

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**March 18, 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 5:00 p.m. on March 18, 2019.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Brian Hines and Danny Phillips. Commissioner Nick Walsh was not present.

Angela Beeker, Town Attorney, held a training session for the Town Board on quasi-judicial proceedings. *Refer to PowerPoint Presentation attached hereto as Exhibit No. 1.*

Robert Bush, Arts & Science Council, presented update to the Town Board. *Refer to PowerPoint Presentation attached hereto as Exhibit No. 2.*

Commissioner Hines 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.

**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 6:00 p.m. on March 18, 2019.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Brian Hines and Danny Phillips. Commissioner Nick Walsh was not present.

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

- Mayor's Luncheon is tomorrow.

Commissioner Bales

- Provided update on Visit Lake Norman events.
- Lake Norman EDC is hosting Novant Health Information Night at CPCC Merancas Campus April 9 and Speed Networking event at Hopewell High School on April 25.

Commissioner Boone

- Provided update on Lake Norman Chamber of Commerce events.
- Battle of the Badges blood drive is March 30.

Commissioner Gibbons

- Attended Eagle Scout ceremony Sunday.
- Next meeting of the Charlotte Regional Transportation Planning Organization is March 20.

Commissioner Hines

- Huntersville Ordinances Advisory Board met March 4. They created a subcommittee to study the TIA. Next meeting is April 4.

Commissioner Phillips

- Olde Huntersville Historic Society meets the first Wednesday of each month.

Mayor Aneralla introduced Don Mitchell, the new Electric Systems Manager for ElectriCities.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Fred Entrekin, 14200 Eastfield Road, addressed the Board in support of Petition #R18-14, EPCON on Eastfield Conditional District Rezoning Plan.

Nancy Neely, 11130 Johnson Davis Road, addressed the Board in support of the Arts & Science Council.

Matt Gardner, 13106 Chopin Ridge Road, addressed the Board in support of the Arts & Science Council.

Lori Pasewaldt, 8021 Cottsbroke Drive, President and CEO of Olympic Transportation, requested the Board consider have conversation on ways to help small businesses that want to expand in Huntersville.

AGENDA CHANGES

Commissioner Gibbons made a motion to adopt the agenda.

Commissioner Boone seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Hal Bankirer, Joe Sailers, Catherine Graffy and Frank Gammon.

Petition #R18-02. Mayor Aneralla requested to be recused since he lives in Birkdale.

Commissioner Phillips requested to be recused because he would have a direct financial impact from the proposed road improvement at the corner of Beatties Ford Road and Gilead Road.

Commissioner Boone made a motion to recuse Mayor Aneralla and Commissioner Phillips.

Commissioner Hines seconded motion.

Motion carried unanimously.

Commissioner Bales called to order continuation of 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, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 3.* Mr. Peete reviewed changes since the first public hearing. The latest site plan shows they have created a new drive aisle that goes from the new Public Street A northward to the adjoining property to the north.

Satisfied items since the last public hearing include:

- TIA resubmitted and under review. A turn lane at Beatties Ford Road and Gilead would be required.
- Prohibited use list added: automotive service and repair, car wash, gasoline service/convenience store, drive-thru windows for restaurants.
- Adequate Public Facilities application submitted and approved.

Items still to be addressed include:

- NCDOT on NC 73 improvements.
- Provide block-break street stub from Public Street A to north property.
- Provide a greenway easement area for tie-in from NC 73 culvert to new greenway on Public Street A.
- Provide architectural features note for all buildings including description of the Building #6 treatment along Public Street A and the masking or screening of parking garage.

Requested Zoning Ordinance modifications include:

REQUIRED	PROPOSED	STAFF RECOMMENDATION
25% side yard parking max.	Parking located in side yard between building & intersection	<u>Supported</u> with adequate opaque screening (per Art. 7)
250' – 300' (urban) block lengths	1,600'+ linear feet block	<u>Can be supported</u> if Town sees the parking lot stub as acting like a connecting street
Connect adjoining parking lots	Connections provided (2 existing stubs closed, 1 new parking lot stub & additional may be added)	<u>Supported</u> – Parking lot connectivity is very important
Parking lot landscaping	Arbor & plantings proposed	<u>Supported</u> – Appropriate alternative screening
30' landscaped buffer along GR-CD	No buffer	<u>Supported</u> – Adjoining land use is a golf course

Commissioner Hines asked if the northern connection point is treated as a private or public road.

Mr. Peete said it is not a public street. It is essentially a glorified parking lot drive entrance.

Commissioner Hines said it stubs to the adjoining property but does not connect because that is a private ownership and unless the other owner allows the connection there is no connection.

Mr. Peete the item was mentioned at the last meeting about the connectivity of an access easement and the applicants have provided that information to us. It is under review by staff and Legal Department as well so we'll have updates on that.

Commissioner Boone said connectivity of the greenway and the culvert, if you look at NCDOT their plan shows that the greenway will cross Highway 73 at a light so we've got two paths, one crossing the street where you walk, the other one a culvert. I want to be sure that NCDOT knows that Mecklenburg County has put \$1.5 million for that culvert.

Mr. Peete said I will pass that along an additional time. The Park and Recreation Department of Mecklenburg County is involved and has been instrumental in getting that commitment of funding from the county. There's still unknowns if it will be a culvert or at grade crossing.

Joe Sailors, Planning Board, asked if there are any parking restrictions for the parking deck.

Mr. Peete said I do not believe that parking is restricted by anything on the plan. I think the indication has been because of its proximity it would be used for the clubhouse.

Catherine Graffy, Planning Board, said without the street in yellow would the people that are parking in the left quadrant have to cross multiple parking areas to reach the other outlet into the main road.

Mr. Peete said the previous version of the plan had a future connection to the parking lots, but that is not proposed with this plan.

Commissioner Bales asked the Board if they wanted to hear from the Petitioner.

Commissioner Gibbons said I think in general we had concerns of the greenway crossing and how pedestrian or bicyclists could get across safely and then I think we had questions about uses which have been addressed so I think any negatives that I heard from the public hearing last time have been addressed.

There being no further comments, Commissioner Bales closed the public hearing.

Commissioner Gibbons made a motion to bring Mayor Aneralla and Commissioner Phillips back.

Commissioner Hines seconded motion.

Motion carried unanimously.

Soil Erosion and Sedimentation Control Ordinance. Max Buchanan, Public Works Director/Town Engineer, explained this ordinance is necessary for the Town to have delegated authority from the State of North Carolina to inspect and enforce soil erosion and sedimentation rules within our jurisdiction.

The ordinance is a step in the on-going process of bringing the development services in-house from Mecklenburg County. Once the ordinance is passed it will have to be submitted to North Carolina DEQ for approval. The hope is to have that approval by July 1 which is when we anticipate bringing on the engineering services that have been provided by LUESA.

Commissioner Phillips questioned why the fines outlined in the ordinance were so high.

Mr. Buchanan said the North Carolina Sedimentation and Pollution Control Act says any land disturbing activity greater than an acre requires submittal of a plan and approval through the State of North Carolina. North Carolina then has a choice to delegate to municipalities, in this case Mecklenburg County or what we hope to be the Town of Huntersville. If you look at what their assessment of their fines are, and they probably have the same requirement for all delegatory authority, is a failure to file an erosion control plan or following an approved plan can result in fines up to \$5,000 per day. It's basically to emphasize the importance of controlling sediment on land disturbing activities.

Commissioner Phillips suggested striking Item 6.e that whenever conflicts exist between federal, state or local laws, ordinances or rules, the more restrictive provision shall apply.

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

OTHER BUSINESS

Soil Erosion and Sedimentation Control Ordinance. Commissioner Bales made a motion to approve the Soil Erosion and sedimentation Control Ordinance.

Commissioner Boone seconded motion.

Motion carried 4 to 1, with Commissioner Phillips opposed.

Soil Erosion and Sedimentation Control Ordinance attached hereto as Exhibit No. 4.

Petition #R18-14. Petition #R18-14 is a request by EPCON Communities Carolinas to rezone 34.77 acres located at 14211 Eastfield Road, (Parcel #s 02112213, 02112214 & 02112215) from Rural to Neighborhood Residential - Conditional District.

Commissioner Hines noted at the last meeting he disclosed he had a financial interest in a project not in the Town of Huntersville with the applicant and was recused. Mr. Hines questioned what the process is since he does not have a financial interest but was recused from the public hearing.

Angela Beeker, Town Attorney, stated it is her opinion that Mr. Hines should be recused since he was recused for the public hearing.

Commissioner Boone made a motion to recuse Commissioner Hines.

Commissioner Bales seconded motion.

Motion carried with four (4) yes votes.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 5.*

While staff recognizes the value of providing retirement housing options, staff does not recommend approval of the EPCON on Eastfield Conditional District Rezoning Plan for the following reasons:

- The Rezoning is not consistent with the Huntersville 2030 Community Plan, specifically, Policies H-1, H-9 & T-5.
- The Rezoning is not consistent with the Eastfield Road Small Area Plan, specifically, the Recommended Future Land Use for Area B.
- The proposed density is not in keeping with other developments within Huntersville's jurisdiction in this area and will add a greater intensity of development remote from goods and services with sole access on Eastfield Road.
- Requested modifications #2 (rear yard setback), #4 (street cross-section) and #5 (driveway width) are not supported. And while modification #3 is not needed, Staff does not support allowing the buffer in private lots.
- The proposed internal street cross-section is not Ordinance-compliant. Either provide the correct cross-section (and adjust site plan) or request a modification. Staff will not support a modification that does not provide adequate parking.
- All outstanding Transportation comments must be addressed.
- All outstanding redline comments must be addressed

The Planning Board reviewed this request on February 26, 2019, and recommended denial by 5-3 vote. The Planning Board's motion is included in the Staff Report.

Commissioner Bales suggested the Board defer the decision since Commissioner Walsh is not present and Commissioner Hines is recused.

Angela Beeker, Town Attorney, explained that in order for this petition to be adopted at the first reading, it would need 2/3 of the membership to approve. Since Commissioner Hines is recused, his seat doesn't count.

Bob Carter, Regional President for EPCON, noted they would be agreeable to postponing until the next meeting.

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

Commissioner Boone seconded motion.

Motion carried by 4-0 vote.

Commissioner Phillips made a motion to bring Commissioner Hines back.

Commissioner Bales seconded motion.

Motion carried with four (4) yes votes.

Huntersville Ordinances Advisory Board Appointment. Consider an appointment to the Huntersville Ordinances Advisory Board to fill a vacancy created by the appointment of Jeff Sny to serve on the Planning Board.

Commissioner Hines nominated Brandy Skelly.
Commissioner Bales nominated Brett Sowell.
Commissioner Boone nominated Brett Sowell.
Commissioner Gibbons nominated Brandy Skelly.
Commissioner Phillips nominated Brandy Skelly.

Mayor Aneralla called for the vote to appoint Brandy Skelly to the Huntersville Ordinances Advisory Board.

Motion carried by 5-0 vote.

SwimMAC Carolina Sponsorship Agreement. Anthony Roberts, Town Manager, reviewed terms of SwimMAC Sponsorship Agreement.

Commissioner Gibbons made a motion to approve SwimMAC Carolina Sponsorship Agreement.

Commissioner Hines seconded motion.

Motion carried unanimously.

Sponsorship Agreement attached hereto as Exhibit No. 6.

Contract for Services – Swim Club Management. Anthony Roberts, Town Manager, reviewed highlights of the Revised Contract for Services with Swim Club Management for the operation of Huntersville Family Fitness & Aquatic Center.

Brian Sheehan, Swim Club Management, explained why they requested to revise the contract. When the agreement was originally entered into the word “profit” could not be used in the agreement because of the bonds on the facility. The revised agreement will allow the bonus to be based on the profit of the facility and not the 5 year historical average.

Commissioner Gibbons asked the Town Attorney if she was comfortable with the annual renewals outlined in the contract.

Angela Beeker, Town Attorney, said he is comfortable with it from a legal standpoint. The Board needs to be comfortable with it from an automatic renewal standpoint.

Commissioner Bales requested the Board consider deferring decision to allow her more time to review the contract.

Mr. Sheehan requested the Board go ahead and vote. There was an issue with the way the agreement is currently written which meant a bonus incentive due Swim Club Management on December 31 could not be paid out. Swim Club Management went ahead and paid employees that had incentive plans based on that and have been waiting three months for reimbursement.

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

The motion died due to the lack of a second.

Commissioner Phillips made a motion to approve Revised Contract for Services with Swim Club Management Group of Charlotte, Inc. for the management of Huntersville Family Fitness & Aquatic Center.

Commissioner Hines seconded motion.

Motion carried 4 to 1, with Commissioner Bales opposed.

Public Art Benches. The Public Art Commission has approved two Public Art Benches for downtown. One bench will be located on the southbound side of NC 115 just to the south of the Town Center Building at the CATS Bus Stop. The second one will be located on the northbound side of NC 115 in front of the Arts and Cultural Center Building at the CATS Bus Stop. Both benches will be concrete with a mosaic design to back seat of bench

Commissioner Bales made a motion to approve two public art benches for downtown.

Commissioner Gibbons seconded motion.

Commissioner Phillips pointed out that the Board said no taxpayer money would be used for public art and although the benches are purchased through donations, Town staff time to install them would be use of taxpayer money.

Motion carried 4 to 1, with Commissioner Phillips opposed.

Resolution – NCDOT Bicycle Planning Grant Agreement. The Town of Huntersville applied and received a 2019 Bicycle Planning Grant from NCDOT. This is a matching grant that requires the Town to pay for 40% (\$40,000) of the \$100,000 cost for this Bicycle Planning Project. NCDOT will pay for the remaining \$60,000. This grant will allow the Town to do a Comprehensive Bike Plan that will help the Town identify locations and types of bicycle improvements needed for future projects. The Greenway, Trail, and Bikeway Commission recommended that the Town apply for this grant. The Town Board approved a resolution at its November 5, 2018 meeting in support of the Town applying for the Bicycle Grant.

Commissioner Bales made a motion to adopt Resolution approving the NCDOT Bicycle Planning Grant Agreement.

Commissioner Gibbons seconded motion.

Motion carried 4 to 1, with Commissioner Phillips opposed.

Greenway, Trail and Bikeway Commission Appointment. There is one unexpired term on the Greenway, Trail and Bikeway Commission that has become available due to a relocation. This open term will end on December 31, 2020.

Commissioner Boone nominated Maria Reese.

Commissioner Gibbons nominated Maria Reese.

Commissioner Phillips nominated Maria Reese.

Commissioner Hines nominated Maria Reese.

Commissioner Bales nominated Maria Reese.

Mayor Aneralla called for the vote to appoint Maria Reese to the Greenway, Trail and Bikeway Commission.

Motion carried by 5-0 vote.

CONSENT AGENDA

Budget Amendment – Parks & Recreation. Commissioner Bales made a motion to approve budget amendment recognizing sponsorship revenue in the amount of \$10,000 and appropriate to the Parks & Recreation capital outlay account. Commissioner Hines seconded motion. Motion carried by 5-0 vote.

Call for Public Hearing – Town Board Structure. Commissioner Bales made a motion to call a public hearing for Monday, April 1, 2019 at 6:00 p.m. at Huntersville Town Hall to receive public comments, generally, on whether or not to make changes to the current structure of the Town Board of Commissioners, including but not limited to whether to change from two-year terms to four-year terms, and whether to move from at-large elections to district-based elections for some or all of the Town Board seats. Commissioner Hines seconded motion. Motion carried by 5-0 vote.

CLOSING COMMENTS

None.

There being no further business, the meeting was adjourned.

Approved this the 1st day of April, 2019.