

**MINUTES
BOARD OF COMMISSIONERS MEETING
MONDAY, SEPTEMBER 28, 2015 – 6:15 PM
JORDAN ROOM, MATTHEWS TOWN HALL**

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

ALSO PRESENT: Planning Director Kathi Ingrish, Senior Planner Jay Camp

The Board held pre-development consultations regarding property located at 1718 Windsor Crossing Drive and 2248 Mount Harmony Church Road. Representatives from Comfort Inn discussed their proposal for a vertical expansion of the existing hotel located at 1718 Windsor Crossing Drive. Representatives from National Heritage Academies discussed their proposal for a Matthews Mint Hill Charter Academy at the currently-vacant property at 2248 Mount Harmony Church Road/2301 Stevens Mill Road.

**MINUTES
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MONDAY, SEPTEMBER 28, 2015 – 7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

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

ALSO PRESENT: Communications Director Jen Thompson; Police Chief Rob Hunter;

CALL TO ORDER

Mayor Taylor called the meeting to order at 7:07 pm.

INVOCATION

Town Attorney Charles Buckley rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Taylor led the audience in the Pledge.

ITEMS TO BE ADDED TO THE AGENDA

Town Manager Hazen Blodgett requested the following: revise consent agenda item 9D - Approve Revisions to Transportation Advisory Committee Bylaws – to remove the word “ex-officio” from article four, paragraph one, and to add to the consent agenda the appointment of Matthew Jones to the Charlotte Transit Advisory Group.

Motion by Mr. Miller to move forward with the above-listed revisions. The motion was seconded by Mr. Melton and unanimously approved.

RECOGNITION OF MATTHEWS POLICE OFFICERS

Police Chief Rob Hunter explained that there are many incidents that go unnoticed in town. Police officers are focused on service and do things to benefit the public with no expectation or desire for public notice. Occasionally incidents like the one he will describe become widely known and recognized, while many others go unnoticed, and he appreciates the opportunity to give thanks back to these police employees who do great work.

Last month the department received a call from a retailer about suspicious activity. A woman with a young child had attempted to shoplift items for her daughter who was starting school the next day. Upon discovering the situation, responding officers - Officers Scott Blevins, Jeremy Bliss, & Alex McWhirter and Detective Jamie Garner - and a dispatcher who wishes to remain anonymous took it upon themselves to shop with the child and provide her with provisions for school, including clothes and school supplies. They bought her dinner, paid for gas for the mother's car and followed the family home to ensure they got there safely.

Chief Hunter noted that this is not an endorsement of illegal activity; these officers see people in difficult situations daily and respond as best they can. There are similar recent incidents, like the incident in which an officer performed a service call to a home and, when he discovered that it was the elderly resident's birthday, purchased a cake and celebrated with her. Another incident involved an officer responding to a shoplifting call when a father was trying to steal food to feed his children, and the officers involved provided food. These employees don't call attention to their actions and generally don't want to be recognized for them, but their actions speak to those who do know and want to celebrate these good deeds.

Mayor Taylor said he and the Board is very proud of the Matthews Police Department and everyone in the public safety realm. Stories like this really show the character of those who do good deeds when no one is watching, and these actions don't come as a surprise to those who know the high quality service being performed by the Police Department every day. He thanked the officers for their service and noted this is another example of the character embodied by those in the department who help people out and do the right thing every day.

PRESENTATION BY BAPS CHARITIES

Mayor Taylor introduced Mumukshu Brahmhatt from the BAPS (Bochasanwasi Shri Akshar Purushottam Swaminarayan Sanstha) charity team, who gave some background on BAPS and its charitable arm. BAPS charities works to serve individuals, families and communities and forms partnerships with local organizations to benefit the community. He spoke of Mayor Taylor's participation in the walkathons and the walkathon's growth over the years. Participation has increased to over 700 people and it continues to grow. Mr. Brahmhatt then introduced Amy Carr, Executive Director of the Matthews Free Medical Clinic (MFMC) and presented fundraising proceeds in the amount of \$5,200. The money raised will go towards the purchase of much needed medical supplies. Mayor Taylor spoke about the work BAPS does and noted it's always great to have one organization in the community helping out another one.

PUBLIC COMMENT

Barbara Dement, 515 Clairview Lane, Matthews spoke against the issue of discharge of firearms (bow and arrow), which is an item to be discussed later in the agenda. She urged the Board to consider removing the option to discharge such instruments or at least ensure that the Board of Commissioners retains complete oversight of each discharge permit, citing safety concerns and unintended consequences.

Martha Krauss, 803 Elizabeth Lane, Matthews, spoke in favor of allowing the discharge of firearms (bow and arrow) to continue and supported the proposed ordinance, noting the proposed appeal process and saying that the Police Department puts a lot of effort into each application investigation.

Ed Dement, 515 Clairview Lane, Matthews spoke against allowing the discharge of firearms (bow and arrow) in town limits, citing safety concerns and potential communication issues with nearby properties. He preferred the prohibition of such activity but barring that suggested allowing the Police Department to review routine application renewals with the Board of Commissioners retaining complete oversight of new and third-party applications. He also requested the addition to the proposed ordinance of some minimum distances and public notice of the application prior to its final consideration

Susan Traynor, 406 Port Royal Drive, Matthews spoke against allowing the discharge of firearms (bow and arrow) in town limits, citing safety concerns and the negative effects of deer hunting.

REPORTS FROM BOARDS/COMMITTEES

Minutes from the Environmental Advisory Committee and Economic Development Advisory Committee were submitted.

Mr. Higdon asked about the storm water violation at 10416 East Independence Boulevard as cited in the Environmental Advisory Committee minutes. Mr. Blodgett reviewed the case, explaining that the property changed ownership in the time between the citation and collection period. The former owner - a legal entity which has since been dissolved and whose owner of record has relocated to Florida - will not pay the fine and the cost of any other attempt to collect the fine would far surpass the \$1,000 fine total. Mr. Blodgett determined that the cost of pursuing the fine exceeded the benefit. Discussion ensued regarding possible outcomes. By consensus the Board directed Mr. Blodgett to clarify what caused the initial problem, review all possible next steps and return that information to the Board.

CONSENT AGENDA

- A. Approve Minutes of the September 14, 2015 Meeting
- B. Approve Quit Tobacco Week Proclamation
- C. Approve Tax Refunds
- D. Approve Revisions to Transportation Advisory Committee Bylaws *as revised
- E. Approve Technology Reimbursement to Commissioner Melton in the Amount of \$418.40
- F. Approve Budget Ordinance Amendments to:
 - 1) Recognize Shared Proceeds Received Through DEA Task Force in the Amount of \$1,502.36
 - 2) Recognize Donation to Police Explorers Program in the Amount of \$500.00
- G. Appoint Matthew Jones to the Charlotte Transit Advisory Group

Motion by Mr. Query to approve consent agenda items A through G as revised. The motion was seconded by Mr. Fossett and unanimously approved.

UNFINISHED BUSINESS

CONSIDER ORDINANCE AMENDMENT: CHAPTER 130 – OFFENSES AGAINST TOWN REGULATIONS; SECTION 3 – DISCHARGE OF FIREARMS

Mr. Higdon read a statement for the record (Exhibit #1 hereby referenced and made a part of these minutes) and discussed his strong preference for the Board of Commissioners to retain oversight of the application process. The town's current density precludes many areas from being safe to conduct this activity. The town will only continue to grow to it is easy to see that eventually the safe discharge of firearms (bow and arrow) will become impossible. While the Board does not take into consideration the reason for the permit when making a decision, it is understood that many applicants hunt deer. There is a strong possibility that deer can become injured on the applicants' property but wander onto other land as they are dying.

He said the close scrutiny of these applications can only be a good thing. Many eyes prevents surprises and the Police Department's recommendations should always be reviewed by others, particularly since it is possible that the Board may have information that is not known to the police.

Mr. Fossett agreed, saying he doesn't see the need to have firearms discharged in town. His preference would be to revise the ordinance and remove the ability to discharge. If that is unacceptable then the ordinance should disallow the use of crossbows. A third option would be to allow the Police Department to approve or deny applications and then place that decision on the Board of Commissioners' consent agenda. The Board could then allow the decision to stand or pull the agenda item from the consent agenda for further deliberation.

He said he was a hunter for many years but no longer hunts and notes it is not unusual for deer to run hundreds of yards after being hit. It is a graphic sight that many people are uncomfortable witnessing. He said the idea that hunting is necessary to thin the herd is a fallacy and that there aren't enough deer in town to cause trouble. He also said that allowing such activity to occur contradicts the town's pride in the town's many wildlife habitats and status as a bee city.

Mr. Ross said he agreed with much of what Mr. Fossett said but pointed out that people do indeed get hurt and property is damaged by deer, especially when it comes to motor vehicle accidents. He noted that this ordinance is not about the issue of deer and hunting but rather the process of discharging these items. He doesn't believe they should be discharged in neighborhoods of high density and would support regulating the allowable areas by zoning category or other density factors. However, there are still areas where this activity can be conducted safely and he believes the experts – the Police Department – should be allowed to make those decisions. He said the inclusion of an appeal process in the draft ordinance revision was a good idea. He also agreed with Mr. Fossett's recommendation to post the applications on the Board's consent agenda and further suggested posting the information on the Town's website so the public could easily find it.

Mr. Melton explained that he and his family own and appreciate firearms, but urged the Board to consider the Town as it is today with the growth and density that currently exists and think about completely banning the discharge of firearms in Matthews.

Chief Hunter noted that the report from the Police Department dictated whether or not the activity could be conducted safely within the indicated parameters but did not go so far as to recommend whether or not it should be approved overall. He and his staff are open to any decision or direction the Board gives. Discussion ensued regarding the definition of firearm, the differences between crossbows and compound bows and the use of each.

Motion by Mr. Miller to ban the discharge of firearms in town limits. The motion was seconded by Mr. Fossett.

Mr. Ross questioned the inclusion of different types of combustible projectiles and discussion ensued. Mayor Taylor noted that this ordinance was revised in 2009 and at that time the Board contemplated including various other projectiles in the definition of firearm but deliberately chose not to do so.

Mr. Ross noted the desire for many parents to teach their children certain skills and said a complete ban would mean that people couldn't even train or target practice in town since there are no licensed shooting galleries for bows and arrows.

Mr. Higdon said his concerns center on safety. There are a few areas in town that would allow this activity to be conducted safely so he wouldn't support a complete ban. He would not support Mr. Fossett's suggestion to allow the Police Department to make the decision with final review by the Board, but he would support a "fast track review" process for those applications that recur annually with no other changes to any aspect of the application. Discussion ensued regarding this proposed process.

Mr. Miller amended his motion to eliminate the permit process from the current discharge of firearms ordinance. This would effectively ban the discharge of firearms by the general public within the Town of Matthews except within licensed shooting galleries. The amended motion was seconded by Mr. Fossett.

Mr. Query made a substitute motion to make no changes to the existing ordinance. This would allow for the discharge of firearms with approval by the Board of Commissioners. The motion was seconded by Mr. Higdon and passed 6-1 with Taylor, Query, Higdon, Melton, Miller and Ross in favor and Fossett opposed.

DISCUSS AND CONSIDER APPROVAL OF BID FOR COMMUNITY CENTER REPAIR WORK – FRANK WILLIAMS

Mr. Blodgett explained that the Town would need to have received three bids on the first round of bidding to move forward but zero were received, so the project has to go out for bid again. The second round of bidding does not require the receipt of three bids. The project is out for rebid now and the Board will review the bids at the October 26th meeting.

There was some discussion of the scope and difficulty of the project, which may have scared off potential bidders. The Board discussed the project timeline possible alternatives. The Board will wait for the next bid round to complete and see what options are available at that time.

RECEIVE UPDATE ON PLANNING CONFERENCE TO-DO LIST

Mr. Blodgett reviewed the list. Mr. Miller commented on the item relating to the marketing of the lot on Matthews Station Street, saying he is very encouraged by the way it's been used lately with special events.

NEW BUSINESS

RECEIVE MONTHLY BUDGET REPORT

Finance Director Chris Tucker reviewed the report. This is the last snapshot of fiscal year 2015. The Town has collected 97.37% of budgeted revenues through June and General Fund expenditures are at 95.59% of budget. Tax Revaluation refunds through June have totaled \$568,460. The Town did receive a hit of approximately \$100,000 due to a change in the way piped natural gas is billed, but this was a one-time event and Matthews was one of a number of municipalities in the same situation. The audit data will confirm that the fund balance will go up.

CONSIDER REQUEST FOR EXEMPTION FROM TOWN ORDINANCE 93.06 PROHIBITING ALCOHOL WITHIN PARK FACILITIES FOR PAWSITIVELY MATTHEWS EVENT

Motion by Mr. Melton to approve the requested exemption to allow the sale/consumption of alcohol on Town property on November 14, 2015, in Stumptown Park, for Pawsitively Matthews event. The motion was seconded by Mr. Higdon and unanimously approved.

MAYOR'S REPORT

Mayor Taylor noted that the Town has a number of boards and committees but does not yet have one to address veteran affairs. By consensus the Board directed staff to move forward to work on a veteran affairs committee.

ATTORNEY'S REPORT

None

TOWN MANAGER'S REPORT

Mr. Blodgett explained the impact of a recent Supreme Court ruling, which essentially means that the Town does not have any control of political signs placed in the right of way unless they are causing a safety issue. Governments around the country are waiting for legal advice on how to proceed with various sign ordinances. In the meantime Matthews has not been removing political signs on town streets either unless a safety hazard exists. Mayor Taylor encouraged candidates in the upcoming election to make sure their signs are placed correctly.

Mr. Blodgett then discussed the Levine Senior Center. The Board recently discussed their request for the Town to take over their debt and receive the property deed in return. Mr. Blodgett and Mr. Tucker have reviewed their financial documents and have seen that the Center is truly struggling. Their model is not an ideal financial model - they get less than 50% of their revenue from fees and they are dependent on donations, fundraisers and grants to make up the difference. This will be discussed in more detail at the October 12th meeting.

Mr. Blodgett then discussed water and sewer for a portion of Matthews properties that would be better serviced by Union County. In a previous discussion Mr. Query had asked about service extension to Matthews residents and what CMUD had agreed to do. CMUD (now Charlotte Water) does have an extension policy to extend service within 1,000 feet of existing lines, but there is no record to indicate that they committed to running sewer on the other side of 485. It would not be cost-effective to run the line under the highway. Mr. Blodgett asked the Board for permission to take the next step with Charlotte Water and Union County Water and Sewer to put agreements into place for these two areas to go forward with the work needed to get them covered by Union County Water and Sewer. By consensus the Board directed the Manager to move forward.

ADJOURNMENT

Motion by Mr. Miller to adjourn. The motion was seconded by Mr. Ross and unanimously approved. The meeting adjourned at 9:15 pm.

Respectfully submitted,

Lori Canapinno
Town Clerk