commissioner Jeter said do we have the pictures from the original. I didn't see it in the packet. My problem with this tower, and I agree with comments made in previous discussions by my friends to the left of me and Ms. Miller and others, that we need to get proactive in providing cellular and data coverage for the rural areas of Huntersville for a lot of reasons. However, from where I sit in my own little opinion, which is often wrong according to some of my colleagues, this tower doesn't serve Huntersville. This particular tower serves that big neighborhood to its south, which is the City of Charlotte. My concern here is while we have to serve the Huntersville residents, we should not be the resting place for north Charlotte's cellular service and that's what this tower is. It's the first line in a line of towers on our southern border so north Charlotte can get service. We need to come up with a zoning plan that protects our Rural area and still provides them coverage. This is by staff's own comments, spot zoning. This is a tower that will not serve the Huntersville Rural area as we would like to believe. As a result to me if we are going to move forward with a zoning, then let's talk about the previous zoning issue, let's figure out what we are doing and let's get it done. But this should not, in my opinion, be continued. This should be voted down as spot zoning and let's fix the problem right as opposed to doing it this way.

Commissioner Julian said I'm going to agree with a lot of what Commissioner Jeter said. I do think we are going to be presented over and over again with other cases of tower companies and we really do not know where the towers are. There are probably about 10 different telecommunication companies that put antennas on these towers – who they are, what's the coverage area and what is needed. Really a study is needed, a paid study – a telecommunications consultant.....really go out there and find out what is out there and who is covered. It would be tough. I have a Planning Board member that lives in this area here and he has no cell tower coverage and this area is a dead zone. Charlie, I understand spot zoning there. I'm with you. Towers have been by special use which to me can be considered spot zoning. But this coverage is crucial at this point. What I would like to see us do is move forward with this tower location because it meets some very strict criteria, but then come up with a plan and the only way to come up with a plan is to bring in a consultant and do a telecommunications study of what is really needed. Now Jonathan Yates, he's

a great guy, Pegasus Tower, he will sit there would love to build these towers all over Huntersville in the Rural area. The reason it's up here on us, Charlie, is Charlotte probably will not allow it because they want co-locators. Northstone is full of new towers that look like streetlights. They actually look pretty good. It enhances the community. This tower is a needed tower, but I also would caution the Board of moving forward with anymore monolithic or 199' towers.

Commissioner Phillips said Commissioner Jeter and Commissioner Julian brought up some good comments. How far does this tower service?

Mr. Yates said depending on the carrier it can be up to 2 miles and it shouldn't be faulted because it finds itself near the border. Actually the rules in the City of Charlotte are a little laxer than the ones in Huntersville. The purpose of this tower, while it will pick up and we can't do a tower saying we'll put filters on there so you can't cover any other jurisdiction, the main purpose of this tower with three carriers thus far have expressed interest is to cover this part of Huntersville. They will pick up some of Charlotte, that's by default.

Ms. Hodges said in your packet, it was Enclosure 2, when it comes to a stealth tower that's the one that has the antennas on the outside not the inside.....the monopole has the antennas on the inside. This map in front of you right now is where they would have what is considered adequate coverage and the Reames tower is starred, so you can see both sides of that.

Mr. Yates said you can see how it's migrating up to the north. The green is what we call the in-building coverage where you can use your devices inside.

Commissioner Jeter said would it be correct to say that the purpose of deferring this as I understand it is to run it in conjunction with the rezoning request. Would it be correct to say that if the rezoning request was approved by the Board in some language similar as to what was presented to us in the previous public hearing, this tower would be a by-right and would not need to be approved by this Board.

Ms. Hodges said in essence as a rezoning you are approving it.

Jack Simoneau, Planning Director, said there might have been some crossing in the terminology. Were you suggesting that if the text amendment that we just heard got approved, then this rezoning would not be necessary.

Commissioner Jeter said correct.

Ms. Hodges said if the text amendment was approved, then no this rezoning request would not be necessary.

Commissioner Jeter said which goes to my point which is why if we do it right, we don't need to approve this.

Commissioner Jeter made a substitute motion in considering the proposed amendment to the official map to revise the rezoning for 1.52 acres located at 9845 Mt. Holly-Huntersville Road currently zoned Rural to Special Purpose Conditional District, the Town Board of Commissioners finds that amending the rezoning plan is not consistent with the Town of Huntersville Community Plan and other adopted plans. We recommend denial of Rezoning Petition #R11-03. It is not reasonable and not in the public interest to rezone

this property because (a) it is spot zoning and (b) if we come up with a new text amendment, we solve the problem and this becomes a moot point anyway.

Commissioner Julian seconded motion.

Commissioner Julian said I believe that it's going to take some major time in order for a by-right ordinance to be drafted.

Commissioner Jeter said it's already drafted.

Commissioner Julian said it's not drafted nowhere near what I believe is in the best interest of Huntersville.

Mayor Swain said but you have a month.

Commissioner Jeter said but you are deferring this to the same time that we are scheduled to make a decision on that by-right amendment. If the goal is to defer it and run it in conjunction, then the purpose of deferring it is irrelevant because if you were going to make a decision tonight on the spot zoning then that's one thing, but the motion that was made was to defer it to run in conjunction with the approval of the text amendment, which makes this pointless.

Commissioner Julian said I believe he's running them parallel because if the ordinance change does not pass, he'll still have this on the agenda for passage under the Special Use Permit.

Commissioner Jeter said I agree with you and my point is let's do it right and fix the text amendment and not give a fall-out clause to what is, by our own staff's notes, spot zoning and illegal in North Carolina.

Commissioner Julian said Special Use Permits are not illegal.

Commissioner Jeter said there's a difference between a Special Use Permit and spot zoning.

Commissioner McAulay said Mr. Jeter, you have been against this from Day One and you are just maneuvering to keep this from happening. You wanted to deny the rezoning tonight and then you will work diligently to deny the passage of the text amendment and we can move both of these off tonight and work on the text amendment and then we either have a choice of passing the text or rezoning or denying all of them. We have multiple choices.....but the service is needed. We need to come up with the procedure which has been going on for almost a year now.

Commissioner Jeter said I'm somewhat surprised that Ms. McAulay can read into my mind, as I have sat here for six years and never guessed as to what somebody might do in the future. I have pledged and will pledge to this Board to do it the right way and the right way is with a text amendment, not with what is illegal spot zoning which is different than a Special Use Permit under North Carolina law. We can do this the right way as a Board. You have my pledge and promise, Commissioner McAulay, that I have every intent to pass the text amendment as submitted with minor tweaks. My minor tweak is don't make it just single residential. Make it any residential. That's the only request I have. So the concept that I am.....yeah, I'm against the spot zoning and I have been from Day One, absolutely. There's no question about that, but I am 100 percent and I have said it numerous times tonight and I've said it in the public hearing before, I am in favor of us getting zoning for Rural Huntersville, I'm in favor of that text amendment with that minor tweak and I pledge my support to that. So to imply otherwise is factually incorrect.

Mayor Swain said it sounds like there were some other questions about distance apart between towers. Maybe people had wanted to talk about that as well.

Commissioner Julian said I understand about the ordinance with the tweaks. I am not in favor of the ordinance as is at all. What I am in favor of is a study being done. I do not want a monolithic 199' tower every mile in Huntersville's Rural district.

Mayor Swain said but you are willing to vote on this one tonight.

Commissioner Julian said this one has been under the Special Use Permit and it is a needed tower. It has been analyzed. It has been shown that it's needed and yes I'm ready to move forward with that tower.

Mr. Simoneau said just so we are clear, the tower that is up for this rezoning request is not the Special Use Permit. What this would do is simply rezone this tower to a Special Purpose zoning district and then that would permit it by-right in that little island of SP and also I just want to get on the record that the applicant's intention was to process the text amendment first. Have a decision on that. If the text amendment was approved, then their next request would have been to ask for the withdrawal of the rezoning request. I just wanted to be clear that their preference would be a text amendment and not a rezoning.

Mr. Yates said I know this has been before you for a while and it's been a long process. During the process we determined that it wasn't just about this tower, it was looking at the whole Rural district, so we thought we would get to work and we have and I will tell you, sir, we put a lot of work into this and so has your staff to try to see if there's a way to fix the Rural district. And that's what I want to work on. If we cannot and the pleasure of this Board is the Rural is left alone, I would then like to have the opportunity to bring my experts, we'll answer any questions about coverage, those kinds of things and then we deal with it. However, if we are able to fix the Rural district to the satisfaction of the Town Board, this request will go away. My request tonight was simply let's try to roll up our sleeves and work out the text amendment. If we can, fine. If we can't, I'll come back and we'll have a big night talking about the tower on the Reames' property.

Mayor Swain said is there any interest with Board members of getting together maybe two or three of you getting together to iron out some of the concerns or to make the tweaks as you have called them.

Commissioner Jeter said may I suggest we add it to the retreat and do it then and make sure that Ms. Miller and others are invited who live and work in the ETJ areas and can participate and set aside some time at the retreat which is scheduled for January or do you think it should be a pre-meeting.

Greg Ferguson, Town Manager, said I think this type of issue really needs to be handled in a work session that's separate, because it's really not strategic planning. This is policy decision making.

Mayor Swain said but I also think it is strategic planning because I think you want to have the locations of the cell phone towers not overwhelming and placed where it actually works for everybody.

Mr. Ferguson said I would suggest that we keep the strategic to your goal setting.

Commissioner Jeter said why don't we set up a work session, and make sure we do it sooner rather than later, so it's within the timeframe of the text amendment coming back before the Board in February.

Commissioner McAulay said that will be fine, but I think we have a substitute motion on the table so I think it needs to be withdrawn so that they can vote to defer this like I suggested.

Commissioner Jeter said my stance remains the same that the proper way to do this is with a text amendment and not with a special zoning.

Mayor Swain called for the vote on the substitute motion to deny the rezoning request.

Motion failed 1 to 5 – Commissioner Jeter in favor; Commissioners Bales, Guignard, Julian McAulay and Phillips opposed.

Commissioner McAulay amended her original motion to defer decision to the second meeting of February so we will have time to work on it.

Commissioner Guignard seconded amended motion.

Commissioner Julian said from staff's standpoint, bring to the workshop a plan of where the towers.....if it was by-right per the petitioner's ordinance change, where all these towers could be.....every mile, every parcel.

Mayor Swain said how about this, if anybody has any specifics that you need of staff prior to the meeting, ask Whitney.

Mr. Simoneau said it was recommended by our Attorney that rather than the second meeting we just state February 17.....I think that's the date.

Bob Blythe, Town Attorney, said whatever the date is.

Mr. Simoneau said it was recommended to set it date specific.

Commissioner McAulay amended her motion to defer decision to February 6.

Commissioner Guignard seconded amended motion.

Mayor Swain called for the vote.

Motion carried 5 to 1, with Commissioner Jeter opposed.

A work session will be scheduled at a later date.

Vermillion Phase 1 Subdivision Sketch Plan Modification. Mayor Swain pointed out this item is quasi-judicial.

Mayor Swain swore in Whitney Hodges, Bill Coxe, Jack Simoneau, Justin Carroll, Bruce Andersen and Nate Bowman.

Staff report attached hereto as Attachment No. 6.

Whitney Hodges, Senior Planner, said just because we have some new faces on the Board to kind of go over quasi-judicial proceedings. There are a couple of instances where the Town Board participates in this type of proceeding. And those would be in subdivision sketch plans and Special Use Permits. This is also how the Board of Adjustment operates. What it is, is the Board is presented with sworn testimony and you are charged with making decisions based on findings of fact. And those findings of fact have to come from the Zoning Ordinance as well as requirements out of the Subdivision Ordinance. What those are, and they are included in every staff report.....but just kind of a general idea of these are the things that we are looking for in the Subdivision Ordinance and in the staff report, staff looks at does it meet the criteria.....does the criteria even apply and those types of things. Where the Board has decisions you essentially answer two big questions. One, is the application complete. Staff will usually say that also in the staff report. And then where your decision process is, is does it comply with all the requirements and this is where those findings of fact either from staff, from the applicant, from other expert people who testify.

With that, let's move right along into Vermillion Phase 1. Just to kind of orient everyone, this is Huntersville-Concord Road and this is the Cinnabar entrance into Vermillion and the lot that we are going to talk about is this one right here. There's actually three lots. To kind of give some history to this and why this comes about is that Vermillion has a rezoning plan that was approved in 1999. The plan essentially just gives some broad brush strokes to the types of uses, building types, that type of thing. They call it the regulating plan. This area that we are speaking of is in the Neighborhood Center, which is a more urban environment. What that really means is that your housing is more dense and this section the most housing you can have in that kind of district is 1,272 units. The building types, and these are regulating plan definitions, not necessarily ones that come out of the Huntersville ordinance, but they are very compatible – civic, commercial, live/work, row houses would be what we would consider kind of attached houses, townhomes, courtyard apartments, sideyard houses are the ones where the prominent private space is to the side. Also in this district you can have commercial activities and that can go up to 280,000 sq. ft.

The last approved plan was in 2010. Before that, from 1999 to 2010, it was supposed to be a civic use lot which was intended to be a church and it's often referred to as the church lot. In 2010, the Board approved this going to four single-family detached homes. What they are proposing is not changing one lot line whatsoever. They actually just want to change the use. What happens with the rezoning plan is that is further refined in sketch plans and that's the process we are in right now. There have been many sketch plan revisions to Vermillion and this is just another one to it. The duplex homes that they would like to use was not specified in their last request and this is what they are looking to do.

In the Planning Board meeting there was some discussion of what kind of uses are around there, because we talk about Vermillion being a Traditional Neighborhood District Overlay or a TND. You will hear that phrase used with Vermillion a lot. And that really just means that there's a mixture of uses in relatively walking distance. This photograph just kind of shows where you have your single-family, where you have your townhomes, live/work, commercial, apartments, duplexes, they are all in this space and in all relatively.....I would say definitely walking distance, but in a relatively small space.

This is provided in your packet. It just kind of shows what the lot layout of the duplexes would look like when sketched out. This is the elevation that they are proposing. You would have two entrances from the street.....two doorways, but it's still designed in a single-family residential component and they would be flats where one apartment above another apartment.

I kind of just want to go back to this picture just to say, the original request was for the four. You can see here that this one is being built. It is a single-family home today. If you think about it, there's three houses down and it's townhomes. Staff finds the application complete. Because of the regulating plan and the

allowance for different types of housing, staff finds the application in compliance with the subdivision and zoning regulations.

Commissioner Jeter said under Staff Recommendation Item B, the proposed amendment complies with all subdivision criteria found in Section 6.200 and change to attached single-family lots will not result in Vermillion going over the 2,220 residential lots approved. That's the Planning staff's recommendation, assuming the following.....has Planning staff determined whether or not this additional will take them over that 2,220 number.

Ms. Hodges said no, it will not. They are currently, if you built it out today, probably would run I would say under 1,500. And what they have on the ground from what we have counted is about 1,200. So it would not take it anywhere near what they were approved. They were approved under a really high density. They haven't even achieved anywhere near that and Mr. Bowman can speak to some of that as far as their plans of what they intend to do.

Nate Bowman said we went to a very high density in 2001 in anticipation of the Red Line, which wasn't called the Red Line at that point. When the Red Line hasn't appeared, we've actually toned down the density in most of the single-family areas, but we still have the hope that the Red Line is going to come about and so what you are seeing here is we are still trying to dense up some of the areas which will be walkable to the train. That's why we went to a much higher density because in 2001 there was a realistic hope that there was going to be the demonstration commuter line running and when that didn't happen we've had to make adjustments to lower the density.

Commissioner McAulay asked this location was in the original Vermillion approved plan?

Ms. Hodges said yes ma'am.

Mayor Swain said this is what was going to be a community center or the church.

Mr. Bowman said that was before I married a preacher, so I didn't quite understand how to start a congregation, but we did sell it to the Methodist church and had a right to buy it back if they weren't able to have enough of a membership to go ahead and build the church. We sold the property and it was a church lot and they weren't able to generate enough activity probably when we went into a little bit of recession, not like now but in 2001 things slowed down. So we re-purchased it and that civic use went away.

Mayor Swain said this lot is next to.....are these full-sized family houses?

Ms. Hodges said they are all single-family homes.

Mayor Swain said show us what the layout of the duplexes is going to look like.

Ms. Hodges said and this will be a garage.

Commissioner Jeter made a motion in considering the changes to Vermillion Phase 1 Subdivision Sketch Plan, we the Town Board find the application complete and move to approve.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Vermillion Phase 4 Subdivision Sketch Plan Modification. Mayor Swain pointed out this item is quasi-judicial.

Mayor Swain swore in Whitney Hodges, Bill Coxe, Jack Simoneau, Justin Carroll, Bruce Andersen and Nate Bowman.

Staff report attached hereto as Attachment No. 7.

Whitney Hodges, Senior Planner, said similar to the last request, just to orient you, this right here is Huntersville-Concord Road. That's the bend where it comes in on Warfield. There's a grassy patch there and it kind of goes around three streets where you would make a right at Gibson and then another right at Mallory Baches. Back to the regulating plan. This area was called out as Neighborhood Center in the regulating plan. Further refining it when they did a sketch plan in 2000 they made this an open space, thinking the greenway would come this way. I think there was further refinements to the sketch plan in 2004 and this is the one that was approved and that area was pulled out of the sketch plan and essentially they would like to put it back into the sketch plan. It was just labeled as future development. And that shows where it is today. What the request is for is for four duplexes which would be eight units. Similar to the last request, it's the Neighborhood Center rezoning. It's a use that is allowed in that zoning district and they are well under their limits for the residential units.

Commissioner Bales said question regarding the potential greenway that was to go through there.

Ms. Hodges said they re-routed the greenway a little bit. In 2000 it was set aside as maybe how the greenway was going, but they've actually dedicated that land.

Commissioner Guignard said I just want to point out, I believe if I understood correctly in the previous vote, the parking might have been offsite. Do I understand right that all the parking for this is within this nodule. I didn't see public parking nearby that would be satisfactory.

Nate Bowman said they are eight one-bedroom units and we encourage on-street parking to protect pedestrians and to slow down traffic and to eliminate speed bumps.

Commissioner Guignard said some of us wish we could have that on-street parking downtown.

Commissioner Jeter made a motion in considering the changes to the Vermillion Phase 4 Subdivision Sketch Plan, we the Town Board find the application complete and move for approval.

Commissioner Guignard seconded motion.

Motion carried unanimously.

AAU Contract – 2012 National Diving Championships. HFFA in conjunction with Visit Lake Norman and Visit Charlotte placed a bid to host the 2012 AAU National Diving Competition. We have been selected and received the initial contract on 12/7/2011. We have collectively reviewed the agreement and have requested the noted changes in the agreement from AAU. We are now in our third round of requested changes and expect the agreement to be the final round of changes. We expect to receive the amended agreement back from AAU within the first 10 days of the New Year.

Due to the short turn-around time to prepare for the event we are asking for your approval of the agreement with the noted modifications, the approval to form our local organizing committee and begin fund raising efforts immediately.

This request is similar to all other awarded diving and synchronized swimming events in the past. HFFA has an excellent history of working with AAU and the other partnered organizations to host and run the events efficiently and successfully for all parties involved.

There are several areas to consider for successfully moving forward with this event.

Bid Fee: The bid fee is \$1,000 per day for the event. The event is proposed as an 8-day event, for a total bid fee of \$8,000. Visit Lake Norman and Visit Charlotte have agreed to pay the bid fee.

Economic Impact: The economic impact of this event is significant in that conservative estimates which do not include guests and spectators estimate the impact to be \$542,700 in direct economic impact.

Facility Upgrades: AAU has requested HFFA add four additional diving boards to the dive well to enable more athletes to compete in a more condensed time period. They have agreed to award the event to us if we make a minimum commitment to install two additional boards. Therefore, our commitment to AAU is to install two boards and if sponsorship and/or other funding is made available, install the two additional boards.

The addition of these boards will guarantee HFFA an additional event of similar caliber within the next 5 years and will also qualify our facility for USA Diving events. We are currently not a suitable facility for USA Diving because there are not enough boards to accommodate the number of athletes that attend USA Diving's national events.

The cost of installing two boards is estimated at \$33,000 and all four boards at approximately \$55,000. This assumes all new boards and equipment. HFFA currently has two used boards that are competition ready that can be used. This would save \$5,000 to \$7,000 off the cost of either installation.

A combination of dive registration fees from the event (conservatively estimated at \$20,000) and sponsorship dollars are the intended funding sources for the event. In the event these sources do not materialize, the Town would be responsible for the balance of the capital improvement.

Event Management Service Requirements: Meals, airfares, opening ceremonies, facility décor, meet administration and other items listed in the agreement as the hosts responsibility will have to be covered the same as they have been for all other national and international events for diving and synchronized swimming.

HFFA and a local organizing committee consisting of local business owners, tourist destination, restaurant owners, diving staff, hoteliers, Visit Lake Norman, Visit Charlotte, Town and HFFA representatives will work in concert to identify sponsors to offset the costs associated with hosting the event.

HFFA has a history in conjunction with the two visitors' bureaus of successfully raising both cash and gifts in kind requirements for events of this nature to include an International Competition for Synchronized Swimming, the US Jr and US Sr National Diving Championships.

Gifts in kind and cash donations are estimated to be \$43,000. The magnitude of this event is similar to events of the past. A final budget will be collectively determined by the LOC and expenses will be dictated by the available sponsorship and gifts in kind.

Long Term Benefits: The dive well improvements required for this event allow HFFA and Visit Lake Norman to attract a broader number of events to the area in the future through AAU Diving and USA Diving.

The capital improvements required for this meet not only qualify us to bid for a larger number of diving events, but they also enable us to expand our diving program. Given the event named here crosses over the start of the 2012 Olympics, the impact to the dive program and the associated revenues are significant.

Dee Jetton, HFFA, said I did receive an e-mail late this afternoon that the proposed changes to the contract have by and large been accepted. There are a few minor changes in the statement, but not in context on the contract, but I expect that the changes we have requested will be accepted.

Commissioner McAulay made a motion to approve the contract with the changes.

Commissioner Julian seconded motion.

Motion carried unanimously.

Contract attached hereto as Attachment No. 8.

Capital Improvements to Diving Well. *Commissioner Guignard made a motion to approve capital improvements to the diving well (installation of two additional diving boards) to meet the minimum standards, and completion of all recommended capital improvements for four boards if cash sponsors can be identified to pay for the two additional boards.*

Commissioner Julian seconded motion.

Motion carried unanimously.

Form Local Organizing Committee for 2012 National Diving Championships. *Commissioner Guignard made a motion to approve the forming of the Local Organizing Committee for the purpose of raising the necessary sponsorship to successfully carry out the 2012 National Diving Championships.*

Commissioner Julian seconded motion.

Commissioner McAulay said I just want to know how many are proposed to be on this committee.

Dee Jetton, HFFA, said what we would ideally like is a representative that would cover hotels, one that would cover restaurants, one that would cover shopping, as many of the local attractions as we could include. Frankly, in this case the more the merrier and the stronger the committee is and the more people that are represented from the local businesses, the better the event will be. We don't have a limit on the number of people we would accept on the committee, but we would be looking to have all of the areas of business covered on the committee.

Commissioner McAulay said I did not see where they would be appointed.

Ms. Jetton said it's just if they elect to participate.

Commissioner Jeter said is there a need for the formalization of forming this committee.

Ms. Jetton said we haven't formalized in the past. We would be happy to do that if you would like. I'm certainly open to accepting any suggestions that you have for people that you want to serve on the committee. Again, even if we have multiple parties from similar industries, we would be accepting of all of them.

Commissioner Jeter said I guess my concern goes back to comments I made a few weeks ago, which is I'm not real sure how the committee is going to be set up and not real sure how the committee is going to be structured and I'm not real sure that the Town Board needs to have a necessary role in blessing this. I think you can do this without Town Board approval, if it's not going to require Town staff any more than obviously your time and stuff, which you are technically not Town staff, I realize all that. To me I'm not sure why the Town Board needs to get involved at this level. To me this is something you could do without our blessing and consent.

Ms. Jetton said I think we could and we have in the past for smaller events, but because of the magnitude of this event we felt like having your blessing for that committee would be appropriate.

Mayor Swain said what if instead the Board gave as a consensus their blessing for you to go ahead and ask that you come back and give periodic reports as to how things are going.

Ms. Jetton said we will and we will bring back a budget sometime in February that the committee will put together so that you will have some ideas of what our process is in terms of collecting sponsorship dollars and how those monies will be spent.

Mayor Swain said let me just get the general consensus from Board members.....are you okay with just a straw poll.

Commissioner McAulay said I think there should be a little bit of control over it since it's going to be done in the name of the Town of Huntersville. I would prefer that things of that size and magnitude do come to the Town Board so that we are aware of it and state that it should follow our normal financial planning through our Town Finance Department, etc.

Greg Ferguson, Town Manager, said all funds that are raised do go through the Town, so this committee has no separate financial oversight so every check that's raised comes through the Town's Finance Department and then would be recognized and appropriated.

Mayor Swain said we have said that we were going to at retreat determine how we were going to form a historical committee, whatever, if we are going to do that I would suggest that we are consistent in doing that.

Ms. Jetton said my only concern about that is the retreat is not until the end of January and we are behind already with this being a July event and the earlier we raise the funds, the quicker we can get the boards into the facility and we have another smaller event in April and so we would like to have those boards in for April.

Mr. Ferguson said from a practical standpoint one reason that this vote is on there is in the case there was a split vote on the earlier item, that the Board majority did endorse having a local organizing committee. Typically we have not brought.....this is not a committee that is a standing committee. This has a specific purpose, people self-elect to serve, it has no power other than to go out and ask people for money and so it goes away at the end of the event. It's a committee in name maybe, but you could call it a local organizing group and it's not the same thing. We felt like in the past in a very big event the first one we ever held we didn't come to the Board and ask for that, but in this case if there was to be a split vote on any part of the motion, it would be good to then have the Board endorse having the committee.

Mayor Swain said let me just poll the Board members. Commissioner Guignard, are you okay with them moving forward or did you want to formalize it.

Commissioner Guignard said I want to vote on the motion.

Mayor Swain called for the vote to approve forming the Local Organizing Committee.

Motion carried 5 to 1, with Commissioner Jeter opposed.

VLN Appointments. The Town Board has three appointees to the Visit Lake Norman Board of Directors. The Board has previously appointed Commissioner McAulay to one of the seats.

The three positions are as follows: (1) Attraction or restaurant designee; (2) At-large (may be a Board member) – Commissioner McAulay; (3) At-large.

Three candidates have expressed interest in serving:

Jeff Fissel – Executive Director at Rural Hill
Dee Jetton – Executive Director for HFFA
Jesse Jones – Attorney, Huntersville resident

Commissioner Guignard nominated Dee Jetton.

Commissioner Bales nominated Jeff Fissel.

Commissioner Julian nominated Jesse Jones.

Vote for Jeff Fissel: Commissioners Bales, Guignard, Jeter, McAulay and Phillips in favor.

Vote for Dee Jetton: Commissioners Bales, Guignard, Jeter, Julian, McAulay and Phillips in favor.

Vote for Jesse Jones: Commissioner Julian in favor.

Commissioner Jeter made a motion to appoint Dee Jetton and Jeff Fissel to the Visit Lake Norman Board.

Commissioner McAulay seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Guignard made a motion to approve the minutes of the December 19, 2011 Regular Town Board Meeting. Commissioner Julian seconded motion. Motion carried unanimously.

Budget Amendment. Commissioner Guignard made a motion to approve budget amendment appropriating \$3,187.64 from the Signage revenue account to the Downtown Festival account related to Huntersville Christmas. Commissioner Julian seconded motion. Motion carried unanimously.

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the 17th day of January, 2012.