

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**September 19, 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 September 19, 2016.

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

Commissioner Bales made a motion to go into Closed Session for property acquisition and consultation with Attorney. Commissioner Phillips seconded motion. Motion carried with 5 yes vote.

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 September 19, 2016.

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

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

- No report from the Metropolitan Transit Commission or the Commerce Station Management Team.
- The recently formed North Meck Alliance which includes representatives from Davidson, Cornelius and Huntersville will meet on the second Thursday of each month at 5:30 p.m. at the Cornelius Town Hall to discuss transportation issues and any other issues that may come up.

Commissioner Bales

- Huntersville has 14 active economic development projects.

Commissioner Boone

- During the first two weeks of school, 60 citations were issued for speeding in a school zone.
- Body cameras are now on all patrol officers and the K-9 officers will soon have their cameras.
- Adams Billboard Company will be marketing the Police Department's Lock Your Car program for the next few weeks on one of their billboards at no charge to the Town.

Commissioner Gibbons

- Expressed appreciation to the staff that put together the employee appreciation lunch last Friday.
- The next meeting of the NC 73 Council of Planning is September 28.
- The next Veterans Liaison Council for Mecklenburg County meeting is October 4.

Commissioner Kidwell

- The next meeting of the Charlotte Regional Transportation Planning Organization is September 21.

Commissioner Phillips

- The Lake Norman Chamber of Commerce Public Safety Luncheon will be on October 20.
- Visit Lake Norman hosted the FLW fishing tournament last weekend with about 300 participants.
- Encouraged everyone to shop local.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Aneralla proclaimed October 2-8, 2016 as Public Power Week in the Town of Huntersville.

Town of Huntersville
Proclamation

WHEREAS, public power is a crucial component in Huntersville, North Carolina, contributing to the overall health of the community by providing, with the assistance of ElectriCities, reliable electricity, excellent local service and prompt restoration; and

WHEREAS, Huntersville is one of more than 70 public power communities across North Carolina and over 2,000 public power cities and towns across the United States; and

WHEREAS, Town and ElectriCities employees are dedicated to serving the Town of Huntersville with reliable electric service and customer care; and

WHEREAS, public power meets the electric needs of 40 million Americans, almost 15 percent of electricity consumers; and

WHEREAS, North Carolina's public power utilities are valuable community assets that contribute to the well-being of the community and provide economic development opportunities; and

WHEREAS, North Carolina's public power utilities are dependable institutions that provide excellent service and a commitment to community.

NOW, THEREFORE, I, John Aneralla, Mayor of the Town of Huntersville, do hereby proclaim the week of October 2 - 8, 2016, as “**Public Power Week**” in the Town of Huntersville.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Huntersville to be affixed this the 19th day of September, 2016.

Bill Russell, 9449 Mt. Holly-Huntersville Road, announced that several Huntersville organizations and businesses were recognized at the Lake Norman Chamber Diversity Luncheon last week.

BeeJay Caldwell, 14521 New Haven Drive, expressed concern that sometimes concerns of residents of the Pottstown community are not addressed in a timely manner. Also expressed concern to the Board about the 40 year expansion request for the demolition landfill on Holbrooks Road.

AGENDA CHANGES

Commissioner Bales made a motion to add Item F under Other Business – An ordinance to add regulations to the Town of Huntersville Code of Ordinances, Title IX, General Regulations Chapter 95: Solicitation, Pedestrian Solicitation upon highways or streets.

Commissioner Boone seconded motion.

Motion carried 5-0.

Commissioner Bales made a motion to add a Closed Session for Economic Development following Closing Comments.

Commissioner Gibbons seconded motion.

Motion carried 5-0.

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

Commissioner Kidwell seconded motion.

Motion carried 5-0.

Commissioner Guignard entered the meeting.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Hal Bankirer, Joe Sailers and Jennifer Davis.

Petition #ANNEX16-02. Mayor Aneralla called to order public hearing on Petition #ANNEX16-02, a request by NVR Asbury Chapel to annex 76.139 acres (non-contiguous) into the Town of Huntersville.

Meredith Nesbitt, Planner I, entered the Staff Report into the record. *Full Staff Report attached hereto as Exhibit No. 1.*

Background. The Haack and Finch Family have filed a petition to consider voluntary non-contiguous annexation pursuant to North Carolina General Statutes Section 160A-58 et seq. A Resolution of Intent to Annex was adopted by the Board of Commissioners on August 15, 2016, pursuant to N.C.G.S.160A-58.7; the proposed area to annex is 76.139-acres.

All statutory requirements for annexation have been met:

- A petition requesting annexation was received on March 31, 2016.
- The Town Clerk certified the sufficiency of the petition on August 08, 2016.
- On August 15, 2016, the Board of Commissioners set the date for the public hearing to be held on September 19, 2016.
- Notice of the public hearing was placed in a newspaper of general circulation. The notice appeared in the Charlotte Observer on September 7, 2016.

Per Article 160A-58.1(b), a non-contiguous area proposed for annexation must meet all of the following standards:

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city. NVR – Asbury Chapel is located 0.65 miles from the primary corporate limits of Huntersville.
- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section. The area proposed for annexation is in an area in which the Town has an agreement with other municipalities that such other municipalities will not annex into and that the Town may annex into that area, and therefore the requirements of NCGS 160A-58.1(b)(1), (2) and (5) are not applicable;
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits. The area to be annexed is so situated that the Town will be able to provide the same service within the proposed satellite corporate limits that it provides within the primary corporate limits of the Town.
- (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included. NVR – Asbury Chapel is a subdivision, as defined in G.S. 160A-376 and all of the subdivision is proposed to be annexed.
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city. Currently, Huntersville's satellite annexations are 7.4% of the primary corporate limits and this annexation will not increase that percentage over 10%.

Staff Recommendation. Since all statutory requirements have been met in full, staff recommends that the Board of Commissioners approve the petition with Mayor's signature on the associated ordinance. If the final action of this annexation takes place on September 19, 2016, the voluntary non-contiguous annexation would also become effective on September 19, 2016.

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

OTHER BUSINESS

Petition #ANNEX16-02. Petition #ANNEX16-02 is a request by NVR Asbury Chapel to annex 76.139 acres (non-contiguous) into the Town of Huntersville.

Commissioner Kidwell made a motion to adopt Annexation Ordinance #ANNEX16-02, a request by NVR Asbury Chapel to annex 76.139 acres (non-contiguous) into the Town of Huntersville.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

Annexation Ordinance attached hereto as Exhibit No. 2.

The Commons at Monteith Park Sketch Plan. Mayor Aneralla pointed out this item is quasi-judicial.

Mayor Aneralla swore in Alison Adams, Jack Simoneau, Max Buchanan, Devona Allgood, Matt Gallagher and Brian Smith.

Alison Adams, Senior Planner, said the site that you are looking at on the screen is a 1.99 acre parcel that is being requested to be developed by Blue Heel Development. Before we go any further I'd like to enter the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 3.*

The property is zoned NR and is surrounded by Monteith Park that is also zoned NR and then to the south is Shepherds Vineyard that was a county zoned property, so it's GR zoning. Blue Heel Development is requesting nine single-family homes and two duplexes on this property. Both the TIA and APFO were not required. Blue Heel held a neighborhood meeting on June 21. There were very few concerns and they received positive feedback.

The requested development is 6.5 units to the acre and the reason why I wanted to show you the aerial is not only for context purposes but also to show you what the townhome section of Monteith Park looks like. It is roughly around 5 units to the acre, so the proposed development is going to fit in rather well. Also, the other point that I'd like to make on this slide is about the trees on site. The developer is proposing not to keep any of the trees and this is a very dense proposed development. However, in part of the request at the Planning Board the developer has requested to mitigate through making a contribution to the tree bank and the Planning Board approved that request.

This is the site plan. If you notice, Stumptown is to the south and there would be a total of six units on the bottom that would actually face Stumptown and then three single-family and the two duplexes on either side that will face urban open space.

The developer is promoting connectivity as mentioned in the 2030 Plan by providing sidewalks on Stumptown Road as well as internal sidewalks throughout the project to connect to the internal sidewalks within Monteith Park. There will be a private alley that will connect the existing private alleys. The applicants have received positive feedback from the Monteith Park HOA to connect to the private alley system.

Also you will notice on this that the developer is requesting to not have the 20' undisturbed buffer. Article 7.5 allows them to make this request if they are consistent with the development pattern around them, so that is a request that they have made to the Town Board to remove that 20' undisturbed buffer in this project.

The next slide is related to water quality. Their urban open space is to the north where you see that grassed area up top that's against the on-street parking. They are actually doing an underground detention system to be able to accommodate the low impact development. The water quality and then the storm water will utilize the existing Monteith Park system.

Staff finds the application complete. We support the removal of the 20' undisturbed buffer and the application does comply with the ordinance as well as the 2030 Community Plan. Overall it does meet the ordinance and we recommend approval of the development proposal.

Commissioner Guignard said I assume that 1 and 5 are the duplexes.

Ms. Adams said that would be correct.

Commissioner Guignard said which way will they face.

Ms. Adams said they will face the urban open space.

Commissioner Guignard said both doors on both duplexes will face the urban open space.

Ms. Adams said I would like to let the developer answer that question. That's not part of the sketch plan review and so they probably have a better idea of what product they are putting on the site.

Matt Gallagher, 442 South Main Street, Suite 100, Davidson, said the plan is that both of the duplexes will face the urban open space because the plans that we designed for this site have attached alley-loaded garages. The site is surrounded by an existing neighborhood as well as public streets and we wanted to maximize parking and so by facing the urban open space with the front doors and creating kind of a walkway and sidewalk, it gave us the ability to access those attached garages 25' in so we'll have the attached garages and two parking spaces per unit. Both duplexes will have that as well as the single-family.

Commissioner Guignard said so detached garages will be on the alley and the front doors will be facing north.

Mr. Gallagher for that side, correct.

Commissioner Boone said first of all I would like to say this is going to be a perfect fit on Stumptown Road. I've got a question for Max. The people who live in Shepherds Vineyard, there's no sidewalks in there and they have asked if there is any possibility to have a pedestrian crossway from Shepherds Road into the sidewalk and tying into that area.

Max Buchanan, Public Works Director/Town Engineer, said it's typically not the safest solution to put a mid-block crossing unless you are at a signalized intersection, pedestrian crossing. And especially if you don't have a sidewalk receiving on both ends. If there were sidewalk in the Shepherds Vineyard area, we would not propose a pedestrian crosswalk across Stumptown Road unless we installed some type of flashing light signal to control the speeds of Stumptown Road.

Commissioner Boone said the storm water that's going to be underground and you are going to tie into the Monteith system and that's going to drain down towards Highway 21. Is their system large enough to handle this additional storm water.

Mr. Gallagher said the location of the outlet is actually right below the pool and so that's where it will kind of enter the streambed. From there it makes its way towards 21 and the question over impervious and how much water we are putting in the system, I'm going to let Brian as the engineer answer that.

Brian Smith, Urban Design Partners, as far as the storm water goes, as Matt mentioned, we are tying into an existing storm drain in the alley and that discharge is below the amenity and pool within Monteith Park and discharges into that stream. The detention system will control the run-off rate back to pre-developed conditions of the single-family houses there now so that system would be adequately sized and a portion of that is already draining to that, so that system should be sized to handle that additional run-off.

Commissioner Boone made a motion to approve the Commons at Monteith Park subdivision. The Board finds the application complete. We also approve the buffer waiver that is requested due to the connection between Monteith Park and The Commons at Monteith that promotes the high quality of the neighborhood design, and the application complies with the Ordinance and the future Land Use Plans.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Resolution – CPCC. The proposed interlocal agreement between the Town of Huntersville, Central Piedmont Community College and Mecklenburg County will allow the town to benefit from additional parking on the existing CPCC campus to serve the new Recreation Center as well as benefit from the new CDL lot to the west of Huntersville Athletic Park. These additional parking areas will be funded and maintained by CPCC. These additional parking areas can also be used by HFFA.

Commissioner Bales made a motion to adopt resolution approving interlocal agreement between the Town of Huntersville, Central Piedmont Community College and Mecklenburg County.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

Public Works Ordinance. Devona Allgood, Staff Engineer, explained that the purpose of this ordinance is to create a formal mandate protecting the Town against destruction and obstruction of the public right-of-way that we currently don't have in our Code of Ordinances. We have a section is Title V Public Works, but it is currently empty, so we created this ordinance to fill that place.

The section that says to move retitle and recodify Title 9 Chapter 90 Streets and Sidewalks this is a section that is currently in our ordinance and so we felt that it would be a better place in the Public Works section that we have included.

Commissioner Kidwell made a motion to adopt ordinance to add regulations to Title V Public Works, and to move, retitle, and recodify Title IX General Regulations, Chapter 90: Streets and Sidewalks, to Title V Public Works.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 5.

Capital Project Ordinance. The proposed Capital Project Ordinance is needed to fund design of culvert improvements on Gilead Road between McCoy Road and Wynfield Creek Parkway with the intent to pursue CRTPO STP-DA funding for the construction project. These design improvements will be funded with 2016 bond proceeds. Originally, these bond proceeds were expected to be used for the Gilead Road/US 21 project, but savings on that project will now allow the Town to fund culvert design improvements.

Commissioner Gibbons made a motion to adopt Capital Project Ordinance for Gilead Road culvert design.

Commissioner Kidwell seconded motion.

Max Buchanan, Public Works Director/Town Engineer, said we had a discussion today with the consulting engineering firm to scope some of the work to address the improvements along Gilead Road. We are scoping the work to at a minimum level to make application for the next call for projects of the CRTPO. We hope to make the next call, so we're working on an accelerated schedule. Part of this money is to work through that process of an accelerated schedule. That's to put a package together necessary for consideration on the next call. It's also to take the next step and do the preliminary work to basically extend the culvert across the greenway at Torrence Creek because nothing can really be done to improve Gilead Road until that culvert is extended. That preliminary discussion occurred today and this will be the funds to move forward. The \$300,000 is an estimate to do the preliminary engineering.

Motion carried unanimously.

Pedestrian Solicitation Ordinance. Commissioner Bales made a motion to adopt an ordinance to add regulations to the Town of Huntersville Code of Ordinances, Title IX, General Regulations, Chapter 95: Solicitation, Pedestrian Solicitation upon Highways or Streets.

Commissioner Boone seconded motion.

Commissioner Phillips said this is a perfect example again where I see things in government that just go overboard. State laws are there that already covers this. I think this is a perfect example of just more laws and regulations that are unnecessary. We need just to enforce the ones we have. I will not support this.

Commissioner Kidwell said I'm in support of the ordinance. This isn't about stopping people from soliciting, it's about protecting them.

Commissioner Guignard said I don't have a problem with the concept of this. I have a problem with the enforcement of this. If they are told to move on, they could end up breaking into someone's house.

Commissioner Gibbons said I see both sides of this ordinance. It's basically an ordinance that says you won't stand in the street and solicit for anything and then we have exemptions. I am concerned about the requirement for an applicant to have proof of liability insurance in the amount of \$2 million to cover any damages. I don't believe any non-profits that would be out here trying to collect funds would have that.

Greg Ferguson, Town Manager, said we checked with one entity today and they estimated for an annual \$2 million policy you are looking at somewhere between \$500 and \$1,000. They did not offer an opinion on a single day event where you would just pick one single day and try to insure that single day. Their response was that probably most of the larger organizations that would have non-profit status carry some amount of liability insurance.

Bob Blythe, Town Attorney, said I understand the problem with that \$2 million figure, but the reason it's in there is the statute that we are proceeding under is 20-175 which is really under the roads and roadways chapters of the general statute. It authorizes a local government to impose this ordinance including on local streets. The statute itself imposes it directly upon state maintained roads and does not affect the local streets. It is provided that if they do adopt the statute it says the applicant shall and this is the key thing furnish the local government proof of liability insurance in the amount of at least \$2 million and that's where that figure comes from. I think proceeding under this statute it has to be there.

Commissioner Bales said did you say it currently exists on state highways. So if we already have someone in the intersection of 21 and 73 they would have to have the \$2 million liability insurance.

Mr. Blythe said that's not clear to me, because that only comes in in the second part of the statute which addresses the local ordinances. Maybe it's intended but the way I read it I have a real problem with that.

Mayor Aneralla called for the vote to adopt the ordinance.

Motion carried 4 to 2, with Commissioner Phillips and Commissioner Guignard opposed.

CONSENT AGENDA

Approval of Minutes. Commissioner Guignard made a motion to approve the minutes of the September 6, 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 \$1,330.65 and appropriate to the Police Department's insurance account. 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 \$721.20 and appropriate to the Police Department's insurance account. 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 \$4,611.45 and appropriate to the Police Department's insurance account. Commissioner Bales seconded motion. Motion carried unanimously.

Downtown Revitalization Grant Agreement. Commissioner Guignard made a motion to authorize the Mayor to execute the Downtown Revitalization Grant Agreement between the North Carolina Department of Commerce and the Town of Huntersville and approve budget amendment recognizing grant revenue in the amount of \$94,340. Commissioner Bales seconded motion. Motion carried unanimously.

Grant Agreement attached hereto as Exhibit No. 6.

Resurfacing Contract. Commissioner Guignard made a motion to authorize award of the Town of Huntersville 2016 Eastside Resurfacing Contract to Blythe Construction, Inc. Commissioner Bales seconded motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 7.

CLOSING COMMENTS

Commissioner Gibbons expressed appreciation to Commissioner Guignard for his work with Angels of 97.

Commissioner Boone requested Public Works to take a look at a water leak in the 100 block of Baucom Lane.

Greg Ferguson, Town Manager, updated the Board on current grants. With the Downtown Grant, we are proposing that there be pedestrian enhancements around this intersection here, enhanced lighting and enhanced streetscape. We have submitted that to the state for review and have not gotten feedback yet. If it's approved the funds should be wired in October. For the ocular melanoma grant, we need to reach out to the resources that are out there and convene a meeting to determine the scope moving forward.

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

Commissioner Guignard made a motion to go into Closed Session for economic development. Commissioner Gibbons seconded motion. Motion carried unanimously.

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

Approved this the ____ day of _____, 2016.