

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 5, 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 5:15 p.m. on December 5, 2016.

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

Commissioner Bales made a motion to go into closed session for consultation with attorney. Commissioner Guignard seconded motion. Motion carried 4-0.

Upon return from closed session, the Board met with applicants for the Parks & Recreation Commission and the Greenway, Trail & Bikeway Commission.

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 December 5, 2016.

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

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 Metropolitan Transit Commission will not meet in December.
- A groundbreaking will be held tomorrow for Pactiv expansion in Commerce Station.
- Commended staff and volunteers for a successful A Huntersville Christmas event.

Commissioner Bales

- The Lake Norman EDC has 13 active projects in Huntersville.
- Commended staff and volunteers for a successful A Huntersville Christmas event.

Commissioner Boone

- The burning ban has been lifted.
- The Huntersville Police Department and the FBI have concluded a major joint investigation that resulted in a 60 month prison sentence for a former headmaster of an area school and its affiliated church.
- The Huntersville Police Department in conjunction with the Marine Corps League is collecting food for the Helping Hands for the Holiday project.

Commissioner Guignard

- The next Centralina Council of Governments meeting is in January.
- The Planning Coordinating Committee has not scheduled their next meeting.
- Commended staff and volunteers for a successful A Huntersville Christmas event.
- Expressed appreciation to applicants who applied for vacancies on advisory boards.

Commissioner Kidwell

- Commended staff and volunteers for a successful A Huntersville Christmas event.
- The Charlotte Regional Transportation Planning Organization will not meet in December. At the November meeting there was a discussion on a survey that was taking place that involved only four elected and one former elected delegate in regards to how bonus allocation money is spent. My biggest issue with it is you have five people from a board of over thirty deciding on how the rest of the Charlotte region would handle bonus allocation going forward. I spoke out against it and they agreed to keep the survey open and extend it to all delegates.
- The next meeting of the Olde Huntersville Historic Society is December 7.
- Encouraged everyone to turn their cell phones off while they are driving so it is not a distraction.

Commissioner Phillips

- The 6th Annual Huntersville Half Marathon Holiday 5k will be held December 10 at Birkdale Village.
- Ray Evernham's 4th Annual Americarna car show was held November 26 in Davidson.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

BeeJay Caldwell, 14521 New Haven Drive, said I just want to thank you for giving me the privilege to speak before the Board in July, August, September, October and November and I appreciate your listening to me and I'm just saying tonight thank you very much. I appreciate you and what you do.

AGENDA CHANGES

Commissioner Guignard made a motion to adopt the agenda.

Commissioner Phillips seconded motion.

Motion carried 5-0.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Hal Bankirer.

Petition #R16-10. Mayor Aneralla called to order public hearing on Petition #R16-10, a request by MI Homes of Charlotte, LLC to rezone approximately 50.337 acres located south of Ramah Church Road and west of Ewart Road from Transitional Residential to Neighborhood Residential – Conditional District.

David Peete, Principal Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 1.*

Mr. Peete noted that on the second page of the Staff Report it indicates that the project will be done in one phase, however the applicant plans to develop it in several phases.

Commissioner Guignard asked a question concerning connectivity. Mr. Peete stated that the technical analysis of the site plan says that the connectivity that's being offered is satisfying the goals of the Town.

Commissioner Boone asked a question concerning the location of driveways of two houses on the north side of Ramah Church Road.

Mr. Peete stated that he would have to get back to the Board.

Susan Irvin addressed the Board representing MI Homes. Ms. Irvin reviewed the benefits of the proposed plan.

- Sense of Community
- Smaller lots allow more common open space
- 26.5 acres of open space in 50.33 acre project
- 53% open space means 6.5 additional acres of open space (vs. 10-20 acres with TR)
- Community garden and other amenities being considered in common open space
- Conditional zoning includes dedication (of land or easement) for future public greenway along western boundary
- Buffers comparable to TR zoning – 80' undisturbed buffer along Ewart Road and 72' buffer along Ramah Church Road
- Smaller lots allow additional common open space from buffers to lots and within blocks as shown on plan
- Slightly higher density allows quality home
- Sizes – 2,400 sq. ft. – 3,500 sq. ft.
- Estimated purchase price - \$325,000 - \$450,000
- Dedication to quality workmanship, 15 year foundation warranty, still managed by founding family
- Likely 2 – 3 phase build-out

Transportation improvements include:

- TIA compliance
- Dedication of additional right-of-way for Ramah Church Road and Ewart Road

- Left-turn lane with 100' of storage provided on Ramah Church Road at the site entrance at request of Town

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

Petition #TA16-07. Mayor Aneralla called to order public hearing on Petition #TA16-07, a request by LStar Management, LLC to amend Article 3.2.2(d) Transitional Residential district to reduce lot size, width and side yard setbacks.

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

The Land Development Ordinances Advisory Board recommended approval by a 5-2 vote. Mr. Simoneau explained that the LDOAB raised concerns that they wouldn't have a variety of lot sizes and that the smaller lots might be next to larger lots. Staff believes the ordinance already has the flexibility to encourage larger lots next to adjoining larger lots.

Commissioner Kidwell expressed concern with the 5' side yard setback.

Mr. Simoneau said at the minimum it would be 10' between houses. It will be all detached single-family lots, but there won't be any more units per acre.

Commissioner Kidwell said I understand that we currently have that for high density, but we are talking about Transitional Residential where the whole plan is as we go out it starts spreading out and if we start changing the Transitional to start mimicking the high density area that we have downtown towards the Rural areas, soon it's going to compound and the next thing you know we are going to have higher and higher densities out that way as well.

Mr. Simoneau said Monteith Park has a 5' setback and the open space is little pockets of open space. The difference between a development there with the 5' setback and a development in Transitional is instead of little pockets of open space you would have at least 40 percent of the land that would be open space.

Scott Munday, LStar Communities, said we are not seeking higher density. The text amendment is seeking planning flexibility to target multiple buyer segments and what that translates into is increase absorption, quicker sell out and on a long-term basis better re-sell prospects for the homeowners, so you have those economic benefits that are a result of the text amendment. Also, as we target multiple buyer segments and you have folks living in the neighborhood that are young families and mature families and retirees, you have the social vitality. Under the current criteria within the zoning a developer only has a large lot segment. The text amendment seeks to accomplish a lower average and opportunity for smaller lot widths. There are environmental benefits. There is not more density, there's just simply more open space.

Commissioner Bales said when you are reducing these lot sizes are you utilizing alleyways for parking. What does parking then look like.

Mr. Munday said there is no plan for alleys in this concept. There would be no lots smaller than the 50' lots and alleys would not be a requirement of that.

Mr. Simoneau said when lots are over 60' wide we generally don't require on-street parking. When lots get less than 60' wide, the ordinance recommends on-street parking. In the event that there is a number of homes that were between the 51' and 59' range in that area we would be looking for a street that's 27' wide – 20' wide for the traffic plus another 7' for on-street parking. If the product they have does allow just over 50' lots where those lots are at we would be looking for a little extra width for the street so that there could be on-street parking in those particular areas.

Commissioner Bales said my concern would be driveway next to driveway. With a 5' side yard setback, there's not a whole lot of space there for parking.

Mr. Simoneau said the house has to be at least 5' from the property line. If you have a garage, which these will, that might be on the edge but then there will be probably another foot before the door starts so that means then that the driveways will probably be at a minimum at least 12' apart assuming that the two buildings are built at the 5' setback. If the minimum lot size went up from 50' and got up into the 60' range then maybe you have a little bit more room to play around with in setback.

Commissioner Guignard said you said 27' wide for the road to allow on-street parking, is that just for parking on one side.

Mr. Simoneau said the way we have it now is you park on one side of the street. If somebody wants to they could park on two sides of the street if they think it's necessary. The key is if your garage is up close to the property line, then you can't have many cars in the driveway but as you know we just changed our rule and the driveway has to be at least 20' deep, so if you think about it there could be a two car garage, the driveway be 20', and if it's a two car garage then it would be at least 16' wide so you get two cars there. At the 27' wide street, which we have quite a number of them, it would be parking on one side of the street.

Commissioner Guignard said that's what I'm saying, the 27' allows parking on one side and still two-way traffic.

Mr. Simoneau said you can drive by lots that are over 60' wide, 20' wide asphalt and there's frequent on-street parking. I have had people complain to me that they have to weave in and out of these cars because when you have a car parked on a 20' wide street you've got to let one go.....it slows it down. The point is it does slow the traffic down, so if you have parking on two sides as long as a car can weave through, as long as you've got 20' of space to get through, it all works out. We don't have problems except where you've got townhomes and that's where the on-street parking really starts to come into play on two sides of the street.

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

OTHER BUSINESS

Petition #TA16-05. Petition #TA16-05 is a request by Mike Clapp to amend Article 3.2.10 of the Huntersville Zoning Ordinance to add Indoor Recreation uses as a use permitted by right in the Special Purpose zoning district.

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 3.*

Commissioner Boone made a motion to approve Petition #TA16-05 to amend Article 3.2.10 of the Huntersville Zoning Ordinance based on the amendment being consistent with Policy ED-1 and ED-17 of the 2030 Community Plan. It is reasonable to amend because indoor recreational uses are similar to uses already allowed in the Special Purpose district and there is no foreseeable negative impact on the environment.

Commissioner Phillips seconded motion.

Motion carried 5-0.

Petition #TA16-06. Petition #TA16-06 is a request by Susan Lurz to amend Article 12.2.1 of the Huntersville Zoning Ordinance to modify the Farm, Bona Fide definition.

Meredith Nesbitt, Planner I, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 4.*

Commissioner Boone made a motion to approve Petition #TA16-06 to amend Article 12.2.1 as being consistent with the 2030 Community Plan and Policy E-1 and E-16. The amendment is reasonable and in the public interest to amend the zoning ordinance due to the educational opportunities it will provide and the physical activity to improve health and mental health development.

Commissioner Guignard seconded motion.

Motion carried 5-0.

Petition #TA16-08. Petition #TA16-08 is a request by the Town of Huntersville to amend Article 8.26.4 of the Huntersville Zoning Ordinance to exempt the lighting of official public civic monuments from lighting standards.

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 #TA16-08 to amend Article 8.26.4 of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with the 2030 Community Plan Policies DT-2 Architectural Design Standards and DT-6 Parks and Recreation.

Commissioner Guignard seconded motion.

Commissioner Boone requested Policies E-2, CD-6 and PF-1 be added to the motion.

Commissioner Kidwell amended his motion to include Policies E-2, CD-6 and PF-1.

Commissioner Guignard seconded amended motion.

Motion carried 5-0.

Engineering Design Agreement – Main Street Improvements Project. Commissioner Boone made a motion to recuse Commissioner Guignard.

Commissioner Bales seconded motion.

Motion carried 3 to 1, with Commissioner Kidwell opposed.

Max Buchanan, Public Works Director/Town Engineer, explained that the agreement is for the actual engineering design services for the Main Street Improvements Project in the amount of \$736,932.81. There was a slight error in Article 7.5.2. It referred originally to the intersection of Main Street and Ramah Church Road. That has been corrected to be NC 115 and Ramah Church Road. The agreement includes the entire project, not just the north side.

Commissioner Kidwell said this is a tremendous undertaking. The magnitude of this project is not just like we're putting down a road. It is involving over 150 properties. Lots of research and lots of investigation has to be done. On one page there's language that says closing down the streets to make this happen, but it also says it's still going to supply access to those businesses. Main Street being closed down is not a given.

Mr. Buchanan said that's correct. One of the theories is that the traffic control plan as part of the constructability plan is to can we gain benefit and have an option to close Main Street in certain sections as we construct instead of trying to construct it under live traffic if (1) we continue to provide access to all the properties along that section and (2) we have a viable detour. Generally if you can close a road you can get it completed in a lot quicker timeframe and for less money.

Commissioner Kidwell said the timeline on this is 3 years before we begin construction. This is for the planning and engineering phase of what properties are going to be affected, how are we going to build it and everything like that. We don't even bid it out for construction until November 2019.

Mr. Buchanan said that's the current timeline, which has a little bit of conservatism built in because we are assuming about a year to 15 months to acquire right-of-way where not a lot gets done other than the acquisition of right-of-way.

Commissioner Kidwell said I think that's important and I'm sure my fellow Board members have read it and I think it's important for the citizens to know that we are trying to move as fast as we can on a lot of projects but we get held up with right-of-way acquisitions, engineering, utility movements, things like that.

Mr. Buchanan said the right-of-way acquisition and coordinating with the railroad to get their approval are potential hurdles that could slow the schedule down.

Mayor Aneralla said coordinating with bonus allocation has to happen within a certain period of time.

Mr. Buchanan said I think the language is the bonus allocation has to be encumbered or committed, not completed. We're satisfying that timeframe with our schedule as proposed.

Commissioner Phillips said how much money have we already put towards this.

Mr. Buchanan said we awarded the planning phase which is just coming to a completion about \$280,000 and then about a month ago \$37,000 to pay the railroad to do the review for our design.

Commissioner Phillips said and didn't we approve approximately \$800,000 last year.

Mr. Buchanan said not for this project. You have about \$800,000 for the US 21/Gilead project. For this Main Street project you've got \$280,000 for the planning, \$37,000 for the railroad to review and then this is the design element which is \$736,000, which is total about \$1 – 1.1 million, which is consistent if you estimate \$10 million that would be about 10-15 percent for the permitting and design.

Commissioner Bales made a motion to authorize the Town Manager to execute the Professional Services Agreement for the engineering design (Phase II) of Main Street Improvements Project.

Commissioner Boone seconded motion.

Motion carried 3 to 1, with Commissioner Phillips opposed.

Commissioner Boone made a motion to bring Commissioner Guignard back.

Commissioner Kidwell seconded motion.

Motion carried 4-0.

CONSENT AGENDA

Approval of Minutes – November 7. Commissioner Guignard made a motion to approve the minutes of the November 7, 2016 Regular Town Board Meeting. Commissioner Boone seconded motion. Motion carried 5-0.

Approval of Minutes – November 21. Commissioner Guignard made a motion to approve the minutes of the November 21 Regular Town Board Meeting. Commissioner Boone seconded motion. Motion carried 5-0.

Budget Amendment – Parks & Recreation. Commissioner Guignard made a motion to approve budget amendment appropriating Sponsorship revenue in the amount of \$31,595 to the Downtown Festival account. Commissioner Boone seconded motion. Motion carried 5-0.

Budget Amendment – Police. Commissioner Guignard made a motion to approve budget amendment appropriating Police Restricted Donation revenue in the amount of \$3,750 to the Police Department's Crime Prevention budget. Commissioner Boone seconded motion. Motion carried 5-0.

Budget Amendment – HFFA. Commissioner Guignard made a motion to approve budget amendment appropriating estimated revenue of \$3,200 for Massage Services and \$12,000 for Novant Training to be used for associated expenses. Commissioner Boone seconded motion. Motion carried 5-0.

Call for Public Hearing – Petition #R16-11. Commissioner Guignard made a motion to call a public hearing for Tuesday, January 17, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R16-11, a request by Shawn Schreiner to rezone Parcel 01313108 (+/- 8.52 acres) from Rural to Neighborhood Residential District. Commissioner Boone seconded motion. Motion carried 5-0.

Call for Public Hearing – Petition #TA16-06. Commissioner Guignard made a motion to call a public hearing for Tuesday, January 17, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #TA16-06, a request by the Huntersville Land Development Ordinances Advisory Board to amend Article 6 of the Huntersville Zoning Ordinance to modify landscaping of parking lot requirements. Commissioner Boone seconded motion. Motion carried 5-0.

Write-off of Electric Uncollected Final Accounts. Commissioner Guignard made a motion to approve the write-off of electric uncollected final accounts in the amount of \$18,460.30. Commissioner Boone seconded motion. Motion carried 5-0.

Award Bid – Commerce Station Substation. Commissioner Guignard made a motion to award bids for Commerce Station substation power transformer and steel transmission poles. Commissioner Boone seconded motion. Motion carried 5-0.

CLOSING COMMENTS

Mayor Aneralla noted it is the one year anniversary that the Board has been in office.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2016.