

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**September 18, 2017  
6:30 p.m. – Huntersville Town Hall**

**PRE-MEETING**

No pre-meeting was held on September 18, 2017.

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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 September 18, 2017.

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

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

- Expressed appreciation to emergency agencies, local businesses and volunteers that assisted with the shelter in Huntersville for the Hurricane Irma evacuees.
- The next meeting of the Metropolitan Transit Commission is next week.
- At the last North Meck Alliance meeting, received update from the county on the proposed North Meck Rec Center.

Commissioner Bales

- The next meeting of the Lake Norman Economic Development Corporation Board is Thursday.

Commissioner Boone

- The next meeting of the Huntersville Ordinances Advisory Board is October 5.
- The Huntersville Fire Department will be selling t-shirts promoting Breast Cancer Awareness month.

Commissioner Gibbons

- The next Veterans Council meeting is the first week in October.
- The Charlotte Veterans Day Parade will be held on November 4. Town of Huntersville's parade will be on November 11.
- Expressed appreciation to Huntersville Police Department and Huntersville Fire Department for being prepared in case the hurricane came this way.
- Commissioner Bales represented the Town talking about the CMS bonds at the Lake Norman Chamber meeting.

Commissioner Kidwell

- The next Charlotte Regional Transportation Organization meeting is September 20.

Commissioner Phillips

- Updated the Board on Visit Lake Norman events.
- Expressed appreciation to Mecklenburg County Sheriff Irwin Carmichael and residents that assisted with donation drive for those in Texas affected by Hurricane Harvey.
- Requested Engineering staff ask NCDOT to check timing of traffic signal at Beatties Ford Road/Highway 73.

Commissioner Guignard entered the meeting.

Commissioner Guignard

- Expressed appreciation to the community for their continued support of Angels of 97.

**PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS**

Bill Russell, 9499 Mt. Holly-Huntersville Road, President of Lake Norman Chamber of Commerce, updated the Board on upcoming Chamber events.

Kim Aichele, 9511 Cennetta Court, said as a resident of Huntersville I am deeply concerned about the amount and more specifically the type of development being approved and constructed in our town. I also have concerns over traffic congestion and school crowding, however I do understand that these are two areas of infrastructure where the town does not have much control over due to the funding needed from the county, state and federal levels. What we do have control over is development. After having conversations with a variety of people and examining Town planning documents and maps and looking at the 2030 Community Land Use Plan, it seems to me that our Town officials err more on the side of developers and less on the side of town residents as a whole. I understand that this is a fine line but I believe we are crossing this line by favoring developers too much. I am in favor of development. It brings jobs and fuels our economy. I just want to see it done well. Finally I have significant concerns over the loss of tree canopy in Huntersville. When a parcel of land is developed it is clear cut. I live across from the Charlotte Eye Ear Nose and Throat that was recently developed and every tree was taken out. There is no regard for current forest conditions including specimen and heritage trees. My belief is that developers clear cut the area and pay the fine because this is more cost effective. They plant small saplings which may take 10 to 20 years to mature and do not even come close to replacing what is lost. I do realize that tree preservation is determined by zoning district and that the areas along I-77 are considered higher intensity areas. What I don't understand is why we change zoning areas in

both lower and higher intensity areas especially from TR to NR as this involves a significant loss of trees. We need to hold the developers more accountable in order to keep as many of our mature trees as we can and improve our tree canopy coverage. As a resident of Huntersville for 17 years I know a significant number of people with similar views. I hope you take these concerns seriously by someday considering altering town plans in a way that would include a more sensitive development and reduce tree canopy loss.

Gay Fragale, 15814 Hollingbourne Road, said I represent the Northstone HOA and also represent Save Huntersville. Just like Kim said we are deeply concerned about the types of development that have already been approved and what's on the agenda to possibly be approved where we do not believe that development will be mitigated completely. However we do believe that there should be some responsible development and that we preserve the plans that we have in place. There's a reason we have a Planning staff. There's a reason we have a Planning Board. We believe those recommendations should be taken very seriously by our commissioners when it comes to those. One of the things we will be doing at Northstone is spending a lot of time educating our members about exactly what has happened with development in this area and what is on tap to potentially happen. We are having another candidate forum. We did this 2 years ago. We will be doing it again this year and you will be getting an invitation, as well as the other candidates. All I can say is that with a thousand home community we're taking very seriously the type of development and how it's going to impact our property values. We hope that you will attend this forum and give us some reassurance as to why we should reelect you to protect and to save Huntersville.

Sharon Kitchen, 14131 Magnolia Bend Drive, said I agree with Kim and Gay. I'm here to represent Save Huntersville also. In 2000 our housing units were 9,859 homes and the population was 24,960. In 2010 it doubled, the housing units were 18,477 and the population was 46,773. The population now is 54,839. When is the building going to stop. I'm for building and for development, but smart development. We've got to look at the number of homes and our roadways, our infrastructure. The roadways need to be able to support development. We don't have the roadways to support it and we need to develop those. Again, I agree with Gay and Kim as far as our tree canopy and just the impact that more development will have on the traffic and road congestion and the devaluation of surrounding properties. The question is how much is too much. There needs to be a building moratorium as far as I'm concerned.

Darrell Hinklin, 13711 McCord Road, said my concerns are with some of the proposed development also and it's been pretty well stated I think our concerns. I moved here 5 years ago from Minnesota. I looked a lot and bought on McCord Road because of the type of properties and the neighborhood. The biggest part of this that concerns me is the rezoning that would be required for some of the proposed developments. If that zoning were approved that would open that whole area to a complete different type of housing and neighborhoods.

Paulette Schramm, 13306 Fremington Road, said I also am a resident in the Northstone development. I moved down from New York one year ago and researched the area 2 years prior before moving. I'm appalled by the amount of traffic that has increased in the last 2 years only to find out now after purchasing the home in Northstone about the development of McCord and the evacuation of the horse farm for more cement to be put up is appalling. And quite honestly we're to the point that my husband and I now want to move out of Huntersville. We went to a store in Cornelius to be told by an owner that it's because of you northerners that there's no oxygen. And I said oxygen, what are you talking

about. I said you have to blame the developers who are money hungry who put houses on top of one another because they want to get as much as they can in that development. I said you need to blame the developers. The board should follow the ordinances that were put into effect and should be helpful to us because we are suffering because of all this construction. I don't work. It takes me three traffic lights to make a left onto Sam Furr Road at 2:00 p.m. If you put in more construction, how many lights will we have to wait thereafter. And I represent Save Huntersville.

Ken Chelcun, 15928 Hollingbourne Road, said I didn't have anything prepared to say but I did want to at least step up here and support the previous five speakers about all the issues that they brought up. I moved here to Huntersville 18 years ago from the suburbs of Chicago. I got fed up with the suburbs of Chicago and said I'm fed up with this. I spent a year looking at where I wanted to relocate and start a family. I chose Huntersville. I now have three grown kids – two are in college and one is in high school. I can say in 18 years I have loved Huntersville. I've seen Huntersville grow. I've seen it grow for the better. I've gone through years where there's a lot of talk about smart growth and it seemed like Huntersville was following that path of smart growth. Today I'm just here supporting those five previous speakers to say I no longer believe that. I no longer believe that Huntersville is on a smart growth path. I'm at the point where you start to realize when you talk to your friends, your neighbors, your co-workers and when you start hearing over and over and over concerns and problems that you never heard of.....10 years ago I never heard of it, 5 years ago I never heard of it, 2 years ago it's escalated to the point you just have to say what's going on. It's extremely concerning. I've been extremely happy with Huntersville but I'm really at the turning point right now of saying can I continue to deal with this or is it time to give up. I don't feel like I want to give up. I want my kids to go through school and start their adulthood as being born and raised in Huntersville. I really don't want to have to move and I'm really hoping that people start to listen to those five previous speakers and start to consider what's going on here in Huntersville and are we still on a smart growth path.

Zach Brown, Interim Executive Director HFFA, said it's been 14 days since we began and it's been quite incredible by all accounts so we are pretty excited for the things that have occurred so far. There's been a lot of feedback that we have received. Most of it has been very positive and it includes things like the approval of Summit Coffee coming in to operate in the café area and they will be beginning construction soon. Some of the things that we have launched from an initiative standpoint is this morning a survey went out to all of our members to give them an opportunity to give us some feedback through digital means as well as there will be some hard copies available at our front desk. Some of the other areas that we have kind of tackled have been more infrastructure, if you will. We looked at the electricity in the facility more so for lighting. One of those areas was in the gym area where we felt that it was a bit dark and potentially a little depressing to exercise and we found that most gyms are typically around 30 to 50 foot candles which is how light is measured and typically in that area it was about 6 to 8. So we are going to be increasing that to hopefully brighten up that area so people can utilize it a little more efficiently. And then we also looked at the software that's currently being offered which is a bit aged if you will. That software we found there's a few things. One was about 2 years ago the process had been started to potentially update and learned from the vendor recently that for whatever reason that process had stopped. But we have reopened that so we can start to move towards being PCI compliant and also found during that process that there's been some struggles in the photographing of members and things of that nature so we are working on improving that infrastructure so we have proper recording of membership in the area. And during that process we've also been working in the billing center to make sure that we are capturing everyone and making sure of everyone that's supposed to be in the facility and found there's been exposures there and unfortunately I found some individuals that have been able to utilize the facility for some time without being on that billing process and have

worked through that and recently made sure that as many as possible so far have been moved to that process and been corrected. And to help in that we are going to start to move membership from credit card billing to ACH direct withdrawal if at all possible as we continue through the rest of 2017. We've also reviewed all sponsorships and found that there's been quite a few sponsorships that are being represented in the facility that maybe aren't up to date on their billing. And we're working through that process as well to make sure that those items are up-to-date and advertised appropriately.

From the classes and groups standpoint, that's a pretty big draw to the facility. We made some adjustments there, dedicated space for a spin room to move all those bikes that are on lease out of the hallways and utilize for group fitness and allowed some dedicated spaces for the other various groups such as yoga and so forth. From that standpoint a lot of positive things from our standpoint.

#### **AGENDA CHANGES**

Commissioner Guignard made a motion to approve the agenda.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

#### **PUBLIC HEARINGS**

None

#### **OTHER BUSINESS**

**Petition #SUP17-03.** Petition #SUP17-03 is an application by the Charlotte-Mecklenburg Board of Education for a Special Use Permit at Bradley Middle School, 13359 Beatties Ford Road, to allow the installation of a commercial communication tower.

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

Mayor Aneralla swore in Jack Simoneau and Bonnie Newell.

Jack Simoneau, Planning Director, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 1.* The site is at Bradley Middle School. The cell tower will be going to the back of the school. It is on Beatties Ford Road at the intersection of Bud Henderson and the area where the tower is going is right by the track and field area.

In the Staff Report there are a number of specific criteria that someone has to meet in order to get a cell tower approved. We have reviewed all that material. There were some things that were missing that have since been provided and the Planning Board on 8-22-17 recommended approval with the conditions that the lights on the pole be removed, that they install appropriate screening with correct planting heights around the base and that an engineer certification of the tower on the fall zone be submitted. All those materials have been submitted.

Staff recommends approval with the findings of fact that are in your agenda packet. There also is a comment that the faux lights, the fake lights that they had have been removed as the Planning Board

had asked for. The plan has been resubmitted showing the appropriate screening and planting heights, so we have all that. We do have the engineer certification that the fall zone is 160'. The closest structure is over 400', so it well meets the requirement that we have there. The applicant submitted in writing they are going to paint the tower a neutral earth tone. All of the criteria have been met. We would recommend approval.

Commissioner Phillips said by this being on school grounds does this exempt them from paying property taxes.

Mr. Simoneau said we do not think it does. I checked with Bonnie and it depends on how the county list that tax so our intention is to get with Mecklenburg County because this is a for profit venture and so we believe it is subject to the taxes and is not tax exempt even though it's on school property. So we are going to get with the Mecklenburg County Tax Assessor's office in the morning and make sure they get that issue addressed.

Commissioner Phillips said there was something about other towers where they are supposed to co-locate. Did they satisfy that.

Mr. Simoneau said they have satisfied that and shown the need for this tower as well as the ones that are already existing and the tower that they are building can accommodate even three more antennas so they can do multiple co-location on this, so they have satisfied all of the requirements.

Commissioner Phillips said so regardless of whether the tax issue is resolved tonight it really doesn't have a bearing on the approval.

Mr. Simoneau said that's correct, but we are going to still follow-up on the tax record issue.

Commissioner Guignard said I know this is probably not a question you can answer but I think this Board or a previous Board approved a cell tower with much more controversy several years ago and I may be wrong but I don't think that tower has been built. Are they planning on building this sometime soon? Is there a need for this?

Mr. Simoneau said Bonnie is here.

Commissioner Guignard said is your plan to build this sometime soon assuming we approve this.

Bonnie Newell said yes, correct.

Commissioner Guignard said so you've got an end user ready.

Ms. Newell said correct.

Commissioner Boone said there's some discussion about the color of this tower, either Morning Fog or Galvanized Gray.

Mr. Simoneau said so it's the Morning Fog. It meets our requirements. That was finalized today.

Commissioner Kidwell made a motion in considering the Special Use Permit #SUP17-03, Bradley Middle School Commercial Communication Tower, an application by the CMS Board of Education, we the Town Board find that the request meets all required conditions and specifications. It is reasonable and does not impose 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 of approval is supported by the 2030 Community Plan and I'd just like to point out and make sure that the color is the appropriate color. I would prefer a light blue but if we are going to go with gray I'll accept that.

Commissioner Guignard seconded motion.

Mr. Simoneau said one point of clarification, the findings of fact as found in the Staff Report.

Commissioner Kidwell said and the findings of fact in the Staff Report.

Commissioner Guignard seconded motion.

Motion carried unanimously.

**Municipal Agreement – Main Street Project.** To document the responsibilities and programmed funding of both the Town of Huntersville and NCDOT for the Huntersville Main Street Improvements Project (U-5908) a Municipal Agreement must be considered and approved by the Town Board and Board of Transportation respectively.

Commissioner Kidwell made a motion to recuse Commissioner Guignard.

Commissioner Bales seconded motion.

Motion carried unanimously.

Commissioner Phillips made a motion to approve the Huntersville Main Street Project Municipal Agreement between the Town of Huntersville and NCDOT.

Commissioner Boone seconded motion.

Motion carried with five (5) yes votes.

*Municipal Agreement attached hereto as Exhibit No. 2.*

Commissioner Kidwell made motion to bring Commissioner Guignard back.

Commissioner Gibbons seconded.

Motion carried with five (5) yes votes.

**Landscape Services.** On September 5, 2017 the Board directed the Town Manager to coordinate improvements to the exterior of the former Police Annex Building. During an on-site visit it was determined that all three buildings (Robert B. Blythe, Town Hall and former Police Annex) are in dire need of exterior maintenance to the landscaping and buildings once pruned back, mainly the façade.

As for the pruning, the appropriate timing would be early winter (February), however efforts will be coordinated to clear out brush, trim up vegetation and minor repairs to the former Police Annex building by Parks & Recreation staff. Once pruning occurs, the façade of the building would need to be pressure washed and repainted. This will be an ongoing effort until completed.

Commissioner Guignard made a motion to authorize the Town Manager to pursue costs to provide additional landscape services towards the maintenance of the former Police Annex, the Robert B. Blythe and Town Hall buildings.

Commissioner Kidwell seconded motion.

Gerry Vincent, Town Manager, explained that there's no cost to this item as of yet. Michael Jaycocks and his crew are doing all the work for the former Police Annex Building. They ripped off gutters and they replaced rotten wood and they painted. We're going back through and clean out the brush. A landscape service provides spring and fall service, so they will take care of that under the current contract. The additional services will be once we cut back the shrubbery or crepe myrtles along the three buildings you are going to see how exposed the buildings look and what work needs to be done. Those costs will come back to you in January or February.

Commissioner Guignard requested that somebody be used that knows how to trim the crepe myrtles.

Motion carried unanimously.

### **CONSENT AGENDA**

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

**Call for Public Hearing.** Commissioner Guignard made a motion to call a public hearing for Monday, October 16, 2017 at 6:30 p.m. at Huntersville Town Hall to consider an economic development incentive grant to Daumar Corporation. Commissioner Phillips seconded motion. Motion carried unanimously.

**Budget Amendment.** Commissioner Guignard made a motion to approve budget amendment recognizing \$1,955 in bond interest earnings and spending those interest earnings on the Commerce Station Road infrastructure project currently under construction. Commissioner Phillips seconded motion. Motion carried unanimously.

**Budget Amendment.** All 2010 bond proceeds and interest have been spent, except \$1,955 in interest. These interest earnings have not been budgeted and cannot be spent until the Board authorizes spending it. This amendment recognizes the \$1,955 in bond interest earnings and spending those interest earnings on the Commerce Station road infrastructure project currently under construction.

Commissioner Guignard made a motion to approve budget amendment recognizing \$1,955 in bond interest earnings and spending those interest earnings on the Commerce Station road infrastructure



project currently under construction. Commissioner Phillips seconded motion. Motion carried unanimously.

**Budget Amendment.** The Parks & Recreation Department has applied for and received a \$10,000 grant from the US Tennis Association to resurface tennis courts at North Meck Park. This budget amendment recognizes the \$10,000 revenue and allocates related spending on the tennis courts.

Commissioner Guignard made a motion to approve budget amendment recognizing \$10,000 revenue and allocate related spending on the tennis courts at North Meck Park. Commissioner Phillips seconded motion. Motion carried unanimously.

#### **CLOSING COMMENTS**

Commissioner Guignard noted that the City of Mt. Holly received a grant to help staff their new fire station.

Mayor Aneralla announced that the Mayor's luncheon is tomorrow and on September 28 there will be a follow-up meeting for connecting the business community with the education community at Joe Gibbs Racing.

Commissioner Guignard made a motion go into closed session to discuss items in consultation with the town attorney concerning items as presented to us.

Commissioner Kidwell seconded motion.

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

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