

**MINUTES OF TOWN COUNCIL MEETING
OF THE
TOWN OF STALLINGS, NORTH CAROLINA**

The Town Council of the Town of Stallings met for its regular meeting on Monday, March 12, 2018, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Mayor Pro Tempore David Scholl; Council Members Kathy Heyse, John Martin, Lynda Paxton, Deborah Romanow, and Shawna Steele.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager/ Town Clerk; Police Chief Minor Plyler; Lynne Hair, Town Planner; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

Mayor Wyatt Dunn welcomed everyone to the meeting and Council Member Steele delivered the invocation. Mayor Dunn then led the Pledge of Allegiance and called the meeting to order.

Public Comments

No one was present for public comment.

1. Approval of Consent Agenda Items

A. Minutes of the following meetings:

- (1) 01-22-18 – special
- (2) 01-22-18
- (3) 02-05-18 - special
- (4) 02-12-18
- (5) 02-12-18 – closed
- (6) 02-19-18 – special
- (7) 02-24-18 – special

Council Member Steele requested a change to the 02-12-18 minutes stating that she attended the Transportation Advisory Committee with Council Member Paxton, not the CRTPO meeting.

Council Member Romanow made the motion to approve the Consent Agenda Items with the change as noted above by Council Member Steele. The motion was seconded by Council Member Steele which passed unanimously by Council.

2. Reports

A. Report from the Mayor

Mayor Dunn noted to the public that the Council had met the previous Saturday for six hours to plan for the vision for the Town.

B. Reports from Council Members/Town Committees

Council Member Paxton reported that Steve Blakely and Laura Reed, with Kimley-Horn, presented a traffic impact analysis to the Transportation Advisory Committee (TAC). It was a presentation the TAC would like to bring to Council along with the possibility of collaborating with Indian Trail on the creation of an ordinance to add to the Town's UDO dealing with Traffic Impact Studies.

Council Member Martin reported that he and Council Member Scholl had attended the Greenway Forum and commended staff for organizing that event.

Council Member Romanow reported that the Planning Board heard the Epcon application at its last meeting.

Council Member Scholl thanked staff for the organization of the Greenway Forum.

Council Member Steele echoed the comments from Council Member Paxton concerning the TAC meeting as well as Council Members Martin and Scholl's comments about the Greenway Forum.

Council Member Heyse reported that the Parks and Recreation Committee was in the process of making rules and regulations for rentals, deposits, etc. The committee also discussed the need for more parking for the park.

C. Report from Town Manager/Town Departments

Town Manager Sewell reported the following to the Council:

- Town won the Comprehensive Annual Financial Report for the last fiscal year.
- There were seven people willing to serve on the Greenway Committee. Council Member Martin stated he would like to be added to that committee.
- Mr. Sewell submitted the Staff Quarterly Report as requested by Council. This report is attached to these minutes and therefore incorporated herein.
- Parking was a major issue with new Town Hall as well as the streetscape out front of both Town Hall. Staff would be meeting with consultant to develop pricing for those areas.
- The Communications Process had been developed in house for a better flow for all public communications.
- Solid waste contract – An ad hoc committee met, set criteria, and Waste Connections agreed to a price reduction and an increase to yard waste pick up. The amendment would be brought to Council at its next meeting for approval.
- The Public Works department was converting all the bulbs in the Town Hall to LED bulbs.

3. Agenda Approval

Mayor Dunn requested to switch the positions of Agenda Item 4, *Annexation 50 – Idlewild Road*, and Agenda Item 5, *CZ17.09.02 – Epcon Communities*. A motion was made by Council Member Romanow to approve the Agenda with the above noted change. Council Member Paxton seconded the motion which was approved unanimously.

4. CZ17.09.02 – Epcon Communities *Original Agenda Item 5*

Council Member Paxton requested the Council to recuse her due to former business relationships she had with Epcon. Council Member Romanow made a motion to recuse Council Member Paxton from voting on this item. The motion was passed unanimously after a second from Council Member Scholl.

Mayor Dunn then opened the public hearing. Town Planner Hair presented the Council with information about the request from Epcon which was to conditionally zone a 44.199-acre tract located off of Allen Black and Lawyers Road in parcels #K8321004, #D8321004A, #D8321004, and #08321003 from R-20 to CZ-MR Mixed Residential to allow for the construction of a 146-lot age restricted development that includes 107 single family units, 28 duplex units, and 14 flex units. The Zoning Staff report from CZ17.09.02 – Epcon Communities is attached to these minutes and therefore incorporated herein.

Town Planner Hair reminded the Council that its new UDO was adopted on February 26, 2018. The Epcon application for CZ17.09.02 was received by the Town in September 2017. Therefore, if the application was approved, it would fall under the old UDO's rules and regulations. She then outlined a summary of the history of the request:

- Application submitted: September 1, 2017
- Required Community Meeting: October 12, 2017
- Planning Board heard the item: December 19, 2017. A recommendation of denial was had by the Planning Board due to staff recommendations on the site plan as well as issues raised by the community.
- Epcon requested to defer the item for time to rework the site plan and address the community issues. Due to the timeframe, Epcon was required to present the new plan to the Planning Board.
- Planning Board heard re-submitted plan: February 20, 2018. A recommendation of approval was held by the Planning Board subject to conditions.

The majority of the properties in the area were zoned low-density residential with the exception of the Stevens Mills Crossing Shopping Center. The new Comprehensive Land Use Plan (CLUP) designated the properties as walkable neighborhood, mixture of housing types, and different densities. The plan submitted was in harmony with the CLUP. The new site plan provided connectivity to the adjacent future development; deleted the lots in the front of the neighborhood along Lawyers; made the detention pond a feature; created a boulevard feel along the entranceways; provided for pocket parks; added sidewalks on both sides of the streets; and added walking trails. On-going concerns were: traffic due to congestion along Lawyers Road however Epcon offered to contribute \$50,000 to widening of Lawyers Road; and entry drive on Lawyers Road would only be right-in, right-out due to NCDOT standards. The applicant provided traffic numbers based on the a non-traditional and traditional residential.

Bob Kardos, Regional President for Epcon Communities in Charlotte, walked the Council through this presentation for the age restricted communities. He highlighted the following changes from the original plan:

- Lots removed from Lawyers road entrance
- Divided boulevard provided
- Reduced number of lots by three
- Created central park area
- Exterior perimeter buffer increased from 25' to 30'
- Pocket parks and walking trail system incorporated throughout community
- Pedestrian sidewalks on both sides of the streets.
- Donate \$50,000 to NCDOT for improvements at Lawyers and I-485 interchange.

The applicant then fielded questions from the Council concerning the following topics:

- Stormwater – The system and the necessity to join the Stevens Mills HOA's stormwater systems
- Demographics of Stallings – 55+ largest demographic within the town and projected to grow
- Homes were built on slab to avoid steps due to the demographic population
- Duplex style housing where approximately 1/3 of the residents would traditionally be single.
- The complex would have no or little impact on schools' populations.

Vicky Kidd, 209 Woodstream Circle, Mooresville, stated that concerning the traffic on Lawyers Road, there was a turn lane onto Allen Black Road that could be used without impeding traffic. The main entrance was off Allen Black. She stated that Stevens Mill Shopping spoke in support of the development because some of their spaces were vacant due to lack of shoppers. Ms. Kid stated that the water

pressure has been tested and met the requirements for the project. She stated that Union Co. Public Works encouraged people to call if there was a water pressure issue. Ms. Kidd stated that the proposed development would help the stormwater run-off issue. She felt the lot size, based on her industry knowledge as a real estate broker, was something many demographics were wanting as well as a diversity of housing. Ms. Kidd felt that Epcon built a good product and was wanting to be a good neighbor. She requested the Council approve the project.

Mary Beth Munsey, 1016 Millwright Lane, Stevens Mill, approves of the development due to revenue it would bring to the Town and the schools. She felt that the city traffic was everywhere and would not change. Ms. Munsey said that the retention ponds would help the drainage in Stevens Mill on Lawyers Road. She said that Epcon was helping with the road, had extended the buffer, and looked like a pretty neighborhood and would add to aesthetic when entering the Town. She would like a walking trail between Epcon and Stevens Mill. Ms. Munsey stated she had spoken to three other neighbors and they approved of the development also. She felt Epcon had worked hard and the project should be approved.

Marie Roberts, lived on Allen Black, and stated that traffic was an issue. She stated that she had not heard anything from Epcon about the project. Ms. Roberts stated that all the traffic on Allen Black had to come out onto Stevens Mill which was a problem at any time of day. She stated that she wasn't opposed to growth but did oppose something with such high density.

Bob Crockran, 8135 Stevens Mill, demonstrated to Council via a Lego model what the housing from the new development would look like to existing neighbors specifically regarding density and height of the homes. He felt the air conditioners in the rear of the yards would be louder than any children playing.

Walter Lawrence, Resident of Courtyards at Emerald Lake, stated that no one was speaking about the 1000+ trees which would be demolished in the construction project that were sucking up stormwater and he was concerned about stormwater. He stated Epcon had promised a golf cart trail in his neighborhood but did not get it. Mr. Lawrence felt Epcon did a pretty good job with the homes, but Emerald Lake had no walking trails or other things that were promised three years ago. He stated that the 10' in between the homes were shared between the property owners and was not adequate. Mr. Lawrence stated that Allen Black Road was horrific.

Hank Cowell, 8132 Stevens Mill Road in the Stevens Mill Community, objected to Epcon for: 1) Inconsistent and incompatible with new and old UDO and surrounding neighborhoods; 2) No comprehensive stormwater plan for the project; 3) He had requested a meeting with the Epcon engineer to discuss the stormwater system knowledge but the engineer cancelled the meeting; 4) The plans to tie in with Stevens Mill drainage system but there was no agreement or no plans with that community; 5) There was no traffic plan for 10 years; and 6) Stevens Mill covenants did not permit connectivity with a neighboring community; 7) Council Member Romanow stated in a previous meeting that she would not change the character of Stallings but the proposed Epcon would change the character therefore Mr. Cowell requested Council Member Romanow vote against the project and keep her word; 8) Council Member Martin stated in a previous meeting that all the plans were for the future and only take place when adequate infrastructure was in place therefore Mr. Cowell requested Council Member Martin vote no on the project and stand by his word. Mr. Cowell requested the entire Council vote no on the project.

Mayor read letter into the record from Lewis Fisher, Emerald Lake resident, against the project. This letter is attached to these minutes and therefore incorporated herein.

Epcn was presented to the opportunity for rebuttal to the public comments and the Council Members each gave his/her own opinion on the project.

Mayor Dunn closed the public hearing.

Town Attorney Cox reminded the Council that under NCGS 160.A(5), on the day an ordinance is first introduced, a 2/3 affirmative vote was required to pass. If affirmative 2/3 vote was not received, the item could be placed on a future agenda where the item only needed a simple majority to pass.

Council Member Martin made the motion to deny CZ17.09.02 – Epcn Communities. This motion was seconded by Council Member Romanow and passed unanimously.

Town Planner Hair read the Statement of Reasonableness and Consistency for CZ17.09.02 – Epcn Communities into the record. Council Member Scholl made a motion to approve the Statement of Reasonableness and Consistency for CZ17.09.02 – Epcn Communities due to the facts the project was not reasonable in the public interest because of concerns of increased traffic congestion, stormwater drainage issues, and lack of adequate buffer. The motion was passed unanimously after a second from Council Member Romanow. The Statement of Reasonableness and Consistency for CZ17.09.02 – Epcn Communities is attached to these minutes and therefore incorporated herein.

Council took a recess at 9:07 p.m. and reconvened in open session at 9:10 p.m.

5. Annexation 50 – Idlewild Road
Original Agenda Item #4

Mayor Dunn opened the public hearing. There was no one present to speak to the item. Mayor Dunn then closed the public hearing.

Council Member Romanow made the motion to approve Annexation 50 – Idlewild Road. The motion passed unanimously after a second from Council Member Scholl. The *Ordinance for Annexation 50 – Idlewild Road* is attached to these minutes and therefore incorporated herein.

6. Planning Conference Priorities
This item was tabled until the 03-26-18 Council Meeting.

7. Closed Session Pursuant to NCGC 143-318.11(a)(3)

Council Member Scholl made a motion to go into closed session pursuant to NCGC 143-318.11(a)(3) for cases 17CVS3276 Town of Stallings v. PEF and KFF and 18CVS193 Town of Stallings v. Barry and Juanita Stallings. The motion was seconded by Council Member Romanow and passed unanimously.

Council went into closed session at 9:15 p.m. and reconvened in open session at 9:21 p.m.

Mayor recommended a motion be made concerning the matter of 17CVS3276 Town of Stallings v. PEF and KFF to be settled in the amount of \$5175.00. Council Member Steele made the motion recommended by Mayor Dunn. Council Member Romanow seconded the motion which passed unanimously by Council.

8. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Romanow, and the motion received unanimous support. The meeting was adjourned at 9:21 p.m.

Approved on April 9, 2018.

s/Wyatt Dunn

Wyatt Dunn, Mayor

s/Erinn Nichols

Erinn E. Nichols, Town Clerk

Approved as to form:

s/Cox Law Firm, PLLC

Cox Law Firm, PLLC