

**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 January 27, 2020, 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 Lynda Paxton; Council Members Steven Ayers, Heather Grooms, John Martin, Brad Richardson, and David Scholl.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Lynne Hair, Town Planner; Chris Easterly, Town Engineer; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

Archie Wright, 1005 Kara Court, Vickery, was seeking a stormwater drainage solution and heard that the Town was working with Taylor Morrison, but Taylor Morrison said they were not a part of the process. The Vickery landowners needed to be included in any solution of the stormwater drainage solutions. Mr. Wright felt the owners needed to give approval to the proposed solutions.

Robert Ragon, 5000 Cinnamon Drive, stated one year ago the Town approved a Small Area Plan (SAP) for Chestnut SAP but stated it was done under false pretenses. He stated one year ago that Town rezoned parcels there illegally based on a lie by Town Planner Lynne Hair. Mr. Ragon felt that there should be consequences to Ms. Hair's lie. Mr. Ragon stated that Council Member Martin stated that it may not have been a lie but a mistake. He said Mrs. Hair said it was her word against his and said that Mrs. Hair lied again about notices in an affidavit when the property owners said they were not notified. Mr. Ragon stated that the ethics policy needed to be enforced. Mr. Ragon stated that Mr. Sewell said the zoning would be rolled back however Mrs. Nichols stated, during a part of a public information request, that zoning was not rolled back. Mr. Ragon stated that Mr. Sewell's actions were also unethical violation where he was not telling the truth. Mr. Ragon wanted the ethics policy to be enforced.

Leslie Bolick wanted communications improved between Stallings and Indian Trail and the residents along the border. She would like residents to come together so that they would know what was going on.

1. Agenda Approval

The Mayor requested the following:

- Adding Agenda Item 1.A. - Closed Session pursuant to NCGS 143-318.11(a)(3)

- Adding Agenda Item 6.A. - Closed Session pursuant to NCGS 143-318.11(a)(3) for 18CVS769 Town of Stallings v. Loukos.

Council Member Martin made the motion to approve the Agenda with the above noted changes. The motion was passed unanimously after a second from Council Member Ayers.

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

Council Member Scholl made the motion to go into closed session pursuant to NCGS 143-318.11(a)(3). The motion was passed unanimously after a second from Council Member Martin.

Council went into closed session at 7:13 p.m. and reconvened in open session at 7:24 p.m.

2. Annexation 53 – Chestnut Lane (Recessed from 12-09-19)

Mayor Dunn opened the public hearing. Assistant Town Manager Nichols stated there was no new information on the annexation. Mayor Dunn then closed the public hearing.

Council chose to defer the decision until the Council heard the applicant speak on stormwater control for the site. Applicant Phillip Hayes representing Epcon presented the Council information on the proposed stormwater control on the site. Mr. Hayes' presentation to the Council is attached to these minutes and therefore incorporated herein.

Mayor Dunn reopened the public hearing and Council discussed the stormwater control on the site. Mayor Dunn then closed the public hearing.

Council Member Richardson made the motion to approve Annexation 53 – Chestnut Lane. Council Member Paxton seconded the motion. The motion passed by a 4 to 2 vote with Council Members Grooms and Martin opposing. The Ordinance for Annexation 53 – Chestnut Lane is attached to these minutes and therefore incorporated herein.

Leslie Bolick, 509 Red Barn Trail, stated that the water would run off from the development into her property. She stated that she had spoken with the Union County Sewer Engineer who said that Epcon could not connect to sewer unless went through Brookhaven or her property. Ms. Bolick stated that the sewer connection would not work and that the development would affect the creek and destroy the trees. She stated the project did not fit due to sewer.

Richard Bolick, 509 Red Barn Trail, stated that the property was just annexed and approved with no public comment or say in the annexation; without any representation.

Elena Aquino, 1009 Desborough Drive, had questions to the developer the about tree save component. She also requested an explanation on the FEMA floodway. Ms. Aquino stated that nothing was being spoken about what was happening downstream. Chestnut was chopped up between Indian Trail and Stallings and that the residents were concerned about the risk downstream.

Patricia Flug, 1011 Desborough Drive, would like more of a description of sewer and wanted to make sure HOA had been informed about this. She stated that the developer could not cross HOA land without permission. The sidewalk which was required to be built had to be done per the development ordinance and had to done on the development's land and wanted clarification of the sidewalk location. Ms. Flug stated that the widening of Chestnut Lane would affect the development.

No Council Member wished to reconsider the vote based on the public comments above.

3. CZ19.08.01 – Epcon (Recessed from 12-09-19)

Mayor Dunn reopened the public hearing. Town Planner Hair gave a project summary of the project which is attached to these minutes that therefore incorporated herein.

Applicant Phillip Hayes further clarified that there was a granted sewer easement by right from Union County for the sewer infrastructure.

Leslie Bolick, 509 Red Barn Trail, stated she spoke with John Shutak, the Union County Engineer, who said that the developer would have to build two pits with 30 feet high shafts on her land. She felt the sewer would need to be addressed first.

Elena Aquino, 1009 Desborough Drive, wanted clarification on the tree save required percentages questions. She also wanted to know if Council knew anything about the creek and if there was going to be a redirection of the creek. Ms. Aquino ask that the Council to require no change to the floodway or the floodplain.

Town Planner Hair went over the proposed conditions on the project and read them into the record. With Council additions and once all changes were made, the final list of conditions for the project was:

1. Project limited to 27 lots, 55+ age restricted subdivision.
2. The applicant or responsible party shall obtain all permits required for development with the Town and outside agencies in compliance with applicable regulations. The submitted sketch plan must meet all requirements as established by permitting agencies.
3. A berm will be built along Chestnut Lane within the required street buffer. This will increase the buffer width to accommodate construction of the berm to be built 4.5' in height with a 3' top width
4. All foundations will have a minimum 18 inches of exposed brick or stone on all four sides of the house. No vinyl siding will be permitted on homes. Elevations will match those submitted and presented to Council as a part of the zoning request, including garage location.
5. A grading plan prepared by a landscape architect demonstrating both positive drainage characteristics and smooth grade transitions to avoid abrupt "v" ditches, swales, and other disruptions to the landscape, particularly between dwellings will be provided as part of site construction plans for

- permitting. This plan will be completed to the satisfaction of the Town as approved by the Development Administrator.
6. Lot Coverage and Density will be permitted per the concept submitted as a part of the application.
 7. The Chestnut Lane right of way (53.5') will be donated by the developer to NCDOT for future widening purposes.
 8. Applicant will meet the high-density requirements for stormwater with provisions to meet the 50-year storm. The following requirements as established by the Stallings PCSWO will be provided:
 - 85% removal of Total Suspended Solids from the first 1-inch of rainfall
 - Control the runoff volume for the 1-year, 24-hour storm.
 - Stream Buffers
 - Peak Control for the 10-yr and 25-yr, 6-hr storms.
 9. If any on-site BMP is to be a wet pond, an aerator pump will be installed to ensure circulation of water.
 10. A note will be placed on the recorded plat stating that the HOA will be responsible for maintenance of stormwater facilities, pipes, and/or channels located within the permanent detention facility.

Mayor Dunn closed the public hearing. Council Member Richardson made the motion to approve CZ19.08.01 – Epcon with the conditions listed above. Council Member Scholl seconded the motion. The motion passed by a 5 to 1 vote with Council Member Martin opposing. The Ordinance Amending the Stallings Development Ordinance which approved CZ19.08.01 – Epcon is attached to these minutes and therefore incorporated herein.

Mayor Dunn read the Statement of Consistency and Reasonableness for CZ19.08.01 – Epcon into the record. Council Member Richardson made the motion to approve the Statement of Consistency and Reasonableness for CZ19.08.01 – Epcon to which Council Member Paxton seconded. The motion was passed unanimously by Council. The Statement of Consistency and Reasonableness for CZ19.08.01 – Epcon is attached to these minutes and therefore incorporated herein.

4. Fire Funding Model (Recessed from 01-13-2020)

Patrick Niland, Union County Assistant Manager, came back to follow-up with the Council from his 01-13-2020 presentation to Council regarding the fire funding model. Union County requested of Council approval of a resolution which would support a change to the fire service formula to an 80-20 model with 20% coming from the County and 80% coming from the fire district. Mr. Niland brought new information that there were 117 lots in Stallings (Mecklenburg County) which were not paying for fire service which equated to \$63 million worth of property. Stallings would have to form a special tax district in order for these homes to be incorporated into the current fire funding model.

Fire Chief Johnny Blythe wanted to create a regional fire funding district with Indian Trail, Stallings, Hemby Bridge, Lake Park and some unincorporated areas to address any inequities. The difficult part for him would be figuring out how the county model would be distributed to each district.

Council Member Scholl made the motion to direct staff and attorney to bring information needed to create a tax overlay district for the 117 Stallings parcels in Mecklenburg that were not covered in a fire district and any other areas in Mecklenburg which were in Stallings. Council Member Martin seconded the motion to which Council supposed unanimously.

5. Idlewild Road Widening (Recessed from 01-13-2020)

Town Manager Sewell gave the Council an update on the ongoing dialog regarding NCDOT TIP Project U-4913 (Idlewild Road Widening). NCDOT was requesting the Council give its approval on one of the options for the road widening. One of the issues with the project was the Vickery Community stormwater concerns. NCDOT explained that the stormwater components of the project were a part of the hard design and the current project was in the concept phase but stormwater analysis would be conducted and addressed.

Council discussed the various options for this widening. The current options proposed by NCDOT were:

- Conventional six lane divided with traditional intersection at Stevens Mill and Idlewild Road
- Six lane conventional, reduced conflict intersection at Stevens Mill and Idlewild Road
- One-way pair alternative

Council Member Paxton made the motion to have staff draft a letter to NCDOT indicating that the position of the Council was to request a four lane cross section with full movement access at Stevens Mill and Stallings Road intersection plus a left turn lane movement based upon the fact there were planned revisions for the small area plan and concerns had with regard to impact on the existing neighborhoods which were not shown in the initial public presentations of the project. The motion received a second from Council Member Scholl and passed unanimously.

Council Member Paxton made a motion to include in the above approved letter to include the intersection at the Harris Teeter development to be a full movement intersection. The motion received Council's unanimous support after a second from Council Member Ayers.

6. Chestnut Roundabout - Advancement of Funds

Town Manager Sewell explained this item concerned the Chestnut and Matthews-Indian Trail Road intersection and the failed level of service at that intersection. NCDOT committed to building a

roundabout at that intersection and in 2018, the Town committed \$350,000 to add additional turn lanes to the roundabout. Currently, NCDOT had a statewide cash shortage and all improvements were on hold with the project not beginning until Summer 2022. However, the developer Terwilliger-Pappas, who was building a project at the adjoining parcel to the location, was willing to advance the funds needed for the roundabout construction to NCDOT. The Town of Stallings would serve as a conduit for the funds as NCDOT could not pay Terwilliger-Pappas directly.

In order to serve as a conduit, the Town must amend its ordinances to allow for reimbursement agreements for roadway improvements and pass a resolution authorizing the use of a reimbursement agreement. Town Manager Sewell memo on this situation is attached to minutes and therefore incorporated herein.

Council Member Richardson made the motion to approve the Ordinance Allowing Reimbursement Agreement for Roadway Improvements. The motion was seconded by Council Member Grooms and passed unanimously by Council. The Ordinance Allowing Reimbursement Agreement for Roadway Improvements is attached to these minutes and therefore incorporated herein.

Council Member Richardson made the motion to approve the Resolution Authorizing the Use of a Reimbursement Agreement. The motion received Council's unanimous support after a second from Council Member Scholl. The Resolution Authorizing the Use of a Reimbursement Agreement is attached to these minutes and therefore incorporated herein.

The motion was made by Council Member Richardson to approve the agreement between the Town of Stallings and Terwilliger-Pappas on this issue. Council Member Paxton seconded the motion which was passed unanimously. Terwilliger-Pappas agreed to paying all related attorney costs for the Town.

Council Member Richardson made the motion to approve the agreement between the Town of Stallings and NCDOT. Council Member Scholl seconded the motion which was approved unanimously.

The motion was made by Council Member Richardson to direct staff to develop the appropriate budget mechanisms for the project and bring it back to Council for consideration. Council Member Scholl seconded the motion. The motion was passed unanimously.

Council Member Richardson authorized staff to take action to ensure execution of the above directives. The motion received Council's unanimous support after a second by Council Member Scholl.

Construction would be authorized on March 11, 2020 with five weeks until construction. The road would be closed after school was released for the summer with anticipated completion at the beginning of August 2020.

6.A. Closed Session pursuant to NCGS 143-318.11(a)(3) – 18CVS769 – Town of Stallings v. Loukos
Council Member Scholl made the motion to go into closed session pursuant to NCGS 143-318.11(a)(3) – 18CVS769 – Town of Stallings v. Loukos. Council Member Richardson seconded the motion which was passed unanimously.

Council went into closed session at 9:46 p.m. and reconvened in open session at 10:23 p.m.

7. Land Use Follow-up

This item was tabled until a following meeting.

8. Showcase Stallings (Ayers)

Director of Parks and Recreation Ashley Platts explained the event schedule was revamped last year with the Touch-A-Truck Event and the Summer Concert Series. All were very successful. The Parks and Recreation Committee was now requesting a type of Spring Festival.

Co-Chairman Aidan Nolan for the Parks and Recreation Committee explained the proposed event would showcase Stallings youth, local talents and craftsmen.

Council Member Richardson made the motion to combine the Easter event and the new proposed Spring event to be a Spring Fling event. The motion was seconded by Council Member Scholl and passed unanimously.

9. Closed Session Pursuant to NCGS 143-318.11(a)(3) (Dunn)

This item was moved to Agenda Item 6.A.

10. Acceptance of Harris Teeter Access Road into Town Maintenance System (Dunn)

This item was tabled until a later meeting.

11. Adjournment

Council Member Paxton moved to adjourn the meeting, seconded by Council Member Scholl, and the motion received unanimous support. The meeting was adjourned at 10:37 p.m.

Approved on March 9, 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