

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**March 4, 2019  
6:30 p.m. – Huntersville Town Hall**

**PRE-MEETING**

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 5:30 p.m. on March 4, 2019.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Brian Hines, Danny Phillips and Nick Walsh.

**TIA Discussion.** Stephen Trott, Traffic Engineer, reviewed the TIA process. *Presentation attached hereto as Exhibit No. 1.*

Mr. Trott and the Board discussed options available if the Board does away with the TIA including a fee in lieu, staff conducting a town-wide TIA or other options. The Town Attorney has been tasked by the Huntersville Ordinances Advisory Board to bring back equitable options for consideration within 60 days.

The timeframe for the Board to have something in place to adopt is at least four to six months. If the Board wanted to go ahead and repeal the current Traffic Impact Analysis ordinance, it would have to go through the process which would take about 90 days.

Mayor Aneralla suggested the Huntersville Ordinances Advisory Board report back in 90 days with alternatives.

Commissioner Gibbons made a motion to go into closed session for property acquisition. 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 March 4, 2019.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Brian Hines, Danny Phillips and Nick Walsh.

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

- Provided update from Ocular Melanoma Grant meeting.
- Metropolitan Transit Commission met last week. CATS is going to add additional buses to our area.
- North Meck Alliance will not meet this month.

#### Commissioner Bales

- Lake Norman Economic Development Corporation is currently working on 32 projects, 18 of which are in Huntersville.
- Provided update on Visit Lake Norman events.

#### Commissioner Boone

- Provided update on Lake Norman Chamber of Commerce events.
- Battle of the Badges blood drive is March 30.
- Nicholas Lay from Lake Norman Charter school who was raising money for a bulletproof vest for K-9 Officer Cirro raised over \$2,400.

#### Commissioner Gibbons

- Next meeting of the Charlotte Regional Transportation Authority is March 20.
- Attended the February 20 Governor's Advisory Council on I-77 meeting. Council members seemed to be in agreement that there had been no movement and nothing has really changed.
- Next Mecklenburg County Veterans Council meeting is tomorrow.

#### Commissioner Hines

- Huntersville Ordinances Advisory Board had a special called meeting last Thursday. The board discussed the traffic impact analysis and street lighting policy. The next meeting is Thursday.

#### Commissioner Phillips

- The next meeting of the Olde Huntersville Historic Society is Wednesday.

#### Commissioner Walsh

- Centralina Council of Governments 2019 Regional Conference is Friday.
- Public Art Commission is looking into \$10,000 no-match grant from Electricities.
- Provided update on Huntersville Chamber of Commerce events.

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

BeeJay Caldwell, 14521 New Haven Drive, addressed the Board with concerns from the New Haven Drive area. *Refer to written comments attached hereto as Exhibit No. 2.*

### **AGENDA CHANGES**

Commissioner Boone moved Item 10.M under the Consent Agenda (Approve budget amendment recognizing Department of Justice Equitable Sharing Fund revenue in the amount of \$224,900 and appropriate to the Police Department Capital Account) to Item 9.I under Other Business.

Commissioner Gibbons made a motion to adopt the agenda as amended.

Commissioner Hines seconded motion.

Motion carried unanimously.

### **PUBLIC HEARINGS**

Mayor Aneralla recognized Planning Board members present: Jennifer Davis, Joe Sailors, Catherine Graffy, Frank Gammon and Scott Hensley.

Mayor Aneralla requested to be recused from public hearing on Petition #R18-02 since he lives in the Birkdale community.

Commissioner Gibbons made a motion to recuse Mayor Aneralla from the discussion.

Commissioner Walsh seconded motion.

Motion carried unanimously.

Commissioner Phillips disclosed that he has some property under contract with Mr. Gustafson, but do not stand to gain anything either way from this.

**Petition #R18-02.** Commissioner Bales called to order public hearing on Petition #R18-02, a request by Birkdale Real Estate Investors, LLC to rezone 19.50-acres located at southeast quadrant of NC 73 and Birkdale Commons Parkway (Parcel #'s 009-141-36 and portion of 009-141-17) from Highway Commercial - Conditional District and General Residential - Conditional District to Highway Commercial – Conditional District.

David Peete, Principal Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 3.*

Susan Irvin presented information to the Board on behalf of the petitioner. *PowerPoint Presentation attached hereto as Exhibit No. 4.* Ms. Irvin addressed comments in the Staff Analysis concerning the TIA. It was suggested that they hold off on resubmitting the TIA until NCDOT's comments were received. Concerning building elevations, we would like to have the detailed building elevations submitted as part of the commercial site plan. Brian Jenest will address the block lengths and parking lot connection. Ms. Irvin requested the Board close the public hearing to allow the project to move forward.

Brian Jenest, Cole Jenest and Stone, reviewed the two stubs on the plan. Mr. Jenest noted on one stub they cannot make the connection because they can't get an easement from the adjacent property owner.

Mr. Peete answered questions from the Board concerning the block lengths and connection.

A question was raised concerning improvements in the area where there is a state funded NCDOT project.

Stephen Trott, Traffic Engineer, explained that the Town is looking at NCDOT to tell us what the access is going to be on NC 73, not what transportation improvements the development has to do.

A question was raised concerning who would utilize the parking garage.

Mr. Jenest stated it would be for the multi-family and clubhouse.

Trent Gusterson stated that the owner of the golf course who acquired it, along with others, through foreclosure is a private bank out of Toronto. They have other properties whether it be multi-family, hotels, retail across the United States as well as Canada. Mr. Gusterson noted some of their projects did fail, but Birkdale is unique and the owner is willing to invest significant capital.

Joe Sailers, Planning Board, suggested the public hearing be continued to March 18 to see if the TIA gets resubmitted.

Randy Goddard, Design Resource Group, stated the traffic study has been submitted. There was one outstanding comment that's been addressed and has been resubmitted. We are just waiting to hear back from NCDOT on how the intersection of Lindholm will operate.

Frank Gammon, Planning Board, noted that the Staff Analysis made a reference that multi-family would be for mature renters and would like to get the definition of mature once it comes to the Planning Board.

Bob Crowley, 9002 Brentfield Road, addressed the Board in support of the project. Suggested there needs to be some kind of tunnel or bridge for pedestrians to cross NC 73 safely.

Mike Murphy, 8514 Brentfield Road, addressed the Board in support of the project, but doesn't think the project will work without the proposed Lindholm Drive.

Becky Partin, Titus Lane, addressed the Board in support of the project but expressed concern about accessory uses permitted in the Highway Commercial zoning district and the golf course not being improved.

Frank Logano, 8708 Devonshire Drive, addressed the Board. Suggested that traffic and pedestrian safety be considered and proposed that the developer be responsible for building two culverts – one below Lindholm and one below Birkdale Commons Parkway.

Ms. Irvin noted that improvements to the golf course are a requirement of the hotel and the apartment. Also, no automotive, drive-thrus or gas stations are intended as a part of this project.

Mr. Peete noted it is staff's recommendation that the public hearing be held open until March 18.

Commissioner Walsh made a motion to continue the public hearing until March 18.

Commissioner Boone seconded motion.

Motion carried unanimously.

Commissioner Boone made a motion to bring Mayor Aneralla back.

Commissioner Walsh seconded motion.

Motion carried unanimously.

### **OTHER BUSINESS**

**Petition #R18-16.** Petition #R18-16 is a request by Joseph Logano to rezone +/- 4.471 acres located at the intersection of Mt. Holly-Huntersville Road and Center Lane (Parcel #s 01745106, 01745107, 01745108, 01745109, 01745105, 01745104, 01745103 and 01745102) from Corporate Business to Highway Commercial.

Brian Richards, GIS Administrator, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 5.*

The Planning Board unanimously recommended approval of the rezoning.

Commissioner Boone made a motion in considering the proposed rezoning application R18-16, the Town Board approves the amendment based on it being consistent with Economic Development Policies ED-1 and ED-2 of the 2030 Huntersville Community Plan. It is reasonable and in the public interest to approve the rezoning because it is in line with the adjacent properties and brings consistency to all parcels.

Commissioner Walsh seconded motion.

Commissioner Hines asked if this would be considered spot zoning.

Angela Beeker, Town Attorney, explained that it would not be spot zoning because it's a commercial use next to a commercial use, even though they have different classifications.

Motion carried unanimously.

**Petition #TA18-11.** Petition #TA18-11 is a request by Bank of America, N.A. to amend Article 3.2.9(c) Corporate Business District, Permitted Accessory Uses to increase the amount of attached single-family and multi-family housing developments allowed in a corporate business development of 400 acres or more.

Meredith Nesbitt, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 6.*

Commissioner Walsh made a motion in considering the proposed amendment TA18-11 to amend Article 3.2.9(c) of the Zoning Ordinance the Town Board denies based on the request being inconsistent with Policies ED-1 and ED-2 of the Huntersville 2030 Community Plan. It's also inconsistent with the Management of Real Estate Asset Option No. 1 in the Strategic Economic Development Plan and there is an inventory of 2,871 approved but unbuilt multi-family units in Huntersville. It is not reasonable and not in the public interest to amend this article because it is not in keeping with the policies of the 2030

Community Plan or the Strategic Economic Plan. This amendment will have negative effects on public facilities, our school capacity and specifically our road infrastructure.

Commissioner Boone made a substitute motion to defer this to the April 1 meeting. An e-mail was submitted to the Town Board members this afternoon from a business in The Park and I would like time to review it.

Commissioner Phillips seconded motion.

Commissioner Hines pointed out that the Huntersville Ordinances Advisory Board and the Planning Board recommended approval and questioned why it would be deferred.

Susan Irvin, Attorney representing the applicant, stated she learned today of a letter from a business in The Park expressing concern about additional residential. Mr. Irvin would like an opportunity to meet with some people in The Park to be sure they understand that we are not talking about increasing the amount of multi-family that's already allowed, it's just what form it will be.

Motion to defer decision until April 1 carried unanimously.

**Petition #TA19-01.** Petition #TA19-01 is a request by the Huntersville Planning Department to consider amending Articles 3.2.1 and 9 of the Huntersville Zoning Ordinance to allow Par 3 golf courses and golf driving ranges in the Rural zoning district with the issuance of a special use permit.

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 7.*

Mr. Priest pointed out that a few questions were raised during the public hearing and answers to those questions are in the Staff Report.

Commissioner Bales made a motion to defer decision until April 1, 2019.

Commissioner Walsh seconded motion.

The Board discussed pros/cons of approving the text amendment and then deferring the Special Use Permit.

Commissioner Bales expressed concern with the business staying open until midnight on Friday and Saturday.

David Jarrett, representing the applicant, agreed to the 11 p.m. closing time.

Commissioner Bales withdrew her motion and made another motion that we move forward and accept the text amendment as written with one minor change which is on #6 that Friday and Saturday no later than 6 a.m. and no later than 11 p.m.

Commissioner Walsh seconded motion.

Commissioner Bales said I'm just reading it verbatim here in that text amendment so that the lights will go off at the same time the park lights do next door.

Commissioner Walsh seconded motion.

Commissioner Bales provided the consistency statement In considering the proposed amendment TA19-01 to amend article 3.2.1(a) and Article 9.61 of the Zoning Ordinance to allow golf driving ranges and par 3 golf courses in the rural district with the issuance of a special use permit, the Town Board recommends approval of the amendment but finds the request inconsistent with Policy ED-1 of the 2030 Community Plan.

Mr. Priest said that would be E.4 if you are referencing the policy that staff recommended as being inconsistent.

Commissioner Bales said okay, works for me. Therefore we amend said plan and detail the ways the policy or reference is to be amended. We will be making the amendments to this and this is a little sloppy because I didn't write it down prior hand but we will be making the slight change that the lights will go out at 11 p.m. with this ordinance.

Mr. Priest said it would be good to understand in regard to the specific situation where the lighting of the ordinance how it's inconsistent and what specific measures according to this text make it consistent with the 2030 Plan.

Commissioner Bales said so while it is inconsistent with the rural areas we do find that it is consistent with the surrounding or adjoining area of the property i.e. the park. It is reasonable and in the public interest to amend the Zoning Ordinance because of such.

Commissioner Walsh seconded motion.

Commissioner Bales clarified her motion included leaving the 11 p.m. limitation.

Motion carried unanimously.

**Petition #SUP19-01.** Mayor Aneralla opened quasi-judicial hearing on Petition #SUP19-01, a request submitted by the property owners of 16715 and 16401 Davidson-Concord Road (Parcel IDs 01108103 and 01108107) for a special use permit to permit a golf driving range in the Rural zoning district.

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

Commissioner Phillips made a motion to defer for 30 days to April 1.

Commissioner Gibbons seconded motion.

Angela Beeker, Town Attorney, explained this is a quasi-judicial proceeding that's going to get continued. Only persons that would be directly affected would be able to participate as a full party. The Board can open it up but everybody will be placed under oath and so it's a much more formalized proceeding than just a general public hearing. I feel like it's cleanest if we defer it and everybody speaks at the same time, so whoever signed up to speak would need to come back and if they feel like they could demonstrate standing to be a full party or if they just want to.....but in a quasi-judicial proceeding it's based on evidence on the hearing. It's not based on we like this or we don't like this, it's

based on do they meet the standards of the ordinance. We need to come back prepared to address whether or not what evidence you have that they meet the standards or they don't meet the standards.

Motion carried unanimously.

**Petition #TA19-02.** Petition #TA19-02 is a request by the Huntersville Planning Department to modify Article 4 of the Zoning Ordinance to allow Aluminum Composite Material (ACM) panels on the workplace building type.

There have not been any changes to the proposed ordinance since the public hearing. Planning staff recommends approval. The Huntersville Ordinances Advisory Board and Planning Board both recommended approval.

Commissioner Boone made a motion to approve based on the amendment being consistent with the policy CD-6 of the 2030 Community Plan. It is reasonable and in the public interest as it allows greater flexibility in commercial building design while maintaining the historic architectural building design of the Town.

Commissioner Bales seconded motion.

Commissioner Phillips questioned how the 30 percent was determined.

Mr. Priest explained in 2014 when Toyota North Charlotte came and wanted to do aluminum composite material staff was uncomfortable with 100 percent just allowing the metal material to be the complete building façade and so the discussion was what is the comfort level and currently we interpreted as it's allowed as an accent. So we want to keep it as an accent, something that is supplementary to the façade and to the building material and not the majority. And so that eliminated the 50 plus. And so it was really just splitting the difference between having very little and 50 coming up with 30. So far that 30 percent, that accent is how it was drafted in the Highway Commercial building type that's worked so far and so the applicants who are looking for the industrial buildings they are saying 30 is good.

Motion carried unanimously.

**Petition #TA18-10.** Petition #TA18-10 is a request by the Planning Department to amend Sections 2.000, 3.000 and 6.000 of the Subdivision Ordinance for expedited subdivision review.

Sierra Saumenig, Planner I, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 9.*

Ms. Saumenig noted the Planning Board recommended approval.

Commissioner Hines made a motion to recommend approval as it is reasonable and in the public interest to amend the Subdivision Ordinance to be consistent with Session Law 2017-10 which created expedited subdivision review for qualifying subdivisions.

Commissioner Bales seconded motion.

Motion carried unanimously.

**Appointment to Planning Board.** There is a vacant seat on the Planning Board created by the resignation of Ron Smith. The Planning Department has advertised the vacancy to accept new applications.

Commissioner Boone nominated Jeff Sny.  
Commissioner Walsh nominated Jeff Sny.  
Commissioner Gibbons nominated Jeff Sny.  
Commissioner Phillips nominated Jeff Sny.  
Commissioner Hines nominated Jeff Sny.  
Commissioner Bales nominated Jeff Sny.

It was noted that Mr. Sny currently serves on the Huntersville Ordinances Advisory Board and has agreed to resign from that board if appointed to the Planning Board.

Motion to appoint Jeff Sny carried unanimously.

**Fee Schedule.** Planning staff requests the fee schedule be adjusted to reflect LUESA Zoning Inspection position now under Huntersville Planning Department. Effective date would be May 19, 2019.

Commissioner Walsh made a motion to approve the new LUESA fee schedule effective May 19.

Commissioner Hines seconded motion.

Motion carried unanimously.

*Fee Schedule attached hereto as Exhibit No. 10.*

**Budget Amendment – Police Department.** Interim Police Chief Bence Hoyle noted that funds in the Justice Equitable Sharing Fund were received from various activities the Police Department has been associated with the DEA and ICE enforcement. Funds are being requested to purchase two ballistic vests for SWAT team members, two replacement vehicles and a crime scene vehicle.

Commissioner Boone made a motion to approve budget amendment recognizing Department of Justice Equitable Sharing Fund revenue in the amount of \$224,000 and appropriate to the Police Department Capital Account.

Commissioner Walsh seconded motion.

Motion carried unanimously.

### **CONSENT AGENDA**

**Approval of Minutes – Town Board Retreat.** Commissioner Hines made a motion to approve the minutes of the January 31 and February 1, 2019 Town Board Retreat. Commissioner Bales seconded motion. Motion carried unanimously.

**Approval of Minutes – February 18.** Commissioner Hines made a motion to approve the minutes of the February 18, 2019 Regular Town Board Meeting. Commissioner Bales seconded motion. Motion carried unanimously.

**Award Mowing Contracts.** Commissioner Hines made a motion to award Mowing Contracts for the Town's parks and facilities to the lowest bidders, Landcare Innovations and Ark Lawn and Tree. Commissioner Bales seconded motion. Motion carried unanimously.

*Contracts attached hereto as Exhibit No. 11.*

**Reimbursement Resolution – Patterson Road Project.** Commissioner Hines made a motion to adopt resolution declaring the intent of the Town of Huntersville to reimburse itself for capital expenditures incurred in connection with the land, design, engineering and construction of the Patterson Road Project from the proceeds of certain tax-exempt obligations. Commissioner Bales seconded motion. Motion carried unanimously.

*Resolution attached hereto as Exhibit No. 12.*

**Signal Installation Contract.** Commissioner Hines made a motion to award Signal Installation Contract for Verhoeff Drive/NC 115 and Verhoeff Drive/US 21 to Bryant Electric Repair and Construction, Inc. Commissioner Bales seconded motion. Motion carried unanimously.

*Contract attached hereto as Exhibit No. 13.*

**Call for Public Hearing – Soil Erosion.** Commissioner Hines made a motion to call a public hearing for Monday, March 18, 2019 at 6:00 p.m. at Huntersville Town Hall for a request by the Town of Huntersville to adopt the Town of Huntersville Soil Erosion and Sedimentation Control Ordinance. Commissioner Bales seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA19-03.** Commissioner Hines made a motion to call a public hearing for Monday, April 1, 2019 at 6:00 p.m. at Huntersville Town Hall on Petition #TA19-03, a request by the Huntersville Planning Department to amend Article 3.2.3 to modify the General Requirements section to be consistent with Article 11.5 Nonconforming Vacant Lots. Commissioner Bales seconded motion. Motion carried unanimously.

**Budget Amendment – Stephens Ridge Escrow/Vance Road.** Commissioner Hines made a motion to approve budget amendment recognizing contributed capital from the Stephens Ridge Escrow Account in the amount of \$62,841 and appropriate to the Vance Road Project. Commissioner Bales seconded motion. Motion carried unanimously.

**Budget Amendment – CPCC Escrow/Verhoeff Drive.** Commissioner Hines made a motion to approve budget amendment recognizing contributed capital from Central Piedmont Community College Escrow Account in the amount of \$46,164 and appropriate to the Verhoeff Drive project. Commissioner Bales seconded motion. Motion carried unanimously.

**Budget Amendment – Stormwater Maintenance.** Commissioner Hines made a motion to approve budget amendment recognizing contributed capital in the amount of \$36,105 and appropriate to the

Stormwater Maintenance account. Commissioner Bales seconded motion. Motion carried unanimously.

**Budget Amendment – Parks & Recreation.** Commissioner Hines made a motion to approve budget amendment recognizing sponsorship revenue in the amount of \$14,000 and appropriate to Parks & Recreation Capital Outlay. Commissioner Bales seconded motion. Motion carried unanimously.

**Budget Amendment – Nutec BIP.** Commissioner Hines made a motion to approve budget amendment allocating \$16,785.47 from the General Fund for business incentive grant payment to Nutec. Commissioner Bales seconded motion. Motion carried unanimously.

#### **CLOSING COMMENTS**

Mayor Aneralla announced there will be a community clean-up day in the Pottstown community on May 11 and Samaritan's Purse is coordinating a shoe giveaway at Blythe Elementary on March 29.

There being no further business, the meeting was adjourned.

Approved this the 1<sup>st</sup> day of April, 2019.