MINUTES
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
APRIL 8, 2013 - 7:00 PM

PRESENT: Mayor James Taylor, Mayor Pro-Tem Paul Bailey; Commissioners Suzanne Gulley, Jeff Miller, Nancy Moore, Kress Query and John Urban; Town Attorney Charles Buckley; Town Manager Hazen Blodgett; Town Clerk Lori Canapinno

ALSO PRESENT: Assistant Town Manager Jamie Justice; Senior Planner Jay Camp; Planner/Zoning Administrator Jim King; Parks, Recreation and Cultural Resources Interim Director Corey King; Planning Board members; Chairman Jim Godfrey, Vice Chair Teresa Scott, Tom Lawing, Rob Markiewitz, Chris Melton, David Pratt and Youth Voice Emily Ashkin

REGULAR MEETING CALLED TO ORDER

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

INVOCATION

Mr. Buckley rendered an invocation.

PLEDGE OF ALLEGIANCE

Boy Scout Jack Denton of Troop 8 led the audience in the Pledge.

PLANNING AND DEVELOPMENT BUSINESS

Senior Planner Jay Camp introduced members of the Planning Board in attendance.

REPORT FROM PLANNING BOARD

Chairman Jim Godfrey reported on the Planning Board's March 26th meeting. (Exhibit #1 hereby referenced and made a part of these minutes.)

Mayor Taylor noted the great cooperation between the Planning Board, Board of Commissioners and Planning and Development staff for their work on one case in particular. The end result was the best outcome for all the parties involved.
value being reduced by $60-70,000. There is nothing the Board can do, but he wanted to comment on the issue. Mr. Urban asked if anything can be done in the future for similar situations. Mr. Buckley said the Board would have to change the ordinance regarding the computation of value for fees in lieu.

Discussion on the valuation continued. Mr. Blodgett said it was his understanding from the appraiser that the property was purchased along with several other properties in a foreclosure situation, so the listed purchase price didn’t represent the true fair market value of the individual property.

Mayor Taylor questioned if the Town needed to protect itself moving forward with stronger language in the ordinance regarding the fee calculation. It seems as if it’s a strategic move by the developer to save money. Mr. Urban noted this process was designed to give developers the option of paying fees in lieu or doing open space on their property. It’s for the betterment of the entire town to have recreation and open space, so if the fee in lieu funds are not enough to allow that to happen then maybe developers should no longer have that option. It needs to be a won-win situation for both.

Mayor Taylor noted the negotiated fee in lieu amount was determined to be $21,169.20. This is just for the Board’s information. Mr. Query asked if the appraiser could come back to explain the valuation. Mr. Buckley said the Board could adopt the submitted valuation, which is required by ordinance, and still request the information from the appraiser. He explained that the valuation can’t change but the appraiser can come in to speak to the Board. Mr. Bailey said since there is no reason to rush, he would prefer to look at this with all available information from the appraiser before casting a vote.

Mayor Taylor directed staff to contact the appraiser to come to a future Board meeting to explain the process.

CONSIDER PERMITTING THE CONSUMPTION OF ALCOHOL IN THE MCDOWELL ARTS CENTER

Ms. Gulley asked if the verbiage could be changed from the phrase “alcoholic beverages” to “beer and wine.” Mayor Taylor said that is the intent, and the policy just needs to be consistent. Staff is using the language in existence for the Community Center and simply adding the McDowell Arts Center location to it.

There was some discussion of fortified and unfortified wine. Parks, Recreation and Cultural Resources Interim Director Corey King said they used language from the ABC permit documents. It was confirmed that the intent is to keep the wording to read “beer and wine,” which removes the need for a definition.

Mayor Taylor noted a discrepancy in sections of the facility rental contract—on page 2, section 3 states sales are not permitted, while section 12 allows for sales. The words “or selling” need to be stricken from section 12.

Motion by Ms. Moore to approve the request that operating procedures of the Matthews Community Center be amended to include the McDowell Arts Center, specifically allowance of beer and wine within the facility, with the conditions that the phrase “alcoholic beverages” be replaced with “beer and wine” and the words “or selling” be stricken from section 12 on page 2 of the facility rental contract. Seconded by Mr. Miller and unanimously approved.

CONSIDER RESOLUTION FOR ACTION ON HOME PLACE

Motion by Ms. Moore to adopt the resolution authorizing condemnation to acquire certain property of Lester and Virginia J. Wright. Seconded by Ms. Gulley.

Mayor Taylor noted this is for public safety concerns. Mr. Buckley noted the public purpose is for the widening, extending or improvement of a street within the Town.
Mr. Miller asked if it was true that all of the neighbors have the same rights of access to the road. Mr. Buckley said yes – the existing roadway is part public and part private, but all the adjoining property owners who had the right of ingress and egress before still have that right to use the portion that was later declared by the Superior Court to be a private road.

Mr. Miller asked if the Wright family could legally stop access for fire, EMS, mail or other similar services. Mr. Buckley said public safety responders have the right to drive across that property. Blocking it may add minutes to response time, which may be a problem if there’s a public safety issue.

Mr. Miller asked if the Wright family has taken any action so far to block or otherwise obstruct the property. Mr. Buckley said he had a phone conversation with Charlotte Mecklenburg Utilities, who said Ms. Wright made demands about the utility lines on the property. He understands from other sources that there have been similar demands made on Duke Power and on Piedmont Natural Gas regarding their easements across that portion of the property.

Mayor Taylor said he will do anything in his power to make sure that no delayed emergency responses happen. He does not want to wait for something to happen before action is taken. Minutes or hours, even seconds, can be the difference between life and death and he doesn’t want anything like that to occur and have the Board back and say it could have done something to prevent a tragedy. This is something he doesn’t take lightly and he knows no one on the Board takes it lightly, regardless of which way they vote.

Mr. Query said it is his opinion that the street actually belongs to the Town, although he understands that was found by the courts to be not exactly true. Over the years the Town has maintained that area, which started out as a dry hydrant for the Fire Department and the reason for the original paving. The court said that was done in error but that was a public safety issue at the time. To not protect the citizens would be the wrong thing to do. He said everyone knows he is not a strong supporter of condemnation but when it’s a public safety issue he thinks it’s a necessity.

Mayor Taylor noted the motion and second on the floor to approve the resolution condemning the property to widen the road. The motion passed unanimously.

MAYOR’S REPORT

The REBIC Realtors Care Day mentioned earlier is coming up on April 19, as is Beachfest on April 26 and 27 and Mount Moriah’s Officer Appreciation Day on May 5.

ATTORNEY’S REPORT

Neubert Purser recently passed away. Several questions were presented regarding the Town’s next steps. The mediated settlement included a life estate which was personal to Mr. Purser and which was terminated at his death. His heirs have a reasonable amount of time to remove livestock, personal possessions and removable improvements. His heirs do not have a right to occupy the property so the Town now has a right to access the property with no notice or restrictions. The sign is now sitting on public property, so First Amendment rights have ceased and the sign is now in violation of the sign ordinance. Mr. Blodgett will discuss issues related to the property with the family at the appropriate time.

There was some discussion of the future uses for the property. Mecklenburg County owns the land and gave the Town of Matthews a long term lease which will allow the Town to build and maintain a park. A portion has been earmarked for a fire station and it is possible for a portion to be used for an elementary school site.