

MINUTES
BOARD OF COMMISSIONERS MEETING
MONDAY, AUGUST 24, 2015 - 5:30 PM
JORDAN ROOM, MATTHEWS TOWN HALL

PRESENT: Mayor James Taylor; Mayor Pro Tem Kress Query; Commissioners Jeff Miller, John Higdon, Christopher Melton and John Ross; Town Attorney Charles Buckley; Town Manager Hazen Blodgett; Assistant Town Manager James Justice; Deputy Town Clerk Betty Lynd

ALSO PRESENT: George Fossett, Parks and Recreation Director Corey King, Police Chief Rob Hunter, Fire/EMS Chief Dennis Green, Planning Director Kathi Ingrish, Finance Director Chris Tucker, Public Works Director C.J. O'Neill, Communications Director Jen Thompson, Senior Planner Jay Camp

Department Heads gave presentations on each department's quarterly report.

Discussion was held concerning the future naming of the park and community garden along NC Highway 51/Matthews Township Parkway.

A Pre-development consultation was held with potential applicants concerning a potential rezoning at the corner of Matthews Township Parkway and Northeast Parkway. Representatives from Pike Nurseries and Burton Engineering Associates were present. The proposal is for a plant nursery and retail space. Discussion was held concerning potential tree removal and building materials. Senior Planner Jay Camp indicated that the applicants are looking to file before the September 2, 2015 deadline and therefore will reach the Town Board in November.

MINUTES
BOARD OF COMMISSIONERS MEETING
MONDAY, AUGUST 24, 2015 – 7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL

PRESENT: Mayor James Taylor; Mayor Pro Tem Kress Query; Commissioners Jeff Miller, John Higdon, Christopher Melton, John Ross, George Fossett; Town Attorney Charles Buckley; Town Manager Hazen Blodgett; Assistant Town Manager James Justice; Deputy Town Clerk Betty Lynd

ALSO PRESENT: Communications Director Jen Thompson; Planning Director Kathi Ingrish; Fire/EMS Chief Dennis Green

CALL TO ORDER

Mayor Taylor called the meeting to order at 7:02 pm.

SWEAR IN COMMISSIONER GEORGE FOSSETT

Mayor Taylor introduced and swore in Mr. George Fossett.

INVOCATION

Mayor Taylor rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Taylor led the audience in the Pledge of Allegiance.

ITEMS TO BE ADDED TO THE AGENDA

None

MATTHEWS ALIVE

Matthews Alive Chair Barbara Cody, Executive Director Lee Anne Moore and the Matthews Alive Board of Directors discussed the upcoming Matthews Alive festival which occurs annually on Labor Day weekend and which is dedicated to the support of local non-profit organizations.

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 – 1503 HOME PLACE

Mr. Query questioned the installation cost, worrying that it would not be large enough. The estimate of \$1,000 might not be correct. Arcadia Homes Managing Partner Jeremy Schumacher explained that \$3.00 per square foot/ \$15.00 per linear foot are good numbers for sidewalk construction. Mr. Buckley explained that the Board may not impose a bond higher than 125% of the expected costs.

Mr. Schumacher asked if there was a bond in place from the original subdivision. Zoning Administrator Mary Jo Gollnitz explained that the plat in question was a minor subdivision and there is no bond still in place. The land was sold to the individuals who currently own the property. Discussion ensued regarding a possible bond. The proposal is for the bond to be the responsibility of the property owner, not the builder. Mayor Taylor asked if the Town could hold the bond rather than Mecklenburg County and Mr. Buckley said it could since it would be a condition of the public improvement variance.

Mr. Miller noted that there is a second property lacking a sidewalk – 1517 Home Place – and asked if the bond would cover that second property as well. Mr. Buckley explained that the other property is not part of this variance process. Mr. Miller said it would be unfair to keep the homeowner from completing his move into his home.

Motion by Mr. Miller to approve the variance to delay the installation of the sidewalk for no more than one year, with a bond of \$1,300 or 125% of construction costs, whichever is greater. Seconded by Mr. Ross.

Mr. Higdon questioned why the Board would impose the maximum bond of 125% rather than 100%. Mayor Taylor noted it was due to the uncertainty about the construction price. The homeowners would prefer to move in with no further delay and has agreed to be responsible for a bond in that amount.

The motion to approve the variance was unanimously approved.

Mr. Query asked about the lack of sidewalk at the other house at 1517 Home Place. Ms. Gollnitz explained that staff will work with those homeowners to get the required sidewalk constructed there as well. The Planning Board had suggested to Arcadia Homes – the builder that constructed both homes in question – that they work with the owners to construct the sidewalk there too.

PUBLIC COMMENT

Jennifer Ackermen of 749 Trevorton Drive, Matthews spoke about the Eden Hall residential home development. She and a number of area neighbors spoke about their concerns with the project, particularly with the sidewalk that would cut into the existing area. In April a request for an Administrative Amendment was granted. Ms. Ackerman said Administrative Amendments should be used for minor changes but instead was used to allow the developer, Mel Graham, to clear cut the property. Such a significant action should not fall under an Administrative Amendment. There was no opportunity for public comment or notice displayed. The Planning Board recommended an opportunity for public comment and there was none. Mr. Graham said the clearing needed to be done because the land was not level, but that should have been known from day one. Ms. Ackerman is sick over the actions that were taken. Trees are being destroyed. She doesn't have confidence that the Board was representing her in this process but rather the zoning applicant. She is also disappointed in the lack of transparency and hopes that going forward citizens are granted the opportunity to make their opinions heard.

Mr. Higdon said the meeting in which this vote occurred is the only one he has missed, and he would not have voted in favor of it. He is known as a "tree guy" and would not have been in favor of cutting down those trees. Mayor Taylor noted that the Administrative Amendment had nothing to do with the trees but rather the sidewalk and the sidewalk being at a different grade than the road. The commitment from Mr. Graham is to install a meandering sidewalk with enhanced buffering. The clear cutting that Ms. Ackerman mentioned had nothing to do with the Administrative Amendment.

REPORTS FROM BOARDS/COMMITTEES

Historic Preservation Advisory Committee (HPAC) Chair Paula Lester reported on HPAC activities. They meet in an as-needed basis and recently have been reviewing the twenty properties that are locally designated as historic. HPAC recently was responsible for the designation of Matthews as a *Preserve America* community. There are only thirty towns in North Carolina with that designation. HPAC is also working on other properties in town that should be designated as local historic landmarks in the future. Mayor Taylor thanked Ms. Lester and the committee for their work to preserve the town's history.

Minutes from the Environmental Advisory Committee were submitted. Mr. Miller asked for additional information on one of the cases referenced and the Manager will provide that information to the Board.

CONSENT AGENDA

- A. Approve Minutes of the August 10, 2015 Regular Meeting
- B. Approve Minutes of the June 8, June 22 and August 10, 2015 Closed Sessions
- C. Repeal Resolution Setting a Public Hearing Date of September 14, 2015 for Zoning Application 2015-632 for Primrose School at 720 Park Center Drive and Reschedule Public Hearing to October 12, 2015

- D. Approve Revised Preliminary Plat - Stevens Grove
- E. Approve Amendment to Town Manager's Contract
- F. Approve Budget Ordinance Amendments to:
 - 1) Recognize Court-Ordered Restitution Received by Police Department from Clerk of Court in the Amount of \$104.00
 - 2) Roll Forward Fund Balance in Order to Accommodate Appropriations for Both Required and Committed Purposes in the Amount of \$10,665
 - 3) Use Fund Balance to Fund an Appropriation for a Required Purpose in the Amount of \$74,570

Motion by Mr. Melton to approve consent agenda items A through F3. The motion was seconded by Mr. Ross and unanimously approved.

UNFINISHED BUSINESS

RECEIVE UPDATE ON PLANNING CONFERENCE TO-DO LIST

Mr. Blodgett reviewed the list. He noted that today a 60-day Request for Proposals was sent out to market the vacant lot of Matthews Station Street. Secondly, he noted that the Board had recently discussed increasing performance bonds as a result of the issues with Oscar Drive. Unfortunately the North Carolina General Assembly has just removed the ability to do that. Staff will work with the County's Land Use department to protect the residents of the town as much as possible under the law. Mayor Taylor asked if the Town could hold its own bonds. Mr. Buckley said yes if the Town performed its own inspections; the interlocal agreement between Matthews and Mecklenburg County would dictate what happens when the County performs inspections for the Town. The Manager was directed to inquire about that with the County.

NEW BUSINESS

RECEIVE MONTHLY BUDGET REPORT

Finance Director Chris Tucker reviewed the report. The Town has collected 95.64% of budgeted revenues through June and sales tax ended the year at 7.79% above budget. Recreation revenues continue to trend upwards with a surplus of around \$180,000 above budget. A couple items of concern are stormwater fees and vehicle tag fees, which will likely not hit budget by a combined total of \$90,000. These projections will be reviewed and adjusted accordingly for fiscal year 2016. Tax revaluation refunds through June have totaled \$568,000. The County had advised that the total will eventually be \$975,000. Mr. Blodgett noted that the Town has had to pay this much money but numbers are still looking good – this is an optimistic sign. Mayor Taylor noted this is a confirmation of the conservative nature of the community and the Board and good planning by staff.

Mayor Taylor asked about the \$90,000 lag for stormwater and tag fees. Mr. Tucker explained the majority of that deficit is due to the tag fee. Mr. Higdon suggested estimating that there will be the same number of vehicles as the previous years, that way there likely won't be such a significant over-estimation in the future.

CONSIDER PURCHASE OF DOWNTOWN HISTORIC DISTRICT MARKER

Paula Lester of the Historic Preservation Advisory Committee noted that this would be placed on North Trade Street to commemorate the historic 100 block of North Trade. Information on the rear of the plaque includes the names and year built of the buildings. This is a tourism fund-eligible project. Mr. Camp noted that the sign would fall under the "governmental sign" category of signage per the Unified Development Ordinance.

There was discussion of sign placement and the wording on the sign. By consensus the Board encouraged the use of the phrase “eligible buildings” or “designated buildings.” Ms. Lester will check the language with Dan Morrill of the Charlotte-Mecklenburg Historic Landmarks Commission for the best wording.

Motion by Mr. Melton to approve the funding request for a historic district marker to use Tourism Funds and erection of the sign as indicated in Mr. Camp’s memo dated August 19. The motion was seconded by Mr. Higdon and unanimously approved.

ADOPT HAZARD MITIGATION PLAN

Mr. Miller asked about plans for train crashes and chemical spills. Fire & EMS Chief Dennis Green explained that this document deals with mitigation of natural hazards. There is a separate town emergency plan that addresses how to handle train crashes, among other things. The Hazard Mitigation Plan under review today is a county-wide document required by FEMA for mitigation strategies of natural disasters.

Motion by Mr. Query to approve the resolution approving the updated Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan. The motion was seconded by Mr. Higdon and unanimously approved.

MAYOR’S REPORT

Mayor Taylor encouraged everyone to attend Matthews Alive. He also spoke of an event that occurred earlier in the day at the Carotek campus during which presidential candidate Governor Scott Walker toured the manufacturing complex.

Mr. Miller spoke about the Eden Hall development, saying there had been discussion of the existing swale and topography that would cause trouble. Mr. Blodgett noted that the second vote was about the driveway connection, which required more grading and more tree cutting, which was not consistent with the plan. Staff wanted the Board to be fully aware of the request and so brought it as an action for Board decision rather than staff. The Board made a fully-informed decision at that time. Mayor Taylor noted that the Board needs to keep in mind what the final product will look like. If in twenty years a site will look better after development than what it would have naturally then that is a service to the community. There was full discourse at the second meeting about the requested change, which involved the entrance and the height of the sidewalk compared to the road. Mr. Higdon disagreed, saying equally-spaced specimens are not automatically better than natural, decades-old trees. The natural look is better in many cases and he was very disappointed to see the clear-cutting that occurred.

ATTORNEY’S REPORT

Attorney Buckley explained that the US Supreme Court has handed down a decision known as the Reed case in which a city had a sign ordinance. That city’s ordinance had a section regarding temporary signs similar to what is in Matthews’ Unified Development Ordinance (UDO). This court case essentially allows for the regulation of sign size and timing but not content. This has caused a lot of confusion for all involved. Attorneys across the country are currently working on regulations and ordinances that would meet the requirements as dictated by this case. Staff is not currently prepared to recommend changes to Matthews’ UDO but they may be necessary in the future. Mr. Buckley will advise the Board when more information becomes available.

TOWN MANAGER’S REPORT

None

ADJOURNMENT

Mr. Query moved for adjournment. Mr. Melton seconded and the meeting adjourned at 8:10 pm.

Respectfully submitted,

Betty Lynd
Deputy Town Clerk