

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**March 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 5:30 p.m. on March 6, 2017.

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

Commissioner Guignard made a motion to go into closed session for personnel. Commissioner Bales seconded motion. Motion carried 5-0.

Upon return from closed session, the Board heard a presentation from Nate Bowman requesting the Board consider a storm water ordinance for parcels in the downtown an acre or less to eliminate water quality in lieu of a payment of mitigation and also have a program that allows for reimbursement of infrastructure for people who are willing to put in higher density developments.

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 March 6, 2017.

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

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

The Boy Scouts led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- The next meeting of the North Meck Alliance is March 9.

Commissioner Bales

- Expressed appreciation to the Parks & Recreation Department for the groundbreaking ceremony for the new Rec Center.
- The Lake Norman Education Collaborative is partnering with the Lake Norman EDC and Chamber of Commerce to host a speed networking event at Hopewell High School on April 5. This speed networking event will be for their academies of Hospitality and Tourism and their Engineering Program.
- Huntersville has 17 active economic development projects. Three are in the first contact mode, five are in follow-up, four are currently setting up visits and five projects we are the finalist for.

Commissioner Boone

- The Police Department will host Coffee with a Cop at Chick-fil-A on March 7.
- Registration for summer youth camps will start on March 27.

Commissioner Guignard

- The next meeting of the Planning Coordinating Committee is in about 6 weeks.
- The Huntersville Lions Club will have a fundraising pancake breakfast this Saturday morning to assist in the medical bills and travel expenses of the Huntersville citizens diagnosed with Ocular Melanoma.
- The 21st Annual Angels of 97 Spaghetti dinner is March 18.

Commissioner Kidwell

- Welcomed former Mayor Jill Swain who was present in the audience.
- The next meeting of the Charlotte Regional Transportation Planning Organization is March 15.
- Expressed appreciation to the Parks & Rec Department for the groundbreaking on the Rec Center. All permits have been approved for Veterans Park.

Commissioner Boone

- Announced upcoming Lake Norman Chamber events.
- Reported on Visit Lake Norman events.

Gerry Vincent, Interim Town Manager, updated Board on current projects.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Bruce Andersen, 16125 Weatherly Way, addressed the Board concerning request by CATS to study a fixed rail alternative to the current Red Line plan. Some local leaders are bringing the Red Line back up for discussion. Many of them have a good reason to do so. The Red Line would provide an alternative for those without a car. These leaders are interested in social fairness. However, given the low ridership even the Federal Government projected, the cost would be much more than other alternatives such as bus service. Other leaders have ulterior motives such as personal financial benefits. Consultants, property owners, contractors, and developers all see dollar signs when the subject comes up. The problem is the unintended consequences that are associated with a rail transit system. Rail makes sense only when it is located in heavily populated corridors. So to make it work, Huntersville and neighboring municipalities would need to increase density to much higher levels than currently exist. High density housing on the order of 20 to 40 units per acre might be necessary, surrounding the stations and perhaps all along the rail corridor. The unintended consequences come when you recognize that only a small percentage of those in the high density housing will want to commute to Charlotte or otherwise use the train. Estimates average about 5 percent. What mode of transportation

will the other 95 percent use? Some will continue to use the bus for greater convenience. Some will be on local streets. The rest of the commuters will be on the I-77 parking lot. The false statement that rail transit will relieve congestion has even been rejected by supports of rail transit. So if you are concerned about the impact of managed lanes on I-77 and the impact on this community, be very afraid of the serious damage a future Red Line could cause.

Dianne Powers, 15324 Beatties Ford Road, said I recently learned more about the idea of building storage units behind the Old Store on Beatties Ford Road and that it would be located between the store and the fire department. I've heard that the Town's requirement that a wide planting of trees to protect the view of the neighbors is not being used on the property. Apparently this is because of the powerlines and Duke does not care about the view. I do. I live at the corner of Gilead Road and have enjoyed the view of the garden behind the Old Store for many years. I do not like the idea of seeing the back of storage buildings. Storage yards are also used for cars, trucks, sometimes they store junk that most people would not like to see outside their window. Please consider the view of the neighbors, not the power lines when you make your decision.

Charles Rapp, 15834 Pine Knoll Lane, said I'm here on behalf of the neighborhood, Town of Huntersville and the citizens within the Town of Huntersville. I have a few statements that I'm going to read to you. For the citizens in the Town of Huntersville, the approval of R16-09 will eliminate the best road option that has been completely vetted by our experts and the Town of Huntersville and could eliminate an even better option for traffic flow in the future. Approval for R16-09 takes away the experts approved current road plan and any other improved option in the future for the Town of Huntersville and its traffic issues that we currently are seeing every day and these traffic issues going into the future. Another statement from a neighbor, a friend of mine.....the citizens of Huntersville look to you to make decisions that are in the best interest of the Town, the traffic flow now and moving forward. Another statement.....the ethical choice on behalf of the citizens of Huntersville is to not disregard the planned transportation routes in our town and county. To disregard any of these already approved plans does not seem ethical. Approving R16-09 that is in direct conflict with the previously approved plans for the Town of Huntersville and its citizens is not acceptable or ethical.

Titus Bartolotta, 12902 Blakemore Avenue, said thank you all for allowing me to have a voice in this meeting. It is with great honor, respect and hopefulness that I address you tonight. I address you as a father, a husband, a business profession, a community leader and a philanthropist, but more over a resident of our great town. I understand that Huntersville Family Fitness & Aquatics which is under the management and direction of Health & Sport Works Inc. may possibly be losing its contract or it may be renegotiated or canceled all together, and I just simply don't think that's right. I don't pretend to know all the interworking's and details of what may very well be a complex and extremely layered topic here but if our town would decide to without just cause change the terms of any contract that would affect the perception that folks inside of our community and even outside of our community, that would be something I strongly disagree with. In this case, a decision to cancel this already agreed upon contract would have a possible negative impact on the jobs of many individuals that not only call Huntersville their town of employment, but moreover the town they live and shop in. This provides great concerns for me. I understand that this contract doesn't necessarily and the canceling of it affect the building – the brick and the mortar, the light fixtures. I'm really just talking about the leaders that are inside that building.....the folks that have spent over 15 years developing individuals, our kids, our grandparents, our neighbors. Those are the folks that I'm talking about and representing here tonight. The idea of disconnecting this facility from its current staff and its leadership is alarming as a father because I have two sons who have taken great joy and learned a lot from that facility. And they never once came home and said that the bricks or the light fixtures really brought them joy or educated them that. It was Miss

Cindy. It was the individuals in that building. It was the leadership of Dee Jetton, Nelson Bynum and the folks that get up and clock in everyday at that building. It's very disheartening potentially for those individuals to lose their position as a philanthropist because the community work that they do is invaluable. As the founder and the president of The Lotta Foundation, our foundation would not be able to do a lot of good. We would fall short of our mission and vision every single day if we didn't have the partnership of facilities and moreover the leadership and employees that are inside that building. It's disheartening potentially as a husband. My wife looks for a place where she can feel safe and comfortable to work-out. And although we might think there are tons of those areas, there are not and when the staff feels warm and welcomed, you want to keep going back. I think I heard a beep, so my time is over, but I just will hope that this council would respect potentially honoring that contract that's already been agreed to. *Written comments attached hereto as Exhibit No. 1.*

Anslie Hudson, 19219 Betty Stough Road, Cornelius, said I am Owner and President of Health & Sport Works, the Town's vendor for HFFA management since its first year of operation, with a contract extending until 2021. I am accompanied by our corporate counsel, John Arrowood of James, McElroy and Diehl. I am here because a conversation was raised outside our presence at the Board Retreat in January to rebid our contract despite no issue brought forth for cause of this action. On Thursday of last week, an RFP, in complete form, was included in the Board Agenda. As context, the previous two weeks we met with commissioners and on one occasion the Mayor, to work on a strategy to address the operational interests of this Board for HFFA. All present stated their opinion that these meetings were useful in moving the ball forward in understanding and coming to an agreement on the complexity of the changes that would need to take place in membership implications. As a long-term service provider to the Town we are baffled by this course of events, deflection of information and the absence of feedback and direction from the Board. We have managed HFFA since April 2, 2002, one month short of 15 years at this point. And through the tenure of seven previous boards. We have met member satisfaction expectations in the opinion of all boards, including this one. We have worked collaboratively to implement the boards' decisions on HFFA operations, merging the business practice with municipal sensitivities. We believe and have been told we coalesced these sensibilities effectively. We negotiated and contracted in 2015 in good faith and made commitments to employees and declined other opportunities to devote our primary facility attention to HFFA. We did this in part because of the strong support and community partnerships we have developed. The Health & Sport Works relationship with Novant started as Presbyterian. They selected HSW first for us to manage the fitness center inside of HFFA. Novant representatives with whom we share a medical fitness mission have stated the reason they work at HFFA is the staff, not the facilities. In fact they consider the partnership with HSW to be the model for future communities they serve. Our team is a group of dedicated year-round professionals, 96 of whom are Huntersville residents and another 48 from the greater Lake Norman area. As a North Carolina qualifying Historically Underutilized Business with female ownership and leadership, we are equally proud to employ 182 women, 71 percent of our workforce. Some employees have even asked me if the Board's direction is being taken because of this fact. We value our employees with disabilities and economic challenges as well as our team of interns that work more than 120 hours a week. They are concerned about their jobs and that's why I am here, to give them a voice. We hope that the Board will determine to honor the contract that we have in place.

Jill Swain, 105 Nitsa Lane, said in October of 2015, then candidate John Aneralla, commented on record at a Town Board meeting that he was opposed to the signing of a contract for HSW to manage HFFA. He said, as recorded in those minutes, that "I refer to the Town's Ethics Code Section 3 (f) Special Treatment – No Town official shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to each and every other citizen. I believe there's a citizen here that would like to bid for that contract." He went on to say, "the worst type of crony capitalism where a

career politician lines the pockets of friends and that has no place in Huntersville. This is what turns people off about politics.” He did not stick around to hear my response that night. But what Mr. Aneralla did not say during that time was that the person who he believed was there to bid and who followed him in public comments that night was a donor to his own campaign, Mr. Brian Sheehan. Tonight Mr. Aneralla is slated to bring this contract up again.....a 5-year contract in which the Town is in year one. I’m curious about the reason this Board is interested in potentially breaking a contract and paying penalties that would unnecessarily cost our taxpayers and would also be a move that could affect the employees as you’ve heard, the scheduled events and the businesses that receive sales from those events and could also affect, again as you have heard, the sponsorships that HSW has worked very hard to achieve. I would encourage everyone in the audience and the citizens to watch and see if Mr. Sheehan, the campaign donor, is first in line to bid on that contract. Or second in line. Or in line at all. Additionally, you have another item on the agenda to decision on a rezoning for a sitting commissioners that both the staff and the volunteer Planning Board have suggested denying. I merely want to let this Board know that the citizens are indeed watching. They are watching tonight’s decisions and conversation with interest.

John Ryan, 13839 Hastings Farm Road, said I am a part of the Hagers Ferry development and I’ve been asked to speak on the behalf of the homeowners in regard to the proposed rezoning for a storage facility at the corner of Beatties Ford Road and NC 73. A couple of items have been brought up by myself and neighbors which include the eyesore that would be at the western gateway to Huntersville, whether the new alignment comes in and ends up right there where the storage facility is proposed or if the widening of 73 occurs and those facilities are right there. Looking at the proposed plan there are a number of issues with it in terms of easements – over 80 percent of the proposal does not have the 20’ easement that it is supposed to have and that’s a problem. It looks as though the building in that location right smack in the middle of the potential proposed northwest extension of NC 73 is being put there to block that. It looks just like a road block. And that’s a problem. That shouldn’t be happening as we are looking at taking care of the traffic problems that we have in that part of Huntersville. Those were the items that were brought up in neighborhood conversations very quickly as we found out about this proposal this past week. I echo what some other people have said. I wanted to let you know that there are a number of people who are here who agree with me and are present to object to this rezoning.

Eric Rowell, 7847 Horseshoe Creek Drive, said I was initially going to talk about R16-09 but I think I’m going to hold off on those comments. But while I’m here I do just want to briefly address the HFFA bid item that’s on the agenda. I do want to applaud the Board for putting that on tonight’s agenda. I think it’s long overdue. Only in government could you have a contract not be put out for bid for 15 years and it be seen as a good thing. How do we know that the taxpayers are getting their money’s worth if we don’t have any basis for a comparison. This is simply a bid process, nothing more nothing less. If HSW is the only person that bids, maybe they are indeed the only company that can run this facility. If other people put their name out for bid it will be a public process. But I think rushing through the contract in October 2015 before the last election could take place was a disservice to the taxpayers in Huntersville. I do encourage you to vote in favor of putting out the contract for bid tonight and we’ll see who comes back with a bid to run the facility.

AGENDA CHANGES

Commissioner Guignard made a motion to adopt the agenda.

Commissioner Phillips seconded motion.

Motion carried 5-0.

PUBLIC HEARINGS

Petition #R16-12. Mayor Aneralla called to order public hearing on Petition #R16-12, Anchor Mill Rezoning, a request by Nate Bowman to rezone Parcel 01902201 from Neighborhood Residential to Town Center Conditional District.

Alison Adams, Senior Planner, entered the Staff Report into the record and reviewed request. *Staff Report attached hereto as Exhibit No. 2.*

The applicant is requesting to continue the public hearing for 30 days in order to have time to finish addressing all comments on the plans and to finalize requirements of the TIA with the Town and NCDOT.

The Anchor Mill Property Conditional District Rezoning Plan can be supported by staff subject to the following:

- All required TIA/Town/NCDOT required improvements are provided.
- All outstanding Transportation comments are addressed.
- Provide bike lane along all the Huntersville-Concord Road development frontage.
- Public Street is added in front of the anchor building (storefront – approx. 50,000 sq. ft.) to aid block breaks and establish the primary entry.
- All outstanding redline comments are addressed.
- The Town Board approves the Special Use Permit to allow for a 78,000 sq. ft. storefront building within the development.

Mayor Aneralla called for public comments.

Barbara Tessari, 200 Quail Crossing, said in 2010 our house was on a dead-end street. We have almost an acre of land. Centennial came that year and since then we have a thoroughfare. We have cars screeching and we lost our privacy. Crime went way up. We have thought about putting an addition on our house because it's still our piece of Heaven and now with this I begin to wonder if when I sit on my back deck if I'm going to see stars anymore because of all the brightness that's going to be around. I wonder about the noise, what we are going to see. Am I just going to have this little piece of property amongst all of this newness going on. I know it looks nice and all but why do we need it. We have five grocery stores in a mile. Where does it all stop. It just seems like we keep building and building. Our property values have gone down since Centennial was put into place because we have land and we are being compared to tiny pieces of property. I just feel like we are getting shoved out and I still just kind of question why. I don't know how many other people here feel the way we do. I guess maybe it's a difference of how we like to live our lives. I guess we may have to go further out in order to get a little piece of Heaven and lose what we have now. I have a lot questions on the traffic patterns, too.

Charles Gelsanliter, 201 Third Street, said I have concerns about the traffic. The Town has been wanting to put a connection all the way from Walters Street through my adjacent neighbor's property and split her property in half and would put a road right along my property thus creating three streets that I have my house on. Right now it's Steel Street and Third Street and then another connection with the inside development here. My biggest concern is all these plans that we have done, anybody who has a

property not owned by the Town or Mr. Bowman basically your property is going to be gone. They just want to buy you up and you have no say. That's my concern.

Roger Diedrich, 10128 Vanguard Parkway, said I'm an appointed member of the Town's Greenway Commission, but I'm speaking for myself and not the commission. I do support the development. I think it would be good for the Town and the neighborhood. My concern is for the greenway route that is proposed. The plan states that it will incorporate the Town's greenway plan and also connect to the Thread Trail but it seems to me it's doing that in a very poor fashion and may not satisfy the Greenway Plan. The crux of it is how are you going to cross Huntersville-Concord Road and the latest I heard was that the issue of disrupting the road and replacing the culvert west of the bridge was still under discussion. There was a route that would go east to the proposed light at Cinnabar and I just feel like that would not be a good route. If there is a decision to replace the culvert and otherwise disrupt Huntersville-Concord Road, I strongly urge that the greenway be provided with a separate underground passage. This is by far the preferred route for safety, aesthetics and service reasons. There would be incremental cost from doing that but it wouldn't be the same as building an entirely new tunnel and that would be partly offset by not building that lengthy route to the north or to the east which would require building shoulders and maybe retaining walls along the way. I think there's serious safety concerns with that route because it goes along Huntersville-Concord Road and then comes back and I think people, especially teenagers, would probably run right across the road because it would be quicker. There are other additional street crossings with that route that would not occur if you had an underpass and without that underpass the people I'm sure not too distant future we are going to have new residents in the other additional area to the south or the east between Warfield, Huntersville-Concord and Vermillion and the people there would not have good access to either Anchor Mill or the greenway. If Huntersville-Concord is ever widened in the future to four lanes which I suspect is going to happen maybe in 20 years, it would exasperate all the issues that I have raised and make it even more unlikely that we would ever have a proper crossing under the road. If conditions allow please give consideration to giving a first class greenway connection for the greenway.

Greg Dawson, 14028 Cinnabar Place, said I live four houses down from the proposed stoplight. Unlike many of the people that spoke I'm actually for this plan but I just want to go on record as saying that I'm not sure that all of the potential options there have been addressed. I really think that given the amount of land that is there that a roundabout or circle could be made to work. I wasted the better part of several Saturdays online looking at similar structures in places that are tight. There's a number of things that could be done.....offset circles, things along those lines, so I just want to be on record as saying that there's probably a better alternative. This Town seems to like roundabouts so I'd like to see one there. I've lived at this location for 15 years. I moved in thinking that it was a transit oriented development so I'm just going to throw a plug in that the red line may be resurfacing. I take the bus to work every day. The bus is packed. You can use rail and people will be on it.

Mary Richards, 204 Third Street, said I have three lots down there and I think it was in January they wanted an easement through my property and I did not sign it because I have lived there since 1962. I bought the property, I raised my children there and now I'm a widow and I don't really have any place else to go and I know that things happen and we grow and everything but I'm content and happy where I am. I don't think it's right to take people's property or do the things that's going on here. I pay taxes. I'm a Christian and our church is right in that area too where they are wanting to build the road through there across my property. Our church on Second Street was built there and my family owned the corners of all those streets, First, Second and Third, at one time, but they have all passed away.

Commissioner Kidwell made a motion to continue the public hearing to April 3, 2017. Commissioner Phillips seconded motion. Motion carried 5-0.

Petition #ANNEX16-03. Mayor Aneralla called to order public hearing on Petition #ANNEX16-03, Valencia, a request to annex 38.24 acres (contiguous) into the Town of Huntersville.

Meredith Nesbitt, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report attached hereto as Attachment No. 3.*

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

OTHER BUSINESS

Petition #ANNEX16-03. Petition #ANNEX16-03, Valencia, is a request to annex 38.24 acres (contiguous) into the Town of Huntersville.

Commissioner Boone made a motion to adopt Annexation Ordinance #ANNEX16-03.

Commissioner Bales seconded motion.

Motion carried 5-0.

Annexation Ordinance attached hereto as Exhibit No. 4.

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 Commissioner Phillips.

Commissioner Guignard seconded motion.

Motion carried 5-0.

Brad Priest, Senior Planner, entered the Staff Report into the record. Staff received over the weekend a request from the applicant to defer consideration for another two weeks to address issues that came up at the February 28 Planning Board meeting.

Commissioner Kidwell made a motion to defer consideration of Petition #R16-09 to March 20, 2017.

Commissioner Guignard seconded motion.

Commissioner Boone made a substitute motion to defer consideration of Petition #R16-09 to April 3, 2017.

Commissioner Bales seconded motion.

Mayor Aneralla called for the vote on the substitute motion to defer to April 3.

Motion was tied 2-2 (Commissioners Boone and Bales in favor; Commissioners Guignard and Kidwell opposed).

Mayor Aneralla broke the tie by voting in opposition of motion to defer to April 3.

Mayor Aneralla called for the vote on the original motion to defer to March 20.

Motion carried 3 to 1, with Commissioner Boone opposed.

Commissioner Guignard made a motion to allow Commissioner Phillips back.

Commissioner Kidwell seconded motion.

Motion carried 4-0.

Commissioner Gibbons entered meeting.

Financial Commitment – Gilead Road Widening Project. The Gilead Road widening project, detailed as widening of Gilead Road from McCoy Road to Wynfield Creek Parkway, is currently being considered as a candidate project for application to the CRTPO as part of its Spring 2017 Direct Attributable (DA) Funds Call for Projects. Submittal of all candidate project applications are due no later than March 20, 2017.

To fully complete the CRTPO application process, the Town must determine its financial commitment by designating the project cost percentage intended to serve as matching funds towards delivery of the \$6,300,000 Gilead Road widening project.

Prioritization of all candidate projects are determined using various evaluation criteria, one of which assigns points for the matching funds percentage. Out of the maximum total of 80 points used to determine priority, the points assigned to the different matching fund percentages (and approximate dollar amounts) are as follows:

25% - 29%	10 Points	$(\$6,300,000 \times 0.25 = \$1,575,000)$
30%-49%	15 Points	$(\$6,300,000 \times 0.30 = \$1,900,000)$
>50%	25 Points	$(\$6,300,000 \times 0.50 = \$3,200,000)$

Commissioner Phillips made a motion to authorize financial commitment of a minimum 51 percent/\$3.2 million local share for inclusion into the CRTPO application package for the Gilead Road Widening project and authorize Interim Town Manager to issue formal correspondence representing said authorized percentage as supporting documentation to the application package.

Commissioner Kidwell seconded motion.

Jackie Huffman, Finance Director, pointed out that the action being requested tonight is whether or not you will commit to spending the money, not necessarily where you will get it from. Encouraged the Board to consider 2012 bonds as potential alternative because there would be time to issue them. If the project ends up costing more, the Board may be asked for money fund balance later.

Mayor Aneralla called for the vote to authorize financial commitment of a minimum 51 percent/\$3.2 million local share for inclusion into the CRTPO application package for the Gilead Road Widening

project and authorize Interim Town Manager to issue formal correspondence representing said authorized percentage as supporting documentation to the application package

Motion carried unanimously.

Revised CIP. Action was taken on the December 19, 2016 Town Board meeting adopting the Gilead Road West project onto the Huntersville Capital Improvement Program.

With the more recent Town Board action identifying a specific financial commitment toward the delivery of the Gilead Road West project, it is necessary to revise the details of the CIP to accurately represent the proposed funding sources.

Commissioner Kidwell made a motion to adopt revised CIP details for the Gilead Road West project. Commissioner Gibbons seconded motion.

Motion carried unanimously.

Revised CIP Worksheet attached hereto as Exhibit No. 5.

Financial Policy Update. Commissioner Phillips made a motion to approve Financial Policy update and Cash and Investment Policy.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Financial Policy and Cash and Investment Policy attached hereto as Exhibit No. 6.

Filing Fees – 2017 Election. Commissioner Guignard made a motion to set the filing fees for the 2017 Election at \$10 for Mayor and \$5 for Town Commissioner.

Commissioner Bales seconded motion.

Motion carried unanimously.

Resolution Opposing HB 64. Commissioner Kidwell made a motion to adopt Resolution opposing House Bill 64.

Commissioner Guignard seconded motion.

Motion carried unanimously.

RESOLUTION OPPOSING HOUSE BILL 64

WHEREAS, Municipalities in North Carolina have a long standing history of being well managed - with no election improprieties or gross mismanagement of power; and

WHEREAS, we as local officials care for the health, safety and well-being of our citizens and the property encompassed within our municipalities; and

WHEREAS, we believe local officials, who live and work daily in the communities they represent, can best determine the specific needs of our citizens and our communities; and

WHEREAS, Municipal Elections are purposely held in odd numbered years and in the Town of Huntersville these elections are held every two years and are nonpartisan and of North Carolina's 533 cities, only eight have chosen to have partisan elections; and

WHEREAS, Municipal Elections are held in odd years with National and State Elections held in even years, in order to separate partisan national elections from local government elections; and

WHEREAS, the separation of National and State Elections from Municipal Elections allow citizens to focus on the issues and candidates that are of singular importance to their individual neighborhoods and communities.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Huntersville is opposed to House Bill 64 which would move Municipal Elections to even number years due to the following reasons:

1. Elections in odd numbered years allows people to be informed regarding local issues and municipal candidates who can best serve their communities;
2. This bill is not necessary as citizens currently have the ability to move their elections to odd numbered years if they choose to do so by requesting local Legislative action;
3. There would be no cost savings as Municipal Governments pay for Municipal Elections;
4. Citizens should retain local control of their municipalities and Municipal Elections without the interference of National and State influences;
5. If moved to even number years to coordinate with National and State Elections, Municipal Elections would become partisan and driven by national issues and candidates.

BE IT FURTHER RESOLVED that a copy of this Resolution is recorded in the official minutes of the meeting of the Town of Huntersville and a copy be provided to the State and Local Government II, House Standing Committee Members: Chairman John R. Bradford, II, Representatives: Jay Adams, John Autry, Cynthia Ball, James L. Boles, Jr., Beverly G. Boswell, Charles Graham, George Graham, Joe John, Phillip A. Lehman, Stephen M. Ross, John Sauls, Mitchell S. Setzer, Bob Steinburg, Sam Watford and Linda Hunt Williams.

Adopted this 6th day of March, 2017.

HFFA RFQ/RFP Discussion. Mayor Aneralla explained that this contract was approved back in October 2015 and was not put out for bid. It was my opinion at that time that it should be like every other contract. HFFA for the fiscal year that ended June 30 lost about \$240,000-250,000 on an operating basis and we are looking to improve that and also we had to pay a bonus despite the fact that the entity had lost money on an operating basis. Some of those terms have been changed going forward. And what we are simply doing here is, we are continuing to work with HFFA to improve some of the issues that have occurred over the last year or two and try and see if there's anybody else out there that might want to compete for this business. There's nothing definitive. There may be nobody coming back that would want to take on this animal because it is quite a bit of a challenge. That's where we are.

Commissioner Boone made a motion authorizing the Interim Town Manager to proceed with advertisement of Request for Qualifications as amended to reflect a due date of May 8 for the operations of the Huntersville Family Fitness & Aquatics.

Commissioner Phillips seconded motion.

Commissioner Kidwell said I was not at the meetings regarding HFFA and listening to a lot of individuals talk tonight, we heard a lot about the feel good stuff, how the staff makes our families feel, our families enjoy going to it and things like that and I appreciate that. I think Ms. Hudson said that HSW and HFFA were not alerted to the potential RFP. I'm asking the Board is that accurate. Did we bring up our reasons to HSW to make them aware of any displeasure that was going on. I was not at the meetings with them, so I don't know.

Mayor Aneralla said we took this issue up at the Town retreat and we made a decision at the time of the retreat that we were going two roads – (1) to continue to try to work with HSW and improve HFFA's performance and (2) to come up with some type of RFP or RFQ. In addition we did discuss possibly renegotiating the current agreement.

Commissioner Kidwell said I go back to my original question, did we tell HSW at that time.

Mayor Aneralla said at the Town retreat, no.

Commissioner Kidwell said did we reach out to their representative? I just want to make sure the communication went up the ladder to them.

Gerry Vincent said Dee was here for the presentation at the retreat.

Commissioner Bales said that is correct she was here, but she was not here for this discussion, when we discussed putting it out for bid. As far as I know, no one officially contacted HSW to have that conversation.

Commissioner Kidwell said when this came up for voting in October 2015 I voted against extending the contract because an RFP was not done and I felt an RFP should be done. Anything that we do especially at that level, and granted I also believed that if we did an RFP, HSW would probably still be the leader because of the oddness of this whole aquatic center.....it's not a Planet Fitness or a neighborhood pool. I firmly believed at that point that we should have it out there for bid for people, for businesses to submit a proposal to make sure that we are doing our best for the taxpayer. That vote didn't go my way. I guess my issue now is we have not sat down with HSW and said these are our issues we need to fix them. I think it's only right that they be given that opportunity to look at why we have a \$250,000 loss and are we addressing those concerns. While I think that the contract should be bid out I think it should have been bid out from the beginning. I don't think we are doing our current vendor right by not giving them the information.

Mayor Aneralla said I would say in my opinion we are working on those issues. A lot of them have to do with credit card issues, the structure of the management fees, the dues. I did have a conversation with Ms. Hudson prior to the retreat and she indicated she would absolutely bid on it again if we put it out for bid.

Commissioner Bales said one of the things that concerns me is that the contract was renewed. We went into this contract and HSW in good faith and that contract does not expire until 2021. I hear what Commissioner Kidwell is saying and I hear what everybody else is saying on this Board. There was a loss. What are the issues and how can we work together. My concern is how do you fix what isn't working while turning around and putting the contract back out for bid. It seems to me that creates a contentious working environment with your vendor and the Town. I believe in 2019 that contract can be relooked at.

Bob Blythe, Town Attorney, said there's one day in 2019 that was put in the contract because of bond issues that the contract can be canceled without penalty. Any other time it does carry a cancellation fee of six months and something like six weeks for key personnel.

Commissioner Bales said it would just seem to me that it would be better for our town to work with our vendor to fix the concerns that we may have than to spend money on the RFP and potentially spend dollars with the cancellation fee. I just feel like we are putting the cart before the horse.

Commissioner Phillips said my point of this is let's get back to the real facts of this thing. This was renewed eight months sooner than what it was supposed to be right before the election of last year. This contract to my knowledge has not been out on a RFP since 2002 and when the Town Manager was asked at that time he said well we just wasn't going to waste time on it. I think we owe it to the taxpayers. Nothing may come out of this. It's simply an RFP. I think we owe it to the taxpayers to make sure we are getting the best deal. It's nothing more than information

Commissioner Gibbons said I am a little bit disappointed in us tonight up here in that I've been in on lots of conversation about things that we were not necessarily particularly happy about. I have not been in on the HFFA committee meetings but in my debriefs and what I've been told about those meetings a lot of issues have been discussed, credit cards just being one of them, but programming and this and that and the other thing. There's been questions asked of the Board to what we can do and I guess I do as Commissioner Kidwell stated take issue.....if there's a notification time period to put out an RFP to a sitting or present vendor I think we need to honor that. But as far as the issues and Commissioner Bales you've been on that committee, these issues aren't something we just started talking about at the retreat or this month. It's been going on and I've not seen where we are getting too far on that. I do believe also we've had the same people run the place basically since it's been here and I do believe that the size of the contract should owe itself to getting someone to take a look and see. I've heard the comment made that there's no one else that can do this kind of thing. I don't believe that's true in a town that has the talent we have around here. I believe there are people that can do something like this. I think that the issues are ongoing. I do believe they are worth looking into and I believe that getting a proposal from someone else we should do. But if there is a notification period, I think we should stick to that. So we need to look into that and if there is a period I think we could back that up from whatever date this is and that could be notification and we could follow to the letter of the law if there is such thing in the contract.

Commissioner Guignard said can we ask the attorney if there is a notification that he knows of.

Mr. Blythe said yes, there is. Not for putting out an RFP, but for terminating the contract.

Commissioner Guignard said but to do the action tonight that we are discussing is there any obligation under contract or in your opinion under law that we have misled or done something wrong or illegal by not having formal conversations.

Mr. Blythe said I don't think you've done anything illegal at this point.

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

Commissioner Phillips said I've asked on numerous occasions for a copy of membership contract. I'd like to make that so it does get in the minutes tonight that I would like to have one.

CATS Discussion. Mayor Aneralla presented the Board with information pertaining to the ½ cent sales tax for mass transit that was passed by voters in 1997. *Refer to information attached hereto as Exhibit No. 7.*

Mayor Aneralla explained that CATS wants to study building an alternative line in North Mecklenburg and requested support from the Board to bring back a resolution to the next meeting rejecting the study of an alternative line and a proposal to use the money for uses outlined in the statute.

It was the general consensus of the Board to have the Mayor prepare a resolution for consideration at the next meeting rejecting the current CATS budget proposal for a Red Line alternative and instead endorse a plan to use the study money for improved bus and related transportation needs.

CONSENT AGENDA

Approval of Minutes. Commissioner Guignard made a motion to approve the minutes of the February 20, 2017 Regular Town Board Meeting. Commissioner Gibbons seconded motion. Motion carried unanimously.

LDOAB Name Change. Commissioner Guignard made a motion to approve changing the name from the Land Development Ordinances Advisory Board to the Huntersville Ordinances Advisory Board to more accurately reflect their duties. Commissioner Gibbons seconded motion. Motion carried unanimously.

Call for Public Hearing – Petition #R16-07. Commissioner Guignard made a motion to call a public hearing for Monday, April 3, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R16-07, a request by Skybrook, LLC to revise the existing Conditional District rezoning plan for approximately 171.88 acres to remain Transitional Residential Conditional District with an increase in density and other site plan changes. Commissioner Gibbons seconded motion. Motion carried unanimously.

Audit Contract. Commissioner Guignard made a motion to approve audit contract with Martin Starnes & Associates, CPAs, P.A. Commissioner Gibbons seconded motion. Motion carried unanimously.

Contract attached hereto as Exhibit No. 8.

Budget Amendment – Police. Commissioner Guignard made a motion to approve budget amendment recognizing auto insurance revenue in the amount of \$14,846.42 and appropriate to the Police Department's Vehicle Insurance account for multiple vehicle claims. Commissioner Gibbons seconded motion. Motion carried unanimously.

Budget Amendment – Police. Commissioner Guignard made a motion to approve budget amendment recognizing auto insurance revenue in the amount of \$952.60 and appropriate to the Police Department's Vehicle Insurance account. Commissioner Gibbons seconded motion. Motion carried unanimously.

CLOSING COMMENTS

Commissioner Bales said as we continue to discuss transit I think there are those of us that are not necessarily opposed to the train but we need relief now and that's just what I wanted to share with everyone and I think that's what this conversation was about tonight.

There being no further business, the meeting was adjourned.

Approved this the _____ day of _____, 2017.

DRAFT