

**MINUTES
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
DECEMBER 14, 2015 - 7:00 PM**

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

ALSO PRESENT: Communications Director Jen Thompson; Fire & EMS Chief Dennis Green; Public Works Director CJ O'Neill; Finance Director Chris Tucker; Planning Director Kathi Ingrish; Senior Planner Jay Camp; Planning Board Chair Steve Lee

REGULAR MEETING CALLED TO ORDER

Mayor Taylor called the meeting to order at 7:00 pm.

INVOCATION

Mayor Taylor rendered an invocation.

PLEDGE OF ALLEGIANCE

Members of the Fire & EMS Department Honor Guard performed a flag ceremony and led the audience in the pledge.

ITEMS TO BE ADDED TO THE AGENDA

Town Manager Hazen Blodgett requested the addition of two items to the consent agenda: to revise the Veteran Affairs Committee bylaws to allow for up to twenty appointed members and to call for a public hearing on January 11, 2016 on the sale of real property on Matthews Station Street.

Motion by Mr. Melton to add these as consent agenda items K and L, respectively. The motion was seconded by Mr. Higdon and unanimously approved.

FIREFIGHTER/EMT PINNING CEREMONY

Mayor Taylor and Fire & EMS Chief Dennis led the swearing-in and ceremonial pinning of Chris Cangemi and Ben Crawford, firefighters with the Matthews Fire & EMS Department who have successfully completed their probation.

RECESS REGULAR MEETING FOR PUBLIC HEARINGS

Motion by Mr. Melton to recess the regular meeting for public hearings. The motion was seconded by Mr. Query and unanimously approved.

PRELIMINARY ASSESSMENT ROLL FOR OSCAR DRIVE PROPERTIES

Public Works Director CJ O'Neill reviewed the history of this project. The Forest Brook Estates subdivision was built in 2007 but the contractor didn't finish the development. The residents petitioned the Town to complete the necessary road repairs and charge the residents. The Board of Commissioners accepted the petition and took over the subdivision under NC General Statute 16A-23. The preliminary assessment resolution was adopted and a public hearing was held on June 22, 2015. After that hearing the Board adopted a resolution to undertake the repairs and to assess the property owners. The Town's contractor has performed the repairs and the Town has the final costs. Each property owner will be assessed \$2,200, which they can pay in one installment or in eight annual installments starting in February 2016 with a 5% interest rate.

Kerry Lamson, 3440 Oscar Drive, Matthews is a Forest Brook Estates residents and board member for the homeowners' association addressed the Board. He thanked the Board for the Town's assistance with this matter. A few final items still need to be completed but the bulk of the work is done and the residents are enjoying the improved road surface. He asked for clarification on the exact assessment process. Town Attorney Charles Buckley explained that confirmation of the assessment roll is an item later in the agenda. If approved, the preliminary assessment roll will be confirmed by resolution to make it the permanent assessment roll. This roll will list each property owner and the assessment for each - \$2,200. If the property owners choose the installment option they will be charged 5% simple interest rate and will be allowed to pay in eight equal installments beginning in February 2016.

A lien in the amount of \$2,200 will be assessed against each property twenty days after confirmation of the assessment roll. The Mecklenburg County Tax Collector will publish notice, after which time the property owners will have thirty days to pay the lien in full without paying interest. Alternatively, the property owners may elect to pay the lien in installments with a 5% annual interest rate. This assessment will be part of the county tax bill.

Mr. Lamson noted the homeowners would like the bills to be sent to the homeowner of record rather than the escrow agent, or to be informed of the process in case they need to notify their own mortgage companies. He also noted that the neighbors would like the Town to consider keeping a hold on the lot still owned by the developer to delay him from being able to sell the lot while the neighbors proceed with litigation against him. Mr. Buckley explained that the Town has no authority to do that.

REAL PROPERTY FINANCING FOR LEVINE SENIOR CENTER

Finance Director Chris Tucker explained that the Town wishes to purchase property at 1050 Devore Lane – the Levine Senior Center (LSC). The LSC Board of Directors approached the Town to request this purchase, which will best help to ensure that the senior center remains available to town citizens. If the purchase is approved, the Town will have to take out debt, which triggers the requirement for this public hearing. Mayor Taylor noted this will allow the senior center to exist for many more years in Matthews.

Mayor Taylor opened the floor to public comment. No one spoke in favor of or opposition to this. The vote on the purchase will take place later in this agenda.

RECONVENE REGULAR MEETING

Motion by Mr. Ross 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 of November 24, 2015 (Exhibit #1 hereby referenced and made a part of these minutes).

PLANNING AND ZONING RELATED ACTIONS

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

Mayor Taylor noted that staff requested a deferral to January to allow more time for final improvements. Mr. Higdon asked the Board to consider deferring to February to allow time for certain advisory boards to review the plan as well.

Motion by Mr. Higdon to defer action on Motion 2015-3 until February 7, 2016 to allow time for review by the Appearance and Tree Board and Transportation Advisory Committee. The motion was seconded by Mr. Melton 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 receipt of a request to withdraw this application from the applicant as they have so far been unable to acquire the additional land needed from an adjoining parcel.

Motion by Mr. Miller to accept the withdrawal application. The motion was seconded by Mr. Ross and unanimously approved.

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

Motion by Mr. Query to approve application 2015-635 as it is reasonable and consistent with the Town's Land Use Plan and other policies, and it's necessary for the continual purchasing of plant material in town and adds to Matthews' status as a Tree City. The motion was seconded by Mr. Higdon 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 interest (ft)", Table 155.604.2.

Motion by Mr. Query to approve application 2015-638 as it is reasonable and consistent with the Land Use Plan and is necessary to ensure future development. The motion was seconded by Mr. Melton and unanimously approved.

PUBLIC COMMENT

None

REPORTS FROM BOARDS/COMMITTEES

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

CONSENT AGENDA

- A. Approve Minutes of the November 23, 2015 Meeting**
- B. Approve Technology Reimbursement to Mayor Taylor in the Amount of \$3,500.00**
- C. Approve Technology Reimbursement to Commissioner Higdon in the amount of \$1,205.62**
- D. Approve Technology Reimbursement to Commissioner Ross in the amount of \$58.84**
- E. Approve Technology Reimbursement to Commissioner Melton in the amount of \$1,244.69**
- F. Accept Zoning Application 2015-641: B Romano; Revise Standards for Continuing Care Retirement Communities (CCRCs) at 155.506.16.B. to Accommodate Multiple Sites by a Single Owner/operator; and Set the Public Hearing for January 11, 2016**
- G. Repeal Resolution Setting a Public Hearing Date of January 11, 2016 for Zoning Application 2015-639 for Matthews Beltway at East John Street and Council Place and Reschedule Public Hearing to February 8, 2016**
- H. Approve Speed Hump on Laurel Fork Drive**
- I. Approve Budget Ordinance Amendment to Recognize Shared Proceeds Received through DEA Task Force in the amount of \$14,174.17**
- J. Approve Resolution Authorizing Potential Water and/or Sewer Service**
- K. Revise Bylaws of the Matthews Veteran Affairs Committee to Allow a Maximum Appointed Membership of Twenty Persons**
- L. Call for Public Hearing on January 11, 2016 on the Sale of Real Property on Matthews Station Street**

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

UNFINISHED BUSINESS

CONFIRM ASSESSMENT ROLL FOR OSCAR DRIVE PROPERTIES

Motion by Mayor Taylor to approve the assessment roll as referenced (Exhibit #2 hereby referenced and made a part of these minutes), with an annual installment plan option with an annual interest rate of 5% and with eight installments beginning in February 2016. The motion was seconded by Mr. Miller and unanimously approved. [Approved December 14, 2015 at 19:39]

AMEND ARCHITECT'S CONTRACT FOR COMMUNITY CENTER ROOF WORK

Mr. Blodgett explained that earlier this year the discussion of the Community Center roof focused on the slate roof and portico. Later the Board discussed the flat roof near the building additions. The recommendation was to fix that area as well and the air conditioning units there. The architect's contract wasn't amended at that time to cover the additional work, so it should be revised now to increase the fees by \$10,000, which brings the new total to \$59,500.

Motion by Mr. Miller to approve the increase of \$10,000 to Frank Williams' architectural design contract, for a total of \$59,500. The motion was seconded by Mr. Melton and unanimously approved.

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

Architect Frank Williams noted this was the third bid cycle and only one bid was received. The contractor is HC Rummage, Inc. from Monroe, North Carolina. They reviewed the job with their subcontractors and have a good feel for the project. Mr. Williams performed the due diligence and feels like this contractor will do a good job. They were recommended by the Historical Landmarks Commission and all of the work on the qualification statement is in line with this project – older buildings with roof and structural work in addition to renovations. Performance and material payment bonds will be in place.

Mr. Higdon noted this bid is significantly higher than the one received in the previous bid cycle. Mr. Williams noted that the bid numbers for the various aspects of the project on the submitted documents are very reasonable with what his own mechanical, electrical and plumbing engineers had quoted, and the roof numbers are close to what Mr. Williams expected to see. Mr. Ross asked how the bid came in and Mr. Williams explained it was not done through the e-Bid/IPS system. That system is more commonly used for substantial projects – new buildings or large additions. All of this material was available online on websites for bidders outside of this general region to access. The matter of advertising solely by electronic means was the issue in question at the previous meeting.

Motion by Mayor Taylor to accept the CH Rummage bid of \$767,100 plus a ten percent contingency, for a total appropriation of \$843, 810, and move forward with the project. The motion was seconded by Mr. Higdon and unanimously approved.

APPROVE MANAGEMENT PLAN FOR LEVINE SENIOR CENTER

Motion by Mr. Melton to approve the management plan between the Town of Matthews and the Levine Senior Center Board of Directors, with the effective date of the contract to be the date the property title is acquired by the Town. The motion was seconded by Mr. Query and unanimously approved.

APPROVE RESOLUTIONS AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20 AND FINANCING TERMS FOR LEVINE SENIOR CENTER

Finance Director Chris Tucker explained this financing would be an eight-year term at 3.16% interest. There are two actions: one to approve the financing terms with BB&T and the second to file the application with the Local Government Commission (LGC). That application details financing terms, the reason why the debt is being taken on, etc.

Mr. Ross asked if an inspection had been performed to see if any other repairs needed to be done, to avoid being surprised by the need for a large expenditure for building repair in the future. Mr. Blodgett explained that the Town has not completed its own report, but the management agreement does reference the \$85,000 needed to repair the roof, the floor and the swimming pool and that funding will not come from the Town. Going forward, anything else costing less than \$10,000 will be their responsibility and anything over \$10,000 will be the responsibility of the Town. Mayor Taylor said after discussions with the Levine Senior Center Board of Directors, he is comfortable with the needed repairs. The \$85,000 previously mentioned will get the building up to par and those funds will come from sources other than the Town of Matthews. The building will be in good shape once those noted repairs are done and the value of the property far outweighs what the Town is paying for it.

Motion by Mr. Higdon to approve the resolution to authorize the Finance Director to engage BB&T for a loan for a purchase of the property. The motion was seconded by Mr. Fossett and unanimously approved.

Motion by Mr. Melton to approve the resolution allowing the Finance Director to submit an application to the Local Government Commission for concurrence of the desired financing proposal. The motion was seconded by Mr. Fossett and unanimously approved.

REVIEW MATTHEWS STATION LOT APPRAISAL

Senior Planner Jay Camp explained that a component of the sale of the Matthews Station lot requires it to be sold for appraised value. This is an unusual property – it's not common to find a building pad like with improvements like parking and storm water already taken care of. T.B. Harris and Associates appraised the parcel using three comparables from throughout Mecklenburg County and valued it at \$17 per square foot. The amount of land to be conveyed has the potential to change slightly – the appraiser estimated the total to be conveyed at a little over 10,000 square feet so the final appraisal is about \$185,000. The Town wants to retain enough of the lot for installation of a sidewalk around the property so that number may fluctuate a bit – possibly by 10% or so. This value is much higher than what Lat Purser & Associates offered but Mr. Camp spoke with a Lat Purser representative and was told they are still very excited about the project and at this point still wants to move forward. The public hearing on the sale of that lot has been set for January 11, 2016.

APPOINT MEMBERS TO VETERAN AFFAIRS COMMITTEE

Mayor Taylor noted that the Town received a large number of highly qualified applicants to the Veteran Affairs Committee (VAC). He noted Mr. Fossett was instrumental in bringing awareness of the need for this committee to his attention and made a motion to appoint George Fossett as the Charter Chairman of the VAC. The motion was seconded by Mr. Melton and unanimously approved.

Mayor Taylor also noted that eighteen people applied for the committee, prompting a revision of the bylaws to allow all of them and Mr. Fossett to be appointed. This revision was approved in an earlier action, so he made a motion to appoint the following people to the Matthews Veteran Affairs Committee: George Fossett, Tom Cannon, Amanda Casey, Albert Cerino, Richard Johnson, Virginia Rock Kara, Amanda Kohut, Patrick Lowder, James McGuire, Fisk Outwater, Janet Perkins, Terrance Price, John Ramseur, Angelo Renguso, Tyler Richardson, Jack Santaniello, Greg Smith, Lawrence Stawicki and Nobie Thrasher. The motion was seconded by Mr. Miller and unanimously approved.

APPOINT MEMBERS TO THE QUAD: AN ALLIANCE OF SOUTH CHARLOTTE COMMUNITIES

Motion by Mayor Taylor to appoint Kress Query as the citizen representative and Hazen Blodgett as the staff representative to The Quad. The Commissioner representative will be voted on in a later action. The motion was seconded by Mr. Ross and unanimously approved.

NEW BUSINESS

PUBLIC WORKS REORGANIZATION DISCUSSION & RECLASSIFICATION APPROVAL

Public Works Director CJ O'Neill explained that several years ago, after the retirement of longtime Street Superintendent Jonny Gray, the then-Director moved the street and sidewalk crew under the Town Engineer position. Mr. O'Neill would now like to reinstate the Street Superintendent position, since the Town Engineer is too far removed from the street and sidewalk crews' day to day activities. He proposes creating the Superintendent position at grade 21 and promote internally. That person would continue the work he is currently doing and add the duties of the Superintendent position.

Motion by Mr. Higdon to create a Street Superintendent position at grade 21. The motion was seconded by Mr. Melton and unanimously approved.

REFLECTIONS FROM OUTGOING COMMISSIONERS

Mayor Taylor recognized outgoing Commissioners George Fossett and Kress Query. He spoke of their history and accomplishments and thanked them for their years of service to the Town. The Commissioners shared some thoughts and reminisced about Matthews and former Mayor Lee Myers spoke about the work done by these gentlemen over the years. Mayor Taylor then presented Mr. Query with the Order of the Long Leaf Pine, conferred upon him by Governor McCrory for his exemplary service.

RECESS

SWEAR IN 2015-2017 GOVERNING BODY

Mayor Taylor was sworn in by Town Clerk Lori Canapinno. Mayor Taylor then swore in Commissioners John F. Higdon, Christopher L. Melton, Jeff Miller, John Ross, John Urban and Larry Whitley

COMMENTS FROM MAYOR AND COMMISSIONERS

Mr. Whitley spoke of his commitment to the Town. Mayor Taylor noted that the Board is comprised of a great group of individuals who will make great strides as the Town of Matthews moves forward.

ADOPT ORGANIZATIONAL RESOLUTION

Motion by Mr. Ross to adopt the organizational resolution establishing the time and place for regular meetings of the Board of Commissioners and further establishing its Rules of Procedure. Seconded by Mr. Whitley and unanimously approved.

ELECT MAYOR PRO-TEM

Motion by Mr. Melton to nominate John Higdon as Mayor Pro-Tem. Seconded all members of the Board and unanimously approved.

Mayor Pro-Tem Higdon noted that he and Mr. Melton were statistically even with Mr. Higdon winning by one vote. He would therefore like to hold the position of Mayor Pro-Tem for the first year of this two-year term and ask the Board to appoint Mr. Melton as Mayor Pro-Tem for the second year. Mayor Taylor noted that the Board can vote on the position again in December 2016.

CONSIDER TOWN BOARD APPOINTMENTS

ARTS AND SCIENCE COUNCIL

Motion by Mr. Ross to appoint Mr. Melton as primary and Mr. Miller as alternate to the Arts and Science Council. Seconded by Mr. Whitley and unanimously approved.

CENTRALINA COUNCIL OF GOVERNMENTS

Motion by Mr. Urban to appoint Mr. Miller as primary and Mr. Ross as alternate to the Centralina Council of Governments. Seconded by Mr. Miller and unanimously approved.

CHAMBER OF COMMERCE

Motion by Mr. Melton to appoint Mr. Urban as primary and Mr. Whitley as alternate to the Matthews Chamber of Commerce. Seconded by Mr. Ross and unanimously approved.

CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION

Motion by Mr. Miller to appoint Mayor Taylor as primary and Mr. Melton as alternate to the Charlotte Regional Transportation Planning Organization. Seconded by Mr. Ross and unanimously approved.

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

Motion by Mr. Miller to appoint Mr. Higdon as primary and Mr. Urban as alternate to the Matthews Economic Development Advisory Committee. Seconded by Mr. Whitley and unanimously approved.

METROPOLITAN TRANSIT COMMISSION

Motion by Mr. Ross to appoint Mayor Taylor as primary and Public Works Director CJ O'Neill as alternate to the Metropolitan Transit Commission. Seconded by Mr. Urban and unanimously approved.

PLANNING COORDINATING COMMITTEE

Motion by Mr. Urban to appoint Mr. Ross as primary and Mr. Higdon as alternate to the Planning Coordinating Committee. Seconded by Mr. Miller and unanimously approved.

THE QUAD: AN ALLIANCE OF SOUTH CHARLOTTE COMMUNITIES

Motion by Mr. Melton to appoint Mr. Urban to The Quad: An Alliance of South Charlotte Communities. Seconded by Mr. Miller and unanimously approved.

SPECIAL NEEDS ADVISORY COMMITTEE

Motion by Mr. Higdon to appoint Mr. Whitley to the Matthews Special Needs Advisory Committee. Seconded by Mr. Urban and unanimously approved.

NEW BUSINESS

RECEIVE INFORMATION ON POSSIBLE GROUP HOMES

Attorney Buckley gave information on the potential for what may be called a group home to locate in town. There are zoning issues that may preclude it from happening, but the organization has stated that it would not be prohibited by the Unified Development Ordinance (UDO). The UDO doesn't address this exact situation but there is a section dealing with group homes while the organization states it would not qualify as a group home situation. There are several federal laws that may impact the regulation of this location. Mr. Buckley and staff will continue to research the matter and keep the Board informed.

MAYOR'S REPORT

Mayor Taylor congratulated the Board on their elections and wished everyone safe and happy holidays. The next meeting of the Board of Commissioners will be January 11, 2016.

ATTORNEY'S REPORT

None

TOWN MANAGER'S REPORT

None

ADJOURNMENT

Motion by Mr. Miller to adjourn. The motion was seconded by Mr. Urban and unanimously approved. The meeting adjourned at 9:50 pm.

Respectfully submitted,

Lori Canapinno
Town Clerk