

**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 December 13, 2021, at 7:00 p.m. at the Stallings Government Center, 321 Stallings Road, Stallings, North Carolina.

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

Those absent were: Mayor Wyatt Dunn

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Mary McCall, Deputy Town Clerk; Chief Dennis Franks; Max Hsiang, Town Planner; Matthew West, Planning Technician; Brian Price, Public Works Director; Marsha Gross, Finance Officer; Melanie Cox, Town Attorney; Mac McCarley, Town Planning Attorney.

Invocation, Pledge of Allegiance and meeting called to order

Mayor Pro Tem Lynda Paxton welcomed everyone to the meeting and Council Member Ayers delivered the invocation. Mayor Pro Tem Paxton then led the Pledge of Allegiance and called the meeting to order.

Public Comments

Samuel Kiser, 225 Aurora Blvd, congratulated board members on their new/re-appointments. He was concerned about the resolution to purchase the John Deere property, the transparency, and purchase price. He felt it did not seem like a good deal based on the list price. Mr. Kiser asked the Council if it would make this kind of deal personally. If it was not a good deal, why was the Council looking to purchase it? Mr. Kiser wanted to know what the Council planned on doing with the property. He felt that Charlotte area consultants were not good and could not be relied on for this type of decision. Mr. Kiser stated he grew up in Stallings and felt that (got emotional) he had seen too much farmland turned into houses.

Julie Filter, 1215 Privette Park Place, reiterated what she said at the last Stallings meeting about pulling Stallings into standards of neighboring towns regarding and allowing backyard chickens.

Maria Bradcock, Stallings, supported the amendment to allow backyard chickens as chickens were emotional support animals for her son.

Joyce Rupert said thank you to the Council for addressing all of her concerns: the sugar shacks; grass height along Monroe Road; and her backyard flooding on Fresia Place. She appreciated the Council's effort and wished everyone happy holidays and a good 2022.

1. Approval of Consent Agenda Items

A. Minutes from the following meetings:

- (1) 10-07-2021 – closed
- (2) 10-11-2021
- (3) 10-11-2021 – closed
- (4) 10-14-2021 – emergency
- (5) 10-14-2021 – closed
- (6) 10-20-2021 – special
- (7) 10-20-2021 – closed
- (8) 11-08-2021 – special
- (9) 11-08-2021 – closed - 1 of 2
- (10) 11-08-2021
- (11) 11-08-2021 – closed 2 of 2
- (12) 11-16-2021 – special
- (13) 11-16-2021 – closed
- (14) 11-17-2021 – special
- (15) 11-17-2021 – closed
- (16) 11-22-2021
- (17) 12-06-2021 – special
- (18) 12-06-2021 – closed

- B. Request staff to draft ordinance allowing chickens under certain conditions (*Grooms*)
- C. Resolution Adopting NCDOA New Retention Schedule Update
- D. Employee Christmas Bonus
- E. Freesia Court Drainage Improvement Project
- F. Downtown Streetscape Work & Grant Authorization Staff Recommendations

Council Member Richardson made the motion to approve the Consent Agenda Items with removing Consent Agenda Item 1.B. *Request staff to draft ordinance allowing chickens under certain conditions (Grooms)* and adding it to the regular Agenda as Agenda 11, moving original Agenda Item 11, *Adjournment*, to Agenda Item 12 as well as renaming Agenda Item 1.D. as *Employee Christmas Bonus*. The motion was seconded by Council Member Scholl which passed unanimously by Council. The Resolution Adopting NCDOA New Retention Schedule Update is attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

Mayor Dunn was not present to give a report.

B. Reports from Council Members/Town Committees

Council Member Paxton, as it was her last meeting with the Town Council, shared her experience with being Mayor and member of Council. Ms. Paxton first ran for Mayor in 2015 due to the fact that she did not like the way Town was going at that time. Council Member Paxton was proud of where the Town

had come from and where the Town was headed. She thanked the people as the only purpose of government was to serve the people. Ms. Paxton expressed her gratitude.

Council Member Scholl announced he was selected to participate in 2022 Advanced Leadership Corp. in Chapel Hill.

Council Members Grooms, Ayers, and Richardson had no reports.

C. Report from Town Manager/Town Departments

Town Manager Sewell reported on the following:

- Christmas Tree Lighting was a success and thanked the staff and Council for their efforts with that event.
- Quantitative roadway assessment was being done throughout the Town by Kimley-Horn.
- New Council Member Bootcamp had been scheduled for early January.
- The Essentials of Local Government Course the Council had chosen would be January 6 and 7, 2022
- A speaker has been secured for the Council's annual retreat, Curt Walton.

Police Chief Franks presented the Council with the Stallings Police Department Incentive Plan. This presentation is attached to these minutes and therefore incorporated herein. The plan would be brought to Council in January for formal approval.

3. Agenda Approval

Council Member Paxton requested adding *Request staff to draft ordinance allowing chickens under certain conditions (Grooms)* as Agenda Item 11, moving *Adjournment* to Agenda Item 12, per Consent Agenda action.

Council Member Richardson made the motion to approve the Agenda with the above listed changes. The motion was seconded by Council Member Ayers and passed unanimously.

4. Stinson Farms

Planning Attorney Mac McCarley summarized the Stinson Farms issue for the Council and the public:

- A Conditional Zoning (CZ) application for Stinson Farms was received by the Town of Stallings in 2019. Council negotiated with developers for 18 months to order to have the plan match the Town's comprehensive land use plan.

- April 2021: The development agreement (DA) associated with the Stinson Farms project was defeated by the Council and the therefore the CZ application was removed by the developer.
- Several months later, the developer filed a lawsuit against the Town with several claims including the Town's lack the authority to require a DA as a part of a rezoning; the decision to deny was arbitrary and capricious and violated due process; and the decision was less favorable to the developer than the Town had been to other developers.
- The developer's demand was a by-right development under MU2, attorney's fees and significant damages.
- The Town's response was that the statute was silent on the issue and there was no case law on the issue making the case a 50/50 case; winner take all case with no middle ground.
- Town began negotiations immediately with a mediated settlement conference on November 4, 2021, starting with the April 2021 site plan, DA, and CZ plan as the base.
- The parties' negotiations included:
 - Developer
 - Received amendment to the DA and site plan which allowed the swapping out of 27 townhomes for three apartment buildings; net increase of 45 units
 - Received one additional fast-food restaurant on Idlewild
 - Town
 - Received additional buffers at Ansley Court; 100 ft. buffer with a 5' brick wall without taking out mature trees. New evergreen trees would be planted on the outside of the walls so the existing residents would see the trees first.
 - Received a guarantee that one of the development parcels on Idlewild would be a full-service restaurant; not receiving more than five certificates of occupancy for property along Idlewild Road until the developer has at least a zoning compliance permit for that restaurant
 - No attorney's fees or damages to the plaintiff
 - Avoided the risk of maximum development without any concessions
 - Preserves the developer obligations for roadway improvements from Stevens Mill to the CZ site.

Planning Attorney McCarley recommended settling the lawsuit with the above terms as well as approving CZ12.02.01. He also recommended approving the settlement in open session.

(A) CZ21.02.01

Mayor Pro Tem Paxton opened the public hearing and Town Planner Hsiang presented the Council with the information on CZ21.02.01. The applicant was requesting CZMU2 to allow one multi-family unit with 24 dwelling units; any non-residential uses permitted by right in the MU-2; convenience store with a gas pump OR restaurant with a drive-thru window; and 5 year vested rights. Mr. Hsiang's presentation to Council is attached to these minutes and therefore incorporated herein.

Staff stated the request was inconsistent with the land use plan. The Planning Board recommended denial of the CZ by a 3 to 2 vote because it was inconsistent with the future land use plan.

Kevin Lindsay, 5639 Anglesy Court, thanked Mayor Pro Tem Paxton for her service. He also requested his time be yielded to Jeannie Lindsay and voiced support of Jeannie's, his wife, comments.

Jeannie Lindsay, 5639 Anglesy Court, stated land use plans were developed long before the Stinson Farm application. The lawsuit filed did not reflect the vision of the Town. The residential use would cause noise complaints. Homes in the area would have to deal with noise and air pollution due to I485. Real estate websites now used noise level as filter. Why was the Town doing this to the people who could only afford this housing (noise and pollution)? The development was unreasonable. It was a no-win lawsuit for the Town. The traffic issue on Idlewild was already present and NCDOT would widen to six lanes with this development. The project was not in keeping with land use plan and a meeting with an HOA was not considered a public hearing. Shannamara was not notified because it wasn't within 500 ft. of the project but would stand to be affected by the project. It appeared the developers wanted the CZ to be a part of the overall site plan but only the CZ boundaries were used for notification requirements. She felt the Town had to get to the root cause which was to decide which of the Town documents had weight. Ms. Lindsay requested that the Council's vote to be postponed and wanted the CZ application to be sent back to the applicant for revision.

Attorney Jon Carmichael on behalf of the applicant added there were architectural standards for commercial and multifamily buildings. A Traffic Impact Analysis was done for Stinson Farms and transportation improvements would be done along Idlewild. As far as land use consistency, he felt it was consistent with the Town's policy.

Mayor Pro Tem Paxton closed the public hearing. Council discussed and voiced their opinions on the CZ. Council Member Richardson then made the motion to approve CZ21.02.01 which was seconded by Council Member Ayers. The motion passed unanimously by Council.

Council Member Scholl made the motion to approve the Statement of Reasonableness and Consistency for CZ21.02.01 which found most of the uses as consistent and that the request was consistent with the adjacent development. The motion was approved unanimously by Council after a second by Council Member Grooms. The Statement of Reasonableness and Consistency for CZ21.02.01 is attached to these minutes and therefore incorporated herein.

(B) Settlement Agreement

Council Member Richardson made the motion to approve the Settlement Agreement for Stinson Farms. Council Member Scholl seconded the motion to which Council passed unanimously. The Settlement Agreement for Stinson Farms is attached to these minutes and therefore incorporated herein.

5. RZ21.08.06 – 132 Stallings Road - Rezoning from TC to SFR-1
This item was removed from the Agenda.

6. TX21.11.04 – Table 8.1: Table of Uses Update

Mayor Pro Tem Paxton opened the public hearing. Town Planner Hsiang gave the Council a summary of the changes proposed to the Table of Uses. Mr. Hsiang's memo to Council with the changes is attached to these minutes and therefore incorporated herein.

The Planning Board approved the changes on 12-13-2021 with the recommendation of lumping uses together into categories next time more changes were brought to the board. Mayor Pro Tem closed the public hearing.

Council Member Ayers made the motion to approve TX21.11.04 – Table 8.1: Table of Uses Update which was seconded by Council Member Scholl. The motion received Council's unanimous support.

Council Member Scholl made the motion to approve the Statement of Reasonableness and Consistency for TX21.11.04 – Table 8.1: Table of Uses Update. The motion was approved unanimously by Council after a second by Council Member Ayers. The Statement of Reasonableness and Consistency for TX21.11.04 – Table 8.1: Table of Uses Update is attached to these minutes and therefore incorporated herein.

7. Resolution for Purchase of 2725 Old Monroe Road

Town Manager Sewell explained that the one of the Council priorities was to create a downtown and property site control was a key part of the downtown according to the Downtown Action Plan especially in the Town Center Area. Council then gave its individual opinions on the creating a downtown and purchasing property in order to do that. The plan for the property was to partner with a developer to develop a public private partnership for creating a downtown.

Council Member Scholl made the motion to adopt the Resolution for Purchase of 2725 Old Monroe Road. The motion was passed unanimously after a second from Council Member Ayers. The Resolution for Purchase of 2725 Old Monroe Road is attached to these minutes and therefore incorporated herein.

8. Recognition of Outgoing Council Member Lynda Paxton

On behalf of Mayor Wyatt Dunn, Town Manager Sewell presented Council Member Lynda Paxton with a Proclamation and plaque for her service. The Proclamation in Recognition of Outgoing Council Member Lynda Paxton is attached to these minutes and therefore incorporated herein.

Assistant Town Manager Nichols also read into the record sentiment from Mayor Wyatt Dunn for Council Member Paxton. These sentiments are attached to these minutes and therefore incorporated herein.

9. Oaths of Office

A. Re-appointed Council Members

Brad Richardson

David Scholl

B. New Council Members

Taylor-Rae Drake

Graham Hall

Town Clerk Nichols gave each of the above Council Members their Oaths of Office. These Oaths of Office are attached to these minutes and therefore incorporated herein.

Clerk Note: Due to the Mayor's absence, Mayor Wyatt Dunn took his Oath of Office on Tuesday, January 4, 2022. Mayor Dunn's Oath of Office is also attached to these minutes and therefore incorporated herein.

Council took a recess at 8:40 p.m. and reconvened at 8:46 p.m.

Newly appointed Council Members Drake and Hall took their places at the Council Dias. Town Manager Sewell called the meeting back to order in the absence of the Mayor and a Mayor Pro Tem.

10. Organizational Meeting Items

A. Appointment of Mayor Pro Tempore

Council Member Ayers made the motion to appoint Council Member Scholl as Mayor Pro Tem. The motion was passed unanimously after a second from Council Member Grooms.

Mayor Pro Tem Scholl then presided over the meeting.

B. Appointment of Charlotte Regional Transportation Planning Organization (CRTPO) alternate delegate. (The Mayor is the automatic delegate.)

Mayor Pro Tem Scholl would serve as the CRTPO alternate delegate.

Clerk's Note: On 12-14-2021, Mayor Dunn changed this appointment. Council Member Richardson was appointed as the CRTPO delegate in place of Mayor Pro Tem Scholl.

C. Appointment of Centralina Regional Council (CRC) delegate and alternate
Mayor Pro Tem Scholl would be the CRC delegate and Council Member Ayers would be the CRC alternate.

D. Appointment of Council Members for the following committees:
All terms are for two (2) years.

(1) Planning Board/Board of Adjustment
Mayor Pro Tem Scholl

(2) Parks and Recreation Committee
Council Member Ayers and Grooms

(3) Public Safety Advisory Committee
Council Member Grooms and Hall

(4) Transportation Advisory Committee
Mayor Pro Tem Scholl and Council Member Richardson

(5) Stormwater Advisory Committee
Council Members Ayers and Hall

(6) Historical Committee
Council Members Drake and Grooms

(7) Union County Public Schools
Council Member Drake

(8) QUAD Alliance
Mayor Dunn

(9) WUMA
Council Member Ayers

(10) Economic Development Committee
Mayor Pro Tem Scholl and Council Member Richardson

(11) Technology Committee
Mayor Pro Tem Scholl and Council Member Ayers

E. Rules of Procedure re-adoption

Council Member Richardson made the motion to re-adopt the Rules of Procedures. The motion was seconded by Council Member Ayers and passed unanimously.

F. Approval of 2022 Meeting Schedule

Council Member Drake made the motion to approve the 2022 Meeting Schedule. The motion was passed unanimously after a second by Council Member Richardson.

G. Approval of 2022 Holiday Schedule

Council Member Hall moved to adopt the 2022 Holiday Schedule. Council Member Grooms seconded the motion which was passed unanimously by Council.

H. Annual Retreat – Feb. 12, 2022

Council Member Richardson made the motion to hold the Town Council Annual Retreat on February 12, 2022. The motion was passed unanimously by Council after a second by Council Member Hall.

I. Planning Board Alternates (Sewell)

Town Manager Sewell explained there was some confusion as to when a Planning Board Alternate moved into a Full Member position. Council held consensus to have staff research the law on this item and bring back to Council for recommendation in January.

11. Request staff to draft ordinance allowing chickens under certain conditions (Grooms)

Council Member Grooms requested Council feedback on backyard chickens and whether or not the Council was interested in pursuing an ordinance change on this topic.

Council Member Richardson made the motion to have staff bring back a draft ordinance allowing backyard chickens for Council consideration. Council Member Hall seconded the motion. The motion passed by a 5 to 1 vote with Mayor Pro Tem Scholl opposing.

12. Adjournment

Council Member Richardson moved to adjourn the meeting, seconded by Council Member Ayers, and the motion received unanimous support. The meeting was adjourned at 9:37 p.m.

Approved on January 10, 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

