

**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 10, 2020, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Mayor Pro Tempore Lynda Paxton; Council Members Steven Ayers, Heather Grooms, Brad Richardson, and David Scholl.

Those absent were: Council Member John Martin.

Staff present were: Alex Sewell, Town Manager; Mary McCall, Assistant Town Clerk; and Melanie Cox, Town Attorney; Lynne Hair, Town Planner; Chris Easterly, Town Engineer; Chief Dennis Franks; and Marsha Gross, Finance Officer.

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 Wyatt Dunn then led the Pledge of Allegiance and called the meeting to order.

Presentation

Chief Franks presented the Police Lifesaving Awards to Corporal Ted Matthews and Officers Lauren Hood, John Lefor, and Josh Smith for two separate incidences. Chief Franks also noted that through a grant with CVS, a medicine disposal box would now be placed in the lobby of the Town Hall for public use.

Public Comments

Peggy Henderson, Anglesey Court, was concerned about the tress and debris as a result of the tornado. She wanted to know the cost of clean up and how the Town would pay for that especially if the Town allowed continued building increasing the impermeable surfaces. Ms. Henderson asked Council to get some numbers on the clean up cost and think proactively as the Town would bear issues based on climate changes.

Jeanna Lindsay, 5639 Anglesey Court, did not feel high density housing was forward thinking for Stallings and affordable housing could be found in lower density. She wanted Council to halt high density proposals and have Council take a more cautious approach at development. Ms. Lindsay felt there were there was enough high density in surrounding areas and it did not have to come to Stallings.

1. Consent Agenda Approval

A. Minutes from the following meetings:

(1) 12-09-19

(2) 12-09-19 – closed

- (3) 12-19-19 – special
- B. Ordinance Adopting Code Book Supplement 10
- C. Attorney Cox Email Release dated 09-11-2019

Mayor Dunn added Consent Agenda Item, 1.C., *Attorney Cox Email Release dated 09-11-2019*.

Council Member Paxton noted a few minor changes to the minutes of 12-09-19 and 12-19-19 – special. Council Member Richardson made the motion to approve the Consent Agenda with the above noted changes. The motion was seconded by Council Member Paxton and passed unanimously. The Ordinance Adopting Code Book Supplement 10 is attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from Mayor

Mayor Dunn reported that President Trump was in the area for a summit. He attended that summit regarding economic development with Council Member Ayers.

B. Report from Council Members/Town Committees

Council Member Ayers reported that he also attended the summit with Mayor Dunn and noted new drugs available to stop overdoses.

Council Member Grooms had no report.

Council Member Scholl reported he would be attending CCOG meeting that week as well as the Union County Chamber Elected Officials Reception.

Council Member Paxton reported that the Transportation Advisory Committee made the decision to begin working on a more comprehensive transportation plan for the Town. Bjorn Hanson with Union County would be helping the TAC with that project.

C. Report from Town Manager/Town Departments

Town Manager Sewell reported the following:

- New Town Hall was close to completion with Certificate of Occupancy being granted. A few punch list items remained.
- Reminder for Council to send Mr. Sewell their individual three to five priorities and goals.
- Mr. Sewell noted that during a recent meeting, it was suggested that staff were dishonest regarding the Chestnut Small Area Plan rezoning and that no corrective procedures had been put in place regarding notification for rezoning. Mr. Sewell noted

those comments were incorrect. Mr. Sewell's full explanation and comments on the subject is attached to these minutes and therefore incorporated herein.

3. Agenda Approval

Mayor Dunn requested Agenda Item 4, *DA19.04.02 – Willows at Stallings*, be tabled, and moving Agenda Item 7, *Fire Funding Model (Recessed from 01-27-2020)*, to Agenda Item 3.A. It was also requested that Agenda Items 8, *Acceptance of Harris Teeter Access Road into Town Maintenance System (Dunn) (Recessed from 01-27-2020)*, and 10, *Unified Development Ordinance (UDO) Items (Martin)*, be removed from the Agenda. Council Member Richardson made the motion to approve the Agenda as noted above. The motion was seconded by Council Member Grooms and passed unanimously.

3.A. Fire Funding Model (Recessed from 01-27-2020)

Original Agenda Item 7

Patrick Nilan, Asst. Manager for Union County, explained that since the Council's last meeting, the *Resolution Consenting to Inclusion in the Providence and Hemby Bridge Fire and Rescue Service Districts* had been amended to include the provision that Union County would work with Bakers, Hemby Bridge, and Stallings Volunteer Fire Departments to explore a regional funding method.

Council Member Paxton made the motion to approve the *Resolution Consenting to Inclusion in the Providence and Hemby Bridge Fire and Rescue Service Districts* which was seconded by Council Member Scholl. The motion passed unanimously. The *Resolution Consenting to Inclusion in the Providence and Hemby Bridge Fire and Rescue Service Districts* is attached to these minutes and therefore incorporated herein.

4. DA19.04.02 – Willows at Stallings

This item was tabled until February 24, 2020.

Mayor Dunn opened the public hearing and then recessed it until February 24, 2020.

5. TX19.12.01 – Todd Akers

Mayor Dunn opened the public hearing. Town Planner Hair explained this was a request to amend the Stallings Development Ordinance Article 9.4-3 (A) (4) to increase the permitted height of multifamily buildings from 41' to 45.5' to allow development of 4-story buildings as approved by the Development Agreement for the project. The applicant was Idlewild Village and Todd Akers. The Planning Board recommended approval of the request 6 to 1. Town Planner Hair's memo on this item is

attached to these minutes and therefore incorporated herein. Applicant Todd Akers and Attorney John CarMicheal were present to field questions from the Council.

Ron McMorris, 1109 Vickery Drive, stated that by approving the apartments and the condos, it would be too much for Vickery to handle.

Archie Wright, 1005 Kara Court, requested clarification on amending an ordinance and retroactively applying.

Billy Birt, Jr., stated he voted twice on the high-density development. He stated the item was denied once and wondered why it was back. Mr. Birt also stated that he had asked Mr. Akers what he would do after the application was denied the first time to which he said Mr. Akers replied he wouldn't build.

Justin Karkow, 1215 Vickery Drive, stated he was concerned about the higher density and more people.

Tim Russell, 2009 Donovan Drive, stated his home was just down from the proposed apartments. He stated that he was not pleased with seeing high buildings from his home. Mr. Russell asked the audience to raise their hands if they were from Vickery and if they were opposed to the development.

Courtney Bayer, 1423 Vickery Drive, would have an extra story looking at her home and asked the Council not to approve the text amendment.

Robert Ragon, Cinnamon Drive, thought that average height concept was new information to him. He was present to talk about the applicant knowing he had to come back to get a text amendment. Mr. Ragon felt the elevation on the buildings shows four story building with towers on the end that were 10' tall. He also stated the 3-4 building was not on a city street and so it was non-conforming. Mr. Ragon also asked if this building could be applied to anyone else. He also noticed the wording in the DA did not require the Zoning Administrator to come back to Council for approval for MU items. Mr. Ragon stated that Jeff Smith with Solis knew the height would not work with four stories.

Glenn Milliet, 2027 Donovan Drive, understood the development was approved. He was opposed to the Council approving the current request. Mr. Akers stopped by his home today when he learned that the developer originally wanted to place these apartments on 485 but the Town of Matthews would not approve it. The apartments set a precedent that other developers could come along. Charlotte's requirements were stricter than Stallings when it came to height. If the apartments had been there, he would not have bought the property. Mr. Milliet read the Stallings vision from the website "protect existing neighborhoods." The project would not improve property or property value.

Angela Styers, 1210 Vickery Drive, was a new resident of six months. She asked the oasis of the neighborhood be protected for future families.

Council discussed the request among itself and with the applicant. Mayor Dunn closed the public hearing.

Council Member Paxton made the motion to deny TX19.12.01 – Todd Akers. Council Member Grooms seconded the motion. The motion passed by a 3 to 2 vote with Council Members Richardson and Scholl opposing.

Mayor Dunn read the Statement of Reasonableness and Consistency for TX19.12.01 – Todd Akers aloud into the record finding that the project was inconsistent. Council Member Paxton made the motion to approve the Statement of Reasonableness and Consistency for TX19.12.01 – Todd Akers. The motion received a second from Council Member Ayers and passed unanimously by the Council.

6. TX20.01.01 – Town of Stallings

Mayor Dunn opened the public hearing. The Council then received information from Town Planner Hair explaining that the request was to amend Article 5 of the Stallings Development Ordinance by adding Article 5.5 Small Area Plan Amendment Procedures. This article created language that would allow for a process for developers to come before the Council to request changes to the Small Area Plans. The process was similar to a conditional zoning process. The Town Planner Hair's memo on this item is attached to these minutes and therefore incorporated herein. The Planning Board recommended approval.

Robert Ragon, Cinnamon Drive, was glad to hear the Small Area Plans (SAP) had some weight. He suggested the Council go back to listen to one of the SAP meetings and recalled how important it was for the Town to create the SAPs and not the developers.

Mayor Dunn closed the public hearing. Council Member Paxton made the motion to defer a decision on the item until the Council held its work sessions to revise the Small Area Plans. The motion was seconded by Council Member Ayers which passed unanimously.

7. Fire Funding Model (Recessed from 01-27-2020)

This item was moved to Agenda Item 3.A.

8. Acceptance of Harris Teeter Access Road into Town Maintenance System (Dunn) (Recessed from 01-27-2020)

This item was removed from the Agenda.

9. Committee Applications Consideration

Town Manager Sewell explained there were two applications for consideration for committee openings.

(1) Shawna Steele, Planning Board

Ms. Shawna Steele was present and explained she had been a part of the Council for eight years and served on the Board of Adjustment prior to that. She stated she was very familiar with transportation and stormwater issues. She also stated she was familiar with Council and its processes. Mrs. Steele felt she could bring a lot of experience to the Planning Board.

Council Member Scholl made the motion to appoint Shawna Steele to the 1st Alternate position on the Planning Board with the term ending 03-31-2022. Council Member Ayers seconded the motion which was passed unanimously.

(2) Graham Hall, Public Safety Committee

Council Member Paxton made the motion to appoint Graham Hall to a full position on the Public Safety Advisory Committee with the term ending 03-31-2022. Council Member Grooms seconded the motion which was passed unanimously by the Council.

10. Unified Development Ordinance (UDO) Items (Martin)

- (1) Density Calculations – flood plain
- (2) Fence Regulations
- (3) Open Space

This item was tabled due to the absence of Council Member Martin.

11. Town Hall Second Floor Renovations

Town Engineer Chris Easterly explained that on 01-02-2020 the project manual and plans for the Town Hall Second Floor Renovations were advertised in accordance with the informal bidding procedures. On 01-30-2020, the deadline for bids, four bids had been received. The formal bid tabulation for the project is attached to these minutes and therefore incorporated herein.

The lowest, responsible bidder was Hoss Contracting at \$372,040 with Alternatives 3 (additional conference rooms) and 4 (re-staining existing doors to match new doors in the space). Staff recommended entering into contract with Hoss Contracting with these alternatives as Alternatives 1 (laminated on tile on 2nd floor) and 2 (lobby lighting replacing) were not integral in the functionality of the space.

Council Member Scholl made the motion to have Hoss Contracting approved for \$372,040 for the Town Hall Second Floor Renovations. The motion was seconded by Council Member Richardson.

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

Council Member Scholl made the motion authorizing the Town Manager to enter into a contract with Hoss Contracting for the Town Hall Second Floor Renovations. The motion was seconded by Council Member Ayers and passed unanimously.

12. 2019-2020 Amended Budget Ordinances

Finance Office Gross reviewed the six-month finances with the Council. This report, ending 12-31-2019 is attached to these minutes and therefore incorporated herein. Ms. Gross then reviewed the following Amended Budget Ordinances (ABO) with the Council.

(1) ABO2 - Town Street Signs

Council Member Richardson made the motion to approve ABO2 - Town Street Signs to which Council Member Scholl seconded. The motion received Council's unanimous support.

(2) ABO3 - TIA Revenue and Related Fees

The motion was made by Council Member Richardson to approve ABO3 - TIA Revenue and Related Fees. Council Member Grooms seconded the motion which passed unanimously by Council.

(3) ABO4 - Chestnut Roundabout Financing

Council Member Richardson made the motion to approve ABO4 - Chestnut Roundabout Financing. The motion was passed unanimously after a second from Council Member Paxton.

(4) ABO5 – Economic and Physical Development – Legal and Litigation

Council Member Richardson made the motion to approve ABO5 – Economic and Physical Development – Legal and LitigationBO2 - Town Street Signs to which Council Member Scholl seconded. The motion received Council's unanimous support.

(5) ABO6 – General Government – Legal and Litigation

The motion was made by Council Member Richardson to approve ABO6 – General Government – Legal and Litigation. Council Member Scholl seconded the motion which passed unanimously by Council.

(6) ABO7 – General Government – 2nd Floor Renovations

Council Member Richardson made the motion to approve ABO7 – General Government – 2nd Floor Renovations. The motion was passed unanimously after a second from Council Member Scholl.

Amended Budget Ordinances 2 through 7 are attached to these minutes and therefore incorporated herein.

Finance Officer Gross reviewed the draft budget meeting schedule and Council discussed possible dates.

13. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Grooms, and the motion received unanimous support. The meeting was adjourned at approximately 10:07 p.m.

Approved on April 14, 2020.

s/Wyatt Dunn

Wyatt Dunn, Mayor

s/Erinn Nichols

Erinn E. Nichols, Town Clerk

Approved as to form:

s/Cox Law Firm, PLLC

Cox Law Firm, PLLC