



December 11, 2023
 Stallings Government Center
 321 Stallings Road
 Stallings, NC 28104
 704-821-8557
www.stallingsnc.org

Town Council Agenda

	Time	Item	Presenter	Action Requested/Next Step
	7:00 p.m.	Invocation Pledge of Allegiance Call the Meeting to Order	Wyatt Dunn, Mayor	NA
	7:05 p.m.	Public Comment	Wyatt Dunn, Mayor	NA
1.	7:15 p.m.	Consent Agenda A. Minutes from the following meetings: (1) 11-13-2023 (2) 11-13-2023 – closed (3) 11-27-2023 B. Parking Ordinance Amendment C. Police Department Evidence Building Shelving D. Staff Christmas Bonus	Wyatt Dunn, Mayor	Approve Consent Agenda
2.	7:17 p.m.	Reports A. Report from Mayor B. Report from Council Members/Town Committees C. Report from Town Manager/Town Departments	Council and Staff	NA
3.	7:35 p.m.	Agenda Approval	Wyatt Dunn, Mayor	Approve Agenda
4.	7:37 p.m.	Recognition of Outgoing Council Member Heather Grooms	Alex Sewell, Town Manager	Presentation
5.	7:45 p.m.	Oaths of Office A. Re-appointed Council Member <i>Steven Ayers</i> B. New Council Members <i>Laurie Wojtowicz</i> *New Members to take their seats at the Council Dias.	Alex Sewell, Town Manager	Oaths of Office

6.	7:55 p.m.	Organization Meeting Items A. Appointment of Mayor Pro Tempore B. Appointment of Charlotte Regional Transportation Planning Organization (CRTPO) alternate delegate. <i>(The Mayor is the automatic delegate.)</i> C. Appointment of Centralina Regional Council (CRC) delegate and alternate D. Appointment of Council Members for the following committees: <i>Each committee needs two (2) Council Members except for those with an *. All terms are for two (2) years.</i> (1) Planning Board/Board of Adjustment* (2) Community Committee (3) Transportation Advisory Committee (4) Stormwater Advisory Committee (5) Historical Committee (6) Union County Public Schools* (7) QUAD Alliance* (8) WUMA* E. Rules of Procedure re-adoption F. Approval of 2024 Meeting Schedule G. Approval of 2024 Holiday Schedule H. Annual Retreat – Feb. 24, 2024		Appoint members Approve/Deny schedules
7.	8:05 p.m.	TX23.11.01 <i>Staff requests a text amendment to amended Article 21.3 Fee in Lieu to incorporate Streetscape requirements</i>	Max Hsiang, Planning Director	Discussion Only
8.	8:15 p.m.	Adjournment	Wyatt Dunn, Mayor	Motion to adjourn

**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 13, 2023, at 7:00 p.m. at the Stallings Government Center, 321 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Mayor Pro Tempore David Scholl; Council Members Steven Ayers, Taylor-Rae Drake, Heather Grooms, Graham Hall and Brad Richardson.

Those absent were: Council Members Taylor-Rae Drake and Graham Hall.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Max Hsiang, Planning Director; Kevin Parker, Town Engineer; Eunice Donnelly, Parks and Recreation Director; 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

Anna Gaddy, 3304 Timber Mill Drive, Stallings, Stone Creek Townhomes, informed that Council that she felt traumatized by the sink holes in the community forming since June. She stated Ryan Homes was no responsive. Ms. Gaddy fell in a hole. She felt there were bigger issues occurring. She stated that she lived in fear every day and she needed her home to be a place of peace. She was a grad student and worked full-time and needed her home to be safe. She did not think it was as simple as filling the holes. Ms. Gaddy placed out informational flyers to the Council. She stated that Ryan Homes did a dye test with water and had no evidence as to where the water went from the test.

Christina, speaking on behalf of father, spoke on the same issue as Ms. Gaddy. She said her father was a hard worker with an upholstery business from Ukraine. They didn't know how the issue would be fixed. They had been speaking with Ryan Homes and engineer but did not get any clear answers. They were afraid Ryan would fill in the holes and the holes would just come back. She stated some neighbors had cracks in garage and on sidewalk.

Cheryl Robinson, mom of Anna Gaddy, on behalf of daughter, she wanted the Council to take this seriously because it was a big problem. The hole was open, and Ryan Homes was using cheap material with pine needles and grass covering the holes. Ms. Robinson said something must be done.

Krena Lee, 2102 Autumn Olive Lane, moved in the Stone Creek Townhomes in August 2023. Her air conditioner stopped working in summer, HVAC stopped working as well as the stove, dryer, and washer. Her floor was flooded because appliances failure. She felt they were building the homes too fast. She had tripped over a hole and had a crack in driveway behind garage.

1. Approval of Consent Agenda Items

A. Minutes from the following meetings:

(1) 10-10-2023

(2) 10-23-2023

B. On-Call Engineering and Architectural Services Agreement

C. Amendment Budget Ordinance 8 – Potter & Co. Contract Amendment

Council Member Richardson made the motion to approve the Consent Agenda Items as presented. The motion was seconded by Council Member Scholl which passed unanimously by Council. *Amendment Budget Ordinance 8 – Potter & Co. Contract Amendment* is attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

Mayor Dunn reported that the NC Senate and House approved the third reading of the Occupancy Tax for Stallings, and it was now with the Governor. If approved, the Occupancy Tax would bring Stallings \$60-80K annually if approved by vote of the citizens.

B. Reports from Council Members/Town Committees

Council Member Grooms had no report.

Council Member Ayers thanked everyone who came out to vote in the election.

Council Member Scholl had no report.

Council Member Richardson congratulated Council Member Ayers on his re-election and thanked Council and Staff for plantings/landscaping at the Chestnut Roundabout.

C. Report from Town Manager/Town Departments

Town Manager Sewell had no report.

3. Agenda Approval

Mayor Dunn requested adding a Closed Session Pursuant to NCGS 143-318.11(a)(6). Council Member Richardson made the motion to approve the Agenda as presented with the addition of a closed session as Agenda Item 7.A. Council Member Grooms seconded the motion to which Council approved unanimously.

4. Stallings Park Playground Proposal

Parks and Recreation Director Eunice Donnelly explained that at the beginning of 2023, the Stallings Parks and Recreation identified one of the playgrounds, in Stallings Municipal Park, that was no longer in ideal condition and needed to be removed. The Town's long-term Capital Improvement Plan called for \$300,000 to be put in the '23-'24 Fiscal Year budget to go toward this playground replacement; however, with financial budget restraints the Council decided to move forward with a reduced amount of \$150,000 towards the playground replacement to address this need for Stallings Municipal Park.

After inspection, the site had to be graded to a lesser slope and address the drainage issue at a cost of approximately \$22,000. Ms. Donnelly then presented the Council with three options for the playground area:

Option 1

- Playground Equipment: \$118,601.70
- Site Work: \$21,912.50
- Tax: \$9,484.71
- 5% Contingency: \$7,500
- Total Price: \$157,498.91

Option 2

- Playground Equipment: \$118,601.70
- Footers without Shade: \$5,750.00
- Site Work: \$21,912.50
- Tax: \$9,872.84
- 5% Contingency: \$7,800
- Total Price: \$163,937.04

Option 3

- Playground Equipment: \$118,601.70
- Footers with shade: \$18,101.92
- Site Work: \$21,912.50
- Tax: \$10,629.33
- 5% Contingency: \$8,405.00
- Total Price: \$177,650.45

Council discussed the options. Council Member Scholl made the motion to approve Option 2 as listed above. The motion was seconded by Council Member Ayers. The motion failed with Council

Members Ayers and Scholl favoring the motion; Council Members Grooms and Richardson opposing the motion; and Mayor Dunn breaking the tie opposing the motion.

Council Member Richardson made the motion to approve Option 1 as listed above to which Council Member Ayers seconded. The motion passed by a 3 to 1 vote with Council Member Scholl opposing.

5. Community Committee Establishment Ordinance (Parks/Police Committees Merger)

Parks and Recreation Director Donnelly and Chief Franks explained this topic came about when a former Council Member requested staff research restructuring committees due to vacancies. Town staff discussed combining the Parks and Recreation Committee, Public Safety Advisory Committee, and the Historic Committee. The Historic Committee opted not to combine with the other two committees. However, the Police Chief and Parks and Recreation Director met with their respective committees and both committees agreed to merge.

Council Member Ayers moved to adopt the Community Committee Establishment Ordinance to which Council Member Grooms seconded. The Council supported the motion unanimously. The Community Committee Establishment Ordinance is attached to these minutes and therefore incorporated herein.

6. FY25 Budget and Priorities Setting Process

Town Manager Sewell explained that due to the upcoming budget challenge, he proposed being the budget process earlier in the year. It included the Annual Council Priorities Retreat as well as a Budget Retreat in order for the Council to narrow down the different budget options available.

Council held consensus to approve the FY25 Budget and Priorities Setting Process with the exception of moving a Saturday Budget Retreat to several Monday night Budget sessions. The amended FY25 Budget and Priorities Setting Process with that change is attached to these minutes and therefore incorporated herein.

7. 2725 Old Monroe Road Property Use (Dunn)

Mayor Dunn explained that the pastor at the church adjacent to the Town owned property was interested in 2725 Old Monroe Road Property.

7.A. Closed Session Pursuant to NCGS 143-318.11(a)(6)

Council Member Richardson made a motion to go into Closed Session Pursuant to NCGS 143-318.11(a)(6). Council Member Scholl seconded the motion to which Council unanimously approved.

Council went into closed session at 7:55 p.m. and reconvened in open session at 8:03 p.m.

8. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Grooms, and the motion received unanimous support. The meeting was adjourned at 8:07 p.m.

Approved on _____, 2023.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC

**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 27, 2023, at 7:00 p.m. at the Stallings Government Center, 321 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Mayor Pro Tempore David Scholl; Council Members Steven Ayers, Taylor-Rae Drake, Heather Grooms, Graham Hall and Brad Richardson.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Max Hsiang, Planning Director; Stuart Valzonis, Planning Technician; Kevin Parker, Town Engineer; and Eunice McSwain, Parks and Recreation Director.

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.

Planning Director Hsiang Max introduced new Code Enforcement Officer Matt Dillard to the Council and Parks and Recreation Director Donnelly reminded the Council of Christmas in the Park the upcoming weekend.

Public Comments

Anna Gaddy, 3304 Timber Mill Drive, Stallings, thanked the Council for allowing her to speak and its efforts with her neighborhood. Ms. Gaddy was not pleased with the results of the work that was happening in her neighborhood. She was seeing more holes and did not have any documentation of the work. Ryan Homes was not willing to extend warranties. She did not feel safe in her home and could not decorate for Christmas out of fear. She asked the Council to get soil reports and some other results. She felt very uneasy and did not feel it was ethical.

1. Approval of Consent Agenda Items

- A. Amended Budget Ordinance 9 – Stallings Park New Playground Equipment
- B. Amended Budget Ordinance 7.A. – Amends Amended Budget Ordinance 7 for clerical error
- C. Updated FY24-25 Budget Creation & Priority Setting Process

Council Member Richardson made the motion to approve the Consent Agenda Items as presented. The motion was seconded by Council Member Ayers which passed unanimously by Council. *Amended Budget Ordinance 9 – Stallings Park New Playground Equipment and Amended Budget Ordinance 7.A. – Amends Amended Budget Ordinance 7* are attached to these minutes and therefore incorporated herein.

2. Agenda Approval

Town Manager Sewell requested adding Agenda Item 10.A. as *Resurfacing Inspection Services Contract*. Council Member Grooms made the motion to approve the Agenda with the additional item noted above. The motion was passed unanimously by Council after a second from Council Member Drake.

3. TX23.09.02

A. Staff requests a text amendment to add sign regulations for removing or replacing signs due to eminent domain in Article 17.4

Planning Director Hsiang explained this was a staff request to add sign regulations for removing or replacing signs due to eminent domain in Article 17.4. Eminent domain was the right of governments (like the Town of Stallings or NCDOT) to take private property for public use with fair compensation. The Planning Board and Staff recommended approval of this text amendment. Staff's memo regarding the request is attached to these minutes and therefore incorporated herein.

Mayor Dunn opened the public hearing. There was no one present to give public comment on this item. Mayor Dunn then closed the public hearing.

Council Member Grooms made the motion to approve TX23.09.02. Council Member Scholl seconded the motion to which the Council approved unanimously.

B. Statement of Consistency and Reasonableness

Mayor Dunn read the Statement of Consistency and Reasonableness for TX23.09.02 in the record. The Statement of Consistency and Reasonableness for TX23.09.02 was approved unanimously by Council after a motion by Council Member Grooms and a second from Council Member Ayers. The Statement of Consistency and Reasonableness for TX23.09.02 is attached to these minutes and therefore incorporated herein.

4. TX23.09.03

A. Staff requests a text amendment to add vested rights extension for Conditional Zoning (CZ) in Article 5.4-3(l)

Mayor Dunn opened the public hearing. Planning Director Hsiang explained this was a staff request to add vested rights extension for Conditional Zoning (CZ) in Article 5.4-3(l). Currently, the only recourse for developers facing loss of Zoning Vested Rights for conditional zoning was to resubmit their application for conditional zoning, essentially restarting the entire process. The Planning Board and Staff

recommended approval of this text amendment. Staff's memo regarding the request is attached to these minutes and therefore incorporated herein.

There was no one present to give public comment on this item. Mayor Dunn then closed the public hearing.

Council Member Grooms made the motion to approve TX23.09.03 to add vested rights extension for Conditional Zoning (CZ) in Article 5.4-3(I). Council Member Ayers seconded the motion to which the Council approved unanimously.

B. Statement of Consistency and Reasonableness

Mayor Dunn read the Statement of Consistency and Reasonableness for TX23.09.03 in the record. The Statement of Consistency and Reasonableness for TX23.09.03 was approved unanimously by Council after a motion by Council Member Ayers and a second from Council Member Grooms. The Statement of Consistency and Reasonableness for TX23.09.03 is attached to these minutes and therefore incorporated herein.

5. TX23.09.04

A. Denis & Vlad Pinchuk requests a text amendment to add Coffee Roastery as a Listed Use (L) in the Vehicle Service & Repair (VSR) zoning district

Mayor Dunn opened the public hearing. Planner I Valzonis explained with was a request for a text amendment to add Coffee Roastery as a Listed Use (L) in the Vehicle Service & Repair (VSR) zoning district. Staff's presentation on TX23.09.04 (and TX23.09.05, the following item) is attached to these minutes and therefore incorporated herein. The Planning Board and Staff recommended approval of this text amendment.

There was no one present to give public comment on this item. Mayor Dunn then closed the public hearing.

Council Member Grooms made the motion to approve TX23.09.04 to add Coffee Roastery as a Listed Use (L) in the Vehicle Service & Repair (VSR) zoning district. Council Member Drake seconded the motion to which the Council approved unanimously.

B. Statement of Consistency and Reasonableness

Mayor Dunn read the Statement of Consistency and Reasonableness for TX23.09.04 in the record. The Statement of Consistency and Reasonableness for TX23.09.04 was approved unanimously by Council after a motion by Council Member Grooms and a second from Council Member Drake. The

Statement of Consistency and Reasonableness for TX23.09.04 is attached to these minutes and therefore incorporated herein.

6. TX23.09.05

A. Denis & Vlad Pinchuk requests a text amendment to add Mentoring Services, Tutoring as a Listed Use (L) in the Vehicle Service & Repair (VSR) zoning district.

Mayor Dunn opened the public hearing. Planner I Valzonis explained with was a request for a text amendment to add Mentoring Services, Tutoring as a Listed Use (L) in the Vehicle Service & Repair (VSR) zoning district. Staff's presentation on TX23.09.04 (and TX23.09.04, the previous item) is attached to these minutes and therefore incorporated herein. The Planning Board and Staff recommended approval of this text amendment.

There was no one present to give public comment on this item. Mayor Dunn then closed the public hearing.

Council Member Grooms made the motion to approve TX23.09.05 to add Mentoring Services, Tutoring as a Listed Use (L) in the Vehicle Service & Repair (VSR) zoning district. Council Member Scholl seconded the motion to which the Council approved unanimously.

B. Statement of Consistency and Reasonableness

Mayor Dunn read the Statement of Consistency and Reasonableness for TX23.09.05 in the record. The Statement of Consistency and Reasonableness for TX23.09.05 was approved unanimously by Council after a motion by Council Member Grooms and a second from Council Member Drake. The Statement of Consistency and Reasonableness for TX23.09.05 is attached to these minutes and therefore incorporated herein.

7. TX23.10.01

A. Staff requests a text amendment to amend outdoor storage acreage and zoning requirements in Article 10.1-36 Outdoor Storage

Mayor Dunn opened the public hearing. Town Planner Hsiang explained this was a staff request to add a text amendment to amend outdoor storage acreage and zoning requirements in Article 10.1-36 Outdoor Storage. Council instructed staff to investigate the possibility of implementing a text amendment to the zoning regulations governing outdoor storage in industrial zones. Following research, staff concluded that the text amendment proposed below represents the most straightforward, uncomplicated, and expeditious approach to enhance outdoor storage options for

industrial businesses without negatively impacting the community. Staff's memo regarding the request is attached to these minutes and therefore incorporated herein. The Planning Board and Staff recommended approval of this text amendment.

There was no one present to give public comment on this item. Mayor Dunn then closed the public hearing.

Council Member Grooms made the motion to approve TX23.10.01 to amend outdoor storage acreage and zoning requirements in Article 10.1-36 Outdoor Storage. Council Member Richardson seconded the motion to which the Council approved unanimously.

B. Statement of Consistency and Reasonableness

Mayor Dunn read the Statement of Consistency and Reasonableness for TX23.10.01 in the record. The Statement of Consistency and Reasonableness for TX23.10.01 was approved unanimously by Council after a motion by Council Member Grooms and a second from Council Member Richardson. The Statement of Consistency and Reasonableness for TX23.10.01 is attached to these minutes and therefore incorporated herein.

8. RZ23.10.01

A. MMDi, Inc. d/b/a Steelpoint requests a general rezoning for 500 Union West Blvd PID#07102010R from US 74 Commercial (C-74) to Industrial (IND)

Mayor Dunn opened the public hearing. Town Planner Hsiang explained this was a general rezoning for 500 Union West Blvd PID#07102010R from US 74 Commercial (C-74) to Industrial (IND). The request was made by Steelpoint. Staff's memo regarding the request is attached to these minutes and therefore incorporated herein. The Planning Board and Staff recommended approval of this text amendment.

The Applicant Deborah Edwards owned Steelpoint, along with her husband, which made heavy duty trailers. Ms. Edwards explained that the company was created because it saw a need for industry-ready trailers with Home Depot and Lowes being their main customers. The trailers were shipped all throughout the United States. The final assembly of the trailers was done on the property in question.

There was no one present to give public comment on this item. Mayor Dunn then closed the public hearing.

Council Member Grooms made the motion to approve RZ23.10.01, a general rezoning for 500 Union West Blvd PID#07102010R from US 74 Commercial (C-74) to Industrial (IND). Council Member Drake seconded the motion to which the Council approved unanimously.

B. Statement of Consistency and Reasonableness

Mayor Dunn read the Statement of Consistency and Reasonableness for RZ23.10.01 in the record. The Statement of Consistency and Reasonableness for RZ23.10.01 was approved unanimously by Council after a motion by Council Member Grooms and a second from Council Member Drake. The Statement of Consistency and Reasonableness for RZ23.10.01 is attached to these minutes and therefore incorporated herein.

9. Planning Board Appointment Consideration

Mayor Dunn explained that Town had received a Planning Board Application from Council Member Heather Grooms. Ms. Grooms' term on Council would end on Monday, December 11, 2023, after which time Ms. Grooms was eligible to serve on the Stallings Planning Board.

Council Member Hall made a motion to appoint Heather Grooms to the Stallings Planning Board effective Tuesday, December 12, 2023, with the term ending March 31, 2025. The Council passed the motion unanimously after a second from Council Member Drake.

10. Council Transition Plan

Town Manager Sewel explained that the Council Transition Support Plan was intended to support the education, integration, and required ethics training of all elected officials so the new Town Council can operate as an ethical, effective, and functional governing board.

The plan included a New Member Bootcamp, which would go over all things about the Town's organization structure as well as learning about each department and what they do, as well as training from the UNC School of Government's Essential of Municipal Government course which included the required ethics component.

For all Council, the Plan included the Annual Retreat and the optional WorkPlace Big Five Personality Assessment.

Council held consensus to move forward with the Plan as presented with the exception of the WorkPlace Big Five Personality Assessment.

10.A. Resurfacing Inspection Services Contract

Engineering Director Parker explained this contract would provide inspection and material testing services for the approved FY2025 Resurfacing Contract. The services were necessary to ensure the roadway standards were being met, suitable material was being implemented, and appropriate roadway reconstruction methods were occurring. SUMMIT Engineering, Laboratory, and Testing, Inc. was the only and lowest estimate received by Staff.

Council Member Hall made the motion to authorize the Town Manager to execute the inspection and material testing services contract with SUMMIT Engineering, Laboratory, and Testing, Inc. for \$21,990. The motion was passed unanimously by Council after a second from Council Member Grooms.

11. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Hall, and the motion received unanimous support. The meeting was adjourned at 8:09 p.m.

Approved on _____, 2023.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC



MEMO



To: Mayor and Council
Via: Alex Sewell, Town Manager
From: Dennis Franks, Chief of Police
Date: December 6, 2023
RE: Parking ordinance changes

Purpose: Due to the growth of the town and the region, I am recommending that our parking ordinances be updated.

Background: Our current parking ordinance addresses only “no parking zones” and specific handicapped parking, along with the ability to enforce those listed parking violations. The benefit of using parking citations versus issuing a state citation is that it allows for a parking ticket to be issued to the vehicle, whereas a state citation must be issued to a driver or registered owner, who is present with the vehicle. The intent of the updates presented below addresses public safety and quality of life concerns for our community. These changes to our ordinance have been reviewed by Melanie Cox, our corporate attorney.

We have agreed to the following changes, which are redlined, and additions to our parking ordinance:

PARKING CLOSE TO CURB.

Where not otherwise indicated by this chapter, and where the streets are not marked to show how vehicles must be parked, all vehicles shall be parked parallel to the curb and not more than 12 inches therefrom.

INTERFERRING WITH TRAFFIC.

No vehicle shall so stand on any street as to interrupt, or interfere with, the passage of public conveyances or other vehicles.

LEFT SIDE TO CURB PROHIBITED.

No vehicle shall stop with its left side to the curb except that on one-way streets vehicles shall stop headed in the direction of traffic.

STOPPING, STANDING, OR PARKING PROHIBITED.

No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic, or in compliance with the directions or a police officer or traffic-control device in any of the following places.

- (a) On the sidewalk.
- (b) On a crosswalk.
- (c) Within 30 feet of any flashing beacon, stop sign, or traffic-control signal located at the side of a street or roadway. Alongside or opposite any street excavation or obstruction, when such stopping, standing, or parking would obstruct traffic.
- (d) Upon any bridge or other elevated structure or with any underpass structure.
- (e) Upon any town property between the hours of 12:00 AM and 6:00 AM without Town approval
- (f) On the roadway side of any vehicle stopped, standing, or parked at the edge or curb of a street.
- (g) On the paved surface of any roadway or street listed in the schedule of traffic and parking regulation by street which are maintained as provided in this Code.
- (h) Within 20 feet of any intersection.
- (i) Within 15 feet of a fire hydrant.
- (j) In front of a public or private driveway.
- (k) On the street within ten feet of either side of a mailbox so as to block access for U.S. Postal Service delivery.
- (l) Upon any area designated as no parking area when said areas are appropriately marked
- (m) Within 20 feet of the driveway entrance to any fire station
- (n) In a space designated with a sign for disabled persons, or when the vehicle does not display the distinguishing registration plate, windshield placard, or disabled registration plate or placard issued pursuant to G.S. 20-37.6
- (o) On a street within 50 feet of the nearest rail of a railroad crossing

§ 70.06 ENFORCEMENT OF PARKING VIOLATIONS.

(A) The provisions of this title may be enforced by any authorized local law enforcement agency or code enforcement officer. ~~There shall be no parking of motor vehicles on the sidewalks in the town.~~

(B) (1) Violations of the provision of this chapter shall subject the offender to a civil penalty as authorized by G.S. § 160A-175(c) upon the issuance of a citation for said violation as hereinafter provided.

(2) Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the Town or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user. Pursuant to G.S. 15A-302(d), the officer shall conspicuously affix to such vehicle a notice of violation, on a citation provided by the chief of police or designee, for the driver to pay a civil penalty in the amount of \$25 within 15 days at a place specified on the citation. The citation shall further state that additional penalties will be assessed for citations that are paid after the 15-day grace period. Those fines shall increase to \$50 after 15 days and \$75 after 45 days.) ~~Upon issuance of a citation provided herein the owner or operator of the vehicle shall pay a civil penalty in the amount of \$25 within 15 calendar days after the issuance of the citation. Upon failure to pay the citation within 15 calendar days, a late fee of \$25 will be assessed for each citation not paid within the time required.~~

(3) Failure to make payment of the penalty, including any late penalties, will subject the owner or operator to a civil action to collect all penalties and costs for such violations in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent

civil penalty, has not been paid. ~~If the civil penalty (parking ticket) is not paid as provided in (B) above, a notice shall be mailed First Class US Mail to the operator or registered owner of the vehicle in violation, enclosing a copy of the citation stating that unless the civil penalty and late fee is paid within five calendar days after mailing of notice the town can institute a civil action in the nature of a debt to collect same.~~

Next Steps: I respectfully request the Town Council to adopt the parking ordinances as presented.



MEMO



To: Mayor and Council
Via: Alex Sewell, Town Manager
From: Dennis Franks, Chief of Police
Date: December 6, 2023
RE: evidence shelving/asset forfeiture

Purpose: The purpose of this memo is to utilize asset forfeiture funds to upgrade the shelving and storage system in our evidence vault.

Background: As the Stallings Police Department continues moving forward with becoming a CALEA-accredited agency we have seen the need for improvements in our evidence and property building. Currently, our manner of storage is flat, utility shelving. This does not allow for evidence and property to be stored in a manner that helps maintain a well-organized evidence room. This lack of organization can lead to evidence being lost or misplaced.

With that, I am requesting to purchase rolling storage. This will allow us to store more evidence and property utilizing a smaller footprint. This will allow for better organization and give us more space for future needs.

I have obtained a quote for Spacefile mobile storage. This quote is based on pricing from the US General Service Administration contract GS-27F-0041X, therefore competitive bidding is not necessary. I am requesting to transfer 19,259.00 from asset forfeiture accounts to complete the purchase and installation of this equipment.

Next Steps: I respectfully request the Town Council to approve the transfer of asset forfeiture funds, in the amount of \$19,259.00 to complete the purchase and installation of this evidence storage system.



MEMO

To: Mayor and Council Members
From: Karen Reid-HR Director
Date: December 6, 2023
RE: **Holiday Bonus**

Included in the 2023-2024 budget were the funds for bonus checks in the amount of \$150 for full-time employees and \$75 for part-time employees. This is a formal request for approval to cut checks for Town employees given as a Holiday bonus by the Mayor and Council.

Thank you,

Karen Reid

Rules of Procedure for the Town Council, Town of Stallings

Rule 1. Regular Meetings

The council shall hold a regular meeting on the second and fourth Mondays of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day, unless the Council votes to change the meeting to another time. The meetings shall be held at the Stallings Town Hall and the meetings shall begin at 7:00 p.m. A copy of the council's current meeting schedule shall be filed with the town clerk.

Rule 2. Special, Emergency, and Recessed (or Adjourned) Meetings

(a) Special Meetings. The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the mayor and each council member or left at his or her usual dwelling place; (2) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice. Even in such a case, the council shall only discuss or transact items of business not specified in the notice if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

A special meeting may also be called or scheduled by vote of the council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each council member not present at the meeting at which the special meeting was called or scheduled, and to the mayor if he or she was not present at that meeting. Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner, unless all members are present or those not present have signed a written waiver of notice, and the council determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

(b) Emergency Meetings. Emergency meetings of the city council may be called only because of generally unexpected circumstances that require immediate consideration by the council. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the council.

(1) The mayor, the mayor pro tempore, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the council complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the town clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the council members and shall be given at the expense of the party notified.

(c) Recessed (or Adjourned) Meetings. A properly called regular, special, or emergency meeting may be recessed (or adjourned) to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed (or adjourned) session of a properly called regular, special, or emergency meeting.

(d) Cancelled Meetings.^{5*} A properly called regular, special, or emergency meeting may be cancelled due to inclement weather, lack of agenda items, or another significant reason by the Mayor with the majority consent of Council. The cancellation shall be communicated immediately to the Council and to the public via the Town's normal communication channels. **Added 01-12-15.*

Rule 3. Organizational Meeting

On the first regular meeting⁴ in December following a general election in which council members are elected, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the council shall elect a mayor pro tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

Rule 4. Agenda

(a) **Proposed Agenda.** The town clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two full working days before the day of the meeting. Any council member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each council member shall receive a copy of the proposed agenda and the agenda package and these shall be available for public inspection and distribution or copying when these are distributed to the council members.

(b) **Adoption of the Agenda.** As its fifth² order of business at each meeting, the council shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. If items are proposed to be added to the agenda of a meeting, the council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all council members.

The council may by majority vote add items to or subtract items from the proposed agenda, except that

(a) the council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless those calling the meeting consent to the deletion, (b) the council may not add items to the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. The council may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

The council may designate certain agenda items “for discussion and possible action.” Such designation means that the council intends to discuss the general subject area of that agenda item before making any motion concerning that item.

(c) **Consent Agenda.** The council may designate a part of the agenda as the “consent agenda.” Items shall be placed on the consent agenda by those preparing the proposed agenda if they are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

(d) **Open Meetings Requirements.** The council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the council to understand what is being deliberated, voted, or acted on. The council may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

Rule 5. Public Address to the Council¹

The Stallings Town Council is committed to providing citizens with an avenue for expressing their ideas, concerns, accolades, etc. The following are rules of procedure for conducting an orderly public comment period. The Council at its discretion may amend, waive, or extend any of these procedures.

1. A Public Comment Period shall be placed on the agenda of each regular Town Council meeting. Said agenda item shall occur at the beginning of the agenda.
2. Each person desiring to speak during the Public Comment Period shall sign up to speak prior to the start of the meeting on the form provided by the Town and submit it to the Town Clerk before the meeting begins. Council, in its discretion, may extend the time to submit the form to the Town Clerk.
3. Council may shorten or extend public comment period at its discretion. Public comments will be heard in order submitted.
4. Each speaker shall be allotted up to three (3) minutes to speak unless otherwise extended at the discretion of the Council.
5. Speakers shall at all times maintain proper decorum and shall make their comments in a civil manner. Speakers shall remain at the podium to make comments and not approach Council or

staff without an invitation from the Council.

6. Groups of five (5) persons or more supporting or opposing the same positions may request to designate a spokesperson to speak. The spokesperson may request additional time to speak beyond the allotted 3 minutes.
7. Speakers shall not speak on any topic which is the subject of a public hearing on the same agenda.
8. Mayor and Council should refrain from engaging in a dialogue with speakers except to the extent necessary to clarify the speaker's position or subject matter. At the conclusion of the speaker's comments or the Public Comment Period, the Council, in its discretion may allow the Town Manager, Town Attorney or staff to address the speaker.
9. Mayor and Council shall not restrict the subject matter of any comment based on content in any way except as provided herein.

Rule 6. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows³:

- Public comment
- Special Presentations
- Consent Agenda Adoption including but not limited to minutes and any financial and tax reports
- Reports and Requests from elected officials, staff, departments, and committees
- Agenda Adoption
- Public Hearings
- Old business
- New business

By general consent of the council, items may be considered out of order.

Rule 7. Office of Mayor

The mayor shall preside at all meetings of the council but shall have the right to vote only when there is a tie. In order to address the council, a member must be recognized by the mayor.

The mayor or other presiding officer, if the Mayor is absent, shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- (c) To entertain and answer questions of parliamentary law or procedure;
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be appealed to the council upon motion of any member, pursuant to Rule 18(b), Motion 1. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

Rule 8. Office of Mayor Pro Tempore

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the council's pleasure. A council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the council may confer on the mayor pro tempore any of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and mayor pro tempore are absent from a meeting, the council may elect from among its members a temporary chairman to preside at the meeting.

Rule 9. When the Presiding Officer Is in Active Debate

If the mayor or other presiding officer becomes actively engaged in debate on a particular proposal, he or she may designate another council member to preside over the debate. The mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

Rule 10. Action by the Council

The council shall proceed by motion, except as otherwise provided for in Rule 4 and in Rule 31. Any member may make a motion.

Rule 11. Second Required

A motion shall require a second.

Rule 12. One Motion at a Time

A member may make only one motion at a time.

Rule 13. Substantive Motions

A substantive motion is out of order while another substantive motion is pending.

Rule 14. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 27 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Rule 15. Voting by Written Ballot

The council may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the town clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 16. Debate

The mayor shall state the motion and then open the floor to debate on it. The mayor shall preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

Rule 17. Ratification of Actions

To the extent permitted by law, the council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 18. Procedural Motions

(a) Certain Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) Order of Priority of Motions. In order of priority (if applicable), the procedural motions are

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn. This motion may be made only at the conclusion of council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess or adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess.

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

Motion 5. To Suspend the Rules. The council may not suspend provisions of the rules that state requirements imposed by law on the council. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the council, excluding the mayor, and vacant seats.

Motion 6. To Go into Closed Session. The council may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact such advice is to be received.

Motion 7. To Leave Closed Session.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 9. To Defer Consideration. The council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 18(b), Motion 14], or else move to suspend the rules [Rule 18(b), Motion 5].

Motion 10. Motion for the Previous Question. The motion is not in order until there have been at least 20 minutes of debate, and every member has had an opportunity to speak once.

Motion 11. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules [Rule 18(b), Motion 5].

Motion 12. To Refer a Motion to a Committee. The council may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire council, whether or not the committee has reported the matter to the council.

Motion 13. To Amend. (a) An amendment to a motion must be pertinent to the subject matter of the

motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance, order, policy, or resolution shall be reduced to writing before the vote on the amendment.

Motion 14. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 18(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

Motion 15. To Reconsider. The council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess (adjournment) to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

Motion 16. To Rescind or Repeal. The council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 17. To Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the council excluding the mayor and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

Rule 19. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reintroduction has been adopted.

Rule 20. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

Rule 21. Duty to Vote

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the

consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Rule 22. Introduction of Ordinances

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the council.

Rule 23. Adoption of Ordinances and Approval of Contracts

(a) **Generally.** An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the council. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

(b) **Zoning Protest Petitions.** An affirmative vote equal to three-fourths of all the members of the city council shall be required for an ordinance making a change in a zoning regulation, restriction, or boundary to become effective, if a valid protest petition is received in accordance with the requirements set out in G.S. 160A-385(a) and G.S. 160A-386. This rule shall not apply in those cases excepted by G.S. 160A-385(a).

Rule 24. Adoption of the Budget Ordinance

Notwithstanding the provisions of any city charter, general law, or local act:

- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the council by a simple majority of those present and voting, a quorum being present;
- (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and
- (3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any city charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or executive

sessions by the council if it is otherwise prohibited by law from holding such a meeting or session.

Rule 25. Special Rules of Procedure

These rules supersede any other rule or rules of procedure previous adopted by act of the town council and all such previously adopted rules are null and void.

Rule 26. Closed Sessions

The council may hold closed sessions as provided by law. The council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The council shall terminate the closed session by a majority vote.

Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

Rule 27. Quorum

A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

Rule 28. Public Hearings

Public hearings required by law or deemed advisable by the council shall be organized by a special order (adopted by a majority vote) that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to council meetings shall also apply to public hearings at which a majority of the council is present; such a hearing is considered to be

part of a regular or special meeting of the council. These requirements also apply to hearings conducted by appointed or elected committees of the council, if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the council is present.

The council may vote to delegate to city staff members, as appropriate, the authority to schedule, call, and give notice of public hearings required by law or the council. The council shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it shall not delegate the responsibility in cases where the council itself is required by law to call, schedule, or give notice of the hearing.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak that has not done so, the presiding officer shall declare the hearing ended.

Rule 29. Quorum at Public Hearings

A quorum of the council shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular council meeting without further advertisement.

Rule 30. Minutes

Full and accurate minutes of the council proceedings, including closed sessions, shall be kept. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the council, the “ayes” and “nos” upon any question shall be taken. Members’ and other persons’ comments may be included in the minutes if the council approves.

Minutes and general accounts of closed sessions may be sealed by action of the council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session. Minutes and general accounts of closed sessions shall be unsealed when the Council determines that the purpose of the closed sessions would no longer be frustrated by making these records public.

Rule 31. Appointments and Resignations^{6,7}

(a) Appointments. The council shall consider and make appointments to other bodies, including its own committees, if any, only in open session and in accordance with the *Committee and Board Member Appointment Policy*.

The council shall consider and make appointments to fill a vacancy within its own membership only in open session and in accordance with the procedure documented herein.

- i. When a vacancy on the council occurs, council shall direct the Town Clerk to advertise the vacancy, using normal advertising mediums, for a minimum of ten (10) working days. The advertisement shall contain, at a minimum, a description of the council district in which the

- vacancy exists, the duration of the term of the appointment, contact information for letter of interest submission, and the last date and time that letters of interest will be accepted.
- ii. Letters of interest shall be accepted from applicants of the council district in effect at the time of the vacancy. In the event that a vacancy occurs after the decennial council district apportionment process where the council district map is redrawn and filed but before the first filing date for the next municipal election, the vacancy shall be filled from applicants within the borders of the district in effect prior to the council district borders being redrawn. Otherwise the vacancy shall be filled from within the borders of the newly formed district.
 - iii. After the advertised window for submission of letters of interest has closed, the Town Clerk shall review the letters of interest to ensure that applicants meet all age and residency requirements as required by North Carolina General Statutes (NCGS), the Town Charter and this procedure. All letters of interest from those candidates who meet age and residency requirements shall be delivered to all council members.
 - iv. Depending on the number of candidates, council may invite the candidates to the next regularly scheduled council meeting so that the candidates have the opportunity to present their interest and qualifications in person.
 - v. At that regularly scheduled meeting, council shall select a candidate for appointment to fill the vacant council seat.
 - a. When there is only one (1) candidate, a council member may make a motion, which shall require a second, to appoint that candidate to fill the vacancy. A vote will be called to approve or deny the motion. In the event of a tie vote, the Mayor shall be enabled to cast a vote to break the tie. In the event that the motion fails, the process shall start over with a new advertisement.
 - b. When there are two (2) candidates, a council member may nominate a candidate for appointment to fill the vacancy. A nomination does not require a second. A vote will be called to appoint a nominee in the order in which the candidate nominations were made. As soon as a nominee receives a majority of affirmative votes that nominee shall be appointed and voting shall cease.
 - c. When there are more than two (2) candidates, voting for candidates shall be by written ballot in accordance with Rule 15 of these *Rules of Procedure*. A candidate who receives a majority of affirmative votes shall be appointed. In the event of a tie vote by ballot, candidates receiving fewer votes than those candidates in the tie vote shall be removed from consideration and a new ballot vote shall be taken with only the remaining candidates listed on the ballot. Ballot voting shall continue in this manner until the vote does not result in a tie and a candidate receives a majority of affirmative votes.
 - vi. At council's discretion the appointee may be sworn in at that regularly scheduled meeting or at a subsequent meeting.

(b) Resignations. The Council shall consider, and vote to accept, any resignation of office or position tendered by any Town official elected by the general public, any employee hired or appointed by Council, or any committee or board member appointed by Council, no later than the first regularly scheduled meeting following the date on which the resignation was initially tendered. **Added 02-09-15.*

Rule 32. Committees and Boards*

(a) Establishment and Appointment. The council may establish temporary and standing Town committees and boards and appoint members for such committees and boards as are needed to help carry

out the work of Town government. Council delegates that same authority to the mayor except in instances where the exercise of such authority by the mayor would conflict with a council action; in case of a conflict the council action shall prevail. Appointment of Town residents to temporary and standing Town committees and boards shall be done in accordance with Rule 31 of these *Rules of Procedure*. Any specific provisions of law relating to particular committees and boards shall be followed.

(b) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of the city that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among the city's professional staff.

Rule 33. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the city charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats.

Rule 34. Reference to *Robert's Rules of Order Newly Revised*

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the council shall refer to *Robert's Rules of Order Newly Revised*, to answer unresolved procedural questions.

Appendix

Permitted Procedural Motions in Order of Precedence^A

Motion	Vote Required^B	Special Requirements
1. To Appeal a Procedural Ruling of the Presiding Officer	Majority	Is in order immediately after the presiding officer announces a procedural ruling, as specified in Rule 7, and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.
2. To Adjourn	Majority	May not interrupt deliberation of pending substantive matter. Motion to [recess] [adjourn] to a time and place certain must also comply with Rule 2(c).
3. To Take a Brief Recess	Majority	None
4. Call to Follow the Agenda	Majority	Must be made at first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
5. To Suspend the Rules	Two-Thirds	The council may not suspend provisions of the rules that state requirements imposed by law on the council.
6. To Go into Closed Session	Majority	Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) must also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318.11(a)(3) must identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact such advice is to be received.
7. To Leave Closed Session	Majority	

8. To Divide a Complex Motion and Consider it by Paragraph	Majority	None
9. To Defer Consideration	Majority	<p>A substantive motion the consideration of which has been deferred expires [<u>100</u>] days thereafter unless a motion to revive consideration (Motion 14) is adopted. While a deferred motion remains pending, a new motion with the same effect cannot be introduced.</p> <p>CAUTION: Do not confuse with Motion 11.</p>
10. Motion for the Previous Question	Majority	<p>Not in order until there have been at least [<u>20</u>] minutes of debate, and every member has had an opportunity to speak once.</p>
11. To Postpone to a Certain Time or Day	Majority	<p>None. While a postponed motion remains pending, a new motion with the same effect cannot be introduced. CAUTION: Do not confuse with Motion 9.</p>
12. To Refer a Motion to a Committee	Majority	<p>[<u>60</u>] days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the council, regardless of whether the committee has reported the matter to the council.</p>
13. To Amend	Majority	<p>(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the motion with that amendment added has the same effect as rejection of the original motion. A proposal to substitute a different motion shall be treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. (c) Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.</p>
14. To Revive Consideration	Majority	<p>In order at any time within [<u>100</u>] days after the day of a vote to defer consideration (Motion 9). Failure to adopt Motion 14 within the [<u>100</u>] day period results in expiration of the deferred substantive motion.</p>

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| 15. To Reconsider | Majority | Must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the “nos” prevail).
May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through [recess] [adjournment] to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting. |
| 16. To Rescind or Repeal | Majority | Not in order if rescission or repeal of an action is forbidden by law. |
| 17. To Prevent Reintroduction for [Six] Months | Two-Thirds | In order immediately following defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for [six] months or until the next organizational meeting of the council, whichever occurs first. |

A. Under these rules all procedural motions are debatable and none requires a second. All may be amended, subject to the stated limitations on motions to amend (Motion 13). Except where indicated otherwise, procedural motions may interrupt deliberations on a pending substantive matter.

B. The required vote for adoption of a procedural motion is generally a majority of the votes cast, a quorum being present. In a few cases, the required vote is a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats.

The foregoing Rules of Procedure are based on material in “Suggested Rules of Procedure for a City Council,” 3d ed., by A. Fleming Bell, II (Chapel Hill, N. C.: The Institute of Government, The University of North Carolina, 2000)

Adopted Feb. 5, 2001

Re-adopted December 9, 2013

Re-adopted December 14, 2015

RE-adopted December 11, 2017

RE-adopted December 9, 2019

RE-adopted December 13, 2021

¹ This item was amended on September 25, 2006.

² This item was amended on June 27, 2011.

³ This item was amended on June 27, 2011.

⁴ This item was amended on October 10, 2011.

⁵ This item was amended on January 12, 2015.

⁶ This item was amended on February 9, 2015.

⁷This item was amended on October 12, 2015.

⁸This item was amended on December 14, 2015.

Town of Stallings Meeting Dates 2024

Unless otherwise noted, all meetings are held in the
Stallings Government Center located at 321 Stallings Road.

JANUARY

4	Thursday	Economic Development	2:00 p.m.
8	Monday	Town Council	7:00 p.m.
11	Thursday	Stormwater	6:00 p.m.
16	Tuesday	Planning Board	7:00 p.m.
22	Monday	Town Council	7:00 p.m.
23	Tuesday	Historical Committee	6:00 p.m.
25	Thursday	Transportation	6:00 p.m.

FEBRUARY

1	Thursday	Economic Development	2:00 p.m.
8	Thursday	Stormwater	6:00 p.m.
12	Monday	Town Council	7:00 p.m.
13	Tuesday	Community Committee	6:00 p.m.
20	Tuesday	Planning Board	7:00 p.m.
22	Thursday	Transportation	6:00 p.m.
26	Monday	Town Council	7:00 p.m.
27	Tuesday	Historical Committee	6:00 p.m.

MARCH

7	Thursday	Economic Development	2:00 p.m.
11	Monday	Town Council	7:00 p.m.
12	Tuesday	Community Committee	6:00 p.m.
14	Thursday	Stormwater	6:00 p.m.
19	Tuesday	Planning Board	7:00 p.m.
25	Monday	Town Council	7:00 p.m.
26	Tuesday	Historical Committee	6:00 p.m.
28	Thursday	Transportation	6:00 p.m.

Town of Stallings Meeting Dates 2024

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APRIL

4	Thursday	Economic Development	2:00 p.m.
8	Tuesday	Town Council	7:00 p.m.
9	Tuesday	Community Committee	6:00 p.m.
11	Thursday	Stormwater	6:00 p.m.
16	Tuesday	Planning Board	7:00 p.m.
22	Monday	Town Council	7:00 p.m.
23	Tuesday	Historical Committee	6:00 p.m.
25	Thursday	Transportation	6:00 p.m.

MAY

2	Thursday	Economic Development	2:00 p.m.
9	Thursday	Stormwater	6:00 p.m.
13	Monday	Town Council	7:00 p.m.
14	Tuesday	Community Committee	6:00 p.m.
23	Thursday	Transportation	6:00 p.m.
21	Tuesday	Planning Board	7:00 p.m.
28	Tuesday	Historical Committee	6:00 p.m.
28*	Tuesday	Town Council	7:00 p.m.

**Due to Memorial Day Holiday*

JUNE

6	Thursday	Economic Development	2:00 p.m.
10	Monday	Town Council	7:00 p.m.
11	Tuesday	Community Committee	6:00 p.m.
13	Thursday	Stormwater	6:00 p.m.
18	Tuesday	Planning Board	7:00 p.m.
24	Monday	Town Council	7:00 p.m.
25	Tuesday	Historical Committee	6:00 p.m.
27	Thursday	Transportation	6:00 p.m.

Town of Stallings Meeting Dates 2024

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JULY

8	Monday	Town Council	7:00 p.m.
9	Tuesday	Community Committee	6:00 p.m.
11*	Thursday	Economic Development	2:00 p.m.
11	Thursday	Stormwater	6:00 p.m.
16	Tuesday	Planning Board	7:00 p.m.
23	Tuesday	Historical Committee	6:00 p.m.
25	Thursday	Transportation	6:00 p.m.

**Due to July 4th Holiday*

AUGUST

1	Thursday	Economic Development	2:00 p.m.
8	Thursday	Stormwater	6:00 p.m.
12	Monday	Town Council	7:00 p.m.
13	Tuesday	Community Committee	6:00 p.m.
20	Tuesday	Planning Board	7:00 p.m.
22	Thursday	Transportation	6:00 p.m.
27	Tuesday	Historical Committee	6:00 p.m.

SEPTEMBER

5	Thursday	Economic Development	2:00 p.m.
9	Monday	Town Council	7:00 p.m.
10	Tuesday	Community Committee	6:00 p.m.
12	Thursday	Stormwater	6:00 p.m.
17	Tuesday	Planning Board	7:00 p.m.
23	Monday	Town Council	7:00 p.m.
24	Tuesday	Historical Committee	6:00 p.m.
26	Thursday	Transportation	6:00 p.m.

Town of Stallings Meeting Dates 2024

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<u>OCTOBER</u>			
3	Thursday	Economic Development	2:00 p.m.
10	Thursday	Stormwater	6:00 p.m.
15	Tuesday	Community Committee	6:00 p.m.
15*	Tuesday	Town Council	7:00 p.m.
22	Tuesday	Planning Board	7:00 p.m.
22	Tuesday	Historical Committee	6:00 p.m.
24	Thursday	Transportation	6:00 p.m.
28	Monday	Town Council	7:00 p.m.

**Due to Columbus Day Holiday*

<u>NOVEMBER</u>			
7	Thursday	Economic Development	2:00 p.m.
12	Tuesday	Community Committee	6:00 p.m.
12*	Tuesday	Town Council	7:00 p.m.
14	Thursday	Stormwater	6:00 p.m.
19	Tuesday	Planning Board	7:00 p.m.
21	Thursday	Transportation	6:00 p.m.
25	Monday	Town Council	7:00 p.m.

**Due to Veterans Day Holiday*

<u>DECEMBER</u>			
5	Thursday	Economic Development	2:00 p.m.
9	Monday	Town Council	7:00 p.m.
10	Tuesday	Community Committee	6:00 p.m.
12	Thursday	Stormwater	6:00 p.m.
17	Tuesday	Planning Board	7:00 p.m.
19	Thursday	Transportation	6:00 p.m.



Holiday Schedule 2024

2024 Holiday(s)	Date(s)	Day(s) of the Week
New Year's Day	January 1	Monday
MLK, Jr. Birthday	January 15	Monday
Good Friday	March 29	Friday
Memorial Day	May 27	Monday
Independence Day	July 4	Thursday
Labor Day	September 2	Monday
Columbus Day	October 14	Monday
Veteran's Day	November 11	Monday
Thanksgiving	November 28 & 29	Thursday & Friday
Christmas	December 24, 25, 26	Tuesday, Wednesday, and Thursday



MEMO

To: Stallings Town Council
From: Max Hsiang, Planning Director
Date: 12/11/2023
Re: TX23.11.01 - Streetscape & Fee in Lieu

Request:

The Council, recognizing the importance of streetscape improvements for the success of main street retail, authorized staff on 8/14/23 to initiate the process of integrating streetscape requirements into the development ordinance. The decision to maintain consistency among the Town's adopted plans led staff to house both the Stallings Streetscape Design Standards and Details Plan, which includes greenways, and the Stallings Parks, Recreation, and Greenway Master Plan within the same Article, specifically Article 21.3 Fee in Lieu. While no decision is required tonight, we bring this to the Council's attention for information and feedback, for adoption and incorporation by January 2024.

New Suggested Amendment:

21.3 Fee in Lieu and Developer Obligation for New Developments

- 21.3-1 **Purpose.** This ordinance establishes a fee in lieu for new residential and commercial developments. The fee will be used to fund the construction and maintenance of public facilities and services needed to serve new development.
- 21.3-2 **Applicability.** This ordinance applies to all new residential and commercial developments in the Town of Stallings. For purposes of this requirement, "developments" shall mean any development requiring a Major Site Development Plan Review.
- 21.3-3 **Fee-in-Lieu Requirement.** When the improvements identified in the following adopted plans are not located on the property involved with the proposed development, a fee-in-lieu shall be required:
- A. Stallings Parks, Recreation and Greenway Master Plan
 - B. Stallings Streetscape Design Standards and Details Plan
- 21.3-4 **Fee Schedule.**
- A. The fee in lieu shall be calculated as follows:
 - 1) Residential developments: 1/35 of an acre per lot X property tax value (per acre)
 - 2) Commercial developments: 1/35 of an acre X tax value of the property (per acre)
 - B. The assessed value is determined according to the Union County tax assessment as of the date the application for development approval is submitted.
 - C. Example: A 100-lot subdivision with a per acre tax value of \$10,000 would pay a fee in lieu of \$28,571.43.
 - D. Payment of Fee: The fee in lieu shall be paid to the Town prior to final plat approval.

21.3-5 Exemptions. The following developments are exempt from the fee in lieu:

- A. Developments that are owned and operated by a government agency.
- B. Developments not requiring Major Site Development Plan Review.

21.3-6 Developer Obligation.

- A. When any improvements identified in the following adopted plans are located within the proposed development property, the developer shall provide the improvements identified in the following adopted plans:
 - 1) Stallings Parks, Recreation and Greenway Master Plan
 - 2) Stallings Streetscape Design Standards and Details Plan
- B. Timing of Improvements: All improvements shall be completed or guaranteed with adequate surety prior to issuance of any permits past 60% Certificate of Occupancy for the entire development.

Original Stallings Development Ordinance Language:

21.3 Fee-in-Lieu.

All proposed developed within the Town shall provide the improvements identified in the Stallings Parks, Recreation and Greenway Master Plan when these improvements are located on property involved with the proposed development.

When no improvements as identified by the Stallings Parks, Recreation and Greenway Master Plan are associated with a proposed project, the developer shall be required to pay a fee in lieu thereof, in accordance with this section. This fee shall be calculated as follows:

1/35 of an acre per lot X tax value of the property (per acre).

Example:

100-lot subdivision with a per acre tax value of \$10,000:

$(1/35) * 100$ [acres in property] = 2.85714286

$2.85714286 * \$10,000$ [per acre value] = \$28,571.43

- (1.) At least one thirty-fifth (1/35) of an acre shall be dedicated for each dwelling unit planned or proposed in the subdivision plan or development.
- (2.) The payment of fees, in lieu of the dedication of land under subsection above shall be made to the Town of Stallings after having received a recommendation from the Planning Board and having evaluated the proposed dedication and the relationship the dedication would have with the Town's Parks, Recreation and Greenway Master Plan.
- (3.) The fees in lieu of dedication shall be paid prior to final plat approval.
- (4.) The amount of the payment shall be the product of:

(a.) The number of acres to be dedicated, as required by subsection, above;

(b.) The assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time the payment is due to be paid. *(Amended May 10, 2021)*

Future Considerations:

Determine if the Council wants to consider investing in streetscape improvements in front of specific Town properties and, if so, the phasing of such investments.

- *Rationale: DFI recommended considering these investments alongside the private sector investing in streetscape improvements in front of Town Hall and the Municipal Park.*
- *8/14/23 - The Council opted to hold off making immediate streetscape investments in front of Town Hall. The Council may be open to it if funding is identified.*