

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

The Town Council of the Town of Stallings met for its regular meeting on December 9, 2019, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

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

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

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

There was no one present to give public comments.

Special Presentation

Honoring Outgoing Council Members Billy Birt, Jr. and Shawna Steele

Mayor Dunn presented proclamations honoring the service of Council Members Birt and Steele to each of them. The *Proclamation Honoring the Service of Council Member Birt* and the *Proclamation Honoring the Service of Council Member Steele* are attached to these minutes that therefore incorporated herein.

1. Approval of Consent Agenda Items

A. Minutes of the following meetings:

- (1) 10-28-19 – special
- (2) 10-28-19

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

2. Reports

A. Report from the Mayor

Mayor Dunn reported that the Christmas Tree Lighting Event went well and thanked the Parks and Recreation Staff.

B. Reports from Council Members/Town Committees

Council Member Steele stated she had served the Town since 2011 and thanked the staff and fellow Council Members for the all the years together. She encouraged the new Council Members to ask questions and rely on the staff expertise.

Council Member Birt stated it has been a pleasure and an honor to serve for eight months.

Council Member Paxton thanked Council Members Steele and Birt for their service. She also reported that the County Commissioners had made a decision to increase water rates by 15.5 cents each year for two years.

Council Members Martin, Richardson and Scholl had no reports but thanked Council Members Steele and Birt for their service.

C. Report from Town Manager/Town Departments

Town Manager Sewell welcomed new Police Chief Dennis Franks to Stallings. He also reminded the Council of the Essentials of Municipal Government Class dates and options and recognized Parks and Recreation Staff for the Christmas in the Park event.

Finance Officer Gross briefly reviewed the 5-year financial plan stating that a more detailed presentation was scheduled for January 27. Mrs. Gross report is attached to these minutes and therefore incorporated herein.

3. Agenda Approval

Council Member Steele made the motion to approve the agenda with the addition of Agenda Item 11.A. as Closed Session Pursuant to NCGS 143-318.11(a)(3) for 18CVS769 Stallings vs. Loukos and a discussion on when certain closed session minutes could be released. The motion was seconded by Council Member Birt and passed unanimous.

4. Oaths of Office

New Council Members Steven Ayers and Heather Grooms

Town Clerk Nichols administered the Oath of Offices to Council Members Steven Ayers and Heather Grooms. The Oaths of Office for Council Members Steven Ayers and Heather Grooms are attached to these minutes and therefore incorporated herein. Council Members Steven Ayers and Heather Grooms then took their seats at the Council Dias.

5. Annexation 53 – Chestnut Lane (Recessed from 11-12-19)

Mayor Dunn reopened the public hearing. There was no one present to give public comment on the item. Mayor Dunn then closed the public hearing.

Council Member Paxton made the motion to defer a decision on the item until January 2020. The motion failed for lack of a second.

Council held consensus to table the item until *Agenda Item 6, CZ19.08.01 – Epcon (Recessed from 11-12-19)* was heard.

6. CZ19.08.01 – Epcon (Recessed from 11-12-19)

Mayor Dunn reopened the public hearing.

Phil Hayes, 3840 Tarringdon Way, Charlotte, was representing his client, Epcon. Mr. Hayes, Land Investment Resources, explained the project began approximately one year ago. He reviewed his resume with Council. Mr. Hayes explained the concept of this development was for age restricted housing in a smaller neighborhood with less amenities to keep the homes more affordable. Mr. Hayes fielded Council's questions about the project dealing with stormwater, density, elevations, materials used, right-of-way dedication to future road widening, and greenway. The density on the site was 1.95 units per acre with 27 total lots. There would be no stormwater regulations by Union County if zoned by right. The following six conditions were agreed to by the applicant:

1. Project limited to 27 lots, 55+ age restricted subdivision.
2. The applicant or responsible party shall obtain all permits required for development with the Town and outside agencies in compliance with applicable regulations. The submitted sketch plan must meet all requirements as established by permitting agencies.
3. A berm will be built along Chestnut Lane within the required street buffer. This will increase the buffer width to accommodate construction of the berm to be built 4.5' in height with a 3' top width.
4. All foundations will have a minimum 18 inches of exposed brick or stone on all four sides of the house. No vinyl siding will be permitted on homes. Elevations will match those submitted and presented to Council as a part of the zoning request, including garage location.
5. A grading plan prepared by a landscape architect demonstrating both positive drainage characteristics and smooth grade transitions to avoid abrupt "v" ditches, swales, and other disruptions to the landscape, particularly between dwellings will be provided as

part of site construction plans for permitting. This plan will be completed to the satisfaction of the Town as approved by the Development Administrator.

6. Lot Coverage and Density will be permitted per the concept submitted as a part of the application.

Elena Aquino, 1009 Desborough Drive, Brookhaven, Indian Trail, was concerned with flooding in the area and showed Council pictures of flooding around her home. Her development was the direct neighbor to the property Epcon was wanting to develop. She stated that Indian Trail and Stallings passed the buck back and forth to each other. Ms. Aquino said that a former Council Member said she was in Indian Trail so it didn't matter. But she felt the Stallings Ordinances stated that Stallings had to help. Ms. Aquino was not against the development but was concerned about the flooding.

Patricia Fflug, 1011 Desborough Drive, Indian trail, felt that the towns were just passing the buck back and forth. She stated that if Stallings annexed this area, it would be Stallings responsibility. Ms. Fflug stated that 12 mile creek affected many communities. She invited all the Council to look at the land and all the wetland. Ms. Fflug said that the Town needed to come together with Indian Trail and Union County to discuss the stormwater issue in that area.

Leslie Bolick, 509 Red Barn Trail, Matthews, had questions to the developer about tree replanting, the sewer easement and where the connection would be made, and showed pictures of the flooding. She said Indian Trail denied that project because it was not a good fit due to stormwater problems.

Town Planner Hair presented the project summary on the 13.8 acre project. This presentation is attached to these minutes and therefore incorporated herein. Planning Board recommended approval of the project with the above listed conditions.

Council discussed stormwater flow on and near the property, stormwater detention facilities and density for the project.

Mayor Dunn then closed the public hearing. Council Member Paxton made the motion to defer the decision on the item and well as Agenda Item 5, Annexation 53 – Chestnut Lane (*Recessed from 11-12-19*), until the second meeting in January 2020 to give staff time to investigate stormwater on the site and the location of the greenway. The motion received Council's unanimous vote after a second from Council Member Scholl.

7. Organizational Meeting Items

A. Appointment of Mayor Pro Tempore

Council Member Richardson made the motion to appoint Council Member Paxton as Mayor Pro Tempore to which Council Member Ayers seconded. The motion passed by a 4 to 2 vote with Council Members Martin and Scholl opposing.

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

Mayor Dunn appointed Council Member Paxton as the alternate delegate to CRTPO as the vice chairman of CRTPO.

C. Appointment of Centralina Council of Government (CCOG) delegate and alternate
Council Member Scholl was appointed as the delegate to the CCOG with Council Member Ayers as the alternate delegate.

D. Appointment of Council Members for the following committees:

(1) General Government Committee

Council Members Paxton and Scholl were appointed to the General Government Committee by Mayor Dunn.

(2) Planning Board/Board of Adjustment

Council Member Martin moved to appoint Council Member Scholl as the Council representative to the Planning Board/Board of Adjustment. The motion passed unanimously after a second from Council Member Richardson.

(3) Parks and Recreation Committee

Council Member Richardson made the motion to appoint Council Members Ayers and Grooms to the Parks and Recreation Committee. Council Member Ayers seconded the motion to which the Council passed unanimously.

(4) Public Safety Advisory Committee

Council Member Paxton made the motion to appoint Council Members Grooms and Martin to the Public Safety Advisory Committee. The motion was seconded by Council Member Ayers and passed unanimously by the Council.

(5) Transportation Advisory Committee

Council Member Martin made the motion to appoint Council Members Richardson and Paxton to the Transportation Committee. Council Member Richardson seconded the motion to which the Council passed unanimously.

(6) Stormwater Advisory Committee

Council Member Richardson made the motion to appoint Council Members Ayers and Martin to the Stormwater Advisory Committee. The motion was seconded by Council Member Martin and passed unanimously by the Council.

(7) Technology Committee

Council Member Martin made the motion to appoint Council Members Martin and Scholl to the Technology Committee. Council Member Richardson seconded the motion to which the Council passed unanimously. It was noted that Council Member Ayers would also assist with the committee as needed.

(8) Historical Committee

Council Member Paxton made the motion to appoint Council Members Grooms and Richardson to the Historical Committee. The motion was seconded by Council Member Ayers and passed unanimously by the Council.

(9) Economic Development Committee

Council Member Ayers made the motion to appoint Council Members Richardson and Scholl to the Economic Development Committee. Council Member Martin seconded the motion to which the Council passed unanimously

(10) Union County Public Schools*

Council Member Paxton made the motion to appoint Council Member Scholl as the Stallings Liaison to the Union County Public Schools. The motion was seconded by Council Member Grooms and passed unanimously by the Council.

(11) QUAD Alliance*

Mayor Dunn remained the Stallings Council Members on the QUAD Alliance.

D. Rules of Procedure re-adoption

Council Member Martin made the motion to re-adopt the Rules of Procedure without changes. The motion was seconded by Council Member Scholl and passed unanimously.

E. Approval of 2020 Meeting Schedule

Council unanimously approved the 2020 Meeting Schedule after a motion by Council Member Richardson and a second by Council Member Martin. The 2020 Meeting Schedule is attached to these minutes and therefore incorporated herein.

G. Approval of 2020 Holiday Schedule

Council Member Martin made a motion to approve the 2020 Holiday Schedule to which Council Member Paxton seconded. The motion received unanimous support by Council. The 2020 Holiday Schedule is attached to these minutes and therefore incorporated herein.

8. New Facilities Furniture Contract

Assistant Town Manager Nichols explained the bids were let and advertised twice, with only one (the same) vendor responding each time, for the furniture needs for the two new facilities. The vendor was Office Environments with a cost of approximately \$108,000.

Council Member Paxton made the motion to approve the contract with Office Environments at a cost of \$108,000. The motion received Council's unanimous support after a second from Council Member Richardson.

9. New Facilities Historical Plaque

Mayor Dunn explained that staff was requesting Council decide which Council Members should be listed on the historical plaque for the new buildings. Council held consensus to use the names of the Council Members who were on the Council with it voted to approve and award the contract on the new facilities.

10. Land Use Requested Follow-up and Direction (11-25-19 Council Request)

Council held consensus to defer this item until the January 27, 2020 meeting.

11. Annual Retreat

Town Manager Sewell proposed to use Brice Leamon for the Council's Planning Conference for 2020. The date of February 22 from 9 a.m. – 2 p.m. was proposed at the Shannamara Clubhouse with a follow-up session on Monday, March 9 at from 5 – 7 p.m. at Town Hall.

Council held consensus to use Mr. Leamon on the above dates for the Council's 2020 Planning Conference.

11.A. Closed Session pursuant to NCGS 143-318.11(a)(3) - 18CVS769 Town of Stallings v. Loukos

Council Member Scholl made the motion to go into closed session pursuant to NCGS 143-318.11(a)(3) - 18CVS769 Town of Stallings v. Christopher Loukos. The motion was passed unanimously by Council after a second by Council Member Grooms.

Council went into closed session at approximately 9:10 p.m. and reconvened into open session into at approximately 9:28 p.m.

12. 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 9:29 p.m.

Approved on February 10, 2020.

s/Wyatt Dunn

Wyatt Dunn, Mayor

s/Erinn Nichols

Erinn E. Nichols, Town Clerk

Approved as to form:

s/Cox Law Firm, PLLC

Cox Law Firm, PLLC