



AGENDA

Huntersville Educational Options Study Commission

November 26, 2018 - 6:30 PM

TOWN HALL (101 Huntersville-Concord Road)

- 1. Welcome and Call to Order**
- 2. Identification of a Quorum**
- 3. Review and Approval of Minutes**
 - 3.A. Approve minutes of the November 12, 2018 Meeting.
- 4. Public Input - *Limited to 3 minutes per speaker, or 30 minutes total.***
- 5. New Business - Program**
 - 5.A. Current Population and Growth. (Jack Simoneau/Huntersville PD)
 - 5.B. Funding Options/Constraints. (Mitch Briguilo, Davenport & Co.)
- 6. New Business - Draft Work Plan**
 - 6.A. Draft Work Plan.
- 7. Old Business - Response from Town Board of Commissioners**
 - 7.A. Response from Town Board of Commissioners.
- 8. Closing Comments**
- 9. Adjourn**

**Town of Huntersville
Huntersville Educational Options Study Commission
November 26, 2018**

To: Huntersville Educational Options Study Commission

From: Angela Beeker, Legal

Date: 11/26/18

Subject: Approve minutes of the November 12, 2018 Meeting.

EXPLAIN REQUEST:

Consider approving the minutes of the November 12, 2018 Meeting.

ACTION RECOMMENDED:

Approve minutes of the November 12, 2018 Meeting.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

- [Draft Minutes](#)

THE HUNTERSVILLE EDUCATION OPTIONS STUDY COMMISSION (HEOSC)

MINUTES

REGULAR MEETING OF NOVEMBER 12, 2018

The Huntersville Education Options Study Commission convened at 6:36 p.m. on Monday, November 12, 2018 in the Town Hall for Huntersville, 101 Huntersville-Concord Road. In attendance were HEOSC members Karen Bentley (chair), Albert Desciscio, William Farber, Jr., Amie Hutchinson, Derek Partee, Jim Puckett, Eric Rowell (Vice-chair), Michael Sass, Bobbie Shields, and Carrie Warren. Absent was Todd Porter. Also in attendance were Mayor John Aneralla (for a part of the meeting), Commissioner Nick Walsh, Commissioner Brian Hines, Commissioner Mark Gibbons, and Commissioner Melinda Bales. Staff members present were Town Manager, Anthony Roberts (for a part of the meeting), Assistant Town Manager, Jackie Huffman, and Town Attorney, Angela Beeker. Attending from the Cornelius Education Options Study Commission was Tricia Sisson.

1. PROGRAM:

1A. Introductions.

The meeting began with each of the HEOSC members present introducing themselves and giving a brief statement of the backgrounds related to their service on the HEOSC. The Mayor welcomed the group, and each Town Commissioner present expressed their thanks to the members of the HEOSC.

1B. Election of Board Chair

Mayor Aneralla opened the floor for nominations for Chair of the HEOSC. Mr. Puckett nominated Karen Bentley. Mr. Partee seconded. No other nominations were received. Mr. Puckett made the motion to appoint Karen Bentley as chair by acclamation. Mr. Shields seconded. All voted in favor and the motion carried.

The meeting was turned over to Chair Bentley.

Election of Vice Chair

Chair Bentley opened the floor for nominations for Vice Chair of the HEOSC. Mr. Partee nominated Eric Rowell for Vice Chair. Mr. Farber seconded. Mr. Puckett made the motion to accept Mr. Rowell as Vice –Chair by acclamation. Mr. Partee seconded the motion. All voted in favor and the motion carried.

1C. Adopt a Regular Meeting Schedule

A proposed regular meeting schedule was presented to the HEOSC. A copy is attached to these minutes. Mr. Puckett made a motion to approve the regular meeting schedule. Mr. Desciscio seconded the motion. All voted in favor and the motion carried. A copy of the Regular Meeting Schedule will be filed with the Clerk and posted on the Town's website.

1D. Review of Open Meetings Law and Public Records Law.

Angela Beeker, Town Attorney, provided a brief overview of the North Carolina Open Meetings Law and Public Records law as it relates to the HEOSC. Mrs. Beeker explained that as a public body, the HEOSC was subject to the Open Meetings Law. This would require that proper notice be given of all official meetings, and that the public have the opportunity to attend the meeting. She explained that a meeting consists of a majority of the membership gathering together or communicating simultaneously to transact the business of the HEOSC. She warned them to be aware of this, and that group discussions by a majority of the members, whether by emails hitting "Reply All", private Facebook accounts, teleconferencing, or gathering in the parking lot to discuss HEOSC business would be a violation of the Open Meetings Law.

Ms. Beeker counseled that all documents made or received by the HEOSC and its members would be considered public records. With respect to these records, HEOSC and its members had a duty to retain, and not destroy the records, and to allow public inspection or copying if requested. She advised that the Town coordinates these requests through the Town Clerk.

Ms. Beeker mentioned that there are exceptions to both the Open Meetings Law and the Public Records law, but didn't go into specifics with regards to the exceptions. She explained that the Town had issued email addresses for the members to use to communicate when communicating regarding the HEOSC business and asked that they use these so that all communications are in one location, and responding to a public records request will be easier.

1E. Review House Bill 514, the Town HESOC Resolution and Committee Bylaws

Ms. Beeker briefly explained House Bill 514, and Senate Bill 99. She explained that House Bill 514 was the local legislation that was enacted to authorize the Town to operate a charter school. She explained that the bill amended excerpts from the charter school laws, and that it must be read in the context of the charter school law to understand it. She explained that Senate Bill 99 is a general bill that was enacted to give Towns statewide the authority to supplement funding for public schools, including charter schools.

1F. Discuss the Huntersville citizen Education Survey

Members of the HEOSC expressed concern with distributing a survey so soon in this process, and asked what the purpose for the survey was. Concern was also expressed that a

professional consultant was not being used to develop the questions and to protect the security and integrity of the survey responses and results. It was generally felt that gathering purely demographic data at this point could provide useful to the committee, but beyond that members were concerned that the public would even have enough information to be able to respond to a more in depth survey at this point.

Chair Bentley asked if it was the consensus of the HEOSC to put a pause on the actual survey itself until we can get clarity regarding the purpose of the survey and the Town Board's desired goal for distribution of the survey – what are they hoping to achieve?

Mr. Puckett made a motion that HEOSC request the Town Board to delay the survey and seek further clarification regarding the intended purpose of the survey. Mr. Rowell seconded the motion. All voted in favor and the motion carried.

1G. Discuss other business as needed.

Mr. Desciscio asked if we knew how much of the \$900 Million bond package will come back to Huntersville. Mr. Puckett shared some of the history of the 2017 bonds that were authorized by the County for CMS capital projects. He said that none of the bonds had actually been sold, and that based on the existing debt, and the size of this issuance, the County would likely not have the debt capacity to issue more debt for a period of 6 years. Mr. Shields added that it is a cash flow management issue. Ms. Huffman clarified that once bonds are approved by the voters, you have 7 years to spend the funds, but that the Local Government Commission will grant a 3 year extension, so you can have up to 10 years to spend down the funds.

Mr. Puckett brought up the idea of inviting the Cornelius HEOSC to have a few joint meetings, at least while the basic information is being presented. Ms. Sisson, from the Cornelius HEOSC, said that they have had a couple of meetings, and have so far been focusing on capacity needs for the region. They will be focusing on revenue and costs as well. They have discussed and are interested in having joint meetings with the Huntersville HEOSC.

Mr. Desciscio requested that copies of the CMS report recently made pursuant to the CMS Municipal Concerns Act be distributed to them. Ms. Beeker said she could provide this to them.

Mr. Rowell brought forward for discussion the language in Paragraph 13 of the bylaws for HEOSC. He felt that members should be asked at the start of each meeting, or before each vote where it might be relevant whether they have any conflicts of interest, by the Chair of HEOSC. As written it puts the burden on the members to disclose any potential conflict. He felt that the HEOSC should be more proactive about this and ask members, rather than waiting for them to come forward on their own. Mr. Rowell made a motion to request the Town Board to revise the language in Paragraph 13 to include a mandate that the Chair shall request a disclosure of any conflict of interest before any vote is taken or whenever it may be relevant. Mr. Puckett seconded the motion. All voted in favor and the motion carried.

Chair Bentley brought to the members the idea of hiring an education consultant to advise the HEOSC so that they are in the best position possible to understand what type of information to ask for as we venture down this road. She felt that if they have an expert to help garner the right information to make the right decision, it would serve them well. Mr. Puckett suggested perhaps that someone from the Institute of Government might be able to do this. Mr. Rowell felt that education may not be their specialty. Mr. Partee felt that the HEOSC members could suggest names of consultants as he knows educators across the State who've helped develop charter schools.

Ms. Warren asked the purpose of a consultant. She felt that the HEOSC is a very diverse group with lots of expertise. Mr. Rowell recommended that by the next meeting the HEOSC members and the town bring forward any recommendations they have for an education consultant as well as a survey polling consultant. Mr. Puckett suggested that they hold that thought for now, and just let the Town Board know that they may be seeking professional help at some point in the process. It was the consensus of the Board to hit the pause button on the consultant now until they get to the point to where they know what type of help they may need.

Mr. Rowell requested that Ms. Beeker do a search of lawsuits that have been filed related to HB 514, and expand it to current pending lawsuits regarding constitutional requirements for education, or any recent appellate decisions regarding HB 514 or education. Mr. Shields also felt that there may be lawsuits regarding HB 514 that have been filed.

Chair Bentley thanked everyone in advance for their commitment.

Mr. Partee made the motion to adjourn. Mr. Desciscio seconded it. All voted in favor and the motion carried.

The meeting was adjourned at approximately 8:19 p.m.

**Town of Huntersville
Huntersville Educational Options Study Commission
November 26, 2018**

To: Huntersville Educational Options Study Commission

From: Angela Beeker, Legal

Date: 11/26/18

Subject: Draft Work Plan.

EXPLAIN REQUEST:

Draft Work Plan.

ACTION RECOMMENDED:

Draft Work Plan.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

- [Draft Workplan.pdf](#)

Huntersville Education Options Study Commission
Proposed Work Plan
As of November 16, 2018

Date of Meeting	Topic	Address	Proposed Speaker
November 26, 2018	Baseline Data Funding options	Population, Current & Growth Funding Options/Constraints	Jack Simoneau Town Planning Director Mitch Briguilo, Davenport & Co
December 10, 2018	Stand Alone Charter School	Application Process and Timing Teacher Participation in TSERS	Trainer from Office of Charter Schools? Rhonda Dillingham, Exec Dir Sam Watts Retirement System
January 14, 2019	Stand Alone Charter School	A Key Stakeholders B Funding sources C Op Constraints/Statutory mandates D Op Flexibility/Statutory options E Governance F Other - facilities, transportation, nutrition, curriculum	Dave Machado Dir of Office of Charter Schools
January 28, 2019	Partner with Existing Charter	Which schools; their needs vs ours; Existing student Population; Governance	Shannon Stein, Lake Norman Charter Stacey Haskell, Corvian Schools
February 11, 2019	Partner with Existing Charter	Funding, Management, Facilities Transportation, Staffing and Benefits	Joy Warner, Comm School of Davidson Jennifer Nichols, Aspire Carolinas
February 25, 2019	Partner with CMS	Short term & Long term needs Bond priorities - can they be changed? Options for partnering	CMS?
March 11, 2019	Divide Char Meck LEA	Legislative hurdles; boundaries staffing, desegregation, HB 704	Jeff Tarte, John Bradford, Bill Brawley?
March 25, 2019	Do nothing	growth impacts, CMS overcrowding other Huntersville charters proposed	
April 8, 2019	Evaluate & Prioritize options	Benefits/constraints of each option Impact on stakeholders Legal and fiscal feasibility	HEOSC and Public
April 22, 2019	Public Work Session Public Comment	Hold public work session reviewing options and how prioritized Hear Public Comment	HEOSC and Public
April 29, 2019	Public Input Finalize Report	Incorporate Public Comment Complete Report	HEOSC and Public
May 6, 2019	Present Report To Town Board	Attend Town Board meeting, Presenting Recommendation	HEOSC to Town Board

**Town of Huntersville
Huntersville Educational Options Study Commission
November 26, 2018**

To: Huntersville Educational Options Study Commission

From: Angela Beeker, Legal

Date: 11/26/18

Subject: Response from Town Board of Commissioners

EXPLAIN REQUEST:

The Town Board of Commissioners approved the requests from the Huntersville Educational Options Study Commission to modify the requirement concerning the survey and to amend the Resolution to make a change to Paragraph 13 of the Bylaws to mandate that the Chair shall request a disclosure of any conflict of interest before any vote is taken or whenever it may be relevant.

ACTION RECOMMENDED:

Response from Town Board of Commissioners.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

- [Amended Resolution](#)

**RESOLUTION TO CREATE THE
HUNTERSVILLE EDUCATIONAL OPTIONS STUDY COMMISSION**

WHEREAS, in 2016, Charlotte Mecklenburg School system identified 10 year capital funding needs of \$2.0 billion. The 2017 bond issue that was passed addressed \$972 million of the proposed capital needs, leaving remaining capital needs for schools in Mecklenburg County estimated to be in excess of \$1.0 billion; and

WHEREAS, for the 2016-17 school year, most of the elementary schools, and all of the middle schools, in northern Mecklenburg County were operating at or above capacity, or were using mobile classroom units to meet capacity; and

WHEREAS, for the 2016-17 school year, Hough High School and North Mecklenburg High School were operating above capacity, while Hopewell was operating at 89% capacity; and

WHEREAS, the Charlotte-Mecklenburg Board of Education on August 28, 2018 ratified the Municipal Concerns Act (the “Act”) which, in Article II of the Act, *Priority of Capital Spending in Certain Municipalities*, (1) directs the Superintendent “to prioritize all future capital funding to projects that are located within the municipal limits of Charlotte, Davidson, and Pineville, none of which were included in North Carolina General Assembly Session Law 2018-3 [House Bill 514],” (2) provides that “[m]unicipalities included under SL 2018-3 may be included in this section for priority spending upon the passage of a binding resolution by their elected Board of Commissioners guaranteeing a 15-year moratorium on enacting any section of SL 2018-3,” and (3) states that if added to Article II of the Act as a result of such a binding resolution, the Town of Huntersville “shall immediately be removed from consideration under this Article should it take any action that can be construed to undo any [such] binding resolution”; and

WHEREAS, charter schools have been playing a vital role in northern Mecklenburg County in meeting the public educational needs for our students. For FY 2018-19, there are more than 1,800 Huntersville students attending local charter schools, and there are in excess of 2,000 Huntersville students on wait lists with the local charter schools at present; and

WHEREAS, there are approximately 5,721 housing units which have been approved for construction in the Town of Huntersville, but which have not yet been constructed; and

WHEREAS, recognizing the deficit in needed versus available school capacity in Huntersville for the near future, the Town of Huntersville, along with the towns of Matthews, Cornelius, and Mint Hill, asked for a local bill to be submitted to the North Carolina General Assembly to authorize these towns to operate a municipal charter school, House Bill 514. House Bill 514 was enacted as Session Law 2018-3 on June 7, 2018; and

WHEREAS, in conjunction with the passage of House Bill 514, the North Carolina General Assembly also adopted Senate Bill 99 and Senate Bill 335 as 2018 Session Laws 2018-5 Section 38.8, and 2018-97 Section 11.1, respectively, to authorize cities and towns to supplement funding for elementary and secondary education; and

WHEREAS, the recent enactments present many options to the Town of Huntersville to evaluate for purposes of determining the role, if any, that Huntersville will play in addressing the future educational needs of the students in Huntersville; and

WHEREAS, in order to determine the role, if any, that Huntersville will play addressing these needs, the Town Board wishes to appoint a study commission to study the options presented by the recent enactments by the North Carolina General Assembly and make a recommendation back to the Town Board;

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS AS FOLLOWS:

1. There is hereby created the Huntersville Educational Opportunities Study Commission.
2. The Mission of the Educational Options Study Commission is:

To study and evaluate options available to the Town of Huntersville to reduce overcrowding within the public school system in Huntersville.

3. The Study Commission will consist of nine (11) members as follows, to be appointed by the Town Board of Commissioners, with preference being given to persons having knowledge, skills and abilities related to the establishment, funding, and/or operation of schools in Mecklenburg County, and/or Town or municipal operations and funding, and/or the establishment, operation and funding of charter schools, including but not limited to:
 - a. A financial officer, preferably with experience in North Carolina public school system funding;
 - b. A past or present Mecklenburg County commissioner;
 - c. A school administrative officer, preferably with experience in administration of one or more NC public schools;
 - d. A member of the business community in Huntersville;
 - e. A parent of one or more students attending a school in Huntersville
 - f. A teacher or curriculum planner, preferably with experience specific to public schools in North Carolina
 - g. A current or past administrator or board member of a charter school in North Carolina
 - h. An at-large resident of the Town of Huntersville.

Rules of Procedure for the Commission are attached hereto as Exhibit A, and are incorporated herein by reference. The Town Mayor shall have the authority to approve amendments to the Rules of Procedure for the Commission.

4. The Commission shall study five (5) options:
 - a. Operate a stand-alone municipal charter school.

- b. Establishing a municipal sponsored charter by partnering with a new or existing charter school.
 - c. Partner with Charlotte Mecklenburg Schools for a new school or expansion of an existing school.
 - d. The feasibility of dividing the Charlotte Mecklenburg LEA into smaller LEAs
 - e. Do nothing.
- 5. The Study Commission shall conduct due diligence to gather facts and information with respect to each option in each of the following areas:
 - a. Key Stakeholders, including the impact of the option on each stakeholder
 - b. Funding Sources and other revenues available
 - c. Operational Constraints/Statutory Mandates
 - d. Operational Flexibility/Statutory Options
 - e. Governance
 - f. Provision of the following
 - i. Facilities
 - ii. Transportation
 - iii. Nutrition
 - iv. Curriculum including but not limited to:
 - 1. Exceptional Children
 - 2. English Learners
 - 3. College Preparatory Curriculum
 - 4. Workforce development and preparedness
 - v. Individualized instructional opportunities
 - vi. Technology
 - vii. Staffing – retirement and benefits
 - viii. Insurance
 - ix. Administrative, legal, and financial support services
 - x. Potential for expansion and growth
 - g. Steps to implementation
 - i. Additional legislation necessary?
 - ii. Referendum required/recommended?
 - iii. Formation of additional entity(ies)?
 - iv. Contractual arrangements?

6. If and when deemed appropriate by the Study Commission, the Study Commission shall conduct a survey to gather general input from the Huntersville community with regards to education in Huntersville.
7. The Study Commission shall use the information gathered pursuant to paragraph five (5) above, and, through a deliberative process, prioritize the options studied, taking into account financial and legal feasibility, effectiveness to reduce overcrowding of schools in Huntersville, efficiency, and ease of implementation.
8. At the conclusion of its prioritization of the options studied, and before making its final report to the Town Board of Commissioners, the Study Commission shall design and implement a process to educate and receive feedback from the Huntersville community and the key stakeholders identified by the Commission as to the Commission's prioritization of the five (5) options studied.
9. The Study Commission shall make a Final Report to the Town Board of Commissioners summarizing its work and findings, and presenting its prioritization of the five (5) options studied. Nothing herein shall preclude the Commission from making interim reports and gathering feedback from the Town Board of Commissioners prior to completing its Final Report.
10. The Commission shall terminate on April 30, 2019, or upon the presentation of its Final Report to the Town Board of Commissioners, whichever occurs first.

Adopted this 19th day of November, 2018.

**RULES OF PROCEDURE FOR
THE HUNTERSVILLE EDUCATIONAL OPTIONS STUDY COMMISSION**

The meetings of the Huntersville Educational Options Study Commission shall be conducted pursuant to the following rules of procedure:

1. The Commission shall meet the 2nd and 4th Monday of each month at 6:30 p.m., beginning in November of 2018, with the first meeting being set by the Mayor.
2. At its first meeting, the Commission shall elect a Chair and Vice-Chair. The Vice-Chair shall conduct the meetings in the absence of the Chair. In the event both the Chair and Vice-Chair are absent from a meeting, the members present shall elect from amongst those present a temporary chair to preside over that meeting.
3. The Commission shall keep minutes of its meetings, and shall be subject to the North Carolina Open Meetings Law and Public Records Law. At its first meeting, the Commission shall adopt a schedule of its regular meetings and advertise the schedule in accordance with the North Carolina Open Meetings Law.
4. Special meetings may be called by the Chair of the Commission. A Special Meeting shall be advertised as required by the Open Meetings Law, and only those items of business advertised for the Special Meeting may be conducted.
5. The Commission may form subcommittees for carrying out its purposes; however each subcommittee shall be a public body, and shall also be required to keep minutes and to comply with the North Carolina Open Meetings Law and Public Records Law.
6. The Secretary to the Commission shall be a staff person appointed by the Town Manager. The Secretary shall be responsible for keeping the minutes and records of the Commission.
7. Six (6) members of the Commission shall constitute a quorum. A quorum shall be required to transact the business of the Commission. The only motion permitted to be made if a quorum is not present is a motion to adjourn.
8. The Commission shall follow Roberts Rules of Order in conducting its business.
9. The general order of business shall be as follows:
 - i. Call to order
 - ii. Identification of a quorum
 - iii. Review and approval of minutes of previous meeting.
 - iv. Public input (limited to 3 minutes per speaker, or 30 minutes total)

- v. Old Business
- vi. New Business
- vii. Adjourn

The Old and New Business to be conducted shall consist of the following:

- i. Reports to the Commission by Commission members, Town staff, or invited guests and experts to present information gathered with respect to the Options being studied.
 - ii. Assignment of tasks for the next meeting.
 - iii. Deliberation and prioritization of options (after information and data gathering is complete)
 - iv. Gathering of public input (after options are prioritized)
 - v. Adoption of the Final Report to Town Board of Commissioners (after public input is gathered)
 - vi. Other business as identified by the Commission
10. The agenda for each meeting shall be set by the Secretary and the Commission Chair. Members of the Commission may adjust the agenda for a regularly scheduled meeting upon a motion duly made and seconded, and passed by a majority of the members present.
11. All actions of the Commission shall be in the form of a motion, duly seconded and voted upon by all members present. Affirmative votes from a majority of the members present and voting shall be required to adopt any motion. Except where prohibited by a conflict of interest, no member shall abstain from voting. Failure to vote shall be counted as an affirmative vote.
12. In order for the Commission to carry out its responsibilities, it is necessary for Commission members to attend the meetings. If a member is absent for three (3) consecutive meetings, the Commission may request that the member be replaced by the Town Board of Commissioners.
13. Members of the Commission shall not seek to influence a decision, participate in any deliberations, actions, or vote involving any matter which may result in a pecuniary benefit to themselves, their immediate relatives, or the immediate relative's business interest. If a member believes such a conflict may exist, he or she shall disclose such conflict and ask to be excused from deliberation and/or voting on such matter. Before a vote is taken on matters which, in the discretion of the Chair, could potentially pose a conflict of interest to a member of the Commission, the Chair shall inquire of the membership whether any member has any conflict of interest in the matter. The Chair's failure to make such an inquiry shall not relieve a member from disclosing a conflict of

interest as required by the terms of this paragraph. A majority vote of the remaining members shall be required to excuse such member from deliberation and/or voting.

14. The Commission shall meet at Town Hall or such other place as determined to be appropriate by the Commission Chair in a round table format, with its meetings being live-streamed.