

**MINUTES
BOARD OF COMMISSIONERS SPECIAL MEETING
CLOSED SESSION
JORDAN ROOM, MATTHEWS TOWN HALL
JUNE 8, 2015 – 6:15 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

The Board of Commissioners met in closed session with Town Manager Hazen Blodgett to discuss the Manager's annual performance review.

**MINUTES
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HOOD ROOM, MATTHEWS TOWN HALL
JUNE 8, 2015 – 6:15 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; Public Works Director Ralph Messera; Planning Director Kathi Ingrish; Planner Mary Jo Gollnitz; Planning Board Chair Steve Lee, members Barbara Dement, Eric Welsh, Mike Ham, David Pratt, Gary Turner, David Wieser and Youth Voice Ben Dodson

REGULAR MEETING CALLED TO ORDER

Mayor Taylor called the meeting to order at 7:04 pm.

INVOCATION

Mr. Buckley rendered an invocation.

PLEDGE OF ALLEGIANCE

Mayor Taylor led the audience in the Pledge.

ITEMS TO BE ADDED TO THE AGENDA

Motion by Mr. Query to add the following: take action on Manager's originally-proposed budget, which included a 2.5 cent tax increase, to be added as New Business item 14C. The motion was seconded by Mr. Melton and unanimously approved.

RECOGNIZE MATTHEWS PLAYHOUSE'S 20TH ANNIVERSARY

Matthews Playhouse Artistic Director June Bayliss and actors from the show Wizard of Oz discussed the Playhouse's twentieth anniversary and treated the audience to a song from the show. Mayor Taylor presented them with a proclamation honoring June 12, 2015 as Matthews Playhouse Day and encouraged everyone to experience the wonderful works provided by the Playhouse and its many talented participants.

RECOGNIZE PUBLIC WORKS EMPLOYEES' RECEIPT OF "OUTSTANDING ACCOMPLISHMENTS IN COMMUNITY CONSERVATION" AWARD

Mr. Melton explained that the Brightmoor neighborhood had been experiencing a problem with a creek intersection in the neighborhood. Water was eroding the neighborhood pedestrian bridge and the surrounding land. Many people from the Brightmoor homeowners' association, the Town of Matthews and the Mecklenburg Soil and Water Conservation District came up with a preservation plan to prevent further problems. Neighborhood residents invested their own time and sweat equity into solving the problem. Public Works staff member Mark Conley accepted the award on behalf of the department and Mayor said this shows how groups can work together and find solutions.

PRESENTATION ON 2015 CITIZEN SURVEY – DR. PAUL FRIDAY

Sociologist Dr. Paul Friday presented the results of the 2015 Citizen Survey. The residents of the community have very positive things to say and they also have some concerns. The survey has been issued biannually since 2006. This year it was available online with a paper option available at the library. There were 475 responses with 422 valid responses, giving a 4.68% margin of error, which is normal. The invalid responses were from those who exited the survey without entering data or who were not town residents.

Dr. Friday summarized the results, explaining that 96.9% of people felt Matthews is a good place to live. Concerns about traffic and development were noted and people were asked if they would be willing to pay more taxes for road improvement. 38.7% said they would not pay any more tax; 61.1% were willing to pay something and 11.9% were willing to pay an additional 2 cents on the tax rate.

Mayor Taylor noted the responses and written comments would be carefully reviewed.

RECESS REGULAR MEETING FOR PUBLIC HEARING

Motion by Mr. Ross to recess the regular meeting for a public hearing on a petition to amend the zoning ordinance. The motion was seconded by Mr. Higdon and unanimously approved.

Planning Director Kathi Ingrish introduced the members of the Planning Board in attendance: Chair Steve Lee, members Barbara Dement, Eric Welsh, Mike Ham, David Pratt, Gary Turner, David Wieser and Youth Voice Ben Dodson

Application 2015-630: To amend the text of the existing Unified Development Ordinance to establish and provide parking provisions specific to animal daycare kennels and commercial kennels.

Zoning Administrator Mary Jo Gollnitz explained this application seeks to revise the table of required parking in UDO section 155.607.7.B.4. The request is to add parking requirements for Animal Day Care Kennels and Commercial Kennels to the Table at one space per 1,000 square feet of private access area plus one space per 400 square feet of public access area. The text amendment request does include bicycle parking requirements of two spaces or 10% of auto parking. Kennels are normally short-term parking uses. The proposed change would allow for more reasonable parking requirements for this particular use.

Ms. Gollnitz noted that this is a text amendment that would affect the entire town and not just the applicant's site.

Peter Tatge of ESP Associates, 3475 Lakemont Boulevard, Fort Mill, South Carolina represented applicant Pet Paradise and addressed the Board. He explained that the Town's code doesn't currently include parking space requirements specifically for commercial kennels and instead uses the numbers for general commercial use. Commercial kennels have relatively little long-term traffic since it's a quick drop-off and pick-up situation. In their other locations, it would be unusual for the drop-off to take more than three minutes.

There was some discussion of spaces for employees and the future use of the building. Mr. Tatge explained that they proposed a standard based on the number of employees on the greatest shift but that planning staff advised using the cleaner calculation which has already been detailed.

Mayor Taylor opened the floor to public comment. No one spoke in favor of or opposition to this application. The Planning Board will hear it on June 23rd and it will come back to the Board of Commissioners on July 13th.

RECONVENE REGULAR MEETING

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

PLANNING AND DEVELOPMENT BUSINESS

Planning Board Chair Steve Lee gave a report on the Board's activities (Exhibit #1 hereby referenced and made a part of these minutes).

REPORT FROM PLANNING BOARD

PLANNING AND ZONING RELATED ACTIONS

Application 2015-629: to amend the UDO text regarding the Table of Dimensional Standards to add a footnote and to modify the allowed height standards in the R-12MF Zoning District.

Motion by Mr. Miller to approve the text as drafted, as it is reasonable and consistent with the Land Use Plan and other town policies, and because the taller ceiling height is consistent with what the typical consumer wants now. The motion was seconded by Mr. Pata and unanimously approved.

Application 2015-626/Everlane: to change the zoning from RVS to R-12MF(CD) on that certain property located on the west side of Monroe Road between Galleria Boulevard and Gander Cove Lane and being further located across the street from Family Dollar Corporate and being further designated as Tax Parcel 213-231-01.

Mayor Taylor noted there is a valid protest petition on file and the applicant has requested a one-month deferral.

Motion by Mr. Melton to deny the deferral request. The motion was seconded by Mr. Query, who said there are too many things that would need to be changed before it was acceptable

Applicant Matt Poindexter of Everlane Development, 401 Hawthorne Lane, Suite 110-230, Charlotte, NC addresses the Board. Mr. Higdon noted the considerable negative input the Board has received from the public and asked if there are plans to significantly change the proposal in the next month to make it more palatable to those who have raised objections. Mr. Poindexter said yes, they were currently studying major material changes to the plan, including traffic improvements, a significant unit reduction and potential alternatives for ingress and egress. All options are on the table.

Mr. Buckley noted that substantial changes from what was presented at the public hearing could trigger the requirement for a new public hearing. There was some discussion of what changes would require that, and Keith McVean of Moore & Van Allen, PLLC, 100 N. Tryon Street, Suite 4700, Charlotte, NC discussed their proposal to eliminate buildings and increase buffers without changing the footprint. Mr. Buckley stated those changes would not require a new public hearing.

Mr. Pata said changes were definitely in order, with safety concerns being a number one priority. He said he liked the idea of apartments in that location and he liked the proposal but without buy-in from the community expressed in the next month the Board will be in the same place. Mr. Ross noted that if the Board denied the deferral and denied the application then the application could not be brought back for a year. Mr. Buckley clarified that there would have to be significant changes to the proposal in order to bring it back before the completion of a one-year moratorium. The Board would decide if the changes were substantial enough to accept the new application in that time period.

The motion to deny the applicant's deferral request was denied with Taylor, Melton, Miller, Query and Ross in favor and Higdon and Pata in opposition.

Since the deferral was denied the Board then discussed the rezoning application itself. Mr. Ross said he liked the concept and the idea behind it. If it could be picked up and moved to a different location he'd think about it differently, but since it can't he can't support it as it exists today. The Monroe Road Small Area Plan includes a requirement to, "...limits uses that generate significant new traffic." That area already experiences bumper to bumper traffic and this would compound an already bad situation. It's not the applicants' fault but it can't be made worse. Mr. Higdon said he reluctantly agreed. He used to live in the area and thinks the proposal is a really fine development. He particularly likes the setbacks, which are substantially more than what by-right development would require. He said it was a difficult thing to decide, but ultimately the citizens have spoken and he can't support the development. Mr. Pata reiterated the need to get buy-in from the community. Since that hasn't happened it makes it almost impossible to support the project in that location. He said the applicants may wish to consider the Sportsplex location for this development. Mr. Melton said he started his family in Sardis Oaks and knows and believes in the community. He also believes in not turning down a developer. He said the Board gets criticized for turning down something it's been asking for, but stated this development isn't what has been asked for by the Board or by the public. There is a difference between housing types and housing styles. Also, it is ridiculous to think that people wouldn't cut through the neighborhood to get to the traffic light. The Board has only once chance to get this right – this is the last piece of raw land in that area. In addition, while not being negative

toward the school, Greenway Park Elementary is a Title I school, and to think that a family is going to rent a high-end apartment to send their children to a Title I school isn't believable.

Motion by Mr. Melton to deny application 2015-626, as it is unreasonable and inconsistent with the Matthews Land Use Plan and Monroe Road Small Area Plan. It does not support a mix of housing types from detached single family to attached condo. Mr. Query seconded and added that this has been portrayed as a high end or upscale development and he doesn't believe it has reached that level. In addition, the traffic is already unbearable and he does not believe this much additional traffic should be added to make the development work.

Mayor Taylor said he thought all the comments so far are consistent with his thoughts. This is a very heavily-congested area of the town and the Board can't look at this application in a vacuum. He believes the economics will not work to get the density down to an acceptable level. He thinks the direction the Board is going is the right direction, especially since the surrounding community has been so vocally concerned. There are some pluses in this application, such as the setbacks, but he didn't think the positives outweighed the negatives. He did note some comments from emails that had been circulated; pointing out that the area's woods will not remain wooded forever. At some point that wooded area will be developed and the Board needs to be sure the right type of development is allowed there, one which helps preserve the existing communities in the Town.

Mr. McVean asked the Board to reconsider the motion to deny the deferral, saying they will be able to address all the issues raised in the protest petition.

The motion to deny application 2015-626 was unanimously approved.

Application 2015-627/Matthews Church of God: to change the zoning from R-12 & I-1 to RI(CD) on that certain property located between 517 E. John Street and 420 E. Charles Street and belonging to the Church of God and being further designated as Tax Parcels 215-014-05 & 19.

Ms. Gollnitz noted some changes since the public hearing. The Church has reconsidered the suggestion of a future driveway access off East Charles Street and they've come up with the following language: "Future driveway access may be installed on E. Charles Street or through adjacent property in response to restriction of left turn movement at E. John Street. Any installation will be in compliance with requirements set forth by the Matthews Public Works Department." This note will be added to the site plan.

Other minor clean-up items include the following: the new signage must be clarified on the site plan to specify it must be located ten feet from the sidewalk; the section number under the signage notes must be corrected; and arrows must be added in the approximate locations for the vehicular access points off East Charles Street or through the adjacent property. These items must be added to the site plan if the Board approves the application.

Mr. Higdon asked if the site payed any voluntary taxes and if the rezoning would affect that. Ms. Gollnitz explained the church is tax-exempt and does not pay any voluntary taxes and the rezoning would not change that. Mr. Miller feels strongly that the connection to Charles Street will be needed in the future, specifically with the widening of John Street which will restrict the left turn out.

Motion by Mr. Ross to approve application 2015-627, to include the items noted in Ms. Gollnitz's memo dated June 3, 2015, as it is reasonable and consistent with the Land Use Plan as it provides connections for future use. The motion was seconded by Mr. Higdon and unanimously approved.

Application 2015-628: to amend the UDO text to expand the process for subdivision names.

Motion by Mr. Higdon to approve application 2015-628 as it is reasonable and consistent with the Land Use Plan and because it is a way to recognize the town's history. The motion was seconded by Mr. Pata and unanimously approved.

Master Sign Plan Revision: The Crossing

Ms. Gollnitz explained that last month the Board approved the elimination of specified colors in the existing Master Sign Plan. Once staff realized elevation changes were also being made on site it was recognized that the Master Sign Plan would have to be updated to incorporate the elevation changes. The site plan originally had three major tenants in buildings A, B and C. Location B was eventually split to allow multiple tenant signage but locations A and C was not. The applicant is now requesting to allow the same type of linear footage calculation for the outer buildings – A and C – as was already approved for building B.

Motion by Mayor Taylor to approve the revisions to the Master Sign Plan for The Crossing shopping center. The motion was seconded by Mr. Ross and unanimously approved.

PUBLIC COMMENT

Gina Hoover, 2417 Stevens Mill Road, Matthews said she was accused in a previous meeting of providing incorrect information. She has asked accusations to be proven in the past and they weren't but she let that slide. Now she hears that people are being told that she is biased, but she could say the same of the Board. She said the Board should apologize to the public who had been told that the May 26th meeting was not a public meeting.

John Urban, 2523 Macie Glen Court, Matthews spoke on the Everlane rezoning project. He said the Board missed an opportunity with the quick and immediate denial of the applicants' deferral request. He believes that by doing so, the Board jeopardizes the political realm of developers in the town. Developers will spread the word that Everlane was not granted an opportunity to come back after a deferral. A simple deferral could have allowed for a potentially better project, and the Board could have denied the project in thirty days if need be. He has not seen the request for a deferral be denied before.

Jim Swanger, 919 Tadlock Place, Matthews thanked the Board for listening to the community and for giving good thought to the Everlane petition, particularly that the Planning Board recommended denial and the applicants didn't present what was asked of them. To give them another chance to spend the Board's time by approving the deferral would not have been the right thing to do, and he applauded the Board for its actions.

Amelia Stinson-Wesley, 805 Main Street, Pineville announced that she will be running for an at large seat on the CMS Board of Education. She previously served as the District 6 representative. Mayor Taylor commented that she represented Matthews very well in District 6 and had a great attitude of cooperation.

REPORTS FROM BOARDS AND COMMITTEES

Minutes from the Economic Development Advisory Committee and Environmental Advisory Committee were submitted. There were no comments or questions.

CONSENT AGENDA

- A. Approve Minutes of the 2015 Planning Conference and May 18 & 26, 2015 Meetings**

- B. Approve Cooperative Agreement with Mecklenburg County for Community Development Block Grant Program**
- C. Approve Temporary Closure of Covenant Church Lane During the Seek the City Event at Christ Covenant Church, June 22-26, 2015**
- D. Approve Technology Reimbursement to Commissioner Melton in the Amount of \$195.30**
- E. Accept Zoning Application 2015-631: Armors/Petsuites; Moore Road, from B-H to B-D(CD) for a Commercial Kennel, and set Public Hearing for August 10, 2015**
- F. Approve Tax Refunds**
- G. Approve Budget Ordinance Amendments to:**
 - 1) Recognize Controlled Substance Tax Assessment Revenues Received in the Amount of \$732.21**
 - 2) Recognize Donation to the Matthews Police DARE Program in the Amount of \$1,750**

Motion by Mr. Query to approve consent agenda item A through G2. Seconded by Mr. Miller and unanimously approved.

NEW BUSINESS

AWARD CONTRACT FOR CAMPUS RIDGE RELOCATION/PROJECT U-4713B

There was some discussion of this project, which was formerly known as *McKee Road Section B*. Mr. Miller said a lot more people would benefit from the completion of Section A, and asked how B was chosen ahead of A. Public Works Director Ralph Messera explained that it was a decision made at the MPO level seven or eight years ago when there was a small amount of funding. Section B is less expensive and it will enhance accessibility to CPCC, which helps its ranking. Mr. Melton noted that Section A would help eliminate or cut down on cut-through traffic through the Eastwood Forest neighborhood and will help with traffic coming up through Stallings. He suggested having the Four Town Alliance review this and possibly look for a regional solution with some cost-sharing. Mr. Higdon asked how Blythe Development was related to Blythe Construction and Mr. Messera explained the companies were split off some time in past years. Mr. Pata noted this project was chosen based on the information available, the ranking system and the best use of the limited amount of funds available for road projects.

Motion by Mr. Pata to award the contract for the Campus Ridge Relocation Project (U-4713B) to Blythe Development in the amount of \$1,676,202, subject to final concurrence by the NCDOT and the FHWA, and authorize the Manager to sign any necessary documents related to the award. The motion was seconded by Mr. Higdon.

Mr. Query said he would support the motion but wants to be very careful on how the Town's money is spent. The other segment would help immediately and the Town needs to work hard on that.

The motion to award the contract to Blythe Development was unanimously approved.

AWARD CONTRACT FOR CONSTRUCTION ENGINEERING AND INSPECTION FOR CAMPUS RIDGE RELOCATION /PROJECT U-4713B

Motion by Mr. Miller to approve the construction engineering and inspection contract to SEPI Engineering and Construction, subject to concurrence by the NCDOT and the FHWA, and authorize the manager to sign all

necessary documents related to the contract. The motion was seconded by Mr. Melton and unanimously approved.

TAKE ACTION ON MANAGER'S ORIGINAL RECOMMENDED BUDGET/ ADOPT FY 2015-16 GENERAL FUND AND TOURISM BUDGET ORDINANCE, CAPITAL OUTLAY/EQUIPMENT PLAN AND FEE SCHEDULE

Mayor Taylor explained the Board members have reviewed the Manager's recommended budget, which included a tax rate increase of 2.5 cents. He suggested accepting that budget with certain changes that would reduce the tax increase by a quarter cent, for a rate increase of 2.25 cents

1. Remove the technology enhancements to the Hood Room - \$58,000
2. Revise the solid waste budget to reflect the updated CPI factor – approximately \$19,000
3. Adjust the Parks, Recreation and Cultural Resources budget to use Tourism Fund dollars instead of General Fund dollars for some enhancements in Stumptown Park – approximately \$8,000

The total of these reductions should be approximately \$85,000, or a quarter of a cent reduction from the recommended tax rate increase. Mayor Taylor also suggested looking favorably at the proposed fee schedule revisions with the exception of the proposed changes to the rental fees for Park and Rec, and review those at a later date.

The changes suggested by Mayor Taylor would result in a tax rate of 34.00 cents per \$100 property value for fiscal year 2015-16. This would result in a tax increase of approximately \$45 per year on the town's average house value of \$200,000.

Mr. Higdon asked if the removal of the Park and Rec fee increases would negatively affect the budget and Mr. Blodgett said no. It would not be a problem to take some time to further evaluate these proposed changes, likely at the next Planning Conference. Mayor Taylor noted it would be important for the Board to have more lengthy discussions on how the rates are derived, how they compare to surrounding communities and the difference between residential and non-residential rates. Mr. Pata said the residential fees needed to be reviewed but he thought the proposed changes to the non-resident fees were fine. He suggested approving the non-resident portion. Mayor Taylor suggested it might be better to look at all rental rates together.

Mr. Miller noted the changes just noted would result in a tax rate of 34 cents per one hundred dollars of value, and pointed out that during the years 2009 through 2011 the tax rate was 33.25 cents per one hundred dollars of value.

Motion by Mr. Miller to approve the Manager's recommended budget with the following exceptions: 1. remove the technology enhancements to the Hood Room for a savings of \$58,000; 2. revise the solid waste budget to reflect the updated CPI factor for a savings of approximately \$19,000; 3. adjust the Parks, Recreation and Cultural Resources budget to use Tourism Fund dollars instead of General Fund dollars for some enhancements in Stumptown Park for a savings of approximately \$8,000, all resulting in a tax rate for fiscal year 2015-16 at 34 cents per hundred dollars of value, and updating the fee schedule to include the recommended revisions to Planning-related fees but leaving the Park and Rec fees as they were on the 2014-15 fiscal year fee schedule. The motion was seconded by Mr. Pata.

Mr. Melton said the amount of money his family will pay – about a \$3 increase per month – to live in the Town of Matthews is acceptable, saying the Town gives a good value for the extra money. He noted the three anomalies that caused the Town to have less money to spend this year: the repeal of privilege license taxes, the revaluation refunds, and the payments for the South Trade Street road improvements that the citizens requested. Mr. Pata recognized State Representative Bill Brawley for his help in the legislature that allowed Town staff to join the state

insurance plan, which will result in significant savings. Mr. Higdon thanked the Manager and staff for their work. He noted that sometimes people think budgets are padded knowing they'll be reduced but that isn't true here – he and the rest of the Board examined the budget closely and there are really no other places to cut without cutting into citizen services. This is a very conservative budget.

The motion to approve the budget as previously stated was unanimously approved.

MAYOR'S REPORT

None

ATTORNEY'S REPORT

Mr. Buckley asked for permission to attend the Municipal Attorney's Summer Conference August 6-8.

Motion by Mr. Melton to allow Mr. Buckley to attend the Municipal Attorney's Summer Conference under the standard travel policy. The motion was seconded by Mr. Higdon and unanimously approved.

TOWN MANAGER'S REPORT

Mr. Blodgett explained that the aesthetic bill was in the House Regulatory Reform committee, which rejected all the amendments proposed by the Town and the League of Municipalities.

ADJOURNMENT

Motion by Mr. Pata to adjourn. The motion was seconded by Mr. Ross and unanimously approved. The meeting adjourned at 9:21 pm.

Respectfully submitted,

Lori Canapinno
Town Clerk