

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**June 3, 2019
6:30 p.m. – Huntersville Town Hall**

PRE-MEETING

None

**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 June 3, 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

- Ocular Melanoma Grant Update Meeting is on June 14.
- Mayor's Luncheon is June 18.
- Metropolitan Transit Commission does not meet until August.
- Greenway, Trail and Bikeway Commission is having naming contest for greenway.

Commissioner Bales

- Expressed appreciation to staff and the American Legion for the Memorial Day Celebration.
- Provided update on Visit Lake Norman events.
- Lake Norman Economic Development Corporation has a total of 41 active projects, 18 of which are in Huntersville.

Commissioner Boone

- Provided update on Lake Norman Chamber of Commerce events.
- National Night Out will be on August 6 at Veterans Park.

Commissioner Gibbons

- Memorial Day Celebration was a success.
- Attended the Charlotte Regional Transportation Planning Organization Retreat.
- The next Mecklenburg County Veterans Council meeting is tomorrow.

Commissioner Hines

- The next meeting of the Huntersville Ordinances Advisory Board is June 6. There will be no meeting in July.
- This is the last week of school for Charlotte-Mecklenburg Schools, so traffic should get lighter.

Commissioner Phillips

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

Commissioner Walsh

- Provided update on Parks & Recreation events.
- Provided update on Huntersville Chamber of Commerce events.
- Centralina Council of Governments 2019 Charlotte Aviation Academy is seeking applications.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Chief Hoyle presented life-saving award to officers for the following events:

12/3/2018 Missing suicidal subject located with a hypodermic needle in his arm. Officers Hardy, Freitag, Johnston, Lehew, Helms, and Sgts. Luthart and Libby rendered medical attention and subject survived.

2/15/2019 Officer Gordon responded to an accident with injuries on I-77 and applied a tourniquet to the injured subject.

5/7/2019 Subject attempted suicide and Officers Lehew and Shaw and Sgt. Luthart applied tourniquets and saved the subject's life.

Daryl Greenberg, 1501 Carmel Road, Charlotte, addressed the Board as representative of the Honeycutts and the Wallaces whose property is under consideration for the EPCON petition. Ruby Honeycutt passed away on May 23 before having the opportunity to be present for the vote on the rezoning of her land. Requested the Town Board vote unanimously in favor of the rezoning.

AGENDA CHANGES

Commissioner Gibbons made a motion to adopt the agenda.

Commissioner Walsh seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

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

Petition #R19-02. Mayor Aneralla called to order public hearing on Petition #R19-02, a request by Lee's Firewood to rezone 2.732 acres from Highway Commercial to Special Purpose Conditional District to allow outdoor storage and other uses in the SP zone at 15326, 15336, 15412 and 15430 (partial) Old Statesville Road.

Jack Simoneau, Planning Director, reviewed the Staff Report. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 1.*

A question was raised concerning the height restriction of the wood pile. Mr. Simoneau noted that there previously had not been a height restriction, therefore one is not proposed.

Commissioner Bales noted that during the pre-development meeting there was discussion regarding the fence with gates for the northern pieces.

Rusty Lee stated it's a half round driveway currently and we would be putting gates up and then there would be enough concrete for trucks to meet the DOT requirements.

Commissioner Boone asked the difference between a woodcutting operation and a lumber mill.

Mr. Simoneau said they are not special cutting wood, although Rusty does have some materials that he reclaims and then can sell tables but it is not your typical lumberyard. It is firewood sales and then whatever Rusty might make to sell for tables.

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

Petition #R19-03. Mayor Aneralla called to order public hearing on Petition #R19-03, a request by Travis Adams to rezone 1.58 acres located at 11928 Ramah Church Road (Parcel 01926407) from Corporate Business to Corporate Business Conditional District.

Brad Priest, Senior Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 2.*

Commissioner Boone pointed out that the Humphries family that live on Quail Crossing which is right behind this development came to the pre-development neighborhood meeting and they had concerns about the 80' buffer. After everything was explained to them they were more in favor of this project.

Commissioner Gibbons questioned if the driveway was flipped if the same buffer would still be required.

Mr. Priest stated you would still have the buffer on the east side. Nothing from the site would change, just the driveway would be on the right and the building would be on the left.

Commissioner Phillips questioned if it is just Staff's recommendation that they flip the site from their original plan.

Mr. Priest stated the recommendation is to flip the site, but they have met the Zoning Ordinance. We are still waiting to hear back from NCDOT on what they will require for the driveway permit and that's to be determined.

Commissioner Hines questioned if the conflict still exist if the site is flipped, just in a different location.

Mr. Priest stated it's lessened. You wouldn't have that conflict with the driveway further to the east but you would still have it to a point with the same driveway, but it's lessened the further away you get from it.

Commissioner Phillips said for this type of business, you are not talking a substantial amount of trips.

Stephen Trott, Transportation Engineer, said the flipping of the site would be a benefit, but it's not a requirement. If you are turning left into here and also if a vehicle is turning left there, they are turning very close to each other, whereas if a vehicle is turning left here and a vehicle is turning left there, there paths don't cross. They don't overlap, so flipping the site would increase that distance between the driveways and would help. It does not eliminate that conflict.

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

Petition #TA19-05. Mayor Aneralla called to order public hearing on Petition #TA19-05, a request by Frank and Ellen Loncz to amend Article 3.2.5(a) to allow temporary mobile food sales in the Neighborhood Center zoning district.

Sierra Saumenig, Planner I, reviewed the Staff Report. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

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

OTHER BUSINESS

Budget for FY 2019-2020. Commissioner Phillips made a motion to approve the budget for fiscal year 2019-2020.

Commissioner Hines seconded motion.

Motion carried unanimously.

Budget Ordinance attached hereto as Exhibit No. 4.

Char-Meck Emergency Operations Plan. Commissioner Gibbons made a motion to adopt the Charlotte-Mecklenburg Emergency Operations Plan.

Commissioner Bales seconded motion.

Motion carried unanimously.

Charlotte-Mecklenburg Emergency Operations Plan attached hereto as Exhibit No. 5.

Petition #R19-05. Petition #R19-05 is a request by Fairway Birkdale II, LLC to modify a Conditional District Rezoning Plan R97-22 located at 16633 and 16639 Birkdale Commons Parkway, Parcels 00917184 and 00917186 to reduce the western buffer yard from 80' to 40'.

Brian Richards, GIS Administrator, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 6.*

Commissioner Bales made a motion in considering the proposed rezoning application R19-05, the Town Board approves based on the amendment being consistent with the Economic Development Policies ED-1 and ED-2 of the 2030 Community Plan, and is reasonable and in the public interest to approve the rezoning because it is in line with the adjoining properties.

Commissioner Walsh seconded motion.

Motion carried unanimously.

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

Commissioner Hines requested to be recused due to financial conflict.

Commissioner Gibbons made a motion to recuse Commissioner Hines due to financial conflict. Commissioner Walsh seconded motion. Motion carried unanimously.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report attached here to as Exhibit No. 7.*

Mr. Peete noted the Planning Board reviewed this item and recommended approval by 6-2 vote. The motion included that the developer should work with staff to save as many specimen trees as possible, specifically in the buffer areas and the tree identified as T5, which is a 50" Willow Oak. Mr. Peete noted the 50" Willow Oak has not been saved per the plan.

Commissioner Boone noted he visited the site to look at the T5 tree and doesn't think it can be saved.

Commissioner Boone made a motion in considering the proposed rezoning R18-14, the Town Board recommends approval based on the amendment being reasonable and in the public interest because it complies with Policies E-1, E-2, E-3, H-5, T-5, T-6, T-8, CD-5 and PF-2 of the 2030 Huntersville Community Plan. It is reasonable to amend the ordinance because we believe that while the density is higher than the adjacent subdivisions within the Town Limits, the density has been reduced to two units per acre and the units will be occupied by age restricted community which will further increase the compatibility within the community. In addition to the recommendation of the 20' external boundary is permitted to be located in the required rear area setback, provided a deed restriction is added to protect the buffers such that the owners do not disturb the buffer. The driveway width will be 16'. In addition, the developer is requested to work with the staff to save as many specimen trees as possible, specifically in the buffer areas and Tree T5. The additional specimen trees are above the current level of the tree-save on the May 21, 2019 plan.

Commissioner Phillips seconded motion.

Commissioner Walsh noted that this would increase density in the rural area and he will not be supporting it.

Commissioner Bales noted she appreciates EPCON's product, but expressed concern with the location and will not be supporting it.

Motion carried 3 to 2, with Commissioners Bales and Walsh opposed.

Angela Beeker, Town Attorney, noted that it takes four votes to pass, therefore will have to come back to the Board at the next meeting for a second reading.

Commissioner Gibbons made a motion to bring Commissioner Hines back.

Commissioner Boone seconded motion.

Motion carried with five (5) yes votes.

Petition #TA19-04. Petition #TA19-04 is a request by the Huntersville Planning Department for Zoning and Subdivision text amendments reflecting a transfer of duties from LUESA to the Town of Huntersville.

Jack Simoneau, Planning Director, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 8.*

Commissioner Hines made a motion in considering the proposed amendment TA19-04 to amend Articles 3, 7, 8 and 12 of the Zoning Ordinance and Articles 6, 7 and 10 of the Subdivision Ordinance, the Town Board grants approval based on the amendment being consistent with the Development Review Process of the Town of Huntersville's 2030 Community Plan. It is reasonable and in the public interest to amend the Zoning and Subdivision Ordinance due to the planned transfer of duties from the Mecklenburg County Land Use and Environmental Services Agency (LUESA) to the Town of Huntersville.

Commissioner Boone seconded motion.

Motion carried unanimously.

Resolution – Acceptance of Negotiated Offer. The Town of Huntersville has received a Negotiated Offer Received Pursuant to N.C.G.S. § 160A-269 for the purchase of the +/- 2.615 acres, Parcel 2E, North Mecklenburg Industrial Park. The Offer was received from Silver Huntersville, LLC. Silver Huntersville has offered to pay the lump sum of One Hundred Eighty Thousand Dollars (\$180,000.00) for this tract. Pursuant to N.C.G.S. § 160A-269, if the Board wishes to consider the sale of the +/- 2.615 acre tract to Silver Huntersville, the Board must adopt a resolution, issuing a proposed acceptance and authorizing the advertisement of the Offer for upset bids. The Offer would then be advertised, and if no upset bids are received, it would come back to the Board for final consideration. If an upset bid is received, the property would be readvertised for another upset bid period of 10 days. The upset bid process would continue until no further upset bids are received, and the last and highest bid received will be presented back to the Board for final consideration.

Commissioner Walsh made a motion to adopt Resolution to issue a proposed acceptance of the Negotiated Offer Received Pursuant to N.C.G.S. § 160A-269, +/- 2.615 acres, Parcel 2E, North Mecklenburg Industrial Park, received from Silver Huntersville, LLC.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 9.

Planning Board Appointments. The upcoming expiration of terms is on June 30, 2019 for the below seats. The Planning Board continuously seeks applications for the Planning Board.

The below members would like to be reconsidered for appointment.

1. Catherine Graffy, Town Seat, appointed July 1, 2016.
2. Jeff Sny, Town Seat, appointed July 1, 2016.

Term limits have been reached for the following member:

1. Joe Sailors, Town Seat, appointed June 2008.

Commissioner Boone nominated Catherine Graffy.
Commissioner Walsh nominated Catherine Graffy.
Commissioner Gibbons nominated Catherine Graffy.
Commissioner Phillips nominated Catherine Graffy.
Commissioner Hines nominated Catherine Graffy.
Commissioner Bales nominated Catherine Graffy.

Commissioner Boone made a motion to appoint Catherine Graffy to a 3-year term.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

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

Commissioner Walsh made a motion to appoint Jeff Sny.

Commissioner Hines seconded motion.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Commissioner Gibbons nominated Greg Baber.
Commissioner Phillips nominated Matthew Sellers.
Commissioner Hines nominated Matthew Sellers.
Commissioner Bales nominated Justin Moore.
Commissioner Boone nominated Greg Baber.
Commissioner Walsh nominated Greg Baber.

Commissioner Gibbons made a motion to appoint Greg Baber.

Commissioner Walsh seconded motion.

Motion was tied 3 to 3 (Commissioners Gibbons, Boone and Walsh in favor; Commissioners Phillips, Hines and Bales opposed).

Mayor Aneralla broke the tie by voting in favor of Greg Baber.

Board of Adjustment Appointment. The upcoming expiration of terms is on June 30, 2019 for the below seats. The Board of Adjustment continuously seeks applications for the Board of Adjustment.

The below members would like to be reconsidered for appointment.

1. Toniann Primiano, Town Seat appointed February 2016 and June 2016.
2. Jason Loucks, Alternate Town Seat appointed October 2018.
3. Peter Jacobson, Alternate Town or ETJ Seat appointed November 2018.

Commissioner Hines nominated Toniann Primiano.
Commissioner Bales nominated Toniann Primiano.
Commissioner Boone nominated Toniann Primiano.
Commissioner Walsh nominated Toniann Primiano.
Commissioner Gibbons nominated Toniann Primiano.
Commissioner Phillips nominated Toniann Primiano.

Commissioner Bales made a motion to appoint Toniann Primiano to Seat 3.

Commissioner Hines seconded motion.

Motion carried unanimously.

Commissioner Bales nominated Jason Loucks.
Commissioner Boone nominated Jason Loucks.
Commissioner Walsh nominated Jason Loucks.
Commissioner Gibbons nominated Jason Loucks.
Commissioner Phillips nominated Jason Loucks.
Commissioner Hines nominated Jason Loucks.

Commissioner Gibbons made a motion to appoint Jason Loucks to the Alternate 2 position.

Commissioner Bales seconded motion.

Motion carried unanimously.

Commissioner Phillips nominated Peter Jacobson.
Commissioner Hines nominated Peter Jacobson.
Commissioner Bales nominated Peter Jacobson.
Commissioner Boone nominated Peter Jacobson.
Commissioner Walsh nominated Peter Jacobson.
Commissioner Gibbons nominated Peter Jacobson.

Commissioner Hines made a motion to appoint Peter Jacobson to Alternate Seat 3.

Commissioner Walsh seconded motion.

Motion carried unanimously.

Huntersville Educational Options Study Commission Discussion. Mayor Aneralla suggested the Board consider moving forward setting up a non-profit that will help facilitate a decision on moving forward with creating a charter school.

The Board discussed what steps should be taken next related to the recommendations provided by the Huntersville Educational Options Study Commission at the May 20, 2019 Regular Town Board Meeting.

Following the discussion Commissioner Boone made a motion to (1) continue to work with CMS; (2) work towards a referendum this fall, if possible, if not then 2020; (3) start down track of 501c3; (4) get more information on the incubator charter.

Karen Bentley, HEOSC Chair, expressed concern with having a referendum. There was minimal public participation during the six months HEOSC was meeting. Believes Town needs to try to continue to work with CMS, but based on history they have not demonstrated a willingness to partnership to meet capacity in North Mecklenburg. Noted she is committed to continuing the work of HEOSC and Town needs to continue to engage with the Cornelius educational group.

Carrie Warren, HEOSC member, encouraged the Board to take time to explore all the options.

Derek Partee, HEOSC member, agrees with Commissioner Boone's motion to research non-profit and other options and then present the information to the constituents.

Commissioner Boone amended his motion to include to keep the Huntersville Educational Options Study Commission open and to continue to work closely with the Cornelius Educational Options Study Commission.

Commissioner Phillips seconded motion.

Commissioner Bales noted Town needs to have conversations with legislators in Raleigh about the smaller LEA.

Mayor Aneralla called for the vote.

Motion carried unanimously.

CONSENT AGENDA

Call for Public Hearing – Petition #R19-07. Commissioner Bales made a motion to call a public hearing for Monday, July 15, 2019 at 6:00 p.m. at Huntersville Town Hall on Petition #R19-07, a rezoning request by Lake Norman Charter Elementary School located at 9831 Hambright Road (Parcel 01723306) to modify their Campus Institutional Conditional District rezoning plan. Commissioner Gibbons seconded motion. Motion carried unanimously.

Cancel July 1, 2019 Town Board Meeting. Commissioner Bales made a motion to cancel the July 1, 2019 Regular Town Board Meeting. Commissioner Gibbons seconded motion. Motion carried unanimously.

CLOSING COMMENTS

Commissioner Hines noted he will not be present at the June 17, 2019 Town Board Meeting.

There being no further business, the meeting was adjourned.

Approved this the 17th day of June, 2019.