

**MINUTES  
BOARD OF COMMISSIONERS MEETING  
HOOD ROOM, MATTHEWS TOWN HALL  
JANUARY 11, 2016 - 7:00 PM**

**PRESENT:** Mayor James Taylor; Commissioners John Higdon, Jeff Miller, John Ross, John Urban and Larry Whitley; Town Attorney Charles Buckley; Town Manager Hazen Blodgett; Town Clerk Lori Canapinno

**ABSENT:** Commissioner Chris Melton

**ALSO PRESENT:** Communications Director Jen Thompson; Finance Director Chris Tucker; Police Chief Rob Hunter; Fire & EMS Chief Dennis Green; Public Works Director CJ O'Neill; Planning and Development Director Kathi Ingrish; Senior Planner Jay Camp; Planning Board Chair Steve Lee, Planning Board members Barbara Dement, Mike Ham and Gary Turner

**REGULAR MEETING CALLED TO ORDER**

Mayor Taylor called the meeting to order at 7:00 pm.

**INVOCATION**

Mr. Whitley rendered an invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Taylor led the audience in the pledge.

**ITEMS TO BE ADDED TO THE AGENDA**

Motion by Mr. Urban to revise the wording of consent agenda item 9B - *approve purchase of Levine Senior Center* – to add the words *and authorize the Manager to sign the purchase and financing documents*. The motion was seconded by Mr. Whitley and unanimously approved.

**RECESS REGULAR MEETING FOR PUBLIC HEARINGS**

Motion by Mr. Miller to recess the regular meeting for public hearings. The motion was seconded by Mr. Urban and unanimously approved.

Planning and Development Director Kathi Ingrish introduced members of the Planning Board in attendance: Chairman Steve Lee and members Barbara Dement, Mike Ham and Gary Turner.

Proposed sale by the Board of Commissioners of the Town of Matthews to sell to Lat Purser & Associates, the Developer, property designated as a portion of Lot #6 and further designated as 122 Matthews Station Street, all a part of the Matthews Station Downtown Development Project, for a purchase price based on the appraised value of \$17 per square foot.

Senior Planner Jay Camp explained that one of the 2015 Planning Conference to-do items was to market this town-owned vacant lot on Matthews Station Street. The Request for Proposals was issued in August and one agency – Lat Purser and Associates, Inc. (LPA) – was the sole respondent. The existing Downtown Development Agreement requires the property to be sold for market value, so an appraisal was conducted on a per square-foot base. This method is due to the fact that a portion of the lot will be sold rather than in its entirety. The appraisal determined the value to be \$17 per square foot. LPA is still working on a final site plan but staff estimates that between 8,000 and 10,000 square feet will be sold, resulting in a sale price of between \$136,000 and \$170,000. Town Attorney Charles Buckley noted that the existing development agreement between the Town and LPA is still in effect and can be used for this new project.

Lat Purser of Lat Purser and Associates, Inc, 4530 Park Road, Suite 300, Charlotte, North Carolina addressed the Board, explaining that very little has changed since the preliminary hearing. \$17 per square foot is a reasonable number and his staff is working to confirm construction costs now. He is hopeful that more information will be available to bring to the Board of Commissioners in the next 30-60 days.

Mr. Purser said the intent is to stay with the proposed elevation which is consistent with and complimentary but not identical to surrounding buildings. Some modifications will be made but those have not yet been fully fleshed out. Mr. Miller asked about the sidewalk and Mr. Purser explained that the Town would likely retain ownership of that area. There was some discussion of the breezeway area and charging station. Mr. Miller said he wanted to verify the financials but feels confident that LPA will do a good job with this project. Mr. Higdon asked about parking and ownership, with Mr. Buckley explaining that decisions were made at the time of the initial development that resulted in a mixture of parking ownership. Mr. Urban said the proposed appearance is a bit fussy and suggested toning down the façade by exposing the brick under the oversized pediments.

Mayor Taylor opened the floor to public comment. No one spoke in favor of or opposition to this proposed sale.

Mr. Buckley noted this will be back on the agenda after the specific square footage of the lot to be sold is determined.

#### Financing Terms for Improvements to Real Property/Community Center

Finance Director Chris Tucker reviewed the issue of roof repairs to the Community Center located at 100 McDowell Street. The roof needs significant repair and improvements to maintain structural integrity. The contract was awarded at the December 14, 2015 Board of Commissioners meeting at a cost of \$843,810 to CH Rummage. Those improvements will be financed and the first step is to hold a public hearing. Later in the agenda the Board will be asked to approve resolutions for approval of the financing terms and Local Government Commission application. The Town received two desirable financing proposals, with BB&T submitting the most desirable, offering an interest rate of 1.89% for six years. The amount financed would be \$700,000. The remainder would be covered by the \$125,000 already included in this year's Capital Improvement Plan. Staff will recommend transferring an additional \$18,810 from the tourism fund to fund the capital project budget and return any unused contingency back to the fund at project completion.

Mayor Taylor opened the floor to public comment. No one spoke in favor of or opposition to this. The vote on the purchase will take place later in this agenda.

Application 2015-640: to change the zoning from R/I(CD) & R-15 to R/I(CD) & R-15(CD) on that certain property belonging to Team Church located at the northeast corner of intersection of Stevens Mill Road and Mt. Harmony Church Road and being designated as Tax Parcels 215-121-07, 48 & a portion of 19, to allow the development of a kindergarten through eighth-grade charter school and other possible condition changes.

Mr. Camp reviewed this application for a charter school on approximately 38 acres at the corner of Mount Harmony Church Road and Stevens Mill Road. Team Church is the current owner and the property has been zoned R/I since 2004. Team Church has entered into an agreement with National Heritage Academies for a portion of the site. The agreement includes shared access, driveways, parking, detention and recreation areas. Staff is supportive of the request.

Up to 770 students would attend the school. A total of 262,000 square feet for the entire site was allowed on the most recent zoning plan from 2009. The new application proposes a reduction to 215,000 square feet. The total allowed floor area for the church is 165,000 square feet, of which 22,000 square feet currently exists, and 50,000 square feet for a school. The application proposes 27,000 square feet for the school. The application proposed additional sidewalk and public street trees, elevations with a minimum of 30-40% brick or stone and elevation approval by the Board of Commissioners for any additional buildings.

Mr. Camp reviewed outstanding issues. Road improvements will have to be made by the North Carolina Department of Transportation (NCDOT) has not yet made decisions on that. A new access point at Mount Harmony Church Road, center turn lanes and deceleration lanes at both access driveways are planned based on recommendations from the traffic study.

Planning Board Chair Steve Lee asked if the existing site plan included any brick requirements. Mr. Camp will investigate that and get that information to the Planning Board.

Mr. Ross asked about storm water detention since the applicants has investigated service from Union County. Town Manager Hazen Blodgett explained that the Town gave the applicants the option on sewer service but it's at their discretion.

Applicant representative John Carmichael, Bob Dunston, Kevin Pulis and Amy Giacherio addressed the Board. Mr. Carmichael explained that the R-15 portion of the site has been dropped from the request, so the application going forward will be only for a change of conditions to the R/I portion. The R-15 portion didn't perc and so is unusable for their purposes.

Mr. Dunston of National Heritage Academies reviewed the history of the company and its plans for the proposed school. He noted that traffic control is always an issue of significant concern so they start with their traffic engineer to design plans from the start. The school's charter was approved for 772 students and an August 2016 opening. They anticipate a full buildout in the 2018-19 school year. They have 300 applicants already and a thousand-student waitlist at their nearby school in Mint Hill.

The site would have an entrance coming off Mount Harmony Church Road, so there would be two functioning driveways with both inbound and outbound traffic. There would be over 4,200 linear feet of queuing on-site, with 125 parking spaces on the school site and access to another lot at the church due to the shared use agreement. A multipurpose field sits on top of the existing storm water field. That detention field was designed to be moved at a later date so it will be moved. A new field will be shared by the school and the church. Storm water for the entire unified site will be collected in two areas. These are still being designed but will sit at the lowest points of the site and drain into Crooked Creek or the PCO buffer. Elevations include fiber cement siding, brick masonry, ledge stone and aluminum trims.

Mr. Higdon asked how many Matthews residents have applied. Mr. Dunston didn't know but explained that the 1,000-student wait list for the Mint Hill school includes 286 Matthews residents. Mr. Miller asked about tuition and Mr. Dunston explained it is a tuition-free school.

Discussion ensued regarding traffic flow around the school. Mr. Dunston explained there would be one lane coming in from each entrance for a total of two means of access into the site. Traffic Engineer Amy Giacherio noted that NCDOT is reviewing the proposed plan, which includes a left turn lane along Mount Harmony Church Road and an extension of the existing lane at Team Church.

Mr. Urban said he believes this is a great project, noting the area needs better education facilities and more of them. He also said there are a lot of improvements that could bring traffic to parcel A, where the church is, but that aren't being talked about because this application is for the school on parcel B. Architectural standard notes say parcel A is supposed to be similar to parcel B and that note should be discussed or stricken. Team Church is masonry and stucco but the proposed building is bland. It would be set so far back from the road that it might be okay since it wouldn't be very visible but he wouldn't want that aesthetic to creep into any future designs for parcel A. He then discussed the proposed use of board and batten, asking for a variation in the batten spacing, a thickening of the band boards to break up the vertical appearance, a raising of the brick water table or some combination of those to improve the building's appearance. He also suggested adding colors since it will be a school for children.

Mr. Higdon asked about typical student drop-off and pick-up numbers. Ms. Giacherio explained that all 772 students would be dismissed at the same time but about 303 parents would come in at the peak hour. The queuing on site is designed to handle the maximum number that happens at one time. Mayor Taylor said he thinks the on-site traffic will be handled well but he is concerned with the roads surrounding the site. They can't easily accommodate the proposed increase. Ms. Giacherio noted that is what's still being worked out with NCDOT. Improvements have been proposed. Mayor Taylor expressed his concern with an overwhelming amount of traffic on these roads that don't have any nearby major arteries onto which traffic can be dispersed.

Mayor Taylor asked about recreational field lighting, with Mr. Dunston explaining that the school doesn't light their fields but he was uncertain about the church. The school does have a dark skies policy so all lights are shielded so the light zeros out at or before the property lines.

A discussion of existing site conditions ensued. Mr. Carmichael noted that many of the existing conditions were carried forward and just changed for the school. Enhanced buffers have been carried forward. Staff will provide a detailed list of conditions to the Board.

Mayor Taylor opened the floor to public comment. No one spoke in favor of or opposition to this application. The application will be heard by the Planning Board on January 26 and will come back to the Board of Commissioners for a decision on February 8.

Application 2015-641: to change the text of Chapter 155, Section 506, Subsection 16, of the UDO, said change to allow for the unification of a continuing care retirement community even though divided by an existing street.

Mr. Camp reported that this request comes from ACTS/Plantation Estates, but it is a text amendment that would affect the entire town. As a condition of ACTS' zoning and CCRC designation a skilled nursing facility is required to be on site. The application seeks to provide skilled nursing on noncontiguous property - on the existing site instead of the site currently under construction.

Mr. Urban suggested the wording should say *streets* (plural) to allow for a situation with a series of streets rather than just one like in ACTS' situation.

Mayor Taylor opened the floor to public comment. No one spoke in favor of or opposition to this application. The application will be heard by the Planning Board on January 26 and will come back to the Board of Commissioners for a decision on February 8.

### **RECONVENE REGULAR MEETING**

Motion by Mr. Miller to reconvene the regular meeting. The motion was seconded by Mr. Ross and unanimously approved.

### **PUBLIC COMMENT**

None

### **REPORTS FROM BOARDS/COMMITTEES**

Minutes from the Environmental Advisory Committee were submitted. Mr. Higdon asked about environmental fines issued. Staff will provide that information to the Board.

### **CONSENT AGENDA**

- A. Approve Minutes of the December 14, 2015 Meeting**
- B. Approve Purchase of Levine Senior Center and Authorize the Manager to Sign Purchase and Financing Documents**
- C. Appoint Town Manager to Metropolitan Transit Commission**
- D. Approve Technology Reimbursement to Commissioner Whitley in the amount of \$675.60**
- E. Accept Zoning Application 2015-642: CPCC Trustees; Vacant Tract on CPCC Lane for Campus Expansion; from R/I and R-20 to B-3(CD); and Set the Public Hearing for March 14, 2016**
- F. Approve Tax Refunds**
- G. Approve Budget Ordinance Amendments to Recognize:**
  - 1) Court-Ordered Restitution Payments in the Amount of \$104.00**
  - 2) Shared Proceeds Received through DEA Task Force in the Amount of \$4,906.82**
  - 3) Loan Proceeds from BB&T to Purchase Street Paver in the Amount of \$140,000.00**

Motion by Mr. Miller to approve consent agenda items A through G3. The motion was seconded by Mr. Higdon and unanimously approved.

### **UNFINISHED BUSINESS**

### **DISCUSSION OF PARKS AND RECREATION PLANNING CONFERENCE ITEMS**

Mayor Taylor said he was concerned with the idea of planting trees that might have to be removed as the park expands. Mr. Miller suggested leaving the volleyball area clear of trees or planting only smaller varieties there like firs or dogwoods rather than oaks. Mr. Higdon was in favor of the placement of a large shade tree in the spot near Trade Street. Mayor Taylor said he'd prefer planting a larger caliper tree so it can be enjoyed sooner than a sapling would. By consensus the Board agreed to plant on tree of significant size by Trade Street but none in the other suggested locations.

**APPROVE RESOLUTIONS AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20 AND FINANCING TERMS FOR IMPROVEMENTS TO REAL PROPERTY/COMMUNITY CENTER**

Motion by Mr. Higdon to approve the financing resolution to finance \$700,000 at an interest rate of 1.89% for six years, pending LGC application approval, which authorizes the Finance Director to engage the financial institution that best meets our needs in closing this financing agreement for improvements to real property. The motion was seconded by Mr. Whitley and unanimously approved.

Motion by Mr. Ross to approve the resolution allowing the Finance Director to submit an application to the Local Government Commission for concurrence of the desired financing proposal for the Community Center repairs. The motion was seconded by Mr. Higdon and unanimously approved.

**NEW BUSINESS**

**APPOINT MEMBER TO FIREFIGHTERS RELIEF FUND BOARD OF TRUSTEES**

Motion by Mr. Miller to reappoint Jack Riley to a two year term to the Firefighters Relief Fund Board of Trustees. The motion was seconded by Mr. Urban and unanimously approved.

**AUTHORIZE THE POLICE CHIEF TO ENTER INTO A GRANT AGREEMENT WITH THE CITY OF CHARLOTTE**

Motion by Mr. Higdon to authorize the Police Chief to enter into a grant application agreement, not to exceed \$2,000, with the City of Charlotte to commit the Town's participation in a grant-funded youth diversion program. The motion was seconded by Mr. Ross and unanimously approved.

**CONSIDER PARTNERSHIP WITH FOOD FIGHT/RELAY FOR LIFE FOR FOOD TRUCK EVENT**

Special Events Manager Lee Anne Moore explained the request, which was initiated by the people responsible for the popular annual "Food Fight Charlotte" event. This event hosts multiple food trucks and approximately 1,000 attendees each year. Food Fight is organized by Relay for Life/American Cancer Society, and has become a popular event in the area for Charlotte millennials and families. It includes a fundraising component and judging by attendees. A craft brewery area is also in the preliminary plans. The organizer, John Demario, approached the Town to see if it could be brought to Matthews this year.

Staff proposes this for Saturday, May 21 from 2:00 – 8:00 pm. It would include 30-40 food trucks located inside Stumptown Park with service to the park side. There could be a beer garden aspect. If so, and if approved by the Board, the beer garden would be handled by the Relay for Life people. Mr. Ross asked if the name would change and Mr. Demario said they are not opposed to a name change.

Motion by Mr. Ross to approve this new town event and approve exemptions to Ordinances 130.02 and 130.05 for Food Fight Matthews in Stumptown Park on May 21, 2016, from 2:00 – 8:00 pm. The motion was seconded by Mr. Urban.

Mr. Whitley said he was concerned about the drinking aspect. Discussion ensued, with Ms. Moore stating that Chief Hunter and the police department would be fully involved with the process. Mr. Ross noted that a similar beer garden was approved for Pawsitively Matthews. Chief Hunter confirmed that there were no incidents from

the Pawsitively Matthews event and he expects no problems with this event either. If approved, officers will be present. He is comfortable with this request. Mayor Taylor said the previous events that included a beer garden have been positive and well-received. He supports this request.

Mr. Miller asked if parking would be an issue. Mr. Blodgett said the Town should plan for heavy attendance. Ms. Moore said the special events committee, which includes members from multiple Town departments, will plan for heavy traffic like they do with other events.

The motion to approve the request was unanimously approved.

## **REVIEW DRAFT LIST OF PLANNING CONFERENCE TOPICS**

The Board discussed methods of categorization and the potential to discuss some items at regular meetings. Depending on the number of discussion topics, the Board may start add a day to the Planning Conference. Further discussion will be held at the next meeting.

## **MAYOR'S REPORT**

Mayor Taylor reported that the closing for the purchase of the Levine Senior Center will take place tomorrow. In two weeks he will be a guest on a new radio show on WBT to discuss Matthews' status as a newly-designated Age-Friendly Community.

## **ATTORNEY'S REPORT**

None

## **TOWN MANAGER'S REPORT**

None

## **MISCELLANEOUS**

Mr. Miller asked if there are any plans to change the name of the Levine Senior Center (LSC) after its purchase by the Town. Mayor Taylor explained that while there are no current plans to do so, the Levine name was not guaranteed to remain on the building in perpetuity. Any discussion on that would take place between the LCS Board of Directors, not this Board.

## **ADJOURNMENT**

Motion by Mr. Miller to adjourn. The motion was seconded by Mr. Ross and unanimously approved. The meeting adjourned at 9:22 pm.

Respectfully submitted,

Lori Canapinno  
Town Clerk