

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**June 19, 2017  
6:30 p.m. – Huntersville Town Hall**

**PRE-MEETING**

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 5:00 p.m. on June 19, 2017.

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

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

Upon return from closed session, there being no further business, the pre-meeting was adjourned.

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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 19, 2017.

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

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

**MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS**

Mayor Aneralla

- The North Meck Alliance met 1-1/2 weeks ago.
- The next meeting of the Metropolitan Transit Commission is June 28.

Commissioner Bales

- Have been meeting with Lake Norman Economic Development Corporation discussing work force development.
- LNEDC is in the process of updating their website.

Commissioner Boone

- Announced people that were presented awards at the recent Police awards picnic. *Refer to Exhibit No. 1.*

Commissioner Gibbons

- The next meeting of the NC 73 Council of Planning is to be announced, but will probably be in the September timeframe.
- The next Veterans Liaison meeting will probably be in August. The Veterans Service Office is open in Town Center one day a week.

Commissioner Guignard

- There is no Centralina Council of Governments meeting this month.
- The next meeting of the Planning Coordinating meeting is to be announced.
- Noted that the Town's current construction projects are coming along on schedule.

Commissioner Kidwell

- The next Charlotte Regional Transportation Planning Organization Meeting is June 21. One of the items that will be discussed and voted on is the matching money from CRTPO to widen Gilead Road towards Bud Henderson Road.

Commissioner Phillips

- Announced recent Visit Lake Norman events were a success.
- The Lake Norman Chamber's Business Expo was a success.

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

Mayor Aneralla presented Proclamation to the North Mecklenburg Volunteer Rescue Squad proclaiming June 30, 2017 as "North Mecklenburg Volunteer Rescue Squad" in the Town of Huntersville in honor of their last day of service to the community.

#### **Town of Huntersville Proclamation**

**WHEREAS**, the North Mecklenburg Volunteer Rescue Squad was founded in 1959 in the Town of Huntersville, North Carolina; and

**WHEREAS**, North Mecklenburg Volunteer Rescue squad has assisted over 175,000 patients during their 58 years of service provided to the citizens of Northern Mecklenburg County; and

**WHEREAS**, North Mecklenburg Volunteer Rescue Squad has had many members who have unselfishly donated their time to help a neighbor in need; and

**WHEREAS**, North Mecklenburg Volunteer Rescue Squad, will close their doors on June 30, 2017 after 58 years of service and dedication to this area.

**NOW, THEREFORE**, by virtue of the authority vested in me as Mayor of the Town of Huntersville, I do hereby proclaim Friday, June 30, 2017 as "North Mecklenburg Volunteer Rescue Squad Day" in the Town of Huntersville in honor of their last day of service in the Town of Huntersville and urge everyone to join me in expressing appreciation to the North Mecklenburg Volunteer Rescue Squad for their 58 years of service in our area.

**IN WITNESS WHEREOF**, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 19<sup>th</sup> day of June, 2017.

Nick Walsh, 10320 Drake Hill Drive, announced his candidacy for office of Huntersville Town Commissioner.

Patrick Jakeway, 118 Pineridge Drive, requested the Board consider an ordinance for reasonable setbacks from a property line for beehives.

### **AGENDA CHANGES**

Commissioner Guignard made a motion to adopt the agenda.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

### **PUBLIC HEARINGS**

**Petition #TA17-04.** Mayor Aneralla called to order public hearing on Petition #TA17-04, a request by the Town of Huntersville to amend Article 3.3.2.2(b) and Article 3.3.3.2(b) of the Huntersville Zoning Ordinance to modify the exceptions to applicability section of the Mountain Island Lake and Lake Norman Watershed regulations.

Meredith Nesbitt, Planner I, reviewed the Staff Report. *Full Staff Report attached hereto as Exhibit No. 2.*

Text Amendment #TA17-04 is a request by the Town of Huntersville to amend Article 3.3.2.2(b) and Article 3.3.3.2(b) of the Huntersville Zoning Ordinance to modify the exceptions to applicability section of the Mountain Island Lake and Lake Norman Watershed Overlay District regulations. Article 3.3.2 *Mountain Island Lake Watershed Overlay District* and Article 3.3.3 *Lake Norman Watershed Overlay District* of the Town Zoning Ordinance were adopted in October 1993 to provide protection of public water supplies as required by the North Carolina Water Supply Watershed Classification and Protection Act (1992).

Since 1993, the Town of Huntersville has processed four text amendments to the Watershed Overlay Districts. In 2006 the Watershed Overlay Districts' exceptions to applicability was not applicable to multiple contiguous lots under single ownership. Therefore, if a lot existed prior to the watershed regulations but someone owned more than one lot side-by-side they were no longer exempt from the standards of the Watershed Overlay Districts. This became an issue for staff as development in subdivisions such as Biltmore Park and Norman Park increased with the extension of Charlotte Water lines.

Biltmore Park and Norman Park were subdivided in the late 1960's with typically 50' wide by 150' long lots. The restrictive covenants (while not publicly enforced) requires property owners to combine at least two lots in order to build a single-family home. Prior to 2006, the combination of lots eliminated the exception to applicability found in the ordinance causing all development to be subject to built-upon area standards.

In 2006, staff proposed a text amendment to the watershed exceptions to applicability sections to remove the provision of applicability for multiple existing lots under single ownership. However, at the November 20, 2006 Town Board meeting concern was raised over eliminating this language.

Ultimately, the Text Amendment was approved with modified language that limited the exemption of Watershed Overlay District regulations to no more than two contiguous existing lots under single ownership. Therefore, if you own two contiguous existing lots development could be exempt from the Watershed Overlay District requirements but if you own three or more contiguous existing lots, development could not be exempt. Since 2006 Town staff has not seen development patterns that suggest owners of existing lots are taking advantage of the being exempt from watershed overlay built upon area standards, which was some of the concern raised.

The modified text amendment exemption has been the most difficult to apply to the Biltmore Park and Norman Park subdivisions. Staff is aware of a situation in Biltmore Park where three contiguous exiting lots under single ownership is prohibiting the owners from being able to put in a pool due to impervious restrictions. Whereas, in the same neighborhood a property owner having only two lots would not face the same impervious restrictions.

The current text amendment request is seeking to remove language that restricts the exception of applicability for the watershed overlay districts for existing contiguous lots under single ownership. If approved, lots existing prior to the effective date of the Watershed Overlay Districts would be exempt from applicability for the first development permit, regardless of contiguous ownership.

The Huntersville Ordinances Advisory Board reviewed the proposed amendment at their May 4, 2017 meeting and recommended approval of the text amendment request.

The following are examples of relevant polices from the 2030 Huntersville Community Plan that may be incorporated into the Board's statement of consistency for approval or denial of the request.

**Police H-10: Redevelopment Areas**– Support redevelopment of older established residential areas, consistent with adopted plans, Zoning Ordinance and Subdivision regulations.

**Policy ED-14: Development Review Process** – Support efforts to improve efficiency and responsiveness of development review process for development proposals.

Since adoption in 1993 the Mountain Island Lake and Lake Norman Watershed Overlay Districts have exempted existing lots of record from applicability of the watershed development standards (except in regards to buffer requirements). Over the years, single ownership of contiguous existing lots of record have become a difficult issue in administering watershed overlay regulations.

Considering the fact that existing lots of record are currently exempt from watershed overlay standards restricting built upon area allowance and the development patterns occurring in subdivisions such as Biltmore Park and Norman Park, staff does not see the need to restrict the contiguous ownership of existing lots of record in regards to watershed overlay applicability. Therefore, staff recommends approval of the text amendment as presented.

Commissioner Guignard stated he has no problem with protecting our water but it is hilariously horrendously sick that our government turns right around and puts fluoride in our water which is a known toxic waste.

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

## OTHER BUSINESS

**Ordinance – Repairs and Closing of 110 S. Main Street.** Commissioner Guignard requested to be recused because he owns property next to the subject property.

Commissioner Phillips made a motion to recuse Commissioner Guignard.

Commissioner Boone seconded motion.

Motion carried with five (5) yes votes.

Pursuant to the Town of Huntersville Nonresidential Building Code §152.04(B), the Board of Commissioners may adopt an ordinance to proceed to effectuate the purpose of the Administrative Order dated September 20, 2016, and pending such action to close and vacate, to placard the unit as provided in Part 5, Article 19 of Chapter 160A of the North Carolina General Statutes.

Jack Simoneau, Planning Director, reviewed the Staff Report. *Full Staff Report attached hereto as Exhibit No. 3.*

An inspection of the property located at 110 S. Main Street for Nonresidential Building Code standards was made by Mecklenburg County Code Enforcement Officer, Daren Bishop, on or about May 7, 2015, under an Administrative Search Warrant. Upon inspection of the structure there was reasonable cause found for a formal Complaint. The owner was contacted by the Inspector concerning the repairs of the building unit, and at a minimum to secure the unit. The owner failed to make any repairs. A Complaint and Notice of Hearing was served on the property owner, Emily Kornegay, on or about September 1, 2016. As a result of the title examination performed by the Town (a legal function that is required prior to the any hearing held), including examinations of neighboring units, an error was found in the chain of title which affected ownership of this unit and the adjoining unit to the north. The owner and other parties were notified, which resulted in corrective Deeds being filed with the Register of Deeds to clear the title and ownership for this unit and the adjoining unit. In the exercise of reasonable due diligence, the Complaint and Notice of Hearing was posted on the property, and served to all parties of interest, which included the adjoining owner to the north.

On September 19, 2016, a hearing was held and the property owner made an appearance. The Code Administrator found that the subject property violated the Town of Huntersville Nonresidential Building Code under numerous sections including, but not limited to electrical facilities, exterior walls, roofs, windows, plumbing and heating, and more particularly Sections 1502.14 (B)(C)(D)(F), 152.15, 152.15(B)(C)(E) and 152.16(A) of the Code. The subject structure was found not properly maintained so that the safety and health of the general public is jeopardized for failure to meet the minimum standards established, and was the owner was Ordered to repair the building to bring it into compliance with the minimum standards by no later than December 19, 2016. However, the Town considered an alternate solution whereby the property is to be repaired to a point described as a cold dark shell within the same timeframe. A cold dark shell is defined as a building shell that is structurally sound throughout, weathertight, secure, and not suitable for occupancy. The Administrative Order was entered on September 20, 2016, and a Notice of Lis Pendens filed on September 28, 2016.

To this date, the property owner, Emily Kornegay, has failed to respond to the Code Administrator, and failed to comply with the Order.

The subject property is located at 110 S. Main Street, Huntersville North Carolina. The real property is owned by Emily Kornegay by Deed dated December 16, 1985, and recorded in Deed Book 5144, at page 214, and further described as follows:

"BEGINNING at a point in the center line of the A.T. & O. Railroad track (now Southern Railway), said beginning point being located at the intersection of the center line of said track with a line bearing north 83 degrees East measured from the mid point of the easterly terminus of the party wall separating the pool hall situated on the herein described property from the laundrymat (formerly a storehouse building) which formerly belonged to J. R. McCurdy; and running thence from said beginning point with the center line of railroad track, South 8 degrees 31 minutes East 25 feet to a point; thence South 83 degrees West (entering the party wall on the barber shop (south) side at a distance of 72.9 feet), 158 feet to a point on the east side of Mullen Street; thence with said margin of said street, North 8 degrees 31 minutes West 25 feet to a point; thence North 83 degrees East 158 feet to the point or place of BEGINNING, all according to a plat of survey by T. L. Brotherton, Registered Surveyor, dated February 22, 1969, and entitled "The property of Charles Herbert Cochran, Jr. & Sr."

There are nuisance violations issued for the property in 2011 and 2012, both of which required abatement and caused primary liens to be filed against the unit. Real estate taxes are due and owing from 2011 to current in the amount of \$7,591.02. The conditions of the unit have progressively worsened over the years by its neglect. It is a nonresidential unit that, from any cause, may endanger the life, limb, health, property or safety or welfare of the general public.

Pursuant to the Town of Huntersville Nonresidential Building Code §152.04(B)(1), "If the owner fails to comply with an Order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the Board of Commissioners may adopt an Ordinance ordering the Inspector, or assigned agent, to proceed to effectuate the purpose of this section with respect to the particular property or properties that the Inspector found to be jeopardizing the health or safety of its occupants or members of the general public." Furthermore, "Following adoption of an Ordinance, the Inspector, or assigned agent, may cause the building or structure to be repaired, altered, or improved, or to be vacated and closed. The Inspector may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: *"This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful."*

Staff recommends adoption of an Ordinance to repair the unit located at 110 S. Main Street in accordance with the Nonresidential Building Code, and pursuant to the order entered September 20, 2016, and at a minimum to bring the unit to a closed and secured position.

The Code Administrator has not issued a request for proposals to close and secure. The amount of cost of repairs, alterations, or improvements, or vacating and closing by the Inspector shall be a lien against the real property, which lien shall be filed, have the same priority, and be collected as a lien for special assessment provided in G. S. Chapter 160A, Article 10.

Commissioner Phillips questioned why the Town couldn't go ahead and force the property into a tax sale due to the past due taxes.

Bob Blythe, Town Attorney, explained that there was discussion with the county at some point and they reached an agreement with the property owner for them to bring the taxes current. She started making payments, but then stopped, so at this point it could be foreclosed. It's my understanding there is someone interested in purchasing the property knowing that it will have to be brought up to code.

Mr. Simoneau estimates cost to secure the building would not exceed \$1,500. No repairs would be made, it would just be putting boards on the windows and making sure the door is secure.

Following further discussion, Commissioner Kidwell made a motion to adopt Ordinance ordering the repairs and closing of the unit located at 110 S. Main Street pursuant to the Nonresidential Building Code, Chapter 152.

Commissioner Bales seconded motion.

Commissioner Phillips requested that the motion include a not to exceed amount the town can spend on securing the building.

Commissioner Kidwell amended his motion to adopt the ordinance with the cost to secure the building not to exceed \$1,500.

Commissioner Bales seconded amended motion.

Motion carried with five (5) yes votes.

Commissioner Kidwell made a motion to bring Commissioner Guignard back.

Commissioner Gibbons seconded motion.

Motion carried with five (5) yes votes.

#### **CONSENT AGENDA**

**Approval of Minutes.** Commissioner Guignard made a motion to approve the minutes of the June 5, 2017 Regular Town Board Meeting. Commissioner Kidwell seconded motion. Motion carried unanimously.

**Contract – CivicPlus.** At the January 2017 Town Board Planning Retreat a presentation was made regarding the redesign of the Town's website. The Website Committee vetted several vendors over a period of several months and chose CivicPlus, Inc. due to its strong reputation, value for money, and functionality. It is anticipated that it will take five to six months to complete this project.

Commissioner Guignard made a motion to authorize execution of contract with CivicPlus, Inc. to provide website design services.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

*Contract attached hereto as Exhibit No. 4.*

**Budget Amendment – Electric.** Because the rate of capital outlay placed in service in FY 2017 and additional usage among existing customers, the Town anticipates higher than budgeted purchased

power and electric sales of approximately \$1,100. This amendment allocates additional electric purchased power expense and allocates the revenue associated with those electric sales.

Commissioner Guignard made a motion to approve budget amendment to allow for additional purchased power and electric sales. Commissioner Kidwell 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 \$1,876.40 and appropriate to the Police Department's auto insurance account. Commissioner Kidwell seconded motion. Motion carried unanimously.

**Budget Amendment – HFFA.** HFFA will host the USA Zone Diving Championships June 26 – July 2, 2017. Associated expenses include medals, hospitality meals, athlete/team recognition prizes, credentialing, and support staff in the amount of \$9,500 and revenues to include registration fees, vendor percentage fees, sponsorship and in-kind donations in the amount of \$20,740. Revenues and expenses will be recognized in the 2017 fiscal year.

Commissioner Guignard made a motion to approve budget amendment recognizing future revenue and expenses associated with hosting the USA Zone Diving Championships. Commissioner Kidwell seconded motion. Motion carried unanimously.

**Deed Right-of-way to NCDOT.** Commissioner Guignard made a motion to authorize the Mayor to execute deed transferring right-of-way (Parcel 017-105-02, Holbrook Street) to NCDOT. Commissioner Kidwell seconded motion. Motion carried unanimously.

*Deed attached hereto as Exhibit No. 5.*

#### **CLOSING COMMENTS**

Mayor Aneralla announced that the Mayor's Luncheon is tomorrow.

There being no further business, the meeting was adjourned.

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