

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**February 6, 2017
6:30 p.m. – Huntersville Town Hall**

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 5:00 p.m. on February 6, 2017.

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

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

The Town Board returned from closed session.

Jim Garges, Mecklenburg County Park & Recreation, updated the Board on Mecklenburg County Park & Recreation projects. *Refer to Exhibit No. 1.*

**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 February 6, 2017.

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 met a couple of weeks ago. During the construction on I-77 there will be 20 additional hours of bus service paid for by NCDOT and Cintra.
- John Lewis, CEO of CATS and a representative from the Charlotte Regional Transportation Planning Organization will speak at the North Meck Alliance meeting on Thursday.

Commissioner Bales

- The Lake Norman EDC currently has sixteen active projects – eleven are new businesses and five are expansion projects.
- Oerlikon Metco announced they will be building their first US advancement component manufacturing facility in Huntersville.

Commissioner Boone

- The Huntersville Ordinances Advisory Board met on February 2.
- The Battle of the Badges Blood Drive will be on March 25 at Birkdale Village.
- The overall crime in Huntersville for 2016 was up by 9.7 percent, which was driven by the increase of larcenies from autos.
- The Huntersville Fire Department responded to a fire at the Quality Inn on Caldwell Creek Drive on January 29.

Commissioner Gibbons

- The next meeting of the NC 73 Council of Planning has not been scheduled yet.
- The next Mecklenburg Veterans Council meeting is tomorrow. We are working on getting the VSO officer office space in Huntersville.

Commissioner Guignard

- The next meeting of Centralina Council of Governments is February 8.
- Angels of 97 will be held March 18 at North Mecklenburg High School.
- Will continue to fight to have levels of fluoride reduced in the water.

Commissioner Kidwell

- A representative from the Charlotte Regional Transportation Planning Organization will be at the next North Meck Alliance meeting.
- Noted there is box in lobby for collection of items for homeless women in Mecklenburg County.

Commissioner Phillips

- Announced upcoming Lake Norman Chamber of Commerce events.
- Provided update on Visit Lake Norman events.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Rick Cantwell, 129 Fast Lane, Mooresville, Chairman of the Patriot Military Family Foundation and the Global PTSI Foundation, addressed the Board in support of the Sports Village project.

Hal Bankirer, 17206 Linksvie Lane, addressed the Board concerning the proposed amendment to the Traffic Impact Analysis Ordinance. *Refer to written comments attached hereto as Exhibit No. 2.*

Bruce Andersen, 16125 Weatherly Way, addressed the Board concerning 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 but not change the maximum allowed density. Urged the Board to follow the recommendation of the Planning Department to deny the request or to defer it back to the Planning Board to allow them more time to review.

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board concerning diversity training. *Refer to written comments attached hereto as Exhibit No. 3.*

AGENDA CHANGES

Commissioner Guignard moved Item H under Consent Agenda (Authorize the Police Chief to apply for a Governor's Highway Safety Program Grant for four officers and associated vehicles, uniforms and equipment with matching funds over the next 4 years) to Item K under Other Business.

Commissioner Guignard made a motion to add the following two items to the end of the Consent Agenda:

- Approve the terms of the Resignation Agreement and Release entered between the Town and former manager Greg Ferguson, and to authorize the Mayor to execute the agreement on behalf of the Town.
- Approve a budget amendment for the purpose of paying amounts due to former manager Ferguson under the terms of his employment contract upon his resignation.

Commissioner Kidwell seconded motion. Motion carried unanimously.

Commissioner Boone moved Item E from the Consent Agenda (Authorize the Police Chief to sign a 5-year contract with Taser International Inc. for the purchase of in-car cameras) to Item L under Other Business.

Commissioner Boone made a motion to remove Item D (Letter of Support for CDBG Applicant) from the agenda.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

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

Commissioner Boone seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Hal Bankirer.

Petition for Abandonment. Mayor Aneralla called to order public hearing 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.

Meredith Nesbitt, Planner I, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 4.* The request is to abandon two small tracts of old public right-of-way. It's located at the intersection of McCoy Road and Julian Clark Avenue. North Carolina General Statute gives the Town Board the authority to abandon street right-of-way following a public hearing. I would like to put it into

the record that all of the legal requirements for holding a public hearing have been met and NCDOT consents to abandoning this right-of-way.

Planning Staff recommends approval. We find that it's not a detriment to public interest. It will not affect ingress or egress into any properties and it does not adversely affect connectivity.

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

OTHER BUSINESS

Petition for Abandonment. Petition for Abandonment is 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.

Commissioner Phillips made a motion to approve Petition for Abandonment.

Commissioner Bales seconded motion.

Motion carried unanimously.

Petition #TA16-07. Petition #TA16-07 is 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 but not change the maximum allowed density.

Jack Simoneau, Planning Director, entered the Staff Report into the record and reviewed request. *Staff Report attached hereto as Exhibit No. 5.*

The Planning Staff recommends approval. The Huntersville Ordinances Advisory Board recommended approval by a 5-2 vote. The Planning Board recommended denial by a 6-2 vote.

Commissioner Kidwell noted that he will not support the petition – believes this is a move in the wrong direction.

Commissioner Bales noted she is concerned that it is a drastic change in lot sizes.

Commissioner Boone made a motion in considering the proposed amendment #TA16-07 to amend Article 3.2.2(d) of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with Policies H-7, H-8, E-1 and E-2 of the Town of Huntersville 2030 Community Plan. Amending the Zoning Ordinance for reduced lot size and width average/minimums and side yard setback in the TR zone is reasonable and in the public interest because the overall density per acre is not being reduced and subdivision design flexibility is provided allowing for varied lot sizes, reduced development costs and more opportunity to avoid sensitive environmental cultural and scenic resources.

Commissioner Phillips seconded motion.

Commissioner Gibbons noted he supports the request since it is not limiting the number of homes and is not mandating they build smaller lots.

Mayor Aneralla called for the vote to approve Petition #TA16-07.

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

Mayor Aneralla broke the tie by voting in favor of the motion.

Petition #TA16-11. Petition #TA16-11 is a request by the Town of Huntersville to amend Article 14, Traffic Impact Analysis ordinance.

Staff Report attached hereto as Exhibit No. 6.

Commissioner Kidwell made a motion in considering the proposed amendment #TA16-11 to amend Article 14 of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with policies of the Town of Huntersville 2030 Community Plan. It is reasonable and in the public interest to amend the ordinance because it clarifies the Traffic Impact Analysis ordinance and provides an additional mitigation option to improve Huntersville's transportation system and focus on addressing the traffic concerns expressed by the citizens.

Commissioner Boone seconded motion.

Motion carried unanimously.

Petition #TA16-10. Petition #TA16-10 is a request by the Huntersville Ordinances Advisory Board to amend Article 6 of the Huntersville Zoning Ordinance to modify landscaping of parking lot requirements.

Meredith Nesbitt, Planner I, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 7.*

The Planning staff recommends approval. The Planning Board recommended approval by a unanimous vote.

Commissioner Boone made a motion in considering the proposed amendment #TA16-10 to amend Article 6 of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with Policies CD-6 and CD-7 of the Town of Huntersville 2030 Community Plan. It is reasonable and in the public interest to amend the Zoning Ordinance because amending perimeter landscaping of parking lots increases visibility into businesses without eliminating the spirit of the Ordinance in providing screening of parking lots. The approved tree and shrub list allows developers flexibility to select a shrub type that will meet the proposed separation and height.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Petition #R16-05. Petition #R16-05 is a request by Crescent Communities to rezone approximately 224 acres located northeast of Ervin Cook Road and Gilead Road from Transitional Residential to Neighborhood Residential – Conditional District.

David Peete, Principal Planner, pointed out that the applicant has requested a deferral to February 20, 2017.

Commissioner Guignard made a motion to defer decision on Petition #R16-05 to February 20, 2017.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

Ervin Cook Road Subdivision Sketch Plan. David Peete, Principal Planner, pointed out that the applicant has requested a deferral to February 20, 2017.

Commissioner Guignard made a motion to defer decision on Ervin Cook Road Subdivision Sketch Plan to February 20, 2017.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

Petition #R16-08. Petition #R16-08 is a request by Sports Village Land Group, LLC to rezone approximately 24.82 acres (Parcel #01740104) from Corporate Business to Special Purpose Conditional District to allow the construction of an estimated 225,000 sq. ft. mixed-use development including indoor recreation, retail and office uses.

Brad Priest, Senior Planner, entered the Staff Report into the record and reviewed the updated plan. *Staff Report attached hereto as Exhibit No. 8.*

Staff recommends approval. The Planning Board recommended approval by a 5-3 vote, with conditions as noted in the Staff Report. The applicant agrees to update their plan to make sure the requirements of the TIA and the plan match.

Commissioner Bales made a motion in considering the proposed rezoning Petition #R16-08 Huntersville Sports Complex located on Hambright Road, the Town Board finds the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long-range plans. We recommend approving the conditional rezoning plan for the Huntersville Sports Complex as shown in Rezoning Petition #R16-08. It is reasonable and in the public interest to rezone this property because the use restrictions will ensure compatibility of uses adjacent to the site, the TIA improvements committed to are consistent with the draft TIA text amendment and the application is conforming to the site requirements of the Huntersville Zoning Ordinance.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Petition #R16-09. Petition #R16-09 is a request by Daniel Phillips, Madeline Phillips and Helga Haddix to rezone 9.25 acres (portion of Parcel 00902202, known as 14936 Brown Mill Road) from Rural to Special Purpose Conditional District to allow the construction of a 123,225 sq. ft. mini-warehouse facility.

Commissioner Kidwell made a motion to recuse to Commissioner Phillips.

Commissioner Gibbons seconded motion.

Motion carried 5-0.

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 9.*

Mr. Priest stated that staff received a letter from Attorney Susan Irvin requesting a deferral to February 20.

Commissioner Kidwell reminded the Board that the long-range transportation plan cannot be considered when making a decision on this project.

Mr. Priest clarified that anyone could build what's allowed under the current zoning – a school, a church or a residence. Staff and the Planning Board are recommending not to intensify the use by changing the zoning and making it more problematic to put a thoroughfare where it is currently approved to go.

Commissioner Kidwell made a motion to defer decision on Petition #R16-09 to February 20, 2017.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

Commissioner Guignard made a motion to bring Commissioner Phillips back.

Commissioner Gibbons seconded motion.

Motion carried 5-0.

Petition #R16-11. Petition #R16-11 is a request by Shawn Schreiner to rezone Parcel 01313108 from Rural to Neighborhood Residential District.

Alison Adams, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 10.*

Ms. Adams pointed out this is a general rezoning request, therefore the name of the rezoning should not have any weight.

Staff recommends denial. The Planning Board recommended denial by a unanimous vote.

Commissioner Kidwell made a motion in considering the proposed rezoning application #R16-11, Lake View Senior Apartments General District Rezoning, the Town Board recommends denial based on the plan being inconsistent with Policies CD-1, CD-2, H-1 and H-9 of the Town of Huntersville 2030 Community Plan. It is not reasonable and in the public interest to approve the rezoning request.

Commissioner Boone seconded motion.

Motion carried unanimously.

Salary Adjustment – Interim Town Manager. Commissioner Gibbons made a motion to increase the salary of Interim Town Manager Gerry Vincent 8.33 percent, effective January 10, 2017, for the duration of his tenure which is to be determined.

Commissioner Guignard seconded motion.

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

Governor’s Highway Safety Program Grant Application. The Police Department is seeking funding through a Governor’s Highway Safety Program (GHSP) grant to higher four officers to increase the size of the Traffic Section. The GHSP grant, which covers the cost of salaries for the officers as well as the associated vehicles, uniforms and equipment, requires matching funds from Huntersville over the four-year life of the grant.

The breakdown of matching percentage obligation over the life of the grant is as follows.

Year 1 – 85% GHSP - 15% Huntersville
Year 2 – 70% GHSP - 30% Huntersville
Year 3 – 50% GHSP - 50% Huntersville
Year 4 – 0% GHSP - 100% Huntersville

The grant costs are as follows:

Budget Year	Total Cost	GHSP Grant	Huntersville Match
FY-2018 *	\$533,351	\$453,348	\$80,003
FY-2019 **	\$219,351	\$153,545	\$65,805
FY-2020 **	\$219,351	\$109,675	\$109,675
FY-2021 **	\$219,551	\$219,551	\$219,551

*includes cost of 4 officers plus uniforms and equipment

** Includes only cost of 4 officers

Commissioner Guignard asked if application had been submitted.

Chief Spruill stated it was submitted prior to January 31, which was the deadline.

Commissioner Gibbons made a motion to authorize the Police Chief to apply for the Governor’s Highway Safety Program Grant.

Commissioner Kidwell seconded motion.

Motion carried 5 to 1, with Commissioner Guignard opposed.

Contract – In-car Cameras. The Police Department is requesting Board approval to enter into a five year contract with Taser International, Inc. for In-Car cameras and to use funds from the Police Controlled Substance Tax and the False Alarm Charges Accounts to pay first year contract costs.

In the past, the Department purchased In-car cameras from L-3 Mobile Vision, Inc. at a cost of \$54,000 a year (\$4,500 per camera X 12 cameras a year). Each year, these costs were included as part of the

vehicle lease agreement, paid out over a three year period and included additional interest charges. With Board approval, the Department intends to discontinue purchasing In-Car cameras from L-3, Mobile Vision, Inc. and to purchase future In-car cameras through Taser International, Inc. Through a five year contract, Taser International, Inc. offers a higher quality In-Car Camera system at a much lower cost and with no interest charges.

Commissioner Guignard made a motion to authorize the Police Chief to sign a five year contract with Taser International Inc. for the purchase of in-car cameras and authorize the transfer/use of funds from the Police Controlled Substance Tax Account and from the Police False Alarm Charges Account to pay the first year costs of the Taser International Inc. contract for in-car cameras.

Commissioner Gibbons seconded motion.

Commissioner Boone noted that the contract provides for 65 cameras for the next five years and questioned if the number of cameras would increase if the fleet increased.

Chief Spruill explained that the contract is only for 65 cameras. If the fleet increases, additional funding would be needed to fund additional cameras.

Mayor Aneralla called for the vote.

Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes. Commissioner Guignard made a motion to approve the minutes of the January 17, 2017 Regular Town Board Meeting. 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 \$1,367.35 and appropriate to the Police Department's insurance account related to an auto claim. Commissioner Gibbons seconded motion. Motion carried unanimously.

Right-of-way Purchase. Commissioner Guignard made a motion to authorize payment of \$50,000 to Wilson D. Johnston for a right-of-way strip containing 1.138 acres, together with an area containing 0.479 acres for a perpetual easement across a portion of Parcel 019-111-07, for the operation and maintenance of electric lines for associated facilities. Commissioner Gibbons seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R16-12. Commissioner Guignard made a motion to call a public hearing for Monday, March 6, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R16-12, Anchor Mill, a request by Robert Bowman to rezone Parcel 01902201 from Neighborhood Residential to Town Center Conditional District. Commissioner Gibbons seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #ANNEX16-03. Commissioner Guignard made a motion to call a public hearing for Monday, March 6, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #ANNEX16-03, Valencia, to annex 38.24 acres (contiguous) into the Town of Huntersville. Commissioner Gibbons seconded motion. Motion carried unanimously.

Resignation Agreement and Release. Commissioner Guignard made a motion to approve the terms of the Resignation Agreement and Release entered between Town and former manager Greg Ferguson and to authorize the Mayor to execute the agreement on behalf of the Town. Commissioner Gibbons seconded motion. Motion carried unanimously.

Resignation Agreement and Release attached hereto as Exhibit No. 11.

Budget Amendment. Approve budget amendment in the amount of \$446,345.81 for the purpose of paying amounts due to former manager Greg Ferguson under the terms of his employment contract upon his resignation.

CLOSING COMMENTS

Commissioner Guignard expressed appreciation to staff for their work.

Commissioner Bales expressed appreciation to staff for their work and those that came out to the first Huntersville Huddle Up meeting.

Commissioner Kidwell expressed appreciation to staff and the Town Board.

Mayor Aneralla noted there are a lot of needs in the community, and the Board has to try to balance those needs with a lot of the other desires in the community.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2017.