

**MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
CLOSED SESSION
JORDAN ROOM, MATTHEWS TOWN HALL
AUGUST 10, 2015 – 5:30 PM**

PRESENT: Mayor James Taylor; Commissioners John Higdon; Chris Melton, Jeff Miller, Kress Query and John Ross; Town Manager Hazen Blodgett

The Board met in closed session to discuss personnel matters.

**MINUTES
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
AUGUST 10, 2015 - 7:00 PM**

PRESENT: Mayor James Taylor; Commissioners John Higdon; Chris Melton, Jeff Miller, Kress Query and Joe Pata; Town Attorney Charles Buckley; Assistant Town Manager Jamie Justice; Town Clerk Lori Canapinno

ALSO PRESENT: Public Works Director CJ O'Neill; Planning Director Kathi Ingrish; Senior Planner Jay Camp; Planning Board members Chair Steve Lee, Vice Chair Rob Markiewitz, Members Barbara Dement, Mike Ham, Gary Turner, David Weiser and Eric Welsh

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

Mayor Taylor led the audience in the pledge.

ACCEPT RESIGNATION OF CURRENT BOARD MEMBER

Motion by Mr. Ross to accept the resignation of Commissioner Joe Pata from the Matthews Board of Commissioners. The motion was seconded by Mr. Miller and unanimously approved.

APPOINT MAYOR PRO TEM

Motion by Mr. Miller to appoint Kress Query as Mayor Pro Tem. The motion was seconded by all and unanimously approved.

Mr. Query said he appreciated the vote of confidence given to him by the rest of the Board. He spoke of his history, explaining that he was first elected in 1969 and served as Mayor Pro Tem then before serving as Mayor.

APPOINT REPRESENTATIVE TO CENTRALINA COUNCIL OF GOVERNMENTS AND ALTERNATIVE REPRESENTATIVE TO CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION

Motion by Mr. Query to appoint Mr. Ross as primary representative to the Centralina Council of Governments. The motion was seconded by Mr. Melton and unanimously approved.

Motion by Mr. Ross to appoint Mr. Melton as alternate representative to the Charlotte Regional Transportation Planning Organization. The motion was seconded by Mr. Miller and unanimously approved.

ITEMS TO BE ADDED TO THE AGENDA

Mayor Taylor added a new business item: fill the unexpired seat of Commissioner on the Matthews Board of Commissioners.

RECESS REGULAR MEETING FOR PUBLIC HEARING ON PETITION TO AMEND THE ZONING ORDINANCE OF THE TOWN OF MATTHEWS

Motion by Mr. Melton to recess the regular meeting for a public hearing. The motion was seconded by Mr. Ross and unanimously approved.

Planning Director Kathi Ingrish introduced members of the Planning Board in attendance: Chair Steve Lee, Vice Chair Rob Markiewicz, Members Barbara Dement, Mike Ham, Gary Turner, David Weiser and Eric Welsh.

Application 2015-631: to change the zoning from B-H to B-D(CD) on that certain zoning district located at 11325 Independence Boulevard and being property belonging to Armors, Inc., and further being designated as Tax Parcel 215-101-03, to allow for a commercial kennel.

Senior Planner Jay Camp explained the proposal for this approximately three acre site is for an almost 20,000 square foot commercial pet kennel. The B-D zoning is the most appropriate category for this use. The site was once home to a family amusement park. The property line bisects the existing feed store. There are currently unresolved property line encroachments on both sides of the parcel which need to be resolved. The primary access is along Moore Road with access easements to Highway 74 and Matthews-Mint Hill Road. There should not be any impact from the proposed Highway 74 widening plans, but staff recommends that a note be added to say that Highway 74 access may be cut off in the future due to the widening project.

The proposed conditions include the following: all uses within the B-D zoning designation would be allowed; the building would be a prefabricated metal building designed to mimic an equestrian facility; a landscaping bed would be added along Moore Road and a new sidewalk would be installed along Moore Road. Mr. Camp displayed the site plan and noted issues relating to the current property lines and encroachments. The feed store and some parking areas were previously subdivided but the building and some parking for it and some parking associated with the Americana Restaurant and the strip plaza encroach on the subject parcel.

Mr. Camp discussed outstanding issues. The property owner needs time to rectify the property line encroachment issues and so staff recommends that the public hearing be kept open to allow for that. Staff also recommends relocating the dumpster, which is currently proposed for the front of the site. A note should be added stating that the existing feed store sign must be removed. The current right-of-way (ROW) of 60 feet on Moore Road does not reflect the current standard of 70 feet for collector roads, so the applicant should show a 5 foot transitional ROW on their side of the roadway. Garbage pickup hours should be clarified with more detail than "business hours". Hours that pets are allowed outdoors should be indicated in the notes, and more detail should be shown for the fencing surrounding the outdoor kennels.

Mr. Melton asked about nearby residences in relation to possibly barking dogs. Mr. Camp explained the closest residential building is about 300 feet away from the kennels. The Police Department reviewed the application and did not note any concerns with nuisance barking.

Applicant representative Mark Fee of the Myers Cooper Company, 5050 East Galbraith Road, Suite B, Cincinnati, Ohio and Ken May, President of Pet Suites, 449 Vinyard Hills Drive, Cincinnati, Ohio addressed the Board. Mr. May explained that Pet Suites operates eight upscale pet boarding facilities and the company continues to grow. They're seeking to enter the Charlotte market with three facilities. Pet Suite's trademarks are its transparency and its cleanliness. They believe in a balanced approach to the care of pets. Play time is important and potty and playtime is always monitored. The typical facility is open from 6:30 am to 8:00 pm with outdoor group play sessions running from 10:00 am to noon and a second session from 1:00 – 3:00 pm and potty breaks throughout the day. Pets would be outside at 8:00 pm at the latest.

Mr. May described the proposed building, which would be a metal construction with a knee wall all around the building, stone wainscoting along the bottom and a nice porch. There would be attractive windows, cupolas and dog weathervanes. This is not a typical plain metal building.

Regarding the encroachment by the feed store: they have been talking to the owner, Tommy Williams, about this. They have been discussing the potential to redraw a new property line or lease or sell the land to Mr. Williams. Another possibility is that he'd have to vacate the property. They have also talked to George Poulos of the Americana Restaurant regarding that encroachment and they're working on getting an agreement in writing. The third owner has only a few feet of encroachment and the applicants are willing to disregard it.

Mr. Fee responded to some of the concerns. He said they understand Mr. Camp's concern about the dumpster location but it's the best location for it since all of the water meters and associated easements are located there all throughout that area. The applicants can't otherwise use that area and it would be difficult to manage it if the dumpster had to be moved elsewhere. They will address the issue of the feed store sign with Mr. Williams and will note the additional ROW as suggested. They will work with the garbage contractors regarding appropriate garbage pickup hours. The business hours run from 6:30 am to 8:00 pm and the latest a dog would be outside is 8:00 pm. Mr. May noted that the fence would help with noise buffering if there were any issues and Mr. May said they have a facility in Columbus, Ohio at which the closest residential unit is only 150 feet away and to date they have not received any complaints.

Planning Board member Mike Ham asked about the property that may be sold to the feed store owner, and if the loss of that parking area would have any impact on the kennel's required parking. Mr. Fee said they'd meet the requirements without that area. If they don't sell that part to Mr. Williams they'd likely tear out the parking and turn it into green space.

Mr. Higdon asked about waste odors and mitigation within the dumpster. Mr. May said he wasn't aware of any dumpster components that do that but said that they've never received any complaints about odors. All waste is sealed in plastic bags before disposal.

Mr. Ross asked if the company used the same building plan for all sites. Mr. Fee explained that generally they do, although the style has evolved. This is the standard. Mr. Query asked if they would consider changing it to a brick

building. Mr. Fee said it would be very expensive to build and noted that the three foot tall knee wall has a stone veneer. They could change that to brick, but above that would still be white metal. Mr. Query reiterated his desire for the applicants to consider something other than metal for the building's construction and Mr. Fee said they will have to review costs for a brick or other masonry-type construction. Mr. Query asked the applicants to consider enclosing the dumpster in brick and Mr. Fee agreed. Mr. Query asked the applicants to research trash pickup times and to avoid disturbing the residential units too early.

Mr. Melton asked about the challenges in this application and Mr. Fee said the encroachments were unexpected problems that they're still working on. The utility easement was another issue, one that required them to change their site plan to accommodate the easement and water meters. Mr. Melton asked about the life expectancy and aesthetics of the metal roof and Mr. Fee explained that they install 20-year roofs. The first facility has been in operation for fifteen years and the roof hasn't faded at all.

Mayor Taylor asked about total pet capacity and the outside play areas. Mr. Fee explained the maximum capacity would be between 250-300 cats and dogs. Outside there would be 14 individual play areas, an area for group play, a shade area and a small wading pool. Mayor Taylor requested they look for an alternate location for the dumpster due to the apartments across the street. He reiterated the need for a note acknowledging that access to Highway 74 will be cut off in the future. He also wants the specific hours of operation noted.

Mr. Miller said the Board is likely looking for something more substantial than a veneer wrap on the building's walls. He said he's comfortable with a metal roof. Mr. Melton asked about the roof color and Mr. Fee said their standard is green but they can change that if necessary. Mr. Higdon asked about provisions to prevent animal escapes and Mr. May explained that there are both business policies and physical items in place to prevent escape.

The hearing was opened to comments from the public. Tommy Williams, owner of the feed store adjacent to the subject property, said the subject property has been a nuisance for a long time. It's been cleaned up over the years but it still has problems with vermin and vagrants. The proposed use would be a big asset and they would make a good neighbor in that area. He spoke about the metal building and said he's familiar with the various types of metal buildings and confirmed that the quality of the metal used here is very high. Regarding the dumpster, his is on the same side as the proposed location and it's emptied around 9 am, which doesn't disturb anyone. He thinks this proposal would help the site look much better than it has for a number of years.

Motion by Mr. Miller to continue the public hearing to September 14, 2015 to allow the ongoing issues to be resolved. The motion was seconded by Mr. Ross and unanimously approved.

RECONVENE REGULAR MEETING

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

PLANNING AND DEVELOPMENT BUSINESS

REPORT FROM PLANNING BOARD

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

PLANNING AND ZONING RELATED ACTIONS

Public Improvement Variance – Streamside Subdivision (deferred from July 13)

Planning Director CJ O'Neill reported that the homeowners have agreed to the sidewalk installation and asked that it meander to avoid some existing vegetation. The developer is in agreement as well. Staff is still working on this, but if all parties come to an agreement then the variance will not be needed.

Motion by Mr. Miller to continue this to September 14, 2015 to allow staff time to pursue installation of the sidewalk. If all parties can agree, then the variance may be denied at a future Board of Commissioners meeting and a substitute variance will be brought to the Planning Board for action. The motion was seconded by Mr. Query and unanimously approved.

Consider Master Sign Plan for North End 324, For Up to Four Tenants in Two New Buildings at 324 N Trade Street

Motion by Mr. Query to approve the Master Sign Plan for North End 324. The motion was seconded by Mr. Ross and unanimously approved.

Consider Master Sign Plan Revision for Sycamore Commons, To Amend Sign Area and Placement for Old Navy and Five Below

Motion by Mr. Higdon to approve the Master Sign Plan revision for Sycamore Commons. The motion was seconded by Mr. Query and unanimously approved.

PUBLIC COMMENT

Jeremy Stephenson, candidate for Mecklenburg County Board of Education spoke of his candidacy. He discussed his personal and professional background and asked for the public's support in the upcoming election.

Barbara Dement invited the public to a celebration in honor of the 71st anniversary of Operation Dragoon, the Allied liberation of southern France during World War II. It will be held at Squirrel Lake Park on August 15 from 3-7 pm.

CONSENT AGENDA

- A. Approve Minutes of the February 23, March 9 & July 13, 2015 Meetings**
- B. Approve Revision to Parks Manager Job Description**
- C. Accept Zoning Application 2015-634, Christ Covenant Church, Vacant Tract to the Rear of the Town Community Gardens (formerly three house lots), From R-15 to R/I, and Set Public Hearing for September 14, 2015**
- D. Approve Tax Refunds**
- E. Approve Tax Collector's Settlement for FY 2015 and Order of Collection for Tax Year 2015**

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

UNFINISHED BUSINESS

UPDATE ON COMMUNITY CENTER ROOF – ARCHITECT FRANK WILLIAMS

Architect Frank Williams summarized the project and explained that bids will come in around Labor Day and he will come to the Board for approval at the end of September. Mayor Taylor noted previous discussion which indicated the project should start right after Matthews Alive in early September. Mr. Williams said he would work

towards having the bid approval set for the first meeting in September. The estimate is for a 4-5 month project, barring weather issues.

There was some discussion of the work and construction materials. The Charlotte Mecklenburg Historic Landmarks Commission (CMHLC) has approved the use of synthetic slate for the roof. Mr. Higdon prefers real slate for the roof unless there is a significant price difference between the real and synthetic slate. CMHLC was against the use of a fiberglass door so a custom wood door will be installed. It will look similar to one from the 1930s photo.

FILL UNEXPIRED TERM OF COMMISSIONERS SEAT

Motion by Mr. Query to appoint Dr. George Fossett to fill the unexpired seat of Commissioner on the Matthews Board of Commissioners. The motion was seconded by Mr. Miller.

Mayor Taylor agreed that Dr. Fossett would be an excellent choice, particularly since he served on the Board with Mr. Query in the 1990s. Mr. Higdon said it would be a great honor to serve with Dr. Fossett.

The motion to appoint Dr. Fossett was unanimously approved.

MAYOR'S REPORT

None

ATTORNEY'S REPORT

APPROVE PAYMENT OF LEGAL FEES FOR WRIGHT LITIGATION

Attorney Buckley explained that the courts made a decision regarding the attorney fees for the Wright case and ordered the Town to pay \$74,570 within 60 days of the August 4th signing date.

Motion by Mr. Ross to approve payment of legal fees in the amount of \$74,570 and direct staff to bring a budget amendment to the Board for approval at the next meeting. The motion was seconded by Mr. Melton and unanimously approved.

TOWN MANAGER'S REPORT

None

ADJOURNMENT

Motion by Mr. Melton to adjourn. The motion was seconded by Mr. Miller and unanimously approved. The meeting adjourned at 8:35 pm.

Respectfully submitted,

Lori Canapinno
Town Clerk