



July 8, 2019
 Stallings Town Hall
 315 Stallings Road
 Stallings, NC 28104
 704-821-8557
www.stallingsnc.org

	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) 05-13-19 (2) 05-13-19 – closed (3) 05-28-19 – emergency (4) 05-28-19 – closed (5) 05-28-19 (6) 06-03-19 – special (7) 06-10-19 (8) 06-10-19 – closed (9) 06-24-19	Wyatt Dunn, Mayor	Approve Consent Agenda <i>(All items on the Consent Agenda are considered routine, to be enacted by one motion. If a member of the governing body requests discussion on of an item, the item will be removed from the Consent Agenda and considered separately.)</i> Motion: I make the motion to: 1) Approve the Consent Agenda as presented; or 2) Approve the Consent Agenda with the following changes: _____
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.	7:40 p.m.	Agenda Approval	Wyatt Dunn, Mayor	Approve Agenda <i>(ADD, IF APPLICABLE: with changes as described by Mayor Dunn)</i> Motion: I make the motion to: 1) Approve the Agenda as presented; or 2) Approve the Agenda with the following changes: _____

4.	7:45 p.m.	Annexation 52 – Arant/Northeast Tool A. Open Public Hearing B. Information from Staff C. Close Public Hearing D. Council Vote	Erinn Nichols, Deputy Town Manager	Approve annexation ordinance <i>Motion: I make the motion to approve the Annexation Ordinance for Annexation 52 – Arant/Northeast Tool.</i>
5.	7:50 p.m.	Development Agreement Process (carry over from special meeting)	Wyatt Dunn, Mayor	Discussion and possible action
6.	8:15 p.m.	Settlement Agreement and Release in 19 CVS 445 Stallings v. Phoenix Land Surveying	Melanie Cox, Town Attorney	Approve agreement and release <i>Motion: I make the motion approve Settlement Agreement and Release in 19 CVS 445 Stallings v. Phoenix Land Surveying.</i>
7.	8:20 p.m.	Closed Session Pursuant to NCGS 143-318.119(a)(3)	Melanie Cox, Town Attorney	Adjourn into closed session <i>Motion: I make the motion to go into closed session pursuant to NCGS 143-318.119(a)(3).</i>
8.	8:30 p.m.	Adjournment		

**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 facade 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 be about 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 _____, 2019.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC

DRAFT

MINUTES OF AN EMERGENCY MEETING OF THE TOWN COUNCIL MEETING
OF THE
TOWN OF STALLINGS, NORTH CAROLINA

The Town Council of the Town of Stallings met for an emergency meeting on May 28, 2019, at 6:30 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

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

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager/Town Clerk; and Melanie Cox, Town Attorney.

1. Call the meeting to order

Mayor Dunn called the meeting to order.

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

Council Member Romanow made the motion to go into closed session pursuant to NCGS 143.318.11(a)(3). The motion was seconded by Council Member Steele and passed unanimously by the Council.

Council went into closed session at 6:30 p.m. and reconvened in open session at 6:57 p.m.

3. Adjournment

Council Member Romanow moved to adjourn the emergency meeting, seconded by Council Member Steele, and the motion received unanimous support. The meeting was adjourned at 6:58 p.m.

Approved on July 8, 2019.

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 May 28, 2019, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

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

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager/Town Clerk; Chief Minor Plyler; Lynne Hair, Town Planner; Chris Easterly, Town Engineer; Karen Williams, Director of Administration; Ashley Platts, 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 delivered the invocation. Mayor Dunn then led the Pledge of Allegiance and called the meeting to order.

Public Comments

Robert Ragon, 5000 Cinnamon Drive, was present to talk about the work Stallings had not done. There were no signs about any work being done in the Chestnut area. He felt there would be good involvement if there was good communication from the Town. Mr. Ragon said that he nor his neighbors had received any notification of zoning changes in the Chestnut area and said that communication was not done and in violation on NC State Statutes. He asked Council to delay any decisions in the Chestnut area until public was notified, and citizen involvement was obtained.

Joe Morrealz, 1020 Elsmore Drive, Matthews, was a member of Board of Election for Union County, and as a resident was present to express concerns on the impact of the schools in the Chestnut Area. He asked the Council take all information, including schools, into consideration when trying to make important decisions.

1. Agenda Approval

Mayor Dunn suggested the following:

- Adding Agenda 10.A., *Stallings Park Splash Pad Repairs*
- Move Agenda Item 10, *School Impact Study (Paxton)*, to Agenda Item 4.A.
- Move Agenda Item 9, *Traffic Impact Analysis Ordinance (Paxton)*, to Agenda Item 4.B.

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

2. Police Chief Public Input

Bonnie Call, 7605 Kidwelly Lane, stated Stallings needed another chief like the current chief. She did not feel things were broken and therefore did not need fixing. The Town needed someone who wanted to know the city and was interested in community involvement. She wanted the Town to stay in the safe zone.

3. DA19.03.02 – Solis at Chestnut

Mayor Dunn opened the public hearing. Town Planner Hair presented information to the Council regarding DA19.03.02 – Solis at Chestnut. The property was location at Chestnut Lane and Matthews-Weddington Road and the project was multi-family. The project was 38 acres in size with a proposed 302 units. The DA19.03.02 – Solis at Chestnut presentation from Ms. Hair is attached to these minutes and therefore incorporated herein.

Council discussed the development agreement on this project.

Jeff Smith, Terwillinger-Pappas, and Susan Irving, Zoning Attorney for Terwillinger-Pappas, were present to speak to the Council. Ms. Irving reviewed the Town approval timeline for the project. Logan Lousetter, architect for the project, was also present showing proposed materials for the project. The presentation by Terwillinger-Pappas is attached to these minutes and therefore incorporated herein. Laura Reid, with Kimley-Horn, fielded questions concerning the Transportation Impact Analysis (TIA) which was conducted on behalf of the Town.

Melissa Merrill, Union County School Board Chairman, 2603 Albatross Lane, was present with Don Ogram, Planning and Construction Manager for Union County Public Schools. She stated that the population was not declining in the Chestnut and Antioch locations which were at 97% capacity and were projected to be at 101% capacity next year. Any new people moving into the area of the Weddington cluster would not go to their cluster. The Impact Statement from Union County Public Schools showed 6050 units approved the school cluster areas without the proposed project. That would put a need for mobile classrooms, larger lunchroom capacities, and parking. Ms. Merrill stated that apartments did bring students to the classroom. A new elementary school cost approximately \$24 million and middle and high schools would exceed \$100 million in construction costs.

Michael Kinitsky, Longwood Court in Brookhaven, moved here from NYC to avoid trailers and traffic. He felt the Council was going in the wrong direction and would be willing to pay more tax if that was necessary. Mr. Kinitsky wanted to know what the investment was in the long term and where was the retail. He felt that the Council was given misinformation and that the traffic was horrible.

Jeannie Lindsay, 5639 Anglesey Court, lived in Baltimore and moved back and now felt development was getting out of control. She said she did not not hear any evidence of prejudice. Ms.

Lindsay was not against apartments, just schools and roads capacity. She did not feel the Town was looking at stormwater enough and preparing for it well. Ms. Lindsay felt the developers should be asked to use all known rainwater deflection systems.

Matthew Berry, 3009 Strawberry Road, moved here about 1.5 years ago to get away from urbanization. He had not received any notification, yet his parcel backed up to the rezoning. Mr. Berry would like mixed use development with stores and grocery, but this complex only had apartments.

Daniel Sensinger, 5004 Cinnamon Drive, wanted to know why the ordinance was changed so it was not required that notices be done. He felt it appeared that steps were taken not to make residents aware of this project and it appeared that no notice was given by the Town. Mr. Sensinger challenged the Council to not building Stallings just as a property, but as a community. If Council was not taking citizen opinion, then it was not building community and was shattering trust.

Shravan Sudigala, 1228 Yarrow street, said he came from a new neighborhood and was pleased that other residents were speaking. Mr. Sudigala was concerned about education and traffic. He asked the Council make a good decision on the project.

Joe McLaughlin, 3205 Strawberry Road, Chestnut, thanked the elected officials for their service. He was very concerned about the project and was asking Council to delay the vote to look into community concerns. The community had spoken, and the message was clear about development being built. Mr. McLaughlin questioned what was the Council's rush. Interest rates were low, and the Council had time. He felt the communication was poor and had asked Council Member Romanow to recuse herself on the vote because she was moving.

Sri Nagarajan, 3006 Camroos Crossing Lane, lived .04 miles where this complex was being built. The issue mattered to him because his family and neighborhood would be impacted in an adverse manner. He highlighted concerns with TIA: 1. Page 15 – projected growth rate was 3.5 percent. Mr. Nagarajan asked why the percentage was used from the recession era; 2. Page 9 - why was traffic impact done a week before Thanksgiving; 3. All intersections had grades that would fail after the improvements had been done. He felt that \$700,000 was a very small percentage of the project of the developer. The traffic impact outside of Town affected your neighbors. Mr. Nagarajan reminded the Mayor that he prayed in the beginning for wisdom and courage. He asked the Council for the wisdom to consider the facts and the courage to make the right decision.

Richard Hutchinson, 2008 Forbshire Drive, president of HOA for Brookhaven, stated that during the hurricane, Chestnut Lane washed out and people were routed into his neighborhood. While Union County Sheriff deputies and Stallings Police tried to help direct traffic when someone was available, it was a very dangerous situation and traffic was at a gridlock. The site was right in the middle of some of the worst traffic in the area and impacted many other Towns.

Tyler Grace, 3113 Delamere Drive, Brookhaven, stated that the Town motto was how home should feel. But Stallings was getting ready to change how his home felt. He asked if the Town believed in its motto. Mr. Grace added that traffic was bad but adding 600 people to that traffic would not allow him to get home from school until 6 p.m. More people would mean more traffic accidents. Mr. Grace

wondered if Council Member Romanow had her home on the market to move further away from the apartments.

Emerson Douds, 3600 Delemere Drive, was getting ready to graduate from Weddington High School and was going to the University of Pennsylvania. But he was present to support his neighbors stating that the traffic was horrible and would be worse with the project.

Robb Lindholm, 3015 Shelford Lane, stated that he had heard a lot of persuasive terms but encouraged the Council to slow down. There were 1400 people in the community who signed a petition against the project and asking the Council to delay the vote. Mr. Lindholm stated that Council Member Romanow said at a community meeting that the Council had to vote for the project because it would be worse if they did not. The developer's attorney said that it had to be approved. He encouraged the Council to wake up. Everyone wanted amenities but not in exchange for 300 apartments. Council needed to listen to valid concerns about schools and traffic.

Christopher Grace, 3113 Delamere Drive, Brookhaven, pointed out that the rent for the apartments were average \$1500 and up. Mr. Grace felt the area had plenty of grocery stores and restaurants in the area. He would like to know if Strawberry Lane was a part of the traffic study. He brought his family to the meeting to see how government worked and show them that government listened to the community. He challenged the Council to do what was best for the community.

Steven Sacks, 3109 Lakehurst Crossing, requested the Council delay the vote. All concerns were valid with the biggest issue as traffic. The project affected the whole area and was irrevocable. There was a need for two lanes going north and south and needed to fix traffic first.

Jane Brunson, 1216 Yarrow, lived in Stallings since 2006 and had seen a huge amount of growth stating that Chestnut Lane had always been a problem with cut throughs on Strawberry because Union Day School did not offer school buses. Therefore, the increased volume during school hours caused 14 minutes to drive 1.3 miles. Ms. Brunson learned about Solis a few weeks ago but this project appeared to be kept under wraps. She had trouble finding information on the website. Ms. Brunson asked for this vote to be delay.

Ed Haskey, 1007 Westbury Drive, had nothing new or different to say but felt it came down to quality of living. Stallings' identity was the place that was a choking place in traffic. The Council needed to assess it and figure where it could build in a thoughtful respectful manner. Although the apartments intent was to attract empty nesters, it would attract families and children.

Christopher Grace, 3113 Delamere Drive, Brookhaven, asked the Council if it was intending to help the economy or harm it? It would have too much traffic. It was the wrong place for apartments. On the Stallings Way Poster, it said the Council would be flexible. If that's true, then move the complex. It also said the Council supported each other but the Council was not supporting the citizens with building this complex.

Wendy Grace, 3113 Delamere Drive, Brookhaven, stated she was an educator and that the schools were overcrowded. She asked what team the Council was on and how they wanted their home

to feel. Mrs. Grace stated that apartments were not in the spirit of the community. She stated her second grader wanted her to ask the Council if it wanted its people to be happy or sad.

Ashishek Gupta, 308 Hidden Cove Lane, stated that Solis was a very good builder with very nice products. But all of those projects were near interstate highway and had proper infrastructure to support the complex. There was no rezoning on the land. The location was the wrong canvas. The traffic impact would be very bad and just getting onto the main road would be difficult. He stated there were two schools in the area that did not provide transportation for the students and no right of way. Mr. Gupta wanted the Council to fight the bad intent and vote in the favor of the citizens.

It was the consensus of the Council to call Stallings residents to speak first from that point forward.

Iyad Asaad, 320 Hidden Cove Lane, was concerned about the transportation and traffic. He felt the development would make it worse.

David Marcelly, 1107 Waypoint Court, stated that Courtyards was common boarder on this property. There was no notification in anyway with residents or the HOA for Courtyards. He felt that 1.5 parking spaces per unit was not acceptable. There were very large and old trees on the property and felt they should remain in place as it did not interfere with the building. Mr. Marcelly felt it was appalling that the TIA was conducted for only one day. Schools impact was not considered as the traffic was from Mecklenburg County Schools in that area. He also said there was a misstatement on Page 30 about the Solis contribution. In the TIA, on the northbound approach, it would increase 650 vehicles per hour and felt that the traffic circle would not be able to function in that matter. Mr. Marcelly asked the Council to delay the vote.

Janelle Birth, 3101 Pine Pointe Street, requested the Council delay the vote. She lived in Stallings and besides the travel, the impact on family and home life was tremendous. The children have already redistricted too many times.

Consensus was then held by Council to allow the non-Stallings residents to speak for one minute.

Trisha Curtis, 1017 Mundan Drive, asked if Papas owned the site.

Mark and Beth Theobald, 6003 Stanborg Drive, had two high school students and were older than the demographic said she should be and felt the data on the educational affect was incorrect. She requested the Council delay its vote.

Eric Shultz, 3003 Ainsdale Drive, Brookhaven, asked the Council to delay the vote. He did not feel there was any rush. Mr. Shultz felt that people were feeling betrayed. He moved to Stallings to get away from the over crowdedness and for better schools.

Bonnie Kaul, 7056 Kilwelly Lane, Shannamara, felt it was an interesting function that evening and there were a lot of pieces. She asked the Council to consider everything before it made its decision.

Tim Smith, 1108 Waypoint Court, Courtyards at Weddington, was concerned that Stallings didn't have big enough "pipes" for any of this development. It appeared things were not considered in TIA and that the Council needed to gather more facts. Mr. Smith asked the Council to delay the vote.

Mayor Dunn closed the public hearing.

Town Attorney Cox explained there were no legal grounds to recuse Council Member Romanow and that she had a duty to vote on the issue based on the state statutes.

Council discussed the project. Council Member Paxton made the motion to have the Development Agreement for the Solis Project to go back to the Development Agreement Subcommittee to review all the issues and limitations of the TIA and school impact information and delay the decision. Council Member Birt seconded the motion.

Council held further discussion on the issue. Town Clerk Nichols was then requested to perform a roll call on the vote:

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

The vote was unanimous, and the motion passed.

Council took a recess at 9:34 p.m. and reconvened in open session at 9:41 p.m.

Council Member Romanow made the motion to excuse Council Member Romanow for the remainder of the meeting. The motion was passed unanimously after a second from Council Member Martin.

Council Member Romanow left the meeting at 9:42 p.m.

4. Pay and Classification Study

Town Manager Sewell reminded the Council that it approved conducting a Pay and Classification Study orchestrated by the MAPS Group and that the study had been presented to the Council on April

23. Cheryl Brown, MAPS Group, agreed with the Pay and Classification Study. It was noted that Option 4 was recommended which would cost a total of \$70,000.

Council discussed the options and the study. Council Member Steele made the motion to approve and implement Option 4 of the Pay and Classification Study. Council Member Martin seconded the motion. The motion passed by a 4 to 1 vote with Council Member Paxton opposing.

4.A. School Impact Study (Paxton)

Original Agenda Item 10

Council Member Paxton requested that a school impact study be included with any Development Agreement the Town received and include it prior to any meetings concerning a proposal.

Council held consensus to hold a work session regarding the possibility of adding the School Impact Study and expanded school information to the Development Agreement Process.

4.B. Traffic Impact Analysis Ordinance (Paxton)

Original Agenda Item 9

Council Member Paxton requested Council address revisions to the TIA Ordinance. Steve Blakely, Kimley-Horn, noted that one of the most notable areas of debate was trip generation in regard to local norms.

Council held consensus to hold a work session at a later date, possibly with the Transportation Advisory Committee (TAC), to discuss any amendments.

Council Member Paxton made the motion to suspend the rules to change the order of the Agenda to discussion Agenda Item 6, *Town Hall Second Floor Renovations – Layout and Structural Engineering*, prior to Agenda Item 5, *Greenway: Request for Qualification RFQ Results – Engineering and Contract*. The motion passed unanimously after a second from Council Member Steele.

5. Greenway: Request for Qualification RFQ Results – Engineering and Contract

Town Manager Sewell explained this portion of the Greenway was from the Vickery property to develop a Town trail in that area. Destination by Design was chosen through the RFQ process for the engineering of the Greenway Trail.

Council Member Steele made the motion to approve the Greenway engineering contract with Destination by Design for \$63,000. The motion failed for lack of a second.

Council requested more data on the design and contact. More data would be brought back to Council at a later date.

6. Town Hall Second Floor Renovations – Layout and Structural Engineering

This item was heard prior to Agenda Item 5.

Deputy Town Manager Nichols presented the information and the need for the existing Town Hall Second Floor Renovations. This presentation is attached to these minutes and therefore incorporated herein.

Council Member Steele made the motion to approve the design and \$3300 for structural engineering costs for the planning and design of the Town Hall Second Floor Renovations. Council Member Scholl seconded the motion which passed unanimously by Council.

7. Employee Safety Bonus (Martin)

Council Member Martin recommended the Police Department Staff receive an additional employee safety bonus as was awarded the previous year. He was not opposed to giving the bonus staff wide. Council took no action on this item.

8. ETJ Legal Research (Martin)

Council Member Martin reported he had had conversations with other local municipalities about this topic and how to best promote partnerships in growing development.

Council Member Martin made the motion to have the Town Attorney look into the perimeters of Memorandum of Understanding (MOU) with ETJs with the neighboring municipalities and border properties and provide framework for possible ETJs with neighboring municipalities. The motion received Council's unanimous support after a second from Council Member Steele.

9. Traffic Impact Analysis Ordinance (Paxton)

See Agenda Item 4.B.

10. School Impact Study (Paxton)

See Agenda Item 4.A.

10.A. Stallings Park Splash Pad Repairs

Town Manager Sewell explained that the Stallings Park Splash Pad was in need of major repairs in order to be functional and address safety issues. A memo detailing the needed repairs and options is attached to these minutes and therefore incorporated herein.

Council Member Paxton made the motion to approve the Stallings Park Splash Pad repairs at a cost of \$55,795 for the operations and safety controls. The motion received Council’s unanimous support after a second by Council Member Scholl.

11. Closed Session Pursuant to NCGS143.318-11(a)(6)
This item was tabled.

12. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Steele, and the motion received unanimous support. The meeting was adjourned at 11:02 p.m.

Approved on _____, 2019.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC

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

The Town Council of the Town of Stallings met for the first a special meeting on June 3, 2019, at 6:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

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

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager/Town Clerk; and Marsha Gross, Finance Director.

1. Call the meeting to order

Mayor Dunn called the meeting the order.

2. Capital Maintenance Infrastructure and Improvement Plan

Council began reviewing the Capital Maintenance Infrastructure and Improvement Plan (CMIIP).

It was noted that Fund Balance next year fiscal year would be approximately \$3.3 million. The following action items were discussed.

- Consensus to renovate Town Hall Second Floor out of Fund Balance
- Consensus to have Transportation Advisory Committee to prioritize sidewalks and bump any building sidewalks to 2021
- Consensus to phase Greenway over a period of approximately five years.
- Investigate trade schools' capabilities for construction/deconstruction of buildings to utilize for the demolition at 329 Stallings Road
- Inquire with UNCC for project design on Blair Mill Park
- Place Capital Reserve Fund money for HVAC and computers (\$25,000) and Police vehicles in fund balance
- Requested Finance Officer research reserve accounts
- New projects:
 - Finishing some branding initiatives
 - Apartment registration ordinance
 - Land acquisition and land banking

Council held consensus have the Town's logo placed on the water tower at Carls Road for \$10,000 as a part of Union County's maintenance project on that water tower.

Attached is the Capital Maintenance Infrastructure and Improvement Plan (CMIIP) with the changes and additions made by Council during this meeting and therefore it is incorporated herein.

3. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Steele, and the motion received unanimous support. The meeting was adjourned at 8:17 p.m.

Approved on _____, 2019.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC

DRAFT

**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 June 10, 2019, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

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

Those absent were: Council Members Billy Birt, Jr. and Deborah Romanow.

Staff present were: Alex Sewell, Town Manager; Kim Jones, Deputy Town Clerk; Chief Minor Plyler; Lynne Hair, Town Planner; Chris Easterly, Town Engineer; Marsha Gross, Finance Officer; Meredith Baxter, Events Coordinator; 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

Robert Ragon, 5000 Cinnamon Drive, was present to speak on the Development Ordinance specifically Mixed Use 1 and 2 districts and special conditions in regards to number of units per parcel, definition of parcel, and public versus private streets. Mr. Ragon felt that Town Planner Hair was trying to interpret a specific ordinance in a non-specific way. He also sited density and the rules for density in the Development Ordinance. Mr. Ragon also felt that notification was not given correctly on the Chestnut/Solis proposal. He felt that posting in the Monroe newspaper did not meet the North Carolina requirement.

Steve Neill, 3229 Fairforest Drive, stated he lived in the area 18 months and only heard about Chestnut development a few weeks ago. He did not feel the project met the "sniff" test. Mr. Neill quoted the Stallings Mission Statement and felt ignored by Stallings. He stated it took 12 minutes to drive his son to school and the development would only add to the traffic in that area. Mr. Neill was very concerned about the project and the Council should listen to the community.

Scott Dunn, 3000 Strawberry Road, had never been before a governing body and lived all over the country. The new development would be in his front yard and he just heard about it. Mr. Dunn did not want to be around all the construction. He felt that this project was of great magnitude and he chose Union County because it was not Mecklenburg County. Mr. Dunn said that everyone was neglecting infrastructure and people would be severely impacted. He appealed to the Council to give the citizens some concrete dates for road improvements and wanted the Town to pull back from the development.

Karen Dunn, 3000 Strawberry Road, lived in the last house connecting with Chestnut. The apartments would be built in her front yard. Ms. Dunn said she could throw a rock to Antioch Elementary

School. She said Chestnut was backed up every morning. Ms. Dunn can not get out of her driveway in the mornings. She had met with a realtor who said her home value would decreased because of the apartment construction. Ms. Dunn hoped this was not a rubber stamp and hoped Council would listen to the residents in Stallings.

Joseph McLaughlin, 3205 Strawberry Road, Chestnut HOA President, requested proof from the Town Attorney about the decision that was made regarding notification and would continue to challenge it. He thanked his neighbors and the Council for careful consideration.

Sri Nagarajan, 3006 Camerose Crossing Lane, lived .4 miles away from the property. He appreciated that some of the Council Members had been professional and easy to work with. He stated that one Council Member, however, emailed him and asked why he was interested in the project and accused him of trying to find a flaw. Mr. Nagarajan was offended and requested that the Council Members remember that he was a neighbor even though he did not reside in Stallings. He requested three things of the Council: 1. He had a pending request for additional information, and he was still waiting for the information. Therefore, he requested no decision be made until he received the information; 2. In regard to traffic, the traffic study was done prior to Thanksgiving and therefore he was requesting another TIA be conducted; 3. He requested the Council consider all the information collected together and understand why and where the gaps were in the process. Mr. Nagarajan asked the Council to walk in the citizens shoes before the vote was made.

1. Consent Agenda Approval

A. Minutes from the following meetings:

- (1) 04-08-19
- (2) 04-08-19 – closed
- (3) 04-15-19 – special 1
- (4) 04-15-19 – closed
- (5) 04-15-19 – special 2
- (6) 04-23-19
- (7) 04-29-19 – special
- (8) 05-06-19 – special

B. Amended Budget Ordinance 9 – Police Radios

C. Amended Budget Ordinance 10 – LED Light Fixtures

D. Potters and Co. Audit Contract

E. Municipal Clerks Week Resolution

F. Public Works Week Proclamation

G. Resolution to Allow Indian Trail 5K Through A Portion of the Town of Stallings Roads

Council Member Paxton made the motion to approve the Consent Agenda with the following changes:

- Move 1.E., *Municipal Clerks Week Resolution*, to Agenda Item 2.D.
- Move. 1.F., *Public Works Week Proclamation*, to Agenda Item 2.E.

The motion received a second from Council Member Scholl and was passed unanimously. *Amended Budget Ordinance 9 – Police Radios, Amended Budget Ordinance 10 – LED Light Fixtures, and the Resolution to Allow Indian Trail 5K Through A Portion of the Town of Stallings Roads* are attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

Mayor Dunn reported the Stallings Hotel Tax Bill was moving forward without opposition.

B. Reports from Council Member/Town Committees

Council Member Paxton reported the Citizens Academy concluded on May 20 and the feedback from the program was to hold the program again. She also shared that she attended the CRTPO retreat and the delegates there were interested in advocacy with NCDOT. Ms. Paxton noted the letter from Indian Trail to NCDOT removing funding the Old Monroe Road widening and that its impact could mean the widening would not take place in Indian Trail.

Council Member Martin reported the Inter-Municipalities Information Sharing (IMIS) met and discussed regional planning. The group had a collective frustration with the lack influence on local transportation improvements.

Council Member Scholl reported he attended the City Vision North League of Municipalities meeting in Hickory. Common issues were planning and zoning issues and social media and communications among municipalities in the state.

Council Member Steele had no report.

C. Reports from Town Manager/Town Departments

Town Manager Sewell shared it has been a challenge scheduling the Development Agreement Subcommittee (DAS) meetings and that the meetings themselves did not include all Council Members due to the committee structure. Mr. Sewell would recommend a standard time for DAS meetings and include all Council Members in the meetings.

D. Municipal Clerks Week Resolution

Mayor Dunn commended Town Clerk Erinn Nichols for her service and contributions to the Town. He read the *Municipal Clerks Week Resolution* into the record. Council Member Scholl made the motion to approve the resolution which passed unanimously after a second from Council Member Martin. The *Municipal Clerks Week Resolution* is attached to these minutes and therefore incorporated herein.

E. Public Works Week Proclamation

Mayor Dunn read the *Public Works Week Proclamation* into the record and commended the Stallings Public Works Staff. Council Member Paxton made the motion to approve the resolution which passed unanimously after a second from Council Member Steele. The *Public Works Week Proclamation* is attached to these minutes and therefore incorporated herein.

3. Agenda Approval

Council Member Steele made the motion to approve the Agenda as written. The motion received Council's unanimous support after a second from Council Member Martin.

4. 2019-2020 Budget

A. Public Hearing

Mayor Dunn opened the public hearing. No one was present to give public comment on the 2019-2020 Proposed Budget.

Town Manager Sewell reviewed various item of the budget and noted the tax rate would remain the same. Mayor Dunn closed the public hearing.

B. Budget Ordinance

Council Member Scholl made the motion to approve the 2019-2020 Budget Ordinance which was seconded by Council Member Martin. The motion received Council's unanimous support. The 2019-2020 Budget Ordinance is attached to these minutes and therefore incorporated herein.

5. Greenway: Request for Qualifications (RFQ) Results – Engineering and Contract

Town Manager Sewell reminded the Council the Vickery Subdivision granted the Town land to develop as a Town trail. The Council had been presented a design for a greenway trail on that property based on the Greenway master plan. Destination by Design had been selected during the RFQ process to design and engineer that area of the Greenway.

Eric Woolridge, Destination by Design, was present to field questions concerning the proposal and its components. It was noted that the hourly rate was \$150/hour to include travel and insurance.

Council Member Martin made the motion to approve the Greenway and Engineering Contract with Destination by Design the portion on Greenway in the Vickery area. The motion was seconded by Council Member Scholl and passed unanimously.

6. Committee Actions

A. Parks and Recreation Committee Youth Member Application Consideration

Council Member Paxton made the motion to appoint Thomas Ayers as the Youth Member of the Parks and Recreation Committee with a term ending March 31, 2020. The motion received Council's unanimous support.

B. Historical Committee Liaison Replacement

Council held consensus to appoint Council Member Billy Birt, Jr. as the Council Liaison to the Historical Committee.

7. Parade Feasibility Study

Town Manager Sewell and Parks and Recreation Director Ashley Platt presented logistics, staffing, parking, and impact on Town and community for a possible parade in the Town of Stallings.

Council discussed the topic and options. It held consensus not to have a Christmas parade for the upcoming year but continue to investigate for future years.

8. Annexation 52 – Arant/Northeast Tools - Resolution to Direct the Clerk to Investigate

Council Member Martin made the motion to approve the *Resolution to Direct the Clerk to Investigate - Annexation 52 – Arant/Northeast Tools*. The motion received Council's unanimous support after a second from Council Member Paxton. The *Resolution to Direct the Clerk to Investigate - Annexation 52 – Arant/Northeast Tools* is attached to these minutes and therefore incorporated herein.

9. Workshop with SOG Consultant to address recently identified concerns in Development Agreement Process (Paxton)

Council Member Paxton explained there were concerns about the Development Agreement process and requested Council hire a consultant to assist with the development agreements and

training. Council Member Scholl requested to delay a decision on this item until all the information and pricing was received on this type of training. Council held consensus to wait until more information was obtained.

10. Closed Session Pursuant to NCGS 143.318-11(a)(6)

Council Member Scholl made the motion to go into closed session pursuant to NCGS 143.318-11(a)(6). The motion was passed unanimously after a second from Council Member Steele.

Council went into closed session at approximately 9:00 p.m. and reconvened into open session at approximately 9:20 p.m.

11. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Steele, and the motion received unanimous support. The meeting was adjourned at 9:20 p.m.

Approved on _____, 2019.

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 June 24, 2019, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

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

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

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

Timothy Smith, 1108 Waypoint Court, yielded his time to Bob Ragon.

John Tommasula, 906 Morningstar Lane, yielded his time to Bob Ragon.

David Marcelli, 1103 Waypoint Court, yielded his time to Bob Ragon.

Billy Pappas, 4036 Manor House Drive, yielded his time to Bob Ragon.

Jim Leshock, 909 Morningstar Lane, yielded his time to Bob Ragon.

Larry Griffith, 1805 Aringill Lane, concerned residents, was not anti-development but felt there was not infrastructure for this type of development. The roads were very dangerous and the islands in middle of the road with no reflectors were not safe.

Sri Nagaraja, 3006 Camerose Crossing, stated it was his third time here. He said you could wake up someone who was asleep but never someone who was pretending to be asleep. Mr. Nagaraja stated the citizens continued to ask for data regarding schools and traffic. He believed that the Town was cherry picking the data. Mr. Nagaraja found out the Council had the information they needed. He would love to see area to thrive. He was asking the Council to please wake up.

Rob Linholm, 3015 Shalford Lane, stated that on May 24, a public records request was made to the Town. On June 21, Town produced 45 emails but no more. No records were received by Mrs. Romanow and Ms. Hair. He understood there was no deadline to complete NC public records law, but the community wanted information and he felt it had taken too long to fulfill. Mr. Linholm felt there was a clear effort to

stonewall receiving the information. He felt there were certain members of Council that were hiding something.

William Bier, 2008 Burlwood Court, yielded his time to Bob Rogan.

Bob Rogan, 3015 Shatford Lane, played a few recordings from Council Meetings. He felt things were not publicized well and there was a sense of trying to hide things. Mr. Rogan played an audio clip from Oct. 22 where he felt proved there was cooperation between the Town and Terwillinger-Pappas prior to the Chestnut Small Area Plan being approved. He stated this was the first mention of apartments. Mr. Rogan said that at the Nov. 26 meeting, there was no mention of apartments in the minutes, only the small area plan, but the consultant talked about Terwillinger-Pappas. Mr. Rogan then played an audio clip was from Jan. 28 and said that Terwillinger-Pappas was not mentioned in the minutes until March 11. He stated the Town's ordinance said that any time an apartment complex was considered the Town should be informed but that did not happen. Mr. Rogan played a clip from Jan. 22, 2018 saying that the Town's ordinance limited zoning to 72 units per parcel (which he defined as a tax parcel) and that the Town was ignoring its own ordinance regarding right-of-way, parking, and streets standards. Mr. Rogan stated that representatives from Terwillinger-Pappas stated that the target demographics were empty nesters, families and mature professionals and did not think millennials would live there. Therefore, this would not be the normal demographic for Terwillinger-Pappas. Therefore, saying 1.5 children per apartments was low and therefore would be more children there which would stress the schools.

1. Agenda Approval

Council Member Romanow made the motion to approve the Agenda as presented. The motion was seconded by Council Member Martin which passed unanimously by Council.

2. DA19.03.02 - Solis at Chestnut Development Agreement

A. Information from Staff

Town Manager Sewell presented background and historical information on the Solis at Chestnut Development Agreement. This presentation is attached to these minutes and therefore incorporated herein.

B. Information from Applicant

Jeff Smith, Terwillinger-Pappas reminded the Council of the project details for Solis at Chestnut community. The developer would provide \$700K contribution for infrastructure improvements; temporary funds for the construction of the Chestnut Roundabout if NCDOT did not fund the roundabout; \$87,000 contribution to existing design of the roundabout; building first phase of greenway trail to access Col. Beatty Park; and partnered with Union Power to bury all but two power lines on the property. The stormwater controls planned for the property exceeded the government standards and requirements and

partnered with an educational consultant for education impact. Mr. Smith thanked the staff and Council for its partnership in the process.

Council discussed the agreement.

C. Council Vote

Council Member Romanow made the motion to approve the DA19.03.02 - Solis at Chestnut Development Agreement. The motion was seconded by Council Member Birt. Town Clerk Nichols was requested to conduct a roll call on the vote:

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

The motion passed by a 5 to 1 vote with Council Member Paxton opposing.

Council took a recess at 8:28 p.m. and reconvened at 8:34 p.m.

4. Annexation 52 – Arant/Northeast Tool

A. Certificate of Sufficiency

Deputy Town Manager Nichols presented the Council with the *Certificate of Sufficiency for Annexation 52 – Arant/Northeast Tool*. The *Certificate of Sufficiency for Annexation 52 – Arant/Northeast Tool* is attached to these minutes and therefore incorporated herein.

B. Resolution Fixing the Public Hearing Date

Council Member Scholl made the motion to adopt the *Resolution Fixing the Public Hearing Date for Annexation 52 – Arant/Northeast Tool*. The motion was passed unanimously by Council after a second from Council Member Romanow. The *Resolution Fixing the Public Hearing Date for Annexation 52 – Arant/Northeast Tool* is attached to these minutes and therefore incorporated herein.

5. Open Burning Ordinance Amendment

Code Enforcement Officer Kolleen Dickinson proposed Council consider an amendment to the Open Burning Ordinance due to multiple call outs by the Stallings Fire Department for illegal, oversized fires which have caused damage to structures and homes. The amendment would prohibit open burning except for the purposes of land clearing/right-of-way maintenance or campfires/recreational/outdoor cooking.

Council held consensus hold a public education campaign regarding open burning prior to an ordinance amendment consideration.

6. Balanced Scorecard

Town Manager Sewell reviewed the Balance Scorecard, a management system that uses a group of measures/goals to help implement an organization's strategy. Mr. Sewell's presentation is attached to these minutes and therefore incorporated herein. Council held consensus to implement the tool.

7. Development Agreement Subcommittee Process

Mayor Dunn lead the conversation concerning what direction the Council wanted regarding receiving more knowledge and training on the development agreement process. Council held consensus to hold a special joint meeting with the Planning Board in order to identify the areas which needed to be changed/amended in the development agreement process prior to bringing in a consultant. Staff would bring recommendations for changes.

8. Development Agreement Training

This item was discussed in conjunction with Agenda Item 7, Development Agreement Subcommittee Process.

9. 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 9:25 p.m.

Approved on _____, 2019.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC



Ordinance to Extend the Corporate Limits of the Town of Stallings, North Carolina

WHEREAS, the Town Council has been petitioned under N.C.G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Town Hall of the Town of Stallings at 7:00 p.m. on July 8, 2019, after due notice by the Enquirer-Journal on June 27, 2019; and

WHEREAS, the Town Council finds the petition meetings the requirements of N.C.G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED be the Town Council of the Town of Stallings, North Carolina that:

Section 1. By virtue of the authority granted by N.C.G.S. 160A-31, the area proposed for voluntary annexation encompasses parcel number 07075013 on Funderburk Road is hereby annexed and made part of the Town of Stallings effective immediately:

Parcel number: K7075014

BEGINNING at an iron on the right of way of Idlewild Road, a variable width right of way, said iron having North Carolina Grid Coordinates of N) 503581.1507, E) 1506580.4258, said iron also being a common corner of the Donald and Doris Cunningham Property recorded in Deed Book 183, Page 659 of the Union County Registry; thence from said Beginning point S 44-26-31 W 199.13 feet to an iron found; thence S 10-25-20 W 470.96 feet to an iron found, said iron being a common corner of the aforementioned Cunningham property as well as the Vickery Homeowners Association Inc. Property, recorded in Deed Book 7290, Page 773 of the Union County Registry; thence from said iron found S 81-10-03 W 623.87 feet to an iron found, a common corner James and Chantal Wilson property, said property

recorded in Deed Book 6782, page 602 of the Union County Registry; Thence N 41-08-28 W 310.47 feet to an iron found, said iron being a common corner of the Vickery Homeowners Association recorded in the aforementioned Deed Book 7290, Page 773 as well as the property of Doug and Teri Marsh, said Marsh property being recorded in Deed Book 3420, Page 619 of the Union County Registry; thence from said iron N 44-26-31 E crossing an iron found at the Right of Way of Idlewild Road at 1022.27 feet, a total distance of 1037.34 feet to a computed point in Idlewild Road; thence from said point and running with Idlewild Road S 50-53-29 E 420.94 feet to a computed point; thence from said computed point S 44-26-31 W 10.87 feet to the Point and Place of **BEGINNING**, Containing 12.38 Acres as shown on a survey by Lawrence Associates Dated May 7, 2019 to which reference is hereby made.

Section 2. Immediately, the above described territory and its citizens and property shall be subject to all debts, laws, and ordinances and regulations in force in the Town of Stallings and shall be entitled to the same privileges and benefits as other parts of the Town of Stallings. Said territory shall be subject to municipal taxes according to N.C.G.S. 160A-58.10.

Section 3. The Mayor of the Town of Stallings shall cause to be recorded in the office of the Register of Deeds Union County, and in the office of the Secretary of State at Raleigh, North Carolina, as accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Union County Board of Elections, as required by N.C.G.S 163-288.1.

Adopted this the 8th day of July, 2019.

Wyatt Dunn, Mayor

Attest:

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC