



**Access for the Electronic Meeting**

**Via phone:** 1-646-558-8656

**Via web:**

<https://us06web.zoom.us/j/83424386414?pwd=MGRMS0FnZVR3g4c012UU5FbFp4QT09>

**Via Zoom App:**

Meeting ID: 834 2438 6414

Password: 921892

**January 24, 2022**  
 Stallings, NC 28104  
 704-821-8557  
[www.stallingsnc.org](http://www.stallingsnc.org)

**Town Council Agenda**

|    | Time      | Item   | Presenter  | Action Requested/Next Step  |
|----|-----------|--|--|---|
|    | 7:00 p.m. | Invocation<br>Pledge of Allegiance<br>Call the Meeting to Order  | Wyatt Dunn,<br>Mayor   | NA  |
|    | 7:05 p.m. | Public Comment   | Wyatt Dunn,<br>Mayor   | NA  |
| 1. | 7:15 p.m. | Agenda Approval  | Wyatt Dunn,<br>Mayor   | Approve agenda as written.<br><br><i>Motion: I make the motion to:</i><br>1) <i>Approve the Agenda as presented; or</i><br>2) <i>Approve the Agenda with the following changes:</i><br>_____. |
| 2. | 7:17 p.m. | Consent Agenda<br>(A) Fee Schedule - Updated schedule to include chicken permit fee<br>(B) Ordinance Adopting Supplement 12 of the Code of Ordinances  | Wyatt Dunn,<br>Mayor   | Approve/Deny Consent Agenda   |
| 3. | 7:20 p.m. | TX21.12.01, TX21.12.02, TX21.12.03, & Code of Ordinance Changes<br>Planning Board and Board of Adjustment Consistency<br>(1) Open Public Hearing<br>(2) Information from Staff<br>(3) Public Hearing<br>(4) Close Public Hearing<br>(5) Council Vote | Max Hsiang,<br>Planning Director   | Approve/Deny request  |
| 4. | 7:40 p.m. | Police Department Incentive Pay  | Dennis Franks,<br>Police Chief   | Approve/Deny request  |
| 5. | 7:50 p.m. | Code Enforcement Issues<br>(A) Fence Ordinance Changes<br>(B) Possible Demolition of Parcel 07102034B  | Max Hsiang,<br>Planning Director<br><br>Kolleen Dickinson, Code Enforcement Ofc. | Approve/Deny changes/demolition   |
| 6. | 8:10 p.m. | Annual Retreat Agenda  | Alex Sewell, Town Manager  | Information   |
| 7. | 8:20 p.m. | Adjournment  | Wyatt Dunn,<br>Mayor   | Motion to adjourn   |



# MEMO

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To: Town Council  
From: Max Hsiang - Planning Director  
Date: 01/24/2022  
RE: **Fee Schedule Amendment - Chicken Permit**

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**Request:**

To amend the fee schedule to add the Chicken Permit for \$25 to reflect the Code of Ordinance Amendments, *91.15(C) Chickens allowed in town; permit* adopted by Town Council at their January 10, 2022 meeting.

Respectfully,



**Max Hsiang, CZO**

Planning & Zoning Director  
Town of Stallings | 704-821-0315  
[mhsiang@stallingsnc.org](mailto:mhsiang@stallingsnc.org)  
[www.stallingsnc.org](http://www.stallingsnc.org)



Town of  
**Stallings**  
 FY 21-22 Fee Schedule

| <b>LAND DEVELOPMENT FEES</b>                                 |  |
|--|--|
| <b>Residential</b>   |  |
| Concept Plan Review  | \$500.00   |
| <b>Major Subdivision Preliminary Review</b>                  |  |
| 0 to 10 acres  | \$2,000.00 plus \$350.00 for each acre or portion thereof  |
| 10+ acres  | \$2,500.00 plus \$350.00 for each acre or portion thereof  |
| <b>Minor Subdivision Review</b>                              |  |
| Up to 5 lots created   | \$50 for first lot plus \$100.00 for each additional lot   |
| <b>Final Subdivision Plat Review</b>                         |  |
| Per Map  | \$275.00 plus \$50 per lot   |
| <b>Revisions</b>   |  |
| Minor (5 lots or less)                                       | \$250.00   |
| Major (more than 5 lots)                                     | \$500.00   |
| Excessive  | 1/3 of total review cost   |
| <b>Storm Water Review Fees</b>                               |  |
| Surcharge per on site detention facility                     | \$500.00   |
| Appeal of PCSWO  | \$100.00   |
| <b>Commercial, Industrial or Non-Residential Plan Review</b> |  |
| <b>New Construction</b>                                      |  |
| 0 to 10 acres  | \$2,000.00 plus \$350.00 for each acre or portion thereof  |
| 10+ acres  | \$2,500.00 plus \$350.00 for each acre or portion thereof  |
| <b>Expansion</b>   |  |
| Less than 1 acre only  | \$500.00   |
| <b>Revisions</b>   |  |
| Minor  | \$200.00   |
| Major  | \$500.00   |
| Excessive  | \$1/3 of total review fee  |
| <b>ZONING FEES</b>   |  |
| <b>Board of Adjustment Request</b>                           |  |
| Appeal Request   | \$500.00 (legal fees that exceed \$1,500.00 will be charged to the applicant to cover costs to the Town) |
| Variance Request   | \$300.00 - Residential / \$350.00 - Non-Residential  |
| <b>Planning Board Request</b>                                |  |
| <b>Zoning Map Amendment - Conventional</b>                   |  |
| Less than 2 acres  | \$200.00   |
| 2-10 acres   | \$400.00   |
| Greater than 10 acres  | \$1,000.00   |
| <b>Zoning Map Amendment – Conditional Zoning</b>             |  |
| Less than 2 acres  | \$400.00   |
| 2-10 acres   | \$800.00   |



Town of  
**Stallings**

FY 21-22 Fee Schedule

| <b>ZONING FEES, continued</b>                  |  |
|--|--|
| Greater than 10 acres                          | \$1,600.00                               |
| Conditional Use Permit Request                 | \$300.00                                 |
| Zoning Text Amendment - UDO                    | \$500.00                                 |
| <b>Administrative Request</b>                  |  |
| Zoning Permit                                  |  |
| New Construction                               | \$75.00                                  |
| Accessory Structure, Additions, Interior Upfit | \$50.00                                  |
| Use Permit                                     | \$50.00                                  |
| Certificate of Zoning Compliance               |  |
| Residential – New Construction                 | \$100.00                                 |
| Residential – Accessory Structures/Additions   | \$50.00                                  |
| Commercial                                     | \$150.00                                 |
| Letter of Zoning Compliance                    | \$50.00                                  |
| Sign Permit                                    |  |
| Permanent                                      | \$50.00                                  |
| Temporary Banner                               | \$15.00                                  |
| Development Agreement                          | \$8,500.00                               |
| Temporary Use Permit                           | \$50.00                                  |
| <b>Miscellaneous Fees</b>                      |  |
| Demolition Permit                              | \$50.00                                  |
| Traffic Impact Analysis                        | Defined per TIA Ordinance (DO Article 7) |
| Annexation Fee (Voluntary)                     | \$300.00                                 |
| Driveway Permit                                | \$100.00                                 |
| Chicken Permit                                 | \$25.00                                  |
| <b>Ordinance/Maps/Copies</b>                   |  |
| Copying of UDO                                 | \$50.00                                  |
| Maps (color)                                   |  |
| A Size (8.5 X 11)                              | \$1.00                                   |
| B Size (11 x 17)                               | \$5.00                                   |
| C Size (17 x 22)                               | \$10.00                                  |
| D Size (22 x 34)                               | \$15.00                                  |
| E Size (34 x 44)                               | \$20.00                                  |
| Custom Maps                                    | \$35.00 per hour rounded to ¼ hour       |
| Copies   | \$.10 per page                           |
| Audio CD of Meeting                            | \$1.00                                   |
| Returned Check Fee                             | \$25.00                                  |

Any fee not listed specifically herein is officially set at the rate designated by the most recent Town Council decision on the matter.



## **AN ORDINANCE ADOPTING THE CODIFIED CODE OF ORDINANCES with SUPPLEMENT TWELVE**

WHEREAS, American Legal Publishing Corporation has completed the codified version with Supplement Twelve to the Code of Ordinances of the Town of Stallings, which the supplements contain all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the Town of Stallings; and

WHEREAS, the codified ordinances contain the official ordinances of the Town;

NOW THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Stallings, NC that the codified version through Supplement Twelve to the Code of Ordinances of the Town of Stallings is the official version for the Town.

ADOPTED this the 24<sup>th</sup> day of January, 2022.

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Wyatt Dunn, Mayor

Attest:

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Erinn Nichols, Town Clerk

Approved as to form:

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Cox Law Firm, PLLC



# MEMO

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To: Town of Stallings, Town Council  
From: Max Hsiang, Planning Director  
Date: January 24, 2021  
RE: **Planning Board and Board of Adjustment Membership**

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**Request:** This memorandum provides the (5) requested amendments **TX21.12.01, TX21.12.02, TX21.12.03, Code of Ordinances 32.10(B)(1), and BOA Rules of Procedure 5.2(D)** for Planning Board and Board of Adjustment membership consistency.

**Background:** At its creation in 1990, the Town of Stallings Planning Board had five (5) members and one (1) alternate. In 1991 it was amended to change the numbers to seven (7) members and (2) alternates. Here is a brief excerpt from the 1991 amendment increasing Planning Board membership:

*"The Town Council shall appoint seven (7) members and two (2) alternates who shall serve the Town Council at the pleasure of the Council."*

**Timeline:** On March 9, 2020, the Town appointed two members as alternates to the Planning Board/Board of Adjustment (7 total members and two alternates). Mayor Protem Paxton shared concerns with staff regarding potential inconsistencies between the Stallings Development Ordinance (SDO) and Rules of Procedure on Planning Board Membership and requested staff investigate the matter.

On March 31, 2020, Town Manager Alex Sewell sent a memo to the Mayor and Council reporting staff's research on the several inconsistencies between governing documents and suggesting an option for Council consideration to resolve the differences (The proposed changes below in this memo).

At its April 27, 2020 meeting, the Council considered these issues and directed staff to pursue a resolution described in the Manager's memo. For reasons unknown, the proposed changes were not brought forward for consideration by the Planning Board and action by the Council.

In November 2021, Planning Board members raised concerns about discrepancies among various ordinances and rules governing the Planning Board. Thus, researching the history of the proposed resolution and findings of this memo.

**Planning Board Research:** Staff researched and found that the Town Code of Ordinances Chapter 32.10 and the Planning Board Rules of Procedure both reference the Planning Board as having seven (7) full members and two (2) alternates on the nine (9) member Board as follows:

- 1) Code of Ordinances Chapter 32.10 (A)(1) Planning Board, Membership: states that members of the Planning Board are "Seven members and two alternate members."
- 2) Planning Board Rules of Procedures Article 3.1: states, "Members of the Planning Board shall be appointed by the Town Council for designated terms. The Planning Board shall consist of seven (7) regular members and two (2) alternate members."

The Town's practice has been in alignment with the above. In contrast, SDO 4.2-2 does not reference alternates on the nine (9) member Boards. Instead, SDO 4.2-2 states, "The Planning Board shall consist of nine (9) members. All members shall have equal rights, privileges, and duties; except as defined for officers by adopted Rules of Procedure...."

**Staff Municipality Research:**

| Municipality | Planning Board           | BOA                                | Comments                                |
|--------------|--------------------------|------------------------------------|---|
| Matthews     | 7 Regular, 2 Alt         | 5 Regular, 2 Alt                   | Separate Boards                         |
| Indian Trail | 7 Regular, No Alt        | 7 Regular, No Alt                  | Separate Boards                         |
| Waxhaw       | 7 Regular, No Alt        | 5 Regular, 2 Alt                   | Combined Boards                         |
| Weddington   | 7 Regular, No Alt        | 5 Regular, 2 Alt                   | Combined Boards                         |
| Mint Hill    | 5 Regular, 2 ETJ, No Alt | 5 Regular, 1 Alt, 2 ETJ, 1 Alt ETJ | Separate Boards, ETJ Residents Included |

**Current Membership:** For Stallings Planning Board and Board of Adjustments as of 1/24/2022:

- Chair: Bob Ragon
  - Term expires: March 31, 2024
- Vice-Chair: Robert Koehler
  - Term expires: March 31, 2024
- David Barnes
  - Term expires: March 31, 2022
- Jacqueline Wilson
  - Term expires: March 31, 2022
- Misti Craver
  - Term expires: March 31, 2022
- Vacant Seat 1
  - Term expires: March 31, 2023
- Vacant Seat 2
  - Term expires: March 31, 2023
- First Alternate: Vacant
  - Term expires: March 31, 2022
- Second Alternate: Laurie Wojtowicz
  - Term expires: March 31, 2022

**Amendments:**

- ❖ **Suggested Amendment TX21.12.01:** Change the SDO 4.2-2 to read as follows (changes in red text):

*"(A.) **Number of Members.** The Planning Board shall consist of nine (9) members **consisting of seven (7) full members and two (2) alternate members.** All **full** members shall have equal rights, privileges, and duties; except as defined for officers by adopted Rules of Procedure...."*

Staff recommends this option for the following reasons:

- 1.) All other ordinances, policies, and practices have contemplated a Planning Board with seven members and two alternates. Staff have no recollection and can find no documentation that the Council desired to change the structure of the Planning Board as part of the new SDO adoption process. As a result, it is reasonable to conclude that the Council did not intend to change the Planning Board structure.

- 2.) This recommendation is the simplest, most efficient, and least confusing way to address the inconsistency between the SDO and other adopted Town ordinances, policies, and practices.
- 3.) Planning Board recommended this Text Amendment at their January 18, 2022 meeting.

❖ **Suggested Amendment TX21.12.02:** Add to the SDO 4.2-2 to read as follows (changes in red text):

"(B.) **Alternates.** The Town Council may, in its discretion, appoint alternate members to serve on the *Planning Board* in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, simultaneously, and in the same manner as regular members. Each alternate member, while attending any regular or special meetings of the Board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member."

Staff recommends this option for the following reasons:

- 1.) All other ordinances and policies are absent on Planning Board alternate duties.
- 2.) This language allows the Town Council to appoint Planning Board alternates to a regular Planning Board seat at their discretion.
- 3.) This language creates consistency with the Board of Adjustments and the Development Ordinance same alternate language from 4.3-2(B) and § 160D-302.
- 4.) Planning Board recommended this Text Amendment at their January 18, 2022, meeting.

**Board of Adjustment Research:** During our research, staff also looked at Membership and the Rules of Procedure for the Board of Adjustments. In 2013, Council combined the Planning Board and Board of Adjustments Membership due to the lack of BOA items submitted and heard by the Town. The current Stallings Development Ordinance Article 4 references the Board as having seven (7) full members and allows the Council to appoint alternates. The Code of Ordinances states that Membership of the BOA is the five (5) most senior members of the Planning Board who are available, and the BOA Rules of Procedure establishes this Board as having five (5) members and four (4) alternates. The specific language is as follows:

- 1) Stallings Development Ordinance Article 4.3: states, "*The Board of Adjustments shall consist of seven (7) members. All members shall have equal rights, privileges, and duties; except as defined for officers by adopted Rules of Procedure.*" Notably, the SDO allows the Town Council to appoint additional alternate members.
- 2) Code of Ordinances Chapter 32.10(B)(1) Board of Adjustments: states that Membership shall be "*[f]ive members, who shall be the five most senior members of the Planning Board who are available.*"
- 3) Board of Adjustments Rules of Procedure: states, "*Members of the Board shall be appointed for designated terms by the Stallings Town Council. The Board shall consist of five (5) regular members and four (4) alternate members.*"

#### **Amendments:**

❖ **Suggested Amendment TX21.12.03:** Change the SDO 4.3-2(A) to read as follows (changes in red text):

"The Board of Adjustments shall consist of ~~seven (7) members~~, nine (9) members consisting of seven (7) full members, and two (2) alternate members. All full members shall have equal rights, privileges, and duties, except as defined for officers by adopted Rules of Procedure. ..."

- ❖ **Suggested Ordinance Resolution:** Change the Code of Ordinances 32.10(B)(1) to read as follows (changes in red text):

*"(1) Membership. The Board of Adjustments shall consist of nine (9) members consisting of seven (7) full members and two (2) alternate members. All full members shall have equal rights, privileges, and duties; except as defined for officers by adopted Rules of Procedure." Five members shall be the five most senior members of the Planning Board who are available.*

- ❖ **Suggested BOA Rules of Procedure Resolution:** Change the BOA Rules of Procedures 2(D) Membership, Officers, and Duties to read as follows (changes in red text):

*"Members of the Board shall be appointed for designated terms by the Stallings Town Council. The Board shall consist of nine (9) members consisting of seven (7) full members and two (2) alternate members. ~~five (5) regular members and four (4) alternate members.~~"*

Staff recommends this option for the following reasons:

- 1) Approximately seven years ago, the Town decided that certain Planning Board members would also serve as Board of Adjustment members. It was contemplated that the number of Board of Adjustment members would be less than the number of Planning Board members. However, the practice has shown that having separate membership numbers for the two boards is unnecessary and, at times, confusing. To avoid confusion, it makes the most sense to have a similar membership framework in both the Planning Board and Board of Adjustment.
- 2) This recommendation is a simple, efficient, and practical way to address the inconsistency between the SDO and other adopted Town ordinances, policies, and practices.
- 3) Planning Board recommended the BOA amendments at their January 18, 2022 meeting.

**Summary:** The requested amendments **TX21.12.01, TX21.12.02, TX21.12.03, Code of Ordinances 32.10(B)(1), and BOA Rules of Procedure 5.2(D)** for Planning Board and Board of Adjustment membership consistency are all on one page below.

Move on to the next page.

**Summary:**

- ❖ **Suggested Amendment TX21.12.01:** Change the SDO 4.2-2 to read as follows (changes in red text):

*"(A.) Number of Members. The Planning Board shall consist of nine (9) members consisting of seven (7) full members and two (2) alternate members. All full members shall have equal rights, privileges, and duties; except as defined for officers by adopted Rules of Procedure...."*

- ❖ **Suggested Amendment TX21.12.02:** Add to the SDO 4.2-2 to read as follows (changes in red text):

*"(B.) Alternates. The Town Council may, in its discretion, appoint alternate members to serve on the Planning Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, simultaneously, and in the same manner as regular members. Each alternate member, while attending any regular or special meetings of the Board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member."*

- ❖ **Suggested Amendment TX21.12.03:** Change the SDO 4.3-2(A) to read as follows (changes in red text):

*"The Board of Adjustments shall consist of seven (7) members, nine (9) members consisting of seven (7) full members, and two (2) alternate members. All full members shall have equal rights, privileges, and duties, except as defined for officers by adopted Rules of Procedure. ..."*

- ❖ **Suggested Ordinance Resolution:** Change the Code of Ordinances 32.10(B)(1) to read as follows (changes in red text):

*"(1) Membership. The Board of Adjustments shall consist of nine (9) members consisting of seven (7) full members and two (2) alternate members. All full members shall have equal rights, privileges, and duties; except as defined for officers by adopted Rules of Procedure." Five members shall be the five most senior members of the Planning Board who are available.*

- ❖ **Suggested BOA Rules of Procedure Resolution:** Change the BOA Rules of Procedures 2(D) Membership, Officers, and Duties to read as follows (changes in red text):

*"Members of the Board shall be appointed for designated terms by the Stallings Town Council. The Board shall consist of nine (9) members consisting of seven (7) full members and two (2) alternate members. ~~five (5) regular members and four (4) alternate members.~~"*



## Statement of Consistency and Reasonableness

**ZONING AMENDMENT:** TX21.12.01

**REQUEST:** Amend the SDO 4.2-2 to read as follows:

"(A.) Number of Members. The Planning Board shall consist of nine (9) members consisting of seven (7) full members and two (2) alternate members. All full members shall have equal rights, privileges, and duties; except as defined for officers by adopted Rules of Procedure...."

**WHEREAS**, The Town of Stallings Town Council, hereafter referred to as the "Town Council", adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

**WHEREAS**, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

**WHEREAS**, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

**WHEREAS**, the Town Council finds it necessary to consider the Planning Board's recommendations.

**THEREFORE**, The Town Council hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state mandated land use regulations established through NCGS § 160D. The Town Council recommends to **APPROVE** the proposed amendment and stated that the Town Council finds and determines that the text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) All other ordinances, policies, and practices have contemplated a Planning Board with seven (7) members and two (2) alternates. Staff have no recollection and can find no documentation that the Council desired to change the structure of the Planning Board as part of the new SDO adoption process.
- 2) This recommendation is the simplest, most efficient, and least confusing way to address the inconsistency between the SDO and other adopted Town ordinances, policies, and practices.

**Recommended** this the \_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk



## Statement of Consistency and Reasonableness

**ZONING AMENDMENT:** TX21.12.02

**REQUEST:** Add to the SDO 4.2-2 to read as follows:

"(B.) Alternates. The Town Council may, in its discretion, appoint alternate members to serve on the Planning Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, simultaneously, and in the same manner as for regular members. Each alternate member, while attending any regular or special meetings of the Board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member."

**WHEREAS**, The Town of Stallings Town Council, hereafter referred to as the "Town Council", adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

**WHEREAS**, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

**WHEREAS**, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

**WHEREAS**, the Town Council finds it necessary to consider the Planning Board's recommendations.

**THEREFORE**, The Town Council hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state mandated land use regulations established through NCGS § 160D. The Town Council recommends to **APPROVE** the proposed amendment and stated that the Town Council finds and determines that the text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) All other ordinances and policies are absent on Planning Board alternate duties.
- 2) This language allows the Town Council to appoint Planning Board alternates to a regular Planning Board seat at their discretion.
- 3) This language creates consistency with the Board of Adjustments and the Development Ordinance alternate language from 4.3-2(B) and § 160D-302.

**Recommended** this the \_\_\_ day of \_\_\_\_\_, 2021

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Mayor

Attest:

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Town Clerk



## Statement of Consistency and Reasonableness

**ZONING AMENDMENT:** TX21.12.03

**REQUEST:** Amend the SDO 4.3-2 (A.) to read as follows:

"The Board of Adjustments shall consist of nine (9) members consisting of seven (7) full members, and two (2) alternate members. All full members shall have equal rights, privileges, and duties, except as defined for officers by adopted Rules of Procedure. ..."

**WHEREAS**, The Town of Stallings Town Council, hereafter referred to as the "Town Council", adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

**WHEREAS**, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

**WHEREAS**, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

**WHEREAS**, the Town Council finds it necessary to consider the Planning Board's recommendations.

**THEREFORE**, The Town Council hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state mandated land use regulations established through NCGS § 160D. The Town Council recommends to **APPROVE** the proposed amendment and stated that the Town Council finds and determines that the text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) Given that the Planning Board serves as the Board of Adjustment, practice has shown that having separate membership numbers for the two boards is unnecessary and, at times, confusing. To avoid confusion, it makes the most sense to have a similar membership framework in both the Planning Board and Board of Adjustment.
- 2) This recommendation is a simple, efficient, and practical way to address the inconsistency between the SDO and other adopted Town ordinances, policies, and practices.

**Recommended** this the \_\_\_ day of \_\_\_\_\_, 2021

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Mayor

Attest:

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Town Clerk



# MEMO



To: Town Council  
Via: Alex Sewell, Town Manager  
From: Dennis Franks, Chief of Police  
Date: January 19, 2022  
RE: Incentive Program (Updated)

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**Purpose:** The purpose of this memo is to provide background on the need for a police incentive plan, based on training, certification, and education. The SPD is requesting funding approval to implement this plan. This memo has been updated from January 10<sup>th</sup>, 2022, to add additional information regarding college education incentives.

**Background:** The mission of the Stallings Police Department, “is to provide an exemplary level of service and protection to the residents and businesses.” In an effort to retain and recruit officers who want to meet these expectations, it is imperative that SPD be competitive with surrounding agencies as we are all competing for the same candidates.

In 2019, Matthews Police Department conducted a study of 17 surrounding agencies to compare starting salaries and incentives offered to its employees. The agencies included are from Mecklenburg, Union, Cabarrus, and Gaston County departments. Stallings PD ranked 6 out of 17 for starting pay. Some of the results of this study showed the following:

- 15 of 17 departments offer incentives for being bilingual
- 12 of 17 departments offer incentive for college degree
- 10 of 17 departments offer incentive for Intermediate or Advanced certificates from NC Dept. of Justice
- 6 of 17 departments offer incentive for field training officers
- 3 of 17 departments offer incentive for residency within corporate limits

Intermediate and Advanced Certificates are professional certificates awarded to police officers based on years of experience, education, and variety of police-based training programs that officers have completed. Currently, only four SPD officers hold Advanced Certificates and one with an Intermediate Certificate.

A vast majority of departments, within this study, offer an incentive for achieving a college degree. Mint Hill Police Department officers up to a 15% increase over base salary for an officer holding a master’s degree. Four departments give a 5% increase for holding an associates degree and up to 10% for a bachelor’s degree. Four other departments offer 2.5% for an associate and 5% for a bachelor’s degree, while one department gives 2.5% for an associate and up to 7.5% for a master’s degree. Two department’s offer a flat rate for degrees ranging from associates to master’s and one department hires officers in at a higher paygrade based on educational level achieved. These percentages are cumulative in nature, meaning if a department max’s out at 15% they do not get the 5% and 10% for the lower degrees.

Since the outbreak of the COVID-19 pandemic, 4.4 million Americans have left their jobs. Due to the both the pandemic and social issues within policing, many officers have either retired or resigned from the profession. A 2021 Police Executive Research Forum (aka PERF) survey showed that police retirements rose by 18% and police resignations rose by 45%. The Stallings Police Department has not been immune to this trend. Since the start of the pandemic the SPD has had:

- 12.5% of the department has retired and
- 29% have left the department
  - 12% left the profession completely and
  - 17% left for other agencies

The same PERF survey also showed that, nationally, 7% of all police positions are unfilled and when one looks at department with less than 50 sworn officers that percentage of unfilled vacancies rises to 9%. Currently, Stallings Police Department has 12.5% of its positions are unfilled.

In September 2021, the SPD created a work group of officers from across all ranks to examine what can be done, internally, to create an environment that will help recruit and retain top quality police officers. The SPD utilized information gleaned from HR exit and stay interviews. The overarching theme of these interviews was monetary, not cultural. Most officers said that if they were leaving or considering leaving, it was due to other departments offering pay for various certifications and education. Based on the Matthews study and internal police department feedback, I am recommending the following pay incentive program be implemented for the Stallings Police Department:

| Category of Incentive   | Amount of Incentive                            |
|---|--|
| Assignment as K9 Unit handler   | 5% of officer's salary*                        |
| Assignment as Detective   | 5% of officer's salary*                        |
| Associates Degree   | \$1200   |
| Bachelor's Degree   | \$800 (plus \$\$ for associates)               |
| Master's Degree   | \$500 (plus \$\$ for Associates and Bachelors) |
| Intermediate Certificate  | \$1000   |
| Advanced Certificate  | \$2000 (plus \$\$ for Intermediate)            |
| Field Training Officer (designated by PD)                                       | \$1500   |
| Special Response Team (designated by PD)  | \$1000   |
| Accident Reconstructionist (designated by PD)                                   | \$1200   |
| Bilingual (certified)   | \$1500   |
| Criminal Investigator Certification (certified through State of North Carolina) | \$1500   |
| Resident of Stallings   | \$2000   |

\*Incentive already in place as part of Town's pay plan

This incentive program would impact all sworn members from the rank of lieutenant and below. It should be noted that the two incentive categories designated with asterisks are already incorporated into the department's pay plan and are not factored into the costs of this program. Based on current staffing the incentive program would cost approximately **\$45,300**, plus an additional **\$11,200** for the cost of insurance and retirement. Current total cost is estimated at **\$56,500**. Due to lapsed salaries from unfilled positions this incentive program can be funded for the remainder of FY 21-22., without budgetary impact. The SPD has looked at alternative funding but has realized using lapse salaries is the best way to attain immediate funding.

Implementation of an incentive program fits within the Town's Training and Certification Policy, which states its intent is to "reward employees to complete training, development, and certification programs that provide them with knowledge, skills and abilities that will enable the Town of Stallings to become more flexible and adaptable, improve client services, ensure that work is performed in a safe manner, and develop capacity to provide continuous services at a high level in the future." It also fits within the parameters of the Town's pay study under Management Recommendations in that it states,

*It is important to put in place a program to reward employees for attaining certifications. A specific base pay in-range increase is recommended for certifications determined by the Town to be needed and desired and a lesser base pay in-range increase or lump sum recommended for those that are voluntary but valuable. The Town Manager should develop a program to accomplish these objectives.*

In conclusion, this incentive program will reward officers' professional accomplishments along with helping the police department to recruit highly skilled candidates. These areas that have been identified for incentives will also motivate officers to achieve a high level of proficiency, which in turn will create a highly skilled workforce. Having this skilled workforce will translate into a higher level of services being delivered to our citizens and those who travel through Stallings. I firmly believe this incentive program will also increase our retention of our current employees and assist with the increase of morale.

**Requested Action: I respectfully request the Town Council to approve funding for this plan, for remainder of the fiscal year, using lapsed salaries. Please take note that approving funding using lapsed salaries now will require ongoing funding for the next fiscal year.**



**Ordinance Amending Code of Ordinances, Title IX *General Regulations*, Chapter 93, Public Health and Safety Matters; Public Nuisance, Section 93.01 *Abatement of Unsanitary and Unsafe Conditions***

**WHEREAS**, the Stallings Town Council recognizes the need for an appealing and cohesive community; and

**WHEREAS**, the Stallings Council desires to amend the ordinance to encourage a safe, healthy, and unified community;

**NOW, THEREFORE, BE IT ORDAINED** that the Town Council of the Town of Stallings, North Carolina amend the Code of Ordinances, Title IX, Chapter 93, Section 93.01 to the following:

**CHAPTER 93: PUBLIC HEALTH AND SAFETY MATTERS; PUBLIC NUISANCES**

**93.01 ABATEMENT OF UNSANITARY AND UNSAFE CONDITIONS.**

(A) For the purpose of this section, the term ***NUISANCE*** shall mean or refer to any condition or any use of property or any act or omission affecting the condition or use of property which threatens or is likely to threaten the safety of the public, adversely affects the general health, happiness, security or welfare of others, or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

(B) The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town. They are hereby found, deemed and declared to be public nuisances wherever the conditions may exist within the corporate limits as now or hereafter established. The creation, maintenance or failure to abate any nuisances is hereby declared unlawful.

(1) Any weeds or other vegetation having an overall height of more than 18 inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs, cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties, and flowers and growing and producing vegetable plants. Every owner, tenant, occupant, or person having control of property or lot fronting upon any street or roadway in the city shall:

(a) Keep the right-of-way between the property line and the edge of the pavement or curblin, including sidewalk if any, maintained, clean and clear of all weeds and other vegetation, shall keep any grass thereon cut and keep street drains and street gutters open and free from obstruction.

(b) Keep streets and sidewalks clear of overhanging limbs, bushes, shrubs, vines, and other vegetation along with any obstruction which interferes with the public use of the street or sidewalk.

(c) It is the responsibility of the owner, tenant, occupant of property or lot fronting upon any street, roadway, or sidewalk in the city to maintain the property in conformity with the requirements of this section. Subject to the provisions of Article 11 of the Town of Stallings Development Ordinance, the Public Works Department may cause the removal of any shrubbery and trees or other obstructions from street rights-of-way including dedicated or recorded easements for sight distance and may also cause the removal of plantings, limbs and other obstructions from such rights-of-way or sight easements. Actual costs associated with removal of the vegetation and/or obstruction may be assessed to the property

owner or person causing or allowing the obstruction.

(2) Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.

(3) An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gasses or vapors.

(4) An open place, collection, storage place or concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials collection.

(5) An open storage place for old worn out, broken or discarded machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.

(6) Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.

(7) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(8) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items. The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the street as a storage or collection place for boxes, appliances, furniture (not typical outdoor or yard furniture), tools, equipment, junk, garbage, old worn out broken or discarded machinery and equipment, cans, containers, household goods or other similar condition that increase the likelihood of a fire, may conceal dangerous conditions, may be a breeding place or habitat for mice, rats or other pests, or create an unattractive condition or visually blighted property

(9) A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless these conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued building permit.

(10) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code Administrator or his or her designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

(11) The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacturer, use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks.

(12) A collection place, pool or pond of stagnant or foul water or persistent dampness caused by overflowing septic tanks, manmade dams, open ditches, overflowing pipes, foundation trenches or other impoundments of any kind.

(13) Barns or farm animal pens, pastures or enclosures for farm animals which are not kept sanitary and clean or otherwise become a collection place for animal waste and which because of the conditions associated therewith attract rats, mice, flies or other pests or emit foul odors that can be detected or noticed on adjacent properties or are otherwise not kept in a sanitary condition.

(14) Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are chained or kept or areas where dogs and cats are permitted to roam which become a collection place for dog, cat or pet waste and excrement and which attract flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.

(15) A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.

(16) A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood and materials or other similar rubbish.

(17) Any discharge into or polluting of any stream, creek, river or other body of water or the discharge of any dangerous substance or any other material likely to harm the water or any vegetation, fish or wildlife in or along the water or the storage of such harmful materials and substances in a manner so that it is likely that streams, creeks, rivers or other bodies of water will become polluted or adversely affected in any manner.

(18) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.

(19) Any conditions or use of property, which results in the emission of pollutants and particles into the atmosphere or causes noxious odors, vapors and stenches to be discharged into the air.

(20) All fences shall be maintained in good condition. Including by not limited to paint, stain, and repair of damaged portions, rusted metal, holes, loose components, and sagging fence portions.

(21) *Nuisance vehicle.* A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (a) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (b) A point of heavy growth of weeds or other noxious vegetation which exceeds eight inches in height;
- (c) In a condition allowing the collection of pools or ponds of water; or
- (d) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
- (e) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods;
- (f) So situated or located that there is a danger of it falling or turning over; or
- (g) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
- (h) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (i) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council.

(22) Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

(C) (1) When any condition in violation of this section is found to exist, the Code Administrator or persons as may be designated by the Town Council shall give notice to the owner of the premises to abate or remove such conditions within ten days. The notice shall be in writing, shall include a

description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten days, the city may proceed to correct the same as authorized by this section. Service of the notice shall be by any one of the following methods.

(a) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner.

(b) By depositing the notice in the U.S. Post Office addressed to the owner at his last known address with regular mail postage prepaid thereon.

(c) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (a) and (b) above.

(2) The town may notify a chronic violator of the town's public nuisance ordinance that, if the violator's property is found to be in violation of this chapter, the town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation. The expense of such action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected. A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least three times under any provision of the public nuisance ordinance.

(D) If the owner of any property fails to comply with a notice given pursuant to this section, within ten days after the service of the notice, he or she shall be subject to prosecution for violation of this section in accordance with law and each day that the failure continues shall be a separate offense. In addition, the town may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All expenses shall constitute a lien against the property on which the work was done.

(E) The procedure set forth in this section shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances. In addition to the remedies provided for herein, any violation of the terms of this section shall subject the violator to the penalties and remedies as set forth in 10.99 of the Code of Ordinances.

(Ord. passed 9-6-88; Am. Ord. passed 9-6-89; Am. Ord. passed 9-28-2009; Am. Ord. passed 2-11-2013; Am. Ord. passed 9-12-2016; Am. Ord. 377, passed 9-9-2019) Penalty, see § [10.99](#)

Adopted this the 24th day of January, 2022.

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Wyatt Dunn, Mayor

Attest:

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Erinn E. Nichols, Town Clerk

Approved as to form:

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Cox Law Firm, PLLC



# MEMO

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To: Town Council  
From: Max Hsiang - Planning Director  
Date: 01/24/2022  
RE: **Demolition Request - 12008 Stallings Commerce Dr**

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## **Request:**

Planning Staff was directed to look into demolition quotes for the abandoned gas station building at 12008 Stallings Commerce Dr. The Planning Department has a budget line item for Town Beautification the Demolition can fall under. The property owner agrees that the town may demo the structure at no additional cost.

## **Benefits:**

The building blight would be removed if demoed and may spark development interest in the parcel.

## **Demolition Quotes:**

- Avenue Demolition and Tree Service
  - \$11,500.00
- Baker Demolition
  - \$11,700.00
- Kaboom Demolition
  - \$14,950.00
- **These quotes do not include the Asbestos Survey or removal (if found)**
- The ASBESTOS survey has not been done on this property.
  - The cost for the survey is \$600.00
    - If it has asbestos, removal's going rate is \$10-\$15.00 per square foot.
    - Testing scheduled for Friday, January 21, 2021

## **Summary:**

Staff is requesting guidance from Council on if and how they would like to move forward with the Demolition.

Respectfully,



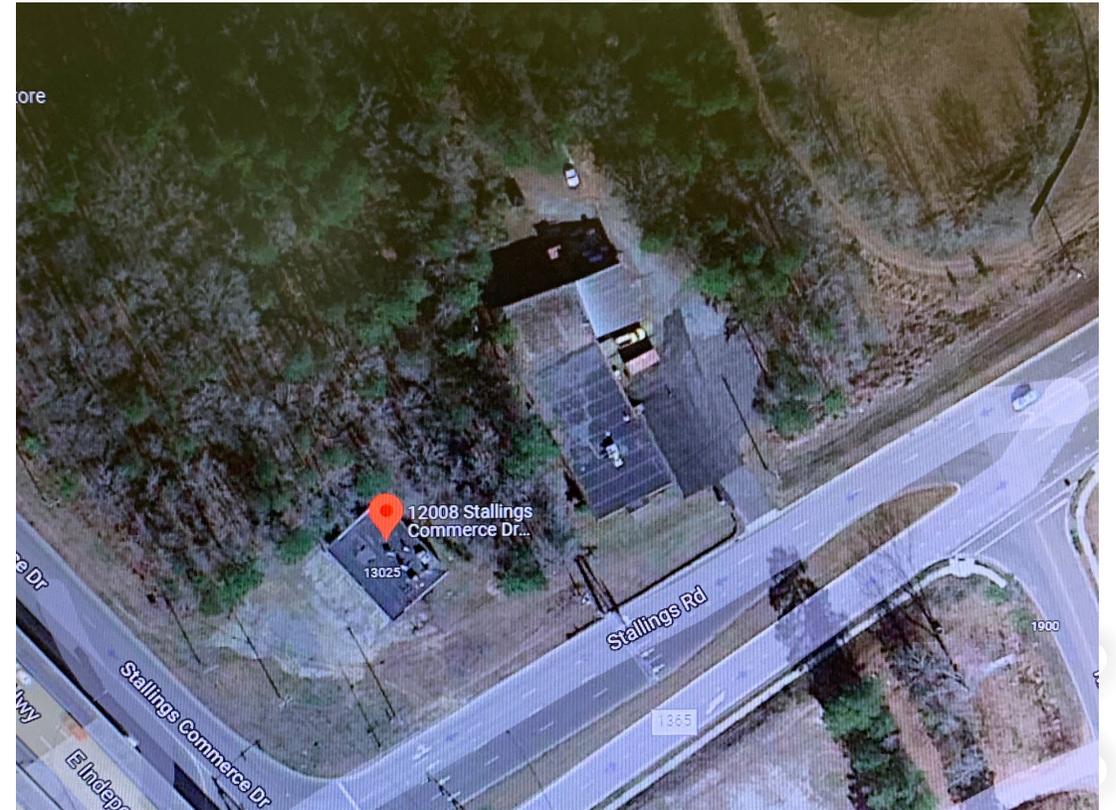
**Max Hsiang, CZO**

Planning & Zoning Director  
Town of Stallings | 704-821-0315  
[mhsiang@stallingsnc.org](mailto:mhsiang@stallingsnc.org)  
[www.stallingsnc.org](http://www.stallingsnc.org)

# Background History

- Asked by the Mayor to look at the demolition of the building at 12008 Stallings Commerce Dr
- Inspection was completed on December 2, 2021 using Chapter 155 Non-Residential Building or Structure Standards
  - No issues were found with the building under Chapter 155

# 12008 Stallings Commerce Rd – Street Front and Aerial



# Demolition quotes for tear down

- Avenue Demolition and Tree Service
  - \$11,500.00
- Baker Demolition
  - \$11,700.00
- Kaboom Demolition
  - \$14,950.00
- **These quotes do not include the Asbestos Survey or removal (if found)**
- ASBESTOS survey has not been done on this property.
  - Cost for the survey is \$600.00
    - If it has asbestos the going rate for removal is: \$10-\$15.00 per square foot.
    - Testing scheduled for Friday, January 21, 2021



# Pros and Cons

## Pros

- Building [blight] would be gone; lot would be cleaned

## Cons

- Expense to Town; money is available in the Planning Budget
- No cost to the property owner





# MEMO

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To: Mayor and Council  
From: Alex Sewell, Town Manager  
Date: January 20, 2022  
RE: **2022 Annual Retreat Agenda**

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**Purpose:** This memorandum provides background and requests approval of the draft 2022 Annual Retreat agenda.

**Background:**

- The Town Council adopted a transition support plan to support the Town Council member transition. The desired outcomes under this plan are:

- |   |
|---|
| <ul style="list-style-type: none"><li>- New Council Members have confidence they have the foundational knowledge to make informed decisions.</li><li>- Effective working relationships amongst the individual Council Members and Town Manager.</li><li>- All Council Members have completed required ethics training (if applicable).</li><li>- A unified set of clear priorities with clear expectations of next steps.</li><li>- All Council Members feel heard and respected.</li></ul> |
|---|

- The 2022 Annual Retreat is an essential part of this plan, especially in regards to building a unified set of Town Council priorities.
- Curt Walton (former Charlotte City Manager) was selected to facilitate the 2022 Annual Retreat. In preparation, Mr. Walton has interviewed Mayor and Town Council Members individually to determine top priorities, areas of concern, and areas of opportunity. Once Mr. Walton has completed all interviews and synthesized the material, follow-up information will be sent out to the full Council prior to the Retreat.
- The Mayor appointed Council Member Grooms and Council Member Richardson to work with staff and Mr. Walton to determine the specific format of the Annual Retreat agenda. This workgroup will meet after the 1/24/22 Council Meeting agenda goes out, but we are hopeful that a final proposed draft agenda will be completed by the end of the week. Once finalized, the proposed draft agenda will be sent out to the Council.

**Requested Action:** Approval of the 2022 Annual Retreat Agenda.