

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 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 5:30 p.m. on December 19, 2016.

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

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

Upon return from closed session, Michael Jaycocks, Parks & Recreation Director updated the Board on the Recreation Center. *Refer to Exhibit No. 1.*

A representative from HYAA addressed the Board concerning the need for more basketball courts.

Travis Dancy, Visit Lake Norman, addressed the Board concerning the need for more indoor gym space.

Chad Mesler, Executive Director of Lake Norman Soccer Club, addressed the Board concerning the need for field space.

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 19, 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 Metropolitan Transit Commission and the North Meck Alliance did not meet this month.
- The next meeting of the North Meck Alliance is January 12.
- An item is on the Consent Agenda to extend a road in Commerce Station to accommodate the growth.

Commissioner Bales

- Expressed appreciation to the Fire Department for their service.
- Expressed appreciation to the Town Employees for their work and dedication.

Commissioner Boone

- The next meeting of the Land Development Ordinances Advisory Board is January 5.
- The ValuePenguin ranked Huntersville among the five safest large cities in North Carolina.
- The Huntersville Fire Department held their annual banquet on December 8. Thirty-four officers received some degree of service award ranging from 10, 20, 30, 40 and 50 years of service to the Huntersville VFD. Henry Cook, Sr. Chief Larry Irvin, Rick Reagan and Gary Reagan were recognized for their years of service. John Schuler was recognized as the Fireman of the Year. Jim Dotoli was recognized as the new incoming Chief.

Commissioner Gibbons

- The next meeting of the Mecklenburg Veterans Council is January 3.
- The next meeting of the NC 73 Council of Planning is in January.

Commissioner Guignard

- Expressed appreciation to Town staff, the police department, the fire department, the rescue squad.
- The next meeting of the Centralina Council of Governments is in January.

Commissioner Kidwell

- The Charlotte Regional Transportation Planning Organization will not meet in December.

Commissioner Phillips

- The 6th Annual Huntersville Half Marathon and Holiday 5K was held on December 10.
- Expressed appreciation to the Town employees and emergency services personnel for the work they do.
- Shop local.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

John Foster, 12434 Cool Mist Lane, requested the Board approve Foster Frame leasing the old auto parts store.

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board. *Refer to written comments attached hereto as Exhibit No. 2.*

AGENDA CHANGES

Commissioner Kidwell made a motion to add Item M under Other Business – Consider authorizing the Town Manager to enter into an agreement with Hart & Hickman Professional Consultants to perform a screening level environmental testing in Huntersville at four different locations for baseline review.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

Commissioner Kidwell made a motion to add Item N under Other Business – Consider adopting resolution authorizing condemnation proceedings.

Commissioner Boone seconded motion.

Motion carried unanimously.

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

Commissioner Kidwell seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

None

OTHER BUSINESS

Appointments to Parks & Recreation Commission. Mayor Aneralla requested nominations for the four 3-year terms.

Commissioner Boone nominated Brent Cagle, Kathy Jones, Rich Lange and Henry Stiene.
Commissioner Kidwell nominated Stephen Woodbury.

Vote for Brent Cagle: Commissioners Boone, Kidwell, Gibbons, Phillips and Bales.

Vote for Henry Stiene: Commissioners Boone, Kidwell, Gibbons, Phillips, Guignard and Bales.

Vote for Rich Lange: Commissioners Gibbons, Phillips, Guignard and Boone.

Vote for Kathy Jones: Commissioners Boone, Kidwell, Gibbons, Phillips, Guignard and Bales.

Vote for Stephen Woodbury: Commissioners Kidwell and Bales.

Brent Cagle, Henry Stiene, Rich Lange and Kathy Jones were appointed to the Parks & Recreation Commissioner for 3-year terms.

Mayor Aneralla requested nominations for the 1-year term.

Commissioner Kidwell nominated John Mielke.

Commissioner Gibbons nominated Kimberly Wilhelm.

Vote for John Mielke: Commissioners Kidwell, Guignard and Bales.
Vote for Kimberly Wilhelm: Commissioners Boone, Gibbons and Phillips.

Mayor Aneralla voted for John Mielke.

John Mielke was appointed to the Parks & Recreation Commission for a 1-year term.

Appointments to Greenway, Trail & Bikeway Commission. Mayor Aneralla requested nominations for the two 3-year terms.

Commissioner Gibbons nominated Leif Rauer and Lori Russell.
Commissioner Guignard nominated Maria Reese.
Commissioner Kidwell nominated Jonathan Bryant.

Vote for Lori Russell: Commissioners Boone, Kidwell, Gibbons, Phillips, Guignard and Bales.
Vote for Leif Rauer: Commissioners Boone, Gibbons and Phillips.
Vote for Maria Reese: Commissioner Guignard.
Vote for Jonathan Bryant: Commissioner Kidwell.

Mayor Aneralla voted for Leif Rauer.

Magnolia Walk Subdivision Sketch Plan. Mayor Aneralla pointed out this item would be heard as quasi-judicial.

Mayor Aneralla swore in David Peete, Stephen Trott, Max Buchanan and Bob Wiggins.

David Peete, Principal Planner, submitted the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 3.* I don't have a whole lot of new information for you. This is the 70 acre by-right subdivision located along US 21 just north of Verhoeff for 206 residential units, 145 of which would be single-family and 61 townhomes. You see the staff recommendation on the left. In essence we had a handful of conditions as noted. There are some buffers that are specifically called out and then there's a need for a turn-around at street stub "Road F" and if you will just make sure that is as it needs to be and additional right-of-way needs to be provided that would be provided as well. You can see the Planning Board's recommendation to you. They found the application complete and in essence they saw that the subdivision was compliant with all critical requirements and supported by the findings of fact in the Staff Report and furthermore they listed everything in Part 3 from the Staff Report, they recommended all three block waivers, they wanted to see the turn-around provided at Road F. They recommended approving waiver to permit grading in certain areas of the buffer, that the Water Quality and Concept Plan be approved by Mecklenburg County, all minor comments to be addressed. They specifically wanted to make sure that at the mail kiosks there was parking provided and modify Note 6 that garbage cans will be used. They referenced the Community Plan Policies H1, H9, T5, T6, T7, T8, CD5 and PF2. They cited this will provide additional quality housing for Huntersville. They recommended approval to you 8-0.

Commissioner Boone said the same situation came up at the Planning Board, on Page 4 of 6 in your Staff Report on Item Conformity, you are saying that the lots are from 40' to 90' in width and they should be 20' to 74' in width.

Mr. Peete said that is correct.

Commissioner Boone said if this is going to be opened up in about three or four phases and the southern phase that when you take the stub out of the first road which is in Phase 1 going over to the other subdivision, that's all well and good but once Phase 2 and 3 start to be opened up the northern stub will be opened up and I'm really concerned about the construction traffic that's going to be going through Monteith Park to get over to the recycling center off of 115.

Mr. Peete said the Planning Board had the same question and of course our Public Works Department is here to back me up on this. This is a common thing. In essence we talk with the applicants about policing their own construction crews so that they come in the designated construction entrance and barricades are placed at those two stubs located here and here would remain in place until the very end and then once they are removed and tie-ins are achieved if they are still not able to police their construction crew then we could place temporary barriers there. We will monitor that to make sure they are in compliance. Bob Wiggins with the applicant is here and he can elaborate if you would like him to.

Commissioner Boone said do you think it should be part of the motion.

Mr. Peete said I think we have a policy in place. The residents are our best asset. They will let us know if they are going the wrong direction.

Max Buchanan, Public Works Director/Town Engineer, said we typically define in detail the construction entrance for construction of new phases and we do not want to allow construction vehicles, either the infrastructure construction or the home construction, we police that and we have put up temporary barricades to prevent that when a developer was unable to police that themselves.

Commissioner Kidwell in Phase 3 there is a road stubbed out and these homes right here, is there a road that it's stubbed to. Is this stubbing to a road.

Mr. Peete said that is an easement/right-of-way. It is intended to be public, but it is definitely not a road to standard. It is essentially gravel and there are about two homes back there that are occupied and I think it would be a matter of time before something happened with that area. But that's why that stub is just there for future and more would have to happen before the physical connection be made.

Commissioner Boone made a motion to approve. The application is complete, the Magnolia Walk Sketch Plan complies with all applicable requirements and is supported by the findings of fact outlined in Parts 2, 3 and 4 of the Staff Report with a typo correction in Part 4 Subsection 2 changes from 40' to 90' width to 20' to 74' width with the following conditions: address all outstanding transportation comments listed in Part 3 of the Staff Report; recommend approval of three block length waivers due to the road layout of two of the roads that are impacted by natural features and the third has a small open space added to break up the long block; provide a town approved turn around Street Stub Road F; recommend approval of the waiver to permit grading of certain areas of the 20' buffer and to re-plant per the ordinance; that the Water Quality and Concept Plan be approved by Mecklenburg County; address all minor comments to the notes of the Subdivision Sketch Plan and staff recommendations; parking lots for the mail kiosks at locations agreeable with US Postal Service; modify Note 6 that the garbage cans will be used; and the Sketch Plan conforms with the 2030 Community Pan specifically Policy H1, H9, T5, T6, T7, T8, CD5 and PF 2; this subdivision will provide additional quality housing for Huntersville.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Budget – Recreation Center. Commissioner Bales made a motion to amend General Fund budget transferring \$1,364,870.08 to the Recreation Center Capital Project Ordinance and authorize the Recreation Center budget expenditure of same amount.

Commissioner Boone seconded motion.

Commissioner Kidwell said I know we need the space and that we are continuing to add programs, but for me it's in the real world when I'm given a budget number I look to make things around that budget. I'm like OK, I've got a budget for my crew of \$4 million that includes compensation, machines and whatever I need throughout the year, that's where I'm at. I can't go back to our corporate controller and say I need another \$1.4 or \$1.3 million. It just doesn't work that way. Yet we are in the government where we seem to have an endless supply of other people's money and the Town Manager sat down with me earlier and he showed me we've got money in the general fund to move over after the 45 percent per our policy. We've got about \$12 million in that bucket and I see that, but it doesn't mean I necessarily want to spend it. We still have a lot of roadways to work on. We have a lot of greenways that we are being asked to take part in funding. I'm not necessarily against this, it's just \$1.3 million is a hard fish to swallow.

Commissioner Gibbons said I will just follow Commissioner Kidwell's thoughts on that with that capital fund money when I look around this town and see, we just approved another 206 homes that are by right, which I agree we have to do, people have the right to sell their land and develop on it but I would venture to guess that everybody sitting in this room would tell us that traffic in Huntersville is our No. 1 nightmare. It doesn't matter how much you like the greenways, it doesn't matter how much you like Parks & Rec.....to get to those places you have to drive and we are getting worse every day due to Huntersville's success. When I see taking \$1.5 million, it gets up near \$7 million total everything included in this project, which is close to \$3 million more than what we originally thought. There wasn't really a budget so to speak, but it was definitely put out as a plan and that was going to be with more courts than this and I say that someone told us there's 8,000 people involved in rec here and we have 57,000 quickly going to 60,000 in the town so we are taking care of 10 to 15 percent of them with rec centers, but that would take care of 99 percent of us if we put that money towards roads.

Commissioner Boone said I would just like to remind everybody in 2013 we voted on some bonds and the rec center was voted yes by the citizens. Has it gone over in price? Yes. Is there money that we have put away in case something like this happens? Yes. Are we paying interest on that bond money from 2013 for the last three years? The answer is yes and I just want to be sure that if we vote this project down, then where are we at. I'm going to go ahead and support this.

Commissioner Kidwell said to answer your question we're at the same spot we're at currently. We're still paying on the interest.

Commissioner Bales said yes, the voters did vote for that rec center and for those bond dollars to be spent for a recreation center and yes, it has gone over budget, but I was listening to Commissioner Kidwell and he talked about business. When you get a budget and you have to purchase machinery or what have you for your project that tends to happen within a 12 to 16 month turnaround or quicker. And unfortunately we all know that government is slow. I don't like it but I've had to learn to live with it

and deal with it. The projections for the cost of a rec center were pulled together in 2011 when the market was down and when it would have been easy if we had those dollars then to build that rec center for the estimated amount that had been projected. Now the market has turned around and we're finding ourselves in a much different place. It still doesn't negate the fact that the rec center is a need and that the residents want it. They voted for it and at this point I will be supporting it because I certainly want to listen to what the residents have asked for and I know looking and watching the kids that play these sports and adults because there is adult basketball and adult volleyball as well, it will be bringing a benefit to this town and I think it will bring more of a benefit than many sitting at this dais realize. So I will be supporting it this evening.

Commissioner Guignard said you mentioned in your pre-meeting presentation that if the aquatic center has got a successful weekend that we can't program as much at the park across from the aquatic center because there's not enough parking in this parking lot for the people in this building. Is the proposed parking for this facility going to allow if there's four games going on in the rec center, HFFA is having a fabulous weekend and the parks got three or four things going on, are we ready for that.

Mr. Jaycocks said with the parking at the athletic park, CPCC, Rec Center, HFFA, there would be a total of about 900 spaces.

Commissioner Gibbons said these bonds have already been issued, but in that same bond package that we had for roads and there were three items in that, we have not issued the bonds for those. What was the reason we issued these bonds already.

Greg Ferguson, Town Manager, said because we had this agreement in place with the county and actually had the lease on the property on US 21. CPCC came up with their amended plan for the ultimate build-out and by us moving to the park location that then accommodates their ultimate build-out. It also necessitated some redesign and added some time to the project.

Commissioner Guignard said have we made any progress with talking to the church about their two gyms.

Mr. Jaycocks said we met with University City in October and we were told they don't want to tie their hands with any long-term arrangement and their fees were too high.

Commissioner Guignard said has there been any conversation with the Charlotte-Mecklenburg School System that if they make a K-8 facility at the Alexander site that they will certainly not use the existing gym there.

Mr. Jaycocks said they are considering a K-8 magnet at that location. At this time, they have not indicated what their plans are for the gym.

Mayor Aneralla called for the vote.

Motion carried 4 to 2, with Commissioners Gibbons and Phillips opposed.

Mayor Aneralla said just a little editorial that we have to manage our cash and debt. We have \$23 million of cash on our books that are somewhat accessible and in the future when we have a need that needs to be addressed quickly I think we should look to manage our cash versus our debt so we don't run into this issue.

Joint Use Agreement with CPCC. This joint use agreement between the Town of Huntersville and Central Piedmont Community College will allow the town access to the new parking lot to the east of the Recreation Center as well as access to the new CDL parking lot to the west of the park. In addition to those two parking lots, the town will have access to the existing CPCC parking lots when not in use by CPCC. CPCC will be allowed to use the recreation center to hold certain classes. This agreement will continue as long as the Town holds a lease with Mecklenburg County for the park property.

Commissioner Guignard made a motion to approve the Town of Huntersville and Central Piedmont Community College Joint Use Agreement.

Commissioner Boone seconded motion.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Guaranteed Max Price – Recreation Center. The Recreation Center Project will include 23,577 sq. ft. of indoor recreation space. The center will house two full-sized basketball courts, four volleyball courts, bleacher areas, civic room, lounge/café, restroom facilities and storage areas. The project also includes rerouting the current walking trail and building the new driveway off of Verhoeff Drive that will serve the center and connect to the new parking lot on CPCC property.

The Town Board approved Rodgers Builders as the Construction Manager at Risk for this project on June 15, 2015. Below is a timetable on the revised cost throughout the design process.

August 25, 2015 – 30,557 sq. ft. – Cost \$7,929,919

September 19, 2015 – 30,557 sq. ft. – Cost \$6,494,595 – This cost reduction was due to changing the location of the center from the property along Hwy 21 to the current location on Verhoeff Drive

October 13, 2016 – 23,577 sq. ft. – Cost \$6,119,992

December 6, 2016 – 23,577 sq. ft. – Cost \$5,704,845 – Final GMP

Commissioner Boone made a motion to approve the Guaranteed Maximum Price from Rodgers Builders, Inc. for the Recreation Center.

Commissioner Bales seconded motion.

Motion carried 4 to 2, with Commissioners Gibbons and Phillips opposed. Commissioner Guignard abstained, which was recorded as a vote in favor.

Amendment to Animal Ordinance. Commissioner Phillips made a motion to adopt an ordinance to amend Title IX, General Regulations, Chapter 94: Animals.

Commissioner Guignard seconded motion.

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

Ordinance attached hereto as Exhibit No. 4.

Commerce Station Drive Extension. Commissioner Kidwell made a motion to award bid for extension of Commerce Station Drive to CBL and authorize Town Manager and Town Attorney to sign contract.

Commissioner Gibbons seconded motion.

Greg Ferguson, Town Manager, said Commerce Station is a joint partnership between the towns of Cornelius, Davidson and Huntersville along with participation by Mecklenburg County. It goes back to a recommendation in early 2003 that the towns need to take an active role in protecting land for industrial and office development. At that point in time virtually every acre was being rezoned for housing and this area was recommended for an opportunity to take a large number of housing units that would have been located on the property and have industrial uses and light manufacturing and office, so the town at that time along with the towns of Cornelius and Davidson and with Mecklenburg County's participation purchased the initial tract in the Commerce Station business park. Several pieces of that land have been sold for Pactiv and ABB (Southwire). Those funds are kind of like a revolving fund that stay inside the Commerce Station fund. Currently there's over \$2.5 million dollars in that fund. The taxes that are generated from that fund stay in the fund and so development is then continued through the utilization of those funds that are generated in the park. The three items that are driving this road project tonight are the expansion of Pactiv, the Milton Silver buildings that are being constructed in the park and then also the need for the substation in southern Huntersville. The Commerce Station Management Team met last week and recommended that the towns proceed forward with the construction of the road and awarding of the bid to CBL.

Mayor Aneralla called for the vote.

Motion carried unanimously.

North Meck Alliance Interlocal Agreement. Commissioner Kidwell made a motion to adopt resolution authorizing interlocal agreement between the Towns of Davidson, Cornelius and Huntersville creating the North Mecklenburg Alliance.

Commissioner Gibbons seconded motion.

Mayor Aneralla said this is our agreement between the towns to look at road issues. It's always our intent that the towns should always get together and talk through some of the issues prior to going down to Charlotte because obviously we're the minority vote down there, so if we could talk in unity hopefully that vote would be stronger. It also in discussions with the other towns wanted the ability to talk through some other issues that might come up and I don't know what those issues would be right now. One might be the North Meck Rec Center which is supposed to be the next rec center in Mecklenburg County. The reservations I've heard from some of my Board and I haven't really heard from the other towns is that in the past a resolution from an interlocal may have carried more weight than an agreement or resolution from an individual town and what I had suggested was that before any agreements or resolutions or actions are made that the mayor who is on this committee has to come back to the board and get approval first. I feel like that way the board has flushed it out and if it's something that we don't agree to then it will not pass from the alliance. So whether it is a formal agreement or not I still think there is value to hearing from the other towns what their needs are, what their wants are, and coordinating our effort whether it be roads or anything else because everybody that has lived in North Mecklenburg for any period of time understands we are a net giver to Charlotte or Mecklenburg County and we need to at some point to have unified voice.

Commissioner Gibbons said as you mentioned some people think the agreement doesn't cover enough. Some people think the agreement is too in-depth and I will say that no matter what we end up doing on

this tonight I'm going to work to continue to communicate with our other three towns, Mooresville as well, that do go down to Charlotte and talk about our transportation issues.

Commissioner Phillips said I will not be supporting this alliance. It hadn't been too many years ago we were in the LNTC and it come back and bit us. This one here is shaping up no different except we are having three mayors, our CRTPO, our MTC representatives. There's no citizen input on this thing. The LNTC went right behind the boards essentially after the citizens spoke against the train, against the toll roads and here we are again just trying to resurrect essentially the same thing. Our Mayor, some of our Board members think that we have to have some agreement to talk to the other towns. I've never had any problem picking up the phone and calling any member of Cornelius or Davidson or Mooresville boards. Me and the other Mayor Pro-tems have lunch or try to at least once a month. We have open communication all the time. I don't see where we need an official agreement. It may be fine as long as the mayor of Huntersville is Mr. John because I do trust him, but going down the road how does this affect us? And so all I'm asking is to be very cautious in your thought. We've seen this before and I think this is a bad move.

Commissioner Bales said I agree with Commissioner Phillips that this Board and any mayor can get together and have a conversation. I was fine with the discussion of a North Meck Alliance when it was focused solely on what was said – roads. CRTPO reps getting together, our mayors having conversations about moving road projects and infrastructure projects forward. Under the Objectives, under Article 4 it gets very vague. The alliance may also study, investigate and advocate for other issues outside of transportation if the parties agree. That one sentence is causing me not to vote for this tonight. I cannot see how this is going to be of benefit in the long term for Huntersville. We can have conversations, meet, have coffee, have those discussions on how to move our infrastructure needs forward, but I do not believe that we need a North Meck Alliance to do so.

Commissioner Kidwell said you can call anybody at any time and you can say will you do this and they can say yeah, hang up the phone and their board says no it's kind of dead in the water. Do we need all the wording. Personally, I don't think we need it. Will it help holding people's feet to the fire. Absolutely. Because then when Cornelius says I will support that and the members of the MOU or the North Meck Alliance say I will support that when you go down to a meeting there will be a legitimate you are on your own record here to support that. The Mayor made a suggestion and it kind of goes with what Commissioner Bales said, she was concerned about Article 4 Objectives, the one line and you made a suggestion that anything that's moved forward has to come back here. I think we should add that if the other towns are in agreement.....or just for our board. That way it keeps the mayor, whomever he or she will be in the future and the board whomever they will be in the future on the same page and honest. It's not a perfect world but it's \$80,000 cheaper than the LNTC and it still gets us together in one room to discuss transportation and any other subjects that may come up such as the North Meck Rec Center.

Commissioner Bales said what happens when we're out voted by the other two municipalities.

Commissioner Phillips said that's exactly the fear. When the other mayors and people went and this is strictly going back to the toll issue, well then it gives legitimacy to the legislature saying the folks asked for it. The citizens didn't ask for it, but it gives them legitimacy. Huntersville is the biggest town. There's no benefit in us being in an alliance with Cornelius or Davidson.

Commissioner Guignard said it brings me a little bit of pause to look to see that I've got to have six pages of documents to have a meeting once a month to basically talk about road and transportation issues.

Commissioner Kidwell amended his motion to include that the mayor of Huntersville must receive approval from the Town Board of Huntersville prior to the North Meck Alliance take any action, resolution or establishing any subcommittees.

Commissioner Boone amended second.

Motion was tied 3 to 3 – Commissioners Boone, Kidwell and Gibbons in favor; Commissioners Guignard, Phillips and Bales opposed.

Mayor Aneralla broke the tie by voting in opposition and noted that the group will adhere to open meetings laws.

Lease of Property – 102 N. Old Statesville Road. Commissioner Guignard requested to be recused since he owns rental property in the area.

Commissioner Kidwell made a motion to recuse Commissioner Guignard.

Commissioner Gibbons seconded motion.

Motion carried 5-0.

Commissioner Gibbons said it is my position that I don't think the town wants to really get into the retail rental business and become landlords. There's a lot of things that go along with that. We just sat here tonight and approved all kinds of monies for big projects. Don't get me wrong, I'm not here to throw away money, but it's not going to improve the Town's position in anything and I think if we are going to be in the retail rental business we need to have a procedure for that. I think the Town needs to advertise their properties. We have a lot of people in town that are property owners, and are their facilities full or are we now in competition with our businesses in town.

Commissioner Boone said could you kind of go over the details of this lease.

Greg Ferguson, Town Manager, said the proposed lease would be a 1 year term. The square footage of what would be leased would be 1,600 sq. ft. and this would be a shared building so it would be mixed use in that the town would still retain storage areas at the rear of the building for Parks & Rec storage. The town would retain the two garage facilities. The lease as contemplated is \$1,300 a month and the tenant would pay utilities. Parking would be joint use and because of the nature of the business, the amount of traffic generated by the business would be fairly low so we believe that both day time and night time joint use parking is a reality. The property was not on the market, so we have not been actively trying to find a tenant for the property because we use it as storage. After Mr. Foster approached us we did look at the space and said basically we can consolidate our storage area into the rear of the building which was the parts department and then separate the retail area from the storage area and have a mixed use of the building with joint occupancy.

Commissioner Kidwell said first of all I wanted to thank Mr. Foster for reaching out. I'd like to thank Mr. Russell from the Lake Norman Chamber. He reached out as well calling on Mr. Foster's behalf. I'm looking at this much like Mr. Gibbons, not looking at names. I'm looking at the three things that I learned from Commissioner Puckett and it's fair, consistent and legal. Is it legal to do this? Absolutely.

Is it consistent? The Town has leased out buildings to people in the past so I would say it falls in that. But the fairness is where I'm not seeing this take hold. Yeah, we weren't actively marketing it. I've spoken to at least one other person who said if there was a for sale sign they would have broken their lease and moved right up because it's ideal for what they want. I look at my drive around Huntersville and I see open shops, open windows, for lease.....it tells me that the market is out there that we still have plenty of open space in Huntersville. It might not be the ideal spot but it's out there. When I look at this it's not about what it's renting out for although I appreciate Mr. Knox and Mr. Latta giving some information on it. It's about are we now undercutting current business owners who have the retail space. Are we now taking that into consideration so you might be paying business taxes out here and you might be paying that property tax on that building and we understand you need a tenant but we are going to take yours and that I can't support. I appreciate the fact that Mr. Foster has been in business for 20 years just right down the street, but I can't support this tonight.

Commissioner Bales said has Mr. Foster looked for other facilities.

John Foster said retail space in the downtown area, basically in the town period, is just not available. We need at least 1,600 sq. ft. of space in order to operate and if someone could find me a suitable retail space to rent in Huntersville at a good rate and everything else, even at a bad rate there's just no space out there. We cannot find a space and we really don't want to go to Davidson or Cornelius. We have been in Huntersville for 17 years. We would like to stay in Huntersville. Our customer base is primarily a Huntersville base. We feel like we bring lots of value to this town. We are the only art gallery in Huntersville. We are one of the few art galleries in North Mecklenburg County. We're the only African American art gallery in Mecklenburg County.

Commissioner Bales said I hear what Commissioner Gibbons and Commissioner Kidwell are saying. I do not believe that as a town we need to be proactively seeking to fill town owned properties with rentals. That being said if and when we have the opportunity to help lend a helping hand to a resident of Huntersville and a member of our small business community on a reactive basis, I think that we should do it based off of the two quotes that we have been given by two reputable commercial brokers/developers. I am going to be supporting this lease with the terms that have been outlined.

Commissioner Phillips said when I ran for office we wasn't in such good times and I made a promise that if I could create one job regardless I'd always vote for it. This is no different. And we are talking about a building that was bought to protect so we could expand town hall. We got a building over here. I walked over this afternoon. Police was using the two bays. Mr. Foster if you understand that building, I used to buy all my parts out of that building for the farm over there.....the front side and the town's still got the back side and we've still got a little bit of surplus over there. We'll sit here and we'll overspend \$1.3 million and we'll sit here and argue whether to bring in a revenue of \$1,300 a month for something that we aren't not using. Do we need a policy going forward. Yes, there's no doubt. I think that should be top on our list but when we have surplus that is just sitting and when we bought the property we're not using it for that purpose. I didn't want to compete with other businesses but why not take advantage. We're getting a fair market. I invited Mr. Latta to come tonight. We've got another estimate from another realtor and I looked on a site called netloops which is a commercial real estate site. I think we are just making mountains out of molehills, so I'm definitely in support of it.

Commissioner Boone said this lease is only for 12 months and right now starting January 1 we start collecting rent and if we went out and put it out for advertising and tried to get somebody else it might be 2 or 3 months down the road before we even get somebody else in there. I met Mr. and Mrs. Foster

at his shop and he explained exactly the good things that he has done for this community and I'm definitely going to support this.

Motion carried 3 to 2, with Commissioners Gibbons and Kidwell opposed.

Mayor Aneralla said I have a list of all the town properties here. You can go on the website. Some are vacant. Some are land. I asked quite a few months ago to have each property that we have what's the use and this one property didn't have a use. So we need to have a policy and I'd like to have that draft for our retreat so we can through a process.

Commissioner Bales made a motion to bring Commissioner Guignard back.

Commissioner Kidwell seconded motion.

Motion carried 5-0.

CDBG Application. The Town of Huntersville has a set aside agreement with Mecklenburg County until June 30, 2020, in which the County will annually appropriate \$128,000 in CDBG Entitlement funding for projects in the Town of Huntersville.

For FY 2017-2018, the Town of Huntersville is proposing that CDBG funds be used for the construction of a 2,000' sidewalk on Hambright Road from McCoy Road to Comanche Road. The sidewalk project will border the Huntington Green neighborhood located in Tract 006215, Block 1.

Final approval of Huntersville's FY 2017-2018 application is contingent upon Mecklenburg County Board of Commissioner approval.

Commissioner Guignard made a motion to approve FY 2017-2018 Community Development Block Grant application.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

Budget Amendment – Police. Commissioner Guignard made a motion to approve budget amendment recognizing insurance revenue in the amount of \$6,311.72 and appropriate to the Police Department's insurance account.

Commissioner Bales seconded motion.

Commissioner Phillips said this type of amendments keep showing up and just some little rough calculations that this calendar year we've had 23 board meetings, we've had some form of insurance revenue or budget amendment recognizing insurance revenue 16 out of the 23 meetings. Some has had as many 3, 4, 5. We need some explanation what's going on with this. I just felt like it's time for people when they see this stuff when it comes up on the agenda that we spent over \$45,000 or had to collect back \$45,000 over and could you explain this. Do we have the worst driving record.

Chief Spruill said this has little to do with the driving record. What happens is it's really routine business. We are insured through the League of Municipalities so any time there's an automobile

accident, whether it's a minor fender bender or whether it's a vehicle that's totaled, we pay for it out of our budget and then we are reimbursed through our insurance plan. So this is just the money that we've already paid, we had an automobile accident. In this particular case a deer ran out into the road and hit one of the police cars.....\$6,000 worth of damage that was done. We paid for that damage to be repaired because we needed to get the car back on the street and we filed through our insurance company to get the money back. It's not like we are getting any net gain because we've already paid money that we didn't anticipate that we were going to have to pay to repair the damage on the car. This is just the insurance money that's coming back in afterwards.

Commissioner Phillips said the only reason I brought it up is because 16 out of 23 meetings we have had some form of this on. Some as many as 3 and 4 on one agenda. So how many accidents are we involved in and I understand some of them aren't our fault.....or is it all accidents. Like this one here, if you read this it has no real explanation.

Chief Spruill said that sounds like a large number which when you think that we are operating about 100 police vehicles and that our officers drive their vehicles they don't have an office where they work. They are driving for basically 12 hours a day and it's day and night shift.....24 hour operation. If you looked like at a delivery service, UPS or something like that you would see that accidents are going to be more common than a routine family who drives to work, parks all day, and then drives home in the afternoon. I don't think we have an inordinate number of automobile accidents. We do meet with the League of Municipalities each year to go over our workers comp claims and our automobile accidents to look are there things we can do differently, can we back up and reduce the number of times we are backing up or is there anything that's causing automobile accidents, so we already are looking at those issues. This is just routine business as far as us receiving money back from insurance claims when we're involved in accidents. In this case we were not as fault.

Jackie Huffman, Finance Director, said you adopt the budget ordinance by department, so we have separate budget amendments on there for when the police department receives insurance proceeds versus when perhaps HFFA or Public Works Department so each of those are going to be a separate item. In addition, our insurance is with the League with Municipalities also covers workers comp and property so not necessarily every one of those are specifically a driving accident.

Commissioner Phillips said that's the reason I wanted this so people understand that when they see this you know most of the time it just says appropriate budget amendment and it has no explanation.

Ms. Huffman said if you want to see more about what type of accident, we can do that.

Motion carried unanimously.

Hart & Hickman Agreement. Commissioner Kidwell made a motion to authorize the Town Manager to enter into an agreement with Hart & Hickman Professional Consultants to perform a screening level environmental testing in Huntersville at four different locations for baseline review as it relates to the ocular melanoma cases in the Huntersville area.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Agreement attached hereto as Exhibit No. 5.

Resolution – Condemnation. Commissioner Kidwell made a motion to adopt resolution authorizing condemnation proceedings for a right-of-way strip containing 1.38 acres, together with an area containing 0.479 acres, for a perpetual easement for the installation, operation and maintenance of electric lines and associated facilities.

Commissioner Boone seconded motion.

Motion was tied – Commissioners Boone, Kidwell and Bales in favor; Commissioners Gibbons, Phillips and Guignard opposed.

Mayor Aneralla broke the tie by voting in favor.

Resolution attached hereto as Exhibit No. 6.

CONSENT AGENDA

Approval of Minutes – December 1. Commissioner Guignard made a motion to approve the minutes of the December 1, 2016 Special Town Board Meeting. Commissioner Gibbons seconded motion. Motion carried unanimously.

Approval of Minutes – December 5. Commissioner Guignard made a motion to approve the minutes of the December 5, 2016 Regular Town Board Meeting. Commissioner Gibbons seconded motion. Motion carried unanimously.

Amended Capital Project Ordinance – Commerce Station. Commissioner Guignard made a motion to approve amended Commerce Station Capital Project Ordinance. Commissioner Gibbons seconded motion. Motion carried unanimously.

Amended Capital Project Ordinance attached hereto as Exhibit No. 7.

Gilead Road Project West – CIP. Commissioner Guignard made a motion to adopt Gilead Road Project West onto the current Huntersville Projected Capital Improvement Program as a separate and specific transportation project. Commissioner Gibbons seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #TA16-11. 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 #TA16-11, a request by the Town of Huntersville to amend Article 14 of the Huntersville Zoning Ordinance to modify the Traffic Impact Analysis requirements. Commissioner Gibbons seconded motion. Motion carried unanimously.

Resolution/Call for Public Hearing – Intent to Abandon and Close Portion of Road. Commissioner Guignard made a motion to adopt resolution of intent to close and abandon a portion of (old) McCoy Road and call a public hearing for Monday, February 6, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition for Abandonment, a request by Bank of America, N.A. as Trustee for the Nations Bank Pension Plan and PAAK-EM, LLC to abandon a portion of the former right-of-way for McCoy Road located north and south of Julian Clark Boulevard. Commissioner Gibbons seconded motion. Motion carried unanimously.

Resolution attached hereto as Attachment No. 8.

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2017.

DRAFT