

AGENDA
SPECIAL BOARD OF COMMISSIONERS MEETING
JORDAN ROOM, MATTHEWS TOWN HALL
MAY 9, 2016 – 5:30 PM

The Board of Commissioners will meet with staff to receive the proposed budget for fiscal year 2016-17.

AGENDA
SPECIAL BOARD OF COMMISSIONERS MEETING
CLOSED SESSION
JORDAN ROOM, MATTHEWS TOWN HALL
MAY 9, 2016 – 6:30 PM

The Board of Commissioners will meet on matters relating to attorney-client privilege. This meeting is not open to the public.

AGENDA
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
MAY 9, 2016 - 7:00 PM

1. Regular Meeting Called to Order
2. Invocation
3. Pledge of Allegiance
4. Items to be Added to the Agenda
5. Planning and Development Business
 - A. Report from Planning Board
 - B. Planning and Zoning Related Actions:
 - 1) Motion 2015-3: Consider the Downtown Streetscape Improvement Plan
 - 2) Application 2016-643/Primrose School: to change the zoning from I-1 to O(CD) on that certain property designated as 720 Park Center Drive and further designated as Tax Parcel 193-243-07 for a proposed development of a child daycare facility.
6. Public Comment (Please sign in to speak at this time. Limited to 4 minutes.)

7. Consent Agenda

- A. Approve Minutes April 25, 2016 Regular Meeting
- B. Approve Preliminary Plat for Lake Harmon Estates
- C. Approve Disposal of Surplus Property
- D. Approve Changes to the Storm Water Interlocal Agreement
- E. Consider Temporary Closure of Covenant Church Lane
- F. Approve Tax Refunds
- G. Call for June 13, 2016 Public Hearing on FY 16-17 Budget
- H. Call for June 13, 2016 Public Hearing on Storm Water Fees
- I. Approve Budget Ordinance Amendments to Recognize:
 - 1) HIDTA Shared Proceeds in the Amount of \$4,037.23
 - 2) Controlled Substance Tax in the Amount of \$738.00
- J. Accept Zoning Application 2016-644; M. Todd; 9601 East Independence Boulevard; from Conditional to B-1(CD) and Set Public Hearing for July 11, 2016; Accept Zoning Application 2016-645; Mecklenburg County – Sportsplex; 2425 Sports Parkway and 1585 Tank Town Road; from R-20 to ENT and Set Public Hearing for June 13, 2016

8. New Business

- A. Authorize Staff to Proceed with Construction of Upstairs Area of Police Department
- B. Receive Information on Transparency Best Practices
- C. Consider Conceptual Plan for Rice Road Park Phase 1

9. Mayor's Report

10. Attorney's Report

11. Town Manager's Report

12. Adjournment

**PLANNING BOARD REPORT
ON THEIR MEETING OF
APRIL 26, 2016**

FOR TOWN BOARD ACTION:

I. ZONING APPLICATION 2016-643 – Primrose School, 720 Park Center Dr, from I-1 to O(CD)

Planning Board unanimously (5–0) recommended denial, finding it inconsistent with the public safety due to the existing narrow section of N Ames Street.

Members felt the proposed use and the proposed building were appropriate for the site, and that there may be ways to channel the day care traffic in and out of the site, or assist in financing widening of the roadway.

FOR TOWN BOARD INFORMATION:

I. ADMINISTRATIVE AMENDMENT – Windsor Square Roundabout Design Revisions

Planning Board unanimously denied (6-0) the request to construct a new curb opening near the roundabout within the parking lot area, citing concern that it may create hazardous movements and therefore not reasonable.

II. ADMINISTRATIVE AMENDMENT – McEwen-Moore Farmhouse at Royal Park, Moore Rd, Extend Deadline to Obtain a Certificate of Occupancy by 3 Months (to Aug 31, 2016)

Planning Board unanimously approved (6-0) the time extension as requested, finding it consistent with previously approved zoning and land use plans and reasonable because it will allow completion of zoning conditions previously imposed.

III. INFORMATION AND DISCUSSION – Park Concept at 10252 Monroe Road

Planning Board received a request from a newly-formed citizen group to consider designation of vacant property at 10252 Monroe Rd for a Town park. Planning Board discussed the concept, and determined the location along the border of Town limits, the probably cost of the site on Monroe Rd, and the inability to provide good access from the closest adjacent Matthews neighborhood were reasons not to further consider this option.

**MINUTES
PLANNING BOARD
TUESDAY, April 26, 2016
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chair Steve Lee; Members Barbara Dement*, Kress Query, David Barley, David Wieser; Alternate member Kerry Lamson; Town Attorneys Charles Buckley and Craig Buie; Planning Director Kathi Ingrish, Senior Planner Jay Camp, Administrative Assistant/Deputy Town Clerk Shana Robertson.

ABSENT: Members Michael Ham, David Pratt, Alternate member Gregory Lee; Youth Voice Carley Newton.

*Arrived at 7:52 pm.

CALL TO ORDER

Chairman Steve Lee called the meeting to order at 7:02 pm.

Chairman Lee noted that three regular members of the Planning Board were absent and that one alternate needed to be added as a voting member for this evening. Kress Query motioned to add Kerry Lamson as a voting member, seconded by David Barley. The motion passed unanimously.

APPROVAL OF THE MINUTES

Kress Query motioned to approve the minutes of the March 22, 2016 meeting as submitted. Seconded by Kerry Lamson and the motion was unanimously approved.

ZONING APPLICATION 2016-643- Primrose School, 720 Park Center Drive, from I-1 to O (CD)

Senior Planner Jay Camp stated that there have not been many changes since the public hearing. He informed the Planning Board members of Michael Ham's letter regarding his input on application 2016-643. Mr. Camp recapped this was a rezoning from I-1 to Office (CD) for a 12,800 sq. ft. child care center that would accommodate up to 185 children. There is a revised building elevation facade and streetscape that was received this afternoon. This revision was done with consideration to Town Board and Planning Board previous feedback.

Mr. Lamson asked if the proposed layout and the Matthews Streetscape Plan would consider this area within the Downtown or outskirts. He also wanted to know what classification N. Ames St would be. Mr. Camp said that he would need to look at the plan to answer but street improvements have been made up to Park Center but not yet to that section of N. Ames. Mr. Lamson stated that with the narrow access into N. Ames that this could be related or tied to one another to alleviate some of the traffic concerns heard during the public hearing. Mr. Camp answered that this project is a prime example of how flexible the Streetscape Plan is as there is a blending of residential and commercial. Mr. Lamson requested clarification about the fence and design elements being in place for security and how it would all relate to what might need to be accomplished to both fit this property and implement the streetscape plan for N. Ames. Mr. Camp said that he would email some diagrams and streetscape plans after the meeting.

John Carmichael, 101 N Tryon St, Suite 1900, Charlotte, NC 28246, addressed the Board. He reviewed the first versions of the daycare center per Mr. Lamson's request. He noted that the comments received at the Public Hearing regarding this version were that the building was boring or institutional looking and needed to be broken up. Mr. Carmichael stated that Mr. Tillman with Primrose talked with his architect who added quoins (detailing of brick), awnings, and elevation changes in consideration of those concerns. There are other changes that the Commissioners suggested and the elevations will be altered more based on input.

David Barley asked what the height of the parapets would be. Mr. Carmichael answered 22 feet. Mr. Carmichael went on to say that other comments regarding the fence were also addressed by adding brick columns to both sides. The space would not allow for benches but seat walls have been added to improve aesthetics. Mr. Carmichael said that other changes have been made along with a door being added onto the building closer to the parking entrance at N. Ames.

He went on to explain that Primrose did a study to find average drop off times for children. The study clocked the time that it took for children to be dropped off to the centers. Recording times include parking and getting out of the car, walking/carrying the children into the building and signing them into a computer system, then leaving. The traffic study watched four centers in the New Jersey area and the turnaround time was shown to average five and a half to six minutes. Mr. Carmichael stated that he did not know direct placement of the study center doors but with the public input and movement to meet that concern would increase efficiency. Mr. Carmichael continued stating that currently there are 45 onsite parking spaces and eleven on street. Five of the onsite spaces will be owed by OrthoCarolina. This would give the Primrose center a net of 51 parking spaces available for use. David Weiser asked that with the fence in place would that leave the parents walking their children along the road to the access point if parking along the street. Mr. Carmichael answered that there would be a public sidewalk on the street side of the fence. He then showed the Primrose site plan to help illustrate this answer.

Mr. Lamson asked its use if under different property ownership. He also asked for a description of interior layout and the number of classrooms to understand flexibility of building. Ted Tillman with the Primrose School Franchising Center, 3660 Cedar Crest Rd, Acworth, GA 300101, stated that the building is unique with eleven classrooms, a warming kitchen, storage room for class supplies and laundry room. The structure will have wood studded frames and a load bearing wall through the center that could easily be converted to a pediatrician's office or general office. Mr. Lamson clarified that this would be fit for other office type spaces but small retail, individual slotted business and other types like in the North End would not be conducive for this structure at this point. Mr. Camp answered that this would not be allowed in the office district. He was concerned that even if the traffic concerns were met would this still be the right structure for this area or would something like a two story building or a space that could house more businesses be a better fit for this area. Mr. Carmichael answered by saying that they have been asked to include in the conditions that this site be used for medical/dental type offices, daycare facilities, laboratory offices and general offices.

Kress Query asked for consideration on having diagonal parking with the entrance coming from the OrthoCarolina side of the business and the exit onto N. Ames. Additionally on the exit onto N. Ames, have a left turn out only. This would be to keep traffic out of the narrow areas and routed back to the larger streets. He also asked for the applicant to consider widening or giving funds to have the rest of the small area of N. Ames Street widened while still keeping it a one way in and one way out.

Bryan Smith, 1318 Central Ave, Suite E6, Charlotte, NC 28205, responded to this by saying angling parking spaces will reduce the amount of parking which was a concern all along so they do not want to lose any more especially with the five that OrthoCarolina will use. The concern on the one way left is that would put everyone back on to N. Ames or Park Center and that would concentrate the traffic. He also added that enforcing the left turn would be difficult. Mr. Carmichael addressed the inquiry about funds given to the town to widen the small section of N. Ames. He did speak to Primrose about this and that is something they would be willing to consider. He would need to gather figures in respect to cost and maybe speak to other property owners. Kress Query reiterated his concerns about one way in, one way out, widen the street and diagonal parking. He thinks the building and new elevations have been greatly improved from the first drafts. He has no problems with the building or the use, just concerns of traffic and congested small roads.

Chairman Steve Lee asked if there may be any consideration of one access point until road improvements are made. Mr. Carmichael said it could be a consideration but the issue would be OrthoCarolina's driveway and how they would feel.

Mr. Weiser asked Mr. Camp about the large 100 year old oak tree that sits on the property and asked if an arborist will or has already looked at the tree. Mr. Camp stated that Matthews Arborist evaluated the tree last fall (2015) and found it to be in decline. He did recommend removal. He noted that it is in Primrose plans to remove the tree.

Davis Barley asked about the right of way. Planning Director Kathi Ingrish stated that on zoning maps it shows as center line and does not show up in aerials. Town Attorney Charlie Buckley stated that was a ditch bank right of way. Mr. Camp showed the aerial image of the area to the Board.

Mr. Query made a motion to recommend denial of zoning application 2016-643 Primrose School from I-1 to O (CD). He is in favor of the use and elevations presented, the recommendation is due to the traffic concerns. Those concerns include the one way entrance, one way with left only exits, widening of N. Ames and diagonal parking. Given the current status it would be inconsistent with the Matthews Land Use Plan. David Barley seconded the motion which passed unanimously.

ADMINISTRATIVE AMENDMENT CONTINUED- Windsor Square Roundabout Revisions

Planning Director Kathi Ingrish informed the Board that this case was heard last month and granted a continuation for the April meeting. She noted that there are two representatives in attendance to present design alternatives.

Anthony Fox with Parker Poe Adams & Bernstein, LLP 401 South Tryon Street, Suite 3000, Charlotte NC 28202 addressed the Board. He reviewed the concerns that Mr. Query had last month in regards to the exit from the property and the left turn movement being across a current right of way area. Other concerns that are being addressed are other movements in the parking lot and amendments to the site plan. Mr. Fox presented to the Board the original plans as well as revised plans that show the design to steer traffic to the right of the exit and limit the left turn movements. Mr. Fox also went over the ingress, egress features of the site and stated that the proposed improvements were presented to Exxon, which they declined to support.

Two options were then presented by Mr. Fox. First, he showed the property owners preferred option, presented in March, which would put the curb cut into the easement. He then showed a new option that would add a median that moves the traffic to the right.

Craig Mueller, representing SC Windsor Square, LLC, 1814 Windsor Square Drive, Matthews, NC 28105, addressed the Board. He demonstrated the movements around the roundabout with a distance of 110 feet from one point to another or an alternate that would be 43 feet from a different point. The new proposal would be a distance of 71 feet. This would be an additional eight feet from last month's 63 foot proposal and would give drivers that extra room when taking a left toward the roundabout.

Chairman Lee asked if it is the new proposal that the Exxon owners did not agree to. Mr. Mueller responded that it has not been agreed to yet. He said that they have looked at other options but that would move them outside the easement and that defeats the purpose for the change request.

Mr. Lamson asked if there was any consideration for extending the existing median. Mr. Mueller explained that by doing so it would cut off left hand movement and thus restrict the requirement that SC Windsor must meet.

Mr. Query pointed out the three access points into Exxon and clarified that the third point of access gets very little use. Mr. Mueller confirmed and stated that there is an agreement between SC Windsor and Exxon. SC Windsor is trying to comply with the agreement to give as much access as possible to the Exxon site. Mr. Query stated that he did go by the site and watched as cars ran up onto curbing, coming from the roundabout.

Mr. Lamson asked Mr. Mueller if they are currently in litigation with Exxon and if granting the current request would solve their problem. Mr. Fox answered that yes they are currently in litigation and thus the reason for the Administrative Amendment. Mr. Lamson verified that even if Exxon is not in agreement with the proposed plan this would still comply with the contractual agreement between the two.

Chairman Lee noted that for the record, Barbara Dement has arrived at 7:52 pm and will be able to vote. Chairman Lee clarified the legal situation is not a factor that will be considered in the Administrative Amendment.

Mr. Lamson asked about consideration for a no left turn sign to be placed at that particular access point to discourage use. Mr. Fox said that a sign is not a preferred option.

Chairman Lee stated that it is his belief that this access point would not see that much traffic and the revised plan would make it a hard turn. Mr. Query stated that he does not think he could support the amendment as it is already a tight circle. He understands that this is to satisfy a third party but feels it is not the best move.

Mr. Lamson stated that there are too many factors, including high planting in places and safety concerns on both proposed plans. Mr. Query was not sure that the proposed plan would get used often but with the safety of the turn he would not like to think of anyone getting in an accident. Ms. Ingrish mentioned that the Matthews Police Chief has made a comment that if landscape could be kept low, under two feet, it would help with visibility. Mr. Fox said that SC Windsor could control that landscape.

Mr. Query made a motion to deny the proposed Administrative Amendment as it was not consistent with the Matthews Land Use Plan and creates a hazardous condition. David Barley seconded the motion which passed unanimously.

ADMINISTRATIVE AMENDMENT- McEwen-Moore Farmhouse at Royal Park, Moore Rd, Extend Deadline to Obtain CO by 3 Months (to Aug 30, 2016)

Ms. Ingrish provided background on the Administrative Amendment. She stated that a zoning condition for Liberty Healthcare was to have an occupant in the property to stay in stable condition. The way to get a Certificate of Occupancy is to have a tenant in that building. This house would need to go through the Historic Landmarks Commission, being it is a historic structure, for making any internal or external changes. They did receive from the Historic Landmarks Commission a Certificate of Appropriateness in January of 2016 and updated in April 2016 thus giving them another six months. The hope of the owner is that they may be able to get their building permits and have this work completed in the requested three month time frame putting completion to the end of August 2016.

Chairman Lee asked Ms. Ingrish what the consequences would be considering that this would be the second extension. Ms. Ingrish answered that if they do not get work completed within the allotted timeframe then technically there would be a zoning violation. This would be up to the Town to issue and typically a 30 day notice is first sent. If they are still not in compliance fines are then issued. Fines could go up to \$500 per day. Ms. Ingrish added that this information has been sent to the Board of Commissioners so that they would be aware of the Planning Board's involvement. The Commissioners feedback was that they wish this to be the last time an extension would be requested and this matter to be completed.

Mr. Query asked that if the extension was granted and work did not meet completion of late August, then fines would be the next step. Ms. Ingrish confirmed that would indeed be the next step after the notice from the Town. Chairman Lee asked if the second extension was not granted then fines would start in a month. Ms. Ingrish again confirmed that zoning violations would be in effect starting in June.

Mr. Lamson asked for an update from the applicant on what still needs to be completed.

Hunter Diefes and Timothy Walsh of Liberty Healthcare, 2334 S. 41st Street, Wilmington, NC 28403 addressed the Board. Mr. Diefes answered by confirming that Ms. Ingrish was correct in stating that they have received an updated Certificate of Appropriateness in April that was originally dated in January 2016. He noted that a tenant has been procured. That tenant will be part of the owners' affiliated homecare office in Mecklenburg County. In order to upfit the house to a functional office space, modifications to plans have been approved by the Historic Landmarks Commission and Mecklenburg County. A contractor has been acquired and as soon as permits are filed work will begin. The level of work was not anticipated when the home was acquired in order for it to meet commercial code. He noted it will take approximately two months to complete.

Chairman Lee asked what level of construction work is being done. Mr. Diefes responded by saying that they have to make the structure ADA compliant which includes making the restroom accessible and adding a handicap ramp at the entrance. All the existing electrical wiring will need to be removed and replaced as well as metal studs added to walls for commercial code. The HVAC and plumbing also require upgrades.

Mr. Query commented that the amount of work seems to be extensive for the amount of time. Mr. Diefes agreed that it seems a bit aggressive but the contractor believes it will fit the timeline. Mr. Diefes reiterated that permits are ready to be pulled and work should start very soon. He stated that they are ready to get this completed.

Ms. Dement asked for what steps have been taken since the granting of the Administrative Amendment a year ago. Mr. Diefes stated that another Liberty employee was handing this project up until he and Mr. Welch took it over in November of 2015. He stated that the major delay was acquiring a tenant. Efforts were made to acquire a third party tenant with no success. Mr. Diefes stated that the only option they had left was to relocate one of Liberty's Homecare offices, an entity that the owner could control. Plans at that point had to be reworked to accommodate the homecare office. Several revisions at the county level were required before approval. Site plan was signed off in February and contractor committed in March 2016.

Mr. Query asked if approval was through the historical agency or through the County. Mr. Diefes answered that both have approved all revisions and improvements.

Mr. Lamson asked what is meant by being able to control the tenant. Mr. Diefes stated that Liberty Healthcare is the parent company and have both homecare and hospice agencies. The homecare agency that will be a tenant is one of 34 in the country. Mr. Lamson went on to ask if a signed lease agreement was in place. Mr. Diefes said nothing was in place yet as the current lease does not run out until June and they will have to go monthly until completion of construction on the site.

Chairman Lee motioned to approve the Administrative Amendment allowing for an additional three months (to August 31, 2016) to obtain a Certificate of Occupancy on the subject property in that it is reasonable and consistent with the existing site conditions; due to the historic nature of the home and difficulty in filling the occupancy requirements. Mr. Query seconded the motion and it passed unanimously.

INFORMATION AND DISCUSSION- Park Concept at 10252 Monroe Road

Chairman Lee provided a brief history stating that the location of the site was recently denied a zoning change for an apartment community, has the historic cemetery, and backs up to Sardis Forest.

Ms. Ingrish stated that this came as a suggestion from neighbors who want to get involved in their community. This is a property that they feel strongly about and wish to have input about. No specific request has been made at this time for zoning nor any direction from the Board of Commissioners. This is for information to review and discuss as little or as much as this Board would like.

Chairman Lee clarified that this property borders Charlotte city limits. Ms. Ingrish verified by answering yes. Chairman Lee asked if this would be a park then the entrance would have to go through Sardis Forest. Ms. Ingrish said that with the park being for the neighbors the park access placement should be on the back side of the property but there was logically no way to do that. Mr. Barley asked if the neighborhood is mostly single family homes. Ms. Ingrish confirmed this. She stated that a good portion of the property along the rear was a historic cemetery. The cemetery could be a feature but you would not want to make that a public access point. Mr. Camp said that there was a stub street into the adjacent apartment community and in theory could be a trail easement. This easement is part of the Monroe Small Area Plan so an applicant or the Town would have to secure the easement with Legacy Apartments.

Chairman Lee said that for deliberation on this his question would be does this fit into our Land Use Plan. He does not want to put in a park on the border of Charlotte. Ms. Dement stated that this use of land does not fit into the Monroe Road Small Area Plan. She noted that the area plan is a great plan and to stick with the vision. Mr. Lamson asked if there is historic significance to the cemetery. Ms. Ingrish verified that it is designated an historic site. Mr. Query add that due to this, anyone who acquires the property will have to preserve the cemetery. Ms. Dement pointed out that this property is considered a prime location and thus carries a prime purchase price. She said that as much as she is an advocate for parks, this location is not in the vision of Matthews. Mr. Weiser agreed that we need to stick to the Monroe Road Small Area Plan.

ADJOURNMENT

Chairman Lee motioned to adjourn. Seconded by Ms. Barbara Dement and the motion passed unanimously. The meeting adjourned at 8:23 pm.

Respectfully submitted,

Shana Robertson
Administrative Assistant/ Deputy Town Clerk

DRAFT

Update on Downtown Streetscape Improvement Plan

DATE: May 4, 2016

FROM: Jay Camp

Background/Issue:

Although we anticipated having a final version of the plan ready for review by this meeting date, McGill & Associates is still working on changes requested by staff during our most recent review of the document. We are again requesting deferral of the decision to allow for us to receive the most recent revisions and post to the website for public review. We anticipate changes to be completed and a new draft in hand in about 2 weeks. We appreciate the Board's patience as we continue to review and revise this important document. A copy of the newest draft will be sent to you all directly as soon as we receive it.

Proposal/Solution:

Defer Streetscape Improvement Plan decision to June 13th

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Defer decision on Downtown Streetscape Improvement Plan to June 13, 2016.

Decision on Application 2016-643 Primrose School

DATE: May 4, 2016

FROM: Jay Camp

Background/Issue:

Since the Public Hearing, Planning Board has recommended denial of the rezoning request primarily due to concerns over safety along Ames Street. In response, the applicant has added several new conditional notes to address those concerns. Below are the changes to the site plan and notes that have occurred since the Public Hearing:

- Addition of brick piers to fence detail at street frontage as well as benches along the sidewalk
- Uses are now limited to only general and medical offices and laboratories and child daycare facilities
- If the Town deems traffic control necessary at the site, the applicant will hire off duty officers or private security to direct traffic from 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM
- A payment of \$10,000 towards future improvements to North Ames Street will be made prior to a Certificate of Occupancy being issued at the site.
- New building elevations indicate more detailed brickwork and changes to the façade to create more visual interest

Proposal/Solution:

The Downtown Master Plan calls for office zoning at the site as well as improvements to North Ames Street. While there are concerns related to traffic to be generated by the proposed use, the site is currently zoned I-1 and could potentially be developed at a similar or greater intensity for office or medical use by right. Staff recommends approval of the rezoning due to consistency with the adopted Downtown Master Plan as well as the most recent changes made to the zoning conditions and architectural elevations.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Approve rezoning application 2016-643

MINUTES
BOARD OF COMMISSIONERS SPECIAL MEETING
JORDAN ROOM, MATTHEWS TOWN HALL
APRIL 25, 2016 - 5:30 PM

PRESENT: Mayor James Taylor; Commissioners John Higdon, Chris Melton, Jeff Miller, John Ross, John Urban and Larry Whitley; Town Manager Hazen Blodgett; Town Clerk Lori Canapinno

ALSO PRESENT: Assistant Town Manager Becky Hawke; Public Works Director CJ O'Neill; Planning and Development Director Kathi Ingrish

The Board of Commissioners met with representatives from the North Carolina Department of Transportation (DOT) to discuss development plans for East John Street. The DOT presented draft documents outlining proposed changes to the corridor (Exhibit #1 hereby referenced and made a part of these minutes).

MINUTES
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
APRIL 25, 2016 - 7:00 PM

PRESENT: Mayor James Taylor; Commissioners 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: Assistant Town Manager Becky Hawke; Communications Director Jen Thompson; Police Chief Rob Hunter; Finance Director Chris Tucker; Public Works Director CJ O'Neill

REGULAR MEETING CALLED TO ORDER

Mayor Taylor called the meeting to order at 7:04 pm.

INVOCATION

Town Attorney Charles Buckley rendered an invocation.

PLEDGE OF ALLEGIANCE

Scouts from Boy Scout Troop 33 led the audience in the Pledge.

ITEMS TO BE ADDED TO THE AGENDA

Motion by Mr. Higdon to add as consent agenda item L an item to name the park located at Highway 51 and Phillips Road (formerly known as the Highway 51 park) to be officially named *Purser-Husley Park*. The motion was seconded by Mr. Melton and unanimously approved.

PRESENTATION ON SILENCE THE VIOLENCE

Police Officer Don Warren spoke about the elementary school program Silence the Violence, an annual contest sponsored by the Matthews Police Department which encourages students to use their artistic skills to explain how people can work to prevent violence. The students received awards for their work and spent a day with their town government counterparts.

Daniel Benabibes-Ruiz, Crown Point Elementary School(4th grade) – Public Works Director
Audrey Boyd, Matthews Elementary School(4th grade)– Parks, Recreation and Cultural Resources Director
Mylah Brewton, Crown Point Elementary School(5th grade) – Fire/EMS Chief
Sarah Conboy, Matthews Elementary School (5th grade) - Mayor
Mason Kinnavy, Elizabeth Lane Elementary School(4th grade) – Police Chief
Abigail Manley, Elizabeth Lane Elementary School (5th grade) – Town Manager
Amelia McCarty, Elizabeth Lane Elementary School(3rd grade) – Town Clerk
Jason Quinones, Crown Point Elementary School(3rd grade) – Finance Director
Xylah Thompson, Matthews Elementary School(3rd grade) – Planning and Development Director

PUBLIC COMMENT

None

REPORTS FROM BOARDS/COMMITTEES

Draft minutes from the Veteran Affairs Committee were presented. Mr. Melton commented that he's heard a lot of buzz about that committee. Mayor Taylor agreed, saying that there has been great leadership by George Fossett and great work done by the entire committee.

CONSENT AGENDA

- A. Approve Minutes of the March 31, 2016 Board of Commissioners Special Meeting**
- B. Approve Minutes of the April 4, 2016 Board of Commissioners Special Meeting**
- C. Approve Minutes of the April 11, 2016 Board of Commissioners Regular Meeting**
- D. Approve Minutes of the April 14, 2016 Board of Commissioners Special Meeting**
- E. Appoint Member to Environmental Advisory Committee**
- F. Appoint Members to Veteran Affairs Committee**
- G. Approve Appointment to Parks, Recreation and Cultural Resources Advisory Committee**
- H. Approve Kids to Parks Day 2016 Proclamation**
- I. Approve Technology Reimbursement to Commissioner Melton in the Amount of \$1,959.46**
- J. Approve Tax Refunds**
- K. Approve Budget Amendments to Recognize:**
 - 1) Court-Ordered Restitution in the Amount of \$52.00**
 - 2) Donations to the Police Department in the Amount of \$110.00**
 - 3) Shared Proceeds Received through DEA Task Force in the Amount of \$28,868.11**
- L. Name the Park at Highway 51 and Phillips Road "Purser-Hulseley Park"**

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

UNFINISHED BUSINESS

APPROVE SOLID WASTE VENDOR

Public Works Director CJ O'Neill reviewed the information presented at the previous meeting. The Town is very satisfied with its current vendor, Republic Services, but has a duty to explore options for the solid waste contract that is coming up in July. An RFP was sent in January and the top two vendors – Republic Services (Republic) and Waste Pro – were brought in for presentations and interviews.

The companies' proposals were compared and figures calculated. Each provided different options and additional services. The current contract is approximately \$1,690,000 per year. Waste Pro's proposal would save approximately \$153,000 per year. Republic submitted a proposal in accordance with the RFP, which indicates a savings of approximately \$76,000 per year. They also submitted an alternate proposal to use the existing carts, which would save approximately \$308,000 per year. Staff and the Environmental Advisory Committee recommend continuing with Republic and negotiating using their alternate proposal; if a satisfactory contract can't be reached with Republic then staff would negotiate with Waste Pro.

Mr. Higden questioned the two different bids from Republic. Mr. O'Neill explained that the RFP asked for certain services, which included new waste carts with the town logo on them. The companies all returned a proposal based on that, but Republic also turned in the alternate which proposed using the existing carts. That was an unsolicited alternate and both the initial and alternate bids were submitted at the same time. Mr. Melton asked about the condition of the existing carts and Mr. O'Neill said he believes they're in generally good condition. Mr. Miller suggested negotiating with the vendor to change out a portion of the carts per year.

Mr. Miller asked if Waste Pro was given an opportunity to propose an alternate bid. Mr. O'Neill explained that he spoke with Town Attorney Charles Buckley who said it would be legally possible but unfair to the other vendors. Mayor Taylor commented that over the years with Republic, the negotiations have yielded better and better results. He thinks it would be a fiscally responsible and wise decision to abide by the recommendation of staff and the Environmental Advisory Committee. Mr. Higdon asked about contract renewals and Mr. O'Neill explained it could be renewed at least two years and up to five years.

Motion by Mr. Melton to negotiate a contract with Republic Services for solid waste service using their alternate bid, to be brought back to the Board of Commissioners on May 9, 2016. The motion was seconded by Mr. Ross and unanimously approved.

NEW BUSINESS

RECEIVE MONTHLY BUDGET REPORT

Finance Director Chris Tucker reviewed the budget report through March 2016. Mr. Tucker said he had no major concerns.

APPROVE MEMORANDUM OF UNDERSTANDING WITH TARHEEL TRAILBLAZERS TO CONSTRUCT TRAIL AT PURSER-HULSEY PARK

Parks, Recreation and Cultural Resources Director Corey King noted that the Tarheel Trailblazers are the group that worked on Colonel Beatty Park. This volunteer group will design and construct a walking/biking trail system at the park. Mr. Higdon commented on concerns relating to potential bike accidents from exposed tree roots caused by severe erosion at Colonel Beatty Park and asked if it would be a concern at Purser-Hulsey Park. Mayor Taylor said that the trails at Colonel Beatty Park are known as being very rooty. The Trailblazers have done other trails that are in better conditions. Mr. Blodgett said he can foresee the Town paying for some maintenance on the trail. Mr. King explained that the Trailblazers will assign a local manager to watch over the trail and the Parks Department staff will watch over it as well.

Motion by Mr. Miller to approve the Memorandum of Understanding with the Tarheel trailblazers for the design and construction of a walking/biking trail system in Purser-Hulsey Park. The motion was seconded by Mr. Ross and unanimously approved.

CONSIDER INCREASING STORM WATER FEES

Public Works Director CJ O'Neill explained that the Storm Water fee structure and amounts have remained unchanged since the program's initiation in 1992. Until recently the program has operated at revenue neutral or at a surplus, but that changed in the last couple of years. Aging projects, larger projects, changes to PCO requirements and debt service for a new sweeper have contributed to the cost increases. There will be a gap of approximately \$250,000 in the upcoming budget. Staff recommends making changes to the fee structure and amounts to close that gap.

The first request is to change the existing two tier residential rate system to a four tier system, which would be fairer to properties with less impervious surface. Tier 1 would be for properties from 0 to 1,999 square feet in area; Tier 2 would be for properties from 2,000 to 2,999 square feet; Tier 3 would be for properties from 3,000 to 4,999 square feet; and Tier 4 would be for properties with 5,000 square feet or greater impervious surface area. The second request is to raise the fee structure to adequately fund the Storm Water program. The proposed fees would be as follows: Tier 1 at \$1.67 per month; Tier 2 at \$2.58 per month; Tier 3 at \$3.64 per month; Tier 4 at \$5.98 per month; and commercial properties at \$43.56 per acre per month.

Motion by Mr. Miller to adopt the new tier structure and pricing as referenced above. The motion was seconded by Mr. Melton and unanimously approved.

APPROVE STP-DA PROJECT RECOMMENDATIONS

Mr. O'Neill discussed the prioritization mechanism for funding roadway systems throughout the state. The current round of scoring was just released this month and McKee Section A is the most significant which is not currently funded. It holds a current rank of 17. The easiest way to improve that ranking is for the Town to put funds toward it. Staff recommends allocating \$2 million to McKee A as part of the Prioritization 4.0 process. This additional funding should move the project high enough to receive funding in the Transportation Improvement Plan (TIP). The draft TIP will be released in December. If the project is not funded the Town will not be obligated and staff would recommend moving to get it funded through the Surface Transportation Program - Direct Attributable (STP-DA) process.

Mayor Taylor noted that the Town will be receiving \$3 million as part of the Erickson project zoning conditions for use in transportation projects. Those funds are contingent upon the issuance of the project's first building permit. Mr. Miller asked about putting all \$3 million of these funds towards the McKee A project and Mr. O'Neill explained that he would like to retain \$1 million for the Greylock Ridge Extension project. Mr. Melton commented that McKee Road improvements would benefit the Town of Stallings as much or more than Matthews and asked if this

could be considered a regional project. Mr. O'Neill explained that the state is the entity that would make that determination but he thought it would be unlikely.

Motion by Mr. Melton to approve putting \$2 million toward McKee Section A as part of the Prioritization 4.0 process. The motion was seconded by Mr. Higdon and unanimously approved.

Mr. Urban said he would like the Board to talk more in the future about how to use the remaining funds.

CONSIDER RESOLUTION IN SUPPORT OF LOCAL CONTROL

Mayor Taylor explained that he wants the Board to restate its position to the General Assembly about its dissatisfaction with the whittling away of local control that has occurred in recent years. The issue has nothing to do with either side of the HB2 debate but rather that fact that local control is in the best interest of everyone involved. Mr. Melton said he supports the resolution not having anything to do with HB2 but because the State reacted to actions performed by the City of Charlotte not by dealing directly with Charlotte but by instituting legislation that affects all cities and towns in North Carolina.

Motion by Mr. Higdon to adopt the resolution in support of local control. The motion was seconded by Mr. Ross and unanimously approved.

MAYOR'S REPORT

Mayor Taylor noted that the Town just celebrated Arbor Day and Earth Day with great activities including a tree planting at Stumptown Park and the grand opening of the newest community garden at Purser-Husley Park. He thanked the Public works and Parks, recreation and Cultural Resources Departments for all their hard work getting the community garden ready. It will be a great amenity for the community.

ATTORNEY'S REPORT

None

TOWN MANAGER'S REPORT

Mr. Blodgett noted that the Outen Pottery deed restriction has been removed so the Historic Landmarks Commission will expect the Town to uphold its agreement. When the Board reviews the proposed budget it will include the \$55,000 payback to the Commission.

ADJOURNMENT

Motion by Mr. Melton to adjourn. The motion was seconded by Mr. Ross and unanimously approved. The meeting adjourned at 8:14 pm.

Respectfully submitted,

Lori Canapinno
Town Clerk



STIP No. U-4714

East John Street/Old Monroe Road Improvements

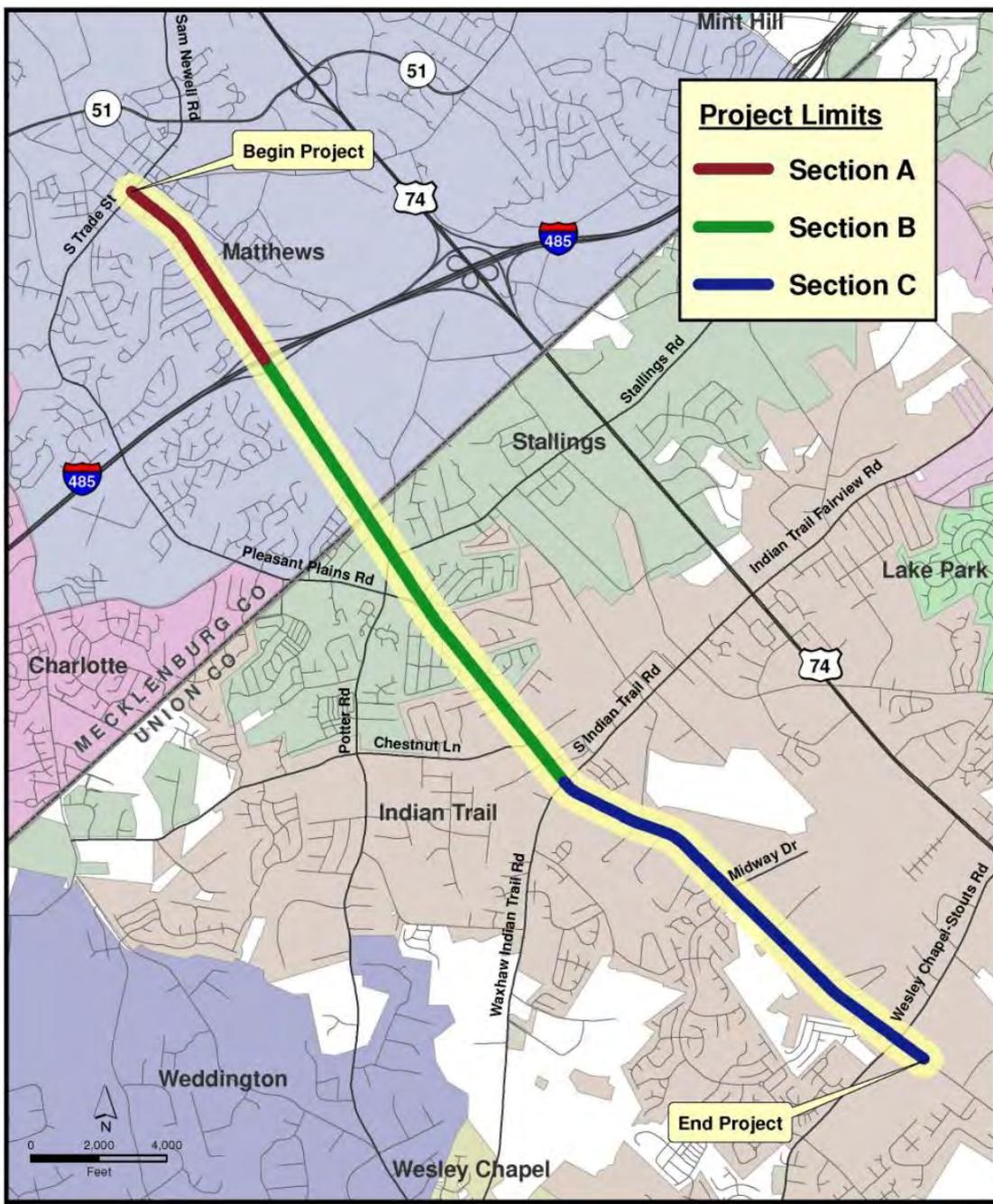
*Elected Officials Briefing
Town of Matthews*



Project Overview



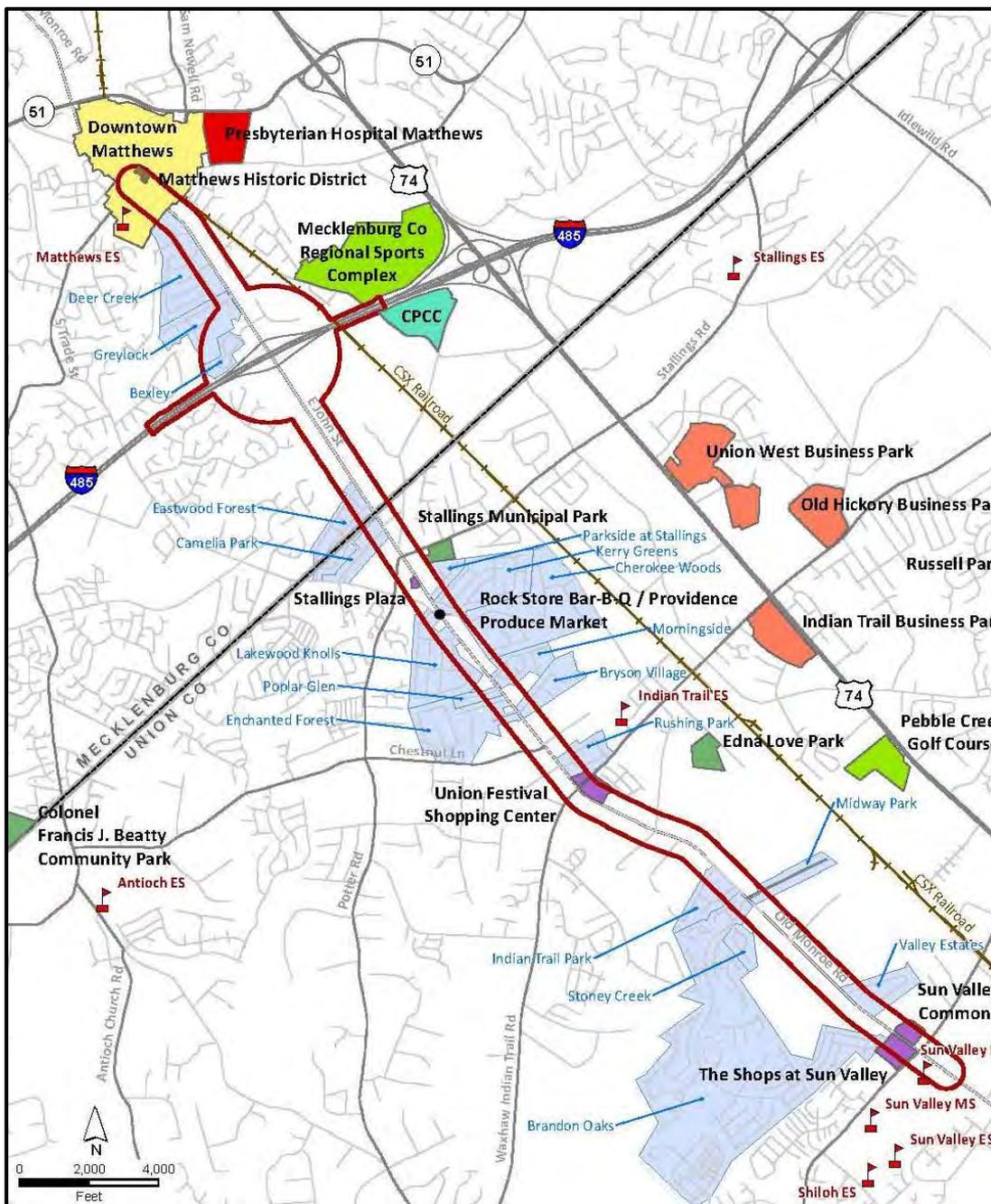
Project Location



- Section A - Trade St. to I-485
- Section B - I-485 to Waxhaw-Indian Trail Rd.
- Section C - Waxhaw-Indian Trail Rd. to Wesley Chapel-Stouts Rd.



Project Setting



- Traverses Matthews, Stallings, and Indian Trail
- Commuter (and Local) Route
- Notable traffic generators



2013 Traffic Volumes

Segment	Length (miles)	2013 Existing AADT
Trade Street to I-485	1.20	22,600
I-485 to Stallings Road	1.37	27,000
Stallings Road to Chestnut Lane	1.30	15,200
Chestnut Lane to Waxhaw-Indian Trail Road	0.30	20,800
Waxhaw-Indian Trail Road to Midway Road	1.12	22,400
Midway Road to Wesley Chapel-Stouts Road	1.27	17,200



Project Funding and Approval

The project will receive funding from the Federal Highway Administration (FHWA), and is being administered through the NC Dept. of Transportation (NCDOT).

A condition of this federal funding is compliance with the National Environmental Policy Act. To do this, an Environmental Assessment is being prepared.



Environmental Assessment/FONSI

- Formal scoping process and public involvement
- Evaluates one or more Build alternatives and the No-Build (do nothing) alternative
- Determines if proposed action may result in “significant” environmental impacts
- EA made available for public review and a public hearing held



Major Parts of an EA

NEPA-Speak

1. Purpose and Need
2. Alternatives Evaluation
3. Affected Environment and Environmental Consequences (good and bad)
4. Mitigation
5. Public/Agency Involvement

Plain English

1. What's the problem?
2. Ways to solve problem
3. Pros and cons of each solution
4. Ways to lessen impacts
5. What have people said about it?



Where Have We Been?

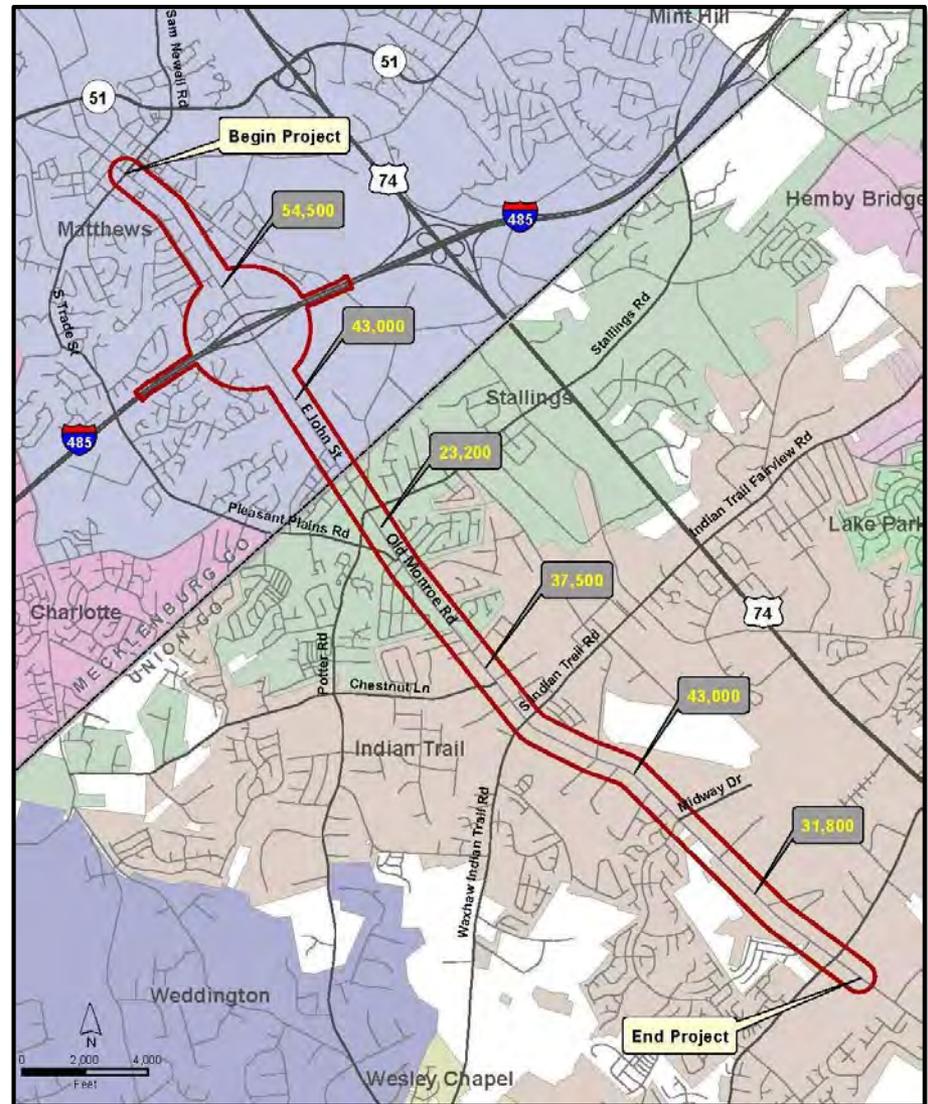
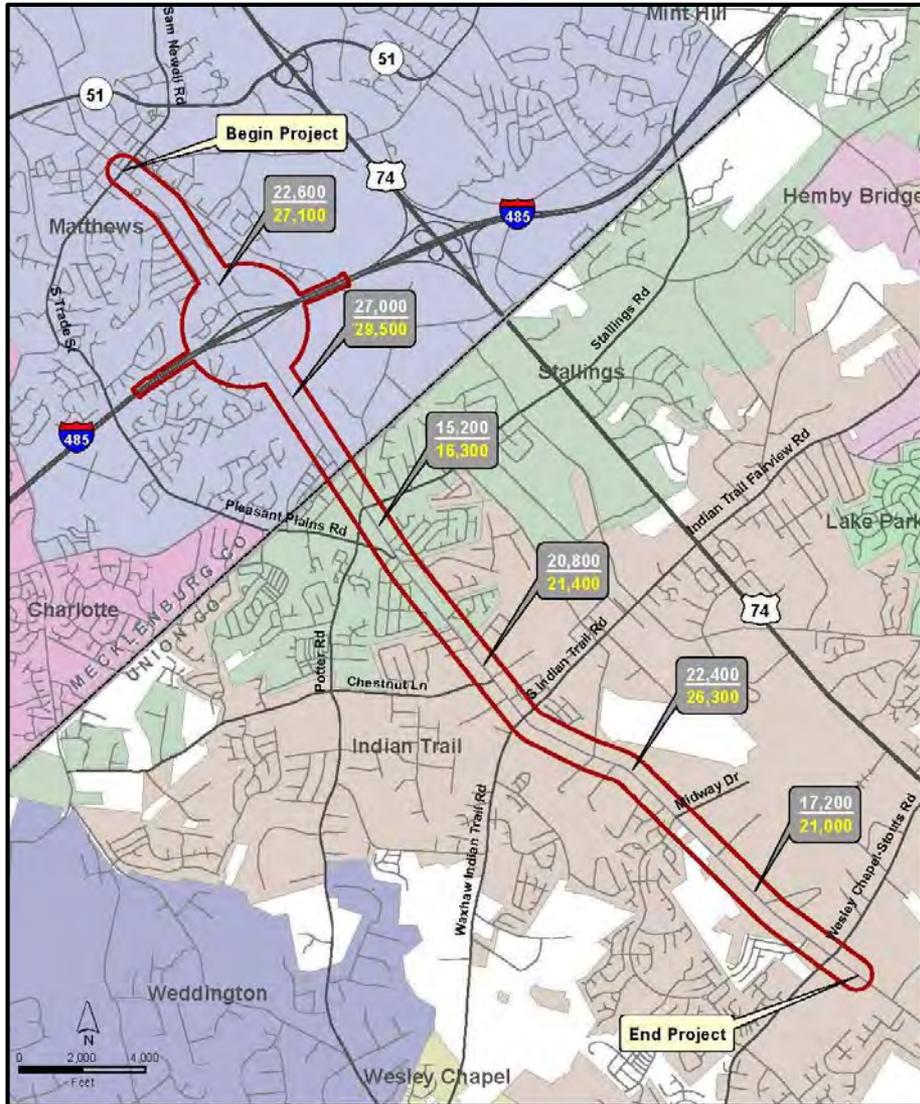


Where have we been...?

- Purpose and Need statement
- Alternatives Identification and Analysis
- Other supporting tech studies
 - Historic Surveys
 - Traffic Analysis (extensive)
 - Etc.
- Public Involvement



Project Need



Project Purpose

- Address capacity deficiencies
- Enhance mobility for traffic, pedestrians and bicyclists along the corridor
- Enhance overall travel safety for all users in the project study area



Other Project Goals

- Consensus on design features
- Aesthetics considerations
- Multi-modal
- Access management

What is a Complete Street?

Complete streets are streets for everyone. They are designed to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all abilities. There is no singular design prescription for Complete Streets; each one is unique and responds to its community context. Complete Streets can include features such as sidewalks, bike lanes (or wide paved shoulders), multi-use paths, frequent and safe crossing opportunities, median islands, lighting, and landscaping/planters.



Alternatives Development

- Identify and evaluate alternative ways to meet the purpose and need of the proposed action
- Reasonable range of alternatives
- Example
 - Type of facility (divided, undivided)
 - Capacity (# of lanes)
 - Design features (cross section)



Challenges for STIP No. U-4714

- Impacts to residents and businesses
- Archaeological/historic resources – potential
- Churches – five along project alignment
- Four Mile Creek Greenway & Future



Challenges for STIP No. U-4714

- Landowners
- Utilities
- Growth near I-485
- Access – Business, fire station, neighborhoods



Alternatives Development

IMPROVE EXISTING ROADWAY

The following range of roadway and intersection options were developed in collaboration with the public and local officials.

Roadway Options

varying bike/ped accommodations

- 4 lanes/divided
- 4 lanes/undivided
- 6 lanes/divided
- 5 lanes

Intersection Options

- Traditional signalized
- Superstreet
- Michigan left
- Roundabout
- Quadrant
- Interchange forms for I-485

Screening Analysis

Options screened for ability to meet purpose and need, public/agency opinion, and issues that would render an option unreasonable or infeasible.

- **Preliminary Alternative 1** - 4-lane divided with traditional signalized intersections
- **Preliminary Alternative 2** - 6-lane divided with traditional signalized intersections
- **Preliminary Alternative 3** - 4-lane divided Superstreet

Comparison of Preliminary Alternatives
Preliminary alternatives compared for traffic operations, qualitative impacts, and public/agency opinion.

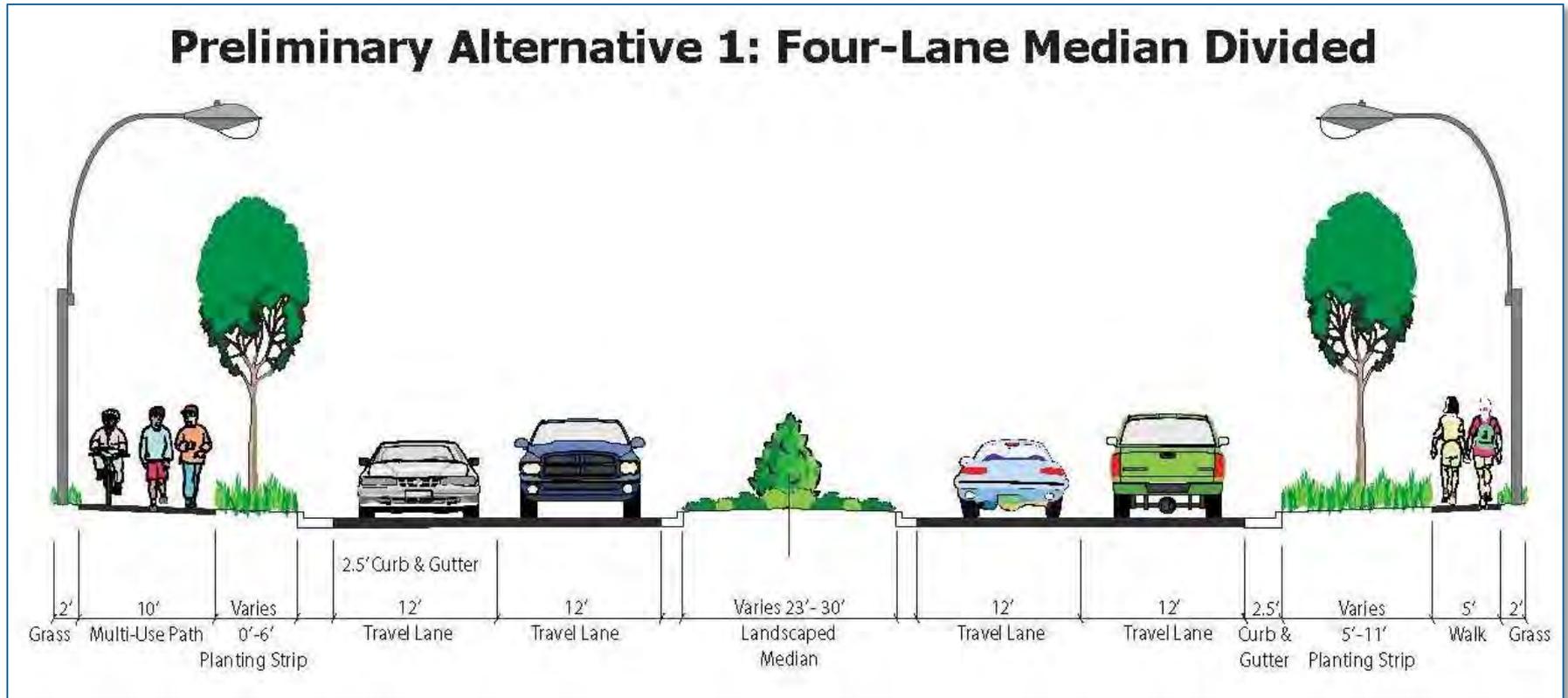


Alternatives Development

E. JOHN ST. / OLD MONROE RD.		PRELIMINARY ALT 1: 4-LANE DIVIDED	PRELIMINARY ALT 2: 6-LANE DIVIDED	PRELIMINARY ALT 3: 4-LANE SUPERSTREET
TRADE ST.		Traditional signalized	Traditional signalized	Traditional signalized
		4-lane divided	6-lane divided	4-lane divided
GREYLOCK RIDGE RD./ SPORTSPLEX (FUTURE)		Traditional signalized	Traditional signalized	Superstreet
		4-lane divided	6-lane divided	4-lane divided
I-485 INTERCHANGE RAMP (*Evaluated Partial Cloverleaf interchange design for all Preliminary Alternatives)		*Traditional signalized	*Traditional signalized	*Traditional signalized
		4-lane divided	6-lane divided	4-lane divided
McKEE RD. EXT (FUTURE)		Traditional signalized	Traditional signalized	Superstreet
		4-lane divided	6-lane divided	4-lane divided
STALLINGS RD/POTTER RD.		Traditional signalized	Traditional signalized	Superstreet
		4-lane divided	6-lane divided	4-lane divided
PLEASANT PLAINS RD. (*Also evaluated full intersection realignment with Kerry Greens entrance for 4-lane and 6-lane)		*Traditional signalized	*Traditional signalized	Superstreet
		4-lane divided	6-lane divided	4-lane divided
CHESTNUT CONNECTOR (FUTURE)		Traditional signalized	Traditional signalized	Superstreet
		4-lane divided	6-lane divided	4-lane divided
WAXHAW-INDIAN TRAIL RD.		Traditional signalized	Traditional signalized	Superstreet
		4-lane divided	6-lane divided	4-lane divided
BRANDON OAKS PKWY.		Traditional signalized	Traditional signalized	Superstreet
		4-lane divided	6-lane divided	4-lane divided
MUSTANG DR.		Traditional signalized	Traditional signalized	Superstreet
		4-lane divided	6-lane divided	4-lane divided
WESLEY CHAPEL-STOUTS RD.		Traditional signalized	Traditional signalized	Michigan left
		4-lane divided	6-lane divided	4-lane divided
SUN VALLEY HIGH SCHOOL ENTRANCE		Traditional signalized	Traditional signalized	Superstreet



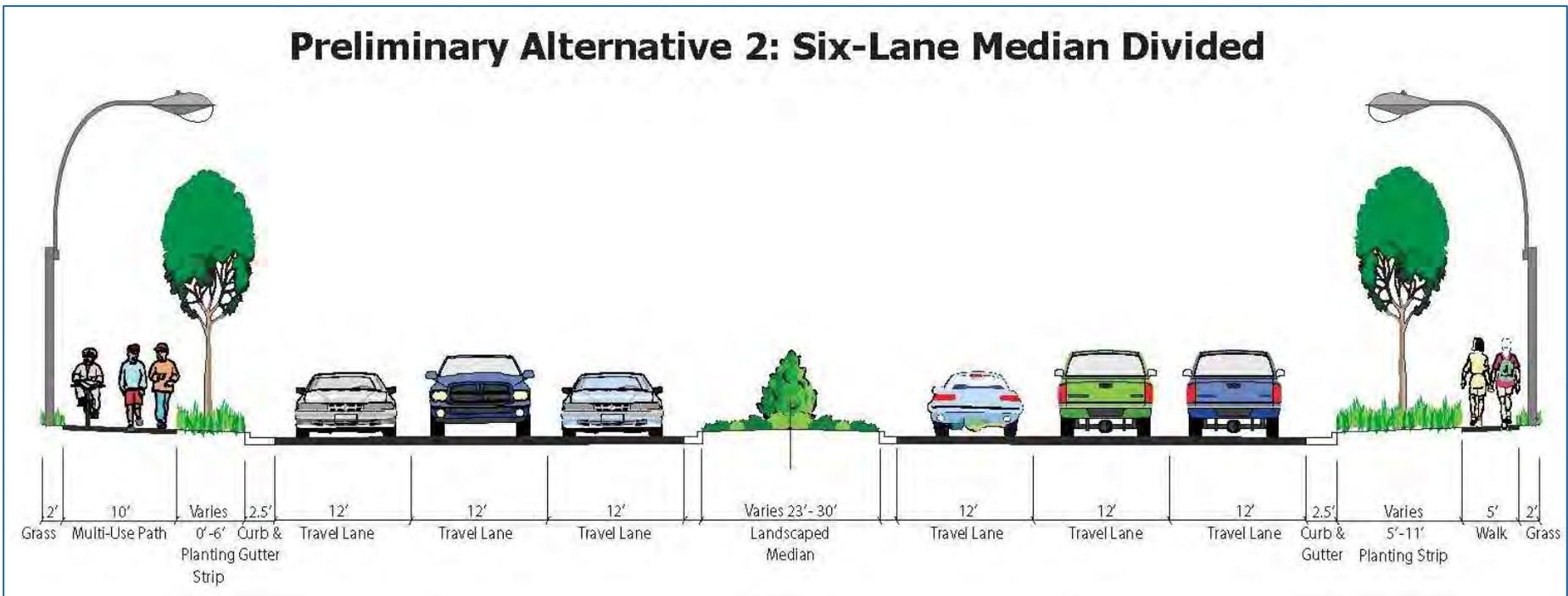
Preliminary Alternative 1 (4-Lane Median Divided with Conventional Intersections)



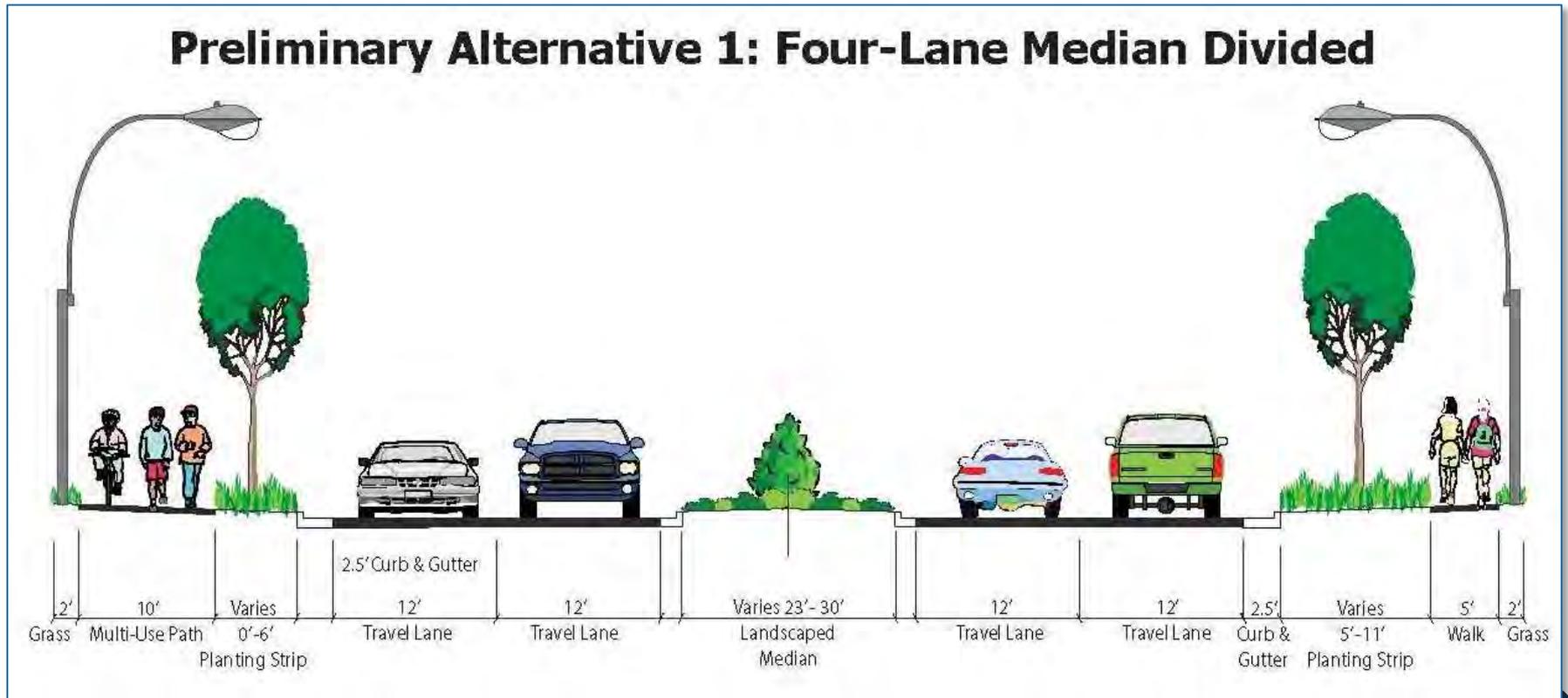
Preliminary Alternative 2

(6-Lane Median Divided with Conventional Intersections)

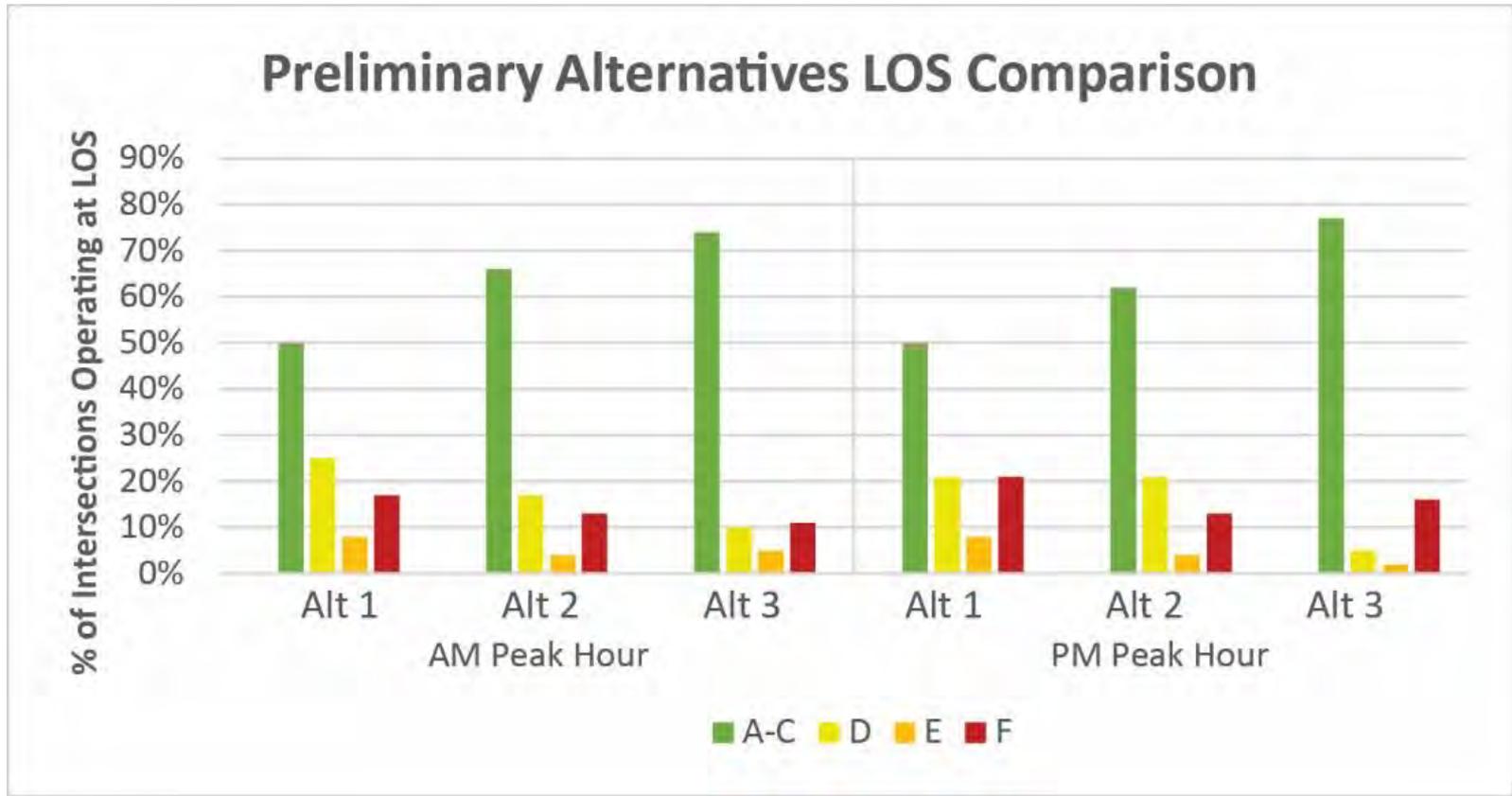
Preliminary Alternative 2: Six-Lane Median Divided



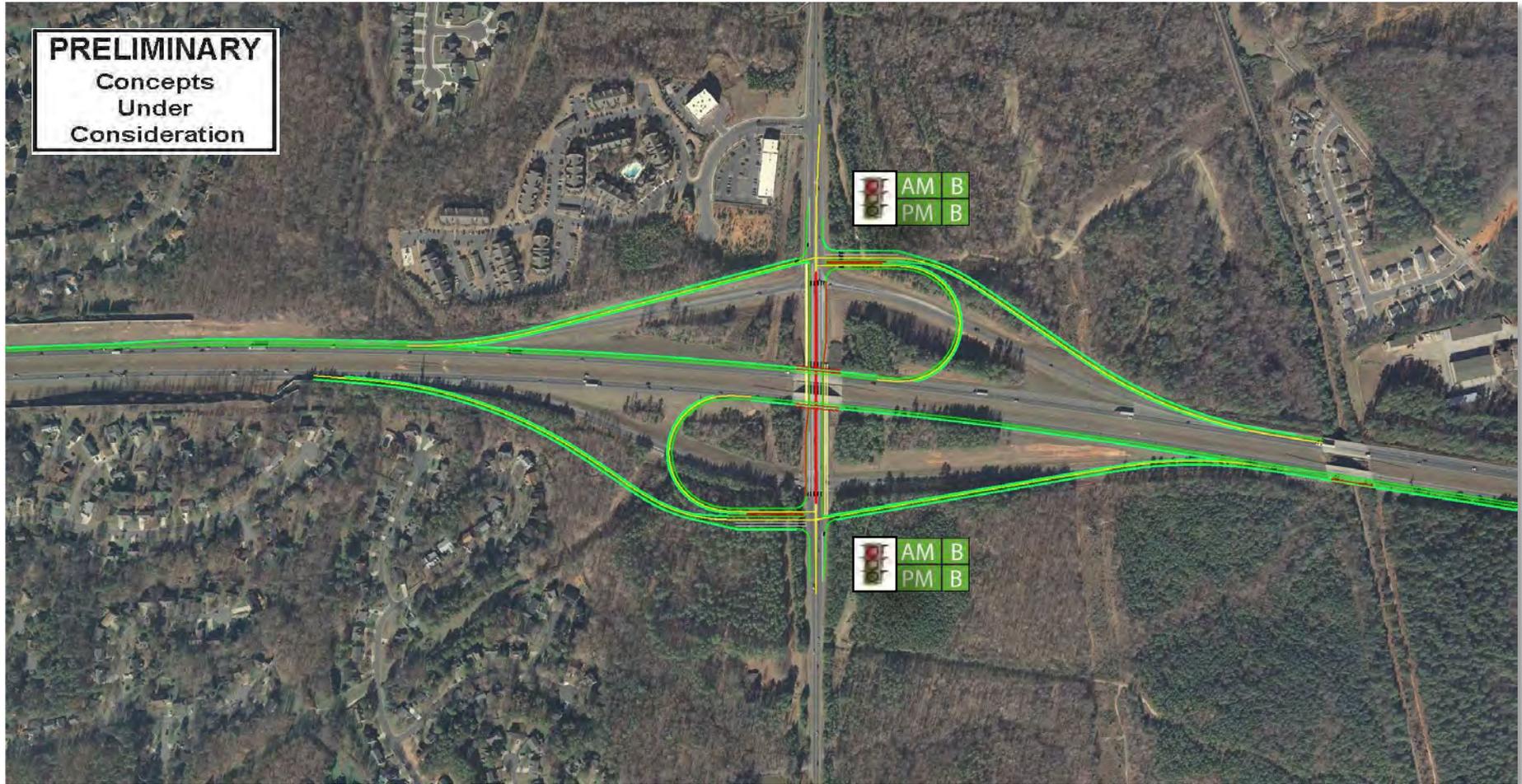
Preliminary Alternative 3 (4-Lane Median Divided with Superstreet Intersections)



Preliminary Alternatives – Traffic Operations



East John Street/I-485 Interchange Partial Clover A



Public Involvement

- Three-Day Design Charrette (August 2013)
- Public Meeting (January 2014)
- Small Group Meetings (As Requested)
 - HOAs
 - Arista Development (Indian Trail)
 - Other property owners
- Local Coordination (Matthews Staff, TAC, Council, Planning Board)

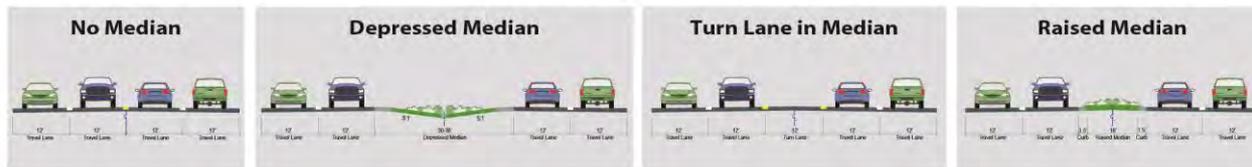


Design Charrette

- Brought together stakeholders
- Community-led input to alternatives
 - How should it look?
 - How should it function?
- Bicycle/pedestrian preferences
- Prospect for consensus
- Which concepts likely to face strong opposition and likely favored to move into detailed study



Roadway Options



Bicycle and Pedestrian Options

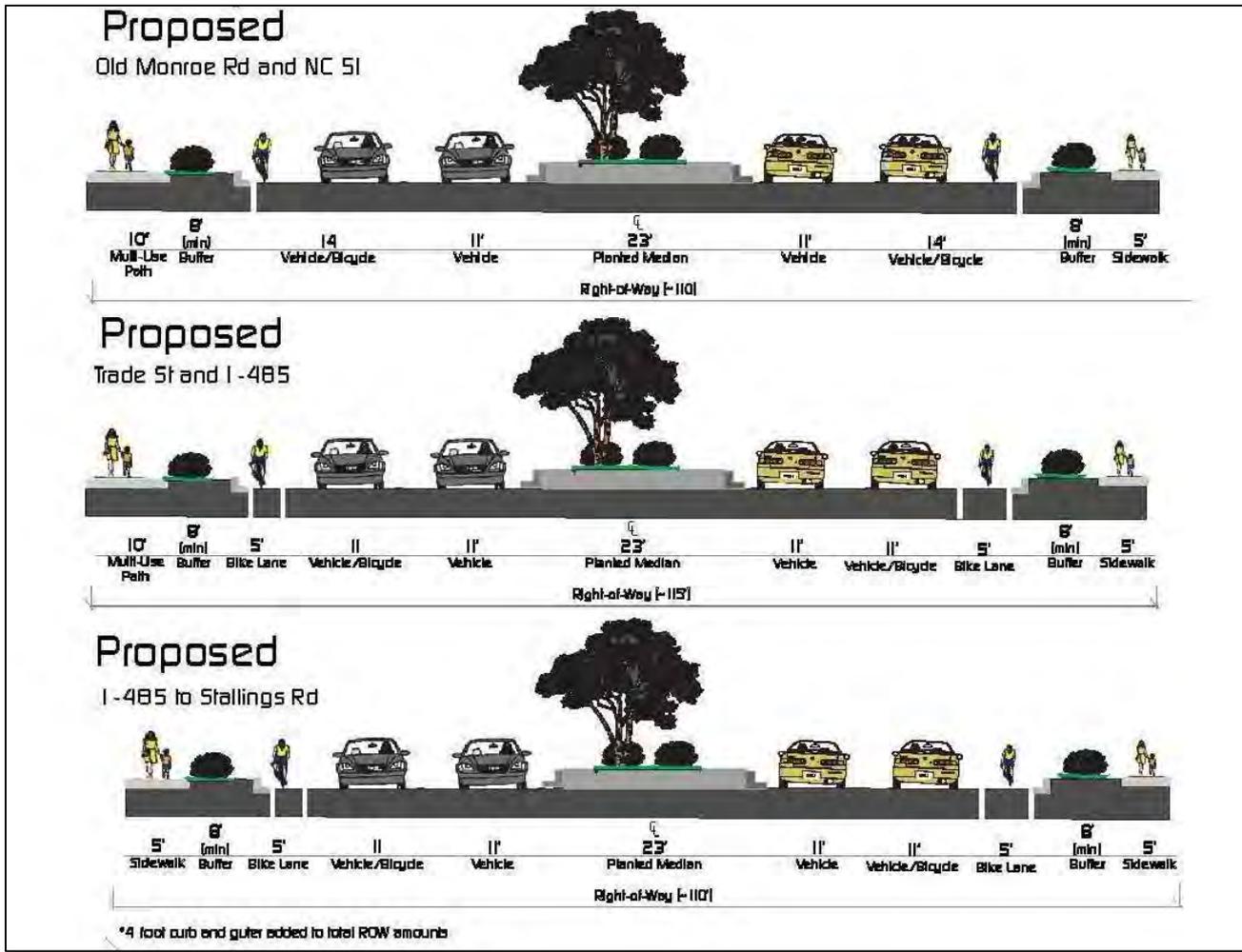


Local Coordination (Matthews)

- Project Symposium (All Towns) - May 8, 2013
- Quarterly (All Towns) - Spring 2013-Fall 2014
- January 13, 2014
- June 9, 2014
- September 8, 2014
- September 16, 2014
- March 13, 2015 (*Preview of Preliminary Design at Quarterly Meeting)
- October 6, 2015 (Matthews Staff/Property Owner)
- February 8, 2016



Matthews Comprehensive Transportation Plan



Preliminary Alternative 2 (6-Lane Median Divided) Dropped...

- Provides only marginal operational benefits over 4-Lane Divided and 4-Lane Superstreet in the design year
- Greater direct impacts to adjacent property owners and resources due to wider footprint
- Not consistent with local plans that call for a four-lane roadway
- Overall lower public and local support

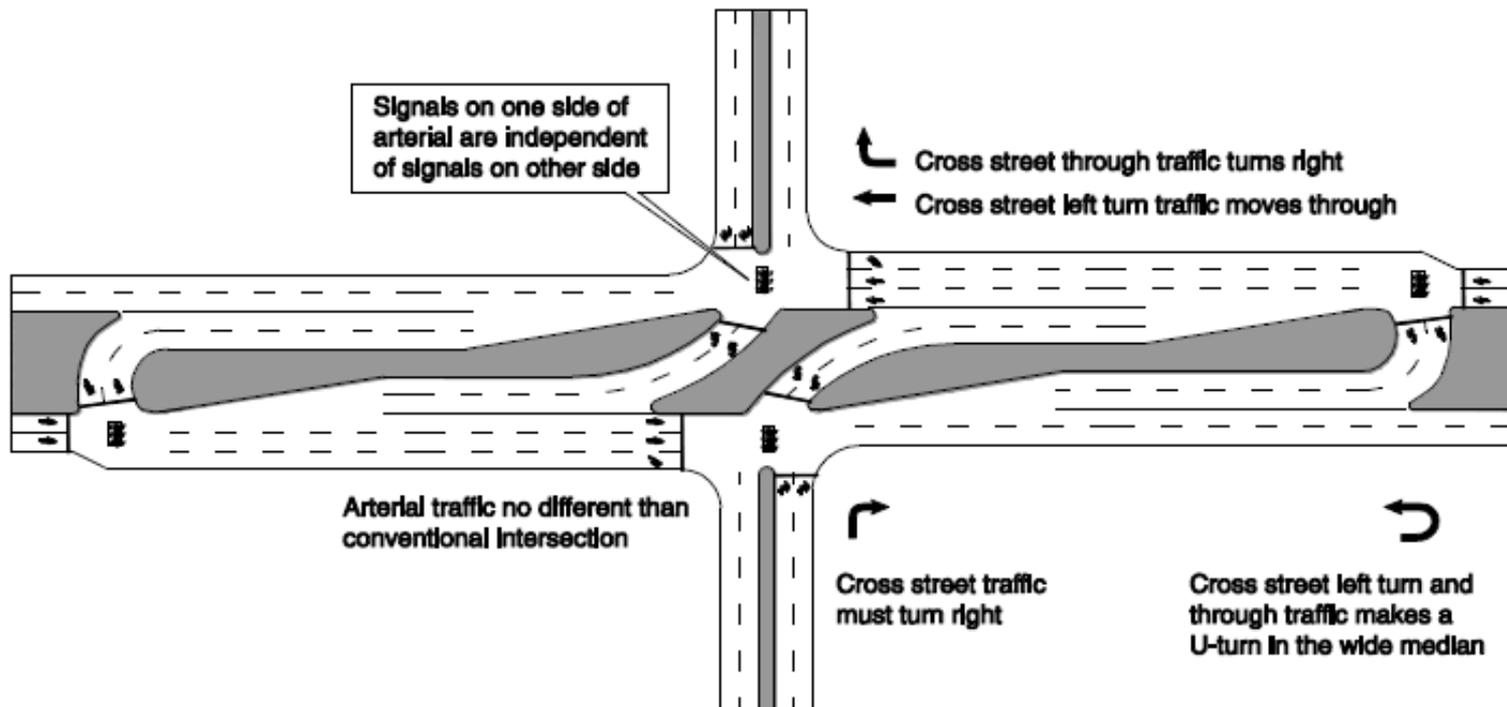


Why Superstreets?



What is a “Superstreet”?

- A type of intersection in which minor cross-street traffic is prohibited from going straight through or left at a divided highway intersection.
- Minor cross street traffic is redirected to turn right and then make a U-turn to proceed in the desired direction.
- Other configurations possible based on site specific conditions.



FHWA-SA-14-070



Why Superstreets?

- Improved Safety
- Less Travel Time
- Economically Beneficial
- Environmentally Responsible

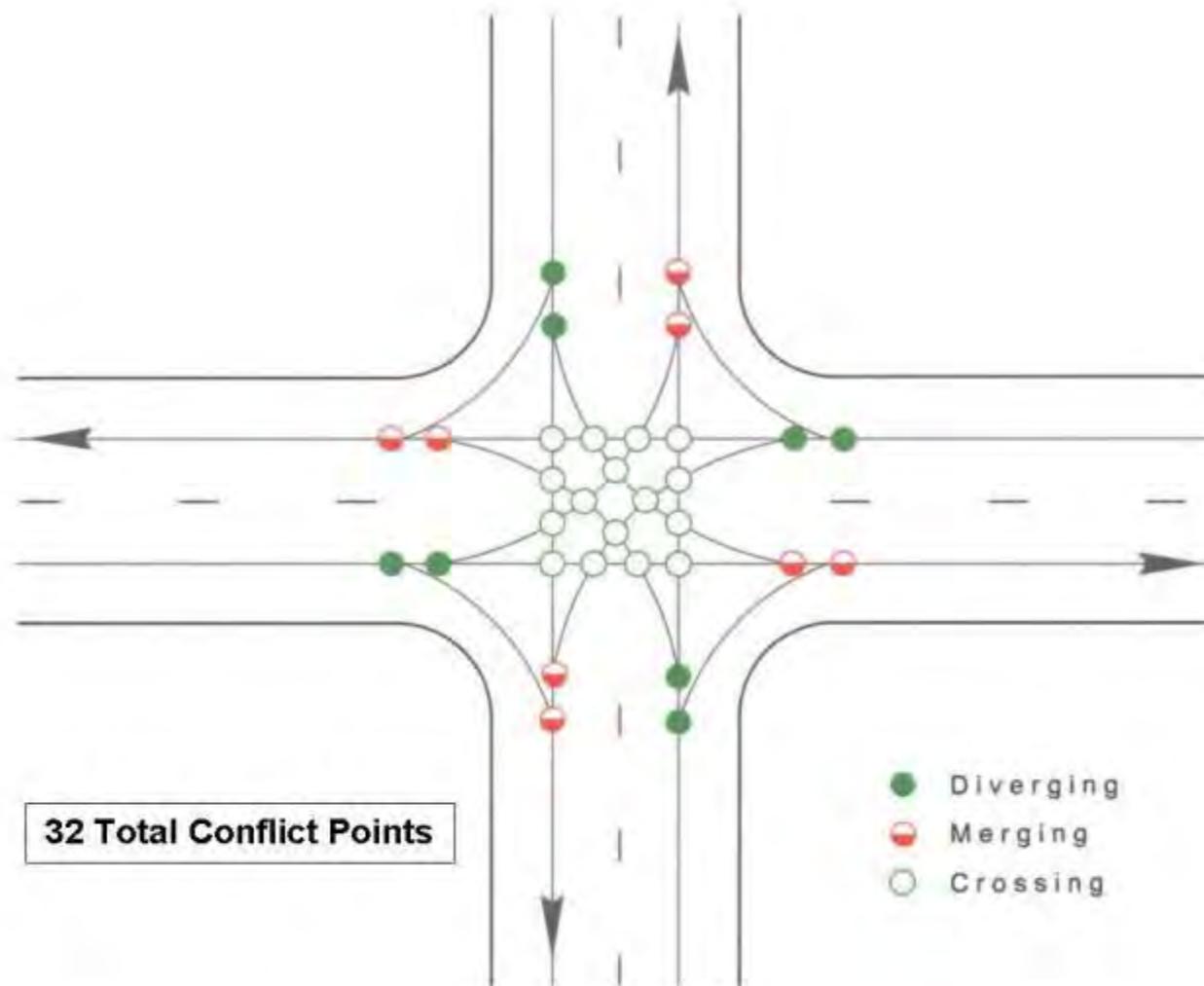


Improved Safety

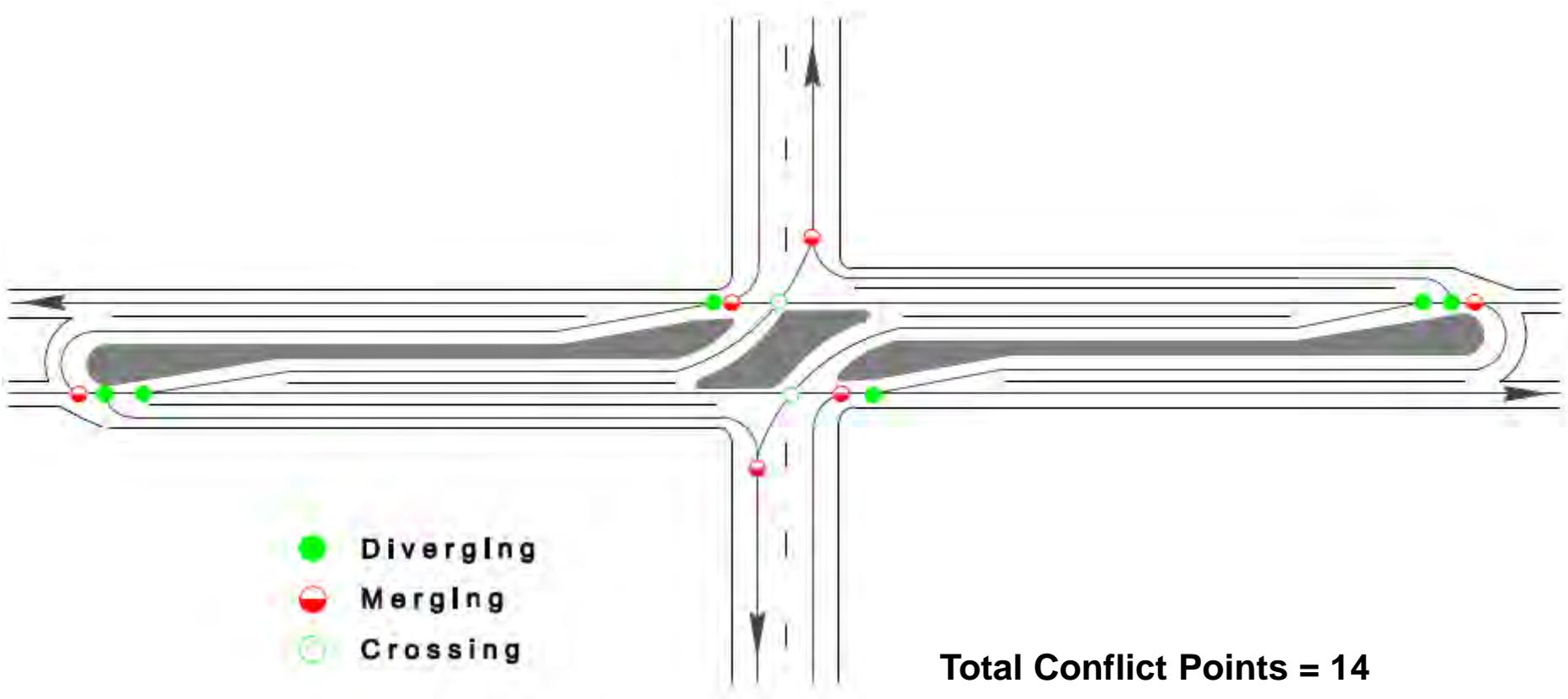
- Reduce likelihood of crashes, especially severe crashes such as side-collisions
- Fewer threats to crossing pedestrians



Conventional Intersection Conflict Points



Superstreet Conflict Points



Total Intersection Conflict Points

- Conventional Intersection – 32
16 Crossing Conflicts
- Superstreet Intersection – 14
2 Crossing Conflicts



Superstreets Benefits and Capacities

- Research project done 2009-06



Reduction in Crashes

- Safety impact by collision type for unsignalized superstreets, %

Collision Type	Crash Reduction %
Total	-46
Fatal and injury	-63
Angle and right turns	-75
Rear ends	-1
Sideswipes	-13
Left turns	-59
Other	-15



Safety Conclusions

- Unsignalized superstreets:
 - Reduced collisions for total, angle and right turn, left turn, and fatal and injury
 - Total collisions reduced by 46%

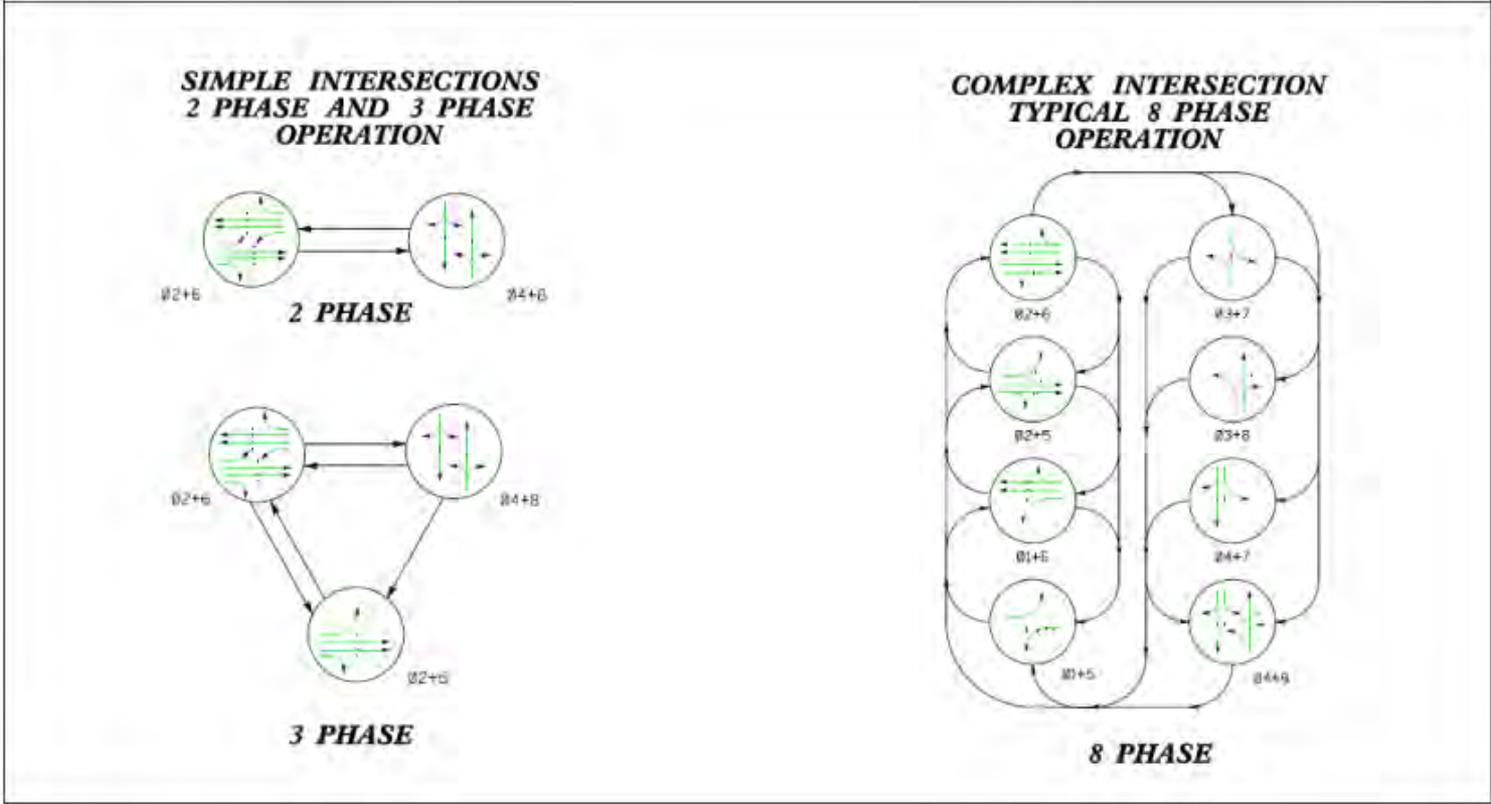


Less Travel Time

- Reduce “wait time” or delay
- Increase roadway capacity



Traffic Signal Phasing



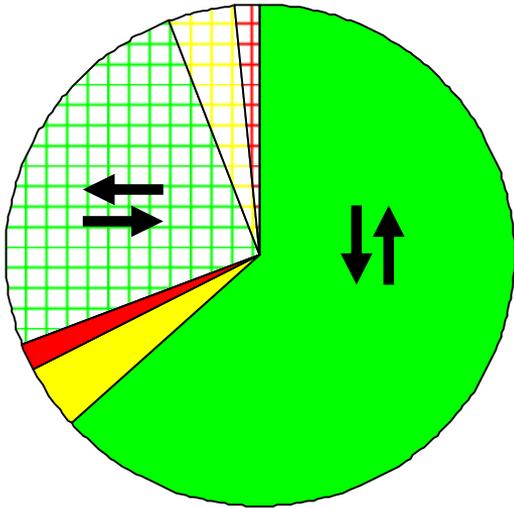
Less Delay

Current Phasing More Delay



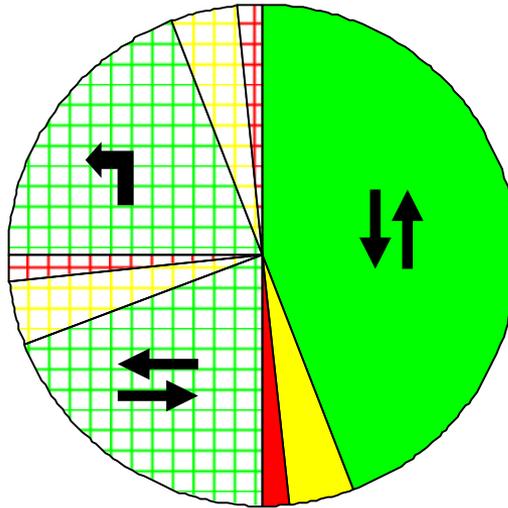
Green Time

Signal Timing - Two Phase

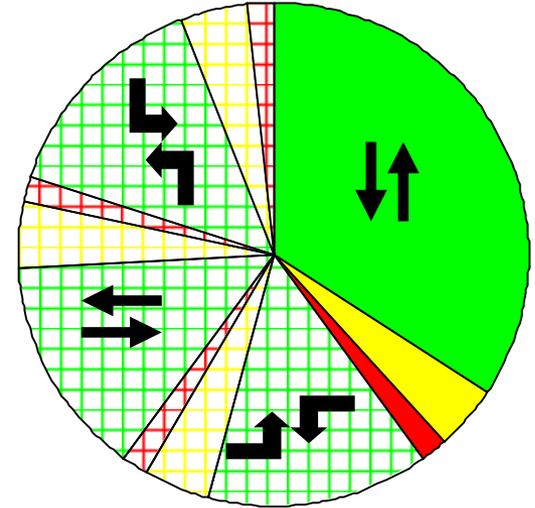


Superstreet =
Less Delay

Signal Timing - Three Phase



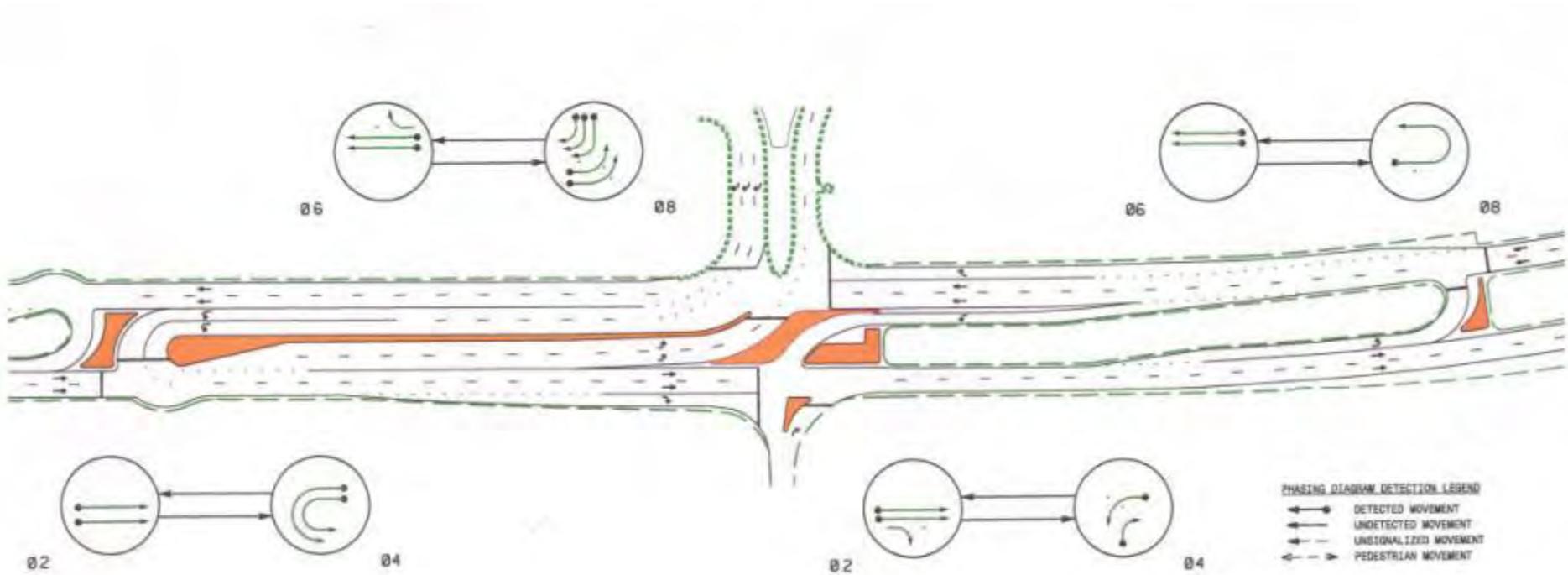
Signal Timing - Eight Phase



Current Phasing =
More Delay



Superstreet Phasing



Less Delay



Economically Beneficial

- Preserves the existing facility
- Less expensive than an interchange
- Provides good access to both sides of the main road for development



Environmentally Responsible

- Less time spent idling at a red light
- Reduction in environmental pollutants (exhaust fumes/fuel usage)
- Less acreage impacted by construction and permanent facility



Superstreet Issues/Concerns

- Public Acceptance
- Driver Unfamiliarity/Confusion
- Side Street Delays
- Emergency Vehicle Access
- Bicycles



Summary of Superstreet Benefits

- Safety
- Time savings
- Increased capacity
- Improved traffic flow
- Access management
- Land use and corridor protection
- Alternative to interchange (Less \$\$\$)
- Smaller “footprint” than an interchange



Superstreets in North Carolina

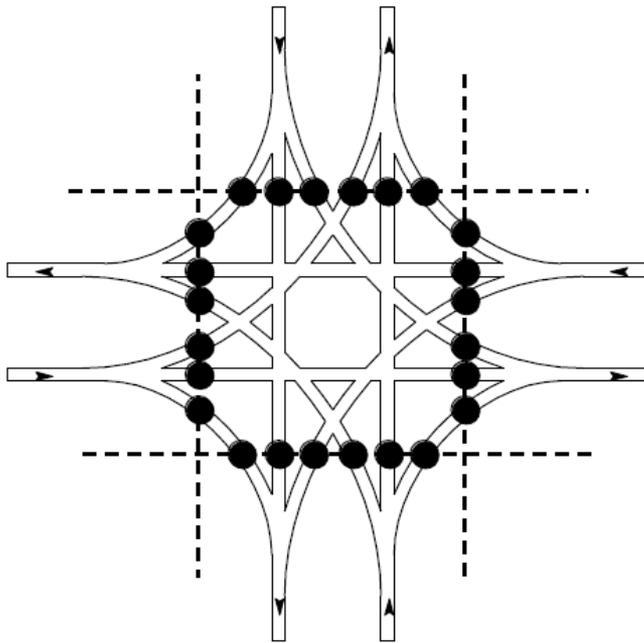
- Selected Existing Locations
 - US 15/501 in Chapel Hill, Orange County (Signalized)
 - US 17 in Pender & New Hanover Counties (Signalized)
 - US 17 in Leland, Brunswick County (Signalized)
 - US 23-74 in Haywood County
 - US 1 in Moore County, Vass Bypass
 - NC 87 in Elizabethtown, Bladen County
 - US 601 in Union County
 - US 17 By-Pass in Martin and Beaufort Counties
- Proposed Locations
 - NC 87 in Harnett County
 - Poplar Tent Road, Concord, Cabarrus County
 - NC 24-27 in Mecklenburg County
 - NC 55 in Holly Springs, Wake County
 - Over 60 TIP Projects throughout the state



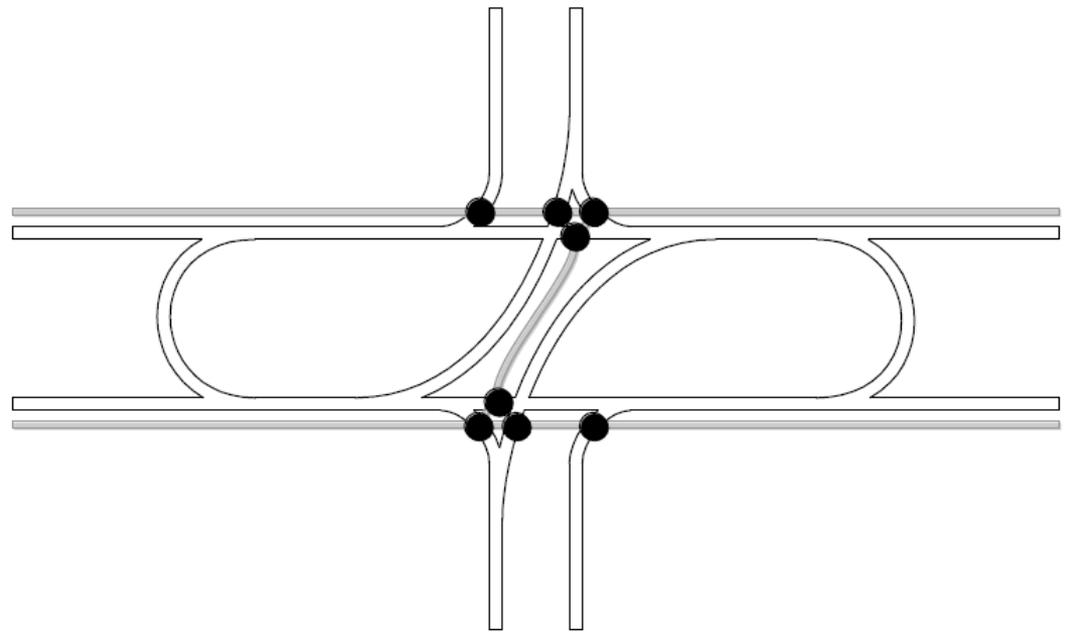
Pedestrians and Bicyclists on Superstreets



Pedestrian-Vehicle Conflict Points



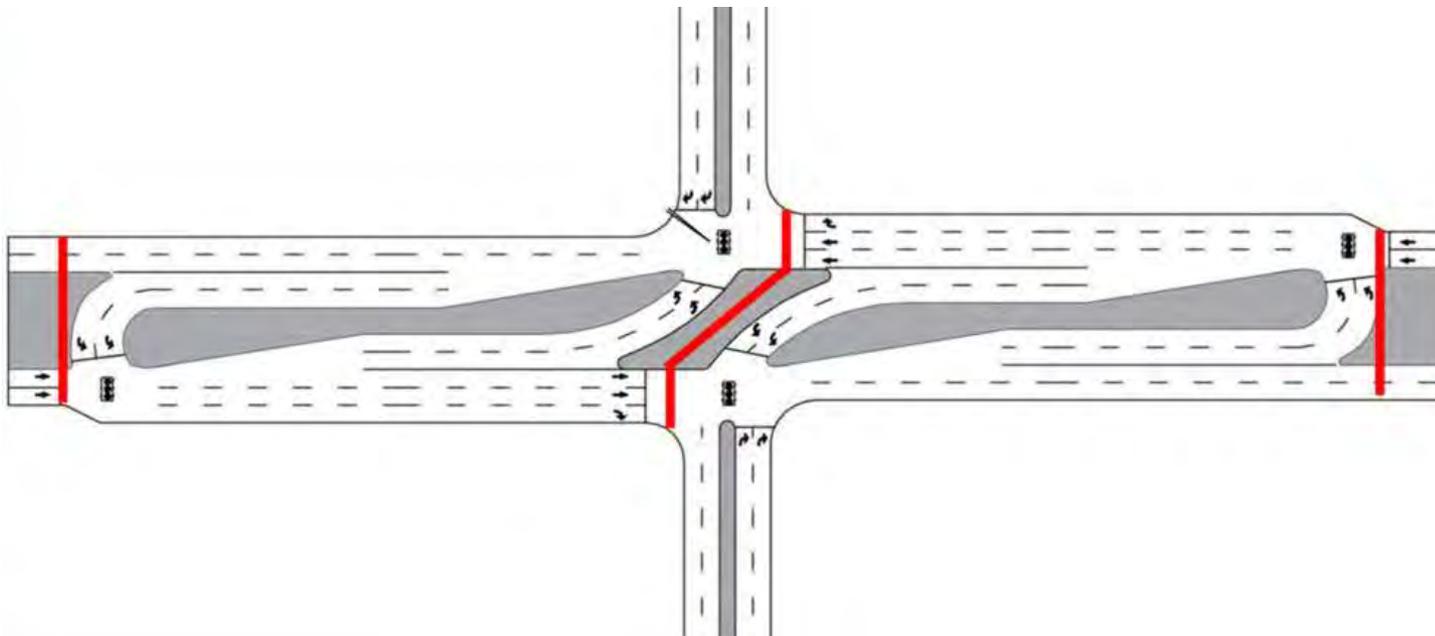
Conventional



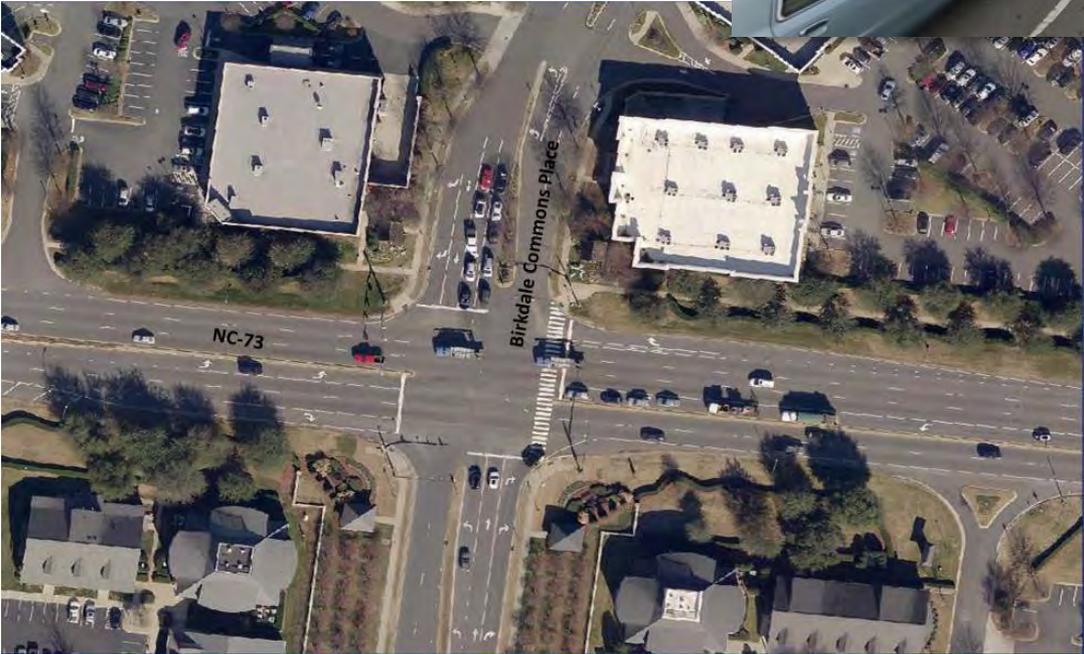
Superstreet

How Do Pedestrians and Bicyclists Cross a Superstreet?

- Safety is also increased for pedestrians and bicyclists.
- There are fewer threats to crossing pedestrians because the traffic flow is simplified and the potential conflicts with turning vehicles are reduced.
- The island provides refuge for the pedestrian as they cross the roadway.
- Pedestrians have to cross fewer lanes at a time since they are able to get a break in the middle by using the “z pattern, a two-stage crossing where they wait in the center median.



Conventional Left Turns Are Not Pedestrian-Friendly



Synchronized Street Pedestrian/Bicyclist Crossings



Preferred Alternative

- Upgrading the existing two-lane uncontrolled access roadway to a four-lane median divided urban roadway
- Non-traditional specific design treatments (mostly Superstreet design) at intersections
- Access management (e.g. signalization, median, control of access at intersections)
- Modification of the existing diamond interchange at East John Street/I-485 to a partial cloverleaf
- Bicycle and pedestrian accommodations
- Opportunity for median landscaping and within the berm adjacent to the roadway (type to be determined)



Next Steps/Future Activities

- Preliminary Design & Detailed Evaluation in EA
- EA Approval by FHWA (Tentative June 2016)
- Pre-Hearing Open House & Public Hearing (Tentative Late Summer 2016)
- FONSI (Tentative November/December 2016)
- Right of Way & Construction (All Sections - 2020, 2022)



SCALE: 1" = 50'

**STIP NO. U-4714
East John Street /
Old Monroe Road Widening**

Proposed Buckley Way
(approximate location)

Trade St.

N. Freemont St.

N. Ames St.

E. John St.

**PRELIMINARY
Concepts Under
Consideration**



**STIP NO. U-4714
East John Street /
Old Monroe Road Widening**

SCALE: 1" = 50'



Matthews Sportsplex Access
(approx. location)

E. John St.

E. John St.

E. John St.

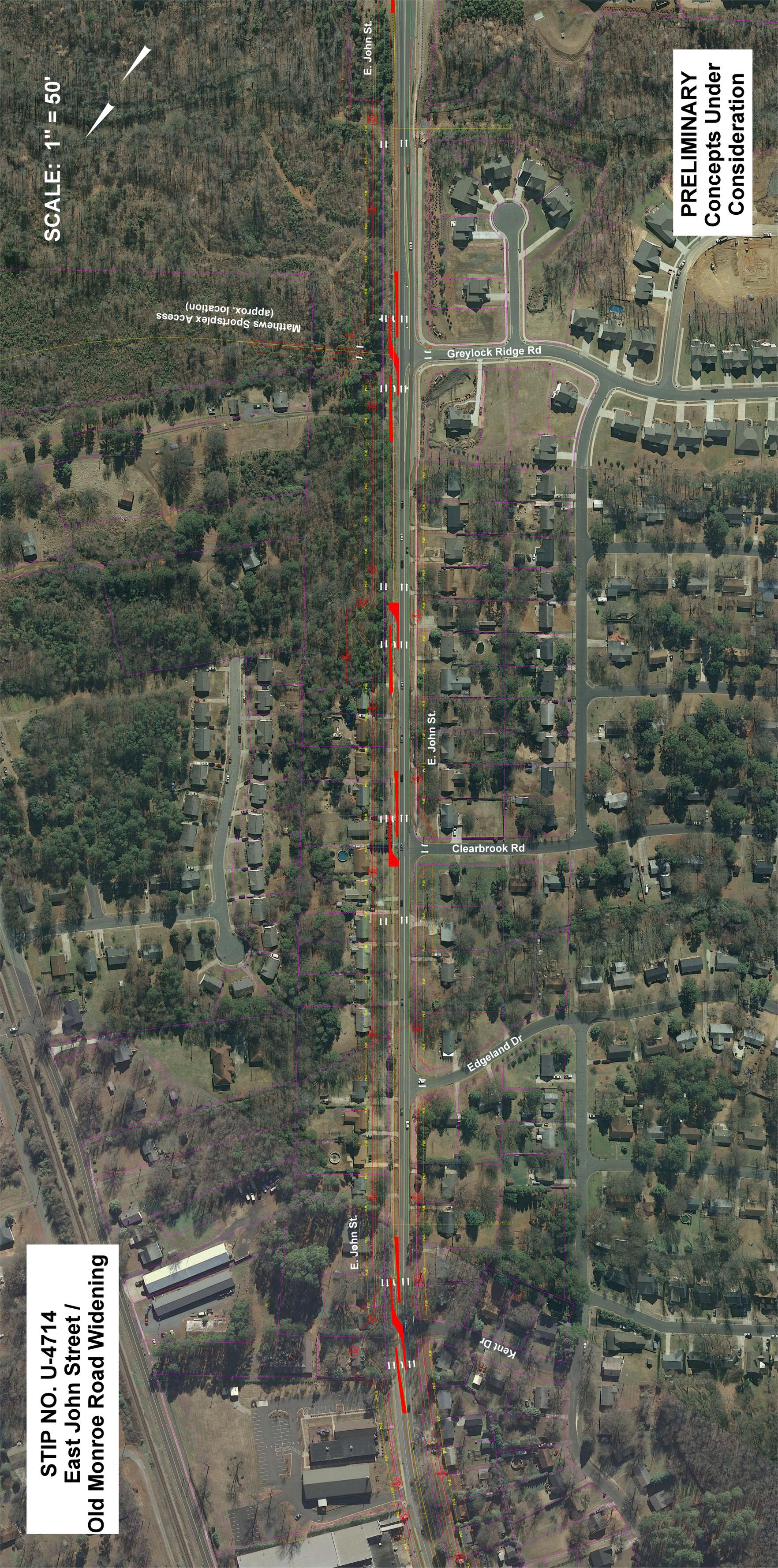
Clearbrook Rd

Greylock Ridge Rd

Edgeland Dr

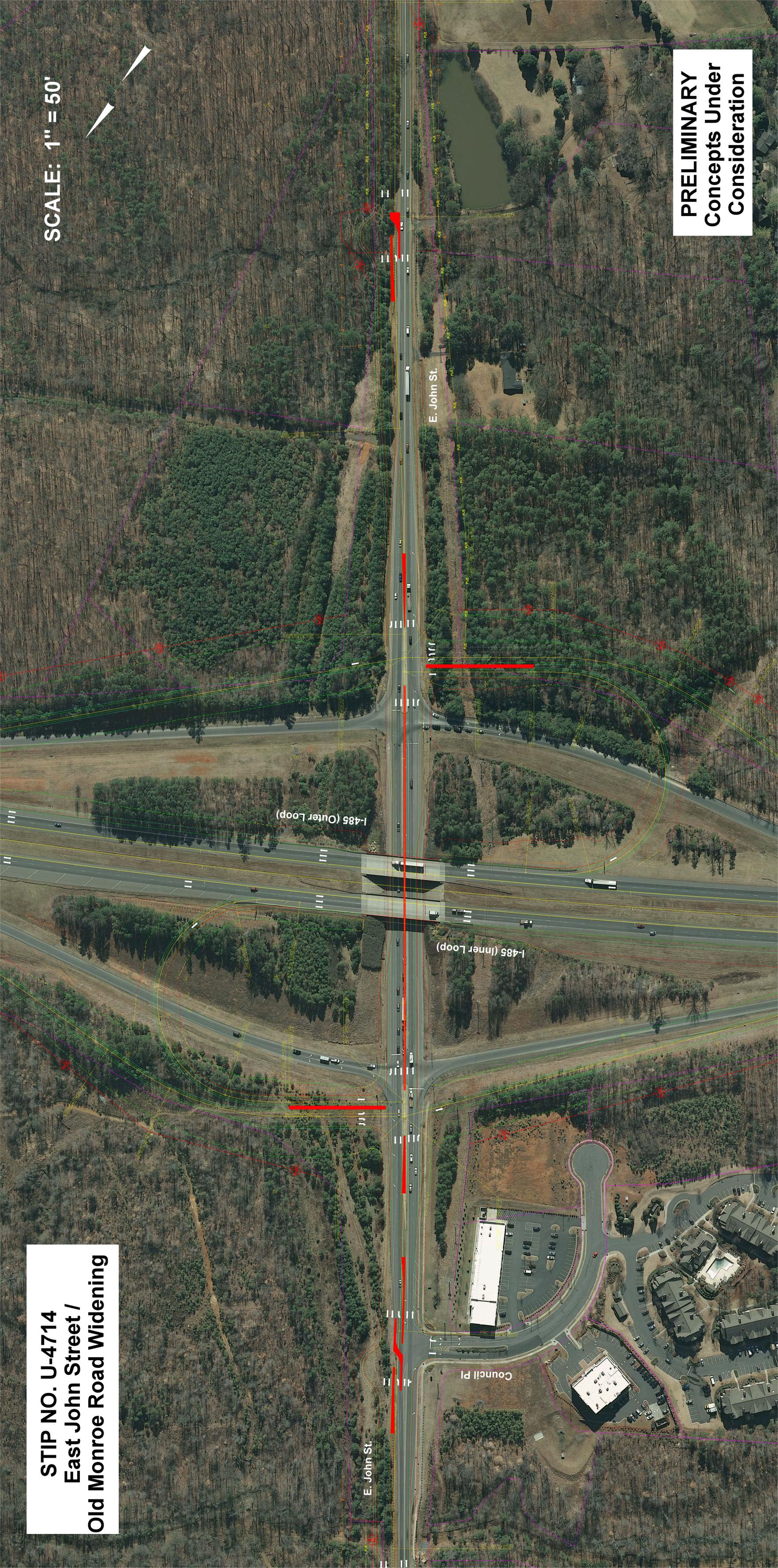
Kent Dr

**PRELIMINARY
Concepts Under
Consideration**



**STIP NO. U-4714
East John Street /
Old Monroe Road Widening**

SCALE: 1" = 50'



**PRELIMINARY
Concepts Under
Consideration**

**STIP NO. U-4714
East John Street /
Old Monroe Road Widening**

SCALE: 1" = 50'

Campus Ridge Relocation/McKee Rd Extension
(Approximate Location)

E. John St.

E. John St.

Morningwood Dr

Forestmont Dr

**PRELIMINARY
Concepts Under
Consideration**



**STIP NO. U-4714
East John Street /
Old Monroe Road Widening**

SCALE: 1" = 50'

**PRELIMINARY
Concepts Under
Consideration**



**STIP NO. U-4714
East John Street /
Old Monroe Road Widening**

SCALE: 1" = 50'



**PRELIMINARY
Concepts Under
Consideration**



Agenda Item: Lake Harmony Estates Subdivision Preliminary Plat

DATE: May 2, 2016

FROM: Mary Jo Gollnitz, Planner

Background/Issue:

Pursuant to § 155.405.7.B.3 of the Matthews Unified Development Ordinance, the Preliminary Plan of a proposed subdivision is forwarded to the Board of Commissioners within 30 days following the determination that all required standards have been met. The Board of Commissioners shall approve or approve with conditions the Preliminary Plan. If the Preliminary Plan is conditionally approved, the minutes of the Board of Commissioners meeting shall state the measures necessary for the Final Plat to be approved.

Approval of the preliminary plat allows the developer/property owner to grade the land and begin development. About the subdivision:

- Lake Harmony Estates Subdivision has submitted their Preliminary Plat for approval.
- 14 lot subdivision will be created from a single lot of 7.96 acres.
- subdivision will be accessed from Mt. Harmony Church Rd.
- development is by right in the R-15 district being developed by Bonterra Builders.
- public improvements will be installed along Mt. Harmony Church Rd including sidewalk, curb and gutter and streetscape.
- all properties will be accessed along the new public road Lake Harmony Drive which includes sidewalk, and curb and gutter and street trees.
- Final Plat(s) shall be submitted in accordance with §155.405.8 and 9 of Matthews UDO, including the installation of all required improvements.
- developer cannot get building permits or sell lots until final plat is recorded

Proposal/Solution:

The attached preliminary plat does meet all the R-15 requirements and conditions that are required. The proposed preliminary plat complies with the Matthews UDO.

Financial Impact:

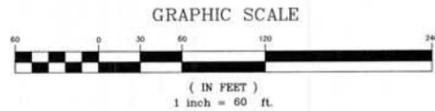
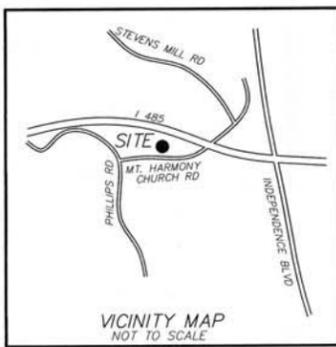
There will be 14 new homes added to Matthews tax base.

Related Town Goal(s) and/or Strategies:

Economic Development/Land Use Planning: to enhance the quality of life of the citizens by aggressively pursuing a balanced tax base; and by planning for orderly growth and development.

Recommended Motion/Action:

Staff recommends approval of the preliminary plat as presented.



LINE	BEARING	LENGTH
L1	N51°55'38"E	38.00
L2	S36°54'34"E	15.40
L3	N74°59'15"E	87.87

CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	4408.65	144.71	S74°37'05"W	144.70
C2	4408.65	423.14	S78°18'29"W	422.98
C3	9517.35	387.55	S58°33'36"W	387.52
C4	4408.65	40.71	S74°09'07"W	40.71

**INTERSTATE 485
PUBLIC RIGHT OF WAY VARIES**

- SIP SET IRON PIN
- EIP EXISTING IRON PIN
- CP CALCULATED POINT
- GV GAS VALVE
- WV WATER VALVE
- MB MAIL BOX
- WM WATER METER
- FH FIRE HYDRANT
- SSMH SANITARY SEWER MANHOLE
- SDMH STORM DRAIN MANHOLE
- LOCATED TREE/SHRUB
- LP LIGHT POLE
- TELECOMMUNICATION BOX
- TELECOMMUNICATIONS PEDESTAL
- PP POWER POLE
- BFP BACK FLOW PREVENTOR
- GW GUY WIRE
- CB CATCH BASIN
- DI DROP INLET
- CHAIN LINK FENCE
- UNDERGROUND WATER
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC
- SANITARY SEWER PIPE
- UNDERGROUND GAS
- UNDERGROUND TELECOMMUNICATIONS
- STORM DRAIN PIPE

~CASTLE CLIFF SUBDIVISION~
MB 39, PG 9

~NOW OR FORMERLY~
JOSEPH W & ANGELA D TODD
DB 29257/490

~NOW OR FORMERLY~
PARNS, LLC
DB 25615, PG 880

- NOTES:
- IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
 - PROPERTY ZONED: R-15
MINIMUM LOT AREA 15,000'
MINIMUM LOT WIDTH 80'
MINIMUM SETBACK 35'
MINIMUM SIDE YARD 10'
MINIMUM REAR YARD 50'
MINIMUM OPEN SPACE 65%
(SETBACKS ARE SUBJECT TO AN INTERPRETATION FROM THE ZONING BOARD)
 - TAX PARCEL NUMBERS AS SHOWN.
 - DEED REFERENCE: DB 29612/525.
 - BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
 - THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710459000I, WITH A DATE OF IDENTIFICATION OF MARCH 2, 2009.
 - THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
 - AREA COMPUTED BY COORDINATED METHOD.
 - UTILITY LOCATIONS SHOWN ARE LOCATED BASED ON SITE CONDITIONS AT THE TIME OF SURVEY. CONTRACTORS ARE TO HAVE ALL UTILITIES ACCURATELY MARKED PRIOR TO CONSTRUCTION.
 - NOT ALL IMPROVEMENTS ARE SHOWN.

PHILLIPS ROAD

NGS MONUMENT "096"
N: 501,800.57
E: 1,499,639.76
(NAVD 83)
CF: 0.99984402
ELEVATION: 754.0 (NAVD 88)
(BENCHMARK)

**MT. HARMONY CHURCH
PUBLIC RIGHT OF WAY**
(SHOWN 30' FROM CENTERLINE)

DATE	REVISIONS:	SCALE: 1" = 60'
6/8/12	DESCRIPTION OF TAX #21512396	2012/BA/MT HARMONY CHURCH
5/9/14	SSMH IN R/W	2012/MT HARMONY CHURCH
6/5/15	ADDITIONAL TOPO DOWN ROAD	DRAWN BY: TW
7/22/15	ADDITIONAL TOPO IN POND	CHECKED BY: HW
		FIELD WORK: TW,HW,JP
		MAY 18, 2012

21 NCAC 56 .1604: MAP CERTIFICATION
I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (TITLE REFERENCES AS SHOWN ON PLAT); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM TITLE REFERENCES AS SHOWN ON PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY MEETS OR EXCEEDS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
THIS 22ND DAY OF JULY 2015
Thomas E. White
PROFESSIONAL LAND SURVEYOR

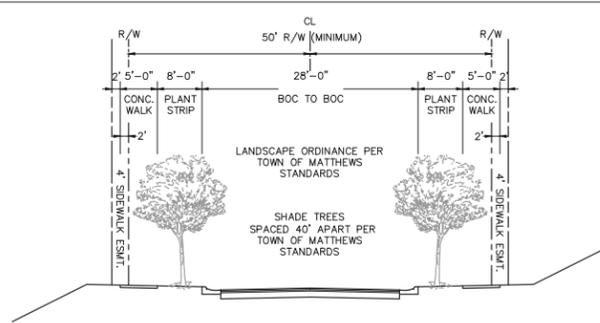


CAROLINA SURVEYORS, INC.
PARNS, LLC
P.O. BOX 287 PINEVILLE, N.C. 28134 - 0287
HUGH E. WHITE, JR., CORLI & SCRILS 889-7601
CERTIFICATE OF AUTHORIZATION #CIC-1942-16188

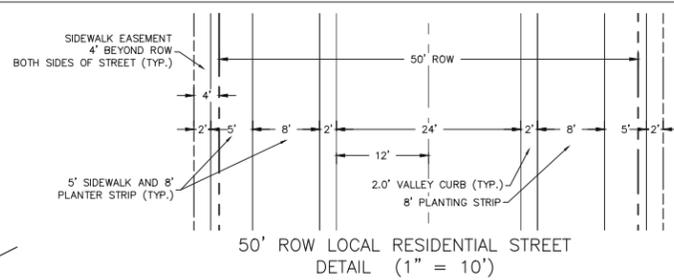
MT. HARMONY CHURCH ROAD
(NEAR THE INTERSECTION OF PHILLIPS ROAD)
SURVEYED FOR: **BONTERRA BUILDERS, INC.**
TOTAL AREA: 17.209 ACRES
TOWN OF MATTHEWS, MECKLENBURG COUNTY, NORTH CAROLINA



VICINITY MAP
SCALE: 1"=2000'



LOCAL RESIDENTIAL STREET MODIFIED SECTION WITH 4' SIDEWALK EASEMENT (NOT TO SCALE)



NOTE:
PRIOR TO STREETS BEING ACCEPTED FOR MAINTENANCE BY THE TOWN OF MATTHEWS, MATTHEWS REQUIREMENTS REGARDING STREET ACCEPTANCE MUST BE SATISFIED.

- LEGEND**
- PEDESTRIAN & MAINTENANCE ACCESS EASEMENT
 - STORM DRAINAGE EASEMENT
 - MAINTENANCE & ACCESS EASEMENT
 - EXISTING TREE TO REMAIN
 - SHUMARD OAK
 - CHINESE ELM
 - JAPANESE ZELKOVA
 - CREPE MYRTLE
 - STREET LIGHTS

SITE DATA

TAX MAP NO: 21512304
 PARCEL INFO: OWNER: BONTERRA BUILDERS LLC
 ZONING: R-15
 DEED: DB 29612, PG 525
 TOWN OF MATTHEWS, MECKLENBURG COUNTY, NORTH CAROLINA

MUNICIPALITY: +/- 7.96 ACRES (346,768 SF)
 13,750 SF (0.31 ACRES)

FINAL SITE PLANNING AREA: +/- 7.65 ACRES (333,018 SF)

ZONING: R-15

PROPOSED USE: SINGLE FAMILY RESIDENTIAL

TOTAL LOTS PROVIDED: 14 LOTS
 PROPOSED DENSITY: 1.83 B.U.A.

TOTAL ROW AREA: 34,270 SF (0.79 ACRES)
 669 LINEAR FEET

MINIMUM LOT SIZE: 15,000 SF
 MINIMUM LOT (SF): LOT 14 (15,093 SF)

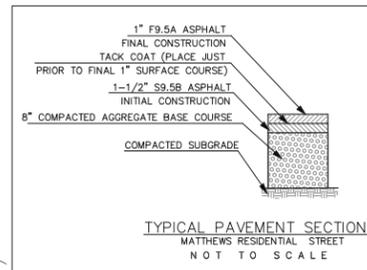
MINIMUM LOT WIDTH: 80'

REQUIRED SETBACKS:
 FRONT YARD: 40' (OR AT BUILDING FRONT)
 SIDE YARD: 10'
 REAR YARD: 55'
 MAXIMUM BUILDING HEIGHT: 35'

TREE SAVE/CANOPY REQUIREMENTS: 346,781 SF - 13,757 - 32,600 - 21,951 - 23,785
 (SITE AREA - ROW - POND - BMP & ACCESS ESMT - POWER LINE ESMT)
 = 254,688 SF
 0.20 X 254,688 = 50,937 SF (1.169 ACRES)

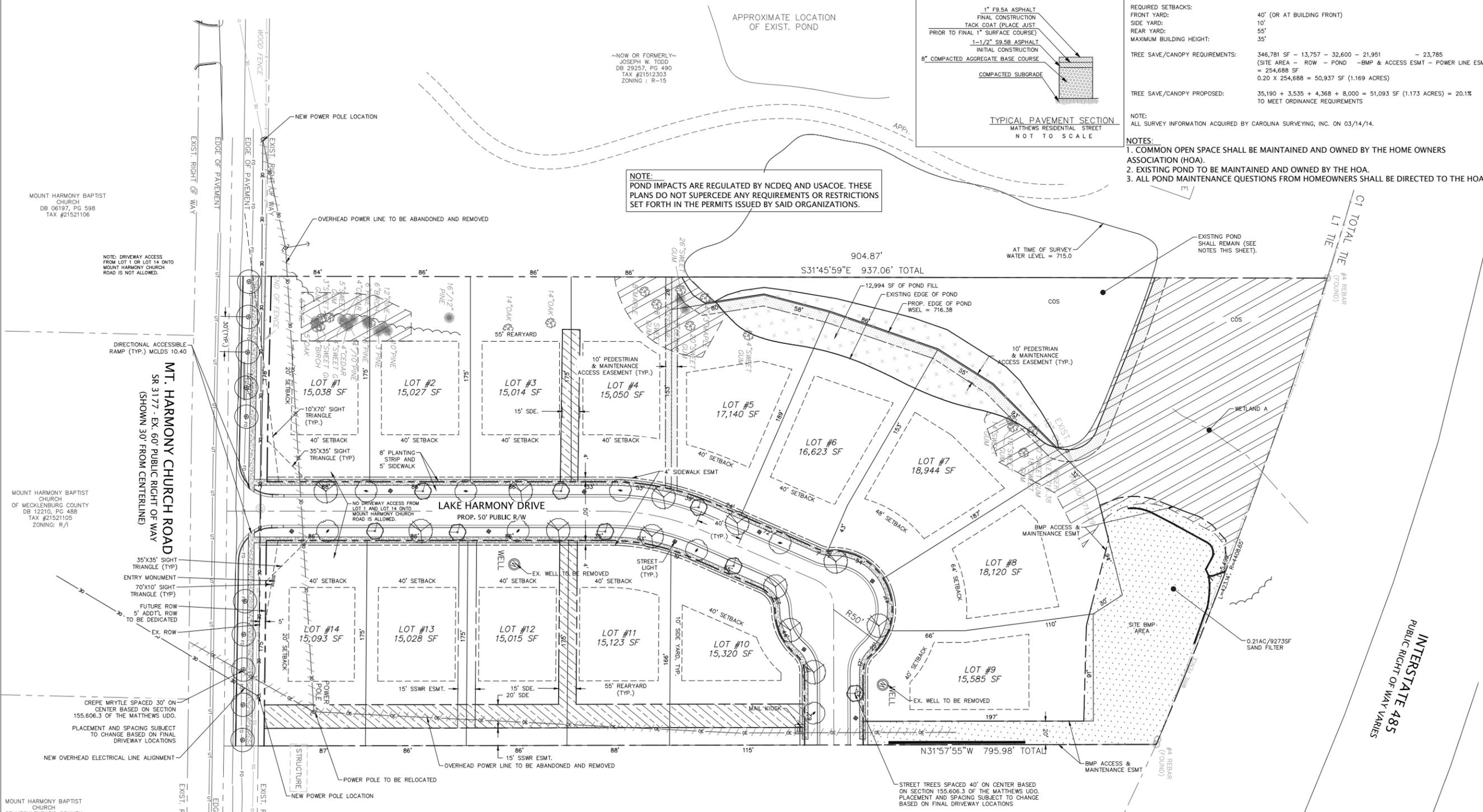
TREE SAVE/CANOPY PROPOSED: 35,190 + 3,535 + 4,368 + 8,000 = 51,093 SF (1.173 ACRES) = 20.1% TO MEET ORDINANCE REQUIREMENTS

NOTE:
 ALL SURVEY INFORMATION ACQUIRED BY CAROLINA SURVEYING, INC. ON 03/14/14.



NOTES:

- COMMON OPEN SPACE SHALL BE MAINTAINED AND OWNED BY THE HOME OWNERS ASSOCIATION (HOA).
- EXISTING POND TO BE MAINTAINED AND OWNED BY THE HOA.
- ALL POND MAINTENANCE QUESTIONS FROM HOMEOWNERS SHALL BE DIRECTED TO THE HOA.



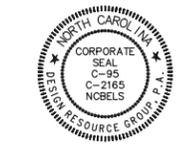
NOTE:
POND IMPACTS ARE REGULATED BY NCDEQ AND USACOE. THESE PLANS DO NOT SUPERCEDE ANY REQUIREMENTS OR RESTRICTIONS SET FORTH IN THE PERMITS ISSUED BY SAID ORGANIZATIONS.



design resource group

- landscape architecture
- civil engineering
- urban design
- land planning
- traffic engineering
- transportation planning

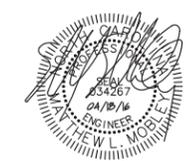
2459 wilkinson boulevard, suite 200
 charlotte, nc 28208
 p 704.343.0608 f 704.358.3093
 www.drgpr.com



LAKE HARMONY ESTATES
 MATTHEWS, NORTH CAROLINA

BONTERRA BUILDERS
 5615 POTTER ROAD
 MATTHEWS, NC 28104
 704.821.8020

PRELIMINARY PLAT



SCALE: 1" = 40'

PROJECT #: 409-013
 DRAWN BY: KL
 CHECKED BY: MVD

SITE PLAN

APRIL 18, 2016

REVISIONS:

C2.00

May 4, 2016

To: Honorable Mayor and Board of Commissioners

From: Christopher Tucker, Finance Director

CC: Hazen Blodgett, Town Manager
Becky Hawke, Assistant Town Manager
Lori Canapinno, Town Clerk

RE: Declaration of Surplus / Approve for Sale via Electronic Auction

Background/Issue:

A number of items of surplus property have been identified and are ready for sale.

Proposal/Solution:

Declare surplus and authorize the Finance Director to sell through electronic auction the following items:

1996 GMC SONOMA
2005 FORD CROWN VICTORIA
2006 CHEVROLET IMPALA
2001 VOLVO S40
1999 BMW 328I
1994 FORD E-150 VAN

Financial Impact:

Financial resources back to the General Fund

Related Town Goal:

Financial Performance- To provide financial resources in a prudent and responsible manner...

Recommended Motion:

Motion to declare the above items surplus and authorize the Finance Director to sell by electronic auction.

Storm Water Management Interlocal Agreement with Mecklenburg County

DATE: May 4, 2016
TO: Mayor and Board of Commissioners
FROM: C.J. O'Neill, PE- Public Works Director

Background/Issue

The Town and County entered into an Interlocal Agreement when we started our Storm Water Program in 1993. This agreement specified the division of duties and how the stormwater system would be maintained jointly by the Town and County. This agreement was amended in 2002. The agreement needs to be amended due to the pending revision to our stormwater rates as well as to some changes in the program, local ordinances and state law over the past 14 years.

Most of the changes are minor. The largest change allows the Town and County to hold separate public hearings for the rate change rather than having to schedule and hold a joint public hearing. This change makes it easier to schedule the hearing and also gives the public an additional time that they can provide input to the proposed changes.

Proposals / Solutions

Two copies of the draft Interlocal Agreement are attached. One of them shows the proposed modifications and the other has the modifications made to it.

Fiscal Impact

None

Related Town Goals and Strategies

We will provide vital, first-class services and infrastructure economically to the community through our proactive and professional employees.

Recommended Action

I recommend that the Board approve the draft Storm Water Interlocal Agreement as presented.

attachments

STATE OF NORTH CAROLINA

STORM WATER MANAGEMENT PROGRAM
INTERLOCAL AGREEMENT

COUNTY OF MECKLENBURG

TOWN OF MATTHEWS

**AMENDED AND RESTATED STORM WATER MANAGEMENT
PROGRAM INTERLOCAL AGREEMENT**

THIS AMENDED AND RESTATED AGREEMENT (hereinafter “Agreement”) made as of _____, by and between MECKLENBURG COUNTY, a political subdivision of the State of North Carolina (hereinafter “County”) and the TOWN OF MATTHEWS, North Carolina, a municipal corporation of the State of North Carolina (hereinafter “Town”).

WITNESSETH:

WHEREAS, in ~~2002~~ ~~1993~~ the Town and County executed an amended and restated “Storm Water Management Program Interlocal Agreement”, which Agreement the parties desire to amend and restate; and

WHEREAS, the purpose of this Agreement is to recognized that a *single storm water system* exists in Mecklenburg County, and that the goal of the Town of Matthews and Mecklenburg County is to provide comprehensive storm water services in an efficient, effective, and equitable manner; and

WHEREAS, North Carolina General Statutes 153A-277 and 160A-314 require that no storm water service fee may be levied whenever two or more units of local government operate separate structural and natural storm water and drainage system services in the same area within a county unless units of local government allocate among themselves the functions, duties, powers, and responsibilities of jointly operating a single system within the same area; and

WHEREAS, the Town and County currently have certain distinct responsibilities in connection with the operation, maintenance and financing of separate systems; and

WHEREAS, the purpose of this Agreement is to continue the single storm water public enterprise created by the parties in 1993 in Mecklenburg County, to allocate storm water responsibilities, and to establish the method and responsibilities for financing and operating a single, comprehensive storm water quantity and quality management program in Mecklenburg County as set forth in the Storm Water Management Plan consisting of policy statements and cost of service analysis/rate study dated March 31, 1993 (the “Plan”).

NOW THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE FULFILLMENT OF THE TERMS OF THIS AGREEMENT, THE COUNTY AND TOWN AGREE AS FOLLOWS:

1. Charlotte-Mecklenburg Storm Water Services – The storm water services to be provided pursuant to this Agreement shall be conducted as a public enterprise to be known as the Charlotte-Mecklenburg Storm Water Services.

~~2.~~ Major system – The County shall be responsible for administering storm water management programs on providing County-wide
~~3.2.~~ services consisting of operation and maintenance of the major system (defined as drainage systems having a watershed greater than one square mile); operation and maintenance of structural best management practices when accepted by the County and enforcement of the regulated floodway ordinance, where applicable in the Town. The County shall establish levels of service and cost, prioritize, schedule, and manage a “storm water management programs”, as such phrase is defined in G.S. 153A-274(7), related to the major system services (including, but not limited to water quality, water quantity, ~~and~~ the flow of storm water and the prevention of flood losses), and shall be responsible for financial accounting of associated revenues. The Town hereby allocates responsibility of providing the major system services within the corporate limits of the Town ~~as they may change from time to time as the result of annexation or otherwise~~ to the County.

3. Minor system – The Town, within the corporate limits of the Town as they may change from time to time as the result of annexation or otherwise, hereby retains responsibility for administering storm water management programs on the minor system (defined as drainage systems having a watershed less than one square mile, including those drainage systems intended for the purpose of conveying public storm water from one side of the street rights-of-way to the other). The Town shall establish levels of service and cost, prioritize, schedule, and manage a “storm water management program” as such phrase is defined in G.S. 160A-311(10) relating to the minor system within the corporate limits of the Town (including, but not limited to water quality, water quantity, ~~and~~ the flow of storm water and the prevention of flood losses) and shall be responsible for financial accounting of associated revenues.

4. Water quality – – The Town is responsible for protecting the quality of storm water runoff and surface waters in the Town to the extent required by the Clean Water Act and associated regulations promulgated by the United States Environmental Protection Agency and/or the State of North Carolina, and other laws and regulations that may apply to the Town. However, on behalf of the Town, the County will fulfill the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit requirements for the Town and the County provided the Town adopts and enforces the regulations necessary to support specific Permit requirements. Based on a workplan agreed to by the County and Town, the County will draft the required NPDES Phase II Storm Water Permit application(s) and forward to the State for approval. Consistent with the agreed upon workplan, the County will implement the requirements of the Permit(s) when issued by the State and provide regular reports to the Town concerning Permit activities and compliance. The Town will adopt and enforce the necessary regulations/ordinances to support the implementation of the Permit including but not limited to pollution control and post construction site ordinances. The County will also monitor general surface water conditions within the County and Town, respond to citizen requests for service regarding water quality problems and concerns and enforce applicable local surface water quality regulations. The County will also offer to provide the same services related to an NPDES Phase

II Storm Water Permit to the other Towns in Mecklenburg County. The County is scheduled to become responsible for protecting the quality of storm water runoff and surface waters in the unincorporated areas of the County as required by the Clean Water Act and associated regulations promulgated by the United States Environmental Protection Agency and/or the State of North Carolina, and other laws and regulations that may apply.

5. Personnel Necessary to the Execution of the Undertaking – The County through its employees, or its independent contractors, shall be responsible for the major system services, as described in this Agreement. The Town through its employees, or its independent contractors (not to exclude the County), shall be responsible for the minor system services, as described in this Agreement.

6. Financing – Pursuant to N.C.G.S. 153A-278 and 160A-314, the County shall establish, revise, charge, collect, and issue credits against storm water fees for property within the corporate limits of the Town to provide all or a portion of the storm water services. Storm water fees shall be a periodic service charge, which shall consist of three components as follows:

- i) Fixed and administrative cost component – to pay those expenses that are not influenced by the amount of impervious area on a parcel of property, including but not limited to the cost of producing bills and collecting fees, determining impervious area and operating customer service functions. Funds resulting from the fixed and administrative cost component of the fees shall be used only for billing, customer services, and other similar joint storm water activities. By mutual consent of the Town and County Managers, funds from the major system cost component and the minor system cost components may be used to pay a portion of the cost of producing bills and collecting fees and operating customer service functions.
- ii) Major system cost component – to pay those expenses incurred in providing a storm water management programs designed to protect water quality and manage structural and natural storm water and drainage systems of all types (master planning, operations, maintenance, etc) for streams wwith a watershed greater than one square mile in drainage area and operation and maintenance of structural best management practices when accepted by the County and enforcement of the regulated floodway ordinance, where applicable, in the Town. ~~The major system cost component of the service charge shall be a flat amount for single family residences (regardless of the amount of impervious area on the property); and for all other property, shall be based on a flat amount for each 2613 square feet of impervious area, and a prorata share for each portion thereof. The Major System Cost Component of the service charge for detached single-family residences shall have the number of tiers and associated amounts as determined by the County consistent with this Agreement and 153A-277. For all other property, the service charge shall be calculated and applied on a per square foot of impervious area basis as determined by the County consistent with this Agreement and 153A-277.~~ Revenues from the major system cost component shall be distributed to the

County for appropriation to the County for usage in the Mecklenburg County Storm Water Special Revenue Fund.

- iii) Minor system cost component – to pay those expenses incurred providing a storm water management program (master planning, operations, maintenance, etc) for drainage systems with a watershed of less than one square mile. ~~The minor system cost component of the service charge shall have two rates for single family residences, one amount for those with less than 2,000 square feet of impervious area, and a higher amount for those with 2,000 square feet or more. For all other property, the charge shall be based on a flat amount for each 2613 square feet of impervious area, and a prorata share for each portion thereof.~~ The Minor System Cost Component of the service charge for detached single-family residences shall have the number of tiers and associated amounts as determined by the Town consistent with this Agreement and 160A-314. For all other property, the service charge shall be calculated and applied on a per square foot of impervious area basis as determined by the Town consistent with this Agreement and 160A-314. Revenues from the minor system cost component collected within the corporate limits of the Town shall be distributed to the Town for the exclusive use of providing minor system services within Town corporate limits.

At the Town's request, the County will provide minor system services to the Town. These services may include, but are not limited to, inspection, construction, construction management, and water quality services. Prior to the time the County provides such services, the Town and the County must approve a work plan and budget for the services. By April 1st of each year, the County will invoice the Town for services rendered during that fiscal year. Payment to the County is due from the Town within 60 days of the invoice. The Town may pay for such services from revenues generated from the Town's minor system cost component of the storm water fee.

Each year during the budget process, but no later than ~~April 15, February 1st,~~ the Town shall County shall ask the Town inform the County if it wishes to alter the minor system cost component of the service charge. If the Town requests that the County alter the minor system cost component of the service charge levied within the corporate limits of the Town, the Board of County Commissioners shall schedule ~~a~~ and hold a public hearing on the proposed alteration in the service charge. The Town Manager of the Town of Matthews, or designee, shall attend the County's public hearing, make any necessary presentations, inform the public of the date for the Town's public hearing on the proposed alteration, and answer questions. The County shall send the Town Clerk the minutes of the public hearing for distribution to the Mayor and members of the Town Board. In addition, the Town Board shall schedule and hold its own public hearing on the proposed alteration in the service charge. ~~joint public hearing on the alteration in the service charge at a time which is mutually convenient.~~ Following the hearing, the Board of County Commissioners shall alter the minor system cost component of the service charge to be levied within the Town after it receives notification from the Town governing body of the desired alteration in the minor

system cost component of the service charge. The Board of County Commissioners shall attempt to schedule the public hearing before May ~~15-30~~ so that changes made in the minor system cost component can be placed into the budget for the next fiscal year.

In the event a change is requested separate from the annual budget process, the County shall conduct such public hearings, and if necessary, do so jointly with the Town, and take such other measures as required by the North Carolina General Statutes to establish new charges within sixty (60) days of the Town's request.

- iv) The fees, which will be levied against the Town, will consist of three service charges as follows:
 - (a) A fixed cost service charge calculated as indicated above; and
 - (b) A major system cost component service charge based upon the sum of the total impervious area in the dedicated street rights-of-way in the Town, except for rights-of-way of State maintained highways, and on all other properties (i.e. non-single family residential properties) owned by the Town ~~based on a flat amount for each 2613 square feet of impervious area, or fractional part thereof~~ as indicated above; and
 - (c) A minor system cost component service charge based upon the sum of the total impervious area on all properties (i.e. non-single family residential properties) owned by the Town ~~based on a flat amount for each 2613 square feet of impervious area, or fractional part thereof~~ as indicated above. The Town's minor system cost component service charge shall be distributed to the Town in accordance with this Agreement.

If sufficient documentation can be provided by the Town, a single bill can be sent for all fees owed by the Town containing a single fixed cost.

7. Credits – Properties subject to storm water service charges may be granted credits against the fee in accordance to the credit policy approved by the Mecklenburg County Board of Commissioners for Charlotte – Mecklenburg Storm Water Services. The credit shall be applied to charges for both the major and minor system. The County hereby retains the responsibility for reviewing and approving credit applications within the Town for both the major and minor systems cost components of the service charge.

8. Billing – Pursuant to NCGS 153A-277 and 160A-314 under this Agreement the County has primary responsibility for billing and collecting storm water service fees. As of the date of this Agreement, for the storm water accounts that are also billed water/sewer charges from Charlotte-Mecklenburg Utilities, the fees shall be billed with and at the same frequency as Charlotte-Mecklenburg Utilities water/sewer charges. For storm water accounts that are not billed water/sewer charges from Charlotte-Mecklenburg Utilities, the fees shall be billed at a minimum of once a year.

9. Customer Service – The existing customer service function (using 31136-RAIN) operated by the City of Charlotte Customer Service Center shall continue to receive storm water comments, complaints, and requests for service from any source throughout the County

10. Town's Obligations – Town agrees to enact any ordinances or regulations which the County may request Town to enact in order to enable County to carry out its responsibilities to provide a comprehensive storm water management program within the Town and to enable the Town to fulfill its responsibilities under the NPDES regulations and the NPDES Permit to be issued for the Town. Town hereby grants County the right to go upon the rights-of-way of streets within the Town which have been accepted for dedication by the Town for purposes of carrying out its responsibilities hereunder.

11. Indemnity of Town – County agrees to indemnify and hold Town harmless from and against any and all claims, liabilities, damages and expenses, including attorney's fees, arising from the Town's participation in the storm water public enterprise, from actions taken by the County under this Agreement, or from the Town's enacting any ordinances or regulations it is required by the County's Storm Water Management Plan to enact. Town agrees to indemnify and hold County harmless from and against any and all claims, liabilities, damages and expenses, including attorney's fees, arising from the Town's operation and maintenance of the minor system in the Town and from any failure of the Town to enact or properly enforce any regulations or ordinances required by the NPDES Phase II Storm Water Permit for the Town.

12. Town's Right to Oppose – Town reserves the right to oppose decisions by the County as to the location or proposed location for storm water facilities (lakes, ponds, etc.). Such opposition would not, however, relieve the Town or County from its obligations under this Agreement.

13. Storm Water Advisory Committee Representation –
A nine-member citizens advisory committee has been established with representatives of the following categories:

- schools, colleges, hospitals, or churches – 1 member (individual to be employed full time by the institution or be a board member or officer of the institution);
- industry, manufacturing, or commercial – 1 member (individual to be employed full time in the management and/or operation of industrial, manufacturing, or commercial property);
- environmental organizations – 1 member (individual to be a member of a generally recognized organization involved in environmental issues);
- financial, accounting, or legal professional – 1 member (individual to be employed full time in providing financial, accounting or legal services);
- developer or land development design professional – 1 member (individual to be employed full time in land development or the design of building or land improvements);

- general contractor – 1 member (individual to be employed full time as a construction contractor);
- residential neighborhoods – 3 members (individuals shall not qualify for one of the other categories).

The members shall be appointed as follows:

- 3 members by the Charlotte City Council;
- 3 members by the Mecklenburg Board of County Commissioners;
- 1 member by the towns in the northern part of Mecklenburg County as determined by the northern towns;
- 1 member by the towns in the southern part of Mecklenburg County as determined by the southern towns; and
- 1 member by the eight previously appointed members above.

The ninth member appointed by the Committee must represent the category not filled by the City, County or Town appointments. The members shall serve staggered, three-year terms such that three members are appointed each year. Each member’s term of service shall begin on a July 1 and end on a June 30 for the staggered three-year terms of service. If a member is not appointed by July 1, his or her term will nevertheless end on June 30 three years after the intended July 1 appointment. The categories of the three members to be appointed each successive year shall be allocated to the City, County, and Towns or Committee by lottery. In the event a jurisdiction cannot identify a candidate for the category assigned by the lottery, a “residential neighborhood” representative may be appointed. The Committee position will revert back to the assigned category at the expiration of the term.

As of the date of this Agreement, the Town of Cornelius appointed the current Northern Towns Representative to the Storm Water Advisory Committee. At the conclusion of the current term, the Town of Huntersville will have the right to appoint the Northern Towns Representative for a three year term, to be followed by the Town of Davidson having the right to appoint the Northern Towns Representative for a three year term, and then rotating back in the same order. As of the date of this Agreement, the Town of Pineville appointed the current Southern Towns Representative to the Storm Water Advisory Committee. At the conclusion of the current term, the Town of Mint Hill will have the right to appoint the Southern Towns Representative for a three year term, to be followed by the Town of Matthews having the right to appoint the Southern Towns Representative for a three year term, and then rotating back in the same order

No member may be appointed to more than two full or partial terms. Any member who fails to attend at least seventy-five percent of the regular and special meetings of the Committee during any calendar year shall be automatically removed from the Committee. The Committee shall select a Chairperson each year from its own members by majority vote. Each member will continue to serve until 1) his or her term has expired and a successor has been appointed; 2) his

or her resignation; or 3) his or her removal. If a vacancy on the Committee occurs resulting from resignation or removal, a person will be appointed to complete the unexpired term associated with such vacant position in the same manner as such position was originally filled. The successor must represent the same category.

A majority of the membership constitutes a quorum. Every action of the Committee requires the concurring votes of at least five members. The Committee may adopt its own rules of procedure, which may not be inconsistent with the terms of this Agreement. The responsibilities of the Advisory Committee shall include, but not be limited to Policy; Capital Improvement Program/Budget; Operations Program/Budget; Storm Water; Water Quality and Erosion Control Appeals and Variances, where applicable in the Town.

14. Ownership of Real Property Involved in Undertaking – Town shall have no ownership in any real property acquired by County in providing major system services, and the County shall be free to dispose of such real property to the extent under procedures allowed by State law. County shall have no ownership in any real property acquired by the Town for the operation of the minor system, and the Town shall be free to dispose of such real property to the extent and under procedures allowed by State law. However, the Town and County shall cooperate with each other by granting access to property when necessary for operation of the major and minor systems.

15. Methods of Amending the Agreement – This Agreement may not be amended except by subsequent written agreement authorized by the governing bodies of each party and signed by authorized representatives of both parties.

16. Term of Agreement – Methods of Terminating the Agreement – The initial term of this Agreement shall be from July 1, 2002~~1516~~ to June 30, 2003~~1617~~, and shall be automatically renewed each fiscal year thereafter unless notice of non-renewal is given in writing at least 18 months prior to the beginning of the fiscal year when termination is intended. For example, the parties agree that if the notice of non-renewal were given prior to January 1, 2016~~1703~~, this Agreement would terminate on June 30, 2017~~1804~~. This Agreement may also be terminated by court order upon the finding that there has been substantial breach of this Agreement by the non-complaining party so as to entitle the complaining party to be relieved on its obligations under this Agreement. The County agrees that in the event this Agreement is terminated, the County will continue to maintain any BMP's which it is maintaining within the Town at the time until the BMP's are no longer operating or in existence, provided that after the termination of this Agreement, the County is fully compensated for its cost of maintaining such BMP's by the owners of the property which is served by the BMP's. The County is authorized by the Town to assess such costs on such property owners.

17. Enforcement of Agreement – The parties agree that the remedy of specific performance would be an appropriate remedy, among others, for the enforcement of this Agreement.

18. Entire Agreement – This Agreement is the entire agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written by the authority duly granted by their respective governing bodies.

TOWN OF MATTHEWS

MECKLENBURG COUNTY

Mayor

Chairman, Board of Commissioners

(SEAL)

(SEAL)

Town Clerk

Clerk to the Board

APPROVED AS TO FORM

APPROVED AS TO FORM

Town Attorney

County Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Matthews

Director of Finance
Mecklenburg County

STATE OF NORTH CAROLINA

STORM WATER MANAGEMENT PROGRAM
INTERLOCAL AGREEMENT

COUNTY OF MECKLENBURG

TOWN OF MATTHEWS

**AMENDED AND RESTATED STORM WATER MANAGEMENT
PROGRAM INTERLOCAL AGREEMENT**

THIS AMENDED AND RESTATED AGREEMENT (hereinafter “Agreement”) made as of _____, by and between MECKLENBURG COUNTY, a political subdivision of the State of North Carolina (hereinafter “County”) and the TOWN OF MATTHEWS, North Carolina, a municipal corporation of the State of North Carolina (hereinafter “Town”).

WITNESSETH:

WHEREAS, in 2002 the Town and County executed an amended and restated “Storm Water Management Program Interlocal Agreement”, which Agreement the parties desire to amend and restate; and

WHEREAS, the purpose of this Agreement is to recognized that a *single storm water system* exists in Mecklenburg County, and that the goal of the Town of Matthews and Mecklenburg County is to provide comprehensive storm water services in an efficient, effective, and equitable manner; and

WHEREAS, North Carolina General Statutes 153A-277 and 160A-314 require that no storm water service fee may be levied whenever two or more units of local government operate separate structural and natural storm water and drainage system services in the same area within a county unless units of local government allocate among themselves the functions, duties, powers, and responsibilities of jointly operating a single system within the same area; and

WHEREAS, the Town and County currently have certain distinct responsibilities in connection with the operation, maintenance and financing of separate systems; and

WHEREAS, the purpose of this Agreement is to continue the single storm water public enterprise created by the parties in 1993 in Mecklenburg County, to allocate storm water responsibilities, and to establish the method and responsibilities for financing and operating a single, comprehensive storm water quantity and quality management program in Mecklenburg County as set forth in the Storm Water Management Plan consisting of policy statements and cost of service analysis/rate study dated March 31, 1993 (the “Plan”).

NOW THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE FULFILLMENT OF THE TERMS OF THIS AGREEMENT, THE COUNTY AND TOWN AGREE AS FOLLOWS:

1. Charlotte-Mecklenburg Storm Water Services – The storm water services to be provided pursuant to this Agreement shall be conducted as a public enterprise to be known as the Charlotte-Mecklenburg Storm Water Services.

2. Major system – The County shall be responsible for administering storm water management programs on the major system (defined as drainage systems having a watershed greater than one square mile); operation and maintenance of structural best management practices when accepted by the County and enforcement of the regulated floodway ordinance, where applicable in the Town. The County shall establish levels of service and cost, prioritize, schedule, and manage “storm water management programs”, as such phrase is defined in G.S. 153A-274(7), related to the major system services (including, but not limited to water quality, water quantity, the flow of storm water and the prevention of flood losses), and shall be responsible for financial accounting of associated revenues. The Town hereby allocates responsibility of providing the major system services within the corporate limits of the Town to the County.

3. Minor system – The Town, within the corporate limits of the Town as they may change from time to time as the result of annexation or otherwise, hereby retains responsibility for administering storm water management programs on the minor system (defined as drainage systems having a watershed less than one square mile, including those drainage systems intended for the purpose of conveying public storm water from one side of the street rights-of-way to the other). The Town shall establish levels of service and cost, prioritize, schedule, and manage a “storm water management program” as such phrase is defined in G.S. 160A-311(10) relating to the minor system within the corporate limits of the Town (including, but not limited to water quality, water quantity, the flow of storm water and the prevention of flood losses) and shall be responsible for financial accounting of associated revenues.

4. Water quality – – The Town is responsible for protecting the quality of storm water runoff and surface waters in the Town to the extent required by the Clean Water Act and associated regulations promulgated by the United States Environmental Protection Agency and/or the State of North Carolina, and other laws and regulations that may apply to the Town. However, on behalf of the Town, the County will fulfill the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit requirements for the Town and the County provided the Town adopts and enforces the regulations necessary to support specific Permit requirements. Based on a workplan agreed to by the County and Town, the County will draft the required NPDES Phase II Storm Water Permit application(s) and forward to the State for approval. Consistent with the agreed upon workplan, the County will implement the requirements of the Permit(s) when issued by the State and provide regular reports to the Town concerning Permit activities and compliance. The Town will adopt and enforce the necessary regulations/ordinances to support the implementation of the Permit including but not limited to pollution control and post construction site ordinances. The County will also monitor general surface water conditions within the County and Town, respond to citizen requests for service regarding water quality problems and concerns and enforce applicable local surface water quality regulations. The County will also offer to provide the same services related to an NPDES Phase II Storm Water Permit to the other Towns in Mecklenburg County. The County is scheduled to become responsible for protecting the quality of storm water runoff and surface waters in the

unincorporated areas of the County as required by the Clean Water Act and associated regulations promulgated by the United States Environmental Protection Agency and/or the State of North Carolina, and other laws and regulations that may apply.

5. Personnel Necessary to the Execution of the Undertaking – The County through its employees, or its independent contractors, shall be responsible for the major system services, as described in this Agreement. The Town through its employees, or its independent contractors (not to exclude the County), shall be responsible for the minor system services, as described in this Agreement.

6. Financing – Pursuant to N.C.G.S. 153A-278 and 160A-314, the County shall establish, revise, charge, collect, and issue credits against storm water fees for property within the corporate limits of the Town to provide all or a portion of the storm water services. Storm water fees shall be a periodic service charge, which shall consist of three components as follows:

- i) Fixed and administrative cost component – to pay those expenses that are not influenced by the amount of impervious area on a parcel of property, including but not limited to the cost of producing bills and collecting fees, determining impervious area and operating customer service functions. Funds resulting from the fixed and administrative cost component of the fees shall be used only for billing, customer services, and other similar joint storm water activities. By mutual consent of the Town and County Managers, funds from the major system cost component and the minor system cost components may be used to pay a portion of the cost of producing bills and collecting fees and operating customer service functions.
- ii) Major system cost component – to pay those expenses incurred in providing a storm water management programs designed to protect water quality and manage structural and natural storm water and drainage systems of all types with a watershed greater than one square mile in drainage area and operation and maintenance of structural best management practices when accepted by the County and enforcement of the regulated floodway ordinance, where applicable, in the Town. The Major System Cost Component of the service charge for detached single-family residences shall have the number of tiers and associated amounts as determined by the County consistent with this Agreement and 153A-277. For all other property, the service charge shall be calculated and applied on a per square foot of impervious area basis as determined by the County consistent with this Agreement and 153A-277. Revenues from the major system cost component shall be distributed to the County for appropriation to the County for usage in the Mecklenburg County Storm Water Special Revenue Fund.
- iii) Minor system cost component – to pay those expenses incurred providing a storm water management program (master planning, operations, maintenance, etc) for drainage systems with a watershed of less than one square mile. The Minor System Cost Component of the service charge for detached single-family residences shall have the number of tiers and associated amounts as determined

by the Town consistent with this Agreement and 160A-314. For all other property, the service charge shall be calculated and applied on a per square foot of impervious area basis as determined by the Town consistent with this Agreement and 160A-314. Revenues from the minor system cost component collected within the corporate limits of the Town shall be distributed to the Town for the exclusive use of providing minor system services within Town corporate limits.

At the Town's request, the County will provide minor system services to the Town. These services may include, but are not limited to, inspection, construction, construction management, and water quality services. Prior to the time the County provides such services, the Town and the County must approve a work plan and budget for the services. By April 1st of each year, the County will invoice the Town for services rendered during that fiscal year. Payment to the County is due from the Town within 60 days of the invoice. The Town may pay for such services from revenues generated from the Town's minor system cost component of the storm water fee.

Each year during the budget process, but no later than April 15, the Town shall inform the County if it wishes to alter the minor system cost component of the service charge. If the Town requests that the County alter the minor system cost component of the service charge levied within the corporate limits of the Town, the Board of County Commissioners shall schedule and hold a public hearing on the proposed alteration in the service charge. The Town Manager of the Town of Matthews, or designee, shall attend the County's public hearing, make any necessary presentations, inform the public of the date for the Town's public hearing on the proposed alteration, and answer questions. The County shall send the Town Clerk the minutes of the public hearing for distribution to the Mayor and members of the Town Board. In addition, the Town Board shall schedule and hold its own public hearing on the proposed alteration in the service charge.

Following the hearing, the Board of County Commissioners shall alter the minor system cost component of the service charge to be levied within the Town after it receives notification from the Town governing body of the desired alteration in the minor system cost component of the service charge. The Board of County Commissioners shall attempt to schedule the public hearing before May 30 so that changes made in the minor system cost component can be placed into the budget for the next fiscal year.

In the event a change is requested separate from the annual budget process, the County shall conduct such public hearings, and if necessary, do so jointly with the Town, and take such other measures as required by the North Carolina General Statutes to establish new charges within sixty (60) days of the Town's request.

- iv) The fees, which will be levied against the Town, will consist of three service charges as follows:
 - (a) A fixed cost service charge calculated as indicated above; and

- (b) A major system cost component service charge based upon the sum of the total impervious area in the dedicated street rights-of-way in the Town, except for rights-of-way of State maintained highways, and on all other properties (i.e. non-single family residential properties) owned by the Town as indicated above; and
- (c) A minor system cost component service charge based upon the sum of the total impervious area on all properties (i.e. non-single family residential properties) owned by the Town as indicated above. The Town's minor system cost component service charge shall be distributed to the Town in accordance with this Agreement.

If sufficient documentation can be provided by the Town, a single bill can be sent for all fees owed by the Town containing a single fixed cost.

7. Credits – Properties subject to storm water service charges may be granted credits against the fee in accordance to the credit policy approved by the Mecklenburg County Board of Commissioners for Charlotte – Mecklenburg Storm Water Services. The credit shall be applied to charges for both the major and minor system. The County hereby retains the responsibility for reviewing and approving credit applications within the Town for both the major and minor systems cost components of the service charge.

8. Billing – Pursuant to NCGS 153A-277 and 160A-314 under this Agreement the County has primary responsibility for billing and collecting storm water service fees. As of the date of this Agreement, for the storm water accounts that are also billed water/sewer charges from Charlotte-Mecklenburg Utilities, the fees shall be billed with and at the same frequency as Charlotte-Mecklenburg Utilities water/sewer charges. For storm water accounts that are not billed water/sewer charges from Charlotte-Mecklenburg Utilities, the fees shall be billed at a minimum of once a year.

9. Customer Service – The existing customer service function (using 311) operated by the City of Charlotte Customer Service Center shall continue to receive storm water comments, complaints, and requests for service from any source throughout the County

10. Town's Obligations – Town agrees to enact any ordinances or regulations which the County may request Town to enact in order to enable County to carry out its responsibilities to provide a comprehensive storm water management program within the Town and to enable the Town to fulfill its responsibilities under the NPDES regulations and the NPDES Permit to be issued for the Town. Town hereby grants County the right to go upon the rights-of-way of streets within the Town which have been accepted for dedication by the Town for purposes of carrying out its responsibilities hereunder.

11. Indemnity of Town – County agrees to indemnify and hold Town harmless from and against any and all claims, liabilities, damages and expenses, including attorney's fees, arising from the Town's participation in the storm water public enterprise, from actions taken by the County under this Agreement, or from the Town's enacting any ordinances or regulations it is required by the County's Storm Water Management Plan to enact. Town agrees to indemnify and hold County harmless from and against any and all claims, liabilities, damages and expenses,

including attorney's fees, arising from the Town's operation and maintenance of the minor system in the Town and from any failure of the Town to enact or properly enforce any regulations or ordinances required by the NPDES Phase II Storm Water Permit for the Town.

12. Town's Right to Oppose – Town reserves the right to oppose decisions by the County as to the location or proposed location for storm water facilities (lakes, ponds, etc.). Such opposition would not, however, relieve the Town or County from its obligations under this Agreement.

13. Storm Water Advisory Committee Representation – A nine-member citizens advisory committee has been established with representatives of the following categories:

- schools, colleges, hospitals, or churches – 1 member (individual to be employed full time by the institution or be a board member or officer of the institution);
- industry, manufacturing, or commercial – 1 member (individual to be employed full time in the management and/or operation of industrial, manufacturing, or commercial property);
- environmental organizations – 1 member (individual to be a member of a generally recognized organization involved in environmental issues);
- financial, accounting, or legal professional – 1 member (individual to be employed full time in providing financial, accounting or legal services);
- developer or land development design professional – 1 member (individual to be employed full time in land development or the design of building or land improvements);
- general contractor – 1 member (individual to be employed full time as a construction contractor);
- residential neighborhoods – 3 members (individuals shall not qualify for one of the other categories).

The members shall be appointed as follows:

- 3 members by the Charlotte City Council;
- 3 members by the Mecklenburg Board of County Commissioners;
- 1 member by the towns in the northern part of Mecklenburg County as determined by the northern towns;
- 1 member by the towns in the southern part of Mecklenburg County as determined by the southern towns; and

- 1 member by the eight previously appointed members above.

The ninth member appointed by the Committee must represent the category not filled by the City, County or Town appointments. The members shall serve staggered, three-year terms such that three members are appointed each year. Each member's term of service shall begin on a July 1 and end on a June 30 for the staggered three-year terms of service. If a member is not appointed by July 1, his or her term will nevertheless end on June 30 three years after the intended July 1 appointment. The categories of the three members to be appointed each successive year shall be allocated to the City, County, and Towns or Committee by lottery. In the event a jurisdiction cannot identify a candidate for the category assigned by the lottery, a "residential neighborhood" representative may be appointed. The Committee position will revert back to the assigned category at the expiration of the term.

As of the date of this Agreement, the Town of Cornelius appointed the current Northern Towns Representative to the Storm Water Advisory Committee. At the conclusion of the current term, the Town of Huntersville will have the right to appoint the Northern Towns Representative for a three year term, to be followed by the Town of Davidson having the right to appoint the Northern Towns Representative for a three year term, and then rotating back in the same order. As of the date of this Agreement, the Town of Pineville appointed the current Southern Towns Representative to the Storm Water Advisory Committee. At the conclusion of the current term, the Town of Mint Hill will have the right to appoint the Southern Towns Representative for a three year term, to be followed by the Town of Matthews having the right to appoint the Southern Towns Representative for a three year term, and then rotating back in the same order

No member may be appointed to more than two full or partial terms. Any member who fails to attend at least seventy-five percent of the regular and special meetings of the Committee during any calendar year shall be automatically removed from the Committee. The Committee shall select a Chairperson each year from its own members by majority vote. Each member will continue to serve until 1) his or her term has expired and a successor has been appointed; 2) his or her resignation; or 3) his or her removal. If a vacancy on the Committee occurs resulting from resignation or removal, a person will be appointed to complete the unexpired term associated with such vacant position in the same manner as such position was originally filled. The successor must represent the same category.

A majority of the membership constitutes a quorum. Every action of the Committee requires the concurring votes of at least five members. The Committee may adopt its own rules of procedure, which may not be inconsistent with the terms of this Agreement. The responsibilities of the Advisory Committee shall include, but not be limited to Policy; Capital Improvement Program/Budget; Operations Program/Budget; Storm Water; Water Quality and Erosion Control Appeals and Variances, where applicable in the Town.

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cooperate with each other by granting access to property when necessary for operation of the major and minor systems.

15. Methods of Amending the Agreement – This Agreement may not be amended except by subsequent written agreement authorized by the governing bodies of each party and signed by authorized representatives of both parties.

16. Term of Agreement – Methods of Terminating the Agreement – The initial term of this Agreement shall be from July 1, 2016 to June 30, 2017, and shall be automatically renewed each fiscal year thereafter unless notice of non-renewal is given in writing at least 18 months prior to the beginning of the fiscal year when termination is intended. For example, the parties agree that if the notice of non-renewal were given prior to January 1, 2017, this Agreement would terminate on June 30, 2018. This Agreement may also be terminated by court order upon the finding that there has been substantial breach of this Agreement by the non-complaining party so as to entitle the complaining party to be relieved on its obligations under this Agreement. The County agrees that in the event this Agreement is terminated, the County will continue to maintain any BMP's which it is maintaining within the Town at the time until the BMP's are no longer operating or in existence, provided that after the termination of this Agreement, the County is fully compensated for its cost of maintaining such BMP's by the owners of the property which is served by the BMP's. The County is authorized by the Town to assess such costs on such property owners.

17. Enforcement of Agreement – The parties agree that the remedy of specific performance would be an appropriate remedy, among others, for the enforcement of this Agreement.

18. Entire Agreement – This Agreement is the entire agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written by the authority duly granted by their respective governing bodies.

TOWN OF MATTHEWS

MECKLENBURG COUNTY

Mayor

Chairman, Board of Commissioners

(SEAL)

(SEAL)

Town Clerk

Clerk to the Board

APPROVED AS TO FORM

APPROVED AS TO FORM

Town Attorney

County Attorney

This instrument has been preaudited
in the manner required by the Local
Government Budget and Fiscal Control
Act.

This instrument has been preaudited
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Government Budget and Fiscal Control
Act.

Director of Finance
Town of Matthews

Director of Finance
Mecklenburg County

Consent Agenda Item: Consider Temporary Closure of Covenant Church Lane

Date: April 28, 2016

From: Chief Rob Hunter

Background / Issue:

During the week of July 17-22, Christ Covenant Church will again be hosting three separate programs on their campus – a day-time Vacation Bible School consisting of approximately 200 children; a Sports Clinic consisting of approximately 30 children and young teens; and their *Seek the City* youth mission week, consisting of approximately 150 teens and 25 adults; the *Seek the City* group will be staying (sleeping) on campus during the week.

These programs will utilize all parts of the Christ Covenant / Covenant Day School campus – on both sides of Covenant Church Lane. The church / school will be providing a significant number of supervising adults throughout the week. However, due to the volume of children and teens moving about the campus, and considering the fact that with the end of the normal school year, vehicular traffic on Covenant Church Lane, while primarily limited to general commuter traffic, would pose a heightened risk of safety risk. As such, and subsequent to discussions with our office, Christ Covenant Church has requested the temporary closure of Covenant Church Lane from Sunday evening, July 17 through Saturday evening, July 22.

Proposal / Solution:

I recommend approval of this request. The closure will better assure safety of all persons on campus, and will provide patrolling police officers with a clearer observation of vehicles which should not belong in the area. Christ Covenant will assume responsibility of coordinating with the one non-church property on Covenant Church Lane regarding this closure. This same arrangement has occurred for the past five years with no public complaints.

Financial Impact:

Limited impact – simply the placement of barriers / detour signage by the Public Works Division.

Related Town Goals:

Small Town Feeling & Identity and Healthy Financial Footing

Recommended Motion: Approve the temporary closure of Covenant Church Lane from 7:30pm Friday, July 17, until 9:00pm of July 22 and authorize the Police / Public Works Division to assist with the placement of traffic control devices.

The employees of the Matthews Police Department strive to promote a safe community by preventing crimes and reducing the fear of crime, while treating all individuals fairly and with respect.

Our members will demonstrate honesty, professionalism and integrity, while building the partnerships necessary to enhance the safety of our community.

April 26, 2016

To Whom It May Concern,

In the past years, Matthews Chief of Police, Rob Hunter, has helped us in the closing Covenant Church Lane for a stay-at-home mission trip called "Seek the City." The year's mission trip is July 17-22. The reason for this request is to provide safety for children and teens during the week of our home mission trip on the campus of Christ Covenant Church and Covenant Day School. This mission program will consist of approximately 133 teens and 25 adults.

During that week, we will also be hosting on our campus a Vacation Bible School with 200 children in attendance and a sports/activities camp for 30 students. These children will be moving back and forth across Covenant Church Lane using the athletic fields on both sides of street. Closing Covenant Church Lane would provide another level of safety and protection for these children and families.

In Conclusion: We are requesting the closure of Covenant Church Lane, from Sunday evening, July 17 at 7:30pm, through Friday, July 22 at 9:00pm . We appreciate the town's consideration of this request.

If you have any questions please feel free to contact me at 704.718.0534 or contact Ed Adelman at 704.604.5937. Thanks for considering this.

Stewart Neely
Pastor of Youth Ministries
Christ Covenant Church

The employees of the Matthews Police Department strive to promote a safe community by preventing crimes and reducing the fear of crime, while treating all individuals fairly and with respect.

Our members will demonstrate honesty, professionalism and integrity, while building the partnerships necessary to enhance the safety of our community.

MEMORANDUM

To: Mayor and Board of Commissioners
From: Shelley Kerns, Finance Department
CC: Hazen Blodgett, Town Manager
Date: May 9, 2016
Re: Tax Refunds

The Interlocal Agreement between Mecklenburg County and the Town of Matthews states they bill and collect the Ad Valorem taxes for Matthews. Upon collection, the County remits those to the Town. Matthews is responsible for issuing the refund if an adjustment occurs on the tax bill after the payment has been received. Refunds are issued for various reasons.

Mecklenburg County Tax Office has submitted the attached list of taxpayers for refunds. The list reflects the tax year, taxpayer, location, adjustment made and reason for adjustment, along with the refund amount. G.S. 105 requires that tax refunds or releases shall be approved by the governing body.

These reports reflect tax appeals, settlements, and adjustments made, as received from the Mecklenburg County Tax Office.

Total returns: \$3,717.85

Recommendation: The Mayor and Board of Commissioners approve the tax refunds.

Bill Number	Parcel #	Source		Adjustment #	Adjustment Reason	Date Of		Refund Recipient Name	Address Line 1	Address Line 2	City	State	Zip Code	Payment Date		Interest if pd by 5/20/16
		BOCC Month	Type			Adjustment	Refund							For Interest	Total Refund	
0002049581-2011-2011-0000-00	227217212	12/1/2014	REI	484632	SL 362 Adjustment	8/22/2015	MOORE, CHARLES D SR	2801 GRAYFOX LN			MATTHEWS	NC	28105	4/16/2012	166.50	34.10
0002050535-2013-2013-0000-00	22723423	11/1/2014	REI	503324	SL 362 Adjustment	10/10/2015	MCGINLEY, JAMES & MCGINLEY, RAYNE	128 CLEARBROOK DR			MATTHEWS	NC	28105	1/7/2014	34.61	4.10
0002050535-2014-2014-0000-00	22723423	11/1/2014	REI	309777	SL 362 Adjustment	1/11/2015	MCGINLEY, JAMES	128 CLEARBROOK DR			MATTHEWS	NC	28105	1/6/2015	34.61	2.37
0002050543-2014-2014-0000-00	22723427	11/1/2014	REI	309781	SL 362 Adjustment	1/11/2015	SANGERMANO, NICHOLAS V	12000 OL MONROE RD			MATTHEWS	NC	28105	1/6/2015	34.29	2.35
0002050546-2011-2011-0000-00	22723428	11/1/2014	REI	499468	SL 362 Adjustment	9/27/2015	JOMAVO PROPERTIES LLC .	2013 PINE POINTE ST			MATTHEWS	NC	28104	1/6/2012	26.92	5.89
0002050546-2012-2012-0000-00	22723428	11/1/2014	REI	308298	SL 362 Adjustment	1/11/2015	JOMAVO PROPERTIES LLC	2013 PINE POINTE ST			MATTHEWS	NC	28104	1/8/2013	26.31	4.43
0002050546-2013-2013-0000-00	22723428	11/1/2014	REI	309009	SL 362 Adjustment	1/11/2015	JOMAVO PROPERTIES LLC	2013 PINE POINTE ST			MATTHEWS	NC	28104	1/7/2014	27.62	3.27
0002050546-2014-2014-0000-00	22723428	11/1/2014	REI	309782	SL 362 Adjustment	1/11/2015	JOMAVO PROPERTIES LLC	2013 PINE POINTE ST			MATTHEWS	NC	28104	1/6/2015	27.62	1.89
0002050562-2011-2011-0000-00	22723508	11/1/2014	REI	496736	SL 362 Adjustment	9/20/2015	JOHNSON, JUDY B	400 NEWBURG LN			MATTHEWS	NC	28105	1/6/2012	32.06	7.01
0002050562-2012-2012-0000-00	22723508	11/1/2014	REI	497231	SL 362 Adjustment	9/20/2015	JOHNSON, JUDY B	400 NEWBURG LN			MATTHEWS	NC	28105	1/8/2013	32.06	5.39
0002050562-2013-2013-0000-00	22723508	11/1/2014	REI	317672	SL 362 Adjustment	1/17/2015	JOHNSON, JUDY B	400 NEWBURG LN			MATTHEWS	NC	28105-5783	1/7/2014	33.66	3.98
0002050562-2014-2014-0000-00	22723508	11/1/2014	REI	318154	SL 362 Adjustment	1/17/2015	JOHNSON, JUDY B	400 NEWBURG LN			MATTHEWS	NC	28105-5783	1/6/2015	33.66	2.31
0002050587-2011-2011-0000-00	22723521	11/1/2014	REI	496737	SL 362 Adjustment	9/20/2015	ESTATE OF MARY C HYDE	309 ROSE ARBOR LN			MATTHEWS	NC	28105	1/6/2012	15.13	3.31
0002050587-2012-2012-0000-00	22723521	11/1/2014	REI	497232	SL 362 Adjustment	9/20/2015	ESTATE OF MARY C HYDE	309 ROSE ARBOR LN			MATTHEWS	NC	28105	1/8/2013	14.83	2.49
0002050587-2013-2013-0000-00	22723521	11/1/2014	REI	497619	SL 362 Adjustment	9/20/2015	ESTATE OF MARY C HYDE	309 ROSE ARBOR LN			MATTHEWS	NC	28105	1/7/2014	15.56	1.84
0002050587-2014-2014-0000-00	22723521	11/1/2014	REI	487136	SL 362 Adjustment	8/22/2015	GREEN HOME RENOVATIONS LLC .	924 LAUREL PARK LN			CHARLOTTE	NC	28270	1/6/2015	15.56	1.07
0002050603-2011-2011-0000-00	22723609	11/1/2014	REI	494432	SL 362 Adjustment	9/13/2015	HILL, KARIN C	2224 COMMUNITY PARK DR			MATTHEWS	NC	28104	1/9/2012	17.22	3.76
0002050603-2012-2012-0000-00	22723609	11/1/2014	REI	494935	SL 362 Adjustment	9/13/2015	HILL, KARIN C	2224 COMMUNITY PARK DR			MATTHEWS	NC	28104	2/5/2013	17.10	2.81
0002050603-2013-2013-0000-00	22723609	11/1/2014	REI	495340	SL 362 Adjustment	9/13/2015	SOUTHERLAND, JOHN CLAYTON	217 DEER CREEK DR			MATTHEWS	NC	28105	1/7/2014	17.47	2.07
0002050603-2014-2014-0000-00	22723609	11/1/2014	REI	309800	SL 362 Adjustment	1/11/2015	SOUTHERLAND, JOHN CLAYTON	217 DEER CREEK DR			MATTHEWS	NC	28105	1/6/2015	17.47	1.20
0002050613-2011-2011-0000-00	22723616	11/1/2014	REI	515443	SL 362 Adjustment	11/21/2015	NEWSOME, KELLY K	7529 BEDFORDSHIRE DR			CHARLOTTE	NC	28226	1/6/2012	0.91	0.20
0002050613-2012-2012-0000-00	22723616	11/1/2014	REI	515914	SL 362 Adjustment	11/21/2015	NEWSOME, KELLY K	7529 BEDFORDSHIRE DR			CHARLOTTE	NC	28226	1/8/2013	0.60	0.10
0002050613-2013-2013-0000-00	22723616	11/1/2014	REI	516304	SL 362 Adjustment	11/21/2015	NEWSOME, KELLY K	7529 BEDFORDSHIRE DR			CHARLOTTE	NC	28226	1/7/2014	0.64	0.08
0002050613-2014-2014-0000-00	22723616	11/1/2014	REI	516620	SL 362 Adjustment	11/21/2015	CARACCILO, MICHAEL	216 VINECREST DR			MATTHEWS	NC	28105	1/6/2015	0.64	0.04
0002050629-2011-2011-0000-00	22723630	11/1/2014	REI	515444	SL 362 Adjustment	11/21/2015	ESTATE OF DONALD J WADE	20225 HARROWAY DR			CORNELIUS	NC	28031	1/6/2012	15.42	3.37
0002050629-2012-2012-0000-00	22723630	11/1/2014	REI	515915	SL 362 Adjustment	11/21/2015	GILLMING, MARK	3100 BETHLEHEM CHURCH ST			GASTONIA	NC	28056	1/8/2013	14.82	2.49
0002050629-2013-2013-0000-00	22723630	11/1/2014	REI	516305	SL 362 Adjustment	11/21/2015	TREADAWAY, MELINDA A	413 NEWBURG LN			MATTHEWS	NC	28105	1/7/2014	15.55	1.84
0002050629-2014-2014-0000-00	22723630	11/1/2014	REI	309813	SL 362 Adjustment	1/11/2015	TREADAWAY, MELINDA A	413 NEWBURG LN			MATTHEWS	NC	28105	1/6/2015	15.55	1.07
0002050637-2011-2011-0000-00	22723706	11/1/2014	REI	515445	SL 362 Adjustment	11/21/2015	YOUNG, DAWN L & YOUNG, GEORGE F	407 VINECREST DR			MATTHEWS	NC	28105	1/6/2012	47.19	10.32
0002050637-2012-2012-0000-00	22723706	11/1/2014	REI	515916	SL 362 Adjustment	11/21/2015	YOUNG, GEORGE F	407 VINECREST DR			MATTHEWS	NC	28105	1/8/2013	47.19	7.94
0002050637-2013-2013-0000-00	22723706	11/1/2014	REI	309043	SL 362 Adjustment	1/11/2015	YOUNG, GEORGE F	407 VINECREST DR			MATTHEWS	NC	28105	1/7/2014	49.53	5.86
0002050637-2014-2014-0000-00	22723706	11/1/2014	REI	309817	SL 362 Adjustment	1/11/2015	YOUNG, GEORGE F	407 VINECREST DR			MATTHEWS	NC	28105	1/6/2015	49.53	3.39
0002050638-2011-2011-0000-00	22723707	11/1/2014	REI	307620	SL 362 Adjustment	1/11/2015	YOUNG, GEORGE	407 VINECREST DR			MATTHEWS	NC	28105	1/6/2012	19.66	4.30
0002050638-2012-2012-0000-00	22723707	11/1/2014	REI	515917	SL 362 Adjustment	11/21/2015	YOUNG, GEORGE	407 VINECREST DR			MATTHEWS	NC	28105	1/8/2013	19.36	3.26
0002050638-2013-2013-0000-00	22723707	11/1/2014	REI	309044	SL 362 Adjustment	1/11/2015	YOUNG, GEORGE	407 VINECREST DR			MATTHEWS	NC	28105	1/7/2014	20.32	2.40
0002050638-2014-2014-0000-00	22723707	11/1/2014	REI	309818	SL 362 Adjustment	1/11/2015	YOUNG, GEORGE	407 VINECREST DR			MATTHEWS	NC	28105	1/6/2015	20.32	1.39
0002050647-2012-2012-0000-00	22723711	11/1/2014	REI	317221	SL 362 Adjustment	1/17/2015	GREEN, BOBBY LEE	313 VINECREST DR			MATTHEWS	NC	28105-5790	4/30/2013	32.85	5.02
0002050647-2013-2013-0000-00	22723711	11/1/2014	REI	317684	SL 362 Adjustment	1/17/2015	GREEN, BOBBY LEE	313 VINECREST DR			MATTHEWS	NC	28105-5790	3/7/2014	33.68	3.71
0002050653-2011-2011-0000-00	22723716	11/1/2014	REI	484637	SL 362 Adjustment	8/22/2015	BRUMBACH, ELIZABETH J	114 ACADEMY WAY			COLUMBIA	SC	29206	1/6/2012	48.71	10.65
0002050653-2012-2012-0000-00	22723716	11/1/2014	REI	485627	SL 362 Adjustment	8/22/2015	BRUMBACH, ELIZABETH J	114 ACADEMY WAY			COLUMBIA	SC	29206	1/8/2013	48.10	8.09
0002050653-2013-2013-0000-00	22723716	11/1/2014	REI	486428	SL 362 Adjustment	8/22/2015	MARCINIAK, STEPHEN M & COOK-MARCINIAK MIC	215 VINECREST DR			MATTHEWS	NC	28105	1/7/2014	50.48	5.97
0002050653-2014-2014-0000-00	22723716	11/1/2014	REI	309824	SL 362 Adjustment	1/11/2015	MARCINIAK, STEPHEN M	215 VINECREST DR			MATTHEWS	NC	28105	1/6/2015	50.48	3.46
0002050654-2011-2011-0000-00	22723717	11/1/2014	REI	443216	SL 362 Adjustment	5/27/2015	FUTCHEL, MARVIN R	207 VINECREST DR			MATTHEWS	NC	28105	1/6/2012	11.80	2.58
0002050654-2012-2012-0000-00	22723717	11/1/2014	REI	443217	SL 362 Adjustment	5/27/2015	FUTCHEL, MARVIN R	207 VINECREST DR			MATTHEWS	NC	28105	1/8/2013	8.77	1.48
0002050654-2013-2013-0000-00	22723717	11/1/2014	REI	443219	SL 362 Adjustment	5/27/2015	FUTCHEL, MARVIN R	207 VINECREST DR			MATTHEWS	NC	28105	1/7/2014	9.21	1.09
0002050676-2011-2011-0000-00	22723730	11/1/2014	REI	499469	SL 362 Adjustment	9/27/2015	KNOTTS-GRAYLOCK LLC	PO BOX 687			PINEVILLE	NC	28134	1/6/2012	29.04	6.35
0002050676-2012-2012-0000-00	22723730	11/1/2014	REI	499952	SL 362 Adjustment	9/27/2015	JONES, BRUCE & JONES, HOLLY	7514 GREYLOCK RIDGE RD			MATTHEWS	NC	28105	1/8/2013	29.04	4.89
0002050676-2013-2013-0000-00	22723730	11/1/2014	REI	309053	SL 362 Adjustment	1/11/2015	JONES, BRUCE	7514 GREYLOCK RIDGE RD			MATTHEWS	NC	28105	1/7/2014	30.48	3.61
0002050676-2014-2014-0000-00	22723730	11/1/2014	REI	309828	SL 362 Adjustment	1/11/2015	JONES, BRUCE	7514 GREYLOCK RIDGE RD			MATTHEWS	NC	28105	1/6/2015	30.48	2.09
0002050677-2011-2011-0000-00	22723731	11/1/2014	REI	499470	SL 362 Adjustment	9/27/2015	KNOTTS-GRAYLOCK LLC	PO BOX 687			PINEVILLE	NC	28134	1/6/2012	29.04	6.35
0002050677-2012-2012-0000-00	22723731	11/1/2014	REI	499953	SL 362 Adjustment	9/27/2015	PRICE, BARRETT W & PRICE, ROCHELLE KNIGHT	7506 GREYLOCK RIDGE RD			MATTHEWS	NC	28105	1/8/2013	29.04	4.89
0002050677-2013-2013-0000-00	22723731	11/1/2014	REI	309054	SL 362 Adjustment	1/11/2015	PRICE, BARRETT W	7506 GREYLOCK RIDGE RD			MATTHEWS	NC	28105	1/7/2014	30.48	3.61
0002050677-2014-2014-0000-00	22723731	11/1/2014	REI	309829	SL 362 Adjustment	1/11/2015	PRICE, BARRETT W	7506 GREYLOCK RIDGE RD			MATTHEWS	NC	28105	1/6/2015	30.48	2.09
0002050748-2012-2012-0000-00	22723801	11/1/2014	REI	465684	SL 362 Adjustment	7/19/2015	PEAY, WOODWARD	105 MEGAN CT			MONROE	NC	28110-8952	1/8/2013	29.65	4.99
0002053170-2013-2013-0000-00	22737151	11/1/2014	REI	497627	SL 362 Adjustment	9/20/2015	GLUKHOY, IVAN	2023 FAIRCHELSEA WY			MATTHEWS	NC	28105	2/4/2014	25.77	2.95
0002053170-2014-2014-0000-00	22737151	11/1/2014	REI	310076	SL 362 Adjustment	1/11/2015	GLUKHOY, IVAN	2023 FAIRCHELSEA WY			MATTHEWS	NC	28105	1/6/2015	25.08	1.72
0002053170-2011-2011-0000-00	22737151	11/1/2014	REI	496753	SL 362 Adjustment	9/20/2015	JARVIS, LISA F	19718 SHEARWATER POINT DR			CORNELIUS	NC	28031	1/6/2012	27.52	6.02
0002053170-2012-2012-0000-00	22737151	11/1/2014	REI	497242	SL 362 Adjustment	9/20/2015	OKE, LISA F. & OKE EDWARD J.	19718 SHEARWATER POINT DR			CORNELIUS	NC	28031	1/8/2013	23.89	4.02
															1,641.56	239.28

Bill Number	Parcel #	Source		Adjustment #	Adjustment Reason	Date Of		Refund Recipient Name	Address Line 1	Address Line 2	City	State	Zip Code	Payment Date For Interest	Total Refund	Int if pd by 5/20/2016
		BOCC Month	Type			Adjustment										
0001933423-2011-2011-0000-00	19328224B	1/1/2015	REI	515315	SL 362 Adjustment	11/21/2015		WACHOVIA BANK TRUST CO CORP	PO BOX 2609		CARLSBAD	CA	92018	1/6/2012	6.96	1.52
0002047740-2011-2011-0000-00	22706232	3/1/2015	REI	496723	SL 362 Adjustment	9/20/2015		TOPIWALA SANJIV T	1334 WINDMERE HILLS LN		MATTHEWS	NC	28105	1/6/2012	390.53	85.38
0002047740-2012-2012-0000-00	22706232	3/1/2015	REI	432023	SL 362 Adjustment	5/2/2015		TOPIWALA, SANJIV T	1334 WINDMERE HILLS LN		MATTHEWS	NC	28105	1/8/2013	390.53	65.69
0002047740-2013-2013-0000-00	22706232	3/1/2015	REI	432710	SL 362 Adjustment	5/2/2015		TOPIWALA, SANJIV T	1334 WINDMERE HILLS LN		MATTHEWS	NC	28105	1/7/2014	409.90	48.51
0002047740-2014-2014-0000-00	22706232	3/1/2015	REI	433518	SL 362 Adjustment	5/2/2015		TOPIWALA, SANJIV T	1334 WINDMERE HILLS LN		MATTHEWS	NC	28105	1/6/2015	409.90	28.08
															1,607.82	229.19

ORDINANCE NO. _____

BUDGET ORDINANCE AMENDMENT

ORDINANCE AMENDING THE BUDGET FOR THE TOWN OF MATTHEWS, NORTH CAROLINA FOR FISCAL YEAR 2015-2016

BE IT ORDAINED by the Board of Commissioners of the Town of Matthews, North Carolina that the following amendments are made to the Budget Ordinance for the fiscal year ending June 30, 2016.

SECTION 1: To amend the General Fund, the Revenues are to be changed as follows:

		<u>INCREASE</u>	<u>DECREASE</u>
10000001-441802	HIDTA Shared Proceeds	\$ 1,518.56	
10000001-441802	HIDTA Shared Proceeds	\$ 2,518.68	

SECTION 2: To amend the General Fund, the Expenditures are to be changed as follows:

		<u>INCREASE</u>	<u>DECREASE</u>
10431200-5271	Federal Seized Funds	\$4,037.23	

SECTION 3: The purpose of this amendment is to recognize shared proceeds received through DEA Task Force

SECTION 4: Copies of the budget amendment shall be delivered to the Budget Officer and the Finance Officer for their direction.

Adopted this the 9 day of May 2016.

James P. Taylor, Mayor

Lori Canapinno, Town Clerk

ORDINANCE NO. _____

BUDGET ORDINANCE AMENDMENT

ORDINANCE AMENDING THE BUDGET FOR THE TOWN OF MATTHEWS, NORTH CAROLINA FOR FISCAL YEAR 2015-2016

BE IT ORDAINED by the Board of Commissioners of the Town of Matthews, North Carolina that the following amendments are made to the Budget Ordinance for the fiscal year ending June 30, 2016.

SECTION 1: To amend the General Fund, the Revenues are to be changed as follows:

		<u>INCREASE</u>	<u>DECREASE</u>
10000001-4419	CONTROLLED SUBSTANCE TAX	\$738.00	

SECTION 2: To amend the General Fund, the Expenditures are to be changed as follows:

		<u>INCREASE</u>	<u>DECREASE</u>
10431200-5270	CONTROLLED SUBSTANCE TAX	\$738.00	

SECTION 3: The purpose of this amendment is to recognize Controlled Substance Tax Assessment revenues received in excess of budget amount.

SECTION 4: Copies of the budget amendment shall be delivered to the Budget Officer and the Finance Officer for their direction.

Adopted this the 9th day of May 2016.

James P. Taylor, Mayor

Lori Canapinno, Town Clerk

Agenda Item: New Zoning Applications

DATE: May 3, 2016
FROM: Kathi Ingrish

Background/Issue:

We have received 2 new zoning applications to be scheduled for public hearing dates:

- 2016-644, 9601 E Independence Blvd, at the corner of Sam Newell Rd next to McDonald's restaurant, from Conditional to B-1(CD)
 - A previous rezoning request for restaurant and other use(s) in 2014 had uncertainty about future right-of-way needs for the US74 conversion/Sam Newell Rd overpass coming in a few years
 - This new request does not propose making changes to current building or parking lot footprints, but simply moving forward with moving the site out of the old Conditional zoning category as strongly encouraged by Planning staff
 - As with any zoning application requesting a change in zoning district, staff in various Town and County departments, as well as other agencies such as NCDOT, will review the proposal and suggest further clarifications prior to the public hearing; this means the hearing is normally scheduled two months after formal submission (July)
- 2016-645, Sportsplex, from R20 to ENT
 - The first phase of development was able to proceed under the existing R-20 zoning because parks are a permitted use, and the UDO with the new ENT zoning category was not yet adopted
 - The second (final) phase of development was approved for construction meeting the ENT district provisions, and with the full knowledge and expectation that the property would undergo a rezoning action to the new ENT district designation prior to completion
 - The stadium with seating is not a permitted use in the R-20, so the property needs to be zoning ENT to allow a final Certificate of Occupancy to be issued for the stadium portion of the park site
 - County Park & Recreation and Real Estate staff have worked together to prepare the proposed conditional notes, using the Sportsplex engineering plans as a base site plan drawing
 - In order to be ahead of the construction completion schedule, this application is requested to be scheduled for June public hearing and probable July decision

Proposal/Solution:

Planning staff has verified these two zoning applications are complete and ready to have their public hearing dates scheduled.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

- Schedule a public hearing for June 13, 2016 for Zoning Application 2016-645.
- Schedule a public hearing for July 11, 2016 for Zoning Application 2016-644.

Agenda Item: Authorize Staff to Proceed with Construction of Upstairs Area of Police Facility

Date: May 3, 2016

From: Chief Rob Hunter

Background / Issue:

In 2015, the Police Department's seventy-two full-time and ten part-time employees completed more than 4,500 hours of in-service training & education. While the department currently fields ten state-certified instructors who have the ability to provide most of these training classes, not all can be accomplished within our current facility. Additionally, the department's members completed more than 650 'community service' events & programs during 2015, including the hosting of our annual twelve-week *Citizens Police Academy* as well as our *Police Explorers* program throughout the school year. For both of those programs, our capacity is based primarily upon the limited space within our facility. Finally, our current facility provides inadequate work space for current staff and storage space for our needs. Thus, we began several years ago exploring the expansion of the upstairs area of our facility.

Proposal / Solution:

Development of part of the upstairs part of our facility (approx. 1,700 sq. ft.) will provide adequate work & storage space for current staff. More importantly, it will provide us the space to increase the number of on-site training & educational classes for employees – rather than depending upon out-of-area classes & cost-based courses – AND allow us to expand and enhance the community programs and events hosted by our staff & current volunteers.

While we are currently pursuing cost estimates for this project, we are comfortable that the cost estimate provided during the Planning Conference - \$200,000 – is a realistic sufficient budget. Staff has discussed the project options and, if supported by the Board, and see two means of proceeding: (a) Authorize staff to utilize un-spent current-year budgeted revenues to begin and fund the project within the current fiscal year budget or

The employees of the Matthews Police Department strive to promote a safe community by preventing crimes and reducing the fear of crime, while treating all individuals fairly and with respect.

Our members will demonstrate honesty, professionalism and integrity, while building the partnerships necessary to enhance the safety of our community.

(b) Endorse the staff's ability to designate these unspent budgeted revenues within the FY17 Fund Balance to be appropriated for this project.

Support for either of these two options will provide for the much-needed work & community programming space needs of the department, and allow for the removal of this project from the FY17 CIP budget, which would support a balanced budget for that fund.

Financial Impact:

Based upon current estimates, this project should not exceed \$200,000 – construction, finishes & equipment, and those funds are available within the town's current budget. Completion of this project will annually reduce travel costs associated with required training programs, provide us the opportunities to host fee-based training conferences and, in doing so, enhance our partnerships with other local and regional departments.

Related Town Goals: ***-Small Town Feeling & Identity***
 -Solid Town Financial Footing

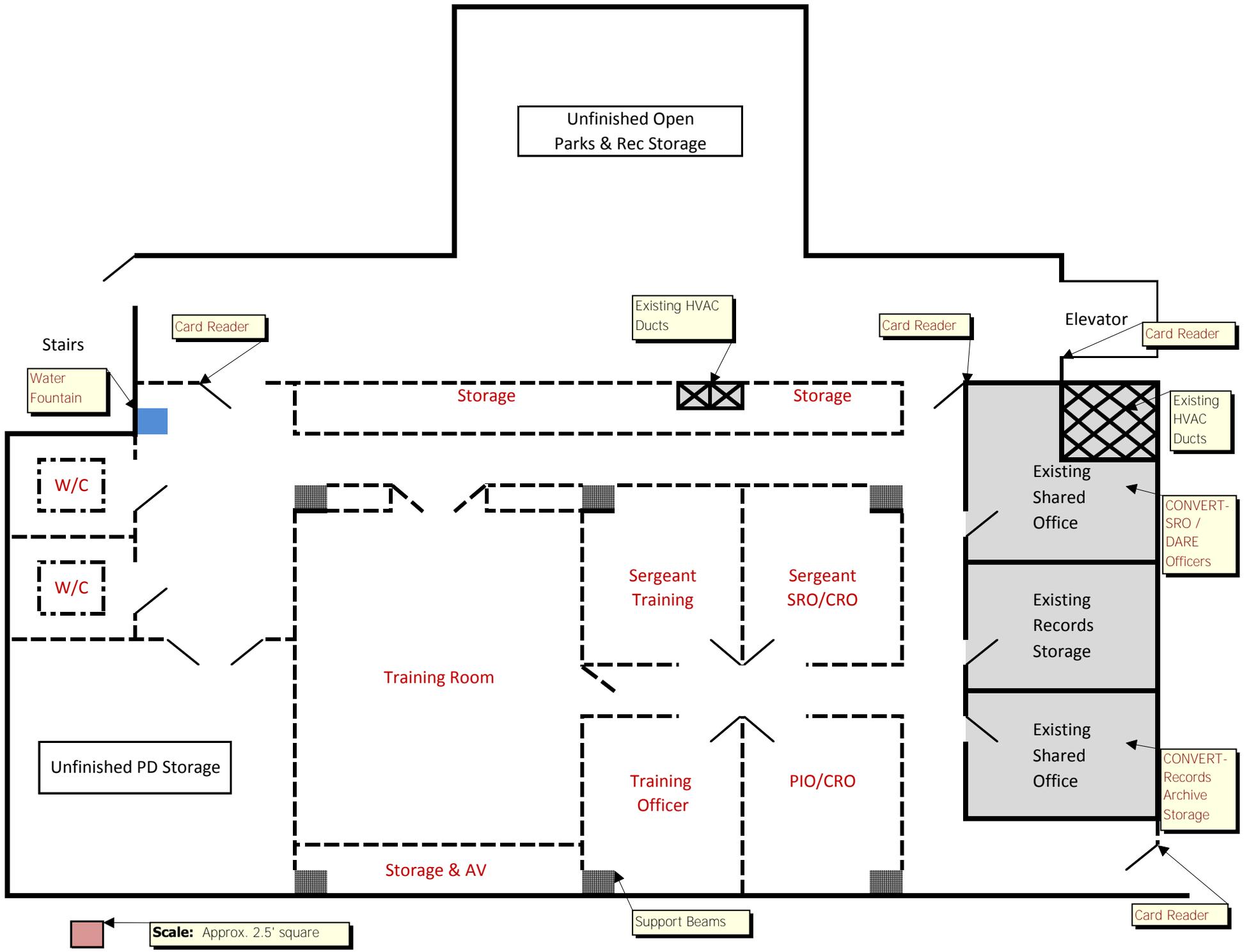
Recommended Motion(s):

(A) Authorize staff to proceed with obtaining & presenting for Board approval construction bids for this project utilizing current-year budgeted revenues, or

(B) Authorize staff to proceed with obtaining construction bids to be presented for Board approval subsequent to the adoption of the FY17 budget and to be funded utilizing fund balance revenues.

The employees of the Matthews Police Department strive to promote a safe community by preventing crimes and reducing the fear of crime, while treating all individuals fairly and with respect.

Our members will demonstrate honesty, professionalism and integrity, while building the partnerships necessary to enhance the safety of our community.



Transparency Best Practices

TO: Mayor and Board of Commissioners, Town Manager Hazen Blodgett
DATE: May 4, 2016
FROM: Lori Canapinno, Town Clerk

Background/Issue:

The Town of Matthews continually strives to enhance its transparency to citizens. Publicly accessible information is a key factor of government transparency and the posting of information on the Town's website is one of the best ways to communicate data to interested citizens.

The new Town website functions as the gateway to Matthews' public information. It serves as a searchable repository for documents and offers user-chosen notification subscriptions which allow citizens to receive data based on their specific interests. Data currently available includes a calendar of board and committee meetings, agendas and minutes of Board of Commissioner meetings, annual budgets, annual comprehensive financial reports and contact information for elected officials and staff.

There are additional documents and data sets that will be added to the website. In its 2015 session the North Carolina General Assembly adopted language in the budget bill regarding the publication of local governments' financial data. (See attached legislation). Note that while the legislation calls for implementation by April 1, 2016, the North Carolina Department of State Treasurer issued a notice stating they are not advising local governments to make significant changes solely to meet the requirements of this legislation at this time, however staff plans to voluntarily comply by adding this financial data to the Town's website and updating it on a monthly basis beginning July 1. Providing reports in non-static document formats will enable users to search and analyze the data for their own uses. Other data that will be added include agendas and minutes of all advisory boards and committees

Audio and/or video recordings of Board meetings published online are another hallmark of government transparency, since a common problem for the average citizen is their inability to attend Town Board meetings. New technologies offer low-cost methods of such data delivery to the public.

Proposal/Solution:

Staff will add the above-referenced documents to the Town website. In addition, staff proposes the installation of a video camera in the Hood Room to be used in conjunction with a live-streaming application such as Periscope or YouTube to allow for viewing of Board meetings by those unable to attend in person.

Fiscal Impact:

If the Board approves video recording for Board of Commissioner meetings the total cost for a high quality digital camera would be less than \$500. If video recording is not approved then there will be no cost to the Town.

Related Town Goals and Strategies:

Communications: to create an informed citizenry by providing relevant information about the town and enhancing two-way communications using traditional techniques and new technologies.

Recommendation Action:

Endorse the transparency practices listed above and approve the installation of a digital video camera in the Hood Room for recording and online distribution of regular Board of Commissioner meetings.

GOVERNMENTAL BUDGETARY TRANSPARENCY/EXPENDITURES ONLINE

SECTION 7.17.(a) In coordination with the State Controller and the Office of State Budget and Management (OSBM), the State Chief Information Officer (State CIO) shall establish a State budget transparency Internet Web site to provide information on budget expenditures for each State agency for each fiscal year beginning 2015-2016.

SECTION 7.17.(b) In addition, the State CIO shall coordinate with counties, cities, and local education agencies to facilitate the posting of their respective local entity budgetary and spending data on their respective Internet Web sites and to provide the data to the Local Government Commission (LGC) to be published, in a standardized format, on the State budget transparency Internet Web site established in subsection (a) of this section.

SECTION 7.17.(c) The Internet Web sites mandated by this section shall be fully functional by April 1, 2016. Each Internet Web site shall:

- (1) Be user-friendly with easy-to-use search features and data provided in formats that can be readily downloaded and analyzed by the public.
- (2) Include budgeted amounts and actual expenditures for each State agency or local entity budget code.
- (3) Include information on receipts and expenditures from and to all sources, including vendor payments, updated on a monthly basis.

SECTION 7.17.(d) Each State agency, county, city, and local education agency shall work with the State CIO, the State Controller, and the OSBM to ensure that complete and accurate budget and spending information is provided in a timely manner as directed by the State CIO. Each State agency Internet Web site shall include a hyperlink to the State's budget transparency Internet Web site. The LGC shall work with the State CIO to post data on the LGC's Internet Web site in a consistent manner that allows comparisons between the local entities providing data under subdivision (2) of subsection (c) of this section.

SECTION 7.17.(e) There is appropriated from the General Fund to the Office of State Budget and Management the sum of eight hundred fourteen thousand dollars (\$814,000) for the 2015-2016 fiscal year for the purpose of implementing the provisions of this section.

NORTH CAROLINA DEPARTMENT OF STATE TREASURER
STATE AND LOCAL GOVERNMENT FINANCE DIVISION

In its 2015 session the General Assembly adopted language in the budget bill that concerns transparency with regards to local government finance. The legislation directs the State CIO to coordinate with counties, cities and local education agencies (school boards) to facilitate implementation of the requirements of the adopted legislation. It further directs these same entities to work with the State Controller and the Office of State Budget and Management (OSBM) to ensure that timely information is provided as directed by the State CIO. Finally, the LGC staff is to work with the State CIO to post data to our website that allows comparisons between the local entities providing data under this legislation. All websites are to be in place by April 1, 2016.

Our staff has met with OSBM, the State CIO, and our IT staff to determine the best approach to implementing the requirements of this legislation. We are starting out with the data that is already available from each local entity through annual audits, the AFIR, and reports to the Department of Public Instruction (DPI). **While we encourage all efforts to make government more transparent, we are not advising local entities to make significant changes at this time to their websites or data presentation methods for the sole purpose of meeting the requirements of this legislation.** As we continue to work with the appropriate state agencies we will keep you informed of any action needed on your part. If you have questions please contact us at [\(919\) 814-4299](tel:9198144299).

**Matthews Parks, Recreation & Cultural Resource Department:
Phase 1 elements of Rice Road Park Project**

DATE: May 4, 2016

FROM: Corey King, Parks, Recreation & Cultural Resource Director

Background/Issue:

Town staff and The Alfred Benesch Company have worked to develop a conceptual design for the future park along Rice Road, in Matthews. Two public meetings were held to discuss and gather input from citizens. The conceptual design attached incorporates this input from neighbors of the property, other residents of Matthews' and information from subject matter experts in the area of public recreation facilities.

Development of the park site is slated to begin prior to January 2018, as part of the agreement for Parks and Recreation Trust Fund Grant funding used to purchase the property in 2013.

Staff initially presented these conceptual drawings to the Board in February, 2016.

Proposal/Solution:

To facilitate compliance with the grant stipulations, additional detailed planning is needed. Staff proposes the items listed as "Phase 1" be approved as elements of the project, allowing the detailed planning for this phase to begin in FY17.

Financial Impact:

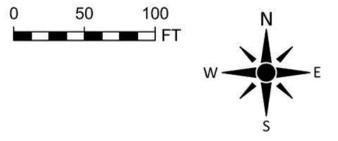
There is no financial impact directly associated with this decision. Staff would request funding within the FY17 budget (\$50,000) to complete construction documents for Phase 1 of the Rice Road Park project if approved.

Related Town Goal:

Quality of Life: Implement the Parks and Recreation Master Plan

Recommended Motion:

Approve Phase 1 elements as part of the Rice Road Park project.





Rice Road Park

Phase One Budget

February 3, 2016

Item	Cost
Partial Grading/Erosion Control	\$75,000.00
Partial Storm Drainage	\$45,000.00
Parking ±10 Cars	\$20,000.00
Utilities (water/drinking fountain)	\$15,000.00
Park Furnishings (signage, gates, benches, etc.)	\$15,000.00
Playground and Surfacing	\$75,000.00
Sidewalks/Trails	\$50,000.00
Landscaping	\$5,000.00
Probable Sub-Contractor Cost	\$300,000.00
Contractor Overhead, Profit, and General Conditions (10%)	\$30,000.00
Total Project Construction Budget	\$330,000.00
Contingency (10%)	\$33,000.00
Project Development Budget	\$363,000.00
Planning, Geotechnical & Design Services (10%)	\$36,300.00
TOTAL ESTIMATED PROJECT COST	\$399,300.00



