

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

**November 5, 2007  
6:30 p.m. – Town Hall**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on November 5, 2007.

GOVERNING BODY MEMBERS PRESENT: Mayor Kim Phillips; Commissioners Charles Jeter, Teri Leonhardt, Sarah McAulay, Brian Sisson and Jill Swain.

Mayor Phillips led the Pledge of Allegiance.

**MAYOR AND COMMISSIONER REPORTS**

Mayor Phillips

- Attended LNREDC Quarterly Meeting two weeks ago.

Commissioner Leonhardt

- Announced upcoming Lake Norman Chamber events: Business Works on November 13; After Hours on November 15; and Focus Friday on November 30. The Chamber is seeking sponsors for the 2008 Business Expo.

Commissioner McAulay

- Police Communications Committee met November 2.

Commissioner Sisson

- Draft 2009-2015 TIP was forwarded to the Board.

**DEPARTMENT REPORTS**

Michael Jaycocks, Parks & Recreation

- NSA Girl's fast-pitch softball tournament was held at North Mecklenburg Park with 25 teams participating.
- USSSA Boy's baseball tournament was held at Huntersville Athletic Park with 26 teams participating.
- Bi-Lo Charity Classic will present grants on November 6. Huntersville Parks & Recreation will receive \$4,000 for scholarships for the after school program.
- CMS needs a decision soon on whether or not the Town wants to participate in building a full-size gymnasium at the new Long Creek Elementary School.

Molly Burroughs, HFFA

- As of October 31, membership is at 2,238.

- Last weekend we hosted the Gaston Gators Great Pumpkin swim meet.
- Fall Harvest race is November 10.

Commissioner Leonhardt requested the Planning Director send an update on the status of the CMS changes at North Mecklenburg.

Bill Coxe, Transportation Director

- The Draft TIP has been released. Projects are being delayed for additional time and planning or because the money is not there. Mr. Coxe presented Board with sheet that outlines changes within our planning area. *Refer to Attachment No. 1.* The widening of I-77 from 485 to Sam Furr Road has received no additional funding. The widening of I-77 from Sam Furr to I-40 has been delayed for a year. The northeastern leg of the outerloop has been delayed 2 years. The Technical Staff has received information that the State is interested in capitalizing some of their maintenance needs. They are now looking to replace the streetlights along part of the Brookshire Freeway in Charlotte out of the TIP. It is a full replacement of that entire system so it is a capital expense, but yet it is maintenance of an existing asset. A legislative committee has been appointed to study the transportation needs in North Carolina.

Mayor Phillips said I have been speaking with Jennifer Roberts about this recently because I think it's going to be imperative for the urban areas to stand together as one voice and start to make some noise because it's just getting worse. The State system is broken and they cannot figure it out. I think the urban counties of the state are going to have to work together and I think it's going to have to happen soon rather than later because as Bob Morgan said not since Governor Martin was governor really has there been a state government that really addressed the road needs in the state and we have grown so much since that time period that it should be the number one state government issue during the next election. It's up to us as citizens to press that.

Phil Potter, Chief of Police

- Two new officers started last Monday.
- HPD is currently conducting the first Rape Aggression Defense (R.A.D.) class at the Huntersville Police Department.
- The Town of Huntersville Police Department received AAA Carolinas' Award for Traffic Safety and Huntersville was recognized as North Carolina's safest community for populations over 30,000. Cities were chosen based on crash statistics, number of law enforcement officers per capita, presence of a formal traffic safety program and existence of a special traffic division. This year's honor marked Huntersville's third year in the Top 5 and the first year as grand winner. The town recorded just two bicycle accidents and six pedestrian accidents, which is two less than last year.

Greg Ferguson, Town Manager

- We are most likely going to recommend that we wait on the full-size gym at Long Creek due to a number of reasons. The primary reason is the gym has not been

fully financed by CMS using a model that we are certain is going to lend itself to further public/private partnerships. They are still exploring a developer building that school and then leasing it back to CMS, so that inserts a third party into a potential gym that might be built on the site. For that reason and also the site is very tight and the impervious coverage is limited, we will probably recommend that we wait for the next gym that comes forward.

Mayor Phillips requested staff indicate to CMS that the Town is interested in the Ervin Cook site.

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

None

### **AGENDA CHANGES**

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

### **PUBLIC HEARINGS**

**McAuley Road Farmland Historic Designation.** Mayor Phillips called to order public hearing on the question of designating as a historic landmark the property known as the "McAuley Road Farmland."

Zac Gordon, Principal Planner, reviewed Staff Analysis.

*Staff Analysis and other related documents attached hereto as Attachment No. 2.*

Commissioner Jeter asked does this designation include the road itself or just the three parcels of land?

Bill Coxe, Transportation Director, said the parcel boundary typically is the centerline of the roadway. There is no legally prescribed right-of-way for McAuley Road. The State may continue to utilize for public reasons the right-of-way that it has historically maintained, basically from the back of the ditch to the back of the ditch. The fee simple ownership of the land underlying that still is vested in the adjoining property owners. I would assume that the roadway itself is covered by those parcel boundary descriptions.

Dr. Dan Morrill, Charlotte-Mecklenburg Historic Landmarks Commission, said the property owners own the road. The parcels go to the centerline of the road. The designation includes the land to the east of the road which comes to the center of the road and the 100' buffer to the west. The road is included in the proposed historic landmark designation.

Commissioner Jeter said you could have a situation where the right half of the road is designated historic and the land half isn't.

Dr. Morrill said that would depend upon what your vote would be. If your designation is affirmative for the recommendation, the entire road is designated – not the entire length of the road, but the width of the road within the historic landmark is included.

Stewart Gray, Charlotte-Mecklenburg Historic Landmarks Commission, said the ordinance that was included in your packet has an Exhibit A that is definitive representation of what's recommended for designation. Commissioner Jeter is correct, this portion of McAuley Road which extends north of the rest of the designation, half of the road is going to be designated as a landmark for the length of this tax parcel.

Dr. Morrill said the thing historic landmark designation means essentially is to provide design review control for the Historic Landmarks Commission over the landmark. The job of the Historic Landmarks Commission is not to prevent change, it's to manage change. Our management obviously would be to try to preserve the historic character defining features of the road.

Commissioner Sisson said the job of the Landmarks Commission would be if in the future we determined this was a road that we needed to have for transportation purposes, it would be your job to do what.

Dr. Morrill said you create the historic landmark. You can also un-create an historic landmark. It is your decision. We are purely a recommending body, but our job would be design review. If somebody wanted to come in and do that road and change that road we obviously would be very sensitive to such things as contours, that the road not be just flattened out to make somebody be able to go as fast as possible through the area. We obviously would be concerned about how the edge of that road was treated. I think we would have some real concerns if somebody wanted to put a sidewalk along McAuley Road because the historic character of the landmark is its rural evocative meaning and that's what we would be seeking to control.

Price Zimmerman said I live on McAuley Road. I just wanted to have it put on record that the affected landowners are enthusiastic about this proposal.

Commissioner Sisson asked is there a reason that you are not designating your whole property?

Mr. Zimmerman said it doesn't have the same historic qualities.

Commissioner McAulay said I want to reference Page 2 on the sewer extension on the greenway. I read it as the acknowledgement is there that it may be needed and that the property owners are not opposed to it. Is that a correct statement?

Mr. Gordon said Ramah Creek is proposed for an extension of the sewer ultimately out to 73 to the area that would be where Caldwell Station is located. For a local historic landmark designation, the Historic Landmarks Commission does not preclude a location of a sewer utility, a water utility, a greenway, or any other improvement like such. Our understanding is that the landowners are not opposed to the placement of a greenway along that creek or the placement of a sewer line to extend up into 73.

Frank Bragg said we would not stand in the way of a sewer line. We know eventually that will happen. A sewer line is not disruptive, except for the 6 months they are putting it in.

Commissioner Leonhardt said I wanted to thank Mr. Bragg and Mr. Zimmerman for their patience and the Historic Landmarks Commission through this process. I think it has taken us a long time to get here. I was never against conservation of the property historically or for conservation efforts. I understand your effort. My biggest concern through this process has been for the future of the sewer and the infrastructure improvements needed to feed outlying parcels around this project. With that being said, I'm going to vote in favor of this and I've been your biggest ally against it. With that I would ask that you, as you have stated, continue to work in good faith with the County and the Town for the infrastructure to get around your conservation effort.

Dr. Morrill said I can't imagine anything better than a greenway. This is exactly what is a character-defining element of the property. It would be wonderful to have people enjoy and experience and see this terrific resource that would be there. As far as the sewer line is concerned, again the issue is it could be done in a way that would meet the needs of the community and yet would be designed sensitively to where most people don't know where the sewer lines are. There would be no problem with the Historic Landmarks Commission on either of those issues.

Commissioner Leonhardt said as far as the transportation efforts, I once believed it was the quickest, shortest possible way to get a road through to 73. It might be the quickest but it wouldn't be, as Bill has proven through his study, the most cost effective because we couldn't get private dollars to help fund it and it doesn't bring the possibility of economic development potential.

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

**Petition #TA06-18.** Mayor Phillips called to order public hearing on Petition #TA06-18, a request by Staff to amend the zoning ordinance to decriminalize violations so that monies or penalties paid will go back to the Town general fund and to add temporary storage to Section 9.37 to regulate the number of temporary storage containers.

Renee Wilson, Code Enforcement Officer, reviewed proposed changes to the zoning ordinance.

**AN ORDINANCE TO AMEND  
THE ZONING ORDINANCE OF THE TOWN OF HUNTERSVILLE  
TA06-18**

Be it ordained by the Board of Commissioners of the Town of Huntersville:

**Section 1: That Section 11.2 of the Zoning Ordinance is hereby amended as follows:**

**11.2 Enforcement**

**3. Penalties**

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this ordinance, an action for injunction, mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by the Zoning Administrator or other authority designated by the Board of Commissioners as enforcement agent(s) for this ordinance. Penalties and remedies are as follows:

~~(a) **Criminal.** Any person, firm or corporation convicted of violating the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation shall be considered a separate offense, provided that the violation of this ordinance is not corrected within thirty (30) days after notice of said violation is given.~~

**Section 2. That Section 9.37.4 of the Zoning Ordinance is hereby amended as follows:**

9.37.4 Temporary Storage Containers are permitted as a temporary accessory use for residences, when not associated with new construction, subject to the following: (construction addressed in Section 9.37.3)

- (a) Temporary storage containers shall be removed within thirty days of being placed on a lot and shall not be replaced for six months from the date of removal. Temporary storage containers may be placed on a property twice during a twelve-month period.
- (b) The temporary storage container cannot be located in a street right of way.
- (c) The temporary storage container shall not be placed in required parking spaces.

**Section 3: Amend Section 12.2.1 Definitions by adding the following definition:**

12.2.1 Temporary storage container. Transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property.

**Section 3: Effective Date**

This amendment shall become effective immediately upon adoption.

Commissioner McAulay asked does that include a construction dumpster?

Ms. Wilson said it does not. They have their own section for storage containers and dumpsters on construction sites. This will only be residential.

Mr. Simoneau said when we put about the re-construction sometimes people have to move furniture out of their house while they are doing interior renovation work, so it's a storage container but it's not construction debris dumping that's related to that.

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

**Petition #ANNEX07-03.** Mayor Phillips called to order public hearing on Petition #ANNEX07-03, a request by MMB Development Eleven L.P. and Huntersville Land Company, Inc. to annex the Mirabella and Mirabella at Vermillion subdivisions into the Town of Huntersville.

Whitney Hodges, Senior Planner, reviewed Staff Analysis.

*Staff Analysis and other related documents attached hereto as Attachment No. 3.* Tim Dove, 12600 Levins Hall Road, said I stand here once again imploring and nearly begging the Town staff and commissioners to take fiscal and physical responsibility. You have a responsibility to the citizens and taxpayers of Huntersville. People like myself empower you and expect accountability for your actions and to also take responsibility for the individuals who have filled those chairs before you. Down to the point – Mirabella and whether or not to annex that area. A financial cost expectation study – have you done one to ensure that the tax revenues will pay for the public utilities like roads, sidewalks, public lighting, etc., to top those financially draining issues how about paying for police, fire, rescue services for that area. If you cannot prove that development can pay its own way for the services mentioned, your decision is simple. You can't say anything but no to annexation because if you do say yes, the annexation of Mirabella without the proof that the development can pay for its own way, then you are not fiscally responsible for the taxpayers money.

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

### **OTHER BUSINESS**

**McAuley Road Farmland Historic Designation.** Commissioner Leonhardt made a motion to adopt ordinance designating as a Historic Landmark a property known as the "McAuley Road Farmland." Commissioner Jeter seconded motion.

Commissioner Sisson said I will be voting against this. I had planned on voting for it, but I was told this afternoon that McAuley Road was not included in the historic designation. Since I was misinformed, I will be voting against this.

Mayor Phillips called for the vote.

Motion carried 4 to 1, with Commissioner Sisson opposed.

**Ordinance designating as a Historic Landmark a property known as the "McAuley Road Farmland" (Including the land listed under Tax Parcel Number 01128105, the land, historic farmhouse, barn, and outbuildings associated with the farmhouse listed under Tax Parcel Number 01128108, and a portion of the land associated with Tax Parcel Number 01113108 as shown on the attached exhibit "A". All tax parcels listed in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2007). The property is owned by Phillips Bragg, Leslie Bragg, J. Frank Bragg, Katharine Bragg, Price Zimmermann, and Margaret Zimmermann and is located along McAuley Road in Mecklenburg County, North Carolina as shown on the attached exhibit "A".**

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing on the 5th day of November, 2007, on the question of designating a property known as the McAuley Road Farmland as a historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 8th day of October, 2007, on the question of designating a property known as the McAuley Road Farmland as a historic landmark; and

WHEREAS, the McAuley Road Farmland represents one of the best preserved and most intact rural/agricultural landscape in Mecklenburg County; and

WHEREAS, the presence of the McAuley tenant farmhouse and barn, the adjoining woodland, and the landscape of the open, productive fields along the unpaved McAuley Road, in a setting where new development has been severely restricted, affords the public a singular experience in Mecklenburg County; and

WHEREAS, the McAuley Road Farmland is one of the last large areas of the county that accurately depicts for the public, the once dominant late 19<sup>th</sup> century and early 20<sup>th</sup> agricultural character of Mecklenburg County; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as McAuley Road Farmland possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the McAuley Road Farmland is owned by Phillips Bragg, Leslie Bragg, J. Frank Bragg, Katharine Bragg, Price Zimmermann, and Margaret Zimmermann.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the property known as the "McAuley Road Farmland" (Including the land listed under Tax Parcel Number 01128105, the land, historic farmhouse, barn, and outbuildings associated with the farmhouse listed under Tax Parcel Number 01128108, and a portion of the land associated with Tax Parcel Number 01113108 as shown on the attached exhibit "A". All tax parcels listed in the Mecklenburg County Tax Office, Charlotte, North Carolina as of September 1, 2007) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated along McAuley Road in Mecklenburg County, North Carolina as shown on the attached exhibit "A". Exterior and interior features are more completely described in the *Survey and Research Report on the McAuley Road Farmland and Store (2006)*.

2. That said interior and exterior are more specifically defined as the historic and structural fabric, especially including all original interior and exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

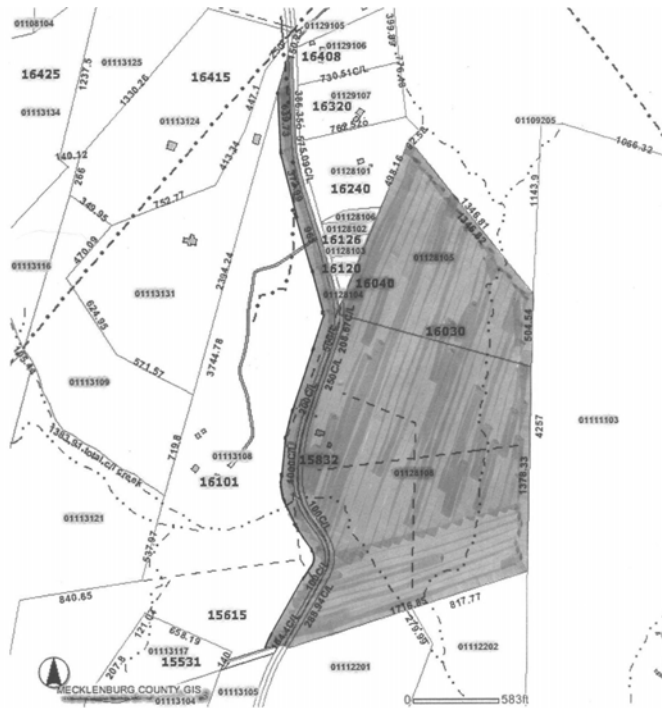
5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the McAuley Road Farmland be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the \_\_\_\_ day of \_\_\_\_\_, 2007, by the members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

## EXHIBIT A



Portion of Tax Parcel Number 01113108 included in the designation includes the area extending west 100 feet from the center of the road.

**Petition #ANNEX07-03.** Petition #ANNEX07-03 is a request by MMB Development Eleven L.P. and Huntersville Land Company, Inc. to annex the Mirabella and Mirabella at Vermillion subdivisions into the Town of Huntersville.

Commissioner Leonhardt made a motion to approve Petition #ANNEX07-03.  
Commissioner Swain seconded motion.

Motion carried 4 to 1, with Commissioner Sisson opposed.

*Annexation Ordinance attached hereto as Attachment No. 4.*

**Contract for Architectural Services for Downtown Project.** Bob Blythe, Town Attorney, pointed out that Paragraphs 8.6 and 8.7 were originally in the contract. I had objected to portions of 8.6 and all of 8.7. In their efforts to address my concerns, they took out a little bit of 8.6 that clarifies that in the event of a termination without their fault that they would just be compensated up to the date of the effective date of the termination. I pointed this out to David Creech that the language should go back. You are adding back in a portion of what was in the original contract.

Commissioner Leonhardt made a motion to authorize the Town Manager to sign agreement with Narmour Wright Creech Architecture for architectural services for the

downtown project contingent upon the addition of the portion of 8.6 that was inadvertently omitted that in the event of early termination that the architect should be compensated for work up until that time of termination, and that we change the reimbursement on expenses to 1.075 factor, otherwise no changes. Commissioner McAulay seconded motion.

Motion carried 4 to 1, with Commissioner Sisson opposed.

*Contract attached hereto as Attachment No. 5.*

**Animal and Nuisance Ordinance Amendment.** Bobby Williams, Management Assistant, said in August you asked us to come up with a focus group to work with the Mayor related to the annexation discussion that was held this past spring to talk with the residents in the eastern and western ETJ to make sure that if the town does annex out to those parts that our zoning and our Code of Ordinances matches the life out in those parts of town. Several folks from the eastern and western ETJ were able to attend the focus group meeting.

Mayor Phillips said it was an interesting discussion. You were kind of given the impression during the annexation hearings that we were going to be more stringent than the county, but as we started reviewing it we found that the county had some areas that were more stringent than we were. What we did try to do was change some of the wordings so that it reflected today's standards more than the ones we had i.e. the use of barbed wire, which very few people use to contain animals now.

Chief Potter said I would just reiterate that the citizens appointed to that committee believe that if we tried to simplify things by matching the county code that it would be more stringent than if we left things alone and we did not know how that would impact other people, so we decided to steer away from that. The only real change is in 94.46, which is Livestock. In Section E the word "adjoining" has been added to make it clear in regards to shelters and barns. A lot of people in the rural area do build those structures sometimes close to their house. The idea was not to build that close to somebody else's house on another piece of property. In Section F, there was some language stricken that deals with the fencing issue. Section G deals with livestock and fencing for livestock. It was a recommendation of the citizens and staff to eliminate Section G.

Commissioner McAulay asked 94.46 (E) where you put adjoining residences, does that mean that you can't locate a stable, shed, etc. 100' from the building of the adjoining residence?

Chief Potter said if it was your own property and you wanted to build a shelter and a barn on your own property within that distance you could, but you couldn't locate it next to the fence line of an adjoining property if it was closer than that to their residence.

Commissioner McAulay asked does the 100' have to be on the property of the shed or can it be combined of the property that the shed is to be on and the adjoining property's house?

Chief Potter said as long as it's that same property owner's property.

Commissioner Jeter asked is it 100' from the property line or can it be 60' from a property line as long as it is still 100' from the building.

Mr. Blythe said it says residence or other buildings, so it's obviously talking about structure. I think it is building to building.

Commissioner McAulay said if the residence is 90' from their line, I could come 10' off of my property and build a shed.

Commissioner Jeter said I think you've got to be 25' from the property line.

Commissioner McAulay said I think the thing is confusing.

Chief Potter said I think the major concern was that someone could not build one of these buildings to store animals that was within 100' of another residence on another piece of property.

Mr. Blythe said there are two instances involving the property line. One is for large livestock. Those shelters have to be at least 75' from the property line. For the smaller ones, they have to be 25' from the property line. In any event, it has to be 100' from a residence on the adjacent property. I think that was the intent.

Jack Simoneau, Planning Director, said it's really 75' for the large animals and 25' for the smaller animals, but if you have an adjoining residence or a place of human habitation then you need to stay 100' from that building.

Commissioner McAulay asked on the combined two properties?

Commissioner Leonhardt said yes – building line to building line.

Mr. Simoneau said it is from building line to building line.

Commissioner McAulay asked is this new construction or is it existing?

Mr. Simoneau said it's for new construction.

Chief Potter said the committee is very sensitive not knowing what conditions are already out there not to make a change that would impact somebody that we don't know has that.

Commissioner Leonhardt asked if the barn is already there, does the house have to be away from the barn or does the barn have to be away from the house?

Mr. Simoneau said it's the barn be away from the house. They could locate a house according to whatever our setbacks are.

Commissioner Leonhardt said so if the barn is there and they move the house closer to it, that's their problem.

Greg Ferguson, Town Manager, said I had asked Bob to clarify about the public hearing in this particular change in the ordinance.

Mr. Blythe said in this particular case it comes under the nuisance provisions and is not part of the so-called planning statutes, so in my opinion a public hearing is not required.

Commissioner McAulay made a motion to approve amending the Animal Ordinance and Nuisance Ordinance. Commissioner Sisson seconded motion.

Motion carried unanimously.

*Ordinances attached hereto as Attachment No. 6.*

**Verhoeff Drive Realignment Project – Project Management.** Justin Carroll, Interim Public Works Director/Town Engineer, said I am asking for authorization of funds to do construction inspection, testing and project management for the Verhoeff Drive project. The needs for the inspection and materials testing would be required to ensure that you have a good project. For the project management section, that just aids us in this time, one thing because the project is broken into two pieces – CMUD sewer line and the roadway, so when the tickets come in for asphalt, gravel, someone is on site that can handle the tickets to make sure everyone's getting charged correctly.

Commissioner Swain asked if we were fully staffed in your department, would we still have this?

Mr. Carroll said if we were fully staffed I think we possibly could handle the project management.

Commissioner McAulay made a motion to authorize funds in the amount of \$60,000 to retain STV/RWA for construction inspection, materials testing and project management for the Verhoeff Drive realignment project. Commissioner Sisson seconded motion.

Commissioner Leonhardt said I would encourage us to fill this position that we have vacant, but to also in the retreat and budget season next year to look, with all the projects that we have coming on board, to boost the level of personnel in this department tremendously.

Mayor Phillips called for the vote.

Motion carried unanimously.

Commissioner Sisson requested update on where we are with the other end of Verhoeff.

Mr. Ferguson said the Economic Development Administration Grant proposal has been submitted, which is a pre-application. It's about a 16-page document that you submit to the Federal government. We were told today that it would be sometime in December or January before we get an answer as to whether we can apply for a full application. When you get a notification on your pre-application status, then your chances of actually receiving a grant go up tremendously. Once you have been given a green light on a full application, your chances get up into the 70 percent or higher range. The application was for \$1.4 million in Federal funds to go toward Phase II of the project. We don't expect that we would receive \$1.4 million. We think it's realistic to maybe receive \$1 million for the project, but until the pre-application is returned we will not know for certain.

Commissioner Sisson asked do we have anything planned or any further discussions on whether we are doing an at-grade or above-grade crossing.

Mr. Ferguson said the Board's direction in previous discussions has been to prepare engineering for a grade-separated crossing. The plans that have been developed to date are reflective of a bridge over Highway 115 and a bridge over the Norfolk Southern rail line. The application that was submitted does intend to build a grade-separated structure, but we did insert some language in there that we hope will give us some flexibility in the future if there's the need to go back and revisit that decision. We are in discussions with Lake Norman Charter School to make sure that they are aware that outside window does exist that it could become a grade-separated or at-grade road there. A couple of things would take place if a decision is made in the future to go back and revisit that and bring it in at at-grade, meaning just crossing the railroad track. We would have to do some reengineering of that particular crossing. Right now the plans show a bridge and then they show south of a bridge an at-grade crossing. If the bridge went away, we would certainly go back and look at moving that at-grade crossing a little bit further north and take a look at what would happen in the future. In previous planning retreats where the Board took a look at that project, the discussion centered around what's the long-term cost of building a bridge and then coming back at some point in time either 5, 10 or 15 years down the road and then building a bridge. The plans that have been developed and have been approved by DOT do look at a bridge. The only step that we have not received in regulatory approval is the railroad has not given their final sign-off on those documents. The reason that we've not pursued that is because there's a permitting fee that goes along with that so we want to make sure that the project is actually going to be started in a reasonable timeframe and then we would send those in to the railroad.

**Budget Amendment – Huntersville Community Development Association.** Mr.

Ferguson said previously the Town Board considered the acquisition of a piece of property on Dellwood Drive that's currently owned by the Huntersville Community Development Association. The property is used by the association currently, but has become available. The Town had expressed interest in using the property for several functions, one of those functions being the provision of Parks & Recreation services and programs in that location and in addition to that the future use of the building for other purposes that might include some office space. You directed staff to pursue that option. We have done so and we've worked with the USDA Rural Development Office. The purchase price of \$210,000 was reviewed by their office and they indicated that another \$4,000 should be added to the offer to cover the kitchen equipment that's located on the site. That kitchen equipment is stainless steel and is commercial grade. We feel like the \$4,000 estimate for that kitchen equipment is reasonable given the amount of equipment and its current condition. Our recommendation would be to increase the purchase price from \$210,000 for that piece of property which is over 3 acres and a building of over 3,000 sq. ft. and also include the \$4,000 for the equipment so your total acquisition cost on that, should USDA approve it, would be \$214,000.

Commissioner McAulay made a motion to approve budget amendment appropriating General Fund Balance in the amount of \$214,000 to purchase land, building and equipment from the Huntersville Community Development Association. Commissioner Leonhardt seconded motion. Motion carried 3 to 2, with Commissioners Jeter and Sisson opposed.

Mayor Phillips said I hope that the Town will consider discussions with Ada Jenkins as to whether or not they possibly may be able to run programming out of that site so that we can better serve the residents of Huntersville that are always having to go up to Davidson in order to get those services.

**Reimbursement Resolution.** Commissioner McAulay made a motion to adopt resolution declaring the intent of the Town of Huntersville to reimburse itself for capital expenditures incurred in connection with the acquisition of a building, land and equipment from the Huntersville Community Development Association from the proceeds of certain tax-exempt obligations to be executed and delivered during calendar year 2008. Commissioner Swain seconded motion.

Motion carried 4 to 1, with Commissioner Sisson opposed.

*Resolution attached hereto as Attachment No. 7.*

**Transportation Selection and Ranking System.** Bill Coxe, Transportation Director, reviewed information contained in his memo dated October 11, 2007. *Refer to Attachment No. 8.*

Mr. Coxe indicated his preference would be that the ranking criteria be adopted prior to the January retreat.

Mayor Phillips suggested having a work session prior to the retreat.

Commissioner McAulay made a motion to approve the procedures that outlined. Commissioner Sisson seconded motion.

Motion carried unanimously.

### **CONSENT AGENDA**

**Approval of October 8, 2007 Minutes.** Commissioner Swain made a motion to approve the minutes of the October 8, 2007 Special Town Board Meeting. Commissioner Leonhardt seconded motion. Motion carried unanimously.

**Approval of October 15, 2007 Minutes.** Commissioner Swain made a motion to approve the minutes of the October 15, 2007 Regular Town Board Meeting. Commissioner Leonhardt seconded motion. Motion carried unanimously.

**Call for Public Hearing – Ranson House Historic Designation.** Commissioner Swain made a motion to call a public hearing for Monday, November 19, 2007 at 6:30 p.m. at Huntersville Town Hall to consider granting historic designation to the Ranson House and property, located at 412 South Old Statesville Road. Commissioner Leonhardt seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R07-10.** Commissioner Swain made a motion to call a public hearing for Monday, December 3, 2007 at 6:30 p.m. at Huntersville Town Hall on Petition #R07-10, a request by Craig Patterson and Shirley Holbrook to rezone approximately 4.96 acres from Corporate Business and Special Purpose to Highway Commercial – Conditional District, located on Old Statesville Road approximately 350' south of the intersection of Old Statesville Road and Sam Furr Road. Commissioner Leonhardt seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R07-12.** Commissioner Swain made a motion to call a public hearing for Monday, December 3, 2007 at 6:30 p.m. at Huntersville Town Hall on Petition #R07-12, a request by American Asset Corporation to amend the approved Northcross Village Conditional District Rezoning Plan in regard to allowed uses for "Building J" on Parcel 7, located immediately east of the existing Northcross Shopping Center and north of the intersection of Sam Furr Road and Rich Hatchet Road. Commissioner Leonhardt seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R07-14.** Commissioner Swain made a motion to call a public hearing for Monday, December 3, 2007 at 6:30 p.m. at Huntersville Town Hall on Petition #R07-14, a request by Rosedale Shopping Center, LLC to amend the approved conditional district rezoning for the Rosedale Shopping Center to increase the allowed building area for the CVS pharmacy, located on the northeast corner of Reese

Boulevard and Gilead Road. Commissioner Leonhardt seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R07-16.** Commissioner Swain made a motion to call a public hearing for Monday, December 3, 2007 at 6:30 p.m. at Huntersville Town Hall on Petition #R07-16, a request by DDRTC Birkdale Village, LLC to revise the rezoning plan for Birkdale Village (located along Sam Furr Road) to permit retail uses within retail merchandising units (kiosks) at specific locations with conditions as to size, signage, design and other criteria. Commissioner Leonhardt seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA07-11.** Commissioner Swain made a motion to call a public hearing for Monday, December 3, 2007 at 6:30 p.m. at Huntersville Town Hall on Petition #TA07-11, a request by Staff to defer to the shoreline management guidelines of the Lake Management Division of the Duke Energy Company for facilities located on or adjacent to the Catawba River and its impoundments. Commissioner Leonhardt seconded motion. Motion carried unanimously.

**Municipal Ordinance – Speed Limit.** Commissioner Swain made a motion to adopt Municipal Ordinance declaring speed limit on State maintained road. Commissioner Leonhardt seconded motion. Motion carried unanimously.

*Ordinance attached hereto as Attachment No. 9.*

**Budget Amendment.** Commissioner Swain made a motion to approve budget amendment appropriating contributions for the Latino Festival to the various expense accounts. Commissioner Leonhardt seconded motion. Motion carried unanimously.

### **MANAGER’S COMMENTS**

Janet Stoner, Finance Director, announced that Pattie Ellis started as Assistant Finance Director.

### **MAYOR’S CLOSING COMMENTS**

None

There being no further business, the meeting was adjourned.

Approved this the 19<sup>th</sup> day of November, 2007.