

MINUTES
BOARD OF COMMISSIONERS SPECIAL MEETING
JORDAN ROOM, MATTHEWS TOWN HALL
APRIL 27, 2015 – 5:30 PM

PRESENT: Mayor James Taylor; Mayor Pro-Tem Joe Pata; Commissioners John Higdon; Chris Melton, Jeff Miller, Kress Query and John Ross; Town Manager Hazen Blodgett; Assistant Town Manager Jamie Justice; Communications Director Jen Thompson; Town Clerk Lori Canapinno

ALSO PRESENT: MARA representative Cliff Boyd

The Board of Commissioners met with Matthews Athletic & Recreation Association (MARA) representative Cliff Boyd for a discussion on the rezoning process. Mr. Boyd explained his perspective as a recent zoning applicant and offered some comments on the process.

MINUTES
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
APRIL 27, 2015 - 7:00 PM

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

ALSO PRESENT: Assistant Town Manager Jamie Justice; Communications Director Jen Thompson; Police Chief Rob Hunter; Fire & EMS Chief Dennis Green; Public Works Director Ralph Messera; Parks, Recreation and Cultural Resources Director Corey King; Finance Director Christopher Tucker; Town Engineer CJ O'Neill; Town Senior Planner Jay Camp; Police Officer Don Warren

REGULAR MEETING CALLED TO ORDER

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

INVOCATION

Mr. Melton rendered an invocation.

PLEDGE OF ALLEGIANCE

Scout Logan Springer from Boy Scout Troop 65 led the audience in the pledge.

ITEMS TO BE ADDED TO THE AGENDA

None

FELISHA FLETCHER; RELAY FOR LIFE-MATTHEWS/MINT HILL

Felisha Fletcher, Community Manager for American Cancer Society Relay for Life program explained that the Relay is an event from the American Cancer Society designed as a fundraising tool in the fight against cancer. This is a family-friendly festival with live music and entertainment. She noted that this year's Relay will be held from 6 pm to 6 am on May 15th and 16th at the Mint Hill Memorial Park. Matthews Mayor Taylor and Mint Hill Mayor Biggers will compete.

Mayor Taylor said it is always a lot of fun and encouraged everyone to attend.

RECOGNIZE FINANCE DEPARTMENT'S RECEIPT OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Finance Director Chris Tucker noted the Town has received this award – the highest award in governmental accounting - every year since 1998. The Finance Department staff, including Mr. Tucker's predecessor Christine Surratt, deserves recognition for their work that lead to this award. It is an indication that the staff is doing an excellent job of being stewards of the public's money.

RECOGNIZE SILENCE THE VIOLENCE AWARD WINNERS

Police Officer Don Warren explained the program, which was designed to make elementary school students think about ways to stop crimes in the community. The students received awards for their work and spent a day with their town government counterparts.

Vitoria Alves, Crown Point Elementary School (5th grade) – Mayor
Mary Caroline Eaton, Elizabeth Lane Elementary School (5th grade) – Town Manager
Claire Grimes, Matthews Elementary School (5th grade) –Police Chief
Ciara Farrar, Elizabeth Lane Elementary School (4th grade) – Fire & EMS Chief
Sandra Lukic, Crown Point Elementary School (4th grade) – Parks, Recreation and Cultural Resources Director
Nailah Brown, Crown Point Elementary School (3rd grade) – Finance Director
Aela Duerr, Matthews Elementary School (3rd grade) – Public Works Director
Emily Eaton, Elizabeth Lane Elementary School (3rd grade) – Planning Director
Hadi Eljarich, Matthews Elementary School (3rd grade) – Town Clerk

PLANNING AND DEVELOPMENT BUSINESS

SITE PLAN REVIEW FOR INCREASE IN STEALTH TOWER HEIGHT AT MARA; ARTHUR GOODMAN PARK, 1200 SOUTH TRADE STREET

Town Attorney Charles Buckley explained that telecommunications zoning hearings such as this require the Board to sit as a quasi-judicial body, unlike the normal zoning process. The record upon which the Board will make its decision includes the public hearing presentation, the items outlined in Mr. Camp's memo dated April 22,

2015 - the submission regarding access control plan and information on coverage areas – and anything discussed during this meeting. No other matters that are not a part of the record – that is, the documents and information related to the public hearing and subsequent follow up - should not be used to make a decision.

Attorney Susan Irvin represented the applicant and addressed the Board. Mr. Miller asked who published the coverage maps that were submitted that indicated low coverage in the MARA area and Ms. Irvin explained the maps were from T-Mobile and AT&T. Mr. Miller then asked if it was true that the pole was not turned on at the time and Ms. Irvin said the power has not been turned on for T-Mobile. They are in the process of getting it activated at 80 feet. Mr. Miller asked why they waited so long and Ms. Irvin said that was an internal T-Mobile decision. They submitted permits in December 2014 and now need an agreement with Duke Power to connect.

Keith Powell of MARA Holdings, LLC, 886 Johnny Dodds Boulevard, Mount Pleasant, South Carolina addressed the Board. He explained that their agreement went back with MARA to 2008. They went through the process of getting the approval. The MARA Holdings, LLC portion of the facility was to swap the previous wood pole out for the steel pole in 2009/2010. At that time the economy had issues and the companies ceased activity and stopped their buildout budgets for several years. In the middle of 2014 T-Mobile released their budget for capital expansion and this is one of those sites, so now they're working on physically installing their equipment to provide service.

Mr. Melton said during other discussion Mr. Powell compared this to a shell building waiting for four tenants, and those tenants will not commit until they see that there is a commitment that the building is being built. Mr. Powell explained that the carriers are trying to be smart with their budgets. They used to plan things out 2-3 years in advance but now they're looking only 12 months out. They look for what can be done in a short period of time – sites that are ready to go. With this site at 80 feet T-Mobile was the only carrier that would commit. Others have expressed interest but not unless it was taller.

Mr. Query asked about the equipment on the ground. Mr. Powell explained that each carrier is a little different – some have dorm refrigerator-sized equipment, most are contained in a cabinet with racks. Eventually five of those will be located in an area of up to 10,000 square feet around the pole. That needs to be worked within the constraints of the ball field. Mr. Query asked about security, particularly methods to ensure that children couldn't get to the equipment. Mr. Powell explained there would be an eight foot wooden fence with boards attached to make it unclimbable. It's depicted on page C6 of the documents. There would also be combination locks on the gates. Mr. Query said he had a problem with that since children could pull those boards off and get inside and get hurt. Mr. Powell said there currently are trees for screening but they'd be open to install some sort of anti-climbing device if necessary. There has been no evidence of any type of tampering or climbing at the structure to date. Mr. Query asked for the use of tamper-proof screws and Mr. Powell agreed to that. Mr. Higdon asked about the danger of someone did get to the equipment and Mr. Powell said the service is closed with closed cabinets and the main power panel is sealed up. There wouldn't be a way for children to get hurt even if they could reach the equipment.

Mr. Melton asked if Mr. Powell represented specific carriers. Mr. Powell explained he is an independent business entity and represents no specific carriers. His business handles just the real estate and tower portion of these issues.

Mr. Melton asked if the quality of life will increase for Matthews citizens if this increase in tower height is approved. Mr. Powell said he believes so, since they've heard comments from people about their inability to use their cell phones in the area. It's definitely an issue of safety and usefulness since the reality is that cell phones are becoming a common part of our lives.

Mayor Taylor asked for clarification on service providers. Mr. Powell acknowledged that T-Mobile is already on board and he also has a contract with AT&T which will be valid if the tower height increase is approved. Sprint has also made contact since this is an underserved area with customer potential. Mayor Taylor said the Board

has received a number of comments from people having trouble and most often they are Verizon customers. Even if this height increase is improved, those people won't see better connectivity if Verizon doesn't go on that tower. Mr. Powell agreed but said it is likely that Verizon would also want to be added to this pole.

Mayor Taylor said comments at the public hearing mentioned not being make any calls at MARA, including a 911 call, no matter what the carrier. He said he has been to MARA a number of times and has had no problems making or taking calls, texting, streaming video, etc., and he knows that is true for other people as well. He asked how that could be true while still also being a life safety issue? Mr. Powell said that information came from people at MARA, but there are more coverage issues than just at MARA. The further away from the site one gets the more issues there are. It doesn't necessarily mean you can't make a phone call, although that could be true. There may not be enough assets to pick up a dominant server in the area. This application proposes to fix that.

Mayor Taylor asked if the level of service could be improved by adding antennas to the existing 80 foot tower. Mr. Powell explained there would still be deficiencies. Mayor Taylor asked if there are any alternate technologies, like distributive antenna systems, that could provide better service without increasing the tower height to 120 feet. Mr. Powell said no, not on this site and the five square miles around it.

Mayor Taylor asked if the antennas could be placed on Duke Power towers. Mr. Powell said yes, but they would still have to be in the right locations for what you're trying to cover. The tower really has to be in a centrally-located area and this MARA site is an example of that.

Mayor Taylor asked what the plan to provide service to the area if this height increase isn't approved. Mr. Powell said he doesn't have another plan, saying this situation – a minor modification to an existing site – is really what communities desire. Mayor Taylor said there currently is not another 120 foot tower in town, and he thinks there could be a number of new requests if this one is approved. It may be a modest increase for the existing site but that could prompt requests for other sites around town. There was some discussion of existing towers in Matthews and their heights, with Mr. Powell stating there are several in town that are over 80 feet tall.

Mr. Pata said it was a pleasure to hear some support for this tower – a much different case than for the proposed tower at Elizabeth Lane Elementary School. He said he wants to keep the kids at MARA safe and noted there seems to be public support for the proposed increase.

Motion by Mr. Miller to approve the tower height addition at MARA, with it to remain visually consisten as a light tower as part of its stealth tower aspect, due to the strong customer support and the evidence heard from MARA supporters and neighbors. There has been testimony that it is a safety issue and there is a "donut" in coverage in which coverage is spotty or not available. He lives near there, as does Commissioner Melton, and his service is challenged. By extending the tower height the public is served by providing an opportunity for additional colocation that would not be possible on the existing structure. It is reasonable and consistent with the Matthews Land Use Plan. Mr. Pata seconded the motion.

Mr. Query said he will support this because people has specifically asked for it, which is different from the usual. Mr. Melton said he will support it since he would prefer to say he's glad they did it rather than he wishes they had done it. He agrees this will increase the quality of life for the citizens of the town of Matthews. Mr. Higdon agreed and said there certainly is incentive for Mr. Powell to get more carriers located on the tower which will improve service even more. Mayor Taylor said he will vote in opposition to this for one reason – he does not think there has been a compelling reason to increase the height of this tower and he is concerned about requests at other locations in the future.

The motion to approve the increase in tower height passed 6-1 with Mayor Taylor in opposition.

PUBLIC COMMENT

Barbara Dement of 515 Clairview Lane, Matthews expressed her appreciation for the Board's support and interest in efforts to formalize a Sister City relationship with Sainte-Maxime, France, saying it couldn't have happened without the Town's support. She thanked Board members and staff for their participation and their generosity. The group has also heard from many residents here who are proud of Matthews' new Sister City. Ms. Dement noted participants are very committed to President Eisenhower's vision of creating lifelong friendships that provide prosperity and peace through person-to-person citizen diplomacy. Mayor Taylor thanked Ms. Dement and her husband Ed Dement for all their hard work on this project and noted that our friends from Sainte-Maxime are still talking about their visit to Matthews.

Gina Hoover of 2417 Stevens Mill Road, Matthews spoke of the Town of Matthews v. Wright legal case and submitted documents to the Board (Exhibit #1 hereby referenced and made a part of these minutes). This is a property rights case that has been in the court system for over ten years. Matthews has wasted thousands of taxpayer dollars in pursuing a civil matter and the Town has no business being involved in this issue. She asked the Board members why the Town continues to pursue this issue when the trial courts have dismissed or ruled in favor of the Wrights.

The Town has maintained that the Wright's private drive is a public street when in 2006 the trial court did not support that Home Place is a public street, and the NCDOT even stated that Home Place was not then nor ever had been in the state highway system. In 2008 we were told that Home Place was pulled into the Town-maintained system by the March 25, 1985 resolution, but the court invalidated this. In 2012, Judge Beal dismissed the Town's claims and placed an injunction upon the Town restraining anyone from entering the Wright's property without permission. This ruling was not appealed; instead it was decided to condemn the Wright's property. We were told the condemnation was for opening, widening, extending or improving roads, streets, alleys and sidewalks when in fact there were no plans by Matthews for any improvements. In 2014 Judge Bridges stated that this proposed taking should be found not to be for a public purpose or benefit simply because it is predominantly to benefit private, well-connected individuals, and that the plaintiff's purported taking is an arbitrary and capricious exercise by the plaintiff of its power of eminent domain.

She asked why the Town didn't condemn the other homeowners' property along the northern side of Home Place. They still retain fee-simple in their 30 foot right of way. Fee simple is layman's terms for "the Town does not own their right of way." She asked if the Town owned the land along Highway 51 and said no, because the DOT owns fee simple in the land and it is a public street.

On April 21, 2015 the North Carolina Court of Appeals dismissed Matthews' claim of condemnation, stating the evidence showed Mayor Taylor and some of the Commissioners considered personal conflicts between the Town and the Wrights in making the decision to condemn rather considering the public use or benefit of the condemnation. It is now time for the Council to decide whether or not to appeal this decision. To pursue this any further is unethical and would place more of a financial burden upon the citizens of Matthews.

Ms. Hoover provided copies of the current NCCOA published opinion and said it is unethical and corrupt to take away property from citizens for a personal agenda and to drag this out any further would be an embarrassment to the Town. With the new published opinion the articles have already begun.

Adam Reed, chef and owner of Sante Restaurant at 165 North Trade Street, Matthews explained he is a Matthews resident and business owner and has the longest-running business on his side of Trade Street. He has a grievance related to parking, which is an ongoing issue. The Town tried to alleviate the issue by adding parking on Charles Street but numerous events have made it more and more difficult. He has never complained about Matthews Alive or BeachFest but now Food Truck Friday is robbing businesses of street parking, which is a particular problem for those businesses that don't have parking lots. He is proud to be a partner and supporter of the Red Brick Partnership but this issue needs to be addressed. He also is not pleased that a Charlotte-based

company – Carolinas Commercial Kitchen – and Charlotte-based food trucks are serving Matthews citizens while robbing him of business and parking. He loves having people downtown but feels a “do no harm” system is needed. He asked the Town Board for some consideration on these issues.

CONSENT AGENDA

- A. Approve Minutes of the April 13, 2015 Meeting**
- B. Approve Tax Refunds**
- C. Approve Mileage Reimbursement for Planning Conference to Commissioner Miller in the Amount of \$212.44**
- D. Adopt Resolution Adding Reid Hall Lane & Pleasant Pine Court to the Town’s Street System**
- E. Adopt Ordinance Establishing the Maximum Speed Limit and Posting of Stop Signs in Reid Hall Subdivision**
- F. Award Service Weapon and Badge to Retiring Police Sergeant Bill Abernethy**
- ~~**G. Approve Resolution in Support of Full-Access Interchange for Weddington Road onto I-485**~~
- H. Approve Budget Ordinance Amendments to:**
 - 1) Refund Vehicle Maintenance for Payout of Insurance Repairs in the Amount of \$10,307.50**
 - 2) Recognize a Donation to the DARE Program in Excess of Budgeted Revenues in the Amount of \$350.00**
 - 3) Recognize Excess Revenues Received from Alarm Ordinance Penalties in the Amount of \$2,000.00**
 - 4) Recognize Loan Proceeds from BB&T in the Amount of \$200,000.00 to Purchase a Street Sweeper**

Mayor Taylor made a request to remove item G (Approve Resolution in Support of Full-Access Interchange for Weddington Road onto I-485) and address it as 12F under New Business.

Mr. Ross noted a correction to the minutes; he was not present for the 5:30 session on April 13. Motion by Mr. Miller to approve consent agenda item A through H with the above-referenced correction and with the exception of item G. Seconded by Mr. Higdon and unanimously approved.

UNFINISHED BUSINESS

CONSIDER OSCAR DRIVE SPECIAL ASSESSMENT

Mayor Taylor noted the detailed memo from Public Works Director Ralph Messera, which references the need for the Town Attorney to be involved with the assessment process.

Mr. Higdon questioned the information that the homeowners want an assessment but that it can’t exceed 10% of the total cost. Mr. Buckley clarified that at time that the preliminary resolution would be adopted when the Board sets the public hearing would include a better estimate of costs and the full scale of the program would be known. The property owners could withdraw at any time. That constraint included in the petition is not legally effective; the property owners either signed or did not sign. Mayor Taylor further clarified that his understanding is that their intent was to not exceed the project estimate by more than 10%. Mr. Higdon asked; if the Board votes in the affirmative, would that obligate the property owners to the assessment. Mr. Buckley explained it would start the process, but the owners could back out up to the public hearing. After the public hearing they can’t back out.

Motion by Mr. Miller to direct staff to begin the process of a street assessment for Oscar Drive and to schedule the resolution for the second meeting in May and the public hearing for the second meeting in June. The motion was seconded by Mr. Pata and unanimously approved.

RECONSIDER PARKING OPTIONS ON CHARLES STREET

Mayor Taylor explained this was put on the agenda at the request of Mr. Query after some conversations with property owners. Mr. Query said he had previously voted against parking in this location because he believed the area is too narrow to accommodate the parking spots. He then agreed to approve their placement, but he would now like to ask the Board to eliminate some of the proposed new spots – those numbered 2, 3, 9, 10, 11, 12, 13 on the document included in the agenda packet. The road is too narrow and there are issues with the historic property nearby. He didn't realize the parking spaces would impact the area so badly.

Mayor Taylor noted there are some maneuverability challenges at the corners of the narrow streets, and as one travels further down the road there is more of a residential feel. A lot of the foliage was installed there to insulate the residences from the railroad. He understands Mr. Query's concerns.

Mr. Miller said people have been parking along that area for years with two tires on dirt. It doesn't seem fair to say the Town is adding six spaces when spaces were actually removed when the no parking sign was installed in October. He agrees that large trees shouldn't be removed but thinks there is not enough useful documentation now to make an intelligent decision. The map is difficult to read.

Mr. Query noted that the spaces from number 9 onward are located in front of historic houses. He thinks Ms. Phillips – owner of one of the historic homes – would not have agreed to allow the property to be designated historic if she knew the trees in front of her house would be cut down. Mr. Blodgett said no trees or shrubs would be taken down, only ground cover. Mr. Query disagreed, saying some of the growth would be paved over. Mr. Blodgett said the street width is 19 feet and a lot of area has been cleared already as a result of people parking there. There is some ground cover that will be replaced with gravel. Mr. Query said he would still like to remove those spaces to preserve the appearance in front of those houses and the appearance at the ends of those streets.

Mr. Miller questioned why parking in front of a particular house any different from parking on any other street in town. He noted that no trees would be removed – the parking area would be widened by a relatively small amount. Mr. Blodgett noted this street is narrow; if the Board chooses to, it can eliminate a problem by moving cars off the pavement but it's still going to be narrow. Mr. Query asked if two cars could pass with a car parked there and Mr. Blodgett said they'd probably have to slow down and be careful but yes.

Mr. Melton motioned to defer to May 11 so that more information could be gathered and better documentation provided. Mr. Higdon seconded.

There was discussion on safety issues on Library Lane. Mr. Query said it's too narrow to swing out there especially if a truck is there. People have been parking there for years but not legally. Mr. Ross said if there was a safety issue it should have come up before. Mayor Taylor noted it was brought up as a safety issue by the police department originally and that's why it was changed to begin with, but the issues of turns at Library Lane came up just recently. Mr. Query said he wishes he brought up those issues the last time these parking spaces were discussed.

Mayor Taylor noted property owner Jim Johnson was in the audience and asked if the Board would be willing to hear him. The Board had no objection so Mr. Johnson addressed the Board. Mr. Johnson said he is not against parking in downtown. Parking can always be added later but it's hard to remove paving and add trees back in.

There are a lot of people up and down Charles Street on bikes and on foot and vehicular speed is a big concern. Pedestrian safety is something he would like the Red Brick Partnership to look into. He doesn't have a problem with parking closer to Trade Street, but the closer one gets to his residence and the Phillips residence it turns more into a commercial corridor. People did park there but not all the time, but if that area is paved and marked they will park there all the time. He said the bike shop lot is kept open for people to use after business hours – there is more of a perception problem than an actual parking problem some times. People want to park right near their businesses. He suggested the Board consider if the existing parking spaces are safe to use and to consider implementing no left turns off Charles Street.

He said he remembers talking to Mary Louise Phillips and she was very concerned about the possibility of cutting down vegetation to make room for more parking. As that area is made wider vegetation will be reduced and vehicular speed will increase. He suggested that the Board consider a staged approach by adding a few spaces down near where the businesses are. He also suggested giving some funding to the Red Brick Partnership and letting them allocate it in a grassroots way to make better improvements to the area.

There was some discussion of road width and it was determined that the Board will be provided with actual street measurements at the next meeting.

The motion to defer to May 11 was unanimous.

NEW BUSINESS

RECEIVE MONTHLY BUDGET REPORT

Finance Director Christopher Tucker presented the report. Ad Valorem refund taxes paid out to date total almost \$423,000. The County has stated we will refund about \$975,000 when the revaluation review is complete. This is the last year for privilege license collections and that will be further discussed in the next item.

DISCUSS PRIVILEGE LICENSE TAX FOR FY 2014-15; CONSIDER REPEAL OF CHAPTER 110 – PRIVILEGE LICENSE TAX

Mr. Blodgett noted that the memo has the complete details. Staff had a conversation with an attorney working with the NC General Assembly's Research Division. She explained that Matthews was in compliance with the law and she advised Senator Rucho of that. The potential problem with the General Assembly is that they have been telling their constituents that privilege licenses will go away in 2015, but they weren't taking into consideration the fact that some municipalities like Matthews bill in arrears. The law allows us to bill up until July 1, 2015. The legislators may get complaints from businesses here if the Board chooses to move ahead with them this year, which would be for businesses' 2014 gross receipts. If so the permit would expire June 30, 2015 and the Board would have to repeal the existing ordinance for after June 30th.

Mayor Taylor noted that the General Assembly was aware that some municipalities are on a different calendar for their privilege licenses but they choose not to address that issue. If Matthews chooses to move forward it's on solid ground to do so.

Mr. Miller says if the Town doesn't bill until May or June then the privilege licenses should just be dropped this year.

There was some discussion of billing cycles and budgeting. Mr. Buckley noted that the privilege license system shares the burden of the cost of doing business in the Town with ad valorem taxpayers. He also noted that these

revenues were part of the FY 2014-15 budget, so if they're not collected this year there will be an approximate \$200,000 gap in a budget that was supposed to be balanced. Mayor Taylor pointed out that the Town is not doing anything wrong by choosing to proceed with the collection. Senator Rucho has acknowledged that as well.

Mr. Melton asked if there were any other examples of municipalities in a similar situation and Mayor Taylor said they were told there are at least 10. Mr. Buckley said the City of Wilmington is one of them and they're moving ahead with their collection.

Motion by Mr. Higdon to adopt an ordinance amending Chapter 110 ordinance, which changes the deadline to June 30th. This will move forward with the billing of the privilege license tax based on 2014 gross receipts and prescribed charges and clarifies that it's a billing due date set May 1 and ending June 30.

Mr. Miller supports the idea but thinks the Town is getting into a tug of war with the legislature and will vote in opposition.

The motion to adopt the ordinance amending Chapter 110 passed 5-2 with Mr. Miller and Mr. Pata in opposition.

AWARD CONTRACT FOR CONSTRUCTION OF BUCKLEY WAY

Motion by Mr. Higdon to award the contract to Sealand Contractors Corporation for \$433,213.07, authorize the Town Manager to sign any necessary documents and approve the project budget as depicted in the memo dated April 22 from Town Engineer CJ O'Neill. Mr. Melton seconded and the motion was unanimously approved.

Mr. Miller questioned the name and Mr. O'Neill explained that there is another street with a similar-sounding name which precludes it from being named Buckley Way. The official name will be Charles Buckley Way.

RECEIVE BRIEFING ON SUPER STREET PROJECT

Public Works Director Ralph Messera referenced his memo, which includes an email from Scott Cole of the DOT regarding the Superstreet project at Matthews Township Parkway and Matthews-Mint Hill Road. The Town's 20% share of the costs requires the Town to pick up additional construction costs, which at this time are estimated to be \$105,000. That number could change in the future. These funds wouldn't be needed until next fiscal year and staff has identified some CIP budgeted funds that could be used. Additional funds from the Powell Bill or General Fund may be needed as well. The Town is contractually obligated to pay this.

CONSIDER AND APPROVE 2015 PLANNING CONFERENCE TO-DO LIST

Mr. Blodgett noted these are the takeaways from the Planning Conference: some are strategic and some are simple to-dos. It is a living document that can be revised as necessary. There was some discussion of timelines and by consensus it was determined that the long term items would have a timeline of 181-300 days starting from this evening/April 27. A line will be added to the bottom of the list and as items are completed they will be dropped underneath that line.

DISCUSS RESOLUTION IN SUPPORT OF FULL-ACCESS INTERCHANGE FOR WEDDINGTON ROAD ONTO I-485

This item was pulled from the consent agenda to allow for discussion. Mayor Taylor noted there is some confusion in the community about drawings being shown by NCDOT, which show a direct-access only

interchange at Weddington Road into 485 to the HOT lane. The full-access had the funds approved by the MPO and this interchange has been on the MPO's radar for a long time. It was on the thoroughfare plan back in the 1980s. This resolution would simply reiterate the fact that the Town of Matthews supports full access to the general purpose lanes as opposed to direct access to HOT lanes.

Mr. Higdon said he asked to have this removed from the consent agenda because he does not support the interchange at all. He was not on the Board when this was approved and he is very concerned. The area isn't developed enough to prevent unintended consequences and he thinks this is moving much too fast. He said he's not saying he'd never be in favor of an interchange there but he's afraid if this is built in the near future then Matthews could have a situation like the exits in Huntersville where there is a ton of growth. He said the Erickson project appears to be dead since he hasn't heard anything about it in a long time and there are rumors in the community that a mall or something might be built there. He does not want that. There's a lot of open land there and an interchange means the potential for a lot of development. He thinks an interchange should be delayed until there is more build-out in that area. He's concerned that instead of improving traffic in the area this would make it worse.

Motion by Mr. Pata to approve the resolution supporting a full-access interchange for Weddington Road onto 485. The motion was seconded by Mayor Taylor.

Mr. Melton said he will support the motion because the interchange is coming and it is up to the Board to influence what is actually built. He has spoken to citizens who have been waiting for this for years. He thinks those rumors of a mall are unfounded.

Mayor Taylor said the only rumor that he could ever say was true was in reference to the situation years ago on the Charlotte side of the McKee Road/Weddington Road interchange. Matthews opposed the project and it fell through and that area is now residential. The Erickson project is moving ahead. There have been conversations with staff as recently as last week.

Mr. Query said he will support this too; he wants to get traffic off that road before it gets to Matthews.

The motion to approve the resolution passed 6-1 with Mr. Higdon in opposition.

MAYOR'S REPORT

The Red Brick Partnership's new program, First Thursday, has its first event on May 7. BeachFest will take place May 8 & 9. The Food Truck Fridays are catching on very well and they're getting a unique following. He's heard great things from participants and patrons. Mr. Melton said he spoke to the owner of Moe's who said he had his most successful Friday ever. Mayor Taylor said that is good to hear and noted that the Town is definitely not trying to hurt any other businesses in town with Food Truck Fridays – hopefully people who come down for the food trucks will become aware of the other businesses in town and visit them on subsequent visits.

ATTORNEY'S REPORT

Mr. Buckley noted that the Board was previously made aware of this information, but the Court of Appeals has ruled in the Wright case and upheld that the Town had no right to acquire the property because there was no public use in the case. The Town had appealed Judge Bridges' decision and he said it was arbitrary and capricious but he also dismissed any claim that there was any kind of brotherhood between the Town Board and citizens in the area. There were various arguments being made in the briefs by the Town and by the Wrights. Certain issues were in the Wrights' brief and it was argued that they didn't have the right to discuss those since they had not appealed those decisions. All of that was put to naught when the Court of Appeals decided to do a

de novo review since there were constitutional issues involved. That means all documents introduced into the record was subject to their scrutiny, even if they hadn't been appealed by either party. The Court of Appeals believed that the Town Board was trying to get involved in a neighborhood dispute, contrary to what the Town said the case was. They said there was no public benefit so they upheld the dismissal of the condemnation. It was a 3-0 vote by the judges. There is no right of appeal to the Supreme Court but there is the ability to do a discretionary review petition to the Supreme Court but he isn't sure it would be worth it.

TOWN MANAGER'S REPORT

None

MISCELLANEOUS

Mr. Ross noted that Crown Point Elementary Principal Mark Anderson was named the North Carolina Association of Educators Principal of the Year.

ADJOURNMENT

Motion by Mr. Miller to adjourn. The motion was seconded by Mr. Ross and unanimously approved. The meeting adjourned at 9:57 pm.

Respectfully submitted,

Lori Canapinno
Town Clerk