

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**November 16, 2020 (Virtual)
6:00 p.m. – Hosted From Huntersville Town Hall**

PRE-MEETING

None

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

The Regular Meeting of the Huntersville Board of Commissioners (Virtual) was hosted from the Huntersville Town Hall at 6:00 p.m. on November 16, 2020.

GOVERNING BODY MEMBERS 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.

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

- Congratulated those that won the election and expressed appreciation to those who have either served or going to serve and those that ran.
- Expressed appreciation to the Public Works Department and first responders for their work during the recent storms.
- Expressed appreciation to the Parks & Recreation staff for the Veterans Day ceremony.
- Meetings on Wednesday include Investment Advisory Committee, Metropolitan Transit Commission and Charlotte Regional Transportation Planning Organization.
- Ribbon cutting for the new turf fields at Richard Barry Park is tomorrow.
- Mayor's Luncheon is tomorrow.

Commissioner Bales

- Expressed appreciation to everyone who voted and congratulated those who will be sworn-in in a few months.
- Lake Norman Economic Development Corporation is currently working on 32 projects, 14 of which are in Huntersville. The breakdown for those 14 are as follows: 8 are first contact, 2 are follow-ups, 2 visits and we are the finalist for 2 companies. Further breakdown also shows that 11 of the 14 are new businesses, while 3 are existing businesses looking to expand.
- Reminded everyone to continue to wear your mask, social distance, and wash your hands often.

Commissioner Boone

- The Huntersville Ordinances Advisory Board discussed tree mitigation and how the Planning Board will oversee that process at the last meeting. The next meeting is December 3
- Provided update from the Lake Norman Chamber of Commerce.
- Expressed appreciation to the first responders for their work during the recent storms.
- Huntersville Police Sargent Jennifer Sprague has been promoted to lieutenant.

Commissioner Hines

- Provided update from Charlotte Regional Transportation Planning Organization.

Commissioner Munger

- Veterans Day Ceremony as well attended
- Wished everyone a happy Thanksgiving and encouraged people to be sensible regarding gathering with friends and family during these times.
- Consider supporting local non-profits.

Commissioner Phillips

- Encouraged citizens to shop local.

Commissioner Walsh

- Next meeting of the Greenway, Trail and Bikeway Commission is tomorrow night and the next meeting of the Parks & Recreation Commission is Wednesday night. Applications are being accepted for the Greenway, Trail and Bikeway Commission, Parks & Recreation Commission, and the Public Art Commission.
- Encouraged everyone to wear a mask, social distance and keep gatherings down.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Aneralla we have a lot of concern over the August Colonial Pipeline gas spill and we have from Colonia Pipeline Angie Kolar.

Angie Kolar, Vice President of Operation Services and Chief Risk Officer for Colonial Pipeline, updated the Board on the gasoline spill. Since the incident began, Colonial's number one priority has been on protecting the safety of the people in your community, as well as the environment. I did want to note that we really regret the inconvenience and the concern that this incident has caused to the neighbors in the community and we are deeply committed to keeping them informed throughout the process. We've been in the community for more than 50 years and we remain committed to protecting the safety of the people and the environment in your area. I just wanted to give you a quick update on the operations and environmental front. On the operation side, last weekend we began the process of

removing the section of pipe that was impacted to send that off for metallurgical analysis. In advance of that project, we communicated to the community a couple of different ways. We sent a letter to the area homeowners that were impacted and offered temporary relocation for them to have time away so they wouldn't be impacted or inconvenienced by the traffic or the noise from that operation. We also communicated and coordinated with 911, the police, fire department, ahead of that activity as well.

Since then we have removed the impacted pipe segment. We took it out on November 10 and that segment of pipe was shipped to an independent laboratory for metallurgical analysis. FEMSA, who is our federal regulator, was there alongside NCDEQ. They were both on location when that segment of pipe was removed. I do just want to point out that cut out and replacement was not required. We had already put in a permanent repair at that site, but we did want to remove that section and send it off for the analysis so that we could better understand the why, again giving us an opportunity to learn from that pipe to make sure that we don't have that type of an event again.

The final phase of that work is ongoing over the next several weeks and then that site will transition to environmental remediation phase only. On the environmental front we are continuing to remediate and recover product at that site. We've installed over 100 monitoring and recovering wells. We're working very closely with the NCDEQ on really all aspects of the remediation and you'll hear from them as well. We continue our weekly testing of the residential drinking water wells and today we have not had any detects of petroleum constituents in those drinking water wells.

Again, we are committed to remaining on site until all of the required remediation work is done, again in conjunction with NCDEQ. I want to reiterate that we appreciate you guys letting us join you tonight and we're committed to staying there as long as it takes to remediate the site.

Commissioner Boone said one of the options that the homeowners had that lived within 1,500' of the original breakage was going with Charlotte Water. Have any of those homeowners opted for that option.

Ms. Kolar said yes, they have. There have been a few homeowners that have opted to transition their drinking water wells over to city water and we've taken care of that for them.

Commissioner Boone said do you have a number by chance.

Ms. Kolar said I do not have a number.

Commissioner Bales said of the drinking water wells that have moved over to Charlotte Water, has any product been found in the wells that have been capped.

Ms. Kolar said no. What happens is when you close a drinking water well, it's no longer used, so those get transitioned over into the city water, so we don't test them further as a drinking water well, but we have not seen any dissolve or any kind of petroleum constituents in any of those drinking water wells.

Commissioner Bales said with all the heavy rain last week, how has that affected Colonial Pipeline's recovery process.

Ms. Kolar said the rain essentially doesn't impact the recovery process. The system is set up ongoing, continued recovery from each of those wells, so the rain doesn't necessary impact the recovery process. I mentioned that we've installed over 100 monitoring and recovery wells, so we test those wells and

again in coordination with NCDEQ, any sort of changes that would result from a weather impact like a large rain event would be considered in the data that we pull from those wells, so if needed to adjust our remediation efforts as a result of that rain we would do so in conjunction with the DEQ but from a process standpoint in how we go about the remediation efforts, the rain does not impact that.

Commissioner Bales said would you take a moment and explain the purpose of the incinerator that you all have installed on the site. I think that would be helpful for the residents who are listening.

Ms. Kolar said essentially it takes any sort of vapors or fumes that are associated with the product that we are pulling out of the ground and eliminates it from the site.

Commissioner Bales said how long do you think that you all are going to be there. How long do you think it will take to remediate all of this – clean it all up and put it back the way that it was.

Ms. Kolar said we are still in the assessment and recovery phase of the response, so it's really too soon to give a date as far as how long we think we'll be there. Going back to what we mentioned earlier, we'll be there as long as it takes and the further that this progresses and the more data that we are able to obtain and the more that we are able to coordinate with the DEQ....again, as time progresses we'll be able to estimate that more properly, but it's too soon for us to really have a timeline.

Commissioner Munger said can you tell me how many gallons have been recovered at this time.

Ms. Kolar said we are continuing to recover 3,000 to 5,000 a day, so as of November 3 we had recovered 267,000 gallons as reported to the DEQ.

Commissioner Munger said can you tell me if you know what you believe the final count will be in terms of gallons.

Ms. Kolar said we are continuing to coordinate with the DEQ to determine the estimated total volume of the release. As I have mentioned a couple of times, we're there as long as it takes to remove all of the product regardless of the volume, so we're interested in that number as well and there's a tremendous amount of effort that's going on on that front. We've engaged a number of third-party experts to help us determine that. It's very technical, includes geotechnical analysis, geophysical analysis. I mentioned earlier the segment of pipe that's being cut out, that's part of the analysis from a metallurgical standpoint on that front, as well as the operations analysis and environmental analysis. So there's a number of data points that go into assessing that calculation or that figure, so we are working through that now and again continuing to coordinate with the DEQ to determine that volume number and we'll release the volume when we believe that it's accurate and verified through multiple models.

Commissioner Munger said I apologize this is secondhand so I don't have any documentation specific to this, but it is my understanding that in order to transition to Charlotte Water from the well water, homeowners needed to renounce some property rights to do this. Can you explain this and how this process was worked, what they had to give up in order to transition to Charlotte Water.

Ms. Kolar said it's my understanding that essentially what we were looking to do is transition them to city water just from the standpoint of ensuring that their wells, that we didn't need to do anything in addition for them, so I'll have to circle back and get a little bit more information on that.

Commissioner Phillips said I was wondering how often you guys are in communication with the citizens that are impacted.

Ms. Kolar for the neighbors that are in close proximity that we are testing their water wells, we're in communication with them any time we get data back from their respective monitoring wells.

Commissioner Phillips said do they ever receive just general updates because I have had citizens from that area reach out saying that they wished that they heard more even if it was situations like no news is good news. I don't know if this is like overstepping, but they have offered to collect their e-mail addresses and get them to me, and I would be happy to get them to you guys just so you have another form of communication.

Ms. Kolar said typically what we have done is we communicate via our emergency response site that's external facing that anybody has access to and that includes those routine kinds of updates and then again if there's anything specific to those homeowners in the area that they especially need to know about, so for example when we had the cut-out work or those types of things, we've communicated with them directly, but typically what we would do is any sort of on-going updates are available on that emergency response website that we've had ongoing since August 14.

Commissioner Boone said I understand that recovery draw points helps the product from spreading. What are you doing to keep the product from going into the [inaudible].

Ms. Kolar said we are continuing our evaluation via the monitoring wells and again continuing to drill wells on-site including, so that work is ongoing and part of our assessment work related to each of these 100+ wells is to analyze that data, so if we see anything that starts to migrate we can jump in and take a different path to mitigate that before it transitions to another area. And as I mentioned earlier, NCDEQ is involved in all of that work as well from a process standpoint so they are really an excellent partner so if either of us sees anything that we feel like needs additional effort we can jump on it. I just wanted to mention as a follow-up to Ms. Phillips' question, the neighbors in that area also have direct contacts with our right-of-way agents that are out there, so if there are any specific concerns, they can reach out to them as well.

Commissioner Bales said I was a little surprised that the initial abatement report was turned in more than two weeks early. Was there a specific reason for the report getting turned in that early.

Ms. Kolar said not a reason other than we want to remain fully transparent with our regulator. The data was ready, so we went ahead and sent it over early. I think it was 12 days in advance of the required date.

Commissioner Bales said I guess the next report is due in January, is that correct.

Ms. Kolar said yes.

Scott Bullock, NCDEQ, said as of November 12, 2020, 61 monitoring wells and 40 recovery wells have been installed at the release area and as of November 12, 310,824 gallons of free product and 37,160 gallons of petroleum contact water have been recovered. The water supply well sampling is continuing on a weekly basis. To date the petroleum contaminant has not been detected in any of the water supply wells. As of November 12, three water supply wells have been closed and properties hooked up and additional water supply wells may be abandoned in the future. The air monitoring is continuing.

There's been no exceedance reported to us. Also, noise monitoring is continuing. We haven't received any exceedances as well. The horizontal extent of the free product has been well defined, as well as the horizontal extent of the dissolved groundwater contamination. The next phase would be the comprehensive site assessment which will be submitted January 20, 2021. That will include the vertical extent of contamination as well. For surface water sampling, they are sampling every week and then after rain events of greater than 1" during a 24-hour period. They are also checking the surface water. So far no petroleum contaminants have been detected in the surface water. As you all discussed earlier, the vapors are being treated but it's not an incinerator. I just wanted to clarify that because some people get real upset if they hear the word incinerator. Also, there's discussion about how much release has occurred at the site and the amount and continued rate of free product recovery. The data submitted by Colonial Pipeline indicate that the spill is larger than initially reported. DEQ is requiring Colonial Pipeline to recalculate the estimated release and they will verify with the third-party consultant in order to provide an accurate estimation of the release volume. Also, DEQ is requiring Colonial Pipeline to take all the appropriate actions to protect the community and will do so throughout the process. DEQ continues to have meetings twice a week with Colonial Pipeline, the county, as well as the Department of Health and Human Services. Also, DEQ has initiated weekly site visits.

Wayne Randolph said I can explain the incinerator a little bit more. If you can picture whenever they pull the free product out of the ground it goes into tanks and there's going to be vapor involved in that, so that's channeled through a device that burns off that vapor so it's not emitting into the air. If you want to think about it like that, it gives a little bit better picture of what's actually happening.

Commissioner Walsh said has the horizontal extent and I assume you mean that's kind of from the center out in all directions, has that grown at all.

Scott said so far it hasn't gone past the monitoring well network that's been installed at the site.

Commissioner Walsh said when we say this is larger than initially reported, you're not saying it's grown, it's just more product has been released than initially thought.

Mr. Bullock said that's correct.

Commissioner Walsh said just for clarification, there have been no water wells, drinking wells affected, but three people have voluntarily gone to city water. Is that correct.

Mr. Bullock said three people have hooked up to the city water and closed their wells. No petroleum products have been detected in any of the wells.

Commissioner Hines said when you were talking about the incinerator where it burns off the vapors, is there still product that's being shipped offsite once it runs through piece of machinery or does it burn it all up.

Mr. Randolph said liquid is being removed from the site. The incinerator only burns off the fumes that come off of the gasoline. As it is being pulled out of the ground it goes into a frac tank and the vapors of that are incinerated, but the liquid itself is being removed from the site by tractor trailers to a recycling center in Ohio.

Commissioner Hines said are there any other agencies out there assisting you all, or are you all the only ones on site at this point.

Mr. Randolph said we're the agency in charge of the environmental clean-up, so there's other departments involved. If we have questions about the toxicology of the ground water or if certain residents have questions, we'll rely on the county or DHHS for aid in communicating with the public in that dealing with the soil and ground water, that's DEQ Division of Waste Management working on that.

Commissioner Bales said what direct oversight is DEQ providing.

Mr. Randolph said we have meetings with them twice a week and they give us reports of the daily activities that are being conducted. They also give us the information of where the wells are, any analytical results from any of the groundwater sampling. We review that data and then we discuss that in the meetings and advise whether more wells need to be sampled or installed in different directions if need be. Right now we are in the assessment aspect of it, so it's a lot of them gathering the data and supplying it to us and us digesting it and then discussing the next step forward, so that's the role that's being played right now. The comprehensive site assessment plan that was discussed that's going to be submitted in January, that will have more information and then we will be more involved with moving forward with the corrective action aspect of it after that is submitted.

Commissioner Bales said how often is DEQ staff actually on site.

Mr. Randolph said one of our staff members lives very close to the site, so he goes over whenever we need eyes on the site, whenever something comes up and we need to have someone present, he's there at least once a week as of right now.

Commissioner Bales said I believe Mr. Bullock stated that weekly site visits are starting to occur or have been occurring.

Mr. Bullock said yes, they have been occurring.

Commissioner Bales said so basically once a week.

Mr. Randolph said at a minimum.

Commissioner Munger said what is the impact to the plant and animal species in the area and is this being monitored at all.

Mr. Bullock said right now we are still assessing the potential impacts to human health and the environment and so far no impacts to human health or the environment have been documented.

Commissioner Boone said I don't know if this goes to Mr. Randolph, but I'll throw it out there. You said that the collated product that was being taken to the state of Ohio. The soil that is contaminated, can you tell me where that soil is being processed at.

Mr. Bullock said it's at the Charlotte Motor Speedway the BFI – I think it's 4,000 tons that have been taken.

Mayor Aneralla said I have a question. I'm not sure if you all will be able to answer, but if it's 3,000 to 5,000 a day today, I'm sure you have daily remediation numbers. Has it peaked, has it stayed the same.

Is it going up. That would give you some confidence of how much longer the remediation or the capture phase will take.

Mr. Randolph said they have 50 recovery wells in the ground and there's dedicated pumps in each of those wells that are pumping 24 hours a day going into three frac tanks and the frac tanks are just large containers. That's where we get the 3,000 to 5,000 gallons per day. They've done it twice so far to gage how much is left in those wells. It's a 4" well, the pump takes up all that space inside the well, so you really can't gage the free product when the pump is in the well. All the pumps have to be pulled out, the gaging then has to be done.....go around let the groundwater stabilize, go out and then measure all that free product and then at that point then you're able to say at the beginning of the month we had this many feet in these recovery wells. We pump on it for 20 days, we pull the wells look at them again and if you see a decrease at that point you know that you are starting to decrease the overall volume or if it stays the same you just keep pumping, so to be able to answer that question, there's been two gaging events. We don't have that information yet. Colonial Pipeline has gathered that information. That hasn't been submitted to us yet to be able to look at that. That will be submitted in the next report, but that's how we are able to gage that.

Mayor Aneralla said I guess we'll have to wait until the 20th of January for that.

Mr. Randolph said the 20th of January is the submittal date for the comprehensive site assessment. They should be submitting that information by the end of the month, so we'll be able to review that in a monthly report because we've asked for those types of reports just as a more information flow.

Mayor Aneralla said I think that would be helpful and start giving some people peace of mind if the number is starting to decline.

Robert Kerns, 301 Hillcrest Drive, said my subject tonight is really about infrastructure. After the huge rain event we had last week it came to mind that Thursday the 12th I took a walk around Greenfield Park neighborhood between the hours of 9 and 10 in the morning. What I saw was pretty amazing and what brought me out there was this sound of rushing water, which of course was the sewer fountain just across the park from me and it was in full bloom and of course it was draining into the local creek which eventually goes to Torrence Creek, McDowell Creek and into Mountain Island Lake where we get our drinking water. Within a week or so we should be testing some of that. That's disturbing enough and I know that Charlotte Water has been out probably seven times trying to work on this problem. They haven't been successful so far and I think they are working on the wrong end of things. The question in my mind is why is storm water going into the sanitary sewer. Those should be separate systems and I know this is sanitary and sewer, it's marked as such and when it overflows it brings all the things you would expect it to bring and now Mr. Puckett's grass is full of tissue paper. This is not too good and it flows from his house down the creek and past the back of my house where my grandkids play in the creek. I don't like this very much. I know we are trying to work on this, so the thing is, I think we are on the wrong end of the system. I think the problem is that those pipes have been in the ground since the 1960's and they haven't been improved and so that's why I want to talk about infrastructure. You know that my subject really is about the North State development and the impact of that on our neighborhood, so I'm concerned about the infrastructure and it started to occur to me, maybe I'm talking to the wrong people. North State is not responsible for that infrastructure. They could be responsible for some impacts on it and we're concerned about that. Our group has had some talks with North State over the last week, very amicable. We hope we can arrive at some sort of solution or mitigation that makes both groups happy. We meet again Wednesday and will hope for the best. But as for the infrastructure while I was walking around, okay sewer is one thing, we've also got I know just

today we called Charlotte Water because we had two water supply problems, water mains broken – one on Hillcrest, one on Dallas.....okay, more of that. You already know what the roads look like. They are crumbling, we are concerned about the increased traffic that's going to come to here. While I was walking about, I took some amazing videos. I would be glad to share them with you, not right now, of the amount of water that's flowing not in creeks or ditches or culverts, but it's flooding across just vast areas. I know it's an unusual event, but we call this a 50-year storm. Unfortunately, they seem to be happening about quarterly and the flood's getting up to that level, it's coming out of the banks, it's coming over the roads, so there's a concern. And it occurs to me how can we consider rezoning for higher density when we haven't done our due diligence, when we haven't done the work upfront to mitigate these problems. The infrastructure is inadequate and it's crumbling. The roads are crumbling, there's no sidewalks, obviously the sewer is not keeping up. I don't know what the solution to that is, but something's up with that. We need to look at that upstream. During that same day I walked the stream all the way up to the parking deck down through the woods and back to my property. Frankly, my position is Huntersville isn't prepared for this level of increased density because of our inadequate and crumbling infrastructure. How can we consider doing this rezoning until we do something about it. We had some good talks with North State. We'll make the best of this, but I think we as a town have sort of dropped the ball on this. It impacts North State, it's bad for them. They're having to fight something that is not of their making but it's still true, we're still going to suffer from it.

AGENDA CHANGES

Commissioner Bales made a motion to adopt the agenda as presented.

Commissioner Boone 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

PUBLIC HEARINGS

None

OTHER BUSINESS

Hollins Grove Major Revision. Mayor Aneralla said this is a quasi-judicial hearing on the application submitted for the Hollins Grove Major Revision to approved plans.

This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this Board must make its decision. These rules are different from other types of land use decisions like rezoning cases.

The Board's discretion is limited. The Board must base its decision on competent, relevant, and substantial evidence in the record.

Competent evidence is evidence that is sufficiently trustworthy and reliable and that is legally fit and acceptable for consideration by the Board. Substantial evidence is more than a scintilla. Evidence is substantial if it is relevant and something that a reasonable mind would regard as sufficient to support specific conclusions. A quasi-judicial decision is not a popularity contest. Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties withstanding have rights to participate fully. Generally speaking, evidence that is presented that is not objected to may be considered by the Board, however even if certain evidence is not objected to, it may not be considered by the Board unless presented by an expert witness. Witnesses must swear or affirm their testimony and the Board will now recognize the applicant as a party. Are there any other persons who believe they have standing to participate fully as a party. I don't believe anybody has signed up for that. The parties to this case are entitled to an impartial Board. A Board member may not participate in this hearing if he or she has a fixed opinion about the matter, a financial interest in the outcome of the matter or a close relationship with an affected person. Does any Board member have any partiality disclosure or conflict of interest to offer at tonight's meeting. There being none, the parties in this case have rights for any ex parte communications be disclosed. Ex parte communication is any communication about the case outside of the hearing, that may include site visits as well as conversation with party, staff or the general public. Does any Board member have any ex parte communications or site visits to disclose.

The only thing that I will say is I have driven around Huntersville from time-to-time and I have driven by that neighborhood, but not any reason for this particular case. It probably was 6 or 8 months ago. I'd like to call the Planning Staff for presentation of their Staff Report.

Mayor Aneralla swore in Jack Simoneau (Mr. Simoneau was present at the Huntersville Recreation Center).

Mr. Simoneau said the property in question is Hollins Grove subdivision. It's located just on the north side of Cashion's Road, just to the west of Cashion Woods subdivision. This slide shows you the existing subdivision sketch plan approved in 2016 and the change that they are proposing for now 2020. In summary the 2016 plan had 40 lots on 46.52 acres. The revised plan has 43 lots on 48.28 acres. We enter the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 1.* It affirms that all Town development standards have been met. This is just showing you the general direction of where the lots are at and also the circle is where some additional land has been added.

Staff recommends approval. The application is complete. It keeps with the spirit of the ordinance. It complies with all ordinance requirements, and as such the staff supports it. The Planning Board on October 27 also recommended unanimous approval and so now we are at the Town Board decision and if there are any questions, I can go over those questions and have the applicant here as well.

Mayor Aneralla said does the applicant want to speak.

Mr. Simoneau said just to answer questions.

Mayor Aneralla said I'll have to swear him in if there's a question, so why don't we do that.

Mayor Aneralla swore in Matt Gallagher (Mr. Gallagher was present at the Huntersville Recreation Center).

Mayor Aneralla said does the Board have any questions.

Commissioner Boone said I would like to make a motion please.

Mayor Aneralla said can I just say it's a little bit out of order. Let me just continue to see if there are any questions and then I'll ask for a motion.

Mayor Aneralla said hearing none, if no other Board members have any other discussion or questions, as a reminder this Board is tasked with deciding if based on the evidence presented at the hearing before this Board this proposal meets the applicable standards. This decision cannot be based on personal preference of Board members, rather the decision must be based on competent material and substantial evidence in the record. The application as originally submitted was considered by the Planning Board and the Planning Board made a recommendation. Because this occurred outside of the hearing before this Board, nothing that occurred at the Planning Board level, including the Planning Board's recommendation, is considered evidence that you should base your decision on. However, the Planning Board's recommendation may be useful to the Board in identifying issues that this Board may want to consider and evaluate based upon the evidence that was presented at the hearing before this Board.

Board members are encouraged to reference the applicable standards and specific evidence in their deliberation so that Staff and I will have enough information to prepare a written decision for the Board.

Is there a motion.

Commissioner Boone said I'd like to make a motion. In considering the Hollins Grove residential subdivision revision, the Town Board approves the plan. The application is complete and the applicant meets or exceeds all applicable requirements and is in keeping with the spirit and the intent of the Town's future land use plan for the area. The applicant has agreed on all minor site plan comments made by the Planning Staff.

Commissioner Bales 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

Petition #R19-18. Petition #R19-18 - Huntersville Market REVISION is a request by Cambridge Properties, LLC to rezone +/- 28.569 acres located north of the Eastfield Road and Prosperity Church Road intersection (Parcel #s 02119101, 02119168, 0211969, 02119170, 02119171, 02119172, 02119173, 02119174, 02119175) from an existing Highway Commercial - Conditional District to a REVISED Highway Commercial - Conditional District to permit 190 age-restricted, active adult housing units and to eliminate a proposed public street.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 2.*

Mr. Peete said the only thing that I have to mention for tonight is from the public hearing. The applicant has agreed to all of the recommendations and requirements from the Staff Report, with the exception of the height modification. The Planning Board recommended approval by unanimous vote 8-0 based upon the conditions of the Staff Report. They did support the height modification. They were supportive of the four stories.

Commissioner Walsh made a motion in considering the proposed rezoning application R19-18, Huntersville Market Conditional District Rezoning Revision, the Town Board approves the rezoning as it is consistent with Implementation Goals H-2, H-4, H-5, H-9, PF-2, T-6 and T-8 of the 2030 Community Plan, as well as the recommended future land use for Planning Zone 3 of the Eastfield Road Small Area Plan. The property is located within a mixed-use development node of the 2030 Comprehensive Plan and the reduction of commercial space for an age-restricted, active adult housing is supported by the Town's long-range plans of creating a mixed-use development at the intersection of the two major thoroughfares. The Town Board approves with the following modifications to the ordinance requirements.

- Modification 1 to the block length stems from multiple elements added to the site plan together to reduce the mass and scale of the proposed apartment building. Various elements added to the streetscape along Hylas Lane will minimize the impact to the building and create a walkable, pedestrian-oriented environment for the residents.
- Modification 2 of the building height is supported due to the streetscape elements proposed along Hylas Lane combined with the architecture features of the building creating visual interest to break-up a perceived length along the street and the elimination of repetitive façade features that will reduce the impact of the fourth story added to the building.
- Modification 3 – right-of-way abandonment is required to support the rezoning plan and modifications.
- Modification 4 – parking screening will be supported creating a walkable streetscape along Hylas Lane.

Recommendation of the approval is also based on all remaining provisions outlined in Part 6 Staff Recommendation being addressed as indicated, with the exception of the building height, which is approved at four stories. With those provisions, it is reasonable and in the public interest to revise the Huntersville Market Conditional District Rezoning Plan to remove 54,750 sq. ft. of commercial space and permit no more than 175 age-restricted, active adult housing because it is consistent with the 2030 Comprehensive Plan and the Eastfield Road Small Area Plan as outlined above and applicable provisions of the Zoning Ordinance can be adequately addressed with staff recommendations in Section 6, with the exception, of course, of the building height which is approved at four stories.

Commissioner Bales 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

2040 Community Plan. The Huntersville 2040 Community Plan was recommended for approval by the Huntersville Planning Board on October 27, 2020. Prior to that, a public hearing for the 2040 Plan was held on October 19, 2020. All state law requirements have been met to allow the Board of Commissioners to consider adoption of the 2040 Plan by ordinance. Documents provided for Town Board review include: (1) The Draft 2040 Plan; (2) an analysis of the recommendations made by the Planning Board on October 27, 2020; and (3) a list of all edits made to the draft plan during the review and refinement process.

Dave Hill, Transportation Planner, said we have presented to you a document that we have named the Town Board Revision. *Refer to Exhibit No. 3.* This is property that is actually located on the west side of town. It is fairly close to an activity center that has already been designated for the intersection of NC 73 and Beatties Ford Road. We have park land and existing development subdivisions and it extends all the way down to Gilead Road. This is approximately 200 acres and the current draft of the plan shows it as residential edge as the character area that it's been designated. We've been asked to consider that it be changed to moderate density and there is no objection on the part of staff to doing that. The only thing that we would ask is that you consider making some changes to some policies simply to make sure that should there be a consideration of a zoning change, that there be some kind of way to be able to look at and analyze any proposals as far as how big, impact to rural character or environmental resources.

Another item that came up for discussion and this is more for information purposes, is that for both the downtown plan and the transportation sections of the plan, staff would intend to make a clarification simply to note the status of showing that some segments that are shown in white here do not indicate future roadway connections, so we may correct that by simply taking these out and then for those areas where there actually are linkages that are proposed, we would clarify the status of that to make it clear that there are other things needed to be able to secure official alignments as part of the thoroughfare plan and even going further in terms of indicating that rights-of-way have not been acquired.

Commissioner Munger made a motion to delay adopting a resolution adopting the Huntersville 2040 Community Plan until December 7, 2020.

Commissioner Walsh seconded motion.

Commissioner Boone said will we be having a December 21 Town Board Meeting. Has that been decided. The reason why I ask that is the first meeting in December is going to be a lengthy meeting and I would like to know if we are going to have a December 21 meeting that might be a little bit better time to discuss this.

Mayor Aneralla said I have not heard anything. I'll defer to Mr. Roberts. I thought we had at least one public hearing on the agenda for that night.

Mr. Roberts said right now for the 21st we have slated, if you will recall R20-04 Palillo mixed-use project on Statesville road was originally on December 7 and we pushed that back to the 21st. I know our policy talks about not having public hearings on the second meeting, I think they are typically on the first meeting, but right now that has been pushed back to December 21. That's the only planning item that I'm aware of right now.

Commissioner Boone said then I would like to ask Commissioner Munger and Commissioner Walsh if they would amend their motion from the 7th to the 21st.

Commissioner Munger amended his motion to delay the vote on a resolution adopting the Huntersville 2040 community plan until December 21. The meeting will be held virtually or in person at the Huntersville Parks & Rec Center.

Commissioner Walsh seconded amended motion.

Commissioner Hines said is the reason for the delay just to take time to digest the Planning Board recommendations or is there another reason we are pushing this off until the 21st of December.

Commissioner Munger said there were a number of changes suggested by the Planning Board and I as well as others have stated that we would like a little bit more time just to review those. This is a once every 10 years type of thing, we want to make sure we get it right and get everything covered and do what's best for everyone.

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

Resolution Authorizing Upset Bid Procedures. Emily Sloop, Town Attorney, stated you have before you a resolution to adopt upset bid procedures pursuant to 160A-269. The property is approximately 1.671 acres. We currently have an offer from 760 Craft Works LLC.

Commissioner Walsh requested Ms. Sloop explain the upset bid process.

Ms. Sloop stated the upset bid process allows bidders to upset the current bid that we have in place by offering 10 percent of the first \$1,000 that is being offered in addition to 5% of the remaining purchase price. That process would go on with bids being received until we have had no upset bid for 10 days.

Commissioner Boone made a motion to adopt Resolution authorizing the upset bid process under NCGS 160A-269 for the disposal of surplus property.

Commissioner Walsh seconded motion.

Commissioner Hines said I know in this we are reserving an easement for additional public parking for our greenway head there. Is there also going to be a maintenance agreement for those four spaces or are we just going to give an easement and the new property owner would be maintaining those parking spots for the Town.

Ms. Sloop said the contract as drafted contemplates an easement agreement as well as a joint parking agreement and then there would also be certain restrictions included in the contract as well. However, in terms of the maintenance, I would have to defer to the Town Manager on that.

Anthony Roberts, Town Manager, said we did chat about that, so as part of those agreements we would probably include some type of maintenance agreement in there.

Commissioner Phillips said if we expand Gilead Road, will we be buying back our own property and why are we paying for demolition of a building.

Mr. Roberts said the building itself we are looking to take down, I'm going to call it the old dental office, is something that's been discussed for at least a year. We've sort of held off on it, but whether this project goes through or not, the Board had instructed me to go ahead and demolish that building. As part of this we've asked for right-of-way, if it's not already existing, to the back of the sidewalk. The problem is we don't know what that road is going to look like. If it turns out to be two lanes on each side or four lane divided road, then of course that would probably demolish downtown, but we would be inside some of the buildings, not only this building, probably Cashion's etc. If that happens that will be part of the process this Board and a future Board would be involved in to determine what that roadway segment looks like, so I can't ask for something I really don't know what it's going to look like. I don't know how wide the road is going to be, so what we did is asked for the maximum which is to the back of the sidewalk which literally after that puts you inside the building.

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

Mayor Aneralla said we've been looking for investments from the private sector and I've spoken with the representatives for the buyer. They are very excited that they are coming to Huntersville, excited to be close to the greenway, so I think through some of the investments that the Town has been making over the last number of years, we are starting to get a return on our investment and we look forward to having a restaurant/brewer in downtown Huntersville.

Resolution attached hereto as Exhibit No. 4.

Resolution – Dispose of Surplus Property. Emily Sloop, Town Attorney, explained this is a resolution asking that we donate some surplus property, including architectural salvage items, from the property at 14707 N. Old Road pursuant to NCGS 160A-280, which allows municipalities to donate personal property to non-profit organizations. In this particular instance, we are asking for the ability to donate the property to Habitat for Humanity of the Charlotte Region as well as any other requesting non-profit organizations.

Commissioner Walsh made a motion to approve the resolution authorizing the Town Manager to dispose of surplus property to a non-profit organization.

Commissioner Munger seconded motion.

Commissioner Boone said I would just like the public to know this is the Dr. Craven House. The address that was given is a new address and I just want to be sure that everybody and the public knows that it is Dr. Craven's house.

Commissioner Phillips said because the language of this motion, I just want to clarify that's the reason I'm voting no. I have opposed demolishing the Dr. Craven House from the beginning and I'm going to oppose it until the end and that has no way, shape or form any influence on how I feel about Habitat For Humanity who I think is doing a great service for our community.

Mayor Aneralla called for a roll call vote.

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

Resolution attached hereto as Exhibit No 5.

CONSENT AGENDA

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

1. Minutes of the October 5, 2020 Regular Town Board Meeting.
2. ElectriCities Write-off. *Refer to Exhibit No. 6.*
3. Budget amendment appropriating PARTF Grant revenue for Rosedale Nature Park to Park Construction.
4. Resolution to amend the Capital Improvement Program and apply for Charlotte Regional Transportation Planning Organization Funding for the Gilead Road Widening Project. *Resolution attached hereto as Exhibit No. 7.*

CLOSING COMMENTS

Commissioner Bales wished everyone a happy Thanksgiving.

CLOSED SESSION

Commissioner Walsh made a motion to go into closed session to instruct staff on real property acquisition pursuant to NCGS 143-318.11(5)

Commissioner Boone 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

Upon return from closed session, there being no further business, the meeting was adjourned.

Approved this the 21st day of December, 2020.