

all know, they are not going to get it necessarily. They are going to get on a list and as soon as we have money they are going to get it.

Mr. Carroll said maybe that's the answer to the question is that we form a list and at such time something is brought before the Board and approved, it goes upon the list when funding is available.

Commissioner Jeter said that's fine. I would just prefer something that says based on adequate funding or something to that effect so people don't get the impression that we will somehow approve something that they automatically get it no matter what because there's funding realities with it.

Commissioner Julian said with the understanding that a resident, if they do not meet the policy, can bring it to the Board's attention as far as changing the wording of what warrants it. I think that statement looks at it from an engineering only standpoint, but of course anything can be brought to the Board, so I will support that statement as it stands. The 25 mph or lower I believe needs to be in there. I would not support changing any of the roads that are 20 mph to upping them 5 mph. I would not support that.

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

North Mecklenburg Landfill Franchise Agreement. Greg Ferguson, Town Manager, said in your packet you have a proposed franchise agreement for North Mecklenburg C & D Landfill. *Refer to Attachment No. 3.* The Town Attorney has reviewed that. Representatives of the landfill are here tonight. This was a condition of the Special Use Permit that the Town grant a franchise agreement. It's essentially based on the county franchise agreement that was in place prior.

Commissioner Lucas said I wanted to point out to the commissioners, I'm sure you all read it but for the public, we often glance over some of these sections, but 7.10 you label A, B, C and D and then of course E on the back page. I want to commend you for your actions with the Holbrooks Road community and what you are doing specifically for them. That's above and beyond in my opinion of a solid business owner and you. I commend you for not only putting it in the contract but for fulfilling your obligation with that.

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

OTHER BUSINESS

North Mecklenburg Landfill Franchise Agreement. *Commissioner McAulay made a motion to approve North Mecklenburg Landfill Franchise Agreement. Commissioner Lucas seconded motion. Motion carried unanimously.*

Bob Blythe, Town Attorney, pointed out that approval of franchise agreement will require a second reading.

Neighborhood Traffic Calming Policy. *Commissioner Lucas made a motion to have the changes brought back to us prior to voting and defer decision to December 20.*

Commissioner Caulfield seconded motion.

Motion carried unanimously.

affect, acknowledging that they would be responsible for it and that would be executed as part of the agreement when it's done.

Max Buchanan, Public Works Director/Town Engineer, said I was reading the document....whereas it is understood that the partnership, which is the Bryton/AAC will be responsible for upholding the terms of this agreement until such time that the North Road and the overhead are dedicated to the town and after such time the town will uphold the terms of this agreement. Dedicated to the town....whether that implies or does not imply that we accept that, that would go through that process. I read the agreement that it's clear that the partnership is responsible until it's given to the town.

Mr. Blythe said that's in the recitals, but the recitals were not specifically incorporated into the agreement like you find in a lot of cases and this is for the sole purpose of saying that they are incorporated in the agreement and they acknowledge that's the case.

Commissioner Lucas made a motion to authorize the execution of the North Road Overpass Agreement.

Commissioner McAulay seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner McAulay made a motion to approve the minutes of the December 6, 2010 Regular Town Board Meeting. Commissioner Caulfield seconded motion. Motion carried unanimously.

Budget Amendment – Police Department (Insurance). Commissioner McAulay made a motion to approve budget amendment recognizing insurance revenue in the amount of \$1,385.74 and appropriate to the Police Department's insurance account. Commissioner Caulfield seconded motion. Motion carried unanimously.

Capital Project Ordinance – Town Hall Renovations. Commissioner McAulay made a motion to approve Capital Project Ordinance appropriating interest revenue (2004 Bonds) in the amount of \$49,000 to provide for Town Hall renovations. Commissioner Caulfield seconded motion. Motion carried unanimously.

Franchise Agreement – North Meck Landfill. Commissioner McAulay made a motion to approve franchise agreement for North Mecklenburg C&D Landfill (second reading). Commissioner Caulfield seconded motion. Motion carried unanimously.

NCDENR Contract – Stream Restoration and BMP Retrofit. Commissioner McAulay made a motion to authorize the execution of contract with NCDENR for stream restoration and BMP retrofit along a tributary of Torrence Creek in the North Mecklenburg Park and authorize appropriation of \$155,740 from Grant Funds. Commissioner Caulfield seconded motion. Motion carried unanimously.

Purchase of Property – Stumptown Road. Commissioner McAulay made a motion to authorize purchase of parcel #00909196 at 14920 Stumptown Road and appropriate \$500 from the Transportation Reserve Fund. Commissioner Caulfield seconded motion. Motion carried unanimously.

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Charlotte, NC

North Carolina } ss
Mecklenburg County}

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REFERENCE: 30006112
6518373 landfill agreement

Before the undersigned, a Notary Public of said County and State, duly authorized to administer oaths affirmations, etc., personally appeared, being duly sworn or affirmed according to law, doth depose and say that he/she is a representative of The Charlotte Observer Publishing Company, a corporation organized and doing business under the laws of the State of Delaware, and publishing a newspaper known as The Charlotte Observer in the city of Charlotte, County of Mecklenburg, and State of North Carolina and that as such he/she is familiar with the books, records, files, and business of said Corporation and by reference to the files of said publication, the attached advertisement was inserted. The following is correctly copied from the books and files of the aforesaid Corporation and Publication.

NOTICE OF PUBLIC HEARING
Pursuant to N.C.G.S. 160A-294(b)(3), the Board of Commissioners of the Town of Huntersville will conduct a public hearing at the regular Board meeting on December 8, 2010 at 8:30 p.m. on the question of adopting an ordinance awarding a franchise to North Mecklenburg Landfill, Inc. to operate & construct and demolish landfill on approximately 129.58 acres sit at 15300 Holdrege Road, upon annexation of the landfill property into the Town of Huntersville. The franchise award shall be for a period of ten years for the purpose of providing approved construction and demolition debris disposal services to Mecklenburg and surrounding counties. A copy of the proposed franchise agreement and the Facility Plan shall be available for inspection at Town Hall prior to the public hearing. At the public hearing, comments will be received from the public concerning the adoption of the ordinance.
6518373

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NAME: [Signature] TITLE: Billings & Collections Mgr
DATE: 11/12/10

In Testimony Whereof I have hereunto set my hand and affixed my seal, the day and year aforesaid.

My Commission Expires May 17, 2011

Notary: [Signature] My Commission Expires: 1/1