

**MINUTES**  
**BOARD OF COMMISSIONERS MEETING**  
**JORDAN ROOM, MATTHEWS TOWN HALL FEBRUARY 9, 2015 – 5:30 PM**

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

**ALSO PRESENT:** Assistant Town Manager Jamie Justice; Planning and Development Director Kathi Ingrish; Senior Planner Jay Camp; Public Works Director Ralph Messera; Communication Director Jen Thompson; Red Brick Partnership Rob Jacik, and John Urban.

Public Works Director Ralph Messera provided information regarding Charlotte Water replacing water and sewer lines in Matthews in the upcoming months. He informed the Board of the location of the replacement work and the reasons for road closings in the area.

The Board of Commissioners heard a presentation from Red Brick Partnership, a proposed downtown organization. Assistant Town Manager Jamie Justice provided a presentation discussing the background of the Partnership. Rob Jacik, co-chair of the Partnership, then explained how the group has been working on getting membership and support from the downtown businesses. He continued noting that they have worked on branding and logos for the group. The group is also working on developing their website, directory/kiosk, and brochures. Mr. Jacik informed the Commissioners of the potential activities that the Red Brick Partnership is looking into. They include pop up markets and other social events in downtown Matthews. They are requesting support from the Town Board in the form of \$20,000 annually with anticipation of becoming fully independent in three years. Discussion continued on where funding could come from, partnering with the Chamber of Commerce, participating in local events, and the initial kickoff date of May 7, 2015 to coincide with Beachfest weekend.

Town Manager Hazen Blodgett provided the Board with information regarding important issues that are under consideration at the State General Assembly. The aesthetic bill, the loss of privilege license collection and historic tax credit bill were briefly discussed. They also discussed if the aesthetic bill will take away the conditional zoning process from the Town. Ms. Ingrish stated that she is not sure how the bill will affect the town's conditional zoning process. Mr. Higdon stated that he is in favor of the Board adopting a resolution against the actions of the General Assembly. Mr. Ross suggested a letter to the editor signed by all the Board members. Mayor Taylor asked that Communication Director Jen Thompson draft the letter for the newspaper. The meeting adjourned at 6:59 pm.

**BOARD OF COMMISSIONERS MEETING**  
**HOOD ROOM, MATTHEWS TOWN HALL**  
**FEBRUARY 9, 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 Manager Hazen Blodgett; Deputy Town Clerk Mary Jo Gollnitz.

APPROVED 3/9/2015

**ALSO PRESENT:** Assistant Town Manager Jamie Justice; Planning and Development Director Kathi Ingrish; Senior Planner Jay Camp; and Communication Director Jen Thompson.

**REGULAR MEETING CALLED TO ORDER**

Mayor Taylor called the meeting to order at 7:05 pm.

**INVOCATION**

Mayor Taylor gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Taylor asked Boy Scout Pack 65 to lead the audience in the Pledge of Allegiance.

**ITEMS TO BE ADDED TO THE AGENDA**

Mr. Blodgett requested that the Board under new business add Item 11A to discuss the Red Brick Partnership request for funds. Commissioner Mr. Melton motioned to have Item 11A added to the agenda in order to discuss funding for the Red Brick Partnership. Mr. Pata seconded the motion which carried unanimously.

**AMEND RESOLUTION CALLING FOR PUBLIC HEARINGS ON ZONING APPLICATIONS 2014-623, 2014-624, AND 2015-625 TO CHANGE DATE FROM FEBRUARY 9, 2015 TO FEBRUARY 23, 2015**

Ms Ingrish introduced the Planning Board members present at the meeting. Mayor Taylor explained that the Public Hearings for Zoning Applications 2014-623, 2014-624 and 2014-625 needed to be rescheduled to February 23, 2015 because the hearings were not properly advertised. Mr. Ross asked for clarification on the rescheduled date. He noted that the agenda stated March 9, 2015 not February 23, 2015. Mayor Taylor stated that the Town was fast tracking these because of the error and all parties involved are in agreement to the change. Mr. Melton asked if the February 23 meeting would be a joint Town Board-Planning Board meeting. Mayor Taylor stated yes.

Mr. Ross made a motion to reschedule the Public Hearings for Zoning Applications 2014-623, 2014-624 and 2014-625 to be held on February 23, 2015. Mr. Pata seconded the motion which carried unanimously.

**SITE PLAN REVIEW FOR INCREASE IN STEALTH TOWER HEIGHT AT MARA**

Mayor Taylor stated that there is a site plan review for a Stealth Tower at MARA which the applicants are requesting this also be changed to February 23<sup>rd</sup>. Mr. Higdon motioned that the stealth tower site plan review be changed to February 23, 2015. Mr. Pata seconded and the motion carried unanimously.

**PLANNING AND DEVELOPMENT BUSINESS REPORT FROM PLANNING BOARD**

APPROVED 3/9/2015

Planning Board Chairman Tom Lawing provided a report from their January 6, 2015 meeting. He stated that the Hylton/Martin request was recommended for approval. He continued stating that they recommended disapproval of the Newks application because there was no representation at the meeting and insufficient information on the project.

Mr. Query asked if there was anyone in the audience specifically to hear about the cell tower. Mayor Taylor asked for a show of hands from the audience to see who was present to hear about the Stealth Tower. No one from the audience responded.

## **PLANNING AND ZONING-RELATED ACTIONS**

### **Zoning Application 2014-621: Hylton-Martin Property from R-15 to R-VS.**

Senior Planner Jay Camp explained that there were some minor changes to the site plan and notes that need to be added for the Hylton-Martin application. He showed the Board an easement that was required by Mecklenburg County between lots 18 and 19 for PCO concept approval. The developer has removed an errant left turn out of the subdivision plans and located the mail kiosk on the plans.

Mr. Camp stated that Public Works requested that a note on the plans state that "all common open space will be deeded to the HOA upon completion of the project and will be the maintenance responsibility of the HOA". This will be Note 4E. He further stated that under the conditions from the Planning Board the petition agrees to "a nine month time frame after zoning approval to determine the final alignment of the walking trail. If an agreement to secure cannot be made to Woody Creek, the trail shall be terminated short of the property line and remain." The last item would be the use pervious pavement on side load garages because side load garages generate more impervious area because the driveways are larger. As mentioned earlier the PCO plan was approved. Mayor Taylor noted that the PCO was what the Board was waiting on. Mayor Taylor asked if the petitioner had agreed to the conditions noted. The petitioner answered yes from the audience and agreed to Mr. Camps outline.

Mayor Taylor asked if the name of the development had been change because the UDO prohibits the repetition of similar names. Mr. Camp stated that Chapter 4 of the UDO does prohibit the repetition of street names. If the word has been used two times as a street name or subdivision, it cannot be used again. He explained that Fullwood has been used for Fullwood Commons, Fullwood Plaza, Fullwood Lane, and Fullwood Trace. The only way to approve Fullwood Station could be a zoning variance from the Board of Adjustment or text change. There is no vehicle to approve the subdivision name at this evenings meeting. Mayor Taylor asked the petitioner if they understand the path they need to take in order to use that subdivision name or use another name.

Mr. Query asked if the pictures shown of the houses will be typical houses and materials. Mr. Waters stated yes. Mr. Melton asked Mr. Camp for clarification of why Fullwood nor Station can be used in Matthews. Mr. Camp stated that it is derived from emergency services and they do not want to cause confusion. There was discussion on if dispatch uses name base only or gps based. Mr. Miller asked for the list of Fullwood examples. Mr. Camp stated that there are currently four and the Ordinance limits it to two. Mr. Miller wanted to know why there is four.

Mr. Blodgett stated that the limit is to help eliminate confusion when there is an emergency. Mr. Miller said that if emergency dispatch uses modern technology in utilizing the location of a call, that it would not be confusing to have similar names. Mr. Higdon stated that he understands the applicant needs to go before the Board of Adjustment but he feels this is handicapping the creativity of naming by placing these restrictions on developments.

Mr. Ross asked if there have been additional conversations regarding options in removing the u-turn at the entrance

to the subdivision. Mr. Camp said that you could make a u-turn and function with the conflicting movement of the yield. The design has not changed. Mr. Ross asked if school buses will be making u-turns at the entrance. Mr. Camp stated no. He continued noting that school buses, garbage trucks and such would circulate through Woody Creek to the traffic signal.

Motion by Mr. Query to approve Zoning Motion 2014-621 with the addition of conditions suggested by the Planning Board and those agreed upon by the applicant this evening; it is reasonable and consistent; the reason it is consistent is that it will be a nice residential development and proper use of the land. Mr. Miller seconded the motion.

Mayor Taylor asked if the consistence and reasonable statements need to be separate. Attorney Buckley explained that there does not have to be a reason for consistent but there needs to have a reasonable statement. He further explained that as long as the Board states why it is reasonable, then it cannot be reviewed.

Mr. Query said that with this type of zoning that the Board can place conditions, he believes the town is getting a higher quality development. A development by right would be no control over what type of houses are constructed. He continued stating that he feels this is a better use of the land. It may be a little more density in that area than they want, but we can't stop people from developing their land.

Mr. Ross stated that he is not going to be able to support this motion. He really likes the subdivision; however he believes that the bulb out is unsafe. The biggest issue in town is traffic. He feels this is a bad design and it is not the developer's fault. He is not satisfied with the entrance. Mr. Higdon asked if Mr. Ross had a suggested alternative. Mr. Ross said that he was hoping that NCDOT would have some alternatives. He explained that whatever traffic congestion that is being alleviated by the widening of Trade Street will be countered by the design at the subdivision entrance.

Mayor Taylor stated that regardless if this application gets approved or not, a by right subdivision would have the entrance in the exact same position. It is not a situation where development could be stopped and the entrance relocated.

The motion passed 6-1 with Mr. Ross voting in opposition.

#### **Zoning Application 2014-622: 9603 E. Independence, Newks**

Mayor Taylor said that the property owner is requesting to withdraw their application and there has been no response from the petitioner. Mr. Camp said staff spoke with the property owner a few hours ago and they still wish to withdraw as requested. Private negotiations have faltered and this will allow the property owner to file again. Mayor Taylor stated that there were no protest petition and this is an appropriate request.

A motion by Mr. Ross to approve the withdrawal request. Mr. Pata seconded and the motion passed unanimously.

#### **PUBLIC COMMENT**

No one spoke at this time.

#### **CONSENT AGENDA**

- A. Approve Minutes of the January 26, 2015 Meeting**
- B. Approve Minutes of the January 31, 2015 Special Meeting**
- C. Make appointments to Planning Board and Board of Adjustment**
- D. Accept Zoning Application 2015-626; 10200 block of Monroe Road; T Renfrow Estate/Everlane Development;  
from R-VS to C-MF and R-12MF(CD), and set for Public Hearing on April 9, 2015.**
- E. Approve Street Closure Request from Matthews Historical Foundation**
- F. Approve disposal of surplus property.**
- G. Approve Budget Ordinance Amendments to:**
  - 1) Recognize donation to DARE Program in the amount of \$857.00**
  - 2) Recognize shared proceeds received through DEA Taskforce in the amount of \$1,764.00**
  - 3) Utilize funds as designated by Donors and refund vehicle maintenance for refund of deductible.**

A motion by Mr. Melton to approve consent agenda Items A through G with changing the date on Item D from March 9, 2015 to April 9, 2015 and seconded by Mr. Query, was unanimously approved.

## **UNFINISHED BUSINESS**

### **FINALIZE 2015 PLANNING CONFERENCE AGENDA**

Mayor Taylor stated that he would like to see discussion of Stump Town Park and other parks. Mr. Pata asked to include greenways and bicycle paths into the transportation portion of the discussion.

Mr. Blodgett asked to have the Weddington Road I-485 Interchange added to the discussion list and remove the Red Brick Partnership from Sunday. Mayor Taylor suggested leaving the Red Brick Partnership on the agenda in case there is new information to be discussed. Mr. Higdon stated that he questioned the need for a four hour discussion on clarifying roles and expectations. He continued stating that their time could be put to a better use. Mayor Taylor noted that the time frame has been suggested by the facilitator and the manager. They will move forward with other items if the entire allotted time is not necessary. There will be some pre-work sent to the Board on the 23<sup>rd</sup>. Mr. Higdon asked why this discussion was not being held in Matthews and not pay the facilitator to drive to the beach. Mr. Blodgett said that Friday was full and they could look into Thursday night. Mayor Taylor said that he understands Mr. Higdon's concerns. Mr. Ross shares the sentiment to save costs. He asked if they could leave later on Friday. Mayor Taylor stated that they could inquire, but does not believe the facilitator is available. Mr. Query asked where the facilitator was coming from. Mr. Blodgett stated Chapel Hill so travel is almost the same either way.

Mayor Taylor stated that the Board is to consider funding for the Red Brick Partnership as discussed at the 5:30pm meeting earlier. A motion by Mr. Query to fund the Red Brick Partnership \$20,000 for current and upcoming year out of general fund. Mr. Miller seconded.

Mr. Ross asked for clarification on the funding years. Mayor Taylor stated that it will be \$20,000 to come from this year's budget for the Red Brick Partnership. They will address future funding at another date. Mr. Miller asked about addressing tourism funds. Mr. Blodgett stated that the Board will have an update regarding way finding town wide in two weeks. Mr. Melton asked for clarification that the \$20,000 will be for the next 17 months through fiscal 2016. Mayor Taylor stated that we cannot commit to future budgets at this time.

The motion passed unanimously.

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

No report

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

No report

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

Mr. Blodgett stated that there will be a meeting set with Mr. Miller and staff in order to receive background on the MARA application on how it has developed to this point. Mr. Blodgett wanted to open this to the Board. Mayor Taylor that this could be advertised and open to all Board members. Mr. Blodgett stated that Monday night the Family Entertainment District will be discussed and the meeting could be extended the time of the meeting. The Board agreed to have the meeting on February 16, 2015 and have Mr. Higdon video conferenced in. Mayor Taylor stated that it will not be a public hearing. The MARA representatives can be in attendance, but there will be no dialogue regarding their application.

Mr. Higdon stated that he has met with the MARA representatives and he is not convinced that R/I zoning is the correct zoning for that property and use. Is there any remedy to consider adding another classification to the UDO.

Mayor Taylor said that MARA is in a classification by itself today and R/I is the most adequate. Ms. Ingrish clarified stated that the current classification is nonconforming and there is no other classification that would meet their needs 100%. Mr. Higdon asked what the Sportplex was zoned. Ms. Ingrish stated that it will be ENT. Mr. Higdon asked why the Sportsplex was not R/I. Ms. Ingrish stated that the ENT was specifically for the geographic district. Mr. Miller asked if the ENT was written for Sportsplex, why could you not write a S/F district for sports fields. Mr. Blodgett said the ENT is 325 acres and MARA is approximately 26 acres and zoning MARA into the ENT district might be spot zoning. Mr. Buckley stated that spot zoning is rarely brought up today. It was used in years past when there were not as many zoning classifications. You can create a new zoning district, however that will take at least four months for a UDO text amendment. Mr. Higdon said that he does not see R/I fitting MARA's use and he does not see it as appropriate.

#### **PUBLIC COMMENT**

Paul Crouse 205 Manna Ridge. He wanted to know what was going in at the corner of Sardis Road and Hwy 51. Mayor Taylor said that there is a house being built by the property owner and it is zoned residential. Mr. Blodgett said that the owner wanted to put something commercial on the property for several years and is now placing a single family home on the land with detached garage. Mayor Taylor said that it is all by right. Mr. Crouse said that it seemed like an unusual location for a single family home.

#### **ADJOURNMENT**

Mr. Melton motioned to adjourn. The motion was seconded by Mr. Pata which carried unanimously. The meeting

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was adjourned at 7:50 pm.

Respectfully submitted,

Mary Jo Gollnitz Deputy Town Clerk

DRAFT