



Huntersville Ordinances Advisory Board

Minutes

March 7, 2019

3:30 p.m. – 5:00 p.m.

Rotunda Conference Room

Town Center – 3rd Floor

105 Gilead Road, Huntersville

A. Call to Order

Voting Members in Attendance: Chairman Brian Hines, Dan Boone, Thomas Finlay, Jay Henson, Matt Jones, Scott Moore, Tim Taylor, and Susan Thomas.

Nonvoting Members in Attendance: Beeker, Haines and Simoneau

B. Comments from Audience

C. Other Business

Dan Boone made a Motion for an Agenda change to include the election of a Vice Chairman. Scott Moore seconded the Motion. The vote was unanimous. Dan Boone nominated Matt Jones as Vice Chairman, and Scott Moore seconded. Matt Jones accepted the nomination, and the vote was unanimous.

Dan Boone made a Motion for an Agenda change to include the creation of a subcommittee for the TIA. Chairman Hines explained the Town Board concerns. Dan Boone amended his Motion to include appointing 3 members and a Planning Board member, and Scott Moore seconded. The members appointed: Matt Jones, Chairman, Scott Moore, Tim Taylor, and Jeff Sny as the Planning Board member. The vote was unanimous.

1. Discussion on street lighting policy (Attachment 1, 2)

Jack Simoneau noted the Subdivision Ordinance, Section 8.160. Kevin Fox with Public Works stated that the opinion was to leave the ordinance as is, and explained the waiting list and process for budget approval. Scott Moore continued his discussion and explained that HOA dues from homeowners typically pay the bill for Duke Power until take over by the Town. It was questioned if the Town would consider taking over the street lights when installed due to the higher cost to the citizens. It is understood that a buy down needs to be done first by the developer to help with associated costs until the takeover is made.

M. Jones made a Motion to Recommend a Text Amendment, and Scott Moore seconded. The Motion failed by a vote of 3-5. Jones, Moore and Finlay in favor.

2. Discussion on revising street tree ownership (Attachment 1, 3)

Scott Moore presented the discussion about street trees in the right of way, and expressed concerns for the developers and owners, and felt the owners should be responsible for street trees when install on their property. Kevin Fox noted that under Maintenance Bonds the developer is required and responsible for street trees. Jack Simoneau noted that when accept right of way the Town accepts the street, sidewalk and trees. The Town Attorney noted that streets dedicated to the Town are accepted for maintenance, and

further discussed ownership of right of way and ownership of the underlying land in the right of way. David Peete added that Code Enforcement looks to the owner of the property for enforcement, which is typically the HOA. S. Moore pointed out that the full right of way area is being accepted for maintenance, but the HOA or individual property owner is being held responsible for the maintenance, and/or replacement of street trees. The issue of sidewalk repairs was raised due to trees and roots system damage. Kevin Fox indicated that approximately \$200,000 in the fiscal budget is requested for maintenance and repairs by the Town.

S. Thomas made a Motion to not recommend a text amendment, and T. Taylor seconded. The Motion carried with a 6-2 vote. Jones and Moore opposed.

4. Discussion on revising the location and spacing of yard trees (Attachment 1)

Scott Moore presented the discussion and explained the requirement in the current ordinance to have street trees and front yard trees. It is explained that the trees at maturity are growing canopy to canopy or canopy to house. When having large maturing deciduous trees next to large maturing deciduous trees there is no accommodation for maturity. J. Henson commented about the street tree spacing for commercial projects, and double row street trees. Jack Simoneau noted the developer's choice. It was suggested to have small maturing front yard trees or elimination front yard trees with the combination of street trees.

Jack Simoneau noted that the Planning Department will research, and bring the issue back to the members for consideration of a text amendment.

3. Discussion on Model Glue Possession (Attachment 4, 5)

The Town Attorney informed the Board that the North Carolina General Statutes address this Code of Ordinance.

Dan Boone made a Motion for the Town Board to consider repealing Section 130.01 of the Town of Huntersville Code of Ordinances, and Jay Henson second. The Motion carried unanimously (8-0).

4. Update on Session Law 2018-145 Stormwater Redevelopment (Attachment 6, 7).

Jack Simoneau advised that the Planning Department is working with Rusty Rozelle, Mecklenburg County Storm Water, and will keep the members updated on an amendment.

D. Adjourn

Approved this 4th day of April, 2019.

Brian Hines, Chairman

Jack Simoneau, Secretary