

**TOWN OF HUNTERSVILLE  
REGULAR TOWN BOARD MEETING  
MINUTES**

**November 2, 2015  
6:30 p.m. – Town Hall**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on November 2, 2015.

GOVERNING BODY MEMBERS PRESENT: Mayor Jill Swain; Commissioners Melinda Bales, Ron Julian, Rob Kidwell, Sarah McAulay, Jeff Neely and Danny Phillips.

Mayor Swain called for a moment of silence.

Mayor Swain led the Pledge of Allegiance.

**MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS**

Mayor Swain – No Report. Encouraged everyone to vote tomorrow.

Commissioner Bales

- The next meeting of the Lake Norman Transportation Commission is November 12 in Mooresville.
- The Lake Norman Education Collaborative is working with the Lake Norman Chamber and the Lake Norman EDC in partnering with local tourism and hospitality businesses to create a career readiness speed dating event at Hopewell High School for their Hospitality and Tourism Academy.

Commissioner Julian – No Report.

Commissioner Kidwell

- The next meeting of the Olde Huntersville Historic Society is November 4.
- There will be an Oyster Roast at Rural Hill on November 15.
- On November 18 Helping Others Help Themselves (H.O.H.T.) welcomes special speaker Michael Catlow. The topic will be "Perfecting the Elevator Speech."

Commissioner McAulay

- The next meeting of Centralina Council of Governments is November 11.
- The next meeting of the Charlotte Regional Transportation Planning Organization is November 18.
- NCDOT will hold public meetings on November 17 and 19 regarding the re-balloting for the proposed noise walls for the I-77 express lanes project in Iredell and Mecklenburg Counties.

Commissioner Neely

- Visit Lake Norman hosted the Top Gun Softball Winter World Series last weekend, with forty-two youth softball teams from four states participating.

- The Lake Norman Chamber was recognized as the 2015 Chamber of Commerce of the year for chambers over 700 members in North and South Carolina by the Carolinas Association of Chambers of Commerce Executives. The award will be presented on November 16 at the Port City Club. A Chamber Business Mixer will be held this Thursday at Spare Time. The Huntersville Police Department will present a presentation on Cyber Crime on November 20. The Chamber Elected Officials Luncheon is November 19.

Commissioner Phillips

- No Report. Encouraged everyone to shop local.

Greg Ferguson, Town Manager, noted Town Offices will be closed for Veterans Day on November 11.

### **PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS**

Mayor Swain presented proclamation proclaiming November 13, 2015 as World Pancreatic Cancer Day to Kara Helf.

#### **Town of Huntersville Proclamation**

**WHEREAS**, in 2015 an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and 40,560 will die from the disease; and

**WHEREAS**, pancreatic cancer is one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States and is projected to become the second leading cause by 2020; and

**WHEREAS**, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just seven percent; and

**WHEREAS**, when symptoms of pancreatic cancer present themselves it is generally in later stages and 73 percent of pancreatic cancer patients die within the first year of their diagnosis, while 93 percent of pancreatic cancer patients die within the first five years; and

**WHEREAS**, approximately 1,200 deaths will occur in North Carolina in 2015; and

**WHEREAS**, pancreatic cancer is the seventh most common cause of cancer-related death in men and women across the world; and

**WHEREAS**, there will be an estimated 367,000 new pancreatic cancer cases diagnosed globally in 2015; and

**WHEREAS**, the good health and well-being of the residents of the Town of Huntersville are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

**NOW, THEREFORE**, I, Jill Swain, Mayor of the Town of Huntersville, do hereby proclaim November 13, 2015 as ***“World Pancreatic Cancer Day”*** in the Town of Huntersville.

**IN WITNESS WHEREOF**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 2<sup>nd</sup> day of November, 2015.

Mayor Swain recognized Jeff Porter and Rachel Myers with Our Towns Habitat for Humanity. Our Towns Habitat for Humanity and the Town of Huntersville received an award from the North Carolina Housing Finance Agency for Norman Park.

Jeff Porter, Our Towns Habitat for Humanity, said I want to thank especially Bobby Williams. If it hadn't been for him Norman Park would still just be an empty piece of land. Back in 2009 Norman Park had been lying fallow for 50 years. Fifty years prior to that the piece of property had been bought up, divided into individual parcels, those parcels had been sold off and then the developer left. No one could develop it, roads were not made and it was literally as I said to one person Humpty Dumpty and was just sitting there waiting to be put back together again for 50 years. Rachel Myers our Associate Executive Director worked with Bobby Williams in order to get the funding necessary to put in the roads and the infrastructure in order to build Norman Park. Today 16 families live in quality affordable housing. They built a neighborhood with surrounding neighbors and they are thriving with their children, their grandchildren. Just this last Saturday night you could see children walking up and down this new neighborhood trick or treating from door to door with neighbors they already knew because they had helped each other build those homes one at a time. Today they are proud as citizens of Huntersville and they are proud to know that each year they contribute \$15,000 back to Huntersville in property taxes. If the land had been left undeveloped it would only generate \$300 a year. So they feel like they are part of a new community. So on behalf of Our Towns Habitat for Humanity I want to especially thank Bobby Williams and the Town of Huntersville for having the vision and the wherewithal to see this project through.

#### **AGENDA CHANGES**

Commissioner McAulay made a motion to move Item B (Consider adopting Capital Project Ordinance for the upgrade of Main Street) to the first item under Other Business and add Item C Under Other Business – Consider awarding bid for the installation of the Dectron Units to SMS and authorize Town Manager to negotiate contract to complete installation of the Dectron Units for the 50 meter and 25 yard pool.

Commissioner Neely seconded motion.

Motion carried unanimously.

#### **PUBLIC HEARINGS**

None

#### **OTHER BUSINESS**

**Capital Project Ordinance.** Commissioner Julian made a motion to adopt Capital Project Ordinance for the upgrade of Main Street.

Commissioner McAulay seconded motion.

Commissioner Phillips said on this item here it's \$9 million from 2016 bond proceeds and then we have the bonus allocation from CRTPO. Now this bonus allocation, does this have something to do with the HOT lanes.

Commissioner McAulay said it is part of the contract that was signed May 20, 2015 by the State of North Carolina DOT and the Town of Huntersville does receive an allocation of bonus allocation and \$5 million of it is designated to go to the Main Street project. Now I will anticipate your next question, because I checked on this today to be sure that I was right with an expert in it and second only to Bill Coxe, it was not Bill Coxe, this money.....there's a contract signed. This project is in the State Transportation

Improvement Plan. It's approved. The payback, normally on contracts like this with the state and other agencies, the town upfronts the money and applies for reimbursements. The reimbursement is by the State of North Carolina. The bonus money comes from the State of North Carolina, not the managed partners in it.

Commissioner Phillips said my question is, with the lawsuit that is out there pending and it won't be resolved until sometime in January. I think the date that they are posting up right now is January 8. Wouldn't we be putting our chickens before they hatch in order to see, or is the state on the hook win or lose. I was going to make a motion to postpone this vote until after the lawsuit or basically to the second meeting in January.

Commissioner McAulay said there is a signed contract and what I think.....I do hear that there's a lawsuit, I'm not quite sure who are the partners in it but I would think that they would have to pay for any lawsuits that had been incurred because of the lawsuit.

Commissioner Kidwell said can we ask Mr. Bill Coxe about.....and I prepped him because I asked this question earlier, so he's prepared. In regards to the bonus allocation money and the state and them being locked into it for us, we were discussing that.....and Commissioner McAulay brought it up where the money is coming from the state and Commissioner Phillips asked if we are guaranteed that money since the contract has been signed and we were discussing that earlier. Since the contract is signed and they say we are getting this, is the state locked in to providing that \$5 million to the Town of Huntersville if something should happen to where this project ceases.

Bill Coxe, Transportation Planner, said you are asking me to render a legal opinion that I am not qualified to render. I am absolutely not qualified to speculate on the outcome of a lawsuit. I can say that bonus allocation funds are designated by the General Assembly to come as a result of any project in North Carolina where the local governments or the regional transportation planning entities in this case accept tolling as an element for a project and the dollars are based on the amount of money that is borrowed and guaranteed with toll revenues for construction of the project.

Greg Ferguson, Town Manager, said I would echo what Bill said which is it is state law.

Commissioner Phillips said the next question I have is what are the implications should we pass this and then this money don't come. What is it going to be costing the taxpayer. Are we on the hook.

Mr. Ferguson said it would be actually the project that was approved by the voters in 2012 because this project was funded with GO funds to the tune of about \$12 million in the 2012 project list.....so it would fall back on Huntersville taxpayers to make up the difference versus right now state taxpayers are helping to shoulder the burden of a project that goes through downtown Huntersville.

Commissioner Phillips said but we also have monies out of the same bonds that goes to Gilead Road and 21.

Mr. Ferguson said there's additional funds that go underneath 77 for the extension of the greenway for the future. So that's a \$6 million project that is also funded in a like manner although that will not be constructed by the town likely.....it will be likely constructed by NCDOT or others during the construction process over 77.

Commissioner Neely said remembering back to the bond issue from 2012 specifically the two-way pair was called out in that bond issue if I remember correctly and the voters by an overwhelming more than two-thirds approved the money for this and then after the fact part of the 77 growth some bonus money grew out of that which helped the taxpayers and the Town of Huntersville because it stretched our money, but the original commitment when we asked for the bond money was for the two-way pair and it was spelled out and I believe the original money also stated that Gilead and 21 needed to be repaired. So the voters have spoken. They said overwhelmingly calling out those two items and laying out I believe over \$18 million for transportation, that's where they wanted to see the money allocated. The fact that the state has come back and said we like you and we are going to give you \$14.5 million has nothing to do with the fact that the voters have already said and approved the bond money for these two issues.

Commissioner Julian said I think I was going to reiterate some of the same things I've heard here. First of all at least in my opinion the managed lanes is a done thing. It was approved by the state. It was voted on. It's a done deal. There's a \$100 million penalty to back out.....no one, the state nor the town nor Vince nor anyone is going to shoulder that \$100 million. Now, whether you like it or not, the managed lanes are coming. Now on the flip side of this the two-way pair and revitalization of the downtown, this has been planned for six years. Voters did vote on that bond referendum. Whether bonus money is paying for it or the town's paying for it, the voters want the two-way pair fixed, they want the downtown revitalized and they want other road improvements – Exit 23 fixed. It doesn't matter who's paying for it, voters won't stand for their roads not to be fixed and as I go on here these are my opinions that deal with the bonus allocation money. After the managed lanes were voted on and approved by the state legislature, we have a commissioner, Sarah McAulay, who was smart and fought for Huntersville and Huntersville roads to bring back as much of that bonus allocation money as she can to Huntersville. Sorry Cornelius, sorry Davidson, Pineville and any other area – Huntersville is where I represent, Huntersville is where that money is coming. As far as the lawsuit, it's a frivolous I believe non-point that state law says this bonus money is coming so if for some unforeseen reason the state goes bankrupt or it goes away then I still think the voters want these road improvements and they want it fixed. They voted on this some years ago. That's my statement and I plan on supporting the two-way pair and road improvements for Huntersville.

Commissioner McAulay said I want you to look at the Capital Project Ordinance that we are being asked to pass. Now it talks about construction, the appropriation be for construction, utility relocation, purchase of right-of-way, landscaping, etc. Now I do not recall signing a contract for construction for the actual construction on the road. We signed a contract for the design of the work, the preliminary work. But I do not see any bulldozers out there tearing up pavement. I don't think they are going to be ready in the next two months. Landscape – I don't think we are doing any landscaping out there right now. We might be unlandscaping because of just riding around trying to survey on it but we are not doing that. What we are doing is preparing to do all of these things. We already have bought or are authorized either in the public or in closed session having the Town Manager work on properties, the right-of-way, to be purchased. What we are trying to establish is a means of actually using any funds that will come to us taking the necessary steps that either come through the bond sales, allocation from the state DOT or a bonus allocation. We are laying the ground work so that the actual funding of anything that we do now or did sixty days prior to now would not come out of our general fund and our taxpayer funds, it would be out of capital. That's what the capital ordinance is for and that's what my motion is.

Mayor Swain said it would seem to me that when we talk about buying local, this is an opportunity to get help for our local vendors and businesses too because it offloads the traffic and the citizens did want this.

Mayor Swain called for the vote to adopt Capital Project Ordinance.

Motion carried 5 to 1, with Commissioner Phillips opposed.

**Reimbursement Resolution.** Commissioner McAulay made a motion to adopt resolution declaring the intent of the Town of Huntersville to reimburse itself for capital expenditures incurred in connection with improvements to Main Street and the acquisition of rights-of-way therefor from the proceeds of certain tax-exempt obligations to be issued during Fiscal Year 2016.

Commissioner Neely seconded motion.

Motion carried unanimously.

**Award Bid for Dectron Units.** Commissioner Kidwell made a motion to award bid for the installation of the Dectron Units to SMS and authorize Town Manager to negotiate contract to complete installation of the Dectron Units for the 50 meter and 25 yard pool.

Commissioner Julian seconded motion.

Motion carried unanimously.

#### **CONSENT AGENDA**

**Approval of Minutes – October 19 Pre-meeting.** Commissioner McAulay made a motion to approve the minutes of the October 19, 2015 Town Board Pre-meeting. Commissioner Neely seconded motion. Motion carried unanimously.

**Approval of Minutes – October 19 Regular Meeting.** Commissioner McAulay made a motion to approve the minutes of the October 19, 2015 Regular Town Board Meeting. Commissioner Neely seconded motion. Motion carried unanimously.

**Write-off Uncollected Final Electric Accounts – Fiscal Year 2012.** Commissioner McAulay made a motion to approve the write-off of electric uncollected final accounts in the amount of \$24,939.93 for Fiscal Year 2012. Commissioner Neely seconded motion. Motion carried unanimously.

**Budget Amendment – Parks & Recreation.** Commissioner McAulay made a motion to approve budget amendment appropriating Sponsorship revenue in the amount of \$10,000 to the Downtown Festival account. Commissioner Neely seconded motion. Motion carried unanimously.

**Call a Public Hearing – Petition #TA15-05.** Commissioner McAulay made a motion to call a public hearing for Monday, December 7, 2015 at 6:30 p.m. at Huntersville Town Hall on Petition #TA15-05, a request by Primal Brewery to amend Article 3.2.10(a) of the Zoning Ordinance to allow temporary mobile food sales as a use permitted with conditions in the Special Purpose zoning district. Commissioner Neely seconded motion. Motion carried unanimously.

**CLOSING COMMENTS**

Commissioner Julian said I was going to thank this Board for their support of what the residents want. I will be at future meetings – that chair right down there, I want to see if the Board will allocate that to me on a permanent basis as far as looking this way.

There being no further business, the meeting was adjourned.

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

DRAFT