

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING (VIRTUAL)
MINUTES**

**September 21, 2020
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 5:00 p.m. on September 21, 2020.

Mayor Aneralla called the pre-meeting to order.

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

Closed Session. Commissioner Bales made a motion to go into closed session pursuant to NCGS 143-318.11.(a)(5) – Instruct Staff regarding the potential acquisition of real estate.

Commissioner Walsh seconded motion.

The Board returned from Closed Session.

2040 Community Plan. Jack Simoneau, Planning Director, presented update on the 2040 Community Plan. *PowerPoint Presentation attached hereto as Exhibit No. 1.*

Following the presentation, the Pre-meeting was adjourned.

**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 September 21, 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. 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

- The next Mayor's Luncheon is October 20.
- The next virtual meeting of the Metropolitan Transit Commission is this Wednesday.
- Encouraged the Board to start meeting in person at the Recreation Center as of October 5.

Commissioner Bales

- Lake Norman Economic Development Corporation currently has 29 projects, of which 14 are in Huntersville. LNEDE is hosting virtual Manufacturers Mingle on October 1.
- Invited Board to participate in virtual Livable Meck meeting on September 20.

Commissioner Boone

- Next virtual meeting of the Huntersville Ordinances Advisory Board is October 1.
- Provided update from the Lake Norman Chamber of Commerce.
- Huntersville Police Officer Johnson and his K9 partner Gunner located a lost child unharmed and safe within a few hours.
- Expressed appreciation to Commissioner Munger and Commissioner Phillips for helping with the Olde Huntersville Historic Society food drive this past weekend.

Commissioner Hines

- Charlotte Regional Transportation Planning Organization met virtually last week.

Commissioner Munger

- The BP at Gilead Road and Statesville Road is now open.
- Encouraged donations to Angels and Sparrows, Caterpillar Ministries or Ada Jenkins.

Commissioner Walsh

- Provided update from the Huntersville Chamber of Commerce.
- Provided update from Visit Lake Norman.

Commissioner Phillips

- Amazing Maize Maze is open at Rural Hill.

Commissioner Boone requested the Town Manager provide update on the Dr. Craven house and asked if Colonial Pipeline would be giving an update at a future meeting.

Anthony Roberts, Town Manager, stated that a representative from NCDEQ will give an update on Colonial Pipeline under Public Comments. With regards to the Dr. Craven house, the time to accept bids was extended, however no bids were received. Bobby Williams, Assistant to the Manager, is working

with the Town Attorney to see if there could be some possibility of salvaging certain components and reviewing the process to potentially demo it.

PUBLIC COMMENTS, REQUESTS OR PRESENTATIONS

Wayne Rudolph and Scott Bullock from the North Carolina Department of Environmental Quality provided update on the Colonial Pipeline spill. On August 14, 2020 we received notification from the National Response Center that Colonial Pipeline reported a spill in Huntersville of approximately 75 barrels. On August 16, 2020 we received an updated National Response Center report. The release updated it from 75 barrels to 1,500 barrels. The week of August 17 the Department of Environmental Quality Division of Waste Management and the Division of Water Quality and USEPA conducted site visits. August 20, 2020 the Division of Waste Management sent a notice of regulatory requirements for an initial abatement action report to Colonial Pipeline. This report when received will summarize the environmental clean-up activities conducted to date. Starting the week of August 17 the Division of Waste Management, Colonial Pipeline and Mecklenburg County have been having daily meetings to review site activities. This includes the monitoring well and production well installations, soil samples, private water supply, well sampling, but we also discuss future actions that will be conducted on the site. As of today there have been 84,626 gallons of gasoline removed from the recovery wells installed throughout the impacted area. To date 51 monitoring wells and 31 recovery wells have been installed. All water supply wells within 2,000' have been sampled as well as 7 water supply wells located outside the 200' radius. No water supply wells have detected petroleum contaminants. Surface water monitoring has been on going and no petroleum sheens have been observed in the stream.

In response to several questions raised by the Board, Mr. Bullock and Mr. Rudolph provided the following information.

- The monitoring wells and recovery wells will be there for probably years and NCDEQ will continue to monitor the situation.
- Gasoline pulled from recovery wells is going to an offsite recycling facility. The soil is going to an offsite lined landfill. Soil is checked for Benzene.
- The purpose of the incinerator that was installed at the site is to prevent any odors or vapors from leaving the area.
- NCDEQ has a website which has a fact sheet available to the public.
- The water supply at the house across the street on the south side of Huntersville-Concord Road was not impacted. There are two recovery wells on that property. The house is hooked up to city water.
- Large rain events do slow down site activities

Mayor Aneralla presented proclamation to Anne Crawford.

Town of Huntersville Proclamation

WHEREAS, Anne Crawford left her job thirteen years ago and began Caterpillar Ministries to tend to the physical, spiritual, and academic needs of the children in Huntersville that resided in Huntington Green.

WHEREAS, Mrs. Crawford's dedication to children has grown Caterpillar Ministries to provide a comprehensive childcare program that includes home visits, parent education on school readiness, scholarships to quality bilingual preschools, and play enrichment. In addition to a tutoring program that assists all ages with homework, projects, studying for tests, and reviewing key math and literacy skills.

WHEREAS, under Mrs. Crawford's leadership, Caterpillar Ministries has expanded their services to include a crisis food pantry, translation services, benevolence and pastoral care, temporary transportation, access to computers for employment applications and resource assistance, a job workshop for women, and a housing program.

WHEREAS, for thirteen years Mrs. Crawford has served the residents of Huntersville, but the impact she has made on the town is everlasting.

NOW, THEREFORE, I, John Aneralla, Mayor of the Town of Huntersville, do hereby proclaim September 21, 2020 as Anne Crawford Day, in honor of Mrs. Crawford's dedication and compassion for the residents of Huntersville.

Robert Kerns, 301 Hillcrest Drive, addressed the Board concerning Rezoning Petition #R20-03/extension of North State contract. The Greenfield Park Neighborhood Association got involved and we started to involve some other people in town because I think this development is going to affect a lot of people. I think there would be a lot of negative impacts. We are not against development, but we would like to see really good development. I've been in Huntersville my whole life. I've got children and grandchildren here. I want to see Huntersville have a viable vibrant downtown and I hope that's the way it goes. I know there's an item on the agenda tonight for the extension of a contract with North State. The Neighborhood Association is not in favor of that rezoning. We think it is a poor idea. We think that at least the part on Greenway is zoned appropriately now because we're the oldest neighborhood in town and it's primarily single-family detached dwellings. The part that's adjacent to Discovery Place, something needs to go there, but I'm not sure it's this particular development. We've had some talk and I just wanted to make you aware there's a groundswell of concern about this. We've got a petition with over 1,000 names now and we haven't had the petition out very long. Again, this group is not against growth we just want quality growth and we're a little concerned about what's happening with that particular plan. We don't think that zoning is warranted. I think there's road and storm water run-off impacts that have not really been looked at. I have lived there long enough I know what the creek looks like, I know what the flow patterns are and this isn't going to improve anything. The Greenfield Park neighborhood has been pretty quiet over the years. We are close to downtown, we have all the benefits of that, but we also have a lot of traffic flow through there and if you look at Greenway Drive, Dallas, Hillcrest, these streets are narrow. They are only marginally two-lane roads. I don't see that this plan addresses these issues. I just want to make you aware there will be more discussion about this in the future. We are more concerned about the rezoning, but this also affects people in Sherwood Forest and it affects anyone driving through downtown. I would love to see a vibrant retail area, something that drew people into downtown because Huntersville has had a vibrant downtown in the past, not quite as much lately but I know we are working on that and I would like to see Old Main Street redevelop. I know there's a lot of plans in place. This particular one we have concerns about and we would like to discuss that going forward. I appreciated your comments about the open and in person meetings. I think that's the way it should go. It just works a lot better for all us I think to be face to face.

April Dunn, 12530 Pecan Hill Court, two years ago the Town of Huntersville lead by Mayor Aneralla formed the Huntersville Public Art Commission for the purpose of implementing and facilitating the installation of public art in Huntersville. We are a volunteer board made up of people who are passionate about public art and are working to energize public spaces with unique pieces from local artists. Public art adds value to the cultural, aesthetic and economic strength of the community. It contributes to our community's uniqueness, cultivates community pride and enriches the quality of life for its residents and visitors. Public art sparks creativity and drives tourism and revenue to local businesses. Our goal is not only to beautify your town but also to showcase the talent of our local artists. Public art gives our local artists the opportunity to demonstrate their talent and make their community a better place to live through their work. Tonight Director Michael Jaycocks will be

presenting the 2030 Parks and Recreation Masterplan. You'll notice the front cover is displaying features of public art chalk drawing. We are encouraged to see an emphasis on public art in that master plan. On page 123 of the Implementation Plan, Action Item 2.2.6 contains the short-term goal for the Parks & Recreation Department to incorporate public art in the parks through place making elements such as signage, benches, lighting, interactive features and play equipment. On that same page, Action Item 2.2.7 contains an ongoing goal to seek alternative grant funding sources to fund park design elements that address elements through wellness and public art. I and my fellow members of the Huntersville Public Art Commission are excited about working with the Town of Huntersville to accomplish these goals and to make our town an even more beautiful place to visit and live.

Lee Hallman, 100 Cambridge Road, said I also own a piece of property on Gilead Road. I'm calling tonight to try to convince the council to not extend the business with North State. That contract was signed in May 2019. I think a lot of the real estate climate has changed since then and \$600,000 seems low. If I look at my tax valuation, even the tax valuation of property itself is more than that. Now we know the use of the property, we know that it is a linchpin for the development down on Hillcrest and it seems like that property is worth more now. I think there's a better alternative to this and this is one of our last chances to get downtown right and we've got very few left. I know there's a property in front of Discovery Place Kids. This is it, everything else is locked down. The northwest corner is locked down, pretty much Cashion's and the park, the northeast with Town Hall and some of those restaurants over there at Guignard Gardens and southeast and then this one. I know it's zoned for multi-family high density but that doesn't mean that's what needs to go there. I think what we need is something that supports more retail. I know the case for retail is not strong right now, but we are talking about something permanent. There's apartments slated I think already for Anchor Mill. We've lost the grocery store anchor over there, so it's going to be mostly apartments and other high-density housing. You've got I think apartments coming in across from Vermillion, there's apartments coming in across the Phase 2 of Birkdale. We've got plenty of apartments around here and that's kind of what we're getting to be known for if you compare it to the other bedroom towns around the Charlotte area. It's unfair to compare us to Davidson, I'll give you a break there but at least Cornelius' downtown has kind of matched what their tax base is and has some other amenities. We have precious few and the ones that are there are super old and in need of repair. We need to think of long-term here. Some of the other points were the lack of an arts and other municipal buildings that would be a good place for that kind of thing. It looks like we still don't have all the funding or the land for the Vine trail so there could be a possibility of moving over there since CMS hasn't come across that yet. There's so much else and it seems like \$600,000 isn't going to make us one way or the other considering all the other land that we own. I'll echo what Bob said, we've got about 1,000 people that are really opposed to this development already and we just started a week ago, so I think it's going to be more than that by the time we get to the October 5 meeting. I would like the Town to reconsider and make this a motion to show their commitment to the development of downtown versus just the rampant population growth.

Brian Sheehan and Zach Brown provided update on Huntersville Family Fitness & Aquatics. Mr. Sheehan stated our strategy over the last few months has been very similar to probably a lot of other organizations which is whether you are a place like HFFA, whether you are an amusement park, theme park, you have to go into it recognizing you have a lot of fixed costs. Had this Board said during the shutdown just abandon the place, don't do anything with it, which obviously you didn't say, but had you done that there's a lot of costs still in that strategy. You've got debt, you've got leases. There's a lot of different things that are not going to change whether you are open or closed. The question you have to ask yourself is it going to reopen, do we have the capacity and the ability to at least cover our variable costs i.e. our cost of labor, our incremental cost to utilities and then can we make a contribution towards those established fixed costs. And so just the way that played out for us the last few months is

we had an opportunity to open the swimming pools. On the surface it hardly makes sense to open the swimming pools just for a membership basis. There's no way financially you could make the economics of that work. But we're in a situation where we really had to open to help support our largest tenant in the building, SwimMAC. We made the decision that we would open the facility for them in part because we had to if we wanted them to be able to continue their business. And so we looked at it and said what type of incremental increases to services can we offer to people that would allow us only a very small level increase in our cost to doing business but potentially have a major impact financially on the facility. That was why you saw us open lanes for membership. You saw us open the outdoor pool for membership which allowed people to come in and kind of reactivate their membership and allow revenue to come in. That's also why you saw us operate summer camps and have other programs like that. We had the capacity to be able to do it. The incremental cost of doing it was pretty small. We could cover those incremental variable costs and could begin to make contributions towards those well-established fixed costs. By and large it has worked pretty well. It's probably very premature to have a conversation with the Board over financials and what that's going to look like and to make projections. We're 14 days into a complete reopening so that's way premature. I think that's a better conversation once we've got a little longer run and maybe a month from now to have that conversation. But for what we were able to accomplish over the summer in the first two months of a budget season, we're pretty happy with what we were able to do and the strategy that we were able to execute on.

Mr. Brown stated overall response has been pretty positive. Certainly with the pandemic we've moved through various phases and increased business and operations. Certain people have various levels of comfort levels on offerings we can offer. During the shutdown and planning for build up for services we spent a lot of time working with our various vendors working through various contracts and start to build up supplies so we would be very well stocked and prepared for when Phase 2.5 or some similar phase would start. As I'm sure you can expect with all those guidelines including signage throughout the building, stickers on the floors, arrow signage, separate seats for users whether it be for the lap swimming or even swim lessons that's going on with a very strict cleaning schedule as well. To go along with that we launched prior to opening a reservation system that much of you see across a lot of various businesses the ability to not only more easily control the amount of individuals that are utilizing various offerings but obviously have the ability to do contact tracing and things like that if it's ever needed. Fortunately, that's not been needed with what we've been doing, I think in large part to obviously all the membership and various vendors and users adhering to the guidelines including mask wearing while they are moving throughout the building in the various activities.

Commissioner Bales expressed appreciation for all the work that has been done to keep HFFA moving forward.

Tracy Houk, Assistant Parks & Recreation Director, introduced Heather Siegel and John Coch with Alta Planning and Design, who presented an overview of the draft Huntersville Bicycle Plan. *PowerPoint attached hereto as Exhibit No. 2.*

AGENDA CHANGES

Commissioner Bales deferred Item 9.C (Consider adopting Ordinance Establishing Auxiliary Police Force) until the October 5, 2020 Regular Town Board Meeting.

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

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

OTHER BUSINESS

North State Development Contract Extension. Anthony Roberts, Town Manager, explained that North State Development has requested an extension of the due diligence period for the Town Center property. Staff recommends extending the due diligence period to December 14, 2020.

Commissioner Walsh made a motion to approve the contract extension to December 14, 2020 for North State Development to purchase approximately 2.081 acres on Gilead Road west of Town Center.

Commissioner Hines seconded motion.

Commissioner Munger said it was questioned in public comments whether \$600,000 was a fair valuation. Do we happen to know what that property would appraise for now.

Mr. Roberts stated when we did the upset bid process even back then it was lower than the appraised value, so now I don't know but I'm making the assumption it would be lower than the appraised value. But at that point in time it was lower than the appraised value and we went through the upset bid process and put certain stipulations on and the Board accepted and moved it through the process.

Mayor Aneralla called for a roll call vote.

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

Contract Extension attached hereto as Exhibit No. 3.

2030 Parks & Recreation Masterplan. Michael Jaycocks, Parks & Recreation Director, reviewed the 2030 Parks & Recreation Masterplan. *PowerPoint attached hereto as Exhibit No. 4.*

Commissioner Walsh made a motion to adopt the 2030 Parks & Recreation Master Plan.

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

Appointment of Town Attorney. Commissioner Bales made a motion to appoint Emily Sloop as the Town Attorney, effective October 1, 2020.

Commissioner Munger 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

Ethics Complaint Discussion. Kevin Bringewatt, Interim Town Attorney, stated that the Town received an ethics complaint related to the handling of quasi-judicial hearings at the September 8, 2020 Regular Town Board Meeting. My law partner was in attendance at that meeting. We reviewed the complaint and have concluded that there was nothing unethical about how the Mayor handled the hearing or how the Board handled the hearing. I tend to think that likely what brought about the complaint, and don't want to read too much into the email, I think that it was likely maybe some misunderstanding about the nature of that quasi-judicial hearing where it's a mini trial and the Mayor has kind of a special role unlike everything you all are doing tonight of trying to run that little mini trial hearing. I think that is likely why a member of the public may have felt like they were not really given the full opportunity to be heard, because they're not. It's not the same way as a public hearing, so it's our conclusion that there was no ethical violation.

Commissioner Bales said the concern came in and this Board proactively took that and asked our Town Attorney to investigate which they have done. I do want to thank the Board for stepping up and taking that concern and taking it very seriously because it is very important that this Board conduct itself with integrity and honor and I believe each one of you have exhibited that and I just wanted to thank each one of you for the support of doing the investigation and turning it over to the Town Attorney.

CONSENT AGENDA

Commissioner Hines made a motion to approve the Consent Agenda. Commissioner Munger 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 July 30, 2020 Special Town Board Meeting.
2. Minutes of the August 17, 2020 Regular Town Board Meeting.
3. Minutes of the August 20, 2020 Special Town Board Meeting.
4. Minutes of the August 28, 2020 Special Town Board Meeting.
5. Budget amendment appropriating Barry Park Capital Reserve revenue in the amount of \$40,000 to Capital Projects for the resurfacing of the Barry Park parking lot.
6. Resolution awarding contract to Sloan Construction for the Barry Park Parking Lot Resurfacing Project. *Resolution attached hereto as Exhibit No. 5.*
7. Resolution approving Interlocal Agreement with Mecklenburg Soil and Water Conservation District for the Cambridge Grove Stream Restoration Project. *Resolution attached hereto as Exhibit No. 6.*
8. Resolution awarding Engineering Services Contract for Beatties Ford at Gilead Road intersection Improvement Project. *Resolution attached hereto as Exhibit No. 7.*
9. Resolution awarding Engineering Services Contract for Beatties Ford at McCoy Road intersection Improvement Project. *Resolution attached hereto as Exhibit No. 8.*
10. Resolution awarding Engineering Services Contract for the Gibson Park Drive Phase 2 roadway Improvement Project. *Resolution attached hereto as Exhibit No. 9*
11. Resolution awarding Engineering Services Contract for the Seagle Street and Fourth Street Roadway Improvement Project. *Resolution attached hereto as Exhibit No. 10.*

CLOSING COMMENTS

Commissioner Hines stated he hopes the Board can start meeting in person soon.

Commissioner Boone agreed he hopes the Board can start meeting in person soon.

There being no further business, the meeting was adjourned.

Approved this the 19th day of October, 2020.