

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**June 5, 2017  
6:30 p.m. – Huntersville Town Hall**

**PRE-MEETING**

None

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**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 June 5, 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

- Commended staff for their efforts on the Memorial Day ceremony.
- The Metropolitan Transit Commission met a couple of weeks ago. There will be a new bus route from the Bryton community to the UNCC rail station.
- The next meeting of the North Meck Alliance is Thursday.
- Huntersville resident Joanna Anderson is a member of Bailey Middle School Odyssey of the Minds, who won out of 800 teams worldwide.

Commissioner Bales

- Commended staff for their efforts on the Memorial Day ceremony.

Commissioner Boone

- Construction of the new Fire Station No. 4 is on schedule.

Commissioner Gibbons

- The Veterans Service Officer now has office space in Town Center.

- Recognized former commissioner Ron Julian in the audience.
- The next meeting of the Mecklenburg Veterans Council is tomorrow.

#### Commissioner Guignard

- No report from Centralina Council of Governments and the Planning Coordinating Committee.
- Commended staff for their work on the Memorial Day ceremony.
- Construction of Recreation Center and Veterans Park is moving forward.

#### Commissioner Kidwell

- An agenda has not been set for the next Charlotte Regional Transportation Planning Organization meeting.

#### Commissioner Phillips

- Announced upcoming Lake Norman Chamber and Visit Lake Norman events.

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

Chris Vincent, 1994 University City Church Drive, addressed the Board in support of increasing the amount of times an illuminated or self-luminous changeable copy sign message can change per 24 hour period.

Joan Lesch, 16930 Hugh Torance Parkway, encouraged Board members to attend the June 20 public meeting to hear public comments on the Northwest Huntersville Transportation Study – Phase II and hopes the police and fire departments will be asked for their input, as there are a number of potentially dangerous conditions that may arise from some of the proposed changes. Also encouraged Board members to visit the Gilead Ridge community to observe the already existing road conditions.

Max Southers, 13927 Cinnabar Place, expressed concerns about proposed changes to the intersection of Cinnabar and Huntersville-Concord Road included in the Vermillion Village plan. That particular area provides a buffer to the Vermillion community from traffic on Huntersville-Concord Road and opening it up by removing trees and part of the landscaping would seem to be bringing an intrusion of noise into the community.

Greg Dawson, 14028 Cinnabar Place, expressed concerns about proposed changes to the intersection of Cinnabar Place and Huntersville-Concord Road included in the Vermillion Village plan. Cinnabar Place is effectively a one-lane road coming out of Vermillion and believes the idea that a staging lane is needed for people to turn right out of Vermillion is a bit flawed. Vermillion has phases and our phase is the only one using that exit. It's not growing. There's no one in the new sections that are going to navigate through that to come out there.

### **AGENDA CHANGES**

Commissioner Guignard moved Item B under the consent agenda (Authorize award to National Recovery & Wrecking Co. for demolition services for seven dwellings) to Item P under Other Business.

Commissioner Boone switched the order of Items G and H under Other Business – Item G will be Item H and Item H will be Item G.

Commissioner Gibbons added Item F to the Consent Agenda – Approve Property Tax Refund Report No. 72.

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

Commissioner Phillips seconded motion.

Motion carried unanimously.

### **PUBLIC HEARINGS**

**Petition #R17-01.** Commissioner Gibbons made a motion to recuse Commissioner Guignard. Commissioner Bales seconded motion. Motion carried with five (5) yes votes.

Mayor Aneralla called to order public hearing on Petition #R17-01, a request by Nate Bowman to rezone Parcels 01920320, 01920313 and 01937101 from Neighborhood Residential and Transitional Residential to Neighborhood Residential Conditional District.

Alison Adams, Senior Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 1.*

Commissioner Boone asked if the plan includes any walkable trails.

Ms. Adams said there's none proposed as far as greenways. There are sidewalks along every one of these roads on both sides. It will tie into the existing Valencia subdivision which does have a greenway trail up along the upper portion of the creek that will tie into Vermillion and then over to the Anchor Mill property.

Commissioner Bales requested further explanation on staff's concerns with how Holbrooks connects with the future Asbury Chapel.

Max Buchanan, Public Work Director/Town Engineer, said I think there's been some question as to if Asbury Chapel future thoroughfare had to be dedicated or not. That's something we will have to work out. The issue is this is a bad intersection because of the skew intersection angle. If you will look at this property line, I think you want to bring in that intersection to as close to 90 degrees as possible and I think that's probably why you reserve the property line together. I think the applicant has agreed to look at that from an intersection efficiency standpoint.

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

Commissioner Gibbons made a motion to bring Commissioner Guignard back. Commissioner Bales seconded motion. Motion carried with five (5) yes votes.

**Petition #R16-07.** Mayor Aneralla called to order public hearing 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.

David Peete, Principal Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 2.*

Commissioner Guignard requested a synopsis of where staff stands as far as what they have done and are they okay with where they are now with the open space.

Mr. Peete said if you go back to 2010 and you see the areas, and remember there's only 16 units in C, so there's a trail lane for a future greenway. Everything in blue is the open space that was left over when the Metrolina deal happened. Metrolina owns all of B. They do not own C, but they are restricted, so it will serve the purposes of A. In the current proposal nothing is changing on everything in the blue. All of that floodplain, all of that area for future greenway, all of the area around C is still there. What they have done is augmented Tract A. They have done that through changing lot sizes. They have done that by adding land. They have done that by modification of one particularly large lot and I only point it out because it was quite large, but there was actually one lot here that may have been a negotiated item that maybe somebody who had something to do with the land deal kind of wanted to hold that back, so that just one buildable lot was transferred into two standard size lots and then the back area there is a large tree save area. They were able to increase their general open space, increase their urban open space and add the buffers along the thoroughfares all as the ordinance would like to see. They went from about 12 percent open space on Tract A to north of 27 percent. The densities that you see in the summary are at 225, and they would be reduced to 220.

Scott Moore, Project Manager for Skybrook, said the original 2006 plan was 258 lots. When we came in 2010 the big thing that I want to note here is we went from 258 to 180 single-family lots. That's a 78 net lot loss on 171 acres. To clarify, David did mention that in the past 7 years since 2010 we have primarily just developed this portion which is the 16 lots. The proposal that we have before you it's very important to note the overall design and layout. This has gone through Town Board twice and we wanted to really maintain the street layout since it had already been approved by Town Board. David spoke a lot about the quality of open space and that's something we have worked on pretty heavily for A because he had mentioned in both B and C, so those have remained and we are meeting that requirement there. And when we look at developing these sites we wanted to maintain again to the current layout that was there. We are proposing three different lot sizes and the developments that you see to the northeast and also to the southeast.....the one to the north is the Villages at Skybrook North. That has 60' and 50' wide lots. We are not proposing any 50's to transition over to the Oaks. It carries about a 2.9 units per acre in the development. And then of course here in Parkside what you see here, where that came through Town Board years ago, we're sitting at 1.44 units. The development as a whole with these 16 lots paired up with this and all of the open space that David talked about, you are looking at about 1.28 units per acre. If you separate it out and all Tract A out for what it is, it's about 2.16 units per acre. That transitions very nicely in terms of having the 2.9 here and then having the 1.44 here. It actually works out very well in transition. When we laid out everything as you have seen in the proposal instead of 204 it came out to 209. We had some significant increases to open space. One thing that was brought up at the last hearing is that we will have private trails that will cut through the community. We will meet all of the items that staff is talking about. The one thing that we cannot meet which would be a complete redesign of the site and something that we would need your consideration on are these sections right here. Back in 2006 the Town of Huntersville had a 90 degree turning radius. We were approved in 2006 and 2010 and the plan has maintained its course and stayed where it is. This is at a 90 degree radius, but this is at 150. If we were to change the overall radiuses on this it would be a complete redesign of the site and we would end up having to put in more roads.

Commissioner Guignard said one item said all required TIA, Town, DOT required improvements are provided but at the top you said issues to be addresses. Are we saying when that provided means they've taken care of that.

Mr. Peete said what we are saying is that they are going to list on the plan what they will be doing per the TIA, the Town and DOT.

Commissioner Phillips said I want to be sure I understand the difference between the 220 and the 225. And that goes back to the history and in essence you have a large tract B. You've got some homes in it and you can see C essentially is irrelevant because it doesn't change. Selling the land to Metrolina was something that they could do. And so what we told them was in order to preserve the density that you are contemplating in A you've got to restrict B or you are going to lose that density. There is a state road here. There is a small 10' linkage that will one day hopefully be a greenway and that is all that could be there one day to have these residents have the ability to use this and other than the greenway which does not exist yet it's just floodplain, so it's not active recreational space, it's really just natural. So all of our conversations with Scott and Skybrook which were very positive, we're talking about how can we not only keep the density that you have but truly give the residents meaningful open space and then we have to say now you want to increase that density. What we did was really list it out you needed it to be code compliant, you needed to provide open space on the order of what we would normally expect in the TR because that's what they are trying to say and then what else can you do above and beyond that to merit the density increase. That's what we did back and forth and I think that they definitely hit those marks. Where we drew the line was they hit those marks to get to the original request of 40, the additional 5 was beyond that. Now what does that equate to. Is that ½ acre of open space. That's not the way our ordinance works, but it a professional call that we made and in essence that's where we said we're comfortable with the 40 as we discussed all along, but we wouldn't support the last version of the plan.

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

**Petition #TA17-03.** Mayor Aneralla called to order public hearing on Petition #TA17-03, a request by the Town of Huntersville Planning Board to amend Article 11.4.2(b).1 to modify the term limits for members from within the Town Limits and Article 11.4.7(b) to modify the number of times the Planning Board may defer action on a request; and a request by the Town of Huntersville to amend Article 4: *Lot and Building Type for Detached House* to modify a reference to Transitional Residential sideyard setback, which was changed on February 6, 2017.

Meredith Nesbitt, Planner I, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 3.*

Commissioner Kidwell said when I read this it kind of caught me off guard. The Planning Board, which is volunteers and I appreciate that it is asking that we now put term limits on people who volunteer their time to a board. Now this is where it gets kind of murky for me because I am a fan term limits. I think term limits should be imposed any elected official, especially up here. But from a volunteer point of view if someone wants to volunteer their time.

Commissioner Bales said I do not recall anyone from our Board having conversations about asking for term limits for appointed positions, so I would like to know where this began.

Ms. Nesbitt said this part of the request for the term limits began at the Planning Board level. I believe it was the Chairman who thought that it might be worth investigating to see what other communities do.

Commissioner Boone said if somebody is appointed by the Town Board to replace a Planning Board member in the second month of that person's term they can be on the Planning Board for 11 years 11 months.

Ms. Nesbitt said correct. The way it's written allows you to serve out the partial term and it's my understanding that you are then allowed to serve three additional continuously.

Commissioner Guignard said I've heard Meredith say that when it comes back to us that they can make sure that we can vote on these individually. I would like to make it a note that I think we would want to divide this motion or make these four different items on that evening because they are related but totally independent.

Commissioner Kidwell said 11.4.7 modify the number of times the Planning Board may defer action. If I'm hearing you correctly, all this is going to do is create more time for our developers whether it's residential or economic. It's going to add an additional month, if they defer it.

Ms. Nesbitt said yes, it could potentially.

Commissioner Kidwell said so the Planning Board has the ability, if this was approved, to defer them once and defer them again.

Ms. Nesbitt said yes.

Commissioner Kidwell said the applicant has that ability already, correct. If the applicant is not ready they could say they would like to postpone.

Ms. Nesbitt said they can do that one time and the Planning Board can vote to accept their request and then when it comes back the Planning Board does not have the ability to defer again, so they would have to make a recommendation at that point.

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

**Petition #ANNEX16-01.** Mayor Aneralla called to order public hearing on Petition #ANNEX16-01, Skybrook North Phase 4, to annex 5.901 acres (non-contiguous) into the Town of Huntersville.

David Peete, Principal Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 4.*

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

**Close Eight Avenue/Portion of Steel Street.** Mayor Aneralla called to order public hearing to consider closing Eight Avenue in its entirety, and portions of Steel Street.

Bob Blythe, Town Attorney, said this is just a follow-up. You may remember about two meetings ago you adopted a resolution of intent to close these streets and call this public hearing. All the notices required under the statute have been given, published four times in the paper, posted somewhere on

these non-existent streets and to my knowledge we have not received any comments back. Any effected neighbors were sent notice by certified mail.

This is basically to satisfy an exception to title in connection with the sale of the anchor mill property.

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

### **OTHER BUSINESS**

**FY 2018 Operating Budget.** Commissioner Kidwell made a motion to adopt the FY 2018 Operating Budget.

Commissioner Guignard seconded motion.

Commissioner Guignard said are we approving the budget if we approve this motion as it was amended at the Budget Work Session.

Commissioner Bales said I would just like to clarify that our conversation regarding the Legal Department and the direction that we plan to go, we will be making that decision in the future as soon as you get more information for us, but it does not affect this budget at all.

Gerry Vincent, Interim Town Manager, said that's correct.

Commissioner Kidwell amended his motion to include the changes agreed upon at our work session.

Commissioner Guignard seconded amended motion.

Mayor Aneralla called for the vote to adopt the FY 2018 Operating Budget.

Motion carried 5 to 1, with Commissioner Phillips opposed.

*Budget Ordinance attached hereto as Exhibit No. 5.*

**Petition #ANNEX16-01.** Petition #ANNEX16-01 is a request by Laureldale LLC (Skybrook), Skybrook North Phase 4, to annex 5.901 acres (non-contiguous) into the Town of Huntersville.

Commissioner Gibbons made a motion to adopt Annexation Ordinance #ANNEX16-01.

Commissioner Guignard seconded motion.

Motion carried unanimously.

*Ordinance attached hereto as Exhibit No. 6.*

**Petition #TA17-01.** Petition #TA17-02 is a request by Mecklenburg County Park and Recreation to modify the parking standards in Article 6 of the Huntersville Zoning Ordinance.

*Staff Report attached hereto as Exhibit No. 7.*

Commissioner Boone made a motion in considering the proposed amendment TA17-01 to amend Article 6: *Off Street Parking Design* of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with the 2030 Community Plan and the rural feel of the area. It is reasonable and in the public interest to amend the Zoning Ordinance because it is in keeping with the visual appearance of nature preserves and wildlife refuges.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

**Petition #TA17-02.** Petition #TA17-02 is a request by University City Church to amend Article 10.7.1 of the Huntersville Zoning Ordinance to modify the amount of times an illuminated or self-luminous changeable copy sign message can change per 24 hour period.

Meredith Nesbitt, Planner I, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 8.* Since the Public Hearing, the applicant has amended their application to four times per 24 hour period, with no less than 6 hours between each change. This language was endorsed by the Planning Board. Staff is still proposing a maximum of two times per 24 hour period for the reasons that we went over at the Public Hearing and that are in the Staff Report.

Commissioner Gibbons made a motion in considering the proposed amendment TA17-02 to amend Article 10.7.1 of the Zoning Ordinance, the Town Board recommends approval of language that increases the number of times a changeable copy message can change from one to no more than 24 times per 24 hour period, and not more than once every 30 minutes to allow a sign to change 24 times in a 24 hour period, but no more than once every 30 minutes, based on the amendment being consistent with the Town of Huntersville 2030 Community Plan and the NC Administrative Code 02E.0203(3)(a) through (c) and (4)(a)(i) through (iii). It is reasonable and in the public interest to amend the Zoning Ordinance because amending provides for greater flexibility in changeable copy sign regulations while maintaining consistency with other local community regulations, safety, and the ability to enforce.

Commissioner Phillips seconded motion.

Commissioner Bales stated that she could support the Planning Board's recommendation of four times per 24 hours, but will not support the current motion. The signs flashing to change copy every few minutes could be distraction to drivers.

Commissioner Bales made a substitute motion in considering the proposed amendment #TA17-02 to amend Article 10.7.1 of the Zoning Ordinance, the Town Board recommends approval of the language that increases the number of times a changeable copy message may change from one to four times per 24 hour period with no less than six hours between each change. It is reasonable and in the public interest to amend the Zoning Ordinance because it does allow our community to utilize these signs safely but also makes sure that the safety of the community passing by keeps their safety in mind as well. The text amendment will promote high design standards of place making which Policy CD-6 supports.

Commissioner Boone seconded motion.



Ms. Nesbitt confirmed for the Board that when message changes it is not considered a flash.

Commissioner Boone noted that the applicant had indicated they would be fine with the Planning Board's recommended language and requested that the Board consider approving Commissioner Bales' motion and revisit it in six months.

Commissioner Kidwell questioned how the Town would police for violations. I feel it is not the Town's job to tell a business or a church how many times they can change their sign and will support Commissioner Gibbon's motion and give the business community and the religious community the right to post what they want when they want.

Mayor Aneralla called for the vote on the substitute motion to approve increasing the number of times a changeable copy message may change from one to four times per 24 hour period with no less than six hours between each change.

Motion failed 2 to 4 – Commissioners Bales and Boone in favor; Commissioners Gibbons, Guignard, Kidwell and Phillips opposed.

Mayor Aneralla called for the vote on the original motion to approve increasing the number of times a changeable copy message can change from one to no more than 24 times per 24 hour period, and not more than once every 30 minutes.

Motion carried 4 to 2 – Commissioners Gibbons, Guignard, Kidwell and Phillips in favor; Commissioners Bales and Boone opposed.

**Petition #SUP15-02 REMOVAL.** Petition #SUP15-02REMOVAL is a request by the property owners Nathan Sipp and Scott Berk to remove a Special Use Permit to develop a banquet facility (Harper Grove), located at 14532 and 14520 Beatties Ford Road, in the Rural zoning district.

Commissioner Phillips disclosed that the property is within a half mile of his home.

Bob Blythe, Town Attorney, stated that Commissioner Phillips could participate in the discussion/decision because it would not impact him financially.

Mayor Aneralla pointed out this item is quasi-judicial.

Mayor Aneralla swore in Meredith Nesbitt and Buddy Heggey.

Meredith Nesbitt, Planner I, said this request before you is to remove a previously approved Special Use Permit. I would like to enter the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 9.*

The map before you shows the subject parcels highlighted in red and it is located off of Beatties Ford Road across from the Cashion Woods subdivision. The property is largely zoned Rural but there is a small section of Transitional Residential in the rear.

On July 20, 2015 the Town Board voted to approve a Special Use Permit to allow the development of a banquet facility in the Rural zoning district. Before you is the approved plan, so currently these properties could be developed in accordance with this approved plan.

Article 11.4.10 of the Zoning Ordinance allows property owners to request an amendment to an approved Special Use Permit following the normal processes for a Special Use Permit which have been done in this case. In this case the applicants are requesting to amend by completely removing the previously approved Special Use Permit. This would mean that the properties would revert back to the underlying zoning. They would no longer be able to develop that approved plan of the banquet facility. It would go back to the Rural and Transitional Residential districts.

Planning Staff recommends approval of the Special Use Permit removal based on the following findings of fact that you see and are outlined in your Staff Report. The Planning Board unanimously voted to recommend removal of this Special Use Permit as well and I can go over the findings of fact in detail if you would like. The representative for the applicant is here to answer questions.

Mayor Aneralla said would you introduce yourself.

Buddy Heggey.

Commissioner Gibbons said if we approve this tonight is there a limit or a restriction on when the owner could again apply for a rezoning request.

Ms. Nesbitt said so there is not.

Commissioner Bales made a motion in considering the Special Use Permit SUP15-02 REMOVAL, we the Town Board find that the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on adjoining properties, and finds that the character of the neighborhood or health, safety and general welfare of the community will be secured. This decision is supported by the following findings: (1) All legal notification requirements have been met; (2) The request is consistent with the Town of Huntersville 2030 Community Plan; and (3) The request is reasonable and does not pose any injurious effects on adjoining properties.

Commissioner Guignard seconded motion.

Mayor Aneralla called for the motion to approve Petition #SUP15-02 REMOVAL.

Motion carried unanimously.

**Petition #R16-12.** Petition #R16-12, Vermillion Village Conditional Rezoning, is a request by Nate Bowman to rezone Parcel 01902201 from Neighborhood Residential to Town Center Conditional District.

Commissioner Bales made a motion to recuse Commissioner Guignard for the next three items.

Commissioner Gibbons seconded motion.

Motion carried with five (5) yes votes.

Alison Adams, Senior Planner, reviewed Staff Report. *Staff Report attached hereto as Exhibit No. 10.* The request does meet the parameters of the ordinance. We do have a few minor comments to address as far as the rezoning is concerned. The applicant is in favor of staff's recommendation for the TIA improvements. Since the joint public hearing the applicant did add elevations to the mix as well as a note specifying what those conditions would be for where those architectural elevations are. The elevations are very conceptual in nature and they are subject to change but the verbiage underneath is loose but yet it is written well enough where you will get quality architecture throughout this entire development.

Commissioner Bales requested staff to go over outstanding issues.

Ms. Adams reviewed outstanding issues including revise parking to meet Article 6, non-conforming lots created by the Glendale realignment, and tweaks to meet standards for parking lot landscaping.

Commissioner Bales asked if there would be enough distance between where the driveways would be located and the roundabout.

Stephen Trott, Town Transportation Engineer, explained that the roundabout will be small and fully mountable, therefore staff is comfortable with driveways in those approximate locations to a single-family house, not to a business.

Commissioner Gibbons said as far as the TIA and these improvements, DOT just approves what our TIA and Town staff has or is DOT actually the ones that require it once the TIA is done.

Mr. Trott said it's separate and the hope is that both agree and have the same list of improvements that are required but the Town Board approves the Town requirements and then the DOT can require something either the same or different through their driveway permit process.

Commissioner Gibbons said but as of today you are saying that DOT feedback is agreeing with this.

Mr. Trott said DOT has agreed with all of the recommendations that the Town has. They used to be different but after some further discussion with them we came to an agreement with them that we could have one list of improvements rather than multiple.

Commissioner Bales said at Cinnabar I know we heard tonight several residents who were concerned about the possible changes at Cinnabar and I know we have had that conversation in the past as well, but how comfortable is staff with the proposed changes there with Huntersville-Concord.

Mr. Trott said I would say we're pretty comfortable. We've been going back and forth some with their site engineer on some of those changes. This is a little bit better of a representation of what it's going to look like. The lane width shown on here is wider than what we recommend so we are still working down the path of refining what that will exactly look like but as we have discussed with the developer in the past, there's 50' of recorded right-of-way along Cinnabar today. We feel that all the improvements along Cinnabar itself could be accommodated within that existing right-of-way that includes three travel lanes, 2-1/2' curb and gutter on either side and a 6' sidewalk behind that and still have another foot behind that for any kind of maintenance needs on that sidewalk as you go along Cinnabar.

Commissioner Bales said how far in would that go.

Mr. Trott said the recommendation for storage length is 50' which is pretty short and then a transition taper out of that if the widening is done symmetrically as we've recommended could be accommodated in another 100' probably at the most, so around 150'. You also have to look at where the crosswalk is and where the signals are, so around that 150' length. You do need three lanes or at least a short section of three lanes coming out of the development, so at a minimum you're going to have to widen on Cinnabar just to make those lanes line up. As you drive through an intersection, if you're in a through-lane if what's across you is a left-turn lane there will be a head-on collision if you drive straight across the intersection, so to make sure that your lanes are aligned through the intersection you are going to have to do some work on Cinnabar anyway, so if you are going to widen Cinnabar anyway you might as well give the opportunity for some cars to get out of that lane. It is staff's recommendation and a NCDOT requirement.

Commissioner Kidwell made a motion in considering the proposed rezoning application #R16-12, Vermillion Village Subdivision Conditional District, the Town Board recommends approval based on the plan being consistent with the Huntersville 2030 Plan, Policy H-1 and H-9: Development Pattern, Policy H-3: Mixed Use Development and about 10 other different policies within the 2030 Plan. It is reasonable and in the best interest to approve the rezoning to continue the growth of downtown Huntersville.

Commissioner Bales seconded motion.

Commissioner Boone said I think that we should go ahead and mention each one of the goals – E-5, T-5 through T-8, CD-3, CD-5, PF-2, DT-1, DT-6 of the 2030 Community Plan.

Mayor Aneralla called for the vote to approve Petition #R16-12.

Motion carried 4 to 1, with Commissioner Phillips opposed.

**Vermillion Village Sketch Plan.** Mayor Aneralla pointed out this item will be heard as quasi-judicial.

Mayor Aneralla swore in Alison Adams, Nate Bowman, Drew Bowman, Greg Dawson, Max Buchanan and Stephen Trott.

Alison Adams, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 11.*

This is a 30 acre parcel, the same one we just heard. It is the sketch plan so it is quasi-judicial in nature. The applicant again is proposing a mixed-use facility and there is quite a few different types of buildings within this mixed-use community. The retail building that you see which is the main anchor tenant is approximately 78,000 sq. ft. You have liner buildings along the streets here and here so the red would be commercial or a mixed-use type structure and then the gray is apartment buildings and there are some townhomes that are being proposed within this facility.

Just to give folks the context, this is the old water tower that's there. The applicant is proposing many public streets. A subdivision is defined as creating lots so these public streets are actually creating lots within this development. You have this being a public street across here up and across. As you can see there are approximately seven points of connection to get out of this facility.

Pretty much the plan is compliant with the Zoning Ordinance. There are just a few minor comments as previously mentioned. We are working through those. Planning staff doesn't see any issues related to that. Once we get the next submittal we should have the plan well defined and ready.

Greg Dawson said just a few minutes ago we were talking about the intersection and about how we need that third turn lane, the right out of Vermillion. We were talking that we needed that in order to expand the road so the alignment can be made proper with the sketch plan. Why doesn't a vacant piece of land adjust their road to match Cinnabar. If it shifts over then the alignment matches. You can come straight out, go on the right side of Vermillion, you can go straight out going the right side of the neighborhood. Their turn lanes do what they do, we don't need them. It doesn't make sense. Adjust the plan, bring the road over to make it match up. Don't touch the neighborhood.

Max Buchanan, Public Works Director/Town Engineer, said maybe the confusion is what comes out of Cinnabar is not a right-turn lane. What's proposed is a left-turn lane. If you think of what's coming out of the development here, you have a through-lane going in, you have a left-turn going out and you have a through-right coming.....I think there's even a future right-turn lane coming out of the development. So what you have with the three lanes coming out of the new development is you have a left-turn lane between the two through movements and that's probably 12' between them. What has to line up in Cinnabar is you have to receive the through movement and the two through movements have to line up, so there has to be 12' between those two lanes. What's proposed out of Cinnabar is not a right-turn lane, it's a separation of the two through lanes so that you don't run head on into the left-turn lane and I think there was some consideration or the developer proposed just kind of doing a small taper to kind of point the lane out of Cinnabar and kind of point it across the intersection to the through lane on the other side. The through movement coming through the intersection has to line up to the receiving lane. You can't point it into a building, you can't point it into a signal pole. It has to line up to the through lane. I think even the developer's proposal was that was going to require removal of one of the monuments and maybe some street trees. Our thought was that since all the improvements can happen inside the existing sidewalk and it's just really removing I think three, five, six trees we would have to remove the monuments and it all ties back in before that first ally in Cinnabar and that it makes the signal more efficient because you are taking a potential left-turn lane out of Cinnabar, out of the through movement and you've got to line up those through movement lanes.

Mr. Dawson said so what's drawn up here for the new development shows a lane going straight out into Vermillion. My argument earlier holds true, the only people that are going to go straight through Cinnabar will have to navigate through the square. No one will do that other than people that live in that phase and they are not going to the square to get there. There will be very few people that do that. You are showing the left-turn out of the neighborhood, why can that not be a left-turn and a straight given the few people that will actually be going straight out of there, then you can shift the street over.

Mr. Buchanan said I've got three lanes coming out of the development or three lanes on the development side – one going in, two coming out. One of them is a left-turn lane. Left-turn lane dedicated, that's what the volumes show. The volume show coming out of that development with the full build-out of this development I think shows it being queued up all the way back into here at ultimate build-out with the volumes that are anticipated for Huntersville-Concord. DOT's actually requiring the reservation of an additional lane over here for a potential future right-turn lane. So there's enough volume coming out of that site that's going to potentially require four lanes on that side. If this lane coming out of Cinnabar, whether it's 1 car or 20 cars or 100 cars, has to go straight across the

intersection into that lane. The inbound lane of Cinnabar has to have their through-lane inbound here has to go straight across the intersection here. So whatever this distance is for this left-turn lane has to happen on this side of the intersection. Every intersection we have ever built the through lanes have to line up.

Commissioner Phillips said coming out of the development why is there not a right-turn.

Mr. Buchanan said I think that was their initial comment. We had multiple conversations with the developer and DOT. I think the right-turn lane is dictated by the ultimate volumes that are going to be on Huntersville-Concord and full build-out of the whole development. I think it's a phasing issue.

Commissioner Phillips said the only thing is that you can't phase that right-turn out because of the distance and how close it is from those buildings.

Mr. Buchanan said what has to happen is that the building layout and the sidewalk and I think that's one of the issues, this room in here has to be able to accommodate a future right-turn lane. This is the sketch plan level detail and I think the applicant, he can confirm it if he's here, that there's going to have to be a little bit of work in here to afford them to be able to put a right-turn lane in the future.

Commissioner Bales said the staff will be sure that is written on the sketch plan so that it is taken care of.

Ms. Adams said yes.

Mayor Aneralla said just to reiterate it's a NCDOT requirement.

Stephen Trott, Town Transportation Engineer, said extra right-of-way will be reserved and that was a requirement of DOT.

Commissioner Boone made a motion to approve the sketch plan on Parcel 019-022-01 +/-30 acres for a mixed-use subdivision. The Town Board finds the application is complete and meets all requirements based on Section 6.320.5 of the Subdivision Ordinance. The request is in keeping with the Town's 2030 Community Plan and is reasonable and in the public interest. The Town Board supports the sketch plan if the following items are met: (1) All TIA/Town/NCDOT required improvements are provided as prescribed by staff; (2) All outstanding plan comments are addressed; and (3) A Special Use Permit request is approved by the Town Board. Therefore, the Town Board makes a motion to recommend approval of the sketch plan based on the above criteria.

Commissioner Bales seconded motion.

Commissioner Bales said in the motion that does cover the ability to exceed the 50,000 sq. ft., correct.

Commissioner Boone said that's basically why we switched the two items on the agenda.

Commissioner Kidwell said I'm going to support the motion but I'm going to encourage staff to definitely take a look at the alignment with everything when it comes back before the Board so we are making the right move. I go down to Harvey's, turn in that way and it does get tight as soon as you turn your car in there. Please do your best.

Mayor Aneralla called for the vote to approve Vermillion Village Sketch Plan.

Motion carried 4 to 1, with Commissioner Phillips opposed.

**Petition #SUP17-01.** Petition #SUP17-01, Vermillion Village, Parcel 01902201, is a request by Nate Bowman to allow for a shop front building over 50,000 sq. ft. in the Town Center zoning district.

Mayor Aneralla pointed out this item will be heard as quasi-judicial.

Mayor Aneralla reminded the people who swore in under the previous item that they are still under oath.

Alison Adams, Senior Planner, entered the Staff Report into the record. *Refer to Exhibit No. 12.* This is a request from Mr. Bowman. The Special Use Permit is required for all shopfront buildings that are greater than 50,000 sq. ft. in the Town Center zoning district.

The building that we are talking about is this large structure right there. It is proposed 78,000 sq. ft. It is the anchor tenant within the development. The applicant has submitted elevations. These are conceptual and subject to change however the criteria listed below, bullet points and numbered, will provide some height and mass and scale as far as design and criteria so that this building is actually minimized.....it should help minimize it.

On top of the Special Use Permit, the application is also providing extra buffering here for the drive-through area that's located here. They are providing screening along the edges of the project. Not only that, notice the location of the structure, it's within the middle of the mixed-use community so what you have are liner buildings that essentially hide the massive architecture. With that being said staff is in favor based on the findings of fact which are before you. These are also in your Staff Report, so therefore they are in the record. We do support this. Planning Board recommendation supported this Special Use Permit with the following findings listed in the middle of your screen.

Commissioner Boone made a motion in considering the Special Use Permit #SUP17-01, Vermillion Village, we the Town Board find the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on adjoining properties and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. The decision to approve is supported by the following findings: (1) The request is compatible with the surrounding development; (2) The proposed special use complies with all of the lot, size, yard, and other standards of the ordinance; (3) The proposed special use complies with all general and specific standards of Article 3.2.6; (4) The request will not cause injurious effect on adjoining properties, the character of the neighborhood or the health, safety and general welfare of the community; (5) The request is consistent with the 2030 Community Plan; and (6) The application is complete.

Commissioner Kidwell seconded motion.

Mayor Aneralla called for the vote to approve Petition #SUP17-01.

Motion carried 4 to 1, with Commissioner Phillips opposed.

Commissioner Bales made a motion to bring Commissioner Guignard back.

Commissioner Gibbons seconded motion.

Motion carried with five (5) yes votes.

**Resolution – Close Eight Avenue and Portions of Steel Street.** Commissioner Gibbons made a motion to adopt resolution ordering the closing and abandonment of Eight Avenue and portions of Steel Street.

Commissioner Kidwell seconded motion.

Mayor Aneralla called for the vote to adopt resolution ordering the closing and abandonment of Eight Avenue and portions of Steel Street.

Motion carried unanimously.

**RESOLUTION ORDERING THE CLOSING AND ABANDONMENT  
OF EIGHT AVENUE AND PORTIONS OF STEEL STREET  
IN THE TOWN OF HUNTERSVILLE, NORTH CAROLINA**

**WHEREAS**, North Carolina General Statute §160A-299 authorizes municipalities to permanently close any street or public alley, and reserve any improvements or easement for utilities considered to be in the public interest; and

**WHEREAS**, a Resolution of Intent to Close and Abandon Eight Avenue and Portions of Steel Street was adopted on May 1, 2017 (the “Resolution”), and pursuant to NCGS §160-A-299, the Resolution was advertised in a newspaper of general circulation once a week for four successive weeks; a copy was sent by certified mail to owners of property adjoining the streets, and a notice of closing and public hearing was prominently posted in two places along the streets as required; and

**WHEREAS**, a public hearing was held on June 5, 2017, and there were no individuals owning property in the vicinity of the streets that would thereby be deprived of reasonable means of ingress and egress to his property; and

**WHEREAS**, there are no present easements for utilities or other purpose within the streets hereby closed and abandoned, and the Town therefore does not reserve any easements for such purposes, nor reserve the right to grant any easements that affect the property within the closed roads now or in the future.

**NOW, THEREFORE**, be it **RESOLVED** that the Board of Commissioners **ORDERS** that Eight Avenue in its entirety and portions of Steel Street as depicted on Exhibit A1 and A2, a copy of which are attached hereto and incorporated herein by referenced, be and hereby are closed and abandoned pursuant to the provisions of North Carolina General Statute §160A-299.

**Planning Board Appointments.** Three seats on the Planning Board will expire on June 30, 2017.

Jack Simoneau, Planning Director, confirmed that staff used all the same processes as done in the past to advertise the vacancies.

Commissioner Boone nominated Hal Bankirer, Stephen Swanick and Susan Thomas.

There were no additional nominations.

Commissioner Guignard made a motion to appoint Hal Bankirer, Stephen Swanick and Susan Thomas to the Planning Board.

Commissioner Kidwell seconded motion.



Motion carried 5 to 1, with Commissioner Phillips opposed.

**Board of Adjustment Appointments.** Consider appointing two Regular members and one Alternate member to the Board of Adjustment.

Commissioner Boone nominated Jonathan Bradshaw, Jeff Pugliese and Nick Walsh.

Commissioner Kidwell nominated Jonathan Bradshaw, Jeff Pugliese and Greg Evans.

Commissioner Gibbons nominated Eric Rowell.

Vote for Jonathan Bradshaw: Commissioners Bales, Boone and Kidwell.

Vote for Jeff Pugliese: Commissioners Bales, Boone, Gibbons, Guignard, Kidwell and Phillips.

Vote for Nick Walsh: Commissioners Bales and Boone.

Vote for Greg Evans: Commissioners Gibbons and Kidwell.

Vote for Eric Rowell: Commissioners Gibbons and Phillips.

Commissioner Gibbons said I did have conversation with some of the rest of the Board and this is not a written policy but we had kind of talked about if you are already serving on another board that due to spreading it around the ability for people to volunteer and be involved in the Town we would kind of stick with that. We've kind of gone off of that.

Commissioner Boone said when I am making my decision I look at who made the meetings and who was absent and if somebody misses two or three meetings then I go to my next selection.

Since there was a tie between Nick Walsh, Greg Evans and Eric Rowell, Mayor Aneralla called for nominations for the third vacancy.

Commissioner Boone nominated Nick Walsh.

Commissioner Kidwell nominated Greg Evans.

Commissioner Gibbons nominated Eric Rowell.

Commissioner Phillips nominated Eric Rowell.

Commissioner Guignard nominated Eric Rowell.

Commissioner Bales nominated Nick Walsh.

Commissioner Kidwell said in the past we have moved Alternate 2 up to Alternate 1 and then the new person will be the Alternate 2 seat. Jonathan Bradshaw would take the Alternate 2 seat and Ed Cecil would take the Alternate 1 seat.

Commissioner Guignard made a motion to appoint Jonathan Bradshaw, Jeff Pugliese and Eric Rowell to the Board of Adjustment.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

**Signage and Sponsorship Policy.** The Huntersville Parks & Recreation Commission has recommended changes to the Signage and Sponsorship Policy for Town's Parks and Facilities. One of those changes is related to allowing establishments that are licensed primarily to sell alcoholic or malt beverages to promote their company through sponsoring events and festivals. The reason for this

change is related to the Town's new policy of allowing alcohol at certain town events. The policy would still prohibit these establishments from having permanent signage within parks. The second change is to add e-cigs to the list of products not allowed to advertise through sponsorship or signage with the Town. The reason for this is that these products are not allowed in Town parks due to the Tobacco/Smoke Free Ordinance that Mecklenburg County passed in 2015. The Parks & Recreation Commission approved these changes at their March 15 meeting by a 7-0 vote.

Commissioner Kidwell made a motion to approve changes to the Signage and Sponsorship Policy.

Commissioner Boone seconded motion.

Mayor Aneralla called for the vote to approve changes to the Signage and Sponsorship Policy.

Motion carried unanimously.

**Second Amendment – CMS Agreement for use of Athletic Fields and Gyms.** This second amendment to the CMS agreement for use of school athletic fields and gyms is related to the Old Alexander Middle School Gym being removed and adding the new Alexander Middle School gym, softball field, baseball field and football field to the existing agreement. With no identified funding for new fields in the town, staff feels it's important to add these fields to our agreement requiring no capital cost to the town. The Huntersville Parks & Recreation's 2020 Park Master Plan calls for the need to add baseball fields, softball fields and rectangle fields to keep up with the growth of the town's population. The Parks & Recreation Commission approved this agreement at their May 17 meeting by a 7-0 vote. The old Alexander Middle school gym is scheduled to be demolished this summer.

Commissioner Boone made a motion to approve Second Amendment to Agreement for Use of School Athletic Fields and Gyms.

Commissioner Gibbons seconded motion.

Mayor Aneralla called for the vote to approve Second Amendment to Agreement for Use of School Athletic Fields and Gyms.

Motion carried unanimously.

*Agreement attached hereto as Exhibit No. 13.*

**Torrence Creek Stream Restoration Project Interlocal.** Staff is proposing a partnership with Mecklenburg County to facilitate certain improvements to the water resources in the McDowell Creek watershed. Mecklenburg County and the Town of Huntersville propose to deliver a combined project including but not limited to: stream restoration; stream enhancement, stream stabilization, habitat structure placement, and buffer enhancements.

Max Buchanan, Public Works Director/Town Engineer, reviewed the project.

Commissioner Boone made a motion to adopt resolution authorizing interlocal agreement between the Town of Huntersville and Mecklenburg County for funding of the Torrence Creek Stream Restoration Project.

Commissioner Guignard seconded motion.

Mayor Aneralla called for the vote to adopt resolution.

Motion carried unanimously.

*Resolution and interlocal agreement attached hereto as Exhibit No. 14.*

**Resolution – Support HB 551/SB 595.** Commissioner Phillips made a motion to adopt Resolution in support of HB 551/SB 595 (Marsy's Law).

Commissioner Guignard seconded motion.

Mayor Aneralla called for the vote to adopt resolution.

Motion carried unanimously.

#### **RESOLUTION SUPPORTING HB 551/SB 595**

**WHEREAS**, Marsy's Law for North Carolina and advocacy organizations statewide are dedicated to guaranteeing victims' rights and providing a voice; and

**WHEREAS**, Marsy's Law for North Carolina supporters agree victims should always be treated with fairness and respect throughout the criminal justice process, protected from the defendant, reasonably heard at public proceedings regarding their case, and given a voice through the process of the case; and

**WHEREAS**, per the Federal Bureau of Investigation's (FBI) most recent "Crime in the United States" report, in 2013 a total of 33,700 North Carolinians were the victim of Violent "Index Crimes" including: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson; and

**WHEREAS**, Marsy's Law for North Carolina will ensure that victims receive the same rights that are afforded to criminals and have rights to notification of release, hearings, appropriate restitution, and the right to speak during criminal proceedings; and

**WHEREAS**, Victims' Rights is a non-partisan, non-political issue, and Marsy's Law is a common sense approach to ensuring Victims' Rights.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Town of Huntersville supports HB 551/SB 595 (Marsy's Law) and encourage our citizens to join in the commitment to protect the rights of North Carolina crime victims.

**Demolition Services.** Commissioner Phillips made a motion to recuse Commissioner Guignard.

Commissioner Bales seconded motion.

Motion carried with five (5) yes votes.

Commissioner Kidwell made a motion to authorize award to National Recovery & Wrecking Co. for demolition services for seven dwellings.

Commissioner Bales seconded motion.

Mayor Aneralla called for the vote to authorize award for demolition services.

Motion carried with five (5) yes votes.

*Demolition Proposals attached hereto as Exhibit No. 15.*

Commissioner Boone made a motion to bring back Commissioner Guignard.

Commissioner Gibbons seconded motion.

Motion carried with five (5) yes votes.

### **CONSENT AGENDA**

**Approval of Minutes.** Commissioner Phillips made a motion to approve the minutes of the May 15, 2017 Regular Town Board Meeting. Commissioner Bales seconded motion. Motion carried unanimously.

**Budget Amendment – Police.** Commissioner Phillips made a motion to approve budget amendment recognizing auto insurance revenue in the amount of \$11,224.30 and appropriate to the Police Department's auto insurance account. Commissioner Bales seconded motion. Motion carried unanimously.

**Budget Amendment – Road Improvements.** Commissioner Phillips made a motion to approve budget amendment in the amount of \$750,000 to fund the Lake Norman Charter School road improvements using the \$200,000 Charter School contribution and \$550,000 Town General Fund balance (\$200,000 General Fund Balance to be replaced when the Charter School pays in FY 2019). Commissioner Bales seconded motion. Motion carried unanimously.

**Budget Amendment – Parks & Recreation.** Commissioner Phillips made a motion to approve budget amendment in the amount of \$650,000 from General Fund Balance to widen Verhoeff Drive to three lanes related to the Recreation Center completion and future improvements at CPCC. Commissioner Bales seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R17-03.** Commissioner Phillips made a motion to call a public hearing for Monday, July 17, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-03, a request by Donald and Vicki Shew to rezone 12.66 acres from Corporate Business to Special Purpose at 15746 Old Statesville Road (Parcel #01101235). Commissioner Bales seconded motion. Motion carried unanimously.

**Property Tax Refunds.** Commissioner Phillips made a motion to approve Property Tax Refund Report No. 72. Commissioner Bales seconded motion. Motion carried unanimously.

*Property Tax Report No. 72 attached hereto as Exhibit No. 16.*

### **CLOSING COMMENTS**

Commissioner Guignard requested the Interim Town Manager have a member of staff attend a meeting next week concerning Main Street widening and I-77 at Gilead Road widening. Expressed appreciation

to the Interim Town Manager for talking with Centralina Council of Governments about grant money for paving of some dirt that we already own for parking.

Commissioner Kidwell expressed appreciation to staff for their work on the agenda.

There being no further business, the meeting was adjourned.

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

DRAFT