

**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 February 28, 2022, via Zoom, a virtual electronic platform, due to the North Carolina declared state of emergency because of COVID-19. Public could access the meeting via phone (1-646-558-8656), web link (<https://us06web.zoom.us/j/85036954022?pwd=YlJxKzRSU0MzZ0c4YjlyYTJVUTVvZz09>) or the Zoom app (Meeting ID: 850 3695 4022; Password: 089624).

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

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Max Hsiang, Planning Director; Matthew West, Planner I; Marsha Gross, Finance Officer; Ashley Platts, Parks and Recreation Director; Brian Price, Public Works Director; and Mac McCarley, Planning Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

No one joined the meeting who wished to give public comment.

1. Agenda Approval

Council Member Scholl requested adding the following items to Agenda Item 7, *Planning Board*

Items:

- Ordinance to Amend the Duties and Responsibilities of the Planning Board
- Text Amendment 32.16 – Service on Town Boards and Committees
- Removal of Planning Board Member

Council Member Hall made the motion to approve the Agenda with the above additions. The motion was seconded by Council Member Grooms and passed unanimously by Council.

2. RZ21.10.01 – 3845 Matthews-Indian Trail Rd, Parcel #07102010C, MU-2 to C-74

Planner 1 Matthew West explained this was an application for a rezoning submitted by Montes Electric to be rezoned from MU-2 to C-74 on Matthews-Indian Trail Road and 2.87 acres which was vacant. Mayor Dunn then opened the public hearing. Mr. West's Staff Report is attached to these minutes and therefore incorporated herein. The Planning Board recommended approval despite staff finding it to be inconsistent with the Land Use Plan.

Clerk's Note: Council Member Drake arrived at 7:08 p.m.

Applicant Dom Santilli explained he would like to expand his electrical contracting business. Mayor Dunn then closed the public hearing.

Council Member Scholl made the motion to deny RZ21.10.01 – 3845 Matthews-Indian Trail Rd, Parcel #07102010C to which Council Member Richardson seconded. The motion was passed unanimously by the Council.

Mayor Dunn then read the Statement of Consistency and Reasonableness into the record noting it was compatible with the existing development but incompatible with the Comprehensive Land Use Plan. Council Member Richardson made the motion to approve the Statement of Consistency and Reasonableness for RZ21.10.01 – 3845 Matthews-Indian Trail Rd, Parcel #07102010C denying the request. The motion was passed unanimously by the Council after a second from Council Member Hall. The Statement of Consistency and Reasonableness for RZ21.10.01 – 3845 Matthews-Indian Trail Rd, Parcel #07102010C is attached to these minutes and therefore incorporated herein.

3. RZ21.12.01 – 1149 Stallings Rd, Parcel #07126209

Mayor Dunn opened the public hearing. Planner 1 Matthew West then explained this was an application for rezoning submitted by An Duc K and Nguyen Nguyen to be rezoned from SFR-3 to MU-1 with the property located on Stallings Road. Mr. West's Staff Report is attached to these minutes and therefore incorporated herein. The Planning Board recommended approval of this application.

Applicant An Duc K explained that his wife would like to turn the house into a small beauty shop. Mayor Dunn then closed the public hearing.

Council Member Richardson made the motion to approve RZ21.12.01 – 1149 Stallings Rd, Parcel #07126209. Council Member Grooms seconded the motion. The motion passed by a 5 to 1 vote with Council Member Hall opposing.

Mayor Dunn then read the Statement of Consistency and Reasonableness for RZ21.12.01 – 1149 Stallings Rd, Parcel #07126209 into the record. Council Member Scholl made the motion to approve the Statement of Consistency and Reasonableness for RZ21.12.01 – 1149 Stallings Rd, Parcel #07126209. The motion was passed after a second from Council Member Drake by a 5 to 1 vote with Council Member Hall opposing. The Statement of Consistency and Reasonableness for RZ21.12.01 – 1149 Stallings Rd, Parcel #07126209 is attached to these minutes and therefore incorporated herein.

4. CZ21.09.01 – Bailey Mills Expansion

Mayor Dunn opened the public hearing. Town Planner Max Hsiang explained this was a conditional zoning request by Impact LLC for 23 Town homes adjacent to the Bailey Mills Townhome Subdivision. Mr. Hsiang's Staff Report for CZ21.09.01 – Bailey Mills Expansion is attached to these minutes and therefore incorporated herein.

Staff recommended the following conditions:

- All permits required by Federal, State or Local governments must be issued.
- One Homeowner's Association for both Bailey Mills and the expansion.
- Architecture be in harmony with the Bailey Mills Subdivision.
- Widen alley access along the Hendrick Automotive side for Bailey Mills and the Expansion to comply with Town acceptance standards notwithstanding the Bailey Mills Development Agreement.

The Planning Board recommended approval with the following conditions:

- Type A buffer between lots 9-19 and type C with 6-foot-high composite fence material with plantings inside.
- Front yard setback is to be 12 ft to be consistent with Bailey Mills and the front yard setback from lots 9-19 with the street-facing the garage can be 21 ft.
- The street in front of lots 9-19 to meet town standards for a public street and the alley from street A Bailey Mills to the new street to meet pavement width of town standard.
- Support of all staff recommendations presented at the Planning Board meeting.

Applicant Ty Matthews explained the site became available after the Bailey Mills site and the ordinance requirements had changed between the timing of the two sites. The applicant wished for all the requirements be the same between the same sites.

Mayor Dunn closed the public hearing. Council decided to table a decision on this item until March 14, 2022.

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

Council Member Scholl made a motion to go into closed session pursuant to NCGS 143-318.11(a)(3), invited Interim Town Engineer Bo Conerly being invited into the session. The motion was passed unanimously by the Council after a second from Council Member Hall.

Council went into closed session at 8:27 p.m. and reconvened in open session at 8:36 p.m.

6. Twin Pines

A. Phase 1 Approval

Interim Town Engineer Bo Conerly explained the purpose of item was to inform the Council of the issue behind 1004 Twin Pines Drive. The Town and a geotechnical engineer had reviewed the area and provided a solution to stop the erosion control in the area at a cost of \$95,000. Mr. Conerly's memo regarding this item is attached to these minutes and therefore incorporated herein.

Council Member Richardson made the motion to approve the Twin Pines Erosion Remediation project - Phase I with a budget of \$95,000. The motion was passed unanimously by Council after a second from Council Member Grooms.

B. Phase 2 Engineering Work Approval

Interim Town Engineer Bo Conerly explained the purpose of item was to inform the Council of the Twin Pines Lot Flooding Improvements project located in the stream behind 1006, 1008, and 1012 Twin Pines Drive which was experience extreme flooding during any rain event. Mr. Conerly's memo regarding this item is attached to these minutes and therefore incorporated herein.

Council Member Ayers made a motion to forward with the Twin Pines Lot Flooding Improvement project with an estimated budget of \$120,000 and approve using Stormwater Fund Reserves to cover the engineering and permitting costs. Council Member Hall seconded the motion to which Council approved unanimously.

Council Member Scholl made the motion approve the Resolution for an Exemption to the Mini-Brooks Act by resolution to continue using W.K. Dickson for the design and permit coordination tasks associated with this project. Council unanimously approved this motion after a second from Council Member Hall. This resolution is attached to these minutes and therefore incorporated herein.

7. Planning Board Items

A. Planning Board Application Consideration

Council tabled this item until a future meeting.

B. Ordinance to Amend the Duties and Responsibilities of the Planning Board

Planning Attorney McCarley brought ordinances into compliance with each other for the duties and responsibilities of the Planning Board and updated the Code of Ordinance for the duties and responsibilities of the Planning Board.

Council Member Scholl made a motion to approve sending the Ordinance to Update the Duties and Responsibilities of the Stallings Planning Board to Match the Provisions of the Chapter 160D of the North Carolina General Statutes to the Planning Board for review. Council Member Hall seconded the motion to which Council unanimously approved.

C. Text Amendment 32.16 - Service on Town Boards and Committees

Planning Attorney McCarley explained this added a new provision to the Code of Ordinances stating that citizens appointed to the Town's board and committees that were not regulated by state statutes would serve at the pleasure of the Council.

Council Member Scholl made a motion to approve Text Amendment 32.16 - Service on Town Boards and Committees. The motion was seconded by Council Member Grooms which was approved unanimously Council.

Mr. McCarley's memo highlighting this change is attached to these minutes and therefore incorporated herein.

D. Removal of a Planning Board Member

Council Member Scholl made the motion to remove Planning Board Chairman Bob Ragon from the Planning Board Membership. Council Member Hall seconded the motion. The motion failed by a 2 to 4 vote with Council Members Ayers, Grooms, Drake, and Richardson opposing.

8. Finance Items

A. Financial Report

Finance Officer Gross presented the Council with the Quarterly Financial Report. This report is attached to these minutes and therefore incorporated herein.

B. Tentative FY22-23 Budget Schedule

Finance Office Gross presented the Council with a tentative budget meeting schedule. Council held consensus to let Ms. Gross or Mr. Sewell know if there were any issues.

9. DFI Contract

Town Manager Sewell reminded the Council that its top scoring priority was a downtown creation. Therefore, the Town was interested in partnering with Development Finance Initiative (DFI), in the economic development program with UNC School of Government, for downtown assessment services.

Council Member Richardson made a motion to partner with Development Finance Initiative (DFI) for Phase One of the Downtown Assessment Services at a flat rate of \$74,400. The motion was passed unanimously by the Council after a second from Council Member Scholl.

10. U-5112 – Potter/Pleasant Plains Intersection

Town Manager Sewell explained that the NC OBSM \$1.6M grant the Town received would not be able to be used for the U-5112 – Potter/Pleasant Plains Intersection. He noted that the cost of the intersection improvements had grown significantly. Mr. Sewell's complete memo on this item is attached to these minutes and therefore incorporated herein.

Council held consensus to have staff pursue statewide contingency funds to assist in funding U-5112 – Potter/Pleasant Plains Intersection. Council also held consensus in its interest in having NCDOT take over the intersection project as a part of the NCDOT's larger Old Monroe Road project.

11. Annual Retreat – Follow-up Priorities and Action Strategies

Town Manager Sewell reviewed the priorities and action strategies that were the outcome of the Council's Annual Retreat.

Council Member Ayers made a motion to approve the FY22-23 Town Priorities and Action Strategies. The motion was supported by Council after a second from Council Member Richardson. The FY22-23 Town Priorities and Action Strategies is attached to these minutes and therefore incorporated herein.

12. Balanced Scorecard – Mid-Year Report

Town Manager Sewell explained he had submitted the Balance Scorecard – Mid-Year Report. This report is available on the Town’s website.

Chief Franks gave a shout out to the police officers for handling the crime situation in Stallings over the weekend.

13. Adjournment

Council Member Ayers moved to adjourn the meeting, seconded by Council Member Scholl, and the motion received unanimous support. The meeting was adjourned at 10:21 p.m.

Approved on April 11, 2022.

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