

**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 November 12, 2019, 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 Billy Birt, Jr., John Martin, Lynda Paxton, Brad Richardson, and Shawna Steele.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Lynne Hair, Town Planner; Kolleen Dickinson, Code Enforcement Officer; Chris Easterly, Town Engineer; Marsha Gross, Finance Officer; 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 Richardson delivered the invocation. Mayor Dunn then led the Pledge of Allegiance and called the meeting to order.

Public Comments

Joe McLaughlin stated that he wanted to call attention to the fact some Council Members challenged Council Member Paxton's survey which she put online. He also called attention to a poll taken last week during the election and he thought that the changes that poll produced were accurate. He appreciated the service of the existing Council Members but thought that poll was an expression of what the Town really wanted. He asked Council to think about those things when making future decisions. Mr. McLaughlin apologized for misunderstanding that the Town of Indian Trail did not turn down Epcon as he stated at the previous Council Meeting, but rather that Epcon decided to withdrawal and come to Stallings. He still begged the questioned why and hoped Council would make the right decision on that project.

Chris Daniels, wanted to piggy backed on the previous speaker, resident of Stallings, stated when he saw a density of 6.7 houses per acre he thought that was crazy and it should never have gotten through the Planning Department. Townhomes next to a school should not even been talked about. Mr. Daniels had children in the Porter Ridge cluster and was the former President of the Porter Ridge Booster Club. No one he spoke to wanted townhomes. He encouraged the Council to come up with a compromise with the developers. It should be 4-4.5 per acre.

1. Approval of Consent Agenda Items

A. Minutes from the following meetings:

- (1) 08-26-19 – special
- (2) 09-23-19
- (3) 09-23-19 – closed
- (4) 10-14-19
- (5) 10-14-19 – closed
- (6) 10-24-19 – special

Council Member Richardson made the motion to approve the Consent Agenda which was seconded by Council Member Scholl. The motion was approved unanimously.

B. Resolution Approving \$2500 Match for Lawyers Road/Stevens Mill Intersection

Council Member Scholl read resolution into the record. Council Member Scholl made the motion to approve the Resolution as presented. The motion was seconded by Council Member Paxton which passed unanimously by Council. The Resolution Approving \$2500 Match for Lawyers Road/Stevens Mill Intersection is attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

No report from Mayor Dunn.

B. Reports from Council Members/Town Committees

Council Member Birt welcomed the newly elected Council Members Heather Grooms and Steven Ayers.

Council Member Steele congratulated the newly elected Council Members Heather Grooms and Steven Ayers. She also reported that she attended Career Day at Stallings Elementary and now they wanted to come tour the Town Hall. Also, the Transportation Committee would be considering a traffic study at Stevens Mills and Stallings Road. Blair Mill Park concerns regarding trash and insects were also brought to the Town Manager's attention.

Council Members Scholl and Richardson had no reports.

Council Member Martin congratulated the newly elected members and reported that the Public Safety Advisory Committee meetings had been suspended until the new Police Chief was on board.

Council Member Paxton requested Town Manager Sewell speak with DOT about the intersection at Hwy. 74 and Stallings and the limited markings on the lanes.

C. Report from Town Manager/Town Departments

The Town Manager's report was moved to Agenda Item 8.A.

3. Agenda Approval

The following changes were requested to the Agenda:

- Switch the order of Agenda Items 6 and 7
- Add Agenda Item 8.A. as *Town Manager's Report*
- Add Agenda Item 8.B. as *Projects on Website (Scholl)*
- Add Agenda Item 8.C. as *Administrative Policy (Birt)*

- Add to Agenda Item 10, *18CVS769 Town of Stallings v. Christopher Loukos*

Council Member Paxton made the motion to approve the Agenda with the above noted changes. The motion was seconded by Council Member Scholl and passed unanimously.

4. Annexation 53 – Chestnut Lane (Tabled from 10-28-19)

Mayor Dunn reopen the public hearing and recessed the hearing until 12-09-19 Town Council Meeting.

5. CZ19.08.01 (Tabled from 10-28-19)

Mayor Dunn reopen the public hearing and recessed the hearing until 12-09-19 Town Council Meeting.

6. TX19.09.04 – Todd Akers

Original Agenda Item 7

Mayor Dunn opened the public hearing. Town Planner Hair explained this was a request for a height increase for a multifamily building height from 41' to up to 46'. Planning Board recommended approval of the request. Mrs. Hair's report to Council on TX19.09.04 – Todd Akers is attached to these minutes therefore incorporated herein.

John Carmichael spoke on behalf of the applicant stating that the text amendment was consistent with the Development Agreement which was previously passed for the project and would allow the developer a higher floor to ceiling height and elevators on that project. Applicant Todd Akers explained that a four-story building would receive a higher premium for the higher floors due to the elevators.

Robert Ragon, 5000 Cinnamon Drive, stated the original 36' was giving the building three stories. He was concerned with the building elevations and there are no pictures on the DA listed on the website. Mr. Ragon felt that the 41' was not specified and the Council told staff to present wording for four stories but it has never been approved. He did not feel rules were followed. He did not feel four stories could be obtained with 41'.

Dean Gaddy, 1321 Vickery Lane, was concerned about the townhomes at Vicky Lane and Matthews-Indian Trail Road. He was concerned about the traffic impact there and there was too much traffic there already.

The Russell's, Vickery Drive, and did not want to see apartment buildings from her property. Her community was beautiful but now they would be seeing apartments. She did not think it was right.

Mr. Monlet, Donavon Drive, wanted clarity and wanted to know what the height of the complex which would be in view of his backyard. He felt he would be losing the value of his property and did not want people in his backyard. It was a huge stress for him. He wanted to know what he would be looking at when he looked out his back door.

After discussion from Council, Mayor Dunn closed the public hearing.

Council Member Birt made the motion to deny TX19.09.04 – Todd Akers. Council Member Paxton seconded the motion. The vote was a 3 to 3 tie with Council Members Martin, Scholl, and Steele opposing. Mayor Dunn broke the tie in favor of the motion.

Mayor Dunn read the Statement of Consistency and Reasonableness for TX19.09.04 – Todd Akers into the record. Council Member Birth made the motion to deny the Statement of Consistency and Reasonableness for TX19.09.04 – Todd Akers and Council Member Paxton seconded the motion. The vote was a 3 to 3 tie with Council Members Martin, Scholl, and Steele opposing. Mayor Dunn broke the tie in favor of the motion. The Statement of Consistency and Reasonableness for TX19.09.04 – Todd Akers is attached to these minutes and therefore incorporated herein.

7. CZ19.09.01– True Homes

Original Agenda Item 6

Mayor Dunn opened the public hearing.

Matt Kirchner, Eagle Engineering, wanted to defer the item until the next meeting but wanted showed the project and presentation to the Council for informational purposes only. The project was a Townhome project on off of Matthews-Indian Trail Road. Mr. Kirchner presentation is attached to these minutes and therefore incorporated herein.

Mayor Dunn recessed the item and public hearing until the 01-13-19 Town Council Meeting.

8. Quarterly Financial Report

Finance Officer Gross reported the CAFR was accepted as submitted by the state with no changes. She then presented the first quarter report to the Council. The reported is attached to these minutes and therefore incorporated here in.

8.A. Report from Town Manager/Town Departments

Town Manager Sewell reported on the following:

- The Carls Road Water Tower Town logo would be painted soon and the Manager sought Council direction on the logo colors. Council approved using the logo with the “Stallings, NC” in black and the medallion in color.
- Balanced Scorecard – Gave an update on the measures set and their progress.
- Council was presented a draft Amended Fee Schedule for consideration at a future meeting.
- Town Hall should be complete in December and then furniture.
- Density – floodplain/tree save percentage calculations would be discussed at a future meeting
- Christmas fireworks – Council held consensus to roll credit over to next year’s Stallings’ Fest

8.B. Development Project Listing on Website (Scholl)

Council Member Scholl wanted more detailed information about the development projects and the stage of the process on the website. Council held consensus to think about the best format and consult the Planning Board.

8.C. Administrative Policy Discussion (Birt)

Council did not discuss this item.

9. Code Enforcement Nuisance Abatement

A. 107 Pine Tree Drive

Code Enforcement Officer Dickinson had been working with the property owner of 107 Pine Tree Drive since 2018. The issue was the junk piles on the property. To clean the property up by a professional company, it would cost \$9400 – 10,200. If the Town paid for the property to be cleaned up, the Town would put a lean on the property.

The property owner, Governor Barnes, was present and informed the Council he was sick which has prevented him from cleaning the property. Mr. Barnes blamed the DOT improvements to the intersection at the powerlines for the items and mess in his yard. Code Enforcement Officer Dickinson explained these improvements had not impacted the property.

Council Member Richardson made the motion to direct Code Enforcement Officer Dickinson to pursue enforcement violation on the property at 107 Pine Tree Drive according to Town ordinances and select Junk Trunk in the amount of \$9481 to clean up the property. The motion was seconded by Council Member Scholl. The motion received a tie vote with Council Members Steele, Birt, and Paxton opposing. Mayor Dunn broke the Town in favor of the motion passing the motion.

B. 400 Aurora Blvd.

Code Enforcement Officer Dickinson had been working with the property owner of 400 Aurora Blvd. since 2018. The issue was the junk piles on the property. To clean the property up by a professional company, it would cost \$2994 - \$4000. If the Town paid for the property to be cleaned up, the Town would put a lean on the property.

Council Member Richardson made the motion to direct Code Enforcement Officer Dickinson to pursue enforcement violation on the property at 400 Aurora Blvd according to Town ordinances and select Junk Trunk in the amount of \$2994 to clean up the property. The motion was seconded by Council Member Scholl. The motion passed by a 4-2 vote with Council Members Birt and Paxton opposing.

9.C. Council Members Elect into Closed Session

Town Attorney Cox explained to the Council that legal advice was preserved by the Council if the Council was going into closed session under attorney-client privilege. If other individuals were allowed into the session that were not the client, the privilege would be lost.

10. Closed Session pursuant to NCGS 143-318.11(a)(3)

Council Member Richardson made the motion to go into closed session pursuant to NCGS 143-318.11(a)(3) regarding 18CVS769 Town of Stallings v. Christopher Loukos. The motion was seconded by Council Paxton and passed by a 5 to 1 vote with Council Member Birt opposing.

Council went into closed session at 9:47 p.m. and reconvened into open session at 9:58 p.m.

11. Adjournment

Council Member Steele moved to adjourn the meeting, seconded by Council Member Scholl, and the motion received unanimous support. The meeting was adjourned at 10 p.m.

Approved on January 13, 2020.

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