MINUTES
BOARD OF COMMISSIONERS SPECIAL MEETING
JORDAN ROOM, MATTHEWS TOWN HALL
OCTOBER 14, 2019 – 5:30 PM

PRESENT: Mayor Paul Bailey; Mayor Pro Tem John Higdon; Commissioners Barbara Dement, Chris Melton, Jeff Miller, Kress Query and John Urban

ALSO PRESENT: Town Clerk Lori Canapinno

The Board of Commissioners met to review the work of Town advisory committees. After discussion, the Board decided by consensus to postpone this advisory committee review process until after the upcoming election, to allow newly-elected members the opportunity for input, except for any issues that are significant enough to require attention now. Mr. Urban requested consideration of the previously-discussed proposal to move the Historic Preservation Advisory Committee (HPAC) to ad-hoc status, with the Matthews Historic Foundation (MHF) taking over certain HPAC tasks. The goal of this change is to lessen duplication of efforts and move to complementary programs. Under this plan, HPAC would continue to work on presenting historic properties to the Board for designation, review certain zoning processes and advise on historic signage and materials around town. By consensus the Board agreed to move forward with this process. Mr. Urban will work with Jay Camp, HPAC staff liaison, and MHF members to finalize the proposal, including written confirmation from each group. These changes will ultimately be considered by the Board at a future meeting.

MINUTES
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
OCTOBER 14, 2019 - 7:00 PM

PRESENT: Mayor Paul Bailey; Mayor Pro Tem John Higdon; Commissioners Barbara Dement, Chris Melton, Jeff Miller, Kress Query and John Urban; Town Attorney Charles Buckley; Town Manager Hazen Blodgett; Assistant Town Manager Becky Hawke; Town Clerk Lori Canapinno

ALSO PRESENT: Communications Coordinator Maureen Keith; Police Chief Clark Pennington; Public Works Director CJ O'Neill; Planning and Development Director Jay Camp; Zoning Administrator Mary Jo Gollnitz; Planning Board Chair David Weiser, Planning Board members Natasha Edwards, Mike Foster, Jana Reeve, Mike Rowan and Larry Whitley and alternate member Jonathan Clayton.

REGULAR MEETING CALLED TO ORDER

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

SAFETY MINUTE

Town Manager Hazen Blodgett reviewed safety protocols.

INVOCATION

Mr. Miller rendered an invocation.
PLEDGE OF ALLEGIANCE

Mayor Bailey led the audience in the pledge.

RECEIVE INFORMATION ON POLICE DEPARTMENT’S CAMPAIGN FOR BREAST CANCER AWARENESS MONTH

Police Chief Clark Pennington spoke about Breast Cancer Awareness Month. The Police Department will be selling t-shirts during the month of October with all proceeds being donated to Novant’s mobile mammography bus, which offers mammography services for those who could not otherwise afford them. Last year the department donated $1,300 and they want to increase that this year. Shirts can be purchased at the police department or through any police officer. Mayor Bailey noted that men also get breast cancer and wants to be sure people are aware of that.

ITEMS TO BE ADDED TO THE AGENDA

None

PUBLIC COMMENT

None

RECOGNIZE PLANNING BOARD

Planning and Development Director Jay Camp introduced the members of Planning Board who were present: Chair David Weiser; members Natasha Edwards, Mike Foster, Jana Reeve, Mike Rowan and Larry Whitley and alternate member Jonathan Clayton.

RECESS REGULAR MEETING FOR PUBLIC HEARINGS ON APPLICATIONS TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE AND LAND USE MAP OF THE TOWN OF MATTHEWS

Motion by Mr. Urban to recess the regular meeting for public hearings on applications to amend the Unified Development Ordinance and Land Use Map of the Town of Matthews. The motion was seconded by Mr. Miller and unanimously approved.

Zoning Application 2019-702/BAPS Charlotte: to change the zoning from B-D(CD), B-H(CD) and I-1(CD) to R/I(CD) on two parcels, one at the corner of Mt. Harmony Church Road and Independence Commerce Drive and one at 2050 Independence Commerce Drive and being further identified as Tax Parcels 215-094-02 & 06 (continued from September 9, 2019)

Mr. Camp reviewed items that were revised after the previous meeting. Updates included more details on architectural drawings, with better details on material; a modification of driveway access points to allow only one ingress and two egress points on Independence Commerce Drive; the addition of a conditional note stating that an off-duty officer will be provided for events with more than 200 people in attendance; the addition of a conditional note stating that the gate along Stevens Mill Road will remain open when more than 200 people are expected; and that contractors will manage traffic flow on Independence Commerce Drive to ensure full access to the neighboring business park.
Applicant representatives Ty Shaffer of Robinson Bradshaw, Chris Scorsone of Cluck Design and Collin Brock of Block Design further detailed these changes. Mr. Scorsone reviewed the building elevations, explaining that the approaches will always be shown approaching from east to west per the religion’s guiding principles. He showed images that speak to the architecture and materiality being proposed. Materials include GFRC (Glass Fiber Reinforced Concrete), which looks like ornate carved stone, cut stone, ornamental cast stone, stucco, glazed tile, glass and ornamental patterned screens. The design would incorporate motifs which are sacred to the Hindu religion. It’s their intention to construct a very handsome, high-quality structure that will withstand time, with a material quality very similar to what would be seen a hundred years ago. He urged the Board to look at images of the BAPS Atlanta temple, which is a typical build.

Mr. Urban asked if the proposed materials meet the Town’s ordinance, and Mr. Camp said yes. Mr. Urban said overall it’s a very pleasing building and the applicants have done a fine job. Mr. Miller expressed concerns about the proposal to have contractors manage and direct traffic on Independence Commerce Drive. Mr. Shaffer noted that the applicants plan to use flaggers commonly seen in other construction sites. The applicant met with Mr. Martin, a neighboring property owner, on site and can discuss in more detail what these notes are intended to do. Mr. Martin has made it clear that he doesn’t want any construction traffic on Independence Commerce Drive, but that is a very difficult request to accommodate due to the topography of the site, as well as issues relating to tree save on site. The revisions attempt to address staff comments and Mr. Martin’s comments. Staff was concerned with issues relating to the regular operation of the site and Mr. Martin is concerned about construction impacts on Independence Commerce Drive. They moved the entrance drive from the cul de sac and remove the third entrance point as recommended by staff, to reduce impacts to neighbors.

Note 7D was revised to include the commitment to keep the Stevens Mill Road access point gate open during events for which more than 200 people are expected; 7F was added to commit to engaging an off-duty police officer to direct traffic on Independence Commerce Drive for any weekday event for which more than 200 people are expected; and 7G was added to commit to having construction contractors manage and direct traffic on Independence Commerce Drive to accommodate Mr. Martin’s concerns about that area during construction. Ms. Shaffer explained that one of the concerns discussed with Mr. Martin during the site visit was the turning radius needed to allow tractor trailers to enter the lower drive on Independence Commerce Drive. The applicants commit to run models and to striping this side so there would be no on street traffic to interfere with trucks getting into and out of that lower drive, and their construction contractors won’t use any neighboring drives as turnarounds. In addition, the applicants will repair any damage to Independence Commerce Drive caused by construction traffic. All of these commitments will help mitigate a problem that really is difficult to fix. Prohibiting construction traffic on Independence Commerce Drive is simply not possible given the topography and impacts to tree save on the site. Collin Brock of Bloc Design discussed issues relating to topography and tree save. There’s 60 feet of topography from top to bottom when looking at Mount Harmony Church Road. A retaining wall will run down the length to accommodate the tree save, so coming into the site from those locations would further impact the tree save area. It would be a very difficult challenge to have truck access on that side.

Mr. Higdon asked if the applicants will commit to consulting with the Town Arborist regarding tree replantings, and Mr. Brock said yes. Mr. Higdon specified a desire for native tree species. Mr. Melton asked if Independence Commerce Drive was a public or private street and Mr. Block explained it was a public street with about 45 feet from edge of pavement. Mr. Urban noted that the debate is one of save preservation versus site access. The quality and condition of the types of trees that are on the site is questionable. He said the construction entrance could be in a different place, although it would be more difficult for the contractors. There are a lot of issues at play. He then asked about tree save, noting the plans call for 15% tree save and 15% planting. Mr. Brock’s rough estimate was that the interior and perimeter trees are equivalent of almost 2.25 acres of canopy, albeit it replanted/revegetated canopy, in addition to the roughly 2.1 acres of tree save. Mr. Urban noted that there are options, even if some of them are unpalatable. There will be an issue initially until the equipment can be moved on site. He wants to be sure that Mr. Martin is held harmless too.

Mayor Bailey opened the floor to public comment. Roger Martin, 2442 Bain Farm Road, Mint Hill, owns about 70,000 square feet of existing commercial structures on Independence Commerce Drive across from this site. He and the
applicants have met, and he neither opposes this rezoning nor has no animosity for them, but he does have specific concerns about the impact of this construction on his business and the surrounding area. He discussed concerns related to several issues, including the retaining wall starting at Mount Harmony Church Road needed due to the topographic changes on the site and particularly the construction entrance’s impacts to Independence Commerce Drive. He liked the idea of removing the egress point from the cul de sac. He suggested moving the drive at the end of the cul de sac to the back corner, directly off Stevens Mill Road. There’s almost no tree save back there, and the topography is more level. Construction trucks could enter at that point and queue up on site instead of on Independence Commerce Drive. This access point would be easier for these large trucks to navigate rather than trying to navigate a 90-degree turn on Independence Commerce Drive. He also questioned the project’s phasing plan, saying it could be 10-15 years before the second phase took place. That makes him question if it will all be graded and paved now. If this is a phased project, due to the confines and limitation of this site, it will take a good contractor to figure out how not to destroy the rest of the site in the phase they’re working on. Mr. Martin also noted options for construction vehicle parking, saying there are a few other options for off-site parking on private property that may be available. He asked the Board to slow down and consider all the issues he raised before acting on this request.

Mr. Shaffer responded to the comments, saying the applicants are very willing to continue these conversations with Mr. Martin on these issues. This site has its challenges and the applicants are aware of that, but they are a member of the Matthews community and they are committed to remaining in Matthews. Independence Commerce Drive is a public drive and is the furthest from residential use so is best for construction access. The permanent egress at the top of the cul de sac is a weekend issue and so the applicants don’t believe it will have any impact on the neighboring business park since it will be used by worshippers leaving the site after Sunday services. Using Stevens Mill Road creates its own issues because that’s where the residents are. The applicants don’t want to drive construction traffic past those homes. He then clarified that the second phase of construction would be triggered by the acquisition of that hold-out parcel that is currently carved out from the site plan. The temple holds the first option on that site, but it’s probably going to be at least 10-15 years before that property becomes available.

Mr. Urban asked for more details on the northeastern corner of the site. Mr. Brock explained that there is a significant amount of fall as it goes to the basin. They’ve identified tree save areas. The area is flat now but won’t be in the future. They also have some limitations due to an existing easement. Mr. Urban said it is worthwhile to explore options. Mr. Brock noted that it seems like a poorer option to travel through the residential side. He also noted that this is not a typical church model as many are used to – it’s an all day, come as you want scenario, so there’s not a flood of attendees moving in and out all at the same time. Mr. Query asked about cutting through the site and fixing a staging area on site since there’s not a large tree save area. Mr. Brock said they anticipate that staging will happen on site once they get through the initial clearing, which will probably take about 45 days. Stacking is a different issue with everyone slowly coming in. Ms. Dement said it’s critical for the Board to consider the residential areas, which are closer to the other roads and have more noncommercial traffic. She liked the suggestion of making another lane on Independence Commerce Drive, which is a cul de sac and has less noncommercial traffic – it would be much safer and less intrusive to the entire community. That extra stacking lane may be the way to get around it.

The application will be heard by the Planning Board on October 22nd and come back to the Board of Commissioners for decision on November 11th.

**Motion 2019-4/text:** to change the UDO code text regarding lodging facilities.

Mr. Camp reviewed this proposal, which is based on discussions with the Board of Commissioners regarding hotels, particularly extended stay and limited service hotels. The proposal includes revising definitions in the code, amending the table of uses and adding prescribed conditions.

New definitions of *hotel* and *extended stay hotel* would better differentiate the two, with *hotels* referring to five or more guest rooms used for temporary lodging of thirty days or less, and *extended stay hotels* referring to buildings
where more than 10% of guest rooms have kitchen appliances such as stoves, cooktops, ovens and dishwashers; and are designed for occupancy of up to or more than thirty days. They may also include accessory facilities like dining areas, kitchens, meetings rooms, ballrooms and the like. Staff has deliberately chosen to not add a definition for short-term lodging rentals like Air B&Bs.

In the table of uses, hotel and motel nomenclature would be replaced with hotel and extended stay hotel. In the prescribed conditions, the current conditions for hotel and motels in office districts would be removed and standards for lodging establishments in all districts would be added. There were some antiquated prescribed conditions in the code, so staff removed them and added new prescribed conditions. These conditions include required standards such as primary exterior wall materials needing at least 50% brick, masonry or stone; daily housekeeping; standards for common open space, etc.

Mr. Urban asked from where the proposed minimum 2,000 square feet required for lobby space and 3,000 square feet required for other interior amenity space came. Mr. Camp explained that staff based those figures off data found for potential franchisees for a common brand, typical for the new hotels being built in Matthews today. Discussion ensued. Mr. Camp explained that the 3,000 square feet of interior amenity space could be a mix of types, such as fitness centers, business centers or indoor pools. An outdoor pool wouldn’t qualify. He noted that a boutique hotel may have difficulty meeting those requirements but that 3,000 square feet of amenity space is generally not too difficult to achieve, particularly since meeting space is a revenue stream. Ms. Dement expressed concerns about extended stay hotels being allowed in the ENT district. Mr. Camp said that can be removed if necessary, but it’s a popular option now and staff felt that the ENT was a good location. Ms. Dement said that extended stay hotels may have clientele with which families with children aren’t comfortable.

Mr. Higdon asked about enforcement of the maximum lengths of stay. Mr. Camp explained that the establishments will have the mechanism to preclude someone from booking one room for more than x number of days, although they do allow people to move rooms. He noted there are well-known places in which people stay for years. Mr. Miller said he’d like to strike extended stay hotels from the ENT district. He also would like to raise the minimum required square footage of amenity space, suggesting 3,000 square feet of meeting space and 3,000 square feet of other amenities. Mr. Melton asked if these revisions would scare off anyone looking to bring a full-service hotel with an adjacent convention center to Matthews. Mr. Camp said that would be a one-off item that would have to be looked at closely. It may require a text change or zoning variance to accommodate. Mr. Query agreed that 3,000 square feet just for interior meeting space isn’t enough. Mr. Urban said it would be good for Board members to receive some additional education on extended stays brands and options, so that the Board fully understands the marketplace.

Town Manager Hazen Blodgett noted that most of the Board would like to see a convention center but cautioned that by raising the minimum amenity square footage requirements, they run the risk of chasing away potential hotels to town since the market won’t support it. In addition, convention centers are money losing operations and are often subsidized by the local government. He cautioned the Board, saying that everyone wants more meeting space, but pushing the minimums too high could result in chasing away potential hotels. Mr. Higdon said he often stayed in extremely nice extended stay hotels for work travel and agreed that it might be nice to have a higher end option in the Sportsplex or ENT. He wants to be sure those options aren’t excluded.

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

Mayor Bailey suggested that the public hearing be continued to allow staff additional time to get the requested information back to the Board.

Motion by Ms. Dement to continue the public hearing for Motion 2019-4 to November 11, 2019. The motion was seconded by Mr. Higdon and unanimously approved.
RECONVENE REGULAR MEETING

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

PLANNING AND DEVELOPMENT BUSINESS

RECEIVE REPORT FROM PLANNING BOARD

Planning Board Chair David Weiser gave a report on the Planning Board’s activities of September 24, 2019 (Exhibit #1 hereby referenced and made a part of these minutes).

PLANNING AND ZONING RELATED ACTIONS:

Zoning Application 2019-699/Brigman, et al: to change the zoning from B-H to ENT (Early Designation) on that certain property designated as 1364 Matthews-Mint Hill Road and being further identified as Tax Parcel 215-081-07

Mr. Camp explained that the applicant has proposed an additional sentence to the conditional notes following the Planning Board meeting:

Any proposed lodging use shall include elements supportive of the Matthews Sportsplex. Such elements might include items such as a pool, meeting room, meeting space, onsite food and beverage options, or other guest services. Permitted uses in the ENT district shall be subject to such limitations and additional requirements (specifically to include limitations and additional requirements regarding lodging uses) as the Matthews Town Council may hereafter adopt.

This refers to the language just discussed as part of Motion 2019-4. Staff recommends approval.

Motion by Mr. Miller to approve Zoning Application 2019-699; as it is consistent with the Matthews Land Use Plan as it allows uses that are envisioned in the ENT Small Area Plan and will facilitate the development of the long-planned ENT district, and is reasonable as it establishes ENT zoning on a parcel within the boundaries of the ENT Small Area Plan and provides the property owner with a broad list of uses that may one day be developed at the site, especially if it has banquet rooms and meeting spaces. The motion was seconded by Mr. Urban.

Mr. Miller revised his motion to include the new parenthetical statement noted in Mr. Camp’s memo dated October 8, 2019, “…(specifically to include limitations and additional requirements regarding lodging uses)…”. The revised motion was seconded by Mr. Urban and unanimously approved.

Zoning Application 2019-700/Stronghaven: to change the zoning from I-1 to I-1(CD) on that certain property designated as 433 E. John Street and being further identified as Tax Parcel 215-014-06

Mr. Camp noted that the applicants requested a deferral as they are still working to develop the plan to move truck traffic from East John Street. Staff supports the request to defer to November 11.

Motion by Mr. Higdon to defer action on Zoning Application 2019-700 to November 11, 2019, to give the applicants time to study the issue of truck dock relocation. The motion was seconded by Mr. Query and unanimously approved.
Zoning Application 2019-701/Covenant Day School: to change the zoning from R-20 and B-1(CD) to R-I(CD) on those certain parcels designated as 515 Matthews Township Parkway and 10812 Monroe Road and being further identified as Tax Parcels 213-012-01 & 17

Zoning Administrator Mary Jo Gollnitz reviewed revisions made to the site plan following the public hearing and Planning Board meeting. These include the following: the addition of approximately 200 feet of trees for noise abatement and an approximately 300 feet long, ten feet tall brick wall between the applicants’ asphalt driveway and softball field; a driveway connection to the Liberty Commerce driveway, which will be gated; a note in section 5B, parking and access, which specifies that vehicular access through the site from Monroe Road is limited to certain circumstances, including access for team buses, access for emergency vehicles, access for routine maintenance, and access for extenuating circumstances that are reasonably unforeseeable; a note stating that sporting events will not be hosted on Sundays or before 9:00 am on Saturdays, except for extenuating circumstances; and that the applicants will continue to work with staff on the proposed multiuse path.

Mayor Bailey asked who determines the extenuating circumstances and what those could include. Ms. Gollnitz said the applicant can address that in detail but noted rain issues delaying games in tournaments could be an example. Applicant representative Collin Brown said it would be a relief valve - a good example would be a major tournament that didn’t finish on Saturday would finish on Sunday. Mayor Bailey asked if the note could be revised to include the phrase “in advisement of the neighbors.” Mr. Brown said it would be the applicants’ preference to coordinate with the Zoning Administrator.

Mayor Bailey asked about the noise issues. Mr. Brown noted that Covenant Day School had engineers on site today and the PA system measured significantly lower than the Town’s limit of 55 decibels (dB). Even so, they’re going to evaluate the main speaker above the concession stand to remove reverberation, as modifying its location will result in 4dB reduction. They will also relocate the current baseball PA system speakers. Mr. Higdon asked about the neighbors’ noise complaints regarding cowbells and if the applicants will restrict their use. Mr. Brown said the school is happy to put that condition in writing and will post notice, but cautioned that it is possible that some opponents may sneak some in. The school will do their best to restrict their use. Mr. Miller asked if they would also restrict the use of air horns. Mr. Brown explained that some air horns are used to start and stop games, but the school can limit the use of air horns by attendees.

Mr. Urban thanked the applicants for working with the neighbors on these issues. He then asked about the continued work on the proposed multiuse path. Ms. Gollnitz explained that Town staff is still not sure with which location the Board will be most comfortable, and staff also has no information about financing issues. Mr. Urban questioned if some language could be added to ensure that this issue continues to be worked on. Town Attorney Charles Buckley said he’s not sure that can be done. Mr. Brown said the school is open to working with both potential locations, but it seems clear that there are some larger issues that need to be settled by the Town first. Mayor Bailey acknowledged that the neighbors are not enthused about the possibility of the path going around the back, but it’s important to at least have the area along the fence closest to Monroe Road designate as future greenway. That could still connect to the areas behind the buildings going up along Monroe Road. Ms. Gollnitz noted that there is a note on the plan for the original route, indicating it’s reserved for future greenway. Ms. Dement commented that the note as stated would mean that the Town would pay for the path. Mr. Miller requested that the words “by Town of Matthews” be struck from that note, so it would read, “reserved for future 10ft multiuse path (to be provided per current area plan).”

Motion by Mr. Melton to approve Zoning Application 2019-701 as most recently amended, to include the noted in the memo from Ms. Gollnitz dated October 7, 2019, and including the two changes to the speaker system as described by Mr. Brown in this meeting, and to include a prohibition on cowbells and air horns, with the exception of the use of air horns when necessary for the execution of games, and to strike the words “to be provided by the Town of Matthews per current area plan” from the note regarding the multiuse path, as it is consistent with the Matthews Land Use Plan by further developing an existing athletic field with additional seating, appropriate parking,
addition of noise buffers, and future multiuse path for recreational purposes, and is reasonable as it allows the current recreational use to remain in place and continue providing a buffer between commercial uses along Monroe Road and residential neighborhoods. The motion was seconded by Mr. Miller and unanimously approved.

**Motion 2019-2:** To change the zoning on three (3) parcels as follows: (deferred from September 9)

a) To change the zoning from I-1 to R-12 on that certain parcel designated as 433 E. John Street and being further designated as Tax Parcel 215-014-06;

b) To change the zoning from B-H to R-15 on that certain parcel designated as 1364 Matthews-Mint Hill Road and being further designated as Tax Parcel 215-081-07; and

c) To change the zoning from B-H to R-15 on that certain parcel designated as 11210 Brigman Road and being further designated as Tax Parcel 215-081-29

Mayor Bailey noted staff’s recommendation to defer action for an additional month.

Motion by Mr. Melton to defer action on Motion 2019-2 to November 11, 2019. The motion was seconded by Mr. Urban.

Discussion ensued regarding the potential separation of each part and potential future actions. Town Attorney Charles Buckley explained that the Board has the legislative authority to defer action and/or act as often as it chooses since the Town is the applicant. The Board can direct staff to withdraw the sections that have already been dealt with through outside zoning actions, which are sections B and C. Mayor Bailey noted that this motion was initiated by the Town, and then the Stronghaven and Brigman rezoning applications were submitted. The Board decided to continue deferring this item to allow time to work through those individual rezoning requests. Tonight the Brigman property (subsection b) was rezoned, and staff has recommended that the bowling alley property (subsection c) be withdrawn. That would leave only 433 East John Street (subsection a - Stronghaven). The Town Attorney has stated that they all need to be dealt with at once. Mr. Blodgett noted that the Board could choose to rezone the Stronghaven property and have it become a nonconforming situation, and they could just leave it like that, but the Town is trying to work with them to get the trucks off East John Street, so it's worth continuing to work through those issues.

Mr. Miller was unhappy with the length of time it’s taking for Stronghaven to work through the truck relocation issues. Mr. Melton asked if the Police Department could cite truck drivers for blocking traffic, similar to what was done with parental drop off traffic around the elementary school on Trade Street. Mr. Blodgett noted that this has been going on for over forty years and it could be problematic to start issuing tickets. Mr. Buckley said it could be seen as a matter of selective enforcement. Police Chief Clark Pennington explained that Matthews officers have been directed to intervene if they see the street being blocked and to help direct traffic if needed. Simply telling the trucks to move on isn’t going to fix the issue.

The motion to defer to November 11, 2019 was unanimously approved.

**REPORTS FROM ADVISORY BOARDS/COMMITTEES**

Minutes from the Matthews Committee on Education were submitted. There were no questions or comments.
CONSENT AGENDA

A. Approve Minutes of the September 23, 2019 Board of Commissioners Regular Meeting
B. Approve Proclamation for Red Ribbon Week
C. Approve Performance Bond Amounts for Designated Staff
D. Approve Request for Charitable Solicitation from Muscular Dystrophy Association
E. Approve Preliminary Plat for McKee Glen Townhomes
F. Accept Zoning Application 2019-703/Home Depot: 1837 Matthews Township Parkway; Change of Condition in B1-SCD, and Zoning Application 2019-704/text change: Mount Moriah Missionary Baptist Church; Text Change to Table of Sign Regulations for Use in the Residential District; and Set Public Hearings for November 11, 2019
G. Approve Budget Ordinance Amendment to Recognize Funds Received for the Police Explorers Program in the Amount of $1,385.00

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

NEW BUSINESS

CONSIDER EXPANSION OF COAL TAR SEALANT BAN – MECKLENBURG COUNTY ENVIRONMENTAL SUPERVISOR OLIVIA EDWARDS

Mecklenburg County Environmental Supervisor Olivia Edwards spoke about coal tar sealant. PAHs (polycyclic aromatic hydrocarbons) are formed from the heating/burning of carbon material. PAHs are pollutants and probable/known carcinogens, and coal tar sealants contact high concentrations of PAHs and are one of the primary sources of PAHs in the urban environment.

The Town has had a ban in place since March 2018, which prohibits the use and sale of coal tar sealant products. Asphalt-based sealants are a viable alternative and contain very low concentrations of PAHs. A new problem is that new sealants – non-coal tar and non-asphalt – with high levels of PAHs have entered the market. The current ordinance doesn’t restrict these, so the recommendation is to revise the ordinance to limit PAH concentrations to 0.1% or lower, by weight. The Matthews Environmental Advisory Committee recommends this change. Mecklenburg County staff recommend approval, with a six-month delay in enforcement, which will allow time for County Storm Water Services to update protocols and staff, work with local suppliers and manufacturers to develop a list of approved low-PAH products, and implement and educational campaign for property owners, contractors and all others who may be impacted by the change.

Mr. Higdon asked if it was possible to mandate asphalt-only sealants and Ms. Edwards explained that there are other products coming out that have low PAHs so it would be unwise to restrict the industry too much. Mr. Higdon asked if a six month delay was really necessary and Ms. Edwards explained that would be the maximum amount of time needed but that changes could probably be implemented sooner.

Motion by Mr. Higdon to modify Chapter 52A – Surface Water Pollution Control Ordinance – section 52A.05 Prohibitions, subsection E – Coal Tar Sealant Limitations – to include high PAH sealants as indicated in CJ O’Neill’s ordinance dated October 9, 2019, with a revision to delay enforcement for only three months instead of the proposed six months. The motion was seconded by Mr. Miller and unanimously approved.
CONSIDER LED LIGHTING FOR LEVINE SENIOR CENTER

Town Manager Hazen Blodgett explained that the Town is transitioning to LED lights in its facilities and the Levine Senior Center (LSC) would like to do the same. The lease indicates that they’re responsible for repairs up to $10,000 and the contractor, Lime, estimates the conversion to cost approximately $8,500. The Town received three bids and Lime was the lowest bidder. LSC Executive Director Dahn Jenkins said the LSC is willing to pay for the conversion but has concerns about paying it all at once out of pocket. There is a way to address that concern: the Town has made an annual financial contribution of $5,000 to the LSC for years, and the Town could pay for the LED conversion and then withhold this year’s and a portion of next year’s contribution to the LSC.

Motion by M. Melton to hire Lime Energy Services Company to perform the LED fixture installation and withhold contribution funds until the Levine Senior Center has reimbursed the Town for the contracted amount. The motion was seconded by Mr. Higdon and unanimously approved.

MAYOR’S REPORT

Mayor Bailey reported on the November 4th Historic Foundation dinner at Sante and the Women’s Club Christmas Teas at the Redi House during the December 7th weekend.

ATTORNEY’S REPORT

None

TOWN MANAGER’S REPORT

Mr. Blodgett asked Police Chief Clark Pennington to provide an update on a pedestrian fatality that occurred this morning. Chief Pennington reported that a pedestrian was struck on private property in the parking lot of Aldi by a driver who left the scene before police arrived. The victim died of her injuries. The driver has been identified and the investigation continues.

Mr. Blodgett discussed a request to temporarily close a portion on East Charles Street by Cotton Gin Alley on Saturday, November 2nd for a cruise-in event for Toyota FJ Cruisers. He had originally had some concerns about this but the requesting group, which includes folks from Weaver, Bennett & Bland; Buffalo Jackson; and Rob Jacik, have gone around to talk to all affected parties and they’re comfortable with it. The Board delegated the authority to the Manager to close streets for this type of request, but Mr. Blodgett wanted to bring this to the Board’s attention to see if anyone had any concerns. No concerns were raised.

Mr. Blodgett then discussed the upcoming Diwali event that will be held on October 23rd. The BAPS group talked to the Cultural Diversity Committee about holding a Diwali event in town. As the Cultural Diversity Committee liaison, Mr. Blodgett discussed this with the Board at a previous meeting under the Manager’s report, and the Board has no problem with the proposal. The event will be held at the town hall on Wednesday with the social time starting at 6:00 pm and the ceremony at 6:30 pm. He asked if the Board had any questions and there were none.

ADJOURNMENT

Motion by Mr. Melton to adjourn. The motion was seconded by Mr. Miller and unanimously approved. The meeting adjourned at 9:23 pm.
Respectfully submitted,

Lori Canapinno
Town Clerk
FOR TOWN BOARD ACTION:

I. **ZONING APPLICATION 2019-699 – B-H (Highway Business) to ENT (Entertainment), 1364 Matthews-Mint Hill Road, Brigman.**

   Planning Board voted unanimously to recommend approval for the ENT early designation finding the plan consistent with the Matthews Land Use Plan and reasonable as it would help develop the long-planned ENT district.

II. **ZONING APPLICATION 2019-700 – I-1 (Light Industrial) to L-1 (CD) (Light Industrial Conditional), 433 E John Street, Stronghaven.**

   Members of Planning Board voted to recommended approval of the zoning application with the conditions that the decision to move the loading and unloading dock from E John Street to Charles Street and the condition that there is full agreement on the list of allowed uses. Members found the request to be consistent with the Matthews Land Use Plan as it provides better access to the property, eliminating traffic congestion on E John Street and allows proper redevelopment in accordance with established Town plans. The motion to recommend approval passed unanimously.

III. **ZONING APPLICATION 2019-701 – (R-20) Residential and B-1 (CD) Neighborhood Business Conditional to Residential/Institutional Conditional (R/I CD), 515 Matthews Township Parkway and 10812 Monroe Road, Warner Park, Covenant Day School**

   Members of Planning Board voted unanimously to approve the zoning application. The recommendation was conditional on the applicant being able to work out a suitable noise abatement agreement with surrounding property owners. Members found the proposed zoning change to be reasonable because it allowed the current use to remain in place, enhance participant experiences, provided a cushion between commercial uses along Monroe Road and residential neighborhoods, and an addition of a potential multi use path.