

**MINUTES
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
JANUARY 12, 2015 – 7:00 PM**

PRESENT: Mayor James Taylor; Mayor Pro-Tem Joe Pata; Commissioners John Higdon, Chris Melton, Jeff Miller, John Ross, and Kress Query; Town Attorney Charles Buckley; Town Manager Hazen Blodgett; Deputy Town Clerk Mary Jo Gollnitz

ALSO PRESENT: Assistant Town Manager Jamie Justice; Parks, Recreation and Cultural Resources Director Corey King; Public Works Director Ralph Messera; Special Events Manager Lee Anne Moore; Planning and Development Director Kathi Ingrish; Senior Planner Jay Camp; Planning Board members Tom Lawing, Eric Johnson, Mike Ham, David Pratt, Eric Welsh and Youth Voice Ben Dodson

REGULAR MEETING CALLED TO ORDER

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

INVOCATION

Mayor Taylor requested a moment of silence to recognize the victims of the recent terror attack in France and events around the world. He encouraged citizens to reflect on ways we all can positively affect our community and the rest of the world.

PLEDGE OF ALLEGIANCE

Members of Boy Scout Troop 165 led the audience in the Pledge.

ITEMS TO BE ADDED TO THE AGENDA

None

INTRODUCTION OF CHARLOTTE-MECKLENBURG SCHOOLS INTERIM SUPERINTENDENT ANN CLARK

Mayor Taylor introduced the Interim Superintendent Ann Clark. Ms. Clark shared information on CMS's legislative agenda, including funding issues, expansion of the pre-K program and possible calendar and time changes in schools. A "State of CMS" address will be live-streamed on January 29th at 8:30 pm; anyone interested in viewing it can access details at the CMS website at <http://www.cms.k12.nc.us/>.

There was some discussion of the transition to a ten-point grading scale system. Ms. Clark explained that all students in grades 9-12 will enter into the ten-point grading scale, which will ensure equity with students from other states. The state board will take official action on that in February.

UPDATE ON PROPERTY ASSESSMENT REVALUATION REVIEW – MECKLENBURG COUNTY ASSESSOR KEN JOYNER

Mecklenburg County Assessor Ken Joyner reported on the status of the review of Mecklenburg County's statutorily-required 2011 property assessment revaluation. Pearson's Appraisal Services has completed all of the field reviews and 92% of all parcels in the county have been reviewed by Pearson and approved by the Board of Commissioners. They expect that a final valuation report will be issued in March.

A number of appeals, refunds and discovery bills are still being processed. To date about 280,000 refunds throughout the county are expected; approximately 160,000 of those have been processed so far. Approximately 13,000 parcels so far require increased assessments and the county is actively working with legislators about those increases that are being received by new owners when the parcel changed hands after the revaluation. To date Pearson Appraisals have found no change in value for 71.6% of the county's parcels. Decreased values that have led to refunds in approximately 21% of the parcels, and around 7.2% have been found to have increased values.

About 85-90% of Matthews' parcels have been reviewed by Pearson and gone to the Board already. They have identified about \$140,000 in total for refunds. That number could potentially rise to \$600,000 when the entire review is complete. There are discovery bills for Matthews property as well: to date about \$100,000 in discovery bills have been identified. The \$600,000 figure is the Town of Matthews' portion.

Town Manager Hazen Blodgett expressed his appreciation for Mr. Joyner's transparency and noted that the county's reporting methods result in some estimation. Mr. Joyner noted that the 2011 review is ongoing and work on the next revaluation - which must be performed within eight years of the previous one – will begin sooner rather than later.

There was some discussion of tax collection rates and tax rates. Mr. Blodgett noted that the Matthews Board of Commissioners chose to be revenue neutral after the county revaluation. The revaluation showed a 10% increase so the Town decreased its tax rate by 10%, which in hindsight was too large of a decrease. The \$600,000 estimated total refund amount is equal to about a cumulative 6% rate or 1.5% per year over four years. In hindsight, it would have been better if the Board had reduced the tax rate by only 8.5%.

PLANNING AND DEVELOPMENT BUSINESS

Planning Director Kathi Ingrish introduced the Planning Board members in attendance: Tom Lawing, Mike Ham, Eric Johnson, Eric Welsh, David Pratt and Youth Voice Ben Dodson.

REPORT FROM PLANNING BOARD

Chair Tom Lawing gave the report on the Planning Board meeting of January 6, 2015. (Exhibit #1 hereby referenced and made a part of these minutes).

NEW CONSISTENT AND REASONABLE STATEMENT

Ms. Ingrish noted that the Board is familiar with the requirement for all rezoning actions to be related back to the Land Use Plan and other comprehensive plans. Planning Board will make recommendations and state if the proposed project is consistent or not with the Town's development plans. The Board of Commissioners then makes a statement saying whether or not a particular application is reasonable and consistent with those plans. A recent court case states that a more specific explanation needs to be given. A template has been provided to the Board; such a statement with verbiage specific to each project will be necessary going forward. Town Attorney Charles Buckley clarified that two separate statements will be needed.

PLANNING AND ZONING-RELATED ACTIONS

Public Improvement Variance/Hylton-Martin: 1000 and 1100 Blocks of South Trade Street; Hylton/Martin Tracts; Request to Allow One Cul-De-Sac Street Segment to Exceed 400' Feet in Length

Motion by Mr. Query to approve the public improvement variance as stated. Seconded by Mr. Ross and unanimously approved.

Zoning Application 2014-621/Hylton-Martin: 1000 and 1100 Blocks of South Trade Street; Hylton/Martin Tracts; from R-15 to R-VS

Senior Planner Jay Camp explained that staff suggested a deferral to February 9th due to some unresolved issues. The two biggest items that still need to be addressed involve the Post Construction Ordinance (PCO) - the concept plan for storm water quality - which needs to be approved before Board approval, and the issue of fees in lieu.

The development has changed since the public hearing in December. The lot count has been reduced from 47 to 42 homes; the innovative request has been removed so the development will now meet the standards of the R-VS zoning – namely, the rear yards will be deeper and the side yards will be wider and the average lot size has increased from approximately 10,000 to approximately 12,000 square feet. The Planning Board made a couple of recommendations: that there should be a nine month period to evaluate the potential. Trail running through the center of the site and that there should be some consideration given to pervious materials for the driveway pavement surfaces. Mr. Camp noted that there was a comment sent out today regarding wetland monitoring and that in already included in the conditional notes. There was a lot of discussion of traffic at the public hearing and the applicants do have updated traffic counts. The development is now showing a difference of 84 daily trips over the by-right development.

There was some discussion of the site plan and county review schedule. Mr. Query asked if it would be necessary to change schedules in the future if this type of delay was going to occur frequently. He is concerned with wasting time of citizens who attend meetings and have to come back after deferrals are made.

Mr. Ross reiterated his concern about the use of the bulb out as the primary entrance/exit for the new development, mainly because the turnaround for Hampton Green is the intended use. He thinks this could be a dangerous situation and thinks it is not the right answer for this site. He also said he was glad the number of lots were reduced. Mr. Camp noted that the first driveway location had been planned north of the bulb out and would have been a direct connection to South Trade Street, but the NC Department of Transportation reviewed it and requested that it be moved down to the bulb out so there was just one access point. Mayor Taylor clarified that

that location at the bulb out is the one that would be mandated by the state whether it was for this proposed development or a by-right development. Mr. Camp concurred.

Mr. Higdon asked about the second traffic study. Traffic Engineer Randy Goddard with Design Resource Group, 2459 Wilkinson Boulevard, Suite 200, Charlotte addressed the Board and explained that with the reduction in lot count there was also a reduction in overall trip generation. Under the by-right zoning there could be 34 units. The original plan called for 47 units and that has since been reduced to 42 units. With that reduction the daily numbers have gone from 524 to 473. From that the am peak hour went from 43 to 39 total and the pm peak went from 53 to 48 total.

Motion by Mr. Melton to defer zoning application 2014-621 to February 9, 2015. Seconded by Mr. Query.

Mr. Pata said he appreciated the reduction in homes since the number of units was his main concern. He was also concerned about the distance between the houses and the traffic study with data from hours other than the peak hours.

Mr. Higdon said he was concerned about the state's mandate regarding the development's entrance location at the bulb out on South Trade Street. Mayor Taylor noted that it is a state-controlled road so there are a lot of aspects of it that are not the desire of the Town of Matthews. Mr. Higdon said he would like to see some sort of traffic study to show what the U-turn situation would be at the bulb out – how many can be expected during peak hours, how reasonable that is, etc. He is concerned with the safety of that plan, especially during peak hours or when MARA is holding a tournament. Mr. Query noted that the chart shows the change and he is concerned about it too, but pointed out that a similar situation would occur if the site was developed by right, and at least this way the Town has a bit more control. Mayor Taylor agreed, saying the Board could deny an application but it wouldn't stop development from happening. Any developer could come and build 34 homes on this site by right and the traffic would be there and the minimum setbacks along Glenshannon would be there but the Board would have no say over the quality of homes built or things like that.

Mr. Miller noted that the developer is proposing to widen/enhance the bulb out and add a deceleration lane. He also noted that not everyone in the Hampton Green neighborhood has to leave the neighborhood by Whitefriars Lane and turn right to the bulb out. There will be a connector at Talbot to Fullwood, so people will be able to turn there and avoid the bulb out. He said they fought very hard to get a second entrance and exit from Hampton Green and that shouldn't be overlooked as an option.

Mr. Higdon asked for confirmation that there are no other options for the entrance at the bulb out. Mayor Taylor said to the best of his knowledge that is the only option. Public Works Director Ralph Messera explained that the hard median in front of Hampton Green was a state mandate. The bulb out location is not state-mandated but it is the best compromise between access to the Hylton/Martin property, access to MARA property and the provision of adequate storage space for turn lanes heading north and south. It is located where the original Mara Woods development's entrance was planned. The bulb out as designed in the plans is bigger than necessary because it was designed to handle school busses. If this development is approved the bulb out can be reduced in size to handle only cars. The latest drawing actually includes a taper for acceleration rather than deceleration. If this rezoning is not approved then the big bulb out will be built to accommodate school busses. If it is approved then it will be reduced and there would be the wide area with the taper. This is not an uncommon design and is becoming more and more common around here. Mr. Higdon pointed out that since this was not mandated by the state then the bulb out location does not have to be the location of the development's entrance. Mr. Messera said the state does not like the alternate design with a right turn into the subdivision because it increases the number of U-turns.

Mr. Higdon asked when the Talbot Court extension in Hampton Green will be built and Mr. Messera explained ACTS already turned in their plans to staff for review. They are mandated to have the road complete prior to the issuance of their first Certificate of Occupancy and they plan to start construction in April, so Mr. Messera estimated it would be complete within the next year.

The motion to defer the application to February 9, 2015 was unanimously approved.

Zoning Application 2014-622/Newks: 9603 E. Independence Boulevard; Former Gateway Store/CMS District Offices; from Conditional to B-1(CD) for Restaurant and Retail Uses

Mayor Taylor noted that the applicant did not appear at the Planning Board meeting and staff recommended deferring this application as well. Mr. Query asked if staff has been in contact with the developer and Mr. Camp explained that Newks' corporate office doesn't like the site anymore due to the information about the Independence Boulevard work. Staff has been very transparent with the applicant about that all along. Mr. Camp understands that the applicant still wants to move forward with the rezoning since there is still interest from the mattress store and other potential tenants, but to date there is no new site plans or formal information from the applicant. Staff is not receiving information from them.

Motion by Mr. Query to deny application 2014-622. Seconded by Mr. Higdon.

Mr. Ross noted that if this is denied then the application will not be able to come back for a year, unless the new application is substantially different from the original application. There was some discussion of possible future options and rezoning requests. Mr. Miller suggested deferring rather than denial might be the better option so as not to penalize the property owner and limit their options in the immediate future.

Motion by Mr. Ross to defer application 2014-622 to February 9, 2015. Seconded by Mr. Miller.

There was some discussion of deferring versus denying the application. Mr. Higdon questioned what might change in the next month; Mr. Miller said it might be necessary to give the applicants more time. Mayor Taylor said the applicants have not attended several meetings and dislikes the fact that they have not been in contact with staff and appear to discount the time and effort of staff, the Planning Board and the Board of Commissioners. Mr. Melton agreed with Mr. Miller and said he would like to give the applicants the benefit of the doubt. Mr. Query noted that the Planning Board will not be able to review anything that comes from the applicants now.

The motion to defer application 2014-622 to February 9, 2015 passed 6-1 with Higdon, Melton, Miller, Pata, Taylor and Ross in favor and Query in opposition.

PUBLIC COMMENT

Tom Drake, 502 Dallas Street, Huntersville, NC addressed the Board regarding the Charlotte Mecklenburg Emergency Management program, which for the first time is incorporating severe geomagnetic storms into the county's hazard mitigation plan. This plan will come to the Board of Commissioners for approval later this year. A hundred-year geomagnetic storm could damage the nation's electrical grid, resulting in large scale, long-term blackouts. Mr. Drake said the chance of such a storm is not insignificant. The power industry has been reluctant to harden their systems and continue to rely on odds to preserve the grid. He said it would cost each customer only \$1.52 per year for five years for the power companies to harden their systems. Mr. Drake encouraged the Board and all citizens to support efforts to implement effective standards to meet the requirements of the Federal Energy Regulatory Commission and protect the grid.

REPORTS FROM BOARDS/COMMITTEES

Minutes from the Transportation Advisory Committee were submitted. There were no questions or comments.

CONSENT AGENDA

- A. Approve Minutes of the December 8, 2014 Meeting
- B. Approve Minutes of the December 8, 2014 Closed Session Meeting
- C. Approve Minutes of the December 15, 2014 Special Meeting
- D. Approve Minutes of the February 10, 2014 Closed Session Meeting
- E. Open February 10, 2014 Closed Session Meeting Minutes
- F. Approve Sidewalk Construction Agreement with DOT - Williams Road
- ~~G. Approve Appointments to Economic Development Advisory Committee~~
- H. Approve Disposal of Surplus Property
- I. Accept Zoning Application 2015-625; 855 Sam Newell Road, LPA Crews LLC, Change of I-1(CD) Conditions to Add Church and Place of Worship as a Permitted Use to Existing Business Park Location, and Set Public Hearing for February 9, 2015
- J. Amend Resolution Calling for Public Hearing on Zoning Application 2014-623/MARA to Change Date from January 12 to February 9, 2015
- K. Approve Technology Reimbursement to Commissioner Query in the Amount of \$1,120.80
- L. Approve Technology Reimbursement to Commissioner Melton in the Amount of \$197.27
- M. Approve Tax Refunds

Motion by Mr. Miller to approve consent agenda items A through M. Seconded by Mr. Pata. Mr. Ross requested the removal of item G (approve appointments to Economic Development Advisory Committee) for discussion under new business. Mr. Miller amended his motion to approve the consent agenda with the exclusion of that item. The motion was seconded by Mr. Pata and unanimously approved.

UNFINISHED BUSINESS

CONSIDER AMENDMENT TO THE HISTORIC LANDMARK DESIGNATION FOR R.F. OUTEN POTTERY; 430 JEFFERSON STREET

Mr. Blodgett said the historic landmark designation should be amended to add the second lot of .36 acres to the original site.

Motion by Mr. Higdon to amend the historic landmark designation for RF Outen property to include the second parcel. The motion was seconded by Mr. Query and unanimously approved.

CONSIDER PURCHASE OF R.F. OUTEN PROPERTY; 430 JEFFERSON STREET FROM CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION

Mayor Taylor noted this item is for the purchase of the property from the Historic Landmarks Commission. The Town would repay the total amount over a five year period with no interest.

Mr. Query said he had no problem with the \$270,000 purchase price, but he is concerned with estimates gathered by Ms. Lester for the property stabilization as written in Mr. Blodgett's memo. He would like clarification on what those figures would cover and if those estimates include leaving the sheds on the front and back. To him, for it to be historically accurate the structure needs to be like it was originally. If those sheds are torn off to make it safer for now then they should added back on later to make the structure historically accurate. Mr. Miller said he was confused about the mention of seeking bids to stabilize the property since Ms. Lester has already done so. Mr. Blodgett clarified that the estimates received by Ms. Lester are valid. Mr. Query said the documentation of the structure as it is now – with sheds – needs to be the next step before stabilization occurs. Mayor Taylor said that direction can be given to staff if the Board votes to approve the purchase. Mr. Blodgett said the stabilization could remove the sheds but the renovation could include the restoration of the sheds.

Motion by Mr. Higdon to authorize the purchase of the Outen Pottery property from the Charlotte Mecklenburg Historic Landmarks Commission. Seconded by Mr. Pata.

Mr. Melton noted that the purchase and the stabilization of the property would be paid for by tourism funds. Mr. Blodgett concurred.

The motion to authorize the purchase was unanimously approved.

Mr. Blodgett confirmed with the Board that the consensus was to document the sheds and put them back on when the renovation takes place. Mayor Taylor concurred and noted that the Town will pursue its own estimate for stabilization costs.

Mayor Taylor then noted another item of significance to the preservation of the town – Matthews has recently been recognized as a Preserve America community in recognition of its continued commitment to preserving and using its cultural and natural resources for the benefit and enjoyment of the public.

NEW BUSINESS

CONSIDER CENTRALINA COUNCIL OF GOVERNMENTS' REQUEST FOR COST SHARE OF REGIONAL FREIGHT MOBILITY STUDY

Motion by Mr. Miller to allocate \$1,000 for the Centralina Council of Governments' regional freight mobility study, saying it's a low cost and a worthwhile endeavor, especially since there are so many distribution centers in the area and with 74 being widened. Seconded by Mr. Pata.

Mr. Higdon says he recognizes this is a small amount but on principal he opposes the subsidy of the freight and distribution industry. Mayor Taylor said it is a means to keep the area complete, not for the freight industry itself. Mr. Melton noted it will align the area with federal requirements and position us for funding opportunities.

The motion to allocate \$1,000 for the Centralina Council of Governments' regional freight mobility study was approved 6-1, with Melton, Miller, Pata, Query, Taylor and Ross in favor and Higdon in opposition.

CONSIDER STREET CLOSURE REQUESTS

Special Events Manager Lee Anne Moore presented the list of street closures for upcoming events. She noted that there will be one more request coming separately for the Steve Smith 5k Memorial Day run. Mr. Higdon asked if there had been any input from local businesses. Ms. Moore said they do occasionally receive comments,

mostly during BeachFest and Matthews Alive from businesses on South Trade in the Griffin Square area, although they have been very cooperative and have allowed for the expansion of Matthews Alive into their area. They have expressed concerns in the past and staff works to mitigate those issues with their businesses and driveways and try not to impact them until after 5:00 on Friday.

Motion by Mr. Melton to approve the proposed street closures as stated in Ms. Moore's memo dated January 12, 2015. The motion was seconded by Mr. Miller and unanimously approved.

CONSIDER MCAULEY PROPERTY PURCHASE

Motion by Mr. Pata to approve the request for \$19,000 in town funds to move forward with the purchase of the McAuley property on Tank Town Road – parcel ID 21503221. The motion was seconded by Mr. Higdon and unanimously approved.

Mayor Taylor noted this purchase will help with getting the additional road access into the Sportsplex.

CONSIDER SPEED HUMP REQUEST FOR SADIE DRIVE

Mayor Taylor noted that the Transportation Advisory Committee discussed this request, and while the applicants did not meet the criteria for the number of petition signers, the Committee still recommended the addition of a speed hump at the four hundred block of Sadie Drive. Mr. Ross asked if the policy dictating the percentage of signatures required gives any allowance for vacant properties. It does not, so Mr. Ross suggested changing the speed hump policy to take that into consideration. Mr. Blodgett clarified that the Board of Commissioners has the discretion to approve the placement of speed humps even if the resident signature threshold is not met. Mr. Query asked why the vacant properties' absentee owners were not contacted. Mr. Blodgett explained that the petitioner is a resident, not the town, and he does not know if they attempted to do so. Mr. Miller said \$300 is a very small amount of money to spend for safety reasons, noting that this area is a commonly-used cut through.

Motion by Mr. Miller to approve the request for a speed hump placement in the 400 block of Sadie Drive. The motion was seconded by Mr. Ross.

Mr. Higdon said the cost is surprisingly low. Mr. Messera explained that the only cost involved is the asphalt – it will require about 4.5 tons at a cost of approximately \$50 per ton and less than a day of labor by town employees. Mr. Melton asked about timing and the weather. Mr. Messera said such a small asphalt project can be done now.

The motion to approve the speed hump placement was approved 6-1 with Higdon, Melton, Miller, Pata, Taylor and Ross in favor and Query in opposition.

APPROVE APPOINTMENTS TO ECONOMIC DEVELOPMENT ADVISORY COMMITTEE (EDAC)

Mr. Ross noted the Board had previously approved the appointment of one of the two appointed members of the four town alliance as an ex-officio EDAC member to ensure that the alliance had representation in that group. Moving Mr. Urban from that role concerns him because it could potentially lessen the impact of the four town alliance's voice in EDAC as well as reducing the size of the EDAC membership. Mayor Taylor suggested allowing the four town alliance to nominate who they would like to represent them on EDAC. Mr. Ross noted that would require a change to EDAC's bylaws.

Assistant Town Manager Jamie Justice said Mr. Ross was correct – that position would become vacant with this move. The intent was to fill the two vacant regular seats and then deal with the alliance representative later, knowing that Mr. Urban could fill that role in the interim. He pointed out that that seat may not be necessary in the future, depending on how things go with the alliance. That would be the next step – to check with the Alliance and see how they wanted to handle it going forward. Mr. Ross suggested appointing Mr. Query to the ex-officio position. Mayor Taylor suggested addressing the question at hand first and then discuss the ex-officio position separately.

Motion by Mr. Query to reappoint Tim Jones, Roger Martin and Greg Klein for two year terms and appoint Adam Brooks and John Urban to a two year term. The motion was seconded by Mr. Higdon and unanimously approved.

Mr. Ross requested a resolution to the ex-officio/alliance question soon.

MAYOR'S REPORT

Mayor Taylor said the Mayor of Sainte-Maxime, France will be in Matthews on April 13th. Staff has been directed to work on a resolution of support for Sister City status with Sainte Maxime. There is a small fee – approximately \$580 – and this will be discussed in detail at the next meeting.

There will be a special joint meeting of all Matthews' advisory boards and committees on January 13th at 6:00 pm at the town hall. The South Trade Street groundbreaking will occur on Friday, January 16th at 10:00 am.

ATTORNEY'S REPORT

Attorney Buckley noted that oral arguments for the Wright case will be heard in the Court of Appeals next week.

TOWN MANAGER'S REPORT

None

ADJOURNMENT

Motion by Mr. Miller to adjourn. The motion was seconded by Mr. Melton and unanimously approved. The meeting adjourned at 9:00 pm.

Respectfully submitted,

Lori Canapinno
Town Clerk