

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**March 1, 2021 (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 at the Huntersville Town Hall at 6:00 p.m. on March 1, 2021.

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. For public hearings only, e-mailed comments may continue to be submitted until 24 hours after the close of the public hearing.

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

- Huntersville was second last week in the Mayor's Fitness Challenge.
- Mayor's Luncheon is March 16.
- Visited the Colonial Pipeline site last week with representatives from Colonial Pipeline, North Carolina Department of Environmental Quality, Mecklenburg County and County Commissioner Elaine Powell. NCDEQ issued a letter to Colonial Pipeline listing 22 corrective actions.

Commissioner Bales

- Lake Norman Economic Development Corporation currently has 32 active projects in Huntersville, which is roughly 57 percent of LNEDEC's total project list. The breakdown is twenty-two are first contact, three are following up, three are scheduling a visit and four we are a finalist.

Commissioner Boone

- Next virtual meeting of the Huntersville Ordinances Advisory Board is March 4.
- Provided update from the Lake Norman Chamber of Commerce.
- The Toyota dealership in Huntersville donated \$1,500 to the Huntersville Police Department for the purchase of bulletproof vests for the two new K9s. Congratulated Detective Rick Rojas who retired after 35 years in law enforcement.
- Next week is Severe Weather Preparedness Week.

Commissioner Hines

- Next meeting of the Charlotte Regional Transportation Planning Organization is March 17.

Commissioner Munger

- Shake Shack opens tomorrow in Huntersville.
- Consider donating to local non-profits.

Commissioner Phillips

- Project Outpour will be located at Angels and Sparrows Soup Kitchen with their shower truck on Mondays.

Mayor Aneralla announced the groundbreaking for Carolina Farm Trust is Friday.

Commissioner Walsh

- Next meeting of the Public Art Commission is March 10.
- Huntersville Regional Chamber will hold a ribbon cutting at the new Shake Shack tomorrow.
- Provided update from Visit Lake Norman.
- Provided update from the Planning Board Communications Subcommittee.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Aneralla proclaimed April as Child Abuse Prevention Month.

***Town of Huntersville
Proclamation***

WHEREAS, children are vital to our state's future success, prosperity, and quality of life as well as being our most vulnerable assets; and

WHEREAS, all children deserve to have safe, stable, nurturing, and healthy homes and communities that foster their well-being; and

WHEREAS, child abuse and neglect is a public responsibility affecting both the current and future quality of life of a state; and

WHEREAS, parents need support and resources to cope with stress and nurture their children to grow to their full potential; and

WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community.

NOW, THEREFORE, I, John Aneralla, Mayor of Huntersville, North Carolina do hereby proclaim April 2021 as ***Child Abuse Prevention Month*** and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 1st day of March, 2021.

AGENDA CHANGES

Commissioner Bales stated we would like to do Item 8.D Consider appointment of chair to the Huntersville Ordinances Advisory Board; Item 8.E will be Consider appointments to the Huntersville Ordinances Advisory Board; and 8.F will be consider appointment of the Town Board representative to the Huntersville Ordinances Advisory Board.

Commissioner Hines made a motion to adopt the agenda, as amended.

Commissioner Bales 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 #TA21-02. Mayor Aneralla called to order public hearing to consider the proposed repeal of Chapter 13 of the Town Zoning Ordinance, the Adequate Public Facilities Ordinance (APFO), and related references contained in the Zoning and Subdivision Ordinances.

Dave Hill, Principal Planner, reviewed request. Town staff recommends repeal of Town of Huntersville Adequate Public Facilities Ordinance (APFO), Chapter 13 of the Town of Huntersville Zoning Ordinance (adopted in December 2007). Any other references to the APFO in other regulations (such as the Town's Zoning Ordinance or Subdivision Regulations) should also be removed. The purpose of the ordinance is to prevent the approval of development proposals if the service capacity of the Town's Police, Fire, or Parks & Recreation departments fall below certain capacity levels and to provide a capital facilities planning tool. There are several reasons for the recommendation to repeal the APFO. First, the APFO requirements have never triggered the delay or denial of a development application since its adoption. Second, the affected departments no longer use the APFO, and have opted to use different measures to determine proper service levels and future capital needs. Third, the Town Manager and Board of Commissioners employ a budget review and adoption process that allows better flexibility and more comprehensive treatment of public facilities than does the APFO. Fourth, the database required under the APFO requires considerable maintenance by Town staff that is not yielding any meaningful results.

As part of the Staff Report there are two ordinances for your consideration and that is scheduled on April 19, unless that changes in the future. There's a repealing of Article 13 which is the actual body of the APFO and then there are some other references in the Huntersville Zoning Ordinance as well as in the Huntersville Subdivision Ordinance that simply remove those references. We would recommend that you adopt those when the time comes. The scheduling so far is to plan for a March 23 Planning Board review and then final action to be considered by the Board of Commissioners on April 19.

Staff PowerPoint presentation attached hereto as Exhibit No. 1.

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

Property be Held for Resale. Mayor Aneralla called to order public hearing to declare property be held for resale pursuant to N.C.G.S. 158-7.1(b)(2).

Emily Sloop, Town Attorney, explained that the resolution, if adopted after the public hearing, is declaring certain property to be held for resale for commercial or industrial purposes pursuant to state statute.

Resolution attached hereto as Exhibit No. 2.

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

OTHER BUSINESS

Resolution – Property be Held for Resale. Commissioner Walsh made a motion to adopt a resolution to declare property be held for resale pursuant to NCGS 158-7.1(b)(2).

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

Resolution attached hereto as Exhibit No. 3.

Petition #R20-04. Petition #R20-04 is a request by Palillo Holdings, LLC to Rezone +/- 37.19 acres at the Southwest corner of Hambright Road and Statesville Road from Corporate Business to Corporate Business Conditional District, Transit-Oriented Development Residential Conditional District, and Highway Commercial Conditional District for a mixed-use development with commercial, apartments, hotel, and flex space; (Parcels: 01704401, 01704402, 01704403, 01704404, 01704406, 01704407, 01704409).

Brian Richards, Assistant Planning Director, reviewed the Staff Report. Previously the plan had requested a large approximately 965' buffer reduction for Alternate A along the southern portion of the

project. For Alternate A the applicant is offering the full 50' buffer at this time. For Alternate B, which is the Race Shop option, originally there was that same 965' buffer. They have now requested a 325' buffer in this area. In this area where it is already thinly treed, they are basically asking not to plant that buffer and leave it as it is today. There may be a little bit of thinning on the property for some grading, but there will be no tree removal in the I-77 right-of-way. Elevations have been provided by the developer. There was also a request to show what potential apartments may look like. These are the renderings that were given to staff late last week. There are some standard notes in there that allows for some flexibility and design considerations once the applicant has a tenant lined up. These are very consistent, similar to what we received on other projects such as the Birkdale driving range.

Mr. Richards entered his Staff Report into the record. *Staff Report and PowerPoint attached hereto as Exhibit No. 4.*

Commissioner Hines said before on the apartment area we saw there's a buffer waiver that they were looking for. Are they not asking for that now. Is that just because it looks like the parking lot is up against those or just in a greenway through there as well, a walking trail, is there just going to be light thinning there just for the parking lot than if you replanted.

Mr. Richards said yes, that is what they are offering and staff is comfortable with that. They are going to need to install a retaining wall for that parking lot and so there would need to be some temporary encroachment and that would be replanted once that parking lot is built.

Commissioner Hines said we heard at the last meeting if the race team decided not to come to this site, they would be willing to put in that buffer, is that correct.

Mr. Richards said what they are asking is for that buffer to remain as is today, at 325' in that area. The applicant is not willing to offer to replant that. I think that would potentially harm the future sale of the site if the race team were to leave.

Commissioner Hines said what if the race team were to never be built.

Mr. Richards said if the race team were never to be built and they went with Option A with some flex-space, the hotel and potential commercial, that would be a planted buffer.

Commissioner Bales said with the 325' space, what about the landscaping through there. What are they looking at. If you're going to be able to see in, is the proposal flowers and bushes and grass. What does that look like?

Mr. Richards said they are proposing to have a grass area as we get further along into construction plan documents. I have worked with Mr. Palillo in the past. I'm sure there will be some sort of light landscaping back there. He likes to use landscaping in his projects, but mainly it will be grass and you would be able to see this western elevation along the interstate. The one thing Mr. Palillo did offer is if the race team were to construct and then for whatever reason leave the site, they would keep that maintained and they would not have any outdoor storage at that facility.

Commissioner Boone made a motion to approve Rezoning Petition #R20-04 Statesville Road Mixed-use if the staff and the TIA comments are addressed. The Petition is consistent with Policy LU 2.1, LU 5.1, LU 6.1, LU 7.1, LU 8.3, EV 1.2 and EV 1.3 of the 2040 Community Plan. Conditional approval is reasonable and in the public interest as the rezoning is consistent with the existing development in the area and the

proposed density of 15.25 units per acre is in keeping with the requirements of the TOD-R Zoning District. The non-residential uses are consistent with other development in the area. Regarding the request for modifications, the Town Board approves the requested modification No. 1 for the buffer rear yard reduction and No. 3 for the side yard parking which are in keeping with the spirit of the ordinance. The Town Board also approves modification No. 2 for I-77 buffer disturbance by installing a pond with a fountain sprayer between the building and I-77. Any disturbance should be kept to the 325'. The landscaping needs to be grass and other form of landscape that the Planning staff approves and will be well maintained. No outside storage buildings will be permitted.

Commissioner Munger seconded motion.

Commissioner Bales said I just want to make sure that we are not setting a new standard so that if other development along 77 were to request to come in and they reference this that we still are in control as a Board. I feel like I'm throwing this industry under the bus, but let's say a car dealership with nice architecture wants to clear off the buffer, that we have the ability to still say no. We made an exception per say in this particular instance, but that's not what we are looking for holistically within the Town limits.

Mr. Richards said in the area that they are asking for relief of the buffer, it is already sparse. If you look up and down I-77, most of that area is heavily wooded and if you look at the overall length of this project, it's almost 3,000' long and that 325' roughly counts for about 12 percent of their frontage. It's a very low percentage. If you are looking at setting some sort of precedent, we would always look at any new requests and compare that back to what was granted here and the 12 percent is not a whole lot.

Commissioner Munger said I think this is a genuinely unique opportunity to showcase what Huntersville is capable of and I personally can't wait to see it built. If anything, I think it will tell everyone that we are open for business.

Emily Sloop, Town Attorney, said I just wanted to clarify that with conditional rezonings only, conditions that are mutually agreed upon by the local governing body, as well as the party that is applying for the conditional rezoning, would be allowed in a conditional rezoning. Each of the conditional rezonings are analyzed on a case-by-case basis.

Jake Palillo, Petitioner, said I'm happy with what you've got and I don't have anything unless you have any questions for me.

Mayor Aneralla called for a roll call vote to approve Petition #R20-04.

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

Ordinance Amendment – “Animals.” Commissioner Phillips explained the proposed ordinance to amend Chapter 94 of the Huntersville Code of Ordinances entitled “Animals,” will set minimum standards for breeders in the community. While it's not a puppy mill bill, it does help set standards and potentially prevent the abuse of animals. We don't have that in this community. It's being more

preemptive, so that if something bad ever does happen, we're giving our law enforcement a tool to use and that way we are just being a more steadfast and kinder community in general.

Emily Sloop, Town Attorney, said this is specific to breeders and also sets standards for when breeders have five or more female dogs or cats that they are breeding.

Commissioner Munger said possibly the only issue I have with this ordinance is in regards to the number of animals to meet this threshold being at five or more female cats or dogs capable of reproduction. Did we take into consideration possibly lowering that number to three or four or why five.

Ms. Sloop said we looked at what jurisdictions were doing and they ranged anywhere from one or more up to ten, so we took the middle ground which was around five.

Commissioner Phillips said I think five is a fair number.

Commissioner Munger said one of the things that came out of this was that currently in the Town of Huntersville we are required to register pets and I for one can say that I haven't actually registered my pet and it's part of this ordinance and I would like to see us kick this back to the Ordinances Advisory Board to determine what was the original intent for requiring people to register their pets and is it still necessary and can we remove that from this.

Commissioner Bales said before we move forward, I did want to reference Commissioner Munger's last question. We have already started discussions around the update of that ordinance, so it's not necessary to go back to the Ordinances Advisory Board. Commissioner Phillips and Ms. Sloop and I will be working on that, along with Chief, to clean that verbiage up.

Commissioner Walsh said I'm going to be in support of this. I hope that we give the Police Department additional resources. I think right now about 58 percent of the animal calls are being answered by HPD regular officers, so we're clearly in need of another animal control officer and hopefully we don't have a lot of problems because this is an additional burden on HPD with the passage of this ordinance.

Commissioner Phillips said I'm ready to make a motion and I'm doing it as a proud mom of a puppy mill dog who passed away the week after I got sworn in. Her name was penny. She's one of many that I have met in Huntersville so I just wanted to put that out there that this does have basis, not in our community thank goodness, but I want to thank all the people out there who have adopted animals from these situations who really brought this to my attention over the last 10 years. I would like to make a motion to amend Chapter 94 of the Huntersville Code of Ordinances entitled "Animals."

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

Ordinance attached hereto as Exhibit No. 5.

Huntersville Ordinances Advisory Board Chair Appointment. Mayor Aneralla called for nominations for Chair of the Huntersville Ordinances Advisory Board.

Commissioner Bales nominated Matt Jones.
Commissioner Boone nominated Matt Jones.
Commissioner Hines nominated Matt Jones.
Commissioner Munger nominated Matt Jones.
Commissioner Phillips nominated Matt Jones.
Commissioner Walsh nominated Matt Jones.

Mayor Aneralla called for a roll call vote to appoint Matt Jones as Chair of the Huntersville Ordinances Advisory Board.

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

Appointment to Huntersville Ordinances Advisory Board. Jack Simoneau, Planning Director, explained the Town Board decided last year to for this upcoming year instead of having two representatives on the Huntersville Ordinances Advisory Board, have one representative and that's going to mean that there's one open position on the Huntersville Ordinances Advisory Board. In your agenda packet you have applications from individuals who put their name in the hat and wanted to be considered for this position and that's the nature of why we are here tonight and then also to make an appointment of one Town Board member to the Ordinances Advisory Board.

Commissioner Bales nominated Kathy Jones.
Commissioner Boone nominated Kathy Jones.
Commissioner Hines nominated Kathy Jones.
Commissioner Munger nominated Kathy Jones.
Commissioner Phillips nominated Kathy Jones
Commissioner Walsh nominated Kathy Jones

Mayor Aneralla called for roll call vote to appoint Kathy Jones to the Huntersville Ordinances Advisory Board.

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

Appointment of Town Board Representative to Huntersville Ordinances Advisory Board.

Commissioner Boone said I want to say thank you to all the members on this committee. This has been a great learning experience for me. I've enjoyed every moment I've been on that board. Anybody could have been the chairman of this committee. They are all professionals. They know what they are talking about and I think the good thing about this meeting is we kind of set the tone of every meeting is 90 minutes and Jack has had the agenda down almost within 5 minutes of every meeting. I would like to make a motion to appoint Commissioner Lance Munger as a representative of the Town Board to the HOAB.

Commissioner Walsh seconded motion.

Mayor Aneralla called for a roll call vote to appoint Commissioner Munger as the Town Board representative on the Huntersville Ordinances Advisory Board.

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

CONSENT AGENDA

Commissioner Boone made a motion to approve the Consent Agenda. Commissioner Munger seconded motion.

- Minutes of the January 4, 2021 Regular Town Board Meeting.
- Minutes of the January 19, 2021 Regular Town Board Meeting.
- Mecklenburg County Tax Refund Report. *Tax Refund Report attached hereto as Exhibit No. 6.*
- Budget amendment appropriating Bradford Park Capital Reserve revenue in the amount of \$15,000 to the Contract Services – Bradford Park Expense Account for backstop repairs at Bradford Park.
- Budget amendment appropriating Insurance Proceeds in the amount of \$448.94 to Huntersville Volunteer Fire Department account due to a sprinkler malfunction causing water damage at the Fire Station on McIlwaine Road.
- Contract to Audit Accounts with Martin Starnes & Associates, CPAs, P.A. for Fiscal Year Ending June 30, 2021. *Contract attached hereto as Exhibit No. 7.*
- Resolution to approve the awarding of a service firearm to a retiring law enforcement member. *Resolution attached hereto as Exhibit No. 8.*

CLOSING COMMENTS

Commissioner Boone I'd like to make a comment from the retreat that we had. Basically, the police salary and vetting it. I asked the Chief are all the shifts manned and he said no, but everything is working out. We reach a point when you can only work short-handed for so long and I'm asking the Town Manager to start looking at Town salary for the police officers because if we don't start now, it's going to be four months when the budget rolls around, it's going to be another four months before we process anything and nothing will get done before another entire year. We'll be talking about the same

thing from the retreat a year from now, so I'm asking the Town Manager and he always asks I need two or three commissioners to support this, well I haven't asked any of the commissioners to support this. I'm asking him to do this for the people that are protecting us. There's not many people who want to do this job and it's about time that we step up and do our job and take care of the people that are taking care of us.

There being no further business, the meeting was adjourned.

Approved this the 19th day of April 2021.