

**MINUTES**  
**BOARD OF COMMISSIONERS SPECIAL MEETING**  
**JORDAN ROOM, MATTHEWS TOWN HALL**  
**FEBRUARY 8, 2016 – 5:30 PM**

**PRESENT:** Mayor James Taylor; Commissioners John Higdon, Chris Melton, Jeff Miller, John Ross, John Urban and Larry Whitley

The Board met to interview candidates for the Matthews Planning Board.

**MINUTES**  
**BOARD OF COMMISSIONERS MEETING**  
**HOOD ROOM, MATTHEWS TOWN HALL**  
**FEBRUARY 8, 2016 - 7:00 PM**

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

**ALSO PRESENT:** Assistant Town Manager Becky Hawke; Communications Director Jen Thompson; Parks, Recreation and Cultural Resources Director Corey King; Public Works Director CJ O'Neill; Police Chief Rob Hunter; Planning and Development Director Kathi Ingrish; Senior Planner Jay Camp; Planning Board Chairman Steve Lee, Vice Chairman Rob Markiewitz and members Barbara Dement, Mike Ham, David Weiser and Gary Turner

**REGULAR MEETING CALLED TO ORDER**

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

**INVOCATION**

Mayor Taylor rendered an invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Taylor led the audience in the pledge.

Mayor Taylor introduced new Assistant Town Manager Becky Hawke. Ms. Hawke expressed her pleasure to be in Matthews.

## ITEMS TO BE ADDED TO THE AGENDA

Motion by Mr. Ross to add *Appointment Members to Planning Board* as new business item 10D. The motion was seconded by Mr. Miller and unanimously approved.

## PLANNING AND DEVELOPMENT BUSINESS

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

Mayor Taylor explained that Mr. Markiewitz and Mr. Turner were rotating off the Planning Board and thanked them for their hard work over the years.

## REPORT FROM PLANNING BOARD

Chairman Lee expressed appreciation to Mr. Markiewitz and Mr. Turner for their efforts and discussion on the Planning Board, noting their contributions to the board. He then reviewed the Planning Board report of the January 26, 2016 meeting. (Exhibit #1 hereby referenced and made a part of these minutes).

## PLANNING AND ZONING RELATED ACTIONS

Application 2015-640: to change the zoning from R/I(CD) to R/I(CD) (change of conditions) 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.

Senior Planner Jay Camp explained that staff is waiting on PCO approval from Mecklenburg County. It has not yet been approved but they don't expect any changes to impact the site plan. The Board can move forward with a decision contingent on the PCO approval. There had been some questions about the traffic study and road improvements and Mr. Camp discussed notes provided by the applicants. One referenced traffic control at the intersection of Stevens Mill Road and Mount Harmony Church Road with a change from a two-way stop control to an all-way stop control, but the state DOT disagrees with the four-way stop and requires it to remain a two-way stop.

Mr. Higdon asked Mr. Camp to speak about a citizen's list of questions that had been emailed earlier that evening. Mr. Camp explained that this project will not affect the existing enhanced buffer – the applicant carried over language from the 2009 rezoning that references that enhanced buffer, so there would be no changes to that buffer. He noted that the wording regarding the undisturbed buffer along the road frontage references allowing it to be disturbed due to construction is so that road improvements can be put in place and driveway curb cuts can be established. Those reasons are why the otherwise undisturbed buffer along the road frontages – not along the private property boundaries – contain that language. He also noted that there would be no impact to any adjoining private property since all the construction would be on the applicant's site.

Mr. Melton asked about carry-over notes from the previous conditional zoning. Mr. Camp explained that most notes from the 2009 action were replicated but some that were no longer applicable did not. There are differences in some of the overall square footages and differences in permitted uses. The applicants have brought forward every applicable condition.

Mr. Urban thanked the applicants for their previous agreement on modifications to their elevations. He noted his continued concern for the sightline for the proposed entry view from the drive, saying that the air handlers would be very visible from that angle. He requested that the applicants raise the parapet approximately 54 inches higher above roof elevation on side elevation #2 – the primary elevation seen from the road - to hide the rooftop air handlers. After more discussion, applicant representative Bob Dunston of National Heritage Academies agreed to raise the parapet as requested.

Mr. Melton asked about the percentage of prospective students who live in Matthews. Mr. Dunston explained that the school would allow up to 772 students and they have about 1,000 students on the application list. He was uncertain of the current number, but as of last month's meeting they had an applicant list of 6-700 students and a couple hundred of those were from Matthews. Mr. Melton asked about the school's timeline with Mr. Dunston explaining that the plan is to open the school by August 2016. If the application is not approved they will have to figure out what to do next. They would not lose their charter because of that. Mr. Melton then explained he is concerned with the area's two-lane country roads. There would be 772 students and the DOT won't allow a four-way stop. He is very concerned about potential traffic problems.

Motion by Mr. Miller to approve application 2015-640, pending PCO approval and with the condition that the parapet height on the driveway approach be increased in such a way as to visually block the sight of the rooftop mechanical equipment from the driveway view, as it is reasonable and consistent with the Matthews Land Use Plan and because it's a high quality school. The motion was seconded by Mr. Higdon.

Mr. Ross noted that he consulted with Mr. Buckley regarding a potential conflict of interest since he and his wife have put two of their children on the wait list for this school. Mr. Buckley confirmed that a conflict of interest does not exist and Mr. Ross can participate in the vote.

Mayor Taylor said he too is concerned about the traffic impact to the surrounding area. He believes DOT is focused only on the area immediately around the school but he believes the project will create a lot of ancillary traffic that wouldn't be there if not for the school. He is concerned about that amount of traffic on the two lane, windy roads. He asked if the applicants had thought about the off-site impacts and Mr. Dunston said they had to follow DOT's guidelines. They didn't study traffic patterns beyond the immediate school area. Mayor Taylor was also concerned with a potential permitted use – camping area. Ms. Ingrish explained that is an incidental use associated with Team Church's request for a small camp area. It is strictly an accessory use – fairly minor and incidental to the use of the church or school. It would not allow for the placement of recreational vehicles or similar major camp use. Mayor Taylor then asked about sports field lighting. Mr. Dunston said the school doesn't light any of their play or recreational fields. The area in question is on the church's property and he can't speak for them, but noted if they did choose to light the field they'd have to follow the Town's lighting ordinance.

Discussion continued regarding traffic. Applicant representative John Carmichael explained that they would put into place all of the notes referenced in the traffic study except for the four-way stop listed in subsection five, which was disallowed by DOT. Mr. Urban suggested adding a condition so that - if at some time in the future DOT did allow that intersection to have a four-way stop – the applicant would pay for and install the four way stop. Mr. Carmichael agreed to that condition.

Motion by Mr. Miller to approve application 2015-640, pending PCO approval and with the conditions that (1) the parapet height on the driveway approach be increased in such a way as to visually block the sight of the rooftop mechanical equipment from the driveway view and (2) that the applicant will convert the two-way stop to a four-way stop at the intersection of Stevens Mill Road and Mount Harmony Church Road at the applicant's expense if/when allowed by DOT, as it is reasonable and consistent with the Matthews Land Use Plan and because it's a high quality school. The motion was seconded by Mr. Higdon and unanimously approved.

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.

Motion by Mr. Miller to approve Application 2015-641 as it is reasonable and consistent with the town's Land Use Plan and unification makes logical sense and will be good for the community. The motion was seconded by Mr. Whitley and unanimously approved.

Motion 2015-3: to approve the Downtown Streetscape Improvement Plan

Mayor Taylor noted staff's request to defer to March 14 to allow the Transportation Advisory Committee time to review the plan.

Motion by Mr. Urban to defer action on Motion 2015-3 to March 14, 2016. The motion was seconded by Mr. Ross and unanimously approved.

Set Public Hearing on March 14, 2016 to Consider Amending the Composite Bicycle and Pedestrian Plan to Add Bicycle and Pedestrian Connectivity Adjacent to the Weddington Rd/I-485 Interchange (Planning Motion 2016-A)

Motion by Mr. Higdon to set the public hearing for Planning Motion 2016-A to March 14, 2016. The motion was seconded by Mr. Ross and unanimously approved.

Set Public Hearing on March 14, 2016 for Miscellaneous Text Amendments to the UDO (Zoning Motion 2016-1)

Motion by Mr. Urban to set the public hearing for Zoning Motion 2016-1 to March 14, 2016. The motion was seconded by Mr. Miller and unanimously approved.

Discuss Preferences on Future Text Amendments for Temporary or Roadside Signage

Ms. Ingrish discussed Supreme Court case *Reed v. Town of Gilbert, Arizona* which imposes new regulatory restrictions on signs. Signs must now be regulated on a content-neutral basis. Aspects such as size, time and placement may still be regulated. The Town currently has different regulations for things like temporary, campaign and real estate signs, but those regulations must be rewritten to comply with the new restriction. Town Attorney Charles Buckley noted that this is an issue that affects governments across the country and there are professional groups currently working on best practices. Other communities are struggling with what to do. Ms. Ingrish explained that staff will work on drafting changes to bring to the Board for review at a future date.

Discussion ensued regarding possible ways to amend the text. Mr. Higdon noted this is an example of the Supreme Court making decisions that inflict unintended consequences and asked about ramifications if the Town doesn't comply. Mr. Buckley explained that any such ordinance would be unenforceable. Ms. Ingrish noted that staff is adhering to the new regulations even though the ordinance has not yet changed.

## **PUBLIC COMMENT**

None

## **REPORTS FROM BOARDS/COMMITTEES**

Minutes from the Environmental Advisory Committee were submitted. Mr. Melton questioned the storm water violation by The Fountains of Matthews caused by rain runoff that tracked mud onto the street and the stream turbidity near Covenant Church, asking for staff to ensure that the highest standards are being upheld and violators held accountable. Mr. Blodgett explained that the Mecklenburg County Storm Water staff who oversee these issues have been very responsive. They have told staff that they would be happy to work with the town if the Board was interested in revising the existing ordinance to include more stringent regulations. Mr. Blodgett noted that one problem with that is the state, which would rather have standardized regulations across all North Carolina municipalities. Mayor Taylor commented on the possibility of the General Assembly reacting poorly to what it might consider an overreach by the Town. He also noted that the development community would not be in favor of more restrictive regulations.

Discussion ensued regarding regulations and enforcement. Environmental Advisory Committee member David Ross discussed erosion and sediment control and possible changes, including the use of polyacrylamide (PAM) for turbidity reduction and sediment control. He noted the Environmental Advisory Committee discussed holding a public meeting to educate the public and gather opinions from the citizenry. He suggested inviting members of the state legislation to hear these concerns firsthand. By consensus the Board directed staff to work with the Environmental Advisory Committee to set up a public forum to discuss these issues.

## **CONSENT AGENDA**

- A. Approve Minutes of the January 25, 2016 Meeting**
- B. Approve Matthews Classics Week Proclamation**
- C. Approve Tax Refunds**
- D. Accept Zoning Application 2015-643: Matthews Parkway Corporate Center; 720 Park Center Drive; from I-1 to O(CD) for a Child Care Facility; and Set the Public Hearing for March 14, 2016**
- E. Consider Exemption to Facility Use Restrictions for Matthews Ballet Fundraiser**
- F. Consider Exemption to Allow the Sale/Consumption of Alcohol in Stumptown Park**
- G. Approve Budget Ordinance Amendments to Recognize:**
  - 1) Receipt of Insurance Proceeds for Vehicle Insurance Repairs in the Amount of \$2,580.00**
  - 2) Donations to the Fire & EMS Department in the Amount of \$115.00**
  - 3) Donations to the Fire & EMS Department in the Amount of \$271.00**
  - 4) Controlled Substance Tax Assessment Revenues in the Amount of \$2,844.41**
  - 5) Recognize Court-Ordered Restitution in the Amount of \$52.00**

Motion by Mr. Melton to approve consent agenda items A through G5. The motion was seconded by Mr. Ross and unanimously approved.

## **UNFINISHED BUSINESS**

### **FINALIZE 2016 PLANNING CONFERENCE AGENDA**

The Board reviewed the agenda. By consensus the Board agreed to invite advisory committee members to attend to hear the discussion on the portion of the agenda relevant to each committee.

## **RECEIVE REPORT ON TOURISM FUND ELIGIBILITY**

Mr. Blodgett reviewed the statutory language allowing the use of tourism funds, noting that this is a significant amount of money that is relied upon heavily for use in some of the Town's most popular attractions and events.

## **CONSIDER PAVEMENT DEGRADATION FEE AND STAFF APPROVAL OF UTILITY CUTS**

Public Works Director CJ O'Neill discussed the problems caused by pavement cuts. Utilities cut into roads and damage not only the cut area but also a zone of influence about five feet beyond the cut. The potential fee under discussion would include the entire damaged area. Mayor Taylor noted this have been discussed many times over the years. It's easy to see where cuts have been repaired due to the bumps in the road. These fees would hold accountable those entities that cut and damage the town's roads. Mr. O'Neill explained that Charlotte Water would be the organization most impacted by this.

There was discussion of the certification required. Mr. O'Neill explained that Charlotte Department of Transportation runs a certification program that people can attend. It would be better to have people attend this program that is already in place rather than having Matthews start up its own certification class.

Motion by Mr. Ross to implement the Pavement Cut Policy as drafted in Mr. O'Neill's memo dated February 3, 2016, with the policy becoming effective July 1, 2016. The motion was seconded by Mr. Melton and unanimously approved.

## **DISCUSS RIDE ROAD PARK CONCEPTUAL PLAN**

Parks, Recreation and Cultural Resources Director Corey King reviewed the history of the park. The Town purchased three parcels in 2013 for future park use. A Parks and Recreation Trust Fund (PARTF) grant was awarded to purchase the property. This grant offered a 50% reimbursement but requires the Town to make the property accessible to the public within five years of the grant's receipt. The Town began working on the park's conceptual design in 2015 with the Benesch Group.

Derek Williams of the Benesch Group reviewed the history of the design work, explaining that public input influenced the design. Activities such as walking trails, playgrounds, a community garden and pickleball courts were popular requests. There were negative comments regarding basketball courts and a dog park so those two elements were not included in this conceptual plan. Concerns about buffers and security were also heard. In general people liked the plan.

The plan calls for one entrance from Rice Road with a circular drive and parking for about twenty vehicles. The plan includes a picnic shelter and small restroom, playground with a natural theme, open play lawn area, an approximate quarter mile-long paved walking trail, community garden with raised beds and two pickleball courts. Also included is a nature trail through the woods, which would likely not be paved, and a rain garden to provide environmental education. A 100-foot buffer would be maintained along the sides directly adjacent to residential homes with a 50-foot buffer along the sides adjacent to the power line easement and road. The walking trail and rain garden would be the only items located within the buffer area.

The preliminary plan costs estimates are \$1.4 million for total buildout with \$400,000 for the first phase. There could be roadway improvements needed, such as a left turn lane so those funds have been included in the overall budget total. Also, there is no sanitary sewer at this site so an offsite sewer or onsite septic field will be needed.

Discussion ensued regarding park elements and funding. Mr. Blodgett noted that the PARTF grant requires some aspect of construction to start by January 2018. That could be the grading and some nature trails. Staff will seek out another PARTF grant for additional funding.

Mr. Higdon asked about potential security concerns. Mr. King explained that security procedures will be similar to those at Squirrel Lake Park, with its gates closed at dusk and regular police checks. Mr. Miller asked if the 50 foot buffer between the park and utility lines was necessary. Mr. King explained the intent to stay as far away from property lines as possible and compact the active parts of the park to the center of the site. There are residential homes on the other side of the power lines. Mr. Melton asked about a fence and Mr. King explained that nature will serve as a natural fence. A real fence wouldn't be very appealing. Mr. Melton suggested incorporating public artwork in the middle of the green space. Discussion ensued regarding basketball courts. Some citizens are bothered by them, citing noise and the potential to serve as a hang-out spot. There had been courts at Baucom Park but they were removed because the setting wasn't appropriate for them. There are courts at the Crews Center. Mr. King noted that citizens who attended the public meetings didn't want basketball courts. Mr. Higdon noted he was not opposed to basketball or tennis courts but the sound from those sports travels a long distance.

Mr. King noted that this is simply a conceptual design; the Board will be asked to approve a final plan at some point in the future.

## **NEW BUSINESS**

### **APPROVE COMMITMENT TO APPLY FOR NC TRAILS GRANT**

Parks, Recreation and Cultural Resources Director Corey King explained that the Parks and Recreation division of the North Carolina Department of Environment and Natural Resources offers a grant program to assist in trail construction. A successful application will require a 25% fund match. Staff believes the project known as the Butler trail connection would be a strong candidate for this application. The current cost estimate to complete this trail segment is \$95,000; if awarded a grant, the Town would commit \$23,750 to the project in fiscal year 2017.

Motion by Mr. Melton to direct staff to appropriate \$23,750 in the fiscal year 2017 budget and move forward with the pre-application process for a grant. The motion was seconded by Mr. Whitley and unanimously approved.

### **CONSIDER TEMPORARY STREET CLOSURE REQUESTS**

Motion by Mr. Ross to approve the requested street closures as listed in Ms. Moore's memo dated February 3, 2016. The motion was seconded by Mr. Melton and unanimously approved.

### **CONSIDER ROAD RESTRIPING ON PORTION OF SOUTH TRADE STREET**

Public Works Director CJ O'Neill explained that the pavement in question is wide enough for two lanes but it's not striped for two. Staff would like to repaint it to follow plan option 1 as described in the memo. The Department of Transportation supports it and the approximate \$8,000 cost can be absorbed by the department's current budget.

Mr. Miller asked if the bumpouts by Sadie Drive change, and Mr. O'Neill said no. Mr. Miller suggested removing the plastic bollards from the parking space near the office building, to allow people to drive through when possible. Mr. O'Neill explained that would be an illegal movement and the Town couldn't condone that. Mayor Taylor said the parking spot could be removed and the space used as a turn lane if necessary. Mr. Miller reiterated his request to remove the bollards.

Mr. Urban asked if this was a temporary solution or if the upcoming downtown streetscape plan would address this issue. Mr. O'Neill said staff considers this a temporary solution until street improvements can be made. Mr. Melton asked about specifics in the downtown streetscape plan. Mr. O'Neill noted that the streetscape plan has hardscape elements and traffic shifts proposed but there is a lot that would need to happen for it to work. Mayor Taylor said he thinks this option (proposal 1) makes some progress and allows for what's already occurring to become legal. It would make it clear that there are two lanes heading north.

Mr. Miller asked about angled parking spaces. Police Chief Rob Hunter noted that that has been discussed many times but the church has stated it would make the use of those very difficult since large numbers of their members live north of the church and that would be a difficult turn to make. Mayor Taylor requested the addition of cross walk signs in the middle of the road at the existing Sadie Drive and Trade Street crosswalk and the addition of a crosswalk on Sadie Drive. Mr. O'Neill said DOT approval would be needed for the signs but he didn't think it would be a problem. His staff would have to devise a small island on which the sign would sit but it would be easy to do.

Motion by Mr. Urban to authorize staff to proceed with the NCDOT-approved traffic markings on South Trade Street; those changes depicted as option 1 of Mr. O'Neill's memo dated February 3, 2016, to include a crosswalk on Sadie Drive and a crosswalk sign at Sadie Drive and Trade Street. The motion was seconded by Mr. Ross and unanimously approved.

By consensus the Board directed staff to communicate these plans with the area neighbors to make them aware of the upcoming changes.

#### **APPOINTMENT MEMBERS TO PLANNING BOARD**

Motion by Mayor Taylor to move current Planning Board members David Barley and David Wieser from alternate to regular positions, appoint Kress Query as a new regular member and appoint Kerry Lamson and Gregory Lee as new alternate members, for first terms through January 2018. The motion was seconded by Mr. Whitley and unanimously approved.

#### **MAYOR'S REPORT**

Mayor Taylor reported on the Habitat and Wildlife Keepers' (HAWK) very well-attended meeting last week and reiterated the Board's welcome to new Assistant Town Manager Becky Hawke.

#### **ATTORNEY'S REPORT**

None

#### **TOWN MANAGER'S REPORT**

Mr. Blodgett updated the Board on the special assessment to Oscar Drive property owners. Matthews staff did everything they were supposed to and turned the information over to the Mecklenburg County tax office so the bills could be processed. The County has since informed staff that they don't have the computer capability to process these special assessment payments. They are working on programming changes which will allow them to process the payments, but in the meantime the notices have not gone out to the neighborhood. Since the timing of the notification and billing has to change, staff will have to come back to the Board of Commissioners for an amending resolution regarding the time schedule for payments. The Town is not legally able to not collect interest,

but the interest rate itself can be changed to account for the delay in processing. This would be done in order to hold the property owners harmless. By consensus the Board agreed that should be done. Staff is waiting on more information from the county and will bring an amended resolution to the Board for approval in the near future.

**ADJOURNMENT**

Motion by Mr. Miller to adjourn. The motion was seconded by Mr. Melton and unanimously approved. The meeting adjourned at 9:39 pm.

Respectfully submitted,

Lori Canapinno  
Town Clerk