

**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 November 22, 2021, at 7:00 p.m. at the Stallings Government Center, 321 Stallings Road, Stallings, North Carolina.

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

Those absent were: Council Member David Scholl.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Max Hsiang, Town Planner; Matthew West, Planning Technician; Kolleen Dickinson, Code Enforcement Officer; Marsha Gross, Finance Officer; and Mac McCarley, Planning 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

No one was present to give public comment.

1. Agenda Approval

Town Manager Sewell requested adding Agenda Item 5.A., *U5112, Potter/Pleasant Plains Intersection Update*. Council Member Ayers made the motion to approve the Agenda with the above addition. The motion was approved unanimously after a second from Council Member Paxton.

2. CZ21.04.01 – CZ – Ag – Wilson

Mayor Dunn reopened the public hearing. Planning Technician Matthew West presented the Council with the information and background on this request. This presentation is attached to these minutes and therefore incorporated herein. The Planning Board first recommended denial in July 2021. The Council first heard in August 2021 and asked for further clarification/discussion from the applicant.

The applicant revised the request was now requesting six specific uses instead of the original fifteen. Staff noted that an agricultural based business was inconsistent with the Land Use Plan. The Planning Board approved the revised application in November 2021 with two conditions:

- 20 ft. buffer along the road
- 30 ft. buffer along Fairhaven near the mulching area

Chris Duggan, attorney for the applicant, was concerned about the length of the process and stated that the applicant wanted to do agricultural uses on the site, including mulching and planting trees for harvesting. Mr. Duggan stated the applicant was willing to accept any reasonable condition Council set forth.

Erik Wilson, applicant, stated that he wanted to plant approximately 200 trees on the site per year, wanted to place produce, and have livestock for family use only in addition to the mulching business.

Jeannie Lindsay, 5639 Ansley court, was in full support of this agricultural use in the Town.

Chris Daniels, 2549 Oak Spring Road, was shocked when he heard that so few cattle would be allowed per acre when there was a livestock farm across the street. He stated that the state was founded on agriculture, and he did not understand why this use was a problem. Mr. Daniels said that Mr. Wilson had the nicest property in Town and asked Council to approve the request with very few conditions.

Ronald Porter, 7216 Oak Spring Road, owned 43 acres near the property and used to have cows. He had no problem with the Wilson's or their intended use of the property. Mr. Porter stated at least Mr. Wilson and his family were working unlike a lot of people.

Mayor Dunn closed the public hearing. Council discussed having livestock on the property; frontage buffering; sidewalks; and adjoining neighbors' approval of the application. Council then developed the following list of conditions:

1. Continue existing landscaping business, including the processing of mulch.
2. Six selected uses allowed in the AG (Agricultural) district:
 1. Accessory Building Units
 2. Agricultural Based Business Facilities
 3. Agricultural Production with Crops and Livestock
 4. Agricultural Production within Building(s)
 5. Landscape Services with Outside Storage
 6. Single Family Dwelling
3. Site-Specific Conditions:
 1. From point L8 to #4, Rebar found near lot 398 Fairhaven provide a Type B buffer per the SDO.
 2. From point L15 to point L8, provide a Type C Buffer per the SDO
 3. Any necessary permits must be acquired from the State, County, and Town as applicable.
 4. All requirements of the Agricultural zoning district and Stallings Development Ordinance shall be met, except where explicitly modified by the conditions agreed by both the Town Council and the applicant.
 5. A revised site plan be provided to the Town including all conditions approved before any permits are issued. *(Note: Conditions listed on the site plan must be adhered to, including the mulching area, the trees along the internal road and the fence along the front, etc.)*
 6. All landscaping buffers must be installed before any new or expansion of uses.
 7. Livestock shall be fenced in for exclusive use of livestock and be limited to not more than two heads of livestock per fenced acre.

8. Chickens are exempt from the livestock limit but shall be limited to 30 for the entire property. Roosters shall be no closer than 100' from adjacent properties.
9. Mulching is limited to the current processing method; bringing in pre-ground material to the site, dyeing, and preparing the mulch for commercial use.
 - Composting shall not be allowed.
 - *“Compost is a mixture of ingredients used to fertilize and improve the soil. It is commonly prepared by decomposing plant and food waste and recycling organic materials.”*
10. Type D buffer around outdoor storage is waived.

Council Member Richardson made the motion to approve CZ21.04.01 – CZ – Ag – Wilson with the conditions listed above. The Council approved the motion unanimously after a second from Council Member Ayers. Mr. Wilson, the applicant, agreed to the conditions.

Mayor Dunn read the Statement of Reasonableness and Consistency for CZ21.04.01 – CZ – Ag – Wilson into the record. Council Member Paxton made the motion to approve the Statement of Reasonableness and Consistency for CZ21.04.01 – CZ – Ag – Wilson to which Council Member Richardson seconded. The motion received Council's unanimous support. The Statement of Reasonableness and Consistency for CZ21.04.01 – CZ – Ag – Wilson is attached to these minutes and therefore incorporated herein.

Planning Attorney Mac McCarley left the meeting.

3. Text Amendments

A. TX21.10.02 – Add building heights to text

Planning Technician West explained this item was proposed by staff to add building heights to text. Mr. West's presentation is attached to these minutes and therefore incorporated herein. The Planning Board recommended approval of the item.

A motion was made by Council Member Richardson to approve TX21.10.02 – Add building heights to text and seconded by Council Member Ayers. Council passed the motion unanimously.

Council Member Richardson made the motion to approve the Statement of Consistency and Reasonableness for TX21.10.02 – Add building heights to text. The motion was approved unanimously by Council after a second from Council Member Ayers. The Statement of Consistency and Reasonableness for TX21.10.02 – Add building heights to text is attached to these minutes and therefore incorporated herein.

B. TX21.10.04 – Clarify Conditional Zoning Intent

Planning Technician West explained this item was proposed by staff to clarify conditional zoning intent. Mr. West's presentation is attached to these minutes and therefore incorporated herein. The Planning Board recommended approval of the item.

A motion was made by Council Member Richardson to approve TX21.10.04 – Clarify Conditional Zoning Intent and seconded by Council Member Ayers. Council passed the motion unanimously.

Council Member Ayers made the motion to approve the Statement of Consistency and Reasonableness for TX21.10.04 – Clarify Conditional Zoning Intent. The motion was approved unanimously by Council after a second from Council Member Grooms. The Statement of Consistency and Reasonableness for TX21.10.04 – Clarify Conditional Zoning Intent is attached to these minutes and therefore incorporated herein.

C. TX21.11.01 – Retaining Wall Standards

Planning Technician West explained this item was proposed by staff regarding retaining wall standards. Mr. West's presentation is attached to these minutes and therefore incorporated herein. The Planning Board recommended approval of the item.

A motion was made by Council Member Paxton to approve TX21.11.01 – Retaining Wall Standards and seconded by Council Member Ayers. Council passed the motion unanimously.

Council Member Richardson made the motion to approve the Statement of Consistency and Reasonableness for TX21.11.01 – Retaining Wall Standards. The motion was approved unanimously by Council after a second from Council Member Grooms. The Statement of Consistency and Reasonableness for TX21.11.01 – Retaining Wall Standards is attached to these minutes and therefore incorporated herein.

D. TX21.11.02 – Clarify multi-family residential building and sidewalk

Planning Technician West explained this item was proposed by staff to clarify multi-family residential building and sidewalk height differences. Mr. West's presentation is attached to these minutes and therefore incorporated herein. The Planning Board recommended approval of the item.

A motion was made by Council Member Paxton to approve TX21.11.02 – Clarify multi-family residential building and sidewalk height differences and seconded by Council Member Ayers. Council passed the motion unanimously.

Council Member Ayers made the motion to approve the Statement of Consistency and Reasonableness for TX21.11.02 – Clarify multi-family residential building and sidewalk height differences. The motion was approved unanimously by Council after a second from Council Member Grooms. The Statement of Consistency and Reasonableness for TX21.11.02 – Clarify multi-family residential building and sidewalk height differences is attached to these minutes and therefore incorporated herein.

Council also held consensus based on a recommendation by Council Member Paxton to examine the length of non-confirming (grandfather) uses in the table of uses and change the ordinances to reduce density according to the SDO.

Planning Technician Matthew West left the meeting.

4. Finance Items

A. Audit Presentation – Potter and Co.

Emily Mills, Potter & Co., completed the Town’s audit. Presentation by the auditing firm was now required by the State where the auditor was required to go over performance indicated. Potter & Co. issued an unmodified audit report, a “clean audit opinion.” The Town added \$920,000 to fund balance last fiscal year.

It was noted that Council must respond to the Local Government Commission (LGC) regarding internal control testing (three (3) findings of significant deficiencies):

1. Two (2) checks that were mailed and cleared the bank that did not have dual signatures going against Town policy;
2. Two (2) payroll checks showed different withholdings from their 401Ks than what employees had requested; and
3. Due to the Powell Bill Report and the adding/deleting new streets, those streets were not added to the Town’s assets under infrastructure.

Town Finance Officer Gross would draft the letter to the LGC and bring back to the Council for approval.

B. Amended Budget Ordinance 1 - 2725 Old Monroe Road

Town Manager Sewell explained the reason behind Amended Budget Ordinance 1 - 2725 Old Monroe Road was Council’s priority of gaining site control of the downtown area. This amendment would allow the Town to purchase the tractor property next to Town Hall. Mayor Dunn and Council

Member Paxton and Richardson spoke to the need to purchase the property in order to obtain the Council's goal of a downtown area.

Council Member Richardson made the motion to approve Amended Budget Ordinance 1 - 2725 Old Monroe Road to which Council Member Paxton seconded. The motion passed by the Council's unanimous vote. The Amended Budget Ordinance 1 - 2725 Old Monroe Road is attached to these minutes and therefore incorporated herein.

C. Quarterly Financial Report

Finance Office Gross reviewed the Town's Quarterly Report with the Council. The report is attached to these minutes and therefore incorporated herein.

D. Five Year Plan

This item was tabled until January 2022.

5. FY 2021-22 Town Council Transition Support Plan Draft

Town Manager Sewell explained that he had prepared a transition report plan for the new Council Members as well as the whole Council so that the governing body could move forward in the next year as a cohesive unit. The plan included dates for UNC School of Government Training for all Council Members, a new Council Member Bootcamp by Town Staff, and suggestions for the Council's annual planning retreat. The draft FY 2021-22 Town Council Transition Support Plan is attached to these minutes and therefore incorporated herein.

Council held consensus to table any personality tests but move forward with the rest of the plan.

5.A. U5112, Potter/Pleasant Plains Intersection Update

Town Manager Sewell explained that according to a state elected official, \$1.6 million for U5112, Potter/Pleasant Plains Intersection was in the current draft, but the Senate added language so that projects could not move ahead in state priority ranking process which would not allow Stallings to use the funds for the Potter/Pleasant Plains (P3) Intersection. The Town tried to get the language changed but was unsuccessful. The Governor signed it into law and staff was assessing all options to see if any of the language allowed for use of the funds on the deficit on P3 Intersection.

6. Adjournment

Council Member Richardson moved to adjourn the meeting, seconded by Council Member Ayers, and the motion received unanimous support. The meeting was adjourned at 9:46 p.m.

Approved on December 13, 2021.

s/Wyatt Dunn

Wyatt Dunn, Mayor

s/Erinn Nichols

Erinn E. Nichols, Town Clerk

Approved as to form:

s/Cox Law Firm, PLLC

Cox Law Firm, PLLC