

**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 September 23, 2019, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

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

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager/Town Clerk; Chief Minor Plyler; Lynne Hair, Town Planner; David Furr, Planning Technician; Chris Easterly, Town Engineer; Marsha Gross, Finance Officer; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

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

Interim Chief Plyler introduced two new officers to the Council and the Town: Steven Weeks and Kimberly Hubbard.

Council Member Scholl introduce Porter Ridge High School Women's Basketball Coach and Team to the meeting.

Public Comments

Kelly McCammon, 313 Smith Circle, wanted to know what was going on with the development. She wants to know if her house was going to be torn down in here neighborhood. There was a rumor that there would be townhomes going up on Smith Farm.

1. Agenda Approval

It was recommended to add NCGS 143-318.11(a)(3) and (6) to Agenda Item 15, *Closed Session Pursuant to NCGS 143-318.11(a)(4)*; move Agenda Item 11, *Personnel Policy Change*, to 6.A. and Agenda Item 12, *Police Department Items*, to 6.B; and move Agenda Item 9, *District 6 Candidates Introductions*, to Agenda Item 1.A.

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

1.A. District 6 Candidates Introductions

Original Agenda Item 9

There were three applicants who submitted letters of interest for the District 6 vacancy. Council gave each applicant an opportunity to speak to introduce themselves to the Council: John Howard, Brad Richardson; and Allen Taylor.

Council held consensus to appoint a candidate at the October 14, 2019 meeting.

2. TX19.08.01 (Tabled from 09-09-19)

Town Planner Hair explained this was a text amendment request to Development Ordinance article 8.4-6 (F)(2) to clarify the minimum lot size requirement of 6,000 square feet applied to single family detached housing type.

Mayor Dunn reopened the public hearing. No one was present to speak on this issue. Mayor Dunn then recessed the public hearing until 10-28-19.

Council held consensus to change the lot size requirement in the MU-2 district and take the item back to the Planning Board for review on October 15 prior to Council adoption.

3. TX19.08.02 (Tabled from 09-09-19)

Mayor Dunn reopened the public hearing. Town Planner Hair explained this item was a text amendment request to Development Ordinance Article 5.4 amending the application procedures for conditional zoning request. The change to this amendment from 09-09-19 which was requested by Council clarified the mail notification requirement to 500' from the edge of the property for community meetings.

No public was present to speak to this item. Mayor Dunn closed the public hearing. Council Member Paxton made the motion to approve the Ordinance Amendment for TX19.08.02. The motion received Council Member Steele's second and was passed unanimously. The Ordinance Amendment for TX19.08.02 is attached to these minutes and therefore incorporated herein.

Mayor Dunn read the Statement of Consistency and Reasonableness for TX19.08.02 into the record. Council Member Steele made the motion to approve Statement of Consistency and Reasonableness for TX19.08.02. The motion was seconded by Council Member Scholl and passed unanimously. The Statement of Consistency and Reasonableness for TX19.08.02 is attached to these minutes and therefore incorporated herein.

4. TX19.09.01

Mayor Dunn opened the public hearing. Town Planner Hair explained this was a text amendment to Table 8.1 of the Stallings Development Ordinance changing Multi Family Housing from a use-by-right to a CZ in the TNDO, TC, MU-1 and MU-2 Districts. This removed multi-family as a use by right in those districts.

No public was present to speak to the item. Mayor Dunn then closed the public hearing. Council Member Martin made the motion to approve the Ordinance Amendment for TX19.09.01. The motion was passed unanimously after a second from Council Member Birt. The Ordinance Amendment for TX19.09.01 is attached to the minutes and therefore incorporated herein.

Mayor Dunn read the Statement of Consistency and Reasonableness for TX19.09.01 into the record. Council Member Martin made the motion to approve Statement of Consistency and Reasonableness for TX19.09.01. The motion was seconded by Council Member Birt and passed unanimously. The Statement of Consistency and Reasonableness for TX19.09.01 is attached to these minutes and therefore incorporated herein.

5. TX19.09.02

Mayor Dunn opened the public hearing. Town Planner Hair explained this item was a Text amendment changing the Method of Procedure for Mailed Notification of Zoning Map Amendments - Article 5.3-3 (B)(2); Public Notification for Conditional Use Permits – Article 7.8-8; Notification Procedure for Vested Rights – Article 7.14-2, increasing the required distance of mail notifications to 500'; and, the removal of Article 10.1-24 (7) Multi Family. This would increase the mail notification to 500'.

No public was present to speak to this item. The Mayor then closed the public hearing. Council Member Martin made the motion to approve the Ordinance Amendment for TX19.09.02 which received a second from Council Member Steele. The motion was passed unanimously. The Ordinance Amendment for TX19.09.02 is attached to these minutes and therefore incorporated herein.

Mayor Dunn read the Statement of Consistency and Reasonableness for TX19.09.02 into the record. Council Member Steele made the motion to approve Statement of Consistency and Reasonableness for TX19.09.02. The motion was seconded by Council Member Scholl and passed unanimously. The Statement of Consistency and Reasonableness for TX19.09.02 is attached to these minutes and therefore incorporated herein.

6. Text Amendment Consideration (Tabled from 09-09-19)

Town Planner Hair reminded the Council that at its 09-09-19 meeting, Council tabled this item.

The item, an amendment to Section 9.8-2.b.2, dealt with highway commercial drive-thru lanes location. The current ordinance stated that the lanes had to be on the rear of the building and did not allow for drive-thru lanes on the front or side of the building. The proposed language allowed for drive-thru lanes on the front and side of building as long as there was a knee wall, additional landscaping, and no speaker boxes or windows on the main road. The request was made by Atrium, not staff.

Council Member Scholl made the motion to approve the Ordinance Amendment for TX19.09.03. The motion was seconded by Council Member Steele which was passed unanimously by Council. The Ordinance Amendment for TX19.09.03 is attached to these minutes and therefore incorporated herein.

6.A. Personnel Policy Change

Original Agenda Item 11

Human Recourses Direction Karen Williams explained this amendment to the Personnel Policy was necessary due to an error made by the MAPS Group when redoing the Town's Personnel Policy. The MAPS Group erroneously stated the Town had to follow FMLA, however the Town did not reach the minimum employee count needed to be mandated by the FMLA. The change removed the FMLA requirement but stated that the Town was an employer with less than 50 employees that choose to offer family and medical leave benefits.

Council Member Martin made the motion to approve the personnel policy change. The motion was passed unanimously after a second from Council Member Steele.

6.B. Police Department Items

Original Agenda Item 12

A. Sell of Used Patrol Vehicle

Chief Plyler explained that the Town of Hamlet would like to purchase a used patrol car from the Town of Stallings which the Town was no longer using. The car had a trade-in value of approximately \$1500 and the Town of Hamlet was willing to purchase the car for \$2000.

Council Member Paxton made the motion to approve the sell of the used Town of Stallings patrol car to the Town of Hamlet for the amount of \$2000. The motion was passed unanimously after a second from Council Member Martin.

B. Sell of Duty Weapon

Chief Plyler requested the Town sell him his duty weapon due to his retirement in accordance with North Carolina General Statutes. Council Member Birt made the motion to sell Chief Plyler his duty weapon in the amount of \$1. Council Member Paxton seconded the motion. The motion was passed unanimously.

7. Annexation 53 – Chestnut Lane

Resolution Setting the Public Hearing Date

Deputy Town Manager Nichols explained that the applicant for Annexation 53 had requested the public hearing on this item be held on October 14, 2019. Council Member Martin the motion to approve the Resolution Setting the Public Hearing Date for Annexation 53 – Chestnut Lane. The motion was seconded by Council Member Steele and passed unanimously by Council.

The Resolution Setting the Public Hearing Date for Annexation 53 – Chestnut Lane is attached to these minutes and therefore incorporated herein.

8. Ordinance Amending Code of Ordinances

Town Manager Sewell explained this ordinance amendment was to Title IX General Regulations, Chapter 93 Public Health and Safety Matters and reminded all that this ordinance dealt with the noise ordinance requirement specifically pertaining to golf course. This would allow golf courses to operate its maintenance equipment between the hours of 5:30 a.m. and 9 p.m.

Council Member Scholl made the motion to approve the Ordinance Amendment to the Code of Ordinance – Golf Maintenance Hours. The motion was passed unanimously after a second from Council Member Birt. The Ordinance Amendment to the Code of Ordinance – Golf Maintenance Hours is attached to those minutes and therefore incorporated herein.

Council requested that staff bring back an amendment allowing for turf fan usage beyond those hours.

9. District 6 Candidates Introductions

Moved to Agenda Item 1.A.

10. Financial/Budget Items

A. Financial Report for June/July '19

Finance Officer Gross presented the Council with the financial report for June/July '19. Those presentations are attached to these minutes and therefore incorporated herein.

B. Amended Budget Ordinance 1 - Wedge Court Stormwater Repairs

Finance Officer Gross explained that *Amended Budget Ordinance 1 - Wedge Court Stormwater Repairs* was needed in order to account for the stormwater repairs on Wedge Court. Council Member Steele made the motion to approve *Amended Budget Ordinance 1 - Wedge Court Stormwater Repairs* which received a second from Council Member Martin. The motion passed unanimously by the Council. The *Amended Budget Ordinance 1 - Wedge Court Stormwater Repairs* is attached to these minutes and therefore incorporated herein.

Finance Officer Gross explained that the purchase of the police department replacement vehicles and the van for the Parks and Recreation Department was included in the budget. However according to the purchasing policy, the Council must approve the purchasing contracts for those vehicles. The contracts were through the NC Sheriffs Association for the police replacement vehicles were approximately \$100,000 and the minivan cost for the Parks and Recreation Department was \$20,100.

Council Member Birt made the motion to approve the purchase contracts for the police replacement vehicles and the minivan for the Parks and Recreation Department. The motion was seconded by Council Member Steele and passed unanimously.

11. Personnel Policy Change

Moved to Agenda Item 6.A.

12. Police Department Items

Moved to Agenda Item 6.B.

- A. Sell of Used Patrol Vehicle
- B. Sell of Duty Weapon

13. Assistant Town Clerk Oath of Office

Deputy Town Manager/Town Clerk Nichols administered the Oath of Office for the Assistant Town Clerk to Mary McCall. The Oath of Office for Mary McCall as Assistant Town Clerk is attached to these minutes and therefore incorporated herein.

14. Considerations for Changes to Multifamily/ Mixed Use Districts (Paxton)

Council Member Paxton explained that she would like to start a conversation regarding changing the multifamily districts.

Council consensus to have a planning meeting on this item.

15. Closed Session Pursuant to NCGS 143-318.11(a)(3), (4), and (6)

Council Member Steele made the motion to go into closed session pursuant to NCGS 143-318.11(a)(3), (4), and (6) and invite Chris Plate, Union County Economic Development, into the session for (4). Council Member Birt seconded the motion to which Council approved unanimously.

Council went into closed session at 9:35 p.m. and reconvened in open session at approximately 10:26 p.m.

16. Adjournment

Council Member Paxton moved to adjourn the meeting, seconded by Council Member Steele, and the motion received unanimous support. The meeting was adjourned at 10:26 p.m.

Approved on November 12, 2019.

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