

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**August 15, 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 August 15, 2016.

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

Meg Fencil updated the Board on Sustain Charlotte. *Refer to PowerPoint Presentation attached hereto as Exhibit No. 1.*

There being no further business, the pre-meeting was adjourned.

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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 August 15, 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.

Mayor Aneralla led the Pledge of Allegiance.

**MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS**

Mayor Aneralla

- The next Metropolitan Transit Commission is August 24.
- The next meeting of the Commerce Station Management Team is August 24.
- The Towns of Davidson, Cornelius and Huntersville met last week to discuss forming transportation committee.
- Congratulated swimmers who medaled at the summer Olympics that train at Huntersville Family Fitness & Aquatics.

#### Commissioner Bales

- From the Lake Norman EDC, Huntersville currently has 13 active projects and a total 29 active projects for our region.
- From the Lake Norman Education Collaborative, school is starting back up so be aware there will be more traffic and watch out for the buses.

#### Commissioner Boone

- Proud of all the Olympians in Rio and especially proud of the swimmers who trained at Huntersville Family Fitness & Aquatics.
- Two different car accidents claimed the lives of two young people in our area this week.
- On August 5 I visited the MEDIC complex and their dispatch center.
- This week the Huntersville Fire Department had two working fires both caused from improperly discarded charcoal.
- The Huntersville Police Department will have an operation called Operation Safe School Zone that will go into effect the week before CMS schools start.
- Larcenies from autos continues to be a problem.

#### Commissioner Gibbons

- The next meeting of the NC 73 Council of Planning will be held this fall.
- The next Veterans Council meeting is September 6.
- Asked everyone to remember not only the victims and their families of the two fatal accidents, but also the emergency services personnel who responded to them.
- Reminded everyone to not throw ashes in their trash cans.
- Attended the Community Forum last Wednesday down at CPCC Merancas Campus.

#### Commissioner Guignard

- Appreciative that Commissioner Phillips is back.
- Echoing what the Mayor and several others have said I can't help but note that there are several folks that have received medals at Rio and regardless of what some media to our south think, they are from here, they are not from that city down south.
- Centralina Council of Governments met last week.
- Thoughts are with the victims' families of the two fatal car accidents and the emergency services personnel that responded to them.
- Requested Commissioner Gibbons clarify remarks he made at the June 6, 2016 Regular Town Board Meeting. Commissioner Gibbons explained I made a substitute motion concerning the budget on June 6 and that substitute motion was eventually not passed. We passed the budget that was agreed upon in the budget meetings. As I went through the budget motion and I had passed out to all my fellow commissioners and I also gave Janet Pierson a copy of this. Where it comes down to the market rate adjustment and the market rate adjustment in the budget is the pay raise for employees and there's two things here, one is all these numbers are what they differ from the budgeted amount and market rate adjustment for that was going to differ by zero. In other words what was originally put forward is what we were going to adopt which moved that from what was in the meeting, the 2.25 percent raise that was approved and this motion was going to bring that back up to a 3 percent raise, with a zero deficit to the market rate adjustment. I guess Mr. Guignard had heard and then I heard that there were some people that thought we put in that we wanted to make the raise zero. And we just wanted to make sure that was not the case.

Commissioner Kidwell

- Attended the regional transportation meeting and thought it went well.
- The next meeting of the Charlotte Regional Transportation Planning Organization meeting is this Wednesday. Commissioner Gibbons will be filling in for me.
- Encouraged people to come to the Olde Huntersville Historic Society meetings.

Commissioner Phillips

- The Lake Norman Chamber of Commerce Diversity Council had a community forum at CPCC on community policing.
- Announced upcoming Lake Norman Chamber events.
- Announced upcoming Visit Lake Norman events.
- Expressed appreciation to everyone for the well wishes and prayers for his family.

**PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS**

Jacob Hunt, 12838 Levins Hall Road, said I would like to speak about the ordinance that was passed at the last Town Hall meeting regarding the panhandling. This is a wholly unimaginative solution to this issue and I do use the word solution loosely here. Not only does it increase the burden on the police department by adding a victimless misdemeanor to the books, but at best by incarcerating the homeless it may actually incentivize that they return to panhandle in the city by providing them a meal and lodging, which they do desperately need and I will return to that. But at worst by slapping a fine on those who have such a financial burden on them that they have to beg in order to eat will only deepen the financial pit that they are in. And let me be clear, Mr. Mayor, in order to dig that pit deeper for them you will have to join them at the bottom. And that's not a financial pit for you however, it's a moral one. There are no net positives for the Town with this solution, but only negatives. It would be one thing for me to sit here and criticize the work that you have done without providing any solutions, so let me do that at this time. The Mayor of Albuquerque who was a Republican like yourself actually found a very innovative solution to this issue that they dealing with at a much larger scale. Instead of punishing them for their financial burdens, they actually employ them for the day to pick up litter around town, which as I've seen our town desperately needs and maintain lawn care on public property. They pay them an hourly wage. They give them lunch and they accommodate them for the night if they need that. It gets them back on the grid and helps them become a productive member of society again. It reaches out to them on the human level and I think that is something that our town should pursue.

BeeJay Caldwell, 14521 New Haven Drive, said I'd just like to keep on the minds of the commissioners about the landfill. I know the board is not here that usually works with that, but to consider checking with the EPA to be sure that everything that is in that landfill and will go into it will be the proper things because 40 years from now is a long time to discover that something was there that length of time and it's not right. And instead of the owner using all the available space height for the debris maybe in sealing the area over maybe a better solution would be to plant trees to replace some of the trees that have been taken down so that he could have a landfill and wondered if he could test the well water of those on Holbrooks Road and in New Haven Park who have well water. We don't want anyone to have that situation like they have over in wherever that place is and the lifespan of the landfill should end before the 40 year extension is granted. I know there are other landfills that the owners have. There's one in Huntersville, Harrisburg, Apex, Kershaw SC, Mullins SC, and a recycling center in Harrisburg. He spoke of it being a hardship. With these other landfills I really don't see that it's going to be the hardship that he indicated.

### **AGENDA CHANGES**

Commissioner Gibbons made a motion to add Item C under Other Business – Discussion on the direct connects along I-77, to continue the conversation that we had in the regional meeting last Wednesday.

Commissioner Guignard seconded motion.

Motion carried unanimously.

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

Commissioner Phillips seconded motion.

Motion carried unanimously.

### **PUBLIC HEARINGS**

None

### **OTHER BUSINESS**

**Special Appropriation Agreement.** Commissioner Kidwell made a motion to approve agreement between the State of North Carolina, Department of Health and Human Services, Division of Public Health and the Town of Huntersville for Special Appropriation to address the ocular melanoma cluster.

Commissioner Phillips seconded motion.

Commissioner Guignard said I would just personally like to thank Commissioner Kidwell for his continuous efforts on this issue.

Commissioner Kidwell said I would like to express my gratitude to Senator Tarte who took it upon himself to work this into the budget and did not say anything to us until after it was passed. This is a lot of money coming to us and it's going to be put to good use. It's going to be using the data recommended by professionals who look for different things in OM. And OM is a very difficult disease to pinpoint. There's not just one single thing that drives ocular melanoma. There are many factors. They are continuing to narrow down those factors through constant study across the United States. Using the data recommended by doctors from Thomas Jefferson University Pennsylvania, which this is one of their primary focuses, we are going to be able to work with scientists using this grant money to do some study around the area and help try to knock out some things. We may not find a cause. And there's a high probability we won't find a cause. But what we will do is gather more information and more data for those individuals that are working this problem as a whole to take in, study and say okay we've got this going on here and this going on here. I'd like to thank Senator Tarte, the Mayor and I'd like to thank the Town of Huntersville staff for beginning the process and doing all this.

Commissioner Gibbons said I guess the grant is Huntersville's money to use and we will be able to use the professionals as you say without getting pushback from other entities that don't want us to do certain things. Is CMS and the county working with us. Are they okay with whatever tests these professionals recommend and not going to get in the way of us doing that.

Mayor Aneralla said I spoke with Ann Clark about a month ago and she would welcome additional testing in the surrounding area of the school in addition to on school campus of Hopewell. However, she was encouraging us to look at other places as well, which we certainly will.

Greg Ferguson, Town Manager, said there will be a couple of other steps in the process once the grant funds are sent to the Town. You will have to recognize those in the form of a budget amendment. When that occurs there will be an opportunity to describe at that point what kind of work is being looked at and so between now and then there needs to be some conversations between Town staff, Town commissioners and Health Department officials, professionals before we go out and just start testing for stuff that we don't know about. We're working through that process trying to figure out who needs to be part of that discussion team and then get that down on paper because really we would like to have printed recommendations from the professional about how to go about doing this and there may be some disagreement and the Town ultimately might have to decide what you want to do as a Board, but we are going to try to design a process that's not just haphazard.

Motion carried unanimously.

*Agreement attached hereto as Exhibit No. 2.*

**Traffic Signal at NC 73/Norman View.** Commissioner Gibbons made a motion that Huntersville will contribute up to \$40,000 for a traffic light at Norman View, assuming that the Cornelius Planning & Engineering will plan and install the light and that when Babe Stillwell connector is completed the light could or would be moved by what's warranted by traffic.

Commissioner Phillips seconded motion.

Commissioner Bales said I would like to make a substitute motion.

Mayor Aneralla said actually we don't have substitute motions in our rules, so Commissioner Phillips did you second the motion.

Commissioner Phillips said yes.

Commissioner Bales said after some discussion with Town staff and other commissioners I think that we need to postpone a decision for the signal at NC 73 and Norman View and direct staff to work with NCDOT on a traffic signal warrant for Babe Stillwell and 73 as well as working with the county to realign Blythe Landing entrance with Babe Stillwell so that we go ahead and put the light where I believe we all know it needs to be ultimately since Babe Stillwell and Birkdale Commons Parkway should be connected by October, I think that gives us plenty of time to do the traffic signal warrant and have those discussions with NCDOT and the county.

Commissioner Guignard said I'm going to speak for the motion but with concern. Many of the numbers that we were given and of course numbers can tell us anything that the person creates those numbers wants us to hear, but many of the numbers that we were given about this intersection tell us that the incidents that have occurred there a traffic light would not have solved this. I think there's only one or two of the dozen or so situations where they say a traffic light might have solved that situation, but I must admit that I'm more in the situation at this particular moment of where Commissioner Gibbons was when we talked about this a month or so ago that part of me says don't do this, part of me says don't do this, however, sometimes we need to do what we feel in our gut needs to be done. If there's

one life that is spared because of this traffic light or one incident or one back or one foot that's not affected forever then maybe we need to put the traffic light there. I have to state that I don't see that there's any numbers that were given that make this warrantable, but sometimes we just need to do what maybe needs to be done. I do want to ask for clarification in the motion it was not mentioned. Do I remember that Cornelius was going to not only be part of the planning, but are they not contributing funds.

Commissioner Gibbons said that is my understanding. I spoke with the Assistant Town Manager and three of the five commissioners on Wednesday night at the regional meeting and they all said yes they had approved up to \$40,000 as well. When we look at this as warrantable, we have a couple of hurdles that we need to get through. I do not disagree that we need to study this traffic and what's going to happen when Babe Stillwell gets connected and the sooner we start that study I think the better. And then we have the county. The county has been working with us on certain projects but whether or not the county is going to put in that other side of the road on the west side of the road into the park or not it seems to make sense to all of us, but we don't get to make that. There are several decisions that are out of the hands of this Board, so that's why in the motion I did put that this light would be, could be moved and the timeframe of Cornelius getting on this may allow for at least the study to be done prior to its even being started on any construction.

Commissioner Boone said did your motion state that Cornelius would be in charge of all of the design and installation and the work.

Commissioner Gibbons said planning, engineering and install.

Commissioner Boone said we get a packet every time we have a meeting and there's several e-mails that came down two and three years ago and I read through them and it basically comes down to one e-mail and I am quoting from this e-mail that "While at this time we do not feel like a traffic signal is needed for a safe and efficient operation of this intersection, further analysis did indicate that one would be needed for the safe and efficient operation of this intersection in the near future." One sentence. That e-mail was written 29 months ago and I think it's time we start moving forward on this. As far as Babe Stillwell, that could happen, that could not happen, but we have to wait for the county to get involved in it, so I'm going to go ahead and support this motion for the light at Norman View.

Commissioner Guignard said if you drive out east 73 and go towards Odell School that's had a traffic light there for some years and if you come back probably less than ¼ mile you'll see where there's actually a traffic light being installed there. Some of us have lived in this town long enough to remember when Independence Boulevard had a traffic light every sometime we felt like it was every ¼ yard not every ¼ mile and we are going to end up with that same thing on 73, but so be it because I think we are just at that point, most of the commissioners at the table have spoke to that, but it will get to the point that 73 might be better for Danny's store than he realizes because it's just going to be stop and go and maybe they'll have a place to go and stop.

Motion carried 5 to 1, with Commissioner Bales opposed.

**Direct Connects Discussion.** Commissioner Gibbons said we have Interstate 77 being expanded as we speak with HOT lanes or express lanes as they are called and whether you were for those or against those that probably pretty much doesn't matter at this point, but going forward there is bonus allocation money. There's about \$77 million between two direct connect interchanges, one at Hambright Road and one at Lakeview. Lakeview is in the Charlotte jurisdiction and at the regional

meeting last week it was talked about but it wasn't the first time it has been talked about. It's been talked about for a while. Commissioner Kidwell at CRTPO has had an ongoing conversation and what it entails is that the bonus allocation funds are for the towns that are affected or enhanced by the express lanes to use for other projects along that corridor and we feel like there was a map drawn with projects on it. There's dollar amounts for those projects. They are projects that are on the current TIP just not in the money and if we were to take those bonus allocation dollars and put them towards those projects and alleviate some congestion along 21 and 115, I think that would have a much bigger impact to the citizenry of Huntersville and those in the future. Trucks can't use the HOT lanes so the direct connects and they are really not a factor. Only the people that have chosen to use the HOT lanes will be able to use them and when they do get off they are going to dump into 21, 115. That's a proposal that we talked about. I think it's open for discussion. We had some discussion earlier today about just the value of the bridge itself that's being built for the HOT lanes, but the future of what that bridge connects to is a long way down the road. So whether that's something that we need to have in place now or not, again that should be part of this discussion as well.

Commissioner Kidwell said Commissioner Gibbons spoke about we had some communications at CRTPO with Vi Lyles. She is the Vice Chair down there. She's also the City of Charlotte representative. I spoke with Vi today and she just got back from D.C. She's going back to D.C. this week to speak with some ranking members of the Federal Highway Administration and some members under the Secretary of Transportation to discuss finding more funds for this region for those arterial roads 115 and 21. I spoke with her about 30 minutes today and told her that we have had this discussion on direct connects and that the majority of the Board on the Town of Huntersville feel that bonus allocation money could be used elsewhere. We would appreciate her support. But she is doing her due diligence as well to help us find other funds in case we're unable to use those bonus allocation dollars.

Commissioner Boone said can we get Bill Coxe to get into this conversation. Can you tell me why the direct connect at Hambright Road is a key part of this. You've supported this Hambright Road direct connect. Can you tell me why you are supporting it?

Bill Coxe, Transportation Planner, said this would be a lengthy explanation that might be appropriate to have in a work session with the Board.

Commissioner Boone said can you just give me three or four highlights.

Mr. Coxe said the only way to avoid working your way across general purpose lanes is to have direct connections to and from the managed lanes. When those were initially discussed about four years ago, the state agreed to put it in as an option, so that would drive up the cost of the project and obviously no one included that option in their proposal. Then the bonus allocation dollars materialized and CRTPO was looking to the technical staff to recommend how to use those monies and it became evident that if you were to ever get connections at Lakeview and at Hambright you should do those as part of the current project, because in order to create those connections you have to spread apart the interstate. Can you do that now or else in the future it will be prohibitively expensive to do. In fact when we started this process the concept was to put one at Stumptown Road and that was where CRTPO was going to put it and the contractor convinced us that could be done at a later time and if you ever wanted to do Hambright and Lakeview, you do them now. There are other ways that you can fund improvements to 115 and 21, but for the people that are going to use these lanes over the next 15 years now is the time to put them in and so CRTPO made the judgment that they would put them in now with the bonus allocation dollars.

Commissioner Boone said so the bridge at Hambright would be a four lane bridge.

Mr. Coxe said actually it would be a five lane bridge.

Commissioner Boone said it would be a five lane bridge and if you were going east on that five lane bridge towards 115 that will dump into 115 at a T turn, what's on the other side of that road in the future.

Mr. Coxe said the goal long-term is for Hambright Road to be a multi-lane roadway all the way from the 485 interchange at Prosperity Church Road crossing Eastfield Road through Bryton where it's already been constructed as a four-lane median divided all the way across 115, 21, 77 and all the way to Huntersville-Mt. Holly Road. At that point it would probably transition to being a two lane road, so you would have the economic development centers at the south end of The Park and at what the Town has been working with to create on Huntersville-Mt. Holly Road and Bryton to be able to be served by that multi-lane roadway and that bridge.

Commissioner Boone said so we are developing all this area around Hambright Road but trucks cannot get in and out of 77 at all.

Mr. Coxe said at that point they could not. You would not be able to build a general purpose interchange at that location with the ramps on the outside because of the proximity to the 485 interchange, so if we are to have an interchange at Hambright it has to be a direct connection interchange.

Mayor Aneralla said I think where we are as a Board in talking last week, we know there's this process that's been going on for a couple of years now. And most of us were not necessarily happy with toll lanes and we're trying to make the best of the situation that we are in. We know there are two big hurdles if any bonus allocation money would be re-directed, you have to go to the CRTPO to change their mind, which is really Charlotte, and legislatively there's some time constraint put on bonus allocation money of 5 years. Now I think what we are looking to do if I can paraphrase what Commissioner Gibbons said is to at least be open to a discussion should there be a possibility of those two things changing and allocating that money towards a 21 widening say south of Gilead and I don't know what that cost is off the top of my head. So I think that's really what our discussion is about tonight and I just wanted to make sure we are clarified.

Commissioner Guignard said the 5 years.....is that money to be spent in 5 years. Does anybody understand, when does that 5 years stop and am I correct that probably the first 18 months of that 5 years has already come and gone.

Mr. Coxe said 5 years stops on June 30, 2020.

Commissioner Guignard said so that's a little over 3 years from now.

Mr. Coxe said the term in the legislation is that the money must be appropriated to the use by that point in time. Appropriation has a very distinct definition under federal rules and essentially to appropriate money to construction which is I think what the Board is describing, you first have to have had a planning document performed for the project on which you want the money appropriated. That document has to be performed and signed. Then you have to go through design. Then you have to go through right-of-way acquisition if whatever right-of-way acquisition is necessary, that right-of-way



acquisition must be certified as having been done properly and completed. You have to then have documents prepared with an engineer's estimate and final plans. Those have to be then approved by the Federal Highway Administration for construction. That's the point at which the dollars are authorized for construction. Those other two steps are crucial to that final phase.

Commissioner Guignard said I've been talking about Highway 21 and four lanes since 1972 when I came home from college and found my father was not using 120' of land out in his front yard and that's that right-of-way down there. That's probably four decades ago. It doesn't sound to me like against all my wishes that what you just described if we had the authority to do it could be done in the next 3 years. All those things that you just talked about I'll bet you take 3 or 4 years to do and then you've got to get a signature. I didn't say that I didn't won't Highway 21 four laned. I would not even elude to the fact that I wouldn't want Highway 21 four laned. But from what you just described it sounds like the slow moving COG.

Mr. Coxe said it would be an extraordinary rate of speed for it to be accomplished in that period of time.

Commissioner Phillips said how much of that has already been designed for widening. I know that we have it out here at the Gilead Road interchange and how far down does that go.

Mr. Coxe said basically to Huntersville Ford.

Commissioner Phillips said I was thinking it was further on down that had already been designed.

Mr. Coxe said there were plans drawn in 1956 for the construction of US 21 all the way from Charlotte to maybe Elkin at that point and the two lanes that are constructed under those plans are built on one side of the right-of-way. But to use the bonus allocation money that you all are talking about using, the work done has to basically start anew. What was done in 1956 is no longer valid.

Commissioner Phillips said what other projects do we have in Huntersville that would be shovel ready to use those funds under bonus allocation.

Mr. Coxe said none.

Commissioner Phillips said why don't we.

Mr. Coxe said because the Charlotte Regional Transportation Planning Organization selected a group of projects and directed staff to move forward with that group of projects and that's what we've been doing.

Commissioner Phillips said so you've been our Town Planner for how many years now and we continuously never have shovel ready projects ready for design other than a line on the map.

Mr. Coxe said we are moving forward as fast as we can with the list of projects that CRTPO recommended for the use of these dollars.

## **CONSENT AGENDA**

**Approval of Minutes.** Commissioner Guignard made a motion to approve the minutes of the July 18, 2016 Regular Town Board Meeting. Commissioner Bales seconded motion. Motion carried unanimously.

**Budget Amendment – Police.** Commissioner Guignard made a motion to approve budget amendment recognizing insurance revenue in the amount of \$811.81 and appropriate to the Police Department's insurance account. Commissioner Bales seconded motion. Motion carried unanimously.

**Call for Public Hearing.** Commissioner Guignard made a motion to call a public hearing for Monday, September 19, 2016 at 6:30 p.m. at Huntersville Town Hall on Petition #ANNEX16-02, a request by NVR Asbury Chapel to annex 76.139 acres (non-contiguous) into the Town of Huntersville. Commissioner Bales seconded motion. Motion carried unanimously.

## **CLOSING COMMENTS**

Mayor Aneralla reminded everyone of the Mayor's lunch tomorrow.

There being no further business, the meeting was adjourned.

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.