

**MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
JANUARY 10, 2000 - 5:30 P.M. - 7:00 P.M.**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Jim Taylor, Kress Query.

ABSENT: Commissioner Ginger Wright.

The Board of Commissioners interviewed applicants for various boards and committees. Meeting adjourned at 7:05 p.m.

**MINUTES
BOARD OF COMMISSIONERS MEETING
JANUARY 10, 2000
7:00 P.M.**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Jim Taylor, Kress Query, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Planning Director Kathi Ingrish; Planning Board members Butch Martin, Eddie Leighton, Tom Funderburk, Hampton Hopkins, Frank Casale, Scott Vallandingham.

CALL TO ORDER

Mayor Myers called the meeting to order at 7:18 p.m.

INVOCATION

Commissioner Bailey led everyone in reciting The Lord's Prayer.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

RECOGNITION OF TOURISM COUNCIL

Paula Lester, Chairman of the Tourism Council was recognized for her work on the history of Matthews book "Discover Matthews ... From Cotton to Corporate". Mayor Myers thanked the Tourism Council for their efforts on the 120th birthday celebration. Ms. Lester introduced Don Adams and Ben Adams, members of the Tourism Council in attendance tonight. She thanked Diane Adams for her work on the essay contest and other members, including the Matthews Playhouse, who participated in the celebration. Ms. Lester said the walking tour was well received. Almost 100 people attended. She said the trolley rides were also well received. Next year they may make it a one-day event on the same day as the tree lighting ceremony.

Mayor Myers said the book truly is a great work. Ms. Lester said it should be ready by the end of the month. It can be purchased, for \$15, at Town Hall.

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RECESS REGULAR MEETING

Motion by Commissioner Query, seconded by Commissioner Bailey, to recess regular meeting for Public Hearing. Unanimously approved.

Planning Director Kathi Ingrish introduced members of planning board in attendance tonight.

Motion 00-1: To adopt text amendments to the Zoning Ordinance by adding regulations creating surface water improvements and management stream buffers to ensure that streams and adjacent lands will fulfill their natural functions.

Don Kelly, Town Engineer, said the quality of streams in Mecklenburg County have deteriorated. The State has mandated all streams be cleaned up. In an effort to curb problems, he said, the Town of Matthews and Mecklenburg County are addressing this through SWIM buffers.

Rusty Rozzell, Mecklenburg County Environmental Protection, said there are 190 miles of shoreline in three lakes on the Catawba River. There are 2000 miles of streams in 22 separate basins. Mr. Rozzell said the towns have become more populated and it has increased the pollution forces. He said that streams that were once suitable for swimming and wading are no longer suitable because of the elevation of the bacteria counts. Mr. Rozzell said a SWIM policy statement was adopted in 1996 to address the issue of improving the quality and useability of the water resources. He presented a program outlining the SWIM program and the streams in the Town of Matthews.

Mayor Myers asked what objections they have received on this program. Mr. Rozzell said there have been very few objections because they had a lot of input. He said the one area that differs between the Matthews and the County ordinance is that Matthews states the entire floodplain must be in the buffer.

Motion 1 to change the Subdivision Ordinance by adding regulations creating surface water improvements and management stream buffers to ensure that streams and adjacent lands will fulfill their natural functions.

Mayor Myers asked what differences in the text were there between the Zoning Ordinance and the Subdivision Ordinance. Planning Director Kathi Ingrish said they tried to duplicate the text in both ordinances so it would apply in any situation. In the event that a single large tract was being developed without going through the subdivision process then the Zoning Ordinance would be in place.

Ken Cochrane, 13221 Phillips Road, asked for clarification of the flood plain. Mr. Rozzell pointed it out to him.

Tom Pearson, 4301 Fairview Oaks Drive, asked if in allowing no building in the fringe, is that a taking? Mayor Myers said they are taking comments before any decision is made.

RECONVENE REGULAR MEETING

Motion by Commissioner Bailey, seconded by Commissioner Taylor to reconvene regular meeting. Unanimously approved.

PLANNING & ZONING BUSINESS --**REPORT FROM PLANNING AND ZONING BOARD**

Planning Director Kathi Ingrish gave the Planning and Zoning Board report. (Exhibit #1 hereby referenced and made a part of these minutes.)

ACTION FROM PLANNING AND ZONING BOARD REPORT --

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Zoning Petition 358 - Mt. Harmony Church Road and Stevens Mill Road, Hinshaw Properties, R-15 to R-VS Innovative

Mayor Myers said the Board has received a request from the petitioner for deferral and Commissioner Wright has also asked for a deferral. Mayor Myers asked this be deferred for two weeks because he will not be at the February 14 meeting.

Commissioner Query asked if it would be appropriate to ask questions of the petitioner. Mayor Myers said he thought so.

Commissioner Query asked what changes had been made since they last met. Bob Young said they have continued to work on the plan. He said there will be some pretty significant changes. The area closest to the subdivision will be dropped and the density of the homes. He said they are attempting to answer some of the questions that were raised at the Planning Board meeting. Mr. Young said the deferral will give them the opportunity to incorporate these.

Commissioner Query said the Fire Chief had not yet seen the plan which shows the fifteen foot alley. Mr. Young said they are working on that and will try to get it to him.

Motion by Commissioner Wright to defer this for two weeks. Seconded by Commissioner Query. Commissioner Bailey said he would only support the deferral out of respect to Commissioner Wright's request. Unanimously approved.

Zoning Petition 359 - 542 West John Street, D. and M. Privatte, R-20 to 0-9(CD)

Mayor Myers moved to approve petition 359 with the limitations agreed upon. Seconded by Commissioner Query and unanimously approved.

Zoning Petition 361 - Matthews Tennis Club, Text Change to add Golf Practice Facilities as a permitted use in the R/I district

Commissioner Krauss moved to approve Petition 361. Seconded by Commissioner Query. Mayor Myers said he would vote in opposition. He said his concern with this has to do more with the wording. Mayor Myers said when the Matthews Tennis Club was rezoned he supported each change and it has been good for the community. He said he feels the proposed language is too wide open. There could potentially be something there that is not a snack bar but a restaurant. When it was first zoned it was limited to pre-packaged foods. Mayor Myers said if this could be tightened up or eliminated he could support it. He said he cannot support the text change as it is currently written.

Commissioner Krauss asked if vending machines would be a tight enough restriction.

Walter Fields said in the R/I district there are provisions for snack shops specifically where food might be served.

Discussion ensued about whether accessory uses are already allowed in the R/I district and whether the text as proposed was, in effect, creating greater provisions for this use than for other R/I uses.

Commissioner Krauss amended her motion to strike, under proposed section 153.056(B)(19), first sentence, the words "and related facilities such as pro shops, snack bars, maintenance buildings, and related parking". Also to strike the words in the last sentence "such as pro shops, snack bars, and locker rooms". Mayor Myers said in the other petition they can put a limitation on the size of the pro shop and an automatic limitation on the snack bar.

Seconded by Commissioner Query.

Commissioner Glass asked if this would address lighting the facility. Planning Director Kathi Ingrish said this is referred to in section 153.186 which references lighting on golf courses, country clubs, swimming clubs, community recreation centers, and tennis clubs.

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Motion to approve the text change, with the amendments as noted, unanimously approved.

Zoning Petition 362 - 2110 Pleasant Plains Road, C. and E. Leighton and Matthews Tennis Club, R-15 to R/I(CD) and condition changes to existing R/I(CD)

Mayor Myers said some amendments had been made to this petition at the Planning and Zoning meeting.

Motion by Commissioner Krauss to approve Petition 362. Seconded by Commissioner Query. Mayor Myers said he has a continuing concern regarding the safety issue. I-485 is in the vicinity and his concern is golf balls hitting cars. Mayor Myers said he also has concern with regards to the property to the north. He said the reverter clause does not say what he thought it would say. Mayor Myers said he would like to know before he votes on it that this is going to be safe for people in the vicinity. He said he feels it is not a problem with use but wants to make sure it is safe.

Commissioner Query said he also had a concern about the property to the north. Commissioner Glass asked if they had entertained trying to purchase the land. Walter Fields said they have thought about purchasing the property. He said he would agree that this should not be a retail site. Mr. Fields said it may be limiting itself to be an extension of the tennis club and, hopefully, golf facility. Brenda Gunsallus said they have talked to the owner of the property. Although they are not interested in selling this right now, she does have the first right to purchase.

Commissioner Query asked how many bunker lights there would be. Walter Fields said they have not designated a number or placement on the site plan yet.

Commissioner Glass asked if they would be willing to change the time to 9 p.m. Brenda Gunsallus said in the summer it is not dark until 9:15 p.m. Mr. Fields said that 10 p.m. is in the ordinance. Commissioner Glass said she is talking about making it more restrictive and changing it to 9 p.m. Mr. Fields said he would have to talk with Ms. Gunsallus about that. Ms. Gunsallus said she would be willing to do this if she can come back later on. Mayor Myers said they would have to go through the rezoning process again to do that. Commissioner Glass said she is looking at building in protection for the people.

After further discussion petitioner agreed they would put in four bunker lights.

Commissioner Bailey said in the public hearing he asked about addressing the conditions previously put on other zonings on this property. He said there are eight different zonings amendments, etc., and all of these are applicable. Commissioner Bailey said what he wants to do is make sure that a year from now there is no dispute because there is a note on one site plan and not the other. After further discussion it was decided to remove the old notes and have a statement at Part 1, #7 stating all previous conditions still apply but add wording to indicate except as revised on this plan.

Mayor Myers referred to the language in the reversion clause. Decision was to change wording to match wording from previous actions, except to indicate it would go back to R-15 rather than R-20.

Mayor Myers commented about the note reserving the right to seek a variance from the 50 foot buffer requirement. He said this would not be in this Board's jurisdiction but would go to the Board of Adjustment. Mr. Fields said that during the design phase they would like the ability to ask for a minor variance of the yard width.

Mayor Myers said he still has concern about this being a safe environment. Mr. Fields said Ms. Gunsallus has had several conversations with the people at the Michael Jordan Center. It is a matter of design. He said the pavement is over 100 feet from the edge of the right-of-way. Mr. Fields said he cannot say categorically that there will not be one ball that goes out of range. He said at this point Ms. Gunsallus has not hired a range designer.

Commissioner Glass asked if they have decided to use the restrictive balls. Ms. Gunsallus said they would entertain using those if needed. She said they have talked to people and have them walk the

terrain. Ms. Gunsallus said they will go the limit to make this a safe environment.

Mayor Myers said he has a concern about voting on this with the issue of safety, with the standpoint of balls going to the right or left. He said he wants to know that he voted for something that is relatively safe to the people in the area.

Commissioner Query asked if they could include a note from a certified planner that if this is constructed in a certain way it could be done in safety. Mr. Fields said they could state that prior to actual construction the petitioner would bring a letter from the range designer.

Mayor Myers asked if they could bring a finished product back in two weeks. Mr. Fields said if they are comfortable with going ahead tonight that would be fine or if they would like to wait for two weeks -- he will defer to the Board's judgment.

Mayor Myers said he would prefer to have it written out in final form.

Motion by Commissioner Bailey to defer to two weeks. Seconded by Commissioner Taylor and unanimously approved.

Subdivision Variance Request - G. Jakowczuk, end of Sweetgum Lane, waiver of 800' limit for cul-de-sac street length

Mayor Myers said this is one of the streets that is part of the study which was commissioned through the MPO. Commissioner Krauss said she feels this should be made part of the overall discussion of the connector study.

Motion by Mayor Myers, seconded by Commissioner Bailey, to table this request to the meeting of March 27. Unanimously approved.

DISCUSSION ON ROAD CONNECTION STUDY TO NC 51 AT PHILLIPS ROAD

Motion by Commissioner Query, seconded by Commissioner Bailey, to set a public hearing on March 20th at 7 p.m. Unanimously approved.

DISCUSSION ON SERVICE ROAD OFF IDLEWILD AT I-485

Planning Director Kathi Ingrish said this is a service road built by NCDOT when they began construction of the ramps and bridge for the Idlewild/I-485 interchange. It is directly across from Marshall Hooks Road on the Mint Hill side of Idlewild Road. There are five houses accessed off it. Ms. Ingrish said she has talked with the person in County Engineering who assigns street addresses but they have not had the opportunity to look at this.

Commissioner Bailey asked if this meets Town standards. Town Manager Messera said it conforms to State's standards. He said that Chief Hunter sent out a memo out on Friday recommending this be named Marshall Hooks Road.

Motion by Commissioner Taylor to name it Marshall Hooks Road and get input from residents. Seconded by Commissioner Query and unanimously approved.

FOLLOW UP ON ZONING CONDITIONS - MATTHEWS MARKET

Planning Director Kathi Ingrish said staff does not want overpass or underpass but would like sidewalks on both sides. Town Manager Messera said Chief Hunter had raised the issue of security with an underpass. Mr. Messera said his concern is they rule out either an overpass or underpass and then retrofitting it later may be expensive. Planning Director Kathi Ingrish said on Northeast Parkway they will build a sidewalk on the shopping center side. Mayor Myers asked if they have agreed to build a sidewalk on the other side in lieu of a crosswalk. Planning Director Kathi Ingrish said that is correct. Discussion ensued as to whether it may be more cost effective for the Town to

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build a sidewalk and have the petitioner construct the underpass or overpass. Mayor Myers said they could ask the petitioner to provide sketches for an overpass.

Motion by Commissioner Taylor to ask the petitioner to present overpass and underpass sketches and a proposed location. Seconded by Commissioner Glass and unanimously approved.

Motion by Mayor Myers that the portion of the Northeast Parkway which the petitioners will construct should be built and designed to the Town's standards and when ready, accepted and taken over by the Town. Seconded by Commissioner Glass and unanimously approved.

SET DATE FOR SPECIAL MEETING TO APPROVE THE RESOLUTION OF INTENT TO ANNEX - FEBRUARY 8 OR 9, 2000

Motion by Commissioner Taylor, seconded by Commissioner Query to set a special meeting on February 8 at 6 p.m. for the purpose of approving the resolution of intent to annex. Unanimously approved.

SET DATE FOR SPECIAL MEETING FOR PRESENTATION ON SMALL AREA PLAN

Planning Director Kathi Ingrish said the consultant has been working with both County and Town staff. They have had two meetings and another meeting will be held this week. Ms. Ingrish said they need to find time for formal presentations to both the County and the Town and then have the two boards schedule a time to meet together. She said the ultimate goal is that both elected bodies come up with a single vision for the area.

Motion by Commissioner Bailey to set the meeting time on February 14 at 6 p.m. Seconded by Commissioner Glass and unanimously approved.

ITEMS TO BE ADDED TO THE AGENDA

Commissioner Query asked a closed session to discuss personnel issues be added to the agenda. Seconded by Commissioner Glass and unanimously approved.

CONSENT AGENDA:

- A. Approve Minutes - December 13, 1999 Meeting**
- B. Approve Budget Ordinance Amendment - Public Works Facility**
- C. Approve Ordinance Establishing Stop Signs at Sardis Plantation Drive and Linville Drive**
- D. Adopt Resolution Designating Wachovia Bank as the depository for the Library Furnishing Fund and authorizing S. Kay Thompson, Assistant Manager/Finance Director and Christine Surratt, Accountant to transact any and all business concerning same**
- E. Adopt Resolution Approving Land Development Services Interlocal Cooperation Agreement with Mecklenburg County**
- F. Approve Fairfax Woods final plats - Phase 1, Map 2 (revised); Phase 2, Map 1**
- G. Approve Preliminary Plat - Avington, on Fullwood**

Motion by Commissioner Bailey, seconded by Commissioner Taylor, to approve the Consent Agenda. Unanimously approved.

NEW BUSINESS

CONSIDER REQUEST FROM MATTHEWS PLAYHOUSE FOR REDUCTION IN RENT

Town Manager Messera referred to the request from the Matthews Playhouse for a reduction in their rent. They are currently paying a monthly rent of \$1,841 and are requesting that it be reduced to \$1,000 per month. Mayor Myers asked what was the lease term. Mr. Messera said basically it is on

a month- to-month basis. Mayor Myers asked how long is the request for. Mr. Messera said he told them not to plan anything after June.

Motion by Commissioner Krauss to approve the reduction as requested, effective February 1 to June 30, 2000. Seconded by Commissioner Query and unanimously approved.

MAKE APPOINTMENTS TO BOARDS/COMMITTEES

Mayor Myers asked if Commissioners Taylor and Wright would consider serving as delegate and alternate, respectively, to COG (Council of Government). Commissioner Taylor indicated he would be willing to serve as the delegate but would be unable to attend the upcoming meeting. Motion by Commissioner Krauss, seconded by Commissioner Glass, to appoint Commissioner Bailey as temporary interim member for the one meeting; Commissioner Taylor to serve as delegate after that. Unanimously approved.

Mayor Myers and Commissioner Wright will attend the joint meeting of Charlotte Mecklenburg Planning Commission on Friday.

Motion by Commissioner Glass, seconded by Commissioner Taylor, to appoint Gail Shepherd and Barbara Sprague to the Appearance and Tree Board. Unanimously approved.

Motion by Commissioner Glass, seconded by Commissioner Taylor, to appoint Emily Revels, Linda Dula and Dennis Weigel to second terms on the Appearance and Tree Board. Unanimously approved.

Motion by Commissioner Glass, seconded by Commissioner Taylor to appoint Derek Hodge to a second term on the Board of Adjustment and Howard Westphal to be appointed as a regular member. Unanimously approved.

Motion by Mayor Pro-Tem Krauss, seconded by Commissioner Bailey, to combine the Environmental Advisory Committee and the Recycling/Solid Waste Committee and appoint Jamey Jones and David Ross to the new committee, along with all others now currently serving on the Recycling/Solid Waste Committee. Unanimously approved.

Motion by Commissioner Query, seconded by Commissioner Bailey to recommend to the County that Aanalisa Whatley be moved from the alternate ETJ position on the Planning Board to a regular ETJ member. Unanimously approved.

Motion by Commissioner Query, seconded by Mayor Pro-Tem Krauss, to appoint Steve Knickerbocker to the Transportation Board and appoint John Travell to a second term. Unanimously approved.

Motion by Commissioner Query, seconded by Commissioner Taylor, to appoint John Leber to the Parks and Recreation Committee; appoint Paul Rogers and Bev Martin to second terms and Brian DeGeorge to a full first term. Unanimously approved.

Motion by Commissioner Glass, seconded by Commissioner Taylor, to appoint Karl Gyorfy to a second term on the Transportation Board. Unanimously approved.

Motion by Commissioner Glass, seconded by Mayor Pro-Tem Krauss, to appoint Libbie Johnson to a second term on the Planning and Zoning Board. Unanimously approved.

ATTORNEY'S REPORT

Town Attorney Charles Buckley, in answer to an inquiry, said e-mail is the same as regular mail. The open meetings law is not applicable to e-mails. The only possibility of it being an open meeting is if they were in some sort of a "chat room" and the majority of the Board participated. Mr. Buckley advised Board members that e-mails are considered public record.

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TOWN MANAGER'S REPORT

Mr. Messera said he had provided the Board with two documents -- one is the CMUD CIP; the other is the revised Depot plan from Steve Overcash and Lat Purser, based on their understanding of what was approved by the Board on December 6. Mr. Messera asked Board members to review this. He reminded the Board of the Air Quality Study of South Matthews which is being presented on Wednesday night.

CLOSED SESSION

Motion by Mayor Myers to go into closed session with the Mayor and Board members only participating. Seconded by Commissioner Query and unanimously approved.

RECONVENE REGULAR MEETING

Motion by Commissioner Query, seconded by Commissioner Krauss, to reconvene regular meeting. Unanimously approved.

Motion by Commissioner Bailey to reconsider action taken by the Board earlier on the Board/Committee appointments. Seconded by Commissioner Glass. Motion denied on a vote of 5-2 with Commissioners Bailey and Glass in support of the motion.

ADJOURNMENT

Motion by Commissioner Query, seconded by Commissioner Krauss to adjourn. Unanimously approved. Meeting adjourned at 11:20 p.m.

Respectfully submitted,


Jill Pleimann
Town Clerk

EXHIBIT #1 --

**PLANNING BOARD REPORT
ON THEIR MEETING OF
DECEMBER 28, 1999**

- I. ZONING PETITION 358 - MT. HARMONY CHURCH ROAD AND STEVENS MILL ROAD, HINSHAW PROPERTIES, R-15 TO R-VS INNOVATIVE

Planning Board unanimously recommends the denial of Petition 358.

- II. ZONING PETITION 359 - 542 WEST JOHN STREET, D AND M. PRIVATTE, R-20 TO 0-9(CD)

Planning Board unanimously recommends approval of Petition 359 with changes to permitted uses.

- III. ZONING PETITION 361 - MATTHEWS TENNIS CLUB, TEXT CHANGE TO ADD GOLF PRACTICE FACILITIES AS A PERMITTED USE IN THE R/I DISTRICT

Planning Board recommends the approval of Petition 361 but striking the word "existing" in the text change, on a vote of 4-2.

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- IV. ZONING PETITION 362 - 2110 PLEASANT PLAINS ROAD, C. AND E. LEIGHTON AND MATTHEWS TENNIS CLUB, R-15 TO R/I(CD) AND CONDITION CHANGES TO EXISTING R/I(CD)

Planning Board recommends approval of Petition 362 subject to the conditions agreed upon tonight on a vote of 4-2.

- V. SUBDIVISION VARIANCE REQUEST - G. JAKOWCZUK, END OF SWEETGUM LANE, WAIVER OF 800' LIMIT FOR CUL-DE-SAC STREET LENGTH

Planning Board unanimously recommends approval of the subdivision variance for waiver of 800' cul-de-sac length at dead end of Sweetgum Lane.

OTHER BUSINESS --

- I. SKETCH PLAN - G. JAKOWCZUK, END OF SWEETGUM LANE

Planning Board reviewed a sketch plan for a 5 acre parcel at the dead end of Sweetgum lane.

- II. ADMINISTRATIVE AMENDMENT - NEW YORK CARPET WORLD/FLOORING AMERICA, CHANGE OF SIGN CONDITIONS

Planning Board unanimously approved a change of 2 attached signs of smaller square footage than previously allowed.

**MEETING OF BOARD OF COMMISSIONERS
FOR JANUARY 24, 2000
CANCELLED DUE TO INCLEMENT WEATHER**

*Board of Commissioners Meeting
February 8, 2000*

**MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
FEBRUARY 8, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Karina Glass, *Kress Query, Jim Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Planner Bill Sherrill

ABSENT: Commissioner Paul Bailey

CALL TO ORDER

Mayor Myers called the meeting to order at 6:05 p.m.

ADOPT RESOLUTION OF INTENT TO ANNEX

Town Attorney Charles Buckley said a public meeting will be held, for people in the areas to be annexed, on March 30. A public hearing will be held on April 10.

Motion by Commissioner Taylor, seconded by Mayor Pro-Tem Krauss, to adopt the resolution of intent to annex and set the public hearing for April 10. Unanimously approved.

CONSENT AGENDA:

- A. Approve Minutes January 6 and January 10, 2000 Meetings
- B. Approve Release of Funds - \$93,000 - to Matthews-Morningstar VFD; \$55,000 to Idlewild VFD
- C. Adopt Resolution Adding Candalon Way, Serton Lane and Legends Lane in Candalon Subdivision, into the Town street system; Adopt Ordinance to Set Speed Limits of 25 m.p.h. and install stop signs
- D. Reschedule Small Area Plan Presentation to February 28, 2000
- E. Approve Tax Releases and Tax Refunds
- F. Adopt Ordinance Creating Chapter 75 "Traffic Control Photographic Systems"
- G. Approve Final Plats - Morningstar Ministorage, 3 lots in Phillips Trace and Oakcroft

Motion by Mayor Pro-Tem Krauss to approve the Consent Agenda. Seconded by Commissioner Glass and unanimously approved.

*Commissioner Query arrived.

Mayor Pro-Tem Krauss stated she had received a petition from the residents in the Reverdy Lane neighborhood requesting sidewalks. Mayor Myers asked that this be given to the Town Clerk to be included in the Planning Conference materials.

Town Manager Ralph Messera said that he has received a quote from BFI for assistance in removing the debris from the recent snow storm. Martin Marietta has approved their location for stockpiling brush. He said that the pickups will start next week. He will be taking the quote to the FEMA on Thursday and they should reimburse the Town for part of the expense.

CLOSED SESSION TO DISCUSS PERSONNEL ISSUES

Motion by Mayor Myers, seconded by Commissioner Glass, to go into Closed Session. Those to attend: Mayor and Commissioners. (Commissioner Bailey will participate in the discussion by phone.) Unanimously approved.

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RECONVENE REGULAR MEETING

Motion by Commissioner Taylor, seconded by Commissioner Glass, to reconvene regular meeting. Unanimously approved.

ADJOURNMENT

Motion by Commissioner Taylor, seconded by Commissioner Glass, to adjourn. Meeting adjourned at 7:05 p.m.

Respectfully submitted,



Jill Pleimann
Town Clerk

**MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
MONDAY FEBRUARY 14, 2000 - 5: 15 P.M.**

PRESENT: Mayor Pro-Tem Martha Krauss, Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Department Heads Kay Thompson, Leigh Baggs, John Goins, Dennis Green, Rob Hunter, Kathi Ingrish.

ABSENT: Mayor Lee Myers

The Town Board of Commissioners met at 5:15 p.m. in the Jordan Room for the purpose of conducting interviews for Boards/Committees. Immediately following was a joint Town Board/Department Head meeting for the purpose of discussing plans for the upcoming Planning Conference.

**MINUTES
BOARD OF COMMISSIONERS MEETING
MONDAY, FEBRUARY 14, 2000**

PRESENT: Mayor Pro-Tem Martha Krauss, Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Planning Director Kathi Ingrish; Planner Bill Sherrill; Planning Board Members Aanalisa Whatley and Libbie Johnson.

ABSENT: Mayor Lee Myers

CALL TO ORDER

Mayor Pro-Tem Krauss called the meeting to order at 7:15 p.m.

INVOCATION

Town Attorney Charles Buckley rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Krauss led as everyone pledged allegiance to the flag of the United States of America.

RECOGNITION OF OFFICER ROBERT HOLMES

Chief Rob Hunter presented Officer Robert Holmes a certificate and a medal of merit for saving the life of a person on December 30, 1999.

Ms. Doris Webber representing the Alpha Zeta Chapter of Epical Signa Alpha, donated a dozen first aid kits to the Police Department.

PLANNING & ZONING BUSINESS --**REPORT FROM PLANNING AND ZONING BOARD**

Planning Director Kathi Ingrish gave the Planning and Zoning board report. (Exhibit #1 hereby referenced and made a part of these minutes.) She introduced members of the Planning Board in attendance tonight.

ACTION FROM PLANNING AND ZONING BOARD REPORT --

Zoning Motion 00-1 - Text changes to include SWIM buffer requirements in Zoning Ordinance.

Motion by Commissioner Glass to approve text changes as outlined. Seconded by Commissioner Bailey and unanimously approved.

Motion 1 - Text changes to include SWIM buffer requirements in the Subdivision Ordinance

Motion by Commissioner Bailey to approve Motion 1 -- text changes to include SWIM buffer requirements in the Subdivision Ordinance. Seconded by Commissioner Taylor and unanimously approved.

Zoning Petition 358: Mt. Harmony Church Road and Stevens Mill Road, Hinshaw Properties, R-15 to R-VS Innovative

Motion by Commissioner Query to allow the petitioner to withdraw his petition. Seconded by Commissioner Glass. Commissioner Bailey said he would support withdrawal of this petition only on behalf of the owners of the property. Commissioner Query said the reason for his motion was to give the owners of the property an opportunity to look at some other type of development. Unanimously approved.

Zoning Petition 362: 2110 Pleasant Plains Road, C. and E. Leighton and Matthews Tennis Club, R-15 to R/I(CD) and condition changes to existing R/I(CD)

Motion by Commissioner Query to approve Petition 362. Seconded by Commissioner Wright. Mayor Pro-Tem Krauss said a protest petition has been filed. Town Attorney Charles Buckley said this means it will invoke the 3/4 rule, which needs five votes to pass.

Commissioner Taylor said that note 17, the reverter clause, does not seem to have been changed. Commissioner Bailey said he feels that the clause should be a simple statement.

Commissioner Glass expressed concern about the amount of light on the facility. She said that

information was given that there would be five or six units. Commissioner Glass asked if they could determine the wattage and light range. Mr. Fields said without actually commissioning an engineer they could not determine this. He said they can light the range in a fashion that illumination would be at cutoff of the property. Commissioner Glass said she was trying to control the situation for future use. The other issue was about the lights being turned off early. Commissioner Glass said she would like to see them off at 9 p.m. Mayor Pro-Tem Krauss said ten o'clock is what is specified in the ordinance. Commissioner Glass said this is something totally different. She said she would rather err with something more conservative and then address it later if it becomes a problem. Commissioner Glass said the Board has no information on this type of facility to compare it to.

Commissioner Query said he has a real concern about pulling the time back too far. He said he could envision a husband and wife going to the property together and using the separate facilities. Commissioner Query said he feels the time should be the same on both pieces of property for uniformity.

Mr. Fields said they have a concern about having a difference in the operational hours in the two facilities. He said he hopes the facility could be treated as one. Mr. Fields said it is their firm belief that the lights will not be intrusive. He said it is not surrounded by single family neighborhoods and he believes it will work with lighting and with both facilities operating at the same time.

Commissioner Glass said she still has reservations. She would like to see the lights out earlier.

Commissioner Bailey said the tennis club and swimming pool works as a club. The golf facility is open to the public and could possibly become a business use in the future. He said they talked about the possibility of memberships at a former meeting and asked if they would reconsider that issue.

Mr. Fields said that was discussed and they preferred not to do that. Mayor Pro-Tem Krauss said it was appealing to her because it was not a club membership and was open to more people. Mr. Fields said it is their preference for anyone to come and use the facility.

Commissioner Bailey expressed concern the wording on the reverter clause was not put on the site plan. Mr. Fields apologized and said it would be rectified. Planning Director Kathi Ingrish said the suggested wording was: "If the business ceases to operate then the property would revert to R-15."

Commissioner Query amended his motion to include that wording. Commissioner Wright seconded the amendment.

After further discussion Commissioner Bailey moved to defer action on this petition to allow the petitioner to reconsider the issue of the timing of the lights as well as membership. Motion carried on a vote of 5-1 with Commissioner Query opposed.

SITE PLAN APPROVAL - Grand Slam, U.S.A.

Pete Snell, President of Grand Slam, U.S.A. displayed the site plan. Planning Director Kathi Ingrish said the entire Independence Pointe business park development was initially zoned in 1987 or '88. One of the zoning conditions was that each business parcel had to come back to the Board for individual site review. She said this is primarily the footprint review. The use is already permitted.

Mr. Todd Neely pointed out the setbacks. The building will be 18,144 square feet and will be a precast concrete structure. He said they are providing 131 parking spaces and the intent is to provide landscaping which will meet all landscaping requirements.

Commissioner Bailey asked if the color renderings are being displayed for illustrative purposes. Mr. Snell said this is for illustrative purposes only to give an idea of what is proposed for the area.

Town Manager Messera asked about storm water detention. Mr. Neely said it is not required on this property.

Board of Commissioners Meeting
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Commissioner Taylor asking about lighting. Mr. Neely said it will be the same as is currently in the area.

Commissioner Bailey asked about signage. Planning Director Kathi Ingrish said signage is permitted -- up to 3 signs for a total of 80 square feet. Mr. Neely said they will use the existing signs from the other location which will total 79 square feet.

Mr. Snell said they do a good business now on Monroe Road. They do not plan to do anything outlandish. They will keep the structure in natural earth tones -- brown, light brown or beige. He said the color will be not be as light as the Target store but not as dark as Estul.

Commissioner Query moved to approve the site plan including the proposed color of the structure. Seconded by Commissioner Taylor and unanimously approved.

5 MINUTE RECESS

Continuation of Petition 362

Mr. Fields said he has spoken with Ms. Gunsallus and if that is an issue they will limit it to 400 members, the same as the swim facility. Mr. Fields said this starts to limit what they can do with the property. Setting limits on members and shortening the hours of operation will squeeze them from both ends. Mr. Fields said they ask to still have the additional hour so they can operate both facilities at the same time.

Commissioner Bailey asked the petitioner how they intend to control the membership. Mr. Fields said he thinks that when they come to the facility they would buy a membership for a certain amount of time. He said he is not aware of any membership on a golf driving facility. After some period of time the membership will lapse or expire.

Commissioner Query said he has a concern that this will be a viable business. He said 400 seems like a low number. He feels the membership could be raised to 1,000. Mr. Fields said a larger number would certainly be amenable. Discussion ensued on how the membership would work.

Commissioner Query moved to amend his motion to approve with necessary change on note 17 and with the addition of 1,000 memberships with memberships being good for six months. Seconded by Commissioner Wright and unanimously approved.

ITEMS TO BE ADDED TO THE AGENDA

Motion by Mayor Pro-Tem Krauss to add to the Consent Agenda the following items: (1) Set special meeting on February 24th at 6 p.m.; (2) Adopt FLUM Ordinance; (3) Adopt FEMA Resolution. Seconded by Commissioner Bailey and unanimously approved.

MISCELLANEOUS

Shirley Davis, 3310 Chistow Road, Matthews, introduced herself as a candidate for County Commission, District 6. She said she will support the needs of Matthews.

The following people spoke of their concerns of safety along Reverdy Lane, due to speed, and requesting that speed humps be installed:

- Peter Dunan, 1502 Home Place, Providence Manor
- Ernie Strand, 1010 Reverdy Lane, (read letter from Bob Nicholson, Transportation Board Member).
- Steve Rogers, 1020 Reverdy Lane.
- Nick Miller, 1216 Reverdy Lane
- Kathy Holder, 1304 Rockfish Drive, Providence Manor
- John Hovis, 801 Reverdy Lane (would prefer sidewalks)

Brett Christofferson, 436 River Banks Road, Matthews, talked about the feasibility study of the proposed greenway. Mr. Christofferson voiced concern of flooding and privacy. He said that most of the people from Matthews Estates are opposed to this greenway.

REPORT FROM BOARD/COMMITTEE REPRESENTATIVES --

Appearance/Tree Board

Linda Dula, said this Board was formed about two and a half years ago. Their main objective was to complete a grant to form a streetscape plan for Monroe Road. They have also had volunteers pruning the crepe myrtles on the 51 bypass. Ms. Dula said the major project this year is 2000 trees in 2000. They encourage people to plant trees, take photos of them and send them to the Board. She said that last year Matthews was named Tree City USA. They did not meet the criteria this year. Ms. Dula said the Appearance/Tree Board is determined to win back this designation. She informed the Board that Arbor Day is March 24th and it will be celebrated in Stumptown Park at 3 p.m.

CONSENT AGENDA:

- A. **Approve Minutes - February 8, 2000 Meeting**
- B. **Adopt Resolution Declaring the Town's Intent to Reimburse Itself for Certain Expenditures Made In Connection With Development of The Depot Property**
- C. **Approve Revised Record Plat - Thornblade Hills, Map 1**
- D. **Approve Street Closing, Staff Assistance and Use of Stumptown Park for Kiwanis 10th Annual 5K Classic Footrace - March 11, 2000, 8:15 a.m. to 10:15 a.m.**
- E. **Adopt Resolution to Enter into Agreement with N.C. Department of Transportation to Reinspect and Report on All Public Bridges in the Town of Matthews**
- F. **Accept Zoning Petition 363 - John R. Poore and B. Schewzyk - at Independence Parkway and Matthews Township Parkway; change of B-1SCD conditions, and set Public hearing for March 13.**
- G. **Direct Town Attorney to proceed with rent collection.**
- H. **Set Special Meeting on February 24th, 6 p.m. at the Reid House**
- I. **Adopt FLUM (Flood Plain Land Use Map) Ordinance**
- J. **Adopt Resolution for Designation of Applicant's Agent for FEMA reimbursement**

Motion by Commissioner Bailey to approve the Consent Agenda. Seconded by Commissioner Glass and unanimously approved.

UNFINISHED BUSINESS

DISCUSS PLACEMENT OF SPEED HUMPS AND CONSTRUCTION QUOTE

Town Manager Messera said a memo was distributed to the Board regarding the placement of speed humps and a construction quote. Mr. Messera said there is money in the budget for about 15 speed humps. The recommendation tonight is for four. The Board may wish to add to this.

Mayor Pro-Tem Krauss said she feels money is better spent on sidewalks than speed humps.

Motion by Commissioner Wright to install two speed humps on Reverdy. The motion failed for lack of a second. Commissioner Taylor said he was on the Transportation Board when this was previously denied. He said that Reverdy Lane is quite winding and narrow and people do drive in excess. He agreed that sidewalks would solve part of the problem. Commissioner Taylor said the Board needs to look at speed humps and sidewalks. He said he feels that Reverdy needs at least two or three. Commissioner Taylor said the amount of concern was quite evident by the amount of people attending tonight's meeting.

Mayor Pro-Tem Krauss said the standards have been set. Commissioner Taylor said there was a next step for residents of the community who felt they should be an exception. He said the Transportation Board would have recommended Reverdy Lane if it met the criteria.

Board of Commissioners Meeting
February 14, 2000

Commissioner Glass said obviously there are a lot of people that need something. She asked if they had taken the option away for people to purchase humps. She said she is not averse to changing the criteria but wants to make sure the Town does this even-handedly.

Town Manager Messera said the criteria was not quite the same as Charlotte - it's actually more strict. He said they did discuss traffic counts. The Board did change the 85% criteria with the caveat that they could come back through the appeal process.

Commissioner Query said he is not sure the answer is speed humps. Could they ask the Transportation Board to come back with recommendations, disregarding the exact criteria.

Commissioner Bailey said he agrees with that. He asked they reconsider this and get new data. He said he would like the Transportation Board to look at Reverdy Lane and see what improvements, in general, could be made.

Commissioner Wright said this is a dangerous road. She said she sees the potential of some child getting hurt. They need something to slow the people down now and hopefully, in the future, sidewalks can be built. Commissioner Wright said there will be more construction on Reverdy with 40 homes to be built. She said she feels two speed humps will help rectify the situation.

Commissioner Krauss asked if she agreed with Commissioner Bailey that the Transportation Board look at the whole area and see what improvements are suggested.

Commissioner Bailey said they raised the criteria so they could differentiate where problem areas were.

Commissioner Query said they may need to look at the criteria. The Transportation Board may need to evaluate this and come back with some recommendations. Commissioner Taylor suggested they can move the constraints and come back with their recommendations.

Commissioner Krauss said speed humps do not always do what they are meant to do. Commissioner Wright said she feels speed humps do work. They will slow people down. Sardis Plantation did not meet both criteria but the Transportation Board did recommend this.

Motion by Commissioner Taylor to approve the speed humps that the Town Manager recommended and send back to Transportation Board the item of Reverdy Lane and get additional opinions and further discussion on Reverdy. Seconded by Commissioner Query.

Commissioner Bailey asked if they could go back and include all the items on the memo that were not recommended and get Transportation Board's opinion, without the criteria, and ranking all others.

Motion by Commissioner Taylor to amend his motion to include Commissioner Bailey's suggestion of ranking all other locations outlined in the memo. Commissioner Taylor said he would like the Transportation Board to look at the whole scope of Reverdy Lane. Seconded by Commissioner Query and unanimously approved.

NEW BUSINESS

APPROVE ARCHITECTURAL CONTRACT CHANGE ORDER - PUBLIC WORKS FACILITY

Town Manager Messera said a memo was distributed to the Board with the change order. Ben Aldridge, Project Manager, said they are requesting approval for a \$15,000 change order for 2Architecture. This will cover the cost of additional design work to incorporate into the Public Works facility some storage facility and some change in the animal control facility. He said the change order is within the project budget.

Motion by Commissioner Bailey to approve the Public Works facility change order. Seconded by Commissioner Glass and unanimously approved.

DEPOT DEVELOPMENT --

Site Plans

Town Manager Messera said he hoped to have the Board ratify the site development plan. This is the result of the meeting of December 6, 1999. He enumerated the changes.

Mr. Messera said there is a possibility of relocating the Clark House. He said it would be to the Town's advantage to move the house when the lot develops out.

Commissioner Bailey asked about the historic train station and the possibility of using it for future light rail passengers. Mr. Messera said CSX will not allow any building in the fifty foot setback. There is some talk of using this for the Chamber of Commerce office or a museum.

Motion by Commissioner Bailey to approve the site plan concept of December 6, 1999. Seconded by Commissioner Query and unanimously approved.

Building Elevations

Motion by Commissioner Bailey to approve building elevations of December 30, 1999. Seconded by Commissioner Taylor and unanimously approved.

Review and Discuss Contract with Lat Purser & Associates

Town Attorney Charles Buckley said he and Mr. Messera met with Lat Purser and his attorney. What the Board has in front of them tonight is their first opportunity to review this. Town Attorney Charles Buckley said this is a downtown development project to revitalize the downtown area. He explained the process within the statutes. The Town can convey property to a developer through private negotiation but it has to be conveyed on the appraised value. Mr. Buckley said the contract proposes two public streets. The Town Hall and greenway would remain public land. He said the developer would build initially the public portion with a deadline on it. The developer can build the roads without going through bidding process. Mr. Buckley outlined the developer's responsibilities. Board members will be given the opportunity to review this and it will come back on the February 28 agenda.

DISCUSS AND SET MEETING DATES

Dates were set as follows:

- (1) Joint workshop/dinner meeting with Planning Board - February 22nd at 6 p.m.
- (2) Joint Lunch Meeting with County Commissioners regarding Small Area Plan - March 30, noon
- (3) Joint Board/Department Head Meeting - Follow-Up from Planning Conference - March 23 - 7 p.m.
- (4) Joint session between Town Board and Planning Board to begin update process of Land Use Plan - April 4 - 6 p.m.

ADOPT NEW FLOODPLAIN LAND USE MAPS (FLUM) FOR IRVIN'S CREEK'S TRIBUTARIES

Town Manager Messera said the Board has a copy of the Ordinance in their packages tonight. A previous memo listed the maps. Plans are available for Board's review.

Board of Commissioners Meeting
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Motion by Commissioner Bailey, seconded by Commissioner Taylor, to adopt the new Floodplain Land Use Maps. Unanimously approved.

PRESENTATION AND ADOPTION OF ANNEXATION REPORT

Town Attorney Charles Buckley said there are five annexation reports on the five annexation areas. Because of the time element he is asking the Board to approve these tonight. Changes could be made at the public hearing if necessary.

Commissioner Bailey asked to be excused on the annexation of Duke Power substation area. Motion by Commissioner Query, seconded by Commissioner Glass, to excuse Commissioner Bailey from discussion and action on this issue. Unanimously approved.

Motion by Commissioner Query to approve the annexation report on the Duke Power substation/Independence Boulevard area. Seconded by Commissioner Taylor and unanimously approved.

Motion by Commissioner Query to re-admit Commissioner Bailey. Seconded by Commissioner Taylor and unanimously approved.

Motion by Commissioner Bailey, seconded by Commissioner Query, to approve annexation reports on the CPCC area, Idlewild Park area, Mount Harmony/Independence Boulevard industrial area, and Williams Crossing area. Unanimously approved.

TOWN MANAGER'S REPORT

Mr. Messera said that notice was received today that flood maps for Four Mile Creek are available. A public meeting on those maps will be held on Monday, February 21st at the South Charlotte Middle School at 7 p.m.

ADJOURNMENT

Motion by Commissioner Bailey to adjourn. Seconded by Commissioner Taylor and unanimously approved. Meeting adjourned at 10:40 p.m.

Respectfully submitted,



Jill Pleimann
Town Clerk

EXHIBIT #1 -

PLANNING BOARD REPORT
ON THEIR MEETING OF
FEBRUARY 1, 2000

- I. ZONING MOTION 00-1 - TEXT CHANGES TO INCLUDE SWIM BUFFER REQUIREMENTS IN ZONING ORDINANCE

Planning Board unanimously recommends the approval of Motion 00-1.

- II. MOTION 1 - TEXT CHANGES TO INCLUDE SWIM BUFFER REQUIREMENTS IN THE SUBDIVISION ORDINANCE

Planning Board unanimously recommends approval of Motion 1.

OTHER BUSINESS -

I. SKETCH PLAN - ALEXANDER RIDGE, MARGLYN ROAD AND KIMWAY DRIVE

Planning Board reviewed a sketch plan for a subdivision with access roads on Marglyn Road and Kimway Drive

II. DISCUSSION OF VARIOUS MEETING DATES IN COMING WEEKS

Planning Board discussed possible dates for joint meetings for upcoming months.

**MINUTES
BOARD OF COMMISSIONERS MEETING
FEBRUARY 28, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera.

ALSO PRESENT: Kathi Ingrish, Planning Director

ABSENT: Commissioner Paul Bailey

CALL TO ORDER

Mayor Myers called the meeting to order at 7:16 p.m.

INVOCATION

Kathy George, Matthews Chamber of Commerce, rendered the invocation.

PLEDGE OF ALLEGIANCE

The Boy Scout Troop from St. John Neumanns Catholic Church led as everyone pledged allegiance to the flag of the United States of America.

RECOGNITION OF RALPH HOWARD

Ralph Howard was honored for his many years of commitment to the Town of Matthews and the Kiwanis Club. Mr. Howard has fifty years of perfect attendance as a member of Kiwanis.

SMALL AREA PLAN PRESENTATION - Brad Davis of LandDesign

Mr. Davis said this area is over 300 acres, which includes 172 acres owned by Mecklenburg County within the Town of Matthews planning and zoning jurisdiction and also another 159 acres of private property. The area is located at the intersection of I-485 and Independence Boulevard. Mr. Davis said that Independence Boulevard will become a limited access freeway in the future and will be an important aspect of how this property is regarded. He pointed out the location for future light rail transportation. The topography of the area was explained. A handout was distributed to the Board which shows three alternatives for development of this area. Mr. Davis said this was to show the different potential this site has and to evaluate and see what the best feature is for this property. He discussed the three alternatives: 1 - Family Entertainment and Sports Center; 2 - Office/Service Center Complex; 3 - Mixed Use Development/Town Center Concept.

Board of Commissioners Meeting
February 28, 2000

Motion by Commissioner Query, seconded by Mayor Pro-Tem Krauss, to set a public meeting for March 13 to allow public input and comments. Unanimously approved.

PHASE II STORM WATER PRESENTATION - Rusty Rozzelle and Dave Canaan, Mecklenburg County Department of Environmental Protection

Mr. Rozzelle and Mr. Canaan explained the Federal Clean Water Act Requirement which has to be met by the Town of Matthews beginning in the year 2003 and how SWIM (Surface Water Improvement Management) can be used to meet these requirements. Mr. Rozzelle said in future years when this program is implemented there will be some costs associated with it.

Town Manager, Ralph Messera, said that Item B on the Consent Agenda is a draft memorandum of understanding which spells out the procedures for implementing the SWIM Program on a day-to-day basis; the second section deals with the Town working with Mecklenburg Department of Environmental Protection as they develop Phase II as a county-wide application. Mr. Messera said the Town already has under way the mapping portion of the Stormwater Phase II. He said that Phase II is required of the Town, whether or not the Environmental Protection Department handles it, and they are required to pay for it. Mr. Messera said he feels they can save a lot of money by working with the County. They have a unified permit across all the County.

ITEMS TO BE ADDED TO THE AGENDA

Motion by Commissioner Glass, seconded by Mayor Pro-Tem Krauss, to add Street Acceptance in the Oakcroft Subdivision (according to Don Kelly's memo) to the Consent Agenda. Unanimously approved.

MISCELLANEOUS

Cameron Furr of Grier & Furr, Charlotte, said he is representing the Brigman family. He said they own 100 acres, more or less of the property in the Small Area Plan that was presented earlier. Mr. Furr introduced members of the family in attendance tonight and said that he was pleased they would be able to give their input on the meeting of March 13.

REPORT FROM BOARD/COMMITTEE REPRESENTATIVES

David Ross said he is representing the Environmental Advisory Committee. During the last year they have developed ozone indication signs to inform the residents of Matthews what the anticipated air quality will be so they can take the necessary steps to either not contribute to the air pollution or stay inside, stay safe and stay healthy. Mr. Ross said they have discussed putting up ten to twelve of these signs which would be funded privately. Don Kelly, Town Engineer, said they have people who have agreed to fund the signs. He displayed the signs which, he said, cost \$150 per sign. This includes materials and labor. Mr. Kelly said they have picked out ten places to post these signs.

After discussion Mayor Pro-Tem Krauss moved to approve placing four signs on a trial run basis. Seconded by Commissioner Query. Unanimously approved.

CONSENT AGENDA:

- A. **Approve Minutes February 14, 2000 Meeting**
- B. **Approve Agreement Between the Town of Matthews and Mecklenburg County Department of Environmental Protection**
- C. **Approve Preliminary Plats for Parkview at Matthews and Jessica Park; Final Plat for South Windsor**
- D. **Approve Tax Refunds and Releases**
- E. **Approve Downtown Circulation Study**
- F. **Adopt Resolution Adding Portions of Buckton Lane and Stonehedge Court into the Town Street System**

Commissioner Taylor noted that on Page 5 of the February 14 Minutes, first paragraph, should reflect that he seconded the motion.

Motion by Commissioner Taylor, seconded by Commissioner Query, to approve the Consent Agenda as corrected. Unanimously approved.

UNFINISHED BUSINESS

REVIEW CONTRACT WITH LAT PURSER & ASSOCIATES

Mayor Myers said after discussing this with the Town Attorney and Town Manager it was felt this may be a lengthy session and could be discussed at a special meeting. This will be part of the discussion of the Friday night session at the Planning Conference. Mr. Purser will be in attendance.

MAKE APPOINTMENTS TO BOARDS/COMMITTEES

Mayor Myers said that he would like to wait until Commissioner Bailey was in attendance before making the appointments to the various boards and committees. He confirmed that Jim Taylor was designated as the COG representative but still needed an alternate. A member of the Board also needs to be appointed to replace George Fossett on the CDBG. Mayor Myers said there is still a person needed for the Planning Liaison Committee that is held county-wide.

Motion by Commissioner Taylor, seconded by Commissioner Query, to appoint Mayor Pro-Tem Krauss to replace George Fossett on the CDBG. Unanimously approved.

Motion by Commissioner Query, seconded by Commissioner Taylor, to appoint Commissioner Glass as the alternate member for COG. Unanimously approved.

NEW BUSINESS

DISCUSS OPTIONS FOR SERVICE ROAD OFF IDLEWILD ROAD AT I-485

Ms. Ingrish said Board members received a memo in their folders tonight as a follow-up. This was brought to the Board last month. She said they have spoken with a couple of the property owners and Union County people, Chief Hunter, Dennis Green and John Goins for their comments. Ms. Ingrish said that Chief Hunter has talked to somebody at DOT. The residents are requesting a sign with all their addresses on it, and an arrow. If the Town requests this DOT will do so, but it is not their preference.

After some discussion Mayor Myers moved to name the service road Boyd Funderburk Drive. Seconded by Commissioner Glass and unanimously approved.

TOWN MANAGER'S REPORT

Ralph Messera said he had included a couple of things in the Board members' folders tonight for their review.

ADJOURNMENT

Motion by Commissioner Glass, seconded by Commissioner Taylor to adjourn. Meeting adjourned at 9:17 p.m.

Respectfully submitted,


Jill Pleimann,
Town Clerk

Board of Commissioners Meeting
March 13, 2000

MINUTES
BOARD OF COMMISSIONERS MEETING
MARCH 13, 2000

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, Jim Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Planning Director Kathi Ingrish; Planning Board members Butch Martin, Aanalisa Whatley, Scott Vallandingham, Tom Funderburk, Hampton Hopkins, Frank Casale.

CALL TO ORDER

Mayor Myers called the meeting to order at 7:08 p.m.

INVOCATION

Mayor Myers rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

RECESS REGULAR MEETING

Motion by Commissioner Bailey, seconded by Commissioner Glass, to recess regular meeting for Public Hearing. Unanimously approved.

Planning Director Kathi Ingrish introduced Planning Board members in attendance tonight.

- A. Petition No. 363: To amend the existing conditions in that certain B-1(SCD) district located at 10610 Independence Pointe Parkway and being property belonging to John R. Poore, Builder, Inc., and being further designated as Tax Parcel No. 193-291-47.

Fountain Odom, representing the petitioners, said this provides for the final buildout of the corner of Matthews Township Parkway and Independence Pointe Parkway. He said this was meant to be a bank facility but it has changed. The footprint will reflect an office building. Mr. Odom said what this petition does is to move one sign to another location and erect another one on Matthews Township Parkway.

Commissioner Bailey asked if all conditions on the old site plan are applicable. Mr. Odom said all conditions will be applicable to both parcels. Commissioner Bailey asked about signage, if each one will vary between 80 and 100 square feet. Mr. Odom said that each sign can be up to 100 square feet. They will comply with the ordinance. Four options have been submitted. He said they have no preference but would like them to be complementary to each other. The Board may choose which one they like. He described each one.

Commissioner Taylor asked if any of the signs were back lit. Mr. Odom said they would probably want lights in front of them. They are not lit from within.

No one spoke in favor or opposition to petition 363.

- B. Opportunity for the public to comment on the Small Area Plan proposed for the land between Independence Boulevard and Independence Pointe Parkway, south of Matthews-Mint Hill Road and I-485.

Brad Davis, LandDesign, went over the three concepts proposed for this area.

Commissioner Query asked if they had done an economic impact study of affected individual property owners. Mr. Davis said no. He has not proposed any rezoning.

Walter Fields, 831 East Morehead Street, Charlotte, spoke. He said that LandDesign has done an excellent job. Mr. Fields said he is speaking on behalf of the second largest land owner -- the Brigman family. He displayed a map which showed the property belonging to the Brigman's which, he said, was a little over 100 acres. Mr. Fields said the Brigman family would like to participate in the planning process at the same level as LandDesign. He said the purpose tonight is not to object to it but to ask to bring other land owners in and work with LandDesign, county and Town staff on the three variations.

Mayor Myers said he wants the process to be as inclusive as possible. The goal is to develop the 350 acres as best as they can and see the infrastructure is put in place. Mayor Myers said they will appreciate all the help they can get. There is no set adoption schedule.

Paul DeVries, 1825 Swaim Drive, spoke. He questioned on proposal #1 if the Town needs more hotels or an entertainment complex. He also questioned what impact this would have on festivals that are held in downtown Matthews and if any of these things fit in with the Depot complex. Mr. DeVries, on proposal #3, said he was concerned that a project of this scale would not fit in with the rest of Matthews. He said it would have a tremendous impact on surrounding areas and could displace residents. He also expressed concern about the transportation method. On proposal #2, Mr. DeVries said it shows a lot of level surface parking which are heat traps. He said feels parking should be considerably reduced so people will be encouraged to use transit -- trolley buses, etc. They could have offsite multi-level parking.

Rich Whitley, 2608 Oxborough Drive, said he had heard this may be used for low income housing, which would be a terrible misuse of valuable, limited land and would also require a significant public subsidy in order to create that type of climate. He said he he would be strongly against this. Mr. Whitley said this is an opportunity for some combination of the first two plans. He said the alternative plan #3 bothers him in that it refers to the Town center. He said by redirecting other things out into that area we may in fact be doing far more damage than good in identifying and promoting the downtown. Mr. Whitley said we do not need to duplicate any services we already have.

Keith Parson, 9300 Sardis Glenn Drive, said he is the Vice President of the U.S. Regional Soccer Association. He said he is speaking in favor of the small area for sports and entertainment. Mr. Parson said the area is somewhat deficient for soccer and this is an excellent opportunity to place a soccer area in Matthews. He said he is concerned that if the land goes away then the opportunity to provide recreational facilities for young people in the area will be gone. Mr. Parson said the U.S. Soccer Association is willing to help the Town and willing to take the lead in funding and developing a soccer complex.

RECONVENE REGULAR MEETING

Motion by Commissioner Bailey, seconded by Commissioner Taylor, to reconvene regular meeting. Unanimously approved.

PLANNING & ZONING BUSINESS --

REPORT FROM PLANNING AND ZONING BOARD

Planning Director Kathi Ingrish gave the Planning and Zoning board report. (Exhibit #1 hereby referenced and made a part of these minutes.)

MISCELLANEOUS

**Board of Commissioners Meeting
March 13, 2000**

Rich Whitley, speaking as the President of the Chamber of Commerce, voiced very strong support for the entire intelligent downtown development that has been put before them. He said it gives tremendous opportunity for business growth in this area. Mr. Whitley said he strongly believes that bringing other business into downtown will benefit the existing businesses. He said he thinks this is an opportunity for an intelligent and very beautiful downtown Matthews and would encourage the Board to go forward with the contract this evening.

Aanalisa Whatley, 504 South Trade Street, spoke in favor of the proposed Depot development. She said she is a long-time resident and a business owner. Ms. Whatley said she feels this could make a difference in downtown. Hopefully with the concept of a village look this meets a civic need and will also bring people to downtown center. She said she is happy that the government office and the library will stay downtown.

John Hovis, 801 Reverdy Lane, said he is the Manager of Lincoln Bank on Trade Street. He said he supports moving forward on the Depot development. Mr. Hovis said this will really act as a revitalization project and will attract more business. He asked that this be a Board priority.

Mr. Chuck Bennett of Weaver, Bennet and Bland, said he supports the downtown project. He asked that the Board not to continue to delay this because pricing will escalate. Mr. Bennett said he would encourage the Board to move forward and get this project done. He said he wants to see the whole downtown develop and this is a vital area.

CONSENT AGENDA:

- A. **Approve Minutes - February 28, 2000 Meeting**
- B. **Approve Closing McDowell Avenue, adjacent to Matthews Elementary School, April 1, 2000 from 10:00 a.m. to 3:00 p.m.- for School Spring Fling Carnival**
- C. **Approve use of Stumptown Park for county-wide Easter Sunrise Service - April 23, 5:00 a.m. - 10:00 a.m.**

Motion by Commissioner Taylor, seconded by Commissioner Bailey, to approve the Consent Agenda. Unanimously approved.

UNFINISHED BUSINESS

MAKE APPOINTMENTS TO BOARDS/COMMITTEES

Motion by Mayor Pro-Tem Krauss to appoint Tina Clark to the Appearance/Tree Board. Seconded by Commissioner Glass and unanimously approved.

Motion by Mayor Pro-Tem Krauss to appoint Chris Clark as a regular member of the Planing and Zoning Board. Seconded by Commissioner Taylor and unanimously approved.

NEW BUSINESS

REVIEW CIP AND DEPOT PROJECT FINANCING

Town Manager Messera reviewed the CIP and Depot project financing.

Commissioner Wright asked what would happen if the community does not meet the pledge to raise \$150,000 for the furnishings for the library. Mr. Messera said he does not think this will be a problem but it would be a Board decision.

APPROVE CONTRACT WITH LAT PURSER & ASSOCIATES

Town Attorney Charles Buckley said there are no substantive changes other than taking out the blanks. If approved by Board they can authorize Mayor Myers to sign it tonight. Mr. Buckley said the framework of this document will cover any glitches. The Board has an ongoing review and

**Board of Commissioners Meeting
March 13, 2000**

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consent opportunity to any ongoing changes and ongoing review of where the development is. They have built-in protections all the way.

Motion by Commissioner Bailey that the Town of Matthews enter into an agreement with Lat Purser and Associates for the development of the Depot project per the contract provided by Town Attorney Charles Buckley of March 13, 2000, and authorize the Mayor to sign it. Seconded by Commissioner Glass. Commissioner Query expressed concern about the 15% option price being established on the interior lots.

Commissioner Wright said she has a real problem with approving this contract because the Board has not gone over this year's budget. She said at the Planning Conference the Volunteer Fire Departments were requesting \$190,000. Ms. Wright said she wants to know where this money is coming from. She said she feels they cannot sign a contract without reviewing whole budget.

Motion to approve the contract with Lat Purser and Associates passed on a vote of 6-1, with Commissioner Wright opposed.

MAYOR'S REPORT

Mayor Myers said this development has been worked on for many years. He said that Mr. Purser has attended the Planning Conference for three years in a row. Mayor Myers said the Board has been the best servants of the Town of Matthews with purchases of land. He said he will sign this contract with a great deal of pride and appreciation to both the Board and staff members.

ATTORNEY'S REPORT

Town Attorney Charles Buckley asked that he be allowed to attend the Municipal Attorneys Winter Conference in Chapel Hill. Motion by Commissioner Query, seconded by Mayor Pro-Tem Krauss, to approve. Unanimously approved.

TOWN MANAGER'S REPORT

Mr. Messera reminded the Board that the League Regional meetings are coming up. He said the closest one would be at Statesville on April 12th and encouraged Board members to attend. Mr. Messera called the Board's attention to the development proposed at the intersection of McKee Road and Weddington. He said this is a mixed, high density plan.

Commissioner Query expressed concern about the development on Idlewild Road, just over the county line. He said this is not what Matthews and Mint Hill proposed for that area. After some discussion Commissioner Query moved to add this to the agenda. Seconded by Commissioner Bailey and unanimously approved.

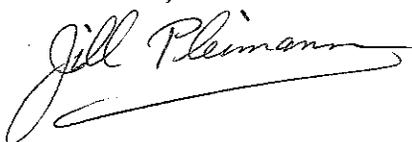
DISCUSS DEVELOPMENT ON IDLEWILD ROAD

After further discussion Commissioner Query moved to adopt a resolution in opposition to this development because it is inconsistent with both Matthews and Union County Land Use Plans, and request they not approve the rezoning. Seconded by Commissioner Taylor and unanimously approved.

ADJOURNMENT

Motion by Mayor Pro-Tem Krauss to adjourn. Seconded by Commissioner Bailey and unanimously approved. Meeting adjourned at 9:30 p.m.

Respectfully submitted,
Jill Pleimann, Town Clerk



*Board of Commissioners Meeting
March 27, 2000*

EXHIBIT #1 --

**PLANNING BOARD REPORT
ON THEIR MEETING OF
FEBRUARY 22, 2000**

I. ADMINISTRATIVE AMENDMENT - REPLACE SIGNS ON McGUFFEY'S AT WINDSOR SQUARE FOR AZTECA MEXICAN RESTAURANT

Planning Board unanimously approved an Administrative Amendment for two smaller signs at Azteca Mexican Restaurant.

II. SKETCH PLAN - ALEXANDER RIDGE, MARGLYN ROAD AND KIMWAY DRIVE

Planning Board reviewed a revised sketch plan for Alexander Ridge.

III. JOINT MEETING WITH BOARD OF COMMISSIONERS

Discussion focused around a video showing how three communities have dealt with their growth/revitalization concerns and what new efforts Matthews might consider about how the community should grow.

Bocmtg13.mar

NOTE: A public meeting was held Monday, March 20, 2000 at 7 p.m. in the Hood Meeting Room, Town Hall to hear comments. This concerned the feasibility study on potential traffic improvements in the Reid Harkey/Forest Ridge/Southwoods area. Citizens voiced concerns and suggestions. (There were no minutes taken, but the meeting was recorded.)

**MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
MARCH 27, 2000 - 5:30 P.M. - 7:00 P.M.**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Karina Glass, Jim Taylor; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Parks and Recreation Director Leigh Baggs; Parks and Recreation members Susan Clifford, Brian Degeorge, Bev Martin, Paul Rogers, GERALYNN TRELUE, Jim Richardson.

ABSENT: Commissioners Paul Bailey, Kress Query, Ginger Wright.

Project Manager Ben Aldridge said they are approaching the completion of the Community Center. He said a decision on the seating needs to be made. The lowest proposal to refurbish the 275 existing chairs and adding 89 chairs is around \$36,000. Mr. Aldridge displayed several types of chairs that could be considered if they wished to use new seating. His recommendation was the "Royal Seating #MA-501" which would cost \$43,316 for 364 seats. Mayor Myers asked if there was a market for the old seats. Don Yelverton said an offer has been made for \$2.00 a piece but he feels they should be able to get more for them. He said one of the vendors had tried to find another source for them but was unable to do so.

Mayor Myers suggested maybe they could use the existing seats in the front and sell them as

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reserved seating. Mayor Pro-Tem Krauss asked if they could have open seating and use folding chairs. Mr. Yelverton said this would be a safety issue because of the slope of the floor. Commissioner Taylor said the cost doesn't seem to justify mingling the old and new seats. Mayor Myers said they might be able to use the existing chairs for the Board room in the new Town Hall facility.

Town Manager, Ralph Messera, said this is within the budget.

Pete Mangum displayed two options for the color scheme for the auditorium. One was a blue palette and the other a neutral palette. She displayed samples of what would be used for the floors, stage curtains and seating. After some discussion the consensus was the neutral palette but members felt they would like to see another shade for the stage curtains.

Mr. Messera said another item for discussion is the leasing policy. The concern is that some entity not be given an exclusive lease in the Community Center at a modest rate which might compete with other businesses in town.

After some discussion it was decided there should be two rates -- one for profit, and one for non-profit organizations. During the discussion of dance classes being held in the Community Center, Mr. Yelverton said there was no provision for a room with hard floors and mirrors. Commissioner Glass said she feels it would be appropriate to have one room with hard floors and mirrors installed on the walls which could be used for a variety of activities such as dance, Tai chi, yoga, etc.

Meeting adjourned at 7:00 p.m.

**MINUTES
BOARD OF COMMISSIONERS MEETING
MARCH 27, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Karina Glass, Kress Query, Jim Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ABSENT: Commissioner Paul Bailey

ALSO PRESENT: Susan Clifford, Brian DeGeorge, Bev Martin, Paul Rogers, GERALYNN TRELLUE, Jim Richardson.

CALL TO ORDER

Mayor Myers called the meeting to order at 7:10 p.m.

INVOCATION

Town Attorney Charles Buckley rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

PUBLIC MEETING ON THE GREENWAY FEASIBILITY STUDY

Mayor Myers outlined the process of the public meeting and said no decisions would be made tonight. He encouraged public input.

*Board of Commissioners Meeting
March 27, 2000*

Leigh Baggs, Parks and Recreation Director, introduced members of the Parks and Recreation Advisory Committee in attendance tonight. She said the land was given to the Town in 1995 for an open area. Ms. Baggs said that Mecklenburg County began a study in 1998 on greenways and underwrote the feasibility study for Matthews. There have been several meetings concerning this, including a walk along the proposed greenway.

Ms. Baggs presented a video of the greenway at Apex, North Carolina whose population jurisdiction is about the same as Matthews. She said the hours of operation would be the same as any of the parks. The maintenance crew would be responsible for keeping up the appearance. Written comments from Chief Hunter and Don Kelly, Town Engineer, were given to the Board.

Jon Wood, from Haden Stanziale, gave a brief overview. He said they started the walk at the Community Center with about 60 people. Mr. Wood said they looked at the feasibility of connecting Matthews Community Center to Squirrel Lake Park without having to walk on Trade Street and Pleasant Plains Road. This was based on a survey done on December 1999 and January 2000. Mr. Wood said they looked at possible access points, sewer proximity, some of the steep topography, and the width of channels. They had a public meeting in November and received a few comments and a question-and-answer period in February. Two routing options were presented at that meeting and they looked at how much clear land could be used. Mr. Wood said since that time the Town has adopted a swim buffer ordinance. This will allow trails but some parts would be more of a natural surface. This will be a pedestrian greenway, not vehicular. The Police Department could patrol it on bikes. He said this is a way to connect some of the neighborhoods to the Community Center.

Town Manager Messera said both plans would primarily use CMUD right-of-way, which would reduce the need for tree removal. Mayor Myers said it was mentioned that parts of the bank would have to be shored up. He asked what elevation were they looking at. Mr. Wood said they are looking at raising it about three feet and benching in. They would have a small part of retaining wall which would help with flood retention. He said it is about 400 lineal feet of that section.

Commissioner Query asked about the number of bridges. Mr. Wood said they have not quantified the number. It is a very rough estimate. Depending on the routing they would have to decide which area would need a bridge.

Eve Leger, 1222 Country Place Drive, said just because the Town owns this property it does not mean they have to develop it. She said a lot of people who own property along the greenway feel this is a security risk to their families. This is not strictly a neighborhood greenway, this is a public greenway with public access points which anyone can drive up to and walk to their back doors. Ms. Leger said they don't want strangers walking to their homes and having access to their properties.

Brett Kristofferson, 436 River Banks Road, addressed security concerns. He said one of the proposed greenway routes will touch people's property and knock down 100 trees. The other route will literally go through a person's property. Mr. Kristofferson said he is opposed because of security concerns. He said on the proposed routes there is a good area of space in some locations but in others there is none at all. There are huge 100 year old trees in the area which is the narrowest portion. Mr. Kristofferson said he encourages members of the Board to come to his home so he can show them around.

Frank Jacobs, 432 River Banks, pointed out his home. He said this would literally put a path 40 feet from his back door which is too close for his comfort. Mr. Jacobs said he has a small daughter and would have to put in a privacy fence. He said he has a concern of crime occurring in his back yard.

Peggy Bennett, 1604 Pine Hill Court, said they have beautiful trees behind them which gives them privacy. She said her concerns are safety, security and privacy. Ms. Bennett said she does not see this benefitting downtown Matthews by having people walk behind their homes. She said she feels they should utilize the sidewalks for coming downtown.

Steve Groves, 3501 Providence Manor, said he does not live along the proposed greenway area but he does use the greenway at McAlpine. Mr. Groves said he feels it is a major benefit to have a

greenway. He said it is a great source of recreation and a safe place for families and individuals. He said he would love to get over to Squirrel Lake Park by riding his bike. If they put the greenway through then all the residents of the area can utilize the greenway. Mr. Groves said he has empathy for the people but for the good of all citizens he urged the Board to continue to look at the plan and all residents will have the ability to use it for recreation and to get into other facilities without getting in a car.

Scott Hamilton, 511 Clearbrook Drive, said he is totally against this. He said he has a concern with some of the activities that already go on after dark at the entrance of Squirrel Lake Park.

Tom Gill, 1015 Clearbrook, said they were told this was a neighborhood greenway. If this is not the case there would be countless other people on the greenway. Mr. Gill said there is one pedophile registered in Mecklenburg County. This would be opening the area for that. He said his property is on the greenway and he would not allow his little girl to go out in the back yard. Mr. Gill said he was also concerned of the safety for children with people riding bikes down there. They have nice sidewalks for pedestrians and, he said, he is totally opposed to this.

Paula McGuire, 1011 Clearbrook Drive, said she moved in this area for the small-town feel. She said she felt it was a safe community for her children. Ms. McGuire said she does not feel it would be safe with the greenway. Her house sits up on a hill and no amount of landscaping will bar her view of this. Ms. McGuire said she is opposed to it from beginning to end. She said people can park in the neighborhoods and then walk through their community. Get the people on the sidewalks and not behind the houses.

Wayne Andsager, 536 Clearbrook, said he is opposed to the proposed plan. He said the main purpose of this greenway was to have the elementary school connected to Squirrel Lake, which is over two miles. He said this seems a long way. Mr. Andsager said also the new apartment/hotel could get connected to elementary school. Who would prevent them from walking there. He said that most teen sex occurs in parks. Can that change? How can they stop citizens from walking into people's properties? Where will people park? Is there designated parking? Mr. A they will have strangers parked up and down the streets. His other concerns were that a lot of trees will be taken down and the value of their houses will go down.

Ben Pureza, 935 Timber Knoll Drive, said a lot of the allotment from Pulte was for easement of wet areas. He said this is where the major water flow comes into the creek. It is three to four feet deep. He said he has a concern for children playing on the greenway. Who is going to know they are back there? Mr. Carezza said he does not see how building a greenway is feasible because of the wetlands. It poses hazards to their children and families. He said he is totally opposed to opening it up to public access to allow them to come into his backyard where his children play. He challenged Board members to look at each lot on the proposed greenway and poll each of the neighbors. He asked if there was anyone here tonight who lived on the proposed greenway route to stand up if they were in support of it. No one stood up.

Lynnerin Tyler, 1226 Country Place Drive, said she has some concerns. She said they have already had people strolling through their backyard and said they were walking on the greenway. She said they had no concern about walking through people's yards. Her concern is if people will have respect for their yards. Second is the privacy issue. Ms. Tyler said there is very little buffer and some places are extremely close and very intrusive. She said she has heard enough instances about McAlpine Park that she is not comfortable being there by herself. Her other concern is the cleanliness of the greenway. This would be an additional burden for Parks and Recreation staff.

Mike Casper, 434 Clearbrook Road, spoke in opposition. He said he lives near where the bridge goes, in the narrowest part. He said they mentioned in the February meeting that all the trees were going to come out. Now they say they are not coming out. Mr. Casper said the trees give them privacy. The other issue is safety. He said he hopes that public opinion helps the Board in making their decision.

Steve Chatt, 939 Timber Knoll Drive, said he lives right behind the maintenance shop. Security is

a big issue. Mr. Chatt said when they are walking the trail they are close to five feet from his fence. His concern is from a safety point and the water back there. He said it is a strong force. Mr. Chatt said right now he knows the neighbors who are walking. If the greenway is developed then strangers will be there.

Bob Mack, 921 Clearbrook Drive, said he is strongly opposed to this project. He is concerned about privacy, safety and personal liability for individuals walking through his yard.

Brett Wertz, 1023 Clearbrook Drive, said when they purchased the home there was the creek and beautiful trees. He said they did not purchase this with a greenway in mind. His concern is about strangers walking behind their homes and the safety and security for their children.

Jack Burkhart, 752 Moss Creek Drive, said when they first surveyed this the line went through his back yard. He was incensed that it would impinge on his privacy. Mr. Burkhart said that now that he knows it is not going through his yard he still feels empathy for those that it will. He said that Chief Hunter stated the greenway would be closed at dark but did not say it would be patrolled after dark. Mr. Burkhart said he feels then would be the time things will happen.

Susan Butler, 502 Clearbrook Road, said she can take one step from her property and get to the stream banks. She said in several parts of the country greenways have been left in their natural state. If they leave it as it is it would be a good use for their neighborhood.

Ms. Baggs said no property would be taken. All of the proposed greenway is on easements of CMUD or land that has been offered to the Town. The paved trail in Apex begins in their community park and people can park there and access the greenway.

Commissioner Query said his concern is the easement because he can see that could be a problem. Mr. Wood said the easement is within county land or public land for Matthews. It is totally within the greenway corridor.

Commissioner Glass asked what the deepest part of the creek is currently. Mr. Wood said the normal depths were four feet during November, December and January. Commissioner Glass asked if they altered the land would it increase the depth and what slope are they talking about. Mr. Wood said the depth would be the same. The bottom of the creek would not be changed unless they did stormwater management. Leigh Baggs said the Town Engineer's memo addresses that.

Commissioner Taylor asked about the number of trees that potentially would be moved. Mr. Wood said that number has not been determined at this point. Ms. Baggs said at the February meeting they said they would save as many trees as possible. They have not identified any trees at this point.

5 MINUTE RECESS

CONSENT AGENDA:

- A. Approve Minutes March 13, 2000 Meeting**
- B. Approve Right-of-Way Map for Home Place**
- C. Approve Request from the Matthews Chamber of Commerce for street closings and use of Stumptown Park for Auto Reunion and ArtFest, June 10 and October 7-8, respectively**
- D. Adopt Ordinance to set speed limits and stop sign on Stonehedge and Buckton Drive, Oakcroft**
- E. Adopt Resolution for Trade Street Widening by NCDOT**
- F. Approve Budget Ordinance Amendment - Insurance Settlement**
- G. Approve Budget Ordinance Amendment - FEMA Reimbursements**
- H. Approve Budget Ordinance Amendment - Reimburse General Fund for Upfront Costs for Public Safety Building**
- I. Amend Existing Land Design Contract**
- J. Approve No Parking Restrictions for Leyland and Greygate neighborhoods and**

Elizabeth Lane from NC 51 to Laurel Fork Drive, Saturday, April 29 from 9:00 a.m. to 5:00 p.m. for Elizabeth Lane Elementary School Hawkfest Celebration

K. Approve Preliminary Plat - Rainbow Ridge on Tank Town Road

L. Approve Budget Ordinance Amendment - Powell Bill Revenues

Mayor Myers said Commissioner Bailey had asked that item 8C be withdrawn from the Consent Agenda. There was a concern about merchants being notified in a timely manner. Mayor Myers said a memo has been received from the Chamber of Commerce tonight which addresses this concern. Mayor Pro-Tem Krauss said she shares Commissioner Bailey concerns and merchants need to be notified in a timely manner. She said there is some merit in looking for another location.

Motion by Mayor Pro-Tem Krauss, seconded by Commissioner Taylor, to approve the Consent Agenda with the memo from the Chamber of Commerce being part of item 8C. Unanimously approved.

UNFINISHED BUSINESS

REVIEW SKETCHES OF PROPOSED LOCATION OF OVERPASS AND UNDERPASS - MATTHEWS MARKET

Steve Smith, Trammell and Crow, said site plans have been submitted to the Board. Last fall when they were asking for rezoning the question arose as to how they could increase movement to the site. The conclusion was they needed additional connectivity. They talked about options -- a tunnel or possibly a bridge. Renderings were displayed and reviewed by Mr. Smith.

Commissioner Taylor asked if they could have the sidewalk on each side and a signalized crosswalk, which would be more cost effective. Discussion ensued. Mayor Myers said he hears that there is a consensus for dual sidewalks with a signalized pedestrian crosswalk. Mr. Smith asked if they were talking about a vehicular light. Mayor Myers said that is correct. Commissioner Glass said the light will need to be long enough to allow pedestrians to cross over five lanes. Mayor Myers asked if they could have something ready for the April 10th meeting.

NEW BUSINESS

CONSIDER SEATING OPTIONS FOR MATTHEWS COMMUNITY CENTER

Mayor Myers said at the 5:30 p.m. meeting Board members were presented with seating options for the Community Center auditorium. Ben Aldridge, Project Manager, said there were essentially two options: one for reupholstering the existing chairs and purchasing 89 additional ones; the other to purchase 364 new chairs. Board members have had the opportunity to look at several different types. Mr. Aldridge said the price includes installation and lighting.

Motion by Mayor Pro-Tem Krauss to purchase 364 chairs from Doug Middleton and Associates, model Royal #MA-501, in the amount of \$43,316. Seconded by Commissioner Glass and unanimously approved.

Mr. Aldridge said the other decision the Board needs to make is the color scheme for the auditorium. Two color schemes have been presented -- one a neutral palette and the other blue. Mayor Myers said the consensus seems to be the neutral palette but they would like to see different shades for the curtains.

Motion by Commissioner Glass to accept the neutral palette for the Community Center with option on the curtain color. Seconded by Commissioner Query and unanimously approved.

Mr. Aldridge said they have had a conversation with the school system regarding parking spaces and shared spaces. Originally there were 39 parking spaces. With the new plan they will have 48 spaces in the daytime for the Town. In the evening they will have use of 67 spaces, which is the bus lot. Mr. Aldridge pointed out which areas would be constructed. He said there would be a shared cost

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with two thirds being paid by the school and one third being paid by the Town. He said he is continuing to work with Kodiak Construction for cost on the proposed bus/town night parking area. Town Manager Messera said both parking areas will be finished by August. Mayor Myers asked if the school buses will be parked elsewhere on nights and weekends. Mr. Aldridge said they will be parked at Crestdale Middle School.

Mayor Myers said this is a great alternative and solves a lot of problems.

Town Manager Messera said the Town's net cost for the sitework is \$130,042. He reviewed the budget on this and said that this leaves a balance of \$80,896 plus \$75,000 for crossing the Baptist Church property, which will not be needed now.

Mr. Aldridge said this site plan will change the schedule. The current completion date based on the original contract was April 17th. They are now looking at a May 30th completion date. The seats will not be in the auditorium by then. Mayor Myers said the contract will need to be amended to extend the penalty period for the contract to May 30th. If they are not finished by then the penalty period begins. Mr. Aldridge said the Certificate of Occupancy will not be affected by not having the seats in.

Motion by Commissioner Query to approve the change order in the amount of \$158,152.78. The school system will pay \$28,110.48 leaving a net cost of \$130,042 to the Town to allow additional work to be done. Seconded by Commissioner Glass and unanimously approved.

Motion by Commissioner Query to approve the site plan with the various easements as described tonight. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

Motion by Mayor Pro-Tem Krauss to extend the contract time from April 17 to May 30 and direct Town Attorney Charles Buckley to make that change. (This will include subcontractors.) Seconded by Commissioner Query. Unanimously approved. Commissioner Taylor said he is not happy with Kodiak Construction taking advantage of the situation and not making a valid effort to make the April 17th deadline.

CONSIDER FURNISHING PROPOSALS - MATTHEWS COMMUNITY CENTER

Town Manager Messera described the stage curtains/riggings proposed for the auditorium. Board members were given a copy of the quotes. Mayor Myers said he would like to run this by the theater groups and Blumenthal Theater to make sure this equipment is the most effective.

MAYOR'S REPORT

Mayor Myers said earlier in the Consent Agenda there was an item to adopt a resolution for widening of Trade Street. He said a meeting was held yesterday looking at improving the section at Pleasant Plains, Trade Street and Weddington. They are talking about a traffic circle. Mayor Myers said they are looking at major improvements in this area. This will be on the Department of Transportation agenda on April 7th.

Mayor Myers reminded Board members that April 8th is the opening day for MARA.

TOWN MANAGER'S REPORT

Town Manager Ralph Messera said he has the floor plan of the first floor for the library, and the floor plan for the second floor, which Town staff is recommending. This will be brought back at the next meeting.

ADJOURNMENT

Motion by Commissioner Taylor, seconded by Mayor Pro-Tem Krauss, to adjourn. Meeting adjourned at 9:55 p.m.

Respectfully submitted,


Jill Pleimann,
Town Clerk

bocmtg27.mar

**MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
MONDAY, APRIL 10, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss, Commissioners Paul Bailey, Kress Query, James Taylor, Ginger Wright.

ABSENT: Commissioner Karina Glass

The Board of Commissioners met in the Juanita Jordan Meeting Room of the Administration Building at 6:30 p.m., April 10, 2000.

Several citizens were interviewed to serve on various boards and committees.

**MINUTES
BOARD OF COMMISSIONERS MEETING
MONDAY, APRIL 10, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss, Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright, Acting Town Attorney Craig Buie; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Planning Director Kathi Ingrish; Planner Bill Sherrill; Planning Board members Scott Vallandingham, Chris Clarke

ABSENT: Town Attorney Charles Buckley

CALL TO ORDER

Mayor Myers called the meeting to order at 7:23 p.m.

INVOCATION

Acting Town Attorney, Craig Buie, rendered the invocation.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 165 led as everyone pledged allegiance to the flag of the United States of America.

RECEIVE PRESENTATION FROM LIBRARY FUND-RAISING COMMITTEE

Eleanor Morris introduced herself and said she is heading the fund-raising committee for the new library. She reviewed her past accomplishments and distributed packets of information to Board

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members. Mrs. Morris said that \$14,000 has already been committed before the campaign has started.

Mayor Myers said it never ceases to amaze him how people volunteer their services to the Town and tendered his appreciation to Mrs. Morris for heading this committee. He said this is not a Town committee but one that has been created by volunteers.

PROCLAMATION

Mayor Myers proclaimed the month of April as Autism Awareness Month. Mr. Stephen Fraher, President of the Autism Society of North Carolina, explained what autism is. He said the goal is to get the word out about this illness and the fact that it is not curable, but various methods are being used successfully in working with individuals who have autism.

RECESS REGULAR MEETING

Motion by Commissioner Glass, seconded by Commissioner Bailey, to recess regular meeting for public hearings. Unanimously approved.

Planning Director Kathi Ingrish introduced members of the Planning and Zoning Board in attendance tonight.

TO DISCUSS SIMULTANEOUSLY ANNEXING FIVE TERRITORIES AND EXPLAINING PLANS FOR EXTENDING MUNICIPAL SERVICES.

Planner Bill Sherrill described areas 1, 3, 4 and 5 to be annexed and the services to be provided:

- (1) Annexation Area No. 1 - "Williams"
- (3) Annexation Area No. 3 - "CPCC"
- (4) Annexation Area No. 4 - "Mt. Harmony"
- (5) Annexation Area No. 5 - "Idlewild"

Mayor Myers asked if anyone wanted to speak to the Board on the potential annexation of these four areas. No one addressed this.

Motion by Commissioner Query, seconded by Commissioner Taylor, to excuse Commissioner Bailey in participating in the Duke Power annexation area because of possible conflict of interest. Unanimously approved. (Commissioner Bailey is not participating now in the public hearing.)

Planner Bill Sherrill described (2) Annexation Area No. 2 - "Duke Power".

Mayor Myers asked if anyone wanted to speak on the Duke Power annexation. No one came forward.

Motion by Commissioner Query, seconded by Commissioner Taylor, to re-admit Commissioner Bailey to the public hearing. Unanimously approved.

TO RECEIVE PUBLIC INPUT REGARDING THE EXPENDITURE OF APPROXIMATELY \$14,000 GRANT MONEY FROM THE BUREAU OF JUSTICE BLOCK GRANT PROGRAM

Rob Hunter, Chief of Police, said the Bureau of Justice Grant Program for law enforcement started in 1996. Matthews has participated in the past four years. Chief Hunter described what the grants had been used for in the past. He said the Bureau of Justice requires a committee established locally, which consists of law enforcement agencies, local court system, prosecutor's office, school system and a member of a local non-profit organization, to consider the needs. Chief Hunter said they are expecting about \$13,600 which requires matching money from the Town. They have a need for a recording system for the communications area. The one they have cannot be repaired. Chief Hunter

said the proposal is to replace it with a digital recording system.

Mayor Myers asked if there was anyone who wished to make comments on receiving and expenditure of the block grant in the amount of \$14,000. No one responded.

RECONVENE REGULAR MEETING

Motion by Commissioner Bailey, seconded by Commissioner Query, to reconvene regular meeting. Unanimously approved.

PLANNING AND ZONING BUSINESS -

REPORT FROM PLANNING AND ZONING BOARD

Planning Director Kathi Ingrish gave the Planning and Zoning Board Report. (Exhibit #1 hereby referenced and made a part of these minutes.)

ACTION FROM PLANNING AND ZONING REPORT -

Zoning Petition 363 - J. R. Poore and others, Independence Point Parkway and Matthews Township Parkway, change in conditions to allow additional sign and change designation of one site from bank to office use.

Commissioner Bailey moved to approve Zoning Petition 363 with designation of sign number two as presented by the petitioner. Seconded by Commissioner Query and unanimously approved.

APPROVE HOUSING REHAB BIDS FOR CDBG

James Luster, COG, said they received five bids. The first three bids were submitted by New Dimension Homes of Monroe for construction of new modular homes at a cost of \$55,500 each. The last two bids were submitted by Phoenix Construction to renovate existing homes at a cost of \$44,000 and \$42,800. Mr. Luster said they negotiated the bids down as much as they could and asked the Board to approve these.

Motion by Commissioner Query to approve the bids as submitted. Seconded by Mayor Pro-Tem Krauss. Mr. Luster said Mecklenburg County has agreed to contribute \$7,000 to this project if the Town agrees to accept it.

Mayor Myers said the Town committed \$17,500 last year and was selected in the first round of grants. Residents have received \$253,000 from this grant. He thanked Commissioners Query and Krauss in serving on this CDBG Committee.

Motion by Commissioner Taylor, seconded by Commissioner Bailey, to accept \$7,000 from Mecklenburg County. Unanimously approved.

APPROVE PEDESTRIAN CONNECTIONS - MATTHEWS MARKET

Steve Smith, Trammell Crow, displayed a rendition of the proposed at-grade pedestrian crossing with traffic controls for automobiles. He said this is the second entrance from Northeast Parkway. There will be two parallel pedestrian crosswalks which will be installed at the developer's expense.

Commissioner Bailey asked how this would work when traffic is coming out from Matthews Market. Town Manager Messera said the Town can work this out. It is a Town street.

Commissioner Bailey asked if they could put in a speed calming device. Rhett Crocker said because the speed is 45 m.p.h. it would be a significant safety concern. Mr. Smith said they will be happy to work with the Town on this. Commissioner Glass asked if they would consider putting ridges in the road. Mr. Smith said they would be happy to look at that.

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Motion by Commissioner Query to approve the pedestrian connection with the traffic control system and sidewalks on both sides. Seconded by Commissioner Taylor. Unanimously approved.

Commissioner Bailey said he prefers not to see the intersection with overhead wires. He would prefer free standing poles.

MISCELLANEOUS

John Georgevich, 1203 Lightwood, said his personal view is to keep the barricade where it is. He said if the global view is for connectivity then they should remove the barricade and connect all possible streets for smart growth.

Brett Christofferson, 436 River Banks Road, said he would like to reiterate a few issues on the proposed greenway. He said it keeps being referred to as a neighborhood greenway but the majority of the neighborhood is very much against it. In regards to the width, he said, in November 1999 it was twelve feet, then ten feet, then eight feet, then six feet. He said the diminishing pathway is to appease the people. He would like to see it as zero feet. Mr. Christofferson said he is also concerned about flooding in the area. He said the memo from Jon Wood talking about it being self-cleaning sounds like trash will empty into the creek. There is also the concern of privacy. Mr. Christofferson said regarding easements and the proposal to use sewer easements he would question whether this use is legal or ethical.

CONSENT AGENDA:

- B. Approve Minutes - March 27, 2000 Meeting**
- C. Initiate Zoning Motion 00-2 for text amendment to add definition and place new use in R-VS**
- D. Approval Final Plat - Avington, Phase 1, Map 1**
- E. Call Special Meeting to Adopt Annexation ordinance for 6:00 p.m. April 20, 2000**
- F. Adopt Capital Project Ordinance - Public Safety Building**
- G. Adopt Resolution to Accept Portion of Sardis Grove Lane to the Town street system**
- H. Approve Request to Release Funds in the amount of \$1,500 to Matthews Historic Foundation**
- I. Approve Tax Releases and Tax Refunds**

Commissioner Query said he would like to take Item C off the Consent Agenda and make it Item 14D.

Motion by Commissioner Taylor, seconded by Commissioner Bailey, to approve the Consent Agenda with the exception of Item C. Unanimously approved.

APPROVE FINAL PLAT - AVINGTON, PHASE 1, MAP 1

Commissioner Query expressed concern that when he looked at this development the buffer had been removed. He said he would like something on the map to make sure the buffer is put back. Planning Director Kathi Ingrish said this particular plat does not include the buffer area. A delay on this would not solve or improve anything. It would only create more difficulties. The buffer is a condition of the zoning which the applicant voluntarily added. They do need to address if that buffer has been cleared out. It would be a zoning violation which would need to be addressed.

Motion by Commissioner Query to approve the final plat for Avington, Phase 1, Map 1. Seconded by Mayor Pro-Tem Krauss. Commissioner Query said they need to be aware that the buffer should be included when the next plat comes in. Unanimously approved.

UNFINISHED BUSINESS

MAKE APPOINTMENTS TO BOARDS/COMMITTEES

Motion by Mayor Pro-Tem Krauss to appoint Don Wyks to full alternate status on the Board of Adjustment. Seconded by Commissioner Query and unanimously approved.

Motion by Commissioner Bailey to appoint Mary Ciminelli to the Parks and Recreation Advisory Committee. Seconded by Commissioner Taylor and unanimously approved.

Motion by Commissioner Taylor to appoint Frank Casale as a regular member of the Planning and Zoning Board. Seconded by Commissioner Query and unanimously approved.

Motion by Commissioner Glass, seconded by Mayor Pro-Tem Krauss, to appoint Georgia Rasmussen as an alternate member of the Planning and Zoning Board. Unanimously approved.

DISCUSS AND TAKE POSSIBLE ACTION ON GREENWAY PROPOSAL

Mayor Myers said this item is on the agenda to receive direction from the Board as to where this needs to go. He said they have had informal meetings with the Parks and Recreation Department, informational meetings and staff presentations.

Commissioner Taylor asked about grant funding and the time elements. Town Manager Messera said the grant fundings have fairly long cycles. Commissioner Taylor asked if there was any cost to the Town. Mr. Messera said it would be primarily the staff cost. The Board can authorize Town staff to start the application procedure. Commissioner Taylor asked if they apply for the grants are they locked in. Mr. Messera said the Town doesn't have to accept them.

Commissioner Wright said she is the only member of the Board that has land on Four Mile Creek. She said she understands the citizens' concerns and she is strongly against this. Commissioner Wright said she feels the creek basin should be kept natural and left as it is. The SWIM buffer helps to prevent future building. She said the Board ought to consider the property owners who live adjacent to this because it is their homes. She said she would not like to have people in her back yard if they did not belong there.

Commissioner Taylor asked if the land from Pulte has actually been accepted by the Town. Town Manager Messera said when the plats are recorded there is a dedication of the land along the creeks to the Town. He said the way the Town of Matthews policy operates is they do not actually take any responsibility for maintenance until such time as this Board votes to do that. Pulte cannot withhold or withdraw this. It cannot go to anybody else. The Town has to take positive action to actually assume maintenance. Craig Buie said it is reserved for public use. Commissioner Taylor said then if the Town decides not to do anything it is still usable as a "neighborhood greenway" or pathway and you cannot prevent anybody from walking behind the homes.

Mayor Myers said there is a distinction that was raised that if they are talking about a sewer easement and that is the only easement then, in his opinion, it is different than land dedicated for public use. He said that everybody who owns property has some sort of easement - utilities, drainage - some kind of easement that runs across their property. He would like to know if it was designated common area, Town of Matthews, etc. If it says sewer easement, drainage easement, etc., that would be different. Mayor Myers said the greenway concept is a good one and he would like the Board to consider it. He said they need to do a lot of work before he would either support or oppose it. It needs some further research. A greenway is part of the transportation plan for the area.

Commissioner Bailey said it is important to look at an alternate transportation plan utilizing sidewalks, bike paths and greenways and see how the greenway fits into the whole plan.

Commissioner Glass said she feels that they are at a premature junction. She said she would like all the Board members to walk the entire greenway. Commissioner Glass said she was out of town when they walked this in January and would like the opportunity to do this.

Commissioner Query said he agrees. He said he also would like to know what are in the deeds and what property owners were promised, or thought they were promised. Commissioner Query said

he had asked Town Attorney Charles Buckley about the sewer easements. The answer he received, which he said he was not sure if it was from Mr. Buckley or somebody else, was the proposed greenway was strictly on a pathway, not on the easement.

Mr. Messera said that in regards to easements, the greenway plan presented would never leave the land that is dedicated to the Town. Through that land are sewer easements that are granted to Charlotte-Mecklenburg Utilities. The Town, as the underlying owner of the land, has the right to use that land but cannot build anything on the easement (a structure). They can use the underlying easement. At no point would the path go off of land owned by the Town of Matthews on to easements of some other property owner. The path itself would always be on land owned by the Town.

Commissioner Taylor said he is not ready to vote either up or down on this issue. He said he feels greenways are good for the community. His concern is if they are trying to fit a square peg in a round hole. He asked if there is another location for a greenway. Ms. Baggs said no. Commissioner Taylor said he too would like to know what Pulte told the property owners. He said for matter of public record he has received a number of e-mails that are in favor of the greenway. Commissioner Taylor said he would like to take this under advisement and ask the Town Manager to proceed with funding and defer decision so they can gather the information that has been discussed. He would also like staff to arrange a walk-through of the proposed greenway. He said there are some legitimate concerns that have been expressed.

Motion by Commissioner Taylor, seconded by Commissioner Bailey, to ask staff to look at funding issues and address other concerns and ask the Town Attorney to pursue issues of deed restrictions.

Commissioner Query said he does not want the residents to think the Board is dragging this out so they will get tired and stop coming to the meetings. He said they need to be sure they have all the information to make the right decision. Commissioner Query said he feels they will make a decision within the next month or so.

Unanimously approved.

DISCUSS AND TAKE POSSIBLE ACTION ON CONNECTIVITY ISSUES IN THE LIGHTWOOD/FOREST RIDGE AREA

Mayor Myers said there are multiple issues. Two or three years ago he met with a homeowners' association and the common concern expressed over and over again was the residents on Reid Harkey trying to access safely NC 51. Mayor Myers said they have had numerous requests over the years for a traffic light at Reid Harkey. He said the State has said this is not an option and they recommended a connection at Phillips Road. Mayor Myers said after the last homeowners' association meeting he met with the Cochrane's who own property the other side of Phillips Road. He said the family is interested in developing that tract. Mayor Myers said after these discussions he went to the MPO (Metropolitan Planning Organization) and got money for a study which included the entire area. Out of that study not only came the Lightwood connector but also the other possible connectivities and the barricade.

Mayor Myers said they have a number of options. The procedure would be that if they adopt an alignment they would recommend it to the MPO and ask this be added to the thoroughfare plan, which reserves the right of way. Mayor Myers said they need to get the alignment on the map so a developer does not build on it. He said it does not mean the Town would build the road but would be built during the developmental process. It would protect the corridor for connection to Phillips Road.

Mayor Myers moved to approve a thoroughfare plan alignment that would go from Lightwood to Phillips Road, with a connection to Ivey Wood, all of which goes through undeveloped property. Seconded by Mayor Pro-Tem Krauss.

Commissioner Query said he would support the motion. He said he feels this is a safety matter.

Commissioner Taylor said he would support this because it is better than the possibility if they do not support anything. He said some version of this connector has been discussed by the Transportation Board over the past years. It will not cause cut-through traffic but will alleviate some of the problems that exist there now. Commissioner Taylor said he feels it is better to put a line on the map now than leave it to a developer. Mayor Pro-Tem Krauss said the more connection they have the better it is in the long run as this will give more alternatives to people traveling these roads.

Commissioner Bailey said he agrees this connection up to Lightwood is best. He said his concern is trying to determine the impact on Reid Harkey. Commissioner Baily said if a development is built in this area and for some reason there is a lot of traffic at the light, opening Lightwood gives people the opportunity to move through Ivey Wood down Reid Harkey and turn right on NC 51. He said they need to think not only of people who now live on Reid Harkey but others who may move into another development and impacting that neighborhood. Commissioner Glass said this frees the most amount of traffic without adding a burden of additional traffic coming in. Unanimously approved.

Motion by Mayor Myers that the Town, for a period of six months, remove the barricade and in its place they construct a 25 m.p.h. speed hump and additionally they put all-way stop signs at the intersections of Winterwood and Falkenburg, at the intersection of Kalewood and Winterwood, at the intersection of Woodbend and Firewood, and at the intersection of Summerland and Woodbend and that they designate all of those streets and Reid Harkey at a 25 m.p.h. speed limit. Mayor Myers said this would be for a six-month period and during that time staff will take traffic counts and speed counts and report back to the Board at 30-day intervals. Seconded by Mayor Pro-Tem Krauss.

Commissioner Query said he is opposed. Six months would not change his feelings. He said he feels they should keep the two neighborhoods separated. Commissioner Query said he does not feel this is a good thing allowing the cars to go through there and all the four way stops.

Mayor Pro-Tem Krauss said she spent time on these roads this morning. She said it is a maze getting from Rice Road to NC 51. They have endorsements from both Police and EMS for the safety issue. She said she feels it is certainly worth doing for six months.

Commissioner Bailey asked if there was any documentation about the safety issue. Mayor Myers said one resident had said there was an eight minute delay because of the barrier.

Chief Hunter said from a safety response point it is a factor. It does cause delays. He said EMS and the fire department have volunteers who are not aware of this barrier and it can cause confusion. Commissioner Bailey asked if the opening of Northeast Parkway would alleviate some of this. Chief Hunter said it probably could but the big unknown is the traffic impact.

Commissioner Bailey asked in consideration of this motion that prior to removing the barrier would it be possible for Public Works to bring a plan designating location of where speed and traffic counts would be taken. Mayor Myers said he would amend his motion to not only say staff will bring back those points and recommendations as to where measurements are to be taken, but the barricade will be moved last. The stop signs and speed limit signs to be in place before the barricade is removed. During that process the Public Works Director and Manager will bring back where counts will be taken. Mayor Pro-Tem Krauss seconded the amended motion.

Commissioner Taylor said personally he feels the barrier should come down. He asked what criteria would be used for re-installing the barricade after six months. What will prove this is a successful venture or not. Mayor Myers said he hears these concerns and fears. He said they will get input. The motion is not just to remove the barricade but to control the area and look at it. If at some point he, or the Chief of Police, felt there was some safety issue, he would ask the Board to revisit it. Commissioner Taylor asked if there was a similar barrier anywhere in Town. Mr. Messera said not that he was aware of.

Commissioner Bailey said he would have a hard time supporting this without having a plan in place. He said he would like to have some sort of criteria up front. The other issue, he said, is if people in the area know they are discussing the issue of taking that barrier down – are they adequately

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informed? Mayor Myers said this was discussed at the public hearing. He said this may be an unpopular thing to do but from a transportation issue, from a safety issue, it is worth trying. They can easily put the barricade back up.

Commissioner Query asked if they would know what the count is now before the barricade is taken down. Mr. Messera said counts have been done. The stop signs could be put up within two weeks. Speed humps would take longer – six weeks or more. In that time period they could designate the speed count locations and bring back to the Board.

Commissioner Glass said she is having difficulty understanding why they would want to do this. Both Southwoods and Reid Harkey have speed issues now. Mayor Myers said this will now give them two ways to get in and out of their neighborhoods; three when the Phillips Road connection is built. Mayor Myers said it will not create any more traffic internally. He said he thinks this is a good thing from a safety standpoint and from a traffic movement standpoint.

Commissioner Bailey said that forward motion and forward vision is important to the Town. All he is asking is to see plans and criteria in place and give people the opportunity to see them. Mayor Myers said he is asking the Board to approve the motion and the Town Manager will have the traffic counts before removing the barrier. If the Board is not satisfied then the barricade will not come down. They will do all the preparations before this. They have the historical information from Kimley Horne which can be updated.

Commissioner Taylor said he thinks it is the right thing to do. He said he personally feels the barrier should not be there. He said he has some concern about the criteria but will support it without it. Commissioner Taylor said he feels it is a safety issue with police and fire. He said he just doesn't want the Board to seem as if they are forcing this upon them. Commissioner Taylor said the speed hump would be 20 m.p.h.

Commissioner Bailey requested that prior to the barricade coming down it would be put on as an agenda item.

Motion carried on a vote of 4-3 with Commissioners Bailey, Glass and Query opposed.

CONSIDER SUBDIVISION VARIANCE REQUEST - G. JAKOWCZUK, END OF SWEETGUM LANE, WAIVER OF 800' LIMIT FOR CUL-DE-SAC LENGTH

Town Manager Messera said he colored the map, which was distributed to Board members, to show how much of this property is in the flood plain. Commissioner Krauss asked if they could develop the property when so much is in the flood plain. Mr. Messera said they have enough room to build something on lots 1 and 2 and possibly 3.

Planning Director Kathi Ingrish said they are looking for approval for it to be the length as shown with a hammerhead turnaround. She said this is not a FEMA regulated flood plain. SWIM buffers are required. The intention is to allow three lots.

Commissioner Bailey moved to grant the subdivision various request. Seconded by Commissioner Glass. Commissioner Taylor asked if they are setting a precedence for stub streets that could conceivably go into hammerheads that would prevent them from being connected, such as they have here. Mayor Myers said they are not creating any legal precedence. Mayor Pro-Tem Krauss said this is a little different configuration because of the topography. Planning Director Kathi Ingrish said this would go to a review for SWIM compliance at the time they submit the subdivision plat. Unanimously approved.

NEW BUSINESS

REVIEW MASTER PLAN DOCUMENT - DEPOT PROJECT

Town Manager Messera said he received this at 4 p.m. today. Basically this is a living document

as they go through the development process. Mr. Messera said the Board needs to review this. Copies will be at Town Hall. Mayor Myers said part of the process is for the Board to approve this.

REVIEW INTERIOR PLAN FOR TOWN HALL

Board members discussed the proposed interior plan for the second floor, which is the Town Hall portion. Mayor Pro-Tem Krauss said she is very disappointed that flexible systems were not utilized. Closing this in limits them to a plan that will be expensive. While they are the same price initially, a second renovation becomes much more expensive when flexible systems are not used.

Commissioner Query asked why they have so many conference rooms. Mr. Messera said they could also be future offices. Mayor Myers asked if some areas could be left unfurnished.

Commissioner Bailey moved to approve the floor plan without designated spaces. Seconded by Commissioner Taylor and unanimously approved.

AUTHORIZE MANAGER TO TERMINATE CONTRACT WITH HEPLER - PUBLIC WORKS

Project Manager, Ben Aldridge, said they are trying to expedite the termination process since Hepler is out of business. The bonding company is working with the Town. They are working with the other contractors to have someone to come on the project to complete it. Mr. Aldridge said any additional costs or damages to prime contractors will be borne by the bond account. Also the contract completion date remains the same. If it is not met they can recover liquidated damages. Mayor Myers said this action is to keep this moving forward.

Motion by Commissioner Bailey to authorize the Town manager to terminate the contract with Hepler. Seconded by Commissioner Bailey and unanimously approved.

REVISIT CONNECTIVITY ISSUE

Commissioner Wright said she wanted to vote on the connectivity issue. (She had to leave the room at the time this was being discussed due to a coughing spell, and was counted as an affirmative vote.) Mayor Myers said this could be done if she would make that motion and receive a second from someone who voted in the affirmative.

Motion by Commissioner Wright to revisit the connectivity issue. Hearing no second, the motion fails.

TOWN MANAGER'S REPORT

Mr. Messera reminded the Board members of the Regional League Meetings.

ADJOURNMENT

Motion by Mayor Pro-Tem Krauss, seconded by Commissioner Glass, to adjourn. Unanimously approved. Meeting adjourned at 10:45 p.m.

Respectfully submitted,



Jill Pleimann,
Town Clerk

EXHIBIT #1 -

**PLANNING BOARD REPORT
ON THEIR MEETING OF
MARCH 28, 2000**

- I. ZONING PETITION 363 - J. R. POORE AND OTHERS, INDEPENDENCE POINT PARKWAY AND MATTHEWS TOWNSHIP PARKWAY, CHANGE IN CONDITIONS TO ALLOW ADDITIONAL SIGN AND CHANGE DESIGNATION OF ONE SITE FROM BANK TO OFFICE USE.

Planning Board unanimously recommends approval of Petition 363, with a recommendation of sign style #2.

OTHER BUSINESS

- I. DISCUSS POTENTIAL SCHEDULE ON LAND USE PLAN UPDATE

Planning Board discussed things that might impact the present Land Use Plan.

**SPECIAL MEETING
BOARD OF COMMISSIONERS
THURSDAY, APRIL 20, 2000 - 6:00 P.M.**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

Mayor Myers called the meeting to order.

Town Attorney Charles Buckley said there are five separate ordinances - one for each of the proposed annexation areas.

- (1) Annexation Area No. 1 - "Williams"
- (2) Annexation Area No. 2 - "Duke Power"
- (3) Annexation Area No. 3 - "CPCC"
- (4) Annexation Area No. 4 - "Mt. Harmony"
- (5) Annexation Area No. 5 - "Idlewild"

Commissioner Bailey asked to be excused from discussion and/or voting on the Duke Power annexation ordinance because of conflict of interest.

Motion by Commissioner Query, seconded by Commissioner Taylor, to excuse Commissioner Bailey from voting on this issue. Unanimously approved.

Motion by Commissioner Taylor, seconded by Commissioner Query, to adopt the Annexation Ordinance on Annexation Area No. 2 - "Duke Power". Unanimously approved.

Motion by Commissioner Query, seconded by Commissioner Taylor, to re-admit Commissioner Bailey. Unanimously approved.

Motion by Commissioner Bailey, seconded by Commissioner Glass, to adopt the Annexation ordinances for Areas 1, 3, 4 and 5. Unanimously approved.

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Commissioner Query asked if the VFD request, that was talked about at the Planning Conference, was being included in the budget. Town Manager Messera said the Board will move in that direction. Mr. Messera reviewed with the Board what the County is looking at as far as funding the volunteer fire departments long-term.

Motion by Commissioner Bailey, seconded by Commissioner Query, to adjourn. Meeting adjourned at 6:35 p.m.

Respectfully submitted,


Jill Pleimann,
Town Clerk

*Board of Commissioners Meeting
April 24, 2000*

**MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
APRIL 24, 2000 - 5:30 P.M. - 7:00 P.M.**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners *Karina Glass, Kress Query, Jim Taylor, Ginger Wright; Town Manager Ralph Messera; Assistant Town Manager Kay Thompson; Department Heads Leigh Baggs, John Goins, Dennis Green, Rob Hunter, Kathi Ingrish; Town Clerk Jill Pleimann.

ABSENT: Commissioner Paul Bailey.

Ms. Thompson said that on tonight's agenda is an item concerning the county collecting the Town's taxes. She said this is coming up subsequent to changes in the Administration Department. Ms. Thompson said a few months ago they had looked at the County collecting the ad valorem taxes but they wanted to watch and see how successful it was with other municipalities. Christine Surratt talked with the people at Pineville and they are very satisfied. The cost will not be significant. Ms. Thompson said this will give an opportunity to better utilize the existing staff. It will free one of the staff to help with cost analysis. There is a time restriction with the County. The deadline is May 15.

Mr. Messera said it does make sense to do this. The County collection rate is good. Ms. Thompson said it will save about \$3,000 when taking into account Breck Smith and Helen Baucom's salaries.

*Commissioner Glass arrived.

Project Manager Ben Aldridge said they are continuing to work with the bonding company on the Public Works construction. They plan to bring back a proposal next week.

Public Safety facility - Mr. Aldridge said they plan to advertise on May 12th. December 31st is the completion date.

Community Center - Mr. Aldridge said they are continuing to work with the schedule.

Depot Development - Mr. Aldridge said he is working with Lat Purser to finalize the schedule. Mr. Messera briefly discussed some of the access issues for the development. Commissioner Krauss noted that the Orr House was still shown in the Master Plan. This needs to be updated.

Department heads reviewed their quarterly reports. Meeting adjourned.

**MINUTES
BOARD OF COMMISSIONERS MEETING
APRIL 24, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Karina Glass, Kress Query, Jim Taylor, Ginger Wright; Acting Town Attorney Craig Buie; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ABSENT: Commissioner Paul Bailey; Town Attorney Charles Buckley .

CALL TO ORDER

Mayor Myers called the meeting to order at 7:10 p.m.

INVOCATION

Rich Whitley, president of the Matthews Chamber of Commerce, rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

PROCLAMATION - "Skip A Meal for the Children of the World"

Ralph Howard explained the purpose of this is to eliminate IDD (iodine deficiency disorder) which is the leading cause of mental retardation in children. Police Chief Rob Hunter said the Matthews Kiwanis organization has raised \$36,000 for this effort.

RECOGNIZE RETIREMENT OF OFFICER ARTIE GRAHAM - AWARD BADGE AND WEAPON

Chief Rob Hunter introduced Officer Artie Graham who is retiring at the end of the week. During his years of service he served as a full officer, sergeant and full time community resource officer. Chief Hunter praised Officer Graham for his dedication and community involvement.

Officer Graham said it has been a privilege to work with the officers in Matthews. He said they are the cream of the crop -- a hard working, dedicated group.

Motion by Commissioner Query to award Officer Graham his badge and service weapon at a cost of \$1, effective Friday, April 28, 2000, midnight. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

ITEMS TO BE ADDED TO THE AGENDA

Motion by Mayor Pro-Tem Krauss, seconded by Commissioner Glass, to add Approval of Parkview at Matthews, Map 1 to the Consent Agenda as item 9G. Unanimously approved.

MISCELLANEOUS

Mark Morgan, 9225 Providence Road, said he was speaking on behalf of Matthews Presbyterian Church. He displayed renderings of the area and requested the schedule for the sidewalk in front of the church be moved up. Mr. Morgan said the parking lot is used for park and ride activities and joggers use this area also.

Rich Whitley, 2608 Oxborough Drive, spoke as the representative for the Matthews Chamber of Commerce. Mr. Whitley said he would also like to speak in support of moving the sidewalk schedule up. He said he would like to see the sidewalk continue on to a full loop. He said he is looking forward to this as part of the revitalization of downtown Matthews. This is one way they can show support in bringing more people downtown. Mr. Whitley said as the Depot project is developed it will enable more people to come downtown to support the businesses.

Nancy Glenn, Matthews Chamber of Commerce, said that Presbyterian Church is very community oriented and allows festival parking during such events as Auto Reunion and ArtFest. She said they are asking for the sidewalk schedule to be moved up from 2003. It will improve the look of the downtown area and allow people to come downtown to Matthews.

Dianne Hunt, 3016 Sardis Drive, said she is speaking on behalf of the runners in Matthews, and is in support of moving up this sidewalk development.

Nancy Glenn read a statement from James Praecht, Pulte, in support.

Howard Westphal, said he and his wife are walkers. He said they are surprised about the gaps in the sidewalks; the incomplete areas. He said he would like to see more sidewalks.

Janet Leone, 1406 Sweetgum Lane, said she has been here numerous times about removal of the barricade. She said this started back in 1996 and in May of 1999 they submitted petitions asking for

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the barricade not to go down.

Michelle Leone, nine years old, said she does not want to play outside without having to worry about a lot of traffic. She said she wants to play in the street without worrying. They want the barricade to stay up. She wants a safe neighborhood, just as it is now.

Lindsay Allen, Firewood Drive, said she is 10 years old. She asked the Board not to take down the barricade. She said they would not be able to ride their bikes. They want to get out and have fun. Ms. Allen said she wants to make the neighborhood safe so they don't have to worry about traffic.

Eric Peterson, 12225 Woodbend Drive, said they have plenty of sidewalks in the Southwoods and Southwoods Village area. With the barricade up it is nice that way. He said it would appear that both neighborhoods don't want the barricade removed. Mr. Peterson said removal of the barricade will increase cut-through traffic and they will have more backups at Rice Road. He said the speed limit is already 25mph. He said more speed bumps would help, especially around where the buses load and unload. Mr. Peterson said if connectivity is the main issue then he would suggest more sidewalks and bike paths. If it is an emergency issue they could construct some kind of breakaway barrier.

Jerry Ratchford, 1423 Sweetgum Lane, said he is opposed to removing the barrier. One reason, he said, is the increased traffic. The other reason is children playing in the area. Mr. Ratchford said he would like the Board to keep the two neighborhoods separate.

Chris Vital-Clowrus, 1317 Forestwood Drive, presented a petition with signatures of six residents, to rename Forestwood Drive to Firewood Circle and keep it in the Southwoods community which would prevent confusion for emergency situations.

Darryl Watson, 3035 Pinewood Hill, said he does not want the barricade down. He said, being in the mortgage business, he feels property values might suffer. Mr. Watson said this can be an accident waiting to happen with the children playing in the neighborhood.

Margaret Icenhour asked the Board not to take the barrier down. She said they moved into Southwoods two years ago. It has one exit and one entrance which was one of the reasons they bought there. Ms. Icenhour asked the Board to please resolve this some way.

Austin (young boy, no last name or address) asked the Board not to take down the barricade because he likes to ride his bike and lives in a very busy street. He asked them to leave the barricade up.

Christie Sylvestri, 1316 Sweetgum Lane, thanked Commissioners Bailey, Query and Glass who were opposed to taking the barricade down. She said they moved into the neighborhood because of one entrance and one exit and it is safe. She said it has a very low crime rate. She said she is more than willing to put together another petition of all of Southwoods - 250 households. Ms. Sylvestri said she understands the concerns. She suggested they make all the volunteers aware of the barricade. She said they have had no delay when they called emergency systems. Response time was 8 minutes. Ms. Sylvestri said the roads are not made for heavier traffic. The breakaway barrier could be done. She said this is not just for the children but for single people who jog at night and older people who like to walk.

REPORT FROM BOARD/COMMITTEE REPRESENTATIVES --

Appearance/Tree Board

Nadine Bennett said the Appearance/Tree Board would like to have a sign made which would read "2000 trees for 2000". She said they have money to do this in their budget and would like the Board's approval. This would be a double-sided sandwich board located in the downtown area to chart the growth of the tree plantings.

Commissioner Taylor asked how big the sign would be. Ms. Bennett said not more than eight feet

total area.

Commissioner Query moved to approve proposed sign. Seconded by Commissioner Glass and unanimously approved.

CONSENT AGENDA:

- A. Approve Minutes April 10, 2000 Meeting**
- B. Approve Budget Ordinance Amendment Recognizing Books Sales - Tourism Council**
- C. Approve Budget Ordinance Amendment for Bureau of Justice Grant (public hearing held)**
- D. Approve Purchase of Voice Recording System for Police Department - \$12,622.50**
- E. Approve Preliminary Plat - Sam Newell Office Park**
- F. Approve Proposed Budget Schedule**
- VII. Approve Parkview at Matthews, Map 1**

Motion by Commissioner Glass to approve the Consent Agenda. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

UNFINISHED BUSINESS

DISCUSS RESCINDING ACTION ON TRAFFIC CALMING MEASURES IN THE REID HARKEY/FOREST RIDGE/SOUTHWOODS AREA AND REMOVAL OF THE BARRIER

Motion by Commissioner Wright to rescind the action on traffic calming measures in the Reid Harkey/Forest Ridge/Southwoods area and removal of the barrier. Seconded by Commissioner Taylor.

Commissioner Taylor said he is seconding the motion because he felt he should do so out of common courtesy and respect for the Commissioner. He said they need to work as a team but they need to know how the rules of the Board work. Commissioner Taylor then explained the procedure and stated he is not changing his vote. He said he is very comfortable with the fact that this is the same Board that can flip the issue. He said a six-month test period is very good. Commissioner Taylor said he would have liked specific criteria. Traffic calming devices that have been suggested in lieu of the barricade will be left regardless.

Commissioner Query said he supports rescinding the motion. The barricade was there when most of the people bought their homes. He said he feels it will be a cut-through. Traffic has picked up since I-485 was constructed.

Mayor Pro-Tem Krauss said she also will not change her vote. She said she feels they can give it a six-month trial. Mayor Pro-Tem Krauss said she feels this is a good process and can be revisited in six months.

Those in favor of rescinding the action: Commissioners Query, Wright and Glass. Those opposed: Mayor Myers; Mayor Pro-Tem Krauss and Commissioner Wright. (Tie vote - motion fails, the action continues.)

DISCUSS ISSUES ON GREENWAY - FUNDING, LEGAL, ETC.

Parks and Recreation Director, Leigh Baggs, said she and Planning Director, Kathi Ingrish, have been trying to contact Rusty Rozell about SWIM buffers. Based on information they have received they can build the greenway in a SWIM buffer area. There are two areas that would require them to go after a variance. The majority of the proposed greenway is not in the peripheral of the area.

Ms. Baggs said on the funding issues they have requested an LWCF application and she will be attending a funding workshop. Mayor Myers asked if they had discussed any of the legal issues about sewer easements, etc. Ms. Baggs said they can build on sewer easements. It is legal. They

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cannot construct facilities that cannot be torn up such as tennis courts or baseball fields. They can build greenways, bike paths and trails.

NEW BUSINESS

LAND DEDICATION ISSUE - ALEXANDER RIDGE

Rolin Choate, with Sun Line Construction, said this will be directly behind Butler High school. He pointed out the area they proposed to dedicate in lieu of fees and said it does meet all the criteria.

Planning Director Kathi Ingrish said the top fifteen feet of a SWIM buffer could have some disturbance which means they could put in a greenway. She said the concept is good but it doesn't work the way it is drawn now.

Mayor Myers said the Board is dealing with a very similar problem right now. He said he sees a problem with them granting an easement. He suggested they sit down with the Planning Department and massage this to make it work.

Commissioner Glass asked if this is the only layout that works for him. Mr. Choate said yes. It is a very difficult piece of property to develop. Planner Bill Sherrill said a memo was given to the Board which does talk about the issues. After further discussion Mr. Choate said he would be happy to sit down and talk with staff.

Commissioner Query asked about the connection on Kimway Drive. Would it require a curb cut? Commissioner Taylor said even though this is not on the agenda they need to make the petitioner aware of the concern of connecting to Kimway Drive. Kimway is a cul-de-sac. Mr. Choate said that is also the access to CMUD. If the Board denies the connection to Kimway then this development becomes a dead issue.

Planning Director Kathi Ingrish said this is similar to the Forestwood Drive situation. The Subdivision Ordinance says he can make that connection notwithstanding any private covenants on Kimway Drive property. There is nothing in the ordinance to prohibit making that connection.

Motion by Commissioner Glass to defer the decision to May 8 to allow the petitioner time to discuss this with the Planning Department. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

COUNTY COLLECTION OF PROPERTY TAXES - Kay Thompson

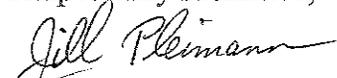
Town Manager Ralph Messera said he would like the consensus of the Board to proceed with this. He said it also has budget implications.

Motion by Commissioner Taylor, seconded by Mayor Pro-Tem Krauss, to direct staff to proceed with implementing Mecklenburg County to collect Matthews property taxes. Unanimously approved.

ADJOURNMENT

Motion by Mayor Pro-Tem Krauss to adjourn. Seconded by Commissioner Glass and unanimously approved. Meeting adjourned at 8:35 p.m.

Respectfully submitted,


Jill Pleimann,
Town Clerk

**MINUTES
BUDGET WORKSHOP
MAY 1, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, *Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Assistant Town Manager Kay Thompson; Department Heads Leigh Baggs, John Goins, Dennis Green, Rob Hunter, Kathi Ingrish.

The proposed budget was presented by Town Manager Messera.

Discussion ensued. *Commissioner Glass participated by phone.

No action was taken.

**MINUTES
BOARD OF COMMISSIONERS MEETING
MONDAY, MAY 8, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Planning Director Kathi Ingrish; Planner Bill Sherrill; Planning Board Members Butch Martin, Aanalisa Whatley.

CALL TO ORDER

Mayor Myers called the meeting to order at 7:08 p.m.

INVOCATION

Town Manager Ralph Messera rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

RECOGNIZE "SILENCE THE VIOLENCE" POSTER WINNERS

Officer Larry Griffin explained the program. Mayor Myers announced the winners of the poster contest:

Elizabeth Lane -

Brittini Kinney, Mary Watson, Lindsay Crossan and Jenny Crossan.

Crown Point -

Caitlin Darr, Hannah Hooks, Colton Fischer, Julie Dick.

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Matthews Elementary -

Taylor Megginson, Kerry Condon, Chris Ireland, Andrew Zimmer, Matthews Crump, Lauren Muth.

RECESS REGULAR MEETING

Motion to recess regular meeting for Public Hearing made by Commissioner Bailey, seconded by Commissioner Glass and unanimously approved.

Planning Director Kathi Ingrish introduced Planning Board members in attendance tonight.

Motion No. 00-2: To amend the zoning text to define "sheltered household" and to further amend the permitted use tables for the R-VS district to include sheltered households

Ms. Ingrish said this new definition is for sheltered household to make provision for a family-like residential setting for unrelated individuals with similar needs. This is separate from a group home and would only be allowed in the R-VS district. Each case would have to be reviewed site by site. Planning Director Kathi Ingrish said the text says up to six bedrooms. It does not control the amount of people but the bedrooms. One bedroom may be used for an attendant, nurse, or caregiver couple. Other bedrooms would be for those receiving care in the facility.

Mayor Myers asked if anyone wished to address the proposed text change.

Debbie Donohoe, 2517 Rosegate Lane, Charlotte, spoke in support of the motion. She said this would be a great asset to the community. It allows community members to expand some services to people in need. Ms. Donohoe said she would encourage the Board to adopt this text change.

Toni Henry, 5418 Lancelot Drive, Charlotte, spoke in support. She said she has started a non-profit corporation and has received tremendous support from the people in the community that she has spoken to. Ms. Henry said it will allow them to actually help people in need and be convenient.

No one else spoke for or against the proposed text.

RECONVENE REGULAR MEETING

Motion by Commissioner Taylor, seconded by Commissioner Query, to reconvene the regular meeting. Unanimously approved.

PLANNING AND ZONING BUSINESS -

REPORT FROM PLANNING AND ZONING BOARD -

Planning Director Kathi Ingrish gave the Planning and Zoning Board report. (Exhibit #1 hereby referenced and made a part of these minutes.)

ACTION FROM PLANNING AND ZONING BOARD REPORT -

Subdivision Variance Request - J. Strome, Phillips Road, Waiver of Infrastructure Improvements

Mayor Myers said he would entertain a motion. Hearing no motion the item fails. Mr. Strome asked if he could speak.

Motion by Commissioner Query, seconded by Commissioner Taylor, to allow Mr. Strome to speak. Unanimously approved.

James Strome, 2824 Oakcroft, said he and his wife are owners of the property. Mr. Strome said that Phillips Road does not have curb and gutter improvements. There are sidewalks on the south side. He said they are proposing a four-lot subdivision. He said he feels that if they place a sidewalk on the north side it will create a public hazard because people would have to cross over to get to the

remainder of the sidewalk. Photos of the area were handed out.

Commissioner Glass said that in a previous case the property owners gave money in lieu of a sidewalk which would be used for development of sidewalks in another area. Mr. Strome said there is a land dedication fee. Commissioner Glass said that is not for sidewalks but for parks and recreation.

Commissioner Krauss said this was an agreement, not a requirement -- the contribution in lieu of sidewalks. The other people agreed to do this. The amount they contributed was seven thousand dollars. Mrs. Strome said they can develop three lots without having to dedicate any land to parks and recreation.

Commissioner Taylor said it makes sense not to have sidewalk on the north side. It would only be 400 feet. He said he does like the idea of asking for a contribution for development of sidewalks but it is not required.

Motion by Commissioner Taylor to allow waiver of the infrastructure, including curb and gutter and sidewalk. No second. The motion fails.

Commissioner Krauss said she really has reservations. She said she agrees that curb and gutter is not a good idea in view of how the road is now and probably will be in the next fifteen years. Mr. Strome said they are restricted on the property because of the Duke Power right-of-way. Mrs. Strome said that seven thousand dollars plus the land dedication fee is a substantial amount of money for four lots.

Commissioner Query asked if there was any dollar amount they would consider contributing to the sidewalk development.

Mayor Myers said they are trying to find something that will be fair. He said the Board could give them some time to think about it to talk to staff and Board members. Mayor Myers suggested they defer this for a couple of weeks and let them come back with a proposal. Mrs. Strome said a two-week delay would hinder their development. Commissioner Query asked if they could let them discuss this and come back later during this meeting. Consensus was to allow this.

Site Plan Approval - Goddard Day Care, Sam Newell Road

Planning Director Kathi Ingrish said this is contingent upon a final plat which was to be on the Consent Agenda. She said normally they would make sure the final plat was already done and then bring in a site plan approval at a later meeting. They were trying to accommodate the developers of the site and were hoping this would work so they could be done on the same night. Ms. Ingrish said the final plat is not here tonight so the Board cannot take any action.

Mr. Vic Karodei, from Cary, North Carolina, said he is developing the Goddard Child Day Care Center with Grimmer and Associates. He said at the last meeting the preliminary plat was approved. Next they need to get County approval which takes anywhere from three to six months. An express review takes six to eight weeks. Mr. Karodei said based on the preliminary plat approval last meeting they scheduled a meeting on May 16th with the County assuming the final plat would only be a replica of the preliminary plat. He said apparently there are certain issues that have been brought forward to Mr. Grimmer's attention and he was trying to accomplish them by today. Mr. Karodei proposed that in order to meet the schedule and not lose six to eight weeks, that the Board look at the site plan and approve it on the condition that all the changes are in place by Friday.

Planning Director Kathi Ingrish said at the developer's request they were putting it on an earlier agenda than normal. This would not be before the Board if they had not tried to speed it up. Some of the things that are a problem with the final plat are: a fence needs to be on the rear line and the cross access easements need to be addressed. One zoning condition was that the cross access easement had to be on the site plan and there has been nothing recorded on that yet. Planning Director Kathi Ingrish said that is making it very difficult for the site plan to move forward.

*Board of Commissioners Meeting
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Mayor Myers asked what problem would that be bringing it up on the next agenda. Mr. Karodei said because he has a meeting with the County on May 16th. Scheduling is the problem.

Mayor Myers said they like to try to accommodate people as much as they can. He said there is a reason for the process and he feels uncomfortable with deviating from this. Mayor Myers said he assumes the issue is if they want to approve the site plan tonight. Planning Director Kathi Ingrish said it would have to be both. It cannot be effective until the final plat is done. Ms. Ingrish said the County is going through express review more and more and what they are finding out is that the Town is not in the loop early enough. She said she does not know how much of the review the County would do without Matthews signing off. Mr. Karodei said they would not do anything.

ITEMS TO BE ADDED TO THE AGENDA

Mr. Messera asked that a report from Ben Aldridge on the Public Works construction issue be added to the agenda. He also asked that items B, G, and I be stricken from the Consent Agenda.

Motion by Commissioner Bailey, seconded by Commissioner Query, to add report from Ben Aldridge to the agenda under "New Business." Unanimously approved.

Motion by Commissioner Query, seconded by Mayor Pro-Tem Krauss, to remove items B, G and I from the Consent Agenda. Unanimously approved.

BUDGET WORKSHOP – presentations from outside agencies/organizations.

Mayor Myers stated that requests from tourism funding will go through the Tourism Council.

Nancy Glenn, Matthews Chamber of Commerce, encouraged the Board to continue funding, through tourism dollars, ArtFest, Matthews Alive! and Auto Reunion. She said they are the fabric of our Town.

Rich Whitley, President of the Matthews Chamber of Commerce, also encouraged Board members to fund ArtFest, Matthews Alive! and the Auto Reunion. He said this centers around three simple reasons. First, when each festival comes into Town they have both a short and long-term economic impact into the businesses. Secondly, they would like to continue their Town center promotion both to the businesses that will be coming in and for the library. Finally, for the reputation of Matthews. Mr. Whitley said the Town has a wonderful reputation and would like to see that continue. He said that is not a thing that can be measured in dollars and cents but is something that does make a town very special. He asked the Board consider this funding very seriously and do everything they can to keep Matthews what it really is and what it will be in the future with the new Town center.

Subdivision Variance Request - Phillips Road - continued

Mr. Strome said he would like to propose a waiver for the curb and gutter and an \$1150 contribution to sidewalks for Matthews, plus the \$1375 contribution for land dedication to parks and recreation during the subdivision process. Mr. Strome said on the sidewalks, since the existing property adjacent to the site is already developed, it is unlikely that sidewalks would be constructed in that area to match up with sidewalks on the north side of Phillips Road.

Motion by Commissioner Taylor to accept the waiver of infrastructure improvements and accept the contribution that has been suggested. Seconded by Commissioner Query. Commissioner Bailey said, as with the Elizabeth Lane situation, he views it as tantamount to blackmail. He said there is no ordinance in place for this. The ordinance is to either build sidewalks or not. It does not require money in lieu. Commissioner Bailey said he will not vote for this. He said he feels this is wrong. If they want to do something like this they need to put in the ordinance.

Commissioner Query said he understands this but he is trying to consider the people who could either develop four lots and do a little something, if they saw fit, or cut back to three lots and lose the fourth lot altogether. He said he doesn't feel like he is putting pressure on unduly. The options

are to turn it down and then they have three lots. The other option is to accept what they are offering and then they have the option of developing the four lots. Commissioner Query said he does not necessarily totally agree with what they are doing but it is a viable option.

Mayor Pro-Tem Krauss said she agrees with Commissioner Query and would support it.

Commissioner Bailey made a substitute motion to waive all infrastructure requirements. Seconded by Commissioner Wright. Commissioner Wright asked if the Town Attorney could give them any advice regarding this.

Town Attorney Charles Buckley said there may not be enabling legislation to allow "in lieu of" fee in this circumstance but in reaching a compromise, which they are voluntarily offering, he said they can do that. Mr. Buckley said a voluntary compromise is something the Board can do.

Motion fails on a vote of 3-4.

Vote on the primary motion to allow the waiver of the infrastructure and to accept the proposed voluntary payment of \$1150 carried on a vote of 5-2 with Commissioners Bailey and Wright opposed.

REPORT FROM BOARD/COMMITTEE REPRESENTATIVES

Review and Consider Approval of Revised Memorandum of Understanding for MUMPO.

Mayor Myers said he was not asking for approval on this tonight but would like to allow legal counsel the opportunity to review it first.

Update on MTC actions/progress

John Muth, Deputy Director for Development of the Metropolitan Transit Committee, said he has been on the job with MTC for one month. He handed out a sheet describing the Corridor Major Investment Study which outlines the study process and milestone schedule of the Independence Corridor, the South Corridor, the North Corridor and the Airport Corridor. Mr. Muth said, relative to the bus service -- they are looking at County-wide services. He said bus ridership is up about seven percent, which is twice the national trend. A budget of \$109 million has been passed -- \$51 million for operations and \$58 million for capital.

CONSENT AGENDA:

- VI. Approve Minutes April 24, 2000 Meeting
- VII. ~~Approve Community Center Parking Easements~~
- VIII. Approve Budget Amendment Ordinance To Recognize Monies Received From Mint Hill to cover Legislative Dinner
- I. Approve Budget Amendment Ordinance To Recognize Revenues from League Risk Management Program - Safety Grant Award
- J. Approve Budget Amendment Ordinance To Recognize Donations for the DARE Program and appropriate same for DARE expenses
- K. Approve Capital Project Ordinance #1 - Town Hall/Library Downtown Development Project
- L. ~~Approve Banking Services Contract~~
- M. Approve Request to close Somersby Lane at intersection of Stanhope on May 13 from 4:00 p.m. to 9:00 p.m. for block party
- I. ~~Approve Final Plat - Sam Newell Road Office Park~~

Motion by Commissioner Bailey to approve the Consent Agenda. Seconded by Commissioner Taylor and unanimously approved.

UNFINISHED BUSINESS

Board of Commissioners Meeting
May 8, 2000

LAND DEDICATION ISSUE - Alexander Ridge

Bill Sherrill, Planner, said at the last Board meeting with the developer they discussed amending the site plan to accommodate a future greenway. Mr. Sherrill said he met with the developer on April 28 and he had a revised site plan to accommodate a greenway. Further revisions have been made which indicate where a greenway could be located and further refined the lot lines so they are out of the SWIM buffer.

Mr. Sherrill said the land dedicated is slightly less but it does make those adjustments that takes it out of the SWIM buffer. Mr. Rolin Choate said the land dedication amount exceeds the requirements.

Mayor Myers expressed concern that it be clearly designated that the land is being dedicated to the Town for a future greenway. He said he does not want a buyer to come back to the Town and say he had no idea a greenway was to go there. He said he wants to be sure that this is on the deeds. Commissioner Bailey asked if they will write a letter that states they are dedicating this property to the Town that can be attached to the Town's file.

Commissioner Taylor said he would like to have a note on every lot that there is going to be a greenway. He said he wants everybody to have something in their deed that there is a potential greenway.

Town Attorney Charles Buckley said there is a problem with that. Any survey is not going to show any publicly accepted greenway on an individual lot because there is not an easement on the property.

Bill Sherrill said it does seem to meet the engineering concerns, as outlined in his memo.

Motion by Mayor Pro-Tem Krauss to approve the land dedication. She commended staff and developer for working this out. Seconded by Commissioner Bailey and unanimously approved.

Mr. Choate said if the Board doesn't want a road through to Kimway Drive, or if they plan to barricade it, he would like permission not to build it. Mayor Myers said this is not an issue tonight.

REPORT ON PUBLIC WORKS FACILITY - Ben Aldridge, Project Manager

Mr. Aldridge said he has been working with the bonding company. They have informed him they are working to get a replacement contractor as early as May 15. He asked the Board to consider authorizing the Town Manager to award a contract to the replacement contractor providing they meet some other concerns they have. He said this will avoid further potential delays from the other prime contractors who are waiting to get back to work. Mr. Aldridge said this will get the project started again while they settle the other issues which are claims they have to hold us harmless for with the other contractors.

Mr. Aldridge said the other issue is the completion date. A fair amount of time has been lost at this point. He said the bonding company is asking for some flexibility on the time. They are currently under liquidated damages at \$300 per day. Their contractor is looking at about 300 days for him to complete it once he goes back to work.

Mr. Aldridge said he and Mr. Buckley have discussed the possibility of retaining a construction law attorney to advise them on the settlement because of all the outstanding claims. He said he will be looking into this in the next few days.

Mayor Myers said this item was put on the agenda to receive a report. Now they are being asked to give authorization to the Manager to take action. He said if that is the case they need to go back and add this to the agenda. Mayor Myers said it seems that a number of issues that need to be addressed.

Discussion ensued.

Motion by Commissioner Query to modify the agenda item to add "and consider authorization to the Town Manager to enter into a contractual obligation." Seconded by Commissioner Taylor. Unanimously approved.

Motion by Commissioner Query to authorize the Town Manager to enter into a contract to replace the contractor on the job and reserve all other claims and rights under the contract of the surety agreement and also further to authorize the Town Manager to employ such reasonable legal services as may be necessary. Mayor Myers said if this doesn't have to be done before the Board's next meeting they can have the whole "package" brought back to the Board, which is what he would prefer. Seconded by Commissioner Taylor. Unanimously approved.

COUNTY COLLECTION OF PROPERTY TAXES -

Town Manager Messera said these are the items necessary to allow the County to collect the taxes for the Town. If the Board wishes to do this, it has to be approved by May 15. Mr. Messera said it his and staff's recommendation that this be done.

- A. Adopt Resolution Authorizing Interlocal Tax Collection Agreement with Mecklenburg County
- B. Adopt Resolution Directing the Tax Collector not to collect Ad Valorem Taxes when original principal amount is under \$5.00
- C. Approve Interlocal Tax Collection Agreement

Commissioner Bailey asked about termination time. Mr. Messera said tax collection is on a year-to-year basis.

Commissioner Bailey moved to adopt the Resolutions Authorizing Interlocal Tax Collection Agreement with Mecklenburg County, and Directing the Tax Collector not to collect Ad Valorem Taxes under \$5 and Approve the Interlocal Tax Collection Agreement. Seconded by Commissioner Taylor.

Commissioner Query said he would vote against this. He said although economically it is a little better, he feels they are giving away another piece of the Town by allowing the County to take this over. He said he feels by giving another of the services away it leads them slowly to extinction. He said this is strictly a personal feeling that they are giving too much of the Town away to other people. Commissioner Query said he would rather pay a little more and keep it in-house.

Commissioner Glass said she concurs with Commissioner Query, but does not think this particular service is linked to a "face" as some other services are. This is administrative. She said if it becomes an issue the Town can undo this. It is not a permanent thing and the Board is not in any way, shape or form giving any indication to any public body that they endorse the elimination of the Town of Matthews and move toward a consolidated government. Commissioner Glass said even though she will support the motion she feels very strongly that they do not want to give away things that may seem unimportant but are important in perception that the Town is a different entity. Motion passed on a vote of 6-1 with Commissioner Query opposed.

ATTORNEY'S REPORT

Town Attorney Charles Buckley said he has two items -- one submitted by the City of Charlotte amending the existing sewer/water consolidation agreement. He said there needs to be some action taken on that before June 30. Mr. Buckley requested that this be put on the agenda for the next meeting.

The second item, Mr. Buckley, said is the issue about the minimum housing code and minimum housing code enforcement that would simply have Matthews adopt a housing ordinance. He said that Jeff Rudisill of the County would still do the inspections and still do the enforcement. Mr.

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Buckley said that mirrors what the Town is already doing. The County wants to put the paper trail in the correct form. Mr. Buckley said at the next meeting he would like to see the Board adopt a resolution to call a public hearing to amend the Minimum Housing Code to add that to the Matthews Code.

TOWN MANAGER'S REPORT

Town Manager Messera said he will attend the League Board Meeting tomorrow. He reminded Board members that Town Hall Day is late June and encouraged Board members to attend.

ADJOURNMENT

Motion by Commissioner Bailey, second by Commissioner Glass, to adjourn. Unanimously approved.. Meeting adjourned at 9:20 p.m.

Respectfully submitted,



Jill Pleimann,
Town Clerk

EXHIBIT #1 -

**PLANNING BOARD REPORT
ON THEIR MEETING OF
APRIL 25, 2000**

I. SUBDIVISION VARIANCE REQUEST - J. STROME, PHILLIPS ROAD, WAIVER OF INFRASTRUCTURE IMPROVEMENTS

Planning Board unanimously recommends the approval of the Subdivision Variance for waiver of infrastructure improvement

OTHER BUSINESS -

I. SKETCH PLAN - J. STROME, PHILLIPS ROAD

Planning Board reviewed a sketch plan for four lots located on Phillips Road

II DISCUSS LAND USE PLAN UPDATE

Planning Board discussed things that might impact the present Land Use Plan.

**MINUTES
BUDGET WORKSHOP
MAY 15, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Kress Query, James Taylor, Ginger Wright; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Department Heads Kay Thompson, Leigh Baggs, John Goins, Rob Hunter, Kathi Ingrish.

ABSENT: Commissioner Karina Glass

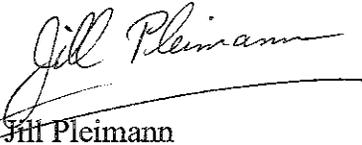
Ben Aldridge, Project Manager, reviewed the current status of the Public Works facility.

Budget discussion – Mayor Pro-Tem said she supports wholeheartedly the insurance for the employees but the Board may need to look at the family portion. Mr. Messera said about 3/4 of the personnel would be affected. He said the policy adopted by the Town several years ago was that compensation would be above average. Mayor Myers suggested they may look at increasing the deductible. Mr. Messera said they are looking at some other quotes. Mayor Myers said he would like staff to consider other options.

Discussion encompassed VFD funding, BFI increase (3.2% inflation), average life of police vehicles, and employee merit increase. No action was taken.

Meeting adjourned at 8:37 p.m.

Respectfully submitted,



Jill Pleimann
Town Clerk

**MINUTES
BOARD OF COMMISSIONERS MEETING
MAY 22, 2000**

PRESENT: Mayor R. Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

CALL TO ORDER

Mayor Myers called the meeting to order at 7:03 p.m.

INVOCATION

Town Attorney Charles Buckley rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

RECESS MEETING FOR PUBLIC HEARING

Motion by Commissioner Glass, seconded by Commissioner Bailey, to recess the meeting for the public hearing. Unanimously approved.

PROPOSED BUDGET FY 2000-01

Jack Price, mechanic for the Public Works Department, said he was addressing the Board on behalf of the employees of the Town of Matthews.

First, he said, they would like to say thank you for the past support for the employees. He said the concerns regarding the hiring and keeping good quality employees have been very appreciated. Mr. Price said they realize the difficulties the Board faces each year at budget time, trying to juggle all the wants and needs of so many different people and organizations. However, he said, just as the Board has a budget to maintain, so do the employees.

*Board of Commissioners Meeting
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Over the past several years, Mr. Price said, great efforts have been placed on upgrading and providing employees with an exceptional benefit package. He said employees have been watching their potential merit increases decrease from 5% to 3.5%. He said they have struggled to maintain their personal finances during this time.

Mr. Price said they understand the cost of living has increased to over 3%, while the potential budgeted merit increases maintained at 3.5%. He said the employees know that the cost of living is included as part of the merit increase. So if an employee should receive the maximum increase of 3.5%, and the cost of living is over 3%, then he would actually only receive .5% or less merit increase. Mr. Price said most of the employees in reality don't receive the maximum, therefore they are not even receiving the cost of living each year. He said the Board may find it hard to believe but over half of their employees have a second job just so they can make ends meet. He asked the Board to keep the current benefits at the same level as in previous years and to please reconsider raising the merit potential.

Michelle Archer, Matthews Police Officer, asked the Board to keep the insurance benefits the same. She said with a family it is hard to make ends meet. Taking away dependent coverage, or paying half, would really hurt.

Barney Megargee, Investigative Officer said one of the reasons he came to work for the Town of Matthews was because of the benefits offered. He said he has two children and is very dependent on the insurance coverage. Officer Megargee said many officers work off duty, including himself. It would be very difficult if they take away the coverage. He said many of the officers stay because of the coverage and asked the Board to reconsider the insurance benefits.

Dave Ruby, K-9 Officer, said when he heard there was discussion of taking away current benefits as far as dependents it bothered him because it would cost his wife an exceptional amount of money to put his son on her insurance. He said it is hard for officers now. He works at six different places just to make ends meet. He asked the Board to take into consideration what they would be taking away from the employees.

Larry Branton, Animal Control Officer, said he cannot work a second job. He said he is on call twenty four hours a day. He cannot go camping or fishing out of Matthews. Mr. Branton asked the Board to reconsider how this will affect the lives of employees.

Harvey Boyd asked that the Board consider a park in Crestdale. He said this has been talked about for fifteen years. He said he lives in the area with low to moderate income people. The children in the area would benefit from a park. Mr. Boyd asked the Board to keep the vision current so fifteen years from now there will be the reality of a park.

Nancy Williams, speaking as a resident, said the Town hasn't had an increase in four or five years. She said people are demanding more services. As a citizen she feels a tax increase of one cent is not enough. It could go to three cents. Ms. Williams also asked the Board to consider adding Ames and Fremont Street to the sidewalk list and no parking signs, (permanent ones) on Fremont because they are having tremendous traffic jams. She said they also need a fence around the park (Stumptown).

Nancy Glenn, Chamber of Commerce, presented the Board with a sidewalk petition. She said she would encourage the Board members to consider a plan which would enhance downtown.

RECONVENE REGULAR MEETING

Motion by Mayor Pro-Tem Krauss, seconded by Commissioner Glass, to reconvene the regular meeting. Unanimously approved.

ITEMS TO BE ADDED TO THE AGENDA

Town Manager Messera referred to a memo that the Board received tonight regarding banking services. He asked that this be added to the Consent Agenda. Motion by Commissioner Bailey,

seconded by Commissioner Glass, to add to the Consent Agenda. Unanimously approved.

MISCELLANEOUS

Nancy Williams said she has heard discussion about opening McCleod Circle to access the Depot Center development. She said she would like to know the plans and progress. Ms. Williams said she can tell the Board what it is like when it is open and when it is closed. She proposed the Board consider Matthews Street as the access point.

REPORT FROM BOARD/COMMITTEE REPRESENTATIVES

Paula Lester, Chairman of the Tourism Council, said she hoped the Board has had the opportunity to review the memo which recommends grant funding. Ms. Lester said in the future she would like to see a specific schedule set up for when the applications are sent out and returned every year. She said this year it did not give people much time to respond. Mary Boehm said she joined the Tourism Council last year. She said she was away when this was voted on this year. Ms. Boehm said she wanted to clarify that MARA (Matthews Athletic and Recreation Association) is not purchasing land next to McKee Park. She said they will be developing it in conjunction with Mecklenburg County Parks and Recreation Department.

CONSENT AGENDA:

- A. Approve Minutes May 8, 2000 Meeting**
- B. Approve Closing cul-de-sac on Oakcroft Drive, June 10 from 4:00 p.m. to 7:00 p.m. for Neighborhood Festival**
- C. Approve Street Closing of Bloom Wood Court, June 10 from 4:00 p.m. to 7:00 p.m. for Homeowners Association Block Party**
- D. Approve Final Plats - (1) Trafalgar Place, R. Rucho; (2) Sam Newell Office Park, C. Grimmer**
- E. Accept Zoning Petition 364 - Cochrane, McWhirter and Jakowczuk, Matthews-Mint Hill Road @ Phillips Road, from R-15 to R-VS and Zoning Motion 00-3 Miscellaneous Text Amendments, and Set Public Hearing Date for June 12, 2000**
- F. Set Public Hearing Date for June 12, 2000 to Adopt Minimum Housing Code**
- G. Approve Awarding Banking Services to BB&T**

Motion by Commissioner Bailey, seconded by Commissioner Query, to approve the Consent Agenda. Unanimously approved.

UNFINISHED BUSINESS

REPORT ON PUBLIC WORKS FACILITY AND TAKE POSSIBLE ACTION

Because the Construction Attorney had not yet arrived, this was deferred to later on the agenda.

NEW BUSINESS

AMEND WATER/SEWER AGREEMENT WITH CITY OF CHARLOTTE

Town Attorney Charles Buckley said the Board may want to defer this to the next meeting. The Town of Davidson may want to add some language and the City of Charlotte is asking to defer this to at least one meeting.

Commissioner Bailey asked if the agreement hampers the ability of the Town to issue bonds. Town Attorney Charles Buckley said no. This mirrors the service already in place. He said it will be under the same regulation as the City of Charlotte. Mr. Buckley said this does not change the authority of the Town. Mayor Myers said without objection this will be deferred to the next meeting.

REPORT ON COMMUNITY CENTER LEASE PROPOSALS

Town Manager Messera said the Board has received a memo from Matthews Playhouse raising several questions. He said the Parks and Recreation Committee have prepared an auditorium fee schedule, which he distributed, and which deals primarily with single events. Mr. Messera said he leans toward some type of consideration to the two "resident" theater groups. He said this is for information and does not need to be adopted tonight. There are a number of issues that need to be worked out. Mr. Messera said the Parks and Recreation Committee are in the process of finishing the rules and regulations. The only thing "up in the air" is the "resident" rate.

Mr. Messera said the signs for the Community Center have been finished. He said he hoped they would be here today so the Board can see them. They will be placed in various locations around Town.

Commissioner Bailey said that regarding key access he realizes it is a public building but there should be specific hours. He said he would suggest allowing limited access for exclusive use of the office. Maybe they could limit the hours from 7:00 a.m. to 11:00 p.m.

Commissioner Bailey said he has a concern about "favored group status". He said this was talked about several years back. The idea was to provide adequate tourism dollars to fund the rental. Commissioner Bailey said this is a dangerous precedent to give "favored status". He said he does not think this is proper. Mayor Pro-Tem Krauss said the purpose of the whole new stage house was because of the two theater groups in Matthews. She said she sees this as very favored because this was done specifically for them. She said she would support favored group status. Commissioner Bailey said they have spent a tremendous amount of tax dollars on the Community Center. He would envision other groups, such as Spirit Square, using the facility. He said they need to be careful of favored group status.

Mayor Pro-Tem Krauss said in discussing this with Leigh Baggs, the theater groups will be using it about six months of the year which will leave another six months for others such as Spirit Square activities. She said she believes they should have specific favored status for resident theater groups.

Mr. Messera said the Matthews Playhouse has indicated they would like some sort of outline for the rental of the rooms so they can have classes at the Community Center and office space.

Commissioner Bailey said this was on the agenda as a report. He said he is not prepared to vote on anything tonight. It would be unwise to give direction to the Playhouse or anyone else at this time.

Leigh Baggs, Parks and Recreation Director, displayed the handout for the "Music in the Parks" concert series. She said that Charlotte Symphony is opening their summer series in Matthews.

10 MINUTE RECESS

REPORT ON PUBLIC WORKS FACILITY AND TAKE POSSIBLE ACTION

Mr. Messera introduced Koy Dawkins, who is working for the Town as the construction attorney. Mr. Dawkins said last week he, Mr. Messera and Ben Aldridge, had a quick meeting with Sam Tyson and the other three prime contractors. Mr. Dawkins stated it was of the utmost importance that there be no further delay. He said they spent time telling the contractors what the Town was doing. He suggested the Board hire Tyson Construction, who was the second low bidder. Mr. Dawkins said that Tyson and the other contractors agreed to an extended contract period. June 1 is the official starting date. Mr. Dawkins said that Frank Williams figured 281 days from that date for completion. They agreed. He said that Mr. Tyson was to bring the figures and language to Frank Williams today so the Board can take action. Mr. Dawkins said it may be superfluous but the Board might officially recognize that an offer has been made and accepted by the other three prime contractors. Mr. Dawkins said he explained that the bond provided by Amwest on behalf of the contractor is for the Town only. He suggested they file claims against the defaulted contractor. Mr. Dawkins said that he has spoken with Ms. Neal of Amwest about the figures and how they arrived

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at them. He said he disagreed with her. The check coming in to the Town is not the final answer.

Frank Williams said he has been working with the bonding company for the last 40 or 45 days. Last week they notified him he needed a new bid. Mr. Williams said he now has that, which is \$1,922,562. He said this is nearly two hundred thousand dollars more than Hepler's, which is where the bond comes in. Mr. Williams said the difference is they had a 300 day schedule. The contractor has agreed to a 280 day schedule starting June 1. He said the delay damages will be part of what Mr. Dawkins is working on. They will be 97 days off track. Mr. Williams said they had set up three hundred dollars a day for liquidated damages. He said what they are asking tonight is for approval of the contract with Mr. Tyson. He said he needs a letter of intent to start a contract with him.

Mayor Myers asked where is a contract. Mr. Williams said this is a standard AIA contract, exactly like Hepler's. Where the numbers differ is where the bond company comes in. He said they need to put a contractor on site.

Town Attorney Charles Buckley said when the Board enters into the contract the Town has to come up with the full amount for Tyson. Mr. Messera said they have reviewed that and with money on hand and the money from the bonding company they will have enough to cover the contract.

Commissioner Bailey asked through their discussion and by moving forward -- are the primes going to sue for any damages. Mr. Dawkins said their claim is against the defaulted contractor and the Town is not responsible.

Motion by Commissioner Query to approve the contract with Sam Tyson Construction Company and extend it for 97 days. Seconded by Mayor Pro-Tem Krauss. Commissioner Taylor asked if the bonding company for Tyson was the same as Hepler's. Mr Dawkins said no. Unanimously approved.

Motion by Commissioner Query to extend the contracts on the three primes. Seconded by Commissioner Taylor. Mr. Messera said the completion date would be February 26th. Unanimously approved.

ADJOURNMENT

Motion by Commissioner Bailey, seconded by Commissioner Glass, to adjourn. Unanimously approved. Meeting adjourned at 8:20 p.m.

Respectfully submitted,



Jill Pleimann,
Town Clerk

MINUTES

SPECIAL BOARD OF COMMISSIONERS MEETING

JUNE 12, 2000 - 6:00 P.M.

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Ben Aldridge, Project Manager; Lat Purser, Williams Station Project Developer; 50+ residents.

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Town Manager Messera said the Community Center works as the "anchor" of the downtown development. June 30 is the expected completion date. He said several public meetings have been scheduled in the building during July. "Before" and "after" photos of the building were on display.

Mr. Messera said a master plan for the downtown was developed several years ago. The property known as "The Depot Center" was purchased by the town in 1997. He introduced Lat Purser, who is developing this property.

Mr. Purser said the interior for the Town Hall/Library building has come in under budget. They have identified the sewer and water lines on the property. Pre-leasing on the first proposed building is going very well. They are working on the plans for the second building. Mr. Purser indicated where the train station would be located. He said the plan is that shops will face Trade Street on the front section. They expect to break ground late July/early August for the Town Hall/Library building. The Police Department will stay until February or March, during the building process, and employees in the Town Hall can move to the old shops in the Depot Center during the summer.

Mayor Myers asked Mr. Purser to tell those people in attendance what types of shops are proposed for this property. Mr. Purser said there will be a bank, Preslar's Dry Cleaning will relocate, a "morning-type" breakfast store, ice cream store, florist and beauty shop. Wingate College will be located on the second floor. Mr. Purser said they are negotiating with several restaurants which are family-oriented.

Heidi Hodge, of the Artful Dodger, expressed concern about the trucks passing through. She said she has lost several pieces of art due to the vibration. Town Manager Messera said he will be recommending to the Board of Commissioners that they post "No Trucks" from Matthews to John Street. This is the section that the Town does have control over.

Mayor Myers said the long-term solution will be when the Independence Pointe Parkway Extension is built which would take traffic to I-485 with the potential of a flyover. Chief Rob Hunter said he has talked to the big companies in Town about reducing the speed of their trucks.

Tina McClanahan, 501 East Matthews Street, voiced concern about the possibility of a road going through Clubview. Mayor Myers said Board members have not yet received a study or discussed this issue. This will be something that will be put on a forthcoming agenda. He said residents will be notified when this occurs.

Jon Johnson expressed concern about contact with adjacent property owners. He asked if they had been contacted. He also wanted to know if this development meets the zoning ordinance or will they have to have a public hearing. Mr. Johnson also expressed concern about the number of parking spaces available if Wingate College is located in the middle of the development. He asked about the alley behind Kristopher's and McLeod Circle. Mr. Johnson said he is representing Cactus Rose and they are concerned about their lease and not having ingress and egress. He also inquired about the relationship between Lat Purser and the Town. Mr. Johnson asked about the level of commitment on the buildings. Are they just illustrative?

Mayor Myers said the process for the development began ten years ago. About two and a half years ago the Town looked at the Depot Center. He said the process has evolved through a series of public meetings and input from citizens. Commitments have been made and square footage agreed upon. Mayor Myers said the Town will sell the front portion of the property to private enterprise - Lat Purser. He said the Board discussed this thoroughly and interviewed half a dozen developers. He said the Town has signed contracts and agreements.

Mayor Myers said the new Town Hall/Library will be placed where Harris-Teeter stood. Preslar's Dry Cleaners will relocate on the property. There have been discussions with Cactus Rose and proposals have been made. Commitments have been made on the buildings in the development.

Mayor Myers said he is shocked and dismayed that there are people who are not aware of what is going on. There have been meetings for public input which were advertised in the newspapers,

newsletter and web page. All decisions were made during public meetings here in Matthews.

Frank Williams, III, asked where McLeod Circle is on the plan. Mr. Messera said this is an easement to the Town. The Town can use it or provide access some other way. Mayor Myers said the Town Attorney had researched this.

Mr. Williams asked where the cooling tower and chiller would be located for the Town Hall/Library building. Mr. Purser pointed it out. Mr. Williams expressed concern with it being located so close to residences.

Aanalisa Whatley asked how many parking spaces there were. Mr. Purser said between 320-330. Jack Davis asked what would happen if the business does not develop as they think it should. Would the developer back out? Mr. Purser said they buy the property as they plan to develop it. He said they are investing in this. With over 100+ properties they have never lost anything. Mr. Purser said they are very excited about this development.

A resident asked if the Board had considered using the property for a village green. Mayor Myers said that was one of the proposals the Board considered. It was discussed at one of the meetings here in Matthews and also at the Planning Conference in Pinehurst. He said the final decision on the property development was made and voted on here in Matthews.

Connie Kleinberg, owner of Hidden Garden Restaurant and Holiday Haus, asked about the leasing costs. Mr. Purser said \$20 square foot up front and \$16 square foot in back for retail. Office leasing will be \$3 a square foot less.

Aanalisa Whatley commented that all the meetings concerning this property were publicized and the process has moved on down the road. She said she has attended all the meetings.

Rich Whitley, president of the Matthews Chamber of Commerce, spoke in support of this development.

Meeting adjourned at 7:10 p.m.

**MINUTES
BOARD OF COMMISSIONERS MEETING
JUNE 12, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Planning Director Kathi Ingrish; Planning Board Members Libbie Johnson, Scott Vallandingham, Hampton Hopkins, Frank Casale, Chris Clarke, Aanalisa Whatley.

CALL TO ORDER

Mayor Myers called the meeting to order at 7:18 p.m.

INVOCATION

Mayor Myers rendered the invocation.

Board of Commissioners Meeting
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PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

RECESS REGULAR MEETING

Motion by Commissioner Bailey to recess regular meeting for public hearing on motions and petitions to amend the Zoning Ordinance and Update on the Solid Waste Management Plan. Seconded by Commissioner Taylor and unanimously approved.

UPDATE SOLID WASTE MANAGEMENT PLAN

Gordon Miller said they are required by state law to have a solid waste management plan for the community and every three years to update and extend it out for another ten years. He said the Environmental Committee is not recommending many modifications. The only thing changed was the timing. It has been extended to 2010. Mr. Miller said the plan is very solid and reasonable and working very effectively. He said each month about 40 pounds of recyclables are picked up from each single-family household. About 80 pounds is collected in yard waste which they compost at 100%. In addition each household has about 165 pounds of solid waste, which is landfill. About 45% of waste is being diverted from landfills and either recycled or composted. Mr. Miller asked for approval of the plan as written. He thanked committee members for their work. This will be put on the June 26 agenda for consideration of approval.

Norm Suger, 2614 Kilmarnock Drive, asked if the solid waste plan will change with all the new homes and townhouses. Mr. Miller said they have figured in 200 new homes a year as part of the routine growth.

Planning Director Kathi Ingrish introduced members of the Planning and Zoning in attendance tonight.

Petition No. 364: To change zoning from R-20 and R-15 to R-VS on that certain property belonging to Cochrane Properties, Inc., George and Sofia Jakowczuk, and James and Judy McWhirter and being property located on the northerly side of NC Highway 51 at Phillips Road and being designated as Tax Parcel Nos. 193-331-08, 09, 25, 26, 28 and 215-111-12.

Bob Young, 1300 South Mint Street, Charlotte, spoke as the representative for the petitioner. He said that Centex Homes are one of the leading home builders in the nation. They want to bring their success track to Matthews. The site plan is completely residential, combining single-family detached and single-family attached. All units will be offered for sale. There will be no rental units. The property consists of 63 acres at the intersection of NC 51 and Phillips Road. Mr. Young said the town homes market from \$120,000 to \$150,000; single-family detached from \$150,000 to \$185,000. The overall density is still a very low density project and it is spread over the entire 63 acres. 3.8 dwelling units per acre, which compares to the existing zoning which will allow 2.5 dwelling units per acre. Mr. Young said they are proposing 240 units which will consist of 104 town homes and 134 single-family detached homes. He said one of the key features is the proposed connection from Phillips Road to Lightwood. Mr. Young said they are concerned about traffic and traffic flow and safety and the speed on the street. They have purposely designed the road so it was not straight. He said they want to make sure that although it is a collector street it is a well-designed street. They have allowed a lot of common open space and an extensive sidewalk system which will meander through the open space. Mr. Young said there is about nine acres of open space. It will include a small club house and a swimming pool. There are two specific areas which they have delineated for some innovative aspects. One area in the back corner, adjacent to Sweet Gum Lane, is a single-family detached area feeding off a public street cul-de-sac. They asking for the opportunity to provide a private road off the cul-de-sac. They are also requesting the use of a private street system in the town home section to access those units and also asking some slight changes in the dimensions of the town home lot and the width of the town home lot.

Mr. Young said they feel they have a well designed project and it is worthy of the Town's approval.

They have done a lot of research and feel this is the highest and best use of the property. The town homes are concentrated on the 51 corridor which is typically where you would find the higher density - along the thoroughfare. They will be providing some intersection improvements at Phillips Road. He said they will probably be required to upgrade the traffic signal that is there and provide additional lanes. In terms of traffic -- under existing zoning the grand total is 1840 daily trips. This would increase to 2495 trips -- not cars. Mr. Young said at peak hour traffic there is barely a change. Total additional trips expected is a little more than one per minute during peak hours. Mr. Young said the traffic can be accommodated with the improvements suggested by Centex. He said it will bring a quality, proven developer to this location.

Commissioner Bailey asked Town Attorney Charles Buckley if the protest petition is valid. Mr. Buckley said it was. Commissioner Bailey asked about the traffic study -- if he had plans for additional lanes.

Don Spence said their assessment of the site plan results in a recommendation of a left turn lane northbound be constructed on NC 51 with appropriate tapers. In addition they recommended that the signal phasing be revised to what is called split phasing which would serve each side, one side at a time. Commissioner Bailey asked about deceleration or acceleration lanes. Mr. Spence said it is not recommended as part of this study. Commissioner Bailey asked about density of the front section. Mr. Young said the density was 7.7 units per acre; the other is 8.9.

Ken Cochrane, 13221 Phillips Road, asked the Board to approve petition 364. He said his parents bought the land in 1943 and gave it to them in 1983. They were approached by the Town in 1998 and asked to consider building a street across their property to connect to Lightwood Drive. He said they tried to accommodate this along with their development. Mr. Cochrane said they tried to look at something that would be acceptable to their neighbors. They did not pursue high density apartments or low income housing.

Steve Stout, 2941 Winding Trail, said he is representing Southwoods subdivision. They are not opposed to development of the land and the connectivity, but the higher density. He said the parcel on NC 51 and Phillips is of particular concern. Mr. Stout said that according to the Zoning Ordinance R-VS development is primarily for downtown. He said this is a stand-alone higher density housing. It is not part of any proposed subdivision and is separated by a major highway. He voiced concern for people crossing a major thoroughfare to play tennis or go swimming. Mr. Stout said that Centex is asking for 52% more units than what it is able to support under R-15. He said based on the April 1999 study by Kimley Horne and Associates the average residence creates 13 trips per day per residence which would be 2054 trips per day. Under the proposed rezoning the trips would increase to 3120 based on the traffic study. Mr. Stout said he is not against development but trying to avoid problems such as in Charlotte. He said one reason for rezoning is corporate profits.

Stefany Ferrell, 3035 Winding Trail, said they are not against this development but are opposed to the high density. She said she is also concerned about the traffic when the traffic barrier comes down. She said that 459 residents are opposed to petition 364.

Mayor Myers said Town Attorney Charles Buckley has verified a protest petition has been filed and is valid and will require a 3/4 majority vote to approve the zoning petition.

Paul DeVries, 1825 Swaim Drive, said the only innovative design in this proposal is the gated community in the back. He said it is not consistent with any transit planning that has been discussed over the past couple of years. Mr. DeVries said there is no immediate supporting infrastructure that would support not using automobiles. He said they missed an opportunity for connectivity in the back of the property.

Bob Kelley, 13722 PortPatrick Lane, said a memo was distributed to the Board. He said this is a gateway to the Matthews community. He feels this is a real travesty in planning. He asked what is the plan for upgrading Phillips Road and NC 51. Will existing infrastructure, fire and protection be adequate? If not, who would pay the difference?

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Diana Ellis, 2918 Winding Trail, expressed concern that there was nothing to prevent the petitioner from buying the homes and renting them out.

Mike Steinberg, 2710 Connemara Drive, said the petitioners have presented figures that supported their cause and said they use focus groups, none of who were in attendance tonight. He said there was only one person, the owner, who spoke in support of this petition.

Bill Brawley, 13612 O'Toole Drive, said the plan is not the problem, but the assumption of the zoning. He said it would make more sense if they had a commuter light rail rather than cars trying to get out on Highway 51. He commented on how bad the traffic is in the area now. Mr. Brawley said if they approve R-VS here isn't the Town making a statement about how dense Matthews will be. He said R-VS zoning is intended for a transit corridor. To get out on a two-lane road, which will be that way for a long time, it does not make sense.

Cherri Strome, 2824 Oakcroft Drive, said she is the president of the Oakcroft Homeowners Association. She said the proposed price for these homes does not represent homes in the area. Ms. Strome expressed concern about the traffic. She said the developer has not approached any of the neighborhoods and asked their opinions. She asked them to meet and talk with other adjacent neighborhoods and see if they can come to some mutual agreement.

Joel Vickers, 2225 Citation Court, said the quality of life in this town is remarkable. He said they are talking about seriously disrupting that. The focus group obviously did not include a lot of people. Mr. Vickers said the traffic surveyor evidently has not been on the road during the time people leave for work and come home.

Brian Turner, 811 Bentwood Court, spoke in opposition. He reminded Board members that the Constitution applies to the individuals, not the corporations. Mr. Turner said if they cannot sell the town homes, if there is a dip in the market, they will rent them.

Clayton Gill, 3320 Windrow Lane, said he is a board member of the Windrow subdivision. He said everyone he has spoken to is not happy with the plan. One concern is police protection. He said they do not have enough police protection now. Mr. Gill said the congestion out there is outrageous. A curving road does not slow down cars.

Grace Golda, Lightwood Drive, said two years ago they said they did not want the road opened up. They have a traffic concern as it is.

Dan Cannon, 13732 Strathaven Drive, said one issue that has not been addressed is the kids. He said that Phillips Road is dangerous. With the numbers the petitioners are generating they are adding deaths to the citizens of Matthews. He asked the Board to look at the intersection. He voiced concern for property values and the density. He said they are all opposed to the higher density.

Robert Smith said he lives on Phillips Road and moved into the area ten years ago. He said it is not practical to have any more traffic on NC 51. The traffic speed is not adhered to. He voiced his concern for the children. He said there is going to be a serious accident in the vicinity and they cannot take any more traffic. He asked the Board to give this serious consideration.

Neal Gilder, 1213 Forestwood Drive, spoke in opposition. He said the connectivity of the neighborhood is of concern. It will turn a residential area into a secondary road. Mr. Gilder said that Centex is a very large corporation and would not come into a public hearing without a second option. He asked the Board to look into that before making a decision.

Eugene Fitzpatrick, 1425 Oakcroft Drive, said they have already had a death on Phillips Road. A car went out of control. He said the road cannot handle the traffic now.

Lisa Caldwell, 1531 Sweet Gum Lane, said she thought this was a flood plain and wanted to know if it could be opened up.

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Michael Nelson, 1235 Lightwood Drive, said his main concern is the impact that Lightwood Drive will have with higher density. There is already concern about connectivity. The higher density will mean higher traffic. Mr. Nelson said he does not want it to become unsafe. He said he sees depreciation on the value of their homes and more traffic.

Steven Sammons, 2317 Light Brigade Drive, said this is a community where they know each other. He said the only need for a zoning change is profit. He feels the zoning now is fine and needs the Board's support.

Cal Sparks, 13709 Tynecastle Lane, The Heathers, said he has lived in Matthews for twelve years. He said that when the developer leaves then the Town is left with whatever is left. He said there should be very good reasons for a zoning change. It is a very narrow road and there are times when it is flooded.

Craig Strong, 13506 O'Malley Drive, said he has lived in Matthews twelve years. He is concerned of what they might lose if this development is approved. The biggest concern is safety. Mr. Strong said the roads are unsafe out there. He would like to see road improvements and then take another look at it.

Mayor Myers said this will go to the Planning and Zoning Board later this month and then brought back to this Board for a decision.

Bob Young said they have listened to the comments and made a lot of notes. He said he is confident that Centex will look at the issues and make adjustments. Mr. Young said he thinks it is a great plan with great professionals.

5 MINUTE RECESS

Motion No. 00-3: To amend the existing text of the Zoning Code to prohibit structures in utility easements; to change the height requirements in the office, business and historic urban core districts; timing of final plats for attached single family homes; transitional yards where future thoroughfares will be adjacent; revise wording in SWIM buffer revisions; clarification of storm water detention requirements; clarification in sign chapter; and incentives to reduce noncompliance of temporary use provisions.

Planning Director Kathi Ingrish said this is a compilation of several text amendments, which are minor in scope. She referred to the memo which was sent to Board members.

No one spoke in favor or opposition of Motion No. 00-3.

Motion No. 1: To adopt a housing code.

Town Attorney Charles Buckley said the Board has a proposed Housing Code as submitted by Mecklenburg County. He said it is a mirror image of theirs. Mecklenburg County inspectors will still enforce the proposed Matthews Housing Code. He said this Board would order the rehab or demolition of a house.

No one spoke in favor or opposition of Motion no. 1

RECONVENE REGULAR MEETING

Motion by Commissioner Bailey, seconded by Commissioner Glass, to reconvene regular meeting. Unanimously approved.

PLANNING AND ZONING BUSINESS

REPORT FROM PLANNING AND ZONING BOARD

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Planning Director Kathi Ingrish gave the Planning and Zoning Board Report. (Exhibit #1 hereby referenced and made a part of these minutes.)

ACTION ON PLANNING AND ZONING BOARD REPORT AND PUBLIC HEARING ITEMS

Consider Action on Zoning Motion 00-2 - Text Amendment to Add "Sheltered Household" Definition And Add it as a Permitted Use in The R-VS District

Motion by Commissioner Krauss, seconded by Commissioner Query, to approve Zoning Motion 00-2. Unanimously approved.

Subdivision Variance Request - 4.43 Acres Located on Phillips Road, C. Shue, For Waiver of Further Infrastructure Improvements

Hearing no motion, no action was taken on the request. Mayor Myers said the petitioner will have to build the sidewalk, curb and gutter.

Subdivision Variance Request - For Waiver of any Construction of a Road Connecting Kimway Drive to a New Subdivision

Planning Director Kathi Ingrish said the request the Planning Board heard was to not build the road length. The revised request is to build all but one foot. She said the Subdivision Ordinance says they cannot create a lot that is less than minimum dimensions. Ms. Ingrish said the Board also has an e-mail message from Don Kelly, Town Engineer, regarding this. Mayor Myers asked how can they grant this request if the Subdivision Ordinance prohibits it. Town Attorney Charles Buckley said normally variance requests come about as a result of some form of hardship but a violation of the ordinance would not necessarily be a hardship. He said the Board takes an oath to uphold the ordinance and they cannot not uphold the ordinance. Mr. Buckley said the problem is the petitioner is in a position where in order to put in a water line it has to go in a public right-of-way, according to CMUD regulations. Mayor Myers said if it wasn't for the water line requirement this issue would not come up. He said the Board still has the authority to put a barricade up at the end of this road.

Rolin Choate said after meeting with the Planning and Zoning Board he modified his variance request. He proposed to build the street and allow a one foot strip which would stop at the end of the road, preventing it from joining Kimway Drive. Mr. Choate said this would allow the right-of-way for water. Planning Director Kathi Ingrish said if the street is platted it becomes undersized. It would not meet the lot width requirement.

Commissioner Query asked if he had any conversation with Kimway Drive residents. Mr. Choate said only a letter from an attorney saying a resident would sue him.

Mayor Myers said based on the Subdivision Ordinance the street could not be built. Planning Director Kathi Ingrish said the road can be built but it could not have a lot on the remainder of it. It would not be a buildable lot. It would have to be open space.

Mayor Myers said the request is to do something in violation of the Subdivision Ordinance said the bottom line is if he wants to build a road and ask the Town to accept it for maintenance and get the water line in, then all that can go through and then the Board, at some point, could make the decision as to whether to barricade it or not. Mr. Choate said he proposed that to the homeowners, through their attorney, and their attorney said that the problem with that was some future board may take the barricade down. He said they are not agreeable to doing that.

Commissioner Query asked if they could accept the road right-of-way and then abandon it. Town Attorney Charles Buckley said he does not know what CMUD policy would be on that.

Mayor Pro-Tem Krauss said as far as the Board is concerned it is very clear what they have to do. She said according to the ordinance they are to encourage connectivity. This is a good example and

she said she feels that the Planning Board made good comments about this. They need that connection and they have to have the road. Mayor Pro-Tem Krauss said she supports the Planning Board in their decision.

Mayor Myers said the issue before the Board tonight is the subdivision variance request. He said that the Town Attorney has indicated that at this point he feels it would be in violation of the ordinance to grant this.

SITE PLAN APPROVAL - Goddard Day Care

Planning Director Kathi Ingrish said revised plans have been submitted. It does meet all ordinance requirements. The sign drawing has also been submitted.

Mayor Myers moved to approve the site plan. Seconded by Commissioner Query.

Commissioner Query asked if they should include the fencing. Planning Director Kathi Ingrish said it needs to be approved contingent on fencing the entire length.

Mayor Myers amended his motion to approve with fence the entire length. Seconded by Commissioner Query.

Commissioner Bailey questioned the stacking. Ms. Ingrish said the vehicles would go around the circle. There are probably a dozen or so spaces for stacking. Motion was unanimously approved.

MATTHEWS CONNECTIVITY STUDY, 2000 PRESENTATION

Planning Director Kathi Ingrish introduced Katrina Lee, the student intern who compiled the study. Ms. Ingrish said it is broken down into three components -- road projects; bikeways and greenways; sidewalks and greenways. She then detailed each component.

CONSIDER SUPPORT OF LEGISLATION FOR ZONING AUTHORITY (CHARLOTTE BILL)

Mayor Myers said the bill is moving along. It is not without controversy. He said the Town Attorney has reviewed the legislation. Town Attorney Charles Buckley explained the proposed bill. He said it does provide for conditional zoning and parallel use conditional zoning. Both would be done in a legislative rather than a quasi-judicial process. The bill will only be in existence until August 31, 2001.

Motion by Mayor Pro-Tem Krauss to ask the delegation to add Matthews to the zoning bill and state that Matthews is in support of it. Seconded by Commissioner Glass and unanimously approved.

RECONSIDER SUBDIVISION VARIANCE REQUEST - 4.43 acres located on Phillips Road, C. Shue, for waiver of further infrastructure improvements.

Motion by Commissioner Glass to reconsider the subdivision variance request. Seconded by Mayor Pro-Tem Krauss.

Motion by Commissioner Glass to waiver curb and gutter only as there is no curb and gutter anywhere on Phillips Road. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

ITEMS TO BE ADDED TO THE AGENDA

Mayor Myers said one item from Planning Director Kathi Ingrish is a request to amend the district plan for Weddington/McKee area. Planning Director Kathi Ingrish said a meeting will be held Tuesday night.

Mayor Myers moved to add to the agenda to discuss. Seconded by Commissioner Query and

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unanimously approved.

Town Manager Messera requested that release of Tourism Funds for Matthews Alive! be added to the Consent Agenda as Item K. Motion by Commissioner Bailey to add to the Consent Agenda. Seconded by Commissioner Taylor and unanimously approved.

MISCELLANEOUS

Dave Grupp, 2025 Kimway Drive, said he against the development of a road connecting Kimway Drive to a new subdivision.

CONSENT AGENDA:

- H. Approval of Minutes - May 15, 2000 and May 22, 2000 Meetings**
- I. Approve Budget Ordinance Amendment to recognize DARE contributions**
- J. Declare 275 unused seats from the Community Center surplus and allow Manager to advertise for sale**
- K. Approve CMS contract for SRO's at Crestdale and Butler**
- L. Approve Tax Refunds**
- M. Approve Budget Ordinance Amendment for Community Center**
- N. Adopt Amendment to Charlotte-Matthews Water and Sewer Agreement**
- O. Approve Public Works Material Contracts for FY 2000-2001**
- P. Approve Request to use Stumptown Park for Rotary Road Race on July 4, 2000**
- Q. Approve Final Plat for Avington, Map**
- R. Release of Tourism Funds in the amount of \$9,000 to Matthews Alive!**

Motion by Commissioner Bailey, seconded by Commissioner Taylor, to approve the Consent Agenda. Unanimously approved.

NEW BUSINESS

ADOPT BUDGET FOR FY 2000-2001

Motion by Mayor Myers to adopt the FY 2000-01 budget in accordance with the memo of the Town Manager of June 9. (This is an increase of 1.6 cents; tax rate will be 25.6 cents per \$100 valuation of real and personal property.) Seconded by Commissioner Bailey. Mayor Pro-Tem Krauss asked about the Town employee insurance. Mr. Messera said they are changing to Blue Cross/Blue Shield. Employees will be signing up tomorrow. As far as spousal coverage, or those that have coverage elsewhere, they need to do some more investigation. With the transition of the new insurance they probably should be doing this over the next couple of months.

Mayor Pro-Tem Krauss said she was under the impression they were talking about a 1.3 cent increase. Commissioner Taylor said he is comfortable with 1.6. He said he does not feel they can get it any lower. Commissioner Query said 1.6 is higher than what he would like. He said felt 1.3 is where they were.

Commissioner Taylor said through the discussions over the past couple of weeks they have cut 17.34% of the proposed budget. They are now looking at an increase of 7.7% over the current fiscal year. He said feels they have done a good job of deleting things they can live without. Commissioner Taylor said he can support a 1.6 increase in the tax rate.

Motion to approve the budget at 25.6 passed on a vote of 6-1 with Commissioner Wright opposed.

COMMUNITY CENTER ISSUES

Stage Rigging Purchase

Town Manager Messera said that Don Yelverton had solicited several proposals for the rigging.

Doug Middleton and Associates were the most reasonable. Mr. Messera said he recommends the purchase from Middleton and Associates in the amount of \$17,567.

Motion by Mayor Pro-Tem Krauss to approve. Seconded by Commissioner Glass. Commissioner Taylor asked if this had been looked at by professionals. Mr. Messera said Mr. Schumacher had looked at it and talked with Ken Lord and they approved of it. Unanimously approved.

Sound System Purchase

Mr. Messera said they received three proposals. Each is a little different about how they go about it. He recommended Studio Works in the amount of \$16,216.

Motion by Mayor Pro-Tem Krauss to approve. Seconded by Commissioner Taylor. The question arose if a professional had looked at these proposals. Commissioner Taylor said he could have someone from Blumenthal look at it if they would like to delay it. This was deferred to the June 26th meeting.

Furniture Purchase -- Mr. Messera said this was not ready.

Approval of Rentals - Wingate College; Matthews Playhouse

Mr. Messera said, as stated in his memo, this deals with the classroom space only. His recommendation is to approve an agreement with Wingate University to use various rooms as agreed upon for a fee of \$3,000 per month and with the Playhouse to use two rooms for a fee of \$1,000 per month.

Motion by Mayor Pro-Tem Krauss to approve the leases as recommended by the Town Manager and direct the Town Attorney to prepare the rental agreements. Seconded by Commissioner Query and unanimously approved.

Rules and Regulations -- Mr. Messera said these are not ready yet.

LAND DEDICATION FEES

Leigh Baggs said the proximity range differs from community to community. Her recommendation is to define "general vicinity" as the entire Town of Matthews.

Motion by Mayor Pro-Tem Krauss that the Town adopt a policy that the proximity be within the zoning jurisdiction of the Town of Matthews. Seconded by Commissioner Glass and unanimously approved.

POSITION ON DISTRICT PLAN

Mayor Myers said this is inconsistent with the plan that has been there and what has been developed. He said he is opposed to this and would encourage the Board to adopt a position to not approve any amendments to the South District Plan. Motion by Mayor Myers to oppose any amendments to the South District Plan. Seconded by Commissioner Glass and unanimously approved.

MAYOR'S REPORT

Mayor Myers said they had a very successful concert last Thursday night. The Charlotte Symphony were very pleased with the reception and will be back on June 22 for a second performance.

ATTORNEY'S REPORT

New Rental Car Tax Report

Town Attorney Charles Buckley said this is simply an ordinance that implements gross receipts tax.

*Board of Commissioners Meeting
June 12, 2000*

It is up to the rental agency to collect the tax from the consumer and turn it over to the local jurisdiction. This will be deferred to the June 26 agenda.

MANAGER'S REPORT

Town Manager Messera reminded Board members of Town Hall Day in Raleigh next Wednesday.

He said regarding the donut hole bill -- Representative Gulley has modified it.

Mr. Messera notified the Board he would be on vacation from July 19 to August 2nd.

ADJOURNMENT

Motion by Commissioner Bailey to adjourn. Seconded by Commissioner Taylor and unanimously approved. The meeting adjourned at 10:50 p.m.

Respectfully submitted,



Jill Pleimann,
Town Clerk

EXHIBIT #1 -

**PLANNING BOARD REPORT
ON THEIR MEETING OF
MAY 23, 2000**

- I. ZONING MOTION 002 - TEXT AMENDMENT TO ADD "SHELTERED HOUSEHOLD" DEFINITION AND ADD IT AS A PERMITTED USE IN THE R-VS DISTRICT

Planning Board unanimously recommended approval of Zoning Motion 00-2.

- II. SUBDIVISION VARIANCE REQUEST - 4.43 ACRES ON PHILLIPS ROAD, C. SHUE, WAIVER OF FURTHER INFRASTRUCTURE IMPROVEMENTS

Planning Board unanimously recommended the waiver of curb and gutter only.

- III. SUBDIVISION VARIANCE REQUEST - FOR WAIVER OF ANY CONSTRUCTION OF A ROAD CONNECTING KIMWAY DRIVE TO A NEW SUBDIVISION

Planning Board unanimously recommended denial of the variance request based on the fact the Town would like to see more connectivity.

OTHER BUSINESS -

- I. SKETCH PLAN - 4.43 ACRES ON PHILLIPS ROAD, C. SHUE

Planning Board reviewed a sketch for proposed development on Phillips Road. They felt the barn should be removed or the lot size increased.

- II. ADMINISTRATIVE AMENDMENT - MATTHEWS TENNIS CLUB, SITE PLAN CHANGE IN CLUBHOUSE LOCATION

Planning Board unanimously approved the Administrative Amendment to change the location of the clubhouse if it does not increase the total square footage of the clubhouse.

**MINUTES
BOARD OF COMMISSIONERS MEETING
JUNE 26, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ABSENT: Commissioner Ginger Wright

CALL TO ORDER

Mayor Myers called the meeting to order at 7:00 p.m.

INVOCATION

Joan Uhrich, from the HELP Center, rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

PROCLAMATION - "July - Recreation and Parks Month"

Mayor Myers presented a proclamation to Leigh Baggs, Parks and Recreation Director, designating July as Recreation and Parks Month

ITEMS TO BE ADDED TO THE AGENDA

Town Manager Messera asked that a request from the Matthews Community Theater for release of Tourism Funds in the amount of \$1,000 be added to the Consent Agenda. Motion by Commissioner Glass, seconded by Commissioner Taylor, to add this to the Consent Agenda. Unanimously approved.

MISCELLANEOUS

June Hamrick spoke about the history of the HELP Center. She asked help from the Board to find new quarters for them.

Sally Davidson, from Idlewild Baptist Church, spoke about her church's involvement with the HELP Center.

Captain Carla Thompson spoke about the HELP Center and how it has aided the Police Department with children and adults in the community. She asked the Board to find a new home for the HELP Center.

Lori Willingham, member of Matthews Presbyterian Church and volunteer with the HELP Center, invited Board members to come and see the HELP Center in action.

Robert Mezaros, a volunteer with the lunch program at the HELP Center, spoke in support of continuing the program.

Donna Desourdy, spoke of the assistance that had been given to her and her family by the HELP Center. She said the HELP Center needs to continue.

Alice Thomason, read a letter from Winona Dailey, lauding the HELP Center.

Harvey Boyd spoke about the HELP Center. He said he feels confident the Board will find a place for them to continue.

Joan Uhrich, distributed folder with 50 letters from volunteers and those who had benefitted from the HELP Center. She said the HELP Center has been in the same location for twenty years. Ms. Uhrich spoke about how unique the HELP Center is. It is totally self sufficient, except for the housing, and exists from donations and the volunteers.

Ms. Uhrich said when discussion on the Depot development started they had a concern about the relocation of the HELP Center. After meeting with the Town Manager and Mayor Pro-Tem Krauss, Ms. Uhrich said it was their understanding they were on their own in finding a place. She said they need the Board's help. Ms. Uhrich said they need to work out a way of better communication. They need to know what is happening and the time frame. She said maybe a lease for the land near the post office could be negotiated. Ms. Uhrich said they need the support of the Board and the entire community to help them relocate. She asked the Board to partner with them in continuing their service.

Mayor Myers said he felt it hard to believe that it was communicated to them that they were on their own. He said this Board is committed to do whatever is necessary to see that the HELP Center not only continues but that it grows and is more accessible. Mayor Myers said they are not sure of the time frame at this point. They have talked about a lot near the post office and the possibility of a long-term lease. He said the one problem with moving the existing building means it would have to conform to ADA requirements. Mayor Myers said the property has not been sold. Discussions will continue to come up with some alternative for the HELP Center.

Grady Cole, president of Forestwood Homeowners Association, spoke regarding connectivity. He expressed appreciation for what the Town has done and asked if they could put a couple of additional stop signs on Reid Harkey.

Janet Leone, 1406 Sweetgum Lane, asked how long the study would be once the barricade comes down. She expressed concern about the amount of traffic. Ms. Leone said they don't want to be connected to all the traffic and the new construction that is going on, on Idlewild. She thanked the Board for putting up the stop signs.

Christie Silvestri, 1316 Sweetgum Lane, said she is speaking for herself and her husband, John, who was unable to attend tonight. Ms. Silvestri said they do understand connectivity and they do not want to hurt progress, but they want the barricade left up. She said they are concerned about the traffic and the new construction. Ms. Silvestri said Rice Road will be the next bottleneck. She said that speed humps and stop signs will help somewhat and asked for two additional stop signs on Firewood at Sweetgum. Also, she said, the stop sign at Woodbend needs to be moved. It is placed too far back from the intersection.

REPORT FROM BOARD/COMMITTEE REPRESENTATIVES

Parks and Recreation - LWCF Project

Leigh Baggs, Parks and Recreation Director, said after e-mail came from the state last week there appeared to be concerns about the application. She said there are some issues that need to be addressed which were referred to in her memo. Ms. Baggs recommended they withdraw the application for the LWCF grant.

Motion to withdraw the application for the LWCF Project was made by Commissioner Taylor, and seconded by Commissioner Glass.

Commissioner Bailey asked what the questions and concerns were that need to be addressed by the Board. Ms. Baggs said acceptance of the land is one of the main issues. Mayor Myers said his concern is there would have to be a commitment from the Board for \$600,000. Ms. Baggs said they do not have the money in hand at this time.

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Commissioner Bailey said he does understand the concern of the issue of the money. He said he hopes the direction is not a precursor to not developing greenways in Matthews. Commissioner Bailey said he feels it is a very serious mistake not to work in that direction and hopes this is not a precedent.

Motion to withdraw application for the LWCF Grant was unanimously approved.

CONSENT AGENDA:

- A. Approve Minutes June 12, 2000 Meeting**
- B. Approve Matthews Community Center/Elementary School Agreements**
- C. Adopt Resolution Adopting Solid Waste Management Plan for the Town of Matthews as Amended June 7, 2000**
- D. Adopt Ordinance Creating Town Code Text for Levying a Tax on Gross Receipts Derived from Retail Short-Term Lease or Rental of Vehicles**
- E. Adopt Ordinance Regulating Housing within the Town of Matthews and its Extraterritorial Jurisdiction**
- F. Adopt Resolution and Interlocal Cooperation Agreement for Land Development Services**
- G. Approve Attorney-Client Representation Agreement FY 2000-01**
- H. Consider Acceptance of Petition to Close Portion of Ames Street and Set Public Hearing for August 14, 2000**
- I. Adopt Ordinance to Prohibit Trucks on North Trade Street**
- J. Accept Streets, Adopt Speed Limits and Stop Sign Ordinances for the following – Home Place, Rockfish Drive, Reverdy Oaks Drive, Gupton Court, Cape Fear Court, Penderlea Lane, Stevens Ridge Road, Rice Road Extension and Eastpoint Drive**
- K. Adopt Resolutions and Agreements with BB&T for Deposit Accounts**
- L. Approve Final Plat for T. Kiser, Keziah Road and Sam Newell Road**
- M. Approve Release of Tourism Funds in the amount of \$1,000 to the Matthews Community Theater**

Motion by Commissioner Bailey to approve the Consent Agenda. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

UNFINISHED BUSINESS

ADOPT ORDINANCE ESTABLISHING A MAXIMUM SPEED LIMIT ON REID-HARKEY ROAD AND THE POSTING OF STOP SIGNS AT WINTERWOOD AND FALKENBURG; KALEWOOD AT WINTERWOOD; SUMMERLAND AT WOODBEND; AND APPROVE REMOVAL OF BARRICADE ON FORESTWOOD DRIVE

Motion by Mayor Pro-Tem Krauss to adopt the ordinance establishing a 25 mph speed limit, and the posting of the signs at the streets as stated. Seconded by Commissioner Taylor.

Commissioner Bailey said the concern of the stop sign needs to be addressed by Chief Hunter. He asked they deviate from something they traditionally do -- asked they consider that any member of Council that wants to put this on the agenda will have that right regardless of the reason. Commissioner Bailey asked for one-month and three-month updates. He said he is not supporting the motion without some data. Mayor Myers said there is some data included with the ordinance. They will compare this with the study taken after the barricade is taken down.

Town Manager Messera said the motion originally made by Mayor Myers was for a report every 30 days. That is what they anticipate doing. Mayor Myers said the base line data will be provided every 30 days.

Commissioner Bailey said at the 30 days he would expect a written report and a report from Chief Hunter of any increased accidents.

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Mayor Pro-Tem Krauss amended the motion to include Commissioner's Bailey concerns. Commissioner Taylor asked if they could have this as a cumulative report for comparative purposes.

Commissioner Query said he cannot support this. He said he hasn't had anyone come forward and say they need connectivity except the Commissioners. Commissioner Query said the residents are in opposition to it.

Mayor Myers said it is a six month test period to see if the concerns in fact do exist. They can at least give it a chance. He said he has heard from some residents who are not opposed to this. If it does not work and is not a good thing for all of Matthews then it can go back up. Mayor Myers said they should at least take a look at it to see if it does create a problem. He urged the Board to support this. Motion passed on a vote of 4-2 with Commissioners Glass and Query opposed.

CONSIDER COMMUNITY CENTER SOUND SYSTEM PURCHASE

Mr. Messera said that Mr. Carl Hoffman came from the Blumenthal Theater and was very impressed with everything. He said that Mr. Hoffman made one suggestion -- an intercom system which would total about \$1,000. Mr. Messera said that Mr. Hoffman said this was a good quality system and layout. He also approved the stage rigging.

Motion by Commissioner Taylor, seconded by Commissioner Bailey, to approve the purchase of the sound system from Studio Works in the amount of \$16,216. Unanimously approved.

NEW BUSINESS

DISCUSS TOWN OF STALLINGS THOROUGHFARE PLAN PROPOSED AMENDMENT

An aerial photo was displayed with the proposed bypass which has been presented to the MPO and the State for their consideration. Mayor Myers said he feels it is the intent of the Town of Stallings to shift the burden on to Matthews. He said it will impact a lot of the areas in Matthews. Mayor Myers asked staff and the Transportation Board to look at the current approved alignment with 74 in Union County and determine how much disturbance there would be to their development area and how much this disturbs, in terms of acreage, and what is the additional cost of this in terms of construction as opposed to the alignment of Highway 74. Mayor Myers said he would like to have the data for the meeting in July and asked the Board to be prepared to take a position on this.

DISCUSS POSSIBLE HOME CONSORTIUM PARTICIPATION

Town Manager Messera said the City of Charlotte, Mecklenburg County, Mint, Hill, Cornelius, Huntersville and Pineville are considering adoption of a consortium for the HOME Program. Mr. Messera said this provides a continuing source of funding for towns for smaller rehab projects. There is no financial commitment required by the Town unless they actually accept an allocation. Mr. Messera said he recommends the Board adopt the resolution, which was drafted by Mecklenburg County, after the Town Attorney has reviewed and okayed it.

Motion by Commissioner Taylor to adopt the resolution authorizing the Mayor to enter into a joint agreement with the Charlotte-Mecklenburg County Regional Housing Consortium. Seconded by Commissioner Query.

Commissioner Bailey said he would feel more comfortable voting on this after Town Attorney Charles Buckley reviews it. Mr. Buckley said he has looked at it and he sees no problem with the wording. Unanimously approved.

MAYOR'S REPORT

Mayor Myers said Town Hall Day was a big success and the dinner was very well attended. He said the zoning bill and the donut bill legislation are moving along.

ATTORNEY'S REPORT

Mr. Buckley thanked the Board for approving the continuing attorney-client representation agreement.

TOWN MANAGER'S REPORT

Town Manager Messera referred to the floor plans of Town Hall which were on display. He said there are no real changes. The renderings that Overcash brought last week show the elevations of the proposed entry and the interior of the Council chamber.

UPDATE ON PUBLIC SAFETY BUILDING

Mr. Messera said the Board approved the purchase of the Trim Pak purchase about a year ago. The upfit was based on the needs study done by Max McLeod and they used budget figures they thought were valid at the time. He said they worked on the floor plans with Rob Hunter and Dennis Green through the winter and fall and put out bids. Mr. Messera said the bid opening was on June 15 but they did not receive enough bids to legally open them. He said there has to be a minimum of three and they only received two. Mr. Messera said they received feedback from the bidders who felt there was not enough time and the project was going over budget.

Mr. Messera said the program is larger than what was anticipated. Some is designated as future space and they have to at least have to build walls and ceilings for that space. ADA requirements also needed additional space. Mr. Messera said the upfit cost was anticipated at \$45 per square foot. It is now estimated in the range of \$64 per square foot.

Architect Frank Williams III said the building code for government buildings is much more complicated than private industry.

Mr. Messera said the other thing driving this is the time element with the Matthews Station development.

Project Manager Ben Aldridge said they are looking at \$400,000 to \$500,000 for the EMS area. They are talking about some changes. Reconfiguring the police activities and putting them on the first floor will save about a quarter of a million dollars. Putting in dry walls instead of masonry walls is somewhat cheaper. They also want to look at a modification to the metal side of the building, changing the size of the bay doors and looking at some other methods of bracing. Mr. Aldridge said they made a decision to go with a chiller system which allows flexibility as they use the other areas to add on to that system at a minimal cost. Mr. Aldridge said extending the bidding period will allow bidders to work with sub contractors and should realize some savings.

Commissioner Query questioned the increase in size in both the Police and EMS areas. Mr. Williams said when he met with them they both felt the needs study was insufficient. Further discussion ensued.

Mr. Messera outlined possible examples of reducing the scope of the building: making the EMS area an alternate; bringing all police activity to one floor and making second floor the future space area; changing some construction materials, etc. He said the Town would also need to borrow additional funds. This would increase the debt service \$100,000 more per year. Mr. Messera said this would affect the budget for the next few years. Mr. Messera said this has already been discussed with the LGC and Bank of America. A tentative schedule has been set.

Mayor Myers said the Board needs to recognize that construction costs have changed considerably. He said it makes sense to move police operations down on to the first floor but have the second floor in place for future space needs.

Commissioner Bailey said they don't need to slight themselves but this is the first they have heard of this increase. He said the estimate is 42% off. The whole basis for going into this was that it

Board of Commissioners Meeting
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is a great location and they could do it for significantly less dollars than building a new facility. Commissioner Bailey said that EMS was never considered as an alternate. They have always talked about them occupying space there. He said this is 56% more square footage than originally anticipated.

Commissioner Query said it needs to be value engineered. They also need to discuss with the departments how this got to be this big. Mr. Aldridge said when they presented this there was a lot of open space. Moving the activity from the second floor down to the first floor is bringing it down to the McLeod's study. Mr. Aldridge said they are also talking about taking out the training area. He said they started out with a cost estimate of \$45 which is now in the range of \$64. Mr. Aldridge said they pay a premium for the public bid process.

Commissioner Bailey asked what was the amount they are looking at. Mr. Aldridge said the bidders said this would be about 2.5 million dollars. (The original estimate was 1.3 million dollars). Commissioner Bailey said the biggest concern is the increase of footage. He said he would like to see the rationale behind this. He said he just doesn't expect them to knock down the footage. If it is for a concrete reason that is fine. What they need to do is have the right square footage.

Mayor Myers said the consensus is to go ahead with the proposed redesign, value engineering issues, and report back, from Chief Hunter and Mr. Green, by early July why the increase in square footage. He said the goal is to have bids for August 14 meeting. In the interim they would like answers about the increased square footage, the information about the additional financing and the input from LGC.

Mr. Messera said this will affect the Matthews Station development and the timing of the move for the Police Department. Also, the street will not be able to be built the full width. He said he is meeting with the developer tomorrow and will discuss these issues with him. Mr. Messera said that Kay Thompson is working on the financing for this. They may be borrowing two different notes – one for \$5 million and one for \$1.6 million.

ADJOURNMENT

Motion by Commissioner Glass to adjourn. Seconded by Commissioner Taylor and unanimously approved. The meeting adjourned at 9:50 p.m.

Respectfully submitted,



Jill Pleimann,
Town Clerk

MINUTES
BOARD OF COMMISSIONERS MEETING
JULY 10, 2000

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Planning Director Kathi Ingrish; Planning Board Members Butch Martin, Scott Vallandingham, Georgia Rasmussen.

CALL TO ORDER

Mayor Lee Myers called the meeting to order at 7:05 p.m.

INVOCATION

Everyone recited the Lord's Prayer.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

PRESENTATION BY BLUMENTHAL PERFORMING ARTS CENTER

Judith Allen, President of the Blumenthal Performing Arts Center, described the various activities of the Center, which opened eight years ago. Ms. Allen stated that one of their goals is to partnership with schools and parks and recreation departments. Folders were handed out describing future programs.

PLANNING AND ZONING BUSINESS

REPORT FROM PLANNING AND ZONING BOARD -

Ms. Ingrish read the Planning and Zoning Board Report. (Exhibit #1 hereby referenced and made a part of these minutes.)

ACTION FROM PLANNING AND ZONING BOARD REPORT -

Zoning Petition 364 - Cochrane Station, NC51 and Phillips Road, from R-15 and R-20 to R-VS Innovative

Mayor Myers said apparently Fedex tried to deliver a package to his home on Friday when he was at work. Also, he said, plans have been submitted tonight. Mayor Myers said that this petition has changed even since the Planning and Zoning Board reviewed it. Because he has not had an opportunity to review this he said he is not in a position to move forward on this tonight.

Commissioner Query moved to defer Zoning Petition 364 to August 14. Seconded by Mayor Pro-Tem Krauss.

Commissioner Bailey said he cannot support anything less than R-12CD. He said apparently there has been support from some individuals for R-9CD.

Town Attorney Charles Buckley said he thinks the Board and public are not aware of the petition as it exists now. It has changed dramatically. He suggested the Board call for a public hearing on August 14th and they could decide at that time whether or not they wanted to vote on it or refer it to the Planning and Zoning Board.

Motion by Commissioner Query, seconded by Mayor Pro-Tem Krauss, to amend the motion and call for a public hearing for August 14 on Petition 364.

Mayor Pro-Tem Krauss said a lot of comments were received were in opposition to R-VS. She said she feels that R-VS is a good option which allows innovative planning and urged citizens to give some thought to this. Mayor Pro-Tem Krauss said this is a good way for some optional land planning which gives Matthews the opportunity to develop and keep its own identity.

Commissioner Glass cited concerns of the R-9 density and the traffic.

Motion to defer to August 14 and call for public hearing on petition 364 was unanimously approved.

Board of Commissioners Meeting
July 10, 2000

Zoning Motion 00-3 - Various Text Amendments to Zoning Ordinance

Commissioner Bailey moved to approve Zoning Motion 00-3. Seconded by Commissioner Glass and unanimously approved.

Subdivision Variance Request - Crestdale Station Land Dedication Requirement

Mayor Myers said there was a memo in the folders tonight from Planning Director Kathi Ingrish. They may need to deal with this on August 14 when other CrC issues will come up.

Motion by Commissioner Bailey to defer to August 14th. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

ITEMS TO BE ADDED TO THE AGENDA

Town Manager Messera requested that a Resolution to declare the bucket truck that was burned surplus and add to the Consent Agenda. Motion by Commissioner Bailey to add to the Consent Agenda as item F. Seconded by Commissioner Glass and unanimously approved.

Mr. Messera asked the Town Board add to the agenda an ordinance for a stop sign at the intersection of Forestwood and Firewood Drives. Motion by Commissioner Bailey, seconded by Commissioner Taylor, to add to the Consent Agenda as item G. Unanimously approved.

MISCELLANEOUS

Christie Sylvestri said her request at the last meeting was to install a stop sign at Sweetgum and Firewood. She said as soon as the barricade came down they started to see a lot of traffic. In seven days they have had 11 mailboxes vandalized and six cars have had the air let out of their tires. Mrs. Sylvestri said this is a neighborhood that never had problems. Crime will go up because people can go in the neighborhood one end and out the other. She said it takes away part of the security in the neighborhood. She urged the Board to put a stop sign at Sweetgum and Firewood.

Ms. Sylvestri said that if they do decide to put the barricade back up if the homeowners could develop a natural area there instead. Mayor Myers said this can be discussed when the issue comes back to the Board. He said he will check with the Police Department to see if these crimes have been reported.

CONSENT AGENDA:

- A. Approve Minutes June 26, 2000 Meeting**
- B. Approve Request from Matthews Alive! for street closings (Parade, Race and Festival), Park Use, Public Works and Police Assistance from noon, Friday September 1 through midnight, Monday, September 4, 2000**
- C. Adopt Resolution Declaring Intent to Abandon a Portion of Ames Street**
- D. Approve Preliminary Plat - Reverdy Glen**
- E. Accept Zoning Petition 365, Mary Childers Martin, 1141 Pineville-Matthews Road, from R-20 to R-15, and Set Public Hearing for August 14, 2000**
- F. Adopt Resolution to Declare Bucket Truck Surplus and Authorize Its Disposal**
- G. Adopt Ordinance Placing 3-Way Stop Signs at Forestwood and Firewood Drives**

Motion by Mayor Pro-Tem Krauss to approve the Consent Agenda. Seconded by Commissioner Glass and unanimously approved.

UNFINISHED BUSINESS

REVIEW AND CONSIDER APPROVAL OF REVISED MEMORANDUM OF UNDERSTANDING FOR MUMPO

Town Attorney Charles Buckley said he has reviewed this. Basically it is expanding the jurisdiction. There are some changes that affect the weighted vote. He said it does appear to comply with the requirements of Title 23 of the U.S. Code and the general statutes.

Mayor Myers said the Board needs to take a position on this. Motion by Commissioner Taylor to approve the revised Memorandum of Understanding as written and authorize Mayor Myers to sign on behalf of the Town. Seconded by Commissioner Glass. Mayor Myers said he would bring any changes back to the Board. Unanimously approved.

MAKE APPOINTMENTS TO BOARDS/COMMITTEES

Motion by Commissioner Taylor to appoint John Cabaniss to the Transportation Board. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

DISCUSS AND TAKE POSITION ON STALLINGS PROPOSAL FOR THE MONROE BYPASS

Mayor Myers said this will be on the MPO agenda at their meeting a week from Wednesday night. He said basically this is to add the proposal to the environmental impact study. It is not approving or condoning this particular location but saying to go ahead and add this to the study.

Commissioner Query moved to not support the Stallings proposal. He said he feels the three alternates the state has picked are sufficient. Seconded by Commissioner Taylor and unanimously approved.

NEW BUSINESS

DISCUSS POSSIBLE FUTURE DOWNTOWN ROAD CONNECTIONS

Town Manager Messera said this is just a report on the study that was done. No action is needed tonight. Mr. Messera said the Board has talked about reconnecting some of the area. He displayed a map showing possible connections. He said the big issue is dealing with the railroad. At some time they may want to double track the line. The engineers were asked to design this road with this in mind. They looked at the existing buildings and railroad track and found it would be feasible. Mr. Messera said he included a cost estimate on the back of his memo. He said this is purely a report and has not been broached to the railroad. Deed issues have been looked at and there may be some land acquisition costs. Mr. Messera said, in addition, the geometry works for a possible future crossing in the vicinity of the area called Doug's Drive. Some time this summer he would like to meet with the railroad and start a dialog to see if it is feasible. He said any connections would be up to the Board but physically it is feasible.

PUBLIC SAFETY BUILDING UPDATE

Project Manager Ben Aldridge said basically four questions arose from the last meeting. One -- did they make the right decision in purchasing the building? He said the McLeod study recommended a three acre parcel. Access, location and visibility were important. Mr. Aldridge said the property purchased was a 40,000 square foot building on 2.37 acres. He said the purchase price was over two million dollars and the Town purchased it for \$1.7 million. Based on needs, Mr. Aldridge said, he feels the property is a good buy.

The second issue that was addressed was the program developed by McLeod who met with department heads and then recommended the space. When the Town purchased the Trim Pak building they engaged Frank Williams, III and began to fit the space needs into the existing building. Mr. Aldridge displayed the illustration that was presented several months ago outlining the proposed area for the Police Department, EMS and expansion space. Mr. Aldridge said ADA requirements came into effect which caused them to have to widen corridors, etc.

In regards to the budget -- the initial negotiation figure was estimated at \$45 dollars per square foot

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to upfit the building. They found out they had to go to public bid which was more costly. They also had to add elaborate ramps at the back of the building to comply with ADA. Mr. Aldridge said they had a short bid period and lost some bidders due to the time. Another thing they encountered was that at least three of the major sub contractors did not bid the project so they did not have numbers for three significant areas.

Mr. Aldridge said since the last meeting they have done a number of things. Based on direction and discussion, they made some changes and moved the space around a bit and did some value engineering. In essence, he said, what they have done is moved the second floor to the first floor, including the locker room and shower facilities. They will lose the large training room. They still have some expansion space in a few areas and it will allow expansion space in the future on the second floor. Mr. Aldridge said there was some value engineering done on the elaborate ramps. They are now at grade which is a significant reduction in cost. They also had some discussion with Building Standards that allows them to do something different with separation walls.

Mr. Aldridge said that they will have bids on August 8. Based on that they will have real numbers as to where they are with the budget. He said it will be over the \$1.3 million but does not know at this point how much. Mr. Aldridge said they have extended the completion time for the project and picked up a number of bidders. They have renewed interest in the project. He said they will negotiate with the low bidder and can reject all bids if necessary.

Town Manager Ralph Messera said he and Kay Thompson, Finance Director met with the Bank of America this morning. They have looked at the building and the plan. A revised finance schedule was included in the Board's packets on Friday. Mr. Messera said there will be a public hearing on August 14 with submission to the LGC on August 15. He said Mr. Aldridge and Mr. Williams have worked hard to get the figures down, along with Chief Hunter and EMS Coordinator Dennis Green.

Chief Hunter said he is still very pleased with where they are. It is expandable for the future. Mayor Myers said this is providing the space and keeping the opportunity for expansion on the second floor. He said it represents a good plan for today and also envisions for the future.

Mayor Pro-Tem Krauss addressed the issue of paid fire staff and looking at combined first responder services. She said she wants to make sure they won't have to make excessive changes if they need to combine the spaces in the future.

Mayor Myers said that is an issue of where they are heading with public safety. He said he would hope that this building will have the flexibility. They may need to get together with the Fire Department and EMS people to discuss this.

Mr. Messera said the Fire Department has eight pieces of equipment. They would need to make major changes. He said one of the things that made this property attractive was community policing and interaction with the community. Mr. Messera said the PAL activity and youth activities with police involvement was one of the visions they shared with the Board. To sacrifice that for a different use really needs to be thought about. He said that layout would not work. The Fire Department is currently in a building and looking to expand.

Commissioner Query said over 25% of building is police athletic and that was not his intent when they first discussed this. Mr. Williams said they can move the corridor and still have a gym and add another bay and a half. He said he does not think saving the space for vehicles to come out on the other side would work.

Mr. Messera said the schedule is having repercussions on the downtown project schedule. It is relatively easy to relocate Admin but not so easy for relocating the Police Department.

Commissioner Query asked how this would affect the capital project plan and taxes. Mr. Messera said the bank will run some figures which will be presented to the Board.

Commissioner Glass said they have to look at the facility for the next 25+ years. She said she feels

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the First Responder issue needs to be looked at.

Mr. Aldridge said the bid packages will go out with the basic design revisions as discussed (dropping the Police Department to one floor, internal revisions to reduce costs, etc.) and there would be a number of alternates taken, but at this time the Fire Department was not included in the concept. Mayor Myers asked for further comments. There were none.

MAYOR'S REPORT

Mayor Myers said the donut hole legislation (Huntersville Annexation Bill) passed. He said the Town has been added on with the Charlotte zoning bill. Starting July 17 the Public Library plans to close on Mondays. He said the Board of Trustees needs to take a position to keep it open. He said there are issues of the sale of the Cornelius Library and revenues from the ABC Board. He encouraged the Board to support keeping the library open on Monday. Mayor Pro-Tem Krauss said they need to contact the Board of County Commissioners and any of the trustees.

Mayor Myers said on the question of trucks on Trade Street the signs will go up and enforcement will start.

Mayor Myers said regarding TCC - Ron Tobert, Chief Transit Official, is doing an excellent job. Mayor Myers said he has some information on transit issues that he will leave at Town Hall. He announced he will be out of town July 12 - 18.

ATTORNEY'S REPORT

Town Attorney Charles Buckley said the Annual North Carolina Municipal Attorneys Conference was scheduled for August 3, 4 and 5 and requested he be allowed to attend.

Motion by Commissioner Query, seconded by Commissioner Glass, to allow the Town Attorney to attend the Conference. Unanimously approved.

TOWN MANAGER'S REPORT

Town Manager Messera said the barricade was removed on June 28. They started taking traffic counts the following Monday. The Board will be receiving reports on this.

Mr. Messera said they are adding street lighting from downtown to Crestdale School.

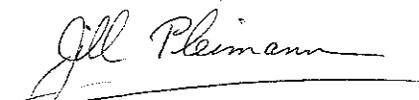
Included in the Board's packets tonight is a sheet outlining upcoming issues and when they may be coming up on the agenda. Mr. Messera said he will continue to provide this information on a regular basis and hopes Board members find it useful.

Regarding the Community Center -- they have a temporary C.O. but not for the auditorium or underneath the auditorium. This gives them the ability to move some furniture and equipment in. Mr. Messera said the proposed dedication is on August 17. A gala event will be held later on -- probably in October.

ADJOURNMENT

Motion by Commissioner Bailey, seconded by Mayor Pro-Tem Krauss to adjourn. Unanimously approved. Meeting adjourned at 9:17 p.m.

Respectfully submitted,


Jill Pleimann,
Town Clerk

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EXHIBIT #1 -

**PLANNING BOARD REPORT
ON THEIR MEETING OF
JUNE 27, 2000**

- I. ZONING PETITION 364 - COCHRANE STATION, NC51 AND PHILLIPS ROAD, FROM R-15 AND R-20 TO R-VS INNOVATIVE

Planning Board unanimously recommends approval of Petition 364.

- II ZONING MOTION 00-3 - VARIOUS TEXT AMENDMENTS TO ZONING ORDINANCE

Planning Board unanimously recommends approval of Motion 00-3.

- II SUBDIVISION VARIANCE REQUEST - CRESTDALE STATION LAND DEDICATION REQUIREMENT

Planning Board unanimously recommends denial of the variance request for land dedication requirements

OTHER BUSINESS -

- I. ADMINISTRATIVE AMENDMENT - PARKVIEW AND MATTHEWS, DELETE PERVIOUS PAVEMENT AND SEWER PUMP STATION

Planning Board unanimously approved the deletion of pervious pavement but did not act on the sewer pump station.

- II SKETCH PLAN - CRESTDALE STATION

Planning Board reviewed a sketch plan for Crestdale Station. They felt the lot size was alarmingly small and R-9 should be used.

**MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
JULY 24, 2000 - 5:30 P.M. - 7:00 P.M.**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Clerk Jill Pleimann.

ALSO PRESENT: Assistant Town Manager Kay Thompson; Department Heads Leigh Baggs, John Goins, Dennis Green, Rob Hunter, Kathi Ingrish.

ABSENT: Ralph Messera, Town Manager

Board members and Department Heads discussed separation of COLA (cost-of-living adjustment) and merit system for Town employees.

Mayor Myers said as they have not reached any consensus they may look at putting this on as an agenda item for the next meeting.

Meeting adjourned at 7:05 p.m.

**MINUTES
BOARD OF COMMISSIONERS MEETING
JULY 24, 2000 - 7:00 P.M.**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Clerk Jill Pleimann.

ALSO PRESENT: Assistant Town Manager Kay Thompson; Department Heads Leigh Baggs, John Goins, Dennis Green, Rob Hunter, Kathi Ingrish.

ABSENT: Ralph Messera, Town Manager

CALL TO ORDER

Mayor Myers called the meeting to order at 7:10 p.m.

INVOCATION

Dr. Ken Lyon, Matthews United Methodist Church, rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

PRESENTATION BY BOB COUICK - American Legion Post 235 Baseball Team

Mr. Couick said they first appeared before the Board in 1995 and were seeking funds at that time. Since then they have had a good bit of success and in the last two years had the opportunity for wins. Mr. Couick presented two plaques to the Town in hopes they could find a place to display them. He thanked the Board for their support.

MISCELLANEOUS

Iris Devore said she is coming to the Board tonight with seniors in mind. They are looking for a place for seniors which would be open five days a week and staffed.

Dr. Lyon said he is very supportive of this concept. He said it would be wonderful if there was a site available that the seniors could use for their building. Dr. Lyon said their current facilities are not able to keep up with growing needs. He said seniors are living longer, active lives. It would be of great benefit if there was a specific place where seniors could go every day. He asked the Board to consider their resources as a Town to help develop this concept. He said it will enhance the quality of the entire community.

Others speaking in support of this were: Gene Baker, Jack Nance, Sylvia Gaines, Lena Smith, Lou Honeycutt, Joan Uhrich, Harvey Boyd, Lawton Wiles, Michelle Hitselberger and Nancy Glenn. Ms. Glenn said she thinks this Board has an incredible opportunity to leave a great legacy for Matthews. She said they are looking for a land donation. The seniors would be in a position to raise the money and seek other donations for building the center itself. The area they are looking at is the 150 acres owned by Mecklenburg County. (This is the location where the small area plan is currently under study.) Ms. Glenn said she would love to see Mecklenburg County donate a portion of this to the senior citizens.

CONSENT AGENDA:

- A. Approve Minutes July 10, 2000 Meeting
- B. Approve Release of Tourism Funds in the amount of \$10,000 to the Matthews Athletic and Recreation Association (MARA)

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July 24, 2000*

- C. Approve and Adopt an Order of Collection to the Mecklenburg County Tax Collector
- D. Approve Revision to Insurance Interlocal Agreement
- E. Ratify Release of FY 99-2000 Tourism Funds in the amount of \$1,500 for Auto Reunion to Matthews Chamber of Commerce
- F. Approve Release of FY 2000-01 Tourism Funds in the amount of \$9,000 for Art Fest to Matthews Chamber of Commerce
- G. Approve "Safelight" Contract with Lockheed Martin
- H. Accept Zoning Petitions: #366 -- ~~Matthews Market at Independence Boulevard and Matthews Township Parkway -- additional square footage~~; #367 - The Herman Group, Matthews Township Parkway and Matthews-Mint Hill Road, for senior apartments and set date for Public Hearings for August 14, 2000.
- I. Approve final plat - Avington, Map 2 Revised
- J. Approve refund of Privilege License Tax to Mechanical Equipment Company (MECO) in the amount of \$2,391.63

Mayor Myers said that Petition 366 has been withdrawn. This will be removed from the Consent Agenda. Motion by Mayor Pro-Tem Krauss to approve the Consent Agenda. Seconded by Commissioner Bailey and unanimously approved.

NEW BUSINESS

REVIEW AND APPROVE MATTHEWS PARKS AND RECREATION POLICIES AND PROCEDURES

Commissioner Bailey said he has a concern concerning the resident theater groups which seems to be defined just as Matthews Community Theater and Matthews Playhouse. He asked if they could eliminate the names and refer to them as resident theater groups. Commissioner Bailey said they may need to establish guidelines as to what constitutes resident theater groups.

Mayor Pro-Tem Krauss asked about groups being allowed for fund raising events. Ms. Baggs said non-profit groups would be allowed.

Motion by Mayor Pro-Tem Krauss to adopt the rules and regulations, along with the fee schedules. Seconded by Commissioner Query and unanimously approved.

REVIEW AND APPROVE CONDITIONAL ZONING POLICY

Kathi Ingrish, Planning Director, said the Town needs to add some additional instructions in the zoning petition form to confirm with the new law that went into effect for Charlotte and Mecklenburg County. She reviewed the one-page document.

Commissioner Query asked if Town Attorney Charles Buckley had reviewed this. Town Attorney Charles Buckley said yes. It complies with state statutory requirements.

Motion by Commissioner Query to adopt the Conditional Zoning Policy. Seconded by Commissioner Taylor and unanimously approved.

REVIEW AND APPROVE SIDEWALK PRIORITIES SCHEDULE

Mayor Pro-Tem Krauss said she has had people ask about sidewalks on Reverdy Lane. A petition had been submitted by the residents. She said she talked to Commissioner Wright who said she could not support this without speed humps. Mayor Pro-Tem Krauss said these are two separate issues. Reverdy Lane did not meet the criteria for speed humps.

Commissioner Taylor said he agrees they are two separate issues. One is the perceived speed problem. It does not meet the 85th percentile in the guidelines. He said there is also a need for sidewalks. A lot of the people who signed the sidewalk petition said if they could not get

speed humps then let's have sidewalks. Mr. Howard Whitehead said this was not the way this was presented to the residents. Mayor Pro-Tem Krauss said they need to go ahead and vote on the sidewalk priority and people who meet the criteria get speed humps.

Commissioner Taylor said they need to look at special needs. In a previous meeting they asked the Transportation Board to look at Reverdy Lane in its entirety and come back with recommendations. They asked the Board to not consider the guidelines but to take a look at the entire street and recommend what would be best suited for safety purposes. Commissioner Taylor said he doesn't recall getting that information back. Public Works Director John Goins said it has been discussed and they are still in the process. He said a memo was sent to the Town Manager with a recommendation of between one and four humps, but they have no petition from the residents for speed humps.

Mayor Pro-Tem Krauss said she would like to see Reverdy Lane on the priority list for sidewalks. Mayor Myers said he sees an impending problem with putting sidewalks on Reverdy - on which side of the road would it be constructed and how much right-of-way is there?

Mayor Myers said another problem is they have adopted a priority list of sidewalks. He said he does not see a problem amending the list and excluding Idlewild but they need to look seriously at completing Pleasant Plains Road and constructing a sidewalk on Rice Road. Mayor Myers said there have been no sidewalk improvements on that quadrant of the town and it would accommodate several neighborhoods.

Mayor Myers said he would like to see four speed humps constructed on Reverdy and see if that solves the problem. If not, then they could consider sidewalks. He said that speed humps could be installed for less than ten thousand dollars with no disruption to the residents and that is what he would support.

Commissioner Query said he has no problem with putting in the speed humps. He said they had asked for input from the Transportation Board before making any recommendations. Mayor Myers said they need to make that decision to move along. He would like to get that recommendation and make that decision.

Commissioner Taylor said the recommendation from the Transportation Board is one to four speed humps but not the recommendation of how to make Reverdy "perfect". He said he would not like to allow speed humps in lieu of sidewalks. They need to rank sidewalks independently of whether they have speed humps or not. This would be unfair. Mayor Myers said it should be on a "need" basis.

John Goins said his understanding was the Transportation Board was to look at Reverdy again and throw out the criteria. Based on Reverdy as a whole they would recommend between one to four speed humps. The Transportation Board also wanted to remind the Board that if 75% of the petitioners want them out they would have to take them out even if they meet the criteria. Mayor Myers said they could make a motion of approving speed humps providing there are 75% signatures on the petition.

Mayor Pro-Tem Krauss said they have not met the criteria and not submitted a petition with 75% signatures. Mayor Myers said they have to look at the road and see if this warrants some consideration. He said looked at the speed humps in Southwoods and feels it is effective in reducing speed.

Motion by Commissioner Wright to add approval of speed humps on Reverdy Lane to the agenda. Seconded by Commissioner Taylor and unanimously approved.

Discussion ensued on the sidewalk priority. Commissioner Bailey said he would not vote on this without an integrated plan. The Town has had an intern put together all vehicular and non vehicular avenues for the residents of Matthews. Phase two is to take all this information

and integrate it. This way they can decide wisely how to move people around the town. Commissioner Bailey said the feedback from the folks on Reverdy is they need to slow down traffic. Sidewalks will not do that. The point is they have to slow folks down. He said he would be in favor of looking at Rice Road and Pleasant Plains and some of the thoroughfares for sidewalks and spend money on Reverdy for speed humps.

Mayor Pro-Tem Krauss said she wonders if they may need to take more time on the sidewalks to look at the study a little further. She said she is not giving up the idea of sidewalks on Reverdy Lane.

APPROVE SPEED HUMPS ON REVERDY LANE

Motion by Commissioner Wright to put four speed humps, as recommended by the Transportation Board, on Reverdy Lane to resolve the speeding problem. Hearing no second the motion fails.

Motion by Commissioner Taylor to take the advice of the Transportation Board and upon receiving a petition with 75% of signatures of adjoining homeowners that four speed humps be constructed as recommended by John Goins. Seconded by Commissioner Bailey and unanimously approved.

MATTHEWS STATION/DOWNTOWN REPORT - Ben Aldridge

Ben Aldridge, Project Manager, outlined the phasing aspects of the Matthews Station Development. He said they are hoping to begin construction in early September. Mr. Aldridge said they met with the people from Kristopher's and they do not have a problem with this. He pointed out the areas where demolition will occur and where the proposed bank will be located. Mr. Aldridge said access to the Cactus Rose and Preslar's and the temporary location for Town Hall staff will be maintained with a parking area and access from the rear. He said once the current Town Hall has been demolished construction on that site will begin. Construction will continue on the new Town Hall/Library. In May 2001 the Police building will be demolished and will become a grassed area. Around June or July they would move the old Depot building to its proposed location. The caboose will be moved in September. At the end of September 2001 they should be able to occupy the Town Hall/Library. Mr. Aldridge said a future building location will be a grassed area. He said that access will always be maintained to the Williams' residence during the development of the property.

Mayor Pro-Tem Krauss said she is very surprised that when all the conversations have been towards a pedestrian friendly area and they now talk about a drive-through bank. Mr. Aldridge said Mr. Purser has talked with several banks and all of them require a drive-through. This will also have a walk-up ATM. He pointed out the location of the two drives.

Commissioner Bailey said he does not like the drive-through. In fact, he said, he is infuriated. He said the plan keeps changing slightly and is now becoming a parking area. Commissioner Bailey said it is impeding the "main street" look. A drive-up promotes a vehicular movement which conflicts with coming in and parking and walking towards the library. He said it is changing into a shopping center as far as a drive-in is concerned.

Commissioner Query said it looks as if they have created a big parking lot for Kristopher's. He said he is opposed to the drive-through. It takes away from being pedestrian friendly. He also questioned the change in the proposed access to the property.

Commissioner Glass asked how delivery vehicles would access the stores. Mr. Aldridge pointed this out on the drawing.

Commissioner Taylor said he does not recall anything about a drive-through and did not think it would even be considered. Mr. Aldridge said it comes down to the fact that if we want a bank they will need a drive-through.

Town Attorney Charles Buckley said this is the time they absolutely need to define the uses – before the master plan has been approved by the developer and the Town and the budget is set. Mayor Myers asked about the status in terms of leasing. Mr. Aldridge said that Mr. Purser has in hand a signed lease from Centura Bank.

Mayor Pro-Tem Krauss said she finds it somewhat presumptuous that they could have a drive-through for a bank.

Town Attorney Charles Buckley said once the master plan is approved Mr. Purser gets to select the tenants. Commissioner Bailey asked what zoning is allowed. Town Attorney Charles Buckley said he and Planning Director Kathi Ingrish may have a difference in the way they interpret this.

Mr. Aldridge said one of the exercises the Board went through was to define the allowable uses for this property. Banking was one but they did not discuss at any time a drive-through. Mayor Myers said he remembers striking through all they did not want. He said it did not enter his mind about a drive-through. Mayor Myers said he has been a proponent of a bank within that development. He said the problem is he cannot think of a bank that does not have a drive-through and/or ATM. Mayor Myers said he does not want a drive-through but does want a bank. He said he is not sure they can have one without the other.

Commissioner Bailey said (talking about the bank drives) there is a stacking lane and an arrow going past the stacking lane around an island to a two-way street. Can they make a left turn from the rear and go that way? Mr. Aldridge said it is a two sided island. Commissioner Bailey said potentially they could have stacking in the road that provides access to the rear of the property.

Town Attorney Charles Buckley said the subdivision plat has not been approved yet. The Town still has control of where the lots will be.

Commissioner Taylor said he thought the whole premise was to get people walking. He said if a bank wants to get the traffic they will go for it. Commissioner Taylor said they are trying to build an atmosphere with people walking. Mayor Myers said basically the bank is saying if they cannot have a drive-through they will not build there. Commissioner Taylor pointed out that Harris-Teeter and some other stores have banks inside their buildings. They are not drive-throughs. Mayor Pro-Tem Krauss said she is opposed to a drive-through, whether it is a bank or not. This is not how they started out.

Mayor Myers said he is not happy with this. There does appear to be a stacking problem. He said he would like to see a financial institution at that site. He feels it would be a cornerstone for Matthews Station.

Commissioner Bailey asked if Lat Purser could look at one drive-through and continue to have access. Mayor Myers said this issue can be communicated to Mr. Purser.

Commissioner Glass said this does not look like a main street anymore but now looks like a parking lot. Mayor Myers asked if this is consistent with the illustration that shows the entrance.

Consensus was to hold a special meeting on July 31st at 6:00 p.m. for further discussion on Matthews Station with Mr. Purser.

COMMUNITY CENTER PROGRESS REPORT - Ben Aldridge

Project Manager Ben Aldridge said they have a temporary C.O. (Certificate of Occupancy) for the classrooms and the multi-purpose room. The main thing they are waiting for is delivery of the toilet petitions. The curtains and rigging for the auditorium stage will be installed the first of August. Mr. Aldridge said he received notice today that the seating

supplier is looking at eleven weeks to have the seats installed. He said he will be going back to the supplier and saying this is not acceptable. The landscaping and lighting is to be finished up. Mr. Aldridge said the building is beautiful. The dedication date will possibly be in October.

Public Safety Building -- will rebid August 8. Pre-bid conference will be held Wednesday.

Public Works -- They have the finalized estimate of costs. There is \$60,000 difference between the check the bonding company sent and the cost. Mr. Aldridge said the project is ongoing.

MAYOR'S REPORT

Mayor Myers said the legislative session has come to an end. The Speaker of the House did an excellent job. Matthews got good attention in the legislation and received good support from our delegation.

Mayor Myers called the Board's attention to the transit issue addressed by Ron Tolber in The Leader Magazine.

Mayor Myers said the fourth alignment for the Monroe Bypass has been added to the study by DOT. He said the Town of Matthews needs to address this and be a little more aggressive with it. He congratulated everybody on dealing with the public library issue and said they got what they wanted.

Mayor Myers reminded Board members that Saturday night is the last of the summer concert in the park series for this year.

Commissioner Query asked if they had determined what they are going to do with the piece of property on NC51. Mayor Pro-Tem Krauss said Planning Director Kathi Ingrish has an excellent suggestion.

Planning Director Kathi Ingrish said this could very likely be a potential site for the senior citizens center. It would be easily accessible off Northeast Parkway and a senior apartment complex is proposed for across NC51. Ms. Ingrish said placement of a building and park could be designed to work with the natural features of the land and would be better than a ballfield which would need considerable grading. Mayor Pro-Tem Krauss said she thinks this is an excellent situation.

ADJOURNMENT

Motion by Commissioner Bailey to adjourn. Seconded by Mayor Pro-Tem Krauss and unanimously approved. Meeting adjourned at 9:48 p.m.

Respectfully submitted,


 Jill Pleimann,
 Town Clerk

July 31, 2000

**MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
JULY 31, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Clerk Jill Pleimann.

ALSO PRESENT: Assistant Town Manager Kay Thompson, Planning Director Kathi Ingrish.

ABSENT: Ralph Messera, Town Manager

Mayor Myers called the meeting to order at 6:15 p.m.

Project Manager, Ben Aldridge, outlined the phasing for Matthews Station. He discussed the site plans and how they evolved. Mr. Aldridge said the Board did approve a Master Plan in December, 1999.

Lat Purser said the area has not changed. The access alley that runs by Kristopher's and Kentucky Fried Chicken is "dog legged" to slow down traffic. He said this is the way they have always had it.

Mayor Pro-Tem Krauss said when they look at the plan from 1998 it appears that what they have now is a considerable change. One of the concerns is using the service road.

Frank Williams III asked if there would be a traffic light. Mr. Purser said no. They have a dedicated right hand turn and speed humps.

Mr. Purser said the width between the two buildings has not changed. He said they had talked with a couple of banks. Centura said they needed two drive-throughs so they designed the service drive to become one way. He said there is adequate space for parking and backing out. They will have angle parking. After 5 p.m. the drive-through will probably be used as parking. The ATM is on the street front.

Mr. Purser said they wanted to have enough parking and they wanted convenient ingress and egress. The buildings have never changed. He said although there are about seven parking spaces less where the bank is, the ratio of parking is still the same. Mr. Purser said one thing they made sure of was that they had adequate room for school buses to go back to the library.

Mayor Pro-Tem Krauss said she does not like the drive-through. She said she feels it takes away from the whole concept of the area. Mr. Purser said the dry cleaners and coffee shop will generate more traffic during the morning than the bank has all day. He said they will work to get the stacking lanes from the bank to meld into one lane.

Commissioner Taylor asked if they had any assurance of not having a second ATM in the second bay. Mr. Purser said there is nothing to prohibit it but they will address that. He said that right now it is the mind set of the banks that they need a drive through. The advantage is the road is no longer one way. After 5 p.m. they can use it for parking.

Commissioner Query asked if fire trucks can access the back. Mr. Purser said he does not know. The Department of Insurance looked at the plan yesterday and did not have a problem with it. Building Standards will also be looking at it.

Mr. Purser said that Wingate College will have about 75 students. There will be a sticker program in place for them and they will use the parking lot across the street. He said this is part of their lease.

Board of Commissioners Meeting
July 31, 2000

Commissioner Query said he does not like the drive through either. He expressed concern as to how they arrived at this. He said it is a different concept than they approved in December, 1999.

Commissioner Glass asked if they could go to CD zoning and restrict this area to a bank only with a drive-in. Town Attorney Charles Buckley said there could be deed restrictions on the private property. They could eliminate drive-throughs for any other use than financial institutions. Mr. Purser said he did not have a problem with that.

Mayor Pro-Tem Krauss said she thought they were talking about doing the Town Hall/Library first. Mr. Buckley said it was the Board's desire to have completion of the entire project in 36 months so Lat Purser and Associates would be developing the private property at the same time.

Mr. Purser said they have tenants looking at the spaces. In the one building they anticipate a beauty shop and the Chamber of Commerce.

Commissioner Wright asked how much the Town would lose if the Board turns this down. Mr. Purser said although he couldn't give them a dollar amount he knows it would put the project back about a year.

Commissioner Glass said she has a concern about delivery access. How do they get around? Mr. Purser said it may take some refinement of the buildings themselves. Normally they would be serviced from the front with a van.

Mayor Myers said they need to have the budget figures in by August 7th in order for Ms. Thompson to prepare the LGC application.

Commissioner Glass said this is very discouraging to find this out now. To put a damper on moving forward really complicates things. Mayor Myers said there has been a series of meetings but he has not been able to attend all of them. There was talk about this drive-through in May. The position was that the Board had approved banks and so they went forward with it. Mr. Purser said they had talked with three banks. Centura was the one who expressed interest in the project but said they needed two drive-throughs. Mr. Purser said it was not brought before the Board because they talked with Mr. Messera and did not think they needed to do so.

Mayor Myers said he is not happy with a drive-through but feels the project needs a bank. He said that Mr. Purser has done everything to blunt the effect and still make this a successful project. This is a cornerstone tenant and gives the project validity. Mayor Myers said they could put in a restriction that this is for a financial institution only. If they do not move forward with this they will be putting the project back a year.

Commissioner Query said he has a concern that the fire truck cannot negotiate through the project. Mr. Purser said it has to be so it can be permitted. They will go over this with Building Standards.

Commissioner Bailey said he feels there is an excessive need for communication to the Board. He said this is not the only issue where they have had a communications problem.

Motion by Commissioner Bailey to allow the drive through on this location for a financial institution only. He asked Mr. Purser if there were any other drive-ins planned. Mr. Purser said no. He said he felt they had met all the requirements and that they were on the same track.

Commissioner Query asked if Commissioner Bailey would amend this motion subject to the approval of the Matthews-Morning Volunteer Fire Department Chief. Mr. Purser said this was okay with him. Commissioner Bailey amended his motion to include this. Seconded by Commissioner Wright.

Commissioner Taylor said he feels they are in an awkward position. He said he does not like the drive-through but hesitates to turn it down and delay the entire project. Commissioner Taylor said he will support this.

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Commissioner Glass asked if the lease agreement states the ATM is to be in the front. Mr. Purser said they cannot have a second ATM. They can put language in that it cannot be moved.

The motion was amended to include that the ATM cannot be in the drive-through.

Commissioner Query said if the Board had the information earlier it would have been easier to make an informed decision. Mayor Myers said notes from all future meetings will be provided to all Board members.

Commissioner Taylor expressed concern that there may be some confusion with the stacking lanes and drive-throughs. Commissioner Glass said it probably needs to be striped heavily.

Motion to allow the drive-through on this location for a financial institution only subject to the approval of the Matthews-Morning Volunteer Fire Department Chief. Additionally, the ATM cannot be in the drive-through. Unanimously approved.

Meeting adjourned at 8:40 p.m.

Respectfully submitted,


Jill Pleimann,
Town Clerk

**MINUTES
BOARD OF COMMISSIONERS MEETING
MONDAY, AUGUST 14, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Planning Director Kathi Ingrish; Planning Board members Butch Martin, Scott Vallandingham, Frank Casale, Hampton Hopkins, Aanalisa Whatley

CALL TO ORDER

Mayor Myers called the meeting to order at 7:08 p.m.

INVOCATION

Mayor Myers rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

PROCLAMATION - Matthews Firefighter Appreciation Week

Mayor Myers proclaimed August 13-19, 2000 as Matthews Firefighter Appreciation Week. He said that Matthews is blessed with many volunteer organizations and made special mention of the "Fill the Boot" program the volunteer firefighters hold for the Muscular Dystrophy Association.

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Mayor Myers said the Board toured the newly renovated Matthews Community Center this evening, before this meeting. He said the building was constructed in 1905 and had two additions. Mayor Myers said this is one other example of how they have managed to preserve a historic building and make it functional. He encouraged citizens to visit the facility and see what a great job has been done.

RECESS REGULAR MEETING

Commissioner Query said that the property on petition 367 belongs to third cousins of his. There is no financial consideration for him involved in this. Town Attorney Charles Buckley said that the relationship was not close enough to be of concern. There is no conflict of interest.

Motion to recess regular meeting for public hearings made by Commissioner Bailey, seconded by Commissioner Glass, and unanimously approved.

Question of Installment Contract Financing for the Public Portion of the Downtown Development Project

Town Manager Ralph Messera said this is a required public hearing regarding financing the public portion of the Downtown Development Project. The Town proposes to borrow up to 6.6 million dollars for the building and infrastructure but in reality the figure may be between 5.8 to 6 million. The public hearing is an opportunity for public input on this.

Mayor Myers asked for any comments -- for or against this item. No one addressed this issue.

Question of Additional Installment Contract Financing for the Upfitting of a Public Safety Facility

Town Manager Messera said this is for the potential to borrow up to 1.3 million dollars. He said they are looking at it being closer to eight hundred thousand.

Mayor Myers asked for public input. No one responded.

Planning Director Kathi Ingrish introduced Planning Board members in attendance tonight. She also introduced Matt Todd, a student intern who has been working with the Planning Department this summer.

Intent of Board of Commissioners to Close a 10-Foot Strip Along the Southerly Right-of-Way boundary of Ames Street, located between Main and Alexander Streets

Mr. Messera said the Board had been given a memo, map and a copy of the petition. He said if the Board approves this the land will go to the adjacent property owner.

Commissioner Query asked if the Town closes the strip would they be able to open the road in the future. Mr. Messera said that the Public Works Director said they would retain a forty foot right-of-way. Commissioner Query suggested it would be better to leave the town as much room as possible if they should want to build a road in the future. Mr. Messera said that would be clearly within the Town's rights.

Debbie Olmstead, 8340 Walkup Road, Waxhaw, said they have been trying to sell the house at 441 Main Street. She said they found out about the encroachment when they had a survey done. Mrs. Olmstead said when they tried to sell the house in 1999 and people found out about the encroachment, there was no interest in purchasing. She said they have a contract to sell the house contingent upon the ten foot strip being abandoned by the Town.

Jack Davis, 341 Alexander, said he feels Matthews would best be served if the petitioners applied for a two foot variance rather than closing the street. Town Attorney Charles Buckley said they could not do that.

Dave Geiger, said he is building a house at 440 Alexander. He said he was told there was a fifteen foot right-of-way. He said it is on a corner and was told it would be fifteen feet, not ten feet. He said they need to be asking for seventeen feet to fit with Mecklenburg County Building Standards. If he has to build to that then they should too.

No one else spoke for or against issue.

Petition No. 364: To change the zoning classification from R-15 and R-20 to R-9(CD) on that certain property belonging to Cochrane Properties, Inc., and others, and being property located on the northerly side of N.C. Highway 51 at Phillips Road, being property previously petitioned to change the zoning to R-VS. Additionally, petitioners have removed the six-acre site at Phillips Road and NC Highway 51 from further inclusion in the zoning petition and further eliminated all townhouses.

Mayor Myers said this was back before the Board because of the substantial changes and a subsequent public hearing. The protest petition is still in effect which will require a 3/4 vote to approve the rezoning.

Bob Young, 1300 South Mint Street, Charlotte said he wants to cover a few important points. He said they pledged to try to do their very best to cover any concerns from the public hearing. They met on several occasions with neighbors and held numerous telephone conversations. Mr. Young said the plan is dramatically different from last month. It is entirely single family, R-12(CD) zoning. He said removing the R-VS zoning was a significant concern of the residents. The town home aspect was deleted as was the one area across highway 51. The density has decreased from 240 to 149 dwellings. This went from 3.8 to 2.6 density. Mr. Young said there are seven lots more on this plan than the current zoning. He said this plan is sensitive to the site and the topo of the site. They have done a lot of homework about the product that would go there. Mr. Young said the product is more expensive and less dense. It has larger lots. Mr. Young said he thinks this is a quality plan. They looked at the greater picture -- connectivity to adjoining streets. He said he does not feel they can do any more subsequent to what they are showing tonight. The benefits are substantial. Mr. Young said if the Town does not approve this plan he does not know what would happen. They may end up with several developers. He said he thinks they have mitigated the concerns about traffic. They have pledged to make intersection improvements and signalization and light. Mr. Young said they have tried to fit in what is marketable and economically feasible.

Commissioner Bailey asked about the possibility of stop signs, speed tables or speed humps. Mr. Young said Mr. Randall Tillman will look at that and he indicated that is something they can do. Commissioner Bailey said the report shows 35 mph on Main Street. Mr. Young said he would assume that is correct.

Mayor Myers said asked about the improvements Mr. Young mentioned. Is Centex doing what NCDOT is recommending? Mr. Young said yes. It is outlined on the note on the site plan.

Commissioner Bailey said the area he is concerned about is the long strip in the center. It seems to be appropriate for a speed table. Mayor Myers said they need an exact commitment on the site plan. This needs to be borne by the developer. Mr. Young said they will add a note to the plan and make that commitment.

Commissioner Taylor said Lightwood Drive is 25 mph. He said he has a problem with the way the road is designed. He said he would love to see it as a more residential street. Commissioner Taylor said he feels they will speed down to Lightwood and then slow down. He said he feels the design of the road is flawed. The stretch of road is more of a "bypass". Lightwood Drive is a neighborhood street.

Mr. Young said they do think there are important aspects that dictate the design. They would purposely design it so there were some stops in it. The creek parallels the road that helps to define how the road is laid out on the site. He said they are trying to meet the connectivity road and supplying a pleasant street.

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Mayor Pro-Tem Krauss asked what the distance was from highway 51 to that road. Mr. Young said it is 2400 lineal feet.

Commissioner Glass said she has two issues – one was density and the other traffic and the entrance. She asked if they envision any lots under ten thousand feet. Mr. Young said probably a few. The average is in excess of eleven thousand. Commissioner Glass asked if they would entertain no less than ten thousand feet. Mr. Young said they would entertain an average of eleven thousand. Ten would pinch.

Commissioner Glass asked whether or not they can have a deceleration lane south bound on 51 going into the neighborhood. Mr. Don Spence of Kubilins Transportation Group said the traffic study did not support that.

Commissioner Bailey said he would like to have the minimum and maximum sizes of the lots so they can ascertain the mean.

Mayor Pro-Tem Krauss said she feels this is not such a good plan since they have taken out the R-VS. Sometimes they take away from the best use of the property by having every lot the same size.

Karl Saal, 2524 Ivey Wood Lane, said he is pleased to hear about the R-12 zoning. He expressed concern about the traffic flow which could turn their road into a major thoroughfare. He said he would like to see some kind of provision put in place that would tame it. Mr. Saal said his other concern is the sewage. How is this going to be handled? Mr. Young said CMUD would handle the lines. Mr. Saal said he would like the property to stay at R-15 but seven additional lots is not that much.

Mr. Paul Devries, 1825 Swaim Drive, said he recognized efforts to mitigate the residents concerns. He expressed concern about amendments to the original petition. He said he does not think it should be allowed. Mr. Devries said it was mentioned that if this is not approved several developers might utilize this property. He said he does not feel this would be such a bad idea with different styles of houses. Mr. Devries offered his opinion on the notes on the site plan.

Christie Sylvestri, 1316 Sweetgum Lane, said the neighborhood is not meant to be a thoroughfare. They are trying to maintain and improve their quality of life.

Stefany Ferrell, 3035 Winding Trail, said that with the figures they put together and the map that was presented, more than half will go to R-9. She said not all the land is usable.

Lisa Caldwell, 1531 Sweetgum Lane said she is concerned about the barricade being down. She handed a letter from Janet Leone to Mayor Myers which addressed some of her concerns.

Mayor Myers questioned the sizes of the lots and the unbuildable space. Mr. Young said they do not have the specific lots broken down but will provide that information. He said there are some portions of the property that are difficult to develop because they want to preserve the streams and make the open space as an amenity to the project.

Mayor Myers said when they talk about creeks and waterways as amenities who will maintain these? Mr. Young said that will fall on the homeowners association. Mayor Myers asked what they were doing to it. Mr. Young said they will build a sidewalk which they intend to meander through the area. Mayor Myers asked if they are going to develop the area. Mr. Young said they intend to leave it natural except for the sidewalk.

Commissioner Glass said originally there was a private road south of the creek area. Is that still in the plan? Mr. Pearson said they will have a private drive. Mayor Myers said that folks on the end of the drive would not have access to the school bus or garbage pickup at their homes.

Commissioner Bailey said on the site plan there is nothing shown for a pool or other amenities. Mr. Young said there is little open space use for an amenity. Commissioner Bailey said if they don't

show it now they would have to go back through the process. Mr. Young said they would address that.

Commissioner Query said he wants to make sure this is R-12(CD) zoning. Planning Director Kathi Ingrish said at the time it was R-9(CD). The current plan is R-12(CD).

Commissioner Glass asked what is the stacking in the two lane area. Mr. Spence said he does not have that information.

Commissioner Bailey said normally this would go to the Planning Board. He said it is important to decide how this is to be handled and when they will have the additional information. Mayor Myers said they can deal with that later tonight. He said one Commissioner will not be at the meeting on August 28th so they will not deal with it then.

Petition No. 365: To change the zoning from R-20 to R-15 on that certain property belonging to Mary Childers Martin and located at 1141 Pineville-Matthews Road near the intersection with Sardis Road and further located between Courtney and Lakenheath Lane, and being property designated as Tax Parcel No. 227-032-27.

Steve Wallace, 6401 Carmel Road, Charlotte, said he is speaking on behalf of Mary Childers Martin. He said she is not able to live on the site any longer. The property is zoned R-20 and they are asking for straight R-15. Mr. Wallace said the surrounding properties are zoned R-20 one side and R-15 on one side and other property is R-12. He said they are asking for R-15 conventional zoning. The property may be used for a subdivision or some other thing that is in accordance with R-15 zoning.

Mayor Pro-Tem Krauss asked if there would be any possibility for a connection from Lakenheath.

Commissioner Bailey said straight zoning does not give the Board the opportunity to discuss any issues. He said he has a real concern about that and asked if the petitioner would come back with a site plan so they can understand how they would connect with highway NC51. Mr. Wallace said it only has frontage. The access would be at DOT's discretion.

Mr. McIntosh, 216 Lakenheath, said they have no objection with the petition but would see a problem with some kind of road connection. He said it would probably violate their covenants.

Mr. Roger Martin, 2440 Bain Farm Road, Mint Hill, and Mr. Jack Davis, 341 Alexander Street, spoke in support of the petition.

Mr. James Godfrey, 416 Mattridge Road and president of Glendevon Homeowners Association, voiced concern about straight R-12 zoning.

Mr. H. L. Austin, 204 Courtney Lane, said he has no objection to the property being developed but would like to keep it to R-20.

Mr. Gary Rice, 1119 Holleybank Drive, said he does not begrudge anyone trying to developing the property but does not know what this will be used for. He said he has a concern of an increase in traffic but feels he cannot comment on it meaningfully as they don't know how they plan to develop the property.

Mr. Wallace said they cannot solve the problem of highway 51. The traffic will be there and get worse.

Petition No. 367: To change the zoning from R-12MF(CD), RU(CD), B-2(CD), and O-9(CD) to R-12MF(CD), Site Plan Amendment, to permit the development of a senior adult multi-family community, and being property located on the westerly side of Matthews-Mint Hill Road and the southerly side of Matthews Township parkway and being designated as a portion of Tax Parcel No. 193-311-11 and also Tax Parcel Nos. 193-311-27, 26, 12 & 13.

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Mr. Bob Young said he is representing the Herman Group. They are adding some property to what they had previously. It is an extension of the previously zoned senior adult community. He said the notes are basically the same. The property is 33 acres, with 205 dwelling units, which are one or two story town homes. Density is 6 dwelling units per acre. The previous plan had one sole access and there is now a secondary access. Mr. Young said this is a great site and a great market for this project. It does adjoin two thoroughfares. It is a great benefit for seniors with the hospital and medical complex nearby.

Mr. Young said there will be a walking trail between the two areas and other open space areas. They are creating a down zoning; taking them down to residential. He said the traffic will be less intense. He said most residents will be retired or semi-retired so from a traffic standpoint it will be superior as residents will not impact the peak traffic hours. Mr. Young said they are merely extending what has already been zoned.

Commissioner Bailey said he thought there was something provisional about this site plan about housing for people 55 and over. He asked them to explain how it will change. Mr. Young said the provision will not change. It is the same carry over from the plan. The head of household has to be a minimum of 55 years old.

Commissioner Taylor said the original proposal came before he was on the Board. He asked them to point out on the site plan what the original area was. Mr. Young did so. Commissioner Taylor asked how many dwelling units. Mr. Young said 210.

Commissioner Query said he has a concern about the entrance off NC 51. Mr. Young said there is an existing curb cut there. He said they have a future connection in phase two which will tie in to the area which is already zoned. Eventually the project will have a connection to the other thoroughfare. Mr. Young said one other change is the project will have a separate sidewalk.

Commissioner Query asked how they would monitor the note regarding home owners of 55 and older. Steve Weiss, Amherst, New York said this is covered by the Federal Fair Housing Act. The management company has a significant amount of experience with this. They monitor each resident and maintain records on a monthly basis. Commissioner Query asked what was the criteria for 55 years. How long, or at what time will the restriction be lifted? Mr. Weiss said this will be a deed restriction.

Commissioner Query asked what the size would be when the other portion is added back. Mr. Young said he does not have the exact figure, but it should be about ten acres.

Commissioner Taylor said the primary entrance is on NC 51. Are they envisioning a traffic signal at that intersection? Mr. Young said no, they have not anticipated that. Commissioner Taylor voiced a concern of stacking. Mayor Myers said they will have access to Northeast Parkway. Mr. Young said that is correct.

Commissioner Query said this is pretty sketchy as to what the construction is. Mr. Young said they do have a rendering. Commissioner Query asked how this section compares with the other section. Mr. Young said this is less dense. The other was eight and a half and this is six. Commissioner Query asked about the highway overlay. Planning Director Kathi Ingrish said is in the highway overlay. They will require a buffer on NC 51 and single access, which is what they have shown.

Scott Vallandingham, Planning Board member, asked if the sidewalks would be on both sides. Mr. Young said it would be on one side.

Mayor Myers asked for public input.

Paul Devries, Swaim Drive, said people 55 years old may not retire. The reality of family life is that older people are raising grandchildren and raising their own children. They cannot look at this as people who will not be working. He said it is rather unrealistic not to expect some children in the community and provide some place for them to play. The question about meeting with adjacent

property owners – was it sufficient? Mr. Devries made several comments on the existing notes on the site plan.

Jim Gulley, 2009 Kimway Drive, asked the Board to consider the people in the neighborhood. He said he had several questions: What is the single parking space size? Will there be elevators in the two story homes? How many units are there as compared to the previous plan? Will each unit have a garage? Can this be guaranteed to be a senior residence? Is there a typical price for the different sizes? Are lot boundaries extended to the road? Is the project considered a gated community and will the Town be expected to keep up the roads?

Commissioner Query asked if it would be possible to show a footprint so they can see how far the garage is from the front of the street.

Mr. Young said they will take the questions and concerns under advisement and get back to the Board.

Mayor Myers asked if the streets are private. Mr. Young said yes.

Commissioner Bailey asked on the original zoning if there was provision for rentals. Mr. Young said it is a rental community.

Commissioner Taylor asked if the new streets meet the radius for the fire department vehicles. Mr. Young said they will double check that.

Commissioner Glass asked about the gates and how they would be monitored. Mr. Weiss said there is an "easy pass" that is put on the windshield. The gate is not intended for exclusion. They want to minimize drive-throughs for protection of the walkers. He said the system will permit special access in emergency situations.

RECONVENE REGULAR MEETING

Motion by Commissioner Bailey, second by Commissioner Glass, to reconvene regular meeting. Unanimously approved.

PLANNING AND ZONING BUSINESS –

REPORT FROM PLANNING AND ZONING BOARD

Kathi Ingrish gave the Planning Board report. (Exhibit #1 hereby referenced and made a part of these minutes.)

Petition 364 -- Commissioner Query moved to refer this back to the Planning Board for their meeting this month and defer decision to the September 11th meeting. If a Board member is not in attendance at that time it will be deferred to September 25th. Seconded by Commissioner Bailey and unanimously approved.

ADOPT PREFERRED ALIGNMENT FOR CONNECTOR STREET BETWEEN INDEPENDENCE POINTE PARKWAY AND EAST JOHN STREET

Planning Director Kathi Ingrish said the Board members had been provided with two proposals for their consideration. There is no clear preference from any staff – Charlotte, Mecklenburg or Matthews.

Board members expressed concern about the difficulty of making any kind of decision without some type of input from staff. Motion by Commissioner Taylor to defer this for two weeks and get some input from staff. Seconded by Mayor Pro-Tem Krauss. Unanimously approved. Planning Director Kathi Ingrish said there will not be additional engineering work within that time.

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REVIEW AND APPROVE INNOVATIVE PROVISIONS FOR CRESTDALE STATION

Planning Director Kathi Ingrish said this is now being referred to as Crestdale Crossing. There is a provision for properties over five acres in size. There is also a provision for innovative changes in the Crestdale Conservation District.

Mayor Myers asked if the public was aware of this. He said there is not a single resident of the community in attendance tonight. Commissioner Query said he has the same concern.

Jim Rogers said there are a number of people who are aware of the project. He said he spoke with Mr. Boyd and some of the neighbors.

Commissioner Query asked if they could put a sign in the community. He said it is kind of unusual not to have someone from the community in attendance.

Motion by Commissioner Query to defer for two weeks. Seconded by Commissioner Glass and unanimously approved.

CONSIDER SUBDIVISION VARIANCE REQUEST FOR CRESTDALE STATION - WAIVER OF LAND DEDICATION REQUIREMENTS

Motion by Commissioner Bailey to defer to August 28. Seconded by Commissioner Query and unanimously approved.

ITEMS TO BE ADDED TO THE AGENDA

Motion by Commissioner Taylor to add considering 3033 Sam Newell Road and 1245 Windy Hill Road as public nuisances. Seconded by Commissioner Query. Commissioner Bailey asked if they had any information on this. Commissioner Taylor said that Ms. Ingrish does. Unanimously approved.

Motion by Mayor Pro-Tem Krauss to add Final Plats for Avington, maps 3 and 4, to the Consent Agenda. Seconded by Commissioner Query. Commissioner Bailey said this is not the first time they have had final plats given to them at the last minute and he would not support adding them to the Consent Agenda. This item was not added.

Town Manager Messera requested that an ordinance prohibiting a U-turn on Brightwood Lane and a resolution requesting Charlotte-Mecklenburg Board of Education to study and consider relocation of main vehicle entrance to Elizabeth Lane Elementary School, be added to the Consent Agenda. Hearing no motion these two items were not added. They will be put on the next agenda.

MISCELLANEOUS

Martha Crowley, from EMS and Chairman of the Circle of Excellence, reported that they received \$1142 in cash and gift certificates and a pickup truck full of goods for an employee in need.

Ms. Crowley asked Board members to support breaking out the COLA (cost of living adjustment) and the merit increases for all employees.

CONSENT AGENDA:

- A. Approve Minutes July 24, 2000 and July 31, 2000 Meetings
- B. Approve Street Closing for Block Party on Section of Winding Trail, Sunday, August 27th from 2:00 p.m. to 8:00 p.m.
- C. Approve street closing, staff assistance and use of Stumptown Park for the Annual 5-K Labor Day Footrace, Monday, September 4, 2000 from 8:15 a.m. to 10:15 a.m.
- ~~D. Approve Release of Tourism Funds in the Amount of \$8,000 to the Matthews Playhouse~~
- E. Accept Encroachment Agreement Between the Town and G&M Development

Company for Placement of a "Welcome to Matthews" sign at Eckerd's on West John Street

- F. Approve Final Plat - Rainbow Ridge, Map 1**
- G. Adopt Resolution and Approve Interlocal Agreement for Collection of Gross Receipts Taxes on Rental Vehicles**
- H. Approve Parking Restrictions - Brightwood Lane**
- I. Approve Purchase of Replacement Bucket Truck**

Mayor Myers said he would request that item D be taken off the Consent Agenda and deferred for two weeks. He said after reading correspondence between the Manager and the Playhouse he had a concern about the tone of it. Before they release eight thousand dollars, he said, he would like to make sure they are going to stay in Matthews.

Motion by Commissioner Query to approve the Consent Agenda, removing item D. Seconded by Commissioner Glass and unanimously approved.

UNFINISHED BUSINESS

DISCUSS RECOMMENDATIONS AND CRITERIA FOR SPEED HUMPS

Town Manager Messera said a memo from John Goins and the current criteria had been sent to the Board.

John Goins, Public Works Director, said most of the neighborhoods do not meet the criteria. The Transportation Board recommends that they go back to the original recommendation that 85% percentile of speed should be equal to or greater than five miles over the posted speed limits and the AADT (average annual daily traffic) volumes should be greater than 500. They could then revisit some of the areas of concern. Mr. Goins reiterated that the Transportation Board thinks it very important that they stay with the 75% of signatures on a petition.

Mayor Myers moved to accept the original recommendation and reduce AADT to 500 and 85% percentile of five miles. Seconded by Commissioner Bailey.

Mayor Pro-Tem Krauss made a substitute motion to reduce the speed to five miles and reduce the count to 750. Seconded by Commissioner Query. Commissioner Taylor said it is not clear just how far the 75% of signatures cover. He asked that this be 75% of signatures on the petition within a quarter of a mile from where the speed hump would be placed. Commissioner Query asked Mayor Pro-Tem Krauss if she would amend the motion that the 75% of signatures be within half a mile. Mayor Pro-Tem Krauss said she would. Commissioner Taylor asked if half a mile was reasonable. Mr. Goins said quarter of a mile was standard. Mayor Pro-Tem Krauss indicated she was not willing to amend her motion to state quarter of a mile.

Commissioner Taylor made a substitute motion with the criteria of 750 AADT, 85% equal to or greater than five miles and the petition of 75% signatures within a quarter mile. Hearing no second the motion failed.

Substitute motion was made by Commissioner Bailey with the criteria of 500 AADT, 85% equal to or greater than five miles, with 75% of signatures on adjoining streets and culs-de-sac one quarter mile from where the speed hump would be placed. Seconded by Commissioner Taylor.

Commissioner Glass asked if they have gone back and made a comparison to see if speed humps were effective. Mr. Goins said each hump reduced the speed from ten to fifteen percent. He said it did not change the traffic count.

Substitute motion made by Commissioner Bailey carried on a vote of 5-2 with Mayor Pro-Tem Krauss and Commissioner Query opposed.

DISCUSS MERITS AND COST OF LIVING ADJUSTMENTS

Town Manager Messera said this was brought up by team members at the July 24 joint department head/board meeting. A memo from team members has been distributed to the Board. Mayor Myers said he would support the Department Heads if they want to separate COLA (cost of living adjustment) from merit increases. He said he thought this was originally incorporated to increase flexibility. In his view they are asking to take that flexibility away. He said his other concern is how they pay it.

Assistant Town Manager/Finance Director Kay Thompson said in 1994 when the decision was made to incorporate COLA it was done to meet certain expectations. These expectations were not fulfilled. Ms. Thompson said she does not feel it takes away the flexibility because the merit increase opportunity is in place to reward outstanding performance. By picking a target date to implement the COLA, employees would not get a lump sum. It would be reflected in their hourly rate. The net effect will remain the same.

Commissioner Bailey said they changed the system to hire and keep better employees. He said he thought this was what they were doing. Commissioner Bailey said he also feels they are taking away the flexibility.

Commissioner Glass asked if the COLA would be staggered. Ms. Thompson said it would be effective October 1st "across the board". Performance reviews are staggered.

Mayor Myers said the Town Manager supports the recommendation. Town Manager Messera said he has used both systems. He said he leans a little toward the current system but understands what the Department Heads want to do.

Commissioner Query said he does not have a problem with this as long as they do not exceed the salary budget. He moved to adopt the recommendation so long as budget stays within the salary line items. Seconded by Mayor Pro-Tem Krauss. Unanimously approved.

NEW BUSINESS**ADOPT RESOLUTION CLOSING A 10-FOOT STRIP OF AMES STREET BETWEEN AMES AND ALEXANDER STREETS**

Mayor Myers moved to defer this to determine how much is needed to accomplish the goal of eliminating the encroachment. Mrs. Olmstead said it is .6 over the property line.

Motion by Commissioner Query to abandon a two foot strip. Seconded by Commissioner Taylor. Commissioner Bailey said to make sure two feet is going to work. Commissioner Query said they need as much latitude to move the street alignment and protect the Olmsteads so they can sell their property. Unanimously approved.

APPROVE SELECTION OF BANK OF AMERICA FOR FINANCING "DOWNTOWN PROJECT"

Town Manager Ralph Messera said they took bids for financing Matthews Station (the downtown development project). The low bid was Bank of America. He said they broke it down into two parts -- the 5 million dollars for 15 years and the other 1.6 million for infrastructure. Mr. Messera said they may look at one million dollars on short term.

Commissioner Bailey moved to approve selection of the Bank of America. Seconded by Commissioner Glass and unanimously approved.

ADOPT RESOLUTION AUTHORIZING THE ASSISTANT TOWN MANAGER TO FILE APPLICATION FOR APPROVAL OF INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$6.6 MILLION WITH THE LGC TO FINANCE AND UPFIT THE PUBLIC

PORTION OF A "DOWNTOWN DEVELOPMENT PROJECT"

Town Manager Messera said the Board has a copy of the resolution in their agenda package. The figures were distributed tonight. Motion by Commissioner Bailey to adopt the resolution authorizing the Assistant Town Manager to file an application for approval of installment financing contract in the amount of up to \$6.6 million with the LGC to finance and upfit the public portion of the downtown development project. Seconded by Commissioner Taylor and unanimously approved.

REPORT OF PUBLIC SAFETY BID OPENING

Project Manager, Ben Aldridge, said the report of the bids and the recommendation was sent to the Board on August 11. He said they had 30+ bids and some very close bids. Mr. Aldridge said he feels confident they have the best prices for the Town. Mr. Messera said they are at the point where they cannot yet award the project. They have to wait for approval from the LGC. He said they can approve the work plan and make the motion contingent upon the LGC approval. Commissioner Taylor said the initial goal was to find a suitable location for the Police Department and long-term to fit in EMS. He asked the Board if they were all on the "same page" -- whether they do everything now or do it in stages.

Mayor Myers said he is comfortable in supporting the idea they have developed all along with it being a Police and EMS facility with one bay available for use with fire truck and removing the pillars to make that area accessible for a recreation facility. Mayor Myers said they do have to enter into discussion with about the working relationship with Police, EMS, Medic and the volunteer fire departments. He said there may come a time when there may need to be changes. Locating the fire department there is not a feasible alternative now or in the future. The building could potentially house the first out truck from the volunteer fire department standpoint.

Commissioner Bailey said the EMS adds \$226,000 which is not that big a deal. He said it is important to have it with the Police Department.

Commissioner Query said he has a problem when they set a budget and how it is over budget and how it is going to be paid back. Town Manager Messera said that borrowing \$800,000 would have an annual payback of \$80,000. He said that \$80,000 is not much if taken from fund balance. He said he cannot guarantee that this will not drive taxes in the future. He said he does not know whether growth will accommodate that or some kind of revenue increase because he does not know what the natural growth will be.

Commissioner Bailey said he was concerned about spending money on the Community Center. After looking at it tonight he said he is no longer concerned. This is a premier building. Commissioner Bailey said that after sitting down with the Town Manager and the Project Manager and making some compromises on the Public Safety Building, he said he is surprised they haven't gone over further. He said he feels they need to move forward with the Police facility and put the EMS in there. They need to get the facility built.

Commissioner Taylor said he feels they are very conservative about spending tax dollars. He said he thinks this is a good plan and for the betterment of the community to go ahead and do this. Commissioner Taylor said he just wants to make sure there are no undercurrents. Mayor Pro-Tem Krauss said she wants to make sure with the upfit there is the possibility of one fire truck in this facility.

Motion by Commissioner Bailey to approve the work plan for the \$1.944 million fee, contingent upon Town Attorney Charles Buckley's review and approval by the LGC. Seconded by Commissioner Glass. Motion passed on a vote of 6-1 with Commissioner Wright opposed.

ADOPT RESOLUTION AUTHORIZING THE ASSISTANT TOWN MANAGER TO FILE APPLICATION FOR APPROVAL OF ADDITIONAL INSTALLMENT FINANCING CONTRACT UP TO \$1.3 MILLION WITH THE LGC TO FINANCE THE RENOVATION AND UPFITTING OF THE PUBLIC SAFETY FACILITY.

Board of Commissioners Meeting
August 14, 2000

Motion by Commissioner Bailey, seconded by Mayor Pro-Tem Krauss, to adopt the resolution authorizing the Assistant Town Manager to file application for approval of additional installment financing contract up to 1.3 million dollars with the LGC to finance the renovation and upfitting of the public safety facility. Unanimously approved.

CONSIDER REQUEST FOR TRAFFIC SIGNAL ON MONROE ROAD AT FAMILY DOLLAR/DRAKE APARTMENTS LOCATION

Mayor Myers moved to request NCDOT study the intersection and get some data. Chief Hunter said evidently they are doing this. Seconded by Commissioner Bailey and unanimously approved.

CONSIDER DECLARING PROPERTIES PUBLIC NUISANCE

1245 Windy Hill – Planning Director Kathi Ingrish said this is a vacant house. The neighbors have been cutting the grass. A letter was sent out three weeks ago. Photos of the property were distributed. Motion by Commissioner Glass to declare 1245 Windy Hill a public nuisance. Seconded by Commissioner Taylor and unanimously approved.

3033 Sam Newell Road -- Ms. Ingrish said this is also a vacant house. A letter was sent July 10. Photos were distributed. Hearing no motion, no action was taken on this issue.

MAYOR'S REPORT

Mayor Myers said an excellent job has been done on the Community Center. He said the Town needs to pay attention to the basic services provided to the community and have to make those commitments for a public works facility, a downtown public library/town hall and Police/EMS facility.

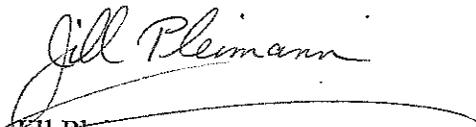
TOWN MANAGER'S REPORT

Mr. Messera said the Public Works facility is moving along. Mr. Tyson is there every day checking the project. School starts Wednesday. Matthews Elementary will hold an "Open House". Mr. Messera reminded Board members that the League meeting is coming up in October, in Fayetteville. He encouraged everyone to attend.

ADJOURNMENT

Motion by Commissioner Taylor to adjourn. Seconded by Commissioner Bailey and unanimously approved. Meeting adjourned at 12:15 a.m.

Respectfully submitted,



Jill Pleimann,
Town Clerk

EXHIBIT #1 -

PLANNING BOARD REPORT
ON THEIR MEETING OF
JULY 25, 2000

- I. ADMINISTRATIVE AMENDMENT - PARKVIEW AT MATTHEWS, DELETE SEWER PUMP STATION AND REVISE ENTRANCE WALLS.

Planning Board unanimously approved the revision to the entrance

walls, and the deletion of the sewer pump station was postponed until the next meeting.

SKETCH PLAN - MATTHEWS STATION

Planning Board reviewed a sketch plan for Matthews Station. Concern was expressed for:

- Kristopher's Bar and Grill having a way out
- A way out on Matthews Street
- The location of Wingate University and the placement of parking for students
- Lot numbers not being shown on the sketch plan

MINUTES BOARD OF COMMISSIONERS MEETING AUGUST 28, 2000

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ABSENT: Commissioner James Taylor

CALL TO ORDER

Mayor Myers called the meeting to order at 7:00 p.m.

INVOCATION

Commissioner Paul Bailey rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

Mayor Myers introduced the new CEO of PCA -- Mr. Barry Feld.

Mayor Myers commended Kay Thompson and Christine Surratt for receiving the certificate of achievement for excellence in finance reporting. Mayor Myers said an official plaque will be presented later on.

"STATE OF THE ENVIRONMENT" REPORT - Mecklenburg County Environmental Protection Department

Allan Giles, from the Environment Protection Department, presented a slide show and distributed brochures covering land, water and air quality.

MISCELLANEOUS

Stephanie Hagans, said that in regards to the rezoning of Crestdale Crossing there is a question of the acquisition of the land. She said they have some documents and they need to investigate the legality of them. They are doing a lot of research and would ask the Board to postpone any action on this. Ms. Hagans said they were the original owners of the land. There is a question of

*Board of Commissioners Meeting
August 28, 2000*

conveyance of the land in 1942. She asked that nothing be done until their research has finished.

Harvey Boyd, from the Crestdale Community, said he is speaking on behalf of the request just made. He said for a long time in the community there has been an unspoken problem. He asked the Board to give them time to research this further. Mr. Boyd also asked that as the area is developed they would like the streets named for long-time residents, as they have in the past.

REPORT FROM BOARD/COMMITTEE REPRESENTATIVES

Paula Lester, Chairman of the Tourism Council, said they have re-ordered a thousand of the "Discover Matthews" Books. They are completely out of the first printing. She said a calendar will be available at the Matthews Alive! festival. Mrs. Lester asked if the profits from both the calendar and book sales could be a separate line item which could be given to the library for the history display cases.

Mayor Myers said this is the first they have heard of this. Mr. Messera said he does not have a problem with this. He said he could report back with the financial mechanics in the next two weeks.

Commissioner Query asked if the history cases would be used for the history of Matthews. Mrs. Lester said yes. They will be placed in the new library -- one on each side of the fireplace.

CONSENT AGENDA:

- A. **Approve Minutes - August 14, 2000 Meeting**
- B. **Approve Budget Ordinance Amendment for Controlled Substance Tax Revenues Received**
- C. **Approve Final Plats - Avington, Maps 3 and 4**
- D. **Approve Preliminary Plat - Alexander Ridge**

Motion by Mayor Pro-Tem Krauss to approve the Consent Agenda. Seconded by Commissioner Bailey and unanimously approved.

UNFINISHED BUSINESS

APPROVE RELEASE OF TOURISM FUNDS IN THE AMOUNT OF \$8,000 TO THE MATTHEWS PLAYHOUSE

Mr. Messera said this was withdrawn from the Consent Agenda at the last meeting. The Playhouse has since signed the agreement and will move in next week. Motion by Mayor Pro-Tem Krauss, second by Commissioner Glass, to approve release of Tourism Funds. Unanimously approved.

ADOPT PREFERRED ALIGNMENT FOR CONNECTOR STREET BETWEEN INDEPENDENCE POINTE PARKWAY AND EAST JOHN STREET

Mr. Messera said a memo had been distributed to the Board. He said a meeting was held with Cindy Flehan, engineer, Planning Director Kathi Ingrish, Planner Bill Sherrill, Public Works Director John Goins and himself. He said they agreed that alternative two was preferred although there was no real strong feelings about either.

Commissioner Bailey asked if they really have a handle on how many lots will be affected. Mr. Messera said they only ever had a preliminary sketch. They will not know for certain until the actual new survey is done.

Mayor Myers expressed his concern they may be taking land away from one group and giving it to another. He said this alignment was presented to the MPO and technically this Board does not have the authority to change this. Planning Director Kathi Ingrish said the TCC said they would agree to this. Mayor Myers reiterated his concern about the proposed alignment putting the burden on the Habitat side. He asked if they had looked at using the current crossing and putting in some curvature and share the burden of the road on both the Habitat and Ross property. Mr. Messera said if the

Board would like to direct them they can ask Cindy Flehan to do that. He said it would affect one more property on Matthews School Road.

Mayor Pro-Tem Krauss asked if there was any criteria for the crossing. Mr. Messera said that it be as level as possible and 90 degrees.

Mayor Myers said he is not in favor of changing the alignment at this time. He said he would like to see more work done on this and a couple more options. He said he wants to save as many buildable lots as possible.

Motion by Commissioner Glass to defer to September 11th meeting and ask staff to look at alternatives. Seconded by Commissioner Bailey and unanimously approved.

REVIEW AND APPROVE INNOVATIVE PROVISIONS FOR CRESTDALE CROSSING

Town Attorney Charles Buckley said the issue is the current owner may not be the owner. A citizen has said they are doing research. Town Attorney Charles Buckley said this may not be a title problem because of the seven year time period. He said it would behoove the Town to give due diligence to allow them to produce what they think is the title problem. He said it would not hurt to delay to zoning night to give everyone an opportunity to detail the issues.

Terry Eberl, from Dan Moser Construction Company, said they have done the title search on the property. It was not apparent on their title search. He said it is pretty obscure and they are talking about a number of years ago.

The representative from the Ross family said they have a clear title to the property. He said if they feel they have a problem they should produce some evidence.

Town Attorney Charles Buckley said an old title problem is not a Town concern.

Commissioner Query asked if the Town is strictly ruling on zoning. He said the title seems to be a separate issue. Town Attorney Charles Buckley said the issue of good title would be between the two sides. Zoning is not relevant to that. Commissioner Query said his concern is that this has been going on for a while. They may be doing the petitioners an injustice. Town Attorney Charles Buckley said there is nothing to prevent them from rezoning.

Planning Director Kathi Ingrish said the action is not a change in the zoning district. She said this is like a site plan approval. There are options in the ordinance that the petitioners can use, part of which is a 15% reduction on lot sizes and 40 foot right-of-way.

Commissioner Query said this was done as a joint effort and feels this is appropriate. Mr. Harvey Boyd asked what they meant about innovative provisions. Planning Director Kathi Ingrish said what they have is a couple of different options to develop over five acres in size. The option chosen allows for six thousand square foot lots and 30% open space. Commissioner Query asked how far this deviates from what Habitat has. Planning Director Kathi Ingrish said that is R-9 zoning, which is nine thousand square feet.

Mayor Myers moved to approve the innovative provisions for Crestdale Crossing. Seconded by Commissioner Query.

Commissioner Bailey said he would like to ask the petitioner to look at the street names and make them fit with the traditional names in the area. Mr. Eberl said they would welcome doing that and will ask for input from the residents.

Planning Director Kathi Ingrish said for clarification the action the Board is taking tonight is to approve the reduction that the ordinance allows and looking at the alignment. Unanimously approved.

*Board of Commissioners Meeting
September 11, 2000*

INVOCATION

Mayor Myers rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

PLANNING AND ZONING BUSINESS -**REPORT FROM PLANNING AND ZONING BOARD**

Planning Director Kathi Ingrish introduced Planning Board members in attendance tonight and gave the Planning and Zoning Board Report. (Exhibit #1 hereby referenced and made a part of these minutes.)

Petition No. 364: To change the zoning classification from R-15 and R-20 to R-9(CD) on that certain property belonging to Cochrane Properties, Inc., and others, and being property located on the northerly side of N.C. Highway 51 at Phillips Road, being property previously petitioned to change the zoning to R-VS. Additionally, petitioners have removed the six-acre site at Phillips Road and NC Highway 51 from further inclusion in the zoning petition and further eliminated all townhouses.

Mayor Myers moved to approve petition 364. Seconded by Commissioner Query. Commissioner Taylor expressed concern about lot sizes and the configuration of the road. He said the petitioner has done as much as he could but he does not like it and cannot support it the way it is right now. Commissioner Taylor said the road does not have any houses on it. He said he feels it is designed to encourage speed. It feeds into a neighborhood road that has multiple houses on it. Commissioner Taylor said he thinks the connection is a good idea. He is not against the connection itself but does not approve the design of that connection. If it had multiple stops, curves, etc., it would look more like a neighborhood street and the public would be more inclined to stay at the speed limit.

Mayor Myers said the alignment is the one the Board adopted. He said the developer has agreed, under note 23, to put in traffic calming devices -- a combination of stop signs and speed tables. Mayor Myers said he understands the concern about some lot sizes. This is an R-12 cluster zoning and the lot sizes range from 15,000 and 16,000 feet to nine thousand. Mayor Myers said he is not so sure that having different lot sizes is not a good thing. Having all the houses identical is not in the best interest of the Town. That is why they have a cluster type zoning. If they look at the overall zoning component of that area the R-12 is a good transition at this location. Mayor Myers said this will be a good complement to this area. He said he likes the road configuration with no drives coming into it. He said he feels the developer has come a long way with this and he would support it.

Commissioner Query said he agrees. To some extent they have imposed on the developer a restriction with the road the Board wanted. He said there needs to be some give and take. Commissioner Query said the developer has come up to a level which is acceptable. He said he feels like it would be a good development and he supports the project.

Commissioner Bailey said that Mr. Young faxed a copy of the percentages of the lot sizes. He asked the petitioner if he would commit to those percentages and figures on the site plan and if there are changes to the site plan the percentages would stay the same. Mr. Young, speaking on behalf of the petitioner, said they are comfortable with the percentages and will agree to incorporate that on the site plan.

Mayor Pro-Tem Krauss said she is in support of the petition. The petitioners have made every effort to comply with requests that were made and answer all questions. She said she feels there is merit in not having every lot size the same. The proposed prices for the houses are all at least equal to or above houses in the surrounding area. The road is of paramount importance to the project. Mayor Pro-Tem Krauss said she feels the petitioners have worked very hard to make a good plan and

appreciates all the efforts they made.

Commissioner Bailey said, with respect to the road he wants to make sure that John Goins and the Transportation Board study this and give input to the developer. After some discussion it was suggested the wording on note 23 should be changed to read "To be approved by the Matthews Board of Commissioners". Commissioner Taylor said he thinks this is ludicrous. They are talking about massive speed humps on a road that is not yet built, to prevent speeding. He said he thinks the connectivity from "Point A" to "Point B" is a good idea. If there was a possibility of making it more curved, more neighborhood friendly...

Commissioner Bailey said note 23 about traffic calming issues came up because of those issues. Instead of installing traffic calming devices in the future why not plan them at the time it is developed. Mayor Myers said there are a number of intersections where three way stop signs can be placed.

Commissioner Glass said she did support the Lightwood Road Connector but not removal of the barricade. She said she does have concern about the lot sizes and does not support this petition. Mayor Myers said this is R-12 cluster zoning and the lot sizes comply with this zoning.

Commissioner Query said there is a protest petition on file. He said he feels the Board has driven the development because of what they wanted, as a majority. He said he felt the petitioners have met most of the criteria. Commissioner Query made a substitute motion to allow the petitioners to withdraw their petition. Town Attorney Charles Buckley said that would have to be at the request of the petitioner. Mayor Myers said procedurally the petitioner would have to ask to withdraw their petition.

Commissioner Query said it looks like they have a deadlock on the Board. He said he hates to impose on the property owners the year's time limit. Mr. Young said he would request a withdrawal of the petition, on behalf of the petitioner.

Motion by Commissioner Query to allow the petitioners to withdraw their petition. Seconded by Mayor Pro-Tem Krauss. Mayor Myers asked if it would be feasible to redesign the road and still develop the property. Mr. Wayne Harris said it could be.

Motion by Mayor Myers to defer the petition and give the petitioners a chance to come back with some other alignment possibility. Mr. Young said they are not interested in that. Mayor Myers withdrew his motion.

Motion to allow the petitioners to withdraw Petition 364 was unanimously approved.

Petition No. 365: To change the zoning from R-20 to R-15 on that certain property belonging to Mary Childers Martin and located at 1141 Pineville-Matthews Road near the intersection with Sardis Road and further located between Courtney and Lakenheath Lane, and being property designated as Tax Parcel No. 227-032-27.

Commissioner Query moved to approve Petition 365. Seconded by Commissioner Glass and unanimously approved.

Petition No. 367: To change the zoning from R-12MF(CD), RU(CD), B-2(CD), and O-9(CD) to R-12MF(CD), Site Plan Amendment, to permit the development of a senior adult multi-family community, and being property located on the westerly side of Matthews-Mint Hill Road and the southerly side of Matthews Township Parkway and being designated as a portion of Tax Parcel No. 193-311-11 and also Tax Parcel Nos. 193-311-27, 26, 12 & 13.

Motion by Mayor Myers to deny Petition 367. Seconded by Commissioner Bailey. Vote to deny was 6-1 with Commissioner Glass in opposition.

*Board of Commissioners Meeting
September 11, 2000*

CONNECTIVITY STUDY, PHASE 2 - Janet Gapen, UNCC Student Intern

Ms. Gapen displayed a map showing existing sidewalks and proposed projects -- greenways, sidewalks, and bikeways. Board members were given questionnaires on what they felt were the priorities.

Mayor Pro-Tem Krauss said bikeways, footpaths and roads are what makes a community livable. She said it is really critical to connect neighborhoods at least with a bike path or footpath.

Commissioner Bailey asked if there is another phase to this. Planning Director Kathi Ingrish said yes. The next step is how to take these connections and fit them all together. Commissioner Bailey asked the time frame. Ms. Gapen said this semester.

CONSENT AGENDA:

- A. Approve Minutes - August 28, 2000 Meeting
- B. Adopt Budget Ordinance Amendment - Advertising Ads
- C. Approve New Vehicle and Equipment Bids - Public Works Department
- D. Approve Lease Agreement Between the Town of Matthews and the Public Library of Charlotte and Mecklenburg County
- E. Approve Final Plat - Saddlebrook, Phase 1
- F. Accept: Petition 368, Matthews Market - increase permitted buildable area by 42,400 square feet; Petition 369, Matthews United Methodist Church - Add Parcel to R-I(CD) plan and to include new driveway; Petition 370, Harry Grimmer & Janet E. Kempf - Sam Newell Road and Northeast Parkway - to Allow Hotel Use, and Set Dates for Public Hearings for October 9, 2000

Motion by Commissioner Bailey to approve the Consent Agenda. Seconded by Commissioner Query and unanimously approved.

UNFINISHED BUSINESS

ADOPT PREFERRED ALIGNMENT FOR CONNECTOR STREET BETWEEN INDEPENDENCE POINTE PARKWAY AND EAST JOHN STREET

Town Manager Messera discussed the different proposals. Planning Director Kathi Ingrish said it came up this afternoon that the potential design would keep the speed fairly low. It is creating a couple of curves fairly close together near the railroad track.

Mayor Myers said the purpose in looking at this was to try to share the burden between the two plats that were developable. He said he thought it would be fair to share the burden between the two. He said he understands they need to cross the railroad track at this location for several reasons. Mayor Pro-Tem Krauss asked who will design this road. Mayor Myers said probably some developer who wants to connect to Monroe Road or it may be a public/private venture. Planning Director Kathi Ingrish said at the time a subdivision is approved the land would have to be dedicated.

Mayor Pro-Tem Krauss moved to accept the alignment that shares equally between Habitat and Dan Moser Company. Seconded by Commissioner Taylor and unanimously approved.

ADOPT REVISED PUBLIC SAFETY CAPITAL PROJECT ORDINANCE

Mr. Messera said the Board members received a corrected copy in their folders tonight. He said it does not change the total but two of the lines within it. Motion by Commissioner Taylor to approve the Public Safety Capital Project Ordinance. Seconded by Commissioner Bailey and unanimously approved.

AWARD PUBLIC SAFETY PROJECT BIDS

Mr. Messera said the Board approved the program last month but were unable to award the bids until

**Board of Commissioners Meeting
September 11, 2000**

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the Local Government Commission had approved the project. Recommendations are as follows:

General Construction - Godfrey Construction Company	\$1,244,453
Plumbing - Caryl Mechanical, Inc.	113,220
Mechanical (HVAC) - Technology Plus, Inc.	354,743
Electrical - Watson Electrical Const. Co.	<u>282,528</u>
Total Contracts Awarded	\$1,994,944

Motion by Commissioner Bailey to award the construction contracts for the Public Safety Facility as recommended by the Town Manager. Seconded by Commissioner Glass and unanimously approved.

NEW BUSINESS

MAYOR'S REPORT

Mayor Myers said a groundbreaking ceremony for Matthews Station is tentatively scheduled for September 25th at 5:00 p.m. He said they are working on a date and time for an official opening of the Community Center, hopefully in October.

TOWN MANAGER'S REPORT

Town Manager Messera reviewed the financing for Matthews Station. He said a project ordinance will be presented next meeting for adoption. Closing with Bank of America will be in October.

Mr. Messera reminded Board members of the Annual League Meeting. A schedule of the Forest Wood/Southwoods Traffic Count has been distributed.

ADJOURNMENT

Motion by Commissioner Bailey, seconded by Mayor Pro-Tem Krauss, to adjourn. Unanimously approved. Meeting adjourned at 8:25 p.m.

Respectfully submitted,



Jill Pleimann,
Town Clerk

EXHIBIT #1 -

**PLANNING BOARD REPORT
ON THEIR MEETING OF
AUGUST 22, 2000**

I. ZONING PETITION 364 - COCHRANE STATION, R-15 AND R-20, TO R-12(CD)

Planning Board unanimously recommends approval of Petition 364.

II. ZONING PETITION 365 - 1141 PINEVILLE-MATTHEWS ROAD, M. MARTIN, R-20 TO R-15

Planning Board recommends the denial of Petition 365 on a 3-2 vote.

III. ZONING PETITION 367 - QUERY LAKES SENIOR APARTMENTS, MATTHEWS

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TOWNSHIP PARKWAY AND MATTHEWS-MINT HILL ROAD, R-12MF(CD), B-1SCD AND 0-9(CD) TO R-12MF(CD)

Planning Board unanimously recommends approval of Petition 367.

OTHER BUSINESS -

I. ADMINISTRATIVE AMENDMENT - THOMAS EMCH FOR SIGN LOCATED AT 9512 NORTHEAST COURT

Planning Board unanimously approved a 60 square foot sign facing Sam Newell Road and a 40 square foot sign facing Northeast Court which is the same square footage as previously approved for this property.

**MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
SEPTEMBER 25, 2000
5:30 P.M.**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ABSENT: Commissioner Ginger Wright

The Board of Commissioners interviewed several applicants for boards and committees.

**MINUTES
BOARD OF COMMISSIONERS MEETING
SEPTEMBER 25, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ABSENT: Commissioner Ginger Wright

CALL TO ORDER

Mayor Myers called the meeting to order at 7:23 p.m.

INVOCATION

Town Manager Ralph Messera rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

2001 NATIONAL ASSOCIATION OF STUDENT COUNCILS CONFERENCE PRESENTATION

Students from Providence High displayed a video regarding the conference which will be held in the vicinity next year. They stated this was a first for Charlotte and North Carolina. There will be 2000 students and 500 advisors. While they are here they will be doing some community service projects in Matthews, one of which will be building a house in the Habitat community.

ITEMS TO BE ADDED TO THE AGENDA

Town Manager Messera asked that a closed session be added to the agenda to discuss real estate acquisition.

Motion by Commissioner Glass, seconded by Commissioner Bailey, to add a closed session to the agenda. Unanimously approved.

Mr. Messera said a request had been received from the Matthews Community Theater to release Tourism funds.

Motion by Commissioner Bailey, seconded by Commissioner Taylor, to add this to the Consent Agenda as Item G. Unanimously approved.

MISCELLANEOUS

Janis Pope, from the Matthews Community Theater said they will be holding their first show in the renovated Community Center on Friday, October 13th. Other shows will be October 14th, 20th, 21st and 22nd.

Sandy McGarrah, Habitat of Humanity, thanked the Board for participating in the picnic that was held in the Fullwood Community.

REPORTS FROM BOARD/COMMITTEE REPRESENTATIVES

CONSENT AGENDA:

- A. Approve Minutes - September 11, 2000 Meeting**
- B. Adopt Revised Capital Project Ordinance for Public Works**
- C. ~~Authorize Manager to Waive Requirement for Bid and Performance Bonds on Purchase Contracts~~**
- D. Designate Kay Thompson as Voting Delegate for NCLM Annual Meeting; Mayor Lee Myers as Alternate**
- E. Approve Final Plats - Avington, Map 5; Tiny Kiser Land**
- F. Approve Purchase of Four (4) Police Cars - \$81,352**
- G. Approve Release of \$2,374.32 in Tourism Funds to the Matthews Community Theater**

Commissioner Taylor asked that item C be taken off the Consent Agenda for purpose of discussion. Motion by Mayor Pro-Tem Krauss to approve the Consent Agenda, excluding Item C. Seconded by Commissioner Glass and unanimously approved.

UNFINISHED BUSINESS

REVERDY SPEED HUMP PETITION REPORT

Town Manager Messera displayed a map showing where the proposed speed humps on Reverdy Lane would be located. Mayor Myers asked if the 75% of signatures had been met. Mr. Messera said he has not determined that yet. That determination should be made within two or three days. Mayor Myers asked about contracting the speed hump construction out. Will they be able to get this done before the cold weather. Mr. Messera said yes.

NEW BUSINESS

*Board of Commissioners Meeting
September 25, 2000*

ADOPT MATTHEWS STATION PROJECT ORDINANCE

Town Manager Messera said a corrected copy had been given to Board members tonight. Motion by Commissioner Bailey to approve the Matthews Station Project Ordinance. Seconded by Commissioner Taylor. Unanimously approved.

APPOINT MEMBERS TO BOARDS/COMMITTEES

Motion by Commissioner Glass to appoint Allan Clark to the Appearance/Tree Board. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

Motion by Commissioner Bailey to appoint Charles Crawford to the Appearance/Tree Board. Seconded by Commissioner Taylor and unanimously approved.

Motion by Commissioner Taylor, seconded by Mayor Pro-Tem Krauss, to appoint Zina Linley to the Tourism Council. Unanimously approved.

Motion by Commissioner Bailey to appoint Scott Tyler to the Transportation Board. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

Mayor Myers said they would wait for additional applications for the Transit Services Advisory Committee. He said they still need a Chamber of Commerce representative and hotel representative for the Tourism Council.

AUTHORIZE MANAGER TO WAIVE REQUIREMENT FOR BID AND PERFORMANCE BONDS ON PURCHASE CONTRACTS

Commissioner Taylor asked if the Board could put on a limit, maybe to a hundred thousand dollars. Town Manager Messera said that anything over thirty thousand dollars on a purchase contract has to come to the Board. He said the statute has provisions for the Board to waive bid and performance bonds on purchase contracts only, for amounts under thirty thousand and to delegate that authority to staff. Town Attorney Charles Buckley said it is a possibility the Board did that waiver ten or fifteen years ago but he said he does not remember when it was. He said the Board could formally adopt the process which has been the practice in the past.

Motion by Commissioner Taylor to authorize the Manager to waive bid and performance bonds for purchase contracts as allowed for in NCGS 143-129. Seconded by Commissioner Bailey. Unanimously approved.

TOWN MANAGER'S REPORT

Mr. Messera reminded Board members of the transit meeting tomorrow night at the Community Center at 5:30 p.m.

MAYOR'S REPORT

Mayor Myers said Thursday Renfrow's will be celebrating their 100th birthday. The Chamber and Renfrow's are co-sponsoring a celebration.

October 2nd, starting at 5:30 p.m. is the ground breaking for the Town Hall/Library.
ArtFest is the first weekend in October.
November 12th, from 2 p.m. to 4 p.m., is the Community Center dedication.

CLOSED SESSION

Motion by Mayor Myers to go into closed session for purpose of discussing real estate acquisition. Those to attend include Board Members, Town Manager, Town Attorney and Town Clerk. Seconded by Commissioner Taylor and unanimously approved.

RECONVENE REGULAR MEETING

Motion by Mayor Pro-Tem Krauss to go out of Closed Session. Seconded by Commissioner Taylor and unanimously approved.

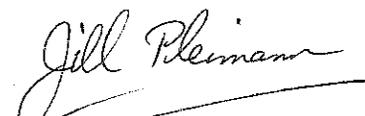
Commissioner Bailey asked if there is anything in the Tourism fund to support the National Association of Student Councils Conference. Town Manager Messera said this would be in the next fiscal budget. Mayor Myers suggested they invite the students to one of the Town's summer concerts.

General discussion ensued.

ADJOURNMENT

Motion by Mayor Pro-Tem Krauss, seconded by Commissioner Glass, to adjourn. Unanimously approved. Meeting adjourned at 9:47 p.m.

Respectfully submitted,



Jill Pleimann,
Town Clerk

**MINUTES
BOARD OF COMMISSIONERS MEETING
MONDAY, OCTOBER 9, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Planning Director Kathi Ingrish; Planning Board members Frank Casale, Chris Clarke, Hampton Hopkins, Georgia Rasmussen, Scott Vallandingham, Aanalisa Whatley.

CALL TO ORDER

Mayor Myers called the meeting to order at 7:10 p.m.

INVOCATION

Mayor Myers rendered the invocation.

PLEDGE OF ALLEGIANCE

Scouts from Troop 15 led as everyone pledged allegiance to the flag of the United States of America.

MATTHEWS ALIVE! PRESENTATION

Howard Kenney said this was a community effort with community benefits. He thanked the Town Board, Tourism Council, Chamber of Commerce and town staff for their support. Mr. Kenney

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recognized the Matthews Alive! Board members. He said the festival started in 1993 with the objective of holding a family oriented event and raising funds for non-profit groups. Over \$275,000 has been funneled back into the community during that time. Mr. Kenney said this year 21 groups will share \$38,000.

Mayor Myers proclaimed the week of October 16 as Town Employees Appreciation Week and October 19 as Town Employees Appreciation Day. The Board and Town Manager are hosting a lunch for all employees.

RECESS REGULAR MEETING

Motion by Mayor Pro-Tem Krauss, seconded by Commissioner Bailey, to recess the regular meeting. Unanimously approved.

Mayor Myers said there was a request to move petition 370 first. He explained that this is a joint public hearing between the Town Board and the Planning Board. Planning Director Kathi Ingrish introduced Planning Board members in attendance tonight.

Petition 370: To amend existing Conditional District on property located in the northeast corner of the intersection of Sam Newell Road and Northeast Parkway belonging to Craig Grimmer and Janet Kempf to add to the list of permitted uses Hotel Use; the said nine acres being designated as Tax Parcel No. 193-421-25.

Craig Grimmer said he and his sister own the property. What they are asking for is to add hotel use to the list of permitted uses. Mr. Grimmer said this would be just the first two lots on the corner. He said he thinks this is good use with that section of the Town, the new development and highway 51.

Mr. Patel, Charlotte, said he proposes to put up a hotel. He said this will be a good quality hotel. They are looking at the Hilton Garden Inn.

Mayor Myers asked if there was anyone to talk either in support or opposition to this petition.

John Urban, 2523 Macie Glen Court, said he has not seen the plan. He said his concern is the congestion and the ingress and egress. His other concern is the scale of the project -- a one story project versus a four story hotel. Mr. Urban said in looking at the way things are layered it would make more sense to stay in same location as Hampton Inn, etc. He said they are misplacing the use of scale, density and buffering of adjacent neighborhoods.

Teresa Scott, 2027 Annecy Drive, said she is speaking on behalf of the Annecy Homeowners Association. She said they object to this petition and feel that amending zoning of the two lots will encourage zoning which is non-complementary to the neighborhood. She said there is no commitment to a first class hotel. If the Board approves this they can put up any motel they wish. Ms. Scott said there was also a concern of increase in traffic. She asked if there were plans for road improvements and funding for it. There is nothing in the Department of Transportation plans to the year 2008 to improve roads. Ms. Scott said they also feel the infrastructure is insufficient for a hotel. They have problems now with the water system and the power. She said there are already nine hotels in the area. This will greatly affect their property values.

Kathy Reinecker, 1936 Tanfield Drive, said she is also opposed to this petition. She said there is no plan for any road work and there are enough hotels around that area.

Bruce Foley, 1822 Tanfield Drive, said he is opposed to this. He said the present zoning is a good example of how to do zoning right. He asked how Board members would like it if they purchased a home and then a developer tries to change the zoning. Mr. Foley said when they purchased homes it was with the thought that the property will be developed in a certain way. He said he is concerned about the domino effect. He is also concerned about a multi-story building next to residential and the traffic. Mr. Foley said there are seven vacant big box stores along Independence Boulevard at

this point. There is commercial land to be developed.

Mr. R. T. Wargo, 2001 Tanfield Drive, said he is in opposition. The rear of his property backs up to the nine acres. Mr. Wargo said he can attest to the noise because of the trees already taken out. As far as traffic, he said, cut-through is a problem. There is also a concern of 24 hour lighting and safety of their children. There will be about 110 transients. Mr. Wargo said zoning will not benefit property owners. The Town Board needs to take care of neighborhood residents.

Tatyana Zalinov, 2005 Tanfield Drive, said the hotel will overlook her home and pool. She asked the Board if they would be willing to have a hotel in their backyard.

Mary Ellen Williams, 12236 Hickory Knoll, spoke in opposition. She said this is not conducive to single family residences. She stated concerns of crime and traffic, safety of neighbors and children and the amount of hotels already in the area.

Jerry Peterson, said he lives in Southwoods. He is opposed to this petition. Mr. Peterson said he assumes this would be an extended stay hotel. He said it is not real specific. This type of hotel draws transients and fosters crime, drugs and violence. Mr. Peterson said he does not feel they need any more hotels in this area.

Mayor Myers asked if the petitioner wanted to respond to any specific concerns.

Mr. Grimmer said what they are asking for is adding another condition to the use. Technically this is not a change. It is allowed under use of office and is not unusual in an office zoning situation. Mr. Grimmer said it is his intention to subdivide the property. They are trying to restrict this to the corner. He said it would not have an extended stay type of hotel. He felt a high quality hotel would be a good use. The size and scale was from the amount of parking. Density – Mr. Grimmer said that an office park would allow that amount of density. He said he is looking into it to see if the lighting requirement is different from office use. Mr. Grimmer said that it would generate more traffic if there were an office building there. People would be there every day and they would find short cuts. Hotel residents would not be looking for short cuts.

Mayor Myers asked Mr. Grimmer where in the material is there any restriction on the type of hotel. Mr. Grimmer said currently there is not anything. If there is concern they would look at that. Mayor Myers asked what the height of the proposed building would be. Mr. Grimmer said he was not sure. Mr. Patel said they plan to have a Hilton Garden. It is four story, in excess of 35 feet. Planning Director Kathi Ingrish said 40 feet is the allowed height in that area.

Commissioner Query noted that a protest petition had been filed. Mayor Myers said the Town Attorney has affirmed that this is a valid protest petition. This would require six members of the Board to vote affirmatively in order for it to pass.

Petition 368: To amend the existing B-1(SCD) district site plan to increasing building square footage to include garden area of Lowe's Home Improvement Store located within the Village Area located at 10417 E. Independence Boulevard, northeast corner of the interchange between NC 51 and US 74 and designated as Tax Parcel 193-521-01.

Bailey Patrick said he is representing the petitioners. He said that in 1986 the Town Board approved this site for a mall. A consultant stated that a mall was not environmentally sound and the petitioner then reduced the size of the square footage requested and changed the design and sought approval for the amended plan. Mr. Patrick said it was approved in October of last year. He said this differs somewhat from what was presented last year. These changes come at the request of the lessees. Mr. Patrick said they will not sacrifice quality or appearance. He said the petitioner discovered that in seeking approval for 555,000 square feet they failed to take into account they would have to include the garden area and storage area in Lowe's and outside dining areas for the restaurants. He said they failed to take into account some unanticipated needs for some of the tenants and for additional space for a book store or office supply store within area. Mr. Patrick said there was a shortfall of 70,500 square feet. He said they had their community meeting on September

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27. There were around ten or eleven interested parties that were present that evening. He said as far as the design and quality the plan was favorably received. The concerns that were raised were security, automobile lights and noise.

Henry Faison pointed out where they wanted to add square footage on the site plan. He said they are proposing some architectural and setback changes.

Brad Davis commented on the proposed changes, including the relocated fountain and the extended plaza area. He said the important criteria is to get people and cars in front of the stores. He displayed an alternate design for the Village Center which includes cars in the previous pedestrian plaza.

Scott Wilson, architect, pointed out the streetscape and lighting, and explained the architectural features which would be on all four sides of the buildings. Mr. Davis said they have opened it up and carefully integrated the cars into the scheme. He displayed an illustration of the parkway buffer and plantings. Mr. Davis said the discussion with adjacent homeowners was to provide a fence to run the length of the residential lots.

Commissioner Taylor asked whose property the fence would be on. Mr. Patrick said it would be erected on the petitioner's property and maintained by the petitioner. Mr. Faison said they want to make sure all the neighbors want that fence. He pointed out the area designated for it.

Mayor Myers asked if the perpetual maintenance will be up to the Town of Matthews if that area is going to be dedicated to the Town.

Mayor Pro-Tem Krauss asked if all the property had been leased. Mr. Faison said yes, in one area. They have not yet been able to conclude the negotiations on the rest.

Commissioner Bailey said the bridge system has changed and it seems the intent of movement of pedestrians to park and move has gone away. Mr. Faison pointed out the original area. Mr. Davis said there are some detailed changes but in terms of pedestrian friendliness of the center it is absolutely pedestrian oriented as strongly as the other. Commissioner Bailey said he is not pleased to see that change and feels it defeats the purpose. Mr. Faison said they would be glad to sit down and go over this.

Commissioner Glass asked if they had lost a pedestrian bridge. Mr. Faison said they have developed a much stronger feature and developed an access. It is better pedestrian movement. He said the bridge is going to be architecturally unique. It will be steel frame and designed not to be utilitarian.

Commissioner Glass asked if the stairway down to the greenway along the creek was deleted. Mr. Wilson said it was still in the plans. Commissioner Glass asked about walkways on both sides of the bridge. Mr. Faison said yes, 5' each. They can supply the Board with details. Architecturally, he said there was a redundancy in creating two bridges. They would have to cut down more trees. He said they have learned that when they have an access they do not want to divide it.

Mr. Davis displayed the pedestrian plan. He said there were strong sidewalk connections to the village area and back up to the larger stores. Commissioner Bailey said he would need to study this more to see the continuity of the plan. He said he thought the pedestrian plan on the original site plan was strong and in favor of pedestrian traffic. He said he thought it was great and feels they are taking a major step backward.

Planning Board member Scott Vallandingham said he would agree with Commissioner Bailey. He said it had strong pedestrian flow and he feels they have taken two steps back.

Mr. Faison said they can make up an acetate of the original so they can overlay it.

Town Manager Messera suggested that the second bridge also have sidewalks for pedestrian safety. Mr. Wilson said it would have an economic impact.

Paul DeVries, 1825 Swaim Drive, addressed the issue of the neighborhood meeting. He said the sufficiency of adjacent property owners is not enough. He said originally the legislature spoke to 3/4 mile of radius. Mr. DeVries said the petitioners are seeking to regain what they offered to reduce originally. He said they are back for what they gave up, and a little more. He said he thinks a pedestrian plaza should be that. As far as lighting – the nature of the development has changed somewhat and he suggested restriction of lighting so will not cast into roadway or adjoining areas. Mr. DeVries said the pedestrian plan shows no activity to the big box stores. Each of the major entrances should have significant sidewalks. The road surfaces should be raised to somewhat act as speed bumps and consideration should be given to a covered breezeway.

Mayor Myers asked about the original square footage. Planning Director Kathi Ingrish said the original mall was 800,000. The total proposed is 620,500.

Petition 369: To change the zoning from R-15 to RI(CD) on 1001 South Trade Street and further to amend existing RI(CD) on the lot designated as 801 South Trade Street, being property owned by Matthews United Methodist Church, and designated as Tax Parcel Nos. 227-212-25 and 27.

Mayor Myers said they need to disclose that Commissioner Query is a member of the church and Mr. Messera, the Town Manager is a member and on the board of trustees. He said this is not construed as a conflict of interest.

Scott Putnam, representing the Matthews Methodist Church, gave the background history. He said they have negotiated the purchase of this property and are asking to rezone it to RI(CD) to match the zoning on their campus to allow future access and allow expansion of the parking area. He said CD notes have been added to the plan. They are not asking for additional square footage. It will look essentially the same as it is now. At the intersection of Fullwood and Trade they would be building a left turn lane. Mr. Putnam said adjoining property owners were invited to a meeting and only five showed up. He said they agreed to add a note to the plan not to construct vehicular access from Sagemont to Fullwood. He said concerns addressed were about the existing campus, landscape, drainage ditch and lighting. Mr. Putnam said several variances would be necessary. The existing dog house and playhouse will be removed. They will have to go to the Board of Adjustment to request a variance to allow the existing garage to remain in the fifty foot yard. The shared driveway to the south does not meet requirements. They will ask for a variance for it to remain. Mr. Putnam said he is not aware of any opposition to this.

Commissioner Bailey said the intersection at Fullwood could become fairly congested. He asked if they had something drawn up for that intersection. Mr. Putnam said they have not tied it down to exact dimensions. They envision a cross section – left turn lane, lane going across. They will try to channelize when they come into their parking lot. He said they cannot commit to an exact configuration until they get DOT blessing. Mr. Putnam said the purchase of the property is contingent upon the rezoning. He said they will meet all Town and DOT requirements.

Discussion ensued about relocation of the driveway. Chip Asbury said they have 400 preschoolers and do not want to encourage any type of cut-through. He said they would be greatly opposed to make a street of any sort that would allow traffic.

Ken Lotze, 636 Sagemont Avenue, said he is in support of this petition and thanked the petitioners for being included. He asked what the minimum screen and buffer requirements are. Planning Director Kathi Ingrish said landscape screen is twenty foot wide area along non-street perimeter lines. Side and rear line minimum twenty foot wide landscaping area. She said the existing shrubs and trees may be sufficient. The intent of the requirement is that over a period of four years there will be a visual screen with plant material. Mr. Lotze said he was there for the public meeting and one common concern was if there was going to be other traffic and asking no other access for that entire neighborhood.

Terry McDonald, 133 Chaphyn Lane, said they enjoy the sidewalks the Town is installing and he is glad to see the extra lanes coming in by MARA. He said every time they go by the church there is a crowd. They have trouble getting out of there and it is very difficult to make a turn. Mr.

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McDonald said he is in support of this petition.

INTENT OF BOARD OF COMMISSIONERS TO CLOSE TOWN MAINTENANCE ROAD LOCATED ALONG THE REAR OF MATTHEWS ESTATES SUBDIVISION

No one spoke in support or opposition.

RECONVENE REGULAR MEETING

Motion by Commissioner Bailey, seconded by Commissioner Taylor, to reconvene regular meeting. Unanimously approved.

PLANNING AND ZONING BUSINESS –

DISCUSS AND APPROVE MASTER SIGN PLAN – Matthews Market

Steven Smith, Trammell Crow, reviewed the master sign plan. Commissioner Bailey asked if they were proposing secondary signs on the back of the building facing Northeast Parkway. Mr. Smith said they were. 170 square feet on the front of the building and 170 on the back. Mayor Myers asked how this fits into the Sign Ordinance. Planning Director Kathi Ingrish said she has not sat down and down a detailed study. She said this is the Independence Sign Corridor which does allow increased sign area. Mr. Smith said it was their intent to follow this ordinance.

Commissioner Bailey said it is important to remain consistent. If they allow larger signage on this center everyone else will come in and ask for larger signs. He said he would like to find out comparable square footage of signage. Planning Director Kathi Ingrish explained the difference of sign requirements between regular business category, the Independence Corridor and the Master Sign Plan.

Town Manager Messera pointed out there were no rear elevations shown on the buildings along the parkway.

Commissioner Glass said she is not in support of the secondary signs on the back of the buildings which face residences.

Commissioner Bailey moved to defer to November 13 meeting. Seconded by Commissioner Glass. Unanimously approved.

ITEMS TO BE ADDED TO THE AGENDA

Commissioner Query said he would like to come back and re-discuss the connection at Phillips Road. He said they need to clarify this. Commissioner Glass said this has a lot to do with the barricade removal. Commissioner Taylor said he would support revisiting it. The question is – is it a collector or a connector? Commissioner Query said the Board needs to decide what they are looking for. Mayor Myers said they need to adopt a local thoroughfare plan. He said it is a bigger issue than the one road. They can put it on for discussion at the next meeting to discuss the Lightwood connector.

CONSENT AGENDA:

- A. Approve Minutes September 25, 2000 Meeting
- B. Approve Final Plat - Avington, Map 6
- C. Declare Police Dog Surplus and Authorize Sale
- D. Approve Tax Refund
- E. Set Public Hearing for October 23, 2000 to Receive Comments Regarding the 2001 Bureau of Justice Assistance Block Grant
- F. Approve Budget Ordinance Amendment for Controlled Substance Tax Revenues

Motion by Commissioner Bailey to approve the Consent Agenda. Seconded by Commissioner Taylor and unanimously approved.

MAYOR'S REPORT

Mayor Myers reminded Board members of the November 12th Community Center dedication. He said an invitation list is in the process of being developed and to forward any names and addresses of people who they might want to invite.

ATTORNEY'S REPORT

Town Attorney Charles Buckley expressed appreciation for the flowers and cards in response to his mother's death.

TOWN MANAGER'S REPORT

Mr. Messera said the Certificate of Occupancy for the Matthews Community Center was received today. The inspection was done last Thursday. He said they still need caulking and weatherstripping of the windows and Venetian blinds for the auditorium.

Mr. Messera said that included in the Board's package was the financial status of the Town. They rated 88, which is equivalent to AA. Mr. Messera said this is the highest rating a Town of this size can achieve.

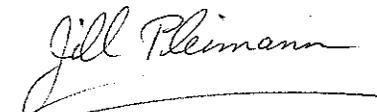
The Employees Appreciation Lunch will be next Thursday, the 19th. Mr. Messera said that because it is being held at the Community Center the Admin Office will be closed for two hours. Mayor Myers said Greg's Barbecue will cater this event and will make a substantial donation.

Mr. Messera said that he and Kay Thompson will be attending the NCLM Annual Meeting.

ADJOURNMENT

Motion by Commissioner Taylor to adjourn. Seconded by Commissioner Bailey and unanimously approved. Meeting adjourned at 10:30 p.m.

Respectfully submitted,



Jill Pleimann,
Town Clerk

Board of Commissioners Meeting
October 23, 2000

MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
OCTOBER 23, 2000 - 5:30 P.M.

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Kay Thompson, Assistant Town Manager; Leigh Baggs, Parks and Recreation Director; John Goins, Public Works Director; Dennis Green, EMS Coordinator; Rob Hunter, Police Chief; Kathi Ingrish, Planning Director.

Proposed Planning Conference was discussed, along with other issues, goals and priorities for the Town. Meeting adjourned at 7:00 p.m.

MINUTES
BOARD OF COMMISSIONERS MEETING
OCTOBER 23, 2000

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

CALL TO ORDER

Mayor Myers called the meeting to order at 7:03 p.m.

INVOCATION

Commissioner Bailey led as everyone recited The Lord's Prayer.

SPECIAL PRESENTATION TO POLICE K-9 UNIT

A representative from a group with Carolinas Health Care presented Officer Ruby with a bulletproof vest for his dog.

RECESS REGULAR MEETING

Motion by Commissioner Bailey, seconded by Mayor Pro-Tem Krauss, to recess regular meeting for a public hearing. Unanimously approved.

PUBLIC HEARING TO RECEIVE COMMENTS REGARDING THE 2001 BUREAU OF JUSTICE BLOCK GRANT

Chief Rob Hunter said they had learned about this grant four years ago and have used it for overtime salaries for DWI enforcement, equipment, etc. He said a special committee is required to make the decision on purchases. Chief Hunter said this year they would like to have the shotguns placed in the vehicles. He said about one third of the vehicles do not have any and some are old and need to be replaced for the safety of the officers. The amount of the grant is \$11,251.

Mayor Myers asked if there was anyone from the public to make comments on this grant. There were none.

RECONVENE REGULAR MEETING

Motion by Commissioner Bailey, seconded by Commissioner Query, to reconvene the regular meeting. Unanimously approved.

ITEMS TO BE ADDED TO AGENDA

Town Attorney Charles Buckley said under the development contract for Matthews Station the Board needs to approve a reciprocal agreement for streets. He said they are planning to close on the \$6.6 million between now and the 31st and asked that this be added to the Consent Agenda.

Motion by Commissioner Bailey to add this to the Consent Agenda at item H. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

CONSENT AGENDA:

- G. Approve Minutes - October 9, 2000 Meeting**
- H. Approve Street Closing (Burnwood Court) Request by Forest Wood Homeowners Association for Fall Festival Party, Saturday, October 28, from 2:00 to 4:00 p.m.**
- I. Adopt Resolution to Close Town Maintenance Road located along the rear of Matthews Estates Subdivision**
- J. Adopt Resolution Approving Installment Financing Agreement and Authorizing Execution of Documents for Matthews Station**
- K. Adopt Resolution Approving Installment Financing Agreement and Authorizing Execution of Documents for Upfit of Public Safety Facility**
- L. Approve Final Plat - Avington, Map 7**
- M. Approve EMS Vehicle Purchase**
- N. Approve Agreement of Easements and Restrictive Covenants between the Town and Lat Purser & Associates, Inc.**

Motion by Commissioner Taylor, seconded by Mayor Pro-Tem Krauss, to approve the Consent Agenda. Unanimously approved.

NEW BUSINESS

DISCUSS LOCAL THOROUGHFARE PLAN, INCLUDING LIGHTWOOD CONNECTION

Planning Director Kathi Ingrish displayed a map which is a portion of the adopted Mecklenburg-Union Thoroughfare Plan. She pointed out the collector roads and said the Board could basically take the information on this map and embellish it.

Commissioner Query said in the zoning process they had drawn a line and it was just put in there. He said it seems it was taken by the developer that this is what they had to do. Commissioner Query said that Commissioner Taylor felt it should be something other than a straight line. He said they either need to confirm this is what the Board wants, discuss an alternative, or remove the connector all together.

Mayor Myers said they need to develop a local thoroughfare plan to meet the local needs – more local roads and local alignments. He said they need to identify them and put in some alignment to protect that corridor. In doing that it sends a message that this is what the Board wants to see. Mayor Myers said he thinks that Lightwood is an important connection and will become even more important as traffic increases in that area. He said he was comfortable with the line that was drawn.

Commissioner Taylor said back on April 10 they had a discussion about a Lightwood connector. Somewhere between then and June 12 the word changed from connector to collector. Planning Director Kathi Ingrish said Matthews does not have a designated collector road. As some streets get more and more traffic on them it changes their function.

Commissioner Taylor said they were having a larger road and more traffic feeding into a smaller

*Board of Commissioners Meeting
October 23, 2000*

road. If the two roads were similar in size and designed with houses, etc., the objection may not have been the same. Planning Director Kathi Ingrish said the Lightwood Study showed a line from "point A" to "point B". Commissioner Taylor said if they had not adopted a line on the map the developer could have connected it without the Board having any say.

Commissioner Query said he wanted to clear the air. He said he felt that some citizens felt that this was the line that had to be used and so they came in with a protest petition. Commissioner Query said the Board was not clear about where the road should be. He said he thought there was a difference of opinion.

Town Manager Messera said the definition of collector and connector is stated in the Subdivision ordinance. He said when the study was done by Kimley Horne, two or three years ago, the concept at that time was a collector road. That was the way it was conceived. He said they did probably define that in some aspect to the developer.

Commissioner Query asked what would be the proper way for the Board to clarify that particular instance. Mayor Myers said it needs clarification because they are not sending a unified message and the line on the map is not clear. The Board could adopt a local thoroughfare plan and put on the Charles Street connection and make sure it is on the map. They can deal specifically with this location but it only carries weight that this is what the Board would like to see. He said they can always change alignments.

Town Manager Messera said if the Board is interested in a local thoroughfare plan they would need to get some quotes to develop a full thoroughfare plan. Mayor Myers asked if some of the preliminary work could be done by staff.

Planning Director Kathi Ingrish said they could identify intersection points or do just a line that is wide enough that says it is a corridor and not a specific alignment. She said she thinks they are talking more of a concept rather than a specific location.

Town Attorney Charles Buckley said an adopted corridor is exactly where the road would go. A thoroughfare plan can be less than that and can say "connect a to b" but not have reserved public right-of-way. He said this would be just a line, not a reservation of right-of-way.

Mayor Myers said if they did that at any location there is no obligation to any developer to adhere to that. Town Attorney Charles Buckley said if it was an adopted thoroughfare plan the developer would have to show where they specifically planned it. He said it would leave the design function and specific location to the developer.

Planning Director Kathi Ingrish said this particular concept did not have driveways on it. Commissioner Query said there was a lot of confusion. The developer was trying to do what he thought the Board wanted -- a collector road with no houses facing it. He said the Board needs to send out the right signal.

Commissioner Taylor asked if the developer had come without the Lightwood connection how wide would the streets have been. Planning Director Kathi Ingrish said if they had come in and done their subdivision they would be considered local residential streets which would have been fifty feet rights-of-way. A collector road has a sixty foot right-of-way. Town Manager Messera said the critical issue is the curb to curb width, which is a Town decision.

Mayor Myers asked direction from board. Commissioner Query asked if they could have a resolution clarifying what they anticipated there. Mayor Myers said staff could prepare a resolution that would spell everything out and give the Board members opportunity to review and vote on. Commissioner Query agreed to make this his motion. Seconded by Commissioner Bailey. Commissioner Taylor said he feels it is absolutely critical to get this on paper.

Town Attorney Charles Buckley said this would be on the November 13 agenda. Unanimously approved.

*Board of Commissioners Meeting
October 23, 2000*

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Mayor Myers said he would like the Board to consider using staff and maybe hiring someone to prepare a local thoroughfare plan. They could also make use of the Transportation Board.

Commissioner Taylor said the Transportation Board had studied this and identified certain areas. He moved that the Transportation Board, along with the Planning Department, work on developing the local thoroughfare plan. Seconded by Commissioner Query and unanimously approved.

MAYOR'S REPORT

Mayor Myers reminded Board members of the dedication of the Community Center on November 12. He said he attended the play that was held there and heard positive comments about the building. Mayor Myers complimented the Town Manager for his efforts in coordinating Employees Appreciation Day. He also expressed appreciation for the door prizes from Board members and the Town Manager and the food from Greg's Barbecue.

CLOSED SESSION

Motion by Commissioner Bailey, seconded by Commissioner Glass, to go into closed session to discuss real estate acquisition and personnel matters. Those to attend the real estate acquisition would be all Board members, Town Manager, Town Attorney and Town Clerk. Those to attend discussion on personnel matters - Board members only. Unanimously approved.

RECONVENE REGULAR MEETING

Motion by Commissioner Bailey to reconvene regular meeting. Seconded by Commissioner Taylor and unanimously approved.

ADJOURNMENT

Motion by Commissioner Query to adjourn. Seconded by Mayor Pro-Tem Krauss and unanimously approved. Meeting adjourned at 8:50 p.m.

Respectfully submitted,


Jill Pleimann,
Town Clerk

**MINUTES
SPECIAL MEETING
BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 13, 2000 - 6:35 P.M.**

The Board of Commissioners met at 6:35 p.m. to interview applicants for the Transit Advisory Committee position.

ABSENT: Commissioners Paul Bailey, Kress Query.

*Board of Commissioners Meeting
November 13, 2000*

**MINUTES
BOARD OF COMMISSIONERS MEETING
MONDAY, NOVEMBER 13, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Karina Glass, Kress Query*, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ALSO PRESENT: Planning Director Kathi Ingrish, Planner Bill Sherrill; Planning Board members Butch Martin, Hampton Hopkins, Frank Casale, Chris Clarke.

ABSENT: Commissioner Paul Bailey.

CALL TO ORDER

Mayor Myers called the meeting to order at 7:04 p.m.

INVOCATION

Town Attorney Charles Buckley rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

Martha Crowley, Chairman of the Circle of Excellence, presented a "Thank You" card to the Board from Town employees for their support of the Town Employees Appreciation Day event.

PLANNING AND ZONING BUSINESS –

Planning Director Kathi Ingrish introduced members of planning board in attendance tonight.

REPORT FROM PLANNING BOARD

Planning Director Kathi Ingrish gave the Planning Board report. (Exhibit #1 hereby referenced and made a part of these minutes.)

ACTION FROM PLANNING BOARD REPORT

Petition No. 368: To amend the existing B-1(SCD) district site plan to increasing building square footage to include garden area of Lowe's Home Improvement Store within the Village Area located at 10417 East Independence Boulevard, northeast corner of the interchange between NC 51 and US 74 and designated as Tax Parcel 193-521-01.

Mayor Myers said that Commissioner Query had asked this be deferred until he is in attendance. He is expected later this evening.

Petition No. 369: To change the zoning from R-15 to RI(CD) on 1001 South Trade Street and further to amend existing RI(CD) on the lot designated as 801 South Trade Street, being property owned by Matthews United Methodist Church, and designated as Tax Parcel Nos. 227-212-25 and 27.

Mayor Myers said this petition was before the Board of Adjustment. There are some issues that need to be resolved. The petitioner has requested this be deferred to the December 11, 2000 meeting.

Motion by Commissioner Taylor to defer to the meeting of December 11, 2000. Seconded by

Commissioner Glass and unanimously approved.

*Commissioner Query arrived.

Petition No. 368: To amend the existing B-1(SCD) district site plan to increasing building square footage to include garden area of Lowe's Home Improvement Store within the Village Area located at 10417 East Independence Boulevard, northeast corner of the interchange between NC 51 and US 74 and designated as Tax Parcel 193-521-01.

Mayor Myers stated that the Planning Board has recommended approval of this petition. Commissioner Query asked if the petitioner would guarantee this to be Barnes and Noble. Discussion ensued. Commissioner Query said the intent of his question is that if Barnes and Noble endeavor were not successful the petitioner would have to come back to the Board for rezoning. The petitioner said they can agree that the building will open as a Barnes and Noble bookstore.

Commissioner Taylor said in looking at the new drawings it seems that both bridges are going to have pedestrian sidewalks. Bailey Patrick said that is correct. Commissioner Taylor asked if they had an agreement about the fence with the neighbors and who is going to maintain it. Mr. Patrick said there is a commitment to build it at the owners' expense and maintain it, subject to an easement when it is dedicated to the Town. Commissioner Taylor asked if the residents agreed with this. Steve Smith said they did. He said they have worked with Grady Cole, who is the president of the homeowners association.

Town Manager Messera noted that a correction needed to be made under the development standards, paragraph 5A. It should state that it will be dedicated to the Town of Matthews rather than NCDOT. Mr. Patrick said they will make that correction.

Planning Director Kathi Ingrish said another set of drawings came in today. The only difference was the change of the sidewalk on the second bridge.

Mayor Myers explained that the developer has agreed to donate a number of acres of open space as part of their project, some of which will go to the Town and some of which will go to adjacent property owners for their future use as a swim club as an amenity to their neighborhood. He said the petitioners also agreed to donate, free and clear, 9.88 acres to the Happy Times Club, Inc., for development of a senior citizens center. Mayor Myers asked if they could put in a reverter clause that if the property has not been developed within five years it would revert back to the Town of Matthews. Mr. Patrick said they would agree to that.

Commissioner Taylor asked if they would consider constructing some transit shelters if and when transit occurs in that area. Mr. Faison said they have done that in the past. The answer is yes. He said the specifics -- where and how -- would need to be addressed at a later point. He said as a generalization they are sensitive to transit.

Commissioner Query moved to accept Petition 368 with additions and corrections. Seconded by Mayor Pro-Tem Krauss.

Commissioner Glass said she will support the motion. She said originally she did not support this petition. She would have preferred habitation rather than big boxes. Commissioner Glass said she feels they are doing a very good job but will leave in their wake the "big box" blight.

Mayor Myers said he talked to Commissioner Bailey yesterday. He said that Commissioner Bailey stated he has spoken with Mr. Faison and Mr. Patrick and could support the plan as amended. Unanimously approved.

Petition No. 370: To amend existing Conditional District on property located in the northeast corner of the intersection of Sam Newell Road and Northeast Parkway belonging to Craig Grimmer and Janet Kempf to add to the list of permitted uses Hotel Use; the said nine acres being designated as Tax Parcel No. 193-421-25.

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Mayor Myers said he had received a request to allow the petition to be withdrawn. Commissioner Query moved to allow withdrawal of Petition 370. Seconded by Commissioner Taylor.

Mayor Myers said he would vote against the motion. He said the reason for this is it would give a one year moratorium on this property. He said the petitioners could have talked with the people in the area and found out their objections. He said he feels the petitioners rolled the dice and lost and the one year moratorium is appropriate.

Motion to allow withdrawal of Petition 370 failed on a vote of 1-5 with Commissioner Wright in favor.

Motion by Mayor Myers to deny Petition 370. Seconded by Commissioner Glass. Commissioner Wright said she feels people should not have to wait a year before coming back for rezoning. Commissioners Taylor and Query said they would agree with the Mayor's rationale on this petition and would support the motion to deny it.

Motion to deny Petition 370 passed on a vote of 5-1 with Commissioner Wright opposed.

UPDATE OF CONNECTIVITY STUDY, PHASE 2 - Janet Gapen, UNCC Student Intern

Ms. Gapen said that in September NCDOT issued a new resolution to reaffirm their commitment to increasing pedestrian planning and programming. She updated them on the greenway plan and said that Stalling had expressed interest in a mutual greenway. Ms. Gapen said the Mecklenburg County bicycle plan has been finalized. She displayed the fifteen segments within the County plan which fall into the Town of Matthews. Eight of these projects would be at no cost to the Town. A map was also displayed which showed greenway improvements which would fall within the Town limits. Ms. Gapen said a final report will be given in December. She said the Board received a summary of general costs. She stated she was working on a sidewalk chart and a method to prioritize the project. Ms. Gapen said she also will have cost project by project and a final prioritized list by December.

Commissioner Glass complimented Ms. Gapen on her work, especially in determining how to prioritize sidewalks. Mayor Pro-Tem Krauss said this would give the Board a little objectivity.

CONSIDER APPROVAL OF MASTER SIGN PLAN - Matthews Market

Steve Smith, Trammell-Crow said they went back through the project. He said they looked at existing signage of some other retailers such as Target and Harris-Teeter for size comparison. Mr. Smith said they removed the signs on the back of the buildings which face Northeast Parkway.

Mayor Myers said Commissioner Bailey indicated he was comfortable with the sign package. Commissioner Query asked if this is pretty consistent with the ordinance for those size buildings. Planning Director Kathi Ingrish said in the Independence Sign Corridor any tenant in there is automatically allowed 150 square feet, up to three signs. She said the petitioners are asking for a bonus of 100 feet. Ms. Ingrish said they are using the sign corridor provision and some sign bonus but still not going over the total square sign footage for that site. Mayor Myers asked if there were other issues that needed to be addressed. Planning Director Kathi Ingrish said she spent a lot of time going through this and it looks as if they have addressed everything.

Motion by Commissioner Query to approve the Master Sign Plan for Matthews Market. Seconded by Commissioner Taylor and unanimously approved.

DOUGHNUT HOLE ANNEXATION REPORT - ADOPT RESOLUTION OF INTENT

Bill Sherrill said the first step in the annexation process is a required resolution of intent to annex. Town Attorney Charles Buckley said this begins the process and sets the public hearing. Mayor Myers asked how property owners would be notified. Mr. Sherrill said by letter, first class mail. Town Attorney Charles Buckley said there would also be a publication in the newspaper. He said

they could send it by first class and also by return receipt mail.

Mayor Pro-Tem Krauss moved to adopt the resolution. Seconded by Commissioner Query. Mayor Pro-Tem Krauss asked about how many people were affected. Mr. Sherrill said there were 23 parcels – probably ten or twelve households. Town Attorney Charles Buckley said DOT is probably the most significant property owner. Unanimously approved.

CONSENT AGENDA:

- A. Approve Minutes - October 23, 2000 Meeting**
- B. Adopt Budget Ordinance Amendment - Insurance Reimbursement - Police Department**
- C. Approve Charitable Solicitations by PiKappa Phi Fraternity, Wingate University**
- D. Ratify Stephanie Drake as Deputy Town Clerk**
- E. Accept Petition 371, Text change to CrC district, and set Public Hearing for 7:00 p.m., December 11, 2000**

Motion by Commissioner Taylor to approve the Consent Agenda. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

UNFINISHED BUSINESS

ADOPT RESOLUTION CONCERNING LIGHTWOOD CONNECTOR

Commissioner Query said he thought the clarification was going to be if this was a collector or connector road. Town Attorney Charles Buckley said it will be a local street, Class VI design. This would allow a fifty foot right-of-way.

Mayor Myers said this resolution does not do anything and does not afford protection for citizens. He said they made a big mistake by not making this connection. They failed to protect this under available ordinances and state statutes.

Commissioner Wright said this discussion evolved with the Cochrane property. She said she does not feel this resolution is going to solve the problem. They need to work with him.

Commissioner Glass said she disagreed with the barricade coming down. Her two oppositions were traffic and density of the area. She said in what they approved previously there would be a connection. Mayor Myers said the barricade should be a separate issue because it can go up and down. The connection could be lost forever to Phillips Road. He said the Board can utilize the state statute by adopting a thoroughfare plan. It would put some alignment or short corridor to protect themselves. Planning Director Kathi Ingrish said the study showed a straight line. What the petitioner brought in was two different streets.

Commissioner Query said the document half way clarifies between a collector and connector. He said he feels this is the best they can do at this point.

Motion by Commissioner Taylor to adopt the resolution concerning the Lightwood connector. Seconded by Commissioner Glass. Motion passed on a vote of 5-1 with Commissioner Wright in opposition.

NEW BUSINESS

POLICE TAKE-HOME VEHICLE POLICY PROPOSAL

Chief Rob Hunter reviewed the present take-home vehicle policy. He said he is proposing the extension of the residency requirements to five miles. Seven officers would qualify under this amendment. Chief Hunter said they would be able to do this without the addition of any more vehicles. He said they will recoup on maintenance and gas costs. One of the intrinsic benefits from

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this is police presence in the community and, from an administrative viewpoint, the benefit is retention of officers. Personal use will be restricted to within the Town limits. Town Attorney Buckley said that driving to and from home is not considered personal use. He said the Town would have to adopt an ordinance amending the existing one. This could be prepared for the next meeting.

Commissioner Wright asked how they calculate the mileage for personal use. She said that the IRS considers that as a benefit. Town Manager Messera said marked vehicles do not fall under that.

MAYOR'S REPORT

Mayor Myers said Saturday was the Veterans' Day observance and complimented the Rotary Club on their program. The Community Center dedication was held on Sunday. Mayor Myers said they received many positive comments. Board members are invited to attend "Scrooge, The Musical" on Friday, December 8th.

Mayor Myers said, for Board members' information, he received a request from the tennis facility on Pleasant Plains Road to allow an ABC permit. He said this is not approved according to Robert Brandon, Mecklenburg County Zoning Administrator, and he will not be signing off on this.

Mayor Myers said he is in the process of putting together a letter regarding the Providence Hills property annexation issue. He said he is asking for assistance in amending the sphere of influence and will ask the Board to take an official position on this.

Motion by Commissioner Taylor, seconded by Mayor Pro-Tem Krauss, to add to the agenda. Unanimously approved.

Motion by Commissioner Taylor to adopt a paper expressing the concern, or desire, that Charlotte not go through with the annexation and that they amend the sphere of influence agreement. Seconded by Commissioner Glass and unanimously approved. Commissioner Taylor asked if they would need a representative from this Board to attend the Charlotte meeting. Mayor Myers said this meeting falls on the same night as the Town Board meeting. He said there are several issues coming up which will require the full Board in attendance. He said they can play it by ear. They could send a staff person in conjunction with planning. He said it will take about two months through the process of the public hearing and ordinance. They can wait and see.

TOWN MANAGER'S REPORT

Mr. Messera handed out two items. One was a survey which will go into the Town newsletter. He said this will be used as the basis for the Planning Conference. The other item was a memo from Kay Thompson regarding the Planning Conference. The tentative date has been set for date February 9-11.

Mr. Messera reminded Board members the Nutcracker Ballet will be held at the Community Center on November 25 and 26, December 2nd and 3rd.

ADJOURNMENT

Motion by Commissioner Query, seconded by Commissioner Glass, to adjourn. Unanimously approved. Meeting adjourned at 9:05 p.m.

Respectfully submitted,



Jill Pleimann,
Town Clerk

EXHIBIT #1 -

**PLANNING BOARD REPORT
ON THEIR MEETING OF
OCTOBER 24, 2000**

- I. ZONING PETITION 368 - Matthews Market, Matthews Centre Associates, Revision of B-1 SCD Conditions for expansion of Square Footage Allowed and changes to Various Site Plan and Detail Drawings.

Planning Board unanimously recommends approval of Petition 368.

- II ZONING PETITION 369 - Matthews United Methodist Church, R-15 to R/I(CD) on Adjacent Parcel and Revise Site Plan for Future Parking and Driveway Revisions.

Planning Board unanimously recommends approval of Petition 369.

- III ZONING PETITION 370 - Sam Newell Road and Northeast Parkway, C. Grimmer, Revision to conditions for Office Park to include Hotel as a Permitted Use and to Approve Site Plan.

Planning Board unanimously recommends denial of Petition 370.

OTHER BUSINESS:

ADMINISTRATIVE AMENDMENT - Parkside at Matthews, Mathiesen Company, Remove Sewer Pump Station from Site Plan.

Planning Board unanimously approved the removal of the sewer pump station from the site plan.

**MINUTES
SPECIAL BOARD OF COMMISSIONERS MEETING
NOVEMBER 27, 2000 - 5:30 P.M.**

The Board of Commissioners met at 5:30 p.m. to discuss personnel issues.

ABSENT: Commissioner Query

**MINUTES
BOARD OF COMMISSIONERS MEETING
NOVEMBER 27, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor, Ginger Wright; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

CALL TO ORDER

Mayor Myers called the meeting to order at 7:06 p.m.

INVOCATION

Commissioner Bailey rendered the invocation.

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PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

ADMINISTER OATH OF OFFICE TO TOWN CLERK AND DEPUTY CLERK

Jill Pleimann was sworn in as Town Clerk and Stephanie Drake was sworn in as Deputy Clerk. Also sworn in were police officers Jill Mackey, Heath Cranford, and Michael Lovingood.

REPORTS FROM BOARD/COMMITTEE REPRESENTATIVES:

A. Environmental Committee Report - David Ross

David Ross, Environmental Committee member, presented the Town with a plaque from the North Carolina Department of Environment and Natural Resources, Division of Air Quality. This award was given to the Town for Best Role Model in Government during the 2000 North Carolina Air Awareness Campaign. Mr. Ross said this was due to the ozone signs placed in various areas of Matthews during the Air Awareness Campaign.

Mr. Ross described the proposed ordinance protecting storm water drains which will be on the agenda later this evening.

CONSENT AGENDA:

- A. Approve Minutes - November 13, 2000 Meeting
- B. Approve Budget Ordinance Amendment for Controlled Substance Tax Revenues
- C. Adopt an Ordinance Amending Matthews Ordinance Regulating Police Officer Use of Marked Police Vehicles for Personal Use
- D. Adopt Ordinance Prohibiting Objectionable Personal Behavior in Public
- E. Cancel Regular Board Meeting - December 25, 2000
- F. Declare Police Weapons as Surplus and Authorize Their Trade-In for Replacements
- G. Approve Budget Ordinance Amendment To Accept Police Grant Funds
- H. Authorize Disposal of Old Auditorium Seats
- I. Approve Final Plat - Alexander Ridge, Phase 1, Map 1
- J. Adopt Annual Centralina Funding Resolution

Town Manager Messera said that on Item H he had received a second offer on the seats. He asked that Item H be changed to read at a minimum of one dollar per seat. Commissioner Bailey moved to approve the Consent Agenda with the change to Item H. Seconded by Commissioner Taylor and unanimously approved.

UNFINISHED BUSINESS**MAKE APPOINTMENT TO TRANSIT SERVICES ADVISORY COMMITTEE**

Mayor Myers said the Board interviewed two individuals at their last meeting. Mayor Pro-Tem Krauss moved to appoint Walter Horstman to the Transit Services Advisory Committee. Seconded by Commissioner Taylor and unanimously approved.

NEW BUSINESS**ADOPT STORM WATER CONTROL ORDINANCE**

Motion by Commissioner Bailey to adopt the Storm Water Control Ordinance. Seconded by Mayor Pro-Tem Krauss and unanimously approved.

CONSIDER REQUEST FOR RAISED CROSSWALK/SPEED HUMP AT INTERSECTION OF NORTH TRADE AND CHARLES STREETS

Town Manager Messera said Board members had received a memo in their package addressing this. He said this request came about as a result of an accident at Charles and Trade Streets. The request is for a speed hump where the current crosswalk is. Mr. Messera said it is unusual to put one at an intersection. Oftentimes a speed table is used but, he said, he does not think it would be effective due to the proximity to the track and the existing grade down from the track.

Mayor Pro-Tem Krauss said they had talked about putting another speed hump on Trade Street. Mr. Messera said there will be a speed table where the new street intersects at Matthews Station. In effect, they will have two speed humps and a table.

Commissioner Query said he has concerns about another speed hump. One is the close proximity between the proposed hump and the one already there. Commissioner Taylor asked how many accidents had been at that intersection – pedestrian vs vehicular. He also asked if this had gone to the Transportation Board. Mr. Messera said the Transportation Board was briefed on this the other night and did not take any action. He said there is no criteria for speed humps in the downtown area. Chief Hunter said there have been very very few accidents at that specific location – probably three in the last two years. He said vision of the current painted crosswalk is somewhat obscured by the grade of the railroad crossing.

Commissioner Bailey said the Board has talked about creating a pedestrian friendly environment downtown but he is not sure they have yet created that. Putting a hump in that location would help. With new development coming in maybe they should ask the Transportation Board to look at the entire section of street, the proposed speed table at the end of the new street, cut out lanes, etc., in order to make the downtown area more pedestrian friendly.

Motion by Commissioner Bailey to refer this to the Transportation Board with regard to traffic calming devices all along Trade Street to beyond the elementary school. Seconded by Commissioner Taylor. Commissioner Glass said they also may need to discuss putting in a median and/or eliminating lanes and whether a median would be more appropriate than a speed hump. Commissioner Bailey amended his motion to include this suggestion. Seconded by Commissioner Taylor. Unanimously approved.

Commissioner Query said they need to have all traffic stop when a person steps out on to the crosswalk. He said that is done in other towns.

Mr. Messera said that Carolina Asphalt will recolor the speed hump in downtown Matthews at no charge. He said they would like to wait until spring to do this.

MAYOR'S REPORT

Mayor Myers encouraged Board members to attend the December 3rd Christmas activities in downtown Matthews.

TOWN MANAGER'S REPORT

Mr. Messera said that effective December 4th bus route #27, which currently terminates at Crown Point, will be coming into Matthews. The bus will leave every half hour from Matthews up Monroe Road and into downtown Charlotte. The other express bus, #65X, which stops in Clearbrook, will change in an attempt to provide reverse routes for hospital, industrial and retail businesses. Changes have also been discussed for the intra-bus services in Matthews

Mr. Messera said he met with Todd Lamb, Town Manager of Mint Hill, today to discuss providing them with animal control services. Currently they are provided by Mecklenburg County. Mr. Messera said a proposal will be prepared if the Board has no objection. He announced that Don Kelly will be leaving the employ of the Town to become an associate with an engineering firm near

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his home.

CLOSED SESSION TO DISCUSS PERSONNEL MATTERS

Motion by Commissioner Bailey to go into closed session to discuss personnel matters. Meeting will include the Mayor, Commissioners and the Town Manager. Seconded by Commissioner Taylor and unanimously approved.

RECONVENE REGULAR MEETING; ADJOURN

Motion by Commissioner Query, seconded by Commissioner Bailey to reconvene regular meeting and adjourn. Unanimously approved.

Respectfully submitted,



Jill Pleimann,
Town Clerk

**MINUTES
BOARD OF COMMISSIONERS MEETING
DECEMBER 11, 2000**

PRESENT: Mayor Lee Myers; Mayor Pro-Tem Martha Krauss; Commissioners Paul Bailey, Karina Glass, Kress Query, James Taylor; Town Attorney Charles Buckley; Town Manager Ralph Messera; Town Clerk Jill Pleimann.

ABSENT: Commissioner Ginger Wright

CALL TO ORDER

Mayor Myers called the meeting to order at 7:08 p.m.

INVOCATION

Mayor Myers rendered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Myers led as everyone pledged allegiance to the flag of the United States of America.

MARA PRESENTATION

Mike Fulginiti, Outgoing Community Liaison of MARA, thanked Town Board members for their support. He said that MARA has given 50 years of community service. 3,000 boys and girls participate in various sports activities. Mr. Fulginiti said they also make their fields available for organizations who may need them. In the spring they host out-of-town baseball teams and people stay at the local hotels, attend the local restaurants, etc. Mr. Fulginiti said the traffic improvements in the area have been a big help. He said they face the challenge of field space and the challenge of keeping it affordable. Mr. Fulginiti said they have had a tremendous time with vandalism which is costly to the organization. They have asked the neighbors to help.

RECESS REGULAR MEETING

Motion by Commissioner Bailey, seconded by Commissioner Taylor, to recess the regular meeting for a public hearing. Unanimously approved.

Planning Director introduced planning board member Chris Clarke, who was in attendance tonight.

Petition No. 371: To amend the text of the Matthews Zoning Code regarding the CrC District to include single family attached dwellings within the permitted uses.

Planning Director Kathi Ingrish said the Crestdale Conservation District was specifically created for the Crestdale community. It has a list of uses that may be allowed through special use permit. Single-family dwellings are automatically allowed. Dwellings as accessory or accessory apartments are uses already on the list which can be done on a special use permit. Ms. Ingrish said the petitioner is asking to add attached dwellings to the permitted use list.

George Fossett said he is here as the Construction Manager for this petition. He said that Mr. Boyd has been delayed by the traffic and asked if it could be delayed until he arrived. Mayor Myers suggested it be kept open through planning business.

PLANNING AND ZONING BUSINESS –

REPORT FROM PLANNING & ZONING BOARD

Ms. Ingrish gave the Planning & Zoning Board Report. (Exhibit #1 hereby referenced and made a part of these minutes.)

ACTION ON PLANNING & ZONING BOARD REPORT AND PUBLIC HEARING ITEMS

Subdivision variance request - Martin Property, NC51 between Courtney and Lakenheath Lanes – allow cul-de-sac up to 1000 feet in length.

Mayor Myers moved to approve the request. Second by Commissioner Bailey. Commissioner Taylor asked what was the overall length. Planning Director Kathi Ingrish said just under 1000 feet – about 980 feet. Unanimously approved.

Petition No. 369: To change the zoning from R-15 to RI(CD) on 1001 South Trade Street and further to amend existing RI(CD) on the lot designated as 801 South Trade Street, being property owned by Matthews United Methodist Church, and designated as Tax parcel Nos. 227-212-25. Mayor Myers said the Board has a request to defer this to January to resolve some issues.

Motion by Commissioner Query to allow deferral to January 8, 2001 meeting. Seconded by Commissioner Glass and unanimously approved.

REPORT ON CONNECTIVITY STUDY, PHASE 2 - Janet Gapen, UNCC student intern

Ms. Gapen explained the rating system in order to provide a priority list for sidewalks, greenways and bike facility projects. She described how she evaluated the criteria and assigned points to each project.

Commissioner Bailey asked if she anticipated the bikeways would be part of the road surface. Ms. Gapen said they would be on-road facilities.

Commissioner Query said she did a wonderful job and would like to see more details. Ms. Gapen said there will be a final report with all the details -- limits of project, cost, etc. Mayor Myers asked how she factored into the point system the support or opposition of adjacent property owners. Ms. Gapen said that is a very difficult component with greenways. She suggested they develop a greenway in another area and hopefully this will stimulate interest.

Commissioner Taylor said Ms. Gapen did an excellent job and this will be an excellent tool for the

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Planning Conference.

Petition No. 371: To amend the text of the Matthews Zoning Code regarding the CrC District to include single family attached dwellings within the permitted uses.

Harvey Boyd, 350 Crestdale Road, said they are always attempting to make the Town a better place. He said this is a request to upgrade their community. The single family attached dwellings will give them the ability to develop into a multi socioeconomic level which, he said, it was in the past. Mr. Boyd said this will not change historic Crestdale.

Commissioner Bailey asked if there was any way that would allow them to use the R-VS designation. Planning Director Kathi Ingrish said R-VS and CrC are both zoning districts. The text amendment is trying to add town houses as a use that is allowed in CrC. She said it would be done through a special use permit and this is the only place they would have the opportunity to do this. If the text is approved the townhouses could only be allowed in the CrC after a public hearing review process. Ms. Ingrish said there are a lot of conditions attached. It is not a legislative decision but there are a lot of things to be proven to allow the Board to approve a Special Use Permit.

Mayor Myers asked if someone came in and had a site and wanted to rezone it to R-VS, could they do it? Planning Director Kathi Ingrish said any property owner can request rezoning. To do that in the middle of the CrC would probably do damage to the credibility of the district as a whole.

Mayor Myers asked why this was put in. He said previously it was consciously eliminated. Mr. Boyd said he does not think town houses were currently being used in this area. He said they did not deliberately leave that out. The community never said they did not want that, to his knowledge.

Commissioner Query asked if he had talked to folks in the area and if they were aware of this change. Mr. Boyd said they would have a meeting tomorrow night. They were invited to help get the CrC together. He said he knows they do not want huge apartments there. Not on that scale. Commissioner Query said it would have been better if they knew of this before the public hearing so they can speak for or against it. Ms. Ingrish said this is a text amendment. No letters were sent to people in the district. Commissioner Query said he just wanted to express his concern that people in the area may not be aware of what was going on.

Town Attorney Charles Buckley said the Planning Board meeting will be on January 2nd so the petitioner can make people aware of this.

RECONVENE REGULAR MEETING

Motion by Commissioner Query, seconded by Commissioner Bailey, to reconvene regular meeting. Unanimously approved.

CONSENT AGENDA:

- D. Approval of Minutes - November 27, 2000 Meeting**
- E. Adopt Resolution to Set Public Hearing on January 8, 2001 for Land Disposal**
- F. Approve Final Plats - Jessica Park; Fairfax Woods, Phase 2, Map 1**
- G. Approve Preliminary Plat - Matthews Station**
- H. Approve Easement Agreement Between City of Charlotte and Town of Matthews**
- I. Approve Adjustment of Town Manager's Salary**

Motion by Commissioner Bailey, seconded by Commissioner Query, to approve the Consent Agenda. Unanimously approved.

NEW BUSINESS -

AUDIT PRESENTATION - Potter & Company

Todd Plyler reviewed the management letter and the graphs in his report. He said this will be sent to get CAFRA ready and hopefully the Town will be awarded this again this year. Mr. Plyler said the Town received an unqualified report, which is highest rating a CPA company can give.

PROPOSED FIRE DISTRICT PRESENTATION - Donnie Beard and Cary Saul

Mayor Myers introduced Matthews-Morningstar's new fire chief, Don Bobbitt..

Mr. Saul talked about alternatives for funding the fire departments. He said that \$67,500 is given to each of the 18 fire districts each year, regardless of individual size and needs. A consensus was reached that it needs to be done differently. Mr. Saul distributed maps which show all the borders and sphere of influence of all the towns. He explained how the seven service districts might work and discussed the implementation schedule..

Commissioner Query expressed concern that this would be the same as police equity in the past. Mr. Saul said this is a little different because the town can set the level of service for the sphere. The county would contract with the towns and the towns would contract with the fire departments. The county would set the tax rate across the area to raise the funds. Commissioner Taylor asked what if all six counties did not agree. Mr. Bears said they are looking for support from the towns. If they do not support this issue it will not go through.

Town Manager Messera said he did participate, along with other managers, at several meetings. It was felt something needed to be done for a long term solution. The general consensus was that this was a very workable way to do this. Mr. Messera said one of the concerns, if they go through with this and develop a budget and tax rate, the County Commissioners may want to change that rate.

Commissioner Query said this is his concern too. The County Commissioner do not have to accept the recommendation of another board. Mayor Myers said he has the same concern. He said he could see a dispute with the upcoming County Commission and see a situation where fire chiefs say they need a level of service and the towns saying something different and then the County Commissioners saying something else. Mayor Myers said if the town is responsible for fire service then they need to set the tax rate. He questioned why they couldn't go to the General Assembly and get legislation to allow them to tax outside the limits and in the sphere of influence.

Town Attorney Charles Buckley said some of the municipalities are involved with debt service because of bond issues. He wanted to know how this fits in.

APPOINT DELEGATE AND ALTERNATE TO CENTRALINA COUNCIL OF GOVERNMENTS

Mayor Myers moved to appoint Commissioner Jim Taylor as delegate and Mayor Pro-Tem Martha Krauss as alternate. Seconded by Commissioner Glass and unanimously approved.

TOWN MANAGER'S REPORT

Town Manager Ralph Messera said the landscaping plans for Matthews Station are available.

MAYOR'S REPORT

Mayor Myers said that on January 10, 2001 a Legislative Dinner with Mecklenburg County legislation and representatives from all the towns, district 1 and district 6 will be held. Further information will be forthcoming. He encouraged Board members to attend the play at the Community Center.

Commissioner Bailey asked to be excused from the meeting. Motion by Mayor Myers, seconded by Commissioner Glass to excuse Commissioner Bailey. Unanimously approved.

"LET'S CLEAR THE AIR" - A Presentation by David Ross

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Mr. Ross presented a program describing ozone formation, regional impacts, and what can be done to control air pollution

ADJOURNMENT

Motion by Mayor Pro-Tem Krauss, seconded by Commissioner Glass, to adjourn. Unanimously approved. Meeting adjourned at 9:38 p.m.

Respectfully submitted,


Jill Pleimann,
Town Clerk

EXHIBIT #1 -

**PLANNING BOARD REPORT
ON THEIR MEETING OF
NOVEMBER 28, 2000**

- I SUBDIVISION VARIANCE REQUEST - Martin Property, NC51 between Courtney and Lakenheath Lanes - allow cul-de-sac up to 1000' length.

Planning Board unanimously recommends approval.

OTHER BUSINESS:

- I SKETCH PLAN - NC51 between Courtney and Lakenheath Lanes

Planning Board reviewed the sketch plan.

- II SKETCH PLAN - Stevens Mill and Mt. Harmony Church Roads

Planning Board reviewed and commented on possible second access, greenway, and open space issues.

- III DISCUSSION ON DEVELOPING A LOCAL THOROUGHFARE PLAN

Planning Board reviewed various road improvements previously identified.

- IV RESCHEDULE DECEMBER MEETING DATE

Planning Board rescheduled December's meeting to Tuesday, January 2, 2001.