

**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 May 13, 2019, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Council Members Billy Birt, Jr., John Martin, Lynda Paxton, Deborah Romanow, and Shawna Steele.

Those absent were: Mayor Pro Tempore David Scholl.

Staff present were: Alex Sewell, Town Manager; Kim Jones, Deputy Town Clerk; Chief Minor Plyler; 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 and Council Member Romanow delivered the invocation. Mayor Dunn then led the Pledge of Allegiance and called the meeting to order.

Public Comments

There was no one present to give public comments.

1. Consent Agenda Approval

- A. Basketball Goal Code of Ordinance Amendment
- B. Resolution Approving the Updated Records and Retention Schedule

Council Member Romanow made the motion to approve the Consent Agenda with the addition of the *Proclamation for Police Week*. Council Member Paxton read the *Proclamation for Police Week* into the record. The motion was seconded by Council Member Martin and passed unanimously. The *Basketball Goal Code of Ordinance Amendment*; *Resolution Approving the Updated Records and Retention Schedule*; and *Proclamation for Police Week* are attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

Mayor Dunn had no report.

B. Reports from Council Member/Town Committees

Council Member Paxton reported that the City of Monroe would be having a ceremony in honor of Police Week on Friday of that week. Stallings 101's session would be on transportation the following evening at Stallings Elementary School from 6:30 – 9:00 p.m. All public was welcome to attend.

Council Member Martin reported that encouraged Council and constituents to reach out in NCDOT regarding the hazardous intersection at Stallings Road and Hwy. 74. He also reported that the Idlewild corridor scope had been expanded.

Council Member Romanow did not have a report.

Council Member Steele reminded all that one of the UNC-Charlotte victims was a child from the Stallings Area and to keep all of UNC-Charlotte family in their thoughts and prayers.

Council Member Birt had no report.

C. Reports from Town Manager/Town Departments

Town Manager Sewell reported the LED fixtures rebate information should be coming to Duke in a few weeks. He also requested Council sign-up for a time to give input for the Police Chief search.

3. Agenda Approval

Finance Officer Gross requested adding Agenda Item 8.(E), ABO 8, to the Agenda. Council Member Paxton made the motion to approve the Agenda with the above noted addition. The motion received Council's unanimous support after a second from Council Member Romanow.

4. CZ19.03.01 – Arant/Northeast Tool

Mayor Dunn opened the public hearing and Town Planner Hair explained the item was a request for a conditional zoning from Northeast Tool, Rusty Arant. He would like the property, 15200 Idlewild Road, to be rezoned from MU2 to a Conditional Industrial District (CZ-IND). The property was located in the Stallings ETJ. Mr. Arant planned to expand the manufacturing facilities from one building to three buildings. It was noted that this was a clean industry. The Zoning Staff Report for CZ19.03.01 – Arant/Northeast Tool is attached to these minutes and therefore incorporated herein. The Planning Board recommended the majority approval of the request with conditions.

Mr. Arant, applicant, reviewed the history of Northeast Tool and the need for the expansion. The operation had been on the property since 1970. Mr. Arant's presentation to the Council is attached to these minutes and therefore incorporated herein.

After discussion between the Council and the applicant, the following conditions were agreed upon:

1. 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.
2. Development of the property will be limited to two buildings; 1) Phase I/II no greater than 110,000 square feet; 2) Phase III no greater than 40,000 square feet. Total building square footage on the site will not exceed 180,000.
3. Property shall be annexed into Town Limits prior to issuance of a grading permit for phase 1.
4. The 2.02-acre residential portion of the parcel be subdivided from the Industrial portion of the site.
5. Buffers will be provided along the sites southern, southeastern, and western property lines where adjacent to parcels #07075321, 07075308, 07075309, 07075353, 07075015 and 07075013B at an average of 40' and will comply with all standards established by Stallings Development Ordinance Article 11.
6. A vegetated berm six (6) feet in height shall be constructed in the 40' buffer zone adjacent to the following parcels: 07075013B, 07075321, 07075308, 07075353, and 07075015. The berm shall be constructed within six (6) months of issuance of grading permit.
7. A temporary construction easement necessary to widen the signalized entry road at Idlewild Market will be granted to the Town at no cost within 60 days of rezoning approval and applicant will cooperate with donating said easement. Width of said easement will be a minimum of 10' or larger depending on the survey. Temporary easement shall terminate at the completion of roadway or within 24 months period. The easement is assignable.
8. Lighting from buildings will be designed to have minimal impact on adjacent residences. A lighting plan will be submitted as a part of the preliminary plan review process and reviewed for compliance.
9. Architecture to be approved by Development Administrator and Planning Board. Buildings will be of permanent materials not vinyl siding or EIFS/Dryvit. Entry facades facing Idlewild (shaded green) will be a mix of concrete and glass. Buildings facing neighboring property (shaded yellow) will be of concrete and metal. These facades will modulate at a minimum of 50 feet with either change or depth or change or material articulation. The North façade facing the retail will have accents within the modulation that mimic windows, using a change of material, paint schemes and/or reveals.
10. An 8' high, decorative security (wrought iron or anodized aluminum with arched top) fence will be located along the northwest property line. Location of this fence, relative to the property line may vary depending on final grade of the road shoulder. Fencing to be located along the property's western property line, where adjacent to the signalized road at the Idlewild Market entrance, will be decorative and landscaped to provide an attractive view from the street and on-street greenway trail. Fence will be placed 90 days of completion of the road widening.

11. A curb cut and driveway apron will be provided from the signalized entry road at the location shown on the submitted site plan by the developer of the mixed-residential development to the northwest of the site for future development by the applicant/owner only when the requested temporary construction easement is granted to the Town for the necessary road improvements. It will be the applicant's responsibility to construct the site drive onto their property.
12. Dumpsters will be located at a minimum, 100' from any property line adjoining residential property. All dumpster screening requirements established in the Stallings Development Ordinance will be met.

Chantel Wilson, Vickery Property Owners, her property does not have a buffer between Northeast Tools. She was requesting that a berm be placed in her backyard as to avoid headlights from business traffic for three shifts and sounds barrier and would like that berm to be done when the land was graded before any concrete was poured. Ms. Wilson was also concerned with parking lot lights and was requesting light shields from the employee parking lot. She appreciated the slates in the fence but felt the berm would provide more protection. Ms. Wilson would also like clarification on vegetation that will be put in making sure it was mature vegetation.

Doug Cuttingham, 6000 Stevens Mill Road, stated his father lived on the lower right corner of the parcel in question. He did not feel that changing the area to mixed use was good or that it was a clean industry. Mr. Cuttingham asked the Council what type of Town did the Council want because he did not think that the surrounding area neighborhoods wanted this type of produce in their backyard.

Rick Forbes, 15401 Idlewild, knew the Arant's a long time and were good people. He did not want people to hold them back from furthering a good business when the business was not bringing anything bad to the area.

Council Member Romanow made the motion to approve CZ19.03.01 – Arant/Northeast Tool with the conditions as stated above. The motion passed unanimously after a second by Council Member Birt.

Mayor Dunn read the Statement of Reasonableness and Consistency for CZ19.03.01 – Arant/Northeast Tool into the record. Council Member Steele made the motion to approve the the Statement of Reasonableness and Consistency for CZ19.03.01 – Arant/Northeast Tool which was seconded by Council Member Romanow. The motion received the Council's unanimous support. The Statement of Reasonableness and Consistency for CZ19.03.01 – Arant/Northeast Tool is attached to these minutes and therefore incorporated herein.

5. Annexation 51 - Funderburk

Mayor Dunn opened the public hearing. Town Manager Sewell explained that this was a voluntary annexation of approximately 3.4 acres. Mayor Dunn closed the public hearing.

Council Member Romanow made the motion to approve Annexation 51 – Funderburk which was seconded by Council Member Martin. The Council supported the motion unanimously. The Ordinance to Extend - Annexation 51 – Funderburk is attached to these minutes and therefore incorporated herein.

6. RZ19.04.01 – Funderburk Property

Mayor Dunn opened the public hearing. Town Planner Hair explained that the Funderburk Property had just been annexed in from Union County and needed to be assigned a zoning. Under Union County, the parcel was zoned AG and Stallings was requesting the property be rezoned MU2 (Mixed Use 2). Mayor Dunn closed the public hearing.

Council Member Martin made the motion to approve RZ19.04.01 – Funderburk Property. The motion passed unanimously after a second from Council Member Romanow.

**Please see the end of Agenda Item 7 for the Statement of Reasonableness and Consistency for RZ19.04.01.*

7. Idlewild Mixed Use Project Development Agreement

Mayor Dunn opened the public hearing. Town Planner Hair explained this was the first Development Agreement for the Town of Stallings for a project off of Idlewild Road. Ms. Hair reviewed the items that could or could not be considered in a Development Agreement noting that uses or density could not be considered as those items were use by right. The negotiations for this Development Agreement began in August 2018. The plan was reviewed by the Technical Review Committee (public works, fire, police) in September 2018. The Planning Board recommended approval in April 2019.

The properties in this agreement were at located at I-485 and Idlewild Road and located in the Idlewild Small Area Plan which was a mixed-use plan. The development had multi-family, single family attached, and commercial components. A TIA (Traffic Impact Analysis) was conducted and the developer had agreed to comply with its findings. The applicant will pay the Town \$125,000 for future road connections. The Staff presentation regarding the Idlewild Development Agreement is attached and therefore incorporated herein.

Police Chief Plyler presented research and submitted the professional opinion that there would be no increase of crime as apartments as a residence. Council then discussed the agreement.

Erin Shroyer, 1607 Yellow Daisy Drive, moved to Stallings from East Charlotte to get away from traffic and crime. She would like to know the number of bedrooms per unit and average rental cost.

Archie Wright, 1005 Kara Court, Vickery, asked for clarification for a proposed future right away through Vickery.

Jessica Bowers, 1608 Yellow Daisy Drive, was concerned with density and traffic and felt like home values would go down. She was also concerned about the schools and the school capacity.

Taylor-Rae Drake, 2012 Donovan Drive, expressed concerns about higher density and the impact on schools and the rising crime it would bring. She stated that Vickery had numerous water issues already and was worried about the appearance of the berm and vegetation.

Matt Tomgic, 222 W. Trade Street, Charlotte, was an attorney representing the property owner of the Harris Teeter shopping center to express support for the project. It would be great for the local business and would provide another step taken to enact the small area plan for that area.

Larry Falcone, 2121 Blue Iris, stated he served on the Stallings Transportation Advisory Committee and various committees involved in this planning. He moved to Stallings approximately 12 years ago for the quiet, but the area was changing. Mr. Falcone would like to keep business in Stallings and the only way to do that was to have some density. He stated that development could not be stopped and could not discriminate against people. Mr. Falcone supported the project and hoped the Idlewild corridor would also get developed.

Glenn Mottol, 2027 Donovan Drive, was concerned about how Stallings progressed. He cited Stallings Newsletter where it sighted protecting citizens. He bought at the end of the neighborhood for a sanctuary but now his property would now abut the apartments. With the height of the apartments, anyone would be able to look into his backyard. Mr. Mottol stated that he lost his privacy and he requested a berm large enough with trees to protect them. He also wanted protection against stormwater.

Dan Price, 14182 Funderburk, had been in the area for 61 years and had never come to the Council. He felt the Town needed to grow and he was sorry for the people who just moved here but that was growth.

Dee Rittenhour, 14809 Boyd Funderburk Drive, stated when he moved in the area, he didn't have to listen to homes being built or the traffic. But now the new houses in the area added to that. Mr. Rittenhour stated that people needed a place to live and we could not discriminate. He supported the project.

Jeannie Lindsey, 5639 Anglesey Court, had lived in the area for about five years. She was attracted to the area for the schools and trees. Ms. Lindsey was concerned about services from the Town and there were adequate resources to sustain growth. She felt the undeveloped land was the greatest asset. Ms. Lindsey would like to see actual numbers about school capacity. She did not see a greenway as a selling point because it just looked like sidewalks and was not happy with higher

density that would bring crime. Ms. Lindsey asked that this be tabled until more information could be obtained about impacts.

John Carmichael and his staff, present on behalf of the applicant, thanked Council, Staff and subcommittee on the Development Agreement process. Mr. Carmichael went over the items included in the Development Agreement and felt the project was consistent with the landuse plan approved by Council. It was noticed that three traffic impact studies were conducted and traffic improvement request by staff. The subcommittee had met several times and the developer worked through all requests and concerns to include traffic, aesthetics, greenway trails, stormwater, school capacity research, apartment height, price point of mid-high \$200K. The total project would cost \$75 million.

Chris Ball, 3003 Challet Lane, questioned the timeline on the project. He requested the developer respect the residents and their quality of life.

Jamie Wilson, 1416 Vickery Drive, was curious where citizens would be walking to.

Mayor Dunn then closed the public hearing. Council discussed the project and reviewed the Development Agreement. Council Member Romanow made the motion approve the Idlewild Mixed Use Project Development Agreement which was seconded by Council Member Steele.

Deputy Clerk Jones performed a role call vote on the motion:

- Council Member Paxton – Nay
- Council Member Martin – Aye
- Council Member Romanow – Aye
- Council Member Steele – Aye
- Council Member Birt – Aye

The motion passed 4 to 1 with Council Member Paxton opposing.

Council took a five minutes recess at this point.

Addition to Agenda Item 6. RZ19.04.01 – Funderburk Property:

Council Member Steele made the motion that the Stallings Town Council hereby found that the rezoning of RZ19.04.01, 3.68 acres located at 14916 Boyd Funderburk Road from Union County AG to Town of Stallings MU-2 is consistent with the Stallings Land Use Plan. The Board believed the rezoning was consistent with the key guiding principles, goals, and objectives of the Comprehensive Land Use

Plans and hereby recommended approval. The motion was seconded by Council Member Romanow. The motion passed by a 4 to 1 vote with Council Member Paxton opposing. The Statement of Reasonableness and Consistency for Rz10.04

8. Amended Budget Ordinances

Finance Officer Gross explained that all of these budget amendments were to due to items the Council had already approved.

A. ABO 5 – Sidewalks

This amendment was concerning the Chestnut Road Sidewalk. Council Member Steele made the motion to approve *Amended Budget Ordinance 5 – Sidewalks* which Council Member Romanow seconding. The motion passed by a unanimous vote of the Council. The *Amended Budget Ordinance 5 – Sidewalks* is attached to the minutes and therefore incorporated herein.

B. ABO 6 – 329 Stallings Road

This amendment was concerning the purchase of the property of 329 Stallings Road. Council Member Steele made the motion to approve *Amended Budget Ordinance 6 – 329 Stallings Road* which Council Member Romanow seconding. The motion passed by a unanimous vote of the Council. The *Amended Budget Ordinance 6 – 329 Stallings Road* is attached to the minutes and therefore incorporated herein.

C. ABO 7 – Zoning Fee Revenue

This amendment was concerning the Development Agreements revenues. Council Member Paxton made the motion to approve *Amended Budget Ordinance 7 – Zoning Fee Revenue* which Council Member Martin seconding. The motion passed by a unanimous vote of the Council. The *Amended Budget Ordinance 7 – Zoning Fee Revenue* is attached to the minutes and therefore incorporated herein.

D. ABO Capital Project – New Facilities Capital Project Fund (HVAC Automation)

This amendment was concerning the automation of the new HVAC system in the new facilities. Council Member Martin made the motion to approve *Amended Budget Ordinance Capital Project – New Facilities Capital Project Fund (HVAC Automation)* which Council Member Romanow seconding. The motion passed by a unanimous vote of the Council. The *Amended Budget Ordinance Capital Project –*

New Facilities Capital Project Fund (HVAC Automation) is attached to the minutes and therefore incorporated herein.

E. ABO 8 – Traffic Impact Analysis Fees

This amendment was concerning the traffic impact analysis fees received. Council Member Paxton made the motion to approve *Amended Budget Ordinance 8 – Traffic Impact Analysis Fees* which Council Member Martin seconding. The motion passed by a unanimous vote of the Council. The *Amended Budget Ordinance 8 – New Facilities Capital Project Fund (HVAC Automation)* is attached to the minutes and therefore incorporated herein.

9. Police Radios

Council Member Romanow made the motion to approve the purchase of the new Police radios. The motion was passed unanimously after a second from Council Member Steele. The funds would be taken from drug forfeiture funds, police operating budget, and public works/parks and recreation/planning and zoning budgets.

10. Employee Safety Bonus (Martin)

This item was tabled.

11. ETJ Legal Research Request (Martin)

This item was tabled.

12. Traffic Impact Analysis (Paxton)

This item was tabled.

13. Closed Session Pursuant to NCGS143.318-11(a)(3) and (6)

Council Member Steele made the motion to go into closed session pursuant to NCGS143.318-11(a)(3). The motion was passed unanimously after a second from Council Member Romanow.

Clerk Note: *The Council tabled the closed session pursuant to NCGS143.318-11(a)(6).*

Council went into closed session at approximately 11:25 p.m. and reconvened into open session at approximately 11:28 p.m.

14. Adjournment

Council Member Steele moved to adjourn the meeting, seconded by Council Member Romanow, and the motion received unanimous support. The meeting was adjourned at 11:28 p.m.

Approved on July 8, 2019.

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