

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**January 7, 2019  
6:30 p.m. – Huntersville Town Hall**

There was no pre-meeting.

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**REGULAR MEETING  
TOWN OF HUNTERSVILLE  
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on January 7, 2019.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Brian Hines, Danny Phillips and Nick Walsh.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

**MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS**

Mayor Aneralla

- Mayor Aneralla introduced Bence Hoyle who will be serving as Interim Police Chief.
- Mayor's Luncheon is January 15.
- Reviewed process for speakers during public hearings.

Commissioner Bales

- Provided update on Visit Lake Norman events.
- Lake Norman Economic Development Corporation currently has 27 projects, 16 of which are in Huntersville.
- Will be participating in the Walk in our Shoes event Wednesday spending time in a Huntersville school.
- Recognized former commissioner Sarah McAulay who was present in the audience.

Commissioner Boone

- Provided update on Lake Norman Chamber of Commerce events.
- Huntersville Fire had 6,542 calls for service in 2018 which is a 38 percent increase over the previous year.
- Huntersville Police Department's next child safety seat check is January 9.

Commissioner Gibbons

- Provided update on Charlotte Regional Transportation Planning Organization workshop that was held in December. Next meeting of the CRTPO is January 16.
- Next Veterans Council Meeting is tomorrow.

Commissioner Hines

- Provided update from the Huntersville Ordinances Advisory Board. Next meeting is February 7.
- Property revaluations will come out later in January.

Commissioner Phillips

- Encouraged people to join the Olde Huntersville Historic Society.

Commissioner Walsh

- Upgrades to the audio/video system in the Board Room will begin January 14.
- Next meeting of the Greenway, Trail and Bikeway Commission is January 15.
- Next meeting of the Parks & Recreation Commission is January 16.
- Next meeting of the Public Arts Commission is January 16.

Commissioner Phillips requested staff report pot hole to NCDOT.

**PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS**

Hal Bankirer, 17206 Linksvie Lane, addressed the Board concerning Petition #R18-04 (Walden). Mr. Bankirer reviewed the history of the Walden project and requested the Town Board vote as the Planning Board did to not approve Petition #R18-04 due to traffic concerns.

Bruce Andersen, 16125 Weatherly Way, addressed the Board concerning Petition #TA18-08 (TIA). Mr. Andersen suggested the Town Board deny the proposed doubling of criterion in the TIA until problems with the process can be addressed.

BeeJay Caldwell, Pottstown Community, extended invitation to the first Dr. Martin Luther King, Jr. Day celebration on January 21 on the campus of the Waymer Center.

Marilyn Ainslie, 12830 Ramah Church Road, addressed the Board concerning Petition #R18-04 (Walden). Ms. Ainslie stated she is not sure what plan is being considered tonight, but she prefers the plan that had the houses backing up to the parkway. She would like minimum 30' buffer and that Street V not be paved to her boundary.

Joshua Berbrick, 15300 Fred Brown Road, addressed the Board concerning Petition #R18-04 (Walden). Mr. Berbrick expressed concern about buffer (would like to see 50' buffer for safety of animals in his pasture), construction traffic using Fred Brown Road, and signage.

Antonia Berbrick, 15300 Fred Brown Road, addressed the Board concerning Petition #R18-04 (Walden). Mrs. Berbrick expressed concern with density and traffic.

Hal Bankirer, 17206 Linksvie Lane, addressed the Board concerning Petition #TA18-08 (TIA). Mr. Bankirer believes the text amendment along with the application of issues with the TIA ordinance would place the financial burden on developers who are last or are slow to develop.

### **AGENDA CHANGES**

Commissioner Gibbons made a motion to adopt the agenda.

Commissioner Walsh seconded motion.

Motion carried unanimously.

### **PUBLIC HEARINGS**

Mayor Aneralla recognized Planning Board members present: Hal Bankirer, Joe Sailers, Jennifer Davis, Frank Gammon and Catherine Graffy.

Mayor Aneralla noted that speakers are limited to 2 minutes.

**Petition #R18-12.** Mayor Aneralla called to order public hearing on Petition #R18-12, a request by the property owner of 16715 and 16401 Davidson-Concord Road (Parcel IDs 01108103 and 01108107) to rezone their property from Rural to Special Purpose Conditional District to allow the development of a golf driving range on the property.

Brad Priest, Senior Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 1.*

Commissioner Bales suggested doing a text amendment for the Rural zone to allow a driving range with a Special Use Permit.

Commissioner Hines noted the request is an example of spot zoning and questioned if spot zoning is illegal in North Carolina.

Angela Beeker, Town Attorney, explained that spot zoning in and of itself is not per say illegal, but there is a higher burden to show that it is reasonable and in the public interest.

Commissioner Phillips asked about the petitioner's request for a 0' buffer.

Mr. Priest explained in the Special Purpose and Corporate Business zoning districts if you don't have a building that has street frontage an 80' buffer is required. The petitioner doesn't want to do that buffer because they want the ability to have a visual aid going to the street.

Commissioner Walsh expressed concern about golf balls being hit onto NC 73.

Mr. Priest explained that the tee boxes are oriented south away from the street, so when you are hitting at that angle the street would be secure.

Commissioner Gibbons asked about the relocation of the pond.

David Jarrett, representing the applicant, responded they believe the pond is spring fed and their hope is to relocate the pond so it can be used for irrigation. There is a parcel on the corner that is eligible for the historic registry. The intent is to not rezone that parcel and leave it Rural. The Applicant would be willing to consider a text amendment to the Rural zoning district as Commissioner Bales suggested.

Jack Simoneau, Planning Director, reviewed timeline for a text amendment to the Rural zoning district.

Frank Bragg 16030 McAuley Road, addressed the Board representing the 13 landowners who own 750 acres known as the Ramah Creek Nature Preserve that adjoins the land. Mr. Bragg expressed concerns about the pond, the setback and lighting. He believes the pond can be drained successfully and can support 30' buffer as long as they do not build any structures that encroach upon the conserved land. Light pollution can be damaging to wildlife and would request that the lights are not directed across the conserved land.

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

**Petition #R18-15.** Mayor Aneralla called to order public hearing on Petition #R18-15, a request by Lennar Carolinas, LLC, to rezone 81.69 acres located at 11600 Sam Furr Road and 12145 McCord Road (portion of Parcels 01122101 and 01122107) from Corporate Business to Transitional Residential - Conditional District.

Jack Simoneau, Planning Director, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 2.*

Commissioner Walsh asked how many housing permits we have currently.

Mr. Simoneau responded there are 3,870 single-family homes and 2,870 multi-family units approved but not built.

Commissioner Bales expressed concern about the impact to schools and the community in regards to the ability to grow and have a sustainable community in regards to workforce and opportunities of employment. If this zoning is approved, that land is gone for economic development purposes.

David Nelson, Lennar Corporation, stated they listened to the neighbors and are back with a proposal that is strictly Transitional Residential.

Susan Irvin, Attorney representing Lennar Homes, presented PowerPoint presentation. *PowerPoint attached hereto as Exhibit No. 3.*

Commissioner Hines questioned if there had been any conversations with the Belks regarding moving the driveway onto McCord in front of their property.

Ms. Irvin confirmed they had met with Mrs. Belk and her son.

Commissioner Hines questioned what the landowner's position is on current plans on property across NC 73.

Mr. Howard stated if the commissioners and neighbors do not want residential, the property will be sold to a commercial developer. We think where the lumberyard sits will be a higher commercial use in the future.

Commissioner Walsh questioned who would pay the \$2.4 million for school facility costs noted in the adequate public facility application.

Ms. Irvin noted they met with CMS about that and it is not anything CMS can require. Their attorney has now advised them that they cannot do that.

Nancy Cecil, 16435 Cobbleview Lane, encouraged the Board to vote in a manner that respects the Town adopted 2030 long-range plan, the Strategic Economic Development plan that preserves commercial tracts and takes into account school overcrowding, traffic congestion, deteriorating road conditions, retention of property valuation, protection of environment and wildlife, concern for the clear cutting of trees, respect for the residents, property owners, taxpayers and voters and their privacy and quality of life.

Faye McConnell, 11920 Sam Furr Road, addressed the Board in support of the rezoning request.

Roger McConnell, 12653 McCord Road, addressed the Board in support of the rezoning request.

Adam Brotherton, 12321 McCord Road (also representing 12315 and 12335 McCord Road), addressed the Board in support of the rezoning request.

Brian Fulbright, 12114 McCord Road, noted he did not sign petition supporting the rezoning that was shown during Susan Irvin's presentation and is opposed to rezoning due to location of road, berms and other improvements not addressed in the petition.

Ken Chelcun, 12010 McCord Road, addressed the Board in opposition of the rezoning request. Would like property to remain CB in accordance with the 2030 Community Plan.

Peter Jacobson, 12505 McCord Road, addressed the Board in opposition of the rezoning request due to lack of commercial business, overcrowding of schools and traffic congestion.

Rob Kidwell, 7219 Handon Lane, addressed the Board in opposition of the rezoning request in order to protect the Commercial Business.

Lance Munger, 11708 Warfield Avenue, addressed the Board in opposition of the rezoning request in order to preserve the Commercial Business.

David Mashburn, 12309 McCord Road, addressed the Board in support of the rezoning request.

Kevin Short, 12100 McCord Road, noted he shares a property with Audrey Belk and is opposed to entrance being in front of their property. At this point would almost prefer a business there to serve the town and people better.

Ed Cecil, 16435 Cobbleview Lane, addressed the Board in opposition of the rezoning request. Lennar has made too many inaccuracies and minced statements concerning their development. Representing Don Shue, owner of Soil Supply, Mr. Cecil presented Mr. Shue's objection to the rezoning request.

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

**Petition #R18-10.** Meredith Nesbitt, Senior Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 4.*

Max Buchanan, Public Works Director/Town Engineer, explained proposed improvements to the Beatties Ford Road/McCoy Road intersection. Those improvements are currently shown in the CIP for FY 2020. CIP projects are subject to reprioritization in each budget year.

Nate Bowman, Petitioner, noted they are looking at other options for the townhomes that face Beatties Ford Road.

Stephen Trott, Transportation Engineer, reviewed the TIA process for this project.

Hal Bankirer, Planning Board member, requested clarification on intersections studied prior to the Planning Board meeting.

Access points were discussed. Commissioner Bales noted she would like to see an access point to Mt. Holly-Huntersville Road.

Commissioner Boone noted he had received several e-mails and letters on this project and the top concerns for people living in the neighborhood are density, traffic/speeding and the rural feel of the area.

Mr. Bowman stated he is following the Beatties Ford Road Small Area Plan and the 2030 Community Plan. Mr. Bowman also stated that the historic structure on the property would be protected with some type of fencing.

Joe Sailors, 9332 Westminster Drive, addressed the Board in opposition of the rezoning request due to traffic concerns. Mr. Sailors noted that he is on the Planning Board but everything he is saying has nothing to do with the Planning Board and he will not be able to vote on this petition when it comes to the Planning Board.

Beverly Buchanan, 9613 Pembroke Road, addressed the Board in support of the rezoning request.

Marilyn Wallace, 8913 Oxford Place, addressed the Board on behalf of a large percentage of her neighbors in opposition of the rezoning request due to density, traffic and lack of road improvements. Ms. Wallace submitted petition opposing Petition #R18-10. *Petition attached hereto as Exhibit No. 5.*

Bruce Andersen, 16125 Weatherly Way, pointed out what he feels are errors in the TIA. *Refer to hand-out attached hereto as Exhibit No. 6.*

Kimberly Baity, 9200 Edinburgh Avenue, addressed the Board in opposition of the rezoning request due to concerns with density and traffic.

Phyllis Smeaton, 9416 Wedgewood Drive, addressed the Board in opposition of the rezoning request due to traffic congestion and the impact on schools.

Donald Woodard, 9121 Westminster Drive, addressed the Board in opposition of the rezoning request due to concerns with traffic.

Marviene Fulton, 9015 Shields Drive, addressed the Board in opposition of the rezoning request due to concerns with traffic and density.

Paul Fulton, 9015 Shields Drive, addressed the Board in opposition of the rezoning request due to concerns with density.

Harlan Bird, 9318 Wedgewood Drive, addressed the Board in opposition of the rezoning request due to concerns with traffic and density.

Lisa Fisher, 9120 Westminster Drive, addressed the Board in opposition of the rezoning request due to traffic concerns.

Bill Weir, 9319 Wedgewood Drive, addressed the Board in opposition of the rezoning request due to concerns with traffic and density.

James Phillips, 9110 Westminster Drive, addressed the Board in opposition of the rezoning request due to concerns with the watershed.

Amy Groten, 9220 Wedgewood Drive, addressed the Board in opposition of the rezoning request due to concerns with homes being rented and traffic.

Caleb Baity, 9200 Edinburgh Avenue, addressed the Board in opposition of the rezoning request due to concerns with density.

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

**Petition #ANNEX18-01.** Mayor Aneralla called to order public hearing on Petition #ANNEX18-01, a request by TF Walden, LP, Taylor Morrison of Carolinas, Inc., JPO Walden, LP, to annex 231.447-acres (Walden Subdivision) into the Town of Huntersville.

David Peete, Principal Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 7.*

There being no comments, Mayor Aneralla closed the public hearing.

#### **OTHER BUSINESS**

**Petition #ANNEX18-01.** Petition #ANNEX18-01 is a request by TF Walden, LP, Taylor Morrison of Carolinas, Inc., JPO Walden, LP, to annex 231.447-acres (Walden Subdivision) into the Town of Huntersville.

Commissioner Boone made a motion to approve Petition #ANNEX18-01.

Commissioner Walsh seconded motion.

Motion carried unanimously.

*Annexation Ordinance attached hereto as Exhibit No. 8.*

**Petition #R18-04.** Petition #R18-04 is a request by TF Walden, LP to rezone 219.69 acres located north of Huntersville-Concord Road, south of Ramah Church Road and east of Fred Brown Road (Parcel #01943117) from Neighborhood Residential – Conditional District and Transitional Residential to Neighborhood Residential – Conditional District. The primary revisions are to increase overall lot count, add 6.16 acres along Ramah Church Road and to modify both Urban and Common Open Space.

David Peete, Principal Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 9.*

Staff recommends approval subject to all outstanding minor redlines being corrected.

The Planning Board recommended denial of the petition by 5-3 vote.

Commissioner Walsh made a motion in considering the proposed conditional district rezoning R18-04, Walden Subdivision Conditional District Revision, the Town Board approves as proposed as the revision is consistent with the implementation of Goal H-8 of the 2030 Community Plan. It is reasonable and in the public interest to approve the Conditional District Rezoning Plan Revision because it is consistent with the 2030 Community Plan as outlined in the Staff Report and the applicable provisions of the Zoning Ordinance can be adequately addressed and it includes the notes in the Staff Recommendation.

Commissioner Phillips seconded motion.

Commissioner Hines noted he would like to consider adding the extension of Ferrelltown to Ramah Church Road in the CIP.

Mayor Aneralla called for the vote to approve Petition #R18-04.

Motion carried unanimously.

**Petition #TA18-08.** Petition #TA18-08 is a request by the Town of Huntersville to amend Article 14.2.1 Traffic Impact Analysis, General Applicability to raise the threshold to require a Traffic Impact Analysis (TIA) from “50 or more peak hour vehicle trips or 500 or more daily vehicle trips” to “100 (or more) peak hour vehicle trips or 1,000 or more daily vehicle trips.”

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 10.*

Staff recommends approval for reasons outlined in Part 2 of the Staff Report.

The Huntersville Ordinances Advisory Board recommended to increase the threshold to require a TIA from 100 hourly trips to 1,000 daily trips by 5-1 vote.

The Planning Board recommended approval by 7-1 vote.

Stephen Trott, Transportation Engineer, reviewed the traffic study process. Staff would like to discuss a town-wide analysis at the upcoming retreat.

Commissioner Hines made a motion in considering the proposed amendment, TA18-08, amending Sections 14.2.1(a) of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with state law and to acknowledge road improvements within the NCTIP in preparing a traffic impact analysis.

Commissioner Phillips seconded motion.

Motion carried unanimously.

**Petition #SUP18-02.** Mayor Aneralla said we are going to open up this evidentiary hearing to consider a decision on SUP18-02, a request by the property owner of 14715 Statesville Road for a special use permit to allow a My Place Hotel in Highway Commercial zoning district be closer than the 250' from the Residential zoning district. Since this is a quasi-judicial hearing that means it's like a court hearing so state law sets specific procedures and rules concerning how the Board must make decisions. The Board must base this decision on competent, relevant and substantial evidence in the record and the quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the ordinance and based on the facts presented. Witnesses will be sworn in. The parties to this case are entitled to an impartial board. A Board member may not participate in this hearing if he or she has a fixed opinion about the matter, a financial interest in the outcome of the matter or a close relationship with the affected person. Does anybody on the Board have any partiality to disclose.

Commissioner Boone said I just want to let the Board know that I did attend a neighborhood meeting and at no time did it sway me one way or the other in making a decision on this.

Commissioner Hines said I received a telephone call from a citizen regarding the user and the type of clientele but for the record I find that irrelevant in this decision and it does not influence my decision. Also, the engineer on this project is an engineer on a project of mine in another municipality. If this project was mentioned in our conversations, it would not influence my decision.

Mayor Aneralla said has anybody had any ex parte communications with the parties to this case.

No Board members responded.

Mayor Aneralla said has any Board member had any other conversations concerning the request.

Commissioner Hines said my accountant lives across the street from this and he did call and we did have a conversation but it would not influence my decision.

Mayor Aneralla swore in Jack Simoneau, Brad Priest, Jennifer Davis and Jay Henson.

Brad Priest entered the Staff Report into the record. *Staff Report Attached hereto as Exhibit No. 11.* The applicant before us is what's described again as a special use permit at the location shown here on

Statesville Road. The zoning of the property is Highway Commercial but you will notice to the north of the property is a Neighborhood Residential zoned property.

This is the aerial photo just to give you perspective where we are. Rudy and Shiv Drive are to the south where the gas station is and across the street there is an apartment complex. The reason why there is a special use permit before us is because of that residential property. Highway Commercial district says that if there's a hotel that is closer than 250' from a residential property then a special use permit must be approved. Article 9 of the ordinance gives specific stipulations that need to be met for the special use permit to be approved and so we've gone and looked at all those items.

Before you is the site plan for the My Place Hotel to be located there. The plan currently is to extend Maruti Avenue from the Shiv intersection north in order to have access to the property from that existing street. They also propose to have a driveway along that frontage to give access to Statesville Road. Here's a picture of the elevations proposed. The top of the picture you have the front and the back. On the right you have the sides and then on the bottom left you have the first floor plan which shows the front door access along Statesville Road. Again as mentioned the special use requirements.....Article 3 required this special use permit. Concerning the conditions from 9.45 that list the special use permit, the biggest issue there to meet is the setback required. If you are less than 250' then it says whatever the height of the building is, the setback from that residential property needs to be three times that. Staff made sure that was the case and they are conforming with that setback. Another statement that is very common in the special use permits is that when the Town Board is reviewing the plan that the issuing of a special use permit would not endanger the health, welfare, or the property value of adjacent properties.

The Staff Report goes into some detail about the Police Department. Staff did request an update from the Police Department on the proposed use and any concerns for the proposed use. They came back with some comments on some problems at the intersection of Shiv Drive and Statesville Road. There's been accidents with some pedestrians at that intersection and so staff has contacted NCDOT and we've requested to get together and have a Technical Review Committee meeting that is actually scheduled for tomorrow with the Police Department, NCDOT to talk about that intersection so when the hotel does come to actually pull a permit, assuming the special use permit for the distance in relation to the residential property is approved, staff can look at the intersection and understand what they need to do, if anything, to improve the safety of the intersection. So as kind of outlined in the Staff Report, it is staff's position that whatever use would go on that property would have the same traffic impacts as this hotel. The hotel and the special use permit are kind of independent of the issue that Shiv Drive is having at the intersection. With that said, staff does not see an issue with the intersection as far as the special use permit goes, but again we will talk about that at the Technical Review Committee and see what can be done. Again, it was more of a pedestrian issue not necessarily a vehicular issue is my understanding at this point.

The staff recommendation is to approve based on the findings of fact in the Staff Report. The Planning Board met at their meeting last month and recommended approval of the special use permit based on the findings of fact that are in the Staff Report by a 7-1 vote. The Planning Board did have a specific conversation about the intersection. They were concerned about the safety at the intersection and they wanted to make sure the Town Board was aware of that concern as well.

Commissioner Boone made a motion in considering the Special Use Permit SUP18-02, My Place Hotel, we the Town Board find that the request meets all required conditions and specifications, is reasonable

and does not pose an injurious effect on adjoining properties and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. This decision is supported by the following findings in the Staff Report: Article 3.2.7A and Article 9.45.2(a) (b) and (c).

Commissioner Walsh seconded motion.

Commissioner Bales said I'm just curious because I'm unfamiliar with My Place Hotel. I was wondering what chain it was connected to.

Mr. Henson said I would prefer we have the actual owner of the hotel answer that, but he did not swear in.

Mayor Aneralla swore in Aaron Lawson, 5408 Beau Reve Park, Marietta GA.

Mr. Lawson said the My Place Hotel is a new chain. It's from the root of the boys who did the Super 8 hotel and they sold it off and the grandson is coming back and starting a new chain.

Mayor Aneralla called for the vote.

Motion carried unanimously.

**Greenway, Trail and Bikeway Commission Appointments.** The Greenway, Trail and Bikeway Commission has three 3-year terms open. Geoff Steele, Robin Underwood and Christopher Boyd have all reapplied for their expiring terms.

Commissioner Gibbons made a motion to reappoint Christopher Boyd, Geoff Steele and Robin Underwood to the Greenway, Trail and Bikeway Commission.

Commissioner Hines seconded motion.

Motion carried unanimously.

**Parks & Recreation Commission Appointments.** The Parks & Recreation Commission has two 3-year terms open. John O'Neill has applied for his expiring term. Both of these 3-year terms will end on December 31, 2021.

Commissioner Boone nominated John O'Neill.

Commissioner Walsh nominated John O'Neill.

Commissioner Gibbons nominated Ken Curran.

Commissioner Phillips nominated John O'Neill.

Commissioner Hines nominated John O'Neill.

Commissioner Bales nominated John O'Neill.

Mayor Aneralla called for the vote to appoint John O'Neill to the Parks & Recreation Commission.

Motion carried unanimously.

Commissioner Walsh nominated Ken Curran.  
Commissioner Gibbons nominated Ken Curran.  
Commissioner Phillips nominated Chris Price.  
Commissioner Hines nominated Ken Curran.  
Commissioner Bales nominated Chris Price.  
Commissioner Boone nominated Ken Curran.

Mayor Aneralla called for the vote to appoint Ken Curran to the Parks & Recreation Commission.

Motion carried 4 to 2, with Commissioner Bales and Commissioner Phillips opposed.

**Verizon Fiber Easement.** Currently the Town leases a small area on the Seagle Street property (Public Works) to MW Cell REIT 1, LLC and NEXTEL South Corp for the placement of a cell tower. These companies, in turn, sublease this small area to CELLCO Partnership d/b/a/ Verizon Wireless. CELLCO has requested an easement across the Seagle Street Property for the placement of fiber. The Town Attorney has been negotiating with CELLCO's attorneys regarding the language to govern any such easement. As drafted, the easement is for an easement in gross only, meaning that it is granted to CELLCO only for the duration of the Lease, and will not run with the land. CELLCO will pay to the Town \$5,000 for this easement in gross.

Angela Beeker, Town Attorney, noted the Town currently does not have a copy of the original lease from 2005, but are in the process of locating it.

Commissioner Walsh made a motion to approve the Verizon Fiber Easement for the Seagle Street property.

Commissioner Gibbons seconded motion.

Commissioner Bales made a substitute motion to defer decision until the original lease has been located.

Commissioner Boone seconded motion.

Motion carried unanimously.

**Appointment of Huntersville Fire Chief.** Commissioner Boone made a motion to approve the appointment of Jim Dotoli as Chief of the Huntersville Fire Department.

Commissioner Bales seconded motion.

Motion carried 5 to 1, with Commissioner Phillips opposed.

## CONSENT AGENDA

**Approval of Minutes.** Commissioner Bales made a motion to approve the minutes of the December 17, 2018 Regular Town Board Meeting. Commissioner Hines seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R18-14.** Commissioner Bales made a motion to call a public hearing for Monday, February 4, 2019 at 6:30 p.m. at Huntersville Town Hall on Petition #R18-14, a request by EPCON Communities to rezone 34.77-acres located at 14211 Eastfield Road (Parcel #'s 021-12-213, 021-12-214, & 021-12-215) from Neighborhood Residential - Conditional District and Transitional Residential to Neighborhood Residential - Conditional District. Commissioner Hines seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R18-16.** Commissioner Bales made a motion to call a public hearing for Monday, February 4, 2019 at 6:30 p.m. at Huntersville Town Hall on Petition #R18-16, a request by Joseph Logano to rezone +/- 4.471 acres located at the intersection of Mt Holly-Huntersville Road and Center Lane (Parcel #s 01745106, 01745107, 01745108, 01745109 and 01745102) from Corporate Business to Highway Commercial. Commissioner Hines seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA18-10.** Commissioner Bales made a motion to call a public hearing for Monday, February 4, 2019 at 6:30 p.m. at Huntersville Town Hall on Petition #TA18-10, a request by the Planning Department to amend Sections 2.000, 3.000, and 6.000 of the Subdivision Ordinance to be consistent with Session Law 2017-10 which established expedited review for qualifying subdivisions. Commissioner Hines seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA18-11.** Commissioner Bales made a motion to call a public hearing for Monday, February 4, 2019 at 6:30 p.m. at Huntersville Town Hall on Petition # TA 18-11, a request by Bank of America, N.A. to amend Article 3.2.9(c) Corporate Business District, Permitted Accessory Uses to modify the amount of attached single family and multi-family housing developments allowed in a corporate business development of 400 acres or more. Commissioner Hines seconded motion. Motion carried unanimously.

**Assignment of Sewer Easements.** Commissioner Bales made a motion to approve assignment of sewer easements to Charlotte Water for Commerce Station, giving the Town Manager authority to approve the final exhibits to be attached. Commissioner Hines seconded motion. Motion carried unanimously.

*Assignment of easements attached hereto as Exhibit No. 12.*

## CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the 4<sup>th</sup> day of February, 2019.