



**Access for the Electronic Meeting**  
**Via phone:** 1-646-558-8656  
**Via web:**  
<https://zoom.us/j/92419072992?pwd=MkQyZVdFOFJBRFJickRhdHhncXVTZz09>  
**Via Zoom App:**  
 Meeting ID: 924 1907 2992  
 Password: 008297

**May 11, 2020**  
 Stallings Town Hall  
 315 Stallings Road  
 Stallings, NC 28104  
 704-821-8557  
[www.stallingsnc.org](http://www.stallingsnc.org)

	Time	Item	Presenter	Action Requested/Next Step
	7:00 p.m.	Invocation Pledge of Allegiance Call the Meeting to Order	Wyatt Dunn, Mayor	NA
	7:05 p.m.	Public Comment	Wyatt Dunn, Mayor	NA
1.	7:15 p.m.	Consent Agenda Approval A. Minutes from the following meetings: (1) 03-09-20020 – special (2) 03-09-2020 (3) 03-09-2020 – closed (4) 03-30-2020 – special (5) 04-14-2020 (6) 04-20-2020 – special	Wyatt Dunn, Mayor	Approve Consent Agenda <i>(All items on the Consent Agenda are considered routine, to be enacted by one motion. If a member of the governing body requests discussion on of an item, the item will be removed from the Consent Agenda and considered separately.)</i>  <b>Motion:</b> I make the motion to: 1) Approve the Consent Agenda as presented; or 2) Approve the Consent Agenda with the following changes: _____.
2.	7:17 p.m.	Reports A. Report from Mayor B. Report from Council Members/Town Committees C. Report from Town Manager/Town Departments	Council and Staff	NA
3.	7:40 p.m.	Agenda Approval	Wyatt Dunn, Mayor	Approve agenda as written. <i>(ADD, IF APPLICABLE: with changes as described by Mayor Dunn)</i>  <b>Motion:</b> I make the motion to: 1) Approve the Agenda as presented; or 2) Approve the Agenda with the following changes: _____.
4.	7:45 p.m.	DA19.11.01 – Union Park Towns/Exeter Development <i>Development Agreement for a 217-unit townhome project on 25.72 acres located on Stallings Road</i> A. ReOpen Public Hearing* B. Close Public Hearing C. Council Vote	Lynne Hair, Town Planner	Approve/Deny development agreement

*\*Public comments will be accepted up to 24 hours after the close of the meeting. To submit public comments, please email them to [enichols@stallingsnc.org](mailto:enichols@stallingsnc.org).*

		<i>*Public comments will be accepted up to 24 hours after the close of the meeting. To submit public comments, please email them to <a href="mailto:enichols@stallingsnc.org">enichols@stallingsnc.org</a>.</i>		
5.	7:55 p.m.	<b>Potter Road/Stallings Road Intersection Design</b>	NCDOT Representative	Discussion and Possible Action
6.	8:15 p.m.	<b>NCDOT Road Abandonment Request</b> <i>Quarter Horse Drive</i>	Chris Easterly, Town Engineer	Approve road abandonment resolution
7.	8:20 p.m.	<b>Electronic Meetings Policy</b>	Melanie Cox, Town Attorney	Amend policy
8.	8:30 p.m.	<b>Divide Golf Course Maintenance</b>	Wyatt Dunn, Mayor	
9.	8:40 p.m.	<b>Adjournment</b>	Wyatt Dunn, Mayor	Motion to adjourn

**MINUTES OF TOWN COUNCIL MEETING  
OF THE  
TOWN OF STALLINGS, NORTH CAROLINA**

The Town Council of the Town of Stallings met for a special meeting on March 9, 2020, at 6:00 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, John Martin, Brad Richardson, and David Scholl.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk.

1. Call the meeting to order

Mayor Dunn called the meeting to order.

2. 2020 Planning Conference Summary

Town Manager Alex Sewell presented the Council with the 2020 Planning Conference Summary. Mr. Sewell presented Council with some strategies and action plans to enhance the goals. Town Manager Sewell's 2020 Planning Conference Summary is attached to these minutes and therefore incorporated herein.

Council held consensus to adhere to the strategies and expectations as outlined by Town Manager Sewell.

3. Adjournment

Council Member Ayers moved to adjourn the meeting, seconded by Council Member Paxton, and the motion received unanimous support. The meeting was adjourned at 6:50 p.m.

Approved on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

\_\_\_\_\_  
Cox Law Firm, PLLC

**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 March 9, 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, John Martin, Brad Richardson, and David Scholl.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

Joyce Rupert, 3026 Frasier Place, Morningside, hated looking at the homes beside the McDonalds when she walked to the park and wanted something done to clean up the properties. She also stated that in May 2019, Town dug up her backyard without notification for a stormwater issue and it was still not working correctly.

1. Approval of Consent Agenda Items

A. Minutes of the following meetings:

1. 01-13-2020
2. 01-13-2020 – closed
3. 01-16-2020 – special
4. 01-27-2020
5. 01-27-2020 – closed – 1 of 2
6. 01-27-2020 – closed – 2 of 2
7. 02-10-2020 – special
8. 02-10-2020 – closed
9. 03-11-19 minutes revision

Council Member Richardson noted a few minor changes to the minutes of 01-13-2020. Council Member Ayers then made the motion to approve the Consent Agenda Items with the minor change as noted by Council Member Richardson. The motion was seconded by Council Member Scholl which passed unanimously by Council.

## 2. Reports

### A. Report from the Mayor

Mayor Dunn reported that he and Town Manager Sewell took Mac McCarley on a tour of the Town and looked at areas for redevelopment. Mr. McCarley was also looking at the Potters/Pleasant Plains area and was impressed by the standard of the Town's neighborhood.

### B. Reports from Council Members/Town Committees

Council Member Paxton had no report.

Council Member Martin noted that North Carolina legislature was looking at creating a bill which would limit towns' abilities to make certain requests of developers.

Council Member Richardson had no report.

Council Member Scholl reported that he had attended the CCOG meeting where Union County was represented well. The light rail may come into Stallings and further into Union County. He encouraged the rest of Union County to be represented at those meetings.

Council Members Grooms and Ayers had no reports.

### C. Report from Town Manager/Town Departments

Town Manager Sewell reported on the following items:

- He hoped to have the next meeting in the New Town Hall.
- The contractor for the second-floor renovations on the existing Town Hall had been given the notice to proceed on March 30.
- Area of performance evaluations: Supervisory training had begun.
- Council held consensus that receiving calendar invitation for meetings would be helpful.

## 3. Agenda Approval

Council Member Grooms made the motion to approve the Agenda as presented. The motion received Council's unanimous support after a second from Council Member Richardson.

## 4. Committee (Re)Appointments

Council Member Paxton made the motion to reappoint Bill Smith and Aidan Norris as fulltime Parks and Recreation Committee Members with terms ending March 31, 2022 and Thomas Ayers as the Youth

Member for the Parks and Recreation Committee with term ending March 31, 2021. Council Member Scholl seconded the motion which was passed unanimously by Council.

Council Member Scholl made the motion to reappoint Jack Hudson and Rocky Crenshaw to the Planning Board with terms ending March 31, 2023. The motion received Council's unanimous support after a second from Council Member Martin.

Two of the three new applicants for the second alternate position for the Planning board introduced themselves to the Council:

- John Delgado
- Bob Ragon
- Council Member Grooms spoke on behalf of the third applicant who was not present, Laura Wojtowicz

Council voted via written ballot for the second alternate position of the Planning Board. Laura Wojtowicz was appointed via of 4 ballot votes with her term ending March 31, 2022.

The motion was made by Council Member Martin to reappoint Rick Widmann to the Stormwater Advisory Committee with term ending March 31, 2022. Council Member Scholl seconded the motion to which Council passed unanimously.

Council Member Paxton made the motion to reappoint Larry Falcone to the Transportation Advisory Committee with term ending March 31, 2022. The motion received Council's unanimous support after a second from Council Member Richardson.

##### 5. Take Home Vehicle Policy

Chief Franks explained to the Council that he had spent two months getting to know the officers and one repeating issue was the Take Home Vehicle policy which was currently at a 15 mile radius. Chief Franks proposed the Council extend the radius of the Take Home Vehicle Policy to 25 miles with the Grandfather Clause of 35 miles remaining unaffected. Chief Franks felt this was an important change for retention and to stay in line with the industry standards. Surrounding jurisdictions held policies with 25 miles radius or more.

Council Member Martin made the motion to amend the Stallings Vehicle Use Policy to extend the radius for the Take Home Vehicle Policy to 25 miles as long as the cars stayed in North Carolina. The motion was unanimously approved after a second from Council Member Paxton.

6. Privette Road Park (Grooms)

Parks and Recreation Director Platts announced that the new Event Coordinator Eunice McSwain would begin working the following Monday. Ms. Platts and Community Officer Ben Davis then presented the Council with plans to improve Privette Road Park. The plan included a concrete pad, walking paths, grills and picnic tables and eventually a fence around the property, playground equipment and shelter over the picnic tables.

The property currently was just a grass field. There would be no additional maintenance needs should these improvements be made. Council held consensus to move forward with the improvements.

7. Closed Session pursuant to NCGS 143-318.11(a)(3) and (6)

Council Member Scholl made the motion to go into closed session pursuant to NCGS 143-318.11(a)(3) and (6) to which Council Member Ayers seconded. The motion was passed unanimously by Council.

*Council went into closed session at 7:55 p.m. and reconvened in open session at 8:18 p.m.*

Council Member Scholl made the motion suspend the rules to add an additional Agenda Item. The motion was passed unanimously by Council after a second from Council Member Paxton.

Town Attorney Cox reminded the Council it had approve CZ19.08.01 with Condition #7 but there was some confusion on the exact expectations. As a part of the Condition 7, the applicant had agreed to donating a 60' ROW (30' feet from the center line) donated to NCDOT for future road expansion. Council Member Paxton made the motion to approve the Condition #7 clarification on CZ19.08.01. The motion was seconded by Council Member Richardson and passed unanimously.

Council Member Paxton made the motion to authorized Chief Franks to bring 31 days (249 hours) of sick leave from his former employer to the Town of Stallings. The motion passed unanimously after a second from Council Member Scholl.

Mayor Dunn appointed the following members to the Small Area Plan (SAP) Committees:

- Monroe Bypass SAP: Council Members Paxton, Richardson, Ayers
- Idlewild SAP: Council Members Paxton, Scholl, Grooms, Martin
- Downtown SAP: Council Member Richardson, Ayers, Scholl

8. Adjournment

Council Member Paxton moved to adjourn the meeting, seconded by Council Member Scholl, and the motion received unanimous support. The meeting was adjourned at 8:29 p.m.

Approved on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

\_\_\_\_\_  
Cox Law Firm, PLLC

DRAFT



**MINUTES OF TOWN COUNCIL MEETING  
OF THE  
TOWN OF STALLINGS, NORTH CAROLINA**

The Town Council of the Town of Stallings met for a special meeting on March 30, 2020, at 5:30 p.m. at the Stallings Town Hall, 315 Stallings Road, Public Works Parking Lot, Stallings, North Carolina.

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

Those absent were: Mayor Wynn Dunn.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Melanie Cox, Town Attorney.

1. Call the meeting to order

Mayor Pro Tem Paxton called the meeting to order.

2. Rules of Procedure for Electronic Meetings of Stallings Town Council

Town Attorney Cox explained this amendment the Rules of Procedure applied only during States of Emergency and allowed the Council to meet electronically. All public meeting notice requirements would remain unchanged. Council discussed the amendment and the means needed to hold a meeting electronically.

Council Member Scholl made the motion to approve the amendment to the Rules of Procedure for Electronic Meetings of the Stallings Town Council. The motion received a second from Council Member Martin and passed unanimously. The Amendment to the Rules of Procedure for Electronic Meetings of the Stallings Town Council is attached to these minutes and therefore incorporated herein.

3. Adjournment

Council Member Grooms moved to adjourn the meeting, seconded by Council Member Martin, and the motion received unanimous support. The meeting was adjourned at 5:49 p.m.

Approved on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

\_\_\_\_\_  
Cox Law Firm, PLLC  
11894

March 30, 2020

**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 April 14, 2020, at 7:00 p.m. via Zoom, a virtual electronic platform due to the nation state of emergency because of COVID-19. Public could access the meeting via phone (1-646-558-8656), web link (<https://zoom.us/j/815601263?pwd=Snk1dmFkN2NIRDlwRkw2eStTdEdidz09>) , or the Zoom app (Meeting ID: 815 601 263; Password: 017559)

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

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Lynne Hair, Town Planner; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

There was no one joining the meeting who wanted to give public comment.

1. Approval of Consent Agenda Items

A. Minutes of the following meetings:

- (1) 02-10-2020
- (2) 02-22-2020 – special
- (3) 02-24-2020

Council Member Paxton made the motion to approve the Consent Agenda Items as presented. The motion was seconded by Council Member Scholl which passed unanimously by Council.

2. Reports

A. Report from the Mayor

Mayor Dunn noted that the USS Gerald Ford had come into port with 25,000 people with zero COVID-19 positives which showed the process of proper screening worked.

B. Reports from Council Members/Town Committees

Council Member Ayers praised all staff and Council for their work and efforts in finding solutions to stay serving the Town during this time while keeping everyone as safe as possible.

Council Member Richardson had no report but echoed Council Member Ayers comments.

Council Member Scholl thanked all the staff and the Parks and Recreation staff for the Easter Parade.

Council Member Paxton had no report.

Council Member Martin reported that he was working on the Union County 2050 Vision and vision statements would be shared with the public soon for public input.

Council Member Grooms had no report.

#### C. Report from Town Manager/Town Departments

Town Manager Sewell reported the following:

- Thanked the Council and Staff for its patience during these times as issues were resolved.
- Commended the Parks and Recreation staff for rethinking the Easter celebration and creating an Easter Parade throughout the Town. Staff drove 70 miles and visited 19 neighborhoods for the parade.
- The Parks and Recreation Department would like to explore the possibility of a Farmer's Market at a downtown area – specific location and details would yet to be determined.
- Second Floor Renovations on the original Town Hall were underway and anticipated three months to complete unless the pandemic caused any delays.
- Gateway signage was also being developed for different areas of Town.
- Town Staff and Waste Connections Staff were working together for a yard waste collection solution which would maintain the safety of employees and while continuing to service the needs of citizens.

#### 3. Agenda Approval

Council Member Scholl made the motion to approve the Agenda as presented. The motion was seconded by Council Member Ayers and passed unanimously.

#### 4. Town Gateway Signage – Conceptual Designs

Town Planner Hair presented the Council with conceptual designs and possible locations for Town Gateway Signage. This presentation is attached to these minutes and therefore incorporated herein.

Council discussed the different types of designs and held consensus to move forward with a stone/rock traditional horizontal sign for most locations and more contemporary, artistic round signage for the location at the Atrium Hospital in Stallings. Town Planner Hair would bring back more designs to the Council with those specifications.

5. Pat Stevens Officer Retirement – Service Weapon

Chief Franks explained that Officer Pat Stevens had retired in March 2020. Chief requested Ofc. Stevens be allowed to purchase his service weapon for \$1 as was customary for retiring officers.

Council Member Scholl made the motion to sell Ofc. Steven's service weapon to him for \$1. The motion was passed unanimously by Council after a second from Council Member Paxton. It was noted that a more formal recognition of Ofc. Steven's retirement would be held once the current health crisis had subsided.

6. Council Member Martin's Items

(1) Expanding Web Broadcasts

Council Member Martin requested all Council Meetings, including all special meetings, and all Planning Board/Board of Adjustment Meetings be broadcasted live on YouTube once the current health crisis subsided and meetings were once again held at the Town Hall. It was confirmed that no additional equipment or staff time would be needed as the new Council Chambers had been constructed with those capabilities.

The motion was made by Council Member Martin to broadcast all Council Meetings, including all special meetings, and all Planning Board/Board of Adjustment Meetings live on YouTube once the current health crisis subsided and meetings were once again held at the Town Hall. Council Member Grooms seconded the motion which passed unanimously.

(2) Legal Counsel Scope of Work

Council Member Martin requested that the Council adopt an addendum to the contract(s) of both legal firms currently representing the Town of Stallings so that the Council budget no more than six hours of billable hours per budget year, per Council Member for individual Council Member requests aside from those originating from formal voted Council actions, staff and/or Town Manager requests.

Any further individual Council Member requests would be at the discretion of the Council as a whole, subject to a formal vote.

Council briefly discussed the request. Council held consensus to place the item on the next Council Meeting's Agenda for consideration.

7. Adjournment

Council Member Richardson moved to adjourn the meeting, seconded by Council Member Scholl, and the motion received unanimous support. The meeting was adjourned at 7:55 p.m.

Approved on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

\_\_\_\_\_  
Cox Law Firm, PLLC

DRAFT

**MINUTES OF TOWN COUNCIL SPECIAL MEETING  
OF THE  
TOWN OF STALLINGS, NORTH CAROLINA**

The Town Council of the Town of Stallings met for a special meeting on April 20, 2020, at 5:30 p.m. via Zoom, a virtual electronic platform, due to the nation state of emergency because of COVID-19. Public could access the meeting via phone (1-646-558-8656), web link (<https://zoom.us/j/92720129443?pwd=MGxsWVI5aHlOSU1rUXRTZWpMQ0ZqZz09>), or the Zoom app (Meeting ID: 927 2012 9443; Password: 024766).

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

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Marsha Gross, Finance Officer; Ashley Platts, Director of Parks and Recreation; Brian Price, Director of Public Works; and Chris Easterly, Town Engineer.

1. Call the Meeting to Order

Mayor Dunn called the meeting to order.

2. Budget Discussions for the 2020-2021 Fiscal Year

Finance Officer Gross presented a budget overview to the Council. The projected budget for FY2020-21 showed a revenue decrease of 1.21% and an expense decrease of 4.34%. Public Works Director Price and Parks and Recreation Director Platts also represented the Council with each departments' needs and proposed budget for FY2020-21. These presentations and proposed budgets are attached to these minutes and therefore incorporated herein.

Clerk's Note: Council Member Scholl left the meeting at 6:40 p.m. due to a family emergency.

*Council took a brief recess at 7:10 p.m. and reconvened the special meeting at 7:13 p.m.*

Finance Officer Gross concluded the meeting with a brief review of the Five-Year Financial Forecast for the Town. This forecast is attached to these minutes and therefore incorporated herein. Mrs. Gross recommended Council amend and approve the Five Year Financial Forecast after the Council

approved the budget for the next fiscal year. The budget over the past five years had seen a 3.03% growth.

3. Adjournment

Council Member Richardson moved to adjourn the meeting, seconded by Council Member Stevens, and the motion received unanimous support. The meeting was adjourned at 7:48 p.m.

Approved on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

\_\_\_\_\_  
Cox Law Firm, PLLC

DRAFT



To: Town Council

From: Lynne Hair, Planning Director

Date: April 15, 2020

RE: DA19.11.01 – Union Park Towns/Exeter Development. Review and recommendation of a Development Agreement for a 217-unit townhome project on 25.72 acres located on Stallings Road.

Attached please find a copy of the final Development Agreement document for the Union Park Townes project located on Stallings Road in PID# 07099001A, 07099001B, 07099001C, 07099001D and owned by Aella Krantha Kumars Reddy, Paxton, SKG Holdings, and Boyles.

PROJECT OVERVIEW	
Use	Single Family Attached (Townhomes)
Acreage	25.72 acres
Units	217
Density	8.43 units/acre
Open Space	5.23 acres or 20%
SAP	Monroe Bypass
TIA	Yes. Exhibit C
Greenway	No. No greenway trails as identified by the Stallings Parks and Greenway Master Plan are shown on the subject property.
Fee in Lieu of Parkland	Yes. Amount TBD. Terms #27, page 7
Architectural Standards	Yes. Attached to DA Exhibit D

State statutes require a recommendation of the document be made and forwarded to council for final decision. A development agreement cannot be denied because of use or density.

**DA Subcommittee Recommendation:** Approval 01/27/2020 – (unanimous)  
**Planning Board Recommendation:** Approval 02/18/2020 – (unanimous)



STATE OF NORTH CAROLINA )  
 )  
COUNTY OF UNION )

**DEVELOPMENT AGREEMENT**

This Development Agreement (the "Agreement") is made and entered into effective this \_\_\_ day of \_\_\_, 2020 (the "Effective Date") by and between Exeter Union Park Townes Developers, LLC, a North Carolina limited liability company, or assigns ("Developer"), and the Town of Stallings, a North Carolina municipal corporation (the "Town"). \*

**STATEMENT OF PURPOSE**

1. Section 160A-400.20(a)(1) of the North Carolina General Statutes provides that "large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources."
2. Section 160A-400.20(a)(3) of the North Carolina General Statutes provides that "because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing, and construction schedules and the phasing of the private development."
3. Section 160A-400.20(a)(4) of the North Carolina General Statutes provides that "because of their scale and duration, such large-scale projects involve substantial commitments of private capital by developers, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of development."
4. Section 160A-400.20(a)(5) of the North Carolina General Statutes provides that "because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas."
5. Section 160A-400.20(a)(6) of the North Carolina General Statutes provides that "to better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments."
6. Section 160A-400.23 of the North Carolina General Statutes provides that development agreements may be used "for developable property of any size." Section 160A-400.23 further provides that "development agreements shall be of a reasonable term specified in the agreement."
7. In view of the foregoing, Sections 160A-400.20(b) and 160A-400.22 of the North Carolina General Statutes expressly authorize local governments and agencies to enter into development agreements with developers pursuant to the procedures and requirements of Sections 160A-400.20 through 160A-400.32 of the North Carolina General Statutes, which procedures and requirements include approval of the development agreement by the governing body of the local government by ordinance after a duly noticed public hearing.

## BACKGROUND

1. At such time as this Agreement is recorded, Developer shall be the owner of a certain parcel of land containing 25.72 acres, more or less, located generally at the intersection of Stallings Road and N.C. Highway 74 in the Town of Stallings, Union County, North Carolina (the "Property"), such Property being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.
2. On November 27, 2017, the Town adopted the Town of Stallings Comprehensive Land Use Plan (the "**Land Use Plan**"). The Land Use Plan contains, among other things, small area plans for three key areas within the Town's corporate limits, one of which is the Monroe Bypass Corridor Small Area Plan, approved by the Stallings Town Council (the "**Small Area Plan**"). The Property is located within the area subject to the Small Area Plan and the Small Area Plan recommends multi-family dwelling units on the Property. A public hearing for a map amendment, pursuant to Section 5.3-3(C)(2) of the Town of Stallings Development Ordinance, was held before the Town Council of the Town of Stallings to rezone the Property to MU-2 to accommodate the future development of the Small Area Plan. The MU-2 zoning classification permits attached house dwellings.
3. Developer desires to develop the Property (the "Project") generally in accordance with the conceptual plans, attached as Exhibit "B" and incorporated herein for all purposes, and intends to submit to the Development Administrator a site development plan to be approved by the Development Administrator in accordance with the Town of Stallings Development Ordinance (the "**Zoning Ordinance**").

Accordingly, Developer and the Town desire to enter into this Agreement for the purposes of coordinating the construction of infrastructure that will serve the Project and the community at large and providing assurances to Developer that it may proceed with the development of the Project in accordance with the provisions hereof and that development standards will remain stable throughout the period of development in accordance with Section 160A-400.20 et. seq. of the North Carolina General Statutes.

## TERMS

NOW, THEREFORE, based upon the terms and conditions set forth herein and in consideration of the mutual promises and assurances provided herein, the parties do hereby agree as follows:

1. Public Hearing. Pursuant to Section 160A-400.24 of the North Carolina General Statutes, the Town Council of the Town of Stallings conducted a public hearing on [REDACTED] and approved the subsequent execution of this Agreement on [REDACTED] in accordance with the procedures set out in G.S. 160A-364.
2. Permitted Uses/Maximum Density. The Property is located in, and may be devoted to the uses permitted in, the MU-2 zoning district. A concept site plan is attached hereto as Exhibit "B" and incorporated herein for all purposes.

3. Development of the Property. The Property may be developed in accordance with the site development plan, which shall be submitted to, and is subject to the approval of, the Development Administrator, the associated permits, the applicable provisions of the Zoning Ordinance and the terms of this Agreement. The parties understand and agree that the zoning of the Property is the result of a map amendment pursuant to Section 5.3-3(C)(2) of the Zoning Ordinance. In compliance with the Zoning Ordinance, the map amendment was approved without consideration of any specific proposal for the use and development of the Property. Approval of this Agreement pursuant to Section 160A-400.20 et. seq. of the North Carolina General Statutes does not confer additional authority to the Town to consider the development of the Property or to impose conditions or restrictions beyond those allowed by the Zoning Ordinance. The agreements of the Developer herein are voluntary agreements. The attached plan is for reference only and is conceptual in nature and changes to building size and location and footprint as well as infrastructure design and location, may be modified during the construction phase of the Project.

4. Transportation Improvements. Developer shall install or pay in lieu of, as applicable, the transportation improvements described in Exhibit "C", which is attached hereto and incorporated herein for all purposes in connection with the issuance of the driveway permits for the Project.

5. Architectural Elements. The Project shall include some or all of the architectural elements, at Developer's discretion, described in Exhibit "D", which is attached hereto and incorporated herein for all purposes. Height, lot dimensions and densities of the site development plan submitted to the Development Administrator shall be in compliance with the Agreement and the Ordinance.

6. Law in Effect on November 17, 2019 Governs the Development of the Project. Developer shall have a vested right to develop the Project in accordance with the development standards in effect on November 17, 2019 during the entire term of this Agreement. Pursuant to G.S. 160A-400.26 and except as provided in G.S. 160A-385.1, the Town may not apply subsequently adopted ordinances or development policies to the Project during the term of this Agreement without the written consent of Developer. Additionally, no future development impact fees shall apply to the Project without the written consent of Developer, including any fees related to the adequate public facilities or other development impact fees. This Agreement does not abrogate any rights preserved by G.S. 160A-385 or G.S. 160A-385.1, or that may vest pursuant to common law or otherwise in the absence of this Agreement. The Town agrees that the specific laws, land development regulations and ordinances in force as of the date of this Agreement are more particularly set out in the Zoning Ordinance in effect on the Effective Date.

7. Term. The term of this Agreement shall commence on the Effective Date and shall expire fifteen (15) years thereafter on                     , 2035 unless sooner terminated by the mutual consent of the parties hereto or their successors in interest, or unless extended by the mutual consent of the parties hereto or their successors in interest; provided, however, the covenants and restrictions contained herein shall continue to run with the land.

8. Local Development Permits. In accordance with G.S. 160A-400.25(6), the following is a description or list of the local development permits approved or needed to be approved for the development of the Project:

- (a) Erosion and Sediment Control Permit (NCDEMLR & NCDEQ);
- (b) Wetlands (Army Corp of Engineers);
- (c) Water Extension Permit (Union County);
- (d) Sewer Extension Permit (Union County);
- (e) NCDOT Entrance Permit;
- (f) Building Permits; and
- (g) All other local, state or federal permits required for the Project.

The failure of this Agreement to address a particular permit, condition, term or restriction does not relieve Developer of the necessity of complying with the law governing the local permitting requirements, conditions, terms or restrictions.

9. Public Facilities. The following public facilities will serve the Project: Public Sewer and Public Water.

10. Sewer and Water Lines. Developer, at its sole cost and expense, shall engineer, design, permit, construct and install the water and sewer lines to be located within the Project (the "Internal Water and Sewer Lines"). The Internal Water and Sewer Lines shall be engineered, designed, constructed and installed in accordance with all applicable federal, state and local laws, regulations, ordinances and policies. Upon dedication and acceptance, such water and sewer lines shall be public and shall be maintained by Union County, North Carolina.

11. Amendment. The terms of this Agreement may be amended by the mutual consent of the parties hereto or their successors in interest. A major modification of the terms of this Agreement shall follow the same procedures as required for the initial approval of this Agreement. An amendment to the Zoning pursuant to the Zoning Ordinance shall not require an amendment to this Agreement. An amendment to the site development plan approved by the Town of Stallings Development Administrator and in accordance with the Zoning Ordinance shall not be considered an amendment to this Agreement.

12. Recordation/Binding Effect. Within fourteen (14) days after the Town enters into this Agreement, Developer shall record this Agreement in the Union County Public Registry. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties hereto. Notwithstanding the foregoing, the parties agree that the approved Agreement shall be executed by the Town and Developer promptly after the recording of the deed to the single purpose entity created by Developer to take title to the Property

13. Periodic Review.

- (a) Pursuant to G.S. 160A-400.27, the Development Administrator or other Town Manager designee shall conduct a periodic review, (the "Periodic Review") at least every

12 months, at which time Developer shall be required to demonstrate good faith compliance with the terms of this Agreement.

(b) If, as a result of the Periodic Review, the Town finds and determines that Developer has committed a material breach of the terms or conditions of this Agreement, the Town shall serve notice in writing, within a reasonable time after the Periodic Review, upon Developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing Developer a reasonable time in which to cure the material breach.

(c) If Developer fails to cure the material breach within the time given, then the Town unilaterally may terminate or modify the Agreement; provided, the notice of termination or modification may be appealed to the Town Board of Adjustment in the manner provided by G.S. 160A-388(b1).

14. Default. The failure of Developer or the Town to comply with the terms of this Agreement shall constitute a default, entitling the non-defaulting party to pursue such remedies as allowed under applicable law, provided, however, that no termination of this Agreement may be declared by The Town absent its according to Developer the notice and opportunity to cure set out in G.S. 160A-400.27. The parties to this Agreement recognize that, in addition to other remedies that may be available, the Town has the right to enforce its rules, policies, regulations, ordinances, and the terms of this Agreement by seeking an injunction to compel compliance with the terms of this Agreement. Subject to the terms of this Agreement, in the event that Developer or any user on the Property violates the rules, policies, regulations or ordinances of the Town or violates the terms of this Agreement, the Town may, without seeking an injunction and after ten (10) days' notice to correct the violation, take such actions as shall be deemed appropriate under law until such conditions have been honored by Developer. In addition to any other rights or remedies, either party may institute legal action to cure, correct, or remedy any default or breach, to specifically enforce any covenants or agreements set forth in this Agreement or to enjoin any threatened or attempted violation of the Agreement, or to obtain any remedies consistent with the purpose of this Agreement. Legal actions shall be instituted in the Superior Court of the County of Union, State of North Carolina, or in the Federal District Court in the Western District, and the parties hereto submit to the personal jurisdiction of such courts without application of any conflicts of laws provisions of any jurisdiction.

15. Notices. Any notice, demand, request, consent, approval or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or if by mail on the fifth (5<sup>th</sup>) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided. All notices, demands, requests, consents, approvals or communications to the Town shall be addressed to:

The Town at: Alex Sewell, Town Manager  
Town of Stallings  
315 Stallings Road

Stallings, NC 28104

Developer at: Exeter Union Park Townes Developers, LLC  
1905 Woodstock Road Suite 9250  
Roswell, GA 30075  
Attn: Mary Bertrand

16. Entire Agreement. This Agreement sets forth, and incorporates by reference all of the agreements, conditions and understandings between the Town and Developer relative to the Property and the Project and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.
17. Construction. The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits hereto.
18. Assignment. After notice to the Town, Developer may assign its rights and responsibilities hereunder to subsequent land owners of all or any portion of the Property, provided that no assignment as to a portion of the Property will relieve Developer of responsibility with respect to the remaining portion of the Property owned by Developer without the written consent of the Town.
19. Governing Law. This Agreement shall be governed by the laws of the State of North Carolina.
20. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.
21. Agreement to Cooperate. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense.
22. Agreements to Run with the Land. This Agreement shall be recorded in the Union County Registry. The Agreements contained herein shall be deemed to be a lien upon, binding upon and run with the land and shall be binding upon and an obligation of all successors in the ownership of the Property, beyond the term hereof in perpetuity.
23. Hold Harmless. Developer agrees to and shall hold the Town, its officers, agents, employees, consultants, special counsel and representatives, harmless from liability for damages, just compensation, restitution, judicial or equitable relief arising out of claims for personal injury, including health, and claims for property damage which may arise from the direct or indirect operations of Developer or their contractors, subcontractors, agents, employees or other persons acting on their behalf which relates to the Project. Developer agrees to pay all costs for the defense of the Town and its officers, agents, employees, consultants, special counsel and representatives regarding any action for damages, just compensation, restitution, judicial or equitable relief caused

or alleged to have been caused by reason of Developer's actions in connection with the Project. This hold harmless Agreement applies to all claims for damages, just compensation, restitution, judicial or equitable relief suffered or alleged to have been suffered by reason of the events referred to in this paragraph. The Town may make all reasonable decisions with respect to its representation in any legal proceeding.

Notwithstanding the foregoing, Developer's obligation to indemnify and hold the Town harmless shall not extend to any claims, losses or damages that arise from the acts or omissions of the Town and/or its officers, agents, employees, consultants, special counsel, contractors and representatives as well as any claims, losses or damages arising from the gross negligence or willful misconduct of the Town and/or its officers, agents, employees, consultants, special counsel, contractors and representatives.

24. Severability. If any term or provision herein shall be judicially determined to be void or of no effect, such determination shall not affect the validity of the remaining terms and provisions.

25. No Pledge of Taxing Power or Governmental Authority. No provision of this Agreement shall be construed or interpreted as (1) creating a pledge of faith and credit of the Town within the meaning of any constitutional debt limitation, (2) delegating governmental powers, or (3) a donation or a lending of the credit of the Town within the meaning of the Constitution of the State of North Carolina. No provision of this Agreement shall be construed to pledge or to create a lien on any class or source of Town monies, or operate beyond its intended scope so as to restrict, to any extent prohibited by law, any future action or right of action on the part of the Town of Stallings Town Council. To the extent of any conflict between this section and any other provision of this Agreement, this section shall take priority. Town has pre-audited this Agreement and the obligations hereunder to ensure compliance with budgetary accounting requirements (if any) that may apply. This Agreement is conditioned upon, and shall not be operative until, any required pre-audited certification is supplied.

26. Authority. Each party represents that it has undertaken all actions necessary for corporate or public approval of this Agreement, and that the person signing this Agreement has the authority to bind the Developer or the Town.

27. Parkland Payment. Developer shall make a payment in lieu of parkland requirements pursuant to the provisions of the Zoning Ordinance.

[SIGNATURES AND ACKNOWLEDGEMENTS ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties hereby set their hands and seals, effective the date first above written.

Developer:

Exeter Union Park Townes Developers, LLC  
a North Carolina limited liability company

By: \_\_\_\_\_  
Jeffrey R. Smerko, Manager

**NORTH CAROLINA**

**UNION COUNTY**

I, a Notary Public of the County and State aforesaid, certify that Jeffrey R. Smerko, personally came before me this day and acknowledged that he is Manager of Exeter Union Park Townes Developers, LLC, a North Carolina limited liability company, and that he, as Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and official stamp or seal, this \_\_\_\_day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

\* The parties acknowledge that Developer is a single-purpose limited liability company created to hold title to the Property at the time Developer closes on the purchase of the Property and it is contemplated that this Agreement shall be entered into and executed by the Developer and the Town and recorded after the deed into the Developer is recorded.

[SIGNATURE AND ACKNOWLEDGEMENT ON FOLLOWING PAGE]



The Town:

**TOWN OF STALLINGS**, a Municipal Corporation

By: \_\_\_\_\_

Name: Alex Sewell

Title: Town Manager

**NORTH CAROLINA**

**UNION COUNTY**

I, a Notary Public of the County and State aforesaid, certify that Alex Sewell, personally came before me this day and acknowledged that he is the Town Manager of the Town of Stallings, and that he, as Town Manager, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this \_\_\_\_day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**EXHIBIT "A"**  
**Property Description**  
**Page 1 of 2**

**TRACT 1:**

BEGINNING at an existing point in the Southeasterly corner and thence running from said beginning point N.47°10' 43" W 352.73' to a point; thence S. 51°28' 07" W 294.85' to a point; thence N. 20° 35' 41" W 384.58' to a point; thence N. 02° 57' 14" E 306.25 to a point; thence N. 41° 50' 43" E 333.00' to a point; thence N. 41°49' 34" E 115.10; thence S. 38° 40' 05" E. 779.08' to a point; thence S. 04° 39' 16" W 257.91; thence S. 39° 18' 25" W 246.10 to the point and place of BEGINNING containing 11.982 acres all as shown on survey by Hyatt Landing surveying, PLLC (Firm P-0676) dated March 3, 2016.

**TRACT 2:**

BEGINNING at a point in the center of Stallings Road common corner with R.G. Carrington ( formerly land of Mrs. Newcombe) and runs thence with the Carrington (formerly Newcombe) line N. 20-40-50 at 33.49 feet for 883.82 feet to an iron stake; thence N. 52-23-55 E. 294.62 feet to an iron stake; thence S. 47-12-05 E. 883.23 feet to the center of Stallings Road, and crossing an iron pin in the Northwesterly margin of Stallings Road 30.0 feet from the said center of Stallings Road; thence along and with the center line of said road S. 43-25-05 W. 106.55 feet; 2nd, 2. 51-55-00 W. 68.73 feet; 3rd, S. 55-32-00 W. 112.07 feet, 4th, S. 56-43-15 W. 114.26 feet to the point of BEGINNING, and containing 10.00 acres as surveyed November 25, 1976, By F. Donald Lawrence.

**TRACT 3:**

BEGINNING at an iron pin, the northwest corner of a 1.808 acre tract conveyed to John R. Boles, et ux, by Clyde Paxton, et ux; thence a new line in the Clyde C. Paxton property, North 06 degrees 52 minutes 30 seconds East, 257.90 feet to an iron in a line of property of Phillip Drye; thence with Drye's line, South 36 degrees 26 minutes 40 seconds East, 182.83 feet to an iron, the northeast corner of the 1.808 acre tract; thence with a line of said tract, South 52 degrees 00 minutes 00 seconds West, 177.0 feet to the point of BEGINNING, containing 0.37 acres, more or less, according to a survey and plat thereof by Edward L. Killough, R.L.S., dated February 13, 1987.

**TRACT 4:**

BEGINNING at a point in the center of the Stallings Road, Phillip D. Drye's property corner, indicated by an iron stake on the line North side of road, and runs thence with said Drye's line North 36-30 West 522 feet to an iron stake, a new corner on said line by a maple; thence 2 new lines as follows: (1st) South 52 degrees 160 feet to an iron stake; (2nd) South 42 -45 East 539.2 feet to a point in the center of the Stallings Road, indicated by an iron stake on the line North side of road; thence with center line of said Stallings Road North 43 degrees 101.1 feet to the BEGINNING and containing 1.58 acres.

**TRACT 5:**

BEGINNING at a point in the center line of the right of way of Stallings Road, which point is the southwesterly corner of the 1.58 acre tract previously conveyed to John R. Boles and wife Gayle Paxon Boles, in that certain Deed dated August 8, 1967, recording Book 211 at page 391 in the Office of the Register of Deeds of Union County, North Carolina, and is S. 43-12 W. 101.1 feet from the point in said center line marking the southerly corner of the parties of the second part and Phillip D. Drye (now or formerly), running thence from said beginning point with said center line of Stallings Road S. 43-12 W. 18.9 feet to a point in said center line; thence with two lines of Clyde C. Paxton: (1) N. 42-45 W. 541.8 feet to an iron pin; (2) N. 52-00 E. 17 feet to an iron pin, a corner of the aforesaid 1.58 acre tract; thence with the line of said 1.58 acre tract S. 42-57 E. 539 feet to a point in said center line of said Stallings Road, the point or place of BEGINNING, all as shown on that certain Survey dated June 21, 1973 of Allen D. Carter (L-1234), which Survey is hereby referred to and made a part hereof as if fully set out.

**EXHIBIT "A"**  
**Property Description**  
**Page 2 of 2**

**TRACT 6:**

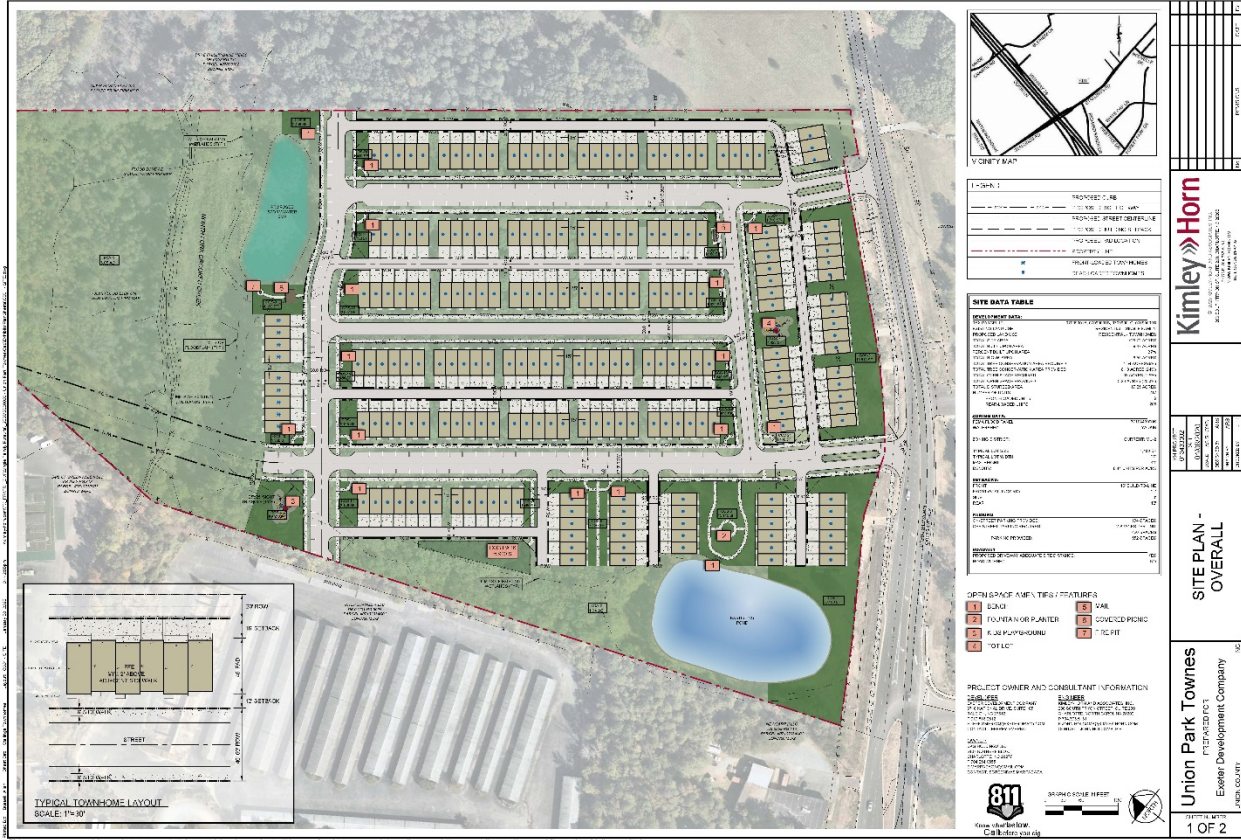
BEGINNING at a point in the center line of State Road #1365 (Stallings Road), the southwest corner of the 1.808 acre tract conveyed to J. R. Boles hereinabove referenced; thence along and with the center line of said road, South 43 degrees 07 minutes 30 seconds West, 181.32 feet to a point; thence two new lines in the Clyde Paxton property as follows: (1st) North 43 degrees 25 minutes 50 seconds West, 520.07 feet to an iron, passing an iron at 30.03 feet; (2nd) North 36 degrees 42 minutes 30 seconds East, 190.24 feet to an iron, a common corner of the 1.808 acre tract of the Boles property and the 0.37 acre tract of the Boles property hereinabove referenced; thence with a line of the 1.808 acre tract, South 42 degrees 45 minutes 00 seconds East, 541.80 feet to the point of BEGINNING, passing an iron at 520.50 feet, and containing 2.24 acres, more or less, as shown .on a plat by Edward L. Killough, R.L.S., dated February 13, 1987.

**TRACT 7:**

BEGINNING at an existing point in the Southeasterly corner and thence running from said beginning point N 47-10-43 W 477.14 feet to a point; thence N. 39-18-25 E. 246.10 feet to a point; thence S 34-28-52 W. 190.19 feet to a point; thence S 45-39-02 E. 463.35 feet to a point; thence S. 40-58-34 W. 45.12 feet to the point and place of BEGINNING containing 0.599 acres, more or less, all as shown on a survey by Hyatt Land Surveying, PLLC (Firm P--0676) dated 3/31/16.

**EXHIBIT "B"**  
**The Conceptual Plan**

The Conceptual Plan is schematic in nature and exact locations and footprints of buildings and infrastructure may be altered during the site development plan approval and construction phase of the Project to accommodate design or engineering requirements.



**EXHIBIT "C"**  
**Description of Transportation Improvements**

The below transportation improvements shall be completed in accordance with provisions of that one certain Traffic Impact Analysis prepared by Kimley-Horn and Associates, Inc., dated December 9, 2019 and generally as set forth on the Plan.

Based on coordination with NCDOT and the Town of Stallings, the final agreed upon offsite mitigation for the proposed development is as follows:

Access #1 (Northern full movement driveway):

- Construction of a southbound right turn lane with 50' of storage and appropriate taper
- Construction of a northbound left turn lane with 100' of storage and appropriate taper

Access #2 (Southern right-in/right-out movement driveway):

- Construction of a southbound right turn lane with 50' of storage and appropriate taper
- Construction of a concrete median to protect RI/RO that does not interfere with the residential driveways on east side of Stallings Road

Pedestrian Improvements:

- Construction of a 6-foot-wide sidewalk on the west side of Stallings Road along the length of the proposed development

**EXHIBIT "D"**  
**Architectural Standards**  
**Page 1 of 2**

**Proposed Architectural Standards.** The architectural design for the Project shall be in keeping with the below and minor variations required during final design and development may be approved by the Development Administrator.

1.	Stoops, balconies, porches, and bay windows may encroach within front and corner side setbacks. No elements, including steps, shall project over the property line at the ground level.
2.	Fences, garden walls, and hedges may be built on property lines or as a continuation of building walls. Maximum height 4 feet at street frontage, 8 feet at interior side and rear.
3.	Porches will be covered and have a minimum depth of four (4) feet.
4.	A minimum of 18 inches of the base of the front building wall shall be clad in brick or stone.
5.	Exterior walls shall be finished in cementitious siding, brick or stone or combinations of the foregoing.
6.	Walls may be built of no more than two materials and shall only change material along a horizontal line, typically at a floor line or a gable end, with the heavier material below the lighter.
7.	Stoops will be made of wood, brick or concrete. If concrete, a stoop will have brick or stone foundation walls.
8.	Decks shall be located in rear yards only and shall be painted or stained or composite.
9.	The following shall be located in rear yards only provided they are not visible from the fronting street or a public right of way: <ul style="list-style-type: none"> <li>a) HVAC equipment</li> <li>b) Utility meters</li> <li>c) Satellite dishes</li> <li>d) Permanent grills</li> <li>e) Permanent play equipment</li> </ul> <p>HVAC and utility meters may be located in a side yard if screened from view and no closer than 5 feet from side property lines and installed per the utility companies' guidelines.</p>
10.	Composite trim elements must be painted. [Note that no wood products are used on the exteriors or walkway]
11.	Roofs shall be clad in corrugated 5v crimp or standing seam galvanized steel, galvaline, or copper, asphaltic or fiberglass shingles shall be dimensional shingles.
12.	Interior ceilings will have a minimum height of 9' on the first floor of a multi-story townhome unit.
13.	Doors shall be clad or made of wood, glass, fiberglass or steel. Doors shall be painted or stained.

**EXHIBIT "D"**  
**Architectural Standards**  
**Page 2 of 2**

14.	Shutters shall be use high grade vinyl wood look or a smooth look such as Fypon or Mid-American high-quality shutters.
15.	Front doors, including the entry door to the porch on a side yard shall be located on the frontage line.
16.	Front loaded unit's garage doors shall be carriage style garage door and the garage door will contain hardware. Alley loaded unit's garage doors can be of traditional design.
17.	High visibility end units near project entrance shall have additional architectural features on the ends of the buildings and enhanced landscaping.
18.	Existing pond shall be equipped with a mechanical aeration device
19.	Cement parging is allowed on foundations of all side and rear exterior building walls in lieu of the 18" minimum brick or stone required on the base of the exterior front building walls.
20.	All street lighting provided by Duke Power will be of a decorative style approved by the Town.



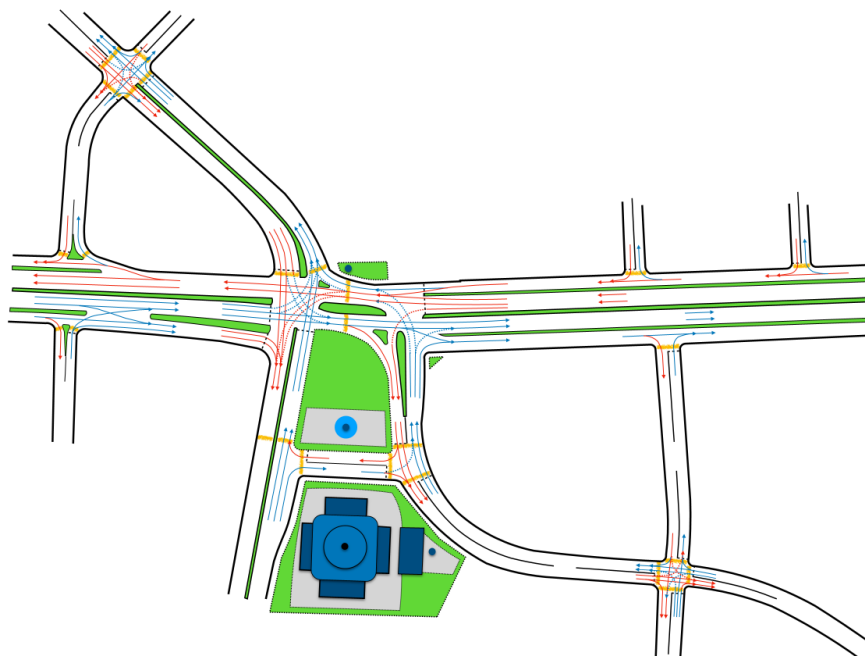
# MEMO

To: Town Council  
From: Alex Sewell, Town Manager  
Date: May 6, 2020  
RE: **DOT Presentation Background U-4714 – East John Street/Old Monroe Road Widening**

**Purpose:** This memorandum provides background on the N.C. Department of Transportation's ("DOT") planned 5/11/20 presentation to Town Council regarding Project U-4714 East John Street/Old Monroe Road widening as it pertains to the Stallings Road/Potter Road and Old Monroe Road.

**Background:**

- A DOT project is U-4714 East John Street/Old Monroe Road Widening which goes through the Town of Stallings.
- In 2017, the Stallings Town Council went on the record opposing DOT's preferred superstreet design for the project.
  - Additionally, the Town created an alternative preferred concept design for the intersection of Stallings Road/Potter Road and Old Monroe Road and requested that DOT use the Town's concept design as shown below:



**Detailed Traffic Movement Plan**

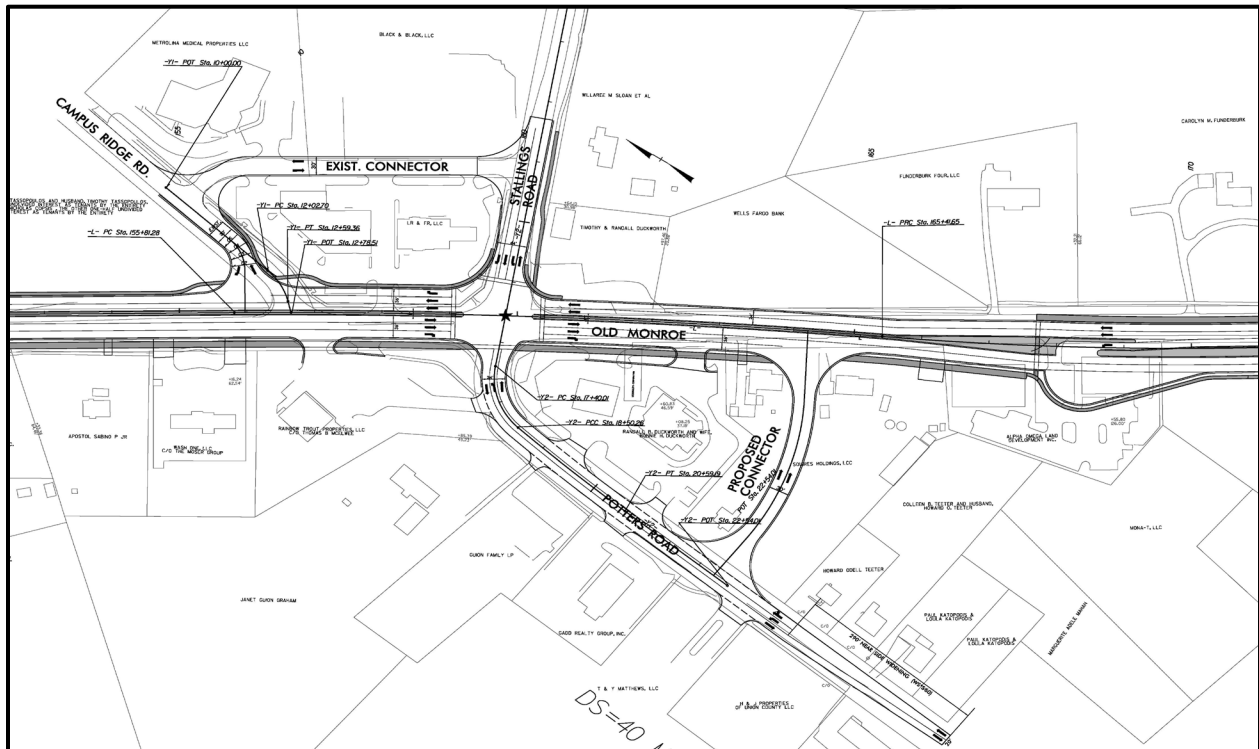
Traffic circulation, pedestrian circulation, open space layout and development potential.



- In 2018, the Town continued to oppose the superstreet design and negotiate with DOT to get the Town's preferred quadrant intersection design accepted by DOT.



- In 2019, DOT shared with the Town a new intersection largely based on the Town's requested quadrant alternative design as shown below:



- On 4/8/19, the Town Council reviewed the design and instructed staff to communicate that it was happy with the design concept overall but making several requests which can be seen in the following email:

**From:** Alex Sewell  
**Sent:** Tuesday, April 9, 2019 1:20 PM  
**To:** Cole, Scott <scole@ncdot.gov>; Basham, Stuart L <slbasham@ncdot.gov>  
**Cc:** Erinn Nichols <enichols@stallingsnc.org>; Lynne Hair <lhair@stallingsnc.org>; Christopher Easterly <ceasterly@stallingsnc.org>  
**Subject:** Stallings: Old Monroe Road Follow-Up U-4714

Scott and Stuart,

Thanks for discussing the Old Monroe Road project yesterday. I presented this information to the Council last night and this is their directive:

- They expressed gratitude to DOT for be willing to listen and incorporate many of the Town's priorities. Thank you!
- Overall, the Council was happy with the concept plan but had several minor requests regarding the intersection of Old Monroe/Potters/Stallings:
  - o Would like the lanes in this area to not exceed 11 feet in the map area shown in yesterday's PowerPoint.

- Would like to see nice landscaping and especially a landscaped median. The Town understands it will have to maintain any additional landscaping after DOT installs.
- Would like to have powder coated mast arm poles and any pedestrian poles at the intersection of Old Monroe/Potters/Stallings.
- Interested in burying utility lines in the area...would like to see a cost estimate on this before committing.
- Slip Lanes – OK with this design as built not having slip lanes but wanted to see if it's possible to integrate slip lane sin the future. The idea being that the Town would ask developers of these properties to install these slip lanes as a condition of development in the future. Is this possible?

Thanks!

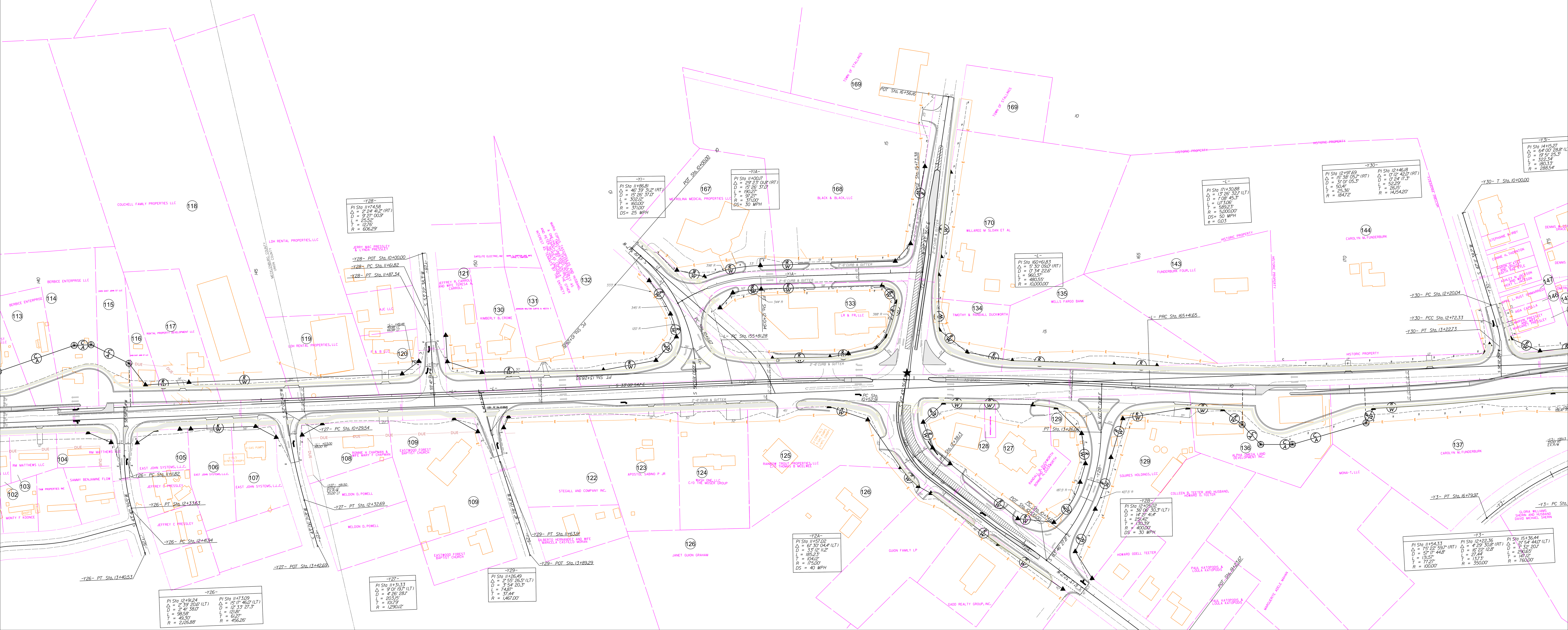
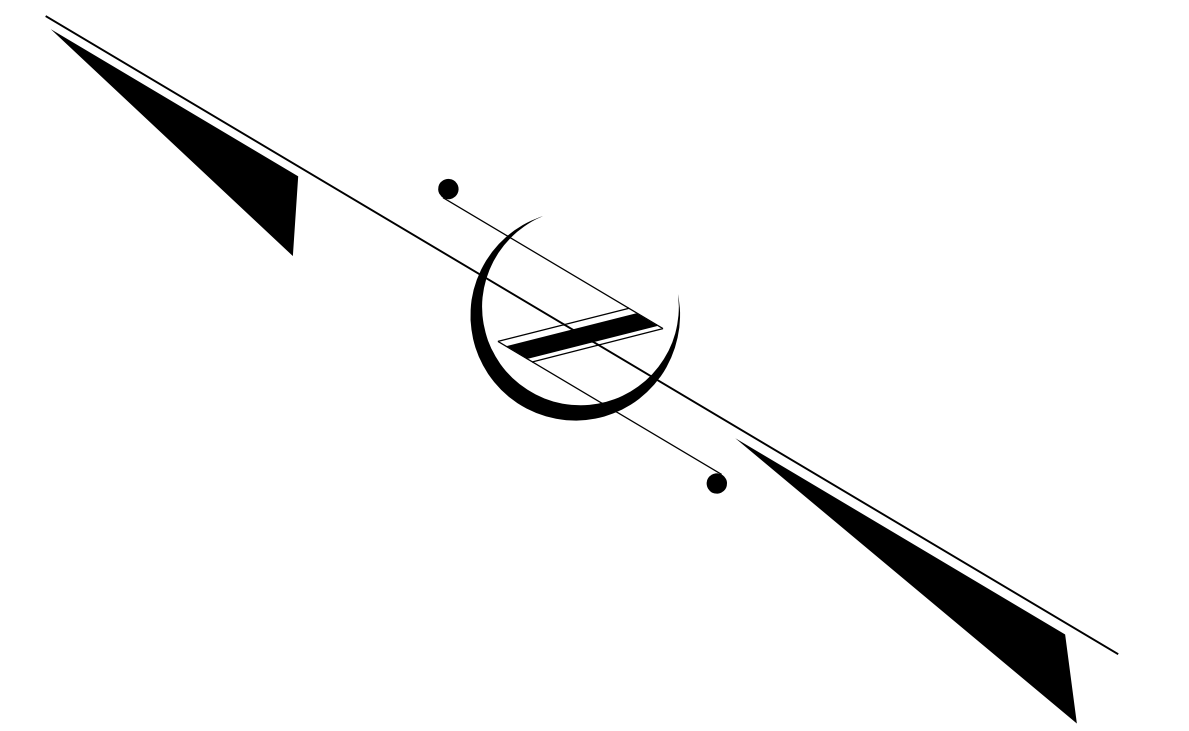
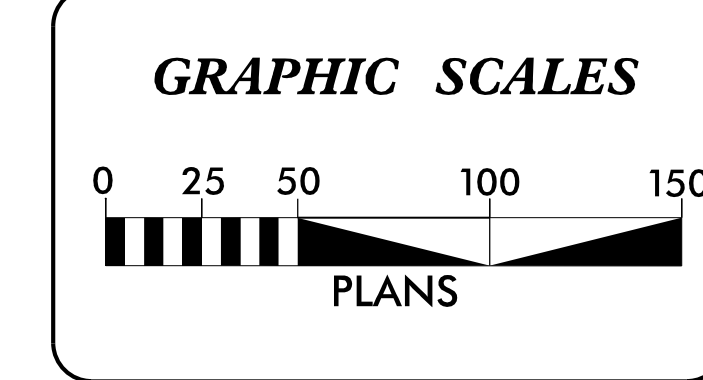
Alex



**M. Alexander Sewell, Esq.**  
**Town Manager**  
**Town of Stallings**  
**(704) 821-0314**

- In 2020, DOT has developed a more in-depth design and plans to share this with the Town Council at the upcoming Council meeting.
  - Staff have asked DOT to be prepared to address the issues raised in the above 4/9/19 communication to DOT.

# U-4714AC SPECIAL QUADRANT DESIGN APRIL 2020 EXHIBIT





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Town of  
**Stallings**

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315 Stallings Road ▪ Stallings, North Carolina 28104

November 15, 2017

Mr. Scott Cole, P.E.  
Division Engineer  
NCDOT – 10<sup>th</sup> Highway Division  
716 W. Main Street  
Albemarle, NC 28001

Re: **STIP U-4714 (E. John Street - Old Monroe Road SR 1009 Superstreet)  
Request for Local Alternative Design Consideration**

Dear Mr. Cole:

The Stallings Town Council has gone on record as opposing the superstreet design as the preferred alternative for the widening of Old Monroe Road. Opposition to this design was spurred by planning efforts along this corridor, and the Town's goal of creating a downtown hub at and near the intersection of Stallings Road/Potter Road and Old Monroe Road. Planning efforts in this area have been ongoing since 2010, with the Potters/Pleasant Plains intersection improvements and continuing with current design initiatives for the Old Monroe Corridor Small Area Plan. It is the opinion of the Town that a superstreet along this corridor will eliminate the small-town image that Stallings is attempting to create and will undermine long-range planning initiatives.

In support of these efforts the Town is requesting NCDOT consider the following:

- The Town seeks to change the Old Monroe Road thoroughfare section beginning at Friendship Drive and terminating at Pleasant Plains Road to reflect a multi-way boulevard illustrated in the attached document.
- The Town seeks to change the intersection design at Stallings Road and Potter Road from a limited movement to a full movement signal, permitting all directional turns off and on to both thoroughfares.
- The Town seeks to explore opportunity for a civic space as illustrated in the attached document and would like to determine if closely spaced signals timed to function as one signal can be deployed as a variation to #2.

We appreciate your careful consideration of the Town's commitment to encourage growth and guide development along this corridor which is crucial to the Town's future. We look forward to opening a dialogue with you to discuss the Town's proposed design alternative.

Sincerely,

Erinn Nichols

Interim Town Manager



# MEMO

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To: **Mayor and Town Council**  
Via: Alex Sewell, Town Manager  
From: Christopher J. Easterly, P.E., Town Engineer  
Date: 05-05-2020  
RE: NCDOT SR-2 Resolution Request to Abandon a Portion of Quarter Horse Lane

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**Purpose:** To provide background and a recommendation on the NCDOT SR-2 resolution request to abandon a portion of Quarter Horse Lane.

**Background:** On April 8, 2020, the Town received a SR-2 resolution request from NCDOT to abandon a 0.20 mile segment of Quarter Horse Lane from the NCDOT asset management system. Prior to the construction of the first phase of the Fairhaven subdivision, a gravel roadway extended from its intersection with Stevens Mill Road to the paved section of Quarter Horse Lane serving three properties in unincorporated Union County. Per the approved development construction plans, the paved section terminates into an intersection with Shadowy Retreat Drive within the Fairhaven subdivision. The gravel portion of the roadway no longer exists. NCDOT is requesting the abandonment of this segment so the asset management system accurately reflects the current field conditions.

NCDOT policy requires that the local jurisdiction governing entity adopt a resolution affirming the addition/removal of state maintained roadways prior to action by the NCDOT Board of Transportation.

**Recommendation:** Staff recommends approval of the SR-2 resolution submitted by NCDOT.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

April 8, 2020

Chris Easterly  
Town of Stallings  
315 Stallings Road  
Stallings, NC 28104

Subject: Request for Abandonment Resolution (SR-2) for Quarter Horse Lane

Dear Mr. Easterly:

NCDOT is petitioning to abandon a portion of the subject road from the State Maintained Road System. This road can be recommended for abandonment upon receipt of a resolution from the Town Council. The 0.2 we are requesting to abandon were never abandoned and there is currently a subdivision in place instead of the roadway. There is a remaining 0.17 miles that is to remain on the system.

Therefore, our office requests your assistance in obtaining a resolution (SR-2). Please provide an approved SR-2 form from the Town of Stallings if this request is acceptable.

Thank you for your prompt attention to this matter. If you have any questions, please feel free to call me at (704) 218-5100.

Sincerely,

A handwritten signature in black ink that reads "Ben Saunders".

Ben Saunders  
Engineering Technician

bs  
cc: File

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
BUSINESS UNIT NAME  
ADDRESS 1  
CITY, NC ZIP

Telephone: ###-###-####  
Fax: ###-###-####  
Customer Service: 1-877-368-4968

Location:  
ADDRESS 2  
CITY, NC ZIP

Website: [ncdot.gov](http://ncdot.gov)

**North Carolina Department of Transportation  
Division of Highways  
Secondary Road Abandonment Investigation Report**

County Union Co. File No. 10.1817-U Date 4/01/20  
 Township Stallings Div. File No. 10.1817-U Div.# 10

SR No. & Local Name If Any SR 2347 Quarter Horse Lane

Length To Be Abandoned 0.2 Length To Be Retained (if applicable) 0.17

Width 19 to 50 feet Type 9.5A Condition Good

Number of homes having entrances into road 3

Other uses having entrances into road None

Is the road a school bus route? No

Average Daily Traffic Count (estimated) N/A

Date of last State maintenance performed N/A

Is the road a mail route? Yes

Is a petition for this request attached? Yes

Is the County Commissioners' Approval attached? Yes

If not, give reason \_\_\_\_\_

Additional information applicable This is a department initiated abandonment. The 0.20 miles we are requesting to abandon were never abandoned and there is currently a subdivision in place instead of the roadway. There is a remaining 0.17 miles that is to remain on the system.

Submitted by \_\_\_\_\_ DISTRICT ENGINEER Reviewed and Approved \_\_\_\_\_ DIVISION ENGINEER

Reviewed and Approved  
 BOARD OF TRANSPORTATION MEMBER \_\_\_\_\_

(Do not write in this space – For use of Planning Dept.)	(Do not write in this space – For use of Secondary Roads Dept.  Petition No. _____
	(Do not write in this space – For use of Planning Dept.)

**North Carolina Department of Transportation Division of Highways  
Request for Abandonment to State Maintained Secondary Road System**

North Carolina

County: Union

Road Description: The 0.2 miles we are requesting to abandon were never abandoned and there is currently a subdivision in place instead of the roadway. There is a remaining 0.17 miles that is to remain on the system. Quarter Horse Lane.

WHEREAS, the attached petition has been filed with the Town of Stallings of the County of Union requesting that the above described road, the location of which has been indicated in red on the attached map, be deleted from the Secondary Road System, and

WHEREAS, the Town of Stallings is of the opinion that the above described road should be deleted from the Secondary Road System.

NOW, THEREFORE, be it resolved by the Town of Stallings of the County of Union that the Division of Highways is hereby requested to review the above described road, and to abandon the road for maintenance.

**CERTIFICATE**

The foregoing resolution was duly adopted by the Town of Stallings of the County of Union at a meeting on the 11th day of May, 2020.

WITNESS my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Official Seal**

Town of Stallings Clerk:

\_\_\_\_\_

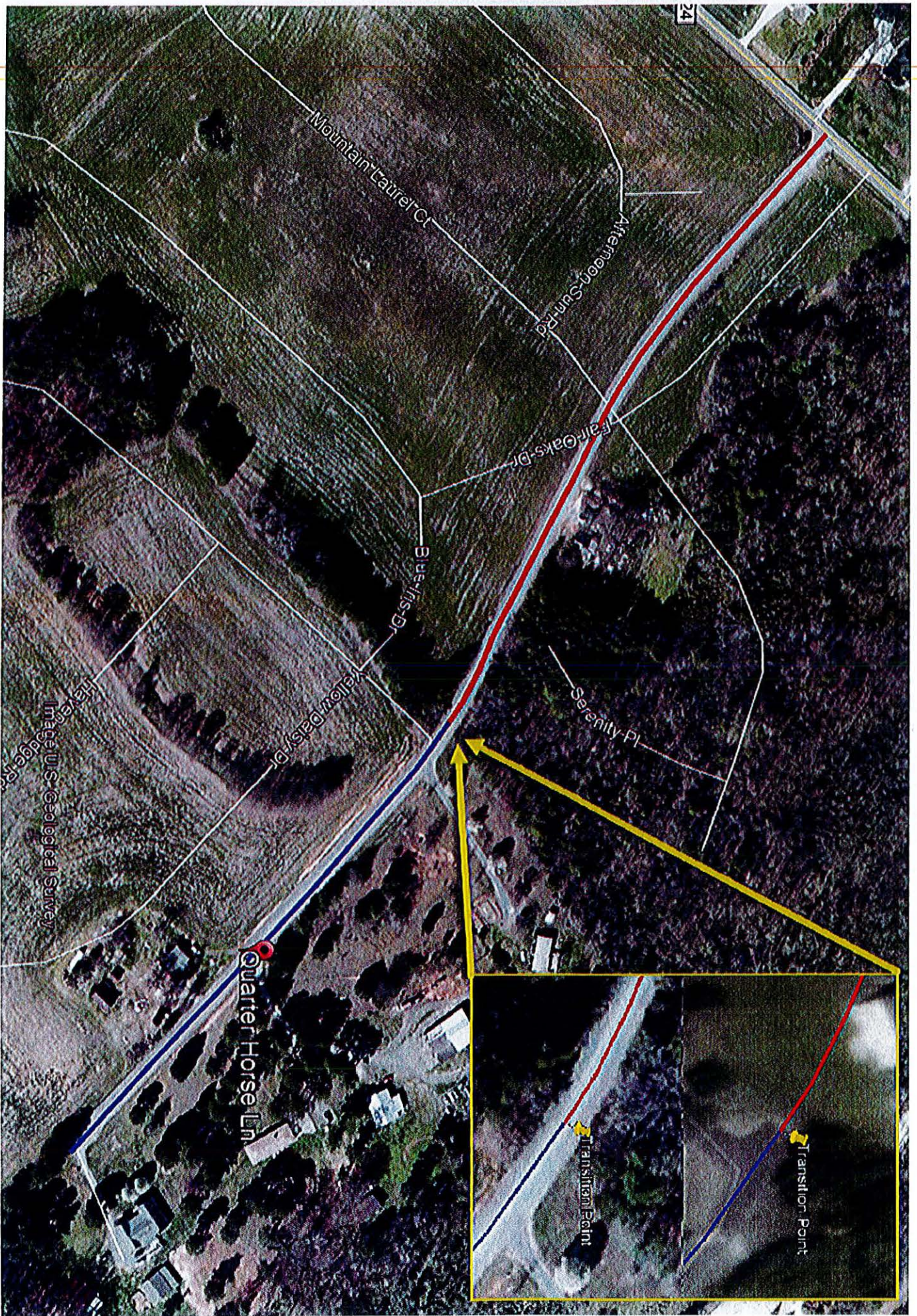
Town of Stallings Mayor:

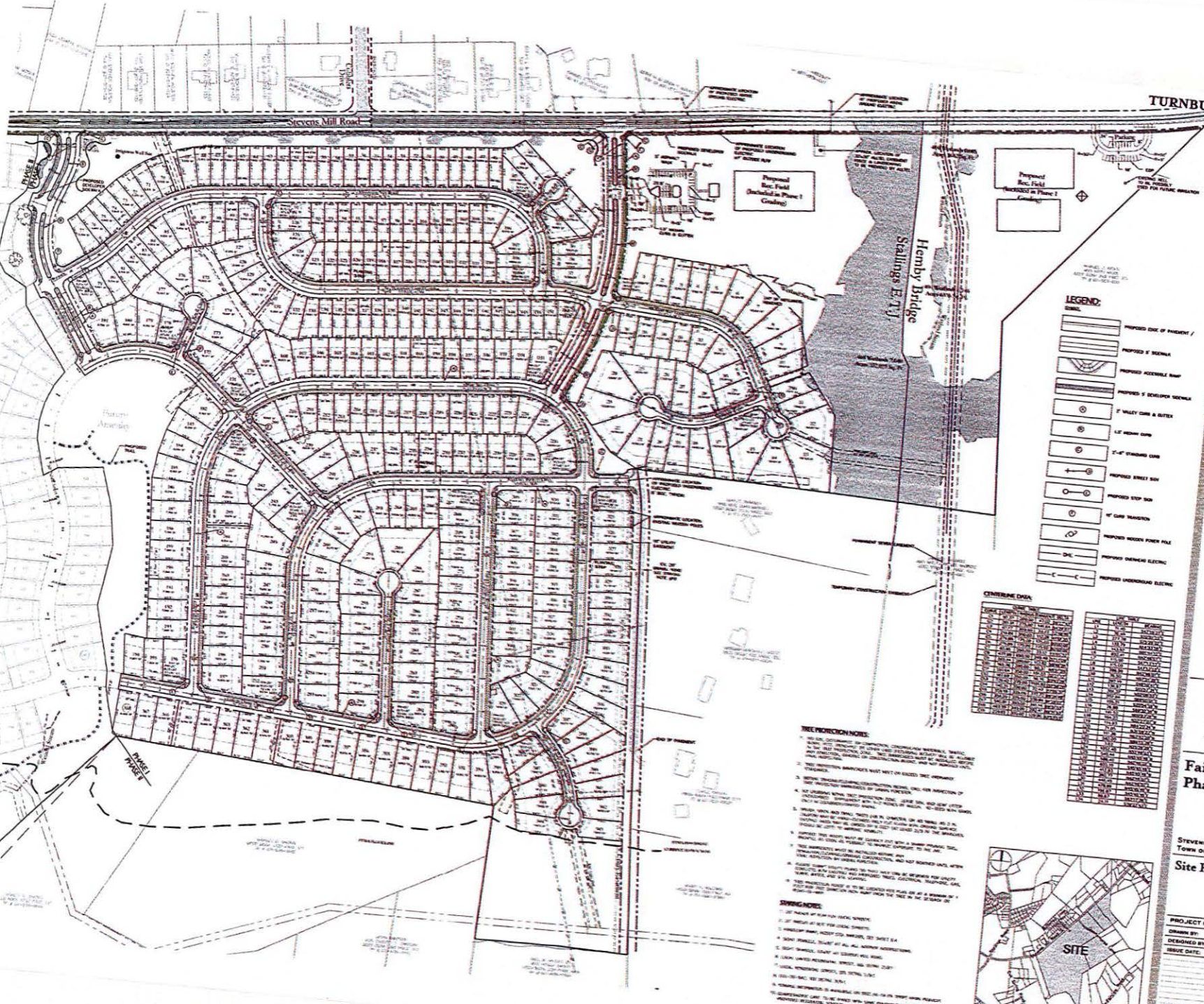
\_\_\_\_\_

**PLEASE NOTE:**

**Forward direct with request to the District Engineer, District 3, Division of Highways**







**Crosland**  
 227 WEST TRADE STREET  
 SUITE 800  
 CHARLOTTE, NC 28208

- LEGEND:**
- PROPOSED EDGE OF PAVEMENT /
  - PROPOSED 1/2 SECTION
  - PROPOSED ACCESSIBLE RAMP
  - PROPOSED 1/2 DEVELOPMENT SECTION
  - 2' VALLEY CURB & GUTTER
  - 4" EDGE CURB
  - 2" EDGE CURB
  - PROPOSED STREET SIGN
  - PROPOSED STOP SIGN
  - 1/2" CURB TRANSITION
  - PROPOSED WOODEN FENCE POST
  - PROPOSED DRINKING ELECTRIC
  - PROPOSED UNDERGROUND ELECTRIC

**CONTIGUOUS DATA**

TRACT NO.	OWNER	ADDRESS	REMARKS
1	...	...	...
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100	...	...	...

- THE INFORMATION HEREIN:**
1. THIS PLAN IS A PRELIMINARY PLAN. THE INFORMATION HEREON IS BASED UPON THE INFORMATION PROVIDED BY THE CLIENT AND THE INFORMATION OBTAINED BY THE ENGINEER FROM HIS VISUAL SURVEY OF THE SITE AND THE RECORDS OF THE LOCAL OFFICIALS.
  2. THE ENGINEER HAS NOT CONDUCTED A SURVEY OF THE SITE FOR THE PURPOSES OF THIS PLAN.
  3. THE ENGINEER HAS NOT CONDUCTED A SURVEY OF THE SITE FOR THE PURPOSES OF THIS PLAN.
  4. THE ENGINEER HAS NOT CONDUCTED A SURVEY OF THE SITE FOR THE PURPOSES OF THIS PLAN.
  5. THE ENGINEER HAS NOT CONDUCTED A SURVEY OF THE SITE FOR THE PURPOSES OF THIS PLAN.
  6. THE ENGINEER HAS NOT CONDUCTED A SURVEY OF THE SITE FOR THE PURPOSES OF THIS PLAN.
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  8. THE ENGINEER HAS NOT CONDUCTED A SURVEY OF THE SITE FOR THE PURPOSES OF THIS PLAN.
  9. THE ENGINEER HAS NOT CONDUCTED A SURVEY OF THE SITE FOR THE PURPOSES OF THIS PLAN.
  10. THE ENGINEER HAS NOT CONDUCTED A SURVEY OF THE SITE FOR THE PURPOSES OF THIS PLAN.
- REVISIONS:**
1. SET POINTS AT 100' FROM CURB.
  2. SET POINTS AT 100' FROM CURB.
  3. SET POINTS AT 100' FROM CURB.
  4. SET POINTS AT 100' FROM CURB.
  5. SET POINTS AT 100' FROM CURB.
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  8. SET POINTS AT 100' FROM CURB.
  9. SET POINTS AT 100' FROM CURB.
  10. SET POINTS AT 100' FROM CURB.



RELEASED FOR CONSTRUCTION

**Fairhaven Phase I**

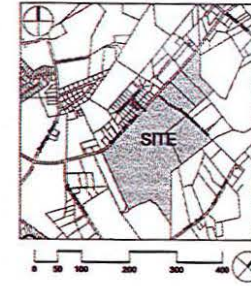
STEVENS MILL ROAD  
 TOWN OF STALLINGS  
**Site Plan**

PROJECT NUMBER: 09-0302  
 DRAWN BY: JMB  
 DESIGNED BY: BCB  
 ISSUE DATE: 5/20/08

- 1. TOTAL USE: Limited to Single-Family Residential
- 2. ZONING: R-100 Single-Family Residential
- 3. ZONING: R-100 Single-Family Residential
- 4. ZONING: R-100 Single-Family Residential
- 5. ZONING: R-100 Single-Family Residential
- 6. ZONING: R-100 Single-Family Residential
- 7. ZONING: R-100 Single-Family Residential
- 8. ZONING: R-100 Single-Family Residential
- 9. ZONING: R-100 Single-Family Residential
- 10. ZONING: R-100 Single-Family Residential



LAND DEVELOPMENT DESIGN SERVICES



THE DRAWING AND THE SPECIFICATIONS HEREON ARE INSTRUMENTS OF SERVICE, PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND AUTHORIZED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION. I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF NORTH CAROLINA. EXPIRES 08/31/2010. P.E. 51988

**Crosland**  
*It's our place to improve yours.*  
227 WEST TRADE STREET  
SUITE 800  
CHARLOTTE, NC 28202

RELEASED FOR CONSTRUCTION

**Fairhaven  
Phase I**

STEVENS MILL ROAD  
TOWN OF STALLINGS

**Demolition  
Plan**

PROJECT NUMBER: 08-002  
DRAWN BY: JHR  
DESIGNED BY: BCH  
ISSUE DATE: 3/1/08

I, APRIL ANN FOR GUEST BOOK SIGNATURE  
DATE: 3/1/08



- DEMOLITION NOTES:**
- CONTRACTOR IS FULLY RESPONSIBLE FOR OBTAINING APPROVALS FROM ALL AGENCIES THAT APPLY TO THE PROJECT AND FOR OBTAINING ALL NECESSARY PERMITS.
  - CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY APPROVALS FROM ALL AGENCIES THAT APPLY TO THE PROJECT.
  - CONTRACTOR SHALL REMOVE EXISTING UTILITIES AS SHOWN BY THIS DEMOLITION PLAN AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES TO REMAIN.
  - ALL EXISTING UTILITIES TO BE REMOVED SHALL BE REMOVED IN ACCORDANCE WITH ALL APPLICABLE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION REQUIREMENTS.
  - CONTRACTOR SHALL REMOVE ALL EXISTING UTILITIES AS SHOWN BY THIS DEMOLITION PLAN AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES TO REMAIN.
  - ALL EXISTING UTILITIES TO BE REMOVED SHALL BE REMOVED IN ACCORDANCE WITH ALL APPLICABLE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION REQUIREMENTS.

**LEGEND:**

[Symbol]	EXISTING LANE
[Symbol]	EXISTING DRIVE OR DRIVEWAY
[Symbol]	EXISTING DRIVEWAY DRIVE
[Symbol]	EXISTING DRIVEWAY TELEPHONE
[Symbol]	EXISTING UNDERGROUND TELEPHONE
[Symbol]	EXISTING WATER LINE
[Symbol]	EXISTING SANITARY SEWER
[Symbol]	EXISTING GAS LINE
[Symbol]	EXISTING POWER DRIVEWAY
[Symbol]	EXISTING WATER VALVE
[Symbol]	EXISTING FIRE HYDRANT
[Symbol]	EXISTING POWER POLE
[Symbol]	EXISTING SANITARY SEWER MANHOLE
[Symbol]	EXISTING WATER CONDUIT
[Symbol]	EXISTING SEWER CONDUIT
[Symbol]	ROAD LINE
[Symbol]	UNDERGROUND STREAM
[Symbol]	STREAM



1. CONTRACTOR IS FULLY RESPONSIBLE FOR OBTAINING APPROVALS FROM ALL AGENCIES THAT APPLY TO THE PROJECT AND FOR OBTAINING ALL NECESSARY PERMITS.

2. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS.

3. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY APPROVALS FROM ALL AGENCIES THAT APPLY TO THE PROJECT.

4. CONTRACTOR SHALL REMOVE EXISTING UTILITIES AS SHOWN BY THIS DEMOLITION PLAN AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES TO REMAIN.

H:\2008\PROJECTS\08-002-DEM\DWG 03-08-2008 08:13:07 PM EST



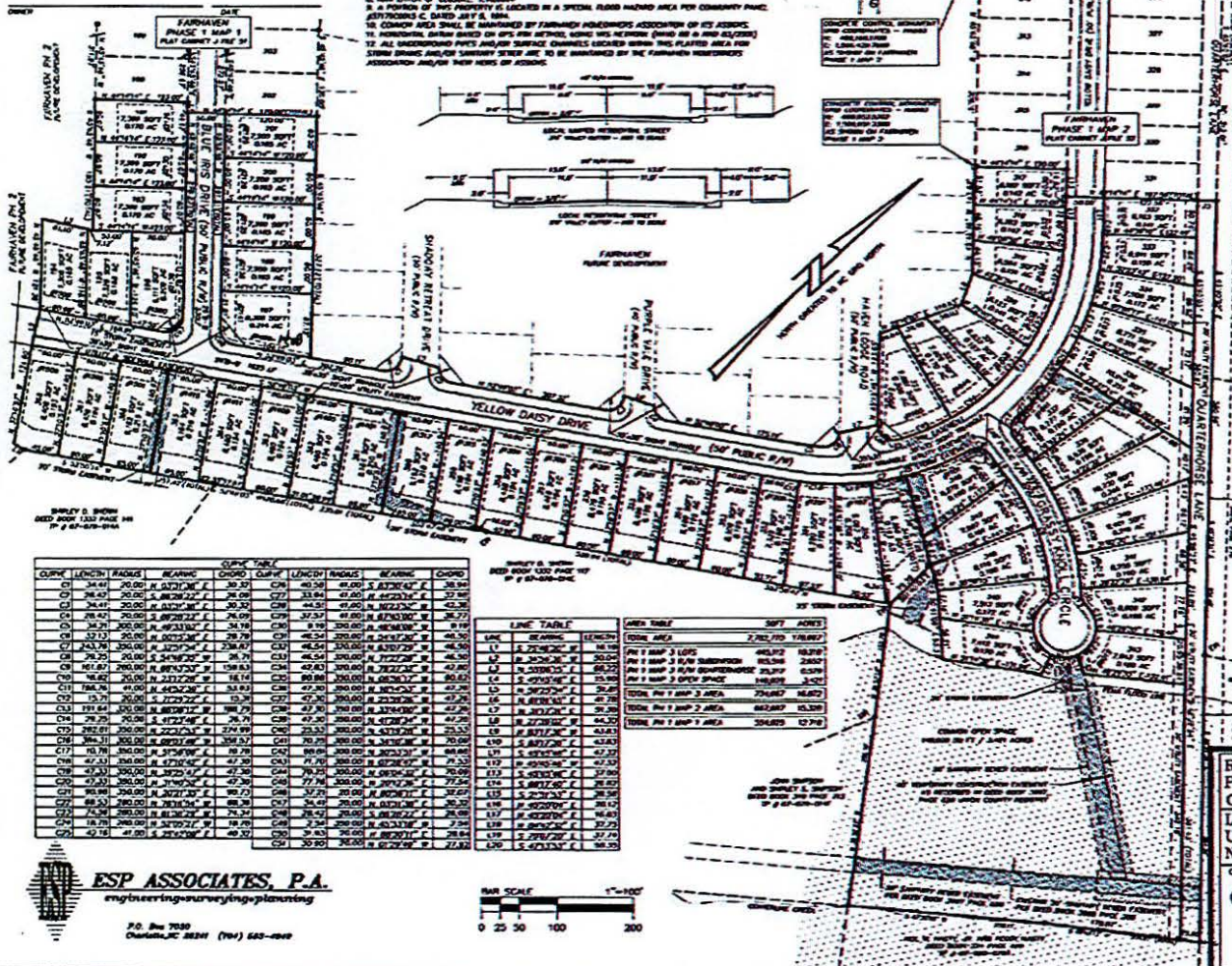
# J-746

THIS DRAWING AND/OR THE GROUND SHOWN ARE THE PROPERTY OF ESP ASSOCIATES, P.A. THE INSTRUMENT, ALTHOUGH, COPIES OF OTHER USES OF THIS DRAWING WITHOUT THEIR WRITTEN CONSENT IS PROHIBITED AND ANY INSTRUMENT WILL BE SUBJECT TO LEGAL ACTION BY ESP ASSOCIATES, P.A.

**RECORDATION OF CONVEYANCE**  
 CROSLAND FAIRHAVEN, LLC, IN RECORDING THIS PLAT AS A PORTION OF FAIRHAVEN AND DESIGNATED CERTAIN PARTS AS "TOWNHIP AREA" FOR USE BY THE HOMEOWNERS ASSOCIATION OF FAIRHAVEN AND FOR THE USE OF THE COMMON PUBLIC FOR PARKING, RECREATIONAL, AND OTHER RELATED ACTIVITIES AS MORE FULLY PROVIDED FOR IN THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS APPLICABLE TO FAIRHAVEN WHICH DECLARATIONS WILL BE RECORDED IN THE UNION COUNTY REGISTER OF DEEDS UNDER APT CASE #1003 AND WHICH SAID DECLARATION IS HEREBY MADE A PART OF THIS PLAT AND INCORPORATED HEREIN.  
**CERTIFICATION OF OWNERSHIP AND DESIGNATION**

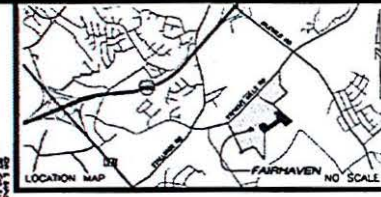
I, HENRY CROWLEY, THAT I AM THE OWNER OF THE PROPERTY SHOWN AND RESTORED HEREON, WHICH IS LOCATED IN THE CORPORATE LIMITS OF THE TOWN OF STALLINGS AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH BOUNDARIES BETWEEN CERTAIN LOTS AND DESIGNATE ALL STREETS, DRIVEWAYS, AND OTHER SITES AND EASEMENTS AS PUBLIC OR PRIVATE USE AS NOTED THEREON, I HEREBY DESIGNATE ALL SANITARY SEWER AND WATER LINES TO THE APPROPRIATE AGENCY.

FILED Dec 28, 2006 10:57 AM FILED  
 PLAT BLOCK J0000 - 0148 UNION  
 INSTRUMENT 099222 CRYSTAL CITY, NC  
 REGISTERED  
 OF DEEDS  
 BY: *Richard E. Baker*



LINE	LENGTH	BEARING	CHORD	CHORD BEARING	CHORD	CHORD BEARING
C01	34.41	S 20.00° E	36.50	S 20.00° E	38.90	S 20.00° E
C02	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C03	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C04	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C05	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C06	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C07	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C08	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C09	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C10	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C11	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C12	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C13	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C14	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C15	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C16	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C17	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C18	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C19	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C20	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C21	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C22	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C23	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C24	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C25	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C26	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C27	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C28	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C29	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W
C30	28.47	S 81.21° W	28.08	S 81.21° W	27.90	S 81.21° W

LINE	LENGTH	BEARING	CHORD	CHORD BEARING
L01	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L02	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L03	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L04	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L05	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L06	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L07	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L08	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L09	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L10	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L11	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L12	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L13	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L14	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L15	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L16	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L17	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L18	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L19	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E
L20	10.00	S 00° 00' 00" E	10.00	S 00° 00' 00" E



**CERTIFICATION OF APPROVAL BY THE STALLINGS TOWN COUNCIL**  
 THE STALLINGS TOWN COUNCIL HEREBY APPROVES THE FINAL PLAT FOR FAIRHAVEN SUBDIVISION, PROVIDED THIS PLAT IS RECORDED WITH THE UNION COUNTY REGISTER OF DEEDS WITHIN THIRTY (30) DAYS.

*Richard E. Baker* 12/14/06  
 CHAIRMAN, STALLINGS PLANNING BOARD

**SEWER OFFICE**  
 I, *Greg Nichols*, SEWER OFFICER OF UNION COUNTY, CERTIFY THE MAP OF PLAT TO BE TRUE AND CERTIFICATION IS AFFIRMED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

*Tom Nichols* 12/24/06  
 SEWER OFFICER

**CERTIFICATION OF APPROVAL BY THE TECHNICAL REVIEW COMMITTEE**  
 THE TECHNICAL REVIEW COMMITTEE HEREBY CERTIFIES THAT ALL STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO THE TOWN OF STALLINGS SPECIFICATIONS AND STANDARDS, AND THE PLAT FEE FOR THIS PLAT HAS BEEN PAID.

*Richard E. Baker* 12-14-06  
 CHAIRMAN, TRC

THIS IS TO CERTIFY THAT THIS PLAT REPRESENTS A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

*Robert L. Moore* 12/14/06  
 ROBERT L. MOORE, REGISTERED SURVEYOR

**CERTIFICATE OF SURVEY AND ACCURACY**  
 I, ROBERT L. MOORE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (EVEN DESCRIPTIONS REQUIRED IN DEED BOOK 1000 PAGE 270), THAT THE FINISH OF COURSE AS CALCULATED BY LATITUDE AND DEPARTURE IS A REVISION, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION IN BEST AVAILABLE RECORDS; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITHIN MY AID AND SEAL THIS 14th DAY OF DECEMBER, A.D. 2006.

*Robert L. Moore* 12/14/06  
 ROBERT L. MOORE, REGISTERED SURVEYOR



RECORDS WILL BE MADE IN ACCORDANCE WITH THE RECORDING, CHANGING, OR CORRECTING ACT, ARTICLE 17 OF CHAPTER 305, STATUTES OF NORTH CAROLINA, 1977, 1983, 1987, 1993, 1997, 2001, 2005.

**REVISED FINAL PLAT OF FAIRHAVEN PHASE 1 MAP 3 CROSLAND LAND DEVELOPMENT LOCATED IN TOWN OF STALLINGS UNION COUNTY NORTH CAROLINA**

OWNER: **CROSLAND FAIRHAVEN, LLC**  
 277 W. TRADE STREET SUITE 800  
 CHARLOTTE, NC 28202  
 704/381-1957

PROJECT NO: 11231-002  
 SCALE: 1"=100'  
 DATE: 01/17/2006  
 DRAWN BY: CSD  
 CHECKED BY: CSD  
 DATE: 01/17/06

**ESP ASSOCIATES, P.A.**  
 engineering-surveying-plotting  
 P.O. Box 7039  
 Charlotte, NC 28211 (704) 663-0000



CAB J F:12 746

**RULES OF PROCEDURE  
FOR ~~REMOTE~~**ELECTRONIC** MEETINGS OF STALLINGS TOWN COUNCIL**

MAY~~RCH~~ 1130, 2020 VERSION FOR COUNCIL CONSIDERATION

~~North Carolina General Statute § 166A-19.20 authorizes remote meetings upon the issuance of a declaration of emergency and sets forth the requirements for conducting the remote meetings. A remote meeting is an official meeting, or any part thereof, between one and all of the members of the body participating by simultaneous communication. Simultaneous communication is defined as any communication by conference telephone, conference video, or other electronic means. The Town Council of the Town of Stallings, North Carolina, recognizes that Article 33C of Chapter 143 of the North Carolina General Statutes contemplates that official meetings of public bodies, such as the Stallings Town Council, may take place by electronic means. In fact, §143-318.10(d) of the North Carolina General Statutes states that an official meeting can, “mean[] a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body.” The Rules of Procedure for Electronic Meetings are a guide for how Council will conduct meetings featuring electronic participation.~~

1. Meetings to Which These Rules Apply

These Rules of Procedure for ~~Remote~~**ELECTRONIC** Meetings (“~~Remote Meeting~~**ELECTRONIC** Rules”) shall apply only to meetings of the Stallings Town Council, meetings of the Planning Board and to Development Agreement subcommittee meetings and not to any other public bodies existing under the authority of the Town of Stallings. The ~~Remote Meeting~~ **ELECTRONIC** Rules are supplemental to the Rules of Procedure approved by the Town Council for its meetings. ~~Remote~~**ELECTRONIC** Meetings can take place for any regular, special, or emergency meeting of the Stallings Town Council, Stallings Planning Board, and Development Agreement subcommittee meetings subject to the conditions governing the use of ~~Remote~~**ELECTRONIC** Meetings.

2. Conditions Necessary for ~~Remote~~**ELECTRONIC** Meetings

~~The Town Council agrees that electronic meetings~~Remote meetings will only be permitted upon issuance of a declaration of emergency under NCGS §166A-19.20 ~~by when any of the following entities declare that a state of emergency or a disaster exists in an area including the Town of Stallings; the federal government of the United States of America; the Government of the State of North Carolina by the General Assembly or through the Governor of the State of North Carolina, or other method permitted by Chapter 166A of the North Carolina General Statutes; Union County, North Carolina; or the Town of Stallings, through the Mayor or other methods permitted by Chapter 31 of the Stallings Town Code.~~ The state of emergency declaration or disaster declaration must be related to

a distinct event that reasonable persons can agree directly affects the Town of Stallings. If no state of emergency or disaster exists, then the ~~Remote Meeting~~~~Electronic~~ Rules may not be used.

3. Requirements ~~Definition~~ of a ~~Remote~~~~Electronic~~ Meeting

The Stallings Town Council, Planning Board, or Development Agreement subcommittee shall comply with the following with respect to remote meetings:

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~~An Electronic Meeting is any meeting where one or more members of the Town Council participates through telephonic communication, or a telecommunications application which allows simultaneous communication by multiple parties, or other similar means that allows the members of the Town Council to hold a meeting without all members being physically present in the same room.~~

4. (a) Notice of ~~Remote~~~~Electronic~~ Meeting: Proper notice shall be given of the remote meeting

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~~If an Electronic Meeting is necessary, a public notice of the electronic meeting shall be sent as part of the any notice required by North Carolina General Statutes §143-318.12. The public notice, in addition to the information required by North Carolina General Statutes §143-318.12, shall notice shall also specify the means by which the public can access the remote meeting as the remote meeting occurs. provide:~~

(b) Any member of the public body participating by a method of simultaneous communication in which that member cannot be physically seen by the public body must identify himself or herself in each of the following situations:

1. When the roll is taken, or the remote meeting is commenced.
2. Prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order.
3. Prior to voting.

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(c) All documents to be considered during the remote meeting shall be provided to each member of the public body.

(d) The method of simultaneous communication shall allow for any member of the public body to do all of the following:

1. Hear what is said by the other members of the public body.
2. Hear what is said by any individual addressing the public body.
3. To be heard by the other members of the public body when speaking to the public body.

(e) All votes shall be roll call; no vote by secret or written ballots, whether by paper or electronic means or in accordance with G.S. 143-318.13(b), may be taken during the remote meeting.

(f) The public body shall comply with G.S. 143-318.13(c), which prohibits acting by reference to a letter, number or some other designation or secret device, with the intention of

making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. The agenda shall be sufficiently worded to enable the public to understand what is being discussed or acted upon and shall be available for public inspection at the meeting.

(g) The minutes of the remote meeting shall reflect that the meeting was conducted by use of simultaneous communication, which members were participating by simultaneous communication, and when such members joined or left the remote meeting.

(h) All chats, instant messages, texts, or other written communications between members of the public body regarding the transaction of the public business during the remote meeting are deemed a public record.

(i) The remote meeting shall be simultaneously streamed live online so that simultaneous live audio, and video, if any, of such meeting is available to the public. If the remote meeting is conducted by conference call, the public body may comply with this subdivision by providing the public with an opportunity to dial in or stream the audio live and listen to the remote meeting.

a. The location of the meeting; and

b. The location of where a member of the public, member of the media, or others, may listen to the Electronic Meeting in accordance with § 143-318.13 of the North Carolina General Statutes.

~~The notice shall be provided in the manner required by Article 33C of Chapter 143 of the North Carolina General Statutes. If the Electronic Meeting is being used for any part of a regular meeting that is on the meeting schedule adopted by the Town Council, then the information required above shall be provided in a separate notice to be provided in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes. Any notice provided may also be posted on the Town of Stallings's bulletin board, website and social media accounts, if possible.~~

#### 5.4. Quorum

~~A member of the public body participating by simultaneous communication~~Councilmembers present in person or electronically, shall be included in the calculation for determining if a quorum exists only during the period while simultaneous communication is maintained for that member. ~~of the Town Council. The provisions of 160A-75 shall apply to all votes for each member of the Stallings Town Council taken during a remote meeting. If a Councilmember who participates electronically withdraws from the meeting, the rest of the meeting may be completed provided there is still a quorum of the Town Council present either in person or electronically. Any Councilmember withdrawing from the meeting shall no longer be included for purposes of the quorum calculation.~~

#### 6.5. Process of Opening Meeting

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Immediately prior to opening the meeting, the Mayor, Mayor Pro Tem, or other presiding officer shall communicate with the Councilmember(s) who is (are) participating electronically and ensure that he/she is prepared to go forward. From that time forward until the adjournment of the meeting, the communication line or application shall be kept open. At the start of the meeting, the Mayor, Mayor Pro Tem, or presiding official shall state which Councilmembers are participating electronically.

#### 7.6. Voting and Discussion

~~Votes of each member of the public body made during a remote meeting under this section shall be counted as if the member were physically present only during the period while simultaneous communication is maintained for that member. A vote or failure to vote of any member present by means of simultaneous communication in accordance with N.C. G.S. § 166A-19.20 shall be treated as if the member were physically present only during the period while simultaneous communication is maintained for that member. Councilmembers present for the meeting through electronic means are eligible to vote for all items considered by the Town Council during the meeting. However, Councilmembers present for the meeting through electronic means will not be permitted to vote on any quasi-judicial matters coming before the Council. Also, a member~~A member voting must indicate verbally with a “yes,” “no,” “yea,” “nay,” “or “abstain” (when that is permitted) such that the Town Clerk or her designee may record the vote during roll call. Prior to taking a vote on any issue, the Mayor, Mayor Pro Tem, or other presiding officer shall inquire of the Councilmembers participating electronically if he or she has been able to adequately monitor the discussion, including comments from the public during any designated public comment period, if any, and shall allow those Councilmembers to make any comments he or she desires, if they chose to not avail himself or herself of the opportunity to discuss the matter before the vote. However, it is the responsibility of the member to gain the attention of the Mayor or the presiding officer in order to be recognized for discussion. ~~A Councilmember attending through electronic means that withdraws from the meeting without being excused from further attendance shall not be considered an affirmative vote on items before Council. If a Councilmember attending through electronic means becomes disconnected from the meeting, the Councilmember will not be counted as an affirmative or negative vote.~~

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#### 7. Public Hearings

The Stallings Town Council may conduct any public hearing required or authorized by law during a remote meeting, and take action thereon, provided the public body allows for written comments on the subject of the public hearing to be submitted between publication of any required notice and 24 hours after the public hearing.

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#### 8. Closed Sessions

The public body may conduct a closed session as authorized in NCGS § 143-318.11 and while in closed session the Town Council is not required to provide access to the remote meeting to the public.

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8. ~~Minutes~~

~~The minutes of the meeting shall designate the name of each Councilmember who participated electronically, the nature of the electronic communication, and the duration of the Councilmember's participation.~~

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To: Mayor and Council  
From: Erinn Nichols, Assistant Town Manager/Town Clerk  
VIA: Alex Sewell, Town Manager  
Date: 05-06-2020  
RE: Noise Ordinance Background Information

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The purpose of this memo is to provide background information on the two ordinance amendments pertaining to the Town's noise ordinance and golf course noise regulations. Below are excerpts from the 2019 minutes when these items were discussed. Following this memo are the ordinance amendments and the 09-09-2019 position letter from the Divide Golf Course on the matter.

**09-09-2019 Minutes:**  
**Public Comment**

Boyd Everling, 6803 Stevens Mills Road, 2209 Shemar Circle, general manager of the Divide Golf Club, was present to appeal the noise ordinance violation received from the Town restricting mowers and equipment until after 7 a.m. at the facility. Mr. Everling explained the course was in operations prior to being annexed into the Town of Stallings. The maintenance and operations of the course prior to 7 a.m. was essential to course's financial health and profitability. The maintenance and operations had not changed in 25 years and it had never received a violation. Loss of revenue would also have a negative impact to the homes on the course. Mr. Everling provided a letter to the Council stating the course's position. This letter is attached to these minutes and therefore incorporated herein.

**14.A. Golf Courses/Divide Gold Course Request (Scholl, Birt)**

Council discussed the current resident complaints about golf course maintenance noise and the needs/appeals of the golf courses. Council reached consensus to do a text amendment to the noise ordinance to allow golf maintenance and operations equipment during the hours of 5:30 a.m. – 9 p.m.  
Council held consensus to suspend any action against the golf courses for noise violations until the noise ordinance could be amended. Staff would bring an ordinance amendment back to Council for adoption at its next meeting.

**09-23-2019 Minutes:**  
**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.

**10-14-2019 Minutes:**

**8. Ordinance Amending Code of Ordinances**

Town Manager Sewell explained that this amended to Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life, Paragraph (E) allowed for golf course to run turf fans as needed without hour constraints. Council Member Scholl made the motion to approve the Ordinance Amendment to Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life, Paragraph (E) – Golf Course Turf Fans. The motion received Council’s unanimous support after a second from Council Member Birt. The Ordinance Amendment to Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life, Paragraph (E) – Golf Course Turf Fans is attached to these minutes and therefore incorporated herein.

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# DIVIDE

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Attn: Kolleen M. Dickenson – Code Enforcement Officer

Please accept this formal request for a hearing regarding the Noise Violation Warning Citation for the Divide Golf Club. We are appealing the Warning Citation where we would be restricted from operation lawn mowers and other domestic tools out-of-doors between the hours of 9:00 p.m. – 7:00 a.m.:

1) Loss of Revenues

We generally start to mow or use other course equipment after 5:30 a.m., generally closer to 6:00 a.m. so we can start our tee times at 6:30 a.m. on weekends/holidays in summer and start at 7:00 a.m. on weekdays. From the months of April through October, our earliest tee times are the most in demand as golfers either like to finish early or not play in the extreme heat. If we could not start mowing until after 7:00 a.m., we would not be able to start our tee times until almost 7:45-8:00 a.m. Starting at that time would cause the course to lose significant revenues that are needed to keep the facility open.

April to October Weekday Tee Time Potential Losses Annually (Non-Tournament)

Estimated Weekdays Affected: 120 x 20 Rounds Lost per day estimate x \$30 per round:

**\$72,000 Potential Loss of Weekday Revenue**

April to October Weekend/Holiday Tee Time Potential Losses Annually (Non-Tournament)

Estimated Weekends/Holidays Affected: 60 x 36 Rounds Lost per day estimate x \$50 per round:

**\$108,000 Potential Loss of Weekend/Holiday Revenue**

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**\$180,000 Potential Annual Revenue Loss on 4,560 rounds**

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# DIVIDE

## 2) Safety Issues for Maintenance Staff

We would not be able to get the proper safety buffer in between golfers and our maintenance workers with limited hours to get the course ready for play. Our staff would incur significantly more injuries due to golfer hitting golf balls when maintenance equipment would be in play.

## 3) Competitive Disadvantage/A.M. Shotgun Loss

As other golf courses without restrictions would be able to present their course earlier, with less staff in playable areas and in better condition, we would be at a significant competitive disadvantage. This may require us to lower rates to attract golfers and lose additional revenues.

We will also not be able to present the course in a comparable condition for morning shotgun (starting on different holes at the same time) starts. Events will go to other courses or not consider us. Potential losses could be \$20,000 to \$30,000 annually conservatively.

## 4) Grandfather Provision for Golf Course built before Houses

As with any purchase, there is an assumption of noise, golf balls in the yard, loss of privacy, damage to the home/property and possible injury from golf balls when purchasing a house on a golf course. Most golf courses in the country can operate at the hours that we have operated for years. While not unprecedented nationally, the Town of Stallings noise ordinance enforcement on golf courses is extremely rare as golf courses cannot operate profitably in the overbuilt Charlotte golf market with the time restrictions provided.

All of these issues were already established before the homeowners purchased their homes in Shannamara. The Divide Golf Course has been mowing and using other domestic tools at the same time since it opened roughly 25+ years ago. There would be no new golf course construction that would agree to the noise ordinance restrictions asked of us now.

Finally, in a worst case scenario, losing these levels of revenues and extending financial burden to the facility could cause the Divide Golf Club to ultimately close. This would be catastrophic to the values of the 700+ homes in the Shannamara Community where home values could plummet 20% to 40% depending on the market when the course acreage falls into a state of

~~disrepair. The residents of Shannamara may not realize the financial impact of their complaints~~  
if we have to follow the noise ordinances going forward. We would guess that if all the residents knew the possible ramifications, a consensus would be reached to allow the course to operate outside of the noise ordinance.

Total revenue losses would include the loss of rounds revenues plus the additional loss of range, merchandise, tournaments and f&b revenues which could add up to an additional \$50,000 to \$75,000 in additional lost revenues. The total revenue impact could exceed \$200,000.

We hope this information will allow the Divide Golf Club to receive an exception to the noise ordinance for our benefit along with the long term benefit of the homeowners.

We appreciate the opportunity to present our case in a hearing.

Best Regards,

Boyd Everling, PGA

General Manager/Director of Golf

The Divide Golf Club

6803 Stevens Mill Road

Stallings, NC 28104

704-628-6438



DIVIDE



**Ordinance Amending Code of Ordinances, Title IX *General Regulations*, Chapter 93 *Public Health and Safety Matters; Public Nuisances*, Section 93.04 *Sounds Impacting Residential Life*, Paragraph (D) and (E)**

**WHEREAS**, the Stallings Town Council of the Town of Stallings wishes to allow golf courses to maintain and operate its course(s) prior to 7:00 a.m. for the financial well-being of the course(s);

**NOW, THEREFORE, BE IT ORDAINED** that the Town Council of the Town of Stallings, North Carolina does hereby amend the Code of Ordinances, Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life., to the following:

As reads:

**93.04 Sounds Impacting Residential Life, (D) and (E)**

- (D) The operation of lawn mowers and other domestic tools out-of-doors between the hours of 9:00 p.m. and 7:00 a.m.; and
- (E) Amplified sound as defined in § 93.05 occurring between the hours of 9:00 p.m. and 7:00 a.m. If a permit is acquired as per § 93.05, these hours may be extended to 11:00 p.m.

Change to read:

**93.04 Sounds Impacting Residential Life (D), (E), and (F)**

- (D) The operation of lawn mowers and other domestic tools out-of-doors between the hours of 9:00 p.m. and 7:00 a.m.; ~~and~~
- (E) **The operation of golf course maintenance and operations equipment by golf courses with at least 18 non-miniature golf holes between the hours of 9:00 p.m. and 5:30 a.m.; and**
- (F) Amplified sound as defined in § 93.05 occurring between the hours of 9:00 p.m. and 7:00 a.m. If a permit is acquired as per § 93.05, these hours may be extended to 11:00 p.m.

Adopted this the 23<sup>rd</sup> day of September, 2019.

\_\_\_\_\_  
Wyatt Dunn, Mayor

Attest:

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Erinn E. Nichols, Town Clerk

Approved as to form:

\_\_\_\_\_  
Cox Law Firm, PLLC





**Ordinance Amending Code of Ordinances, Title IX *General Regulations*, Chapter 93 *Public Health and Safety Matters; Public Nuisances*, Section 93.04 *Sounds Impacting Residential Life*, Paragraph (E)**

**WHEREAS**, the Stallings Town Council of the Town of Stallings wishes to allow golf courses to maintain the health of the landscaping of the course for the financial well-being of the course(s);

**NOW, THEREFORE, BE IT ORDAINED** that the Town Council of the Town of Stallings, North Carolina does hereby amend the Code of Ordinances, Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life., to the following:

As reads:

**93.04 Sounds Impacting Residential Life.**

It shall be unlawful to carry on the following activities in any residentially zoned area of the city or within 300 feet of any residentially operated structure in any zone of the city:

...

- (E) The operation of golf course maintenance and operations equipment by golf courses with at least 18 non-miniature golf holes between the hours of 9:00 p.m. and 5:30 a.m.;

Change to read:

**93.04 Sounds Impacting Residential Life.**

It shall be unlawful to carry on the following activities in any residentially zoned area of the city or within 300 feet of any residentially operated structure in any zone of the city:

...

- (E) The operation of golf course maintenance and operations equipment by golf courses with at least 18 non-miniature golf holes between the hours of 9:00 p.m. and 5:30 a.m.; **with the exception of the operation of turf fans required for the health of the golf course turf which are not limited to any hour constraints; and**

Adopted this the 14<sup>th</sup> day of October, 2019.

Attest:

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

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Cox Law Firm, PLLC