

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**July 18, 2016
6:30 p.m. – Huntersville Town Hall**

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 6:30 p.m. on July 18, 2016.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Charles Guignard, and Rob Kidwell. Commissioner Danny Phillips was not present.

A representative from the NCDOT Rail Division updated the Board on their initiatives and services.

Commissioner Guignard made a motion to go into closed session for consultation with attorney. Commissioner Gibbons seconded motion. Motion carried unanimously.

Upon return from Closed Session, there being no further business, the Pre-meeting was adjourned.

**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 July 18, 2016.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Charles Guignard, Rob Kidwell and Danny Phillips.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Commissioner Guignard offered the Invocation.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- Commissioner Phillips requested I publicly thank Huntersville Police, Huntersville Fire and MEDIC for their quick response and outstanding professionalism on the scene of accident he was involved in.
- The July Metropolitan Transit Commission meeting was canceled.
- An item is on the Consent Agenda to sale 9 acres in Commerce Station.

- Met with Mayors from Mooresville, Cornelius and Davidson to discuss things happening in our communities. We discussed what we could do to show our gratitude and respect for police and first responders. Representatives from Huntersville, Cornelius, Davidson and Mooresville will meet on August 11 for a transportation meeting to discussion road projects, greenway projects, etc. that might be impacting North Mecklenburg.

Commissioner Bales

- Expressed appreciation to the citizens of Huntersville that have shown support for our first responders.
- Huntersville has 13 active economic development projects.

Commissioner Boone

- The next meeting of the Land Development Ordinances Advisory Board is August 4.
- From Public Safety – the North Mecklenburg Rescue Squad is reporting that the service calls are running approximately 20 percent above the same time from last year. The Huntersville Police Department DARE camp is being held and Safety Town just completed its third and final week. On July 19 the Huntersville Police Department in partnership with the Huntersville Fire Department will be hosting a child safety seat checking station. The Huntersville Police Department did not receive the grant requested from the North Carolina Governor's Highway Safety Grant program. National Night Out is August 2. The Huntersville Police Department has designated parking for an internet purchase exchange safe zone.
- Mayor Aneralla and Chief Spruill attended a community forum at the University City Church.
- Expressed appreciation to the first responders in Huntersville and the citizens that have supported them.

Commissioner Gibbons

- The next NC 73 Council of Planning meeting will be in the fall.
- The last Veterans Liaison meeting was July 12.
- Expressed appreciation to the Huntersville Police and first responders and the citizens that have supported them.

Commissioner Guignard

- The next Centralina Council of Governments meeting is in August.
- The next Planning Coordinating Meeting is in September.
- Expressed appreciation to first responders and staff.

Commissioner Kidwell

- The next Charlotte Regional Transportation Planning Organization meeting is July 20.
- Helping Others Help Themselves (H.O.H.T.) will have a business mixer August 4.
- Expressed appreciation to Huntersville Police and first responders.

Commissioner Boone announced upcoming Lake Norman Chamber events.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Jeff Porter, Executive Director of Habitat for Humanity, addressed the Board on behalf of Dawn Minster, owner of Habitat House at 11824 Titan Avenue in Huntersville. Mr. Porter expressed appreciation to the

Town Board for partnering with Habitat to create the development for affordable housing. The North Carolina Housing Finance Agency awarded this partnership the 2015 Housing North Carolina Award.

AGENDA CHANGES

Commissioner Boone made a motion to move Item E under the Consent Agenda (Authorize the Town Manager to execute contract with GHC Professional Roofing) to Item G under Other Business.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Commissioner Guignard made a motion to adopt the agenda, as amended.

Commissioner Bales seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

None

OTHER BUSINESS

Petition #R16-02. Petition #R16-02 is a request by Calatlantic Homes to rezone 73.274 acres along Huntersville-Concord Road (west of Mirabella subdivision) from Transitional Residential to Neighborhood Residential – Conditional District.

David Peete, Principal Planner, entered the Staff Report into the record and reviewed updated information since the public hearing was held. ***Refer to Staff Report attached hereto as Exhibit No. 1.***

The Planning Board recommended approval on June 28, 2016 by unanimous vote, subject to the conditions outlined by staff, except for the 10' garage recess recommendation. As long as 20' parking area was required, they did not recommend the 10' recess.

Commissioner Bales made a motion in considering the proposed Rezoning Application R16-02, Cato Subdivision Conditional District, the Town Board recommends approval based on the plan being consistent with Implementation Goals H-1, H-9, T-5, T-7, T-8, CD-5 and PF-2 of the 2030 Community Plan. With those provisions, it is reasonable and in the public interest to approve the rezoning plan because of the location of the property being between Transitional area and between high and low intensity development and the proposed density is consistent with the surrounding developments. The recommendation is that we approve this rezoning based on all provisions outlined being addressed.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Cato Subdivision Sketch Plan. Mayor Aneralla pointed out that this item will be heard as quasi-judicial.

Mayor Aneralla swore in David Peete, Stephen Trott, Mark McAuley and Fred Matrulli.

David Peete entered the Staff Report into the record. *Staff Report Attached hereto as Exhibit No. 2.* This is identical to what we just discussed and what you are familiar with. The only thing that I will point out is this does not include the 29 acres that will just be rezoned to NR, this is just for the balance of it which is being subdivided. All of the issues in the rezoning plan are identical to this. Everything that we just talked about is the same. Again, if you have any questions we can reiterate any of that. The Planning Board again met on this. Their recommendation was also unanimous. They found the application complete. They found that it complied with all the requirements of the ordinance. Staff's comments were either addressed or they recommended that they would be and they recommended approval and then they asked that the building elevations be provided. Annexation, again a lot of these issues, have already been addressed in the version that's before you tonight.

Commissioner Guignard said before this is made public record permanent, Ms. Bales has pointed out to me we need to learn to spell. Unless West Mecklenburg taught me wrong, statement has an "e" in the middle of it.

Commissioner Kidwell made a motion in considering the decision on the Cato property sketch plan the Town Board finds the application complete and we move to approve as long as the conditions stated by staff within the report are addressed.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Petition #TA16-01. Petition #TA16-01 is a request by the Town of Huntersville Planning Department to amend Article 11.4.5 and 11.4.7(a) of the Huntersville Zoning Ordinance to reflect the changes made by NCSL 2015-160 by removing protest petitions.

Caroline Sawyer, Planning Technician, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 3.* The Planning Board and the Land Development Ordinances Advisory Board both recommended approval.

Commissioner Guignard made a motion in considering the proposed amendment TA16-01 to amend Article 11.4.5 and 11.4.7(a) of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with Policy ED-14 of the Town of Huntersville 2030 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because doing so creates consistency between Huntersville zoning laws and state laws.

Commissioner Bales seconded motion.

Motion carried unanimously. Commissioner Guignard abstained, which was recorded as a vote in favor.

Petition #TA16-02. Petition #TA16-02 is a request by the Town of Huntersville Planning Department to amend Article 3.2.7 Highway Commercial District, Article 3.2.8 Campus Institutional District, Article 3.2.9 Corporate Business District and Article 3.2.14 Transit Oriented Development – Employment District to allow for home occupations as a permitted accessory use.

Caroline Sawyer, Planning Technician, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 4.* The Planning Board and the Land Development Ordinances Advisory Board both recommended approval.

Commissioner Boone made a motion in considering the proposed amendment TA16-02 to amend Article 3.2.7, Article 3.2.8, Article 3.2.9 and Article 3.2.14 of the Zoning Ordinance, the Town Board grants approval based on the amendment being consistent with Policy ED-1 of the Town of Huntersville 2030 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because doing so creates an equal opportunity for Huntersville residents to operate a home occupation in all zoning districts which allow residential uses.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

Petition #TA16-03. Petition #TA16-03 is a request by the Town of Huntersville Planning Department to amend Article 8.25.11, S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances of the Huntersville Zoning Ordinance to reflect the changes made by House Bill 276.

Meredith Nesbitt, Planner I, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 5.*

Commissioner Kidwell made a motion in considering the proposed amendment TA16-03 to amend Article 8.25.11 of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with Policy ED-14 of the Town of Huntersville 2030 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance to create consistency between our zoning laws and state laws.

Commissioner Boone seconded motion.

Motion carried unanimously.

Joint agreement for Traffic Signal. Mayor Aneralla explained that there has been a request for quite some time for the installation of a traffic signal at the end of Birkdale next to Chesterbrook Academy across from Sterling Point. Most recently the Town of Cornelius has extended their sidewalk all the way to Blythe Landing. It's a very difficult left turn for both neighborhoods and there's been some discussion in the past that the Town of Cornelius is willing to install it and also provide half the funding for the light. But that's only been in just discussions and nothing formal, so I thought if this Board was looking to do that, we should do something formal and instruct our Town Manager to enter into those discussions and see what those discussions bring about and bring it back to the Board for a final vote.

Commissioner Gibbons said this issue is one that has a lot of our citizens concerned over there and so whenever that happens you get a lot of interest. This is something I've had calls and e-mails on. Mr. Buchanan provided the Board an e-mail today and he reiterated some things that I'd been to meetings and heard him talk about before and I just wanted to say that there's a very regimented system that looks at when signals or any other traffic control at intersections is warranted. Mr. Buchanan points out that when these studies were done these warrants weren't met at this intersection. Another point is made here that if we were to put a signal or some type of device at this intersection where do we stop, where do we not do it again, why would we do this and not somewhere else and I think you have to look

at everything and whether the book answer doesn't meet every situation. I drive by there quite often and the citizens' concern to me is warranted, as it could be in many places, but still it's warranted here and I just say there's been two things said – why would you spend the money because 73 is going to be widened and something is going to be changed anyway within a few years we hope. If we kept one person from getting hurt at that intersection in 5 years or 7 years it would be well worth the half the money that this town would put up to do it and I don't by any means claim to know what to say but whether that signal could be one that only stops and starts traffic during the school hours or when the heavy peak hours are and just is a flashing light. I believe this conversation started with a request for just a flashing light to alert people that this was a crossing area with lots of kids around and that was not done. I think the traffic signal maybe that's gone to the other end of the spectrum from a flashing light but I'm going to say that I would support this decision to go ahead. The board members in Cornelius I talked to have told me they are on board with doing this and awaiting whatever decision Huntersville makes and this is one time I'm going to go away from the book answer and go with how I feel in my heart and my gut is the safety answer.

Commissioner Bales said I was around when this initial discussion started and I have heard from our traffic experts. I've heard from our safety experts that not only does this location not warrant a light at this time but it also by putting a light up has the potential of causing even more accidents because the light at that intersection is so close to West Catawba that when that light turns red the back up along 73 is going to be problematic for us and will result in rear-end collisions. That's one of the reasons that I couldn't support it in 2014. The crash history shows that between January 2010 to January 2015 there were 11 crashes reported at that intersection and that none of them would have been corrected had a signal been installed. I'm worried that we are going to create a problem where currently one does not exist. The other piece to that is if we are going to put a light up, let's fight to put a light up at Babe Stillwell and put Blythe Landing's entrance together as we connect Birkdale Commons Parkway to Babe Stillwell to give the residents within Birkdale and the other residents through there the ability to get to the light at Babe Stillwell and out. I would not support moving forward with this discussion and I would like before we make a political decision to hear from the experts. I would like to hear from our traffic engineers and I would like to hear from our police chief, not just via e-mail but hear from them from up here at the podium before we go making these types of decisions right off the cuff.

Commissioner Boone said this was discussed with the last board and I would like to see a light at this intersection, but I really can't say I've got all the tools to make that decision. There's two sides to every story. We're hearing one side of the story that has been presented here tonight. Like Commissioner Bales said, we haven't heard from the traffic, police or any of the other people during this presentation that was two years ago. I didn't hear the presentation and there's other members of this board that didn't hear the presentation and now we are going to make a decision on spending \$30,000-45,000. I think we need to sit down and look at this intersection and make a decision once we get all the facts that are right now about a year and a half old. Even though I would like to support it I can't vote on something that I don't have all the facts.

Commissioner Kidwell said Max Buchanan does a heck of a job as an engineer. His job is to move traffic, no argument about that. He knows how to move traffic. He knows how to get it going places and I heard another suggestion of where a light should be and needing more information. I'm for putting a light there because for two years I've been saying we need it. Now we have a sidewalk over there. I watched a kid trying to ride his skateboard across 73 to get to the sidewalk so he could go down to Blythe Landing. The other kid is on the bike trying to jump the sidewalk. The action being asked tonight is not to make a decision to spend money on a political statement, but to ask our Town Manager to begin the discussion so he can come back to us with the information for this board to then make a

decision. I'll support this because it's not asking for us to financially make a statement, it's asking for us to put our Town Manager in the direction to get the information and bring it back to us to then put it forth and make a statement then.

Commissioner Bales said that's not what I initially heard when this was brought up. What I heard was direct the Town Manager to have conversations to put a light there. If we are going to make a motion to have further inquiry to gather information to bring it back to this board, that I will support. So with that said I will make a motion that we have our Town Manager collect information necessary for this Town Board to make a decision on whether to put a light at NC 73 and Norman View in conjunction with the Town of Cornelius's information since they were willing to pay half and install if it goes forward. We need to have our own information to make that decision from Huntersville's perspective and then we can go into having discussions with Cornelius. I don't know that they can both happen in tandem

Mayor Aneralla said I need a clarification because Commissioner Bales you initially stated something to the effect that you want the Manger of Huntersville to gain information on if this is necessary and then Commissioner Kidwell also said something to the effect of in conjunction with the Town of Cornelius.

Commissioner Bales said that's fine, we can do both as long as we are not authorizing spending money.

Commissioner Bales said my motion is to pull together all vital information for this Board to make a decision on 73 and Norman View by working with the Town of Cornelius to address the concerns there in that intersection without authorizing any dollars to be spent. We are just doing the investigative work.

Commissioner Boone seconded motion.

Commissioner Gibbons said I'm fine with that and I would say as I stated in my initial comments, I want something that will help insure safety at the intersection.

Commissioner Boone said do you think we should put a timeframe in your motion just so this thing doesn't draw on to months and school starting and everything in case we do decide to move forward. I'm asking her to amend her motion.

Commissioner Bales said we can make it as quickly as possible. I don't know what that timeframe needs to be.

Commissioner Gibbons said I agree and I think Max would back me up on this, I think most of this information we aren't going to dig too far because I think it's all been looked at and so I am guessing that between you and Greg and the Cornelius traffic or whoever they get on this I'm guessing that you will collect what you had before, if there's any information you'll add it.

Mayor Aneralla called for the vote.

Motion carried unanimously.

Contract – HFFA Roof. Dee Jetton, HFFA Executive Director, explained that this contract is for the second half of an original bid for roof replacement at HFFA. Pricing was validated with other sources.

Commissioner Boone made a motion to authorize the Town Manager to execute contract with GHC Professional Roofing.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Contract attached hereto as Exhibit No. 6.

CONSENT AGENDA

Approval of Minutes – June 6. Commissioner Guignard made a motion to approve the minutes of the June 6, 2016 Regular Town Board Meeting. Commissioner Kidwell seconded motion. Motion carried unanimously.

Approval of Minutes – June 20. Commissioner Guignard made a motion to approve the minutes of the June 20, 2016 Regular Town Board Meeting. Commissioner Kidwell seconded motion. Motion carried unanimously.

Interlocal – Animal Control Services. Commissioner Guignard made a motion to adopt resolution authorizing the execution of the interlocal agreement with the City of Charlotte for animal control services. Commissioner Kidwell seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 7.

Order of Collection. Commissioner Guignard made a motion to adopt Order of Collection for tax year 2016 (FY2017). Commissioner Kidwell seconded motion. Motion carried unanimously.

Order of Collection attached hereto as Exhibit No. 8.

Refund Deposit – Harvest Point Lots. Commissioner Guignard made a motion to authorize the Town Manager to refund Matt McMullen, Grande Homes, the 5 percent deposit for the purchase of two lots within the Harvest Point subdivision. Commissioner Kidwell seconded motion. Motion carried unanimously.

Resolution – Sale of Property. Commissioner Guignard made a motion to adopt resolution authorizing the sale of real property for economic development. Commissioner Kidwell seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 9.

Property Tax Refunds – Report 62. Commissioner Guignard made a motion to approve SL362 Property Tax Refund Report No. 62. Commissioner Kidwell seconded motion. Motion carried unanimously.

Property Tax Report No. 62 attached hereto as Exhibit No. 10.

Property Tax Refunds – Report 63. Commissioner Guignard made a motion to approve SL362 Property Tax Refund Report No. 63. Commissioner Kidwell seconded motion. Motion carried unanimously.

Property Tax Refunds – Report 64. Commissioner Guignard made a motion to approve SL362 Property Tax Refund Report No. 64. Commissioner Kidwell seconded motion. Motion carried unanimously.

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2016.

DRAFT