

**TOWN OF HUNTERSVILLE  
TOWN BOARD MEETING  
MINUTES**

**November 2, 2020 (Virtual)  
6:00 p.m. – Hosted From Huntersville Town Hall**

**PRE-MEETING**

The Huntersville Board of Commissioners held a pre-meeting (virtual) hosted at Huntersville Town Hall at 5:15 p.m. on November 2, 2020.

GOVERNING BODY MEMBERS VIRTUALLY PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh.

Stephen Trott, Director of Engineering, reviewed potential sidewalk projects. *Refer to Exhibit No. 1.*

**REGULAR MEETING (VIRTUAL)  
TOWN OF HUNTERSVILLE  
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners (Virtual) was hosted at the Huntersville Town Hall at 6:00 p.m. on November 2, 2020.

GOVERNING BODY MEMBERS VIRTUALLY PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh.

Mayor Aneralla stated this meeting is being held both in person at the Huntersville Recreation Center on Verhoeff Road as well as livestreamed on Facebook Live. The Board of Commissioners are participating remotely. The public has been invited to attend and comment during the public comments or during any of the public hearings (1) in person at the Huntersville Recreation Center or (2) by telephonic communication in accordance with instructions sent to persons who have registered with the Town Clerk no later than 3 p.m. today. The public may also submit comments by e-mail to the Town Clerk at [jpierson@huntersville.org](mailto:jpierson@huntersville.org).

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a Moment of Silence.

Mayor Aneralla led the Pledge of Allegiance.

Mayor Aneralla

- The First Lady of the United States visited Huntersville today.
- The Metropolitan Transit Commission met last week. They are doing studies on how to better connect not only within Charlotte and the county, but within the region, with different modes of transportation. CATS is looking at three potential bus stops in Huntersville.

- Reminded everyone tomorrow is election day.

#### Commissioner Bales

- Lake Norman Economic Development Corporation announced Big Beverage Manufacturing is now up and running. Huntersville currently has 16 active projects. Kurz is now operational.
- Encouraged residents to vote tomorrow.

#### Commissioner Boone

- Next virtual meeting of the Huntersville Ordinances Advisory Board is Thursday. The HOAB will be discussing the tree mitigation process and the Adequate Public Facilities Ordinance.
- Provided update on upcoming Lake Norman Chamber of Commerce events.
- The Huntersville Fire Department reported that all Mecklenburg fire stations go on any type of calls now and that is having the members of the Huntersville Volunteer Fire Department to have an increase in number of members that are in quarantine due to the COVID 19 calls.
- The Huntersville Police Department would like to remind everyone that Charlotte-Mecklenburg Schools is going back to school in person and to be mindful of the children that will be walking to school, bus stops and school zones.
- November 11 is the Veterans Day Ceremony.
- Reminded everyone to vote tomorrow.

#### Commissioner Hines

- The Charlotte Regional Transportation Planning Organization met last Wednesday. Expressed appreciation to Commissioner Boone for filling in for him.

#### Commissioner Munger

- Wished a speedy recovery to the HPD officer injured today during the rally.
- Reminded everyone that tomorrow is Election Day.
- Consider donating to local non-profits.

#### Commissioner Phillips

- Read obituary of Summer Erica Heath who recently passed away after her 8-year battle with ocular melanoma.

#### Commissioner Walsh

- Next virtual meeting of the Public Art Commission is November 11.
- Provided update from Visit Lake Norman.
- Reminded everyone tomorrow is Election Day.

### **PUBLIC COMMENTS**

George Solomon, 13600 Toka Court, said I sat on the 2040 Steering Committee and I had concerns about what's going on with the community and the downtown revitalization. As you know, based upon the input of the community, one of the main themes of the survey was the revitalization of downtown. What was asked was for residential housing, walkable settings, expanded sidewalks and retail shopping, the expansion of the greenway trail, which I know is on its way, and green park-like space for the downtown area. Yes, traffic too was a discussion, as well as the widening of the intersection of Old Statesville Road and Gilead Road. I think the project that we are talking about downtown does answer

most of the requests of the community. With the downtown not having an investment by a developer in many years, I would urge the commissioners to take the time to make a strong effort to listen to the community and to the developers and work a viable compromise as this is a good start for the downtown revitalization. Consider that if we would stop this project, it will be tough to get other developers to come in and consider having interest in other parcels downtown.

Amber Kovacs, 207 Greenway, I just wanted to speak to the commissioners and ask you to stand firm on your beliefs. I've heard from multiple commissioners that you are having a hard time voting on the concept plan because you're only voting on the front 2 acres without being able to consider the other 8, but realistically it's not possible to ignore those 8 acres because the 2 alone do not have everything that's required for those 2 acres. At the last meeting on October 9, there was a motion set in place and agreed upon by five out of the six commissioners to extend the vote on the concept plan because you were having such a hard time separating those two and my belief is now that that has been extended also, the vote for tonight, that you guys should have the same feelings towards being able to vote tonight for the concept plan. I'm basically requesting that you think about why you voted to extend the vote for the concept plan last time and consider that tonight.

Lee Hallman, 100 Cambridge Road, said I would like to address the concept plan that's being considered tonight. The Town's approval of the concept plan required for the acceptance of the offer should be deferred until after the R20-03 public hearing and vote. The conceptual plan submitted by North State is in fact the current site plan and you are being asked to base your decision on only the 2 acres owned by the Town. To accept this, you would be accepting the concept of a 138-unit apartment building with only 40 parking spaces. If you consider the 2-acre conceptual plan as it relates to the entire current site plan, then you are accepting the concept plan of 47 townhomes on 6 acres south of Holbrook currently zoned for single-family housing. You may, and some of you will argue, that this is just a formality to close the due diligence period and move on with the sale. And I agree it is that. You will do what you've been bent on doing since taking office. But to move on with this sale and ignore the concerns of the public will entrench the division and require the commissioners to pick sides on zoning. I have no doubt this will mirror the rezoning vote. What commissioner would vote for this sale and then turn around and vote down the rezoning. I know the sentiment is to hope that we all kumbaya on some site plan at some point and the commissioners can then vote comfortably on the rezoning knowing their constituents will be disenfranchised. Why not delay this concept plan approval, extend the due diligence period, and let us work out some of these larger issues. Who knows, maybe the TIA comes back and rules that adding 300 cars to downtown will finally be the straw that puts us in gridlock. Maybe the TIA says that the only thing suitable for this is a funeral home. What if North State decides not to go through with the design changes needed to reduce the density. What if the Town comes to the table and offers to exchange their 2 acres with a market value of about \$600,000 for 4 acres with the market value of about \$600,000. <Inaudible> Holbrook to hold for future municipal needs, you know we are going to need it. What's the rush. Lastly, you can support our cause by coming to the Save Downtown Huntersville group page and contribute to our GoFundMe page.

Roxanne Broadway had signed up to speak, but was not online.

### **AGENDA CHANGES**

Commissioner Bales made a motion to adopt the agenda.

Commissioner Boone seconded motion.

Mayor Aneralla called for the roll call vote.

Commissioner Bales – Approve  
Commissioner Boone - Approve  
Commissioner Hines – Approve  
Commissioner Munger – Approve  
Commissioner Phillips – Approve  
Commissioner Walsh – Approve

### **PUBLIC HEARINGS**

**Petition #R20-03.** Mayor Aneralla called to order continuation of public hearing on Petition #R20-03 – Huntersville Town Center Mixed-use, a request by North State Development, LLC to rezone +/- 9.947-acres located south of Gilead Road (just west of NC 115), north of Greenway Street and east of Hillcrest Drive (Parcel #s 01711616, 017116699, 01711617, 01711618, 01711643, 01711619, 01711627, 01711626, 01711625, 01711632, 01711633, 01711634, 01711637, 01711638, 01711639, 01711640, 01711801, 01711811) from Town Center, Neighborhood Residential & General Residential to Town Center - Conditional District to permit a mixed-use development with 138 apartments, 53 townhomes, 7 detached-homes and 12,000 sq. ft. of non-residential space.

Mayor Aneralla noted the attorney for the applicant has asked for a continuance until December 7.

Commissioner Walsh made a motion to continue this public hearing until December 7, 2020 at 6 p.m., which will be held either virtually or at the Huntersville Recreation Center.

Commissioner Hines seconded motion.

Mayor Aneralla called for the roll call vote.

Commissioner Bales – Approve  
Commissioner Boone – Approve  
Commissioner Hines – Approve  
Commissioner Munger – Approve  
Commissioner Phillips – Approve  
Commissioner Walsh – Approve

### **OTHER BUSINESS**

**North State Development Conceptual Plan.** Jack Simoneau, Planning Director, said this is the concept plan approved by the Town Board on November 18, 2019. The intent was to have a four-story mixed-use building. The front part on Gilead Road would be non-residential and the “L” shaped section going back to the deck would be residential on the first floor and the upper three floors would also be residential. This was the architectural renderings. On the left-hand side is the Gilead Road elevation and then on the right-hand side is the elevation, the side street that faces the parking deck. The applicants would like to keep this option available in the event that the conditional rezoning is denied, but they do have an alternate plan to match up with the conditional district rezoning. What you see on your screen now is the property that the Town controls is in red and they are asking for concept plan

approval of a different plan because they have now added more lands to this property and as a result of that are able to spread out the parking and expand the building and so they are asking for this alternate plan to be approved conceptually as part of the sales agreement. Again, they would like to keep the first plan approved in November 2019 in the event that this conditional rezoning plan does not go forward. Just for clarity purposes, this is not involving the conditional rezoning of the other properties. This is just the architectural plan for the building itself. Any building that is built through a concept plan will have to comply with all the Town of Huntersville regulations, including parking and storm water, to name a few.

This is more detail of the actual request. You can see that very front part on Gilead Road is shaded gray. That's the non-residential use. That's about 34 percent of the building. Back behind that is called the leasing area and there is an amenity at the very end of the building towards their recreation area on that property and this is the architectural rendering. The top one is facing Gilead Road and the bottom one is a side street facing the parking deck. You will see that there was a cut-through right here to drive into the parking lot and you were provided in your packet the elevations.

Commissioner Hines said on that initial concept plan that was approved in 2019, I recall we had conversations that it did not have as much commercial space that we were looking for on Gilead Road. They were talking about using it as part of the clubhouse and really no retail space. Can you talk a little about that....how much of the initial plan was committed to commercial.

Mr. Simoneau said the plan wasn't really clear. It says non-residential use on ground floor with residential above and in the back section here it says residential or non-residential use on ground floor with residential above. Bottom-line, the intent was this would be commercial. This was a breezeway which we felt was acceptable to be commercial because with the business that you have out here it's not going to be unusual to have little café tables or something like that in the breezeway that leads you to the parking lot. The plan did note that the non-residential space will not exceed 12,000 sq. ft., which is the same as what the new plan is, but at the time this was done they were thinking that perhaps this back piece would be either commercial or residential, they weren't quite sure at this point.

Commissioner Hines said what they are requesting is, whether or not the concept plan tonight is approved, if the rezoning is denied they could go back to this initial concept plan that we approved prior.

Mr. Simoneau said that is correct.

Commissioner Bales said there's been a lot of conversation around the TIA request that they are now having to do. Can you talk a little bit about whether this concept plan is approved or not and is it connected to the TIA at all.

Mr. Simoneau said it is not. This is strictly for the potential sale of the property from the Town of Huntersville to the developer, North State and the traffic impact analysis will be a function of the conditional rezoning.

Commissioner Bales said one of the concerns has been about the apartment related uses in that 12,000 sq. ft. of non-residential space. Would that be allowed in Town Center zoning?

Mr. Simoneau said no, what we are doing here is this is all going to be non-residential use, so it's going to be commercial type uses, the kind of ancillary uses for the apartment complex, the leasing space, the indoor workout space or amenity area and also they talked about possibly having maybe some package storage or things of that nature over here. Those plans haven't been worked out, but none of that will be in the 12,000 sq. ft. of non-residential. That will all be a part of the residential side of the development.

Commissioner Bales said but that would apply to either option, correct.

Mr. Simoneau said yes, that's correct.

Commissioner Bales said I would like to reiterate regardless of which plan they choose just making sure that there's enough parking for that non-residential space.

Mr. Simoneau said right, just to be clear the sales agreement that we have states that this approval of the conceptual plan does not absolve them from getting their approvals, whether it's the rezoning approval or commercial site plan approval and that's a point when we would be checking everything you can think of – the buffers, the lighting, the storm water, so all of that will be checked including the traffic impact.

Commissioner Walsh made a motion to approve the conceptual plan as a second alternative to the conceptual plan that was approved on November 18, 2019.

Commissioner Bales seconded motion.

Mayor Aneralla said we are doing this for what reason in particular, and can this plan still be changed and does it affect the actual rezoning.

Mr. Simoneau said why are we doing this....because the Town decided that when we were going to sell the property that the Town Board wanted to reserve the right to understand what was going to be built there, so that was the purpose of it. This does not affect the conditional rezoning, that is also one of the reasons why they wanted to keep the first plan in effect and just do the alternative in the event that the rezoning is approved.

Mayor Aneralla called for the roll call vote.

Commissioner Bales – Approve  
Commissioner Boone – Approve  
Commissioner Hines – Approve  
Commissioner Munger – Approve  
Commissioner Phillips – Deny  
Commissioner Walsh – Approve

**2020-2021 Legislative Goals.** Commissioner Bales said I really want to take a moment and thank Commissioner Hines and Commissioner Walsh in addition to staff – Ms. Sloop, Mr. Williams and Ms. Huffman for participating in pulling our legislative agenda items together. If you recall, we met at the beginning of this year to start the conversation about what our legislative goals might be, and this is just one of those steps for us as we work with the League of Municipalities. In your packet you will see the

items that we discussed. *Refer to Exhibit No. 2.* We wanted to bring forward the five items that we feel would impact not just Huntersville, but municipalities across the state. These are issues that I think you will find there's a commonality within municipalities and the goal would be that as we submit these to the League, they will then take these items through their legislative agenda committees and filter through them. My goal would be for all five of ours to rise to the top and then go to the full membership for a vote for long session that will start next year.

1. Funding for Additional Magistrates Across North Carolina
2. Pension Reform
3. Revenue Options for all Municipalities (Without Creating Winners/Losers).
4. Cancer Registry.
5. Support firmer timelines/deadlines for utility relocation and other related work needed to speed up and support infrastructure projects.

Commissioner Munger noted he would have liked to have seen a few additional items such as allowing municipalities to assess impact fees and allowing them to implement plastic bag bans. In the future I would like to see this be a more open process and involve all commissioners throughout the process.

Commissioner Bales stated we did take those two items that you proposed up and did walk through those with the Town Attorney and at the end of the day those were such heavy lifts that we wanted to make sure that we were putting forward things that we felt like could rise to the top.

Mayor Aneralla noted he has been on the Pension Board for 7 years now and what I'm really trying to get everybody to focus on, and I think the League has a lot of interest in this now, it's not necessarily the current employees, but future employees. We all know that for liabilities the pension systems are pretty much unfundable at this time, even though North Carolina has one of the best pension systems in the country. But just to give you an example, the cost to fund the employer cost for a local government employee, well several years ago, was about 5 percent plus or minus of the salary for a particular employee. Last year fiscal 21 it was 10.15 percent and next year fiscal 22 it will be 11.35 percent. If somebody makes \$10,000, the employer is having to put \$1,135.00 away to help fund the pension. The Town of Huntersville also funds 5 percent match 401k, so that's really not sustainable unless we are going to start taxing our citizens or asking more money from our new town employees. I think it's the time to really delve into this and hopefully there's some momentum. I just want to reiterate it's for new employees not the current ones.

Commissioner Bales made a motion to adopt these five items to send to the League. Our deadline is November 5, so this Thursday we need to make sure we have everything in.

Commissioner Walsh seconded motion.

Mayor Aneralla called for the roll call vote.

Commissioner Bales – Approve  
Commissioner Boone – Approve  
Commissioner Hines – Approve  
Commissioner Munger – Approve  
Commissioner Phillips – Approve  
Commissioner Walsh – Approve.

## **CONSENT AGENDA**

Commissioner Bales made a motion to approve the Consent Agenda. Commissioner Hines seconded motion.

Mayor Aneralla called for a roll call vote.

Commissioner Bales – Approve  
Commissioner Boone – Approve  
Commissioner Hines – Approve  
Commissioner Munger – Approve  
Commissioner Phillips – Approve  
Commissioner Walsh – Approve

The following items on the Consent Agenda were approved:

- Minutes of the September 8, 2020 Regular Town Board Meeting.
- Resolution authorizing the McCoy Road at Hambright Road and McCoy Road at McIlwaine Road Engineering Services Contract.
- Budget Amendment appropriating Downtown Revitalization revenue of \$10,000 to Downtown Revitalization expense of which \$5,000 will be allocated to the Ice House Reimagined art piece and the remaining \$5,000 will be allocated to the public art bench.
- Call a public hearing for Monday, December 7, 2020 at 6:00 p.m. on Petition #R20-05 Vermillion Village, a request by Vermillion Anchor Mill Village, LLC to revise the +/- 29.58-acre Vermillion Village Rezoning at 404 N. Church Street (PARCEL IDs 01902201 and 01902202) from Town Center - Conditional District to Town Center - Conditional District to include 374 attached residential units (townhomes and apartments) and 22,000 sq. ft. of commercial. This public hearing will be held both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. Instructions for speaking at the public hearing will be included in the advertised notice and the December 7, 2020 published agenda.
- Call a public hearing for Monday, December 7, 2020 at 6:00 p.m. on Petition #R20-04 Statesville Road Mixed Use, a request by Palillo Holdings, LLC to Rezone +/-37.19 acres as the Southwest corner of Hambright Rd and Statesville Rd (Parcels: 01704401, 01704402, 01704403, 01704404, 01704406, 01704407, 01704409) from Corporate Business to Corporate Business Conditional District, Transit-Oriented Development Residential Conditional District, Highway Commercial Conditional District. This public hearing will be held both in person at the Huntersville Recreation Center located at 11836 Verhoeff Drive, Huntersville, NC, and virtually via livestream at <https://www.facebook.com/HuntersvilleNCTownGovernment>. Instructions for speaking at the public hearing will be included in the advertised notice and the December 7, 2020 published agenda.

## **CLOSING COMMENTS**

None

There being no further business, the meeting was adjourned.

Approved this the 7<sup>th</sup> day of December, 2020.