

**MINUTES
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
NOVEMBER 9, 2015 - 7:00 PM**

PRESENT: Mayor James Taylor; Mayor Pro Tem Kress Query; Commissioners George Fossett, John Higdon, Chris Melton, Jeff Miller 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; Parks, Recreation and Cultural Resources Director Corey King; Public Works Director CJ O'Neill; Finance Director Chris Tucker; Planning Director Kathi Ingrish; Senior Planner Jay Camp; Zoning Administrator Mary Jo Gollnitz; Planner Dillon Lackey; Planning Board Chair Steve Lee, Vice Chair Rob Markiewitz, Members Barbara Dement, Gary Turner and David Weiser

REGULAR MEETING CALLED TO ORDER

Mayor Taylor called the meeting to order at 7:05 pm.

INVOCATION

Mr. Ross rendered an invocation.

PLEDGE OF ALLEGIANCE

Mayor Taylor led the audience in the pledge.

Mayor Taylor introduced Tom Gill of the Pancreatic Cancer Network. Mr. Gill discussed the upcoming World Pancreatic Cancer Day in the Town of Matthews on November 13 and urged citizens to educate themselves on pancreatic cancer. There currently is no early detection tool for this type of cancer so people need to bring awareness to it and hopefully encourage researchers to focus on pancreatic cancer. More information can be found at the website pancan.org.

Mayor Taylor then recognized Assistant Town Manager Jamie Justice. Mr. Justice is leaving the Town of Matthews to become the Town Manager of the Town of Davidson, North Carolina. Mr. Justice has done many great things for Matthews and he will be missed.

ITEMS TO BE ADDED TO THE AGENDA

None

RECOGNITION OF HAUNTED TRAIL PARTICIPANTS

Police Chief Rob Hunter, Parks, Recreation and Community Resources Director Corey King, Police Officer Don Warren and his wife Jennifer Warren discussed the annual Haunted Trail activities. The Warrens developed this activity over many years and ran it in their back yard for a number of years before bringing it to the town. The Warren's children came up with the idea as a way to give back to their community and raise money for charity and that has continued over the years as the program expanded. This year the trail was located at the greenway behind Matthews Elementary School. Many partners work together every year to ensure the program's success, including the Matthews Key Club, Butler Key Club, Crestdale Dream Team, Matthews Police Explorers, Matthews Fire Explorers, the Matthews Parks and Rec staff and the Matthews Police Department. \$7,152 was raised this year and those funds will be donated to the Matthews Free Medical Clinic, to Novant Health's breast cancer screening bus and to a local family whose young son is fighting leukemia.

RECOGNITION OF MATTHEWS 101 PARTICIPANTS

Mayor Taylor and Communications Director Jen Thompson discussed the Matthews 101 program, a new multi-week training program that allows citizens to see how Town departments function and how the Town is run in general. This program will be offered regularly with the next session planned for spring 2016.

The inaugural members include David Hudome, Grace McLain, Jon Patrick, Allison Pence, Mike Pfeilschifter, Nancy Pugh, Dawn Reid, Deborah Seals, Don Smith, Kurt Stubenhofer, Becky Thompson, Gene Triplett, John Wasco and Sue Wasco.

UPDATE ON STIP PROJECT I-5507 (I-485 EXPRESS LANES) – WARREN COOKSEY, DCDOT DIVISION 10

Warren Cooksey, Director of Outreach & Community Affairs for the North Carolina Department of Transportation, Division 10 gave an update on the 1-485 express lane project. Construction will begin in 2017 on a 16.6 mile length of express lane between I-77 and US 74. The project will cost \$2.2 million. This will offer an option for drivers interested in paying some amount for a guaranteed rate of travel through that section. The rates have not yet been determined.

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

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

Planning Director Kathi Ingrish introduced members of the Planning Board in attendance: Chairman Steve Lee, Vice Chair Rob Markiewitz, David Weiser, Gary Turner and Barbara Dement. She also introduced Dillon Lackey, the department's new GIS/Planner.

Motion 2015-3: To amend the Matthews Downtown Master Plan to add the Downtown Streetscape Improvement Plan

Senior Planner Jay Camp summarized the history of this plan. Some plan goals include the development of proposed street cross sections, identification of spot improvements in key areas of downtown and identification of development/redevelopment opportunities. Planning staff will continue to tweak the document as this is still a very

fluid plan and input is appreciated. He noted this is a supplement to the existing Downtown Master Plan and will work together with it. The consulting company is known for their keen eyes for inexpensive spot fixes such as curb extensions and painting projects – things that are easy and inexpensive in the grand scheme of things but are great in the long run.

Jim Ford of McGill and Associates reviewed the draft plan, noting the downtown area was examined from the perspective of people in cars, on bikes and on foot. Street types were broken down and conceptual renderings highlight possible future options. He noted that the DOT's planned John Street improvements are still very conceptual so specifics like lane widths aren't included at this time.

Mr. Miller said this is a wonderful plan and opens their eyes to new possibilities. He has some questions and comments that he will send to staff. Mr. Ross said his opinion of the plan is very positive overall and he especially likes the concept of the multiuse path at the railroad parking lot. He is concerned that usual asphalt might be removed in other areas where the town already experiences traffic congestion. He urged staff to be conscious of that. Mr. Higdon questioned the plan's enforceability and Mr. Camp explained that this document will dictate certain things as it creates the basis for improvements that should be made when a developer comes in. He said he understands the need to work in some flexibility into the document since no one wants to scare developers away with inflexible requirements.

Mayor Taylor opened the floor to public comment. John Urban, 2523 Macie Glen Court, Matthews said he was privileged to work on the stakeholders group and agreed that flexibility is important. He suggested requiring the plan to be reviewed annually with projects added in every year. He also suggested adding a cost assessment, saying it would be difficult to adapt a plan without knowing the costs involved. He said good economic development is value through design and he would rather not simply paint if the Town could wait a little while and then do something more substantial instead. Overall the draft plan works in concept and now details need to be honed in on for specific projects.

The application will be reviewed by the Planning Board on Nov 24 and will come back to the Board of Commissioners for decision on Dec 14.

Application 2015-635/Pike Nursery: To change the zoning from O(CD) to B-1(CD) on that certain property belonging to Matthews Center Associates and located to the east of Northeast Parkway, south of Devore Lane and north of Matthews Township Parkway and being designated as Tax Parcels 193-521-10 & 11

Mr. Camp noted this application was the subject of the Town's first predevelopment consultation. The application is for the construction of an approximate 10,000 square foot retail nursery and 30,000 square foot greenhouse with 75 parking spaces. The site's current Office zoning dates back to the 1980s before the existence of Matthews Township Parkway. The commercial nursery with greenhouse is the only proposed use.

The sole access point is provided by an easement through Town property to Devore Lane. There will be a 30-foot tree line buffer and while the Unified Development Ordinance requires 12% tree canopy preservation, the applicant indicates that at least 17% will be preserved. There will be a minimum of 50% brick on the portions of the façade facing the two public streets. The applicants will connect an internal sidewalk to the public sidewalk on Devore Lane.

Mr. Camp summarized outstanding issues: a PCO concept plan approval will be required prior to the Board's final decision and the applicant is still working with staff and NCDOT to determine what road improvements may be required as a result of recommendations in the traffic study. The Public Works Director did propose adding a second turn lane or a lane extension but that is a suggestion, not a requirement.

Mr. Ross asked why the connection couldn't come off the existing bulb-out on Devore Lane and Mr. Camp said he didn't have information on that. Mr. Ross asked about the path of the sidewalk and Mr. Camp said it is intended to be similar to what currently exists – the intent is to maintain that existing vegetation in its current form. Mr. Ross said he would like to see that expanded into a multiuse path as a way to extend the greenway on this side of US 74. Mr. Camp noted that the Fountains apartment development is adding a ten foot wide multiuse path on their property across the street from this site.

Applicant representatives John Carmichael, Mike Chapman of Pike Nurseries, Carlton Burton of Burton Engineering and John Urban of Urban Architectural Group addressed the Board. Mr. Carmichael noted that the site is challenging to develop due to various issues but it lends itself perfectly to this use.

Mr. Higdon said he would welcome the business to town but asked what would be done to mitigate fertilizer runoff into the stream. Mr. Chapman explained that Pike Nursery is a retailer, not a grower, so there's not an excess of fertilizer used – they don't add additional fertilizer to their products and the fertilizer they sell on its own would be covered. Mr. Burton explained that all runoff from the site would run off to a sand filter and the first inch would be treated with the excess running to two large underground detention pipes and then discharged to the creek. The plan follows the Post Construction Ordinance.

Mr. Blodgett noted the potential for pedestrian customers and asked if they'd consider a sidewalk connection through the site. Mr. Burton said they'd looked into that but between the topography and large drainage feature it's not feasible.

Mr. Blodgett said the parking at the Levine Senior Center is rather limited and asked the applicant to consider a relationship with the center regarding off hours parking. Mr. Chapman said their busiest days are Saturday and Sunday and didn't think there'd be a problem with that.

Mayor Taylor asked about the appearance of the building relative to Matthews Township Parkway and Mr. Burton explained it would sit about five feet below the road. The mayor asked about the view from the senior center and Mr. Burton noted the site is heavily wooded and didn't think the nursery would be visible from that location. The mayor asked staff to provide the Board with drop and distance measurements before the next meeting.

Mr. Ross asked about signage and Mr. Carmichael explained they have not pursued signage yet but they would be in accordance with the ordinance. Mr. Chapman said he would prefer a sign on the corner rather than on Devore Lane and Mr. Ross asked for detailed signage information to be fleshed out before the next meeting.

Mr. Query asked about screening for the greenhouses. Mr. Chapman said the front façade will have glass walls and the greenhouses should always be packed with plant materials but the tree buffer around the facility will offer the most screening. Mr. Query commented that greenhouses can sometimes look disorderly and requested more information on the greenery that will be covering the glass.

Mayor Taylor opened the floor to public comment. No one spoke in favor of or opposition to this application.

The application will be reviewed by the Planning Board on November 24 and will come back to the Board of Commissioners for decision on December 14.

RECONVENE REGULAR MEETING

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

PLANNING AND DEVELOPMENT BUSINESS

REPORT FROM PLANNING BOARD

Planning Board Chair Steve Lee gave a report on the Board's activities of October 27, 2015 (Exhibit #1 hereby referenced and made a part of these minutes).

PLANNING AND ZONING RELATED ACTIONS

Application 2015-631/PetSuites: To change the zoning from B-H to B-D 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

Motion by Mr. Query to deny application 2015-631 as it is not consistent with the Land Use Plan and it's not reasonable since the location is directly across from a residential area and historic house. The motion was seconded by Mr. Fossett and passed 5-2 with Higdon and Miller opposed. Application 2015-631 was denied.

Application 2015-637/text amendment: To amend the existing text of the Unified Development Ordinance regarding Building Bulk and Massing to add "required landscape areas, and up to 25 feet of driveway width, may be excluded from the lot frontage calculation."

Motion by Mr. Ross to approve application 2015-637 as it is reasonable and consistent with the Matthews Land Use Plan and other Town plans. The motion was seconded by Mr. Melton and unanimously approved.

Application 2015-638/text amendment: To amend the existing text of the Unified Development Ordinance to add footnote (3) to Line Item 8 "Minimum side yard interior (ft)", Table 155.604.2.

Mr. Camp explained that the application suggested new text after the public hearing and Planning Board review. Staff is comfortable with the concept but would like additional time to clarify language and ensure there are no issues.

Motion by Mr. Higdon to defer to December 14, 2015. The motion was seconded by Mr. Fossett and unanimously approved.

Application 2015-632/Primrose School: To change the zoning classification from I-1 to O(CD) on that certain property designated as 720 Park Center Drive, being property belonging to Matthews Parkway Corporate Center, LLC, and further being designated as Tax Parcel 193-243-07

Mayor Taylor noted the applicants have requested a deferral to allow time to continue working on revisions prompted by the public hearing. Town Attorney Charles Buckley noted that the changes are substantial enough to require a new public hearing.

Motion by Mr. Miller to defer to December 14, 2015 to call for a new public hearing for January 11, 2016. The motion was seconded by Mr. Higdon and unanimously approved.

Application 2015-636/Lakenheath Lane: To change the zoning from R-20 to R-15 on that certain property belonging to William and Lisa Browning and designated as 608 Lakenheath Lane, Matthews, NC 28105, and further identified as Tax Parcel 227-032-02

Motion by Mr. Miller to approve application 2015-636 as it is reasonable and consistent with the Land Use Plan and the zoning change is consistent with the surrounding neighborhood. The motion was seconded by Mr. Fossett and unanimously approved.

PUBLIC COMMENT

None

CONSENT AGENDA

- A. Approve Minutes of the October 26, 2015 Meeting**
- B. Approve Changes to Personnel Policy**
- C. Approve Job Description for Fire & EMS Deputy Chief Position**
- D. Approve Resolution Adding Charles Buckley Way to the Town's Street System**
- E. Adopt Ordinance Establishing the Maximum Speed Limit and Posting of Stop Signs for Charles Buckley Way**
- F. Cancel December 28, 2015 Board of Commissioners Meeting**
- G. Accept Zoning Application 2015-640: Team Church and National Heritage Academies; Mount Harmony Church and Stevens Mill Roads; from R/I(CD) and R/15 to R/I(CD) Change of Conditions and R-15(CD), and set the public hearing for January 11, 2016**
- H. Approve Tax Refunds**

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

UNFINISHED BUSINESS

REPORT ON COMMUNITY CENTER ROOF

Mr. Blodgett reported that bids were opened on October 22. There was one bid received from ARC Contracting. Staff performed due diligence to determine if the bidder was both responsive and responsible. This bid did not meet both those tests: the paperwork submitted included some deficiencies and satisfactory answers to follow-up questions were not given. There were also some concerns brought up during reference checks – one structural engineer said he couldn't give the contractor a positive recommendation and some other references didn't remember the contractor. Based on that and the contractor's lack of experience with historical renovations, staff recommends rejecting this bid.

This project is being funded through tourism funds. There is not enough in the bank so the Town would borrow funds and pay it back through tourism funds. The Board has three options: rebid the project, use the construction manager at risk process or award the bid to the bidder previously discussed.

Mayor Taylor asked what would happen if the project was rebid and no one bid on it. Architect Frank Williams said that was a possibility. If so then the second option might be the next step. He suggested making one last effort at advertising. Mr. Higdon asked about the bid advertisement process. Mr. Williams explained it is printed in multiple places in a clearinghouse of sorts. Mr. Fossett suggested using the state's eBid process which attracts a

broad spectrum and doesn't cost anything. Mr. Buckley noted the Board could include that directive by resolution for this project now and approve an umbrella resolution for all future projects at another meeting.

Motion by Mr. Ross to reject the existing bid, saying the Community Center is a beloved, cherished building with many challenges but he is not comfortable with this contractor based on the feedback received by staff. The motion was seconded by Mr. Melton and unanimously approved. The bid from ARC Contracting was rejected.

Motion by Mr. Melton to rebid the project as is, authorize the use of the eBid process in addition to other methods and to set the new schedule so the bids can come back to the Board on December 14, 2015. The motion was seconded by Mr. Higdon and unanimously approved.

NEW BUSINESS

ESTABLISH PRIORITY LIST FOR DIRTWAY TRAILS

Parks, Recreation and Cultural Resources Director Corey King explained the request for the Board to approve the draft list as presented or make changes. By consensus the Board agreed with the drafted prioritization list. Mr. King noted that some of the Heritage Trail is being worked on by the Planning Department so portions of that may be done first. Mayor Taylor asked that he keep the Board informed about that or any other changes. Mr. Blodgett noted that the first listed segment is included in the CIP and noted that the second is going to be a portion of the Carolina Thread Trail and will be expensive.

RECEIVE RFP FOR DEVELOPMENT LOT ON MATTHEWS STATION STREET

Mr. Buckley commented that having Lat Purser bid is an advantage since he and the Town have an existing development agreement in place which can be used for this project as well.

Lat Purser of Lat Purser & Associates, Inc. briefly reviewed the proposal. Mr. Ross asked about the existing charging station and Mr. Purser explained there are no plans to remove it.

Mr. Higdon questioned the cost for the commercial appraisal - \$2,400 - and Mr. Blodgett explained that it was the lowest of the three bids received.

Motion by Mr. Miller to approve funds in the amount of \$2,400 for a commercial appraisal for the vacant lot at 122 Matthews Station Street. The motion was seconded by Mr. Melton and unanimously approved.

APPROVE BUDGET ORDINANCE AMENDMENT TO ROLL FORWARD FUND BALANCE TO ACCOMMODATE APPROPRIATIONS IN THE AMOUNT OF \$701,450

Motion by Mr. Query to approve the budget ordinance amendment as presented. The motion was seconded by Mr. Fossett and unanimously approved.

MAYOR'S REPORT

Mayor Taylor reported that he spoke to Representative Bill Brawley regarding the fight against the HOT lanes in the northern part of the county. There are people in opposition and there will probably be efforts made to challenge the contract, which would prompt a penalty of about \$100 million. He said if there is any effort to move

forward with that challenge it should come from the northern towns, not Matthews. The penalty fees would affect many projects in Matthews.

Mayor Taylor also noted that the grand opening of Charles Buckley Way is scheduled for the following day, the American Legion will hold a Veteran's Day ceremony on November 11 and the second annual Pawsitively Matthews will occur on November 14.

ATTORNEY'S REPORT

Mr. Buckley expressed his deep gratitude to the Board and the people of Matthews for the permanent recognition offered to him by the installation of Charles Buckley Way.

TOWN MANAGER'S REPORT

Mr. Blodgett spoke about Assistant Town Manager Jamie Justice, explaining that he's been a great asset to the Town and Matthews has been lucky to have him for seven years.

ADJOURNMENT

Motion by Mr. Miller to adjourn. The motion was seconded by Mr. Ross and unanimously approved. The meeting adjourned at 9:41 pm.

Respectfully submitted,

Lori Canapinno
Town Clerk